

## City Council Regular Meeting Minutes – April 25, 2016

**Called to order** at 6:32 by Mayor Christie

**Invocation** given by Pastor Lee McClanathan of New Life Christian Church.

Pledge of Allegiance recited by all.

**Roll Call of Council:** Alderman Flynn, Anderson, King, Wozniak Wilson. Alderman Morgan is absent.

**Citizen Input:** Bob Mathis, 14 Lochilpheld spoke as a Realtor about his concerns about the Accessory building Ordinance being too restrictive to fit the property in Bella Vista.

John Philliber, 1 Quantock Hills Drive expressed similar concern.

Selby Cole, 3 Bobwith Ln spoke about a safety concern he has concerning Trafalger & Bobwith. This is on a corner and visibility is limited and he would like to suggest that it be looked at and the possibility of cutting back some trees to provide a better line of sight.

Linda Lloyd, 102 Fairway Drive spoke about some concern about the size and placement of accessory structures and how they might affect property values.

Mary Schillaci, 1 Dunedin Place spoke about the Ordinance concerning accessory structures. She showed examples of how these buildings can be very complimentary to the property when placed correctly. Because of the lot they have they would not comply with the proposed ordinance.

Chris Nelson, 1 Herrington Dr. feels that the ordinance proposed is too restrictive. Alderman Anderson asked for some clarification.

Paul Holstrom 23 Ettington, had questions about the fence restrictions. He felt it would adversely affect what he wants to do on his lot. Alderman Flynn made some comments to him.

Tom Richards 63 Dogwood Drive, spoke about his concern that the council may not be getting the answers they are looking for concerning the Country Club Estates. He asked that the city ask the right questions and that the paperwork is correct.

Julie Hull, 1 Horwich Lane. She feels that the ordinance proposed is too restrictive. She suggested it be left as is.

Richard Utecht spoke about the fence issue and that is too restrictive to allow him to do what he desires for safety for his children. He is against the ordinance.

Roger Norbeck 61 Portsmouth Dr. talked about the issues as to how they relate to the situation before the city was incorporated. He commended the council for trying to get this right for everyone.

**Approval of Minutes** from the March 28, 2016 meeting. Motion to approve by Alderman Anderson, second by Alderman Wozniak. Show of hands vote; 5 ayes, 0 nays. Approved.

**Financial Report** for March: Mayor Christie presented the highlights from the Finance Report. A Motion was made by Alderman King, seconded by Alderman Flynn to approve as presented. Show of hands resulted in approval by vote of 5 ayes, 0 nays.

Motion to suspend the rules and read all Ordinances and Resolutions by Title only was made by Alderman King, second by Alderman Flynn. Roll Call Vote- King, Anderson, Flynn, Wilson & Wozniak aye. Alderman Morgan was absent.

**ORDINANCE NO-** AN ORDINANCE AMENDING SECTION 18-20(b) OF THE MUNICIPAL CODE REGULATING THE DUMPING OF TREE CUTTINGS AND OTHER MATERIALS, AND FOR OTHER PURPOSES. **(Second reading)** Alderman Wilson offered some documents for the council to consider. This will move to third reading next month.

**ORDINANCE NO-** AMENDING SECTION 2-106 OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO LIMIT THE SUBJECTS OF CALLED SPECIAL MEETINGS OF THE CITY COUNCIL. **(Second reading)** Will move to third reading.

**ORDINANCE NO-** AMENDING SECTION 103-48(c) OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA CONCERNING KEY BOX REQUIREMENTS. **(Second reading)** This Also will move to third reading.

**ORDINANCE NO-** AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 109-166 REGULATING ACCESSORY STRUCTURES AND SECTION 109-248 REGULATING FENCE LOCATION, AND FOR OTHER PURPOSES. **(Second reading)** This ordinance has caused much concern with the residents and the Mayor suggested this be tabled and go back to be further reviewed by staff and council. A motion was made to table this for 90 days. It will come back on second reading. Motion by Alderman King, second by Alderman Wilson. More discussion was held on this and Alderman Flynn suggested it be defeated and be tabled for 60 days instead. Roll call vote was held defeated by vote of 1 aye, 4 nays. At that point it was moved by Alderman Anderson, second by Alderman Flynn to table for two months and it would come back on second reading at the June meeting. Roll call vote resulted in 5 Ayes, 0 Nays. Ordinance tabled.

**ORDINANCE NO-** AMENDING SECTION 109-3 DEFINITIONS OF TERMS AND USES IN CHAPTER 109 ZONING OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO EXCLUDE CAPTIVE-BRED MEMBERS OF THE FAMILY COLUMBIDAE (DOVES AND PIGEONS) FROM THE DEFINITION OF LIVESTOCK **(First Reading)** after discussion and concerns brought up it moves to second reading.

**ORDINANCE NO-** AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ADD RULES AND REGULATIONS FOR THE USAGE OF CITY PUBLIC-USE TRAILS, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES. **(First Reading)** Alderman Anderson expressed concerns about where this Ordinance would apply. How are the other trails in Bella Vista policed and who does this. He thought that the POA should be involved in this to make it easier for people to understand the rules. Attorney Kelley explained the issue as to the difference between public & private. Alderman Flynn asked if there were penalties for violation as a part of this. Attorney Kelley explained that there is a general provision in place to cover this. Mayor Christie will approach the POA about this and it will be looked at before the next reading.

**ORDINANCE NO-2016-08**

AUTHORIZING BORROWING FUNDS PURSUANT TO ARKANSAS CONSTITUTIONAL AMENDMENT 78 FOR THE ACQUISITION OF A 2016 KME CUSTOM PUMPER FIRE TRUCK BY ISSUANCE OF A PROMISSORY NOTE; PROVIDING FOR SECURITY FOR THE REPAYMENT OF THE PROMISSORY NOTE; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; DECLARING

AN EMERGENCY; AND FOR OTHER PURPOSES.

A motion was made by Alderman Anderson, second by Alderman King to suspend the rules and move to third and final reading. Roll call vote. Ayes, Flynn, Wozniak, Anderson, King, Wilson (Morgan was absent) Nays: 0. Carried. The Mayor then read the Ordinance for the third time. Alderman Anderson then moved for adoption, seconded by Alderman Wozniak. Roll Call Vote, 5 Ayes, 0 Nays. Passed. Alderman Anderson moved to adopt the emergency clause, second by Alderman King. Roll call vote was taken with 5 in favor, 0 against. Emergency clause in effect.

**R2016-17-RESOLUTION-** GRANTING AN EASEMENT TO CARROLL ELECTRIC ON THE STREET DEPARTMENT SITE, AND FOR OTHER PURPOSES. Community Development Director Chris Suneson explained the reason for this easement as well as its location. Motion to adopt made by Alderman Wozniak, second by Alderman King. All 5 Alderman present voted to adopt, no votes against. Alderman Morgan absent. Carried.

**R2016-18- RESOLUTION-**AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH DECCO PAVING INC. IN AN AMOUNT NOT TO EXCEED \$955,000.00 FOR ASPHALT STREET RESURFACING AND OTHER STREET DEPARTMENT ASPHALT PAVING, AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH VANCE BROTHERS INC. IN AN AMOUNT NOT TO EXCEED \$650,000.00 FOR SLURRY STREET RESURFACING. Mayor Christie reported that included is the paving around the new streets dept. building. Motion to Approve by Alderman Wozniak, second by Alderman Flynn. All 5 Alderman voted for passage. No negative votes. Resolution adopted.

There being no further discussion, the Mayor went through the announcements.

**MEETINGS AND ANNOUNCEMENTS:**

- The next City Council Work Session will be Monday May 16, 2016 at 5:30PM in the City Hall Conference Room.
- The next Regular meeting of the City Council, Monday May 23, 2016 at 6:30 PM at the Bella Vista American Legion Hall.
- Planning Commission Work Session will be Thursday April 28, 2016 at 4:30PM in the City Hall conference room.
- Planning Commission Regular Meeting will be May 9, 2016 at 6:30PM in the City Hall conference room.
- Public Safety Committee Meeting will be May 11, 2016 at 9:00AM in the City Hall Conference room.

Meeting adjourned at 7:34PM