

**MINUTES  
GOSHEN CITY COUNCIL  
March 12, 2019**

- 1. CALL TO ORDER:** Mayor Cathy Oliver called the regular meeting of the Goshen City Council to order on March 12, 2019 at 6:30 p.m. at Goshen City Hall.
- 2. ROLL CALL AND DECLARATION OF QUORUM:** Paula Anderson, Angie Driver, Bill Hewat, Colton Martin and Birch Wright were present for roll call, and a quorum was declared. Sharon Baggett, Recorder/Treasurer, was also present. John Vaillancourt was out of town, but connected to the meeting through FaceTime. Cathy Oliver reported that Charles Harwell had resigned as City Attorney earlier that day, effective immediately. She introduced Brian Hogue and stated that he would fill in as legal counsel at this meeting.
- 3. APPROVAL OF AGENDA:** Cathy Oliver stated that Item "C" under City Business should be deleted, and requested that this be replaced with "Discussion Regarding Elkins Lawsuit and How This Would Affect Building Permits in Goshen." Paula Anderson asked that "Discussion on Planning Future City Facilities" be added to the agenda. Colton Martin requested that "Police Department Personnel" also be added, but asked that this be addressed after the Financial Report. John Vaillancourt asked that "Use of City Vehicles and Equipment" also be discussed. It was also suggested that approval of the four sets of minutes be delayed until later in the meeting since this may take additional time. A motion was made by Birch Wright, with a second by Bill Hewat, that the agenda be amended to include the above requested revisions. All voted in favor and the motion carried.
- 5. CITY BUSINESS:**
  - A. DEVIATION REQUEST FOR LOT SPLIT – PARCEL #770-17625-000 – OXFORD BEND ROAD:** Sharon Baggett and Loren Shackelford, Chairman of the Planning Commission, explained the deviation request for the lot split, and the City Council reviewed the survey. Lee and Linda Ferguson answered questions regarding the request. Loren Shackelford stated that, based on the fact that they felt the deviation met the five requirements outlined in the Subdivision Regulations, the Planning Commission had voted to recommend approval to the City Council. After minimal discussion, a motion was made by Bill Hewat, with a second by Birch Wright, to approve the deviation. Brian Hogue recommended that the Council also address the five requirements in the Subdivision Regulations and make this part of their approval. A motion was then made by Birch Wright, with a second by Bill Hewat, to approve the deviation request for a lot split based on the Council's determination that this met the five requirements. There was no public input. All voted in favor and the motion carried.
  - B. DISCUSSION OF ORDINANCE 45 (PUBLIC INPUT AT MEETINGS):** Birch Wright summarized Ordinance 45, the current ordinance in place regarding public input at meetings. He then recommended that the public be allowed to speak without being limited to two minutes each, and also, that there not be a time limit on the total amount of time allowed for public input. There were public comments, speaking both for and against allowing unlimited input. A motion was made by Birch Wright, with a second by Bill Hewat, to revise the ordinance to allow residents to give input without time limitations. After some discussion, it was recommended to remove the time limits, but add at the discretion of the Mayor. Birch Wright then made a new motion to direct that a new ordinance be drafted by the attorney that

removed the limitations on time allowed for public input, but leave in at the discretion of the Mayor. Bill Hewat seconded the motion. There was no additional public input. All voted in favor and the motion carried.

**C. DISCUSSION REGARDING ELKINS LAW SUIT AND HOW THIS WOULD AFFECT BUILDING PERMITS IN GOSHEN:** J. D. DeMotte explained the situation with the lawsuit involving Elkins and building permits, and also, the court rulings. Brian Hogue answered questions from the Council. There was discussion regarding the detrimental effect on the budget if Goshen had to refund the income from building permit fees.

**D. DISCUSSION ON PLANNING FOR FUTURE CITY FACILITIES:** Paula stated that she would like to continue discussion of planning for future City facilities, but stated that there would be additional time to assess the needs of the City before some of the certificates of deposit matured in April. She pointed out that some of these funds might also need to be designated for street improvements. There was discussion regarding whether it would be more feasible to remodel the existing building, to construct a new building or to do a combination of both. It was suggested that the City might consider purchasing additional land on which to build new facilities and possibly obtaining a grant. It was suggested that the City consider building on the vacant lots adjoining City Hall. It was agreed that it would be feasible to have a work session to discuss this further, and also, engage an architectural engineering firm to assist with the due diligence. There was also discussion regarding interim measures to implement in the meantime. Paula Anderson made a motion, with a second by Angie Driver, to investigate the possibility of obtaining a PA system for the Community Building. All voted in favor and the motion carried. Angie Driver agreed to obtain recommendations for the PA system. After further discussion, it was agreed to have a work session on March 26<sup>th</sup> at 6:30 p.m. to further discuss plans for future City facilities.

**E. USE OF CITY VEHICLES AND EQUIPMENT:** John Vaillancourt stated that it was his opinion that use of City vehicles and equipment should be limited to City employees. It was pointed out that Russell Stroud, a member of the Street Committee and experienced in driving tractors, had used the City's tractor as a volunteer to make improvements to City streets. When asked, it was confirmed that the Arkansas Municipal League had confirmed that he was covered under the City's insurance and that a copy of his driver's license was on file at City Hall. The public then gave input, and Russell Stroud was thanked for his volunteer work. After further comments by Council members, discussion ended due to lack of a motion.

**F. APPROVAL OF MINUTES:** Sharon Baggett reminded the Council that the minutes of the January 8, 2019 regular meeting and the minutes of the January 15, 2019 special meeting had been tabled at the February 12, 2019 meeting. She further explained that Birch Wright had provided written suggested revisions to those minutes and that both the revised minutes and original minutes had been emailed to Council members, as well as included in the packet for tonight's meeting. She reported that audios of those meetings had been available to Council members, and that, if the Council so wished, they were prepared to play the audio portions of the meetings where the proposed changes were being recommended. Birch Wright stated that his recollection, and also what several other Council members remembered, was that Cathy Oliver said she would bring options back to the Council regarding different positions and combining some of those duties, and that did not happen. Bill Hewat made a motion to approve the minutes of the January 8, 2019 regular meeting and the January 15, 2019 special meeting with the proposed revisions, and also, to approve the minutes of the February 12, 2019 regular meeting and the March 7, 2019 special meeting as transcribed. Cathy Oliver stated for the record that the audio was not listened to by everyone and she was not in complete agreement with everything that had been

said. She further stated that she had listened to the audio of both January meetings several times. Birch Wright seconded the motion made by Bill Hewat. All voted in favor and the motion carried.

**G. FINANCIAL REPORT FOR FEBRUARY, 2018:** Written financial reports, including budget and CD spreadsheets, were presented. Sharon Baggett reported balances of \$425,981.94 in the general fund and \$122,538.46 in the street fund. She also reported on the increase in the City's vehicle and equipment insurance through the Municipal League because of the four claims on the police vehicles. She stated that she had checked with a private company to solicit a quote, but she had been told that a specialty insurance company would be the only option, other than through the Municipal League. Birch Wright recommended that quotes be obtained from other companies. Paula Anderson made a motion to amend the 2019 general fund budget and increase the income from the 1% sales tax to \$8,000 per month or \$96,000 for the year. Birch Wright seconded the motion. All voted in favor and the motion carried.

**H. POLICE DEPARTMENT PERSONNEL:** Colton Martin made a motion that the City move forward with hiring the fourth full-time police officer. It was confirmed that there were currently three full-time officers, one paid part-time officer, and three volunteer part-time officers. There was discussion regarding the expenses involved for payroll, a new vehicle, equipment and other additional expenses, and also, the effect these additional expenditures would have on the budget. It was pointed out that this should eliminate most of the added holiday and overtime compensation. Birch Wright then seconded the motion made by Colton Martin. There was further discussion by the Council with input allowed from the public. Colton Martin then amended his motion to hire a fourth full-time police officer at an annual salary of \$37,500 and expenditures up to \$50,000 for a new vehicle and equipment. It was recommended that the vehicle be a separate line item on the budget. Colton Martin then revised his motion again to hire a fourth full-time police officer at an annual base salary of \$37,500. Birch Wright seconded the motion. There was no additional public input. All voted in favor and the motion carried. After further discussion regarding estimated costs for equipment and a new vehicle, Paula Anderson made a motion to approve up to \$5,000 to equip the new officer. More discussion ensued which resulted in Mike Ball being asked to obtain bids for a vehicle and equipment and bring a proposal to the next meeting on March 26<sup>th</sup>, which would change from a work session to a special meeting.

## **6. REPORTS FOR FEBRUARY, 2018:**

**A. FINANCIAL REPORTS:** This report was given under City Business.

**B. POLICE DEPARTMENT REPORT:** Mike Ball presented a written report and summarized the activity for the department for previous month.

**C. STREET REPORT:** Russell Stroud gave a report from the Street Committee, including the improvements that had been made the previous month to City streets, much of which he had volunteered to do. He reported on the payroll expenditures for the Street Department for the previous two years and stated that it would be beneficial for Goshen to be able to hire someone full time for street work, and if time allowed, possibly incorporate other work around the City into the position. There was some public input. He estimated that the annual base salary range for this position would be approximately \$40,000. Mike Ball agreed to check with the prisoner program regarding their availability to assist with street work. Russell Stroud agreed to get bids from an outside company to clear some of the overhanging trees on both Blue Springs and Wyman Roads.

**D. PLANNING COMMISSION REPORT:** A written report was presented, and Sharon Baggett summarized the report and activity for the previous month. Loren Shackelford also gave input and explained procedures for planning applications and approvals.

**E. BUILDING OFFICIAL'S WRITTEN REPORT:** A written report was presented, and J.D. DeMotte summarized the report.


**F. GOSHEN VOLUNTEER FIRE DEPARTMENT WRITTEN REPORT:** A written report was presented and reviewed.

**7. REPORTS/COMMENTS BY MAYOR, CITY COUNCIL, CITY ATTORNEY OR RECORDER/TREASURER:** Birch Wright made follow-up comments concerning earlier discussions regarding notification of Council members when employees were hired or terminated. He recommended that an ordinance be drafted to address this. When asked, Cathy Oliver stated that she would follow up with the Municipal League on codification of the City's ordinances. Paula Anderson asked about follow up on previous discussions on bridges, and in particular, Spring Park Lane and Paul Pray. Russell Stroud agreed to obtain bids to replace the bridge on Paul Pray Drive. There was public input from residents regarding whether to repair the bridges on Paul Pray or to keep the east bridge closed. There was also input speaking against Council members accessing the meetings and participating in discussion via FaceTime. There was discussion regarding the vacancy in the office of City Attorney. A motion was made by Birch Wright, with a second by Bill Hewat, to engage Brian Hogue as interim attorney until a new City Attorney could be appointed. All voted in favor and the motion carried.

**8. PUBLIC INPUT:** There was public input, including an inquiry about the condition of the Bowen house on the highway. Sharon Baggett volunteered to contact a family member regarding their intentions concerning maintenance on the house.

**9. ADJOURNMENT:** There being no further business, a motion was made by Bill Hewat and seconded by Birch Wright to adjourn the meeting. All voted in favor and the meeting adjourned at 8:45 p.m.

  
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Sharon Baggett  
Recorder / Treasurer

  
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Cathy Oliver  
Mayor