

Bentonville City Council
Meeting Minutes
July 26, 2016

The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 26, 2016, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Stephanie Orman, John Skaggs, Chris Sooter, James Smith, Bill Burckart, Octavio Sanchez and Jim Webb, with Tim Robinson absent. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

Prior to calling the meeting to order, Mayor McCaslin indicated that Cave Springs Mayor Travis Lee was present and had signed up to speak during public comments about Item 1 on the agenda. Mayor Lee was recognized.

Mayor Lee stated that the proposal in Item 1 on the agenda would deannex 26 acres from the City of Cave Springs and annex it to Bentonville. He stated this related to the owner's desire to have sewer at the property. He stated that while he thought Mr. Sewell was a great builder, he needed to protect Cave Springs. Mayor Lee passed out a map which he stated showed the property and surrounding property. He indicated that Rogers had taken property under Act 779 just a few years ago. He stated that Cave Springs had recently approved a \$4.3 million upgrade to the City's sewer system which would provide sewer to the property. He asked that the Council table Item 1 for two weeks to allow him to get the Council more information about the planned upgrade.

Alderman Burckart indicated he wanted to raise a point of order about the agenda. He stated that the ordinances related to impact fees were to have been on tonight's agenda and that they had been removed. He stated that since the Council had tabled them to the current agenda, the Council should vote to move them again rather than them just being moved by the Mayor.

Mayor McCaslin and City Attorney Spence explained the reasons for the decision to move the items, including Alderman Robinson wanting to be present for their consideration and his not being present. They also explained the process that had been pursued about informing the Council. Alderman Burckart indicated he just thought it should be done that way as the Council had tabled it to tonight's meeting.

Motion by Alderman Skaggs to table the impact fee ordinances to the August 9th meeting, second by Alderman Webb. Motion carried (7-0), with Alderman Robinson absent.

Mayor McCaslin called the meeting to order. The Mayor led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces.

Motion was made by Alderman Sanchez to approve the minutes of the July 12, 2016 meeting as presented, second by Alderman Webb. There was no discussion. Motion carried (7-0), with Alderman Robinson absent.

Motion was made by Alderman 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 Alderman Burckart. There was no discussion. Motion carried (7-0), with Alderman Robinson absent.

1. Ordinance No. 2016-96: Ordinance accepting and annexing certain real property to the City of Bentonville, Arkansas, pursuant to Act 779 of the 82nd General Assembly and assigning said property to a city ward.

City Attorney Spence read the ordinance by title only.

In response to questions from Alderman Sanchez, Mayor Lee indicated that while there had been an initial response to the developer, he had not been updated. Mayor Lee also indicated that Cave Springs was working on addressing the sewer issue.

Alderman Burckart asked whether the developer could hook up to Bentonville sewer if the property remained in Cave Springs. He also asked whether the Cave Springs project would be done in a year.

Attorney Bill Watkins was recognized on behalf of the property owner seeking the annexation. Mr. Watkins stated that the process was not intended as adversarial. He stated that Bentonville sewer was immediately across the street from the subject property. He discussed the statutory process for completing such an annexation.

Mr. Watkins stated that after their initial letter in October requesting service, Cave Springs' attorney had responded in November seeking more information to which they had sent a response in December. He stated that since that time Cave Springs had not updated them about progress. He stated that Cave Springs still could not tell them when they would get service. He stated that Act 779 addressed this very problem and that common sense should prevail. He also noted to the Council that the owner of the property was incurring interest expense on the property which it could not develop.

Alderman Burckart clarified with Mr. Watkins the date of the property owner's initial contact to the City had been October 15, 2015. He also clarified that there had been no further communication about progress on providing the service since that time.

Alderman Webb asked Mayor Lee to indicate what progress could be made if the annexation was tabled for two weeks. Mayor Lee indicated that he had thought the communication had been happening and that Cave Springs would try to correct the situation. He stated that some information could be put together to be presented to the Council in two weeks.

Alderman Smith moved to table the ordinance until the next meeting of the Council, second by Alderman Webb. Motion failed (2-4-1), with Alderman Smith and Alderman Webb voting

yes, Alderman Sanchez abstaining, and Alderman Robinson absent.

Alderman Smith stated that he wanted to table the matter as a courtesy and did not think a two-week delay would do any harm.

Motion to pass the ordinance by Alderman Burckart, second by Alderman Skaggs. Motion carried (5-2), with Alderman Smith and Alderman Webb voting no and Alderman Robinson absent.

- 2a. Ordinance No. 2016-97: Ordinance accepting a lot split of Lot 19 Lefor's Addition to the City of Bentonville, Arkansas.

[Applicant: Bridget Beckfield;
Location: 203 Northwest D Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Sanchez, second by Alderman Burckart. There was no discussion. Motion carried (7-0), with Alderman Robinson absent.

- 2b. Ordinance No. 2016-98: Ordinance accepting a lot split of Lots 17 through 27 Block 9 Deming's Addition to the City of Bentonville, Arkansas.

[Applicant: Quality Housing Partners, LLC;
Location: Northwest A Street and Northwest 3rd Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Sanchez, second by Alderman Sooter. There was no discussion. Motion carried (7-0), with Alderman Robinson absent.

- 2c. Ordinance No. 2016-99: Ordinance accepting a lot split of Lots 23, 24 and 25 Block 1 Railroad Addition to the City of Bentonville, Arkansas.

[Applicant: Manuel Barnes;
Location: 312 and 314 South Main Street]

City Attorney Spence read the ordinance by title only.
Motion to pass by Alderman Burckart, second by
Alderman Orman. There was no discussion. Motion carried
(7-0), with Alderman Robinson absent.

- 2d. Ordinance No. 2016-100: Ordinance accepting a lot split of
Lot 26 Block 3 Railroad Addition to the City of Bentonville,
Arkansas.

[Applicant: Neuebox, LLC;
Location: 307 South Main Street]

City Attorney Spence read the ordinance by title only.
Motion to pass by Alderman Sanchez, second by Alderman Webb.
There was no discussion. Motion carried (7-0), with
Alderman Robinson absent.

- 2e. Ordinance No. 2016-101: Ordinance changing real estate in
the City of Bentonville, Arkansas from its present
classification to D-E, downtown edge.

[Applicant: Roth Family, Inc.;
Location: 502 and 506 Southwest D Street]

City Attorney Spence read the ordinance by title only.
Motion to pass by Alderman Burckart, second by
Alderman Sanchez. There was no discussion. Motion carried
(7-0), with Alderman Robinson absent.

3. Approval for the installation of crosswalk art on
Southwest 4th Street at its intersection with Southwest A
Street.

Motion to approve by Alderman Smith, second by Alderman Webb.
There was no discussion. Motion carried (7-0), with
Alderman Robinson absent.

4. Approval of a budget adjustment in the amount of \$16,573 for
construction of a new fence at the Bentonville Community
Center.

Motion to approve by Alderman Webb, second by Alderman Smith.
There was no discussion. Motion carried (7-0), with
Alderman Robinson absent.

Mayor McCaslin stated that the Committee of the Whole meeting
featuring Mark Hayes, General Counsel for the Arkansas Municipal
League, on August 3 would not be held then. A tentative date of
August 23 was arrived at, subject to scheduling with Mr. Hayes'
office.

Motion to adjourn by Alderman Burckart, second by Alderman Webb.
Motion carried (7-0).

Linda Spence

Linda Spence, City Clerk

Bob McCaslin

Bob McCaslin, Mayor

