

Bentonville City Council
Meeting Minutes
September 12, 2017

The City Council of Bentonville, Arkansas, met in regular session Tuesday, September 12, 2017, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Stephanie Orman, Chad Goss, Tim Robinson, Chris Sooter, Thomas Hoehn, Bill Burckart, Octavio Sanchez and Jim Webb. 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 invited public comments. Donald Rone, Scott McMurtrey and Jerry Orr spoke in favor of agenda item 10. The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

Thereafter, 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 Council Member Burckart to approve the minutes of the August 22, 2017 meeting as presented, second by Council Member Webb. 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 Burckart. There was no discussion. Motion carried (8-0).

- 1a. Ordinance No. 2017-143: Ordinance accepting a lot split of Lots 1 through 5 Norman Park Subdivision to the City of Bentonville, Arkansas.

[Applicant: Bowser Shattuck Group, LLC;
Location: Northwest A Street]

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

- 1b. Ordinance No. 2017-144: Ordinance accepting a lot split of Lots 10 through 13 Dogwood Acres Subdivision to the City of Bentonville, Arkansas.

[Applicant: C Street Properties;
Location: Northwest A Street]

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

- 1c. Ordinance No. 2017-145: Ordinance accepting a property line adjustment for Lots 20 and 21 Medlin Meadows Subdivision to the City of Bentonville, Arkansas.

[Applicant: Bathke Investments, LLLP;
Location: 2300 Southeast 28th Street]

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

- 1d. Ordinance No. 2017-146: Ordinance accepting a property line adjustment of Lots 9 and 10 Block 3 McClain Ridge at Woods Creek Phase I Subdivision to the City of Bentonville, Arkansas.

[Applicant: Alfred Dall Sacco;
Location: McClain Ridge, Woods Creek Subdivision, Phase I]

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

Council Member Webb. There was no discussion. Motion carried (8-0).

- 1e. Ordinance No. 2017-147: Ordinance accepting a final plat of Lot 7 Parc Subdivision to the City of Bentonville, Arkansas.

[Applicant: Abby Bentonville, LLC;
Location: 5806 Southwest Crozier Circle]

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).

- 1f. Resolution No. 9-12-17 A: Resolution adopting revisions to the Future Land Use Map of the City of Bentonville to change real estate from its present land use classification of agricultural to medium-density residential.

[Applicant: Chambers Bank;
Location: Ginn Road and Brookside Road]

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

- 1g. Resolution No. 9-12-17 B: Resolution adopting revisions to the Future Land Use Map of the City of Bentonville to change real estate from its present land use classification of agricultural to low-density residential.

[Applicant: Chambers Bank and FH&G, LLC;
Location: Ginn Road and North Rainbow Farm Road]

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).

- 1h. Ordinance No. 2017-148: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of R-1, single family residential to DE, downtown edge.

[Applicant: Virginia Carol King;
Location: 228 Southeast 7th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Webb, second by Council Member Orman. There was no discussion. Motion carried (7-0).

- 1i. Ordinance No. 2017-149: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of DE, downtown edge and DN-2, downtown medium-density residential to DC, downtown core.

[Applicant: First Baptist Church of Bentonville;
Location: 200 Southwest A Street]

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

- 1j. Ordinance No. 2017-150: Ordinance accepting a lot split of Lots 23, 24 and 25 Huffman Addition to the City of Bentonville, Arkansas.

[Applicant: Ryan Hardin;
Location: 211 Northwest D 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).

- 1k. Ordinance No. 2017-151: Ordinance amending the zoning code of the City of Bentonville, Arkansas to establish zoning regulations for medical marijuana dispensaries and cultivation facilities consistent with the Arkansas Medical Marijuana

Amendment of 2016, Amendment 98 of the Arkansas Constitution and declaring an emergency.

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

Council Member Burckart asked if the Council would have an opportunity to implement certain criteria as it did when the county/city went wet. Mayor McCaslin stated that the City would abide by State law. Shelli Kerr, Planning Services Manager, stated that a dispensary would be treated in the same manner as a pharmacy. She added that nothing additional has been added to what the State has already required.

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

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

2. Approval of a budget adjustment recognizing a contribution from the A & P Commission and allocating future expenses in the amount of \$731,000 for Memorial Park ballfield improvements.

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

3. Approval of a budget adjustment in the amount of \$10,124 to fund a new entry kiosk at the Bentonville Community Center.

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

4. Approval of a budget adjustment in the amount of \$30,350 to fund emergency repair of damaged ballfield lights at Phillips Park.

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

5. Ordinance No. 2017-152: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Siemens Industry, Inc. for the purchase of hookstick operated switches for the 8th Street widening project and waiving the requirement of competitive bidding.

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

6. Resolution No. 9-12-17 C: Resolution authorizing the Mayor and City Clerk to enter into an agreement with Grubbs, Hoskyn, Barton & Wyatt Consulting Engineers for geotechnical services for the Northwest 3rd Street Phase 3 improvement project.

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

7. Ordinance No. 2017-153: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Grand Truck and Equipment Company, LLC for the purchase of a SnowEx Brine Pro for the Street Department and waiving the requirement of competitive bidding.

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

8. Ordinance No. 2017-154: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Oakley Fertilizer for the purchase of road salt for the Street Department and waiving the requirement of competitive bidding.

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

- 9a. Resolution No. 9-12-17 D: Resolution authorizing the Mayor and Clerk to enter into a development agreement with Northwest Arkansas Trailblazers.

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

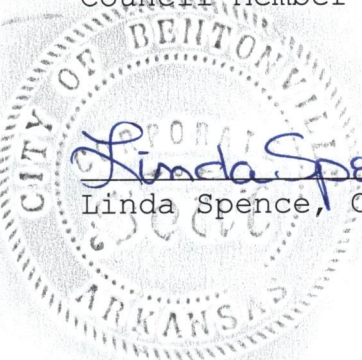
- 9b. Approval of a budget adjustment accepting funding from the Northwest Arkansas Trailblazers in the amount of \$576,504.83 for construction of the pedestrian tunnel and relocation of utilities at the intersection of Southeast 8th Street and Southeast J Street.

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

10. Ordinance No. 2017-155: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville and assigning same to wards.

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

Motion to adjourn by Council Member Burckart, second by Council Member Webb. Motion carried (8-0).



Linda Spence
Linda Spence, City Clerk

Bob McCaslin
Bob McCaslin, Mayor