

Bentonville City Council

Meeting Minutes

March 29, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, March 29, 2022, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Cindy Acree, Tim Robinson, Bill Burckart, Holly Hook, and Chris Sooter, with Council Member Gayatri Agnew absent. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience. Council Member Aubrey Patterson 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 called the meeting to order. Alex Golleher, a Boy Scout from Troop 525, 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 March 9, 2022, meeting as presented, second by Council Member Sanchez. There was no discussion. Motion carried (7-0).

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 (7-0).

Mayor Orman announced that items 2a(1), 2a(1), 2b(1), and 2b(2) were removed from the agenda for publication reasons. The items will go back to the Planning Commission. Tyler Overstreet, Planning Services Manager, provided further details about the removed items.

1. Bentonville Public Library's expansion plans will be presented by MSR Design. Hadi Dudley, Library Director, introduced Kristilyn Vercruysse with MSR Design to speak.

The council engaged in a lengthy discussion regarding the differences in the two presented designs for the Bentonville Public Library, from the cost to the square footage. The majority of the council expressed their desire to move forward with the 16.750-million-dollar option.

2. Planning:

2a(1). Removed: 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 Low Density Residential to Medium Density Residential (Project Number: RZ22-0001) SW Adams Road and SW Regional Airport Boulevard.

2a(2). Removed: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-1, Neighborhood Commercial to R-2, Medium Density Two Family and Townhome Residential (Project Number: RZ22-0001) SW Adams Road and SW Regional Airport Boulevard.

2b(1). Removed: Resolution amending the City of Bentonville Future Land Use Map for a specific area from Low-Density Residential to Medium-Density Residential (Project Number: RZ22-0004) 807 SE 3rd Street.

2b(2). Removed: 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-3, Downtown High Density Residential (Project Number: RZ22-0004) 807 SE 3rd Street.

2c(1).Resolution No. 3-29-22 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate to Medium-Density Residential; 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 (6-1), with Council Member Patterson voting no.

2c(2).Ordinance No. 2022-63: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-E, Residential Estate, to R-2, Medium Density Two Family and Townhome Residential; and for other purposes (Project No. RZ22-0005).

[Applicant: Blessing S Nyamolo and Maxwell N;

Location: 601, 603, & 701 SW Tater Black Road]

Council Member Hook mentioned that there were concerns about the traffic. Tyler Overstreet explained that if this were to be developed into a preliminary plat, the staff would have to conduct a traffic study that will look at the potential impact. However, until they know what the actual development plans are, they cannot determine what the potential impact could be. Tyler Overstreet also explained that both of the intersections on

Tater Black Road are state highways, so there is only so much the City of Bentonville can control. Council discussed the potential future traffic based on the different development opportunities. Mayor Orman mentioned that they would work with the Arkansas Department of Transportation about Tater Black Road and the traffic concerns.

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. There was a need for a majority vote since one council member was absent. Mayor Orman voted yes. Motion carried (5-3), with Council Member Acree, Council Member Hook, and Council Member Patterson voting no.

Council engaged in a lengthy discussion regarding zoning and changing of the Future Land Use Map.

- 2d. Ordinance No. 2022-64: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of DE, Downtown Edge to DC, Downtown Core (Project No. RZ22-0006).

[Applicant: Annalee, Jones; Urbn Share LLC; Howmar LLC, 8THBV, LLC; Brandon Lee Ham and Lindsey Ham;

Location: SE 8th Street and SE C 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 (7-0).

- 2e(1).Resolution No. 3-29-22 B: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate to General Commercial; and for other purposes.

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

2e(2).Ordinance No. 2022-65: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-1, Neighborhood Commercial; and for other purposes (Project No. RZ22-0007).

[Applicant: Patton Family Revocable Trust-James M & Brenda D;
Location: E Centerton Blvd]

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 (7-0).

2f. Ordinance No. 2022-66: Ordinance accepting a lot split of part of Bentonville Municipal Park and part of Lot 3 of Carroll Electric Subdivision; creating new Bentonville Phillips Park Phase 1, Lot 1 to the City of Bentonville, Arkansas; and for other purposes (Project No. LS21-0071).

[Applicant: City of Bentonville;
Location: 3107 SE C Street]

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

2g. Ordinance No. 2022-67: Ordinance accepting a property line adjustment of Lot 1 of Library Addition and Lot 14 and Lots 15 and 17 in Block 3 of Railroad Addition and the platted right-of-way of SE 4th Street; creating Lot 1 of Library Addition Phase 2 to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0004).

[Applicant: City of Bentonville;
Location: 3107 SE C Street]

Council Member Sanchez asked if the street has been vacated or if that still needs to be done. Tyler Overstreet explained that

the vacation would need to be completed before the filing of the plat and is a separate process.

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

- 2h(1).Resolution No. 3-29-22 C: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Medium-Density Residential to General Commercial; 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 (6-1), with Council Member Acree voting no.

- 2h(2).Ordinance No. 2022-68: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-3, Medium-High Density Multifamily Residential to C-1, Neighborhood Commercial; and for other purposes (Project No. RZ22-0008).

[Applicant: 1007 SE 5th Street, LLC;

Location: 1007 SE 5th 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 (7-0).

- 2i. Ordinance No. 2022-69: 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-1, Downtown Low-Density Residential; and for other purposes (Project No. RZ22-0009).

[Applicant: Damon Epps and Erin Mertes;

Location: 105 NE I Street]

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).

- 2j(1).Resolution No. 3-29-22 D: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Agriculture to General Commercial and Medium-Density Residential.

Council Member Hook asked when the Planning Commission has their write-up done in the staff report and when comments are included in that. Tyler Overstreet explained when and how comments typically come in.

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

- 2j(2).Ordinance No. 2022-70: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-1, Neighborhood Commercial, R-3, Medium-High Density Multifamily Residential and R-2, Medium Density Two Family and Townhome Residential; and for other purposes (Project No. RZ22-0010).

[Applicant: Stan Enterprises, LLC;

Location: Mill Dam Road and Nomad Road]

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 (7-0).

- 2k. Ordinance No. 2022-71: 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; and for other purposes (Project No. RZ22-0011).

[Applicant: Laurie Zarse;

Location: 606 SE C 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 (7-0).

21. Ordinance No. 2022-72: Ordinance accepting a lot split of unplatted section land; creating new Lot 1 and Lot 2 of Morning Star Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0007).

[Applicant: Hylton Road Real Estate, LLC;

Location: S Morning Star and Gaston Road]

Council Member Hook asked for further clarification about the reason the Planning Commission accepted this item. Tyler Overstreet explained the point of contention in the discussions that occurred and that this lot split meets all requirements, and with a two-lot split, there would be no need to build a collector roadway at that point. Tyler Overstreet and the council engaged in a lengthy discussion reviewing what situations would require off-site improvements.

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 (5-2), with Council Member Hook and Council Member Patterson voting no.

3. Appointment of Brittany Vernon to fill the vacancy in Position 5 on the Public Art Advisory Committee (PAAC). Brittany is the Director of Awards & Cohorts, Evaluation and Learning & Engagement with Art Bridges Foundation, with experience in art museums and community art centers in Ohio and Washington DC. This will be her first term, completing the unfulfilled term of Position 5, which will expire on December 31, 2023.

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

4. Utility Board:

- 4a. Resolution No. 3-29-22 E: A resolution awarding Bid IFB-22-33; authorizing the Mayor and City Clerk to enter into a contract with Superior Auto Group for the purchase of four (4) Ram 1500 quad cab pick-up trucks; 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 (7-0).

- 4b. Resolution No. 3-29-22 F: A resolution awarding Bid IFB-22-34; authorizing the Mayor and City Clerk to enter into a contract with Superior Auto Group for the purchase of one (1) Ram 5500 cab and chassis; and for other purposes.

Council Member Burckart asked what the vehicle's delivery time would be, and Gladys Shoemake, Purchasing Manager, said that it is on-site.

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

5. Resolution No. 3-29-22 G: A resolution approving a private hangar painting request at the Bentonville Municipal Airport; 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 (7-0).

6. Resolution No. 3-29-22 H: A resolution authorizing the Mayor and Clerk to enter into an amendment to the guaranteed maximum price contract with Clinard Construction for earthwork and storm drainage on the Fire Department Training Facility in an amount not to exceed two hundred forty-two thousand four hundred ninety-two dollars and sixty-seven cents (\$242,492.67) 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 (7-0).

7. Resolution No. 3-29-22 I: A resolution authorizing the Mayor to enter into a contract with Racom for purchase of capital asset equipment, license of software, and provision of services for a citywide and public safety radio system; authorizing a budget adjustment in the amount of seven hundred thirty-five thousand dollars (\$735,000.00) from General Fund Reserves to account no. 102010-47410 and for other purposes.

Council Member Robinson asked for clarification regarding the proposals. Chief of Police Ray Shastid explained that the intent was for the department to recommend the company that best fit the requirements put into place, Racom.

Mayor Orman recognized those that joined via zoom and in-person to make a public comment regarding the item. Randy Johnson with Motorola advocated for their company and proposal and expressed disappointment in the communication during and after the IFB process. Those who spoke in favor of the resolution were Tim Romanelli and Jason Laforge with Racom.

Chief of Police Ray Shastid explained the communication process during and after an IFB process and listed several reasons for them recommending Racom. Council Member Robinson asked about the cost difference between each company. Fire Chief Brent Boydston and Chief of Police Ray Shastid explained the cost difference and the benefits of having the Racom system.

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 (6-1), with Council Member Robinson voting no.

8. Ordinance No. 2022-73: Ordinance vacating a utility easement located at Lots 2 and 3 of Orchards Addition to the City of Bentonville, Arkansas, Benton County Arkansas.

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 Acree. There was no discussion. Motion carried (7-0).

9. Resolution No. 3-29-22 J: A resolution setting a public hearing for April 12, 2022, for a Utility Easement Vacation requested for Lot 4 of Russell Daniel Subdivision (VAC22-0007).

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

10. Ordinance No. 2022-74: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Temple Inc. for the purchase of twelve (12) video processors in the amount of thirty-five thousand six hundred ninety dollars (\$35,690.00) plus applicable taxes, waiving the requirement of competitive bidding and for other purposes.

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 (7-0).

11. Resolution No. 3-29-22 K: A resolution awarding Bid IFB-22-09; authorizing the Mayor and City Clerk to enter into a contract with Empire Property Management, for mowing services of city owned detention ponds; 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 (7-0).

12. Resolution No. 3-29-22 L: A resolution awarding Bid IFB-22-13; authorizing the Mayor and City Clerk to enter into a contract with Titan Lawn & Landscape, for weekly finish mowing of city facilities; and for other purposes.

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

13. Resolution No. 3-29-22 M: A resolution awarding Bid IFB-22-11; authorizing the Mayor and City Clerk to enter into a contract with Luttrell Enterprises, for bi-weekly mowing of Arkansas Interstate Interchanges within Bentonville city limits; and for other purposes.

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

14. Resolution No. 3-29-22 N: A resolution awarding Bid IFB-22-10; authorizing the Mayor and City Clerk to enter into a contract with Empire Property Management, for bi-weekly mowing of Arkansas State Highway rights-of-way within Bentonville city limits; 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 (7-0).

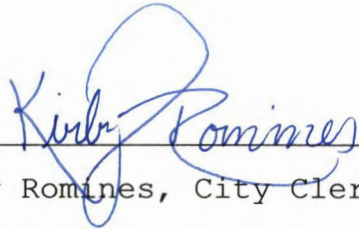
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Acree.

Mayor Orman reminded the council of the meeting for Bentonville Wards 1 and 4, the City of Bentonville Expo, First Friday, the Bentonville Together event on April 23, and the State of the City event on April 7, 2022.

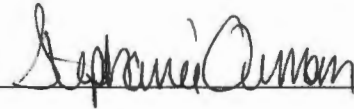
Council engaged in a discussion regarding the 5th Street, J Street, and the future closing of 8th Street. Dan Weese, City Engineer, provided updates for the closing of 8th Street.

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

The next Bentonville City Council meeting will be on April 12, 2022.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

