

## GOSHEN COMMON COUNCIL

### Minutes of the June 27, 2022 Regular Meeting

*Convened in the Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana*

**Mayor Stutsman** called the meeting to order at 6:06 p.m. and led all in reciting the Pledge of Allegiance.

**Mayor Stutsman** asked the Clerk-Treasurer to conduct the roll call.

**Present:** Megan Eichorn (District 4)                      Julia King (At-Large)                      Doug Nisley (District 2)  
                    Gilberto Pérez Jr. (District 5)                      Donald Riegsecker (District 1)                      Matt Schrock (District 3)  
                    Council President Brett Weddell (At-Large)

**Absent:** Youth Advisor Karen C. Velazquez Valdes (Non-voting)

**Mayor Stutsman** informed the audience that the meeting was convened six minutes late because of technical difficulties – an initially inoperative recording system. The Mayor said there were no minutes available for approval.

**Approval of Agenda:** **Mayor Stutsman** asked the Council's wishes regarding the meeting agenda. **Councilor Julia King** moved to approve the agenda as submitted. **Councilor Megan Eichorn** seconded the motion. The motion passed 7-0 on a voice vote.

#### Privilege of the Floor:

At 6:08 p.m., **Mayor Stutsman** invited public comments on matters not on the agenda.

**William Malone of Goshen** said that when the public comment period is closed, and then a developer is given the opportunity to comment again, the public is not given a chance to respond to the developer. He asked how this was possible and allowed – that no comments are permitted after a developer has spoken a second time.

**Mayor Stutsman** asked if this was based on what would be happening tonight.

**Malone** answered that this is in response to what has happened at previous Council meetings. He said the developer was given the chance to comment at will, but the public was shut down.

**Mayor Stutsman** said there is always a period of public comment on topics before the Council, but once that period is closed, it's up to the Council to allow additional comments from the public.

**Malone** asked why the developer is allowed to give additional information and the public is not allowed to respond.

**Mayor Stutsman** said the Council always allows petitioners to speak and answer questions from Council members.

**Malone** said Robert's Rules of Order allows people in the audience to respond to such comments.

**Mayor Stutsman** said that in the State of Indiana, the City Council must allow public comments during Privilege of the Floor and during public hearings. He said according to state law, those are the only periods that public input is required. He said the City allows additional public comments at other stages of consideration of matters, so Goshen goes "above and beyond" what the state requires.

**Malone** said, "So, the developer is allowed to come up and talk" twice. **The Mayor** responded, "If they're invited up, yes." **Malone** said this was unfair because a developer could comment on something an audience member said, but the audience member would not have a chance to respond. **Mayor Stutsman** said such back-and-forth exchanges could go on all night and this would not be allowed. He asked the **City Attorney** to provide his perspective.



**City Attorney Bodie Stegelmann** said Indiana law doesn't require public input at meetings. He said public input is only required at hearings. So, he said the Goshen Common Council, by allowing Privilege of the Floor, is actually giving the public more opportunities to speak than what the state statute requires.

**Glenn Null of Goshen** said there has been heavier traffic in his neighborhood since the closure of the bridge on State Road 119. He said some of that heavier traffic is not allowed and he would like to see more police patrols in the area. Null said roads in that neighborhood are already bad enough and should be redone, although he doubts that will happen for another decade. Null said there should be more patrols to deter big trucks from being driven through his neighborhood. He said even Greene Road is being adversely affected.

**Pamela Weishaupt** of Goshen commented on the issue raised by William Malone and statements that were made by the developer without a Council invitation to speak again. She said her larger concern, which she has expressed on her Facebook page, was that it appears the City Council has been acting arbitrarily. She said that she has observed this over the past few months, pointing to the fact that Malone was not allowed to respond to the developer. Weishaupt also pointed to Lippert Components receiving a tax break even though it had not met all requirements for receiving it. She said that made no sense to her. She also mentioned the Council's special meeting at which it approved additional funding to Last Dance, LLC for the East College Avenue Industrial Development. Weishaupt said she was concerned because she believes industrial companies will soon begin laying off employees and the City has been giving perks to industry even though she said it has been proven that "trickle-down economics just doesn't work." She said she was concerned for the City and for citizens who will bear the brunt for these actions.

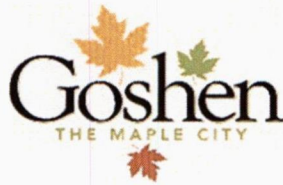
**Lewis Morse of Goshen** said he spoke at the last City Council meeting about the proposal for an apartment complex at the former Wester Rubber site. He said the Council rejected the proposal, but that it now appeared there was a new agreement for the proposal.

**Mayor Stutsman** interrupted Morse and told him that since this item was on the Council agenda, he would need to wait and speak when the item was called. The Mayor said Privilege of the Floor is reserved for public comments on matters not on the Council's agenda. He told Morse that he could speak later in the meeting,

**There were no further public comments, either from those in the Council chamber or via Zoom, so Mayor Stutsman closed the Privilege of the Floor at 6:18 p.m.**

**1) Planning Department: Ordinance 5123 - Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described, and Commonly Known as 620 E Douglas Street, from Industrial M-1 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, to be Known as the Ariel Cycleworks PUD**

**Mayor Stutsman** said that there had been a motion to reconsider the Council's June 6, 2022 first reading denial of Ordinance 5123. At the Council's June 17, 2022 special meeting, **Councilor Schrock** made a motion to reconsider the denial. Because of that motion, there was no need tonight to introduce the ordinance, nor to read the ordinance by title only, nor to have a motion and a second to approve Ordinance 5123. He said a discussion would proceed as if those initial steps had already taken place and as if Ordinance 5123 was being considered anew.



#### **BACKGROUND:**

**On March 21, 2022**, the Common Council considered **Resolution 2022-06**, an *Economic Development Agreement with AP Development LLC and AP Cycleworks LLC for the acquisition, financing and development of the property at 620 East Douglas Street in Goshen, which is also known as the former Western Rubber Inc. manufacturing site.*

**AP Development LLC and AP Cycleworks LLC proposed a mixed-use development with approximately 138 units of residential apartments and 5,000 square feet of commercial/institutional space.**

Over nearly two hours, the Common Council engaged with City staff and developer Jonathan Anderson about the proposal and listened to extensive public comments for and against it. **Councilors** also engaged in extensive discussion about the proposal, and ultimately **voted unanimously to table Resolution 2022-06.**

**On April 18, 2022**, the Common Council's next meeting, the **Council again considered Resolution 2022-06.**

Councilors again engaged with City staff and developer Jonathan Anderson about the proposal and listened to extensive public comments for and against it. Councilors also discussed the proposal. Councilors also considered two motions, one which failed and one which was withdrawn, to amend the development agreement.

**On a roll call vote, Councilors then approved Resolution 2022-06 by a 5-2 margin, with Councilors Eichorn, King, Pérez, Schrock and Weddell voting "yes" and Councilors Nisley and Riegsecker voting "no." Youth Adviser Mora voted "yes." This action meant the proposal would advance for further consideration by the City.**

**On June 6, 2022, the Common Council considered the following: Ordinance 5123 - Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described, and Commonly Known as 620 E Douglas Street, from Industrial M-1 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, to be Known as the Ariel Cycleworks PUD**

In a written report and comments, **City Planning & Zoning Administrator Rhonda Yoder** provided background and context of the issue. She said Ordinance 5123 was before the Councilors after the **Goshen Plan Commission – on May 17, 2022** – considered the request for a rezoning from Industrial M-1 District to Residential R-3PUD (Planned Unit Development) and PUD preliminary site plan approval, for a mixed-use development containing commercial and multi-family residential uses – and ultimately **forwarded Ordinance 5123 to the Goshen Common Council with a favorable recommendation, by a vote of 5-4.**

Yoder's report provided extensive information about the project, including its consistency with the City Comprehensive Plan, the specific Planned Unit Development (PUD) conditions, R-3 District requirements, the public comments received by the Plan Commission, both in support and opposition, and a detailed analysis of the project.

**Mayor Stutsman** said the Common Council, the Plan Commission and City of Goshen staff members had received substantial community input on the project. The Mayor said he and staff members listened to resident concerns and had considered how to address them while considering many options.

**City Redevelopment Director Becky Hutsell** discussed work completed to improve the 9th Street Industrial Corridor as well as planned 10<sup>th</sup> Street improvements, including a water main replacement, roadway reconstruction, installation of curbing and dry wells to facilitate drainage, sidewalk reconstruction and on-street parking clearly defined for existing 10<sup>th</sup> Street residents (31 new proposed parking spaces on Douglas Street). Hutsell could not say when the parking spaces would be added, but said this would be considered by the Redevelopment Commission.



**Jonathan R. Anderson**, the principal/attorney for Anderson Partners LLC and the developer of the Western Rubber site, briefly addressed the Common Council. There was then extensive **public testimony** for and against the project. In addition, **Mayor Stutsman and Councilors** engaged in extensive conversation of the project, with input from City staff and the developer. After 40 minutes of discussion, Councilors voted.

**On a roll call vote, Councilors failed to pass Ordinance 5123 on first reading by a 4-3 margin, with Councilors Nisley, Riegsecker, Schrock and Weddell voting “no” and Councilors Eichorn, King and Pérez voting “yes” at 8:18 p.m. Youth Adviser Velazquez Valdes also voted “no.”**

**On June 17, 2022 a special meeting of the Common Council was held to consider the following agenda item: Redevelopment Department: Resolution 2022-12: Amended Development Agreement with Last Dance, LLC (for the East College Avenue Industrial Development)**

**After the council acted on that issue, it took up the following matter:**

**Motion to Reconsider Ordinance 5123, Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described, and Commonly Known as 620 E Douglas Street, from Industrial M-1 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, to be Known as the Ariel Cycleworks PUD**

**Mayor Stutsman said that because Councilor Schrock was on the prevailing side when the Council majority rejected Ordinance 5123 on June 6, 2022, his motion to reconsider meant the matter would be reconsidered by the Council on June 27, 2022.**

**Councilor Schrock** said he was making a motion to reconsider Ordinance 5123 on the condition that the developer make some changes to the proposal, such as removing the maker space, reducing the size of the main building, increasing the setback adjacent to Plymouth Avenue and the Redevelopment Commission making a strong commitment to pursue improvements on 10<sup>th</sup> Street, from Plymouth Avenue to Reynolds Street.

**At the Mayor’s recommendation, Councilor King made a motion to table further consideration of Ordinance 5123 to the Council’s next meeting on June 27, 2022. Council Member Eichorn seconded the motion.**

**On a voice vote, Councilors approved the motion to table further consideration of Ordinance 5123 to the June 27, 2022 Council meeting, with a majority of Councilors present voting “yes.” After the vote, one councilor indicated that he intended to abstain and another said he did not vote.**

**In preparation for the June 27, 2022 Common Council meeting, City Staff circulated to Councilors, staff, the news media and other interested parties all of the background material on Ordinance 5123 that had been included in the June 6, 2022 Council packet. The June 27, 2022 Council packet also included the following memorandum, dated June 23, 2022, to Councilors from Councilor Matt Schrock.**

“Dear Council Members:

“At the special Council meeting last week, I made a motion to re-consider Ordinance 5123. My motion was based on the condition that the developer would be willing to accept several amendments to address some of the neighborhood concerns. Earlier this week, I was able to meet with Jon Anderson to discuss these amendments. Attached is an updated site plan for the Ariel Cycleworks project that contains the following changes from the original plan:

- “Eliminated Makers Space and redesigned Building A, resulting in a reduction of 8,336 square feet and 8 bedrooms, moving the east wall approximately 20 feet further back from 10th Street with increased patio space.



- "Building A setback from 10th Street increased to approximately 54 feet 6 inches.
- "Changes in Building A footprint increase the requested setback at the south property line along Plymouth Ave from 10 feet to 12 feet.
- "Required parking spaces reduced from 204 to 195 with changes.
- "Added 35 additional public parking spaces on the south side of Douglas Street, for a total of 209 parking spaces (including 174 on site).

"I am planning to offer these amendments to the Ariel Cycleworks PUD at the June 27 Council meeting."

**Attached to Councilor Schrock's memorandum was an updated site plan.**

#### **JUNE 27, 2022 RECONSIDERATION OF ORDINANCE 5123:**

**Mayor Stutsman** initiated the reconsideration of Ordinance 5123 by noting its background and purpose. Addressing the audience, the Mayor said Council members work hard to listen to everyone and try to represent everyone at the table, including residents, businesses, residents, the developer and others. He congratulated **Councilor Schrock** for seeking a middle ground and being willing to present a compromise that would work for all.

**Mayor Stutsman** said there have been accusations made about the legality of the motion to reconsider and also the legality of one Council member to vote. The Mayor said he asked **City Attorney Bodie Stegelmann** to look into both issues. He asked the City Attorney to give a report on what he learned.

**City Attorney Stegelmann** said he was approached by a Council member who had heard from anonymous sources that someone claimed that the Council member was not eligible to vote on matters because the Councilor didn't reside in the district the Councilor represents. Stegelmann said he won't get into details, but he had a discussion with the Council member and that there are temporary circumstances that are causing this Council member to not reside in their home at this point. Stegelmann said his conclusion under Indiana law is that there has not been an attempt to abandon the Council member's residence and there's not been an intent to establish a new residence. And based on that, he said the prior residence is still the residence of this Councilor, which means the member has every right or authority to act on business before the Council. So, Stegelmann said he viewed this as a non-issue.

**Stegelmann** also addressed a challenge to the motion to reconsider Ordinance 5123. He said the motion to reconsider was made by a person (Councilor Schrock) who voted in the majority during the last vote, on June 6, 2022. So, he said, that person can make a motion to reconsider. Stegelmann said the motion to reconsider can be made one the same day or the next day in the same session on which business is held. He said Robert's Rules of Order distinguishes between a meeting and a session, He said a session could be considered a series of meetings. Stegelmann said he was not entirely clear whether the way the Goshen City Council provides public notice of meetings for an entire year is considered a session of this Council.

**Stegelmann** said setting aside that ambiguity, the remedy for an improper motion to reconsider would be an objection at the time the motion in question was made. He said there was no objection made to the motion, it carried and the motion was tabled until today. He said that while there's some ambiguity on whether the motion to reconsider was made in a timely manner, there was no timely objection made to the motion to reconsider. So, Stegelmann said, he has concluded that the Council can "carry on" and act again on Ordinance 5123.

**Stegelmann** said Robert's Rules of Order is a way to organize a meeting, to have it run properly and smoothly and, most importantly, ensure that minority voices have an opportunity to be heard. He said that's the spirit behind Robert's Rules.



**Stegelmann** said the rules are not to be used as a sword to defeat a motion that may not have been adopted technically correctly. Stegelmann added that was confident that every Common Council meeting violates Robert's Rules in one way or another. And, he said he has never heard once of a motion being struck down or an action being struck down because of a technical violation of Robert's Rules of Order.

**Mayor Stutsman** asked who can object to a motion to reconsider. **Stegelmann** said Councilors can object.

**Mayor Stutsman** said that he had wanted to clear up those two matters, which had been discussed the past few days, and the Council would now proceed with consideration of Ordinance 5123. He invited **Councilor Schrock** to explain his motion to reconsider Ordinance 5123.

**Before making his motion to reconsider, Councilor Schrock read a statement explaining his reasons for making a motion to reconsider the denial of Ordinance 5123. Schrock said:**

"Based on conversations with the developer and (Deputy Mayor) Mark (Brinson), (City Redevelopment Director) and Becky (Hutsell) and the Redevelopment Commission, I brought back this (Ordinance 5123) to the Council with a list of amendments to the original plan.

"I think these changes address some of the residents' concerns. And, of course, everybody knows that Goshen does need housing desperately – not just affordable housing, but all housing. And we now have a developer who's willing to step up and help remedy some of Goshen's housing problem.

"Voting on projects like this are always a tough decision for me. Tough decisions for me, they're just tough. I really do feel for the people that just don't want their neighborhood to change. Heck, I don't like change, either. But, as I've gotten older, and with more responsibility, like where I'm sitting right now, I accepted that some change is good and I hope some of the residents from this area might try to accept some change as I have."

**Schrock then made a motion to amend Ordinance 5123 as follows:**

- Eliminate the Makers Space and downsize Building A, resulting in a reduction of more than 8,000 square feet and 8 bedrooms, with increased patio space.
- Move the east wall 20-feet further back from 10th Street, increasing the setback to approximately 54 feet 6 inches. Change the Building A footprint and increase the requested setback at the south property line along Plymouth Avenue from 10 feet to 12 feet.
- Reduce the required parking spaces from 204 to 195 because of the downsizing of the building.
- Finally, add 35 additional public parking spaces on the south side of Douglas Street, for a total of 209 parking spaces (including 174 on the apartment site).

**Schrock also said the Redevelopment Commission was planning to make the following improvements on 10th Street:** a water main replacement, roadway reconstruction, installation of curbing and dry wells to facilitate drainage, sidewalk reconstruction and 31 on-street parking spaces clearly defined for existing 10th Street residents and not for the apartment tenants.

**Councilor Pérez seconded the motion.**

In response to a question from **Councilor King**, **Councilor Schrock** clarified that he was proposing elimination of the maker space, but the coffee shop would remain.

**Mayor Stutsman asked the developer to address the impact of the proposed amendments on the project.**



**Jonathan R. Anderson**, the principal/attorney for Anderson Partners LLC and the developer of the Western Rubber site, said he participated in several meetings after the Council last considered the project, on June 6, 2022. He said he met with **Councilor Schrock** and reviewed the amendments he proposed. Anderson said he then met with his design team and discussed how to respond to some of the resident concerns. He outlined some of the resulting changes in the project. He said he had a good conversation with Councilor Schrock and appreciated his engagement. Anderson also said there have been many negative comments made about him and the project over the past two months. After the last Council vote, he said the project was discussed on Facebook and there were 58 comments, some meaningful and others negative.

**Councilor Pérez** interrupted with a point of order. He said the **Mayor** had asked **Anderson** to respond to the proposed amendments and not comment on other matters.

**Anderson** resumed his presentation by responding to the amendments. He said the developers had thought the maker space would be embraced, but it has become a "lightning rod" for criticism and so it has been eliminated. He said the coffee shop and other amenities have been retained. He said the main building has been reduced in size and parking increased,

In response to a question from **Councilor Pérez**, **Anderson** confirmed eight bedrooms have been eliminated.

**Councilor Nisley** said that **Anderson** previously indicated that downsizing the project would no longer make it financially viable. He asked if these proposed changes would have a detrimental impact. **Anderson** said it would be fine because the unit count (136) will be the same. He said the building has been reduced in size, and that will save some money. He said the developers can still make the project work financially and it will still be attractive.

**Councilor Nisley** asked if the changes would have an impact on efforts to prevent stormwater from leaving the site.

**Anderson** said shrinking the size of the building will actually help by increasing the amount of open space.

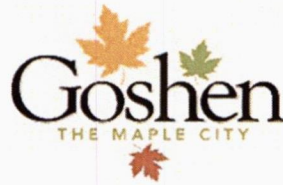
**Councilor Nisley** asked if the developers would still be able to pay for stormwater upgrades if the installed system is ineffective. **Anderson** responded that he is paying engineers to make sure stormwater runoff is not a problem. He said he is confident the system will work the first time, but he will address any problems that occur. And he said he was committed to being a good developer for Goshen.

**Councilor Nisley** said he wanted to commend **Anderson** for meeting with **Councilor Schrock** and considering the concerns of residents and Councilors. **Anderson** said he has appreciated the process and pointed out that the developers have made many changes in the project based on the concerns of residents and the City.

**Councilor Nisley** said he hopes that if the project is approved that Anderson will be a "good neighbor." **Anderson** responded that Councilor Nisley was welcome to call any town that has a project developed by Anderson. He pledged he would follow through on his commitments.

**Councilor Riegsecker** asked Anderson to respond to the proposed addition of parking spaces for 10<sup>th</sup> Street residents, especially since it could be hard to prevent apartment residents from parking there. **Anderson** conceded the point, but said the developers believe they will be providing enough on-site parking to prevent parking by apartment residents on the surrounding streets. He said the developers will do their best to make sure apartment residents don't use the off-site parking spaces.

**Councilors** and **Mayor Stutsman** briefly discussed the proposed parking on Douglas Street. They also discussed sidewalks surrounding the project.



**Councilor Eichorn** commended **Anderson** for working with **Councilor Schrock** and trying to help the project meet the needs of the community. She commended Schrock for taking a difficult stand on something he believes in. **Councilor Eichorn** said voting on difficult projects isn't easy and it's hard because so many factors need to be considered. She said Councilors can face a lot of pressure because of strong feelings on either side of issues. She said Councilors must weigh those feelings and decide if a project is best for Goshen, best for the community and best for a specific area. Now, she said Councilors need to consider what's best for Goshen, and Goshen needs housing. **Councilor Eichorn** also said stress that has been put upon the project and on some members of the Council by individuals in the community and that has been uncalled for. She said Councilors do their best and she hopes people remember that Councilors are here for Goshen and are trying to make Goshen better and are here because they love Goshen. She said she hopes people remember that when interacting with Councilors. And she, again, thanked **Councilor Schrock** for bringing the project back to the Council.

**Councilor Riegsecker** said that in making his motion, **Councilor Schrock** mentioned a series of improvements proposed for 10<sup>th</sup> Street, but those improvements were not a formal part of motion. Other **Councilors** affirmed Councilor Riegsecker's understanding of Schrock's motion.

As the night's Council meeting began, **City Redevelopment Director Becky Hutsell** distributed to Councilors a memorandum, dated June 27, 2022, summarizing the proposed improvements on 10<sup>th</sup> Street, from Plymouth to Reynolds streets. The memorandum stated that it was the City's intent to begin the process of planning for the improvements so construction could begin in 2023 (**EXHIBIT #1**).

In response to a question from **Councilor Riegsecker**, **Hutsell** confirmed that it was the City's intent to move forward with the 10<sup>th</sup> Street improvements if the apartment project advanced.

**Council President Weddell** clarified that the Redevelopment Commission has not yet formally considered, much less approved, the 10<sup>th</sup> Street improvements.

**Hutsell** agreed and said the matter was discussed at the last Redevelopment Commission meeting and was supported by all members. She said the next step is to move forward with a design and other preliminary work.

**Council President Weddell** said it appeared there was Redevelopment Commission support for the improvements regardless what happens on the former Western Rubber Site. **Hutsell** agreed, especially the need for a replacement of the water infrastructure. **Council President Weddell** said there was a consensus to move forward with the 10<sup>th</sup> Street improvements.

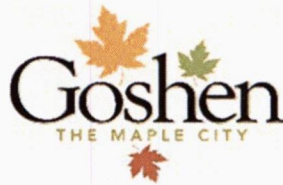
**Councilor King** said that by having the Council discuss the issue and affirm its importance, Councilors were providing informal direction that the 10<sup>th</sup> Street improvements should move forward.

**Council President Weddell** said three redevelopment members were at the Council meeting and he would ask that they correct his comments if what he said was incorrect.

**Councilor King** thanked **Councilor Schrock** for his work on the project. She said it is always a challenge when a project is being revised. She said she appreciated the willingness of everyone to continue working on the project. She said that residents, even those who oppose the project and are angry about it, have helped to improve it.

**Councilor King** also said she felt better about the project than before and said that's what the process and democracy is all about.





At **Councilor Riegsecker** request, **Mayor Stutsman** clarified the motion before the Council – proposed amendments to Ordinance 5123. He stated that the amendments could be approved, denied or further amended.

**John Anderson, the project developer**, said that during the previous Council meetings on the project, neighbors have made many comments, including some things that are untrue. He asked Councilors to keep that in mind, adding that he would be happy to correct the record. For example, he said the apartments will not be low-income or Section 8 housing. Anderson repeated that he would like the opportunity to correct the record.

**Mayor Stutsman** said he believed the Council should either approve or reject **Councilor Schrock's** proposed amendments before any public comments on the project. **Councilors** affirmed that approach. **Council President Weddell** told the audience there would first be a vote on the amendments followed by public testimony.

There were no additional Council comments or questions about Councilor Schrock's motion.

On a roll call vote, Councilors unanimously passed Councilor Schrock's amendment to Ordinance 5123 by a 7-0 vote, with all Councilors present voting "yes" at 6:55 p.m.

**Mayor Stutsman** asked if there were further Council amendments on Ordinance 5123. There were none.

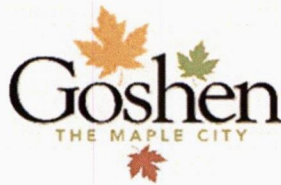
At 6:56 p.m., **Mayor Stutsman** reopened the public hearing on Ordinance 5123.

**Clerk-Treasurer Aguirre** said that perhaps **Mayor Stutsman** might suggest that those who haven't previously had a chance to testify about the project be allowed the initial opportunities to comment.

**Lewis Morse of Goshen** said he previously told the Council that the proposed apartments were a good project, but at a bad location. He said he still doesn't think it's a good location, but also said it's a poor housing proposal with too much density. He said it will be poor housing. He said if the project doesn't work out, Councilors won't pay for it – the neighbors will pay in terms of increased traffic and other problems. He also said he doesn't know what will happen with snow removal and water runoff from the site. Morse said it's a bad idea to put so many people in a small area. He said no one who lives on 10<sup>th</sup> Street thinks this is a good project.

**Mayor Stutsman** said the **Clerk-Treasurer** did raise a good point – that there have already been several public hearings on the project. He suggested and those who haven't had a chance to speak at previous meetings should be given the opportunity to testify first.

**Naomi Zook** of Goshen said she has followed the project for a while, liked the original plan and was surprised it was denied. Still, she thanked **Councilor Schrock** for his efforts and said it was now a better plan. Zook said she lives and works in the neighborhood. She expressed concern for the safety of kids who walk through the area after school, but said the increased setback would be helpful because it will increase visibility. She said Goshen needs housing and the project site was a good use of available space.



**Zook** said that three years ago she had trouble finding a place to live in the neighborhood, but would have rented an apartment on this site if it had existed. She said she likes the project's amenities, including access to the biking trail.

**Elkhart County Commissioner Brad Rogers of Goshen** said the County Commission deals frequently with the need for housing. He said Goshen and Elkhart have unique opportunities to provide this type of housing. "And I know that there will be people that are upset about this, but I don't really care." Rogers said this was an ideal place for the apartments. He said some say everything increases traffic, but traffic can be controlled through proper management because – unlike a factory on the site – the apartment residents are likely to come and go at different times. Rogers also offered his congratulations to those who will vote for the project because he thinks it is very good.

**Stacey Farran of Goshen** said she supports the proposal, adding that it would benefit the City and the neighborhood far more than any housing developed on the edge of the City. She said housing on the outskirts of the City would generate far more traffic than housing on a centrally located spot with access to pedestrian and bike infrastructure. . She said the proposed number of parking spaces was more than adequate. She said it is very hard to find people willing to develop brownfield sites, especially for housing. She said if the City doesn't approve the apartment project, the site may remain vacant for years. Farran also said there is a countywide housing shortage and if Goshen keeps rejecting housing proposals, people will move to Elkhart. She said a "yes" vote for the project would grow local schools and benefit local businesses. She encouraged approval of the project.

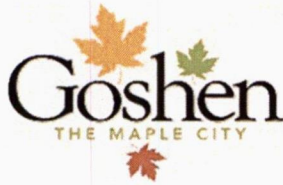
**Taryn MacFarlane, a staff member of the South Bend-Elkhart Regional Partnership;** said the proposed project was consistent with regional plans to encourage more housing of all kinds. She said she appreciated the Council considering this project.

**Glenn Gilbert of Goshen** said he lives in neighborhood and appreciates elected officials who make hard decisions beyond what they might have expected when they took office. He expressed appreciation to the Redevelopment Commission for taking a site that was a liability and dealing with it in such a positive way over the years. He said he appreciates how well the Commission worked with the Environmental Protection Agency to get the Western Rubber building removed. He said that even though it took a long time, he celebrates that most of the bricks and many of the resources on the site were recycled and reused in a positive way. Gilbert said he was encouraged that the project was moving to a state of redevelopment. He said he supported the project, because it is a wonderful way to infill and would make good use of the property. He also said the project will be an asset to the neighborhood.

**Council President Weddell** said all that hard work on the site was by **City Redevelopment Director Becky Hutsell**. The audience responded with scattered applause.

**Elkhart Council member Aaron Mishler** said he came to speak about the need for more housing in the community. While he said he would love to see the project move to Elkhart, he understands that can't happen. He said that when more housing is built, it lowers the cost of housing. Mishler said Elkhart, like other communities throughout the county, is experiencing a housing crisis. He said the more housing units that are built, the lower the cost will be and everyone will benefit. He said lower housing costs will also directly benefit small businesses and downtowns and will encourage more developers to come to the county. He thanked **Councilor Schrock** for his efforts and called for passage of the project.

**Ben Rogers of Goshen** said he likes the project very much. As has been previously mentioned, Rogers said Elkhart County has a housing issue; the supply simply doesn't exist. He said the apartment proposal is the best scenario for a property like this.



**Rogers** said it isn't realistic that the property would remain a vacant lot and housing is a better alternative than a commercial or industrial development. He said housing is the least intrusive option and a positive thing for the community. Rogers said he speaks to many young professionals under 30 years old who are unable to find housing in Goshen. He said housing is becoming more expensive, which he called a market response to a limited supply. He said this project was a free market response to the limited supply. Rogers said many people also are concerned about rising property taxes due to higher assessed values. He said the only way to counter that is more housing. Rogers said the community needs all types of housing. He said that the addition of commercial space to the project also would be positive. He thanked Councilors for considering the project and urged its passage

**Kyle Stockdale of Goshen** said he supported the housing development. He echoed the comments by Ben Rogers about people under 30 who are seeking housing in the community. Stockdale said he fits into that category and knows many people who are trying to move to this area and are struggling to find anywhere to live.

**Elkhart County Commissioner Suzie Weirick** said she has been aware of project since it was first proposed. She said she represents the county commission on the South Bend-Elkhart Regional Partnership and this was one of many projects that was used to submit its application to the state for a READI grant. She said the region obtained a \$50 million READI grant and Elkhart County has worked successfully with the region to obtain other state grants. Weirick said not only is there a national housing shortage, there's a local housing shortage. She said she supported the apartment project because it was an economic development tool. She said Elkhart County is constantly seeking various types of workers and development to subsidize our tax rolls, but more importantly to diversify the county's offerings in residential and manufacturing and commercial (sectors). Weirick said mixed-use structures are a great way to meet density requirements, whether residential and commercial alongside industrial development. She said she has visited the project site and believes it will offer additional housing and clean up some of the spaces nearby. She said the project has been designed tastefully and will provide good housing and not low-end housing. Weirick also said the amendments have made the project a stronger project while being responsive to community concerns. She encouraged Council support for the project.

**Paul Steury of Goshen** thanked the Council for its bipartisanship, which he said was something that is important in government. When he learned the Council had rejected the project on June 6, he said he reached out to **Councilor Riegsecker**, who he called a friend. Steury applauded the City for using a brownfield site for the project, adding that they should be utilized. As an environmental educator, Steury said he was in full support of all of the "green" and sustainable elements of the project. He thanked Councilors for listening to the community. He added that he didn't think the Council was "oligarchic," but was a Council that hears and listens and sometimes doesn't hear and listen.

**Marilyn Torres of Goshen** said she lives four blocks from the project site. She thanked **Councilor Schrock** for reconsidering the ordinance, for listening to the community and for consulting with the developer. Torres said she has read through the ordinance and the amendments and there is some information she doesn't really understand, but what she does understand is that Goshen has a housing crisis that must be addressed. Torres said she is working this summer at the Cora Dale House, formerly known as the Elkhart County Clubhouse, and is a community of support for people with mental illness. She said one of the toughest issues its members face is finding housing in Goshen. She said it is nearly impossible for members to keep employed and address their mental health issues when they don't have reliable housing. Torres said she is also a member of Faith Mennonite Church, which owns two homes on 7<sup>th</sup> Street and allows people facing housing insecurity to stay for about three months until they can find permanent housing. She said, unfortunately in Goshen, people often need more time than that so there is always a waiting list of people looking for a place to stay.



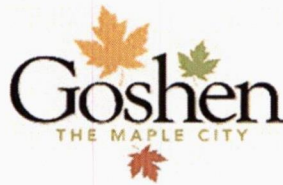
**Torres** said she wishes Goshen was building more low-income housing, but that is not what is being proposed. Instead, this project would provide apartments available at 60% of the area median income. While the project is not her ideal solution for the housing crisis, Torres said it is viable one. She urged Councilors to approve the project, which she said was good for Goshen.

**Brianne Brenneman of Goshen, a member of the City Redevelopment Commission**, said she teaches public health and that is a framework that she uses. Brenneman said she specializes in understanding the ways our health environment impacts the health of communities and she said he knows that is something that the City of Goshen is starting to think about. Brenneman said she supports the project for three main reasons. First, she said Goshen has a demonstrated lack of housing availability for all income levels. She said some people are renting low-quality housing who could afford paying higher rent, but there's nothing available. Second, she said the proposed apartments will be affordable and because the complex will be centrally located, people will be able to walk and bike to work. Finally, Brenneman said she appreciated the developer's thoughtful integration of strategies to limit stormwater runoff and manage parking and noise pollution. She said traffic will have to be managed as Goshen continues to grow and this will take the integration of many City departments. Brenneman said she was looking forward to working with the Council on seeking ways to manage traffic. She concluded by saying the project will provide needed housing for many individuals.

**Jon Hunsberger, the executive director of the Elkhart County Convention & Visitors Bureau and a former City of Goshen employee**, said he often speaks with visitors about quality of place. He said he reviewed project plans from the last Council meeting and is excited about the proposal. He said he can't say enough about the need for housing in the community. Hunsberger said it is an important issue, especially for young people, those going through a transition in life and those who might want to downsize. He said all types of housing are needed. He said this project will provide housing for a wide range of residents. Hunsberger also praised the Council and City staff for working with the developer and residents on the project. He said the development process can become "scratchy," but also can result in a better project. He encouraged the Council to approve the project.

**Les Eger of Goshen** told **Councilor Schrock** that his first vote, against the project, was correct. He said he understood all of the arguments about the need for housing and that they were true. But he said none of those in favor of the project live in the neighborhood. He said he does live in the neighborhood and that it is too big of a project for that property and for this neighborhood of single-family homes. Eger said he objected to the project financing, which he said relied on public funding. Eger said he isn't against change as long as it's good. He said he could support a right-fit proposal for the site, but not the current project with the current financing. He also said that he understands that local manufacturers are bringing in workers from the south and also get tax breaks. He said those companies should use some of that money to provide needed housing.

**Glenn Null of Goshen** said the project isn't in his neighborhood, but he has concerns about it. He said at one Council meeting on this project, a long list of variances was discussed. Null said he has no problem with one or two variances, but this project had a long list of variances and this can lead to other developers seeking the same number of variances. He said if a future developer is denied as many variances, a lawsuit could be filed against the City over the issue. Null said win, lose or draw, his tax dollars will be used to pay the bills related to a lawsuit. He said that when the City grants so many variances, it can cause additional problems, including inconsistent housing standards. Null said that too many variances were being allowed for the apartment project.



**Andrea Johnson of Goshen, a City Redevelopment Commission member**, said that when the project was first advanced, she had reservations about it because of its density and traffic. She said she had questions about the project and spoke to the **Mayor**, who was reassuring. She said **Councilor Schrock's** amendments would improve the proposal. Johnson said she believes in the end, this project will benefit that neighborhood. She also said she believes the Redevelopment Commission will approve improvements in the neighborhood and that the project will be an asset to the community.

**Peter Miller of Goshen** said he supports the proposal. He said his wife's parents are in their 70s and live in rural Iowa and Miller and his wife would like them to move to Goshen. He said that for the past two years, he and his wife have been trying to find housing for them. Miller said he set up computer alerts to notify him of any available home within walking distance of his house. He said he only receives an alert every two or three months. He said at one point, a Realtor told him there were only 75 homes on the market in the entire county. He said it's difficult to ask his in-laws to drive 5½ hours to Goshen every other month to see a house and then drive back. He also said bids on homes must be submitted within three days. Miller said it's a toxic housing market right now. Miller said he was excited about the proposal to add the housing stock in Goshen. As a software engineer and urban planner, Miller said it is difficult for cities to maintain R-1 housing. In contrast, he said M-1 housing is much better in terms of tax revenue. He said R-1 housing "sucks down money" and is not a sustainable form of development. When it comes to infrastructure, for each new home, Goshen must supply each detached home with sewer lines and power lines, but can save by providing the same to apartments.

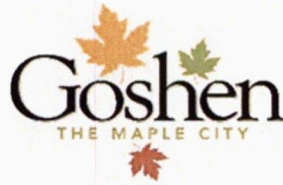
**AJ Delgadillo of Goshen, the director of the City Community Relations Director**, said he wanted to discuss the impact of the project on protected classes. He said the project won't provide affordable housing, but it will add housing to the market and that will increase the possibility of affordable housing, which is critical for a number of groups. He said this includes low-income people, those living on a fixed-income, the elderly and people who are differently abled. He said housing can become a woman's issue when people who cannot afford housing cannot leave their abusers. Delgadillo said there is little available housing and there will be an increasing demand for mixed-use housing. He also mentioned other benefits to the apartments, including good pedestrian access to downtown, a decrease in vehicle traffic and as a destination for talented young people.

**Linda Wertman of Goshen** said she lives a block away from the project. She said the area already is congested with traffic and that more housing will worsen the situation. She said she opposed the project.

**David Pinkerman, the president of the United Food and Commercial Workers Union in Goshen**, said he has spoken twice before in opposition to the project. He said several union members raised an issue about the proposed parking on Douglas Street. He showed Councilors a photocopy of a photo (**EXHIBIT 2**) showing the Gleason employees outdoor break area and a pickup truck adjacent to the proposed parking space on Douglas Street. He said he was concerned this would raise safety issues. He said the break area has existed for years. Pinkerman said many employees go outside during their breaks and he is concerned for their safety.

**Kyle Richardson of Goshen** said he lives four blocks from the project, is excited about it and has previously testified that he is in favor of it. He said he was shocked and devastated when the project was denied by the Council on June 6. He thanked Councilor Schrock for bringing back the project and urged its passage. He also said Goshen desperately needs more housing, especially close to downtown.

**Mayor Stutsman** said there has been nearly an hour of testimony and he asked Councilors if they wanted to extend the public comment period.



**Council President Weddell** said there have been 22 speakers so far.

**Mayor Stutsman** asked for a show of hands on how many more people wanted to speak. He said about 10 people indicated they still wanted to speak. Councilors indicated a willingness to hear 10 more speakers.

**Kristine Borzeniatow of Goshen** said she lives catty-corner from the project site and was shocked by the comment that was just made by the **Mayor**. She said the audience was told that those who hadn't had a chance to comment on the project could come forward to speak. And now, she said, after an hour, others will not get a chance to speak. She said "positive reinforcement has come out of the woodwork" tonight in that the Council has only heard from speakers in favor of the development. She said she isn't a "no" to development, but opposes the project because it would pack too many apartments and people into too small an area. She said Goshen needs apartments, but doesn't need that many people in that small an area. She recommended the apartments be built elsewhere, including downtown on the site of the former Elkhart County Jail. She said she was angry about the night's discussion.

**Mayor Stutsman** said public comments were not being shut down. He said he just asked for a show of hands after an hour of testimony to get a sense of how many more people wanted to speak.

**Borzeniatow** said she didn't understand because she said everyone who has spoken so far has favored the project.

**Mayor Stutsman** said his intent was to allow those who had not previously spoken on the project to testify.

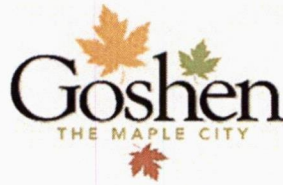
**Rose Riehl of Goshen** said she lives on 10<sup>th</sup> Street and opposes the project. She said that many people who support the project don't live in the neighborhood. She said this project will affect the nearby residents due to increased traffic and parking in the neighborhood. She said she doesn't understand how it would work to have parking on Douglas Street, next to the factory. She said she opposed the proposed rooftop area. Riehl also said she doesn't understand how it is possible that the proposal, which was denied on June 6, is back before the Council. She also said she doesn't understand who would want to live on the project site and she urged a "no" vote.

In response to **Rose Riehl comments**, **Mayor Stutsman** said Robert's Rules of Order allows reconsideration of a matter by a Council member who previously voted in the majority.

**Hollie Rieth of Goshen** said she lives on 10<sup>th</sup> Street and that the apartment proposal was not the right project for the neighborhood and was too big. She said it should be a maximum of 78 housing units and no retail space. She said at certain times, traffic adjacent to the site is a nightmare. She said a four-story building will take away her freedom of sunshine and seeing the sky. She said every citizen of America has that right and she said 30 years of paying property taxes should ensure that right. She said the City should respect planning guidelines and not grant so many variances. Rieth said the developer should downsize the project and she objected to the use taxpayer funds for the project. She said Councilors should be ashamed of themselves. She said **Councilor Eichorn** did not speak with residents, but **Councilor Schrock** did. Rieth said she spoke to the developer, but there was inadequate consultation with the neighborhood. She added that the project was an example of the "greed of Goshen."

**Kathleen Jones of Goshen** said she supports the project and lives four blocks from the project site. She thanked **Councilor Schrock** for working with the developer to improve the project and thanked Councilors for their bipartisan efforts and the spirit of compromise. As a neighborhood resident, Jones said she and her family welcome the development, which she said would help the City grow and thrive.

**Tim Doyle of Goshen** congratulated the Council for attracting two county commissioners, a county council member, a state representative, a former mayor and many people to the hearing.



**Doyle** said the meeting was a great example of dialogue and trying to improve a proposal. Doyle said he continued to be concerned about the density of the project. He said the developer has tried to make this a better project. Doyle said he examined the finances of the project and said he shared with the developer that he still thought the project was too big. He said he knows the goal is to make Goshen a good place to live and provide housing for people, but projects need to benefit not only the people coming into the City, but also the people who live in the neighborhood. He said the project will infringe on those living on 10<sup>th</sup> Street and those who live nearby who will be affected by increased traffic. Doyle also said he would encourage the Redevelopment Commission to accelerate previously approved housing projects.

**Tom Stump of Goshen** said he lives three blocks from project and downstream from traffic from the proposed project because he lives on the corner of Plymouth and 7<sup>th</sup> streets. Stump said the amendments to the ordinance don't make much difference. He said the only thing they did was that they gave the developer 35 more parking spaces on Douglas Street, which he didn't have before. He said the City is still giving 11 zoning variances to the developer and that hasn't been done in a long time in Goshen. Stump said he agreed with the speaker who said the project is too dense to the area. He also said neighbors don't want the project. He objected to the public financing of the project and its tax expenditures. Stump said he supports housing, and it's needed, but he prefers single-family housing. He said if the City and County were more amenable to single-family housing, there would be more of it. Stump added that in his 20-plus years associated with City and county government, he never voted for project that had as many neighbors upset with it as the apartment proposal.

**Lukas Bontrager-Waite of Goshen** asked for an explanation of Council rules for making comments, which **Councilor King** provided.

**Bontrager-Waite** thanked Councilors for their hard work on the project. He said he is a junior at Goshen College and believes younger people desperately need more housing. He said for recent high school or college graduates, it would be fiscally irresponsible for them to try to live in Goshen because of the high cost of housing. He said the project will open possibilities to bettering the housing market for Goshen and the region.

**Dirk Oyer of Goshen** said he attended the previous Council meetings on the project. He said he lives on the west side of Goshen and supports the project and developing more housing in Goshen. He said he was disappointed by the Council's June 6 rejection of the project. Oyer said the words "density" and "affordable housing" should not be considered four-letter words. At previous meetings, Oyer said he heard many complaints about traffic, but this project will actually reduce traffic because it is so close to downtown. He said it is a good project for the site and will provide significant benefits to the City. He thanked Councilors for working with the developer and reconsidering the proposal.

**Sawyer Landes Biddle of Goshen** said he lives four blocks from the project site and supports the apartment proposal. He said he has heard extensive conversation about traffic and sidewalks. He said he rides his bicycle on Plymouth Street a lot and encouraged Councilors to support infrastructure improvements to reduce traffic.

**Katrina Graber of Goshen** said she lives on 9<sup>th</sup> Street, directly across from the project site, and also works at Goshen High School. She said she originally opposed the proposal. She said she is conflicted about it because she agrees that Goshen needs housing, but worries about the project's impact, including on parking and traffic. She said she supported the amendments and any other ways to reduce the number of apartments and variances. Graber said she would support further amendments to help the project fit in the available space.



**William Malone**, Vice President of Gleason Industrial Products, said Gleason has been located in the neighborhood for 132 years and its property line is right next to 10<sup>th</sup> Street. Since the beginning, and before there were homes in the neighborhood, Malone said that Gleason has placed trucks on 10<sup>th</sup> Street. Now, he said the City is threatening to end this practice, making it impossible for the company to operate. He said the City was “running me out of town.” Malone said Gleason has 125 jobs, none of which are RV related and he predicted a downturn in the RV industry will soon arrive. He said Gleason has provided 125 jobs for 125 years, but the city doesn't seem to care about that. Malone said the proposed project was too dense for the area and that the City should be using other downtown sites for housing. He said the City isn't doing enough to provide housing. Malone criticized the financing of the project. Malone said his plant operates six days a week, three shifts a day and generates noise, but neither the developer nor the City has asked about the impact of noise on the project at, for example, 2:30 a.m. He said people will be parking 15 feet away from the plant's break table area. Malone also said sooner or later, Norfolk Southern will install a dual rail line, which will affect the plant's operations. Malone provided Councilors with a Norfolk Southern diagram showing the Gleason Industries facilities and the current rail restrictions (**EXHIBIT 3**).

**Barb Hassan of Goshen** said she was working hard to contain her emotions even as she recognized this was a very emotional subject. She said she hopes all people will consider the benefits of the project to the community and the future of the community. Hassan thanked the Council for considering amendments, which she supported. Hassan said she understood that the Councilor who made the amendments was under a lot of pressure and bullying by members of the community. Hassan said that this was unwarranted and she hopes it will stop. She said she believes the developer has answered question about parking on Douglas Street, tree planting and water runoff. She said the developer has done a wonderful job of coming back and working with the Council on the project. She said the project would promote bike paths and walking, which she called consistent with what people in the future will want. Hassan also criticized signs that were placed along 9<sup>th</sup> Street that attacked the City and which she said were inappropriate. She thanked Councilors and said she hopes the project moves forward.

**Betsy (Schrock) Garber of Goshen** stepped forward to testify. **Councilor Schrock** asked her what was happening with “Morgan.” She responded that a baby had just been born, making Councilor Schrock a great uncle and Betsy Garber a great aunt. The audience applauded.

In her presentation, **Garber** said she is **Councilor Schrock's** sister and there is a long list of things she would like to discuss. She said this has been a great meeting and she applauded the Council's bravery to reconsider something that was not popular with some people. She said Western Rubber was located on the project site for many years. She said she also appreciated Gleason Industries being in the community for many years. However, she said that over the years, Gleason has encroached on City property and the company should be forced to return to its original boundaries and stay there. She said she would like Gleason's CEO to know how the company is being represented in this discussion. She also thanked **Councilor Schrock** for bringing forth the proposal again.

**At 8:25 p.m., Mayor Stutsman closed the public hearing on Ordinance 5123. Mayor Stutsman then declared a brief recess.**

**At 8:33 p.m., Mayor Stutsman reconvened the City Council meeting**





**Mayor Stutsman invited Jonathan R. Anderson, the principal/attorney for Anderson Partners LLC and the developer of the Western Rubber site, to offer any response to the public testimony.**

**Anderson** thanked Councilor Schrock for bringing back the project. He said he appreciated the public comments, which he said were more balanced than in the past. He said at previous meetings, residents said that the only people supporting the project were those who lived outside the neighborhood. Tonight, Anderson said he also heard support from some neighbors. Anderson said he would be happy to respond to questions from Councilors.

**Councilor Eichorn** asked Anderson about the timeline if the project is approved tonight. **Anderson** said he "pulled back the reins" after the Council rejected the project on June 6. He said the developers are still hoping to complete construction drawings by December and to break ground in 2023. He also said he was still on track with financing. Asked for clarification about the financing by **Councilor Nisley**, **Anderson** said he was still lining up the financing and a grant application, which is due Aug. 15.

**There were no further questions for the developer, so at 8:33 p.m., Mayor Stutsman invited questions and discussion from Councilors.**

**Councilors King and Eichorn** both said they were ready to vote.

**In response to a request for clarification by a Council member, Mayor Stutsman said the Common Council would be voting on Ordinance 5123 as amended.**

**Councilor Riegsecker** said this project has been a tough one to consider. He said the project was a go, but at the last meeting, he raised concerns about the project's many variances because it seemed the City was giving the developer everything. He said when he arrived at tonight's meeting, he didn't expect any votes to change.

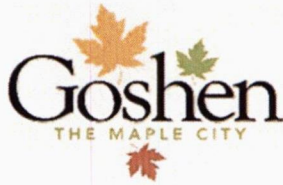
**Riegsecker** said he struggled with the many variances that were allowed for the project and was worried about future applicants making similar requests. He said this was not a Republican or Democratic issue, although there was a split on party lines last time (June 6), but **Councilor Schrock** has returned with a motion for reconsideration.

**Riegsecker** said the project is back for a reason. He said he didn't speak with Schrock and doesn't know his reasons for requesting reconsideration. He said he doesn't know what will happen. Still, he said he can count votes and assumes that **Councilor Schrock** has enough votes for reconsideration.

**Riegsecker** said the developer has returned and made some concessions. He said **City Redevelopment Director Becky Hutsell** has also proposed some improvements for 10<sup>th</sup> Street, which he assumes will be carried out. So, he said progress has been made to help the neighborhood.

**Riegsecker** said he didn't want to give the project everything. He said he agrees with the proposal for additional public parking spaces. He said he doesn't know how the project will pan out and knows that change is hard. He noted that he didn't like when Main Street was converted from four lanes to two lanes, but he likes it now.

**Riegsecker** said the City has gone from having a project to not having a project to having a vote to determine if there will be a project again. He said there have been some changes and there are additional steps ahead, including a traffic study. However, **Riegsecker** said he is comfortable with **Councilor Schrock's** proposal and it is the best the Council can do. And he said that was his position after a full week of struggle.



**Councilor Nisley** said it has been a tough week and he spoke to **Councilor Nisley** many times. He said he liked the concessions that were made, but doesn't know if they are enough. Nisley said coming into tonight, he was strictly a "no" vote, but he said Hutsell's proposal was helpful because he has wanted to help the neighborhood.

**Nisley** said it is a tough vote because the City needs housing. Nisley said he previously said the project was too big for the area, but its size has been reduced. Nisley said his vote would probably change tonight.

**Councilor Pérez** said he applauded **Councilor Schrock's** willingness to come back to the Council with a new proposal. He said it's hard to know how to provide affordable housing and how to increase vitality and provide more housing choices. He said it was interesting to listen to residents as well as those from outside the neighborhood. He thanked Schrock for meeting with the developer. While he said the amendments were not perfect, they were a step forward. Pérez also thanked Schrock for doing more work and for showing courage by stepping forward.

**Mayor Stutsman** said that during his eight years on the Council, he faced several tough votes. One vote was for a new overpass and that project required the demolition of some homes where people had lived for decades. So, he said he was sympathetic to the dilemma facing Councilors. He said he didn't know how the vote tonight would go, but he said there has been a lot of care for both sides. He said that when the motion for reconsideration was made, Councilors unanimously agreed not to discuss the matter until they heard more public testimony. He thanked Councilors for making sure that happened. The Mayor said some people will be happy and others unhappy about the vote tonight. But he committed that he and City staff will work with all involved to make sure it all works out.

**Council President Weddell** repeated what he said at the June 6 Council meeting, that this has been one of the least desirable votes and topics the Council has had to deal with during his time on the Council. He said he has been struggling with this issue. The Council President said he has "zero financial interest in any of this" and doesn't own any adjacent property. However, he said a person he considers a family member is involved in this issue and has very strong feelings about this. Council President Weddell said he has been struggling to know how to handle this. He said he hasn't shied away from making tough decisions in the past, but is having a hard time on this one. And so he said he wanted everyone to know that however he votes – and there might not be any vote for that matter – that his vote has nothing to do with the project, but has to do with a deep personal conflicts that he has.

**Councilor King** asked if the **Council President** would be recusing himself.

**Council President Weddell** said he had no financial interest in this project and no direct family involvement; but he has a strong personal conflict.

**Councilor King** thanked the **Councilors** who appeared to be changing their votes on the proposal. She said they held out for a good reason and hoped residents would recognize that they held out for them and for their betterment. She said it made her feel better to make decisions with other Councilors who acted in the interest of residents.

**Councilor Riegsecker** said he always seeks to make the best decisions that he can. He said he seeks to watch out for the neighbors, watch out for the district and watch out for the City and the county. Going forward, he said he wants to make the best decisions he can. He added that it was a good and respectful public discussion tonight.

**Councilor King** said the many good questions on both sides helped her understand the project better. She said everyone's engagement makes the Council better.



**Councilor Nisley** said initially he opposed the proposal for a 100% TIF commitment for the project. He said he wanted to guarantee to neighbors that will keep a very close eye on the project as it moves forward to make sure that their needs are met. **Councilor Schrock** seconded Nisley's sentiments.

There were no further questions or comments from Councilors.

**Mayor Stutsman** said the Council would now vote on the first reading of Ordinance 5123 as amended this evening. And since it was a zoning issue from the Plan Commission, if the motion passed, the Mayor said there would be an automatic second reading of Ordinance 5123.

Councilors indicated they were ready to vote.

On a roll call vote, Councilors passed Ordinance 5123 on first reading by a 6-0 margin, with Councilors Eichorn, King, Nisley, Pérez, Riegsecker, and Schrock voting yes and Councilor Weddell abstaining at 8:51 p.m.

**Mayor Stutsman** called for the introduction – on second reading – of Ordinance 5123, *Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described, and Commonly Known as 620 E. Douglas Street, from Industrial M-1 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, to be known as the Ariel Cycleworks PUD.*

**Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5123 by title only, which was done. **Weddell/Eichorn** moved to approve Ordinance 5123 on second and final reading.

**Mayor Stutsman** said the council had already heard extensive public testimony about Ordinance 5123. He asked if Councilors wanted to vote or hear additional public comments. Councilors said they wanted to vote.

On a roll call vote, Councilors passed Ordinance 5123 on second and final reading by a 6-0 margin, with Councilors Eichorn, King, Nisley, Pérez, Riegsecker, and Schrock voting yes and Councilor Weddell abstaining at 8:53 p.m.

#### Elected Official Reports:

**Council President Weddell** said that to address any future concerns about Common Council rules, he wants to meet with **City Attorney Bodie Stegelmann** and put stronger and less ambiguous rules in place for motions for reconsideration. **Stegelmann** said he would be willing to meet. **Mayor Stutsman** said this would be a good idea. The **Council President** said he wanted to make sure this process was clarified.

**Mayor Stutsman** said he had his first visit to Washington, D.C. while serving on an advisory board for the U.S. Environmental Protection Agency (EPA).



**Mayor Stutsman** said he is serving on a 25-member board, which includes representatives from local government. He said it was exciting to hear acknowledgement from EPA officials about the needs of small communities, including grants, and how to improve the process. He said many communities struggle to apply for grants and to comply with reporting requirements. He said that even though the City of Goshen is better equipped than some communities, the City still struggles with the grant process. The Mayor said it was good to be part of this process.

**Mayor Stutsman** noted that America's Freedom Fest air show at the Goshen Airport is coming up July 9.

**Councilor Pérez** briefly discussed resident concerns about increased violence in the community and across the country. He said he wanted the public to know that the City is working hard to ensure that the community is safe. He said he appreciated the work that the Mayor and the Police Department are doing to assemble a gang task force and that he looked forward to working on it. He said it will be important for everyone to work together to stem violence in the community. He said he appreciated all efforts by Councilors, members of the public, the city Community Relations Commission as well as churches and civic groups seeking to bring peace to the community. Pérez thanked those who have written to him and said he was looking forward to working with others.

**Mayor Stutsman** said in response to more complaints about speeding vehicles, he authorized the Police Department to purchase another six or seven speed control signs for \$30,000 to encourage drivers to slow down. He said people should slow down, noting there was a recent death of a member of the community, who was struck by a speeder,

**Councilor Schrock** said that even though **William Malone** was already gone, "but just for the record, I wanted everyone to understand that I did none of this against Gleason products or Mr. Malone. I told him that a couple of different times, but none of this that I did had anything to do with going against Mr. Malone or his company."

**Mayor Stutsman** said he and City staff members have met with Malone and worked hard to relay that message.

**Councilor King** reported that she recently had a "very, very close call" on Elkhart River with someone shooting bullets from the woods over the river and striking very close to where she was. King said she has never experienced anything like this before. King said she, her husband and friends reported the shooting to the Sheriff's Department and the conservation officer and they investigating. She said this was an issue of gun safety, adding that people should not fire their guns if they don't know where their bullets are going. King said the shooting occurred on a very popular area of the Elkhart River and worries for the safety of other boaters. She encouraged people with guns to be responsible. **Councilor Schrock, Councilor Nisley** and other **Councilors** had a brief exchange about what happens when there is gunfire by a river and whether bullets "skip" on the water.

**Councilor Riegsecker** said that since the Mayor brought up speeding, he wanted to mention that a few weeks ago a speeder knocked over a speed limit sign, crashed into his yard and fled the scene. He said police investigated and the driver was caught. Riegsecker said the Police Department did an excellent job, as always. **Councilor Schrock** added his praise for police.

**There were no further comments by the Mayor or by Councilors.**



Councilor Pérez made a motion to adjourn the meeting. On a voice vote, Councilors voted to adjourn the meeting by a 7-0 vote, with all members present voting “yes.

Mayor Stutsman adjourned the meeting at 9 p.m.

**EXHIBIT #1: A memorandum by City Redevelopment Director Becky Hutsell, dated June 27, 2022, that was distributed to Councilors the Council meeting. It summarized the proposed improvements on 10th Street, from Plymouth to Reynolds streets, and stated that it was the City’s intent to begin the process of planning for the improvements soon, so construction could begin in 2023.**

**EXHIBIT #2: Photocopy of a photograph, provided by David Pinkerman, the president of the United Food and Commercial Workers Union in Goshen, showing the Gleason employees outdoor break area and a pickup truck adjacent to the proposed parking spaces on Douglas Street.**

**EXHIBIT 3: Photocopy of a diagram, provided by William Malone, Vice President of Gleason Industrial Products, of a Norfolk Southern diagram showing Gleason Industries facilities and current rail restrictions at the site.**

APPROVED:

A blue ink signature of Jeremy P. Stutsman, Mayor of Goshen, written over a horizontal line.

Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

A blue ink signature of Richard R. Aguirre, City Clerk-Treasurer, written over a horizontal line.

Richard R. Aguirre, City Clerk-Treasurer

# Memorandum

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TO: City Council

FROM: Becky Hutsell, Redevelopment Director

RE: 10<sup>th</sup> Street Improvements from Plymouth to Reynolds

DATE: June 27, 2022

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Over the past several months, there have been several public meetings in which concern was voiced by the community regarding the construction of a new project at the former Western Rubber site while 10<sup>th</sup> Street would remain unchanged. At the last City Council meeting, Councilman Schrock made a motion to reconsider the rezoning request for the property at 620 E. Douglas Street with several conditions, including a commitment from the Redevelopment Commission to proceed with improvements for 10<sup>th</sup> Street from Plymouth north to Reynolds.

This request was noted during the June 22, 2022 Redevelopment Commission meeting and support was given by all Commission members. The plan moving forward is to issue a Request for Proposals to hire a design consultant. Once selected, a survey of the area will be completed and a public meeting will be held with notice being provided to the neighborhood residents. The goal of the meeting will be to provide design options for consideration and to gather feedback from the residents on what types of improvements are desired.

At a minimum, the scope of the improvements will be as follows:

1. New water main;
2. New sewer main;
3. New curb and stormwater measures along the east side of 10<sup>th</sup> Street;
4. Sidewalk improvements/widening; and
5. Roadway reconstruction, which will include establishing on-street, parallel parking for the residences along 10<sup>th</sup> Street.

The City's intent is to begin this process right away to allow for a 2023 timeline for the 10<sup>th</sup> Street construction project.

A map is attaching showing the area we intend to reconstruct.



11/11/2015

EXHIBIT #2

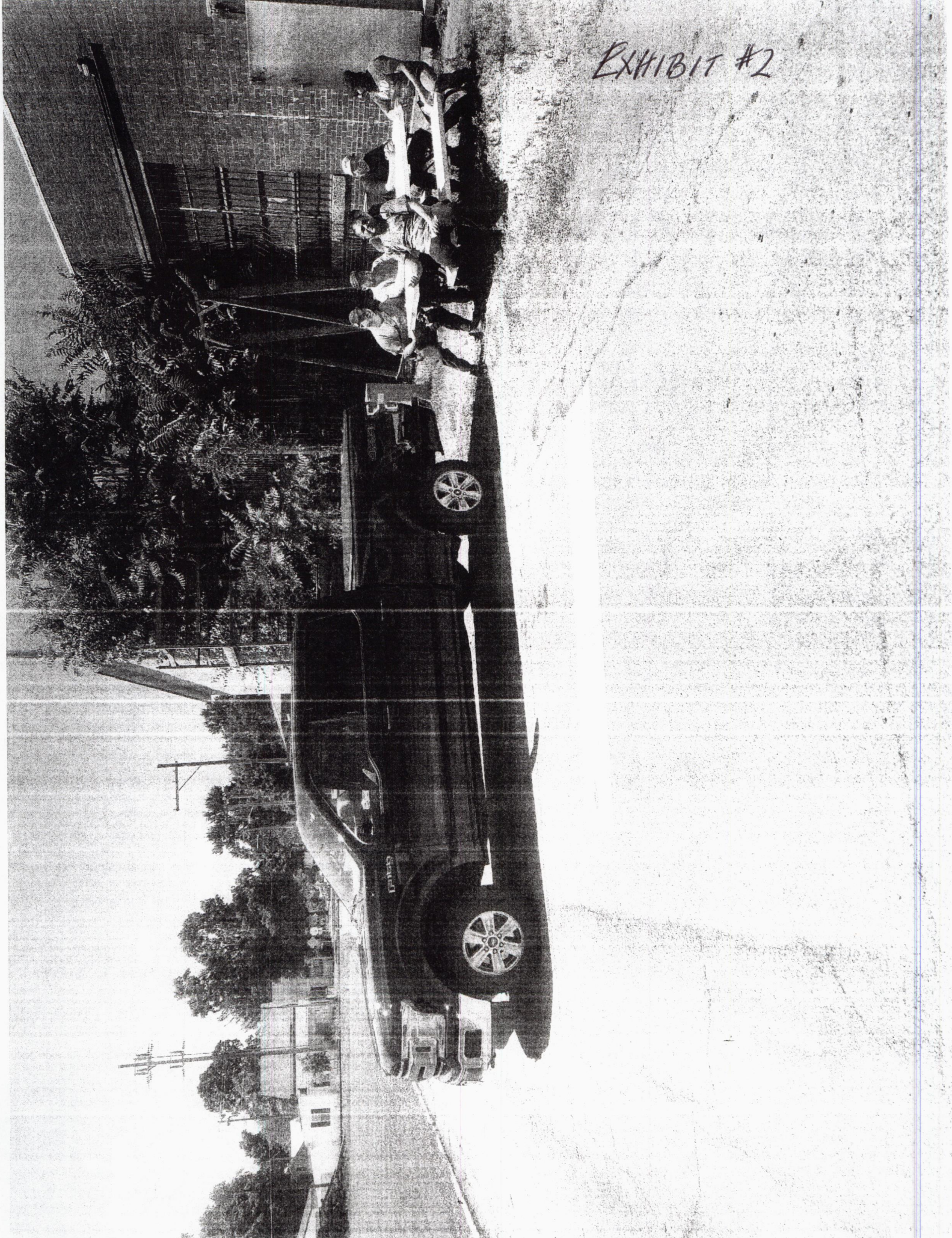




EXHIBIT #3

Exhibit A

