

GOSHEN COMMON COUNCIL

Minutes for the Regular Meeting of August 21, 2018

The Common Council of the City of Goshen, Indiana met in a regular meeting on August 21, 2018 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 McKee, Nisley, Orgill, Scharf, Weddell,
Councilwoman Gautsche, King
Youth Advisor Perez-Diener

ABSENT:

CHANGES TO THE AGENDA

Mayor Stutsman called for any changes to the Agenda or a motion to approve the Agenda as presented. Motion to approve the Agenda as presented made by Council President Weddell. Motion seconded by Councilwoman Gautsche.

By a 7-0 unanimous vote the Agenda passed as presented.

APPROVAL OF MINUTES

Mayor Stutsman called for a motion regarding the Minutes from July 17, 2018. Motion to approve the Minutes as presented made by Councilman Scharf. Motion seconded by Councilman Orgill.

By a 7-0 unanimous vote the Minutes were passed as presented.

PRIVILEGE OF THE FLOOR

Glenn Null spoke regarding the use of the 50/50 sidewalk program by the school system.

Mayor Stutsman addressed the Council about having a new picture taken on September 4th so that we can include Felix in the picture. He also talked about the need to purchase the 800MHz radios.

Councilwoman King talked about the diversity training she attended with the Goshen Police Department.

RESOLUTION 2018-47

Council President Weddell introduced Resolution 2018-47 entitled "A RESOLUTION APPROVING AN AMENDMENT TO THE COMPREHENSIVE PLAN & COMMUNITY VISION 2025 FOR THE CITY OF GOSHEN, INDIANA."

Council President Weddell asked the Clerk-Treasurer to read the Resolution by title only and moved for its passage. Motion seconded by Councilwoman King.

Planning administrator Rhonda Yoder spoke on the Resolution starting at 17 minutes and 49 seconds of the audio recording.

Engineer Leslie Bick spoke on the Resolution starting at 19 minutes and 38 seconds of the audio recording.

COUNCIL COMMENTS ON RESOLUTION 2018-47

Mayor Stutsman opens Council comments. Council comments start at 21 minutes and 20 seconds of the audio recording.

Councilman Scharf makes a motion to amend the Resolution. Motion seconded by Councilwoman Gautsche.

COUNCIL COMMENTS ON AMENDMENT TO RESOLUTION 2018-47

Mayor Stutsman opened Council comment. Council comments start at 24 minutes and 36 seconds of the audio recording.

PUBLIC COMMENTS ON AMENDMENT TO RESOLUTION 2018-47

Mayor Stutsman opened public comment. Public comments start at 25 minutes and 28 seconds of the audio recording.

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

COUNCIL COMMENTS ON RESOLUTION 2018-47 AS AMENDED

Mayor Stutsman opened Council comment. Council comments start at 26 minutes and 17 seconds of the audio recording.

PUBLIC COMMENTS ON RESOLUTION 2018-47 AS AMENDED

Mayor Stutsman opened public comment. Public comment starts at 26 minutes and 57 seconds of the audio recording.

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

(RESOLUTION 2018-47 DULY PASSED AND ADOPTED THIS DAY OF AUGUST 21, 2018)

PUBLIC HEARING ON ORDINANCE 4974

Mayor Stutsman opened the public hearing. Let the record show that no one spoke.

ORDINANCE #4974

Council President Weddell introduces Ordinance #4974 entitled "ADDITIONAL APPROPRIATION ORDINANCE."

Council President Weddell ask the Clerk-Treasurer to read the Ordinance by title only for its second and final reading and moved for its passage. Motion was seconded by Councilwoman King.

Mayor Stutsman addressed the Council regarding the Ordinance at 30 minutes and 42 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE #4974

Mayor Stutsman opened Council comments. Council comments start at 31 minutes and 34 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE #4974

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

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

Mayor Stutsman asked 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 #4974

Council President Weddell introduced Ordinance #4974 entitled "ADDITIONAL APPROPRIATION ORDINANCE."

Council President Weddell 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 #4974

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

PUBLIC COMMENTS ON ORDINANCE #4974

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

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

By a 7-0 unanimous vote the Ordinance passed

(ORDINANCE #4974 DULY PASSED AND ADOPTED THIS DAY OF AUGUST 21, 2018)

ORDINANCE #4960

Council President Weddell introduced Ordinance 4960 entitled "USE OF E-CIGARETTES, VAPING AND PUBLIC PARKS."

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

Mayor Stutsman makes comments regarding the Ordinance starting at 33 minutes and 02 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE #4960

Mayor Stutsman opened Council comments. Council comments start at 34 minutes and 47 second of the audio recording.

Councilwoman Gautsche makes motion to amend the title and language. Motion was seconded by Councilwoman King.

PUBLIC COMMENTS ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman opened public comment. No comments were made by the public.

AYES: Gautsche, King, McKee, Nisley, Scharf, Weddell

NAYS: Orgill

By a 6-1 vote the Ordinance passed as amended.

COUNCIL COMMENTS ON ORDINANCE #4960

Mayor Stutsman opened Council comments. Council comments start at 38 minutes and 30 seconds of the audio recording.

PUBLIC COMMENT ON ORDINANCE #4960

Mayor Stutsman opened public comment. Public comments start at 41 minutes and 44 seconds of the audio recording.

COUNCIL COMMENT ON ORDINANCE #4960

Mayor Stutsman opened Council comment. Council comments start at 1 hour 21 minutes and 18 seconds of the audio recording.

Councilman Nisley makes an amendment to exempt bars. Motion seconded by Councilwoman King.

PUBLIC COMMENT ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman opened public comment. Public comments starts a 1 hour 41 minutes and 22 seconds of the audio recording.

COUNCIL COMMENTS ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman brought it back to Council. Council comments start at 1 hour 55 minutes and 07 seconds of the audio recording.

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

NAYS: Gautsche

By a 6-1 vote the amendment passes

COUNCIL COMMENT ON ORDINANCE #4960

Mayor Stutsman opened Council comments. Council comments start at 1 hour 57 minutes and 55 seconds of the audio recording.

Council President Weddell makes an amendment to move tobacco specialty bars and tobacco bars to the exemption list. Motion seconded by Councilman Nisley.

PUBLIC COMMENT ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman opened public comment. No public comments were made regarding the amendment.

COUNCIL COMMENTS ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman brought it back to the Council, Council comments start at 2 hours 06 minutes and 58 seconds of the audio recording.

PUBLIC COMMENT ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman went back to the public for comments regarding the amendment starting at 2 hours 09 minutes and 26 seconds of the audio recording.

COUNCIL COMMENTS ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman brought it back to the Council starting at 2 hours 10 minutes and 42 seconds of the audio recording.

Council President Weddell amended his amendment to including Vape shops. Motion re-seconded by Councilman Nisley.

AYES: McKee, Nisley, Orgill, Weddell

NAYS: Gautsche, King

PRESENT: Scharf

By a 4-2 vote the amendment passes.

COUNCIL COMMENT ON ORDINANCE #4960

Mayor Stutsman opened Council comment. Council comments start at 2 hours and 17 minutes and 06 seconds of the audio recording.

Council President Weddell makes an amendment to add tobacco retail stores back to the prohibited list. Motion seconded by Councilwoman King.

PUBLIC COMMENT ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman opened public comments on this amendment. Public comment starts at 2 hours 20 minutes and 04 seconds of the audio recording.

AYES: Gautsche, Weddell

NAYS: McKee, Nisley, Orgill, Scharf

PRESENT: King

By a 4-2 vote this amendments fails.

COUNCIL COMMENT ON ORDINANCE #4960

Mayor Stutsman opened Council comments. Council comments start at 2 hours 27 minutes and 01 seconds of the audio recording.

Councilman Nisley makes an amendment to Section 1.01 C and F from 15' to 8'. Motion seconded by Councilman Orgill.

PUBLIC COMMENT ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman opened public comment. Public comments start at 2 hours 36 minutes and 25 seconds of the audio recording.

COUNCIL COMMENTS ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman brought it back to the Council. Council comments start at 2 hours 41 minutes and 04 seconds of the audio recording.

AYES: McKee, Nisley, Orgill

NAYS: Gautsche, King, Scharf, Weddell

By a 4-3 vote the amendment fails.

COUNCIL COMMENT ON ORDINANCE #4960

Mayor Stutsman opened Council comment. Council comments start at 2 hours 46 minutes and 03 seconds of the audio recording.

Councilman Scharf makes an amendment to remove item C in Section 1.01. Motion is seconded by Council President Weddell.

PUBLIC COMMENT ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman opened public comment. Public comment starts at 2 hours 47 minutes and 27 seconds of the audio recording.

COUNCIL COMMENTS ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman brought it back to the Council. Council comments start at 2 hours 51 minutes and 26 seconds of the audio recording.

AYES: McKee, Nisley, Orgill, Scharf

NAYS: Gautsche, King, Weddell

By a 4-3 vote the amendment passes

COUNCIL COMMENT ON ORDINANCE #4960

Mayor Stutsman opened Council comments. Council comments start at 2 hours 52 minutes and 31 seconds of the audio recording.

Councilman Orgill makes an amendment in Section 4.09 to combined A & B and in C add the word more between for and than. Motion seconded by Councilman Nisley.

PUBLIC COMMENT ON AMENDMENT TO ORDINANCE #4960

Mayor Stutsman opened public comment. There were no public comments made.

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

NAYS:

By a 7-0 unanimous vote the amendment passes.

COUNCIL COMMENT ON ORDINANCE #4960

Mayor Stutsman opened Council comment. Council comment starts at 2 hours 57 minutes and 54 seconds of the audio recording.

Mayor Stutsman called for a 5 minute break starting at 3 hours 00 minutes and 43 seconds of the audio recording.

Mayor Stutsman calls the meeting back to order at 3 hours 06 minutes and 44 seconds of the audio recording.

AYES: Gautsche, King, McKee, Nisley, Scharf, Weddell

NAYS: Orgill

By a 6-1 vote the amended ordinance passed on first reading.

RESOLUTION 2018-45

Council President Weddell introduced Resolution 2018-45 entitled "A RESOLUTION TO CORRECT AND CLARIFY CERTAIN INFORMATION WITH REGARD TO THE GOSHEN DAM POND DREDGING PROJECT (PROJECT #2012-2028)"

Council President Weddell asked the Clerk-Treasurer to read the Resolution by title only and moved for its passage. Motion seconded by Councilwoman Gautsche.

COUNCIL COMMENT ON RESOLUTION 2018-45

Mayor Stutsman opened Council comment. Council comments start at 3 hours 08 minutes and 43 seconds of the audio recording.

PUBLIC COMMENT ON RESOLUTION 2018-45

Mayor Stutsman opened public comment. Public comments start at 3 hours 18 minutes and 50 seconds of the audio recording.

Councilman Scharf responded to Mr. Rieth starting at 3 hours 22 minutes and 59 seconds of the audio recording.

Public comment starts again at 3 hours 25 minutes and 30 seconds of the audio recording.

COUNCIL COMMENT ON RESOLUTION 2018-45

Mayor Stutsman brought it back to the Council. Council comment start at 3 hours 31 minutes and 13 seconds of the audio recording.

Councilman Scharf made a motion to table this resolution until he can sit down and meet with Mr. Bill Rieth. Motion seconded by Councilman Nisley.

By 7-0 unanimous vote this resolution was tabled.

COUNCIL DISCUSSION ITEM

Mayor Stutsman opened Council discussion item on the appointment of someone for the Economic Development Commission. Council discussion starts at 3 hours 34 minutes and 08 seconds of the audio recording.

Council President Weddell nominated Zack Bontrager to the EDC.

Councilman Orgill moved to close nominations. Motion seconded by Councilman Nisley.

By a 7-0 unanimous vote nominations were closed.

Councilman Orgill made a motion to make this a 1 month position. Motion seconded by Councilman Nisley. After discussion Councilman Orgill retracted his motion.

Councilman Scharf made a motion to make this a 1 year position and suspend Council rules. Motion seconded by Councilman Nisley.

AYES: McKee, Nisley, Orgill, Scharf, Weddell

NAYS: Gautsche, King

By a 5-2 vote this nomination passed.

Councilman Orgill moved to adjourn. Motion seconded by Councilman Nisley and the meeting adjourned at 10:40pm.

APPROVED: _____


Mayor, Jeremy P. Stutsman
Goshen, Indiana

ATTEST _____


Angie McKee
City Clerk-Treasurer