

MINUTES
GOSHEN CITY COUNCIL
July 14, 2020 at 6:30pm
124 Church Street
Goshen City Hall and Zoom

Call to Order: Mayor Max Poye called the meeting to order at 6:30pm.

Roll Call and Declaration of Quorum: Birch Wright, Bill Hewat, Angie Driver, and Colton Martin were present and a quorum was declared. John Vaillancourt and Paula Anderson were absent. Lora Nanak the Office Manager, Josh Bailey the City Attorney, Bernadette Boyle the Planning Commission Liaison, Linda Moore the Recorder/Treasurer, and Loren Shackelford the Chairman for the Planning Commission were also in attendance.

Approval of Agenda: Mayor Poye request that we move item "B" under City Business to "A" so that the applicant does not have to stay longer than is necessary. Birch Wright asked about the Interlocal agreement with Elkins and Mayor Poye stated that it was not ready, therefore it was not on the agenda. Birch inquired about bids for City Hall improvements and Mayor Poye stated that those were not ready yet. Birch also asked that an agenda item be added: "G" under City Business: Update on Sharron Baggett's FOIA Request. A motion was made by Birch Wright to accept the amended agenda as noted, 2nd by Bill Hewat. All voted in favor and the motion carried.

Approval of Minutes: Birch Wright made a motion to accept the June 09, 2020 Minutes as written, 2nd by Bill Hewat. All voted in favor and the motion carried.

Reports for 2020:

Police Department Reports: A summary of the Police Department report is in Council's packets. Chief Ball gave a verbal summary. Bill Hewat inquired about the low number of traffic citations; Chief Ball stated that due to Covid-19 we have backed off of proactive enforcement.

Street Report: Mayor Poye gave an update on the Spring Park bridge, an estimate from Milestone construction Company is in Council's packets. Council agreed to subtract power washing and sand blasting from the estimate in order to save the city \$2,500.00. It was agreed by Council to move forward with the Spring Park bridge repair as estimated by Milestone Construction, minus power washing and sand blasting.

Mayor Poye gave an update about the chat building. It was decided to move forward with the construction of a chat building, for approximately \$5,500.00, to be completed by Fall. Bill Hewat made a motion to get on the list to have a chat building built for \$7,000.00 or less, 2nd by Birch Wright. All voted in favor and the motion carried.

Goshen Volunteer Fire Department report: Reports are in Council's packets.

Planning Commission Report: Bernadette Boyle presented. Reports are in Council's packets.

Building Official's Report: JD DeMotte reported. Reports are in Council's packets. Bill Hewat inquired about a discrepancy in permit costs on the report; JD will look into it but believes it is a typo.

Financial Report: Reports are in Council's packets. Lora Nanak reported that the General Fund balance at the end of June was \$696,302.80. Street Fund balance at the end of June was \$111,564.05. New budget sheets have been sent out; Lora asked Council to let her know which one they prefer. Lora informed the Council about an invoice for guns for the police department that was paid in 2019 but the check was never cashed so at this point she has had to stop payment on the check. Lora will follow up and make an attempt to pay the invoice again.

Parks and Recreation Commission Report: Chairman Ken Smith and Chuck Jacobus reported; Ken Smith stated that he will send the Council Members a copy the Parks and Recreation Report. The Grant deadline was discussed, the deadline is August 15th. Council members asked questions and addressed concerns.

City Business

Lot Split for James Sanders: Loren Shackelford the Chairman for the Planning Commission was in attendance and reported. The Planning Commission gave their approval for this applicant at the Planning Commission meeting on June 7, 2020. This lot split was also approved December of 2018 by the Planning Commission but it never went before the Council. It is requested that approval be granted, again, subject to required improvements.

Attorney Baily spoke about conditions given by the Health Department and it is believed that those conditions have not been met. Attorney Bailey also stated that Jeff Hawkins, who was not able to be in attendance, suggested not approving this lot split at this time due to the Health Department's conditions.

Loren Shackelford stated that the condition that each lot perk was not a condition that was a requirement for lot creation, prior to Mr. Hawkins.

Bill Hewat stated that we should not go back on something that was previously approved.

Colton Martin made a motion to approve the lot split, 2nd by Bill Hewat. All voted in favor and the motion carried.

The property owner gave comments and thanks the Council Members for their approval.

It is noted that the Planning Commission voted unanimously to move forward with this approval at the Planning commission meeting on June 7, 2020.

Purchase of Land by the Community Building: Mr. & Mrs. Mashie have submitted a letter, which is in Council's packets. The letter proposes two acres of land for sale, next to the community building, for a cost of \$50,000.00. The proposed two acres would be the location of the City Fun Park. If we do not get the grant for the Fun Park this year, we will try for it again next year.

Council discussed the options and benefits involved in purchasing these 2 acres. It was decided by Council that an appraisal was needed and that the cost of the appraisal would be split by the seller and buyer at closing. It was determined a survey would not be needed.

Bill Hewat made a motion to purchase the two acres of land around the community building for \$50,000.00, with the cost of the appraisal split between the City and the Mashies at closing, 2nd by Colton Martin.

Bill Hewat amended the motion to say that, pending the appraisal amount, the two acres will be purchased for \$50,000.00 and that the cost of the appraisal be split by the City and the Mashies at closing. All voted in favor and the motion carried.

Liz Mashie and Mayor Poye will be in touch regarding setting up the appraisal.

Subdivision Regulations Discussion: Emails have been submitted by the Task Force, the Planning Commission and the public regarding suggestions for Subdivision updates; copies of these emails are in Council's packets. Mayor Poye discussed getting everything compiled in order to get it submitted by next month's Council meeting. Jeff Hawkins and Attorney Baily have put a lot of work into getting these regulations updated.

Loren Shackelford discussed his suggestions and concerns.

Birch Wright wanted to make sure that existing subdivisions would be grandfathered in - Loren Shackelford said that they would. Birch Wright also asked Loren Shackelford if the Planning Commission was on board with all of the suggested changes and Loren stated that they were and that the Planning Commission has had a very good working relationship with the Task Force. Birch also asked questions in regards to landscaping regulations. Albert Skiles stated that the landscaping only applies to common areas. Birch asked about lighting regulations and suggested we include the Lighting Ordinance in the document.

Mayor Poye hopes to have something we can vote on at the next Council meeting.

Elkins Court Update: The Chief Clerk of the Elkins Court, Alexis, was in attendance and she provided explanations on the cost of running the court and what entities were using the services of the Elkins court.

Mayor Poye would like to work a deal between Elkins, Goshen and the County where each entity pays a third of the cost which would equate to roughly \$30,000.00 per entity.

Council asked questions in regards to the 1/3 split.

Alexis stated that Goshen is only using about 25% of the Court services; the County is using it the most. Bill Hewat asked if we could negotiate paying 25% of the costs as opposed to 1/3 of the cost. Mayor Poye will present Bills Hewat's suggestion to Elkins.

Mayor Poye said that we will process with forming our Interlocal Board and then we can talk to the County.

Noise Ordinance #51 Update: Attorney Bailey presented two different options to updating Ordinance #51. One option was lengthy and very detailed, the second option was to just amend the hours of quiet time. Council's desire was to amend the existing Ordinance with quiet times from 10pm to 6am. Council can approve this amended ordinance next month once Attorney Bailey has it drafted.

Face Mask Ordinance: Does the City of Goshen want to adopt an Ordinance that requires citizens to wear a face mask in public places?

Colton Martin does not believe the ordinance will change anything.

Josh Bailey stated that the government is going to preempt cities from writing their own Ordinances. Birch Wright made a motion to enact the Ordinance specific to Goshen with requiring masks, as appropriate, as the Ordinance states, 2nd by Angie Driver.

Birch Wright made a motion to suspend the rules and read by title only and to adopt the Ordinance tonight after the roll call vote is taken, 2nd by Bill Hewat. Roll call vote was taken: Bill Hewat, Angie Driver, and Birch Wright all voted in favor; Colton Martin voted against. John Vaillancourt and Paula Anderson are absent.

Ordinance 185 An ordinance by the City of Goshen, Arkansas regarding the use of masks in relation to the Covid- 19 Pandemic.

A motion was made by Birch Wright to adopt the ordinance, 2nd by Bill Hewat. Roll call vote: Bill Hewat, Angie Driver, and Birch Wright all voted in favor; Colton Martin voted against. John

Vaillancourt and Paula Anderson are absent.

This Ordinance can be repealed at any time.

Chief Ball asked about the burden on the city to provide masks to the public, Attorney Bailey said that there is no obligation stated in the Ordinance that masks have to be provided by the business owner. Birch wright made a motion to enact an emergency clause, 2nd bill Hewat. Roll call vote: Bill Hewat, Angie Driver, and Birch Wright all voted in favor; Colton Martin voted against. John Vaillancourt and Paula Anderson are absent.

FOIA Update: Attorney Bailey gave an update on the FOIA request and law suit by Sharron Baggett. Mrs. Baggett's attorney stated that Ordinance #172 and #169 include false statements in regards to Sharron Baggett and would like those Ordinances amended. In addition to amending Ordinance #172 and #169 Sharron Baggett would like a public apology.

Council members discussed their options and decided not to apologize or amend the ordinances.

Reports/Comments by Mayor, Aldermen, City Attorney or Recorder/Treasurer: The Treasurer stated that the city has 3 CD's at Bank of Fayetteville that are coming due for renewal on July 20, 2020; she will call 12 banks and get the interest rates on CD's, Money Markets, checking and savings and then schedule a meeting with the Depository Board.

Colton Martin wanted it known that he does support wearing masks in public but feels that this particular Ordinance does not do anything for us.

Bill Hewat reminded everyone about running for Council, the filing window is July 29-August 5th.

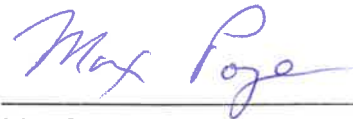
Bill Hewat saluted our officers for what they do to protect us.

Public Input: none given

Adjournment: Colton Martin made a motion to adjourn the meeting, 2nd by Birch Wright. All voted in favor and the meeting adjourned at 8:53pm.



Linda Moore
Recorder/Treasurer



Max Poye
Mayor