

Bentonville City Council

Meeting Minutes

June 27, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, June 27, 2023, 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, Beckie Seba, Chris Sooter, Gayatri Agnew, and Bill Burckart. Council Member Holly Hook joined via Zoom for items 2b through 2e. Also present were Mayor Stephanie Orman, City Attorney Andrew Myers, City Clerk Kirby Romines, the press, city staff, and the audience. Several members of the city staff and the public attended remotely via Zoom.

Mayor Orman called the meeting to order. Mayor Orman 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 Sanchez to approve the minutes of the June 13, 2023, meeting as presented, second by Council Member Acree. 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).

1. Resolution No. 6-27-23 A: A resolution to recognize, commend, and congratulate Sergeant Travis Scantling on his retirement from the City of Bentonville Police Department, effective June 30, 2023.

Mayor Orman read the resolution by title only. Motion carried unanimously (7-0).

2. Planning:

- 2a. Ordinance No. 2023-152: Ordinance accepting a lot split of Lot 1 & 2 of Rolling Hills Subdivision; creating new Lot 42 & 43 of Rolling Hills Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0030).

[Applicant: Eagle Point Ventures, LLC;

Location: 1101 Northeast 3rd Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

- 2b. Ordinance No. 2023-153: Ordinance accepting a property line adjustment of Lots 1-6, Block 9 of W. A. Burk's Addition; creating New Lot 29, Block 9 of W. A. Burk's Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0014).

[Applicant: Main Monroe Holdings LLC;

Location: 920 Northeast Monroe Street]

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

- 2c. Ordinance No. 2023-154: Ordinance accepting a property line adjustment of Lots 9 & 10 of Curtis Heights Subdivision; creating new Lots 16 & 17 of Curtis Heights Subdivision to the

City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0015).

[Applicant: John and Johnna Goins;

Location: 810 Northwest 13th Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 2d. Ordinance No. 2023-155: Ordinance accepting a final plat of Mountainbrook Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. FP22-0006).

[Applicant: Bentonville Housing Partners Limited Partnership;

Location: Ginn Road and SW Gneiss Avenue and SW Gypsum Avenue]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 2e. Ordinance No. 2023-156: Ordinance accepting a final plat of Poigai Estates Phase I to the City of Bentonville, Arkansas; and for other purposes (Project No. FP23-0003).

[Applicant: Pagan Incorporated;

Location: Southwest 28th Street and Southwest Gypsum Avenue]

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

- 2f(1).Resolution No. 6-27-23 B: A resolution amending the City of Bentonville Future Land Use Map for a specific area from low-Density Residential to Medium-Density Residential; and for other purposes.

Mayor Orman recognized Donna Duncan for public comment. Donna Duncan spoke against the item and expressed concern about the infrastructure capacity in the area. Council Member Patterson asked Tyler Overstreet, Director of Planning and Community Development, about the infrastructure in the area. Tyler Overstreet explained that if the development comes through for large-scale development, it would be evaluated for water and sewer capacity as part of the process. Council Member Burckart, Mayor Orman, and Tyler Overstreet engaged in further discussion regarding water and sewer capacity within the City of Bentonville.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sooter, second by Council Member Burckart. There was no discussion. Motion carried (5-2), with Council Member Acree and Council Member Sanchez voting no.

2f(2).Ordinance No. 2023-157: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to R-3, Medium-High Density Multifamily Residential; and for other purposes (Project No. RZ23-0042).

[Applicant: Roberto Reyes;

Location: 101 Northwest K Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sooter, second by Council Member Agnew. There was no discussion. Motion carried (5-2), with Council Member Acree and Council Member Sanchez voting no.

2g(1).Resolution No. 6-27-23 C: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Low-Density Residential to Medium-Density Residential; and for other purposes.

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

2g(2).Ordinance No. 2023-158: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to R-3, Medium-High Density Multifamily Residential; and for other purposes (Project No. RZ23-0046).

[Applicant: Buffington BW LLC;

Location: 4800 South Vaughn Road]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (7-0).

2g(3).Ordinance No. 2023-159: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to R-2, Medium Density Two Family and Townhome Residential; and for other purposes (Project No. RZ23-0046).

[Applicant: Buffington BW LLC;

Location: 4800 South Vaughn Road]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

2h(1).Resolution No. 6-27-23 D: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Low-Density Residential to High-Density Residential; and for other purposes.

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

2h(2).Ordinance No. 2023-160: 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; and for other purposes (Project No. RZ23-0047).

[Applicant: William J. & Heather D. Ayers;

Location: 207 Southeast B Street]

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

2i. Ordinance No. 2023-161: 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. RZ23-0049).

[Applicant: Bethany & Lee Culpepper;

Location: 301 West Central Avenue]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Patterson. There was no discussion. Motion carried (7-0).

2j. Ordinance amending City Code Chapter 94-VI Parking and Appendix A Zoning Code Article 501 Off-Street Parking and Loading; regulating off-street parking in residential areas; and for other purposes.

Council Member Burckart asked if the item could be sent back to the Traffic & Signage committee for further review, discussion, and public comment. The council discussed their questions regarding the amendment (i.e., verbiage, enforcement) and agreed to send it to the Traffic & Signage Committee. Mayor Orman mentioned that if council members have questions, they are welcome to submit them to the Traffic & Signage Committee or attend the meeting itself.

City Attorney Andrew Myers read the ordinance by title only. Motion to table and send back to the Traffic and Signage Committee by Council Member Burckart, second by Council Member Acree. There was no discussion. Motion carried (7-0).

3. Resolution No. 6-27-23 E: A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement, with DPZ Codesign, LLC, to conduct a Zoning and Development Code rewrite in the amount of three hundred eighty thousand dollars (\$380,000); adjusting the 2023 Budget to appropriate eighty thousand dollars (\$80,000.00) from General Fund Reserves into Account #101610-43210 - Legal and Professional Services; and for other purposes.

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

4. Resolution No. 6-27-23 F: A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement, with DPZ Codesign, LLC, to conduct a Future Land Use Plan update; adjusting the 2023 Budget to recognize grant funds, from the Walton Family Foundation, in the amount of three hundred twenty thousand dollars (\$320,000.00) into Account #101610-33810 - Local Grants; and for other purposes.

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

5. Removed: An appeal by Timothy L. Rogers of Barrow and Grimm, representing Tara Ridge to an official determination of impact fees for the Tara Ridge Development, located at 3809 SW Crockett Street. The applicant is requesting that their impact fee be based upon the multi-family rate as opposed to the single-family rate determined by staff.

6. Item moved to 17a: Reappointment of Dana Davis to the City of Bentonville's Planning Commission. This will be Mr. Davis's second term which will expire on July 1, 2028.

Council Member Agnew asked that this item be moved to the end of the agenda after item 17 since it is regarding term limits for Planning Commission members.

Motion to move the item to 17a on the agenda by Council Member Agnew, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

7. Utility Board:

- 7a. Resolution No. 6-27-23 G: A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Olsson, Inc. for preliminary engineering services associated with ARDOT Job 090514; adjusting the 2023 Budget to provide funding for this analysis; and for other purposes.

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

8. Ordinance No. 2023-162: Ordinance waiving competitive bidding for the purchase of four (4) granite columbarium for the Bentonville Public Works Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed one hundred thirty thousand two hundred seventy-four dollars (\$130,274.00), plus applicable taxes, with Sunset Memorial and Stone for this purchase; providing for the emergency clause; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

9. Ordinance No. 2023-163: Ordinance waiving competitive bidding for the purchase of one (1) Redwood Pavilion Structure for the Bentonville Public Works Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed one hundred eighty-nine thousand two hundred fifty-three dollars and eighty-nine cents (\$189,253.89), with Forever Redwood for this purchase; providing for the emergency clause; and for other purposes.

Council Member Burckart asked if there would be any other costs related to this project, and it was confirmed that there would not be further additional costs.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (7-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (7-0).

10. Resolution No. 6-27-23 H: A resolution adjusting the 2023 Budget; appropriating forty-nine thousand eighty-seven dollars and sixty-five cents (\$49,087.65) from the General Fund Reserves to Account #102020-44420 - Vehicle Repairs and Maintenance, to cover necessary vehicle services; and for other purposes.

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

11. Resolution No. 6-27-23 I: A resolution authorizing the Mayor and City Clerk to accept an FAA grant in the amount of one hundred forty thousand four hundred dollars (\$140,400.00); adjusting the 2023 Budget to recognize said funds into Account #101650-33110 - Federal Direct Grant; appropriating the same into Account #101650-47390 - Improvement other than Building; entering into Work Order No. 03 with Garver Engineering for design and bidding services of the east taxiway extension; and for other purposes.

City Attorney Andrew Myers 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).

12. Resolution No. 6-27-23 J: A resolution authorizing the Mayor and City Clerk to accept a grant, from the Walton Family Foundation, in the amount of two hundred thirteen thousand dollars (\$213,000.00); adjusting the 2023 Budget to recognize said funds into Account #101650-33810 - Local Grants; appropriating the same into account #101650-47390 - Improvement other than Building; and for other purposes.

City Attorney Andrew Myers 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).

13. Ordinance No. 2023-164: Ordinance vacating a utility easement located at Lot 9 and Lot 10 of East Ridge Subdivision to the City of Bentonville, Arkansas, Benton County Arkansas (VAC23-0011).

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

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

14. Ordinance No. 2023-165: Ordinance vacating right of way easement located at 405 South Main Street, Library Phase 2, Lot 1 to the City of Bentonville, Arkansas, Benton County Arkansas (VAC23-0012).

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

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

15. Resolution No. 6-27-23 K: A resolution to adopt a Comprehensive Safety Action Plan and Vision Zero Policy; and for other purposes.

Council Member Sooter asked when the Department of Transportation Safe Streets for All (SS4A) Implementation grant is due. Dennis Birge, Transportation Director, explained the details of the grant, if received and accepted, what it would be for, that the due date is July 15, 2023, and is a requirement to apply. Tyler Overstreet explained that this item is only to show that the City of Bentonville supports the regional plan.

Council Member Acree and Council Member Sanchez expressed concerns about specific requirements in the grant. Council Member Burckart explained that any constraints, challenges, or concerns the council or public may have could be addressed before the City of Bentonville accepts the grant if it is awarded.

Mayor Orman recognized Donna Duncan for public comment regarding traffic issues that need to be addressed within the City of Bentonville.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sooter, second by Council Member Agnew. There was no discussion. Motion carried (5-2), with Council Member Sanchez and Council Member Acree voting no.

16. Resolution No. 6-27-23 L: A resolution expressing the willingness of the City of Bentonville to apply for Department of Transportation Safe Streets for All (SS4A) Implementation grant funding for Greenhouse Road; agreeing to the 20% local match required by the funder if awarded; and for other purposes.

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

17. Ordinance No. 2023-166: Ordinance amending the Bentonville Municipal Code Chapter 74, Article 74-11, Sections 74-20 and 74-21; and for other purposes.

City Attorney Andrew Myers mentioned that an emergency clause could not be moved to amend to include it in the ordinance. Mayor Orman provided a list of all current boards and commissions in the City of Bentonville. Council Member Burckart explained that since the current administration appoints the Planning Commission, the term limits are unnecessary.

Council Member Agnew mentioned that term limits would allow for diversity and new talent on the commissions or boards. Council Member Acree also expressed their desire for Planning Commission term limits. Council Member Seba expressed how experience and background are significant for those appointed to the Planning Commission. Tyler Overstreet explained why the current Planning Commission terms are five years.

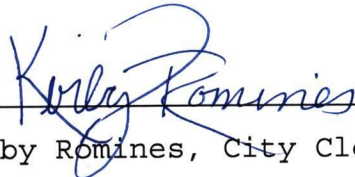
City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Acree, second by Council Member Agnew. There was no discussion. Motion carried (5-2), with Council Member Seba and Council Member Burckart voting no.

- 17a. Reappointment of Dana Davis to the City of Bentonville's Planning Commission. This will be Mr. Davis's second term which will expire on July 1, 2028.

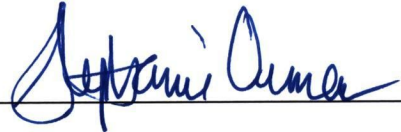
Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (7-0).

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

The next Bentonville City Council meeting will be on July 11, 2023.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

