

Bentonville City Council
Meeting Minutes
October 22, 2019

The City Council of Bentonville, Arkansas, met in regular session Tuesday, October 22, 2019, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Chad Goss, Cindy Acree, Chris Sooter, Aubrey Patterson, Bill Burckart, Octavio Sanchez and Jonathan Terlouw, with Tim Robinson absent. Also present were Mayor Stephanie Orman, 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 Orman invited public comments. There was no response so the Mayor declared the comment period closed. The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

Mayor Orman 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 Acree to approve the minutes of the October 8, 2019, meeting as presented, second by Council Member Sanchez. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

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 (7-0), with Council Member Robinson absent.

1. Community Planning Month proclamation presentation.

Mayor Orman read the proclamation and presented it to Danielle Semsrott, Senior Planner.

2. Ordinance No. 2019-156: 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: Clearwater Investing, Inc.;
Location: Southwest 14th 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 (7-0), with Council Member Robinson absent.

- 3a. Ordinance No. 2019-157: Ordinance accepting a property line adjustment of Lot 26 of Huffman Addition to the City of Bentonville, Arkansas.

[Applicant: Brenda Compton;
Location: 209 Northwest D 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 (7-0), with Council Member Robinson absent.

- 3b. Ordinance No. 2019-158: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of DN-5, downtown mixed-use residential to DE, downtown edge. (Project No. RZ19-30)

[Applicant: Art Condos, LLC;
Location: 609 and 610 Southeast E 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 (7-0), with Council Member Robinson absent.

- 3c. Ordinance No. 2019-159: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of PUD, planned unit development to C-2, general commercial. (Project No. RZ19-31)

[Applicant: Gary Stearman, Trustee;
Location: Southwest H Street]

Council Member Sanchez pointed out a discrepancy in the agenda packet involving the site area for the project. Mr. Spence stated that the discrepancy involved a staff report and a letter from the engineering firm and that the ordinance appeared to be correct and could be put to a vote.

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

- 3d. Ordinance No. 2019-160: Ordinance amending Chapter 14 Zoning Code of the Bentonville Municipal Code.

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 (7-0), with Council Member Robinson absent.

4. Resolution No. 10-22-19 A: Resolution condemning a structure as a nuisance.

[Owners: Steven and Debbie Goldmeier;
Location: 1703 Southeast J Street]

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 (7-0), with Council Member Robinson absent.

5. Ordinance No. 2019-161: Ordinance vacating a right-of-way and establishing a utility easement located in Rolling Acres Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas. (VAC19-36)

[Applicant: Swope Engineering;
Location: Rolling Acres Subdivision]

Mayor Orman declared a public hearing open for comments. There was no response so Mayor Orman declared the hearing closed.

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 (7-0), with Council Member Robinson absent.

6. Resolution No. 10-22-19 B: Resolution setting a public hearing for November 12, 2019, on a petition filed by CEI Engineering requesting an alley right-of-way vacation in Bentonville Original Subdivision.

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

7. Resolution No. 10-22-19 C: Resolution authorizing the Mayor and Clerk to enter into a ground lease agreement with Center City LLC.

Mayor Orman recognized Debbie Griffin, Community Relations and Economic Development Director. Ms. Griffin explained how the amount to be paid to the City per the contract was arrived at, addressing "air rights" and how they were being utilized in coming to that amount. She stated that the letter from Josh Kyles included in the Council packet was one of the justifications for the amount to be paid to the City.

In response to a question from Council Member Sanchez, Ms. Griffin noted that the amount to be paid to the City was actually about eighteen percent of the value of the property determined by appraisal. She also noted that it was thought that the economic impact of the parking garage, the value of which could not be precisely determined, should be taken into account.

In response to a question from Council Member Acree, Ms. Griffin stated that one option would be to have an appraisal for air rights, but that the City had gone above and

beyond that by basing the valuation on calculations appropriate for New York City, making it more than fair.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no further discussion. Motion carried (6-1), with Council Member Acree voting no and Council Member Robinson absent.

8. Approval to award Bid No. 19-62 to ADB, in the amount of \$251,673.80, for fiber installation from the Municipal Complex to Substation F.

Motion to approve by Council Member Burckart, second by Council Member Sanchez. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

Mayor Orman stated that before adjourning the meeting she wanted to comment that the staff had gone above and beyond and done an excellent job with regard to the contract related to the parking garage and that she wanted to thank the staff.

Mayor Orman then adjourned the meeting.

Council members reported on committees and boards they participate in related to the City. There were no public comments.


Linda Spence, City Clerk


Stephanie Orman, Mayor

