



Minutes of the Goshen Common Council Regular Meeting of January 7, 2020

[7:00 p.m.]

Mayor Jeremy P. Stutsman called the meeting to order and led in the Pledge of Allegiance

Mayor Stutsman and Clerk-Treasurer Adam Scharf conducted the swearing-in for all new and returning Common Council Members in the following order:

Brett Weddell (At-large)

Matthew Schrock (District 3)

Gilberto Perez, Jr. (District 5)

Doug Nisley (District 2)

Jim McKee (District 1)

Julia King (At-large)

Megan Eichorn (District 4)

Clerk called the roll, with all voting members present and non-voting Youth Advisor Zoe Eichorn absent

[7:09]

Mayor opened nominations for City Council President for the year 2020. Nisley/King nominated Brett Weddell. Nisley/McKee moved to close nominations

VOICE VOTE 7-0 to appoint Dr. Brett F. Weddell 2020 Goshen Common Council President

[7:10]

Councilor McKee noted the date in the agenda should be for minutes of Dec. 26th not Dec.27th. Nisley/King moved to approve the minutes of Dec. 26th.

VOICE VOTE 7-0 to approve the minutes of Dec. 26th

[7:11]

Mayor suggested changing Item VII to Item I since Zachary Bontrager attended last meeting and his nomination for Economic Development Commission was not acted upon.

King/Weddell moved to approve the meeting agenda with the requested change

VOICE VOTE 7-0 to approve the meeting agenda as amended

[7:12]



Privilege of the Floor

Glenn Null thanked Fire, Police and Street Depts for a West Goshen fire and incident response. They were quick to respond and also proactively spread salt on the water on the street to keep it from freezing and causing further accident. Mr. Null expressed displeasure with the parking and drainage situation at the pond behind Linway Plaza.

Mayor explained that the pond is a park that does not have designated parking and that much of Linway stormwater flows into Lincoln Ave storm sewer.

[7:15]

Mayor introduced and explained the new Council Committee, Liaison, Mayoral Report agenda item that will appear regularly on the agenda.

[7:16]

President Weddell introduced the nomination of Zack Bontrager. Mr. Bontrager introduced himself and his interest in the position.

Weddell/Nisley nominated Zack Bontrager to serve on the Economic Development Commission.

VOICE VOTE 7-0 to appoint Zack Bontrager to the Economic Development Commission

Mayor swore in Mr. Bontrager

[7:18]

Resolution 2020-01: Declaring the Designation of the Benteler III Economic Revitalization Area to Authorize a Tax Phase-In for Benteler Automotive Corporation

Weddell/McKee moved for passage.

Community Development Director Mark Brinson introduced the resolution consistent with the memo included in the meeting packet.

Jason Semler, partner with BakerTilly, summarized and explained the financial analysis included in the meeting packet.

Mayor reminded Council that this resolution does not grant an abatement, only creates the area.

King stated the present discussion seemed to skip past the area creation discussion and directly to the abatement discussion.

Mayor listed several reasons that he supported the resolution.

Weddell asked what the true savings to Benteler would be. Jason Semler responded that it was just over \$1M over the five year period.

Mayor noted that Benteler is one of the companies that helps diversify the local economy.



King asked about consequences if the City provided abatements to many more businesses. Jason Semler responded with a recap of some of the financial analysis.

Chris Hooley of Economic Development Corporation of Elkhart County introduced and summarized the Benteler project.

Earl Matteson, Benteler Plant Manager, gave some history and background about the local plant, what the plant produces, their customer base, plant layout and equipment, etc. He a detailed description of the project scope, monetary value (approximately \$26M), and implications..He mentioned involvement with the Goshen Community Schools and seeking to “talent up” the workforce.

Perez, Mr. Matteson, and King discussed employee training.

Jason Semler stated that the annual tax liability after the abatement would be \$204,000.

King asked why would the City not grant abatements for everyone if there is only gain without costs. Mayor said abatements need to be considered on a case-by-case basis.

Mark Brinson stated that Goshen has been more conservative than other entities in Elkhart Co. in granting abatements.

Perez asked whether other sorts of tax incentives could be available.

Mark Brinson explained the compliance and statement of benefits process.

King raised the issues of opportunity cost, that abatements are not uniformly granted, that this one does not meet the policy standards, and the cyclical nature of the automotive industry.

Weddell stated that the ordinance was written for this exact situation and no harmful precedent would be set.

Weddell and King had exchange about economic cycles.

McKee stated that he generally does not care for abatements, but we are in competition and the playing field is not level. He noted that Benteler’s wages are relatively good.

Weddell and Mayor had exchange about attracting automotive industry to Goshen, including in previous campaigns.

Perez commented on robotics and the impact on the workforce, manufacturing sector in the future.

Mayor noted several reasons the he thought the discussion was valuable.

ROLL CALL VOTE 6-1 on Resolution 2020-01 (PASSED)

AYE: Eichorn, McKee, Nisley, Perez, Schrock, Weddell

NAY: King



[8:15]

Resolution 2020-02: Interlocal Agreement with Elkhart County for the County Road 40

Connector Road Project

Weddell/King moved for passage.

Mayor and City Attorney Larry Barkes introduced the project, gave some background, explained that this would be funded by Redevelopment Commission, that there were many unknowns at this point but this agreement is enables cooperation with Elkhart County to proceed with design, etc.

Mayor requested that Council amend the resolution by replacing the originally-distributed version with an updated version (Updated version on file as final, executed Agreement).

Weddell/Nisley so moved.

VOICE VOTE 7-0 to amend Resolution 2020-02 (PASSED)

King asked whether a bridge was being considered. She did not want one. Mayor replied that none of the current options included a bridge; that was looked into 5-6 years ago and the cost was prohibitive.

VOICE VOTE 7-0 to pass Resolution 2020-02 as amended (PASSED)

[8:20]

Ordinance 5030: An Ordinance to Amend Ordinance No. 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 Commercial B-1 District and Residential R-1 District to Commercial B-2 District (Commonly known as 301 W Pike St., 307 N. 2nd St., 306 New St.)

Weddell/Nisley moved for passage on first reading.

City Planner Rhonda Yoder provided a summary and read from the packet memo.

King asked whether anyone spoke at Plan Commission. Ms. Yoder said that one person spoke in favor. Ms. Yoder mentioned that one things neighbors wanted was a fence, and that is included in the plan.

Mayor said he had three calls into his office from people who missed the former Subway.

Schrock asked whether there was any negative response from neighbors. Ms. Yoder replied there was not.

Ms. Yoder listed the public notices, which for a rezoning include letters to property owners within 300 feet, newspaper advertisement, as well as signs posted at the site.



Deborah Hughes, project civil engineer from Marback, Brady and Weaver introduced herself, along with Loren Eash of Eash Holdings (current property owner and former operator of the previous Subway), Scott Gaines (prospective property buyer and restaurateur) and general contractor Tim McCollough. Ms. Hughes summarized the site plan.

Eichorn asked whether this would be a new Subway. Ms. Hughes confirmed that it would be.

Schrock asked whether the lighting would light up the surrounding area. Ms. Hughes stated that the lighting would be downcast with shields, a privacy fence would block headlights, and that access would be off of 2nd St, not US 33.

VOICE VOTE 7-0 to pass Ordinance 5030 on first reading (PASSED)

Weddell/Nisley moved to pass Ordinance 5030 on second and final reading.

VOICE VOTE 7-0 to pass Ordinance 5030 on second and final reading (PASSED)

[8:28]

Ordinance 5031: Amend Park Rules and Regulations to Allow for the Possession and Consumption of Alcohol During Rentals of Park Pavilions and Facilities

Weddell/King moved for passage on first reading.

Parks & Recreation Superintendent Tanya Heyde explained some of the lead-up to the proposal before the council, which comes as a recommendation from the Park Board. Ms. Heyde cited the proposed Ice Rink Pavilion, wedding ceremonies, and the Millrace Powerhouse as specific facilities.

Mayor cited several events that have allowed alcohol in recent years at the powerhouse and said there have been no problems. He noted that Mayor Kauffman brought this to Council several years ago, said that it was written differently and Mayor Stutsman had voted against it because it would have allowed bringing a cooler of alcohol into parks. He said this ordinance requires licenses and protects children.

Nisley asked Mayor if it would be only for caterers or businesses with alcohol licenses.

Mayor said there are multiple legal methods including one-day permits, that persons would not be able to bring their own alcohol, and that only professionals would be serving alcohol.

Perez asked Heyde what the current situation with alcohol in the parks is, and what concerns and opportunities she sees.

Heyde said that not too many people openly consume. Some offenses occur at sporting events. Staff sometimes find empty containers during cleanup. She feels rental procedures are good and that the ordinance would enable more special events and opportunities.

Nisley said the city can already have special events with alcohol. Mayor stated not in the parks.



[8:37]

Nisley asked about the definition of “facilities.” Ball diamonds, for example. There was detailed discussion about what constituted a facility.

Nisley raised the concern about a government body competing with private entities like event centers. Cited example of public vs. private golf courses.

Mayor said he agrees government shouldn’t compete but doesn’t think, for example, Schrock Pavilion compares to or competes with facilities like the farm owned by CT Scharf.

Weddell asked about whether alcohol would still be allowed at the Millrace Powerhouse. Staff replied that it would because Redevelopment Commission still owns the property even though Park Dept manages it.

Weddell asked about clarity of standards conveyed to renters, as well as distinguishing between indoor and outdoor spaces.

Heyde mentioned the site plan required by excise authorities, including fencing.

Mayor asked if Council would be more comfortable with a trial period or pavilions only. He stated people would be informed about what they would need to do either by the City or by the alcohol board.

Schrock asked if permit holders take on liability in case of incident. Heyde stated that it would be the permit holder who would be liable.

Eichorn mentioned that Elkhart Parks & Rec allows alcohol and wondered if Goshen had consulted with them. Heyde said yes, briefly. Elkhart does permitting in-house. She said several entities in the area allow alcohol and have tailored their own policies.

McKee stated that he has sold and been around alcohol a lot, and it can sometimes cause problems. He recalled that Council was unanimously opposed last time and that parks should be family friendly, which is why he and others banned smoking and vaping.

Nisley recalled working security and dealing with problems first hand. He is also concerned about the City getting dragged into lawsuits. It doesn’t seem consistent to ban smoking in parks and allow alcohol.

King wondered whether a sunset provision would be worth considering.

Mayor referred again to the previous events with no issues. Also asked for confirmation that only beer and wine would be allowed, not hard liquor, with one-day permit. Heyde stated that hard liquor can be done with licensed caterer.

Weddell gave an example of his office Christmas party being at Reith Center, but moving elsewhere because they couldn’t have alcohol. Nisley pointed out that this benefited a private business. Nisley asked about security personnel being required. Mayor did not think it was necessary.



[8:53] PUBLIC COMMENT

Glenn Null spoke in opposition and listed several reasons.

Fire Chief Danny Sink responded to one of Mr. Null's comments regarding the Local 1443 Smoker event, making clear that all licensing and service regulations are met.

Zachary Bontrager noted that alcohol is common and that what-ifs should not win out.

Betsy Garber had questions about security and suggested being specific about which places to include and exclude. She asked how enforcement works. Doesn't think allowing alcohol is consistent with banning smoking.

COUNCIL DISCUSSION

Mayor sought to reassure Council and listed several reasons to consider. Emphasized that there is no rush.

Nisley said he talked with Ed Ahlersmeyer today whose family has supported the parks. Their family would prefer not to see alcohol in the parks.

Mayor suggested limiting to fully enclosed locations, set a sunset or review. Assured Council that staff will be diligently overseeing.

Eichorn suggested sunset provision, within enclosed structures only, and beer/wine only. Thinks we could try it out.

ROLL CALL VOTE 6-1 to pass Ordinance 5031 on first reading (PASSED)

AYE: Eichorn, King, McKee, Perez, Schrock, Weddell

NAY: Nisley

[9:08]

Resolution 2020-03: Acquisition of Real Estate in the 1500-Block of East Monroe Street

Weddell/King moved for passage

Civil Traffic Engineer Leslie Biek explained the intent is to keep it as is and prevent development.

Schrock asked whether both parcels are in the flood plain. Biek stated they are in the flood plain, a \$30,000 offer has been accepted, and that the property is about 3.5 acres.

Nisley/Weddell to amend Resolution 2020-03 to change parcel number to 20-11-15-226-012 (instead of erroneous 20-11-15-226-102)

VOICE VOTE 7-0 to amend Resolution 2020-03

VOICE VOTE 7-0 to pass Resolution 2020-03 as amended (PASSED)



[9:14]

Approval of 2020 Common Council Meeting Calendar

Weddell/Eichorn moved to adopt as presented

VOICE VOTE 7-0 to adopt 2020 Common Council Meeting Calendar as presented

Discussion Item: Goshen Central Fire Station Remodel Funding

Fire Chief Danny Sink reminded Council that last year \$150,000 was appropriated for fire station repairs, most of which was not spent and reverted to cash. This is just the process to re-appropriate what was previously committed.

McKee noted that a large tree fell on the station.

Sink stated that as much as possible is being done in-house. Mayor stated that some local companies are donating items as well.

Appointment of Minority Contact for Meeting Cancellations (per Council Rules of Order)

Democratic members selected Julia King

[9:29 p.m.] *Meeting Adjourned*

APPROVED:

A handwritten signature in black ink, appearing to be "J. Stutsman", written over a horizontal line.

Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

A handwritten signature in black ink, appearing to be "Adam Scharf", written over a horizontal line.

Adam C. Scharf, Goshen City Clerk-Treasurer