

BELLA VISTA CITY COUNCIL REGULAR MEETING

September 23, 2024 6:00 PM

**Bella Vista District Court
2483 Forest Hills Blvd.**

MINUTES

Call to Order by Mayor John Flynn at 6:00 pm.

Pledge of Allegiance recited.

Roll Call of Council called by Clerk Krug. Council Members Snow, Hughes, Wozniak, Wilms, Fowler, Honchell present. Council Member Wozniak absent. Mayor Flynn present.

Citizen Input

Three citizens signed up to speak. Mayor Flynn explained the 3-minute rule and called the person on the list.

Ellen Creakbaum, 50 Churchill Dr. She came for an update on the STR Ordinance passed in July 2023 and would like answers to the following questions: 1. How are permits being tracked? Are city employees looking for unpermitted STR businesses? 2. What is in place to be sure a Mason Lane situation does not happen in other neighborhoods? 3. The ordinance includes a three-strike rule: *How are the three strikes being documented and tracked? *Have any permits been revoked? *Are the STRs with complaints being patrolled? 4. Do the ordinance enforcers have the guidelines they need to be able to enforce? Are these guidelines clear? 5. The state legislature meets in January and there will be legislation put forward again, like SB197. Are the cities and towns ready? Will they stand together this time? The bill is being written now. Have you been asked for input?

Rhonda Dietz, 3 Robin Ln. She came to report on the STR situation in her neighborhood. She would like to see a limit placed on the number of Airbnbs in a neighborhood and/or on a street. Her neighborhood of 8 homes includes 2 Airbnbs, and she believes that is plenty. She wonders how closely the compliance officers of the City work with the Lake Rangers. She cited incidents of code violations on Loch Lomond, where she lives. She thinks the Lake Rangers could help, by checking to see if the kayaks and boats are permitted. She

would like to know what the process is when a compliance officer is notified, and whether there have been permits revoked due to lack of compliance.

Billy Beverage, 37 Cargill Dr. He came to speak on behalf of neighbors who could not be present, on the non-compliance of the STR Ordinance. They report that negativity and lack of ownership and investments from some renters breeds an uncaring, carefree, and often disrespectful attitude toward the lake and residents. These neighbors fled California to avoid neighborhoods like these. Mr. Beverage cited large, wild parties, drinking, foul language, and trespassing by using next-door resident docks. Compliance officers have been called out, but there is no evidence of consequences for code violations. He urges the Council to take ownership of the STR ordinance, and to advise residents on how it will be enforced.

Council Member Reply

Council Member Fowler: He briefly summarized the background on the STR situation, stating that now phone calls are starting to pile up again. He thanked Mr. Beverage for mentioning there are responsible STR owners, because he knows many of them and they supported the STR Ordinance. He cited a responsible STR owner who had renters who over-used the septic system by exceeding the rental agreement for (6) persons to (9) persons, and it overflowed. At this time, he does not know the solution to all these rising problems, but believes the City must do something. He wishes the STR community would take ownership in their own regard, and form their own STR Committee to provide guidelines and seek solutions. Although conversations with those who handle compliance have taken place, he thinks demonstrated code compliance should be the result. He also reported that Granicus, in the past, listed 549 short-term rental properties advertised in Bella Vista. The current number is 497. The City has issued 428 permits, which is the highest number registered to date. 380 permits issued go toward the 600 unit cap, because some are owner-occupied. 281 units are on septic systems, and 106 units list more bedrooms than the septic permit allows. He urged residents to report STRs that do not have permits, because that should be easy to rectify.

Council Member Wilms: He urged residents who observe STR violations in their neighborhoods to call the Police Department and register the complaint and concern. If it doesn't become a recorded complaint, when Council members check with Police Records they are told the resident didn't call. On the other hand, lake residents often receive more family and friends during the day than their septic allows. That can also be the case for Airbnb renters, who have friends nearby they invite for the day. He pointed out that if excess guests don't sleep overnight, the code violation is not violated.

Mayor Flynn: He reported that at the end of June, the City had 100% compliance with STR permits for a day, and then it dropped again. He thinks some increased enforcement, with one or two people going to court, would go a long way toward STR owners signing up more quickly.

Council Member Snow: He notes these continual STR complaints are always an enforcement issue. He thinks it is up to the Mayor to see that the STR Ordinance is enforced, since the Code officers report to him.

Action on the Minutes

Approval of August 26, 2024 Regular Meeting Minutes

Council Member Fowler made a motion to approve, seconded by Council Member Wilms. **Roll Call Vote: (Ayes: 5/Nays: 0) Passed 5-0.**

Reports

Monthly Financial Report for July 31, 2024

Mayor Flynn summarized the July Financial Report through July 31, 2024. City Operating Revenue was up 2.8%, City Sales Tax was up 6.6%, and County Sales Tax was up 0.2%. He mentioned that state statistics show City Sales Tax and County Sales Tax averages are down by several percentage points. Our City Operating Expenses are almost \$1 million below budget, and we are keeping control of our expenditures. Nonetheless, there is clearly a change in trends, especially at the county level.

Childhood Cancer Awareness Proclamation

Mayor Flynn called forward Dory Maddox, and daughter MacKenzie, who represent the Childhood Cancer Prevention group in Bella Vista. He mentioned several other families from the group that met earlier for a photo op with him, before the meeting. He read the Proclamation and presented it to them. Dory thanked the Mayor and Council on behalf of her family and others local families affected by childhood cancer. She is grateful that her daughter is now cancer free, but explained that it came at a cost.

MacKenzie recently had heart failure, has been on an associated device for her heart, and had a heart transplant back in June. MacKenzie is a Bentonville High School student and studying at home remotely, but she represents only one of many who are fighting in multiple ways. That is why they appreciate the awareness and more funds for research. She brought gold ribbons for people to wear in honor of Childhood Cancer Awareness Month.

(The Chair will entertain a motion to suspend the rules of order and procedure to allow all ordinances on the agenda to be read by title

only.) Council Member Snow made a motion to approve, seconded by Council Member Fowler. **Roll Call Vote: (Ayes: 5/Nays: 0) Passed 5-0.**

Unfinished Business

New Business

ORDINANCE: WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZING A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP IN AN AMOUNT NOT TO EXCEED \$143,000.00 FOR THE PURCHASE OF TWO (2) 2024 CHEVROLET TAHOE FULLY EQUIPPED POLICE VEHICLES FOR USE BY THE POLICE DEPARTMENT Mayor Flynn read the ordinance for the first time. Council Member Fowler asked Chief Graves if the purchase of Tahoes is more expensive than other vehicles. Chief Graves said they are more expensive than the Dodge Durango, but they were budgeted last year for this year before they had an evaluation from the Streets Department on the longevity of these vehicles. Next year's fleet will be all Durangos, and that will save money. He thinks 6 Durangos could be purchased for the price of 5 Tahoes. These particular Tahoes are fully equipped, and therefore cost more than some in the past. Council Member Fowler made a motion to suspend the rules and move to third and final, seconded by Council Member Honchell. **Roll Call Vote: (Ayes: 5/Nays: 0) Passed 5-0.** Mayor Flynn read the ordinance for the third and final time. Council Member Wilms made a motion to approve, seconded by Council Member Fowler. **Roll Call Vote: (Yays: 5/Nays: 0) Passed 5-0.** Mayor Flynn read the ordinance for the third time. Motion to approve made by Council Member Wilms and seconded by Council Member Fowler. Roll Call Vote unanimous to approve: **(Yays: 5/Nays: 0)**

ORDINANCE: APPROVING AN APPLICATION FOR A PRIVATE CLUB ALCOHOL PERMIT SUBMITTED BY BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, INC. Mayor Flynn read the ordinance for the first time. He explained this is for the Tanyard Creek facility at the driving range. Staff Attorney Kelley said this is a step in the process to receive approval for the Alcohol Permit, in response to Council Member Snow's question regarding the POA contacting the neighborhood. Council Member Fowler made a motion to suspend the rules and move to the third and final reading, seconded by Council Member Wilms. **Roll Call Vote: (Yays: 4/Nays: 1 Snow) Passed 4-1.** Council Member Fowler made a motion to approve, seconded by Council Member Honchell. **Roll Call Vote: (Yays: 4/Nays: 1 Snow) Passed: 4-1.** Mayor Flynn read the ordinance for the third time and final time. Council Member Fowler made a motion to approve, seconded by Council Member Honchell. **Roll Call Vote: (Yays: 4/Nays: 1 Snow) Passed: 4-1.**

RESOLUTION: AMENDING THE 2024 BUDGET TO APPROPRIATE \$10,000.00 TO THE STREET DEPARTMENT FOR PURPOSES OF PAYING CLEAN-UP RELATED EXPENSES DUE TO AUGUST STORM EVENTS Mayor Flynn read the resolution,

and explained this is part of last month's request for up to \$150,000 debris clean-up, but it is a separate lease. Council Member Fowler made a motion to approve, seconded by Council Member Wilms. **Roll Call Vote: (Yays: 5/Nays: 0) Passed: 5-0.**

RESOLUTION: AUTHORIZING AND LEVYING THE MILLAGE RATE OF AD VALOREM REAL AND PERSONAL PROPERTY TAX FOR THE CITY OF BELLA VISTA, ARKANSAS FOR THE YEAR 2024 TO BE COLLECTED IN 2025 Mayor Flynn read the resolution. He explained the total millage is 6 mills: 4 mills in the General Fund, 1 mill in the Fire Pension, and now 1 mill in the Police Pension, up from 1/2 mill because the citizens voted for it in March. Council Member Fowler made a motion to approve, seconded by Council Member Honchell. **Roll Call Vote: (Yays: 5/Nays: 0) Passed: 5-0.**

RESOLUTION: APPROVING ART LEASES TO COMMENCE IN 2025 Mayor Flynn read the resolution. He explained the three art leases will be placed on Blue Bird Trail, and will be leased for \$1,800 each. These will actually start in June 2025 and be paid for in June 2025. Council Member Fowler brought up the important role art plays in a municipality, and gave credit to the Bella Vista Arts Council, entirely made up of volunteers, for their active involvement in our city. Motion to approve made by Council Member Fowler, seconded by Council Member Wilms. **Roll Call Vote: (Yays: 5/Nays: 0) Passed: 5-0.**

Announcements

- Next City Council Work Session: 5:30 pm Monday, October 21, 2024, at Bella Vista Police Training Room
- Next City Council Regular Meeting: 6:00 pm Monday, October 28, 2024, at Bella Vista District Court
- Planning Commission Work Session: 4:30 pm Thursday, October 3, 2024, at Bella Vista District Court
- Planning Commission Regular Meeting: 4:30 pm, or immediately following BZA, Monday, October 14, 2024, at Bella Vista District Court
- Board of Construction Appeals: 3:00 pm Tuesday, October 8, 2024, if necessary, at Fire Station #4 Conference Rm, 1639 Forest Hills Blvd.

Mayor Flynn announced an exceptional City Council Special Meeting: 6:00 pm Tuesday, October 1, 2024, at Bella Vista District Court, which includes a Public Hearing for the proposed \$5.4 million bond issue.

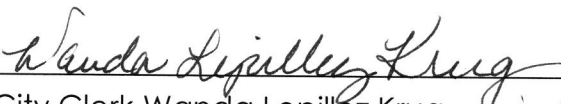
Council Member Fowler thanked MacKenzie Dory for her presence on behalf of the Child Cancer Awareness group, saying her courage and endurance stands as an inspiration to many others who are affected by cancer. Mayor Flynn wants all the children in Bella Vista affected by cancer to know that Bella Vista residents are behind them in their fight, even people that don't know them.

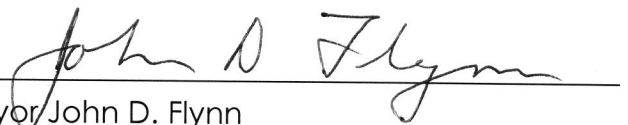
Council Member Wilms announced the Senior Expo at St. Bernard's Church, to be held on Thursday, October 3 from 9 am - 12:30 pm.

Mayor Flynn announced the funeral of Bella Vista's first mayor, Frank Anderson, to be held on Saturday, September 28 at 11 am at the United Lutheran Church on the corner of Cooper and Forest Hills.

Adjournment

Mayor Flynn adjourned the meeting at 6:44 pm.


City Clerk Wanda Lepillez Krug


Mayor John D. Flynn

