

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

AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING

LOCATION: CITY HALL, 2ND FLOOR, COUNCIL CHAMBERS

December 16, 2024

6:00 P.M.

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

2. Minutes for Approval

Minutes of November 18, 2024 – Council Meeting

Minutes of November 25, 2024 – Council Meeting – Special Call

Minutes of December 2, 2024 – Council Meeting

Presentations and Introductions

James Gerald – IT Director

Unfinished Business

Reports of Council Committees

a) Ordinances on Second-Third Reading

Proposed Ordinance 24-O-55, an ordinance of the Common Council of the City of Elkhart, Indiana, establishing the Elkhart Environmental Center Fund and the Elkhart Environmental Center Fee Schedule

Proposed Ordinance 24-O-56, an ordinance appropriating Four Hundred Ten Thousand and 00\100 Dollars (\$410,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund for the LaSalle, McKinley and Benham area water and sewer project

b) Ordinances and Resolutions Referred to Committees

There are no Ordinances or Resolutions referred to committees

Tabled Ordinances and Resolutions

There are no tabled Ordinances or Resolutions

3. New Business

a. Ordinances on First Reading

There are no Ordinances on First Reading

Resolutions

Proposed Resolution 24-R-62, a resolution of the Common Council of the City of Elkhart, Indiana, confirming Resolution No. R-61-24, which declared a certain area in the City of Elkhart to be an Economic Revitalization area for the purpose of granting tax phase-in benefits to Accra-Pac, Inc. DBA Voyant Beauty\NM VYT, LLC

Proposed Resolution 24-R-63, a resolution of the Common Council of the City of Elkhart, Indiana, to approve a memorandum of agreement between the City of Elkhart and Accra-Pac, Inc. DBA Voyant Beauty\NM VYT, LLC

b. 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 Report

f. Privilege of the Floor

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

g. Scheduling of Committee Meetings

4. Acceptance of Communications

Minutes of October 30, 2024 – Board of Aviation Meeting
Minutes of November 12, 2024 – Board of Public Safety
Minutes of November 26, 2024 – Board of Public Safety
Minutes of November 19, 2004 – Board of Public Works
Minutes of November 13, 2024 – Lerner Theatre Board

Adjournment

DRAFT

MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF NOVEMBER 18, 2024

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

Absent: Alex Holtz, Tonda Hines

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

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

Mayor Rod Roberson led the assembly in the Pledge of Allegiance. President Dawson asked for a moment of silent reflection.

President Dawson asked everyone to keep Councilwoman Hines in their thoughts and prayers as she prepares to put her mom to rest.

The clerk called the roll.

APPROVAL OF MINUTES

President Dawson asked for a motion and second to approve the minutes from the November 4, 2024, Council Meeting.

Motion made by Councilman Crabtree, second by Councilman Mishler.

By a unanimous voice vote, the minutes were approved.

PRESENTATIONS AND INTRODUCTIONS

Presentation begins at 35 minutes and 15 seconds of the audio recording.

Jessica McBrier Public Information Officer, Elkhart Police Department, said they have the distinct pleasure of reading two Mayor's Excellent Citizen Awards. The first award is to Josh Orrick and Ashley Carter. The second award is to Aaron Polly and Anthony Larner.

The statements read are attached to the minutes.

Presentation ends at 44 minutes and 36 seconds of the audio recording.

President Dawson called for a 5 minute recess.

UNFINISHED BUSINESS

REPORTS OF COUNCIL COMMITTEES

President Dawson said, the Finance Committee met on Tuesday, November 12, 2024, to discuss Proposed Ordinances 24-O-45, 24-O-46, 24-O-47, and 24-O-48. The Committee passed all four (4) proposed ordinances back to the Council with a Do Pass Recommendation.

ORDINANCES ON SECOND-THIRD READING

Proposed Ordinance 24-O-44

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SECURE AN INDIANA DEPARTMENT OF HOMELAND SECURITY GRANT IN THE AMOUNT OF SIXTY THOUSAND DOLLARS (\$60,000.00) FOR THE PURPOSE OF A BIRTHING SIMULATION MANNEQUIN FOR TRAINING PURPOSES BY THE ELKHART FIRE DEPARTMENT

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-44

President Dawson opened Council discussion starting at 46 minutes and 25 seconds of the audio recording.

Councilman Henke asked if there were any statistics on how many paramedics delivered births there are per year. **Captain William Sullivan, Emergency Medical Services** responded, he was not certain but the numbers are probably online. He said it is not something they do very often, which makes it a really big need for their paramedics to be able to go through a programmed simulation on how to assess treatment and ultimately deliver a baby. **Councilman Henke** asked if there is still a training agreement with the Elkhart Hospital. **Kristi Sommer, Assistant Chief, Elkhart Fire Department** said right now they are the only training center in the City of Elkhart. They have other departments come to them for training at their facility. She said this will be their third training mannequin. She went on to say that Beacon Health has gone away from their education center. **Councilman Henke** asked do you have a fee for them to train with your department? **Asst. Chief Sommers** responded this one is a grant by the State of Indiana and hopefully they will be able to use that and they do receive fees. **Capt. Sullivan** said the grant was a 100 % grant.

Councilman Mishler asked if the mannequin was programmable to simulate complicated situations. **Asst. Chief Sommers** responded that is correct and also it is a live simulation. The baby is born by a hydraulic ram in the mannequin. The baby breathes, the mom breathes and has vital signs. **Capt. Sullivan** added that the mannequin can be used in lieu of other scenarios, such as cardiac life support scenarios.

Councilman Curry asked if this mannequin could be used in CPR training for pregnant women. **Capt. Sullivan** responded yes.

Councilman Crabtree asked what the life span of one of these mannequins is. **Capt. Sullivan** responded that prior to Elkhart Hospital dissolving their education center, some of those mannequins were over 20 years old.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-44

President Dawson opened the public discussion starting at 50 minutes and 45 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-44

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

There was no further Council discussion.

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

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

NAYS:

By a vote of 7-0, the proposed ordinance passed on second reading.

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

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

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

NAYS:

By a vote of 7-0, the proposed ordinance passed on third and final reading.

Discussion on the proposed ordinance ends at 52 minutes and 08 seconds of the audio recording.

Proposed Ordinance 24-O-45

AN ORDINANCE APPROPRIATING THREE HUNDRED TWENTY-FIVE THOUSAND AND 00\100 DOLLARS (\$325,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE PROVISION OF GOVERNMENT SERVICES ACCOUNT TO UPGRADE THE AUDIO-VIDEO (AV) SYSTEM OF THE COMMON COUNCIL CHAMBERS AND OTHER IMPROVEMENTS

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-45

President Dawson opened Council discussion starting at 52 minutes and 40 seconds of the audio recording.

President Dawson asked **James Gerald, Director of Information Technology**, to provide the council with the presentation he gave at the Finance Committee meeting.

James Gerald said, the original system was put in several years ago to mitigate the challenges of COVID and it served those purposes effectively. He said since then, there has been some new legislation and requirements on meetings they need to adhere to. There have been several Americans with Disabilities Act hereafter, ADA deficiency complaints that this new project will reconcile and further enhance the existing equipment to new operational heights and include some fixes for the system. Those include ease of use and community accessibility, mainly automation and some cameras in addition to what they have with lower third overlays to show who is speaking, and other things that add to the functionality of the system.

Councilman Fish said, when you talk about better access and screens involved are we looking at a whole new system here in the Council Chambers? **James Gerald** replied, yes, they would replace both of the current screens, as that is a common complaint they are hard to see when they are presenting documentation and they are looking to do much larger screens from 150 inches to 180 inches on both sides. **Councilman Fish** asked will they stay with the WebEx format? **James Gerald** said yes, this will give more expandability in the future in case they need to change that for some reason. **Councilman Fish** asked about the current equipment they have now and what happens to that equipment? **James Gerald** responded most of the equipment will be utilized in this expansion, it is not a complete replacement. There are some pieces that are stopping them from being able to work with other vendors and other solutions. They will have that ability with the new equipment. **Councilman Fish** said he has people who tell him they cannot hear the speakers very well, are they going to have an enhanced microphone system that can pick up softer voices? **James Gerald** said the new system will have a more fine-tuned system. The microphones they currently have are pretty sensitive but if they are moved in different directions they lose some of the sound.

President Dawson asked James Gerald to speak to the changes that will be happening to the desk in front of the council members. **James Gerald** said as it is difficult for the audience to see the screens, it is also difficult for the council members to see as well. They are looking to cut in notches in the desk top so each council member will have their own dedicated screen and be able to see easier.

Councilman Henke asked about the age of the current equipment? **James Gerald** said it was before he was here, but he is guessing it is probably 4 to 5 years old. **Councilman Henke** said he is hoping that there can be more public participation in attending the council meetings with the new upgrades.

Councilman Mishler asked is the enhancements only audio-video or will there be additional upgrades, for example, our First Responders cannot sit comfortably in the chairs due to their equipment, as well as persons who may have disabilities. **James Gerald** said the City Council will have some input with regards to those changes. **President Dawson** responded this was discussed at the Finance Committee meeting and they are open to suggestions, and the chairs will be replaced for the reasons Councilman Mishler mentioned and some other cosmetic changes

will happen, but it will be at the Council's discretion. **Councilman Mishler** said he often hears complaints about people having hearing difficulties and although they have equipment, sometimes it is not the most functional, there is ringing and other issues with the equipment. **James Gerald** replied that is one of their primary goals, there is a system that is far superior to the current system and is more compatible also. **Councilman Mishler** said in reading this ordinance if we do not spend all of the money attached to it, the remainder will go toward already existing infrastructure projects. **James Gerald** replied yes.

Councilman Fish asked will the transcription be simultaneous in Spanish and English. **James Gerald** replied yes, the goal is to have English on one screen and Spanish on the other screen. **Councilman Fish** asked if the public can pick one or both. **James Gerald** replied that is a trickier answer, ultimately yes, he believes you can pick your language on WebEx if you are using the app and he is not sure if you are watching on another platform.

Councilman Henke asked what the age of the furniture and carpet in this room? **President Dawson** replied it goes back to 1995 or 1996, under the then Mayor James Perron. They have replaced the carpet once since then. **Councilman Henke** said he hoped the upgrades would help to bring people in to the meetings.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-45

President Dawson opened the public discussion starting at 1 hour, 00 minutes and 18 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-45

President Dawson returned the discussion to the Council starting at 1 hour, 00 minutes and 24 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

By a vote of 7-0, the proposed ordinance passed on second reading.

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

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

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

NAYS:

By a vote of 7-0, the proposed ordinance passed on third and final reading.

Discussion on the proposed ordinance ends at 1 hour, 01 minutes and 28 seconds of the audio recording.

Proposed Ordinance 24-O-46

AN ORDINANCE APPROPRIATING SEVENTY-FIVE THOUSAND AND 00\100 DOLLARS (\$75,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO PROVISION OF GOVERNMENT SERVICES ACCOUNT TO COLLABORATE WITH THE ELKHART CHAMBER OF COMMERCE IN THE IMPLEMENTATION OF THE BENHAM NEIGHBORHOOD PLAN

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-46

President Dawson opened Council discussion starting at 1 hour 02 minutes and 02 seconds of the audio recording.

Mike Huber Director Development Services, said, this ordinance relates back to Ordinance No. 5882, which was passed by the Common Council previously allocating \$75,000.00 towards a Neighborhood Master Plan for South Central Elkhart. In 2023 and 2024, the development services team was part of a collaboration led by the Chamber of Commerce, the Community Foundation of Elkhart County and the University of Notre Dame to undertake the full Benham Neighborhood planning process. At that time, the Community Foundation, the Chamber of Commerce and other groups came together to fund that process. However, they have finished the planning process and are now moving into the implementation process. The Chamber of Commerce has received some support from the Community Foundation, and has made it a priority as an organization to facilitate and be the lead entity in managing and facilitating the overall implementation of a number of the strategies. The City would like to be a collaborator and partner in this. They would like to take those dollars that were previously allocated for the funding of the planning process and put those towards the implementation process. A copy of the scope of the implementation and timeline are included with the memo. As a partner, they will be involved in every aspect of the implementation with the Chamber. However, the Chamber will be primarily responsible for facilitating a lot of the community engagement and the involvement inside the community. The Chamber will also be responsible for a lot of the marketing, promotion and communication that comes out of this. They will be participating in a lot of those sessions given the wide range of activities and programs. They think this is a real benefit for the city and it allows them to serve in the role they are most effective in and not burden them with some of their responsibilities that the Chamber can do better than they can, such as, communication and public engagement.

Councilman Fish, said he appreciates all the efforts they are doing all over Elkhart and especially in the Benham district. He asked for a timeline for this part of the project. **Mike Huber** replied, the actual implementations will take two (2) to four (4) years to be fully implemented. The Chamber being able to manage that over that period of time allows them to do their part and it allows us to be able to fit in and manage the things they do best in that area. The plan has multiple strategies including a number of things around housing. There is a housing authority component, there is new development on Freight Street and South Main Street. They

are managing the pieces that they have to do in conjunction with those activities. This allows them to take a broader approach be the lead entity coordinating those activities. **Councilman Fish** said he has met with some people who are interested in investing in Elkhart and they believe in what we are doing and that is important to everybody. They do have to think about affordable housing and a new complex on South Main and Freight Streets, but he wants to remind everyone they are going to have to think about more infrastructure on Second Street and Third Street also. The people who live there ask him about when is this street going to be fixed or what is happening with the underpass and the expansion of the plumbing. He wants them not to forget to keep everyone one in mind when they are improving things.

Councilman Henke said there have big wins for the south side, a funeral home, Faith Mission and others. He said the larger investments go to the north side and he does not think additional lower income housing is a solution. He thinks they need to change the culture of this investment and make it something bigger than they have historically expected it to be. He would like to know how they came up with the \$75,000 figure. **Mike Huber** replied, that was what was originally asked for by his predecessor in the first round of ARP ordinances and rather than using it for planning, they plan to use it for implementation. **Councilman Henke** replied he hoped they improved the value of housing and businesses on the south side. **Mike Huber** replied for those who were involved in the planning process they are aware of how exciting the new investment opportunities and the strategies that came out of the Benham planning process are for transforming that neighborhood.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-46

President Dawson opened the public discussion starting at 1 hour, 09 minutes and 12 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-46

President Dawson returned the discussion to the Council starting at 1 hour, 09 minutes and 17 seconds of the audio recording.

Councilman Curry said he believes this will be the most beneficial strategy moving forward. He thinks they have made some mistakes in the past with low income housing. He believes it should be no different than any other housing and some of the neighborhoods have put in housing that does not fit in the neighborhood. They should not be able to tell by looking at a neighborhood that is low income housing and that needs to be considered for future development.

Councilman Mishler said he would like the Council and Administration to consider next year when they look at the Community Development Block Grant funding hereafter CDBG to concentrate on this area and not sprinkle it around the city. He believes that would be the most beneficial moving forward. He said he will be abstaining from this vote as his wife works at the Elkhart Chamber of Commerce and he would like to avoid any perception of a conflict of interest.

Councilman Henke said as an investor if it is not a stable environment no one is likely to invest in it. The type of businesses that have historically been on the south side are not businesses that will provide people a great income. He thinks they will have to add some value to get great

businesses there. He thinks the city needs to help with zoning and through Code Enforcement and a larger plan in that area in order for people to see the value of investing on the south side.

President Dawson suggested that Councilman Henke take another look at the investments that are currently being made on the south side. He said there is new housing, new businesses and other investments taking place on the south side that he maybe is not aware of, it is transforming “the big block”. There are great things happening on the south side and this project will be a game changer for that area.

Councilman Curry said he loves the south side, he lives there and over the years he has seen many improvements. He thinks it is one of the best kept secrets if you are looking for an affordable home.

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

AYES: Curry, King, Fish, Crabtree, Henke, Dawson

NAYS:

ABSTAINED: Mishler

By a vote of 6-0, the proposed ordinance passed on second reading.

Motion for third and final reading made by Councilman Mishler, second by Councilman Henke. President Dawson asked the clerk to read the proposed ordinance by title only and do a roll call vote.

AYES: Curry, King, Crabtree, Fish, Henke, Dawson

NAYS:

ABSTAINED: Mishler

By a vote of 6-0, the proposed ordinance passed on third and final reading.

Discussion on the proposed ordinance ends 41 at minutes and 29 seconds of the audio recording.

Proposed Ordinance 24-O-47

AN ORDINANCE APPROPRIATING ONE HUNDRED AND FIFTY THOUSAND 00\100 DOLLARS (\$150,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT TO FUND A COLLABORATION WITH THE INSTITUTE FOR ENTREPRENEURAL COMMUNITIES

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-47

President Dawson opened Council discussion starting at 1 hour 16 minutes and 17 seconds of the audio recording.

Mike Huber said this ordinance is related to an ordinance passed by the Council, Ordinance No. 5883, which was an allocation of \$900,000 from the City's Coronavirus Local Fiscal Recovery Fund towards a program that was located in the West Industrial Park area. It was a program the state was promoting at the time of the receipt of the ARP funds called Emerging Manufacturing Collaborative Center hereafter EMC2. It was about entrepreneurial manufacturing centers. The state has one operating just outside of Indianapolis and they were potentially looking for a second and third satellite version of that center. It seemed to fit with some of the thinking around entrepreneurial centers in Elkhart at the time. Multiple changes in leadership of this program and some slow adoption and success of the Indianapolis program shifted some of the state's focus and then Regional Economic Acceleration and Development Initiative hereafter READI2.0 became the primary funding focus for the Indiana Economic Development Corporation hereafter IEDC in the state. They de-emphasized the EMC2 opportunity and there is no funding associated with that program that was originally identified and targeted for cities like Elkhart. Therefore, EMC2 is not a viable option going forward. At the same time, they have been engaged with a group called the Institute for Entrepreneurial Community hereafter IEC. This is an initiative that is envisioned and advised by local civic leaders and successful entrepreneurs in Elkhart. Operations of the Institute are led by enFocus under the direction of Andrew Wiand. The institute is being led and guided by a board of local advisors who set the direction for the operations team, including Liz Borger, Ryan Brady, Ashley Martin, Jack B. Smith Jr., and David Smith, III. The Institute aims to identify and study communities that have a strong reputation for entrepreneurship and then to understand the impact of entrepreneurism on all aspects of the community. The Institute is taking a unique look into the interplay between entrepreneurs within a community and hoping to understand why it flourishes within specific regions and how it is impacted by things like quality of place and quality of life. They need to understand how they can make sure it is sustainable and long term and brings the benefits that it needs. The Institute has top researchers from various universities across the country to initiate innovative research on a pilot community and that community is Elkhart, Indiana. The Institute has engaged quantitative research with academic institutions such as, Ball State, Butler University and the Catholic Universities of America to understand our entrepreneurial community itself, measured against other entrepreneurial communities and success factors to help them guide the future economic development strategies and goals. As a collaborator in the Institute, the City will gain tremendous insight and value derived specifically by the research components of the Institute's work. It is designed to offer a deep understanding of how firm structures provide valuable insights for both the entrepreneurs and economic development leaders. Additionally, the research shows insights on the complex dynamics of entrepreneurship with a focus on quality of life and local amenities and how they shape the landscape within the United States and locally. As our City is faced with the threat of future job losses through automation an understanding of our local entrepreneurial ecosystem can help them identify what those future clusters can look like. They are asking for \$150,000.00 to partner with IEC.

A copy of the proposed scope is included in the minutes.

Liz Borger IEC Board Member said with her today is Ayush Sindhwani and Shivangi Tiwari. These are just two of the people with enFocus that are working on this project. enFocus has been

around for over three years. Entrepreneurship is a fundamental part of the American way of life and there are very few communities like Elkhart, where entrepreneurship has thrived to this degree. It is a pride they all have but they do not have the research to document that and with the research that has been ongoing it is quite remarkable how this community is exceptional. As the pilot community, Elkhart will be the benchmark for other communities being analyzed. What is unique about Elkhart is that it is not just one industry, but many industries and these are called clusters. Elkhart dominates in the number of clusters, such as wood, plastic, manufacturing and many more. They are two years into the research and it is pointing out some interesting insights but also some places where there could be advancements made to be even stronger. They are finding Elkhart is a leader in the world of philanthropy also. Elkhart is the baseline for other communities but it is also giving them the information to attract further talent to Elkhart. The goal is to help brand Elkhart.

Councilman Fish said he talks about Elkhart when he travels and people know about Elkhart in other parts of the country. He will be contacting IEC to get a condensed version that he can use to talk more about Elkhart when he travels. **Liz Borger** said she will be able to provide facts and rankings that he can use in his conversations about Elkhart. **Councilman Fish** said he appreciates how the IEC has been an integral part of finding the facts to support the reason why the City is investing in different areas of the community.

Councilman Henke said he appreciates their work and asks that they continue help with connecting the right investments to the right areas and seeing the outcome of those connections.

Councilman Mishler said unlike regular appropriations, they have until the end of the year to appropriate the ARP funds and then they are gone. He is not sure if there is any mechanism in place to protect the taxpayers if donors pull out or other things do not work out with this program. He asked how long term is this program and what are the methods for sustainment? **Liz Borger** replied the Institute is based in Elkhart and will always be based in Elkhart and they intend to be self-sustaining. They are building a team in Elkhart and a playbook for how other communities can adopt this program. They are working with universities and professors who will be sending students to Elkhart on touring cycles and they are creating case studies. Some of the local entrepreneurs are telling their stories about critical junctures, some of their successes and some of the big failures and those will be sold to universities and students will be using those case studies at universities across the country. All of the research will be published and will reference Elkhart. They will take these case studies to other communities to sell those other communities the model they are producing. Those communities will have their own case studies to further the research and then help more communities to identify their brand. Those communities will network with Elkhart and Elkhart becomes the hosting organization and that will provide revenue for the Institute. They also have a few other revenue streams in mind, and their goal is to be self-sustaining. The long term plan is that within 10 years there are about 20 entrepreneurial communities that will be defined. **Mike Huber** said the investment part of this is the research, along the way they will receive other benefits but that is really what investment is about. **Councilman Mishler** said this is essentially a research grant. **Liz Borger** replied yes and that piece is nearing completion. **Councilman Mishler** asked when they should expect to see some results of that research. **Liz Borger** replied they are well into their research and in 2025 either during the second or third quarter of next year the universities will come to present their findings to the Council and then discuss how to roll this out to the community.

Councilman Curry said he is happy to see a group like this and he believes the research they will provide will help investors make better decisions on how to invest in Elkhart. As he drives around the city he sees new developments, such as County Road 4 and County Road 17, which many people are not aware that those developments exist.

Councilman Henke said he is glad to know this is being driven by data so it is measurable and this could be something that will be published.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-47

President Dawson opened the public discussion starting at 1 hour, 36 minutes and 58 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-47

President Dawson returned the discussion to the Council starting at 1 hour, 37 minutes and 03 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

By a vote of 7-0, the proposed ordinance passed on second reading.

Motion for third and final reading made by Councilman Henke, second by Councilman Fish. President Dawson asked the clerk to read the proposed ordinance by title only and do a roll call vote.

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

NAYS:

By a vote of 7-0, the proposed ordinance passed on third and final reading.

Discussion on the proposed ordinance ends 1 hour 38 at minutes and 02 seconds of the audio recording.

Proposed Ordinance 24-O-48

AN ORDINANCE APPROPRIATING ONE MILLION FIVE HUNDRED THOUSAND AND 00\100 DOLLARS (\$1,500,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE PROVISION OF GOVERNMENT SERVICES ACCOUNT TO UPGRADE THE HEATING VENTILATION AND AIR CONDITIONING (HVAC) SYSTEM OF CITY HALL

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-48

President Dawson opened Council discussion starting at 1 hour 38 minutes and 25 seconds of the audio recording.

Bradley Tracy, Mayor's Office, said the money for this ordinance has already been approved by the Council for this upgrade. At the time it was approved the restrictions that were required to qualify for the project and do the upgrade were too stringent. The restrictions have been relaxed and so they are asking to re-appropriate this money for the same purpose and they believe it will save money by completing this project. **Steve Kromkowski, Vice President of DLZ**, is here to answer questions about the project. His team has been working on analyzing the facility and putting together the request of bid process.

Councilman Fish asked they are re-appropriating this, where has this been sitting? **Bradley Tracy** replied it has been in the ARP funds and it has just been sitting there. This re-appropriation is under different terms from the contract they had before. They are making changes in their request and specifications and they have been able to reduce some of the costs of the specifications, so that is why they had to re-appropriate the funds.

Councilman Mishler said as with the other ARP ordinances here if this does not equal the \$1,500,000.00, the remainder will go toward already existing infrastructure projects, is that correct? **Bradley Tracy** replied yes. **Councilman Mishler** asked if they knew how old the current system was. **Steve Kromkowski** replied there were some improvements that were done 15 years ago, it was not a complete system and since then there has been some general upkeep that needed to occur. At this point, this is replacing all of the current heat pumps within the facility. The cooling towers much older. They could do some repairs and other things but the system is on its last leg and they would be replacing that. There is also a Dedicated Outdoor Air System hereafter DOAS which they are taking to an alternative bid and they are also taking an alternative bid on the boilers. If the bids are favorable they can be replaced and all of the Heating Ventilation and Air Conditioning hereafter HVAC systems and equipment would be replaced and those have a longevity of 15 to 20 years. The boiler and the cooling tower have a longevity of 20 years. **Councilman Mishler** asked if this would increase the efficiency and lower operational costs. **Steve Kromkowski** replied yes, increased efficiency, lower operational cost, lower maintenance costs and lower energy costs.

Councilman Curry asked is there a standard manufacturer's warranty or a standard contractor warranty on these? **Steve Kromkowski** replied the industry standard is one year after completion, but the equipment itself has much longer warranty periods. There are components to the boiler that have 5 to 10 year warranties. It depends, there is not a single answer for all of it but there are extended warranties on parts of the equipment itself and the components. **Councilman Curry** asked if this will be an American made system? **Steve Kromkowski** replied there are U.S, Steel products and other provisions that are part of the City's standards for the bidding process.

Councilman Henke previously there was a discussion about the air filtration. Can he give them an idea of the air quality after the system is implemented? **Steve Kromkowski** replied the DOAS

unit will have higher level filter filtration through it that brings in air, the heat pumps need fresh air and they will bring air into the building those components will be within it. **Councilman Henke** asked if the filters were electronic or if they are manual replaceable filters. **Steve Kromkowski** replied they are replaceable filters. **Councilman Henke** asked if there is a projected efficiency savings. **Steve Kromkowski** replied he does not have that number but can provide it. **Councilman Henke** asked if they were the same group that worked on the Lerner Theatre. **Steve Kromkowski** replied they were involved with the Lerner project but they were not the contractors. He said it is a public bid; contractors are invited to submit a bid, DLZ is the design engineers and the actual work is then subbed out with the schematics. DLZ is the engineers of record on the project. DLZ does the design and it is a public competitive bid. Contractors order the equipment and materials and do the installation. **Councilman Henke** asked what the normal contingency is since this has yet to be bid. **Steve Kromkowski** replied they have about a 3% that they would anticipate the range in that area. DLZ does have a \$50,000.00 construction contingency as part of the project. Any unknowns and existing conditions, they build that in as a safeguard to the City. If the money is not used it is credited back to the City. The contractor does not see that. **Councilman Henke** asked is there an allowable mark up from DLZ? **Steve Kromkowski** replied DLZ has no markup in terms of the bids themselves. They have a set amount to do the design work, the bidding and then also whether it is 1 Million or 1.5 Million it does not matter.

Councilman Fish asked if there will be a commonality to the heating and cooling in the building. **Steve Kromkowski** replied yes, the south side of the building or the east side of the build will have different heating loads because of the sun and that has been taken into account. They will be adding four additional heat pumps to the building to accommodate those areas. **Councilman Fish** asked about the timing of this to begin? **Steve Kromkowski** replied they are looking at the spring of 2025. Some of the equipment will be 10 to 12 weeks just to order it after shop drawings. They do not want to have the project in process and have to wait on equipment, all the materials need to be on site before they start construction. **Councilman Fish** asked if they will be coordinating with departments. **Steve Kromkowski** replied they have identified within the documents the building is fully occupied and they need to make those provisions to create the least amount of disruption. **Councilman Fish** asked if this will clean up some of the mess that has been made to create a working structure in a 100 year old building. Is there commonality for controls and efficiency? **Steve Kromkowski** replied there will be new controls to the new equipment. They discovered that some of the controls within the building are still current and if they would replace them it would be with the exact same control so those will not be replaced.

Bradley Tracy said in addressing the question of the maintenance on the facility, as they will have the maintenance agreements contracted with their guarantee. The Council for last year and the remainder of this year have contracted out a maintenance agreement with a professional service to maintain the building and when the equipment is updated, they will contract with a professional service to maintain the equipment going forward.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-48

President Dawson opened the public discussion starting at 1 hour, 50 minutes and 23 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-48

President Dawson returned the discussion to the Council starting at 1 hour, 50 minutes and 29 seconds of the audio recording.

Councilman Henke said the money was never encumbered for the first round but the ordinance passed. Is there any legal action that has to be taken to reverse the previous appropriation? **Jamie Arce, City Controller**, replied by nature it would have reverted and this additional appropriation not only provides them, with the reaffirmation of this current Council and the program itself, but it gives them the flexibility in the product they will be putting into the building they would not have had in the original appropriation because of the way it was written.

Councilman Fish asked with the new system in place could they still go ahead with other efficiency measures, such as, Light-emitting Diode hereafter LED lights and possibly new windows where they are appropriate? **Steve Kromkowski** replied that would just make the system better overall because the controls have the ability to modulate that, it is based on the room temperature primarily so if you add those it will just make the building more efficient.

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

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

NAYS:

By a vote of 7-0, the proposed ordinance passed on second reading.

Motion for third and final reading made by Councilman Mishler, second by Councilman Fish. President Dawson asked the clerk to read the proposed ordinance by title only and do a roll call vote.

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

NAYS:

By a vote of 7-0, the proposed ordinance passed on third and final reading.

ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES

There are no ordinances or resolutions referred to committees.

TABLED ORDINANCES AND RESOLUTIONS

Proposed Ordinance 24-O-10

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

President Dawson asked for a motion to remove this ordinance from the table. Motion by Councilman Crabtree, second by Councilman Mishler.

By unanimous voice vote the ordinance was removed from the table.

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-10

President Dawson opened Council discussion starting at 1 hour 54 minutes and 44 seconds of the audio recording.

Mike Huber said he is happy to see this ordinance removed from the table and it is going to move forward. As a reminder of the project, this is a 252 unit, new multi-family residential project to be located on the east side of County Road 17 in the Parkway at 17 Development. This is a single site Tax Increment Funding hereafter TIF. The project has gone through the development agreement and has been signed and the project has gone through the Economic Development Commission. They have all of the bonds and everything is ready to go. They just need final approval on the bond ordinance this evening for the developer to be able to purchase those bonds. A representative of Holladay Properties is here and they have a brief presentation. **James Randolph, Holladay Properties**, said it is a very exciting day for them. He thanked Mike Huber, the Mayor, staff and the City Council for helping them to develop a community that they feel best fits the needs of the City of Elkhart and the larger community as a whole. It is a \$49 Million Dollar investment for them and through their efforts and the collaborative efforts of the City they have been able to entice investments, a lot of private investment, that are interested in this deal. They are going through the final stages of design. They are about a month away from having construction and documents fully done with our architects and engineers. They are shopping financing terms at this point and this project would not be possible without the TIF that they have been able to introduce here in the Council Chambers. There will be seven residential buildings on the site. They believe this has been thoughtfully laid out on the site. It takes up about 15 acres of the 21 acre site. They are hopeful there will be a phase two in the future. Their plan is to start March of 2025 and then start delivering those buildings and to be finished in 21 months.

Mike Huber said he forgot to mention the City's investment is a pledge of up to 6.5 Million Dollars and they anticipate with 100% that will meet their obligations within 15 years, by 2040,

and they will have an additional 15 years of TIF beyond that to be able to capture in the fund for future maintenance on the road and in the area as well.

Councilman Mishler said previously when they had spoken there was a discussion about setting aside a certain number of units that would be more affordable. Is that still the case? **Mike Huber** said none of the terms of the development agreement have been changed, this is the exact same project that was previously discussed. **Councilman Mishler** asked if he could be reminded what that percentage of units that was going to be set aside? **Mike Huber** said that the agreement outlined that a percentage of the units in direct proportion to the City's investment of the total investment in the project would be made available at rents affordable to 60 to 80 percent of the area's median income. **Councilman Mishler** asked how many units that would be? **James Randolph** replied it is approximately 33 units. **Councilman Mishler** said he had a question about parking and if there had been any consideration regarding chargers for electric vehicles and hybrids? **James Randolph** said he agrees and drives an Electric Vehicle hereafter EV himself. There will be 2 EV stations at the clubhouse and they have plans for up to 8 additional charging stations. They will run conduit in anticipation of possibly more stations as those vehicles become more popular.

Councilman Curry asked how many stories the apartments will be. **James Randolph** said there will be 3 stories and they will all be walk ups, garden style. **Councilman Curry** asked if there would be an elevator. **James Randolph** replied there will be no elevator. **Councilman Curry** asked about the amenities like a pool and other things. **James Randolph** replied there will be a pool, they will have grilling stations and a 24 hour fitness facility.

Councilman Fish said he noticed there is only one entrance is that part of the planning? **James Randolph** said this slide may be an old rendering but both of the roads indicated on the map will go out to County Road 17. The slides that are referenced are attached to the end of these minutes.

Councilman Henke said he has an issue with the City obligating 33 units as reduced to access tax dollars, which he believes is contrary to market demand. It was mentioned the 6.5 Million will be paid off in 15 years. **Mike Huber** replied yes that is correct. **Councilman Henke** said that the deferment of the money has an impact on other things in the community and he wanted to make sure that was understood.

President Dawson asked if it was in a TIF already. **Mike Huber** said yes, this is the final action to bring the project together.

Councilman Mishler said it was in a County TIF previously. **Mike Huber** said yes, it was in a County TIF and it was moved to a City TIF.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-10

President Dawson opened the public discussion starting at 2 hours, 06 minutes and 40 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-10

President Dawson returned the discussion to the Council starting at 2 hours, 06 minutes and 44 seconds of the audio recording.

There was no further Council discussion.

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

AYES: Curry, King, Mishler, Fish, Crabtree, Dawson

NAYS: Henke

By a vote of 6-1, the proposed ordinance passed on second reading.

Motion for third and final reading made by Councilman Mishler, second by Councilman Fish. President Dawson asked the clerk to read the proposed ordinance by title only and do a roll call vote.

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

NAYS:

By a vote of 7-0, the proposed ordinance passed on third and final reading.

ORDINANCES ON FIRST READING

Proposed Ordinance 24-O-49

AN ORDINANCE ACCEPTING THE UNITED STATES DEPARTMENT OF AGRICULTURE COMMUNITY FORESTRY INITIATIVE REIMBURSEMENT GRANT IN THE AMOUNT OF ONE MILLION DOLLARS (\$1,000,000.00) FOR THE CITY OF ELKHART "TREES FOR THE HART" INITIATIVE

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

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

Proposed Ordinance 24-O-50

AN ORDINANCE AMENDING ORDINANCE NO. 5983, AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, DESCRIBED AS ELKHART EAST ANNEXATION, PHASE 1, INTO THE CITY OF ELKHART, INDIANA

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

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

Proposed Ordinance 24-O-51

AN ORDINANCE APPROPRIATING SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000.00) FROM THE ELKHART CAPITAL OUTLAY FUND FOR THE REPLACEMENT OF THE NORTH ROOF OF THE LERNER THEATRE

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

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

Proposed Ordinance 24-O-52

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE GENERALLY DESCRIBED AS 37.13 VACANT ACRES ON COUNTY ROAD 14 EAST OF COUNTY ROAD 17 IN ELKHART COUNTY, INDIANA, AND DECLARING THE SAME TO BE A PART OF THE CITY OF ELKHART, INDIANA

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

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

Proposed Ordinance 24-O-53

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE COMMONLY KNOWN AS 2400 SOUTH SIXTH STREET, ELKHART, INDIANA, AND DECLARING THE SAME TO BE A PART OF THE CITY OF ELKHART, INDIANA

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

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

Proposed Ordinance 24-O-54

AN ORDINANCE APPROPRIATING TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) AND APPROVING THE ACQUISITION OF LAND ADJACENT TO IDEAL BEACH BY THE ELKHART CITY PARKS AND RECREATION BOARD

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

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

RESOLUTIONS

Proposed Resolution 24-R-54

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, ADOPTING A WRITTEN FISCAL PLAN TO DEFINE A POLICY FOR THE PROVISION OF SERVICES TO THE AREA GENERALLY DESCRIBED AS 37.13 VACANT ACRES ON COUNTY ROAD 14 EAST OF COUNTY ROAD 17 IN ELKHART COUNTY, INDIANA, A PROPOSED ANNEXATION AREA

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

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-54

President Dawson opened Council discussion starting at 2 hours, 10 minutes and 50 seconds of the audio recording.

Councilman Fish said area A-1 is highlighted, that is the only area, is that correct? **Eric Trotter, Planning Department**, said that is correct. **Councilman Fish** asked is it currently in a TIF? **Eric Trotter** replied no, he does not believe so.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-54

President Dawson opened the public discussion starting at 2 hours, 12 minutes and 55 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-54

President Dawson returned the discussion to the Council starting at 2 hours, 13 minutes and 03 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

By a vote of 7-0, the proposed resolution passed.

Discussion on the proposed ordinance ends at 2 hours, 13 minutes and 29 seconds of the audio recording.

Proposed Resolution 24-R-55

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, ADOPTING A WRITTEN FISCAL PLAN TO DEFINE A POLICY FOR THE PROVISION OF SERVICES TO THE AREA COMMONLY KNOWN AS 2400 SOUTH SIXTH STREET, ELKHART, IN 46517, A PROPOSED ANNEXATION AREA

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

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-55

President Dawson opened Council discussion starting at 2 hours, 14 minutes and 06 seconds of the audio recording.

There was no council discussion.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-55

President Dawson opened the public discussion starting at 2 hours, 14 minutes and 12 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-55

President Dawson returned the discussion to the Council starting at 2 hours, 14 minutes and 18 seconds of the audio recording.

Councilman Henke asked if there is a home on this property and is this being annexed due to a sewer failure only. **Eric Trotter** replied yes, there is a house on this property and the septic system is failing and in order for them to qualify to hook up to the city there needs to be a petition for annexation. **Councilman Henke** asked are they carved out in the annexation process. **Eric Trotter** replied no, this is an area about two blocks south and a block and a half to two blocks wide that had never been a part of the city. He said slowly but surely along the west the septic systems are failing on these small lots and they do not have an alternative for a secondary system. Their only option is to petition for annexation and they are contiguous on the north and west side. **Councilman Henke** asked if they will be paying for the linear footage according to the ordinance. **Eric Trotter** replied yes they will work through the utility when they are hooked up.

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

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

NAYS:

By a vote of 7-0, the proposed resolution passed.

Discussion on the proposed ordinance ends at 2 hours, 15 minutes and 57 seconds of the audio recording.

Proposed Resolution 24-R-56

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, CONFIRMING RESOLUTION NO. R-53-24, WHICH DECLARED A CERTAIN AREA IN THE CITY OF ELKHART TO BE AN ECONOMIC REVITALIZATION AREA FOR THE PURPOSE OF GRANTING TAX PHASE-IN BENEFITS TO PECF ENTERPRISES INC. DBA TRIANGLE RUBBER CO. LLC AND GUILD LLC

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

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-56

President Dawson opened Council discussion starting at 2 hours, 16 minutes and 39 seconds of the audio recording.

There was no council discussion.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-56

President Dawson opened the public discussion starting at 2 hours, 16 minutes and 44 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-56

President Dawson returned the discussion to the Council starting at 2 hours, 16 minutes and 48 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

By a vote of 7-0, the proposed resolution passed.

Discussion on the proposed ordinance ends at 2 hours, 17 minutes and 11 seconds of the audio recording.

Proposed Resolution 24-R-57

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, TO APPROVE TWO MEMEORANDA OF AGREEMENTS BETWEEN THE CITY OF ELKHART, AND PECF ENTERPRISES INC. DBA TRIANGLE RUBBER CO, LLC\N7 GUILD LLC

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

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-57

President Dawson opened Council discussion starting at 2 hours, 17 minutes and 42 seconds of the audio recording.

There was no council discussion.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-57

President Dawson opened the public discussion starting at 2 hours, 17 minutes and 45 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-57

President Dawson returned the discussion to the Council starting at 2 hours, 17 minutes and 50 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

By a vote of 7-0, the proposed resolution passed.

Discussion on the proposed ordinance ends at 2 hours, 17 minutes and 11 seconds of the audio recording.

Proposed Resolution 24-R-58

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, AMENDING RESOLUTION NO. R-11-24, ADOPTING A WRITTEN FISCAL PLAN TO DEFINE A POLICY FOR THE PROVISION OF SERVICES TO THE ANNEXATION AREA REFERRED TO AS ELKHART EAST ANNEXATION PHASE 1

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

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-58

President Dawson opened Council discussion starting at 2 hours, 18 minutes and 41 seconds of the audio recording.

There was no council discussion.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-58

President Dawson opened the public discussion starting at 2 hours, 18 minutes and 45 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-58

President Dawson returned the discussion to the Council starting at 2 hours, 18 minutes and 47 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

By a vote of 7-0, the proposed resolution passed.

Discussion on the proposed ordinance ends at 2 hours, 19 minutes and 05 seconds of the audio recording.

VACATION HEARINGS

There are no vacation hearings.

OTHER NEW BUSINESS

President Dawson opened the discussion starting at 2 hours, 19 minutes and 17 seconds of the audio recording.

Councilman Mishler said there have been some changes on Cassopolis Street following the Chick-fil-A construction. The Indiana Department of Transportation hereafter INDOT has put in some changes regarding the medians there. He has had a fair amount of concerns from people regarding the signage there, as it is confusing. He is hoping that the City's Public Works Department could reach out to INDOT and get the signage clarified. He also mentioned some leaflets were distributed in the community and around the state by a hate group. This group does not represent any of them in the community. Their community does not have a place for that kind of bigotry, intolerance or hatred and he believes they should all come together in condemning it.

Councilman Curry said as they continue to have good things going on in the City, people want to know what is going on and have questioned him about what is going on on Cassopolis Street where Gubi's Restaurant used to be years ago. **Mike Huber** said he is not sure, he would check with Eric Trotter and let the Council know what is happening on that site.

Councilman Henke said he was appreciative of the leaf pick up in his area as there were a lot of leaves. There was an incident of loud noise and racing cars and the police responded quickly to that situation and he is grateful for their quick response. People have complained about the traffic on Cassopolis Street and the entrance to the car wash that is located next to Chick-fil-A. He is wondering if anything can be done or if the decisions on location should have been looked at differently.

President Dawson commented if you have ever gone to any of the Chick-fil-A stores it seems they are in locations that are small for the amount of business they attract. He said he frequents the Drive and Shine car wash and he has yet to go there when there was not a line, but he believes the traffic will die down eventually.

President Dawson said there are some appointments to the Police Merit Board, Fire Merit Board and the Lerner Theatre Board.

A reappointment of Brad Billings, to the Police Merit Board, his term will run January 1, 2025 to December 31, 2028. He asked for a motion and a second for this reappointment. Motion by Councilman Crabtree, second by Councilman Henke.

By a unanimous voice vote the reappointment was passed.

A reappointment of Mandy Leazenby to the Fire Merit Board, her term will run January 1, 2025 to December 31, 2028. He asked for a motion and a second for this reappointment. Motion by Councilman Mishler, second by Councilman Crabtree.

By a unanimous voice vote the reappointment was passed.

An appointment of Frances Bouie to the Lerner Theatre Board. This is a new appointment replacing Ashley Martin. Her term will run through December 31, 2027. He asked for a motion and a second for this appointment. Motion by Councilman Henke, second by Councilman Mishler.

By a unanimous voice vote the appointment was passed.

New Business discussion ended at 2 hours, 25 minutes and 40 seconds of the audio recording.

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

Jamison Czarnecki, Superintendent Parks & Recreation Department announced the Parks & Recreation Department received Innovative Program of the Year Award from the Indiana State Parks and Recreation Association. He wanted to give a shout out to the staff and team for coming up with really interesting and innovative programs and it is nice to have the State

recognition. Also, the new playground at Walker Park just opened and it is pretty exciting and successful. He said there are more improvements to come, they have finished their Master Plan Speaker Series and they will be moving heavily into public engagements started tomorrow with Ullery Park. He asked everyone to check in for more information on what is coming in the future at <https://ourparksplan.com>.

President Dawson said the Lerner Theatre will be kicking off their 100 year celebration on Sunday, November 24th at 3:00 p.m. with the movie which opened the theatre in 1929, The Navigator with Buster Keaton, featuring the Kimball Organ. It is a free event and there will be free popcorn.

Councilwoman King said there is a community meeting on November 19th at 6:00 p.m. regarding Sixth Street, this is part of the Master Plan and they want to hear from the public and have them share their stories, memories and experiences at Ullery Park and join in planning the future of this special place and why this is meaningful to our community.

Reports of Mayor, Board of Works, Board of Safety or City Departments ends at 2 hours, 28 minutes and 03 seconds of the audio recording.

NEIGHBORHOOD ASSOCIATION REPORTS

President Dawson opened the Neighborhood Association Reports starting at 2 hours, 28 minutes and 05 seconds of the audio recording.

Councilman Curry said, there is a National Association for the Advancement of Colored People hereafter NAACP meeting tomorrow, November 19th at 7:00 p.m. The Pierre Moran Neighborhood Association met last week and they want to thank Councilman Alex Holtz for attending. People like to know their council people and especially the council members at large. The meetings are always about what is best for their neighborhood. There are several new neighbors coming into the Pierre Moran neighborhood. There is a new home being built, there is also a home that just sold, there was another house down the street that sold but was hit by the tornado and it is almost finished with restoration, also one of the neighbors moved and will be renting out their current home in the neighborhood. They are looking forward to meeting all of the new neighbors. The leaf pick up went well and they are getting ready for the second round and they are helping the seniors get their leaves out so they can be picked up also. Also the Christmas decorations are going up and that just adds to the community and the south side.

President Dawson said the downtown looks extremely well, as usual and the City does a great job with the decorations.

Neighborhood Association reports ends at 2 hours, 30 minutes and 11 seconds of the audio recording.

PRIVILEGE OF THE FLOOR

No one spoke from the public.

SCHEDULING OF COMMITTEE MEETINGS

There will be a Special Call Meeting on Monday, November 25 at 6:00 p.m. for Ordinance 24-O-50. Angie McKee, Council Secretary said it is in reference to Ordinance No. 5893. The legal description needs to be amended as there was an issue when it was to be recorded with the County. It is a time sensitive issue that needs to be recorded before the end of the year in order to take effect in 2025.

ACCEPTANCE OF COMMUNICATIONS

Minutes of September 25, 2024 – Board of Aviation
Minutes of October 15, 2024 – Board of Public Works
Report – Month End October – Elkhart Communications Center

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

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

ADJOURNMENT

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

By a unanimous voice vote, the meeting was adjourned.

Debra D. Barrett, Elkhart City Clerk

Arvis L. Dawson
President of the Elkhart City Council



Police Department
175 Waterfall Dr.
Elkhart, IN 46516

Rod Roberson
Mayor

Dan Milanese
Chief

574.295.7070
Fax: 574.293.0679

Mayor Roberson,

This letter is to recommend that both Aaron Polly and Anthony Larner receive the Excellent Citizen Award for their brave and quick action that undoubtedly resulted in saving the life of a citizen.

On May 29th of this year 911 received an emergency call about a young child that had fallen into the St. Joseph River. While emergency personnel were still responding Aaron Polly, who was visiting a nearby house, heard that a child had fallen in the river.

Aaron immediately went to the area and saw the child in the water. Without thought for his own personal safety, Aaron entered the water, swam to the child and was able to get the child to the edge of the dock.

Another passerby, Anthony Larner, saw what was going on and went to the dock on the river bank to help. Aaron, who by this time was exhausted, was able to get to the dock and Anthony was able to take the child from Aaron and took the child immediately to emergency responders who were arriving on scene.

First responders were able to regain vital signs and transported the child to the hospital.

Both Aaron and Anthony's actions that day showed selflessness, courage, dedication to helping others and the ability to remain calm in the face of a very chaotic and stressful situation. The Elkhart Police Department and the Elkhart Fire Department ask that both Aaron and Anthony be recognized for their life saving actions they took on May 29th 2024.

Dan Milanese, Chief
Elkhart Police Department

Rodney Dale, Chief
Elkhart Fire Department



Police Department
175 Waterfall Dr.
Elkhart, IN 46516

Rod Roberson
Mayor

Dan Milanese
Chief

574.295.7070
Fax: 574.293.0679

Mayor Roberson,

This letter is to recommend that both Josh Orrick and Ashley Carter receive the Excellent Citizen Award for their brave and quick action that undoubtedly resulted in saving the life of a citizen.

On 05/19/2024 at approximately 5:35pm Josh Orrick and his family arrived at 123 W. Hively Ave (Kroger supermarket) to do some shopping. Josh's son observed a man sitting in a parked vehicle that appeared to be unconscious. Josh's son alerted his father to the unconscious individual. Josh immediately made contact with another occupant of the same vehicle asking if he could assist in rendering aid to the unconscious person. After observing the person did not appear to be breathing Josh quickly removed the person from the vehicle so life saving measures could be started. At the same time, Ashley Carter had just exited the store and was near the vehicle when Josh was attempting to help the individual in need.

Once Josh was able to help get the individual on the ground, Ashley assessed the individual and found the person to not have a pulse. Ashley quickly started performing life-saving CPR. Ashley continued performing CPR until first responder, Patrolman Cody Vicary, arrived on scene and took over CPR and administered an effective dose of NARCAN.

The individual was transported to Elkhart General Hospital where individual regained a pulse, regained consciousness and started talking. It was confirmed by the Emergency Room Physician that without the actions of those involved this individual would not have survived.

The ability of Josh and Ashley to remain composed under pressure, to think and act quickly, and willingness to help a fellow citizen in need is an amazing example of citizenship. Their actions saved a life. The Elkhart Police Department and Elkhart Fire Department ask that the City of Elkhart Recognize Ashley Carter and Josh Orrick for their life saving actions they took on 05/19/2024.

Dan Milanese, Chief
Elkhart Police Department

Rodney Dale, Chief
Elkhart Fire Department



Crossroads 41



HOLLADAY
PROPERTIES

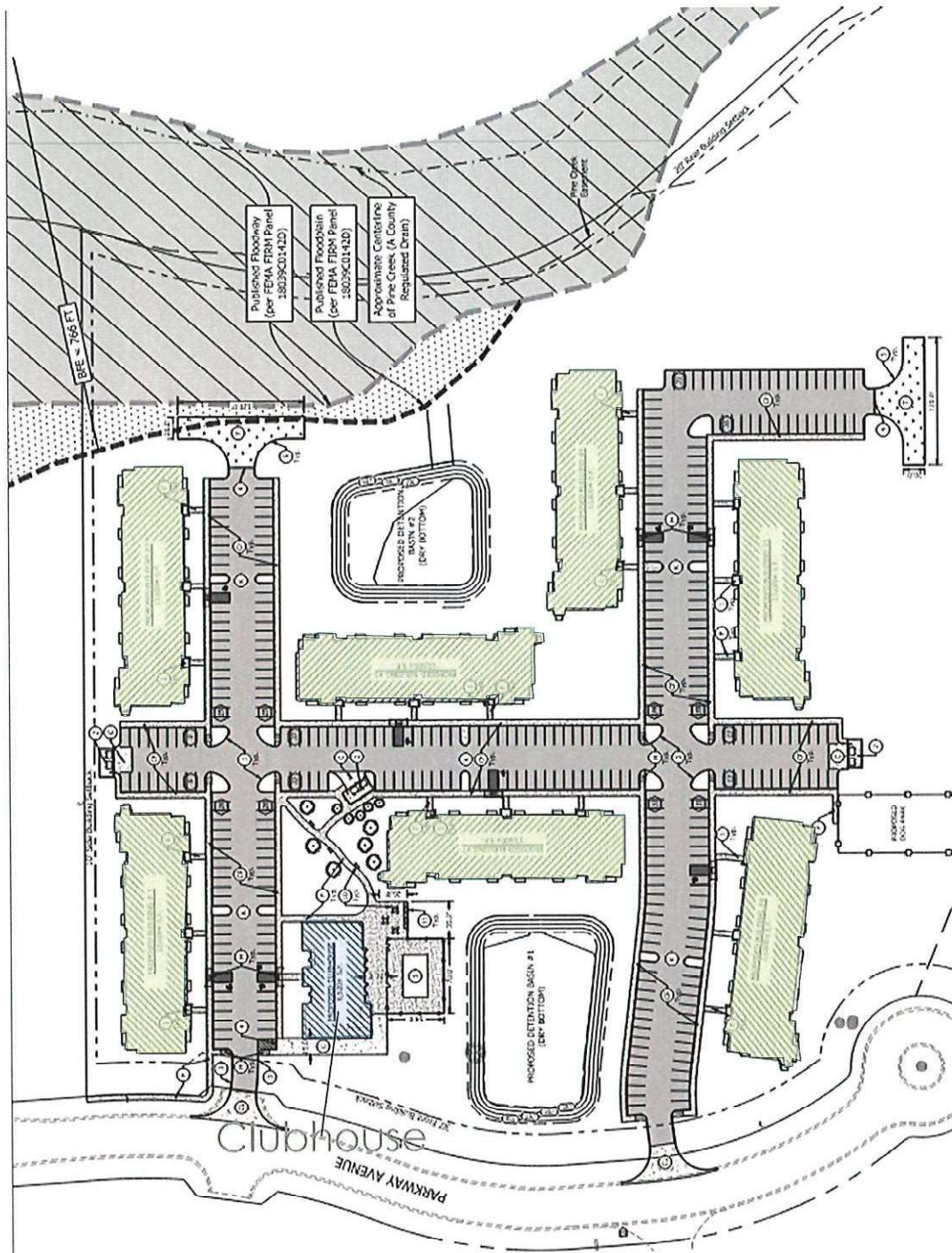
Building Solutions Since 1952



HOLLADAY
PROPERTIES

Building Solutions Since 1952

Site Plan





HOLLADAY
PROPERTIES

Building Solutions Since 1952

Rendered Elevations





HOLLADAY
PROPERTIES
Building Solutions Since 1952

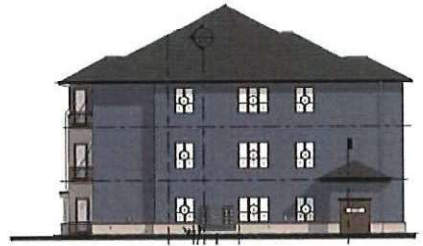




HOLLADAY
PROPERTIES

Building Solutions Since 1952

Mixed Use North Elevation



DRAFT

MINUTES OF THE SPECIAL CALL COMMON COUNCIL MEETING OF NOVEMBER 25, 2024

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

Absent: Tonda Hines

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

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

The clerk called the roll.

President Dawson asked the clerk to read the special call notice in its entirety.

Proposed Ordinance 24-O-50

AN ORDINANCE AMENDING ORDINANCE NO. 5983, AN ORDINANCE ANNEXING CERTAIN REAL ESTATE, DESCRIBED AS ELKHART EAST ANNEXATION, PHASE 1 INTO THE CITY OF ELKHART, INDIANA

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-50

President Dawson opened the council discussion starting at 43 minutes and 54 seconds of the audio recording.

John Espar, Corporation Counsel said this is a voluntary annexation. The applicant, who is the owner of the property, secured the services of an outside consultant to prepare the legal description so they could bring the petition to the Planning Commission and ultimately to the Council. He said that legal description had more than typographical errors. It had a fatal error to the extent that it described property that was not intended for annexation. There was no way to correct this other than start the process over, provide the public hearing at the Planning Commission and once it went through that process to bring it back to the Council to correct the legal description. That is what this proposed ordinance does, it provides the accurate legal description and therefore properly annexes the property.

Councilman Mishler asked is this an amendment to the previous ordinance or is this a new ordinance? **John Espar** replied, it is an amendment to the previous legislative act to correct the legal description to properly define the property that was previously intended to be annexed. **Councilman Mishler** asked if it needs the public hearing and to go through the usual process.

John Espar replied, yes. **Councilman Mishler** asked are they doing that right now. **President Dawson** replied, yes, when they are done discussing the ordinance, they will open it for public discussion. **Councilman Mishler** asked when this was on first read. **President Dawson** replied, it was first read at the last council meeting on November 18, 2024. **John Espar** said it was first read at the last regular Council meeting and this Special Call Meeting was called at a time after sufficient notice of the public hearing could take place.

Councilman Henke asked if they need to state something to the effect of replacing the ordinance in its entirety and restating the ordinance retroactive to the effective date of June 3, 2024. He said they have to make it specific. **John Espar** replied it was the expectation that the language that he cited would accomplish exactly what he understood to be an important aspect of this amendment. His intention was to avoid the suggestion that they were repeating or that the Council was repealing legislation, which would cost a year's worth of tax revenue to the City.

Councilman Mishler said he understands that this can happen from time to time but this made it through the process and it was not noticed. How can they prevent this kind of error in the future? **John Espar** said that would require outside consultants submit a legal description to the County in advance of the City's action. That would increase the burden of time required and it would require more time from the County as they would be acting as a proof reader for outside consultants work. The outside consultant is engaged with a company for their expertise and they need to rely on them to provide accurate descriptions. When the county lays out the description on a map they have to expect it to work and if it does not and it happens enough they will stop working with certain consultants. The individual responsible is very apologetic and proposed in future annexations that they work on they will take the legal description to the County to provide advanced approval before the Planning Commission process begins.

Councilman Fish said, he does not want to discuss possible new legislation, they can talk about that later. He asked what they do now to clean this up and get it moving today. **John Espar** replied continue with the public hearing and anything else they wish to debate on this ordinance and that will satisfy the legal requirements to pass this ordinance.

Councilman Holtz asked if anyone had been harmed due to this error. **John Espar** replied no.

Councilman Henke asked when the error was found. **John Espar** said the error was found when the recorder and the County Geographic Information System hereafter GIS professional attempted to lay the legal description on the map. **Councilman Henke's** comment was not heard.

Councilman Henke proposed an amendment to the fourth paragraph of the ordinance to read, "The City of Elkhart intends to amend Ordinance No. 5983 by replacing it in its entirety and making it retroactive to the original effective date of June 3, 2024." **President Dawson** asked if there was a second to the motion to amend. There was no second. Proposed amendment failed due to lack of a second.

Council discussion ends at 54 minutes and 34 seconds of the audio recording.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-50

President Dawson opened the public discussion starting at 54 minute and 40 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-50

President Dawson returned the discussion to the council starting at 54 minutes and 46 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS: Henke

By a vote of 7-1 the proposed ordinance passed on second reading.

President Dawson asked for a motion and a second to pass the Ordinance on Third Reading. Motion by Councilman Mishler, second by Councilman Fish.

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

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

NAYS: Henke

By a vote of 7-1 the proposed ordinance passed on third and final.

Discussion on the proposed resolution ends at 55 minutes and 49 seconds of the audio recording.

ADJOURNMENT

President Dawson asked for a motion to adjourn.

Motion made by Councilman Mishler, second by Councilman Curry.

By a unanimous voice vote, the meeting was adjourned.

Debra D. Barrett, Elkhart City Clerk

Arvis L. Dawson
President of the Elkhart City Council

DRAFT

MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF DECEMBER 2, 2024

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

Present

Via WebEx: Aaron Mishler

Absent: None

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

President Dawson called the meeting to order at 6:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, in Elkhart. All Council Members were present in Council Chambers with the exception of Councilman Mishler who was present via WebEx.

Councilwoman Tonda Hines led the assembly in the Pledge of Allegiance. President Dawson asked for a moment of silent reflection.

The clerk called the roll.

APPROVAL OF MINUTES

President Dawson asked for a motion and second to approve the minutes from the November 12, 2024, Finance Committee Meeting.

Motion made by Councilman Crabtree, second by Councilman Fish.

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

NAYS:

By a vote of 9-0 the minutes were approved.

PRESENTATIONS AND INTRODUCTIONS

There were no presentations or introductions.

UNFINISHED BUSINESS

REPORTS OF COUNCIL COMMITTEES

There were no reports.

ORDINANCES ON SECOND-THIRD READING

Proposed Ordinance 24-O-49

AN ORDINANCE ACCEPTING THE UNITED STATES DEPARTMENT OF AGRICULTURE COMMUNITY FORESTRY INITIATIVE REIMBURSEMENT GRANT IN THE AMOUNT OF ONE MILLION DOLLARS (\$1,000,000.00) FOR THE CITY OF ELKHART "TREES FOR THE HART" INITIATIVE

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-49

President Dawson opened Council discussion starting at 55 minutes and 17 seconds of the audio recording.

Jeff Zavatsky, Superintendent, Environmental Center, said he has a presentation regarding the Trees for the Hart initiative. This initiative was a collaboration with Jamison Czarnecki, Superintendent of Parks and Recreation, the late Ryan Smith, from the Planning and Redevelopment office and himself, to obtain this grant. They asked for 2.5 Million and were fortunate to be awarded 1 Million. This is a transformative grant. It is based from the United States Department of Agriculture hereafter USDA through the United States Forestry Service. The grant focuses on the urban canopy and trees. The benefits of trees include the look and the smell in the spring, but there are other benefits that many are not aware of. Some of the other benefits are they can lower the temperatures up to 20 degrees, they help absorb water when there is a wet spring and they reduce carbon. The majority of the funds are going to large trees because they can go into the City's right-of-way, streets and parks. Another part of the fund is going to the Forestry Department. That department has a need for new software to allow them to track and to measure how the trees are doing and that information can be shared with the public. The citizen can pull up their address in the city and pull up their trees and they can see the benefit the trees are giving to them. Part of the funds are going to do a complete citywide inventory of the trees in the City that are located in the right-of-ways, streets and parks. They will not be going on private property. This will allow them to do an urban canopy tree assessment and that will tell them how to prioritize where trees are needed. This will also cover some maintenance and help the Forestry Department due to the loss of trees through storms and the Emerald Ash Borer to get up to speed on the inventory of the trees and help them maintain the new trees. This grant is a non-matching grant and they will be focusing on a disadvantaged area of the community. The slide he presented shows the areas where they need to plant. The next slide shows the areas of their heat index where there are excessive heat temperatures. The quickest way to reduce the heat areas is to plant trees. Because this is a non-matching grant, the City pays for the trees and then the City is reimbursed. This program is expected to last to the spring of 2028. Their goal is to plant over 2,000 trees. Trees will be planted by neighborhood associations, churches, scouts, schools and others in our community. A copy of the slides presented are included in these minutes.

Councilman Curry said they lost a lot of trees in the Pierre Moran area due to the tornado. Will any trees be replaced in that area on private property? **Jeff Zavatsky** replied, this specific grant is focusing on right-of-way areas and public property areas. The future goal is to focus on private property, but currently this is for public property.

Councilman Fish said he thinks this is a great program. He asked when he expects the program to end. **Jeff Zavatsky** replied, the spring of 2028.

Councilman Henke asked a question, but could not be heard. **Jeff Zavatsky** replied they have to be selective on the trees. The goal is to focus on shade trees. If there are power lines running through the property, they will receive a small to medium size tree so as not to interfere with the power lines. They will be looking at what is above ground and also below ground as they consider where to plant the trees. They are focusing on taller trees first. They will avoid the problems of cutting trees in a V shape to avoid power lines and plant smaller trees in those areas. They will be reaching out to the homeowners and letting them know they are qualified for a tree and there will be a list of trees available. The homeowner can reject the tree, but they will need a good reason for that to happen.

Councilman Fish asked will the 1 Million Dollars be in his budget or will it come out of the general fund? How will the reimbursement process work? **Jaime Arce, City Controller** replied the money will be appropriated and housed in its own standalone separate fund, which are the requirements when they are dealing with federal reimbursable grants. **Councilman Fish** asked will they see that on the budget. **Jaime Arce** responded it will not be a budgeted fund because it is a reimbursable grant. It will be subject to the single federal grant on the single federal audit rules that the Board of Accounts audits of their records annually. **Councilman Fish** said the reason he asked is that the money has to show up somewhere. **Jaime Arce** replied it will come from the new established fund and Jeff and his team will be responsible for requesting reimbursement from the Federal Government. It is no different than when they get reimbursed through the Community Development Block Grant hereafter CDBG, it is a pass through account.

Councilman Crabtree asked if he knows if the City has ever received a grant like this for trees in the past. **Jeff Zavatsky** replied not that he remembers. The grant is coming from the Inflation Reduction Act and is probably a once in a lifetime fund that was made available. **Councilman Crabtree** said this is a grant so this is a match free money specifically for trees. **Jeff Zavatsky** replied, it is more of a reimbursement, it is very detailed about how they can spend the money. **Councilman Crabtree** said 2,000 trees are a lot of trees and he praised the departments for assisting with this plan and he looks forward to seeing them in the ground.

Councilman Mishler asked if all of these trees are native trees to the area. **Jeff Zavatsky** replied yes, but they are not restricted to that, the better answer to that is that they will not be invasive.

Councilman Henke said, the money has to come out of somewhere will that be the general fund? **Jaime Arce** replied the way these reimbursable federal grants typically work is the money is spent using their pool of cash. This is one of the few instances where the Board of Accounts does not have concerns where there is a short term deficit operating out of that budget. If they would look at a treasurer's report, similar to CDBG, it would look like an overdrawn account, which would indicate they are waiting on a reimbursement. That is one of the exceptions to the rule the Board of Accounts has in place. **Councilman Henke** asked about the previous Thornton Tree Farm that is now Hobson RV and if any of those trees could be used. **Jeff Zavatsky** replied,

he believes those trees are too large to be uprooted and transplanted. The bigger the tree, the more maintenance that is involved for the first few years to get it to grow and be established.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-49

President Dawson opened the public discussion starting at 1 hour, 11 minutes and 00 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-49

President Dawson returned the discussion to the Council starting at 1 hour, 11 minutes and 11 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

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

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

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

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

NAYS:

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

Discussion on the proposed ordinance ends at 1 hour, 12 minutes and 17 seconds of the audio recording.

Proposed Ordinance 24-O-51

AN ORDINANCE APPROPRIATING SIXTY THOUSAND AND 00\100 DOLLARS (\$60,000.00) FROM THE ELKHART CAPITAL OUTLAY FUND FOR THE REPLACEMENT OF THE NORTH ROOF OF THE LERNER THEATRE

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-51

President Dawson opened Council discussion starting at 1 hour, 12 minutes and 43 seconds of the audio recording.

Bradley Tracy, Mayor's Office said he is here to ask the Council to pass this ordinance for \$60,000, which will be used for the engineering study and the creation of a bid process to replace the north roof of the Lerner Theatre. This is a flat roof over the Crystal Ballroom of the Lerner Theatre. The roof has had some repairs over time, but it is at the point the leak is traveling underneath so there is no longer a correlation as to where the leak is in the roof. He said he will be coming back to the Council soon to ask for an appropriation to replace the roof. He is here today for the engineers to finalize the paperwork so they can find out exactly what the cost will be to replace the roof.

Councilman Mishler asked if they know the last time the roof was replaced and how much it cost then. **Bradley Tracy** said he does not know how much the roof cost as it was part of the renovation. **President Dawson** said it was a brand new roof when they renovated the Lerner in 2011 or 2012.

Councilman Henke asked if this was structural repairs and if this money should come out of the City's budget or the Lerner's budget. **Jaime Arce** replied the answer to his question is due to timing. The expectation had been to use American Rescue Plan hereafter ARP as part of this funding, but given the timeline that they had to have the funds bid and appropriately obligated, they made the decision to push some of this excess funding in ARP to known projects. One of those projects the Council has already funded was for Benham and LaSalle and the work that is being done currently, which split the funded between ARP and the Capital Outlay Fund. By pushing some additional funding through ARP to this already established project this gives them the flexibility to free up additional Capital Outlay Funding and so they are choosing to use it for that purpose. When they are speaking to the loan that was provided to The Friends of the Lerner Theatre, that was more for emergency singular uses and that does not qualify under the terms of that agreement. **Councilman Henke** said the money is coming from Capital Outlay Fund because the Capital Outlay is going to be there because they have used ARP money to backfill and so that extra money that would not be used is the money that will go to this particular project. **Jaime Arce** replied, that is correct.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-51

President Dawson opened the public discussion starting at 1 hour, 18 minutes and 11 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-51

President Dawson returned the discussion to the Council starting at 1 hour, 18 minutes and 20 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

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

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

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

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

NAYS:

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

Discussion on the proposed ordinance ends at 1 hour, 19 minutes and 20 seconds of the audio recording.

Proposed Ordinance 24-O-52

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE GENERALLY DESCRIBED AS 37.13 VACANT ACRES ON COUNTY ROAD 14 EAST OF COUNTY ROAD 17 IN ELKHART COUNTY, INDIANA, AND DECLARING THE SAME TO BE A 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 and second to adopt on second reading. Motion made by Councilman Fish, second by Councilman Crabtree.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-52

President Dawson opened Council discussion starting at 1 hour, 20 minutes and 06 seconds of the audio recording.

Matt Schuster, Jones Petrie, Rafinski, representing Three Creek LLC, said they are seeking to do a voluntary annexation and rezone the 47 acres. This is immediately to the south of where Alliance RV currently is located, on the east side of Pine Creek North, County Road 14. This annexation is to allow for future construction of Recreational Vehicle hereafter RV manufacturing facilities. Those will depend on market demand.

Councilman Fish said he is speaking for the farmer who rents the land and takes crops off of the land. The farmer wanted to know when the land might be completely taken out of operation. **Matt Schuster** replied, he does not have a time frame for that, they do plan to build on it but he does not know the timing on that. He said it depends on when the RV market changes and demands that additional building. **Councilman Fish** said he would talk with him after the meeting.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-52

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

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-52

President Dawson returned the discussion to the Council starting at 1 hour, 22 minutes and 17 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

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

Motion for third and final reading made by Councilman Henke, second by Councilwoman Hines. President Dawson asked the clerk to read the proposed ordinance by title only and do a roll call vote.

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

NAYS:

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

Discussion on the proposed ordinance ends at 1 hour, 23 minutes and 19 seconds of the audio recording.

Proposed Ordinance 24-O-53

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE COMMONLY KNOWN AS 2400 SOUTH SIXTH STREET, ELKHART, INDIANA, AND DECLARING THE SAME TO BE A 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 and second to adopt on second reading. Motion made by Councilman Curry, second by Councilman Fish.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-53

President Dawson opened Council discussion starting at 1 hour 23 minutes and 46 seconds of the audio recording.

There was no Council discussion.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-53

President Dawson opened the public discussion starting at 1 hour, 23 minutes and 49 seconds of the audio recording.

Elizabeth Alvarado, homeowner, said she would like the Council to approve this ordinance, She said their septic system is failing and they would like to be annexed into the City's sewer system.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-53

President Dawson returned the discussion to the Council starting at 1 hour, 24 minutes and 51 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

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

Motion for third and final reading made by Councilman Henke, second by Councilwoman Hines. President Dawson asked the clerk to read the proposed ordinance by title only and do a roll call vote.

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

NAYS:

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

Discussion on the proposed ordinance ends 1 hour 25 at minutes and 45 seconds of the audio recording.

Proposed Ordinance 24-O-54

AN ORDINANCE APPROPRIATING TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) AND APPROVING THE ACQUISITION OF LAND ADJACENT TO IDEAL BEACH BY THE ELKHART CITY PARKS AND RECREATION BOARD

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-54

President Dawson opened Council discussion starting at 1 hour 26 minutes and 12 seconds of the audio recording.

Jamison Czarnecki, Superintendent, Parks and Recreation, said they have an opportunity that does not come along often and he is hoping to capitalize on that opportunity. They are

looking to purchase 25 acres next to Ideal Beach off of County Road 114. They have been working with the Department of Natural Resources hereafter DNR, and they have worked with them for 4 years. Unfortunately they have found out they are in violation and because of that violation they are missing DNR grant opportunities. The violation happened in the past because of a land acquisition where they gave up a large portion of Pierre Moran Park and at that time the paperwork was not filed, the DNR was not alerted and that caused them to be in violation for that parcel. The purchase of this land will get them out of violation with the DNR and allow them the opportunity to apply for future grants. The Parks and Recreation department has a few capital projects that they are looking at and this purchase would allow them to apply for grants for those projects. The Outdoor Recreation Land Program hereafter ORLP funds are Land and Water Conservation hereafter LWCF funds and there is the ability to receive up to 5 Million Dollars. This land acquisition puts them in good graces so they can go after the funding. Additionally, this property is an opportunity where the land is coming to them at a very fair price. They had two appraisals done and the cost comes out to about \$10,000 per acre, which is a great deal in today's market.

Councilman Fish said it is exciting to have the opportunity to purchase a piece of land like this. He asked is the land free and clear? It is just a piece of land they are going to be able to acquire and not have to do anything with right away. **Jamison Czarnecki** said that is correct and it is a clean title.

Councilman Henke asked if the land was conjoined to Ideal Beach and will it be in the Ideal Beach budget. **Jamison Czarnecki** said right now we are just acquiring the land. They are working on development plans to be in conjunction with Ideal Beach, long term plans. By purchasing this land it will allow them to have conversations as to whether it is developed into something alongside Ideal Beach or something else. It is hard to have those conversations until they own the property. Foremost, it gets them out of violation with the DNR so they can have those conversations with potential developers. **Councilman Henke** asked if this was waterfront property. **Jamison Czarnecki** said it is not waterfront but it is right off of the Indiana Toll Road. **Councilman Henke** asked it is not necessarily the expectation to increase the size of the Ideal Beach operation. **Jamison Czarnecki** said it gives them the opportunity to look at that more seriously if that is what they decide they want to do.

Councilman Curry said he does not understand how what they did at Pierre Moran effects another part of the area with the DNR. **Jamison Czarnecki** said what happened was the land that put them in violation, the Pierre Moran Park was tied to LWCF and that is a program that has been around since 1964, it is a bipartisan program. Two years ago they invested 254 Million Dollars into this program with a lot of the money going toward acquiring parklands, park improvements and there are a lot of pools that are 50 years old being renovated. The requirement when they earn this funding is that it stays with the park in perpetuity. When they gave up the land, it did not designate as park land property and that put them in violation. **Councilman Curry** said when they gave that land to Roosevelt School that caused the violation. **Jamison Czarnecki** replied yes, but the tradeoff for Pierre Moran Park when the schools took that partial portion of Pierre Moran Park, they built the Pierre Moran Pavilion and gave them the property next to the old Roosevelt School. Now they have Roosevelt Park there. It is possible that they should have filed the paperwork and that might have cleared them but for some reason that was not filed and that caused the violation. He was not part of those conversations, but because of that they have been in violation since then and losing out on obtaining grants.

Councilman Henke asked if he had an estimate of the grants that they would have been allowed to participate in. **Jamison Czarnecki** the minimum is 300 Thousand Dollars up to 1 Million Dollars and if they had applied for any of that toward the 4 or 5 Million that they have done over the past decade in Capital Funding Property, they could have got maybe 10% of that back.

Councilman Henke asked does this now have any restrictions on their end to stay in compliance. **Jamison Czarnecki** said it does have some restriction but it becomes the same requirements to parkland in perpetuity but it does not disallow them from developing in certain ways and doing different things to that property. Additionally, it gives them the opportunity in the future should they need to get out of this they can do the same process as long as they can find the equal or greater value for the land. **Councilman Henke** asked if they still have Elliot Park. **Jamison Czarnecki** said yes they do. **Councilman Henke** would this land acquisition allow them to dissolve themselves from Elliot Park. **Jamison Czarnecki** said no because it does not equal the 2 appraisals of greater or equal value. Elliot Park is 10 to 15 acres on St. Joe River property and they would need a significant portion of that. He said they do have some plans for Elliot Park next year to open that up in a different way. He has been in talks with the families that gave the property to them. It is their wish that they do not move on to sell currently and they have been exploring opportunities the last couple of years to open it up in a different light that will not give them the same problems that they had in the past and provide benefits to the community in a different way.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-54

President Dawson opened the public discussion starting at 1 hour, 35 minutes and 00 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-54

President Dawson returned the discussion to the Council starting at 1 hour, 35 minutes and 02 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

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

Motion for third and final reading made by Councilman Henke, second by Councilman Fish. President Dawson asked the clerk to read the proposed ordinance by title only and do a roll call vote.

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

NAYS:

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

Discussion on the proposed ordinance ends at 1 hour, 36 minutes and 07 seconds of the audio recording.

ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES

There are no ordinances or resolutions referred to committees.

TABLED ORDINANCES AND RESOLUTIONS

There are no tabled ordinances or resolutions

ORDINANCES ON FIRST READING

Proposed Ordinance 24-O-55

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, ESTABLISHING THE ELKHART ENVIRONMENTAL CENTER FUND AND THE ELKHART ENVIRONMENTAL CENTER FEE SCHEDULE

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

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

Proposed Ordinance 24-O-56

AN ORDINANCE APPROPRIATING FOUR HUNDRED TEN THOUSAND AND 00\100 DOLLARS (\$410,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE LASALLE, MCKINLEY AND BENHAM AREA WATER AND SEWER PROJECT

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

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

RESOLUTIONS

Proposed Resolution 24-R-59

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, AMENDING RESOLUTION R-45-24 TO EXTEND THE EXPIRATION DATE OF THE ECONOMIC REVITALIZATION AREA GRANTED TO MARINE REALTY, LLC DBA BENNINGTON MARINE (NORTH)

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

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-59

President Dawson opened Council discussion starting at 1 hours, 37 minutes and 42 seconds of the audio recording.

Drew Wynes, Economic Development, said in 2022 Bennington Marine's north project was approved for a five year real and five year personal property tax phase in. Their proposed investment includes \$3,700,000.00 in real estate improvements connecting their north and main buildings. Bennington's personal property investment includes \$8,075,625.00 in automated equipment. This project is projected to create 14 new jobs with an average annual wage of \$87,857.00. Bennington's economic revitalization area expires on December 31, 2024. Due to an industry downturn, the project has not started. The basic parameters of the investment have not changed, and Bennington intends to complete the project. They are recommending a 2 year Economic Revitalization Area hereafter, ERA extension so they can see if the economic conditions change allowing the investment to take place. Indiana Code allows a designating body to set ERA limits by passing a resolution. Additionally, our Memorandum of Agreement hereafter MOA states that a mutual agreement between the City and an applicant is required to modify an existing agreement.

Councilman Henke said he wondered why they had not heard about this before now as it is scheduled to expire at the end of the year and why they do not dismiss this one and start a new one when business has expanded. **Drew Wynes** replied their reasoning is that the investment has not changed. The parameters of the project have not changed except for the timeline and this is their reason for recommending ERA extension rather than starting the application process again.

Councilman Henke replied he does not like the precedent it sets. This means their projected abatement period will go out 2 years further. **Drew Wynes** said that is correct but no investment has taken place yet, they have not been assessed yet as zero investment has taken place.

Councilman Henke said he does not like that this makes changes to the rules and does that mean they would do it differently for someone else in this situation. **Drew Wynes** said there was a situation a few years ago where a company had partially done their project and they had equipment stuck in another country. During their CF1 compliance they ruled them in compliance and said they had made substantial efforts to be in compliance so they were extended. They have a separate resolution extending their ERA another year. **Councilman Henke** said there was another business that had a piece of equipment held up for 2 years in Europe and it was the only one in world ever made and they made an exception because it was something out of their control. **Mike Huber Director of Development Services** said he thinks the examples that the councilman used are different as they had already a significant amount of investment and in this

situation there has not been any investment, the project has not changed, and it has not started at all, so there is no detriment. In those situations, there would have been an assessment made by the County Assessor's Office and that would trigger the CF1 compliance process and then it would have been brought to them for a ruling of either compliance or noncompliance. In this situation there is no detriment to the City in waiting 2 more years to start the project. Effectively, there is no gain in asking them to come back with a new application and have them go through the entire process again. Since the parameters have not changed there is no reason they would not want that 3 Million Dollars of new real estate property investment and that 8 Million Dollars of equipment to be purchased and automated at some point in the future. There is no harm to the city in giving them an extension and it will save them the process of starting over when nothing has changed with the project.

Councilman Fish said, just to be clear, they do not have to worry about any claw back because they have not abated anything. **Mike Huber** replied, that is correct, there is nothing. This just gives those 2 years to start their project and complete their project.

Councilman Mishler asked is there any timeline for when they plan to get this started. Do they have any contracts with agencies or construction to get things on the ground or is this just to be going on at some point in the future. **Mike Huber** said he is going to let the company representative address those questions. **Darren Shaffer, Vice President of Finance Bennington Marine**, said he has been working with Drew Wynes regarding this abatement. He said they have no contracts in process for this project. He said the pontoon business started declining in late 2022, early 2023 and they have had this project out there since then. As they go through their budget annually they have this is listed as "pay go" project. It is listed but not approved and this has been the situation for 2024 and they have it listed that way for 2025 also. It is a pending project they want to do but it is pending on industry conditions.

Councilman Henke said the company has this as an open abatement, but they are still looking at the economic forecast to determine if the company will make a real investment or not. **Darren Shaffer** replied, that is correct.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-59

President Dawson opened the public discussion starting at 1 hour, 46 minutes and 20 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-59

President Dawson returned the discussion to the Council starting at 1 hour, 46 minutes and 26 seconds of the audio recording.

There was no further Council discussion.

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

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

By a vote of 7-2, the proposed resolution passed.

Discussion on the proposed resolution ends at 1 hours, 48 minutes and 10 seconds of the audio recording.

Proposed Resolution 24-R-60

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, AUTHORIZING THE CITY CONTROLLER TO COLLABORATE WITH THE INDIANA STATE BOARD OF ACCOUNTS FOR THE PURPOSE OF RECONCILING THE CITY'S BANK AND INTERNAL CASH ACCOUNTS

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

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-60

President Dawson opened Council discussion starting at 1 hour, 48 minutes and 39 seconds of the audio recording.

Jamie Arce, City Controller, said this action they are requesting will allow him to be able to work with the State Board of Accounts and correct some of the ongoing internal cash reporting errors. To date, the City has 214 active funds that are pulled in to one bank account. Presently they have more money in the bank that they are showing when they add up the funds in aggregate. That difference has remained consistent since 2022 when they transitioned from their old accounting system into the new accounting system. One of the challenges that they have had in trying to determine the source of this error, is the nature in which the account system had been created. Over the course of 2023 when the old system had been put in, until the point they transitioned to the new system there were weaknesses that they were unaware of that allowed for a transaction to occur that would not necessarily impact their cash balance in the bank either in coming in or going out but would potentially reduce a balance within a fund. An example would be a journal entry which would be made only within one fund where they might recognize an expense or a revenue and the cash would then change based on the transaction, but the city as a whole would not have seen any money leave their account. Based on their most recent audit with the State Board of Accounts and given that this transaction is remaining consistent, the State Board of Accounts has recommended they take this next step, which is to seek authorization, which is what they are doing here. The next step would be reaching out to the appropriate representatives at the Board of Accounts and they will help to confirm and affirm the transactions they want to do are appropriate and within their guidelines. This will clean up and allow them to reset to correct the imbalance.

President Dawson said to be clear, the City has more money than they think they should have in the account. **Jaime Arce** replied, yes, they have more money in the bank than what they are showing on the books. **President Dawson** said that is a good thing but we have to find out why. **Jaime Arce** replied yes and part of his hesitancy since they found the error was because he wanted to be able to identify and make the corrections, but it is not easy to locate transactions that would have impacted a fund only and not have impacted the back end transaction behind the scenes. There is no money missing, this is all administrative in nature.

Councilman Fish asked where will the money end up and are they able to zero in on those accounts? **Jaime Arce** replied if they are able to locate the source of the error, they would be able to correct the error without needing the Council's affirmation. Given that they cannot locate it, the most likely recipient of this overstatement is going to be the general fund. He cannot confirm this because he has not spoken with the Board of Accounts, but historically it ends up being the catch-all fund for any type of issue where they receive money that is not specifically earmarked for a specific fund and they are uncertain of the proper location. His expectation is the Board of Accounts will direct them to provide it to the general fund. **Councilman Fish** said the City is not being penalized, this is just to help the City to move the money to the correct place and clean up some of the methods. **Jaime Arce** replied yes. **Councilman Fish** asked if this will be with their accounting partners or will it be strictly with him and the State Board of Accounts? **Jaime Arce** replied this will be his function as the fiscal officer for the City in conjunction with the appropriate points of contact at the Board of Accounts. This is the beginning point, he is not sure who may also be involved as part of the process. It will be under their express authority to be able to give them permission to correct the error. **Councilman Fish** said this is not the Board of Account's appropriation, it is just a service they will be providing. **Jaime Arce** replied yes they will provide the oversight because that is what they are empowered to do. **Councilman Fish** said it will not cost the taxpayers any money. **Jaime Arce** said that is correct.

Councilman Henke said he was surprised this went back to 2023 and asked what is the amount? **Jaime Arce** replied, the amount currently is \$34,745.32, which has remained consistent, previously they were able to locate one of the errors and corrected it. **Councilman Henke** asked how the error happened. **Jaime Arce** replied it was from 2016 or 2017 and it was based on a transaction that was done at the time with the Lerner Theatre and the box office. When they established the journal entry it was done incorrectly. They were able to locate the source of the error and corrected it. **Councilman Henke** asked if any of those funds were reciprocating funds, for example, monies coming back from investments. **Jaime Arce** said this amount has fluctuated over time because of a lack of protection that had been put on accounts. Without getting into the intricacies of the accounting system, there were some weaknesses on the initial setup of the software. And as they grew and established these funds they may not have been set up with the appropriate protections to limit the ability to make these corrections. Some of the corrections they found right away occurred in 2016 and 2017. **Councilman Henke** said he recalls some of these types of things happening in the past and asked if they should have initiated their internal controls law. **Jaime Arce** said he did not believe this qualified under the material thresholds referred to in the internal control ordinance because they have no reason to believe this is a loss. There were weaknesses but they would be unable without spending considerable internal man hours or paying an outside agency to come in and locate the issue. This could end up being one fund that may have inappropriately had a transaction occur in an incorrect fashion but they did not lose any money. There was no change in the City's funding from a bank perspective, it was all internal. The internal controls law was put in place more for the smaller communities to create uniformity and the City would have already had those in place. He believes this is why the Board of Accounts has not seen this as a control or compliance violation and reporting it to the Council as this has been an ongoing audit component. It has not been hidden in general terms. **Councilman Henke** said if he is understanding this correctly, this is a onetime adjustment and there will be no other adjustments after this one. **Jaime Arce** said, that is correct, it is giving him the authorization to take the next step and work with the Board of Accounts on an appropriate solution for this singular amount in this singular item. If there were future errors, they would be handled differently.

Councilman Holtz asked what a reasonable time line was for this to take place. **Jaime Arce** replied he is hoping for the end of this year, but that time line will be dependent on the Board of Accounts. **Jaime Arce** said he has reached out to get affirmation of the next sets and on the presumption that this resolution moves forward, he will initiate and engage with their local contacts downstate on how to move forward to get this corrected.

Councilwoman Hines asked if he said the end of 2024 or the end of a year. **Jaime Arce** replied he would like this to not be present as part of their yearend close. He said the Board of Accounts said just because they make this adjustment, it does not mean they cannot stop looking for the error. It just helps them clean the slate and start fresh and they will continue to look for the source of the error.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-60

President Dawson opened the public discussion starting at 2 hours, 05 minutes and 08 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-60

President Dawson returned the discussion to the Council starting at 2 hours, 15 minutes and 14 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

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

Discussion on the proposed resolution ends at 2 hours, 05 minutes and 37 seconds of the audio recording.

Proposed Resolution 24-R-61

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, DECLARING A CERTAIN AREA TO BE AN ECONOMIC REVITALIZATION AREA FOR THE PURPOSE OF GRANTING TAX PHASE-IN BENEFITS TO ACCRA-PAC, INC. DBA VOYANT BEAUTY\VYT, LLC

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

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-61

President Dawson opened Council discussion starting at 2 hours, 06 minutes and 14 seconds of the audio recording.

Drew Wynes, Economic Development, Voyant Beauty’s west location is a multi-faceted facility that offers aerosol blending configurations and especially viscous liquids for large customers. This project involves a 3 Million Dollar personal property investment in compounding tanks. This is an advanced manufacturing project that increases Voyant’s production capabilities. They are recommending a 5 year personal property phase-in. This project is projected to create 48 new jobs with an average annual salary of \$58,796.00.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-61

President Dawson opened the public discussion starting at 2 hours, 07 minutes and 14 seconds of the audio recording.

There was no public discussion.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-61

President Dawson returned the discussion to the Council starting at 2 hours, 07 minutes and 19 seconds of the audio recording.

There was no further Council discussion.

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

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

NAYS:

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

Discussion on the proposed resolution ends at 2 hours, 07 minutes and 45 seconds of the audio recording.

VACATION HEARINGS
Alley Vacation Petition 24-V-42

ALLEY VACATION PETITION 24-V-42, THE EAST/WEST ALLEY LOCATED BETWEEN THOMAS STREET AND FREMONT STREET (BETWEEN INDIANA AVENUE AND LAFAYETTE STREET) AND NORTH/SOUTH ALLEY BETWEEN INDIANA AVENUE AND LAFAYETTE STREET (BETWEEN THOMAS STREET AND FREMONT STREET) (PETITIONERS ARE THE CITY OF ELKHART BOARD OF PUBLIC WORKS, CITY OF ELKHART WASTEWATER UTILITY AND THE CITY OF ELKHART)

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

PUBLIC DISCUSSION ON ALLEY VACATION PETITION 24-V-02

President Dawson opened the floor for public discussion at 2 hours, 08 minutes and 24 seconds of the audio recording.

There was no public discussion.

Discussion on the alley vacation petition ends at 2 hours, 08 minutes and 38 seconds of the audio recording.

OTHER NEW BUSINESS

President Dawson opened the discussion starting at 2 hours, 08 minutes and 40 seconds of the audio recording.

Councilman Fish announced All Aboard with Santa is on Saturday, December 7, from 10:00 a.m. to 4:00 p.m. at the Railroad Museum at 4721 South Main Street. It will be a big day with Santa. There will be games, treats and other activities including the NIPCO Express train rides.

President Dawson said also on December 7 is the Winterfest Parade and Tree Lighting at 6:00 p.m. downtown and there will be activities going on all day.

Councilwoman Hines said she would like to thank the Council for the chimes, cards, love and support and the Administration for a beautiful blanket and appreciates all of the continued prayers in the passing of her mother and mother in law in the past 30 days.

Councilman Henke asked when they could expect their first update from the interim director of the Lerner Theatre. **Bradley Tracy** said the group has been working on both the replacement of the director as well as, moving forward with the reorganization. They have been making updates on a regular basis to the governing board of the Lerner. He said he would be happy to have someone available to come to a Council meeting if they request that. If they are interested before that time there will be a meeting on Wednesday, December 4, of the governing board and there will be an update presented at that time.

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

Bradley Tracy said he wanted to remind the Council and the public on Thursday, December 12 at 11:30 a.m., is the Mayor's Open House Reception. Both the Council and the community are invited.

Reports of Mayor, Board of Works, Board of Safety or City Departments ends at 2 hours, 11 minutes, and 33 seconds of the audio recording.

NEIGHBORHOOD ASSOCIATION REPORTS

President Dawson opened the Neighborhood Association Reports starting at 2 hours, 11 minutes and 37 seconds of the audio recording.

Councilman Curry said he would like to report for the Pierre Moran Neighborhood Association. They met on Sunday, December 1st at the Pierre Moran Park Pavilion and had a good meeting. There are a lot of positive things to say about the neighborhood and a lot of good things happening in the neighborhood. They have 3 new residents on Aurora and there is a new house under construction and they are waiting to see who is going to move in to that new home. There is a house for rent in the neighborhood and they are hoping to find some new neighbors for

that house soon. They are encouraging people to share their driveways this winter so the street crews can take care of the snow and keep the streets clear. Across the street from the front of Pierre Moran School their Christmas lighting display was put up by Building and Grounds and a lot of praise for Mike Lightner and his crew.

Jamison Czarnecki representing the Strong Avenue Neighborhood Association has a meeting on Monday, December 2, at 7:00 p.m. at Mary Daly School and asked people who are interested to join them at the meeting.

Neighborhood Association reports ends at 2 hours, 13 minutes and 47 seconds of the audio recording.

PRIVILEGE OF THE FLOOR

No one spoke from the public.

SCHEDULING OF COMMITTEE MEETINGS

There are no meetings to schedule.

ACCEPTANCE OF COMMUNICATIONS

Minutes of October 9, 2024 – Board of Public Safety

Minutes of November 6, 2024 – Board of Public Works

Minutes of August 8, 2024 – Board of Zoning Appeals

Minutes of September 19, 2024 – Elkhart Historic & Cultural Preservation Commission

Minutes of October 9, 2024 – Lerner Theatre Board

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

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

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

By a vote of 9-0, the Acceptance of Communications passed.

ADJOURNMENT

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

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

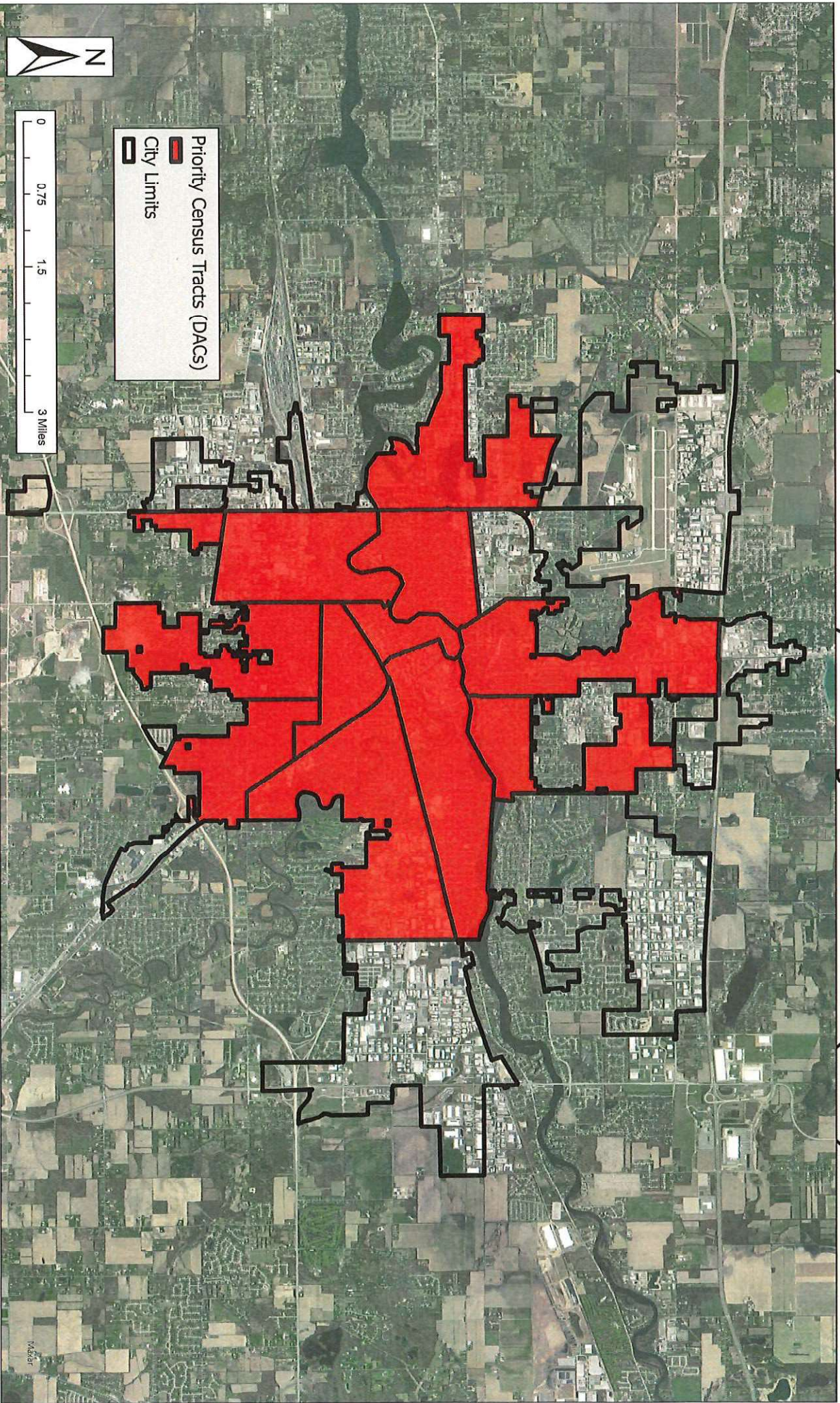
AYES: Holtz, Curry, King, Mishler, Fish, Hines, Crabtree, Henke, Dawson
NAYS:

By a vote of 9-0, the meeting was adjourned.

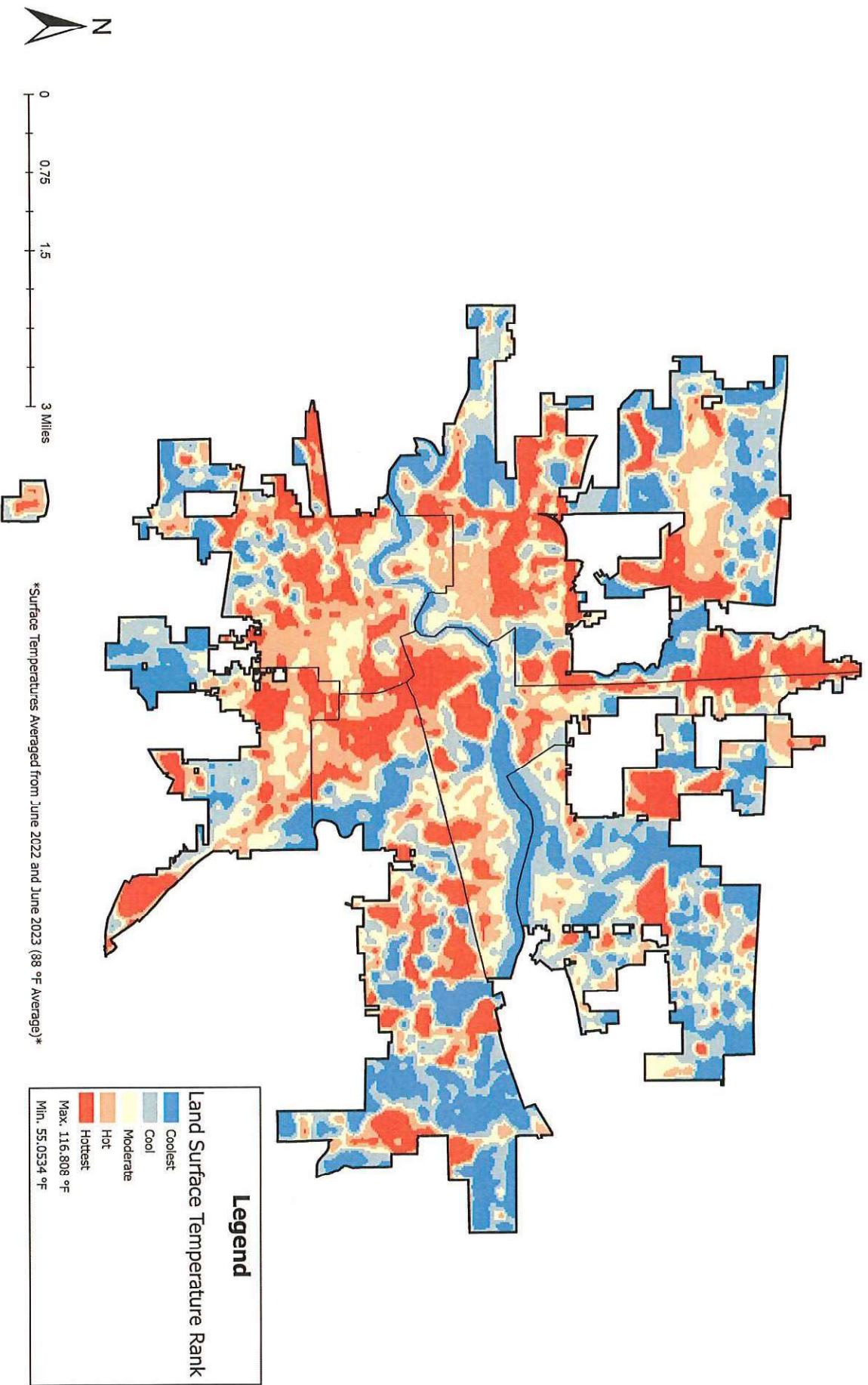
Debra D. Barrett, Elkhart City Clerk

Arvis L. Dawson
President of the Elkhart City Council

Elkhart, Indiana Priority Planting Census Tracts (DACs)



Elkhart, Indiana Urban Heat Island Classification





1717 E. Lusher Avenue, Elkhart, IN 46516 • (574) 293-5070 • EECmail@coei.org • www.elkhartindiana.org

MEMORANDUM

Date November 18, 2024
To City of Elkhart Common Council
From Jeff Zavatsky, Elkhart Environmental Center, Director
Re Fee Schedule Adoption for Elkhart Environmental Center

The Elkhart Environmental Center is asking for formal approval of the 2025 fee schedule. See attached form for complete list of fees.

Jeffrey Zavatsky, Director
Elkhart Environmental Center



Elkhart Environmental Center

Fee Schedule

Program	Fee	Fee Notes
Wood Duck House Workshop	\$60-\$80	\$5 per attendee; \$55-\$75 per kit
Oriole Feeder Workshop	\$6-\$11	\$1 per attendee; \$5-\$10 per kit
Bat House Workshop	\$8-\$13	\$1 per attendee; \$7-\$12 per kit
Barred Owl Box Workshop	\$60-\$80	\$5 per attendee; \$55-\$75 per kit
Bluebird Box Workshop	\$6-\$11	\$1 per attendee; \$5-\$10 per kit
Rain Barrel/Build-a-Barrel Workshop	\$51-\$81	\$1 per attendee; \$50-\$80 per kit
Screech Owl Box Workshop	\$60-\$80	\$5 per attendee; \$55-\$75 per kit
Recycled Hummingbird Feeder Workshop	\$6-\$16	\$1 per attendee; \$5-\$15 per kit
House Wren Box Workshop	\$6-\$11	\$1 per attendee; \$5-\$10 per kit
<i>Assorted Wildlife Box/Feeder Workshops</i>	\$5-\$80	<i>cost per kit depending on materials</i>

*Fee determined by market price of construction supplies; subject to change

Program	Fee	Fee Notes
Zero Waste Workshops	\$3-\$7	cost per attendee
Eco-Dyeing Workshop	\$5-\$10	cost per attendee
Leaf Casting Workshop	\$5-\$10	cost per attendee
Package-Free Pretzel Workshop	\$5-\$10	cost per attendee
DIY Lip Balm Workshop	\$5-\$10	cost per attendee
Worm Bin Workshop	\$8-\$13	\$1 per attendee; \$7-\$12 per kit
Beeswax Wrap Workshop	\$5-\$10	cost per attendee
Upcycled Cat Tower Workshop	\$6-\$11	\$1 per attendee; \$5-\$10 per kit
<i>Assorted DIY/Sustainability Workshops</i>	\$3-\$12	<i>Cost per attendee or kit depending on program</i>

**Fee determined by supply costs; subject to change

Guest Speaker Programs

Program	Fee	Fee Notes
Birds of Prey	\$5-\$10	cost per attendee
Gardening for Wildlife Workshop	\$5-\$10	cost per attendee
Monarch Tagging & Migration	\$5-\$10	cost per attendee
Bats of Indiana	\$5-\$10	cost per attendee
Bringing Nature Home	\$5-\$15	cost per attendee
Nature Photography Workshop	\$5-\$20	cost per attendee
Native Prairie Painting Workshop	\$5-\$20	cost per attendee
An Evening with Owls / Owl Programs	\$5-\$12	\$5 per attendee; \$5-\$7 per pellet
<i>Assorted Guest Speaker Programs</i>	\$5-\$20	<i>cost per attendee</i>

***Fee determined by presenter costs; subject to change

Environmental Education & Interpretive Programs

Program	Fee	Fee Notes
Winter Birding	\$1-\$3	cost per attendee
Seed Bomb Workshop	\$1-\$3	cost per attendee
Nature Story Hour	\$1-\$3	cost per attendee
Intro to Nature ID Apps	\$1-\$3	cost per attendee
Wildflower Hike	\$1-\$3	cost per attendee
Birding for Beginners	\$1-\$3	cost per attendee
Migratory Birding Hikes	\$1-\$3	cost per attendee
Nature Play Days	\$1-\$3	cost per attendee
How Native Plants Bring Your Garden to Life	\$1-\$3	cost per attendee
Rain Garden & Rain Barrel Workshop (Info Sessions)	\$1-\$3	cost per attendee
Native Plants	\$1-\$3	cost per attendee

Junior Indiana Master Naturalist Camp	\$100	cost per attendee
Private Programs		
Elkhart Community Schools	\$3	cost per kid (\$50 min. charge)
All other groups	\$5	cost per attendee (\$50 min. charge)
More than 2 Chaperones per 10 kids	\$ 3- \$5	cost per attendee
EE & Interpretive Program Kits	\$50-\$100	cost depending on kit materials
Assorted EE Programs, Hikes, etc.	\$1-\$3	cost per attendee

*** \$50 min. charge for all groups, fees are waived if community service is apart of program (30 minutes min for large groups, 60 minutes for small groups)

Holiday / Seasonal Programs		
Program	Fee	Fee Notes
Fall Colors	\$1-\$3	cost per attendee
Natural Egg Dyeing Workshop	\$3-\$7	cost per attendee
Holiday Hoorah	\$1-\$3	cost per attendee
Eco-Valentine's Day	\$1-\$3	cost per attendee
Earth Day Trivia Night	\$1-\$3	cost per attendee
America Recycles Day	\$3-\$7	cost per attendee
Recycled Father's Day Cards	\$1-\$3	cost per attendee
Plastic Free July Party	\$3-\$7	cost per attendee
Green Your Halloween	\$1-\$3	cost per attendee
Foraging/Wild Edibles Workshops	\$3-\$7	cost per attendee
Grape Vine & Wine	\$5-\$15	cost per attendee
Assorted Public Holiday Programs	\$1-\$15	cost per attendee
Easter Egg and Pumpkin Hunt	Free	

Special Events

Program	Fee	Fee Notes
Pollinator Promenade	\$15-\$25	cost per attendee
EnviroFest	\$5-\$10	cost per family
Haunted Walk Through the Woods	\$5-\$10	cost per vehicle
Eclipse Viewing Party	\$5-\$10	cost per person
City Paper Shredding/Recycling Event	\$20-\$40/unit	depending on size of shredding materials
Exhibitor Booth Fee	\$10-50	depending on space needed
Vendor Booth Fee	\$10-50	
Food Vendor Fee	\$20-200	
Supply Rental Fee: Table	\$10-20	
Supply Rental Fee: Electricity	\$30-200	depending on amps, availability, etc.

Facilities

Electric Usage	\$25.00	per day
Gazebo Rental	\$50.00	per day / no electricity
Outdoor Pavilion Rental	\$75.00	per day, has electricity
EEC Main Cabin Rental	\$100	per session (8am-4pm, 5pm-11pm)
EEC Conference Room	\$100	per session (8am-4pm, 5pm-11pm)
Kids Cabin Rental	\$50	per session (8am-4pm, 5pm-11pm)
Security Deposit	\$300	
Outdoor Amphitheater	\$50.00	per day
Garden Plot Rental	\$0.00 - \$10.00	per season. Fee is dependent on any city water use

Restrooms available for Gazebo, Outdoor Pavilion, Kids Cabin, and Amphitheater only during business hours M-F, 8-5pm

Merchandise

Shirts	\$5-\$25.00	Cost per Item
Hats	\$5-\$25.00	Cost per Item
Drinking Container	\$10-\$30	Cost per Item

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKHART,
INDIANA, ESTABLISHING THE ELKHART ENVIRONMENTAL CENTER FUND
AND THE ELKHART ENVIRONMENTAL CENTER FEE SCHEDULE**

WHEREAS, the City of Elkhart, Indiana, (“City”) owns, operates and maintains the Elkhart Environmental Center (“EEC”) to educate the public on the impact of human behaviors on the local and regional ecological system and environment; and

WHEREAS, on June 4, 2019, after twenty-five (25) of operations, the Common Council of the City of Elkhart (the “Council”) approved the Elkhart Environmental Center Master Plan for the next twenty-five (25) years of operations; and

WHEREAS, the operations of the EEC, include numerous educational opportunities in the form of interactive field camps, school-based programing, workshops, guest speaker presentations, holiday and seasonal programing, as well as facilities rentals, merchandise and concessions sales; and

WHEREAS, the Administration has requested that the Council approve the Elkhart Environmental Center Fee Schedule, attached as Exhibit A, hereto, to establish the fees chargeable by the Elkhart Environmental Center, for current and foreseeable future programing of the Center; and

WHEREAS, the Administration has requested that the Council approve a mechanism for annual adjustments to the fee schedule, based upon an appropriate and readily available inflationary index, to wit: the *Consumer Price Index*, which includes activities, like entertainment and recreation, in its overall inflation calculation; and

WHEREAS, the Council has reviewed the Elkhart Environmental Center Fee Schedule, and has determined that the Fee Schedule should be approved and implemented; and

WHEREAS, the Elkhart Environmental Center Fund should be formally adopted for the operations and activities of the Center;

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

Section 1. Elkhart Environmental Center Fund is hereby established, and the City Controller is hereby directed to designate a fund number, and create such accounts as a necessary and proper for the operations and activities of the Elkhart Environmental Center.

Section 2. The Elkhart Environmental Center Fee Schedule, attached hereto as Exhibit A, is approved for the fees associated with the programing and operational activities of the Elkhart Environmental Center.

Section 3. The director of the Elkhart Environmental Center is authorized to request that the Board of Public Works and Utilities approve an adjustment of the Fee Schedule, annually, for appropriate increases to the Fee Schedule, not to exceed the rate of inflation, as reflected by increases in the *Consumer Price Index*.

Section 4. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor, as provided by law.

Section 5. The Common Council fixed published and conducted a public hearing on this ordinance on the ____ day of _____, _____, at 6:00 p.m., in the Council Chambers, at which time the Council considered and determine this ordinance, and all taxpayers and interested persons were afforded the opportunity to appear and express their views, in advance of the adoption of this ordinance.

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

Elkhart Environmental Center

Fee Schedule

Program	Fee	Fee Notes
Wood Duck House Workshop	\$60-\$80	\$5 per attendee; \$55-\$75 per kit
Oriole Feeder Workshop	\$6-\$11	\$1 per attendee; \$5-\$10 per kit
Bat House Workshop	\$8-\$13	\$1 per attendee; \$7-\$12 per kit
Barred Owl Box Workshop	\$60-\$80	\$5 per attendee; \$55-\$75 per kit
Bluebird Box Workshop	\$6-\$11	\$1 per attendee; \$5-\$10 per kit
Rain Barrel/Build-a-Barrel Workshop	\$51-\$81	\$1 per attendee; \$50-\$80 per kit
Screech Owl Box Workshop	\$60-\$80	\$5 per attendee; \$55-\$75 per kit
Recycled Hummingbird Feeder Workshop	\$6-\$16	\$1 per attendee; \$5-\$15 per kit
House Wren Box Workshop	\$6-\$11	\$1 per attendee; \$5-\$10 per kit
<i>Assorted Wildlife Box/Feeder Workshops</i>	\$5-\$80	<i>cost per kit depending on materials</i>

*Fee determined by market price of construction supplies; subject to change

Program	Fee	Fee Notes
Zero Waste Workshops	\$3-\$7	cost per attendee
Eco-Dyeing Workshop	\$5-\$10	cost per attendee
Leaf Casting Workshop	\$5-\$10	cost per attendee
Package-Free Pretzel Workshop	\$5-\$10	cost per attendee
DIY Lip Balm Workshop	\$5-\$10	cost per attendee
Worm Bin Workshop	\$8-\$13	\$1 per attendee; \$7-\$12 per kit
Beeswax Wrap Workshop	\$5-\$10	cost per attendee
Upcycled Cat Tower Workshop	\$6-\$11	\$1 per attendee; \$5-\$10 per kit
<i>Assorted DIY/Sustainability Workshops</i>	\$3-\$12	<i>Cost per attendee or kit depending on program</i>

**Fee determined by supply costs; subject to change

Guest Speaker Programs

Program	Fee	Fee Notes
Birds of Prey	\$5-\$10	cost per attendee
Gardening for Wildlife Workshop	\$5-\$10	cost per attendee
Monarch Tagging & Migration	\$5-\$10	cost per attendee
Bats of Indiana	\$5-\$10	cost per attendee
Bringing Nature Home	\$5-\$15	cost per attendee
Nature Photography Workshop	\$5-\$20	cost per attendee
Native Prairie Painting Workshop	\$5-\$20	cost per attendee
An Evening with Owls / Owl Programs	\$5-\$12	\$5 per attendee; \$5-\$7 per pellet
<i>Assorted Guest Speaker Programs</i>	\$5-\$20	<i>cost per attendee</i>

***Fee determined by presenter costs; subject to change

Environmental Education & Interpretive Programs

Program	Fee	Fee Notes
Winter Birding	\$1-\$3	cost per attendee
Seed Bomb Workshop	\$1-\$3	cost per attendee
Nature Story Hour	\$1-\$3	cost per attendee
Intro to Nature ID Apps	\$1-\$3	cost per attendee
Wildflower Hike	\$1-\$3	cost per attendee
Birding for Beginners	\$1-\$3	cost per attendee
Migratory Birding Hikes	\$1-\$3	cost per attendee
Nature Play Days	\$1-\$3	cost per attendee
How Native Plants Bring Your Garden to Life	\$1-\$3	cost per attendee
Rain Garden & Rain Barrel Workshop (Info Sessions)	\$1-\$3	cost per attendee
Native Plants	\$1-\$3	cost per attendee

Junior Indiana Master Naturalist Camp	\$100	cost per attendee
Private Programs		
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Easter Egg and Pumpkin Hunt	Free	

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Drinking Container	\$10-\$30	Cost per Item



Memorandum

To: Arvis Dawson, President Elkhart City Council

CC:

From: Jamie Arce, CPA, Controller

Date: November 19, 2024

Re: ARP Final Spending Plan

As we approach the end of the year and the deadline for using ARP State and Local Fiscal Recovery Funds, the administration proposes allocating the remaining unappropriated and unobligated funds to the Lasalle, McKinley, and Benham area water and sewer project.

This \$14.5 million project was initially funded through a combination of ARP funds (\$9.4 million) and Capital Outlay funds (\$5.1 million), as approved in Ordinances 5974 and 5975.

By utilizing the remaining ARP funds for this project, the City can comply with the program's end of year obligation rules and free up the previously allocated Capital Outlay funds for other future purposes.

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING FOUR HUNDRED TEN THOUSAND AND 00\100 DOLLARS (\$410,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE LASALLE, MCKINLEY AND BENHAM AREA WATER AND SEWER PROJECT

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart (“City”) funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, the LaSalle, McKinley and Benham Area Water and Sewer Project (“Project”) is an ongoing and dedicated multiyear utilities infrastructure project of the City, to extend water service to area streets where none exists, eliminate some extensive shared private

lines, eliminate lead services, loop the water mains, and remove mains where roads have been abandoned; and

WHEREAS, although the Project previously had been partially funded with American Rescue Plan (ARP) funds and partially with Capital Outlay funds, the utilization of the remaining, unappropriated and unobligated ARP funds, toward the utility project will allow the City to comply with the program's end-of-year obligation for use of ARP funds and allow the City the opportunity to redirect any unused Capital Outlay funds to other future purposes; and

WHEREAS, the Administration requests that the Common Council of the City of Elkhart appropriate the sum of Four Hundred Ten Thousand Dollars (\$410,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Infrastructure account; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project;

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

Section 1. The amount of Four Hundred Ten Thousand Dollars (\$410,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 2474-5-000-4430000	Infrastructure	\$410,000.00
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Section 2. The Common Council has fixed the ____ day of _____, _____, at 6:00 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.

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



MEMORANDUM

DATE: December 10, 2024
TO: Common Council
FROM: Corporation Counsel John Espar
RE: Proposed Resolution No. 24-R-62

RESOLUTION CONFIRMING THE DESIGNATION OF AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF GRANTING TAX PHASE-IN BENEFITS TO ACCRA-PAC, INC. DBA VOYANT BEAUTY \ NM VYT, LLC

This Proposed Resolution relates to the Application for Property Tax Phase-In submitted by Accra-Pac, Inc. dba Voyant Beauty \ NM VYT, LLC for which this Council previously declared an Economic Revitalization Area under Resolution No. R-61-24 at the public meeting held on December 2, 2024.

This Proposed Resolution 24-R-62 confirms the declaration of an Economic Revitalization Area within which Accra-Pac, Inc. dba Voyant Beauty \ NM VYT, LLC proposes to invest in manufacturing equipment to increase economic development in the area and in exchange for which Accra-Pac, Inc. dba Voyant Beauty \ NM VYT, LLC seeks to receive tax phase-in benefits.

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, CONFIRMING RESOLUTION NO. R-61-24, WHICH DECLARED A CERTAIN AREA IN THE CITY OF ELKHART TO BE AN ECONOMIC REVITALIZATION AREA FOR THE PURPOSE OF GRANTING TAX PHASE-IN BENEFITS TO ACCRA-PAC, INC. DBA VOYANT BEAUTY \ NM VYT, LLC

WHEREAS, on December 2, 2024, the Common Council of the City of Elkhart (the "Common Council"), approved and adopted Resolution No. R-61-24, a resolution entitled "A Resolution of the Common Council of the City of Elkhart, Indiana, Declaring a Certain Area to be an Economic Revitalization Area For the Purpose of Granting Tax Phase-in Benefits to Accra-Pac, Inc. dba Voyant Beauty \ NM VYT, LLC (the "Declaratory Resolution"); and

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

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

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

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

WHEREAS, at the public hearing held this date, December 16, 2024, at the City Hall, 229 S. Second Street, Elkhart, Indiana, the Common Council heard all persons interested in the proceedings and considered any written remonstrances, objections, and any other such evidence presented in the matter; and

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Elkhart,

Indiana, as follows:

1. After considering the evidence presented at the public hearing on this date, December 16, 2024, the Common Council hereby finds that the Declaratory Resolution should be confirmed in its entirety and without modification.

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

RESOLVED this ____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, Elkhart City Clerk

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

Debra D. Barrett, Elkhart City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor for the City of Elkhart

ATTEST:

Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

I, Debra D. Barrett, Clerk of the City of Elkhart, Indiana, do hereby certify the above is a full, true and complete copy of Resolution No. R-____, adopted by the Common Council on the _____ day of _____, _____, by a vote of _____ AYES and _____ NAYS, and was approved and signed by the Mayor on the _____ day of _____, _____, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Elkhart, Indiana, this ____ day of _
_____, _____.

Debra D. Barrett, City Clerk



MEMORANDUM

DATE: December 10, 2024

TO: Common Council

FROM: Corporation Counsel John Espar

RE: Proposed Resolution No. 24-R-63
 A Resolution Approving the Memorandum of Agreement with Accra-Pac, Inc. dba Voyant Beauty \ NM VYT, LLC for Tax Phase-In Benefits

This resolution relates to the Application for Property Tax Phase-In submitted by Accra-Pac, Inc. dba Voyant Beauty \ NM VYT, LLC which was first considered by this Council at its public meeting held on December 2, 2024 with the Declaration of an Economic Revitalization Area.

Proposed Resolution 24-R-63 approves the corresponding agreement by which Accra-Pac, Inc. dba Voyant Beauty \ NM VYT, LLC will enjoy tax phase-in benefits for the investments made in the economic revitalization area. The Memorandum of Agreement likewise establishes the legal responsibilities and legal obligations imposed upon Accra-Pac, Inc. dba Voyant Beauty \ NM VYT, LLC in exchange for the tax phase-in benefits granted by the City.

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,
INDIANA, TO APPROVE A MEMORANDUM OF AGREEMENT BETWEEN THE
CITY OF ELKHART AND ACCRA-PAC, INC. DBA VOYANT BEAUTY \ NM VYT,
LLC**

WHEREAS, Accra-Pac, Inc. dba Voyant Beauty \ NM VYT, LLC, (hereinafter, the “Applicant\Property Owner”) has filed an application with the City of Elkhart (the “City”) requesting that 1919 Superior Street, Elkhart IN 46516, and certain surrounding parcels, situated in Elkhart, Indiana, be designated as an economic revitalization area by the Common Council of the City of Elkhart (the “Common Council”), in accordance with Indiana Code § 6.1-1.1-12.1, for the purpose of allowing deductions from the assessed value of the installation of manufacturing equipment (the “New Equipment”); and

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

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

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

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

RESOLVED this ____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, Elkhart City Clerk

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

Debra D. Barrett, Elkhart City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor for the City of Elkhart

ATTEST:

Debra D. Barrett, Elkhart City Clerk

MEMORANDUM OF AGREEMENT

Personal Property

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

1. Commitments of City and Applicant:

(a) Subject to the requirements under Indiana Code 6-1.1-12.1-3, the City of Elkhart, Indiana ("City"), acting by and through its Common Council, agrees to approve a deduction from the assessed value of the proposed installation of manufacturing equipment for five (5) (consecutive) on the Applicant’s real property to be located at 1919 Superior Street, Elkhart IN 46516 (hereinafter, the “Subject Property”), which is more specifically described in Exhibit A of this Agreement. The amount of the deduction from the assessed value of the Subject Property shall be according to the deduction schedule shown in Exhibit B of this Agreement (hereinafter, the “Tax Phase-In”). The Tax Phase-In shall start with the first year in which the assessed value of the Subject Property increases because of the proposed manufacturing equipment. The Applicant acknowledges and agrees that the designation of the Subject Property as an economic revitalization area expires on December 31, 2027, and the Project (as hereafter defined) must be completed by then for the Applicant to be or remain eligible to receive the Tax Phase-In benefits.

(b) Subject to Section 4 herein, the Applicant agrees that by March 31, 2025, it will make a total capital expenditure of Three Million One Hundred Thousand (\$3,100,000.00) associated with the investment of manufacturing equipment for three compounding tanks with agitation to be used in the production of liquids at the Subject Property (the “New Equipment”), which will create at least 48 new full-time permanent positions with an average annual salary of no less than \$58,796.00, while retaining 219 jobs with an average annual salary of no less than \$55,676.00, based on two thousand forty hours (2,040) annually. The Applicant further agrees to contribute fifteen percent (15%) of the amount of personal property taxes abated under the Tax Phase-In, which payment will be collected by the Elkhart County Treasurer as set forth in the tax invoice statement and remitted to the City. Payment of the contribution shall (1) coincide with the due date of property tax payments in Elkhart County as set forth in Indiana Code 6-1.1-22-9(a), and (2) shall be due and payable the first time in the year following the first year in which the assess value of the subject property increases by reason of the Project and shall continue and each year thereafter during the term of the Tax Phase-In deduction period set forth in Exhibit B, unless modified by agreement of the City of Elkhart and the Applicant.

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

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

3. Substantial Compliance and Rights of Termination: The City reserves the right to terminate the Economic Revitalization Area designation and the associated Tax Phase-In if it determines that the Applicant has not substantially complied with all of the Applicant's Commitment, and the Applicant's failure to substantially comply with Applicant's Commitment was not due to factors beyond its control. As used in this Agreement, substantial compliance shall mean: by March 31, 2025, (1) making capital expenditures of not less than Ninety Percent (90%) of the capital expenditures referenced in Section 1 above for the Project, (2) creating not less than Ninety Percent (90%) of the jobs referenced in Section 1 above, and (3) those new jobs will have an average annual salary of at least \$58,796.00, excluding benefits, while retaining the jobs referenced in Section 1 of this Agreement and at the specified average annual rate of pay.

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

5. Repayment of Tax Phase-In Savings:

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

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

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

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

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

(b) a trending assessment or a reassessment by the Assessor increases the assessment for the Project by more than fifteen percent (15%) from one (1) year to the next year, or by more than an average of ten percent (10%) per year over two (2) or more years.

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

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

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

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

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

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

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

If to Applicant:

Accra-Pac, Inc. dba Voyant Beauty
Bill Saracco
Chief Financial Officer
1919 Superior St
Elkhart, IN 46516

NM VYT, LLC
Bill Saracco
Chief Financial Officer
6710 River Road
Hodgkins, IL 60525

If to the City of Elkhart:

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

Copy to:

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

Office of Corporation Counsel
229 S. Second Street
Elkhart, Indiana 46516

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

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

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

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

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

APPLICANT:

Accra-Pac, Inc. dba Voyant Beauty
1919 Superior St
Elkhart, IN 46516

\ NM VYT, LLC
6710 River Road
Hodgkins, IL 60525

By:

Bill Saracco
Chief Financial Officer

Bill Saracco
Chief Financial Officer

CITY OF ELKHART:

By:

Attest:

Arvis Dawson
President of the Elkhart Common Council

Debra Barrett
Elkhart City Clerk

By:

Attest:

Rod Roberson
Mayor of the City of Elkhart

Debra Barrett
Elkhart City Clerk

Approved as to form:

John M. Espar
Corporation Counsel for the City of Elkhart

Exhibit A
Description of Real Property

(Economic Revitalization Area and Project Area)

Legal Description:

The Land referred to herein below is situated in the County of Elkhart, State of Indiana, and is described as follows:

A PART OF THE WEST ONE-HALF (W 1/2) OF SECTION THREE (3), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIVE (5) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SUPERIOR STREET AND SIMPSON AVENUE AS SAME ARE PLATTED IN THE CITY OF ELKHART, INDIANA; THENCE EASTWARDLY ALONG THE SOUTH LINE OF SUPERIOR STREET, ONE THOUSAND NINE HUNDRED THIRTY (1930) FEET TO THE SOUTHWEST CORNER OF SUPERIOR STREET AND RIVERVIEW AVENUE; THENCE SOUTHWARDLY ALONG THE WEST LINE OF SAID RIVERVIEW AVENUE, SEVEN HUNDRED FIFTY AND EIGHTY- FIVE HUNDREDTHS (750.85) FEET TO AN IRON STAKE ON THE NORTH LINE OF THE NEW YORK CENTRAL RAILROAD COMPANY'S RIGHT-OF WAY; THENCE WESTWARDLY ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY ONE THOUSAND NINE HUNDRED EIGHTY-SIX AND ONE TENTH (1,986.1) FEET TO AN IRON STAKE ON THE EAST LINE OF SIMPSON AVENUE; THENCE NORTHWARDLY ALONG THE EAST LINE OF SAID SIMPSON AVENUE, ONE THOUSAND TWO HUNDRED SIXTEEN AND FIVE TENTHS (1,216.5) FEET TO THE PLACE OF BEGINNING.

Address:

1919 Superior Street, Elkhart IN 46516

Parcel Identification Number(s):

20-06-03-301-004.000-012

20-06-03-301-005.000-012

Exhibit B

Tax Deduction Schedule

YEAR EQUIPMENT INSTALLED IN THE IN THE ERA	2025 Payable 2026	2026 Payable 2027	2027 Payable 2028	2028 Payable 2029	2029 Payable 2030	2030 Payable 2031	2031 Payable 2032	2032 Payable 2033
2025	100%	80%	60%	40%	20%	-	-	-
2026	-	100%	80%	60%	40%	20%	-	-
2027	-	-	100%	80%	60%	40%	20%	-

City of Elkhart
Board of Aviation Commissioners Meeting
October 30, 2024

The Board of Aviation Commissioners meeting was called to order by Commissioner Bruce Shreiner at 4:00 pm on Wednesday, October 30, 2024 at the Elkhart Municipal Airport Administration Building, 1211 CR 6 W, Elkhart, Indiana 46514. Commissioners Doug Thorne & Shari Mellin were present. Commissioner Tom Shoff was present via Webex. Also present were: Andy Jones, Karen Shaw, Kevin Davis, Paul Shaffer, David Sandsmark, Zachary Broadstreet, Adam Clausen and Ryan Sherwood.

Approval of Minutes:

Mrs. Mellin made a MOTION to approve the minutes of the September 25, 2024 meeting. Mr. Shoff SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

Approval of Claims:

Mrs. Mellin made a MOTION to approve claims as submitted for \$73,862.50. Mr. Shoff SECONDED the motion. There being no further discussion, the motion to approve October 2024 claims PASSED unanimously.

Airport Manager's Report:

Andy advised the airport passed our annual INDOT inspection. Our airport is required to offer telephone 911 access to the flying public 24/7. During the inspection we discovered that the phone designated for that service was out of order. The issue has been corrected. Andy advised the maintenance crew have been working on putting up the snow fence in anticipation of the winter season. Andy further advised on November 8, at 10 AM, we will be hosting the annual snow & ice control meeting. Any airport tenant interested in attending either in person or on Webex are welcome. Airfield Maintenance Manager David Sandsmark advised he is working on training programs for the maintenance crew for winter & snow broom operations. David further advised the snowplows are ready for the season, and currently the loader & snow blower are at Central Garage.

At 4:10 pm Mr. Shreiner relinquished chairmanship of the meeting to Mr. Thorne.

Motion of Amendment:

Mr. Thorne made a MOTION to amend today's agenda to establish and approve quote specifications to be sent to relevant companies for the digital sign. Mr. Shreiner made a MOTION to add this to today's agenda. Mrs. Mellin SECONDED. There being no further discussion, the motion to amend the agenda PASSED unanimously.

Old Business:

Mr. Thorne advised the item that was tabled last month was the 2024 Disadvantaged Business Enterprise (DBE) policy. Mr. Kevin Davis with the City legal department advised he has reviewed this policy and he approves it to be signed by the board. Andy advised this policy is an FAA requirement in order for the Elkhart Airport to receive federal funds. Mrs. Mellin made a MOTION to approve the updated DBE policy. Mr. Shreiner SECONDED. There being no further discussion, the motion PASSED unanimously.

New Business:

Mr. Thorne advised the first item under New Business is the Cintas First Aid & Safety agreement. Andy asked Zachary Broadstreet with Cintas to advise the board of the services offered within the agreement. Mr. Broadstreet advised that Cintas takes a very pro-active approach to safety and will provide and maintain a first aid program which includes monthly maintenance of a first aid cabinet and eye wash

City of Elkhart
Board of Aviation Commissioners Meeting
October 30, 2024

station. Mr. Broadstreet also advised that Cintas is OSHA compliant. Andy advised this agreement has been approved by City legal. Mr. Shreiner made a MOTION to approve the Cintas First Aid & Safety agreement. Mrs. Mellin SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the next item under New Business is the Dexter Axle event agreements. Andy advised that Dexter Axle contacted him asking to use the airport Perimeter Road to put some miles on a truck towing a 5th wheel. Andy advised that initially there were 2 dates for this event, but Dexter Axle requested 2 more. City legal approved all 4 dates with 2 separate agreements and Andy is asking the board to ratify these agreements. Andy further advised that Dexter Axle offered a voluntary contribution to the airport donation fund of \$500.00 for each day of testing. Mr. Shreiner made a MOTION to approve the Dexter Axle events. Mr. Shoff SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the next item under New Business is the administration building exterior painting deposit. Andy advised the quote from Certa Pro which was approved by the BOAC and has been paid did not include the agreed upon \$2,000.00 deposit. Andy requested the board approve the deposit payment. Mrs. Mellin commented she loves how the building turned out and the painters did a great job. Mr. Shreiner made a MOTION to approve the \$2,000.00 painting deposit. Mrs. Mellin SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the next item under New Business is the administration building digital sign quote, noting today's agenda was earlier amended to establish and send out quote specifications. Andy advised due to City policy, quote specifications need to be sent to relevant vendors before the BOAC can approve a quote. Andy advised he has drafted specifications and will send these out to sign companies qualified to do the work. After receiving all quotes and carefully reviewing them Andy expects to provide a recommendation to the board at the next meeting. Mr. Shoff made a request for Andy to get quotes from local companies, how it will be used, and the estimated costs. Andy advised he envisions a digital message center being used for airport branding, community information, and other useful information for the thousands of travelers that pass by the airport daily. Andy further advised he will be providing a more comprehensive explanation to the board of vast capabilities offered by message centers such of these prior to requesting to award a quote. Mrs. Mellin made a MOTION to approve sending out specifications for administration building digital sign quotes. Mr. Shreiner SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the next item under New Business is the replacement of two overhead doors & tracks for building 7. Andy advised these doors have been failing and must be replaced as this is an emergency situation. Andy further advised that we have reached out to several companies and only 4T Door have responded with a quote of \$40,328.00. Andy advised that we have the funds in our budget to pay for this, and this is a must in order for the doors to open and close properly & safely. Mrs. Mellin made a MOTION to approve the replacement of two overhead doors & tracks at building 7. Mr. Shoff SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the next item under New Business is to declare items from Kenneth Swickard to be declared surplus. Andy advised that Mr. Swickard has stored airplane parts in our storage barn and has given us verbal permission to get rid of these items, as they are of no value. Kevin Davis with City legal advised the BOAC cannot declare these items surplus and dispose of them until Mr. Swickard responds in writing to our request to dispose of the items. Since there is currently nothing in writing Mr. Davis

City of Elkhart
Board of Aviation Commissioners Meeting
October 30, 2024

advises the board to wait until further legal review has been completed. Mr. Shoff made a MOTION to table this request until further research and legal review can be completed. Mrs. Mellin SECONDED. There being no further discussion, the motion was unanimously TABLED.

Mr. Thorne advised the next item under New Business is Kenneth Swickard storage credit of \$380.00. Mr. Davis advised this item to be tabled for further research and legal review. Mr. Shoff made a MOTION to table and postpone this until the November meeting so Mr. Davis has more time to review it. Mrs. Mellin SECONDED. There being no further discussion, the motion was unanimously TABLED.

Mr. Thorne advised the next item under New Business is the annual federal financial report signature ratification for AIP-38 & AIP-39. Paul Shaffer with Butler, Fairman, & Seufert (BF&S) advised these are prior grants that Andy signed, but to clean up the grant paperwork he requests the BOAC to ratify Andy's signatures. Mrs. Mellin made a MOTION to approve ratification of Andy's signatures on AIP-38 & AIP-39. Mr. Shreiner SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the last item under New Business is the annual federal financial report signature for AIP-40 (10-unit T-Hangar project). Mr. Shaffer requests Mr. Thorne's signature on AIP-40. Mr. Shaffer further advised this is a brand new grant and it needs to be submitted for an annual report to the FAA. Mr. Shreiner made a MOTION to approve the board signature for AIP-40. Mr. Shoff SECONDED. There being no further discussion, the motion PASSED unanimously.

Let the record show that for agenda item J: Submission of required SF425 annual performance report for the FAA. This item is a repeat of items H & I on the agenda and can therefore be stricken.

Privilege of the Floor:

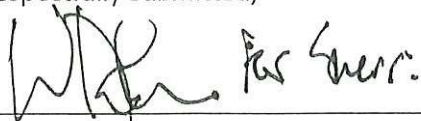
Mrs. Mellin advised her term of service on the BOAC expires 12-31-2024. Mrs. Mellin further advised that she has thoroughly enjoyed her time on the BOAC and that it has been a pleasure working with everyone, and she will miss it, but feels like it's time to move on. She has informed Mr. Roberson that she is not seeking reappointment for another term. Andy and the other members of the BOAC thanked Mrs. Mellin for her service and told her she will be missed. Mr. Shaffer wanted to introduce Adam Clausen with BF&S. Mr. Clausen will be serving as the inspector for the 10-unit T-Hangar project and advised he is looking forward to working with everyone.

Adjournment:

Mr. Shreiner made a MOTION to adjourn. Mrs. Mellin SECONDED. There being no further discussion the meeting was ADJOURNED.

Next regular BOAC meeting is scheduled for Wednesday, November 27, 2024 at 4pm. Location will be the Elkhart Municipal Airport Administration Building, 1211 County Road 6 W., Elkhart, IN 46514 & via WebEx.

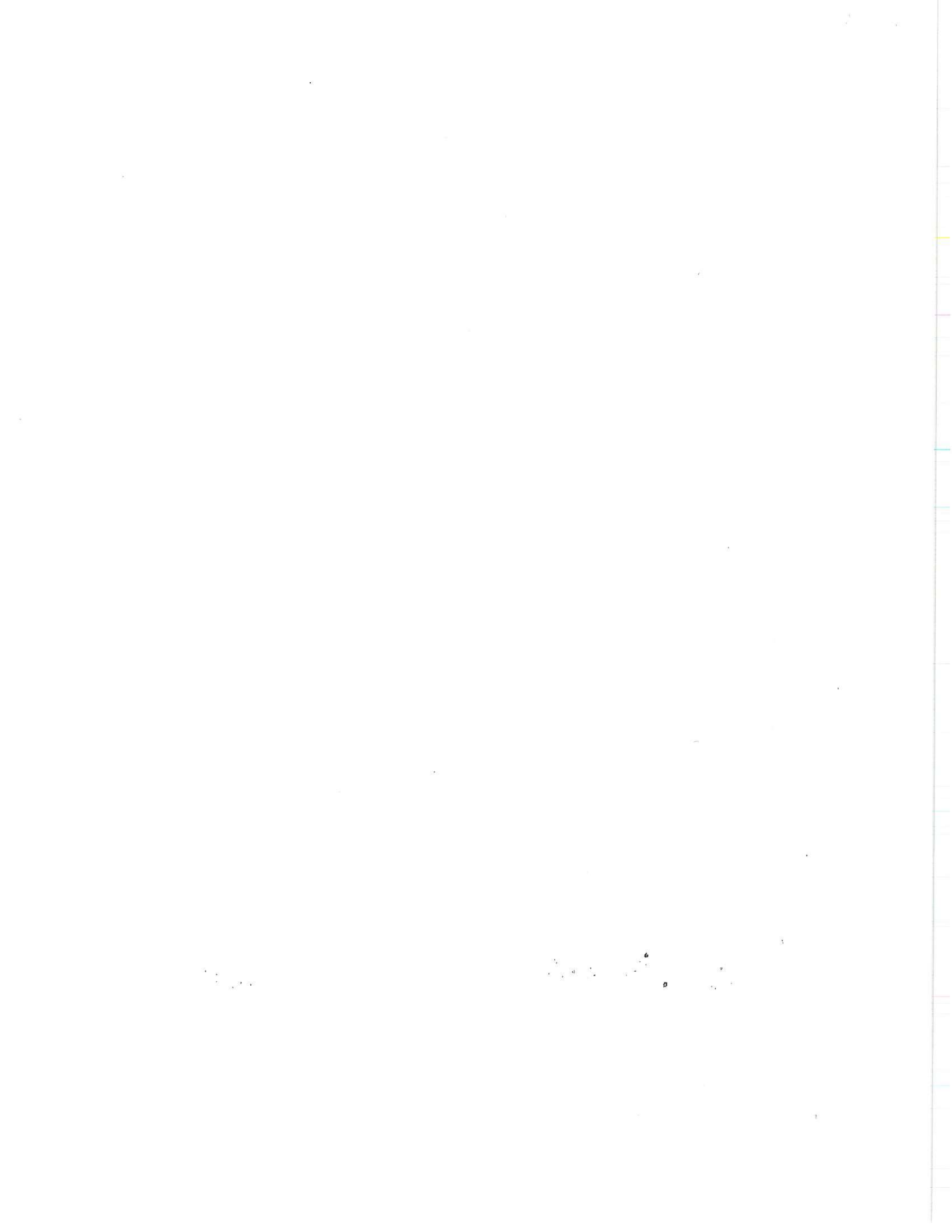
Respectfully Submitted,



Shari Mellin - Aviation Board Secretary

11.27.24

Date



BOARD OF PUBLIC SAFETY
Tuesday, November 12, 2024

Vice Chairman Laesha Black called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, November 12, 2024. Clerk Nancy Wilson called the roll. Laesha Black and Dacey Davis were present. Kara Boyles and Brian Thomas were absent. Anthony Coleman attended on WebEx. Proxy Tim Reecer was present.

1. APPROVE AGENDA

On motion by Tim Reecer, seconded by Dacey Davis and carried 3-0, the agenda was approved as presented.

2. MINUTES- Regular Meeting October 22, 2024

On motion by Dacey Davis, seconded by Tim Reecer and carried 3-0, the minutes from October 22, 2024 were approved as presented.

3. POLICE

Chief Daniel Milanese presented a Memorandum of Understanding between the Elkhart Community School Corporation and the City of Elkhart to provide school resource officers and crossing guard services at various school locations throughout the school corporation. On motion by Tim Reecer, seconded by Dacey Davis and carried 3-0, the Board approved an MOU with Elkhart Community Schools and the City of Elkhart for crossing guard services and resource officers, and authorized Chief Dan Milanese to sign the agreement on the Board's behalf.

4. FIRE

Chief Rodney Dale presented an Agreement between the Elkhart Fire Department and Ascension St. Vincent Public Safety Medical to provide yearly wellness physicals for the fire service personnel. On motion by Tim Reecer, seconded by Dacey Davis and carried 3-0, the Board approved the Agreement between the Elkhart Fire Department and Ascension St. Vincent Public Safety Medical, and authorized the Fire Chief or Assistant Fire Chief to sign on the Board's behalf.

5. BUILDING & CODE ENFORCEMENT

Aimee Lattimer presented the October Month End Report. On motion by Tim Reecer, seconded by Dacey Davis and carried 3-0, the Board accepted and placed on file the October Month End Report.

6. OTHER PUBLIC SAFETY MATTERS

Fire Merit Commission Minutes

On motion by Dacey Davis, seconded by Tim Reecer and carried 3-0, the Board placed the Fire Merit Commission minutes from September 23, 2024 on file.

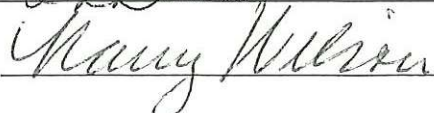
2025 Board of Safety Meeting Dates

On motion by Dacey Davis, seconded by Tim Reecer and carried 3-0, the Board approved the 2025 Board of Safety Meeting Dates as presented.

7. ADJOURNMENT

Vice-Chairman Laesha Black adjourned the Board of Safety meeting at 9:08 a.m.

 _____ Laesha Black, Vice-Chairman

Attest:  _____ Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC SAFETY
Tuesday, November 26, 2024

Chairman Dr. Kara Boyles called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, November 26, 2024. Clerk Nancy Wilson called the roll. Kara Boyles, Laesha Black and Dacey Davis were present. Anthony Coleman and Brian Thomas were absent.

1. APPROVE AGENDA

On motion by Laesha Black, seconded by Dacey Davis and carried 3-0, the agenda was approved as presented.

2. MINUTES- Regular Meeting November 12, 2024

On motion by Laesha Black, seconded by Dacey Davis and carried 3-0, the minutes from November 12, 2024 were approved as presented.

3. POLICE

Chief Milanese presented a commendation for Cpl. Clay Martin. He was commended for his outstanding police work and dedicated service to the Elkhart community. While he was at Martin's Supermarket, a woman approached him. Her grandson got his hand caught in the wheels of a shopping cart. He took the time to help him remove his hand, attend to the boy's injury, administer first aid, and bandage it while remaining calm and reassuring. He demonstrated compassion and empathy by offering the boy a stuffed animal. The boy named the animal "Officer", reflecting on the positive impression Cpl. Martin made on him. His actions reflect highly upon the Elkhart Police Department and the law enforcement profession. We are proud to recognize him for his exceptional police work. Job well done!

Chief Milanese presented a commendation for Det. Casey Claeys. He was recognized for exemplary investigative work on a serious bodily injury case with a potential rape. Det. Claeys elicited open communication with other investigators, supervisors, and outside agencies which resulted in a successful team approach throughout the process of the investigation. His actions reflect highly upon the Elkhart Police Department and the law enforcement profession. We are proud to recognize him for his exceptional police work. Job well done!

Chief Milanese presented a commendation for Det. Jason Runyan. He was commended for investigative work on a Felony Domestic Battery- Presence of a Child case. The victim expressed her gratitude and stated Det. Runyan invested a lot of energy and time in pointing her to the correct resources and assisting her during a very difficult time. She was grateful "from the bottom of her heart" and felt he played a vital role in keeping her and her children safe. The Elkhart Police Department is proud of Det. Runyan's professionalism and the manner in which he represented the Police Department in working this case. Job well done!

Chief Milanese presented a commendation for Sgt. Jack Oldroyd. He was commended for exemplary performance and dedication in a case involving an armed robbery. Midnight shift Sgt. Snow advised that the swift and effective response from the entire Midnight Shift was nothing short of outstanding. Their initiative and teamwork were instrumental in the successful resolution of the case. The commitment displayed by the entire shift to apprehend the suspects and bring them to justice is commendable. Additionally, the CID's crucial role in the investigation helped gain a confession from one of the involved parties, and combined with Midnight Shift's groundwork was pivotal in solving the case. Their commitment to duty and their collaborative spirit have set a high standard for future

BOARD OF PUBLIC SAFETY
Tuesday, November 26, 2024

operations. Keep up the good work!

Chief Milanese presented a commendation for Det. Scott Houser for his hard work and dedication in Criminal Investigations. The victim of a battery case expressed how impressed he was with the effort and hard work he put in her case. The Elkhart Police Department is proud of his professionalism and the manner in which he represents the Police Department in working this case. Job well done!

Chief Milanese presented a commendation for Det. Chris Faigh, Det. Josh Payne, and Det. Zach Uhles. They were commended for exemplary investigative work and the effectiveness of collaborative work by assisting with a very difficult case involving sexual abuse of a minor. The protection of our children is crucial. The way these officers worked together is commendable. Together, all of them took the case that had no tangible supporting evidence or witnesses and brought it to closure with an arrest. Job well done! On motion by Laesha Black, seconded by Dacey Davis and carried 3-0, the Board accepted the Commendations as presented.

Chief Milanese presented an update to the Administrative Leave of Absence for Cpl. Scott Swanson. He has been taken off paid Administrative Leave and returned to full duty on Friday November 22, 2024. On motion by Dacey Davis, seconded by Laesha Black and carried 3-0, the Board accepted notice of Cpl. Scott Swanson returning to full duty on November 22, 2024.

Chief Milanese presented updates to Policy #301 Chief's Review Board. All of the Policy changes were reviewed and approved by City Legal. On motion by Dacey Davis, seconded by Laesha Black and carried 3-0, the Board approved Policy #301 Chief's Review Board as presented.

Chief Milanese presented updates to Policy #1010 Personal Complaints. On motion by Laesha Black, seconded by Dacey Davis and carried 3-0, the Board approved Policy #1010 Personal Complaints as presented.

4. FIRE

Division Chief Noah Lace shared the good news from the Fire Merit meeting the previous day. They promoted two Captains, three Lieutenants, and nine Driver/Operators.

Div. Chief Lace presented a request to place Fire Fighter Jason Lantz on paid Administrative Leave effective November 11, 2024. On motion by Laesha Black, seconded by Dacey Davis and carried 3-0, the Board approved the paid Administrative Leave for Fire Fighter Jason Lantz effective November 11, 2024.

5. COMMUNICATIONS CENTER

911/Communications Department Head Dustin McLain presented a contract with Cummins for approval. Cummins serviced our generator at the 9-1-1 Center, and we would like to continue to have them maintain our equipment there as well as the generator located at the Indiana State Police Toll Road facility which provides backup power to the main radio tower that connects the other four towers in Elkhart County. On motion by Laesha Black, seconded by Dacey Davis and carried 3-0, the Board approved the contract with Cummins and gave Dustin McLain the authority to sign the agreement.

BOARD OF PUBLIC SAFETY
Tuesday, November 26, 2024

6. ADJOURNMENT

Chairman Kara Boyles adjourned the Board of Safety meeting at 9:18 a.m.

Kara Boyles Dr. Kara Boyles, Chairman

Attest: Nancy Wilson Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC WORKS
Tuesday, November 19, 2024

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, November 19, 2024. Clerk of the Board Nancy Wilson called the roll. Andy Jones, Rose Rivera, Ron Davis, Jamie Arce and Mike Machlan attended in person.

1. Approve Agenda

A motion was made by Jamie Arce and seconded by Ron Davis to approve the agenda. On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the agenda was amended by adding the Use and Event permit for the Woodland Crossing Pop-up Market on December 14-15, 2024. The amended agenda carried 5-0.

2. Claims & Allowance Docket

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved the claims and allowance docket in the amount of \$6,811,668.20, consisting of 32 pages as prepared on October 29, 2024 at 11:30 a.m.

3. Minutes Regular Meeting November 6, 2024

On motion by Ron Davis, seconded by Jamie Arce and carried 5-0, the Board approved the Minutes of the Regular Meeting November 6, 2024.

4. Utilities

(A.) Summary

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board ratified the following permits:

Water Assessment: Caden Real Estate, LLC

P.O. Box 376

Goshen, IN. 46527

Property: 4351 Pine Creek Rd.

Paid in full, \$3531.60

Allen Edwin Homes

2186 E. Centre Ave.

Portage, MI. 49002

Property: 1601 Autumn Ridge Ct.

Paid in Full, \$1020.00

Allen Edwin Homes

2186 E. Centre Ave.

Portage, MI. 49002

Property: 1604 Autumn Ridge Ct.

Paid in Full, \$1020.00

Allen Edwin Homes

2186 E. Centre Ave.

Portage, MI. 49002

Property: 1607 Autumn Ridge Ct.

Paid in Full, \$4300.00

BOARD OF PUBLIC WORKS
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Allen Edwin Homes
2186 E. Centre Ave.
Portage, MI. 49002
Property: 1610 Autumn Ridge Ct.
Paid in Full, \$1020.00

Sundown Investments, LLC
26154 May St.
Edwardsburg, MI. 49112
Property: 1201 D.I. Drive
Paid in Full, \$4828.80

Eduardo G. Cermeno Zerpa
1825 Dover St.
Elkhart, IN. 46516
Property: 1825 Dover
Paid in Full, \$1496.10

ABC Excavating
15440 C.R. 4
Bristol, IN. 46507
Property: 30801 Cynthia Dr.
Paid in Full, \$1371.90

Sewer Assessment:

Allen Edwin Homes
2186 E. Centre Ave.
Portage, MI. 49002
Property: 1601 Autumn Ridge Ct.
Paid in Full, \$4300.00

Allen Edwin Homes
2186 E. Centre Ave.
Portage, MI. 49002
Property: 1604 Autumn Ridge Ct.
Paid in Full, \$4300.00

Allen Edwin Homes
2186 E. Centre Ave.
Portage, MI. 49002
Property: 1607 Autumn Ridge Ct.
Paid in Full, \$1020.00

Allen Edwin Homes
2186 E. Centre Ave.
Portage, MI. 49002
Property: 1610 Autumn Ridge Ct.

BOARD OF PUBLIC WORKS
Tuesday, November 19, 2024

Paid in Full, \$4300.00

Revocable Permit:

#6590, Placed by: First Presbyterian Church
Property: 200 E. Beardsley
Permit Holder: First Presbyterian Church
Description: Yard signs in Parkway @ Beardsley Ave.

#6591, Placed by: First Presbyterian Church
Property: 200 E. Beardsley
Permit Holder: First Presbyterian Church
Description: Yard signs in Parkway @ Beardsley Ave.

#6592, Placed by: Cusebio Pantova
Property: 505 S. Main St.
Permit Holder: Gto Masonry LLC
Description: 3 parking spaces, plus sidewalk

Driveway Permit:

#5142, Owner: Jose Cervantes
Property: 211 Fremont
Contractor: N/A
\$400 Cash bond

#5116, Placed by: Infinite Creations
Property: 4019 Timber Ct.
Contractor: Infinite Creations
\$600 Cash bond

#5152, Placed by: Brad Neely Construction
Property: 2579 Timberstone Dr.
Contractor: Brad Neely Construction
\$600 Cash bond

Release of Bond:

#5142, Jose Cervantes
Property: 211 Fremont
\$400.00 cash bond

#5116, Infinite Creations
Property: 4019 Timber Court
\$600.00 cash bond

#5152, Brad Neely Construction
Property: 2579 Timberstone Dr.
\$600.00 cash bond

BOARD OF PUBLIC WORKS
Tuesday, November 19, 2024

5. Engineering

(A.) Utility

Change Order #7 for Bid #21-13 Elkhart WWTP Capacity Upgrades Phase II-QA7634 (tabled)

No action was taken.

Ratify Partial Payment #74 to Donohue & Associates Elkhart WWTP Capacity Upgrades Phase 2 QA 7634

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board ratified partial payment request SRF #74 of SRF Loan WW18262004 in the amount of \$49,099.00 to Donohue & Associates, Inc. for professional services on the Elkhart WWTP Capacity Upgrades Phase 2 project.

Ratify Partial Payment #75 to Donohue & Associates Elkhart WWTP Capacity Upgrades Phase 2 QA 7634

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board ratified partial payment request SRF #75 of SRF Loan WW18262004 in the amount of \$24,965.00 to Donohue & Associates, Inc. for professional services on the Elkhart WWTP Capacity Upgrades Phase 2 project.

Change Order #2 CSO 39 Sewer Separation SA 7913/ WA 7914

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved Change Order #2 for the CSO 39 Sewer Separation Project for an increase of \$87,753.70, bringing the current Contract price to \$5,249,661.15.

6. New Business

Request Bid #24-24 Walker Park Bathroom Building Construction

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved bid documents and granted permission to advertise Bid #24-24 Walker Park Bathroom Building Construction.

Disposal of Fixed Assets

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board granted the Central Garage Department permission to dispose of three old wrecked units that served their purpose and are being sent to scrap.

7. Use & Event Permits

On motion by Jamie Arce, seconded by Andy Jones and carried 5-0, the following permits were approved:

- Hear the Beat March/Parade 11/19- ESS, Parade & Public Assembly, EPD, Special Exception from Noise
- St Vincent Our Lady of Guadalupe Procession 12/7- ESS, EPD, Parade & Public Assembly, Special Exception from Noise
- Compassion Week 11/19- City Plaza, EPD, Public Assembly, Special Exception from Noise, Electricity
- Thanksgiving Food Distribution 11/21- Old Sears parking lot, EPD, Public Assembly
- Elkhart County Right to Life Prayer Walk 1/18/25- ESS, Public Assembly, Plaza Sign
- Woodland Crossing Pop-up Market 12/14-12/15- Public Assembly, Temporary Street Closure, Plaza Sign

BOARD OF PUBLIC WORKS
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8. Public Participation

Mike Machlan acknowledged that a friend of the Board and a member of the Board of Works during Mayor Moore's Administration, Mrs. Frances O'Hara passed away. She was a good board member and did a lot of good work for us, and we will miss seeing her around.

9. Adjournment

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board of Works adjourned at 9:17 a.m.


Mike Machlan, President

Attest:  Nancy Wilson, Clerk of the Board

LERNER THEATRE BOARD
Wednesday, November 13, 2024

President Gary Boyn called the Regular Meeting of the Lerner Theatre Board to order at 10:00 a.m. on Wednesday, November 13, 2024. The Clerk of the Board, Nancy Wilson called the roll. Gary Boyn, Diana Lawson, Jamie Arce, Dina Harris, Carrie Berghoff and Dallas Bergl attended in-person. There is one vacancy on the Lerner Governing Board.

1. AGENDA

On motion by Dina Harris, seconded by Dallas Bergl and carried 6-0, the agenda was approved as presented.

2. MINUTES: Regular Meeting October 9, 2024

On motion by Diana Lawson, seconded by Dallas Bergl and carried 6-0, the Board approved the minutes from October 9, 2024.

3. TREASURER'S REPORT

Financials September 30, 2024

Michelle Adams of Kruggel, Lawton and Co. attended on WebEx. The September 30, 2024 financial report was submitted to the Board for review. Total operational expenses of \$1,317,166 were covered by a City contribution of \$710,768 (54%) and a Lerner contribution of \$606,398 (46%). This compared with 2023 City's contribution of 65% and the Lerner's contribution of 35%. The net income from Theatre operations only (shown as Gross Profit) at the end of the period was \$545,806 which was an increase of \$157,683 from 2023. The YTD net income for all Lerner operations (including City expenses) at the end of the period was \$39,232 which was an improvement of \$180,171 from the net loss on last year's statement of (\$140,939). On budgeted City Operational Expenses alone we were under-budget by \$548,647 year-to-date. On motion by Dallas Bergl, seconded by Dina Harris and carried 6-0, the Financials from September 30, 2024 were approved.

Claims and Allowance Docket

On motion by Dallas Bergl, seconded by Dina Harris and carried 6-0, the Board approved the claims and allowance docket totaling \$115,505.76 as listed on the register consisting of 7 pages, prepared on November 8, 2024 at 11:43 a.m.

4. PRESIDENT'S REPORT

Diana Lawson gave an update on the 100-year celebration planning. The historic kickoff of the 100-year celebration is November 24, 2024 at 3:00 p.m. for the Silent Movie and Organ Concert showing of "The Navigator", which was the first film shown the night the Lerner opened. There were over 2,000 people who attended in their very finest wear, and were very excited to come to the "Lerner Palace Gala". The event is free and there will be free popcorn. Bring your family, bring your friends, and spread the word. All of the committees are working very diligently. There are three steps in the process. The first was organization at that was accomplished. The committee is entering the planning process and expect to have a plan in January for the entire year of 2025 to celebrate the Lerner's 100 years! Diana said the 1924 Kimball organ will be played by Clark Wilson, and our Kimball organ is one of 2 in the country that still exist today in their original theater. It is the organ that played the original score for "The Navigator" in 1924. Gary concluded that the organ concert will be wonderful!

5. FRIENDS OF THE LERNER

Dallas reported there have been a few meetings with Scott and his group

LERNER THEATRE BOARD
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regarding the way the Friends of the Lerner can participate in the future with the Lerner by supporting performances in the Lerner. They are also working on fundraising for the 100th anniversary. Scott Welsh said they expect to have a report in three weeks to the Friends of the Lerner detailing how they feel the Friends can best support the Lerner.

6. CRYSTAL BALLROOM CATERING

Kurt Janowsky presented the report October Month End report. The Ballroom had a good month with \$112,620 in total commission sales. That month is down from last year, however, we are still up \$110,000 Year-to-date, about 16% better than last year. November is very strong, and that should continue that trend. November has been historically a very strong month. Things are going well. We are continuing to work with Scott and his team. The working relationship is very good. Contract negotiations are close and we should have a contract in place very soon.

7. PREMIER ARTS

Craig Gibson said it has been a very busy year. They just finished School of Rock which was very well received, and Finding Nemo which brought 400 children to the stage with 3 different casts in 2 days. We moved right on to Elf, which is the highlight of the year. We had 150 people audition for Elf and it is going to be super fun. Premier Arts elves are busy working on the holiday windows, which this year will be more historic and less holiday. They will be ready for the 100-year celebration kick off movie event. Each window will reflect a different era of the building, from the Lerner to the Warner, to the Elco, and back to the Lerner celebrating 100 years. They have been meeting with the consulting team as well, and uncovering lot of cool things about Premier Arts future at the Lerner, and getting some things worked out in the Box Office. They have been super helpful and it has been great. The energy in the building is better than it has ever been. It is really important for culture and we are on the right path for sure. Diana thanked him for sharing his talents with the 100-Year Celebration. Craig mentioned they invited the Elco Chorus to perform at the kick off celebration. The Elco Chorus began when the Lerner re-opened. They are very excited. It is going to be a very meaningful event. Diana added she is thrilled that Craig will be the MC. We will also show a very special video of Phil Miller who served on this Board, and some of his comments and what he saw as the vision for the Lerner.

8. GENERAL MANAGER REPORT

Conway Entertainment Group

Scott Welch and Sherry May attended in person. Blake McDaniel attended on Webex. Scott said the Lerner is like a great big, juicy onion, and the more layers they peel back, they find a lot of really great stuff and a lot of stuff that needs to be fixed. First off, we need to get our financial house in order some. There is a new Rate Sheet presented today that comes from our experience from other Promoters and other venues across the country this size. We have been under-charging people, and we believe that by raising the rates, it will keep some of the people out of the theater that have been bringing in shows that have not been profitable. For instance, one of the things that Sherry found out is that we have not been passing credit card fees to the customer. On some shows yes, some not. That has been fixed. We fixed the rates for ticketing, for the Symphony, and for Premier Arts. We

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met with the Symphony, and the Jazz Festival. The catering contract is teed up. Kurt had it written for him so I had to fix it for us a little better, (joking with Kurt), so we have that sorted out. We felt before we got a GM, we had to get the house in order. We are probably going to have to bring a GM that is from outside of this area. If you are a football coach and you are coming to a new team, you want to know you have good ownership, a good quarterback, good fans, and we are still a little bit aways from that. We have started to collect resumes, but we are not going to start talking to people until the first of the year, until we feel like our house is in order.

Sherry said she has been focusing mostly on the staff, and trying to figure out what is going on internally with the staff and checking out the policies and procedures that have been in place. We have figured out several things that probably need to be changed. Sherry walked the Board through the Organizational chart. We deleted a position called Operations and Building Manager. That was a high-salaried position that was added a year or two ago. The Facilities Manager can step into that role and meet those expectations. We would like to reinstate the position of Director of Operations to focus on all of the Technical aspects, production, sound and light, but also supervise the building operations. The Facilities Manager would report to the Director of Operations as well as the custodial staff. The Office Manager was reporting to the Director of Events, and that position should report directly to the GM, as well as Marketing and Communications that were falling under Director of Events. That team will report directly to the GM. The Director of Events handles more of the aspect of advancing the shows, and disseminates that information to the proper person, to Leah for catering, or Therese for volunteer coordination or whatever it may be. Sarah also in that roll handles all the Ushers and Floor Managers. She is looking for some part time people that an Floor Manage instead of taking the staff out of the business of running the Lerner to Floor Manage throughout the week. That makes more sense than having staff there working 12-14 hour days. Those people need to be in the office during the week as much as they can tending to Lerner business. We made a change in the Box Office. We moved the Box Office Assistant into the Box Office Manager role, and then filled her role with the current part time employee. They are excited and they are going to do some training. Sarah as Director of Events also oversees the Box Office. We felt it was important on days of show and on-sale days to open the Box Office from 10-5 instead of the current time opening at noon. We will see how it goes. We may extend those hours to daily 10-5. There is a question about Ticketmaster and if they should be taking phone sales. Sherry does not think they should do phone sales. Jamie Arce asked if that was the case when a customer calls in and wants to purchase tickets, and the Box Office employee hand keys in the credit card information. Sherry said yes, that is correct. Sherry said if she understands correctly, 80% of the ticketing was being done with phone sales, and that is very labor-intensive. When they came in at noon they had all of these phone calls to return. Sherry said in her past experience with Ticketmaster, phone sales were forbidden. She said they are looking at the contract. They found some fees with our community partners that were excessive. When we have done the surveys, after every show, the number one complaint is the fees. In all honesty, it is not Ticketmaster fees that is the majority. We need to look at that whole structure and get that better, and we

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may have to reduce some fees a little bit too. We figured out they were not collecting credit card fees in the Box Office or over the phone, and that is industry standard. It was being done correctly on Ticketmaster. We changed that and it is being done right now. Gary Boyn asked if the organizational chart has been implemented, and Sherry said yes it has. Gary said the Board gives their approval to keep charging ahead. Sherry said they have been in contact with Bradley and the Mayor. Sherry said she has had in-depth meeting with the employees two and three times to get their input, and it was very valuable input. This was the organizational chart we all agreed to. Everyone in those roles are very capable of executing their positions. Sherry looked at all of the job descriptions and worked on that with the staff. Many of them indicated they never really had a detailed job description, they just went into the role and did their best. She moved a few things here and there, not a lot, but the staff is all comfortable with the changes moving forward. There has not been a liaison in the office to support the Friends of the Lerner. Rachel in the office will be the person assigned to the Friends of the Lerner donors, seat tags, and end of year tax letters. Dallas noticed on the report that ticket sales are low. Sherry said many of those artists had low ticket averages of 300-500 tickets sold. Those are the shows we want to eliminate in 2025. We want shows with 1,000 or more tickets sold. Dina asked how they are balancing the local talent and dance shows. Sherry said she is sending those requests to the Mayor, because she knows how important community is to the Mayor and we need to find a balance.

Blake McDaniel joined on Webex. He has been reaching out to Promoters and getting the Lerner on their radar, talking about the Lerner, telling them the story of the Lerner and what we do there. They are excited and it seems like they are ready to start putting in offers. The first domino in that row is getting the rate card done so they can build their offers to submit to artists for the Lerner. Once it is approved we will be off and running and reeling in some of those offers. Separately, I am negotiating a contract with a very large and reputable Promoter to be the exclusive Comedy Promoter for the Lerner, and also with that will come a preferred Promoter status to put content outside of Comedy in here as well. It comes with a guarantee that they will put a certain amount of National shows in there. On the Comedy front, I would like to see 10 shows, and 25 from National performing acts like concerts, family programming etc. We have an offer on the table but it is not ready to present. I did another contract like this for a similar venue that ended with amazing profitability. A lot of Promoters are placing holds on the calendar waiting for the rate card. It looks like next year is going to be fantastic and I feel very optimistic about it.

9. DIRECTOR OF EVENTS REPORT

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

DIRECTOR OF EVENTS

PREPARED BY: SARAH MACER

Activity (November- January)	As % of 90 days	
40 Events	44%	Activity in theatre
23 Ticketed Events	26%	Ticketed events

LERNER THEATRE BOARD
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5 Non-Ticketed Events	6%	Non-Ticketed events
12 Rehearsal Dates	13%	Rehearsal Space

Compare to 2023 Board Report Ticketed Events: 19

Compare to 2023 Board Report Non-Ticketed Events +Rehearsals: 21

Accomplished in October:

- Facility Occupancy numbers were sent off to the city departments for life safety of those visiting The Lerner. Google Calendar and Prism are updated based off from conversations with Sherry, Blake and Scott.
- This last month has been busy and we're getting even busier! Facilitating shows has officially kicked off and I've been planning out multiple shows at one time. We are picking up speed and with more shows I'm grateful for some of the newer practices we have in place; more of the team is included in the process rather than one person having all of the information.
- 100 year meetings are up and running and we've set up meetings for our individual committees. This has been a great experience collaborating with other downtown businesses and locals.
- All of the usual tasks associated with my position have been completed; Show Closings sheets have been completed for each show and the show closing schedule for the month was sent to KL.

Updates for October:

100 Year Planning:

Our meetings have continued and we're all starting to move through our roles as liaisons for the various committees. We are looking forward to our first official event in November on 11.24.24 where we have the Silent Movie: The Navigator; which was the first event we EVER had in the building. This will be accompanied by the Kimball organ, again the original, and is a free event for the public.

Show Closings and Building Procedures:

It's been great working with Rachel on the show closings and has been great at assisting with the process. She has done an amazing job connecting with the Controller's Office and working through some of the more nuanced procedures with me. We're cleaning up some aspects and getting the rest of the team ready for the season!

Event Planning:

Show season has kicked off! October was incredibly "busy" and we're off and running with advancing shows and working through those details. I've been working more with Sherry on show items and even assisted Jacob on the tech side in Deen's absence. We'll have a lot of weekends coming up where we have multiple shows and we've been working on getting new Volunteers, Ushers and Box Office staff ready for the season!

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TECHNICAL AND FACILITIES DIRECTOR
PREPARED BY: DEEN TUGGLE

Overview:

October was one of the roughest months of my time at The Lerner. On September 27, I lost my father to a heart attack. I took a week away from work before returning, unbeknownst to me, that returning would not be that simple. Grief has been affecting me mentally, making it more of a challenge to do the everyday tasks I would normally do in my role. It has been a hurdle to jump these past few weeks. Thankfully, my assistant Jacob has stepped up tremendously during this time, allowing me to slowly get back into the swing of things, while continuing head-first to help on show days. We've had a busy October here, with two Premier Arts shows, Sesame Street, Judy Collins, and more! November will be just as busy, with a Wednesday-Saturday stretch with back-to-back shows. We've also had movement on the facilities side, getting some much-needed work scheduled and on the books, as well as cleaning up and working towards a better tomorrow. Additionally, the stage floor replacement is scheduled for the end of December, and the rigging point work is underway, with a hopeful completion by the end of the year.

Accomplished in October:

- Technical assistance for shows.
- Updating SOP's.
- Organization of departments.

Upcoming tasks:

- Back-to-back-to-back-to-back-to-back shows
- Finalizing Tech SOPs
- Training

COMMUNICATIONS & MARKETING COORDINATOR
PREPARED BY: JENNA BROUILLETTE

October has been a busy month for us both internally and through our events in the latter half of the month into early November. We're excitedly gearing up for the 100th anniversary kickoff while entering into a busy event season. With a busy Premier Arts School of Rock weekend and at least three shows a week since, it's been exciting to see so many faces back in The Lerner! I've been working on several projects relating to the 100th anniversary, and can't wait to start a year-long celebration of this space. Additionally, I'm working to better strengthen our marketing relationship with promoters for current and upcoming shows. As I write this report, we are looking forward to our last Lerner on the Lawn of the 2024 on Halloween, and are looking forward to a weekend of fun with everyone for Loudernow, Finding Nemo, and Oaklawn's Got Talent Auditions in Downtown Elkhart!

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Here is a snapshot of The Lerner Theatre's Socials as of 10/29/24:

	August 2024	September 2024	October 2024	1-Month Change
Total Audience	36,484	36,425	36,591	0.3% Increase
Total Impressions	466,095	394,357	492,900	27.4% Increase
Total Engagement	19,622	16,539	12,452	23.3% Decrease

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

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

Done in September

- Finalized Year In Review distribution
- Continued internal meetings to plan and organize the 100th anniversary celebration
- Began updating the docent manual to train volunteers for tours
- Completed the Lerner on the Lawn series

Goals for November

- Work with the Lerner 100 Committee on marketing materials and outreach for the kickoff event
- Develop the 2025 Marketing Plan for The Lerner
- Continue as a liaison to the Lerner's 100 year celebration committees in the areas of History+Renovation and Communications.
- Continue updating the Docent Manual for historic tours

MEDIA SPECIALIST

PREPARED BY: HOLLY COWAN

The month of October I've been focused on creating elements for the 100 Year Anniversary. I've been able to create some flyers and bag stuffers that our merchants will be able to hand out. I've also created a vintage souvenir ticket that will be used for the silent movie promotion. I'm expecting to work on creating more items this month leading into the kickoff.

Jenna and I have also worked with Eyedart on ideas for the new 100 Year branding for The Lerner. Once this branding piece has been finalized I anticipate

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the next few months will consist of updating our graphics and templates in order to match this new direction.

Jenna and I have also started having some marketing brainstorming meetings with Sherry weekly. From these we've developed some great strategies that we can use moving forward. There are a few video creations that I would like to develop further for advertising our Night Ranger show that I think will be beneficial.

Over the next month I'm planning to continue working with Eyedart to update our website to be more accessible. I'd also like to review the information we have listed and see if there are more pieces that we can include.

Accomplishments in October

- Working on graphics and announce emails for upcoming shows
- Created stickers for Halloween giveaway at Lerner on the Lawn
- Finished design of holiday card for this year – it is in the process of being ordered
- Created graphics for our 100 Year Anniversary Kickoff
- Help design some social graphics/reels templates that we can use moving forward

Upcoming Goals for November

- Create a new page for the website about our accessibility
- New page for the website about artwork on display in The Lerner
- Ongoing – update The Lerner Website and Friends of The Lerner Website information
- Continue working with Eyedart on accessibility features for our websites
- Design a new Know Before You Go social graphic and email
- Create branding for 100 Year Celebration

BOX OFFICE MANAGER

PREPARED BY: TRISTIN TUBBS

Box Office Manager Accomplishments for October 2024

- Successfully built 2 shows
- Scheduled our bi-yearly Box Office Meeting for November 12th, 2024
 - We will be going through the new Operations Manual (still being worked on) and noting changes made to policies and procedures
 - We will be revisiting customer service expectations and reality
- Prosperously lead two National Tours - Voice of Rock Radio and Sesame Street Live

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Box Office Assistant Manager Accomplishments for October 2024

- Successfully lead my first National Tour - Mersey Beatles
- Was able to get Judy Collins price bumps day of show set up
- Successfully built one show

Box Office Manager Goals for November 2024

- Complete the new Box Office Operations Manual
- Successfully lead our Box Office Meeting
- Continue to be a liaison for the FOL
- Start sending out donation letters

Box Office Assistant Manager Goals for November 2024

- Continue to help build shows
- Make sure box office is properly staffed to open the box office at 10am on show days
- Continue to keep up on box office audits

LERNER SERVICES COORDINATOR

PREPARED BY: DIANA GALVES

October had Lerner Services getting back into the fall season with Lerner Theatre performances and Ballroom events.

Accomplished in October:

- Lerner services staff had to several times do some major mopping throughout the auditorium/balcony under all seats and isles due to beverage spills.
- Lerner services staff vacuumed/shampooed Ballroom hallway due to food spills from Navarra catering.

Upcoming Tasks:

- Preparing for a very busy November with Lerner performances and Ballroom events.
- Continue daily cleaning and maintenance throughout the Lerner

Date	Time	Event Name	On Sale Date	Sold	Net Revenue	Hist. Fee	Total Revenue
10/5/2024	7:00 PM	The Voices of Rock Radio	4/12/2024	110	\$6,413.00	\$330.00	\$6,743.00
10/6/2024	7:00 PM	The Mersey Beatles	4/23/2024	77	\$3,536.00	\$231.00	\$3,767.00

LERNER THEATRE BOARD
 Wednesday, November 13, 2024

10/18/2024	7:30 PM	Premier Arts: School of Rock	1/1/2024	185	\$3,765.00	\$555.00	\$4,320.00
10/19/2024	7:30 PM	Premier Arts: School of Rock	1/1/2024	180	\$3,722.00	\$540.00	\$4,262.00
10/20/2024	2:00 PM	Premier Arts: School of Rock	1/1/2024	181	\$3,760.00	\$543.00	\$4,303.00
10/23/2024	6:00 PM	Sesame Street Live! - Say Hello	6/28/2024	167	\$6,863.10	\$501.00	\$7,364.10
10/25/2024	7:30 PM	Judy Collins	6/21/2024	129	\$6,410.50	\$387.00	\$6,797.50
10/26/2024	4:00 PM	95.3 MNC NOISE!	9/11/2024	189	\$13,288.00	\$567.00	\$13,855.00
11/1/2024	7:30 PM	Finding Nemo Jr	3/27/2024	268	\$6,059.00	\$0.00	\$6,059.00
11/2/2024	10:00 AM	Premier Arts Academy: Finding Nemo Jr	9/9/2024	271	\$2,852.00	\$813.00	\$3,665.00
11/2/2024	2:00 PM	Finding Nemo Jr	3/27/2024	216	\$4,217.00	\$648.00	\$4,865.00
11/2/2024	6:00 PM	Premier Arts Academy: Finding Nemo Jr	9/9/2024	308	\$3,276.00	\$924.00	\$4,200.00
11/6/2024	7:30 PM	A Taste of Ireland	8/29/2024	278	\$16,077.00	\$834.00	\$16,911.00
11/7/2024	7:00 PM	World Ballet Series: Swan Lake	4/2/2024	261	\$16,158.00	\$783.00	\$16,941.00
11/8/2024	7:00 PM	Jeremy Camp Deeper Waters Tour	8/22/2024	316	\$12,864.50	\$948.00	\$13,812.50
11/9/2024	7:00 PM	Ginger Billy	6/21/2024	316	\$11,865.40	\$948.00	\$12,813.40
11/17/2024	4:00 PM	Elkhart County Symphony - Slavic Masterworks	7/24/2024	12	\$325.00	\$36.00	\$361.00
11/23/2024	7:00 PM	Joe Gatto: Let's Get Into It	6/21/2024	110	\$6,012.50	\$330.00	\$6,342.50
11/30/2024	3:00 PM	Nutcracker	10/16/2024	55	\$1,219.00	\$165.00	\$1,384.00
11/30/2024	1:00 PM	Nutcracker Tea	10/16/2024	13	\$682.50	\$39.00	\$721.50
12/4/2024	7:00 PM	Christmas in the Air	8/15/2024	105	\$4,395.00	\$315.00	\$4,710.00
12/5/2024	7:00 PM	Charlie Berens: Good Old Fashioned Tour	6/21/2024	91	\$4,075.00	\$273.00	\$4,348.00
12/6/2024	7:30 PM	The Rat Pack is Back for The Holidays	3/1/2024	28	\$1,771.00	\$84.00	\$1,855.00
12/7/2024	6:00 PM	Hometown Jams: Night Ranger	8/14/2024	117	\$8,212.83	\$351.00	\$8,563.83
12/13/2024	7:30 PM	Premier Arts: Elf the Musical	1/1/2024	77	\$1,491.00	\$231.00	\$1,722.00

LERNER THEATRE BOARD
 Wednesday, November 13, 2024

	PM						
12/14/2024	2:00 PM	Premier Arts: Elf the Musical All-Youth Performance	1/1/2024	79	\$1,546.00	\$237.00	\$1,783.00
12/14/2024	7:30 PM	Premier Arts: Elf the Musical	1/1/2024	92	\$1,844.00	\$276.00	\$2,120.00
12/15/2024	2:00 PM	Premier Arts: Elf the Musical	1/1/2024	123	\$2,400.00	\$369.00	\$2,769.00
2/2/2025	4:00 PM	Elkhart County Symphony - Mahler Symphony Number 2	7/24/2024	8	\$177.60	\$24.00	\$201.60
2/11/2025	7:30 PM	Price is Right Live!	10/4/2024	115	\$6,176.00	\$345.00	\$6,521.00
5/3/2024	7:00 PM	Justin Willman	11/1/2024	59	\$3,241.00	\$177.00	\$3,418.00
5/18/2025	4:00 PM	Elkhart County Symphony - Rebel Symphnoire	7/24/2024	4	\$70.00	\$12.00	\$82.00

Total Ticket Revenue	\$177,580.93
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FACILITIES MANAGER

PREPARED BY: TIM GARDNER

October:

Tore out old 100 year old molding in upper box seats for replacement because of wear. Found nice molding to compliment the design of the theatre. Got paint match as well to the area. Used same molding for lower box seat area as chair rail to protect seats and walls.

Fixed post holding the wheelchair button on Main Street. Repainted as well to freshen it up.

Replaced many light bulbs this month as well as doing some more organizing of supplies and tools.

Placed new protective threshold in Premier Arts door way.

Prepping for winter with Johnson Controls and Wagner-Meinert to help fine tune controls of Metasys system.

Auto-flushers installed in Premier Arts restrooms.

Installed new foot style door stays in kitchen, will order more to replace older stays.

Goals for November:

Working on blade sign lights (from Oct. goals) will need to purchase a large number of bulbs for this.

Have done temporary fix on ball room doors. Some hinges purchased, ordered some tools to assist in screw extraction.

Will be replacing filters in all the RTU's this month, and will inspect if they need cleaned etc.

LERNER THEATRE BOARD
Wednesday, November 13, 2024

10. NEW BUSINESS

Commercial Rate Sheet

Scott Welsh introduced the new rate sheet. It is based on their experience and on theaters across the county this size. We reached out to Promoters and studied their settlement sheets for venues this size. Gary Boyn asked if this would have a substantial impact on ticket prices and was told it would not have much impact at all. Scott said it is going to bring some serious Promoters in to the marketplace. He said he doesn't know if we can get the Lerner all the way to profitability, but we can get a lot closer. On motion by Dallas Bergl, seconded by Dina Harris and carried 6-0, the Commercial Rate Sheet was approved as presented.

2025 Lerner Governing Board Meeting Dates

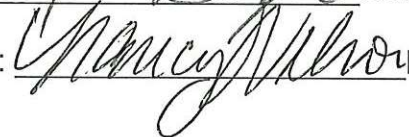
On motion by Dina Harris, seconded by Diana Lawson and carried 6-0, the 2025 Lerner Governing Board Meeting Dates were approved.

11. ADJOURNMENT

On motion by Dallas Bergl seconded by Diana Lawson and carried 6-0, the Lerner Theatre Governing Board was adjourned at 10:43 a.m.



Gary Boyn, President

Attest: 

Nancy Wilson, Clerk of the Board