



Bella Vista City Council Regular Meeting Agenda

Date/Time: November 25, 2024
6:00 PM

Location: Bella Vista District Court
2483 Forest Hills Blvd.

City Council and Planning Commission regular meetings are live streamed and archived for your convenience. View the meeting at its scheduled time or after at <https://bit.ly/bvmeetingslive>.

Mayor:

John D. Flynn

City Clerk:

Wanda Lepillez Krug

Staff Attorney:

Jason Kelley

Council Members:

Ward 1, Position 1 - Jerry Snow

Ward 1, Position 2 - Wendy Hughes

Ward 2, Position 1 - Jim Wozniak

Ward 2, Position 2 - Larry Wilms

Ward 3, Position 1 - Doug Fowler

Ward 3, Position 2 - Craig Honchell

I. Call to Order

This meeting has been given public notice in accordance with Section 25-19-106 of the Arkansas Freedom of Information Act in such form that will apprise the public and news media of subject matter presented for consideration and action.

II. Pledge of Allegiance

III. Roll Call

IV. Citizen Input

Per the rules, there is a 3 minute per person time limit to address the Council on any topic of that person's choosing. The total time allotted for citizen input is 30 minutes. Any time extension beyond the 30-minute total will be at the discretion of the City Council.

V. Council Member Reply

Any Council Members' reply to comments made during Citizen Input Session is

limited to comments only and will not be a discussion period.

VI. Action on the Minutes

- A. Approval of October 28, 2024, Regular Meeting Minutes

VII. Reports

- B. Monthly Financial Report ending September 30, 2024

(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.)

VIII. Unfinished Business

- C. **ORDINANCE:** AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FOR RENAMING OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT, PROVIDING FOR REORGANIZATION, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES *Staff requests move to 3rd and final reading.*

IX. New Business

See meeting packet for complete ordinances and resolutions.

- D. **ORDINANCE:** AMENDING SECTION 103-189 ADDITIONAL REQUIREMENTS; PERMITTING OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO REQUIRE SEPTIC PERMITS PRIOR TO INSTALLATION, REPAIR OR REPLACEMENT OF ANY PART OF A SEPTIC SYSTEM NOT RELATED TO NEW CONSTRUCTION, AND FOR OTHER PURPOSES *Staff requests move to 3rd and final reading.*
- E. **ORDINANCE:** AMENDING SECTION 12-1 PROVIDING POTABLE WATER TO LOCATIONS WITH FAILING SEPTIC SYSTEMS OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FURTHER CIRCUMSTANCES CONSTITUTING SEPTIC FAILURE, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES *Staff requests move to 3rd and final reading.*
- F. **ORDINANCE:** ENACTING A NEW SECTION 2-202 DEPUTY CITY CLERK OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ALLOW THE CITY CLERK TO APPOINT A DEPUTY, AND FOR OTHER PURPOSES *Staff requests move to 3rd and final reading.*
- G. **RESOLUTION:** AUTHORIZING PARTICIPATION OF THE CITY OF BELLA VISTA IN BENEFIT PROGRAM 4 OF THE ARKANSAS LOCAL POLICE AND FIRE

RETIREMENT SYSTEM (LOPFI) FOR ELIGIBLE EMPLOYEES WHO ARE FIREFIGHTERS OR POLICE OFFICERS

- H. **RESOLUTION:** AMENDING THE CITY COUNCIL RULES OF ORDER AND PROCEDURE TO MODIFY THE ORDER OF VOTING SO THAT MEMBERS ARE ROTATED PER MEETING RATHER THAN PER VOTE, MAKING CLARIFYING CHANGES, AND FOR OTHER PURPOSES
- I. **RESOLUTION:** SETTING THE MEETING SCHEDULE OF THE BELLA VISTA CITY COUNCIL FOR CALENDAR YEAR 2025

X. Announcements

- Next City Council Work Session: 5:30 pm Monday, December 9 at Bella Vista Police Training Room
- Next City Council Regular Meeting: 6:00 pm Monday, December 16 at Bella Vista District Court
- Planning Commission Work Session: canceled for December
- Planning Commission Regular Meeting: 4:30 pm, or immediately following BZA, Monday, December 9 at Bella Vista District Court
- Board of Construction Appeals: 3:00 pm Tuesday, December 10 if necessary, at Fire Station #4 Conference Rm, 1639 Forest Hills Blvd.

XI. Adjournment

SPECIAL NOTICES TO THE PUBLIC: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. To request this service, contact City Clerk prior to each meeting at 479-876-1255.

BELLA VISTA CITY COUNCIL REGULAR MEETING

October 28, 2024 6:00 PM

Bella Vista District Court
2483 Forest Hills Blvd.

MINUTES

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

Pledge of Allegiance recited.

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

Citizen Input Two citizens signed up to speak. Mayor Flynn explained the 3-minute rule and called the first person on the list.

Linda Lloyd, 102 Fairway Drive. She expressed her disappointment with City Council members and other elected officials who did not attend the Memorial Service for Bella Vista's first Mayor, Frank Anderson. She gave a short report of the event, and gave tribute to Frank Anderson's service to Bella Vista as a Council Member, and as the first Mayor.

Dan Bradney, 22 Forfar Circle. He came to speak about Ordinance 2023-37 regulating the operation of short-term rentals. He lives next door to an out-of-state STR owner who has exceeded occupancy levels four times since July, and although Code Enforcement officers have been out twice, the violations continue. He thinks the City definitely needs effective code enforcement and looks forward to hearing Chief Grave's report.

Council Member Reply Council Member Snow addressed Linda Lloyd, apologizing for his absence at Frank Anderson's Memorial Service, but stated that he did have a prior commitment. He praised the work of Mayor Frank Anderson as Bella Vista's first Mayor. Council Member Fowler apologized for his absence at the Memorial Service, saying it was a difficult decision due to an important prior commitment. He also agreed with resident Dan Bradley that progress needs to be made on the STR Ordinance, code enforcement and compliance. He looks forward to Police Chief Graves' report.

Action on the Minutes

Approval of September 23, 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.**

Approval of October 1, 2024, Special Meeting Minutes

Council Member Wilms made a motion to approve, seconded by Council

Member Fowler. **Roll Call Vote: (Ayes: 5/Nays: 0) Passed 5-0.**

Reports

2024 Extra Mile Day Proclamation - Mayor John Flynn

Monthly Financial Report ending August 31, 2024

Mayor Flynn highlighted the report, saying the Operating Revenue is up 3.1%, City Sales Tax is up 6.4%, and County Sales Tax is up 1.1% compared to last year. Operating Expenses are \$1.3 million below budget.

Bella Vista Public Library Report - Library Director Suzanne Adams

Director Suzanne Adams and Assistant Director Amanda Gibson came to highlight the Library Quarterly Report, which was included in the Agenda packet. She showed the past five years' statistics on certain events. New cardholders, patrons' visits, circulation statistics, and library programs are all on a sharp rise. Children's story time, and the big kids' story time sessions are often overflowing. Council Members asked several questions regarding the growing numbers and activity levels. Council Member Honchell attributed the growing numbers to the hard work of the Director and staff. He said it is amazing to visit the Library and see the numbers of children, teenagers, and adults spending time at the library. Staff Attorney Kelley gave a short history of the Library since it became a City Department, and explained the roles of the support Foundation, Advisory Board, and the Friends of the Library. The City operates the budget, and decides how to spend the budget. Council Member Fowler added that the Library is about more than books, it is about providing a community center for residents. Director Adams concurred, describing the small and big ways the library provides services. She praised the Youth Services for their creativity and hard work. Council Member Hughes thanked the Library Directors for their literacy partnership with Cooper Elementary School, and for the essential role they play to provide a safe space in our community.

Code Enforcement Report - Police Chief James Graves

Chief Graves recapped the events since July 2023 when Code Enforcement moved from CDS to the Police Department. Three code officers were brought over then. Procedures and policies were developed, trucks were outfitted with computers, and equipment was procured. The reporting system was changed to come through dispatch, so that reports and statistics could be pulled. Residents call a dispatch phone number to report the code violation, which is a change from sending an email. Some setbacks included the sudden death of one of the compliance officers and one who quit his job. Happily, now there are 3 fully trained and equipped full-time officers. Chief Graves' philosophy is that code enforcement is about education and changed behavior. Before code enforcement came to PD, emails were sent out to notify residents of code violations. Chief Graves

believes visiting the residents and making face-to-face contact works best to gain compliance and track resolution of violations. The last resort is to issue code violations. Council Member Snow asked why so many residents come to meetings and complain about no follow-up on reporting code violations. Chief Graves responded saying that many residents do not make the phone call because they think nothing will be done. The phone call is vital, and residents must begin the reporting of code violations with the phone call. It will track the life of the violation and resolution of the problem. The realities of the enforcement side are greater than what it looks like on paper. Council Member Honchell urged residents to call the police about anything that really concerns them, because it gets logged in to the system. Chief Graves assured the Council Members that the Police Department does respond to phone calls, which begins the process of code enforcement. Staff Attorney Kelley described an STR code violation that became a criminal case, and a conviction ensued. He also noted citations resulting from STR code negligence. Chief Graves thinks code enforcement will continue to improve as more statistics build in the system. STRs with multiple violations will build a record, which then will be addressed by Code Enforcement and our Staff Attorney. Council Member Fowler cited negative and positive experiences with code enforcement, concluding that residents of Bella Vista want to see active code enforcement, not complaint-based. Council Member Wilms asked clarifying questions and thanked Chief Graves for the update.

(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 suspend the rules and allow all ordinances to be read by title only. Seconded by Council Member Fowler. **Roll Call Vote: (Yays: 5/Nays: 0) Passed 5-0.***

Unfinished Business

New Business

RESOLUTION: AMENDING THE 2024 CITY BUDGET TO APPROPRIATE AN ADDITIONAL \$132,849.76 TO THE INFORMATION TECHNOLOGY BUDGET TO ACCOMMODATE UNFORSEEN EXPENSES RELATED TO A CYBERSECURITY INCIDENT, CORRECTIVE ACTIONS AND IMPROVEMENTS *Mayor Flynn read the resolution. Council Member Fowler said some of this cost includes additional corrective processes put in place to prevent cyberattacks in the future. Mayor Flynn noted that a significant amount of the \$133,000 will eventually be covered by insurance. Council Member Snow made a motion to approve, seconded by Council Member Fowler. **Roll Call Vote: (Yays: 5/Nays: 0) Passed: 5-0.***

ORDINANCE: AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2024-55647

(COUNTY PARCEL NO. 16-70260-003) FROM R-1, RESIDENTIAL SINGLE-FAMILY DISTRICT TO C-1, NEIGHBORHOOD COMMERCIAL DISTRICT **Staff requests third and final reading** Mayor Flynn read the resolution for the first time, saying it was for the Tanyard Creek Parking area. Tom Judson explained the parking problems at that location, the reason for this request. Council Member Wilms made a motion to suspend the rules and move to the third and final reading, seconded by Council Member Fowler. **Roll Call Vote: (Yays: 5/Nays: 0) Passed: 5-0.** Mayor Flynn read the ordinance for the third time. Council Member Honchell made a motion to approve, seconded by Council Member Fowler. **Roll Call Vote: (Yays: 5/Nays: 0) Passed: 5-0.**

ORDINANCE: AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2024-55729 (COUNTY PARCEL NO. 16-03465-000) FROM R-1, RESIDENTIAL SINGLE-FAMILY DISTRICT TO C-1, NEIGHBORHOOD COMMERCIAL DISTRICT **Staff requests third and final reading** Mayor Flynn read the ordinance for the first time, describing it as part of the Kingsdale parking lot. 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: 5/Nays: 0) Passed 5-0.** Mayor Flynn read the ordinance for the third time. Council Member Wilms made a motion to approve, seconded by Council Member Fowler. **Roll Call Vote: (Yays: 5/Nays: 0) Passed 5-0.**

ORDINANCE: AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2024-55458 (A PORTION OF COUNTY PARCEL NO. 16-18693-000) FROM R-1, RESIDENTIAL SINGLE-FAMILY DISTRICT TO C-1, NEIGHBORHOOD COMMERCIAL DISTRICT Mayor Flynn read the ordinance for the first time. Planning Director Robertson said this one failed with the Planning Commission last year with a request for C-2. This is now a year later, and the request was changed to C-1, which is much less intense, and the amount of land was reduced. 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.** Mayor Flynn read the ordinance for the third time. Motion to approve by Council Member Wilms, seconded by Council Member Fowler. **Roll Call Vote: (Yays: 4/Nays: 1, Snow) Passed 4-1.**

ORDINANCE: AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FOR RENAMING OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT, PROVIDING FOR REORGANIZATION, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES. Mayor Flynn read the ordinance for the first time, noting the emergency clause and staff request for the third and final. Council Member Wilms requested another month to consider the significant changes implied by this organizational

change. Council Member Honchell asked the reason for the emergency clause. Council Member Snow also requested the opportunity to weigh these changes before voting. Council Member Fowler supports the Mayor's decision to make this amendment, but would also appreciate more time to study it. Fire Chief Sims explained how permit officers in Planning are connected to the Fire Safety Code, which is why this change makes sense. Planning Director Robertson explained this as a clean-up of clerical, processing, recording, and getting in line with the Building Code. Mayor Flynn voiced his confidence in this reorganization, and moving these departments together in the renovations at Fire Station #1/City Hall/Planning. He believes the coordination between departments will improve efficiency. After some discussion, the decision was made to move to the second reading at the November 25th Regular City Council Meeting.

RESOLUTION: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH THE NATIONAL AUTO FLEET GROUP PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, FOR THE PURCHASE OF ONE (1) 2024 FORD SUPER DUTY F-350 4WD TRUCK IN AN AMOUNT NOT TO EXCEED \$65,000.00 FOR USE BY THE POLICE DEPARTMENT Mayor Flynn read the resolution. Council Member Wilms made a motion to approve, seconded by Council Member Fowler. **Roll Call Vote: (Yays: 5/Nays: 0) Passed 5-0.**

RESOLUTION: APPROVING A HEALTH INSURANCE AND BENEFIT PLAN FOR CITY EMPLOYEES TO BEGIN JANUARY 1, 2025 Mayor Flynn read the resolution. 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 THE BASE YEAR MILLAGE ROLLBACK COMPUTATION AND CERTIFICATION FORM PURSUANT TO ARKANSAS CONSTITUTION AMENDMENT 59 AND ARKANSAS CODE ANNOTATED § 26-26-404 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID FORM Mayor Flynn read the resolution. Staff Attorney Kelley provided an explanation that detailed the reasons for this resolution, according to Amendment 59 and the Arkansas Code. Mayor Flynn said in summary, 6.0 mills would be rolled back to 5.73 mills, and this is in direct relation to our increase in property valuation. Council Member Fowler made a motion to approve, 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, November 18, 2024, at Bella Vista Police Training Room
- Next City Council Regular Meeting: 6:00 pm Monday, November 25, 2024, at Bella Vista District Court
- Planning Commission Work Session: 4:30 pm Thursday, October 31,

2024, at Bella Vista District Court

- Planning Commission Regular Meeting: 4:30 pm, or immediately following BZA, Tuesday, November 12, at Bella Vista District Court
- Board of Construction Appeals: 3:00 pm Tuesday, November 12, 2024, if necessary, at Fire Station #4 Conference Rm, 1639 Forest Hills Blvd.

Adjournment

Mayor Flynn adjourned the meeting at 7:51 pm.

City Clerk Wanda Lepillez Krug

Mayor John D. Flynn



BELLA VISTA
A place to call home

Financial Reports for the nine - month
period ending September 30, 2024

	General Fund		Street Fund	
	As of September 2024	As of September 2023	As of September 2024	As of September 2023
<u>ASSETS</u>				
Cash and Cash Equivalents	\$ 7,820,880	\$ 13,069,976	\$ 909,452.68	\$ 269,826
Accounts Receivable	1,613,785	724,564	-	54,337
Other Assets	3,123,313	4,499,796	-	-
Interfund Receivables	481,817	915,693	-	-
TOTAL ASSETS	\$ 13,039,795	\$ 19,210,029	\$ 909,453	\$ 324,163
<u>LIABILITIES AND FUND BALANCES</u>				
<u>Liabilities</u>				
Accounts Payable	\$ 768,408	\$ 472,018	\$ 5,676	\$ 20,363
Interfund Payables	79,651	385,343	430,706	70,911
TOTAL LIABILITIES	\$ 848,059	\$ 857,360	\$ 436,382	\$ 91,274
<u>Fund Balances</u>				
Restricted	\$ 715,530	\$ 113,716	\$ 473,071	\$ 232,889
Assigned	\$ 161,394	\$ 170,656		
Unassigned	\$ 11,314,812	\$ 18,068,298	\$ -	\$ -
TOTAL FUND BALANCES	\$ 12,191,736	\$ 18,352,670	\$ 473,071	\$ 232,889
TOTAL LIABILITIES AND FUND BALANCES	\$ 13,039,795	\$ 19,210,030	\$ 909,453	\$ 324,163

	GENERAL FUND				STREET FUND			
	Year-To-Date Actual Jan 2024- September 2024	Prior Year-To-Date Actual Jan 2023- September 2023	Year-To-Date Adopted Budget Jan 2024- September 2024	Budget Surplus (Deficit)	Year-To-Date Actual Jan 2024- September 2024	Prior Year-To-Date Actual Jan 2023- September 2023	Year-To-Date Adopted Budget Jan 2024-September 2024	Budget Surplus (Deficit)
REVENUES - Unrestricted/Unassigned								
State Aid	355,153	365,154	338,247	16,906	-	-	-	-
Property Tax Revenue	2,526,548	2,493,420	2,243,000	283,548	-	-	-	-
Franchise Fees	1,596,500	1,616,680	1,596,744	(244)	-	-	-	-
City Sales Tax	3,095,914	2,913,597	2,902,500	193,414				
County Sales Tax - General	7,101,771	7,072,947	7,006,500	95,271				
Total Sales Tax Revenue	10,197,685	9,986,545	9,909,000	288,685	-	-	-	-
Fines, forfeitures, and costs	142,798	105,177	101,250	41,548	-	-	-	-
Interest Income	358,273	361,396	146,250	212,023				
Local permits and fees	719,368	670,412	464,985	254,383	-	-	-	-
Solid Waste Pick Up Fees	224,465	214,791	214,497	9,968				
Ambulance Fees	914,892	823,385	862,497	52,395	-	-	-	-
Other Income	32,086	74,761	14,850	17,236	-	-	-	-
TOTAL REVENUES - OPERATING	17,067,767	16,711,721	15,891,320	1,176,447	-	-	-	-
REVENUES - Restricted/Assigned								
County Turnback Revenues - Street					436,148	433,347	435,000	1,148
State Aid	78,485	942,570	-	78,485	1,903,560	1,913,977	1,875,000	28,560
Federal Aid (Grants, etc.)	-	25,144	-	-	-	-	-	-
Impact Fees	-	-	-	-				
Fines, forfeitures, and costs	16,075	10,255	-	16,075	-	-	-	-
Interest Income - Street Fund					7,568	3,778	-	7,568
Other Income	219,726	20,065	-	219,726				
TOTAL REVENUES - RESTRICTED/ASSIGNED	314,286	998,034	-	314,286	2,347,276	2,351,102	2,310,000	37,276
TOTAL REVENUES	17,382,053	17,709,754	15,891,320	1,490,733	2,347,276	2,351,102	2,310,000	37,276

	GENERAL FUND				STREET FUND			
	Year-To-Date Actual Jan 2024- September 2024	Prior Year-To-Date Actual Jan 2023- September 2023	Year-To-Date Adopted Budget Jan 2024- September 2024	Budget Surplus (Deficit)	Year-To-Date Actual Jan 2024- September 2024	Prior Year-To-Date Actual Jan 2023- September 2023	Year-To-Date Adopted Budget Jan 2024-September 2024	Budget Surplus (Deficit)
EXPENDITURES								
OPERATING AND CAPITAL								
General Government:								
Admin (Admin, HR, and IT)	\$ 1,733,185	\$ 1,615,219	\$ 1,804,218	\$ 71,033				
Legal (Legal and Court)	\$ 328,980	\$ 308,543	\$ 363,314	\$ 34,334				
Community Development	\$ 876,114	\$ 1,133,057	\$ 1,074,741	\$ 198,627				
Total General Government	\$ 2,938,279	\$ 3,056,819	\$ 3,242,272	\$ 303,994				
Law Enforcement (Police)	4,806,283	4,327,255	5,505,430	699,147				
Streets	-	(19)	-	-	\$ 2,072,880	\$ 2,183,324	\$ 3,156,453	\$ 1,083,573
Public Safety (Fire and Ambulance)	6,006,067	5,125,221	6,267,045	260,978				
Recreation and Culture (Library)	557,108	487,400	699,856	142,748				
Total Other Government	\$ 11,369,457	\$ 9,939,856	\$ 12,472,331	\$ 1,102,873	2,072,880	2,183,324	3,156,453	1,083,573
TOTAL OPERATING Expenditures	\$ 14,307,736	\$ 12,996,675	\$ 15,714,603	\$ 1,406,868	\$ 2,072,880	\$ 2,183,324	\$ 3,156,453	\$ 1,083,573
REVENUES OVER/ (UNDER) OPERATING EXPENDITURES	\$ 3,074,318	\$ 4,713,079	\$ 176,717	\$ 2,897,601	\$ 274,396	\$ 167,777	\$ (846,453)	\$ 1,120,850
Capital Projects								
Impact Fees	229,782	1,996	\$ 305,599	75,817				
Capital Projects	7,210,954	5,354,013	11,448,199	4,237,245				
Total Capital Projects	\$ 7,440,736	\$ 5,356,009	\$ 11,753,798	\$ 4,313,062				
DEBT SERVICE:								
TOTAL DEBT SERVICE	\$ 280,326	\$ 140,163	\$ 282,000	\$ 1,674				
TOTAL OPERATING, CAPITAL IMPROVEMENT, AND DEBT SERVICE EXPENDITURES	\$ 22,028,799	\$ 18,492,847	\$ 27,750,401	\$ 5,721,602	\$ 2,072,880	\$ 2,183,324	\$ 3,156,453	\$ 1,083,573
REVENUES OVER/ (UNDER) EXPENDITURES BEFORE OTHER FINANCING SOURCES (USES)	\$ (4,646,745)	\$ (783,092)	\$ (11,859,081)	\$ 7,212,336	\$ 274,396	\$ 167,777	\$ (846,453)	\$ 1,120,850
OTHER FINANCING SOURCES (USES)								
Transfers In (Out)	\$ -	\$ -	\$ (1,130,000)	\$ 1,130,000	\$ -	\$ -	\$ -	\$ -
TOTAL OTHER FINANCING SOURCES (USES)	\$ -	\$ -	\$ (1,130,000)	\$ 1,130,000	\$ -	\$ -	\$ -	\$ -
NET REVENUES (EXPENDITURES)	\$ (4,646,745)	\$ (783,092)	\$ (12,989,081)	\$ 8,342,336	\$ 274,396	\$ 167,777	\$ (846,453)	\$ 1,120,850

Sales Tax Detail September 2024

City Sales Tax

FS Month	CY Actual	PY Actual	Increase (Decrease) from Prior Yr	Increase (Decrease) as % from prior yr	2023 Budget	Budget Surplus (Deficit)
Jan	\$ 351,952	\$ 296,741	\$ 55,211	19%	322,500	\$ 29,452
Feb	297,433	319,283	\$ (21,850)	-7%	322,500	\$ (25,067)
March	314,857	297,901	\$ 16,957	6%	322,500	\$ (7,643)
Apr	373,691	340,689	\$ 33,002	10%	322,500	\$ 51,191
May	342,843	319,041	\$ 23,802	7%	322,500	\$ 20,343
June	350,480	329,508	\$ 20,972	6%	322,500	\$ 27,980
July	358,045	337,374	\$ 20,671	6%	322,500	\$ 35,545
Aug	354,910	339,769	\$ 15,140	4%	322,500	\$ 32,410
Sept	351,703	333,291	\$ 18,413	6%	322,500	\$ 29,203
YTD	\$ 3,095,914	\$ 2,913,597	\$ 182,317	6%	\$ 2,902,500	\$ 193,414

County Sales Tax

	CY Actual	PY Actual	Increase (Decrease) from Prior Yr	Increase (Decrease) as % from prior yr	2023 Budget	Budget Surplus (Deficit)
Jan	\$ 863,615	\$ 791,915	\$ 71,701	8%	\$ 778,500	\$ 85,115
Feb	747,469	707,562	\$ 39,908	5%	\$ 778,500	\$ (31,031)
March	699,579	670,133	\$ 29,446	4%	\$ 778,500	\$ (78,921)
Apr	799,846	799,962	\$ (115)	0%	\$ 778,500	\$ 21,346
May	727,271	769,715	\$ (42,444)	-6%	\$ 778,500	\$ (51,229)
June	780,356	884,112	\$ (103,756)	-13%	\$ 778,500	\$ 1,856
July	832,025	816,529	\$ 15,495	2%	\$ 778,500	\$ 53,525
Aug	848,425	787,600	\$ 60,825	7%	\$ 778,500	\$ 69,925
Sept	803,185	845,420	\$ (42,236)	-5%	\$ 778,500	\$ 24,685
YTD	\$ 7,101,771	\$ 7,072,947	\$ 28,823	0%	\$ 7,006,500	\$ 95,271
Total	<u>\$ 10,197,685</u>	<u>\$ 9,986,545</u>	<u>\$ 211,141</u>	<u>2%</u>	<u>\$ 9,909,000</u>	<u>\$ 288,685</u>

Note:

For the October Financials Statement, the October Sales Tax relates to August sales.

Note: Per review of the Sales Tax numbers posted by ARML, Sales tax is down for Cities and Counties over last year

City -1.20% June

County -1.93% June

Misc Additional Information September 2024

2024 Non-budgeted Requests

Estimated Unassigned Funds Available after Capital Requests	1,059,678
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Date Appr	Dept	Description	Type	Inflows	Expenses	Resolution
5.2024	PD	New Officer Auto	Operating		65,000	R2024-39
5.2024	PD	2 New Officers	Operating		76,000	R2024-38
5.2024	LG	STR Settlement	Operating		11,000	R2024-43
6.2024	CD	Planning & Engineer	Operating		95,000	R2024-44
8.2024	SC	Cleanup Expenses	Capital		150,000	O2024-16
9.2024	SD	Cleanup Expenses	Capital		10,000	R2024-51
10.2024	IT	Cybersecurity Incident	Capital		132,850	R2024-54
Total Non-Budgeted				-	539,850	
Net Non-Budgeted Requests					<u>\$ (539,850)</u>	
Adjusted Estimated Unassigned Funds Available after Capital Requests					<u>519,828.24</u>	

Impact Fee Revenue

Impact Fees	Current Year 44610 - SF Res	Prior Year 44610 - SF Res	Change	Other Impact Fees
PY Years		740,674		
1-Jan	66,294	42,291	24,003	
2-Feb	46,863	48,625	(1,762)	
3-Mar	54,530	41,148	13,382	11,838
4-Apr	49,149	44,577	4,572	
5-May	27,432	50,292	(22,860)	
6-Jun	44,577	52,578	(8,001)	
7-Jul	50,292	67,437	(17,145)	
8-Aug	58,293	49,149	9,144	
9-Sep	61,722	54,864	6,858	
Total YTD	<u>459,152</u>	<u>450,961</u>	<u>8,191</u>	<u>11,838</u>
2023 Total Revenue		<u>582,406</u>		
Total Impact fees		<u><u>1,782,232</u></u>		<u><u>11,838</u></u>

Impact Fee Use

Source	Police	Fire	Library	Total	Resolution #
SFR	470,509	1,227,958	83,765	1,782,232	
Other	8,170	3,131	536	11,838	
Prior Year Expenditures	(53,578)	(905,689)	-	(959,267)	R2023-59
Current Year Expenditures		(3,123)		(3,123)	
	(289,000)		(16,599)	(305,599)	R2024-33
Funds Available	<u>136,101</u>	<u>322,277</u>	<u>67,702</u>	<u>526,080</u>	



MEETING DATE	PREPARED BY	LEGISLATIVE TITLE
November 25, 2024	Taylor Robertson, Planning and Development Director	ORDINANCE: AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FOR RENAMING OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT, PROVIDING FOR REORGANIZATION, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES <i>Staff requests move to 3rd and final reading.</i>

AGENDA ITEM # VIII.C

ORDINANCE: AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FOR RENAMING OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT, PROVIDING FOR REORGANIZATION, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES *Staff requests move to 3rd and final reading.*

BACKGROUND

In June of 2023, Community Development Services underwent a restructure. Code Enforcement was relocated to the Police Department and Building Inspections were relocated to the Fire Department. As a result, the Building Division was split into two-- half of it remaining in CDS (building plan review and building permit technical assistance) and the other half in Fire and the two departments have shared several tasks. Staff is returning now to propose to move the rest of the Building Division to the Fire Department so they may be with the Building Official as dictated by the Arkansas Residential Code within the Arkansas Fire Prevention Code Volume III **so our ordinance is aligned with the state code.** Per building code R103.3 (attached), Permit Technicians and Plans Examiners are the deputies of the building official. This alignment would also streamline assignments, tasks, and reporting to make a more clear, defined line on who does what, when they do it, and who makes the final call. Ultimately, better serving residents and customers.

However, this will leave the remaining Divisions as Planning and Development related divisions within CDS. With that said, Staff and the Mayor are also proposing to rename the Community Development Services Department to the Planning and Development Department as it is no longer a traditional community development department.

City of Bella Vista, Arkansas
City Hall

www.bellavistaar.gov W Town Center P.O.Box Bella Vista, AR 72714

Please Recycle!

There has yet to be a Community Development division within the department that oversees a CBDG or financial assistance program. The name is misleading. Finally, a new division has been added to Planning and Development--known as Development Compliance. This Division will inspect and enforce development related ordinances and permit requirements. The new Planning and Development Department will contain the following Divisions/areas of practice: Planning, Engineering, Trails/Active Transportation, and Development Compliance. Other minor changes being proposed are small clerical clarifications that will help clean up the existing ordinance with the previous 2023 restructure and past renaming of the CDS Department (such as Department of Planning and Code Enforcement).

Overall, it is the intent of staff to streamline planning and building task assignments and **align with the Arkansas Residential Code**, modernize the name of the department, and clean up minor provisions so that all is aligned with the new structure of the mentioned departments.

RECOMMENDATION

Staff is recommending approval of this ordinance.

FISCAL IMPACT

None.

ATTACHMENTS

1. Ordinance Rename CDS Cleanup
2. ORD. EXHIBIT CDS Cleanup
3. R103.3 Arkansas Fire Prevention Code Volume III

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES OF
THE CITY OF BELLA VISTA TO PROVIDE FOR RENAMING OF THE
DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES TO THE
DEPARTMENT OF PLANNING AND DEVELOPMENT, PROVIDING
FOR REORGANIZATION, DECLARING AN EMERGENCY, AND FOR
OTHER PURPOSES**

WHEREAS, the City desires to rename the current Department of Community Development Services to the Department of Planning and Development, and further to provide for certain reorganization within the newly-renamed department; and

WHEREAS, to effectuate this change, various sections of the Code of Ordinances of the City of Bella Vista must be amended as provided herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:

SECTION 1: The Code of Ordinances of the City of Bella Vista is hereby amended to provide for a renaming of the Department of Community Development Services to the Department of Planning and Development, and to provide for matters related to the reorganizing thereof, in the manner as provided in the Exhibit to this Ordinance which is attached hereto and incorporated herein.

SECTION 2: EMERGENCY CLAUSE. The need to provide for reorganization and renaming of the Department of Community Development is immediate and necessary to maintain the public health and safety. Therefore, an emergency is hereby declared to exist and this Ordinance shall take full force and effect from an after its passage and approval as provided by law.

ADOPTED THIS _____ DAY OF _____, 2024.

APPROVED:

JOHN D. FLYNN
MAYOR

ATTEST:

WANDA KRUG
CITY CLERK

ORDINANCE EXHIBIT

Non-Land Development Sections (Part I of Local Ord)

- **16-30(c)(3):** Storage for construction or remodeling purposes, so long as the period of that use does not exceed 180 days. The ~~community development services~~ **Mayor or the Mayor's designee** may extend the 180-day requirement when a project is ongoing and a building permit remains valid;
- **16-30(e):** Vertical stacking of temporary portable storage containers and stacking of any other materials on top of or around any temporary portable storage container shall be prohibited in all zones. An exception may be approved by the ~~community development services department~~ **Mayor or the Mayor's designee** for those commercial businesses selling temporary portable storage containers.
- **16-30(h)(1):** Before placement of any temporary portable storage container, a permit must be acquired from the ~~city community development services department~~ **Mayor or the Mayor's designee** by the owner, tenant, or authorized agent of the lot where the temporary portable storage container is proposed to be placed. Said permit shall be free of charge, and shall be valid for a period no longer than provided in this section for the location and usage proposed.
- **16-30(h)(2):** ~~The community development services department~~ **The appropriate City department** is authorized to adopt such necessary application and permit forms as will effectuate the purposes of this section.
- **18-81(a):** When the director of the ~~community development services~~ **planning and development** department, or the director's designee, determines that a tree or limb presents a condition which is hazardous to the safety or welfare of the community, it shall be removed or pruned by the owner of the property.
- **28-4(b):** Optional deed restriction for additional rooms. Applicants for building permits of residential structures relying on individual sewage disposal systems may be permitted to build a structure the building official determines exceeds size limitations of a sewage disposal system permit issued pursuant to the rules and regulations of the Arkansas Department of Health, by having executed and recorded a deed restriction by the current owner(s) of the property in a form approved by the ~~director of community development services~~ **Mayor or the Mayor's designee**, limiting the number of bedrooms in the structure to that number stated in the health department sewage disposal system permit.
- **28-31(a):** Generally. The ~~community development services~~ **planning and development** department shall have the authority to implement enforcement actions under this article as provided by the city.
- **28-31(b)(2):** The ~~planning, building, and code enforcement~~ **planning and development** department shall have the right to cause to be set up on the property of any discharger to the stormwater drainage system such devices that are necessary to conduct sampling of discharges.
- **28-31(c):** Release reporting and cleanup. Any person responsible for a known or suspected release of materials which are resulting in or may result in illegal discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, such person shall comply with all state, federal, and local laws requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release. In the event of such a release of nonhazardous materials, such person shall notify the ~~community development services~~ **planning and development** department no later than 3:30 p.m. of the next business day.

Land Development Ordinances (Part II of Local Ordinance)

- **103-51(b):** Addressing. The ~~building official~~ **planning and development director** is hereby authorized to implement an addressing program in conjunction with the Benton County 911 Administration consistent with the following:
- **105-41:** The director of ~~community development services~~, or his designee **the planning and development department, or the director's designee**, is hereby appointed the floodplain administrator.
- **107-35(b)(1):** Application. A written application shall be filed with the ~~community development services~~ **planning and development** department accompanied by the filing fee required for such applications in the currently adopted schedule of fees. Such applications shall be filed in accordance with the city development

calendar. The application shall state fully the grounds for the waiver and provide reasoning based on the review criteria provided in subsections (b)(6)a. through d. of this section.

- **107-128(a)**

- **(1):** Applicability. ~~Community development services~~ **The Planning and Development** department may review and administratively approve incidental subdivision if no dedications are being made. The ~~community development services~~ **planning and development** director shall inform the full planning commission at its next regular meeting that approval has been granted any administratively approved incidental subdivision.
- **(2)** Action. Within 14 days of receipt of the complete plat from the applicant, ~~community development services~~ **planning and development** department shall approve, approve with conditions, or disapprove said plat. If the plans are approved, a building permit can be issued after the applicant records the plat at the office of the county circuit clerk and provides the city with two copies. If the plans are approved with conditions, the conditions shall be set forth in written form to the owner/developer. The signature of the owner/developer on the form setting forth the conditions of approval shall be deemed his agreement to comply with said conditions, whereupon a building permit may be issued. If the plat is disapproved, the reasons for such action shall be provided in written form to the developer.
- **(3)** Additional review. If the ~~community development services~~ **planning and development** department determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he shall notify the developer in writing within 14 days of receipt of plans, that a decision will not be made within the 14-day time period, what the reasons are for the delay and the date at which a decision can be expected. A copy of said letter shall be sent to the chairperson of the planning commission. If the developer objects to such an extension, said objection shall be heard as a priority item at the next regularly scheduled planning commission meeting.
- **(4):** Approval signatures. All approvals of administratively approved incidental subdivisions shall be signified by the signature of the ~~community development services~~ **planning and development** director upon the development plan.

- **107-313(d)**

- **(1)** Property owners desiring access drives onto city streets or Arkansas Highway and Transportation Department highways, not associated with an approved large scale development or subdivision, must obtain a letter of approval from the ~~community development services~~ **planning and development** department prior to the construction of said access drive.
- **(2)** For parking facilities containing five or more spaces, building and grading permits are required. Site, building, and grading plans shall be approved by the ~~community development services~~ **planning and development** department prior to initiation of any work.
- **(3)** Access drives designed to access city streets or Arkansas Highway and Transportation Department highways, not associated with an approved development plan or subdivision, must obtain a letter of approval from the ~~community development services~~ **planning and development** department prior to installation of said curb cut/driveway.
- **(4)** For access drives designed to access Arkansas Highway and Transportation Department rights-of-way, an approval letter from the agency indicating that the design conforms to the agency's regulations shall be presented to the ~~community development services~~ **appropriate city** department prior to issuance of a building permit.

- **107-315(4)(c):** For new development that, in the opinion of the ~~director of community development services~~ **planning and development director**, generates high traffic volume, adequate access drive throat length is to be determined by the results of a traffic study.

- **107-317(a)(2):** If the site plan or subdivision plan does not generate the threshold level of trips, a traffic impact analysis study may be required by the ~~community development services~~ **planning and development** department under the following conditions:

- **107-340(e)**

- **(1):** The ~~community development services department~~ **city engineer** may require retaining walls less than four feet in height to be designed by an architect, licensed landscape architect, or professional engineer registered in the State of Arkansas, depending on specific site conditions. Determination will be made at time of application.
- **(2):** The applicant shall contact the ~~community development services department~~ **city** to request a footing inspection prior to construction and final inspection upon completion of construction. If the department official determines that the wall is constructed in accordance with these regulations and approved retaining wall permit, a certificate of completion will be issued. If the retaining wall does not pass the inspection, the department official shall prepare an inspection report detailing the deficiencies.
- **107-340(f)(2):** Upon completion of construction, the engineer shall provide the ~~community development services department~~ **city engineer** with a certification letter stating that all code and plan requirements have been fulfilled.
- **107-341(d):** The ~~community development services department~~ **city** may require additional information to process a permit application.
- **107-378**
 - **(a)(1)(c):** A stormwater pollution prevention plan, approved by the ~~community development services~~ **planning and development** department, for projects not covered under an ADEQ permit.
 - **(a)(4)(a):** Application. The applicant shall submit a completed application form and a site development plans conforming to the requirements of these regulations to the ~~community development services~~ **planning and development** department.
 - **(a)(4)(b):** Review and approval. Once all required information is submitted, the application will be reviewed by the ~~community development services~~ **planning and development** department for compliance. If the application is approved and payment is rendered for the permit and inspection fees, the permit will be issued.
 - **(a)(4)(e)(2):** Final grading plan. No subdivision may be finalized, nor any large scale development plat approved, before a final grading plan has been submitted to the ~~community development services~~ **planning and development** department and approved.
- **107-379(a)** Utility agencies may obtain a one-time approval from the ~~community development services~~ **planning and development** department for all routine underground electric, water, sewer, natural gas, telephone, or cable facilities. The approval will include a utility organization and its contractors, agents, or assigns and will be permanent in nature as long as the original approved procedures are followed. Utility agencies shall be responsible for compliance with the requirements of this article.
- **107-380**
 - **(a):** Grading plan evaluation. Grading plans shall be evaluated by the ~~community development services~~ **planning and development** department for conformance requirements of this article.
 - **(b):** Requirements varied. Requirements may be varied by the ~~community development services~~ **planning and development** department. The extent to which variations may be made will depend on the soil types encountered, planned slopes, planned vegetation, and investigative engineering reports. In no case shall the department waive or modify any erosion control requirements.
 - **(c)(5):** Administration-variance. Setbacks from easement lines and structures may be varied administratively by the ~~director of community development services~~ **planning and development director** , or the **director's designee**, if geotechnical and/or structural information is provided that in the opinion of the director justifies the variance.
 - **(c)(6):** Additional information required. The ~~community development services~~ **planning and development** department may require further geotechnical and/or structural information to show that setbacks greater than those given are not needed to protect property, utilities, or the integrity of property lines.

- **(d)(2):** Maximum vertical cut. In solid rock, as determined by geotechnical and engineering data approved by the ~~community development services~~ **planning and development** department, the maximum vertical cut shall be 30 feet.
- **(e)(2):** Compaction. Fill shall be placed and compacted to minimize sliding or erosion of soil. Fill compaction shall equal the compaction of undisturbed, adjacent soil, except fills covered by the Arkansas Fire Prevention Code or other structural fills. The ~~community development services department~~ **city** may require soil tests during compaction work or upon its completion at the expense of the permit holder.
- **(g)(1):** Administrative variance. The required minimum percentage of preservation may be varied administratively by the ~~director of community development services~~ **planning and development director** or his or her designee by up to five percent if he or she finds that there is an undue hardship on the land that otherwise would not allow development. Financial cost shall not be deemed an undue hardship.
- **107-381(c):** Additional information. The following additional required information may be required by the ~~community development services~~ **planning and development** department and be reported in text rather than shown on the grading plan:
- **107-382**
 - **(b)(9):** Plants, water. Plant materials shall be watered or irrigated and tended. Where irrigation or regular watering is not available, only native or acclimated plant species shall be used. If the soil cannot properly sustain vegetation, it must be appropriately amended. If revegetation is not firmly established and healthy after one year, the ~~community development services~~ **planning and development** department shall require that it be redone in part or total.
 - **(b)(11)(b):** Allowed buffer intrusions. The following activities may be allowed into the required 25-foot perimeter buffer strip, upon large scale development or plat approval by the planning commission or administrative approval of the ~~community development services~~ **planning and development** department for projects not requiring planning commission approval. Such allowed intrusions shall maintain the integrity of the perimeter buffer.
- **107-383**
 - **(b)(2):** For sites subject to plan review by ~~community development services~~ **planning and development** department, the plan will not be released for construction until an approved SWPPP has been obtained.
 - **(c)(5)(c):** Based on inspections performed by the owner/developer/or their representative or by the ~~community development services~~ **planning and development** department, modifications to the stormwater pollution prevention plan will be necessary if at any time the specified BMPs do not meet the objectives of this article. In this case, the owner/developer or authorized representative shall meet with ~~community development services~~ **planning and development** department personnel to determine the appropriate modifications. All modifications shall be completed within seven days of the referenced inspection.
- **107-384**
 - **(b):** The director of ~~community development services~~ **planning and development** may authorize in writing minor modifications so long as they do not alter the direction of runoff and must otherwise comply with the intent of this article.
 - **(c):** When applicable, substantial changes in the development must be brought before the planning commission for its approval. Determination of the gravity of the alterations will lie with the director of ~~community development services~~ **planning and development**.
- **107-386(b)(2):** When a property owner has finished building construction but has yet to install plant material, said owner may apply for a temporary certificate of occupancy. In evaluating whether or not to grant a temporary certificate of occupancy, the building official in coordination with the director of ~~community development services~~ **planning and development** shall consider weather conditions and temporary stabilization measures.

- **107-422(a):** Prior to construction or alteration. No person may subdivide and develop, change to a more intensive land use, construct or reconstruct a building or structure, change the size of a structure, or conduct grading, clearing, or filling activities without first obtaining a stormwater drainage and management permit (herein referred to as a drainage permit) from the ~~community development services~~ **planning and development** department, except as provided in subsection (c) of this section.
- **107-423**
 - **(b):** Conceptual review. A conceptual stormwater drainage and management plan review with ~~community development services~~ **planning and development** is encourage before initiation of other permitting that may be required under this or other city codes.
 - **(c):** Preliminary submittal. Preliminary plans and technical reports required herein shall be submitted at the same time as large scale development, preliminary plat, replat, lot split, or building permit plans are submitted. If needed, a review meeting will be scheduled by ~~community development services~~ **planning and development** with a representative of the developer, including the design professional, to review the concepts presented in the plans and technical reports. The purpose of the meeting is to jointly agree to an overall stormwater concept for the proposed development and to review criteria and design parameters that shall apply to the final design of the project.
- **107-424(a):** Application. A stormwater drainage and management application shall be submitted to the ~~community development services~~ **planning and development** department using appropriate forms provided by the city. Such applications shall contain sufficient information and plans to allow the department to determine whether the project complies with the requirements of this article. Minimally, application package shall include the following:
- **109-36(b)(1):** Appeal of interpretation. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the ~~community development services~~ **planning and development** department, who has enforcement powers in the enforcement of this chapter. The planning commission, sitting as the board of adjustment, may affirm or reverse, in whole or in part, said decision of the administrative official.
- **109-38(d)(1):** Application. An application shall be filed by the property owner or his agent, with the ~~community development services~~ **planning and development** department in accordance with current policies and procedures. Said application shall be filed pursuant to the Bella Vista development calendar. Such applications shall show the location and intended use of the site and include a general statement as to the intent of the use. Applications may be obtained from the city administrative office. A general graphic representation of what is proposed shall be submitted as well and shall include all the following:
- **109-42**
 - **(a)(1):** Written application. All variance requests shall be made to the board of zoning adjustment pursuant to the Bella Vista development calendar after a decision has been rendered by the ~~director of community development services~~ **planning and development director** or his or her designee. Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth:
 - **(a)(3):** Submittal. The appeal or application shall be filed with the ~~director of community development services~~ **planning and development director** or his/her designee who shall forthwith transmit to the board all papers constituting the record upon which the action being appealed from was taken.
 - **(b)(1):** Applicability. The ~~director of community development services~~ **planning and development director** may grant minor modifications from the requirements of these regulations in compliance with the following standards:
 - **(b)(3)(a):** Upon receipt of a completed minor modification application and the currently adopted fee for such applications, the ~~director of community development services~~ **planning and development director** or his/her designee shall review the request and issue a written decision regarding the application.

- **(b)(3)(b):** Findings. The ~~director of community development services~~ **planning and development director** or his/her designee may approve and/or modify, in whole or in part, with or without conditions, only after making all of the following findings:
- **(b)(7):** Revocation. The ~~director of community development services~~ **planning and development director** or his/her designee may revoke a minor modification if:
- **109-45**
 - **(b):** The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of the applicable sections. Substantial compliance for these public notices shall be determined by the ~~director of the department of community development services~~ **planning and development director**.
 - **(d)(1):** The staff of the department of ~~community development services~~ **planning and development** shall publish a notice of public hearing in a newspaper of general circulation in the city, at least one time, 15 days prior to the hearing. This public notice shall include:
 - **(d)(2)(a):** The staff of the department of ~~community development services~~ **planning and development** shall post a sign on the property for which the application is being sought at least seven days prior to the date of the public hearing. Additional signs may be required to be posted when multiple street frontages occur on the subject parcel(s).
 - **(d)(3)(a):** The applicant shall be required to notify, by either certified mail (with return receipts) or by petition, all property owners within 200 feet of the boundary of the subject property of his application. Such notifications must occur no less than 15 days prior to the established date of the public hearing. If the applicant is unable to determine the adjacent property owners, the staff of the department of ~~community development services~~ **planning and development** may assist identifying them.
 - **(d)(3)(d):** The postmarked certified receipts and/or petitions shall be submitted to the staff of the department of ~~community development services~~ **planning and development** pursuant to the city development calendar along with:
- **109-46:** REPLACE ALL PROVISIONS WITH COMMUNITY DEVELOPMENT SERVICES WITH “PLANNING AND DEVELOPMENT”. Those provisions include:
 - (a)
 - (b)(1)
 - (c)(1)(a)
 - (c)(1)(g)
 - (c)(2)
 - (c)(3)
 - (c)(7)
 - (c)(9)
 - (c)(10)
 - (e)
- **109-68(h)(3):** For residentially-zoned parcels that are adjacent and under the same ownership, side and rear setbacks may be eliminated entirely for the purpose of constructing over, under, or across, the building setback lines and property lines a building for human occupancy (the principal building); accessory buildings, including, but not limited to, garages, shop buildings, swimming pools, and gazebos; accessory infrastructure such as driveways, septic systems and leach fields; or other improvements associated with the primary structure contingent upon the owner filing a notice of structural encroachment of property line with the county circuit clerk and providing a copy of said recorded encroachment document to the ~~community development services department~~ **City** prior to the city's issuance of a certificate of occupancy.
- **109-104(c)(4):** Spaces shall not be located within bus stops, loading zones, or other curb space where on-street parking is permitted unless approved by the ~~community development services~~ **planning and development** department.
- **109-184**

- **(b)(1):** If plans submitted for an administrative approval include sufficient detail that the ~~director of community development services~~ **planning and development director, or the director's designee**, can determine whether the proposed wireless communication facility complies with the provisions of this section, then issuance of the requested administrative approval shall constitute development approval of the proposed wireless communication facility.
- **(b)(2):** Minor wireless communication facilities. The ~~director of community development services~~ **planning and development director, or the director's designee**, following an administrative review and without requiring the issuance of a conditional use permit may approve the following:
- **(j):** Notification of change of ownership/operator. Upon assignment or transfer of a conditional use permit or any of the rights thereunder to a new wireless telecommunication operator, the owner or operator shall provide written notice within 30 days to the ~~director of community development services~~ **planning and development director**.
- **109-185:**
 - **(d):** Side setback infringement. Construction of docks, boathouses, and other dockside recreational improvements may not infringe on the side building setbacks required for the district in which they are located. This provision is not subject to appeal to the ~~director of community development services~~ **planning and development director** for a minor modification variance under section 109-42(b).
 - **(g)(3):** Any Styrofoam or equivalent material must be encapsulated in a polyethylene shell or an approved equal material. Approved equals must be submitted for review by the ~~community development services department~~ **City** at time of application.
- **109-186(1)(c)(2):** Accessory buildings with skids or other non-invasive foundations are allowed to intrude on existing or proposed septic systems and septic leach fields on a case by case basis as determined by the ~~community development services department~~ **Arkansas Department of Health**.
- **109-215:**
 - **(c)(2)(a):** Prior to the issuance of a building permit, the owner/developer will provide a cost estimate of the value of required and preserved vegetation to the department which is prepared by licensed landscape architect. Upon agreement to the estimate by the ~~director of community development services~~ **planning and development director**, said building permit may be issued.
 - **(c)(2)(c)Exemption:** Any vegetation covered by subsection 109-215(c) that dies as a result of an act of God (e.g. tornados, straight line winds, flooding) shall be exempt from replacement. For this exemption to be effective, the owner/developer must notify the ~~community development services~~ **planning and development** department within seven business days from the event. After a site inspection, any plant material destroyed will be credited toward the final inspection for guarantee release.
 - **(c)(2)(e):** Final inspection. At the end of the one year warranty period, the ~~community development services~~ **planning and development** department shall conduct a final inspection of guaranteed vegetation which must be completed prior to the release of financial guarantee.
- **109-216(b):** The following information is required on landscape plans and shall be completed, stamped, and signed by a licensed landscape architect in order for the ~~community development services~~ **planning and development** department to review them for compliance with this article:
- **109-223(a):** Certificates of occupancy. The ~~director of community development services~~ **planning and development** director or his or her designee has the authority to enforce the requirements of this chapter. Certificates of occupancy and/or final plats will be held for those who fail to complete landscaping requirements. All landscaping shall comply with subsection 109-215(c) financial guarantee.
- **109-246:**
 - **(b):** Application. To obtain a fence permit, a completed application form and a site plan must be submitted to the ~~community development services~~ **planning and development department**. The site plan shall show:

- **(c):** Review and approval. Once all the required information is submitted, it will be reviewed by the ~~community development services~~ **planning and development** department for compliance. If the application is approved, the applicant shall pay the permit fee and the fence permit will be issued.
- **(e):** Inspection required. The applicant shall contact the ~~community development services~~ **City** to request a final inspection upon completion of the fence. If the inspector determines that the fence is constructed in accordance with the article requirements and the approved fence permit, a certificate of compliance will be issued. If the fence does not pass the inspection, the inspector shall prepare an inspection report detailing the deficiencies.
- **109-283(k):** Public notice. Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance. The location must be on file with the ~~community development services~~ **planning and development** department. Sign must be removed within three days of date of posted event
- **109-285**
 - **(b):** Time. Temporary sign permits must be approved by the ~~community development services~~ **planning and development** department a minimum of three days prior to the intended display period.
 - **(d):** Permit types. Four types of temporary sign permits may be issued by the ~~community development services~~ **planning and development** department:
- **109-292**
 - **(a)** Applications for building permits or applications for review by the planning commission which include installation of outdoor lighting fixtures, shall submit an outdoor lighting plan with the building application and or large-scale development application. The submittal shall contain the following information and shall be submitted as part of the site plan to the ~~community development~~ **planning and development** department.
 - **(a)(4):** Any additional information that may be required by the ~~community development services~~ **planning and development** department.
- **109-296(a):** Certificates of occupancy. The ~~director of community development services~~ **planning and development director** or his or her designee has the authority to enforce the requirements of this chapter. Certificates of occupancy and/or final plats will be held for those who fail to complete outdoor lighting requirements.

Arkansas Residential Code 2021

R103.3 Deputies

In accordance with the prescribed procedures of this *jurisdiction* and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy *building official*, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*.



MEETING DATE	PREPARED BY	LEGISLATIVE TITLE
November 25, 2024	Taylor Robertson, Planning and Development Director	ORDINANCE: AMENDING SECTION 103-189 ADDITIONAL REQUIREMENTS; PERMITTING OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO REQUIRE SEPTIC PERMITS PRIOR TO INSTALLATION, REPAIR OR REPLACEMENT OF ANY PART OF A SEPTIC SYSTEM NOT RELATED TO NEW CONSTRUCTION, AND FOR OTHER PURPOSES <i>Staff requests move to 3rd and final reading.</i>

AGENDA ITEM # IX.D

ORDINANCE: AMENDING SECTION 103-189 ADDITIONAL REQUIREMENTS; PERMITTING OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO REQUIRE SEPTIC PERMITS PRIOR TO INSTALLATION, REPAIR OR REPLACEMENT OF ANY PART OF A SEPTIC SYSTEM NOT RELATED TO NEW CONSTRUCTION, AND FOR OTHER PURPOSES *Staff requests move to 3rd and final reading.*

BACKGROUND

The Planning Commission held a public hearing on this request on Tuesday, November 12, 2024 after the Board of Zoning Adjustment meeting at 4:30 and voted 6-0 (with one absence) in favor of recommending approval of this ordinance to City Council. A legal ad was published in the Weekly Vista on October 23, 2024 per state law; all three local Board of School Directors received a notice per state law, and a notice was posted on the city website on October 22, 2024 as an extra measure. No public comments were made during the public hearing. However, Staff did reach out to several stakeholders including septic professionals, designated representatives, licensed installers, and the department of health in attempt to collect public comment.

Out of the several stakeholders emailed, four responses were collected: two local licensed companies and two from the department of health. All were in overall favor of this proposal for various reasons including: imperative data collection on aging systems, data collection on recent tank replacements to save time and money for residents and professionals, to ensure the correct licensed professionals are performing this work, and for various other reasons. The only request and/or concern was permit timing. Currently, this is being proposed as an over-the-counter subcontractor permit

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so timing should not be an issue provided that the ordinance is being met with the permit request. Finally, there is no way for the city or professionals to collect Bella Vista septic permit data specifically at the present. ADH's permit system only organizes it by County--not City. We are however, Benton County's most saturated area for septic permits issued by ADH. Additionally, ADH does not require permits for tank replacements so this data does not exist at all at the County level. The current plumbing permit fee is \$30 for residential and \$50 for commercial.

Please see the attached Staff Memo addressed to the Planning Commission for further staff analysis and data on this proposal.

RECOMMENDATION

Staff and Planning Commission recommend approval of this proposal.

FISCAL IMPACT

N/A

ATTACHMENTS

1. Ordinance 103-189 Septic Permits
2. Sec. 103-189 Amendment Proposal
3. ADH Response

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

AMENDING SECTION 103-189 *ADDITIONAL REQUIREMENTS; PERMITTING* OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO REQUIRE SEPTIC PERMITS PRIOR TO INSTALLATION, REPAIR OR REPLACEMENT OF ANY PART OF A SEPTIC SYSTEM NOT RELATED TO NEW CONSTRUCTION, AND FOR OTHER PURPOSES

WHEREAS, a need exists for septic permits in order to achieve proper installation and placement, to have adequate maintenance and operation, to ensure proper professionals are completing the work, and to protect the seven lakes, waterways, public trail system, and groundwater within the karst topography of Bella Vista from septic failures; and

WHEREAS, septic installation is currently only overseen by the City during new construction, but the need for such oversight is needed in additional contexts;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:

SECTION 1: Section 103-189 *Additional Requirements; Permitting* of the Code of Ordinances of the City of Bella Vista is hereby amended so that subsections (d), (e), and (f) read as follows:

“(d) *Septic system permits.* Owners, designated representatives, and licensed installers of septic systems shall obtain a septic plumbing permit prior to installation, repairs, or replacements of any part of a septic system not accompanying a residential or commercial building permit for new construction. For the intended purpose of this ordinance, a septic system shall be defined as the tank and leach field.

(e) *Minor repairs.* No permit is required for minor repairs to faucet, valves, supply lines, appliances, replacement of submersible pumps, and the removal of stoppage.

(f) *Issuance of permits.* The city is authorized to issue plumbing and irrigation permits to the following: Arkansas state-licensed master plumbers. For septic permits, the city is authorized to issue permits to Arkansas state-licensed designative representatives and Arkansas state-licensed septic installers.”

ADOPTED THIS _____ DAY OF _____, 2024.

APPROVED:

JOHN D. FLYNN
MAYOR

ATTEST:

WANDA KRUG
CITY CLERK

Requested by: Council Member Wilms; Planning Commission
Prepared by: Jason Kelley, Staff Attorney



STAFF MEMO

November 12, 2024
2483 Forest Hills Blvd

To: Planning Commission
From: Taylor Robertson, MPA
Planning and Development Director

Re: PROPOSING AN AMENDMENT TO DEVELOPMENT ORDINANCE SEC. 103-189 TO PROVIDE A PERMITTING REQUIREMENT FOR SEPTIC SYSTEM REPAIRS AND INSTALLATIONS NOT ASSOCIATED WITH NEW CONSTRUCTION.

SUMMARY

At the request of Councilman Wilms, Staff is proposing an amendment to Sec. 103-189 with the intent to achieve proper installation placement, ensure adequate maintenance and operation, ensure proper professionals are completing the work; and to protect the 7 lakes, several waterways, public trail systems, and groundwater within the karst topography of Bella Vista from septic system failures.

Currently, all plumbing and irrigation work requires a plumbing permit from a licensed master plumber in Bella Vista. Septic system installation is only overseen by the City during new construction permit review and failures are overseen when reported. Repairs and installations not associated with a new build are taking place without the city's approval or knowledge since permits are not required. It is unknown if installers are following Sec. 109-186 since no formal approval is required for these items. Additionally, Bella Vista is Benton County's most dense septic system populated area with over 75% of our existing 16,000 units on individual systems that do not have an alternate field area for failure remediation. Staff finds that it is imperative that the city begins collecting this data to understand the current state of the wastewater systems in Bella Vista. **Out of the 627** single-family residential building applications we've received in 2024, **only 73 of them have sewer for sanitation**. That is only 12% of single-family development. The other 554 are all on their own individual waste-water management systems that do not have an alternate field area. In 2023, 542 single-family residential applications were received and 64 of those were on sewer (12%). It is also important to note the difficulty property owners undergo when they need to repair or replace their system on the small lots in Bella Vista. Some ultimately have to resort to Common Property where the trails and other amenities are which is not a best practice long-term solution. The POA Board must approve those requests prior to the property owner seeking approval from the ACC, Developer, and City (if setbacks are not met). It is a long, lengthy, and expensive process. The City of Bella Vista currently has no formal utility plan to create or expand a public sewer system and relies solely on the private wastewater provider. The expansion efforts of this entity are currently unknown by staff. However, staff believes that requiring licensed installers and designated representatives to pull a permit from the city prior to repairing or installing new fields and tanks will assist us in properly enforcing 109-186 (septic system placement requirements), collecting imperative data on the wastewater situation in Bella Vista, protect the current and long-term public and environmental health, and assist the Department of Health in septic system protection within our municipal limits.

ACA 14-236-105 provides an allowance for local municipalities to permit septic system installations with the intent to achieve proper design, construction, installation, maintenance, and operation of sewage disposal systems; protecting the environment, financial planning of maintenance and repair; and overall, protecting the public health.

STAFF RECOMMENDATION

With the support of Councilman Wilms, Staff recommends approval of new permitting requirements for septic repairs/replacements/installations.

Sec. 103-189. Additional requirements; permitting.

- (a) *Application.* All plumbing and irrigation work, unless specifically exempt herein, shall require the application for and approval of a plumbing permit from the city prior to beginning plumbing or irrigation installations in the corporate limits of the city, and on water and sewer systems owned by or which may become owned by the city, whether or not located within the corporate limits of the city.
- (b) *Documentation.* No plumbing permit shall be issued until the following has been received:
 - (1) Plumbing permit issued by the Arkansas Department of Health, as required.
 - (2) Plans and specifications approved by the Arkansas Department of Health, as required.
 - (3) Arkansas Department of Health or its designated representative's approval of an individual sewage disposal system when a sanitary sewer system is not available for use.
- (c) *Irrigation permits.* Owners and installers of irrigations systems shall obtain an irrigation plumbing permit prior to installation of any irrigations system. Irrigation system backflow prevention devices must be accepted and approved by the appropriate water utility prior to permit issuance.
- (d) *Septic system permits.* Owners, designated representatives, and licensed installers of septic systems shall obtain a septic plumbing permit prior to installation, repairs, or replacements of any part of a septic system not accompanying a residential or commercial building permit for new construction. For the intended purpose of this ordinance, a septic system shall be defined as the tank and leach field.
- (e) *Minor repairs.* No permit is required for minor repairs to faucet, valves, supply lines, appliances, replacement of submersible pumps, and the removal of stoppage.
- (f) *Issuance of permits.* The city is authorized to issue plumbing and irrigation permits to the following: Arkansas state-licensed master plumbers. For septic permits, the city is authorized to issue permits to Arkansas state-licensed designative representatives and Arkansas state-licensed septic installers.

(Building Code 2009, § 600.02; Ord. No. 2009-17, § 2, 9-28-2009; Ord. No. 2011-16, § 1, 12-19-2011)

Document:A.C.A. § 14-236-105

[< Previous](#)[Next >](#)**A.C.A. § 14-236-105**[Copy Citation](#)

Current through all legislation of the 2024 Fiscal Session and the Second Extraordinary Session (2024)

[Arkansas Code Annotated PAW - ET Table of Contents](#) [Title 14 Local Government](#) [Subtitle 14. Solid Waste Disposal, Waterworks, And Sewers Generally](#) [Chapter 236 Arkansas Sewage Disposal Systems Act](#)

14-236-105. Local laws.

(a) A municipality may adopt an ordinance or regulation applicable within the jurisdiction of the municipality that governs the same subject matter as this chapter and may include requirements that ensure:

- (1) Proper design, construction, installation, maintenance, and operation of sewage disposal systems;
- (2) Protection from environmental harm; and
- (3) Sound financial planning and operation of sewage disposal systems, including without limitation reasonable reserves for maintenance and repair.

(b) The provisions of any ordinance or regulation of any municipality establishing standards affording greater protection to the public health or safety shall prevail within the jurisdiction of the municipality over the provisions of this chapter and rules adopted hereunder.

History

Acts 1977, No. 402, § 13; A.S.A. 1947, § 19-5413; Acts 2019, No. 315, § 1016; 2021, No. 906, § 1.

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Taylor Robertson

From: Sherry Rodriguez <Sherry.Rodriguez@arkansas.gov>
Sent: Monday, November 4, 2024 2:51 PM
To: Taylor Robertson
Subject: RE: Septic Ordinance Proposal in Bella Vista, Arkansas

Follow Up Flag: Follow up
Flag Status: Flagged

[WARNING: External Email] Do not click links or open attachments unless you trust the sender.

Taylor,

We support this proposal. Bella Vista is saturated with older septic systems that are in need of repair. It is important that the tanks are replaced properly and that repairs are handled according to ADH Onsite Wastewater regulations.

Sherry Rodriguez

ADH Environmental Supervisor – Benton County
Benton County Health Unit
Arkansas Department of Health
1200 W. Walnut St. #2200, Rogers, AR 72756
Office: 479-986-1369



From: Taylor Robertson <trobertson@bellavistaar.gov>
Sent: Wednesday, October 30, 2024 10:08 AM
To: Taylor Robertson <trobertson@bellavistaar.gov>
Subject: Septic Ordinance Proposal in Bella Vista, Arkansas

Hi there,

If you are receiving this email, you have been identified as a septic stakeholder in Bella Vista for a proposal coming up for a public hearing **on 11/12/24 at 4:30 pm at District Court** with the Planning Commission. We want to hear from you!

At the request of Councilman Wilms, Staff is proposing an amendment to Sec. 103-189 with the intent to require a permit **for septic repairs and/or installations** from licensed DRs or Installers **NOT involved with a new construction building permit**. We do not intend to add another permit layer to new builds. For the purpose of this new ordinance, this would include the tank and leach field.

To summarize the proposal: It would essentially be an “over-the-counter” SUB permit just like our plumbing, irrigation, electric, HVAC permit (most like \$25 or less). It would also be handled online via the portal should you wish to conduct business online as recommended the next several months while our building is under construction. SUB permits are

nearly instantaneous. Thus, why we call them over the counters. We would essentially confirm you are licensed to repair or install septic system and confirm the placement so that 109-186 is complied with to prevent non-authorized entities from performing work on septic. A side benefit is that it would also help the City start collecting the data on septic system repairs/installs/replacements taking place within city limits as we are the most saturated area in Benton County and many systems from the original development boom are reaching a certain age within their life span. Currently, septic permits are not separated by city but county only.

I will note, this proposal would require tank replacements to get a permit. Which does not require a permit from ADH.

I value all septic professional opinions here in Bella Vista and would greatly appreciate some feedback on this proposal. Whether that is in writing in response to this email, or by attending the public hearing to speak for 5 minutes or less.

Preferably in writing prior to November 7th so I can collect that and try to address comments ahead of the public hearing. You can view the first draft here: <https://bellavistaar.portal.civicclerk.com/event/38/files/attachment/241>

Thank you!

Taylor Robertson, MPA

Planning and Development/CDS Director



City of Bella Vista

616 W. Lancashire Blvd.

Bella Vista, AR 72715

O (479) 268-4980 ext. 611

E trobertson@bellavistaar.gov

Please be advised: CDS will be closed on 11/1/24 & 11/11/24

Upcoming out of office: 11/4/24 – 11/11/24



MEETING DATE	PREPARED BY	LEGISLATIVE TITLE
November 25, 2024	Taylor Robertson, Planning and Development Director	ORDINANCE: AMENDING SECTION 12-1 PROVIDING POTABLE WATER TO LOCATIONS WITH FAILING SEPTIC SYSTEMS OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FURTHER CIRCUMSTANCES CONSTITUTING SEPTIC FAILURE, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES <i>Staff requests move to 3rd and final reading.</i>

AGENDA ITEM # IX.E

ORDINANCE: AMENDING SECTION 12-1 PROVIDING POTABLE WATER TO LOCATIONS WITH FAILING SEPTIC SYSTEMS OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FURTHER CIRCUMSTANCES CONSTITUTING SEPTIC FAILURE, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES *Staff requests move to 3rd and final reading.*

BACKGROUND

This item was discussed during Open Discussion at the October Work Session. Due to discussion held, staff is proposing an amendment to the subject ordinance based on comments received at the work session.

Staff is proposing to amend Section 12-1 to better capture more instances of septic failures in order to take appropriate action on public health related instances within the city. The current ordinance does not catch groundwater contamination nor does it catch dwelling unit contamination. It only captures instances where sewage is surfacing on the ground. Per the Department of Health, there are three main definitions of failures and/or malfunctions that they use for their operations. Those include sewage surfacing, sewage backing up into the house, and contaminating the groundwater. Given that Bella Vista has karst topography through its city limits, such as Tanyard Creek, staff finds that capturing the groundwater discharge definition is imperative. We are a city of many watersheds and cave systems. It is important to protect the groundwater as best we can. Additionally, staff finds that including these two additional definitions align better with other sections of the code such as Sec. 28-32, illegal stormwater discharge, as well as our Stormwater Management Plan as a part of our DEQ permit with the state.

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Due to the direct correlation of this proposal to public and environmental health, staff is requesting an emergency clause so we may begin enforcing it immediately should the Council approve it.

RECOMMENDATION

Staff recommends approval of this proposal.

FISCAL IMPACT

N/A

ATTACHMENTS

1. Ordinance 12-1 Failing Septics
2. Sec. 12-1 Amendment Proposal

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

AMENDING SECTION 12-1 PROVIDING POTABLE WATER TO LOCATIONS WITH FAILING SEPTIC SYSTEMS OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FURTHER CIRCUMSTANCES CONSTITUTING SEPTIC FAILURE, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

WHEREAS, Section 12-1 of the Code of Ordinances makes it unlawful for potable water to be provided to any location where water may flow into a failing or nonfunctional septic system, defined as when raw or untreated sewage from the system flows on top of the ground; and

WHEREAS, it is advisable to provide for further circumstances whereby a septic system may be considered failing or nonfunctional;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:

SECTION 1: Subsection (a) of Section 12-1 *Providing potable water to locations with failing septic systems* is hereby amended so that, after amendment, the subsection shall read as follows:

“(d) It shall be unlawful for any corporation, partnership, person or other entity which operates within the corporate limits of the city to provide potable water to any location where said water may flow into a failing or nonfunctional septic system. For purposes of this chapter, a septic system is deemed to be failing or nonfunctional when raw or untreated sewage from the system flows or surfaces on top of the ground, discharges into a dwelling unit, or discharges into local surface or groundwater.”

SECTION 2: EMERGENCY CLAUSE. The need to provide for further regulation of septic systems by expanding the circumstances constituting septic failure is immediate and necessary to preserve the health and safety of the citizens of the City. Therefore, an emergency is hereby declared to exist and this Ordinance shall take full force and effect from and after its passage and approval as provided by law.

ADOPTED THIS _____ DAY OF _____, 2024.

APPROVED:

JOHN D. FLYNN
MAYOR

ATTEST:

WANDA KRUG
CITY CLERK

Requested by: Mayor
Prepared by: Jason Kelley, Staff Attorney

Sec. 12-1. Providing potable water to locations with failing septic systems.

- (a) It shall be unlawful for any corporation, partnership, person or other entity which operates within the corporate limits of the city to provide potable water to any location where said water may flow into a failing or nonfunctional septic system. For purposes of this chapter, a septic system is deemed to be failing or nonfunctional when raw or untreated sewage from the system flows or **surfaces** on top of the ground, **discharges into a dwelling unit, or discharges into local surface or groundwater.**
- (b) The requirement to cease providing potable water shall only be effective 30 days after notice to the potable water service provider that a particular location has a failing or nonfunctional septic system.

(Ord. No. 2009-01, §§ 1, 2, 1-29-2008)



MEETING DATE	PREPARED BY	LEGISLATIVE TITLE
November 25, 2024	Wanda Krug, City Clerk	ORDINANCE: ENACTING A NEW SECTION 2-202 DEPUTY CITY CLERK OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ALLOW THE CITY CLERK TO APPOINT A DEPUTY, AND FOR OTHER PURPOSES <i>Staff requests move to 3rd and final reading.</i>

AGENDA ITEM # IX.F

ORDINANCE: ENACTING A NEW SECTION 2-202 DEPUTY CITY CLERK OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ALLOW THE CITY CLERK TO APPOINT A DEPUTY, AND FOR OTHER PURPOSES *Staff requests move to 3rd and final reading.*

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Ordinance Deputy City Clerks

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

**ENACTING A NEW SECTION 2-202 DEPUTY CITY CLERK OF THE
CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ALLOW
THE CITY CLERK TO APPOINT A DEPUTY, AND FOR OTHER
PURPOSES**

WHEREAS, a need has arisen where, out of concern for potential absence or inability, it is deemed advisable for the City Clerk to be authorized to appoint a Deputy City Clerk to be available for document certification, minute-taking at Council meetings, or other duties as determined by the City Clerk;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF BELLA VISTA, ARKANSAS:**

SECTION 1: Section 2-202 *Deputy City Clerk* of the Code of Ordinances of the City of Bella Vista is hereby enacted, and reads as follows:

“2-202 Deputy City Clerk.

The City Clerk may appoint one (1) Deputy City Clerk to perform such official duties as may be determined by the City Clerk. No appointment of a Deputy City Clerk shall be for a period longer than the elected term of the City Clerk making the appointment. The Deputy City Clerk must be an employee of the city legally eligible to serve.”

ADOPTED THIS _____ DAY OF _____, 2024.

APPROVED:

JOHN D. FLYNN
MAYOR

ATTEST:

WANDA KRUG
CITY CLERK

Requested by: Mayor
Prepared by: Jason Kelley, Staff Attorney



MEETING DATE	PREPARED BY	LEGISLATIVE TITLE
November 25, 2024	Glenda Kelderman, HR Director	RESOLUTION: AUTHORIZING PARTICIPATION OF THE CITY OF BELLA VISTA IN BENEFIT PROGRAM 4 OF THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM (LOPFI) FOR ELIGIBLE EMPLOYEES WHO ARE FIREFIGHTERS OR POLICE OFFICERS

AGENDA ITEM # IX.G

RESOLUTION: AUTHORIZING PARTICIPATION OF THE CITY OF BELLA VISTA IN BENEFIT PROGRAM 4 OF THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM (LOPFI) FOR ELIGIBLE EMPLOYEES WHO ARE FIREFIGHTERS OR POLICE OFFICERS

BACKGROUND

The City currently has Benefit Plan 3 in place for Fire & Police department volunteers. A request is being made to upgrade the Volunteer Program Plan 4 which will increase the benefits received by a volunteer when they retire. The increased cost to the city is minimal; \$240.00 per year per volunteer if approved by City Council prior to December 13, 2024.

RECOMMENDATION

Recommend that the City adopt Benefit Program 4 (Volunteer LOPFI program).

FISCAL IMPACT

\$240.00 in additional costs per volunteer, per year.

ATTACHMENTS

1. Resolution LOPFI Benefit Program 4docx
2. Updating LOPFI from Plan 3 to Plan 4 _2025 Plan year

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AUTHORIZING PARTICIPATION OF THE CITY OF BELLA VISTA IN
BENEFIT PROGRAM 4 OF THE ARKANSAS LOCAL POLICE AND
FIRE RETIREMENT SYSTEM (LOPFI) FOR ELIGIBLE EMPLOYEES
WHO ARE FIREFIGHTERS OR POLICE OFFICERS**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,
ARKANSAS:**

SECTION 1: The City of Bella Vista elects, in addition to existing participations, Benefit Program 4 for firefighter and police officer employees under LOPFI. The effective date for the election of Benefit Program 4 shall be the first day of the month following the adoption of this Resolution.

SECTION 2: The City Council understands and agrees that the additional employer contribution costs resulting from the election of Benefit Program 4 shall be the sole responsibility of the LOPFI-covered department(s) identified in Section 1 and said department(s) will not be eligible for or receive any funding assistance from premium tax for these costs. The additional employer contributions will begin upon the effective date of the adoption of Benefit Program 4.

SECTION 3: A certified copy of this Resolution shall be filed with the LOPFI office within ten (10) calendar days of its adoption.

ADOPTED this _____ day of _____, 2024.

APPROVED:

Mayor John D. Flynn

ATTEST:

Wanda Krug
City Clerk

Consideration - Upgrade LOPFI (Pension) for Volunteer Fire & Police

Requesting that city change the Volunteer LOPFI program from Plan 3 to Plan 4

Advantage of Plan 4

Upgrading will ensure a slightly greater pension benefit upon retirement

Current monthly cost for Volunteer Program Plan 3 – \$6.00 per volunteer per month.

If change is approved, cost for Volunteer Program Plan 4 – \$26.00 per volunteer per month

Currently 2 volunteers – One (1) Police & One (1) Fire

Change must be voted on and approved at the November Council meeting in order to meet the December 13th deadline for the 2025 premium stated above.

Meeting deadline equals \$60.00 savings per volunteer, per month in Plan 4.



MEETING DATE	PREPARED BY	LEGISLATIVE TITLE
November 25, 2024	Wendi Hardina, HR Administrator	RESOLUTION: AMENDING THE CITY COUNCIL RULES OF ORDER AND PROCEDURE TO MODIFY THE ORDER OF VOTING SO THAT MEMBERS ARE ROTATED PER MEETING RATHER THAN PER VOTE, MAKING CLARIFYING CHANGES, AND FOR OTHER PURPOSES

AGENDA ITEM # IX.H

RESOLUTION: AMENDING THE CITY COUNCIL RULES OF ORDER AND PROCEDURE TO MODIFY THE ORDER OF VOTING SO THAT MEMBERS ARE ROTATED PER MEETING RATHER THAN PER VOTE, MAKING CLARIFYING CHANGES, AND FOR OTHER PURPOSES

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Resolution Rules of Order Voting

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AMENDING THE CITY COUNCIL RULES OF ORDER AND
PROCEDURE TO MODIFY THE ORDER OF VOTING SO THAT
MEMBERS ARE ROTATED PER MEETING RATHER THAN PER
VOTE, MAKING CLARIFYING CHANGES, AND FOR OTHER
PURPOSES**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,
ARKANSAS:**

SECTION 1: Subsection (g) of Rule 7 of the Rules of Order and Procedure of the Bella Vista City Council is hereby amended so that, after amendment, subsection (g) of Rule 7 shall read as follows:

“(g) Voting. For all ordinances, resolutions and motions, a roll call vote will be conducted where every member present, when a question is put to a vote, shall vote “yes,” “no,” or “abstain.” The vote will be recorded by the City Clerk. Except for a question directed to the chair necessary to clarify the meaning of the ordinance, resolution, or motion being voted upon, no questions or comments by members of the City Council, including the Mayor, shall be made during the voting on the pending motion, resolution or ordinance. The Council Members will vote at City Council meetings in the order of their ward and position number, but with a progressively different position voting first at each meeting.”

ADOPTED this _____ day of _____, 2024.

APPROVED:

Mayor John D. Flynn

ATTEST:

Wanda Krug, City Clerk

Requested by: Mayor
Drafted by: Jason B. Kelley, Staff Attorney



MEETING DATE	PREPARED BY	LEGISLATIVE TITLE
November 25, 2024	Wanda Krug, City Clerk	RESOLUTION: SETTING THE MEETING SCHEDULE OF THE BELLA VISTA CITY COUNCIL FOR CALENDAR YEAR 2025

AGENDA ITEM # IX.I

RESOLUTION: SETTING THE MEETING SCHEDULE OF THE BELLA VISTA CITY COUNCIL FOR CALENDAR YEAR 2025

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Resolution Council Calendar 2025
2. 2025 CC Meeting Schedule Draft

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**SETTING THE MEETING SCHEDULE OF THE
BELLA VISTA CITY COUNCIL FOR CALENDAR YEAR 2025**

WHEREAS, City Ordinance requires the City Council to conduct a regular session at least once monthly at a time and place designated by the Mayor/Council; and

WHEREAS, there is no requirement that work sessions be conducted at any regular interval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:

SECTION 1: For calendar year 2025, work sessions and regular sessions of the Bella Vista City Council shall be held on the dates reflected on the attached exhibit, which is incorporated into this Resolution as if set out word for word herein.

ADOPTED this _____ day of _____, 2024.

APPROVED:

Mayor John D. Flynn

Attest:

City Clerk Wanda Krug

Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

Wanda Lepillez Krug, City Clerk
101 Town Center
Bella Vista, AR 72714
479-876-1255



The following dates for Work Sessions and Regular Meetings of the City Council are set for the 2025 calendar year:

MONTH	WORK SESSION	REGULAR MEETING
January	Tuesday, Jan. 21 (for MLK Day)	Monday, Jan. 27
February	Tuesday, Feb. 18 (for Presidents' Day)	Monday, Feb. 24
March	Monday, March 17	Monday, March 24
April	Monday, April 21	Monday, April 28
May	Monday, May 19	Tuesday, May 27 (for Memorial Day)
June	Monday, June 16	Monday, June 23
July	Monday, July 21	Monday, July 28
August	Monday, Aug. 18	Monday, Aug. 25
September	Monday, Sept. 15	Monday, Sept. 22
October	Monday, Oct. 20	Monday, Oct. 27
November	Monday, Nov. 17	Monday, Nov. 24
December	Monday, Dec. 8 (for Christmas holiday)	Monday, Dec. 15

Draft 11/14/2024