

Bentonville City Council

Meeting Minutes

November 28, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, November 28, 2023, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Aubrey Patterson, Cindy Acree, Beckie Seba, Chris Sooter, Gayatri Agnew, Bill Burckart, and Holly Hook. Also present were Mayor Stephanie Orman, City Attorney Andrew Myers, City Clerk Kirby Romines, the press, city staff, and the audience. Several members of the city staff and the public attended remotely via Zoom.

Mayor Orman called the meeting to order. Mayor Orman 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 Sanchez to approve the minutes of the November 14, 2023, meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

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).

I. Old Business:

1. Ordinance No. 2023-256: Ordinance adopting the 2024 Pay Plan for the City of Bentonville; declaring an emergency; and for other purposes.

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

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

II. New Business:

1. Ordinance No. 2023-257: Ordinance adopting the 2024 Pay Plan for the City of Bentonville Police and Water Departments; declaring an emergency; and for other purposes.

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

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

2. Ordinance No. 2023-258: Ordinance adopting amendments to the Personnel Policy for the City of Bentonville, Arkansas; declaring an emergency; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

3. Reappointment of Kevin Butler to a second term in Position 5 on the City of Bentonville's Utility Board. The three-year term begins on January 1, 2024, and expires on December 31, 2026.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

4. Reappointment of City Council Member Octavio Sanchez to a second term as Ex-Officio on the City of Bentonville's Utility Board. The three-year term begins on January 1, 2024, and expires on December 31, 2026.

Motion to approve by Council Member Sooter, second by Council Member Acree. There was no discussion. Motion carried (8-0).

5. Ordinance No. 2023-259: Ordinance vacating a utility easement located at Lot 32 of College Place Subdivision Phase 8 of the City of Bentonville, Arkansas, Benton County Arkansas (Project No. VAC23-0019).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

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

6. Ordinance No. 2023-260: Ordinance vacating a utility easement located at Lot 2 of Groundhog Addition of the City of Bentonville, Arkansas, Benton County Arkansas (Project No. VAC23-0020).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

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

7. Resolution No. 11-28-23 A: A resolution setting a public hearing for December 12, 2023, for a Utility Easement Vacation located at Block 9, Lot 2 of Dogwood Place Subdivision (VAC23-0021).

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

8. Resolution No. 11-28-23 B: A resolution expressing the willingness of the City of Bentonville to utilize State Aid Street monies for the following city project: Bentonville Overlay (S).

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

9. Ordinance No. 2023-261: Ordinance establishing the 2024 Bentonville Parks and Recreation Fees; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

10. Resolution No. 11-28-23 C: A resolution accepting a grant from the Walton Family Foundation in the amount of three million five hundred thousand dollars (\$3,500,000.00); adjusting the 2023 Budget to recognize the same to Account #105030-33810 - Local Grants; appropriating the same into account #105030-47390 - Improvement Other than Building; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

11. A resolution for the City Council payment of the Fire, Library, Parks, and Police impact fees on behalf of Housing Partners III Limited Partnership, for the McAuley Place Development, in the total amount of one hundred seventy-eight thousand nine hundred twenty dollars (\$178,920.00); adjusting the 2023 Budget; and for other purposes.

Mayor Orman recognized those in attendance for public comment. Jeff Webster, Patrick Connelly, Brock Hessing, Jim Petty, Scotty Cooper, Casey Kleinhenz, Thomas Harris, Larry Kelly, Justin Fletcher, Duke McLarty, and Lisa Low spoke in favor of the item. Carolyn Horine, Leah Knight, and Carrie Perrien Smith spoke against the item.

The council and Patrick Johndrow, Finance Director, engaged in a lengthy discussion regarding what impact fee funds could be used for and how they would be allocated within which accounts if the resolution were to pass. The council also engaged in a lengthy discussion on how affordable housing is needed within the city and why. Council Members Agnew, Burckart, and Sooter expressed their desire to pass and their reasons for supporting the resolution. Council Member Acree explained that there could be other ways to support affordable housing projects, for example, within the private sector. Council Member Sanchez expressed concern about the City of Bentonville being held accountable for the project's compliance and monitoring of the project itself. Council Member Hook expressed their confusion regarding the project. Mayor Orman explained the work that the City of Bentonville has done for affordable housing. Council Members Sanchez, Seba, Patterson, and Hook expressed their reasons for not supporting this resolution. Council Member Burckart and Council Member Agnew expressed their concern about what precedent not passing this resolution would set within the City of Bentonville.

Machele Bowen, Human Resources Manager, commented that when they interview candidates every week, people often express their concerns about being able to afford to live within Bentonville.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion failed (5-3), with Council Members Seba, Hook, Acree, Patterson, and Sanchez voting no.

III. Utility Board:

IV. Planning:

1. Ordinance No. 2023-262: Ordinance accepting a lot split of previously unplatted land creating new Lots 1-3 of Town Vu Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0042).

[Applicant: Aadhira Properties LLC;

Location: Town Vu Road & Southwest Tater Black Road]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

2. Ordinance No. 2023-263: Ordinance accepting a lot split of part of Lots 15 and 16, Block 6 of Clark's Second Addition creating new Lot 26, Block 6 of Clark's Second Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0068).

[Applicant: Ovation Homes / Craig & Kimberly Woodworth;

Location: 402 Southwest 4th Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

3. Ordinance No. 2023-264: Ordinance accepting a lot split of Lot 16 of Osage Hills Subdivision creating new Lots 17 and 18 of Osage Hills Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0032).

[Applicant: West Osage Holdings, LLC;

Location: Ginn Road and Brookside Road]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

4. Ordinance No. 2023-265: Ordinance accepting a lot split of previously unplatted land creating new Lots 1 and 2 of Max Alley Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0048).

[Applicant: GX15 Bentonville Walton LLC;

Location: 807 SE Walton Boulevard]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

5. Ordinance No. 2023-266: Ordinance accepting a lot split of parts of Lots 10-12, Block 16 of Demings 2nd Addition creating new Lot 17, Block 16 of Demings 2nd Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0052).

[Applicant: John Smothers;

Location: 513 Northwest B Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

6. Ordinance No. 2023-267: Ordinance accepting a lot split of Lots 1A and 2 of McKeehan's Third Addition creating new Lots 4 and 5 of McKeehan's Third Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0056).

[Applicant: Bill Oldham;

Location: 911 & 915 Northwest 7th Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

7. Ordinance No. 2023-268: Ordinance accepting a property line adjustment of Lot 3 and part of Lot 2, Block A of Orchard Addition creating new Lot 9, Block A of Orchard Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0027).

[Applicant: Tammy L Crabtree Revocable Trust;

Location: 404 Southeast C Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

8. Ordinance No. 2023-269: Ordinance accepting a final plat of Poigai Estates Phase 2 to the City of Bentonville, Arkansas; and for other purposes (Project No. FP23-0010).

[Applicant: Pagan Incorporation;

Location: 1400 Southwest Casuarina Drive]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Seba. There was no discussion. Motion carried (8-0).

9. Resolution No. 11-28-23 D: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate to Low-Density Residential; and for other purposes (Project No. RZ23-0080).

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

10. Ordinance No. 2023-270: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-1, Low Density Single Family Residential; and for other purposes (Project No. RZ23-0080).

[Applicant: Adventure Church;

Location: 4508 Town Vu Road]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

11. Ordinance No. 2023-271: Ordinance accepting a lot split of previously unplatted land creating new Lots 1-3 of Adventure Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0028).

[Applicant: Adventure Church;

Location: 4508 Town Vu Road]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

12. Resolution No. 11-28-23 E: A resolution amending the City of Bentonville Future Land Use Map for a specific area from High-

Density Residential to Downtown Commercial; and for other purposes (Project No. RZ23-0082).

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

13. Ordinance No. 2023-272: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-3, Medium-High Density Multifamily Residential to DE, Downtown Edge; and for other purposes (Project No. RZ23-0082).

[Applicant: PBR Holdings, LLC;

Location: 405 Southeast A Street and 406 and 408 Southeast B Street]

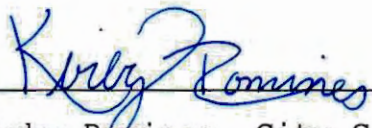
City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

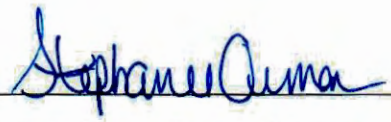
Tyler Overstreet, Director of Planning and Community Development, reminded the council of the informational items at the next Planning Commission meeting and asked the council to review the Planning Department's work on the affordable housing ordinance. Council Member Burckart requested both drafts of the affordable housing ordinance to give the council context to what has been worked on. Mayor Orman mentioned that Associate Staff Attorney/Special Deputy Prosecuting Attorney Bonnie Bridges provided FOIA request details to the council. Council Member Burckart commented that since item number 11 under new business did not pass, they believe this is a significant redirection of the recommendations from the affordable housing taskforce and is not sure what moving forward will look like regarding affordable housing.

Mayor Orman recognized Jim Petty for public comment. Jim Petty gave a comment in support of item 11 under New Business and thanked the council for their time and discussion on the item.

Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Acree, second by Council Member Patterson.

The next Bentonville City Council meeting will be on December 12, 2023.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

