

**REGULAR MEETING OF THE COMMON COUNCIL (APRIL 1, 2014)**  
**111 EAST JEFFERSON STREET, GOSHEN, INDIANA**

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The Common Council of the City of Goshen, Indiana, met in the Council Chambers for a regular session on April 1, 2014 at 7:00 P.M. Presiding Officer was Mayor Kauffman with members of the Council present as follows:

PRESENT: COUNCILMAN AHLERSMEYER, MCKEE, STUTSMAN, THOMAS  
WEDDELL

COUNCILWOMAN ROBINSON: GAUTSCHE

ABSENT: NONE

**APPROVAL OF MINUTES**

Councilman Thomas moved to approve the minutes of the March 4 and March 18, 2014 meetings. Motion seconded by Councilman Weddell and motions passed unanimously.

**CHANGES TO AGENDA**

Mayor Kauffman explained the Community Relations Commission Annual Report would come at the meeting in two weeks instead of tonight. Councilman Stutsman stated he would like to add a new appointment to the EID Board to the end of the meeting and will explain more at that time.

**PUBLIC HEARING AND NOTICE OF AVAILABILITY OF DRAFT  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL  
ACTION PLAN FOR PROGRAM YEAR 2014**

Mayor Kauffman opened the Public Hearing and Notice of availability of Draft Community Development Block Grant (CDBG) Annual Action Plan for Program Year 2014.

CDBG Administrator Rhonda Yoder explained in the Council packets was a memo from her along with a copy of the plan. She also handed out a memo at the meeting. A day or so after the plan was out for public comment HUD released the allocation for this year. The memo provided in the packet has the revised plan based on the actual allocation. What she handed out tonight, she explained, was a summary of the CDBG program as well as the 2013 budget and spending year-to-date. She explained they are on track, as they have been for several years. Public facilities improvements and rehab programs typically spend the money at the very end of the program year which will be in a couple of months.

Councilwoman Gautsche asked if the proposed use of funds for 2014 isn't exactly current. Mrs. Yoder responded what is in the draft plan is not current, because it's been updated.

Mayor Kauffman closed the Public Hearing as no person wished to speak.

**ORDINANCE 4775**

Council President McKee introduced Ordinance 4775 entitled "AN ORDINANCE TO AMEND ORDINANCE NUMBER 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 INDUSTRIAL M-1 DISTRICT TO RESIDENTIAL R-2 DISTRICT.”

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

City Planner Rhonda Yoder explained this is for two properties that include 3 parcels at 804 and 815 Steury Avenue, the addresses do not make sense if you think about it as they are on the same side of the street, but, she explains it is historic so we won't mess with it. The two properties were actually zoned R-2 on the first zoning map in 1961. In 1972 the map was updated and they were zoned Industrial but have been residential use. The property owners would like to rezone to residential. Mrs. Yoder went on to explain, if Council recalled, the property to the east was rezoned for the development of a single family or duplex which is proceeding with some utility and access issues being worked out. One of the properties being rezoned tonight currently has a mobile home they plan to replace with a single family home. This rezoning will help with that but won't eliminate the need for variances because it has no fronting on a dedicated street. It will help both properties if they are zoned residential to help reflect the actual land use. She recommends Council approve this and explains there will be no impact on the adjacent M-1 properties because the land use is already residential.

Mayor Kauffman added, in addition to the odd numbering, these properties don't even front Steury Avenue. Mrs. Yoder responded this was correct but added they get their mail on Steury Avenue and added the Landis property to be built back there will also have a Steury address.

Mayor Kauffman asked Mrs. Yoder if there had been any objections at Plan Commission. She responded there had not been.

Councilman Thomas asked where the City Garage was located; if it was at either 416 or 320. Mrs. Yoder thought it was 320.

By a 7-0 unanimous vote of the Council the motion passed.

Council President McKee asked the Clerk-Treasurer to read the Ordinance by title only for second and final reading and moved its passage by roll call vote. Motion seconded by Councilwoman Robinson.

Councilman Thomas asked why it wouldn't be zoned to R-1. She responded typically we don't like to do little pockets of zoning. The adjacent zoning to the northwest and to the east and south is all R-2. It is to match that and doesn't really have any effect on the use. In R-2, you have either duplex or single-family, but the duplex would have to have a certain amount of lot area.

Councilman Thomas explained she may remember the party that wanted to build to the east of this is his best friend from high school. He wanted to build a house with a second place he could put up for return missionaries or friends that came in. Mrs. Yoder responded they have had discussions with him and if he attaches them and it's a duplex it would be permitted, but two separate single-family houses are not permitted in an R-2. Councilman Thomas asked her to explain the wisdom of that. Mrs. Yoder responded two separate single-family structures would

be considered two primary structures. A duplex is just one structure. It is two dwelling units, but they are attached to each other so it's one structure.

The Council roll call vote was as follows:

AYES: AHLERSMEYER: GAUTSCHE: MCKEE: ROBINSON: STUTSMAN: THOMAS:  
WEDDELL

NAYS: NONE

(ORDINANCE 4775 DULY PASSED AND ADOPTED THIS 1<sup>ST</sup> DAY OF APRIL, 2014.)

**ORDINANCE 4776**

Council President McKee introduced Ordinance 4776 entitled "AMEND ORDINANCES 4758 AND 4767, 2014 ANNUAL COMPENSATION FOR THE COMMISSIONED OFFICERS AND CERTAIN CIVILIAN EMPLOYEES OF THE GOSHEN POLICE DEPARTMENT."

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

City Attorney Larry Barkes stated he would defer to Police Chief Wade Branson as these changes were made at his request. Chief Branson explained currently to enter a specialty position like training officer, drug unit, or School Resource Officer you have to have 2 years on the Police Department. This change would allow you to be hired and be probationary a year and after that year you can receive the pay associated with this. What brought this on is last July the State of Indiana changed the PERF requirements stating that an officer from one department that is in PERF can transfer to another department without going through the requirements of the physical and psychological and there is no age requirement. We have seen an onslaught of officers from other departments applying and if someone has a specialty in one of those fields, before they would have to be on our department for 2 years before going into a specialty position, now we can hire someone from another department and they would get probationary pay for the first year and the specialty pay after that.

Mayor Kauffman added Chief Branson doesn't go out looking for guys from other departments, they are coming to us. Chief Branson added that for 2 positions they have opening up in the near future they have received several applications from other sworn officers.

By a 7-0 unanimous vote of the Council the motion passed.

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

Council President McKee asked the Clerk-Treasurer to read the Ordinance by title only for second and final reading and moved its passage by roll call vote. Motion seconded by Councilman Thomas.

The Council roll call vote was as follows:

AYES: AHLERSMEYER: GAUTSCHE: MCKEE: ROBINSON: STUTSMAN: THOMAS:  
WEDDELL

NAYS: NONE

(ORDINANCE 4776 DULY PASSED AND ADOPTED THIS 1<sup>ST</sup> DAY OF APRIL, 2014.)

**PUBLIC HEARING ON ADDITIONAL APPROPRIATION ORDINANCE**

Mayor Kauffman opened the Public Hearing on the Additional Appropriation Ordinance.

Mayor Kauffman explained this is an Additional Appropriation Ordinance for expenditures that were not included in this year's budget. One is for \$25,000 from the EDIT Fund for joint marketing with Goshen Chamber of Commerce, Goshen College, and Goshen Community Schools. The other is \$8,500 from the Cemetery Capital Improvement Fund for the surveying of one of the cemeteries.

Mayor Kauffman closed the Public Hearing as no person wished to speak.

**ORDINANCE 4778**

Council President McKee introduced Ordinance 4778 entitled "ADDITIONAL APPROPRIATION ORDINANCE."

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

Mayor Kauffman introduced Grace Bonewitz and explained she was there to talk about the joint marketing project between the City, Chamber, and Schools.

Grace Bonewitz, Eyedart Creative Studio, showed a power point and explained they are looking at the next steps of the 2010 branding study that was done by the Chamber of Commerce. The Chamber spent about \$90,000 and had a really good firm come in and do quantitative and qualitative research in our community. They produced a really nice report that Eyedart is using to look at what would be the next stage for Goshen. They came up with the "Good of Goshen" program.

This program will sharply focus the implementation of the Goshen brand in the areas of greatest need with long-term intent on engaging community wide pride and advocacy for our community. Working together, the Good of Goshen program will change perceptions and build pride in Goshen's Uncommonly Good assets.

Ms. Bonewitz goes on to explain they have since pulled Goshen College into the 4 partner group. Mayor Kauffman has been representing the City, Vice President Townsend from Goshen College, Dr. Woodworth from Goshen Community Schools, and President Daugherty from the Chamber.

The program will work with these 4 partners to attract and retain students, support quality of life initiatives, attract diverse businesses, engage the Hispanic community, increase awareness of Goshen as a destination in the Michiana region, and encourage middle to high-income earners to live and work in Goshen.

A few of the 5 specific targets we are looking to reach include: age-range of 29 – 39, earning \$36,000 - \$47,000 in household income.

Ms. Bonewitz then went into an overview of the year-long program breaking down where the money invested by each group would be going. Of the \$25,000 each group is giving, 9% would go to program administration, 36% to the stories, 14% to lab availability, 12% to media relations and social media, 9% to design and printing, 18% to pay for advertising, and 2% for special events.

Program Administration will meet monthly with each key partner to form a Task Force. They will come up with guidelines for participation when we do a story on somebody on what individuals and businesses we're looking to reach and highlight. They will work to form the key messages for the campaign so each key partner will be on the same page with consistent messaging all with mutually beneficial goals of the program.

Digital story telling will make up the main cornerstone of the program and is on trend with what is happening right now in the communication world. It is basically a modern form of storytelling and will be used to tell the uncommonly great story that we know exists in our community but unfortunately haven't done the best job telling. There will be a 2-minute long campaign watch feature video and 48 stories, 1 a week for the year-long campaign. Each partner would get 12 stories. On top of that there will be 24 different short videos, each 30-45 seconds long. Each partner would get 6 videos. There will also be an opportunity for community members to share their stories as well.

It is suggested that there be one "home portal" everyone lands on, similar to the 'Pure Michigan' campaign where you can then be directed to each individual partner's website. Each will still maintain their own website identity and brand; this would just be a landing spot. All the stories and videos would be archived on this site as well.

Social media will also be used heavily as this is where most of the target audience is. Individual media accounts would be set up for each group and Eyedart will help feed information where it needs to go. Regional press releases would also be made once a month based on the stories they are telling to try to get that newsworthy information out and to the regional press as well as 4 national media pitches as current events come up or there are certain angles that we think could reach beyond our region. It is said businesses and cities are taken more seriously when people outside of your community start talking about you. That is the goal of this program.

Eyedart is suggesting each group keep their own logo and identity, but then co-brand with the Goshen, Indiana logo using their own palate colors and tag lines. This branding would be used on the website as well as 6 billboards throughout the campaign. Heaviest hitting will happen around the time of the Fair when a lot of people come from out of town with static window clings and t-shirts. The official launch of the program is suggested to coincide with the Fair

Parade on July 20<sup>th</sup>. The website would be up and running at that time with stories already being pushed.

The next step is the next meeting on April 8 at 1:00 P.M. so the groups can start talking about what stories they want told.

Council President McKee asked what kind of time frame they had for completing all of these programs. Ms. Bonewitz responded what she presented was a one-year program but the original presentation had about 10 more ideas that could be used. They plan to benchmark the program presented so they have a measure to know that the money being spent is being used effectively and is creating the change we want. It would then be reevaluated after the first year.

Mayor Kauffman asked Ms. Bonewitz what her degree from Ball State is in. Ms. Bonewitz responded it is in Public Relations. She went on to explain she did her thesis research down in Miami on downtown Goshen. It was really well received. It was peer reviewed which means it will be published.

Councilman Stutsman stated he is happy we have a local group that will be working on this for us. They know Goshen already and we don't have to tell them what we want them to say. Mayor Kauffman added this is one of the main things the committee discussed. Other groups were considered but no other groups were interviewed.

Councilman Thomas stated he has been talking for years about the geriatric economy in Goshen and the way it has sort of been an economic engine with our 3 or 4 different retirement communities. He hopes there would be some way to also tie into the way Goshen is becoming a destination City for retirees. Ms. Bonewitz responded that would be up to the group if they wanted to pull in another partner like Greencroft.

Mayor Kauffman responded even if they aren't pulled in as another partner the idea is a good one from a holistic standpoint of the community that we're good at retaining people because of the healthcare industry/retirement industry and we're good at attracting people. Even though a lot of older people don't feel wealthy it is the wealthiest part of the population so having them in your community is a good thing.

Dave Daugherty, Goshen Chamber stated they really want to see this happen and talked about how they want to make one of their stories about attracting jobs and businesses to Goshen.

Mayor Kauffman stated the second piece of this Ordinance is related to Cemetery and he believed Dan Liechty sent them an email regarding what he is asking for.

Councilman Ahlersmeyer stated he would have liked to have seen the two items in this Ordinance as separate Ordinances as he feels they are two different entities they could be voting on instead of consolidated into one. One he sees as City business and one he sees as a partnership investment and he doesn't feel those belong on the same line. Mayor Kauffman responded if he would like to take one out it can be brought back as a separate Ordinance but he would have to make an amendment. Councilman Ahlersmeyer stated he was just expressing his disagreement.

By a 7-0 unanimous vote of the Council the motion passed.

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

Council President McKee asked the Clerk-Treasurer to read the Ordinance by title only for second and final reading and moved its passage by roll call vote. Motion seconded by Councilman Thomas.

Councilwoman Gautsche asked if we would get periodic updates. She asked if that would go to Mayor Kauffman and then to Council, or how could Council get regular updates. Ms. Bonewitz responded the task force would meet monthly so whoever was at that meeting representing the City could pass it on to Council.

Councilman Ahlersmeyer asked if there were equal contributions from the Chamber and Schools. Ms. Bonewitz responded all 4 partners were putting in the same amount.

The Council roll call vote was as follows:

AYES: AHLERSMEYER: GAUTSCHE: MCKEE: ROBINSON: STUTSMAN: THOMAS:  
WEDDELL

NAYS: NONE

(ORDINANCE 4778 DULY PASSED AND ADOPTED THIS 1<sup>ST</sup> DAY OF APRIL, 2014.)

**RESOLUTION 2014-07**

Council President McKee introduced Resolution 2014-07 entitled “AUTHORIZING THE EXTENSION OF CITY WATER UTILITIES AND SEWER UTILITIES TO REAL ESTATE AT 62909 FAIRVIEW DRIVE GOSHEN.”

Council President McKee asked the Clerk-Treasurer to read the Resolution by title only and moved its passage by roll call vote. Motion seconded by Councilman Thomas.

City Attorney Larry Barkes explained this was a standard water/sewer agreement to extend services to 62909 Fairview Drive and is contiguous to how the City of Goshen has done several other agreements in this area but believed most of these were incorporated into the City through a recent annexation. Once we get several more the City will probably do another annexation in the area.

Councilman Thomas stated he knew several people in the Orchard were talking about wanting to be annexed into the City and asked Attorney Barkes if he knew where that was at. Mayor Kauffman responded that was in his camp as they are talking to the County about some possible additional funding from the County for us to take over their obligations in the Orchard and we’re waiting on some information for that. Pretty soon they will begin handing out flyers to the neighborhood and if there isn’t over 50% interest in being annexed into the City it won’t be annexed.

By 7-0 unanimous vote of the Council, Resolution 2014-07 was passed.

### **UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT**

Mayor Kauffman explained this disclosure was from Councilwoman Gautsche and no action was needed. She is making this disclosure available to the Council.

Councilwoman Gautsche explained this is a routine yearly disclosure and comes to the Council now but has previously gone to the Board of Works.

Attorney Barkes stated he would prefer the Council accept the disclosure statement. Councilman Thomas moved to accept Councilwoman Gautsche's disclosure statement. Motion seconded by Council President McKee and motion passed unanimously.

### **EID APPOINTMENT**

Councilman Stutsman explained he would be starting his 12<sup>th</sup> year on the EID Board but, while he plans to stay involved, when he saw all the names on the ballot for the most recent election he thought it would be a good time to get somebody else involved. With that in mind, he stated he would be officially resigning from the Board. In speaking with other Board Members, they have all agreed the best option at this point is to go to the next highest vote getter which happens to be Jonathan Wiegand of The Famous. Councilman Stutsman asked the Council to accept both his resignation from the EID Board and the appointment of Jonathan Wiegand to fill out the rest of his term.

Council President McKee asked when this would become effective. Councilman Stutsman responded he would finish this last year on the board which would be in April and then in May the new appointment would begin.

Councilwoman Gautsche moved to accept Councilman Stutsman's resignation from the EID Board and appoint Jonathan Wiegand for the remainder of his term beginning in May. Motion seconded by Councilman Thomas.

Councilman Thomas thanked Councilman Stutsman for his 12 years and added Jonathan will be a good addition to the board.

By 7-0 unanimous vote of the Council the appointment was passed.

### **PRIVILEGE OF FLOOR**

Councilman Stutsman stated after the meeting 2 weeks ago and the negative vote on the Chicken Ordinance, Councilman Thomas and Mayor Kauffman asked him what could have changed his vote. One idea he came up with in the meeting was permits but that was such a new idea he didn't feel comfortable pushing forward with it that evening. Since then he stated he has talked to Attorney Barkes, Councilman Thomas, and Mayor Kauffman. He believed Councilman Thomas had also spoken with Councilwoman Robinson. What he would like to do is make a motion to reconsider and make another amendment that would satisfy his needs. That amendment, he stated, would be to set a number of permits for the City and 50 would be the maximum number of permits he would suggest in the City. He would also like to see adjoining property owners sign they're approval for a resident to get their permit from the City. That way, everyone is protected.



Councilman Thomas stated he didn't think it could be talked about until it was back on the table. Councilman Stutsman felt like it could, stating this was an open forum. Attorney Barkes added they could speak about anything not on the agenda but he would agree with Councilman Thomas and would prefer to see the motion made and then discuss the motion.

Councilman Stutsman argued that this wasn't an agenda item. Attorney Barkes responded he understood that but procedurally that would be the way to do it if he intended on making a motion today. Councilman Stutsman responded that would depend on the discussion. Attorney Barkes responded he could make the motion and then discuss the motion and if he didn't vote on his own motion that would be unusual but it would be ok.

Mayor Kauffman asked if he first had to make a motion to reconsider and then there would be discussion on that before you discuss a change to the Ordinance. Attorney Barkes responded until it gets back on the table you can't amend it.

Councilman Weddell asked if the motion was actually about reconsidering or if it was about his proposed amendment. Attorney Barkes responded the motion would be about reconsidering. Councilman Weddell added they couldn't really talk about what he is proposing because it wasn't in the motion. Attorney Barkes responded they could but would first need a motion to reconsider.

Councilman Stutsman asked if they need a motion to discuss making a motion. Councilman Stutsman then made a motion to reconsider Ordinance 4773 Keeping Chickens. Motion seconded by Councilman Thomas. Councilman Thomas stated they could now discuss whether or not to reconsider it.

Councilman Stutsman asked if he could talk about his amendment now. Attorney Barkes responded he could talk about why he feels it would be important to reconsider the Ordinance which could include his amendment. Councilman Stutsman shared his biggest concern with this was people that lived in the City and have historically not had non-domesticated animals living next to them and may not want them. He sees this as a great way to test this. The Ordinance before them still has the 2-year sunset in it so it would come back to the Council. He feels the signatures would protect those who don't want to live next to chickens while allowing those who want chickens the opportunity to have them.

Councilman Weddell stated he had a couple of procedural questions and asked if the reconsider passes can we make amendments to it and would there be two readings again or was the first reading that passed a month ago still good. Attorney Barkes responded it would only have to pass one time tonight, explaining what they have in front of them is the current status of the Ordinance after all the amendments were made at the last meeting.

Councilman Weddell pointed out this failed to pass 4-2 bipartisan. Attorney Barkes responded that was correct and explained what you have to have in a motion to reconsider is a person who did vote on the winning side asking to reconsider. That is what we have tonight. It comes back up in the same form as when it was voted down, which is what they have tonight.

Councilman Weddell shared his concern was that it wasn't on the agenda, though he understands it couldn't be on the agenda, therefore the public isn't going to have any opportunity for input.

He went on to explain the Council has already spent roughly 4 hours over the course of two meetings discussing this. Attorney Barkes responded the only thing that has to happen at this meeting is the motion to reconsider must pass. Councilman Weddell asked if they would have to vote on the actual Ordinance. Attorney Barkes responded they would not have to vote on the actual Ordinance.

Mayor Kauffman stated it seemed to him the cleanest way to do this would be to vote on the motion to reconsider and if 4 people on the Council don't vote to reconsider then it's dead. He feels the Council should vote on the motion to reconsider and then work on their amendments. If they get to the amendments they can table it for two weeks so people that didn't know it was going to be on the agenda are given a chance to speak. Whether the vote to table it came before or after the amendment was their choice but this would allow for the public input.

Before the vote to reconsider, Councilman Weddell stated he personally feels this has been hashed out completely and doesn't feel there is anything new that will come forward that would make this any more palatable. He shared he isn't sure how many people are aware of the County Ordinance in Elkhart County that says if your property is zoned residential there are no chickens in the conversation. If your property is zoned agricultural there are no chickens unless you have 3 or more acres. Yet, here we are again talking about City lots and he still adamantly feels that it does not belong in the City limits. There is still the opportunity through the BZA but only one person has tried. He understands the concern is about showing financial burden but points out at the particular meeting this was passed this topic never came up. It passed on the merits of that person's property lending itself well. That option is available and he doesn't see where rehashing this for any amount of time is going to change any of those facts. He encourages the Council to vote no to reconsider this.

Councilwoman Robinson stated she believes they are following the rules. Councilman Stutsman found out what it would take to bring it back and they're following the rules, so why not. Councilman Thomas added a vote to reconsider didn't mean it was going to pass. Councilman Weddell expressed his opinion it has been talked through. Councilman Ahlersmeyer shared his impression of the last meeting is that it was getting awful choppy. They were trying to find ways to fix it or to get everyone to agree on something and he doesn't feel it is quite working. He feels he is still not in a position to support it and feels there is still quite a bit of work to do. Councilman Stutsman responded this is actually what he is trying to do.

Mayor Kauffman asked if there was anyone in the audience that would like to speak about whether or not to reconsider the Ordinance. As no one spoke, Mayor Kauffman called for Council vote.

The Council roll call vote was as follows:

AYES: GAUTSCHE: ROBINSON: STUTSMAN: THOMAS

NAYS: AHLERSMEYER: MCKEE: WEDDELL

By a 4-3 vote of the Council, the motion to reconsider passed.

Councilman Stutsman stated he at least wanted to make his amendments and then he didn't care if there is a motion to table. He also wants the public to have their chance for input. Councilwoman Gautsche added this would be helpful as it gives more time to get to the public. Councilman Stutsman added there have been several newspaper articles about the possibility this would come back so he feels they are trying to be as open as possible.

Councilman Thomas stated he was struggling with the idea of neighbors needing to sign off for someone to get the permit. Although he can understand there are those that will not want to look at this, it comes down to property rights. He explained he is fine with permits but struggles with the other idea.

Councilman Stutsman moved to add a limit of 50 permits and that in order to receive a permit you had to have the signatures of adjoining property owners. Councilman Weddell asked Councilman Stutsman if they could have that in two separate amendments. Councilman Thomas stated that would be his preference too. Councilman Stutsman responded he was still going to make them both. Mayor Kauffman stated he felt it might be a good idea to make them in separate amendments. Councilman Stutsman moved to amend the Ordinance to limit to 50 permits. Motion seconded by Councilwoman Gautsche.

Councilwoman Gautsche stated she was fine with 50 but felt 25 wasn't enough. Councilman Ahlersmeyer stated there were 125 people interested. Councilman Stutsman stated he has spoken with John Nafziger and while that many support it there is not nearly that many that plan to have chickens. Councilman Ahlersmeyer asked how many members were interested in having chickens.

John Nafziger, Goshen stated the number was actually quite low and he felt 50 would be great.

Councilman Stutsman stated he had also spoken with Paul Steury of Hens for Goshen and he had suggested 40. He added he feels 50 is a good number and if for some reason Council feels they need to add to it later they can do it. Councilwoman Gautsche asked if this was adding to the Ordinance that had a sunset clause of 2 years. Councilman Stutsman responded that was correct.

Councilman Thomas stated it was now basically a pilot program.

The Council roll call vote was as follows:

AYES: GAUTSCHE: ROBINSON: STUTSMAN: THOMAS

NAYS: AHLERSMEYER: MCKEE: WEDDELL

By a 4-3 vote of the Council, the motion to add a limit of 50 permits passed.

Councilman Stutsman moved to add language that says to receive a permit you have to have your adjoining property owner's signatures. Councilman Weddell stated he would like to ask a question. Councilman Stutsman responded it had to be seconded first. Motion seconded by Councilman Thomas.

Councilman Weddell asked who was responsible for that, stating if his neighbor came up and asked him, as he is not a confrontational person, he would have a hard time saying no. He felt this was inappropriate and would create hard feelings between neighbors. He feels it needs to be more anonymous so the person asking for it has no idea if the neighbor says yes or no.

Councilwoman Robinson stated she was going to ask the same question and wondered who was going to be responsible for bringing in those signatures. Councilman Stutsman felt the person requesting the permit should bring it in with them. He added he looks at it like they are giving the neighbors an opportunity to have their voice heard. They can choose to take that opportunity or not.

Mayor Kauffman asked what Councilman Stutsman meant by adjacent neighbors. He asked if there is an alley between you and the people behind you do they have to sign it. Councilman Stutsman responded from his understanding with Attorney Barkes adjoining property is property that actually touches you and adjacent would be across an alley or roadway.

Attorney Barkes stated we needed to make sure everyone knows the meaning of that phrase as intended. He added they had talked about two separate issues dealing with separation by a street or alley. He asked what Councilman Stutsman's intent was in those two regards. Councilman Stutsman stated his understanding was when two property lines abut. Mayor Kauffman asked about properties where the only thing that separates their backyards is a swale and maybe a power easement. Councilman Weddell suggested making this simple suggesting they make it like BZA which requires 300 feet from a property. Councilwoman Gautsche felt that meant too many people. Councilman Weddell responded that may be the case but they are talking about individuals property rights. Attorney Barkes responded he would consider the case Mayor Kauffman suggested as being included in Councilman Stutsman's amendment as the properties are still adjoining. It wouldn't just be limited to sides and would include back. What he wanted to make clear was whether or not Councilman Stutsman wanted to include properties separated by an alley. He explained as he understood from his answer, Councilman Stutsman does not want to include properties separated by an alley. Councilman Stutsman stated that was correct.

Councilman Ahlersmeyer asked about the neighbor that says no; you're giving up your property rights to someone else's opinion. Councilman Stutsman responded you can argue that either way and like it or not, this Council right now has an Ordinance that tells everybody they can't have chickens. We're messing with their property rights right now. He explained what he is doing right now is trying to watch out for everybody and make sure everyone has an opportunity to speak.

Councilwoman Robinson stated even though people right now cannot have chickens in the City, some do. Council President McKee stated there was a complaint about this in July, according to the Ordinance Administrator. Councilwoman Gautsche stated she didn't feel strong about this and her preference would be that you do not require neighbors to sign off as the Ordinance already protects neighbors. She added it is not a deal breaker for her and she would be willing to vote for that and see how it goes over the next couple of years.

Mayor Kauffman shared his observation that as controversial as the subject of getting your neighbor's permission is, he suggests maybe it is a good time to table the whole thing and let other people speak to that also. Councilman Stutsman responded he would rather see this go

through tonight and change it at the next meeting if the rest of the Council felt they need to. He added if he had to vote right now, this would be a deal breaker. Councilman Ahlersmeyer asked what the deal breaker was. Councilman Stutsman responded the second amendment not going through tonight was a deal breaker for him. Councilwoman Gautsche added if he doesn't get this amendment he won't vote for the Ordinance.

Council President McKee added this was strictly on the honor system when you get down to it. He shared one of his concerns is enforcement. Mayor Kauffman responded discussion has to be limited to the amendment on the table.

Tim Drescher, Goshen asked if the Council was interested in our community being a community, if they were interested in our neighbors talking to each other. He feels this is a great way to get neighbors talking.

Councilman Stutsman added the complaints he has received over the last 7 years from neighbors about something someone is doing; the first question he asks is if they've talked about it. The vast majority of the time the answer is no. He agrees this is a great way to get people to respect their neighbors' land rights. Councilwoman Robinson adds this particular subject has certainly got people talking more than anything since she's been on the Council.

Councilman Weddell asked what recourse a neighbor would have if they agree to someone having chickens and then they don't take care of them properly. Councilman Stutsman responded they can complain because it is in violation of the Ordinance. Councilwoman Gautsche added the Ordinance is pretty particular. Councilman Weddell stated he feels the exact opposite and asked if anyone could describe what the term "workmen like" means. Councilman Stutsman asked if there wasn't a legal description for that. Attorney Barkes responded it was standard language that you would find in a number of our Ordinances and is also used in the Building Codes. Councilman Weddell then asked if a certain photographed chicken coop would qualify under this Ordinance. Councilwoman Robinson stated that particular coop was already up before any of this passed. Attorney Barkes responded he doubted it would pass based on the photograph although it was a little hard to tell. Councilwoman Gautsche added it is to be constructed of solid materials.

Councilman Stutsman suggested Council vote on the amendment and then he will make a motion to table until the next meeting.

The Council roll call vote was as follows:

AYES: GAUTSCHE: ROBINSON: STUTSMAN: THOMAS: WEDDELL

NAYS: AHLERSMEYER: MCKEE

By a vote of 5-2, the motion to require the signatures of adjoining neighbors passes.

Mayor Kauffman added one of the discussions he had been a part of was requiring a one-time, \$50 registration fee. One of the concerns of this is the list would get outdated after a period of time. He would prefer the initial fee be lower and that it is an annual fee. Councilman Thomas stated this was actually an amendment that Councilwoman Robinson had talked to him about. Councilwoman Robinson felt that idea would be more workable and easier to keep track of.

Councilman Ahlersmeyer suggested \$25 every two years, that way they are not coming back to the office every single year. Councilman Thomas felt that was a good compromise and moved to amend it to the Ordinance. Motion seconded by Councilwoman Gautsche.

The Council roll call vote was as follows:

AYES: AHLERSMEYER: GAUTSCHE: MCKEE: ROBINSON: STUTSMAN: THOMAS:  
WEDDELL

NAYS: NONE

By a unanimous 7-0 vote of the Council, the amendment to add a \$25, every other year fee passed.

Councilman Stutsman moved to table the Ordinance to the next meeting. Motion seconded by Councilwoman Gautsche and the Ordinance was tabled to the next meeting.

Councilman Weddell stated he wanted to be able to discuss with everyone over the next couple of weeks the setback limits, explaining he wanted to be reasonable.

By 7-0 unanimous vote of the Council the Ordinance was tabled.

Councilwoman Gautsche mentioned the half and full marathon Maple City Walk coming up September 20<sup>th</sup>.

Councilman Thomas moved to adjourn. Motion seconded by Councilwoman Robinson and the meeting adjourned at 8:11 P.M.

APPROVED: \_\_\_\_\_  
Mayor, Allan Kauffman  
Goshen, Indiana

ATTEST: \_\_\_\_\_  
Tina M. Bontrager  
City Clerk-Treasurer