



GOSHEN COMMON COUNCIL

Minutes of the AUGUST 7, 2023 Regular Meeting

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

Mayor Gina M. Leichty called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Afterward, the **Mayor** said her grandson led the Pledge of Allegiance that at her inauguration. She announced that she would welcome other young people leading the Pledge at Council meetings. She invited parents to contact her office if they knew of a child who would like to lead the Pledge at a Council meeting.

Mayor Leichty 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 Jessica Velazquez Valdes (Non-voting)

Absent: None

Approval of Minutes:

Mayor Leichty asked the Council's wishes regarding the minutes of the July 17, 2023 Regular Meeting.

Councilor Nisley made a motion to accept the July 17, 2023 minutes as presented. **Councilor Pérez** seconded the motion. The motion passed 7-0 on a voice vote.

Approval of Meeting Agenda:

Mayor Leichty presented the agenda as submitted by the Clerk-Treasurer. **Councilor King** moved to approve the agenda. **Councilor Eichorn** seconded the motion. The motion passed 7-0 on a voice vote.

Privilege of the Floor:

At 6:03 p.m., **Mayor Leichty** invited public comments on matters not on the agenda. There were none.

1) Environmental Resilience presentation: AmeriCorps, a Year of Service in Goshen

Aaron Sawatsky Kingsley, Director of the City Department of Environmental Resilience, said tonight there would be sharing about the work of the City's two AmeriCorps Service members, **Acadia Imhoff** and **Shae Medlen**. **Kingsley** said AmeriCorps is the domestic version of the Peace Corps that provides communities with service members to take on projects that address unmet needs in communities. The Michiana Council of Governments (MACOG) contacted City staff last summer and asked if there was interest in having AmeriCorps service members provide support and service. The City was interested and pursued member placements.

Kingsley said service members provide 300 to 1,700 hours of service per year to communities. He said Goshen's volunteers provided the equivalent of 1½ full-time positions, or 2,600 hours to the City at a cost of \$17,000 with the remainder of their salaries paid by grants.

For the City, **Kingsley** said the service members worked on the Goshen Community Orchard and active transportation, in particular increasing bicycle awareness. While the service members could have pursued full-time jobs, **Kingsley** said they chose to help the City.



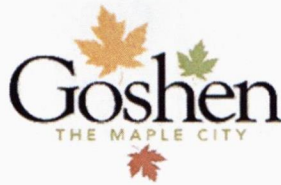
Because they did such good work, **Kingsley said the Department of Environmental Resilience is planning to have four AmeriCorps Service members in the coming year.** Kingsley then welcomed two member presentations.

Acadia Imhoff provided the following information:

- She grew up in Eastern Pennsylvania, was home schooled, earned an associate degree in Environmental Studies from Northampton Community College in 2020 and a bachelor degree in Sustainability studies from Goshen College in 2022.
- The Goshen Community Orchard was established in 2019, but had not been fully developed because of the COVID-19 pandemic and staff issues.
- As of November 2022, the orchard had 85 total plants and more than 25 varieties, but deer and other creatures were eating the plants. So, Imhoff's job was to more fully establish the orchard. Today, the orchard has more than 250 plants and upwards of 50 varieties, some of which are less common.
- The orchard supports the City's Climate Action Plan by adding to the tree canopy, improving City-owned property, applying appropriate tree maintenance practices and improving landscape maintenance policies.
- To carry out orchard inventory and planting, Imhoff conducted an assessment of existing plants, conducted organization and mapping, did species research, purchased plants and maintained an inventory. She also attended workshops.
- To improve the orchard's infrastructure, Imhoff constructed a fence to keep out deer, helped install permanent signage and arranged for a shed to store tools.
- Imhoff maintained the orchard, which included spring pruning and planting, soil improvements, weeding, mulching and watering.
- She also promoted education about the orchard by building public awareness, creating fliers and informational signs, informing people about it during the Arbor Day celebration and engaging in community conversations.
- Imhoff said the goals of the orchard are to create a community space that fosters relationships, add to ecosystem diversity, address local food insecurity, promote life learning and create a volunteer network.

Shae Medlen provided the following information:

- She grew up in Middlebury, earned an Associate of Applied Science in Business Administration in 2017 and a Bachelor of Science in Environmental Policy and Management in 2022.
- Her work for the City focused on active transportation, with an emphasis on bicycling. This included supporting Bicycle Friendly America applications, events and public education and trail surveying and GIS.
- Promoting bicycle usage supports the City's Climate Action Plan by creating a more sustainable transportation system and infrastructure, eliminating barriers to employees bicycling to work, providing "fleet" bikes at appropriate City buildings to reduce miles driven using motorized vehicles and continuing to work to achieve the goals of Goshen's Bicycle and Pedestrian Plan.
- Medlen promoted the goals of Bicycle Friendly America and helped businesses file for applications to the program and also promoted cycling, engaged in public education and collaborated with local businesses.
- She has a member of an active transportation committee and conducted extensive research on bicycle parking infrastructure needs to help further the City's plans.



- Medlen worked on the City's Bicycle Friendly America application and also assisted businesses.
- To encourage more bicycle usage, Medlen assisted at three 2023 events. The E-Bike Try-Athlon, on May 3, was held to encourage City employees to test ride E-bikes, and 33 did so. This led to the purchase of more E-bikes for City employee usage. The First Friday Bike Valet, on May 5, included bike parking and 29 free safety checks and minor bike tune-ups from Lincoln Avenue Cycling.
- The Goshen Women's Ride, on May 21, was aimed at increasing bicycle usage by women; less than 30% of U.S. cyclists are women. The ride, which included a historical tour and actors portraying famous Goshen women, attracted 55 participants.
- Medlen also mapped the Larry Beachy Classified Forest, surveying more than 20 miles of trails, and collected data on cycling. Her research showed that on average, 300 cyclists use the Pumpkinvine Vine Trail, along Abshire Park, daily and 200 cyclists use the Millrace Trail daily.

Goshen's Service members also supported each other, participated in AmeriCorps Service Week, AmeriCorps National Service Training Indiana Arborist Association Conference, and helped with forestry projects. They also helped City staff create environmentally-safe ornaments for a "mirth" Christmas tree, produced a monthly informational flier for City employees and planted native flowers in a small stormwater basin.

Kingsley invited questions from Councilors. **In response to Councilor questions, Kingsley, Imhoff and Medlen provided the following information.**

- The Goshen Community Orchard is located at Abshire Park, east of the cabin.
- Fencing to keep deer out of the orchard appears to be working.
- Progress is being made by the City and businesses to increase cycling.
- Next year's AmeriCorps volunteers will work on the community orchard, help develop a food forest, help the Engineering and Utilities departments work on the lead and copper pipe survey, conduct stormwater work and eco-system management. In the coming years, there may be work on the City's Sensory Trail.
- City staff have not given presentations to local colleges about AmeriCorps, but could do so.
- The Environmental Resilience Department has budgeted for the cost of the AmeriCorps volunteers.

Councilor Eichorn endorsed AmeriCorps, adding that she was a service member in Florida.

To thank Imhoff and Medlin for their work, Kingsley gave each a small tree and some gift certificates.

Councilors and the Mayor thanked the service members for their work for the City. The audience responded with applause.

At 6:35 p.m., **Pamela Weishaupt of Goshen** addressed the Council. She asked why the City was putting so much effort into these environmental projects when it just sprayed a toxic chemical along the Millrace.

Kingsley said **Weishaupt** was referring to the spraying of chemicals along the Millrace about three weeks ago. He said he checked with City Parks and Recreation Department staff and learned that because of a mistake, a chemical was sprayed that killed weeds. He said the mistake was acknowledged and will not be repeated.

Councilor King said she appreciated the explanation and had intended to raise the issue. In response to questions from **Councilor Nisley**, **Kingsley** said an herbicide was used and he can research the exact one and report back.



2) Ordinance 5162: An Amendment to Goshen Zoning Ordinance 3011

Mayor Leichty called for the introduction of Ordinance 5162, *An Amendment to Goshen Zoning Ordinance 3011* on First Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5162 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5162 on First Reading.

BACKGROUND:

Ordinance 5162, which was before the Common Council for approval, would authorize changes to the Goshen Zoning Ordinance.

In an Aug. 7, 2023 memorandum to the Common Council, **City Planning & Zoning Administrator Rhonda Yoder** wrote that the Goshen Plan Commission met on July 18, 2023, in regular session and considered a request for a text amendment to the Goshen Zoning Ordinance, Ordinance 3011, to make routine corrections and edits, including to:

- Delete swallowtail streamers as a sign type
- Update the tourist home definition and allow as a permitted use rather than a conditional use
- Delete the minimum building size in the R-4 District per recent State law change
- Update the B-4 District to allow outside display as in B-3 District
- Add an allowance for awning valance lettering
- Allow up to 75% of sign area for an electronic message center (EMC) signs
- Allow administrative review for bufferyard landscaping changes when utilities or utility easements are present
- Update the conditional use section to delete all PUD District references and to generally exclude fences as a structure that requires an increased setback
- Remove drive-in establishment as a conditional use in B-2 District
- Add a fee for a request to modify commitment
- Delete PUD and Historic District columns from Table of Permitted Uses
- Add two uses to the Table of Permitted Uses that are currently in Table of Parking Requirements only
- Allow business offices in M-1 and M 2 Districts
- And to add corporate offices as a new use, conditional in the B-1 District and permitted in B-2, B-3, B 4, M-1 and M-2 Districts.

Yoder wrote that the Plan Commission received no public comments or questions from the public and forwarded the proposed zoning changes to the Goshen Common Council with a favorable recommendation. by a vote of 6-0.

Yoder summarized the proposed changes in a detailed memo and showed them in an attached red-lined document.

AUGUST 7, 2023 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5162:

Mayor Leichty invited a staff presentation on Ordinance 5162.

City Planning & Zoning Administrator Rhonda Yoder provided an overview of Ordinance 5162; which she noted was before the Common Council for approval on First Reading. She explained the procedure for the zoning changes coming before the Council and provided a highlight of the some of the most significant changes.

Mayor Leichty invited Councilor questions.

In response to questions and comments from Councilors Pérez, Schrock, Riegsecker and Nisley, Yoder provided the following information:



- The PUD district isn't being deleted. A reference in the ordinance is being removed in a section dealing with conditional uses, which is an administrative review and doesn't require a variance or a public hearing. So, it didn't make sense for them to be referenced as a separate district for conditional uses.
- In the downtown area, electronic message center signs are allowed outside of the core historic district. This change will increase the display area from 50 percent to 75 percent of a sign area. However, there will be no change in where such signs are permitted.
- The City is not allowed to regulate short-term rentals, which are sometimes known as Airbnb's. The state statute has certain requirements that must be met, such as being listed on a platform like Airbnb, and must meet other requirements. But if they meet those requirements, they are short term rentals which cannot be regulated by the City.
- The state Legislative Assembly passed legislation that no longer allows communities to regulate the size of mobile homes, so that provision should be removed.

Councilor Riegsecker said he reviewed and liked the zoning changes, which seemed to indicate a less restrictive approach while still giving the City appropriate authority.

Yoder said the City will not be changing the intent of the zoning ordinance, but is addressing changes that should be made in language that didn't work as intended.

Councilor Nisley encouraged **Yoder** to continue looking for ways to adjust the ordinance as needed.

Yoder said there is an annual review to make changes mandated by the state or to make changes recommended by City staff.

There were no other questions or comments from Councilors, so at 6:50 p.m., Mayor Leichty invited public comments on Ordinance 5162. 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 5162, An Amendment to Goshen Zoning Ordinance 3011 on First Reading, by a 7-0 margin, with all Councilors present voting "yes" at 6:51 p.m.

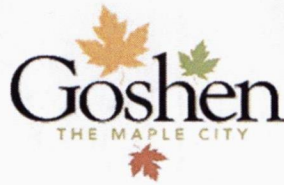
Councilors gave unanimous consent to the Mayor to proceed with the Second Reading of Ordinance 5162.

Mayor Leichty called for the introduction, on Second Reading, of Ordinance 5162, **An Amendment to Goshen Zoning Ordinance 3011**, Council President Weddell asked the Clerk-Treasurer to read Ordinance 5162 by title only, which was done.

Weddell/Pérez moved for passage of Ordinance 5162 on Second and Final Reading.

Mayor Leichty invited further questions or comments from Councilors or the public.

Glenn Null of Goshen said the revised ordinance stated that school buildings had to be a minimum of 50 feet from all property lines. He said this didn't seem to be the case in West Goshen. He asked if some existing buildings were "grandfathered in" (allowed). **Yoder** said "grandfathered" usually refers to "legal non-conforming" uses, but also could be uses allowed because a variance had been granted or to structures built before there was a zoning ordinance.



Null said he just wanted to point out that some buildings were constructed before zoning regulations and this should be considered before any City enforcement.

Councilor Pérez asked how the zoning changes were communicated to the public.

Yoder said the changes were advertised before the Plan Commission meeting and a public hearing was held at the commission meeting, at which no one spoke. The changes were also included on the Common Council agenda and in the meeting packet. She also noted that the provision **Null** mentioned was not new; the only change was excluding fences from the setback requirement.

Mayor Leichthy said there was also public notification of the Council meeting.

Councilor King said there didn't seem to be any significant changes. She said she usually advocates for a second Council meeting to review proposed zoning changes, and to give more time for the public to comment, if there are significant modifications. But she said that didn't seem to be the case this time.

Council President Weddell also noted there were public safeguards for the proposed changes.

There were no further comments. Councilors also indicated they were ready to vote.

On a voice vote, Councilors approved Ordinance 5162, An Amendment to Goshen Zoning Ordinance 3011, on Second and Final Reading, by a 7-0 margin, with all Councilors present voting "yes" at 6:57 p.m.

3) Resolution 2023-16 – Category Transfer (for the Legal Department)

Mayor Leichthy called for the introduction of Resolution 2023-16, *Category Transfer*. **Council President Weddell** asked the Clerk-Treasurer to read Resolution 2023-16 by title only, which was done.

Weddell/Eichorn moved to approve Resolution 2023-16.

BACKGROUND:

Resolution 2023-16, would request authorization from the Council and Mayor to move available resources between major categories within City Legal Department funds. The Legal Department requested a category transfer to fund services provided by Barkes, Kolbus, Rife & Schuler, LLP under an amended agreement for attorney services.

The Mayor and Clerk-Treasurer requested this resolution because the Common Council is the City's fiscal body which authorizes the City's budget and any budget adjustments.

In a memorandum to the Council, **Clerk-Treasurer Richard R. Aguirre** wrote that an appropriation is "permission to spend available money" and is tied to a specific fund. Within a fund there are four spending categories and multiple accounts. The state Department of Local Government Finance ("DLGF") requires Council approval to move an appropriation from one category to another. The Council can approve this when a City department needs additional room to spend in one category and has available appropriations in another category.

Aguirre wrote that by moving an appropriation from one category to another, the Council is only changing the category from which the City pays an expenditure. The Council is not approving any additional spending, so the fund's total appropriation remains the same.



Aguirre wrote that for the proposed category transfer in Resolution 2022-16, **City Attorney Bodie Stegelmann** recognized a need in one of his budget categories, reported the need to the Mayor and Clerk-Treasurer, and requested that the Council approve the transfer to continue their operations. More specifically, the Legal Department requested a category transfer to fund services provided by Barkes, Kolbus, Rife & Schuler, LLP under an amended agreement for attorney services.

If approved, \$30,000 would be transferred from: Budget Category: Personnel (Legal/Full-time Personnel, line #101-510-05-411.0130) to Budget Category: Other Services & Charges (Legal/Professional services, line #101-510-05-431.0000).

Aguirre also wrote that if the Council approved this proposed category transfer, the Clerk-Treasurer would then register the adjustment in the City's books and communicate the transfer to the department when completed. This category transfer is an adjustment that only requires Council approval to be final, and does not require notification to the state Department of Local Government Finance.

AUGUST 7, 2023 COUNCIL DISCUSSION AND APPROVAL OF RESOLUTION 2023-16:

Mayor Leichty asked if Councilors had any questions or comments about Resolution 2023-16.

Councilor Schrock asked what the payment would be for.

City Attorney Bodie Stegelmann said a full-time employee who worked as Assistant City Attorney left earlier this year. The open job was advertised, but Stegelmann said he made a decision to contract for attorney services for the work for the rest of 2023. He said **Don Shuler** of Barkes, Kolbus, Rife & Schuler, LLP will be working 20 hours per week for the City Legal Department. Stegelmann said funds are being transferred from full-time personnel to professional services. And in 2024, he said the plan is for Shuler to become a part-time City employee.

Council President Weddell joked that as **Deputy Clerk-Treasurer Jeffery Weaver** would explain, money is just being moved from one Department folder to another folder in the same funds box.

There were no additional Council comments, so at 6:58 p.m., Mayor Leichty invited public comments on Resolution 2023-16. There were none.

Council President Weddell indicated that Councilors were ready to vote.

On a voice vote, Councilors approved Resolution 2023-16, Category Transfer, by a 7-0 margin, with all Councilors present voting "yes" at 6:59 p.m.

Elected Official Reports:

Councilor Schrock informed Councilors that this Saturday is the annual **East Goshen Neighborhood Association Hillbilly Hot Dog Sale**. Hot dogs can be picked up starting at 10 a.m. at 1210 East Lincoln Avenue (Cycle Works of Goshen). He said proceeds will benefit the association.

Councilor Eichorn said the **City Community Relations Commission will meet Aug. 8.**



Council President Weddell said the City Redevelopment Commission also will meet Aug. 8.

Councilor Schrock said the Wilden Avenue road project is looking great. He said the local anticipation for the completion of the project is "huge." He thanked City Director of Public Works & Utilities Dustin Sailor and his team for their work and said it will be great when the project is completed.

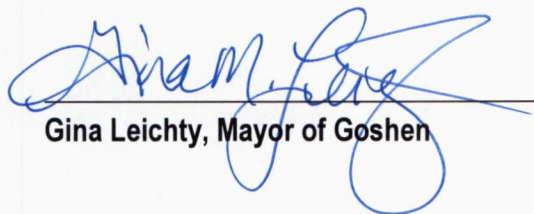
There were no further comments by elected officials.

Adjournment:

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

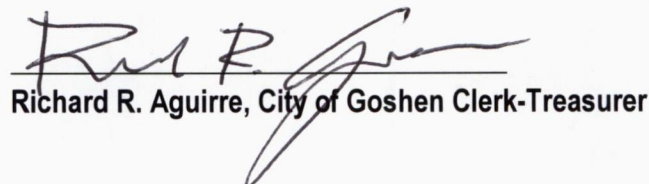
Mayor Leichty adjourned the meeting at 7:01 p.m.

APPROVED:

A blue ink signature of Gina Leichty, Mayor of Goshen, written over a horizontal line.

Gina Leichty, Mayor of Goshen

ATTEST:

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

Richard R. Aguirre, City of Goshen Clerk-Treasurer