



## GOSHEN COMMON COUNCIL

### Minutes of the DECEMBER 4, 2023 Regular Meeting

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

Mayor Gina Leichty called the meeting to order at 6:03 p.m. Assisted by the Mayor, Ainsley McPhail led the Pledge of Allegiance. Ainsley, a fourth-grade student at Prairie View Elementary School, is the daughter of Melissa and J.D. McPhail of Goshen.

At 6:04 p.m., Mayor Leichty asked Clerk-Treasurer Aguirre to conduct the roll call.

Present: Julia King (At-Large) Doug Nisley (District 2) Megan Peel (District 4)  
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 Oct. 30, 2023 Regular Meeting. Councilor Nisley moved to accept the minutes as presented by the Clerk-Treasurer. Councilor Peel 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 accept the agenda as submitted. Councilor Pérez seconded the motion. Motion passed 7-0 on a voice vote.

#### Privilege of the Floor:

At 6:05 p.m., Mayor Leichty invited public comment for matters not on the agenda. There were none, so Mayor closed comment period at 6:05 p.m.

#### 1) Presentation: Kid Mayor and Kid Councilor election results and taking of oaths of office

Wendy Clark, the parent liaison at Model Elementary School and the Kid Mayor coordinator, provided an overview of the program, which is for fourth grade public and private school students in Goshen. She said last week, candidate videos were shown to all Goshen fourth grade students, who then voted throughout the day for Kid Mayor. She said this year there was only a 1.2% difference between the winner and the runner-up candidate.

Mayor Leichty said the new Kid Mayor will help preside over a Council meeting and perhaps a meeting of the Board of Public Works and Safety. She said Kids Council members will meet throughout the year and will select and work on a project that relates to schools and the City. The Mayor invited questions from Council members, but there were none. She then told the Kid Mayor candidates that she and the Council members knew how nervous they must be to be awaiting the election results.



Mayor Leichty then announced the following six winners in this year's City of Goshen Kid Mayor election:

**First District Councilor Amari Stoll of Chamberlain Elementary School;**

**Second District Councilor Christopher Budiardja of Chamberlain Elementary School;**

**Third District Councilor Philip Gingerich of Chamberlain Elementary School;**

**Fourth District Councilor Elyana Rojas Lopez of Parkside Elementary School;**

**Fifth District Councilor Ainsley McPhail of Prairie View Elementary School; and**

**2024 Kid Mayor Lincoln Tolin of Model Elementary School.**

Mayor Leichty invited each Kid Councilor and the Kid Mayor to come forward and take their oaths of office standing alongside their family members and the corresponding Common Council member: **Amari with Councilor Riegsecker; Christopher with Councilor Nisley; Phillip with Councilor Schrock; Elyana with Councilor Peel; and Ainsley with Councilor Pérez and Kid Mayor Tolin with Mayor Leichty.** Besides taking the oath, each winner received a signed Oath of Office certificate and was photographed.

Mayor Leichty thanked the students for their participation in the program and their families for being present.

## **2) Resolution 2023-22, Category Transfer**

Mayor Leichty called for the introduction of Resolution 2023-22, *Category Transfer*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2023-22 by title only, which was done.

**Weddell/Nisley moved to approve Resolution 2023-22.**

### **BACKGROUND:**

Resolution 2023-22 sought authorization from the Council and Mayor to move available resources between major categories within the City funds. 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, Deputy Clerk-Treasurer Jeffery Weaver explained 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.

Weaver 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.**

For each category transfer in **Resolution 2023-22** a Department head recognized a need in one of their budget categories, reported the need to the Mayor and Clerk-Treasurer, and requested that the Council approve the transfer so that the department can continue operations. **The requests and the rationale for them were as follows:**

- **Central Garage encountered unforeseen costs in outside services.**
- **The Police Department encountered unexpected equipment and ammunition needs.**

If the Council approved the proposed category transfers, the Clerk-Treasurer would then register the adjustments in the City's books and communicate the transfers to the departments. These category transfers are adjustments that only require Council approval to be final, and do not require notification to the DLGF



Resolution 2023-20 would authorize the following transfers:

**GENERAL FUND CATEGORY TRANSFER FROM:**

**Budget Category:** Personnel

Line Number: 101-510-18-411.0130 Line Name: **Central Garage / Full Time Personnel**

**Amount of the Transfer:** (\$10,000.00)

**GENERAL FUND CATEGORY TRANSFER TO:**

**Budget Category:** Other Services & Charges

Line Number: 101-510-18-436.0202 Line Name: **Other Services & Charges**

**Amount of the transfer:** \$10,000.00

**Purpose of Transfer:** To fund unforeseen outside repairs and costs

**GENERAL FUND CATEGORY TRANSFER FROM:**

**Budget Category:** Personnel

Line Number: 101-520-11-413.0701 Line Name: **Police / Clothing Allowance**

**Amount of the Transfer:** (\$12,000.00)

**GENERAL FUND CATEGORY TRANSFER TO:**

**Budget Category:** Supplies

Line Number: 101-520-11-422.0154 Line Name: **Police / Other Equipment**

**Amount of the Transfer:** \$12,000.00

**Purpose of Transfer:** To fund additional equipment for the Police Department

**GENERAL FUND CATEGORY TRANSFER FROM:**

**Budget Category:** Personnel

Line Number: 101-520-11-413.1100 Line Name: **Police / 2002 Benefit**

**Amount of the Transfer:** (\$20,000.00)

**GENERAL FUND CATEGORY TRANSFER TO:**

**Budget Category:** Other Services & Charges

Line Number: 101-520-11-439.0912 Line Name: **Police / Education and Promotion**

**Amount of the Transfer:** \$20,000.00

**Purpose of the Transfer:** To fund an ammunition purchase for the Police Department

**DECEMBER 4, 2023 COUNCIL DISCUSSION AND APPROVAL OF RESOLUTION 2023-22:**

**Mayor Leichty** asked if there were any questions about Resolution 2023-22, *Category Transfers*.

**Deputy Clerk-Treasurer Weaver** gave an overview of Resolution 2023-22, *Category Transfers*. He provided the background and context of the requested category transfers. He explained that because of added costs in certain budget categories, City Department heads requested transfers of funds to cover the shortfalls.

**Mayor Leichty** asked if there were any questions or comments from Councilors.

**Council President Weddell** asked **Police Chief José Miller** for a rundown of the additional equipment being requested. **Chief Miller** said the department needed new "stop sticks" to replace those used in pursuits as well as information technology equipment. He also said there was a need for duty belts, traffic flares, firearms, pepper balls as well as ammunition.



Council President Weddell said that even though in this case there were available funds to transfer to meet immediate needs, the City's first responders should always feel free to ask Councilors for what they need. At 6:25 p.m., Mayor Leichty asked if there were any public comments on Resolution 2023-22. There were not.

There were no additional Council comments on Resolution 2023-2. Council President Weddell indicated that Councilors were ready to vote.

On a voice vote, Councilors approved Resolution 2023-22, *Category Transfers*, by a 7-0 margin, with all Councilors present voting "yes" at 6:26 p.m.

### 3) Ordinance 5172 – Establishing a Technology Department

Mayor Leichty called for the introduction on First Reading of Ordinance 5172, *Establishing a Technology Department*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5172 by title only, which was done.

Weddell/Peel moved to approve Ordinance 5172 on First Reading.

#### **BACKGROUND:**

Before the Council, for First Reading, was Ordinance 5172, *Establishing a Technology Department*.

Ordinance 5172 maintained that:

- Indiana Code § 36-4-9-4 allows a city to establish executive departments necessary to efficiently perform the administrative functions required to fulfill the needs of the city's citizens.
- The City of Goshen has employed both full- and part-time technology employees to provide City departments, staff, and residents with technology-based infrastructure, support, and services since at least 2012.
- The funding for the technology employees, as well as hardware, software licensing and other technology-based infrastructure, support, and services has been included under various City department budgets.
- **Mayor Leichty** recommended the establishment of a stand-alone Technology Department to more efficiently perform administrative functions related to technology-based infrastructure, support, and services that are required to fulfill the needs of the City's departments and staff, as well as City of Goshen residents.

**Ordinance 5172 would establish a Technology Department as one of the City's executive departments.**

In an effort to provide efficient, secure, and innovative services to the City of Goshen's departments, staff and residents, while continuously adapting to an increasingly digital world, **the administrative functions of the Technology Department shall include, but not be limited to, the following:**

**(a) Infrastructure Management:** The Technology Department will oversee the digital infrastructure crucial for the City's operations, including networks, data centers, and communication systems. This infrastructure supports essential City services like emergency response systems, public utilities, and transportation, as well as internal communication.

**(b) Data Management and Security:** The City of Goshen generates and stores vast amounts of data, ranging from personal information of residents to operational data of public services. The Technology Department will ensure this data is securely stored, processed, and used in compliance with privacy laws and regulations.



(c) **Service Delivery and Efficiency:** The Technology Department will play a key role in making City services more efficient and accessible. Online portals for paying bills, submitting applications, and accessing information reduce the need for physical visits to City offices and streamline processes.

(d) **Smart City Initiatives:** The Technology Department will work to adopt smart City technologies to improve quality of life, sustainability, and economic development. This may include implementing smart grids and data analytics to optimize city services.

(e) **Public Engagement and Communication:** The Technology Department will help in developing and maintaining digital platforms for public engagement, allowing residents to interact with City officials, access information about City events and initiatives, and provide feedback.

(f) **Innovation and Future Planning:** Keeping abreast of technological advancements, the Technology Department will help plan and implement forward-thinking initiatives, ensuring the City remains competitive and can adapt to future challenges.

(g) **Emergency and Disaster Response:** Technology is vital in emergency and disaster response, from ensuring robust communication systems to deploying resources effectively. The Technology Department will play a crucial role in maintaining and upgrading these critical systems.

(h) **Budget and Cost Management:** The Technology Department will assist the City of Goshen in achieving cost savings and better budget management, automating processes, and reducing the need for manual intervention. According to Ordinance 5172, **the Technology Department shall be administered by a Technology Director.** This department head position shall be appointed by and serve at the pleasure of the Mayor. The Technology Director shall have such duties and responsibilities as are reasonably necessary to perform the administrative functions of the Technology Department.

**Ordinance 5172 shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.**

#### **SUMMARY OF DEC. 4, 2023 COUNCIL DISCUSSION & APPROVAL OF ORDINANCE 5172:**

**Mayor Leichty** said the Common Council had an extensive discussion about the City's technology needs during consideration of the budget earlier in the fall. He said Ordinance 5172 was part of the formal process of bringing the issue back to the Council by creating a Technology Department and hiring its department head. He said these expenditures were made part of the 2024 budget.

#### **Mayor Leichty invited Council comments on Ordinance 5172, *Establishing a Technology Department.***

**Councilor King** said it was a good idea. **Councilor Peel** said it was much needed. **Councilor Schrock** agreed it was needed. **Councilor Peel** said she was happy for technology employees. The **Mayor** said they were happy. **Council President Weddell** said creation of a Technology Department would create efficiencies for City staff as well as for residents of Goshen to be able to better access City resources. Other **Councilors** agreed.

**Mayor Leichty** said the City wants to be "forward thinking" and make sure people have access to City resources in an efficient way using modern technology, and this was an important step in that direction.

**Council Peel** said this move also will help protect the City from cyberattacks.

**There were no further Council comments at this point, so at 6:28 p.m., Mayor Leichty invited public comments on Ordinance 5172, *Establishing a Technology Department.* There were none.**



Mayor Leichty asked if there were further Council comments on Ordinance 5172. There were no further Council comments or questions. Council President Weddell said Councilors were ready to vote.

*On a voice vote, Councilors unanimously passed Ordinance 5172, Establishing a Technology Department, on First Reading by a 7-0 margin, with all Councilors present voting yes, at 6:28 p.m.*

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5172.

Mayor Leichty called for the introduction on Second Reading of Ordinance 5172, *Establishing a Technology Department*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5172 by title only, which was done.

*Weddell/Schrock moved to approve Ordinance 5172 on Second Reading.*

At 6:29 p.m., Mayor Leichty invited further Council or public comments on Ordinance 5172, *Establishing a Technology Department*. There were none. Council President Weddell said Councilors were ready to vote.

*On a voice vote, Councilors unanimously passed Ordinance 5172, Establishing a Technology Department, on Second Reading by a 7-0 margin, with all Councilors present voting yes, at 6:29 p.m.*

#### 4) Ordinance 5174 – Amend Ordinance 5168, 2024 Compensation for Police Department Employees

Mayor Leichty called for the introduction on First Reading of Ordinance 5174 – *Amend Ordinance 5168, Compensation for Police Department Employees*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5174 by title only, which was done.

*Weddell/Nisley moved to approve Ordinance 5174 on First Reading.*

#### **BACKGROUND:**

Before the Council, for First Reading, was Ordinance 5174, *Amend Ordinance 5168, Compensation for Police Department Employees*.

Ordinance 5174 stated that

- Ordinance 5168, 2024 Compensation for Police Department Employees, was passed by the Goshen Common Council on October 30, 2023.
- City administration discovered that the 2024 base wages per hour for the civilian employees' positions were increased 3.5% from 2023 base wages per hour rather than 5%.

If passed by Councilors, Ordinance 5174 would amend EXHIBIT A, 2024 Base Wages, of Ordinance 5168, *2024 Compensation for Police Department Employees*, by increasing the 2024 base wages per hour for the civilian employees' positions 5% from the 2023 base wages per hour.

The amended 2024 base wages per hour were set forth in the attached EXHIBIT A, 2024 Base Wages.



**2024 Base Wages  
(As would be amended by Ordinance 5174)**

**POLICE OFFICERS**

	<b>Bi-Weekly Salary</b>
Police Chief	\$3,737.08
Assistant Police Chief	\$3,538.77
Division Chief	\$3,376.82

	<b>Annual Base Salary</b>	<b>Base Wage per Hour</b>
Captain	\$77,557	\$36.83
Lieutenant	\$72,519	\$34.43
School Resource Officer	\$72,519	\$34.43
Detective	\$72,519	\$34.43
Sergeant	\$70,471	\$33.46
Patrol Officer	\$68,045	\$32.31
Probationary Patrol Officer	\$60,386	\$28.67

**CIVILIAN EMPLOYEES**

	<b>Base Wage per Hour</b>
Special Police Officer	\$27.36
Special Police Officer – Investigations & Community Relations	\$27.91
Secretary	\$24.45

**SUMMARY OF DEC. 4, 2023 COUNCIL DISCUSSION & APPROVAL OF ORDINANCE 5174:**

**Mayor Leichty** invited comments from Police Chief José Miller.

**Chief Miller** provided the background of Ordinance 5174. He said that when he prepared his 2024 budget, he was directed to provide a 3.5% pay increase to his civilian employees. At that time, the City's negotiations with the police union had not been concluded and the final raises had not been determined. While the union raises were determined and approved, Chief Miller said the civilian employees received a 3.5% increase.

However, at the last Council meeting, **Chief Miller** said Councilors approved a 5% pay increase for all non-union City employees. So, he said it was decided that the civilian police employees who are not represented by the union should also get 5% raises. He said Ordinance 5174 would apply that 5% increase to the civilian police employees.

**Council President Weddell** thanked Chief Miller for "looking out" for his staff.

**Councilor King** clarified that this increase was not an additional appropriation outside the 2024 budget that was already approved. **Mayor Leichty** confirmed that understanding, adding that this increase was budgeted.

There were no further Council comments, so at 6:31 p.m., Mayor Leichty invited public comments on Ordinance 5174, *Amend Ordinance 5168, Compensation for Police Department Employees*. There were none.

There were no further Council comments or questions. Council President Weddell said Councilors were ready to vote.



On a voice vote, Councilors unanimously passed Ordinance 5174, *Amend Ordinance 5168, 2024 Compensation for Police Department Employees*, on First Reading by a 7-0 margin, at 6:31 p.m.

Councilors gave unanimous consent to proceed with the second reading of Ordinance 5174.

Mayor Leichty called for the introduction on Second Reading of Ordinance 5174 – *Amend Ordinance 5168, 2024 Compensation for Police Department Employees*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5174 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5174 on Second Reading.

Mayor Leichty invited further Council comments on Ordinance 5174.

There were none, so at 6:32 p.m., Mayor Leichty invited public comments on Ordinance 5174, *Amend Ordinance 5168, Compensation for Police Department Employees*. There were none.

On a voice vote, Councilors unanimously passed Ordinance 5174, *Amend Ordinance 5168, Compensation for Police Department Employees*, on Second Reading by a 7-0 margin, at 6:32 p.m.

**5) Ordinance 5173 – Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Residential R-3 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, to be Known as the Cherry Creek PUD, and Amend Ordinances 3384 and 3970, Known as the Waterford Commons PUD (Planned Unit Development)**

Mayor Leichty called for the introduction on First Reading of Ordinance 5173, *Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Residential R-3 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, to be Known as the Cherry Creek PUD, and Amend Ordinances 3384 and 3970, Known as the Waterford Commons PUD (Planned Unit Development)*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5173 by title only, which was done.

Weddell/Peel moved to approve Ordinance 5173 on First Reading.

**BACKGROUND:** Before the Council, for First Reading, was Ordinance 5173, *Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Residential R-3 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, to be Known as the Cherry Creek PUD, and Amend Ordinances 3384 and 3970, Known as the Waterford Commons PUD (Planned Unit Development)*.

In a memorandum to the Council, dated Dec. 4, 2023, City Planner Rhonda Yoder wrote that the Goshen City Plan Commission met Nov. 21, 2023, in regular session and considered a rezoning from Residential R-3 to Residential R-3PUD (Planned Unit Development), a PUD major change for property zoned R3PUD to be incorporated into the new Cherry Creek PUD, and PUD preliminary site plan approval, for an R-3 area ±211 acres and an R-3 PUD area ±24.4 acres, with adjacent right of way and parcels intended for right of way, generally located west of Dierdorff Road, north of Waterford Mills Parkway, east of Regent Street, and south of Waterford Mills Parkway on both sides of Regent Street, with the following outcome: ***Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 7-0.***





Yoder wrote that the recommendation was based upon the following:

1. The proposed Cherry Creek PUD is consistent with the existing mixed use land development within the adjacent Waterford Commons PUD.
2. The proposed development is consistent with the Comprehensive Plan, including:
  - Neighborhoods & Housing, Goal N-7: Expand housing options and opportunities.
  - Neighborhoods & Housing, Goal N-6: Encourage compact and connected residential development.
  - Land Use, Goal L-7: Encourage small-scale, neighborhood commercial development.
  - Transportation, Goal T-4: Increase pedestrian/biking options.

With approval, the following PUD standards shall apply:

1. Except as modified by specific PUD conditions, the approved PUD preliminary site plan is Cherry Creek Planned Unit Development, Sheets 1-12, dated 10-30-2023, by Abonmarche Consultants, Inc.
2. Cherry Creek PUD is a mixed use, residential and commercial development, and permitted and conditional uses will follow the R-3 District and the B-2 District, with the following exceptions:
  - Restaurants with drive-through permitted;
  - Landscaping companies (non-retail) permitted;
  - Bus terminals prohibited;
  - Gas stations prohibited;
  - Land reclamation projects prohibited.
3. Maximum residential unit density will be calculated using the overall Cherry Creek area, including common areas but excluding public right of way.
4. Sidewalks and trails will be installed generally per Exhibit G, Active Transportation Network, with final locations determined during subdivision review. In phase two, the trail along the north property line, adjacent to Villas at Waterford Commons Second, should be relocated south of the berm/landscaping.
5. Minimum parking requirements will be calculated as follows:
  - One vehicle space per 400 square feet of commercial gross floor area;
  - Two bicycle spaces per 10,000 square feet of commercial gross floor area;
  - Stacking spaces for drive through uses per the Zoning Ordinance;
  - No minimum parking for common area uses;
  - Residential parking per the Zoning Ordinance; and
  - On street parking spaces included in total space count for provided parking.
6. Partial landscaping will be implemented with two options, option one following the Zoning Ordinance formula and option two an undulating berm with one evergreen tree for every 25' of applicable lot line, with grouped planting.
7. Maximum building length up to 400' is permitted for mixed use buildings.
8. Signs will follow the PUD Narrative (pages 9-14, to be incorporated into the PUD ordinance). Signs for phase two mixed-use buildings will follow signs as proposed for the phase one mixed use buildings. Changes to the sign plan shall be reviewed by the Plan Commission as a minor change.
9. For mixed use buildings, lighting shall be directed down and away from adjacent residential properties, and shall minimize illumination, glare or reflection onto adjacent residential properties, with a lighting plan required as part of the PUD final site plan submittal.



10. Lot size, lot width, building height, building coverage and setbacks are not subject to specific standards, but provided lot size, lot width, setbacks and building coverage must ensure adequate space to meet all developmental requirements, such as landscaping and parking, and to maintain access for all services (fire protection, utilities, mail delivery, trash collection, for example).

**Review process conditions include:**

1. The overall primary subdivision, and the secondary subdivision for each phase, shall be reviewed and approved before development occurs, excluding earth work with an approved permit.
2. A PUD final site plan, including landscaping and lighting plans, shall be submitted with each subdivision phase, and approved prior to a zoning clearance form/building permit being issued.
3. Site plan approval by Goshen Engineering is required for site drainage, post construction, site utilities and right-of-way access, as applicable, before a zoning clearance/building permit is issued.
4. The Goshen Fire Department shall approve the plan for fire protection (including hydrant placement and access) as part of PUD final site plan approval.

**Prior to the Plan Commission meeting, one inquiry was made to the Planning office asking for more details about the PUD rezoning process.**

**At the Plan Commission meeting, there were several comments related to heavy traffic on County Road 40, and the need for a traffic light at County Road 40 and US 33 (which is a State intersection). In response to the traffic light comment, Public Works Director Dustin Sailor stated that INDOT is looking at a signal at US 33 and County Road 40, possibly around 2027.**

According to Ordinance 5173, Cherry Creek, LLC, Waterford Commons Business Park, LLC, and City of Goshen submitted an application on the 1st day of November 2023 to rezone the real estate hereinafter described from Residential R-3 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, and to allow a major change to previously approved Planned Unit Development (Overlay) ordinances, and the Goshen City Plan Commission did after proper legal notice conduct a hearing on said Petition as provided by the Law on the 21st day of November 2023, and did recommend the adoption of this Ordinance by a vote of 7-0.

The property in question is generally located west of Dierdorff Road, north of Waterford Mills Parkway, east of Regent Street, and south of Waterford Mills Parkway on both sides of Regent Street, including adjacent right of way and City parcels intended for public right of way, containing ±211 acres

**All of the above shall be rezoned from Residential R-3 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, and the zone maps designated and referred to in Ordinance No. 3011 shall hereby be amended and ordered amended to reflect such classification and rezoning of said real estate.**

AND

**Ordinances 3384 and 3970 of the Waterford Commons PUD 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 property from the Waterford Commons PUD and incorporates the following described property into the Cherry Creek PUD:



**The Cherry Creek PUD includes the following specific PUD standards:**

1. Except as modified by specific PUD conditions, the approved PUD preliminary site plan is Cherry Creek Planned Unit Development, Sheets 1-12, dated 10-30-2023, by Abonmarche Consultants, Inc., incorporated as Exhibit C.
2. Cherry Creek PUD is a mixed use, residential and commercial development, and permitted and conditional uses will follow the R-3 District and the B-2 District, with the following exceptions:
  - Restaurants with drive-through permitted;
  - Landscaping companies (non-retail) permitted;
  - Bus terminals prohibited;
  - Gas stations prohibited;
  - Land reclamation projects prohibited.
3. Maximum residential unit density will be calculated using the overall Cherry Creek area, including common areas but excluding public right of way.
4. Sidewalks and trails will be installed generally per Exhibit B, Active Transportation Network, with final locations determined during subdivision review. In phase two, the trail along the north property line, adjacent to Villas at Waterford Commons Second, should be relocated south of the berm/landscaping.
5. Minimum parking requirements will be calculated as follows:
  - One vehicle space per 400 square feet of commercial gross floor area;
  - Two bicycle spaces per 10,000 square feet of commercial gross floor area;
  - Stacking spaces for drive through uses per the Zoning Ordinance;
  - No minimum parking for common area uses;
  - Residential parking per the Zoning Ordinance; and
  - On street parking spaces included in total space count for provided parking.
6. Partial landscaping will be implemented with two options, option one following the Zoning Ordinance formula and option two an undulating berm with one evergreen tree for every 25' of applicable lot line, with grouped planting.
7. Maximum building length up to 400' is permitted for mixed use buildings.
8. Signs will generally follow the PUD sign plan in Exhibits A and A-1. Signs for phase two mixed-use buildings will follow signs as proposed for the phase one mixed use buildings. Changes to the sign plan shall be reviewed by the Plan Commission as a minor change.
9. For mixed use buildings, lighting shall be directed down and away from adjacent residential properties, and shall minimize illumination, glare or reflection onto adjacent residential properties, with a lighting plan required as part of the PUD final site plan submittal.
10. Lot size, lot width, building height, building coverage and setbacks are not subject to specific standards, but provided lot size, lot width, setbacks and building coverage must ensure adequate space to meet all developmental requirements, such as landscaping and parking, and to maintain access for all services (fire protection, utilities, mail delivery, trash collection, for example).

**The Council's agenda packet contained the following:** A two-page memorandum, dated Dec. 4, 2023, from **City Planner Rhonda Yoder** to the Common Council; Ordinance 5173, a seven-page document; Exhibit A, Cherry Creek Signs (a preliminary signage strategy for the Cherry Creek Planned Unit Development); and Exhibit B, Active Transportation Network (traffic flow in the PUD).



**Also in the agenda packet:** Exhibit C, Preliminary Subdivision (descriptions and renderings); a four-page memorandum and color map, dated Nov. 21, 2023 from City Planner Rhonda Yoder to the City Plan Commission and Common Council about the Rezoning, PUD Major Change & PUD Preliminary Site Plan Cherry Creek PUD, Dierdorff Road, Waterford Mills Parkway, Regent Street; a 29-page document, Cherry Creek PUD (Narrative and Development Standards), prepared by Abonmarche Consultants, Inc. and prepared for the city of Goshen (with various attached exhibits).

#### **SUMMARY OF DEC. 4, 2023 COUNCIL DISCUSSION & APPROVAL OF ORDINANCE 5173:**

##### **Mayor Leichty invited comments on Ordinance 5173.**

**City Planner Rhonda Yoder** said Ordinance 5173 was coming to the Common Council with a recommendation for approval by the City Plan Commission. She said had three components: a rezoning, which was changing the Residential R-3 designation to R-3 Planned Unit Development (PUD); a PUD major change for properties zoned R-3 PUD to be incorporated into the new Cherry Creek PUD; and the PUD preliminary site plan approval for the Cherry Creek PUD.

**Yoder** said this matter was heard by the Plan Commission at its Nov. 21 meeting and was forwarded to the Council with a favorable recommendation by a 7-0 vote. She noted that the PUD includes specific standards related to density, sidewalks and trails, parking requirements, partial landscaping, maximum building lengths and signs. She invited questions from Councilors.

**Councilor Riegsecker and Councilor Schrock** asked for a clarification of the Planned Unit Development. **Yoder** discussed the layout as well as the City's adjacent property, some of which is being transferred to the Cherry Creek PUD. **Council President Weddell** also provided background on the City's property that was being transferred to Cherry Creek by the City Redevelopment Commission.

**Councilor Perez** asked about the City trails. **Yoder** provided a clarification, but noted that the exact location of the trails had yet to be identified.

**Crystal Welch**, a senior urban planner for Abonmarche, said it was a time to celebrate the project and the long journey to reaching this part of the process. She said the conceptual Planned Unit Development site plan has been submitted and is up for review.

**Welch** said it the plan receives positive feedback tonight, the developer will seek to finalize the engineering of the project, which will launch the subdivision process and the planning of the exact locations of setbacks, paths and trails and other elements. She said the developer hopes to submit its plat in December and is excited to get going.

**Councilor King** asked about the "green elements" of the project. She asked about environmental sustainability for the project and whether the developer will be seeking any special certifications.

**Welch** said the preliminary project layout includes connectivity inside the development as well as to the community. She said there would be greenways and trails. **Welch** also said there will be shared community spaces within the project as well as many water features with areas that can be used by the community.

**Tonya Detweiler of Goshen, representing Blue Diamond Communities and Cherry Creek**, agreed with **Welch** that it was appropriate to celebrate the progress that has been made to reach this point.

In response to the questions by **Councilor King**, **Detweiler** said she has been engaged in conversation with all of her partners as preparations accelerate to building the infrastructure, the first condominium and single-family homes.



**Detweiler** said the developers are looking at things like solar panels, permeable parking lot structures and materials, adding to the City's tree canopy and landscaping plans consistent with the City's related goals. She said the developers will be seeking a 98% Energy Star Efficiency Report that can be done for each house and can guarantee to use of materials that have made the home energy efficient. **Detweiler** said the developers also are exploring making the condominium an all-electric project. She added that plans will be finalized over the coming months. In response to a follow-up question from **Councilor King**, **Detweiler** confirmed that the Energy Star Efficiency Report will ensure efficient heating and cooling systems.

**In response to a question from Council President Weddell**, **Detweiler** said the garages in the condominium building will include outlets to charge electric vehicles. There also will be that option for the homes.

**Council President Weddell** said he understood that **Detweiler** was exploring geothermal options for heating and cooling the homes. **Detweiler** confirmed this option is being considered. She said vendors have been asked to propose the most environmentally conscious options as well as those that would be most cost effective.

**Detweiler** said no one wanted to break ground on the project this fall more than she did. However, she said in late summer, a company hired to conduct a soils assessment determined that there was a portion of the City property on the westside that was a wetland. **Detweiler** said developers have had to go to the U.S. Army Corps of Engineers and seek approval to proceed with development. She said this is not believed to be a big deal, and approval is expected before the spring, but this has caused a project delay.

**Councilor Pérez** told **Detweiler** he appreciated how she opened the project up to community feedback, including a meeting at Prairie View Elementary School. He said there are many good aspects of the project. Councilor Pérez asked if her team would consider holding another public meeting to provide an update and invite further community feedback. He asked if this was a possibility.

**Detweiler** said that was "absolutely" a possibility. She noted Goshen Community Schools has a new superintendent and a relevant issue is what the school will do with some land behind Prairie View Elementary School. She said a discussion about the fate of that land would be important. She said the developers also have continued to hold conversations with members of the Waterford Crossing Condo Association. She said she has spoken to residents about every three months and is continuing to promise that a coffee shop will be included in the project.

**Detweiler** said a public meeting could be held in January or February. She added that she is always seeking ways to update the community about the amenities at Cherry Creek in hopes of attracting all ages.

**Councilor Pérez** said a public gathering would be valuable for people from outside Goshen and those who live in the City who might want to someday move to Cherry Creek. **Detweiler** said that by the time of a meeting, she will have more information to share about the project, including drawings of the housing styles.

**Councilor King** asked when new signage will be posted at the site informing people the project is moving forward.

**Detweiler** said that after tonight, developers will focus for the rest of the year on preparing more plans for the project, including seeking confirmation from the Army Corps of Engineers about the wetland issue. She said a sign company has been hired to design signs, but they won't be produced until she is certain the project will move forward.

**Councilor King** asked when decisions will be made about whether the heating and cooling systems will meet high environmental standards. **Detweiler** said that will occur during the bidding process for the condominiums and will be based on a cost analysis. For homes, she said the decision will be left to homeowners, also based on the costs.



**Councilor Peel** asked about the status of the project website, which could provide another source of public information. **Detweiler** said the project website, [CherryCreekGoshen.com](http://CherryCreekGoshen.com), will go live when the condominium and home plans are developed and will include contact information and project timelines.

In response to a question from **Councilor Peel**, **Detweiler** confirmed that planning has started for the street names in the development. She said developers are seeking to be creative, but the names must be unique in the county.

**Councilor Pérez** asked **Mayor Leichty** to comment about the City staff's involvement in the wetland issue. **Mayor Leichty** said **Crystal Welch** might be better prepared to address the issue.

**Welch** said there have been multiple meetings with City staff, but that the issue popped up later in the process. She said the site is a retention pond built for streets and is not a natural wetland. **Welch** said that's why the developers are comfortable that this won't be an issue that will interfere with the progress of the project.

**Councilor Pérez** asked if City staff could comment on the issue.

**City Planner Yoder** said what **Welch** said was correct that the wetland was a retention pond, probably constructed by the City along Regent Street. She said this often happens – that retention ponds are later identified as wetlands.

Given the huge size of the project, **Councilor Pérez** asked about the expected starting point after approval.

**Detweiler** said the plan is to start on the westside and move east. She said the entrance will be beside Regent Street along with some condominiums. She said work will then begin on 85 homes.

**Councilor Schrock** wished **Detweiler** good luck in seeking approval from the Army Corps of Engineers. **Detweiler** thanked **Councilor Schrock**.

**Council President Weddell** said the City Redevelopment Commission also has been working with **Detweiler** on the project. Regarding connectivity, he said the Winona bike trail currently ends behind Bethany Christian Schools. He said the commission is actively working to connect the trail to this project. **Council President Weddell** said there have been issues with an adjacent manufactured home community and connecting the trail through there. Because of changes in ownership, discussions are now focused on continuing the bike trail south past Waterford Elementary School and connecting it to the Waterford Mills Parkway. He said this must be worked out with Goshen Community Schools, which owns the property. He said connecting the trail will be important for the project.

**Detweiler** said this work speaks to urban planning and the value of connecting to the bike and walking trail. She said this will enable Cherry Creek residents to get downtown on a trail, and enhance Goshen's status as a walkable and bikeable community.

**Councilor Peel** said this will also benefit many other residents who already live adjacent to the planned bike trail.

**Detweiler** agreed. She added that children who live at Cherry Creek will be able safely walk or ride their bicycles to Prairie View Elementary School without crossing streets.

There were no further Council comments, so at 6:58 p.m., **Mayor Leichty** invited public comments on Ordinance 5173. There were none.

There were no further Council comments or questions. **Council President Weddell** said **Councilors** were ready to vote.



On a voice vote, Councilors unanimously passed Ordinance 5173, *Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Residential R-3 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, to be Known as the Cherry Creek PUD, and Amend Ordinances 3384 and 3970, Known as the Waterford Commons PUD (Planned Unit Development)*, on First Reading by a 7-0 margin, with all Councilors present voting yes, at 6:58 p.m.

In response to a question from Council President Weddell, City Planner Yoder said Councilors could approve Ordinance 5173 on Second Reading. Councilors then gave unanimous consent to proceed with the second reading of Ordinance 5173.

Mayor Leichy called for the introduction on Second Reading of Ordinance 5173, *Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Residential R-3 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, to be Known as the Cherry Creek PUD, and Amend Ordinances 3384 and 3970, Known as the Waterford Commons PUD (Planned Unit Development)*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5173 by title only, which was done. *Weddell/Riegsecker moved to approve Ordinance 5173 on Second Reading.*

Mayor Leichy invited further Council comments on Ordinance 5173. There were none.

At 6:59 p.m., Mayor Leichy invited public comments on Ordinance 5173. There were none.

Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5173, *Amend Ordinance 5173, C Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Residential R-3 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, to be Known as the Cherry Creek PUD, and Amend Ordinances 3384 and 3970, Known as the Waterford Commons PUD (Planned Unit Development)*., on Second Reading by a 7-0 margin, with all Councilors present voting yes, at 6:59 p.m.

Mayor Leichy congratulated Tonya Detweiler and said she hopes this would help her "rest easier." She also thanked City Planner Yoder and Crystal Welch.

#### Elected Official Reports:

Council President Weddell said the City Redevelopment Commission met recently (Nov. 14, 2023) and plans to sell several properties that were purchased many years ago. He said some of the properties are near the Waterford Mills Parkway, which the City purchased for possible road improvements. The properties are no longer needed for that purpose, he said, so they now will be sold. Council President Weddell also said that **City Redevelopment Director Becky Hutsell** reported that at one point the City Redevelopment Commission owned 45 properties in the City. After the upcoming sales, he said the Commission will own fewer than five properties. While he said it is important to retain some property for projects, he said it was good to be able to return properties to residents.



**Councilor King** asked if the **Council President** had an update on signage. **Council President Weddell** responded that he didn't have an update, but would continue to work on the issue.

**Clerk-Treasurer Aguirre** notified Councilors about their annual obligation to certify in writing that over the past year they understood and didn't violate state statutes and City policies regulating the employment of relatives by the City and also were in compliance with state statutes and local policies regarding contracting with the City. Aguirre said signed and notarized copies of the certifications must be submitted to the Mayor (via the Clerk-Treasurer) and filed with the State Board of Accounts by the end of the year. He said he would gather Councilor signatures on the certifications at the Dec. 27 Council meeting.

**Council President Weddell** confirmed that the Dec. 27 meeting will begin at 5:30 p.m.

**Mayor Leichty** said the next Council meeting will be Dec. 18. At that meeting, he said there will be an acknowledgement of the outgoing Council members – **Councilors King** and **Pérez**.

**Mayor Leichty** said the final meeting of the year, on Dec. 27, has traditionally focused on approving year-end line-transfer to ensure City accounts were in order. She also proposed that oaths of office, the swearing in of office for 2024, also take place at the meeting. She asked Councilors to be present for the 5:30 p.m. meeting and invite family and friends to be present about 6 p.m. for the swearing-in of Councilors.

**Council President Weddell** said the meeting usually lasts about five minutes, so he advised Councilors to have family and friends present earlier.

**Mayor Leichty** agreed with that recommendation, and recommended everyone show up at 5:30 p.m.

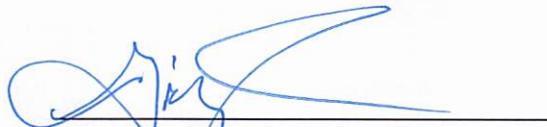
**Mayor Leichty** also said the incoming Council will approve the 2024 Council meeting calendar. She said the calendar will be finalized as soon as possible.

**Council President Weddell** said that **Councilor Nisley** will remain a member of the City Plan Commission "until such time as a new one is appointed."


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

**Mayor Leichty** adjourned the meeting at 7:05 p.m.

APPROVED:

  
Gina Leichty, Mayor of Goshen

ATTEST:

  
Richard R. Aguirre, City Clerk-Treasurer