

Bentonville City Council

Meeting Minutes

January 11, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, January 11, 2022, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Aubrey Patterson, Cindy Acree, Bill Burckart, Holly Hook, and Chris Sooter. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience. Council Members Octavio Sanchez, Tim Robinson, and Gayatri Agnew attended remotely and participated by Zoom.

Due to the situation related to COVID-19, several members of the city staff and the public attended remotely by Zoom.

Several individuals signed in to speak at the meeting in person.

Mayor Orman recognized Miquel Garcia for public comment. Miquel Garcia spoke about flooding issues at SW Nutmeg. Council and City Engineer Dan Weese discussed the area in question and current drainage issues.

Mayor Orman called the meeting to order. Zoe and Madison Smith, Girl Scouts from Troop 5273, 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 Acree to approve the minutes of the December 14, 2021, 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 Burckart. There was no discussion. Motion carried (8-0).

1. Planning:

- 1a. Ordinance No. 2022-1: Ordinance accepting a lot split of Lot 6 of Shops at the Forum Subdivision creating Lots 7 & 8 to the City of Bentonville, Arkansas (Project No. LS21-0048).

[Applicant: Mathias Shopping Centers, Inc.;

Location: 1400 SE Walton Boulevard]

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

- 1b. Ordinance No. 2022-2: Ordinance accepting a lot split of parcel 01-00222-006 creating new Mountain Bike Addition Ph. II Subdivision Lot 1 to the City of Bentonville, Arkansas (Project No. PLA21-0058).

[Applicant: NWA Trailblazers;

Location: NW A 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).

- 1c. Ordinance No. 2022-3: Ordinance accepting a property line adjustment of Lot 22, Block 5, Clark's Second Addition to the City of Bentonville, Arkansas (Project No. LS21-0066).

[Applicant: Britain White and Kimberly White;

Location: SE corner of SW E and SW 3rd Street]

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

- 1d. Ordinance No. 2022-4: Ordinance accepting a property line adjustment of Lots 25 & 26 Sherrill Heights Subdivision to the City of Bentonville, Arkansas (Project No. LS21-0067).

[Applicant: Sherrill Heights, Calcon, Inc.;

Location: 1605 Kimberly Place]

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).

- 1e. Ordinance No. 2022-5: Ordinance accepting a lot split of Gateway North Subdivision creating Lot 2 and 3 to the City of Bentonville, Arkansas (Project No. LS21-0068).

[Applicant: Crossmar Industrial North 100 LLC;

Location: 4300 SW Rainbow Farm 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).

- 1f. Ordinance No. 2022-6: Ordinance accepting a property line adjustment of Salley Addition, creating Tara Ridge Subdivision Lot 1 to the City of Bentonville, Arkansas (Project No. PLA21-0047).

[Applicant: Salley, Charles R & Brenda K;

Location: 3809 SW Crockett 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).

- 1g. Ordinance No. 2022-7: Ordinance accepting a property line adjustment of Lot 1, 2 & 3 Faircloe Block Addition, creating Lot 25 to the City of Bentonville, Arkansas (Project No. PLA21-0057).

[Applicant: Andres Capra and Aimee Capra;

Location: 609 SW 4th Street]

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

- 1h. Ordinance No. 2022-8: Ordinance accepting a lot split of Lots 15 & 18 Seals Addition creating Lots 20 & 21 to the City of Bentonville, Arkansas (Project No. PLA21-0060).

[Applicant: Game Engines, LLC and Mars Loop, LLC;

Location: 3201 SW I 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).

- 1i. Ordinance No. 2022-9: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential (Project No. RZ21-0076).

[Applicant: Chris Delacruz and Cummings;

Location: 1003 North Main Street]

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

The council engaged in a lengthy discussion about the misnumbering of agenda items and how the revised agenda was not in front of all members present. The council understood the issue and proceeded with the meeting.

1j(1).Resolution No. 1-11-22 A: 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 Commercial to Mixed-Use.

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

Council Member Burckart asked why they have to request mixed-use when allowed in commercial. Ellen Norvell, Community Development Director, mentioned that the applicant's request is to change to C-3 for setback reasons, but the mixed-use is allowed under C-2 and C-3.

1j(2).Ordinance No. 2022-10: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-2, General Commercial To C-3, Mixed-Use Commercial (Project No. RZ21-0078).

[Applicant: Richard & Catherine Grubbs;

Location: 220 N Walton Boulevard]

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(1).Resolution No. 1-11-22 B: 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 Medium Density Residential to Downtown Commercial.

City Attorney Spence read the resolution by title only. Motion to table the item until the next City Council meeting by Council Member Hook, second by Council Member Acree.

Council Member Hook made the motion based on confusion and comments made at the Planning Commission meeting. Council Member Burckart expressed that he believed any confusion was resolved and asked what issues had not been resolved. Ellen Norvell and the council discussed comments that occurred at the Planning Commission and the proper use of the property.

Council discussed when items need to be voted on and when there can be further discussion. Council discussed when items need to be voted on and when there can be further discussion.

Motion to table failed (2-6), with Council Member Robinson, Sooter, Patterson, Burckart, Sanchez, and Agnew voting no.

City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (6-2), with Council Member Acree and Council Member Hook voting no.

1k(2).Ordinance No. 2022-11: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DE, Downtown Edge (Project No. RZ21-0079).

[Applicant: Tony and Leah Gagliardo;

Location: 303 SW 4th 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).

- 11(1).Resolution No. 1-11-22 C: 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 Residential Estates to Commercial.

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

- 11(2).Ordinance No. 2022-12: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-1, Neighborhood Commercial (Project No. RZ21-0083).

[Applicant: Patton Family Revocable Trust, James, and Brenda Patton;

Location: East Centerton Boulevard]

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 (8-0).

- 1m. Ordinance No. 2022-13: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential (Project No. RZ21-0084).

[Applicant: Lake and Main Developers, LLC;

Location: 1061 N Main 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).

2. Ordinance No. 2022-14: Ordinance vacating a utility easement located at Lot 24 & 25, Block 23 of Demings 2nd Addition to the

City of Bentonville, Arkansas, Benton County Arkansas (Project No. VAC21-0031).

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

3. Resolution No. 1-11-22 D: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Meshek & Associates, LLC, for consulting engineer services related to the study of flood issues on SW Nutmeg, including improvement design and project management in a total amount not to exceed one hundred sixty-six thousand eight hundred and thirty dollars (\$166,830.00) and for other purposes.

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

4. Budget adjustment in the amount of \$1,200.00 to recognize receipt of a grant from the Arkansas Alternative Dispute Resolution Commission for the Bentonville District Court mediation program.

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

5. Resolution No. 1-11-22 E: A resolution authorizing the Mayor and City Clerk to enter into a through the fence airport access agreement with Games Engines, LLC of Bentonville, Arkansas; and for other purposes.

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

6. Resolution No. 1-11-22 F: A resolution authorizing the Mayor and City Clerk to enter into a real estate contract for the sale of property to Busbam, LLC, of Bentonville, Arkansas; and for other purposes.

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

7. City Council approval of Mayor Orman's recommendation to reappoint Steven George and Justin Hundley and appoint Ashton Alsop and Brady Blake to the Parks and Recreation Advisory Board.

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

8. Motion by City Council to move the March 22, 2022, City Council meeting and reschedule to March 29, 2022.

Motion to approve by Council Member Burckart, second by Council Member Hook. There was no discussion. Motion carried (7-1), with Council Member Patterson voting no since she will be out of town.

Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Acree. Motion passed unanimously.

Mayor Orman recommended that the council has their organizational meeting tonight since the January 25 meeting will be lengthy. Mayor Orman opened the floor for any adjustments council members would like to see and discussed what those adjustments could be.

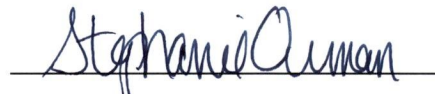
Mayor Orman reminded the council that Covid-19 test kits would be available at the Bentonville Fire Department Station 1 and the postponed Municipal League Conference.

Council members reported on committees and boards they participate in related to the city.

Council Member Burckart and Council Member Agnew both expressed their desire to be a part of the new Housing Committee. Council Member Acree made a motion to allow two council member representatives on a committee, second by Council Member Hook. Motion carried (8-0).

The next Bentonville City Council meeting will be on January 25, 2022.



Kirby Romines, City Clerk

Stephanie Orman, Mayor