

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

AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING

LOCATION: CITY HALL, 2ND FLOOR, COUNCIL CHAMBERS

March 3, 2025

6:00 P.M.

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

2. Minutes for Approval

Minutes of February 3, 2025 – Council Meeting

Minutes of February 10, 2025 – Council Meeting

Presentations and Introductions

Presentation – Master Plan Parks & Recreation – Jamison Czarnecki

Unfinished Business

Reports of Council Committees

a) Ordinances on Second-Third Reading

Proposed Ordinance 25-O-07, an ordinance amending Ordinance No. 6008 to recognize the positions, corresponding classifications, and maximum salaries for the employees of the Lerner Theatre, within the appropriated budget of the Lerner Theatre for the year 2025

b) Ordinances and Resolutions Referred to Committees

There are no Ordinances or Resolutions referred to committees

Tabled Ordinances and Resolutions

There are no tabled Ordinances or Resolutions

3. New Business

a) Ordinances on First Reading

There are no Ordinances on First Reading

b) Resolutions

Proposed Resolution 25-R-03, a resolution of the Common Council of the City of Elkhart, Indiana, terminating by agreement, the Economic Revitalization Area and Memorandum of Agreement between the City of Elkhart and Hydro Extrusion USA, LLC for which no tax abatement benefits have been claimed or received

Proposed Resolution 25-R-04, a resolution of the Common Council of the City of Elkhart, Indiana approving Agreement for the Repayment of Tax Phase-In Benefits between the City of Elkhart, Indiana and Champion Manufacturing Inc. and C.R. 17 Land Development, LLC

- c) **Vacation Hearings**
There are no vacation hearings.
- d) **Other New Business**
- e) **Reports of Mayor, Board of Works, Board of Safety or City Departments**
- f) **Neighborhood Association Report**
- g) **Privilege of the Floor**
Please limit your comments to 3 minutes to allow others time to comment
- h) **Scheduling of Committee Meetings**
- i) **Acceptance of Communications**
Minutes of January 14, 2025 – Aurora Capital Development Corporation
Minutes of January 28, 2025 – Board of Public Safety
Minutes of February 11, 2025 – Board of Public Safety
Minutes of February 4, 2025 – Board of Public Works
Minutes of January 14, 2025 – Elkhart Redevelopment Commission
Minutes of January 8, 2025 – Lerner Theatre Board
Report – January Month End – Elkhart Communications Center

Adjournment

DRAFT

MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF FEBRUARY 3, 2025

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

Absent: None

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

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

Willie Brown led the assembly in the Pledge of Allegiance. President Dawson asked for a moment of silent reflection. He asked that everyone keep in consideration the public safety officers and the families that have gone through this tragic week. He asked that they be remembered in their prayers and meditations.

President Dawson asked the clerk to call the roll.

APPROVAL OF MINUTES

President Dawson asked for a motion and second to approve the minutes from the January 6, 2025, Council Meeting.

Motion made by Councilman Henke, second by Councilwoman Hines.

By a unanimous voice vote, the minutes were approved.

AMENDMENT TO THE AGENDA

President Dawson asked for a motion to amend the agenda to move the Proposed Resolution 25-O-01 to the top of the agenda.

Motion made by Councilman Henke, second by Councilman Mishler.

By a unanimous voice vote, the agenda was amended.

Proposed Resolution 25-R-01

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA HONORING FIREFIGHTER ADAM J. KUSPA FOR HIS DEDICATION, SERVICE, AND CONTRIBUTION TO THE ELKHART CITY FIRE DEPARTMENT AND COMMUNITY

President Dawson asked the clerk to read the proposed resolution in its entirety. He asked for a motion and a second to adopt this resolution. Motion by Councilwoman Hines, second by Councilman Henke.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 25-R-01

President Dawson opened Council discussion starting at 25 minutes and 31 seconds of the audio recording.

There was no Council discussion.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 25-R-01

President Dawson opened the public discussion starting at 25 minutes and 38 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 25-R-01

President Dawson returned the discussion to the Council starting at 25 minutes and 56 seconds of the audio recording.

There was no further Council discussion.

President Dawson asked the Kuspa family to come forward. He said, that on behalf of the City of Elkhart, they were so proud of what Adam did. They are proud of him as a firefighter, as a father, as a friend, as a comrade and they want in a small way to show their gratitude and thanks for allowing him to be a part of their lives and others as well because he was a person that just made this world a better place. He made Elkhart a better place. He made their fire department one of the top notch in the country. With as much gratitude as possible, the City Council and the City of Elkhart would like to thank you for his service.

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

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

NAYS:

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

Discussion on the proposed resolution ends at 27 minutes and 46 seconds of the audio recording.

President Dawson asked for a 5 minute break to allow the firefighters in attendance to go back to work.

PRESENTATIONS AND INTRODUCTIONS

Presentations begin at 29 minutes and 30 seconds of the audio recording.

Mayor Rod Roberson said Bradley Tracy has retired and they have hired another Chief of Staff, Megan Erwin. She comes to us locally, but has worked for the city of Norfolk, Virginia, in the role of Community Development and has extensive experience to be part of their management team. Also, it is the first day for their new Communications Director, Alex Otto. Alex is a local resident and he has had experience with the city of Bloomington in the areas of sustainability and communications. His passion for the city and the activities and events that have occurred in the city is unmatched.

Presentation ends at 31 minutes and 59 seconds of the audio recording.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL COMMITTEES

There were no reports.

ORDINANCES ON SECOND-THIRD READING

Proposed Ordinance 25-O-01

AN ORDINANCE APPROPRIATING FOUR HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$425,000.00) FROM THE RIVERBOAT GAMING FUND TO THE OTHER FUNDS ACCOUNT, AND AUTHORIZING THE CONTROLLER TO TRANSFER THE FUNDS TO THE LOCAL ROAD AND BRIDGE MATCHING GRANT FUND

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-01

President Dawson opened Council discussion starting at 32 minutes and 41 seconds of the audio recording.

There was no council discussion.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 25-O-01

President Dawson opened the public discussion starting at 32 minutes and 50 seconds of the audio recording.

Jeff Schaffer, Assistant City Engineer, said he can answer any questions the Council might have on this Ordinance.

President Dawson said, this is something that they do every year. **Jeff Schaffer** replied, this is a match for the Community Crossings Matching Grant. This is the funding for the matching component. Later there will be the Council's action to appropriate the funds for the actual project. Last year they did a Community Crossings Matching Grant Funded project for the Industrial Parks and West Beardsley Avenue. The bids at that time came in below what they had expected which made a bit of potential grant funding available. They submitted a second grant at the end of last year. This covers Bristol Street, between Cassopolis Street and Osolo Road, as well as, the Park Six Industrial Park, which is Park Six and Lear Drive. This is to appropriate the matching funds for the project and the Council's later action will be to appropriate the package of dollars to the project.

Councilman Mishler said last year they worked with the Street Department and they did an amazing job on Johnson Street and it was done quickly. He asked has that been considered for this project? **Jeff Schaffer** replied, they use a couple of different tools in their toolbox to keep the streets in good condition. They are very blessed that the Street Department can do paving themselves. The Community Crossings Matching Grant, hereafter CCMG program is 50-50 split with the State. They are able to go with contractors which lets them go above and beyond what their Street Department can do. The 50-50 Grant gives them a boost for the funding. Over the years they have done the pavement asset management plan they have increased the percentage of streets that are in fair and good conditions. This program started in 2016 and they think it is very successful.

Councilman Fish asked if the grant was reimbursed. **Jeff Schaffer** replied, yes all the State grants now are reimbursements. They have to appropriate all the funds and when the work is complete, the State reimburses them 50%. **Councilman Fish's** question was not heard on the recording. **Jeff Schaffer's** said that was a question for the Controller. **Jaime Arce, City Controller** replied, no that has not happened.

Councilman Henke had questions about the Bristol Street widening project and he mentioned this project was for Cassopolis Street to Osolo Road and at one point there was discussion about taking East Bristol Street from four lanes to three lanes. Does this play a role in the configuration and the upgrade of those or are they just repaving and picking new roads. **Jeff Schaffer** replied at this point in time they do not have any plans to pursue the four lanes to three lanes until after the Bristol Street widening project from Jeanwood Drive to County Road 15 is done. At that point in time they will have a discussion with the administration about what the next steps are with Bristol Street. **Councilman Henke** said they are missing a pedestrian walkway on one side of the road and it is concerning to watch people walk on the hill to get out of traffic and he hopes the Council is involved when that discussion takes place.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-01

President Dawson opened the public discussion starting at 37 minutes and 03 seconds of the audio recording.

There was no further Council discussion.

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

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

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

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

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

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

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

Discussion on the proposed ordinance ends at 38 minutes and 01 seconds of the audio recording.

Proposed Ordinance 25-O-02

AN ORDINANCE APPROPRIATING SEVEN HUNDRED SEVENTY-SEVEN THOUSAND SIX HUNDRED SEVENTY-TWO AND 50/100 DOLLARS (\$777,672.50) FROM THE LOCAL ROAD AND BRIDGE MATCHING GRANT FUND FOR THE 2025 GRANT-FUNDED CONTRACT PAVING PROJECT UNDER THE COMMUNITY CROSSINGS MATCHING GRANT PROGRAM

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-02

President Dawson opened Council discussion starting at 38 minutes and 32 seconds of the audio recording.

Councilman Henke asked about conjoining the \$777,672.50 with the \$425,000.00 and the actual cost is 50%. **Jaime Arce, City Controller** replied, that is correct. The amount that you are appropriating here includes the local match from Indiana Department of Transportation, hereafter, INDOT, plus some potential change order contingency components. **Councilman Henke** said is that 10%. **Jaime Arce** replied he believes that is the case here.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 25-O-02

President Dawson opened the public discussion starting at 39 minutes and 21 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-02

President Dawson returned the discussion to the Council starting at 39 minutes and 28 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

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

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

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

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

NAYS:

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

Discussion on the proposed ordinance ends at 40 minutes and 33 seconds of the audio recording.

Proposed Ordinance 25-O-03

AN ORDINANCE APPROPRIATING SIX MILLION SEVENTEEN THOUSAND FORTY-FIVE AND 42\100 DOLLARS (\$6,017,045.42) IN MATCHING FUNDS FOR THE BRISTOL STREET WIDENING PROJECT

President Dawson asked the clerk to read the proposed ordinance by title only. President Dawson asked for a motion to replace 25-O-03 in its entirety with Proposed Ordinance 25-O-03-R. Motion by Councilman Mishler, second by Councilman Fish.

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

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

NAYS:

By a vote of 9-0, the proposed ordinance was replaced in its entirety by proposed ordinance 25-O-03-R.

ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES

There are no ordinances or resolutions referred to committees.

TABLED ORDINANCES AND RESOLUTIONS

There are no tabled ordinances or resolutions.

ORDINANCES ON FIRST READING

Proposed Ordinance 25-O-03-R

AN ORDINANCE APPROPRIATING FOUR MILLION SIX HUNDRED FIFTY THOUSAND THREE HUNDRED THIRTY-SEVEN DOLLARS (\$4,650,337.00) IN MATCHING FUNDS FOR THE BRISTOL STREET WIDENING PROJECT

President Dawson asked the clerk to read the proposed ordinance by title only. If there are no objections this will move to second reading.

There was no objection; proposed ordinance moved on to second reading.

Proposed Ordinance 25-O-04

AN ORDINANCE AMENDING SECTION 5.5 OF ORDINANCE NO. 5746, AS AMENDED, TO UPDATE THE LOCAL POLLUTANT LIMITATIONS AS PROSCRIBED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

President Dawson asked the clerk to read the proposed ordinance by title only. If there are no objections this will move to second reading.

There was no objection; proposed ordinance moved on to second reading.

Proposed Ordinance 25-O-05

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 2807 CASSOPOLIS STREET, ELKHART, INDIANA FROM B-3, SERVICES BUSINESS DISTRICT AND M-1, LIMITED MANUFACTURING DISTRICT TO B-3, SERVICES BUSINESS DISTRICT

President Dawson asked the clerk to read the proposed ordinance by title only. If there are no objections this will move to second reading.

There was no objection; proposed ordinance moved on to second reading.

Proposed Ordinance 25-O-06

AN ORDINANCE VACATING THE EAST/WEST ALLEY LOCATED BETWEEN THOMAS STREET AND FREMONT STREET AND THE NORTH/SOUTH ALLEY BETWEEN INDIANA AVENUE AND LAFAYETTE STREET, A PUBLIC WAY WITHIN THE CITY OF ELKHART, INDIANA

President Dawson asked the clerk to read the proposed ordinance by title only. If there are no objections this will move to second reading.

There was no objection; proposed ordinance moved on to second reading.

REAPPOINTMENTS

President Dawson said they have some reappointments. The first are for Aurora Capital Development Commission and also the Redevelopment Commission. Currently these seats are held by Wes Steffen and Dina Harris. They both have indicated that they would like to continue with their appointments. President Dawson asked for a motion and a second for the reappointment of Wes Steffen. Motion by Councilwoman Hines, second by Councilman Crabtree.

By a unanimous voice vote, the reappointment for Wes Steffen was accepted.

At 44 minutes and 04 seconds of the audio recording, **John Espar, City Attorney** asked the Council to revisit Proposed Ordinance 25-O-03-R for second and third reading today. He said it would be procedurally permissible. The amount of the appropriation that the City is appropriating in local tax dollars is less than the originally advertised amount. The amount can go down, it cannot go up so it can be taken on second and third reading today. The City Engineer and the Director of Public Utilities requests that you consider that today. This seems to be imperative. **President Dawson** replied, yes they will consider it but they needed to finish the reappointments first.

President Dawson asked for a motion and a second for the reappointment of Dina Harris. Motion by Councilman Fish, second by Councilman Mishler.

By a unanimous voice vote, the reappointment for Dina Harris was accepted.

President Dawson said the next reappointment is for the Elkhart Urban Enterprise Association. This seat is currently held by Therese Geise. She has indicated she would like to continue with her appointment. President Dawson asked for a motion and a second for the reappointment of Therese Geise. Motion by Councilwoman Hines, second by Councilman Holtz.

By a unanimous voice vote, the reappointment for Therese Geise was accepted.

Reappointments ended at 45 minutes and 41 seconds of the audio recording.

Proposed Ordinance 25-O-03-R

AN ORDINANCE APPROPRIATING FOUR MILLION SIX HUNDRED FIFTY THOUSAND THREE HUNDRED THIRTY-SEVEN DOLLARS (\$4,650,337.00) IN MATCHING FUNDS FOR THE BRISTOL STREET WIDENING PROJECT

President Dawson said they will go back to the Proposed Ordinance 25-O-03-R. Councilman Henke commented it is a parliamentary suspension approval. President Dawson said yes and he asked for a motion and a second to suspend the rules. Motion by Councilwoman Hines, second by Councilman Mishler.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-03-R

President Dawson opened Council discussion starting at 46 minutes and 29 seconds of the audio recording.

Councilman Henke asked why is the timing imperative. **Tory Irwin, Director of Public Works**, the timing is imperative due to INDOT's bidding schedule, the holidays and our Council schedule. INDOT opened bids at the beginning of September and they set a certain amount of time so the contractor will hold the bid price, and because of our holiday schedule for January and February where they have back-to-back meetings, they do not have time to wait for more advertisement.

President Dawson asked the clerk to do a roll call vote on motion to suspend the rules.

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

By a vote of 9-0, the motion to suspend the rules passed.

President Dawson asked for a motion and a second to adopt the proposed ordinance on second reading. Motion by Councilman Crabtree, second by Councilwoman Hines.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-03-R

President Dawson opened the Council discussion starting at 47 minutes and 48 seconds of the audio recording.

Councilman Henke said he did vote for the suspension of rules because he did not want to obstruct the project. He does not agree with the changes which he believes may cause some traffic and speed issues that have not been worked out.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 25-O-03-R

President Dawson opened the public discussion starting at 48 minutes and 33 seconds of the audio recording.

Jeff Schaffer said, this is the Local Public Assistance Project, hereafter, LPA, that was first started in early 2019, it has been almost six years. There was the pandemic that set them back during part of that process. The reason for the change in funding is the Michiana Area Council of Governments was able to secure some additional funding by doing some trading with some other Metropolitan Planning Organizations, hereafter, MPO, around the state. This news was received

in late December after the bids opened in early December. It was an additional approximate 1.5 Million Dollars in Federal Funds that are going toward this project. They are very excited to get this project going. They have a good bid and with the Council's blessing, they would like to proceed with the project.

Councilman Mishler asked if there was an expected timeline? **Jeff Schaffer** replied, this will be approximately a two-year project that will start in late March or early April.

Councilman Fish said for the record he gets frustrated when they suspend rules so they can vote. He wishes that there could always be enough time so they do not have to be pressured to vote. He wishes there was more time for the public to be able to understand the project.

Councilman Mishler said to be clear, the only change in this was the dollar amount, there were no other changes to the previous Ordinance. The cost went from Six Million to Four Million and there were no other changes with the rest of the project. **Jeff Schaffer** said that is correct.

Councilman Fish said just for the record, he is for the project as he had knowledge of the project when it had been presented before the pandemic.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-03-R

President Dawson returned the discussion to the Council starting at 51 minutes and 22 seconds of the audio recording.

President Dawson said suspending the rules is something they do not do very often, it is in their purview to be able to do that in situations like this. It is important that they take the opportunity especially on a time issue like this to expedite because as everyone knows, every day, everything goes up. He said he understands the point of Councilman Fish and as it is important to get the public's input, but anytime they can get a reduction on the cost of something it is important to look at the issue and act on it if it makes sense and he believes the Council supports that.

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

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

NAYS: Henke

By a vote of 8-1, the proposed ordinance passed on second reading.

President Dawson asked for a motion and a second for third and final reading Motion made by Councilman Mishler, second by Councilman Crabtree.

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

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

NAYS: Henke

By a vote of 8-1, the proposed ordinance passed on third and final reading.

Discussion on the proposed ordinance ends at 52 minutes and 56 seconds of the audio recording.

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

There were no reports.

OTHER NEW BUSINESS

Councilman Henke said he has questions concerning the minutes from December 10, 2024, Board of Public Safety, item number 3 talks about the use of the County Regional SWAT team. He would like further information on what is the impact since the City of Elkhart does have it's own SWAT team. He said he would like an update on the Lerner Theatre. **President Dawson** said there will be an update at the next Council meeting regarding the Lerner Theatre. He said he was thankful for the Tolson Center financial report. He asked for an update on the Oaklawn Crisis Center that is yet to be built as there is 3.5 Million Dollars associated with that project. He wants an update on the software for the 911, Police and Fire, he is not sure if it has been implemented or if that project is still on hold. He said he had posted some concerns and called the City Controller, Jaime Arce, regarding Concord Mall and the ongoing projects there and the timeline. He said he has had some concerns from the public regarding the project. He said it has been several weeks since the Council had approved the purchase of a birth simulator training mannequin and he had asked the question at that time as to the number of births that were assisted by the City's paramedics. He would like an answer.

President Dawson said he wanted to remind everyone to check with their legislators regarding municipal elections. They want to move them from the odd year to the even year and they want to reduce the time for which they can do early voting from 30 days to 7 days. He believes everyone likes the 30 day voting period because it gives them more time to vote. He encourages everyone to reach out to their local legislator if that is important to them. **Councilman Curry** said that the 30 day window is great for people that travel for their job. In previous years when he was in a different occupation sometimes he would not be home to vote for several weeks and he would miss the opportunity to vote. **President Dawson** replied they need to continue to reach out to their representatives to express their concerns with the voting period.

Other New Business discussion ends at 57 minutes and 44 seconds of the audio recording.

NEIGHBORHOOD ASSOCIATION REPORTS

President Dawson opened the Neighborhood Association Reports starting at 57 minutes and 50 seconds of the audio recording.

Councilman Curry said the Pierre Moran Neighborhood Association met yesterday and had a good discussion. They thanked the people in the neighborhood for keeping their sidewalks shoveled because the neighborhood is in a school zone and it is not safe to walk in the streets because the sidewalks have not been shoveled. They had a special guest, Jamison Czarnecki, superintendent from the Elkhart Parks Department and he had a great presentation and asked people for their input on what they want to see and people took advantage of that opportunity. He said it is always good to meet with your neighbors and they talked with the new people in the neighborhood.

Neighborhood Association discussion ends at 1 hour, 00 minutes and 18 seconds of the audio recording.

PRIVILEGE OF THE FLOOR

Shawna Duchon, a long time Elkhart resident has lived 29 years at her current home. She said she lives across from apartments and people have been parking in the yard. She has reported this to several departments in the city, including the Mayor's office. It has taken a year and a half and until someone backed into her car and damaged it, for someone to respond to her issue. She had asked for stakes to be put up so that they could not back into her car and it did not happen until after her car was damaged. She is disappointed that it took that long to be resolved and that she now has a bill for fixing her car when it could have been prevented.

Privilege of the Floor discussion ends at 1 hour, 5 minutes and 11 seconds of the audio recording.

SCHEDULING OF COMMITTEE MEETINGS

There are no meetings to schedule.

ACCEPTANCE OF COMMUNICATIONS

Minutes of December 10, 2024 – Aurora Capital Development Corporation
Minutes of December 10, 2024 – Board of Public Safety
Minutes of December 27, 2024 – Board of Public Works
Minutes of January 7, 2025 – Board of Public Works
Minutes of November 14, 2024 – Board of Zoning Appeals
Minutes of November 21, 2024 – Elkhart Historic & Cultural Preservation Commission
Minutes of December 10, 2024 – Elkhart Redevelopment Commission
Minutes of October 21, 2024 – Elkhart Urban Enterprise Zone
Minutes of December 16, 2024 – Elkhart Urban Enterprise Zone
Minutes of December 11, 2024 – Lerner Theatre Board
Report – Month End December 2024 – Elkhart Communication Center

President Dawson asked for a motion to approve the communications. Motion made by Councilman Henke, second by Councilwoman Hines.

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

ADJOURNMENT

President Dawson asked for a motion to adjourn. Motion made by Councilman Mishler, second by Councilman Henke.

By a unanimous voice vote the meeting was adjourned.

Debra D. Barrett, Elkhart City Clerk

Arvis L. Dawson
President of the Elkhart City Council

DRAFT

MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF FEBRUARY 10, 2025

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

Absent: Council Member Dwight Fish

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

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

Andy Siedl, Scout Troop 750, led the assembly in the Pledge of Allegiance. President Dawson asked for a moment of silent reflection.

President Dawson asked the clerk to call the roll.

APPROVAL OF MINUTES

There no minutes to approve.

PRESENTATIONS AND INTRODUCTIONS

Presentations begin at 17 minutes and 02 seconds of the audio recording.

Megan Irwin, City Chief of Staff said Conway Entertainment Group, hereafter CEG, is here to give a presentation on their progress with the Lerner Theatre. **Scott Welch, Conway Entertainment Group**, said on behalf of their team, he would like to express their sincere gratitude for the opportunity to work with the community and the Lerner Theatre. He said they have focused on the following areas in the first ninety days. Those areas are; Building a Professional Team, Elevating Artistic Programming, Implementing Effective Marketing Strategies, Maintaining a Pristine Facility and Improving Financial Sustainability. He introduced Sherry May, the interim General Manager to further expand on the accomplishments from the last 90 days. **Sherry May** said she has been the interim director since September 2024. She shared some of her background with the Council. She spoke about changes in the staff and the operations, increasing revenue and reducing costs, improving donor relations, changes in the box office, and updating the rate cards to attract new talent. They have been assisting with the 100 year anniversary of the Lerner. Also, they sent out a survey to find out what the public would like to see them do better. They are working on updating security and an emergency response plan with additional training for the staff and volunteers. She also introduced Blake McDaniel with CEG who was attending remotely. The handout that was provided to the Council is included in the minutes.

Councilman Henke said the City has contributed a considerable amount of money to the Lerner and they are committed to the theatre but he has concerns regarding money given to the theatre and the collection of the monies owed to the theatre. **President Dawson** replied do not expect her to answer that question, but he wanted it known it is a concern. **Blake McDaniel** said he has had experience with another theatre and it took two years to turn it around and they are implementing some of the same strategies with the Lerner and he is on board with what the Council is saying. **Councilman Henke** replied, he was surprised that financial concerns have not been addressed earlier and suggested that maybe a 3rd party be put in place. **President Dawson** replied that is an administrative issue and he suggested he talk with the Mayor regarding that.

Councilman Mishler said if he is understanding it correctly, in the first 90 days they have found \$132,000 in savings, which he thinks is great for the first 90 days and he is looking forward to hearing more. He said the Lerner is in his district and it is a great avenue not only for the City but it is a linchpin to support small businesses downtown.

Councilwoman King said she would like to thank Sherry May, Blake McDaniel and Scott Welch for the work they are doing and she is very impressed. She said she excited for the future.

President Dawson said he had a chance to meet with the CEG group several months ago and he was impressed with them as an organization and suggested if Council members had not met with them they should take the opportunity to meet with them.

Councilwoman Hines asked if the Lerner board was up to speed on who they are and why they are here, as there are some new members. **Sherry May** replied she has had several conversations weekly with members of the board and she runs things past them all the time.

Councilman Henke asked when the \$132,000 savings would be realized. **Sherry May** replied due to not having a General Manager in place, they are currently under budget and expect to be for 2025. **Councilman Henke** said he would like to see how much money was not collected in the various ticketing issues so there he has an understanding of what funds were missing. **Sherry May** said they would be happy to put that together and it is not about assigning blame sometimes it takes fresh eyes to see the issues and suggest different solutions.

Presentations and Introductions ends at 41 minutes and 44 seconds of the audio recording.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL COMMITTEES

There were no reports.

ORDINANCES ON SECOND-THIRD READING

Proposed Ordinance 25-O-04

AN ORDINANCE AMENDING SECTION 5.5 OF ORDINANCE NO. 5746, AS AMENDED, TO UPDATE THE LOCAL POLLUTANT LIMITATIONS AS PROSCRIBED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-04

President Dawson opened Council discussion starting at 42 minutes and 36 seconds of the audio recording.

There was no council discussion.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 25-O-04

President Dawson opened the public discussion starting at 42 minutes and 41 seconds of the audio recording.

Bryan Cress, Regulatory Compliance Manager, Public Works and Utilities, said they are making a required update to the Pollutant Limitations in the Ordinance. This happens every so often, typically every five years. The Indiana Department of Environmental Management, hereafter, IDEM, and the United States Environmental Protection Agency come together and ask them to update these limits. The process is to look at some of the chemicals in their system, how they get to our plant, how they remove those chemicals, how they make sure that all of the pollutants that the industries put into the sewers and the levels allowed to put into the sewers. They make sure it is still protective of the sewer system, the wastewater treatment plant and they meet all of the limitations of what is sent into the river after the wastewater has been treated.

Councilman Henke asked have the measures changed? **Bryan Cress** replied, the three pollutants that did change have a number of different calculations that are done. The first measurement of the pollutants they are getting in the wastewater system and the sewers. The second measurement is the removal efficiency of the plant, which was just upgraded and that did change some of the things. The last thing is the limits for what the wastewater treatment plant can put out into the river, which has changed slightly. The combination of those three things resulted in slightly lower limits for a couple of the pollutants. They do not expect that to have any impact on industries and the industries should be able to meet those limits.

Councilman Mishler asked if they expect these changes to add any additional costs to taxpayers in the City or industries? **Bryan Cress** replied, their monitoring will be the same. The people who do the pretreatment program which is monitoring their side, is paid by the wastewater fees that are collected and they do not expect that to change. Nothing about this changes the frequency of their sampling and they expect the industries to be able to meet these new limits. They do not expect this to require them to make changes.

Councilman Curry said there is a list of things that are not supposed to be put into the system and asked, how are new business informed of those things? **Bryan Cress** said when a new industry comes into our area, one of the first things they have to do is get service to the new building and there is a technical review process that starts. If a new industry is taking over an existing building when they come to get service they fill out a questionnaire which raises a flag for the Pretreatment Department to have a conversation with them. **Councilman Curry** asked have there been any violations lately and are they fined. **Bryan Cress** said sometimes there are industries who violate these pollutants.

Councilman Henke said some of these industries find it easier to violate and pay a small fee versus managing their waste. Sometimes the fees are reduced and the taxpayer ends up paying for it. **President Dawson** replied, that is a discussion for the Board of Works.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-04

President Dawson returned the discussion to the Council starting at 48 minutes and 18 seconds of the audio recording.

There was no further Council discussion.

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

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

By a vote of 8-0, the proposed ordinance passed on second reading.

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

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

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

By a vote of 8-0, the proposed ordinance passed on third and final reading.

Discussion on the proposed ordinance ends at 49 minutes and 18 seconds of the audio recording.

Proposed Ordinance 25-O-05

AN ORDINANCE AMENDING THE ZONING MAP CREATED PUSUANT TO ORDINANCE NO. 4370, THE “ZONING ORDINANCE OF THE CITY OF ELKHART, INDIANA” AS AMENDED, TO REZONE 2807 CASSOPOLIS STREET, ELKHART, INDIANA FROM B-3, SERVICES BUSINESS DISTRICT AND M-1, LIMITED MANUFACTURING DISTRICT TO B-3, SERVICES BUSINESS DISTRICT

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-05

President Dawson opened Council discussion starting at 49 minutes and 53 seconds of the audio recording.

Mike Huber, Development Services Director, said this is a petition for the property located on Cassopolis Street, the former Budget Inn. It is currently split zoned, the frontage is B-3 Commercial and the back part is a very long skinny parcel, designated M-1, manufacturing. This rezoning intends to clean up that zoning and eliminate the incomplete manufacturing zoning classification that exists on the property currently. The proposed new use on the frontage part of the property will be a drive thru coffee establishment. The rezoning allows for greater flexibility in allowing compatible appropriate development on the remaining portion of the property, which is the parcel of land behind it. It has not yet gone through tech review and it will require a state traffic review to identify the impacts of the development on traffic on State Road 19. The intent is to remove direct access to the property which it currently has on State Road 19. The property is adjacent to Comet Avenue to the north and the intent is to use Comet Avenue as the access to the property both to serve the frontage parcel and the back of the parcel also. This request did pass the Planning Commission unanimously. The Planning Commission did not receive any comments either in favor or against this proposed rezoning.

Councilman Henke asked if there would be a traffic study. **Mike Huber** replied yes, because it is on a State Road and the Indiana Department of Transportations, hereafter INDOT, would be involved and that is the reason they are looking to use Comet Avenue as the access. **Councilman Henke** asked about the County Health Department being involved. **Mike Huber** said that is all part of the review process.

Councilman Mishler asked is this Seven Brew Coffee? **Mike Huber** replied yes.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 25-O-05

President Dawson opened the public discussion starting at 52 minutes and 13 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-05

President Dawson returned the discussion to the Council starting at 52 minutes and 21 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

By a vote of 8-0, the proposed ordinance passed on second reading.

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

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

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

NAYS:

By a vote of 8-0, the proposed ordinance passed on third and final reading.

Discussion on the proposed ordinance ends at 53 minutes and 24 seconds of the audio recording.

Proposed Ordinance 25-O-06

AN ORDINANCE VACATING THE EAST/WEST ALLEY LOCATED BETWEEN THOMAS STREET AND FREMONT STREET AND THE NORTH/SOUTH ALLEY BETWEEN INDIANA AVENUE AND LAFAYETTE STREET, A PUBLIC WAY WITHIN THE CITY OF ELKHART, INDIANA

President Dawson asked the clerk to read the proposed ordinance by title only. Motion by Councilman Henke, second by Councilman Mishler.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-06

President Dawson opened Council discussion starting at 53 minutes and 53 seconds of the audio recording.

There was no Council discussion.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 25-O-06

President Dawson opened the public discussion starting at 53 minutes and 55 seconds of the audio recording.

Tory Irwin, Director, Public Works, said the sewer utility and the Board of Public Works are the owners of three quarters of this block. They have been in communication and coordinating with the remaining quarter of the block which is the whole of Elkhart, as well as, Church

Community Services on the other side of the block. Everyone is in agreement that these alleys are unneeded and they will be re-platting the land once the alleys are vacated so the parcels make more sense.

John Espar, Corporate Counsel, said this proposed ordinance has a typographical error. The public hearing was actually held December 2, 2024. If the Council would consider an amendment to correct the date of the hearing in the ordinance. The public hearing was actually held before the ordinance was introduced.

President Dawson asked for a motion and a second to amend the Public Hearing Date. Motion by Councilman Henke, second by Councilman Crabtree. President Dawson asked the Council Clerk to restate the amendment. **Council Clerk, Angie McKee** stated the amendment is to change the public hearing date from March 3, 2025 to December 2, 2024.

President Dawson asked for a voice vote.

By a unanimous voice vote, the motion to amend the date was passed.

Public discussion ends at 56 minutes, 48 seconds of the audio recording.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 25-O-06

President Dawson returned Council discussion starting at 56 minutes and 50 seconds of the audio recording.

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

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

By a vote of 8-0, the proposed ordinance passed on second reading.

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

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

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

By a vote of 8-0 the proposed ordinance passed on third and final reading as amended.

Discussion on the proposed ordinance ends at 53 minutes and 24 seconds of the audio recording.

ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES

There are no ordinances or resolutions referred to committees.

TABLED ORDINANCES AND RESOLUTIONS

There are no tabled ordinances or resolutions.

ORDINANCES ON FIRST READING

Proposed Ordinance 25-O-07

AN ORDINANCE AMENDING ORDINANCE NO. 6008 TO REORGANIZE THE POSITIONS, CORRESPONDING CLASSIFICATIONS, AND MAXIMUM SALARIES FOR THE EMPLOYEES OF THE LERNER THEATRE, WITHIN THE APPROPRIATED BUDGET OF THE LERNER THEATRE FOR THE YEAR 2025

President Dawson asked the clerk to read the proposed ordinance by title only. If there are no objections this will move to second reading.

There was no objection; proposed ordinance moved on to second reading.

RESOLUTIONS

Proposed Resolution 25-R-02

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, AUTHORIZING THE TRANSFER OF SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) FROM THE FULL TIME ACCOUNT TO THE CONTRACT SERVICES ACCOUNT FOR THE LERNER THEATRE

President Dawson asked for a motion and a second to adopt this resolution. Motion by Councilman Mishler, second by Councilwoman King.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 25-R-02

President Dawson opened Council discussion starting at 58 minutes and 52 seconds of the audio recording.

There was no council discussion.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 25-R-02

President Dawson opened the public discussion starting at 53 minutes and 55 seconds of the audio recording.

Megan Erwin, Chief of Staff, said the General Manager position at the Lerner has been vacant since July, 2024. They have been using the savings of that vacancy to pay for Sherry May's contract to take over the management and operations that would typically be the general manager's responsibility. This transfer allows for that arrangement to continue for up to six months. This is at no additional expense, it is a cost neutral change.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 25-R-02

President Dawson returned the discussion to the Council starting at 59 minutes and 42 seconds of the audio recording.

There was no further council discussion.

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

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

NAYS:

By a vote of 8-0 the proposed resolution passed.

VACATION HEARINGS

There are no vacation hearings.

OTHER NEW BUSINESS

Councilman Henke said he talked with someone from the Mayor's office regarding trash pick up on the South side and how it was missed for a week and he was told it was because of icy roads. The trucks came and picked up recyclables the next day, but not the trash. **President Dawson** said it had been addressed and they were very apologetic and it would be picked up. **Councilman Henke** said the Elkhart Clinic has been closed for several weeks because of a petroleum based contaminant and the public would like to know if there is a risk for them at the nursing home and the apartment complex on both sides of the clinic. He believes the Council should be informed on this matter. There are several areas where there are cars parked in yards and he thinks that should be addressed.

Councilman Mishler said he has been monitoring the Elkhart Clinic situation, he reached out to IDEM and they have taken over the situation from the City of Elkhart. They are working closely with the Elkhart Clinic and the most recent update as of a few days ago was there is no clear danger to anyone over there at this time. They are continuing to monitor the situation and they will have a report released no later than February 24, 2025. He encouraged anyone concerned with the situation to reach out to IDEM because they are in charge of the situation.

Councilwoman Hines said in regards to the trash pick up situation, the company has talked to several Council members as well as the Mayor's office and she is waiting for the administration to share the details as to why this happened and also the company is under new management. In terms of schedules, the schedule was not something they are accustomed to but the schools were closed that day due to the icy roads and those are not city trucks and they do not have the same equipment to be able to endure that ice. It could be a different conversation regarding that service and their lives also. She said they need to wait on the information from the administration and how they are planning to provide their services in the future. It has been a good working relationship in the past and they hope it will continue to be in the future.

Councilman Curry said the Pierre Moran neighborhood was also missed and he has been hearing it from all the neighbors. This has never happened before and he understands there is a new owner but they need to understand there are a lot of areas in Elkhart where there is too much trash and the containers are overflowing and they should get a second container and to wait a week for the trash pickup is concerning because that would be another week with a similar amount of trash and they have nowhere to put it. It is a concerning situation and he hopes it never happens again.

Councilman Henke said he believes it is a breach of their contract and it should be addressed. He also thinks that people should call their council person rather than all the individual calls to the Mayor and other offices. He thinks there should be a way to communicate that kind of information to the representatives of each district in the city so they are informed and can disseminate that information to the public.

Tory Irwin said he spent the first hour today on the phone with Borden's having a conversation about the situation. He said the City's expectation was that on Thursday with the ice it was understandable to not have their trucks on the street, possibly being involved in accidents. They expected them to come out on Friday and pick up Thursday and then work to catch up, which would include Saturday and that did not happen. They explained that due to their staffing and contractual labor issues they were unable to add an extra day of service on Saturday to finish the routes. They explained that the routes on Thursday that did not get finished would be picked up the next Thursday and any additional trash that had accumulated would also be picked up on Thursday. They apologized and they explained that in the past when this would happen they would shift a day, but they are under new management and that was not what they could do at this time. When there are holidays they are able to plan around those. This is not what anyone wants and they are in the time period where the City is writing new contracts for trash which goes out to bid later this year and they have been taking note and will be taking this into consideration as they move into next year. **Councilman Curry** asked if people have bags of trash out next to their containers are they going to get out of the truck and pick those up. **Tory Irwin** said yes, they will be doing that. **Councilman Holtz** said unfortunately, the weather looks like it may unfold for this Thursday with a decent amount of snow, he would encourage them to pick up the trash on the scheduled days. **Tory Irwin** said yes they saw the weather forecast as well and they expect them to work with them to ensure that Thursday does not go to three weeks without pickup.

President Dawson said he appreciates what the administration has done to correct this. **Tory Irwin** said they have a map they will be posting on social media with the routes that were missed on Thursday and where it will be double picked up this Thursday.

Other New Business discussion ends at 1 hour, 12 minutes and 15 seconds of the audio recording.

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

There were no reports.

NEIGHBORHOOD ASSOCIATION REPORTS

President Dawson opened the Neighborhood Association Reports starting at 1 hour 12 minutes and 16 seconds of the audio recording.

Councilman Curry said the Pierre Moran Neighborhood Association did not get their trash picked up. They have some people from Nashville visiting in their neighborhood and they enjoyed the Superbowl together. Brad Haney is the vice president of the Pierre Moran Neighborhood Association and he is from Nashville and his daughter who lives in the neighborhood performs in a lot of the plays in the area. They just enjoyed getting to know new neighbors and visiting our neighbors. Their next meeting is on February 31st.

Councilwoman King said they have a new neighborhood association. Wendy Cuz will be heading that and the meeting is February 19 at McNaughton Park from 5:00 pm to 6:30 pm, for the Franklin Steet area.

Neighborhood Association discussion ends at 1 hour, 14 minutes and 50 seconds of the audio recording.

PRIVILEGE OF THE FLOOR

Councilman Curry said he would like to thank the Scouts for coming out to the meeting and it reminds him of being a Scout many years ago.

Jeff Fullhart Scout Leader Troop 750, came forward to say the Scouts are working on a Citizenship in the Community badge and part of that is to see local government in action.

President Dawson thanked them for coming and invited them back anytime they wished to attend.

Privilege of the Floor discussion ends at 1 hour, 16 minutes and 20 seconds of the audio recording.

SCHEDULING OF COMMITTEE MEETINGS

There are no meetings to schedule.

ACCEPTANCE OF COMMUNICATIONS

Minutes of December 10, 2024 – Aurora Capital Development Corporation
Minutes of December 10, 2024 – Board of Public Safety
Minutes of December 27, 2024 – Board of Public Works
Minutes of January 7, 2025 – Board of Public Works
Minutes of November 14, 2024 – Board of Zoning Appeals
Minutes of November 21, 2024 – Elkhart Historic & Cultural Preservation Commission
Minutes of December 10, 2024 – Elkhart Redevelopment Commission
Minutes of October 21, 2024 – Elkhart Urban Enterprise Zone
Minutes of December 16, 2024 – Elkhart Urban Enterprise Zone
Minutes of December 11, 2024 – Lerner Theatre Board
Report – Month End December 2024 – Elkhart Communication Center

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

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

ADJOURNMENT

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

By a unanimous voice vote the meeting was adjourned.

Debra D. Barrett, Elkhart City Clerk

Arvis L. Dawson
President of the Elkhart City Council



CONWAY ENTERTAINMENT GROUP

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February 8, 2025

On behalf of CEG Entertainment, we would like to express our sincere gratitude for the opportunity to work with the community and the Lerner Theatre. Since coming on board, we have been deeply impressed by the strong community support and the unwavering passion for the arts that permeates the city.

We understand the significance of the Lerner Theatre to the Elkhart community and are committed to upholding its legacy while striving for continuous improvement. Our vision is to transform the Lerner into a world-class venue of cultural enrichment for residents and visitors alike.

To achieve this, we have focused on these areas in the first ninety days:

Building a Professional Team: We are training the staff to deliver a professional experience in theatre management, marketing, production, and facility maintenance.

Elevating Artistic Programming: We are curating for 2025 a diverse and engaging season of shows that appeal to a wide range of audiences, from touring productions, live music performances, comedians, and supporting local arts showcases.

Implementing Effective Marketing Strategies: We are implementing innovative marketing and outreach campaigns to increase ticket sales, build audience loyalty, and enhance the visibility of the Lerner Theatre within the community and beyond.

Maintaining a Pristine Facility: We are dedicated to ensuring the Lerner Theatre remains a visually stunning and welcoming space for all patrons. We are prioritizing regular maintenance, upgrades, and improvements to enhance the overall guest experience.

Improving Financial Sustainability: We recognize the importance of reducing the financial burden on the city. We are striving to increase revenue through ticket sales, sponsorships, and other revenue-generating initiatives while managing expenses to achieve long-term financial sustainability.

We believe that by working collaboratively with the city, community organizations, and local artists, we can ensure the Lerner Theatre thrives as a vital cultural hub for generations to come. We are eager to continue building strong relationships within the Elkhart community and are committed to making the Lerner Theatre a source of pride for all residents.

Thank you for your continued support. We look forward to a successful and profitable 2025.

Regards,

Scott Welch
Blake McDaniel
Sherry May

CEG Entertainment

CEG FIRST 90-DAY ACCOMPLISHMENTS

2/8/25

Enhanced Financial Management/Staffing Structure

- Conducted comprehensive stakeholder engagement, including board members and relevant parties, to identify and address operational challenges.
- Restructured box office management, promoting from within and creating a new Director of Operations role to improve efficiency.
- Collaborated with the city to update job classifications and salaries for 2025, achieving an annual cost savings of approximately \$30,000.
- Strengthened the organizational structure, redefining positions to allow one position's scope to be absorbed into other positions eliminating the Operations and Building Manager position and reducing annual expenditures by \$72,000.
- Re-established in-house social media management, resulting in an annual cost savings of approximately \$5,000.

Increased Revenue & Reduced Costs:

- Streamlined our payment process to manage better credit card processing costs, projected to increase annual revenue by \$25,000.
- Expanded box office hours to enhance customer service and accommodate increased demand during show and on-sale periods.
- Adjusted ticketing fee structures to improve affordability and incentivize online purchases.
- Updated and presented commercial and non-profit rate sheets to the board for approval.
- Negotiated a Preferred Promoter agreement offer with Outback Concerts.
- Re-engaged with industry promoters by disseminating the 2025 commercial rate card and fostering renewed interest in the venue.
- Re-introduced the venue to talent agents and circulated the 2025 commercial rate card to facilitate increased booking activity.

Improved Donor Relations & Compliance:

- Designated a dedicated staff member to facilitate donor benefits fulfillment for the Friends of the Lerner (FOL).
- Ensured compliance with the Ticketmaster contract regarding marketing expectations.
- Assisted FOL with tax donation letters and helped in maintaining an accurate donor database.
- Attended meetings with the 100th-anniversary committee and have offers out to agents/artists for gala.

Enhanced Operational Efficiency & Customer Satisfaction:

- Launched a comprehensive theatre survey, distributing 21,000 surveys to gather valuable customer feedback.
- Standardized fees for all community, performing arts, and symphony shows to improve transparency and consistency.
- Conducted a thorough maintenance review and submitted a budget for necessary upgrades and repairs.
- Renegotiated the catering contract and worked with our in-house catering partner to implement new operating procedures to optimize service delivery.

CEG Q1 2025 MILESTONES

Process for permanent GM:

- Posted GM scope across local and national platforms
- Starting interview process in February

Enhanced Security Protocols:

- Implement security measures with credentialed personnel.

Improved Emergency Preparedness:

- Updated and finalized the Emergency Response Plan.
- Schedule and conduct staff training in February

Streamlined Operational Procedures:

- Update the Docent Manual for improved guidance.
- Update the Box Office Standard Operating Procedures (SOP) Manual for enhanced efficiency.
- Conduct management training classes for staff in February/March to improve leadership and operational skills for Box Office Manager, Marketing & Communications Manager and Building Services Manager.
- Implement Active Shooter Training for staff in February to ensure preparedness.
- Created Floor Managing Manual

Enhanced Staffing & Efficiency:

- Train two part-time Floor Managers to optimize staff allocation and minimize disruptions to core work hours.
- Provide additional box office training to enhance staff proficiency and customer service.

Programming & Community Engagement:

- Actively book shows in partnership with Outback Concerts and other interested promoters, agents, managers, and artists.
- Expand the diversity of theatre offerings to ensure inclusivity and serve the broader community.
- Work in conjunction with the 100th-anniversary committee to secure entertainment for the Gala
- Work with the Lerner board and FOL to increase sponsorship opportunities for the Lerner.

Foster Professionalism:

- Streamline operational processes and established a high standard of professionalism throughout the organization.
- Continue to monitor and make changes to ensure the theatre delivers a quality experience for the community, the talent, and their representatives.



City of Elkhart
Redevelopment Commission

Aurora Capital Development Corporation
Meeting Minutes
Tuesday, January 14, 2025

Present: Sandi Schreiber, Dina Harris, Gerry Roberts, Wes Steffen, Willie Brown, Gary Boyn, Sherry Weber (Recording Secretary), Adam Fann, and Mike Huber

Present via Webex: Chris Pottratz

Call to Order:

This meeting was held in-person, telephonically and virtually through WEBEX. Mrs. Schreiber called the meeting to order at 3:30 pm

Approval of Regular Meeting Minutes:

Mrs. Schreiber asked for a motion to approve the December 10, 2024, Regular Meeting Minutes. The motion was moved by Ms. Harris. Seconded by Mr. Brown. Voice vote carried with all in favor, non-opposed. Minutes are approved.

December 2024 ACDC Expense Report

Mrs. Schreiber asked for a motion to approve the December 2024 ACDC Expense Report in the amount of \$1,602.44. The motion was moved by Mr. Brown. Seconded by Mr. Steffen. Voice vote carried with all in favor, non-opposed. Motion approved.

Kruggel Lawton Invoice

Mrs. Schreiber asked for a motion to approve the Kruggel Lawton invoice #382975 in the amount of \$2,402.50. The motion was moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote carried with all in favor, non-opposed. Motion approved.

Adjournment

There being no further discussion, Mrs. Schreiber asked for a motion to adjourn the meeting. Moved by Ms. Harris. Seconded by Mr. Brown. Voice vote carried with all in favor, non-opposed. Motion approved. Meeting adjourned at 3:32 pm.


Sandra Schreiber, President

BOARD OF PUBLIC SAFETY
Tuesday, January 28, 2025

Chairman Kara Boyles called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, January 28, 2025. Clerk Nancy Wilson called the roll. Kara Boyles, Laesha Black, Dacey Davis, Tessa Barnes, and Anthony Coleman were present.

1. APPROVE AGENDA

On motion by Laesha Black, seconded by Anthony Coleman and carried 5-0, the agenda was approved as presented.

2. MINUTES- Regular Meeting January 14, 2025

On motion by Dacey Davis, seconded by Laesha Black and carried 4-0 (Kara abstained), the minutes from January 14, 2025 were approved as presented.

3. POLICE

Chief Milanese said it has been a very busy 24 hours for the Elkhart Police Department, Firefighters, and first responders. He let the Board know that two Officers were shot, and without going into details of the incident, those two Officers are stable. One was treated and released, the other is still in ICU but stable. We are very hopeful as they move forward in their recovery. He asked the Board to keep those two Officers and their families, the Police Department, the first responders that came and helped and assisted with the traumatic event, and the victims families and those that were inside Martins in your prayers. He said there is a lot of sorrow to go around, however he could not be more proud of our Officers and how they responded. They were able to keep any further tragedies from taking place. Dacey thanked all of the Police, Fire and 9-11 employees and expressed her gratitude. Kara said we are very grateful to all of the first responders that risked their lives yesterday to protect our community. This is definitely a difficult time. This community will come together to rally, support, and show compassion for all of those that were impacted. Chief Milanese said they have received a lot of support and a lot of people reaching out. He said our 9-11 Communications Center, without them coordinating things, things wouldn't get done and people wouldn't be dispatched quickly. The Fire Department came in and worked on one of our very own, while that can be very difficult to do, the professionalism and the manner in which they did it, the attention to detail and the care they provided was incredible. It literally made a life and death difference. It is a sad day, but Chief said he could not be more proud, to see what these men and women do is incredible.

4. FIRE

Assistant Chief Kristi Sommer thanked the Fire Department and all of the first responders. Not only did we have that tragic situation, we also had to respond later on that night to an apartment fire where our crews had to rescue 12 people from balconies. The Fire Department had a difficult night last night, and they performed very well. She thanked all of the first responders that came from the State Police and the Elkhart County Sheriff to help. The Board members thanked her.

5. COMMUNICATIONS CENTER

911/Communications Department Head Dustin McLain acknowledged the incident yesterday and the past 48 hours everything the Police and Fire have both been dealing with. The Communications Center was handling multiple calls and radio traffic, and it took a toll on them but they wanted to stick it out. We have a strong dispatch team and the Fire Department, Police Department, and all of our

adjoining agencies that came out. Prayers to the families and anyone impacted.

Dustin presented the December Month End Report for approval. On motion by Dacey Davis, seconded by Laesha Black and carried 5-0, the Board accepted the December Month End Report and placed it on file.

6. BUILDING AND CODE ENFORCEMENT

Aimee Latimer presented the Elkhart County Auditor Contract Regarding Online Access Agreement for Real Estate Records for approval. On motion by Laesha Black, seconded by Anthony Coleman and carried 5-0, the Board approved the Elkhart County Auditor Contract Regarding Online Access Agreement for Real Estate Records and authorized Tim Vistine or Aimee Lattimer to sign the agreement on behalf of the Board.

7. OTHER PUBLIC SAFETY MATTERS

Police Merit Commission Minutes

On motion by Dacey Davis, seconded by Anthony Coleman and carried 5-0, the Police Merit Commission minutes from December 13, 2024 were accepted and placed on file.

8. FIREFIGHTER GRIEVANCE HEARING

Chairman Kara Boyles gave an overview of the Grievance Hearing process. Wayne Belock presented a motion to consolidate the 24 grievances. Since each of the grievances allege the same contract violation and request the same relief, in the interests of efficiency and consistency the City requests the grievances be consolidated. Corey Brewer responded that for efficiency purposes, they agree to have one grievance hearing, but each individual grievance needs to have its own consideration and ruling. The Board discussed the request with them. On motion by Dacey Davis, seconded by Anthony Coleman and carried 5-0, the Board consolidated the grievances into one hearing. The Clerk of the Board Nancy Wilson swore in all of the witnesses.

Corey Brewer, President of IAFF Local 338 gave the Grievant's opening statement.

Wayne Belock, Esq. and Director of Human Resources gave Management's opening statement.

Corey Brewer presented as witnesses Firefighter Matthew Clayton, Wayne Belock, and Assistant Chief Kristi Sommer for direct examination. Wayne Belock cross examined the witnesses. The Board was given the opportunity to ask questions. All five Board members asked the witnesses questions. At the conclusion of the Grievant's case in-chief the Grievant rested. Chairman Boyles took a ten-minute recess.

Chairman Boyles called the hearing back to order. All five of the Board members were present.

Wayne Belock presented the City Controller Jamie Arce as a witness. The Clerk swore him in prior to his testimony. Wayne conducted direct examination of Mr. Arce. Corey Brewer cross examined the witness. The Board was given the opportunity to ask questions.

Corey Brewer gave the Grievant's Final Argument.

Wayne Belock gave Management's Final Argument.

BOARD OF PUBLIC SAFETY
Tuesday, January 14, 2025

The Board discussed the case and voted on a decision. On motion by Dacey Davis, seconded by Anthony Coleman and carried 5-0 with a roll call vote, the Board of Safety ruled on the Grievances by stating all Firefighters shall receive five (5) paid sick days from 1-1-24 to 12-31-24, receive two (2) paid sick days effective 1-1-25, and shall be paid accordingly.

9. ADJOURNMENT

Chairman Kara Boyles adjourned the Board of Safety meeting at 12:23 p.m.

Kara Boyles Kara Boyles, Chairman

Attest: Nancy Wilson Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC SAFETY
Tuesday, February 11, 2025

Chairman Kara Boyles called a regular meeting of the Board of Public Safety (BOS) to order at 9:00 a.m., Tuesday, February 11, 2025. Clerk Nancy Wilson called the roll. Kara Boyles, Laesha Black, Tessa Barnes, and Anthony Coleman were present. Dacey Davis was absent.

1. APPROVE AGENDA

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

2. MINUTES- Regular Meeting January 28, 2025

On motion by Anthony Coleman, seconded by Laesha Black and carried 4-0, the minutes from January 28, 2025 were approved as presented.

3. POLICE

Chief Milanese presented an Administrative Leave of Absence for Cpl. Paul Vandenburg in accordance with Policy 1010 pending the outcome of an investigation by the Elkhart County Homicide Unit effective January 27, 2025. On motion by Laesha Black, seconded by Tessa Barnes and carried 4-0, the BOS placed Cpl. Paul Vandenburg on Administrative Leave with pay pending the outcome of an investigation by the Elkhart County Homicide Unit effective January 27, 2025.

Chief Milanese presented an Administrative Leave of Absence for Ptl. Ethan Pasternak in accordance with Policy 1010 pending the outcome of an investigation by the Elkhart County Homicide Unit effective January 27, 2025. On motion by Laesha Black, seconded by Tessa Barnes and carried 4-0, the BOS placed Ptl. Ethan Pasternak on Administrative Leave with pay pending the outcome of an investigation by the Elkhart County Homicide Unit effective January 27, 2025.

Chief Milanese presented an Administrative Leave of Absence for Ptl. Justin Miracle in accordance with Policy 1010 pending the outcome of an investigation by the Indiana State Police effective January 30, 2025. On motion by Laesha Black, seconded by Tessa Barnes and carried 4-0, the BOS placed Ptl. Justin Miracle on Administrative Leave with pay pending the outcome of an investigation by the Indiana State Police.

4. FIRE

Chief Rodney Dale presented a contract with Stryker Agreement for the purchase of Cardiac Monitors for the Elkhart Fire Department. On motion by Anthony Coleman, seconded by Laesha Black and carried 4-0, the BOS approved the Stryker Sales LLC Agreement and authorized the Chief of Assistant Chief to sign and submit the agreement on behalf of the City.

5. BUILDING AND CODE ENFORCEMENT

Tim Vistine presented the January 2025 Month End report for the Building and Code Enforcement Department, and the Results from the Order to take Action Hearing on January 29, 2025. On motion by Laesha Black, seconded by Tessa Barnes and carried 4-0, the Board accepted and placed on file the January 2025 Month End Reports and the results from the Order to Take Action Hearing on January 29, 2025 and placed them on file.

6. OTHER PUBLIC SAFETY MATTERS

Fire Merit Commission Minutes


On motion by Anthony Coleman, seconded by Laesha Black and carried 4-

BOARD OF PUBLIC SAFETY
Tuesday, January 28, 2025

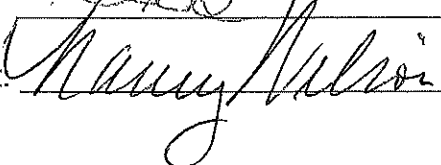
0, the Fire Merit Commission minutes from November 25, 2024 were accepted and placed on file.

7. ADJOURNMENT

Chairman Kara Boyles adjourned the Board of Safety meeting at 9:09 a.m.



Laesha Black, Vice-Chairman

Attest: 

Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC WORKS
Tuesday, February 4, 2025

Vice-President Jamie Arce called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, February 4, 2025. Maria Leon called the roll. Andy Jones, Jamie Arce, Ron Davis, and Rose Rivera attended in person. Mike Machlan was absent.

1. Approve Agenda

A motion was made by Ron Davis and seconded by Andy Jones to approve the agenda. On motion by Andy Jones, seconded by Ron Davis and carried 4-0, the agenda was amended by adding a PSA with Butzel Attorneys and Counselors to New Business. On motion by Ron Davis, seconded by Rose Rivera and carried 4-0, the amended agenda was approved.

2. Claims and Allowance Docket

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the claims and allowance docket in the amount of \$6,235,502.37, consisting of 27 pages as prepared on January 28, 2025 at 10:28 a.m.

3. Minutes Regular Meeting January 21, 2025

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the Minutes of the Regular Meeting January 21, 2025.

4. Engineering

(A.) Administration

Change Order #1 Bid #24-18 Hively Avenue Overpass Demolition Contract #5

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved Change Order #1 for Bid #24-18, Hively Avenue Overpass Demolition Contract #5, decreasing the contract value by \$31,152.00, resulting in a contract price of \$155,585.46.

Amendment to PSA with Crawford, Murphy & Tilly, Inc. Hively Avenue Overpass Project FRA Grant Application and Grant Management

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board authorized the Board Vice-President to Execute Amendment #1 to the Professional Services Agreement with Crawford, Murphy and Tilly, Inc. for Hively Avenue Overpass Project FRA Grant Application and Grant Management with an amended fee not to exceed \$46,000.00.

Change Order #1 for Bid #24-19 Hively Ave. Overpass Demolition Contract #6

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved Change Order #1 for Bid #24-19 Hively Avenue Overpass Demolition Contract #6, decreasing the contract value by \$20,000.00, resulting in a contract price of \$63,225.00.

Acceptance of Plat, Right-of-Way Dedication, and Easement Dedication for Lindholm Lane Subdivision

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board accepted the Right-of-Way Dedication and Easement Dedication for Lindholm Lane Subdivision.

Escrow Agreement with Almac, Inc. and Lake City Bank for Elkhart East Area A Public Improvements

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board authorized the Board of Works Vice-President to execute the Escrow

BOARD OF PUBLIC WORKS
Tuesday, February 4, 2025

Agreement with Almac, Inc. and Lake City Bank for Elkhart East Area A Public Improvements.

Award Bid #24-22 Elkhart East Area A Public Improvements

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board awarded Bid #24-22 Elkhart East Area A Public Improvements to C&E Excavating, who submitted the lowest responsive bid, with a contract price in the amount of \$2,483,600.00, subject to the full execution of the escrow agreement approved by the Board.

Revocable Right-of-Way Permit for Perpendicular Parking in Alma Street at Linde Gas & Equipment 1820 Mishawaka Street

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board removed the Revocable Permit from the table for consideration. Jeff Schaffer explained the request to the Board. Mark McLaughlan of Linde Gas & Equipment said they are working with the City to become compliant. They need clarification on where the line is so they can get back with the Contractor. On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the Revocable Right-of-Way Permit for perpendicular parking in Alma Street at Linde Gas & Equipment, subject to the conditions suggested by the staff in the Board memorandum.

(B.) Stormwater

Amended Contract with Xylem Vue Inc. for Additional CSO Monitoring Services

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the Amended Standard Form of Agreement for Professional Services with Xylem Vue Inc. for additional CSO Monitoring Services.

PSA with Christopher B. Burke Engineering, LLC for MS4 Program Assistance in 2025

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the Professional Services Agreement with Christopher B. Burke Engineering, LLC for MS4 Program Assistance in 2025 for a total not-to-exceed amount of \$40,000.00.

(C.) Utility

Ratify Partial Payment #150 to DLZ Oakland Avenue Project D CSO 6&7 Connection

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board ratified partial payment request #50 of SRF Loan WW22162005 in the amount of \$73,300.00 to DLZ from the allocated SRF Loan for professional services on the Oakland Avenue Project D CSO 6&7 Connection Design.

Ratify Partial Payment #51 to American Structurepoint -Oakland Avenue Project C Design

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board ratified partial payment request #51 of SRF Loan WW22162005 in the amount of \$30,155.00 to American Structurepoint from the allocated SRF loan for professional services on the Oakland Avenue Project C Harrison Street Design.

Ratify Partial Payment #77 to Bown Engineering Elkhart WWTP Capacity Upgrades Phase 2

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board ratified partial payment request #77 from SRF Loan WW18262004 in the

BOARD OF PUBLIC WORKS
Tuesday, February 4, 2025

amount of \$449,113.00 to Bowen Engineering Corporation from the allocated SRF loan for construction on the Elkhart WWTP Capacity Upgrades- Phase 2 project.

Ratify Partial Payment #78 to Bown Engineering Elkhart WWTP Capacity Upgrades Phase 2

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board ratified partial payment request #78 from SRF Loan WW18262004 in the amount of \$126,427.00 to Bowen Engineering Corporation from the allocated SRF loan for construction on the Elkhart WWTP Capacity Upgrades- Phase 2 project.

Ratify Partial Payment #79 to Bown Engineering Elkhart WWTP Capacity Upgrades Phase 2

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board tabled Partial Payment #79 to Bown Engineering Elkhart WWTP Capacity Upgrades Phase 2.

5. Utility

(A.) Administration

Declaration of Surplus

A motion was made by by Rose Rivera and seconded by Andy Jones to declare the old unusable water meters as surplus materials and approve the auctioning of the water meters for salvage value. Attorney Maggie Marnocha explained the situation to the Board. This is for recycling purposes. We are able to sell or transfer them outright under Indiana Code 5-22-22-7. She asked the Board to amend the motion to declare the water meters to be surplus and salvageable and allow the Utility to sell them without advertisement pursuant to IC 5-22-22-7. On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the motion was amended to declare the water meters to be surplus and salvageable and allow the Utility to sell them without advertisement pursuant to IC 5-22-22-7. The amended motion carried 4-0.

Wastewater Utility MRO for December 2024

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board accepted and placed on file the Wastewater Utility MRO for December 2024.

(B.) Pretreatment

Five-Year Industrial Discharge Permit Welsh Packaging Permit #2017-01

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board issued Welsh Packaging Permit #2017-01 its five-year Industrial Wastewater Discharge Permit Renewal.

Five-Year Industrial Discharge Permit Welsh Packaging Permit #96-04

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board issued Welsh Packaging Permit #96-04 its five-year Industrial Wastewater Discharge Permit Renewal.

6. New Business

Master Services Agreement with enFocus

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved a Master Services Agreement with enFocus in the amount of \$122,500.00 which will be paid through Development Services and Planning and Zoning professional services budgets. Jamie asked if they are using a Federal component. Maggie suggested approving contingent upon Legal reviewing it again.

BOARD OF PUBLIC WORKS
Tuesday, February 4, 2025

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board amended the motion to make the approval subject to Legal approval. The amended motion carried 4-0.

Lease with Council on Aging

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the Lease with the Council on Aging.

Disposal of Fixed Assets- Bright Star Auction

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the approved the disposal of the following assets for the Bright Start Auction: Unit Cm808, St313, BG548, AV2220, BG539, and FU-19. Josh explained they are old pieces of equipment beyond their mechanical ability.

Request Bid #25-09 2025 Police Vehicles

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved bid documents and granted permission to advertise Bid #25-09 2025 Police Vehicles.

Request Bid #25-10 Light Duty Trucks

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved bid documents and granted permission to advertise Bid #25-10 2025 City Light Duty Trucks.

Request Purchase of DB500 Mobile System on a Trailer


On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the purchase of DB500 Mobile System on a Trailer from Dustless Blasting Company for \$52,111.98 from the Buildings & Grounds budget using the Sole Source purchasing authority.

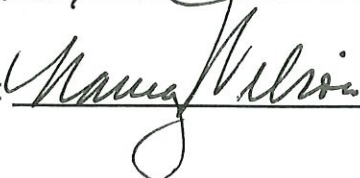
PSA for Legal Services with Butzel Attorneys and Counselors

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved an Agreement with Butzel Attorneys and Counselors for professional services, and authorized Corporation Counsel John Espar to approve and sign the final agreement.

7. Adjournment

On motion by Andy Jones, seconded by Ron Davis and carried 4-0, the Board of Works adjourned at 10:10 a.m.

 _____ Rose Rivera, City Attorney

Attest:  _____ Nancy Wilson, Clerk of the Board



REGULAR MEETING
ELKHART REDEVELOPMENT COMMISSION
LOCATION: CITY HALL, 2ND. FLOOR, COUNCIL CHAMBERS
Tuesday, January 14, 2025
4:00 p.m.

PRESENT: Dina Harris, Sandi Schreiber, Wes Steffen, Willie Brown, Gerry Roberts, Gary Boyn, Sherry Weber (Recording Secretary), Mike Huber, Adam Fann, Jacob Wolgamood, Mary Kaczka, Alex Holtz, Drew Wynes, Joshua Hofer, Megan Erwin, Ashley Brazo (Cressy Real Estate) and Bruce Jones (JI Contracting)

PRESENT BY WEBEX: Chris Pottratz, Mayor Roberson, Lewis Anne Deputy, Mary Lou Timmons

CALL TO ORDER

This meeting was held in-person, telephonically, and virtually through WEBEX. The meeting was called to order at 4:00 p.m. by Ms. Schreiber, President.

APPROVAL OF MEETING MINUTES

Ms. Schreiber asked for a motion to approve the December 10, 2024, Regular Meeting Minutes. Moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved.

NEW BUSINESS

ELECTION OF OFFICERS

Mr. Roberts made a motion to re-elect the existing officers to the same positions. Seconded by Mr. Brown. Voice vote carried with all in favor and non-opposed. Motion approved.

- Secretary: Ms. Dina Harris
- Vice President: Mr. Wes Steffen
- President: Ms. Sandra Schreiber

A. OPENING OF BIDS

Mr. Jacob Wolgamood addressed the commission stating we have one bid from Frankenberger Lawn Care for maintenance of City owner properties in the amount of \$5,860.00. Jacob will review packet to make sure all information is included and report back at the end of the meeting.

B. USE AGREEMENT FOR 515 HUG STREET

Mr. Adam Fann addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the access request and form of agreement attached to the resolution. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

C. PURCHASE AGREEMENT FOR 812 SOUTH MAIN STREET

Mr. Adam Fann addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the purchase agreement for 812 South Main Street and appropriate the sum of \$273,100 from Consolidated South Elkhart Economic Development/Redevelopment Area Allocation Area Special Fund. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

E. PHASE I AND II APPROPRIATION

Mr. Adam Fann addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the employment of Heron Environmental, LLC to do the Phase One and Phase Two on 812 South Main Street and appropriate \$9,750 from Brownfield fund. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

F. TAX SALE ACCEPTANCE

Mr. Adam Fann addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the form of joint resolution between the County and the City of Elkhart and to accept the transfer of the parcels listed on Exhibit A from the County. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

G. ROUNDHOUSE FENCE CONTRACT

Mr. Jacob Wolgamood addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the proposal in the form of contract as submitted and award the contract to Milestone Fence, LLC and appropriate the sum of \$30,000 from Downtown Allocation Area No. 1 Special fund. Moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved.

H. ICE MILLER BOND COUNSEL

Mr. Mike Huber addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the employment of Ice Miller, LLP, to provide services outlined in the contract and approve the form and content of the contract. Moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote, four in favor, one abstained. Motion approved.

I. WBK ENGINEERING ARCHITECTURE AND DESIGN SERVICES

Mr. Mike Huber addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve amending the contract with WBK Engineering, Inc. to include the services outlined in their

proposal and authorize staff and officers to negotiate a final contract amendment form and officers to execute at such time as they find that complete and acceptable and appropriate \$100,000 from Consolidated South Elkhart Economic Development/Redevelopment Area Allocation Area Special Fund to cover the cost of those additional services. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

J. 142 STATE STREET RENOVATION PROJECT

Ms. Mary Kaczka addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the extension of time to complete the renovation project at 142 State Street to June 30, 2025. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

K. WOODLAND CROSSING BUDGET FOR 2025

Ms. Mary Kaczka addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the 2025 CAM Budget as submitted. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

L. WOODLAND CROSSING LEASE GUARANTEE

Ms. Mary Kaczka addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the form of guarantee agreement as submitted as a basic form to be used on future lease guarantees at Woodland Crossing properties. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

M. WOODLAND CROSSING LEASE ADDENDUM FORM

Ms. Mary Kaczka addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the form of lease addendum as submitted as a basic form to be used for all future leases on the properties subject to such future revision as needed to satisfy market conditions. Moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved.

N. WOODLAND CROSSING LEASES

Ms. Mary Kaczka addressed the commission and answered questions. Ms. Schreiber asked for a motion to establish a two person executive committee consisting of the then serving President or Vice-President and Secretary of the Commission and authorizing them to negotiate, approve and execute future tenant leases that are consistent with and conform to standard forms of lease and addendum that have been approved by the Commission and which provide for rent not less than the prevailing commercial rental rate per square foot in effect at that time, subject to reasonable non material revisions to meet market conditions and approving the signature of one officer of the Commission on an approved lease in order to bind the landlord and sets the current prevailing commercial rental rate at \$12 per square foot as the minimum with the other province that if the rental rate should be negotiated at less than that commercial rental rate or any other material adverse economic duty of risk is placed on the landlord. Those items would have to come back to the Commission to be approved before the lease is finalized and signed. Moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved.

O. WOODLAND CROSSING REQUEST FOR QUOTE FOR 148-5 TENANT BUILD OUT

Ms. Mary Kaczka addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve issuance of a request for quote for a tenant buildout of 148-5 in Woodland Crossing. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

P. WOODLAND CROSSING REQUEST FOR QUOTE FOR BIG LOTS INTERIOR DEMOLITION

Ms. Mary Kaczka addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve issuance of a request for quote for the Big Lots interior demolition and its restructuring work in Woodland Crossing. Moved by Mr. Steffen. Seconded by Mr. Brown. Voice vote, all in favor. Motion approved.

Q. CDBG AMENDED SUBRECIPIENT AGREEMENT FOR COUNCIL ON AGING

Ms. Mary Kaczka addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the amended subrecipient agreement with Council on Aging as described. Moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved.

R. AWARD BID FOR MAINTENANCE OF CITY OWNED PROPERTIES

Mr. Jacob Wolgamood addressed the commission and answered questions. Ms. Schreiber asked for a motion to accept the bid of Frankenberger Lawn Care to perform property maintenance of City owned properties in the amount of \$5,860 and to authorize the officers to execute the standard form of contract for that work consistent with the assessment of costs to the various TIFs as contained in the previous contract. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

STAFF UPDATES

Mr. Adam Fann addressed the commission with updates on projects around the city

- **State Road 19**– Lights on south side of bridge are on and operational. Signs on the north side of the bridge should be operational in the next couple of weeks
- **Freight Street** – Demo should be starting in the next couple of weeks weather permitting.
- **Conn Remediation**– Still working through and waiting on the excavation specs to be finalized and then submitted. Work will begin in the spring.
- **Windsor Sidewalk** – Will be bringing an RFQ to be released for sidewalk work in the Cassopolis TIF
- **New Chief of Staff** – Mr. Mike Huber introduced Megan Erwin, the City's new Chief of Staff in the Mayor's Office
- **Gerry Roberts Last Commission Meeting** – Mr. Mike Huber thanked Gerry for his service to the City, his guidance and his good questions along the way. He will be missed.

OTHER BUSINESS

Ms. Schreiber asked for a motion to approve the Warrick and Boyn invoice in the sum of \$17,466.02. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

The commissioners have the TIF Report.

PUBLIC COMMENT

No one was present for public comment.

ADJOURNMENT

There being no further discussion, Ms. Schreiber asked for a motion to adjourn the meeting. Moved by Mr. Steffen. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved. The meeting adjourned at 4:45 p.m.

A handwritten signature in cursive script that reads "Sandra Schreiber". The signature is written in black ink and is positioned above a horizontal line.

Sandra Schreiber, President



City of Elkhart
Redevelopment Commission

Elkhart Redevelopment Commission
Pre-Agenda Meeting Summary
For January 10, 2025

PRESENT: Dina Harris, Sandi Schreiber, Gary Boyn, Mike Huber, Adam Fann
Jacob Wolgamood, Sherry Weber, Mary Kaczka, Joshua Hofer and
Drew Wynes

PRESENT BY WEBEX: Chris Pottratz, Willie Brown, Mayor Roberson

The Commission reviewed each agenda item and staff explained the status of each matter to date and the need for and purpose of the proposed Resolution to be acted upon at the upcoming Elkhart Redevelopment Commission meeting on January 14, 2025.

LERNER THEATRE BOARD
Wednesday, January 8, 2025

President Gary Boyn called the Regular Meeting of the Lerner Theatre Board to order at 10:00 a.m. on Wednesday, January 8, 2025. The Clerk of the Board, Nancy Wilson called the roll. Gary Boyn, Diana Lawson, Dina Harris and Fran Bouie attended in-person. Carrie Berghoff attended on Webex. Dallas Bergl and Jamie Arce were absent.

1. AGENDA

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the agenda was approved as presented.

2. ELECTION OF 2025 OFFICERS

On motion by Diana Lawson, seconded by Fran Bouie and carried 5-0, the 2024 Officers were retained in 2025. Gary Boyn is President, Dina Harris is Vice-President and Dallas Bergl is Treasurer in 2025. Congratulations!

3. MINUTES: Regular Meeting December 11, 2024

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board approved the minutes from December 11, 2024.

4. TREASURER'S REPORT

Financials November 30, 2024

Nick Muller of Kruggel, Lawton and Co. attended on Webex. The November 30, 2024 financial report was submitted to the Board for review. Total operational expenses of \$1,616,809 were covered by a City contribution of \$744,954 (46%) and a Lerner contribution of \$871,855 (54%). This compared with 2023 City's contribution of 56% and the Lerner's contribution of 44%. The net income from Theatre operations only (shown as Gross Profit) at the end of the period was \$788,652 which was an increase of \$172,942 from 2023. The YTD net income for all Lerner operations (including City expenses) at the end of the period was \$171,712 which was an improvement of \$200,967 from the net loss on last year's statement of (\$29,255). On budgeted City Operational Expenses alone we were under-budget by \$663,630 year-to-date. On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Financials from November 30, 2024 were approved.

Claims and Allowance Docket

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board approved the claims and allowance docket totaling \$96,364.63 as listed on the register consisting of 4 pages, prepared on January 6, 2025 at 10:28 a.m.

5. PRESIDENT'S REPORT

Diana Lawson gave an update on the 100-year celebration. The committees are all hard at work. The first meeting of the year is next week. They are putting together a series that will be a gift to the community with a number of free events for them to enjoy. They are thanking the community for their support over the past 100 years! It is going very well, the committee is excited and they are all very proud to be a part of the initiative.

6. CRYSTAL BALLROOM CATERING

Kurt Janowsky attended on Webex. December was an outstanding month for The Ballroom with revenue of \$156,000, adding concessions of \$40,503 the total sales were \$196,977, bring the total for the year to \$1,145,765 which is a new record for the Crystal Ballroom. The Ballroom had \$236,000 in concessions which was also

LERNER THEATRE BOARD
Wednesday, January 8, 2025

a record. The total commissions paid in 2024 to the City were \$231,000, as compared to \$197,000 in 2023, and over the record year of \$222,000 in 2022. It was a good year for the Ballroom and a good year for the City. 2025 looks fantastic so far. Wedding bookings and bookings of all sorts are up. Gary and Diana both thanked him for a great year and a great report!

7. PREMIER ARTS

Craig Gibson said everyone was flying high in December including Premier Arts. Elf was a great success. He announced season ticket holders can renew their season tickets on line this year. Auditions for "Charlie and the Chocolate Factory" are happening in a couple weeks. The Elf show had amazing turnout. The YES show sold out, and we had children attending from four different counties. For the benefit of our new Board member Fran, Craig introduced himself and briefly explained they are the resident theatre company and they produce a series of shows every year with at least five shows. They welcome auditions from all ages. Diana thanked Craig for everything he does for the Lerner and for the community. Craig reminded everyone to check out the windows that celebrate all of the Lerner eras from the last 100 years.

8. GENERAL MANAGER REPORT

Conway Entertainment Group

Sherry May reported they had a busy December in the theatre and a wildly successful Elf! In January and February we are focusing on training, updating manuals, and making sure SOP's and everything are up to where they need to be. Deen is working on security identification credentials that will tremendously help our security company and any breeches coming in the back door or anywhere else. We are scheduling Emergency Response Training for anyone that has not already been trained. Jenna and the Marketing team are working on the overall Marketing Plan for the Lerner incorporating the 100th Anniversary into that. We are working on updating the Docent Manuals. Brittney is doing a fantastic job in the Box Office. We hired a couple new Box Office employees and let a couple go. She is in charge of doing a lot of Box Office Training. We cleaned up our admins with our City website and we are City compliant. All of our admins on our social medias have also been cleaned up and that has been brought in house. We will be doing that internally from now on. Sarah is working on a new Floor Managing Manual and she is training some new floor managers so we can keep the office staff in the office more. Everyone is going through Culture City training, and we are setting up active shooter training for all of the staff, volunteers, and ushers. Diana asked Sherry, once the job descriptions are all completed and approved and the staff has all been trained, could you provide the Board with the details of the employees and what they are doing? Sherry said she would get digital copies of those to the Board this week. Sherry said she feels really good about the staff and where we are. She added they are hiring two new custodial people. Sherry discussed the weapons clause in the Event Contract with the Board and said they met with the security company. They have a few new ideas to implement with staff.

Scott Welch started his report by saying the Morris is a weapons-free venue and he believes that is what the artists want. He gave the Board a 90-day report to review. He said they are going to start interviewing for the GM this month. They

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have some candidates. He told the Board they will share the scope with them for the new GM. Diana agreed it would be of value for all of the Board members to see that.

Lerner Non-Profit Rate Sheets

Scott asked the Board to approve the revised Non-Profit Rates as presented. A motion was made by Dina Harris and seconded by Diana Lawson to approve the revised Non-Profit Rate Sheet. Diana asked him if he went over the revision with the non-profits. He said they have not seen the sheet but he did speak to them. It's only a couple hundred dollars. He is trying to get to a break even point, not trying to make money off them. Blake clarified that Premier Arts and the Symphony will be taken care of during phase two of the revisions. Diana said they have both been so exceptional and they are the two she was referring to. Blake said they understand their importance and they will take care of them. Gary called for the vote and the motion passed 5-0.

Lerner Repair and Maintenance Report

Tim Gardner the Facilities Manager gave the Board an overview of maintenance issues. He discussed the Asset Management Program he is working on with Deen. The program sends him an email reminder when maintenance is due. Diana asked if he could share the schedule with the Board. She expressed her concern with the condition of the Green Room. She said if we are attracting world class talent, we need to improve the Green Room.

Outback Concerts Deal

Blake McDaniel talked to the Board about a deal he is working on with Outback Concerts, the third largest Promoter in North America. They do all kinds of programming. They are the largest Comedy Promoter in the world. Getting promoters to focus on a smaller market like ours here in Elkhart is difficult, especially as a preferred promoter. We wanted to establish a base with them by doing a preferred promoter agreement. He asked if the Board received the information on Outback, and Gary responded it was circulated but it was not in the packet. Nancy said it was not given to her for the packet. Blake gave an overview of the terms. They will have first right of refusal to promote or co-promote on all shows entering the building up to 30 shows/year. If an outside promoter brings in Bruce Springsteen, Outback can say we don't want to prevent them from bringing the show in, we will Co-Promote with them, that way the Lerner gets the programming and the opportunity of the finances that come along with that, but Outback also gets a piece of it as well. Blake said they are very good about co-promoting. The owner of Outback wants everybody to do well. They will guarantee 8 comedy shows and 12 musical shows/year. Blake said with confidence this will be top tier talent that will do well. Part of what they do is they have a network of theatres. The Lerner would be plugged in to that network. When they make an offer with an artist to do 30 shows, they will plug the Lerner in to that offer. Another unique dynamic of this deal is a forward outlay of payment. He will pay \$15,000.00 to the Lerner on April 1, \$15,000.00 to the Lerner on October 1, and \$15,000.00 to the Lerner on January 2. What that does is put it on him to make that money back. Part of the deal is he will be able to re-coup that rent. When he puts shows in he can recoup that rent, then we go into covering expenses, and then, once we hit the break even point, we split

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50-50. Every deal has different dynamics and personalities. They can get complex. Where this deal does really well for us is when we sell 1,100 tickets. Leading up to 1,100 tickets, this deal, if you look at the financials, they will kind of pencil out to be about the same as the deals we have had before, but because we are reducing all of the risk on Outback, they are willing to give us a bigger back end. By giving us a bigger back end, once we hit the 1,200, 1,300, 1,400 ticket threshold, we start making incrementally more money. For instance, for the Night Rangers show, we made \$17,000.00. With this deal if we go to sell-out, we are making \$40,000-\$50,000.00. That is putting everything in the pot, ticketing fees and concessions, and splitting it 50/50. He was able to carve out the Historical fees. We would not have any hard costs, or be liable for writing any checks outside of our internal costs itself. So as Scott was saying that number that is around \$8,000 or \$9,000 per day operational cost, those are cost we would be able to absorb and spread out during the entire year. If we have an \$8,000 loss it is on our books. We do not have to write any checks. That is our worst case scenario. The best case scenario, instead of making \$17,000, we can make \$40,000-\$50,000 on a sellout show. Blake said the only way he would do a deal with someone like this, is with someone who had the capability of consistently bringing in 1,500-1,700 ticket selling shows. The third largest promoter in America is a safe deal for us. Gary Boyn asked, once we pay the show expenses out of the ticket sales, they get the next \$3,500? Blake said no, they get the first \$3,500 back from the \$15,000 rent they paid. Then we go over all of the approved expenses that we have all looked at, and after that we split 50/50. Gary said after the \$45,000 is recouped, we start from the beginning with the expenses. Dina asked with concession, splitting them 50/50, how does that affect Kurt's contract? Blake said none, because that is 50 of our take not 50 of Kurts. It's 50 of whatever Kurt gives us. Diana asked if he worked all of this out with Jamie Arce, because where does the money go that they give on the front end? Blake said that is an interesting question, we will ask Jamie. Diana said if it comes in, she does not know how the City handles that. Blake said he would hope it would go to the Lerner account. Diana said there are so many laws that govern what he is able to do. We need to confer with Controllers and Legal as well. Gary asked if they have produced a contract? Blake said they wanted to get approval before they have the City generate the contract. Blake told Kevin Davis he would provide him with a sample he did with a municipality. Diana asked if this is a one-year contract? Gary mention a one-year contract with an automatic renewal and a 90-day period to decide if they agree to renew. Diana said we would expect the second year to be better than the first year. Diana asked Blake what the Board should be looking for? Are there any red flags? Blake responded the financial report said the City contributed 46% and the Lerner 54%. Blake said the Lerner should be 90% and the City 10%. Ideally the City would be 0%. If we see an improvement in that ratio, we can see we are better than we were last year. Blake said there are a lot of variables, but this gives us the best odds. Gary asked about the exclusive 30 shows, in your experience Blake, were other promoters interested in co-promoting? Blake said absolutely yes. Blake said that was part of the deal. If someone local wants to put something in the theatre we do not want to prevent that from happening. Also they will be supported by someone who knows what they are doing. Blake said there are

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already dates on the calendar Outback is holding. Diana asked him how soon we will have deals and know who is going to be on the stage and when. Blake said there are four in the Spring that he knows of. They haven't starting plugging the Lerner in yet. He said they can't go in front of a national announcement. They will tell us when we can announce. Blake explained the right of refusal. They automatically get the first hold on every date on the calendar. Gary said the contract should specify that they will pull back if they don't want a date, and how it works so it is very clear. Blake said he has done hundreds of millions of dollars of shows with Mike from Outback in the last twenty years and he trusts him. He wants to make this work as much as we do. Gary said it doesn't sound too bad. Does anyone have any questions? Gary asked for a motion. Deputy Attorney Kevin Davis said this is not on the agenda. This needs to happen at a separate meeting. Kevin said if there is a contract generated we will bring it back to the February meeting. Blake asked if the Board could approve the general terms, and Kevin said no, it is not on the agenda. We can't circumnavigate the Open Door Law that way. Gary said you have to get a contract drafted anyway. What you will be doing over the next month is working with Kevin to get the terms of the contract so we can get it on the agenda and get it approved. Dina asked if we could hold an emergency meeting if necessary. Nancy said we only need 48 hours' notice to call a special meeting and take action. Kevin said he would help get the contract done as soon as possible. Gary offered to help discuss the contract as well.

Revised Event Contract

Sherry May explained the reason to present a revised Event Contract for approval. She recommended changing the wording in Section 20 to "Check here if you do not want this to be an arms free event". Kevin said the issue we run into is that Indiana is an open carry State. As a City entity except in certain situations, you can take your gun anywhere you want to go. Because we are the landlord for the building the tenant (promoter) can come in and say I don't want arms in my event. Gary said we can't change that. We have to stick with what we have. Sherry went over all of the changes with the Board. On motion by Dina Harris, seconded by Fran Bouie and carried 5-0 the revised Event Contract was approved as presented.

9. DIRECTOR OF EVENTS REPORT

The Director of Events Report has been inserted in the minutes as presented.

January 2025

Activity (January-March)	As % of 90 days	
18 Events	20%	Activity in theatre
8 Ticketed Events	9%	Ticketed events
4 Non-Ticketed Events	4%	Non-Ticketed events
6 Rehearsal Dates	7%	Rehearsal Space

Compare to 2024 Board Report Ticketed Events: 14

Compare to 2024 Board Report Non-Ticketed Events +Rehearsals: 12

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DIRECTOR OF EVENTS

PREPARED BY: SARAH MACER

Accomplished in December:

- The Facility Occupancy numbers were sent off to the city departments for those visiting The Lerner. Prism has been updated based off from conversations with Sherry, Blake and Scott and all three now have access to view this calendar.
- 100 year meetings are up and running and Deen and I will set up meetings for our individual committee in 2025 along with meetings with the full committee.
- Per usual, all of the usual tasks associated with my position have been completed; Show Closings sheets have been completed for each show and the show closing schedule for the month was sent to KL. I have meetings scheduled for the start of the year to work on some details within Prism to fine tune some of our practices

Updates for December:

Prism:

I have officially reached back out to our Prism representative to get some meetings scheduled for the upcoming year. Prism is our calendar app that we use in limited doses that I am excited to start using in a broader scope. They are working on collaborating with TicketMaster so we can have accurate counts on shows and, once all of our contracts and user fees are updated, we can plug those in and work on closings and over all show management. I'm hoping this will help me keep things streamlined and the rest of the team on board with information. This will take more than just a few months and officially I don't start these meetings until end of December but I'm excited nonetheless.

KultureCity:

We are ready for Year 2 of KultureCity at The Lerner! I have been working with our KultureCity representatives to get the information and once everything is sent back I will loop in our team at The Lerner to continue their education. I am hoping to have all full time staff trained by the end of January and to have in person training sessions for any part-time or Volunteers that are interested this month.

Planning and Building Procedures:

I've been working more with Sherry on setting up details for the future including scheduling some of our routine series like Lerner on the Lawn, The Silent Organ Series and Lunchtime Live. We are also working on potentially starting a movie series through the decades. I am working on a Floor Manager SOP or Manual of the sorts so any incoming managers will have a better idea of what to expect when they work a show. I've talked through some of the parts with a few staff that are "newer" to floor managing to have their opinions and thoughts on how to make the processes smoother for everyone.

Huge Thanks!!

Thanks and a shout out to all of the departments that helped from Mike Lightner with Buildings and Grounds, Mike Szucs with Streets and Josh Holt for lining up a golf

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cart for transporting patrons with the roads closed. Erin Koons is always amazing to work with from the Controller's Office for last minute purchase help and Wayne Bias (Police) and Jamison Czarnecki (Parks) were great to work on patron safety outside the building. We appreciate all of the help and communication.

TECHNICAL AND FACILITIES DIRECTOR
PREPARED BY: DEEN TUGGLE

Overview:

As one chapter closes, another one opens. December started off extremely busy, with multiple back-to-back shows, stretching the tech department to the max. We started off the month by being the space for a new tour to do rehearsals and put their show together before holding their first-ever performance right on The Lerner stage. We then hosted a myriad of other events that led into a week of Premier Arts and Elf the musical! After twelve years of involvement with Premier Arts, I made my stage debut as Mr. Narwhal in Elf. It was a great way to cap off my year. We then hosted a wonderful performance by local legend, Celia Weiss, to end the year with a joyful rendition of Christmas classics on the mighty Kimball organ! With the typical winter downtime, I was able to take a much-needed break after a chaotic year and spent the past three weeks settling into my new home and enjoying time with family. I am looking forward to starting the year off fresh and in a new position, as your Director of Operations. I'm also looking forward to my assistant, Jacob, taking over as Technical Director, and leading him on to success in the coming months.

Accomplished in December:

- Technical assistance for shows.
- Stage debut.

Upcoming tasks:

- Transition to Director of Operations.
- Operations 2025 budget overview.
- Training and transitioning Jacob into TD.

COMMUNICATIONS & MARKETING COORDINATOR
PREPARED BY: JENNA BROUILLETTE

We kicked off December with a final few weeks of fabulous events! Starting off the month, we hosted the Elkhart Municipal Band, followed by four national tours and a wonderful week of Premier Arts shows with Elf the Musical. Towards the end of the year, I've been working on items for the Lerner's 100th anniversary including marketing plans and historical research. We look forward to rebranding the website, socials, and all of our other documents with the 100 year branding throughout the next few weeks as well as focusing on other projects.

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Here is a snapshot of The Lerner Theatre's Socials as of 12/31/24:

	October 2024	November 2024	December 2024	1-Month Change
Total Audience	36,591	36,835	37,003	0.3% Increase
Total Impressions	492,900	842,664	471,502	44% Decrease
Total Engagement	12,452	14,300	8,419	41.1% Decrease

Additional Social Context: *Beginning June 2024, The City of Elkhart announced the following regarding meetings and social platforms. "The City of Elkhart utilizes its Facebook pages to share information and engage with our constituents. We will continue to use all city pages with that goal in mind, however, commenting on future posts will not be allowed."*

As a City-Owned building, this policy affects our pages as well, effectively impacting show announcements, promotions, information sharing, and interaction with patrons (positive or negative). We are currently navigating this constraint and seeing significant long-term challenges to our social data as this limits engagement with our posts and impressions as well.

Done in December

- Worked on developing Marketing plans for The Lerner and The Lerner Theatre 100th initiatives
- Continued as a liaison to the Lerner's 100 year celebration committees in the areas of History+Renovation and Communications
- Continued Lerner History Research and digital documentation of resources

Goals for January

- Finalize the 2025 Marketing Plan for The Lerner and Lerner Theatre 100th Anniversary
- Continue as a liaison to the Lerner's 100 year celebration committees in the areas of History+Renovation and Communications.
- Assist in the rebrand our information, website, and socials for the 100th Anniversary!

MEDIA SPECIALIST

PREPARED BY: HOLLY COWAN

The month of December was very busy with shows and floor managing. I worked as lead floor manager for both Charlie Berens and the Night Ranger show. With the Night Ranger show there were a few questions that I've had with floor managing and different situations that have come up with our patrons, so I have been working with Sarah to get more comfortable and be sure I'm understanding all of our expectations to assist patrons better.

In December, we also worked with Premier Arts to get their season tickets on sale from our website. I worked with Kina and Brittany to help get season renewals and

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season tickets available on our account manager platform. Premier Arts had several requests to be able to renew their season tickets online so Brittany and I worked with our Ticketmaster representative to do this. I think the process has gone well and seems to be easy for users with the instructions that we collaborated on.

As we move into January there will be less emphasis on managing shows and I can begin to work on some other initiatives with marketing. Currently I've been working on creating some additional advertising pieces about becoming a volunteer with The Lerner and for tours of the building. With these marketing tasks we will also be redesigning several pieces to incorporate the new 100 Year branding that Eyedart has created.

Accomplishments in December

- Premier Arts season tickets were added to account manager and went on sale from our website
- Started implementing the new branding in our current marketing pieces

Upcoming Goals for January

- Create a new page for the website about our accessibility and work with Eyedart on redesigning our website
- New page for the website about artwork on display in The Lerner
- Ongoing – update The Lerner Website and Friends of The Lerner Website information
- Continue working with Eyedart on accessibility features for our websites
- Design a new Know Before You Go social graphic and email
- Create some advertising pieces for becoming a Lerner Volunteer and Tours of The Lerner
- Work on sponsorship deck with Jenna and Sherry
- Begin work on the Year in Review documents

BOX OFFICE MANAGER

PREPARED BY: BRITTANY WEINGART

Box Office Manager:
December Accomplishments -

- Interviewed 4 people for the part-time box-office position and offered 2 of the 4 a job
- Scheduled additional staff training and a box office mandatory meeting for January
- Successfully built the Premier Arts Season Packages as well as the first concert for the 2025 Jazz Festival

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January Goals -

- Continue training current and new box office employees
- Continue to train Kina in show builds
- Finish building out the individual Premier Arts Shows for single ticket purchases

Box Office Assistant Manager
 Accomplishments

1. Learned how to do the Gift Cert. log reports
2. Was shown how to build shows
3. Successfully help build Premier Arts Subscriptions

Goals

1. To be able to do the Mid-Month reports to Kruggel Lawton alone
2. Get better at doing the daily audits without mistakes
3. Learn how to fully build a show

Date	Time	Event Name	On Sale Date	Sold	Net Revenue	Hist. Fee	Tax
12/4/2024	7:00 PM	Christmas in the Air	8/15/2024	70	\$3,100.00	\$210.00	\$
12/5/2024	7:00 PM	Charlie Berens: Good Old Fashioned Tour	6/21/2024	102	\$4,220.00	\$306.00	\$
12/6/2024	7:30 PM	The Rat Pack is Back for The Holidays	3/1/2024	162	\$10,109.00	\$486.00	\$
12/7/2024	6:00 PM	Hometown Jams: Night Ranger	8/14/2024	183	\$11,626.69	\$549.00	\$
12/13/2024	7:30 PM	Premier Arts: Elf the Musical	1/1/2024	396	\$8,033.00	\$1,188.00	\$
12/14/2024	2:00 PM	Premier Arts: Elf the Musical All-Youth Performance	1/1/2024	340	\$6,660.00	\$1,020.00	\$
12/14/2024	7:30 PM	Premier Arts: Elf the Musical	1/1/2024	355	\$7,454.00	\$1,065.00	\$
12/15/2024	2:00 PM	Premier Arts: Elf the Musical	1/1/2024	378	\$7,729.00	\$1,134.00	\$
1/25/2025	3:00 PM	Bravo Bash	10/16/2024	93	\$1,506.00	\$279.00	\$
2/2/2025	4:00 PM	Elkhart County Symphony - Mahler Symphony Number 2	7/24/2024	14	\$330.00	\$42.00	\$
2/22/2025	3:00PM	Aurinko Ballet Presents: Cinderella and Repertory	10/16/2024	13	\$286.50	\$39.00	\$
2/22/2025	1:00 PM	Cinderella and Repertory - Tea Party	10/16/2024	5	\$262.50	\$15.00	\$

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3/30/2025	4:00 PM	Elkhart County Symphony - Passion and Poetry	7/24/2024	8	\$248.00	\$24.00	\$
5/3/2025	7:00 PM	Justin Willman	11/1/2024	65	\$2,926.00	\$195.00	\$
5/18/2025	4:00 PM	Elkhart County Symphony - Rebel Symphnoire	7/24/2024	4	\$124.00	\$12.00	\$
6/13/2025	7:00 PM	A Toast to Bread	11/8/2024	36	\$1,472.00	\$108.00	\$
6/19/2025	8:00 PM	Elkhart Jazz Fest Presents: Diana Krall	12/6/2024	730	\$70,522.00	\$2,190.00	\$
11/16/2025	3:00 PM	Snow Queen	9/18/2024	11	\$638.00	\$33.00	\$
25PAPF		Premier Arts Season Package Friday	12/13/2024	136	\$16,288.00	\$408.00	\$
25PAPPY		Premier Arts Season Package Youth	12/13/2024	25	\$1,911.00	\$75.00	\$
25PAPS		Premier Arts Season Package Saturday	12/13/2024	93	\$11,088.00	\$279.00	\$
25PAPSU		Premier Arts Season Package Sunday	12/13/2024	92	\$10,892.00	\$276.00	\$

Total Ticket Revenue	\$187,358.69
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LERNER SERVICES COORDINATOR
 PREPARED BY: DIANA GALVES

December was a busy month with Lerner Theatre performances and Ballroom events.

Accomplished in December:

- Lerner Services staff throughout the month had to do mopping of auditorium/balcony isles, Box office floor, Franklin St/Premier Arts entrance ways, as well as all bathroom floors due to winter weather snow/rain, and salt that was used to treat the sidewalks/streets.
- Lerner Services had to spot shampoo carpet in Grand Hall due to holiday spills of food/drink.
- Lerner Services had to shampoo carpet in front of the Franklin St/Main St entrances due to salt residue from sidewalks/streets.

Upcoming Tasks:

- Doing some heavy cleaning in all bathrooms. All walls under sinks, under hand blowers, back of toilets, and urinals.
- Cleaning/degreasing the freight elevator floor.
- Shampooing Grand Hall from kitchen to Grand staircase.

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FACILITIES MANAGER

PREPARED BY: TIM GARDNER

Accomplishments:

Continued cleaning fresh air returns throughout the theatre.

Did some plumbing work with back flow preventers.

Removed stall walls and standards in dressing room bathrooms prepping for tile removal.

Ran paint tests in bathrooms and ball room kitchen to choose best possible tile replacement.

Cleaned, repaired, and waxed Cittadine clock in lobby.

Did general PM throughout theatre


Goals for January 25

Finish stripping all dressing room bathrooms and ball room kitchen and repainting floors for durability and ease of cleaning.

Working on WMI to come in and help fix the heater/humidifier units in organ chambers.

10. ADJOURNMENT

On motion by Dina Harris seconded by Diana Lawson and carried 5-0, the Lerner Theatre Governing Board was adjourned at 11:35 a.m.


Gary Boyn, President

Attest:  Nancy Wilson, Clerk of the Board

Rod Roberson
Mayor

Dustin McLain
Department Head



574.293.2175
Fax: 574.294.5530

Elkhart City Communications
135 E Franklin Street
Elkhart, IN 46516

Date: February 14, 2024

To: Mayor Rod Roberson
Elkhart City Board of Public Safety
Common Council

From: Dustin McLain, Department Head
Elkhart Communications Center

Re: **January 2025 Month End Report**

We processed 8,056 incoming & outgoing emergency and non-emergency phone calls. This was a decrease of 208 calls from January of 2024. Below is a summary of the calls we handled in Communications.

CALL SOURCES	911 *This includes Landlines, Wireless, VoIP, TextTTY, and abandoned.* (as reported by ECats State reporting online)	Administrative Incoming/Outgoing (non-emergency)	TOTAL
	2059	5997	8056
2024 Totals	1824	6440	8264

By shift, we entered 7662 calls into the CAD, an increase of 1247 calls from January of 2024. Below is a breakdown of the call volume by shift.

	POLICE CALLS	FIRE CALLS	OTHER	TOTALS
Day Shift	2092	407	364	2863
Afternoon Shift	1877	421	323	2621
Midnight Shift	1871	191	116	2178
All Shifts	5840	1019	803	7662
2024 Totals	4802	924	690	6415

*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 January 2025, we handled 51 AUDIO REQUESTS for the Prosecutor’s Office and Police Dept. We provided 31 (FOIA) Public Records Requests to individuals.



M E M O R A N D U M

DATE: December 24, 2024
TO: Elkhart Common Council
FROM: Bradley Tracy, Chief of Staff
RE: Updating the Lerner salary ordinance

The City of Elkhart and The Lerner Theater recently hired Conway Entertainment Group to assist in making improvements to the management of The Lerner. As part of that process, the Conway Entertainment Group and the Administration have worked closely to better organize the current organizational chart of The Lerner Theater. These changes will allow for a better working relationship between the staff and management.

The proposed new organization chart and amended Salary Ordinance does not reflect an increase of funds from the budget passed earlier this year. It simply allows the Salary Ordinance to match the changes in the Organizational Chart of the Lerner.

The Administration appreciates the Council approval of this request.

Lerner Theatre Salary Ordinance Schedules A (Adopted)			Lerner Theatre Salary Ordinance Schedules A (Proposed Amendment)		
Position	Grade	Max	Position	Grade	Max
General Manager	3C	107,870	General Manager	4A	115,020
Technical & Facilities Director	3C	107,870	Director of Operations	3B	101,680
Assistant Director of Events	3B	101,680	Director of Events	3B	101,680
Communications and Marketing Coordinator	2C	84,440	Marketing & Communications	2C	84,440
Operations & Building Manager	2C	84,440	Facilities Manager	2B	74,110
Office Manager	2A	70,110	Office Manager	2A	70,110
Media Specialist	2A	70,110	Media Specialist	2A	70,110
Box Office Manager	1C	65,720	Box Office Manager	2A	70,110
Assistant Technical Coordinator	1C	65,720	Technical Coordinator	2A	70,110
Assistant Box Office Manager	1B	59,250	Box Office Assistant	1B	59,250
Facilities Coordinator	1B	59,250	Building Services	1B	59,250
Artistic Coordinator	1B	59,250	Artistic Coordinator	1B	59,250
Custodial Coordinator	1B	59,250			

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 6008 TO REORGANIZE THE POSITIONS, CORRESPONDING CLASSIFICATIONS, AND MAXIMUM SALARIES FOR THE EMPLOYEES OF THE LERNER THEATRE, WITHIN THE APPROPRIATED BUDGET OF THE LERNER THEATRE FOR THE YEAR 2025

WHEREAS, pursuant to Indiana Code § 36-4-7-3, the Common Council of the City of Elkhart, Indiana (“Common Council”) adopted Ordinance No. 6008, approving the salaries and wages of the appointed officers and employees of the City of Elkhart, as set forth in Schedule A of the ordinance, including the employees of the Lerner Theatre; and

WHEREAS, since the adoption of Ordinance No. 6008, the Administration received the professional recommendations of an entertainment industry consultant, advising the City to implement a limited reorganization of the positions of the Lerner Theatre to improve operations and management of the Theatre and improve the working relationships between staff and management of the Theatre; and

WHEREAS, the recommended reorganization of the Lerner Theatre is budget neutral and does not require an additional appropriation of funds by the Common Council;

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

Section 1. The section of Schedule A, entitled, Lerner Theatre, adopted by the Common Council under Ordinance No. 6008, be, and the same hereby is, amended, such that the positions, classifications\pay grades, and corresponding maximum salaries for the employees of the Lerner Theatre, is amended and replaced, as follows:

Lerner Theatre

<u>Position</u>	<u>2025 Pay Grade</u>	<u>2025 Maximum Annual Salary</u>
General Manager	4A	\$115,020
Director of Operations	3B	\$101,680
Director of Events	3B	\$101,680
Marketing & Communications	2C	\$84,440
Facilities Manager	2B	\$74,110
Office Manager	2A	\$70,110
Media Specialist	2A	\$70,110
Box Office Manager	2A	\$70,110
Technical Coordinator	2A	\$70,110
Box Office Assistant	1B	\$59,250
Building Services	1B	\$59,250
Artistic Coordinator	1B	\$59,250

Section 2. Except as herein provided, all other provision of Ordinance No. 6008, including Schedule A, shall remain unmodified and shall continue effective, as previously adopted by the Common Council.

Section 3. This amendment is effective upon passage, and approval by the Mayor, as provided by law, and retroactive to January 1, 2025.

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SO ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, Elkhart City Clerk

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

Debra D. Barrett, Elkhart City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor for the City of Elkhart

ATTEST:

Debra D. Barrett, Elkhart City Clerk



MEMORANDUM

DATE: January 8, 2025
TO: Common Council
FROM: Corporation Counsel John Espar
RE: Proposed Resolution No. 25-R-03

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, TERMINATING BY AGREEMENT, THE ECONOMIC REVITALIZATION AREA AND MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF ELKHART AND HYDRO EXTRUSION USA, LLC FOR WHICH NO TAX ABATEMENT BENEFITS WILL BE CLAIMED

This resolution relates to Resolution Nos. R-41-23, R-42-23, and R-43-23 which granted tax phase-in benefits to HYDRO EXTRUSION USA, LLC for a real property and personal property investment project planned for an area designated as an economic revitalization area (ERA) in the City of Elkhart.

HYDRO EXTRUSION USA, LLC has since determined that the real and personal property projects for which the company entered into the *Memorandum of Agreement – Real Property and Memorandum of Agreement – Personal Property* are no-longer commercially reasonable and will not move forward.

HYDRO EXTRUSION USA, LLC has not started the project and has no right to claim tax benefits under either *Memorandum of Agreement*.

HYDRO EXTRUSION USA, LLC has agreed to terminate the ERA, terminate the agreements, and waive any claim to benefits, R-41-23, R-42-23, and R-43-23 and the two agreements.

RESOLUTION NO. R-

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,
INDIANA, TERMINATING BY AGREEMENT, THE ECONOMIC REVITALIZATION
AREA AND MEMORANDA OF AGREEMENT BETWEEN THE CITY OF ELKHART
AND HYDRO EXTRUSION USA, LLC FOR WHICH NO TAX ABATEMENT
BENEFITS HAVE BEEN CLAIMED OR RECEIVED**

WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 3406 Reedy Drive, Elkhart, IN 46514, and particularly described in Exhibit A, an economic revitalization area (the “Area”) under Resolution Numbers R-41-23 and R-42-23, as authorized by Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-43-23 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting Hydro Extrusion USA, LLC certain tax abatement benefits, in exchange for certain investments and other commitments by Hydro Extrusion USA, LLC, as described in the agreements, the STATEMENT OF BENEFITS – REAL PROPERTY (FORM SB-1 \RP) and the STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM SB-1 \PP); and

WHEREAS, since the Council’s adoption of Resolution No. R-43-23, Hydro Extrusion USA, LLC determined that the investments and other commitments arising under the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, are no longer financially viable; and as such, the company has not executed the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY; and

WHEREAS, Hydro Extrusion USA, LLC, having determined that the project contemplated

under Resolution Numbers R-41-23, R-42-23 and R-43-23 will not be undertaken

WHEREAS, Department of Development Services for the City of Elkhart and Hydro Extrusion USA, LLC request that the Common Council terminate the ERA and withdraw the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, and

WHEREAS, Hydro Extrusion USA, LLC has neither claimed, nor received, any tax abatement benefits under the MEMORANDUM OF AGREEMENT – REAL PROPERTY or MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, has agreed to waive any tax abatement benefits under said instruments, and has disclaimed any rights to tax abatement arising therefrom; and

WHEREAS, Hydro Extrusion USA, LLC, having determined that the project contemplated under Resolution Numbers R-41-23, R-42-23 and R-43-23 would not move forward, and having declined to execute the MEMORANDUM OF AGREEMENT – REAL PROPERTY and MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, has resulted in no obligations arising, no obligations pending, and no obligations remaining between the City of Elkhart and Hydro Extrusion USA, LLC;

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

Section 1. The designation of the property located at 3406 Reedy Drive, Elkhart, IN 46514, and particularly described in Exhibit A, as an economic revitalization area under Resolution Nos. R-41-23 and R-42-23 be, and the same hereby is, terminated.

Section 2. The MEMORANDUM OF AGREEMENT – REAL PROPERTY and MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, approved by the Common Council of the City of Elkhart, under R-43-23, be, and the same hereby are, withdrawn.

Section 3. The rights of Hydro Extrusion USA, LLC to receive tax phase-in

benefits under Resolution No. R-43-23, and the corresponding agreements with the City of Elkhart, are, hereby, withdrawn.

Section 4. No claim of Hydro Extrusion USA, LLC for tax deduction benefits, as described in Resolution No. R-43-23 and the corresponding agreements with the City of Elkhart, under section 3, 4.5, or 4.8 of Indiana Code 6-5.1-12.1, shall survive the adoption of this resolution, regardless of when such right or claim may have accrued.

Section 5. This Resolution is effective from and after its passage by the Common Council, and approval by the Mayor, according to law.

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EXHIBIT A

LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 23, Township 38 North, Range 5 East, in Osolo Township, Elkhart County, Indiana, more particularly described as follows:

COMMENCING at a point on the West line of said Quarter Section that is 1,300.75 feet North of the Southwest corner of said Quarter Section; thence Eastwardly parallel with the South line of said Quarter section 560 feet to a point; thence continuing Eastwardly parallel with the South line of said Quarter Section and along the North line of Reedy Drive 545.83 feet; thence North 00° 20' West 431.3 feet to the point of beginning of this description; thence West, parallel with the South line of said Quarter Section 531.78 feet; thence North 01° 31' East 213.57 feet to the Southerly right of way line of the Indiana Toll Road; thence Eastwardly and Southeastwardly along the South line of said Toll Road right of way to a point that is North 00° 20' West to the point of beginning; thence South 00° 20' East to the point of beginning, containing approximately 2.5 acres.

AND

Part of the Southwest Quarter of Section 23, Township 38 North, Range 5 East, in Osolo Township, Elkhart County, Indiana, more particularly described as follows:

COMMENCING at a point on the West line of said Quarter Section that is 1300.75 feet North of the Southwest corner of said Quarter Section; thence Eastwardly parallel with the South line of said Quarter Section 1105.83 feet to the point of beginning of this description; thence continuing Eastwardly along the North line of Reedy Drive 50 feet; thence North 00° 20' West to the Southerly right of way line of the Indiana Toll Road; thence Northwesterly along the South line of said Toll Road to a point that is North 00° 20' West from the point of beginning; thence South 00° 20' East to the point of beginning.

AND

Part of the Southwest Quarter of Section 23, Township 38 North, Range 5 East, in Osolo Township, Elkhart County, Indiana, more particularly described as follows:

COMMENCING at a point of the West line of said Quarter Section that is 1300.75 feet North of the Southwest corner of said Quarter Section; thence Eastwardly parallel with the South line of said Quarter Section 560 feet to a point; thence continuing Eastwardly along the North line of Reedy Drive 595.83 feet to the place of beginning of this description; thence South 89° 22' East along the North line of Reedy Drive 169.2 feet to the Southwest corner of Lot Number B-3, of the recorded Plat of Northland Park Section 3; thence North 01° 42' East along the West line of said Lot, 578.93 feet to the Northwest corner of said Lot (also being the South right of way line of the Indiana East-West Toll Road); thence North 84° 53' West along the South right of way line of said Toll Road 190.59 feet to the lands owned by Indiana Aluminum Extrusion Corporation; thence South 00 degrees 20' East along the East line of said land owned by Indiana Aluminum Extrusion Corporation 593.70 feet to the place of beginning, containing 2.42 aces, more or less.

AND

The Westerly 235 feet by parallel lines from and off Lot B-3, as said Lot is known and designated on the recorded plat of Northland Park Section 3, an Addition of Osolo Township, Elkhart County, Indiana; said plat being recorded in Plat Book 15, page 11, in the Office of the Recorder of Elkhart County, Indiana. AND

Part of the Southwest Quarter of Section 23, Township 38 North, Range 3 East, Osolo Township, Elkhart County, Indiana, more particularly described as follows:

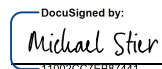
COMMENCING at a point on the West line of said Quarter Section that is 1300.75 feet North of the Southwest corner of said Quarter Section; thence Easterly parallel with the South line of said Quarter Section 560 feet to the point of beginning of this description; thence North 01 degrees 31' East 426.4 feet to a point; thence Easterly parallel with the South line of said Quarter Section 531.78 feet to a point; thence South 00 degrees 20' East 431.3 feet, more or less to a point on the North line of Reedy Drive; thence North 89 degrees 22' West along the North line 455.83 feet, more or less to a point on said North line which is 90 feet East of the point of beginning; thence Westwardly parallel with the South line of said Quarter Section and along the North line of Reedy Drive 90 feet to the point of beginning of this description.

CONSENT TO TERMINATION OF TAX ABATEMENT

The undersigned duly authorized representative of the entity set forth below, does, by execution of this instrument, represent that I have read the above and foregoing proposed resolution of the Common Council of the City of Elkhart, Indiana, agree with the representations set forth therein, and do hereby consent to the termination of the economic revitalization area, the corresponding memoranda of agreement, and the rescission of the tax abatement benefits arising therefrom.

Hydro Extrusion USA, LLC
6250 N River Road, Ste 5000
Rosemont, IL 60018

By:

DocuSigned by:

1002CC7EB87441...

Mike Stier
Treasurer

RESOLVED this _____ day of _____, _____.

ATTEST:

Arvis Dawson
President of the Common Council

Debra D. Barrett, Elkhart City Clerk

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

Debra D. Barrett, Elkhart City Clerk

APPROVED by me this _____ day of _____, _____.

ATTEST:

Rod Roberson, Mayor for the City of Elkhart

Debra D. Barrett, Elkhart City Clerk



MEMORANDUM

DATE: February 26, 2025
TO: Common Council
FROM: Corporation Counsel John Espar
RE: Proposed Resolution No. 25-R-04

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA
 APPROVING AGREEMENT FOR REPAYMENT OF TAX PHASE-IN BENEFITS BETWEEN THE
 CITY OF ELKHART, INDIANA AND CHAMPION MANUFACTURING INC. AND C.R. 17
 LAND DEVELOPMENT, LLC

On October 8, 2019, the City of Elkhart, Champion Manufacturing Inc.(Champion) and C.R. 17 Land Development, LLC (CR 17) entered into a *Memorandum of Agreement – Real Property (Memorandum of Agreement)*, which granted Champion and CR 17 tax-reducing benefits on the companies’ manufacturing facility located in the City of Elkhart, in exchange for the performance of certain promises by the Champion at its Elkhart facility.

On January 1, 2024, Champion Manufacturing, Inc. ceased operations and terminated all employees at the Elkhart, Indiana manufacturing facility, contrary to the terms of the *Memorandum of Agreement*.

On July 29, 2024, the Common Council adopted *Resolution No. R-39-24*, finding that Champion Manufacturing Inc. and C.R. 17 Land Development, LLC failed to comply with the terms of the *Memorandum of Agreement* and therefore terminated the companies’ rights to receive the tax benefits under the *Agreement*.

Under the terms of the *Memorandum of Agreement*, if the Council determined that Champion failed to comply with the *Agreement*, the City retained the right to reclaim the tax benefits received by Champion and/or CR 17, in proportion to Champion’s non-compliance with the *Memorandum of Agreement*.

Proposed Resolution No. 25-R-04, if adopted, would approve the amount and terms of repayment of the tax benefits received by Champion and CR 17, as determined by the Department of Law, without compromise or reduction in the amount of tax payable, by reason of the Champion’s noncompliance.

The demand letter of Corporation Counsel, setting forth the legal basis for the City’s demand and calculation of taxes payable by reason of Champion’s noncompliance is attached for Council’s reference.

City of Elkhart, Indiana
Rod Roberson
Mayor



City of Elkhart

Department of Law
John M. Espar
Corporation Counsel

August 5, 2024

Champion Manufacturing, Inc.
5516 SW 1st Lane
Ocala, FL 34474
Attention: Doug Heinisch

CR 17 Land Development, LLC
22291 Heron Cove
Elkhart, IN 46516
Attention: Amit Shah

Champion Manufacturing, Inc.
2601 Industrial Parkway
Elkhart, IN 46516
Attention: Doug Heinisch

**Re: Notice of Termination of Tax Phase-In Benefits
Memorandum of Agreement – Real Property**

Dear Messrs. Heinisch and Shah:

Background

This correspondence relates to the tax phase-in benefits awarded by the City of Elkhart, Indiana to Champion Manufacturing Inc. and CR 17 Land Development, LLC, under Common Council Resolution Nos. R-41-19, R-42-19, and R-43-19, collectively, together with that certain *Memorandum of Agreement – Real Estate*, dated October 7, 2019, between the City of Elkhart and Champion Manufacturing Inc. and CR17 Land Development LLC (MOA).

Declaration of Breach, and Required Notice

Paragraph 5 (a) of the *Memorandum of Agreement – Real Estate*, provides in relevant part:

... if the Applicant: ... (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 termination ...

The City of Elkhart is aware that Champion Manufacturing Inc. ceased manufacturing operations at 5100 Hoffman Street, Elkhart, Elkhart County, Indiana – “the facility for which the tax phase-in was granted” – contrary to the terms of the *Memorandum of Agreement*. Champion Manufacturing Inc. and CR17 Land Development LLC are in breach of the *Memorandum of Agreement*. The cessation of operations within the economic revitalization area violates the most-fundamental premise of the MOA – that Champion, through its manufacturing operations maintain the promised levels of employment and employee compensation, and serve as an impetus of economic activity in the area. The cessation of operations breaches the *Memorandum of*

Agreement. Consequently, the City of Elkhart Department of Development Services has determined that the economic revitalization area (ERA) and associated tax phase-in benefits, should be terminated, and that, a portion of the tax savings, which Champion Manufacturing Inc. and CR 17 Land Development LLC received under the *Memorandum of Agreement*, should be repaid.¹

This correspondence serves as notice, as required under paragraph 7 and paragraph 8 of the *Memorandum of Agreement*. You are hereby notified that (1) the City intends to terminate the economic revitalization area; (2) that a portion of the tax savings should be repaid; (3) that the calculations used to determine the tax benefits subject to repayment are herein provided; and (4) that you have the opportunity to meet with the City to present any reasons why the agreement should not be terminated or tax benefits repaid as claimed by the City.

Tax Phase-In Schedule

The City of Elkhart granted Champion Manufacturing Inc. and CR17 Land Development LLC, a five-year (5-year) tax phase-in of the new taxes, which would arise from the proposed capital investment project. In short, the agreement and Indiana law allowed for a temporary special deduction against the increase in the assessed value of the property, thereby providing a tax-savings to City of Elkhart granted Champion Manufacturing Inc. and CR17 Land Development LLC under the terms and conditions of the MOA.

The amount of the temporary special deduction authorized under the MOA was expressed as a percentage of the increase in the assessed value of the property, attributed to the real estate improvement project. The percent of the deduction was not a static number. Rather, the phase-in began in the first year with a deduction equal to one hundred percent (100%) of the increase in assessed value of the property, with the percentage of deduction decreasing in the four (4) succeeding years, until no deduction was allowed. and the full amount of property tax was payable.

Once the capital investment was made and the real property improvement was assessed by the Elkhart County Assessor, the tax phase-in schedule was established, as follows:

YEAR	DEDUCTION ALLOWED	TAX YEAR
Year 1:	100%	(2021 / Pay 2022)
Year 2:	80%	(2022 / Pay 2023)
Year 3:	60%	(2023 / Pay 2024)
Year 4:	40%	(2024 / Pay 2025)
Year 5:	20%	(2025 / Pay 2026)

Annualization of Deductions, Calculation Measures, & Compliance-Noncompliance Levels

For calculation purposes and assuming substantial performance in each year of the agreement, the progressive reduction in the 5-year deduction annualizes to 60% per year – ((100+80 +60+40+20)

¹ The decision to terminate the ERA and the determination of the amount of tax phase-in benefits should be repaid, is a function of the Common Council of the City of Elkhart. Upon formal action by the Common Council, the level to which all or a portion of the benefits received to-date will be determined.

÷ 5 = 60). In other words, over the span of five (5) years, the effective value of the allowable deduction equates to a deduction of 60% per year.

Compliance under the *Memorandum of Agreement* is a measurement of the extent to which Champion Manufacturing Inc. and CR17 Land Development LLC met its commitments for capital investment, manufacturing operations at the facility, maintenance of existing employment and payroll levels, and the addition of new employees at agreed upon payroll levels. An annual determination of compliance, or lack thereof, commenced with the filing of the requisite *Statement of Compliance with Statement of Benefits (Form CF-1 / Real Property)* each year of the phase-in schedule.

In year-one (1) of the tax phase-in, Champion and/or CR17 Land Development filed the requisite *Statement of Compliance with Statement of Benefits (Form CF-1 / Real Property)*; and the City found you in compliance, thereby allowing the claim for 100% of the special tax abatement deduction.

In year-two (2) of the phase-in, Champion and/or CR17 Land Development failed to file the requisite *Statement of Compliance with Statement of Benefits (Form CF-1 / Real Property)*. Consequently, you were not in compliance; and the deduction was not allowed.

In year three (3), Champion and/or CR17 Land Development filed the requisite *Statement of Compliance with Statement of Benefits (Form CF-1 / Real Property)*; and the City found you in compliance, thereby allowing the claim for 60% of the special tax abatement deduction.

For obvious reasons, the cessation of operations in the ERA results in noncompliance for year-four (4) and year-five (5).

Measuring the overall compliance rate of Champion and/or CR17 Land Development in terms of the degree to which it met its obligations under the agreement, the compliance rate is determined to be forty percent (40%), representing compliance in two (2) of the five (5) years. Similarly, measuring the overall noncompliance rate of Champion and/or CR17 Land Development, in terms of the degree to which it failed to meet its obligations under the agreement, the noncompliance rate is determined to be sixty percent (60%), representing noncompliance in three (3) of the five (5) years. The table below illustrates the level of compliance and noncompliance, expressed as a percentage of the whole:

AGREEMENT YEAR	COMPLIANCE YEAR (CF-1)	COMPLIANCE LEVEL	NONCOMPLIANCE LEVEL
Year 1:	2021	100%	0%
Year 2:	2022	0%	100%
Year 3:	2023	100%	0%
Year 4:	2024	0%	100%
Year 5:	2025	0%	100%
ANNUALIZED LEVEL OF COMPLIANCE-NONCOMPLIANCE:		40%	60%

Calculation of Repayment of Tax-Saving Benefits

As specified in paragraph 5 of the *Memorandum of Agreement*, upon termination of ERA, the City may require the repayment of all of the tax phase-in benefits received through the date of termination. The “amount of benefit repayment shall be measured against the level of noncompliance.” Inversely stated, the “amount of benefit retained shall be measured against the level of compliance.” As indicated above, Champion’s level of compliance, annualized over the five-year term, is 40%; and its level of noncompliance, annualized over the five-year term, is 60%. Champion’s level of noncompliance is the measure by which the repayment of tax savings is determined in each year in which a benefit was received.

Application of Repayment Rate: 2021/Pay 2022 Tax Bill

Based upon the above and forgoing, Champion Manufacturing Inc. / CR17 Land Development LLC shall repay the previously received tax savings benefit, under the following calculations for tax benefits received on the 2021/Pay 2022 tax bill:

Recalculation of Tax Savings as Repayment in Relation to Noncompliance	2021-Pay 2022	
Assessed Value of Capital Improvement	3,830,900.00	
Deduction Authorized Under MOA Schedule (if compliant)	3,830,900.00	100%
Amount of MOA Authorized Deduction Repayable in Relation to Noncompliance	(2,298,540.00)	-60% of 100%
Tax Rate	0.04111	
Tax Savings Repayable in Relation to Noncompliance	(94,492.98)	
Gross Tax Savings Repayable	(94,492.98)	
Less Credit for 15% of Savings Paid to City of Elkhart Under MOA	15,130.06	
Net Tax Savings Repayable	(79,362.92)	

Application of Repayment Rate: 2023/Pay 2024 Tax Bill

Based upon the above and forgoing, Champion Manufacturing Inc. / CR17 Land Development LLC shall repay the previously received tax savings benefit, under the following calculations for tax benefits received on the 2023/Pay 2024 tax bill:

Recalculation of Tax Savings as Repayment in Relation to Noncompliance	2023-Pay 2024	
Assessed Value of Capital Improvement	4,914,200.00	
Deduction Authorized Under MOA Schedule (if compliant)	2,948,520.00	60%
Deduction Claimed in Excess of MOA	(540,560.00)	
Amount of MOA Authorized Deduction Repayable in Relation to Noncompliance	(1,769,112.00)	- 60% of 60%
Tax Rate	0.03748	
Tax Savings Repayable in Relation to Noncompliance	(66,309.86)	
Tax Savings Repayable in Relation to Deduction Claimed in Excess of MOA	(20,261.27)	
Gross Tax Savings Repayable	(86,571.13)	

Less Credit for 15% of Savings Paid to City of Elkhart Under MOA
Net Tax Savings Repayable

(86,571.13)

Right to Meet with City Representative, Right to Hearing and Judicial Review

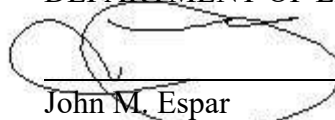
Pursuant to paragraph 7 of the MOA, you have thirty (30) days from the date of this letter to arrange to meet and confer with the undersigned corporation counsel and appropriate members of the Department of Redevelopment to provide any information or reasons why the tax abatement should not terminate or the tax phase-in benefits should not be repaid, as provided herein.

If, notwithstanding any information or reasons provided during the meeting, the City persists in its determination that the tax phase-in benefits should terminate and/or the repayment action is proper, you will be provided written of the determination and calculations of any repayment. The preliminary calculations are set forth above and will become final, upon final action of the Common Council, unless we reach an agreement in the ensuing thirty (30) days, on the administration's recommendation to terminate the tax phase-in benefits and claim for repayment of benefits received, arising from Champion's cessation of operations.

Separately, the Common Council terminated the tax abatement referenced herein, on July 29, 2024, for the failure of Champion and/or CR17 Land Development to file the requisite State Form CF-1 \ Real Property. If you disagree with the Common Council final action, you have the right to seek judicial review under Indiana Code 6-1.1-12.1-5.9(e).

Respectfully yours,

CITY OF ELKHART
DEPARTMENT OF LAW



John M. Espar
Corporation Counsel

cc: Rod Roberson, Mayor
Arvis Dawson, President of the Common Council
Michael Huber, Director Development Services
Drew Wynes, Development Specialist

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,
INDIANA APPROVING AGREEMENT FOR REPAYMENT OF TAX PHASE-IN
BENEFITS BETWEEN THE CITY OF ELKHART, INDIANA AND CHAMPION
MANUFACTURING INC. AND C.R. 17 LAND DEVELOPMENT, LLC**

WHEREAS, on October 8, 2019, the Common Council of the City of Elkhart, Indiana, entered into a *Memorandum of Agreement – Real Property (Memorandum of Agreement)* with Champion Manufacturing Inc.(Champion) and C.R. 17 Land Development, LLC (CR 17), which granted Champion and CR 17 certain tax-reducing benefits on the site of Champion’s manufacturing facility located in the City of Elkhart, in exchange for the performance of certain promises by the Champion at the site; and

WHEREAS, on January 1, 2024, Champion Manufacturing, Inc. ceased manufacturing operations at the Elkhart facility, and terminated all employees at the facility, contrary to the terms of the *Memorandum of Agreement*; and

WHEREAS, on July 29, 2024, the Common Council adopted *Resolution No. R-39-24*, finding Champion Manufacturing Inc. and C.R. 17 Land Development, LLC failed to comply with the terms of the *Memorandum of Agreement*. Therefore, the Council terminated the companies’ rights to receive the tax benefits under the *Agreement*; and

WHEREAS, under the terms of the *Memorandum of Agreement*, if the Council determined that Champion failed to comply with the *Agreement*, the City retained the right to reclaim the tax benefits received by Champion and/or CR 17, in proportion to Champion’s non-compliance with the *Memorandum of Agreement*; and

WHEREAS, Corporation Counsel for the City of Elkhart has determined that Champion

Manufacturing Inc. and/or C.R. 17 Land Development, LLC, received tax benefits totaling seventy-nine thousand, three hundred sixty-two and 92/100 dollars (\$79,362.92) in the 2021-Pay 2022 tax year, and eighty-six thousand, five hundred seventy-one and 13/100 dollars (\$86,571.13) in the 2023-Pay 2024 tax year; and

WHEREAS, Corporation Counsel for the City of Elkhart has entered into a certain *Agreement for Repayment of Tax Phase-In Benefits*, with Champion Manufacturing Inc. and/or C.R. 17 Land Development, LLC, dated February 25, 2025, subject to the approval of the Common Council; said agreement being attached hereto as Exhibit B, and incorporated herein;

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

Section 1. The *Agreement for Repayment of Tax Phase-In Benefits*, executed by Corporation Counsel for the City of Elkhart, on behalf of the City of Elkhart, is hereby approved, in the manner and form signed and attached as Exhibit B.

Section 2. Pursuant to the terms of the *Agreement for Repayment of Tax Phase-In Benefits*, the Common Council of the City of Elkhart, Indiana, hereby determines that Champion Manufacturing Inc. and C.R. 17 Land Development, LLC, jointly and severally, shall pay the sum of seventy-nine thousand, three hundred sixty-two and 92/100 dollars (\$79,362.92), to the Elkhart County Treasurer, as taxes payable for the 2021-Pay 2022 tax year, and payable with such other sums as are due in the first installment of taxes payable to the Treasurer on the 2024-Pay 2025, tax bill;

Section 3. Pursuant to the terms of the *Agreement for Repayment of Tax Phase-In Benefits*, the Common Council of the City of Elkhart, Indiana, hereby determines that Champion Manufacturing Inc. and C.R. 17 Land Development, LLC, jointly and severally, shall pay the sum

of eighty-six thousand, five hundred seventy-one and 13/100 dollars (\$86,571.13) to the Elkhart County Treasurer, as taxes payable for the 2023-Pay 2024 tax year, and payable with such other sums as are due in the first installment of taxes payable to the Treasurer on the 2025-Pay 2026, tax bill;

Section 4. The real property taxes payable under this *Resolution* and the *Agreement for Repayment of Tax Phase-In Benefits* are chargeable to the real property described in Exhibit A, attached hereto and incorporated herein.

Section 5. The Common Council's Administrative Assistant shall immediately mail a *certified copy* of this Resolution to:

- A. Champion Manufacturing Inc. \ C.R. 17 Land Development, LLC;
- B. The Elkhart County Auditor;
- C. The Elkhart County Treasurer, and
- D. The Elkhart County Assessor.

Section 6. If the Elkhart County Treasurer has mailed the statement required by Indiana Code § 6-1.1-22-8.1, the Treasurer shall immediately mail the property owner a revised statement that reflects the amounts due on the tax bills described in this *Resolution*.

Section 7. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor, according to law.

[Balance of page intentionally left blank.]

Exhibit A

Description of Real Property

Property Address:

5100 Hoffman Street, Elkhart, IN 46516

Parcel Number(s):

20-06-01-277-004.000-011

Originally known by the following legal description:

Lot Numbered 34 as the said Lot is known and designated on the recorded Plat of Elkhart Industrial Park Phase V; said Plat being recorded in Plat Book 23, page 79 in the Office of Recorder of Elkhart County, Indiana.

Now known by the following legal description:

Lot Numbered One A (1A) in CR 17 Land Development Major Subdivision, First Replat as per plat thereof recorded December 20, 2021, in Plat Book 41, page 52 in the Office of the Recorder of Elkhart County, Indiana.

[Balance of page intentionally left blank.]

Exhibit B

AGREEMENT FOR REPAYMENT OF TAX-PHASE BENEFITS

THIS AGREEMENT, dated as of the date of the last to sign, set forth below, is made and entered into by and between the CITY OF ELKHART, INDIANA, a political subdivision of the State of Indiana, (hereinafter referred to as “City”) and CHAMPION MANUFACTURING, INC., an Indiana business corporation and CR 17 LAND DEVELOPMENT, LLC, an Indiana limited liability company (hereinafter referred to alternately as “Champion” or “CR 17” and collectively as “Taxpayers”).

RECITALS:

WHEREAS, under the authority of *Indiana Code 6-1.1-12.1, et seq.*, the Common Council of the City of Elkhart, Indiana, adopted Resolution Nos. R-41-19 and R-42-19, establishing the real property described in Exhibit A (hereinafter “Real Property”) as an economic revitalization area (ERA) for which tax abatement benefits may be granted by the City; and

WHEREAS, subsequent to the adoption of Resolution Nos. R-41-19 and R-42-19, the Common Council adopted Resolution No. R-43-19, approving that certain *Memorandum of Agreement – Real Estate*, dated October 7, 2019 (hereinafter, “MOA”), between the City of Elkhart (City), Champion Manufacturing, Inc. and CR 17 Land Development, LLC (Taxpayers), through which the City afforded Taxpayers with certain real property tax benefits in exchange for Taxpayers’ agreement to improve the Real Property in the ERA, and agreement that Champion Manufacturing Inc. would maintain manufacturing operations at the facility with employment levels and wages, as specified in the MOA, for the term of the MOA; and

WHEREAS, Taxpayers received tax abatement benefits upon the Real Property at various times during the term of the MOA; however, notwithstanding Taxpayers’ receipt of the tax abatement benefits, Champion ceased operations at the facility in the ERA, on January 1, 2024, and otherwise failed to perform as required under the MOA; and

WHEREAS, as a result of Champion’s failure to fully comply with the MOA, throughout the term of the MOA, on or about July 29, 2024, the Common Council adopted Resolution No. R-39-24, terminating the ERA, and authorizing the initiation of proceedings to recover a portion of the tax abatement benefits received by Taxpayers, in proportionate to Champion’s non-compliance with the MOA;

WHEREAS, the City of Elkhart and Taxpayers have agreed upon amount of tax benefits which Taxpayers shall repay, and the rate of payment, being in two (2) installments as described below;

NOW, THEREFORE, in consideration of the mutual promises contained herein, and other valuable consideration, the sufficiency of which the parties hereby acknowledge, Taxpayers, jointly and severally, agree to pay to the Elkhart County Treasurer, by the due dates specified below, and in the amounts specified below, a portion of the tax benefits which Taxpayers received under the *Memorandum of Agreement – Real Estate*, dated October 7, 2019, between the City of Elkhart, Champion Manufacturing, Inc. and CR 17 Land Development, as follows:

1. Champion Manufacturing, Inc. and CR 17 Land Development, LLC, jointly and severally, shall pay the sum of Seventy-Nine Thousand Three Hundred Sixty-Two and 92/100 Dollars (\$79,362.92) not later than the due date of the first installment of real estate taxes on the Real Property for 2024, payable 2025 (the spring installment).

2. The Seventy-Nine Thousand Three Hundred Sixty-Two and 92/100 Dollars (\$79,362.92), payable under paragraph 1, above represents real property taxes attributable to tax year 2021, payable in 2022, and said sum shall be paid, in addition to, such taxes and assessment determined by the County of Elkhart, Indiana, to be due and owing on the Real Property for the 2024/Pay 2025 tax year.

3. Champion Manufacturing, Inc. and CR 17 Land Development, LLC, jointly and severally, shall pay the sum of Eighty-Six Thousand Five Hundred Seventy-One and 13/100 Dollars (\$86,571.13) not later than the due date of the first installment of real estate taxes on the Real Property for 2025, payable 2026 (the spring installment).

4. The Eighty-Six Thousand Five Hundred Seventy-One Dollars and 13/100 (\$86,571.13), payable under paragraph 3, above represents real property taxes attributable to tax year 2023, payable in 2024, and said sum shall be paid, in addition to, such taxes and assessment determined by the County of Elkhart, Indiana, to be due and owing on the Real Property for the 2025/Pay 2026 tax year.

5. Without limiting CR 17's obligations to the Elkhart County Treasurer, as between Champion and CR 17, Champion will be solely responsible for all payments described herein. Champion will indemnify, defend, and hold harmless CR 17 from and against any and all costs, expenses, liabilities, and obligations (including reasonable attorney fees) incurred by CR 17 in connection with the payments described above. In the event CR 17 makes any payments to satisfy its obligations hereunder, Champion will reimburse CR 17 all such amounts within 10 days following written demand therefor.

6. All sums payable herein are a lien upon the Real Property and may be collected in the same manner as unpaid real property taxes are collected, including by tax sale.

7. Any amount payable under this agreement, if unpaid by the date due, shall be assessed penalties and interest by the County of Elkhart, Indiana, as penalties and interest are otherwise assessed against real property for unpaid real property taxes.

8. This agreement is conditioned upon, and subject to, approval by the Common Council of the City of Elkhart, Indiana, and the Auditor of the County of Elkhart, Indiana or such other county official, as the County may determine necessary or proper for the implementation of this Agreement.

9. This Agreement may not be modified or amended unless such amendment is set forth in writing and signed by both parties.

10. Each party to this Agreement and its counsel has reviewed and revised this Agreement. Should any provision of this Agreement require judicial interpretation, it is agreed that the Court interpreting or construing the same shall not construe any ambiguities against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

11. If any one or more of the provisions contained in this Agreement are for any reason deemed invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

12. Either party may waive in writing any condition imposed on the other party in this Agreement without waiving any other condition or terminating this Agreement.

13. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts together shall constitute one and the same instrument.


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

[Balance of page intentionally blank. Signature pages follow.]

CITY OF ELKHART, INDIANA

Dated:

By:



John M. Espar, Attorney No. 20758-46
Corporation Counsel for the City of Elkhart
229 S. Second Street
Elkhart, Indiana 46516

February 25, 2025

CHAMPION MANUFACTURING, INC.

Dated:

By:

Thomas O'Neill
President & CEO
5516 SW 1st Lane
Ocala, FL 34474

CR 17 LAND DEVELOPMENT, LLC

Dated:

By:



Amit Shah
Manager
2601 Discovery Drive
Elkhart, Indiana 46514

February 25, 2025

CITY OF ELKHART, INDIANA

Dated:

By:

John M. Espar, Attorney No. 20758-46
Corporation Counsel for the City of Elkhart
229 S. Second Street
Elkhart, Indiana 46516

CHAMPION MANUFACTURING, INC.

Dated:

By:



Thomas O'Neill
President & CEO
5516 SW 1st Lane
Ocala, FL 34474

2/25/25

CR 17 LAND DEVELOPMENT, LLC

Dated:

By:

Amit Shah
Manager
2601 Discovery Drive
Elkhart, Indiana 46514

PASSED AND ADOPTED this ____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk