GOSHEN COMMON COUNCIL

Minutes of the MAY 18, 2026 Regular Meeting

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

Assisted by Mayor Gina Leichty, Jaxon Parcell called the meeting to order at 6:01 p.m. and led the Pledge of Allegiance. Jaxon is a student at Model Elementary School.

Mayor Leichty asked Clerk-Treasurer Richard R. Aguirre to conduct the roll call. The results:

Present:	**Linda Gerber** (At-Large)	**Phil Lederach** (District 5)	**Doug Nisley** (District 2)
	Megan Peel (District 4)	**Donald Riegsecker** (District 1)	**Matt Schrock** (District 3)
	Council President Brett Weddell (At-Large)		
Absent:	**Youth Adviser Abril Reyes** (non-voting)		

Approval of Minutes:

Mayor Leichty asked the Council's wishes regarding the minutes of the March 13 and March 23, 2026 meetings prepared by the **Clerk-Treasurer. Councilor Nisley moved to accept the minutes as presented. Councilor Peel seconded the motion. Motion passed 7-0 on a voice vote.**

Approval of Meeting Agenda:

Mayor Leichty presented the agenda prepared by the **Clerk-Treasurer with the addition of #2, *Amend Ordinance 5255, Establishing a Designated Outdoor Refreshment Area.* Councilor Weddell moved to approve the agenda as presented. Councilor Lederach seconded the motion. Motion passed 7-0 on a voice vote.**

1) Project update: Quiet Zone along the Norfolk Southern Marion Branch (Engineering Department)

City Director of Public Works & Utilities Dustin Sailor said the **City has been working to establish a quiet zone along the Norfolk Southern Marion Branch railroad line, which roughly bisects Goshen along 9th Street.**
Sailor said there have been several inquiries from concerned residents regarding the status of the quiet zone and especially the timetable for the improvements. So, Sailor said he wanted to give an update..
Sailor provided the following written and verbal update to Councilors and the public:

1. The City completed a diagnostic meeting with Norfolk Southern (NS) and the Federal Railroad Authority (FRA).
2. The City submitted a draft application to the FRA for comments, which has been distributed to stakeholders and comments have been received.
3. Permit applications for an Extension 5 of the Winona Trail over the railroad, as well as pedestrian improvements on East College Avenue, were initially denied.
4. The City met with Norfolk Southern representatives in January and April to better understand why these permits were denied and to determine potential paths forward.
5. We are awaiting an additional meeting with Norfolk Southern to discuss multiple crossings throughout the City, including those along the Marion Branch Quiet Zone.

Sailor said Norfolk Southern generally does not favor additional pedestrian crossings of the railroad corridor.

6. Right-of-way determination at the Madison Street crossing has been difficult, and the City has hired American Structurepoint to survey the area and provide clarification.
7. Depending on the outcome of upcoming meetings with Norfolk Southern, the Quiet Zone application and final comments will be able to be submitted to the Federal Railroad Authority.
8. An eight- to twelve-month review timeline is anticipated once the final application is submitted.

Director Sailor said City staff members, in discussions with consultant American Structurepoint, want to proceed cautiously, as changes to the proposed application or a misstep at this point may result in having to start the process over again. He said the City will continue to seek crossings "because right now we can see that there are pedestrians freely crossing the tracks with no crossing whatsoever."

Councilor Peel said she heard that Norfolk Southern may be changing hands and she asked if that could affect the current crossing approval process. **Sailor** said he has not been informed that a proposed merger with Union Pacific would have any affect, adding that the City is primarily working with the Federal Railroad Authority.

Council President Weddell said this matter was discussed last Tuesday during a meeting of the City Redevelopment Commission and knowledgeable members said Union Pacific has been more willing to work with municipalities than Norfolk Southern. **Sailor** said that Norfolk Southern is more used to dealing urban communities than Union Pacific, so it's unknown what the impact of a merger would be.

Council President Weddell said, "The Redevelopment Commission has been working on this a long time since before any of us were even involved in City government, and we keep trying and trying and trying, and Dustin (Sailor) and Engineering keep working at it.

"And I think that this has bigger ramifications as well, because we had a lot of conversation Tuesday at the Redevelopment Commission concerning the potential pedestrian crossing on East Lincoln Avenue. And if we can't get crossings where you're talking about, there's not much chance of being able to get any type of crossing on East Lincoln Avenue, as we talk about for the Restaurant Row type of thing, you know. You've got to get these things figured out. Hopefully, if that happens, then we can take those next steps to help out East Goshen as well."

Sailor said, "The other bullet point I didn't highlight we had in here is Madison Street. So, because of the students that cross through that, we definitely want to improve that. We also have the multi-use trail there. And so that one has also been a conflict point of agreement.

"And so, we've hired Structurepoint to come in and evaluate that, and we're down to the point of determining who was there first ... but the best we can identify is the subdivision was there first, so the subdivision rights appear to have primacy. But we've got to come to an agreement because what we're asking for there is quad gates, where four gates would come down and block that entire intersection, because if we have to put the delineators down the center, it then blocks the access for General Crafts and the restaurant on the north side, so we just don't view that as a reasonable Improvement that would not impact the businesses along the way."

Councilor Peel asked, "What about Cottage Avenue? That intersection there. People are stopped there all the time – walkers." **Sailor** responded, "That's outside the quiet zone. That's the main line."

Council President Weddell said, "This one's the track that runs on Fairgrounds Road. Is that Norfolk Southern as well? Because that is what you're talking about; that kind of crossing there." **Sailor** said that was true and that was installed about 2010.

Sailor said there is also a similar crossing on Kercher Road that the City managed to get approved, but securing approvals recently has been more difficult.

Councilor Gerber said she received an email today from a local resident "who encouraged us to keep going and keep pushing on this, so thank you."
Councilor Lederach said, "Just to clarify, they (Norfolk Southern) deny it, but they don't tell you why it's denied, and do they give any solutions?" Director **Sailor** said, "No solutions. And I'd say, too, the one that's most critical for us right now, these ones along the quiet zone are important, but the College Avenue one is incredibly critical to us because it is tied to our federal funding for the College Avenue improvements." So, Sailor said the City is pushing for approval there. We've had MACOG involved in these discussions, so we're putting as much emphasis as we can."
Councilor Lederach said, "So, you take a shot, and they say you missed. And then you take another shot." **Sailor** said, "Right, and that's what we're trying to do with our Norfolk Southern Liaison – trying to get with the right people. Norfolk Southern is a huge organization, and getting to the right people is a challenge."
Council President Weddell said, "I can't recall how much money we're spending on engineering; not Goshen engineering, but outside firms to try and help navigate this. It's been 12 years, at least, for the quiet zone."
Mayor Leichty thanked Director Sailor for his presentation.

<u>2) Amendment to Ordinance 5255, Establishing a Designated Outdoor Refreshment Area (in the City of Goshen's downtown, Thursdays, Fridays and Saturdays, afternoons and evenings)</u>
Mayor Leichty called for Council consideration of a proposed amendment to Ordinance 5255, Establishing a Designated Outdoor Refreshment Area.
*Before the meeting, Assistant City Attorney gave Councilors a one-page memorandum, dated May 18, 2026, explaining the need to amend Ordinance 5255, which was passed by the Council on April 27, 2026.. Attached to the memorandum was amended Ordinance 5255, a seven-page document .(***EXHIBIT #1***).*

BACKGROUND:
In a memorandum to the Common Council, dated May 18, 2026, **Assistant City Attorney Don Shuler** wrote that at its last meeting on April 27, 2026, the Common Council adopted Ordinance 5255, Establishing the City's Designated Outdoor Refreshment Area (DORA) pursuant to I.C. § 7.1-3-31. He said the ordinance requires approval by the Indiana Alcohol & Tobacco Commission (ATC) before the DORA may take effect.
Shuler wrote that the ATC reviewed Ordinance 5255 and informed the City that it considers Section 5.1.4 – which extends DORA hours of operation for "Special Events as approved by the City of Goshen Board of Public Works and Safety" – to be too broad. He said the ATC would not approve the ordinance unless Section 5.1.4 was removed or otherwise clarified (providing for specific dates/hours and removing discretion).
As a result, **Shuler** requested that Section 5.1.4 be removed from Ordinance 5255 so that the Ordinance may be resubmitted to the ATC for approval. The remainder of the Ordinance was unaffected.
Shuler wrote that this action could be accomplished via a "motion to amend something previously adopted" per Robert's Rules of Order. He wrote an appropriate form of motion would read as follows:
"Move to amend the motion to approve Ordinance 5255 from the Common Council meeting on April 27, 2026, by striking section 5.1.4 from Ordinance 5255."
Shuler wrote that passage would require a two-thirds (2/3) Council vote for approval of the amendment.

SUMMARY OF MAY 18, 2026 COUNCIL CONSIDERATION & APPROVAL OF AMENDED ORDINANCE 5255:
Mayor Leichty invited a staff presentation on the proposed amendment to Ordinance 5255.

Assistant City Attorney Don Shuler summarized the information in his memorandum to the Council about the need to amend Ordinance 5255.
Shuler said last month Councilors adopted Ordinance 5255, which was to establish a downtown Designated Outdoor Refreshment Area (DORA). As part of that process, the City had to submit Ordinance 5255 to the state Alcohol and Tobacco Commission (ATC), along with some other documentation.
Shuler said that last week the ATC responded back that Section 5.1.4 in the ordinance, which described the hours of operation of the DORA and mention that the DORA also would be in effect for special events approved by the Board of Works, was too broad. As a result, Shuler said the ATC would not approve the ordinance.
So, **Shuler** said City staff was recommending that the Council amend Ordinance 5255, which was previously adopted, by eliminating the provision allowing for DORAs at special events outside Thursday, Friday and Saturday.
"So, if the Council is willing to consider it, it would be a motion that you would amend the motion from the April 27th meeting that approved Ordinance 5255 to include language that would strike section 5.14," **Shuler** said.
Mayor Leichty said, "Essentially, it's just making the adopted ordinance more restrictive."

Council President Weddell made a motion to amend the motion to approve Ordinance 5255 from the Common Council meeting on April 27, 2026, by striking section 5.1.4 from Ordinance 5255. Councilor Peel seconded the motion.

Councilor Nisley requested a clarification of the section to be eliminated. **Shuler** said the Council would be eliminating a sentence in the Hours of Operation section of the ordinance, on page 3, which currently states: "5.1.4 Special events as approved by the City Board of Public Works and Safety."
Councilors indicated they were ready to vote. Mayor Leichty requested that the Clerk-Treasurer conduct a roll call vote.

On a roll call vote, the motion to amend the motion to approve Ordinance 5255 from the Common Council meeting on April 27, 2026, by striking section 5.1.4 from Ordinance 5255 Ordinance, initially pass on a vote of 6-0-1, with Councilors Gerber, Lederach, Peel, Riegsecker, Schrock and Weddell voting "yes" and Councilor Nisley voting "pass." Asked if he cared to reconsider his vote, Councilor Nisley voted "yes," so the motion to amend Ordinance 5255 passed unanimously, 7-0, at 6:18 p.m.

3) Monthly report: City Financial & Budget Update (Clerk-Treasurer Richard Aguirre)
BACKGROUND:
In a May 13, 2026 memorandum to the Common Council, **Amber Nielsen, a senior manager for Baker Tilly Municipal Advisors, LLC,** wrote that she had prepared financial reports summarizing the budget and cash balance performance for Civil City funds included in the 2026 budget, which was approved by the Council in October 2025. She wrote that these reports were intended to provide a reasonable understanding of the City's financial position. They were unaudited and may have required some interpretation.
Fund Balance Report – Nielsen wrote that this report presented cash balances for all budgeted funds as of April 30 2026, highlighting the City's overall liquidity. She wrote that, "All funds currently maintain sufficient balances to support planned expenditures. Note that balances are unaudited and subject to reconciliation."

Budget Report – Revenues – Nielsen wrote that this page summarized revenue collections for each fund through April 30, 2026 showing progress toward projected revenue levels. She cautioned that some funds receive the levy in two allotments in June and December (General, Debt Service, MVH, Cumulative Fire, Park & Recreation, Aviation, CCD, Cumulative Sewer).
Budget Report – Expenditures – Nielsen wrote that this report displayed that expenditures to date represented approximately 24.58% of the annual budget, leaving 75.42 % remaining, which she wrote "is consistent with expectations for this point in the fiscal year."
Budget Report – Expenditures in the General Fund – Nielsen wrote that the final page broke down the General Fund by department, providing a focused view of each department's budget performance to date.
Nielsen's summary – "As of April 30, 2026, the City of Goshen remains in a financially stable position, with total cash balances of approximately $92.0 million across all funds and sufficient liquidity to support operations. Year-to-date, the City has generated about $6.6 million in revenues while incurring $21.2 million in expenditures, resulting in a temporary deficit driven primarily by the timing of major revenue collections later in the year, such as property tax distributions. Overall spending represents approximately 24.6% of the annual budget, leaving more than 75% of appropriations remaining, which is consistent with expectations at this stage of the fiscal year. Most funds, including the General Fund with an ending balance of about $16.2 million, maintain positive balances, and expenditures across departments are generally tracking within budget, indicating the City is managing resources prudently and is well-positioned to meet its financial obligations for the remainder of 2026."

SUMMARY OF MAY 18, 2026 COUNCIL DISCUSSION OF CITY FINANCIAL REPORT & BUDGET UPDATE:
Clerk-Treasurer Aguirre provided an overview of his City's financial status and budget update. Key points:

- The report was straightforward and similar to reports from January, February and March 2026 and most of 2025, showing that the City is spending what needs to be spent and taking in what it needs to take in.
- The City remains in a generally stable financial position, with total cash balances of about $92 million across all funds and sufficient liquidity to support operations.
- The City has generated roughly $6.6 million in revenue and has spent $21.2 million year-to-date.
- While expenditures currently exceed revenues, that was expected early in the year because many major revenue sources (such as property tax levies) are received later – in June and December.
- Overall, about 75% of the annual budget remains unspent.
- Again, the City is spending within expectations and maintaining sufficient reserves to support operations for the rest of 2026.
- The percentages of remaining budgets vary somewhat by department and all are not at 75% of budgets remaining because some departments spend a little earlier in the year and more later in the year.
- The Board of Works budget is down to 39.42% because of two major expenditures that were paid earlier in the year – insurance and solid waste collection. Solid waste collection is paid from two different funds.

There were no questions or comments from Councilors about the report. Mayor Leichty invited a motion to approve the financial and budget report.

Councilors Weddell and Riegsecker then made a motion to approve the budget and financial report. On a voice vote, the motion passed unanimously, a by a 7-0 vote, at 6:22 p.m.

Goshen
THE MAPLE CITY

3) Council appointments: Goshen Downtown Economic Improvement District (EID) Board members
Mayor Leichty asked for a presentation about Council appointments to the Goshen Downtown Economic Improvement District (EID) Board.

BACKGROUND:
In a memorandum to the Common Council dated May 18, **2026, City Legal Compliance Administrator Shannon Marks** wrote that the Goshen Downtown Economic Improvement District (EID) Board consists of five members appointed by the Goshen Common Council to serve staggered two-year terms. Marks wrote that Board members must either own real estate in the district or be directly involved in a business operating within the district, and at least three members must be real estate owners within the district.
Marks wrote that the current EID Board members are Justin Bell, Denise Davis, Jason Oswald, Miriam (Mim) Shirk, and Rosie Singh (Morales). The terms of Justin Bell and Rosie Singh (Morales) expired on May 31, 2025, and they are currently serving as holdover members. The terms of Denise Davis, Jason Oswald, and Miriam (Mim) Shirk will expire on May 31, 2026. All current members have expressed interest in continuing their service on the EID Board.
Pursuant to Goshen City Ordinance 3760, as amended, **Marks** wrote that the EID Board is required to solicit input from all real estate owners within the district for names of persons to serve on the Board prior to submitting recommendations to the Council for appointment. George W. Burkley III also expressed interest in serving on the EID Board again.
Marks wrote that ballots listing the names of the six (6) individuals willing to serve on the EID Board were mailed to all property owners within the district that are subject to an annual assessment. Property owners were asked to vote for no more than five (5) individuals. The ballots were to be returned by Friday, May 15, 2026.
Marks wrote that the results of this polling process would be presented to the Common Council at its meeting on May 18, 2026, at which time the Council would be asked to appoint five (5) individuals to the EID Board – two to serve the remainder of the term ending May 31, 2027, and three to serve two-year terms beginning June 1, 2026 through May 31, 2028.

SUMMARY OF MAY 18, 2026 CONSIDERATION & APPOINTMENT OF GOSHEN EID BOARD MEMBERS:
City Attorney Bodie said this is the time of year Councilors normally appoint members of the Downtown Economic Improvement District (EID) Board of Directors. He said that for some reason that didn't occur last year, so the two members whose terms ended May 31, 2025 have been serving as carryover members since last year.
Stegelmann said ballots went out to all property owners in the district and 22 ballots were returned. The five Board members all sought to continue to serve, and then George W. Burkley also expressed an interest to serve, so his name was added to the ballot. He said the the following were the results of the voting:

- **19 votes for Justin Bell**, property owner at 202 and 204 South Main Street
- **6 votes for George W. Burkley**, property owner at 216 North Main Street
- **17 votes for Denise Davis**, property owner at 130 North Main Street
- **18 votes for Jason Oswald**, property owner at 227 South Main Street
- **17 votes for Miriam "Mim" Shirk**, property owner at 127 South Main Street
- **19 votes for Rosie Singh Morales**, involved in business at 127 South Main Street

Stegelmann said two individuals will serve the remainder of the term ending May 31, 2027 currently held by Justin Bell and Rosie Singh Morales. And three individuals will serve a two-year term beginning June 1, 2026 through May 31, 2028.
Stegelmann said, "The Council is not bound by this vote, but I think historically, the Council has always followed the votes of the property owners. I would suggest that the motions made to appoint members, that it be clarified who will serve through May 31, 2027, and then who is appointed to serve through May 31, 2028."
Council President Weddell asked if **Stegelmann** was suggesting that Justin Bell and Rosie Singh Morales be appointed to terms through May 31, 2027. Stegelmann said that would be logical.

No members of the audience asked to comment.

Council President Weddell/Councilor Peel then made a motion to appoint Justin Bell and Rosie Singh Morales to serve the remainder of the term ending May 31, 2027 and Denise Davis, Jason Oswald, and Miriam Shirk be appointed to serve a two-year term beginning June 1, 2026 through May 31, 2028. On a voice vote, the motion passed unanimously, a by a 7-0 vote, at 6:22 p.m.

4) ORDINANCE 5256, Building Code Fees
Mayor Leichty called for the introduction of Ordinance 5256, *Building Code Fees*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5256 by title only, which was done.
Weddell/Nisley made a motion to approve Ordinance 5256 on First Reading.

BACKGROUND:
Ordinance 5256 would assess and collect and increase fees for permits, inspections, certificates, and other services in accordance with the following schedule and as authorized by the Goshen Building Code.
According to Ordinance 5256:

- The Goshen Building Department is authorized by the Building Code of the City of Goshen, Indiana, as amended from time to time, (hereinafter the "Goshen Building Code"), to assess fees for permits, inspections, certificates, and other services; and
- An internal review of the existing fee schedule has determined that revisions are necessary to ensure such fees reasonably reflect and recover the cost of services provided by the Goshen Building Department.

If approved by the Council, Ordinance 5256 would ordain that the Goshen Building Department shall assess and collect fees for permits, inspections, certificates, and other services in accordance with the following schedule and as authorized by the Goshen Building Code.
If Ordinance 5256 is approved the following fees shall be assessed for the permits and inspections for work covered under the Goshen Building Code, regardless of the project cost, and for other inspections, certificates, and other services provided by the Goshen Building Department.
2.01 Residential Permits.
(A) New Construction Permit.
A New Construction Permit is required for the new construction of a primary residential building or structure, including an attached porch, deck, balcony, or garage.

Goshen
THE MAPLE CITY

Each licensed electrical, mechanical, and plumbing contractor is required to obtain a separate permit for the respective work to the new residential building or structure, but no additional permit fee will be assessed for the separate permit. The New Construction Permit includes inspections related to the footing, foundation, structural, windows, siding, roofing, mechanical work, plumbing work, and electrical work. The New Construction Permit fee is based on the square footage of the new residential building or structure as follows:

Up to 900 sq. ft. $370
901 to 2,500 sq. ft. $450
2,501 to 5,000 sq. ft. $525
5,001 sq. ft. and over .... $525, plus $0.05 per sq. ft. over 5,001 sq. ft.

(B) Remodeling Permit.

A Remodeling Permit is required for the alteration, remodeling, rehabilitation or addition to a primary residential building or structure, including an attached deck, balcony, or porch. The Remodeling Permit includes the inspections related to the footing, foundation, structural, windows, siding, and roofing for any structural addition or change to the primary residential building or structure. The Remodeling Permit does not include the individual permits, fees, and inspections related to mechanical work, plumbing work, and electrical work.

Remodeling Permit.. . $255

(C) Accessory Building/Structure Permit.

An Accessory Building/Structure Permit is required for the new construction, alteration, remodeling, rehabilitation or addition to an accessory building or structure, including a detached garage, deck, gazebo, or shed. The Accessory Building/Structure Permit includes the inspections related to the footing, foundation, structural, windows, siding and roofing for the new construction or any structural addition or change to an accessory building or structure. The Accessory Building/Structure Permit does not include the individual permits, fees, and inspections related to the mechanical work, plumbing work, and electrical work.

Accessory Building/Structure Permit $140
(D) Window Permit (for the replacement of complete window, regardless of number) $140
(E) Siding/Residing Permit, including masonry $120
(F) Roofing Permit, including all roofing systems or decking $140
(G) Residential Demolition Permit, regardless of size or type of structure $215

2.02 Commercial Permits.

(A) Structural Permit.

A Structural Permit is required for the new construction, alteration, remodeling, rehabilitation or addition to a commercial building or structure, including an accessory building or structure. The Structural Permit includes the inspections related to the footing, foundation, structural, windows, siding, and roofing of a commercial building or structure. The Structural Permit does not include the individual permits, fees, and inspections related to the mechanical work, plumbing work, electrical work or other individual services for the commercial building or Ordinance 5256 3 20260420(3) structure. The Structural Permit fee is based on the square footage of the new construction, addition or change to a commercial building or structure as follows:

Up to 25,000 sq. ft. $525
25,001 to 50,000 sq. ft. $685
50,001 to 100,000 sq. ft. $995
100,001 sq. ft. and over .... $1,150, plus $0.05 per sq. ft. over 100,001 sq. ft.

(B) Foundation Permit. $450

The Foundation Permit is included in the Structural Permit unless the Foundation Permit is separately submitted for approval so that the foundation can be constructed prior to the issuance of a permit for the rest of the construction, alteration, remodeling or rehabilitation of the commercial building or structure.

(C) Window Permit (for the replacement of complete window, regardless of number) $140

(D) Siding/Residing Permit, including masonry $180

(E) Roofing Permit, including all roofing systems or decking $140

(F) Commercial Demolition Permit, regardless of type of structure, is based on the square footage of the commercial building or structure to be demolished:

Up to 50,000 sq. ft. $215

50,001 sq. ft. and over $295

2.03 Electrical, Mechanical and Plumbing Permits.

(A) Electric Service Permit, main and/or each subpanel:

Service panel up to 200 amps. $180

Service panel 201 amps. and over $215

(B) Temporary Electric Service Permit $140

(C) Electric Wiring or Rewiring Permit $215

(D) Electric Service Connection or Reconnection Permit $100

(E) Mechanical Permit, for each heating, cooling, make-up air or refrigeration unit, or hood system $180

(F) Ductwork Permit:

Up to 10 feet $140

11 to 40 feet $180

41 feet to 100 feet $215

101 feet and over .... $210,plus $10 for each additional 10 feet

(G) Plumbing Permit:

Residential plumbing (regardless of number of fixtures)... . $180

Commercial plumbing .... $180 for first fixture, plus $5 for each additional fixture

(H) Gas Line Installation Permit:

Up to 10 feet $140

11 feet to 40 feet $180

41 feet to 100 feet $215

101 feet and over .... $210, plus $10 for each additional 10 feet

(I) Gas Line Service Connection or Reconnection Permit $100

(J) Water Heater Permit $140

(K) Water Softener Permit $140

2.04 Other Permits.

(A) Mobile Home Placement/Set Up Permit, including concrete foundation or piers $140

(Separate permits are required for electric service and gas line service connections.)

(B) Mobile Home Electric Service Connection or Reconnection Permit $100

(C) Mobile Home Gas Line Service Connection or Reconnection Permit $100

(D) Swimming Pool Permit $180

(E) Fire Suppression or Sprinkling System Permit:
1 to 150 heads $180
151 to 300 heads $215
301 heads and over $295
(F) Fire Alarm System Installation Permit $140
(G) Storage Tank Permit, including the addition or removal ....
. $215 for first tank plus $180 for each additional tank
(H) Solar Energy System Permit.
The Solar Energy System Permit is based on kilowatts of the system, regardless of the number, size, or location of the panels:
1 to 15 kW $250
16 to 50 kW $350
51 to 100 kW $450
101 kW and over ....$450 plus $7.00 per kW over 101 kW
(I) Generator Permit.
The Generator Permit does not include the individual permits and fees related to the electrical service or gas service connected to the generator. The Generator Permit is based on the wattage of the generator as follows:
Up to 15 kW $140
16kW to 25 kW $160
26 kW to 100 kW $215
101 kW or more $295
(J) Stationary Illuminated Sign Permit.
Up to 100 sq. ft. $140
101 to 200 sq. ft.. $180
201 to 300 sq. ft.. $215
301 to 500 sq. ft.. $255
501 sq. ft. and over $295
(K) Mobile Sign Permit $140
2.05 Other Services.
(A) Construction Plan Review, based on the square footage of the building or structure:
Up to 10,000 sq. ft. $120
10,001 sq. ft and over .... $145 per hour
(B) Certificate of Occupancy (Residential or Commercial), new construction or remodel $30
(C) Re-Occupancy Inspection (Commercial), when requested $130
(D) Inspection, when required due to failure to obtain required permit.................................... .$75
(The required permit(s) must also be obtained.)
(E) Inspection, when outside of normal business hours $370
(F) Reinspection, each occurrence $140

SECTION 3. Fee Increase
The fees set forth in this Ordinance may be increased in accordance with the provisions of Indiana Code § 36-7-2.3-3(2), as amended from time to time.

Goshen
THE MAPLE CITY

SECTION 4. Disposition of Fees
In accordance with Indiana Code § 36-7-2.3-3(3), as amended from time to time, **all fees that are assessed and collected** for an application, permit, inspection, processing, or other service related to the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, any other building or building space, or an appurtenance to a previously described building or building space, **shall be deposited into the Development Fee Fund.**

SECTION 8.Effective Date
8.01 This Ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.
8.02 Pursuant to Indiana Code § 36-4-6-14(e), the implementation of the building permit fees on new development shall go into effect ninety (90) days after the publication of the notice of adoption of this Ordinance under Indiana Code § 5-3-1. The implementation of all other fees shall go into effect on the same date.

SUMMARY OF MAY 18, 2026 CONSIDERATION & FIRST READING PASSAGE OF ORDINANCE 5256:
Mayor Leichty invited comments on Ordinance 5256 from Assistant City Attorney Don Shuler.
Shuler gave the background and rationale for Ordinance 5256. He said a few years ago the Council authorized a study to determine how fees are calculated by the Building Department and how other municipalities establish their fees. That study was done by **Sean Guleck**, an intern in the City Legal Department, who will attend the Council's meeting in June to answer questions about his methodology.
Shuler continued, "His study was basically trying to figure out what the City's fully burdened hourly rate was for certain employees when they were processing applications, doing inspections and reviewing plans, as part of the Building Department. That's calculated based on using the Salary Ordinance, but then adding in payroll taxes, health insurance, and PERF (Public Employees' Retirement Fund) and so on. He also used a formula to determine how much of the Building Department's budget goes towards overhead costs for certain City departments that provide services to the City, as opposed to the public at large, such as accounting services of the Clerk-Treasurer's Office or the Legal Department.
"Then using that formula, he determined what a fully burdened hourly rate was for each classification inside the City Salary Ordinance for Building Department employees. And then in consultation with the Building Department, he determined the amount of time they spend in each of those various positions in doing the various tasks related to their permits, whether that's a demolition permit, inspections, new construction, remodel, plumbing, mechanical, and so on," **Shuler** said. "So, that resulted in the proposed fees that have been presented as part of building Ordinance 5256. Those fees are a result of that study."
Shuler said there have been some adjustments to the draft ordinance to make it easier to understand. He said there are four main categories of fees – residential, commercial, trade, and miscellaneous."
Shuler reminded Councilors that in April, the Common Council passed an ordinance to establish a Development Fes Fund. He said doing so was required by new state legislation that goes into effect July 1. Shuler said, "that same legislation triggered us removing certain provisions in the Building Code fees relating to licensing and rental registration, because they're not subject to that statute. So, the thinking was, 'Let's get that out of this ordinance, because they're not going to be handled in the same way going forward.' They're not subject to having to be deposited into that development fees fund like the building code fees will be."

Assistant City Attorney Shuler added, "They're not subject to a restriction on how often they would be raised. The Building Code fees are based on the new legislation."

For additional background, **Shuler** said the City's fees study has been going on for several years. The last time the Council adopted an increase in Building fees by ordinance was 2020, but it also included a clause that allowed a fee escalation of 3% every year. He said automatic increases ended in 2023, so fees have not increased since 2023, and that escalation clause "is no longer something we can do underneath current law."

Shuler invited questions from Councilors.

Mayor Leichty said Ordinance 5256 was prompted by state legislation that imposed constraints on cities, including being locked into any fees, passed by July 1, for five years

Shuler said under current law, if a building code fee is adopted it goes into effect within 90 days. He said new House Enrolled Act 1001 states that any building code fee or any other fee related to development, such as zoning or land use, that goes into effect after July 1, 2026 does not go into effect for 180 days. So, there's a longer delay for it to go into effect." Shuler said that after January 1, 2027, which essentially would be the effective date for any ordinance adopting fees after July 1, the City can only increase fees one time in the next 5 years.

Shuler said there is some uncertainty about the exact timing of the five-year prohibition against fee increases and whether passing increases by July 1, 2026 would allow additional fee increases to take place between Jan. 1, 2027 through Dec. 31, 2031.

In response to a question from **Council President Weddell, Shuler** confirmed that there's uncertainty whether the City could pass additional fee increases between Jan. 1, 2027 and Dec. 31, 2031, if the proposed fee increases are passed before July 1, 2026. He said the City doesn't want to assume additional increases would be possible if the Council passes Ordinance 5256.

Council President Weddell also confirmed with **Shuler** that annual 3% fee increases will no longer be possible unless the City could establish that costs have increased and a public hearing is conducted. And in that case, the City would be limited to an increased based on the Consumer Price Index and proof that the City's costs increased.

Councilor Gerber asked the basis for the proposed increase in fees. **Shuler** said it was based on the City's current costs for the Building Department services. **Mayor Leichty** said the City's costs will continue to escalate starting next year and the City won't be able to raise the Building Department fees for another five years.

Councilor Gerber and **Councilor Peel** asked if the City can address that expected gap by increasing the Building Department fees higher now to reflected the anticipated higher costs starting next year. **Shuler** said that if that were done, there could be a court challenge to the increased fees.

Shuler said someone could make an argument that the fees don't comply with the statute because they're above that what the City's own study says the costs are and a 3.5% increase based anticipated later higher costs would be above that. He said, "Similarly, if, that's adopted and then as a Jan. 1 next year, if there was not a cost of inflation and the wages did not increase for the City, somebody can make that argument that the fees are above what is reasonably necessary to cover the cost, because the study that we have says this is what your costs were."

City Attorney Bodie Stegelmann said another option the Council could take would be to act under the assumption that City employees will received a cost-of-living increase next year and make higher fees effective Jan. 1, 2027 with the current rates remaining in place until then.

In response to a question from **Councilor Peel, Stegelmann** said the Council could decrease Building Department fees at any time but can only raise them one in the next five years.

Council President Weddell said the Council could pass an ordinance now setting higher rates, in anticipation of an employee cost-of-living increase in 2027, but the City would be losing out on higher fees for the next half year to offset the city's higher costs to provide services.

Councilors, Gerber, Weddell and Peel discussed the options before the Council. **Council President Weddell** said he thought it was "ridiculous" that the City won't be able to incorporate a cost of inflation provision into the ordinance.

Mayor Leichty said, "I encourage people to have that conversation with the legislator who is sponsoring this piece of legislation. His name is **Rep. Doug Miller**. He lives nearby."

Assistant City Attorney Shuler outlined the consequences of approving a fee above the City's current costs to provide that service. He said the City is proposing a $210 fee for a residential demolition permit.

"If you built in a 3.5% increase to that, the fee would be $215. So, you could adopt the ordinance with that fee at $215 and if for some reason, the Council decided not to have a wage increase, or the wage increase wasn't 3.5%, then in December, we would come back and have an ordinance that would just change that from $215 down to $210. The data we have based on the current salary order supports that fee at $210. It doesn't yet support it at$ 215."

Inquiring about the legislative intent of the new state law, **Councilor Lederach** asked, "When they (legislators) talk about true costs, they laid out a specific step. It's true costs for right now, it's not true costs that you anticipate. It's five years. It's exactly right now. Does it give you any wiggle room to say true costs for down the road?"

Shuler responded, " It just says your costs reasonably necessary to cover your costs. So, on some level, I think it depends. I think you can make an argument that says, 'Well, this is what our costs are going to be over the next five years, and so this is what we're going to pass the fees at.

"It's just a matter of understanding that if that's done, there's another argument on another side that's at least reasonable on its face. So, if somebody makes it, you're going to have a fight over it. Whereas if don't do that, don't build it in at all and you completely avoid any type of reasonable argument against what you've done."

Councilor Lederach said, "There's some irony that the true cost isn't the true cost."

Councilor Riegsecker agreed, "You're going to be behind every time. You're never going to catch up. My own personal opinion is, I think we're getting too cute here, but it's like we've been paying it anyways out of pocket for the last 50 years. So, it's like five years from now, we redo it or we don't. I'm not quite sure whether I understand whether it's five years from now, or somewhere in between one and five years that we can do it."

Council President Weddell joked, "Let's have a lot of mathematical fun here. So, I just did a quick Google search on the expected cost-of-living increase in five years' time. It's like 23 percent. So, let's increase these fees by 23%, but then give a percentage discount each year. That way, the discount gets less each year."

Mayor Leichty asked if the price would decrease every year for the next five years under the Council President's imaginary plan. **Council President Weddell**. "Instead of increasing, we're decreasing. So, by the time the five years is up, we've gotten to that point. Let's get real cute with that. I mean, there's mathematical ways of doing it. **Mayor Leichty** said, "I like where you're going, Councilor."

Shuler said, "The Council can ultimately do what it wants, obviously. I'm just saying part of it is looking at whether or not you create a reasonable argument on the side of how much time you spend fighting over that, again, if somebody raises that issue." **Council Nisley** said someone could object if the fees were too high.

Council President Weddell said, "I kind of agree with **Councilman Riegsecker** that we're getting real cute about this. This is just another example of where local municipalities are having their hands tied and being asked to do things that are very unreasonable. And so, it is what it is. We all know it's wrong, and we can express that opinion, but I'm not sure at this point we're getting headway with those changes."

Mayor Leichty agreed and said, "Especially on the customer side of things. If you're going to have substantial (fee) jumps. I mean, that's always where you encounter pain points when you're going to have to increase fees dramatically in five years. That's not helpful either."

Councilor Peel asked if other Councilors were inclined to raise the fees or leave them the same for now.

Councilor Riegsecker asked for a clarification of the version of the ordinance now before the Board.

Council President Weddell said the Council was considering changes to the ordinance just provided by the Legal Department, with many change as well as proposed fee increases.

Mayor Leichty said she assumed there were many questions on the proposed fee increases, but final action on proposed increases would need to be taken by July 1.

The Mayor requested comments from City Building Commissioner Myron Grise.

Grise said he has met with many Building Commissioners in the region and all are scrambling to change their permit fees. He said some, like Elkhart, changed their fees in January and will be changing them again soon in response to House Enrolled Act 1001, which limits the frequency of fee increases to once in the next five years. "It's definitely getting ugly out there for everybody, because the costs for everybody are just skyrocketing for everything."

Grise invited questions from Councilors.

Council President Weddell said he had many questions and he discussed them with **Grise.** He reviewed some of the questions he asked Grise and outlined the responses which he said alleviated his concerns.

"One of the things that we've eliminated from this is the exemption for pulling a permit if the work is below $1,000, or $600 if it's mechanical. One example is someone putting a huge deck on, and they claim that the wood was for free, so therefore it was less than $1,000. So, people try and get things done without permits, and as Myron indicated, that takes some professional judgment on their part and I think that's fair," **Council President Weddell** said.

"I had some concerns about the fact that if you're pulling a brand-new permit for new construction, it's a flat fee and it's based upon square footage, which I think is more than appropriate. But for a remodeling permit, you have a lower cost to the permit, but you still then have to pay for electrical, mechanical, plumbing if you do those kinds of things.

"And so, I kind of gave him an example of when we remodeled our bathroom six years ago, we pulled permits. But with the way it's written now, we would pull a remodeling permit. We changed from one sink to two, so I've had to pull a plumbing permit. We moved an outlet, so that would have been an electrical permit and we probably did something with the mechanical as well," **Council President Weddell** said.

"So, when you start looking at those multiple permits, all of a sudden, I was paying, you know, according to this fee schedule, like $900 for permits for a bathroom remodel, compared to new construction of $400. So, I had some concerns about that.

"As (Grise) explained, which I think is fair, growing up in construction with my family, you try and get everything prepared for the inspector to come out one time to inspect everything. It saves them time and saves you time. However, that's not their experience. They get called out to inspect the same thing multiple times. 'Okay, there's your plumbing. We haven't done the electrical yet,' so they've got to come back for electrical. So, not all projects are as smooth as they should be. So, he (Grise) answered that concern for me."

Council President Weddell added, I also had some questions about generators. If you install a whole house generator, you have to pull a generator permit for $135. You have to pull an electrical permit for $175. You have to pull a gas permit for $210. I was wondering why you were pulling a generator permit when you're already pulling the other permits. As he explained to me, it's more for replacements of generators, not new generators, because they are going out there.

"If you put a new generator in, they have to come out and they have to power; they have to air test. For a gas line, they have to come back and re-inspect them, hook up into your panel box. If you're replacing your generator, that stuff is already done. So, they're just coming out to make sure their hookups are correct."

Council President Weddell continued, "And so, my understanding then is that a generator permit is only for replacement; not new installs. So, that kind of made me feel a little bit better about that, because we don't want someone hooking up a generator improperly and having their house explode or we're having a fire because an electrical hookup is wrong, because you are getting into your panel box. Unless you know what you're doing, that can be shocking."

Commissioner Grise responded, "Whenever there's a generator or solar panels, everything has to be tagged and identified so that if there is a fire or emergency, the fire department doesn't just turn off the main power, and there's still something else feeding that power backwards. You know, it's a liability."

Council President Weddell said he also had a question about the costs of fire alarm inspections, which he was assured were for commercial and not residential structures. **Grise** said the Fire Department does those inspections "but there's never been a fee or anything for that, so we put it in ours, so there was a fee for it."

Mayor Leichty invited additional questions for Grise.

Councilors Schrock and **Weddell** thanked **Grise** for answering their questions.

Grise said, "I've been doing the trades for 41 years, so I know what's going on in the field. We tried to get legitimate numbers of how long it would take us to do jobs. Not a guesstimate. I mean, all of us sat down around the table for ... different days and put the numbers together to make it legitimate."

Councilor Peel said, "I would like to point out, we do have a document that shows a comparative analysis against other communities, and our rates are way lower than other communities. So, while we are increasing them somewhat, it looks like a lot on our document comparing to other communities, we are definitely doing what the statute says and what it reasonably costs to do these permits. So, I know it can be, frustrating to the public when we increase fees, but please know that we're only doing what's absolutely necessary and not excessively."

Council President Weddell said, "I like seeing what other communities charge, but I like even more knowing the actual cost based on the study, because sometimes we get, 'Well, they're charging this, so let's charge that.' But there's no basis for it, other than that's what our neighbor's doing."

Grise said, "That's the way it used to be."

Council President Weddell said," I know. I've been part of those conversations, and so the fact that this study was done ... if anyone questions, you just have to show them the study and go, 'Here's how we came to that number.' It's not just pulled out of the air because the City of Mishawaka charges this or Elkhart charges that."

Grise said, "I went through and downloaded online all the information from each (area) Building Department. I went to, like, seven different Building Departments and got all their numbers. We did an evaluation." He said he compared costs of various services for Goshen and other cities and verified the numbers with follow-up phone calls. He added that he was surprised how much money some cities charge for Building Department inspections.

Councilor Riegsecker asked how Goshen ranks in its fees compared with other cities. **Mayor Leichty** responded, "No, because everybody is raising their rates right now."

Councilor Riegsecker asked for an "apples to apples" comparison, adding, "Do we have any idea? Are we going to be way above or lower than everybody else?" **Councilor Peel** said, "They (other cities) might have to lower their fees going with what the statute says and what's a reasonable amount to charge. Someone might have to sue them. Some of these fees are not reasonable."

Commissioner Grise said the City of Elkhart raised fees in January and will be raising them again, in some cases by thousands of dollars, by July 1, 2026.
Council President Weddell said that like **Councilor Riegsecker**, he would like to see a comparison of fees with other cities. **Councilor Riegsecker** repeated his request for comparison data. **Grise** said he would prepare more cost comparisons for the June Council meeting.
Councilor Gerber said, "I'm wondering if, since this is First Reading (of the ordinance) and the public hasn't had an opportunity to see any of this, can it be made available publicly soon head of the Second Reading?" **Mayor Leichty** said additional information would be made available to the public.
Councilor Riegsecker asked **Grise** why some cities charge less for residential permits. He asked if those cities were giving "preferential treatment" to people in the community. **Grise** said that while some cities may charge less for certain permits, they charge more for other services, so in comparison Goshen's fees are still lower. **Mayor Leichty** said, "The total cost for their permit would ultimately be comparable or more than Goshen."
Councilor Nisley said that he hasn't received much feedback about the proposed fee increases except for one man who asked why they were being raised. "I tried to explain to him, and I think I did, because he kept calling it a tax. And I said, 'You know, a tax is something that you don't have the opportunity to opt out of.'
"I said, 'These are fees and these are like a user fee. I mean, you don't have to come to Goshen to build or you don't have to do that here, if you don't if you think the fees are too bad.' I said, 'So ,it's a fee; it's not a tax'. So, I really want to make that stress that this isn't raising your taxes."
Mayor Leichty responded, "That's a good explanation that it is a user fee. I mean, it would be, like, you pay a fee to get a driver's license. You don't have to have a driver's license. And so, similarly, you don't have to build a house, but if you do, or a commercial project, what we're trying to avoid is having the taxpayers subsidize the cost of those individual project costs. We want to make sure that the General Fund is being utilized for things as much as possible that are part of the common good, so our streets and public safety, rather than specialized projects that incur their own fees. So, we want to charge a fee for service for those activities."
Grise said, "With the fees that the Building Department charges, we get about 25 percent back. So, we're really losing 75 percent. We're trying to change a little bit if we can."
Grise said the Fort Wayne Building Department is entirely funded through fees and it has been that way for 20 years; 100 percent self-funded. He said, "They're projecting for 2026 of doing $4.3 billion in permits. So far, they're over $2 billion already this year ... I mean, it's bigger than Indianapolis."
Councilor Schrock said, "And I did read where Indianapolis is going through a big change, too, right now. I saw that online."
Councilor Nisley said, "So I guess. from what I'm hearing is we're all pretty much okay with doing the fees. It's just how we're going to structure it so we can recoup as much as we can and be fair about it when it starts." **Councilor Schrock** agreed, adding, "Be fair about it. That's a good way to put it."
Grise responded, "Well, for me, I'll guarantee we tried to be fair because you guys know I'm frugal, and I don't even like doing it, but with what happened this last year here with taxes, I was just trying to figure out how we can do something better to help out with the City. I mean, this is one way of helping out somewhat. I don't know if it's going to happen again next year, too. Who knows?"
Councilor Schrock asked Councilors for their feelings on how to proceed

Mayor Leichty said, "Well, the question would be whether or not the Council is willing to pass (Ordinance 5256) on First Reading as presented, or whether you want to make modifications tonight, or whether you would accept. passage on First Reading with the opportunity to have any additional follow-up questions and consideration with Commissioner Grise over the next month, and then we would bring it back to the Council for Second Reading in June, with the hope to finalize whatever we're going to adopt at the June meeting."

Councilor Nisley said he didn't want to be expected to vote on the ordinance at the last minute. The **Mayor** agreed

Councilor Riegsecker, Mayor Leichty and Council President Weddell discussed the advantages and disadvantages of voting on the ordinance before July 1 or delaying a vote until January. They agreed it would be better to take action at the June Council meeting.

Council President Weddell said, "I have no problem passing it as it is. I'm sure there will be some minor modifications, but I would personally be in favor of the fees going into effect within 90 days of July 1st." He added, "We're not going to really be able to recoup everything (in terms of the City's costs for services), so you might as well have it go into effect sooner rather than later."

Councilor Lederach said, "I agree. I think we should just go ahead and pass it on First Reading as is knowing we anticipated this. We wrote (legislators) the letter about House Bill 1001 that we all signed, anticipating that we would come to this point eventually. And so, this is where we are. Let's pass it and give it a chance to do amendments before the next reading and get it passed in time for July 1st."

Councilor Schrock said, "I think we all know how much work Myron (Grise) and City staff have done to make this happen. So, yeah, let's roll."

In response to a question from the **Mayor, Council President Weddell** said there was a pending motion to pass Ordinance 5256 on First Reading. He suggested inviting public comments.

At 7:13 p.m., the Mayor invited audience questions or comments on Ordinance 5256. There were none.

The Mayor then announced that the Council would vote.

On a voice vote, Councilors unanimously passed Ordinance 5256, *Building Code Fees,* on First Reading, by a 7-0 margin, with all Councilors voting "yes" at 7:14 p.m.

Mayor Leichty said she would not be asking Councilors to proceed with the Second Reading and final approval of Ordinance 5256. So, Ordinance 5256 will be considered again at the June 22, 2026 Council meeting.

5) ORDINANCE 5258, Electrical and Mechanical Contractors Licensing and Registration

Mayor Leichty called for the introduction of Ordinance 5258, *Electrical and Mechanical Contractors Licensing and Registration.* Council President Weddell asked the Clerk-Treasurer to read Ordinance 5258 by title only, which was done.

Weddell/Schrock made a motion to approve Ordinance 5258 on First Reading.

BACKGROUND:

Ordinance 5258 would establish and set fees for electrical and mechanical licensing and registration.
According to Ordinance 5258:

- The work of electrical and mechanical contractors is a matter affecting the life, health, and public welfare of the citizens of Goshen, therefore, any person engaging in such work is required to establish his or her competency and qualifications by becoming licensed to perform such work in the City of Goshen;
- In order to safeguard the life, health, and public welfare of the citizens of Goshen, the quality and character of work performed by electrical and mechanical contractors shall be regulated through inspections and the enforcement of building codes; and
- To ensure that City of Goshen Building Department officials have the records necessary to inspect the work of electrical and mechanical contractors, such persons, must register with the City of Goshen and renew the license and registration once every three (3) years.

If Ordinance 5258 is approved, it would be ordained that:

SECTION 1. Application for License; Requirements; Fee

(A) A person acting in the capacity of an Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor in the City of Goshen shall be required to first obtain the appropriate license and register with the City of Goshen Building Department.

(B) To be licensed as an Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor in the City of Goshen, a person must:

(1) Be at least eighteen (18) years of age.

(2) File with the City of Goshen Building Department a written application, on a form provided by the Building Department, that contains information considered necessary to determine the qualifications of the applicant including evidence of the applicant's training, experience, and past work record. The Goshen Building Commissioner may investigate the statements and information included in the application, and if the Building Commissioner finds any statements or information to be untrue, the Building Commissioner may refuse to approve the application and issue a license.

(3) Successfully complete an examination approved by the Goshen Building Commissioner. The contents of the examination must, for each license category, test the current level of skills required of persons to be licensed in that category. A passing score on the examination shall be a score of at least seventy percent (70%). However, if the applicant holds a license for the license category from another locality, a license for that license category may be granted in the City of Goshen without examination, provided that the requirements for the licensing of an Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor in the other locality are equal to or greater than the licensing requirements of the City of Goshen, as determined in the sole discretion of the Goshen Building Commissioner.

(C) Upon filing an application, the person must pay a non-refundable application fee in the amount of Fifty Dollars ($50). A separate application is required for each license category.

SECTION 2. Licensing and Registration; Renewal; Fee

(A) The Goshen Building Commissioner shall issue a license to and register a person who meets the requirements under Section 1.

(B) Any license granted under this ordinance shall be prominently displayed at the Licensee's principal place of business.
(C) Upon the person's payment of a license and registration fee in the amount of Four Hundred Dollars ($400.00), the Goshen Building Commissioner will issue a license with an initial term valid for the remaining portion of the current calendar year, plus two (2) additional calendar years.
(D) A Licensee in good standing shall have the right, without further examination, to renew their license and registration by filing a renewal application with the Goshen Building Department. Upon receipt of the renewal application and the Licensee's payment of a license and registration fee in the amount of Four Hundred Dollars ($400.00), the Goshen Building Commissioner will issue a renewal license and registration. The renewal license and registration shall be valid for a period of three (3) calendar years.
(E) In the event a Licensee fails to renew their license and registration and pay the required fee within thirty (30) days after the expiration of the initial term or any renewal term, the Licensee shall pay a late fee in the amount of One Hundred Fifty Dollars ($150.00) and the license and registration will be renewed. However, if a license and registration have been expired for six (6) months or more, the person's license is forfeited and the person must reapply for the license pursuant to Section 1.
(F) If the Building Commissioner refuses to issue a license and register a person under this ordinance, the person whose application was denied may appeal the decision to the Goshen Board of Public Works and Safety, and a hearing will be held before the Board within thirty (30) days.

SECTION 3. Violations

(A) It shall be a violation of this ordinance for any person to act in the capacity of an Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor in the City of Goshen without first obtaining the appropriate license and registering with the City of Goshen Building Department.
(B) It shall be a violation of this ordinance for any person who fails to renew the individual's license and continues to act in the capacity of an Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor in the City of Goshen after the license has expired.
(C) It shall be a violation of this ordinance for any person to continue to act in the capacity of an Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor in the City of Goshen after the person's license has been suspended, revoked, or otherwise restricted pursuant to this ordinance.

SECTION 4. Enforcement and Penalties

(A) If the Building Commissioner believes that the license of any Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor should be suspended, revoked, or otherwise restricted, the Building Commissioner may request that the Board of Public Works and Safety take action by issuing an order to:
(1) Suspend the Licensee's license;
(2) Revoke the Licensee's license; or
(3) Restrict the Licensee's license as deemed appropriate by the Board.
(B) The Board of Public Works and Safety may take action only after a notice is given to the person whom the order is specifically directed, and a hearing is conducted at least ten (10) days after the date notice is deemed to be given.
(1) Notice to the person shall be deemed sufficient if given by:
(a) Sending a copy of the order by registered or certified mail to the residence, place of business or employment of the person to be notified with return receipt requested;
(b) Delivering a copy of the order personally to the person to be notified;
(c) Leaving a copy of the order at the residence or usual place of abode of the person to be notified; or

(d) Sending a copy of the order by first class mail to the last known address of the person to be notified.
If a notice described in subdivision (a) is returned undelivered, a copy of the order must be given in accordance with subdivision (b), (c), or (d).
(2) At the hearing, the person to whom an order has been issued shall be given the opportunity to appear with or without legal counsel, present evidence, cross-examine witnesses, and present arguments.
(C) Any person aggrieved by a decision of the Building Commissioner or any action of the Board of Public Works and Safety, in refusing to issue, suspending, revoking, or otherwise restricting a license and registration may appeal the decision to any court of competent jurisdiction in Elkhart County, Indiana within thirty (30) days from the date of the Board's action.
(D) The City of Goshen may bring action to enforce the provisions of this ordinance by filing a complaint in any court of competent jurisdiction within Elkhart County, Indiana.
(E) Any person violating any provision of this ordinance may be fined an amount not to exceed Two Thousand Five Hundred Dollars ($2,500), in addition to any court costs, including reasonable attorneys' fees. Each day that a violation occurs or continues shall be deemed a separate offense of this ordinance.

SECTION 5. Definitions

(A) "Class A Mechanical Contractor" shall mean a person who, for hire, does himself or herself, or by employing others on his or her behalf, erects, installs, alters, repairs, relocates, replaces, maintains, designs or performs any other work to any heating, ventilating, cooling, refrigeration system and other miscellaneous heat-producing appliances, including all appurtenances, apparatus or equipment used in connection therewith. A Class A Mechanical Contractor, however, may not make the electrical connection from the warm air heating unit, air-conditioning unit, or wet/dry heat pump into the main service box.
(B) "Class B Mechanical Contractor" shall mean a person who, for hire, does himself or herself, or by employing others on his or her behalf, installs, alters, repairs, relocates, replaces, maintains or performs any other work to any heating, ventilating or cooling system, including all appurtenances, apparatus or equipment used in connection therewith exclusively in any mobile home dwelling unit. A Class B Mechanical Contractor, however, may not make the electrical connection from the warm air heating unit, air-conditioning unit, or wet/dry heat pump into the main service box.
(C) "Electrical Contractor" shall mean a person who, for hire, does himself or herself, or by employing others on his or her behalf, installs, alters, repairs, replaces, designs or performs any work to an electrical system.
(D) "Licensee" shall mean a person who holds an Electrical Contractor license, Class A Mechanical Contractor license, or Class B Mechanical Contractor license, and is registered with the City of Goshen Building Department pursuant to this ordinance.

SECTION 6. Prior Ordinances

(A) This ordinance repeals Ordinance 5120, and Ordinance 5243.
(B) This ordinance also repeals the current codification of Licensing of Mechanical and Electrical Contractors set forth in Goshen City Code Title 6, Article 2, Chapter 1.

SECTION 7. Severability Clause

If any provision of this ordinance shall be held invalid, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance.

SECTION 8. Effective Date

This ordinance shall become and remain in full force and effect upon its passage and adoption.

Goshen
THE MAPLE CITY

SUMMARY OF MAY 18, 2026 CONSIDERATION & FIRST READING PASSAGE OF ORDINANCE 5258:
Mayor Leichty invited comments on Ordinance 5258 from Assistant City Attorney Don Shuler.
For the benefit of the audience, **Councilor Peel and Mayor Leichty said that that three ordinances before the Council tonight were related** and that there would not be extensive conversation on all three. The three ordinances are: Ordinance 5256, Building Code Fees; Ordinance 5258, Electrical and Mechanical Contractors Licensing and Registration; and Ordinance 5259, Rental Registration and Inspection Fees. **The Mayor said all three were part of the previous Building fees ordinance but have been broken into three different ordinances.**
Assistant City Attorney Shuler said Ordinance 5268 is about licensing fees for electrical and mechanical contractors and the fees originally were in the building code fees ordinance and those provisions have been pulled and put into a new ordinance. He said there is a proposed increase to $400 for a three-year license.
Shuler said, "Again, part of the reason for moving those fees out is that these increases are not tied to House Enrolled Act 1001, so they're not subject to having to be deposited into the (new) Development Fees Fund, and they're not subject to that five-year restriction (of not raising fees) that we discussed, and so that's part of the reason we're moving into the separate ordinance. Otherwise, a lot of the changes is to just kind of clean up the language to kind of reflect what we're currently doing.
"The stuff is generally all handled through the Building Department and the Building Commissioner, not via the Board of Works, which was some of the clean-up language." **Shuler** added that there are also changes regarding the expiration of permit or licenses, and how soon somebody has to reapply and that process.
Mayor Leichty invited questions or comments from Councilors.
Council President Weddell said he would like to see a comparison of the related fees that communities charge. He asked if the charges elsewhere were similar to Goshen's proposed fees.
City Building Commissioner Myron Grise said, "Actually, everybody in this area has a permit or a license fee, but they also are charging a bond every year – $150 or $200 a year. Goshen used to have that and we eliminated that about seven or eight years ago because it had never been used but one time ... a long time ago."
Grise continued, "Our fees are relatively the same across the board. Some are higher and lower, but then when you add the bond, they're all higher than we are."
Council President Weddell asked about the $150 late fee after the initial permit, which costs $400 for three years, expires. And then a new three-year permit costs $400. He added, "Some contractors may not come to Goshen all the time to work, and so they may not renew it. Can't they just pay the $400 to get a new license, rather than pay the $150 late fee?"
Grise responded, "This year is weird. We probably had seven or eight people that hadn't had a (City) license for seven or years and didn't do any work in Goshen. Then they came in and wanted to get a license for the $30 or $35 renewal fee. We felt that it was kind of a game they were playing. So, that's why we raised the late fee higher."
Grise added there is a growing trend of contractors elsewhere working in local communities. He said, "Before, contractors were local here. Now they have a company in South Carolina that owns 50 different companies. That guy's getting a license, and he's pulling permits for everybody around the country. We're trying to avoid that because we just don't know what type of installations we're getting."
Council President Weddell, Grise and Shuler discussed the current and proposed renewal fee. **Shuler** said there would be no additional charge – beside the $400 cost -- if a contractor renewed a license within 30 days of expiration. However, if a license elapsed for more than 30 days, there will be $150 late fee, plus the $400, for a renewal. And after six months, the license is forfeited and the contractor would have to repeat the entire application process.

There were no additional questions or comments from Councilors.

At 7:21 p.m., the Mayor invited audience questions or comments on Ordinance 5258. There were none.

The Mayor asked if Councilors were ready to vote. They indicated they were.

On a voice vote, Councilors unanimously passed Ordinance 5258, ***Electrical and Mechanical Contractors Licensing and Registration,*** on First Reading by a 7-0 margin, with all Councilors voting "yes" at 7:21 p.m.

As with Ordinance 5256, Mayor Leichty said she would not be asking Councilors to proceed with the Second Reading and final approval of Ordinance 5258 at this time. So, Ordinance 5258 will be considered again at the June 22, 2026 Council meeting.

6) ORDINANCE 5259, Rental Registration and Inspection Fees

Mayor Leichty called for the introduction of Ordinance 5259, *Rental Registration and Inspection Fees.* Council President Weddell asked the Clerk-Treasurer to read Ordinance 5259 by title only, which was done.
Weddell/Nisley made a motion to approve Ordinance 5259 on First Reading.

BACKGROUND:
Ordinance 5259 would establish rental registration and inspection fees and allow for their increase. According to Ordinance 5259:

- The Goshen Building Department is authorized by the Neighborhood Preservation Ordinance, as amended from time to time, to assess fees for the registration of hotels, rooming houses, and housing rental units.
- The Goshen Building Department is also authorized to assess fees for certain inspections conducted pursuant to the City of Goshen's rental registration and inspection program.
- An internal review of the existing fee schedule has determined that revisions are necessary to ensure such fees reasonably reflect and recover the cost of services provided by the Goshen Building Department.

If Ordinance 5259 was approved by the Council, it would be ordained that: the Goshen Building Department shall assess and collect fees for rental registrations and inspections in accordance with the following schedule and as authorized by the Neighborhood Preservation Ordinance, as amended from time to time:

SECTION 1. Registration Fees

1.01 Hotel or Rooming House Registration. The owner of each hotel or rooming house shall be assessed a registration fee in the amount of Seventy-nine Dollars ($79.00) per year. The initial registration and each renewal registration are valid for a period of one (1) year.

1.02 Rental Unit Registration. The owner of a rental unit shall be assessed a registration fee in the amount of Five Dollars ($5.00) per year. The initial registration is valid for a period of one (1) year. The owner of a rental unit shall be assessed a subsequent registration fee in the amount of Ten Dollars ($10.00). Each subsequent registration is valid for a period of two (2) years. The registration fee covers all rental units on a parcel of real estate or in a rental unit community as provided by Indiana Code § 36-1-20-5.

SECTION 2. Inspection Fees

2.01 Hotel or Rooming House Inspection Fee. The owner of a hotel or rooming house shall be assessed an initial inspection fee of Seventy-Five Dollars ($75.00) for the initial inspection and first follow-up inspection of any hotel or rooming house.

2.02 Rental Unit Inspection Fee. The owner of a rental unit shall be assessed an inspection fee of Seventy-Five Dollars ($75.00) for the initial inspection and first follow-up inspection of any rental unit.

2.03 Reinspection Fee. The owner of a rental unit or of a hotel or rooming house shall be assessed a reinspection fee of One Hundred Thirty-Five Dollars ($135.00) for the second follow-up inspection and each subsequent reinspection of any rental unit or any hotel or rooming house.

SECTION 3. Late Fees

In the event a registration fee, inspection fee, or reinspection fee is not paid within thirty (30) days of the City billing date, the owner will be assessed a late fee in the amount of Fifty-five Dollars ($55.00).

SECTION 4. Disposition of Fees

4.01 Residential Lease Fee Fund. In accordance with Indiana Code § 36-1-20-3, all fees assessed and collected pertaining exclusively to a rental unit or rental unit community shall continue to be deposited into the Residential Lease Fee Fund.

4.02 General Fund. All other fees assessed and received pursuant to this Ordinance shall be deposited into the General Fund.

SECTION 5. Other Ordinances

5.01 This Ordinance repeals Ordinance 4899, Building Department Fee Ordinance, Section 5, Neighborhood Preservation Ordinance, as amended by Ordinance 5001.

5.02 This Ordinance amends Ordinance 5001, Repealing, Replacing and Modifying Portions of the Neighborhood Preservation Ordinance and Building Department Fee Ordinance, to be consistent with the provisions of this Ordinance.

SECTION 6. Severability Clause

The provisions of this Ordinance are severable, and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION 7. Effective Date

This Ordinance 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 MAY 18, 2026 CONSIDERATION & FIRST READING PASSAGE OF ORDINANCE 5259:

Mayor Leichty invited comments and comments from Councilors on Ordinance 5259.

Councilor Gerber asked the definition of "rooming house." She asked if that was a short-term rental.

Assistant City Attorney Don Shuler said short-term rentals are regulated by State statutes. He said rooming house "was a reference to the language that was existing in the zoning ordinance that refers generally to the idea of somebody who's renting out of rooms for long-term in a home-type setting. It's the language that was used at the time." He said he wasn't sure Goshen still had rooming houses.

Councilor Peel asked if the ordinance would cover **Airbnbs,** short-term accommodations, usually in homes, that are normally booked online. **Shuler** said, "Anything that is operating as a short-term rental off of a platform we're not allowed to regulate them at all."

Council President Weddell asked about hotel/motel inspection fees. He asked if the inspection fee of $79 was for a single room of the entire structure. **City Building Commissioner Grise** said, "What we do as percentage, usually it's about 10 rooms we look at, so it's about 10 rooms included in that price." He said the State has set a maximum fee of $5 for inspection of each individual unit per year.
Council President Weddell asked if the proposed rental inspection fees would cover the City's costs. **Grise** said, "On most of them, yes. We were at a hotel last week and we had the 10 inspections done in an hour and a half."
Grise added that he knows of one rooming house in Goshen with three bedrooms that are rented out. The landlord doesn't live in the house; someone on site manages it.
Councilor Schrock said there once were more rooming houses in Goshen. **Grise** agreed.

There were no other questions or comments from Councilors.

At 7:26 p.m., the Mayor invited audience questions or comments on Ordinance 5259. There were none.

On a voice vote, Councilors unanimously passed Ordinance 5259, *Rental Registration and Inspection Fees,* on First Reading by a 7-0 margin, with all Councilors voting "yes" at 7:26 p.m.

As with Ordinances 5256 and 5258, Mayor Leichty said she would not be asking Councilors to proceed with the Second Reading and final approval of Ordinance 5259 at this time. So, Ordinance 5259 will be considered again at the June 22, 2026 Council meeting.

7) ORDINANCE 5261, Amend False Alarm Penalty
Mayor Leichty called for the introduction of Ordinance 5261, *Amend False Alarm Penalty,* on Second Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5261 by title only, which was done.
Weddell/Nisley made a motion to approve Ordinance 5261 on Second Reading.

BACKGROUND:
Ordinance 5261 would amend the City's False Alarm Penalty.
According to Ordinance 5261:

- The City of Goshen Common Council adopted Ordinance 4754, amended by Ordinance 5012, to establish a penalty to be charged when the Goshen Police Department and/or Goshen Fire Department responds to False Alarms generated by private Alarm Systems;
- The cost of the Goshen Police Department and/or Goshen Fire Department responding to False Alarms has increased since the adoption of Ordinance 4754; and
- The City of Goshen seeks to increase the amount of penalties imposed when responding to False Alarms to more accurately reflect the City of Goshen's actual costs incurred in responding to False Alarms.

If Ordinance 5261 was approved by the Common Council of the City of Goshen, it would be ordained that:
Section 1. False Alarm Penalty.

Goshen
THE MAPLE CITY

A. The owner of real estate serviced by an Alarm System shall be subject to a False Alarm fine for each False Alarm occurring at an Alarm Site to which the Goshen Police Department and/or Goshen Fire Department responds occurring after the first two (2) False Alarms occurring within a calendar year.

1. The False Alarm fine shall be One Hundred Fifty Dollars ($150.00) for the third and fourth False Alarms occurring at an Alarm Site within a calendar year, and
2. The False Alarm fine shall be Two Hundred Dollars ($200.00) for the fifth and all subsequent False Alarms occurring at an Alarm Site within a calendar year.

B. If both the Goshen Police Department and Goshen Fire Department respond to the same False Alarm, the event shall be considered a single False Alarm.

Section 2. <u>Notice</u>.

A. The City shall provide the owner of the real estate with a written notice of each False Alarm occurring at an Alarm Site and any False Alarm fine assessed pursuant to Section 1.

B. The owner of the real estate shall be required to pay a False Alarm fine within thirty (30) days of the date of the notice.

C. The money collected from False Alarm fines assessed shall be deposited into the General Fund.

Section 3. <u>Hearing; Appeal</u>.

A. The person or entity receiving a written notice of a False Alarm or a notice of the assessment of any False Alarm fine may request a hearing before the Goshen Board of Public Works and Safety to dispute the existence of a False Alarm occurring at the Alarm Site or to otherwise dispute the accuracy of a False Alarm fine. The request for a hearing must be in writing and received by the Mayor's Office within fifteen (15) days of the date of the written notice.

B. The person or a representative of the entity will be given the opportunity to appear at the hearing before the Board of Public Works and Safety, with or without counsel, to present evidence to the Board to dispute the existence of a False Alarm occurring at the Alarm Site or to otherwise dispute the accuracy of a False Alarm fine.

Each person may cross-examine those persons presenting testimony to the Board and testify on their own behalf. The City will assist the person in obtaining witnesses, exhibits, and documentation to present at the hearing if such information is not otherwise available to the person requesting assistance and can be obtained by the City.

C. At the hearing, the Board of Public Works and Safety shall enter a finding determining whether a False Alarm occurred at the Alarm Site, and whether the False Alarm fine assessed is correct. The Board may affirm or modify the original notice consistent with the Board's findings.

D. Any appeal from the findings of the Board of Public Works and Safety shall be taken in accordance with the provisions of Indiana Code § 36-1-6-9, as amended.

Section 4. <u>Definitions</u>.

A. Alarm Site shall mean the location or address served by an Alarm System. Each location or address served by a separate Alarm System shall be considered a separate Alarm Site.

B. Alarm System shall mean any device or set of devices intended to detect and signal the occurrence of an activity requiring an emergency response to the Alarm Site at which the device or set of devices are installed and operated. For the purposes of this ordinance, an Alarm System installed on a motor vehicle or on someone's person is excluded.

C. False Alarm shall mean the activation of an Alarm System resulting in notification of the Goshen Police Department and/or Goshen Department which occurs as the result of mechanical or electronic failure, malfunction, improper installation, or the negligence or intentional conduct of the occupant of the Alarm Site or the occupant's employees, customers, or invitees.

For the purposes of this ordinance, an alarm is false when, upon inspection by the Goshen Police Department and/or Goshen Fire Department, there is no evidence of criminal activity, fire, smoke, carbon monoxide, heat, or other threat of emergency of the kind for which the Alarm System is designed to give notice.

1. A False Alarm shall not include an alarm which can reasonably be determined to have been caused or activated by violent weather conditions.
2. An alarm activated during an Alarm System testing procedure shall not be considered a False Alarm if the owner of the real estate first notifies the Goshen Police Department and Goshen Fire Department.

Section 5. **Effective Date.**

A. This ordinance shall be in full force and effect from and after its passage, approval, and adoption according to the laws of the State of Indiana.

B. The accrual of False Alarms shall be on a calendar year basis and the assessment of the False Alarm fine set forth in Section 1 shall go into effect from and after passage, approval, and adoption of this ordinance.

Section 6. **Other Ordinances.**

All ordinances and parts of ordinances inconsistent or in conflict with the terms of this Ordinance are repealed to the extent of the inconsistency or conflict, including Ordinances 4754 and 5012.

Section 7. **Severability.**

The provisions of this Ordinance are severable, and the invalidity of any phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SUMMARY OF MAY 18, 2026 CONSIDERATION & FINAL PASSAGE OF ORDINANCE 5261:

Mayor Leichty invited updates and comments on Ordinance 5261 from City Fire Chief Anthony Powell.

Chief Powell said he had good meetings with **Councilors Gerber and Lederach**, along with some community stakeholders, and addressed their concerns.

Mayor Leichty said, "One of the things that I heard you mention was a clarification on what qualifies as an 'incident,' and I think that's an important public awareness notification of what would be considered and what is not. So, as there's reporting on that proposed ordinance, that's clear to the public, too."

Chief Powell said, "So, with the previous false alarm billing, we would bill for food on the stove, or any kind of, nuisance that we would consider a nuisance. With this amended false alarm penalty, we would only bill if it was a malfunction from the alarm. If there's anything smoke-related, food on the stove, anything where we're actually called out there to do something, then we will not be billing for that."

Mayor Leichty said, "The other thing I heard you mention was that inasmuch as humanly possible, you try to identify the unit number so that specific unit (responsible for a false alarm) could be identified."

Chief Powell said, "As long as it's in an apartment, we can put that apartment number down on the bill, so that when it goes to the landlord, they can decide what they're going to do from that point forward."

Mayor Leichty invited questions or comments from Councilors.

Councilor Gerber said, "I'd like to thank **Chief Powell** and **Assistant Chief of Administration Phil Schrock** for the time that they spent helping me understand it, walking me through it. I voted against this on First Reading. I'm much more comfortable now, after hearing from them. And the way I understand this, is it incentivizes having a functioning alarm system."

Councilor Peel said "I, too, voted against it the first time.

"And while I'm not completely certain that it accomplishes every issue that could come up with regard to apartment complexes, I don't also think that there's really any clear way to fix that problem easily anyways. There are way too many scenarios in which it just wouldn't fix the issue that I have with it. So, I'm glad to see that the description of what constitutes a false alarm is more narrow and that it doesn't cover if you burn something on the stove. So, that's good." She added, "I thank the Chief for talking with me over this ... because I was really troubled over it."
Councilor Riegsecker said that the first sentence of Section 4C (Definitions) of the ordinance states that "False Alarm shall mean the activation of an Alarm System resulting in notification of the Goshen Police Department and/or **Goshen Department** which occurs as a result of mechanical or electronic failure, malfunction, improper installation, or the negligence of intentional conduct of the occupant of the Alarm Site or the occupants, employees, customers or invitees." He said that the word "Fire" was missing from the sentence.
Mayor Leichty asked if **Councilor Riegsecker** was making a motion to amend the sentence and add the word "Fire." **Councilor Riegsecker** asked if it was necessary to make such a minor correction. The Mayor said it was.

Councilor Riegsecker then made a motion to add the word "Fire" in front of the word "Department" in the first sentence of Section 4C (Definitions). Councilor Nisley seconded the motion.

On a voice vote, Councilors unanimously passed the amendment by Councilors Riegsecker and Nisley to amend Ordinance 5261 to add the word "Fire" in front of the word "Department" in the first sentence of Section 4C (Definitions) of the ordinance.

There were no additional questions or comments from Councilors.

At 7:31 p.m., the Mayor invited audience questions or comments on Ordinance 5261.
Alan Greaser, Chief Operating Officer for Lacasa, which provides housing, said he had a good conversation with **Chief Powell** and appreciated his openness and clarifications. Still, he said, "I still think there should be or could be a distinction between commercial and residential for a factory or an industry, whereas your current fines are not adequate to change their actions or their inactions whereas for an individual, a person on fixed income, it's extravagant." He said a false alarm fine would hurt an individual but make no difference to a large factory or industry.
Greaser said he reviewed records of false alarm fines imposed on Lacasa the past two years and said the number of fines has decreased. He said it still may be difficult to determine if false alarms were triggered from common areas versus apartments. So, he said he hopes the Fire Department's bills will be as accurate as possible.
Greaser said Lacasa has invested nearly $1.5 million to improve the Hattle and Shoots buildings over the last three years and part of that improvement was replacing all the heads on the smoke detectors and all the sensors. He said that change has reduced the number of false alarm calls. He also encouraged the Council to further support the improvement of downtown properties.
Mayor Leichty thanked Greaser for his excellent points and feedback.

At 7:35 p.m., the Mayor Closed the public comment period.

Chief Powell responded, "I would just want to reassure you that the location (of false alarms) that will be a topic of our next staff meeting."

Goshen
THE MAPLE CITY

Councilor Lederach asked **Chief Powell** to discuss an issue discussed in his private meeting – about the issue of fire inspections that take place after repeated false alarms.
Chief Powell asked **Assistant Chief of Fire Prevention Scott Thomas** to address the issue.
Assistant Chief Thomas said, "What we can do, if we have multiple alarms, we can inspect any building open to the public. So, we can try to figure out what the problem is. We, as fire inspectors, cannot diagnose an alarm system. That's outside of our scope. So, we would defer to the required annual fire alarm inspection reports done by a fire alarm company, and we would see what they have listed, or we would look at that fire alarm panel to see if that's showing any issues. Outside of that, if it's an unknown reason for the alarm, we cannot cite a violation of this.
"And then going back to the listing the room number or apartment number; hopefully if we're not billing for burnt food or smoking, something like that, we shouldn't really need an individual room number because it will fall back on the landlord for the maintenance of the system. So, typically, it's a maintenance issue. While we have false alarms; usually it's old detectors or some type of sensor that needs to be replaced," **Thomas** said.
Councilor Peel asked if it would be possible to assess different fines for residential and commercial or industrial properties. **City Attorney Bodie Stegelmann** said that could be done. He said an ordinance that included this would need definitions of the various types of buildings and how they would be fined differently for false alarms.
Council President Weddell said he was wondering about the same issue. He said Lacasa's Hattle and Shoots buildings have apartments but are regarded as commercial buildings. He said there also are small commercial buildings and he wouldn't want them to be regarded the same as large factory buildings. He added that it would be good to treat very large industrial buildings differently, but doing so might be challenging.
Councilor Peel said she appreciated those comments. In response to a question from **Councilor Nisley, Mayor Leichty** said large industrial factories are treated the same as other commercial buildings under this ordinance. She said amending the ordinance to distinguish between small and large commercial properties might be complicated,
Thomas responded, "For us, it really doesn't change anything. We're responding to it no matter if it's a Lippert (factory), a Keystone (factory), or if it's the Hattle (building). We're still responding, so it's still the same amount of resources. And if they're required to have their fire alarm service or required to have a fire alarm, I think it should be across the board."
Chief Powell said, "When we go to a building that large, we have to walk through the entire building. So, it is going to take longer to mitigate that alarm. So, that's when I would be in favor of raising and having a different (false alarm fee).He asked **Thomas** to address the issue of inspecting different buildings.
Thomas said, "There's different types of occupancies within the commercial group, but I don't know how that would affect fire alarm billing. I would agree with you that there are some buildings that would require more time on the response. I think the common goal here is just to make sure that everyone's maintaining their systems, reducing that amount of emergency traffic that we're also creating a hazard by running lights and sirens across the City."
Council President Weddell asked if it would be helpful to have different designations of commercial buildings in order to assess different amounts of false alarm fines or would that be too complicated.
Chief Powell said, "To a degree, we already do it anyways. When we size up a building, we size it up small, medium, large and mega. So, these buildings are mega buildings. So, we determine by how far we can go into the building with a 200-foot hose, and how much we can cover with that. So, these mega buildings were 25% or less that we can cover with 200-foot hose. Small buildings, we can cover the whole thing. And it just continues from that point."
Council President Weddell said tonight was the Second Reading of Ordinance 5261 and he was in favor of it as is, but he said it would be good for the Council to consider an amendment to put mega-buildings in their own category.

However, **Council President Weddell** said he didn't know if he would favor creating more categories based on the size of commercial buildings smaller than large factories.
Mayor Leichty asked if the **Council President** was suggesting that City staff examine this issue and perhaps bring a modification to the ordinance at a later time. **Council President Weddell** said that is what he was thinking. The **Mayor and Council President** said there seemed to be a consensus among Councilors to do this.
Clerk-Treasurer Aguirre said that he was asked to report on the volume of false alarm calls, so he prepared some highlights to provide to the Council. Aguirre said as of today there were 39 outstanding false alarm payments due to the City – 30 for the Police Department and nine for the Fire Department, some going back several years.
Aguirre provided the following list of companies who have outstanding fines and the amounts owed: Applebee's, $500; Michael', $500; Tractor Supply, $400; Auto Zone, $600; First Presbyterian Church, $750; Advance Auto Parts Lincolnway East, $2,150; Parkview Physicians, $500; ECC Lincolnway, LLC, $550; Advance Auto Parts Pike Street, $550 (going back to 2023); Belmont Beverages, $500; Five Below, $500; Fairfield Inn, $1,000; Burlington Stores, $1,100; and Forest River, $800. He added that the City is owed $13,800 for false alarms.
Council President Weddell responded, with a smile, "But my business wasn't listed." **Mayor Leichty** said, "I think everybody got really nervous there for a second."

The Mayor asked if Councilors were ready to vote. They indicated they were.

On a voice vote, Councilors unanimously passed Ordinance 5261, *Amend False Alarm Penalty,* on Second Reading by a 7-0 margin, with all Councilors voting "yes" at 7:45 p.m.

8) ORDINANCE 5262, Additional Appropriation (Unsafe building fund, $140,024.05)
Mayor Leichty called for the introduction of Ordinance 5262, *Additional Appropriation.* Council President Weddell asked the Clerk-Treasurer to read Ordinance 5262 by title only, which was done.
Weddell/Nisley made a motion to approve Ordinance 5262 on First Reading.

BACKGROUND:
Before the Council was Ordinance 5262, *Additional Appropriation.* If approved by the Common Council, Ordinance 5262 would authorize the appropriation of $140,024.05 to City Budget Line 2234-5-4360500, Unsafe Building/Demolition/Receivership fund.
The Mayor and Clerk-Treasurer requested this ordinance because the Common Council is the City's fiscal body which authorizes the City's budget and any budget adjustments
In a May 18, 2026 memorandum to the Council and Mayor, **Clerk-Treasurer Aguirre** wrote 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. It is possible to get permission to move budgeted spending between accounts and categories, but sometimes the total appropriation within a fund is insufficient for the fund's total spending, due to emergencies, unforeseen circumstances, or budget errors."
In this case, **Aguirre** wrote that the Mayor and Clerk-Treasurer proposed an additional appropriation because the expenditures are necessary and paying the expenditures might otherwise overspend the budgeted appropriation. After Council approval, the Clerk-Treasurer will submit the additional appropriation to the Department of Local Government Finance ("DLGF") for final approval.

The DLGF will only approve an additional appropriation if the Clerk-Treasurer proves that the City has cash available for the additional appropriation and the following year's budget.
Attached to the ordinance was a memorandum from **Building Commissioner Myron Grise** concerning a request for an additional appropriation from the Unsafe Building Fund. As noted in the memorandum, the reason for the additional appropriation is that these funds were inadvertently not appropriated during the budget process last Fall. The affected fund has a sufficient cash balance to spend this appropriation. If the Council approves Ordinance 5262, the Clerk-Treasurer will submit necessary information to the DLGF for final approval.
In an April 29 memorandum to the Board, **City Building Commissioner Myron Grise** requested the appropriation of $140,024.05 to City Budget Line 2234-5-4360500, Unsafe Building/Demolition/Receivership fund. He wrote that this figure represents the unappropriated cash balance of the Unsafe Building Fund. Although this balance was available at the time the 2026 budget was prepared, the funds were inadvertently not appropriated for the 2026 budget year. **Grise** wrote that this additional appropriation is necessary to allow the Building Department to expend Unsafe Building Fund monies during 2026 for the demolition, removal, repair, including through receiverships, and securing of unsafe premises within the corporate limits of Goshen, as authorized by Indiana Code § 36-7-9.

SUMMARY OF MAY 18, 2026 COUNCIL CONSIDERATION & APPROVAL OF ORDINANCE 5262:
Mayor Leichty said the requested additional appropriation should have been encumbered last year for the Unsafe Building Fund. She said, "This is the fund that we use to do receiverships. We do have a receivership that we would like to work with on Wilden Avenue and we currently do not have the cash available in the fund. It was not appropriated in the budget, so we're asking Council to approve us moving those funds into the budget."
Mayor Leichty invited questions or comments from Council members. There were none.

At 7:47 p.m., the Mayor invited questions or comments from the audience. There were none.

The Mayor asked if Councilors were ready to vote. They indicated they were.

On a voice vote, Councilors unanimously passed Ordinance 5262, *Additional Appropriation,* on First Reading by a 7-0 margin, with all Councilors voting "yes" at 7:47 p.m.

Councilors gave unanimous consent to proceed with Second Reading of Ordinance 5262.

Mayor Leichty called for the introduction of Ordinance 5262, *Additional Appropriation*, on Second Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5262 by title only, which was done. Weddell/Schrock made a motion to approve Ordinance 5262 on Second Reading.

Mayor Leichty invited questions or comments from Councilors or the audience. There were none.

On a voice vote, Councilors unanimously passed Ordinance 5262, *Additional Appropriation,* on Second Reading by a 7-0 margin, with all Councilors voting "yes," at 7:48 p.m.

Goshen
THE MAPLE CITY

Privilege of the Floor

At 7:48 p.m., Mayor Leichty invited public comments for issues not on the Council agenda.

Megan Hessl of Goshen, the President of the Goshen Historic Southside Neighborhood Association, said the public wasn't given the opportunity to comment on the report earlier in the meeting by **City Director of Public Works & Utilities Dustin Sailor** on the railroad Quiet Zone. She said she understood that but wanted to say that she appreciated the City Engineering Department's work to make something happen.
Hessl said the quiet zone runs through the Historic Southside Neighborhood "and that is something that constantly comes up at our community meetings. So, I just wanted to bring that to your guys' attention and make sure you're still looking at it. I know it's a process, but I appreciate you guys still keeping that at the forefront of your minds."

James Loewen of Goshen said he also is interested in the quiet zone topic and he thanked **Director Sailor** and the Engineering Department for their "continued, conscientious and good faith efforts to try to comply with the – let's call them difficult – requirements of the railroad company."
Loewen said he's been following the negotiations process for about eight years and was hopeful a quiet zone would be established by now. But he said, "Each year, it keeps extending off into the distance with new difficulties. One is reminded of 'Peanuts' (comic strip) with Charlie Brown and Lucy and the football. And is she really going to hold it for him to kick at this time?"
Loewen said he believes that as a partner, Norfolk Southern "is acting in bad faith" and the City is involved in an "abusive relationship." He said he has wondered if the City might try three new approaches to move forward:

- Asking Goshen's members of Congress to persuade the Federal Railroad Administration to review Norfolk Southern's operations.
- Finding common cause with other municipalities on Norfolk Southern's system " that are being similarly abused by this company" and coordinating with them in political, legislative, legal or regulatory action.
- Or filing a lawsuit against Norfolk Southern alleging "bad faith" by the company against Goshen for years.

Loewen added that Union Pacific and Norfolk Southern currently are considering a merger and this may be a time the company may be more receptive to pressure from the City.

Mayor Leichty responded, "I will share with you that we've done two of those things. There is a coalition of cities in Northern Indiana that is appealing jointly to our federal legislators for support in this matter. I've spoken to Sen. Todd Young twice and Rep Rudy Yakim as well on this matter, and they're interested. But it is at the behest of Congress that the railroads have as much authority as they do. And so, we've not gained significant traction even with that appeal, but we will continue.
"So, there is a whole coalition that was coordinated by the mayor of New Haven, Indiana, and we continue to persist jointly. There needs to be more consideration for the needs of municipalities, particularly as it impacts public safety as well as the economics of our local communities."
Loewen said, "I'm happy to hear that. Good luck. "

There were no additional comments, so Mayor Leichty closed the public comment period at 7:54 p.m.

Goshen
THE MAPLE CITY

<u>**Elected Official Reports**</u>
Mayor Leichty asked if there were any reports from Councilors.

Council President Weddell said the City Redevelopment Commission has had two meetings since the last City Council meeting. He said most recently, it held a special meeting on Friday morning to approve, pending legal review, a contract to re-do Century Drive, from College Avenue south to County Road 38. He said that project will include a multi-purpose pathway from College Avenue down to Eisenhower Drive.
Council President Weddell said at the meeting last week the majority of conversation revolved around the Redevelopment Commission's willingness to participate in the development of a food row on Lincoln Avenue. He said the commission "did commit financially to that. We know that the Redevelopment Commission's financial agreement at this point probably would not cover the entirety of what's needed, should it proceed to the end."
Council President Weddell said that at the request of a former commission member, **City Redevelopment Director Becky Hutsell** put together a pie graph of how much of the Redevelopment Commission's money was going to infrastructure, such as roads, and how much was going to quality of place projects."
Council President Weddell said, "Frankly, it's a pretty small percentage that goes to quality of place, so this would be an example of a kind of quality of place project, and also giving back to a district that's being taxed. And, again, I would echo what I said earlier that hopefully the work with the quiet zone and with this, there's some momentum to continue on with connections to the Pumpkinvine Trail. Let's try and link it all together. But again, we're dealing with railroads, and that's challenging."

Councilor Lederach said the new runway at the Goshen Airport has been completed. He said **City Airport Manager Randy Sharkey** took a photo of the runway from a helicopter and the photo was a "work of art." Councilor Lederach said he had the photo on his iPad if anyone wanted to see it.

There were no further Elected Official comments.

<u>**Adjournment:**</u>
Councilor Nisley made a motion to adjourn the meeting, which was seconded by Councilor Peel.
On a voice vote, Councilors unanimously approved the motion to adjourn the meeting.

Mayor Leichty adjourned the meeting at 7:57 p.m.

EXHIBIT #1: *Before the meeting, Assistant City Attorney provided Councilors with a one-page memorandum, dated May 18, 2026, explaining the need to amend Ordinance 5255, which was passed by the Council on April 27, 2026. Attached to the memorandum was amended Ordinance 5255, a seven-page document. The amended ordinance was considered as added agenda item #2, Amendment to Ordinance 5255, Establishing a Designated Outdoor Refreshment Area (in the City of Goshen's downtown, Thursdays, Fridays and Saturdays, afternoons and evenings.*

APPROVED: Gina Leichty, Mayor of Goshen

ATTEST: Clerk-Treasurer Richard R. Aguirre

Exhibit 1

CITY OF GOSHEN LEGAL DEPARTMENT
Donald R. Shuler, Assistant City Attorney

City Annex
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528-3405

donshuler@goshencity.com • https://goshen.in.gov
Phone (574) 537-3855 • Fax (574) 533-8626 • TDD (574) 534-3185

May 18, 2026

To: Goshen Common Council

From: Don Shuler, Assistant City Attorney

RE: Ordinance No. 5255 – Downtown DORA

At its last meeting on April 27, 2026, the Council adopted ordinance 5255, establishing the City's Designated Outdoor Refreshment Area (DORA) pursuant to I.C. § 7.1-3-31. The ordinance requires approval by the Indiana Alcohol & Tobacco Commission (ATC) before the DORA may take effect.

The ATC reviewed Ordinance 5255 and informed the City that it considers Section 5.1.4 – which extends DORA hours of operation for "Special Events as approved by the City of Goshen Board of Public Works and Safety" – to be too broad. The ATC will not approve the ordinance unless Section 5.1.4 is removed or otherwise clarified (providing for specific dates/hours, removing discretion).

As a result, it is requested that Section 5.1.4 be removed from Ordinance 5255 so that the Ordinance may be resubmitted to the ATC for approval. The remainder of the Ordinance is unaffected.

This action may be accomplished via a "motion to amend something previously adopted" per Robert's Rules of Order.

An appropriate form of motion would read as follows:

> "Move to amend the motion to approve Ordinance 5255 from the Common Council meeting on April 27, 2026, by striking section 5.1.4 from Ordinance 5255."

Passage requires a two-thirds (2/3) vote.

ORDINANCE 5255 - ORIGINAL AS ADOPTED APRIL 27, 2026

Establishing a Designated Outdoor Refreshment Area

WHEREAS, Indiana Code § 7.1-3-31-1 *et seq.* authorizes the establishment of a Designated Outdoor Refreshment Area;

WHEREAS, the Common Council believes it is in the best interests of the City to create a Designated Outdoor Refreshment Area in the City's downtown, as authorized by Indiana Code § 7.1-3-31-1 *et seq.*, which Area is shown on the attached Map identified as Exhibit A;

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Goshen, Indiana, as follows:

1. <u>Definitions.</u>

1.1. All definitions in Ind. Code § 7.1-3-31-1 *et seq.* will apply to this Ordinance.

2. <u>Downtown DORA.</u>

2.1. The Common Council hereby adopts the Map of the City of Goshen Downtown Designated Outdoor Refreshment Area attached hereto to as Exhibit A and incorporated herein by reference.

2.2. That the following area is designated as the Goshen Downtown Designated Outdoor Refreshment Area ("Downtown DORA"):

> Beginning at the southwest corner of North 5th Street and East Clinton Street (122 E. Clinton Street); then West along East Clinton Street to the southwest corner of North Main Street and West Clinton Street (201 N. Main Street); then South along North Main Street and South Main Street to the southwest corner of South Main Street and West Washington Street (201 S. Main Street); then West along West Washington Street to a spot on the north side of 212 W. Washington Street due south of the southwest corner of 120 S. 2nd Street; thence North along South 2nd Street to the southeast corner of South 2nd Street and West Lincoln Avenue (212 W. Lincoln Avenue); then West along West Lincoln Avenue to the pedestrian path along the east bank of the Elkhart River (west of 412 W. Lincoln Avenue, at the northern intersection of parcels 20-11-09-329-007.000-015 and 20-11-09-329-018.000-015); then South and

Southeast along the pedestrian path along the east bank of the Elkhart River to Powerhouse Park at 324 W. Washington Street; then Southerly along the western tree line of vacant park property and the western boundary of parcels 20-11-09-411-003.000-015, 20-11-09-411-001.000-015, 20-11-09-451-003.000-015, and 20-11-09-455-001.000-015 to the southwest corner of parcel 20-11-09-455-001.000-015; then East along the south line of parcel 20-11-09-455-001.000-015 to the southeast corner of said parcel and the Millrace Canal Trail; then Northerly along the Millrace Canal Trail to the southwest corner of the Bridge extending west of West Madison Street over the Elkhart River; then East across said Bridge and on West Madison Street to the southwest corner of West Madison Street and South 3rd Street (401 S. 3rd Street); then North across West Madison Street to the southeast corner of 321 S. 3rd Street; then northeasterly on South 3rd Street along the eastern border of 321 S. 3rd Street and parcel 20-11-09-452-016.000-015 across S. 3rd Street to the northwest corner of parcel 20-11-09-457-011.000-015; then South and East along the south line of West Madison Street and East Madison Street to the southwest corner of the East Madison Street and South 5th Street (401 S. 5th Street); thence North along the west line of South 5th Street and North 5th Street to the southwest corner of North 5th Street and East Clinton Street (122 E. Clinton Street), to the point of beginning.

Except all residential property is excluded.

3. <u>Designated Permittees and Temporary Vendors.</u>

3.1. The following retailer permittees have expressed interest in participating and in submitting an application to the City to participate in the Area as a Designated Permittee, as that term is defined by I.C. § 7.1-3-31-2, and the City finds that each of them is an appropriate Designated Permittee and requests the Indiana Alcohol and Tobacco Commission (ATC) to issue a "refreshment area designation":

3.1.1. The Tipsy Biscuit – 103 N. 5th Street
3.1.2. Venturi – 123 E. Lincoln Avenue
3.1.3. Common Spirits – 111 E. Lincoln Avenue
3.1.4. Nova's – 109 E. Lincoln Avenue
3.1.5. The Table at 108 – 108 N. Main Street
3.1.6. Cortado – 132 S. Main Street
3.1.7. Midnight Social – 114 W. Jefferson Street
3.1.8. The Fold – 219 S. Main Street

3.1.9. Goshen Theater – 216 S. Main Street
3.1.10. The Elephant Bar – 227 S. Main Street
3.1.11. Goshen Brewing Company – 315 W. Washington Street
3.1.12. Temporary Event Vendor

3.2. The Common Council hereby authorizes the Board of Public Works and Safety to administer the approval of any and all requests for designated permittee status within the Downtown DORA, subject to the requirements of Indiana law. This delegation of authority to the Board of Public Works and Safety shall include the approval of a request by a designated permittee to expand operations into an area with the Downtown DORA that is outside of a designated patio area and the approval of a request by a vendor, as that term is defined by I.C. § 7.1-3-31-5, holding a temporary vendor designation to participate in an event or festival held within the Downtown DORA. However, in no event shall the Board of Public Works and Safety approve a request by a temporary vendor to establish a permanent presence in the Downtown DORA until and unless the temporary vendor is able to meet the statutory requirements for consideration as a designated permittee.

4. <u>DORA Signage.</u>

4.1. The City shall post a minimum of one (1) sign at each public entry point to the Downtown DORA. The Common Council further recognizes that additional signage designating the Downtown DORA may be warranted and necessary. Therefore, the Council hereby grants the Board of Public Works and Safety full authority to increase the number, change the placement, or modify the type of signage as it deems necessary or appropriate for the proper operation of the Downtown DORA.

5. <u>Hours of Operation.</u>

5.1. The City of Goshen Downtown Designated Outdoor Refreshment Area will be in operation during the following hours:

5.1.1. Thursdays, between 4:00 p.m. and 10:00 p.m.
5.1.2. Fridays, between 4:00 p.m. and 11:00 p.m.
5.1.3. Saturdays, between 12:00 p.m. and 11:00 p.m.
5.1.4. Special events as approved by the City of Goshen Board of Public Works and Safety.

5.2. The Mayor of the City of Goshen, acting in conjunction with the Chief of Police, is authorized to further restrict days and hours of operation and/or to suspend the operation of the Downtown DORA on a temporary basis and as is necessary in order to preserve the public health and safety of the community, subject to the subsequent approval of the Common Council.

6. <u>DORA Regulations.</u>

6.1. Within the boundaries of the Downtown DORA established herein, a person may exit the licensed premises of a designated permittee or vendor with not more than two (2) open containers of an alcoholic beverage at a time and consume the alcoholic beverage within the Downtown DORA. The open container shall be non-breakable plastic bottles, plastic cups, or paper cups. The contents of an open container may not exceed the following:

6.1.1. Beer or flavored malt beverage of not more than sixteen (16) ounces.
6.1.2. Wine, hard cider, or hard seltzer of not more than twelve (12) ounces.
6.1.3. A mixed drink or not more than ten (10) ounces containing not more than two (2) ounces of liquor.

6.2. The container in which the alcoholic beverage is placed when exiting the premises of a designated permittee or vendor shall have affixed an official DORA logo sticker that shall be approved by the Board of Public Works and Safety. The City shall work to provide stickers to all designated permittees and vendors within the Downtown DORA and change the color of the approved sticker at appointed times each year.

6.3. A person may consume an alcoholic beverage purchased from a designated permittee or vendor anywhere within the refreshment area boundaries, subject to the right of any retailer permittee or business within the refreshment area to refuse to allow individuals to enter the licensed premises or business with an alcoholic beverage. A person may not enter any business or building with an alcoholic beverage unless the business expressly permits entry.

6.4. If a designated permittee in the Downtown DORA includes outdoor dining:

6.4.1. The designated permittee may serve alcoholic beverages in open containers during hours of operation and in the areas authorized by the retailer's permit.
6.4.2. Glass containers may be allowed in the outdoor dining areas but may not be removed from those areas in the Downtown DORA.

6.4.3. No fencing or other enclosure of the outdoor dining area is required.

6.5. The City of Goshen maintains full authority and control over the sidewalks and common areas within the Downtown DORA and no one may prohibit or limit open containers in accordance with I.C. § 7.1-3-31 within the Downtown DORA in those spaces except for the City of Goshen Police Department.

6.6. Nothing in this Ordinance prohibits a business, landlord, or other establishment within the Downtown DORA from prohibiting open containers of alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises.

6.7. A person may not consume an alcoholic beverage within a DORA that was purchased outside of the DORA.

6.8. Each Designated Permittee and Vendor shall post signage at each public entry and public exit to their licensed premises that informs the public of the following:

6.8.1. Any open alcoholic beverage container purchased within the Downtown DORA must remain within the Downtown DORA.
6.8.2. Possessing an open container of alcoholic beverages in a motor vehicle may constitute a Class C infraction under I.C. § 9-30-15.
6.8.3. The hours of operation of the Downtown DORA.

7. <u>Miscellaneous Provisions.</u>

7.1. Consistent with the general principles of Indiana law, the Common Council retains the general authority to terminate the operation of the Downtown DORA at any time following the passage of an appropriate ordinance.

7.2. The Common Council finds that the Goshen Downtown Outdoor Refreshment Area is consistent with the City of Goshen's Zoning Ordinance.

This Ordinance shall be in full force and effect upon its passage, approval, and publication pursuant to Indiana law.

PASSED by the Goshen Common Council on ______________________________, 2026.

Gina M. Leichty, Mayor
Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

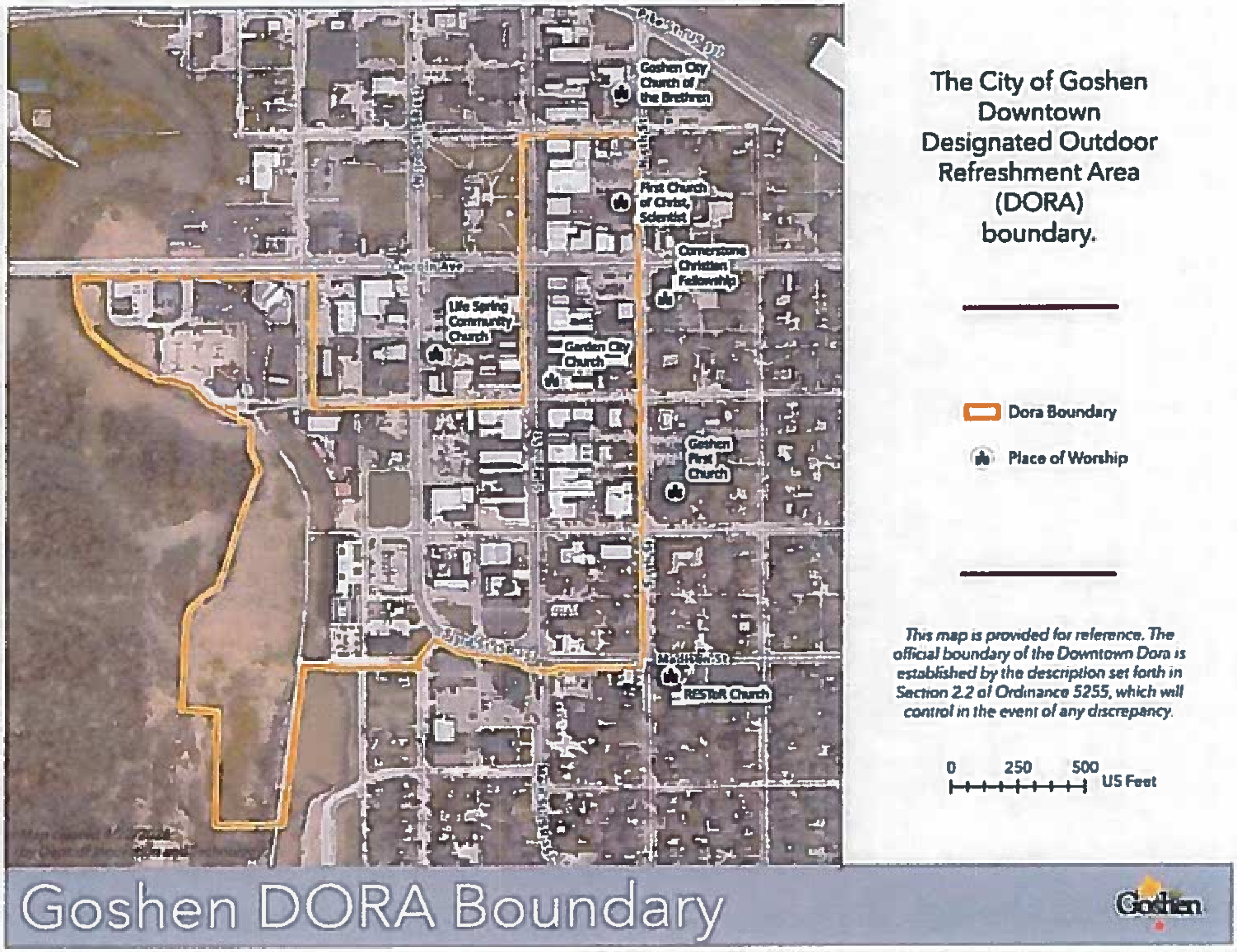
PRESENTED to the Mayor of the City of Goshen on April 27, 2026.
at the hour of 8:46 p.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on April 27, 2026.

Gina M. Leichty, Mayor

Exhibit A


Goshen City Church of the Brethren
First Church of Christ, Scientist
Cornerstone Christian Fellowship
Life Spring Community Church
Garden City Church
Goshen First Church
RESToR Church
The City of Goshen Downtown Designated Outdoor Refreshment Area (DORA) boundary.
Dora Boundary
Place of Worship
This map is provided for reference. The official boundary of the Downtown Dora is established by the description set forth in Section 2.2 of Ordinance 5255, which will control in the event of any discrepancy.
0 250 500 US Feet
Goshen DORA Boundary
Goshen

ORDINANCE 5255 – As amended May 18, 2026
Establishing a Designated Outdoor Refreshment Area

WHEREAS, Indiana Code § 7.1-3-31-1 *et seq.* authorizes the establishment of a Designated Outdoor Refreshment Area;

WHEREAS, the Common Council believes it is in the best interests of the City to create a Designated Outdoor Refreshment Area in the City's downtown, as authorized by Indiana Code § 7.1-3-31-1 *et seq.*, which Area is shown on the attached Map identified as Exhibit A;

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Goshen, Indiana, as follows:

1. **Definitions.**

1.1. All definitions in Ind. Code § 7.1-3-31-1 *et seq.* will apply to this Ordinance.

2. **Downtown DORA.**

2.1. The Common Council hereby adopts the Map of the City of Goshen Downtown Designated Outdoor Refreshment Area attached hereto to as Exhibit A and incorporated herein by reference.

2.2. That the following area is designated as the Goshen Downtown Designated Outdoor Refreshment Area ("Downtown DORA"):

> Beginning at the southwest corner of North 5th Street and East Clinton Street (122 E. Clinton Street); then West along East Clinton Street to the southwest corner of North Main Street and West Clinton Street (201 N. Main Street); then South along North Main Street and South Main Street to the southwest corner of South Main Street and West Washington Street (201 S. Main Street); then West along West Washington Street to a spot on the north side of 212 W. Washington Street due south of the southwest corner of 120 S. 2nd Street; thence North along South 2nd Street to the southeast corner of South 2nd Street and West Lincoln Avenue (212 W. Lincoln Avenue); then West along West Lincoln Avenue to the pedestrian path along the east bank of the Elkhart River (west of 412 W. Lincoln Avenue, at the northern intersection of parcels 20-11-09-329-007.000-015 and 20-11-09-329-018.000-015); then South and

Southeast along the pedestrian path along the east bank of the Elkhart River to Powerhouse Park at 324 W. Washington Street; then Southerly along the western tree line of vacant park property and the western boundary of parcels 20-11-09-411-003.000-015, 20-11-09-411-001.000-015, 20-11-09-451-003.000-015, and 20-11-09-455-001.000-015 to the southwest corner of parcel 20-11-09-455-001.000-015; then East along the south line of parcel 20-11-09-455-001.000-015 to the southeast corner of said parcel and the Millrace Canal Trail; then Northerly along the Millrace Canal Trail to the southwest corner of the Bridge extending west of West Madison Street over the Elkhart River; then East across said Bridge and on West Madison Street to the southwest corner of West Madison Street and South 3rd Street (401 S. 3rd Street); then North across West Madison Street to the southeast corner of 321 S. 3rd Street; then northeasterly on South 3rd Street along the eastern border of 321 S. 3rd Street and parcel 20-11-09-452-016.000-015 across S. 3rd Street to the northwest corner of parcel 20-11-09-457-011.000-015; then South and East along the south line of West Madison Street and East Madison Street to the southwest corner of the East Madison Street and South 5th Street (401 S. 5th Street); thence North along the west line of South 5th Street and North 5th Street to the southwest corner of North 5th Street and East Clinton Street (122 E. Clinton Street), to the point of beginning.

Except all residential property is excluded.

3. <u>Designated Permittees and Temporary Vendors.</u>

3.1. The following retailer permittees have expressed interest in participating and in submitting an application to the City to participate in the Area as a Designated Permittee, as that term is defined by I.C. § 7.1-3-31-2, and the City finds that each of them is an appropriate Designated Permittee and requests the Indiana Alcohol and Tobacco Commission (ATC) to issue a "refreshment area designation":

3.1.1. The Tipsy Biscuit – 103 N. 5th Street
3.1.2. Venturi – 123 E. Lincoln Avenue
3.1.3. Common Spirits – 111 E. Lincoln Avenue
3.1.4. Nova's – 109 E. Lincoln Avenue
3.1.5. The Table at 108 – 108 N. Main Street
3.1.6. Cortado – 132 S. Main Street
3.1.7. Midnight Social – 114 W. Jefferson Street
3.1.8. The Fold – 219 S. Main Street

3.1.9. Goshen Theater – 216 S. Main Street
3.1.10. The Elephant Bar – 227 S. Main Street
3.1.11. Goshen Brewing Company – 315 W. Washington Street
3.1.12. Temporary Event Vendor

3.2. The Common Council hereby authorizes the Board of Public Works and Safety to administer the approval of any and all requests for designated permittee status within the Downtown DORA, subject to the requirements of Indiana law. This delegation of authority to the Board of Public Works and Safety shall include the approval of a request by a designated permittee to expand operations into an area with the Downtown DORA that is outside of a designated patio area and the approval of a request by a vendor, as that term is defined by I.C. § 7.1-3-31-5, holding a temporary vendor designation to participate in an event or festival held within the Downtown DORA. However, in no event shall the Board of Public Works and Safety approve a request by a temporary vendor to establish a permanent presence in the Downtown DORA until and unless the temporary vendor is able to meet the statutory requirements for consideration as a designated permittee.

4. <u>DORA Signage.</u>

4.1. The City shall post a minimum of one (1) sign at each public entry point to the Downtown DORA. The Common Council further recognizes that additional signage designating the Downtown DORA may be warranted and necessary. Therefore, the Council hereby grants the Board of Public Works and Safety full authority to increase the number, change the placement, or modify the type of signage as it deems necessary or appropriate for the proper operation of the Downtown DORA.

5. <u>Hours of Operation.</u>

5.1. The City of Goshen Downtown Designated Outdoor Refreshment Area will be in operation during the following hours:

5.1.1. Thursdays, between 4:00 p.m. and 10:00 p.m.
5.1.2. Fridays, between 4:00 p.m. and 11:00 p.m.
5.1.3. Saturdays, between 12:00 p.m. and 11:00 p.m.

5.2. The Mayor of the City of Goshen, acting in conjunction with the Chief of Police, is authorized to further restrict days and hours of operation and/or to suspend the operation of the Downtown DORA on a temporary basis and as is necessary in order to preserve the public health and safety of the community, subject to the subsequent approval of the Common Council.

6. **DORA Regulations.**

6.1. Within the boundaries of the Downtown DORA established herein, a person may exit the licensed premises of a designated permittee or vendor with not more than two (2) open containers of an alcoholic beverage at a time and consume the alcoholic beverage within the Downtown DORA. The open container shall be non-breakable plastic bottles, plastic cups, or paper cups. The contents of an open container may not exceed the following:

6.1.1. Beer or flavored malt beverage of not more than sixteen (16) ounces.
6.1.2. Wine, hard cider, or hard seltzer of not more than twelve (12) ounces.
6.1.3. A mixed drink or not more than ten (10) ounces containing not more than two (2) ounces of liquor.

6.2. The container in which the alcoholic beverage is placed when exiting the premises of a designated permittee or vendor shall have affixed an official DORA logo sticker that shall be approved by the Board of Public Works and Safety. The City shall work to provide stickers to all designated permittees and vendors within the Downtown DORA and change the color of the approved sticker at appointed times each year.

6.3. A person may consume an alcoholic beverage purchased from a designated permittee or vendor anywhere within the refreshment area boundaries, subject to the right of any retailer permittee or business within the refreshment area to refuse to allow individuals to enter the licensed premises or business with an alcoholic beverage. A person may not enter any business or building with an alcoholic beverage unless the business expressly permits entry.

6.4. If a designated permittee in the Downtown DORA includes outdoor dining:

6.4.1. The designated permittee may serve alcoholic beverages in open containers during hours of operation and in the areas authorized by the retailer's permit.
6.4.2. Glass containers may be allowed in the outdoor dining areas but may not be removed from those areas in the Downtown DORA.

6.4.3. No fencing or other enclosure of the outdoor dining area is required.

6.5. The City of Goshen maintains full authority and control over the sidewalks and common areas within the Downtown DORA and no one may prohibit or limit open containers in accordance with I.C. § 7.1-3-31 within the Downtown DORA in those spaces except for the City of Goshen Police Department.

6.6. Nothing in this Ordinance prohibits a business, landlord, or other establishment within the Downtown DORA from prohibiting open containers of alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises.

6.7. A person may not consume an alcoholic beverage within a DORA that was purchased outside of the DORA.

6.8. Each Designated Permittee and Vendor shall post signage at each public entry and public exit to their licensed premises that informs the public of the following:

6.8.1. Any open alcoholic beverage container purchased within the Downtown DORA must remain within the Downtown DORA.

6.8.2. Possessing an open container of alcoholic beverages in a motor vehicle may constitute a Class C infraction under I.C. § 9-30-15.

6.8.3. The hours of operation of the Downtown DORA.

7. <u>Miscellaneous Provisions.</u>

7.1. Consistent with the general principles of Indiana law, the Common Council retains the general authority to terminate the operation of the Downtown DORA at any time following the passage of an appropriate ordinance.

7.2. The Common Council finds that the Goshen Downtown Outdoor Refreshment Area is consistent with the City of Goshen's Zoning Ordinance.

This Ordinance shall be in full force and effect upon its passage, approval, and publication pursuant to Indiana law.

PASSED by the Goshen Common Council on ______________________________, 2026.

____
Gina M. Leichty, Mayor
Presiding Officer

ATTEST:

____
Richard R. Aguirre, Clerk-Treasurer

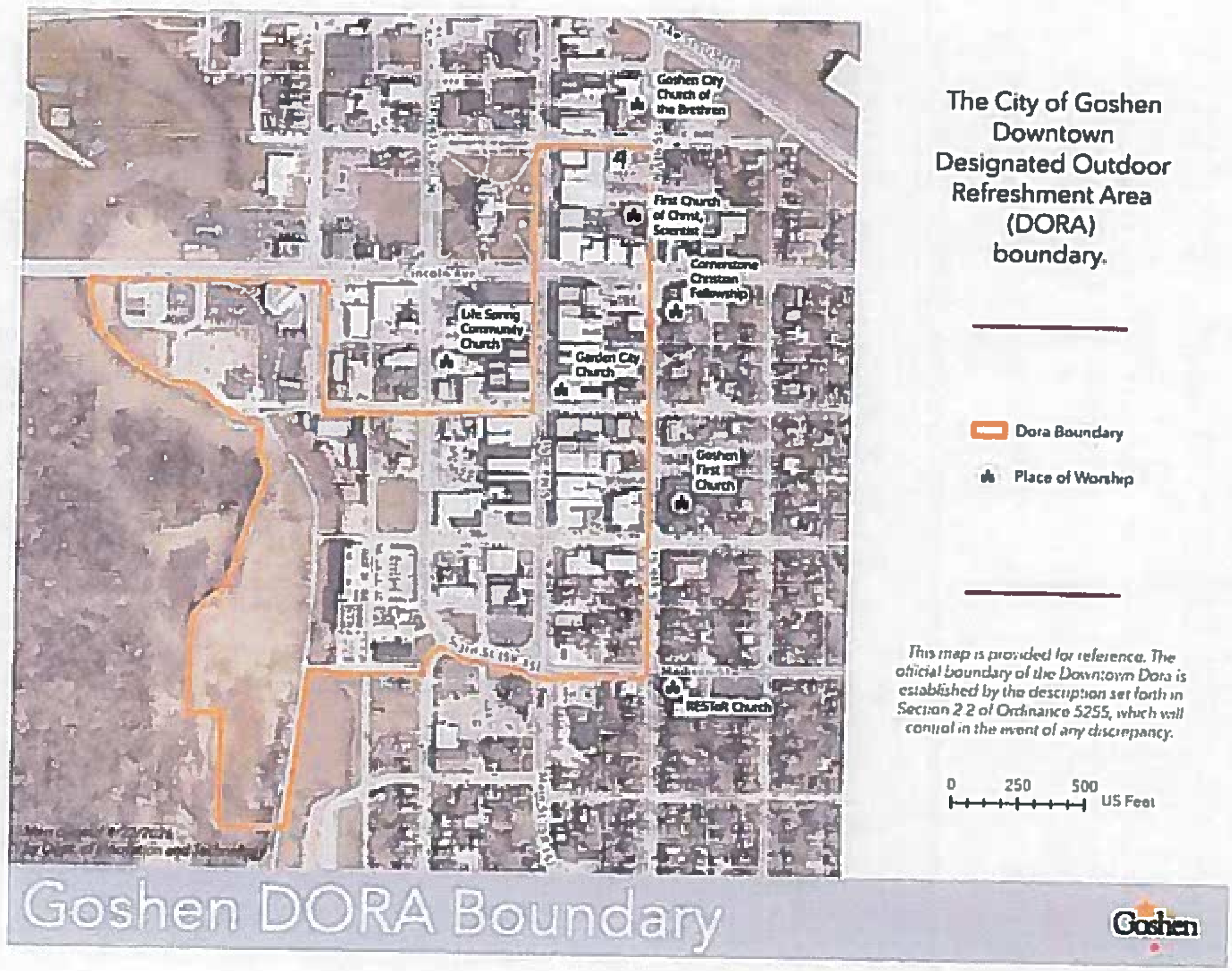
PRESENTED to the Mayor of the City of Goshen on ____________________________, 2026.
at the hour of ___:___ __.m.

____
Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on ____________________________, 2026.

____
Gina M. Leichty, Mayor

Exhibit A



Goshen City Church of the Brethren
First Church of Christ, Scientist
Cornerstone Christian Fellowship
Life Spring Community Church
Garden City Church
Goshen First Church
RESTalk Church
Lincoln Ave
The City of Goshen Downtown Designated Outdoor Refreshment Area (DORA) boundary.
Dora Boundary
Place of Worship
This map is provided for reference. The official boundary of the Downtown Dora is established by the description set forth in Section 2.2 of Ordinance 5255, which will control in the event of any discrepancy.
0
250
500
US Feet
Goshen DORA Boundary
Goshen