

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,

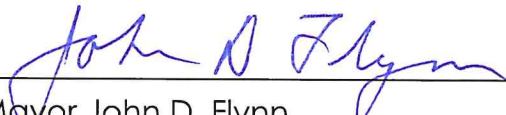
2024, at Bella Vista District Court

- 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

