



GOSHEN COMMON COUNCIL

Minutes of the May 15, 2023 Regular Meeting

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

Council President Brett Weddell called the meeting to order at 6:02 p.m. and led the Pledge of Allegiance. Council President Weddell said Mayor Stutsman was absent because he was attending the Police Department's annual memorial dinner. He also said the meeting was live via Zoom, but was not on YouTube.

Council President Weddell 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 Adviser Karen C. Velazquez Valdes (Non-voting)

Absent: Mayor Jeremy Stutsman

Approval of Minutes:

Council President Weddell asked the Council's wishes regarding the minutes of the April 17, 2023 Regular Meeting. Councilor Schrock made a motion to accept the April 17, 2023 minutes as presented. Councilor Riegsecker seconded the motion. Council President Weddell said that at his request the Clerk-Treasurer made a correction to the Elected Official Reports section of the minutes regarding the offer for three lots – located at 3rd Street and not 5th Street – received by the Redevelopment Commission. **The motion passed 7-0 on a voice vote.**

Approval of Meeting Agenda:

Council President Weddell presented the agenda. Councilor Nisley moved to approve the agenda as submitted and Councilor King seconded the motion. **The motion passed 7-0 on a voice vote.**

Privilege of the Floor:

At 6:05 p.m., Council President Weddell invited public comments on matters not on the agenda.

Mike Burk of Goshen said two weeks ago soil samples were taken at the former Johnson Controls Inc. site on East Monroe Street and that workers were on the site last week with survey equipment. He asked what was going on. He also asked if the site was being sold. He also asked about the old Fidler property, which he said had been cleared.

Council President Weddell asked **City Director of Public Works & Utilities Dustin Sailor** and **City Attorney Bodie Stegelmann** if they knew what was happening on the properties. They indicated they did not. Council President Weddell said he would pass on the inquiry to **Mayor Stutsman**.

Burk also asked if any existing agreements that **Mayor Stutsman** signed would be upheld by the new Mayor. He asked specifically about an agreement affecting his property and that of his neighbor.

Council President Weddell said he couldn't speak for **Mayor Stutsman** or the **incoming Mayor**, but said speaking for the Council, he would want any agreement made to be upheld. He asked **City Attorney Stegelmann** to offer a response to Burk's question.



City Attorney Stegelmann said any formal agreement the **Mayor** initiated would go through the Board of Works. He said any representations the Mayor made about what would happen, including those for Burk's property, would be followed through because they were more than commitments by the Mayor; they were also commitments by the City. Stegelmann added that he couldn't see the City changing course at this point.

There were no further comments, so the Council President closed Privilege of the Floor at 6:08 p.m.

1) Goshen Downtown Economic Improvement District Board appointments

Council President Weddell provided background of the Downtown Economic Improvement District, a self-taxing organization of downtown business and property owners which pays for downtown improvement projects.

Council President Weddell summarized a May 15, 2023 memorandum to the Common Council from **Shannon Marks, the Legal Compliance Administrator for the City Legal Department**, reporting the results of the election of new district board members (**EXHIBIT #1**).

Council President Weddell said the Goshen Downtown Economic Improvement District (EID) Board consists of five members appointed by the Goshen Common Council. The Board members must either be owner of real estate in the district or directly involved in a business operating within the district, and at least three of the five members must own real estate within the district. He said the current members of the EID Board are Kare Anderson, Justin Bell, Dave Pottinger, Jonathan Weiland and Scott Woldruff, all whom own real estate within the district. The terms of Board members Kare Anderson and Justin Bell will expire on May 31, 2023.

Council President Weddell said ballots with the names of five individuals who were interested in serving on the EID Board were mailed to the property owners of all parcels in the district that are assessed an annual assessment. The property owners were asked to vote for up to two candidates. A total of 130 ballots were mailed (one ballot per parcel), and 38 ballots were returned. The results of the polling were as follows:

10 votes – LARRY A. BARKES, property owner at 116 and 118 North Main St.

25 votes – JUSTIN BELL, property owner at 202 and 204 South Main St., and involved in a business at The Nut Shoppe, Inc., 204 South Main St.

9 votes – MIRIAM SHIRK, property owner at 127 South Main St., Suite 1.

28 votes – ROSIE SINGH, property owner at 120 North Main St., and involved in a business at Maple Indian Cuisine, 127 South Main St.

4 votes – KAREN WELLINGTON, property owner at 224 and 226 South Main St.

It was requested that the Common Council appoint two members to the Goshen Downtown Economic Improvement District Board. The terms of the Board members would be from June 1, 2023 through May 31, 2025.

Council President Weddell said the Council members had the authority to appoint whoever they wanted, but he said it's not been the Council's practice to override the wishes of the downtown property owners.

Councilor King/Councilor Eichorn moved to appoint Justin Bell and Miriam Singh to the Goshen Downtown Economic Improvement District Board.

There was no discussion and Councilors indicated they were ready to vote.

On a voice vote, Councilors approved the motion to appoint Justin Bell and Miriam Singh to the Goshen Economic Improvement District Board, by a 7-0 margin, with all Councilors present voting "yes" at 6:11 p.m.



2) Ordinance 5157, College Avenue (County Road 36) Annexation (First Reading only)

Council President Weddell called for the introduction of Ordinance 5157, *College Avenue (County Road 36) Annexation* on First Reading. Councilor Nisley asked the Clerk-Treasurer to read Ordinance 5157 by title only, which was done.

Nisley/Riegsecker moved to approve Ordinance 5157 on First Reading.

BACKGROUND:

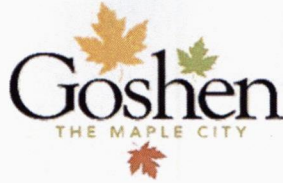
Ordinance 5157, which was before the Common Council for First Reading, would approve the annexation of 34.2 acres located along both the north and south sides of College Avenue (County Road 36), west of County Road 31 and east of the railroad.

According to Ordinance 5157:

- **100% of the landowners have filed a Petition for Annexation into the City of Goshen** and requested the Goshen Common Council adopt an ordinance to annex the real estate identified in the ordinance;
- **At least one-fourth (1/4) of the aggregate external boundaries of the Annexation Area are contiguous with the corporate limits of the City of Goshen;**
- The Annexation Area is or **will be zoned for industrial uses;**
- **A written fiscal plan and policy has been developed** for the Annexation Area and adopted by resolution of the Goshen Common Council;
- **The City can physically and financially provide the same municipal services to the Annexation Area** as the City is now providing for the rest of the residents of the City of Goshen;
- **The Annexation Area is a logical extension of the City's corporate boundaries, and the area is needed and can be used for the continued development and managed growth of the City of Goshen;**
- Pursuant to notice given, the **Goshen Common Council conducted a public hearing (scheduled June 5, 2023)** at which all interested parties were given the opportunity to testify on the proposed annexation.

Ordinance 5157 specifies that:

- The real estate to be annexed is **generally located along both the north and south sides of College Avenue (County Road 36), west of County Road 31 and east of the railroad.**
- The Annexation Area also **includes any public highway and rights-of-way of the public highway** that are contiguous to the Annexation Area and includes **209 feet of County Road 36.**
- The **total acreage of the Annexation Area is approximately 34.2 acres.**
- The Annexation Area **will be zoned as M-1 Industrial District (Light Industrial)** upon the effective date of annexation into the City of Goshen.
- **Area 1 of the Annexation Area as identified in Exhibit A and Exhibit B is assigned to Goshen City Council District Four (4).** In addition, to correct an inadvertent omission in Ordinance 5131, Elkhart Township Precinct 04, Census Block 1000 (area located north of Area 1 of the Annexation Area) is **assigned to Goshen City Council District Four (4).**
- **Area 2 of the Annexation Area as identified in Exhibit A and Exhibit B is assigned to Goshen City Council District Five (5).**
- **The effective date of the annexation of the real estate shall be at least thirty (30) days after the adoption of the annexation ordinance** and publication of notice, and upon the filing and recording of the ordinance pursuant to Indiana Code § 36-4-3-22(a), **but in no event before Aug. 1, 2023.**



MAY 15, 2023 COUNCIL DISCUSSION & PASSAGE OF ORDINANCE 5157 ON FIRST READING:

At **Council President Weddell** request, **City Attorney Bodie Stegelmann** gave the background and context of Ordinance 5157, *College Avenue (County Road 36) Annexation*. He said the matter was before the Common Council tonight for the introduction and First Reading of an annexation request for two areas on the eastside of town adjacent to the Brinkley RV plant, off of College Avenue.

Stegelmann said an amended development agreement approved by the Common Council required annexation of this property, which is owned by Land Dance, LLC and Ryan Thwaites. The owner submitted a petition for annexation, which is why the matter was before the Council.

Stegelmann said a Council public hearing on the annexation request is scheduled for June 5. And he said a fiscal plan for the annexation and the final reading of Ordinance 5157 were scheduled to be before the Council on June 26.

Council President Weddell asked if the fiscal plan just involved the potential cost to maintain the property if it is annexed. **Stegelmann** said that was the case. He said none of the land would have residents to add to the City's population. **Stegelmann** said the development of the land to the south of County Road 36 was still years away and the land to the north of County Road 36 (College Avenue), is part of a development that is already occurring, so there's nothing to be added from that portion that will add to the expense of the City.

Councilor Schrock asked if adjacent property owners will be advised of the June 5 public hearing. **City Attorney Stegelmann** said the notice of the public hearing will be published and also sent to property owners. **Council President Weddell** said adjacent property owners are usually mailed a notice of the public hearing.

There were no other questions or comments from Councilors, so at 6:14 p.m., **Council President Weddell** invited public comments on Ordinance 5157. There were none.

There were no further Council comments or questions. Councilors also indicated that they were ready to vote.

On a voice vote, Councilors unanimously approved Ordinance 5157, College Avenue (County Road 36) Annexation on First Reading, by a 7-0 margin, with all Councilors present voting "yes" at 6:15 p.m. Youth Adviser Velazquez Valdes also voted "yes."

Further consideration of Ordinance 5157, College Avenue (County Road 36) Annexation, was deferred to the June 26, 2023 Common Council meeting.

3) Ordinance 5158, Prohibiting Camping and Storage of Personal Property on Public Property

Council President Weddell called for the introduction of Ordinance 5158, *Prohibiting Camping and Storage of Personal Property on Public Property* on First Reading. Councilor Nisley asked the Clerk-Treasurer to read Ordinance 5158 by title only, which was done.

Nisley/Eichorn moved to approve Ordinance 5158 on First Reading.



BACKGROUND:

Except as otherwise provided by the ordinance, **Ordinance 5158 would make it “unlawful for any person to camp, occupy camp facilities, or to place, store, or maintain camp facilities, camp equipment, or other related personal property on any property owned or controlled by the City of Goshen,”** including, but not limited to, sidewalks, streets, alleys, highways, rights-of-way, parks or trails, parking lots or publicly owned areas, and other public areas where camping obstructs with intended public use of the property. **The ordinance would not apply to vehicles, including trailers and Recreational Vehicles, “which are unoccupied and legally parked in rights-of-way, unless otherwise prohibited by law.”** It would take effect after its passage

In providing a rationale for its passage, Ordinance 5158 set forth that:

- **Public property is intended to be used by the public for public purposes**, including daily City operations; park recreational use; pedestrian, bicycle and vehicular transportation; and other public uses;
- **Camping without adequate sanitation services, such as sewer, water, and garbage, presents a public health and safety concern** by increasing the spread of disease and potential for members of the public, including individuals experiencing homelessness, to contract illnesses;
- **The City of Goshen is experiencing use of its public spaces for camping and storage of personal property by individuals without stable homes;**
- **The City seeks to prevent harm to the health and safety of the public** and to promote the public health, safety, and general welfare by keeping public streets, parks, sidewalks, parking lots, and other public property within the City readily accessible to the public, and to prevent use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for the purposes for which they were intended;
- **The City’s staff continually works with individuals experiencing homelessness to match such individuals with housing, mental health, and other services they require**, and provide transportation to overnight shelters;
- **The City of Goshen staff will continue to treat homeless individuals with respect, dignity, and compassion and strive to minimize harm and trauma when providing assistance;** and
- **If no overnight shelter designated for homeless individuals is available, then the provisions of this Ordinance will not be enforced.**

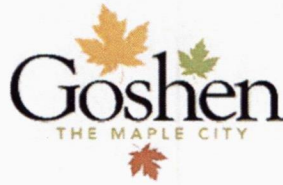
SUMMARY OF KEY PROVISIONS OF ORDINANCE 5158:

SECTION 2. Unlawful Camping and Storage of Camp Facilities, Camp Equipment, and related Personal Property.

Except as otherwise provided by ordinance, it shall be **unlawful for any person to Camp, occupy Camp Facilities, or to place, store, or maintain Camp Facilities, Camp Equipment, or other related personal property on any property owned or controlled by the City of Goshen**, including, but not limited to the following types of areas, except with permission of the Goshen Board of Works and Safety:

- A. Any sidewalk, street, alley, highway, or right-of-way;
- B. Any Park or trail;
- C. Any publicly owned parking lot or publicly owned area, improved or unimproved; or
- D. Any public area where Camping obstructs or interferes with the intended public use of the property.

This section shall not apply to vehicles, including trailers and Recreational Vehicles, which are unoccupied and legally parked in rights-of-way, unless otherwise prohibited by law.



SECTION 3. Unauthorized Camp Areas.

Upon a determination by City of Goshen staff that property owned or controlled by the City of Goshen is being used for Camping without authorization, **the Camp Equipment, Camp Facilities, and all other personal property located at such area may be removed by City of Goshen staff, subject to the following provisions:**

- A. If the unauthorized encampment poses a significant risk of harm to any person, or to the public, City of Goshen staff may immediately remove any Camp Equipment, Camp Facilities, and all other personal property
- B. If an unauthorized encampment does not pose a risk of harm to any person, or to the public, City of Goshen staff may remove any Camp Equipment, Camp Facilities, and all other personal property after complying with some steps.
- C. Any Camp Equipment, Camp Facilities, and all other personal property removed by City of Goshen staff must be stored by City of Goshen staff for sixty (60) days prior to being disposed. Notice of the location where any Camp Equipment, Camp Facilities, and all other personal property removed from the encampment may be claimed shall be posted at the location from which the personal property was removed in a manner reasonably calculated to effectively communicate notice to the property owners. Any litter, trash, garbage, or solid waste, or items that constitute a significant health hazard, found at the encampment shall be immediately disposed in a proper manner, and need not be stored by City of Goshen staff.
- D. If the name and contact information for the owner of a particular item of any Camp Equipment, Camp Facilities, and all other personal property can reasonably be identified, the City shall attempt to contact the identified owner and provide notice that the item has been removed and how to claim the item

SECTION 4. Parked Recreational Vehicles Exempt.

The provisions of this Chapter shall not apply to Recreational Vehicles legally parked on any street, on in any publicly owned parking lot or publicly owned area, improved or unimproved, if the Recreational Vehicle is not at that time being used as a temporary living quarters.

SECTION 5. Enforcement.

This ordinance shall be enforced in the City's Ordinance Violations Bureau and/or in accordance with the applicable provisions of Title 1, Article 1, Chapter 3 of the Goshen City Code, as may be amended from time to time.

SECTION 6. Enforcement Suspended.

Except as otherwise provided in this ordinance, enforcement of provisions of this ordinance shall be suspended for persons who are indigent and homeless any time there is no space or beds available in reasonably accessible homeless shelters, to the extent such available space is required by law.

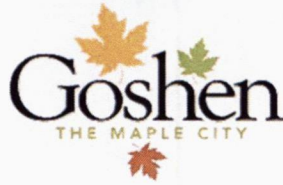
MAY 15, 2023 COUNCIL DISCUSSION & PASSAGE OF ORDINANCE 5158:

Council President Weddell asked **City Attorney Stegelmann** if he had any comments about Ordinance 5158, *Prohibiting Camping and Storage of Personal Property on Public Property*.

Stegelmann said he would make a few remarks about the ordinance before inviting comments from **Goshen Police Officer James Ballard**, who assists homeless people and could answer questions about the ordinance.

Stegelmann said the draft ordinance has been discussed by City staff for a few years. He said the City has a camping prohibition on parks property, but the City has run into situations where people are camping on public property outside the parks. He said City staff met with Officer Ballard and others and then drafted the ordinance as a more comprehensive approach to address the issue of people camping throughout the City on public property.

Stegelmann said the City's policy has always been to assist people who need help before any enforcement or action is taken. He said this draft ordinance was the City staff's first approach to addressing the issue.



Officer James Ballard, the department's Behavioral Health Response Coordinator, said he would address questions about the ordinance. He said the main issue isn't the City's general homeless population, about 90 percent of whom "shelter and they engage in social services." He said 10 percent of the homeless population takes up 90 percent of his time, he often spend his time "chasing people from one piece of public property to the next."

Officer Ballard said he wanted to make sure that the ordinance "was constitutionally sound and based on an education, encouragement and enforcement model, which means we educate about the social services and shelter opportunities we have in this county. We encourage their use and the last thing we want to do is enforcement. But the enforcement isn't punitive in nature – it's used to try to drive people toward shelter and services.

"I'm a firm believer in moral social justice advocacy, which basically means if I advocate for something, I'd better be willing to live under the same thing I'm advocating for. If someone comes to me and says, 'I think it's great that people sleep on our sidewalks or sleep in front of businesses,' let me know what that business is because I'm going to send them your way so they can sleep in front of your business. That's just the truth of it."

Officer Ballard said "this ordinance drives people toward shelter and services. Hopefully it doesn't get to that point (enforcement). Hopefully by encouraging and educating them to the services and shelter opportunities we have, we won't have to get to the enforcement part. We have plenty of services here. We have an abundance of food opportunities and shelter opportunities. We have a countywide shelter, in Faith Mission, but we also use the shelter in Fort Wayne and Warsaw. For those who don't know, Faith Mission has what's called a low-barrier, which means you can be under the influence of alcohol or drugs; you just have to follow the rules."

Officer Ballard said work is under way to develop more housing countywide for sexual offenders and arsonists, who he said are difficult to place because of insurance concerns and because children are in shelters. Still, he said shelter is available for sex offenders.

Officer Ballard pointed out that the draft ordinance would not be enforceable if there was no available shelter space. "We have to call ahead of time when we're out speaking with someone who is in need and call that shelter and ask if there is a bed available. And the only answer, if they say "Yes, there is a bed available,' the only answer I want from someone (who is homeless) is 'Yes, I'll accept shelter and services.'

"You guys have put a lot of money and time in Goshen into my position and I think this is the best way moving forward because truly right now, I'm just moving people from one piece of public property to the next. And that's only about 10% of our population. The rest it's a year or less usually (that they are homeless) and is someone who may have experienced a health problem or may have lost a job or is going through a divorce; it's very temporary in nature and they usually shelter."

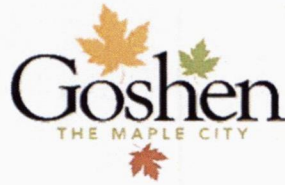
In contrast, **Officer Ballard** said he mostly deals with the "chronic homeless" population – people who suffer from mental illness and have substance abuse issues or co-existing disorders; they are mentally ill and abuse substances or are indifferent. He said these people don't want to be told what to do or how to behave in certain ways, regardless on the impact on others.

Officer Ballard added: "This is an ordinance that drives people toward shelter and services and I think it will be a great help for what I do." He said that at a recent homeless coalition meeting, representatives of other communities said they wanted to pass a similar ordinance after the Goshen Council approved it. He also said some communities are overwhelmed by their homeless population, but Goshen is managing the situation.

Officer Ballard said he welcomed questions from Common Council members.

Councilor Nisley said a few years ago some homeless people were asked what help they wanted from the City and they declined assistance. He asked what could be done with those people.

"Exactly what we're doing with this ordinance," **Officer Ballard** replied. He said City Attorney Stegelmann could address the enforcement, especially the fines for people who may be poor.



However, **Officer Ballard** said many of the homeless people he works with receive federal Supplemental Security Income (SSI) and use it for substance misuse and alcoholic beverages. He added that the ordinance won't solve the entire problem, and he will need to continue to help manage the situation on a case-by-case basis.

Councilor Pérez thanked **Officer Ballard** for his good work and asked how the ordinance would change his approach. **Officer Ballard** said the ordinance would increase the consequences for homeless people through fines. He said he documents how many times he offers people shelter and services and can provide that information if a situation advances to criminal charges.

Officer Ballard said: "To me, it's compassionate. I don't believe in a handout. I believe in a hand up. You've got to have some kind of buy-in. If I'm going to help you and offer you shelter and services and all these things, you've got to meet me half way. Otherwise, to me it's just enabling someone to continue to spiral into homelessness and it's harder for them to get out. So, hopefully this will kick start some people that say, 'Hey, if I go to Goshen I know that they're going to offer me shelter and services, but I also know if I don't accept, then there's going to be consequences.'"

Councilor King asked about the type of fines and whether a person would be arrested, **Officer Ballard** said there would be type two fines, but homeless people would not be taken into custody. In response to a question from **Councilor Eichorn**, **Officer Ballard** said fines would be collected through the City's Violations Bureau, but those who object would be entitled to a court hearing.

In response to a question from **Council President Weddell**, **Officer Ballard** said passage of the ordinance would make his job easier. **Councilor Eichorn** said she has witnessed firsthand the importance of Officer Ballard's job and it was important to give him the tools to do his job.

Councilor King said she appreciated the work **Officer Ballard** has done and for being present to answer questions. **Officer Ballard** responded that his approach is based on compassion and accountability, adding, "A lot of our social services are in so-called silos and they're very focused on what they do where I, on the other hand, have to be focused on the whole entire community and how it best benefits all of our citizens."

Councilor Eichorn said that was an important point to make. **Councilor King** said it was also important that Officer Ballard stated it was not a punitive approach, adding that homelessness was not good for anyone. **Officer Ballard** agreed, saying no one benefitted from homelessness.

Councilor Pérez asked about the number of chronic homeless people he deals with. **Officer Ballard** said it's probably under 30 people that he deals with over and over again. He said "unfortunately, they usually commit other crimes," which involve them in the criminal justice system. He said he serves on the Elkhart County Crisis Intervention Team; which seeks to help people caught in this situation.

Councilor Schrock said he has spoken to **Officer Ballard** many times. He thanked Officer Ballard for his service, describing him as "an asset to the Police Department." **Officer Ballard** thanked Councilor Schrock. He added, "It's a bit different than Elkhart when I was there. It's a little bit slower paced, but that's good. I always tell people that I'm going my job when I have nothing to do. So, I'm working toward that."

There were no other questions or comments from Councilors, so at 6:29 p.m., Council President Weddell invited public comments on Ordinance 5158.

Sawyer Landis Biddle of Goshen said he attended the meeting to question and push back against the "criminalization of homelessness in Goshen," but some of his written comments no longer applied after listening to **Officer Ballard's** comments. Still, he said he had some questions based on what he had heard.



Biddle said he loved the policy about helping first, but adding an option for fines and criminalization seemed like a move away from that model. He asked what the City's "desired end result" was from the ordinance and what was possible with this ordinance vs. without the ordinance. He asked if there was research showing that fines will result in the increased acceptance of social services. He also asked if the City knew the reasons the 30 Chronic homeless people in Goshen have refused services and what was being done to reduce their resistance to help. And he asked if anyone without a badge was asking those questions.

Officer Ballard responded that those were all very good questions and that the ordinance was based on accountability. "Just because you suffer from a mental illness or a drug or substance misuse issue and are experiencing homelessness, doesn't mean you cannot be held accountable for your actions."

As far as criminalization, Officer Ballard said "this goes to the ordinance bureau. No one's going to jail. This is just a way we can drive someone who, through all of our education and all of our encouragement, refuses to engage in services. They are making decision not to engage in services. They need to be held accountable if they do that."

As for the potential effectiveness of this approach, **Officer Ballard** pointed to the small community of Coronado, California, near San Diego, which has zero tolerance policy toward homelessness. Homeless people who refuse assistance are encouraged to move elsewhere and this approach is succeeding.

Officer Ballard said he works daily with social services providers, including staff from PATH (Projects for Assistance in Transition from Homelessness) through Oaklawn, which reaches out to homeless people. He said there are continual efforts to help prevent homelessness, but he prefers to accompany social workers on their initial contacts rather than expose them to danger.

Adam Knott of Goshen said his wife is an emergency room social worker in Elkhart and she was concerned about how the ordinance would affect her job. He said many of the people his wife sees are homeless and many of them don't want to accept services. Knott asked how the ordinance would affect the 20 or 30 homeless people **Officer Ballard** mentioned and whether the ordinance would push those people into the emergency room, putting more work stress on hospital doctors, nurses and social workers.

Officer Ballard said he often meets with hospital staff. He said the Indiana Legislative Assembly passed legislation this year that will eliminate the possibility of immediate detentions. He said it's not known how this change will impact emergency rooms. He said it could increase the time people are spending in emergency rooms. However, he said a current case management system can identify those with mental illness who have needed assistance in the past.

Officer Ballard said Oaklawn has also established a mini-crisis center with some open access. He said he can sometimes bypass the hospital emergency room and take people directly to Oaklawn. He also said work is underway on a larger crisis center at Oaklawn.

Officer Ballard also mentioned a recent case that involved 16 police calls for service to a home for a mental health issue; a young man and his mother were frequently arguing and fighting. Officer Ballard said he learned that the young man was a patient who needed monthly injections, but he was not receiving them. He now takes the young man to his appointments, which takes 90 minutes once monthly, and they have grown close. The young man now calls Officer Ballard when he's having a tough time and there have been zero calls for police service. "So, it's saving money on officers responding ... and now I have a relationship with the young man and he knows we're not there to hurt him. We're there to help him, and that's what this is all about."

Officer Ballard said he works with many stakeholders, including businesses, to address homelessness.



Councilor Pérez said that as a social worker, he has spent time in emergency rooms, helping patients, and he appreciated Officer Ballard's work. He also commented on the 72-hour hold procedure and said these evaluations often help patients. He added that there is also enforcement for other matters and he was glad the ordinance was not intended to cause the criminalization of homelessness. He also said he was glad to learn about the future crisis center at Oaklawn to help address the City's mental health issues.

There were no further public comments, so Council President Weddell closed the public comment period at 6:43 p.m.

Councilor Nisley endorsed the ordinance, adding, "In my opinion, it probably isn't a fix-all, but on the other hand, it's a starting point and moving forward as something that I think we need to do. And if this isn't a fix-all, we've just got to remember that it's an ordinance and it can come back here and be rewritten to help the problems that we have."

Councilor King said, "I appreciate the spirit of this. Again, I know the goal and I see the work that you (Officer Ballard) do. I am familiar with quite a few of the people who work in these kind of strong networks locally who work with populations that are struggling a bit. And I, for one, believe that the efforts are humane and intended to help the people who are experiencing homelessness. So, I appreciate knowing that and I, too, think this isn't going to fix everything, but I think trying makes sense. You have to try to find the best solutions you can in the community and this feels like this makes sense."

Council President Weddell thanked **Sawyer Landis Biddle** and **Adam Knott** for asking questions and being willing to have their positions changed by **Officer Ballard's** presentation and his compassionate approach.

Councilor Pérez encouraged **Biddle** and **Knott** to connect with Officer Ballard and perhaps join a coalition on homelessness or volunteer to help homeless people.

There were no further Council questions or comments. Councilors indicated they were ready to vote.

On a voice vote, Councilors unanimously approved Ordinance 5158, *Prohibiting Camping and Storage of Personal Property on Public Property*, on First Reading, by a 7-0 margin, with all Councilors present voting "yes" at 6:45 p.m. Youth Adviser Velazquez Valdes also voted "yes."

Councilors gave unanimous consent to the Council President to proceed with the Second Reading of Ordinance 5158.

Council President Weddell called for the introduction, on Second Reading, of Ordinance 5158, *Prohibiting Camping and Storage of Personal Property on Public Property*, Council President Weddell asked the Clerk-Treasurer to read Ordinance 5158 by title only, which was done.

Nisley/Riegsecker moved for passage of Ordinance 5158 on Second and Final Reading.

Council President Weddell invited further questions or comments from Councilors or the public. There were none. Councilors indicated they were ready to vote.



On a voice vote, Councilors approved Ordinance 5158, *Prohibiting Camping and Storage of Personal Property on Public Property*, on Second and Final Reading, by a 7-0 margin, with all Councilors present voting “yes” at 6:46 p.m. Youth Adviser Velazquez Valdes also voted “yes.”

4) Ordinance 5159, Amending Ordinance Violations Bureau

Council President Weddell called for the introduction of Ordinance 5159, *Amending Ordinance Violations Bureau* on First Reading. Councilor Nisley asked the Clerk-Treasurer to read Ordinance 5159 by title only, which was done.

Nisley/Pérez moved to approve Ordinance 5159 on First Reading.

BACKGROUND:

Ordinance 5159, *Amending Ordinance Violations Bureau*, would make various amendments to the City Ordinance which established an ordinance violations bureau, **that enforces ordinances and collect civil penalties for violations. The Clerk of the City Court serves as the Violations Clerk** and administers the bureau, including coordinating payments of civil penalties and accounting for all payments received.

Ordinance 5159 would establish a Schedule of Civil Penalties, including new violations and determine the penalty tier for each of the following categories of violations: Animal Control, Fire Presentation and Protection, Noise Control, Controlled Parking in Roads, Sidewalks; Public Works and Utilities; Building and Building Regulations; Neighborhood Preservation; Requirements for Stormwater Management Associated with Illicit Discharges; Construction Site Stormwater Run-off Control; Uniform Requirements for Post Construction Stormwater Management; Rank Vegetation and Noxious Weeds, Brush; Camping; and Zoning Ordinance 3011 and Elkhart County Bureau ordinances for Zoning.

Ordinance 5159 specifies the City of Goshen officials or agents who can enforce the provisions of the Goshen City Code and issue citations for violations of bureau ordinances. Depending on the type of violations, these would include ordinance compliance officers, police officers, members of the City Legal Department, members of the Building Department, the Superintendent of the Department of Stormwater Management, and the administrator and assistant administrator of the City Planning and Zoning Department.

Ordinance 5159 further specifies that anyone upon whom a citation is issued must, within 10 days of the issuance of a citation, appear at the Violation Clerk’s Office to either admit the violation (and provide the corresponding penalty payment) or deny the violation in writing. Persons who deny the violation may appeal to the City Board of Works & Safety.

Ordinance 5159 would take effect after its passage by the Common Council.

MAY 15, 2023 COUNCIL DISCUSSION & PASSAGE OF ORDINANCE 5159:

Council President Weddell invited City Attorney Bodie Stegelmann to comment on Ordinance 5159, *Amending Ordinance Violations Bureau*.

Stegelmann said a few years ago the Common Council amended the ordinance that established the City Violations Bureau. The Council also approved the tables of the types of violations and civil penalties in the ordinance. He said City staff had brought forward revisions to add violations and fines.

Stegelmann described further changes in Ordinance 5159, including the revised fines. He asked the Common Council to approve the changes.



There were no other questions or comments from Councilors, so at 6:49 p.m., Council President Weddell invited public comments on Ordinance 5159. There were none.

There were no further Council questions or comments. Councilors indicated that they were ready to vote.

On a voice vote, Councilors unanimously approved Ordinance 5159, *Amending Ordinance Violations Bureau, on First Reading, by a 7-0 margin, with all Councilors present voting “yes” at 6:49 p.m. Youth Adviser Velazquez Valdes also voted “yes.”*

Councilors gave unanimous consent to Council President Weddell to proceed with the Second Reading of Ordinance 5159.

Council President Weddell called for the introduction, on Second Reading, of Ordinance 5159, *Amending Ordinance Violations Bureau*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5159 by title only, which was done.

Nisley/Pérez moved for passage of Ordinance 5159 on Second and Final Reading.

Council President Weddell invited further questions or comments from Councilors or the public. There were none. Councilors indicated that they were ready to vote.

On a voice vote, Councilors unanimously approved Ordinance 5159, *Amending Ordinance Violations Bureau, on Second and Final Reading, by a 7-0 margin, with all Councilors present voting “yes” at 6:50 p.m. Youth Adviser Velazquez Valdes also voted “yes.”*

Elected Official Reports:

Council President Weddell asked if there were any elected official reports.

Councilor Eichorn said the City **Community Relations Commission (CRC)** met this week. She said there was not much new information, but said the CRC would sponsor a **Juneteenth celebration on June 17**, starting at noon at Shanklin Park. She said the CRC has yet to advertise for a new director.

Councilor Pérez said **Mayor Stutsman** asked him to represent the City at the **Indiana Roundtable on Mental Health Summit**, which was being convened May 16 by Lt. Gov. Governor Suzanne Crouch. He said he would be learning about what was being done on the state level and potential local impacts. He also said he was part of a press conference this week regarding the **Indian Child Welfare Act**. He said the goal of the act is to protect Native American children and to try to keep them in their homes. Councilor Pérez said it was good to learn what was happening at the federal level and the possible impacts in Goshen. He also noted that young people are advocating on the issue as they have done on other issues.

Councilor Riegsecker said he heard from a resident asking about a roundabout that was being installed at County Road 28 and Reliant Road. The resident wanted to know if a home at the site was being removed.

City Director of Public Works & Utilities Dustin Sailor said the City is exploring options to demolish the home. He also said other nearby homes would be removed during the construction period.



Councilor Eichorn said she learned that this year's **Goshen High School Class of 2023 is the 100th graduating class** at the school.

Councilor Pérez said the city's semi-professional soccer team, Goshen City FC, has attracted a big following and is having a successful season. He congratulated its founder, Henrique Castelhano Eichenberger.

Clerk-Treasurer Richard R. Aguirre said he wanted to mention the **May 2 death of Assistant Fire Chief Bruce A. Nethercutt**. Aguirre said three Council members attended the May 8 funeral service, which featured a moving recorded message by Chief Nethercutt. He said representatives of fire departments in Indiana and Michigan attended the service.

There were no further comments by elected officials.

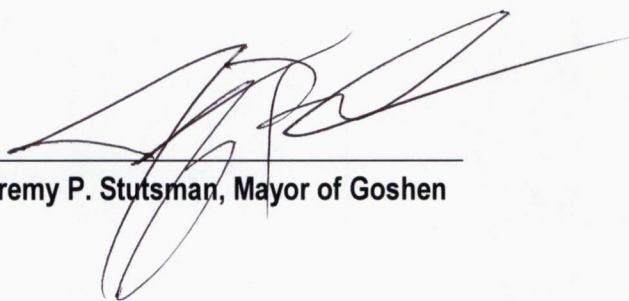
Adjournment:

Councilor Nisley made a motion to adjourn the meeting. **Councilor Pérez** seconded the motion. Councilors unanimously approved the motion to adjourn the meeting.

Council President Weddell adjourned the meeting at 6:57 p.m.

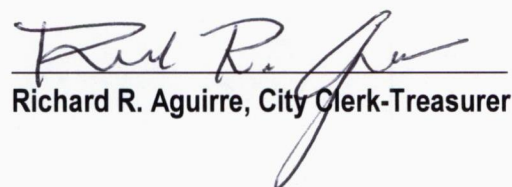
EXHIBIT #1: A May 15, 2023 memorandum to the Common Council from Shannon Marks, the Legal Compliance Administrator for the City Legal Department, summarizing the results of the election of new board members of the Goshen Downtown Economic Improvement District Board. The memorandum was in support of agenda item #1, Goshen Downtown Economic Improvement District Board appointments.

APPROVED:

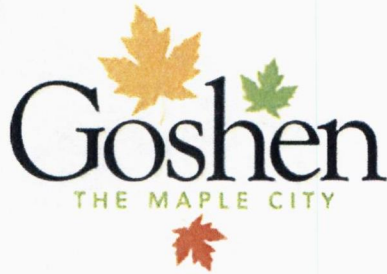


Jeremy P. Stutsman, Mayor of Goshen

ATTEST:



Richard R. Aguirre, City Clerk-Treasurer



CITY OF GOSHEN, INDIANA

Goshen Downtown Economic Improvement District Board

c/o City of Goshen Legal Department

City Annex

204 East Jefferson Street, Suite 2

Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 533-8626 • TDD (574) 534-3185

May 15, 2023

To: Goshen Common Council

From: Shannon Marks

RE: Goshen Downtown Economic Improvement District Board – 2023 Ballot

The Goshen Downtown Economic Improvement District (EID) Board consists of five members appointed by the Goshen Common Council. The Board members must either be an owner of real estate in the district or directly involved in a business operating within the district, and at least three of the five members must own real estate within the district. The current members of the EID Board are Kare Anderson, Justin Bell, Dave Pottinger, Jonathan Weiland and Scott Woldruff, all which own real estate within the district. The terms of Board members Kare Anderson and Justin Bell will expire on May 31, 2023.

Ballots with the names of five individuals that are interested in serving on the EID Board were mailed to the property owners of all parcels in the district that are assessed an annual assessment. The property owners were asked to vote for up to two candidates. A total of 130 ballots were mailed (one ballot per parcel), and 38 ballots were returned. The results of the polling are as follows:

- 10 LARRY A. BARKES, property owner at 116 and 118 North Main Street
- 25 JUSTIN BELL, property owner at 202 and 204 South Main Street, and involved in a business at The Nut Shoppe, Inc., 204 South Main Street
- 9 MIRIAM SHIRK, property owner at 127 South Main Street, Suite 1
- 28 ROSIE SINGH, property owner at 120 North Main Street, and involved in a business at Maple Indian Cuisine, 127 South Main Street
- 4 KAREN WELLINGTON, property owner at 224 and 226 South Main Street

It is requested that the Common Council appoint two members to the Goshen Downtown Economic Improvement District Board. The terms of the Board members would be from June 1, 2023 through May 31, 2025.