

RESOLUTION NO. 2026-04

**A RESOLUTION OF THE CITY COUNCIL FOR
THE CITY OF FAIRFIELD BAY, ARKANSAS,
REFERRING TO THE BUILDING INSPECTOR
A COMPLAINT OF A CITIZEN CONCERNING
THE GRANTING OF A SPECIAL USE PERMIT
FOR SIGNS AT THE ENTRANCE TO THE CITY OF FAIRFIELD BAY
ON DAVE CREEK PARKWAY, AT HIGHWAY 16;
AND FOR OTHER PURPOSES**

WHEREAS, The City of Fairfield Bay recently approved an application for a Special Use Permit for signs at Dave Creek Parkway, and the intersection with Highway 16 (the main entrance to the City); and

WHEREAS, The Board of Zoning Adjustment had previously approved a variance for the application for Special Use Permit at issue; and

WHEREAS, The Planning Commission had previously recommended denial of the application for Special Use Permit (because the Planning Commission believed that the Building Inspector (Code Enforcement Officer, Building Official) could simply issue a regular permit without Planning Commission approval); and

WHEREAS, The City of Fairfield Bay has received a Citizen Complaint concerning the Special Use Permit previously approved by the City on December 8, 2025; and

WHEREAS, The City Council finds that citizen complaints are authorized by the Municipal Code concerning these types of issues, which present mixed questions of law and fact, and which involves real property owned by a private entity; and

WHEREAS, The City Council concludes that the property owner is entitled to notice and an opportunity to respond, and may also be entitled to an opportunity for a public hearing on any issues that may arise;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS:

1. The Mayor of the City of Fairfield Bay, and the Building Inspector (also known as Building Official, or Code Enforcement Officer) , be, and they are hereby, required to

have the Building Inspector "promptly investigate" and recommend a course of action to the Planning Commission, and to the Board of Zoning Adjustment, and to take other action as necessary. Municipal Code Section 14.08.01 (C); Ordinance No. 95-24.

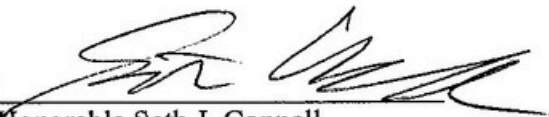
2. That the Building Inspector promptly deliver a copy of the citizen complaint to the applicant for the Special Use Permit (also known as, or assumed to be, the property owner), by email, and by regular first-class mail; and that the Building Inspector indicate to the applicant, as well as to the citizen complaining, that he will investigate and report to the Planning Commission and the Board of Zoning Adjustment, any recommendation he may have, or other proposed action that the Building Inspector may undertake.
3. That the Building Inspector send a copy of his recommendation(s) to the property owner by email and by regular first-class mail; that the Building Inspector send a copy of his recommendation(s) to the complaining citizen; and that the Building Inspector deliver a copy of his recommendation(s) to all members of the Planning Commission and all members of the Board of Zoning Adjustment.
4. That the Building Inspector notify the citizen complaining, and the applicant, that either, or both of them, pursuant to Municipal Code Section 14.04.28 (A) (Ordinance No. 98-24, Section 28) may appeal the recommendation of the Building Inspector to the Board of Zoning Adjustment, *in writing, which appeal must be received by the City of Fairfield Bay by some form of recorded-delivery (such as certified mail, Fedex (signature required), or UPS (signature required) or similar delivery service) no later than eighteen (18) calendar days before the next regularly scheduled meeting of the Board of Zoning Adjustment AFTER the Building Inspector sends a copy of his recommendations to the complaining citizen and the applicant for the Special Use Permit. Any appeal (by the citizen complaining, or by the applicant for the Special Use Permit) must be in writing; must be delivered to the other entity (citizen complaining, or applicant, respectively) in writing; and must contain the complete basis in fact and law for any such appeal.*
5. That the matter(s) shall be scheduled for public hearings (if appropriate) not later than the second regular monthly meetings of the Planning Commission, and (separately), the Board of Zoning Adjustment, from the date of this Resolution. Further that the matter(s) shall not be scheduled for consideration of these items by the Planning Commission and separately by the Board of Zoning Adjustment, unless the consideration of the matter(s) has been published by posting and by publication in a

newspaper at least fifteen (15) days before the respective meetings. See Municipal Code Section 14.04.29, Ordinance No. 95-24 and Ordinance No. 95-28.

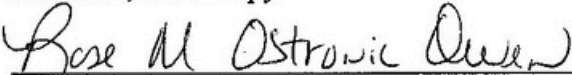
6. That this Resolution shall take effect immediately on January 12, 2026, upon and after its passage by the City Council. The Recorder-Treasurer is requested to publish by posting as soon as possible, and by newspaper publication in accordance with her normal schedule. The Recorder-Treasurer (or the Building Inspector) shall also deliver a copy of this Resolution to the applicant for a Special Use Permit, and to the complaining citizen, by email, and by regular first-class mail, within five (5) calendar days from the date of passage.

SO BE IT RESOLVED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS on this 12th day of January, 2026, at a regular Meeting of the City Council, after the matter was included on the City's published proposed City Council agenda on Friday, January 9, 2026.

APPROVED: _____


Honorable Seth J. Connell
Mayor
City of Fairfield Bay

ATTEST, a true copy:


Honorable Rose M. Ostronic Owen
Recorder-Treasurer

Prepared by:
A.J. Kelly
Kelly Law Firm, PLC
City Attorney
PO Box 251570
Little Rock AR 72225-1570
Rev: 1/12/26