

Bentonville City Council

Meeting Minutes

January 12, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, January 12, 2021, at 6:00 p.m., at the Bentonville Community Center, 1101 Southwest Citizen's Circle, Bentonville, Arkansas.

Present were Council Members Cindy Acree, Octavio Sanchez, Holly Hook, Chris Sooter, Bill Burckart, Gayatri Agnew, and Aubrey Patterson. Also present were Mayor Stephanie Orman, City Attorney George Spence, the press, city staff, and the audience. Council Member Tim Robinson and City Clerk Kirby Romines attended remotely and participated by Zoom.

Due to the situation related to COVID-19, several members of the city staff and the public also attended remotely by Zoom. Mayor Orman reminded the council that all votes would be by roll call.

Several individuals signed in to speak at the meeting in person, and several joined via Zoom to speak to agenda items.

Mayor Orman called the meeting to order. Rigley, a Cub Scout from Pack 26, led everyone present in the Pledge of Allegiance, which was followed by a moment of silence in support of our armed forces.

Motion was made by Council Member Acree to approve the minutes of the December 8, 2020 meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

City Attorney George Spence explained the details of the suspension motion, the motion to table, and call to question.

Motion was made by Council Member Sooter to suspend the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

[Agenda items 1 through 4 were addressed at the January 11, 2021 Committee of the Whole meeting.]

5. Resolution No. 1-12-21 A: A resolution to recognize, commend, and congratulate Detective Corporal Tracy Brown on his retirement from the City of Bentonville Police Department, effective January 15, 2021. This resolution recognizes Tracy Brown for more than 22 years of dedicated and decorated service to the Bentonville Police Department. This resolution also wishes Tracy Brown much health, happiness, and continued success in all his future endeavors.

Mayor Orman read the resolution aloud. Motion to pass by Council Member Acree, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Mayor Orman recognized Detective Corporal Tracy Brown. Jon Simpson, Chief of Police, presented Detective Corporal Tracy Brown with a framed resolution and flag and thanked him for his service.

6. Planning:

- 6a. Ordinance No. 2021-1: Ordinance accepting a lot split of Lots 1-2 of Joyner Addition to the City of Bentonville, Arkansas (Project No. LS20-0057).

[Applicant: David Joyner;

Location: Phillips Cemetery Road]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 6b. Ordinance No. 2021-2: Ordinance accepting a property line adjustment of Lot 27 of Huffman's Addition to the City of Bentonville, Arkansas (Project No. RZ20-0054).

[Applicant: Jeff & Abby England;

Location: 205 NW D Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

- 6c. Ordinance No. 2021-3: Ordinance accepting a property line adjustment of Lot 26, Block 17 of Deming's Second Addition to the City of Bentonville, Arkansas (Project No. RZ20-0056).

[Applicant: Lyle & Marie Clapper;

Location: 412 NW 5th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 6d. Ordinance No. 2021-4: Ordinance accepting a final plat of Lots 1-6 of Walmart Layout Subdivision to the City of Bentonville, Arkansas (Project No. FP20-0004).

The plat dedicates multiple utility easements of varying widths per the Walmart Layout Center Large Scale Development. The plat dedicates additional right-of-way for the constructed portions of SE Martin Luther King Junior Parkway and SE 5th Street.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 6e. Resolution No. 1-12-21 B: A resolution adopting the Master Street Plan, consisting of the Master Street Plan Map and Typical cross

sections, of the City of Bentonville, Arkansas pursuant to Arkansas code annotated §14-56-414.

Mayor Orman recognized those online and in-person for public comments. Michael Bell, Randy Huffman, Thomas Wind, Jonathan Woods, and Adrienne Woods spoke against the item.

Mayor Orman recognized Dennis Birge, Transportation Director, to speak on the Master Street Plan and answer questions from the council.

Council and Dennis Birge had a lengthy discussion regarding options brought up in public comments and who the city has worked with to create the Master Street Plan.

Motion to postpone this item until the next council meeting was made by Council Member Acree, second by Council Member Agnew.

Council engaged in further discussion on the purpose of postponing and if it is the most effective option.

Council Member Agnew withdrew her second.

Mayor Orman explained that if there were a future project in an area of concern, the city will work with those who the projects would affect.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sooter, second by Council Member Agnew. There was no further discussion. Motion carried (6-2), with Council Member Acree and Council Member Hook voting no.

Mayor Orman let those who commented know that they will work with anyone and walk through any questions they may have.

- 6f. Ordinance No. 2021-5: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-2, General Commercial (Project No. RZ20-0061).

[Applicant: Clearwater Investments, LLC;

Location: 2903 SW 14th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member

Burckart. There was no discussion. Motion carried (8-0).

- 6g. Ordinance No. 2021-6: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-1, Single Family Residential (Project No. RZ20-0064).

[Applicant: Highland, LLC;

Location: 4800 S Vaughn Road]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 6h. Ordinance No. 2021-7: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of DE, Downtown Edge to DC, Downtown Core (Project No. RZ20-0065).

[Applicant: Emma Partners;

Location: 310 S Main Street]

Celia Swanson, Terry Muldoon, and Keely Brice spoke against the item. Celia Swanson read a letter from 8 residents from 3rd Street that was sent to the Planning Commission. The letter asked the council to vote against the rezoning.

Council Member Patterson asked if, with this rezoning, it would go from four stories to eight. Ellen Norvell, Planning & Building Services Director, confirmed that Downtown Core could build higher and explained that many of the area's properties are zoned as Downtown Core.

Council had a lengthy discussion on the current zoning and use of the surrounding properties to that in question.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (6-2), with Council Member Acree and Council Member Patterson voting no.

- 6i. Ordinance No. 2021-8: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification

of DE, Downtown Edge to DC, Downtown Core (Project No. RZ20-0066).

[Applicant: Emma Partners;

Location: S Main Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (6-2), with Council Member Acree and Council Member Patterson voting no.

- 6j. Ordinance No. 2021-9: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-3, Medium Density Residential (Project No. RZ20-0067).

[Applicant: Seven HB Real Estate, LLC;

Location: 3302 SE L Street]

Andrew Casey, Rohit Dharmadhikari, and James Flier spoke against the item.

Council Member Sanchez stated that based on the new requirement for development, it should address these improvements. Ellen Novell explained that since this would be a large-scale development, the developer would be required to make specific improvements.

Council had a lengthy discussion on the impact on the neighborhood, the specifics on the land use plan as it applies, and what R-3, Medium Density Residential, entails versus R-4.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (6-2), with Council Member Hook and Council Member Patterson voting no.

- 6k. Ordinance No. 2021-10: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-1, Single Family Residential (Project No. RZ20-0068).

[Applicant: Shasta Properties, LLC;

Location: 3905 S. Vaughn Road]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 6l. Ordinance No. 2021-11: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, to R-1, Single Family Residential (Project No. RZ20-0069).

[Applicant: Cristi Gaffney;

Location: S Morningstar Road]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Council Member Burckart said that this is the perfect example of the Master Street Plan use.

Mayor Orman thanked Dan Weese, City Engineer, and the team for their hard work.

- 6m. Ordinance No. 2021-12: Ordinance accepting a lot split of Lots 1-2 of St. Mary's Addition to the City of Bentonville, Arkansas (Project No. LS20-0064).

[Applicant: Mercy Health Systems of NWA, Inc.;

Location: 3101 SE 14th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 6n. Ordinance No. 2021-13: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-3, Medium Density Residential (Project No. LS20-0067).

[Applicant: Seven HB Real Estate, LLC;

Location: 74-lot subdivision to be known as Clarendon Heights Subdivision]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Consent Agenda: Items 7, 8, 9, 11, 19, 20, 21a, and 21b.

7. Appointment of Grant Cottrell to fill the vacancy in Position 2 on the Public Art Advisory Committee (PAAC). The position was vacated by Dylan Turk, who relocated outside of Bentonville. Mr. Cottrell holds a Bachelor's Degree in Fine Art and Graphic Design. Mr. Cottrell's first term, completing the unfulfilled term of Position 2, will expire on Oct. 31, 2021.
8. Mayor recommends the appointment of Tim Robinson to the City of Bentonville's Advertising and Promotion Commission.
9. Appointment of Aniruddha Marathe to a recently vacated term on the Bentonville Utility Board. This is his first term, effective January 12, 2021, to December 31, 2021. This will fill the position vacated by Rinky Singh.
11. Budget adjustment in the amount of \$1500.00 to recognize receipt of a grant from the Arkansas Alternative Dispute Resolution Commission for the Bentonville District Court mediation program.
19. Budget Adjustment to recognize and accept funds totaling \$4,500.00 from a Walmart Stores Inc. Local Grant (Neighborhood Mkt. on SW Regional and Supercenter on S. Walton in the amount of \$2,500.00 and \$2,000.00 respectively), and funds from a private donation (\$250.00) to be utilized to purchase two ebikes and equipment for the Police Bike Team. All funds were received in December 2020.
20. City Council approval of Mayor Orman's recommendation to appoint Ryan Hollingsworth to the Parks and Recreation Advisory Board and

the reappointment of Cortney Carlson and Dan Grover for their second terms.

21a. City Council approval of Bid Award IFB-20-74, in the amount of \$540,881.00, to 81 Construction for the park improvements and renovation for the Old Tiger Track.

21b. City Council approval of Budget Adjustment, in the amount of \$335,782.00, to recognize \$317,891.00 in revenue from Visit Bentonville's Parks Fund and \$17,891.00 in City Fund Balance to be used for renovations for the Old Tiger Track Project.

Motion to pass all consent items by Council Member Burckart, second by Council Member Sooter. There was no discussion. Motion carried (7-0), with Council Member Robinson abstaining.

10. Resolution No. 1-12-21 C: A resolution authorizing the Mayor and Clerk to enter into an Inter-Agency Service Agreement for the Operation of the Benton County Convenience Center Program.

The funds to support the Benton County Solid Waste District convenience centers for the 2021 calendar year was approved in the 2021 budget.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

12. Resolution No. 1-12-21 D: A resolution authorizing the Mayor and Clerk to enter into an Amendment to the agreement with Tyler Technologies for the purchase and implementation of Incode Court Suite for Bentonville District Court.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

13. Resolution No. 1-12-21 E: A resolution authorizing the Mayor and City Clerk to enter into a Memorandum of Understanding with Northwest Arkansas Regional Planning Commission for Stormwater Education.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

14. Resolution No. 1-12-21 F: A resolution setting a public hearing for January 26, 2021, for a Street Right of Way Vacation at 407 W Central (VAC20-0032).

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

15. Resolution No. 1-12-21 G: A resolution setting a public hearing for January 26, 2021, for a Utility Easement Vacation requested for 4100 North Rainbow Farm Road (VAC20-0033).

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

16. Resolution No. 1-12-21 H: A resolution setting a public hearing for January 26, 2021, for a Utility Easement Vacation requested for 1005 Museum Way (VAC20-0034).

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

17. Resolution No. 1-12-21 I: A resolution setting a public hearing for January 26, 2021, for an Alley Right-of-Way Vacation of Petticoat Lane (VAC20-0035).

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

18. Item removed per Staff request: Staff recommends that the Mayor and City Council approve the final payment and reconciliation change order for ARDOT 090473 - Hwy. 102 SW I St. Inters. Impvts. (Bentonville) (S). This Reconciliation Change Order reduces the overall contract by \$5,011.65 and adds 290 additional days to the project.


Mayor Orman adjourned the meeting. Motion to adjure by Council Member Acree, second by Council Member Sanchez.

Mayor Orman recognized Council Member Hook and Council Member Agnew.

Council members reported on committees and boards they participate in related to the city. Council Member Robinson thanked the council for appointing him to the Advertising and Promotion Commission and stated his resignation from the Public Arts and Advisory Commission.

Mayor Orman reminded the council that January 13 is the Arkansas Municipal League Winter Conference. Council Member Patterson recommended having the agenda rewritten to have public comments at the time of the item and not at the beginning of the meeting.

The next city council meeting will be on January 26, 2021.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

