

CITY OF FAIRFIELD BAY
City Council Minutes
March 14, 2022

The regular monthly meeting of the Fairfield Bay City Council was called to order by Mayor Linda Duncan at 7:00 p.m. Monday, March 14, 2022. The meeting was held in the Fairfield Bay Conference Room.

ROLL CALL;

Don Bailey, Robert Otis, Doug Landry, Patti Leitner, and Doyle Scroggins were present.

Robert Lanier was absent

A.J. Kelly City Attorney and several area residents were also present.

APPROVE MINUTES:

Councilmember Bailey made a motion to adopt the minutes from the Special Meeting on February 28, 2022

Councilmember Leitner seconded the motion.

Discussion: None

With a voice vote of five ayes and none opposed, motion carried.

Councilmember Bailey made a motion to adopt the minutes of the February 14, 2022 Regular Meeting.

Councilmember Leitner seconded the motion.

Discussion: None

With a voice vote of five ayes and none opposed, motion carried.

Financial Reports were submitted.

Councilmember Bailey made a motion to accept the financial report.

Councilmember Leitner seconded the motion.

Discussion: None

With a voice vote of five ayes and none opposed, motion carried

CORRESPONDENCE:

No correspondence

REPORTS:

All other reports see written reports.

Department heads presented their reports.

Planning and Zoning recommended approval of a short-term rental application at 135 Meadow Cliff Circle

6 property owners notified, no one was against the application.

Councilmember Landry made a motion to approve the application.

Councilmember Bailey seconded the motion.

Discussion: Doyle Scroggins asked where it was located, Councilmember Bailey checked it out and there were no objections from the property owners.

Roll Call; Doyle Scroggins YES, Patti Leitner YES, Don Bailey YES Doug Landry YES

Robert Otis YES

Planning and Zoning recommended approval of a short term rental application at 858 Dave Creek Parkway

Councilmember Landry made a motion to approve the special use permit.

Councilmember Leitner seconded the motion.

Discussion: Robert Otis stated that the neighbor across the street talked with the renter and did not like it but would not oppose it, Don Bailey asked if there were any other neighbors who responded, Robert Otis said not that he knew of.

Roll Call: Doyle Scroggins YES, Patti Leitner YES, Doug Landry YES Don Bailey YES, Robert Otis YES.

Planning and Zoning recommended approval of a short term rental application at 127 Polly Circle

Mayor Duncan informed the Council that they were 8 property owners were notified and one responded that they were against it.

Councilmember Bailey made a motion to approve the special use permit.

Councilmember Landry seconded the motion.

Discussion:

Robert Otis stated that the neighbor across the street opposed the short term rental, didn't want a hotel across the street from them and was against it. Don Bailey said that the lots that were in that area did not respond because they were from out of town and maybe not current of taxes etc. Robert Otis informed the audience that he is not against short term rental, as he has approved several, but he will side with the neighbors, and with the permanent resident and listen to their opinion. We have a responsibility to listen to the neighbor.

Roll Call: Doyle Scroggins No, Patti Leitner No, Don Bailey No, Doug Landry YES Robert Otis NO.

Short Term Rental was Denied .

Planning and Zoning recommended approval of a short term rental application, at 137 Chelsea Court

Mayor Duncan informed the Council that they several residents that asked to speak and would be given three minutes.

Kent Tester spoke on behalf of Ian Snyder and area residents. He pointed out the size of the street and how close the houses were to the road and the safety of the residents if a emergency vehicle had to get down the street and the street would be blocked. They were concerned that short term rentals were party houses and were detrimental to the integrity of the neighborhood.

Ian Snyder spoke of behalf of the neighborhood and the parking issues and the constant changes of people to the dwelling. Ian Snyder was in agreement with Mr. Tester.

Mr. Wheeler (property owner) spoke on the upgrade that were made to the house and that the past. The house was purchased the 10 months ago and talked about their commitment to Fairfield Bay. He feels that he is being judged on issues that happened at the house under the previous owners.

Tracy Wheeler (property owner) spoke on her own behalf, pointing out that they would only be renting a few times a year, the rest of the time they themselves would be using the house for their

family. Trailers are not allowed on the road. They try to rent to multi-generational family that want to stay under one roof instead of at a hotel or spread out in different houses.

Councilmember Landry made a motion to approve the special use permit.

Councilmember Bailey seconded the motion.

Discussion:

Don Bailey asked how Mr. Wheeler would feel if this were allowed in Des Moines. Mr. Wheeler responded that the house is a three level that is not on street level and wants to work with the neighbors.

Roll Call: Doyle Scroggins No, Patti Leitner No, Don Bailey No, Doug Landry YES, Robert Otis No.

Short Term Rental was Denied .

Planning and Zoning recommended approval of a short-term rental application at 111 The Greens

Councilmember Bailey made a motion to approve the application.

Councilmember Landry seconded the motion.

Discussion: Robert Otis stated that the house has no close neighbors that makes it perfect for a short term rental.

Roll Call; Doyle Scroggins YES, Patti Leitner YES, Don Bailey YES, Doug Landry YES

Robert Otis YES

Planning and Zoning recommended approval of a special Use Permit for Tammy Landry.

Special Use Permit for 112 Dave Creek Parkway.

The building will be used for storage of signs and furniture.

Councilmember Otis made a motion to approve the Special Use Permit.

Councilmember Leitner seconded the motion.

Discussion: None

Roll Call: Doyle Scroggins YES, Patti Leitner YES, Don Bailey YES Doug Landry

ABSTAINED, Robert Otis YES

Application for Rezoning Tammy Landry 106 Shadow Ridge Court to turn in back to a residential RP3. There was some discussion on the area should be RP2 After much discussion it was decided that there is more clarification needed.

Councilmember Leitner made a motion to hold until more clarification.

Councilmember Bailey seconded the motion.

Discussion: None

Roll Call; Doyle Scroggins YES, Patti Leitner YES, Don Bailey YES, Doug Landry Abstained

Robert Otis YES

Planning and Zoning recommendation of Frank Lamphere to be appointed to the Planning and Zoning for Ward One.

Councilmember Bailey made a motion to accept the recommendation of Planning and Zoning.

Councilmember Landry seconded the motion.

Discussion: None

With a voice vote of five ayes and none opposed, motion carried.

Unfinished Business:

AN ORDINANCE OF THE CITY OF FAIRFIELD BAY, ARKANSAS, TO AMEND THE MUNICIPAL CODE; AMENDING CHAPTER 4.06, REGULATION OF ALCOHOLIC BEVERAGES TO TITLE 4 OF THE MUNICIPAL CODE, BUSINESS LICENSES AND REGULATIONS; AUTHORIZING CERTAIN PERMIT HOLDERS TO DELIVER ALCOHOLIC BEVERAGES DIRECTLY TO A CONSUMER; AMENDING THE MUNICIPAL CODE, ACCORDINGLY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

Councilmember Bailey made a motion to suspend the rules and proceed with reading the title only.

Councilmember Leitner seconded the motion.

Discussion: None

With a voice vote of five ayes and none opposed, motion carried.

Mayor Duncan read the Ordinance Third Read Title Only.

Councilmember Otis made a motion to adopt the Ordinance.

Councilmember Landry seconded the motion.

Discussion: None

Roll Call: Robert Otis YES. Doug Landry YES Doyle Scroggins YES Patti Leitner YES, Don Bailey YES,

Councilmember Otis made a motion to read and adopt the emergency clause.

Councilmember Bailey seconded the motion.

With a voice vote of five ayes and none opposed, motion carried.

Mayor Duncan read the emergency clause.

Councilmember Otis made a motion to adopt the emergency clause.

Councilmember Bailey seconded the motion.

Roll Call: Robert Otis YES, Doug Landry YES, Don Bailey YES, Patti Leitner YES, Doyle Scroggins YES.

This will be Ordinance 2022-05

New Business:

A RESOLUTION OF THE CITY OF FAIRFIELD BAY REGARDING PROCEDURES AND POLICIES FOR CITY COUNCIL MEETINGS; AND FOR OTHER PURPOSES.

Mayor Duncan read the Resolution.

Councilmember Leitner made a motion to adopt the Resolution.

Councilmember seconded the motion.

Discussion: none

Roll Call: Robert Otis YES Doug Landry YES, Don Bailey YES, Patti Leitner YES, Doyle Scroggins YES

This will be Resolution 2022-05

AN ORDINANCE OF THE CITY OF FAIRFIELD BAY, ARKANSAS, APPROVING REVISED POLICY CHANGES FOR REIMBURSEMENT OF HOTEL, MOTEL, AND MILEAGE FOR MUNICIPAL VOLUNTEERS, CITY EMPLOYEES, AND ELECTED OFFICIALS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

Mayor Duncan read the Ordinance First Read

Councilmember Leitner made a motion to adopt the Ordinance.

Councilmember Otis seconded the motion.

Discussion: None

Roll Call: Doyle Scroggins YES, Patti Leitner YES, Don Bailey YES, Doug Landry YES, Robert Otis YES

AN ORDINANCE OF THE CITY OF FAIRFIELD BAY, ARKANSAS, APPROVING REVISED POLICY CHANGES FOR REIMBURSEMENT OF MEALS FOR MUNICIPAL VOLUNTEERS, CITY EMPLOYEES, AND ELECTED OFFICIALS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

Mayor Duncan read the Ordinance First Read

Councilmember Otis made a motion to adopt the Ordinance with the correction on paragraph 2 to read 2022 instead on 202.

Councilmember Bailey seconded the motion.

Roll Call: Don Bailey YES, Patti Leitner YES, Doyle Scroggins YES, Doug Landry YES, Robert Otis YES

AN ORDINANCE TO AMEND ORDINANCE NO.2020-12, AS AMENDED (2021 Budget ORDINANCE); AMENDING THE 2021 BUDGET, APPROPRAITING FUNDS, ACCORDINGLY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

Mayor Duncan read the Ordinance, and explained that this is the close out Ordinance that the City does every year.

Councilmember Otis made a motion to adopt the Ordinance.

Councilmember Leitner seconded the motion.

Discussion: Councilmember Leitner asked if this was for 2021, Rose Owen explained that this is the end of the year showing the final expenditures and revenue.

Roll Call: Doyle Scroggins YES, Patti Leitner YES, Don Bailey YES, Doug Landry YES Robert Otis YES

Councilmember Leitner made a motion to read the emergency clause.

Councilmember Bailey seconded the motion.

With voice vote of five ayes and none opposed, motion carried.

Mayor Duncan read the emergency clause.

Councilmember Otis made a motion to adopt the emergency clause.

Councilmember Landry seconded the motion.

Roll Call: Patti Leitner YES, Don Bailey YES, Doug Landry YES, Robert Otis YES, Robert Otis YES.

This will be Ordinance 2022-06

AN ORDINANCE FOR THE ADOPTION OF THE 2022 BUDGET FOR THE FAIRFIELD BAY PUBLIC FACILITIES BOARD, (2022 PUBLIC FACILITIES BOARD BUDGET ORDINANCE); APPROPRAITING FUNDS, ACCORDINGLY ;DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

Mayor Duncan read the Ordinance.

Councilmember made amotion to adopt the Ordinance with the corrections on the last page the number 5to 6 and 6 to 7

Councilmember Scroggins seconded the motion.

Roll Call; Doyle Scroggins YES, Patti Leitner YES, Don Bailey YES, Doug Landry YES, Robert Otis YES

Councilmember Otis made a motion to read the emergency clause.

Councilmember Bailey seconded the motion.

With a voice vote of five ayes and none opposed, motion carried.

Mayor Duncan read the emergency clause.

Councilmember Otis made a motion to adopt the emergency clause.

Councilmember Leitner seconded the motion.

Roll Call; Doug Landry YES, Robert Otis YES, Doyle Scroggins YES, Patti Leitner YES, Don Bailey YES.

This will be Ordinance 2022-07

Mayor Duncan read a resignation text from Robert Lanier. Too be clear the City will have to have a signed letter from Robert Lanier. Mayor Duncan informed the Council of the proceedings that need to take place to replace Robert Lanier, this would be a Ward 3 vacancy.

Public Comment

Rebecca Smith spoke on behalf of short term rental. And how her visitors come to see her and bought homes.

Kelly Johnson commented on how many people the Wheelers bought to Fairfield Bay.

Councilmember Bailey made a motion to adjourn.

Councilmember Otis seconded the motion.

With a voice vote of five ayes and none opposed.

Date 4/11/2022

APPROVED Linda A Duncan, Mayor

ATTEST Rose M Ostronic-Owen
Rose M Ostronic-Owen, Recorder/ Treasurer