

BELLA VISTA CITY COUNCIL MEETING MINUTES – JUNE 27, 2016

Call to Order- Mayor Christie called the meeting to order at 6:30pm

Invocation was given by Pastor Bryan Fink of the Highlands Methodist Church

Pledge of Allegiance was recited by all.

City Clerk Jertson called the roll of council; Alderman Morgan, Flynn, Anderson, King, Wozniak & Wilson were all present.

Citizen Input: Roger Norbeck and Sandra Norbeck were signed up to speak and asked if their time could be joined and allow Roger to speak for both of them. Motion to suspend the rules and allow for this was made by Alderman Flynn, second by Alderman Morgan. Roll call vote was carried 6-0.

Roger Norbeck, 61 Portsmouth, then spoke about his concerns about Accessory buildings and urged passage of the Ordinance on the agenda.

Bill Scholten, 5 Portsmouth Lane, then also spoke in favor of the need for the Ordinance on controlling accessory buildings.

James Brooks, 3 Portsmouth Lane also spoke in favor of the restriction on accessory buildings.

George Tracy, 16 Salisbury Dr, thought that the rules that are in place with the ACC controlling building in the city was all that was needed.

J.Deer Fisher, 12 Brompton Dr, spoke also about the accessory buildings. He invited people to see what he sees whenever he looks out his window. He feels let down by the city by what happened in his neighborhood.

Glenn Tracy, 14 Bosworth Circle, spoke also about accessory buildings and feels that this issue should remain in the hands of the ACC. He also had a concern on the issues with the trash billing.

Karen Dobbs, 29 Brompton Dr. spoke about needing more control on accessory structures and how they are allowed in Bella Vista.

Pat Kunnekie, 2 Whitwick Lane, spoke also about accessory structures. He supports the need for limitations on these buildings.

At this point two people who had not signed up to speak asked if they could speak to the council. At this Alderman Anderson made a motion to suspend the rules and allow them to speak. Alderman Wozniak seconded and a roll call vote was held and was passed 6 ayes, 0 nays.

Jill Newell, 7 Balsham Lane spoke about her concerns about the sign ordinances and the limit on A-frame signs for garage sales. She is concerned about visual noise in Bella Vista.

Jackie Gross, 20 Eppington, spoke also about accessory buildings. She said that she had written a letter to the city with her concerns with these buildings. She feels that nothing should be built in from of the front plane of the house and should not be 2-story buildings. She feels that her rental property has been adversely affected by these buildings in the city. She urged passage of restrictions.

Approval of the Minutes from the May 23, 2016 Regular City Council meeting was moved by Alderman Anderson, seconded by Alderman King. Vote by show of hands was approved unanimously, 6-0

Financial Report was given by the Mayor. He noted that there are copies of the General Fund summary as well as the Street Fund summary available at the back of the room. He pointed out that the funds are in very good shape and that the city is in a very healthy position with a balance of \$7.2 million at the end of May. A motion was made by Alderman Flynn, seconded by Alderman King to approve the May financial report. Show of hands vote was taken and all six Alderman voted approval.

Motion to suspend the rules and read all Ordinances and Resolutions by title only was made by Alderman Anderson and seconded by Alderman Morgan. Roll call vote resulted in 6 ayes, 0 nays.

Business:

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. **(Third reading) Tabled from May meeting.**

The Mayor reported that there are ongoing discussions by staff on some concerns brought up by Alderman Wilson as to some of the issues in this Ordinance. Alderman Wilson moved to table this Ordinance to the July meeting, second was made by Alderman Anderson. Roll Call vote was held and was passed by vote of 6 ayes, 0 nays. This will come back at the July 25th meeting.

ORDINANCE NO- AMENDING SECTION 2-345 SALE OR EXCHANGE OF PROPERTY OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO CLARIFY AMBIGUITIES. **Second Reading.** This will move to third reading at the July meeting.

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 was tabled at the April meeting.**

The Mayor commented on the meeting that was held with the ACC. He also related that there had been an attempt to determine what affect these accessory buildings have on property values in the city. The result was inconclusive as to whether or not there was any significant change, it was purely on a case by case issue. At this point he asked Alderman Flynn to comment on the amendment that he is proposing to this Ordinance. His personal feeling is that the ACC is not addressing the items he feels are important with regard to the accessory buildings. He also said that for better understanding of the issues in this Ordinance he would like to split the accessory buildings from the fence issues. He then asked Attorney Kelley to assist in explaining what he is seeking to do. Attorney Kelley explained that Section 1 and 2 of the current proposal would be amended to reflect the language in the proposed amendment. Alderman Flynn then said that that was his motion and if he received a second he would explain further. His motion was seconded by Alderman Anderson. Alderman Flynn then went on to explain his intent with this amendment. Accessory buildings can be placed on adjacent lots, which simply means the lots must have a common property line. Some additional discussion was held to clarify the meaning of the language in the amendment. (Below is the amendment proposed?)

Section 109-3. Definitions. The following definitions are hereby added in the appropriate location alphabetically which shall read as follows:

Front plane, means the plane of the front elevation of the principal façade(s) of the principal structure extending to the side property lines.

Rear plane, means the plane of the rear elevation of the principal structure extending to the side property lines.

Side plane, means either of the two planes of the two side elevations of the principal structure extending to the front and rear property lines.

Stable, means a facility which boards livestock.

Sec. 109-42. Variances.

(b) Administrative review of minor variance.

(1) Applicability. The director of community development services may grant minor modifications of these regulations in compliance with the following standards:

~~b. Height of a wall or fence may be increased up to 25 percent, but in no case shall a minor modification allow a fence height greater than eight feet in height.~~

~~c. Height of a building may be increased up to ten percent~~

Sec. 109-166. - Accessory buildings.

(a) *Nonresidential buildings*. An accessory nonresidential building may be erected detached from the principal building, or, except when a stable, may be erected as an integral part of the principal building.

(1) *Attached accessory buildings*. An accessory nonresidential building attached to a main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this article applicable to the principal building.

(2) *Height*. Accessory nonresidential buildings shall not exceed the maximum height of twenty-five (25) feet or the highest elevation of the primary structure whichever is less. Such height of the primary structure shall be measured from the side of the structure visible from the public right-of-way.

(3) *Size*. Detached accessory nonresidential buildings shall not exceed 720 square feet in area, regardless of location on the same lot or on an adjacent lot.

(4) *Detached accessory buildings on the same lot*.

a. No more than three (3) detached accessory buildings may be erected on the same lot, provided that all of the buildings' total square footage does not exceed 720 square feet in area.

b. Detached accessory nonresidential buildings shall be placed ten (10) feet away from the principal building.

c. Detached accessory nonresidential buildings shall meet all setbacks for the zone as designated, and shall be constructed at or behind the front plane of the principal building. Exceptions:

1. Such structures may be placed within building setbacks if it is screened from public view with an opaque screen.
2. For parcels in residential zones at or above four (4) acres in area, detached accessory nonresidential buildings may be placed forward of the front plane of the principal building.

(5) Detached accessory buildings on adjacent lots.

- a. In residential districts, no more than one (1) detached accessory building may be erected on a lot adjacent to a lot containing a principal residential structure under the same ownership. Such limitation shall apply to all lots under the same ownership adjacent to the lot containing the principal residential structure.
- b. Detached accessory buildings on adjacent lots shall be limited to 720 square feet in area.

(6) Stables. Stables shall be considered accessory nonresidential structures and shall meet the setback requirements as set forth in the zoning district in which they are located.

(7) Accessory buildings absent principal buildings. Except as provided in Section (5)a of this section, this Code shall not be interpreted so as to permit, as of right, or through any conditional use or variance, an accessory nonresidential building use on a lot not containing a principal building. Any such accessory building use shall only be permitted in coordination with the location of a principal building.

(b) Accessory dwellings.

(1) Residential districts. Detached dwelling units shall meet the setback requirements for the zoning district in which it is located. The detached dwelling unit shall be no larger than 50 percent of the size of the primary structure and no taller than the height of the primary structure.

(2) C-1 and C-3 Districts. Density limitations for attached residential uses in the C-1 District shall follow that of the R-3 District. Density limitations for the C-3 District are set forth in the bulk and area regulations for the C-3 District.

(3) C-2, I-1 and I-2 Districts. Density limitations shall follow that of the R-3 District. The building site and yard area must be separate and distinct from off-street parking spaces and setback areas required for the principal structure and shall include a minimum of 4,200 square feet of land area. The residential structure shall be located to meet required setbacks from exterior boundaries of the total tract.

Many questions were expressed and discussed. At this point the motion to amend that had been made by Alderman Flynn, seconded by Alderman Anderson was voted on. Alderman Morgan and Alderman Flynn voted yes, Alderman Wozniak, Anderson, King, and Wilson voted no. Amendment fails.

At this point a motion was made to table the Ordinance to second reading at the July meeting was made by Alderman King, second by Alderman Wozniak. Roll call vote on motion to table; Alderman Morgan no, Alderman Flynn no, Alderman Wozniak yes, Alderman Anderson no, Alderman King Yes, Alderman Wilson no. Motion to table fails. Ordinance will move to third reading in July,

ORDINANCE NO 2016-13 WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH THE BELLA VISTA PROPERTY OWNERS ASSOCIATION, INC. FOR BILLING SERVICES RELATED TO SOLID WASTE COLLECTION, AND FOR OTHER PURPOSES. **Staff requests that this move to third and final reading.**

Motion to suspend the rules and move to third and final reading was made by Alderman King, second by Alderman Morgan. Roll call vote was taken and passed 6 aye, 0 nay. The Ordinance was then read for the last time and a motion was made to adopt by Alderman King, second by Alderman Wilson. Carried 6 -0.

ORDINANCE NO 2016-14 ACCEPTING AND CONFIRMING EASEMENTS AND RIGHTS-OF-WAY DEDICATED TO THE PUBLIC ON PARCEL 18-08019-004 (9424 E. McNELLY RD) AND PARCEL 18-8019-007 (9400 E. McNELLY RD), AND FOR OTHER PURPOSES. **Staff requests that this move to third and final reading.**

Motion was made to suspend the rules and move to third and final reading by Alderman Anderson, second by Alderman Wozniak, Roll call vote resulted in 6 ayes, 0 nays. Passed. The Mayor then read the Ordinance for the third time and a motion to adopt was made by Alderman Anderson, second by Alderman Wozniak. Roll call vote 6 ayes, 0 nays. Adopted.

ORDINANCE NO- AMENDING MUNICIPAL CODE REGULATIONS CONCERNING PUBLIC NOTIFICATION PROCEDURES IN SECTION 109-38(d)(2) FOR CONDITIONAL USE PERMITS, SECTIONS 109-40(c)(2) AND (e)(5) FOR ZONING ORDINANCE AMENDMENTS, SECTION 109-42(c) FOR VARIANCES, AND SECTION 109-45 FOR GENERAL NOTIFICATION REQUIREMENTS; AND FOR OTHER PURPOSES. **First Reading.** MOVE TO SECOND READING.

R2016-24 RESOLUTION- ESTABLISHING SALARIES FOR MAYOR, ALDERMAN, AND CITY CLERK, BEGINNING JANUARY 1, 2017.

Alderman Wozniak made a motion to amend this Resolution to reflect a similar increase as to what was given to the rest of the City employees. This motion was seconded by Alderman Morgan. Roll call vote; Alderman Morgan, Flynn, Wozniak, Anderson and King vote yes. Alderman Wilson voted no. Amendment passes 5 to 1. Then the Resolution as amended was moved by Alderman Wozniak, second by Alderman Flynn. Roll call vote was taken, Alderman Wilson & Anderson voted no and Alderman Morgan, Flynn, Wozniak and King voted yes. Carried 4 – 2.

R2016-25 RESOLUTION- APPOINTING MEMBER TO THE BOARD OF ZONING ADJUSTMENT TO FILL VACATED POSITION. Motion was made by Alderman Anderson, second by Alderman Wozniak to approve the appointment of Larry Wilms to the Board of Zoning Adjustment. Motion passed by unanimous vote.

The Mayor went over the list of upcoming meetings and reminded those present of the upcoming Fireworks on July 3rd, Alderman Anderson added that there was also a Hot Dam Blues Festival that evening also and urged people to attend.

MEETINGS AND ANNOUNCEMENTS:

- The next City Council Work Session will be Monday July 18, 2016 at 5:30PM in the City Hall Conference Room.
- The next Regular meeting of the City Council, Monday July 25, 2016 at 6:30 PM at the Bella Vista American Legion Hall.
- Planning Commission Work Session will be Thursday June 30, 2016 at 4:30PM in the City Hall conference room.
- Planning Commission Regular Meeting will be July 11, 2016 at 5:30PM in the City Hall conference room.
- Public Safety Committee Meeting will be July 13, 2016 at 9:00AM in the City Hall Conference room.

Mayor Christie adjourned the meeting at 7:36pm.

City Clerk Wayne Jertson

Mayor Peter Christie