

BELLA VISTA CITY COUNCIL REGULAR MEETING

August 26, 2024 6:00 PM

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

MINUTES

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

Pledge of Allegiance recited.

ROLL CALL of Council called by Clerk Krug. Council Members Wendy Hughes, Larry Wilms, James Wozniak, Doug Fowler, Craig Honchell present. Council Member Jerry Snow arrived shortly thereafter. Mayor Flynn present.

Citizen Input

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

Laura Gentry, 12 Mason Ln. She came to speak about numerous STR problems on her street and in her neighborhood. She thanked Doug Fowler for listening to her concerns and creating an STR ordinance that has been passed. She cited a situation of septic code violation among others. One neighbor felt isolated from his real neighbors and sold his home. She sees a zoning issue when a "hotel" situation exists on a cul-de-sac, and believes that regulations are not being enforced. She is concerned, along with other neighbors who will come to speak in the future, that STR saturation will ruin Bella Vista neighborhoods.

Council Member Reply

Council Member Fowler reviewed the second STR ordinance passing and following litigation. He reported a quiet period of no phone calls, followed by current calls concerning a few specific STRs. He knows many responsible STR owners: they do not over-occupy rentals, are sensitive to neighbors, and don't want abuse of their personal property, therefore keeping it maintained. He cited STR owners in support of both the first and second STR ordinances because "it leveled the playing field." He acknowledged Ms. Gentry's concerns, and will work to get these issues addressed.

Council Member Wilms thanked Ms. Gentry for coming forward. He thinks one challenge is that septic is controlled by a state agency, the city deals with

building code, and wastewater regulations is handled through public health services. A short discussion with Attorney Kelley ensued pertaining to legalities connected to creating more specific ordinances to address current troublesome issues.

Council Member Wozniak asked Ms. Gentry if she called the Police to report violations of septic overload and she responded affirmatively. He asked several questions regarding her experience with code officers. He is concerned that she hasn't had resolution from the city.

Action on the Minutes

Approval of July 22, 2024 Regular Meeting Minutes

Council Member Fowler made a motion to approve, seconded by Council Member Honchell. **Roll Call Vote unanimous to approve: (Ayes: 6/Nays: 0)**

Reports

Mayor Flynn announced a Press Release that afternoon regarding our cybersecurity incident. City Offices will reopen to the public on Tuesday, August 27th. Throughout the incident, police and fire operated the entire time. The threat has been contained. The City shut down the entire system voluntarily when the threat was detected on Sunday night, August 18th. City Hall, CDS, and the Library worked from home during the shut-down. The City did not pay for any ransomware. We have cyber insurance with AR Municipal League and there were no financial repercussions for the City. He gave a shout-out to the IT department for their hard work, basically 24-7 this entire time, along with outside consultants. He noted the volunteer help from Ft. Smith, Fayetteville, Springdale, and Benton and Washington Counties and the positive difference it made in recovery time. It's great to see cities in NWA working together.

Monthly Financial Report for June 30, 2024

Mayor Flynn stated County sales tax was slightly down from the same period last year, very unusual. He noted in the press that state revenues have been down, and other local city revenues have been down. The City of Bella Vista sales tax was up a bit more than 6%. Overall operating revenue was up 2.1% year to date. Operating expenses are also up, but we are \$525,000 below budget through June 30. He concludes that the City needs caution concerning pay raises in 2025, and there may be little new hiring in 2025. He cited optimistic new endeavors in Bella Vista, including Table a Pain and Rosita's in the old American Legion. BV65 will open in early September and also help increase city sales tax.

Streets Department Report - Superintendent Hunt and Assistant Supt.

Downing

They introduced themselves by describing the wealth of experience (51 years+ combined) and training that led to these positions. Supt. Hunt summarized the history of the BV Street Dept., including a fire incident that led to the new Streets Dept. building on Forest Hills Blvd. Moving into leadership in April 2023, they converted the old Fire Station #3 into the West Side Salt and Sand building, and oversaw the Wash Bay project which was a long time coming.

The Streets Department is responsible for mowing, tree-trimming, pothole patching, drainage, signs, snow removal, and fleet maintenance. They have 3 mechanics and do routine vehicle maintenance, heavy equipment repairs, and fabrication. The department manages street permits for utilities: water, sewer, and sometimes contractors. They oversee resurfacing contracts, which are hot mix and slurry seal. Karen and Dan have a vision and fresh perspectives for the Street Department moving forward, with BV developing and growing rapidly. They utilize a Streets Committee comprised of Council Member Wendy Hughes, Street Dept. leadership, and BV residents. They are restructuring their resurfacing program and the strategy of how to address the roads in BV. They hope to expand their mowing crew and develop a full-time tree crew.

Ass't. Supt. Downing explained the large standing map of all BV streets and how they are organized. There are over 550 miles of streets equating to over 2700 individual streets. He explained they partition the city into 8 zones, categorized by East, Central, and West. The department has 28 positions. 21 are crew positions that comprise three teams of seven to cover the East, Central, and West sections. YTD over 700 work order requests have been fulfilled, 251 streets have been prepped for resurfacing, and the overlay contract was completed with 53 streets paved with hot mix asphalt for a total of 15.6 miles. 23 of those were zipped, a process saving materials, and the City an estimated \$40,000. The slurry contract begins Sept. 3rd with 198 streets scheduled for a total of 31 miles. The overall slurry contract combined total is 46.6 miles of the 550+ within the city. This equals 8%. He cited the recent severe weather event, stating over 400 streets require debris removal. They are up for the challenges, and he recognized the dedication of the department staff.

Council Members Hughes, Fowler, Honchell, and Wilms commented and thanked the Department for their hard work.

Fire Station #1 and City Hall Construction - Chief Sims

Mayor Flynn introduced Chief Steve Sims for the Update on Fire Station #1, City Hall, and the Fire Dept. Administration offices. Chief Sims thanked the Street Department for working with Fire during the night of the weather event. One year ago, the demo project and renovation was approved by

the City Council. Currently, the City has spent \$2 million on this project, and it is almost finished. The cabinets are being installed with countertops, plumbing fixtures come next, and then flooring. The move-in date is set for the first part of October for fire personnel. This allows time before CDS moves into the old back portion of the fire station. Several parking spaces have been completed for personnel, to accommodate the move. He reported being slightly under budget for the first phase of the project. The new two-story building is on schedule with the second floor to be poured this week, the tresses arriving soon, and the roof put on by the second week of September. The interior walls should be put in starting October 1st. Then completion should come together between the two phases.

Council Member Wilms asked clarifying questions to which Chief Sims responded. He explained that the Planning Permitting Office would move to the front of City Hall, and the rest would move to the back part of the old Fire Station.

Chief Sims addressed the road work in front of City Hall where a sidewalk is being installed. Eventually, there will be a 45-50 ft. driveway opening to enter and exit, despite the reduced current space. Council Member Hughes thanked the Fire Department for including space for personnel to relax and recharge by placing outdoor balconies, etc. Chief Sims welcomed Council Members to visit and see the progress. Council Member Honchell asked if Fire personnel staff would increase, but Chief Sims said it would stay at 7 personnel. He also asked if Fire needed more staff and the Chief responded affirmatively. His request was unmet in 2024, and he is meeting the need by using overtime. Council Member Wilms commented on the vacancies and the changing economy. Council Member Fowler commented on the budget and discussion ensued with Chief Sims addressing the additional phases of the renovation. Mayor Flynn mentioned the good quality of new hires in the Fire and Police Departments, stating that many people want to live here. He said the turnover of Streets Department personnel is quite low, to their favor.

(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 Wilms made a motion to approve, seconded by Council Member Fowler. **Roll Call Vote unanimous to approve: (Ayes: 6/Nays: 0)**

Unfinished Business

New Business

WAIVING THE REQUIREMENT OF FORMAL COMPETITIVE BIDDING AND
AUTHORIZING THE MAYOR AND THE CITY CLERK TO ENTER INTO A CONTRACT

FOR STORM DEBRIS DISPOSAL SERVICES IN AN AMOUNT NOT TO EXCEED \$150,000.00 BASED ON BEST PRICE AND AVAILABILITY, AND AMENDING THE 2024 CITY BUDGET

Mayor Flynn read the ordinance for the first time. Supt. Hunt gave a brief summary of the request pertaining to the recent weather event, affecting mostly the west part of town. She said Fire and Police also helped during the night and more to serve the needs of the city. They need to hire outside contractors to help with cleaning debris on 400 streets, and want to move ahead with a bid waiver to expedite the work. She recommends moving to 3rd and final. Council Member Honchell thanked Streets for excellent recovery work. Council Member Fowler made a motion to suspend the rules and move to 3rd and final reading, seconded by Council Member Wilms.

Roll Call Vote unanimous to approve: (Yays: 6/Nays: 0) Mayor Flynn read the ordinance for the third and final time. Council Member Wozniak made a motion to approve, seconded by Council Member Honchell. **Roll Call Vote unanimous to approve. (Yays: 6/Nays: 0)**

Announcements

Mayor Flynn read through the upcoming meeting schedule.

- Next City Council Work Session: 5:30 pm, Monday, September 16, 2024, at Bella Vista Police Training Room
- Next City Council Regular Meeting: 6:00 pm, Monday, September 23, 2024, at Bella Vista District Court
- Planning Commission Work Session: 4:30 pm, Thursday, August 29, 2024, at Bella Vista District Court
- Planning Commission Regular Meeting: 4:30 pm, Monday, September 9, 2024, at Bella Vista District Court
- Board of Construction Appeals: 3:00 pm, Tuesday, September 10, if necessary, at Fire Station #4 Conference Room, 1639 Forest Hills Blvd.

Council Member Honchell said he would like the Library to report to the Council in the future, to inform them of their growing work in the community.

Adjournment

Mayor Flynn adjourned the meeting at 6:05 pm.

Wanda Lepillez Krug
City Clerk Wanda Lepillez Krug

John D. Flynn
Mayor John D. Flynn

