

Bull Shoals Planning & Zoning Meeting

Minutes

October 8, 2025

6PM

Attendance: Rick Anderson, Tim Koenig, Scott Scholes, John Stauffer, Keith Hilburn, Merle Fawcett, Scott Galliard

Rick announced that on the agenda that the Public Comments will start right away and then the other items.

Rick asked for a motion to approved the minutes. Keith made the motion and was seconded by Scott Scholes. Motion passed.

Rick announced that more changes are needed for the codes. We will discuss these changes. We will assign the fencing, the sign, and short-term ordinance to our code book. We put the copy of the codes in the back of the book and also on the website. So anyone coming into town and looks at the website they will have the updated information. Rick said he could see our sign ordinance changing in the near future. In the Table of Contents we will rename article 514, which is now Conditional Uses. We will rename it Short-Term Rental Ordinance. Then 515 will be named Conditional Uses. Any comments on these changes? If no further discussion will need a motion. Merle made a motion to accept these changes. Scott Galliard seconded. Motion passed unanimously.

Rick urged the citizens to contact himself or any of the Council members to voice your opinion.

We did not change anything drastic. The main item was regarding parking lots. If a business has a gravel lot then the business needs to maintain the lot. The business should have a handicapped parking lot sign. An area in the code book that we are taking out entirely refers to businesses having paved parking areas and another code talked about keeping the dust down. That is up to the business and their customers. Keith mentioned that we

are doing this to help our businesses so they do not have to spend the money to pave their parking lot. The only businesses affected are a multiplex of businesses will need to pave their parking area. Rick asked if anyone wants to speak on these changes. Rick emphasized that this is not hurtful to any businesses. Mayor Stahlman said that his phone has been blowing up. The three are Bel Arco, Driftwood Resort, and The Del's 1050 saying they are going to sue the city. Rick stated that he has received no input or information from 1050. Brenda from Driftwood said that she has a lawyer from Little Rock that is going to sue the city. Rick believes that some people in town are stirring the pot and passing along bad information. Rick said that was a good time to read a letter from Brenda of Driftwood Resort.

The letter reads, "Dear Rick, Chairman of Planning & Zoning of Bull Shoals from Brenda Dyer, owner of Driftwood Resort, Bull Shoals. Consider this my official objection to your rezoning and changes and adding definitions to include transient. What is your rationale to creating these transient definitions given that an attorney, Andrew Meyers, through a letter I am in possession of that was originally emailed to Planning & Zoning commissioners which stated that if this goes forward or the city attempts to take any steps to limiting the resorts operations a suit will follow. I am unable to attend the meeting due to personal matters. Therefore, for the record I want my objection noted in the meeting's minutes. We do not harm anyone. Most work their resorts by themselves. We do not cause trouble. We do not sell illicit drugs. We work very hard to keep our resorts going and looking good and having happy guests who support us and the city. We only wish for the P & Z and the city support as well. Additional information from Attorney Drew Meyers's letter dated 5-9-25, which I understand was distributed to P & Z and Council earlier. She took little snippets from the letter. One is zoning ordinances being in degradation of common law must strictly construed in favor of the property owner. Another one is if the city attempts to change the zoning classifications or definitions in an attempt to target the resorts it should be ready to pay condemnation actions. If it goes forward or the city attempts to take any steps toward

limiting the resort's operations, a suit will follow. We do not appreciate you taking revenue away or restricting us. Signed Brenda.”

Rick asked for public comments on this topic. There were none. Rick stated that no drastic actions are being taken with the transient definition. These terms are used many times in our codes. We are simply defining the terms. One of our resort owners asked for a definition. We are just adding this in and I do not see a problem with this. Our building official determines the intent and how it is construed. People have moved into town and have attempted to tell us what the codes say and to tell us what to do. That is not how we are going to operate going forward. John agreed and said we are just making it clearer about the term transient. Keith agreed and added that we have even talked about dropping our fees. There are some statements that are misleading. We have never threatened to fine anyone \$1,000. Rick stated that at the Workshop, Councilmember Meinking asked if we are going to grandfather anyone in? No, after 30 days they will need to move on. We are asking resort owners to take care of their guests. These are for C4 properties. These resorts are located in neighborhoods. The codes were written that the people said that there are limitations. It is the only code that says that if you are not operating this type of business then you need to stop and come before Planning & Zoning. This is what the citizens wanted 25 years ago. They did not want apartments in their area.

Mayor Stahlman spoke and said that the resort owners were asked to come to the meeting tonight. Only Dogwood Resort has shown up. We want all of the resorts to succeed. Tourism has declined over the past many years. We have to work with these resorts. The city has to show them that we are working to draw tourists back in town. They will make more money with tourists rather than long-term tenants. Everyone is getting caught up on 30 day leases. It is beneficial to the city and to the resorts to go with a 30 day lease. It gives the resorts flexibility...it is a win-win situation for everyone.

Rick agreed. We have reached out several times to these resorts. We invited you to a meeting. We have listened to them. We have brought

people from Little Rock and no one came. We sent a letter out saying that if you are not renting as a resort you need to come before P & Z and we offered conditional use permits without paying any fees and nobody came. We offered the Chamber of Commerce to take this over and nothing has come of it. This is not our problem. We cannot help by giving rebates or getting involved with the resort's business. One resort wanted to make their resort long-term and the citizens came out and said no, we do not want this.

One resort admitted to me that she wants to change because they are losing out on business to air bnb's. That is up to each individual resort. The depressed economy has hit everyone in town. It is hurting everyone. Our codes do not allow us to give away city money.

Mayor Stahlman asked if it is possible that the P & Z can recommend to the City Council a solution to this problem that we can save the resorts that we have that are active right now? Can you offer a city use permit? Possibly on a monthly basis? John said that we talked about this at the September P & Z meeting.

Mayor said that some resorts need to be 100% capacity to make it. Dogwood is working with Be Arco that if one is full they will send the overflow to the other. Rick stated that the only thing we can offer is a conditional use permit. Rick said that we sent a letter out to the resorts. The Mayor believes that it was not stated properly in the letter. Rick asked the owners of Dogwood Resort if there was a problem with what we are doing? Tyler and Elise Dooyema are the owners of Dogwood Lodge. Elise stated that for them they have a different approach by listening to both sides. Council needs to provide a way for them to work both long-term and short-term rentals. Long-term rentals provides income to provide for more short-term rentals. We have been doing this for 30 plus years. We had squatters here over covid and they would not leave. It is not good for anyone. We do not do leases or signed contracts because we do not want this possibility of them staying and not leaving. The 30 day gives the resorts and easy out. Rick agreed. Rick asked Elise if there would be a problem of applying for a conditional use permit? Elise said that there is a

possibility that they do not understand the solution. Rick said that no one has reached out to us. We are happy to work with our businesses. We need to hear from both the citizens and the resorts as to what to do.

Linda Fawcett stated that she has been listening to these issues. Is there a reason for a resort to threaten to sue the city? I am on the budget committee and our resolutions and codes have been let go for so long that our citizens are being affected. Rick said that people complained about the letter that I wrote. Linda said we are struggling to bring funds into the city. There is a lot going on here that many people don't see. Rick added that people are listening to gossip or reading something on Facebook and the information is distorted.

Linda Masters added that she does not have a horse in the race. The code book is not easy to understand. It would be helpful for people that move into town that we need to put things in easy-to-understand terms. Rick added that they need to read the codes. Linda said that is the problem. Rick added that they should call the city. I have been called over 200 times in the past few months and yes there are a lot of codes, but most questions only deal with a few codes. I would be happy to explain the codes to them. I want the codes to be readable by anyone. That is why it hasn't been changed in 25 years. It has been ignored. Now we are putting our foot down and we need to follow the codes. The city will be better for it.

Scott Scholes stated that the State definition of transient. Occupancy of a dwelling or a sleeping unit for not more than 30 days. Why are we using the term transient? Why can't we add to our codes? Why can't we amend the C4 code stating that you can operate as a resort for these dates. The other part is to give the resorts in the off-season to rent for 30 or more days? It puts the onus on the resort owners. Give the resorts that opportunity because our winters are not going to change. There will be an off-season. Resorts will not change their timing. I have been here for over 25 years and this used to be a mecca for tourists. We need to meet the resorts in the middle? Rick stated that we are making it better. Resorts are not ever going to be 100% occupied year round. We have other businesses to consider as well. Scott said that we want the resorts to

people from Little Rock and no one came. We sent a letter out saying that if you are not renting as a resort you need to come before P & Z and we offered conditional use permits without paying any fees and nobody came. We offered the Chamber of Commerce to take this over and nothing has come of it. This is not our problem. We cannot help by giving rebates or getting involved with the resort's business. One resort wanted to make their resort long-term and the citizens came out and said no, we do not want this.

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make it through the off-season. Rick said, unfortunately we are lumping all of the resorts together. Rick said that we have to listen to the citizens as well. They do not want apartments in their neighborhood. Scott said that we are under the auspices of the State Planning Commission.

Keith added that we have to enforce the current codes. If we go this route you are opening up a can of worms. There were no resorts at the recent Dam Jam. There were thousands of people there and not one resort handing out flyers or promoting themselves. We have to have enforcement. I know a resort that closes down in January and February to make necessary repairs.

Scott is worried that we are going to get sued. Their livelihood is being threatened. Rick said we are not threatening anyone's livelihood. Scott then asked Dogwood Lodge about this. Elise stated that the off-season is from November 1st to February 28/29th. That is their off-season. We do not want to attend more meetings to request more paperwork. Scott said that is what he was talking about. That in March you can add a contractor who is only in town for a couple of months. Mayor Stahlman said that we need to give these resorts a safety net.

Rick said that we are giving the resorts a safety net. We can't change our codes for every resort. Scott said let's spell it out with the dates that apply. Keith asked about the dates again... Tyler mentioned that they do not get many river fishermen. March 1st is when things start to heat up. Keith asked Dogwood that if you have a long-term rental contractor staying with you and then a short-term guest was next door, would they be inclined to come back to you? Dogwood said no, but that would depend on each resort. That is up to each business owner's choice. It would probably end up hurting them more. Rick said that he is against changing the codes regarding slow times. But we could come up with an easier conditional use permit. You will not have to have a public meeting or pay a fee. You will not have to give notice to everyone around them. It is a simple form that you fill out and give us. The city could give up some fees. Linda Masters asked if there are ten resorts would there be ten public meetings? Rick said that is the simple part. This new way would not have to include public

meetings and hearings. We need to work on this going forward. We want to help. We just want them to follow our codes. There has to be rules. The city attorney told us that our codes are law. We need to hold people to these codes. In the past these laws have been broken. Scott asked if maybe the law is wrong. We haven't heard of any new ideas. We have made great progress tonight.

Russ Meinking has an issue with the definition of transient. If the Council passes what you want us to pass then those people who stay past 30 days will not be in compliance. Russ asked if the resorts were also doing BRBO's. Rick said no. Russ would like some of the resorts to be grandfathered in. We need to work on this more. This has been going for twenty years. I understand the approach to fix it. We can do more to explain this better. Rick stated that the Council needs to take responsibility for sending out the letter. Rick said that he does not understand how else to define transient. The word has been in our code book for over 25 years. Mayor Stahlman said if you go back to the 70's and 80's we were arresting people for vagrancy. Same as homeless. We have changed the definition of that.

Rick asked for a new definition then for transient. Rick read off that short-term rental units can be whole house rentals, apartments, condominiums, individual rooms and homes, or resorts or other substantially similar locations or structures. It does not mention BRBO's. Several resorts are doing air bnb's. Merle said everybody is getting hung up on the term of transient. Rick said that we are simply adding it in because we were asked to.

Rick asked for a motion to pass these changes on to the City Council. Scott said he would like to scratch the word transient from our codes. Merle asked how are you going to redefine the term? Transient tourist is simply a person passing through a location who is staying for a short period of time. Merle stated that we are giving the resorts the ability to rent to those people who want to stay longer in the off-season.

go more towards apartments. This costs money and I am not going to ask for money. This will cost several thousand dollars. I want this to be known to the public that this is why we are not doing this right now.

Rick asked Danny if he had any comments. Rick asked Danny that in the past six months that you have been the building official has anyone come up to you asking what your interpretation of the codes are? Mainly the zoning codes. Danny said not lately.

Rick asked for public comments. Carol Duss stated that she has a copy of a professional development plan done in 2008. It is a brochure. She has one copy and is not parting with it. You can contact the Northwest Arkansas Economic Development office for a grant to pay for this plan. They are great to work with and provide a lot of key information. Rick said if we can find a grant. Tina Cole is the person you need to contact. Rick agreed and said that we need to look into this. Scott said that he has been to one of their meetings. You tell them what you want and they will tell you what they can get. They do all the work to get the grant and take a percentage of the grant and the city gets the rest of it. Mayor Stahlman said that some grants are 100% and others are 80/20. They are still going to get their percentage. Scott said that Tina has lived in Bull Shoals and knows the town.

Rick asked for any further agenda items for next month. There were no further comments.

Rick asked for a motion to adjourn. John made a motion to adjourn and Keith seconded. Motion passed. Meeting ended at 7:27PM.

Respectfully Submitted,

Timothy Koenig

Secretary