

Bentonville City Council

Meeting Minutes

May 24, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, May 24, 2022, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Aubrey Patterson, Cindy Acree, Tim Robinson, Gayatri Agnew, 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.

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. Gavin Weaver, 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 May 10, 2022, 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 presented to recognize "National Drug Court Month" in Bentonville, Arkansas.
2. Planning:
  - 2a. Ordinance No. 2022-108: 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. RZ22-0021).

[Applicant: Casey & Hannah Roberts;

Location: 704 NE A Street]

Council Member Hook asked why the item was pulled from the last meeting. Tyler Overstreet, Director of Planning and Community Development, recognized Will Kellstrom, representing the applicant. Will Kellstrom explained that there was an error in the ordinance, but it has been fixed and added back to the agenda. Council Member Hook asked about the surrounding zoning, and Will Kellstrom said that the Future Land Use Map details show the specific property as a growth zone and that DN-2 is a moderate step up.

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).
  - 2b. Ordinance No. 2022-109: Ordinance accepting a lot split of unplatted section land; creating new Lot 1 of Old Town Cleaners Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS21-0076).

[Applicant: Mathias Ventures, Inc.;

Location: 308 N Walton Blvd.]

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).

- 2c. Ordinance No. 2022-110: Ordinance accepting a lot split of existing Lot 2, Harris/BDIC Industrial Park Subdivision; creating new Lot 15 and Lot 16 of Harris/BDIC Industrial Park Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0021).

[Applicant: City of Bentonville;

Location: SW Artillery 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).

- 2d(1).Resolution No. 5-24-22 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Medium-Density Residential to High-Density Residential; and for other purposes.

Council Member Acree asked to see the location on the map, and Tyler Overstreet explained the surrounding zoning of the property.

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 (8-0).

- 2d(2).Ordinance No. 2022-111: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-3, Medium-High Density Multifamily Residential to DN-4, Downtown Mixed-Use Residential; and for other purposes (Project No. RZ22-0024).

[Applicant: RyRon, LLC;

Location: 404 SE G 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).

- 2e. Ordinance No. 2022-112: 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; and for other purposes (Project No. RZ22-0025).

[Applicant: Shane M. and Keri Y. Wilkinson;

Location: 401 SE C Street]

Council Member Patterson asked if there were any public comments on this item. Tyler Overstreet said they had not seen anything, but the applicant amended it to DN-2 from DE after discussion during the Planning Commission meeting. Council Member Hook asked about the alley discussed during the Planning Commission meeting.

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 (7-1), with Council Member Hook voting no.

- 2f. Ordinance No. 2022-113: 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. RZ22-0026).

[Applicant: John C. McDowell and Dawn V. McDowell;

Location: 102 NE F 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 (8-0).

- 2g. Ordinance No. 2022-114: 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. RZ22-0027).

[Applicant: Chatsworth Holdings, LLC;

Location: 707 E Central Ave.]

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).

- 2h. Ordinance No. 2022-115: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of PRD, Planned Residential Development to DN-1, Downtown Low-Density Residential; and for other purposes (Project No. RZ22-0029).

[Applicant: Black Apple Creek, LLC;

Location: NW C 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).

- 2i. Ordinance No. 2022-116: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of I-2, Heavy Industrial, R-3, Medium Density Residential, R-O, Residential Office, and C-2, General Commercial to PUD, Planned Unit Development; and for other purposes (Project No. PUD20-0002).

[Applicant: Wal-Mart Stores, Inc.;

Location: 301 SE J 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).

2j. Removed: Ordinance accepting a lot split of existing Lots 84, 85, 96 and parts of Lots 97, 99, and 100 of Original Town of Bentonville Subdivision; creating new Lots 221, 222, 223, and 224 of Original Town of Bentonville Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0020).

3. Utility Board:

3a. Resolution No. 5-24-22 B: A resolution awarding bid IFB 22-40 to Hill Electric, Inc. for the purchase of two (2) SC060 Generac generators in the amount of one hundred thirty-two thousand seventy-nine dollars (\$132,079.00); and for other purposes.

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

3b. Resolution No. 5-24-22 C: A resolution awarding bid IFB 22-56 to Stuart Irby Company for the purchase of 477 overhead wire in the amount of ninety-nine thousand three hundred seventy-one dollars and twenty-five cents (\$99,371.25) plus applicable taxes; and for other purposes.

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 (8-0).

3c. Ordinance No. 2022-117: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Stuart Irby for 750

underground wire in the amount of seventy-nine thousand seven hundred fifty-eight dollars (\$79,758.00) 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 Burckart. There was no discussion. Motion carried (8-0).

- 3d. Resolution No. 5-24-22 D: A resolution authorizing a budget adjustment in the amount of three thousand two hundred eighty-one dollars (\$3,281.00) from wastewater reserve funds to account 503040-4720 - vehicles; 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).

4. Resolution No. 5-24-22 E: A resolution supporting the Purple Heart Bike Trail Designation in the City of Bentonville; and for other purposes.

Council Member Patterson asked for the background on the item. Mayor Orman explained that Matt Huss from the University of Health and Performance introduced the initiative to the city that will go from their facility in Gentry through the City of Bentonville to Downtown Bentonville.

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 (8-0).

5. Resolution No. 5-24-22 F: A resolution authorizing the Mayor and Clerk to enter into an amendment to the professional services agreement with Jackson, Brown, Palculict (JBP); related to architectural services for the Bentonville Fire Department Training Facility; and for other purposes.

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

6. Ordinance No. 2022-118: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Alternative Support Apparatus LLC (ASAP) for the purchase of a 2022 Medstat MS 500 UTV in the amount of seventy-two thousand six hundred nineteen dollars (\$72,619.00.); 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 Sooter. There was no discussion. Motion carried (8-0).

7. Resolution No. 5-24-22 G: A resolution awarding bid IFB 22-49 to Superior Auto Group for the purchase of three (3) 2022 GMC Canyon Elevation four-wheel drive trucks for the Bentonville Fire Department Inspection Division; declaring a vehicle surplus; 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).

8. Resolution No. 5-24-22 H: A resolution authorizing a budget adjustment from account #10774, cemetery capital improvement account, into account #47390, capital improvement other than building; 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).



9. Resolution No. 5-24-22 I: A resolution authorizing the Mayor to enter into an 80-20% grant application from the Arkansas Department Of Aeronautics (ADA) for the Bentonville Municipal Airport Taxilane, associated site grading, and drainage project; 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).

10. Resolution No. 5-24-22 J: A resolution authorizing the Mayor to enter into an 90-10% grant application from the Arkansas Department of Aeronautics (ADA) for the Bentonville Municipal Airport waterline extension project; 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 (8-0).

11. Ordinance No. 2022-119: Ordinance vacating alley right of way at Lot 5, Block 1 of Dunn & Davis Addition of Bentonville to the City of Bentonville, Arkansas, Benton County Arkansas; and for other purposes (VAC22-0012).

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

Council Member Acree asked why the right of ways are waived for these alleys. Representing the applicant, Jenny Burbidge with Ecological Design Group explained the specific alley and the surrounding properties while resolving a drainage issue simultaneously.

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).

12. Ordinance No. 2022-120: Ordinance vacating alley right of way between Lot 6 and Lot 7, Block 5 of Dunn & Davis Addition of Bentonville to the City of Bentonville, Arkansas, Benton County Arkansas; and for other purposes (VAC22-0013).

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 (8-0).

13. Resolution No. 5-24-22 K: A resolution setting a public hearing for the vacation of a drainage and utility easement in the City of Bentonville, Arkansas, Benton County, 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).

14. Resolution No. 5-24-22 L: A resolution awarding bid IFB 22-44 to Scott Equipment for the purchase of an Articulating Asphalt Compactor in the amount of one hundred thirty-nine thousand nine hundred fifty-four dollars and fourteen cents (\$139,954.14); 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).

15. Resolution No. 5-24-22 M: A resolution authorizing the Mayor and Clerk to enter into an agreement with Traffic Engineering Consultants, Inc. (TEC) for semiannual studies of traffic coordination and signal timing for the City of Bentonville traffic signals in the amount of fifty-seven thousand dollars (\$57,000.00); authorizing a budget adjustment from street reserve fund to pay a portion of this agreement; 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 (8-0).

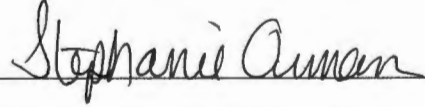
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Robinson.

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

Council Member Burckart asked about drainage. Mayor Orman and Tyler Overstreet mentioned that it would be going to the Planning Commission as a discussion item, and then it will move forward from there. Council Member Acree said several individuals are reaching out to them about reimbursement rates for solar panels and the new bike lanes on Third Street, and sidewalk issues around schools. Council and Dennis Birge, Transportation Director, engaged in a lengthy discussion about sidewalk projects in Bentonville. Council Member Hook asked Dennis Birge about the no-left turn sign on Fifth Street and if there is another solution for those affected by the traffic signs. The council engaged in further lengthy discussion. Dennis Birge and Mayor Orman concluded that they would conduct a traffic study and place time restrictions on the no-left turn sign, which will allow left turns to take place within specific time frames.

The next Bentonville City Council meeting will be on June 14, 2022.

  
Kirby Romines, City Clerk

  
Stephanie Orman, Mayor

