



GOSHEN COMMON COUNCIL

Minutes of the October 24, 2022 Regular Meeting

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

Mayor Jeremy Stutsman called the meeting to order at 6:00 p.m. and led 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)
 Youth Advisor Karen C. Velazquez Valdes (Non-voting)

Absent: None

Approval of Minutes: Mayor Stutsman asked the Council's wishes regarding the minutes of the Oct. 10, 2022 Regular Meeting. Councilor King made a motion to approve the minutes as presented. Councilor Schrock seconded the motion. The motion passed 7-0 on a voice vote.

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

Privilege of the Floor:

At 6:02 p.m., Mayor Stutsman invited public comments on matters not on the agenda.

Kyle Richardson of Goshen said he wanted to address the cycle track lane on Lincoln Avenue. He said the project would have produced safety, fiscal and environmental benefits for the City of Goshen and he is disappointed the project was "tabled" due to vocal opposition from four Council members.

Richardson said the cycle track would improve safety for cyclists, pedestrians, motorists and adjacent homes and businesses. He said every year car crashes in the United States kill 40,000 people, permanently injure two million more people and Goshen is not exempt. He said a City traffic study showed that from 2017 to 2019, there were 182 collisions with 42 injuries and 22 injuries characterized as incapacitating in a one-mile stretch of road. He said there are 22 residents living with permanent, incapacitating injuries because of accidents on Lincoln Avenue.

Richardson said the cycle track would have reduced accidents and injuries and reduced traffic on Lincoln Avenue. He said the Pumpkinvine Trail gets over 250,000 visitors per year and connecting it to downtown would have increased local business. He further promoted the benefits of increasing bicycle riding in Goshen.

Responding to Richardson's comments, **Council President Weddell** said the City Council never voted on the cycle track. **Richardson** said he attended a Council meeting at which four councilors criticized the cycle track



Council President Weddell said the City Traffic Commission voted unanimously to oppose the cycle track and commissioners represent a broad cross section of the community. He said the level of opposition from those who contacted him about the project was 25 to 1 in opposition. The Council President also said that during his time on the Council, only one previous proposal reached that level of opposition. However, he said he wanted everyone to know that the Council did not vote on the cycle track and had no say on the decision to remove it.

Ron Byler of Goshen thanked the Council for embracing Indigenous People's Day. He said the City organized a great event a few weeks ago in the Goshen Theater. He especially thanked **Councilor Megan Eichorn** for representing the City Council at the event. Byler also thanked the City Community Relations Commission and its director, **A.J. Delgadillo**, for sponsoring the event. Byler added, "When we demonstrate our ability to welcome and celebrate all of our citizens and people groups, we become a stronger and more vibrant community."

Glenn Null of Goshen thanked **Councilors** for appointing a new member to the Community Relations Commission and to the Mayor for also appointing a new member. He noted that the Mayor still needs to appoint another member. Null said that he has only two months left to serve on the commission, so another commissioner will be needed at the start of 2023. He said he hopes the Mayor makes another appointment soon. Unlike the past, Null said a number of people have indicated they would like to serve on the CRC. Null also said it's good to appoint more people to share the commission's responsibilities and prevent member burnout.

Mayor Stutsman responded that he has been asked by the CRC director to wait until first of year to appoint another CRC member because that's when the commissioner's new term will begin.

Lori Arnold of Goshen said she has been gone from Goshen for many months and participated in an "exciting journey" to a number of states, including West Virginia and Virginia. She said some of her new friends from other states have visited Goshen. Arnold complimented Councilors and the Mayor because her friends described Goshen as "beautiful." She said she was proud to have people come through Goshen, adding that people should be proud of Goshen because of its beauty. **Arnold** also said that while in Washington, D.C., West Virginia and Virginia, she met with people who put aside their political differences and worked against pedophilia. She said some "right wing" people have used Christianity and freedom movements to target children. Arnold described that group's activities. Arnold urged people to contact her if they wanted more information about the group.

There were no further public comments, either from those in the Council chamber or via Zoom, so the Mayor closed Privilege of the Floor at 6:11 p.m.

1) Ordinance 5136: Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Industrial M-1PUD, Residential R-1PUD and Agricultural A-1 to Residential R-3 District, and Amend Ordinance 4768, Known as the Waterford Commons Business Park PUD (Planned Unit Development)

Mayor Stutsman called for the introduction on first reading of Ordinance 5136. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5136 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5136 on first reading.



BACKGROUND:

Before the Common Council was Ordinance 5136, which would Amend Ordinance 3011 by Rezoning Real Estate, Hereinafter Described from Industrial M-1PUD, Residential R-1PUD and Agricultural A-1 to Residential R-3 District, and Amend Ordinance 4768, known as the Waterford Commons Business Park PUD (Planned Unit Development).

The Waterford Commons Business Park PUD was established in January 2014 and includes three separate tracts of land, Tracts 1, 2 and 3, each zoned Industrial M-1PUD and each having slightly separate requirements. The most northern tract, Tract 2 (Ardmore Court), is nearly fully developed. Tracts 1 and 3 each have an approved preliminary subdivision, but no development has occurred in either tract.

The overall Waterford Commons PUD was established in 1989 and is a mixed use development, including R-1, R-2, R-3 and R-4 zoning (permitting all types of residential use), two areas zoned B-4 (Planned Shopping Center), and the three industrial tracts.

The current request is to remove Tracts 1 and 3 from the Waterford Commons Business Park PUD and rezone Tracts 1 and 3 from M-1PUD to R-3, and to rezone adjacent City parcels from M-1PUD, A-1 and R-1PUD to R-3. Per the Goshen Zoning Ordinance PUD District Regulations, Section 4250.9, a change of use is a major change, requiring approval by the Plan Commission and Council.

The R-3 District allows a range of residential land use, including single unit detached, single unit attached, two unit, and multi-unit. The proposed R-3 zoning for Tract 1 is primarily adjacent to existing R-3PUD zoning, and the proposed rezoning to R-3 is consistent with the existing mixed use land development with Waterford Commons PUD.

Ordinance 5136 concerns the property generally located on the northwest corner of Waterford Mills Parkway and Dierdorff Road (Tract 1 of Waterford Commons Business Park PUD) and on the west side of Regent Street, south of Waterford Mills Parkway (Tract 3 of Waterford Commons Business Park PUD), including adjacent City parcels intended for public right of way, containing ±210 acres.

Ordinance 4768 would be amended as follows:

1. That the Goshen Plan Commission did after a public hearing determine the amendment to be a major change.
2. That the PUD major change removes Tracts 1 and 3 from the Waterford Commons Business Park PUD.

The Goshen Plan Commission met on Sept. 20, 2022, in regular session and considered a request for a rezoning from Industrial M-1PUD, Residential R-1PUD and Agricultural A-1 to Residential R-3, for a residential development with a variety of housing types, and a PUD major change to remove Tracts 1 and 3 from Waterford Commons Business Park PUD, for property generally located on the northwest corner of Waterford Mills Parkway and Dierdorff Road (Tract 1) and on the west side of Regent Street south of Waterford Mills Parkway (Tract 3), including adjacent City parcels intended for public right of way, with the following outcome: **The request was forwarded to the Goshen Common Council with a favorable recommendation by a vote of 8-0.**

The recommendation is based upon the following:

1. The rezoning is consistent with the existing mixed use land development within Waterford Commons PUD.
2. The rezoning is consistent with the Comprehensive Plan, including: Neighborhoods & Housing, Goal N-7: Expand housing options and opportunities.
3. The R-3 District requirements will be able to be met.

Prior to the Plan Commission meeting, the Planning office received a phone call expressing concerns about safety adjacent to multi-family residential land use, an email asking how to purchase a home in the new development, and an email in support of the rezoning.



At the Plan Commission meeting, four people shared concerns about traffic and density, suggested that one-acre lots like the adjacent County development should be considered, that space should be provided for the school and for Greencroft to grow, and that a large park should be included in the project.

At the Plan Commission meeting, Director of Public Works, Dustin Sailor said a comprehensive traffic study is being conducted for Dierdorff Road and County Road 40, and he also stated that County development requires large lots to accommodate septic, but with available City water and sewer, higher density is possible and preferred, as it is more cost effective per foot of pipe to have more people using services.

A Housing Market Analysis and Development Study conceptual layout included in the Council packet are part of the **City of Goshen Housing Study**, and were provided to the Plan Commission at its meeting. The conceptual layout is for illustration only, and is not part of the rezoning.

City staff recommended the Plan Commission forward a favorable recommendation to the Goshen Common Council for the rezoning from Industrial M-1PUD, Residential R-1PUD and Agricultural A-1 to Residential R-3 for a residential development with a variety of housing types, and the PUD major change to remove Tracts 1 and 3 from Waterford Commons Business Park PUD, based upon the following findings:

- 1. The rezoning is consistent with the existing mixed use land development within Waterford Commons PUD.**
- 2. The rezoning is consistent with the Comprehensive Plan, including: Neighborhoods & Housing, Goal N-7: Expand housing options and opportunities.**
- 3. The R-3 District requirements will be able to be met.**

In a memorandum to the Common Council, **City Redevelopment Director Becky Hutsell** wrote that **City staff, in partnership with the Hoogenboom-Nofziger Corp.,** was submitting two (2) requests to the Plan Commission, and subsequently City Council, for consideration.

- 1. Request to Rezone approximately 210 acres from M-1 PUD, R-1 PUD and A-1 to Residential R-3**
- 2. Request for a Major Change to the Waterford Commons Business Park PUD to remove Tracts 1 & 3 from the Planned Unit District (PUD) Overlay**

Rezoning Request

The rezoning request includes the land currently identified as Tracts 1 & 3 within the Waterford Commons Business Park PUD. Both tracts are currently zoned Industrial M-1 PUD and total approximately 175 acres of vacant land. **Hoogenboom-Nofziger Corp. currently has a purchase agreement in place with a local group interested in developing a residential development that will provide a variety of housing types.** In advance of their closing on the property, they're requesting that the land be rezoned to Residential R-3 to ensure that residential use of this land is supported by the City of Goshen. If approved, their intent would be to fully design a subdivision and, if needed, request an additional rezoning to put in place a PUD Overlay District specific to their development plan. The only way a PUD will not be required is if the planned subdivision can meet all the existing requirements for the Residential R-3 district. Both the subdivision process and the **potential PUD process will provide multiple opportunities for community input moving forward.**

The remainder of the rezoning request includes the public rights-of-way and publicly-owned land adjacent to the property owned by the **Hoogenboom-Nofziger Corp.** and includes a mix of existing Residential R-1 PUD and Agricultural A-1 zoning. To be consistent with adjacent zoning, this request would rezone all the City-owned land to Residential R-3, as well.



PUD Major Change

In order to remove Tracts 1 & 3 from the Waterford Commons Business Park PUD, a Major Change is required. This change removes the overlay district conditions set forth in previously approved ordinances and allows for the underlying land to be rezoned to Residential R-3.

SUMMARY OF OCT. 24, 2022 COUNCIL DISCUSSION AND FIRST READING OF ORDINANCE 5136:

Mayor Stutsman said this is a project that has been previously discussed with Councilors and a housing study was conducted for this property. The Mayor said he met with the property owners about a year ago. He said tonight there would be presentations by **City Planning & Zoning Administrator Rhonda Yoder**, **City Redevelopment Director Becky Hutsell** and **CEO of Blue Diamond Communities Tonya Detweiler**, a representative of the Hoogenboom-Nofziger development group. Mayor Stutsman said Councilor members would then be given time to ask questions and comment on the proposal followed by a period for public comments.

City Planning & Zoning Administrator Rhonda Yoder outlined the background of the Plan Commission's unanimous approval of the rezoning from Industrial M-1PUD, Residential R-1PUD and Agricultural A-1 to Residential R-3, for a residential development with a variety of housing types, and a PUD major change to remove Tracts 1 and 3 from Waterford Commons Business Park PUD. She discussed the Plan Commission's rationale for its decision and provided context about the action and the issues surrounding the proposed residential development. She also discussed public feedback on the rezoning and the City's ongoing area traffic study.

Mayor Stutsman said years ago the project site was zoned for residential use and was rezoned for manufacturing. He said no manufacturing moved forward on the site, so the request is now to return the property to residential use.

City Redevelopment Director Becky Hutsell said the proposed rezoning was a joint request from the City Redevelopment Department as well as the developers, **Hoogenboom-Nofziger**. She said that for at least two years, it has been made clear that the City of Goshen has a housing shortage. Recently, she said the Indiana Legislative Assembly changed state law to allow for residential Tax Increment Finance districts for single-family housing. **Hutsell** said that earlier this year, the City contracted with **American Structurepoint, Inc.** to conduct a study (included in the Council's meeting packet) to assess the extent of the City's housing shortage, determine the types of housing needed, and to propose housing types for the Hoogenboom-Nofziger site. She said American Structurepoint developed a conceptual plan for the site that included apartments, town houses, single-family homes and retail businesses. The consultant also developed various development options and Tax Increment Finance options. **Hutsell** said the study concluded that various types of housing were suitable for the site. She added that City staff was recommending that the site be returned to residential zoning.

Mayor Stutsman said that last December he and **Deputy Mayor Mark Brinson** met with **Greg Hoogenboom** and **Myrl Nofziger**, the property owners, and asked if they would entertain a rezoning, and that is how the process got started. He said he was grateful to the **Hoogenboom-Nofziger** group for considering the rezoning and for working with the City, as well as to **Tonya Detweiler** and her partners.

Detweiler of Goshen, representing Blue Diamond Communities and Cherry Creek, said she was excited to be appearing before the Council. She thanked the City for the Structurepoint report, which demonstrated the need for more housing in Goshen.



Detweiler said she believes she and her partners can help meet the City's need for more housing with this property and they are excited to get started. She said she is proud of the City and is excited to develop a project in the south side of the City that will meet the needs of many people who want to live in Goshen.

Detweiler said the developers are proposing a "lifestyle community" where people can live, play and work. She said she knows that when people can do all of those things in one area, it makes them want to stay and call home in Goshen for the duration. She thanked City staff for assistance and guidance. She also said the developers want to hear from residents about what amenities they would like on the site to make the area "come alive." **Detweiler** said she and her team will be ready to lead those community conversations if the rezoning is approved.

Mayor Stutsman responded that if approved, the Hoogenboom-Nofziger property could be the first residential Tax Increment Finance district in the area. He said this type of financing would help the developer pay infrastructure costs, which often are so high it makes it difficult for property owners to develop housing. The Mayor said the property is a good site for housing because it's already within the Goshen City limits, even though the development would require additional City services.

Councilor Schrock asked if the developer would be holding meetings to receive public input on the project.

Detweiler said the public will be invited to various meetings on the project.

Mayor Stutsman said that if the rezoning is approved tonight, there will be additional meetings and approvals required by the Board of Works & Safety and the Common Council. For example, he said Council approval would be required to create a Tax Increment Finance district and approve a bond for it. He said there would be many public meetings. He also applauded the developer for being willing to convene additional public meetings.

Councilor Eichorn thanked **Detweiler** for all of the work she has done in advance of the rezoning request to ensure it's a viable plan and for her commitment to consider changes in response to public input.

In response to a question from **Councilor Pérez**, **City Planning & Zoning Administrator Yoder** clarified the areas that would be rezoned. She said one of the three tracts has already been largely developed for industrial uses.

Council President Weddell asked **Redevelopment Director Hutsell** asked if City staff might eventually be proposing a Tax Increment Finance (TIF) district bond that would require 75% repayment over 20 years. **Hutsell** said that is what has been discussed with the developer. She said this would be different than any TIF done by the City and the details are still being explored.

In response to another question from **Council President Weddell**, **Hutsell** said that the tax revenue projections shared with the **Redevelopment Commission** were not included in the Council packet because they are being revised. She said when they are finalized, they will be shared with the Council.

Council President Weddell said the projections appear to show that the revenue raised would be able to cover the infrastructure expenses and provide additional revenue to the City for increased police, fire and other City services. He added that City staff would not be bringing forth this proposal if the TIF projections didn't show it was feasible.

Councilor Eichorn said that was good to know,

Hutsell said that tonight's proposal was just for a rezoning. She said that if the project eventually includes commercial uses, a Planned United Development (PUD) would be required. She added that many other approvals, including for a PUD, will be necessary over nine months.



Councilor King clarified that before the Council tonight was just a rezoning and not a final concept.

Tonya Detweiler confirmed that understanding and said the developers were still in the process of planning a "lifestyle community," which would include walking trails, amenities and retail space. She said a PUD will be developed based on feedback from neighbors and the Council. She said the goal is a development that helps the south end of the City "to come alive."

Councilor King said she was looking forward to learning more about the developer's plans, as well as best practices for creating a community and sustainability. **Detweiler** said she was looking forward to those discussions.

Councilor Pérez said he assumed officials from **Prairie View Elementary School** will also be engaged in those discussions because the school will be heavily impacted by the project. **Detweiler** said she has had many conversations with Goshen Community Schools Superintendent Steve Hope about the project. She said he supports the project. She said it is possible children will be able to get to Prairie View on trails by walking and biking without crossing any streets, which would greatly enhance public safety.

Mayor Stutsman said that to say Superintendent Hope is excited about the project is "an understatement."

Council President Weddell said before Goshen's new intermediate school was built there was a feasibility study that showed that Goshen had a lot of potential for growth.

Mayor Stutsman said over the past few weeks he has had several phone calls from people concerned about the impact on traffic if housing is built on the site. He said there would be studies to determine the impact of the project.

Councilor Pérez said that he recalls the study **Council President Weddell** mentioned. He said it showed that Goshen Community Schools had the capability to add more students.

Councilor Schrock asked Hutsell what would be involved in a mixed-use development.

Hutsell said there would be a variety of housing types, including multi-family properties and single-family homes at various price points, as well as some businesses on the west side of the property. She also pointed out that the City is conducting a comprehensive traffic study and that road improvements are planned because it's recognized that the south end of the City has traffic issues.

In response to a question from **Councilor Pérez**, **Mayor Stutsman** said the City has had initial discussions with Elkhart County Commissioners to improve traffic in the area. He said the traffic study will help to clarify the options.

Councilor Pérez said neighbors have expressed concerns about the impact of traffic in the area. He said he was glad the issue was being discussed. **Mayor Stutsman** responded that it will be easier for the City to deal with the traffic impacts of residential growth as compared to continued industrial growth.

Council President Weddell said that when the Redevelopment Commission approved the American Structurepoint study, it was believe the City would need to find a developer interested in building more housing. He said it was exciting a developer has already come forward with a proposal.

Mayor Stutsman said the proposal came together faster than he anticipated. He offered **Greg Hoogenboom** and another partner the opportunity to address the Council, but they declined.

There were no further comments or questions from Councilors. So at 6:36 p.m., **Mayor Stutsman** opened a public hearing on Ordinance 5136, which was before the Council for a First Reading.



Scott Alwine of Goshen said he lives near the subject property in a home that has been owned by his family since 1970. He said he supports rezoning the property from manufacturing to residential uses, but is concerned about the impact on homes that have been in the area for many years. He said the area has had many changes over the years. He said that when City officials talk about the need for more housing, they are referring to people who don't now live in the area, but that he's speaking for those who live there now. Alwine said traffic in the area is terrible, noting that he is regularly awakened at 3 a.m. by traffic noise. He said the project will worsen traffic and said any improvements will make roads wider and move traffic even closer to homes. Alwine also said three-story buildings would be out of character in the area. He said he wants to make sure the eventual development is done correctly.

Mayor Stutsman said he shared Alwine's sentiments about wanting a quality development.

Councilor Pérez asked Alwine to further describe what he fears will be the detrimental impact of the housing development on existing home owners.

Alwine said he currently has a view across a field at a sunset and doesn't want to look at a three-story building instead of a sunset. He also said that other residents probably have a similar feeling.

Richard Becola of Goshen said he shared Scott Alwine's sentiments and said he was representing the views of his neighbors in the Villas at Waterford. He said traffic, especially from factory employees and the school, is a growing problem. He said adding homes will worsen the traffic, especially if any streets are closed. Becola also commented on the impact of 1,000 or more homes on fire services. Becola said neighbors also are worried about the density of the project. He said if done right, it could be a good project, but he doesn't want large multi-family dwellings added to the area. Becola said he moved the area 4½ years and wants to make sure any development is done right. Regarding fire services, **Mayor Stutsman** responded that the Board of Works & Safety earlier today approved hiring three additional firefighters and that the City has been working with the Redevelopment Commission to add a fourth fire station near the airport.

Angela Becola of Goshen said the City's traffic study should be conducted seasonally because the factories vary their hours. For example, she said during the summer some factories start work earlier and release workers earlier. However, they release employees later in the fall. Becola also said she would not want multi-story buildings in her backyard.

Keith Hostetler of Goshen said he agreed with the comments of Scott Alwine and Richard and Angela Becola. He said he believed many older residents were concerned about the proposed development, but could not attend the Council meeting. Hostetler said he would appreciate the addition of trails so students could get to school more safely. But he said he was concerned about the impact of tornadoes on three-story buildings. Hostetler also said he hoped the developer will build nicer homes on bigger lots.

There were no further public comments, so at 6:51 p.m., Mayor Stutsman closed the public hearing on Ordinance 5136. The Mayor asked if Councilors had any additional comments.

Councilor Schrock said he did some research over the weekend about urban sprawl. He said he already knew about this issue, which was one of the reasons that he said he supported the Aerial Cycleworks housing development near downtown.



Councilor Schrock said there are consequences for high- and low-density housing that should be considered before this housing development is approved and in the future. He said the Council should consider the overburdening on City departments as well as first responders. He said some City departments are already understaffed. He also said sprawling also increases car transportation dependency at a time the City is trying to reduce such dependency. He said the proposed housing development will increase traffic. Schrock also said all of those affected need to have an opportunity to provide their feedback and that the impacts of urban sprawl should be considered.

Councilor Pérez asked Councilor Schrock if he was saying that people in Goshen should be less dependent on cars. **Councilor Schrock** responded, "Sure, why not?"

Council President Weddell joked that perhaps Councilor Schrock wanted people to be dependent on motorcycles.

Councilor Schrock, who owns Cycle Works, Inc., thanked the Council President for that comment.

Councilor Pérez said he wanted to make sure that he heard **Councilor Schrock** correctly. He said perhaps the City can build more bike paths. **Councilor Schrock** said the research he conducted showed that a large housing development will increase people's dependency on cars even if it has bike trails.

Council President Weddell said any new development will impact traffic in the immediate vicinity; but it could positively affect traffic in other areas. He said the Structurepoint report stated that 23,000 vehicles are driven into the City of Goshen every day and 9,000 vehicles are driven out. He said he used to live off Kercher Road and was aware of the heavy traffic. However, he said perhaps more housing could decrease the traffic.

Councilor Eichorn said the other positive impact could be related to the number of people who are moving out of Goshen because they cannot find or afford housing. She said more housing could stabilize the cost of housing. He said the high cost of housing may be related to the decline of students in Goshen. She added that more housing could also make local homes more affordable.

Councilor King said she appreciated **Councilor Schrock** raising some concerns. She also said it was good that the developer was already considering amenities, such as stores, to keep people from using their cars whenever they need something. She also said she supported the proposed bike trails.

Councilor Pérez said he was intrigued by the comment that traffic in the area varies by season. He asked if the City traffic study would consider that issue.

Mayor Stutsman responded that traffic studies include counts at various times and can estimate counts over an entire year.

City Director of Public Works & Utilities Dustin Sailor said City staff met last week with its traffic consultant. He said a 12-hour study was planned. However, Sailor said the consultant identified an earlier peak traffic period, so there now will be an 18-hour traffic study. And he said it will cover traffic to and from the school.

Councilor Eichorn said she knows residents of one neighborhood near the proposed housing development who aren't excited about losing their views, but are glad they won't be losing their views to more factories.

Councilor Riegsecker said there already is a lot of housing in the area. He said he hopes the developer will respond to neighborhood concerns. He also pointed that if more manufacturing was approved in the area, that would worsen the housing shortage, so a rezoning to allow more housing is probably a good idea.

Council President Weddell read a statement from **Goshen Chamber of Commerce President and CEO Nick Kieffer** in support of the rezoning. Kieffer said the development would help meet the City's work force and housing needs. Kieffer was out of town and could not attend the Council meeting and discuss the proposal.



Council President Weddell added that based on previous housing Tonya Detweiler has developed in Goshen, he believes she can build another quality project.

Asked by **Mayor Stutsman** if she wanted to make any additional comments, **Detweiler** said she was excited about the opportunity to return to the Council with a Planned Unit Development that will include hiking and biking trails and the connectivity that so many people support. She said she believes more people need to recognize biking as a form of transportation and not just a type of exercise or recreation. She said this shift in mindset could lead more people to prioritize trails in other parts of the City if it is seen as a valid form of transportation.

Youth Advisor Velasquez Valdes said she wanted to affirm comments by **Councilor Eichorn** about the need for more housing. She said she has known many people at Goshen High School who have had to move away because housing became too expensive and they couldn't find other viable options. She said students are having to leave Goshen and they would rather stay. So, Velasquez Valdes said she supported the rezoning.

Council President Weddell thanked **Velasquez Valdes** for her perspective.

There were no further comments from Councilors. Councilors also indicated they were ready to vote. **Mayor Stutsman** asked the Clerk-Treasurer to conduct a roll call vote.

On a roll call vote, Councilors unanimously passed Ordinance 5136 on first reading by a 7-0 margin, with all Councilors voting "yes" at 7:04 p.m. Youth Adviser Velazquez Valdes also voted "yes."

Mayor Stutsman called for the introduction, on second reading, of Ordinance 5136: *Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Industrial M-1PUD, Residential R-1PUD and Agricultural A-1 to Residential R-3 District, and Amend Ordinance 4768, Known as the Waterford Commons Business Park PUD (Planned Unit Development)*. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5136 by title only, which was done.

Weddell/Pérez moved to approve Ordinance 5136 on second and final reading.

Councilor King said she wasn't sure the Council could approve a rezoning on second reading at the same meeting. **Mayor Stutsman** said rezonings automatically go to a second reading, although a vote could be tabled.

At 7:06 p.m., **Mayor Stutsman** invited additional public comment on Ordinance 5136, which was before the Council for a Second Reading.

Glenn Null of Goshen said Goshen needs more housing, noting that "when the pie gets bigger, my piece of the pie gets smaller." He said this housing may not be developed for years, but it will still help when he gets older by contributing to the City's tax base. Null said he isn't a fan of three-story housing, but overall it will be a positive for the community. He also said traffic is a "nightmare" at any time and is getting as bad as Chicago, especially when there is construction. Still, Null said more housing will widen the tax base and residents will pay less.

Mayor Stutsman jokingly responded that he was in Chicago over the weekend and that he loves Goshen's traffic.



Councilor Schrock said he wanted to make sure that the residents who spoke tonight, whether they live in the City or the county, will have opportunities to be heard by the developers.

Mayor Stutsman cautioned that the housing proposals suggested by Structurepoint were only its ideas and not necessarily what will be proposed by the developers. He said the developers will need to determine what fits on the property and how they want to move forward. The Mayor also said this was the first time developers have said they wanted to hear from residents before developing a housing plan. He said that spoke well for Detweiler and her partners and how they wanted to proceed.

There were no further comments or questions from members of the audience or Councilors. Councilors also indicated they were ready to vote.

On a voice vote, Councilors unanimously approved Ordinance 5136 on second and final reading by a 7-0 margin, with all Councilors and the Youth Advisor voting "yes" at 7:09 p.m.

2) Public Hearing: Community Development Block Grant (CDBG) Substantial Amendment to the Five Year Consolidated Plan (2020-2024) and Program Year 2022 Annual Action Plan for Homeownership Assistance

BACKGROUND:

A proposed amendment for the City of Goshen's CDBG 2020-2024 Five Year Consolidated Plan and 2022 Annual Action Plan was prepared and was available for public review and comment for a period of 30 days, beginning Oct. 6, 2022, and continuing through November 4, 2022, and was presented at a public hearing on October 24, 2022, as part of a regular Common Council meeting. The amendment was available at: <http://goshenindiana.org/cdbg>

The CDBG Citizen Participation Plan outlines the citizen input process for CDBG and establishes the process to amend CDBG plans, what amendments may be made, and how amendments are defined. A substantial amendment includes the initiation of new activities not included in CDBG plans, and requires a public hearing and 30-day comment period. The 2020-24 Five Year Consolidated Plan will be amended to formalize Homeownership Assistance as a goal to be linked to future annual plans, and the 2022 Annual Action Plan will be amended to include Homeownership Assistance as a new activity.

Homeownership services was identified as a potential CDBG funding area in the 2020-2024 Five Year Consolidated Plan, part of the overall Housing Opportunities priority, but a specific goal was not included, so that goal was being added to the five-year plan, and the new activity will be added to the 2022 Annual Action Plan.

Homeownership assistance would be available for low/moderate income homebuyers purchasing single unit homes within the City, and eligible households could receive financial assistance in the form of a five-year forgivable grant towards closing costs, first year mortgage insurance premiums, up to 50% of the required down payment, and reduction of mortgage principal and interest rates. An affordability lien will be attached to the property for the five-year grant period.

Homebuyers will qualify with income not exceeding 80% AMI (area median income), will be required to contribute to the purchase price, and will be required to complete financial literacy/homebuyer training through a combination of education and one-on-one counseling.



The Homeownership Assistance activity was being proposed because low/moderate income homebuyers may face challenges with initial purchase costs, partially due to increasing construction costs and rising interest rates. The goal is to support affordable housing purchases for low/moderate income households in Goshen. As the need for homeownership assistance has increased, the single unit housing rehab program has had a downturn in requests for assistance, so funds are available to reallocate without impacting the single unit housing rehab program, and the reallocated funds will contribute to meeting the expanding need for homeownership assistance.

The amendment does not change the overall 2022 CDBG budget, but would reduce the amount of funds budgeted to single unit housing rehab from \$100,325 to \$59,000, and would allocate the reduction of \$41,325 to the new Homeownership Assistance activity.

Following the amendment, the use of CDBG funds for Program Year 2022 would be as follows:

1. Public Service Grants \$47,000
 2. Single Unit Housing Rehab \$59,000
 3. Homeownership Assistance \$41,325
 4. Multi-unit Housing Rehab \$130,000
 5. Planning & Administration \$60,000
- TOTAL \$337,325

The amendment updates the following sections of the 2022 Annual Action Plan: Executive Summary, Consultation, Participation, Expected Resources, Annual Goals and Objectives, Projects, Affordable Housing, Barriers to Affordable Housing, and Other Actions. Changes were also made to the following sections of the Consolidated Plan: Citizen Participation, Strategic Plan Overview, Priority Needs, and Goals Summary. Comments may be submitted no later than Nov. 4, 2022, to Theresa Cummings, Goshen City Planning, 204 E. Jefferson Street, Suite 4, Goshen; theresacummings@goshencity.com; 574-533-9370. The amendment and comments will be submitted to HUD following the public comment period.

SUMMARY OF OCT. 24, 2022 PUBLIC HEARING AND COUNCIL DISCUSSION:

At 7:09 p.m., Mayor Stutsman opened a public hearing on the Community Development Block Grant (CDBG) Substantial Amendment to the Five Year Consolidated Plan (2020-2024) and Program Year 2022 Annual Action Plan for Homeownership Assistance.

The Mayor invited comments from **Theresa Cummings, the City Community Development Specialist**. Cummings provided an overview of the proposal, its rationale and how the program will work.

There were no public comments or questions, so Mayor Stutsman closed the public hearing at 7:12 p.m. The matter was then concluded. There was no Council action.

3) Resolution 2022-25: Resolution of the Common Council of the City of Goshen Approving Establishment of the Indiana Avenue Allocation Area

Mayor Stutsman called for the introduction of Resolution 2022-25, Resolution of the Common Council of the City of Goshen Approving Establishment of the Indiana Avenue Allocation Area. Council President Weddell asked the Clerk-Treasurer to read Resolution 2022-25 by title only, which was done.

Weddell/Nisley moved to approve Resolution 2022-25.



BACKGROUND:

Resolution 2022-25 was presented for approval as the final step in the process of amending the River Race TIF to establish the Indiana Avenue Allocation Area as its own, independent allocation area. This TIF boundary amendment has been approved by the Goshen Redevelopment Commission, the Goshen Plan Commission and the plan for this was previously presented to the Council and approved.

Once this step is complete, City staff will move forward with bond closing to allow for the Indiana Avenue apartment project to continue. Staff requested the Council's approval of **Resolution 2022-25**.

SUMMARY OF OCT. 24, 2022 DISCUSSION AND PASSAGE OF RESOLUTION 2022-25:

Mayor Stutsman joked that he has been assured by **Redevelopment Director Becky Hutsell** that Resolution 2022-25 is the last step in the Indiana Avenue apartment project, but he has heard that before from Hutsell.

Hutsell explained why the project was back before the Council, but assured Councilors this was the last step and that the City would be closing on the bond next week.

At 7:13 p.m., **Mayor Stutsman** invited public comments on **Resolution 2022-25**, but there were none.

There were no questions or comments from Councilors, who also indicated they were ready to vote.

On a roll call vote, Councilors approved **Resolution 2-22-25, Resolution of the Common Council of the City of Goshen Approving Establishment of the Indiana Avenue Allocation Area**, by a 6-1 margin, with Councilors **Eichorn, Nisley, Pérez, Riegsecker, Schrock and Weddell** voting "yes" and Councilor **King** voting "no" at 7:14 p.m. Youth Advisor **Velasquez Valdes** voted "pass."

4) **Resolution 2022-23: To elect the amount of revenue loss claimed and allocating remaining funds received under the Coronavirus local fiscal recovery fund established under the American Rescue Plan Act**
Mayor Stutsman called for the introduction of **Resolution 2022-23: To elect the amount of revenue loss claimed and allocating remaining funds received under the Coronavirus local fiscal recovery fund established under the American Rescue Plan Act**. Council President **Weddell** asked the Clerk-Treasurer to read **Resolution 2022-23** by title only, which was done.
Weddell/Schrock moved to approve **Resolution 2022-23**.

BACKGROUND:

Resolution 2022-23, To elect the amount of revenue loss claimed and allocating remaining funds received under the Coronavirus local fiscal recovery fund established under the American Rescue Plan Act.

According to **Resolution 2022-23**:

- Congress adopted the American Rescue Plan Act in March 2021 ("ARPA") which allocated approximately \$65 billion in recovery funds to cities, towns, and villages across the country.
- ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities.
- A total of \$6,692,508.00 was allocated to the City of Goshen ("City") pursuant to the ARPA.



- The Coronavirus State and Local Fiscal Recovery Funds provide to local governments resources intended to fight the pandemic and support families and businesses struggling with its public health and economic impacts, maintain vital public services, even amid declines in revenue, and build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.
- In May 2021, the U.S. Department of Treasury published the Interim Final Rule describing eligible and ineligible uses of funds as well as other program provisions, sought feedback from the public on these program rules, and began to distribute funds.
- On Jan. 6, 2022, Treasury issued its final rule, which delivered broader flexibility and greater simplicity in the program, responsive to feedback in the comment process. The final rule offered a standard allowance for revenue loss of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation.
- Recipients that selected the standard allowance were allowed to use that amount, in many cases their full award, for government services, with streamlined reporting requirements.
- On April 18, 2022, the City, by and through its Common Council, adopted Resolution 2022-09 electing the Standard Allowance available under the Revenue Loss provision of the American Rescue Plan Act in the full amount of its ARPA grant of \$6,692,508.00 to be used for the General Provision of Government Services
- On or after July 11, 2022, the City entered into 19 ARP Subrecipient Agreements under which it distributed a total of \$294,664 in ARP Funding to non-profit organizations serving the City of Goshen.
- The distributions under the ARP Subrecipient Agreements were made consistent with the City's ARP Fund Plan adopted by the Common Council as Resolution 2021-31 on Nov. 2, 2021.
- On August 15, 2022, the Treasury contradicted its previously titled "Final Rule" by releasing updated Coronavirus State and Local Fiscal Recovery Funds Guidance on Recipient Compliance and Reporting Responsibilities.
- Under the Treasury's updated Reporting Guidance, the City cannot use ARP Funding classified as Revenue Replacement under the City's standard allowance election to fund the \$294,667 awarded to the Subrecipient non-profits.
- The Treasury has now extended the deadline for municipalities such as the City to make Revenue Loss elections through April 2023 and any change in election will supersede the prior election.
- Previously reported program expenditures can be reallocated among expenditure categories in future Project and Expenditure Reports.
- In order to comply with the Treasury's updated Reporting Guidance, the City must change the allocation of ARP Funding set forth in Resolution 2022-09, reducing the amount of "Revenue Replacement" elected to \$6,397,844 and reallocating the \$294,667 in Subrecipient Funding to §602(c)(1)(A) of the Act which permits ARP Funding to be used: To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality.
- As a result, the City of Goshen, Indiana elects the Standard Allowance available under the Revenue Loss provision of the American Rescue Plan Act in the amount of \$6,397,844 to be used for the General Provision of Government Services.



- Further, the \$294,667 in funding distributed under the 19 Subrecipient Agreements shall be allocated to §602(c)(1)(A) of the Act which authorizes the use of ARP Funding to provide assistance to nonprofit organizations projects and programs.

SUMMARY OF OCT. 24, 2022 DISCUSSION AND PASSAGE OF RESOLUTION 2022-23:

Mayor Stutsman said he hoped this would be the final revision to the City's allocation of federal funds received from the American Rescue Plan Act. He said this third resolution is needed because of a third change in federal regulations. He said he hoped this would be the final change and noted that the City Attorney and the Clerk-Treasurer have worked to make the necessary adjustments. The Mayor said this resolution will not change the allocations, but only the way the City tracks and reports its spending.

Mayor Stutsman said he has spoken to state and federal officials and informed them of the stress this has imposed on City staff and asked that they not continually change rules. He said the officials have been receptive, but haven't committed to any changes in their procedures.

In response to a question from **Councilor Schrock**, **Mayor Stutsman** said many other communities in the state were affected by this change in regulations.

City Attorney Bodie Stegelmann provided additional background on the need for Resolution 2022-23. He said the spending plan approved by the Common Council would not change as a result of Resolution 2022-23.

Stegelmann said the only change is that the City cannot claim all of the federal funds as revenue loss because the "final, final" federal rules said funds provided to non-profit agencies was not permitted under the standard allowance. He said the funds provided to the non-profit agencies must be reported separately. He said the matter has probably caused more stress than necessary and will create more paperwork.

Councilor Pérez confirmed with **Mayor Stutsman** that the City can still help the non-profits. **Mayor Stutsman** provided a further explanation.

Councilor King said she appreciated that City staff worked through the details and could still help the non-profits.

Stegelmann said funds were already distributed to the non-profits, which make the change in regulations more stressful. The **Mayor** said there initially was a fear the City would have to seek a return of the funds.

Clerk-Treasurer Aguirre said state auditors informed him during the summer that there had been a change in the regulations and there would be enhanced reporting requirements. He said this will cause an increase in paperwork and more auditing, which was unfortunate because City staff previously was told this would not be necessary.

Councilor Pérez responded that evaluation and documenting work is never easy, but it is good for non-profit agencies to evaluate and report on their work. **Mayor Stutsman** agreed, but noted that the problem is that there was an abrupt change in the reporting requirements.

At 7:20 p.m., **Mayor Stutsman** invited public comments on Resolution 2022-23. There were none.

Councilors indicated they were ready to vote.

On a voice vote, Councilors approved Resolution 2022-23, *To elect the amount of revenue loss claimed and allocating remaining funds received under the Coronavirus local fiscal recovery fund established under the American Rescue Plan Act*, by a 7-0 margin, with all Councilors voting "yes" at 7:21 p.m.



Elected Official Reports:

Mayor Stutsman said that at today's Board of Works & Safety meeting, the six finalists for Kid Mayor made presentations. They described what they wanted to do if elected Kid Mayor. The Mayor said an election will be conducted by the school system and the winner will be announced at the Nov. 21 Common Council meeting.

Mayor Stutsman said the Nov. 7 Council meeting may not be necessary. He said the only matter that might have been necessary would have been the second reading of Ordinance 5136 if the rezoning had not been approved tonight. The Mayor said he and the Clerk-Treasurer were unaware of any matters that needed to come before the Council on Nov. 7. He asked if it would be OK to cancel the meeting. No Councilors responded.

Councilor Nisley distributed a report on Airport operations. He also encouraged Councilors to visit the Airport.

Councilor Eichorn said the Community Relations Commission has decided to move its monthly meetings from Monday to Tuesday. Eichorn said she spoke today to **Councilor Riegsecker, Mayor Stutsman and CRC Director A.J. Delgadillo** about who should serve as Council liaison to the CRC. Councilor Eichorn said that Councilor Riegsecker had agreed to serve as liaison earlier this year because Eichorn could not attend Monday CRC meetings because she had to attend Goshen school board meetings. However, she can attend Tuesday CRC meetings, so it has been decided that Councilor Eichorn will again serve as the Council's liaison to the CRC.

Councilor Eichorn also commented about Indigenous People's Day event at the Goshen Theater. She thanked the Mayor for allowing her to speak on the City's behalf. She said it was a moving experience and that she learned a lot about the county. She said she would like to see more events like that about people in the community.

Councilor King echoed Councilor Eichorn's positive comments about Indigenous People's Day. She said the event left her wanting to know more.

Councilor Riegsecker said the next meeting of the CRC will be Nov. 14 – the normal second Monday of the month – and that he will attend. He said there will be a change in the date of the December meeting. He also said two new members attended the last CRC meeting. He said the CRC now has eight people – one less than authorized.

Councilor Pérez said **Youth Advisor Velasquez Valdes** is working hard to understand what happens at Council meeting. He thanked her for doing so. He also said he would be meeting with her on Thursday to help her better understand the content of the Council meeting packet. He thanked Velasquez Valdes for asking questions so she could learn more.

Youth Advisor Velasquez Valdes said she is studying economics and this has been very helpful. She also said she is taking an accounting class and is trying to better understand tax issues before the council.

Council President Weddell jokingly said that perhaps the Youth Adviser can explain some matters to Councilors.

Councilor Pérez said he wanted to thank the Street Department for its work. He also thanked the Councilors who contacted him regarding the recent death of a Goshen College student. He said it was a difficult loss for the college community and for the student's family. He said he hopes Councilors will continue to support one another.

Council President Weddell asked for an update on the status of the Plymouth Avenue bridge reconstruction.



City Director of Public Works & Utilities Dustin Sailor said the state reported that the bridge is still scheduled to be completed in November.

Council President Weddell congratulated the Goshen High School cross country team for qualifying for the state meet. He said the team has qualified for the state meet for several years.

Council President Weddell said voting for the Nov. 8 mid-term election has started. He encouraged people to vote, noting that there were important school board, state and federal races.

Council President Weddell also announced that the City will need to make appointments to City boards and commissions on Jan. 1. He said the Council will need to make: two appointments to the Redevelopment Commission, one appointment to the Shade Tree Board; one appointment to the Community Relations Commission; one appointment to the Library Board and two appointments to the Board of Building Appeals. He said he would notify the incumbents and ask if they would like to be reappointed and City Communications Coordinator will post the vacancies on the City's website and Facebook page.

Councilor King asked if the City Street Department picked up branches and other debris after the recent storm.

Mayor Stutsman said crews are picking up leaves, collected some brush today and will collect more next week.

Councilor Schrock said the East Goshen Neighborhood Association met recently and discussed the idea of building large storm shelters for people in some neighbors. He said it might be good to consider creating shelter for large housing developments. **Mayor Stutsman** said large shelters might not be practical because of the time it would take to reach shelters in extreme emergencies.


Clerk-Treasurer Aguirre reminded Councilors of upcoming meetings scheduled for Nov. 21, Dec. 5, Dec. 19 and Tuesday, Dec. 27. He also said he will be proposing a 2023 meeting schedule at one of the December meetings.

There were no further comments by the elected officials.

Councilor Nisley made a motion to adjourn the meeting, which was seconded by **Councilor Eichorn**. **Councilors** unanimously approved the motion to adjourn the meeting.


Mayor Stutsman adjourned the meeting at 7:37 p.m.

APPROVED:



Jeremy P. Stutsman, Mayor of Goshen

ATTEST:



Richard R. Aguirre, City Clerk-Treasurer