

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

AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING

LOCATION: CITY HALL, 2ND FLOOR, COUNCIL CHAMBERS

February 13, 2023

7:00 P.M.

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

2. Minutes for Approval

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

Minutes of October 3, 2022 – City Council

Minutes of January 23, 2023 – City Council

Presentations and Introductions

3. Unfinished Business

a) Reports of Council Committees

b) Ordinances on Second-Third Reading

There are no ordinances on second-third reading

c) Ordinances and Resolutions Referred to Committees

There are no ordinances or resolutions referred to committee

d) Tabled Ordinances and Resolutions

There are no tabled ordinances or resolutions

4. New Business

a) Ordinances on First Reading

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

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

b) Resolutions

There are no resolutions

Vacation Hearings

There are no vacation hearings

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

5. **Acceptance of Communications**

Minutes of January 17, 2023 – Board of Public Works

Minutes of January 3, 2023 – Plan Commission

Minutes of October 20, 2022 – Stormwater Board

Minutes of November 29, 2022 – Stormwater Board

Report – American Rescue Plan Compliance - City Controller

Report – 2022-Year End – Elkhart Communications Center

Report – Admissions Report to Questions from Jan. 23rd Council Mtg. – Parks Dept.

7. **Adjournment**

**MINUTES OF THE FINANCE COMMITTEE OF-THE-WHOLE MEETING OF
SEPTEMBER 28, 2022**

Present: Finance Committee Chairman Arvis Dawson
Finance Committee Members Tonda Hines and Megan Baughman
Other Council Members present: Kevin Bullard, Brent Curry (*late arrival*), Aaron Mishler, Dwight Fish and David Henke

Absent: Brian Thomas

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

The clerk called the roll.

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

Proposed Ordinance 22-O-36

**AN ORDINANCE FIXING THE ANNUAL SALARIES OF ELECTED
OFFICIALS OF THE CITY OF ELKHART, INDIANA, FOR THE CALENDAR
YEAR 2023**

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-36

Chairman Dawson opened the council discussion. **Councilman Henke** asked if this includes a cost of living and then the three (3) percent on top. This is the first time that we have had a dual increase as far as cost of living, plus what was deemed to be a performance increase. **Jamie Arce, City Controller** stated that the thought process around the split as we get further down was to acknowledge that the inflation. **Chairman Dawson** stated that we are talking about 36. **Jamie Arce** stated that this one is just a flat seven (7) percent. **Councilman Henke** stated that the seven (7) percent was like a combination of the two (2) pieces right. **Jamie Arce** stated yes.

Motion for tentative approval made by Councilwoman Hines and seconded by Councilman Mishler. Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Mishler, Hines, Fish, Dawson

NAYS: Bullard, Baughman, Henke

By a vote of 4-3, the proposed ordinance fails. It will move to full council with No Recommendation

Proposed Ordinance 22-O-37

**AN ORDINANCE ADOPTING A SCHEDULE OF SALARIES AND OTHER
COMPENSATION FOR THE POLICE OFFICERS OF THE CITY OF ELKHART,
INDIANA, FOR THE CALENDAR YEAR 2023**

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-37

Chairman Dawson opened the council discussion. **Councilman Henke** asked if we had a contract, have we been in negotiations. **Wayne Belock, Director of Human Resources** stated that they will begin negotiations towards the beginning of October and then once the contract is finalized it will be presented to the council at that time. **Councilman Henke** stated that they are asking for tentative approval and they do not know where we are. **Wayne Belock** stated that he thinks the controller has put a placeholder in the budget for that as far as the amount and then it will be adjusted in a subsequent ordinance. **Councilman Henke** stated that the problem he has with that is that they do not have a say so basically gratuitously they approved what is been out there but they have no idea what that means. **Jamie Arce** stated what is currently presented is what has been agreed upon for 2022. There is no prospective increase for the sworn police officers at this time given that they are still in the stage of negotiations. Once that is completed, they will present it to the council for approval. Any pay increases that comes with that will be part of that as well. **Councilman Henke** stated that is why he asked the questions because it puts them in a corner as usual it is nothing personal. He asked John Espar what happens if this ordinance does not get five (5) or more votes. **John Espar, Corporation Counsel** stated that if he is not mistaken under the collective bargaining agreement the terms of the contract that is currently in place will continue until a new contract is agreed upon. **Councilman Henke** stated same as 22-O-36 where it did not have five (5) votes to act upon what happens to this one. Do they actually go with no recommendation or does it fail since there were not five (5) or more votes. **John Espar** stated that the chair has determined that is the equivalent of no recommendation and he does not have a different opinion. **Councilman Mishler** called for a point of order. He stated that the council president has the sole discretion to leave things in committee or remove them from committee if he chooses to do that. If something has a recommendation is irrelevant to that. **Councilman Bullard** asked Jamie, when you were speaking about the present contract is that for 2022 or 2023. **Jamie Arce** stated that what is being presented currently is the 2022 rates on the presumption that we will get to a finalized contract and this will then subsequently be amended to reflect what the agreed upon rate ends up being. **Councilman Bullard** stated so that they are negotiating now is for 2023. **Jamie Arce** said yes. **Councilman Bullard** asked if it was going to be a three (3) year. **Wayne Belock** stated that the current contract is a three (3) year contract. The duration of the contract is actually a subject of negotiation but historically he thinks they have been three (3) year agreements.

Motion for tentative approval made by Councilwoman Hines and seconded by Councilman Mishler. Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Bullard, Mishler, Hines, Fish, Dawson

NAYS: Baughman, Henke

By a 5-2 vote, the proposed ordinance was tentatively approved.

Chairman Dawson asked to let the record show that Councilman Curry has arrived.

Proposed Ordinance 22-O-38

**AN ORDINANCE ADOPTING A SCHEDULE OF SALARIES AND OTHER
COMPENSATION FOR THE FIRE DEPARTMENT OF THE CITY OF ELKHART,
INDIANA, FOR THE CALENDAR YEAR 2023**

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-38

Chairman Dawson opened the council discussion. There was no council discussion

Motion for tentative approval made by Councilwoman Hines and seconded by Councilman Fish. Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Bullard, Curry, Mishler, Hines, Fish, Dawson

NAYS: Baughman, Henke

By a 6-2 vote, the proposed ordinance was tentatively approved.

Proposed Ordinance 22-O-39

**AN ORDINANCE FIXING THE SALARIES AND WAGES FOR APPOINTED
OFFICERS AND OTHER SALARIED EMPLOYEES OF THE CITY OF ELKHART,
INDIANA, FOR THE YEAR 2023**

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 22-O-39

Chairman Dawson opened the council discussion. **Councilman Bullard** asked on the salary employees how many employees are we roughly talking about. **Jamie Arce** stated that without precision he would say 130ish. He said that he can get a firm number. **Councilman Bullard** stated yes please. **Jamie Arce** stated that these are employees that are the non-collectively bargained group that would not be part of the public works. **Councilman Bullard**

asked what changes are in this ordinance that are different. **Jamie Arce** stated that he believes the primary difference between last year and this year would be a shift in the maximum rate by a factor of 7 ½% to accommodate the merit raise and the cost of living component and any new positions that had been requested within the budget. **Councilman Bullard** asked if that included the live in the city. **Jamie Arce** stated yes that is in Section 3 of your ordinance. It defines the scope of that incentive and what the qualifications are for that. It is for full time only.

Councilman Bullard stated that he has received some phone calls about this. The calls have come from people that live outside the city limits but also those that live in the city limits that think that it is definitely a very unfair addition to this. He does not understand how it is going to work. Is there a clawback? Let's say that they get this and there is a clawback how does that work? **Wayne Belock** stated to answer your first question, there are 190 nonunion, civil employees as of the last tally and that is inclusive of public works employees. As far as the residency incentive, the mechanics of that are an employee must be a full time resident who establishes and maintains legal residency in the City of Elkhart and resides on a continuous and permanent basis. The basic calculation is that you can get up to \$1,200 per year but they had to have lived one (1) full month in order to get the \$100 per month. For example if someone moves into Elkhart on May 31st and resides continually through December 31st, they are potentially eligible for \$600 dollars. In regards to the clawback question; it is not payable until the last pay period of the year. In addition, the employee would have to sign a certification or attestation that they have been permanent residents of the city. If they are misrepresenting that, they would have to repay the money and would be subject to discipline up to and including termination.

Councilman Bullard stated that he does not have a whole lot of confidence in the clawback part. In puts a we, and them in this whole city employee conversation so he is not a big fan. **Wayne Belock** stated that as far as the enforcement of it, it would be administered by the HR department along with the controller's office. The initial screening is obviously somebody's address to determine if that is in the city and comparing that. There would be follow up if there are any concerns. As far as the rationale; it is to recognize employee's commitment to the city that they are living in. Employees who are residents generally would be more committed to the community. They pay taxes in the community, they shop in the community, they own homes there. They use schools and participate in civic life, so they would be part of Elkhart. The rationale is that the city and its neighborhoods would be strengthened by the presence of city employees who actually own homes and have a stake in the place that they call home. The other component to this that we have a really tight labor market and if someone is borderline on deciding whether to come to Elkhart or South Bend where they also have a residence incentive and they have two jobs offers this could potentially be the things that swings their decision. There are two (2) parts to it, the administration of it and the philosophy as to whether you believe that giving people a reward or incentive for being committed to the community they are working in. **Councilman Bullard** said do you know how callous that sounds. We have an employee that might be two (2) blocks outside of the city limits you are saying that yeah because you live outside the city limits you are not committed to the community. You do not participate, you do not volunteer. For any employee that lives outside the city limits if this gets passed, he could see a bunch of people going elsewhere. **Councilwoman Hines** thanked Wayne for explaining the rationale and the ins and outs. She appreciates that. **Councilman Mishler** thanked him for kind of answering his question already. His main concern was he did not want Elkhart to be the only city in the area doing this. It sounds like other municipalities and cities of our size are doing this throughout the state. **Wayne Belock** stated right. In some cities actually require people to live in the city that is more of the stick approach and this is more of the carrot approach that you are

rewarding or incentivizing people for doing that without making them do it. **Councilman Mishler** asked if there has been any blow back from the municipalities that have initiated it. Wayne Belock stated that in South Bend it was positively received and the teamsters were very anxious to get it as part of their agreement. Obviously, the nonunion employees who lived in the city were happy to get it. He is not aware of any specific blowback from their system. **Councilman Mishler** stated so we are just following what similar cities our size are doing to remain competitive so that we can maintain our workforce and attract new workers. **Wayne Belock** stated that is right and that would be the rationale for it. **Councilwoman Baughman** stated that based on the proposed ordinance the salary maximum includes the 7 1/2 percent but it does not include the \$1,200 is that correct? **Wayne Belock** stated that as far as how it is budgeted Jamie can speak to that. **Jamie Arce** stated that the incentive is spoken to in Section 3 of the ordinance and it is included in the budget. And, you are correct in the maximum salary only being that we would see this as a unique item that is different from their salary and would be paid as such. Councilwoman Baughman stated that based on the numbers she is seeing, it is roughly a one (1) to two (2) percent increase in salary in addition to the 7 1/2 percent. **Jamie Arce** stated that it would depend on where you are at in the payroll. It could be seen in that capacity. **Councilman Henke** stated that he clearly is opposed to providing \$1,200 for residency to employees because then in effect, we are penalizing the taxpayer that resides here to begin with. We are taking more money from the taxpayer to give it to those who would live in the city. He said you would work on an alternative method by saying there is a penalty if you do not live in the city. He does not believe this is a fair and equitable thing to do. It is a moving target, hard to take away and you are penalizing the people for living here. Penalizing those who live outside the city in some form of a reduction; you can say that since you have a non-residency status of Elkhart, Indiana, your pay is docked whatever you merited by \$1,000 dollars. Make up that difference somewhere else. **Councilman Bullard** stated that he wants to agree a little bit with David. This is setting ourselves up to be unsustainable. How are you going to take this away? And to Aaron's comment about any blowback, he stated that Goshen had this and is getting rid of theirs. He is still stuck on the comment on how you are selling this by saying that because you live in the city, you are more interested in the community, you participate more in the community and you love the community more because you live in the city. What does that say to the employees that live outside the city limits that are 10, 15, 25 year employees. You are telling them, yeah you have been here for over 20 years but you do not like the city you are not getting the \$1,200 dollars. **Chairman Dawson** stated that he does not think that was said and now it is being stretched. **Councilman Bullard** stated you can listen to the recording and what was said was that because you live within the city limits, you participate more in community and you like the community more.

Motion for tentative approval by Councilman Mishler and seconded by Councilman Curry.
Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Curry, Mishler, Hines, Fish, Dawson

NAYS: Bullard, Baughman, Henke

By a vote of 5-3, the proposed ordinance was tentatively approved.

Motion to adjourn was made by Councilman Mishler and seconded by Councilman Fish.

By a voice vote, the meeting was adjourned.

Arvis Dawson
Finance Committee Chairman

DRAFT

MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF OCTOBER 3, 2022

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

Absent:

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

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

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

The clerk called the roll.

AMENDMENT TO AGENDA

President Dawson stated that Proposed Ordinance 22-O-29 needs to be removed from Referred to Committee as it was passed on September 19, 2022. Motion to amend the agenda made by Councilwoman Hines and seconded by Councilman Fish.

Councilman Bullard stated that it has been passed and he noticed that during their finance committee meeting and again tonight, there is no one at the door. **Council President Dawson** stated that it goes into effect 30 days after it was passed and it has not been 30 days.

By a voice vote of 9-0, the agenda was amended.

APPROVAL OF MINUTES

There were no minutes for approval

PRESENTATIONS AND INTRODUCTIONS

Breanna Allen, Executive Director of the Tolson Center was there to give a presentation and update on Tolson. She is here tonight to provide an update and the focus will be mostly on their fundraising and financial efforts. They are in the middle of a capital project building a 30,000 square foot new facility that is going to cost roughly around \$16 million dollars. She thanked the council for the significant investment that they have put into the Tolson Center. It is something that is unlike anything out there for city government to enter into such a significant relationship with the community center that is going to impact all here. The fundraising for the Tolson Center started in 2020 and is

continuing, to support their capital project. Two (2) years ago the cost of the building was anticipated to be around \$12 million dollars, two (2) years later, that costs has increased significantly. Given that picture what has taken place of the last two (2) years they have had to break down the Tolson project into two (2) phases. Phase one includes the full 30,000 square foot building complete with two (2) gyms, computer space, art space, dance room and a kitchen to hold a food program. Everything inside the building along with the west side of the building is part of phase one. Everything west goes up to Chapman Avenue, which is their parking lot, and they have entered into a great partnership with Community Baptist Church to expand parking spaces for Tolson. Again, the first phase is the entire building along with the west development, which is the parking lot. They have identified that cost to be \$13.4 million dollars to complete. As mentioned before, two (2) years ago they thought the entire project that would include the building and the outside park would be about \$12 million. As they enter into phase two, they are getting ready to gear up and being doing some additional significant fundraising around those efforts. Phase 2 will include the actual park, which will be to the east side of the building and the soccer field that they will have as well as an additional parking lot and landscaping which is just the beautification of the facility. When they looked at that, it came to \$2.7 million. That brings them to about \$15 million for the project. To date, they have been able to raise that \$15 million, which they are extremely grateful. The City of Elkhart and the council plays a significant part in that. The Lily endowment has supported them with \$2.2 million and the Community Foundation of Elkhart County supported the project with \$2 million dollars. They did receive the Ready grant that was \$2.6 million, which was awarded just last month. The \$2.6 million will go towards the first phase of the building. We live in such a gracious community with phenomenal philanthropists, who support many local organizations; they have been able to raise \$3.2 million for local philanthropists. As a new organization, there are operating costs. It costs to have the executive director and they are thinking through their strategy of adding additional staff to the Tolson Center. Between 2020 and projecting out to 2023 so they have their budget fully together, they are looking at about \$700,000 allocated for operations and that includes herself. In addition, it would also include additional staff and early start-up costs. The project is anticipated to be completed in late Fall 2023. You should have received a Gantt chart and she apologized for it being so small. They are working with DJ Construction who is the prime contractor who are supporting them in this build. If you have ever worked with DJ, they are absolutely phenomenal. They are really good at keeping track of the project, the progress of the project and the project management. According to their schedule based on materials coming in and steel is one that is backordered, which is not anticipated to arrive until late January. All of those factors play into the opening date as well as the cost that continues to rise.

Councilwoman Baughman stated that was great information. She asked if she could share with them who the fiduciary is for the capital campaign. Who is managing all of the pledges? **Breanna Allen** stated they are in a great partnership with the Community Foundation and they have roughly \$9 million of the funds as well as the pledge funds that are anticipated to come in. The Ready grant will come into their financial account. **Councilwoman Baughman** asked how many years the pledges are from the local philanthropy. **Breanna Allen** stated they include actual gifts that have already been sent to the Community Foundation as well as pledges and that started back in 2020.

Councilman Henke thanked her for the presentation. He asked her if she was doing this full time now and if so, when did she start. **Breanna Allen** stated yes and her start date was April 1, 2022. **Councilman Henke** asked where that money is coming from, because the last presentation they had during budget hearings, there would be no transfer of city funds operationally until a building was erected and in use. So, how is covering the fee now? **Breanna Allen** stated that the Community Foundation is supporting some of their operational costs in the early starts. **Councilman Henke** stated

then they are going to be reimbursed through the \$700,000 moving forward. **Breanna Allen** stated that is correct. **Candy Yoder, Community Foundation of Elkhart County** stated that she wanted to give the correct information. There is no expectation that the Community Foundation will be reimbursed. This was grant funding to fund the early operations for the Tolson Center. **Councilman Henke** asked if this was part of the \$2 million dollars. **Candy Yoder** stated that yes it is. **Councilman Henke** asked if Community Baptist Church is getting credits of any kind. Are you incentivizing them in any way for use of their parking lot? **Breanna Allen** stated that she does not have that information right now, but she could get that information and provide an update. **Councilman Henke** stated that if they are receiving credits of any way and it is also part of the tax dollars or the grants or special use we would just need to have that public since public funds are in it. As part of the pledges, what percentage are already at the Community Foundation. **Breanna Allen** stated that \$9 million is in the Community Foundation's account right now. **Councilman Henke** asked if that included the \$5 million from the city. **Breanna Allen** stated that is correct. **Councilman Henke** stated so there is the city's \$5 million and the foundation's \$2 million already in the account for a total of \$7 million. Where specifically is the other \$2 million coming from? **Breanna Allen** stated that it is from the Lily Foundation.

Councilman Fish asked for clarification if Councilman Henke was looking at this photo and thinking that the parking lot there belongs to the Baptist church. **Councilman Henke** stated no and that in the presentation there was a relationship with the Baptist church for the use of their space. **Breanna Allen** stated that they entered into an agreement to redo their parking lot that Tolson would utilize as additional space. **Councilman Fish** stated that the Chapman Avenue parking lot that she referred to is already owned by the Tolson Center. Therefore, that is our parking lot but there is a use agreement with the Baptist church. **Councilman Henke** stated so let us go back to the Baptist church; who paid for the paving of their parking lot as the inducement. **Breanna Allen** stated that Tolson paid for it.

President Dawson asked if there were any other questions. Seeing none, he thanked **Breanna** for the presentation.

Councilwoman Hines stated that she did not have a question but rather a statement that she wanted to make. In the work that she does for the school district, **Breanna** has really inserted herself in the community and getting her name out there. She is collaborating with the parks department and other support, like ETHOS. With programming being down the road a little bit she is going her due diligence and connecting with all of our resources here in the city to make sure programming is not duplicated. There is collaboration and enhancement and she appreciates all of those efforts.

Councilwoman Baughman stated that she wanted to echo what Councilwoman Hines had said. She has had the privilege of meeting with **Breanna** in her role as the interim at ETHOS. Kudos to you and your passion for all kids in the community and really wanting to be the best when it comes to programming.

President Dawson thanked **Breanna** again for her presentation and encouraged the council members to stay in touch with Kevin or Dwight because they both serve as board members, so they might have more insight than we do.

UNFINISHED BUSINESS

REPORTS OF COUNCIL COMMITTEES

President Dawson reported that the Finance Committee Of-The-Whole met on Saturday, September 24, 2022 to hear the budget request for the calendar year 2023

President Dawson reported that the Finance Committee Of-The-Whole met on Wednesday, September 28, 2022 to hear the salary ordinances for the calendar year 2023

ORDINANCES ON SECOND-THIRD READING

Proposed Ordinance 22-O-34

**AN ORDINANCE ADOPTING THE 2023 BUDGET FOR THE CITY OF ELKHART, INDIANA
AND MAKING APPROPRIATIONS FOR DEPARTMENT BUDGETS AND FOR OTHER
CITY PURPOSES DURING THE CALENDAR YEAR 2023**

President Dawson asked the clerk to read Proposed Ordinance 22-O-34 by title only.

PUBLIC HEARING ON PROPOSED ORDINANCE 22-O-34

President Dawson opened the public hearing. There were no comments from the public.

President Dawson stated that this would be presented to the council on **Monday, October 17th** for second and third reading.

Proposed Ordinance 22-O-35

**AN ORDINANCE ADOPTING THE 2023 BUDGET FOR THE CITY OF ELKHART, INDIANA
AND MAKING APPROPRIATIONS FOR DEPARTMENT BUDGETS AND FOR OTHER
CITY PURPOSES DURING THE CALENDAR YEAR 2023 (GATEWAY ORDINANCE)**

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

PUBLIC HEARING ON PROPOSED ORDINANCE 22-O-35

President Dawson opened the public hearing. There were no comments from the public.

President Dawson stated that this would be presented to the council on **Monday, October 17th** for second and third reading.

Proposed Ordinance 22-O-40

AN ORDINANCE APPROPRIATING SEVEN HUNDRED TEN THOUSAND DOLLARS (\$710,000.00) FROM THE CUMULATIVE CAPITAL FIRE EQUIPMENT FUND TO THE MOTOR EQUIPMENT ACCOUNT FOR THE PURCHASE OF AN AMBULANCE FOR THE ELKHART FIRE DEPARTMENT

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

President Dawson stated that this would be held over to the **Monday, October 17th** meeting to allow for proper advertising.

ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES

PROPOSED ORDINANCE 21-O-49, AN ORDINANCE APPROPRIATING THREE HUNDRED TWENTY-TWO THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$322,350.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE ELKHART THRIVE NEIGHBORHOOD OPPORTUNITY HUB INITIATIVE

President Dawson stated that **Proposed Ordinance 21-O-49 remains in committee.**

PROPOSED ORDINANCE 22-O-36, AN ORDINANCE FIXING THE ANNUAL SALARIES OF ELECTED OFFICIALS OF THE CITY OF ELKHART, INDIANA, FOR THE CALENDAR YEAR 2023

President Dawson asked for a motion to remove from committee. Motion by Councilman Mishler and seconded by Councilwoman Hines.

Councilman Henke stated we are comfortable saying how this moves from committee to council without going through all of that again. President Dawson stated yes.

By a voice vote, the ordinance was removed from committee and will be heard on second and third reading on Monday, October 17th.

PROPOSED ORDINANCE 22-O-37, AN ORDINANCE ADOPTING A SCHEDULE OF SALARIES AND OTHER COMPENSATION FOR THE POLICE OFFICERS OF THE CITY OF ELKHART, INDIANA, FOR THE CALENDAR YEAR 2023

President Dawson stated that **Proposed Ordinance 22-O-37 remains in committee.**

PROPOSED ORDINANCE 22-O-38, AN ORDINANCE ADOPTING A SCHEDULE OF SALARIES AND OTHER COMPENSATION FOR THE FIRE DEPARTMENT OF THE CITY OF ELKHART, INDIANA, FOR THE CALENDAR YEAR 2023

President Dawson stated that **Proposed Ordinance 22-O-38 remains in committee.**

PROPOSED ORDINANCE 22-O-39, AN ORDINANCE FIXING THE SALARIES AND WAGES FOR APPOINTED OFFICERS AND OTHER SALARIED EMPLOYEES OF THE CITY OF ELKHART, INDIANA FOR THE CALENDAR YEAR 2023

President Dawson stated that **Proposed Ordinance 22-O-39 remains in committee.**

TABLED ORDINANCES AND RESOLUTIONS

PROPOSED ORDINANCE 22-O-09, 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 309 STAINLESS DRIVE, ELKHART, INDIANA BY REMOVING THE EXISTING ZONING RESTRICTION, WHICH PROHIBITS ACCESS TO THE PROPERTY FROM COUNTY ROAD 19

President Dawson stated that **Proposed Ordinance 22-O-09 remains tabled.**

PROPOSED RESOLUTION 22-R-22, A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART EXPRESSING INTEREST IN THE PURCHASE OF CERTAIN REAL ESTATE LOCATED IN THE SOUTHEAST CORNER OF CR 106 AND WOODLAND ESTATES DRIVE

President Dawson stated that **Proposed Resolution 22-R-22 remains tabled.**

ORDINANCES ON FIRST READING

There are no ordinances on first reading

RESOLUTIONS

There are no resolutions

VACATION HEARINGS

There were no vacation hearings

OTHER NEW BUSINESS – COUNCIL COMMENTS

Councilman Fish stated that he just wanted to make sure that everyone is aware that tomorrow night they have Talk Back Tuesday with the mayor and himself at Studebaker Pavilion starting at 6:30pm.

Councilman Thomas stated that he may be showing his age, but he remembers getting reports from departments. As he is reading the minutes of the Board of Public Safety, he sees that there is a request for three (3) quotes for the construction of a new roof. **Chief Kris Seymore, Elkhart Police Department** stated that they did award a quote and they are currently working on the roof right now before the weather hits. It is not the whole roof only two thirds of it. The awarded bid came in at \$124,000. **Councilman Thomas** asked if it was different people. **Chief Seymore** stated that is correct.

Councilman Mishler stated that he wanted to thank Mary Jo, the sister foundation and everyone who came down to the Latino Festival downtown in the first district. There was live music and food trucks that had lines all the way to the road. He stated that it was a great event, it went well, was packed and he hopes that they can do it every year.

President Dawson thanked the street department, police and everyone involved because when he woke up Sunday morning it did not even look like there was an event.

Councilman Henke stated that when you talk about Talk Tuesday's the best food of course by location was the coconut shrimp, stuffed mushrooms, bacon, stuffed pretzels with crab was in the 3rd district. He is still not at all satisfied with the lack of breakout from the budget books. He realizes that it does not have to be done but for them to do their jobs, he feels it is very critical to look at trend reports to see how much money is going in different areas. It is not fair to taxpayers because that means that they also do not know. He requested this information before the budget hearings started and he cannot go with it unless he gets the information that he asked for. **President Dawson** asked David to put this in an email and copy the entire council on it. **Councilman Henke** stated that he has done that and nothing happened. **President Dawson** stated that between now and the 17th we can get that information. **Councilman Henke** stated that nothing he sees so far is unparalleled service. Every meeting he brings this up about Eastlake Estates had theft and criminal mischief and shots fired. Five (5) weeks later even though he was victimized, not a phone call, nothing to help on insurance. He has a case but no conversations. How do we measure unparalleled service because we sure can measure unparalleled spending.

Councilman Bullard stated that he knows we are going through contract negotiations/bargaining agreements, are we going to have an executive session and be debriefed about how the budget is going to be impacted. He stated that he knows Bradley has been working on this and asked if they can expect some type of meeting before the 17th. **President Dawson** stated that Megan and Brent are on the negotiation team and suggested that he get with either one of them, as they are our representatives. They can inform us as to what is going on. At that point, if Megan or Brent decide we need to have an executive session to talk about it, then we can. **Councilman Bullard** stated that in the past, they broke into an executive session and had good discussions. He feels that it needs to be more than just communication between Megan and Brent. **Councilwoman Baughman** stated that they have had one (1) meeting with the city team and that was just an introductory about what was happening. Their next meeting is scheduled for tomorrow. **Councilman Bullard** stated again, in previous councils we have had an executive session with a presentation and got down to the nitty gritty of the negotiations and what it all involved. **President Dawson** stated that in his previous eight (8) or nine (9) councils, negotiations happens between the negotiating team and the city not the city council. The last thing the council ever wants to do is get into negotiating. They have a bargaining team, we have a bargaining team they come together, and the council gets the information. **Councilman Curry** stated that after

their first meeting, they were handed copies of the three (3) contracts that are being negotiated. He has asked some of you if you had any input on language or anything you would like to see changed and he had very little feedback. He feels that people have confidence in the bargaining team to go forward. He stated that he has copies of the contracts if anyone wants to look at them.

President Dawson stated this is a personal request from him, October is National Breast Cancer month and in honor of a couple of our colleagues, he would like at the next council meeting for everyone to wear something pink.

Councilman Henke stated that he left out a couple of things from the Board of Works. A disposal of fixed assets for the fire department. He would like to know what piece of equipment since money is being asked for to replace a couple of units. He would think that is something that we would really look to recoup taxpayer money to the best of our abilities. He asked if Maggie Marnoca is a city employee again. **President Dawson** stated yes she is the attorney for public utilities.

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

There were no reports.

NEIGHBORHOOD ASSOCIATION REPORTS

Councilman Curry reported on the Pierre Moran Neighborhood Association. Had several guest and a lot of young kids drop in and help with the refreshments. They have a couple of houses that are turning over and they want to follow up with who is moving in there. They talked about keeping their neighborhood clean and doing some things to improve each individual property. There are also concerns about people having too many cars.

PRIVILEGE OF THE FLOOR

No one spoke during privilege of the floor

SCHEDULING OF COMMITTEE MEETINGS

There were no committee meetings to schedule

ACCEPTANCE OF COMMUNICATIONS

Minutes of August 31, 2022 – Board of Aviation Commissioners
Minutes of September 13, 2022 – Board of Public Safety
Minutes of September 30, 2022 – Board of Public Works
Minute of May 2, 2022 – Planning Commission
Minutes of July 5, 2022 – Planning Commission
Minutes of August 1, 2022 – Planning Commission
Report – Month End September 2022 – Communications Center

Motion by Councilman Mishler, seconded by Councilman Curry, **moved to accept communications**, which **motion carried**, by voice vote, and **the communications were accepted**.

ADJOURNMENT

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

Debra D. Barrett, City Clerk

Arvis Dawson
President of the Elkhart City Council

**MINUTES OF THE REGULAR COMMON COUNCIL MEETING
OF JANUARY 23, 2023**

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

Absent: Brent Curry

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

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

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

The clerk called the roll.

APPROVAL OF MINUTES

Minutes of January 9, 2023 – City Council

Motion to approve made by Councilman Henke and seconded by Councilman Fish. Councilman Thomas pointed out that he was not listed as being present at the January 9th meeting. Motion made by Councilman Henke to amend the minutes to show that Councilman Thomas was present at the meeting. Seconded by Councilman Mishler. President Dawson did a voice vote on the amendment.

By a voice vote of 8-0, the minutes were amended.

Motion to adopt the minutes as amended made by Councilman Thomas and seconded by Councilman Mishler.

By a voice vote of 8-0, the minutes were approved as amended.

PRESENTATIONS AND INTRODUCTIONS

There were no presentations or introductions

UNFINISHED BUSINESS

REPORTS OF COUNCIL COMMITTEES

There were no committee reports

ORDINANCES ON SECOND-THIRD READING

Proposed Ordinance 23-O-01

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 2200 – 2500 BLOCKS OF BYPASS ROAD FROM M-1, LIMITED MANUFACTURING DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT

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

President Dawson asked to let the record show that Councilwoman Hines has joined the meeting.

PRESENTATION ON PROPOSED ORDINANCE 23-O-01

Presentation given by **Eric Trotter, Plan Commission** stated that they have a request to rezone 20 acres on the north side of Bypass Road, which is the former Skyline campus, to B-2, Community Business District. This property is being redeveloped as a medical complex with some small retail to serve and function the patients of the medical facility. The current zoning really is not in character for the way that corridor is redeveloping largely commercial. As a staff, they felt that they could support the rezoning from M-1 to B-2 and it passed unanimously last month at the plan commission. This comes to the council with a Do Pass recommendation. The consultant is here tonight in the audience to speak to the request as well.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-01

President Dawson opened the council discussion. **Councilman Mishler** stated that it seems like a good fit for the area that is currently being under utilized. This seems like an excellent way to bring in some additional needed businesses to the area. **Councilman Fish** stated you said there is some retail essentially that will go in there as well. **Eric Trotter** stated that at this time, there is a small coffee shop that is proposed. With the various types of medical procedures that will be occurring, there could be down time where you need someone to drive you and they might need to grab a coffee or a sandwich while they are waiting. **Councilman Fish** asked if they would be adapting into the business building there. **Eric Trotter** stated that they will be remodeling and rehabbing the existing buildings and some of that work has already begun. **Councilman Fish** stated so some of the aesthetics of that will stay essentially the same or maybe some improvements. **Eric Trotter** stated that he would envision some improvements as well. **Councilman Henke** stated so this is Dr. Richard Bowling’s promo here and the question would be you said some of the construction is already done but we are here for zoning today.

Eric Trotter stated that the work that is occurring has been the demolition, the replacement of mechanical units and that would be allowed regardless of the underlying zoning. **Councilman Henke** asked if they were keeping the glass hut looking thing, the showroom or are they just keeping the primary building. **Eric Trotter** stated that at this juncture, the showroom has a potential user but not a definitive user what they have submitted or begun to submit are for the office buildings moving west on Bypass. **Councilman Henke** asked if there was any indication that there will be laser use in that building. **Eric Trotter** stated that he would not know. **Councilman Henke** said okay and if that would need special permitting. **Eric Trotter** stated that he could not imagine that it would because it is part of the other facilities now.

Crystal Welsh with Abonmarche stated as mentioned the existing office building has had the interior demolition occurring for a while. They are creating some white box spaces specifically for medical offices. This also includes the parcel that was the old paint place. The parcel is exactly adjacent kind of west or east-northeast kind of around the corner a little bit. That is where the coffee shop is planning to go right now. They have been in discussion with the user but do not have a signed lease or anything like that and they are not starting construction on that right now. They want to get everything prepared. They have been discussing this project for well over a year now trying to figure out the best way forward because they want to create a medical campus feel but they do not have all of the users yet. What they all could agree on was that B-2 is the correct zoning so that is where they are starting to make sure that they can get the proper zoning as manufacturing does not make sense here anymore. They also did not want to do B-3, which would allow car dealerships and other kinds of more intensive commercial uses. This will allow the property owner to start working more specifics with potential users. **Councilman Bullard** asked if this was going to put any additional call time for fire/EMS with this being a medical facility. **Crystal Welsh** stated when specific details comes forward, they will always go through the technical review process and at that point, all the departments have the opportunity to weigh in on the site plan. **Councilman Bullard** asked once this is approved, do they have a three (3) year, five (5) year timeline. **Crystal Welsh** stated there is no timeline because the rezoning is actually an ordinance amendment. The only timeline is the building permit, which is good for one (1) year unless there is an extension. If they come up with a project that makes more sense, they might need to go to the Board of Zoning Appeals for any zoning variances. That will happen once we have those details in place. **Councilman Henke** asked if that was the Hellenic building just west of that property line. **Crystal Welsh** replied yes. **Councilman Henke** stated that this sounds like it is a buy, hold and then develop as opportunities come available. He stated that the good news is, is it Dr. Boling so you know that you are going to get a quality product somewhere down the line. He stated that B-2 makes sense and he supports this. **Crystal Welsh** stated that the last thing we want to see as city residents is someone coming in by rights and putting a manufacturing facility on that site, which they could do right now, if they could meet the developmental standards. She went on to say that, she honestly believes that this is the better zoning fit. As you, do not want a big manufacturer right across the street from the school and the Hellenic facility. This is a great asset to the community.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-01

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-01

President Dawson returned the discussion to the council. Councilman Henke stated that the Hellenic building is full with a quite lengthy waiting list and at the original proposal; they talked about a second building on the backside of that property and it would be really nice to see that happen.

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

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

NAYS:

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

Motion by Councilman Thomas and seconded by Councilman Mishler for third and final reading.

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

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

NAYS:

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

Proposed Ordinance 23-O-02

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE COMMONLY KNOWN AS 53400 COUNTY ROAD 113, ELKHART, IN 46514, AND DECLARING THE SAME TO BE PART OF THE CITY OF ELKHART, INDIANA

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-02

President Dawson opened the council discussion. **President Dawson** stated that this is for a storage facility. **Alexa Turney from Kimley-Horn** are the civil engineers on this project. She is here representing their client Storage Rentals of America. **Councilman Fish** asked if anything has changed since the previous presentation. **Alexa Turney** stated no. **Councilman Henke** asked her to refresh him on the square footage being added. Alexa Turney stated that the site plan has not yet come forward to the city and if the annexation goes through, then they will submit the site plan. She said the square footage being added is around 24,000 and it will be three (3) stories. **Councilman Henke** asked what the current square footage is of the existing buildings. **Alexa Turney** stated she does not know the existing square footage. The new facility will be climate controlled and it is going to be all interior storage instead of being outdoor drive up. **Councilman Bullard** asked if it was going to be two (2) or four (4) stories. **Alexa Turney** stated it would be three (3) stories.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-02

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-02

President Dawson returned the discussion to the council. There was no further discussion. President Dawson asked the clerk to do a Roll Call vote.

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

NAYS:

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

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

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

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

NAYS:

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

TABLED ORDINANCES AND RESOLUTIONS

There were no tabled ordinances or resolutions

ORDINANCES ON FIRST READING

Proposed Ordinance 23-O-03

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

President Dawson asked the clerk to read the proposed ordinance by title only. He stated that if there were no objections, he would place this in the finance committee.

RESOLUTIONS

Proposed Resolution 23-R-03

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, APPROVING THE ORDER OF THE ELKHART CITY PLAN COMMISSION WITH REGARD TO THE ECONOMIC DEVELOPMENT AREA PLAN FOR THE CITY OF ELKHART WEST 78 BUSINESS PARK ECONOMIC DEVELOPMENT ARE PLAN AND APPROVING THE DETERMINATION OF THE ELKHART REDEVELOPMENT COMMISSION THAT SAID AREA IS IN AN ECONOMIC DEVELOPMENT AREA AND TAX INCREMENT FINANCE ALLOCATION AREA

President Dawson asked the clerk to read the proposed resolution by title only. Motion to adopt made by Councilman Fish and seconded by Councilwoman Hines.

PRESENTATION ON PROPOSED RESOLUTION 23-R-03

Mike Huber, Director of Development Services stated that the resolution on the table tonight is to allow them to finalize the last step of the process before going back to the Redevelopment Commission to create a TIF increment district on the West 78 project. The primary constraint for development not only for this property but also for much of the southern part of this corridor on State Road 19 is the lack of water utility infrastructure. They probably need to build a water tower and they are looking at some studies to do a water tower. They are also looking at some funding opportunities to build the water tower. Regardless if they have developers interested in this property and there are a few that are interested but not ready to pull the trigger yet, he feels that whatever the funding makeup is going to be to execute the water tower it is an avenue that could help us get there. This is a formality at this point to help them get the tool in the toolbox. It would allow them in the future to do the work that they need to do. Which in return would allow the development to happen and to start generating income and revenue back to the city for industrial development.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 23-R-03

President Dawson opened the council discussion. **Councilman Bullard** asked if on this TIF there was going to be any sort of sunset clause. Once the spirit of this TIF is fulfilled, is there any way to say okay it is no longer needed. **Mike Huber** stated that all TIF's under today's statute have a 25-year sunset clause. In addition, the Redevelopment Commission has the ability and the capacity to close the TIF once the improvements that are funded through the TIF like in this case, the water tower would be completed. **Councilman Bullard** stated that once we create a TIF and it goes to redevelopment, it is beyond the council's control if there is going to be an appropriation of monies and they never hear about it again. **Mike Huber** stated that once again this TIF is tied specifically to the property so they are not going beyond the property. **Councilman Henke** stated that this TIF is to find a funding mechanism for a \$25 million dollar water tower. **Mike Huber** stated that he does not know the size or scale of the water tower or the final cost. At this point, they have a study underway to answer some of those questions. **Councilman Henke** stated that he was looking at the plan and it talks about an initial cost of \$25 million. Then on page 4, it talks about \$40 million dollars of investments, new buildings, infrastructure and the cost of implementing the plan is \$25 million dollars. He is wondering if they are

looking at a water tower, what an estimation of cost is. **Mike Huber** stated that is the purpose of their study that is ongoing right now. **Councilman Henke** asked why a water tower is indicated. **Mike Huber** stated it is necessary because there is not sufficient water pressure to provide enough in the current water pipe system to that end of the water system to adequately provide fire suppression for the types of developments that are going to happen down there. **Councilman Henke** stated that this is a new TIF and a TIF to itself there is no other property relative so it is not going to be inclusion of a current or an expanded TIF of the area. He asked does not the Redevelopment Commission and yourself collectively have the ability to expand a TIF and renew a TIF. **Mike Huber** stated they do have the ability to expand a TIF if there were other developments that could be brought in to help offset the cost of the savant, the infrastructure improvements and again doing a cost benefit analysis on what the tax revenue would be as well. He went on to say that, they do not have the ability to extend the life of a TIF. **Councilman Henke** asked even with a 40% change and improvement or alteration you could not extend the life of that single TIF. **Mike Huber** stated that he understands that they cannot extend the life of a TIF. **Councilman Henke** stated that he just needs the education, so if you expand that TIF because let's say you double it in size because we are adding properties next door and next door, and this TIF was one third of total, could this new TIF, collective TIF restart the 25 year process. **Mike Huber** stated that he does not believe that is the case, but he would have to look in to it. **Councilman Henke** stated that he needs education in that area. **Mike Huber** stated that he would look in to it and get back with him. **Councilman Bullard** stated you are talking about this water tower, is this going to be exclusively for this particular property or will it service laterals going outwards. **Mike Huber** stated that the intent is that the water tower would actually serve a larger space than just this development. The increment generated from this TIF will be part of a larger funding strategy to get to the water tower. They are just trying to open all of the tools to be able to achieve the goal of funding the water tower and helping provide water to the entire south side of this part of the city. It would facilitate additional residential development and additional industrial development all of which would have to be annexed to get access to the utilities. We are trying to solve the housing crisis and trying to bring new businesses to the community. This is just one tool that will help make up the funding mix, as it will not pay for the whole water tower. **Councilman Bullard** stated that as he looked at developments across the county and the city, developers are usually the ones responsible for bringing in the sewer and water. He knows that this is very unique as far as needing a water tower. It seems like this TIF is almost subsidizing the developer's ability to have water. **Mike Huber** stated that the property owner is allowing some of his property to be created by the TIF as a way to help them find a mechanism to create the water tower that helps the city expand and grow. **Councilman Mishler** to his understanding a TIF has to carry debt in order to be extended. The \$25 million also speaks about wastewater fresh water, roads and curb cuts. Is the \$25 million going to be enough for the water tower, which we do not know how much, it is going to cost and these other needed improvements in the area or are they going to come back to us needing more money? **Mike Huber** stated again, they are exploring all of the opportunities for funding that we can in the area right now. By creating this TIF, nothing happens there until new development happens. They are not asking for more money, they are just asking the council to allow them to have the necessary tools in the tool kit to help them be part of the larger funding strategy. **Councilman Mishler** stated that he appreciates that because this is a big lift if it was a single developer. **Mike Huber** stated that this single project could not carry the lift of it all. Therefore, they are looking for all different kinds of sources. **Councilman Mishler** stated that this sounds like something that our friends who passed the bipartisan bill on infrastructure, water infrastructure seems like something that could be part of that. **Mike Huber** stated that they are looking in to some EDA and USDA funding as well as the Bureau of Indiana Affairs because the tribe owns some property on there. **Councilman Bullard** stated that the neighbors

crossroad with the American Countryside Farmers Market, they expanded a lot of utilities out there to get that thing going and he believes the city got stuck for a pretty large utility bill that never got paid. **Mike Huber** stated that he could not speak on that, as he does not know the answer. He does know that if this water tower ends up being built, it allows them to get some stuff to the jail that the county has talked about annexing into the city as doing some different pieces as well. **Councilman Henke** stated that he supports what he is doing. They need more State Road 19 builds, as that is the economic corridor. He would say the \$25 million is more than the city has in the river district. You look at the \$300 million now and we cannot include the money that was lent because it is coming back at a greater percent but they are looking at parking lots and the green space in that. He just wanted to get some numbers in front of him so he would know the upfront cost. He knows that you are going to have to be able to expand this TIF to cover that level of upfront cost and over how many years. The question he has is what is the risk of sending it out there? How much would have to be spoken for and under contract before we would actually put that entire infrastructure in place. He stated that he supports this completely and thinks it is a good move. In addition, thanked Mike for being in front of it.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 23-R-03

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

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 23-R-03

President Dawson returned the discussion to the council. **Councilman Mishler** stated that he agrees with Councilman Henke and thinks that it is a great economic opportunity for us to develop that corridor in the city and bring a fair amount of potential jobs to our community.

President Dawson asked the clerk to do a Roll Call vote.

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

NAYS:

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

VACATION HEARINGS

There were no vacation hearings

OTHER NEW BUSINESS

APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

ELKHART COUNTY ECONOMIC DEVELOPMENT COMMISSION

President Dawson stated that James Gardner is the current appointment for this commission. He heard from Councilman Fish that Mr. Gardner would like to continue on the commission. President Dawson stated that if there were no objections, they would reappoint him to the commission. There were no objections.

HISTORIC & CULTURAL PRESERVATION COMMISSION

President Dawson stated that the current appointment is Aaron Mishler. President Dawson stated that they still need someone for this commission.

OTHER NEW BUSINESS – COUNCIL COMMENTS

Councilman Fish – received a call from a constituent asking about the owl program and which civic leader was going to be supporting this program. He did some digging today and there is a new owl life enrichment program being developed by Trinity on Jackson. They are going to be doing many activities and it looks like it is something interesting to citizens, especially in the first district but also citywide. **President Dawson** asked him to get more information and then they can get it distributed.

Councilman Henke – stated that Trinity houses a Boy Scout troop so it could be in conjunction with that group. Stated that there were meeting held regarding fire department relocations for the two (2) that were talked about. He would like to have an update before anything is announced to go into the district. He talked with Eric Trotter regarding the communication tower in his district and he brought him up to date on that. Three (3) years ago, they had performance appraisals, graphs of wage changes since inception, the number of new completed performance appraisals on the new system with the new matrix, the percent completed and the average scores the council was supposed to get on a routine basis and he does not recall getting anything. If they could get some form of documentation to the performance appraisal process. He also talked with Mike Huber, there are some address corrupt files, and there have been quite a number turned into code enforcement and zoning enforcement. He stated that he showed one to Mike at the last meeting that is a city parcel but the feedback he got was that it was in the county and Mike agreed it was in the city. There were 23-code enforcement and zoning issues that came up right around the East Jackson area. They rode around with them and met with them. The question he has is why it takes the community to turn them in and sign them in when we have code enforcement officers out there every day in their car with new laptops and all of these things. On the short road that goes to Pinewood School, there are still trucks that park in that yard every day, every night and every weekend. They are still parking there and he has turned them in several times. If they need to shorten the penalty phase, he would support that. We cannot keep putting all of this labor into tracking and nothing gets resolved. He is looking at the report from the Elkhart Communications Center and he realizes that Dustin McLain is online, but as he is reading the report, the numbers do not have a relative variants. If they could, could they have a side number of police, fire and other calls with a running 6 to 12 month average. This would give them an idea if they are trending up or trending down. From the Parks Department minutes of December 20th he likes the fact that the NIBCO Ice and Water brought in \$2, 965 dollars in concessions and \$23,050 dollars in ticket sales totaling around 3,300

attendees. He is wondering what they are charging to get in because these numbers would suggest that it is around \$7 per person and he does not think that is probable. He stated that the number of attendees and tickets sales did not really add up to him. **President Dawson** stated he thought it was more like \$5 per person. If it is \$5 per person, that would be \$16,500 not \$23,050 so he was hoping that could be explained.

President Dawson - stated that there are parts of the city that are in the county between Mishawka Road and Hively. It is a small sector and they do have four (4) digit addresses, which is crazy.

Councilman Mishler – he has had several residents reach out to him concerned about the traffic change at Simonton, Baldwin and Cone that started earlier this year. There was a public forum for it on August 30th but to his understanding, it was sparsely attending. Following that, he did have a couple of residents reach out to him with concerns. He reached out to Chief Edgerton and asked him if it would impact response times and he stated that it could potentially increase response times if that intersection was closed off. He went through the chain of command and asked if that had been considered and was told that, a response from fire and police was not returned back to Tory on that. He reached out to dispatch as well and they said that there was not any statistical increase of accidents on that intersection for the past year or two compared to other intersections in that area. Perhaps there is another opportunity to have another public outreach to hear some concerns from the neighborhood. In addition, to make sure that our friends in fire and police are communicating with public works to make sure that there is no delay in services to potential changes in the traffic patterns.

Councilman Thomas – he attended the Bristol widening public forum, Councilman Fish was there, and a few other city officials and it was very well attended by the public. The project people very well ran it and they did their best to deflect public opinion. They stated at the beginning that people were going to be allowed to talk but not pepper questions at the project managers. That they would be available after the meeting and because of that, it made the meeting run very smoothly and very efficiently. Most of the people were not even there to complain about the project. They were complaining about the speed, truck traffic and lack of enforcement along that road.

President Dawson – not sure, if anyone has received that Amish Country or People and Places from the Elkhart County Convention and Business Bureau but it is a nice guide to what goes on in our county and in our city. He is going to ask the bureau to send some so they will be in your next packet.

NEIGHBORHOOD ASSOCIATION REPORTS

There were no Neighborhood Association Reports

PRIVILEGE OF THE FLOOR

No one spoke during the privilege of the floor

SCHEDULING OF COMMITTEE MEETINGS

President Dawson stated that he would like to schedule a Finance Committee meeting and that they will get together before the next council meeting.

ACCEPTANCE OF COMMUNICATIONS

- Minutes of December 13, 2022 – Aurora Capital Development Corporation
- Minutes of November 30, 2022 – Board of Aviation Commission
- Minutes of December 27, 2022 – Board of Public Safety
- Minutes of December 27, 2022 – Board of Public Works
- Minutes of January 3, 2023 – Board of Public Works
- Minutes of December 8, 2022 – Board of Zoning Appeals
- Minutes of December 14, 2022 – Lerner Theatre Board
- Minutes of December 20, 2022 – Park Board
- Minutes of December 5, 2022 – Plan Commission
- Minutes of December 13, 2022 – Redevelopment Commission
- Report – December 2022 Month End – Elkhart Communications Center
- Report – December 2022 Month End – Parks & Recreation

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

By a voice vote of 8-0, the communications were accepted.

ADJOURNMENT

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

Debra D. Barrett, City Clerk

Arvis Dawson
President of the Elkhart City Council



MEMORANDUM

DATE: 02-07-2023

TO: Common Council

FROM: James Gerald, IT Director

RE: Proposed Ordinance to replace end of life Frontier phone system with Cisco phone system

The current Frontier PRI phone system utilized by City emergency services is failing and end of life. The purchase of the new Cisco phone system will mitigate emergency services losing telephone capabilities. Furthermore, it will consolidate the City as a whole down to one, backup redundant service instead of several disparate systems saving the City thousands per month financially as well as labor savings with more streamlined billing processes once the City is fully converted. The purchase is \$116,864.33.

Thank you for your consideration and I am available for any questions you may have.

ORDINANCE NO. _____

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

WHEREAS, the current Frontier PRI phone system utilized by the City of Elkhart's emergency services has reached "End of Life" status with Frontier PRI and is no longer supported by the provider; and

WHEREAS, the Frontier PRI system has recently demonstrated that it is a failing system and in need of replacement; and

WHEREAS, the Department of Information and Technology has evaluated various systems to replace the Frontier PRI system, and determined that a premise-based Cisco Unified Communications system, which is available through Network Solutions Inc., is the best solution for the present and immediate needs of the City's emergency services departments, and will be the system of choice, as the less-immediate telephone systems are replaced in future phases of the project to replace the other telephone systems in other departments of the City; and

WHEREAS, the Cisco system will eventually allow the City to consolidate all of its telephone systems into one solution with backup and redundant service; and

WHEREAS, the estimated cost to replace the telephone systems of the Elkhart Police, Fire Department and IT Department with a new state-of-the-art Cisco Systems telephone system is estimated to cost One Hundred Sixteen Thousand Eight Hundred Sixty-Four and 33/100 Dollars (\$116,864.33); and

WHEREAS, the Cisco Unified Communications system has been quoted under Cisco's Quantity Purchase Agreement with the State of Indiana (QPA #12921) by Network Solutions Inc., a Cisco-authorized reseller under the QPA; and

WHEREAS, the City of Elkhart's IT Department requests that the Common Council appropriate One Hundred Sixteen Thousand Eight Hundred Sixty-Four and 33/100 Dollars (\$116,864.33) from the Cumulative Capital Development Fund to the Other Equipment Account for the purpose described herein; and

WHEREAS, Cumulative Capital Development Fund contains funds sufficient and appropriate for the stated purpose; and

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

Section 1. The amount of One Hundred Sixteen Thousand Eight Hundred Sixty-Four and 33/100 Dollars (\$116,864.33) be, and hereby is, appropriated from the Cumulative Capital Development Fund and assigned to the following account line:

Account No. 4402-5-030-4440500 Other Equipment \$116,864.33

Section 2. The Common Council has fixed the ____ day of _____, _____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

[Balance of page is intentionally blank.]

SO ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk



NetworkSolutions

City of Elkhart Police Phone System, Fire & IT

Quote # 080999
Version 4

City of Elkhart

Les Dant

WHY we do is as important as WHAT we do



Indiana State QPA

This quote is in accordance to the terms and conditions of the Quantity Purchase Agreement with the State of Indiana. For pricing to be valid the following information must be on your PO, and agreed upon.

QPA 12921, EDS #D20-3-12921



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Fax: 574.271.7117

Scope of Work - Police Phone System

Project Request

REQUESTED FEATURES

- City of Elkhart Police would like to deploy a new on-premise enterprise-grade VOIP communications solution.

Proposed Solution

OVERVIEW

- The proposed solution is a premise-based Cisco Unified Communications solution consisting of Cisco Unified Communications Manager (CUCM) for call processing and setup, Cisco Unity Connection (CUCM) for voicemail and auto attendant features, Cisco Paging Server for paging through the phones, Cisco Emergency Responder (CER) for E911 features, Cisco Attendant Console Standard for advanced call handling functionality and CallReplay for call recording.
- All applications will be deployed across two new Cisco UCS C220 M6 servers.
- CUCM, CUC and CER will be deployed redundantly for the solution, ensuring that critical functionality of the system remains operational in the event that one of the physical servers were to have an unforeseen failure.
- The ISDN PRI telco circuit will be eliminated as the City of Elkhart Police would like to migrate to SIP trunking for PSTN connectivity. The Catalyst 8200L will terminate the new SIP trunk for PSTN access.
- The Catalyst 8200L will also be the SIP integration point for the 911 dispatch system.

Initiating and Planning Phase

DEPLOYMENT PLANNING

NSI Responsibilities:

- NSI will develop a migration plan including steps, timelines and responsibilities to migrate all equipment/locations in a single cut over event.
- Provide a base amount of up to 8 hours for call flow design, data collection questions, telco interactions and endpoint testing.
- Provide an additional 2 hours of call flow collection and consulting work per site.



Customer Responsibilities:

- Designate a location for any ordered equipment to be delivered to. If the installation location is at a different address from the shipping/staging location, the customer is responsible for transporting the equipment to each respective installation location.
- Plan for a single cutover event and provide a maintenance window for the cutover.
- Communicate the expected maintenance window to stakeholders.
- Approve the migration plan provided by NSI.
- After reviewing with NSI, complete the data collection worksheet.

Assumptions/Exclusions:

- For physical hardware, the location should provide a secure temperate area for storage and staging of equipment.

Executing/Implementation Phase

COLLABORATION IMPLEMENTATION - PHYSICAL SERVERS AND VMWARE

NSI Responsibilities:

- Install Business Edition server(s) into the customer-provided rack(s).
- Upgrade server firmware to latest stable and NSI-recommended release.
- Perform base system configuration on server CIMC (out-of-band management) from data collection workbook to include hostname(s), management address(es), logging, NTP, DNS, authentication credentials, SMTP notifications, etc.
- Perform base system configuration on embedded ESXi from data collection workbook to include hostname(s), management address(es), NTP, DNS, authentication credentials, vSwitches, port groups, network redundancy with virtual port-based load balancing, etc.
- Configure switch ports on the corresponding switch(es) to interface with the server ports. CIMC will be configured as an access port. All other ports will be configured as trunk ports. Virtual port-based load balancing will be configured in VMware ESXi. VMware ESXi management network will be the native (untagged) VLAN.
- Upgrade VMware ESXi to latest stable and NSI-recommended release supporting Cisco Unified Communications.

Customer Responsibilities:

- Provide proper power, necessary number of power receptacles and sufficient rack space.
- Provide adequate HVAC.
- Ensure enough switch ports are available.
- If connecting switches are any other vendor than Cisco and/or Meraki, customer to perform configuration on connecting switch ports for server connectivity.

Assumptions/Exclusions:

- None.



COLLABORATION IMPLEMENTATION- VIRTUAL SERVER INSTALLATIONS AND BASE CONFIGURATIONS

NSI Responsibilities:

- Configure enterprise parameters and service parameters to NSI-recommended best practices across all Unified Communications virtual machines.
- Configure Unified Communications virtual machines that support Cisco Smart Licensing to synchronize with the Cisco Smart Account for license usage and compliance.
- Install licenses on Unified Communications virtual machines that don't support Cisco Smart Licensing and checked for compliance.
- Configure CUCM and Unity Connection to leverage LDAPS with customer Microsoft Active Directory.
- Map directory URI to mail and phone number to iPhone for the LDAP integration.
- Configure Unified Communications systems that support built-in Disaster Recovery System (DRS) to perform scheduled backups as agreed upon by both parties. DRS only supports SFTP protocol and will need a Cisco-supported SFTP server deployed.
- Install Cisco Unified Communications Manager (CUCM) virtual machine(s) to latest NSI-recommended release.
- Install Cisco Unity Connection virtual machine(s) to the latest NSI-recommended release.
- Configure Unified Messaging with the customer's MS Office 365, Google Gmail or on-premise MS Exchange environment.
- Implement the CUCM/Cisco Unity Connection PIN synchronization feature.
- Provision and configure Webex Control Hub with NSI-recommended settings for any purchased services.
- Install the directory synchronization tool on a customer-provided server to perform directory synchronization for Webex Control Hub users.
- Configure UC services for the Webex app clients within CUCM if applicable, including voice messaging, directory, CTI, mailstore, etc.
- Configure a single UC service profile within CUCM as the default for all users.
- Generate certificate signing requests off of Unified Communications cluster(s) and provide them to the customer for signing.
- Install Cisco Emergency Responder virtual machine(s) to the latest NSI-recommended release.
- Configure up to five CTI ports for Cisco Emergency Responder onsite alert calls.
- Install CallReplay application to the latest NSI-recommended release on a customer-supplied Windows Server virtual machine.
- Integrate CallReplay with Cisco Unified Communications Manager.
- Configure CallReplay retention policy, recording policy, group policies and SMTP settings as agreed upon.
- Install Cisco Paging Server virtual machine and integrate with Cisco Unified Communications Manager cluster.

Customer Responsibilities:

- Provide access to a compatible NTP source if needed.
- Add any internal and/or public DNS records required for a successful implementation.
- Perform any updates to end-user accounts in MS Active Directory to pull required information in to Unified Communications servers (Ex. IP Phone field within the telephony tab).
- Provide service account with proper permissions and connectivity information for LDAP connection from Unified Communications servers.
- Provide access to Cisco Smart Account for licensing.
- Perform necessary configuration on SMTP solution to relay emails on behalf of the Unified Communications servers.
- Perform necessary configuration on MS Exchange, MS Office 365 or Google Gmail environment for the successful implementation of Unified Messaging.
- Provide NSI with a server/virtual machine and administrative rights for deployment of the Webex directory synchronization tool.





Server/virtual machine must be a member of the domain.

- Assist in testing Webex app client functionality on desired end user devices.
- Perform mass deployment of Webex client across the organization.
- Sign the provided certificate signing requests from the Unified Communications cluster(s) and provide the certificate chain(s) back to NSI for installation.
- Customer must provide a Windows virtual machine and Windows Server OS license key to host CallReplay Server.
- Customer is responsible for applying corporate security standards to the CallReplay server after implementation.
- CallReplay server must have an active internet connection for license registration.

Assumptions/Exclusions:

- All infrastructure cabling is of Category 5e or greater.
- Sufficient bandwidth exists on customer network (LAN, WAN and Internet egress/ingress) and meets required delay, jitter and RTT for voice services.
- Unified Communications virtual machines will be able to resolve DNS and communicate to the Cisco Smart Account securely on port 443 through the customer firewall for license synchronization.
- Secure LDAP on MS Active Directory environment is already configured and ready to accept secure connections from the server(s).
- A single Active Directory forest exists. Multiple Active Directory forests require AD LDS implementation and integration, which is out of scope for this implementation.
- Email platform is running on a version that supports Unified Messaging integration from Cisco Unity Connection.
- Customer is running a supported directory structure (such as Microsoft Active Directory) for the Webex directory synchronization tool.
- Customer end user devices meet minimum requirements for Webex application functionality.
- Publicly-signed SSL certificates will be required for the Webex app in Unified CM mode.
- Customer already has E911 service enabled with PSTN provider for proper E911 routing over the PSTN.
- Usable consecutive directory numbers will be reserved for CER CTI port requirements.
- G711 codec is the only codec licensed for the CallReplay call recording solution at this time.
- Recording encryption is not needed or licensed at this time.

COLLABORATION IMPLEMENTATION- SITE IMPLEMENTATION(S)

NSI Responsibilities:

- Build out Unified Communications configurations from the data collection workbook with Cisco and NSI best practices pertaining to device pools, regions, locations, partitions, dial-plan constructs, etc.
- Bulk import all phones, lines and voicemail accounts from customer-provided end-user worksheets.
- Document and review call flows with the customer.
- Configure all call flows as documented and agreed upon by both parties.
- Configure voice gateways in the CUCM with recommended Cisco and NSI best practices.
- Select call control protocol(s) for voice gateway(s) for the implementation on a per-voice gateway basis.
- Perform SIP integration with existing dispatch communications system.
- Conduct detailed acceptance testing at site(s) to ensure features and functionality are working as expected prior to cutover.
- Implement up to one auto attendant call tree per site if needed to accomplish any desired call flows for the solution. Any additional auto attendants required beyond this will be handled as a time and materials add-on.
- Install Attendant Console client(s) on workstation(s).



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- Physically install IP phones/endpoints in desired locations.
- Create or bulk import Emergency Response Locations as outlined by completed data collection workbook.
- Create IP subnets for phone tracking as outlined by completed data collection workbook.
- Configure paging zones and phone paging zone membership as outlined in data collection workbook.

Customer Responsibilities:

- Provide testing plan and list of critical services for testing.
- Assist in acceptance testing for the site(s).
- Provide voice recordings for any auto attendants for the implementation.
- Provide remote access and administrative access to workstations for attendant console software installation.
- Provide longer Ethernet cables if included cables aren't long enough to place the endpoint(s) in desired location(s).
- Provide building floor plan with detailed locations of where endpoints should be placed.
- Customer to always install headsets for use with the phones regardless of whether they are existing headsets that will be reused with the new phones or if they are new headsets provided with the solution

Assumptions/Exclusions:

- NSI will provide assistance and guidance with regard to E911 but it is ultimately up to the customer to determine if their organization is compliant with E911 regulations and laws.
- IP phones come with a 5-foot patch cable. No other patch cables have been included with this solution other than what comes with the phones.
- Customer workstations meet requirements for attendant console software application.
- NSI will not move large furniture to reach network jacks for physical endpoint deployment.
- For any wireless phones and softphones, it is assumed that the customer wireless network is optimized to run voice over and a site survey will not be performed as part of this project.
- Current cabling and infrastructure switches support PoE and will provide sufficient power to IP phones.
- There are sufficient unused DIDs in the environment to support the number of ERLs for the CER implementation if 911 callback feature is to be implemented.
- Existing IP subnet design and implementation is sufficient for IP subnet-based phone tracking and ERL assignment.
- Network is configured for multicast routing to support phone paging.

COLLABORATION IMPLEMENTATION - USER TRAINING

NSI Responsibilities:

- Provide onsite train-the-trainer end user training session to customer designated technology advocates.

Customer Responsibilities:

- Coordinate the end user train-the-trainer session(s) with the end users and NSI with reasonable advanced notice for scheduling.

Assumptions/Exclusions:

- Digital training material available upon request.



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Monitoring & Controlling / Closing Phase

PROJECT UPDATE MEETINGS

NSI Responsibilities:

- The NSI project manager will schedule project update meetings throughout the project as needed.

Customer Responsibilities:

- Attend cadence meetings and provide timely feedback on action items.

Assumptions/Exclusions:

- The NSI project manager will determine schedule and frequency of update meetings to drive project completion.
- Additional meetings can be coordinated but may result in additional charges.

POST-CUT SUPPORT

NSI Responsibilities:

- Provide remote support up to 4-hours for the business-day following any cutover.

Customer Responsibilities:

- Provide a single point person who is responsible to escalate suspected issues to NSI engineers and the project manager.
- Any issues identified after the post-cut support window should be reported to the NSI project manager. The project manager will respond and provide a schedule for appropriate resources and time-line based on the priority of the issue reported.
- Perform any workstation troubleshooting and/or end-user support.

Assumptions/Exclusions:

- None.

FINAL DOCUMENTATION

NSI Responsibilities:

- As-built documentation will be provided digitally.

Customer Responsibilities:

- Maintain copies of all documentation. (NSI does not guarantee access to these documents following initial delivery of the documents.)



Assumptions/Exclusions:

- Any documentation will be provided at the conclusion of the project.

EXTENDED SUPPORT

NSI Responsibilities:

- NSI will provide two weeks of extended support beginning on the date of project closure.

Customer Responsibilities:

- Contact NSI support at [support@nsi1.com] or by calling (800)-247-0900 - Option 3.
- When contacting NSI support, provide the project number, project description, project engineer, and project manager to ensure assignment to the appropriate project engineer.

Assumptions/Exclusions:

- Billing will align with the original project.

Pricing

FIXED FEE ENGAGEMENT

This project is being billed as a fixed-price engagement. Hardware purchases are billed upon receipt of equipment. Services will be billed at the conclusion of the project in total.



Scope of Work - Phone System Expansion Fire & IT

Project Request

REQUESTED FEATURES

- City of Elkhart has requested a proposal for adding Fire and IT to the premise Cisco Unified Communications system.

Proposed Solution

OVERVIEW

- The proposed solution is the product and professional services for adding Fire and IT to the Cisco Unified Communications system as City of Elkhart has requested.

Initiating and Planning Phase

DEPLOYMENT PLANNING

NSI Responsibilities:

- NSI will develop a migration plan including steps, timelines and responsibilities to migrate all equipment/locations in multiple cut over event.
- Provide a base amount of up to 4 hours for call flow design, data collection questions, telco interactions and endpoint testing.
- Provide an additional 2 hours of call flow collection and consulting work per site.

Customer Responsibilities:

- Designate a location for any ordered equipment to be delivered to. If the installation location is at a different address from the shipping/staging location, the customer is responsible for transporting the equipment to each respective installation location.
- Plan for a multiple cutover events and provide a maintenance window for the cutovers.
- Communicate the expected maintenance windows to stakeholders.
- Approve the migration plan provided by NSI.



- After reviewing with NSI, complete the data collection worksheet.

Assumptions/Exclusions:

- For physical hardware, the location should provide a secure temperate area for storage and staging of equipment.

Executing/Implementation Phase

COLLABORATION IMPLEMENTATION- SITE IMPLEMENTATION(S)

NSI Responsibilities:

- Build out Unified Communications configurations from the data collection workbook with Cisco and NSI best practices pertaining to device pools, regions, locations, partitions, dial-plan constructs, etc.
- Bulk import all phones, lines and voicemail accounts from customer-provided end-user worksheets.
- Document and review call flows with the customer.
- Configure all call flows as documented and agreed upon by both parties.
- Configure voice gateways in the CUCM with recommended Cisco and NSI best practices.
- Select call control protocol(s) for voice gateway(s) for the implementation on a per-voice gateway basis.
- Conduct detailed acceptance testing at site(s) to ensure features and functionality are working as expected prior to cutover.
- Implement up to one auto attendant call tree for Fire location if needed to accomplish any desired call flows for the solution. Any additional auto attendants required beyond this will be handled as a time and materials add-on.
- Install Attendant Console client(s) on workstation(s).
- Physically install IP phones/endpoints in desired locations.
- Create or bulk import Emergency Response Locations as outlined by completed data collection workbook.
- Create IP subnets for phone tracking as outlined by completed data collection workbook.

Customer Responsibilities:

- Provide testing plan and list of critical services for testing.
- Assist in acceptance testing for the site(s).
- Provide voice recordings for any auto attendants for the implementation.
- Provide remote access and administrative access to workstations for attendant console software installation.
- Provide longer Ethernet cables if included cables aren't long enough to place the endpoint(s) in desired location(s).
- Provide building floor plan with detailed locations of where endpoints should be placed.
- Customer to always install headsets for use with the phones regardless of whether they are existing headsets that will be reused with the new phones or if they are new headsets provided with the solution

Assumptions/Exclusions:

- NSI will provide assistance and guidance with regard to E911 but it is ultimately up to the customer to determine if their organization is compliant with E911 regulations and laws.



- IP phones come with a 5-foot patch cable. No other patch cables have been included with this solution other than what comes with the phones.
- Customer workstations meet requirements for attendant console software application.
- NSI will not move large furniture to reach network jacks for physical endpoint deployment.
- For any wireless phones and softphones, it is assumed that the customer wireless network is optimized to run voice over and a site survey will not be performed as part of this project.
- Current cabling and infrastructure switches support PoE and will provide sufficient power to IP phones.
- There are sufficient unused DIDs in the environment to support the number of ERLs for the CER implementation if 911 callback feature is to be implemented.
- Existing IP subnet design and implementation is sufficient for IP subnet-based phone tracking and ERL assignment.
- This proposal assumes that the Cisco Unified Communications system is installed and in production with no known issues.

COLLABORATION IMPLEMENTATION- USER TRAINING

NSI Responsibilities:

- Provide one onsite train-the-trainer end user training session to customer designated technology advocates.

Customer Responsibilities:

- Coordinate the end user train-the-trainer session(s) with the end users and NSI with reasonable advanced notice for scheduling.

Assumptions/Exclusions:

- Digital training material available upon request.

Monitoring & Controlling / Closing Phase

PROJECT UPDATE MEETINGS

NSI Responsibilities:

- The NSI project manager will schedule project update meetings throughout the project as needed.

Customer Responsibilities:

- Attend cadence meetings and provide timely feedback on action items.

Assumptions/Exclusions:

- The NSI project manager will determine schedule and frequency of update meetings to drive project completion.
- Additional meetings can be coordinated but may result in additional charges.



POST-CUT SUPPORT

NSI Responsibilities:

- Provide remote support up to 2-hours for the business-day following any cutover.

Customer Responsibilities:

- Provide a single point person who is responsible to escalate suspected issues to NSI engineers and the project manager.
- Any issues identified after the post-cut support window should be reported to the NSI project manager. The project manager will respond and provide a schedule for appropriate resources and time-line based on the priority of the issue reported.
- Perform any workstation troubleshooting and/or end-user support.

Assumptions/Exclusions:

- None.

FINAL DOCUMENTATION

NSI Responsibilities:

- As-built documentation will be provided digitally.

Customer Responsibilities:

- Maintain copies of all documentation. (NSI does not guarantee access to these documents following initial delivery of the documents.)

Assumptions/Exclusions:

- Any documentation will be provided at the conclusion of the project.

EXTENDED SUPPORT

NSI Responsibilities:

- NSI will provide two weeks of extended support beginning on the date of project closure.

Customer Responsibilities:

- Contact NSI support at [support@nsi1.com] or by calling (800)-247-0900 - Option 3.
- When contacting NSI support, provide the project number, project description, project engineer, and project manager to ensure assignment to the appropriate project engineer.

Assumptions/Exclusions:

- Billing will align with the original project.



Pricing

FIXED FEE (PHASED/MILESTONE) ENGAGEMENT

This project is being billed as a fixed-price engagement. Services will be billed according to the following milestones.

- Milestone 1 - 20% will be billed when kick off meetings, project plan review and prep work as defined in the project plan have been completed.
- Milestone 2 - 60% will be billed when equipment defined as core components in the project plan have been installed, configuration and cutover have been completed.
- Milestone 3 - 20% - System verification/testing, admin training and run changes have been completed.



Statement of Work Terminology

● Statement of Work Terminology

Description of a Change Request

Throughout the project, it may be necessary to amend the scope of work to include additional tasks or provide additional equipment to accomplish the original scope. These changes can be identified at various stages of the project but are usually identified in the initial review of the statement of work, during prework or just before implementation.

The requested change may impact the scope, cost and timeline but is deemed necessary to accomplish the original scope so it will be important the entire team discuss the findings and agree the change is necessary.

Once the requested change has been reviewed, a change request form will need to be completed. The change request will be submitted to initiate a re-design to define and document the required changes for final customer approval.

Definition of Meetings

Meetings are very important for ensuring all team members are working towards the same goal and completing tasks to accomplish the goal. Therefore, the following meetings may be scheduled during the duration of the project.

- Kick Off Meeting – to discuss the requirements, verify the scope, identify the team members and their role, outline an initial timeline.
- Update Meetings
 - The frequency will be based on the size of the project and outlined in the project plan.
 - Additional meetings are available for an additional charge.
 - All team members are expected to be present.
 - Purpose is to review the project plan.
 - Provide updates on tasks completed.
 - Review next tasks to be completed and agree on due dates.
- Closing Meeting
 - Confirm all work has been completed and all issues resolved.
 - Retrospective (what went well and where improvements can be made).
 - Provide approval to close the project.

Description of the Closing Process

Once the engineer has indicated the deliverables have been completed, a request will be sent

- Asking for an update on the implementation
- Verifying everything is working as planned
- Confirming all deliverables have been completed





- Requesting approval to close the project

The closing process should take less than 15 days.

Potential Impacts to the Timeline

NSI does not carry inventory which means all equipment is ordered once

- The quote is accepted by the customer
- A PO is received
- The project is created if professional services are included

The ship date / delivery date for equipment will define when the project will be scheduled to begin.

In certain situations, an expedite in shipping may be requested. The expedite does not mean the vendor can fulfill the request.

The work effort, resource availability and equipment delivery date, if applicable, will be utilized to define the earliest date when a solution could be implemented.

Timeliness of the data collection effort may impact the implementation date.

Timeliness on providing access to the customer's environment or access to the customer's key technical resource may impact the schedule and implementation date.



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Project Change Request

● Project Change Request

Throughout the project, it may be necessary to amend the scope of work to include additional tasks or provide additional equipment to accomplish the original scope. These requests will need to be submitted to NSI on this change request form.

The change request will serve as permission to request the re-design and quote for the requested amendment of scope.

● Project Change Request Form

1. Project Information			
a.	Project Name:		
b.	Account Manager:		
c.	Project Manager:		
d.	Customer Sponsor:		
2. Change Request			
a.	Change Category:	<input type="checkbox"/> Requirements Change	<input type="checkbox"/> Equipment Change
		<input type="checkbox"/> Other	
b.	Change Description:	{Be Detailed}	
c.	Change Justification:	{Be Detailed}	
d.	Change Impact:	<input type="checkbox"/> Cost	<input type="checkbox"/> Duration
		<input type="checkbox"/> Implementation Date	
3. Acceptance			
Customer acceptance of proposed change: The customer project team has reviewed and accepts the proposed change to the project scope and modification of the terms of the governing SOW.			
Signature: _____		Date: _____	
Customer Name and Title: _____			



Project Completion Form



● Project Completion Form

This document serves to confirm that the requested work has been completed and all of its deliverables have been met per the Statement of Work.

1. Project Information			
	Project Name:		
	Project Manager:		
2. Customer Information			
	Customer Name:		
	Customer Address:		
	Sponsor:		
	Sponsor's Title:		
	Sponsor's Email:	Sponsor's Phone:	
3. Summary of Deliverables			
	<input type="checkbox"/> Project Completion Form <input type="checkbox"/> Documentation		
4. Acceptance			
<p>The customer's project team has received and reviewed all expected deliverables of the project, accepts all the services provided, and considers the terms of the Statement of Work fulfilled.</p> <p>Customer authorizes Network Solutions, Inc. to invoice any outstanding balance for services rendered by signing this document.</p> <p>Please sign and return this document within 3 days after receipt.</p>			
Signature: _____		Date: _____	
Print Name _____		Title: _____	





Voice Products - Police Phone System

Part #	Description	Price	Qty	Ext. Price
CP-7841-K9=	Cisco IP Phone 7841 - VoIP phone - SIP, SRTP - 4 lines	\$196.82	80	\$15,745.60
				
CP-8811-K9=	Cisco IP Phone 8811 - VoIP phone - SIP, RTCP, RTP, SRTP, SDP - 5 lines	\$258.84	5	\$1,294.20
				
			Subtotal	\$17,039.80



Non-Voice Products - Police Phone System

Part #	Description	Price	Qty	Ext. Price
C8200L-1N-4T	Cisco Catalyst 8200L-1N-4T - Router - GigE - rack-mountable 	\$1,105.50	1	\$1,105.50
C8000-HSEC	Cisco U.S. Export Restriction Compliance - License - for Catalyst 8300, 8500, 8500-12, 8500-12X10	\$0.56	1	\$0.56
Initial Term - 60.00 Months Auto Renewal Term - 0 Months if not canceled within 60 days of renewal date Billing Model - Prepaid Term				
DSTACK-T0-A	Cisco Digital Network Architecture Advantage Stack - License - 30 Mbps aggregated throughput, up to 15 Mbps	\$0.00	1	\$0.00
NWSTACK-T0-A	Cisco Network Stack Advantage - License - 30 Mbps aggregated throughput, up to 15 Mbps	\$0.00	1	\$0.00
SDWAN-UMB-ADV	Cisco Umbrella - License - hosted - for Cisco DNA Advantage	\$0.00	1	\$0.00
DNAC-ONPREM-PF	Cisco Digital Network Architecture Center - On-Premise license - Deployment	\$0.00	1	\$0.00
DNA-P-T0-A-5Y	Cisco Digital Network Architecture Advantage - On-Premise subscription license (5 years) - 30 Mbps aggregated throughput, up to 15 Mbps New DNA Contract Term - 5 Yrs	\$3,850.11	1	\$3,850.11
SVS-PDNA-ADV	Cisco Digital Network Architecture Advantage - On-Premise license + Embedded Support - tiered pricing	\$0.00	1	\$0.00
UCSC-C220-M6S	Cisco UCS C220 M6 SFF Rack Server - Server - rack-mountable - 1U - 2-way - no CPU - RAM 0 GB - SATA/SAS/PCI Express - hot-swap 2.5" bay (s) - no HDD - G200e - GigE - monitor: none 	\$3,094.85	2	\$6,189.70
UCSX-TPM-002C	Cisco Trusted Platform Module 2.0 - Trusted Platform Module (TPM) 2.0 - for P/N: UCSC-C240-M6SN-BR, UCSC-C240-M6SX, UCSC-C240-M6SX-BR, UCSC-C245-M6SX, UCSX-M6-MLB	\$41.46	2	\$82.92



Non-Voice Products - Police Phone System

Part #	Description	Price	Qty	Ext. Price
UCSC-RAIL-M6	Cisco Ball Bearing Rail Kit - Rack rail kit - for P/N: UCSC-C240-M6SN, UCSC-C240-M6SN-BR, UCSC-C240-M6SX, UCSC-C240-M6SX-BR, UCSC-C245-M6SX	\$168.50	2	\$337.00
UCS-CPU-I4310T	Intel Xeon Silver 4310T - 2.3 GHz - 10-core - 15 MB cache - for P/N: UCSC-C220-M6N=, UCSC-C240-M6L=, UCSC-C240-M6N=, UCSC-C240-M6SN=, UCSC-C240-M6SX-RF	\$1,310.57	2	\$2,621.14
UCS-MR-X16G1RW	Cisco UCS - DDR4 - module - 16 GB - DIMM 288-pin - 3200 MHz / PC4-25600 - 1.2 V - registered - ECC - for UCS C125 M5, C220 M6, C225 M6, C240 M6, C245 M6	\$735.71	8	\$5,885.68
UCSC-RAID-220M6	Cisco - Storage controller (RAID) - SATA / SAS 12Gb/s - RAID 0, 1, 5, 6, 10, 50, JBOD, 60 - for P/N: UCSC-C220-M6S, UCSC-C220-M6S=, UCSC-C220-M6S-BR, UCSC-C225-M6S	\$1,719.05	2	\$3,438.10
R2XX-RAID5	Cisco Enable RAID 5 Setting - RAID controller upgrade key - for UCS C125 M5, C200 M1, C200 M2, C210 M1, C210 M2, C250 M1, C250 M2, C460 M1, C460 M2, C480	\$0.56	2	\$1.12
UCS-HD300G10K12N	Cisco - Hard drive - 300 GB - hot-swap - 2.5" SFF - SAS 12Gb/s - 10000 rpm - for UCS C240 M5, SmartPlay Select C220 M5SX, SmartPlay Select C240 M5	\$359.29	12	\$4,311.48
UCSC-PSU1-1050W	Cisco - Power supply - hot-plug / redundant (plug-in module) - AC 100 -240 V - 1050 Watt - for UCS C220 M5SN, C240 M5, S3260, SmartPlay Select C220 M5SX, SmartPlay Select C3260	\$402.96	4	\$1,611.84
VMW-VSP-STD-5A	VMware vSphere Standard - (v. 6) - license - 1 CPU - 5 years Support and Subscription required - for P/N: HX-C220-M6S, HX-C240-M6L, HX-C240-M6N, HX-C240-M6S, HX-C240-M6SN, HX-C240-M6SX	\$916.64	2	\$1,833.28
Subtotal				\$31,268.43



Non-Cisco Product - Police Phone System

Part #	Description	Price	Qty	Ext. Price
Start Date: 2/1/2023 End Date: 2/1/2026				
MCR2-5	CallReplay Enterprise Server / year	\$1,202.30	1	\$1,202.30
MCR2-6	CallReplay Enterprise Recording Channel / year	\$405.18	5	\$2,025.90
			Subtotal	\$3,228.20



5-Year SMARTnet - Police Phone System

Part #	Description	Price	Qty	Ext. Price
<p>The SmartNet contract is for a term of 5 years. The SmartNet contract will begin one day after equipment has been shipped. Pricing for SmartNet contract is guaranteed at quoted pricing. Co-term is not available. SmartNet contract will begin when product ships, regardless of partial product delivery.</p>				
CON-SNT-C8200TL1	SNTC-8X5XNBD Cisco Catalyst 8200L with 1 New SNT Contract Term - 5 Yrs	\$1,432.00	1	\$1,432.00
CON-SNT-UCSCSC22	Cisco Smart Net Total Care - Extended service agreement - replacement - 8x5 - response time: NBD - for P/N: UCSC-C220-M6S, UCSC-C220-M6S= New SNT Contract Term - 5 Yrs	\$1,880.00	2	\$3,760.00
CON-ISV1-VSXSTD5A	Cisco Independent Software Vendor Application Services - Technical support - phone consulting - 1 year - 24x7 - for P/N: HX-VSP-STD-5A, HX-VSP-STD-5A=, VMW-VSP-STD-5A, VMW-VSP-STD-5A= New ISV Contract Term - 5 Yrs	\$1,704.00	2	\$3,408.00
Subtotal				\$8,600.00

Professional Services - Police Phone System

Part #	Description	Price	Qty	Ext. Price
Professional Services - NSI Collaboration	Professional Services - NSI Collaboration <u>Professional Services will be billed in Phases</u> Phase 1 - \$ 4,704.97 Phase 2 - \$14,114.90 Phase 3 - \$ 4,704.97	\$23,524.8299	1	\$23,524.8299
Subtotal				\$23,524.83



Recurring Services - Police Phone System

Part #	Description	Recurring	Qty	Ext. Recurring
Initial Term - 60.00 Months Billing Frequency: Monthly Billing Auto Renewal On if not cancelled within 60 days of renewal date				
A-FLEX-3	Collaboration Flex Plan 3.0	\$0.00	1	\$0.00
SVS-FLEX-SUPT-BAS	SKU DESC: SVS-FLEX-SUPT-BAS	\$0.00	1	\$0.00
A-FLEX-P-UCXN	Unity Connection Smart License (1)	\$0.00	200	\$0.00
A-FLEX-P-ER	Cisco Collaboration Flex Plan Emergency Responder - License	\$0.00	235	\$0.00
A-FLEX-CCUCS-NU	Cisco Collaboration Flex Plan Cloud Connected UC - Standard License - hosted - Enterprise	\$0.00	85	\$0.00
A-FLEX-FILESTG-ENT	SKU DESC: A-FLEX-FILESTG-ENT	\$0.00	1700	\$0.00
A-FLEX-PROPACK-ENT	Pro Pack for Cisco Control Hub Entitlement	\$0.00	85	\$0.00
A-FLEX-MSG-NU-ENT	Cisco Collaboration Flex Plan Messaging Entitlement - License - 1 named user - hosted	\$0.00	85	\$0.00
A-FLEX-SW-14-K9	On-Premises amp Partner Hosted Calling	\$0.00	1	\$0.00
A-FLEX-NUPL-P	Cisco Collaboration Flex Plan Calling Professional - On-Premise license - 1 named user - hosted	\$3.85	75	\$288.75
A-FLEX-NUPL-E	Cisco Collaboration Flex Plan Calling Enhanced - On-Premise license - 1 named user - hosted	\$2.66	10	\$26.60
A-FLEX-PL-VM	Cisco Collaboration Flex Plan 3.0 Unity Connection - Add-on license - on-premise	\$1.26	125	\$157.50
A-FLEX-STD-CUBE	Cisco Unified Border Element - License - 1 trunk session - standard tier	\$1.57	25	\$39.25
A-FLEX-CUAC-S	Unified Attendant Console Standard	\$10.45	2	\$20.90
A-FLEX-SRST-E	Cisco Collaboration Flex Plan 3.0 Survivable Remote Site Telephony - License - 1 endpoint	\$0.00	160	\$0.00
A-FLEX-P-PRO	Unified Communications Manager Smart Lic	\$0.00	75	\$0.00
A-FLEX-P-ENH	Cisco Collaboration Flex Plan Enhanced - Smart License - hosted	\$0.00	10	\$0.00





Recurring Services - Police Phone System

Part #	Description	Recurring	Qty	Ext. Recurring
		Recurring Subtotal		\$533.00





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Voice Products - Fire

Part #	Description	Price	Qty	Ext. Price
CP-8851-K9=	Cisco IP Phone 8851 - VoIP phone - SIP, RTCP, RTP, SRTP, SDP - 5 lines	\$363.91	3	\$1,091.73
				
CP-8811-K9=	Cisco IP Phone 8811 - VoIP phone - SIP, RTCP, RTP, SRTP, SDP - 5 lines	\$281.90	39	\$10,994.10
				
			Subtotal	\$12,085.83



Non-Voice Products - Fire

Part #	Description	Price	Qty	Ext. Price
C8200L-1N-4T	Cisco Catalyst 8200L-1N-4T - Router - GigE - rack-mountable	\$1,301.17	1	\$1,301.17
C8000-HSEC	Cisco U.S. Export Restriction Compliance - License - for Catalyst 8300, 8500, 8500-12, 8500-12X10	\$0.56	1	\$0.56
Initial Term - 60 Months Auto Renewal Term - 0 Months if not canceled within 60 days of renewal date Billing Model - Prepaid Term				
DNA-P-T0-A-5Y	Cisco Digital Network Architecture Advantage - On-Premise subscription license (5 years) - 30 Mbps aggregated throughput, up to 15 Mbps <i>New DNA Contract Term - 5Yrs</i>	\$3,079.89	1	\$3,079.89
SVS-PDNA-ADV	Cisco Digital Network Architecture Advantage - On-Premise license + Embedded Support - tiered pricing	\$0.00	1	\$0.00
DSTACK-T0-A	Cisco Digital Network Architecture Advantage Stack - License - 30 Mbps aggregated throughput, up to 15 Mbps	\$0.00	1	\$0.00
NWSTACK-T0-A	Cisco Network Stack Advantage - License - 30 Mbps aggregated throughput, up to 15 Mbps	\$0.00	1	\$0.00
SDWAN-UMB-ADV	Cisco Umbrella - License - hosted - for Cisco DNA Advantage	\$0.00	1	\$0.00
DNAC-ONPREM-PF	Cisco Digital Network Architecture Center - On-Premise license - Deployment	\$0.00	1	\$0.00
Subtotal				\$4,381.62



5-Year SMARTnet - Fire

Part #	Description	Price	Qty	Ext. Price
CON-SNTP-C8200TL1	Cisco Smart Net Total Care - Extended service agreement - replacement - 24x7 - response time: 4 h - for P/N: C8200L-1N-4T, C8200L-1N-4T= New SNTP Contract Term - 5 Yrs The SmartNet contract is for a term of 5 years. The SmartNet contract will begin one day after equipment has been shipped. Pricing for SmartNet contract is guaranteed at quoted pricing. Co-term is not available. SmartNet contract will begin when product ships, regardless of partial product delivery.	\$2,292.00	1	\$2,292.00
Subtotal				\$2,292.00

Professional Services - Fire

Part #	Description	Price	Qty	Ext. Price
Professional Services - NSI Collaboration	Professional Services - NSI Collaboration Fixed Fee Engagement in Milestones Professional Services will be billed in Milestones Milestone 1 - \$ 1,213.70 Milestone 2 - \$ 3,641.09 Milestone 3 - \$ 1,213.70	\$6,068.48	1	\$6,068.48
Subtotal				\$6,068.48





Recurring Services - Fire

Part #	Description	Recurring	Qty	Ext. Recurring
Initial Term - 60.00 Months Billing Frequency: Monthly Billing Auto Renewal On if not cancelled within 60 days of renewal date				
A-FLEX-3	Collaboration Flex Plan 3.0	\$0.00	1	\$0.00
SVS-FLEX-SUPT-BAS	SKU DESC: SVS-FLEX-SUPT-BAS	\$0.00	1	\$0.00
A-FLEX-NUPL-P	Cisco Collaboration Flex Plan Calling Professional - On-Premise license - 1 named user - hosted	\$3.85	42	\$161.70
A-FLEX-STD-CUBE	Cisco Unified Border Element - License - 1 trunk session - standard tier	\$1.57	10	\$15.70
A-FLEX-CUAC-S	Unified Attendant Console Standard	\$10.45	3	\$31.35
A-FLEX-SRST-E	Cisco Collaboration Flex Plan 3.0 Survivable Remote Site Telephony - License - 1 endpoint	\$0.00	84	\$0.00
A-FLEX-P-PRO	Unified Communications Manager Smart Lic	\$0.00	42	\$0.00
A-FLEX-P-UCXN	Unity Connection Smart License (1)	\$0.00	42	\$0.00
A-FLEX-P-ER	Cisco Collaboration Flex Plan Emergency Responder - License	\$0.00	126	\$0.00
A-FLEX-CCUCS-NU	Cisco Collaboration Flex Plan Cloud Connected UC - Standard License - hosted - Enterprise	\$0.00	42	\$0.00
A-FLEX-FILESTG-ENT	SKU DESC: A-FLEX-FILESTG-ENT	\$0.00	840	\$0.00
A-FLEX-PROPACK-ENT	Pro Pack for Cisco Control Hub Entitleme	\$0.00	42	\$0.00
A-FLEX-MSG-NU-ENT	Cisco Collaboration Flex Plan Messaging Entitlement - License - 1 named user - hosted	\$0.00	42	\$0.00
A-FLEX-SW-14-K9	On-Premises amp Partner Hosted Calling	\$0.00	1	\$0.00
Recurring Subtotal				\$208.75



Voice Products - IT

Part #	Description	Price	Qty	Ext. Price
CP-8851-K9=	Cisco IP Phone 8851 - VoIP phone - SIP, RTCP, RTP, SRTP, SDP - 5 lines 	\$363.91	1	\$363.91
CP-8811-K9=	Cisco IP Phone 8811 - VoIP phone - SIP, RTCP, RTP, SRTP, SDP - 5 lines 	\$281.90	13	\$3,664.70
Subtotal				\$4,028.61

Professional Services - IT

Part #	Description	Price	Qty	Ext. Price
Professional Services - NSI Collaboration	Professional Services - NSI Collaboration <u>Fixed Fee Engagement in Milestones</u> Professional Services will be billed in Milestones Milestone 1 - \$ 869.31 Milestone 2 - \$ 2,607.92 Milestone 3 - \$ 869.31	\$4,346.53	1	\$4,346.53
Subtotal				\$4,346.53



Recurring Services - IT

Part #	Description	Recurring	Qty	Ext. Recurring
Service Duration: 36 Months Auto Renewal: On if not canceled within 60 days of renewal date Billing Frequency: Monthly Billing				
A-FLEX-3	Collaboration Flex Plan 3.0	\$0.00	1	\$0.00
SVS-FLEX-SUPT-BAS	SKU DESC: SVS-FLEX-SUPT-BAS	\$0.00	1	\$0.00
A-FLEX-NUPL-P	Cisco Collaboration Flex Plan Calling Professional - On-Premise license - 1 named user - hosted	\$3.92	14	\$54.88
A-FLEX-CUAC-S	Unified Attendant Console Standard	\$10.64	1	\$10.64
A-FLEX-SRST-E	Cisco Collaboration Flex Plan 3.0 Survivable Remote Site Telephony - License - 1 endpoint	\$0.00	28	\$0.00
A-FLEX-P-PRO	Unified Communications Manager Smart Lic	\$0.00	14	\$0.00
A-FLEX-P-UCXN	Unity Connection Smart License (1)	\$0.00	14	\$0.00
A-FLEX-P-ER	Cisco Collaboration Flex Plan Emergency Responder - License	\$0.00	42	\$0.00
A-FLEX-CCUCS-NU	Cisco Collaboration Flex Plan Cloud Connected UC - Standard License - hosted - Enterprise	\$0.00	14	\$0.00
A-FLEX-FILESTG-ENT	SKU DESC: A-FLEX-FILESTG-ENT	\$0.00	280	\$0.00
A-FLEX-PROPACK-ENT	Pro Pack for Cisco Control Hub Entitleme	\$0.00	14	\$0.00
A-FLEX-MSG-NU-ENT	Cisco Collaboration Flex Plan Messaging Entitlement - License - 1 named user - hosted	\$0.00	14	\$0.00
A-FLEX-SW-14-K9	On-Premises amp Partner Hosted Calling	\$0.00	1	\$0.00
Recurring Subtotal				\$65.52





City of Elkhart Police Phone System, Fire & IT

Prepared by:

HQ Granger Office
Les Dant
(574) 302-2568
Fax (574) 271-7117
lesd@nsi1.com

Prepared for:

City of Elkhart
229 South 2nd St
Elkhart, IN 46516
Tony Newton
(574) 218-7865
Anthony.Newton@coei.org

Quote Information:

Quote #: 080999
Version: 4
Delivery Date: 01/30/2023
Expiration Date: 02/25/2023

Quote Summary

Description	Amount
Voice Products - Police Phone System	\$17,039.80
Non-Voice Products - Police Phone System	\$31,268.43
Non-Cisco Product - Police Phone System	\$3,228.20
5-Year SMARTnet - Police Phone System	\$8,600.00
Professional Services - Police Phone System	\$23,524.83
Voice Products - Fire	\$12,085.83
Non-Voice Products - Fire	\$4,381.62
5-Year SMARTnet - Fire	\$2,292.00
Professional Services - Fire	\$6,068.48
Voice Products - IT	\$4,028.61
Professional Services - IT	\$4,346.53
Total:	\$116,864.33

Recurring Expenses Summary

Description	Amount
Recurring Services - Police Phone System	\$533.00
Recurring Services - Fire	\$208.75
Recurring Services - IT	\$65.52
Recurring Total:	\$807.27



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Payment Options

Description	Payments	Interval	Amount
Recurring Services			
60 Month Term	60	Monthly	\$807.27
	1	One-Time	\$116,864.33

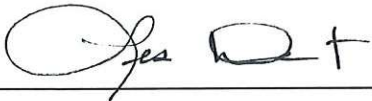
Summary of Selected Payment Options

Description	Amount
Recurring Services: 60 Month Term	
Selected Recurring Payment	\$807.27
Total of Recurring Payments	\$48,436.20
Total of Payments	\$116,864.33

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

HQ Granger Office

City of Elkhart

Signature: 
 Name: Les Dant
 Title: Account Manager
 Date: 01/30/2023

Signature: _____
 Name: Tony Newton
 Date: _____



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Terms and Conditions

1. **SHIPPING AND HANDLING.** All equipment purchased by Customer (the "Equipment") is provided FOB at the shipping location. Shipment will be made as specified by Customer and Customer is solely responsible for all expenses in connection with the delivery of the Equipment. The Equipment will be deemed accepted by Customer upon receipt.
2. **PURCHASE PRICE AND TAXES.** Customer shall pay to Network Solutions, Inc. the purchase price set forth in the applicable invoice ("Purchase Price") for each item of Equipment and installation. Customer hereby grants and Network Solutions, Inc. reserves a purchase money security interest in the Equipment and the proceeds thereof as a security for its obligations hereunder until payment of the full Purchase Price to Network Solutions, Inc. Customer authorizes Network Solutions, Inc. to file financing statements to perfect its purchase money security interest. Customer acknowledges that in the event of Customer's default and the exercise by Network Solutions, Inc. of its security interest in the Equipment, all of Customer's systems and activities which depend on the Equipment will be disrupted or rendered inoperable. The Purchase Price is due and payable upon delivery of the Equipment in accordance with the terms on the face of the invoice. Customer shall pay all taxes and other governmental charges assessed in connection with the rental, use or possession of the Equipment including, without limitation, any and all sales and/or use taxes and personal property taxes.
3. **PAST DUE INVOICES.** Invoices are past due the day following the date payment is due. Interest charges shall accrue from that date. In the event of past due invoices, Customer agrees to pay to Network Solutions, Inc., as interest, an amount equal to 2% per month, or the maximum provided by law, (whichever is less) for invoice amounts that are past due. Should Network Solutions, Inc. be forced to initiate legal action to collect unpaid amounts from past due invoices, Customer agrees to pay Network Solutions, Inc.'s reasonable attorney's fees and costs of collection in addition to the interest described above.
4. **TITLE.** Customer shall acquire title to the Equipment upon full payment of the purchase price(s) set forth herein. Notwithstanding the foregoing, Network Solutions, Inc. and any licensor of rights to Network Solutions, Inc. shall retain title to and rights in the intellectual property (whether or not subject to patent or copyright) and content contained in the materials supplied under the terms of this Agreement.
5. **RETURNS.** All returns must be approved by Network Solutions, Inc. and a RMA number assigned prior to return shipment. Customary restocking fees of 15% will apply to all non-defective returns. Returns delivered to Network Solutions, Inc. without prior consent will be rejected and returned. If evaluation product is not returned at the end of the evaluation period, evaluation unit invoices are due and payable on the day following the invoice date.
6. **SELECTION OF EQUIPMENT; MANUFACTURER WARRANTY.** Customer acknowledges that customer has selected the Equipment and disclaims any statements made by Network Solutions, Inc. Customer acknowledges and agrees that use and possession of the Equipment by Customer shall be subject to and controlled by the terms of any manufacturer's or, if appropriate, supplier's warranty, and Customer agrees to look solely to the manufacturer or, if appropriate, supplier with respect to all mechanical, service and other claims, and the right to enforce all warranties made by said manufacturer are hereby, to the extent Network Solutions, Inc. has the right, assigned to Customer. THE FOREGOING WARRANTY IS THE EXCLUSIVE WARRANTY AND IS IN LIEU OF ANY ORAL REPRESENTATION AND ALL OTHER WARRANTIES AND DAMAGES, WHETHER EXPRESSED, IMPLIED OR STATUTORY. NETWORK SOLUTIONS, INC. HAS NOT MADE NOR DOES MAKE ANY OTHER WARRANTIES OF ANY KIND, EXPRESSED OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY, OR OF NONINFRINGEMENT OF THIRD PARTY RIGHTS AND AS TO NETWORK SOLUTIONS, INC. AND ITS ASSIGNEES, CUSTOMER PURCHASES THE EQUIPMENT "AS IS".
7. **LIMITATION OF LIABILITY.** Network Solutions, Inc.'s entire liability for any damages which may arise hereunder, for any cause whatsoever, and regardless of the form of action, whether in contract or in tort, including Network Solution, Inc.'s negligence, or otherwise, shall be limited to the Purchase Price paid by Customer for the Equipment. IN NO EVENT WILL NETWORK SOLUTIONS, INC. BE LIABLE FOR ANY SPECIAL, INDIRECT, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR ANY LOSS OF BUSINESS OR PROSPECTIVE BUSINESS OPPORTUNITIES, PROFITS, SAVINGS, INFORMATION, USE OR OTHER COMMERCIAL OR ECONOMIC LOSS, EVEN IF NETWORK SOLUTIONS, INC. HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.
8. **GOVERNING LAW; DISPUTE RESOLUTION.** This Agreement is made under and will be governed by and construed in accordance with the laws of the State of Indiana (except that body of law controlling conflicts of law) and specifically excluding from application to this Agreement that law known as the United Nations Convention on the International Sale of Goods. The parties will endeavor to settle amicably by mutual discussions any disputes, differences, or claims whatsoever related to this Agreement. Failing such amicable settlement, any controversy, claim, or dispute arising under or relating to this Agreement, including the existence, validity, interpretation, performance, termination or breach thereof, the parties to this Agreement hereby consent to jurisdiction and venue in the courts of the state of Indiana.
9. **SUBSCRIPTION TERM.** For Active User Subscription services provided for a specified term, the following applies:
 - A purchase of an Active User Subscription is an obligation on the part of the Customer to purchase that service for the duration of the Subscription term. The Subscription Term may be for one (1), two (2), three (3) or five (5) years.
 - Network Solutions, Inc has a constant obligation to recalculate the Subscription quantity and Minimum Subscription Fee at the end of every subscription period, should the Subscription quantity increase. Customer agrees to compensate Network Solutions based on the actual Subscription quantity at the end of the Subscription period. Each consecutive twelve (12) month period in a Subscription Term is a Subscription Period.
 - A subscription may not be terminated without cause by either party at any time during the Subscription Term. The Subscription Term shall begin from the earlier of (a) the service



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activation date, or (b) upon expiration of the Activation Grace Period adjusted for any delay in subject to the Activation Grace Period section.

10. NON-SOLICIT. Customer agrees that, during the term of this Agreement and for a period of one (1) year thereafter, customer shall not without NSI's written consent, directly or indirectly: Solicit any personnel of NSI or its affiliates to accept any employment with customer or any other employer. In the event that customer breaches its obligations listed, then customer shall pay to NSI an amount equal to \$100,000 (Liquidated Damages). The parties intend that the NSI Breach Liquidated Damages constitute compensation, and not a penalty. The parties acknowledge and agree that NSI's harm caused by such breach would be impossible or very difficult to accurately estimate, and the NSI breach Liquidated Damages are a reasonable estimate of the anticipated or actual harm that might arise from such breach by customer.

11. MISCELLANEOUS. The above terms and conditions are the only terms and conditions upon which Network Solutions, Inc. is willing to sell the Equipment and supersede all previous agreements, promises or representations, oral or written. (ELDS01 JST 139057v2)



NetworkSolutions

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Rod Roberson
Mayor



Planning & Development
Community Development
Economic Development
Planning Services
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Elkhart, IN 46516
574.294.5471
Fax: 574.295.7501

To: City Council
From: Mike Huber *MJH*
Date: February 6, 2023
Re: 22-ANX-02 53400 CR 113

This is a request to amend the Parkway at 17 PUD Phase III to change the base district on Lot 9 from B-3, Service Business District to R-4, Multi-Family District. The change would allow the petitioner to build a 252-unit apartment complex. Such a development is needed both in the city as a whole and in that specific area, and would be compatible with surrounding land uses. The Plan Commission passed it onto City Council with a "Do Pass" Recommendation on February 6, 2023 on a 5-0 vote.

ORDINANCE NO. _____

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

WHEREAS, the Elkhart County Commission adopted Ordinance No. 10-04 (the “Parkway @ 17 DPUD -- Phase III”), establishing the zoning district for permitted uses, developmental and building standards, for the real estate located within Parkway @ 17 DPUD -- Phase III; and

WHEREAS, the Parkway @ 17 DPUD – Phase III contains the real property commonly known as Lot 9 of Parkway at 17 DPUD – Phase III (the “Real Estate”), and legally described as follows:

Lot 9 as the said Lot is known and designated on the Plat of Parkway at 17 DPUD - Phase III in Plat Book 33, Page 47, Elkhart County Recorder, situated in the Northwest Quarter of Section 7, Township 37 North, Range 6 East, Jefferson Township, Elkhart, Indiana.

WHEREAS, the Real Estate of the Parkway at 17 PUD – Phase III is presently zoned B-3, Service Business District; and

WHEREAS, the owner of the Real Estate petitioned the Elkhart City Plan Commission, requesting that the Plan Commission recommend to the Common Council of the City of Elkhart, an amendment to the Parkway @ 17 DPUD – Phase III to allow the Real Estate to be use to construct a 252-unit apartment complex; and

WHEREAS, the intended use of the Real Estate of the Parkway @ 17 PUD -- Phase III is not a permitted for property zoned as B-3, Service Business District, thus requiring a major

amendment to the Parkway @ 17 DPUD – Phase III, to change the zoning designation to R-4, Multi-Family District, if the owner’s intended use of the Real Estate is to be permitted; and

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

WHEREAS, on February 6, 2023, the Elkhart City Plan Commission conducted a public hearing on the petition to amend the Parkway @ 17 DPUD – Phase III for the purpose stated herein and voted to forward the petition to the Common Council with the Commission’s “DO PASS” recommendation.

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

Section 1. The Parkway @ 17 DPUD – Phase III, adopted under Elkhart County Commission Ordinance No. 10-04, be, and hereby is, amended to change zoning district from B-3, Service Business District to R-4, Multi-Family District, for that certain Real Estate within the Parkway @ 17 DPUD – Phase III, located in the City of Elkhart, County of Elkhart, State of Indiana, and more-specifically described as follows:

Legal Description:

Lot 9 as the said Lot is known and designated on the Plat of Parkway at 17 DPUD - Phase III in Plat Book 33, Page 47, Elkhart County Recorder, situated in the Northwest Quarter of Section 7, Township 37 North, Range 6 East, Jefferson Township, Elkhart, Indiana

Address(s):

Lot 9 of Parkway at 17 DPUD -- Phase III

Parcel Identification No.(s):

20-07-07-300-029.000-039

Section 2. Limitations of Amendment. All other terms and conditions of the Parkway @ 17 DPUD – Phase III, as previously adopted by the Elkhart County Commission under Ordinance No. 10-04, which are not specifically amended in this ordinance, remain in full force and effect.

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

So ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

Rod Roberson
Mayor



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

February 6, 2023

The Common Council
City of Elkhart
Elkhart, IN 46516

RE: Petition 23-PUDA-01

Vacant Lot, Parkway Avenue (Lot 9 of Parkway at 17 DPUD – Phase III; Parcel I.D. # 20-07-07-300-029.000-039)

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, February 6, 2023**, heard the above petition as prescribed by Section Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Parkway at 17 DPUD – Phase III ordinance approved by the Elkhart County Commissioners numbered 10-04. The ordinance establishes the PUD to be developed to the B-3 standards; the proposed amendment would change the base district on Lot Nine (9) to R-4 to allow for multi-family housing. This amendment applies only to the parcel described in the legal description.

The Plan Commission **voted 5 to 0 in favor** of this PUDA petition and thus it is sent to the Common Council with a "Do Pass" recommendation.

Sincerely,

A handwritten signature in black ink that reads "Jamie Kochanowski". The signature is written in a cursive, flowing style.

Jamie Kochanowski
Plan Commission Recording Secretary



Staff Report

Planning & Zoning

Petition: 22-PUDA-01

Petition Type: Major Amendment to PUD

Date: February 6, 2023

Petitioner: Parkwel Development LLC

Site Location: Vacant Lot, Parkway Avenue (Lot 9 of Parkway at 17 DPUD – Phase III; Parcel I.D. # 20-07-07-300-029.000-039)

Request: Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Parkway at 17 DPUD – Phase III ordinance approved by the Elkhart County Commissioners numbered 10-04. The ordinance establishes the PUD to be developed to the B-3 standards; the proposed amendment would change the base district on Lot Nine (9) to R-4 to allow for multi-family housing. This amendment applies only to the parcel described in the legal description.

Existing Zoning: DPUD-B3, Detailed Planned Unit Development to the B-3 Standards

Size: +/- 20.8 Acres

Thoroughfares: Parkway Avenue

School District: Middlebury Community Schools

Utilities: Available and provided to site.

Plan Commission Action: Recommendation to Common Council.

Surrounding Land Use & Zoning:

Properties to the north, west, and south are commercial and vacant zoned DPUD B-3. Property to the east is agricultural zoned Elkhart County Zoning.

Applicable Sections of the Zoning Ordinance:

See enumerated in request.

Comprehensive Plan:

The Comprehensive Plan does not yet take this area into account but is anticipated to call for it to be developed with mixed uses.



City of Elkhart | Elkhart GIS | Maxar | Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Staff Analysis

The petitioner owns a 20.8-acre property located on the east side of the terminating cul-de-sac at the south end of Parkway Avenue which they wish to develop with a 252-unit apartment complex. The Parkway Development allows generally for B-3 uses, which is a relatively intense commercial use.

There has been one PUD amendment in recent years, in Phase IV, to allow for a memory care facility (Harmony at Elkhart) at 1129 Parkway Avenue, which is northwest of this site. Nursing homes and apartment buildings are built to higher densities than single family residences, and they are commonly found in or adjacent to commercial districts since their intensities can be similar.

Staff has reviewed the conceptual plan and does not foresee any major impediments to developing site with the proposed apartments. The project has not been fully engineered and still needs to go through the City's Technical Review process. The Final Site Plan would also need to receive approval by the Plan Commission before any permits could be issued.

The proposed change in the PUD would alter the base district for this parcel only. The remainder of the PUD has the commercial B-3 District as its base; if passed, this would change the base district for the parcel to R-4, which is the City's Multi-Family Residential District.

The R-4 District allows for a range of residential districts, along with other uses commonly associated with residential zones such as schools, churches, and parks. In all likelihood, given the site's size and location, multi-family residential is the highest and best use for the parcel. The amendment would also preclude the site from being used for any commercial uses.

Recommendation

The Staff recommends **approval** of the major amendment to the Planned Unit Development based on the following findings of fact:

- 1) The Comprehensive Plan is anticipated to call for this area to be developed with mixed uses. The proposed use is compatible with mixed uses.
- 2) The proposed uses should not impact the other permitted uses approved for this PUD. The proposed use should not negatively impact surrounding properties. The site has adequate parking.
- 3) The proposed use is compatible with other activity already permitted by the planned unit development – B-3 (commercial).

Photos





Attachments

Petition, appeal letter, site plan.

PETITION #: 23.PUDA.01

FILING FEE: \$ 200-

PETITION to the PLAN COMMISSION

PETITION TYPE:

PUD Major PUD Amendment Minor PUD Amendment

All PUD & PUD Amendment petitions require final approval from the Common Council

Property Owner(s): Parkwel Development LLC

Mailing Address: 25928 Northshore Dr 46514

Phone #: 574-536-5411 Email: dbrekke@wingsetc.net

Contact Person: Dan Brekke

Mailing Address: 25928 Northshore Dr 46514

Phone #: 574-536-5411 Email: dbrekke@wingsetc.net

Subject Property Address: Lot 9 PARKWAY AVENUE

Zoning: GPUD-B3

Present Use: Vacant Commercial Proposed Use: High Density Residential

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

PROPERTY OWNER(S) (PRINT): Dan Brekke, Member

SIGNATURE(S):  DATE: 12/28/22


STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

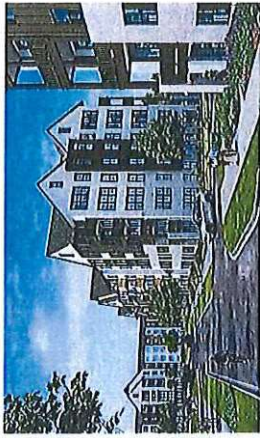
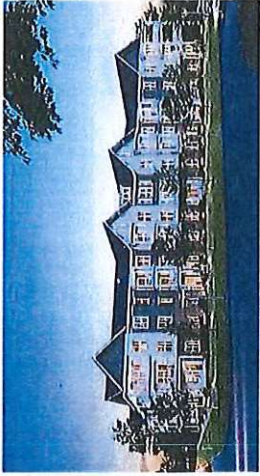
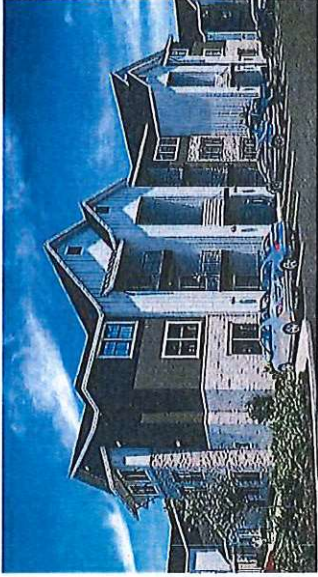
Map #: _____ Area: _____

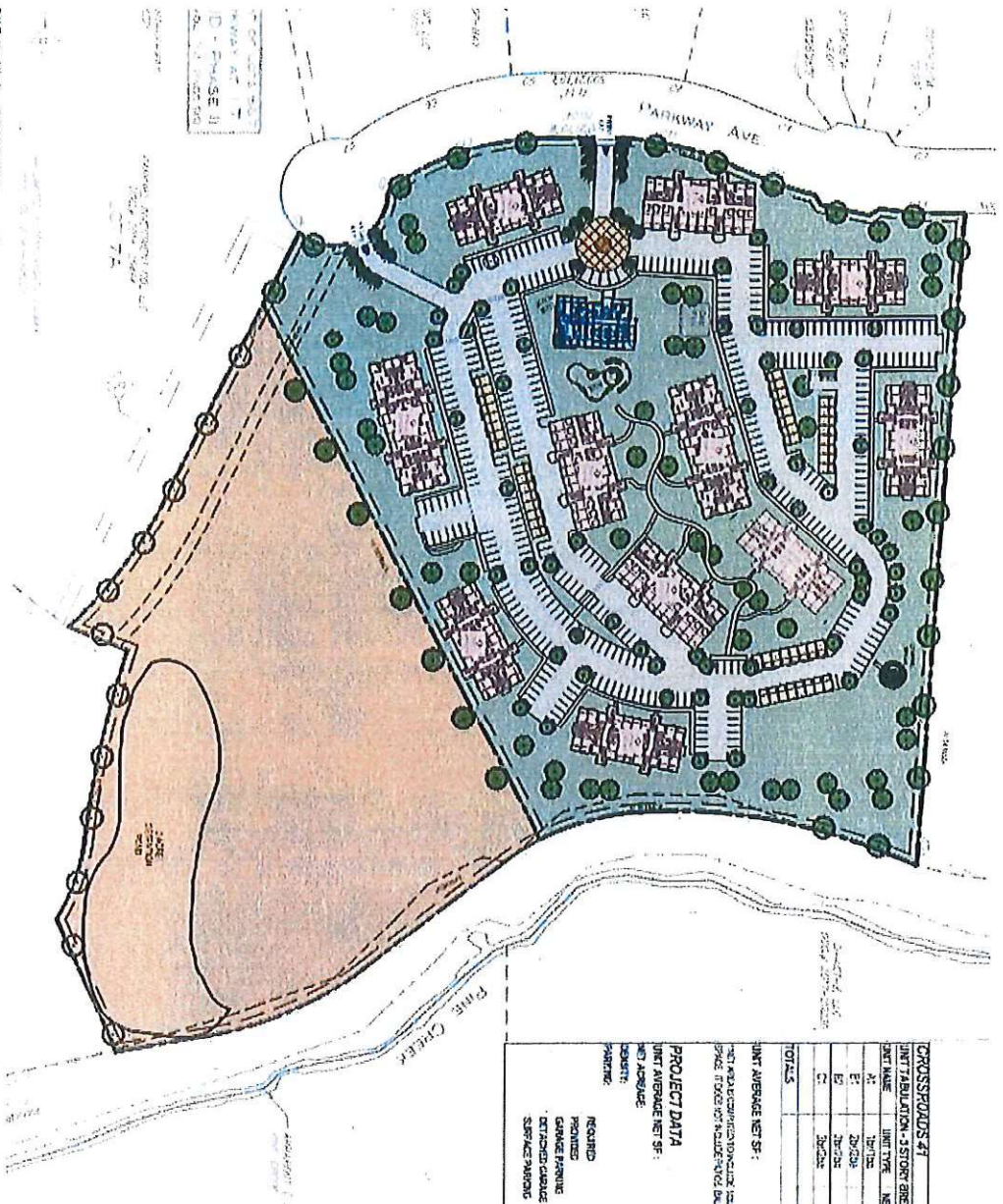
RECEIVED BY:  DATE: 12/29/2022

C41

Programming	
Units	252
	1 Bd 117
	2 Bd 117
	3 Bd 18
Residential Buildings	11
Ancillary Buildings	6
Leasing/ Clubhouse	1
Parking Spaces	441
Garage Spaces	43
Amenities	Onsite Leasing Center, Onsite Maintenance Staff, Fitness Center, Nature Walk, Pup Park, Pool, Grill Stations

C41





PROJECT NO. 10-000000
 SHEET NO. 10-000000-01
 DATE: 10/15/00

CROSSROADS #1				HOLLADAY PROPERTIES			
UNIT NAME	UNIT TYPE	NET AREA (SFT)	UNIT COUNT	PERCENTAGE	TOTAL AREA	RESIDUAL	THRU
A1	1BR/1BA	634	714	42%	74,502	45%	
E1	2BR/2BA	900	10	40%	9,000	45%	
E2	2BR/2BA	1,250	12	5%	15,000	10%	
C1	2BR/2BA	1,318	24	18%	31,632	10%	
TOTALS			261	100%	210,134		

UNIT AVERAGE NET SF:		SFS	
1,268	814	1,268	814

PROJECT DATA
 UNIT AVERAGE NET SF: 814
 NET AVERAGE: 1,268
 CHART: 10-000000-01
 PARTIAL: 10-000000-01

REQUIRED:
 100 SPACES (100% MINIMUM)
 100 SPACES (100% MINIMUM)
 100 SPACES (100% MINIMUM)
 100 SPACES (100% MINIMUM)



DATE: 12/28/2022

TO: Honorable Members Of The
Plan Commission And City
Council, City Of Elkhart, Indiana

FROM: Parkwel Development LLC

RE: AMENDMENT TO PLANNED UNIT DEVELOPMENT

The purpose of this memorandum is to request an amendment of the zoning map to modify zoning on parcel 07-07-300-029-039. The Current zoning of the 20.682 acre parcel is GPUD-B3, and the applicant request to amend zoning for this parcel to CPUD-R4, Multiple Family Dwelling District Standards. If amended the revised zoning ordinance will allow for High Density Residential development, for which the applicant proposes the development of a 252-Apartment Unit community. Details regarding the proposed development are provided on the site plan included within this application, The proposed development meets the intent of City Zoning Ordinance 20.1. Furthermore, it is determined the proposed development pursues measures that improve and protect the public health, safety, and welfare by pursuing the following objectives;

1. The proposed Is in accordance with the Comprehensive Plan;

The proposed development is in conformity with the framework and intent of the Comprehensive plan, By it's inherent nature, the high density residential project considered in the proposed amendment meets the intended purpose of responsible development as defined by the framework of the Comprehensive Plan. The proposed 252-apartment unit project, situated at the South Eastern Gateway of the city, will bring rental housing to an area that has seen the delivery of industrial jobs outpace housing deliveries. This disparity has kept workers outside of city limits as more than 30,000 workers who work in Elkhart County commute in from surrounding cities and countuies. This project will meet the basic standards of the comprehensive plan while helping the city solve for the growing housing need as well as the recruitment, retention and expansion of the workforce in the area.

2. Encourages innovations in development and/or redevelopment;

The project is situated at the South Eastern Gateway of the city, at the intersection of CR17 and US 20. The high visibility of this location lead the project team to believe that the projet will be a transformative project for this pocket of the city. With a high level of focus and attention to quality and detail the team believes the project will be a catalyst for future commercial development within the Pine Creek development, as well as along CR. 17.



3. Fosters the safe, efficient, and economic use of the land, transportation, public facilities, and services;

The proposed project fosters the safe, efficient and economic use of the land, transportation, and public facilities and services. The proposed apartment community will be served by public utilities located at the roadway on Parkway Ave. The site will be logically designed to maximize the use of the site to get the required density while delivering the necessary parking. The project is designed to provide unhindered circulation by emergency support vehicles, so that all buildings can be served by first responders if need be.

The project will be served by existing water and sewer mains located within the roadway on Parkway Ave. The site has existing electrical facilities and gas will be ran to multiple low pressure gas meters located on the site.

Vehicular access to the community will be achieved through two private drives accessed from Parkway Ave located at the western property line. Commuters will utilize a lighted intersection at the crossroads of Verdant Dr. and CR. 17 before entering onto CR 17, to avoid adversely affecting nearby traffic patterns.

4. Facilitates the provision of adequate public services such as transportation, water, sewer, storm, drainage, electricity, and public parks;

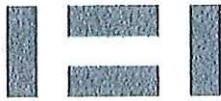
The proposed community will be served by existing public utilities located at the roadway on Parkway Ave to include; water, sewer, and electricity. Residents will have many walkpaths, greenspaces, and outdoor recreation areas to enjoy onsite which will supplant the need to travel to nearby community parks.

Similarly to other multifamily suburban apartment communities residents of the community will rely on personal vehicles for transportation. The reliance on personal vehicles will not adversely affect the surrounding neighborhoods, or the residents of the community as the subject site is situated at the intersection of two major arterial thoroughfares within the county and the impact of the additional vehicles here will be negligible. Adequate parking is provided at a ratio of 1.75 parking spaces per unit.

5. Avoids the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;

The project team understands the design of services and utilities can have both direct and indirect impacts on areas where flood risk are present. Design standards will consider all flood damage reduction measures available in an effort to avoid inappropriate design of site elements. Furthermore, with HUD financing on this project additional oversight by third party consultants will be employed throughout the lifecycle of this development.

6. Encourages patterns of land use which decrease trip length of automobile travel and encourage trip consolidation;



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

FROM: Dan Brekke
25928 Northshore Dr. 46514
Elkhart, IN

The undersigned petitioner respectfully shows the Plan Commission and Council:

1. I, Dan Brekke, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to wit:

A part of the West Half of Section 7, Township 37 North, Range 6 East, and a part of the East Half of Section 12, Township 37 North, Range 5 East, Elkhart County, Indiana, described as follows: Beginning at the northwest corner of said Section 7; thence North 89 degrees 29 minutes 15 seconds East 930.17 feet along the north line of said Section 7 to the northeast corner of Parkway at 17 D.P.U.D., Phase I, which is recorded in Plat Book 29, page 81 in the Office of the Recorder of said county; thence South 0 degrees 00 minutes 00 seconds East 1,328.15 feet along the east line of said subdivision to the southeast corner of said subdivision, Phase I; thence North 89 degrees 18 minutes 31 seconds East along the north line of Parkway at 17 D.P.U.D., Phase 11, which is recorded in Plat Book 32, page 83 in said Recorders Office to Pine Creek; thence Southerly, following the meanderings of said creek, to the north boundary of U.S. 20; thence South 89 degrees 57 minutes 12 seconds West 52.84 feet along said boundary; thence South 89 degrees 27 minutes 08 seconds West 56.30 feet along said boundary to the southeast corner of Parkway at 17 D.P.U.D., Phase III, which is recorded in Plat Book 33, page 47 in said Recorders Office; (the following 8 courses are along the northern boundary of said U.S. 20 and along the southern boundary of said subdivision, Phase III) thence North 88 degrees 10 minutes 53 seconds West 229.81 feet; thence North 88 degrees 19 minutes 03 seconds West 211.74 feet; thence North 80 degrees 20 minutes 59 seconds West 134.84 feet; thence North 65 degrees 48 minutes 23 seconds West 123.47 feet; thence North 52 degrees 33 minutes 15 seconds West 178.75 feet; thence North 46 degrees 01 minute 37 seconds West 300.05 feet; thence North 49 degrees 39 minutes 15 seconds West 219.50 feet; thence North 64 degrees 39 minutes 39 seconds West 64.08 feet to the southeast corner of said subdivision, Phase 11; (the following 3 courses are along said boundary and along the southern boundary of said subdivision, Phase 11); thence North 64 degrees 31 minutes 24 seconds West 116.15 feet; thence North 89 degrees 06 minutes 01 second West 272.83 feet; thence North 35 degrees 49 minutes 09 seconds West 175.59 feet to the east boundary of County Road 17; thence North 2 degrees 05 minutes 35 seconds West 267.65 feet along said boundary and along the western boundary of said subdivision, Phase II; thence South 89 degrees 28 minutes 36 seconds West 393.47 feet to a corner of Eastland Industrial Park, Phase VI, Part "B", which is recorded on Plat Book 27, page 100 in said Recorders Office; thence South 55 degrees 47 minutes 33 seconds West 340.43 feet along the southeastern boundary of said industrial park to a corner of said industrial park; thence South 4 degrees 06 minutes 46 seconds East 241.78 feet along the eastern boundary of said industrial park to the north boundary of said U.S. 20; (the following 2 courses are along the northern boundary of said U.S. 20 and along the southern boundary of said industrial park) thence South 86 degrees 07 minutes 55 seconds West 629.55 feet; thence North 85 degrees 20 minutes 20 seconds West 199.80 feet to the southwest corner of said industrial park; thence North 0 degrees 18 minutes 27 seconds West 1,914.07 feet along the west line of said industrial park to a corner of said park; thence North 88 degrees 37 minutes 12 seconds West 5.94 feet along the boundary of said park to a corner of said industrial park; thence North 0 degrees 12 minutes 30 seconds West 300.09 feet along the west line of said industrial park to the northwest corner of said industrial park; thence North 0 degrees 18 minutes 37 seconds West 2,354.09 feet along the west line of the real estate described in Instruments 2003-13595 and 2003-13593 to the north line of said Section 12; thence South 88 degrees 57 minutes 42 seconds East 1,316.32 feet along said line to the northeast corner of said Section 12; thence North 0 degrees 25 minutes 33 seconds West 49.98 feet along the west line of said Section 7 to the point of beginning and containing 290.701 acres, more or less.

2. The above described real estate presently has a zoning classification of GPUD-B3 District under the Zoning Ordinance of the City of Elkhart.



The close proximity of the proposed development to major job centers within the city encourage residents to live closer to their place of work and should effectively reduce travel time for many residents within the community.

7. Minimizes adverse environmental impacts of development;

The proposed development is located within an existing commercial PUD already cleared for development. Given the current condition of the site the project team is projecting there will be no adverse environmental impact. As mentioned in item four, third party consultants will be utilized to ensure that there is no adverse environmental impact to floodways, rivers or streams, and any critically endangered species.

8. Improves the design, quality, and character of new development;

The design of the community will be done in conformity of applicable Zoning Ordinance requirements, as well as good industry standards to ensure they deliver a high quality apartment community of good design and quality. Furthermore, the applicant has prevailing interest in the quality of the project at delivery as the marketability of the project relies on it being the preeminent suburban multifamily project in Elkhart. Additionally, the applicant intends to build, with the intent of securing a National Green Building standard certification this project.

9. Fosters a more rational pattern of relationship between residential, business, and industrial uses;

It is the applicant's belief that high density residential projects such as the proposed serve as a logical buffer between commercial and residential uses.

10. Protects existing neighborhoods from harmful encroachment by intrusive or disruptive development

The site and its supporting infrastructure are sized appropriately to accommodate the additional density the project considers with minimal impact to surrounding neighborhoods. The proposed project is located within a commercial area with limited impact to existing residential neighborhoods. The closest residential neighborhood is roughly ½ a mile away located opposite of US 20 from the site, and will not be in direct line of site or affected by increased traffic patterns due to the increased density.

**AFFIDAVIT IN SUPPORT OF PLANNED UNIT DEVELOPMENT (PUD) PETITION
OR PUD AMENDMENT PETITION**

I, Dan Brekke being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my Planned Unit Development (PUD) petition or PUD Amendment petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at 25928 N. Shore Dr. Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 28 day of Dec, 2022

Daniel L. Brekke

Printed: Daniel L. Brekke

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Daniel L. Brekke

Printed: Daniel L. Brekke

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Daniel Brekke and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 29 day of December, 2022.

Shawn A. Woods

Printed: Shawn A. Woods



My Commission Expires:

9-25-2030

SHAWN A WOODS, Notary Public
Elkhart County, State of Indiana
Commission Number NP0743922
My Commission Expires September 25, 2030

Notary Public in and for the State of Indiana
Resident of Elkhart County, Indiana



3. Petitioner proposes to occupy the above-described real estate in a High-Density Multiple Family Residential Use.
4. Petitioner desires to amend said Planned Unit Development for that purpose.

Wherefore, Petitioner prays and respectfully request a hearing on this appeal and that after such hearing, the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate amendment of the PUD as described in this petition.

Dan Brekke
Parkwel Development, LLC
dbrekke@wingsetc.net



DATE: 12/28/2022

TO: Honorable Members Of The
Plan Commission And City
Council, City Of Elkhart, Indiana

FROM: Parkwel Development LLC

RE: AMENDMENT TO PLANNED UNIT DEVELOPMENT

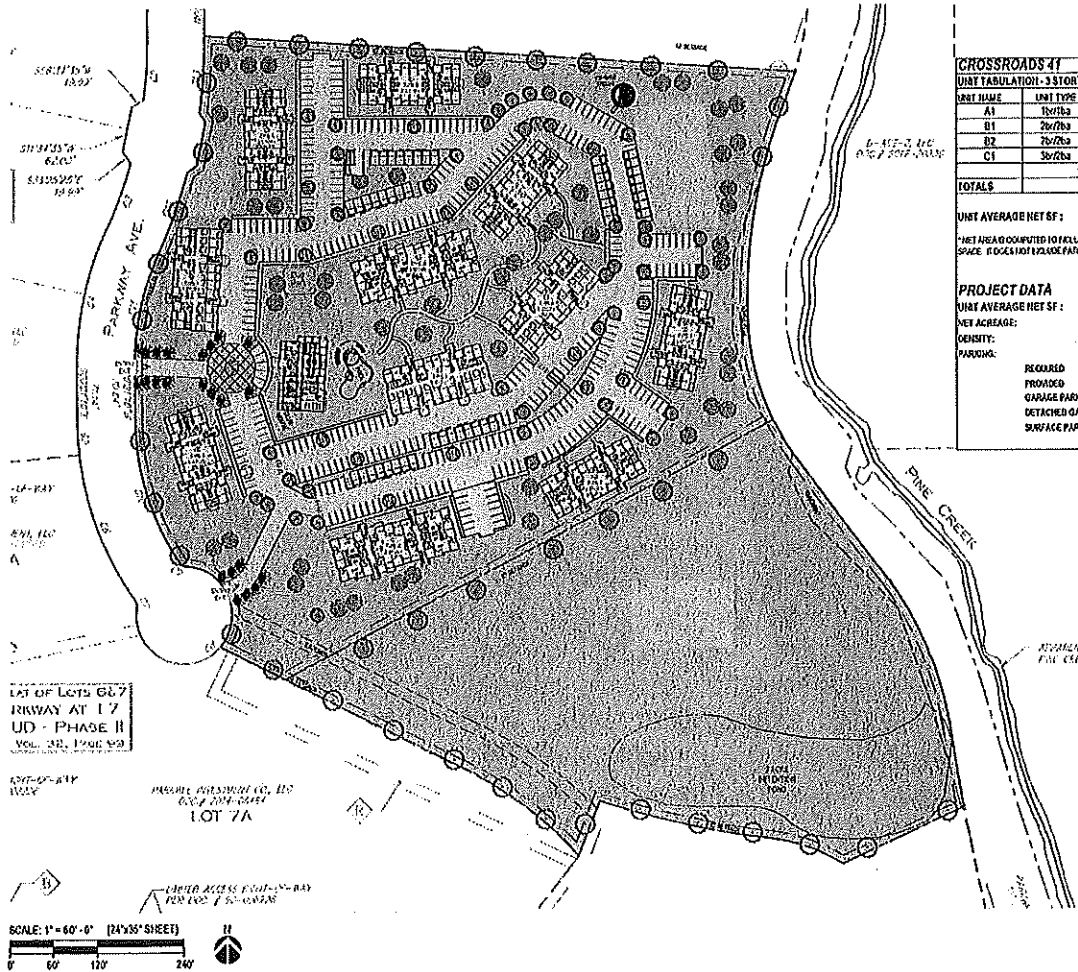
The purpose of this memorandum is to request an amendment of the zoning map to modify zoning on parcel 07-07-300-029-039. The Current zoning of the 20.682 acre parcel is GPUD-B3, and the applicant request to amend zoning for this parcel to CPUD-R4, Multiple Family Dwelling District Standards. If amended the revised zoning ordinance will allow for High Density Residential development, for which the applicant proposes the development of a 252-Apartment Unit community. Details regarding the proposed development are provided on the site plan included within this application. The proposed development meets the intent of City Zoning Ordinance 20.1. Furthermore, it is determined the proposed development pursues measures that improve and protect the public health, safety, and welfare by pursuing the following objectives;

1. The proposed Is in accordance with the Comprehensive Plan;

The proposed development is in conformity with the framework and intent of the Comprehensive plan. By it's inherent nature, the high density residential project considered in the proposed amendment meets the intended purpose of responsible development as defined by the framework of the Comprehensive Plan. The proposed 252-apartment unit project, situated at the South Eastern Gateway of the city, will bring rental housing to an area that has seen the delivery of industrial jobs outpace housing deliveries. This disparity has kept workers outside of city limits as more than 30,000 workers who work in Elkhart County commute in from surrounding cities and countuies. This project will meet the basic standards of the comprehensive plan while helping the city solve for the growing housing need as well as the recruitment, retention and expansion of the workforce in the area.

2. Encourages innovations in development and/or redevelopment;

The project is situated at the South Eastern Gateway of the city, at the intersection of CR17 and US 20. The high visibility of this location lead the project team to believe that the projet will be a transformative project for this pocket of the city. With a high level of focus and attention to quality and detail the team believes the project will be a catalyst for future commercial development within the Pine Creek development, as well as along CR. 17.



CROSSROADS 41						HOLLADAY PROPERTIES		2022181
UNIT FABRICATION - 3 STORY BRIDGEWAY BUILDING								111622
UNIT NAME	UNIT TYPE	NET AREA (SQ FT)	UNIT COUNT	PERCENTAGE	TOTAL AREA	% BREAKDOWN		
A1	1707sq	851	111	45%	14,556	45%		
B1	2677sq	820	102	40%	91,600	45%		
B2	2677sq	1,050	12	5%	12,600			
C1	3076sq	1,318	24	10%	31,632	10%		
TOTALS			252	100%	210,888			

UNIT AVERAGE NET SF: 838

*NET AREA COMPUTED TO EXCLUDE SQUARE FOOTAGE FROM EXTERIOR FACE OF ALL EXTERIOR FINISH WALLS THAT ENCLOSE A SPACE. IT DOES NOT INCLUDE PATIO, BALCONIES, PATIO BALCONY STORAGE.

PROJECT DATA

UNIT AVERAGE NET SF: 838 SF.
 NET ACREAGE: 13.48 GROSS ACRES
 DENSITY: 19 UNITS/ACRE

PARKING:

REQUIRED	411 SPACES (1.75 SPACES)
PROVIDED	411 SPACES
GARAGE PARKING	30 GARAGE SPACES
DETACHED GARAGE	40 GARAGE SPACES
SURFACE PARKING	371 SURFACE SPACES
	1.75 SPACES/UNIT



3. Fosters the safe, efficient, and economic use of the land, transportation, public facilities, and services;

The proposed project fosters the safe, efficient and economic use of the land, transportation, and public facilities and services. The proposed apartment community will be served by public utilities located at the roadway on Parkway Ave. The site will be logically designed to maximize the use of the site to get the required density while delivering the necessary parking. The project is designed to provide unhindered circulation by emergency support vehicles, so that all buildings can be served by first responders if need be.

The project will be served by existing water and sewer mains located within the roadway on Parkway Ave. The site has existing electrical facilities and gas will be ran to multiple low pressure gas meters located on the site.

Vehicular access to the community will be achieved through two private drives accessed from Parkway Ave located at the western property line. Commuters will utilize a lighted intersection at the crossroads of Verdant Dr. and CR. 17 before entering onto CR 17, to avoid adversely affecting nearby traffic patterns.

4. Facilitates the provision of adequate public services such as transportation, water, sewer, storm, drainage, electricity, and public parks;

The proposed community will be served by existing public utilities located at the roadway on Parkway Ave to include; water, sewer, and electricity. Residents will have many walkpaths, greenspaces, and outdoor recreation areas to enjoy onsite which will supplant the need to travel to nearby community parks.

Similarly to other multifamily suburban apartment communities residents of the community will rely on personal vehicles for transportation. The reliance on personal vehicles will not adversely affect the surrounding neighborhoods, or the residents of the community as the subject site is situated at the intersection of two major arterial thoroughfares within the county and the impact of the additional vehicles here will be negligible. Adequate parking is provided at a ratio of 1.75 parking spaces per unit.

5. Avoids the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;

The project team understands the design of services and utilities can have both direct and indirect impacts on areas where flood risk are present. Design standards will consider all flood damage reduction measures available in an effort to avoid inappropriate design of site elements. Furthermore, with HUD financing on this project additional oversight by third party consultants will be employed throughout the lifecycle of this development.

6. Encourages patterns of land use which decrease trip length of automobile travel and encourage trip consolidation;



The close proximity of the proposed development to major job centers within the city encourage residents to live closer to their place of work and should effectively reduce travel time for many residents within the community.

7. Minimizes adverse environmental impacts of development;

The proposed development is located within an existing commercial PUD already cleared for development. Given the current condition of the site the project team is projecting there will be no adverse environmental impact. As mentioned in item four, third party consultants will be utilized to ensure that there is no adverse environmental impact to floodways, rivers or streams, and any critically endangered species.

8. Improves the design, quality, and character of new development;

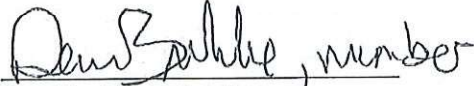
The design of the community will be done in conformity of applicable Zoning Ordinance requirements, as well as good industry standards to ensure they deliver a high quality apartment community of good design and quality. Furthermore, the applicant has prevailing interest in the quality of the project at delivery as the marketability of the project relies on it being the preeminent suburban multifamily project in Elkhart. Additionally, the applicant intends to build, with the intent of securing a National Green Building standard certification this project.

9. Fosters a more rational pattern of relationship between residential, business, and industrial uses;

It is the applicant's belief that high density residential projects such as the proposed serve as a logical buffer between commercial and residential uses.

10. Protects existing neighborhoods from harmful encroachment by intrusive or disruptive development

The site and its supporting infrastructure are sized appropriately to accommodate the additional density the project considers with minimal impact to surrounding neighborhoods. The proposed project is located within a commercial area with limited impact to existing residential neighborhoods. The closest residential neighborhood is roughly ½ a mile away located opposite of US 20 from the site, and will not be in direct line of site or affected by increased traffic patterns due to the increased density.



Dan Brekke, Member
Parkwel Development LLC
dbrekke@wingsetc.net



12/28/2022

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

FROM: Dan Brekke
25928 Northshore Dr. 46514
Elkhart, IN

The undersigned petitioner respectfully shows the Plan Commission and Council:

1. I, Dan Brekke, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to wit:

Lot 9 as the said Lot is known and designated on the Plat of Parkway at 17
DPUD - Phase III in Plat Book 33, Page 47, Elkhart County Recorder,
situated in the Northwest Quarter of Section 7, Township 37 North,
Range 6 East, Jefferson Township, Elkhart, Indiana

20.682 Acres

Parcel ID # 07-07-300-029-039

2. The above described real estate presently has a zoning classification of GPUD-B3 District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner proposes to occupy the above-described real estate in a High-Density Multiple Family Residential Use.
4. Petitioner desires to amend said Planned Unit Development for that purpose.

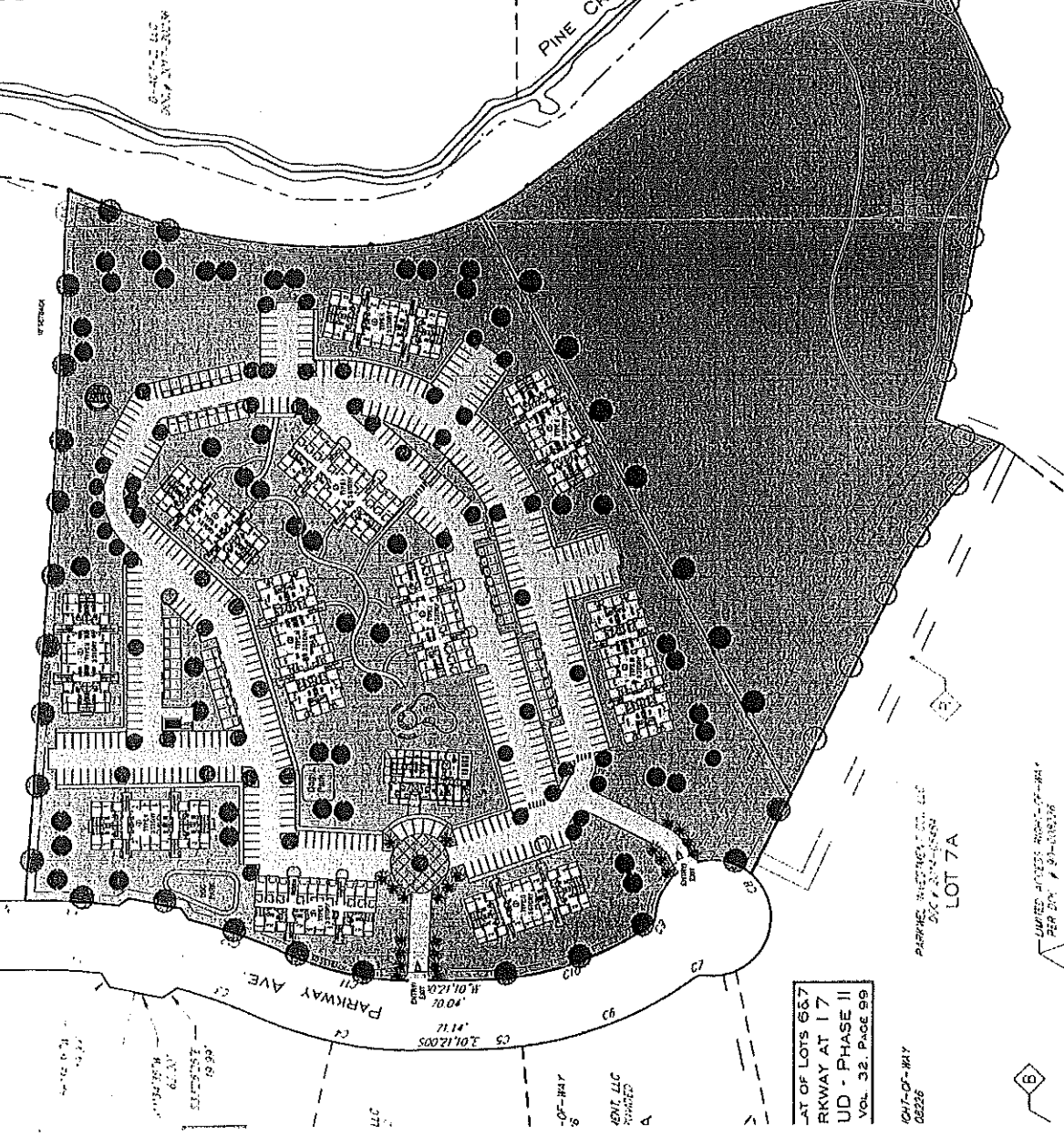
Wherefore, Petitioner prays and respectfully request a hearing on this appeal and that after such hearing, the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate amendment of the PUD as described in this petition.

Dan Brekke, Member
Parkwel Development LLC
dbrekke@wingsetc.net

CROSSROADS 41		HOLLADAY PROPERTIES				
UNIT NAME	UNIT TYPE	NET AREA(SF)	UNIT COUNT	PERCENTAGE	TOTAL AREA	% BREAKDOWN
A1	1br/108	654	114	45%	74,550	45%
B1	2br/208	900	102	40%	97,800	45%
B2	2br/208	1,050	12	5%	12,600	10%
C1	3br/208	1,318	24	10%	31,632	10%
TOTALS			252	100%	210,582	

UNIT AVERAGE NET SF: 836
 *NET AREA IS COMPUTED TO INCLUDE SQUARE FOOTAGE FROM EXTERIOR FACE OF ALL EXTERIOR FRAME WALLS THAT ENCLOSE A/C SPACE. IT DOES NOT INCLUDE PATIOS, BALCONIES, PATIO/BALCONY STORAGE.

PROJECT DATA
 UNIT AVERAGE NET SF: 836 S.F.
 NET ACREAGE: 13.40 GROSS ACRES
 DENSITY: 19 UNITS/ACRE
 PARKING:
 REQUIRED: 441 SPACES (1.75 SPACES)
 PROVIDED: 441 SPACES
 GARAGE PARKING: 30 GARAGE SPACES
 DETACHED GARAGE: 40 GARAGE SPACES
 SURFACE PARKING: 371 SURFACE SPACES
 1.75 SPACES/UNIT



LOT OF LOTS 6&7
 RKWAY AT 17
 UD - PHASE II
 VOL. 32, PAGE 99

CONTRACT NO. 08226
 HOLLADAY PROPERTIES, L.P.
 2507 PARKWAY
 LOT 7A
 DATED: 11/15/22
 SHEET NO. 17 OF 17



HUMPHREYS & PARTNERS ARCHITECTS, L.P.
 5100 Arroyo Rd., Suite 200, Dallas, TX 75244 | 972.371.6525 | www.humphreys.com

HOLLADAY PROPERTIES

ARCHITECTURAL SITEPLAN
 SCHEME 04

SP04

CROSSROADS 41
 11/15/22

ORDINANCE NO. PC10-04

AN ORDINANCE TO AMEND THE ELKHART COUNTY CODE 36-7-4-600 MORE SPECIFICALLY ARTICLE 2, DISTRICTS AND ZONE MAPS FOR REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM GENERAL PLANNED UNIT DEVELOPMENT-B-3 TO A DETAILED PLANNED UNIT DEVELOPMENT-B-3 TO BE KNOWN AS PARKWAY @ 17 DPUD - PHASE III; AND BY CHANGING THE ZONE MAPS INCORPORATED BY REFERENCE IN ARTICLE 2, DISTRICTS AND ZONE MAPS OF THE ELKHART COUNTY ZONING ORDINANCE

WHEREAS, Gateway Properties submitted a petition to change the zone maps for the real estate described in SECTION 1 of this ordinance from GPUD-B-3 to DPUD-B-3 on March 1, 2010;

WHEREAS, The Site Plan Review Committee did critique the petition as submitted and made those comments part of the file for consideration by the Elkhart County Plan Commission;

WHEREAS, The Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in The (Elkhart) Truth on the 29th day of March 2010 and in The Goshen News on the 23th day of March 2010 and did mail as prescribed by Rule and Law the Notice of Public Hearing to all persons of record with in 300 feet;

WHEREAS, The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 8th day of April, 2010 and did take public input at that meeting;

WHEREAS, The Elkhart County Advisory Plan Commission did give reasonable regard to the criteria established by IC 36-7-4-603 and Specifications I - Planned Unit Development of the Elkhart County Zoning Ordinance; And

WHEREAS, The petition was sent to the Board of County Commissioners for Elkhart County with a Favorable Recommendation and reasonable Conditions as outline in this Ordinance.

WHEREAS, The petition was sent to the Board of County Commissioners for Elkhart, Indiana with a Favorable Recommendation.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY INDIANA, AS FOLLOWS:

SECTION 1. That the legal description of the real estate attached hereto as Exhibit A is made a part of this ordinance and incorporated herein by this reference.

SECTION 2. That the real estate described in SECTION 1 of this Ordinance be rezoned from GPUD-B-3 to DPUD-B-3 effective immediately and the zone maps adopted by reference in Article 2 of the Elkhart County Zoning Ordinance for Elkhart County, Indiana be amended and ordered amended and changed to reflect the said rezoning of said real estate.

SECTION 3. That the Detailed Planned Unit Development be granted for the real estate described in **SECTION 1** of this Ordinance. Unless this Ordinance specifies to the contrary, all Permitted Uses and Development Standards for the B-3 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced, and the Development Plan and Site Plan/Support Drawing will supersede all Permitted Uses, Special Uses and Development Standards.

SECTION 4. That all Development Plan(s) must be submitted to the Plat Committee of the Elkhart County Advisory Plan Commission for approval as a Secondary Plat; Secondary approval shall be granted only if the Development Plan(s) comply with the provisions of this Ordinance, the Site Plan/ Support Drawing, and the Subdivision Control Ordinance. The Development Plan(s) shall be incorporated into this Ordinance by this reference. All Secondary Plats will reference this Ordinance and if the intent of this Ordinance or the Site Plan/ Support drawing is not clear the Secondary Plan may be considered by the County Advisory Plan Commission at a Public meeting.

SECTION 5. That the Site Plan / Support Drawing is made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

SECTION 6. This Detailed Planned Unit Development Ordinance will limit the use of this real estate to what has been shown on the Site Plan / Support Drawing.

SECTION 7. That the additional documentation and supporting information listed in Section 9 of this Ordinance must be supplied and the conditions specified in Section 9 of this Ordinance must be satisfied prior to any permits for construction being issued.

SECTION 8. That the following specified limitations to this Planned Unit Development have been adopted and imposed: None were imposed.

SECTION 9. List of additional documentation, supporting information, and conditions:

1. That all permits for construction may be issued prior to the recording of the DPUD with no Certificate of Occupancy to be issued until the PUD Plat has been recorded as the use of the property as a ball park, whether for practice, the playing of games, or any gathering, is prohibited and is in violation of the DPUD Ordinance until the Certificate of Occupancy has been issued and the PUD has been recorded.
2. That no earthmoving or land improvements be permitted within the Special Flood Hazard Area as designated unless properly permitted by State, Federal and local agencies. Any work within the right-of-way of the county drain to be approved by the Elkhart County Drainage Board.
3. That a Cross-Access Maintenance Agreement be recorded, specifically for Lots 8 and 9, prior to the adoption of the Development Plan (PUD Plat). The agreement shall permanently address the rights of access to Lot 8 with the responsibilities for maintenance and enforcement of the agreement between the lot owners of Lots 8 and 9.

Page 2 of 3 Ordinance NO. PC10-04

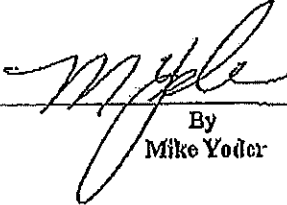
SECTION 10. In the event any covenant, restriction, provision or section of this Ordinance or any portion thereof is declared invalid or void, such declaration shall in no way affect any other covenant, restriction, or section.

SECTION 11. This Ordinance shall be in full force and effect from and after its passage and approval in according with the law.

ORDAINED AND ADOPTED THIS THE 17TH DAY OF MAY 2010 BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA.



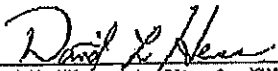
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 
David L. Hess Auditor for Elkhart County

Page 3 of 3 Ordinance NO. PC-10-04

Legal Description

A part of the Southwest Quarter of Section 7, Township 37 North, Range 6 East, Jefferson Township, Elkhart County, Indiana, more particularly described as follows:

Beginning at a Markbach bar and cap located at the southernmost corner of Lot 7A, as shown on the "Replat of Lots 6 & 7 Parkway at 17 OPUD - Phase II", recorded in Plat Book 32, page 99, office of the Recorder of Elkhart County, Indiana; thence along the southeast line of said Lot 7A North 381°15'57" East 430.12 feet to a bar and cap at the easternmost corner of Lot 7A; thence along the northeast line of said Lot 7A northwesterly 224.27 feet along an arc to the left having a radius of 550.00 feet and subtended by a long chord bearing North 847°82'00" West 222.78 feet to a bar and cap; thence continuing along the said northeast line North 63°22'44" West 355.04 feet to a bar and cap located on the boundary of the cut-de-sac of Parkway Avenue as shown on said Replat; thence northerly and northwesterly along said cut-de-sac boundary 150.73 feet along a non-tangent arc to the left having a radius of 67.00 feet and subtended by a long chord bearing North 223°1'21" West 120.90 feet to a bar and cap at a point of reverse curvature; thence continuing along said boundary of Parkway Avenue 12.95 feet along an arc to the right having a radius of 14.00 feet and subtended by a long chord bearing North 60°27'59" West 12.50 feet to a bar and cap located at a point of compound curvature on the east boundary of Parkway Avenue as shown and dedicated on the plat of "Parkway at 17 OPUD - Phase II", recorded in Plat Book 32, page 83, office of the Recorder of Elkhart County, Indiana; thence continuing along said east boundary 211.16 feet along an arc to the right having a radius of 350.00 feet and subtended by a long chord bearing North 17°09'23" West 208.15 feet to a bar and cap; thence continuing along said east boundary North 0°21'10" West 70.55 feet to a bar and cap; thence continuing along said east boundary northwesterly 158.90 feet along an arc to the right having a radius of 350.00 feet and subtended by a long chord bearing North 12°17'31" East 157.61 feet to a bar and cap at a point of reverse curvature; thence continuing northwesterly along said east boundary 119.30 feet along an arc to the left having a radius of 690.00 feet and subtended by a long chord bearing North 19°59'00" East 119.15 feet to a bar and cap; thence continuing along said east boundary North 33°25'25" West 14.94 feet to a bar and cap; thence continuing along said east boundary North 13°34'35" East 52.00 feet to a bar and cap; thence continuing northerly along said east boundary 97.82 feet along a non-tangent arc to the left having a radius of 650.00 feet and subtended by a long chord bearing North 04°03'41" East 97.74 feet to a bar and cap; thence continuing along said east boundary North 00°00'00" East 128.94 feet to a bar and cap; thence continuing along said east boundary North 00°00'00" East 275.60 feet to a bar and cap; thence northwesterly 82.83 feet along an arc to the right having a radius of 40.00 feet and subtended by a long chord bearing North 45°00'00" East 56.57 feet to a bar and cap on the south boundary of Verdant Drive; thence continuing along said south boundary North 90°00'00" East 129.24 feet to a bar and cap at the southwest corner of Tract B as shown on the said plat of Parkway at 17 OPUD - Phase II; thence continuing along the south boundary of Tract B North 88°57'31" East 250.08 feet to a bar and cap; thence continuing along said south boundary North 90°00'00" East 391.72 feet; thence South 01°38'46" East 470.88 feet; thence continuing along said south boundary North 90°00'00" East 391.72 feet; thence South 01°38'46" East 470.88 feet; thence continuing along said south boundary North 90°00'00" East 391.72 feet and subtended by a long chord bearing South 10°26'57" West 184.81 feet to a point of the right having a radius of 441.19 feet and subtended by a long chord bearing South 10°26'57" West 184.81 feet to a point of reverse curvature; thence southwesterly 317.58 feet along an arc to the left having a radius of 704.21 feet and subtended by a long chord bearing South 08°57'04" West 314.81 feet to a point of compound curvature; thence southwesterly 195.58 feet along an arc to the left having a radius of 327.97 feet and subtended by a long chord bearing South 20°27'45" East 193.55 feet to a point of reverse curvature; thence southwesterly 214.57 feet along an arc to the right having a radius of 14,044.76 feet and subtended by a long chord bearing South 37°11'21" East 234.57 feet to a point of compound curvature; thence southwesterly 214.58 feet along an arc to the right having a radius of 445.53 feet and subtended by a long chord bearing South 22°59'04" East 212.52 feet to a point of reverse curvature; thence southwesterly 269.23 feet along an arc to the left having a radius of 4032.97 feet and subtended by a long chord bearing South 16°05'54" East 256.98 feet to the north boundary of US 20; thence along said north boundary North 85°10'53" West 229.81 feet to a Markbach bar and cap; thence continuing along said north boundary North 88°19'03" West 211.74 feet to a Markbach bar and cap; thence continuing along said north boundary North 80°20'59" West 134.84 feet to a Markbach bar and cap; thence continuing along said north boundary North 65°48'25" West 125.47 feet to a Markbach bar and cap; thence continuing along said north boundary North 52°33'35" West 178.75 feet to a Markbach bar and cap; thence continuing along said north boundary North 48°01'37" West 300.05 feet to the place of beginning, and containing 44.42 acres.

LEGAL NOTICE #23-PUDA-01

Hearing on proposed Planned Unit Development Case #23-PUDA-01

NOTICE is hereby given that the City of Elkhart Plan Commission will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **February 6, 2023 at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on Planned Unit Development Amendment Case #23-PUDA-01

Petitioner: Parkwel Development LLC

Request: Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Parkway at 17 DPUD – Phase III ordinance approved by the Elkhart County Commissioners numbered 10-04. The ordinance establishes the PUD to be developed to the B-3 standards; the proposed amendment would change the base district on Lot Nine (9) to R-4 to allow for multi-family housing. This amendment applies only to the parcel described in the legal description.

Location: Vacant Lot, Parkway Avenue (Lot 9 of Parkway at 17 DPUD – Phase III; Parcel I.D. # 20-07-07-300-029.000-039)

Zoning: DPUD-B3, Detailed Planned Unit Development to the B-3 Standards

This meeting can also be accessed via WebEx. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <http://coei.webex.com>, enter 2315 285 4415 as the meeting number and “Plan” as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to Jamie.Kochanowski@coei.org prior to the meeting.

LEGAL DESCRIPTION:

Lot 9 as the said Lot is known and designated on the Plat of Parkway at 17 DPUD - Phase III in Plat Book 33, Page 47, Elkhart County Recorder, situated in the Northwest Quarter of Section 7, Township 37 North, Range 6 East, Jefferson Township, Elkhart, Indiana

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Commission, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 13th day of January, 2023, by the City of Elkhart, Plan Commission.

Publication Date: 1/27/2023

NOTE NOT FOR PUBLICATION . . . The City of Elkhart Planning Department, Municipal Building, 229 South Second Street, Elkhart, IN 46516 . . . should be billed for the cost of this publication. Please send proof of publication to this address. Thank you.

BOARD OF PUBLIC WORKS
Tuesday, January 17, 2023

Vice-President Chad Crabtree called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, January 17, 2023. Clerk of the Board Nancy Wilson called the roll. Chad Crabtree, Rose Rivera and Jamie Arce attended in person. Ronnie Davis and Mike Machlan were absent. Chad said it was after 9:00 a.m. and no more quotes would be accepted.

1. Approve Agenda

A motion was made by Jamie Arce and seconded by Rose Rivera to approve the agenda. On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the agenda was amended to Open Quote 23-02 Production Well Rehab North Main Wellfield. The amended agenda carried 3-0.

2. Open Quotes

Quote #23-02 Production Well Rehab

Two quotes were received for Quote #23-02 Production Well Rehab. North American Pump Company quoted option 2 in the amount of \$115,500.00. Peerless Midwest Inc. quoted options 1, 2 & 3. Option 1 \$247,500.00, Option 2 \$81,970.00, and Option 3 \$85,050.00.

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board referred the quotes to the staff of Public Works and Utilities for their review and recommendation at a future meeting.

3. Claims & Allowance Docket.

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board approved the claims and allowance docket totaling \$3,893,172.34, consisting of 20 pages as prepared on January 10, 2023 at 2:32 p.m.

4. Minutes Regular Meeting January 3, 2023

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board approved the minutes from January 3, 2023.

5. Engineering

(A.) Administration

Board of Works Resolution 23-R-02 Bond Ordinance for Sewage Works Revenue Bonds

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board approved Resolution 23-R-02 approving the acquisition, construction, and installation of certain improvements to the sewage works system of the City, the issuance of revenue bonds, including the issuance of notes in anticipation of such bonds, to provide for the cost thereof, and other matters connected therewith.

(B.) Utility

Board of Works Resolution #22-R-01 Sunnyside Bridge Utility Coordination Appropriation

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board approved Board of Works Resolution 23-R-01, appropriating \$114,600.00 to the Project Coordination fund 6203-5-999-7999999 for the Sunnyside Bridge Utility Coordination- Amendment 1.

Partial Payment #11 to Bowen Engineering Elkhart WWTP Capacity Upgrades Phase 2

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the

BOARD OF PUBLIC WORKS
Tuesday, January 17, 2023

Board approved partial payment #11 in the amount of \$1,121,614.00 to Bowen Engineering Corporation from the allocated SRF Loan for construction on the Elkhart WWTP Capacity Upgrades Phase 2 project.

Partial Payment #51 to Donohue & Associates: Elkhart WWTP Capacity Upgrades Phase 2

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board approved partial payment request #51 in the amount of \$63,405.00 to Donohue & Associates, Inc. from the allocated SRF Loan for Professional Services on the Elkhart WWTP Capacity Upgrades Phase 2 project.

Control Measure 6 Upper St. Joseph River CSO Control Design Date Compliance

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board accepted and placed on file the notification of the Control Measure 6 Upper St. Joseph River CSO Control Design Date Compliance.

Award Bid #23-01 2023 Utility Materials

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board awarded each line to the lowest, responsive, and responsible bidder for each item as shown on the 2023 Utility Materials Bid tab summary for Bid #23-01 Utility Materials.

Change Order #1 & Final Big & Tall Sewer Extension Bid #22-21

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board released all retainage and approved Change Order #1 & Final for the Big and Tall Sewer Extension project, Bid #22-21, for a decrease of \$22,500.00, bringing the final contract price to \$71,042.50.

(C.) Right of Way

Request Bid #23-03 Greenleaf Road Rehabilitation

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board approved plans and specifications and granted permission to advertise Bid #23-03 Greenleaf Blvd. Road Rehabilitation project.

Award Bid #23-02 2023 Street Materials

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board awarded each line to the lowest, responsive, and responsible bidder for each item as shown on the 2023 Street Materials Bid tab summary for Bid #23-02 Utility Materials.

(D.) Summary

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board ratified the following permits:

Water Assessment Application:

James Yoder
60727 Ashton Way
Elkhart, IN. 46517
Property: 1901 Yuma
Paid in full, \$2317.20

BOARD OF PUBLIC WORKS
Tuesday, January 17, 2023

Revocable Permits: #6544, Owner: Windstream KDL, LLC
Property: 2022 W Lusher Ave
Permit Holder: Windstream KDL, LLC
Description: New pole required for job completion

#6545, Owner: Elkhart Public Library
Property: 300 S. Second St
Permit Holder: Elkhart Public Library
Description: Take up 1 parking space on high St

#6546, Owner: Moose Lodge
Property: 1500 C.R. 6
Permit Holder: Judy Cunningham
Description: Put up a sign

#6547, Owner: LaCasa Inc
Property: 1308 Magnolia Ave
Permit Holder: Kenneth Holmes, ModWay Homes, LLC
Description: Setting a home with a crane

6. Utilities

(A.) Administration

Water Utility MRO for December 2022

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board accepted and placed on file the Water Utility MRO for December 2022.

Request for Credit 2123 Greenleaf Blvd.

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board denied the request for a credit of \$1,298.60 for water that was consumed and treated by the Utility. Tim Reecer explained the request. The owners were not present.

25% Rule Violation Penalty Requests

A motion was made by Jamie Arce and seconded by Rose Rivera to assess a penalty of \$100.00 to McDonalds Restaurant located at 1430 S. Nappanee St. (F2021-018) for a 25% FOG Rule Violation, and assess a \$100.00 penalty to McDonalds Restaurant located at 2808 Cassopolis St. (F2021-021) for a 25% FOG Rule Violation. Susie from McDonalds came forward to speak to the Board. She said they take these very seriously. She said Megan and the City team have helped them understand better to prevent environmental. We will comply to whatever you tell us. When we found out we had the violation we scheduled them to come clean it the very next day. Now we have a procedure all written out. Chad said we are not in the business of fining; we are in the business of compliance. We appreciate you coming in today. On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board amended the motion and removed both penalties. The amended motion carried 3-0.

BOARD OF PUBLIC WORKS
Tuesday, January 17, 2023

(B.) Regulatory Compliance

Agreement to Extend Interlocal Agreement with Simonton Lake Conservancy District

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board approved an Agreement to extend the Interlocal Agreement between the City of Elkhart and the Simonton Lake Conservancy District.

7. New Business

Uniform Conflict of Interest Disclosure Statement: Nancy Wilson, Gary Boyn

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board accepted and placed on file Uniform Conflict of Interest Disclosure Statements from Nancy Wilson and Gary Boyn.

Clear Law Institute Harassment Prevention Training Course

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board approved a contract with Clear Law Institute, LLC for a Harassment Prevention Training Course.

Contract with Periscope Films, LLC

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board approved a contract with Periscope Films, LLC for the licensing of a single video not to exceed \$1,000.00.

Award Printer RFP to Ricoh

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board awarded the printer proposal to Ricoh under Indiana QPA contract #13915, for City-wide printers which include 22 new multifunction devices on a 60 month term, at a monthly cost of \$1,647.24, with a 1\$ buyout.

Contract with Personnel Partners

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board approved a staffing order with Personnel Partners for an hourly rate not to exceed \$44.80 to allow the Department of Development Services to complete the ARP Owner Occupied Rehab Program.

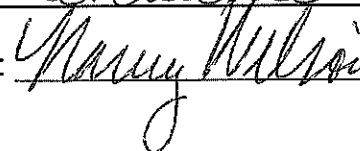
8. Use & Event Permits

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board ratified the MLK March permit for January 16, 2023.

9. Adjournment

On motion by Jamie Arce, seconded by Rose Rivera and carried 3-0, the Board of Works adjourned at 9:42 a.m.

 Chad Crabtree, Vice-President

Attest:  Nancy Wilson, Clerk of the Board

PLAN COMMISSION
-MINUTES-
Tuesday, January 3, 2023 - Commenced at 1:45 P.M. & adjourned at 2:33 P.M.
City Council Chambers – Municipal Building



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

MEMBERS PRESENT

Dave Osborne
Ron Davis
Mark Datema
Tony Irwin
Proxy-Tim Reecer
Proxy-Danielle Neal
Proxy-Arvis Dawson

MEMBERS ABSENT

Aaron Mishler

REPRESENTING THE PLANNING DEPARTMENT

Ryan Smith, Planner- In person
Nathan Hooley, Planner- via Webex

LEGAL DEPARTMENT

Maggie Marnocha, Corporation Counsel- In person

TECHNOLOGY STAFF

Ian Irizarry

RECORDING SECRETARY

Jamie Kochanowski

APPROVAL OF AGENDA

Motion to approve by Dawson; Second by Datema . Voice vote carries.

APPROVAL OF MINUTES

Motion to approve by Dawson; Second by Datema. Voice vote carries.

APPROVAL OF PROOFS OF PUBLICATION

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

ELECTION OF OFFICERS

Motion to by Davis for the same officers of 2022 to remain with addition of Datema as secretary;
Motion by Dawson; Second by Neal. Roll call vote. Motion Carries.

Proxy Neal	Yes
Ron Davis	Yes
Mark Datema	Yes
Dave Osborne	Yes
Arvis Dawson	Yes
Tony Irwin	Yes

OLD BUSINESS

None

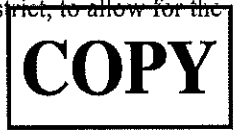
NEW BUSINESS

NEW BUSINESS

23-X-01 PETITIONER IS IGLESIA DEL DIOS VIVO

PROPERTY IS LOCATED AT 1209 HARRISON STREET

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



STAFF ANALYSIS

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

STAFF RECOMMENDATION

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

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

CONDITIONS

None

Irwin asks if there are questions from the Commission.

Irwin calls petitioner forward.

Mr. Gabriel Lopez, 864 State Line Road, Calumet City, IL via webex states they purchased the property and that it is a clinic and they would like to use it for 6 members of their church for a Bible study place. Says they will remodel and obtain permits.

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

Irwin closes the public portion of the meeting.

Irwin asks if there are questions from the Commission.

Irwin calls for a motion.

Osborne makes motion with a Do-Pass Recommendation to the BZA; Second by Datema. Roll call vote. Motion carries.

- Ron Davis-Yes
- Mark Datema-Yes
- Proxy-Arvis Dawson-Yes
- Dave Osborne-Yes
- Proxy-Tim Reecer-Yes
- Proxy-Danielle Neal-Yes
- Tory Irwin-Yes

23-X-02 PETITIONER IS DARRELL PETERSON, EXECUTIVE DIRECTOR, ELKHART COUNTY YOUTH FOR CHRIST, INC

PROPERTY IS LOCATED AT 2721 PRAIRIE STREET

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

Dawson responds it is an after school program for the kids. Dawson also responds that they do have housing for kids after school, but that is at a different location.

Welsh states the original petition for the lifeline building was to operate the lifeline program for youth.

COPY

Weimer responds this is an after school program where the kids are being bussed there and school age children coming from schools. Irwin asks for any other questions.

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Osborne makes motion with a Do-Pass Recommendation to the BZA; Second by Neal. Roll call vote. Motion carries.

Proxy-Danielle Neal-Yes

Ron Davis-Yes

Mark Datema-Yes

Proxy-Arvis Dawson-Yes

Proxy-Tim Reecer-Yes

Dave Osborne-Yes

Tory Irwin-Yes

**22-ANX-02 PETITIONER IS STAYLOCK STORAGE IN LLC C/O STORAGE RENTALS OF AMERICA
PROPERTY IS LOCATED AT 53400 COUNTY ROAD 113**

As prescribed by Section 29.11.B, a request to annex one (1) parcel located at 53400 County Road 113, land containing approximately 15.4 acres. To also rezone the 15.4 acres of land contained within the petition from DPUD M-1, Detailed Planned Unit Development (M-1 Standards) to M-1, Limited Manufacturing District.

STAFF ANALYSIS

This staff report is being prepared for annexation 22-ANX-02 to annex land generally addressed to 53400 County Road 113, Parcel ID #20-02-26-276-013.000-026, Elkhart, Indiana 46514, Osolo Township.

The land in the petition is partially developed and zoned DPUD M-1 in Elkhart County's jurisdiction. The intent of the petitioner is to continue to use and develop the property as a self-storage facility, with the planned addition of a 40,000-60,000 square foot building also to be used for self-storage. The petitioner is also requesting the land be rezoned to M-1. The proposed use would be allowed in the M-1 District. It is not anticipated that costs related to the provision of city services will increase for this annexation, and the city's total levy will be increased both with the current state of the property as well as with the planned new building.

The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The size of the area to be annexed is approximately 15.4 acres. The territory to be annexed is approximately 46% contiguous to the current City limits. The contiguity requirement stated in the Indiana Code is 12.5%.

STAFF RECOMMENDATION

Staff recommends approval of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

1. The area to be annexed meets all applicable requirements of IC 36-4-3;
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as industrial.
3. The current conditions and the character of current structures under construction and future structures is consistent and the City will be enhanced by the annexation;
4. The annexation is in accordance with the most desirable use;

5. The annexation will conserve property values throughout the jurisdiction; and
6. The annexation represents responsible growth and development of the City of Elkhart.



CONDITIONS

None

Smith states this was advertised but there were no public notices mailed; we have not received any feedback and this would be a recommendation to the City Council.

Irwin asks if there are questions.

Dawson responds asking what the purpose of the annexation is and what the particular reason is they want to annex into the City.

Smith responds to connect to utilities.

Dawson asks if we have a line.

Irwin responds he is guessing we have verified that.

Smith responds yes according to GIS.

Reecer inquires if the rezone is the difference between the county zoning standards and the city's zoning standards.

Smith responds no it will just simplify administration and the one difference it will not have to come back to the plan commission and tech review will be required.

Irwin calls petitioner forward.

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

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Osborne makes motion with a Do-Pass Recommendation to the Common Council; Second by Datema. Roll call vote. Motion carries.

- Ron Davis-Yes
- Proxy-Danielle Neal-Yes
- Mark Datema-Yes
- Proxy-Tim Reecer-Yes
- Dave Osborne-Yes
- Proxy-Arvis Dawson-Yes
- Tory Irwin-Yes

23-SUB-01 PETITIONER IS EGAP ELKHART I, LLC
PROPERTY IS LOCATED AT 154 W HIVELY AVENUE (WOODLAND CROSSING)

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a subdivision to be known as 'Woodland Crossing,' a six (6)-lot subdivision with mutual cross access easements; a part of the Northeast Quarter of Section 17, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana.

STAFF ANALYSIS

The Petitioners own two parcels comprising approximately 33.4 acres, including a 31.9 acre parcel zoned B-2 containing the Woodland Crossing shopping center and a vacant 1.6-acre property zoned R-1. The owner wishes to subdivide it into six lots in order to facilitate sale and adaptive reuse and/or redevelopment. The proposed subdivision conceives of the property as having six buildings; the main building comprising Kroger and the former Sears would be split into three separate buildings on separate parcels to be redeveloped or reused by separate entities.

The property has already been developed with a complex system of parking areas and driveways. At this time no specific physical changes are proposed. However, in order to subdivide the property, a number of variances from the Zoning Ordinance are proposed, and will be under consideration by the Board of Zoning Appeals (BZA) on January 12. The proposed variances include zero setbacks for the main building that is being subdivided, lot frontages less than 75 feet on Lots 2, 3, and 4, a building (Kroger) that is four feet taller than what is allowed (35 feet), and the existing lack of a bufferyard on the north section of the property adjacent to R-1 zoning. The details of variance request 23-BZA-04 are:

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

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

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

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

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

STAFF RECOMMENDATION

The Staff recommends **approval** of six-lot subdivision to be known as 'Woodland Crossing' with a common mutual ingress-egress easement across all existing drive aisles and travel ways, a part of the Northeast Quarter of Section 17, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, based on the following findings of fact:

1. The lots meet the minimum lot area requirements for the B-2, Community Business District and R-1, One-Family Dwelling District, except where noted;
2. The proposed request results in the creation of six (6) additional lots as defined by the Zoning and Subdivision Ordinance.
3. The proposed subdivision will not compromise any existing development.

CONDITIONS

1. The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
2. Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.

3. Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.
4. The project must be reviewed and approved through the City's Technical Review process prior to the submission of the final plat to the Plat Committee.
5. The petitioner must receive approval from the Board of Zoning Appeals for the variances listed in the staff report prior to the Final Plat being recorded.

COPY

Smith states there were 61 letters mailed, 1 returned in favor with no comment.

Irwin adds that he would like to add one condition is that there needs to be private easements added across all the lots for all of the utilities. Irwin also adds that the utilities serving different buildings run across lots which will be separate lots.

Irwin asks if there are questions from the Commission.

Datema responds regarding existing drive aisles and travel ways, understands there is no way they can adjust the lane travel at any point capping off lanes of travel to landlock a retailer.

Smith responds they would have to do a revision of the easement and that would be recorded on the plat so it is permanent unless there would be an amendment done that would require approval.

Irwin calls petitioner forward.

Jeff Barnes, Jones, Petrie, Rafinski (JPR), 325 S Lafayette Blvd, South Bend, IN 46601, the land surveyor, Essential Growth Properties is also online; Jeff states there is a lot going on with this development and a lot to address while submitting the plat, asks for guidance and input from the commission. Barnes also says this is a good thing to revitalize the area and bring more opportunities to the facility.

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

Mark Troyer, 245 Thorndale Drive, Elkhart, IN resident speaks in response to development is very interested in what the shopping center owners plan to do and would like for it not to affect their property/home in any negative way. Resident states their backyard is to the north side, the green space by the Public Library. Troyer states he is looking to the Plan Commission to help them out and that everything being done not detriment the area. Troyer also states he understands these are new owners, and the previous owners were not very cooperative.

Irwin responds this is the first step to replat the land and this is not about buildings or new development at this time and have no plans at this time.

Smith responds there is no word to any physical changes, but changes would require B2 standards (moderate density business district) and would need to go to the BZA (a public meeting) for anything outside of that.

Irwin assures resident Mark Troyer that the staff will keep him in the loop and make sure he knows what is going on.

Irwin closes the public portion of the meeting.

Irwin asks if there are any other questions.

Osborne responds stating that the resident was talking about lot 1 which is on the North West side and inquires to the current zoning.

Smith responds the property is R1 and that if something was built there it would have to be a single family residence right now. Smith also responds with this subdivision, the lines between the zoning districts are not going to line up and will need rezoned.

Osborne states that this may give comfort to the residents there remaining R1.

Dawson states that there may need to have a buffer that maintains the R1 field on anything proposed.

Smith inquires where the buffer would need to be.

Dawson responds from Thorndale all the way down to the library.



Smith responds that if it is redeveloped, we cannot make that requirement but they could voluntarily do that.
Dawson encourages the staff to request that.

Datema inquires on the recreational aspect of the comprehensive plan.

Smith responds that he noticed that, but does not have a response at this time as that being on the agenda at this point.

Irwin calls for a motion.

Dawson makes motion with a Do-Pass Recommendation to the Common Council with the conditions outlined by staff and the additional condition that the utilities be in an easement that is developed across all these sites. Second by Neal. Roll call vote. Motion carries.

- Proxy-Tim Reecer-Yes
- Mark Datema-Yes
- Ron Davis-Yes
- Proxy-Arvis Dawson-Yes
- Proxy-Danielle Neal-Yes
- Dave Osborne-Yes
- Tory Irwin-Yes

23-X-03 PETITIONER IS WOLF PACK, LLC
PROPERTY IS LOCATED AT 112 E LEXINGTON AVENUE

A Special Exception per section 15.3, Special Exception Uses in the Central Business District (CBD), to allow an event center in an existing commercial building

STAFF ANALYSIS

The petitioner has purchased an existing commercial building in the downtown area just east of Main Street. This building was previously a Knights of Columbus meeting hall. The petitioner desires to use the building as an event center. The building has existing bar and kitchen facilities but the proposal is for clientele to cater their own food for events. The petitioner is looking into applying for a liquor license as a service to their business.

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

STAFF RECOMMENDATION

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

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

CONDITIONS

None

Irwin asks if there are questions from the Commission.

Irwin calls petitioner forward.

Ignacio Perez, 57805 9th St, Elkhart, IN 46517, states he just bought this building and is trying to open up the event center like it used to be the Knights of Columbus, will try and paint the outside and inside of the building.

COPY

Neal inquires of the primary use of the facility.
Perez responds it will be rented out.

Dawson asks Perez of he has done this before or if it is his 1st venture.

Perez responds it is his first venture.

Dawson inquires if they will be requiring a liquor license.

Perez replies by saying yes and that that they will hire a lawyer to go through.

Neal inquires what hours they will be open.

Peres responds by saying all day events closing at 11:00pm.

Davis inquires to the capacity of the event center.

Perez replies that the one upstairs in the front is 350, back in the bar is 100 and the basement where the kitchen is, is 200.

Davis inquires if parking will be an issue.

Perez responds he doesn't believe it will be.

Reecer inquires how many spaces they have.

Perez responds 10 and they will need to use public parking.

Reecer states Perez says they could have 600 people in the building and that there are not 600 spaces and asks if they will be doing multiple events on a single day.

Perez responds only 1.

Neal inquires if they will be doing the catering.

Perez replies they will be hiring the catering.

Irwin asks if they will be having the catering brought in or if they will be doing the cooking there.

Perez responds for right now it will be brought in.

Irwin explains there are requirements from the County Health Department as well as the City, and encourages due diligence from petitioner to meet all those.

Osborne states that he owns property near there and asks if there will be outside activities such as children outside when they have events. Osborne explains that in the past, children have been allowed to be outside unattended.

Perez responds his idea is to make a place for the children in the bar in the basement with games (a place for the kids to play).

Datema inquires if there will be an outdoor smoking area.

Perez responds no they will not.

Dawson mentions that the building is historical and in the downtown district has brought a lot of activity which they want and he wishes Perez well and on behalf of the City. Dawson also states that anything that the City can do to make them successful that we are here to help. Dawson tells Perez, "Thank you for opening it up."



Perez responds that what he wants to do and he is thinking about painting inside and outside.

Irwin states it is great to have that space occupied again.

Reecer inquires if the recent event at that facility was their event asking if it went well.

Perez replies that it was their event and that it was a family event.

Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Dawson makes motion with a Do-Pass Recommendation to the BZA; Second by Reecer. Roll call vote. Motion carries.

- Proxy-Arvis Dawson-Yes
- Dave Osborne-Yes
- Proxy-Tim Reecer-Yes
- Mark Datema-Yes
- Ron Davis-Yes
- Proxy-Danielle Neal-Yes
- Tory Irwin-Yes

STAFF ITEMS

23-SI-01

Plan Commission approval of proposed address for the City of Elkhart.

The Planning and Zoning Department is requesting approval of the addresses that have been reserved for structures in the City of Elkhart.

Residential

- | | |
|------------------------------------|-------------------------------|
| 1413 Prairie Street Apt. 100 & 200 | Existing Residential Building |
| 1415 Prairie Street Apt. 100 & 200 | Existing Residential Building |
| 201 N Third Street Apt. 100 & 200 | Existing Residential Building |

Commercial

- | | |
|--------------------|--------------------------------|
| 145 Prairie Street | Standalone ATM |
| 2200 Gavin Street | Readdressing Existing Business |

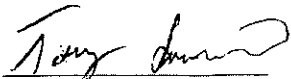
STAFF RECOMMENDATION


Staff recommends that the Plan Commission assign the proposed addresses based on staff recommendation.

Dawson makes motion to approve; Second by Reecer. Voice vote carries.

ADJOURNMENT

Irwin calls for a motion to adjourn meeting. Davis approves motion to adjourn and is seconded by Neal. Meeting is adjourned and all are in favor.


Tory Irwin, President


Dave Osborne, Vice-President

COPY

CITY OF ELKHART • STORMWATER BOARD MEETING MINUTES

Office of Public Works & Utilities • 1201 S. Nappanee Street • Meeting started at 3:30 p.m., Thursday, October 20, 2022

In Attendance – Jim Boyles, Wes Steffen, Corinne Straight and Joe Foy

1. APPROVED MINUTES – August 18, 2022

2. STORMWATER UTILITY

a. Construction Site Inspections

Joe provided a spreadsheet with current project information and a summary sheet showing the inspections completed in August and September 2022. A large number of NOTs (12) were approved for projects since the last meeting.

b. New Ordinance

A meeting is planned with Christopher Burke and Associates staff next week to discuss the wording of the new ordinance. A final draft of this ordinance is due to PWU November 18th for further comments and final revisions will be due back to Burke staff by December 16th. Final documents are then due to PWU by January 20, 2023.

c. New Permit – additional documents

Updates for the Stormwater Quality Management Plan (SWQMP), identification of three community wide issues, a high priority areas map and updates to the Illicit Discharge Detection and Elimination (IDDE) ordinance will be needed to comply with the new MS4 Permit. Outside engineering staff will be retained to assist with these items.

d. Proposed 2023 Stormwater Utility Budget

Joe provided a draft of the proposed 2023 budget for the Stormwater Utility that will be present to the Board of Public Works in November. Wes moved to accept the budget as presented and Corinne seconded the motion. All voted in favor of the proposed budget.

e. Partnership update

o RB/RG Workshop

The SWCD office held this workshop at Oxbow Park on September 20th. Joe reported there were about 25 participants. SWCD is considering holding this event twice a year (spring and late summer) moving forward.

o IDEM MS4 Audit – Oct 12-13

Joe reported the audit went well and he is waiting on the audit report. A few minor items were noted during the audit and Joe sent messages to the facilities that were identified so work could be started on the minor comments made.

3. OTHER BUSINESS/COMMUNICATION

4. PUBLIC PARTICIPATION None

5. ADJOURNMENT 4:25 p.m.

Next scheduled Stormwater Board meeting is October 20, 2022 at 3:30 pm.

This meeting will be in-person at the PWU offices.

CITY OF ELKHART • STORMWATER BOARD MEETING MINUTES

City Council Chambers • 229 S. Second Street • Meeting started at 3:30 p.m., Tuesday, November 29, 2022

In Attendance:

Jim Boyles, Wes Steffen, Corinne Straight, Jeff Rowe, Tory Irwin, Maggie Marnocha, Nancy Wilson and Joe Foy

This meeting was also hosted on Webex and the recording is available upon request.

1. APPROVE AGENDA

Motion by Steffen and Second by Boyles. Motion passed 3-0.

2. APPROVE MINUTES – October 20, 2022

Motion by Steffen and Second by Boyles. Motion passed 3-0.

3. PUBLIC HEARING

Straight read the title of the resolution. Foy gave background information in regards to stormwater regulations and how those requirements were set by US EPA, adopted by Indiana and passed down to identified Municipal Separate Storm Sewer (MS4) entities through the Indiana Dept of Environmental Management. He also reviewed how the Greater Elkhart County Stormwater Partnership was initiated and the reasons why. The two main reasons all felt the Partnership was necessary was to keep regulations the same throughout Elkhart County and to fund the programs through the same fee structure.

Rowe then reviewed the rate study, how it was performed and what the findings were.

Straight asked what type of projects the stormwater fees will be used for. Foy pointed out funding for staff is a big component in addition to larger projects like the Oakland Storage Tank that is in design and another drainage project on Benham to help relieve some long term drainage issues.

Boyles asked about the deficit that is reflected in the rate study for Goshen. Rowe explained that Goshen identified costs that have been paid from funds other than stormwater that should be paid with stormwater funds. Foy also pointed out that Goshen will not be able to completely fund all aspects of their identified needs with the fees collected and will have to find additional sources of funding to complete all of their projects.

Straight clarified and Foy confirmed that Elkhart's funds would not be used to supplement Goshen's needs. Rowe also pointed out that the fees collected are specific to each jurisdiction and those funds are returned only to the jurisdiction from which they were collected.

Straight asked what will happen if all jurisdictions don't approve the fee increase? Foy pointed out the increase will then not go into effect. Straight also asked for an update on the rate increase process in the other jurisdictions. Foy shared that both Elkhart County and Goshen Stormwater Boards have approved this and it is now set to go to the Councils in each jurisdiction for final approval.

Irwin pointed out that not all property owners within the City of Elkhart are utility customers and it's the utility customers who bear the burden of funding the long term control plan. Since all property owners do contribute to stormwater runoff and pay a stormwater fee, this will be a more fair way of all City properties to share in the remaining costs of the long term control plan.

4. RESOLUTION RECOMMENDING FEE ORDINANCE AMENDMENT

Motion by Steffen and Second by Boyles to adopt the resolution. Motion passed 3-0.

5. PUBLIC PARTICIPATION None

6. ADJOURNMENT 4:11 p.m.

Next scheduled Stormwater Board meeting is December 15, 2022 at 3:30 pm.

This meeting will be in-person at the PWU offices

Rod Roberson
Mayor

Jamie Arce
City Controller



City Controller's Office
229 S. Second St
Elkhart, IN 46516

574. 294.5471
elkhartindiana.org

Memo

To: City Council
CC: Rod Roberson, Mayor
From: Jamie Arce, Controller *JA*
Regarding: American Rescue Plan Compliance Report
Date: February 9, 2023

On March 11, 2021, the American Rescue Plan Act was signed into law, and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program. This program is intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses.

City of Elkhart was awarded \$18,042,360 of SLFRF as an entitlement unit and has received all funding. To date you have approved funding for the projects that are included as part of this memo, leaving \$159,810 available for future use. The report accompanying this memo provides a summary by reporting period of expenditures by project.

I hope that you find this report helpful and informative. Please let me know if you have any questions surrounding as me and my team will be happy to provide you whatever you need.



Project ID	Project Name	Appropriation	2021				Total	Total All Periods
			Mar - Dec	Q1	Q2	Q3		
5859-01	North Main - Water Main Replacement Jackson & Johnson Water Main & Signal Replacement	\$ 1,800,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5860-01	Vaccination Incentive Program (1)	\$ 1,000,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5861-01	Public Information Campaign (1)	\$ 239,343.75	\$ 11,760.00	\$ 10,000.00	\$ -	\$ -	\$ -	\$ 10,000.00
5861-02	Anti-Gun Violence Initiative (1)	\$ 25,000.00	\$ 20,542.80	\$ 1,962.50	\$ 2,396.32	\$ -	\$ -	\$ 224,266.50
9999-01	Administrative Expenses (1)	\$ 3,856.25	\$ 3,856.25	\$ -	\$ -	\$ -	\$ -	\$ 24,901.62
5862-01	Lasalle, Bristol, & Benham Water Main Replacement	\$ 3,600,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,856.25
5863-01	W Lexington Water Main Replacement	\$ 3,000,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5868-01	Downtown Property Activation and Development Program	\$ 117,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5870-01	Upgrade to HVAC Systems for City Hall & Annex	\$ 1,500,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5881-01	Workforce Housing Initiatives	\$ 2,790,000.00	\$ -	\$ 13,200.00	\$ 11,500.00	\$ 363,726.12	\$ 388,426.12	\$ 388,426.12
5882-01	South Central Neighborhood Master Plan	\$ 75,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5883-01	Elkhart West Business Park Expansion	\$ 900,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5887-01	Small Business Continuity Program	\$ 400,000.00	\$ -	\$ 25,000.00	\$ 134,212.52	\$ 121,352.55	\$ 280,565.07	\$ 280,565.07
5893-01	Lerner HVAC	\$ 1,000,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5902-01	Elevator Renovations	\$ 185,000.00	\$ -	\$ -	\$ -	\$ 31,436.10	\$ 31,436.10	\$ 31,436.10
5916-01	Ambulance Replacement	\$ 415,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5917-01	Homeowner Occupied Rehab	\$ 500,000.00	\$ -	\$ -	\$ -	\$ 61,721.29	\$ 61,721.29	\$ 61,721.29
5935-01	Elkhart Thrive Neighborhood Hub Initiative	\$ 322,350.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Total	\$ 17,882,550.00	\$ 46,159.05	\$ 19,734.50	\$ 142,578.32	\$ 183,567.52	\$ 633,133.56	\$ 979,013.90

Note (1) Ordinance 5861 appropriated 500,000 for the City's public information campaign. For purposes of reporting this was broken into four separate components. They are all identified as part of this note with their "appropriation" amount serving as the amount that was allocated to each component.

Shaded areas represent the project was not yet approved and available for reporting

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 8, 2023

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

From: Dustin McLain, Department Head
Elkhart Communications Center

Re: **2022 Year End Report**

At the request of the City Council, I have attached several documents detailing the number of calls for service for 2022. This includes numbers for both the police and fire department (EMS calls are included in the fire department totals). In the attached Word document, I have broken down calls for service by month for both police and fire/EMS for the year. Beneath each graph, it also includes a comparison of calls for service to 2021.

A breakdown of Calls for Service by each Elkhart Fire Station, as well as by each shift and zone for the Elkhart Police Department, have been added in a graph format for comparisons. For clarification, Zone A (highlighted in the attached map) is all **law enforcement calls** north of the St Joseph River. Zone B (highlighted in green) is south of the river and north of the main line of train tracks that run from the Norfolk Railyard on Lexington Avenue along Main Street into Goshen. Zone C (highlighted in yellow) is everything south of the same line of train tracks. At the bottom of the graphs regarding calls by shift, you will notice numbers zero through twenty-three (0-23). This is in reference to military time. ("0" is midnight, 15 is 3pm, 23 is 11pm, etc.).

I have also included the total number of responses by the different call types used (the PDF's titled "2022 Totals Fire-EMS for Council" and "2022 Totals PD for Council").

I will also be sending this to Angie to be included in the next city council meeting packet, so that it may be accepted into the official record.

Please let me know if anyone has any questions.

Rod Roberson
Mayor

Dustin McLain
Department Head

ELKHART CITY



911
COMMUNICATIONS

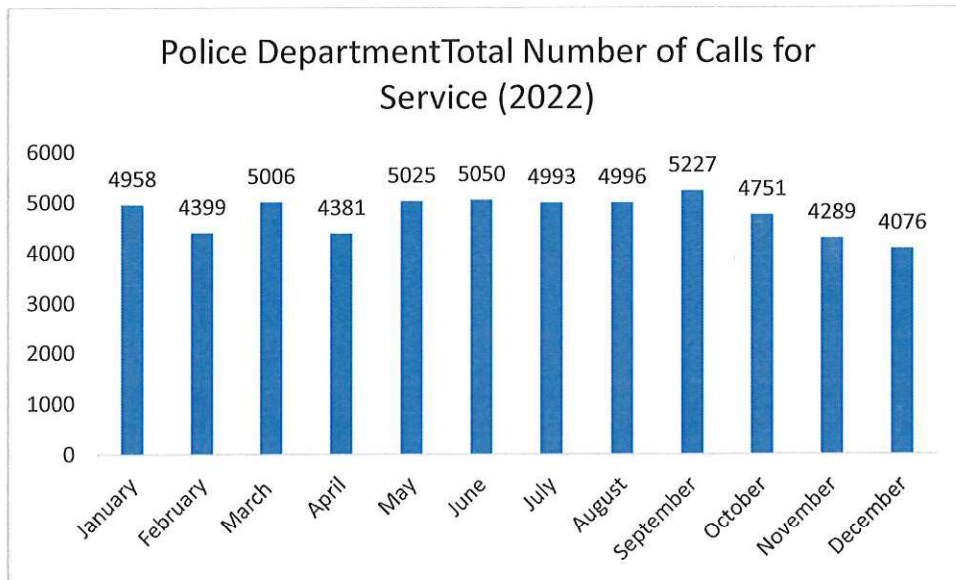
574.293.2175
Fax: 574.294.5530

Elkhart City Communications
135 E Franklin Street
Elkhart, IN 46516

Date: February 8, 2023
To: Mayor Rod Roberson
Elkhart City Board of Public Safety
Common Council
From: Dustin McLain, Department Head
Elkhart Communications Center
Re: **2022 Year End Report**

Good Afternoon,

I have compiled the total number of calls for service for both the Elkhart Police and Fire departments. Attached are graphs summarizing monthly totals in calls for service for both departments, as well as year-end totals for 2021 and 2022.

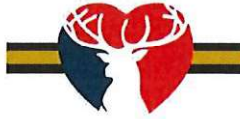


Total number of calls for service for Police for 2022: 57,151
This is a decrease of 3,091 total calls for service for Police from 2021 (60,242 for 2021)

Rod Roberson
Mayor

Dustin McLain
Department Head

ELKHART CITY

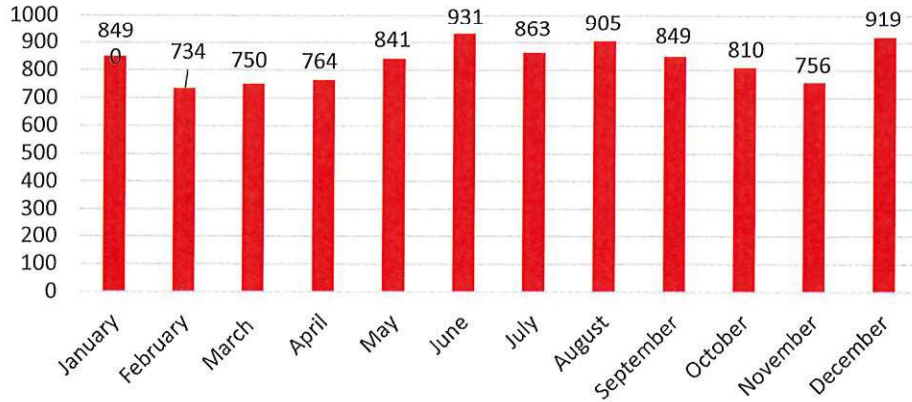


574.293.2175
Fax: 574.294.5530

Elkhart City Communications
135 E Franklin Street
Elkhart, IN 46516

911 COMMUNICATIONS

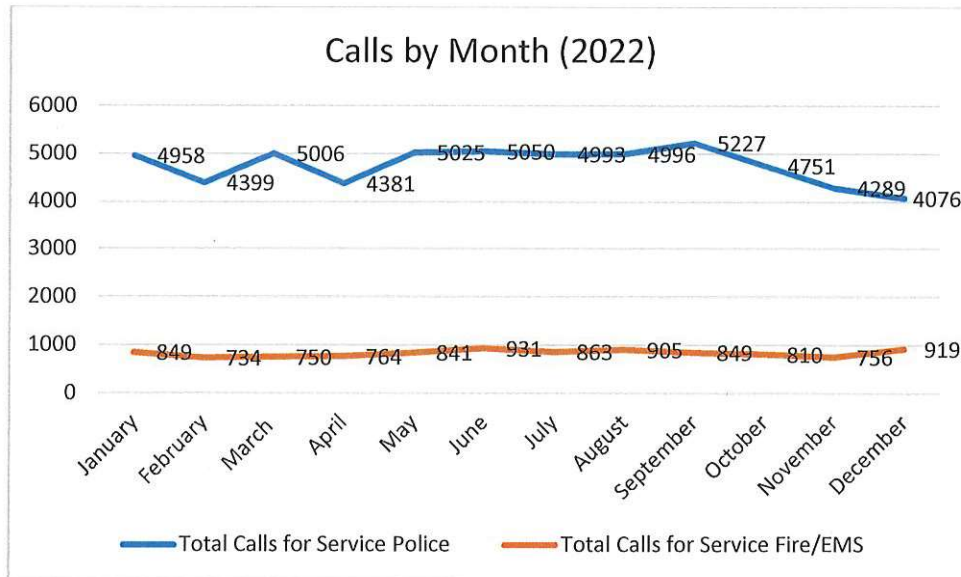
Fire Department Total Number of Calls for Service (2022)



Total number of calls for service for Fire/EMS for 2022: 9,971

This is an increase of 257 total calls for service for Fire/EMS from 2021 (9,714 for 2021)

Calls by Month (2022)



City Of Elkhart

Number of Events by Nature

2022 Police Calls for Service by Call Type

Nature	# Events
1050PI REPORT ONLY	6
1057PI REPORT ONLY	6
911 HANGUP	987
ACCIDENT W/INJURIES	366
ACCIDENT W/UNK INJURIES	42
ADDITIONAL INVESTIGATION	2170
ALARM	3619
ANIMAL PROBLEMS	998
AREA CHECK	2981
ASSIST ANOTHER LAW AGENCY	457
ATL	2081
BATTERY IN PROGRESS	14
BATTERY REPORT	630
BOMB THREAT	5
BUILDING CHECK	386
BURGLARY IN PROGRESS	181
BURGLARY-REPORT	278
COMMUNITY AFFAIRS BUREAU	691
COURT DUTY/TESTIMONY	11
DAMAGE TO CITY PROPERTY	76
DEAD ANIMAL CARCASS	14
DEATH NOTIFICATION	9
DISABLED MOTORIST/ASSIST SUB	902
DOMESTIC DISTURBANCE	1944
DRUG OFFENSE	219
DRUNK DRIVER	182
ESCORT	57
FIGHT	855
FIRE	100

Nature	# Events
FIREWORKS COMPLAINT	87
FOUND PROPERTY	499
FRAUD REPORT/SUSPECT NOT THERE	279
FRAUD/SUSPECT PRESENT	29
HARASSMENT COMPLAINT	1280
HEMORRHAGE/LACERATION	1
HIT AND RUN; NO INJURIES	696
HIT AND RUN; UNKNOWN INJURIES	1
HIT AND RUN; WITH INJURIES	26
HOMICIDE	3
HOT-RODDERS/RECKLESS	267
IDENTITY THEFT	106
INFORMATION	171
INFORMATION ONLY	5
INTOXICATED SUB	91
JUNK/ABANDONED VEHICLE	423
JUVENILE PROBLEM	783
K-9 UNIT USE	3
KNIFING IN PROGRESS-76 NEEDED	17
KNIFING REPORT-76 NOT NEEDED	16
LOST CHILD/PERSON	167
LOUD MUSIC FROM RESIDENCE	668
LOUD MUSIC FROM VEHICLES	163
LOUD SUBJECTS (NON-MUSIC)	220
MEDIC ASSIST	338
MENTAL SUBJECT	351
MOTOR VEHICLE CHECK	876
NON-INJURY ACCIDENT	2127
NON-TRAFFIC MISCELLANEOUS	83
ON VIEW SUB STOP	93
ON VIEW SUBJECT STOP	927
OPEN WATER DROWING WEST DAM	1

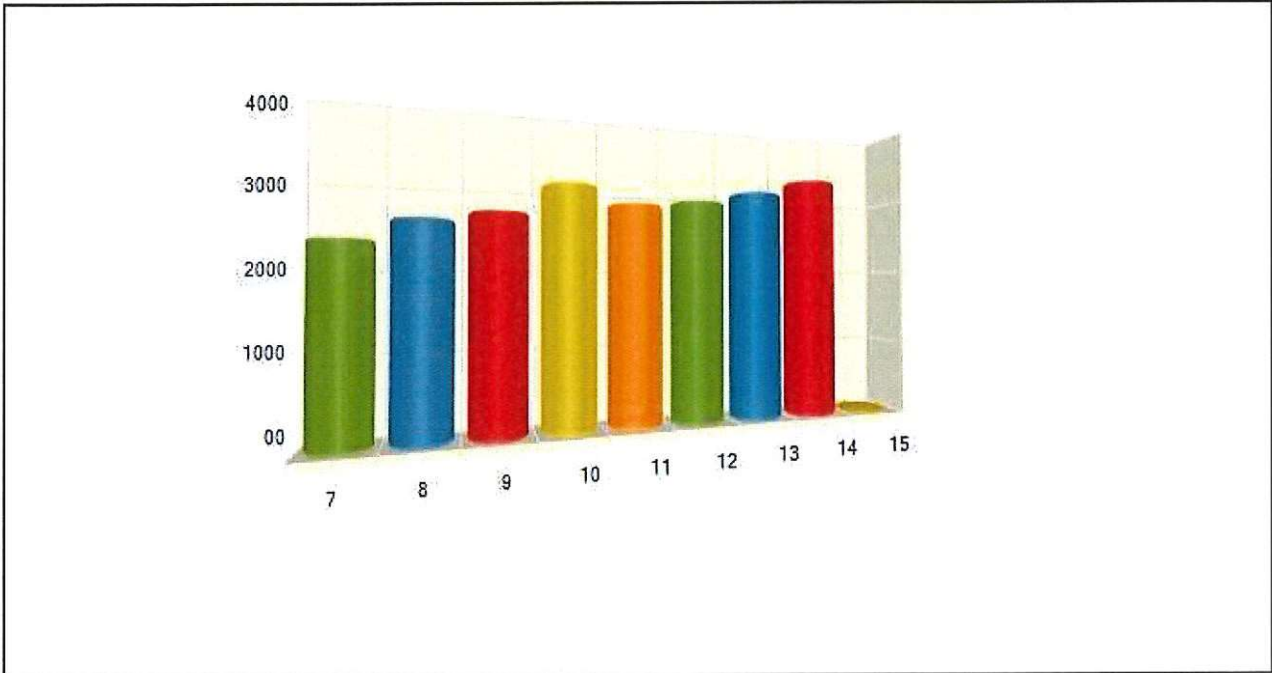
Nature	# Events
OPEN WATER DROWNING EAST/DAM	1
OVERDOSE/POISONING	4
PARK ENFORCEMENT	5
PARKING PROBLEM	558
PICK-UP	123
PRIVATE IMPOUND	1
PROWLER-NO DESCRIPTION	94
PSYCHIATRIC W/ PD ASSISTANCE	37
PUBLIC RELATIONS	413
PURSUIT	34
RECOVERY	148
REPOSSESSION	7
RIVER PATROL	1
ROAD HAZARD	159
ROBBERY IN PROGRESS	33
ROBBERY REPORT	39
RUNAWAY HAS RETURNED	66
RUNAWAY INITIAL REPORT	206
SEE COMPLAINANT	2640
SEX OFFENSE/EXPOSURE IN PROGRE	32
SEX OFFENSE/EXPOSURE REPORT	21
SEX OFFENSE/MOLEST IN PROGRESS	5
SEX OFFENSE/MOLEST REPORT	121
SEX OFFENSE/RAPE IN PROGRESS	1
SEX OFFENSE/RAPE REPORT	63
SHOOTING REPORT	121
SHOOTING W/INJURIES	31
SHOPLIFTER--PRESENT	154
SHOPLIFTING REPORT	126
SOUNDS OF S63	453
SPECIAL ASSIGNMENT	371
SRT-RESPONSE	7

Nature	# Events
STAND BY	702
STOLEN VEHICLE--IN PROGRESS	17
SUB BELIEVED TO HAVE EXPIRED	67
SUICIDAL SUB	337
SUICIDE--ATTEMPTED	121
SUSPICIOUS ARTICLE	30
SUSPICIOUS PERSON	1261
SUSPICIOUS VEHICLE	1355
TECHNICIAN REQUEST	65
THEFT IN PROGRESS	45
THEFT REPORT	1262
TRAFFIC STOP	8729
TRAIN INCIDENT	2
TRAIN INCIDENT CENTER	2
TRAIN INCIDENT SOUTH	1
TRAINING PURPOSES ONLY	4
TRANSFER/PALLIATIVE CARE	1
TRANSPORTATION	303
TRAUMATIC INJURIES	1
TRESSPASSING/REFUSAL TO LEAVE	1808
UNCONSCIOUS/FAINTING	1
UNKNOWNMEDICAL/MAN DOWN	432
VANDALISM IN PROGRESS	33
VANDALISM REPORT	613
VEHICLE THEFT REPORT	369
WARRANT ATTEMPT	621
WELFARE CHECK	1744
WORK TRAFFIC CONTROL	86
Total	57151

City Of Elkhart

Calls For Service by Hour of Day

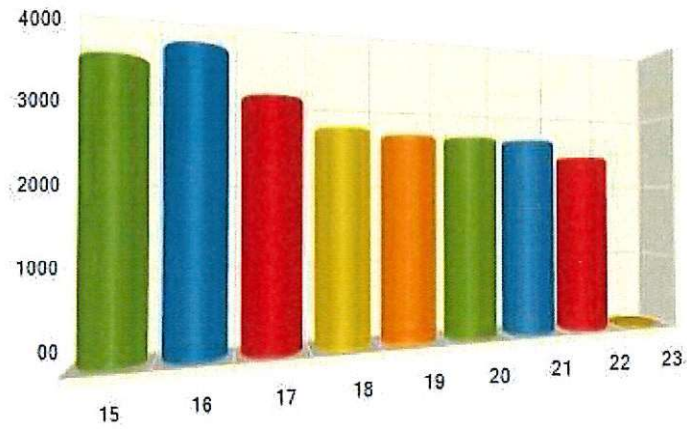
Agency: EPD Date: 1/1/2022 - 12/31/2022 Time: 7:00 AM - 3:00 PM



City Of Elkhart

Calls For Service by Hour of Day

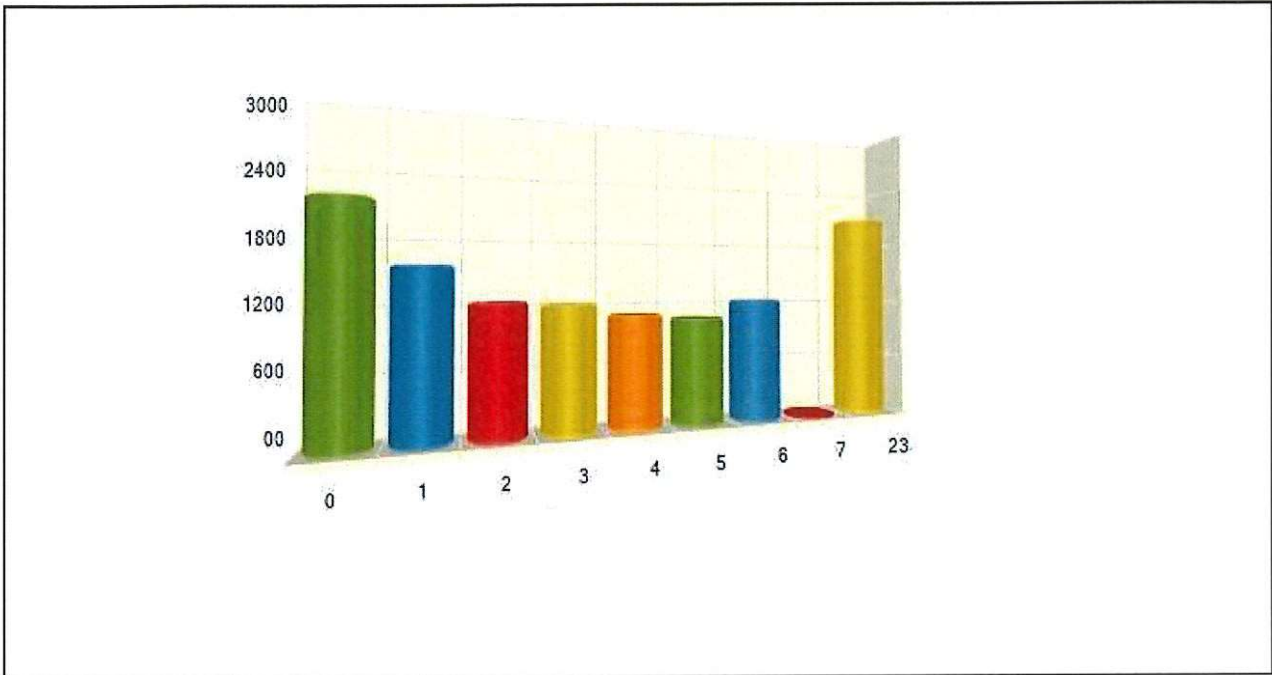
Agency: EPD Date: 1/1/2022 - 12/31/2022 Time: 3:00 PM - 11:00 PM



City Of Elkhart

Calls For Service by Hour of Day

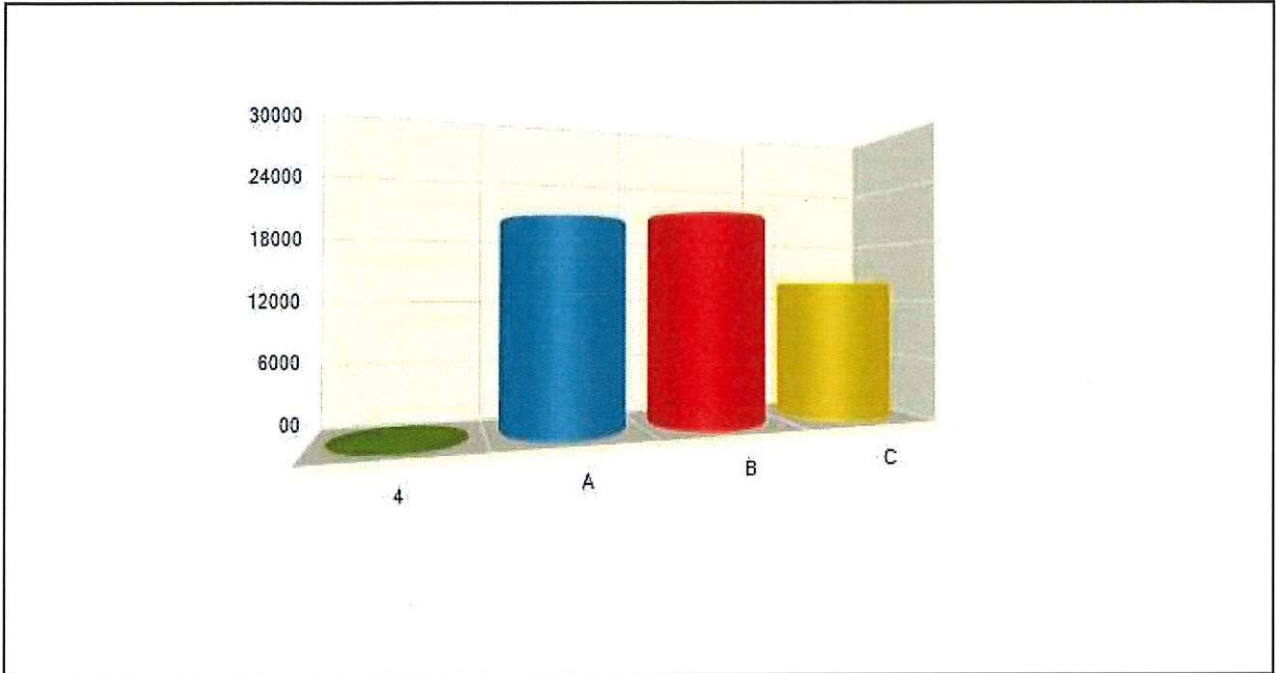
Agency: EPD Date: 1/1/2022 - 12/31/2022 Time: 11:00 PM - 7:00 AM



City Of Elkhart

Calls by District

Agency: EPD Date: 1/1/2022 - 12/31/2022



City Of Elkhart

Number of Events by Nature

2022 Fire/EMS Calls for Service by Call Type

Nature	# Events
ABDOMINAL PAIN/PROBLEMS	230
ACCIDENT W/INJURIES	415
ADVANCED LIFE SUPPORT	12
ALARM AT HIGHRISE OR NURSING	91
ALARM IN HEAVY LOSS AREA	22
ALLERGIES/ENVENOMATIONS	49
ALS TEST	4
ANIMAL BITES	24
ASSAULT/SEXUAL ASSAULT/STUN GU	152
ASSIST SUB	253
BACK PAIN	107
BASIC LIFE SUPPORT	4
BAUGO TWP MUTUAL AID	9
BREATHING PROBLEMS	740
BURNS/EXPLOSION	9
CARBON MONOXIDE/INHALATION	10
CARDIAC ARREST	96
CHEST PAIN	360
CHOKING	23
CLEVELAND MUTUAL AID	1
CO DETECTOR ALARM	58
COMMERCIAL FIRE ALARM	467
CONVULSIONS/SEIZURES	270
DIABETIC PROBLEMS	189
ELECTROCUTION/LIGHTNING	1
EYE PROBLEMS	10
FALLS	622
GRASS FIRE	15
HAZARDOUS MATERIALS RESPONSE	5

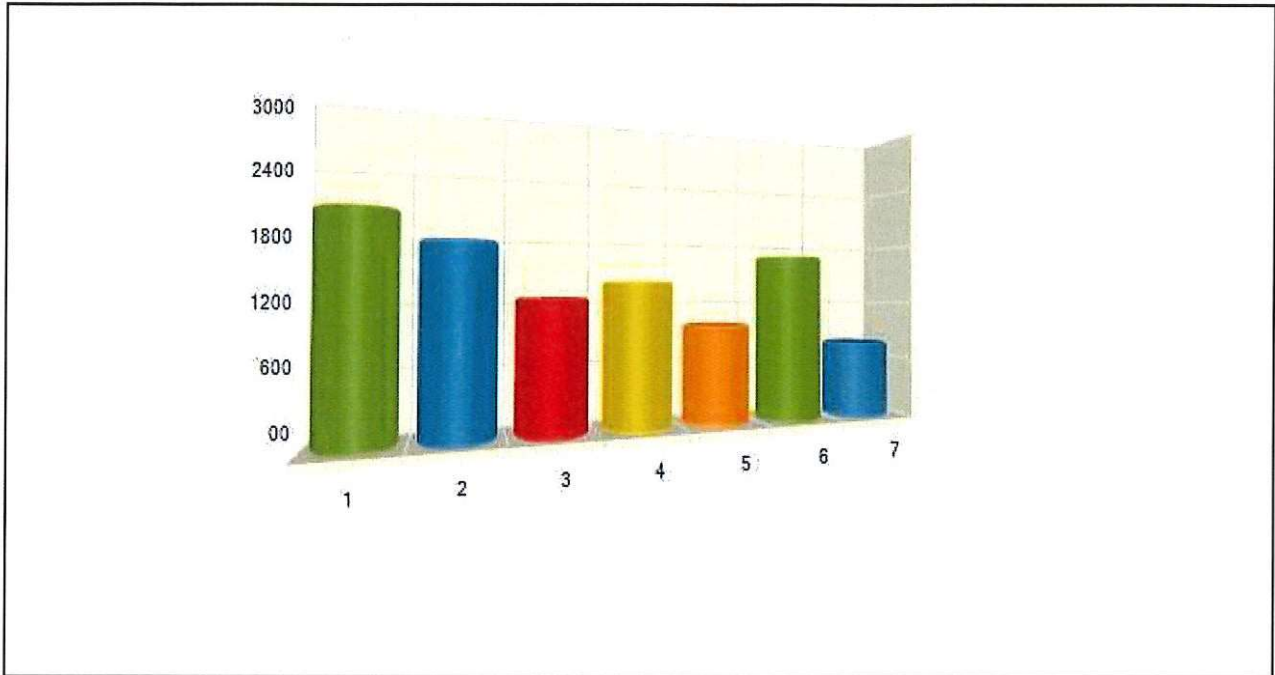
Nature	# Events
HEADACHE	46
HEART PROBLEMS	142
HEAT/COLD EXPOSURE	32
HEMORRHAGE/LACERATION	223
HIGH RISE/HEAVY LOSS/NURSING	10
HIT AND RUN; WITH INJURIES	28
KNIFING IN PROGRESS-76 NEEDED	17
LIFT ASSIST	426
MISCELLANEOUS FIRE RESPONSE	79
MUTUAL AID TO CONCORD TWP	11
MUTUAL AID TO JEFFERSON TWP	1
MUTUAL AID TO OSOLO TWP EMS	19
MUTUAL AID TO WAKARUSA	1
MUTUAL TO NAPPANEE CITY	1
OPEN WATER DROWING WEST DAM	5
OPEN WATER DROWNING EAST/DAM	1
OVERDOSE/POISONING	117
PANDEMIC/OUTBREAK	263
POLE/LINE DOWN	116
POSSIBLE GAS LEAK	122
PREGNANCY	79
PSYCHIATRIC	82
PSYCHIATRIC W/ PD ASSISTANCE	67
RESIDENTIAL FIRE ALARM	95
SHOOTING W/INJURIES	27
SICK PERSON	1014
SRT-RESPONSE	3
STAB/GUNSHOT	1
STILL TERRITORY ENGINE RESPON	284
STROKE(CVA)(TIA)	142
STRUCTURE FIRE RESPONSE	175
SUB BELIEVED TO HAVE EXPIRED	44

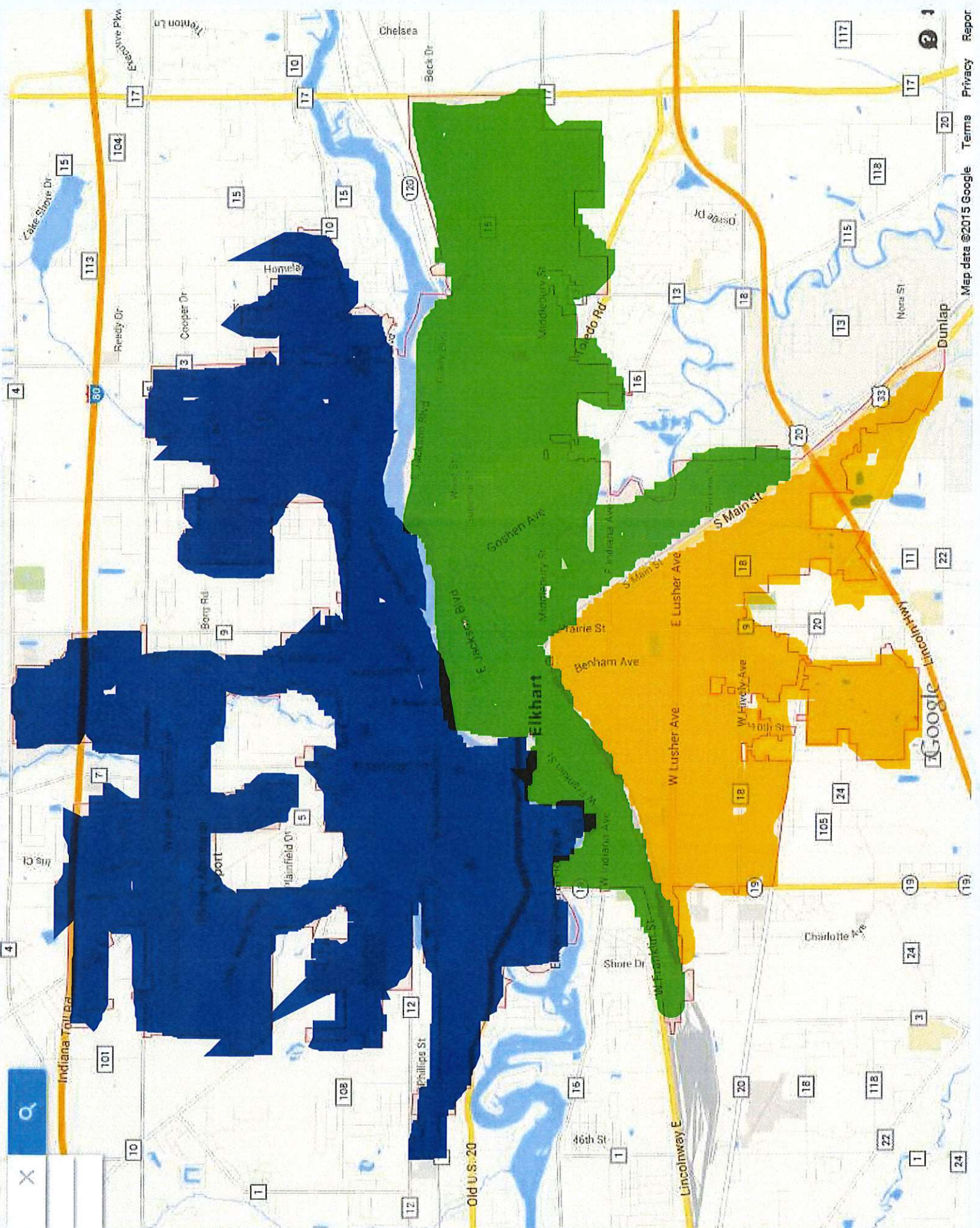
Nature	# Events
SUB STUCK IN ELEVATOR	26
SUICIDE--ATTEMPTED	122
TRAIN INCIDENT	1
TRAIN INCIDENT CENTER	2
TRAIN INCIDENT SOUTH	1
TRANSFER/PALLIATIVE CARE	780
TRASH FIRE	33
TRAUMATIC INJURIES	141
UNCONSCIOUS/FAINTING	463
UNKNOWN PROBLEM/MAN DOWN	22
UNKNOWNMEDICAL/MAN DOWN	412
VEHICLE FIRE	47
Total	9971

City Of Elkhart

Calls by Fire Station

Date: 1/1/2022 - 12/31/2022







MEMORANDUM

DATE: February 7, 2023

TO: Common Council

FROM: Jamison Czarnecki

RE: Response to Admissions Question during January 23rd Meeting

Members of Council,

The numbers we showed in the Park Board Report for December admissions displayed the average between the \$6 (kids) and \$8 (adult) admissions, which reflected \$7 per person. We divided that to get a rough estimate of 3,300 customers giving an idea of how many people came through. More accurately, the actual attendance was 3,445 (an increase of 145 customers). Revenue was \$23,094.00 for the month. I have attached the full report view for convenience.

Product	SKU	Unit Price	Discount	Qty	Value	Tax	Total
Admissions				3445	\$23,094.00	\$0.00	\$23,094.00
Teen/Adult Admission (ages 13+)	NAA	\$8.00	\$0.00	2237	\$17,896.00	\$0.00	\$17,896.00
Winterfest Youth Admission (ages 3-12)	N WF22	\$0.00	\$0.00	202	\$0.00	\$0.00	\$0.00
2 and Under	N2	\$0.00	\$0.00	42	\$0.00	\$0.00	\$0.00
Skate Sharpening	N Sharp	\$6.00	\$0.00	13	\$78.00	\$0.00	\$78.00
Youth Admission (ages 3-12)	NYA	\$6.00	\$0.00	680	\$4,080.00	\$0.00	\$4,080.00
Skate rental invoiced	N inv skate	\$0.00	\$0.00	89	\$0.00	\$0.00	\$0.00
Punch Card Redeemed	N Punch	\$0.00	\$0.00	4	\$0.00	\$0.00	\$0.00
Youth Gift Certificate	YNGC	\$6.00	\$0.00	168	\$1,008.00	\$0.00	\$1,008.00
Teen/Adult Gift Certificate	ANGC	\$8.00	\$0.00	4	\$32.00	\$0.00	\$32.00
Teen/Adult Gift Certificate Redeemed	NAGCR	\$0.00	\$0.00	3	\$0.00	\$0.00	\$0.00
Youth Gift Certificate Redeemed	NYGCR	\$0.00	\$0.00	3	\$0.00	\$0.00	\$0.00
				3445	\$23,094.00	\$0.00	\$23,094.00

As this was the first time the new operations manager submitted numbers, he did an estimate. We will be sure to be more accurate as we move forward to prevent confusion. For comparison, in January 2023 we served 3,065 customers at a revenue value of \$20,477.

Thank you,

A handwritten signature in blue ink, appearing to read "Jamison Czarnecki". The signature is stylized with large, sweeping loops and a long horizontal stroke at the end.

Jamison Czarnecki

Elkhart City Parks & Recreation Superintendent