

**REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF GOSHEN,
TO BE HELD MARCH 21, 2017 AT 7:00 P.M. AT THE COUNCIL CHAMBERS
111 EAST JEFFERSON STREET, GOSHEN, INDIANA**

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**OUT OF RESPECT TO OTHERS IN THIS MEETING, PLEASE TURN CELL PHONES,
BEEPERS AND PAGERS OFF OR TO SILENT MODE. IF A PHONE
CONVERSATION IS NECESSARY, PLEASE STEP OUTSIDE OF THE MEETING
ROOM. THANK YOU.**

Call to Order by Mayor Jeremy Stutsman

Pledge of Allegiance

Roll Call of Council: Mr. Ahlersmeyer _____ Ms. Gautsche _____ Ms. King _____
Mr. McKee _____ Mr. Orgill _____ Mr. Scharf _____
Mr. Weddell _____ Youth Advisor Biller _____

Approval of Agenda and Changes to Agenda

Approval of Minutes

January 3rd & February 7th

Special Presentation or Recognition Ceremonies

GMS New Tech Presentation

Agenda Items:

1. ORDINANCE #4895

(SECOND READING)

TREE HAZARD REDUCTION ON PRIVATE PROPERTY

2. ORDINANCE #4897

**(FIRST READING)
(SECOND READING)**

GOSHEN COMMON COUNCIL RULES OF ORDER

BOARD & COMMISSION (RE) APPOINTMENTS OF CITIZEN MEMBER

- ❖ **Board of Building Appeals – two-year-term-County resident**

PRIVILEGE OF FLOOR

Next Council Meeting: April 11, 2017 (Regular Council Meeting)

ADJOURNMENT OF MEETING

ORDINANCE 4895

Tree Hazard Reduction on Private Property

BE IT ORDAINED by the Goshen Common Council that Title 6, Article 8, Chapter 1, Section 5 of the Goshen City Code shall be amended to add the following subsection:

(g)

- (1) If any tree or tree branch on private property, by virtue of its position, size and condition constitutes a clear and significant hazard to the safety of any person or constitutes a clear and significant hazard to any structure or other personal property, the clear and significant hazard must be eliminated by the property owner at the property owner's expense. An exception shall be made if the clear and significant hazard is to a structure or other personal property wholly owned by the same person who owns the tree.
- (2) Determination that a tree or tree branch constitutes a clear and significant hazard shall be made by the City of Goshen Forester or other similarly-qualified party.
- (3) Trees located on private property and not within public right-of-way shall not be subject to any formal inspection program administered by the City or its agents without the consent of the property owner.
- (4) If a tree or tree branch that poses a threat is located both on private property and within public right-of-way, the property owner may take advantage of the City of Goshen street tree removal program established under subsection (d).

This ordinance shall be in full force and effect from and after its passage, approval, adoption and publication as required by law.

PASSED by the Goshen Common Council on _____, 2017.

Jeremy P. Stutsman, Presiding Officer

Attest:

Angie McKee, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2017 at _____
a.m./p.m.

Angie McKee, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2017.

Jeremy P. Stutsman, Mayor

ORDINANCE 4897

Goshen Common Council Rules of Order

WHEREAS the Goshen Common Council adopts rules of order to facilitate the orderly transaction of business and provide a basis for resolving questions of procedure that may arise.

NOW THEREFORE, BE IT ORDAINED that Goshen Common Council adopts the following rules of order:

Section 1. APPLICATION OF SPECIAL RULES

- A. The rules of order of the Goshen Common Council do not apply whenever the United States Constitution, State of Indiana Constitution, or applicable federal or state laws or regulations provide or require different requirements or procedures.
- B. This ordinance specifically repeals Ordinance 4207.

Section 2. COMMON COUNCIL POWERS AND DUTIES

- A. The legislative powers of the City of Goshen are vested in the Common Council which permits the Common Council to pass ordinances and resolutions.
- B. The Common Council may manage the finances of the City and control the City's property to the extent that such power is not vested in the executive branch.
- C. The Common Council has the power to appropriate money, fix the rate of taxation, and establish budgets for the City and its departments in the manner prescribed by the laws of the State of Indiana.
- D. The Common Council has the authority to issue short term loans and bonds in accordance with the limitations established by the laws of the State of Indiana.
- E. The Common Council has the investigative powers set forth in Indiana Code § 36-4-6-1.

Section 3. COMMON COUNCIL PRESIDENT ROLE

- A. The Common Council President presides at Common Council meetings whenever the Mayor is absent.
- B. The Common Council President shall act as a liaison between the Common Council and the Mayor.
- C. Under certain circumstances, the Common Council President serves as acting Mayor as provided by the laws of the State of Indiana.

Section 4 COMMON COUNCIL PRESIDING OFFICER POWERS AND DUTIES

- A. The Presiding Officer shall conduct the meetings of the Common Council.
- B. The Presiding Officer shall call for a vote on any motion, resolution or ordinance.
- C. The Presiding Officer shall sign any ordinance, order or resolution properly passed by the Common Council and shall provide such executed documents to the Clerk-Treasurer to be approved by the Mayor.

Section 5. MOTIONS

- A. Amendments.
 - 1. Only one resolution or ordinance can be on the floor at a time.
 - 2. Only one amendment to a resolution or ordinance can be offered at a time. However, multiple versions of a pending amendment to a resolution or ordinance may be considered or discussed.
- B. Motion to Postpone. An ordinance or resolution may be postponed indefinitely or to a date certain.
- C. Motion to Reconsider. If a resolution or ordinance has been either adopted or defeated, and at least one member who voted with the majority wants to have the vote reconsidered, such member may make a motion to reconsider at the meeting where the resolution or ordinance was adopted or defeated or at the next regularly scheduled meeting of the Common Council. However, a motion to reconsider may not be made if a person has acted to their detriment in reliance on the Common Council's previous action.

Section 6. DEBATE

- A. Debate must be limited to the resolution, ordinance, motion or amendment under consideration. Debate may not begin until the resolution, ordinance, motion or amendment has been introduced or made by one Common Council member and seconded by another Common Council member.
- B. The following motions are not debatable:
 - 1. Motion to adjourn if made after the completion of the agenda.
 - 2. Motion to close debate.
 - 3. Motion to call the question.
- C. Any Common Council member may request a call for vote, but only the Presiding Officer can call for the vote.

- D. Public comment will be permitted on a resolution or on the first and second reading of an ordinance.
- E. Public comment on an issue may be limited to individuals that own real estate in the City of Goshen, to individuals that represent a business located in the City of Goshen, and to residents of the City of Goshen by the Presiding Officer unless objected to by a majority of the Common Council.
- F. Any comment made by the public must be made to the Common Council and not to other members of the public.
- G. Public comment on any issue before the Common Council may be limited to no more than three (3) minutes per person by the Presiding Officer. If a majority of the Common Council determines at the beginning of public comment on an issue, that the length of time for comment by individual members of the public needs to be further limited, the Common Council may so limit. However, each member of the public must be afforded at least two (2) minutes.
- H. The Presiding Officer may request that public comments address new information, arguments or insight rather merely reiterate comments previously made by other persons. This request may not be made if the public is commenting during a statutorily required public hearing on an issue.
- I. The public may not comment on a procedural motion.
- J. The public may not comment on a motion to amend unless permitted by a majority of the Common Council.

Section 7. OPTION FOR WRITTEN VOTE

- A. Upon the request of any Common Council member on the final vote on any ordinance or on the vote on any resolution, a written vote shall be conducted.
- B. If a written vote is conducted, each Common Council member shall submit their vote on a piece of paper to the Presiding Officer who shall read the votes aloud, publically identifying the vote of each Common Council member. After the written vote is read the Presiding Officer shall provide the members of the Common Council an opportunity to orally change their vote.

Section 8. PRIVILEGE OF THE FLOOR

- A. Common Council members may comment or request future action on subjects which were not on the Common Council's agenda during the Common Council's portion of privilege of the floor. The Common Council's portion of privilege of the floor will be held after the public has been given an opportunity to comment on subjects over which the Common Council has authority and were not on the Common Council's agenda.
- B. Any member of the public commenting during privilege of the floor is limited to three (3) minutes.

Section 9. PROHIBITED CONDUCT

- A. No Common Council member or a member of the public may attack the character or other attribute of the person or persons making an argument rather than attacking the argument itself.
- B. No Common Council member or a member of the public shall make threatening remarks about Common Council members or any member of the public.

Section 10. AGENDA ITEMS

- A. The Presiding Officer has the authority to set the agenda of the Common Council. The agenda as presented may be amended by a majority vote of the Common Council to add items, delete items, or change the order of agenda items.
- B. Two (2) or more Common Council members may submit a request in writing to the Clerk-Treasurer that an issue over which the Common Council has authority be placed on the agenda of a future Common Council meeting. Two (2) or more Common Council members may request during privilege of the floor of a Common Council meeting that an issue over which the Common Council has authority be placed on the agenda of a future meeting.
- C. The Presiding Officer will determine the appropriate Common Council meeting that the item will be placed on the agenda taking into consideration City staff's need to properly review and comment on the issue and the number of other items that need to be addressed in upcoming meetings. A requested agenda item will be placed on the Common Council agenda within ninety (90) days unless a greater time period is agreed to by the Common Council.
- D. Agenda items must be received by the Clerk-Treasurer by noon the Wednesday preceding a Common Council meeting. Any agenda items received later than the Wednesday before the Common Council meeting can only be added to the agenda by the consent of a majority of the Common Council members at the beginning of the Common Council meeting.
- E. Agenda items shall be posted on the City's website at least seventy-two (72) hours before any regularly scheduled Common Council meeting.

Section 11. COMMON COUNCIL SEATING

Common Council members shall be seated in alphabetical order by last name unless the Council establishes a different seating order for the annual term.

Section 12. CANCELLED COMMON COUNCIL MEETINGS

If a Common Council meeting is to be cancelled due to lack of agenda items or lack of a quorum, the Mayor shall discuss the cancellation with the Common Council President before cancelling the meeting. If the Common Council President requests an opportunity to discuss the cancellation of a meeting with some of the other members of the Common Council before cancelling the meeting, the opportunity for such discussion will be granted.

Section 13. MINUTES

- A. The meeting minutes of the Common Council shall be prepared by the City Clerk-Treasurer or the Clerk-Treasurer's designee. The minutes shall be prepared in time to be approved at the Common Council's next regularly scheduled meeting.
- B. The meeting minutes shall be posted on the City's website within seven (7) days of the Common Council's approval of the minutes.

Section 14. APPOINTMENTS OF COMMON COUNCIL

- A. Whenever the Common Council has an appointment to a Board or Commission, the Board or Commission opening will be announced at a Common Council meeting and will then be posted on the City's website for at least twenty-eight (28) days before the Common Council makes the appointment. The notice of the opening will also be posted on the City's social media to refer interested residents to the City's website.
- B. The City's website shall include a list of Common Council appointments and when the term of those appointments end.
- C. Anyone interested in a particular appointment may submit a letter of interest or an application to the City Communications Coordinator who will forward any application or letter of interest to each Common Council member within seven (7) days of receiving the application or letter of interest. The City shall provide a form of application that may be submitted by any interested party.

PASSED by the Goshen Common Council on _____, 2017.

Jeremy P. Stutsman, Presiding Officer

Attest:

Angie McKee, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2017 at _____ a.m./p.m.

Angie McKee, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2017.

Jeremy P. Stutsman, Mayor