

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

AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING

LOCATION: CITY HALL, 2ND FLOOR, COUNCIL CHAMBERS

March 15, 2021

7:00 P.M.

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

2. Minutes for Approval

Minutes of February 17, 2021 Finance Committee of-the-Whole Meeting

Minutes of February 23, 2021 Finance Committee Meeting

3. Presentations and Introductions

4. Unfinished Business

a) Reports of Council Committees

b) Ordinances on Second-Third Reading

None

c) Ordinances and Resolutions Referred to Committees

PROPOSED ORDINANCE 21-O-06, an ordinance appropriating Four Hundred Forty Thousand Dollars (\$440,000.00) from the General Fund to the Elkhart Department of Development Services Professional Services Account

PROPOSED RESOLUTION 21-R-10, a resolution of the Common Council of the City of Elkhart, Indiana, supporting the proposed public question seeking renewal of the Elkhart Community Schools 2014 property tax

d) Tabled Ordinances and Resolutions

PROPOSED RESOLUTION 21-R-06, a resolution of the Common Council of the City of Elkhart, Indiana, authorizing the transfer of up to Seven Hundred Thirty-Five Thousand Dollars (\$735,000.00) from the Full-Time Account to the Contract Services Account

5. New Business

a) Ordinances on First Reading

PROPOSED ORDINANCE 21-O-07, 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 23605 US 20, Elkhart, Indiana and 2704 Toledo Road, Elkhart, Indiana from B-3: Service Business District & PUD: Planned Unit Development to M-1: Limited Manufacturing District

b) Resolutions

PROPOSED RESOLUTION 21-R-13, a resolution of the Common Council of the City of Elkhart, Indiana, confirming Resolution No. R-07-21, which declared a certain area in the City of Elkhart to be an economic revitalization area for the purpose of granting tax phase-in benefits to American Millwork, LLC\Nickell Properties, I, LLC

PROPOSED RESOLUTION 21-R-14, a resolution of the Common Council of the City of Elkhart, Indiana, to approve a memorandum of agreement between the City of Elkhart and American Millwork, LLC\Nickell Properties, I, LLC

PROPOSED RESOLUTION 21-R-15, a resolution approving the memoranda of agreements between the City of Elkhart and Alliance RV, LLC\3 Creek, LLC

PROPOSED RESOLUTION 21-R-16, a resolution of the Common Council of the City of Elkhart, Indiana, confirming Resolution No. R-08-21, which declared a certain area in the City of Elkhart to be an economic revitalization area for the purpose of granting tax phase-in benefits to Alliance RV, LLC\3 Creek, LLC

c) **Vacation Hearings**

None

d) **Other New Business**

Council Discussion regarding Ordinance No. 5825, an ordinance to establish incremental civil fines for violations of the COVID-19 mitigation directives (*adopted 12.14.20*)

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

f) **Neighborhood Association Reports**

g) **Privilege of the Floor**

h) **Scheduling of Committee Meetings**

6. **Acceptance of Communications**

Minutes of February 9, 2021 Aurora capital Development Corporation Meeting

Minutes of January 27, 2021 Board of Aviation Commissioners Meeting

Minutes of January 12, 2021 Board of Public Safety Meeting

Minutes of February 2, 2021 Board of Public Works Meeting

Minutes of February 16, 2021 Board of Public Works Meeting

Minutes of February 8, 2021 Elkhart Urban Enterprise Zone Meeting

Minutes of February 10, 2021 Lerner Board Meeting

Minutes of January 4, 2021 Plan Commission Meeting

Minutes of February 1, 2021 Plan Commission Meeting

Minutes of February 9, 2021 Redevelopment Commission Meeting

Minutes of December 17, 2020 Stormwater Board Meeting

Report of Communications Center for February 2021

7. **Adjournment**

DRAFT

**MINUTES OF THE FINANCE COMMITTEE-OF-THE-WHOLE MEETING OF
FEBRUARY 17, 2021**

Present: Finance Committee Chairman Arvis Dawson
Finance Committee Members Tonda Hines and Mary Olson
Council Members Kevin Bullard, Aaron Mishler, Brent Curry, Dwight Fish, David Henke

Absent: Council Member Brian Thomas

Councilman Dawson, Chairman of the Finance Committee, called the meeting to order at 6:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, Elkhart. This meeting was made available to the public via WebEx and was live-streamed on Facebook. All Council Members present were present in Council Chambers.

The clerk called the roll.

Councilman Dawson said this evening the Finance Committee will discuss:

Proposed Ordinance 21-O-03

AN ORDINANCE APPROPRIATING SEVEN HUNDRED AND THIRTY-FIVE THOUSAND DOLLARS (\$735,000.00) FROM THE GENERAL FUND TO THE ELKHART POLICE DEPARTMENT CONTRACT SERVICES ACCOUNT

The clerk read the proposed ordinance, 21-O-03, by title only. Councilman Dawson opened the floor for council discussion. Kris Seymore, Chief of Elkhart Police Department, stated I am going to do a quick overview and then I will turn it over to the folks from Axon to do the demonstration for you. I know I spoke about this before this went to Finance Committee and gave you a bit of overview but I want to talk about those key points again before we get started and how this piece of technology, how we move forward with the Police Department, and how it affects not only the department, but also the community. I have five overarching things I want to talk about. The first one is transparency, obviously this has been an issue, not only here but in police department concerns across the nation. One of the things we have struggled with in our own department is access to our data, some of that is internally, we can't access it well and getting it out the public, that speaks to the transparency. When we talk about having it entirely accessible to the community, when we talk about linking something to our website, so anybody can pull up data on demographics, use of force, pursuits, and how this ties in with some of the work that was done within the PERF report. Transparency also speaks to our ability to redact reports and video quickly for any requests that come in and we can respond to those in a timely fashion. Chief Seymore stated efficiency, the Elkhart Police Department has to have the ability to become more efficient in the face of

ever-changing staffing shortages. This is something that plagues departments across the nation, it is not unique to this community. Instead of being reactive and complaining we are trying to be proactive in addressing that. Some of the software abilities from Axon will allow us to be more efficient and you will see that in the demonstration. Redaction software, video uploading and the transfer of files is a challenge for us as we speak, when we talk about getting files to the prosecutor's office or other entities that become victims of crimes, such as a business or a homeowner. They will have the ability to transmit their video that could be part of a criminal case, directly through a link to the police department, as opposed to a detective having to drive out to a location and manually obtain that evidence, which is costly in turn of man hours. Right now our crime scene technicians, who primarily their job function is to process homicides, violent crimes, rape evidence, spend ten to twelve hours per week just copying videos for detectives to use in case work. That case work then gets transferred to the prosecutor's office, manually. That is not efficient. Our records supervisor spends ten to twelve hours per week redacting videos and reports for release to the public, that is not efficient. Chief Seymore stated accountability is the third pillar. The body cams that Axon offer, have the ability to turn on when a taser is drawn, when a handgun is drawn, if the body camera is not manually activated, so there are several fail-safes within the process. If the officer doesn't do it in a situation where an officer is in a safety situation, the last thing they are thinking about is pressing that button, so if the weapon is drawn, the camera comes on. The third fail-safe is these cameras come on if there is a gunshot, so if an officer is ambushed, it's a safety issue. If an officer shoots and it didn't come on manually and it didn't come on when they drew the handgun, the third fail-safe is that gunshot, so this speaks to our accountability. So what happens if there is an officer-involved shooting and there is no body cam footage, our community begins to think it was purposeful as opposed to a technical issue or they didn't have time to turn it on. This solves that and it helps us not have a community that we have undermined their trust. Chief Seymore stated responsiveness, obviously when we are more efficient, that gives more time to do other things, especially when we are talking about staffing shortages. That means more time on patrol, more time doing investigations, more time attending events in the community, more time on bikes, more time on foot, more time interacting and less time doing reports in the report room, less time spent making copies of videos, which again is inefficient. Lastly, cost, \$735,000.00, well that is offset by the elimination of the Central Square technology that we currently use, at the tune of about \$250,000.00 per year. I have done a comparison to two of the larger agencies in the County who use Bodywarn cameras and I priced those at what it would cost to outfit our department, that would be another \$250,000.00, just for body cams, that is \$500,000.00 potentially. The remaining \$235,000.00, that covers our squad car cameras, our interview room cameras, license plate readers on every vehicle, tasers, plus equipment replacement in years six and ten. All of our hardware costs replaced, any new technology that comes out, we get, so as the technology advances over the lifetime of this equipment, we get those upgrades.

Kelsey Donahue, Sr. Axon Account Executive, stated Axon was TASER International, so if you are not familiar with the name Axon, TASER has been around since 1993, we first became partners with law enforcement by getting into the taser market, which is what we call the less lethal market. These were really the first tool that officers had at their disposal to protect themselves and their suspects from further injury,

like when they were using batons, and mace, they were trying to use for less lethal tools, so this was something that was a step between those and a firearm. The mission here has always been to protect life and the submission of that is to protect truth. So how do we do that? At Axon we are comprised of a network, or ecosystem, so this is comprised of three areas: people, devices, and applications. The people are going to range from not just the officers who will be utilizing these tools, but also the citizens that are relying on some of that data that is being collected or requesting any videos for a FOIA request, or it will be the prosecutor's office who needs to review footage for any cases that are coming up. It is not just the officers who are relying on these tools and applications. The tools, obviously, are going to be any of the hardware we are talking about today with the body cameras, in-car cameras, the tasers, etc. The applications, what is unique about Axon is that all of the applications are homegrown, so everything we are doing from a software standpoint is actually built in house, so we are not in the business of acquiring other businesses to do that work and to try to somehow integrate it into what we are doing. We are actually building the software that we are utilizing in house so it all works seamlessly together. What we are talking about is called the Officer Safety plan. This is comprised of all the tools a department could need to remain safe, themselves and for the community. It is comprised of the tasers, the body cameras, the Axon evidence ecosystem which is the cloud storage management system, and the other tools we will talk about with the fleet and the interview rooms as well. Ms. Donahue stated to date, tasers have saved over 225,000 lives at this time, so 225,000 times someone did not have to lose their life because an officer had a taser to use instead of a gun. The TASER7, which the department will receive with this is the latest model of that. The TASER7 is a dual-shot semi-automatic weapon and what is great about this versus what they are carrying currently, right now they are relying on a single-shot weapon, if for any reason, they miss, what are they resorting to at this time? So that will go along with the force continuum, are they having to pull their weapon after that, do they have a back-up shot that they can put in? The TASER7 solves that because it has a back-up shot built in, additionally, the probes fly straighter, the kinetic energy is twice as much, that does not mean that they are getting twice as much neuro muscular incapacitation per say, but it is going to hit them harder and the probes will retain into the body a bit better. The best thing about it is that it has a warning arc capability, so they can actually deescalate a situation, without having to fire a taser. What that means is if they activate the taser, there are two buttons on the side that they can press to display the arc across the front, it is very loud, it is very bright and typically can deescalate the situation. Agencies that are tracking that see about an 80% de-escalation rate by utilizing that warning arc. What is great about the TASER7 from inventory and from data management is that they actually take the batteries out of the TASER7, they put them in a docking station and it uploads all of the firing logs that go hand in hand with their body cam video, the in-car video, into Axon evidence in the data repository and they can package all of that together in a case. It is very time-consuming traditionally, so with the taser they have today, they take the battery out and take the physical taser and plug it into a computer to actually pull those logs, so you can imagine for 150 plus officers how long that would take. They are also Axon signal enabled. What that means is that when you activate a taser, it activates the recording, if you see the bright red ring around the front, it is now recording. That is one of the fail-safes we talk about when we talk about these auto activation features.

Ms. Donahue stated we also have signal sidearm, and that is another thing the Chief mentioned. That will mount to their duty weapon holster, it does not affect the draw of the weapon, but as soon as they draw that weapon, it will activate the camera as well. It is important to note when we talk about these signal activation features that there is a 30 second Bluetooth beacon that goes out. What that means is that anybody that comes on scene in that 30 seconds, that their camera will activate automatically as well. So if they have not already activated their camera and they respond 15 seconds into that activation, their camera will subsequently activate and what is great about that is that it is a chain reaction, so once theirs activates, another 30 second beacon goes out. That is also true with the in-car platform, the body cameras, the signal sidearm, and the tasers. Ms. Donahue stated one of the best pieces that goes hand in hand with the tasers here is our new Axon immersive training which is the VR training. So there has been a lot of focus on mental health awareness and we know that seven to ten of calls that police officers get everyday are related to mental health. Thankfully, EPD has CIT certified officers, so they are trained to handle mental health situations, but what this virtual reality tool does is it supplements that. It is going to provide an extra tool so they can actually be immersed in the situation and not only play the part of the officer but play the part of the person going through that mental health crisis, that is included with this. Some of the gear they will get is they will be able to train with their handgun, the taser, and simulation tools in the headset, so they will be able to understand when they should be drawing their taser versus when they should draw their weapon. Right now we have several modules available, so we have autism, suicide prevention, Schizophrenia, Alzheimer's and hard of hearing. We also have veteran PTSI, so anyone that is dealing with post-traumatic stress and we have a few other modules that are coming out here shortly that they will have access to through this. What most departments spend a day trying to accomplish, this can take ten minutes and be done.

Ms. Donahue stated next we are going to discuss the body camera, at the end of the day, hardware is hardware, so there are not big differentiators with a lot of the hardware but what you are going to do with it after the fact. She stated this is our Axon Body 3 camera, it is meant to be center mounted, so depending on body type and height, you will see it mounted somewhere around the base of the sternum and it is going to get a full picture. There are several different features available with that that will save time for the officer. There are critical device offloads in the field, so if there is a critical incident that occurs, maybe it is an officer shooting, they can offload that via LTE in the field, it is included. All of these cameras are built with two SIM cards, they are agnostic, which one we activate is either Verizon or AT&T, both on the first responder network and we cover that service and it will be automatically offloaded via LTE if you select that if there is something critical that happens. Speaking also to critical events, you can live stream into these cameras, so think about how critical that could be for the dispatch center. If we give them access and somebody is on a call for an officer involved shooting and they want to provide the right type of back up or they want to just know what the officer is seeing, how they are doing, what is happening, or the Chief wants to know that, they can actually go in and livestream the video from any web browser or their phone, there is an app for it, and they can see in real time what is happening. We are not looking to play big brother on that, if I am the officer wearing the camera it does turn purple, it vibrates, and it beeps at me and lets me know that someone is watching my camera, but it's looked to be a safety

tool. It is also going to give you breadcrumbs, which is GPS tracking, so it will let you know where the officer was, where they have been, etc. So when we get to this act on real-time awareness, that is what are referring to. We want to make sure that we are able to act as it is happening and that we have the officer's and the community's safety in mind when we are activating these tools. She stated for Fleet 3, that is our in-car solution. It is kind of the first of its kind for anything we have in-car, in that it will have integrated ALPR. ALPR is automated license plate reader, so what that means is that as the officers are driving around the City, they can actually be reading license plates in a minimum of three lanes at a time and the computer will automatically run those through the NCIC database and they can run hot tabs, so stolen vehicles can be found much easier. Think of Amber Alerts, you have an Amber Alert and you have officers driving around and as they are driving, it is capturing license plate data. You can also live stream into the fleet cars, so think about in a pursuit, maybe they are out on 90 and they are assisting in a pursuit somewhere, you can absolutely live stream into that and understand what exactly is happening from their perspective. We give a minimum of three lanes, a traditional ALPR will traditionally only scan the plate in front of you, we do a minimum of three and we have seen it out to five lanes. You can zoom in on the license plates, it makes it very easy to review any data that comes through and to capture any of that and call it out if you need to.

Ms. Donahue stated another thing to mention is the interview rooms. We will be upgrading all of their interview room solutions that will be on Axon as well, so everything, again, is going to tie all together in the Axon ecosystem. So in evidence.com or Axon Evidence as we call it, they will have all of that data from the interview rooms as well. The reason I didn't put it on here is because it is two cameras that mount in a room with a microphone, so it is a standard system, so you can go in and lock the data or use like a touch panel to go in and say who is attending the interview, who is leading the interview, and then you can also watch it from another room. So if the Chief needs to watch an interview that is being performed, he can go in and log in and check what is going on in real time.

At this time, Steve Willis, representative from Axon gave a live-demonstration to the council of the Axon evidence program, Axon records management system and the standards piece which is where the officers will do the use of force reporting and pull all of the community data the Chief discussed earlier.

Following the demonstration, Councilman Dawson opened the floor for council questions. Councilman Mishler stated with the VR headsets, does that only include the headset or does that include the computers that can run them? Ms. Donahue stated anything for your VR is going to be included in the actual program, so we will include the simulation equipment, the VR has the software already loaded onto it, so the headset actually contains the software. Councilman Mishler stated I understand that the VR contains the software but having used VR in other circumstances, I understand that you need a pretty powerful computer to run them, the basic requirements are Video GTX-1050TI, radon 470 or greater and I know with the greater push for cryptocurrency and things like that, that they are quite expensive. My concern is that we will sign on for this potentially and get five to ten headsets, and then none of the actual computers at the

police station are capable of operating them and that would require a \$1,500.00-\$2,000.00 computer to even run those properly if you are not getting ten to 15 frames per second and getting a bunch of motion sickness for officers and things like that. Is that hardware to run these headsets actually included or is that something that we will have to look at, in the future, of getting. Ms. Donahue states it sounds like you might be thinking that the VR headsets are going to be a little bit more bolstered than they are, we are talking, these are the same ones that you can go out and buy and use for any video gaming. I don't personally know that there is any additional support that is needed from the computer systems because we have never encountered that with the departments I have worked with. We send them the headsets and they are able to operate them because they just update the software on the headsets themselves and it already has the modules downloaded into it and ready to go. Councilman Mishler stated so you are saying this doesn't require any additional hardware purchases, computers and things like that? Ms. Donahue stated not to operate the headsets, no.

Councilman Mishler stated since we are pushing everything to a cloud based system, from all the little hodge podge things we have so far, that opens up my concerns for an exploit attack. I know various municipalities in the past have been held hostage until they put up a certain amount of money to allow systems to be unlocked and things like that. Has there ever been any kind of exploit like that against Axon with departments and things like that in the past? Ms. Donahue stated I'm not familiar with any exploit attacks, we have never really had any issue. You are talking about the vendor that we are pulling the data from to put now into the system, saying you owe us X amount of dollars? Councilman Mishler stated correct. Ms. Donahue stated with the systems they have in place today we won't have that issue. We have already identified and we have worked with Central Square many times to pull in data. Councilman Mishler I know currently there is a good system with dispatch that the officers in the car where dispatchers will let them know, hey you have gone to so and so location before, you have spoken with this person before to give them a heads up. Is that something that will still be possible with Axon moving forward or do we lost that capability? Ms. Donahue stated seeing like call history? Councilman Mishler stated yes, from dispatch. Mr. Willis stated the solution that you are purchasing is not your CAD system, so that information is coming from your computer rated dispatch, so that is providing them the detail that is around the call for service locations to say, you have been there X amount of times, there is a wanted individual there, there were assaults there in the past. In addition to that Axon records will provide them the historical data of reports taken at that particular location. Councilman Mishler stated do you have any idea, in terms of man hours, how much AXON has potentially saved in other departments, for things like overtime hours, stuff like that. Ms. Donahue stated we have plenty of published case studies and you can follow up with that if you like, where they have taken that on themselves and done like an ROI study on that. The City of Houston saved millions of dollars on their ROI study, we saw year after year decrease spent for worker's compensation, overtime, etc.

Councilman Mishler stated this question is for the Chief, currently if I wanted to say what is the current arrest for mental illness for a certain demographic or something like that, how much time and man hours would that take to pull out of records? Chief Seymore stated somebody that is handy with it, maybe a half hour to obtain all that

information. Like I said, it's spread across several different systems, it could be drawn from the CAD system, it could be entered into our records management system, it depends upon how much information has been input.

Councilman Bullard stated when you are talking about your license plate readers, body cameras, interview reports, who owns that data, let's say it is legal issue, is it the Mayor owns it, the Police Department, do you guys own it, who owns that data? Ms. Donahue stated so we partner with Microsoft as the cloud system, the evidence.com, Axon Evidence program and account that the Elkhart Police Department will have is owned by them, so all data is owned and managed by Elkhart PD, and they will set up in that system, certain roles and permissions, so only certain people have access to certain pieces of that evidence. If there is something that is critical evidence or sensitive evidence, you can actually restrict the data, so if there is an OIS and it needs to be going to IA, then only IA would have access to that. Anything involving crimes with a minor, anything like that they can actually lock down, but it is all owned by Elkhart PD, not Axon, no one else. Councilman Bullard stated past administrations and councils, we have discussed and had a need for body cameras, tasers, filing report and most recently we funded a policy review of our police department, and so we are not really debating the need for this, we are discussing whether or not we are getting enough bang for our buck and in the time of people talking about defunding police departments, South Bend right now is going through a use of force, I think it is good knowing that Elkhart is supporting our police department, is providing additional training, transparency and efficiency, the way your program sounds. I think Elkhart is going to be a leader in the country, as far as police policy and efficiency.

Chief Seymore stated the results of how we got to this place, some of that comes from PERF studies, we have worked through a lot of that, we have been attentive to that and we realize where some of those shortcomings happened, some of that has been our own culture, I will be the first one to admit that. Some of it has been the lack of vision for the Police Department and how it affects our community. What I mean by that is when we piecemeal things together, when we put Band-Aids on things and we identify problems, and say well we will just do this small piece and take care of it now, that is what we have done for years, so when we talk about all these things we are trying to accomplish and talk about defunding the police, we have an administration here and a council that I don't believe feels that way, but in turn what is the product that we want to deliver, what kind of community do we want to have, what kind of police department do we want to have? This speaks to helping us get to that end goal. We have identified the problems, we have identified the solutions and now we get to the goals. I want to talk about how this piece fits into where not only I, but the command staff you see out in the audience, we have had a lot of long discussions in panning for this and with the support of the Mayor and yourselves, I think we can get there, but this is a huge piece that speaks to that. Everything under one umbrella that communicates with each other makes us more efficient, more accountable to our community, and we are trying to minimize the effect of the cost on the taxpayers as well. We have been diligent about doing that too.

Councilman Henke stated I don't profess to be the most knowledgeable person of this technology, nor its use, as implied with the police department but I do know this is a

cost benefit package that we have to look at, I think several people alluded to that. I was on a 7:30 a.m. conference call, and I gave it to the Mayor as well, because we got a surprise ask of quite a number of millions of dollars for a new park that we hadn't budgeted for and there has to be some kind of consideration because the people that pay for this of course, are the taxpayers that this group represents so there has to be a benefit to the people actually paying the price. I see two ways to look at this, I don't stand in the way of the technology, it is not my area. There has to be a cost benefit, a benefit to the police, a benefit to the public, a benefit to the service and the way this is funded is either with the ongoing reduction of personnel costs, labor benefits, all of those things to offset the current cost, or this has to benefit in the form of efficiencies, labor, man hours, liability, that would offset the added costs from current. Then the cost issue gets flushed, but in order to get there I think there are several questions. I think someone alluded to a time study report, essentially to say how much labor are we actually saving in this process, we can actually multiply that out then, four years, and that should tell us whether we have a greater efficiency of manpower, and we could then reduce manpower by this much and be at the same level. I think that would be wise. I think we should also understand the current contractual obligations, what is already being used, what do we have to pay out and how long they are. We can do multiple studies with regards to efficiencies, I question the one about the redaction to public release records and I, honestly, don't know how often we have to do that, how often we have to redact a video for public use, other than courts and I don't even know that answer. Reduction of liability, I think anything we do moving forward, in Elkhart, Indiana, to improve liability as major savings, we have a very poor history. The technology, I think fairer and you did answer most of those with regards to frequency of upgrades, but there is, we talked about life of equipment, there is a ten-year warranty, but I also had a small question that said, shared liability. So if we had failure of an apparatus and something didn't work the way it was supposed to work and it is a triple protection system as I understood it, but it failed and liability became ours in a court, do you share that liability, it's your technology? Ms. Donahue stated for the tasers specifically, we actually have Ten Million Dollars of liability insurance on that, so as long as you remain current with the training and the officers are up to speed with all of their use of force training or that, then that liability extends to you. As a company we will always back you, always. If you are a partner of us and something happens with this particular equipment, we will always come to your aid and come and actually back you in any sort of litigation. Councilman Henke stated you would provide the expert witness to back up the equipment, and that is the equipment. At some point could you forward to us or we could look up your company for liability actions. Ms. Donahue stated you can, absolutely, and I will actually send you all of the liability information if you would like that and it is in our terms, also, that are with your legal office and have been reviewed.

Councilman Henke stated the cost of retrofitting vehicles, is that all included in this base? Ms. Donahue stated we have included all installation, everything, so the whole goal here is one-stop, we are doing all the installation, we are doing all of your trainings, getting all of the equipment in one place and integrating it all into one system. Councilman Henke stated I noticed the world-wide activity and I think it is a great tool to underscore, that way you control all competitors who can't really compete with you at this and once you gain the market, you can raise the prices, you have us all. Ms. Donahue

stated the good news for you is that we have a lot of competitors. Councilman Henke stated I would also talk about the other information, the failure rates, so how frequently were you drawn to court to testify because of failure rate? I think that is another piece of information I'm sure you have and I think is fair for us to have moving forward. Now I'm going to get a little more personal, I am in healthcare as is somebody else, but my job was life support, and our equipment was most generally more capable than its user. So there was a great deal of capability on the machine and all it would do, but the operator was the limiting factor, how well we were trained, how well the pulmonologist or cardiologist was at knowing what the machine was capable of doing, but the machine had everything and it came with great technology, but it was up to the training of the operator that said how efficient, were you going to maximize its use, and there I think is one major hang-up. We can have all the all of these things but unless you are quite practiced in that area, there has to be a significant lag before we come up to speed with everyone on board, until it becomes a universal thing. I would think that you would know in the training aspect of it, how long that lag is before we start to see the efficiencies come through the other side. Ms. Donahue stated the good news about everything that we develop from a product standpoint is that it is actually developed in a partnership with law enforcement. So as Elkhart PD begins to roll this out and they notice there is something that could be more functional, and benefit the rest of law enforcement, we might be able to implement that with what we are doing. The point behind that is that the technology is equipped with bells and whistles, but not too many that is over being user friendly. The training that we provide is fully immersive training, so we are going to put all of the admins through specific training, all of the basic end users through specific training, it is a daylong training and by the time they leave that, they should be proficient in those body cameras. It is very user friendly, but as we know, it takes time and as you mentioned there is some muscle memory built in to a few pieces of that, but the good news for them too is you are already using dash cameras, you are already using body cameras, you are already using tasers, so it's really just the little differentiators between the two systems.

Councilman Henke stated I want to be honest we have also had our failure rates of all of the above. So somewhat dummy proof so it would prompt you on, we have had a series of those things and then when you talk about can it do something, I would ask this, since it is actually recording, can it translate? So for example, if I have someone that is speaking to me in Spanish, will it not give me that translation basically in the transcription as well and if I give it back in English, would it allow me to show that very same message in Spanish, is that in the cards somewhere? Ms. Donahue stated I don't know if that is on our future roadmaps but it is something we can discuss. I do know with transcription that we are bringing in Spanish and French into our transcription, but it is not meant to be the live translation that you are talking about, that is after the fact, going in and transcribing a video. Councilman Henke stated finally, we have to get to a different era, this is a hugely expensive thing, we have added on from our police department, the councils have never denied the police department, much of anything, but as we look above and beyond you guys, at a safety facility, we just put through how much money, waiting for World War III to erupt, and all that stuff is here and we spent it all and all that stuff was paid for by the taxpayer themselves. I really like the presentation in that the integration looks pretty up to par above and beyond we have seen before, I get that. Data is as valuable as its interpretation and an action to improve it. So all this data is

available to us, but it's as good as its interpretation and then the motivation to make public change to improve its outcome. What do we do now, Chief, and how would this impact the data available to you? Chief Seymore stated the data right now is very rudimentary. I receive, at the end of each month from dispatch, our calls for service and what types of calls those were and we have to go into our RMS system and cross-reference that if we are talking about demographics, whether there was use of forces, used, a pursuit evolved, so it is very rudimentary and very time-consuming as we stand here today. It is basic data, it's not integrated to be viewed by the public at this point, that is our end goal here. So if you wanted to go on our website and search for how many use of forces has been done in your district, you will have the ability to do that. You will be able to do that by demographics, type of crime, etc. When you were talking about the failure rates, this is addressing failure rates that we have already had standing here today. We have had situations with our current body cameras, when they first rolled out, where if you keyed your radio microphone, it cut your body camera out because the frequencies somehow crossed over one another. I know that was a concern early on which contributed to some failure rates but again, what is the feeling in the community? The feeling in the community is that at times we have intentionally turned them off or didn't start them, we didn't address failure rates when they happened, so by doing this we are being proactive to address that, so we can prevent that down the road.

Councilman Henke stated and that is a very good point, it is as good as we can implement, it's as good as we can affect change, doing nothing we sit where we already are and we know that answer, we know it's cost. I do think that we have to actually break it down into measurable and accountable pieces and that is how much man power does it truly save, over a year what does that mean and how does it give back to the people that actually pay the bill. By liability, there should be a pretty good measure because now we will have a more consistent practice, a more uniform practice, because right now it is all integrated into one as opposed to piecemealed as it was mentioned. There has to be actual measurements, if it is a self-educating tool, that is an efficiency as well because it reminds you, it prompts you, and it doesn't allow you to pass go so to speak. I like the part about auditing, but the auditing is as good as interpretation, and integration as good as the action behind it, and I think that is an important training tool as well, in that regard. If we could have those pieces, based on my questions, if we could have that data, from the City's perspective and for my vote, it does require some level of savings that we could actually measure as a part of savings to offset this cost.

Councilwoman Olson stated Jamie, if you look at the ordinance, five whereas' down, they have "the department has contractual obligations under existing agreements", that is my number one concern. Obviously we have a contract with someone else and we have dollars due. That is already built into the 2021 budget, am I right? Chief Seymore stated that is correct. Councilwoman Olson stated what if, in five years from now, there is a new company and they come out with amazing technology and we are locked into a Seven Million Dollar contract with Axon. Obviously we are contractually obligated to this amount that is owed to someone in 2021, if Jamie could answer the amount, I have no idea what that is. Jamie Arce, City Controller, stated are you referring to the existing contractual obligations? Councilwoman Olson stated yes. Mr. Arce stated I believe Chief Seymore would be best suited to answer that question regarding what the cost associated

with the transfer from the existing platform to the Axon piece. Councilwoman Olson stated these are all pieces, with respect to the Chief, Jamie, and the Mayor, that have all to be put together. We are looking at a new public safety building, this is carving out Seven Million Dollars to the bigger picture of a new safety complex. Chief Seymore stated right now just with Central Square, who is our RMS provider, that is \$250,000.00 per year that would offset or come off of this \$735,000.00 per year. Councilwoman Olson stated is that the contractual amount you are talking about in the ordinance? Chief Seymore stated I am not sure, I don't have that in front of me, but \$735,000.00 roughly per year for Axon. Mr. Arce stated I believe that is correct. The Central Square piece expires later this year is my understanding that they will require that as a part of the migration from the existing platform to Axon. Councilwoman Olson stated so the \$250,000.00 plus the \$735,000.00, correct, if we should pass this? Mr. Arce stated correct. Councilwoman Olson stated I am concerned because of a new product being developed in four or five years that changes the face of law enforcement, nationally, and this has no adaptation to it, but yet we are locked into a Seven Million Dollar obligation with Axon.

Rod Roberson, Mayor, stated these are legitimate questions, but I think you are bundling a couple of questions in one and we have to unbundle them in order to answer each individual one and then we will obviously be able to aggregate it and bring it back to you, so you can get the overall picture. The dollars that are in for Central Square, Chief will speak to. They had to be in, in order for us to do a transition. Then we will speak to the ongoing piece which would be a part of, if we stay ten years with Axon, it will be \$2.5 Million or more based on whatever it would increase. So those carve outs are existing costs that we are going to have to on a regular basis anyways.

Chris Snyder, Assistant Police Chief, stated in our 2021 budget, we put in for to pay the total amount to Central Square, our records management system, so that money is already in there for this year. We have to keep that up and running until everything is migrated from Central Square to Axon. It is approximately \$250,000.00, which is our contract with Central Square. One of the issues with Central Square is, there is a set amount and then everything that they do and every time you talk to them there is additional billing that comes along with that, that is not covered in the contract. So that is where the \$250,000.00 per year is what we spend with Central Square. Chief Snyder stated when you talked about technology, you are right, technology changes daily. One of the things we have done, we have been with Central Square for 20 years. The exact same program for 20 years, so how much technology has changed in that 20-year period and we are still utilizing 20-year old technology. Technology changes all the time, we all know that, so one of things we looked at when we looked at Axon is, what is your future, what are you looking at, where are you going with things, and we also asked that of other companies and no one else really had an answer for that. There is no other company out there, that we are aware of, that is even looking of going in the direction that Axon is, they are not even looking at taking the technology they have, Central Square, they have no desire to get into the taser business or the body camera business, so they are not moving in that direction. Digital Ally has no interest in getting into record management or to start developing tasers. So when talking with them, even in their foreseeable future, they are not looking to develop a product that Axon currently has and that is why we

want to go with Axon. They have it now and they have a vision as to where they are going in the future, and they can show us that.

Councilwoman Hines stated with the training, it sounded like twice, once at six years and one at the end, is there anything in between if there is a need, is there flexibility there? Ms. Donahue stated the only training that is really going to be required from day one implementation is training on the new equipment, so the body cameras, how to run the fleet system, and then for the new tasers. The department has in-house instructors who have already gone through their training. They keep up at the training regularly, they go through user training and every two years, instructors go through training for the taser piece. For the body cameras, it is unlikely that between the Body 3 and the next generation is going to be so significant that it would require a whole new training, it will be very similar except for a maybe a few new functionalities, so that is why we built it in at five years, that is when they will get the new weapon that should require new training and probably two generations away from body cameras that will need some new training and the same with that fleet system, when that gets upgraded. Councilwoman Hines stated this is more for the Chief, three and four on your cover letter of the why this is needed, I'm having a little difficulty processing how those two components fit into all this new great equipment. Chief Seymore stated which ones? Councilwoman Hines stated three and four, that would be community interaction and empathy. Chief Seymore stated the VR training speaks to that, it is actually called, "Empathy Training" so it puts officers in the shoes of somebody that is developmentally disabled, autistic, or hearing impaired, so the office can empathize and see what that feels like, what officers showing up does to a person, so that speaks to that part of it. Community Interaction goes back to the efficiency piece. If we have officers spending less time typing out reports in the report room, they are not patrolling, they are not investigating, they are not attending community events, they are not on bikes, they are not on foot, it just adds that much more time that we can be interactive as opposed to what I would call the everyday tasks that they are required to do, which is filing reports. A lot of time is spent typing reports, affidavits, search warrants, probable cause affidavits, the list is pretty endless with paperwork. If you get three or four report calls in a shift, which is not abnormal, that is another two hours spent typing. That is two hours that you could be on foot downtown, that is two hours that you could be on a bike, that is two hours you could be attending a neighborhood association meeting, or doing a surveillance on a block that has been hit with a lot of burglaries. I could go on and on about the time savings but that speaks to how we interact better in the community. If you are in the report room for two hours or three hours, you are not interacting with anybody, you're typing. Councilwoman Hines stated so it speaks to the time but it doesn't really directly speak to if you have officers that that is not a strong suit of theirs, of being community policing, and interaction, and we have had this conversation, that may be great for you but for someone else that may not be such a great strong skillset of theirs, this doesn't speak to that but it does offer time for them to be able to do that better. Chief Seymore stated it doesn't change people, that has to come from inside our police department and within our own culture. This offers up the opportunity to be able to be involved in those types of things. We are working on that as we speak.

Councilman Fish stated let's say this passes and we are all happy and you got your first paycheck, are you going to train our trainers and then walk away? Ms. Donahue stated absolutely not. Councilman Fish stated tell me about the involvement to get us to the point where we are continually training, but you are going to need train people and continually train people, not just on the tasers, but just having the patience to deal with all the software magic. Ms. Donahue stated I can't speak for the department and how they want to handle that, because some of that is internal. They might want to focus some of the in-services towards that, but part of that is a few of the pieces that is built into that. That Axon performance software, that we talked about, where it will randomly select videos and have supervisors review them, it will show activation rates, you can set up to search for certain words that were said and automatically pull those for review, that is what you will use for training to make the department better. You can pull these videos, review them and watch them and see both the good and the bad from these officers and then you can focus in certain areas for these in-services for these trainings. There is also something called replay coaching that just came out. We have some social justice initiatives with the company here, one of it being the replay coaching, where we can make it a more positive experience for the officers to have videos reviewed because sometimes it can be a little bit nerve-wracking. There will be two different opportunities built into the system for them to use for training and to continuously look at what should be addressed. You also have a customer success manager that is dedicated to this department. It is one person that they will have to call that is dedicated to the department for the foreseeable future. They will have spares of everything on hand for everything they need as far as equipment goes, but let's say they are having a technical issue and they can call up the CSM at any time and that person is at their disposal. So no one is walking away from them. Councilman Fish stated and this is included in this price? Ms. Donahue stated yes. Councilman Fish stated and you are comfortable with that relationship, you think you will get a good bang for the buck in terms of the ongoing training and the interaction from the company? Chief Seymore stated absolutely because it has been pretty flawless thus far in the process. They have been very responsive to any questions, any needs, any demonstrations, and we have had eight or ten of them at various levels to include various stakeholders within the department to have them at the table, whether it is records folks or trainers, so they have been very responsive. I have been very happy with them thus far and I have no reason to doubt that the continuing relationship will change.

Councilman Fish stated on the Southside of town and in my district in particular, we have had some instances where a faulty camera, a problem with data entry, all of those front line, first out of the door problems that an officer didn't perhaps have the time to get prepared for, and we have had it escalated, can you reassure the taxpayers that they will be paying for a system that will eliminate some of those problems and hopefully all of those problems? Ms. Donahue stated I want to be fair, our company has an amazing reputation, but with that, it's technology so I want to make it abundantly clear that when we are dealing with any type of technology in any capacity, there is a chance because it is not human controlled at all times. However, our reputation precedes us in this case. We have been pretty flawless in execution with departments and if there is ever an issue, we are on it immediately and we address it right away. You will have spares on site and you should know how to take care of these situations as they come up. I do want to make it

clear that this is technology and there is a chance but I don't anticipate it happening here, we have not had a reputation of that in past.

Councilman Fish stated well I am hearing this will eliminate that drive up preparation and they won't have to worry about data and turning cameras on and I am comfortable with a non- interference system, your system will not be interfering with radios and crossing over. Ms. Donahue stated correct, in order for us to gain the trust of partnerships like NYPD, Chicago PD, L.A. PD, these major departments across the country, we have to make sure this is a tried and true, and tested system. So anything that does come up in that time, we address, but we have not had issues with that with the current systems at all. Councilman Fish stated we have a 311 system that we initiated and we collect a lot of data there, is that something that can be utilized with your system to make it more accurate and maybe add to solving a problem? Chief Seymore stated that data, I am not sure if there is a link that can be built with 311, we can explore that capability, as it stands right now, again with our RMS system the way it is, a lot of that data is manually entered in, or they are two standalone systems that don't talk to each other. I would be hopeful that we could integrate that but I am not 100% certain. Councilman Fish stated that is something we should look at to make your jobs better.

Councilman Curry stated the question I did have was about who already had this program and I know you mentioned Houston, you mentioned Kalamazoo, which is close to us and Lafayette, because I was wondering are we going to be the first city in Indiana to have it, but you said Lafayette already has this system? Ms. Donahue stated there are several departments in the State of Indiana, I would be happy to send you a list. Councilman Curry stated I also wonder about cities the size of Elkhart, are there cities our size, the big ones I'm sure have them and we can watch what is going on in those cities, it would be nice to have those so I can see what is going on in Chicago and see how that helped them in that situation. Ms. Donahue stated absolutely, I have personally worked with many departments your size in implementing the system, so I would be happy to send the list over. I can acknowledge that we have the market share in body cameras, so that means that the majority, the vast majority of police departments across the country are utilizing Axon. So when you are watching things like Live PD, or the news and you see that little triangle that is yellow in the right hand corner, that's an Axon video and more often than not you are seeing that when you watch those videos. It's clear and easy to hear and we are the preferred partner at this point in law enforcement.

Ms. Donahue stated I wanted to address Ms. Olson when you were talking about technology in the future. So part of this program being that it is ten years we are looking at here, it includes the upgrades, so as technology is developed, we have been ahead in the technology game and we are already working on more. Today I can tell you that we are working on the next generation body camera, the next generation taser, and in-car system looking towards the future. They will be receiving the new technology as it becomes available, with their upgrades, so they will have the new technology. Then to talk about Chief Snyder and their current provider for RMS, every time they need to make a change in that system to make it more functional for the PD, they have to pay for it. With our system, that is not the case. They will not be paying for the changes that they need to make, custom forms, custom fields, those will all be managed by the department

for them to actually take upon themselves. They will have the newest technology, they will be getting upgrades as they come, the cameras they are getting today have more functionality built into them than they currently use that will be delivered with future firmware updates at no cost. Councilwoman Olson stated well none of the nine of us that sit up here have a crystal ball. I don't know what is going to come out eight years from now, I am assuming it would be Axon but I don't know that. I can't read the future, so it was a reasonable question, just based on owing on a past commitment. Ms. Donahue stated of course, it certainly was reasonable, I just want to make sure you understand, though, where we are looking as a company and where our vision is and that we are looking ten plus years into the future.

Councilman Curry stated also public access, the average person sitting at home on their computer, how can they access this and what kind of information could they get? Ms. Donahue stated are you talking about for the body camera footage or the community data piece? Councilman Curry stated the community data piece-what is going on in the community and how long, if there was an accident in their community or a robbery, how soon would that be available to the average person? Chief Seymore stated right now what we are working towards is our social media footprint where we are communicating as to what is going on in the community. We are trying to get the information out as soon as possible in that form. As far as this goes, this would be more of our weekly or monthly trending data that I would want to have accessible on our website. If you wanted to see how many thefts from vehicles, cars are getting broke into on 123 Main Street, then once that data got posted on the website, they would be able to see it, or you would be able to see it and report back to them. Right now, I am very limited on how I can do that. I can do it, but it would take me a significant amount of time, so this addresses that. Councilman Curry stated so the time it would save with this program; those things would be coming to the public sooner? Chief Seymore stated I believe so, yes. Councilman Curry stated with that, could people call in a concern, or a complaint, or go in online if they had a concern or complaint, through this system. Chief Seymore stated not through this system but right now on our website there is access to our complaint form that gets checked. We just talked about this the other day, about our accessibility for folks to be able to do a complaint, not everyone wants to come to the police department to do that, so having that more accessible, it is on our website and the Mayor and I just talked about how we get that more abundantly to folks. Councilman Curry stated with the saving of time, everything will be answered sooner rather than later? Chief Seymore stated is my goal across the board, Axon not considered, that is our goal as a police administration, is to be more accessible, to be quicker in our answers, whether it is data, a complaint, just information in general, not burying our heads in the sand and avoiding things, transparency, that is what transparency is, at least to me. If you are not communicating information, then minds start to wander and the gaps get filled in and it is usually not positive, so if we can be proactive with that, I think it serves everybody better.

Ms. Donahue stated a part of this is also called Citizen, so there is Citizen One-to-One and there is Citizen for Communities. So let's say there is a stolen vehicle in a certain area, in a neighborhood, and several of those people have home security cameras, they can actually use social media and create a link within evidence.com, post it to their social media and they can say if you have any videos, photos, or information, post it here,

it's a public portal, and it goes automatically into their evidence.com account. So they are not sending anybody to canvass the neighborhood to catch the homeowner to pull the video. The same can be said for the One-to-One, let's say you are on scene and there is a fight and you know there are photos or videos that somebody has on their cell phone, traditionally you are either taking their phone or recording or taking pictures of their phone. That is not a good way to do data collection. In this case, they can actually send it from their own phone, a request, to that citizen, it's a better citizen interaction because now they can submit that information directly to the officer and it can go directly into a secured site with an audit trail.

Councilman Dawson stated Chief, you said that technology doesn't change culture, people do, and that is important to me. Technology is good when it works, but we know to change the culture we have to change people. Public safety makes up 20% of our budget so now we are going to ask for an increase in that. I want to hear how we are going to pay for this. What I heard the first time, I didn't initially agree with, I don't know if that has changed, but how are you going to make this \$700,000.00 payment every year? Chief Seymore stated as it stands right now, and this has been consistent with us not being able to stay fully staffed, what happens is, is that we have leftover payroll at the end of the year because we can't hire people fast enough to get them trained and in the academy and on the street, so a lot of times there is that left over. We anticipate on average that that will take care of the majority of this because we don't have a great track record and as you look at hiring pools as it stands now, it is getting worse. To be able to hire people, it's a challenge. Factoring that in, that is how I anticipate in doing this and if we have the opportunity to be fully staffed and that is not an issue, then it will be in addition to our budget. Councilman Dawson stated how much are you anticipating coming from your budget this year and when will you know that? Chief Seymore stated I may ask Jamie to help me out on that. Mr. Arce stated at present the Police Department's budget, they are returning close to Two Million Dollars in payroll in 2020, over what was budgeted. Councilman Dawson stated is that trend for the last five years? Mr. Arce stated that has been fairly consistent, yes, that their payroll components, which they have historically budgeted at full capacity, have returned a significant portion back to the General Fund, year over year. Councilman Dawson stated by state statute, do we have to budget for the amount of proposed officers or the amount of officers? Mr. Arce stated we only have to budget for what we feel we are going to need, we have taken the position, historically, to budget as if we are operating at full capacity so we don't have to worry about any potential shortfalls in the current year and rolling forward. Councilman Dawson stated well historically that doesn't seem like good management if we know that we are going to turn back in Two Million Dollars or Three Million Dollars, we are still putting it in the budget. Why don't we take it out of the budget and place it on a line item to possibly do what we are asking to do here, as opposed to putting it in there, coming back, maybe asking for an appropriation later in the year if we get up to full staff, what is the logic there? We are basing this on that we are not going to hire all the police officers, is that what we are basing this on, that is what it sounds like? Chief Seymore stated I can just tell you historically, 20 years ago there were 400 people that put in applications and tried out to be on the police department, our most recent pool is four. Councilman Dawson stated so I guess realistically we should budget for what we have with the possibility of some more. I am not a proponent of putting it in personnel and then leaving

it there and then every year we have to transfer it out or pay, I'm not necessarily in favor of that way of making payment. Mayor Roberson stated we are not either. We intend to true up as close as possible to what we will need and what we will be able to get trained. Last year, we knew this was coming back and we wanted to start this first year in coming out of that line item. We tried to move dollars in order to appropriate this, it was coming out of dollars that we knew were going to be left over. Moving forward, we wanted Chief to be able to get in, take a look at what he needed, how he can get staff up to speed, we do have room and should have a larger compliment, but we still are crushed by how many people apply, how many people we can get through the academy, all of those things and we want to continue to have an opportunity to bring people in. I would prefer moving forward that in 2021, if indeed this council approves Axon, that it comes as an appropriation in the same line item that we have Central Square in, and in any of our supplies so it can be reviewed in its earnest and so we are able to report out the cost benefit relationship that it should have inside of our budget. Councilman Dawson stated and why can't we do that this year and make it revenue neutral? Is there a reason you can't do that this year, because it sounds like you are going to have for an appropriation at some point in time? Mayor Roberson stated next year. Councilman Dawson stated why not this year? Mayor Roberson stated because it was already in the budget. Councilman Dawson stated but still you can always come to the council and ask that it be removed or amend the budget to do that, to take money out of personnel. Mayor Roberson stated we just talked about that many in the pool, hopefully we will get more but at this respect, based on how many we can get in I think we are getting a better idea for 2021 based on how many officers we can hire, so we can move it as we speak. That is why it was entered the way it was. Councilman Dawson stated but if it was meant to be revenue neutral, why don't you just do that now? If you do it right now, if we have that money in there and we make it revenue neutral you won't ask for an appropriation, you will just ask for a transfer, that is just my suggestion.

Councilman Dawson stated my next question is, do we have to go ten years at Seven Million or can we cut it back? We are only going to be here three years for sure; we are committing to Seven Million Dollars for ten years and we are getting ready to commit to another Seven Million for ten years for Tolson, we are getting ready to build a public safety complex and this is a lot of money and I just think we need a better plan. I love the program but I don't love the method we are thinking about paying with. Is Axon the only company that does this? Chief Seymore stated all under one umbrella, yes.

Councilman Bullard stated you mentioned your company vision, as far as your business plan and thoughts towards current and future competitors, are you looking more to absorb and take over companies or are you interested in partnering with them, as a company, over the ten years? Ms. Donahue stated no, we are not looking to absorb and we are not looking to deplete the competitive nature of this business. There are other competitors that offer differ things and there will continue to be and as far as I know, I don't think we are looking to absorb companies to partner with us in that sense, like bring on other camera companies because everything we do here is all homegrown. Mr. Willis stated in particular to that question, we had the opportunity to acquire another company and we chose not to go down that path because of the company's business model. Instead of doing that, we entertained the idea of can we do this ourselves and then that

opportunity certainly provided to be very daunting so we created a partnership with another company that does that type of work. We just announced last week a partnership with Celebrate, which is a company that your agency may already be in partnership with, that we are an integration point for them to store all of that material that particular company generates in evidence.com enhancing that relationship. To Kelsey's point, one, we are not allowed to do that, but two that, is not our business model to go out there and take over these other companies.

Councilman Henke stated my original statement and starting point was the cost-benefit to police the public saving ongoing reduction of personnel, to Arvis' point, we knew the amount of money already established was being put back to the General Fund budget at the end of every year and I am very much in favor of saying, if we have that much personnel, that is a huge, huge amount. That tells us how much it costs to outfit, how much the armament, how much the training, all of that stuff, the vehicle pool we have, the ongoing liability. At the last council session, I read into record, there was a question that was asked about the cost of the City's liability insurance, the question was well of course it went up, we added more vehicles across the board. The more stuff, the more cost, the more we engage in it "ongoingly". I would be very much in favor of this, the training cost I estimated to be about \$30,000.00 of man hours, that is an officer, eight hours times 143, I had 134, so it's actually a bit above, and then the officers overtime to cover the officers that are being trained for that day is also a part of that equation, so to get to a point where the public is asking for service, they have to get something in return because we are adding a cost. If the Police Department is returning Two Million Dollars, I would suggest to us that this is a hard fixed cost and we should take the money from a variable, which happens to be variable labor right now and move it over to a fixed asset cost, a lease, a cost, a known annual cost and then this has not harmed the community, it has not cost anyone and we can say efficiently what did we do, is this the right place to be, I am all in favor of that. If it is just an add-on cost, I have to reflect back on the total that we have added with no greater effect but a huge cost. We were sold on stuff, we need stuff, the enemy is getting bigger guns, and this stuff has a cost. The way I would vote on this right now is if we reduce labor costs by a real amount, if we are saving Two Million Dollars and putting it back in the pool, my suggestion is you take One Million Dollars a year and put \$500,000.00 for this fixed cost moving forward and leave the other in other technology support for future reference, that could be under Police Cumulative Fund, it's your money, it's your savings, I don't mind that whatsoever, it just would require council action to spend it and then I think you have a winning solution.

Councilman Mishler stated prior to my current nursing position, I worked as a corrections nurse for about four or five years, and one thing I witnessed during that times was how sometimes you need more than one shot from a taser and what can happen if somebody moves or you miss and I can't really emphasize how important that sometimes having another ability to deescalate a situation can be, not only for an officer but for suspect safety as well. I like the transparency aspect of this, I like how citizens can, instead of being spectators to investigations, they can be more willing participants in their community with security system uploads and even things like dash cams for accidents, I suspect, will be able to upload as well. I think that is important in sustaining the trust that we have in our police department currently and creating more of it, which I think

everyone in our community will benefit from and officers alike. I was little concerned about hidden costs with hardware and things like but seeing that has been addressed, I can say that I currently support this.

At this time, Councilman Dawson asked for a motion on a recommendation to the council. Councilwoman Olson, seconded by Councilwoman Hines **moved to pass the proposed ordinance 21-O-03 onto the full council with no recommendation**. Councilman Dawson called for a roll call vote on the recommendation and the vote was follows: Ayes: Bullard, Mishler, Curry, Fish, Hines, Olson, Henke, and Dawson. Nays: None. The **motion carried, 8-0, and the proposed ordinance was passed onto the full council with no recommendation**.

Councilwoman Olson, seconded Councilman Fish, **moved for adjournment**, at which **motion carried, 8-0, and the meeting was adjourned**.

Arvis Dawson
Finance Committee Chairman

DRAFT

MINUTES OF THE FINANCE COMMITTEE MEETING OF FEBRUARY 23, 2021

Present: Finance Committee Chairman Arvis Dawson
Finance Committee Members Tonda Hines and Mary Olson

Other Council Members present: Kevin Bullard, Brian Thomas, Aaron Mishler, and Dwight Fish

Absent: None.

Councilman Dawson, Chairman of the Finance Committee, called the meeting to order at 4:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, Elkhart. This meeting was made available to the public via WebEx and was live-streamed on Facebook. All members of the Finance Committee were present in Council Chambers.

The clerk called the roll.

Councilman Dawson said this evening the Finance Committee will discuss:

Proposed Ordinance 21-O-06

AN ORDINANCE APPROPRIATING FOUR HUNDRED FORTY THOUSAND DOLLARS (\$440,000.00) FROM THE GENERAL FUND TO THE ELKHART DEPARTMENT OF DEVELOPMENT SERVICES PROFESSIONAL SERVICES ACCOUNT

The clerk read the proposed ordinance, 21-O-06, by title only. Councilman Dawson opened the floor for council discussion. Mayor Roberson stated this particular request, while it says Development Services on it, it should really be looked at as an economic development opportunity for us. We ended 2019 studying our city in a 2040 Plan relationship, and we rode into 2020 with the opportunity to summarize that 2040 and act on some of the opportunities that were illuminated during the discovery process, but obviously COVID set us back. We have had the opportunity to review the 2040 Plan and we have had the time to really put forth an opportunity that not only will take advantage of moving us beyond where we are right now, but capturing the momentum that we have had coming out of the River District and moving that in other places throughout the City and using all the resources we have in the proverbial sandbox in order to make sure we are capturing those opportunities moving forward. The \$440,000.00 that you see in front of you will set us up for 2022 and beyond and not only be able to capture those opportunities but also take a look at our structure, restructure what we are doing right now in Development Services, and reposition it for this opportunity moving forward. With that said, we realize we are still coming out of COVID, we realize that those opportunities that were and have been articulated in 2040 were done prior to COVID, but we also realize that there are multiple calls that are being made right now that are saying in our investment community, we are in a

pretty good position as a city to capture a real progressive way that we continue the momentum moving forward. With that said, I am going to ask Dayna to walk you through what this \$440,000.00, or what this particular investment that we are asking, will be used to do and how it fits within our goals as a City moving forward.

Dayna Bennett, Chief of Staff, stated in the forefront of everybody's mind is the experience Elkhart had in the country-wide recession and how Elkhart was impacted by that. We all know the time to prepare for a recession is not in the midst of a recession, but now, when we are in a much better position to look strategically at the landscape and prepare and we want to do that. So much good work has been done to set up reserves, but we want to do more than just create reserves, we want to structure ourselves so that we are as recession-proof as possible and so how do we do that? Thankfully, we did not have to start from scratch when this administration started, thankfully a lot of information had been gathered, either through the 2040 Plan, the housing study, and now through the retail study, so much information has been gathered in how we address that possibility. Now we have gathered all of that information together and the Development Services team had a retreat and we began to walk through, out of the recommendations that came from this study, what would be the priorities, what can we take on now, what do we need to take on later, what resources would be necessary to accomplish what had been set forth in all of those plans, and we gathered all of that information together and put together an implementation plan on how we implement what has been recommended to us in the variety of those studies.

Shelley Moore, President and Founder of Insight Strategic Concepts, gave a presentation on the 2040 Plan. She stated this proposal comes with a whole team of experts that we have vetted from around the country, that would be a part of this, much like we did, with the River District. The Mayor from the beginning, when we first starting talking about this, which was prior to the election, was really around understanding, with the 2040, what his vision was for this and it was really about thriving. All of this, as we know, we learned that retail and commercial is a follow on residence. As we stand here today, we have less houses on the market in the history of Elkhart and we don't have the places for people to live. When we look at this, workforce housing, affordable housing, neighborhood development, all throughout the surrounding of the downtown, that is what is needed. The vision that was behind this was to have the City develop its first economic development plan, then paving the way for a very intentional economic growth outcome. In Phase 2, it really came down to economic diversity, land activation, land use, and then workforce development of the people, and those were our main areas of focus. The diversification piece cannot be understated because as Dayna stated, in 2008, we felt the pain of one lead industry. There is recent report that was recently released by Brookings where they basically said, for Indiana as a whole, we know the manufacturing economy is driven by Elkhart County in our state and they specifically stated we are at high risk because of not being able to bring more skilled work forces into play and not being able to diversify our economy and our industry segments.

Ms. Moore stated in the first phase that started in 2017-2018, we looked at those five outcomes, that was what we learned through the macroeconomic and quantitative data that we pulled, is that workforce development, industry diversification, land use and infrastructure, housing, and placemaking are what we need to focus on. At the time, the City was working on a housing plan and it is one of the biggest topics and at that time, we didn't feel we had the

resources to have a team dedicated to housing at that point, and we felt other people were starting to address it. We have done it to some degree but it is not where it needs to be. You'll see in this plan we are addressing, it is very multifaceted to build neighborhoods and workforce housing in those neighborhoods for the industry diversification piece. For the placemaking piece, still I would say it is thriving, the Community Foundation started a placemaking committee, so we felt there was no need for a duplication of efforts. However, it doesn't mean in the neighborhood hub here, that we should consider how well that gets executed. The Phase 2 then, that is why we selected the three teams that we did, so the land use and infrastructure, the industry diversification and the land use development, and in that, that is where we built a consensus of priorities from 2019-2020. They indicated in that report, which we have, specific projects that include things like the aeroplex, all the way to the southwest industrial cluster, as we have been talking about, because there is 6,000 acres of underutilized, industrial space that needs to be revitalized. You have the Bayer site, out on CR 17 around the Bullard Farms area, you have lots of opportunities and pockets for development and because of where they are located and much land is on the peripheral as well as all the downtown development that we already factored in to the prospectus for opportunity zones it really starts to set the stage for some real opportunity, along with the Tolson Development to say we can start targeting neighborhoods now. We identified those neighborhoods, we identified the specific acreage of property, as well as the redevelopment that needs to occur in collaboration with the City and the County and that was all in Phase 2.

Ms. Moore stated now, as we move into this next phase, it's the structure for implementation. It's selecting specific demonstration projects to begin execution with private-public structure and partnerships, much like the River District, but doing it in different areas. The southwest industrial cluster is one of the primary areas, it is large, and we have felt from the beginning, it is one with the most potential, the downtown continuation with the courts building and those aspects, obviously going towards the aeroplex space and north, there is a lot of opportunity. However, we shouldn't unilaterally decide where those priorities would be, who the team structure should be, who the private-public structure should be, it's a whole new configuration of multiple teams that would be put into place and if it is going to be industrial revitalization, we need the experts to know how to do smart logistics when you have a rail line in place, who know how to build workforce housing and design those neighborhoods so we attract developers and begin the construction as quickly as what we are known for in the River District. It is taking the same model, but doing it with completely different team members, and experts and resources in those specific areas. We identified the model being the neighborhood hub model, and you'll see that this is the model that we put together behind each demonstration project that would be selected, each project would be a neighborhood hub. That neighborhood hub is a center of living and it provides services and resources for those community members. Neighborhoods, we define to be within a ten-minute walk, so that hub that would have a circumference of a ten-minute walk, would then have these considerations that you see in the boxes around it. So first of all, business diversification, what kind of activities with the assets that are already there in that area can there be for bringing new industry, new skilled jobs, new workforce development initiatives. Also in one of these areas, we would be selecting an employer to be a demonstration crosswalks employer, meaning that if it were someone in the RV industry, they have jobs they are trying to fill right now, however, as a community we are trying to build a workforce with multiple skillsets, so we would work with that employer to fill the existing jobs, but then we would also work with them on how those skillsets relate to other

industries, and we also have healthcare needs in the healthcare industry, and we have needs in the educational field. Then there is a workforce development initiative, a group of people that we would be putting together that would be helping to advise workers on the jobs they want, but also the jobs they can develop into. That of course needs to align with the industries that would be diversified over time. We have the industrial park revitalization, we have a lot of land that can be activated and because of environmental issues and so forth, we haven't been able to creatively go get other state and federal funding to mitigate those environmental issues. One of the examples of that, if it were to be in the southwest cluster would be to create a maker's district, it may be partnering with Notre Dame and maybe they would be interested in coming to help create a maker's district. The connection piece has to do with fiber smart logistics, in the future we believe why not Elkhart with autonomous vehicles and utilizing autonomous vehicles to transport people from their neighborhood to their jobs and we also have other basic public transportation initiatives we can start doing right now, but how is it that Elkhart shouldn't be autonomous vehicles, and that also transports materials as well.

Ms. Moore stated there are three levels of engagement that we have to have from a public-private perspective and the City team, the City staff has a role in some degree of execution, usually around infrastructure and where the City can play in activating housing developments as well. At all three of these levels there will be City staff engagement but what is most important as well are the external community members, the developers, investors, and other partners that would come into play from the funding and financing perspective. The outer circle are the expeditors. This is a group of likeminded people who say for this particular area, this is our vision and their job is to keep everyone on track with a bigger picture vision, but they are also bringing potential funding resources, new ideas, and new resources to be able to make it happen. In the middle are the developers and the main mechanism we want to put in place to anchor all these projects we are talking about is a CDC, a Community Development Corporation, and most progressive cities have at least one of them. She stated the visionaries, these are the people in the neighborhoods that we see being the people that are the neighborhood opportunity fund hub people. They are setting a vision for their neighborhood and community members and they are helping to set the stage for what that looks like and what it should be. That stair steps to activating the developers and the CDC on the projects they are executing and the private-public people would be providing the additional resources and the vision and how it fits into the whole. Those three levels, we think are really what's critical to making the level change occur. She stated the outputs that we have been able to measure at this point, we know we have the housing study for downtown where they said there was a potential housing need for 1,000 units downtown and we believe there is an additional 1,000 that could potentially, over time, build in the surrounding neighborhoods for workforce housing. Then we, through the 12 projects I mentioned, there was 9,200 acres of underutilized land that we identified as well as the areas that needed to be addressed in order to activate it. If we really look at some of the initial projects that we feel we can bring towards investment, it would be \$526 Million Dollars in a shorter span by focusing on two to three key projects.

Ms. Moore stated there are four main initiatives that we have put the experts and team leaders in place to be able to execute. The public-private partnership, the expeditors, having that in place for each one of the focus areas that we would be prioritizing. Second, neighborhood investment, that is putting the neighborhood hubs in place for each of those primary projects to assure that neighborhood services and how you activate those services in each community is

occurring. The housing development, I have already mentioned the workforce housing being a key focus of that, deciding where we want that, with the southwest cluster being a primary segment. Finally, team capacity, and this is my primary area of focus, is trying to help make sure we are getting team members in place to help support, because all of these initiatives, while we get the structure in place, it's really to assure we have team members in place that are going to be able to continue that execution amongst the city team.

Following the presentation, Councilman Dawson opened the floor for council questions. Councilwoman Olson stated we have been chatting, the council regarding 2040 and our biggest need right now is qualified staff, clearly, and I don't believe we are anywhere close. We have lost some very talented staff but we need to be aggressively recruiting and we need to look at all aspects of a good hire. We have got to be more proactive, I wish our HR person was here, I don't believe we are being proactive and I have talked to enough people that have applied that I know we are not. I also don't believe, I think it needs a review, our pay. How are we attracting, what do we have to offer, because this is an aggressive plan and if we are going to partner with professionals, we need to have team players. We need to get our act together before we can expect the private-public partnerships, because they will see it as quickly as I do, that we are lacking, we can't just outsource everything, we have to have an in-house team, I believe.

Councilwoman Hines stated what is the relationship between this and the Elkhart Housing Authority? Ms. Moore stated they would be a part of the housing initiative team. Councilwoman Hines stated I didn't see that in here, has there been any direct communication throughout this process? Ms. Moore stated not at this point, there is a number of those types of resources that would be brought to help as a part of the team, that would then help to prioritize the projects for each of those initiatives. Ms. Bennett stated one of the things we did is put a list of potential collaboration, it is no way that even with the team described here, both internal and external, that we do all of this on our own. So we have a list of collaborations throughout the county and the state to help us get this done, the Elkhart Housing Authority, being one, and we intend, if you allow us to go forward is to do a roadshow, as soon as you say yes and meet with each one of those potential collaborators and present each one with what we want to do and talk about how they can fit in, in the process, if they are so interested. They are on the list, along with the school corporation, along with the IEDC, along with the County EDC, there is a whole group of people as long as they are interested. We just didn't want to pre-empt this discussion by reaching out to them before we got the okay, but if you give us the okay, we are on the road right away. Councilwoman Hines stated I don't pretend to be a strategic planner, but I do know however, in the planning process that I am in a lot of times, you want someone to fit into your plan and if they were at the table prior to your plan being designed it may be designed a little differently because of their expertise in their areas. Ms. Moore stated agreed, and in the initial versions of this, housing was not a main initiative because the City was doing other housing initiatives that I think did involve them, as this particular housing group would be developed, as Dayna indicated. We have at least 12-14 different organizations that were a part of that, that we would be activating to be a part of it and then they would help to prioritize.

Councilwoman Olson stated break down the use of the \$440,000.00. Ms. Moore stated you can see for each particular initiative, on the far right hand side you can see for neighborhood development, for example, in creating the neighborhood opportunity hubs, and each category, those add up on the right hand side and you can see what we projected for each one of those. We

also estimated at the very bottom the number of staff hours for the City, the EDC, and the Chamber, that we estimate to be their involvement through the meetings and different aspects at this time. Councilwoman Olson stated for the Mayor, are there any other City dollars currently planned to go into this? Economic Development, we want a full picture. Ms. Bennett stated I haven't gotten down to the numbers but there may be opportunities, as for instance, where TIF dollars will be used, Economic Development Dollars will be used where it makes sense. One of the things we are looking at is the downtown plan and what will happen as it relates to the downtown plan and that may require some acquisition or things like that where it may make sense to use TIF dollars because that is a part of its intended use. So yes, there will be other areas that we will be tapping into as we execute this but we don't have the dollar amounts, which is why we didn't budget it yet.

Councilman Dawson stated so the initiative is going to be more than the \$455,000.00? Ms. Bennett stated I imagine as we get into land acquisitions, land remediation, there is going to be costs associated with that and we will do everything we can to leverage other dollars other than Elkhart. For instance, there is EPA grants, RDA grants, that we are already looking into and tapping into but there will be costs that are not covered in this \$440,000.00. The scope of this plan is substantial and I imagine when it is all said and done, there will be millions of dollars that it will take to get this done. This is not the whole scope of what we will need to spend.

Councilman Fish stated housing has always been the bugaboo for the past several years and we tried to address it. In the fourth district, we have a lot of housing spots available, but a lot of them are either earmarked or in transition for low-income or non-profit associations and I really appreciate all the habitat homes and all the people moving into the fourth district, we have got some more potential there, but I think the traditional home ownership, tax base generator, is part of this that I don't really read into yet, other than just the bigger picture. Am I not seeing something in terms of real home ownership? If we create an atmosphere for 1,000 people, 1,000 families to come in, are you looking at traditional 15 to 30-year mortgage home building? Ms. Bennett stated one of the things we looked at, in the micro investment section, some of the housing development we will have to do will be whole subdivisions, larger developers come in and they want several acres of land and do hundreds of houses at once, but then you have small contractors who do spot homes and they may do six homes within four blocks and those are smaller contractors and we want to tap into those too, because there are neighborhoods that are on the cusp of either growing or shrinking and if we can do some of that spot development, we can partner with smaller contractors to reactivate those places and that is a part of our micro investment plan. Councilman Fish stated the other question I have, I have a neighborhood that fits your mold or your model here, as far as walkability, a park, the river access, river greenways and two very different employers in the name of L.E. Johnson and MORryde on Sterling Avenue, but there is only one person in the entire neighborhood that goes to one of those factories to work. My concern is that almost everybody that works in those factories drives in and they drive through my neighborhood and create some problems and those are real concerns for some of the neighbors I live next to and some that live three blocks away, because that person doesn't have a relationship with my neighborhood and I don't see that in here yet. We have to address those transportation, pass through, use, parts of this conversation to make those truly what your model fits. Ms. Moore stated absolutely, and the trend is walkability. Now for a job, it may be that the transportation isn't for a 10-minute walk, but getting someone who has chosen to be in your neighborhood, that is where they want to live and it has all the amenities they want,

but they do need transportation, and the City's overall public transportation and infrastructure gives them the capability to do that because you want that connection to the neighborhoods and within the neighborhoods. So the key is neighborhoods, it has to be active neighborhoods that are providing the amenities and the services. Then as much as they are working, we know we have 30,000 people that are transient, they don't even live in Elkhart City, they are going elsewhere, well we don't even have the housing, or housing within neighborhoods to attract and keep them here, so do we care so much as where they live, as long as they live here? Then from there we can help them get to their jobs if we are looking at everything that is in the connectivity and the multimodal and all of those other aspects that are connecting everyone in the City. Councilman Fish stated my conversations with MACOG people, talk about how expensive it is to add stops or to reroute and the public transportation part of this, in the new modern cities, public transportation plays a big part in the mobility. They want to live in this nice community but they work way over there and I am having trouble getting people to understand that we need to build a downtown transfer area and add through south central so they can get to those jobs through public transportation because a lot of them don't have cars. Ms. Moore stated the Urban Land Institute and NineTwelve, if you look at NineTwelve that is the work they do, they do public transportation, multimodal planning, to help determine infrastructural what that could look like, short-term as well as long-term. That is what we need, we need people to look at what is going on, what are the development areas, how do we start strategically lining that out and looking at what that short-term and long-term plan should be. Councilman Fish stated these being brand new ideas and I respect all the work and thought that has gone into this, but there will come a time where you will need to talk to our current factory and services bases, whether it be a retail store or a factory and help them expand. A lot of this to me is new investment and new growth, and we have the standard-bearers in our neighborhoods that have been here for 30 years, who need coaching and motivation and support to expand their job base and their tax base, etc. Ms. Moore stated we did reach out to all the employers in Phase 2 and talked with them about their employment needs and the services they felt their employees need and how we can help with that.

Councilman Dawson stated what does the oversight of this look like? Ms. Bennett stated it is a progression, right now it is between me, Shelley, and Eric, providing the oversight for this project, but as Shelley mentioned, part of the process that we are doing is restructuring our recruitment effort. We have been recruiting for those open positions since we got here and have found it challenging to get the right talent because we knew this was coming, so trying to find the right talent to lead that has been a challenge. We have been talking about bases on the connections that we have, what do we need to transition into a permanent Development Services Director, what is the organizational structure need to look like, because it may not be what it looks like now, even with the team now, we have some ideas and the team put forth their own ideas as to what they think we need within the organizational structure. We are adjusting the way we are recruiting for that position, but one the tools we are using for that recruiting is this plan. Councilman Dawson stated to Mary's point, that is kind of the issue I have, is that we don't have the internal structure to build a team capacity, we don't have an internal economic development team and to me it makes more sense to have that team in place before you start doing this. If you're going to build that team capacity and you've got staff accountability, we don't have staff to hold accountable right now. I don't know if Eric is Planning and Zoning or Interim Director, or what his title is right now, but we don't have that go-to person in there to actually be parallel with what is going on currently. It would make more sense to me if that was in place first,

because it sounds like at the end of this project we will have to hire somebody. Are we going to hire somebody? Ms. Bennett stated we are restarting the recruiting for the director right now. It's on that list that it is a part of the scope of the project we are doing. We will start that now. Councilman Dawson stated in here it says we are going to hire someone for the Economic Development Plan. Ms. Bennett stated that is the Director of Development Services, that is what that is referring to. Councilman Dawson stated but it says we are not going to do that until 2022. Is that incorrect in this timeline? Ms. Bennett stated it should be 2021, we are starting that effort. Ms. Bennett stated to your concern, I think we spent weeks debating back and forth, first the executive team, and then including Shelley and Mike, about which one comes first and do we get going without all of the people in place, and I don't know that we can afford to wait until the stars align perfectly. I think the best case scenario is that we be at full capacity before we take this one on because it is a lot of work and it is extremely ambitious and we will have to get people up to speed very quickly. So there is a lot to do and I think a lot of us, including that team will be stretched to get this done, but I don't know that we can necessarily wait. My concern is there is a lot of things that are working in our advantage right now, from interest rates, or developer interest in Elkhart, some of the infrastructure things that are happening, I can't think of a week that goes by that some new person isn't saying to me something about autonomous vehicles and the possibilities in Indiana. Can we get on the cutting edge of that, can we get ahead of that, can we take advantage of some of the opportunities before us and should we wait? Councilman Dawson stated that is why I believe that if we have an Economic Development Department Head, it would be happening. I don't know if the issue is salary or what it is, because I don't think we have hired the extra person that we put in the budget for 2022, so if it's salary we need to have that discussion because if we had those people I believe it would cut down on the cost to do some of this because then we have those people on staff until they leave or until that project is over. That is my hesitation, who is going walk parallel with the group that is doing this? You and Eric, you are both already doing other things.

Councilwoman Olson stated your shoulders are only so broad and we realize that. We tend to, in the City of Elkhart, take staff and layer it on. Eric Trotter is an excellent example, how many hats do you wear, too many. You can only do so much and if we want to be proficient and excel and reach the levels that we want, we need to provide talent that you can rely on, who has the same vision, once they listen to a program being laid out.

Mayor Roberson stated we get the gaps that exist and we have had some of those discussions with a few of you. When we started the River District, we were fully staffed, we literally had the opportunity to move with others that really accelerated something that had never happened in Elkhart. We are now in a space where we have gone through some transition, COVID set us back, and we continued to recruit, but we are not going to stop looking for the right people to fit these particular roles and if we found somebody tomorrow that we thought was able to field this in the capacity that we are looking for, we would hire them. What I am trying to say is that right now, coming out COVID, we can't afford to wait. We have so much opportunity sitting in front of us and we have resources that we can put in the funnel to capture them and at the same time we can be moving the people that we currently have in the department forward and we are constantly looking for those to come in and fill those gaps.

Councilman Bullard stated when we did the River District, the City invested about \$35 Million Dollars and you had sold it the City thinking there would be a private and public

relationship of \$1.00 to \$9.00 and that probably ended up as \$1.00 to \$14.00. With the vision that this plan has of a potential economic growth with that same ratio, are we talking about that the City will be investing another \$40 to \$50 Million Dollars to achieve that \$526 Million Dollars of potential economic growth? Ms. Moore stated those dollars, what we did is we took the public dollars being City and County combined, representing 10%, that also could be leveraged with other State and Federal funding that we are aware of for these types of projects, so that number that you are seeing it has 90% of private dollars and the remaining public dollars would be City, County, and other resources, minimum, that we would bring to the table.

Councilwoman Olson stated we still have some work to do. At this time Councilwoman Olson seconded by Councilman Hines, **moved to recommend to keep proposed ordinance 21-O-06 in the Finance Committee.**

Mayor Roberson stated when you say we have a lot of work to do, could you be more specific, because we want to make sure that we have an understanding of what are the council's questions? We understand that a person could walk through the door tomorrow, and what I am hearing, is more of the staffing relationship, but are there other specific questions that we can answer in order to ensure that we are at least addressing this very important issue? Councilman Dawson stated I think the questions are more of concerns with the staffing, it's not a no to the project. I am saying get the staff in place that can run parallel to what's going on and then when it is over we have somebody to pick it up. Having looked at the budget for Economic Development Directors, we are woefully shy at what we need to be paying to get somebody to actually lead that department and we probably need to address that as a council as well. If salary is an issue, we need to address it. Ms. Bennett stated we have interviewed several people since we have been here and the talent that we have gotten at that salary level is often with no economic development experience, not even a planner experience, or community development experience, so it does appear to be a factor. Councilman Dawson stated I have heard that because I have inquired about that. If we want quality people, especially for what we are talking about doing, I feel like they should be in place and compensated so you can get what you are looking for.

Councilman Fish stated I like the idea of this and just consider this, if we don't move this forward, we are not going to attract this person because I think this is a part of that puzzle. We need to address the salary, there is no doubt about it, but if we don't move this forward, then this administration, this team, is going to have to slow down and "re-gear" and that is not what we want. I think economically we are really in a great position cash wise, bonding wise, potential is there, so maybe we need to reach out a little farther to our candidate base, there is a big universe out there and let's get out of that traditional box and look for that person that will take this and run. We are going to do the lion share of this but we don't want it to not go somewhere right now. Even if we don't spend a dime of it, in the next month or so, at least we got in action.

Councilman Dawson stated to Mary's point, that is why it is still in committee, it's not like we are not going to do it, it's the plan we want. I believe we need to get a team in place to run parallel with what we are trying to do here and they know what was done from day one.

Councilwoman Olson stated the vision that has been built into this plan is exciting, that is not what we are concerned about. We need you to go sell it, and bring to us somebody. By the

written word and the plan, we need staff and that is all we are saying. There is no one that has an issue with the work that has been done and I don't get a sense that anyone thinks this is a bad work product, it isn't, but it's a whole package and I feel we as a city, as a municipality, in representing the tax payers, we haven't done our work yet.

At this time, Councilman Dawson called for the vote on the motion to keep the proposed ordinance, 21-O-06, in the Finance Committee and the vote was as follows: Ayes: Hines, Olson, and Dawson. Nays: None. The **motion carried unanimously, 3-0, the proposed ordinance will remain in the Finance Committee.**

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

Arvis Dawson
Finance Committee Chairman

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING FOUR HUNDRED FORTY THOUSAND DOLLARS (\$440,000.00) FROM THE GENERAL FUND TO THE ELKHART DEPARTMENT OF DEVELOPMENT SERVICES PROFESSIONAL SERVICES ACCOUNT

WHEREAS the City of Elkhart for more than two years has partnered with a variety of consultants to inform the City upon a strategy to ensure a continuation of the City's economic growth and to safeguard the City's fiscal health in the years and decades to come; and

WHEREAS among the contributions to the development of a comprehensive strategy, the City is armed with the 2040 Plan, the Downtown and Main Street Retail Study, the Housing Study, and the Comprehensive Park Plan; and

WHEREAS the Department of Development Services and its consultant-partners have devised a comprehensive economic development plan which promises to lay the framework for sustained economic growth in 2021 and beyond; and

WHEREAS the comprehensive economic development plan is an ambitious blueprint to address and lead to diversification of industry, upskilling of the workforce, cross-skilling of Elkhart's citizens, expansion of housing options, enhancement of local amenities, neighborhood planning, capital planning, and land reactivation; and

WHEREAS the various initiatives under the comprehensive economic development plan will positively impact every quadrant of the City of Elkhart; and

WHEREAS the Administration has informed the Common Council that the initial implementation of the plan will require additional qualified resources to supplement the efforts of existing departmental staff; and

WHEREAS, among the areas for which the department requires additional resources to leverage the department's current talent and resources is in the areas of

urban planning and design, financial analysis, and engineering.

WHEREAS the Department of Development Services requires an appropriation of \$440,000.00 for the purpose of implementing the comprehensive economic development plan; and

WHEREAS the City of Elkhart has sufficient sums in the General Fund which are available for appropriation to the Professional Services account (101-5-016-431.0400) for the purposes requested by the Administration.

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

Section 1. The sum of four hundred forty thousand dollars (\$440,000.00) is hereby appropriated from the General Fund and applied to the following account:

To: Professional Services 101-5-016-431.0400 \$440,000.00

Section 2. The Common Council has fixed the ____ day of _____, 2021, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and the taxpayers of the City of Elkhart, Indiana, shall have then and there the right to be heard.

Section 3. This Ordinance shall be in effect from and after its passage and approval, according to law.

So ORDAINED this _____ day of _____, _____.

H. Brent Curry
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



MEMORANDUM

DATE: 2/4/2021
TO: Common Council
FROM: Dayna Bennet, Office of the Mayor, Chief of Staff
RE: Proposed Ordinance 21-O-06

Over the last several years the City of Elkhart has sought to gather information to ensure Elkhart's continued growth for decades to come. As a result several studies were commissioned including but not limited to the 2040 Plan, the downtown and South Main Street Retail Study, the Housing Study, and Comprehensive Park Plan. The Development Services Team in collaboration with our partners has developed an implementation plan that will use what we learned from these studies to bring about targeted outcomes around industry diversification, expansion of housing opportunities, neighborhood investment, and team capacity building.

The Administration will provide the Council written presentation materials for the Council's benefit as it considers this appropriation request on February 8, 2021.

The Administration will coordinate with the Council, a formal presentation of the Comprehensive Economic Development Plan on a date and time to be determined.

RESOLUTION NO. R-_____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
ELKHART, INDIANA, SUPPORTING THE PROPOSED PUBLIC QUESTION
SEEKING RENEWAL OF THE ELKHART COMMUNITY SCHOOLS 2014
PROPERTY TAX**

WHEREAS, on January 6, 2014, the Board of School Trustees of the Elkhart Community Schools, Elkhart County, Indiana (the "Board"), being the governing body of the Elkhart Community Schools, Elkhart County, Indiana (the "School Corporation") sought the authorization of the voters residing within the geographical boundaries of the School Corporation for a referendum tax levy rate not to exceed \$0.1315 on each \$100 of assessed valuation; and

WHEREAS, on May 6, 2014, a majority of the voters who voted on the 2015 Referendum Tax Levy Fund approved the establishment of the 2015 Referendum Tax Levy Fund to be used by the School Corporation; and

WHEREAS, as a result of the establishment of the 2015 Referendum Tax Levy Fund, the School Corporation has had the opportunity to provide safe bus transportation to more than six hundred students residing in the City of Elkhart who would otherwise walk to schools due to the prior two-mile walk zones; and

WHEREAS, the 2015 Referendum Tax Levy Fund has allowed the School Corporation to provide educational study trips for students in all of the School Corporation's twenty schools; and

WHEREAS, the 2015 Referendum Tax Levy Fund has also allowed the School Corporation to maintain competitive wage rates for its school bus drivers; and

WHEREAS, the authority of the School Corporation to levy and collect property taxes for deposit into the 2015 Referendum Tax Levy Fund ends on December 31, 2021; and

WHEREAS, the School Corporation is among the ten largest employers located within the City of Elkhart; and

WHEREAS, more than nine hundred employees of the School Corporation reside in the City of Elkhart; and

WHEREAS, more than sixty percent of the students receiving their education through the School Corporation reside with their families in the City of Elkhart;

WHEREAS, through its Elkhart Area Career Center, the School Corporation serves the career and technical education needs of more than one thousand students from ten different school corporations, along with students from both private schools and home schools; and

WHEREAS, through the Elkhart Area Career Center, the School Corporation provides Department of Workforce Development recognized industry certification to students in twenty-three of the thirty-one programs at the Career Center; and

WHEREAS, revenue currently received by the School Corporation from all sources is not sufficient to provide an adequate level of compensation and benefits to school employees comparable to that of neighboring school corporations; and

WHEREAS, the School Corporation, in addition to seeking the renewal of the 2015 Referendum Tax Levy Fund, is seeking an additional twenty-five and thirty-five one hundredths cents (.2535) on each one hundred dollars (\$100) of assessed valuation, which is in addition to all other property taxes imposed by the school corporation, for the purpose of providing funding for academic and educationally related programs, management of class sizes, school safety initiatives, including, but not limited to, attracting and retaining teachers and other school employees; and

WHEREAS, the School Corporation, through its Board of School Trustees, has taken action to place before the voters residing within the geographical boundaries of the School Corporation, the opportunity to renew this Referendum Tax Levy Fund; and

WHEREAS, Indiana's Next Level Teacher Compensation Commission has determined higher pay for school teachers yields improved student academic outcomes; and

WHEREAS, Indiana's Next Level Teacher Compensation Commission has determined teacher turnover can be harmful to student learning, and noted the costs related to turnover can frequently exceed \$20,000 per teacher; and

WHEREAS, the School Corporation's intent in seeking additional revenue is to improve compensation and benefits for teachers, nurses, social workers, counselors, librarians, custodians, bus drivers, paraprofessionals, and all other employees of the School Corporation; and

WHEREAS, the revenue currently available to the School Corporation through State, Federal and local sources do not provide the ability to maintain competitive levels of compensation and benefits to employees, causing an increased level of turnover; and

WHEREAS, through passage of this referendum, the School Corporation will have sufficient revenue so as to provide compensation and benefits to its employees which will provide the ability to attract and retain well-trained, highly effective teachers and employees in all classifications; and

WHEREAS, students, especially those residing in the City of Elkhart, will benefit from receiving instruction, and social and emotional supports, from well-trained, highly effective teachers and employees.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ELKHART AS FOLLOWS:

SECTION 1: The Common Council of the City of Elkhart, Indiana hereby acknowledges:

A. The important contributions the Elkhart Community Schools and its employees provide to the education of students attending its schools, as well as the communities served by the School Corporation; and

B. Supports the passage, on May 4, 2021, of the question placed on the ballot by the Elkhart Community Schools; and

C. Recognizes the benefit to the citizens of the City of Elkhart, Indiana in having a school corporation in the community focused on building the capacity for a well-trained and highly effective staff.

RESOLVED this ____ day of _____, 2021.

ATTEST:

H. Brent Curry
President of the Common Council

Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this _____ day of _____, 2021, at _____
a.m./p.m.

Debra D. Barrett, City Clerk

APPROVED by me this _____ day of _____, 2021.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk



City of Elkhart, Indiana
the city with a heart

MEMORANDUM

DATE: 2/24/2021
TO: Elkhart City Common Council
FROM: Corporation Counsel John M. Espar
RE: Proposed Resolution 21-R-10
ENTITLED: A Resolution of the Common Council of the City of Elkhart, Indiana, Supporting the Proposed Public Question Seeking Renewal of the Elkhart Community Schools 2014 Property Tax

Proposed Resolution 21-R-10 has been prepared by Douglas Throne, General Counsel to the Board of School Trustees of the Elkhart Community Schools.

Proposed Resolution 21-R-10 seeks the Council's support for the May 4, 2021 ballot referendum requested by the Board of School Trustees to renew the 2015 Referendum Tax Levy Fund and secure additional funding for academic and educationally related programs, management of class sizes, school safety initiatives and the attraction and retention of quality educators for the Elkhart Community Schools.

RESOLUTION NO. R-_____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,
INDIANA, AUTHORIZING THE TRANSFER OF UP TO SEVEN HUNDRED
THIRTY-FIVE THOUSAND DOLLARS (\$735,000.00) FROM THE FULL TIME
ACCOUNT TO THE CONTRACT SERVICES ACCOUNT**

WHEREAS the Common Council appropriated funds in the 2021 annual budget for upgrading the Elkhart Police Department's records management system with its current provider or switching to a different vendor; and

WHEREAS throughout 2019 and 2020 members of the Elkhart Police Department explored options and determined that a new vendor was the best option for the department's records management system and that AXON, Inc. was the company which could best meet the needs of the Elkhart Police Department.; and

WHEREAS the Elkhart Police Department's 2021 budget includes an amount for records management, body cams, dash cams, and interview room cameras which historically have been purchased and maintained through various different vendors which historically have lacked an integrated functionality; and

WHEREAS AXON presently offers the capability to provide all such needs as an integrated package with significant and much-needed improvements and enhancements, including guaranteed product replacements at year-6 and year-10, under a 10-year agreement totaling, on average, approximately \$735,000.00, per year of AXON agreement; and

WHEREAS the Department has contractual obligations of which will continue for a portion of the 2021 fiscal year and must be paid out of the budgeted funds for 2021;

WHEREAS the Department has within its Full Time personnel services budget group, sufficient and available funds for transfer to the Contract Services account (101-5-

219-439.0912) for the AXON agreement.

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

Section 1. The City Controller is hereby authorized to transfer funds from the Full Time account to the Contract Services account, as follows:

From:	Full Time	101-5-219-411.0130	\$735,000.00
To:	Contract Services	101-5-219-439.0912	\$735,000.00

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 _____, 2021.

ATTEST: _____
H. Brent Curry
President of the Common Council

Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this _____ day of _____, 2021, at _____ a.m./p.m.

Debra D. Barrett, City Clerk

APPROVED by me this _____ day of _____, 2021.

ATTEST: _____
Rod Roberson, Mayor

Debra D. Barrett, City Clerk



Proposed Resolution No. 21-R-06

Rod Roberson
Mayor

Kris Seymore
Chief

Police Department
175 Waterfall Dr.
Elkhart, IN 46516

574.295.7070
Fax: 574.293.0679

1/27/2021

Mayor Rod Roberson
229 S. Second St.
Elkhart In 45616

Mayor,

For the past couple of years the Elkhart Police Department has been committed to several key topics the community has not just asked for but demanded 1) transparency, 2) accountability 3) community interaction and 4) empathy.

- 1) **Transparency:** The community wants to know what we are doing. How we are doing it and are we doing it correctly.
- 2) **Accountability:** The community expects the police department to have policies which guide the officers on what to do and how to do it. The community expects officers to error, however if they error the community expects the officer to be held accountable for their actions, just as they are.
- 3) **Community interaction:** The community want officers out of their cars having positive interaction with them.
- 4) **Empathy:** The community wants us to have a better understanding of who the community is and what their needs are.

During that same time frame the Elkhart Police Department came to the realization in order to accomplish what the community demanded we have to become more effective and efficient. After many meetings and much research we came to the conclusion that Axon was the company that 1) had the products we needed, 2) were developing the products we needed and 3) had the vision of where they were going and how to get there that matched our vision.



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574.295.7070
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Rod Roberson
Mayor

Kris Seymore
Chief

THE AXON STORY

Our story began in September of 1993 when TASER International was founded by CEO Rick Smith with his brother Tom Smith. They consulted with Jack Cover, former NASA scientist and inventor of the original TASER® conducted energy weapons of the 1970s. Rick Smith was inspired to found the company after losing two high school football teammates who were shot and killed in a road rage incident. This experience led him to seek new technologies that would enable people to protect themselves without deploying lethal force in hopes of creating a bullet-less world.

On April 5, 2017, TASER International re-branded to Axon. Based on TASER International's evolution as a business over the last 24 years, as well as the continuously evolving needs of law enforcement, it's clear that the police agency of the 21st century demands a holistic, integrated approach to police technology. Axon represents the entire network of devices, applications, and people that is revolutionizing public safety around the world. Our mission is to protect life.

Our technologies give law enforcement the confidence, focus, and time they need to keep their communities safe. Our connected body cameras and evidence-management cloud allow police officers to work effectively and transparently, and our TASER conducted energy weapons protect life without taking it. Every Axon product, from conducted energy weapons to body-worn cameras, and the digital evidence management system Axon Evidence (Evidence.com), integrates seamlessly with one another, complementing the systems and processes law enforcement already use. That connectedness does not stop at the company's products. With the features built into Axon's solutions, law enforcement can connect with partners, from county officials to neighboring agencies to prosecutors working a case. Axon believes that better and more accessible information can help agencies save valuable time and resources, and most importantly, reduce crime.

AXON'S MISSION

The priorities and challenges of law enforcement have been at the core of Axon's mission. We're committed to developing the latest technologies to make the world a safer place. Our mission is simple: Protect Life.

AXON'S PROFILE

Our Axon team is based around the globe, with our headquarters and manufacturing in Scottsdale, Arizona. Our software engineering office is in Seattle, WA and our AI Research Team is based out of New York City, NY. Global office locations include Amsterdam, the UK, Vietnam and Finland. Our company is the market leader in conducted energy weapons, body-worn video and digital evidence management solutions.



Rod Roberson
Mayor

Kris Seymore
Chief

Police Department
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Elkhart, IN 46516

574.295.7070
Fax: 574.293.0679

How does Axon meet the demands, 1) Transparency, 2) Accountability 3) Community Interaction and 4) Empathy, of the community and of the department?

Tasers:

- 1) The officer's first line of a less-lethal option. (Empathy)
- 2) Provides the officer with a de-escalation tool. (Accountability, Empathy)
- 3) Activates the body camera when activated providing (transparency).

Body cameras:

- 1) Multiple ways for activation including manual, trigger in vehicle, drawing of taser and drawing of duty weapon. (Transparency, Accountability)
- 2) Provided each and every officer with a body camera where now they are only issued to patrol officers. (Transparency, Accountability)
- 3) Records officer's interactions. (Transparency, Accountability)
- 4) Allows supervisors to remote in to cameras view. (Accountability, Empathy)
- 5) Redaction software. (Transparency)

Interview room Cameras:

- 1) Records officer interactions. (Transparency)
- 2) Uploads to case reducing time spent on burning CD's. (Community Interaction)
- 3) Redaction Software. (Transparency)

Fleet:

- 1) Records officer interactions. (Accountability, Transparency)
- 2) Redaction Software (Transparency)

Record Management:

- 1) More efficient for officer to utilize for reporting. (Community Interaction)
- 2) Provides better crime tracking and analysis. (Community Interaction, Empathy)

Virtual Reality:

- 1) Allows for training from the officers point of view as well as the point of view of the citizen (Community Interaction, Empathy)



Rod Roberson
Mayor

Kris Seymore
Chief

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App / Citizen / Community / One to One:

- 1) Allows community to interact with police department. (Community interaction)
- 2) Allows community to send videos and data to the police, preventing an officer from having to go back to collect the video. (Community Interaction)

What do we get when partnering with Axon? In the many meetings, conversations and demonstrations it was clear that AXON possessed the same vision as the Elkhart Police Department. Furthermore, AXON possessed and demonstrated many of the same forward thinking ideas as the Elkhart Police Department. Although AXON is at the final stage of developing some of their products and services it is at the beginning stages of developing many other products and services and for those reasons the Elkhart Police Department feels now is the time to move forward in partnership with AXON. Getting in at this stage of the process will allow the Elkhart Police Department to provide input, and in many cases customize the product we will receive. Axon brings many systems we currently use from different vendors under one company, allowing them to function as one. Axon also takes products we currently use and purchase on an as needed basis and puts them on a rotation, distributing the cost over the ten (10) years of the contract. Putting the items on a rotation assures the Elkhart Police Department has the newest technology, in great operating order, without having to make a one-time large purchase for some of our most expensive equipment such as tasers, body cameras and in-car cameras.

Warranty:

- 1) All products are warrantied through the life of the contract.
- 2) Dedicated Success Account Manager.
- 3) Unlimited storage on all devices.
- 4) Setup and install all equipment.
- 5) All training is included.
- 6) New services, programs they release.

Interview:

- 1) 9 Interview rooms get new cameras and microphones.
- 2) Touch pads to allow for direct link of interview to evidence.com and case.
- 3) Coming Soon dictation / transcription.
- 4) Redaction software



Rod Roberson
Mayor

Kris Seymore
Chief

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Taser:

- 1) All new Taser 7
- 2) Holsters
- 3) Training of instructors
- 4) Training cartridges
- 5) Live cartridges
- 6) 5 Spare Tasers
- 7) Replaced in year 6 with training on new Taser

Body Camera:

- 1) Replaced every 2.5 years
- 2) Spare Cameras
- 3) 150 Cameras
- 4) Each officer has home docking station
- 5) 5 Eight bay docking stations on station
- 6) LTE docking from field is available if needed
- 7) Remote live view from camera
- 8) GPS Tracking
- 9) Coming soon dictation / transcription
- 10) Redaction software

Fleet:

- 1) Replaced in year 6 and year 10
- 2) New cradle points(IT advised all need replaced at this time)
- 3) 5 Spare systems
- 4) Redaction software
- 5) New system in late 2021
 - A) Includes install
 - B) License Plate Reader
 - C) GPS
 - D) Live Track
 - E) Live View



Rod Roberson
Mayor

Kris Seymore
Chief

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Records:

- 1) Migration of all Central Square Data
- 2) No servers
- 3) Allows for data extraction
- 4) Allows for officer wellness
- 5) Use of force
- 6) Pursuit
- 7) Redaction software is included
- 8) Set to extract information from Computer Aided Dispatch

APP:

- 1) Allows admin live access to body camera
- 2) Allows Officers to use phone to capture pictures which go directly to evidence.com and case

Citizen / Community and One to One:

- 1) Allow for citizens to upload their video to officers
- 2) Allows businesses to upload video of incident to evidence.com

Virtually Reality:

- 1) Goggles (Oculus System)
- 2) Training
- 3) Unlimited access
- 4) Unlimited programs

What cost is associated with Axon and how do we pay for it? AXON's 10 year contract totaling \$7,339,702 would average out to \$733,970 a year. At this time we are asking for \$735,000 to be transferred from the Full Time Account to our Contract Services Account to cover year one (1). Moving forward with years 2 through 10 the police department have additional cost added to our operating budget which we hope to be able to offset with year-end money from our salary ordinance.



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Rod Roberson
Mayor

Kris Seymore
Chief

As you have seen partnering with Axon will make the Elkhart Police Department more efficient and effective in policing and meeting the community's needs. Partnering with Axon will also put many of our more costly purchases such as body cameras, in car cameras, tasers and technology on a rotation spreading the cost over several years preventing a large one time purchase.

The command staff and members of the Elkhart Police Department are committed to meeting the demands of the community. We will do this by operating more efficiently and effectively through the technology Axon brings, being financially responsible and working smarter not harder.

Sincerely,

Chris Snyder
Assistant Police Chief

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 23605 US 20, ELKHART, INDIANA AND 2704 TOLEDO ROAD, ELKHART, INDIANA FROM B-3: SERVICE BUSINESS DISTRICT & PUD: PLANNED UNIT DEVELOPMENT TO M-1: LIMITED MANUFACTURING 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 23605 US 20, Elkhart, Indiana 46516 and 2704 Toledo Road, Elkhart, Indiana 46516 (the “Real Estate”), is zoned B-3: Service Business District & PUD: Planned Unit Development; and

WHEREAS, all of the owners of the Real Estate petitioned the Common Council to amend the Zoning Map to allow for warehousing development and manufacturing for metal fabrication; and

WHEREAS, the intended use of the Real Estate is not a permitted use, thus requiring that the subject Real Estate be rezoned from B-3: Service Business District & PUD: Planned Unit Development to M-1: Limited Manufacturing District, if the intended use is to be allowed; and

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

WHEREAS, on March 1, 2021, the Elkhart City Plan Commission held a public hearing on the petition to amend the Zoning Map for the purpose stated herein and forwarded to this Council its "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 B-3: Service Business District & PUD: Planned Unit Development to M-1: Limited Manufacturing District, for the following real estate, located in the City of Elkhart, County of Elkhart, State of Indiana, and more-fully described as follows:

Legal Description:

PARCEL 1:

Commencing at the southeast corner of said Northwest Quarter of Section 11; thence North 62°36'32" West along the centerline Toledo Road (Old US Highway 20), a distance of 259.21 feet to the point of beginning, said point being the southwest corner of a parcel of land conveyed to Concord Township as shown in the Office of the Recorder of Elkhart County, Indiana; thence continuing North 62°36'32" West along said centerline, a distance of 280.44 feet; thence North 00°15'32" West, a distance of 507.41 feet to the southwest corner of a parcel of land conveyed to Chapter 19 Disabled American Veterans as shown in said Recorder's Office; thence North 89°56'28" East along the south line of said parcel, a distance of 480.49 feet to a point on the east line of aforesaid Northwest Quarter of Section 11; thence South 00°04'20" East along said east line, a distance of 425.86 feet to the northeast corner of a parcel of land conveyed to said Concord; thence South 89°55'40" West along the north line of said parcel, a distance of 230.00 feet to the northwest corner of said parcel; thence South 00°04'20" East along the west line of said parcel, a distance of 210.76 feet to the point of beginning.

PARCEL 2:

Commencing at the southeast corner of said Northwest Quarter of Section 11; thence North 62°36'32" West along the centerline Toledo Road (Old US Highway 20), a distance of 570.43 feet to the southeast corner of a parcel of land conveyed to Glenn W. Lemmon as shown in said Recorder's Office as Instrument No. 94 019556, said point being the point of beginning, thence continuing North 62°36'32" West along said centerline, a distance of 99.85 feet to the southwest corner of said parcel; thence North 00°04'44" West along the west line of said parcel, a distance of 268.42 feet to the northwest corner of said parcel; thence North 89°55'16" East along the north line of said parcel, a distance of 88.59 feet to

the northeast corner of said parcel; thence South 00°04'44" East along the east line of said parcel, a distance of 314.48 feet to the point of beginning.

Address(s):

23605 US 20, Elkhart, Indiana 46516

2704 Toledo Road, Elkhart, Indiana 46516

Parcel Identification Number(s):

20-06-11-177-008.000-011

20-06-11-177-004.000-011

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

- A. Any site development shall be submitted and approved through Technical Review prior to permitting.

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

So ORDAINED this _____ day of _____, _____.

H. Brent Curry
President of the Common council

ATTEST:

Debra D. Barrett, City Clerk

[Balance of page is intentionally blank.]

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



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

To: City Council

From: Ryan Smith

Date: March 2, 2021

Re: 21-Z-02 2704 Toledo Road and Vacant Lot, Toledo Road

This is a request to revoke an existing PUD and rezone two parcels from PUD and B-3 to M-1. The two contiguous properties comprise approximately 6 acres. This request consolidates the area into an M-1 district on a mixed commercial and industrial corridor. The petitioner intends to develop the property into a warehousing development. This comes to the Council with a unanimous do-pass recommendation from the Plan Commission.

Rod Roberson
Mayor



Development Services
229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.970.1361

March 1, 2021

The Common Council
City of Elkhart
Elkhart, IN 46516

**RE: Petition #21-Z-02
2704 TOLEDO ROAD AND VAC-LOT TOLEDO ROAD**

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its meeting on **Monday, March 1, 2021**, heard the above petition to vary from Per Section 20.10.B.1, a Major Amendment to an M-1 Detailed Planned Unit Development (M-1 DPUD), to revoke the DPUD, adopted via Ordinance Number 98-05 approved by the Elkhart County Commissioners. Also; Per Section 29.11.B, Map Amendments, a request to rezone two parcels located at 2704 Toledo Road and Vacant Lot Toledo Road (west of Middleton Run Road, north side) from B-3, Service Business District and PUD, Planned Unit Development (M-1 Standards) to M-1, Limited Manufacturing District.

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

Sincerely,



Kayla Jewell
Plan Commission Recording Secretary

PLAN COMMISSION CASES FORWARDED TO LEGAL DEPARTMENT
PETITIONER: GLENN W LEMMON AND MITCHELL JELLISON INC.
ADDRESS: 2704 TOLEDO ROAD AND VAC-LOT TOLEDO ROAD
CASE NUMBER: 21-Z-02
STAFF RECOMMENDATION REPORT: SEE ATTACHED
ORIGINAL LETTER TO COUNCIL: SEE ATTACHED
COUNCIL DISTRICT: 1
LEGAL DESCRIPTION EMAILED TO RANDY ARNDT ON: 3/2/21
CITY ORDINANCE NUMBER:
COMMENTS:
PREPARED BY: KAYLA JEWELL
DATE COMPLETE PACKET FORWARDED TO LEGAL DEPARTMENT: 3/2/21
NOTES:



City of Elkhart

Staff Report

Planning & Zoning

Petition: 21-Z-02

Petition Type: Rezoning

Date: March 1, 2021

Petitioner: Glenn W Lemmon and Mitchell Jellison Inc.

Site Location: 2704 Toledo Road and Vac-Lot Toledo Road

Request: Per Section 20.10.B.1, a Major Amendment to an M-1 Detailed Planned Unit Development (M-1 DPUD), to revoke the DPUD, adopted via Ordinance Number 98-05 approved by the Elkhart County Commissioners.

Also;

Per Section 29.11.B, Map Amendments, a request to rezone two parcels located at 2704 Toledo Road and Vacant Lot Toledo Road (west of Middleton Run Road, north side) from B-3, Service Business District and PUD, Planned Unit Development (M-1 Standards) to M-1, Limited Manufacturing District.

Existing Zoning: B-3, Service Business District and PUD, Planned Unit Development (M-1 Standards)

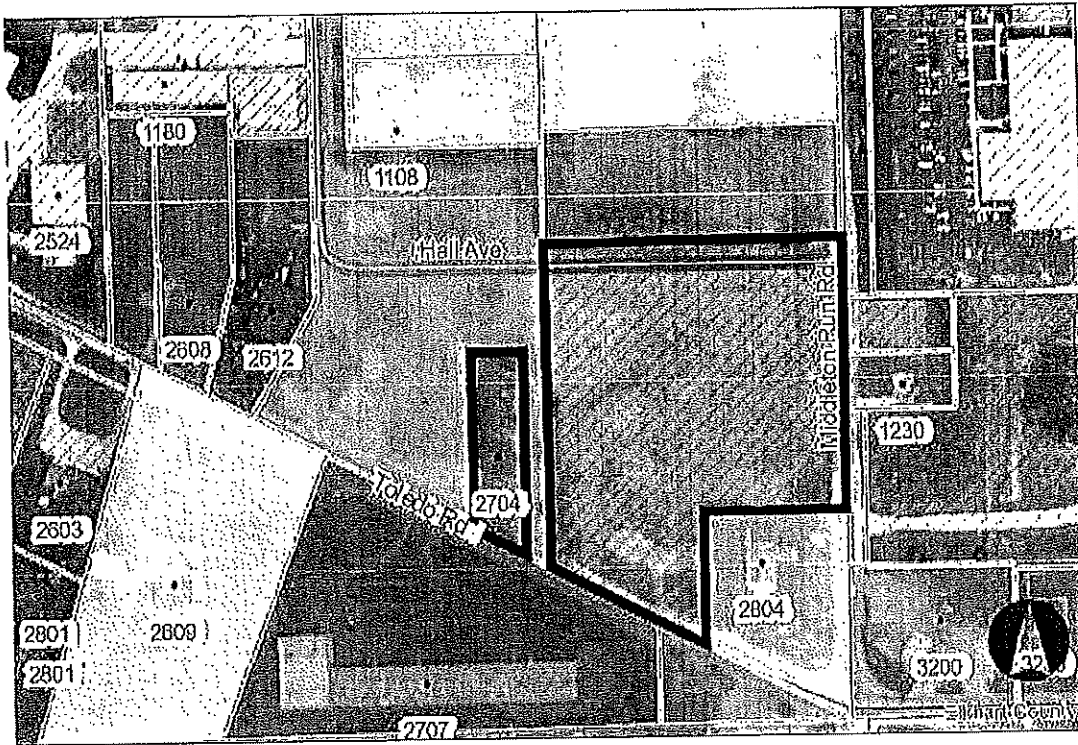
Size: 2704 Toledo Road: +/- .5 Acres
Vacant Lot, Toledo Road: +/- 5.5

Thoroughfares: Toledo Road and Middleton Run Road

School District: Concord Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:
The property is located on a mixed commercial and industrial corridor. Property to the north and west is vacant zoned M-1. Land to the south is commercial zoned B-1, B-2, and B-3; land to the east is residential and industrial zoned PUD.



Applicable Sections of the Zoning Ordinance:

See enumerated in request.

Comprehensive Plan:

The Comprehensive Plan does not yet take this area into account but it is anticipated to call for this area to be used for commercial and industrial uses.

Staff Analysis

The petitioners own two noncontiguous parcels along the Toledo Road corridor immediately west of Middleton Run Road; the eastern parcel also fronts on Middleton Run Road. A potential buyer intends to redevelop these two parcels along with an adjacent parcel that is already zoned M-1 into a complex for warehousing. The existing zoning at 2704 Toledo Road, which is currently occupied by a tile company in a converted residential building, is zoned B-3, and the vacant parcel is a PUD which uses the M-1 standards.

In order to facilitate this development, which would include a demolition of the property at 2704 Toledo Road, the petitioners wish to rezone these two parcels to M-1 to make it consistent with the parcel to the west which will also be part of the development. The petitioners' agent has worked with staff to determine the best course forward, and staff has reviewed a preliminary, conceptual site plan which would generally adhere to the proposed zoning district's requirements.

The vacant lot that is currently a PUD was approved by the Elkhart County Commissioners' ordinance number 98-05 prior to the area's annexation in 2015. By city ordinance, PUDs are intended "to encourage quality land development and site design without the use of typical zoning standards."

When this PUD, which was classified as a DPUD (Detailed Planned Unit Development) under the county's zoning ordinance, was established, a proposed site plan was approved as part of the ordinance. The ordinance itself has few stipulations other than that the base district is M-1. Over two decades have passed and the property was never developed to the approved site plan. The new proposed plan differs from the adopted site plan, meaning that the petitioners had the option to either revise the final site plan by ordinance or rezone the

property by ordinance. Staff recommended the latter since the property is proposed to be part of a larger development, and taking that action would consolidate a larger area into a single zoning district.

This request would both revoke the existing PUD and rezone both parcels to the M-1, Limited Manufacturing District. The properties front on Toledo Road, which is a mixed industrial and commercial corridor, and also borders on a large industrial area to the north. While the intent is to develop it as a warehouse, with any rezoning it's important to take into consideration the range of uses allowed in a rezone. In this case, the M-1 is a limited manufacturing district with landscaping requirements along arterial roads. M-1 uses are similar to adjacent uses to the north and are unlikely to have a negative impact on adjacent business properties.

Recommendation

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

- 1) It is anticipated that once the Future Land Use map is adopted the request will be in keeping with the comprehensive plan which will call for the area to be developed with commercial and industrial uses.
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because it will be compatible to adjacent commercial and industrial uses and landscaping along Toledo Road will be required.
- 3) The M-1 District does allow for the most desirable uses for which the land can be adapted since the site will accommodate a number of permitted M uses that are compatible with the area.
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because the land will be developed to current standards, be in active use, and be compatible with adjacent properties.
- 5) The rezoning of the property to M-1, Limited Manufacturing District is compatible with the surrounding properties and does reflect responsible growth and development.

Conditions

If the Plan Commission chooses to approve this request, staff recommends the following conditions be placed upon the approval:

1. Any site development shall be submitted and approved through Technical Review prior to permitting.

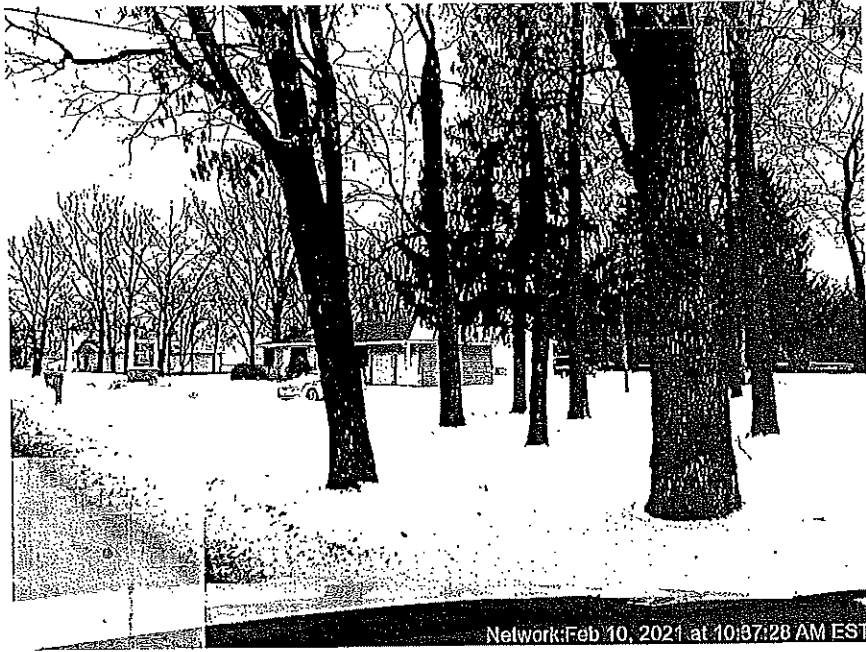
Photos



Network:Feb 10, 2021 at 10:33:23 AM EST



Network:Feb 10, 2021 at 10:33:20 AM EST



Attachments

Petition, appeal letter, and site plan.

PETITION NUMBER: 21-2-02

Date Filed: 2/3/21

**PETITION
to the PLAN COMMISSION**

Petition Type:

Rezoning* PUD PUD Amendment*
 Annexation* Final Site Plan Subdivision
 Wireless Communications Facility

*Denotes that this action requires final approval from the Common Council

Property Owner(s): Mitchell Jellison Associates, Inc.
Mailing Address: PO Box 1582, Elkhart, Indiana 46515-1582
Phone: _____ email: _____

Property Owner(s): Glenn W. Lemmon
Mailing Address: 2704 Toledo Road, Elkhart, Indiana 46516
Phone: _____ email: _____

Contact Person: Lang, Feeney & Associates, Inc. Terry Lang
Address: 715 S. Michigan Street, South Bend, Indiana 46601
Phone: 574-233-1841 email: Terry@LangFeeney.com

Subject Property Address: v/l at 22687 & 23605 US 20 and 2704 Toledo Road
Zoning: PUD Present Use: Vacant land and Flooring Store
Proposed Use: Rezone to M-1 manufacturing for metal fabrication

Checklist (✓) for submittal of the Petition to the Plan Commission docket: you must include:

- One copy of the required Petition Letter signed in ink by the owner of the property.
- A completed Petition form other than the legal owner of the legal owner's attorney files the appeal, written authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, smaller than 11" x 17". If larger than 11" x 17", 12 copies must be submitted.
- Cash or Check made payable to the City of Elkhart.
- Any other information listed in the Instructions and Filing Procedure for your type of Petition.

Optional: any supplementary information you wish to include.

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) Mitchell Jellison Associates, Inc. by (print here)

SIGNATURE Brett M Jellison

PRINT NAME Brett M Jellison

PROPERTY OWNER(S) Glenn W. Lemmon

SIGNATURES Glenn W. Lemmon

[Signature]

2/3/21

RECEIVED BY: _____ DATE: _____

Remit To:
CITY OF LEKHART – OFFICE OF PLANNING & DEVELOPMENT – Planning Services Division
Municipal Building, 229 S. Second Street, Elkhart, Indiana 46516

(staff to complete)

Ordinance Requirement: Section(s): _____

MAP #: _____ AREA: _____

February 5, 2021

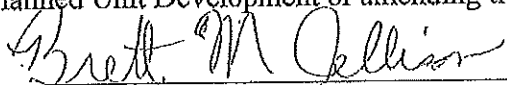
TO: Honorable Members of the City Council
and Plan Commission
City of Elkhart, Indiana

RE: Rezoning

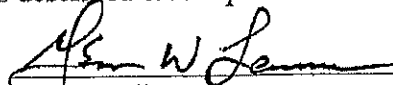
The undersigned petitioner respectfully shows the Council and Plan Commission:

1. We, Mitchell Jellison Associates, Inc. a Indiana Corporation and Glenn W. Lemmon, owners of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:
(see attached)
2. The above described real estate presently has a zoning classification of a PUD Planned Unit Development District under the Zoning Ordinance of the City of Elkhart.
3. Petitioners presently occupies the above described property in the following manner:
The commercial business that is a flooring store shall be removed and new construction of a metal manufacturing facility shall be erected with ample room for future expansion. The site shall include retention basin and parking lots.
4. Petitioners desires to rezone said real estate to M-1 Manufacturing District for the purpose of building a metal fabricating business with additional areas for future expansion.
5. Is in accordance with Comprehensive Plan: Yes, this shall follow the continuity of the surrounding area and stay within the City's Comprehensive Plan.
Current conditions and the character of current structures and uses in each district: This new construction is an expansion of the existing manufacturing facility in close proximity and will meet the guidelines of the M-1 manufacturing ordinance.
The most desirable use for which the land in each district is adapted: Manufacturing companies exist with this area, this additional facility is well suited for the needs within the area.
The conservation of property values throughout the jurisdiction: This new construction shall closely follow the continuity of the surrounding area and shall not adversely affect the use and value of the area adjacent to the property.
Responsible growth and development: The new development will not be injurious to the public health, safety, morals and general welfare of the community. This shall help promote positive growth.

WHEREFORE, Petitioners pray 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 the above described parcel of land located in the City of Elkhart to Planned Unit Development or amending the PUD as described on the petition.



Mitchell Jellison Associates, Inc.
a Indiana Corporation



Glenn W. Lemmon

by (print name) Brett M Jellison

Contact Person: Terance D. Lang, PS
Lang, Feeney & Associates, Inc.
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841 – Terry@LangFeeney.com

City of Elkhart
Office of Planning & Development
Municipal Building
229 S. Second Street
Elkhart, Indiana 46516

RE: Rezoning Petition – 2704 Toledo Road and adjacent vacant land


To the Committee:

Please be advised that Lang, Feeney & Associates, Inc. has been directed to represents my interest of all filing, petition revisions and public hearing for the above-mentioned rezoning petition.



Mitchell Jellison Associates, Inc.

(print name) Brett M. Jellison



Glenn W. Lemmon

Legal Description:

Two parcels of land located in part of the Northwest Quarter of Section 11, Township 37 North, Range 5 East, City of Elkhart, Concord Township, Elkhart County, Indiana and being Parcel 1 with 5.53 acres and Parcel 2 being 0.59 acre parcel described by Lang, Feeney & Associates, Inc. Terance D. Lang, Indiana Professional Surveyor No. 80040523 and shown on a rezoning site plan of that described, certified on February 2, 2021 as 141-26 and being more particularly described as follows:

Parcel 1: Commencing at the southeast corner of said Northwest Quarter of Section 11; thence North 62°36'32" West along the centerline Toledo Road (Old US Highway 20), a distance of 259.21 feet to the point of beginning, said point being the southwest corner of a parcel of land conveyed to Concord Township as shown in the Office of the Recorder of Elkhart County, Indiana; thence continuing North 62°36'32" West along said centerline, a distance of 280.44 feet; thence North 00°15'32" West, a distance of 507.41 feet to the southwest corner of a parcel of land conveyed to Chapter 19 Disabled American Veterans as shown in said Recorder's Office; thence North 89°56'28" East along the south line of said parcel, a distance of 480.49 feet to a point on the east line of aforesaid Northwest Quarter of Section 11; thence South 00°04'20" East along said east line, a distance of 425.86 feet to the northeast corner of a parcel of land conveyed to said Concord; thence South 89°55'40" West along the north line of said parcel, a distance of 230.00 feet to the northwest corner of said parcel; thence South 00°04'20" East along the west line of said parcel, a distance of 210.76 feet to the point of beginning.

Parcel 2: Commencing at the southeast corner of said Northwest Quarter of Section 11; thence North 62°36'32" West along the centerline Toledo Road (Old US Highway 20), a distance of 570.43 feet to the southeast corner of a parcel of land conveyed to Glenn W. Lemmon as shown in said Recorder's Office as Instrument No. 94 019556, said point being the point of beginning, thence continuing North 62°36'32" West along said centerline, a distance of 99.85 feet to the southwest corner of said parcel; thence North 00°04'44" West along the west line of said parcel, a distance of 268.42 feet to the northwest corner of said parcel; thence North 89°55'16" East along the north line of said parcel, a distance of 88.59 feet to the northeast corner of said parcel; thence South 00°04'44" East along the east line of said parcel, a distance of 314.48 feet to the point of beginning.

Subject to the legal rights of a public highway, any easements, covenants or restrictions of record.

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, CONFIRMING RESOLUTION NO. R-07-21, WHICH DECLARED A CERTAIN AREA IN THE CITY OF ELKHART TO BE AN ECONOMIC REVITALIZATION AREA FOR THE PURPOSE OF GRANTING TAX PHASE-IN BENEFITS TO AMERICAN MILLWORK, LLC \ NICKELL PROPERTIES I, LLC

WHEREAS, on March 1, 2021, the Common Council of the City of Elkhart (the "Common Council"), approved and adopted Resolution No. R-07-21, a resolution entitled "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 American Millwork, LLC \Nickell Properties I, LLC(the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution found and determined that a certain area in the City of Elkhart (the "Area") was an economic revitalization area within the meaning of Indiana Code 6-1.1-12.1, (the "Act") for the purpose of allowing deductions from the assessed value of the new manufacturing equipment (the "New Equipment") to be installed in the Area; and

WHEREAS, pursuant to Section 2.5(b) of the Act, the Common Council has filed the Declaratory Resolution with the Elkhart County Assessor; and

WHEREAS, pursuant to Section 2.5(c)(1) of the Act, the Common Council has published notice of the adoption and substance of the Declaratory Resolution in accordance with Indiana Code 5-3-1 (the "Notice"); and

WHEREAS, pursuant to Section 2.5(c)(2) of the Act, the Common Council has also filed a copy of the Notice and a copy of the Statement of Benefits form filed by the Applicant with the officers of the taxing units who are authorized to fix budgets, tax rates and tax levies in the Area; and

WHEREAS, at a public hearing held by the Common Council on this date, March 1, 2021, at the City Hall, 229 S. Second Street, Elkhart, Indiana, the Common Council heard all persons interested in the proceedings and received any written remonstrances and objections, and considered those remonstrances and objections, if any, and such other evidence presented; and

WHEREAS, the Common Council now desires to take final action and confirm the necessary findings in accordance with Section 2.5 and Section 4.5 of the Act;

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 hearing on this date, March 1, 2021, the Common Council hereby finds that the Declaratory Resolution should be confirmed in its entirety and without modification.

2. This Resolution constitutes final action, pursuant to Section 2.5(c) of the Act, by the Common Council determining the public utility and benefit of the installation of the New Equipment in the Area, and confirming the Declaratory Resolution declaring the Area an economic revitalization area pursuant to the Act.

RESOLVED this ____ day of _____, _____.

H. Brent Curry
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



City of Elkhart, Indiana
the city with a heart

MEMORANDUM

DATE: 3/9/2021
TO: Common Council
FROM: Corporation Counsel John Espar
RE: Proposed Resolution No. 21-R-13
Resolution Confirming the Designation of an Economic Revitalization Area for Purposes of Granting Tax Phase-In Benefits to American Millwork, LLC \ Nickell Properties I, LLC

This Proposed Resolution relates to the Application for Property Tax Phase-In submitted by American Millwork, LLC / Nickell Properties I, LLC for which this Council previously declared an Economic Revitalization Area under Resolution No. R-07-21 at the public meeting held on March 1, 2021.

This Proposed Resolution 21-R-13 confirms the declaration of an Economic Revitalization Area within which American Millwork, LLC \ Nickell Properties I, LLC proposes to invest in new manufacturing equipment to increase economic development in the area and in exchange for which American Millwork, LLC \ Nickell Properties I, LLC seeks to receive tax phase-in benefits.

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,
INDIANA, TO APPROVE A MEMORANDUM OF AGREEMENT BETWEEN THE
CITY OF ELKHART AND AMERICAN MILLWORK, LLC \NICKELL PROPERTIES
I, LLC**

WHEREAS, American Millwork, LLC\Nickell Properties I, LLC, (hereinafter, the “Applicant\Property Owner”) has filed an application with the City of Elkhart (the “City”) requesting that 209 County Road 17, Elkhart, IN 46516, and certain surrounding parcels, situated in Elkhart, Indiana, be designated as an economic revitalization area by the Common Council of the City of Elkhart (the “Common Council”), in accordance with Indiana Code § 6-1.1-12.1, for the purpose of allowing deductions from the assessed value of the installation of new manufacturing equipment (the “New Equipment”); and

WHEREAS, the City’s Tax Abatement Policy requires that the Applicant\Property Owner (jointly and severally, if not the same entity), enter into a written agreement agreeing: (i) to comply with the project description, (ii) to create and retain a certain number of jobs along with the associated wages rates and salaries (as shown in its Application), and (iii) to comply with its Statement of Benefits forms and any other documents submitted in support of its Application; and

WHEREAS, a Memorandum of Agreement (Personal Property) has been prepared and presented to the Common Council for the New Equipment, which Agreement governs the relationship between the City and the Applicant\Property Owner during the term of the tax abatement; and

WHEREAS, the Common Council believes that it is in the best interest of the City to enter into the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, that the attached Memorandum of Agreement (Personal Property) to be entered into between the City and the Applicant\Property Owner is hereby approved by the Common Council.

RESOLVED this ____ day of _____, _____.

H. Brent Curry
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

MEMORANDUM OF AGREEMENT

Personal Property

This Memorandum of Agreement (“Agreement”) serves as a confirmation of the good-faith commitment by American Millwork, LLC/Nickell Properties I, LLC, (hereinafter, the “Applicant”) to use its reasonable best efforts to implement the Project as described, to create and retain the jobs and pay the wages specified in the Applicant’s Property Tax Phase-In Application for designation of certain real property as an Economic Revitalization Area, (“Application”), and the Statement of Benefits Personal Property Improvement (Form SB-1 Personal Property, as the same may have been amended, herein after “Statement of Benefits”), and to fulfill its obligations set forth within this Agreement (“Applicant’s Commitment”).

1. Commitments of City and Applicant:

(a) Subject to the requirements under Indiana Code 6-1.1-12.1-3, the City of Elkhart, Indiana (“City”), acting by and through its Common Council, agrees to approve a deduction from the assessed value of the proposed installation of new manufacturing equipment for three (3) years (consecutive) on the Applicant’s real property to be located at 209 County Road 17, Elkhart, IN 46516 (hereinafter, the “Subject Property”), which is more specifically described in Exhibit A of this Agreement. The amount of the deduction from the assessed value of the Subject Property shall be according to the deduction schedule shown in Exhibit B of this Agreement (hereinafter, the “Tax Phase-In”). The Tax Phase-In shall start with the first year in which the assessed value of the Subject Property increases because of the proposed new manufacturing equipment. The Applicant acknowledges and agrees that the designation of the Subject Property as an economic revitalization area expires on December 31, 2023, and the Project (as hereafter defined) must be completed by then for the Applicant to be or remain eligible to receive the Tax Phase-In benefits.

(b) Subject to Section 4 herein, the Applicant agrees that by August 1, 2021, it will make a total capital expenditure of Two Million Six Hundred Thousand dollars (\$2,600,000.00) associated with the investment of new manufacturing equipment designed to rip, chop and scan work at the Subject Property (the “New Equipment”), which will create at least one (1) new full-time permanent positions with an average annual salary of no less than \$45,760.00, while retaining one hundred four (104) jobs with an average annual salary of no less than \$44,800.00, based on two thousand forty hours (2,040) annually. The Applicant further agrees to contribute fifteen percent (15%) of the amount of personal property taxes abated under the Tax Phase-In, which payment will be collected by the Elkhart County Treasurer as set forth in the tax invoice statement and remitted to the City. Payment of the contribution shall (1) coincide with the due date of property tax payments in Elkhart County as set forth in Indiana Code 6-1.1-22-9(a), and (2) shall be due and payable the first time in the year following the first year in which the assess value of the subject property increases by reason of the Project and shall continue and each year thereafter during the term of the Tax Phase-In deduction period set forth in Exhibit B, unless modified by agreement of the City of Elkhart and the Applicant.

2. Applicant’s Compliance with City and State Laws: During the term of the Tax Phase-In, the Applicant shall use its good-faith efforts to comply with all applicable provisions of Indiana Code 6-1.1-12.1. Also, during the term of the Tax Phase-In, the City may annually request information from the Applicant concerning the nature of the Project, the costs of the Project and the amount of and average wages for the jobs, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request (“Annual Survey”). The City shall utilize this information and the information provided by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has complied with the commitments contained in Applicant’s Commitment at all times after the

date thereof until the expiration of the Tax Phase-In. The Applicant further agrees to provide the City with such additional information reasonably requested by the City related to the information provided in the Annual Survey and the CF-1 form within fifteen (15) days following any such additional request.

3. Substantial Compliance and Rights of Termination: The City reserves the right to terminate the Economic Revitalization Area designation and the associated Tax Phase-In if it determines that the Applicant has not substantially complied with all of the Applicant's Commitment, and the Applicant's failure to substantially comply with Applicant's Commitment was not due to factors beyond its control. As used in this Agreement, substantial compliance shall mean: by August 1, 2021, (1) making capital expenditures of not less than Ninety-Five Percent (95%) of the capital expenditures referenced in Section 1 above for the Project, (2) creating not less than Ninety-five Percent (95%) of the jobs referenced in Section 1 above, and (3) those new jobs will have an average annual salary of at least \$45,760.00, excluding benefits, while retaining the jobs referenced in Section 1 of this Agreement and at the specified average annual rate of pay.

4. Factors Beyond Applicant's Control: As used in this Agreement, factors beyond the control of the Applicant shall only include factors that: (i) are not reasonably foreseeable at the time of designation, application, and submission of the Statement of Benefits; (ii) are not caused by any grossly negligent act or omission of the Applicant; and (iii) do not materially and adversely affect the ability of the Applicant to substantially comply with this Agreement.

5. Repayment of Tax Phase-In Savings:

(a) During the term of this Agreement, if the Applicant: (i) is delinquent or in default for a period of sixty (60) days with respect to any tax payment due in Elkhart County, Indiana; or (ii) ceases operations at the facility for which the Tax Phase-In was granted for a period longer than thirty (30) consecutive days (other than a temporary cessation of operations in the Applicant's normal course of business or as a result of a force majeure event); or (iii) announces the cessation of operations at such facility for a period longer than thirty (30) consecutive days (other than a temporary cessation of operations in the Applicant's normal course of business or as a result of a force majeure event), then the City may terminate the Economic Revitalization Area designation and associated Tax Phase-In benefits, and upon such termination, require the Applicant to repay all of the Tax Phase-In benefits received through the date of such termination, so long as it follows the procedures set forth in Section 7. Such repayment of received benefits shall be calculated as provided in Section 5(b). The amount of benefit repayment shall be measured against the level of noncompliance.

(b) In the event the City terminates this Agreement in accordance with this Section 5, the Applicant will be required to repay only that percentage of the Tax Phase-In benefits received through the date of termination that is equal to the percentage of the Applicant's noncompliance with Section 1 above, less the fifteen percent (15%) tax savings to the City. For purposes of this Agreement, the percentage of the Applicant's noncompliance with Section 1 above shall be calculated as follows: the amount of actual investment in each particular category (average annual salary, number of jobs, and personal property investment) shall be divided by the corresponding established amount for substantial compliance in that category to determine the compliance rate. The compliance rate then shall be subtracted from 100% to determine the percentage of noncompliance. The percentage of noncompliance shall equal the percentage of benefit repayment.

Example: If an applicant promises 100 jobs, 95 jobs represent substantial compliance, and 85 jobs are actually created, then the percentage of benefit repayment is the following: 85

actual jobs created ÷ 95 jobs representing substantial compliance = 89.47% compliance rate. 100% - 89.47% compliance rate = 10.53% noncompliance rate
10.53% of received benefit will be repaid, less a credit for the 15% remitted to the City's Tax Phase-In Development Fund.

If the Applicant fails to achieve substantial compliance in more than one category, the category with the lowest compliance rate will be used to determine the repayment percentage.

6. Assessment Appeals. Neither the Applicant, nor its successors and assigns, shall file any property tax assessment appeal, review, or other challenge of the property tax assessment made for the Project involved during the term of the Tax Phase-In unless one of the following conditions occurs during the deduction period:

(a) the original assessment for the Project as determined by the Elkhart County Assessor ("Assessor") is in excess of the total capital expenditure for the Project as set forth in Section 1 of this Agreement; or

(b) a trending assessment or a reassessment by the Assessor increases the assessment for the Project by more than fifteen percent (15%) from one year to the next year, or by more than an average of ten percent (10%) per year over two (2) or more years.

7. Notice/Hearing of Termination: In the event that the City determines in accordance with Section 5 above that (i) the Economic Revitalization Area designation and associated Tax Phase-In benefits should be terminated or (ii) that all or a portion of the Tax Savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the Tax Phase-In benefits should not be terminated and/or repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty (30) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the Tax Phase-In benefits termination and/or repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the Tax Phase-In termination and/or repayment action is proper, the Applicant shall be provided with written notice and a hearing before the Common Council. Before any final action shall be taken terminating the Tax Phase-In and/or requiring repayment of Tax Phase-In benefits, any such action shall be subject to judicial review under Indiana Code 6-1.1-12.1-5.9(e).

8. Repayment: In the event the City requires repayment of the Tax Phase-In benefits as provided following the procedures set forth in Section 7 hereunder, it shall provide Applicant with a written statement calculating the amount due ("Statement"), and the Applicant shall repay its actual amount of Tax Phase-In benefits to the City within thirty (30) days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys' fees incurred in the enforcement and collection of the Tax Phase-In benefits required to be repaid hereunder.

9. Modification/Entire Agreement: This Agreement and any schedules attached hereto contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the Tax Phase-In are solely the responsibility of the Applicant.

10. Waivers: Neither the failure, nor any delay on the part of the City to exercise any right, remedy, power or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power, or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

11. Governing Laws of Indiana: This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

12. Applicant's Consent to Jurisdiction: The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the Elkhart County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

13. Notices: All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand, by facsimile (with confirmation by registered or certified mail), on the next business day following the mailing by a nationally recognized overnight commercial courier, or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:

American Millwork, LLC
Vaughn Nickell
CEO/Owner
4840 Beck Drive
Elkhart, IN 46516

Nickell Properties I, LLC
Vaughn Nickell
CEO/Owner
51147 Maplewood Drive
Elkhart, IN 46514-6208

If to the City of Elkhart:

Office of the Mayor
229 S. Second Street
Elkhart, Indiana 46516

Copy to:

Elkhart Common Council
c/o Administrative Assistant to the Council
229 S. Second Street
Elkhart, Indiana 46516

14. Assignment and Transfer Prohibited: This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld.

15. Valid and Binding Agreement: This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each party confirms that each person so executing it has been duly authorized to execute this

Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

16. Severability: The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

17. No Personal Liability: No official, director, officer, employee or agent of the City shall be charged personally by the Applicant, its employees or agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

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

APPLICANT:

American Millwork, LLC
4840 Beck Drive
Elkhart, IN 46516

Nickell Properties I, LLC
51147 Maplewood Drive
Elkhart, IN 46514-6208

By:

Vaughn Nickell
CEO/Owner

Vaughn Nickell
CEO/Owner

CITY OF ELKHART:

By:

Attest:

H. Brent Curry
President of the Elkhart Common Council

Debra Barrett
Elkhart City Clerk

By:

Attest:

Rod Roberson
Mayor of the City of Elkhart

Debra Barrett
Elkhart City Clerk

Approved as to form:

John M. Espar
Corporation Counsel for the City of Elkhart

Exhibit A
Description of Real Property

(Economic Revitalization Area and Project Area)

Legal Description:

PART OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 5 EAST, SITUATE IN CONCORD TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 36; THENCE NORTH 89 DEGREES 39 MINUTES WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 36, A DISTANCE OF 876.27 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00 DEGREES 21 MINUTES EAST A DISTANCE OF 592.79 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CONSOLIDATE RAILROAD CORPORATION RAILROAD RIGHT-OF-WAY; THENCE SOUTH 70 DEGREES 29 MINUTES WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD A DISTANCE OF 1744.37 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 36; THENCE SOUTH 89 DEGREES 39 MINUTES EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 36, A DISTANCE OF 1640.56 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

CONTAINING APPROXIMATELY 11.16 ACRES OF LAND

Address:

209 County Road 17,
Elkhart, IN 46516

Parcel Identification Number(s):

20-02-36-453-005.000-011

Exhibit B

Tax Deduction Schedule

YEAR EQUIPMENT INSTALLED IN THE IN THE ERA	2021 Payable 2022	2022 Payable 2023	2023 Payable 2024	2024 Payable 2025	2025 Payable 2026	2026 Payable 2027
2021	100%	66%	33%	-	-	-
2022	-	100%	66%	33%	-	-
2023	-	-	100%	66%	33%	-



City of Elkhart, Indiana
the city with a heart
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## MEMORANDUM

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**DATE:** 3/10/2021  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 21-R-14  
A Resolution Approving the Memorandum of Agreement with American Millwork, LLC\Nickell Properties I, LLC for Tax Phase-In Benefits

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This resolution relates to the Application for Property Tax Phase-In submitted by American Millwork, LLC\Nickell Properties I, LLC which was first considered by this Council at its public meeting held on March 1, 2021.

Proposed Resolution 21-R-14 approves the corresponding agreement by which American Millwork, LLC\Nickell Properties I, LLC will enjoy tax phase-in benefits for the investments made in the economic revitalization area. The Memorandum of Agreement likewise establishes the legal responsibilities and legal obligations imposed upon American Millwork, LLC\Nickell Properties I, LLC in exchange for the tax phase-in benefits granted by the City.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, TO APPROVE TWO MEMORANDA OF AGREEMENTS BETWEEN THE  
CITY OF ELKHART AND ALLIANCE RV, LLC \3 CREEK, LLC**

---

WHEREAS, Alliance RV, LLC\3 Creek, LLC, (hereinafter, the “Applicant”) has filed an application with the City of Elkhart (the “City”) requesting that the property commonly known as 350 Benchmark Drive, Elkhart, IN 46516, be designated as an economic revitalization area by the Common Council of the City of Elkhart (the “Common Council”), in accordance with Indiana Code 6-1.1-12.1, for the purpose of allowing deductions from the assessed value of the proposed real estate improvements (the “Project”) and the proposed installation of manufacturing equipment (the “New Equipment”) in the proposed economic revitalization area; and

WHEREAS, the City’s Tax Abatement Policy requires that the Applicant\Property Owner (jointly and severally, if not the same entity), enter into a written agreement agreeing: (i) to comply with the project description, (ii) to create and retain a certain number of jobs along with the associated wages rates and salaries (as shown in its Application), and (iii) to comply with its Statement of Benefits forms and any other documents submitted in support of its Application; and

WHEREAS, a Memorandum of Agreement (Real Property) and a Memorandum of Agreement (Personal Property) have been prepared and presented to the Common Council for the Project and the New Equipment, respectively, which Agreements govern the relationship between the City and the Applicant\Property Owner during the term of the tax abatement; and

WHEREAS, the Common Council believes that it is in the best interest of the City to enter into these agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, that the attached Memorandum of Agreement (Real Property) and the attached Memorandum of Agreement (Personal Property) to be entered into between the City and the Applicant\Property Owner are hereby approved by the Common Council.

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
H. Brent Curry  
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

## MEMORANDUM OF AGREEMENT

### Real Estate

This Memorandum of Agreement (“Agreement”) serves as a confirmation of the good-faith commitment by Alliance RV, LLC 3 Creek, LLC, (hereinafter, the “Applicant”) to use its reasonable best efforts to implement the Project as described, to create and retain the jobs and pay the wages specified in the Applicant’s Property Tax Phase-In Application for designation of certain real property as an Economic Revitalization Area, (“Application”), and the Statement of Benefits Real Property Improvement (Form SB-1 Real Property), herein after “Statement of Benefits”), and to fulfill its obligations set forth within this Agreement (“Applicant's Commitment”).

#### 1. Commitments of City and Applicant:

(a) Subject to the requirements under Indiana Code 6-1.1-12.1-3, the City of Elkhart, Indiana ("City"), acting by and through its Common Council, agrees to approve a deduction from the assessed value of the proposed development of the real estate for seven (7) years (consecutive) on the Applicant’s real property commonly known as 350 Benchmark Drive, Elkhart, IN 46516 (hereinafter, the “Subject Property”), which is more specifically described in Exhibit A of this Agreement. The amount of the deduction from the assessed value of the Subject Property shall be according to the deduction schedule shown in Exhibit B of this Agreement (hereinafter, the “Tax Phase-In”). The Tax Phase-In shall start with the first year in which the assessed value of the Subject Property increases because of the proposed development. The Applicant acknowledges and agrees that the designation of the Subject Property as an economic revitalization area expires on December 31, 2023, and the Project (as hereafter defined) must be completed by then in order for the Applicant to be or remain eligible to receive the Tax Phase-In benefits.

(b) Subject to Section 4 herein, the Applicant agrees that by June 1, 2022, it will make a total capital expenditure of Fifteen Million Dollars (\$15,000,000.00) to improve the Subject Property with new building construction and related improvements at the Subject Property (the “Project”), which will create at least 85 new full-time permanent positions with an average annual salary of no less than \$58,240.00, while retaining 175 jobs with an average annual salary of no less than \$67,200.00, based on two thousand forty hours (2,040) annually. The Applicant further agrees to contribute fifteen percent (15%) of the amount of real property taxes abated under the Tax Phase-In, which payment will be collected by the Elkhart County Treasurer as set forth in the tax invoice statement and remitted to the City. Payment of the contribution shall (1) coincide with the due date of property tax payments in Elkhart County as set forth in Indiana Code 6-1.1-22-9(a), and (2) shall be due and payable the first time in the year following the first year in which the assess value of the subject property increases by reason of the Project and shall continue and each year thereafter during the term of the Tax Phase-In deduction period set forth in Exhibit B, unless modified by agreement of the City of Elkhart and the Applicant.

2. Applicant’s Compliance with City and State Laws: During the term of the Tax Phase-In, the Applicant shall use its good-faith efforts to comply with all applicable provisions of Indiana Code 6-1.1-12.1. Also, during the term of the Tax Phase-In, the City may annually request information from the Applicant concerning the nature of the Project, the costs of the Project and the amount of and average wages for the jobs, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request ("Annual Survey"). The City shall utilize this information and the information provided by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has complied with the obligations contained in Applicant's Commitment at all times after the date thereof until the expiration of the Tax Phase-In. The Applicant further agrees to provide the City with such additional information reasonably requested by the City related to the information provided in the Annual Survey and the CF-1 form within fifteen (15) days following any such additional request.

3. Substantial Compliance and Rights of Termination: The City reserves the right to terminate the Economic Revitalization Area designation and the associated Tax Phase-In if it determines that the Applicant has not substantially complied with Applicant's Commitment, and the Applicant's failure to substantially comply with Applicant's Commitment was not due to factors beyond its control. As used in this Agreement, substantial compliance shall mean: by June 1, 2022, (1) making capital expenditures of not less than Ninety-Five Percent (95%) of the capital expenditures referenced in Section 1 above for the Project, (2) creating not less than Ninety-five Percent (95%) of the jobs referenced in Section 1 above, and (3) those new jobs will have an average annual salary of at least \$58,240.00, excluding benefits, while retaining the jobs referenced in Section 1 of this Agreement and at the specified average annual rate of pay.

4. Factors Beyond Applicant's Control: As used in this Agreement, factors beyond the control of the Applicant shall only include factors that: (i) are not reasonably foreseeable at the time of designation, application, and submission of the Statement of Benefits; (ii) are not caused by any grossly negligent act or omission of the Applicant; and (iii) do not materially and adversely affect the ability of the Applicant to substantially comply with this Agreement.

5. Repayment of Tax Phase-In Savings:

(a) During the term of this Agreement, if the Applicant: (i) is delinquent or in default for a period of sixty (60) days with respect to any tax payment due in Elkhart County, Indiana; or (ii) ceases operations at the facility for which the Tax Phase-In was granted for a period longer than thirty (30) consecutive days (other than a temporary cessation of operations in the Applicant's normal course of business or as a result of a force majeure event); or (iii) announces the cessation of operations at such facility for a period longer than thirty (30) consecutive days (other than a temporary cessation of operations in the Applicant's normal course of business or as a result of a force majeure event), then the City may terminate the Economic Revitalization Area designation and associated Tax Phase-In benefits, and upon such termination, require the Applicant to repay all of the Tax Phase-In benefits received through the date of such termination, so long as it follows the procedures set forth in Section 7. Such repayment of received benefits shall be calculated as provided in Section 5(b). The amount of benefit repayment shall be measured against the level of noncompliance.

(b) In the event the City terminates this Agreement in accordance with this Section 5, the Applicant will be required to repay only that percentage of the Tax Phase-In benefits received through the date of termination that is equal to the percentage of the Applicant's noncompliance with Section 1 above, less the fifteen percent (15%) tax savings to the City. For purposes of this Agreement, the percentage of the Applicant's noncompliance with Section 1 above shall be calculated as follows: the amount of actual investment in each category (average annual salary, number of jobs, and personal property investment) shall be divided by the corresponding established amount for substantial compliance in that category to determine the compliance rate. The compliance rate then shall be subtracted from 100% to determine the percentage of noncompliance. The percentage of noncompliance shall equal the percentage of benefit repayment.

Example: If an applicant promises 100 jobs, 95 jobs represent substantial compliance, and 85 jobs are created, then the percentage of benefit repayment is the following: 85 actual jobs created ÷ 95 jobs representing substantial compliance = 89.47% compliance rate. 100% - 89.47% compliance rate = 10.53% noncompliance rate  
10.53% of received benefit will be repaid, less a credit for the 15% remitted to the City's Tax Phase-In Development Fund.

If the Applicant fails to achieve substantial compliance in more than one category, the category with the lowest compliance rate will be used to determine the repayment percentage.

6. Assessment Appeals. Neither the Applicant, nor its successors and assigns, shall file any property tax assessment appeal, review, or other challenge of the property tax assessment made for the Project involved during the term of the Tax Phase-In unless one of the following conditions occurs during the deduction period:

(a) the original assessment for the Project as determined by the Elkhart County Assessor (“Assessor”) is in excess of the total capital expenditure for the Project as set forth in Section 1 of this Agreement; or

(b) a trending assessment or a reassessment by the Assessor increases the assessment for the Project by more than fifteen percent (15%) from one year to the next year, or by more than an average of ten percent (10%) per year over two (2) or more years.

7. Notice/Hearing of Termination: In the event that the City determines in accordance with Section 5 above that (i) the Economic Revitalization Area designation and associated Tax Phase-In benefits should be terminated or (ii) that all or a portion of the Tax Savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City’s designated representatives to show cause why the Tax Phase-In benefits should not be terminated and/or repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty (30) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the Tax Phase-In benefits termination and/or repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the Tax Phase-In termination and/or repayment action is proper, the Applicant shall be provided with written notice and a hearing before the Common Council. Before any final action shall be taken terminating the Tax Phase-In and/or requiring repayment of Tax Phase-In benefits, any such action shall be subject to judicial review under Indiana Code 6-1.1-12.1-5.9(e).

8. Repayment: In the event the City requires repayment of the Tax Phase-In benefits as provided following the procedures set forth in Section 7 hereunder, it shall provide Applicant with a written statement calculating the amount due (“Statement”), and the Applicant shall repay its actual amount of Tax Phase-In benefits to the City within thirty (30) days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys’ fees incurred in the enforcement and collection of the Tax Phase-In benefits required to be repaid hereunder.

9. Modification/Entire Agreement: This Agreement and any schedules attached hereto contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that all filings required to be made or actions required to be taken to initiate or maintain the Tax Phase-In are solely the responsibility of the Applicant.

10. Waivers: Neither the failure, nor any delay on the part of the City to exercise any right, remedy, power or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence or be construed as a waiver of

such right, remedy, power, or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

11. Governing Laws of Indiana: This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

12. Applicant's Consent to Jurisdiction: The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the Elkhart County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

13. Notices: All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand, by facsimile (with confirmation by registered or certified mail), on the next business day following the mailing by a nationally recognized overnight commercial courier, or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:

Alliance RV, LLC  
Steve Brunson  
Principal  
201 N. Illinois Street Suite 1000  
Indianapolis, IN 46204

3 Creek, LLC  
Coley Brady  
Owner\CEO  
51891 Meadow Ridge Ct.  
Granger, IN 46530

If to the City of Elkhart:

Office of the Mayor  
229 S. Second Street  
Elkhart, Indiana 46516

Copy to:

Elkhart Common Council  
c/o Administrative Assistant to the Council  
229 S. Second Street  
Elkhart, Indiana 46516

14. Assignment and Transfer Prohibited: This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld.

15. Valid and Binding Agreement: This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each party confirms that each person so executing it has been duly authorized to execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

16. Severability: The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or



unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

17. No Personal Liability: No official, director, officer, employee or agent of the City shall be charged personally by the Applicant, its employees or agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

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

APPLICANT:

Alliance RV, LLC  
201 N. Illinois Street Suite 1000  
Indianapolis, IN 46204

3 Creek, LLC  
51891 Meadow Ridge Ct.  
Granger, IN 46530

By:

\_\_\_\_\_  
Steve Brunson  
Principal

\_\_\_\_\_  
Coley Brady  
Owner\CEO

CITY OF ELKHART:

By:

Attest:

\_\_\_\_\_  
H. Brent Curry  
President of the Elkhart Common Council

\_\_\_\_\_  
Debra Barrett  
Elkhart City Clerk

By:

Attest:

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

\_\_\_\_\_  
Debra Barrett  
Elkhart City Clerk

Approved as to form:

\_\_\_\_\_  
John M. Espar  
Corporation Counsel for the City of Elkhart

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

(Economic Revitalization Area and Project Area)

**Legal Description:**

SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 1247.08 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 13 MINUTES 48 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 1037.79 FEET TO THE NORTHEAST CORNER OF THE LANDS OF ERMON AND MAXINE BECK AS DESCRIBED IN DEED VOL. 391, PG. 925, SAID POINT MONUMENTED BY A 5/8-INCH REBAR WITH "SCHNAARS" IDENTIFICATION; THENCE SOUTH 89 DEGREES 04 MINUTES 05 SECONDS WEST, ALONG THE NORTH LINE OF SAID LANDS OF BECK, A DISTANCE OF 22.82 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER, SAID POINT MONUMENTED BY A MAG SPIKE WITH "BERTSCH-FRANK & ASSOCIATES FIRM #0081" IDENTIFICATION; THENCE NORTH 00 DEGREES 46 MINUTES 39 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 985.37 FEET TO THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 5 EAST, SAID POINT MONUMENTED BY A CAST-IRON "HARRISON" MONUMENT FOUND IN AGREEMENT WITH ELKHART COUNTY SURVEYOR'S RECORD WITNESS; THENCE NORTH 00 DEGREES 32 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 48.33 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE EAST, SAID POINT MONUMENTED BY A MAG SPIKE WITH "BERTSCH FRANK & ASSOCIATES FIRM #0081" IDENTIFICATION; THENCE NORTH 00 DEGREES 32 MNUTES 17 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 728.57 FEET, TO THE POINT OF BEGINNING, CONTAINING 109.837 ACRES, MORE OR LESS, EXCEPTING THE PLOTTED SUBDIVISION OF 3 CREEK PARK RECORDED IN THE OFFICE OF THE ELKHART COUNTY RECORDER IN PLAT BOOK 38 PAGE 99.

**Address:**

350 Benchmark Drive, Elkhart, IN 46516

**Parcel Identification Number(s):**

20-07-06-151-005.000-039

20-07-06-151-002.000-039

20-07-06-300-001.000-039

**Exhibit B**

**Tax Deduction Schedule**

| <b>YEAR OF<br/>REDEVELOPMENT<br/>AND<br/>REVITALIZATION OF<br/>THE REAL ESTATE</b> | <b>2021<br/>Payable<br/>2022</b> | <b>2022<br/>Payable<br/>2023</b> | <b>2023<br/>Payable<br/>2024</b> | <b>2024<br/>Payable<br/>2025</b> | <b>2025<br/>Payable<br/>2026</b> | <b>2026<br/>Payable<br/>2027</b> | <b>2027<br/>Payable<br/>2028</b> | <b>2028<br/>Payable<br/>2029</b> | <b>2029<br/>Payable<br/>2030</b> | <b>2030<br/>Payable<br/>2031</b> |
|------------------------------------------------------------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| 2021                                                                               | 100%                             | 85%                              | 71%                              | 57%                              | 43%                              | 29%                              | 14%                              | -                                | -                                | -                                |
| 2022                                                                               | -                                | 100%                             | 85%                              | 71%                              | 57%                              | 43%                              | 29%                              | 14%                              | -                                | -                                |
| 2023                                                                               | -                                | -                                | 100%                             | 85%                              | 71%                              | 57%                              | 43%                              | 29%                              | 14%                              | -                                |

## MEMORANDUM OF AGREEMENT

### Personal Property

This Memorandum of Agreement (“Agreement”) serves as a confirmation of the good-faith commitment by Alliance RV, LLC<sup>3</sup> Creek, LLC, (hereinafter, the “Applicant”) to use its reasonable best efforts to implement the Project as described, to create and retain the jobs and pay the wages specified in the Applicant’s Property Tax Phase-In Application for designation of certain real property as an Economic Revitalization Area, (“Application”), and the Statement of Benefits Personal Property Improvement (Form SB-1 Personal Property, as the same may have been amended, herein after “Statement of Benefits”), and to fulfill its obligations set forth within this Agreement (“Applicant's Commitment”).

#### 1. Commitments of City and Applicant:

(a) Subject to the requirements under Indiana Code 6-1.1-12.1-3, the City of Elkhart, Indiana (“City”), acting by and through its Common Council, agrees to approve a deduction from the assessed value of the proposed installation of manufacturing equipment for five (5) years (consecutive) on the Applicant’s real property to be located at 350 Benchmark Drive, Elkhart, IN 46516 (hereinafter, the “Subject Property”), which is more specifically described in Exhibit A of this Agreement. The amount of the deduction from the assessed value of the Subject Property shall be according to the deduction schedule shown in Exhibit B of this Agreement (hereinafter, the “Tax Phase-In”). The Tax Phase-In shall start with the first year in which the assessed value of the Subject Property increases because of the proposed manufacturing equipment. The Applicant acknowledges and agrees that the designation of the Subject Property as an economic revitalization area expires on December 31, 2023, and the Project (as hereafter defined) must be completed by then for the Applicant to be or remain eligible to receive the Tax Phase-In benefits.

(b) Subject to Section 4 herein, the Applicant agrees that by December 31, 2022, it will make a total capital expenditure of One Million Five Hundred Eighty Thousand Dollars (\$1,580,000.00) associated with the investment of manufacturing equipment for coaters, rollers, lifts, loaders/unloaders, hot melt machines, welders, bending/press breaks, etc. at the Subject Property (the “New Equipment”), which will create at least 85 new full-time permanent positions with an average annual salary of no less than \$58,240.00, while retaining 175 jobs with an average annual salary of no less than \$67,200.00, based on two thousand forty hours (2,040) annually. The Applicant further agrees to contribute fifteen percent (15%) of the amount of personal property taxes abated under the Tax Phase-In, which payment will be collected by the Elkhart County Treasurer as set forth in the tax invoice statement and remitted to the City. Payment of the contribution shall (1) coincide with the due date of property tax payments in Elkhart County as set forth in Indiana Code 6-1.1-22-9(a), and (2) shall be due and payable the first time in the year following the first year in which the assess value of the subject property increases by reason of the Project and shall continue and each year thereafter during the term of the Tax Phase-In deduction period set forth in Exhibit B, unless modified by agreement of the City of Elkhart and the Applicant.

2. Applicant’s Compliance with City and State Laws: During the term of the Tax Phase-In, the Applicant shall use its good-faith efforts to comply with all applicable provisions of Indiana Code 6-1.1-12.1. Also, during the term of the Tax Phase-In, the City may annually request information from the Applicant concerning the nature of the Project, the costs of the Project and the amount of and average wages for the jobs, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request (“Annual Survey”). The City shall utilize this information and the information provided by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has complied with the commitments contained in Applicant's Commitment at all times after the date thereof until the expiration of the Tax Phase-In. The Applicant further agrees to provide the City with

such additional information reasonably requested by the City related to the information provided in the Annual Survey and the CF-1 form within fifteen (15) days following any such additional request.

3. Substantial Compliance and Rights of Termination: The City reserves the right to terminate the Economic Revitalization Area designation and the associated Tax Phase-In if it determines that the Applicant has not substantially complied with all of the Applicant's Commitment, and the Applicant's failure to substantially comply with Applicant's Commitment was not due to factors beyond its control. As used in this Agreement, substantial compliance shall mean: by December 31, 2022, (1) making capital expenditures of not less than Ninety-Five Percent (95%) of the capital expenditures referenced in Section 1 above for the Project, (2) creating not less than Ninety-five Percent (95%) of the jobs referenced in Section 1 above, and (3) those new jobs will have an average annual salary of at least \$58,240.00, excluding benefits, while retaining the jobs referenced in Section 1 of this Agreement and at the specified average annual rate of pay.

4. Factors Beyond Applicant's Control: As used in this Agreement, factors beyond the control of the Applicant shall only include factors that: (i) are not reasonably foreseeable at the time of designation, application, and submission of the Statement of Benefits; (ii) are not caused by any grossly negligent act or omission of the Applicant; and (iii) do not materially and adversely affect the ability of the Applicant to substantially comply with this Agreement.

5. Repayment of Tax Phase-In Savings:

(a) During the term of this Agreement, if the Applicant: (i) is delinquent or in default for a period of sixty (60) days with respect to any tax payment due in Elkhart County, Indiana; or (ii) ceases operations at the facility for which the Tax Phase-In was granted for a period longer than thirty (30) consecutive days (other than a temporary cessation of operations in the Applicant's normal course of business or as a result of a force majeure event); or (iii) announces the cessation of operations at such facility for a period longer than thirty (30) consecutive days (other than a temporary cessation of operations in the Applicant's normal course of business or as a result of a force majeure event), then the City may terminate the Economic Revitalization Area designation and associated Tax Phase-In benefits, and upon such termination, require the Applicant to repay all of the Tax Phase-In benefits received through the date of such termination, so long as it follows the procedures set forth in Section 7. Such repayment of received benefits shall be calculated as provided in Section 5(b). The amount of benefit repayment shall be measured against the level of noncompliance.

(b) In the event the City terminates this Agreement in accordance with this Section 5, the Applicant will be required to repay only that percentage of the Tax Phase-In benefits received through the date of termination that is equal to the percentage of the Applicant's noncompliance with Section 1 above, less the fifteen percent (15%) tax savings to the City. For purposes of this Agreement, the percentage of the Applicant's noncompliance with Section 1 above shall be calculated as follows: the amount of actual investment in each particular category (average annual salary, number of jobs, and personal property investment) shall be divided by the corresponding established amount for substantial compliance in that category to determine the compliance rate. The compliance rate then shall be subtracted from 100% to determine the percentage of noncompliance. The percentage of noncompliance shall equal the percentage of benefit repayment.

Example: If an applicant promises 100 jobs, 95 jobs represent substantial compliance, and 85 jobs are actually created, then the percentage of benefit repayment is the following:  $85 \text{ actual jobs created} \div 95 \text{ jobs representing substantial compliance} = 89.47\% \text{ compliance rate. } 100\% - 89.47\% \text{ compliance rate} = 10.53\% \text{ noncompliance rate}$

10.53% of received benefit will be repaid, less a credit for the 15% remitted to the City's Tax Phase-In Development Fund.

If the Applicant fails to achieve substantial compliance in more than one category, the category with the lowest compliance rate will be used to determine the repayment percentage.

6. Assessment Appeals. Neither the Applicant, nor its successors and assigns, shall file any property tax assessment appeal, review, or other challenge of the property tax assessment made for the Project involved during the term of the Tax Phase-In unless one of the following conditions occurs during the deduction period:

(a) the original assessment for the Project as determined by the Elkhart County Assessor ("Assessor") is in excess of the total capital expenditure for the Project as set forth in Section 1 of this Agreement; or

(b) a trending assessment or a reassessment by the Assessor increases the assessment for the Project by more than fifteen percent (15%) from one year to the next year, or by more than an average of ten percent (10%) per year over two (2) or more years.

7. Notice/Hearing of Termination: In the event that the City determines in accordance with Section 5 above that (i) the Economic Revitalization Area designation and associated Tax Phase-In benefits should be terminated or (ii) that all or a portion of the Tax Savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the Tax Phase-In benefits should not be terminated and/or repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty (30) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the Tax Phase-In benefits termination and/or repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the Tax Phase-In termination and/or repayment action is proper, the Applicant shall be provided with written notice and a hearing before the Common Council. Before any final action shall be taken terminating the Tax Phase-In and/or requiring repayment of Tax Phase-In benefits, any such action shall be subject to judicial review under Indiana Code 6-1.1-12.1-5.9(e).

8. Repayment: In the event the City requires repayment of the Tax Phase-In benefits as provided following the procedures set forth in Section 7 hereunder, it shall provide Applicant with a written statement calculating the amount due ("Statement"), and the Applicant shall repay its actual amount of Tax Phase-In benefits to the City within thirty (30) days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys' fees incurred in the enforcement and collection of the Tax Phase-In benefits required to be repaid hereunder.

9. Modification/Entire Agreement: This Agreement and any schedules attached hereto contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the Tax Phase-In are solely the responsibility of the Applicant.

10. Waivers: Neither the failure, nor any delay on the part of the City to exercise any right, remedy, power or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power, or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

11. Governing Laws of Indiana: This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

12. Applicant's Consent to Jurisdiction: The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the Elkhart County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

13. Notices: All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand, by facsimile (with confirmation by registered or certified mail), on the next business day following the mailing by a nationally recognized overnight commercial courier, or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:

Alliance RV, LLC  
Steve Brunson  
Principal  
201 N. Illinois Street Suite 1000  
Indianapolis, IN 46204

3 Creek, LLC  
Coley Brady  
Owner\CEO  
51891 Meadow Ridge Ct.  
Granger, IN 46530

If to the City of Elkhart:

Office of the Mayor  
229 S. Second Street  
Elkhart, Indiana 46516

Copy to:

Elkhart Common Council  
c/o Administrative Assistant to the Council  
229 S. Second Street  
Elkhart, Indiana 46516

14. Assignment and Transfer Prohibited: This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld.

15. Valid and Binding Agreement: This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each party confirms that each person so executing it has been duly authorized to execute this

Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

16. Severability: The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

17. No Personal Liability: No official, director, officer, employee or agent of the City shall be charged personally by the Applicant, its employees or agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

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

APPLICANT:

Alliance RV, LLC  
201 N. Illinois Street Suite 1000  
Indianapolis, IN 46204

3 Creek, LLC  
51891 Meadow Ridge Ct.  
Granger, IN 46530

By:

\_\_\_\_\_  
Steve Brunson  
Principal

\_\_\_\_\_  
Coley Brady  
Owner\CEO

CITY OF ELKHART:

By:

Attest:

\_\_\_\_\_  
H. Brent Curry  
President of the Elkhart Common Council

\_\_\_\_\_  
Debra Barrett  
Elkhart City Clerk

By:

Attest:

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

\_\_\_\_\_  
Debra Barrett  
Elkhart City Clerk

Approved as to form:

\_\_\_\_\_  
John M. Espar  
Corporation Counsel for the City of Elkhart



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

(Economic Revitalization Area and Project Area)

**Legal Description:**

SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 1247.08 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 13 MINUTES 48 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 1037.79 FEET TO THE NORTHEAST CORNER OF THE LANDS OF ERMON AND MAXINE BECK AS DESCRIBED IN DEED VOL. 391, PG. 925, SAID POINT MONUMENTED BY A 5/8-INCH REBAR WITH "SCHNAARS" IDENTIFICATION; THENCE SOUTH 89 DEGREES 04 MINUTES 05 SECONDS WEST, ALONG THE NORTH LINE OF SAID LANDS OF BECK, A DISTANCE OF 22.82 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER, SAID POINT MONUMENTED BY A MAG SPIKE WITH "BERTSCH-FRANK & ASSOCIATES FIRM #0081" IDENTIFICATION; THENCE NORTH 00 DEGREES 46 MINUTES 39 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 985.37 FEET TO THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 5 EAST, SAID POINT MONUMENTED BY A CAST-IRON "HARRISON" MONUMENT FOUND IN AGREEMENT WITH ELKHART COUNTY SURVEYOR'S RECORD WITNESS; THENCE NORTH 00 DEGREES 32 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 48.33 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE EAST, SAID POINT MONUMENTED BY A MAG SPIKE WITH "BERTSCH FRANK & ASSOCIATES FIRM #0081" IDENTIFICATION; THENCE NORTH 00 DEGREES 32 MNUTES 17 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 728.57 FEET, TO THE POINT OF BEGINNING, CONTAINING 109.837 ACRES, MORE OR LESS, EXCEPTING THE PLOTTED SUBDIVISION OF 3 CREEK PARK RECORDED IN THE OFFICE OF THE ELKHART COUNTY RECORDER IN PLAT BOOK 38 PAGE 99.

**Address:**

350 Benchmark Drive, Elkhart, IN 46516

**Parcel Identification Number(s):**

20-07-06-151-005.000-039

20-07-06-151-002.000-039

20-07-06-300-001.000-039

**Exhibit B**

**Tax Deduction Schedule**

| <b>YEAR EQUIPMENT<br/>INSTALLED IN THE<br/>IN THE ERA</b> | <b>2021<br/>Payable<br/>2022</b> | <b>2022<br/>Payable<br/>2023</b> | <b>2023<br/>Payable<br/>2024</b> | <b>2024<br/>Payable<br/>2025</b> | <b>2025<br/>Payable<br/>2026</b> | <b>2026<br/>Payable<br/>2027</b> | <b>2027<br/>Payable<br/>2028</b> |
|-----------------------------------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| 2021                                                      | 100%                             | 80%                              | 60%                              | 40%                              | 40%                              | -                                | -                                |
| 2022                                                      | -                                | 100%                             | 80%                              | 60%                              | 60%                              | 20%                              | -                                |
| 2023                                                      | -                                | -                                | 100%                             | 80%                              | 80%                              | 40%                              | 20%                              |



City of Elkhart, Indiana  
*the city with a heart*  
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MEMORANDUM

DATE: 3/10/2021
TO: Common Council
FROM: Corporation Counsel John Espar
RE: Proposed Resolution No. 21-R-15
A Resolution Approving the Memorandum of Agreements with Alliance RV, LLC\3
Creek, LLC for Tax Phase-In Benefits

This resolution relates to the Application for Property Tax Phase-In submitted by Alliance RV, LLC\3 Creek, LLC which was first considered by this Council at its public meeting held on March 1, 2021.

Proposed Resolution 21-R-15 approves the corresponding agreements by which Alliance RV, LLC\3 Creek, LLC will enjoy tax phase-in benefits for the real property and personal property investments made in the economic revitalization area. Each Memorandum of Agreement likewise establishes the legal responsibilities and legal obligations imposed upon Alliance RV, LLC\3 Creek, LLC in exchange for the tax phase-in benefits granted by the City.

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,
INDIANA, CONFIRMING RESOLUTION NO. R-08-21, WHICH DECLARED A
CERTAIN AREA IN THE CITY OF ELKHART TO BE AN ECONOMIC
REVITALIZATION AREA FOR THE PURPOSE OF GRANTING TAX PHASE-IN
BENEFITS TO ALLIANCE RV, LLC \3 CREEK, LLC**

WHEREAS, on March 1, 2021, the Common Council of the City of Elkhart (the "Common Council"), approved and adopted Resolution No. R-08-21 a resolution entitled "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 Alliance RV, LLC \3 Creek, LLC (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution found and determined that a certain area in the City of Elkhart (the "Area") was an economic revitalization area within the meaning of Indiana Code 6-1.1-12.1, (the "Act") for the purpose of allowing deductions from the assessed value of the real estate improvements (the "Project") and from the assessed value of the manufacturing equipment (the "New Equipment") in the Area; and

WHEREAS, pursuant to Section 2.5(b) of the Act, the Common Council has filed the Declaratory Resolution with the Elkhart County Assessor; and

WHEREAS, pursuant to Section 2.5(c)(1) of the Act, the Common Council has published notice of the adoption and substance of the Declaratory Resolution in accordance with Indiana Code 5-3-1 (the "Notice"); and

WHEREAS, pursuant to Section 2.5(c)(2) of the Act, the Common Council has also filed a copy of the Notice and a copy of the Statement of Benefits form filed by Alliance RV, LLC\3 Creek, LLC, with the officers of the taxing units who are authorized to fix budgets, tax rates and tax levies in the Area; and

WHEREAS, at a public hearing held by the Common Council on this date, March 1, 2021, at the City Hall, 229 S. Second Street, Elkhart, Indiana, the Common Council heard all persons interested in the proceedings and received any written remonstrances and objections, and considered those remonstrances and objections, if any, and such other evidence presented; and

WHEREAS, the Common Council now desires to take final action and confirm the necessary findings in accordance with Section 2.5, Section 3 and Section 4.5 of the Act;

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 hearing on this date, March 15, 2021, the Common Council hereby finds that the Declaratory Resolution should be confirmed in its entirety and without modification.

2. This Resolution constitutes final action, pursuant to Section 2.5(c) of the Act, by the Common Council determining the public utility and benefit of the Project and the New Equipment in the Area, confirming the Declaratory Resolution, and declaring the Area an economic revitalization area pursuant to the Act.

RESOLVED this ____ day of _____, _____.

H. Brent Curry
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



City of Elkhart, Indiana
the city with a heart

MEMORANDUM

DATE: 3/9/2021
TO: Common Council
FROM: Corporation Counsel John Espar
RE: Proposed Resolution No. 21-R-16
Resolution Confirming the Designation of an Economic Revitalization Area for Purposes of Granting Tax Phase-In Benefits to Alliance RV, LLC\3 Creek, LLC

This Proposed Resolution relates to the Application for Property Tax Phase-In submitted by Alliance RV, LLC\3 Creek, LLC for which this Council previously declared an Economic Revitalization Area under Resolution No. R-08-21 at the public meeting held on March 1, 2021.

This Proposed Resolution 21-R-16 confirms the declaration of an Economic Revitalization Area within which Alliance RV, LLC\3 Creek, LLC proposes to make certain financial real property and personal property investments to increase economic development in the area and in exchange for which Alliance RV, LLC\3 Creek, LLC seeks to receive tax phase-in benefits.



Aurora Capital Development Corporation

Meeting Minutes

February 9, 2021

Present in person: Wes Steffen and Alex Holtz

Webex: Gerry Roberts, and Kurt Bullard

Gary Boyn, Christopher Pottratz, and Ashley Elsasser

In Person: Adam Fann and Dana Donald (Recording Secretary)

This meeting was held in-person, telephonically, and virtually through WEBEX. Mr. Steffen called the meeting to order at 3:30 p.m.

Approval of January 12, 2021 and January 29, 2021 Minutes-Mr. Holtz made a motion to approve the minutes from the Previous meetings. Motion seconded by Mr. Roberts. All were in favor, none opposed. Voice vote carried.


Update on Burl Troyer Replacement-

Mr. Boyn asked about Kruggel Lawton.

Ms. Donald stated that the contract was signed and their invoice has been paid.

With no further questions, motion was made by Mr. Holtz and seconded by Mr. Roberts to adjourn the meeting.

There being no further business the meeting was adjourned at 3:33 p.m.


Sandi Schreiber, President

City of Elkhart
Board of Aviation Commissioners
January 27, 2021

The Board of Aviation Commissioners meeting was called to order by Doug Thorne (via WebEx) at 4:00pm on Wednesday, January 27, 2021 in the City Council Chambers, 229 South Second Street. The following commissioners were also present: Bruce Shreiner & Tom Shoff. Commissioner Shari Mellin was present via WebEx. Andy Jones, Karen Shaw, & Dan Holtz were present. Also present via WebEx were: Paul Shaffer, Jamie Arce, & Mary Olson.

Approval of Minutes:

Shreiner made a MOTION to approve the minutes of the December 30, 2020 meeting. The motion was SECONDED by Mellin. There being no further discussion, the motion PASSED unanimously.

Approval of Claims:

Shreiner made a MOTION to approve claims as submitted in the amount of \$190,056.63. The motion was SECONDED by Mellin. There being no further discussion, the motion PASSED unanimously.

Manager's Report:

Andy advised he has been meeting each week with the fence contractor and Butler, Fairman, & Seufert (BF&S) & receiving updates on the wildlife fence construction progress. Currently the fence construction is on schedule. Mark Dokey's hangar construction planning is progressing nicely. Andy advised there will be a meeting with Abonmarche Engineering about the site plan next week. The fence contractor is being very flexible about waiting to complete the section near the new hangar location. By keeping the final path of the fence fluid until the exact location of the new hangar is known Mr. Dokey will save the expense of moving the fence later. Mishawaka Air Activities (MAA), which is the tenant that has 4 airplanes at the Administration Building hangar is interested in building a new, state of the art hangar. The structure could offer a flight simulator and a common area for a meeting space. MAA's club members are steadily growing. Andy advised the airport remains 100% full with no more hangars for lease. While hangar space is limited the desire for hangars is growing. Andy has had conversations with other prospects interested in exploring the idea of building and owning a new hangar. Andy advised that our hangar tenants are improving in terms of communicating to the airport staff their flight schedules. This has been a tremendous help in staff scheduling. Andy welcomed Tom Shoff to the board. Mr. Shoff asked if there is space available to build more hangars? Andy advised there is space for dozens of new hangars to be built in part due to the acquisition a few years ago of additional land along the Aeroplex. Andy advised there is also space available along CR 6 and the south side of the airport along Airport Rd. Andy added that the last new hangar was constructed by Travel Management Company in 2007.

New Business:

Thorne welcomed new commissioner Tom Shoff and advised he will be a great addition to the BOAC. Thorne called for nominations for election of officers. Shreiner nominated Doug Thorne for President, which was accepted unanimously. Shoff nominated Bruce Shreiner for Vice-President, which was accepted unanimously. Mellin nominated Tom Shoff for secretary, which was accepted unanimously. Thorne nominated Mellin for treasurer, which was accepted unanimously. Shreiner made a MOTION to approve the election of officers. Mellin SECONDED the motion. The motion to approve the election of officers PASSED unanimously.

The next item of new business is the AIP-33 Partial Pay Request #1 in the amount of \$187,231.16. Paul Shaffer from BF&S explained this is in conjunction with the Wildlife Fence and includes a progress estimate to pay the contractor with the balance going to pay for inspection services. Shreiner made a

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MOTION to approve AIP-33 Partial Pay request in the amount of \$187,231.16. Shoff SECONDED the motion. The motion PASSED unanimously.

The next item of new business is Progress Estimate #1 for the Obstruction Removal, Wildlife Control, and Security Fence – Phase 3 Bid Pack 4,5 project to Specialties, LLC funded under AIP-33 for \$178,805.44. Paul advised this is actual payment to the contractor that was included in the first action. This will approve the claim to be paid to Specialties, LLC for the work they provided. Thorne asked Andy if he has been satisfied with the work done. Andy answered that he is satisfied with the work. Mellin made a MOTION to approve. Shoff SECONDED the motion. The MOTION to approve payment PASSED unanimously.

Thorne advised the next item is the Change Order 1 to Specialties, LLC for the Obstruction Removal, Wildlife Control, and Security Fence – Phase 3 Bid Pack 4,5 project funded under AIP-33 for \$10,403.00. Shreiner asked for details. Paul advised it includes an addition of 5 gates & the deletion of 2 gates that aren't being used, and that there were some modifications to the package after it was awarded, which was a rearranging of the gates on the south side of the airfield. Paul advised subtracting 2 gates for \$16,000 and adding additional gates increases the cost of the project by \$10,403.00 which is 100% federally funded. Shoff made a MOTION to approve. Shreiner SECONDED the motion. The motion to approve the change order PASSED unanimously.

Thorne advised the next item is the authorization for fence damage repair to Specialties, LLC, not to exceed \$7,550.00. Andy advised that about 2 months ago a hit & run driver hit the new fence near Travel Management. Since Specialties, LLC built the fence and has all the parts needed to repair it I am asking the board to approve the quote not to exceed \$7,550.00. Mellin made a MOTION to approve the amount requested. Shreiner SECONDED the motion. The MOTION to approve the fence damage repairs PASSED unanimously.

Thorne advised the next item is the authorization to advertise the bid for the Runway 9-27 Lighting Replacement project. Paul advised the FAA indicated they are hoping to push out grants as early as they can and are expecting to issue stimulus grants, so they are trying to clear their schedules. Paul advised this project was slated to be advertised in June 2021 but the FAA asked BF&S to get as many projects ready for grant issuance as they can. Since this project has been designed already, it is all set to go, and would like Board permission to advertise to get contractor costs in to submit to the FAA. Shreiner made a MOTION to pass the authorization to advertise the bid. Shoff SECONDED the motion. The motion PASSED unanimously.

Thorne advised the next item is the Authorization for the airport manager to sign documents on behalf of the board after they've been approved by both the board and the legal department. Shreiner asked if this included claims packets? Jamie Arce advised the Board of Public Works allows for 1 member of its board that may sign on behalf of other members and he sees no reason the BOAC can't do the same. Andy advised also that because of Covid challenges, it is not always possible to gather commissioners together in one place, it would be more efficient. Thorne advised as long as there is board & legal approval this should satisfy the requirements of State Board of Accounts. Shreiner made a MOTION to approve this authorization. Mellin SECONDED the motion. The motion PASSED unanimously.

Thorne advised the next item is the authorization to resume trapping nuisance wildlife. Andy advised this is the same agreement that was approved some years ago to deal specifically with coyotes, which is

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continuing to be a problem. They, and other wildlife can get inside the fence. If they retreat to the swamp area on the airport's south side it is difficult to drive them out through an open gate. Nuisance wildlife can pose a danger to aircraft, tenants, and staff. Andy advised he checked with the legal department, and also with the DNR. Both advised that as long as the trapper is licensed & uses proper equipment, the agreement is ok. Shreiner made a MOTION to approve the Trapping Authorization Agreement. Mellin SECONDED the motion. The motion PASSED unanimously.

Privilege of the Floor:

Jamie Arce asked for an update on the renewal of the SAM (System of Awards Management) registration. Karen Shaw advised she has been working on the registration renewal for several weeks. We encountered a few unexpected challenges and will advise Jamie when the renewal process is completed.


Dan Holtz addressed the board and advised that it has been a pleasure and honor to serve on this board, and that the BOAC represents the best of citizen government & bi-partisan cooperation. Dan went on to say the people of this board seem to have the best interest of the airport and the City of Elkhart at heart. Thorne advised he appreciated Dan's service, and is proud of all the entire board and the work they do for the airport.

Adjournment:

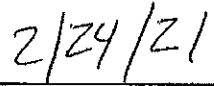
Shreiner made a MOTION to adjourn. The motion was SECONDED by Shoff. There being no other business the motion PASSED unanimously.

Next regular BOAC meeting is scheduled for Wednesday, February 24, 2021 at 4pm. Location will be City Council Chambers, 229 South Second St, Elkhart, IN 46516 & via WebEx.

Respectfully Submitted,



Tom Shoff – Aviation Board Secretary



Date

BOARD OF PUBLIC SAFETY

Tuesday, January 12, 2021

Chairman Robert Woods called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, January 12, 2021. Clerk of the Board Nancy Wilson called the role. Robert Woods attended in-person. Carol Loshbough, Charlie Cross, and Corinne Straight-Reed were present on WebEx. Anthony Coleman was absent at roll call, and joined the meeting in progress. Elkhart Council liaison Arvis Dawson was present on Facebook.

1. APPROVE AGENDA

On motion by Carol Loshbough, seconded by Charlie Cross and carried 4-0, the agenda was approved as amended by removing the 2021 Election of Officers.

2. OPEN BIDS: Demolition of 1201/1123/1129 Richmond St.

Five bids were received for the demolition of 1201/1123/1129 Richmond St. Cross Excavating bid \$249,786.00, John Boettcher Sewer & Excavating bid \$490,432.20, C&E Excavating bid \$136,000.00, R&R Excavating bid \$162,670.00, and Pelley Excavating bid \$190,950.00. On motion by Corinne Straight-Reed, seconded by Carol Loshbough and carried 4-0, the bids were given to staff to review and report back at the end of the meeting with an award if possible.

3. SIGNATURE AUTHORIZATION

On motion by Carol Loshbough, seconded by Charlie Cross and carried 4-0, the Board authorized Bob Woods to sign on behalf of the Board of Safety for all approvals for this meeting.

4. MINUTES of December 22, 2020

On motion by Carol Loshbough, seconded by Charlie Cross and carried 4-0, the minutes from December 22, 2020 were approved as presented.

5. POLICE

Chief Seymore presented the Critical App, LLC Software Agreement for approval. He explained the software application to the Board. Carol asked the Chief to include the funding source in his memo for all future requests. The Chief said he would get that information for her and revisit the approval later in the meeting.

Chief Seymore presented a Memorandum of Understanding from the Elkhart County Regional SWAT Team that covers the Elkhart Police Department, Elkhart County Sheriff's Department, Goshen Police Department, and Goshen Fire Department. On motion by Charlie Cross, seconded by Corinne Straight-Reed and carried 4-0, the Board approved the Elkhart County Regional SWAT Team MOU as presented.

Chief Seymore presented an agreement with Flock Group Services for ratification. On motion by Carol Loshbough, seconded by Charlie Cross and carried 4-0, the Board ratified the Flock Group Services Agreement.

6. FIRE

Chief Edgerton told the Board the Medical Pension for Dennis Mann II item remained tabled.

7. COMMUNICATIONS CENTER

Michelle Miller was present on WebEx and did not have anything to present to them. There were no questions from the Board.

8. BUILDING & CODE ENFORCEMENT

Henry Terrazas recommended to award the demolition of 1201/1123/1129 Richmond Street in Elkhart to the C&E Excavating for \$136,000.00 as the lowest,

BOARD OF PUBLIC SAFETY

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responsive, responsible bidder. On motion by Corinne Straight-Reed, seconded by Charlie Cross and carried 4-0, the Board awarded the demolition of 1201/1123/1129 Richmond Street in Elkhart to the C&E Excavating for \$136,000.00 as the lowest, responsive, responsible bidder.

**Anthony Coleman joined the meeting in progress.

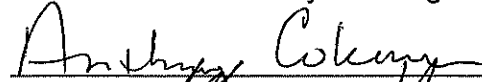
9. OTHER PUBLIC SAFETY MATTERS

Critical App, LLC Software Agreement

Chief Seymore revisited the Critical App, LLC Software Agreement and let the Board know it was paid from the maintenance line item for \$10,500.00. On motion by Carol Loshbough, seconded by Corinne Straight-Reed and carried 5-0, the Board approved the Critical App, LLC Agreement as presented.

10. ADJOURNMENT

On motion by Charlie Cross, seconded by Anthony Coleman and carried 5-0, the Board of Public Safety meeting was adjourned at 9:40 a.m.

 Anthony Coleman, Member

Attest:  Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC WORKS
Tuesday, February 2, 2021

Vice-President Chad Crabtree called a regular meeting of the Board of Public Works to order at 9:01 a.m., Tuesday, February 2, 2021. The Clerk of the Board Nancy Wilson called the roll. Chad Crabtree attended in person. Jamie Arce, Mike Machlan, Rose Rivera and Ron Davis attended on WebEx. Councilman Arvis Dawson attended on WebEx.

1. Approve Agenda

A motion was made by Ron Davis and seconded by Mike Machlan to approve the agenda as presented. On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board amended the agenda by adding a Use and Event Permit for the Frosty 5k on Feb 13, 2021. On motion by Mike Machlan, seconded by Rose Rivera and carried 5-0, the amended agenda carried 5-0.

2. Signature Authorization

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board gave the Vice-President Chad Crabtree the authority to sign on behalf of the Board for each item passed by motion during this meeting.

3. Claims

On motion by Jamie Arce, seconded by Mike Machlan and carried 5-0, the Board approved the Claim and Allowance Docket in the amount of \$4,601,829.90 consisting of 117 pages as prepared on January 29, 2021 at 10:01 a.m.

4. Minutes Regular Meeting January 19, 2021

On motion by Mike Machlan, seconded by Jamie Arce and carried 5-0, the Board approved the Regular Minutes of January 19, 2021.

5. Engineering

(A.) Administration

Request Bid #20-10 River District Drive and Riverwalk SE

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board approved plans and specifications and granted permission to advertise Bid #20-10 River District Drive and Riverwalk SE.

(B.) Utility

Control Measure 5- Oakland Avenue Control- Design Date Compliance

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board accepted and placed on file the Control Measure 5 Oakland Avenue Control Design Date Compliance memo dated 01-22-21 from Utility Engineer Edgar Moreno.

Proposed Utility Easement- Faith Mission of Elkhart Inc. 800 Benham Ave.

On motion by Mike Machlan, seconded by Rose Rivera and carried 5-0, the Board ratified the Perpetual Utility Easement for Faith Mission of Elkhart Inc., 800 Benham Avenue.

(C.) Right-of-Way

Change Order #6: Elkhart North Marketplace Project Bid #19-11

On motion by Ron Davis, seconded by Mike Machlan and carried 5-0, the Board approved Change Order #6 for the Elkhart North Marketplace project, Bid #19-11, for a decrease of (\$234,293.67), bringing the current Contract price to \$1,520,556.20.

BOARD OF PUBLIC WORKS

Tuesday, February 2, 2021

6. Utilities

(A.) Administration

Wastewater Treatment Plant MRO for December 2020

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board accepted and placed on file the Wastewater Treatment Plant MRO for December 2020.

(B.) Regulatory Affairs

Board of Works Resolution 21-01 Signatory Authorization Resolution- SRF Loan #WW14162003

On motion by Mike Machlan, seconded by Rose Rivera and carried 5-0, the Board approved Board of Works Resolution 21-01 Signatory Authorization Resolution SRF Loan #WW14162003.

Amend Agenda

On motion by Mike Machlan, seconded by Jamie Arce and carried 5-0, the Agenda was amended by removing the Appropriation Request under VII. (a.) Utilities Administration.

Consent for EPA to Store Equipment and Stage at Public Works

On motion by Mike Machlan, seconded by Rose Rivera and carried 5-0, the Board gave permission and granted access to the EPA to store equipment and set up a mobile lab at Public Works.

PSA Keramida, Inc. for Brownfields 1032 E. Beardsley Project

On motion by Mike Machlan, seconded by Jamie Arce and carried 5-0, the Board approved the Agreement between the City of Elkhart and Keramida Inc. for \$21,232.00 for the Brownfields 1032 E. Beardsley Project.

Payment #18 to Keramida, Inc. for 1032 E. Beardsley Remediation Project

On motion by Jamie Arce, seconded by Mike Machlan and carried 5-0, the Board approved payment #18 in the amount of \$1,385.00 to Keramida, Inc. for the 1032 E. Beardsley Ave. Remediation Project.

(C.) Environmental Compliance

Notice of Violation: Discharging Without a Valid FOG Certificate Pizza Hut 501 E Jackson. (F2015-257)

A motion was made by Ron Davis and seconded by Jamie Arce to approve a Notice of Violation for discharging without a valid FOG Certificate as required for Pizza Hut at 501 E. Jackson Blvd (F2015-257) and assess a penalty of \$2,050.00. Megan Kolaczyk explained the violation to the Board. The FSE did not attend in person, on WebEx, or on Facebook. The penalty covers the time period until we received their application on January 11, 2021. On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the motion was amended by reducing the penalty to \$500.00 since they responded to the violation within 24 hours of receipt of the notice. The amended motion carried 5-0.

7. New Business

Uniform Conflict of Interest Disclosure: Susan Lambright

On motion by Rose Rivera, seconded by Jamie Arce and carried 5-0, the Board accepted a Uniform Conflict of Interest Disclosure Statement for Susan Lambright.

BOARD OF PUBLIC WORKS

Tuesday, February 2, 2021

Transfer of Fixed Assets

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board approved the transfer of eight iPads to the Park Department as outlined in the memo dated 01-27-21 from Gail Smith, Deputy Treasurer.

Request to Send Equipment and Vehicles to Auction

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board approved a request to send equipment and vehicles to the Broyln Auction as detailed in a memo dated 1-25-21 by Josh Holt.

Use & Event Permit Frosty 5k 2-13-21

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board approved an event permit for the Frosty 5k and 5-mile on February 13, 2021.

8. Adjournment

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board of Public Works adjourned at 9:53 a.m.

Chad Crabtree Chad Crabtree, Vice-President

Attest: Nancy Wilson Nancy Wilson, Clerk of the Board

Any person may access the recording of this meeting by submitting a written request to the Clerk of the Board.

BOARD OF PUBLIC WORKS
Tuesday, February 16, 2021

Vice-President Chad Crabtree called a regular meeting of the Board of Public Works to order at 11:00 a.m., Tuesday, February 16, 2021. The meeting started two hours late due to a snow storm. The Clerk of the Board Nancy Wilson called the roll. Chad Crabtree attended in person. Jamie Arce began the meeting in person to assist with the bid opening. Mike Machlan and Ron Davis attended on WebEx. Member Rose Rivera was absent at roll call. Councilman Arvis Dawson attended on WebEx. Chad noted the time was after 11:00 a.m. and no more bids would be accepted.

1. Approve Agenda

A motion was made by Jamie Arce and seconded by Ron Davis to approve the agenda as presented. On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board amended the agenda by removing the Notice of Violation for KFC, 2709 S. Main St. (F2015-183) from the agenda. The amended agenda carried 4-0.

2. Signature Authorization

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board gave the Vice-President Chad Crabtree the authority to sign on behalf of the Board for each item passed by motion during this meeting.

3. Open Bids

Bid #21-03 N. Main St. Water Replacement

Proof of publication was presented which appeared in the Elkhart Truth on January 30 and February 6, 2021. The following bids were received:

John Boettcher Sewer & Excavating submitted a signed and certified bid summary form with all items checked. The base bid was \$1,825,286.05.

C&E Excavating submitted a signed and certified bid summary form with all items checked. The base bid was \$1,731,062.00.

HRP Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$1,739,700.00.

Niblock Excavating submitted a signed and certified bid summary form with all items checked. The base bid was \$1,587,977.50.

Selge Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$1,774,651.60.

On motion by Jamie Arce, seconded by Mike Machlan and carried 4-0, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at the next meeting.

Bid #21-09 Network Building and Pretreatment Office Renovation

Proof of publication was presented which appeared in the Elkhart Truth on January 30 and February 6, 2021. The following bids were received:

Copper Rock Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$154,701.00.

Brown & Brown General Contractors submitted a signed and certified bid summary form with all items checked. The base bid was \$29,900.00.

Robert Henry Corporation submitted a signed and certified bid summary form with all items checked. The base bid was \$155,323.00.

Almac Sotebeer Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$225,000.00.

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board

BOARD OF PUBLIC WORKS
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referred the bids to the staff of Public Works and Utilities for their review and recommendation at the next meeting.

Mike asked Chad to re-read the Brown & Brown bid. Chad re-read the bid total of \$29,900.00. Mike asked him to look for a bid tab within the packet to cross-reference. Chad looked and did not find anything to cross reference, noting staff would review the bid. Jamie left the Council Chambers are joined on WebEx. Rose Rivera joined the meeting on WebEx.

4. Claims

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved the Claim and Allowance Docket in the amount of \$6,015,630.78 consisting of 108 pages as prepared on February 10, 2021 at 1:37 p.m.

5. Minutes Regular Meeting February 2, 2021

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board approved the Regular Minutes of February 2, 2021.

6. Engineering

(A.) Utility

Change Order #1 & Final: Lift Station 12 Replacement Project Bid #20-32

On motion by Ron Davis, seconded by Jamie Arce and carried 5-0, the Board approved the release of all retainage and Change Order #1 & Final for Lift Station 12 Replacement project, Bid #20-32 for a decrease of \$39,503.05, bringing the final Contract price to \$219,471.00.

Request Bid #21-11 Edgewater Lift Station Replacement

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board approved plans and specifications and granted permission to advertise Bid #21-11 Edgewater Lift Station Replacement.

(B.) Right-of-Way

Change Order #5 & Final Jaylan Drive Project Bid #18-30

On motion by Mike Machlan, seconded by Jamie Arce and carried 5-0, the Board approved Change Order #5 & Final and released all retainage for the Jaylan Drive Project, Bid #18-30, for an increase of \$6,934.48, bringing the final contract price to \$647,788.57. Ryan Clussman reminded the Board that Change Orders 3 & 4 were due to unforeseen circumstances, a 30.3% increase from the original contract price.

Request Bid #21-06 2021 Asphalt Crack Sealing Project

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board approved plans and specifications and granted permission to advertise Bid #21-06 Asphalt Crack Sealing Project.

Request Bid #21-07 North Curb Ramp Project

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board approved plans and specifications and granted permission to advertise Bid #21-07 North Curb Ramp Project.

Request Bid #21-08 South Curb Ramp Project

On motion by Mike Machlan, seconded by Jamie Arce and carried 5-0, the Board approved plans and specifications and granted permission to advertise Bid #21-08 South Curb Ramp Project.

BOARD OF PUBLIC WORKS

Tuesday, February 16, 2021

Request Quote #21-01 2021 Trip Hazard Removal Project

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board granted permission to request Quote #21-01 Trip Hazard Removal Project.

Change Order #2 Central Green Stage Structure Project

On motion by Ron Davis, seconded by Mike Machlan and carried 5-0, the Board approved Change Order #2 for the Central Green Stage Structure project, Bid #19-28, for a decrease of \$58,750.00, bringing the contract price to \$572,480.00.

Change Order #2& Final: State Road 19 Corridor Improvements Project Bid #19-16

On motion by Ron Davis, seconded by Mike Machlan and carried 5-0, the Board approved Change Order #2 & Final and released all retainage for the State Road 19 Corridor Improvements Project, Bid #19-16, for a decrease of \$30.51, bringing the final Contract price to \$570,022.09. Ryan Clussman noted 29.6% increase from the original Contract price due to unforeseen INDOT requirements and changes in field conditions.

Request Bid #21-12 South Main Street Streetscape

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board approved plans and specifications and granted permission to advertise Bid #21-12 South Main Street Streetscape.

(C.) Summary

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board ratified the following permits:

Sewer Assessment Application:

Alan Kado
24715 CR 26
Elkhart, IN 46517
Property: 1340 E Indiana Ave
Paid in full, \$3,715.00

Water Assessment Application:

Rochelle Kettering
2306 Morton Ave
Elkhart, IN 46517
Property: 2306 Morton Ave
Paid in full: \$696.90

Revocable Permit Application:

#6467, Property Owner: Kerry Sparks
Property: 1464 Hudson St
Permit Holder: Fire Bins Dumpster Rentals LLC
Dumpster Placement

7. Utilities

(A.) Administration

Water MRO for January 2021

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board accepted and placed on file the Water MRO for January 2021.

Appropriation Request

Mike Machlan said he received a request to table this item. On motion by Mike

BOARD OF PUBLIC WORKS

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Machlan, seconded by Jamie Arce and carried 5-0, the appropriation request was tabled.

(B.) Regulatory Affairs

Payment #19 to Keramida, Inc. for 1032 E. Beardsley Remediation Project

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board approved payment #19 in the amount of \$3,290.00 to Keramida, Inc. for the 1032 E. Beardsley Ave. Remediation Project.

Payment #20 to Keramida, Inc. for 1032 E. Beardsley Remediation Project

On motion by Ron Davis, seconded by Rose Rivera and carried 5-0, the Board approved payment #20 in the amount of \$2,145.00 to Keramida, Inc. for the 1032 E. Beardsley Ave. Remediation Project.

(C.) Environmental Compliance

Notice of Violation: Failure to Notify Transfer of Ownership Franklin Marathon

A motion was made by Mike Machlan and seconded by Ron Davis to approve a Notice of Violation for failure to notify Transfer of Ownership within required timeframe for Franklin Marathon 1589 W. Franklin St. and assess a penalty of \$200.00. Megan Kolaczyk explained the violation to the Board. The FSE did not attend in person, on WebEx, or on Facebook. They have not responded to any of our communication. Mike congratulated Megan and her team for getting this done in a very reasonable time frame. Megan noted all of the FSE's were notified of the change in time for the meeting today. Chad called for the vote and the motion carried 5-0.

FOG Request for Variance Modification for Harold's Chicken 1514 Benham Ave. (F2019-016)

A motion was made by Mike Machlan and seconded by Ron Davis to approve a request for Variance Modification for Harold's Chicken- 1514 Benham Ave. Lynn Brabec explained the request to the Board The FSE owner Mr. Chambers attended on WebEx. The Variance was granted on June 4, 2019, and they are required to conduct visual monitoring because there is no control manhole at the site. When the team reminded him they were having the sewer monitored, Mr. Chambers told them he would have someone take care of it. The problem is that he wanted to change the type of visual monitoring to sampling, and there is no control manhole to do that. They have a 4" clean-out which does not allow samples to be collected according to the methodology referenced in 40CFR Part 136. Staff does not support this request.

Mr. Chambers said they don't need to be on a variance because they met the criteria as far as the point system. They don't have any grease going through the lines. They have two qualified companies that said they can come do the test. He said they were not told about sampling and were not told about a lot of things. They had a meeting with Megan and Don and Lynn and they said if you want to go with the State you need to have 4 quarterly tests done. He said they would rather go that route with the 4 tests than have to do visual monitoring. Mike Machlan said that if you look at the minutes when they got the Variance on June 14, 2019, that he personally explained to the owners of Harold's Chicken that they would have to do visual monitoring. He said it was very clear, and all of our FOG Variances require a similar situation. Mike said the staff at Public Works doesn't railroad anyone, and they go out of their way to try to accommodate. Chad brought the discussion back to the staff.

BOARD OF PUBLIC WORKS

Tuesday, February 16, 2021

Lynn added the reason they got the variance in the first place is because the grease control device was undersized. Megan said yes, they were a Category A which required a grease interceptor, and the Board allowed them to use the existing grease trap and required them to conduct annual visual monitoring. Mr. Chambers said they talked about the point system and they were right in the realms of the point system and they were under the variance amount. They are not a full service restaurant. Everything they have is pre-packaged or disposable or goes right out the door. All their grease goes to the grease trap. He said he doesn't understand why they are on the Variance. Chad closed discussion and called for the vote. The request was denied 0-5.

FOG Variance Request for Rico's at Bulldog 3763 E. Jackson (New FSE)

A motion was made by Mike Machlan and seconded by Jamie Arce to approve a variance request for Rico's at the Bulldog 3763 E. Jackson for one year. Megan Kolaczyk explained they are requesting a variance from the grease interceptor requirement for one year. They will install the required interceptor when weather allows. They have an old septic system there. Lynn said the septic tank there is a pass-through. The waste goes through it to the City system. Mike asked if the septic tank would intercept the grease. Lynn said it is not made to do that. Rico agreed to watch it and pump it. Rico lavagnilio attended in person in the Council Chambers. He told the Board they do not have a problem with installing the grease interceptor, they just need more time due to the weather. He said they recently spent \$19,000.00 to install a new parking lot at the property because it was being used as a local thoroughfare and was completely deteriorated. Now, with the FOG Ordinance they are trying to figure out where to put it. They are hoping they can put it in the back. He said they could also put a tank inside. Mike Machlan told Rico he had his support and thanked him for the business he has in Elkhart. He explained that he was concerned about pumping out the septic tank since it will be not only grease but all of the waste from the strip. He said may be looking at re-plumbing to get the grease trap in the right way. He was sure they were up for the challenge. Mary Olson, City Council spoke in favor of Ricco and his family, long-standing restaurateurs in Elkhart who do an amazing job. They are diligent and will comply with our requirements to protect the environment. She urged the Board to be supportive of Rico's at the Bulldog. Rico responded to Mike's plumbing concerns that they are planning to reconstruct and re-plumb all of the kitchen area to the grease interceptor. The kitchen area, and 3-bay sink will go to the grease interceptor. On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the motion was amended to include visual monitoring in six months. Chad called for the vote on the amended motion and it carried 5-0.

8. New Business

Baker Tilly: Potential Conflict of Interest

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board accepted a Potential Conflict of Interest Disclosure Statement from Baker Tilly and placed it on file. Alex Hilt noted that under the Dodd-Frank Act and the Municipal Advisor rule that they have specific fiduciary responsibilities to the City of Elkhart, the Elkhart County Regional Sewer District, and Ontawa Township, MI.

BOARD OF PUBLIC WORKS
Tuesday, February 16, 2021

Baker Tilly Presentation: Refunding Sewage Works Revenue Bonds

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board accepted communication from Baker Tilly summarizing the key points of the refunding opportunity for the Sewage Works Revenue Bonds. Alex Hilt of Baker Tilly Municipal Advisors discussed the refunding process with the Board and the opportunity for savings over the next nine years.

Fire Apparatus Purchase- Sourcewell Government Bid

On motion by Jamie Arce, seconded by Mike Machlan and carried 5-0, the Board approved the purchase of a Sutphen Rescue Apparatus using the Sourcewell Government Contract 022818-SUT in the amount of \$853,292.00 subject to Legal's final approval of the financing agreement. Chief Edgerton explained the purchase and financing arrangements to the Board, and let them know it was approved by the Legal Department.

Authorization to Settle Henry Dunker Claim

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board authorized Attorney Kathryn Moll to settle the Henry Dunker Worker's Compensation claim for \$10,000.00.

Lexington Business Center Subdivision

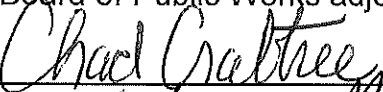
On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board approved two Lot Subdivision located on Lexington Avenue East called Lexington Business Centre.

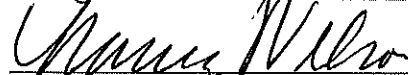
FOG Request for Variance Modification for Harold's Chicken 1514 Benham Ave. (F2019-016)

Megan Kolaczyk asked the Board to re-visit the second portion of the Harold's Chicken Variance modification request. On motion by Mike Machlan, seconded by Jamie Arce and carried 5-0, the Board reconsidered the variance modification for Harold's Chicken. On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board denied the request to modify the original variance for Harold's Chicken 1514 Benham Ave, and extended the annual verification of compliance date from February 15, 2021 to March 15, 2021.

9. Adjournment

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board of Public Works adjourned at 12:39 p.m.

 Chad Crabtree, Vice-President

Attest:  Nancy Wilson, Clerk of the Board

Any person may access the recording of this meeting by submitting a written request to the Clerk of the Board.

Meeting Notes
February 8, 2021

Members Present: Tim Price, Jim Gardner, Johnny Thomas, Natasha Kauffmann, Arvis Dawson, and Therese Geise

Also Present: Ashley Elsasser, Levon Johnson, CEO of The Greater Elkhart Chamber of Commerce and Dana Donald, Recording Secretary

Due to the COVID-19 stipulations; this meeting was held virtually and telephonically through Webex. Meeting was called to order at 2:59 p.m. by Mr. Price.

Approval of January 11, 2021 Minutes: Motion made by Ms. Geise seconded by Mr. Gardner to approve the minutes of the previous meeting. All were in favor, none opposed. Voice vote carried.

Mr. Price stated that things are a little blurry among the two or three discussion items of which just jumped up, but we'll start with Ms. Elsasser's presentation. Ms. Elsasser put together a YouTube presentation for the Council for the March 1st meeting. Mr. Price asked if everyone had viewed this already so we can discuss it. The members asked if the presentation could be sent to them so that they could see it.

Ms. Elsasser asked if the board wanted to view the six-minute presentation now.

Mr. Price stated that he was fine with viewing the presentation now; and that he feels that specific programs need to be removed from the presentation.

Ms. Elsasser played the YouTube presentation about expanding the Zone.

Ms. Kauffman asked if the Board determined that we didn't need to remove any parts to be in accordance with the population restriction.

Ms. Elsasser stated yes.

Ms. Donald asked Ms. Kauffmann if she could repeat her question.

Ms. Kauffman stated that she asked to confirm that it was in fact confirmed by the Legal Department that we didn't need to reduce the Zone. We had two or three meetings based on the idea that there's a need to reduce to be within the population requirements.

Mr. Dawson stated that the presentation talks about a "strategic plan"; can someone speak to that? I know that we don't have one.

Mr. Price stated no we don't have one. We did have one mission program prior to the pandemic and that the small businesses are in; but I think we're going to speak to that next. But if we stick to the map and make sure the map is legal and put that before the Council that's what really matters. Do you have any comments guys; let's talk about this.

Ms. Geise stated that as long as the demographics we are including doesn't exceed what is legal for us.

Ms. Elsasser stated according to our City Legal Counsel the map is legal. If you all want to make any changes then I'll have to redo the research and take it back to the Counsel which is fine. But right now it's compliant.

Ms. Kauffmann stated that she has one comment or question about some of the language cues in the presentation if you are taking feedback. So the phrase "*we're looking for ways to spend the money*" I would be careful with that. If you present that to a certain group, they may ask why we even exist. I sense your goal of the statement is that we want to co-collaborate to figure something out, but there are going to be people who don't see that phrase in that way. So if you don't mind editing that to say something like "*we are seeking the best way to utilize the funds for the community that's it meant to be focused around*".

Mr. Dawson stated that was a great point Ms. Kauffmann.

Ms. Elsasser stated that it was really easy to make changes. If you have any changes you want made, just let me know and I can change them.

Mr. Price stated remember we are a not for profit and we've been acting like everything but. We need to get this back out there however you guys think we need to.

Ms. Donald stated that the Employment Tax Credit will be ending in 2023 and that is something we need to keep in mind.

Mr. Price stated yes, and we've already lost the interest credit and the personal property tax credit. Yes, so we will need to figure out ways to generate income or this thing will be done in 2025. So is there a proposal to approve.

Motion was made by Mr. Dawson seconded by Mr. Gardner to approve the redistricting of the EUEA. All were in favor none opposed. Voice vote carried.

Mr. Price asked for clarification of who all is requesting money. I heard the Mayor's request for \$25,000 and an emergency grant for \$100,000 and something with five letters in its name. Are all those intertwined or are they separate?

Mr. Dawson stated that they were two different things.

Mr. Price asked so how much is that altogether.

Mr. Dawson stated \$125,000.

Mr. Price asked Ms. Elsasser if hers was the same as what Mr. Dawson is talking about.

Ms. Elsasser stated that the Small Business Innovation Adaptation Program is separate.

Ms. Price stated okay so we are dealing with three different things here.

Mr. Dawson stated that I don't believe that the \$100,000 is a Chamber of Commerce request. But Mr. Johnson correct me if I'm wrong, I think that that is something that Chamber has sent up, but we will be running.

Mr. Gardner asked Mr. Johnson to tell us about it.

Chamber of Commerce- Levon Johnson: Mr. Johnson reiterated that this is not a request of the Chamber and none of the money is going to the Chamber. This idea came out of our conversation at the last meeting and the small group session after that. I believe Ms. Elsasser touched on some of this in her presentation. The thought was how do we get funds out to businesses that are struggling now and so

looking at a number of different programs this would be a grant program administered by the Urban Enterprise Association, so everything would be run through the Urban Enterprise Association. [Mr. Johnson shared his screen] this would strictly be an emergency relief fund for small businesses located in the Zone. This is a fairly simple application, and it gets money into the hands of folks that need it at this point. This is something to try to meet the request that was given in the last meeting of how do we help businesses that may be struggling or still having a difficult time paying some bills and things along that line. Again the number \$100,000 was a suggested number.

Mr. Dawson stated that we are taking the “not-for-profit” out. The thought behind that was to put the money back into the tax paying entities.

Ms. Donald asked if this is something that we take in as many applications until the March deadline or we’ll take applications up to “X” amount of dollars?

Mr. Dawson stated on a first come, first serve basis until the funds run out.

Mr. Johnson stated that Ms. Elsasser spoke to this in her presentation that the key to this is going to be the marketing and getting it out to the businesses in the Zone at the same time.

Ms. Elsasser asked Mr. Johnson hypothetically if you get approved and you receive the money next week, when do you plan on marketing if the deadline is March.

Mr. Johnson stated again this is not money for me or the Chamber, this will be an EUEA program that is approved by the EUEA.

Ms. Elsasser stated we should extend the deadline to April.

Ms. Donald asked if these funds were for the current Zone or the new Zone when it’s approved by Council?

Ms. Kauffmann stated it is for the current Zone and new Zone. So we can accept the new Zone applications and once the new Zone is approved, then we can process those applications. Also is there a possibility to have a round one and a round two deadline.

Mr. Price stated yes we may even need a round three or round four. Basically we have three years left and talking about a third of our money to be spent unless we turn [The EUEA] into something different. And that's where my confusion comes in. If Ms. Elsasser could jump in now, based on the Mayor's request, and this other innovation program, how can it all tie in together. That's where I got lost.

Mr. Johnson stated that he would step out of the meeting so the Board could have their discussion.

Mr. Price asked Mr. Johnson how he could help get the information out from the marketing standpoint.

Mr. Johnson stated that we can get news and news eyes on this and even tap into our news release abilities. So some of you will want to get your hair done and shave because the goal is to get the camera in your face.

Ms. Elsasser stated that this sounds nice.

Ms. Donald stated once there is a vote on this and it is approved, then I can add the EUEA logo.

Mr. Johnson stated that he would email the application to Ms. Donald.

Motion made by Mr. Dawson and seconded by Mr. Gardner to approve \$100,000 for the Emergency Relief Fund to be used to help businesses in the Zone. All were in favor, none opposed. Voice vote carried.

Ms. Kauffmann stated that we should include in the marketing the phrasing round one.

Mr. Price stated nice job guys, thanks Ms. Elsasser for driving this. And now let's get down to the Mayor's ask.

Ms. Elsasser stated that the Mayor is requesting \$25,000 to be allocated to the Center for Community Justice's (CCJ) program called The Village Community Center. Damond Smart is the president and Kendall McGee is the Director. This program falls right in line with the EUEA's mission and it's an incredible program. I can walk you all through the presentation.

Ms. Geise asked what type of lease structure do they have at Roosevelt? Are they secure in their lease? Are they current on their lease and do they have renewals? Do they have the option to expand as their programs expand?

Mr. Dawson asked if they are in the building now?

Ms. Geise stated that she'd like to see the lease.

Ms. Elsasser stated that she would send a copy of their lease and budget.

Mr. Price asked should we send monthly or quarterly checks? Can we say if Ms. Geise gives us good information regarding the lease, then we can do an email vote to send checks quarterly and someone can make a motion to approve this?

Mr. Gardner stated that being a child of the Children's Home, the mentoring, he's on board 100% with this and made a motion seconded by Mr. Dawson to approve. All were in favor, none opposed. Voice vote carried.

Mr. Johnson interjected that House Bill 1025 is in the house now and it is looking to extend the Urban Enterprise another 5 years.

Ms. Kauffmann stated that when we do PR we need to include a call to action so businesses can take advantage of that tax credit.

Mr. Price stated that he agreed. We need to think about revenue streams and independent funding to keep this thing going, especially since we lost the personal property tax and the interest credit tax.

Ms. Donald stated so that means we want the Zone to continue after 2023.

Everyone agreed.

Ms. Kauffmann asked Ms. Elsasser if she knew the timeline Vala has for updating the google searches for the City website?

Ms. Elsasser stated she didn't know how Vala works with SEO.

Mr. Price stated that he was really happy and proud of the board today. You guys formulated a plan, put together a budget and squared up and got this thing done. Great job! Thank you.

Ms. Elsasser interrupted and said there's one more thing on the agenda. Can we get to that? I'm working on a Small Business Innovation and Adaptation Program and I'll share my screen. This will sit under the Aurora Capital Development Corporation as a grant program in addition to their current loan program. The City's Economic Development department and the Aurora Capital Development Corporation will assess these applications and grant them. The program covers the entire City of Elkhart with preference given to the Urban Enterprise Zone.

Mr. Dawson asked if there was a reason that the funds are not coming from the Economic Development Department?

Ms. Elsasser stated yes because Economic Development doesn't have enough funds. Ms. Donald do you know how much Economic Development has?

Ms. Donald stated no. You may need to ask Ms. Lattimer.

Ms., Kauffmann stated that in order for Ms. Elsasser to submit her application, she needed a geographical outline and it was similar to the same requirements of the Urban Enterprise Zone.

Mr. Dawson stated that while this is a great economic development tool; it should probably come out of the Economic Development fund. Are you asking for \$100,000?

Ms. Elsasser stated yes \$100,000 and I'm asking for \$254,000 from CDBG. And then downtown businesses can use the funds to develop food trucks and adapt to the change in behavior. I will be granting them 100% of their request up to \$20,000 and the cost of a food truck is between \$60,000 and \$100,000 to create.

Mr. Dawson stated that he's not sold on the food truck idea. And if you are giving \$20,000 grants; that's only five businesses in the Zone.

Ms. Elsasser stated that they can request up to \$20,000 but other parts of this program are E-commerce, a delivery service, and small business retailers can

actually fund a delivery service, updating internal and external infrastructure like façade and awnings

Mr. Dawson stated that it may be best to ask the Council for the funds since economic development has a way bigger budget. Likewise, we've allocated two thirds of our funds and we don't want to run out of funds before our three years expires.

Mr. Price asked if we should table this?

Ms. Geise made a motion seconded by Mr. Dawson to table the Small Business Innovation request. All were in favor, none opposed. Voice vote carried.

Mr. Price asked Ms. Donald if there was anything else on the agenda.

Ms. Donald stated no.

Next Meeting: March 8, 2021 at 3:00 p.m.

Adjournment: Motioned by Ms. Geise and seconded by Mr. Dawson. All were in favor. Meeting adjourned at 4:03 p.m.

LERNER THEATRE BOARD
Wednesday, February 10, 2021

President Gary Boyn called the Regular Meeting of the Lerner Theatre Board to order at 10:00 a.m. on Wednesday, February 10, 2021. The Clerk of the Board, Nancy Wilson called the roll. Gary Boyn attended in-person. Dallas Bergl, Diana Lawson and Dina Harris attended on WebEx. Ashley Martin joined the meeting in progress. Jamie Arce was absent.

1. AGENDA

On motion by Dina Harris, seconded by Diana Lawson and carried 4-0, the agenda was approved as amended.

2. MINUTES: Regular Meeting January 13, 2021

On motion by Dina Harris, seconded by Diana Lawson and carried 4-0, the Board adopted the minutes from January 13, 2021.

3. AUTHORIZATION FOR BOARD PRESIDENT TO SIGN

On motion by Dina Harris, seconded by Ashley Martin and carried 5-0, the Board authorized Gary Boyn as President of the Lerner Governing Board to sign all approvals on behalf of the Board for this meeting.

4. TREASURER'S REPORT

Financials-December 31, 2020

Michelle Adams attend the meeting on WebEx. The December 31, 2020 financial report was submitted to the Board for review. Total operational expenses of \$1,250,858 were covered by a City contribution of \$1,103,388 (88%) and a Lerner contribution of \$147,470 (12%). This compared with 2019 City's contribution of 43% and the Lerner's contribution of 57%. The YTD net income from theatre operations only (shown as gross profit) at the end of the period was \$136,983.00 which was a decrease of \$444,852 from 2019. The YTD net loss for all Lerner operations (including City expenses) at the end of the period was (\$154,874) which was a decrease of \$94,447 from the net loss on last year's statement of \$60,428. On budgeted City Operational Expenses alone we were under-budget by \$403,715 year to date. On motion by Dallas Bergl, seconded by Ashley Martin and carried 5-0, the December 31, 2020 Financial Statement was accepted.

Claims

On motion by Dina Harris, seconded by Dallas Bergl and carried 5-0, the Board approved the claims and allowance docket totaling \$14,344.86 as listed on the register consisting of 16 pages as prepared on February 8, 2021 at 7:53 a.m.

5. PRESIDENT'S REPORT

Gary Boyn spoke about the challenge of COVID-19 and the impact it had on the Lerner financials comparing 2019 to 2020. Gary reflected on the last 30 years and how we got to where we are today. The Lerner Theatre is over 90 years-old, and has been a fixture in downtown Elkhart for that long. It was started by a local Realtor who decided that Elkhart had grown to the point that it needed a majestic theatre like he was going to in downtown Chicago. He decided to use his own money to build the Elco Theatre. He brought in the Lerner brothers and made them promise to never disclose that he was the investor that made the deal happen. He put the Lerner name on the Theatre and as far as the community knew, it was the Lerner family that funded the construction. It went through a number of ownerships until Bill Miller bought it and operated it as a movie theatre. In the late eighties, the Miller family decided to get out of the business and put the theatre up for sale. The City

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Administration at the time and the City Council at the time decided it was too important of a fixture in the downtown to allow it to get into the wrong hands, or into no hands and sit idle and empty or end up becoming a parking lot, so they bought it. They had no idea what to do with it. In 1992-1993 they contacted 10-12 Board members and reconstituted an entity called Premier Arts, Inc. They tasked the Board with figuring out how to get it re-opened and operating. They gave them a little startup money and were expected to live off just the income. They operated like that for a year or two and made some improvements, but it became very clear that it could not function without someone who had millions and millions to invest. The City decided it was willing and necessary that it support the Theatre like South Bend did with the Morris. They set up the Elco Commission as an oversight Commission and operated that way for 10-15 years. By the late 90's, they were doing close to 150 shows which was incredible considering when we first walked in the door it was empty, it needed new carpet that was in shreds, and the plaster was falling off the walls. You couldn't see what a beautiful building it was because especially higher up it was covered in dirt and needed so much work done inside. They had a couple business plans that were prepared, completed and followed through on. They brought in experts in the field to consult with as needed and everything was working out. The building was such a large structure and you could only put off the maintenance for so long. At the end of the 90's the City was trying to figure out where do we go from here? Are we going to take this to the next level? Is it economically worth doing that? Or should we tear it down and make another parking lot like we have done with so many other areas downtown? They decided after forming a commission to study it for a year that Diana Lawson ran at that time, and Dallas Bergl was on that it could operate efficiently, and effectively. It would be a major contributor to the rebirth and revitalization of downtown, and was a necessary element of the quality of life that we needed to attract people to the community. After that, with a great recession bearing down on us and Elkhart being called the worst hit community in the country, the community, as well as the administration and the Council decided let's get going here in our community and do something. They raised eighteen million dollars from various sources, bought some property adjacent to the Theatre, added on to the building and created the magnificent structure that we look at today. We have operated now as the Lerner Governing Board, The Lerner Theatre and Crystal Ballroom for a ten-year period and have done remarkably well and very successfully giving a lot of money every year back to the City right up to the point COVID hit. Now here we are at another critical juncture saying now what do we do? We had to lock the building up for public safety in 2020, and we are entering 2021 and it still is. Gary concluded that what this has shown him is that this is a resilient facility that the community loves. We have all worked very hard to protect it, keep it in as good condition as we possibly could, trying to keep it in as pristine of condition as the day we opened. The last 6-8 months we have spent most of our time trying to figure out how to get back to full operation and start generating the income to pay the City back every year. The Elco and Lerner Theatres have survived a Great Depression, a Great Recession, and this Pandemic. We still have a full staff on hand ready to take off just as soon as we can get the doors opened. We are having discussion with the Friends of the Lerner about what

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shows it can put in the Theatre as soon as we re-open. We are all doing the best we can to keep this operation ready to go and get it back to the level we were at pre-COVID, and that includes Kurt's operation in the Crystal Ballroom which we will do everything we can to help him get through that. Gary remembered Paul Thomas telling him when the eighteen million dollars was raised, that this is the only thing that Elkhart has ever done that he hadn't heard one bad word from anybody in the community. Absolutely everybody thinks this is the best thing that has ever happened to the community and are really happy that we put together this plan and it has worked. Gary wanted to make a point to thank the current Administration and the City Council for continuing to support the Lerner Theatre through this very difficult time period, and for their understanding of how important this facility is to the City, to the community, to the citizens, and to enriching the quality of life we want to offer to our current residents and those people who are thinking about moving to the community, especially to the business people thinking I could move, but I think I'll stay in this City and enjoy the amenities it has to offer. The City is aggressively working on those fronts to make sure everything is revitalized. The Lerner itself has been a remarkable generator for what's occurred in the downtown since it was remodeled. It has been a catalyst for so many things including the things we are seeing on the east side of the river, the River District itself, and it has really helped downtown businesses. There will be a real symbiotic relationship once the Hotel Elkhart opens. All of the restaurants downtown have benefitted greatly by the shows we have had. We have been a good success up to this point. As we begin a new year, Gary wanted to thank the City Council for all of their support, thank the current Administration and the past Administrations, and thank each Lerner Governing Board member for all of their dedicated service. Everything you have done is wonderful, and Michelle relies on all of us during the months, and is in contact with all of us when she has questions and issues getting extremely good advice from all of us. Gary thanked them for their service. Dallas remarked that Gary did a very good job articulating the history that this Theatre has been through. Dallas said that as we come out of COVID, it is extremely important we keep this thing going and we start producing some shows and getting the community back involved. To let the Theatre decline in any way would substantially affect the public-private partnership the City was able to develop to get the theatre stood up. The millions of dollars of private funding in partnership with the public funding was a remarkable thing to witness as that came along. That is not a trust we want to betray. The responsibility for the Administration and for this Board to uphold that and show that it was a trust well placed is more important now than ever. Diana Lawson thanked Gary for the reminder of the history, and it reminds us of the spirit that this facility has brought to this community over many, many decades. Diana gave Michelle Frank a lot of credit as the General Manager that she was able to manage the dollars. She understood that just because there was a budget it did not mean the money is there. She had to rearrange those dollars so that we were not spending more than we were bringing in, and what our commitment is to be as responsible as possible. She has been working 24/7 trying to figure out how we get this thing going again. Diana thanked Michelle and her staff. We have an awesome group of people serving on this Board, and the Administration and the City Council are so supportive. It is so important for

LERNER THEATRE BOARD
 Wednesday, February 10, 2021

us to acknowledge how important the Lerner is. It brings such hope to this community.

6. CRYSTAL BALLROOM CATERING

Kurt Janowsky was on line and updated the Board on discussions with the County Health Department. Moving forward, the State has us at 50% capacity. For any events with more than 25 people, we have to submit an application to Elkhart County Health Department for approval. 50% capacity in the Crystal Ballroom is 210 people. Kurt said they continue to book things and the two months later cancel. A lot of time is spent on work that generates no income. They were hopeful they could do some first quarter events and pick up speed in the second quarter. Kurt said he has been working with Hotel Elkhart's Manager to send them some business with blocks of rooms and possibly catering for them from time to time. Jazz Festival is still up in the air. They are trying to come up with plans A,B,and C and hope to have a Jazz Festival. Kurt said he sits on Beacon's Board and gets the numbers every day or two. Hospitalizations have come down dramatically in the last several weeks. Gary told him we appreciate everything he is doing.

7. GENERAL MANAGER'S REPORT

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

GENERAL MANAGER REPORT PREPARED BY: MICHELLE FRANK

Activity (February-April)	As % of 90 days	
0 Events	0%	Activity in theatre
0 Ticketed Events	0%	Ticketed events
0 Non-Ticketed Events	0%	Non-Ticketed events
3 Rehearsal Dates	3%	Rehearsal Space

Compare to 2020 Board Report Ticketed Events: n/a
 Compare to 2020 Board Report Non-Ticketed Events
 +Rehearsals: n/a

- On Tuesday, February 3rd, I met with Dr. Bethany Wait, new Elkhart County Health Officer, and her Covid team, plus Mayor Roberson and a few other City Departments present, to discuss a re-opening plan for The Lerner Theatre. The team from the Health Department was impressed by our approach to trying to re-open our facility and said that our re-opening plan that we used for The Sound of Music in October set the standard for how they approach requests for gatherings. Here are some of the takeaways from that meeting that impact our operations:
 - Governor Holcomb announced a new Executive Order regarding capacity limits in percentages if your county is red, orange, yellow or blue. For example, Elkhart County is yellow, so under his Executive Order, we should be able to hold 50% capacity with social distancing. This is not the case.
 - In Governor Holcomb's Executive Order, he states that additional restrictions can be put into place by local government if they so wish. In

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speaking with Dr. Wait, there is a public health order for Elkhart county that trumps that order, and it is the same order that we have been operating under with people gathering and not percentages. For example, Elkhart County is yellow, so the public health order would allow for 50 people only, socially distanced. Dr. Wait has stated that this public health order will not be lifted until Elkhart County reaches a 70% vaccination rate.

- The good news: Dr. Wait and her team have classified The Lerner Theatre (not including the Crystal Ballroom) as a business and not as a Special Event. To be classified as a business, they need to make the justification that we rely on profits from gatherings to survive and that the nature of our gatherings are business related and not a special event, like a wedding or an engagement party.
- Because of that justification, the Covid plan that I submitted to them on Tuesday has been verbally approved and we have been granted the approval to re-open our facility to public gatherings with the mitigation and capacity limits in place.
- With the verbal approval in place, we can begin the process of planning our first event with CK Dance Studio on May 1st.
- I have begun reaching out to all renters on the books in 2021 with our Covid mitigation plan, in addition to a form that the renter would have to fill out with acknowledgment of our Covid plans, plus the steps they are taking on their own end.
- The City rolled out a new process for conducting reviews and setting SMART goals for all city staff. We are in the midst of completing those reviews and setting SMART goals for 2021 for all full-time positions. In the March Board report, we will include our SMART goals for the Lerner Governing Board to review in the staff's respective report section.
- At the request of the administration, I delivered a revised Lerner Operating Budget for 2021 to the City Controller with cuts to the overall budget for 2021. Officer held positions of the Lerner Governing Board and the President of the Friends of The Lerner were copied on this email and brought up to speed on this request.
- In the delivery of the requested revised Lerner Operating Budget, there was a special note regarding the emergency lighting system for the theatre. As part of our yearly maintenance plan for The Lerner, an audit is performed each year on the emergency lighting fixtures to ensure that all are working properly, and the back-up battery mechanism is ensuring that the batteries are charged long enough to allow for a timely exit of all persons from the theatre in case of an emergency. The life expectancy of the existing lighting fixtures was five years. These fixtures and their battery back-up system has been failing for the past year to year and a half. After months of research and consultation with the architect of the renovation, the conclusion was made that the existing fixtures should be replaced with a whole new fixture, as the current fixtures are no longer manufactured, and the replacement pieces are far too costly to be a viable option. In anticipation of the 2021 Lerner Operating Budget, Lerner Executive Director submitted a capital

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expense of \$31,000.00 to the City Council to fund a replacement of the existing emergency lights. These requested fixtures would fit the aesthetic of the building with a fixture that would retract into the building and not an outwardly obtrusive emergency light fixture. In 2020, the theatre's revenues were impacted heavily by Covid-19 after the shutdown of the theatre in March 2020. Though budget maintenance and cost mitigation were utilized, there remains a shortfall to the 2021 Lerner Operating Budget. The City Controller, at the request of the Mayor, requested that the Executive Director make cuts to the approved 2021 Lerner Operating Budget. The emergency lighting replacement was removed with the notation that if Friends of The Lerner chose not to fund the request, it would remain in the 2021 Lerner Operating Budget as a City expense. The importance of this project completion before we re-open the facility is paramount and cannot be pushed into 2022. Upon the completion of the 2021 audit on the existing lighting fixtures in January, we are at a 25% fail rate of the existing lights. Since the audit, we have lost another two fixtures. Due to the importance of this request for the safety of the public that we are anticipating returning to the theatre in May 2021, we sought the approval of the Friends of The Lerner to fund the replacement of the emergency lighting fixtures. Should Friends of The Lerner decline, we will seek to have this expense return to the Lerner Operating Budget for 2021.

MEDIA SPECIALIST REPORT PREPARED BY: SONNY LISI
 E-Blast Reporting – January 2021

Campaigns Sent	0
Total Emails Sent	0
Emails Opened	0
Emails Clicked Through	0
Starting Subscribers	16,526
Ending Subscribers	16,524
Average Emails Per Campaign	N/A

Tickets Purchased by City

City	Tickets
Middlebury	2
Elkhart	2
South Bend	1
Portage	1
Plymouth	1
Niles	1
Encino	1
Belleville	1

January Accomplishments

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- Continued to work on collecting and formatting all information for the 2020 year-end report, including finalizing the graphic design and content arrangement.
- Completed installing digital displays outside the dressing rooms and Green Room. Created a simple to use content management system that management can access from anywhere to change each display.
- Completed annual performance review self-assessment and supervisor assessment. Brainstormed ideas for 2021 S.M.A.R.T. Goals.

February Goals

- Develop new guidelines and seating arrangements for reopening procedures and event scheduling while maintaining social distancing, attendance limits, and other COVID-19 restrictions.
- Complete content layout for the 2020 year-end report and finalize the booklet for print and distribution.
- Start virtual learning and coursework related to PatronManager and the Salesforce platform to better understand how we can utilize our ticket system moving forward.

BOX OFFICE/OFFICE MANAGER PREPARED BY: MINDY MIGEDT

Date	Time	Event Name	On Sale Date	Sold	Net Revenue	Hist. Fee	Total Revenue
5/14/2021	8:00 PM	Gordon Lightfoot	12/12/2019	7	\$536.40	\$17.50	\$553.90
6/26/2021	8:00 PM	Kansas	9/24/2019	-6	-\$445.05	-\$15.00	-\$460.05
9/24/2021	7:30 PM	The Price Is Right Live! - NEW DATE	10/28/2019	-24	-\$1,345.00	-\$60.00	-\$1,405.00
11/12/2021	7:30 PM	Stars of the Sixties	3/5/2020	3	\$306.20	\$7.50	\$313.70

Total Ticket Revenue	-\$997.45
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Accomplishments for January

- Hosted 1st Quarterly B.O. Meeting as Supervisor
- Gained Confidence in using PatronManager
- More secure executing assigned duties/ tasks

Goals for February

- Set, Review, and Achieve "Smart Goals"
- Organize Files/ Office Space
- Brainstorm Ideas for Hiring New Ushers/B.O. Staff

TECHNICAL THEATRE MANAGER PREPARED BY: ANDREW KREIDER

Overview:

January provided several opportunities for the tech department to put our 2020 upgrades into service. Notably, we provided A/V support for a live taping of a socially-distanced performance by the Elkhart County Symphony. This process took several weeks of rehearsals, as we experimented with microphone placement, deployed our new monitor console, and made space for a five-camera crew to set up on the day. One of the pieces performed was done in collaboration with a second set of performers in California. The two performances will be

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combined into a single piece in post-production. The finished concert video will be broadcast on local television later this spring, and we look forward to seeing the symphony and the Lerner shine!

Accomplished in January:

- - A/V support for taping of socially-distanced Symphony performance in theater.
- - Re-cabling audio runs for subwoofers in theater.
- - Collaboration with City IT on email migration for @thelerner.com
- - Setting of SMART goals, in line with the Mayor's direction for the city.

Upcoming tasks:

- - 10-year maintenance of theatrical lighting system, with an expert from Vincent Lighting Systems who did the original install. Installation of new lighting touch panel on stage, and re-wiring on stage and in the main dimmer room. Work postponed from December due to COVID-related issues at Vincent.
- - RFP for emergency lighting throughout the theater.
- - LED wiring for under-balcony cove lighting in theater

FACILITIES MANAGER PREPARED BY: DAN GOULD

We did not have to remove any snow in January. In my past years of working here, snow removal was a weekly thing. That meant, this year, we could concentrate on the tasks at hand including installing the new carpet in the sound booth. When we removed the old carpet from the sound booth, we discovered the floor below the carpet was extremely degraded due to the high traffic and heavy road cases that we roll in and out of the space. Ninety percent of the equipment cases are in the 300 to 600-pound range. I was not prepared for the damage that had occurred. But, when you have the best crew in the city, no job is too big. Make sure to check it out, the next show you attend at the Lerner. The new carpet has special metal fibers woven in to help control static electricity and matches our existing carpet.

January also saw us continuing our efforts to upgrade our lighting to LED Lights. We have just started on this project and it is something I see us continuing long into the future. The theatre has a lot of lights. February will see us continuing to convert lights to LED with a concentration on emergency, and entrance lights.

In February, we have a very important job. The week between Christmas and New Year's Day, the recirculating pump for our boiler system stopped working causing a significant leak. We had water dripping on three different floor levels including our General Manager, Michelle Frank's office. This pump is so specialized, it took us two weeks just to find a replacement and, of course, the manufacturer didn't have any in stock. It will be February 10th before they will have one to send us. We are waiting patiently for the new pump. Meanwhile, we haven't had hot water since December 28th.

In February, our team will be concentrating on cleaning floors. The lobby and backstage are all showing the effects of all the maintenance we have been doing. And, we can't forget the painting that needs to be done.

As always, thank you for letting me care for this beautiful building.

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COVID-19 2021 Re-open The Lerner Theatre

1. Dates of Performances:
 1. Saturday, May 1st – CK Dance Recital
 2. Friday, May 7th through Sunday, May 9th – PA Beauty & The Beast
 3. Thursday, May 13th – Get The Led Out
 4. Friday, May 14th – Gordon Lightfoot
 5. Saturday, May 15th – Elkhart County Symphony
 6. Friday, May 21st – Oaklawn Spring Spectacular
 7. Saturday, May 22nd – Larger Than Life
2. Capacity Limits:
 1. Reserved seating in pod style seating in groups of 2 or 4.
 2. The Lerner Theatre can social distance in pod style seat groupings up to: 550
 3. Seating can be scaled back based on approval for gathering limits but will not exceed 550 in total social distanced seating.
 4. General admission allows for up to 6 people in a household to sit together socially distanced from other groups, or two people can sit in a grouping of 6 with two seats “killed” in-between the next two people in that grouping.
 5. The Lerner Theatre can social distance in general admission seat groupings up to: 620, ideally 400 due to having to kill two seats between groupings
 6. First come, first serve basis on seating, filling main floor first before opening the balcony.
 7. Advance communication and onsite management will advise patrons to sit in their households only, allowing for a minimum of two seats between groupings of seats for social distancing.
 8. Advance communication and onsite management will advise patrons to purchase in their households only, allowing for a minimum of two seats (6 feet) between groupings of seats and every other row in the theatre will be “killed”.
 - i. Paid staff will be present to help enforce seating arrangements.
3. Guest Information to be Distributed:
 1. Warning to stop and not come inside if they are exhibiting any symptoms of COVID-19
 2. Masks are required for entrance to the facility, exceptions for medical conditions only (Is this still relevant?)
 - i. They may provide their own or The Lerner will provide for \$1.00 charge
 3. Scanners for ticket entry will be used for entry to the theatre to reduce the potential spread of COVID-19 and ticket takers will ask

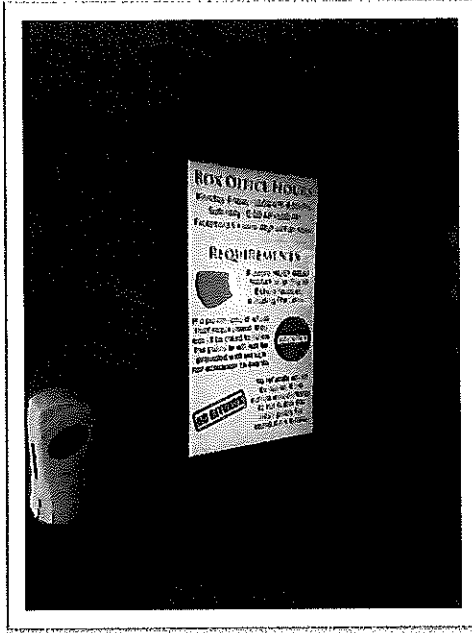
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the patron to hold the ticket while they scan the barcode, as to not touch the patron's ticket.

4. Public restrooms will be open, but will be disinfected every 60 minutes by janitorial staff with signage on door entries.
5. Communication that there are no gatherings in the lobbies following shows and everyone must exit out Main Street doors.
 - i. Sections will be dismissed by announcement of colored section on the seat in front of them and with paid staff help after the show is over.
6. Concessions will be served in the lobby. The bars are contained to one area in the Grand Lobby (the largest gathering area). The ground is marked with signage of 6 feet proper distancing and stanchions are used for crowd control.
7. Forms of communications will be as follows:
 - i. Website updated with information
 - ii. Press Release to 100+ news and local outlets
 - iii. Social media posts to Lerner Theatre and Premier Arts platforms, combining 30,000 reaches
 - iv. E-blasts to ticket purchasers attending each show
 - v. Signage distributed throughout the venue:



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Social Distancing Measures:

a. Entrance to the theatre will be from Main Street entrance, facilitated by paid staff.

i. The goal is to limit the number of patrons by groups of the ticket purchaser coming into designated entrances at a time by our

management staff. No tickets would be exchanged.

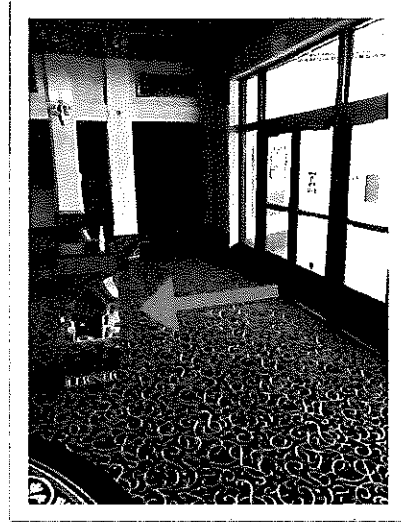
b. Stanchions and signage will designate the exits to the lobby for restrooms, which differs from the entrance points into the theatre from the lobby.

c. Social distancing in the theatre is laid out on Page 1.



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d. Restrooms will also be set-up for social



distancing. Every other urinal and sink will be roped off to maintain the 6 feet social distancing.

Staff & Volunteer Screening:

1. Lerner Theatre staff follows the protocols laid out by the City of Elkhart, which include mask wearing where 6 feet social distancing is not possible and self-monitoring of COVID-19 symptoms.
2. Performers:
 - a. Participants have signed on to perform with mitigation of potential spread.
 - b. Temperatures of performers and personnel must be taken before every rehearsal and every performance to ensure safety of all.
 - c. Premier Arts
 - i. Premier Arts will use creative blocking to perform with as much social distancing as possible. When social distancing is not possible in a scene, unmasked time limits have been set and will not exceed 15 minutes as previously laid out by previous Elkhart County Health Officer.
3. At this time, we're still deciding if Lerner Theatre volunteers will be permitted for these performances, given their age demographic that puts them more susceptible to COVID-19. If they are permitted, they will follow the same guidelines as City staff.

Increased Sanitation:

1. Please see page 4 for Box Office sanitation procedures.
2. Please see page 2 for restroom disinfecting schedule.
3. Hand sanitizer stations will be distributed throughout the facility for patron and staff use.

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4. Microphones for performers are for each individual and not exchanged among performers. They are disinfected after each performance and rehearsal.
5. The theatre seats will be disinfected by facility staff and with electrostatic disinfecting machines after each performance.
6. Elevators, door handles, handrails, etc. will be disinfected every hour.

Face Covering:

1. Masks are required for entrance to the facility, exceptions for medical conditions only (is this still relevant?)
 - a. They may provide their own or The Lerner will provide for \$1.00 charge

Compliance:

1. Lerner Theatre Managers: 6-10 at each show
2. Usher Corps: 8-12 at each show
3. Police Officers: 2-4 at each show

COVID-19 2020 Re-open The Lerner Theatre Box Office

Procedure for patrons and Box Office staff conducting Lerner Box Office business.

1. Box Office staff must wear masks throughout shift.
 - a. They may provide their own or The Lerner will provide.
2. Box Office staff must wear gloves once seated at station and working with a patron.
 - a. Gloves should be changed after each patron and sanitizing.
3. Sanitize workstation with prepared bleach solution and paper towels at beginning of and end of each shift.
 - a. Document date, time, and name of person sanitizing on City of Elkhart Cleaning Schedule document.
4. The Lerner Box Office Hours
 - a. Monday through Friday: 9am to 4pm
Saturday: 9am to 1pm
Exceptions for show days and on-sale days: 9am to 5pm
5. Doors between Box Office vestibule and Main Lobby remain locked.
 - a. Stanchions across this door.
 - b. Sign text: The Lerner Theatre Lobby is closed
6. Doors entering Main Lobby through Franklin street doors remain locked.
7. Box Office staff only unlock Franklin Street doors, 1 closest to Main Street and handicapped closest to vestibule.
 - a. Leave center door, closest to Main Street, locked.
8. Box Office vestibule is empty but for small table.
 - a. Magazine racks and chairs removed.
9. Doors between entranceway and Box Office vestibule open with door wedges while Box Office is open to limit touching of door handles.
10. Box Office window ledge holds hand sanitizer.
11. Box Office staff member will be wearing mask and gloves and have a hand sanitizer available.

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12. High top table in entranceway of Franklin Street Doors, in front of locked door.
 - a. Table holds disposable masks and hand sanitizer.
 - i. Sign on table on easel and Raspberry pi screens in Box Office alerting entering patrons to mask requirement.
Sign text:
Patrons must wear masks in all City of Elkhart facilities, including The Lerner. If a patron would decide to ignore that advisement, they would be asked to follow the policy or will not be provided with service nor admission into the event. No refunds would be issued if the patron would choose to not follow the city's policy for mandatory masks.
13. Patrons enter through Franklin Street Door, closest to Main Street.
 - a. Sign on door closest to Main Street, inside and outside.
 - i. Sign text:
ENTER ONLY – If another patron is waiting inside this door, please wait.
 - b. Square or X immediately inside door on the floor for patron to wait.
 - c. Sign placed in path to Box Office vestibule on music stand or another easel
 - d. Sign text:
STOP. One patron allowed in the Box Office vestibule at a time. Please wait for the patron in front of you to depart and the Box Office staff to disinfect the window to proceed.
14. Patron must be wearing a mask upon entering the Box Office vestibule.
 - a. They may wear their own masks OR a mask provided by The Lerner (Sign text information for this requirement listed in Outline 12. a. i.)
15. Patron approaches Box Office window to complete needed transaction.
 - a. Box Office staff member accepts payment of cash, check, or credit card, if applicable.
16. If patron pays with credit card.
 - a. Accept card from patron.
 - b. Wipe card with sanitizing wipes OR prepared bleach spray and paper towels if no wipes are available.
 - c. Swipe card or type in card number.
 - d. Return card to patron.
17. Complete transaction and give patron tickets, receipts, etc, as necessary.
18. Patron departs through Franklin Street door, closest to Box Office vestibule.
 - a. Sign alerting to exit door – inside and outside the door – closest to Box Office Vestibule.
 - i. Sign text reads:
EXIT ONLY

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19. Box Office staff member moves to vestibule to sanitize Box Office window ledge with prepared bleach solution and paper towels OR sanitizing wipes.
20. Return to Box Office, dispose of gloves and put on new pair.
21. Next patron may now enter the Box Office vestibule.
22. End of Day procedures:
 - a. Box Office staff lock doors that are unlocked and turn off handicapped switch on Franklin Street doors.
 - b. Sanitize all door handles and handicapped switch with prepared bleach solution and paper towels OR sanitizing wipes.
 - c. Remove wedges from Box Office vestibule door and lock.
 - d. Sanitize all door handles and handicapped switch with prepared bleach solution and paper towels OR sanitizing wipes.
 - e. Sanitize workstation with prepared bleach solution and paper towels.
 - f. Document date, time, and name of person sanitizing on City of Elkhart Cleaning Schedule document.

8. NEW BUSINESS

Approval of Replacement of Emergency Light System

Michelle explained that our lighting system had a 3-year warranty when it was installed in 2010. It is now beginning to fail. The expense was included in the 2021 Capital Budget which is now under review. Michelle notified the Board that she submitted a request to the Friends of the Lerner to cover that capital expense and insure the safety of the patrons in anticipation of opening the facility in May. There are close to 250 light fixtures. They have an LED option that retracts in when not in use to keep the beauty and the elegance of the space. They have a 5-year warranty. Kevin Bullard asked why they were cut from the budget? Michelle said the 2021 Lerner budget is under review by the Controller and Administration to see if any cuts need to be made for 2021. Gary Boyn said the Friends of the Lerner met and view this as an emergency safety issue and a critical need that falls within the scope of the special funds in the endowment and voted unanimously to cover this cost if that is what it takes to get it done as soon as we can.

On motion by Dina Harris, seconded by Ashley Martin and carried 5-0, the Board approved the replacement of the emergency lighting system in its entirety at a cost of \$31,000.00.

9. FRIENDS OF THE LERNER

Michelle discussed a show coming May 22, 2021 called "Larger than Life". With Health Department approval and pod style seating, we can seat 550. We are looking at a demographic of 30-40-year-old women that grew up loving the 90's boy bands. We can safe distance and deliver a safe and quality product. Michelle discussed the perspective of a promoter, and how small the profit margin is with 550 in the theatre.

10. PUBLIC PARTICIPATION

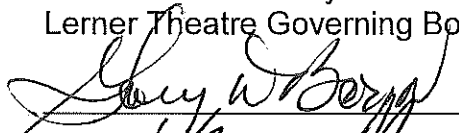
City Councilman Dwight Fish spoke to the Board about the topic of downtown parking. We need to have the conversation at the Mayoral level, the Council level, and the Lerner level. We are planning for the day when Elkhart is back open for business. We need to be ready to park for Beacon Aquatic swim meets. We need

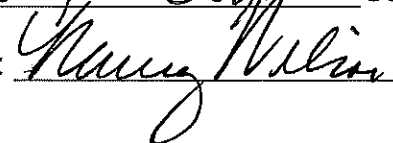
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to talk about centralized parking for the Lerner which is an economic driver for the City of Elkhart and our tourism, and our Hotel Elkhart. We need to have the conversation and take action to build multi-level parking. He asked the Board to promise him they will talk about it when the time comes. We should be supplying parking for the people that patronize our activities. We need to prepare for that or we will fail in some ways. He urged them to get this topic on the front burner. Gary Boyn said they are tuned in heavily and he very much agreed with him. Michelle thanked him for addressing the parking issue. Parking is definitely something we should be proactive with as opposed to reactive. Kevin Bullard thanked Michelle and her crew for keeping the spirit going with Premier Arts at the Wellfield and the Christmas windows. Kevin said he attended the meeting with Dr. Wait and he has a good feeling that things are moving forward with a good relationship with the County. Kevin also thanked the Lerner Board and the Friends of the Lerner. Arvis Dawson said he appreciates everything they are all doing thanking Michelle and her staff and the Lerner Governing Board.

11. ADJOURNMENT

On motion by Dina Harris, seconded by Dallas Bergl and carried 5-0, the Lerner Theatre Governing Board was adjourned at 11:12 a.m.

 Gary Boyn, President

Attest:  Nancy Wilson, Clerk of the Board

**PLAN COMMISSION
-MINUTES-**

**Monday, January 4, 2021 - Commenced at 1:45 P.M. & adjourned at 03:17 P.M.
City Council Chambers – Municipal Building**

Elkhart City Plan Commission was called to order by Jeff Schaffer at 1:45 P.M.

MEMBERS PRESENT

Jeff Schaffer-In person
Dave Osborne-In person
Brad Billings-Webex
Mary Olson- Phone
Tom Shoff- Phone
Ron Davis-Webex
Johnny Thomas-Webex

MEMBERS ABSENT

Mike Sweet

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director for Planning- Webex
Ryan Smith, Planner-Webex

LEGAL DEPARTMENT

Randy Arndt, Deputy City Attorney- Webex

TECHNOLOGY STAFF

Victor Limon

RECORDING SECRETARY

Jennifer Drlich

APPROVAL OF AGENDA

Motion to approve by Olson; Second by Billings. Voice vote carries.

ELECTION OF OFFICES

Motion to approve by Billings; Second by Olson. Motion carries.

Osborne - Yes
Billings - Yes
Davis - Yes
Olson - Yes
Shoff - Yes
Thomas - Yes
Schaffer - Yes

APPROVAL OF MEMBERS OF PLAT COMMITTEE

Motion to approve by Olson; Second by Billings. Voice vote carries.

APPOINT MEMBERS TO BZA

Motion to approve by Davis; Second by Olson. Voice vote carries.

APPROVAL OF MINUTES FOR NOVEMBER 2, 2020

Motion to approve by Osborne; Second by Olson. Voice vote carries.

APPROVAL OF PROOFS OF PUBLICATION

Motion to approve by Davis; Second by Osborne. Voice vote carries.

OLD BUSINESS

None

NEW BUSINESS

CASE# 21-X-01 PETITIONER IS FRANCISCO SESMAS AND MARIA TORRES PROPERTY IS LOCATED AT 2215 SOUTH SIXTH STREET

A Special Exception per Section 5.3, Special Exception Uses in the R-2, One-Family Dwelling District, to allow for a Day Care Center.

STAFF ANALYSIS

The petitioner owns a house that was formerly a residence on a .28-acre lot and has been using it as a daycare center for several years without the required special exception which is a violation of the zoning ordinance. Under Elkhart's zoning ordinance, a daycare in a residential house in which the provider does not live is classified as a daycare center. The business currently has a license for up to 12 children, and operates only during the summer months.

The buyer under contract, Maria Torres, currently operates several other daycares in the area. According to the Elkhart County Assessor's records state the house is 732 square feet the spatial standards for daycares are 35 square feet per child, making the space adequate for the maximum licensed capacity of 12 children. Generally speaking, Ms. Torres has a good recent record with state inspections of her operations, without an excessive number of critical violations. Records dating back to 2018 for this location have been reviewed by staff, and there have been no critical violations.

The interior of the house appears to be well established for a daycare. The exterior includes playgrounds in the front and back, and the entire property is enclosed by a fence. However, the fence has a large gate in front for the driveway; daycare staff should take care to ensure the fence is closed while children are outside. One safety violation noted that the gate was open during an inspection by the state's Family and Social Services Administration (FSSA).

The site is currently not served by sewer and water, and only a water line currently exists along Sixth Street. A sewer extension has been requested for the adjacent property to the south, and is scheduled for 2021. Should the septic system fail, it would need to be serviced until a sewer connection is available.

Staff has some concerns about the site. First and foremost are a couple of health and safety concerns. During staff's inspection, the exterior of the house had fungi growing on it. Removing this growth should be a part of normal maintenance. Additionally, the garage has a roof that's in poor condition and appears to be in danger of failing. The petitioner should repair, demolish, or block off access to the garage (with a barrier such as a fence).

Additionally, there is an unimproved driveway leading to the garage. The daycare clients are apparently using this driveway and part of the lawn area for drop off/pick up in violation of the zoning ordinance. The petitioner should install a paved parking/pick-up/drop-off area, subject to staff's prior approval.

STAFF RECOMMENDATION

The Staff recommends approval of the special exception based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because the property size is ample, the building has an ample setback from the street and is screened by a fence;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

CONDITIONS

1. The petitioner or lessee shall pave a pickup/drop off area to city standards prior to the daycare's resuming operation this summer; a plan shall be submitted and approved by city staff before any work is done;
2. Property maintenance to ensure health and safety should occur prior to reopening. These include removing fungi from the house siding, and either fixing the garage roof, demolishing the garage, or placing a barrier around it.
3. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings. The fence gate should be closed while children are outdoors.
4. The facility and grounds shall be kept clean at all times.
5. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
6. There shall be no exterior display, signs, or other forms of advertising on the premises..

7. A copy of the child care license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
8. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
9. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
10. There shall be a maximum of twelve (12) children.
11. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by January 13, 2023.

Schaffer asks if there are questions from the Commission.

Olson asks Smith to address the utilities, as it states city utilities are not provided to this site.

Smith agrees with Olson's statement. Smith says there is a waterline. However, there is currently not a sewer. There are plans for the sewer to become available to the south property in the spring.

Schaffer asks Smith if he is understanding this special exception correctly in regards to the applicant; he has multiple home-based daycares.

Smith states daycares with five or more children have to get a special exception in most zones, regardless of location. The state considers if the structure is residential, it would be a daycare home. Smith states, the city considers if the operator actually lives on property that is when it is a daycare home. If they do not live there, it would be classified as a daycare center.

Schaffer asks if there are additional questions for the staff. Hearing none, he calls the petitioner forward.

The petitioner is not present.

Schaffer opens for public comments in favor or opposition of the petition.

Hearing none, Schaffer closes the public portion of the meeting.

Osborne asks for the conditions.

Schaffer asks Olson if her motion included the conditions in the staff report.

Olson states yes, her motion is to include the conditions in the staff report.

Thomas asks what difference there is if the daycare is during the summer time or year round.

Schaffer asks Smith if this can be answered.

Smith states that it will not make a difference and was not included in the conditions. Smith also tells Thomas if he feels that it should be added, it can be entertained. However, as presented it was not a contingent on approval.

Osborne states he has a concern that there is not a deadline as to when the improvements will be completed in order for the daycare to reopen.

Smith states this would be monitored as a matter of compliance and if the members would like a date set, this can be brought to attention.

Schaffer agrees with Osborne and asks to see a condition stating the repairs need to be addressed no later than April 30, 2021 if plans are to open on May 15, 2021.

Schaffer calls for an amended motion and an amended second for completion of improvements to be completed by the official date of May 1, 2021.

Olson makes an amended motion to approve with a Do-Pass to BZA with conditions listed in the reports and an additional condition that the improvements be completed by May 1, 2021; Second by Davis. Motion carries.

Osborne - Yes
Billings - Yes
Davis - Yes
Olson - Yes
Shoff - Yes
Thomas - Yes
Schaffer - Yes

**CASE# 21-FSP-01 PETITIONER IS GFS MERGER III LLC
PROPERTY IS LOCATED AT 2700 CASSOPOLIS STREET**

As required by Section 20.10.A.2 seeking a Minor Amendment to the Final Site Plan approval for a 460 square foot addition at an existing grocery/food store on land totaling 3.2 acres, more or less, located at 2700 Cassopolis Street, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns a 13,000 square grocery/food service store located on a 3.2-acre site located at 2700 Cassopolis Street that was built in 1995. They wish to add a 460 square foot vestibule with new signage to the front of the building. The vestibule will be used primarily for storage of grocery carts, expanding the usable area within the store and updating its branding. The project falls under the threshold of 1,000 square feet typically required for a Technical Review application. The project will be required to be reviewed and approved through the Local Plan Review process with the Building Department prior to permitting.

STAFF RECOMMENDATION

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
2. The proposed use is permitted within the underlying zoning of the Planned Unit Development;
3. The project is below the minimum threshold to be reviewed through Technical Review;
4. The use conforms to the Comprehensive Plan which is anticipated to call for commercial uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Smith states there were 22 letters mailed, 2 returned. One in favor and one not in favor with no comments.

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

John Hamilton introduces himself and states he is a project manager with MS Consultants in Columbus, Ohio. Hamilton states they are the architects and engineers for Gordon Food Services. He states the project scope is the addition of a 460 sq. ft. cart room along with an updated main entrance, new exterior finishes, canopies and lastly, the facade will receive new finishes.

Schaffer asks the Members if there are questions for Hamilton.

Billings tells Hamilton he is glad to see addition for the cart room because he thought it was a Covid pick-up area.

Hamilton tells Billings, no it's an extension for the cart room which will allow for a new branding for the store at the entrance.

Schaffer asks the Members if there are questions for Hamilton.

Hearing none, Schaffer opens for public comments for the petition.

Hearing none, Schaffer closes the public portion of the meeting.

Schaffer calls for a motion.

Billings makes motion to approve for final site plan; Second by Osborne. Motion carries.

Osborne - Yes
Billings - Yes
Davis - Yes
Olson - Yes
Shoff - Yes

Thomas - Yes
Schaffer - Yes

CASE# 21-Z-01 PETITIONER IS H & O INVESTMENTS PROPERTY, LLC
PROPERTY IS LOCATED AT SW CORNER OF CR 6 AND STRYKER STREET

Per Section 29.11.B, Map Amendments, a request to rezone the property located at the Southwest corner of CR 6 and Stryker Street (vacant land) from M-1, Limited Manufacturing District to B-2, Community Business District.

STAFF ANALYSIS

The petitioner is seeking to rezone the corner +/- 1.19-acre parcel from M-1, Limited Manufacturing District to B-2, Community Business District for the purpose of developing a Dollar General retail store.

After being annexed to the City in 2017, a petition was filed in 2018 to seek rezoning from PUD and R-1 (approved by the County Commissioners) to M-1 for a proposed large warehouse and manufacturing facility. The facility was never constructed.

In 2019, the entire undeveloped site (+/- 16 acres) had a proposal submitted to rezone for a PUD to allow for B uses along CR 6 and M uses at the rear of the site. The Planned Unit Development would allow for a higher level of review by the Plan Commission to ensure the development standards for the corridor were achieved. The 2019 proposal was again for a large manufacturing facility at the rear – farthest away from CR 6 and commercial uses north along the frontage adjacent to CR 6. However, those projects did not materialize due in part to the fact that sanitary sewer would need to be extended to the site and those costs were not able to be absorbed into the development proposal. Subsequently, the request for the Planned Unit Development was withdrawn.

In December 2020, a new petition was submitted to subdivide the site into two lots. One lot to develop a new use for the majority of the site and the lot referenced today.

The new development proposal for the majority of the site was submitted for Technical Review. The proposed development, which is a permitted use, has addressed all comments raised by staff and that plan has been approved. The only portion of the site without an approved development plan is this 1.19-acre site. The request to change the zoning and develop a retail store is before this body again because the developer for the current manufacturing use is extending sewer to the site. The retail use would be able to then connect to the public service.

The retail developer has not yet addressed all comments raised from the 2019 Technical Review submittal. The Fire Department review is the only department that is approved. There are still a majority of comments outstanding and it has not been demonstrated to staff that the comments are able to be addressed. Façade, landscape, storm water retention, potable water connection and an approved Stormwater Pollution Prevention Plan (SWPPP).

Permitted M uses are able to be developed on this lot. Contractors offices, professional offices, office uses related to manufacturing activities, service businesses that provide services to the manufacturing uses, equipment rental facilities are examples that are permitted by right that do not require a rezoning. These types of use are found more frequently along this portion of the CR 6 corridor. The impact from traffic would likely be less intense as well.

Staff is not in favor of this iteration of the site development. This plan no longer provides for the B uses together along the CR 6 frontage. The previous plan allowed for similar uses to be developed together – this plan does not. The potential traffic issues associated with this plan pose a potential issue with the adjacent neighborhood. Although they are not within the City limits, staff feels this standalone B use is not favorable to the adjacent neighborhood or the City.

STAFF RECOMMENDATION

- 1) It is anticipated that once the Future Land Use map is adopted the request will not be in keeping with the comprehensive plan which will call for the area to be developed with industrial uses.
- 2) Current conditions and the character of current structures and uses in each district will be impacted because standalone commercial use will cause potential traffic congestion within the neighborhood and conflict issues with increased westbound traffic on CR 6.
- 3) The M-1 District does allow for the most desirable uses for which the land can be adapted since the site will accommodate a number of permitted M uses that are compatible with the area.
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because the land will be developed to current standards, be in active use, and be compatible with adjacent properties.
- 5) The rezoning of the property to B-2, Community Business District is not compatible with the surrounding properties and does not reflect responsible growth and development. This plan places a B use within an area of largely industrial uses that will potentially impact the surrounding area negatively.

CONDITIONS

1. Any site development shall be submitted and approved through Technical Review prior to permitting.

Smith states there were 27 letters mailed, 1 returned not in favor with comments. Comments were:
Good Day to you all.

My name is Darlene Underwood and I am one of two spokes persons for the Area 6 Neighborhood which is situated just North and East of Stryker Street in Elkhart, Indiana 46514.

I received a letter from the Planning Commission in Dec. 2020 asking me if I would be in favor of a request for H & O Investment LLC to rezone the property located at the Southwest corner of CR 6 and Stryker Street from M-1 Limited manufacturing District to B-2, Community Business District.

At that time, Mr. Ryan Smith was nice enough to call me and address my issues to this subject.
I wish to thank him personally for his quick response to this problem.

I personally, have no issues with H & O Investment LLC putting a Dollar Store on that property in question.
However, after talking with many of my neighbors, the problem we all have is with H & O Investment LLC's plans for the Parking Entrance and Exit to this Dollar Store to be added on the Side Street known as Stryker Street.

A number of these homeowners are very concerned with the traffic and the speed issues that this entrance and exit onto Stryker Street will bring onto our area 6 neighborhood roads, streets and drives.
This is an issue which all of the Area 6 neighborhood Homeowners took to the Common Council with their signed Petition which ended with the Favor of Mayor and the Council Members back in 2018 .
Therefore, I must agree with them.

Since this Stryker Streets Entrance and Exit for this Dollar Store is what is causing such an issue to this property in question.
Hopefully, I can try to explain the issue a little better.

Our Area 6 Neighborhood includes approximately 4 blocks and hundreds of homeowners on the North and East side of this property in question.
A number of these properties are connected to Stryker Street (mine included).

The Area 6 Neighborhood continues down both sides of County Road 6 until you get to County Road 11. Then they continue North and South down County Road 11 all the way to the bypass on one end and picks up at the light on the corner of County Rd. 6 and County Road 11 in the other direction to continue South to the Trailer Park on County Road 11.

First of all:

I am very sure that many of these homeowners that live close to this property and even those that are not close to that property, will be effected by the issues associated with this property in question.

Second, They did not receive a letter to ask them if they were in favor or not of this plan to add a Dollar Store to that property in question.

Third, if they had, I can safely say that most of them would have not been in favor of it .

Especially since the H & O Investment LLC is so adamant on adding their Parking Entrance and/or Exit for this Dollar General Store onto Stryker Street.

However, I believe most of the homeowners are not against the Dollar Store itself.
They simply ask the owners of this property to put their parking entrance and exit off of County Road 6 instead of letting the traffic come onto Stryker Street as a parking entrance and exit to their store.

I would go into detail as to the reasoning as to why that is, but I decided to send you the petition that the Common Council favorably agreed to and why it was recorded within the City records back in 2018 so you could see for yourself what the reasons for our objections to this parking entrance and/or exit off of Stryker Street was and still is and why this issue materialized in the first place and continues to worry us to this day.

As an argument for this issue the homeowners want to address the fact that many Dollar General Stores have just one parking entrance and exit off of a main highway.

A few homeowners point out the Dollar General Stores on County Road 12 and also the one just added at five points on 12 as having one parking entrance and exit off of the main highway. They use this as a recommendation to a point of interest.

I can only hope that H & O investment LLC has a change of heart and decides to direct their traffic parking area for their Dollar General Store to be off of County Road 6 as Mr. Ryan Smith has already suggested to them.

For if this issue goes forward, I am pretty darn sure that most homeowners in the area 6 neighborhood will be sitting at the Common Council Meeting to voice their objections.

As for me, I have told Mr. Smith how I truly would like for this issue to be over with once and for all but I am and have been obligated to continue to speak for the safety of the children of this area 6 neighborhood and for the will of the people of this area 6 neighborhood.

I thank you all for your time and attention.

Sincerely,
Darlene Underwood

Schaffer asks if there are questions from the Commission.

Schaffer asks what uses are allowed in a B2 Zone.

Trotter lists the following: appliance, convenience, dry cleaning, financial institution, grocery/food, hotel/motel, liquor, medical supply, service station, vehicle full service wash, photography studio and also anything that is permitted in B1 Zone as well.

Schaffer asks Trotter if B2 includes an example like a fast food restaurant.

Trotter replies yes it would because restaurants and catering are permitted use along with alcohol service or outdoor dining up to 50% interior seating.

Schaffer asks if there are additional questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

Tom Cowen introduces himself (Cleveland, Ohio) and states Dollar General is one of his clients and that is the reason he is here today; to ask for approval on moving forward with the intended project. Cowen states Dollar General is a strong retailer who continues to invest in local communities, especially in Elkhart. This is why Dollar General is interested in the CR 6 and Stryker location as it is not being used. Cowen states there was some economic issues that were not allowing the project to move forward previously. However, now those issues have been resolved. Cowen then states the plan is to discuss the past technical review comments with the team in hopes to move forward. Cowen says Dollar General has protected their stores, customers and employees during this pandemic and has followed the CDC's guidelines. He also states Dollar General is planning to stay as the companies are committed to 15 years, plus another 20 years of extensions regarding the lease.

Whitney Pilzala introduces herself (5225 Venture Park Dr Kalamazoo, MI) states she is a civil engineer for the project and goes into detail regarding the building. The Dollar General will be about 9,000 sq. ft. and about 30 parking spaces as well as having access off of Stryker Street. She then states the access to Stryker would best fit their scenario versus having additional access points. Pilzala says Dollar General does not typically generate additional traffic. The traffic that Dollar General has is usually from people traveling to the area in the first place. She then states they intend to meet all of the necessary requirements and address additional comments from Technical Review as they have the submittal ready to given.

Osborne asks if there has been discussion of creating a joint entrance.

Ryan White (418 S. Main Street) introduces himself as the real estate broker on this project site. White explains this scenario had been discussed but ultimately it would be a safety hazard for the traffic. White states it would become an issue as traffic would be

turning right or left around trucks. For example, it would be potentially blocking the views of the drivers in order to safely exit the joint entrance. White says it was difficult for him to hear the reasoning for denial and if those could be explained again.

Trotter states, "primarily from staff's perspective there's a difference between what was proposed to us last year versus what is being proposed this year. The previous submittal allowed for the B-uses across the CR 6 frontage, it had the potential for a cluster of B-uses with a potential for rear drive, to put that traffic on the service drive. Now with this current proposal B-use is to the west have gone away because the new purchaser of the property has a much larger operation needed that frontage on 6. So now we are left with a B-use standalone by itself. That was our concern with the traffic that would be generated, with that BU standing alone and not really reflective of the area in which would be located.

White states, beforehand the front edge could have up to three retail users that would enter and exit in the same spot. He then says the entrance Trotter is speaking about is 20ft or so south of where the entrance for Dollar General is. White reiterates and questions that the scenario from last year could have up to three retail users coming out onto Stryker Street, but now with just Dollar General it is an issue.

Schaffer asks for additional questions for the petitioner.

Olson asks how many Dollar Generals are within the corporate limits of the city of Elkhart.

Cowen states he believes there are five, which there may be more that surround the city, but in the city itself five is his estimate.

Olson disagrees with Cowen's estimate and goes on to say the Dollar General, close to her, there are issues regarding mask policies.

Schaffer states this is about zoning to a B2 which means it is a decision about land use and the location of the driveway. Then this would become a staff issue through the driveway permit and the site plan process as well. Schaffer asks if this is truly a proper location for a gas station, convenience store or a restaurant with a drive-through.

White responds that it could be, however it depends.

Schaffer asks, "But from a traffic and an adjacent neighborhood, is that the type of uses? The reason I state this is, as you all know as our staff report stated, this project has been through many iterations and I'm sure Dollar General intends to develop it. But there's a chance it could fall apart tomorrow... If your client has a B2 zone, what's to stop them from coming in with a gas station, a convenience store or a drive-through restaurant?"

White responds that this is a fair question and says he recently had a situation where the county allowed zonings with specific types of conditions like restricting uses within the zone to only certain businesses.

Schaffer states to White, "The joint driveway from CR 6, and again knowing a little bit of history of this development, obviously your client made the decision at that point knowing that your client was putting two uses that said that they couldn't share traffic. And so I understand your client's perspective. Your client probably had to pick, do I do with the bigger land sale that's not going to be compatible traffic wise with my Dollar General? Or do I try and make the two go together? So from Mr. Osborne's question I understand your response. My response back is a little bit of well, that was your client's decision and I guess if we are looking at some sort of zoning commitments, I would hope that maybe you'd go back to your client or to the buyer and try to revisit that that was not a situation created by the city. That was a situation created by your client who chose that larger use that became inconsistent with the traffic from the Dollar General... It unfortunately doesn't carry a lot of favor with me personally because it was a situation you created."

White responds, "previously though, when we were dealing with Dollar General and 19, there was no curb cut to 6."

Schaffer says he understand however, through some permutations there was a curb cut to CR 6 that was approved on the other parcel which then changes the situation. He then asks how many of the Dollar Generals are owned by this particular group or have they sold it to a third party.

Cowen responds they are the developer who buy the land and then develop the land. After the development, they have a consortium of investors who want Dollar General properties and either own properties for long term or sell them to an investment group.

Schaffer asks if they are typically local owners.

Cowen replies it can local owners and they do sell to general contractors who then develop the properties.

Schaffer asks if there are additional questions from the Members.

Hearing none, Schaffer opens for public comments for the petition.

Hearing none, Schaffer closes the public portion of the meeting.

Billings interjects that there are four Dollar Generals within two miles.

Cowen replies to Billing's statement that within every two miles, something would be deemed convenient and that is why there are multiple Dollar Generals.

Schaffer calls for a motion.

Schaffer suggests to make a motion to table to allow the developer to refine their application to include zoning commitments that might address some of the concerns.

Olson makes motion to deny; Second by Shoff. Motion carries with a Do-Not pass recommendation to the Common Council.

- Osborne - Yes
- Billings - Yes
- Davis - Yes
- Olson - Yes
- Shoff - Yes
- Thomas - Yes
- Schaffer - Yes

**CASE# 21-SUB-01 PETITIONER IS GOSHEN HEALTH SYSTEMS
PROPERTY IS LOCATED AT 851 PARKWAY AVENUE**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a replat of Lot 2D, as the said Lot is known and designated on the recorded Replat of the North Portion of Lot 2 in Parkway at 17 DPUD, Phase 1 to be known as 'Replat of Lot 2D in Parkway at 17 Phase 1.' This request seeks to relocate the existing twenty-two (22) foot platted ingress-egress easement immediately to the west to allow for relocated parking. The proposed ingress-egress easement will be twenty-four (24) feet in width and will directly adjacent to the future building. No lot lines will be modified and no other easements will be modified as a part of this request.

STAFF ANALYSIS

The petitioner is redeveloping the site as a medical clinic. The new building proposed to be constructed in two phases. During the site development phase of the project, it was determined the 22-foot ingress/egress easement located at the eastern portion of the lot would need to be relocated. Currently, the ingress/egress easement is directly adjacent to the eastern property line. The new location is 24 feet to the west, adjacent to the back of the second phase of the proposed new medical building. This adjustment will allow a new row of parking where the existing easement is currently located. The easement itself allows for access between the lot to the east and the lot to the south.

There will be no modifications to other easements currently recorded for this lot.

STAFF RECOMMENDATION

The Staff recommends approval of a Preliminary Plat for a replat of Lot 2D, as the said Lot is known and designated on the recorded Replat of the North Portion of Lot 2 in Parkway at 17 DPUD, Phase 1 to be known as 'Replat of Lot 2D in Parkway at 17 Phase 1.' This request seeks to relocate the existing twenty-two (22) foot platted ingress-egress easement immediately to the west to allow for relocated parking. The proposed ingress-egress easement will be twenty-four (24) feet in width and will directly adjacent to the future building. No lot lines will be modified and no other easements will be modified as a part of this request, based on the following findings of fact:

- 1) The relocation has no impact to the adjacent development/users and will not require the adjustment of any existing lot lines;

- 2) The proposed request results in the ability for the developer to add an additional row of parking at the easternmost part of the lot. This will allow for more onsite parking for the medical building;
- 3) The proposed relocation of the ingress/egress easement will not compromise any existing development. Nor will it prevent the circulation of traffic within the existing development.

CONDITIONS

- 1) The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
- 2) Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
- 3) Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.

Smith states there were 17 letters mailed, 0 returned.

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

Crystal Welsh (1009 South 9th St) states, "As staff indicated when the new building proposal came about to develop the medical facility here and the pipeline was being (inaudible). It was important for us to try and maximize parking while still allowing for the ingress easement that is existing. We have communicated with both of the property owners that are impacted by this shift. They have given their permission and signed affidavit proving the shift from the easement so that can be recoded along with the plan if it is approved by the city. Again, all this does is shift so now the easement is in line with the drive aisle for the parking way.

Schaffer asks if there are any additional questions from the staff.

Hearing none, Schaffer opens for public comments for the petition.

Hearing none, Schaffer closes the public portion of the meeting.

Schaffer calls for a motion.

Osborne makes motion to approve; Second by Olson. Motion carries.

- Osborne - Yes
- Billings - Yes
- Davis - Yes
- Olson - Yes
- Shoff - Yes
- Thomas - Yes
- Schaffer -Yes

**CASE# 21-FSP-02 PETITIONER IS GOSHEN HEALTH SYSTEM, INC. BEAU MCNEFF
PROPERTY IS LOCATED AT 851 PARKWAY AVE**

As required by Section 20.7 B. seeking Final Site Plan approval for an 8,520 square foot medical facility with 84 parking spaces, on land totaling 2.2 acres more or less, located at 851 Parkway Avenue, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns a 2-acre site at the northwest corner of the Parkway at 17 business development. The property was previously developed and used as a restaurant. The current owner wishes to redevelop the land as a medical office. The new site plan features a building to be constructed in two phases – the first phase consisting of 8,500 square feet and the second an additional 5,600 square feet – and include a total of 57 parking spaces. The new layout requires an existing access easement to be moved, which is

being simultaneously reviewed under 21-SUB-01. The project has been reviewed through Technical Review, and the petitioner is in the process of addressing staff concerns.

STAFF RECOMMENDATION

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
2. The proposed use is permitted within the underlying zoning of the Planned Unit Development;
3. The developer is in the process of addressing concerns raised by staff based on review of the project during Technical Review;
4. The use conforms to the Comprehensive Plan which is anticipated to call for business or mixed uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Smith states there were 17 letters mailed, 0 returned.

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

Crystal Welsh (1009 S 9th St) introduces herself again and states the intent for this project is for a medical office with a pharmacy. She also mentions that Pat Gross, who is from DJ Construction, is also here to answer any questions.

Schaffer asks if there are additional questions from the staff.

Hearing none, Schaffer opens for public comments for the petition.

Limon states there is a Facebook comment from Kevin Bullard, "Will it be adequate for when CR 14 has improved to the East 2 CR 19?"

Schaffer asks Welsh if she would like to address the question, which he rephrases as if CR 14 has ever widened would there be any significant issues that would affect the building.

Welsh replies, "No, not the building. There's a pretty significant front yard setback. It may impact the drainage because there's a retention pond facility there, but obviously that's much easier to address than a building issue."

Schaffer closes the public portion of the meeting.

Schaffer calls for a motion.

Osborne makes motion to approve; Second by Olson. Motion carries.

Osborne - Yes
Billings - Yes
Davis - Yes
Olson - Yes
Shoff - Yes
Thomas - Yes
Schaffer - Yes

**CASE# 20-FSP-03 PETITIONER IS TM3 SPORTS, LLC
PROPERTY IS LOCATED AT 1162 FREMONT COURT**

As required by Section 20.7.B seeking approval for an Amendment to a Final Site Plan for three additions to the existing building totaling 48,621 square feet, 8,469 square feet of new paving and a recessed loading dock on land totaling 5.08 acres, more or less, located at 1162 Fremont Court, Elkhart, IN.

STAFF ANALYSIS

The petitioner owns an existing 50,000 square foot facility on a 5-acre site. The property is in the process of being sold to an existing business whose base is also on Fremont Court that intends to use the property as a warehouse. The use conversion will

include an expansion over two phases, with three building additions totaling 48,000 square feet, a truck dock, and 8,000 square feet of pavement. The underlying use is permitted within the district; the project has been reviewed through the Technical Review process and the applicant is in the process of providing additional details requested.

STAFF RECOMMENDATION

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
2. The proposed use is permitted within the underlying zoning of the Planned Unit Development;
3. The developer is in the process of addressing concerns raised by staff based on review of the project during Technical Review with some additional information pending;
4. The use conforms to the Comprehensive Plan which is anticipated to call for commercial or mixed uses;
5. The proposed use should not be detrimental to the property values of adjacent properties.

Smith states there were 9 letters mailed, 0 returned.

Schaffer asks if there are questions from the Commission.

Schaffer asks Smith if the parking will remain adequate.

Smith replies yes, it has been reviewed through Technical Review.

Schaffer calls petitioner forward.

Stephanie Floyd (58640 State Rd 15) states she is representing the buyer and the contractor. Floyd says the facility is going to be growing in size, but will be reducing in traffic because it will no longer be a sports facility, just a warehouse. She then explains the new business hours and how there will be minimal employees as well. Floyd says this will be a two phase project in which the architectural group were looking for the floor plans for more details- she mentions the plan were dropped off. Floyd also states all other items have been submitted through Technical Review.

John Sotebeer also says, in the first phase, the parking lot will be embellished and spruced up.

Schaffer opens for public comments for the petition.

Hearing none, Schaffer closes the public portion of the meeting.

Schaffer calls for a motion.

Shoff makes motion to approve; Second by Osborne. Motion carries.

Osborne - Yes

Billings - Yes

Davis - Yes

Olson - Yes

Shoff - Yes

Thomas - Yes

Schaffer -Yes

STAFF ITEMS

21-SI-01

Addressing

STAFF ANALYSIS

The Planning and Zoning Department is requesting approval of the addresses that have been reserved for structures in the City of Elkhart.

Residential

2808 Woodland Estates Drive

New Single Family Residence

Commercial

801 Benham -- A-M; 101-106; 110-115	Faith Mission Tiny Structures/Tiny Houses
3299 Hampton Drive	New Service Pedestal
5200 Hoffnan Street	New Spec Industrial/Warehousing Building
575 Jackson Boulevard East	New Martin's Building
2000 Middlebury Street Suites 1 & 2	New Suites in Existing Industrial Building
421 Vistula Street, Suites 100 & 200	Mixed Use Building

STAFF RECOMMENDATION

Staff recommends that the Plan Commission assign the proposed addresses based on staff recommendation.

Schaffer asks if there are questions from the Commission.

Schaffer calls for a motion.

Osborne makes motion to; Second by Olson. Motion carries.

- Osborne - Yes
- Billings - Yes
- Davis - Yes
- Olson - Yes
- Shoff - Yes
- Thomas - Yes
- Schaffer - Yes

ADJOURNMENT

Schaffer calls for a motion to adjourn meeting. Olson approves motion to adjourn and is seconded by Osborne. Meeting is adjourned and all are in favor.


Jeff Schaffer, President


Dave Osborne, Vice-President

PLAN COMMISSION

-MINUTES-

Monday, February 1, 2021 - Commenced at 1:45 P.M. & adjourned at 03:12 P.M.

City Council Chambers – Municipal Building

Elkhart City Plan Commission was called to order by Jeff Schaffer at 1:45 P.M.

MEMBERS PRESENT

Jeff Schaffer- In person
Dave Osborne- In person
Ron Davis-Webex
Don Walter-Webex
Mary Olson- Webex
Tom Shoff- Webex
Johnny Thomas-Webex

MEMBERS ABSENT

Brad Billings
Mike Sweet

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director for Planning- Webex
Ryan Smith, Planner-Webex

LEGAL DEPARTMENT

Randy Arndt, Deputy City Attorney- Webex

TECHNOLOGY STAFF

Jim Hines

RECORDING SECRETARY

Kayla Jewell

APPROVAL OF AGENDA

Motion to approve by Osborne; Second by Olson. Voice vote carries.

APPROVAL OF MINUTES FOR DECEMBER 21, 2020

Motion to approve by Osborne; Second by Olson. Voice vote carries.

APPROVAL OF PROOFS OF PUBLICATION

Motion to approve by Davis; Second by Osborne. Voice vote carries.

OLD BUSINESS

None

NEW BUSINESS

21-SUB-02 PETITIONER IS CR 17 LAND DEVELOPMENT, LLC

PROPERTY IS LOCATED AT 5100 HOFFMAN STREET; NORTHWEST CORNER OF HOFFMAN STREET AND COUNTY ROAD 17

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a replat of Lot 34 of the Elkhart Industrial Park Phase V Subdivision to be known as 'C.R. 17 Land Development Major Subdivision.' This request represents +/-30.75 acres and will total two (2) lots with a 90' ingress/egress and utility easement on Lot 2 and a storm water retention easement on Lots 1 and 2.

STAFF ANALYSIS

The petitioner is requesting preliminary approval of a two (2) lot subdivision. The total area contained in the request is +/- 30.75 acres. The proposed subdivision will have a ninety (90) foot ingress/egress easement and utility easement on Lot 2. There is also proposed to be a storm water retention easement on both Lots 1 and 2.

Currently there is a manufacturing facility on Lot 1. This subdivision request will leave 19.55 acres remaining for development on Lot 2. The petitioner is resubmitting the subdivision request in order to add a small area to the ninety (90) foot ingress/egress easement and utility easement. Otherwise the submittal is the same.

The revised configuration of the lots meets the minimum size requirements of their zoning district, and maintains necessary access to Pine Creek Road through the creation of the easement. There will be no additional curb cuts permitted to CR 17 with this request.

STAFF RECOMMENDATION

The Staff recommends approval of the two (2) lot subdivision, a Preliminary Plat for a subdivision to be known as 'CR 17 Land Development Major Subdivision,' and approval of a ninety (90) foot ingress/egress and utility easement on Lot 2 and the proposed storm water retention easement on both Lots 1 and 2, based on the following findings of fact:

- 1) The lot meets the minimum lot area requirements for the M-1, Limited Manufacturing District;
- 2) The proposed request results in the creation of two (2) lots as defined by the Zoning and Subdivision Ordinance. This request will also establish a ninety (90) foot ingress/egress and utility easement on Lot 2. To also approve the storm water retention easement on both Lots 1 and 2 as depicted on the preliminary plat;
- 3) The proposed subdivision will not compromise any existing development.

CONDITIONS

- 1) The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
- 2) Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
- 3) Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.

Smith states there were 13 letters mailed, 0 returned.

Schaffer asks if there are questions from the Members.

Hearing none, Schaffer calls petitioner forward.

Jeff Barnes (325 S Lafayette- South Bend) introduces himself and states he is the surveyor that worked on this plan. Barnes says there is an existing parcel that has proposed improvements as well as an improvement plan for the southern parcel. This requires the need to go through the subdivision process to separate the two parcels.

Schaffer asks if there are questions from the Members for the petitioner.

Osborne asks if the easement will be paved and who is responsible for taking care of the easement.

Barnes replies it will be a paved easement and there is joint responsibility between the two owners of the lots.

Schaffer opens for public comment.

James Skillen states he is the property manager for 5100 and 5200 Hoffman that are affected by this private drive and easement.

Schaffer asks if there are additional questions.

Hearing none, Schaffer closes the public portion of the meeting.

Schaffer calls for a motion for final approval.

Osborne makes motion to approve with conditions; Second by Olson. Motion carries.

Osborne - Yes
Davis - Yes
Olson - Yes
Shoff - Yes
Thomas - Yes
Schaffer- Yes
Walter- Yes

21-SUB-03 PETITIONER IS 5400 BECK DRIVE-ELKHART, LLC (AMIT SHAH)

PROPERTY IS LOCATED AT VACANT LOT BECK DRIVE AND STORAGE LOT AT 302 STAINLESS DRIVE

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Beck Industrial Park Minor Subdivision No. 3', a two (2) lot subdivision; a part of the Northeast Quarter of Section 6, Township 37 North, Range 6 East, Jefferson Township, Elkhart County, Indiana. This request represents approximately 15.37 acres.

STAFF ANALYSIS

This petition is a resubmittal of 18-SUB-08 from November 2018. The original request had expired and required the petition be heard before this body again before going to the Plat Committee for final approval and recording.

The petitioner is seeking approval of a two (2) lot subdivision, for land that is part of the Beck Industrial Park Subdivision Phase II. The proposed subdivision will be known as 'Beck Industrial Park Minor Subdivision No. 3.'

An existing Detention and Utility Easement is being vacated by this plat. An existing Truck Dock Drainage Easement is being maintained, and a new Drainage Easement is being created by this plat. Access to both lots will be gained from separate curb cuts on Beck Drive. The proposed use for Lot 6 is a storage lot for semis and for Lot 7 it is an industrial building.

STAFF RECOMMENDATION

The Staff recommends approval of the two (2) lot subdivision, a Preliminary Plat for a subdivision to be known as 'Beck Industrial Park Minor Subdivision No. 3,' based on the following findings of fact:

- 1) The lot meets the minimum lot area requirements for the M-2, General Manufacturing District;
- 2) The proposed request results in the creation of two (2) lots as defined by the Zoning and Subdivision Ordinance;
- 3) The proposed subdivision will not compromise any existing development.

CONDITIONS

- 1) The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
- 2) Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
- 3) Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.

Smith states there were 9 letters mailed, 0 returned.

Schaffer asks if there are questions from the Members.

Hearing none, Schaffer calls petitioner forward.

Barnes introduces himself again and states he is trying to clean up a few items regarding the easements from the initial submittal in 2018.

Schaffer asks if there are additional questions for the petitioner.

Hearing none, Schaffer opens for public comments for the petition.

Skillen introduces himself again and states he will be the property manager for this site. He also says there are plans to build a 150,000 sq. ft. building and this is the reasoning they are presenting to the city again.

Schaffer asks if there are additional questions for the petitioner.

Hearing none, Schaffer closes the public portion of the meeting.

Schaffer calls for a motion for final approval.

Osborne makes motion to approve with conditions; Second by Davis. Motion carries.

Osborne - Yes
Davis - Yes
Olson - Yes
Shoff - Yes
Thomas - Yes
Schaffer- Yes
Walter- Yes

21-X-02 PETITIONER IS CITY OF ELKHART
PROPERTY IS LOCATED AT 1347 EDGEWATER BOULEVARD

A Special Exception as per Section 5.3, Special Exception Uses in the R-2 District, to allow for the rehabilitation of an existing sanitary sewer lift station, including replacement of the above grade structure.

STAFF ANALYSIS

The City of Elkhart owns an existing sanitary sewer lift station on a quarter-acre lot at the corner of Edgewater and Navajo, across from the river. The station currently includes an above-ground structure and a single driveway. The City proposes to rehabilitate the lift station which will include demolishing the existing structure, installing pumps and other equipment in the below-ground structure, pouring a concrete top slab over the underground equipment, and building a new above-ground structure to house electrical and mechanical equipment. The above-ground structure will mimic the appearance of a residential building, and a fence will be installed to the northwest to screen the property from an adjacent residence.

STAFF RECOMMENDATION

The Staff recommends approval of the special exception based on the following findings of fact:

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

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

Jamie Poczekay (2211 E Jefferson Blvd South Bend) introduces herself and states she is the project manager with DLZ and is representing the City of Elkhart Public Works. She states the lift station was built in the late 1950's and so the petition is to rehabilitate the facility and design as described in the staff report.

Schaffer asks if there are questions from the Members for the petitioner.

Hearing none, Schaffer opens for public comments for the petition.

Hearing none, Schaffer closes the public portion of the meeting.

Schaffer calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation to the BZA; Second by Olson. Motion carries.

Osborne - Yes

Davis - Yes

Olson - Yes

Shoff - Yes

Thomas - Yes

Schaffer- Yes

Walter- Yes

**21-X-03 PETITIONER IS ELKHART PUBLIC LIBRARY
PROPERTY IS LOCATED AT 2400 BENHAM AVENUE**

A Special Exception as per Section 4.3, Special Exceptions in the R-1 District, to allow for a 1,035 square foot addition to an existing Public Library.

STAFF ANALYSIS

The petitioner owns and operates the Pierre Moran Branch of the Elkhart Public Library at 2400 Benham Avenue. The building currently comprises 4,800 square feet on a .76-acre lot. The property is bordered on the north by a low-density residential neighborhood, on the east and west with vacant lots, and on the south by the Woodland Crossing development to the south. They propose to build a 1,000 square foot addition on the south side of the building. The project is currently going through the city's Technical Review process. The proposed addition is unlikely to cause a nuisance to adjacent properties and is being built away from the residential area to the north.

STAFF RECOMMENDATION

The Staff recommends approval of the special exception based on the following findings of fact:

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

Schaffer asks if there are questions from the Commission.

Hearing none, Schaffer calls petitioner forward.

Ethan Yoder (4175 New Vision Dive- Fort Wayne) introduces himself and states the architectural style will match the style of the existing building and neighborhood and he is not anticipating a large influx of traffic to the area since it will be a low traffic site.

Schaffer asks if there are additional questions from the Members.

Hearing none, Schaffer opens for public comments and states comments will be accepted, however the public hearing will take place at BZA.

Hearing none, Schaffer closes the public portion of the meeting.

Schaffer calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation to the BZA; Second by Davis. Motion carries.

Osborne - Yes
Davis - Yes
Olson - Yes
Shoff - Yes
Thomas - Yes
Schaffer- Yes
Walter- Yes

**21-X-04 PETITIONER IS ELKHART PUBLIC LIBRARY
PROPERTY IS LOCATED AT 3429 EAST BRISTOL STREET**

A Special Exception as per Section 4.3, Special Exceptions in the R-1 District, to allow for a 2,130 square foot addition to an existing Public Library.

STAFF ANALYSIS

The petitioner owns and operates the Osolo Branch of the Elkhart Public Library at 3429 E. Bristol St. The building currently comprises 4,000 square feet on a 1.5-acre lot. The property is surrounded by low-density recreational and institutional uses, with a park to the west, a school to the north, and a church to the east. They propose to build a 2,100 square foot addition on the south side of the building. The project is currently going through the city's Technical Review process. The proposed addition is unlikely to cause a nuisance to adjacent properties.

STAFF RECOMMENDATION

The Staff recommends approval of the special exception based on the following findings of fact:

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

Schaffer asks if there are questions from the Members.

Hearing none, Schaffer calls petitioner forward.

Yoder states the traffic patterns should not be changing which shouldn't have any adverse effect on the surrounding infrastructure.

Schaffer asks if there are additional questions from the Members.

Hearing none, Schaffer opens for public comments and states comments will be accepted, however the public hearing will take place at BZA.

Hearing none, Schaffer closes the public portion of the meeting.

Schaffer calls for a motion.

Osborne makes motion to approve with a Do-Pass Recommendation to the BZA; Second by Thomas. Motion carries.

Osborne - Yes
Davis - Yes
Olson - Yes
Shoff - Yes
Thomas - Yes
Schaffer- Yes
Walter- Yes

STAFF ITEMS

21-SI-02

Addressing

STAFF ANALYSIS

The Planning and Zoning Department is requesting approval of the addresses that have been reserved for structures in the City of Elkhart.

Residential

1542 Evergreen Place
950 Jackson Blvd East #101, 102, 201,
202, 301, 302
960 Jackson Blvd East #101, 102, 201,
202, 301, 302
1203 Princeton Boulevard #1, 2
4020 Timberstone Dr
2001 Woodland Estates Dr
2020 Woodland Estates Dr

Single Family Residential
Portage Place Town Houses – unit numbers

Portage Place Town Houses – unit numbers

Existing House Split Into Two Units
Single Family Residential
Single Family Residential
Single Family Residential

Commercial

1815 County Road 6 East
3399 County Road 6 East
A Scarlett Maple Lane

New Driveaway Operation
Existing Service Pedestal FKA 3401 County Road 6 East
New Maintenance Building – Maple Lane Apartments

Schaffer asks if there are questions from the Members.

Hearing none, Schaffer calls for a motion.

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

ADJOURNMENT

Schaffer calls for a motion to adjourn meeting. Davis approves motion to adjourn and is seconded by Osborne. Meeting is adjourned and all are in favor.

Jeff Schaffer, President

Dave Osborne, Vice-President

**REGULAR MEETING
ELKHART REDEVELOPMENT COMMISSION
LOCATION: CITY HALL, 2ND. FLOOR, COUNCIL CHAMBERS via WeBex
Tuesday, February 9, 2021
4:00 P.M.**

**PRESENT IN-PERSON: WES STEFFEN ALEX HOLTZ, ADAM FANN and DANA DONALD
(RECORDING SECRETARY)**

**PRESENT BY WEBEX: DORIANNE NIELSEN (WEBEX Phone), KURT BULLARD, GERRY ROBERTS,
COUNCILMAN ARVIS DAWSON, COUNCILMAN KEVIN BULLARD, and
COUNCILWOMAN TONDA HINES**

**GARY BOYN, CHRIS POTTRATZ, ASHLEY ELSASSER, KACEY JACKSON,
and LEAH THILL (MACOG)**

CALL TO ORDER

This meeting was held in-person, telephonically, and virtually through WEBEX. Due to the nature of the meeting. The meeting was called to order at 4:01 p.n. by Mr. Steffen, Vice President.

APPROVAL OF AMENDED AGENDA

Motion made by Mr. Roberts seconded by Mr. Holtz to amend the agenda to strike "*b) Offering of Real Estate located adjacent of and East of 147 State Street*" and adding items "*d) Opening Offers – 1701 Sterling and 1101 E Beardsley*" and "*e) 112 Division Street – Property Appraisal Request*". All were in favor and none opposed. Voice vote carried.

NEW BUSINESS

- a) Approval of Invoice for Court Reporter Disposition of Defendant's Expert Witness in Foundry Case:** Mr. Boyn stated that the Commission has employed Ice Miller, LLP to seek recovery of City costs and damages arising from the environmental contamination at the former Elkhart Foundry site; and their Contract for Services requires the City to pay for litigation costs and expenses as incurred. Court reporter costs were incurred for taking the deposition of Defendant's Expert Witness on January 7, 2021; and Veritext, LLC, the court reporter, has submitted Invoice 4763285 for deposition services in the amount of \$3,145.00 and should be allocated from the Downtown Allocation Area No. 1 Special Fund to pay the invoice.

Motion made by Mr. Holtz seconded by Mr. Roberts to pay the invoice. Mr. Steffen asked for any questions or comments from the Commission or public.

Ms. Nielsen stated that she was present.

All were in favor, none opposed. Voice vote carried.

- b) ~~Offering of Real Estate located adjacent to and East of 147 State Street:~~**

- c) **1710 S Main – Property Appraisal Request:** Mr. Fann stated that Staff had recently been contacted by a developer interested in a potential project on the former Schult Warehouse property. After speaking with them, I noticed we have never officially offered the parcel for sale. Appraisals were done in 2016 but need to be updated. Staff has contacted two appraisers to perform the work and they have responded. Staff would like to ask the Commission for an appropriation of \$1,600 from the Consolidated TIF to cover these costs.

Ms. Nielsen asked do we know what they want to develop it as?

Mr. Fann stated affordable housing at this point.

Motion made by Mr. Bullard, second by Mr. Holtz to approve the resolution. Mr. Steffen asked for any questions or comments from the Commission or public. No comments. All were in favor, none opposed. Voice vote carried.

- d) **Opening Offers – 1701 Sterling and 1101 E Beardsley:** Mr. Fann stated that no formal offers have been received.

- e) **112 Division Street – Property Appraisal Request:** Mr. Fann stated that after much discussion the Redevelopment Commission wishes to acquire two independent appraisals for the property located at 112 Division Street which is owned by the Commission. Staff would like the Commission the appropriate \$800 from the Downtown TIF for the work to be performed.

Motion made by Mr. Holtz second by Mr. Roberts to approve the resolution. Mr. Steffen asked for any questions or comments from the Commission or public.

Mr. Bullard stated that we had one interested buyer; have we spoken with him to let him know we will be getting appraisals?

Mr. Fann stated I spoke with him today to let him know his proposal will be considered, but the Commission would like to get appraisals before that.

Mr. Bullard stated hopefully you relayed our enthusiasm about an offer... gently.

Mr. Steffen stated it is a good thing to have a potential interest in this property. Mr. Steffen asked for additional comments from Commissioners or the public.

Ms. Elsasser stated that she has a section on the new City website for bids and is asking departments to send them to her to post on her webpage.

All were in favor, none opposed. Voice vote carried.

STAFF UPDATES

CDBG:

Downtown: Mr. Fann stated that Central Park is open, and we can't wait to use it this Summer.

Cassopolis: Mr. Fann stated they are still working on design for Windsor to County Road 4; I believe easement work is nearing completion and we have all the signatures we need. We are wrapping up Jaylen Drive and North Point as well.

Mr. Boyn stated that the economic development agreement draft has been sent out to Meijer for review and they are doing that now. Eric Trotter has been negotiating with them on that project.

Mr. Steffen stated that great improvements are happening in the North side.

Economic Development Projects

Ms. Elsasser stated that social media for the Economic Development Department is up and running on Instagram, Facebook, and Twitter.

TIF Budgets Summary

OTHER BUSINESS

Approval of Invoice – Warrick & Boyn (January 2021)

Motion made by Mr. Holtz seconded by Mr. Roberts to pay the invoice. Mr. Steffen asked for questions or comments from the Commission or public. All were in favor, none opposed. Voice vote carried.

CORRESPONDENCE/ANNOUNCEMENTS

PUBLIC COMMENT

ADJOURNMENT

There being no further discussion, the meeting was adjourned at 4:18 p.m.



SANDI SCHREIBER, PRESIDENT

CITY OF ELKHART • STORMWATER BOARD MEETING MINUTES

Office of Public Works & Utilities • 1201 S. Nappanee Street • 3:35-4 p.m., Thursday, December 17, 2020

In Attendance (WebEx meeting) – Corinne Straight-Reed, Wes Steffan, Jim Boyles and Joe Foy

1. APPROVED MINUTES – August 20, 2020

2. STORMWATER UTILITY

a. Construction Site Inspections

Elkhart currently has 24 active construction sites and 11 sites that have completed construction activities and are in the process of stabilizing or waiting for their Notice of Termination (NOT) to be approved. Two sites had their NOTs approved and their SWPPP permits were closed since the last meeting. There are also 10 projects in the initial planning stages.

b. Outfall Monitoring

Joe said this task will be completed this winter as weather permits. There are about 100 points to visit.

c. 2021 Stormwater Utility Budget – update

The emergency spill clean-up funds were reduced to \$15,000 and \$175,000 was added for capital projects that include storm/sanitary separation.

d. Proposed 2021 Stormwater Board Meeting Schedule

Joe presented a calendar of proposed meeting dates for this Board for calendar year 2021. All meetings will be on the third Thursday of every other month starting in February. As with past calendars, the third Thursday of the off months are potential meeting dates in case of immediate action being needed by the Board.

e. Partnership

o Impervious data update

Public Works GIS staff is updating this information now. The revisions will be sent around January 1st to Elkhart County GIS staff to incorporate into the 2021 stormwater fee calculations.

o Requested Advisory Board meeting

Joe has asked the Partnership Stormwater Coordinator to schedule an Advisory Board meeting to discuss all of the activities planned for 2021.

3. OTHER BUSINESS/COMMUNICATION None

4. PUBLIC PARTICIPATION None

5. ADJOURNMENT 3:50 p.m.

**Next scheduled Stormwater Board meeting is February 18, 2021 at 3:30 pm
Webex meeting details will be sent before the meeting date**

Rod Roberson
Mayor

Michelle Miller
Department Head

574.293.2175
Fax: 574.970.0561



Elkhart City Communications
135 East Franklin Street
Elkhart, Indiana 46516

Date: March 2, 2021

To: Mayor Rod Roberson
Elkhart City Board of Public Safety
Common Council

From: Michelle E. Miller, Department Head
Elkhart Communications Center

Re: **February 2021 Month End Report**

We processed 6,913 incoming & outgoing emergency and non-emergency phone calls. This was a decrease of 1,322 calls from February of 2020. Below is a summary of the calls we handled in Communications.

CALL SOURCES	911 *This includes Landlines, Wireless, VoIP, TexTTY, and abandoned.* (as reported by ECats State reporting online)	Administrative (non-emergency)	TOTAL
	1,501	5,412	6,913
2020 TOTALS	1,498	6,737	8,235

By shift, we entered 5,769 calls into the CAD, a decrease of 1002 calls from February of 2020. Below is a breakdown of the call volume by shift.

	POLICE CALLS	FIRE CALLS	OTHER	TOTALS
Day Shift	1,815	288	150	2,253
Afternoon Shift	1,930	272	276	2,478
Midnight Shift	809	136	93	1,038
All Shifts	4,554	696	519	5,769
2020 TOTALS	5,718	618	435	6,771

*Other Calls refers to calls made to communications that either required a response by other departments, such as Parks Dept., Street Dept., etc. This also includes calls that are dispatched out as attempts to locate, repossessions and/or private impounds.

OTHER BUSINESS

- For the month of February 2020 we handled 41 AUDIO REQUESTS for the Prosecutor's Office and Police Dept. We provided 9 (FOIA) Public Records Requests to individuals.
- We continue to have one open position at this time.

Call Summary

Elkhart City 911 Communications Center

135 E. Franklin St

Elkhart, IN 46516

County: Elkhart

Year: 2021

Agency Affiliation: Police

03/01/2021 11:01:23

Report Date:

Report Date From: 02/01/2021

Report Date To: 02/28/2021

Period Group: Month

Days Of Week: All

Call Type: All

Abandoned Filters: Include Abandoned

NSI Filters: NSI Included in 911

Agency Affiliation: All

	February 2021	Total	County Average
911			
Inbound	1,472	1,472	3,076
Abandoned	28	28	271
Abandoned %	1.87%	1.87%	8.09%
Unparsed	1	1	2
Total	1,501	1,501	3,349
10-Digit Emerg			
Inbound	0	0	0
Abandoned	0	0	0
Outbound	0	0	0
Unparsed	0	0	0
Total	0	0	0
Administrative			
Inbound	3,911	3,911	4,552
Abandoned	7	7	120
Outbound	1,493	1,493	2,006
Unparsed	1	1	6
Total	5,412	5,412	6,684
Avg Call Duration	85.2	85.2	91.8
Total	6,913	6,913	10,035

