

MINUTES
Goshen City Council
October 11, 2022 at 6:30PM
Goshen Community Building, 244 Clark Street

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

Roll Call: Paula Anderson, Bill Hewat, Colton Martin, John Vaillancourt, Jamie Van Becelaere and Birch Wright were present. City Attorney Brian Hogue and Mayor Max Poye were present.

Approval of Agenda: The agenda was reviewed. Mayor Poye asked to remove items 5I, 6D, 6E. Colton Martin asked to move up 6A, 6B, 6J up, after Approval of Minutes. Birch Wright motioned to approve the amended agenda. Bill Hewat seconded the motion. The motion carried.

Approval of Minutes: Birch Wright motioned to approve the minutes, and Bill Hewat seconded. The motion carried.

City Business (part 1 of 2)

A. Conditional Use Permit for Storage Buildings: Dr. Brian Buell presented, and stated not much has changed. He has been approached by a restaurant and coffee shop for Goshen. He will have to move storage units back from the road to do this, to create more parking. Buell can't promise anything, he doesn't know if they are going to sign or not.

Paula Anderson asked if the plan submitted would change. Buell stated it would be less storage. The restaurant would be 3,000 sq. ft, and the coffee shop would be 1,500 sq. ft. Buell wants to still build other units. Anderson asked if the plan can be approved with the changes?

City Attorney Hogue stated it is still Conditional Use and has to go back to the Planning Commission, if City Council approves the Conditional Use.

Hogue stated previously the Planning Commission recommended approval with the retail units (shells) up front being constructed before anything else.

Jamie Van Becelaere asked if the building for retail up front would happen from the beginning. Buell said yes.

Bill Hewat stated the Council has been business-friendly, and the Planning Commission has recommended approval.

Van Becelaere asked if the zoning requirement has been worked out. Yes, B2, John Vaillancourt answered.

The storage units are built to help cover the costs of the retail rent. Retail space would be too expensive alone, Buell stated. To get the cost down, Buell states he has to do this all at one time. Buell reiterated he has no guarantee the restaurants will sign. He can't promise the restaurants will be there.

Wright stated the Planning Commission recommendation to the City Council was for Conditional Use approval to build storage sheds and the shells for retail space.

Van Becelaere believes the storage units would set a precedent for a dark road in the city square.

Wright motioned to approve the Planning Commission’s recommendation; Bill Hewat seconded it.

Mayor Poye asked for public comment.

Liz Mashie spoke. She would like to encourage the Council to not hold up the progress on this project. This is similar to Dollar General. A task force could be put together for current and future use of Goshen. She encourages the Council to approve.

Hewat commented on the wedding venue owned by Buell, including the bed and breakfast. Hewat doesn’t think anyone with this property would have a trash pit behind it. It has to look nice from a business perspective.

Van Becelaere stated what happens if someone else doesn’t follow these guidelines?

Hewat continued that storage buildings are not sexy, but Goshen is business friendly.

Vaillancourt stated that no sales tax is generated by storage units. Wright stated that retail spaces do.

Mayor Poye asked if this approval of conditional use requires approval for future conditional use requests for other storage units? Hogue confirmed the city is not obligated to approve it. This is not setting a precedent.

No other public comment was given.

A Roll Call Vote Was Held:

Paula Anderson YES	John Vaillancourt NO
Bill Hewat YES	Jamie Van Becelaere NO
Colton Martin YES	Birch Wright YES

The motion carried.

- B. Little Food Pantry, Fayetteville High School Service-Learning Class:** Jade Cameron and Courtney Smith, FFA Advisors at Fayetteville High School, presented. The Skills trade class came up with a Community Box plan and donated boxes. Areas surveyed were in front of the Community Building, City Hall and new Park Trail Head. A handout was shared that detailed more information about the program. The students have a plan for a service project to keep the box filled up. A donation box will be set up in agriculture department of the high school for kids to access and donate. A weekly schedule would be established to bring donations out to the boxes. The goal is to have 50 items a week in the box. This fulfills their FFA service goal.

Birch Wright asked if this has been done before at other locations?

Cameron stated no, they have put items in other boxes, though. Student live in these communities and can access this for their family. This will hopefully be a long-term project that will be passed from class to class.

The Community Building is a good location for a box, and also the new playground, per Cameron.

John Vaillancourt asked if the contents would be mostly dried products without liquid? Canned goods? It's a mixture, Cameron said. Vaillancourt wondered about wintertime. Stocking during cold weather will be considered, Cameron said.

Cameron stated they will pay the cost of installation, and complete the installations.

Jamie Van Becelaere motioned to approve. John Vaillancourt seconded.

Mayor Poye asked for public comment.

Chuck Jacobus asked who can receive the food? Cameron stated it could be anyone who comes by.

Russell Stroud spoke and said he was on the board of the church, and that the numbers grew quickly, as people came from out of town.

Bill Hewat stated the box needs to clearly state FFA, with the blue badge.

The motion passed for use at the Community Building.

- J. Community Building – Riverside POA Rental Fees:** Dan Padula presented. Padula is the President of the Riverside HOA community. He proposes removal of the usage fee of the Community Building for HOA non-profit meetings. He believes it should be free of charge, based on current tax contributions.

Birch Wright asked if Riverside HOA is a non-profit 501C? Padula confirmed. John Vaillancourt stated the fee is \$40.00. Padula stated it is a matter of principal, it is not about the money.

Paula Anderson reviewed the history of the current fee structure and requirements for deposit.

Liz Mashie believes the current policy only allows citizens to rent the building. Mashie suggests taking fees from people outside the city limits.

Carolyn Jordan stated that we can't open it up to ANY citizen; they may not be responsible. It could be opened to organizations that will be responsible.

Brenda Wentz asked who will sit in decision to determine who is "responsible"? Everyone should put up a deposit if you are responsible. She likes opening the Community Building to the community.

Padula stated that a deposit need is understood, and would even pay a higher deposit.

Bill Hewat stated this a Community Building. He proposed that an organization using the building frequently, based in the community, has free access to the building. One-off situations should pay the deposit and the fee. If there are problems, we won't let them use it going forward. He isn't worried about the deposit requirement.

Wright stated anyone using this building should pay a deposit.

Lora Nanak stated it is the same amount of work for her and Linda, regardless. The need to review the building depends on the type of the event. Nanak asked how you decide who gets the building? Can something be blocked in the future and prevent others from using it? There could be an auditing issue if too many checks for use are left uncashed.

Wright asked what Padula's recommendation was? Padula commented he is strictly discussing HOAs be able to use the Community Building without cost.

Mayor Poye asked, as a member of the Knolls POA, occasionally, they have parties - would this request be limited to HOA business? Padula stated yes, only quarterly HOA meetings.

Brenda Wentz asked if this was just for HOA groups and this particular issue? Someone may want to host a party or wedding reception. Can that be put that on the schedule?

Anderson stated that any member of the Goshen community can pay a deposit to rent the building. The discussion is not to waive the \$40 fee for all.

Padula proposes any community group not making money should not have to pay to use the building.

Jamie Van Becelaere proposes a group to review this request for the next meeting. Anderson stated the key words are "non-profit" - for-profit organizations must pay the fee.

Mashie stated there is a difference between community groups using the building compared to someone using this it as an event space.

Mary Smith stated this space has to be paid to be cleaned. Opening up to the community needs to be carefully considered.

Anderson motioned to allow the Riverside POA to use the Community Building, with a \$75.00 deposit, at no cost for their regular quarterly meetings. John Vaillancourt seconded. The motion carried.

Reports for September:

- A. Police Department Report:** Report is in Council's packet. Chief Travis presented. Travis asked if Act 988 monies could be used to get laptops for the vehicles for about \$8,000.00. This would reduce traffic stop times by about five minutes.

Birch Wright and Bill Hewat stated there is money in the budget, use it.

New police truck units will be here in about two weeks, Travis reports. He is looking at truck retractable covers for three trucks. The cost of would be about \$6,000.00 for the retractable bed covers. There isn't enough money in the Act 988 to pay for all of these requests.

Wright asked what the priority is? Travis reports laptops are the priority right now. Wright stated we should budget the remainder for next year.

Wright stated if the laptops are priority one; it is in the Chief's budget to manage. Put the bed covers in next year's budget. John Vaillancourt agrees.

- B. Street Report:** Report is in Council's packet. David Gatlin reported he needs a concrete tamper, about \$25.00 in cost.
- C. Building Official's Report:** Report is in Council's packet.
- D. Financial Report:** Report is in Council's packet. Lora Nanak presented. As of Sept 30, 2022, the General Fund was \$1,054,803.97. The Street Fund was \$363,147.73; the ARPA Stimulus Fund was \$365,526.07; the Act 988 Police Account was \$15,485.04. The Arkansas Fun Park Grant is \$75,012.43. A check was received for \$1,059.00 for disaster relief from FEMA from 2011.
- E. Parks and Rec. Report:** Report is in Council's packet. Chuck Jacobus presented. The Fun Park will begin construction next Monday. There was a contribution to put in the dog waste bag equipment.

Mayor Poye added that a hole in the fence has been cut by Ron Russell's granted easement down his road to the park. This isn't the official entrance yet, but signs will be put up. This will provide bike and foot entrance from the Community Building to the park. Access from Community Building to the park will have gravel added for the path-- this will cost about \$1,500.00-\$2,000.00. Also, a group of citizens are looking at starting a 501c3 for the park. The Council could preapprove items wanted in the park (benches, bathrooms), and the 501c3 could work from this list to add these items. This would not be a city entity.

Poye went to the Rock Farm and picked out five nice stones for the park, and the entire cost will be about \$1,400.00, installed.

Chuck Jacobus stated that you can get a deduction if you use your IRA to donate and have it go directly from your account to the 501c3.

- F. Arbor Board Report:** Report is in Council's packet.
- G. Goshen Volunteer Fire Department:** No one presented. Jamie Van Becelaere asked that we donate to the Fire Department.
- H. Planning Commission:** Lora Nanak reports \$400.00 taken in for Planning Commission in September. \$200.00 came from Dr. Buell's Conditional Use request. The remainder was from property line adjustments.
- I. Annexation Report:** This was removed from the agenda during the meeting.
- J. Stimulus Report:** Lora Nanak reported Stimulus money is ready to be moved over to pay for police salaries.

City Business (part 2 of 2)

C. Resignation of Levon Ogden, Planning Commission: Mayor Poye presented. Loren Shackelford was the past Chair of the commission and is moving back in to the city. Mayor Poye recommended Shackelford for the role, based on him moving back into the city.

Wright asked why Levon resigned? Family priorities was the response from Mayor Poye.

City Attorney Hogue will bring a resolution back to the Council.

D. Resolution to Move ARPA Stimulus Funds: This was removed from the agenda.

E. Resolution to pay Central EMS out of General Funds: This was removed from the agenda.

F. 2023 Tax Levy: Lora Nanak stated the city is at 3% and it can go as high as 5%. Bill Hewat moved to keep it 3%. Birch Wright seconded the motion. The motion carried.

G. Street Bid: Mayor Poye presented. The quote is \$67,903.00 from Tomlinson for repairs on all marked areas. Mayor recommends accepting this bid. Birch Wright motioned to accept the bid. Bill Hewat seconded the motion. The motion carried. City Attorney Hogue will bring a resolution back.

H. 2023 Budget Forecast: Lora Nanak presented. Council should review what is in the packets and call her with questions. Birch Wright thanked Nanak for her work on it.

I. Community Building Allowable Use and Recycling Location: Lora Nanak presented. She receives calls to use the Community Building for flea markets and swap meets. Where does the city stand on that?

Paula Anderson stated this is a slippery-slope.

Russell Gayer spoke. The goal is to have a swap meet to raise money for the club. Trade parts, sell parts would be the goal, as a one-time or possibly annual event. The area where the Farmer's Market is held would be conducive to that. Spring is the timing for this event.

John Vaillancourt stated that construction on the play area starts on Monday.

Birch Wright stated that a deposit and permit fee needs to be paid, and they can use it.

Nanak stated she has received calls to rent the Community Building on Recycle Day. She suggests moving recycling to City Hall.

Bill Hewat feels like this is fine. Wright agrees.

K. Mill Branch Park Rules and Penalties: City Attorney Brian Hogue presented the proposed Ordinance for Park Rules and Penalties.

John Vaillancourt motioned to suspend the rules and read the ordinance in title only.

Bill Hewat asked if horseback riding should be allowed. Mayor Poye stated the advice given to the Council was to avoid it due to waste and erosion. Birch Wright and Vaillancourt agreed with Poye's recollection.

Russell Stroud spoke and stated that there are generally two sets of trails - one for people and one for horses. If "horse people" want to get these trails started, maybe this could be allowed in the future.

Stroud stated that horses should not be allowed on walking paths. Anderson stated horses are not expressly prohibited in the park.

Mary Smith stated that horse inclusion should be brought by the riding club, or similar group. The park can evolve, and something like this should be planned and maintenance planned, not just allowed.

Wright asked about trees and native vegetation and the fine. Smith stated this is for digging up vegetation, cutting firewood, etc.

Mayor Poye suggests adoption of the ordinance to have something to enforce.

Jamie Van Becelaere seconded John Vaillancourt's motion.

A Roll Call Vote Was Held:

Paula Anderson YES	John Vaillancourt YES
Bill Hewat YES	Jamie Van Becelaere YES
Colton Martin YES	Birch Wright YES

Hogue read, "AN ORDINANCE TO ESTABLISH PARK RULES FOR THE MILL BRANCH PARK AND PENALTIES FOR VIOLATION OF THIS ORDINANCE".

Wright asked if a \$500.00 fine is reasonable. Chief Travis stated yes. It is up to the prosecutor to decide. Hogue stated it is "up to \$500.00".

Motion to suspend the rules and waive the 2nd and 3rd reading was made by Vaillancourt. Paula Anderson second the motion. The motion carried.

A Roll Call Vote Was Held:

Paula Anderson YES	John Vaillancourt YES
Bill Hewat YES	Jamie Van Becelaere YES
Colton Martin YES	Birch Wright YES

Motion adopt to the resolution was given by Bill Hewat. Van Becelaere seconded the motion.

A Roll Call Vote Was Held:

Paula Anderson YES	John Vaillancourt YES
Bill Hewat YES	Jamie Van Becelaere YES
Colton Martin YES	Birch Wright YES

Van Becelaere motioned to create an emergency clause. Anderson seconded the motion.

A Roll Call Vote Was Held:

Paula Anderson YES	John Vaillancourt YES
Bill Hewat YES	Jamie Van Becelaere YES
Colton Martin YES	Birch Wright YES

- L. Mill Branch Park Access from Fire Tower:** Mayor Poye stated this will be open within a month, if not sooner.

John Vaillancourt asked if a culvert had to be added. Poye stated a small 10-12" culvert may be needed.

Carolyn Jordan asked where the entrance is. Mayor Poye explained how to access the entrance.

A discussion was held about posting a park boundary sign, out of consideration for the property owner next to the easement.

Reports / Comments by Mayor, Aldermen, City Attorney

Jamie Van Becelaere asked for an update on flooring for this building. Nanak has old bids, and money is still left in the budget to cover it.

Colton Martin asked about the water pipe on the bridge. Paula Anderson stated the shut-off valve has been installed and the pipe should be off the bridge soon.

Bill Hewat shared his appreciation for law enforcement for their support.

Birch Wright stated Waterford is hosting the Mayoral candidates and the opposed City Council seat on October 23rd.

Russell Stroud has a meet and greet coming up Sunday from 12:00pm – 5:00pm.

Public Input

Ava (did not provide last name) asked for an ordinance for dog owners to have consistent positive control of their dogs.

Mayor Poye stated Goshen does not have a leash law. There is a vicious animal ordinance. Ava has a reluctance to call the law when her dog is attacked. The dog owners of the attacking dogs let their dogs run loose. She has pepper-sprayed the aggressive dogs.

Ava got in trouble for using pepper spray on the dogs from the police. Dog owners need to have positive control of their dogs. Since there isn't an ordinance asking people to control their dogs, something needs to be able to be enforced by the law. She is asking for an ordinance to help. Mayor Poye stated if there is a problem with an animal, you need to call the law.

Birch Wright asked if the vicious animal enforcement law works? Chief Travis stated the dog has to attack twice.

Adjournment

Birch Wright made a motion to adjourn at 8:26 PM. The motion was seconded by Colton Martin. The motion carried and the meeting adjourned at 8:26 PM.



Michael Thompson
Recorder/Treasurer



Max Poye
Mayor