

Bentonville City Council

Meeting Minutes

October 8, 2024



The City Council of Bentonville, Arkansas, met in regular session Tuesday, October 8th, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Beckie Seba, Cindy Acree, Holly Hook (via zoom), Chris Sooter, Aubrey Patterson, Gayatri Agnew 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 Scout Rigley 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.

Motion was made by Council Member Sanchez to approve the minutes of the September 24 regular council meeting as presented, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

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

I. New Business

1. Proclamation Recognizing October 2024 as Code Compliance Month

A proclamation designating October, 2024 as Code Compliance Month in Bentonville, Arkansas. Mayor Orman read the proclamation out loud, and took a photo with those present.

2. Proclamation to Declare October 6 - 12, 2024 as Fire Prevention Week

A proclamation declaring October 6 - 12, 2024 as Fire Prevention Week "Smoke alarms: Make them work for you!"™ in Bentonville, Arkansas. Mayor Orman read the proclamation out loud and took a picture with those present.

3. Declaring October 2024 as Blindness Awareness Month & October 15, 2024 a White Cane Safety Day

Proclamation to declare October 2024 as Blindness Awareness Month and October 15, 2024 as White Cane Safety Day in Bentonville, Arkansas. Council Member Cindy Acree read the proclamation out loud. David Henry came forward, an advocate for the current audible crosswalks, spoke, and took a picture with the Mayor and Council Member Acree.

4. Resolution 10-8-24 A: Resolution to Enter an Agreement with PlanIt Geo - Tree Canopy Assessment & Reforestation Plan

Resolution authorizing the Mayor and City Clerk to enter into an agreement with PlanIt Geo for a Tree Canopy Assessment and Reforestation Plan in the amount of \$110,000.00 as a result of their submission to the City's Request for Proposals RFP-24-64. No budget adjustment is needed.

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 passed (8-0).

5. Ordinance 2024-143: Public Hearing and Ordinance Vacating Alley Right of Way (VAC24-0008)

Hold Public Hearing and approval of Ordinance vacating Alley Right of Way located at Lot 1B, Block 2 of Banks Addition (VAC24-0008).

Mayor Orman opened the floor and online for the public, no responses.

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 passed (8-0).

6. Ordinance 2024-144: Public Hearing and Ordinance Vacating Sewer Utility Easements (VAC24-0009)

Hold Public Hearing and approval of Ordinance vacating Sewer Utility Easements located at Lot 4 of Bentonville Plaza Add PH2 (VAC24-0009).

Mayor Orman opened the floor and online for the public, no responses.

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 passed (8-0).

7. Ordinance 2024-145: Ordinance Creating an Active Transportation Advisory Board

Ordinance creating an active transportation advisory board. No budget adjustment is needed.

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 passed (8-0).

8. Resolution 10-8-24 B: 2024 Tax Levy to be Collected in 2025

Adopt a resolution certifying the rate of taxation levied on real and personal property in the City of Bentonville. No budget adjustment is needed.

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 passed (8-0).

9. Resolution 10-8-24 C: Resolution to Amend Contract IFB-24-63 Emergency Waterway Debris Removal & Disaster Recovery

Resolution to Amend Contract with Horner Services, LLC for IFB-24-63 Emergency Waterway Debris Removal & Disaster Recovery. Amending Item two(2) to be read as, Debris Removal from Waterways and Hauling to Final Disposal Sites Approved by the City. This includes DMS Management, Reduction by Burning, and Hauling Ash to Final Disposal Site. Tipping fees shall be a pass-through cost to the City. This amendment does not change the contracted amount or unit costs. No budget adjustment is needed.

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

II. Utility Board

1. Appointment of Jerry Walls to Benton County Solid Waste Management District Board

Council approval of Mayor Orman's recommendation to appoint Jerry Walls to serve as the City's representative on the Benton County Solid Waste Management District Board. Mr. Walls will replace Gary Wilson as of October 31, 2024.

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

2. Resolution 10-8-24 D: Resolution Approving Amendment to Existing Agreement for the Water Resource Recovery Facility

Resolution authorizing the Mayor and City Clerk to enter into a Guaranteed Maximum Price Amendment to the existing professional services agreement with Crossland Heavy Contractors, Inc. to provide construction management and general contractor services for the construction of the Water Resource Recovery Facility (WRRF) located at 1901 NE A Street. The contract is contingent upon the closing of the ANRC funding and a budget adjustment will follow.

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 passed (8-0).

IV. Planning

1. Ordinance 2024-146: Lot Split - Lots 73 and 74 Providence Village Phase III - Southwest Chesnut Hill Road (LS24-0027)

An Ordinance Accepting A Lot Split Of Lot 72 Of Providence Village Subdivision, Phase 3. Creating New Lots 73 And 74 Of Providence Village Subdivision, Phase 3 To The City Of Bentonville, Arkansas; And For Other Purposes. The Planning Commission voted 6-0, recommending approval.

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 passed (8-0).

2. Ordinance 2024-147: Final Plat - Walnut Grove Subdivision Phase 2 - Southwest Barron Road and Southwest Piercy Road (FP24-0011)

An Ordinance Accepting A Final Plat Of Lots 1 Through 82 Of Walnut Grove Subdivision, Phase 2 To The City Of Bentonville, Arkansas; And For Other Purposes.

The Planning Commission voted 6-0, recommending approval.

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 passed (8-0).

3. Ordinance 2024-148: Rezone - Bryant Partners LLC - RO, Residential Office to C-1, Neighborhood Commercial - 1008 & 1011 Northwest J Street (RZ24-0038)

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of RO, Residential Office to C-1, Neighborhood Commercial; And For Other Purposes.

The Planning Commission voted 6-0, recommending approval.

Council Member Acree had a question regarding neighborhood office and residential commercial development in terms of heights etc. Tyler Overstreet displayed the Master Bentonville Map. R-O vs C-1: both allow for a maximum height of 40ft, bulk and relative standards are similar, the major difference is the primary usage (type). Tyler continued to discuss the differences.

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

4. Ordinance 2024-149: Planned Unit Development - Walmart Campus PUD Revision 13 - Southeast 8th Street (PUD20-0002)

An Ordinance Amending ORD 2024-90; And For Other Purposes.

The Planning Commission voted 6-0, recommending approval.

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 passed (8-0).

Motion to adjourn by Council Member Seba, Second by Council Member Council Member Sanchez

Voting portion concluded.

V. Other Business/Announcements/Comments

1. Discussion items

a. Council Member Sanchez, mentioned the ordinance being prepared regarding noise within the City, and wanted to know an update. Tyler Overstreet & Police Chief Ray Shastid came in to discuss the progress on this ordinance.

Council Members discussed the situation with the noise complaints from the past weekends momentary concert, and were curious what all the ordinance would entail to help with limiting bass, and other sound issues the area around the momentary complained about.

Overstreet and Chief Shastid mentioned there will be a larger presentation coming to discuss the ordinance in its entirety, relating to a lot of these concerns, where there will be discussion on time of closure, amplification etc.

Council Member Patterson addressed question who distributes the permits, because she is hearing “the city”, and there is confusion thinking its council & would like to work on clarifying this. Chief Shastid and Overstreet discussed how the permit process worked through planning and police.

Mayor Orman, and the Police mentioned that the Momentary has been a great partner through all this, and does not want to disrupt the community to this degree either.

Discussion concluded to note that a further more detailed presentation will be made to council, regarding the sound ordinance by Police & Planning in about a month.

b. Council Member Sanchez, discussed that he was a member of the utility board, and was curious about the number of “waste” water indicated in a mailer put out by an individual running for mayor, against Orman. Sanchez asked Mike Bender, Director of Public Works, if this was true information.

Council Member Burckart discussed the financials behind the loss of water & the 10 year capital improvement behind it to work to fix the issue. Bender indicated that

portion of the mailer was correct. Sanchez also addressed the \$200 million dollars, in higher costs because the city delayed and did not plan. Bender stated he did not know where that number on the mailer came from.

2. Committee Reports

a. Council Member Sanchez- Library Met, and toured the expansion opening at the end of the month

b. Council Member Acree- Was at a Cyber Security Conference

c. Council Member Seba- Public Art Met: John de Shields roundabout repurposing after the storm, they don't have the budget for storm wood art-but working to secure outside funding.

d. Council Member Burckart & Agnew- Finance Committee met, and working on budget slate.

Rod Bigalow, ED of the Momentary, came forward and discussed the sound issue with the previous weeks concert, and has a good working relationship with the city to ensure that this never happens again, and will work to figure out better issues with sound.

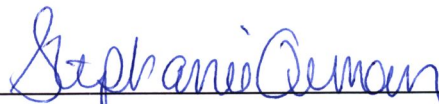
Council appreciates everything the Momentary is doing for the community and with this issue of sound.

Meeting Adjourned

The next Bentonville City Council meeting will be on Tuesday October 22, 2024.



Malorie Marrs, City Clerk



Stephanie Orman, Mayor

