

GOSHEN COMMON COUNCIL

Minutes for the Regular Meeting of July 18, 2017

The Common Council of the City of Goshen, Indiana met in a regular meeting on July 18, 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 Mayor Stutsman, with members of the Council present or absent as follows:

PRESENT: Councilman Ahlersmeyer, McKee, Orgill, Scharf
Councilwoman Gautsche, King
Youth Advisor Barahona

ABSENT: Councilman Weddell

PRESENTATIONS

Community Relations Commission Chair Angie Troyer presented the CRC Annual Report at 10 minutes and 51 seconds of the audio recording.

Mayor Stutsman opened Council comments. No comments were made by the Council.

Mayor Stutsman opened public comments. Public comments begin at 14 minutes and 42 seconds of the audio recording.

CHANGES TO THE AGENDA

Mayor Stutsman requested to remove Ordinance #4914 from the Agenda. Motion to approve the Agenda as amended made by Councilman Ahlersmeyer. Motion seconded by Councilwoman King.

By a 6-0 unanimous vote the Agenda was approved as amended.

APPROVAL OF MINUTES

Mayor Stutsman called for a motion regarding the Minutes from June 20, 2017. Motion to approve the Minutes from June 20, 2017 as presented made by Councilman Ahlersmeyer. Motion seconded by Councilwoman King.

By a 6-0 unanimous vote the Minutes were approved as presented.

ORDINANCE #4911

Council President McKee introduced Ordinance #4911 entitled "AMEND THE LOCAL LIMITS FOR MERCURY."

Council President McKee 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 Ahlersmeyer.

COUNCIL COMMENTS ON ORDINANCE #4911

Mayor Stutsman opened Council comments. Council comments begin at 18 minutes and 21 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE #4911

Mayor Stutsman opened Public comments. There were no comments made by the public.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

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

NAYS:

By a 6-0 unanimous vote the Ordinance passed.

(ORDINANCE #4911 DULY PASSED AND ADOPTED THIS DAY OF JULY 18, 2017)

ORDINANCE #4912

Council President McKee introduced Ordinance #4912 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 OF REAL ESTATE HEREINAFTER DESCRIBED FROM RESIDENTIAL R-2 DISTRICT TO COMMERCIAL B-3 DISTRICT.”

Council President McKee 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 Zoning and Planning Administrator Rhonda Yoder spoke to the scope of the Ordinance at 21 minutes and 11 seconds of the audio recording.

Attorney R. Gordon Lord presented on behalf of Sterling Development Group at 23 minutes and 25 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE #4912

Mayor Stutsman opened Council Comments. Council comments begin at 26 minutes and 56 seconds of the audio recording. Clint Patterson of Sterling Development Group was available for questions.

PUBLIC COMMENTS ON ORDINANCE #4912

Mayor Stutsman opened Public comments. There were no comments made by the public.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Ahlersmeyer, Gautsche, McKee, Orgill, Scharf

NAYS: King

By a 5-1 vote the Ordinance passed on first reading.

Because Ordinances pertaining to rezoning do not need unanimous consent, the Ordinance was heard on second reading.

ORDINANCE #4912

Council President McKee introduced Ordinance #4912 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 OF REAL ESTATE

HEREINAFTER DESCRIBED FROM RESIDENTIAL R-2 DISTRICT TO COMMERCIAL B-3 DISTRICT.”

Council President McKee 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 Ahlersmeyer.

COUNCIL COMMENTS ON ORDINANCE #4912

Mayor Stutsman opened Council comments. There were no comments made by the Council.

PUBLIC COMMENTS ON ORDINANCE #4912

Mayor Stutsman opened Public comments. There were no comments made by the public.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Ahlersmeyer, Gautsche, McKee, Orgill, Scharf

NAYS: King

By a 5-1 vote the Ordinance passed.

(ORDINANCE #4912 DULY PASSED AND ADOPTED THIS DAY OF JULY 18, 2017)

ORDINANCE #4913

Council President McKee introduced Ordinance #4913 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 OF REAL ESTATE HEREINAFTER DESCRIBED FROM RESIDENTIAL R-2 DISTRICT TO INDUSTRIAL M-1 DISTRICT.”

Council President McKee 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 Zoning and Planning Administrator Rhonda Yoder spoke to the scope of the Ordinance at 41 minutes and 26 seconds of the audio recording.

JPR representative Kenneth Jones Jr. presented on behalf of the project team at 44 minutes and 00 seconds of the audio recording.

Lionshead owner Gary Graham presented on behalf of Lionshead at 49 minutes and 25 seconds of the audio recording.

Majority Builders representative Rick Slagle presented on the meeting between Lionshead and local residents at 53 minutes and 07 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE #4913

Mayor Stutsman opened Public comments. Public comments begin at 1 hour, 06 minutes, and 06 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE #4913

Mayor Stutsman opened additional Council Comments. Additional Council Comments begin at 1 hour, 08 minutes, and 18 seconds of the audio recording.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

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

NAYS:

By a 6-0 unanimous vote the Ordinance passed on first reading.

ORDINANCE #4913

Council President McKee introduced Ordinance #4913 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 OF REAL ESTATE HEREINAFTER DESCRIBED FROM RESIDENTIAL R-2 DISTRICT TO INDUSTRIAL M-1 DISTRICT.”

Council President McKee 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 Ahlersmeyer.

PUBLIC COMMENTS ON ORDINANCE #4913

Mayor Stutsman opened public comments. There were no comments made by the public.

COUNCIL COMMENTS ON ORDINANCE #4913

Mayor Stutsman opened Council comments. There were no comments made by the Council.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

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

NAYS:

By a 6-0 unanimous vote the Ordinance passed.

(ORDINANCE #4913 DULY PASSED AND ADOPTED THIS DAY OF JULY 18, 2017)

ORDINANCE #4915

Council President McKee introduced Ordinance #4915 entitled “CITY OF GOSHEN CEMETERY FEES.”

Council President McKee 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.

Mayor Stutsman spoke about the scope of the Ordinance at 1 hour, 13 minutes, and 12 seconds of the audio recording.

Motion to amend to add Section 6 REVIEW stating “The Goshen Common Council expects the Board of Cemetery Trustees to review the cemetery fees every four (4) years and make recommendations to the Council.” Motion seconded by Councilwoman King.

PUBLIC COMMENTS ON AMENDMENT

Mayor Stutsman opened public comments. There were no comments made by the public.

COUNCIL COMMENTS ON AMENDMENT

Mayor Stutsman opened Council comments. There were no comments made by the Council.

By a 6-0 unanimous vote the amendment passed.

COUNCIL COMMENTS ON ORDINANCE #4915

Mayor Stutsman opened Council Comments. Council comments begin at 1 hour, 18 minutes, and 38 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE #4915

Mayor Stutsman opened Public comments. There were no comments made by the public.

By a 6-0 unanimous vote the Ordinance as amended passed on first reading.

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

Council President McKee introduced Ordinance #4915 entitled "CITY OF GOSHEN CEMETERY FEES."

Council President McKee 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 Ahlersmeyer.

COUNCIL COMMENTS ON ORDINANCE #4915

Mayor Stutsman opened Council comments. Council comments begin at 1 hour, 21 minutes, and 57 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE #4915

Mayor Stutsman opened Public comments. There were no comments made by the public.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

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

NAYS:

By a 6-0 unanimous vote the Ordinance passed.

(ORDINANCE #4915 DULY PASSED AND ADOPTED THIS DAY OF JULY 18, 2017)

ORDINANCE #4916

Council President McKee introduced Ordinance #4916 entitled "CITY OF GOSHEN AMBULANCE USER FEE SCHEDULE."

Council President McKee 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.

COUNCIL COMMENTS ON ORDINANCE #4916

Mayor Stutsman opened Council Comments. Council comments begin at 1 hour, 23 minutes, and 17 seconds and ends at 1 hour, 25 minutes, and 56 seconds of the audio recording. Council comments resume at 1 hour, 26 minutes, and 04 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE #4916

Mayor Stutsman opened Public comments. There were no comments made by the public.

By a 6-0 unanimous vote the Ordinance passed on first reading.

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

Council President McKee introduced Ordinance #4916 entitled "CITY OF GOSHEN AMBULANCE USER FEE SCHEDULE."

Council President McKee 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 Ahlersmeyer.

COUNCIL COMMENTS ON ORDINANCE #4916

Mayor Stutsman opened Council comments. There were no comments made by the Council.

PUBLIC COMMENTS ON ORDINANCE #4916

Mayor Stutsman opened public comments. There were no comments made by the public.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

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

NAYS:

By a 6-0 unanimous vote the Ordinance passed.

(ORDINANCE #4916 DULY PASSED AND ADOPTED THIS DAY OF JULY 18, 2017)

ORDINANCE #4917

Council President McKee introduced Ordinance #4917 entitled "AMEND NOISE CONTROL."

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

Mayor Stutsman spoke about the need for the Ordinance at 1 hour, 30 minutes, and 29 seconds of the audio recording.

City Attorney Larry Barks spoke about the Ordinance at 1 hour, 31 minutes, and 11 seconds of the audio recording.

Assistant Police Chief Jose Miller spoke about the Ordinance at 1 hour, 32 minutes, and 16 seconds of the audio recording.

Council comments begin at 1 hour, 39 minutes, and 41 seconds of the audio recording.

Motion to amend the Ordinance to Sunday through Thursday, 10:00 P.M. until 7:00 A.M., and Friday through Saturday from Midnight until 7:00 A.M. made by Councilwoman Gautsche. Motion seconded by Councilwoman King.

COUNCIL COMMENTS ON AMENDMENT

Mayor Stutsman opened Council comments. Council comments begin at 1 hour, 57 minutes, and 45 seconds of the audio recording.

PUBLIC COMMENTS ON AMENDMENT

Mayor Stutsman opened Public comments. There were no comments made by the public.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Gautsche

NAYS: Ahlersmeyer, King, McKee, Orgill, Scharf

By a 1-5 vote the amendment failed.

COUNCIL COMMENTS ON ORDINANCE #4917

Mayor Stutsman opened Council comments. Council comments begin at 2 hours, 00 minutes, and 28 seconds and end at 2 hours, 01 minute, and 13 seconds of the audio recording. Council comments resume at 2 hours, 26 minutes, and 51 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE #4917

Mayor Stutsman opened Public comments. Public comments begin at 2 hours, 01 minute, and 25 seconds of the audio recording.

Motion to amend the Ordinance to include a sunset clause effective one year from the date of passage made by Council President McKee. Motion seconded by Councilman Orgill.

COUNCIL COMMENTS ON AMENDMENT

Mayor Stutsman opened Council comments. There were no comments made by the Council.

PUBLIC COMMENTS ON AMENDMENT

Mayor Stutsman opened Public comments. There were no comments made by the public.

By a 6-0 unanimous vote the amendment passed.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Gautsche, King, McKee, Orgill, Scharf

NAYS: Ahlersmeyer

By a vote of 5-1 the Ordinance passed as amended on first reading.

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

ORDINANCE #4917

Council President McKee introduced Ordinance #4917 entitled "AMEND NOISE CONTROL."

Council President McKee 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 Gautsche.

COUNCIL COMMENTS ON ORDINANCE #4917

Mayor Stutsman opened Council comments. There were no comments made by the Council.

PUBLIC COMMENTS ON ORDINANCE #4917

Mayor Stutsman opened Public comments. There were no comments made by the public.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Gautsche, King, McKee, Orgill, Scharf

NAYS: Ahlersmeyer

By a vote of 5-1 the Ordinance passed.

(ORDINANCE #4917 DULY PASSED AND ADOPTED THIS DAY OF JULY 18, 2017)

PUBLIC HEARING ON ORDINANCE #4918

Mayor Stutsman opened the Public Hearing. There were no comments made by the public.

ORDINANCE #4918

Council President McKee introduced Ordinance #4918 entitled "ADDITIONAL APPROPRIATION ORDINANCE."

Council President McKee 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.

Motion to amend the Ordinance to remove the SE TIF appropriation made by Councilman Ahlersmeyer. Motion seconded by Councilwoman Gautsche.

By a 6-0 unanimous vote the amendment passed.

COUNCIL COMMENTS ON ORDINANCE #4918

Mayor Stutsman opened Council Comments. Council comments begin at 2 hours, 40 minutes, and 25 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE #4918

Mayor Stutsman opened Public comments. There were no comments made by the public.

By a 6-0 unanimous vote the Ordinance passed on first reading.

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

ORDINANCE #4918

Council President McKee introduced Ordinance #4918 entitled "ADDITIONAL APPROPRIATION ORDINANCE."

Council President McKee 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 Ahlersmeyer.

COUNCIL COMMENTS ON ORDINANCE #4918

Mayor Stutsman opened Council Comments. There were no comments made by the Council.

PUBLIC COMMENTS ON ORDINANCE #4918

Mayor Stutsman opened Public comments. There were no comments made by the public.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

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

NAYS:

By a 6-0 unanimous vote the Ordinance passed.

(ORDINANCE #4918 DULY PASSED AND ADOPTED THIS DAY OF JULY 18, 2017)

PRIVILEGE OF THE FLOOR

Councilman Scharf spoke about the Council retreat at 2 hours, 50 minutes, and 23 seconds of the audio recording.

Mayor Stutsman spoke about the Rental Rehab bank account and new Goshen Chamber of Commerce president Nick Kieffer at 2 hours, 51 minutes, and 35 seconds of the audio recording.

Councilman Orgill spoke about the East Side water pressure at 2 hours, 52 minutes, and 37 seconds of the audio recording.

Councilman Scharf spoke about eliminating the tier billing system for the water utility at 2 hours, 55 minutes and 43 seconds of the audio recording.

Councilwoman Gautsche spoke about the Maple City Walk at 2 hours, 56 minutes and 22 seconds of the audio recording.

Councilman Scharf moved to adjourn. Motion seconded by Councilwoman Gautsche and the meeting adjourned at 9:46 P.M.

APPROVED: _____

Mayor, Jeremy P. Stutsman
Goshen, Indiana

ATTEST: _____

Angie McKee
City Clerk-Treasurer