

## **GOSHEN COMMON COUNCIL**

### **Minutes for the Regular Meeting of November 20, 2018**

The Common Council of the City of Goshen, Indiana met in a regular meeting on November 20, 2018 at 7:00 P.M. in the City Court Room/Council Chambers at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, IN. Presiding Officer was Mayor Stutsman, with members of the Council present or absent as follows:

**PRESENT:** Councilman McKee, Nisley, Orgill, Scharf, Weddell,  
Councilwoman Gautsche, King  
Youth Advisor Perez-Diener

**ABSENT:**

### **CHANGES TO THE AGENDA**

Mayor Stutsman called for any changes to the Agenda or a motion to approve the Agenda as presented. Motion to approve Agenda as presented was made by Council President Weddell. Motion was seconded by Councilman Nisley.

By a 7-0 unanimous vote the Agenda passed as presented.

### **APPROVAL OF MINUTES**

There were no minutes to approve at this time.

### **PRIVILEGE OF THE FLOOR**

No one from the public spoke during privilege of the floor.

Council President Weddell thanked the Street Department for their efforts in cleaning up the leaves even though it has been snowing.

### **RESOLUTION 2018-53**

Council President Weddell introduced Resolution 2018-53 entitled "AUTHORIZING THE EXTENSION OF CITY UTILITIES OUTSIDE THE CORPORATE BOUNDARIES, AND APPROVING THE ANNEXATION AGREEMENT WITH GOSHEN COMMUNITY SCHOOLS."

Council President Weddell asked the Clerk-Treasurer to read the Resolution by title only and moved for its passage. Motion was seconded by Councilwoman King.

City Attorney Larry Barks spoke regarding the Resolution starting at 7 minutes and 15 seconds of the audio recording.

**PUBLIC COMMENTS ON RESOLUTION 2018-53**

Mayor Stutsman opened public comment. No public comments were made.

**COUNCIL COMMENTS ON RESOLUTION 2018-53**

Mayor Stutsman opened Council comment. No Council comments were made.

By a 7-0 unanimous vote, the Resolution passed.

(RESOLUTION 2018-53 DULY PASSED AND ADOPTED THIS 20<sup>TH</sup> DAY OF NOVEMBER, 2018)

**ORDINANCE 4970**

Council President Weddell introduced Ordinance 4970 entitled "GOSHEN COMMUNITY SCHOOLS ANNEXATION."

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only and moved for its passage on second and final reading. Motion was seconded by Councilman Nisley.

**COUNCIL COMMENTS ON ORDINANCE 4970**

Mayor Stutsman opened Council comment. Council comments start at 8 minutes and 40 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE 4970**

Mayor Stutsman opened public comment. No public comments were made.

AYES: Gautsche, King, McKee, Nisley, Orgill, Scharf, Weddell

NAYS:

By a 7-0 unanimous vote, the Ordinance passed.

(ORDINANCE #4970 DULY PASSED AND ADOPTED THIS 20<sup>TH</sup> DAY OF NOVEMBER, 2018)

**ORDINANCE 4985**

Council President Weddell introduced Ordinance 4985 entitled "AN ORDINANCE AMENDING ORDINANCE 3011, KNOWN AS THE ZONING AND USE REGULATIONS ORDINANCE FOR THE CITY OF GOSHEN, INDIANA, BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM RESIDENTIAL R-1 TO COMMERCIAL B-3 WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT AND AN ORDINANCE TO COMBINE AND AMEND ORDINANCES 3734, 3901, 3997, 4701, 4265, 4462 AND 4601, AND TO EXPAND THE GOSHEN HOSPITAL. PUB BY INCLUDING THE AREA OF REZONED REAL ESTATE."

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only and moved for its passage on first reading. Motion seconded by Councilman Nisley.

Mayor Stutsman makes a statement regarding proceedings starting at 10 minutes and 18 seconds of the audio recording.

Goshen Health President and CEO Randy Christophel gave a presentation starting at 12 minutes and 41 seconds of the audio recording.

Historic Racemere Peninsula Neighborhood Association President Marshall King gave a presentation starting at 19 minutes and 16 seconds of the audio recording.

Mayor Stutsman makes comments starting at 25 minutes and 07 seconds of the audio recording.

### **COUNCIL COMMENTS ON ORDINANCE 4985**

Mayor Stutsman opened Council comments. Council comments start at 26 minutes and 00 seconds of the audio recording.

Councilman Scharf makes a motion to amend the Ordinance starting at 27 minutes and 04 seconds of the audio recording. (The map and text for this amendment is included with these minutes and listed as Exhibit A and Exhibit B). Motion was seconded by Councilman Nisley.

Councilwoman King makes an amendment to Councilman Scharf's amendment starting at 37 minutes and 07 seconds of the audio recording. Motion was seconded by Councilwoman Gautsche. (This amendment is to remove all properties south of Westwood)

### **PUBLIC COMMENTS ON AMENDMENT TO ORDINANCE 4985**

Mayor Stutsman opened public comments. Public comments start at 42 minutes and 36 seconds of the audio recording. (These comments are regarding the amendment that Councilwoman King brought forth)

### **COUNCIL COMMENTS ON AMENDMENT TO ORDINANCE 4985**

Mayor Stutsman brought comments back to the Council. Additional Council comments start at 59 minutes and 36 seconds of the audio recording.

AYES: Gautsche, King, Orgill

NAYS: McKee, Nisley, Scharf, Weddell

By a 4-3 vote, the amendment brought forth by Councilwoman King, fails.

### **PUBLIC COMMENTS ON AMENDMENT TO ORDINANCE 4985**

Mayor Stutsman opened public comments. Public comments start at 1 hour 16 minutes and 42 seconds of the audio recording. (These comments are now on the amendment brought forth by Councilman Scharf)

**COUNCIL COMMENTS ON THE AMENDMENT TO ORDINANCE 4985**

Mayor Stutsman brought comments back to the Council. Additional Council comments start at 2 hours, 05 minutes and 48 seconds of the audio recording.

AYES: King, McKee, Nisley, Orgill, Scharf, Weddell

NAYS: Gautsche

By a 6-1 vote, the amendment brought forth by Councilman Scharf, passes.

**COUNCIL COMMENTS ON ORDINANCE 4985 AS AMENDED**

Mayor Stutsman opened Council comments. Council comments start at 2 hours, 16 minutes and 18 seconds of the audio recording.

Councilman Orgill makes a motion to amend the Ordinance starting at 2 hours, 16 minutes and 19 seconds of the audio recording. Motion seconded by Councilwoman Gautsche. (This amendment was to remove height restrictions)

Councilman Orgill rescinded his motion and Councilwoman Gautsche rescinded her second starting at 2 hours, 20 minutes and 15 seconds of the audio recording.

Councilwoman King makes a motion to amend the Ordinance starting at 2 hours, 21 minutes and 22 seconds of the audio recording. Motion was seconded by Councilwoman Gautsche. (This amendment a 2<sup>nd</sup> attempt to remove all properties south of Westwood).

**COUNCIL COMMENTS ON AMENDMENT TO ORDINANCE 4985**

Mayor Stutsman opened Council comments. Council comments start at 2 hours, 21 minutes and 48 seconds of the audio recording. (These comments are regarding the amendment that Councilwoman King brought forth)

**PUBLIC COMMENTS ON AMENDMENT TO ORDINANCE 4985**

Mayor Stutsman opened public comments. Public comments start at 2 hours, 23 minutes and 37 seconds of the audio recording. (These comments are regarding the amendment that Councilwoman King brought forth)

AYES: Gautsche, King, Scharf

NAYS: McKee, Nisley, Orgill, Weddell

By a 4-3 vote, the amendment brought forth by Councilwoman King, failed.

Mayor Stutsman asked a few questions regarding construction to the hospital starting at 2 hours, 26 minutes and 39 seconds of the audio recording.

Mark Podgorski, Vice President of Operations for Goshen Health answers questions asked by Mayor Stutsman starting at 2 hours, 27 minutes and 20 seconds of the audio recording.

Mayor Stutsman makes comments regarding the Ordinance starting at 2 hours, 28 minutes and 38 seconds of the audio recording.

Randy Christophel, President and CEO of Goshen Health responds to Mayor Stutsman's question starting at 2 hours, 31 minutes and 28 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE 4985 AS AMENDED**

Mayor Stutsman opened public comments. Public comments start at 2 hours, 33 minutes and 04 seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE 4985 AS AMENDED**

Mayor Stutsman brought the comments back to the Council. Additional comments from Council start at 2 hours, 38 minutes and 28 seconds of the audio recording.

AYES: Gautsche, McKee, Nisley, Scharf, Weddell

NAYS: King, Orgill

By a 5-2 vote, the Ordinance passed on first reading.

Mayor Stutsman asked for a unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, Mayor Stutsman declared that the Ordinance would be heard on a second reading.

**ORDINANCE 4985**

Council President Weddell introduced Ordinance 4985 entitled "AN ORDINANCE AMENDING ORDINANCE 3011, KNOWN AS THE ZONING AND USE REGULATIONS ORDINANCE FOR THE CITY OF GOSHEN, INDIANA, BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM RESIDENTIAL R-1 TO COMMERCIAL B-3 WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT AND AN ORDINANCE TO COMBINE AND AMEND ORDINANCES 3734, 3901, 3997, 4701, 4265, 4462 AND 4601, AND TO EXPAND THE GOSHEN HOSPITAL PUB BY INCLUDING THE AREA OF REZONED REAL ESTATE."

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only and moved for its passage on second and final reading. Motion was seconded by Councilman Nisley.

**COUNCIL COMMENTS ON ORDINANCE 4985**

Mayor Stutsman opened Council comments. No Council comments were made.

**PUBLIC COMMENTS ON ORDINANCE 4985**

Mayor Stutsman opened public comments. No public comments were made.

AYES: Gautsche, McKee, Nisley, Scharf, Weddell

NAYS: King, Orgill

By a 5-2 vote, the Ordinance passed as amended.

(ORDINANCE #4985 DULY PASSED AND ADOPTED ON THIS 20<sup>TH</sup> DAY OF NOVEMBER, 2018)

**PUBLIC HEARING ON ORDINANCE 4988**

Mayor Stutsman opened the public hearing. Let the record show that no one spoke.

**ORDINANCE 4988**

Council President Weddell introduced Ordinance 4988 entitled "AN ORDINANCE VACATING PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA."

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only and moved for its passage on first reading. Motion seconded by Councilman Nisley.

City Planning and Zoning Administrator Rhonda Yoder spoke on the Ordinance starting at 2 hours, 46 minutes and 55 seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE 4988**

Mayor Stutsman opened Council comments. Council comments start at 2 hours, 48 minutes and 56 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE 4988**

Mayor Stutsman opened public comments. No public comments were made.

AYES: McKee, Nisley, Orgill, Scharf, Weddell

NAYS: Gautsche, King

By a 5-2 vote, the Ordinance passed on first reading.

Mayor Stutsman asked for a unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, Mayor Stutsman declared that the Ordinance would be heard on a second reading.

**ORDINANCE 4988**

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Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only and moved for its passage on second and final reading. Motion seconded by Councilman Nisley.

**COUNCIL COMMENTS ON ORDINANCE 4988**

Mayor Stutsman opened Council comments. No comments were made by the Council.

**PUBLIC COMMENTS ON ORDINANCE 4988**

Mayor Stutsman opened public comments. No comments were made by the public.

AYES: McKee, Nisley, Orgill, Scharf, Weddell

NAYS: Gautsche, King

By a 5-2 vote, the Ordinance passed.

(ORDINANCE #4988 DULY PASSED AND ADOPTED ON THIS 20<sup>TH</sup> DAY OF NOVEMBER, 2018)

Prior to the public hearing on Ordinance 4989, Councilman Scharf asked a question starting at 2 hours, 52 minutes and 56 seconds of the audio recording.

**PUBLIC HEARING ON ORDINANCE 4989**

Mayor Stutsman opened the public hearing. Public comment starts at 2 hours, 54 minutes and 06 seconds. (Hospital stated that they would withdrawal)

**ORDINANCE 4989**

Council President Weddell introduced Ordinance 4989 entitled "AN ORDINANCE VACATING PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA."

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only and moved for its passage on first reading. Motion was seconded by Councilwoman King.

**PUBLIC COMMENTS ON ORDINANCE 4989**

Mayor Stutsman opened public comments. No comments were made by the public.

**COUNCIL COMMENTS ON ORDINANCE 4989**

Mayor Stutsman opened Council comments. No comments were made by the Council.

By a 7-0 unanimous vote, the Ordinance fails.

**RESOLUTION 2018-55**

Council President Weddell introduced Resolution 2018-55 entitled "AN EMERGENCY RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS."

Council President Weddell asked the Clerk-Treasurer to read the Resolution by title only and moved for its passage. Motion was seconded by Councilman Nisley.

**COUNCIL COMMENTS ON RESOLUTION 2018-55**

Mayor Stutsman opened Council comments. No comments were made by the Council.

**PUBLIC COMMENTS ON RESOLUTION 2018-55**

Mayor Stutsman opened public comments. No comments were made by the public.

**COUNCIL COMMENTS ON RESOLUTION 2018-55**

Mayor Stutsman brought the comments back to the Council. Additional comments start at 2 hours, 56 minutes and 22 seconds of the audio recording.


City Street Commissioner David Gibbs responds to Council question starting at 2 hours, 56 minutes and 45 seconds of the audio recording.

By a 7-0 unanimous vote, the Resolution passed.

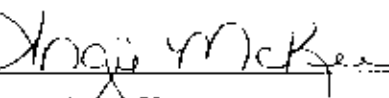
(RESOLUTION 2018-55 DULY PASSED AND ADOPTED THIS 20<sup>TH</sup> DAY OF NOVEMBER, 2018)

Councilwoman King moved to adjourn. Motion seconded by Councilman Nisley and the meeting adjourned at 9:51pm.

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

  
Mayor, Jeremy P. Stutsman  
Goshen, Indiana

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

  
Angie McKee  
City Clerk-Treasurer