

BELLA VISTA CITY COUNCIL REGULAR MEETING

November 25, 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 Hughes, Wozniak, Wilms, Fowler, Honchell present. Council Member Snow 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.

Gordon Brown, 4 Kirkpatrick Pt. He came to speak about trail usage by large organizers. He believes events need our trails more than we need events. He would like to see the organizers take on more responsibility and cost of maintenance, including picking up their own litter and trash. He thinks a \$5,000 city deposit/fine for clean-up within 72 hours following the event may go a long way.

Paul Maxlow, 19 Dalton Dr. He came to speak about light and noise aggravations in his neighborhood, specifically from a pickle ball court at 21 Dalton Dr.

Council Member Reply

Council Member Wendy Hughes thanked Mr. Brown for coming, and for his work on trails. Staff Attorney Kelley addressed Mr. Maxlow, clarified several points, and stated the parties in the pickle ball situation are currently in civil litigation. Council Member Doug Fowler addressed Mr. Brown, and thanked him for bringing attention to the litter problem following large trail events. He mentioned the City has recently hired a new Trails Coordinator, and hopes conversations with him will bring improvement. Council Member Larry Wilms thanked Mr. Brown for bringing attention to the debris problem on the trails. He suggested a deposit based on the number of participants, and an entry fee structure may be applicable. He acknowledged Mr. Maxlow's difficulty, stating that it is a property owner issue between him and his neighbor, and the solution lies there.

Action on the Minutes

Approval of October 28, 2024, Regular Meeting Minutes

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

Reports

Monthly Financial Report ending September 30, 2024 Mayor Flynn highlighted the report, saying the total revenues are up 2.1 %, City Sales Tax is up 6.3%, and County Sales Tax is up .4% compared to last year. Operating Expenses are \$1.4 million below budget, through September 30. This is consistent with area County Sales Taxes struggling some.

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

Unfinished Business

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. Mayor Flynn completed the second reading of the ordinance. Staff Attorney Kelley explained the proposed amendments being made to the Code, for the purpose of clean-up and renaming. He specified it does not adopt an organizational chart. Comments were made by Council Members Fowler, Wilms, and Honchell. Planning Director Robertson addressed clarifying questions posed by Council Member Honchell. Council Member Honchell made a motion to suspend the rules and move to 3rd and final reading, seconded by Council Member Wozniak. Roll Call Vote: (Yays: 4/ Nays: 1 Wilms) Passed: 4-1.* Mayor Flynn read the ordinance for the third and final time. Council Member Honchell made a motion to approve, seconded by Council Member Wozniak. **Roll Call Vote: (Yays: 4/Nays: 1, Wilms) Passed: 4-1.** Council Member Fowler made a motion to adopt the Emergency Clause, seconded by Council Member Honchell. **Roll Call Vote: (Yays: 5/Nays: 0) Passed 5-0.**

New Business

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. Mayor Flynn read the ordinance for the second time. Council Member Fowler made a motion to suspend the rules and move to 3rd and final reading, seconded by Council Member Honchell. Roll Call Vote: (Yays: 5/Nays: 0) Passed 5-0.* Motion to adopt made by Council Member Wilms,

seconded by Council Member Wozniak. **Roll Call Vote: (Yays: 5/Nays: 0) Passed 5-0.**

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. Mayor Flynn read the ordinance. Council Member Fowler made a motion to suspend the rules and move to the 3rd and final reading, seconded by Council Member Honchell. Roll Call Vote: (Yays: 5/Nays: 0) Passed 5-0.* Mayor Flynn read the ordinance for the third and final time. Council Member Wilms made a motion to approve, seconded by Council Member Honchell. **Roll Call Vote: (Yays: 5/Nays: 0) Passed 5-0.** Motion to adopt the Emergency Clause made by Council Member Wilms, seconded by Council Member Fowler. **Roll Call Vote: (Yays: 5/Nays: 0) Passed 5-0.**

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. Mayor Flynn read the ordinance. Council Member Honchell made a motion to suspend the rules and move to the 3rd and final reading, seconded by Council Member Fowler. Roll Call Vote: (Yays: 5/Nays: 0) Passed 5-0.* Mayor Flynn completed the third and final reading of the ordinance. Council Member Honchell made a motion to approve, seconded by Council Member Wilms. **Roll Call Vote: (Yays: 5/Nays: 0) Passed 5-0.**

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 *Mayor Flynn read the resolution. Council Member Fowler made a motion to approve, seconded by Council Member Wozniak. Roll Call Vote: (Yays: 5/Nays: 0) Passed: 5-0.*

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 *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: SETTING THE MEETING SCHEDULE OF THE BELLA VISTA CITY COUNCIL FOR CALENDAR YEAR 2025 *Mayor Flynn read the resolution. Council Member Wilms made a motion to approve, seconded by Council Member Wozniak. Roll Call Vote: (Yays: 5/Nays: 0) Passed: 5-0.*

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.

Adjournment

Council Member Wilms thanked Director Robertson for the tour she provided to see the temporary interim offices for Planning and Development, and to meet the newly hired Planning Department staff members. Staff Attorney Kelley stated, concerning littering and special events, that our current Ordinance requires a \$200 deposit towards clean-up costs, which is refundable if cleaned up. He did not know the status of that \$200 for the violating participants referred to by Mr. Brown.

Mayor Flynn adjourned the meeting at 6:53 pm.



City Clerk Wanda Lepillez Krug Mayor John D. Flynn