

REGULAR MEETING OF THE COMMON COUNCIL (MAY 17, 2016)
111 EAST JEFFERSON STREET, GOSHEN, INDIANA

The Common Council of the City of Goshen, Indiana, met in the Council Chambers for a regular session on May 17, 2016 at 7:00 P.M. Presiding Officer was Mayor Stutsman with members of the Council present as follows:

PRESENT: COUNCILMAN MCKEE, ORGILL, SCHARF, WEDDELL

COUNCILWOMAN GAUTSCHE, KING

ABSENT: COUNCILMAN AHLERSMEYER

CHANGES TO AGENDA

Mayor Stutsman stated Councilman Scharf would like to give a presentation on GIS and he suggests it be placed after the ECCVB presentation. Motion to add the presentation by Councilwoman Gautsche with a second by Councilman Weddell and motion passed unanimously.

ELKHART COUNTY CONVENTION AND VISITORS BUREAU

Janis Logsdon, Marketing and Advertising Director for the Elkhart County Convention and Visitor's Bureau announced the opening of the 9th year of the Quilt Gardens along the Heritage Trail. Ms. Logsdon stated the following:

- It is exciting to see the cooperation between the Cities and Towns and the connectivity the Quilt Gardens brings to the communities.
- There are 3 gardens in Goshen which are at the Courthouse, the Fairgrounds and the Old Bag Factory.
- She encouraged everyone to visit the City's quilt gardens.
- There is a new Heritage Trails Adventure App for smart phones.
- Designated by the State as a bicentennial project so all of the gardens will reflect the history of quilts or the State of Indiana.
- Over 200 volunteers, committees and staff members.
- Direct spending by visitors has contributed 273 million dollars to Elkhart County.
- Introduced Janet who will be leading the planting of the Quilt Garden at the Courthouse beginning next Tuesday at 9:00 a.m.

Mayor Stutsman expressed his appreciation for all of their efforts and stated this is a great event for Elkhart County and he is pleased to see it is still thriving.

GIS PRESENTATION

Councilman Scharf stated he would like to show what is coming in some places and what is here already with Geographic Information Systems. He gave a slideshow presentation on the following:

- GIS is really a whole toolset that is very relevant in local government operations.
- A static GIS map which shows roads, parks and water bodies all on the same page.
- Google earth maps showing how you can remove layers of what you don't need to see.
- Uber, another GIS multi-billion dollar company is being built on GIS information.
- Photo geo-tagged.
- Key concept is different layers you can have in GIS software to gain insights in comparisons and patterns.
- We now have access to data through MACOG regarding traffic and a database on City trees. Can take this data and turn it into useful information.
- Optimize routes saving money, labor and fuel. City of South Bend optimized their trash routes to reduce the number of trucks used.
- Could do a comprehensive study to give you a site selection for a fire station.
- Hopeful to have an open data project in the future that departments would share and could be shared with the public.
- Software program where you could create models for planning requests to find your notification area.
- Wayfinding – evaluating where cyclists will ride.
- Take raw data, apply analyst in order to get meaningful information to guide sound decisions and improve operations.

Councilman Scharf stated he is hopeful the Council will consider funding a GIS analyst staff position in the future which would pay for its self many times over.

The Council discussed the following:

- Councilman Scharf stated South Bend has at least 3 GIS analysts and in his opinion one would be sufficient for Goshen, maybe even part-time.
- Database that Goshen has on City trees is good information.
- Various departments such as Planning, Fire and Utilities are all using these tools to some degree or another.
- There would be some upfront setup costs in getting things to an enterprise level system.
- Could use the system to look at a property and identify information on the property such as police calls, code violations, etc.

ORDINANCE 4866

Council President McKee introduced Ordinance 4866 entitled “AMENDMENTS TO GOSHEN ZONING ORDINANCE 3011 AND ORDINANCE 3196, KNOWN AS THE SUBDIVISION CONTROL ORDINANCE FOR THE CITY OF GOSHEN, INDIANA, TO AUTHORIZE THE ZONING ADMINISTRATOR TO REVIEW CERTAIN APPLICATIONS WITHOUT A PUBLIC MEETING AND TO ESTABLISH SPECIFIC PROCEDURES FOR THE REVIEW OF MINOR CHANGES TO SITE PLANS.”

Council President McKee asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved its passage. Motion seconded by Councilman Orgill.

City Planner Rhonda Yoder stated this was heard at the Plan Commission meeting today with a favorable recommendation by a vote of 9-0. These changes are based on what State Statute permits and one typo change from 'off-site' to 'off-street'. Ms. Yoder read through the Ordinance changes to streamline development:

1. Authorize Zoning Administrator to approve without public meeting:
 - Planned Unit Development (PUD) final plans
 - PUD minor changes
 - B-4 (Planned Shopping Center) final site plans and minor changes
 - Secondary plat approvals for all subdivisions

2. Plan Commission can still approve these items at public meeting without public hearing:
 - If Zoning Administrator forwards it to Plan Commission
 - If Plan Commission requires it
 - If Petitioner requests it
 - If petitioner or interested party appeals Zoning Administrator's decision

3. Establishes Formal Minor Change Procedure for Approved Final Plans
 - Sets forth what types of changes are minor changes
 - Additions to floor area and height of a structure
 - Shifts in locations of structures and parking lots
 - Sets forth who can make what changes
 - 0 to 10%, Zoning Administrator without public hearing or meeting
 - >10% to 20%, Plan Commission at public meeting without public hearing
 - >20%, City Council as a Major Change

Mayor Stutsman stated this idea originated out of a conversation he had earlier this year with Greg Hoogenboom and he since has discussed the idea with several builders and developers in the area. Everyone sounds excited as depending on the circumstances this could save 30 to 60 days to get a project moving. It does not change anything regarding quality of standards and the Plan Commission can still hear any of the items but this streamlines the process.

Councilman Scharf moved to amend the Ordinance to the staff recommended version brought to them this evening. Motion seconded by Councilwoman Gautsche.

Goshen Chamber of Commerce President David Daughtery stated he supports the process and urged the Council to support the amendment and Ordinance.

By a 6-0 vote of the Council the motion to amend the Ordinance passed.

Rhonda Yoder explained the Plan Commission can decide they want to vote on a final plan, the staff can recommend the Commission review any request and the petitioner can request the Commission review their plan.

Council President McKee stated this is a step in the right direction but questions if we are going to load up our engineers with so many current projects. Further we need to think and talk about

if we have enough staff in our Engineering Department. Mayor Stutsman agreed and stated he will be asking for several positions in next year's budget.

Glenn Null, Goshen, stated he prefers a committee of two staff minimum make the decision as someone down the road in the position could be less than honorable and take a bribe to get a plan approved when there is a one person approval process.

By a 6-0 vote of the Council the motion passed.

Mayor Stutsman asked for unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, the Mayor declared that the Ordinance would be heard on second reading.

Council President McKee asked the Clerk-Treasurer to read the Ordinance by title only for second and final reading and moved its passage by roll call vote. Motion seconded by Councilman Orgill.

Councilwoman Gautsche stated preliminary approval will still go through all of the same steps and she respects what Mr. Null said but also believes we need to use our City staff to the full extent of their capabilities.

The Council roll call vote was as follows:

AYES: GAUTSCHE, KING, MCKEE, ORGILL, SCHARF, WEDDELL

NAYS: NONE

(ORDINANCE 4866 DULY PASSED AND ADOPTED THIS 17TH DAY OF MAY 2016.)

RESOLUTION 2016-14

Council President McKee introduced Resolution 2016-14 entitled "APPROVING THE GOSHEN PLAN COMMISSION WRITTEN ORDER APPROVING THE DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED RIVER RACE/US 33 ECONOMIC DEVELOPMENT AREA."

Council President McKee asked the Clerk-Treasurer to read the Resolution by title only and moved its passage by roll call vote. Motion seconded by Councilman Weddell.

Community Development Director Mark Brinson stated as a reminder this process started with the need to include the Goshen Theatre in the Redevelopment Commission's Economic Development Plan and in the process they also updated their previous plans to avoid doing this again in the next few months. The Plan Commission looks at the plan to see if it conforms to the City's comprehensive plan and after staff recommendations they voted that yes it does.

Trisha Handrich stated she is a resident of one of the homes listed in the Resolution and she would like to urge you to consider amending some of the properties out of the Resolution as

previously discussed. She further stated she has talked to some of her neighbors and no one has been approached about this and questioned why they were not contacted.

City Attorney Larry Barkes stated listing these properties does not mean the parcels are going to be acquired what it does is allows TIF funding to maybe acquire properties at a later date when a determination is made that it would be beneficial for the district. This is just the first step in a very long process.

Ms. Handrich stated it creates an economic uncertainty if she would want to sell her home in the future.

Mayor Stutsman explained that Councilwoman King requested a letter be sent to each address when it is listed in a Resolution such as this and the Mayor has agreed to do that. Further per State Statute for the Redevelopment Commission to purchase or sell any property they have to have a majority decision and then it goes in front of the City Council and they also have to have a majority decision so passing this does not mean they can purchase any property.

Councilman Weddell clarified that the Council is literally voting whether on not we are accepting the Plan Commission's recommendation and secondly the public hearing to remove properties would be up to the Redevelopment Commission at their public hearing.

After discussion, Attorney Barkes stated what the Council is approving or disapproving is the Plan Commission's Written Order that this area conforms to the City's Comprehensive Plan. Further the language in the legislation is not perfect but it is his opinion that the Council would be going beyond what is being asked of them by removing properties but he does not believe anyone on the Commission would object. Councilman Weddell stated he has a feeling that some of the members will take exception to the Council removing properties.

Councilman Scharf stated at the Redevelopment Commission meeting where this was approved there were a number of changes that were not included in the packet but were included in the measure that was placed before them to vote on that night and some of those included the additional parcels above and beyond what was in there. He asked Mr. Brinson to comment on why the properties were added last minute. Mr. Brinson stated some of the area that was added is due to the State will be taking some of the property for the US 33 improvements and it was thought that depending on any future private development the land may be needed for additional land beyond the site. Also to confirm what Attorney Barkes stated earlier this will allow the City to use TIF dollars to do any acquisitions.

Councilman Orgill stated he agrees this does create economic uncertainty and it is more than just approving a plan.

Discussion was held on whether the Council can amend the Redevelopment Commission's Resolution 42-2016 which is where the properties are listed. Attorney Barkes stated the Council is being asked to approve the Plan Commission's written order but there may be some unclear language in the Statue that you could hang your hat on that would allow you to amend the Resolution.

Councilwoman King stated she agrees with the Plan Commission on the areas that we have planned projects but not on areas where we do not. Attorney Barkes stated what is being suggested is that you cannot agree that this conforms to the comprehensive plan without removing a portion of it.

Councilman Weddell suggested we not get short sided as this is the first step of many and doing so will just slow the City down on moving forward on potential projects.

After further discussion on the area, zoning in the area, removing some of the properties and on future notification to property owners even if the City is just talking about their property, Councilwoman King moved to amend the Resolution by removing the parcels listed in number 6 (a-ff) in the Economic Development Plan attached to the Resolution. Motion seconded by Councilman Orgill.

Attorney Barkes stated you cannot remove language that is not actually in the Resolution you are voting on therefore what you are actually saying is that you approve the Plan Commission's recommendation contingent upon the parcels in number 6 being removed from the Redevelopment Commission's Confirmatory Resolution. Councilwoman King agreed and moved to make a motion with the language as Attorney Barkes stated. Councilman Orgill agreed to second the motion.

The Council roll call vote was as follows:

AYES: GAUTSCHE, KING, ORGILL, SCHARF

NAYS: MCKEE, WEDDELL

By a 4-2 vote of the Council, the Resolution was amended.

By 5-1 (NAY – WEDDELL) vote of the Council, Resolution 2016-14 was passed as amended.

APPROVAL OF MINUTES

Councilman Weddell moved to accept the minutes of the meetings held on April 14, 2016 and April 19, 2016. Motion seconded by Councilwoman Gautsche and motion passed unanimously.

PRIVILEGE OF FLOOR

Glenn Null stated he viewed many violations of Roberts Rules of Order tonight and he suggested that everyone read Roberts Rules and learn them. The Council was talking off topic and the meeting needs to keep moving.

Rob Roeder, Goshen, stated he considers everyone equal including the LGBTQ community and questions what we could do to unite us. Mr. Roeder talked about points in history regarding demonstrations/protests. Mr. Roeder questioned if the City could recognize the importance of babies such as when the Council recognizes one of the college or high school sports team when they had a great year. Suggests the City tries to find a way toward cohesiveness.

Councilwoman Gautsche questioned the progress on the former Johnson Controls building. Mayor Stutsman stated there is a timeline that he does not have with him but at this point the EPA is attempting to get funding from Congress. As of now the cleanup of the property should begin in June.

Councilwoman Gautsche questioned when we would see the groundbreaking for the co-housing and the Matthew's housing project on the race. Attorney Barkes stated at this point the developers are waiting to receive clearance from the State.

Councilman Scharf asked the Mayor to talk about a discussion he previously had regarding the possible appointment of a non-voting senior student to the Council. Mayor Stutsman stated State Statute allows him to appoint a local senior student to the Council. They are considered as an actual Councilperson by the State but they do not receive a vote. Mayor Stutsman stated he is excited about this as it brings another perspective to the Council and gets kids involved in government. Further the Legal Department is looking into if the City could give a small scholarship to the student if they decide to attend college.

Due to the Vibrant Communities meeting in Elkhart on June 7, 2016, the Council discussed changing the start time of the scheduled Council meeting also on June 7, 2016.

Councilman Weddell moved to adjourn. Motion seconded by Council President McKee and the meeting adjourned at 8:50 P.M.

APPROVED: _____
Mayor, Jeremy Stutsman
Goshen, Indiana

ATTEST: _____
Tina M. Bontrager
City Clerk-Treasurer