

Bentonville City Council

Meeting Minutes

August 27, 2024



The City Council of Bentonville, Arkansas, met in regular session Tuesday, August 27, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Gayatri Agnew, Beckie Seba, Cindy Acree, Holly Hook, Chris Sooter, Aubrey Patterson, and Bill Burckart. Also present were Mayor Stephanie Orman, City Attorney Andrew Myers, City Clerk Malorie Marrs, 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, and two scouts from Troop 36, led everyone present in the Pledge of Allegiance, which was followed by a moment of silence in support of our armed forces.

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

Council Member Sooter made a motion to place items 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16 under new business, and items 1 and 2 under utility board as consent agenda items. The motion was seconded by Council Member Burckart. Council Member Sanchez asked to remove number 8 of new business off consent agenda. Council Member Sooter amended his motion to not include 8, seconded by Council Member Burckart. Motion carried (6-2).

I. Carnegie Medal Presentation

The Carnegie Hero Fund contacted the City of Bentonville to award Tawny (Tanya) Hinton, for her heroism & loss during a drowning incident, where she was trying to rescue a young boy.

Mayor Orman read her story aloud, which captured the incident of the drownings. After reading the statement, Mayor Orman presented the Carnegie Hero Medal to Mr. Hinton, Tawny's widowed husband.

The Carnegie Hero fund has honored more than 10,000 heroes since 1904.

Council Chambers stood and applauded.

II. **New Business *CONSENT ITEMS****

1. **Resolution 8-27-24 A: Resolution to Declare (37) Tasers as Surplus and Authorize Trade-In for Credit.** Resolution to declare (37) tasers as surplus property and available for a law enforcement trade-in program. Upon approval, the tasers can be traded for a credit to Arms Unlimited, Inc. towards law enforcement less lethal equipment. No budget adjustment needed.
5. **Appointment: Appointment of Danny Bennett to the Board of Adjustment.** Appointment of Danny Bennett to the Board of Adjustment to serve as the Planning Commission member on the Board. The term is effective August 27, 2024 and expires December 31, 2029. Commissioner Bennett was recommended by the Planning Commission at their August 6 meeting. This will be Commissioner Bennett's first term on the Board of Adjustment.
6. **Resolution 8-27-24 B: Tabled at the August 13, 2024, City Council Meeting: Resolution Adopting a Wayfinding Signage Policy.** A resolution adopting a Wayfinding Signage Policy that sets forth criteria for destinations to be featured on wayfinding signs, outlines the process for evaluating requests for inclusion, and specifies design standards for the fabrication and installation of these signs. No budget adjustment is needed.
7. **Resolution 8-27-24 C: Resolution Endorsing a Temporary OZ Art Loan to Bentonville Public Library - Alchemist Table.** A resolution endorsing the temporary installation of Paul Gillis' artwork, Alchemist Table (Distillation), in the Bentonville Public Library (BPL) on a one-year loan from OZ Art, LLC. No budget adjustment is needed.
9. **Resolution 8-27-24 E: Resolution for a Temporary Installation of an OZ Art Loan to Bentonville Public Library - Double Dutch.** A resolution to temporarily install Robin Rhode's artwork, Double Dutch, in the Bentonville Public Library (BPL) on a one-year loan from OZ Art, LLC. No budget adjustment is needed.
10. **Resolution 8-27-24 F: Resolution for an OZ Art Loan to Bentonville Public Library - Embroidered Quilt with Earthworms...** A resolution to

install Daniel Dewar's and Grégory Gicquel's artwork, Embroidered Quilt with Earthworms..., in the Bentonville Public Library (BPL) on a one-year loan from OZ Art, LLC. No budget adjustment is needed.

11. Resolution 8-27-24 G: Resolution for an OZ Art Loan to Bentonville Public Library - Tegyu and Terrin (blue). A resolution to install Claire Tabouret's artwork, Tegyu and Terrin (blue), in the Bentonville Public Library (BPL) on a one-year loan from OZ Art, LLC. No budget adjustment is needed.

12. Resolution 8-27-24 H: Resolution for an OZ Art Loan to Bentonville Public Library - Walk Like an Egyptian. A resolution to install Matt Kleberg's artwork, Walk Like an Egyptian (Head to Head), in the Bentonville Public Library (BPL) on a one-year loan from OZ Art, LLC. No budget adjustment is needed.

13. Resolution 8-27-24 I: Resolution approving Installation of Art on Public Property - The Physics of Being. A resolution to install Justin Tyler Tate's artwork, The Physics of Being, in Creekside Park. No budget adjustment is needed.

14. Resolution 8-27-24 J: Resolution Setting Public Hearing for Utility/Drainage Easement Vacation (VAC24-0007). Approve Resolution to set Public Hearing for Sept 10, 2024 for a Utility/Drainage Easement Vacation located at Lot 4, Block 3 of Edgar Estates Subdivision (VAC24-0007). No budget adjustment is needed.

16. Resolution 8-27-24 K: Resolution to Award Bid IFB-24-63 Emergency Waterway Debris Removal & Disaster Recovery. Resolution to award bid IFB-24-63 Emergency Waterway Debris Removal and Disaster Recovery Services to Horner Services, LLC per the unit prices attached, in an amount not to exceed \$905,008.00. A budget adjustment is needed.

III. **Utility Board *CONSENT ITEMS****

1. Resolution 8-27-24 L: Resolution to enter a Master Service Agreement with PSE to Assist BEUD with Future Technology. The Master Service Agreement with PSE will allow BEUD to begin implementation of new technology to build on top of the recently installed AMI system. PSE will assist with RFQs/RFPs to select and oversee BEUD's future tech purchases. This firm was selected following the City's Purchasing Policy

for professional services. Approved by Utility Board 5- 0. No budget adjustment is needed.

- 2. Resolution 8-27-24 M: Resolution to Award Bid IFB-24-50 to Techline & Arkansas Electric Cooperative for Electric Materials.** Resolution to award bid IFB-24-50-Electric Material to Techline, Inc. and Arkansas Electric Cooperative, Inc. per the unit prices and estimated quantities attached, plus applicable taxes. This bid is to replenish electric stock materials. Approved by Utility Board 5-0. No budget adjustment is needed.

City Attorney Andrew Meyers read the Resolutions & Ordinances by title only for the consent agenda items. Council Member Burckart moved to approve the consent agenda items, Council Member Sooter and City Attorney Andrew Meyers discussed that item 5 was an appointment, but no document to read. However, it WAS part of the consent items. Motion seconded by Council Member Agnew. Motion Passed (8-0).

Council Member Acree motioned to suspend the rules and have Shannon speak regarding the transportation committee, seconded by Council Member Agnew. Motion carried.

Speaker Shannon spoke in favor of the transportation advisory committee, and how establishing it is very important, especially for those with disabilities. She believes a committee like this will help the city prioritize the needs of the community, without having a big public engagement process. She thanked council for their time and hopes they will consider establishing the committee.

II (a). New Business NON consent items

- 2. Update on Bentonville Business Registry:** A presentation updating City Council on the status of the Bentonville Business Registry provided by GIS. Shelli Kerr with the city, gave a quick update.
- The full PowerPoint, and presentation can be viewed at 37:27 mins into the August 27th live recording, or by clicking [HERE](#).
- Shelli provided many key points, & discussed how this is the best time to register with the city. She discussed promotions planned in September, and how they plan to support local businesses. In summary, Shelli stated in the update that: there will be an elimination of code compliance form (due to redundancy), making for an easier renewal process, a more streamlined process with other permitting-so they have access to this information, increased promotions

through various media outlets, CityLink fall event. The City will continue to see opportunities to improve service and support businesses.

Council Member Sanchez about eliminating the registration fee all together, as he mentioned in previous council meetings, and what was the consideration of this. Shelli stated, that this has not been discussed yet, but going forward with the suspension through the end of the year.

Council Member Hook, asked how its working for those businesses who have already paid registry fee, with it now being suspended. Shelli discussed for those businesses who have paid the fee when it was part of the process, that they could look into measures for providing a reimbursement for the fee. If that's a direction council wants to go. Hook mentioned having a one-time enrollment fee, but potentially no annual renewal fee. Kerr stated this was another option to consider & discussed.

3. **Ordinance 2024-122: An Appeal of a Planning Commission-Denial of a Rezoning at 515 NW D Street.** An ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of RE, Residential Estate to PRD, Planned Residential Development, and for other purposes. No budget adjustment is needed. Motion by Council Member Sanchez, seconded by Council Member Seba.

Mayor Orman stated there was a lot of people attending for public comment on the ordinance, and called them forward in the order they signed in.

Speakers: Nancy Martain, Laura McArthur, Shannon Bedore, Charlotte Stacy, Allen Beck, Burton Stacy, Mike Rusch, Sue Ann Overstreet, Melanie Kerr, Kevin Green, John Wolfe, Lisa Lockwood, Steve Lockwood; all spoke against the development/rezoning as it pertains to their neighborhood. Speakers mentioned problems with traffic, infrastructure, school traffic, trash, among other issues this development could bring to their area.

Mark Haney, the project developer, spoke about the PRD letter, and the facts and stats regarding project. He stated that this would be a positive development for the community, and as a member of the neighborhood, he wants to hear and welcomes their feedback, and incorporated it into the plan. He believes that through all this, there is a basic fear of change from the people in the neighborhood. He understands this fear, but hopes it is recognized that his contract is in accordance with the law and is harmonious with the neighborhood.

Brennan Kyle spoke in favor of the project and believes it will be a great addition to the neighborhood, as we need more housing, and this project also adds more public green space. He believes there's benefits to this project.

Mayor Orman called for any additional discussion.

Brian Shook came forward and stated that he too lives in this neighborhood area, and re-instated how the infrastructure for this project would not work, as it could pose more hazards to this area.

Council Member Patterson asked Tyler Overstreet that planning did originally recommend this for approval. Overstreet indicated that, yes, as it is zoned as medium density, and as of today's plan this project was recommended to be okay.

Council Member Hook, ask about Hook St, in the area where the development project is being built, and if it was more of an alley or street. Overstreet brought up GIS, and noted it is a street stated from the 2024 surveyor.

Council Member Patterson asked if there is enough information on the project pertaining to people getting through, trash cans, guest parking, is it more of an alley or street. Overstreet displayed where the trash would be placed, and discussed parking etc. Council Member Seba confirmed if it meets the requirements, Tyler stated that if it was to come before planning as a DN4 as it stands it would.

Council Members Hook, Patterson, Agnew, Sooter and Acree discussed items pertaining to the development, regarding the infrastructure, how it affects the school zones, what does the traffic study indicate, and councils approval of the study.

Overstreet mentioned that in planning there was a lot of public comment concerning infrastructure. He further stated there was a lot of discussion at planning regarding the item, which is why he included the mins in the agenda packet. Click [here](#) to visit.

Overstreet addressed Council Member Agnew, and others points, regarding school traffic around this area. He explained in an example (not with downtown), there was lots of discussion, and how planning worked with traffic and signage when a Circle K came into an area. Overstreet stated they understand and recognize that school traffic times is an issue.

Overstreet, addressed Council Member Sooters question regarding the drainage study, stating that there would be a report on the project. Council Member Acree asked if council approves results of the reports, Overstreet clarified that Council does not approve the results, but does approve the standards. Tyler also commented that planning relies a lot on the traffic study itself for improvements etc.

Dan with the city, further discussed the traffic study's impact on planning, and decisions made, along with the level of service to the roads etc. Mayor Orman indicated that is often hard to measure the level of service on roads. Council Member Seba asked about the consideration of implementation of one way streets, however this would need to be recommended by a traffic engineer, Council Members Seba and Agnew would like to see this process accelerated due to school traffic issues.

Council Member Burckart discussed the costs regarding the potential redesign, and the process following. He stated that it would be tough to do anything as a one off, specifically regarding planning and costs. Burckart commends the work planning does, and how thoroughly they take everything into account. He does not believe additional engineers need to be brought in, regards to zoning reclassification. As this would be a large expense and there is already a great process and team in place.

Council Member Acree mentioned that another problem with the rezoning process is once it's set, we can't undo it. However, she believes landowners should be able to use their property according to code, and code allows for discretionary & appropriate use based on what is being done at the time. She stated that we must consider the opinions of the people who live there, and the problems that would be mitigated.

Council Member Sooter asked how many parking spaces are in the development and the density allowed in DN2. Overstreet commented that townhouses can be difficult with this, but roughly it is about 8.7 unit per acre for a single-family home in DN2. For a townhome, based on the minimums, would be about 1 unit per 2,000 sq ft about 22 units. If half came out for water etc, it would be roughly 18 units. Burckart believes there is a gray area in the DN2 zoning classification that needs to be addressed in the future concerning, N block and what does that mean.

Mayor Orman called for any further discussion.

Voting, No: Sooter, Burckart, Hook, Sanchez, Patterson & Acree. Voting Yes: Agnew and Seba. Motion fails (2-6).

Council Member Burckart called for a recess.

4. **Ordinance 2024-123: An Appeal of a Planning Commission Denial of a Rezoning at 103 SE 13th Street.** An ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium-Density Residential; and for other purposes. No budget adjustment is needed.

Wendy Slayton spoke in favor of the rezone; she indicated the lot is surrounded by a lot of mixed-use type properties in the area. She stated the DN2 would allow for more flexibility for development, not high density, but more on the low end. She stated that this is appropriate for this lot.

Tyler Overstreet recommended asking the planning commission to reconsider this, since there are some discrepancies over various plans. This would allow everyone on Council and Planning to move forward together.

Council members discussed, how there's nothing very pressing to their knowledge that would cause them to deny the appeal.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Acree, second by Council Member Agnew. Motion carried (8-0).

8. **Resolution 8-27-24 D: Resolution for an OZ Art Loan to Bentonville Public Library – Untitled Prototype #4 (DIRTY GLOVES).** A resolution endorsing the temporary installation of Amanda Ross-Ho's artwork, Untitled Prototype #4 (DIRTY GLOVES), in the Bentonville Public Library (BPL) on a one-year loan from OZ Art, LLC. No budget adjustment is needed.

Council Member Sanchez does not approve of this resolution, as he believes the artwork is not good.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion carried. (7-1)

15. **Ordinance 2024-124: Ordinance amending City Pay Plan Creating Communications Manager & Airport Manager Positions.** Ordinance amending the City Pay Plan to eliminate the Director of Administration position, creating

positions of Communications Manager (grade 33) and Airport Manager (grade 33). A budget adjustment is needed and follows on the next page.

Council Member Hook, asked for clarification if the airport manager was to be a full or part time position, and it was confirmed as a full-time position.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew.

Motion carried (8-0).

City Attorney Andrew Meyer read the emergency clause, allowing the ordinance to be in full force by the date of its passage. Motion moved by Council Member Sanchez, second by Council Member Hook. Motion passes (8-0).

IV. **Planning**

1. **Ordinance 2024-125: Lot Split - Lots 5, 6, 7, 8, And 9 Of Featherston Valley Subdivision - Featherston Road and Been Road (LS24-0016).**

The Planning Commission voted 6-0, recommending approval.

An Ordinance Accepting A Lot Split Of Lot 3 Of Featherston Valley Subdivision Creating New Lots 5, 6, 7, 8, And 9 Of Featherston Valley Subdivision To The City Of Bentonville, Arkansas; 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.

Motion passes (8-0).

2. **Ordinance 2024-126: Lot Split - Lots 4, 5, and 6 of Pabst Addition – 422 Southwest Bright Road (LS24-0023)**

The Planning Commission voted 6-0, recommending approval.

An Ordinance Accepting A Property Line Adjustment Of Existing Lots 1, 2, And 3 Of Pabst Addition Creating New Lots 4, 5, And 6 Of Pabst Addition To The City Of Bentonville, Arkansas; 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.

Motion passes (8-0).

3. **Ordinance 2024-127: Property Line Adjustment - Lots 4 and 5 of Hilldale Subdivision - Ginn Road and Southwest Anglin Road (PLA24-0014)**

The Planning Commission voted 6-0, recommending approval.

An Ordinance Accepting A Property Line Adjustment Of Lots 1 And 2 Of Hilldale Subdivision Creating New Lots 4 And 5 Of Hilldale Subdivision To The City Of Bentonville, Arkansas; 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.
Motion passes (8-0).

4. **Resolution 8-27-24 N: Future Land Use Map Amendment - Roger J Reid Trust - Residential Estate to Medium Density Residential (MDR) - 8117 Southwest Morning Star Road (RZ24-0025).**

The Planning Commission voted 6-0, recommending approval.
A Resolution Amending the City Of Bentonville Future Land Use Map For A Specific Area From RESIDENTIAL ESTATE To MEDIUM-DENSITY RESIDENTIAL; 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.
Motion passes (8-0).

5. **Ordinance 2024-128: Rezoning - Roger J Reid Trust - A-1, Agriculture to R-2, Medium Density Two Family and Townhome Residential - 8117 Southwest Morning Star Road (RZ24-0025)**

The Planning Commission voted 6-0, recommending approval.
An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of A-1, AGRICULTURAL To R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL; 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.
Motion passes (8-0).

V. **Informational Discussion of a Draft Ordinance**

- a. **Informational: Discussion of Active Transportation Committee Creation.** Discuss creating an Active Transportation Committee and review of draft ordinances.

Mayor Orman called for discussion, Luke Powers came forward to highlight Shannon's earlier comments regarding the committee, and how it would benefit the community as

a whole. He stated that this committee would ideally serve as both a tool for city council and to have an ear in the community, and help to prioritize issues.

Evan Springer & Luke Akin discussed how this would be a great continuation on helping with the bike and pedestrian infrastructure, with further support.

Council Member Sanchez asked about the establishment of boards and committees. Agnew clarified in the packet they wanted to show proposals of how this could look and wants to be very proactive in creating this committee due to the amount of citizen engagement, and various issues. She would like to see it as a permanent committee.

Council Member Acree has seen a lot of support for this committee and would like to see mass transit intertwined into the committee. Council Member Agnew is open to this idea but wants the large focus and scope to be on pedestrians and bikes.

Council Member Hook, asked about the budget regarding the committee, specifically regarding visits to other cities. Council Member Agnew, stated that they would make sure to bring the committee before finance to finalize any budget needs.

Council Member Burckart further thinks that the committee should largely focus on pedestrian needs. Burckart did note that there is a need to discuss the larger scale transportation issues arising from more people coming into the community. He further discussed the overlay of roads, and the entirety of a uniform large scope planning for all things transportation whether its this potential committee or something else.

Council Member Patterson asked what the typical term is for a board member, and wanted to address what makes sense for this potential new committee. Council Member Agnew stated that it varies depending on a variety of factors.

Council Member Agnew asked about a junior member (non-voting) joining the committee.

Council agreed this is a great opportunity, and board/committee potential, with lots of positive feedback.

Mayor Orman, asked Council Member Agnew, if moving forward she would be spearheading this, and she was glad to help and work with the city staff regarding this endeavor.

VI. **Other Business/Announcements/Comments**

Motion was made by Council Member Burckart to approve the minutes of the August 13th, 2024 regular council meeting as presented, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

Committee Reports:

Council Member Patterson: A & P Commission: stated they had their best month ever, the mobile visitor center is going to be on the square soon, the big blue truck. Still finalizing the details, on where it will live, Visit Bentonville will finalize it. 270 events booked in 2024, excited for the Motto to open this coming week.

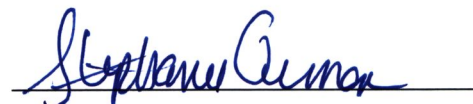
Council Member Sooter: Parks and Recreation: Groundbreaking for the Downtown Adult Recreation Center September 5th at 5pm. Groundbreaking for the Gateway Park September 12th, invites sending.

Council Member Hook: Tree & Landscaping: Fall tree giveaway October 26th

Meeting Adjourned

The next Bentonville City Council meeting will be on September 10th, 2024


Malorie Marrs, City Clerk


Stephanie Orman, Mayor

