

MINUTES
Goshen City Council
September 12, 2023 at 6:30PM
Goshen Community Building, 244 Clark Street

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

Roll Call: Paula Anderson, John Vaillancourt, Shawn Mayfield, Colton Martin were present. Max Poye and Birch Wright were absent.

Approval of Agenda: The agenda was reviewed; Mayor Stroud made a motion to add under New City Business Item G. Two Resolutions to appoint Tom Hennelly and Loren Shackelford to the Planning Commission. Under Old City Business Item E. Follow up letter from Office of Prosecuting Attorney. John Vaillancourt asked to table under Old City Business Item D. Establishing City Code of Conduct, until absent city council members are present, we don't think we should make a discussion for them. John Vaillancourt made a motion to accept agenda with changes as noted. Seconded by Paula Anderson All in favor. Yay (5) Opposed (0). The motion carried.

Approval of Minutes: Approval of the minutes for August 8, 2023. Minutes not approved changes to be made and reviewed at October 10, 2023 meeting.

Reports for June 2023:

- A. Police Department Report:** Report is in Council's packet. Chief Travis reported. We worked with the Drug Task Force, they did a house on Wyman we ended up with fentanyl, heroin, methamphetamine and cocaine. I've talked to the mayor about new body cams. Total system is \$73,250.00. They do a 5-year lease plan. The startup would \$19,250.00, after that it's \$13,500.00 annually for 4 years. After the third year we get a complete equipment upgrade.
- B. Street Report:** Report is in Council's packet. Mayor Stroud presented.
- C. Report from Goshen Fire District:** Report is in Council's packet.
- D. Planning Commission:** Tom Hennelly presented. no, meeting we didn't have a Quorum. We reschedule still didn't have a Quorum. Were hoping reschedule before next month. John Vaillancourt: Tom do you think 5:00 is too early for a Zoning & Planning meeting? Tom: Yes, I think whether it's both Zoning & planning we need to start at 5:30 and run consecutively. We may need to change Planning & Parks meetings days, meetings sometimes run too long and Parks is waiting to start theirs. Mayor: Yes, We thought it would work, appears as though it's not. Commission fees collected were 2, Ben Booth and Joe & Sue Finney \$400 bringing a total for 2023 to \$2600.00.
- E. Building Inspection Report:** Report is in Council's packet. J.D. DeMotte presented. We are on line with IWorks Software, it's working well.

F. Financial Report: Report is in Council's packet. KaSeana Williams presented. As of August 31, 2023, the General Fund was \$903,858.13. The Street Fund was \$224,872.27. The Act 988 Police Account was \$3,310.28. The CDs are \$677,605.09. Discussed and decided to move \$300,000.00 into two \$150,00.00 each CD's.

G. Park and Recreation Report: Report is in the Council's packet. Ken Smith presented. Ken presented the HUD proposed budget & prioritization approved by the Parks & Recreation on September 5, 2023. Land Acquisition of 53.1 acres \$637,200.00, Environmental Review \$50,000.00, Professional fees \$3,800.00, Northside improvements off Hwy 45 \$110,000.00, Parking improvements to the north parking area \$79,000.00 Totaling \$880,000.00. John Vaillancourt motioned to approve the budget as written. Seconded by Shawn Mayfield. All in favor. Yea (4) Opposed (0). The motion carried.

H. Arbor Board Report: Report is in Council's packet. Mary Smith presented.

Old City Business:

A. ARDOT Discussion: Mayor Stroud presented. we will be getting Highway 45 resurfaced from Mission Blvd. all the way to Hindsville. It will be completed by November of next year. They will also put up an assessment on Blue Spring Highway 45 and Goshen Tuttle. It will assess whether a stop light is beneficial. Resurfacing only will be done.

B. Resolution Appointing New Council Member: Mayor Stroud presented. Resolution to appoint Max Poye to City Council. Paula Anderson made a motion to read in title only. Seconded John Vaillancourt A resolution electing Max Poye to fill the vacancy in the office of city council member. All in favor. Yea (4). Opposed (0). The motion carried.

Paula Anderson motion to adopt the resolution to elect Max Poye to fill the vacancy in the office of city council member. Seconded by John Vaillancourt. All in favor. Yea (4) Opposed (0). The motion carried.

C. Resolution Reappointing Parks Commission Chairman: Mayor Stroud presented. Resolution to appoint Ken Smith as Parks Chairman. Colton Martin made a motion to read in tile only. Seconded by Paula Anderson. All in favor. Yea (4). Opposed (0). Colton Martin Resolution to confirm the reappointment of Ken Smith to Parks and Recreation Commission. Colton Martin motion to adopt the resolution. Seconded by Paula Anderson. All in favor Yea (4). Opposed (0). The motion carried.

D. Establishing City Code of Conduct: Tabled

E. Follow up Prosecuting Attorney: Mayor Stroud presented: Mayor read the follow up letter from the prosecuting Attorney, pertaining to a recording of a former employee and two individuals who at the time were elected members of Goshen City Council. In Mr. Durrett's opinion. A criminal charge is no warranted in this particular instance.

New City Business

A. Discussion of Protocol for Requests Being sent to Legal Counsel for Creation of Resolutions and Ordinances: Shawn Mayfield presented. I just wanted to bring up for discussion the process of how we approve something to be sent to Brian. Obviously legal fees have gone up. So, trying to make sure that

we're, not sending something through and having legal work done before, some sort of agreement on the form of documentation before we send it to them. So, we're not spending money to have something drawn up only to get turned down. And so, I wanted to put that out there and ask for comment. Mayor from my perspective, one of the things that I have done in the past to help reduce some of those. There are other resolutions that we've already done in the past and we're replicating those. I will happily type those up to decrease his time and then send them to him and he can change those and make sure that those are, what he wants and then send them back. As far as creation of an ordinance, if there's an item that I feel like needs to be put on the agenda for an ordinance to be put before the council, then that's within my purview as mayor to get Brian to draft an ordinance to bring to the council and the council can choose to, you know, vote yes on the ordinance or not. My understanding is that if the council, would like an ordinance. Shawn: So, I think it's the same. I agree with some of the issues where you're talking about something that's kind of being redone. But no different for council member to send something to be brought up. Before there's a discussion point on it, so that's what I wanted to put out there. John, I think what you're what you're saying and I agree that if we're having an ordinance or ordinances getting drawn up, prior to anybody's knowledge of it or discussion about it. That we probably should put it on the agenda to have a discussion prior to having it drawn up, to eliminate legal fees. That's basically what you are saying, Shawn yes. You could do it right the first time and that's done. Mayor: I think that would be dependent case by case. John: I agree I mean there's some things that are just written and wouldn't be but in the lot of situations, I think that if it's put on the agenda for discussion, and then we can do the parameters. I think it just looking at trying to streamline it. Shawn: That's right. Mayor: I'm not sure how it has worked in the past, we could ask Brian, Paula, do you know? Paula: Typically, we're doing it case by case basis, but for those things that you know, in the past when there has been some question as to whether this is something we want to even pull up an ordinance for a resolution for, you know we brought it to the meeting and discussed it prior to requesting the ordinance or resolution. So, I mean there is that aspect that there has been more. As far as communication prior to City Council level, prior to requesting resolutions and ordinances. Mayor: Instead of having like an ordinance brought, if the councils never heard of it, then bring it as a discussion of an ordinance. Well, again, you know that if it's a change in ordinance, before we say change this ordinance and write us a new ordinance, we'd have to discussion at the council level and then say, OK, here's the changes we want. Mayor: Lets add this back on Old Business and let Brian weigh in.

- B. Depository Board Official Reappointment:** Mayor Stroud presented. Resolution to Reappointed Paula Anderson to the Municipal Depository Board. Motion made by Colton Martin to read in title only. Seconded by John Vaillancourt. Colton Martin resolution confirming the reappointment of Paula Anderson to Municipal Depository Board. All in favor. Yea (4) Opposed (0). Colton Martin made a motion to adopt the resolution. Seconded by John Vaillancourt. All in favor. Yea (4) Opposed (0). The motion carried. Paula: Do we want to act on moving another \$300,000.00 to CD's? Mayor: I think we should. Marjorie: Do we want to do 2 at \$150,000.00 each like we did last time? Yes. John Vaillancourt made a motion to move \$300,000.00 in increments of \$150,000.00 each in to CD's. Seconded by Colton Martin. All in favor. Yea (4) Opposed (0). The motion carried.
- C. Discussion of 2024 Budget:** Mayor Stroud presented. I don't want to present the budget. I just want to let you know that we have been working diligently on the 2024 budget. We had a budget meeting last week. We have another budget probably another week. I think it had two totals so far. We've gone through almost all the 2024 budget. It looks like right now we're going to be about anywhere between

\$50,000.00 to \$80,000.00 under budget with about \$120,000 worth of capital expenditures in there. We've added some capital expenditures in there. This is for the Police Department, part of that's going to be the new cameras, so that probably come out of that. It may take us up to about \$30,000 in your budget. I think everybody's going to be happy with the budget once we present it. We're going to present it next month at to the council. You guys will be able to take that, look at it. You'll have comments here while we're at the council meeting, but then also you can take it and we'll come back in November, hopefully try to ratify it going forward so that we can vote on in either November or December. Paula: Is it possible that after you guys have your seconded meeting you can get it to us? Mayor: Yes.

D. Discussion to Amend Ordinance 119: Lacie Lawson presented. Ordinance 119 is Gated entrance. John is there some new Law or something that's in the works from the county. Lacie: We went ahead and looked at Washington County gated community code and based on that code there is a list of stipulations. You're allowed to have a gated community state statute for process reason, state statute says that it's left up to municipality, the county says, sure you can have them, but there's these rules that you must follow. We tested some of those rules, based on the rules. There are two subdivisions, one of the gates were open at the Vineyards and Waterford's gate is not up to the siren code. So, each gate, based on the county code must be able to open with the emergency sirens. It's called Yelp. Waterford right now is the only gate that will not open with a siren. So further investigation, further inspections need to be done to make sure that those gates are up to code. Ordinance 119 right now per Goshen, not any other statute, not state, not county, Goshen has prohibited gated communities. Seven out of ten communities are gated. It's been asked that we lift that ordinance, that we lift the moratorium the prohibition on those for safety reasons. I guess is the reason that you guys put it in was for safety issues? Paula: 2015 there were issues that, they were not able to access and get into the gates at that point in time. But sounds like technology has improved and now we can make sure that the technology is going to allow access for those emergencies. The other issue was that some of them were constructed in such a way that fire trucks couldn't get in. Lacie: Jason can the fire trucks get through all the gated communities? Jason: I know most of them. I don't know about White Bluff. Lacie: Because of that, that probably needs to be expanded due to those safety reasons and the county statutes. The same thing with Waterford, those needs to be investigated, inspected to make sure that they're up to the county statutes. Based on safety issues I asked that Ordinance 119 is amended. Betty Nichols: I'm Waterford, so explain what's going on, Mayor: We need to change this to make sure our gate is up to Code. The county has guidelines to dictate that the gate needs to be up to code, the city doesn't have to enforce this because we have a county law that does enforce. The county law says that it must meet these standards. Mayor: Lacie will bring this back at next council meeting to amend the ordinance 119.

E. Preferred Last Line: Lacie Lawson presented: just wanted to let you guys give you an update. In 2019, Colton reached out to the USPS District office in Little Rock to change go Goshen's, preferred last line. It'll help with a lot of income for the city based on like sales tax issues, things like that. There's two different ways that we can do it. We can make it Goshen Arkansas 72735 or we can do Goshen Arkansas 72727, 72703. 72762. But it'll have those four numbers at the end that clarify that it is Goshen. There's two ways we can do all. One of the big reasons this is important when you go to a vendor and they pull up, your sales tax to, and they pull up your address because there they don't pick the right DFA. 4-digit last identifier. Mayor: It goes to the wrong city. So, we're missing a lot of sales tax revenue that we're trying to capture. So, part of the issue that, Lacie is discussing is that if we go after

the sales tax revenue. This will not get changed. I've been working with the Washington County Assessor's office and I got a list of all the addresses within the Goshen. I have every address in Goshen now which we haven't ever had on file. It's been updated. I will warn you; this will really take a long time and there's a lot of red flags. Hoops that you must jump through, flies, red tape So be prepared for a long haul.

- F. Contractor Insurance Requirements:** Lacie Lawson presented. There were two building permits that were requested by contractors who came in having builders risk insurance. What caught this for me was the fact that when they applied for this, they sign an owner affidavit. So, the contractor on one of these doesn't have the insurance at all. It's the investor who owns the property who got the insurance policy. There were a couple that I approved in July because I had the owners come in and make sure that the owners knew, you're aware that this is builders' risk and if anybody gets injured on the project, that builder's risk doesn't cover those who may be injured. These two property owners, we understand that we're OK with it. When these two contractors trying to do the same thing, I looked into the history of the permits, they had signed owner affidavits before. An owner affidavit states that the owner will be living in the home for at least a year after it has been built to incur all the responsibility for liability. The way that the builder's risk is set up, if they get a policy, the policy starts in August, they don't start construction until probably November, so now you've already wasted months of your builder's risk. It's only a yearlong policy and it's done at the end of the year. It's not anything that you renew it's not something that you have to continue to have. If anything happens after that builder's risk is done, they want to turn key these houses and get a homeowner in there as quickly as possible, thinking that homeowner's insurance is going to cover whatever damage. Mayor: What we're asking for is that we require contractors to have General Liability Insurance to get a permit. John Vaillancourt made a motion to read the ordinance in title only. Seconded by Paula Anderson. An ordinance to approve and adopt residential commercial building permit applications and require General Liability Insurance and contractor's license.

Roll Call Vote:

John Vaillancourt. Yes
Paula Anderson Yes
Shawn Mayfield Yes
Colton Martin Yes

The motion carried.

Paula Anderson made a motion to adopt the ordinance to require general liability insurance and Contractors License.

Roll Call Vote:

John Vaillancourt Yes
Colton Martin, yes,
Sean Mayfield Yes
Colton Martin Yes.

The motion carried.

Paula Anderson made a motion to approve the Emergency Clause. Seconded by John Vaillancourt.

Roll Call Vote:

John Vaillancourt Yes
Paula Anderson Yes
Shawn Mayfield Yes
Colton Martin Yes

The motion carried.

G. Resolution Reappointing Chairman of Planning Commission: Mayor Stroud presented. A resolution To reappoint Tom Hennelly as Chairman of the Planning Commission. John Vaillancourt made a motion to read in title only to reappoint Tom Hennelly as chairman to the planning commission. Seconded by Colton Martin. All favor Yea. (4) Opposed (0). Colton Martin made a motion to adopt. Seconded by Paula Anderson. All in favor. Yea (4). Opposed (0). The motion carried.

H. Resolution Appointing Loren Shackelford to Planning Commission: Mayor Stroud presented. Resolution to appoint Loren Shackelford to Planning Commission. John Vaillancourt made a motion to appoint Loren Shackelford to Planning Commission to read in title only. Seconded by Colton Martin. All in favor Yea. (4) (0). Motion to adopt by Colton Martin. Seconded by Paula Anderson. All in favor. Yea. (4) opposed (0). The motion carried.

Public Input: Cheryl: I originally came here tonight and was going to ask for Paula Anderson's resignation. But after way she conducted herself tonight, I've kind of changed my opinion. But I did want to make a comment about Mr. Durrett's letter. So, he said that pressing charges were not warranted due to the fact that the law was confusing. That he stopped short of saying that you were guilty of wrongdoing. The fact that you questioned the law only indicates to me that you were aware that it was wrong. Having knowledge that it was wrong constituents' guilt in my opinion. You are not above the law. Your actions are the same actions you said in the recordings that you were going to do against the elected mayor. Except for tonight, this is the first time that I've seen, that you have cooperated and that goes for you, John too. Not once have you provided any wrongdoing by the mayor. Not once have you provided evidence that this mayor has done anything illegal. Any time it has been asked why you act this way towards him, the only answer that we get is, he fired your friend, The same friend that recorded you with these recordings. So having said that, and like I said I came here tonight thinking I was going to ask for your resignations. I do expect you to apologize to the citizen of Goshen for your conduct. And I hope that going forward that we can work together. And we can work with the mayor and the people that elected him. And be considerate of what your citizens want from you. Thank you.

Carolyn Jordan: we have a riding club September 23, 2023 at 5:30 we annual Costume Class. It is so much fun hope you'll join us.

Adjournment

John Vaillancourt made a motion to adjourn at 9:15 PM. Seconded by Colton Martin. All in favor Yay (4) The motion carried. Meeting adjourned at 9:15 PM



Marjorie Vaillancourt
Recorder/Treasurer

Russell Stroud
Mayor