**Minutes of the Common Council – Regular Meeting of Aug. 17, 2021**

6:00 p.m. Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

**Mayor Jeremy Stutsman called the meeting to order at 6 p.m. and led the Pledge of Allegiance**

**Present:** Julia King (At-Large), Jim McKee (District 1), Doug Nisley (District 2),

Gilberto Pérez, Jr. (District 5), Matt Schrock (District 3),

Council President Brett Weddell (At-Large), Youth Advisor Adrian Mora (Non-voting)

**Absent:** Megan Eichorn (District 4

**Nisley/McKee moved to approve the minutes of the Aug. 3, 2021 meeting. Passed 6-0**

**King/Weddell moved to approve the agenda as presented with the exception of moving the Privilege of the Floor from the start of the meeting to just before Elected Official Reports. Passed 6-0.**

**1. Council Resolution 2021-26 to approve the sale of real estate along West Plymouth Avenue near the Elkhart River**

Mayor Stutsman called the agenda item and Council President Weddell asked the Clerk-Treasurer to read the Council Resolution 2021-26 by title only, which was done.

**Weddell/McKee moved for passage of Council Resolution 2021-26.**

Mayor Stutsman said the resolution called for the city to approve the sale of a small portion of real estate. The resolution called for the sale of 0.103 acres (for $1,000) and the sale of 0.386 acres (for $4,326) to the Indiana Department of Transportation for a planned public improvement project – the replacement of the bridge over the Elkhart River on State Road 119 (West Plymouth Avenue) adjacent to Shanklin Park.

Staff explained the sale was requested to work on the bridge and to have access afterward for maintenance. Mayor Stutsman said neither he nor the city Engineering Department objected to the request.

There were no public comments – either in the chamber or online – on the resolution.

**Voice vote to pass Council Resolution 2021-26. Passed 6-0.**

**Privilege of the Floor**

Mayor Stutsman reminded the audience that City Council rules limit public comments to three minutes per speaker. He stated that Council President Weddell would be keeping track of time and informing speakers when their time limit had been reached. Council member Nisley requested that members of the public who had previously addressed the council not repeat the same talking points. Council members discussed the length of time to allow for public comments. Weddell said the council would allow 30 minutes for comments and could allow for an additional 30 minutes if needed. Clerk-Treasurer Aguirre provided a sign-up sheet and asked that speakers print their names and their city of residence. Weddell stated that this information was being requested to provide an accurate record of the speakers.

Terry Hartman of Goshen said he wanted to address comments made at recent City Council meetings. Hartman said no council members commented on the bravery of a woman who discussed the positive impact of the Christian faith on her life. He disagreed with two council members who stated that “love is love,” adding that only the Bible defines love and it says God is love. He said the Mayor and a few council members said they supported the LGBTQ community, but Hartman said Goshen is not an LGBTQ community. He also stated that Christians don’t hate people and that Jesus taught love, acceptance and repentance. Hartman said, “Christians are not anti-people, we’re anti-sin, and yes, our own sin as well.” Hartman also said, “The last council meeting I got that impression that we were talking about hate, and the inference was that Christians are hateful. That’s the impression I got. I just don’t think this kind of talk from the council is helpful to our community.”

Phillip Crawford of Goshen said that over the past month it appears there has been a battle at City Council and school board meetings and that this has made him unhappy. Crawford said he doesn’t want to be the source of division. He said his previous comments were focused on objecting to the cancelled LGBTQ pride event, but not LGBTQ people. Crawford said, “I want to make it clear that we are not coming to attack this community, and the LGBT people that live here. We’re expressing our concerns as Christian believers for events like the drag show, because we believe from our Christian standpoint it’s unacceptable.” Crawford said Christians are not hateful people. Crawford said Christians accept others and believe all are welcome and have rights, “but we are not willing to back down when it comes to issues like drag shows.” Crawford also presented council members with a document about the Christian roots of the City of Goshen.

Linda Hartman of Goshen said that for the past few months she has observed poor decorum at council meetings. She said council members should always have “poker faces” when people testify. Instead, Hartman said some council members have demonstrated by their facial expressions that they disagree with speakers and as a teacher and children’s pastor, she believes this is unacceptable and unprofessional. She encouraged council members to do better and to seek to represent the entire community.

Brock Richardson of Goshen said that the conservative Christians speaking to the council and school board in recent weeks continue to demand that elected officials violate the separation of church and state and ignore the rights of others. Richardson said, “They forget that no one in this country is obligated by any law to abide by their faith. Scripture or hate speech they dress up as their Bible.” Richardson said the council should not enforce homophobic laws to appease a small group. Richardson said, “When equality and diversity is seen in action, we see oppressors complain of being oppressed, or non-tolerated. We should make it clear that tolerance doesn’t mean tolerating hate.” Richardson said all people, including his family, should be represented. He also cited a case of homophobia when he lived in Michigan.

Jonah L. Farran of Goshen thanked council members King and Perez and Mayor Stutsman for previous email communication. Farran said he is concerned about the sprawl of development in the City of Goshen. Farran said the new intermediate school was built in a remote location that will force more driving by parents taking students to and from school and will discourage students from walking and biking to school. He said new residential and industrial development is also encouraging more vehicle trips, discouraging biking and walking and reducing public transit opportunities. Farran said climate goals are being violated and public safety is being jeopardized by this type of continued development. Farran said the city council should promote policies that encourage mix-used zoning and in-fill development, preserve wetlands and make more improvements for pedestrians and bicyclists.

Pamela Weishaupt of Goshen said she agreed with some of the concerns voiced by Jonah L. Farran. She expressed appreciation for the city’s parks, including Fidler Pond Park and the Shoup-Parsons Woods Park and Goshen Dam. Weishaupt also said this is a difficult time and that the community is sorting through difficult issues. Weishaupt also asked how the city evaluates or determines whether to approve development proposals. She also asked how the city determines whether to use any public funds as part of development proposals.

Mayor Stutsman said he would reach out to Pamela Weishaupt by email and explain the process.

Pamela Weishaupt thanked the mayor. She added that at a recent City Council meeting, a speaker discussed adding fluoride to city water. Weishaupt said she has concerns about this idea and would like more discussion about this. She also thanked City Council members for all they are doing.

Robert Waldusky of Goshen said Christians are not haters. He cited Biblical scripture that stated that people were punished in Sodom and Gomorrah, not because of who they were, but because they committed criminal offenses, disobeyed God, and were prideful. Waldusky said council members have been prideful and have disregarded citizen concerns about development, traffic, and other matters. Waldusky said residents are aware of how the council has acted and that he and others plan to share videos of council members to the public.

Lori Arnold of Goshen asked if video of City Council meetings is made available to those who cannot attend or watch the live Zoom video.

Mayor Stutsman asked city Communications Coordinator Sharon Hernandez to respond. Hernandez said audio recordings are posted online after they are processed, but not videos. The Mayor said the large size of video files has made it difficult to post videos of council meetings.

Lori Arnold asked how long it takes to post audio recordings of council meetings. She said it appeared council minutes have not been posted on the city’s website since 2019.

Mayor Stutsman said he could not state what minutes are available on the city’s website, but said anyone can contact the city and get copies of the minutes of City Council meetings. He said he would check on the council minutes on the website.

Emily Bush-Pearson of the city Clerk-Treasurer’s Office said that members of the public can view or obtain copies of council minutes by contacting the Clerk-Treasurer’s Office. She said the office was in the process of positing more council minutes on the city’s website.

Lori Arnold said she and others testifying over the past month at council meetings continue to have concerns about the canceled youth drag show and the threat of Antifa targeting conservative citizens and businesses in Goshen. Arnold said, “While you have all voiced your support for the LGBT, none of you have addressed these two issues. Please don’t be deceived into believing this is just an attack on the gay community by hateful Christians.” Arnold said that “as a non-Christian, bisexual woman, who has spent hours speaking with many of these Christians that could not be further from the truth.” Arnold condemned sexualizing children and hate group violence. Arnold said the mayor and council members should take these matters seriously. She said, “We will continue to bring them before you until you do.” Arnold also said she believes Goshen Community Schools will be implementing a mask requirement for students, as soon as this coming Monday, and that she and many others would object.

Mayor Stutsman said that the City of Goshen has no role in requiring masks. All previous mask mandates were ordered by the state and the county. Mayor Stutsman also asked those who testified what exactly they were asking the City Council to do – pass a resolution or ordinance?

Janet Waldusky of Goshen said the council, as the city’s governing body, should take action to protect children. Waldusky said that the City Council should work with the Goshen schools superintendent to protect children. She said society doesn’t allow sex offenders and child molesters to be near children. Waldusky also said the council should pass a resolution and legislation to protect children.

Mayor Stutsman pointed out that 30 minutes of public comments had now passed. He and council members discussed allowing others to speak. Mayor Stutsman asked if anyone else wanted to speak.

Lori Arnold said she wanted to respond to Mayor Stutsman’s question. She said, “One thing you can do is you could disavow Antifa. That’s a real simple thing that all of you could do – disavow Antifa.” Arnold said Antifa is a hate group that has been active in Goshen and has attacked store owners in Goshen. She said, “That is unacceptable. Why can’t any of you say anything about it? We want you to be speaking up.”

Council member King asked if anyone in city government was aware of such Antifa activity. Mayor Stutsman asked Assistant Police Chief Shawn Turner is there was any evidence that Antifa was active in the city. Stutsman said he does not support Antifa.

Assistant Police Chief Turner said, “We have nothing to substantiate a group as Antifa that is in Goshen. We have anecdotal comments, people making statements, that seem to attribute activities to Antifa, but there is no intelligence that I’m aware of an organized group that exists in Goshen under the heading Antifa.”

Council member King said that Antifa is short for anti-fascist, and said she did not support fascists, either. Mayor Stutsman responded, “I don’t either. I think we can all agree we don’t support that.”

Council member Nisley said he didn’t support any hate group, regardless what it was. He said that if there is a hate group in Goshen, he would expect the city would take swift action against it.

Council member King said that if large numbers of people had come to a council meeting and criticized Christians, she would have said publicly that she stood with her Christian neighbors instead. King stated that she conveyed this to Phillip Crawford after the first council meeting, when people first objected to the canceled drag show. She also said it is sad when one segment of the community opposes another.

Council member Nisley said that if Antifa or another group is causing problems, people should file complaints, and he is confident Goshen Police will respond. Nisley said, “We can’t just go to people’s doors and knock on their door and say, ‘Hey, you’re Antifa. We’re coming after you.’ We can’t do that. So, we need to have the proof that this is going on.” Nisley said he has yet to hear an answer to the Mayor’s question of what people want the City Council to do about the canceled drag show. Nisley said, “We’re bound by our state Constitution. We can’t just make a law up out of our head to go after people.”

Responding to council member Nisley, Council member King said the council is not an enforcement body. Youth Adviser Mora, in response, said empirical evidence is tangible and anecdotal evidence is not.

Mayor Stutsman noted that three Police Chiefs were present for the meeting and that he is grateful for all they do for the community. The Mayor said that he knows they are responsive to all community concerns.

Mayor Stutsman said that he has great respect for Assistant Chief Turner and he apologized that someone in the audience called Turner a “liar” during his comments about Antifa. Stutsman said, “That was very disrespectful … and I appreciate you and I’m proud to serve with you.”

**Mayor Stutsman closed the Privilege of the Floor at 6:46 p.m.**

**Elected Official Reports**

Council President Weddell said the city Redevelopment Commission met last week and received a nice presentation on the downtown River District Plan. Weddell said council members Schrock and Eichorn served on the group that developed the plan. Weddell said the commission also heard from parties proposing the Indiana Avenue Apartments proposal.

Council member Schrock reported on the East Goshen Neighborhood Association gathering, which was a success. Schrock reported that the Park Board met last Monday night and discussed various matters, including Allan Kauffman Park and Abshire Park. Schrock also said the two neighborhood associations in his district, Chamberlain and East Goshen, would appreciate more public involvement.

Council member Pérez thanked city employees for their good work last week responding to the storm damage. City crews were out by 6:30 or 7 a.m. helping residents. Perez said his neighborhood lost trees, branches and electrical power. One on his neighbors with electricity offered the use of a refrigerator to store food for neighbors who lost power. Perez said it was a good example of neighbors helping neighbors. He said city employees did the same.

Mayor Stutsman said employees from many city departments, including Parks, Streets and Cemeteries, went out early and responded to the storm damage and made sure people were safe. Stutsman said NIPSCO was great to work with. Police and Fire were also busy. Stutsman said he also he heard many stories of neighbors helping neighbors and was proud to be part of Goshen.

Council member Nisley said the West Goshen Neighborhood Association had a successful picnic over the weekend and Council member King was present. Nisley said neighbors would like to have an open air pavilion at their park. Nisley said he would like the city to explore this possibility. Mayor Stutsman said he would raise the possibility with the Parks Department.

Council President Weddell said that after the last City Council meeting, city Planning & Zoning Administrator: Rhonda Yoder informed him that the City Council will need to appoint a new member to the city Plan Commission after Council member Jim McKee leaves the council. It will be for a four-year term, ending in 2023 Weddell said he hopes this can be decided at the next City Council meeting. Mayor Stutsman said he would make sure this is on the agenda. Council members King and Nisley indicated that they both would be interested in serving on the city Plan Commission.

Clerk-Treasurer Aguirre said he wanted to make some comments because he missed the last council meeting, when Council member McKee’s said he would be stepping down from the council. Aguirre said he wanted to thank and congratulate McKee for his superlative service as a council member. Aguirre thanked McKee for his kindness and respectful conduct over the years despite being from a different political party than Aguirre. He also thanked McKee for his service to the city.

Council member McKee responded: “There’s never any reason why you shouldn’t be nice to people no matter what politics you are. Just be nice to people.”

Aguirre also said he wanted to thank city staff for their response to the storm. He said many city employees worked extra hours and over the weekend.

Mayor Stutsman the city is exploring the purchase of generators for City Hall and the City Annex. He said the city is seeking quotes to purchase generators so city work can continue during power outages,

Mayor Stutsman also reported that Clerk-Treasurer Aguirre had to decide quickly in June whether to pursue appointment as Clerk-Treasurer when the position became vacant. Stutsman said Aguirre had previously scheduled a vacation to California. After being appointed, Stutsman said Aguirre felt badly that he would be taking a vacation so quickly after being appointed. In response, Stutsman said Aguirre decided to donate some of the salary he received to the city Fire and Police Departments. Stutsman thanked Aguirre.

Council member Pérez said a Parkside Neighborhood Association resident told him that homes frequently lose power during storms. The neighbor suggested that generators be purchased for some areas. Pérez said it would be good for the city to consider buying generators for select neighborhoods. Council member King said that extra heating and cooling options would be a good related idea.

**Nisley/King moved to adjourn the meeting.**

***Mayor Stutsman adjourned the meeting at 7:01 p.m.***

APPROVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jeremy P. Stutsman, Mayor of Goshen

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Richard R. Aguirre, City Clerk-Treasurer