

Bentonville City Council
Meeting Minutes
October 23, 2018

The City Council of Bentonville, Arkansas, met in regular session Tuesday, October 23, 2018, 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, Bill Burckart, Octavio Sanchez, Aubrey Patterson and Jonathan Terlouw. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

At 6:00 p.m., prior to calling the meeting to order, Mayor McCaslin invited public comments. Heather Wegner was recognized and spoke regarding Item 3e, adoption of the Bentonville Community Plan.

The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

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 Robinson to approve the minutes of the October 9, 2018 meeting as presented, second by Council Member Sanchez. 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).

1. Proclamation designating October 2018 as Community Planning Month.

Mayor McCaslin recognized Shelli Kerr, Interim Community and Economic Development Director, and presented her with a framed copy of the proclamation.

2. Ordinance No. 2018-143: 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.

[Applicant: Luttrell Family Trust, Arnold L. and Jeannie K. Luttrell, and Kimberly K. Alexander;
Location: Timber Trail]

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).

- 3a. Ordinance No. 2018-144: Ordinance accepting a property line adjustment of Lot 21 of Amber Ridge North at Woods Creek Subdivision to the City of Bentonville, Arkansas.
(Project No. PLA18-0032)

[Applicant: Michelle DiPalma;
Location: 500 Northeast Saddle Ridge Road]

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).

- 3b. Ordinance No. 2018-145: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, agricultural to R-E, residential estate.
(Project No. RZ18-0029)

[Applicant: Derek and Shellie Brown;
Location: 9801 Gaston Road]

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).

- 3c. Ordinance No. 2018-146: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, single family residential to DE, downtown edge. (Project No. RZ18-0030)

[Applicant: Jay Simon;
Location: 206 Southeast B 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).

- 3d. Ordinance No. 2018-147: Ordinance accepting a lot split of Lots 1 through 3 of D&S Subdivision to the City of Bentonville, Arkansas. (Project No. LS18-0038)

[Applicant: Derek and Shellie Brown;
Location: 9801 Gaston Road]

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).

- 3e. Resolution No. 10-23-18 A: Resolution adopting the Bentonville Community Plan and Future Land Use Map of the City of Bentonville, Arkansas, pursuant to Arkansas Code Annotated §14-56-414.

City Attorney Spence read the resolution by title only.

Council Member Orman asked how many properties would be affected by the changes in the land use map, how the owners of those properties had been notified, and if they had not been notified how the City could make the changes.

Shelli Kerr stated that the City had hired a consultant to review current uses of property and patterns of change which

led to the recommendations. She also stated that a comparison map of the changes could be prepared, but that the information was not currently available.

Mayor McCaslin interjected that no zoning had changed as a result of the proposed document, and that it would not be in the usual course of business to make individual notifications about the planning document as she was suggesting as the proposed plan was about what was predicted for the future. Ms. Kerr noted that the plan had been the subject of several public meetings and two public hearings before the Planning Commission.

Council Member Orman asked if the City was setting itself up for legal problems by making the changes. Ms. Kerr noted that the statutes contemplated the City doing exactly what was proposed, setting the broad plans for use. Ms. Kerr also noted that the new plan did not include a provision identifying zones specific for different land uses so as to not restrict the City as much on such decisions. She further noted the ability to make amendments to the proposed plan.

Council Member Sanchez asked Ms. Kerr to confirm that changes to zoning had to be initiated by the owner and she confirmed that such was required by State law and briefly described the process. She stated that had not changed.

City Attorney Spence stated that it was his opinion that adoption of the proposed plan, and the resulting changes in land uses for some properties, would not subject the City to liability. In response to a question from Mayor McCaslin, Mr. Spence stated that by adopting this resolution the City is saying that this is what our thoughts are for the future but that existing uses are not being changed.

Council Member Patterson suggested adding additional language specifying that the document is not legally binding. Ms. Kerr responded that the plan already had language to support that.

Council Member Burckart spoke to the numerous meetings that had been held concerning the plan, and added that his view was that

nothing was being changed as a result of the resolution about existing zones or process.

Motion to pass by Council Member Burckart.

Council Member Sanchez noted that there have been many changes to the current plan over the last few years. Ms. Kerr confirmed that she expected those requests to make changes to continue to occur after adoption of the new plan, and that the plan allowed for such.

Council Member Sanchez seconded the motion to adopt the resolution.

Council Member Orman suggested a statement be added to the plan stating an owner can seek an amendment to the plan. Ms. Kerr stated that policy was already in place from the 2007 plan and would continue under the new plan.

Council Member Orman also suggested tabling the matter to allow some revisions as she was suggesting. Council Member Robinson stated he felt like the additions being suggested were unnecessary considering how the documents already read and based on the history of how the City has addressed such issues. Ms. Kerr indicated that the process for making changes could be more clearly identified on the website.

Council Member Orman suggested she wants an analysis of individual parcels to be available so property owners know the reason for the change in the land use map. Council Member Burckart, Ms. Kerr and Council Member Goss indicated that information was in the overall plan, though on a comprehensive basis as opposed to by parcel.

At the suggestion of Council Member Sanchez, Ms. Wegner was allowed to speak again. She stated that the Planning Commission did little actual review and that the process was dictated and influenced by planning staff. She also stated that everyone was wrong and that the new document would allow changes to properties without input from the owners.

Council Member Burckart noted the existing process and that disagreement with any decision could be brought to Council.

City Attorney Spence noted that the item before the Council was a resolution regarding the plan, not an ordinance, and thus could not change any existing processes previously adopted by ordinance.

Council Members Sanchez and Robinson called for the vote on the motion on the floor. Motion carried (7-1), with Council Member Orman voting no.

4. Presentation of the Residential Landscaping of the Month Award. Mayor McCaslin recognized Ronald and Jean Gilbert as the winners for the month of October and presented them with the award.
5. Approval for the appointment of Dylan Turk to a three-year term on the Public Art Advisory Committee, said term to expire October 31, 2021.

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

6. Approval for the appointment of Brittany Braithwaite to a three-year term on the Public Art Advisory Committee, said term to expire October 31, 2021.

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

7. Approval to transfer a 2008 Ford F150 pickup from Building Inspection to the Police Department.

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

8. Resolution No. 10-23-18 B: Resolution authorizing the Mayor and Clerk to enter into an agreement with Traffic Engineering,

Consultants for a traffic signal timing study and coordination plan.

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).

9. Resolution No. 10-23-18 C: Resolution expressing the willingness of the City of Bentonville to partner with the Arkansas Department of Transportation for the Highway 71B improvements project.

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).

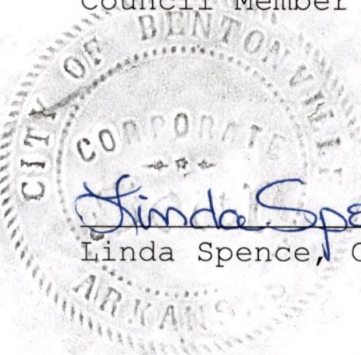
10. Approval of a budget adjustment for the Street Department, in the amount of \$16,441.95, for a road improvement project for Allen Road.

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

Mayor McCaslin stated that the next City Council meeting would be November 13th, followed by a Committee of the Whole meeting to discuss the budget.

Council Member Burckart stated that the last Animal Task Force meeting would be held October 24th at 6:00 p.m.

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



Linda Spence
Linda Spence, City Clerk

Bob McCaslin
Bob McCaslin, Mayor