

## **GOSHEN COMMON COUNCIL**

### **Minutes for the Regular Meeting of May 2, 2017**

The Common Council of the City of Goshen, Indiana met in a regular meeting on May 2, 2017 at 7:00 P.M. in the City Court Room/Council Chambers at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, IN. Presiding Officer was Council President McKee, with members of the Council present or absent as follows:

**PRESENT:** Councilman Ahlersmeyer, McKee, Orgill, Scharf, Weddell  
Councilwoman Gautsche, King  
Youth Advisor Biller

**ABSENT:** None

### **CHANGES TO THE AGENDA**

Council President McKee requested that Ordinance 4904, Ordinance 4905, and Ordinance 4906 be moved to items 1-3 of the Agenda. Motion made by Councilman Orgill to move Ordinance 4904, Ordinance 4905, and Ordinance 4906 to items 1-3 of the Agenda. Motion seconded by Councilman Weddell. Seeing no other changes to the Agenda, Council President McKee called for a vote to approve the Agenda as amended.

By a 7-0 unanimous vote the motion passed.

### **APPROVAL OF MINUTES**

Clerk-Treasurer McKee requested a motion to withdraw the minutes for further review. Motion made by Councilman Ahlersmeyer to withdraw the minutes. Motion seconded by Councilwoman Gautsche.

By a 7-0 unanimous vote the motion passed.

### **PRESENTATIONS**

Elkhart County Convention and Visitors Bureau representative Terry Mark presented on the Annual Quilt Gardens 10<sup>th</sup> Anniversary and the installation of 56 life-sized bronze statues at 6 minutes and 03 seconds of the audio recording.

Council President McKee announced Councilwoman Julia Gautsche as Council President pro tempore for the meeting.

### **ORDINANCE #4904**

Councilwoman Gautsche introduced Ordinance #4904 entitled "AN ORDINANCE TO AMEND ORDINANCES 2580, 2963, 3033, AND 3404 OF THE DELLAMEADE PLANNED UNIT DEVELOPMENT (PUD)."

Councilwoman Gautsche asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilman Ahlersmeyer.

City Planner Rhonda Yoder outlined the scope of Ordinance #4904 and answered Council questions at 10 minutes and 43 seconds of the audio recording.

Abonmarche representative Barry Pharis gave additional information about the project and answered Council questions at 11 minutes and 57 seconds of the audio recording.

Silverwood Mennonite congregation member Rollin Handrich spoke about basic traffic study conducted and answered Council questions at 16 minutes and 41 seconds of the audio recording.

Director of Public Works Dustin Sailor explained the information they were looking for from a traffic study and answered Council Questions at 17 minutes and 35 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE #4904**

Council President McKee opened public comments. There were no comments made by the public.

**COUNCIL COMMENTS ON ORDINANCE #4904**

Council President McKee opened Council comments. No additional comments were made by the Council.

By a 7-0 unanimous vote the Ordinance passed on first reading.

Councilwoman Gautsche called for a unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, Councilwoman Gautsche declared that the Ordinance would be heard on a second reading.

Councilwoman Gautsche asked the Clerk-Treasurer to read the Ordinance by title only for its second and final reading and moved for its passage by a roll call vote. Motion seconded by Councilman Ahlersmeyer.

**PUBLIC COMMENTS ON ORDINANCE #4904**

Council President McKee opened public comments. No additional comments were made by the public.

**COUNCIL COMMENTS ON ORDINANCE #4904**

Council President McKee opened Council comments. No additional comments were made by the Council.

Council President McKee asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Ahlersmeyer, Gautsche, King, McKee, Orgill, Scharf, Weddell

NAYES:

By a 7-0 unanimous vote the Ordinance passed.

(ORDINANCE #4904 DULY PASSED AND ADOPTED THIS DAY OF May 2, 2017)

**ORDINANCE #4905**

Councilwoman Gautsche introduced Ordinance #4905 entitled "AN ORDINANCE TO AMEND ORDINANCE 3011, KNOWN AS THE ZONING AND USE REGULATIONS ORDINANCE FOR THE CITY OF GOSHEN, INDIANA BY REZONING THE AREA OR REAL ESTATE HEREINAFTER DESCRIBED FROM RESIDENTIAL R-1 DISTRICT AND RESIDENTIAL R-1 PUD DISTRICT TO RESIDENTIAL R-3 WITH A PUD OVERLAY DISTRICT."

Councilwoman Gautsche asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilwoman King.

City Planner Rhonda Yoder outlined the scope of Ordinance #4905 at 21 minutes and 57 seconds of the audio recording.

Abonmarche representative Barry Pharis gave additional information about the project at 23 minutes and 46 seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE #4905**

Council President McKee opened Council Comments. Council comments begin at 24 minutes and 34 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE #4905**

Council President McKee opened public comments. Public comments begin at 25 minutes and 42 seconds of the audio recording.

By a 7-0 unanimous vote the Ordinance passed on first reading.

Council President McKee called for a unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, Council President McKee declared that the Ordinance would be heard on a second reading.

Councilwoman Gautsche asked the Clerk-Treasurer to read the Ordinance by title only for a second and final reading and moved for its passage by a roll call vote. Motion seconded by Councilman Ahlersmeyer.

Council President McKee asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Ahlersmeyer, Gautsche, King, McKee, Orgill, Scharf, Weddell

NAYES:

By a 7-0 unanimous vote the Ordinance passed.

(ORDINANCE #4905 DULY PASSED AND ADOPTED THIS DAY OF May 2, 2017)

**ORDINANCE #4906**

Councilwoman Gautsche introduced Ordinance #4906 entitled "AN ORDINANCE TO AMEND ORDINANCES 2092, 3504, 4696, AND 4878 OF THE GREENCROFT GOSHEN PLANNED UNIT DEVELOPMENT (PUD)."

Councilwoman Gautsche asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilman Ahlersmeyer.

City Planner Rhonda Yoder outlined the scope of the Ordinance at 33 minutes and 23 seconds of the audio recording.

Abonmarche representative Barry Pharis gave additional information about the project at 35 minutes and 06 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE #4906**

Council President McKee opened public comments. Public comments begin at 36 minutes and 41 seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE #4906**

Mayor Stutsman opened Council Comments. Council comments begin at 45 minutes and 12 seconds of the audio recording.

By a 7-0 unanimous vote the Ordinance passed on first reading.

**ORDINANCE #4899**

Councilwoman Gautsche introduced Ordinance #4899 entitled “BUILDING DEPARTMENT FEE ORDINANCE.”

Councilwoman Gautsche asked the Clerk-Treasurer to read the Ordinance by title only for its second reading and moved for its passage. Motion seconded by Councilman Orgill.

**COUNCIL COMMENTS ON ORDINANCE #4899**

Council President McKee opened Council Comments. Council comments begin at 57 minutes and 19 seconds and end at 58 minutes and 06 seconds. Council comments resume at 1 hour, 08 minutes, and 06 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE #4899**

Council President McKee opened public comments. Public comments begin at 58 minutes and 28 seconds of the audio recording.

Motion to amend Section 1 to include 1.06 that states, “No permit will be required if the project total cost is less than one thousand dollars (\$1,000.00) except electrical, mechanical, and plumbing permits are required if the total project cost is six hundred dollars (\$600.00) or more.” and omits 2.01 made by Councilman Orgill. Motion seconded by Councilman Weddell.

**PUBLIC COMMENTS ON AMENDMENT**

Council President McKee opened public comments. Public comments begin at 1 hour, 17 minutes, and 52 seconds of the audio recording.

**COUNCIL COMMENTS ON AMENDMENT**

Council President McKee opened Council comments. Council comments begin at 1 hour, 20 minutes, and 59 seconds of the audio recording.

Council President McKee asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Ahlersmeyer, King, McKee, Orgill, Scharf, Weddell

NAYES: Gautsche

By a 6-1 vote the amendment passed.

Motion to amend Section 1.03 to state “It shall be the obligation of the party performing the work to obtain all necessary permits” and to omit sentence two made by Councilman Scharf. Motion seconded by Councilwoman King.

**PUBLIC COMMENTS ON AMENDMENT**

Council President McKee opened public comments. Public comments begin at 1 hour, 47 minutes, and 03 seconds of the audio recording.

**COUNCIL COMMENTS ON AMENDMENT**

Council President McKee opened Council comments. Council comments begin at 1 hour, 50 minutes, and 10 seconds.

Council President McKee asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES:

NAYES: Ahlersmeyer, Gautsche, King, McKee, Orgill, Scharf, Weddell

By a 0-7 vote the amendment failed.

Motion to amend Section 8.01 to state “All fees shall increase 3% to the nearest whole dollar amount January 1, 2019, January 1, 2021, and January 21, 2023” made by Councilman Ahlersmeyer. Motion seconded by Councilman Orgill.

**PUBLIC COMMENTS ON AMENDMENT**

Council President McKee opened public comments. No additional comments made by the public.

**COUNCIL COMMENTS ON AMENDMENT**

Council President McKee opened Council comments. Council comments begin at 1 hour, 57 minutes, and 31 seconds of the audio recording.

Council President McKee asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Ahlersmeyer, Orgill

NAYS: Gautsche, King, McKee, Scharf, Weddell

By a 2-5 vote the amendment failed.

Motion to amend Section 6.01C to add “each occurrence” made by Councilman Weddell. Motion seconded by Councilman Ahlersmeyer.

**COUNCIL COMMENTS ON AMENDMENT**

Council President McKee opened Council comments. Council comments begin at 2 hours, 09 minutes, and 25 seconds and end at 2 hours, 09 minutes, and 37 seconds. Council comments resume at 2 hours, 15 minutes, and 09 seconds of the audio recording.

**PUBLIC COMMENTS ON AMENDMENT**

Council President McKee opened public comments. Public comments begin at 2 hours, 09 minutes, and 53 seconds.

Council President McKee asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Ahlersmeyer, Gautsche, King, McKee, Orgill, Scharf, Weddell

NAYS:

By a 7-0 unanimous vote the amendment passed.

Motion to amend Section 9.01 to include Item D as a definition of Reinspection that states “An inspection necessitated by a homeowner failing to make a good faith effort to address a violation or failing to provide access to the worksite at a scheduled inspection time without proper notice” made by Councilman Scharf. Motion seconded by Councilwoman Gautsche.

**PUBLIC COMMENTS ON AMENDMENT**

Council President McKee opened public comments. No additional comments made by the public.

**COUNCIL COMMENTS ON AMENDMENT**

President McKee opened Council comments. No additional comments were made by the Council.

Council President McKee asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Ahlersmeyer, Gautsche, King, Scharf

NAYS: McKee, Orgill, Weddell

By a 4-3 vote the amendment passed.

By a 7-0 unanimous vote the Ordinance passed as amended.

(ORDINANCE #4899 DULY PASSED AND ADOPTED THIS DAY OF May 2, 2017)

**PUBLIC HEARING ORDINANCE #4900**

Council President McKee opened the Public Hearing. There were no comments made by the public.

**ORDINANCE #4900**

Councilwoman Gautsche introduced Ordinance #4900 entitled "ESTABLISH THE ANNUAL TAX RATE FOR THE CITY OF GOSHEN CUMULATIVE CAPITAL DEVELOPMENT FUND."

Councilwoman Gautsche asked the Clerk-Treasurer to read the Ordinance by title only for its second and final reading and moved for its passage. Motion seconded by Councilwoman King.

By a 7-0 unanimous vote the Ordinance passed.

(ORDINANCE #4900 DULY PASSED AND ADOPTED THIS DAY OF May 2, 2017)

**PUBLIC HEARING ORDINANCE #4901**

Council President McKee opened the Public Hearing. There were no comments made by the public.

**ORDINANCE #4901**

Councilwoman Gautsche introduced Ordinance #4901 entitled "ESTABLISH THE ANNUAL TAX RATE FOR THE CITY OF GOSHEN CUMULATIVE BUILDING OR REMODELING, FIREFIGHTING, AND POLICE RADIO EQUIPMENT FUND."

Councilwoman Gautsche asked the Clerk-Treasurer to read the Ordinance by title only for its second and final reading and moved for its passage. Motion seconded by Councilman Orgill.

**PUBLIC COMMENTS ON ORDINANCE #4901**

Council President McKee opened public comments. No additional comments were made by the public.

By a 7-0 unanimous vote the Ordinance passed.

(ORDINANCE #4901 DULY PASSED AND ADOPTED THIS DAY OF May 2, 2017)

**PUBLIC HEARING ORDINANCE #4902**

Council President McKee opened the Public Hearing. There were no comments made by the public.

**ORDINANCE #4902**

Councilwoman Gautsche introduced Ordinance #4902 entitled “ESTABLISH THE ANNUAL TAX RATE FOR THE CITY OF GOSHEN CUMULATIVE BUILDING AND SINKING FUND FOR MUNICIPAL SEWERS.”

Councilwoman Gautsche asked the Clerk-Treasurer to read the Ordinance by title only for its second and final reading and moved for its passage. Motion seconded by Councilman Weddell.

**PUBLIC COMMENTS ON ORDINANCE #4902**

Council President McKee opened public comments. No additional comments were made by the public.

**COUNCIL COMMENTS ON ORDINANCE #4902**

Council President McKee opened Council comments. No additional comments were made by the Council.

By a 7-0 unanimous vote the Ordinance passed.

(ORDINANCE #4902 DULY PASSED AND ADOPTED THIS DAY OF May 2, 2017)

**PUBLIC HEARING ORDINANCE #4907**

Council President McKee opened the Public Hearing. There were no comments made by the public.

**ORDINANCE #4907**

Councilwoman Gautsche introduced Ordinance #4907 entitled “ADDITIONAL APPROPRIATIONS.”

Councilwoman Gautsche asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilman Weddell.

**COUNCIL COMMENTS ON ORDINANCE #4907**

Council President McKee opened Council Comments. Council comments begin at 2 hours, 35 minutes, and 38 seconds of the audio recording.

By a 7-0 unanimous vote the Ordinance passed on first reading.

Council President McKee called for a unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, Council President McKee declared that the Ordinance would be heard on a second reading.

**PUBLIC COMMENTS ON ORDINANCE #4907**

Council President McKee opened public comments. No additional comments were made by the public.

**COUNCIL COMMENTS ON ORDINANCE #4907**

Council President McKee opened Council Comments. No additional comments made by the Council.

Council President McKee asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Ahlersmeyer, Gautsche, King, McKee, Orgill Scharf, Weddell

NAYS:

By a 7-0 unanimous vote the Ordinance passed.

(ORDINANCE #4907 DULY PASSED AND ADOPTED THIS DAY OF May 2, 2017)

**RESOLUTION 2017-14**

Councilwoman Gautsche introduced Resolution 2017-14 entitled “A RESOLUTION OF THE CITY OF GOSHEN CITY COUNCIL OF THE CITY OF GOSHEN, INDIANA, AUTHORIZING THE FILING OF AN APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT.”

Councilwoman Gautsche asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilman King.

City Planner Rhonda Yoder spoke about the Resolution at 2 hours, 43 minutes, and 06 seconds of the audio recording.

**COUNCIL COMMENTS ON RESOLUTION 2017-14**

Council President McKee opened Council Comments. Council comments begin at 2 hours, 43 minutes, and 49 seconds of the audio recording.

**PUBLIC COMMENTS ON RESOLUTION 2017-14**

Council President McKee opened public comments. No additional comments were made by the public.

By a 7-0 unanimous vote the Resolution passed.

**PRIVILEGE OF THE FLOOR**

Glenn Null (Goshen) spoke about road conditions at 2 hours, 44 minutes, and 42 seconds of the audio recording.

Angie Troyer (Goshen) spoke about potholes, the Taste of Goshen, and the CRC meeting at 2 hours, 46 minutes and 05 seconds of the audio recording.

Building Inspector Myron Grise spoke about building permits and regulations at 2 hours, 47 minutes, and 36 seconds of the audio recording.

City Attorney Larry Barks spoke about a \$100,000.00 appropriation for the unsafe building fund at 2 hours, 48 minutes, and 20 seconds of the audio recording.

Council President McKee thanked First Deputy Rita Huffman for her years of service and announced the new Chamber of Commerce President at 2 hours, 59 minutes, and 05 seconds of the audio recording.



Councilwoman King spoke about the “dark store” ruling at 3 hours, 00 minutes, and 27 seconds of the audio recording.

Councilman Scharf spoke about moving Privilege of the Floor to the beginning of meetings at 3 hours, 02 minutes, and 38 seconds of the audio recording.

Youth Advisor Biller spoke about the Youth Advisor position on the Council at 3 hours, 04 minutes, and 24 seconds of the audio recording.

Councilman Ahlersmeyer spoke about the firefighter class at 3 hours, 05 minutes, and 32 seconds of the audio recording.

Councilman Weddell moved to adjourn. Motion seconded by Councilwoman Gautsche and the meeting adjourned at 10:04 P.M.

APPROVED: \_\_\_\_\_

Mayor, Jeremy P. Stutsman  
Goshen, Indiana

ATTEST: \_\_\_\_\_

Angie McKee  
City Clerk-Treasurer