



BENTONVILLE CITY COUNCIL AGENDA

Note – The public, members of the City Council, and City staff, may have the option to attend this meeting by remote means. For public health reasons, those who attend in person should keep in mind hygiene, the use of facial coverings, and social distancing.

Public comments can be submitted by email submitted to cc.comments@bentonvillear.com by at least 4:00 p.m. on the day of the meeting. Those comments will be communicated to the members of the Council and the Mayor. Accommodation has also been made to allow Bentonville citizens to make “live” public comments orally in the event they cannot attend the meeting in person. To do so, please send an email indicating a desire to make public comments remotely to cc.comments@bentonvillear.com by at least 1:00 p.m. on the day of the meeting and a reply email will be sent with instructions about how your comments can be made. Making comments will require you to register with your name, address, phone number and email address. The pre-existing limitations (3 minutes) and procedures with respect to oral public comments will still apply.

Regular City Council Meeting

Tuesday, July 11, 2023 6:00 p.m.

City Hall

305 S.W. “A” Street

Planning Commission Meeting Room

***If the public would like to attend virtually, please register at the following link by 4:00 p.m. on July 11, 2023:**

https://us02web.zoom.us/webinar/register/WN_Bm4pBndMQZWdPYW4fLJngQ

Public Comments on Tonight’s Agenda Items (Limited Public Forum)

Questions, Comments and Discussion from City Council Members on Tonight’s Agenda

Call to Order

Pledge of Allegiance

Moment of Silence – For our Military Forces

Roll Call

Approval of Minutes: June 27, 2023

AGENDA

1. Recognition by City Council of The Church of Jesus Christ of Latter-Day Saints located at 1105 McCollum Road. The property's landscaping was nominated by the Tree and Landscape Advisory Committee and is the June Commercial Landscaping of the Month award winner. **(Pages 5-7)**

2. Recognition by City Council of the property at 108 SE 3rd Street. The property's landscaping was nominated by the Tree and Landscape Advisory Committee and is the June Residential Landscaping of the Month award winner. (Pages 8-9)

3. Planning:

- 3a. **Ordinance accepting a lot split of Lot 11 Dickson's Addition; Creating new Lot 51 of Dickson's Addition to the City of Bentonville, Arkansas; and for other purposes. (Project Number: LS23-0018) 710 West Central Avenue.**

(Pages 12-14)

The Planning Commission voted 7-0 recommending approval.

A lot split of Lot 11 of Dickson's Addition, creating new Lot 51 of Dickson's Addition. The plat dedicates right-of-way along West Central Avenue to the Master Street Plan requirements. Utility easements are dedicated along Northwest 2nd Street and West Central Avenue. No variances or waivers are associated with this plat.

- 3b. **Resolution adopting the 2023-2027 Consolidated Plan for compliance with participation in the HUD Community Development Block Grant (CDBG) Program; and for other purposes.**

(Pages 15-141)

The Planning Commission voted 7-0 recommending approval.

The Consolidated Plan is a five-year plan created with the intent to identify housing and community development needs, priorities, and strategies, and indicate how CDBG funds will be allocated to address the identified needs. The main objectives of this Consolidated Plan are to provide decent housing, a suitable living environment, and expanded economic opportunity for low to moderate income households in Bentonville. ***See the full consolidated plan in the attached packet.***

4. Resolution to support the installation of Bubble by Hou de Sousa for installation in the A Street Promenade as part of the Quilt of Parks Public Art Program. No Budget Adjustment is needed. (Pages 142-145)
5. Resolution to support the installation of Untitled Sculpture by local artist Linda Nguyen Lopez for installation in the A Street Promenade as part of the Quilt of Parks Public Art Program. No Budget Adjustment is needed. (Pages 146-147)
6. Resolution to support the installation of Ernest and Ruth by Hank Willis Thomas for installation in the A Street Promenade as part of the Quilt of Parks Public Art Program. No Budget Adjustment is needed. (Pages 148-149)
7. Resolution to support the installation of Lament by Emilie Brzezinski for installation in the A Street Promenade as part of the Quilt of Parks Public Art Program. No Budget Adjustment is needed. (Pages 150-151)
8. 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. (Pages 152-188)

9. Request for approval of a Resolution to declare various items as surplus, to be responsibly disposed of at a later date. Disposing of these items will clear much needed storage space and begin the process of clearing surplus for disposal prior to a larger auction later this year. No Budget Adjustment is needed.
(Pages 189-191)
10. Fire Department Staff and the City of Bentonville Code Review Committee recommend that the Council approve an ordinance to adopt the 2021 version of the Arkansas Fire Prevention Codes (volumes I, II, and III) with City of Bentonville Amendments and state adopted codes. These include the following: *2021 Arkansas Fire Prevention Code (volumes I, II, and III) with City of Bentonville Amendments, *2021 Arkansas Mechanical Code, *2020 National Electric Code with City of Bentonville Amendments, *2018 Arkansas Plumbing Code, *2018 Arkansas Fuel Gas Code, and *2014 Arkansas Energy Code. No Budget Adjustment is needed.
(Pages 192-194)
11. Ordinance to waive competitive bidding to purchase a T880 Dump Truck (Tri-Axle) from MHC Kenworth and Resolution for approval of a Budget Adjustment in the amount of \$294,915.10 in order to make the purchase this year, realizing savings and expedited delivery. Due to previously soliciting bids for the same type of unit earlier this year and receiving only one bid submission, the reduced cost from the unit previously purchased this year (through the sole bid received), and the expedited delivery availability (delivered this year instead of 2024), it is not practical to solicit competitive bids. Since immediate purchase is available an emergency clause is requested. A Budget Adjustment is needed to purchase the Unit.
(Pages 195-200)
12. Resolution to enter into a Utility Work Agreement with Black Hills Energy (BHE) to adjust BHE's facilities for conflicts with road and drainage improvements for 8th Street (PO21900715, PIIP20-0007). Estimated cost of the work is \$55,022.13. This is a part of the 8th Street Construction Project. This is being paid for with 2021 Bond Funds. No Budget Adjustment is needed.
(Pages 201-207)
13. Resolution allowing the Mayor and City Clerk to apply for a \$3,799,532 STBGP-A grant administered through the NWARPC and commit to the funding of Bentonville's share of the 20% matching funds. No Budget Adjustment is needed at this time.
(Pages 208-211)
14. Resolution to award IFB-23-32-Re-Bid-Indefinite Delivery, Indefinite Quantity (IDIQ) Sidewalk and other Concrete Work to Milestone Construction Company, LLC per the Unit Prices attached, for a one-year Contract not to exceed \$1,500,000.00, for sidewalk and other concrete work as needed. This Contract will be available for city-wide use based on each Department's budget for this work. This was the lowest Bid received. No Budget Adjustment is needed.
(Pages 212-217)
15. Resolution allowing the Mayor and City Clerk to authorize Agreement Amendment No. 2 with Olsson, Inc. for design services for East Battlefield Improvements (MUNIS# 21ST0001; PIIP22-0020). The cost of this amendment will be \$185,900.00, bringing the total agreement amount to \$1,787,256.00. This is being paid for with the 2021 Street Bond. No Budget Adjustment is needed.
(Pages 218-225)
16. Resolution allowing the Mayor and City Clerk to authorize Agreement Amendment No. 1 with Meshek & Associates, LLC for design services for SW Nutmeg Street Drainage Improvements (MUNIS#22EN0001; PIIP23-0002). The cost of this

amendment will be \$9,225.00, bringing the total agreement amount to \$176,055.00. No Budget Adjustment is needed. **(Pages 226-230)**

17. Ordinance requesting a Waiver of Bid for the purchase of a 2023 Chevrolet Traverse in the amount of \$36,626.94. This vehicle was approved in the 2023 Budget and is a replacement for vehicle 5030-05, a 2012 Dodge Durango. Due to the AR State Contract dealership alerting the Department that the original order (ordered in Dec. 2022) would be cancelled, and due to the current supply chain issue surrounding the purchase of vehicles, it is not practical to solicit competitive bids. Due to immediate purchase being required to guarantee quoted pricing, an emergency clause is needed. No Budget Adjustment is needed. **(Pages 231-235)**



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Comprehensive Planning
Submitted by	Christopher Hyatt
Phone	(479) 254.2039

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☒ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Recognition by City Council of The Church of Jesus Christ of Latter-Day Saints located at 1105 McCollum Road . The property's landscaping was nominated by the Tree and Landscape Advisory Committee and is the June Commercial Landscaping of the Month award winner.					

Estimated Cost	\$
Is this Item Budgeted?	☐ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below) :	



MEMO

Date: July 11th, 2023

To: Bentonville City Council

From: Christopher Hyatt, Planner

RE: Commercial Landscaping of the Month Award – June 2023

The Tree and Landscape Advisory Committee has awarded The Church of Jesus Christ of Latter -Day Saints of 1105 McCollum Road the winner for the June Commercial Landscaping of the Month Award. The property was nominated by the Tree and Landscape Advisory Committee.



About the Award

The Commercial Landscaping of the Month Award recognizes the hard work and pride exhibited by Bentonville businesses because we are proud to have a community that strives to beautify their homes, neighborhoods, businesses, and the City of Bentonville.

The award was created to recognize Bentonville businesses who have improved and maintained the exterior landscaping of their businesses. The award is intended to inspire others to take pride in their

business, improve their landscaping, pick up litter, and to improve the quality of life in the City of Bentonville.

Award winners are honored by the Mayor with a certificate and are presented with a decorative yard sign designating their landscaping as a winner. A photograph of the award-winning landscaping will be placed in the next edition of the City of Bentonville's newsletter, the Bentonville Focus.



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Date of City Council Meeting	7/11/2023
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Submitted by	Christopher Hyatt
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☐ Budget Adjustment	☐ Change Order	☒ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Recognition by City Council of the property at 108 SE 3rd Street. The property's landscaping was nominated by the Tree and Landscape Advisory Committee and is the June Residential Landscaping of the Month award winner.					

Estimated Cost	\$
Is this Item Budgeted?	☐ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below) :	



MEMO

Date: July 11th, 2023

To: Bentonville City Council

From: Christopher Hyatt, Planner

RE: Residential Landscaping of the Month Award – June 2023

The Tree and Landscape Advisory Committee has awarded 108 SE 3rd Street as the winner for the June Residential Landscaping of the Month Award. The property was nominated by the Bentonville Tree and Landscape Advisory Committee.

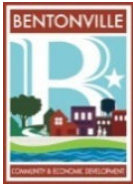


About the Award

The Residential Landscaping of the Month Award recognizes the hard work and pride exhibited by Bentonville residents because we are proud to have a community that strives to beautify their homes, neighborhoods, and the City of Bentonville.

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City Council Agenda Items
For the City Council Meeting of July 11, 2023
From the July 5, 2023 Planning Commission Meeting

1. **Ordinance accepting a lot split of Lot 11 Dickson's Addition; Creating new Lot 51 of Dickson's Addition to the City of Bentonville, Arkansas; and for other purposes. (Project Number: LS23-0018) 710 West Central Avenue.**

The Planning Commission voted 7-0 recommending approval.

A lot split of Lot 11 of Dickson's Addition, creating new Lot 51 of Dickson's Addition. The plat dedicates right-of-way along West Central Avenue to the Master Street Plan requirements. Utility easements are dedicated along Northwest 2nd Street and West Central Avenue. No variances or waivers are associated with this plat.

2. **Resolution adopting the 2023-2027 Consolidated Plan for compliance with participation in the HUD Community Development Block Grant (CDBG) Program; and for other purposes.**

The Planning Commission voted 7-0 recommending approval.

The Consolidated Plan is a five-year plan created with the intent to identify housing and community development needs, priorities, and strategies, and indicate how CDBG funds will be allocated to address the identified needs. The main objectives of this Consolidated Plan are to provide decent housing, a suitable living environment, and expanded economic opportunity for low to moderate income households in Bentonville. ***See the full consolidated plan in the attached packet.***



Consent Agenda Items

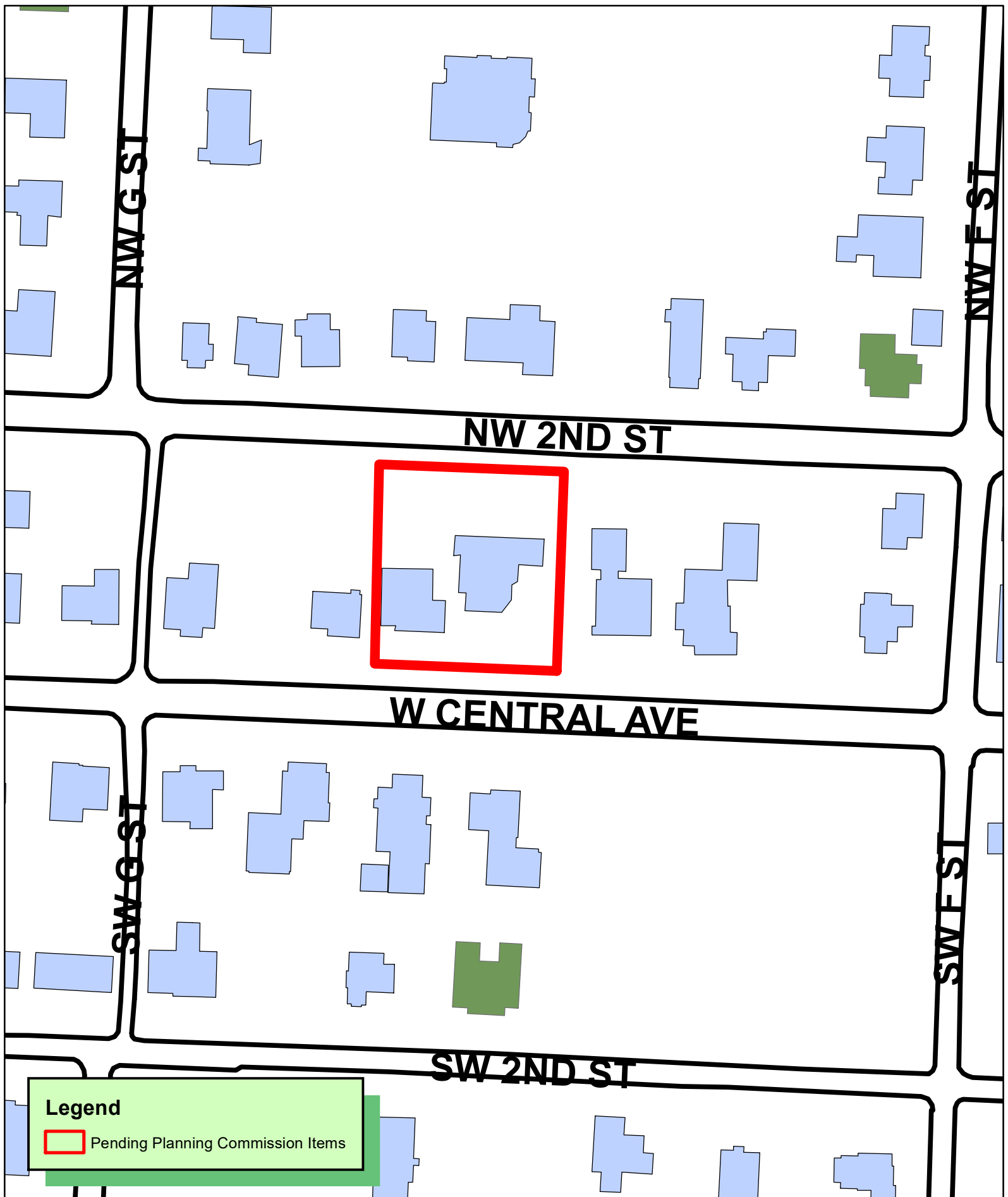
For the Planning Commission meeting on July 5, 2023

Reviewer: Bradley Gavrielides, Planning Technician

- ❖ The descriptions below shall serve as the staff report for each of the proposed consent agenda items.

1. Lot Split: Lot 51 of Dickson's Addition, Casey & Hannah Roberts, 710 West Central Avenue, R-1, Low-Density Residential, *LS23-0018*

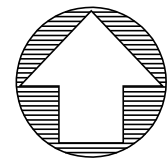
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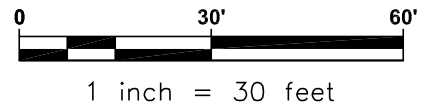
r:\survey\22-026 central ave survey-external references\22-026su.dwg - Plotted on 6/16/2023 9:50:12 AM @ a scale of 1:1 to bluebeam pdf by Kyle Rodgers

SURVEYING SYMBOLS		
○ SET/FOUND REBAR	□ AIR CONDITIONER	○ SANITARY SEWER
□ SET/FOUND ALUM. MONUMENT	○ CLEANOUT	○ TELEPHONE PEDESTAL
○ SET/FOUND COTTON SPINDLE	□ ELECTRIC BOX	○ WATER METER
○ FOUND PIPE	□ GAS METER	
× SET CHISELED X		
◇ COMPUTED POINT		
FEATURE LINES		
— BOUNDARY LINE	— OVERHEAD POWER LINE	
— CENTERLINE OF ROAD	— SEWER LINE	
— RIGHT-OF-WAY	— FENCE	
— BUILDING SET BACK		
(M) FIELD MEASUREMENT		
(R) RECORDED MEASUREMENT		

LOT SPLIT OF LOT 11, DICKSONS ADDITION CREATING LOT 51



GRAPHIC SCALE



“Exhibit A”

NOTARY

State of: _____

County of: _____
Subscribed and sworn before me this _____ day of _____, 2023.

Notary Public _____

My commission expires _____

CERTIFICATE OF APPROVAL

PURSUANT TO THE BENTONVILLE LAND DEVELOPMENT CODE AND ALL OTHER CONDITIONS AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED: _____

BENTONVILLE PLANNING COMMISSION CHAIRMEN: _____

BENTONVILLE MAYOR: _____

CITY CLERK: _____

CERTIFICATE OF OWNERSHIP

WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED AND DO HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC THE STREETS, ALLEYS, DRIVES, EASEMENTS, ETC. AS SHOWN ON SAID PLAT.

DATE OF EXECUTION: _____

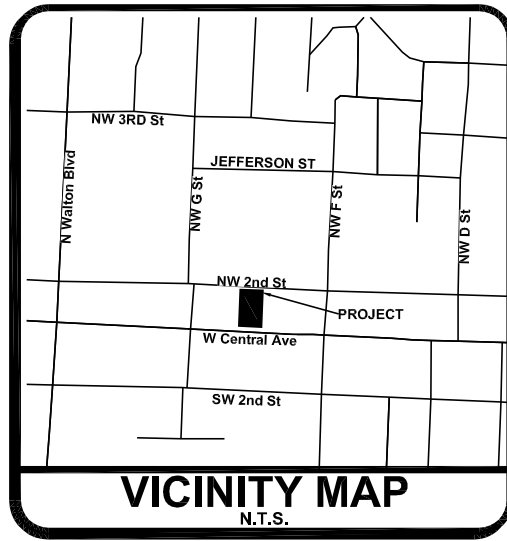
SIGNED: _____

NAME AND ADDRESS: _____

PRINT NAME: _____

BASIS OF BEARING:
ARKANSAS STATE PLANE,
COORDINATE SYSTEM,
(NAD-83) NORTH ZONE.

Recording Block



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF LOT 11 OF DICKSONS
ADDITION; CREATING NEW LOT 51 OF DICKSONS ADDITION TO THE CITY OF
BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.**

(PROJECT NUMBER: LS23-0018)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of LOT 11 OF DICKSONS ADDITION, creating new LOT 51 OF DICKSONS ADDITION, to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on July 5, 2023;

WHEREAS, said lot split is attached hereto as Exhibit “A”;

WHEREAS, the Bentonville Planning Commission considered said lot split on the date stated, and at other times, and voted to recommend the approval of said lot split to the City Council; and

WHEREAS, the lot split of real property as described herein has been submitted to the City Council of the City of Bentonville and, after consideration and deliberation, said Council is of the opinion that said lot split should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the lot split of LOT 11 OF DICKSONS ADDITION creating new LOT 51 OF DICKSONS ADDITION to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes;

Section 2: That the Mayor and City Clerk are hereby authorized and directed to evidence the acceptance of said lot split by certifying said acceptance on the approved lot split;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this _____ day of _____, 2023

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



Community Development Block Grant (CDBG)

2023-2027 Consolidated Plan

2023 Annual Action Plan

Prepared by the City of Bentonville

Submitted to:

United States Department of Housing and Urban Development
Little Rock Field Office

Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

In 1994, the U.S. Department of Housing and Urban Development (HUD) issued new rules consolidating the planning, application, reporting and citizen participation processes for four formula grant programs: Community Development Block Grants (CDBG), Home Investment Partnerships (HOME), Emergency Solutions Grants (ESG) and Housing Opportunities for Persons with AIDS (HOPWA). The new single-planning process was intended to more comprehensively fulfill three basic goals: to provide decent housing, to provide a suitable living environment and to expand economic opportunities. It was termed the *Consolidated Plan for Housing and Community Development*.

According to HUD, the Consolidated Plan is designed to be a collaborative process whereby a community establishes a unified vision for housing and community development actions. It offers entitlements the opportunity to shape these housing and community development programs into effective, coordinated neighborhood and community development strategies. It also allows for strategic planning and citizen participation to occur in a comprehensive context, thereby reducing duplication of effort.

As the lead agency for the Consolidated Plan, the Bentonville Planning Department, hereby follows HUD's guidelines for citizen and community involvement. Furthermore, it is responsible for overseeing these citizen participation requirements, those that accompany the Consolidated Plan and HUD programs, as well as those that complement the planning processes already at work in the city.

The 2023-2027 Consolidated Plan for Housing and Community Development for the City of Bentonville, Arkansas is the comprehensive five-year planning document identifying the needs and respective resource investments in satisfying the City's housing, homeless, non-homeless special populations, community development and economic development needs.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The goals of Bentonville Planning are to provide decent housing, a suitable living environment and expanded economic opportunities for the city's low- and moderate-income residents. Bentonville Planning strives to accomplish these goals by maximizing and effectively utilizing all available funding resources to conduct housing and community development activities that will serve the economically disadvantaged residents of the city. By addressing need and creating opportunity at the individual and neighborhood levels, Bentonville Planning hopes to improve the quality of life for all residents of the city. These goals are further explained as follows:

- Providing decent housing means helping homeless persons obtain appropriate housing and assisting those at risk of homelessness; preserving the affordable housing stock; increasing availability of permanent housing that is affordable to low- and moderate-income persons without discrimination; and increasing the supply of supportive housing.
- Providing a suitable living environment entails improving the safety and livability of neighborhoods; increasing access to quality facilities and services; and reducing the isolation of income groups within an area through de-concentration of low-income housing opportunities.
- Expanding economic opportunities involves creating jobs that are accessible to low- and moderate-income persons; making mortgage financing available for low- and moderate-income persons at reasonable rates; providing access to credit for development activities that promote long-term economic and social viability of the community; and empowering low-income persons to achieve self-sufficiency to reduce generational poverty in federally-assisted and public housing.

These objectives are:

Decent Housing - Assisting homeless persons obtain affordable housing; assisting persons at risk of becoming homeless; retention of affordable housing stock; increasing the availability of affordable permanent housing in standard condition to low-income and moderate-income families; particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS to live in dignity and independence); and providing affordable housing that is accessible to job opportunities. The City will continue to improve the infrastructure in CDBG target neighborhoods determined to contain a significant population of low to moderate income households. In the past the City has used some of their CDBG funding to do infrastructure improvements, add sidewalks along City streets, rebuild sidewalks, and improve water, sewer, and drainage to City street standards in target low- income neighborhoods. The City will also assist public service agencies who serve the City's youth, seniors, special needs persons, veterans, persons and families in crisis and disabled persons who are deemed low to moderate-income. These services include transportation assistance programs, and child- care assistance to enable parents to continue working as well as other services requested that meet a very specific need of the low income. The City will also look to improve public facilities that will address the needs of the homeless, disabled, elderly, children, or low income citizens.

Expanding Economic Opportunities - availability of mortgage financing for low-income persons at reasonable rates using non-discriminatory lending practices; access to capital and credit for development activities that promote the long-term economic and social viability of the community; generational poverty in federally assisted housing and public housing. The three outcomes for these objectives are availability/accessibility, affordability, and sustainability.

3. Evaluation of past performance

The City of Bentonville's last Five-Year Consolidated Plan was 2011-2015, completed in 2010. However, city administration opted to remove the city from the CDBG Entitlement Program effective January 1,

2016. The City now working to re-enter the program. Previous activities implemented have met or exceeded the goals established in the last Consolidated Plan. These activities have been very successful. Funds were spent in a timely manner. Activities completed in the most recent participating year are as follows:

In previous participating years, the City of Bentonville used \$7,000 in CDBG funds to remove and replace 500-linear feet of existing 4-foot-wide deteriorating asphalt sidewalk with concrete along the west side of SE J Street between SE 10th and SE 12th Streets.

On June 16, 2015, the city entered into an agreement with Crafton, Tull & Associates, Inc. to provide engineering services including surveying, design, bidding and negotiation, and construction administration. On June 21, 2016, Bentonville City Council approved an amendment to this project, increasing the funding for this project by \$30,000 to City of Bentonville, Arkansas Community Development Block Grant 3 2017 CAPER \$138,168 to fully fund design and partially fund project construction. On October 13, 2016, the city entered into an agreement with Diamond C Construction to make the drainage improvements. A total of \$138,1368 in CDBG funds were used to fully fund design and partially fund construction of the SE 10th Street Drainage Project. The project consisted of hiring an engineering firm to redesign the storm drain system and a construction firm to complete the project under SE 10th Street between SE C and SE J Streets. The improvements now prevent flooding in a once prone area.

4. Summary of citizen participation process and consultation process

The City uses many individuals and agencies in the development of the Consolidated Plan, as well as the Annual Action Plan. Resident participation starts at the development of the plan. We take all input we receive to help us analyze and measure to determine housing, facility, and service needs with an emphasis on low-moderate income, elderly, disabled, and homelessness. We look at resources in the City to meet these needs as well as gaps that might not be met by other resources. A Public Hearing is held where the public is invited to offer comments and identify housing and community needs. The public is notified of this Public Hearing by a display ad placed in the local newspaper and social media posts. The City encourages the residents of Bentonville to provide input into the Consolidated and Annual Action Plans by attending the Public Hearings or sending in their comments.

Once the Plans are completed, another Public Hearing along with a notice will be published advising these Plans are ready for review. The final Plans will consider and/or implement concerns and suggestions from residents, public agencies, and other interested parties. Beginning with the first program year, 2023-2024, final review and stamp of approval to the Consolidated Plan and Annual Action Plans will be made by the Mayor of Bentonville and the Bentonville City Council.

Every five years the City submits their Affirmatively Furthering Fair Housing Report. That process involves surveys, stakeholder meetings, focus groups, meeting with our low-income citizens, our disabled and our residents in public housing. Public Hearings will be held along with a comment period to get input on housing needs, access to housing and services, as well as challenges facing our City and Region.

The public will also be given an opportunity to review the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER contains a summary of accomplishments and evaluation of progress made during the year. All Public Hearings and meetings will be held in buildings that have access for persons with disabilities. The Hearings will be scheduled with providing working individuals and families a greater opportunity to attend in mind. Technical assistance will also be provided to those requesting assistance in developing a proposal under the Consolidated or Action Plan submission. Resident participation process is also involved in the submission of the Consolidated Plan, Annual Action Plan, CAPER, and AFFH Report.

5. Summary of public comments

No comments were received during the pre-planning resident participation section of the Consolidated Plan or the resident participation section of the final plan review held 30 days prior to submission to Department of Housing and Urban Development.

6. Summary of comments or views not accepted and the reasons for not accepting them

There were no comments not accepted.

7. Summary

The goal of the City of Bentonville in using their Community Development Block Grant funding is to improve the quality of life for low to moderate-income families, seniors, persons with special needs by investing in public facilities and infrastructure improvements, funding public services that stabilize and enhance living conditions, and provide affordable home ownership opportunities.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	CITY OF BENTONVILLE	Bentonville Planning
CDBG Administrator	Christopher Hyatt	Bentonville Planning

Table 1 – Responsible Agencies

Narrative

The Consolidated Plan is prepared by the CDBG Administrator. The CDBG Administrator reports to the City's Planning Director. The CDBG Administrator is also responsible for administering the programs covered in the Consolidated Plan. This includes the development, implementation, monitoring and activities reporting. The CDBG Administrator uses City Staff, residents, community and neighborhood organizations, and non-profits for their insight and expertise on housing, service, and facility projects. The Planning Director and his staff evaluate all CDBG infrastructure projects. The CDBG Administrator also conducts meetings and public hearings to encourage public comments and to receive resident views to establish priorities. The following agencies were invited to a public input meeting to discuss and help prepare the 2023-2027 Consolidated Plan: Boys and Girls Club, Habitat for Humanity of Benton County, Community Development Corporation, For the Love Food Truck, Helen R. Walton Children's Enrichment Center, St. Stephens, and Northwest Arkansas Continuum of Care.

Consolidated Plan Public Contact Information

Christopher Hyatt, CDBG Administrator, 479-254-2039, chyatt@bentonvillear.com

Stephanie Orman, Mayor, 479-271-5966, sorman@bentonvillear.com

Shelli Kerr, Planning Comprehensive Manager, 479-271-3122, skerr@bentonvillear.com

Tyler Overstreet, Planning Director, 479-271-3122, toverstreet@bentonvillear.com

PR-10 Consultation – 91.100, 91.110, 91.200(b), 91.300(b), 91.215(I) and 91.315(I)

1. Introduction

The City of Bentonville's consultation process is an on-going year-round effort. The CDBG Administrator meets with government officials, those who deal with housing, service areas, and with nonprofits that are active in this area. During this development period, the City was able to get resident input through surveys, public hearings, and stakeholder meetings. These organizations consisted of representatives of non-profits, fair housing providers, community-based organizations, service providers, educational institutions, and a range of government agencies. Working with data provided by HUD, locally developed, and resident input we will be able to identify goals and strategies and use this information in the development of the Consolidated and Annual Action Plans.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I)).

The City encourages all residents, especially minorities, persons with disabilities, residents of public and assisted housing developments, residents living in slum and blighted areas, residents in predominately low-to-moderate income neighborhoods, agencies that provide assisted housing, health and social services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and homeless persons) to participate in the development of this Plan. These agencies are asked to provide data on current and future needs in housing and services. Public Hearings were held. The City is also a member of the Northwest Arkansas Continuum of Care which is made up of housing providers and service and government agencies.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

The City of Bentonville is re-establishing its relationship with the Northwest Arkansas Continuum of Care. The NWA Continuum of Care coordinates community resources to build a collaborative system that addresses core issues of homelessness and poverty. Their mission is coordinating a community response to end homelessness in Northwest Arkansas. The coalition consists of homeless housing and shelter providers, consumers, advocates, government representatives and stakeholders working together to address the homeless situation in Northwest Arkansas. The Continuum of Care is governed by a board and committees and works to implement practices to meet the needs of our area's homeless and to make sure that no person discharged from an institution becomes homeless. We will work to coordinate needs by addressing capacity, occupancy, future housing needs, support services needed, chronic homelessness, numbers turned away from shelters/services, and the number of homeless on waiting lists for housing/services.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

The City receives no ESG funds.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Agency/Group/Organization	Agency/Group/Organization Type	What section of the Plan was addressed by Consultation?	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for
Boys and Girls Club	Programs for children.	Services for school age children and families	Attended public meeting, responded to survey; and submitted a proposal as a potential subrecipient.
Habitat for Humanity of Benton County	Housing rehabilitation	Housing rehabilitation Public Services	Attended public meeting, responded to survey, and submitted a proposal as a potential subrecipient.
Community Development Corporation	Housing	Public Services	Attended public meeting, responded to survey, and submitted a proposal as a potential subrecipient.
For the Love	Food provider	Public Services	Attended public meeting and responded to survey.
Helen R. Walton Children's Enrichment Center	Child Care provider	Services for school age children and families	Attended public meeting, responded to survey, and submitted a proposal as a potential subrecipient.
St. Stephens	Religious Institution	Public Services	Attended public meeting and responded to survey.
Northwest Arkansas Continuum of Care	Homeless	Homelessness Strategy Homeless Needs	Attended public meeting, responded to survey, and submitted a proposal as a potential subrecipient.

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

The City of Bentonville did not have any agencies that reached out not be consulted.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Bentonville Community Plan	Bentonville Planning Department	The Bentonville Community Plan is the official comprehensive plan for the City of Bentonville. It is intended to serve as a roadmap for the community as it evolves, grows and changes over time. The plan serves to identify key areas of focus, define a vision for future growth and development, and provide guidance for city actions and investments over the next 10 to 20 years. The City's Strategic Plan also serves to define a vision for the future that benefits all income levels.
Master Street Plan	Bentonville Engineering and Transportation Departments	The City's Master Street Plan works to establish a plan that provides appropriate transportation infrastructure to support the needs of the community as a whole.
Continuum of Care	Northwest Arkansas Continuum of Care	The City of Bentonville is working to re-establish its relationship as a member of the Northwest Arkansas Continuum of Care. A continuum that has established a system to prevent and eradicate homelessness in this region. Their number one priority is keeping people housed. The City's Strategic Plan also has these goals.

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

City Staff and Bentonville elected officials are all involved in the planning of the City's Consolidated Plan and provide a key role in the formulation of the projects and integrating the City's goals and objectives into the program development. We also ensure that all residents have an opportunity to provide input

into the planning and participation of the City's Five-Year Consolidated Plan, as well as the annual Action Plans. The City continues to coordinate with the Department of Housing and Urban Development's Little Rock Field Office to build relationships and ensure proper compliance with the program. The City of Bentonville is establishing a partnership with the City of Springdale for guidance with building our program and associated Consolidated and Action Plans.

Narrative (optional):

Coordination will be key in the future for The City of Bentonville. The CDBG Administrator will continue to build relationships within the community and with its partners to help gather more input for future Consolidated and Action Plans. Doing so will ensure that as we build our program, a broad range of low-to-moderate individual/community needs will be met.

PR-15 Citizen Participation – 91.105, 91.115, 91.200(c) and 91.300(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

The City of Bentonville was responsible for the development of its Citizen Participation Plan. The city utilized this plan to provide a framework of policies and procedures to guide Bentonville's efforts to encourage citizen participation in the CDBG process. It is a primary goal of the City to provide for and encourage participation in all phases of the development of the Consolidated Plan by low- and moderate-income persons and any organizations that assist with those individual persons or families. The Bentonville Planning Department took several steps for citizen outreach and public input: a survey of city residents and stakeholders, and a public input meeting. Additional public review activities were also conducted following development of the draft Consolidated Plan for public review. In keeping with the Citizen Participation Plan, the public was provided significant opportunities to provide input to the initial development of the Consolidated Plan and to its data and needs assessments. For feedback from the community, the City elected to use a survey instrument for collecting resident input on needs associated with the Consolidated Plan. The survey comprised a series of questions, in which the respondent was asked to rank the desirability of the particular housing or community development need. The levels of the ranking were listed as "no need," "low need," "medium need" or "high need." Topics included community services, community facilities, infrastructure, neighborhood services, the needs of special populations, housing and economic development needs. Selected questions were then posed under each topic area. The survey was distributed via an e-mail containing a link to a Web-based survey. Additionally, flyers were posted around public spaces and social media posts were made that included a link and QR code to access the survey. The survey generated 98 responses.

The City is aware that increased outreach efforts enhance public input to the planning, development, performance, implementation and modification of the Consolidated Plan. This process also allows the City to receive requests each year and to more adequately address the needs of the Community. The City holds a minimum of two public hearings each year. These public hearings provide an opportunity for all residents to communicate their views and needs to the City. The first Public Hearing was held March 6, 2023 at City Hall to solicit input into the City's 2023-2027 Consolidated Plan and the 2023 Annual Action Plan. At this public hearing, residents were able to see past accomplishments with our CDBG funding and to talk about future needs of our community. Public Hearing notices were published in the Arkansas Democrat Gazette. The second Public Hearing was held on July 7, 2023 to review the final 2023-2027 Consolidated Plan and the final 2023 Annual Action Plan. A 30-day comment period is provided prior to submitting the Consolidated and Annual Action Plan.

The proposed 2023-2027 Consolidated Plan was posted on the City's website and was available at four other locations within the City of Bentonville City Hall, Bentonville Public Library, Downtown Activity Center and the Bentonville Community Center. All public comments received are included in the Consolidated Plan. The City of Bentonville did an online survey for residents and service providers in March 2023. This survey allowed the City to identify needs and rate our performance of meeting those needs. The CDBG Administrator was available to assist anyone in completing the surveys. The online survey was available from March 15, 2023 to March 31, 2023 and generated 99 responses. The 2023-2027 Consolidated Plan was developed using data obtained from surveys and public hearings.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Newspaper Ad	All citizens of Bentonville	No responses or comments, prompting no response from the City of Bentonville	No comments received	N/A	

Table 4 – Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Meeting	All citizens of Bentonville Local organizations within Bentonville/Benton County	A public meeting was held on March 6, 2023. The purpose of this meeting was to discuss the City's plan for re-entry into the CDBG program, past performance of previous years in the program, and discussion of community needs that are being seen by those who attended.	19 individuals in attendance. Items discussed were needs for housing support, income support, public facilities and infrastructure improvements, social services, utility costs, and public transit.	No comments not accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of Response/attendance	Summary of Comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Internet Outreach	All citizens of Bentonville Local organizations within Bentonville/Benton County	An internet survey was distributed via email, social media, and flyers with a link to the survey were displayed in City Hall, the Bentonville Public Library, Downtown Activity Center, and Bentonville Community Center.	98 survey responses received. No additional comments were received outside of the responses to the specific survey questions. Survey results ranked our needs in the following order: 1. Infrastructure 2. Public Facilities 3. Housing and Economic Development 4. Human Services 5. Other	No comments not accepted.	https://forms.gle/pJypKQJrY8owMJsF8

Needs Assessment

NA-05 Overview

Needs Assessment Overview

The City of Bentonville takes multiple steps in identifying and assigning priority needs within our community. HUD provides tools to identify low/mod income persons based on census tract data. Neighborhoods are then targeted for public improvements located in eligible census tracts and block groups where the highest percentages of low/mod residents are located. Statistically, these areas define a concentration of residents in need of both programs and services. The CDBG administrator works closely with organizations that provide services to the low/mod income persons. Through these organizations, the city can identify service needs of special population groups. Through both public comments, via the Citizen Participation Plan, and a needs assessment survey distributed to city residents, the city also received valuable insight into community needs.

According to 2021 census estimates, 7.1% of the population of Bentonville live at or below the poverty level. As the following tables will show, those below 50% of Median Family Income are more likely to be renters and renters are more likely to have a cost burden or housing problem. Households with at least one severe housing problem come out to 11%, however 75% of those are renters.

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

Listed below are demographic and household tables. Because these figures have already been supplied by HUD and cannot be changed, we have decided to update this information when available to a more current set of numbers. Median household income continues to grow in Bentonville. 2021 ACS data currently estimates median household income at \$89,653. Median household income for Benton County was \$78,691 in 2021, up from \$62,600 in 2016. Households at the lowest income levels and renter households are most affected by housing problems. In 2020 the population estimate for Bentonville was 54,164 or a 53% increase from 2010. There were 21,385 households for a 25% increase from 2017.

Demographics	2010 Census	2020 Census	% Change
Population	35,301	54,164	53.4%
Households	13,253	20,476	54.5%
Median Household Income	\$51,305	\$89,653*	74.7%

Decennial Census, *2017-2021 ACS

Table 5 - Housing Needs Assessment Demographics

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households *	1,090	1,060	2,035	1,175	10,580
Small Family Households *					
Large Family Households *					
Household contains at least one person 62-74 years of age					
Household contains at least one person age 75 or older					
Households with one or more children 6 years old or younger *					

Table 6 - Total Households Table

Data 2013-2017 CHAS
Source:

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing – Lacking complete plumbing or kitchen facilities										
Severely Overcrowded – With >1.51 people per room (and complete kitchen and plumbing)										
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)										
Housing cost burden greater than 50% of income (and none of the above problems)										
Housing cost burden greater than 30% of income (and none of the above problems)										
Zero/negative Income (and none of the above problems)										

Table 7 – Housing Problems Table

Data 2013-2017 CHAS
Source:

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	750	630	475	40	1,895	135	220	320	105	780
Having none of four housing problems	75	85	720	530	1,410	55	125	525	500	1,250
Household has negative income, but none of the other housing problems										

Table 8 – Housing Problems 2

Data 2013-2017 CHAS
Source:

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30- 50% AMI	>50- 80% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related								
Large Related								
Elderly								
Other								
Total need by income								

Table 9 – Cost Burden > 30%

Data 2013-2017 CHAS
Source:

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30- 50% AMI	>50- 80% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related								
Large Related								
Elderly								
Other								
Total need by income								

Table 10 – Cost Burden > 50%

Data 2013-2017 CHAS
Source:

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households										
Multiple, unrelated family households										
Other, non-family households										
Total need by income										

Table 11 – Crowding Information – 1/2

Data 2013-2017 CHAS
Source:

	Renter				Owner			
	0-30% AMI	>30- 50% AMI	>50- 80% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	Total
Households with Children Present								

Table 12 – Crowding Information – 2/2

Describe the number and type of single person households in need of housing assistance.

According to the 2013-2017 ACS, there are 15,936 households in Bentonville with 3,282 being single person households, 20.6% of all households. Of those, nearly 30% are age 65 years and over. The most significant housing issue facing single householders is cost burden. The median monthly housing cost for renters is \$883 and \$1,475 for owners.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

According to the 2013-2017 ACS, the number of persons with a disability is 3,191. Nearly 40% of those are age 65 year and over.

What are the most common housing problems?

Housing cost burden is the most prevalent problem facing Bentonville residents. As income decreases, the percentage that own homes decreases, with 40% of households being below 100% of the median family income. Of our residents with a cost burden over 50%, 73% of those are renters. Similarly, those with a cost burden over 30%, roughly 62% are renters. Affordable housing is one of the Bentonville's biggest needs.

Are any populations/household types more affected than others by these problems?

Renters tend to be more affected by these problems than homeowners. The largest percent of renters are households below 50% median family income. And, nearly 70% of households with at least one housing problem are rents. And, while only 11% of households have several housing problems, those predominately fall on renters, consisting of 75% of all the households with severe problems.

Furthermore, lower income households are more likely to have a housing problem. Nearly all renter households with incomes between 30-50% MFI have at least one housing problem (94%). Similarly, over half of the owner-occupied households with incomes between 30-50% median family income have a housing problem.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

The number one characteristic of low-income individuals and families with children are an imminent risk of being homeless is lack of income. Unemployment and underemployment can be related to their lack of education, obtaining a decent paying job or just not be employable for whatever the reason to include losing their job. Many suffer with substance abuse, mental health issues, and chronic medical problems. Another characteristic that affects children is separation and/or divorce. During the Northwest Arkansas

Point-in-Time Count, most of those contacted said they needed housing, work, benefits, and mental health, drug/alcohol, medical treatments, and transportation. The biggest need of formerly housing families and individuals is additional permanent affordable housing with support services and jobs. The Northwest Arkansas Continuum of Care is committed to making homelessness rare for all populations and providing permanent housing as soon as possible.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

The profile of the population at risk of homelessness is based on the Northwest Arkansas Point-in-Time Count done in 2022. Data collection occurred in various locations in Benton and Washington Counties. A master list was developed of shelters and facilities serving homeless persons in Northwest Arkansas. These facilities ranged from emergency shelters to transitional facilities, domestic violence shelters, and special needs facilities for homeless persons. Shelters and facilities provided advanced updated information including contact persons, telephone numbers, email addresses, physical addresses, and an inventory of services provided. Street homeless were found primarily in areas noted as places where homeless had been seen. The local police departments were a big help in making this information available. Experienced interviewers (social workers) were chosen as teen captains. The remaining volunteers included service providers and community residents. All volunteers were trained prior to the homeless count. The event was heavily advertised and places where homeless come for foods and help were manned by volunteers in hopes of talking to most of our homeless population. Several quality control procedures were in place to eliminate duplicate responses. The Point-in-Time Count was not broken down by cities. Numbers provided do not just reflect the City of Bentonville or Benton County. We do know that 38% of the homeless population in Benton County were in emergency shelters, five percent in transitional shelters, and 18% were unsheltered.

Breakdown by race was Caucasian 78% with 9% of that being Hispanic, Black/African American were at 12%; multiple races made up five percent, American Indian/American Native/Indigenous made-up three percent, and Asian and Pacific Islanders were both at one percent. There were 49 chronic homeless and 30 of the homeless were veterans.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

Household income and housing costs are a definite link to increased risk of homelessness.

Discussion

As stated earlier, housing cost burden is the most significant housing need facing low-to-moderate-income owners and renters. The elderly, disabled and households with children also experience a higher cost burden. The City will prioritize our projects in the 2023-2027 Consolidated Plan, as well as the 2023-2027 Annual Action Plans, to do whatever we can to meet our most urgent housing and community development needs. Maintaining and improving the existing affordable housing stock is also a priority for the City of Bentonville.

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

According to HUD, a disproportionately greater need exists when the members of a racial or ethnic group at a given income level experience housing problems at a greater rate (10 percentage points or more) than the income level as a whole. In this section we will look at whether racial or ethnic groups are disproportionately impacted by housing problems.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	815	95	105
White	640	80	29
Black / African American	0	10	30
Asian	0	0	30
American Indian, Alaska Native	0	4	0
Pacific Islander	100	0	0
Hispanic	40	0	15

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Data 2013-2017 CHAS

Source:

*The four housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	850	435	0
White	705	415	0
Black / African American	25	0	0
Asian	4	20	0
American Indian, Alaska Native	15	0	0
Pacific Islander	0	0	0
Hispanic	70	0	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Data 2013-2017 CHAS

Source:

*The four housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	734	1,090	0
White	655	885	0
Black / African American	40	0	0
Asian	0	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	24	185	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Data 2013-2017 CHAS

Source:

*The four housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	115	1,080	0
White	110	845	0
Black / African American	0	95	0
Asian	0	75	0
American Indian, Alaska Native	0	15	0
Pacific Islander	0	0	0
Hispanic	4	45	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Data 2013-2017 CHAS

Source:

*The four housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

Discussion

The tables above show the number of households with and without housing problems and each racial or ethnic group at the different area median income (AMI) levels. Of the 1,015 households earning 0-30% of AMI, 76% report one or more housing problems. The greatest ethnic group with problems is White with 78% followed by Pacific Islander with 12%. Of the 1,285 households earning 30-50% of AMI, 64% report one or more housing problems. Again, the greatest ethnic group with reported problems is White at 83% followed by Hispanic at 8%. Of the 1,824 households earning 50-80% of AMI, 40% reported one or more housing problems. Whites make up 89% followed by Black/African American households at 5%. Of the households earning 80-100% of AMI, 10% reported one or more housing problems. Whites make up 96% followed by Hispanics at 4%.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

HUD defines "disproportionately greater need" as existing when the members of a racial or ethnic group at a given income level experience housing problems at a greater rate (10 percentage points or more) than the income level as a whole. Charts below show the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category as a whole.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	680	230	105
White	510	210	29
Black / African American	0	10	30
Asian	0	0	30
American Indian, Alaska Native	0	4	0
Pacific Islander	100	0	0
Hispanic	40	0	15

Table 17 – Severe Housing Problems 0 - 30% AMI

Data 2013-2017 CHAS

Source:

*The four severe housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	330	955	0
White	250	870	0
Black / African American	0	25	0
Asian	4	20	0
American Indian, Alaska Native	15	0	0

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Pacific Islander	0	0	0
Hispanic	30	40	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Data 2013-2017 CHAS

Source:

*The four severe housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	105	1,709	0
White	90	1,450	0
Black / African American	0	40	0
Asian	0	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	20	189	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Data 2013-2017 CHAS

Source:

*The four severe housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	50	1,145	0
White	50	900	0
Black / African American	0	95	0

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Asian	0	75	0
American Indian, Alaska Native	0	15	0
Pacific Islander	0	0	0
Hispanic	0	49	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Data 2013-2017 CHAS

Source:

*The four severe housing problems are: 1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

Discussion

The above tables show the number of households with severe housing problems at various levels of AMI. Of the 680 households in the 0-30% of Median Income, 510 White households reported one or more of the four housing problems. This is followed by 100 Pacific Islander households. In the 30-50% of Median Income bracket, white households reported 250 of the 330 households with one or more of the four housing problems followed by Hispanic households with 30 households. In the 50-80% of Median Income bracket, white households reported 90 of the 105 households with one or more of the four housing problems followed by Hispanic households with 0 households.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

According to HUD, disproportionately greater need exists when the members of a racial or ethnic group experience housing cost burden at a greater rate (10 percentage points or more) than the population as a whole. Cost burden is the highest housing problem in Bentonville. More affordable housing is needed, as well as, additional older homes undergoing energy rehabs to help with utility costs that can incur costs as high as rent or house payments.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	10,330	1,769	1,140	105
White	8,235	1,585	905	29
Black / African American	400	65	0	30
Asian	845	0	4	30
American Indian, Alaska Native	110	10	15	0
Pacific Islander	0	0	100	0
Hispanic	454	88	60	15

Table 21 – Greater Need: Housing Cost Burdens AMI

Data Source: 2013-2017 CHAS

Discussion:

The table shows the number of households with and without housing cost burden as well as number of households with no or negative income by race or ethnicity. Households spending 30%-50% of their income are considered moderately cost burdened. Those over 50% are considered severely cost burdened. Disproportionate impact among households with no or negative income is also considered. According to 2013-2017 CHAS estimates, there were 1,769 households that spent 30-50% of their income on housing related costs. There is one census tracts with a percent of owner-occupied housing units below 20%, Tract 205.03.

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

The data does not indicate that there is a racial or ethnic group that has a disproportionately great need. Of the white population, 6% have a housing cost burden over 30%. For the Asian and Black populations, that percentage is lower. Approximately 4% of the black population has a cost burden over 30% and the cost burden for the Asian population is negligible.

If they have needs not identified above, what are those needs?

Additional needs have not been identified.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

Bentonville does have pockets of concentration for our Asian population. There are several Census Tracts around the city that fall into the 10%-19%, however Census Tracts 205.03 and 206.07 exceed 20%. Western Bentonville does show some small concentrations of Black or African American concentration with Census Tracts 206.08 and 209.03 exceeding 5% per the 2020 Census Demographic Data Map Viewer.

NA-35 Public Housing – 91.205(b)

Introduction

The needs of public housing residents are the same needs of the population. They need access to employment opportunities along with transportation to reach those employment opportunities. They also need education opportunities as well as homes that accommodate disabilities for our public housing disabled residents. However, Bentonville does not have public housing in the city limits.

Totals in Use

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	0	0	434	0	434	0	0	0

Table 22 - Public Housing by Program Type

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Data Source: PIC (PIH Information Center)

Characteristics of Residents

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program	
Average Annual Income	0	0	0	10,893	0	10,893	0	0	
Average length of stay	0	0	0	4	0	4	0	0	
Average Household size	0	0	0	2	0	2	0	0	

Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers				
				Total	Project - based	Tenant - based	Special Purpose Voucher	
							Veterans Affairs Supportive Housing	Family Unification Program
# Homeless at admission	0	0	0	0	0	0	0	0
# of Elderly Program Participants (>62)	0	0	0	127	0	127	0	0
# of Disabled Families	0	0	0	159	0	159	0	0
# of Families requesting accessibility features	0	0	0	434	0	434	0	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	0	0	402	0	402	0	0	0
Black/African American	0	0	0	20	0	20	0	0	0
Asian	0	0	0	1	0	1	0	0	0
American Indian/Alaska Native	0	0	0	9	0	9	0	0	0
Pacific Islander	0	0	0	2	0	2	0	0	0

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Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Other	0	0	0	0	0	0	0	0	0
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 24 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Program Type									
Ethnicity	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	0	0	18	0	18	0	0	0
Not Hispanic	0	0	0	416	0	416	0	0	0
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 25 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

The City of Bentonville does not oversee public housing. At the time of researching to complete the Consolidated Plan, we were unable to find data on waiting lists for accessible units. We are currently working with our local organizations to obtain this information for future use.

The biggest needs of public housing tenants and applicants are available units and accessibility. They also need access to quality education as this will influence their children's future health, career progression and economic potential. While significant percentages of public housing residents and voucher holders are elderly persons or persons with disabilities who are out of the workforce, there is still a need for jobs and training opportunities for workable adults. Removing barriers to employment through childcare, education, skills training and creating jobs within commuting distances of public housing could provide opportunities for public housing residents. The City of Bentonville only has one low cost of public transportation and that is Ozark Regional Transportation; however, their service level to public housing residents is not always available. Ozark Regional's On-Demand Service requires a smart phone. Many of those in public housing cannot afford to pay the cost for a smart phone and apps needed to use the On-Demand Service.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

The most immediate need would be more available housing for individuals and families. It should be noted that the Siloam Springs Housing Authority is 30 miles from the City of Bentonville, which could make it difficult for the Housing Authority to remain aware of the needs and accessibility to the residents of Bentonville. Residents in Bentonville also have a transportation cost trying to get from Bentonville to Siloam Springs. There is no direct bus route. The demand for affordable housing in Bentonville continues to outweigh the supply.

How do these needs compare to the housing needs of the population at large

Relative to the population at large, the need for access to improved education, job opportunities and transportation options is assumed to be a much higher for public housing residents than for the population at large due to the effects of poverty and lack of affordable housing in many of our neighborhoods.

Discussion

To be eligible for low-income housing, an applicant must meet the income criteria. Selections are based on the date the application was received and the availability of a unit appropriate for the applicant's household size. The City of Bentonville needs more housing for the low-to-moderate-income.

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

A Point-In-Time count was done in March 2022. In that study, 343 people were experiencing homelessness in the Northwest Arkansas region. Because the count breakdown is done regionally, we don't have the breakdown for Bentonville. With that said, the numbers for the breakdown will be based on the region which includes Benton County, Washington County, and Carroll County. Of the 343 reported, 123 were female, 216 were male, and 4 were transgender. A breakdown of race showed 266 Caucasian, 42 African-American, 32 Hispanic, and 35 were classified as other ethnic groups. The count also broke down our homeless by veterans. A total of 30 veterans were included in that number with 28 being male and 2 being female. Emergency shelters housed 20 veterans, while 1 was in transitional housing, and 9 were unsheltered.

Homeless definition according to the McKinney-Vento Act is different from HUD's definition. The schools in Northwest Arkansas count children as homeless if they are in shared housing due to economic hardship, migratory children, nighttime residence was a place not meant for human habitation, emergency shelters, or transitional housing. During the Point-In-Time count, we were able to get a count from the schools based on their definition of homeless, and that number was 2,268. A breakdown of that number is as follows: 104 children sheltered, 1,788 children doubled-up, 97 children unaccompanied, 257 children in hotels, and 22 children unsheltered.

The breakdown below will be based on numbers for Northwest Arkansas as we did not get a complete breakdown for the City of Bentonville. We will not have numbers for each of the blanks as those were not available. We will work with the Point-In-Time group to get a count reflecting a better breakdown for Bentonville with the next releases.

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

Nature and Extent of Homelessness: (Optional)

Race:	Sheltered:	Unsheltered (optional)
White	239	27
Black or African American	41	1
Asian	4	0
American Indian or Alaska Native	9	1
Pacific Islander	2	1
Ethnicity:	Sheltered:	Unsheltered (optional)
Hispanic	31	2
Not Hispanic	208	26

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

Although Northwest Arkansas has several shelters for men, women, and children, we still do not have enough to house our homeless population. At the time of the 2022 Point-in-Time Count, there were 41 people not sheltered. Of the adults interviewed for the Point in Time Count, serious mental illnesses, substance use disorders, domestic violence victims, and those with physical disabilities were encountered. Many of these were receiving help and making strides to overcome, but without available housing to place them, their time in shelters get longer and longer and it becomes harder for them to get in a position to rid themselves of homelessness. It was discovered through these interviews that even if housing is found, many don't have transportation to get them to and from a job or even get their children to and from school. The Northwest Arkansas Continuum of Care is working diligently to not only provide housing assistance for our homeless families, individuals and veterans, but to provide services needed to help these folks back on their feet and out of the homeless count.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

The largest racial and ethnic group consisted of Whites, which made up 78%. Black/African American accounted for 12%, Hispanic accounted for 9%, with Asian, Pacific Islander, AI/AN/Indigenous and multiple races accounting for 1%, 1%, 3%, and 5% respectively.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

There were more individuals in emergency shelters and unsheltered than transitional housing. The data shows we have a need to get our homeless out of shelters and off the homeless roles. We also understand that there are still individuals that did not get counted in the 2022 Point-In-Time-Count.

Discussion:

The City of Bentonville will work to re-establish its relationship as a member of the Northwest Arkansas Continuum of Care and work to end homelessness in the community. Through reaching out to our local organizations, plans are in place that are improving the transition for individuals to get them the services needed.

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

As already discussed, cost burden is the most significant barrier to affordable housing. Our special needs populations to include persons with mental health challenges, intellectual disabilities, the elderly and persons with HIV/AIDs have additional challenges that require a range of supportive services to enable them to live in affordable housing.

Describe the characteristics of special needs populations in your community:

Elderly. HUD provides a definition of “elderly” as persons age 62 or older. The U.S. National Center for Health Statistics (NCHS) notes that a number of older citizens have limitations caused by chronic conditions that constrain Activities of Daily Living (ADLs). ADLs are divided into three levels, from basic to advanced. Basic ADLs involve personal care and include tasks such as eating, bathing, dressing, using the toilet, and getting in or out of bed or a chair. Intermediate, or instrumental, Activities of Daily Living (IADLs) are tasks necessary for independent functioning in the community. These include cooking, cleaning, laundry, shopping, using the telephone, using or accessing transportation, taking medicines, and managing money. Social, recreational and occupational activities that greatly affect the individual's quality of life are Advanced Activities of Daily Living (AADL). Playing bridge, bowling, doing crafts, or volunteering for one's church are examples of advanced ADLs. “Frail elderly” is defined as persons who are unable to perform three or more activities of daily living. In Bentonville, the total population over the age of 65 is 3,431, approximately 8% of the total population.

Persons with Disabilities. According to HUD, physical or mental disabilities include “hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS related complex, and mental retardation that substantially limits one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks and caring for oneself.” HUD defers to Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 for the definition of developmental disability: “a severe, chronic disability of an individual that is attributable to a mental or physical impairment or combination of mental and physical impairments.”

Many disabled persons require support services in order to maintain healthy lifestyles. The services that are required often depend on the individual and the type of disability. For example, a mentally disabled person may require medication assistance, weekly counseling sessions or job placement assistance. Specialized transport services and physical therapy sessions are services that might be required for a physically disabled person.

In Bentonville, 34.7% of the population over age 65 have a disability, with a total of 910 persons over age 65 with a disability. This is 40% of all the people with a disability, which is 3,191. Just 2.3% of children under age 18 have a disability. (Source: 2021 ACS)

People with Alcohol or Drug Addictions. According to the National Coalition for the Homeless, “for those . . . just one step away from homelessness, the onset or exacerbation of an addictive disorder may provide just the catalyst to plunge them into residential instability.” For persons suffering from addictions to drugs and alcohol, housing is complicated. Persons who have stable housing are much better able to treat their addictions. However, obtaining stable housing while suffering from addiction can be quite difficult, and the frustrations caused by a lack of housing options may only exacerbate addictions.

What are the housing and supportive service needs of these populations and how are these needs determined?

According to HUD, special needs populations are “not homeless but require supportive housing, including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addiction, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify.” Because individuals in these groups face unique housing challenges and are vulnerable to becoming homeless, a variety of support services are needed in order for them to achieve and maintain a suitable and stable living environment. Each of these special needs populations will be discussed in terms of their size and characteristics, services and housing currently provided, and services and housing still needed.

Elderly. The Older Americans Act of 1965 has been the main instrument for delivering social services to senior citizens in the U.S. This Act established the federal Administration on Aging (AoA) and related state agencies to specifically address the many needs of the elderly U.S. population. Despite limited resources and funding, the mission of the Older Americans Act is broad: “to help older people maintain maximum independence in their homes and communities and to promote a continuum of care for the vulnerable elderly.”^{[11](#)}

In Arkansas, the Department of Human Services (DHS) provides comprehensive services to the elderly population. The following is a list of six programs designed to address the varied needs of older persons in the state.

- *The Ombudsman Program* advocates the rights of long-term care residents. The state run program addresses complaints from nursing home and residential care facility residents.
- *Adult Protective Services* functions to protect those who are endangered and unable to comprehend their danger. The service has a 24-hour hotline to report abuse, neglect and exploitation of those 18 and over who cannot protect themselves.
- *Assisted Living* is a Medicaid home and community-based waiver program that provides 24-hour supervision and supportive services. Applicants must demonstrate financial need to be eligible for the program.
- *ElderChoices* provides in-homes services to people 65 and over. This program is for individuals seeking to prevent or delay institutionalism by developing, strengthening or restoring the clients function in his or her living situation. Services range from adult day care and health care, to meal deliveries and cleaning services.

- *IndependentChoices* allows Medicaid clients to exchange agency services for a monthly cash allowance to be spent on personal care needs. The allowance can be used to hire a personal care assistant or purchase goods and services related to personal care.
- *Alternatives* serves people between the ages of 18 and 64 who require intermediate nursing home care. Clients who meet financial need criteria are provided with attendant care and environment modification services.

DHS also provides a service directory for the aging which offers information on a large variety of services including adult day care, foster care, case management, chore services, legal assistance, home repair, and socialization.

While a number of different housing and service programs exist to aid elderly populations in Bentonville, as noted above, as the Baby Boomer generation grows older the needs of this population are expected to multiply substantially and, in turn, require increased funding. The priority need of the elderly population, and especially the frail elderly population, is assisted or long-term care housing and services. The Baby Boomer generation, in particular, is more likely to want to remain independent and physically and mentally active. Thus, there is a need for a greater focus on in-home care or expanded home health services for elderly persons who are essentially independent but may benefit from meal services or housekeeping assistance as well as for families who do provide home care but still may require additional medical or financial assistance. Because most elderly persons are on a fixed budget and the costs of these services increase as people live longer and longer, the burden of cost may lie heavily on state-funded programs.

Persons with Disabilities. In Arkansas, the Department of Human Services (DHS) provides many services for persons with disabilities. The following highlights a few of the programs listed on the DHS service directory.

- *Alternative Community Services* provides waivers for Medicaid patients for an array of services in their home and community including support services, modifications to the home and specialized medical support.
- *The Early Childhood Program* assists children ages three to six years with a diagnosis of developmental disability or developmental delay. The program creates a multi-disciplinary plan of action for rehabilitation.
- *Integrated Supports* strives to keep people with disabilities in their communities and out of institutions by offering a variety of services to adults and children, based on their individual needs.
- *State Operated Residential Services* has multiple locations throughout the state. They provide many services including residential, medical, occupational, physical and speech therapies, and community development and outreach services.

Additionally, many organizations in Arkansas exist to advocate and aid those with disabilities. The Arkansas Disability Rights Center made a list 2010 priority issues including community integration, institutions, housing, juvenile justice, abuse, education, employment, voting access, ADA access, public policy, and restraint, seclusion, and corporal punishment in schools.

The Arkansas Disability Coalition (ADC) focuses on children with disabilities. Families with disabled children can use the ADC to learn about their child's rights and receive help networking and forming support group in their communities.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

The size of the population with HIV/AIDS in Bentonville is unclear with limited data available.

Discussion:

As described above, the City of Bentonville special needs households require diverse supportive services to gain access to affordable opportunities that might be available to them. The City will work with agencies that provide services to non-homeless special needs people. We will work to support agencies to enhance programs for special needs adults and children. We help keep our elderly and disabled in their homes. We will continue to support opportunities for accessible infrastructure and/or facility improvements to meet ADA requirements.

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction's need for Public Facilities:

Community serving public facilities such as libraries, health centers, parks and fire and police stations provide vitally needed services to improve the health, safety and well-being of Bentonville residents. The City of Bentonville recognizes these public facilities are an asset to our city and that they strengthen and improve neighborhoods. The city uses their capital investments and leverage of public and private resources to keep these facilities in a good state of repair while ensuring that these facilities are provided for all our residents.

How were these needs determined?

The city determines its needs for public facilities and improvements based largely on the planning processes, facility assessments, and master plans. Needs are also determined through public input.

Describe the jurisdiction's need for Public Improvements:

Bentonville is developing rapidly and at such a pace that there are areas where the infrastructure is older and needs to be repaired and improved or no longer serving the needs of the number of residents that now inhabit the area. The city regularly evaluates areas to determine our most critical needs. The city will work to upgrade our low-to-moderate-income areas through street, sidewalk, and drainage improvements.

How were these needs determined?

The city determines its needs for public facilities and improvements based largely on the planning processes, facility assessments, and master plans. Needs are also determined through public input. Our public input survey and public meetings helped determine infrastructure needs for our area, which we will work to apply in census tracts and block groups where the highest percentages of low-to-moderate income residents live.

Describe the jurisdiction's need for Public Services:

The City of Bentonville has a need for a wide range of public services. Some of these needs are early childhood and youth educational programs, mental and physical health resources, services for elderly, disabled, homeless, housing counseling, public transportation, as well as many more not listed. The City will make every effort to make these services available to all our residents and has previously spent some of our Community Development Block Grant funds on these services. We plan to continue supporting these needs using Community Development Block Grant funding for low-to-moderate-income families.

How were these needs determined?

Data gathered through research and public outreach helped inform the city what public services are needed. Online surveys were available to the public. Community stakeholder meetings were conducted with our non-profits, working professionals, and City department heads, as well as other entities. Needs were also determined by surveys conducted by Bentonville Planning. The needs for public services gathered from this process were used in preparing the 2023-2027 Consolidated Plan.

Housing Market Analysis

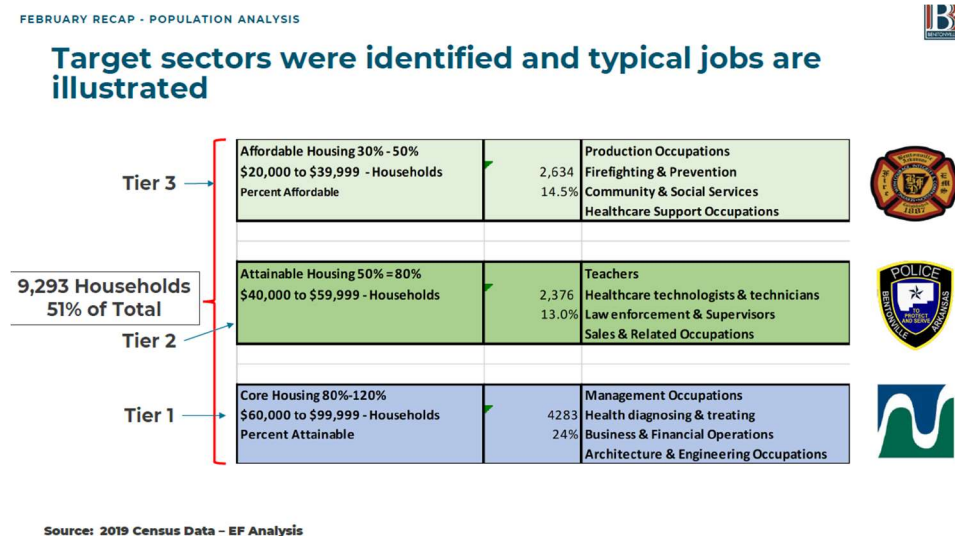
MA-05 Overview

Housing Market Analysis Overview:

In 2022, the City of Bentonville organized an Affordable Housing Work Group. The group identified three target markets, gathered data, identified barriers to affordable housing, and developed recommendations. Below is a summary of their findings.

The housing crisis is decades old, stemming from the region’s explosive growth that began in the 1990s. But more recent developments—such as the impact of the COVID-19 pandemic on the local economy, interest rates being raised repeatedly by the Federal Reserve to curb inflation, and major employers like Walmart and Tyson Foods recruiting ever more new employees to the region or relocating existing ones to their home offices—have elevated the problem to historic heights. Recent analyses show that Fayetteville, AR (and, by extension, the rest of the region) is the most competitive small rental market in the United States and that home prices in Northwest Arkansas are climbing faster than anywhere else in the country.

Bentonville defined three tiers for the affordable housing discussion as follows:



According to the findings of the Bentonville Affordable Housing Work Group in early 2023, the construction of single-family homes is not keeping pace with city growth. Single-family construction, for example, has been relatively flat over the last seven years, even though the population has seen dramatic increases. The reasonable priced homes that are built, are not being accessed by our target three sectors. While more and more multifamily units are being constructed, they are prices above what our two lower target sectors can attain. Pressure is mounting financially on our two lower target sectors causing out-migration of our workforce, as they seek affordable housing elsewhere.

Multi-family and single-family housing is in critically short supply for the target population, due to shared issues:

- i. Construction of these units, especially for the lower two income tiers, has stagnated over the last decade.
 - ii. The units being built at affordable price points for the target population are often rented or purchased for occupation or as investment properties by families with higher annual incomes.
 - iii. As a result, the target population must either rent or purchase (though the latter is less feasible) housing in the city that is unaffordable (greater than 30% of their income) or they must leave Bentonville.
- b. The overall development cycle time—from concept to completion—can be more than three years, which can jeopardize millions of dollars of funding for affordable developments that are participating in federal programs that have strict timelines for completion and habitation, such as the Low-Income Housing Tax Credit (LIHTC).

Without innovative solutions, roughly two thirds of the target income bands will only be able to afford multi-family rental units, which is borne out by the current occupation rates. The higher third should be able to afford single-family home purchases if developers offer the right products and the right processes are in place.

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

Based on the most recent ACS (2017-2021), there are 21,385 housing units in Bentonville. 68.9% of all units are single family homes. The next largest property type is multifamily units with nearly 17% of all housing types. Small scale multifamily (2-4 units) makes up only 8.1% of the housing types. The tenure is divided nearly equally between owner and renter occupied. Total number of owner-occupied units is 9,968 (50.9%) and renter occupied is 9,605 (49.1%). (Source: 2017-2021 ACS).

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	13,432	62.8%
1-unit, attached structure	1,311	6.1%
2-4 units	1,725	8.1%
5-19 units	3,607	16.9%
20 or more units	1,176	5.5%
Mobile Home, boat, RV, van, etc	134	0.6%
Total	21,385	100%

Table 26 – Residential Properties by Unit Number

Data Source: 2013-2017 ACS

Source: 2018-2021 ACS

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	No Data			
1 bedroom				
2 bedrooms				
3 or more bedrooms				No Data

Table 27 – Unit Size by Tenure

Data Source: 2013-2017 ACS

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

There are 47 affordable housing units provided by the Community Development Corporation.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

The only potential loss for affordable housing inventory could be due to a significant increase in existing affordable housing being purchased for investment purposes, primarily for use as short-term rentals. In Bentonville, particularly in the downtown area, there are approximately 500-700 units listed on short term rental websites. However, we do not have access to data that makes a correlation between the those listed and their affordability. The City of Bentonville does not have any Section 8 contracts or housing.

Does the availability of housing units meet the needs of the population?

Between 2018 and 2022, an average of 1,595 housing units have been completed each year, with more multifamily unit being developed each year than single family each year, except 2021. While the number of units appears to be keeping pace with the growth, the cost for those homes is increasingly significantly. The average value of a single-family homes in 2022 was \$412,786, up 43% from 2018 when it was \$289,317. With the increasing values and costs, the available units may not meet the needs of lower incomes.

Describe the need for specific types of housing:

A greater variety of housing type is needed. Single Family and Multifamily are the predominant housing types. The city is working to revise zoning regulations to better accommodate what is considered “missing middle” housing, such as triplex, fourplex and six plex.

Discussion

One of the best means of addressing affordable housing is to provide adequate supply of housing with a variety of housing types at various price points. The city feels that one area that they can focus on is making it easier to build that “missing middle” as well as improve the review time to get more housing on the market quicker.

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

Cost of Housing

Table 28 – Cost of Housing

Rent Paid	Number	%
Less than \$500	176	1.9%
\$500-999	3,880	41.4%
\$1,000-1,499	3,829	41.6%
\$1,500-1,999	985	10.5%
\$2,000 or more	430	4.6%

Table 29 - Rent Paid

Data Source: 2013-2017 ACS

Housing Affordability

Number of Units affordable to Households earning	Renter	Owner
30% HAMFI		No Data
50% HAMFI		
80% HAMFI		
100% HAMFI	No Data	

Table 30 – Housing Affordability

Data Source: 2013-2017 CHAS

Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	\$720	\$764	\$930	\$1,322	\$1,582
High HOME Rent	\$720	\$764	\$930	\$1,322	\$1,582
Low HOME Rent	\$720	\$764	\$930	\$1,151	\$1,285

Table 31 – Monthly Rent

Data Source: HUD FMR and HOME Rents

Is there sufficient housing for households at all income levels?

Affordable housing in Bentonville, at all income levels, is not adequately available. According to a study completed by the NWA Council in 2020, they found the following:

0–30% AMI: 27 affordable and available units for every 100 extremely low-income households

0–50% AMI: 62 affordable and available units for every 100 very low-income households

0–80% AMI: 92 affordable and available units for every 100 low-income households

0–120% AMI: 104 affordable and available units for every 100 moderate-income households

How is affordability of housing likely to change considering changes to home values and/or rents?

Affordability of housing may become more challenging if the recent trend of increasing rents and housing continue. The median rent between 2011 and 2016 increased 14% and the median for-sale price increased 16%. (Source: Bentonville Housing Summary).

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

Median rent in Bentonville is \$1,055 (2018-2021 ACS). The Fair Market Rent for the 2023 Fayetteville – Springdale-Rogers MSA for a two-bedroom is \$930, suggesting that Bentonville’s median rent is significantly higher than the rest of the area, at approximately 13%.

(https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2023_code/2023summary.odn)

Discussion

With over a quarter of the rental units costing the households more than 30% of their income, rental assistance would likely be a benefit to these households.

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

U. S. Department of Housing and urban Development (HUD) defines substandard housing using conditions similar to those in the Needs Assessment. Housing units are considered substandard if they have one or more of the following conditions: 1) lack of complete plumbing facilities; 2) lack of complete kitchen facilities, 3) more than one person per room; or 4) a housing cost burden greater than 30%. The chart below shows the number of units in Bentonville with one or more of these conditions, and therefore substandard.

The majority of the houses in Bentonville were built between 2000 and 2021; however, the City does have 2,685 houses built prior to 1980 (12.5%). Some of the homes have lead paint that has not been remediated in accordance with national lead-based regulations leading to children exposed to lead that can cause developmental delays, learning and behavioral difficulties, as well as physical ailments. Low-income individuals and families often reside in the older units with higher maintenance needs as well as un-remediated lead-based paint.

There are a small number of units that could be eligible for home repairs, considering 47 units (less than 1% of all units) lack complete plumbing facilities. Similarly, 123 (less than 1%) lack complete kitchen facilities. We did not have access to data by tenure.

Definitions

The City of Bentonville has building codes for ventilation, plumbing, mechanical, electrical, and fire protection systems. The code also provides for structural conditions of a dwelling such as foundations, exterior walls, roof, interior walls and ceilings, floors, windows, doors, and stairs. The City also has occupancy limits for structures.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	990		2,095	
With two selected Conditions				
With three selected Conditions				
With four selected Conditions				
No selected Conditions				
Total				

Table 32 - Condition of Units

Data Source: 2013-2017 ACS

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	No Data			
1980-1999				
1950-1979				
Before 1950				
Total				No Data

Table 33 – Year Unit Built

Data Source: 2013-2017 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980.	3,069			
Housing units built before 1980 with children present				

Table 34 – Risk of Lead-Based Paint

Data Source: 2013-2017 ACS (Total Units) 2013-2017 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units			1,812
Abandoned Vacant Units			
REO Properties			
Abandoned REO Properties			

Table 35 - Vacant Units

Need for Owner and Rental Rehabilitation

Since nearly 13% of the housing units in Bentonville were built prior to 1980, there are likely homes that may require rehabilitation. However, the trend has been that these older homes are purchased and torn down to build new homes. Indicating that they are not necessarily owned by low-to-moderate income families.

Estimated Number of Housing Units Occupied by Low- or Moderate-Income Families with LBP Hazards

Since nearly 13% of the housing units in Bentonville were built prior to 1980, there are likely homes that could have lead-based-paint hazards. Data was not available to determine whether or not these units are

occupied by low-to-moderate income families. Primarily, because these older homes would be located downtown where homeowners are rehabbing or tearing down and rebuilding on their own.

Discussion

Based on the estimated number of older housing units, but lack of data to determine those that are owned or rented by LMI, the need for housing rehabilitation is limited.

MA-25 Public and Assisted Housing – 91.210(b)

Introduction

Totals Number of Units

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available				493			0	0	0
# of accessible units									
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 36 – Total Number of Units by Program Type

Data Source: PIC (PIH Information Center)

Describe the supply of public housing developments:

There are no public housing facilities in the city limits of Bentonville. The City does not have current plans of seeking public housing within the Jurisdiction. Although, the City will distribute CDBG assistance to those organizations that serve the needs of the extremely low- income, low-income, and moderate- income families residing in the jurisdiction. This includes the Housing Authority, which provides Section 8 tenant vouchers and other organizations.

A Community Development Corporation (CDC) is located within Bentonville. The CDC focuses on the HOME program and has developed, owns and manages over 200 units which focus on senior housing within the area. The CDC was formed in 1991 by the Bentonville / Bella Vista Chamber of Commerce. The City and the CDC are two separate entities, although the City fully supports the CDC and accommodates the organization.

The Community Development Corporation (CDC) in Bentonville provides affordable housing (non-senior) in Bentonville with rents trending below market rate and they accept Section 8 vouchers. There are three properties that provide permanent housing with 47 units: Briarwood, 816 A Street Apartments, Meadowglade.

Briarwood includes 24 one and two-bedroom apartments furnished with major appliances and central heat/air. Income qualification is required. Residents only pay for electricity. The deposit equals one month's rent.

The 816 A Street Apartments includes 9, one, two and three bedroom unites that come fully furnished with all major appliances central heat/air, a full-size washer /dryer, and a covered front porch. Income qualification is required, and residents pay all utilities. The deposit is equal to one month's rent.

Meadowglade Townhomes have 14 three-bedroom units, all furnished with most appliances, central heat/air, porches, and well-maintained grounds. Residents pay all utilities. The deposit is equal to one month's rent.

Havenwood, also operated by the CDC, is a two-year program designed to help single mothers overcome the barriers in their lives that lead to homelessness while providing transitional housing for them and their children in a supportive environment so they may become economically self-sufficient and transition into permanent housing.

The City will support the management and operation of all organizations that address the revitalization and restoration needs of low- to moderate-income housing. Collectively, all organizations will offer support and guidance and will work together to improve the living environment of extremely low-income, low-income, and moderate-income families residing in Bentonville.

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

The CDC is responsible for maintaining these facilities and provide the necessary maintenance to upkeep the physical condition of their properties.

Public Housing Condition

Public Housing Development	Average Inspection Score

Table 37 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

N/A

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

N/A

Discussion:

N/A

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

According to HUD, a national focus on homeless rights during the Reagan administration helped to form much of the way homeless needs are addressed today. It was during the early 1980s that the administration determined that the needs of the homeless were best handled on a state or local level rather than a national level. In 1983, a federal task force was created to aid local and regional agencies in their attempts to resolve homeless needs, and in 1986, the Urgent Relief for the Homeless Act was introduced, which chiefly established basic emergency supplies for homeless persons such as food, healthcare and shelter. The act was later renamed the McKinney-Vento Act, after the death of one of its chief legislative sponsors, and was signed into law in 1987.

HUD defines the term “homeless” according to the McKinney-Vento Act, which states that a person is considered homeless if he/she lacks a fixed, regular and adequate night-time residence. A person is also considered homeless if he/she has a primary nighttime residence that is:

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations,
- An institution that provides a temporary residence for individuals intended to be institutionalized,
- A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.^{[\[1\]](#)}

Therefore, homelessness can be defined as the absence of a safe, decent, stable place to live. A person who has no such place to live stays wherever he or she can find space—an emergency shelter, an abandoned building, a car, an alley or any other such place not meant for human habitation.

Homeless sub-populations tend to include those with substance abuse and dependency issues, those with serious mental illness, persons living with HIV/AIDS, women and other victims of domestic violence, emancipated youth, and veterans.

Reversing declines in personal incomes, reducing the lack of affordable housing for precariously housed families and individuals who may be only a paycheck or two away from eviction, increasing and promoting help available from welfare agencies are all significant policy challenges today. It takes only one additional personal setback to precipitate a crisis that would cause homelessness for those at risk. Deinstitutionalization of patients from psychiatric hospitals without adequate community clinic and affordable housing support only propagates more people in search of affordable housing. Personal vulnerabilities also have increased, with more people facing substance abuse problems, diminished job prospects because of poor education or health difficulties while lacking medical coverage.

Satisfying the needs of the homeless population therefore represents both a significant public policy challenge and a complex problem due to the range of physical, emotional and mental service needs required to sustain residence in permanent housing.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	0	0	0	0	0
Households with Only Adults	0	0	0	0	0
Chronically Homeless Households	0	0	0	0	0
Veterans	0	0	0	0	0
Unaccompanied Youth	0	0	0	0	0

Table 38 - Facilities and Housing Targeted to Homeless Households

Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons

A network of public and private agencies in Northwest Arkansas provides a variety of services to the homeless ranging from prevention and outreach to comprehensive supportive services. Homelessness represents a complex personal and social problem that requires multiple resources to eventually gain permanent housing. Planning and effective continuum of care means engagement of a wide spectrum of local agencies. Along with agencies providing homeless services the following mainstream agencies are engaged in planning and implementation: Northwest Arkansas Continuum of Care, Benton County Public Health Department, local health care providers, local police departments, employment service providers, local employers, local substance abuse programs, Veteran's Affairs, Mayor's Office, Community Development Block Grant (CDBG) Office, other local government officials, local welfare departments, housing authorities, neighborhood and community associations, as well as non-profit agencies.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

Many of the outreach components listed above assist the individuals with accessing mainstream mental health and chemical dependence services. They provide emergency assistance for those teetering on the brink of homelessness. These emergency services include food, rent, mortgage, and utility assistance as well as case management, mentoring, and landlord/lender intervention. These organizations also provide housing and/or a range of services for those assessed through screening and/or referral as having a specific problem that could result in homelessness.

Helping homeless persons find emergency housing, safe havens, transitional housing, rapid rehousing, and permanent supportive housing is a priority as all of these not only provide housing facilities, but supportive services. For our homeless living on the street, there are day programs and soup kitchens for our homeless to go during daytime hours.

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

The City of Bentonville is in a region that has several agencies that provide housing or supportive services to our special need populations. These agencies include Open Avenues, Sunshine School and Development Center, Souls Harbor, Saving Grace, Northwest Arkansas Women's Shelter as well as numerous other agencies that provide services to the elderly, disabled, persons dealing with addictions, HIV/AIDS, mental and physical health organization and agencies dealing with domestic or dating violence, sexual assault, and stalking.

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

Adults over the age of 65 make up 8% of the City's total population. Elderly persons need various types and levels of affordable, supportive housing opportunities. Several factors impact the senior population when making housing and/or supportive service choices. Among these are the ability to function independently with supportive services, level of care and comprehensive medical and living support required, limited ability to pay for required housing choice and supportive services, and limited availability of affordable supportive housing opportunities. Seniors tend to fall in between income eligibility guidelines for state and federal assistance programs. Many of our seniors live alone leading to a greater reliance on care systems.

An estimated 7.5% of our population in Bentonville lives with one or more disabilities. Those rates tend to move upward for our low-income residents.

There is a growing need for safe and affordable residential care for high risk/need persons with mental illness. Additional housing options for individuals with chemical dependency remain a need in the community. Access to safe, decent, affordable housing for individuals and families is important in assisting individuals to remain in recovery. There are various levels of residential services available on a limited basis for individuals with chemical dependency; however, finding one that is both safe and affordable is not as easy.

The projected needs of the HIV/AIDS population include increased supportive services and the need for adequate, accessible, affordable, safe housing for families living with someone infected with AIDS or who has been diagnosed as HIV positive.

Domestic violence survivors need health care, services, and housing supports to help them repair their lives.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

Adult care facilities are housing options for individuals who cannot live independently or semi-independently. Residential programs are available for those with chemical dependency, homelessness, HIV/AIDS. Programs available provide safe havens and high-quality care and hope for the future to children who have been abandoned, abused, or neglected. There are programs to end family violence by empowering victims to survive and then promote healthy relationships. Programs exist to help people with disabilities achieve the skills and confidence they need to live as independently as possible. Emergency shelters, mental health services, physical health services, alcohol and drug recovery programs, and various other programs help provide the necessities of life--food, clothing, and shelter.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

The City of Bentonville will continue to have annual goals to provide decent housing by continuing to provide funding for organizations and programs that benefit low-to-moderate-income individuals and families. The City will also provide funding for supportive services by helping with the cost of low-income children to attend an early childhood education facility for children with developmental disabilities. This will provide these children with an extensive kindergarten transition program that eases these children and their families into the public schools. Occupational, speech and physical therapists along with trained nurses are also available to these children so they not only have an opportunity to thrive and develop in their future academic years, but also get the therapy they need and help them overcome their disabilities. The City will also provide funding for after school and summer care for children where the cost of childcare would be a huge financial burden on their parent and/or parents. These children will receive a safe, developmentally place to stay while their parents are at work. These children are nurtured and given opportunities that they might not receive without this abuse. Their parents will maintain their employment or similar or better employment because they don't have the burden of childcare and leaving their children home alone. The City will also provide funding for opportunities that reduce transportation cost burdens for the low-to-moderate-income population, greatly improving the mobility of income-eligible residents in Bentonville. The City will also help in providing supportive agencies with funding to be more energy efficient and reduce their utility costs.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

The City of Bentonville will continue to work with agencies to assist in however we can help to provide housing and supportive services to our special need residents.

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

Using the expertise of Affordable Housing Workgroup members, City staff, developers, and the public, six major barriers that prevent affordable housing to be built were identified:

Total development cycle time. A rich analysis of the current development and approval cycle times was provided by City staff to the workgroup. When shared with developers for feedback, the Pre-Approval Conference and the Pre-Construction periods were identified as the two biggest pain points, leading to a complete cycle time of around four years for both single-family and multi-family units (Fig. 14). Some developers have risked losing millions of federal dollars due to not being able to finish within the federally mandated time period of two years. Other developers simply choose not to bring projects to Bentonville at all. Many of the issues point to jointly looking at a redesign of the development cycle with staff, the planning commission, and local developers to reduce the cycle time.

Figure 14: Average Development Cycle Time (Bentonville Planning Department)

	"Phase 0"	Phase 1			Phase 2	Phase 3	Phase 4	Phase 5		Phase 6 (SF only)	
	Finance / RE Contract / Zoning	Concept	Site Engineering	Pre-App Conference	Planning App/ Approval	Pre-Construction	Construction	Site Final	Final Plat Approval/File	Home Construction	Years
Current Days											
Single Family	60	90	120	60	60	251	325		125	245	3.7
Multi-Family	60	90	120	90	60	203	365		125	0	3.0

Zoning limitations. Many zoning options that have been enacted in other cities are currently not available in Bentonville. These additive zoning options would allow for the creation of "Missing Middle" housing, which allows for higher density, single-family owned and occupied options (Fig. 15). These zoning options will be important for the City-managed process of affordable housing developments, but they can also be used for other developments.

Furthermore, while the number of units allowed per acre ostensibly provides a developer a great deal of density (e.g. R4 allows for 52 units/acre), the actual number of units that can go on a piece of land is much lower due City restrictions and requirements (e.g. in reality, R4 is actually closer to 20 units/acre). These factors include parking requirements, right of way and easement dedications, height limits, and more.

Regulatory infrastructure, permit costs, and fees. Impact fees and permit fees, combined with limited cost sharing by the City all add costs to development projects. Fair market rate projects already face significant hurdles in this area, but adding these costs to projects that are attempting to be affordable only pass these costs on to the potential buyers. Affordable developments are currently being assessed under the same guidelines as fair market rate projects, which de-incentivizes the creation of the former.

Land costs. Affordable developments are less likely to be pursued due to the higher initial investment developers must make on simply acquiring land. This is due, in part, to the limited number of financing options available to developers.

Lack of access to affordable options. As discussed above, many affluent households are renting or purchasing housing below their means (i.e. significantly less than 30% of income, including utilities). This

trend squeezes out workforce households in the three targeted income tiers, who have to choose between becoming rent/mortgage burdened by choosing housing above their means or leaving the City to find more affordable housing elsewhere.

Participation in government programs. A significant amount of federal housing subsidies (e.g. Community Development Block Grants) that could be used to address some of the financial hurdles mentioned above have not been used for many years since Bentonville stopped participating in the program in 2016. There is also a lack of education for developers on the existence of this funding and the ways in which to access it.

A few key themes emerged from the discussion that were prioritized when developing solutions:

1. Solutions to these barriers should be bundled together so that they are dealt with comprehensively, rather than through a piecemeal approach.
2. A tiered system of incentives and barrier removal should be put in place that aligns with the tiered income bands of the target population.
3. Affordable price points, duration of those price points, and renter/buyer eligibility should all be codified in some way to ensure that the people who most need affordable housing are able to take advantage of it.

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	80		0.3%		
Arts, Entertainment, Accommodations	1929		7.2%		
Construction	1104		4.1%		
Education and Health Care Services	4002		14.9%		
Finance, Insurance, and Real Estate	1266		4.7%		
Information	302		1.1%		
Manufacturing	2266		8.4%		
Other Services	1035		3.8%		
Professional, Scientific, Management Services	4112		15.3%		
Public Administration	477		1.8%		
Retail Trade	8406		31.3%		
Transportation & Warehousing	1305		4.9%		
Wholesale Trade	614		2.3%		
Grand Total	26898				

Table 39 - Business Activity

Data Source: 2013-2017 ACS (Workers), 2017 Longitudinal Employer-Household Dynamics (Jobs)

Source: 2017-2021 ACS

Labor Force

Total Population in the Civilian Labor Force - 27,843
Civilian Employed Population 16 years and over – 27,793
Unemployment Rate – 3.2%
Unemployment Rate for Ages 16-24
Unemployment Rate for Ages 25-65

Table 40 - Labor Force

Data Source: 2013-2017 ACS

Occupations by Sector	Number of People
Management, business and financial	13,970
Farming, fisheries and forestry occupations	
Service	2,783
Sales and office	6,257
Construction, extraction, maintenance and repair	1,314
Production, transportation and material moving	2,574

Table 41 – Occupations by Sector

Data Source: 2013-2017 ACS

Source: 2017-2021 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	19,669	85%
30-59 Minutes	3,138	14%
60 or More Minutes	392	1%
Total	23,199	100%

Table 42 - Travel Time

Data Source: 2013-2017 ACS

Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	No Data		
High school graduate (includes equivalency)			
Some college or Associate's degree			
Bachelor's degree or higher			No Data

Table 43 - Educational Attainment by Employment Status

Data Source: 2013-2017 ACS

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	451				
9th to 12th grade, no diploma					
High school graduate, GED, or alternative	1,239	9,271	8,914	9,759	3,957
Some college, no degree	1,171				
Associate's degree					
Bachelor's degree		5,265	5,544	4,830	1,436
Graduate or professional degree					

Table 44 - Educational Attainment by Age

Data Source: 2013-2017 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	23,750
High school graduate (includes equivalency)	31,100
Some college or Associate's degree	40,133
Bachelor's degree	68,109
Graduate or professional degree	76,982

Table 45 – Median Earnings in the Past 12 Months

Data Source: 2013-2017 ACS

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

Retail trade (31.3%) is the major employment sector with Bentonville being the location of the Walmart Home Office. The next major sector is professional, scientific and management services at 15%.

Describe the workforce and infrastructure needs of the business community:

The necessary skills for good performance in entry level jobs are an ongoing struggle for employers. We are seeing more coordination between our educational institutes and skill training institutes in preparing this type of worker to support businesses. The rest of the workforce meets the needs of the community, however, like every place in America, some sectors in Bentonville are still struggling to keep employees in place for longer periods of time.

Bentonville is in good shape with their infrastructure needs in most of the City. There are some areas where infrastructure is still needed and are addressed in the City's Master Plan. The finances for the City are in great shape and these funds have been used and will continue to be used to get the infrastructure in place. The City's downtown area has experienced a rapid revitalization and tremendous growth with new businesses moving in over the last decade. What areas are still in need of infrastructure updates will be address in the years ahead.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

Walmart is building a new campus. Exact numbers of those being employed there are unclear, yet this will have a significant impact on our need to house those employees locally so as not to have significant impact to the local transportation system.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

Local colleges and universities provide educational opportunities geared toward the needs of the major employers. Such programs include logistics and supply chain management.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

As mentioned above, Northwest Arkansas Community College is located in Bentonville and provides workforce training programs as needed in Bentonville. The University of Arkansas in Fayetteville provide degree programs that benefit our major employers.

The Bentonville Area Chamber of Commerce supports economic development and is the lead agency for economic development for the City of Bentonville. Private investments and developers provide millions of dollars towards economic development in this area. The City supports and works with community organizations that engage in research, planning activities, and perform marketing studies.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

The City of Bentonville adopted a Strategic Economic Development Plan in 2014 called the Bentonville Blueprint.

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

Since Bentonville is unique, its target sector opportunities will differ from a typical city of its size. Seven main target sector opportunities, along with specific focus areas for each have been identified as priorities for Bentonville to focus its efforts over the next five years. The selection of these targets involved the review of: the current targeted sectors of Northwest Arkansas; the current business/ industry base in Bentonville and the region, along with location quotients and projected growth rates for such sectors, as applicable; and recent project activity in Bentonville and the region. The key strengths and advantages of

Bentonville related to each target was also a significant determinant of whether the sector was a fit. It is important to note that Bentonville may have successes in sectors outside of these identified sectors.

Target Sector Opportunities: Digital Media, Entrepreneurship and Innovation, Hospitality and Culture and Entertainment, Light Advanced Manufacturing, Retail Supplier Regional Offices, Retail Technology, Specialty Retail, and Transportation and Warehousing.

Discussion

The increase in the amount of bike trails and the increasing cultural options are having a significant impact on the tourism industry. Because of this, there is a need for service industry workers. The challenge is that the cost of housing is an impediment for many to find housing in the city limits. The goals of the CDBG program to address affordable housing will assist in providing the necessary workforce for the tourism industry.

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

We defined concentration as more than 50% of a census tract with housing problems. Based on current data and analysis, we do not find there to be a concentration of households with multiple housing problems.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

We define concentration as a census tract with higher proportions of minorities and low-income families than other tracts in the city. Ethnic minorities and low-income families are spread relatively evenly throughout the city.

What are the characteristics of the market in these areas/neighborhoods?

Not applicable.

Are there any community assets in these areas/neighborhoods?

Not applicable.

Are there other strategic opportunities in any of these areas?

Not applicable.

MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households - 91.210(a)(4), 91.310(a)(2)

Describe the need for broadband wiring and connections for households, including low- and moderate-income households and neighborhoods.

There are several agencies that provides high speed internet, but the cost of that is sometimes not affordable for our most vulnerable. Basic internet is the cheapest and that sometimes comes with interruptions and slower internet. Bentonville offers free digital access and literacy in our downtown area, government buildings, public library and community buildings. The school system provides chrome books for students and charging services are available at all the schools.

Describe the need for increased competition by having more than one broadband Internet service provider serve the jurisdiction.

Bentonville has good competition for broadband internet services. Some of our bigger providers are AT&T, T-Mobile, and Cox Communications.

MA-65 Hazard Mitigation - 91.210(a)(5), 91.310(a)(3)

Describe the jurisdiction's increased natural hazard risks associated with climate change.

The local climate hazards associated with climate change in Bentonville would be extreme heat, shorter winters, intense storms, drought, threats to water quality and the instability of energy prices. These climate changes can cause infrastructure stress, flooding, air pollution and continued deterioration of housing stock especially with older homes which are more affordable in Bentonville than newer homes. Additionally, rapid development has caused a strain on our drainage systems as more intense storms roll through, having a detrimental impact on our Census Tracts determined to be low-to-moderate-income areas. We realize that climate change tends to have the most impact on our most vulnerable. Higher utility bills, flooding, higher food costs are all financial stresses that can have the most impact on our low-income. The City takes a proactive approach to protecting our community's most vulnerable.

Describe the vulnerability to these risks of housing occupied by low- and moderate-income households based on an analysis of data, findings, and methods.

The City has not participated in any studies on climate change, but we know there are impacts. We will work to research data, findings, and methods to understand our local climate data and to make sure we address those needs as soon as possible.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The mission of the Strategic Plan is to improve the quality of life for low to moderate-income individuals and families, to include seniors and persons with special needs, in the City of Bentonville by providing affordable rental and homeownership opportunities, repairing and conserving existing housing, providing funding for facilities and infrastructure improvements, creating and retaining jobs, funding public services that stabilize and enhance living conditions, working on reducing homelessness, fostering access to all housing and community resources, addressing economic, education, and income needs, strengthening community assets, working to eliminate blight, reduce crime and improving quality of life for our residents, promoting fair housing and access to opportunities for all Bentonville residents.

The City of Bentonville is 21,920 acres (34.25 square miles). The City is still mostly surrounded by Agriculturally zoned land, but with our rapid development, we are starting to see zoning requests extend further into those zones. With our latest counts, the City has 85 miles of trail around the City that are part of the connection to the Razorback Greenway which connects to the other major hubs of Northwest Arkansas. This enables residents of Northwest Arkansas to travel from one city to the next by walking or biking.

The unemployment rate for Northwest Arkansas is 2.4% and falls well below the State of Arkansas unemployment rate of 2.7% and National unemployment rate of 3.7% as of May 2023. With the number of local and nationally known companies headquartered in or having a presence in Northwest Arkansas, coupled with the population growth rate, we expect the need for employment to continue making Northwest Arkansas a great job market. Northwest Arkansas is still growing rapidly at a pace of around 45 people a day.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

1	Area Name:	Census Tracts (205.04 and 206.04)
	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Public Facilities/Infrastructure
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	These will be the census tract areas that are defined by the HUD LMI Mapping Tool as having more than 51% of their population low income.
	Include specific housing and commercial characteristics of this target area.	Most of the houses in this area are of the older housing stock are in need of some minor repair and maintenance. The commercial in this area is a mixture of small businesses and restaurants.
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	All the planning and meetings the City had for the development of the Plan provided the basis for identifying the needs of our City. The neighborhoods in these areas contain older water, drainage, and sewer infrastructure and have been affected negatively by flooding due to development in the surrounding areas.
	Identify the needs in this target area.	Drainage and infrastructure needs.
What are the opportunities for improvement in this target area?	City will provide housing public facility/infrastructure funding to improve the infrastructure for residents living in these areas.	
Are there barriers to improvement in this target area?	The biggest barriers are funding amount vs. Cost of infrastructure projects that provide the most impact in today's current economic climate. Material and labor costs	

		have risen sharply since the start of the Covid pandemic and still have an impact on budgets.
2	Area Name:	Low Income Individuals or Families
	Area Type:	Meet all criteria for CDBG funding regardless of where they live
	Other Target Area Description:	Meet all criteria for CDBG funding regardless of where they live
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	There are no neighborhood boundaries for this target area. They meet the criteria for Community Development Block Grant (CDBG) funding regardless of where they live.
	Include specific housing and commercial characteristics of this target area.	The only specific housing characteristic of this area is that they meet the criteria for CDBG funding regardless of where they live and the house needs rehabilitation to get to code and to become more energy efficient or there is a service that will benefit them. We don't know the addresses for future applicants at this time making it very difficult to discuss the commercial characteristics of this target area.
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	Again, this has to do with meeting requirements of the CDBG Program. All residents of Bentonville had the opportunity to be a part of the citizen participation process. These meetings provided a lot of input to identify the needs of our residents. We consult with other agencies who serve the low-income in our City and they provide a wealth of information concerning people in need.
	Identify the needs in this target area.	The needs of our applicants are for housing rehabilitation, emergency repairs, and needed services. The educational and recreational needs of the City's residents are being met.

What are the opportunities for improvement in this target area?	The City will continue to seek out those individuals who meet the Department of Housing and Urban Development (HUD) criteria and need assistance. We will also use the assets in our City to provide opportunities for our residents.
Are there barriers to improvement in this target area?	The biggest barrier would be the lack of funding the City receives for housing and service needs from CDBG. The 15% cap on service projects is also a barrier. Another barrier would be there are divided sections in areas around our City. We do have areas in our City with no affordable housing.

Table 46 - Geographic Priority Areas

General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

The City of Bentonville utilizes CDBG funding to allocate to activities that invest in our neighborhoods and benefit low-to-moderate-income households and individuals. Areas of the city will benefit from this funding, allowing residents to remain and prosper in their homes. Whether through an area benefit or a service provided directly to a low-to-moderate-income person or household, 100% of our CDBG funding will go to CDBG eligible households and/or census tracts.

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

1	Priority Need Name	Public Facilities/Infrastructure
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Public Housing Residents Individuals Families with Children Mentally Ill Chronic Substance Abuse Veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Victims of Domestic Violence
	Geographic Areas Affected	Meet all criteria for CDBG funding regardless of where they live in Bentonville city limits.
	Associated Goals	Public Facilities/Infrastructure
	Description	The City has needed infrastructure projects in some of our more low-income areas. We know to help this population group we must provide appropriate infrastructure for their mobility, reducing cost burden. Also reducing water/drainage issues due to older infrastructure where develop has not benefitted them.

	Basis for Relative Priority	Resident and stakeholder input via public hearings and meetings held in the planning process of the Five-Year Consolidated Plan and Annual Action Plan. A lot of information is gathered from these meetings pointing to need to update our infrastructure, meeting current demand.
2	Priority Need Name	Public Services
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Public Housing Residents Individuals Families with Children Mentally Ill Chronic Substance Abuse Veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence
	Geographic Areas Affected	Meet all criteria for CDBG funding regardless of where they live within Bentonville city limits.
	Associated Goals	Public Services
	Description	Public Services are one of the City of Bentonville's greatest needs. Public hearings, consultations, and survey results supported this sentiment. Childcare was a high priority in this area. The cost of childcare makes it very difficult for some of our people to come out

		ahead by working as childcare costs are getting higher and higher. The need for more mental and physical services for our residents that have no means to pay for these services was also identified. Additional service ideas were related to bill pay assistance for low-income residents. All these service ideas potentially reduce the cost burden on households and setup low-to-moderate-income individuals/families for success via various support services.
	Basis for Relative Priority	Resident and stakeholder input via public hearings and meetings held in the planning process of the Five-Year Consolidated Plan and Annual Action Plan. Information is gathered from these meetings suggesting a strong need to provide for public services to meet current demand.
3	Priority Need Name	Housing Rehabilitation
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities
	Geographic Areas Affected	Meet all criteria for CDBG funding regardless of where they live within Bentonville city limits
	Associated Goals	Decent Housing
	Description	The City has a need for affordable housing for our low-income residents. There is a gap between income and availability of housing. Housing cost burden is the most prevalent housing problem facing Bentonville owners and renters. We have severely cost-burdened owners that are extremely low-income. We also see a housing cost burden and lack of available units with our special needs and disabled residents. Age and condition of housing is another barrier to maintaining housing stability. The City is working to provide funding

		for local organizations to address this need, allowing us to provide rehabilitation on our low-income owner single-family homes and get the repairs done to not only increase the value of our housing stock, but provide energy efficient repairs that will put money back into resident's pockets with lower utility bills.
	Basis for Relative Priority	Resident and stakeholder input via public hearings and meetings held in the planning process of the Five-Year Consolidated Plan and Annual Action Plan. Information gathered from these meetings pointing to a need to provide for rehabilitation projects to meet current demand.
4	Priority Need Name	Administration
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Public Housing Residents Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse Veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence

Geographic Areas Affected	Meet all criteria for CDBG funding regardless of where they live
Associated Goals	Administration
Description	The CDBG Program requires administration costs to gather input, prepare plans, and oversee the grants with the bid processes, inspections, and close-outs. It is an integral part to an effective CDBG Program for the City.
Basis for Relative Priority	Administration has to exist. Basis for relative priority is that you can't operate the program without administration costs necessary to operate the program.

Table 47 – Priority Needs Summary

Narrative (Optional)

SP-30 Influence of Market Conditions – 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	The City does not plan to use Community Development Block Grant (CDBG) funds for Tenant Based Rental Assistance (TBRA).
TBRA for Non-Homeless Special Needs	The City does not plan to use CDBG funds for TBRA.
New Unit Production	The City does not plan to use CBG funds for new production. We do plan to use CDBG funds on land and infrastructure improvements, however.
Rehabilitation	Cost burden is a major housing problem within the City of Bentonville. We are looking holistically at this issue to provide services for which the cost burden can be reduced on our low-to-moderate income individuals, freeing up budget for them along with supporting local organizations with plans to rehabilitate their facilities.
Acquisition, including preservation	The City does not plan to use CDBG funds for acquisition, including preservation.

Table 48 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

The following table shows the Community Development Block Grant (CDBG) Program resources expected to be available in Year One of the Consolidated Plan to address priority needs and specific objectives identified in the Strategic Plan. The table also includes prior year resources the City will use to implement our identified priority needs. Expected amount available during the remainder of the Consolidated Plan are future estimates that will be amended as those year's funding is identified.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public/Federal	Public Infrastructure Improvements Public Services	320,831			320,831	1,604,155	All funds will be used to improve public infrastructure and provide public services to low-to-moderate-income individuals. All expected CDBG funds in the Consolidated Plan will come from CDBG funding.

Table 49 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Many of the non-profits applying for CDBG funding receive funding from other areas to make their programs work. The City and its partners leverage local, state, foundation and private resources. The City will use its projected \$320,831 from the United States Department of Housing & Urban Development's (HUD) CDBG Program to address the needs listed in the Action Plan. The City funds the salary for the administrative position and will partner with local organizations and non-profits on its service projects.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

There is no known land available for acquisition at this time; however, the City will work with banks to make vacant property available for affordable housing, economic development, and open space use.

Discussion

The amount of available funding through CDBG will not be adequate to meet the housing and/or public service needs in Bentonville. The City continues to work with our partners to leverage all available resources to meet our needs.

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
City of Bentonville	Government	Ownership Planning Public Facilities Infrastructure	Jurisdiction
Habitat for Humanity of Benton County	Non-Profit Organization	Homelessness Public Services	Jurisdiction
NWA Continuum of Care	Continuum of Care	Homelessness Public Services	Jurisdiction
Boy's and Girl's Club	Non-Profit Organization	Public Services Child Care	Jurisdiction
Helen R. Walton Children's Enrichment Center	Non-Profit Organization	Public Services Child Care	Jurisdiction

Table 50 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

Our strength is the ability of the City and local agencies to work together to address the needs of the City. The biggest gap would be the lack of funding available to meet all the needs.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	x	x	
Legal Assistance	x	x	
Mortgage Assistance	x	x	
Rental Assistance	x	x	
Utilities Assistance	x	x	
Street Outreach Services			
Law Enforcement	x	x	
Mobile Clinics	x	x	
Other Street Outreach Services	x	x	

Supportive Services			
Alcohol & Drug Abuse	x	x	
Child Care	x	x	
Education	x	x	
Employment and Employment Training	x	x	
Healthcare	x	x	x
HIV/AIDS	x	x	x
Life Skills	x	x	x
Mental Health Counseling	x	x	x
Transportation	x	x	
Other			
Other			

Table 51 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

The Community Development Block Grant (CDBG) Administrator will continue to work closely with entities to further enhance the needs of our community and to improve CDBG Program delivery. We are working to become a member of the Northwest Arkansas Continuum of Care which helps keep us aware of the many needs of our community. We are fortunate in this area that we have many non-housing services available to address basic and essential needs of people experiencing homelessness.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

The City of Bentonville is working to strengthen and expand its existing public, private, and non-profit sectors and identify and build partnerships to provide for the City's special population groups. The City's existing public and private sectors provide a great service in providing for the economic development in the City. We continue to pursue funding opportunities to assist with children who are dealing with physical, mental, and developmental problems.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

Bentonville, along with non-profit, public and private agencies, have a long history of working together for the good of our City. The Planning Department works with the CDBG Administrator on facility projects and the City's Code Enforcement Group brings to light the urgent needs of our community. The City leads the processes that result in the development of the Consolidated Plan, Action Plan, and Consolidated Annual Performance Evaluation Report. Our funding resources are limited which influences the level of programs and services we can provide. This does create gaps if the entities are unable to find other funding agencies.

SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Public Facilities	2023	2024	Public Facilities		Infrastructure	CDBG: \$771,000	Infrastructure Activities located in LMI Census Tracts
2	Public Services	2023	2027	Public Services		Public Services	CDBG: \$237,500	Public service activities other than low-to-moderate-income housing benefit
3	Decent Housing	2023	2027	Affordable Housing		Housing Rehabilitation	CDBG: \$125,000	
4	Administration	2023	2027	Administration		Administration	CDBG: \$160,000	

Table 52 – Goals Summary

Goal Descriptions

1	Goal Name	Public Facilities
	Goal Description	The City will provide CDBG funding to address high priority infrastructure needs located within two of Bentonville's LMI Census Tracts. Current projects identified include replacing deteriorating manholes and clay sewer pipelines. These projects will assist LMI residents in households within the identified Census tracts to remediate drainage issues and improve the quality of their sewer systems.
2	Goal Name	Public Services
	Goal Description	The City will use its public services funding to several of our local organizations to assist in childcare via tuition assistance, as well as, outreach and assessment services for our homeless population. We will provide funding to Helen R. Walton Children's Enrichment Center, which will allow for free, high-quality, early childhood education, access to therapy, case management, and support services to mobilize the family to move out of poverty, creating a foundation for multi-generational change by impacting both the parent (or grandparent/guardian) and the young child. Funding for the Northwest Arkansas Continuum of Care will assist with outreach and focus on the individuals/families who are experiencing homelessness within the city limits of Bentonville. Outreach staff will connect with individuals through word of mouth, identification through area partners including Salvation Army & the Bentonville Police Department. Staff will connect in person or via the phone (if a number was given), fill out an intake to determine income and homelessness status. Outreach will also determine immediate needs and assist people in getting into some type of emergency shelter. Resources will be connected, and immediate need supplies will be distributed. Outreach will also complete the assessment to get individuals on the By-Name list and to connect them with coordinated entry for potential housing opportunities. Funding will be used for the Boys and Girls Club After School and Summer Scholarship Program for low-income children and their families. This allows their parent(s) to work and not have to worry about where their children are or how they are going to pay for childcare. This program provides to all member bases for males and females ages 6-18 and racial and ethnic demographics closely match that of the Bentonville population.
3	Goal Name	Decent Housing

	Goal Description	Funding will be provided to Habitat for Humanity of Benton County to assist low-to-moderate-income households in need of repair or accessibility modifications. The work focuses on critical repairs (permanent, essential rehabilitation to ensure the home is decent, safe, and sanitary) for safe entry (wheelchair ramps) and improved bathroom accessibility (replacing bathtubs with showers) and other ADA safety standards. Families must live in safe and well-maintained homes.
4	Goal Name	Administration
	Goal Description	Funding will be used to cover costs associated with administering the Community Development Block Grant Program.

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

The City does not receive HOME funds. Community Development Block Grant funds can be used for housing rehabilitation and purchase of property to build affordable housing. The City will continue to work with local organizations to research housing rehabilitation opportunities. At this time, there is no land available the City could purchase with their CDBG funds for building affordable housing.

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

The City of Bentonville does not handle public housing for Bentonville. That is all done through the Public Housing Authority at Siloam Springs, Arkansas.

Activities to Increase Resident Involvements

As stated earlier, the City does not have public housing, but is committed to address the housing needs of our citizens and to provide supporting involvement where we can. The closest public housing authority is Siloam Springs, Arkansas.

Is the public housing agency designated as troubled under 24 CFR part 902?

No

Plan to remove the ‘troubled’ designation

N/A

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

The City of Bentonville created a housing affordability workgroup to identify possible solutions to remediate barriers to affordable housing that were identified. Two of these barriers for the City to address are total development cycle time and zoning that limits affordable development.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

To address the total development cycle time, the City will work to investigate and adopt ordinances to allow vertical construction to homes sooner in the single-family construction process, consider creating an administrative approval process for preliminary plats, as well as, work to create a small-scale development cycle. To address zoning limiting affordable development, the City will work to amend existing residential zoning districts to allow for greater mix of housing types and site flexibility by defining and regulating cottage court, stacked duplex, triplex, fourplex and live-work units.

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

A Point-In-Time homeless count was conducted in January 2017 to assist in the strategic planning process to end homelessness. Department of Housing & Urban Development (HUD) strongly encourages communities to develop a strategic plan that are expected to not simply propose better ways to manage the problem, but to make serious attempts to end it. We must build better linkages between those who provide services to the homeless and government decision makers. We must redefine organizational successes and make sure the goal is getting people into permanent housing as soon as feasible and keeping them there. We must assist people with restoring and repairing social capital. An essential safety net of emergency and systems prevention must be put in place. We must provide risk prevention services, target areas, provide permanent housing, and reduce chronic homelessness.

The Northwest Arkansas Continuum of Care has taken over the task of homelessness in this region. They will continue to work with public and private stakeholders to address and support development of a coordinated effort to prevent and end homelessness. Their efforts will make a significant impact to identify, provide outreach prevention, have access to shelter, a good working coordinated entry process that will help our homeless move into housing options.

Addressing the emergency and transitional housing needs of homeless persons

Northwest Arkansas has made some significant investments in shelter expansions and support programs, but we do have some gaps in services and housing. Emergency shelter is housing in which a homeless person can access shelter immediately and reside for up to 30 days. An emergency shelter's primary function is to assist individuals in identifying causes of homelessness, accessing mainstream services and securing the next appropriate level of housing. The functioning, structure, rules and support services provided can vary greatly from shelter to shelter. Transitional housing is housing in which homeless persons live for up to 24 months and receive supportive services that enable them to live more independently. The services must include housing placement assistance. The supportive services may be provided by the organization managing the housing or coordinated by them and provided by other public or private agencies. Northwest Arkansas provides both emergency shelters and transitional housing. The Northwest Arkansas Continuum of Care emergency and transitional housing system will accept all populations of individuals and families that are experiencing homelessness because of domestic violence or substance abuse as well as youth and veterans.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

Chronic homelessness communities are most often the result of serious mental illness and/or chronic substance abuse. These individuals are often difficult to engage in programs, may be non-compliant with treatment and/or medications and often have an underlying distrust of systems. Their mental illness is often the cause of inappropriate behaviors which, coupled with their inability to comply with rules or program requirements, makes them inappropriate for placement in any existing shelter as well as in more traditional mental health or substance abuse residential programs. These individuals are usually those that fall through the cracks of all mainstream services. As a result, the same group of chronic individuals frequently sleeps on the streets, in the parks, and become involved with the criminal justice system and other institutions. These individuals are often released back to the community with inadequate discharge plans. Emergency prevention and outreach efforts are essential to helping homeless persons. The Northwest Arkansas Continuum of Care continues to work hard to ensure our most vulnerable residents are able to stabilize their lives. We know we need more permanent housing. The Continuum of Care is establishing a coordinated entry and referral system that will match people to their housing needs. They are eliminating the multiple application processes. The Continuum of Care Board is resolving many problems that hindered developing name lists, providing case conferencing and compiling housing resources and referral sources. They are using the Vi-SPDAT assessment tool with a goal to target those homeless the longest and most in need. The Continuum of Care will also continue to meet the needs of our veterans experiencing homelessness.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

Homelessness cannot be seriously addressed without developing a comprehensive strategy to prevent homelessness. The City of Bentonville will work to establish membership in the Northwest Arkansas Continuum of Care and provide services and housing rehabilitation funding to help keep people from becoming homeless. The Northwest Arkansas Continuum of Care will continue to consider strategies to improve discharge planning by healthcare institutions, correctional facilities, and mental health treatment programs to reduce the frequency of discharges into homelessness.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

The City of Bentonville does not currently have its own housing rehabilitation program. We will work with our local organizations to ensure that any rehabilitation projects they pursue meet the State and Federal requirements, making houses lead-safe.

How are the actions listed above related to the extent of lead poisoning and hazards?

The City of Bentonville will meet with our local organizations involved in housing rehabilitation projects funded by CDBG dollars to ensure any projects deemed a hazard are addressed in accordance with State and Federal requirements, creating a safe environment for our residents.

How are the actions listed above integrated into housing policies and procedures?

As stated previously, the City of Bentonville does not currently have its own housing rehabilitation program. We will work with our local organizations to ensure that any rehabilitation projects they pursue meet the State and Federal requirements, making houses lead-safe.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

The City's strategies and programs for those living in poverty are designed to provide a means to stabilize their living conditions. Supportive essential public services and improvements to surrounding infrastructure may also help poverty level families. There are an array of financial tools and services available that can improve living conditions, housing availability, and employment opportunities.

This five-year Consolidated Plan and the 2023 Action Plan have been developed with goals and strategies to help our poverty stricken residents move out of poverty. This can be done with job creation and workforce development, providing essential services to make sure these residents have access to public benefits, to make sure children in these homes reach educational outcomes, provide affordable housing to make our residents secure in their housing, and to assure our community has economic security.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

CDBG Staff administers the Consolidated Plan Programs and maintains financial compliance by following all HUD regulations. All agencies receiving funding will enter into an agreement with the City of Bentonville. Drawdowns are made by the CDBG Administrator and draw down voucher numbers and invoices are provided to the Finance Department to approve. Once the drawdowns are approved, invoices and backup information are provided to the Accounts Payable Clerk for payment with review by the Finance Department. Payments to grantees occur as soon as the draw down is available for check writing.

All service projects will be monitored by the CDBG Administrator and Finance Department. Steps will be taken to insure all recipients of the funded service programs meet the income and disability guidelines for assistance.

Income benefit requirements are required to be in compliance with housing and service projects. Documentation required is the size and annual income of the assisted family and/or person this project will be serving. Age and disability documentation is also required for some service projects.

The City's infrastructure projects are monitored by the CDBG Administrator, Finance Department, Planning Department, Project Manager, and applicable Department Director. Where contractors are used, the City will advertise for bids and all work will be awarded using the bid process. A bid guarantee from each bidder shall be a minimum of five percent of bid. A written contract will be executed for all work performed. The accepted contractor will be required to furnish a performance and payment bond in the amount of 100% of the contract. No known contractor or subcontractor on a federal list of suspended or debarred contractors will be awarded a contract. All bid packets will contain information on the prevailing wage rate scheduled prescribed and mandated by the Federal Labor Standards Provision HUD-4010 and General Decision AR0300044. On site monitoring will be conducted using the Planning Department's staff. All inspections will be documented and made a part of the project file.

The Finance Department, Accounts Payable Clerk, and the CDBG Administrator will oversee the handling of CDBG funds. This will provide a check and balance for these funds. Receipt and disbursement of CDBG funds will also be a part of the City's annual audit and HUD's monitoring visits. No files will be archived until inspected by the Arkansas HUD Office. Any citizen complaints will be addressed by the Mayor or the CDBG Administrator within 30 days of receipt of the complaint.

Monitoring is a key tool to ensure all grantees comply with applicable Federal regulations governing administrative, financial and program operations. The CAPER and IDIS also continues to show measures of performance, eligible beneficiaries, target areas, and funding.

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The following table shows the Community Development Block Grant (CDBG) Program resources expected to be available in Year One of the Consolidated Plan to address priority needs and specific objectives identified in the Strategic Plan. Expected amount available during the remainder of the Consolidated Plan are future estimates that will be amended as those year's funding is known.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public/Federal	Admin and Planning Economic Development Housing Public Improvements Public Services	320,831			320,831	1,604,155	All funds will be used to provide services to low income individuals and families, provide for housing rehabilitation projects, and improve public facilities and infrastructure. All expected CDBG funds in the Consolidated Plan will come from CDBG funding.

Table 53 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Many of the non-profits applying for CDBG funding receive funding from other areas to make their programs work. The City and its partners leverage local, state, foundation and private resources. The City will use its projected \$320,831 from the United States Department of Housing & Urban Development's (HUD) CDBG Program to address the needs listed in the Action Plan. The City will continue to partner with local organizations and non-profits on its service projects.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

There is no known land available for acquisition at this time; however, the City will continue to work to identify vacant property available for affordable housing, economic development and open space use.

Discussion

The amount of available funding through CDBG will not be adequate to meet the housing and/or public service needs in Bentonville. The City continues to work with our partners to leverage all available resources to meet our needs.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Public Facilities	2023	2024	Public Facilities		Infrastructure	CDBG: \$221,000	Infrastructure Activities located in LMI Census Tracts
2	Public Services	2023	2024	Public Services		Public Services	CDBG: \$47,500	Public service activities other than low-to-moderate-income housing benefit
3	Decent Housing	2023	2024	Affordable Housing		Housing Rehabilitation	CDBG: \$25,000	
4	Administration	2023	2024			Administration	CDBG: \$32,000	Administration Costs

Table 54 – Goals Summary

Goal Descriptions

1	Goal Name	Public Facilities
	Goal Description	This goal will provide needed infrastructure updates that address our stock of aging manhole covers. Rehabilitation of these 43 deteriorated manholes, located within our LMI Census Tracts will address issues to inflow and infiltration problems in regard to our drainage systems. This project will assist in remediating some of our drainage issues in some of our LMI areas.
2	Goal Name	Public Services

	Goal Description	The City will use its public services funding to several of our local organizations to assist in childcare via tuition assistance, as well as, outreach and assessment services for our homeless population. We will provide funding to Helen R. Walton Children's Enrichment Center, which will allow for free, high-quality, early childhood education, access to therapy, case management, and support services to mobilize the family to move out of poverty, creating a foundation for multi-generational change by impacting both the parent (or grandparent/guardian) and the young child.) Funding for the Northwest Arkansas Continuum of Care will assist with outreach will focus on the individuals/families who are experiencing homelessness within the city limits of Bentonville. Outreach staff will connect with individuals through word of mouth, identification through area partners including Salvation Army & the Bentonville Police Department. Staff will connect in person or via the phone (if a number was given), fill out an intake to determine income (zero) and homelessness status. Outreach will also determine immediate needs and assist people in getting into some type of emergency shelter. Resources will be connected, and immediate need supplies will be handed out. Outreach will also complete the assessment to get individuals on the By-Name list and to connect them with coordinated entry for potential housing opportunities. Funding will be used for the Boys and Girls Club After School and Summer Scholarship Program for low-income children and their families. This allows their parent(s) to work and not have to worry about where their children are or how they are going to pay for childcare. This program provides to all member bases for males and females ages 6-18 and racial and ethnic demographics closely match that of the Bentonville population.
3	Goal Name	Decent Housing
	Goal Description	Funding will be provided to Habitat for Humanity of Benton County to assist low-to-moderate-income households in need of repair or accessibility modifications. The work focuses on critical repairs (permanent, essential rehabilitation to ensure the home is decent, safe, and sanitary) for safe entry (wheelchair ramps) and improved bathroom accessibility (replacing bathtubs with showers) and other ADA safety standards. Families must live in safe and well-maintained homes.
4	Goal Name	Administration

	Goal Description	Funding will be used to cover costs associated with administering the Community Development Block Grant Program. These costs include supplies, training, educational/promotional materials about the program, as well as, advertisements required in the newspaper.
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Projects

AP-35 Projects – 91.220(d)

Introduction

The City of Bentonville makes their funding allocation decisions based on an application process. Funds are awarded to eligible activities that support the goals, as well as, addressing the priority needs stated in the Consolidated Plan. All allocations awarded to activities are contingent upon the City's receipt of Community Development Block Grant (CDBG) funding in the Program Year. Projects for 2023 and reasons for allocation priorities and obstacles addressing these needs are listed below:

Projects

#	Project Name
1	Infrastructure Improvements
2	Public Service- Boys and Girls Club (Bentonville)
3	Public Service – Helen R. Walton Children’s Enrichment Center
4	Public Service – Northwest Arkansas Continuum of Care
5	Public Service – E-Bike Voucher Program
6	Housing Rehabilitation – Habitat for Humanity
7	Administration

Table 55 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocation of funds for those activities listed in the 2023 Action Plan are closely aligned with the needs identified in the public hearing and needs assessment survey in the City’s 2023-2027 Consolidated Plan via input contributed by stakeholders and citizens who participated in the development of the 2023 Action Plan.

The primary national objective of the CDBG Program is to benefit low-to-moderate-income residents, therefore, The City of Bentonville’s CDBG program funds will be targeted to individuals and families that qualify as low-to-moderate-income, as well as, census tracts that meet the 51% threshold of low-to-moderate-income population. Funds will also be targeted to include special needs populations, such as elderly and the homeless. By targeting these groups, we not only provide a benefit to these individuals and families, but we benefit the City as well. The City’s objective is to fund programs and services to the greatest extent possible, keeping in mind that service projects are subject to a 15% cap of total funding received. The major obstacle to meeting all of the identified needs is the lack of funding resources. With

our 15% cap, we are really limited to the amount we can fund. Services is one of our biggest needs in Northwest Arkansas. There are more opportunities that fall into the services category, potentially serving many more people each year if the service cap was lifted on CDBG funding. The City will continue to identify opportunities to leverage funding to better benefit service opportunities.

AP-38 Project Summary

Project Summary Information

1	Project Name	Infrastructure
	Target Area	Low Income Individuals or Households
	Goals Supported	Public Facilities/Infrastructure
	Needs Addressed	Infrastructure
	Funding	CDBG: \$221,000
	Description	CDBG funds will be used to pay for material and labor to rehabilitate a total of 43 deteriorated manholes within identified LMI Census Tracts that are contributing to inflow and infiltration problems. Rehabilitation will consist of applying an epoxy lining system to the interior of the manhole and replacing corroded ring and lid as necessary.
	Target Date	2024
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	Addresses are not known at this time. All are located within identified LMI areas based on HUD's LMI Mapping Tool. These will be added to IDIS once identified.
2	Planned Activities	Rehabilitation will consist of applying an epoxy lining system to the interior of the manhole and replacing corroded ring and lid as necessary.
	Project Name	Public Service - Boys and Girls Club Scholarship

	Target Area	Low-to-moderate-income Individuals or Households
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$10,000
	Description	This project will provide scholarships for youth in low-to-moderate-income families living in Bentonville who need access to affordable, quality afterschool/summer programming.
	Target Date	June 2024
	Estimate the number and type of families that will benefit from the proposed activities	92 individuals from low-to-moderate-income households.
	Location Description	2801 Walker Street Bentonville, AR 72712 is the address of Boys and Girls Club of Benton County (Bentonville Unit) Addresses of the families are not known at this time.
	Planned Activities	Afterschool/summer childcare and programming
3	Project Name	Public Service – NWA Continuum of Care
	Target Area	Low-to-moderate-income Individuals or Households
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$12,500

	Description	The NWA Continuum of Care will contract with Diva & Dudes to do community outreach for this grant. Outreach for this grant will begin October 1, 2023 and will run through September 30, 2024. When utilizing these funds, the outreach will focus on the individuals/families who are experiencing homelessness within the city limits of Bentonville. Outreach staff will connect with individuals through word of mouth, identification through area partners including Salvation Army & the Bentonville Police Department. Staff will connect in person or via the phone (if a number was given), fill out an intake to determine income (zero) and homelessness status. Outreach will also determine immediate needs and assist people in getting into some type of emergency shelter. Resources will be connected, and immediate need supplies will be handed out. Outreach will also complete the assessment to get individuals on the By-Name list and to connect them with coordinated entry for potential housing opportunities.
	Target Date	September 30, 2024
	Estimate the number and type of families that will benefit from the proposed activities	45 individuals from extremely low to very low incomes
	Location Description	PO Box 3643 Fayetteville, AR 72701 is the address for the NWA Continuum of Care.
	Planned Activities	Outreach staff will connect with individuals through word of mouth, identification through area partners including Salvation Army & the Bentonville Police Department. Staff will connect in person or via the phone (if a number was given), fill out an intake to determine income (zero) and homelessness status. Outreach will also determine immediate needs and assist people in getting into some type of emergency shelter. Resources will be connected, and immediate need supplies will be handed out. Outreach will also complete the assessment to get individuals on the By-Name list and to connect them with coordinated entry for potential housing opportunities.
4	Project Name	Public Service – Helen R. Walton Children’s Enrichment Center

Target Area	Low-to-moderate-income Individuals or Households
Goals Supported	Public Services
Needs Addressed	Public Services
Funding	CDBG: \$10,000
Description	CDBG funding will allow Helen R. Walton Children's Enrichment Center to provide free high-quality early childhood education, access to therapy, case management, and support services to mobilize the family to move out of poverty, creating a foundation for multi-generational change by impacting both the parent (or grandparent/guardian) and the young child.
Target Date	2024
Estimate the number and type of families that will benefit from the proposed activities	42 individuals from extremely low to low incomes
Location Description	309 NE J Street Bentonville, AR 72712 is the address of Helen R. Walton Children's Enrichment Center. Addresses of the families are not known at this time.
Planned Activities	HWCEC's Family Services Coordinator connects STP ONE parents to resources such as job placement, financial support, counseling, food assistance, household supplies, clothing, housing, and more to meet the individual needs of the family. STP ONE families also have access to the following programs and services offered at HWCEC: • Monthly diaper assistance: 25-50 diapers/pull-ups per month

		• Dry Goods Pantry – Available during normal operating hours, families can donate or take food, formula, or baby food items anonymously. • Community Fridge – Extra food from our kitchen is available for families and staff to take home on a daily basis. • Christopher's Lending Library – Borrow a book and bring it back for others to enjoy. • Libby's Brain Bags – Borrow a backpack with age-appropriate toys. Sign them in and out at the front desk. • Winter Coat Drive – Children of HWCEC families eligible for assistance will be provided with a winter coat, hat, and gloves. • Formula Assistance - HWCEC families of enrolled infants may sign up to receive free Member's Mark formula every month. • Thanksgiving Assistance Program - Families that sign up for assistance will be provided with their choice of meat, their choice of pie, and dry goods to provide a complete Thanksgiving meal for their family for free. • Christmas Assistance Program – Families that sign up for assistance will fill out a wish list for their child. Secret shoppers purchase products on the wish list, and you will have presents in hand before Christmas. • Parenting Together- Natasha Kile, an Early Childhood Education Professor from Northwest Arkansas Community College, offers FREE 45-minute sessions on topics like behavior
5	Project Name	Public Service – E-Bike Voucher Program
	Target Area	Low-to-moderate-income Individuals or Households

	Goals Supported	Public Service/Transportation
	Needs Addressed	Public Service/Transportation
	Funding	CDBG: \$15,000
	Description	The City of Bentonville will partner with local bike shops and through a lottery system, provide vouchers to discount the cost of an E-Bike for our low-to-moderate-income residents. The Goal of this project is to reduce the transportation cost burden on our low-to-moderate-income residents. Overall cost burden is the greatest hurdle our residents face and with our rapidly developing cycling infrastructure, small trips could be made without the use of a vehicle. Improving both the wear and tear costs of vehicles and improving the overall health of our residents.
	Target Date	2024
	Estimate the number and type of families that will benefit from the proposed activities	10-15 Low-to-Moderate-Income Individuals or Households
	Location Description	Will vary based on partner bike shops. Addresses of the families are not known at this time.
	Planned Activities	The City of Bentonville will partner with local bike shops and through a lottery system, provide vouchers to discount the cost of an E-Bike for our Low-To-Moderate-Income residents.
6	Project Name	Housing Rehabilitation – Habitat for Humanity
	Target Area	Low-to-moderate-income Individuals or Households

	Goals Supported	Decent Housing
	Needs Addressed	Housing Rehabilitation
	Funding	CDBG: \$20,000
	Description	Funding will be provided to Habitat for Humanity of Benton County to assist low-to-moderate-income households in need of repair or accessibility modifications. The work focuses on critical repairs (permanent, essential rehabilitation to ensure the home is decent, safe, and sanitary) for safe entry (wheelchair ramps) and improved bathroom accessibility (replacing bathtubs with showers) and other ADA safety standards. Families must live in safe and well-maintained homes.
	Target Date	2024
	Estimate the number and type of families that will benefit from the proposed activities	To Be Determined
	Location Description	1212 N. Walton Boulevard Bentonville, AR 72712 is the address for Habitat for Humanity of Benton County. Addresses of the families are not known at this time.
	Planned Activities	Habitat for Humanity of Benton County will assist low-to-moderate-income households in need of repair or accessibility modifications. The work focuses on critical repairs (permanent, essential rehabilitation to ensure the home is deemed, safe, and sanitary) for safe entry (wheelchair ramps) and improved bathroom accessibility (replacing bathtubs with showers) and other ADA safety standards. Families must live in safe and well-maintained homes.
6	Project Name	Administration

Target Area	Low-to-moderate-income Individuals or Households
Goals Supported	Administration
Needs Addressed	Administration
Funding	CDBG:
Description	Administration costs to administer the CDBG Program
Target Date	2024
Estimate the number and type of families that will benefit from the proposed activities	Is it estimated that 3,600 individuals will receive a benefit from the 2023 CDBG Projects
Location Description	City Hall, where the CDBG Administrator has an office, located at 305 SW A St, Bentonville, AR 72712
Planned Activities	The project funding will be used to pay for marketing/promotional materials about each program/project being funded, display ads for future Action Plans, CAPER, and Consolidated Plans. It will also cover any membership fees associated with the CDBG Program.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City of Bentonville is part of one of the fastest growing regions in America, Northwest Arkansas. Northwest Arkansas is home to three Fortune 500 companies: Wal-Mart, Tyson Foods, and JB Hunt Trucking. It is also home to the University of Arkansas, a recognized research institution of academic excellence. Beaver Lake provides swimming, boating, kayaking/canoeing, fishing, water sports, and hunting amenities with 487 miles of shoreline. Northwest Arkansas is also home to the Ozark Mountains and is becoming a global destination for bike riding.

The City has a well-developed community, expanding employment opportunities, supporting new and existing businesses, and enhancing neighborhood vitality, however, providing affordable housing is still a major need for Bentonville.

The Community Development Block Grant (CDBG) projects proposed for 2023 will have an impact on many residents and families of Bentonville. The infrastructure projects will benefit the areas that qualify as a low-to-moderate-income area by Census Tract. The service projects will benefit low-moderate-income persons/families. The housing rehabilitation projects will benefit low-to-moderate-income individuals/families, as well as, disabled/handicapped persons. It is estimated that almost 100% of our CDBG funds will be allocated to benefit persons who are deemed low-to-moderate-income.

Geographic Distribution

Target Area	Percentage of Funds
Census Tracts	69%
Low-to-Moderate-Income Individuals/Families	31%

Table 56 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The rationale for the priorities for allocating investments geographically is to meet the primary objective of the CDBG Program which is to benefit low-income and moderate-income residents per the Department of Urban and Housing Development's (HUD) standards. All activities funded will primarily benefit low- and moderate-income persons or household as a direct service, through housing rehabilitation, which helps the low-income homeowner stay in their home, or through infrastructure improvements that benefit low-to-moderate-income census tracts.

Discussion

The City of Bentonville will allocate all funding to our low- and moderate-income residents as well as to our special need individuals.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Affordable housing is one of the most significant needs in Bentonville. The challenge is that new construction is targeting the high-end market homes. The average value of a single-family home permitted in 2022 was \$412,798. This is a 39% increase in the home value from 2021. The average size of a new single-family home in 2022 was nearly 3,000 sq. ft. The increasing cost of land prices, the impact of supply chain issues and increasing material costs have only exacerbated the situation. Without some incentives, developers do not choose to provide affordable housing in Bentonville.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	0
Special-Needs	0
Total	0

Table 57 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	
The Production of New Units	
Rehab of Existing Units	TBD
Acquisition of Existing Units	
Total	TBD

Table 58 - One Year Goals for Affordable Housing by Support Type

Discussion

The City does not receive funds that can be used for new construction. The City is working on zoning reforms and incentives to provide an easier process to get more units built. However, it is difficult to control the affordability of those built. The City will use Community Development Block Grant (CDBG) to support those agencies that help keep our low-income residents in structurally sound homes that are warm, safe, and dry.

AP-60 Public Housing – 91.220(h)

Introduction

There are no public housing facilities or a public housing office in the city limits of Bentonville. The City does not have current plans of seeking public housing within the Jurisdiction. Although, the City will distribute CDBG assistance to those organizations that serve the needs of the extremely low-income, low-income, and moderate-income families residing in the jurisdiction. This includes the Housing Authority, which provides Section 8 tenant vouchers and other organizations.

A Community Development Corporation (CDC) is located within Bentonville. The CDC focuses on the HOME program and focuses on senior housing within the area. The CDC was formed in 1991 by the Bentonville / Bella Vista Chamber of Commerce. The City and the CDC are two separate entities, although the City fully supports the CDC and accommodates the organization.

Actions planned during the next year to address the needs to public housing

The City will distribute CDBG assistance to those organizations that serve the needs of the extremely low-income, low-income, and moderate-income families residing in the jurisdiction.

Actions to encourage public housing residents to become more involved in management and participate in homeownership.

The City will look for opportunities to support existing programs that provide education on homebuying and home owners and other programs that support homeownership.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance.

Without a PHA, there is no designation of being troubled. However, the City will continue to support the needs of the CDC.

Discussion

While the City does not have current plans of seeking public housing within the Jurisdiction, we will distribute CDBG assistance to those organizations that serve the needs of the extremely low-income, low-income, and moderate-income families residing in the jurisdiction.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Bentonville is beginning its partnership with the Northwest Arkansas Continuum of Care to address the needs of the homeless. The purpose of this coalition is to reduce and/or end homelessness in Northwest Arkansas. There are several organizations in this area that serve families or persons who are homeless or at risk of becoming homeless. The University of Arkansas conducted the point-in-time count in January 2023. This headcount provides specific information regarding the various services and programs, a listing of the number of beds available, and the number, reasons and costs-involved in housing the homeless as well as placement of the homeless. Specific subpopulations targeted include individuals and families who are chronically homeless, individuals and families at risk of homelessness, veterans and their families, individuals and families who are experiencing domestic violence, individuals living with HIV/AIDS and unaccompanied youth 18-24 years old.

Currently, the Continuum of Care provides emergency shelters, transitional shelters and safe havens in Northwest Arkansas to meet the needs of our homeless. The Continuum of Care provides the leadership, coordination, planning, and mobilization of resources to make homelessness rare, brief and non-reoccurring in Northwest Arkansas. They will provide homelessness prevention and diversion, emergency, transitional and rapid rehousing, permanent supportive housing, case management, supportive services, and emergency response. The Continuum of Care has adopted a Coordinated Entry and Assessment-Based Housing Referral System that will maximize the housing resources by matching people to housing based on needs. They will continue to locate and engage individuals living on the streets and encourage them to accept services, treatment, and housing.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Bentonville will work with the Northwest Arkansas Continuum of Care and other local nonprofit organizations to assist in identifying needs. One of the key strategies is to address chronic homelessness and provide outreach in this prevention. The Northwest Arkansas Continuum of Care is represented by agencies that specifically target the homeless and assist individuals with accessing mainstream mental health and chemical dependency services. Part of this outreach is education of both the service providers and the communities to assist in eradicating homelessness.

Addressing the emergency shelter and transitional housing needs of homeless persons

There is a continuing need for additional emergency shelters and transitional housing with support services in Bentonville. Safe havens are also needed in this area. The City will continue to be involved with and support agencies that provide this service. We want to make sure the needs of individuals and families experiencing homelessness, including women and families fleeing domestic violence and unaccompanied

youth are met. The City receives no emergency shelter grants, but we are aware that emergency housing provides short-term accommodations for individuals and families that have immediate housing needs, assess level of need, and provide case management assistance in obtaining appropriate housing. Transitional housing helps households move toward self-sufficiency by providing supported semi-independent living for a period of up to 24 hours.

Northwest Arkansas has emergency and transitional housing programs specifically designated for survivors of domestic violence as well as housing programs dedicated to youth experiencing homelessness. Veterans also have options for emergency shelters and transitional housing.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

City staff does not have the necessary resources to address these issues, therefore, will rely on the expertise and experience of the Northwest Arkansas Continuum of Care to meet these needs. The City will provide CDBG funding to the Continuum of Care and other agencies that assist in these areas. The Continuum of Care is committed to identifying and prioritizing the most vulnerable for housing placement.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City of Bentonville will continue to work through the recommendations of the Affordable Housing Work Group to increase the number of affordable housing units in Bentonville. Our Continuum of Care has developed and implemented policies around discharge planning from healthcare institutions to keep anyone being discharged to become homeless. We will continue to provide service funding for agencies who provide much needed services, beyond housing, for the homeless.

Discussion

The Northwest Arkansas Continuum of Care is the primary agency for addressing the needs surrounding homelessness. The mission of the Continuum of Care is to coordinate resources to build a collaborative system that addresses core issues of homelessness and poverty. The Continuum of Care is designed to assist individuals (including unaccompanied youth) and families experiencing homelessness and to provide the services needed to help such individuals move into transitional and permanent housing, with the goal of long-term stability. More broadly, the program is designed to promote community-wide

planning and strategic use of resources to address homelessness; improve coordination and integration with mainstream resources and other programs targeted to people experiencing homelessness; improve data collection and performance measurement tailoring its program to the particular strengths and challenges within the community. Membership in the organization is open to homeless persons or formerly homeless persons, service providers, governmental representatives, civic organizations, and others committed to increasing the availability and quality of services to persons or families who are experiencing or who are near homelessness. The Northwest Arkansas Continuum of Care is governed by a Board of Directors who formulates, implements, and monitors the policies of the organization in order to carry out its purpose. It is the policy of the Board to comply with all municipal, state, and federal regulations regarding the operations of the Northwest Arkansas Continuum of Care and the Board.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Barriers to affordable housing can lie in several things, displacement of residents due to economic pressures, lack of public investment in specific neighborhoods, including services and amenities, deteriorated vacant structures and land, location and type of affordable housing, inability to access existing housing, location and access to proficient schools, lack of income, availability of affordable units in a range of sizes, lack of communication between residents and those who develop, residential foreclosures, residential evictions, age and condition of housing, and lack of fair housing outreach and enforcement. All of these things are due to banking, finance and industry regulations, socio-economic situations, neighborhood conditions, and policy legislation and enforcement.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

From a policy perspective, the City of Bentonville created a housing affordability workgroup to identify possible solutions to remediate barriers to affordable housing that were identified. Two of these barriers for the City to address are total development cycle time and zoning that limits affordable development. To address the total development cycle time, the City will work to investigate and adopt ordinances to allow vertical construction to homes sooner in the single-family construction process, consider creating an administrative approval process for preliminary plats, as well as, work to create a small-scale development cycle. To address zoning limiting affordable development, the City will work to amend existing residential zoning districts to allow for greater mix of housing types and site flexibility by defining and regulating cottage court, stacked duplex, triplex, fourplex and live-work units.

Discussion:

The City of Bentonville supports provisions for affordable housing. We have established an Affordable Housing Work Group to explore solutions that will address housing inventory for low-to-moderate-income persons and households. Additionally, we will work with agencies that provide solutions for supportive housing.

AP-85 Other Actions – 91.220(k)

Introduction:

Using the identified priorities determined for the City of Bentonville, strategies will be implemented to meet underserved needs, foster and maintain affordable housing, reduce the cost burden placed on low-to-moderate-income residents, and enhance coordination between public and private housing initiatives. The City will partner with other city agencies, regional and state agencies, fair housing advocates, service providers, lender, funders, and investors.

Actions planned to address obstacles to meeting underserved needs

One of the biggest obstacles to meeting underserved needs is the 15% cap on service projects. Due to the development pattern of Bentonville over the last decade, rents and home prices have increased dramatically, which has in turn increased the cost burden all around. Items that fall under services have a large impact on reducing the overall cost burden on families that fall in the low-to-moderate-income bracket. We have to be very careful on who we can provide a service to as our cap eliminates us from helping everyone that applies and qualifies for help. Even raising the cap to 20% would give us the additional funds we need to provide a larger scope of underserved needs of our community. The City will plan to, when feasible, work with area non-profits to leverage the City's Community Development Block Grant (CDBG) funding. We also know where other agencies might have funds available where we can send people to those agencies to seek help when funding is not available through the City of Bentonville.

Actions planned to foster and maintain affordable housing

The City is taking action to foster new affordable rental and homeownership housing opportunities in Bentonville. The Community Development Block Grant (CDBG) Administrator is working with the Planning Department and the finding from the City's Affordable Housing Workgroup on ways we can make it easier for the development of affordable homes through partnerships and offering incentives for the developer to be profitable in building affordable housing.

Actions planned to reduce lead-based paint hazards

The City of Bentonville does not currently have its own housing rehabilitation program. We will work with our local organizations to ensure that any rehabilitation projects they pursue meet the State and Federal requirements, making houses lead safe.

Actions planned to reduce the number of poverty-level families

The City of Bentonville knows that to reduce the number of poverty-level individuals and families, we must increase the opportunities for the low-to-moderate-income by creating jobs and workforce development as well as providing essential services, educational outcomes, housing security and affordability, and economic security. Using our CDBG funding we will work to build programs that promote a stable living environment and reduce dependency. We know housing is a significant financial burden. We will work to provide assistance to help the low-to-moderate-income remain in their homes through

various means. The City will continue to work to maximize program dollars and opportunities in neighborhoods with the greatest number of low-to-moderate-income residents. The City will also work to provide services such as transportation assistance, and child care to our low-income individuals and families.

Actions planned to develop institutional structure

The City of Bentonville is the lead administrative agency for the CDBG Program. The Mayor, Finance Department, and CDBG Administrator provide fiscal and regulatory oversight of all CDBG funding sources and their federal grant. The Administrator is responsible to see that all reports are submitted timely. These reports include HUD-272, Federal Cash Transaction Report, HUD-2516 and 2516-A, Contract and Subcontract Activity, HUD-471, Semi-Annual Labor Standards Enforcement Report, and Section 3, Summary Report. The Section 3 is submitted with the Consolidated Annual Performance Review (CAPER) each year. The City of Bentonville also acts as the final authority for the appropriation of funds for Annual Action Plan activities following recommendations to the Bentonville City Council. Within each of the funding areas where the City is partnered with a non-profit agency, all activities will be completed and managed with those agencies involved.

Actions planned to enhance coordination between public and private housing and social service agencies

Public and private agencies are collaborated with in developing the City's Consolidated Plan. City department heads, Mayor, and City Council are also involved in the Consolidated Plan development. The City of Bentonville is limited in resources to address all the priorities identified. Because of this collaboration will be important to be most efficient in meeting the needs of our citizens. The City will continue to build on and leverage partnerships for future program years.

Discussion:

The City is committed to continuing its participation with Federal, State, and local agencies, as well as local organizations to reach the needs of low-to-moderate-income individuals and families in the City of Bentonville. The City will continue to work to support improvements and services for our low-to-moderate-income residents.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	0
5. The amount of income from float-funded activities	0
Total Program Income	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate-income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

Appendix - Alternate/Local Data Sources

1	Data Source Name Point-In-Time Count List the name of the organization or individual who originated the data set. The point in time count for the homeless in the Northwest Arkansas area was done by the University of Arkansas in Fayetteville, Arkansas and was done in January 2023. This count is done every year. Next count will be done in January 2024. Provide a brief summary of the data set. This count provided the City with information concerning numbers homeless, how long they were homeless, whether they were married or single, how long they had been homeless and if this was the first or multiple times they had been considered homeless. What was the purpose for developing this data set? The data was developed to assist the cities in Northwest Arkansas to be able to target their homeless and work as a region to eradicate homelessness. How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? The data is not 100% accurate, but is a pretty good count of the number of homeless in Northwest Arkansas. All the counts were done in the urban areas so would not reflect rural homelessness. What time period (provide the year, and optionally month, or month and day) is covered by this data set? The homeless count is done in January every other year. The last count was done in 2023, but all data used in this Plan was from 2022. The 2023 Point-In-Time Count data will not be released prior to submission of this Consolidated Plan. Next count will be done in 2024. Count is usually done the third week in January. What is the status of the data set (complete, in progress, or planned)? The data sets for 2022 are complete and were provided to the City of Bentonville prior to the development of the 2023-2027 Consolidated Plan.
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RESOLUTION NO. _____

**A RESOLUTION ADOPTING THE 2023-2027 CONSOLIDATED PLAN FOR
COMPLIANCE WITH PARTICIPATION IN THE HUD COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM; AND FOR OTHER
PURPOSES.**

WHEREAS, the City of Bentonville will be seeking participation as an entitlement community in the Community Development Block Grant (CDBG) Program in Summer 2023;

WHEREAS, an adopted 2023-2027 Consolidated Plan is required for participation in the CDBG Program and;

WHEREAS, the Planning Commission voted to recommend to the City Council that the Consolidated Plan be approved and that said plan be adopted.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the 2023-2027 Consolidated Plan, attached as Exhibit “A”, is herein established by the Planning Commission and City Council and is hereby adopted by reference as though it were copied herein fully in compliance for participation in the Community Development Block Grant (CDBG) Program;

Section 2: That this resolution shall be in full force and effect from and after the date of its passage.

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED this ____ day of _____, 2023.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Planning
Submitted by	Shelli Kerr
Phone	(479)271-6822

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Resolution to support the installation of Bubble by Hou de Sousa for installation in the A Street Promenade as part of the Quilt of Parks Public Art Program. No Budget Adjustment is needed.					

Estimated Cost	\$0.00
Is this Item Budgeted?	☐ Yes ☒ No
If no, please explain how item will be funded (briefly explain in space below) :	



MEMO

To: Mayor Stephanie Orman and Bentonville City Council
From: Shelli Kerr, AICP, Comprehensive Planning Manager
On behalf of: Parks and Recreation Department
CC date: July 12, 2023
RE: **Art Installations for A Street Promenade**

The Bentonville Parks and Recreation Department has worked with OzArt, LLC to curate artwork to be installed along the A Street Promenade. The following pieces were selected by OzArt, approved by the Public Art Advisory Committee on June 13, 2023 and the Parks and Recreation Advisory Board on July 10, 2023. These pieces will be owned by OzArt and provided to the city as a long-term loan. OzArt will maintain the artwork. There is no cost to the city. These will be installed as the phases of the promenade are complete.

Bubble



Bubble
Hou de Sousa
Painted Steel
Height: 9'7"
Width: 16'2"

Untitled



Untitled
Linda Nguyen Lopez
Painted bronze & Native Arkansas Stone
Width: 16"

Ernest and Ruth



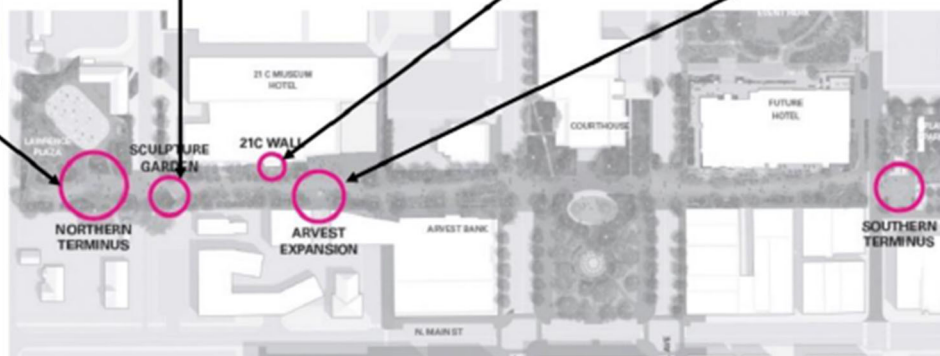
Ernest and Ruth (2 pieces)
Hank Willis Thomas
Rolled Steel and enamel paint
Height: 7'8"
Length: 8'

Lament



Lament
Emilie Brzezinski
Bronze
Height: 13'

Quilt of Parks



RESOLUTION NO. _____

**A RESOLUTION ENDORSING THE INSTALLATION OF ARTWORK
TITLED “BUBBLE,” BY ARTIST HOU DE SOUSA, ON PUBLIC
PROPERTY IN THE A STREET PROMENADE; AND FOR OTHER
PURPOSES.**

WHEREAS, the City Council of the City of Bentonville established the importance of integrating public art into the daily lives of its citizens by adopting a Public Art Policy with Ordinance No. 2013-40 on May 14, 2013;

WHEREAS, the Public Arts Advisory Committee recommended approval of said artwork on June 13, 2023, and the Parks and Recreation Advisory Committee approved on July 10, 2023; and

WHEREAS, the artwork is owned by OzArt, LLC and is being loaned long-term to the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF BENTONVILLE, ARKANSAS THAT:**

Section 1: The City Council of the City of Bentonville, Arkansas hereby endorses the installation of artwork titled “Bubble,” by artist Hou De Sousa, to be located on public property;

Section 2: This art installation is owned, and will be maintained, by OzArt, LLC;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2023.

APPROVED:

STEPHANIE ORMAN, Mayor

Attest:

KIRBY ROMINES, City Clerk



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Planning
Submitted by	Shelli Kerr
Phone	(479)271-6822

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Resolution to support the installation of Untitled Sculpture by local artist Linda Nguyen Lopez for installation in the A Street Promenade as part of the Quilt of Parks Public Art Program. No Budget Adjustment is needed.					

Estimated Cost	\$0.00
Is this Item Budgeted?	☐ Yes ☒ No
If no, please explain how item will be funded (briefly explain in space below) :	



RESOLUTION NO. _____

**A RESOLUTION ENDORSING THE INSTALLATION OF AN UNTITLED
ARTWORK PIECE BY ARTIST LINDA NGUYEN LOPEZ, ON PUBLIC
PROPERTY IN THE A STREET PROMENADE; AND FOR OTHER
PURPOSES.**

WHEREAS, the City Council of the City of Bentonville established the importance of integrating public art into the daily lives of its citizens by adopting a Public Art Policy with Ordinance No. 2013-40 on May 14, 2013;

WHEREAS, the Public Arts Advisory Committee recommended approval of said artwork on June 13, 2023, and the Parks and Recreation Advisory Committee approved on July 10, 2023; and

WHEREAS, this artwork was selected by Bentonville Parks and Recreation and OzArt, LLC as part of the Quilt of Parks.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF BENTONVILLE, ARKANSAS THAT:**

Section 1: The City Council of the City of Bentonville, Arkansas hereby endorses the installation of an unnamed artwork piece by artist Linda Nguyen Lopez, to be located on public property;

Section 2: This art installation is funded, and will be maintained, by OzArt, LLC;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2023.

APPROVED:

STEPHANIE ORMAN, Mayor

Attest:

KIRBY ROMINES, City Clerk



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Planning
Submitted by	Shelli Kerr
Phone	(479)271-6822

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Resolution to support the installation of Ernest and Ruth by Hank Willis Thomas for installation in the A Street Promenade as part of the Quilt of Parks Public Art Program. No Budget Adjustment is needed.					

Estimated Cost	\$0.00
Is this Item Budgeted?	☐ Yes ☒ No
If no, please explain how item will be funded (briefly explain in space below) :	



RESOLUTION NO. _____

**A RESOLUTION ENDORSING THE INSTALLATION OF ARTWORK
TITLED “ERNEST AND RUTH,” BY ARTIST HANK WILLIS THOMAS, ON
PUBLIC PROPERTY IN THE A STREET PROMENADE; AND FOR OTHER
PURPOSES.**

WHEREAS, the City Council of the City of Bentonville established the importance of integrating public art into the daily lives of its citizens by adopting a Public Art Policy with Ordinance No. 2013-40 on May 14, 2013;

WHEREAS, the Public Arts Advisory Committee recommended approval of said artwork on June 13, 2023, and the Parks and Recreation Advisory Committee approved on July 10, 2023; and

WHEREAS, this artwork will be funded and maintained by OzArt, LLC as part of the Quilt of Parks.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF BENTONVILLE, ARKANSAS THAT:**

Section 1: The City Council of the City of Bentonville, Arkansas hereby endorses the installation of artwork titled “Ernest and Ruth,” by artist Hank Willis Thomas, to be located on public property;

Section 2: This art installation is funded, and will be maintained, by OzArt, LLC;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2023.

APPROVED:

STEPHANIE ORMAN, Mayor

Attest:

KIRBY ROMINES, City Clerk



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Planning
Submitted by	Shelli Kerr
Phone	(479)271-6822

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Resolution to support the installation of Lament by Emilie Brzezinski for installation in the A Street Promenade as part of the Quilt of Parks Public Art Program. No Budget Adjustment is needed.					

Estimated Cost	\$0.00
Is this Item Budgeted?	☐ Yes ☒ No
If no, please explain how item will be funded (briefly explain in space below) :	



RESOLUTION NO. _____

**A RESOLUTION ENDORSING THE INSTALLATION OF ARTWORK
TITLED “LAMENT,” BY ARTIST EMILIE BRZEZINSKI, ON PUBLIC
PROPERTY IN THE A STREET PROMENADE; AND FOR OTHER
PURPOSES.**

WHEREAS, the City Council of the City of Bentonville established the importance of integrating public art into the daily lives of its citizens by adopting a Public Art Policy with Ordinance No. 2013-40 on May 14, 2013;

WHEREAS, the Public Arts Advisory Committee recommended approval of said artwork on June 13, 2023, and the Parks and Recreation Advisory Committee approved on July 10, 2023; and

WHEREAS, this artwork will be funded and maintained by OzArt, LLC as part of the Quilt of Parks.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF BENTONVILLE, ARKANSAS THAT:**

Section 1: The City Council of the City of Bentonville, Arkansas hereby endorses the installation of artwork titled “Lament,” by artist Emilie Brzezinski, to be located on public property;

Section 2: This art installation is funded, and will be maintained, by OzArt, LLC;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2023.

APPROVED:

STEPHANIE ORMAN, Mayor

Attest:

KIRBY ROMINES, City Clerk



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Planning
Submitted by	Tyler Overstreet
Phone	(479) 271-3144

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☒ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
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.					

Estimated Cost	\$
Is this Item Budgeted?	☐ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below) :	





Memorandum

To: City Council
From: Tyler Overstreet, AICP
Date: May 23, 2023
RE: Tara Ridge Impact Fee Appeal

On May 3, 2023, the City received a Notice of Appeal of Determination of Impact Fees for the Tara Ridge development. Tara Ridge was approved as a Large-Scale Development by the Planning Commission on February 1, 2022, and a building materials waiver was approved on May 3, 2022. The zoning and development proposals were treated as multi-family developments as there are multiple units contained on a single platted lot. In total, the development contains 70 duplex units, 66 three-bedroom single-family units, and 65 two-bedroom single-family units. The original Planning Commission packet and staff report are attached for reference as Exhibit 1.

After the approval of the Large Scale Development, the City started to receive building permit requests on October 3, 2022. The Architectural Code Analysis (attached as Exhibit 2) within the building permit application packets evaluated the structures against the International Residential Code, which is specifically used for single-family, two-family, and townhome construction types. As such, the Building and Fire Safety Division reviewed and permitted all residential structures on site as single or two-family using the International Residential Code, and assessed impact fees for the single-family structures at the single-family rate and for the duplex structures at the multi-family rate. In total, 35 duplex structures were assessed the multi-family impact fee rate and 131 single-family structures were assessed at the single-family impact fee rate. A summary spreadsheet is attached herein as Exhibit 3.

According to comments from Lance Blasi, Chief Building Official, had the development been permitted via the International Building Code, as required for multi-family and commercial structures, all units would have been required to be sprinkled. Lance's comments are attached as Exhibit 4.

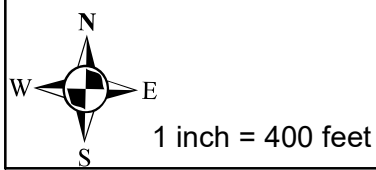
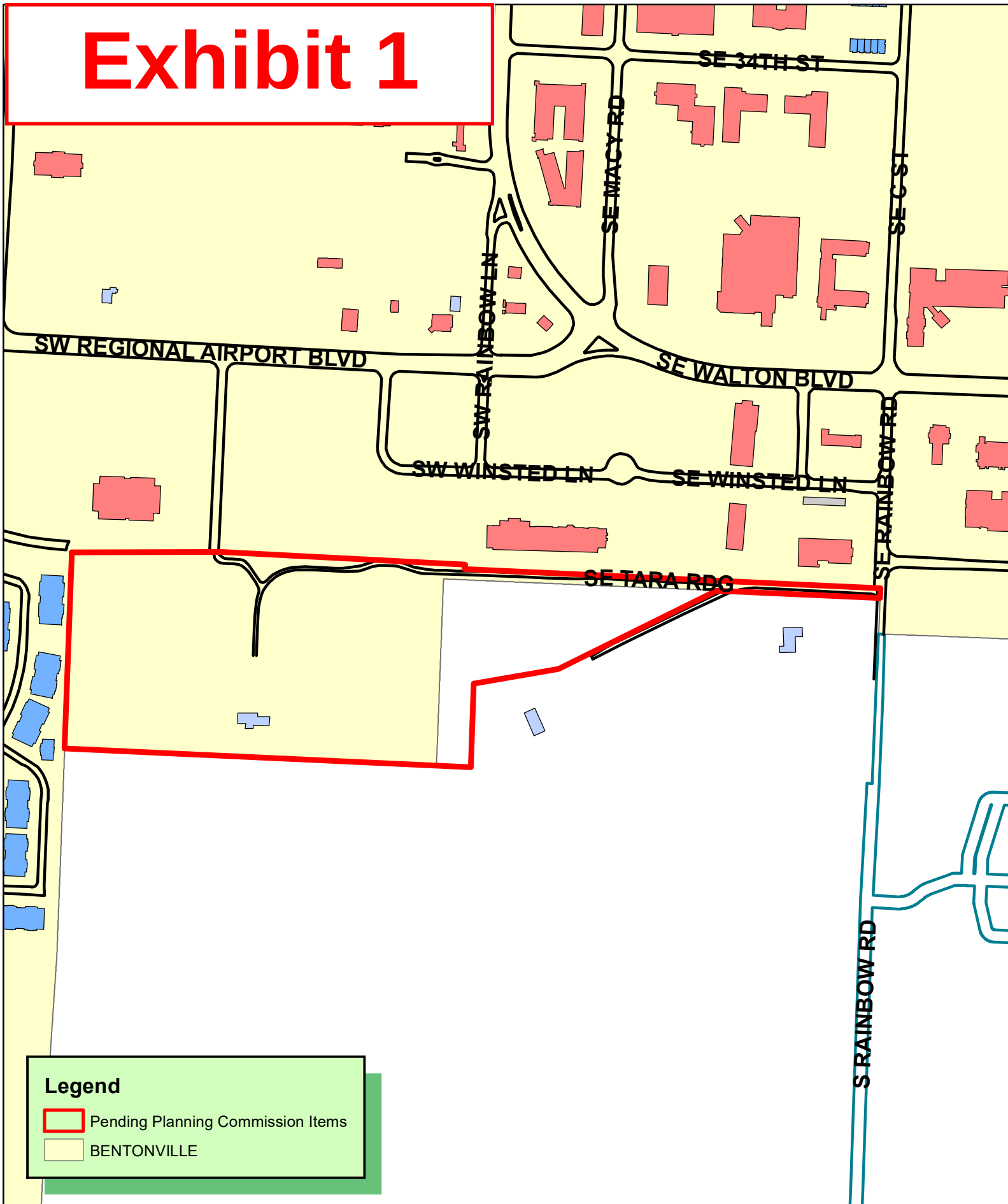
The City has historically assessed impact fees based upon the unit construction type, not the development or zoning type. A constructed example can be seen at the Village on the Park (Mt. Carmel Subdivision). In each of these examples, although there are multiple units contained on a single-lot, the impact fees were assessed based upon the construction type, single-family. Mt. Carmel Subdivision received Large Scale Development approval from the Planning Commission on April 19, 2016.

The City of Bentonville position remains that the impact fees for the single-family units at the Tara Ridge Development be assessed at the single-family impact fee rate. Please let me know if you have any questions about the original requests, the appeal, or the process. Thank you.

Regards,

Tyler Overstreet
Director of Planning and Community Development, City of Bentonville

Exhibit 1



LSD21-0073
LARGE SCALE DEVELOPMENT
TARA RIDGE



Exhibit 1



 LEGEND (EXISTING SYMBOLS)

<u>SYMBOLS</u>	<u>LINEWORK</u>
○ FOUND IRON PIN	-----
☼ LIGHT POLE	CURB

	RIGHT OF WAY

	ROAD CENTERLINE

	SIDEWALK
	-----△-----△-----△-----
	WELDED IRON FENCE

LEGEND (CONSTRUCT)

SITE NOTES

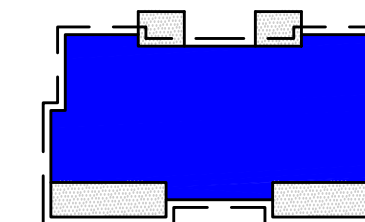
1. THE DESIGN, INSPECTION, AND CERTIFICATION OF ANY RETAINING WALL SHOWN OR REFERENCED HEREIN, INCLUDING BUT NOT LIMITED TO, SEGMENTAL RETAINING WALLS, MASS GRAVITY WALLS, GABION WALLS, ETC., GREATER THAN FORTY-EIGHT INCHES IN HEIGHT, SHALL BE BY OTHERS. ANY RETAINING WALL DATA SHOWN OR REFERENCED HEREIN SHALL BE FOR COORDINATION OF THE WALL LOCATION AND ELEVATION ONLY.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY/STATE/FEDERAL REGULATIONS AND CODES AND OSHA STANDARDS.
3. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT UTILITY ENTRANCE LOCATIONS.
4. ALL CURB DIMENSIONS AND RADII ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
5. ALL PAVEMENT MARKINGS DIMENSIONS FACE OF CURB UNLESS OTHERWISE NOTED.
6. ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
7. ALL CURB/SIDEWALK/HANDICAP RAMP DESIGNS SHALL CONFORM TO ADA STANDARDS OR LOCAL RESTRICTIVE CODES, WHICHEVER IS MORE RESTRICTIVE.
8. CONTRACTOR SHALL ENSURE ALL NECESSARY PERMITS ARE OBTAINED PRIOR TO CONSTRUCTION START.
9. CONCRETE CURB SHALL HAVE NEW CURB AND GUTTER, CONCRETE, AND PAVEMENT TO EXISTING IN GRADE AND ALIGNMENT.
10. CONTRACTOR SHALL MAINTAIN ALL EXISTING PARKING, SIDEWALKS, DRIVES, ETC. CLEAR AND FREE FROM ANY CONSTRUCTION ACTIVITY AND/OR MATERIAL TO ENSURE EASY AND SAFE PEDESTRIAN AND VEHICULAR TRAFFIC TO AND FROM THE SITE.

 SITE INFORMATION:

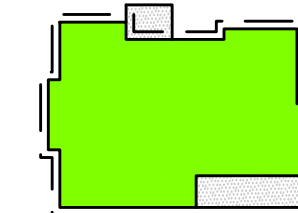
ZONING:
R-3
BUILDING SETBACK:
R-3:
FRONT 20'
INTERIOR SIDE 10'
EXTERIOR SIDE 20'
REAR 25'
ATLAS PAGE:
485
SITE AREA:
24.75± ACRES (1,078,007± SQ FT)
DEVELOPMENT AREA:
24.75± ACRES (1,078,007± SQ FT)
PROPERTY USAGE:
RESIDENTIAL
BUILDING USAGE:
RESIDENTIAL
DENSITY CALCULATIONS:
192 UNITS/24.75± ACRES = 7.56 UNITS PER ACRE
UNIT CALCULATIONS:
BUILDING A 62 UNITS 2 UNITS EACH
BUILDING B 65 UNITS 1 UNITS EACH
BUILDING C 65 UNITS 1 UNITS EACH
TOTAL UNITS 192 UNITS

REQUIRED PARKING:
ZONE R-3: 3 SPACES PER 2 DWELLING UNITS
192 UNITS X 1.5 = 288 STALLS

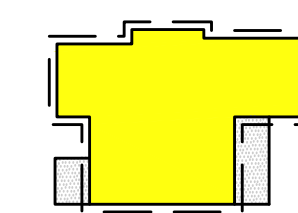
PROVIDED PARKING:
ZONE R-3: STANDARD STALLS = 263
GARAGE STALLS = 78
CARPORT STALLS = 136
ADA STALLS = 9
TOTAL = 486



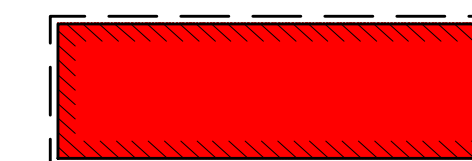
BUILDING A DUPLEX



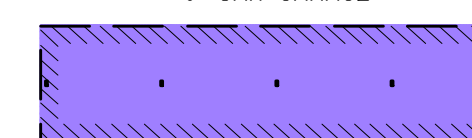
BUILDING B
3-BEDROOM



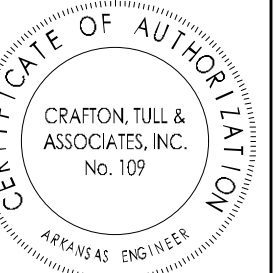
BUILDING C
2-BEDROOM



6-CAR GARAGE



8-CAR CARPOR



GRAPHIC SCALE IN FEET



THE VILLAGE AT
TARA RIDGE

BENTONVILLE, ARKANSAS

Key Plan

[illegible]

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PROJECT NO: 21103301

ISSUE DATE: 1/28/2022
CONTACT: D. ELLIS

PRELIMINARY PLANS

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SD21-0073

OVERALL SITE PLAN

OVERALL SITE PLAN

C 101

C-101

IRC 2018 R302.1 - EXTERIOR WALLS

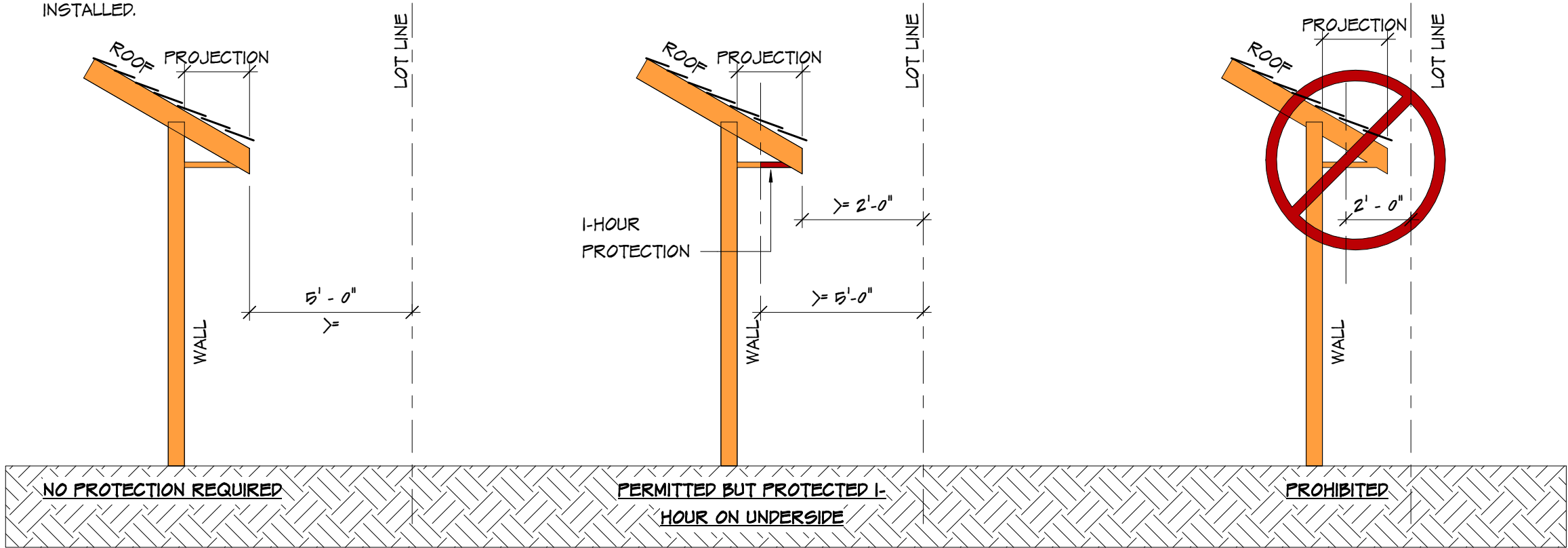
EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
WALLS	FIRE - RESISTANCE RATED	1 HOUR - TESTED IN ACCORDANCE WITH ASTM E119, UL 263 OR SECTION 703.3 OF THE INTERNATIONAL BUILDING CODE WITH EXPOSURE FROM BOTH SIDES	0 FEET
	NOT FIRE - RESISTANCE RATED	0 HOURS	> 5 FEET
PROJECTIONS	NOT ALLOWED	NA	< 2 FEET
	FIRE - RESISTANCE RATED	1 HOUR ON THE UNDERSIDE, OR HEAVY TIMBER, OR FIRE RETARDANT - TREATED WOOD (a,b)	> 2 FEET TO < 5 FEET
	NOT FIRE - RESISTANCE RATED	0 HOURS	> 5 FEET
OPENINGS IN WALLS	NOT ALLOWED	NA	< 3 FEET
	25% MAXIMUM OF WALL AREA	0 HOURS	3 FEET
	UNLIMITED	0 HOURS	5 FEET
PENETRATIONS	ALL	COMPLY WITH SECTION R302.4	< 3 FEET
		NONE REQUIRED	3 FEET

FOR SI: 1 FOOT = 304.8 MM
NA = NOT APPLICABLE.
a. THE FIRE - RESISTANCE RATING SHALL BE PERMITTED TO BE REDUCED TO 0 HOURS ON THE UNDERSIDE OF THE EAVE OVERHANG IF FIREBLOCKING IS PROVIDED FROM THE WALL TOP PLATE TO THE UNDERSIDE OF THE ROOF SHEATHING.
b. THE FIRE - RESISTANCE RATING SHALL BE PERMITTED TO BE REDUCED TO 0 HOUR ON THE UNDERSIDE OF THE RAKE OVERHANG WHERE GABLE VENT OPENINGS ARE NOT INSTALLED.

IRC 2018 R302.1 (2) - EXTERIOR WALLS - DWELLINGS WITH FIRE SPRINKLERS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
WALLS	FIRE - RESISTANCE RATED	1 HOUR - TESTED IN ACCORDANCE WITH ASTM E119, UL 263 OR SECTION 703.3 OF THE INTERNATIONAL BUILDING CODE WITH EXPOSURE FROM THE OUTSIDE	0 FEET
	NOT FIRE - RESISTANCE RATED	0 HOURS	3 FEET (a)
PROJECTIONS	NOT ALLOWED	NA	< 2 FEET
	FIRE - RESISTANCE RATED	1 HOUR ON THE UNDERSIDE, OR HEAVY TIMBER, OR FIRE RETARDANT - TREATED WOOD (b,c)	2 FEET (a)
	NOT FIRE - RESISTANCE RATED	0 HOURS	3 FEET
OPENINGS IN WALLS	NOT ALLOWED	NA	< 3 FEET
	UNLIMITED	0 HOURS	3 FEET (a)
PENETRATIONS	ALL	COMPLY WITH SECTION R302.4	< 3 FEET
		NONE REQUIRED	3 FEET (a)

FOR SI: 1 FOOT = 304.8 MM
NA = NOT APPLICABLE.
a. FOR RESIDENTIAL SUBDIVISIONS WHERE ALL DWELLING ARE EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH SECTION P2004, THE FIRE SEPARATION DISTANCE FOR EXTERIOR WALL NOT FIRE-RESISTANCE RATED FOR FIRE - RESISTANCE - RATED PROJECTIONS SHALL BE PERMITTED TO BE REDUCED TO 0 FEET, AND UNLIMITED UNPROTECTED OPENINGS AND PENETRATIONS SHALL BE PERMITTED, WHERE THE ADJOINING LOT PROVIDES AN OPEN SETBACK YARD THAT IS 6 FEET OR MORE IN WIDTH ON THE OPPOSITE SIDE OF THE PROPERTY LINE.
b. THE FIRE - RESISTANCE RATING SHALL BE PERMITTED TO BE REDUCED TO 0 HOUR ON THE UNDERSIDE OF THE EAVE OVERHANG IF FIREBLOCKING IS PROVIDED FROM THE WALL TOP PLATE TO THE UNDERSIDE OF THE ROOF SHEATHING.
c. THE FIRE - RESISTANCE RATING SHALL BE PERMITTED TO BE REDUCED TO 0 HOUR ON THE UNDERSIDE OF THE RAKE OVERHANG WHERE GABLE VENT OPENINGS ARE NOT INSTALLED.

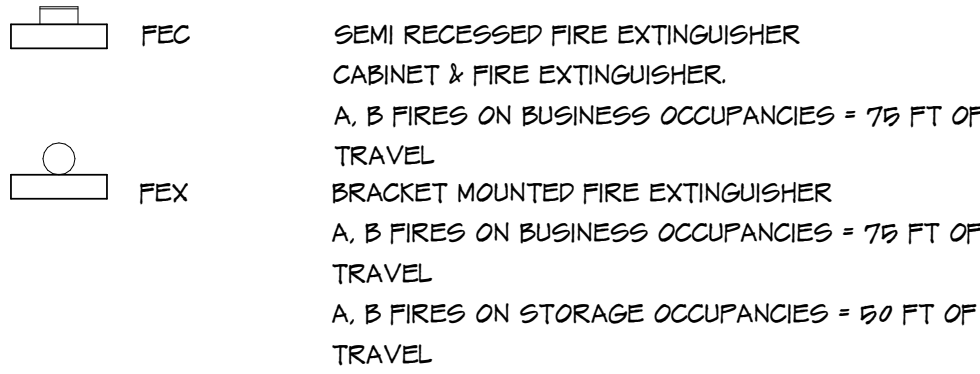


FIRE SEPARATION DISTANCE - THE DISTANCE MEASURED FROM THE BUILDING FACE TO ONE OF THE FOLLOWING:
1. TO THE CLOSEST INTERIOR LOT LINE.
2. TO THE CENTERLINE OF A STREET, AN ALLEY OR PUBLIC WAY.
3. TO AN IMAGINARY LINE BETWEEN TWO BUILDINGS ON THE SAME LOT.

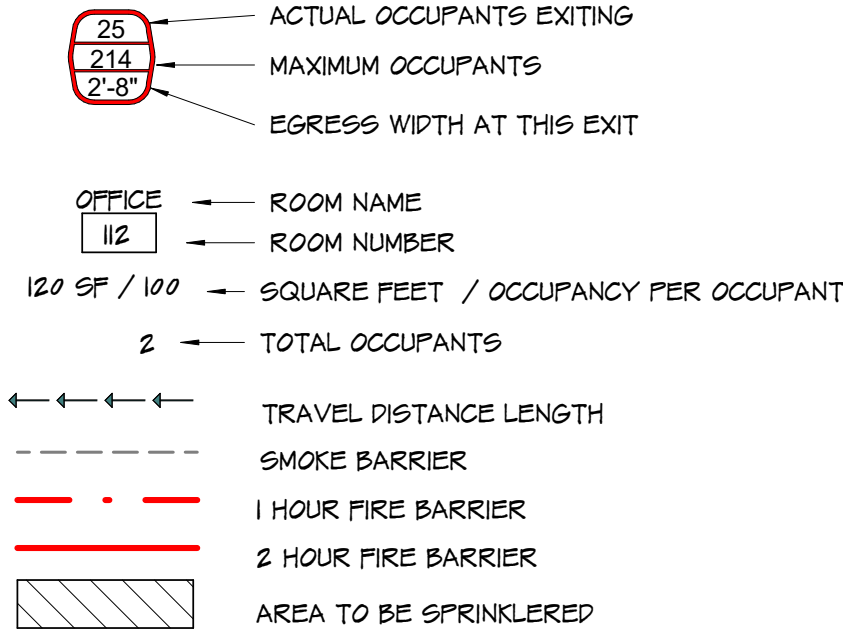
EXTERIOR WALL SEPARATION

1/4" = 1'-0"

FIRE EXTINGUISHER LEGEND



LIFE SAFETY LEGEND



PROJECT NAME: TARA RIDGE

CODE: 2015 IBC
CONSTRUCTION TYPE: VB
OCCUPANCY GROUP: RESIDENTIAL, R2 (OVERALL)
OCCUPANCY GROUP: ASSEMBLY, A3 (CLUBHOUSE)
SPRINKLER SYSTEM: NON-SPRINKLERED - NFPA 13R or 13D (OKC - Appendix V1011 & V1012)
NUMBER OF FLOORS: RESIDENTIAL BUILDINGS: 1 STORY
GARAGES: 1 STORY
CLUBHOUSE: 1 STORY

CODE ENFORCEMENT JURISDICTION: CITY OF BENTONVILLE, ARKANSAS

APPLICABLE CODES (BENTONVILLE, ARKANSAS)
INTERNATIONAL BUILDING CODE 2015
INTERNATIONAL RESIDENTIAL CODE 2016
ICC/ANSI A171 2009
MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES, ASCE 7-10
2014 ARKANSAS ENERGY CODE
2010 ARKANSAS MECHANICAL CODE
2011 NATIONAL ELECTRIC CODE
2006 ARKANSAS PLUMBING CODE
2012 ARKANSAS FIRE PREVENTION CODE

CHAPTER 3 - USE AND OCCUPANCY CLASSIFICATION
RESIDENTIAL, R-2 SINGLE FAMILY RESIDENCES
BUSINESS, B LEASING OFFICE WITH FITNESS CENTER

SECTION 303.1.2 SMALL ASSEMBLY SPACES (FITNESS CENTER) UNDER 50 OCCUPANTS SHALL BE CLASSIFIED AS A "B" TYPE OCCUPANCY. DESIGNED FOR 35 OCCUPANTS.

CHAPTER 6, GENERAL BUILDING HEIGHTS AND AREAS
CONSTRUCTION TYPE VB

TABLE 606.2 - FOR R-2 USE GROUP (NS)
ONE BED / 1 BATH = 716 SF < 7,000 SF
ONE BED / 1 BATH (DUPLEX) = 716 SF (EACH) < 7,000 SF
TWO BED / 2 BATH = 971 SF < 7,000 SF
THREE BED / 2 BATH = 1,218 SF < 7,000 SF

TABLE 606.2 - B USE GROUP (NS)
CLUBHOUSE = 5,312 SF < 9,000 (B) SF

TABLE 604.3 - ALLOWABLE HEIGHT ABOVE GRADE
R2 - ONE BED / 1 BATH = 14'-0" PROVIDED < 40'-0" MAX HEIGHT
R2 - ONE BED / 1 BATH (DUPLEX) = 14'-0" PROVIDED < 40'-0" MAX HEIGHT
R2 - TWO BED / 2 BATH = 14'-0" PROVIDED < 40'-0" MAX HEIGHT
R2 - THREE BED / 2 BATH = 14'-0" PROVIDED < 40'-0" MAX HEIGHT
B - CLUBHOUSE = 22'-0" PROVIDED < 40'-0" MAX HEIGHT

TABLE 604.4 - ALLOWABLE STORIES ABOVE GRADE
R2 - ONE BED / 1 BATH = 2 STORIES
R2 - ONE BED / 1 BATH (DUPLEX) = 2 STORIES
R2 - TWO BED / 2 BATH = 2 STORIES
R2 - THREE BED / 2 BATH = 2 STORIES
B - CLUBHOUSE = 2 STORIES

CHAPTER 6, TYPE OF CONSTRUCTION
TYPE VB, TABLE 601, REQUIRED FIRE RESISTANCE RATING

STRUCTURAL FRAME 0 HR
BEARING WALL EXTERIOR 0 HR SEE TABLE 602 BELOW
BEARING WALLS INTERIOR 0 HR
NONBEARING WALL EXTERIOR 0 HR
NONBEARING WALLS INTERIOR 0 HR
FLOOR / CEILING CONSTRUCTION 0 HR
ROOF CONSTRUCTION 0 HR

TABLE 602 - EXTERIOR WALL FIRE RATING PER SEPARATION DISTANCE
RESIDENTIAL (R) - CONSTRUCTION TYPE (VB)
X < 5'-0" = 1 HR
5'-0" < X < 10'-0" = 1 HR
10'-0" < X < 30'-0" = 0 HOUR
X / 30'-0" = 0 HOUR

SECTION 8, INTERIOR FINISHES

TABLE 803.11, INTERIOR FINISH FLAME SPREAD CLASS
GROUP EXITS CORRIDORS ROOMS
R2 B B C
B A B C

CHAPTER 9, FIRE PROTECTION SYSTEMS

R-2 (RESIDENTIAL)
907.2.1.2 - PROVIDE SMOKE DETECTORS PER THIS SECTION AND AT ALL SLEEPING ROOMS
910.1 - PROVIDE CARBON MONOXIDE DETECTION

B (BUSINESS)
907.2.2 - A MANUAL FIRE ALARM IS NOT REQUIRED
903.1 - AUTOMATIC SPRINKLER SYSTEM IS NOT REQUIRED

CHAPTER 10, FIRE PROTECTION SYSTEMS

TABLE 1017.2 - TRAVEL DISTANCE (REFER TO LIFE SAFETY SHEETS FOR ACTUAL DISTANCE)
RESIDENTIAL OCCUPANCY - NON-SPRINKLERED BUILDING = 200 FEET IS ALLOWED

UNIT AREAS by TYPE						
UNIT TYPE	NUMBER of UNITS	PERCENT of TOTAL	GROSS AREA (GSF)*	LEASABLE AREA (NSF)**	TOTALS	
					GSF	LEASABLE
1 BR / 1 BTH	0	0	716	655	0	0
DUPLEX 1 BR / 1 BTH (EACH)	70	34%	720	655	50,400	45,840
2 BR / 2 BTH	66	33%	971	801	64,036	58,806
3 BR / 2 BTH	65	33%	1,218	1,123	79,170	72,935
TOTALS	201	100%	970 (Avg per Unit)	890 (Avg per Unit)	193,656	177,641

* MEASURED FROM OUTSIDE FACE OF SLAB
** MEASURED FROM "PAINT-TO-PAINT" INTERIOR

MARK	DESCRIPTION	DATE
2	Add No. 002	5.18.22
3	Add No. 003	5.27.22
5	Add No. 005	7.07.22

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PROJECT NO: 100-132
ISSUE DATE: 02/16/2022
BUILDING CODE ANALYSIS

G002

Exhibit 3

PERMIT NO	PERMIT ADDRESS	PERMIT TYPE	PERMIT & IMPACT FEES
COM22-0045	412 SW STONE BLVD	CLUBHOUSE	\$9,140.30
RACC22-0070	409 SW STONE BLVD	GARAGE	\$601.00
RACC22-0072	323 SW STONE BLVD	GARAGE	\$601.00
RACC22-0073	305 SW STONE BLVD	GARAGE	\$601.00
RACC22-0074	325 SW TOPPING LN	GARAGE	\$601.00
RACC22-0075	309 SW TOPPING LN	GARAGE	\$601.00
RACC22-0076	407 SW TOPPING LN	GARAGE	\$601.00
RACC22-0077	339 SW TOPPING LN	GARAGE	\$601.00
RACC22-0078	517 SW TOPPING LN	GARAGE	\$601.00
RACC22-0079	113 SW WATLING BLVD	GARAGE	\$601.00
RACC22-0080	213 SW WATLING BLVD	GARAGE	\$601.00
RES22-0427	404 SW STONE BLVD	SFD	\$3,931.00
RES22-0428	406 SW STONE BLVD	SFD	\$4,066.00
RES22-0429	324 SW STONE BLVD	DUPLEX	\$5,008.00
RES22-0449	300 SW STONE BLVD	SFD	\$4,066.00
RES22-0450	304 SW STONE BLVD	SFD	\$4,066.00
RES22-0451	301 SW STONE BLVD	SFD	\$4,066.00
RES22-0452	402 SW STONE BLVD	SFD	\$4,066.00
RES22-0453	322 SW STONE BLVD	SFD	\$4,066.00
RES22-0454	310 SW STONE BLVD	SFD	\$4,066.00
RES22-0455	318 SW STONE BLVD	SFD	\$4,066.00
RES22-0456	309 SW STONE BLVD	SFD	\$4,066.00
RES22-0457	311 SW STONE BLVD	SFD	\$4,066.00
RES22-0458	317 SW STONE BLVD	SFD	\$4,066.00
RES22-0459	319 SW STONE BLVD	SFD	\$4,066.00
RES22-0460	327 SW STONE BLVD	SFD	\$4,066.00
RES22-0461	329 SW STONE BLVD	SFD	\$4,066.00
RES22-0462	335 SW STONE BLVD	SFD	\$4,066.00
RES22-0463	337 SW STONE BLVD	SFD	\$4,066.00
RES22-0464	343 SW STONE BLVD	SFD	\$4,066.00
RES22-0465	401 SW STONE BLVD	SFD	\$4,363.00
RES22-0466	407 SW STONE BLVD	SFD	\$4,066.00
RES22-0467	411 SW STONE BLVD	SFD	\$4,066.00
RES22-0468	417 SW STONE BLVD	SFD	\$4,066.00
RES22-0469	501 SW TOPPING LN	SFD	\$4,066.00
RES22-0470	505 SW TOPPING LN	SFD	\$4,066.00
RES22-0471	513 SW TOPPING LN	SFD	\$4,066.00
RES22-0472	519 SW TOPPING LN	SFD	\$4,066.00
RES22-0473	302 SW STONE BLVD	SFD	\$3,931.00
RES22-0474	303 SW STONE BLVD	SFD	\$3,931.00
RES22-0475	308 SW STONE BLVD	SFD	\$3,931.00
RES22-0476	314 SW STONE BLVD	SFD	\$3,931.00
RES22-0477	320 SW STONE BLVD	SFD	\$3,931.00
RES22-0478	326 SW STONE BLVD	SFD	\$3,931.00
RES22-0479	400 SW STONE BLVD	SFD	\$3,931.00

Clubhouse Fees

Permit	\$3,406.00
AR Act 474	\$571.04
Impact Fees:	
Fire	1896.38
Police	\$3,266.88
Total:	\$9,140.30

RES Permit Fees:

Duplex	\$934.00
3 BDR	\$832.00
2 BDR	\$697.00
GARAGE	\$601.00
(no impact fees on garages)	

Impact Fees Per SFD

Fire	\$318.00
Parks	\$2,192.00
Library	\$178.00
Police	\$546.00
	\$3,234.00

Impact Fees Duplex (per unit)

Fire	x2	\$200.00
Parks	x2	\$1,381.00
Library	x2	\$112.00
Police	x2	\$344.00
	Unit 1	\$2,037.00
	Unit 2	\$2,037.00
Total		\$4,074.00

Exhibit 3

RES22-0480	307 SW STONE BLVD	SFD	\$3,931.00
RES22-0481	313 SW STONE BLVD	SFD	\$3,931.00
RES22-0482	315 SW STONE BLVD	SFD	\$4,225.00
RES22-0483	321 SW STONE BLVD	SFD	\$3,931.00
RES22-0484	325 SW STONE BLVD	SFD	\$3,931.00
RES22-0485	331 SW STONE BLVD	SFD	\$3,931.00
RES22-0486	333 SW STONE BLVD	SFD	\$4,225.00
RES22-0487	339 SW STONE BLVD	SFD	\$3,931.00
RES22-0488	341 SW STONE BLVD	SFD	\$3,931.00
RES22-0489	403 SW STONE BLVD	SFD	\$3,931.00
RES22-0490	405 SW STONE BLVD	SFD	\$3,931.00
RES22-0491	413 SW STONE BLVD	SFD	\$3,931.00
RES22-0492	415 SW STONE BLVD	SFD	\$3,931.00
RES22-0493	306 SW STONE BLVD	DUPLEX	\$5,008.00
RES22-0494	300 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0495	312 SW STONE BLVD	DUPLEX	\$5,008.00
RES22-0496	316 SW STONE BLVD	DUPLEX	\$5,008.00
RES22-0497	510 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0498	512 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0499	302 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0500	306 SW TOPPING LN	SFD	\$4,066.00
RES22-0501	303 SW TOPPING LN	SFD	\$4,066.00
RES22-0502	308 SW TOPPING LN	SFD	\$4,066.00
RES22-0503	314 SW TOPPING LN	SFD	\$4,066.00
RES22-0504	316 SW TOPPING LN	SFD	\$4,066.00
RES22-0505	322 SW TOPPING LN	SFD	\$4,066.00
RES22-0506	324 SW TOPPING LN	SFD	\$4,066.00
RES22-0507	330 SW TOPPING LN	SFD	\$4,066.00
RES22-0508	332 SW TOPPING LN	SFD	\$4,066.00
RES22-0509	338 SW TOPPING LN	SFD	\$4,066.00
RES22-0510	311 SW TOPPING LN	SFD	\$4,363.00
RES22-0511	315 SW TOPPING LN	SFD	\$4,066.00
RES22-0512	323 SW TOPPING LN	SFD	\$4,066.00
RES22-0513	329 SW TOPPING LN	SFD	\$4,066.00
RES22-0514	337 SW TOPPING LN	SFD	\$4,363.00
RES22-0515	343 SW TOPPING LN	SFD	\$4,066.00
RES22-0516	340 SW TOPPING LN	SFD	\$4,066.00
RES22-0517	346 SW TOPPING LN	SFD	\$4,066.00
RES22-0518	348 SW TOPPING LN	SFD	\$4,066.00
RES22-0519	402 SW TOPPING LN	SFD	\$4,066.00
RES22-0520	404 SW TOPPING LN	SFD	\$4,066.00
RES22-0521	410 SW TOPPING LN	SFD	\$4,066.00
RES22-0522	351 SW TOPPING LN	SFD	\$4,066.00
RES22-0523	403 SW TOPPING LN	SFD	\$4,066.00
RES22-0524	413 SW TOPPING LN	SFD	\$4,363.00
RES22-0525	417 SW TOPPING LN	SFD	\$4,066.00
RES22-0526	228 SW WATLING BLVD	SFD	\$4,066.00

Exhibit 3

RES22-0527	108 SW WATLING BLVD	SFD	\$4,066.00
RES22-0528	200 SW WATLING BLVD	SFD	\$4,066.00
RES22-0529	204 SW WATLING BLVD	SFD	\$4,066.00
RES22-0530	214 SW WATLING BLVD	SFD	\$4,066.00
RES22-0531	218 SW WATLING BLVD	SFD	\$4,066.00
RES22-0532	101 SW WATLING BLVD	SFD	\$4,066.00
RES22-0533	103 SW WATLING BLVD	SFD	\$4,066.00
RES22-0534	109 SW WATLING BLVD	SFD	\$4,363.00
RES22-0535	115 SW WATLING BLVD	SFD	\$4,066.00
RES22-0536	201 SW WATLING BLVD	SFD	\$4,363.00
RES22-0537	203 SW WATLING BLVD	SFD	\$4,066.00
RES22-0538	211 SW WATLING BLVD	SFD	\$4,066.00
RES22-0539	217 SW WATLING BLVD	SFD	\$4,066.00
RES22-0540	219 SW WATLING BLVD	SFD	\$4,363.00
RES22-0552	523 SW TOPPING LN	SFD	\$3,931.00
RES22-0553	515 SW TOPPING LN	SFD	\$3,931.00
RES22-0554	511 SW TOPPING LN	SFD	\$3,931.00
RES22-0555	503 SW TOPPING LN	SFD	\$3,931.00
RES22-0556	423 SW TOPPING LN	SFD	\$3,931.00
RES22-0557	415 SW TOPPING LN	SFD	\$3,931.00
RES22-0558	406 SW TOPPING LN	SFD	\$3,931.00
RES22-0559	350 SW TOPPING LN	SFD	\$3,931.00
RES22-0560	342 SW TOPPING LN	SFD	\$3,931.00
RES22-0561	408 SW TOPPING LN	SFD	\$3,931.00
RES22-0562	400 SW TOPPING LN	SFD	\$3,931.00
RES22-0563	344 SW TOPPING LN	SFD	\$3,931.00
RES22-0564	411 SW TOPPING LN	SFD	\$3,931.00
RES22-0565	349 SW TOPPING LN	SFD	\$3,931.00
RES22-0566	401 SW TOPPING LN	SFD	\$3,931.00
RES22-0567	521 SW TOPPING LN	DUPLEX	\$5,302.00
RES22-0568	525 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0569	509 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0570	507 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0571	425 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0572	419 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0573	421 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0574	405 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0575	409 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0576	347 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0577	331 SW TOPPING LN	DUPLEX	\$5,302.00
RES22-0578	345 SW TOPPING LN	DUPLEX	\$5,302.00
RES22-0579	333 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0580	317 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0581	305 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0582	319 SW TOPPING LN	DUPLEX	\$5,008.00
RES22-0583	220 SW WATLING BLVD	DUPLEX	\$5,008.00
RES22-0584	224 SW WATLING BLVD	DUPLEX	\$5,008.00

Exhibit 3

RES22-0585	223 SW WATLING BLVD	DUPLEX	\$5,008.00
RES22-0586	221 SW WATLING BLVD	DUPLEX	\$5,008.00
RES22-0587	216 SW WATLING BLVD	DUPLEX	\$5,008.00
RES22-0588	206 SW WATLING BLVD	DUPLEX	\$5,008.00
RES22-0589	209 SW WATLING BLVD	DUPLEX	\$5,008.00
RES22-0590	112 SW WATLING BLVD	DUPLEX	\$5,008.00
RES22-0591	111 SW WATLING BLVD	DUPLEX	\$5,008.00
RES22-0592	107 SW WATLING BLVD	DUPLEX	\$5,008.00
RES22-0593	105 SW WATLING BLVD	DUPLEX	\$5,008.00
RES22-0597	334 SW TOPPING LN	SFD	\$3,931.00
RES22-0598	326 SW TOPPING LN	SFD	\$3,931.00
RES22-0599	318 SW TOPPING LN	SFD	\$3,931.00
RES22-0600	336 SW TOPPING LN	SFD	\$3,931.00
RES22-0601	320 SW TOPPING LN	SFD	\$3,931.00
RES22-0602	328 SW TOPPING LN	SFD	\$3,931.00
RES22-0603	335 SW TOPPING LN	SFD	\$3,931.00
RES22-0604	341 SW TOPPING LN	SFD	\$3,931.00
RES22-0605	327 SW TOPPING LN	SFD	\$3,931.00
RES22-0606	310 SW TOPPING LN	SFD	\$3,931.00
RES22-0607	304 SW TOPPING LN	SFD	\$3,931.00
RES22-0608	312 SW TOPPING LN	SFD	\$3,931.00
RES22-0609	307 SW TOPPING LN	SFD	\$3,931.00
RES22-0610	321 SW TOPPING LN	SFD	\$3,931.00
RES22-0611	313 SW TOPPING LN	SFD	\$3,931.00
RES22-0612	301 SW TOPPING LN	SFD	\$3,931.00
RES22-0613	222 SW WATLING BLVD	SFD	\$3,931.00
RES22-0614	226 SW WATLING BLVD	SFD	\$3,931.00
RES22-0615	225 SW WATLING BLVD	SFD	\$3,931.00
RES22-0616	210 SW WATLING BLVD	SFD	\$3,931.00
RES22-0617	208 SW WATLING BLVD	SFD	\$3,931.00
RES22-0618	212 SW WATLING BLVD	SFD	\$3,931.00
RES22-0619	215 SW WATLING BLVD	SFD	\$3,931.00
RES22-0620	202 SW WATLING BLVD	SFD	\$3,931.00
RES22-0621	110 SW WATLING BLVD	SFD	\$3,931.00
RES22-0622	205 SW WATLING BLVD	SFD	\$3,931.00
RES22-0623	117 SW WATLING BLVD	SFD	\$3,931.00
RES22-0624	207 SW WATLING BLVD	SFD	\$3,931.00
RES22-0625	119 SW WATLING BLVD	SFD	\$3,931.00
			\$717,850.30

Exhibit 4

Annette,

When we conduct a plan review, we either review to the International Residential Code (IRC) or the International Building Code (IBC). In the case of the Terra Ridge development, I feel that it falls within the scope of the IRC. Below is the “scope” for both codes for your review. However, if the Tara Ridge Development did fall under the IBC, all the homes would require a sprinkler system because the IBC states that ALL group R shall be sprinkled.

Based on my opinion, the single family dwellings should be reviewed and permitted under the IRC. Also, the Building Code Analysis provided by Marcus Colvert Fairless Architects on page G002 refers to the IRC as well.

As for the plumbing and electrical being installed to a multi-family standard, we would have to defer to the Bentonville Electric department for their specific requirements. The provided plumbing architectural plans show a typical riser diagram but does not refer to any Bentonville Water and Sewer department specific requirements related to the public side.

SECTION R101 (IRC)

SCOPE AND GENERAL REQUIREMENTS

R101.1 Title. These provisions shall be known as the Arkansas Fire Prevention Code, **Volume III** of Arkansas, and shall be cited as such and will be referred to herein as “this code.”

R101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.

Exception: The following shall be permitted to be constructed in accordance with this code where provided with an automatic sprinkler system complying with ~~Section P2904~~:

Chapter 29 is deleted in its entirety. Refer to the Arkansas Plumbing Code as adopted by the State of Arkansas

1. Live/work units located in townhouses and complying with the requirements of Section 508.5 of the International Building Code.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility with five or fewer persons receiving custodial care within a dwelling unit.
4. A care facility with five or fewer persons receiving medical care within a dwelling unit.
5. A care facility for five or fewer persons receiving care that are within a single-family dwelling.

PART 1—SCOPE AND APPLICATION (IBC)

Exhibit 4

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

101.1 Title. The provisions of the following chapters shall constitute, be known, and be cited as the Arkansas Fire Prevention Code, **Volume II**, hereinafter known as “this Code.”

[A] 101.2 Scope. The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the Arkansas Fire Prevention Code, Volume III

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May 3, 2023

Camille Thompson
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THE CITY OF BENTONVILLE
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Bentonville, AR 72712
CThompson@bentonvillear.com

VIA EMAIL & FED EX

Tyler Overstreet
Planning and Community Development Director
THE CITY OF BENTONVILLE
305 SW A Street
Bentonville, AR 72712
toverstreet@bentonvillear.com

VIA EMAIL & FED EX

Re: Tara Ridge – 3809 SW Crocket Street
Notice of Appeal of Official Determination on Impact Fees
Our File No. 12114.020

Dear Ms. Thompson & Mr. Overstreet:

This firm represents Tara Ridge¹, which is responsible for the project known as Tara Ridge – located at 3809 SW Crockett Street (“Tara Ridge”). I am in receipt of Ms. Thompson’s April 24, 2023 official determination assessing impact fees against the Tara Ridge project as single family, as opposed to multi-family. Tara Ridge hereby appeals this official determination to the City Council of Bentonville, Arkansas.² In support of its position that the determination was in error, Tara Ridge incorporates herein by reference its March 3, 2023 correspondence, which is attached hereto as Exhibit 1.

Please advise of any questions.

¹ Tara Ridge is owned by TH Bentonville, LLC.

² Tara Ridge’s counsel requested a copy of the appeal form and/or appeal fee, but did not receive a response from the City of Bentonville’s counsel.

Camille Thompson
The City of Bentonville
May 3, 2023
Page 2



Timothy L. Rogers

Enclosures

cc: Scott Moehlenbrock, Red River Development
Daniel Ellis, Crafton Tull

BARROW | GRIMM

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March 3, 2023

Camille Thompson
STAFF ATTORNEY
THE CITY OF BENTONVILLE
1000 SW 14th
Bentonville, AR 72712
CThompson@bentonvillear.com

VIA EMAIL & CERTIFIED MAIL

Re: Tara Ridge – 3809 SW Crockett Street
Objection and Request for Official Determination on Impact Fees
Our File No. 12114.020

Dear Ms. Thompson:

This firm represents Tara Ridge, which is responsible for the project known as Tara Ridge – located at 3809 SW Crockett Street (“Tara Ridge”). We are in receipt of your December 16, 2022, correspondence requesting a written statement from Tara Ridge on its position that impact fees should be assessed as multi-family as opposed to single family.

Tara Ridge is a multi-family development utilizing units in a horizontal development format, as opposed to vertical, traditional apartment complexes. As I understand it, this type of development is exactly the development sought by the City of Bentonville – multi-family market rate units. The City of Bentonville formed a Housing Affordability Workgroup, which recently presented its report to the City Council confirming the need for this type of development. [Exhibit 1– Arkansas Democrat Gazette].

The Tara Ridge development includes the following units: 35 duplex structures, with 70 single bed units; 66 two bed units that are each 971 square feet; and 65 three bed units that are each 1,218 square feet. The units are for rent with the maximum lease term of eighteen (18) months. Accordingly, the density, use and customers of Tara Ridge are identical to those of a traditional multi-family apartment building.

The City of Bentonville required and re-zoned the Tara Ridge development to R-3, Medium-High Density Multifamily Residential on June 8, 2021, and February 8, 2022, respectively. [Exhibit 2 – Ordinance Numbers 2021 – 123 and 2022-31]. Accordingly, the Tara Ridge development was built in an area where adequate city facilities existed prior to development or would be provided in conjunction with the development. Further, the City of Bentonville has required Tara Ridge to utilize electrical and plumbing standards for multi-family, as well as require

EXHIBIT

1

the project to meet the large scale development design standards for commercial and multifamily developments. [Exhibit 3 – Large Scale Development Design Standards] This required Tara Ridge to seek a variance to those requirements for certain façade materials. [Exhibit 4 – May 3, 2022 City Agenda]. Last, Tara Ridge was forced to comply with the multifamily electrical requirement to gang the electrical meters of the units, which burdened the project significantly with increased costs.

To summarize, Tara Ridge has been presented to the City Council and Planning Commission and confirmed as a multi-family development. Tara Ridge is strictly a rental community utilizing the same density and customers as a traditional apartment complex. The maximum lease term is eighteen (18) months. Tara Ridge is subject to the multi-family code for its building and architectural design. Tara Ridge has shared common spaces for tenants, a clubhouse, pool, communal mail area, exercise room, playground, among other multi-family amenities. The streets and sanitary sewer are private and are the responsibility of Tara Ridge – not the City of Bentonville.

Despite these facts, on December 7, 2022, Ms. Brightwell stated “[w]e checked with our consultant and the determination was the impact is similar to that of a single-family dwelling.” To clarify, Ms. Brightwell is referring to the two and three bed units in Tara Ridge. Tellingly, the City of Bentonville is assessing impact fees for the single bed units in Tara Ridge as multi-family. The City of Bentonville’s initial decision to assess impact fees against Tara Ridge as multi-family is arbitrary and capricious. Tara Ridge’s tenants, use and density are identical to those of a traditional apartment complex. However, Tara Ridge is arbitrarily being assessed impact fees because the design of its multi-family development is horizontal and not vertical. There is no rationale basis to hold that Tara Ridge’s impact is more similar to that of a single-family home, than a multi-family development.

Tara Ridge is the type of housing sought by the City of Bentonville – multi-family. Yet, the City of Bentonville chooses to burden the developer with over \$185,000 in arbitrary and excess impact fees. Tara Ridge respectfully requests the City of Bentonville re-evaluate the initial decision and assess impact fees based on the facts – as a multi-family development.

Should the City of Bentonville continue to assess impact fees against Tara Ridge as single family, Tara Ridge will evaluate whether the City of Bentonville may lawfully regulate design elements of Tara Ridge classified as single family pursuant to A.C.A. § 14-56-204.

Tara Ridge hereby requests an official determination from the City of Bentonville on the assessment of impact fees.

Camille Thompson
The City of Bentonville
March 3, 2023
Page 3

Sincerely,



Timothy L. Rogers

Enclosures

cc: Scott Moehlenbrock, Red River Development
Daniel Ellis, Crafton Tull

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GUEST COLUMN: With eye on housing affordability, Bentonville takes extraordinary step toward solutions

Bentonville explores steps toward housing affordability *by Duke McLarty Special to the NWA Democrat-Gazette* |
February 15, 2023 at 1:00 a.m.

0

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Last month, the Bentonville City Council voted to accept a set of recommendations aimed at increasing the viability and availability of attainable and affordable housing within the city limits. The report is the culmination of more than a year's work of the appointed Affordable Housing Working Group. The recommendations outline the growing issue in Bentonville and provide poignant and innovative solutions, positioning the city to incentivize and catalyze development of more attainable housing.

In a comprehensive report, data tells the story of the role housing costs play in pushing the working class out of the city. Less than 30% of Bentonville's population makes less than \$50,000 a year, down from nearly 48% in 2010. More than 34,000 people a day commute to Bentonville but live elsewhere. It can also take as long three years to get a new development approved and constructed in Bentonville. It is clear Bentonville needs to incentivize development, produce more housing supply and reduce the internal timelines to bring new housing online.

How do they plan to do that?

The Affordable Housing Working Group offers solutions that include the up-zoning of areas in the city where condensed development makes sense; availing land to residential development where it is currently not allowed; incentivizing development through the reduction of approval timelines and city-imposed fees; and encouraging use of existing infrastructure. Additionally, the working group introduced a guide for the city to accelerate the implementation of many of the recommendations.

Bentonville is setting an impressive example of how others in the region can ease the impacts of rising housing costs across the region. As executive director of the Northwest Arkansas Council's workforce housing center, I'm in favor of creating housing optionality for the region's workforce, ensuring the workforce can live in the communities they serve. Today, housing prices have pushed much of our

workforce out of their communities, committing them to significant commutes and time away from their homes and families and creating unnecessary congestion.

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The lack of attainable housing affects everyone and undermines the region's exceptional quality of life.

Whether it's a longer wait for service at a restaurant, limited appointment availability at the doctor's office, or larger classroom sizes at schools and childcare centers, none of us can hide from the impacts of a lack of attainable housing.

In 2023, the workforce housing center will complement the work and suggestions of the Bentonville Affordable Housing Working Group by better telling the story of regional housing challenges. The center will educate and engage residents and make them part of the solution. Most importantly, the center will listen and amplify stories of those impacted by the lack of housing affordability.

Northwest Arkansas is at an inflection point. The region is projected to almost double in population by 2045 to nearly a million people. Bentonville is also projected to double to nearly 114,000 by 2045, up from 57,000 today.

We're welcoming families every day who have come with the same dream we have -- to be surrounded by caring people in a beautiful place. While that growth brings many opportunities for us all, we have to come together and thoughtfully plan for it. We must make sure our homes and roads and green spaces are designed with the future we want in mind.

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Now is the time to plan for growth. Now is the time to incentivize the development patterns that will build the 2045 version of Bentonville and Northwest Arkansas. Now is the time to adopt smart growth policies that will ensure the region's quality of life remains, that our communities remain vibrant, that our downtowns keep their charm and that our workforce and children can afford to continue to call Northwest Arkansas home.

I commend the leadership of Mayor Stephanie Orman, members of Bentonville City Council, Bentonville city staff and the Affordable Housing Working Group for their dedication and incredible work. Their willingness to examine the city's housing affordability challenges and explore new solutions is like no other work being done across Arkansas and the Heartland. This is the leadership and attention the region needs. Because of their commitment, Bentonville is positioned to be the model for other cities in Northwest Arkansas, and I look forward to continued partnership and collaboration.

=====

Print Headline: Paving the way

Topics

[Bentonville, Arkansas, Northwest Arkansas Council, Stephanie Orman](#)

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Arkansas set to get \$44 million in federal housing funds

Rogers Planning Commission backs 12-unit rental development north of downtown

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ORDINANCE NO. 2021-123

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURAL TO R-3, MEDIUM DENSITY RESIDENTIAL (PROJECT NUMBER: RZ21-0029).

WHEREAS, Tara Ridge duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, Agricultural to R-3, Medium Density Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

DESCRIPTION (DEED L201959130)PART OF THE SE OF FRACTIONAL SECTION 7, TOWNSHIP 19 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS:STARTING AT THE SE COMER OF THE NE OF THE SE OF FRACTIONAL SECTION 7;THENCE N 00°57'05" E 612.20 FEET TO THE TRUE POINT OF BEGINNING;THENCE N 88°35'57" W 1428.84 FEET; THENCE S 00°54'35" W 611.07 FEET;THENCE N 88°30'33" W 381.88 FEET;THENCE N 00°54'35" E 220.00 FEET;THENCE N 88°30'33" W 435.62 FEET;THENCE S 00°54'35" W 220.00 FEET;THENCE N 88°30'33" W 400.52 FEET;THENCE N 01°07'00" E 659.49 FEET;THENCE S 88°35'42" E 2644.50 FEET;THENCE S 00°57'05" W 50.15 FEET TO THE TRUE POINT OF BEGINNING AND BEING SUBJECT TO THE RIGHT OF WAY OF BENTON COUNTY ROAD #51 (RAINBOW NORTH) ALONG THE EAST, AN EXISTING ACCESS EASEMENT AS SHOWN PLAT OF AS SHOWN IN PLAT RECORD 35 PAGE 30 AND ANY OTHER EASEMENTS OF RECORD.LESS AND EXCEPT:PART OF TRACT #1 OF THE TRACT SPLIT FOR BRENDA SALLEY, BENTONVILLE, BENTON COUNTY, ARKANSAS AS RECORDED IN PLAT BOOK 35, PAGE 30 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:COMMENCING AT THE SOUTHEAST COMER OF SAID TRACT #1;THENCE NORTH 87°15'47" WEST A DISTANCE OF 381.71 FEET TO A FOUND 5/8" REBAR;THENCE NORTH 02°06'47" EAST A DISTANCE OF 200.11 FEET TO A FOUND 5/8" REBAR;THENCE SOUTH 87°13'04" EAST A DISTANCE OF 230.98 FEET TO A FOUND 5/8" REBAR;THENCE NORTH 02°07'36" EAST A DISTANCE OF 461.22 FEET TO A SET 5/8" REBAR WITH CAP (LS# 1789) ON THE NORTH LINE OF SAID TRACT #1;THENCE ALONG SAID NORTH LINE SOUTH 87°21'18" EAST FOR A DISTANCE OF 220.00 FEET TO A SET 5/8" REBAR WITH CAP (LS#1789) AND THE POINT OF BEGINNING;THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 87°21'18" EAST FOR A DISTANCE OF 1360.00 FEET TO A SET 5/8" REBAR WITH CAP (LS# 1789);THENCE SOUTH 02°05'24" WEST A DISTANCE OF 15.00 FEET TO A SET 5/8" REBAR WITH CAP (LS# 1789);THENCE NORTH 87°21'18" WEST A DISTANCE OF 1360.15 FEET TO A SET 5/8" REBAR WITH CAP (LS# 1789);THENCE NORTH 02°38'42" EAST A DISTANCE OF 15.00 FEET TO THE

POINT OF BEGINNING AND CONTAIN 20,400 SQUARE FEET OR 0.47 ACRES, MORE OR LESS. DESCRIPTION (DEED L201959131) TRACT 4 AS SHOWN IN BENTON COUNTY, ARKANSAS, PLAT RECORD 35 AT PAGE 30, MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOCATED IN A PART OF THE NW 1/4 OF THE SE 1/4 OF FRACTIONAL SECTION 7, TOWNSHIP 19 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE SE CORNER OF THE NE 1/4 OF THE SE 1/4 OF FRACTIONAL SECTION 7; THENCE NORTH 88°33'13" WEST 1428.40 FEET; THENCE NORTH 88°30'33" WEST 381.88 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 88°30'33" WEST 435.62 FEET; THENCE NORTH 00°54'35" EAST 220.00 FEET; THENCE SOUTH 88°30'33" EAST 435.62 FEET; THENCE SOUTH 00°54'35" WEST 220.00 FEET TO THE TRUE POINT OF BEGINNING. SUBJECT TO A PROPOSED 20 FOOT WIDE UTILITY EASEMENT ALONG THE SOUTH SIDE; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held June 1, 2021 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, Agricultural to R-3, Medium Density Residential.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

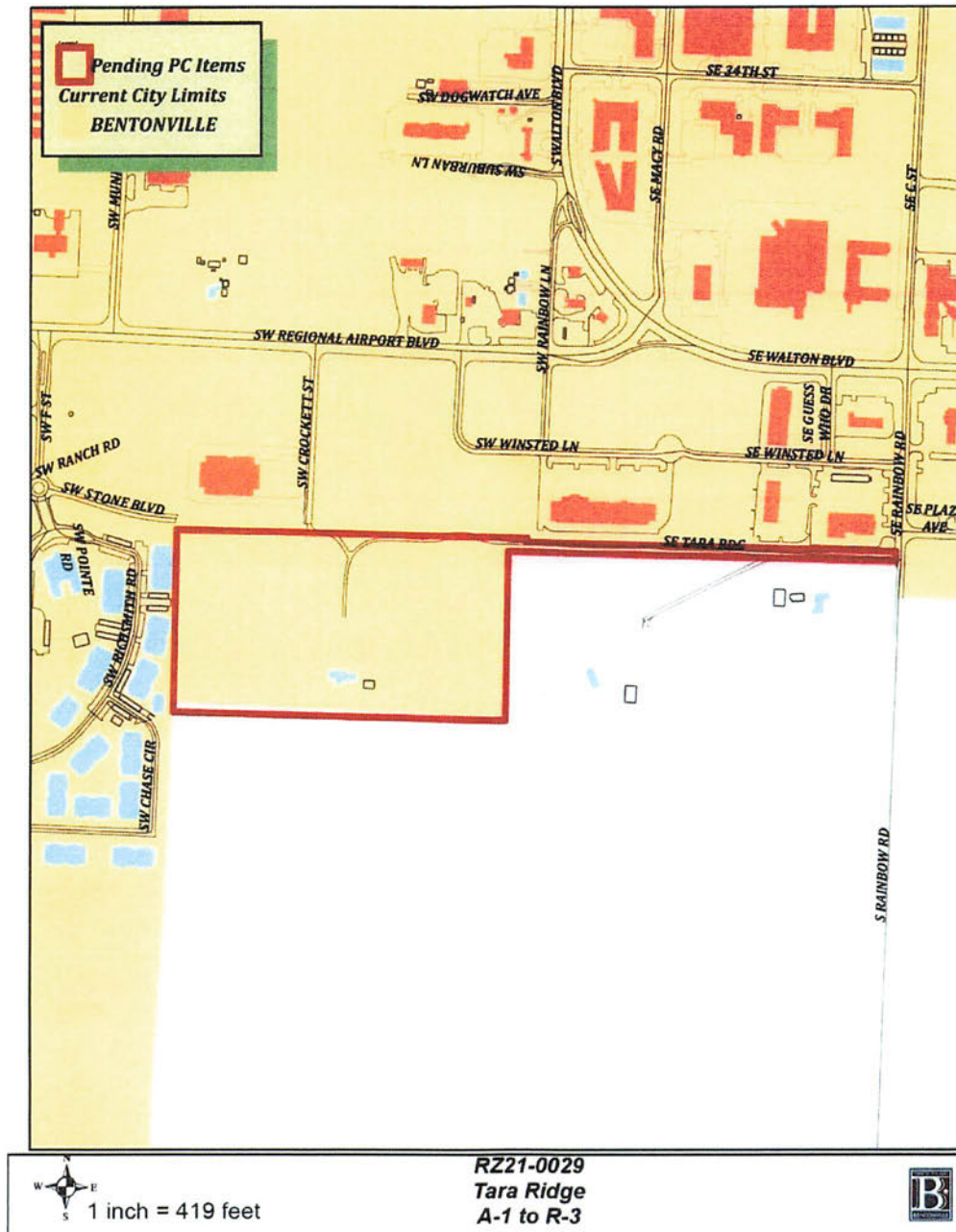
Section 1: That the above described real property is hereby changed from its present zoning classification of A-1, Agricultural to R-3, Medium Density Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this 8 day of JUNE, 2021.


Stephanie Orman, Mayor


Kirby Romines, City Clerk





ORDINANCE NO. 2022-81

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1 AGRICULTURAL TO R-3 MEDIUM-HIGH DENSITY MULTIFAMILY RESIDENTIAL (PROJECT NUMBER: RZ21-0089).

WHEREAS, Hatfield & Cook, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

PART OF THE NE1/4 OF THE SE1/4 AND PART OF THE NW1/4 OF THE SE1/4 OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID NE1/4 OF THE SE1/4, THENCE N2°10'19"E 612.20 FEET, THENCE N87°20'20"W 532.82 FEET TO THE POINT OF BEGINNING, THENCE S63°47'16"W 576.65 FEET, THENCE S80°20'13"W 288.41 FEET, THENCE S0°39'38"W 271.33 FEET, THENCE N87°36'36"W 112.63 FEET, THENCE N2°09'10"E 611.05 FEET, THENCE S87°22'45"E 895.41 FEET TO THE POINT OF BEGINNING, AND HAVING ACCESS, TO BENTON COUNTY ROAD #51 BY A 50 FOOT EASEMENT SHOWN ON PLAT RECORD 35 PAGE 30 IN THE BENTON COUNTY CIRCUIT CLERK'S OFFICE; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held February 1, 2022 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the above described real property is hereby changed from its present zoning classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this 8 day of February, 2022.


Stephanie Orman, Mayor

ATTEST:

City Clerk



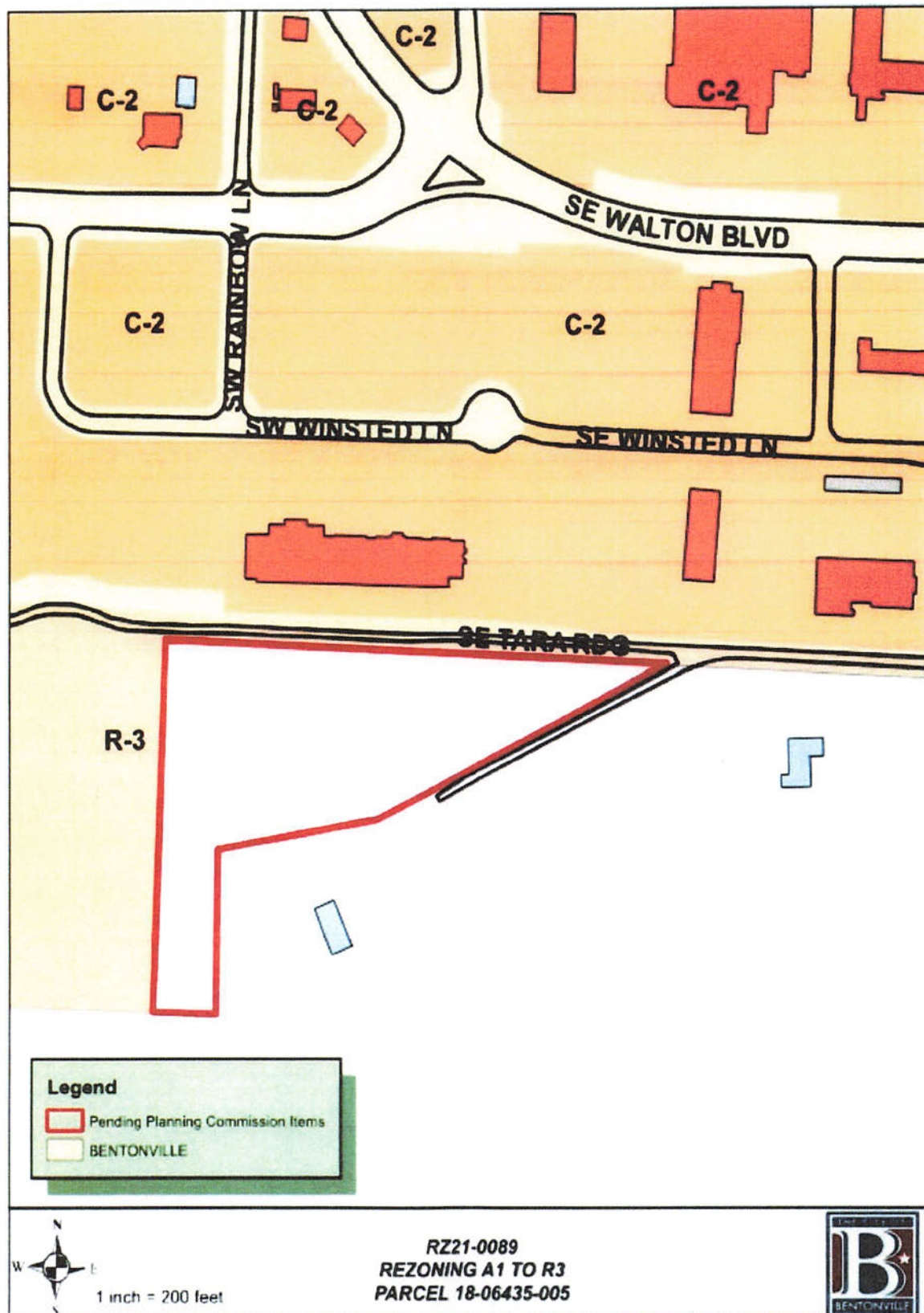


EXHIBIT 2

Sec 1100.21 Large-Scale Development Design Standards

- (a) *Purpose and intent.* The design standards in this section are intended to implement the city's vision for commercial and multifamily development as set forth in the city's Community Plan. The intent of these standards is to improve the overall quality of development with surrounding land uses and enhance pedestrian safety and walkability.
- (b) *Applicability.* The provisions of this section shall apply to all developments requiring large scale development approval. Agriculture and industrial zoned properties shall only be required to meet the standards for the side(s) facing a street frontage or clearly visible from a public right-of-way. The standards in this section and in Sec. 1100.23 Downtown (D) districts design standards shall apply in the DC, Downtown Core and DE, Downtown Edge zoning districts.
- (c) *Exemptions.*
- (1) *Downtown Neighborhood (DN) districts.* Development that is subject to the design standards for the Downtown Neighborhood (DN-1, DN-2, DN-3, and DN-4) zoning districts, which have specific site and architectural design standards established in Section 1100.22, Downtown Neighborhood (DN) districts design standards, shall be exempt from this section.
 - (2) *Downtown (DC and DE) districts.* Development that is subject to the design standards for the Downtown Core and Downtown Edge zoning districts, which have specific site and architectural design standards established in Section 1100.23 Downtown (D) districts design standards, shall be exempt from the site amenities requirement in subsection (r).
 - (3) *Municipal airport.* Development subject to the design standards for the Bentonville Municipal Airport, which have specific site and architectural design standards established in Section 1100.24, Municipal Airport design standards, shall be exempt from this section.
 - (4) *Existing structures.* When a large-scale development is only an addition to an existing structure, the design standards shall only apply to the addition itself.
- (d) *Review process.* These standards shall be applied in the normal review process for large-scale developments and shall be approved by the planning commission.
- (1) *Waiver request.* Requests for waivers to these requirements must be accompanied by the following items.
 - a. *Narrative.* A written narrative explaining why the waiver is necessary to enhance the architectural design of the structure.
 - b. *3-D Rendering.* A 3-D full-color architectural rendering of the final product to include an outline of adjacent structures.
 - c. *Existing examples.* Photos of existing buildings or structures that have incorporated the related design element. Examples are not required to be located in Bentonville.
- (e) *Building material.* A minimum of two primary building materials is required constituting at least 75 percent of the wall area. No single primary material shall constitute less than 25% of wall area. The standard shall apply to all sides of any building. Materials shall comply with the standards established below.

LARGE SCALE DEVELOPMENT BUILDING MATERIALS		
	Primary Materials	Trim Materials
Allowed	Brick Textured concrete block Natural stone Glass veneer Pre-finished architectural metal panels (min. 24 gauge)	Tile Stone Glass block Copper flashing Metal Wood EIFS Pre-finished concrete masonry board
Prohibited	Wood Masonite Asphaltic wall or roof material Aluminum siding Steel siding Non-textured concrete block Stucco Vinyl Fiberglass Ribbed metal panel	

- (f) *Building color.* The building's exterior color scheme shall utilize primarily muted, neutral, or earth tone type colors. The primary use of bright, intense, or extreme colors not consistent with the adjoining developments shall not be permitted. This regulation is not intended to prohibit the use of these colors for specifically approved architectural detailing. . All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match or compliment the color of the adjacent surface, unless being used expressly as a trim or accent element. Building color shall be consistent with the standards established below.

LARGE SCALE DEVELOPMENT BUILDING COLOR STANDARDS		
	Primary Colors	Trim Colors
Allowed	Muted Neutral Earth tone	Muted Neutral Earth tone Bright Light Primary
Prohibited	Bright Primary	

- (g) *Building compatibility.* All commercial structures shall be designed in a manner compatible with other structures in the surrounding vicinity. The exterior building design, including roof style, color, materials, architectural form and detailing, shall be consistent among all buildings in a common commercial development and on all elevations of each building to achieve design harmony and continuity within itself.

EXHIBIT 3

- (h) *Scale and bulk.* The height and scale of new buildings shall be consistent or compatible with the height and scale of adjacent buildings. Special care, however, shall be taken to achieve the compatibility of larger buildings next to small scale buildings; techniques shall include limited size, building articulation, and shadow patterns. The scale of the building shall also consider building setback, lot size and relationship to street width.
- (i) *Wall articulation.* Buildings shall avoid long uninterrupted façade planes and/or blank walls and shall meet the following requirements.

LARGE SCALE DEVELOPMENT WALL ARTICULATION	
Vertical	50' max. between articulation
Horizontal	Articulation required between first and second floor
Techniques	• Relief change (projection or recess at least 2' deep) • Breaks in the surface wall • Windows and door openings • Balconies, awnings and canopies • Series of display windows • Recessed entries • Decorative materials / tile • Material change • Texture change • Other techniques that meet the intent of these regulations and approved by Planning Commission.

- (j) *Façades.* All commercial structures shall be architecturally finished on all sides with same materials, detailing, and features when visible from the public realm or adjacent residential areas. The degree of visibility from the public realm shall be evaluated using the following criteria:
- (1) The degree of visibility from all adjacent public ways;
 - (2) Possible visibility from future buildings and public ways; and
 - (3) Internal overall appearance in relation to the site.
- (k) *Roofs.* Roof lines and/or parapets shall be varied with a change in height every 100 linear feet in the building length. Parapets, gable roofs, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view. Alternative lengths and designs may be acceptable and may be approved by planning commission if the required design would create water drainage or structural issues; or is necessary to enhance the architectural design of the building.
- (l) *Entrances.* Each primary building on a site, regardless of size, shall have clearly defined, highly visible customer entrances featuring no less than two (2) of the following:
- (1) Canopies or porticos;
 - (2) Overhangs;
 - (3) Recesses/projections;
 - (4) Arcades;
 - (5) Raised corniced parapets over the door;
 - (6) Peaked roof forms;

EXHIBIT 3

- (7) Arches;
- (8) Architectural detail such as tile work and moldings integrated into the building structure and design;
- (9) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;
- (10) Change in material; or,
- (11) Other architectural features approved by planning commission.

(m) *Architectural details.* All buildings shall be designed to incorporate no less than three (3) of the architectural elements from the list below, in addition to regulations regarding the design of entrances above. Buildings over fifty thousand (50,000) square feet shall include a minimum of five (5) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet shall include a minimum of six (6) of the referenced architectural elements.

- (1) Canopies, awnings, or porticos;
- (2) Recesses/projections;
- (3) Arcades;
- (4) Peaked roof forms;
- (5) Arches;
- (6) Display windows;
- (7) Accent materials (minimum of 15% of exterior façade);
- (8) Architectural details (such as tile work and moldings) integrated into the building façade;
- (9) Articulated cornice line;
- (10) Articulated ground floor levels or base;
- (11) Varied roof heights; or,
- (12) Other architectural features approved by planning commission.

(n) *Utility and mechanical equipment screening.*

- (1) Screening of service yards, utility meters and hardware, mechanical equipment, and/or other potentially unattractive places from public view, shall be accomplished by the use of walls constructed with the same materials as the primary building, fencing, planting, or a combination of the measures that follow. Screening shall be equally effective in the winter and the summer seasons. For rooftop equipment, parapet walls or other screening methods approved by planning commission are required along street frontages and bordering residential areas.

- a. Adjusting the architectural or landscape profile to screen those elements from view.
- b. Placing those elements on service courts or other locations usable by the general public.
- c. Integrating those elements into the architecture or landscaping of the site.
- d. Use materials similar to that of the primary structure.

- (2) The degree of visibility and screening of service yards, utility meters and hardware, mechanical equipment, refuse ~~EXAMPLES~~ and/or other potentially unattractive places shall be

evaluated using the following criteria:

- a. The degree of visibility from all adjacent public ways;
 - b. The architectural compatibility of the design and color of the yards, meters and equipment of the building;
 - c. Possible visibility from future buildings and public ways; and
 - d. Internal overall appearance in relation to the site.
- (o) *Building placement.* Place as much of the building width at the front of the lot as possible to maximize front façade exposure to the public. The front façade shall be kept parallel with the street. On corner lots, place as much building mass near the intersection as possible to help anchor the lot and take advantage of high visibility.
- (p) *Parking placement.* No more than 60% of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principal building and the primary abutting street unless the principal building and/or parking lots are screened from view by out-lot development and additional tree plantings or berms. Whenever possible, attempt to link with adjacent parking lots or provide shared parking areas which can serve neighboring buildings simultaneously. Parking lots shall be designed in regular, rectangular shapes.
- (q) *Pedestrian circulation.* Clearly defined pedestrian walkways or paths shall be provided from public sidewalks to primary building entrances. Design walkways and parking lots so that pedestrians do not have to cross parking aisles and landscape islands to reach building entries. All internal walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Painted crosswalks shall not be considered sufficient definition of the pedestrian path from the driving surface.
- (r) *Site amenities.* Each commercial development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two (2) of the amenities listed below. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
- (1) Patio, seating area;
 - (2) Pedestrian plaza with benches;
 - (3) Mini park, square or green;
 - (4) Transit stop;
 - (5) Public art;
 - (6) Window shopping walkway;
 - (7) Outdoor play area;
 - (8) Kiosk area;
 - (9) Water feature;
 - (10) Clock tower or steeple;
 - (11) Bike racks that hold at least 2 bikes; or
 - (12) Any other deliberately shaped area and/or focal feature that, in the planning commission's judgment adequately enhances such development and serves as a gathering place.

EXHIBIT 3

(Ord. No. 2008-44, § 1, 5-27-2008; Ord. No. 2011-72, 8-9-2011; Ord. No. 2010-71, § 6, 11-23-2010; Ord. No. 2011-72, §§ 1, 2, 4, 5, 8-9-2011; Ord. No. 2012-58, § 7, 7-24-2012; Ord. No. 2016-30, § 1, 2-9-2016; Ord. No. 2019-57, § 6, 4-9-2019)

HISTORY

Amended by Ord. [2020-149](#) on 8/26/2020

Note – Some of the members of the Planning Commission, as well as City staff members, may attend this meeting virtually. For public health reasons, those who attend in person should consider personal hygiene, the use of facial coverings, and social distancing.



**Planning Commission
Meeting Agenda
May 3, 2022**

Registration Link: https://us06web.zoom.us/webinar/register/WN_BRcZFwyCQ_aY0MOxWZm4dg

- I. Call to Order**
- II. Approval of the April 19th Meeting Minutes**
- III. Consent Agenda**
 - 1. Lots 12 and 13 of Demings 2nd Addition** **Property Line Adjustment**
504 NE A Street ([PLA22-0008](#))
 - 2. Lot 10, Block 5 of Railroad Addition** **Lot Split**
206 SE 3rd Street ([LS22-0015](#))
 - 3. Lots 1 and 2 of Price Coffee Addition Phase 2** **Lot Split**
3301 Price Coffee Road ([LS22-0017](#))
- IV. New Business**
 - 1. Flood Mitigation using Base Level Engineering (BLE) Data** **Ordinance***
 - 2. Low Impact Development Parking Lots** **Ordinance***
 - 3. Ryron, LLC** **Rezoning***
R-3, Medium-High Density Multifamily Residential to
DN-4, Downtown Mixed-Use Residential
403 SE F Street ([RZ22-0023](#))
 - 4. Bentonville Festival** **Conditional Use Permit***
Temporary Use, 3100 Price Coffee Road ([CU22-0010](#))
 - 5. Bentonville Police Training Facility** **Conditional Use***
Long Term Temporary Use / Structure and
Public Safety Services Use
8698 SW Artillery Road ([CU22-0011](#))
 - 6. Hope Hills Subdivision** **Preliminary Plat**
Ginn Road ([PP21-0022](#))

To see a full list of all pending Planning Commission items, please visit: <https://arcg.is/08HvK8>

7. The Village at Tara Ridge Subdivision

SW Crockett Street & SW Stone Boulevard ([LSD21-0073](#))

Materials Waiver

8. Cormex Subdivision

Walker Street and East Central Avenue ([WAV22-0003](#))

Sidewalk Waiver

To see a full list of all pending Planning Commission items, please visit: <https://arcg.is/08HvK8>

WAIVER REQUEST STAFF REPORT



The Village @ Tara Ridge (Materials Waiver)

SW Crockett Street & SW Stone Boulevard

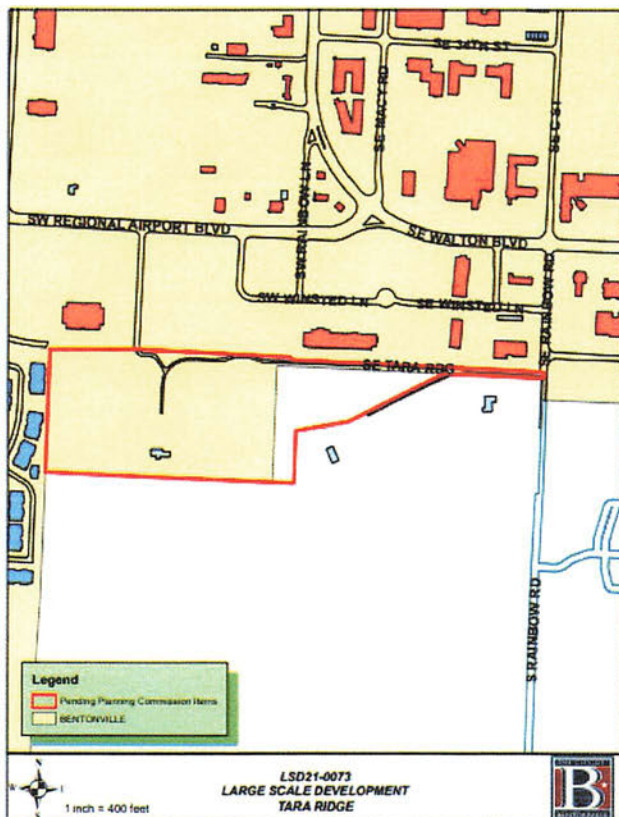
PC Date: 5/3/2022

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	LSD21-0073
Applicant / Current Owner	Salley, Charles R & Brenda K & Hatfield & Cook, LLC
Site Area	+/- 18.01 acres
Current Zoning	R-3, Medium-High Density Multifamily Residential
Future Land Use Map Designation	Medium-Density Residential (MDR)
Development Type / Use	Single-Family Residential Condos

<https://arcg.is/08HvK8>

Location Map



Property Description

The subject property can be accessed from either SW Crockett Street, SW Stone Boulevard, or a shared access drive to the north. It is zoned R-3, Medium-High Density Multifamily Residential. Adjacent zoning districts are R-4, High-Density Multifamily Residential to the west, C-2, General Commercial to the north, Benton County to the east, and City of Rogers to the South.

Project Details

On February 1, 2022, the Planning Commission approved the Large-Scale Development proposing the development of 70 duplex units, 66 three-bedroom single-family units, and 65 two-bedroom single-family units, totaling 201 units. All units are proposed to be single-story structures. Sidewalks, grading/drainage, landscaping, and site amenities are per the requirements of the Land Development Code. Access to the project is proposed by a connection to SW Crockett Street, SE Rainbow Road, and north to SW Winsted Lane. There is no access being proposed to SE Rainbow Road with this development. The primary materials on the exterior of the building include cementitious 6" Lap Siding, Brick, and glass.

Projected Traffic Impact

This development has the potential to impact traffic in the area. However, the site's compliance with the parking standards and the three points of ingress/egress and future improvements to the intersections of SW Regional Airport Boulevard and S Walton Boulevard should help to alleviate these concerns.

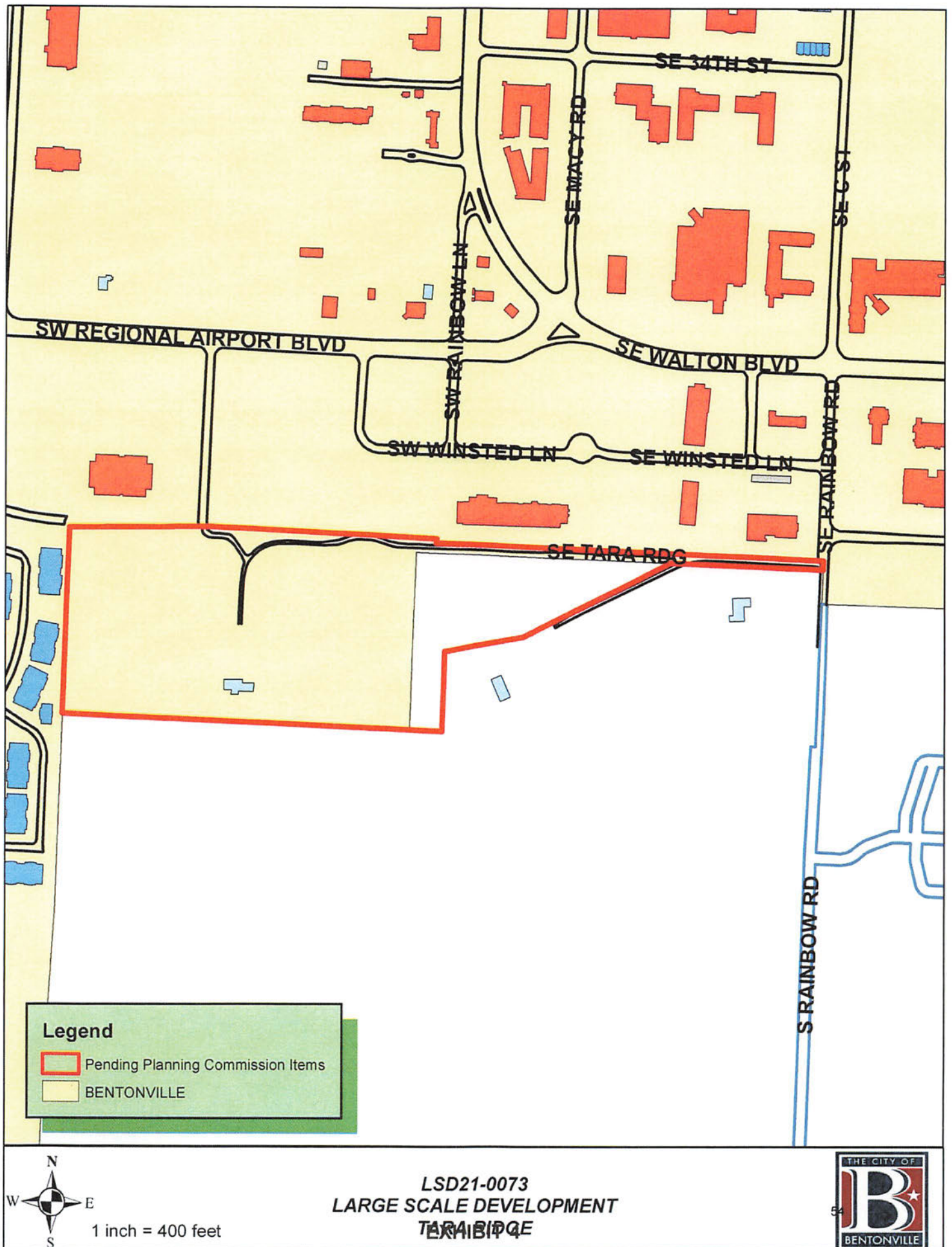
Waivers

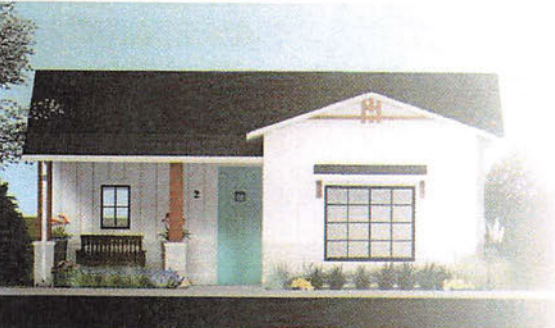
One waiver requested:

- A waiver from Article 1100, Section 1100.2.e Large Scale Development Design Standards, Materials, requiring a minimum of two primary materials constituting at least 75% of the wall area. No single-primary material shall constitute less than 25% of the wall area. The standard shall apply to all sides of any building.

One waiver previously approved:

- A waiver from Article 501, Section 501.07 requiring off-street parking to be paved with a sealed surface pavement was previously approved by the Planning Commission on February 1, 2022.





VARIANCE REQUEST NARRATIVE

To: Planning & Zoning Commission – The City of Bentonville
Subject: Village at Tara Ridge – Cottage Condominium Community

Members of the Bentonville Planning Commission,

It is our intention to clarify our housing type pertaining to the Development Standards document adopted by the City of Bentonville. Moreover, we intend to further illustrate in our graphic exhibit that, not only are the proposed exterior materials appropriate to bungalow-style architecture in general, they are stylistically applicable to local architecture existing in Bentonville, Arkansas and around the state of Arkansas as a whole.

The material requirements listed in ART 1100 DEVELOPMENT STANDARDS, Section 1100.21 Large Scale Development Design Standards, for "LARGE SCALE DEVELOPMENTS BUILDING MATERIALS", pgs. 27 & 28 in the document, state the material requirements listed are intended for "commercial and multi-family housing". This product is a multifamily styled development packaged in a single family architectural style. We request that the individual units be approved with the material applications appropriate to their architectural language and scale.

You will see from the photos provided in the attached exhibit on the following page, the examples show a commonality in their use of horizontal and vertical siding. The various types of masonry utilized serve to ground the bungalows and imbue a feeling of weight to their respective bases while the areas of siding feel lighter and offer pleasing rhythmic patterns that are only interrupted by large, proportional windows. Finally, you will see that most, if not all of the gables, utilize a contrasting siding orientation to accentuate the relative shape of the gable, detailing roof vents and capping the top of the bungalows in a pleasing, whimsical manner with various types of brackets or fenestration. A deep, covered porch supported by square columns completes the front elevation and at the interior, the front door opens to the main living space. Red River Development and Studio 45 Architects seek to work within this style that hearkens back to the strongest aspects of the American and (furthermore) the Arkansas Bungalow in the Tara Ridge development.

Please notice in the elevation drawings portion of the exhibit on the following pages that one, two and three bedroom units have been designed with a three and one-half foot brick wainscot that wraps the entire perimeter (grounding & weight), culminating in a continuous 4-inch brick rowlock coping. Also, rowlock sills are placed at every window that occurs within the brick wainscot field. As is historically typical, atop the brick wainscot you will see a field of siding. In this case, vertical board and batten cementitious siding which is terminated at every inside and outside corner with cementitious 1x trim. The vertical siding is captured above by 1x horizontal trim and finally, the gable (cap) is infilled with horizontal lap siding, giving a contrasting texture, while pulling the eye towards the bracket (fenestration) at the top of the gable.

See current architectural drawings prior to the Variance, per ART 1100 DEVELOPMENT STANDARDS at the end of this exhibit. It is our view that the proposed elevations in the Variance request provide for a superior elevation in all instances.

Sincerely,

Red River Development & Studio 45 Architects





Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Legal
Submitted by	Gladys Shoemake
Phone	(479) 271-3115

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Request for approval of a Resolution to declare various items as surplus, to be responsibly disposed of at a later date. Disposing of these items will clear much needed storage space and begin the process of clearing surplus for disposal prior to a larger auction later this year. No Budget Adjustment is needed.					

Estimated Cost	\$0
Is this Item Budgeted?	☐ Yes ☒ No
If no, please explain how item will be funded (briefly explain in space below) :	



RESOLUTION NO. _____

**A RESOLUTION DECLARING CERTAIN PROPERTY, BELONGING TO
VARIOUS DEPARTMENTS OF THE CITY OF BENTONVILLE, ARKANSAS AS
SURPLUS PROPERTY; AUTHORIZING ITS DISPOSAL; AND FOR OTHER
PURPOSES.**

WHEREAS, the City Council of the City of Bentonville has determined that the list of items from various departments in the attached Exhibit “A”, should be declared surplus property;

WHEREAS, upon being approved and declared as surplus, these items will be responsibly disposed of; and

WHEREAS, this Resolution is in accordance with Ark. Code Ann. § 14-54-302.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: The City of Bentonville may dispose of the items contained in attached Exhibit “A”;

Section 2: A record of all items that are disposed of shall be maintained;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

KIRBY ROMINES, CITY CLERK

EXHIBIT “A”

Line #	Item Description	QTY	UOM	Department	Action
1	Indian Pack wildland fire pump back pack x 4	1	EA	Fire Dept.	Dispose
2	Computer mounts for vehicles (20+) (Outdated)	1	LOT	Fire Dept.	Dispose
3	Office Printers (Broken/No longer working)	1	EA	Fire Dept.	Dispose
4	Office Phones & Mounts (Outdated) (15+)	1	LOT	Fire Dept.	Dispose
5	Conference Speaker System (Outdated)	1	LOT	Fire Dept.	Dispose
6	Tactical Ballistic Vests (7+) (Obsolete)	1	LOT	Fire Dept.	Dispose
7	Fire Hose (Multiple Sections-Bad Hose)	1	LOT	Fire Dept.	Dispose
8	Beseler Overhead Projector & Components (Obsolete/Broken)	1	EA	Fire Dept.	Dispose
9	Broken Ice Makers	2	EA	Fire Dept.	Dispose
10	SCBA Packs (Obsolete)	1	LOT	Fire Dept.	Dispose
11	Oxygen Bottles (Out of Service Life)	1	LOT	Fire Dept.	Dispose
12	Robot (Obsolete/No Longer Parts)	1	EA	Fire Dept.	Dispose
13	CPR Manikins (Dry Rotted/old)	1	LOT	Fire Dept.	Dispose
14	Light Bars	1	LOT	Fire Dept.	Dispose
15	Medtronic Battery Chargers (Batteries no longer fit/obsolete)	1	LOT	Fire Dept.	Dispose
16	Multiple Hose Nozzles (No longer meet standards)	1	LOT	Fire Dept.	Dispose
17	Ladders (Failed Testing)	3	EA	Fire Dept.	Dispose
18	Ferno Cots (out of service life or failed testing)	1	LOT	Fire Dept.	Dispose
19	Scoop Stretchers (out of service life or failed testing)	1	LOT	Fire Dept.	Dispose
20	Ambulance Coolers	1	LOT	Fire Dept.	Dispose
21	Lifepack 10	1	LOT	Fire Dept.	Dispose
22	Medical Oxygen Vent	1	LOT	Fire Dept.	Dispose
23	Office Chairs (broken/worn) (3+)	1	LOT	Fire Dept.	Dispose
24	Twin Wood Bed Frames (2+)	1	LOT	Fire Dept.	Dispose
25	Broken Recliners & Sofa Recliners (2+)	1	LOT	Fire Dept.	Dispose
26	Projector	1	EA	Fire Dept.	Dispose
27	Stair Chair	1	EA	Fire Dept.	Dispose
28	Clothes Dryer (Broken)	1	EA	Fire Dept.	Dispose
29	EMS Equipment	1	LOT	Fire Dept.	Dispose
30	T-8 Lens Covers	1	LOT	Fire Dept.	Dispose
31	Sharps Needle Boxes	1	LOT	Fire Dept.	Dispose
32	Salvage Covers (Broken/Leaking)	1	LOT	Fire Dept.	Dispose
33	Lot of Various Metal Items/Recycling	1	LOT	Fire Dept.	Dispose
34	Electric Motor (Broken)	1	EA	Fire Dept.	Dispose
35	Bariatric Cot Wings	1	LOT	Fire Dept.	Dispose
36	Broken Storage Vehicle Boxes	1	LOT	Fire Dept.	Dispose
37	Smashed Truck Tool Box	1	EA	Fire Dept.	Dispose
38	SCBA Masks (Obsolete)	1	LOT	Fire Dept.	Dispose
39	Foam Eductor (Obsolete)	1	EA	Fire Dept.	Dispose
40	Hose Roller (Obsolete)	1	EA	Fire Dept.	Dispose
41	Tripod (Obsolete)	1	EA	Fire Dept.	Dispose
42	Hydraulic Tool Mount (Obsolete)	1	EA	Fire Dept.	Dispose
43	Box Light & Chargers (Obsolete)	1	EA	Fire Dept.	Dispose
44	Airbags (Obsolete)	1	LOT	Fire Dept.	Dispose
45	Small Breakroom Appliances (Mix broken/condition unknown)	1	LOT	Administration	Dispose
46	Office Supplies (Obsolete/Old/Broken)	1	LOT	Administration	Dispose
47	Outdated Office Decorations	1	LOT	Administration	Dispose



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Fire
Submitted by	Justin Scantlin
Phone	(479) 271-5927

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☒ Ordinance	☐ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Fire Department Staff and the City of Bentonville Code Review Committee recommend that the Council approve an ordinance to adopt the 2021 version of the Arkansas Fire Prevention Codes (volumes I, II, and III) with City of Bentonville Amendments and state adopted codes. These include the following: •2021 Arkansas Fire Prevention Code (volumes I, II, and III) with City of Bentonville Amendments •2021 Arkansas Mechanical Code •2020 National Electric Code, with City of Bentonville Amendments •2018 Arkansas Plumbing Code •2018 Arkansas Fuel Gas Code •2014 Arkansas Energy Code					

Estimated Cost	\$0
Is this Item Budgeted?	☐ Yes ☒ No
If no, please explain how item will be funded (briefly explain in space below) :	





Inter-office Memorandum

To: Mayor Orman and City Council

From: Justin Scantlin, Fire Chief

CC: Camille Thompson, Staff Attorney

Date: 7/11/2023

Re: Adoption of the 2021 Arkansas Fire Prevention Code and Arkansas State Adopted Codes

Fire Department Staff and the City of Bentonville Code Review Committee is requesting Council to approve an ordinance to adopt the 2021 version of the Arkansas Fire Prevention Code (volumes I, II, and III) with City of Bentonville Amendments and state adopted codes. This includes the following:

- 2021 Arkansas Fire Prevention Code (volumes I, II, and III) with City of Bentonville Amendments
- 2021 Arkansas Mechanical Code
- 2020 National Electric Code, with City of Bentonville Amendments
- 2018 Arkansas Plumbing Code
- 2018 Arkansas Fuel Gas Code
- 2014 Arkansas Energy Code

Thank you for your consideration.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING CERTAIN TECHNICAL CODES FOR THE CITY OF BENTONVILLE, ARKANSAS; PROVIDING WHEN SUCH CODES SHALL BECOME EFFECTIVE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY OF BENTONVILLE, ARKANSAS:

Section 1. The following Codes, three copies of which have been made available with the City Clerk for public review, in accordance with Arkansas law, should be and the same are hereby adopted:

2021 Arkansas Fire Prevention Code (volumes I, II, III), with City of Bentonville Amendments

2021 Arkansas Mechanical Code

2020 National Electric Code, with City of Bentonville Amendments

2018 Arkansas Plumbing Code

2018 Arkansas Fuel Gas Code

2014 Arkansas Energy Code

Section 2: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. This ordinance shall become effective thirty (30) days after passage and approval.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

KIRBY ROMINES, City Clerk



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Street
Submitted by	Tony Davis
Phone	(479) 271-3130

Item Type: (Check Applicable Item Type)					
☒ Budget Adjustment	☐ Change Order	☐ Informational	☒ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Ordinance to waive competitive bidding to purchase a T880 Dump Truck (Tri-Axle) from MHC Kenworth and Resolution for approval of a Budget Adjustment in the amount of \$294,915.10 in order to make the purchase this year, realizing savings and expedited delivery. Due to previously soliciting bids for the same type of unit earlier this year and receiving only one bid submission, the reduced cost from the unit previously purchased this year (through the sole bid received), and the expedited delivery availability (delivered this year instead of 2024), it is not practical to solicit competitive bids. Since immediate purchase is available an emergency clause is requested. A Budget Adjustment is needed to purchase the Unit.					

Estimated Cost	\$294,915.10
Is this Item Budgeted?	☐ Yes ☒ No
If no, please explain how item will be funded (briefly explain in space below) :	
Use of Street Fund Reserves to purchase the unit in 2023, replacing a budget line item request in 2024.	





Budget Adjustment Request

Date of City Council Meeting	7/11/2023
Department	Street
Submitted by	Tony Davis
Phone	(479) 271-3130

Purpose of Budget Adjustment (Enter purpose in space below):
Purchase of T880 Dump Truck (Tri-Axle) from MHC Kenworth.

General Ledger Account Information*				
Org (Department)	Object	Account Description	Revenue + (-)	Expense + (-)
203810	47410	Machinery and Equipment		\$ 294,915.10
		Totals	\$ -	\$ 294,915.10
		Net Impact on Fund Balance	\$ (294,915.10)	

*Final Account Number will be determined by Accounting Department after approval and purchase



www.bentonvillear.com

PLEASE RECYCLE



Memorandum



To: City Council, Mayor Orman
From: Tony Davis, Street Manager
Date: July 11, 2023
Re: Purchase of Tri-Axle Dump Truck

The Street Department is asking for bid waiver and budget adjustment in the amount of \$294,915.10 to MHC Kenworth for the purchase of a T880 Tri-Axle Dump Truck.

Due to previously soliciting bids for the same type of unit earlier this year and receiving only one bid submission, the reduced cost from the unit previously purchased this year (through the sole bid received), and the expedited delivery availability (delivered this year instead of 2024), it is not practical to solicit competitive bids.

The 2024 T880 (Tri-Axle) meets all previous specs with one exception for the brake calipers which was stated could be fixed to meet specs at no additional cost to the City.

Thanks for your consideration, please contact me with any questions. I can be reached by phone at 479-271-3130 or email at todayis@bentonvillear.com.



OZARK KENWORTH, LLC ("Dealer")

doing business as: MHC KENWORTH/VOLVO - SPRINGDALE

NEW TRUCK ORDER

SPRINGDALE, AR 72762
4678 N 45TH ST
1-479-756-1200

PURCHASER			ADDRESS			
City of Bentonville			1000 SW 14th Street			
BUSINESS PHONE	OTHER PHONE	CITY	STATE	ZIP CODE	COUNTY	DATE
479-271-3159	479-271-5913	Bentonville	AR	72712-3625	BENTON	06/06/2023
QUANTITY	YEAR	MAKE	MODEL	BODY TYPE	SALESPERSON	
1	2024	KW	T880	TRUCK/DUMP	CORY HUDSON	
STOCK NUMBER		COLOR	TO BE DELIVERED ON OR ABOUT		FINANCIAL SOURCE	
0540147		WHITE	05/24/2023		Cash	
SERIAL NUMBERS		1NKZXPTX2RJ345038				
PRICE OF VEHICLE(s) INCLUDING FET						\$294,915.10

TRADE TERMS AGREEMENT APPLICABLE ☐ YES

NOTE: If vehicle(s) are not funded within 15 days of truck receipt date at the dealer, customer will be charged a per diem amount per unit until units are fully funded. Customer has 60 days from delivery date of the truck to return and have any add-ons listed on the sales order completed.

DESCRIPTION OF TRADE-IN OR TRADE ATTACHMENT		
YEAR	MAKE	MODEL
SERIAL NUMBER		MILEAGE
BALANCE OWED TO		TRADE DIFFERENCE
		REGISTRATION FEES
		TOTAL DELIVERED PRICE \$294,915.10
		LESS: TRADE-IN ALLOWANCE
		LESS: BALANCE OWED ON TRADE-IN
		TRADE-IN EQUITY
		LESS: CASH DEPOSIT SUBMITTED WITH ORDER
		CASH DUE ON DELIVERY (Includes above Taxes, but may not be inclusive of all Applicable Taxes)
		UNPAID BALANCE (Amount to be Separately Financed by Purchaser) Due in Cash on Delivery \$294,915.10

PURCHASER'S CERTIFICATION

Purchaser and the person signing this Order on behalf of Purchaser hereby certify that:

1. Purchaser and the person signing this Order on behalf of Purchaser have carefully reviewed the terms and conditions printed on the front and reverse side hereof, and agree to be bound thereby. The terms and conditions printed on the front and reverse side hereof represent the entire and integrated agreement between the parties relating to the purchase and sale of the Vehicle and cancels and supersedes prior negotiations, representations or agreements, either written or oral.

2. Purchaser and the person signing this Order on behalf of Purchaser have Carefully reviewed this Order and fully understand that the Vehicle listed above will be equipped only with the optional equipment specifically listed on the face of this Order plus all standard equipment as designated by the manufacturer at the time of delivery.

3. The person signing this Order on behalf of Purchaser is of legal age to execute binding contracts in this State. The person signing this Order on behalf of Purchaser has the authority and has been duly authorized to sign this Order on behalf of the Purchaser.

READ ALL PAGES OF THIS ORDER

THE TERMS AND CONDITIONS ON PAGE 2 HEREOF ARE PART OF THIS ORDER.

THIS ORDER IS NOT VALID UNLESS SIGNED BY AND ACCEPTED BY AN AUTHORIZED MANAGER OF DEALER.

THE PRICE OF THIS VEHICLE DOES NOT INCLUDE ANY APPLICABLE TAXES, WHICH ARE THE RESPONSIBILITY OF PURCHASER AS SET FORTH ON ALL PAGES HEREOF.

ANY TAXES DISPLAYED ON THIS TRUCK ORDER ARE ESTIMATED. ACTUAL TAXES, AS APPLICABLE, WILL BE INVOICED TO THE PURCHASER AT THE PREVAILING TAX RATES AVAILABLE AT TIME OF VEHICLE INVOICE.

ANY DELIVERY DATES INDICATED ON THIS ORDER ARE ESTIMATES AND SUBJECT TO THE MANUFACTURERS' PRODUCTION SCHEDULE AND FINAL APPROVAL.

**THIS ORDER CONTAINS A BINDING ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES
TERMS AND CONDITIONS ON PAGE 2 HEREOF ARE PART OF THIS AGREEMENT**

SIGNED (AUTHORIZED REPRESENTATIVE OF PURCHASER) :	DATE	ACCEPTED BY DEALER	DATE
---	------	--------------------	------

(27-239431-368722)

TRCK-SALE-WI-4.3-02-A (REV 05/13)

Customer Initials _____

MHCUDI795000

CONTINUATION OF TERMS AND CONDITIONS CONSTITUTING A PART OF TRUCK ORDER

This Truck Order ("Order"), including the front of this Order and these terms and conditions, constitutes a contract for the purchase of the vehicle(s) or chassis ("Vehicle") listed and described on the front side hereof, between dealer identified on the front side hereof ("Dealer"), and the purchaser identified on the front side hereof ("Purchaser"). This Order is binding upon Dealer and Purchaser upon each party's execution on the front side hereof.

1. PRICE REVISION: The manufacturer of any new Vehicle ordered hereunder by Purchaser may change the price to dealer of such Vehicle after the date of this Order. In the event of any such price change, prior to the delivery of any new vehicle to Purchaser, the Dealer shall have the right to change the price of the Vehicle described on the front side hereof by providing notice of such change to Purchaser. If Purchaser does not agree to pay the changed price of the Vehicle, Purchaser shall cancel this Order by providing Dealer with written notice of such cancellation within two (2) days of notice from Dealer of the change in the price of the Vehicle. If Purchaser fails to timely provide Dealer with such written notice, Purchaser shall be bound to pay the changed cash price of the Vehicle. In the event Purchaser cancels this Order pursuant to this Paragraph 1 and has traded a used vehicle as part of the consideration for a new Vehicle purchased by Purchaser, such traded-in vehicle shall be returned to Purchaser upon payment of a reasonable charge for storage and repairs (if any) or, if such traded-in vehicle has been previously sold by Dealer, the amount received therefore less a selling commission of 15% and any expense for storing, insuring, conditioning, or advertising such vehicle for sale shall be returned to Purchaser.

2. DEALER NOT AGENT OF MANUFACTURER: It is understood that there is no relationship of principal and agent between the Dealer and the manufacturer of the Vehicle and that the Dealer is not authorized to act, or attempt to act, or represent itself, directly or by implication, as agent of the manufacturer, or in any manner assume or create, or attempt to assume or create, any obligation on behalf of or in the name of the manufacturer. It is further understood that neither Dealer nor anyone acting on its behalf has made, or adopted from the manufacturer, any guarantee, representation or warranty regarding the residual, trade-in, repurchase or buyback value of the Vehicle (a "Repurchase Obligation"), and that any Repurchase Obligation is the sole and exclusive responsibility of the manufacturer. Purchaser hereby acknowledges, agrees, represents and warrants that Purchaser shall look solely to the manufacturer to perform or satisfy any Repurchase Obligation.

3. DISCLAIMER OF WARRANTY: General: References to a "new Vehicle" herein shall mean a motor vehicle that has not been previously registered in any state of the United States of America. References to a "used Vehicle" herein shall mean a motor vehicle which has been previously registered or which should have been registered in a state of the United States of America. **PURCHASER HEREBY ACKNOWLEDGES THAT DEALER NOR ANYONE ACTING ON ITS BEHALF HAS MADE ANY AFFIRMATION OF FACT, REPRESENTATION OR PROMISE RELATING TO THE VEHICLE THAT HAS BECOME A BASIS OF THIS TRANSACTION OR WHICH CREATES AN EXPRESS WARRANTY. NO SAMPLE OR MODEL HAS BECOME A BASIS OF THIS TRANSACTION OR WHICH CREATES AN EXPRESS WARRANTY. TO THE FULLEST EXTENT PERMITTED BY LAW, DEALER DISCLAIMS ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, INFRINGEMENT, AND THOSE ARISING OUT OF COURSE OF PERFORMANCE OR DEALING OR USAGE OF TRADE OR ANY OTHER IMPLIED WARRANTY WITH RESPECT TO THE VEHICLE.**

New Vehicles: There are **NO WARRANTIES**, express or implied, made by Dealer or the manufacturer, on any new vehicle described on the front of this Order, except for the manufacturer's warranty applicable to such new Vehicle contained in the separate manufacturer's warranty which will be furnished to Purchaser upon delivery of the new vehicle. Such separate manufacturer's warranty shall be expressly IN LIEU OF any other express or implied warranty, condition or guarantee on the new Vehicle or any part thereof. Purchaser hereby acknowledges and agrees that Dealer has not in any manner adopted the manufacturer's warranty as a warranty of the Dealer and Purchaser acknowledges, agrees, represents and warrants that Purchaser shall look solely to the manufacturer to perform or satisfy any obligation under the manufacturer's warranty. **Used Vehicles:** Dealer sells any used vehicle **AS IS** with all faults and defects, and the Dealer disclaims all warranties with respect to the Dealer in connection with the sale of any used Vehicle. If the Purchaser is assigned the remaining term of any manufacturer's warranty, Purchaser hereby acknowledges, agrees, represents and warrants that Dealer has not in any manner adopted the manufacturer's warranty as a warranty of Dealer, and Purchaser acknowledges, agrees, represents and warrants that Purchaser shall look solely to the manufacturer to perform or satisfy any obligation under the manufacturer's warranty. As between Purchaser and Dealer, the entire risk as to the quality and performance of any used Vehicle is assumed by Purchaser. As between Purchaser and Dealer, the Purchaser assumes the entire cost of service and repair and loss with respect to any used Vehicle found to be defective.

4. LIMITATION OF LIABILITY: DEALER WILL NOT BE LIABLE TO PURCHASER OR ANY OTHER PARTY FOR ANY CONSEQUENTIAL, INCIDENTAL, SPECIAL, PUNITIVE OR OTHER INDIRECT DAMAGES, INCLUDING, BUT NOT LIMITED TO, DAMAGES FOR LOST USE, LOST PROFITS, LOST SAVINGS OR OTHER COMMERCIAL OR ECONOMIC LOSS, EVEN IF DEALER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES OR THEY ARE FORESEEABLE OR FOR CLAIMS MADE BY A THIRD PARTY. IN NO EVENT SHALL DEALER'S TOTAL AGGREGATE LIABILITY TO PURCHASER OR ANY OTHER PARTY RELATING TO OR RESULTING FROM THE SALE, LICENSE OR USE OF A VEHICLE SUBJECT TO THIS ORDER OR THESE TERMS AND CONDITIONS EXCEED THE PURCHASE PRICE PAID FOR SUCH VEHICLE. THESE LIMITATIONS APPLY WHETHER THE LIABILITY IS BASED ON CONTRACT, TORT, STRICT LIABILITY OR ANY OTHER THEORY AND WHETHER THE ALLEGED BREACH OR DEFAULT IS A BREACH OF A FUNDAMENTAL CONDITION OR TERM, OR A FUNDAMENTAL BREACH. THESE LIMITATIONS APPLY TO THE FULLEST EXTENT PERMITTED BY LAW.

5. TRADE-IN VEHICLE: If a vehicle has been traded in as a part of the consideration for the Vehicle ordered by Purchaser hereunder and such traded in vehicle is not delivered to Dealer until delivery to Purchaser of the Vehicle, such trade-in vehicle shall be reappraised as directed by Dealer and such reappraisal value shall determine the allowance made for such vehicle. If such reappraised value is lower than the original allowance therefore shown on the face of this Order, Purchaser may, cancel this Order by providing Dealer with written notice of such cancellation within two (2) days after the reappraisal or prior to delivery of the Vehicle ordered hereunder to Purchaser whichever is earlier. If Purchaser fails to timely provide said written notice of such cancellation, Purchaser shall be bound to the amount of the reappraisal and shall pay the changed cash portion of the price of the Vehicle. The condition of any trade-in vehicle shall strictly comply with and Purchaser shall strictly comply with any Trade/Purchase Terms and Conditions Agreement signed by Purchaser ("Trade Terms Agreement"). If the condition of any trade-in vehicle is not strictly in compliance with, or if Purchaser has not strictly complied with the Trade Terms Agreement, Dealer shall not be obligated to accept the trade-in vehicle and the allowance shown on the front side hereof shall be deleted and Purchaser shall not be entitled to such allowance and Purchaser shall pay the amount of the deleted allowance to Dealer in cash upon delivery of the Vehicle.

6. PURCHASER'S REPRESENTATIONS AND WARRANTIES: Purchaser hereby represents and warrants that: (a) the trade-in vehicle shall be delivered free and clear from any security interest or other lien or encumbrance of any third person (except as otherwise noted on the title and agreed to in writing by Dealer at the time of the execution of this Order); (b) Purchaser shall promptly deliver to Dealer a valid certificate of title to the trade-in vehicle; (c) Purchaser has full power, right and lawful authority to dispose of the trade-in

vehicle; (d) the trade-in vehicle does not have a cracked or defective head, block, power train, or frame (including supportive portion of the anybody); (e) the engine and transmission have not been changed from the manufacturer's original equipment specifications; and (f) while owned by Purchaser, the odometer of the trade-in vehicle has not been replaced, tampered with or otherwise altered in any way and Purchaser has no reason to believe the trade-in vehicle's current odometer reading, as represented on the front side hereof, does not reflect its actual mileage. Purchaser further represents and warrants that Purchaser will use the Vehicle exclusively for a commercial use.

7. FAILURE OR REFUSAL TO ACCEPT DELIVERY: Except as provided in Paragraphs 1 and 5 of this Order, Purchaser may not cancel this Order. In the event that Purchaser fails or refuses to complete the purchase of the Vehicle, Purchaser shall pay Dealer, as liquidated damages and not as a penalty, the greater of the following: (a) twenty-five percent (25%) of the Total Delivered Price of the Vehicle, or (b) the cash deposit set forth on the front of this Order ("Liquidated Damages"). Dealer may apply any cash deposit made by Purchaser towards the Liquidated Damages. Further, in the event Purchaser has delivered to Dealer a trade-in vehicle as part of the consideration for the Vehicle, Dealer is authorized to sell such trade-in vehicle and Dealer may retain the proceeds thereof to satisfy the Liquidated Damages. Purchaser acknowledges that the Liquidated Damages are reasonable in light of the anticipated or actual harm caused by Purchaser's failure to complete the purchase. Purchaser further acknowledges that the Liquidated Damages do not constitute a penalty, but instead represent the parties' best estimate of the resulting damages given that the precise damages of Dealer are difficult to calculate.

8. TAXES: Unless otherwise agreed to in a writing signed by Purchaser and Dealer, Purchaser shall be solely responsible for the payment of all sales, use, consumer and other taxes arising out of this Order mandated by any applicable federal, state and local laws, codes, ordinances, rules and regulations, whether currently in effect, scheduled to go in effect, or subsequently enacted, including but not limited to, any increases in such taxes taking effect after the date of this Order. Purchaser shall be solely responsible for the cost and fees for all licenses, registrations and titles associated with the sale of the Vehicle.

9. FAILURE OR DELAY OF DELIVERY; FORCE MAJEURE: Dealer shall not be liable for failure to deliver or delay in delivery of the Vehicle where such failure to deliver or delay is due, in whole or in part, to any cause other than the gross negligence of Dealer. Further, Dealer will not have any liability for any breach caused by extreme weather or other act of God, strike or other labor shortage or disturbance, fire, accident, war, terrorist act or civil disturbance, delay of carriers, failure of normal sources of supply, act of government or any other cause beyond the reasonable control of Dealer.

10. NOTICES: It shall be a condition precedent to any liability of Dealer, whether in contract, tort, or otherwise, arising out of this Order or any other dealings between the parties that Purchaser provide written notice to Dealer of any claim, controversy, or alleged breach of this Order within ten (10) days of the event or occurrence giving rise to such claim, controversy or alleged breach and that Purchaser provide Dealer within a reasonable opportunity to cure the problems or issues giving rise to such claim, controversy or alleged breach of this Order. Notwithstanding the foregoing, Purchaser must provide Dealer with notice of any claim, controversy, or alleged breach of this Order and demand for arbitration within twelve months of discovery or accrual of the same, whichever occurs first. It is understood and agreed by the parties that the foregoing provision is both a condition precedent to the right to take such action, and a contractual modification to the statute of limitations for all actions, whether in contract, tort or otherwise, and failure to comply with this condition precedent and contractual statute of limitations shall be an absolute bar to recovery for any problems, issues, rights, claims or causes of action not specifically pled within the twelve month period. Whenever this Order requires that notice be provided to the other party, notice shall be deemed to have been validly given (i) if delivered in person to the party entitled to receive such notice, (ii) two (2) days after being sent by registered or certified mail, postage prepaid to the address indicated on the front side of this Order, or (iii) one (1) day after being sent via overnight mail through a respectable overnight delivery company.

11. ARBITRATION: Any controversy or claim arising out of or relating to this Order shall be decided by arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules, subject to the limitations and restrictions set forth in this Paragraph 11. A demand for arbitration shall be made within a reasonable time after a controversy or claim has arisen and in no event shall be made after the date when institution of legal or equitable proceedings based upon such claim or controversy would be barred by the applicable statute of limitations, subject to the restriction set forth in Paragraph 10. The arbitrator(s) shall have no authority to award punitive or other damages not measured by the prevailing party's actual damages. The parties acknowledge and agree that this Order evidences a transaction involving interstate commerce. Accordingly, the United States Arbitration Act (Title 9 of the United States Code) shall govern the interpretation, enforcement and proceedings pursuant to the arbitration provisions of this Order. The place of arbitration shall be the American Arbitration Association's office closest to the location of Dealer designated on the front side hereof. The parties shall be entitled to discover all documents and information reasonably necessary for a full understanding of any relevant issue raised in the arbitration. Regardless of any term or provision herein to the contrary, claims for contribution or indemnity filed by a party in any lawsuit or action filed or asserted by a third party on account of personal injury or death of any person or damage to property shall not be subject to the terms and provisions of this Paragraph 11. The award rendered by the arbitrator(s) shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

12. EXPENSES AND COSTS: Should Dealer be required to institute any action, including any arbitration proceeding, to enforce any of its rights set forth in this Order, then Dealer shall be entitled to reimbursement from Purchaser for all expenses, including but not limited to, reasonable attorneys' and experts' fees, and costs incurred by Dealer in connection with such action. In the event Purchaser institutes any action, including any arbitration proceeding, against Dealer and in the further event Dealer prevails in such action, Purchaser shall pay Dealer the amount of all expenses, including but not limited to reasonable attorneys' and experts' fees, and costs incurred by Dealer in connection with such action.

13. MISCELLANEOUS: This Order may not be changed, altered or amended in any way except in writing signed by a corporate officer or authorized manager of Dealer and an agent of Purchaser. Purchaser acknowledges and agrees that Purchaser has had an adequate opportunity to review and revise this Order and the Order shall not be construed against or in favor of Purchaser or Dealer. No waiver by either party of a breach or default hereunder will be deemed a waiver by such party of a subsequent breach or default of a like or similar nature. No waiver of any of these terms and conditions or any of the terms and conditions will be effective against Dealer unless it is in writing signed by a corporate officer or authorized manager of Dealer. No course of dealing or performance, usage of trade or failure to enforce any term or condition will be used to modify this Order. If any of these terms or conditions is unenforceable, such term or condition will be limited only to the extent necessary to make it enforceable, and all other terms and conditions will remain in full force and effect. This Order is deemed to have been entered into in the state of the location of Dealer designated on the front side hereof and will be governed by the laws of the state of the location of Dealer designated on the front side hereof, without giving effect to the choice of laws provisions thereof. The remedies expressly provided for in these conditions will be in addition to any other remedies that Dealer may have under the Uniform Commercial Code or other applicable law. Purchaser may not assign this Order without the prior written consent of Dealer. These terms and conditions are for the exclusive benefit of Dealer and Purchaser and no other person will have rights hereunder.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2023 BUDGET; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH MHC KENWORTH, NOT TO EXCEED TWO HUNDRED NINETY-FOUR THOUSAND NINE HUNDRED FIFTEEN DOLLARS AND TEN CENTS (\$294,915.10), FOR THE PURCHASE OF A TRI-AXLE DUMP TRUCK FOR THE BENTONVILLE STREET DEPARTMENT; WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville Street Department requests to purchase a T880 Tri-Axle Dump Truck;

WHEREAS, MHC Kenworth was the only bid submission received earlier this year for the same type of unit, therefore it is not practical or feasible to solicit competitive bidding; and

WHEREAS, a budget adjustment will be needed to appropriate two hundred ninety-four thousand nine hundred fifteen dollars and ten cents (\$294,915.10) from the Street Fund Reserve into a Machinery and Equipment account for the purchase.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS.

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter into an agreement with MHC Kenworth for the purchase of a Tri-Axle Dump Truck in the amount of two hundred ninety-four thousand nine hundred fifteen dollars and ten cents (\$294,915.10);

Section 2: Due to previously soliciting bids for the same type of unit earlier this year and receiving only one bid submission, including reduced cost and expedited delivery, it would be neither practical nor feasible to advertise for competitive bidding so that requirement is herein waived;

Section 3: The 2023 Budget is amended to adjust two hundred ninety-four thousand nine hundred fifteen dollars and ten cents (\$294,915.10) from the Street Fund Reserves to Account #203810-47410 – Machinery and Equipment;

Section 4 - Emergency Clause: The need to make this purchase is immediate, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 5 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 6 - Repeal of Conflicting Ordinances: All Ordinances of the City Council, or parts of Ordinances of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

ATTEST:

STEPHANIE ORMAN, Mayor

KIRBY ROMINES, City Clerk



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Transportation
Submitted by	Dennis Birge
Phone	(479) 271-5964

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Resolution to enter into a Utility Work Agreement with Black Hills Energy (BHE) to adjust BHE's facilities for conflicts with road and drainage improvements for 8th Street (PO21900715, PIIP20-0007). Estimated cost of the work is \$55,022.13. This is a part of the 8th Street Construction Project.					

Estimated Cost	\$55,022.13
Is this Item Budgeted?	☐ Yes ☒ No
If no, please explain how item will be funded (briefly explain in space below) :	
Funding to be provided from the Street Bond Fund (2021 series)	



Memorandum



To: Mayor and City Council

From: Dennis Birge, Director of Transportation

Date: Tuesday, July 11, 2023

Re: BHE Utility Work Agreement – 8th Street Construction (PO21900715, PIIP20-0007)

Staff requests approval of a resolution allowing the Mayor and City Clerk to enter into a Utility Work Agreement with Black Hills Energy for the 8th Street Construction project (PO21900715, PIIP20-0007).

This is due to utility's conflict with road and drainage improvements being installed with the 8th Street Construction project. The original BHE agreement on this project was before the redesign of the roadway; therefore this utility adjustment was not needed or accounted for in the original agreement.

The amount for this agreement is \$55,022.13.

Please contact me with any questions or concerns regarding this contract or the project as a whole. My email is dbirge@bentonvillear.com and my telephone number is (479) 271-5964.



UTILITY WORK AGREEMENT Municipality

Municipality: City of Bentonville, AR
Municipality Address: 1000 SW 14th St, Bentonville, Ar 72712
Job Location: 8thSt. Market 801 SE 8th St.

This Utility Work Agreement ("Agreement") is made and entered into this **30th** day of **May, 2023**, by and between **City of Bentonville, Arkansas** (hereinafter referred to as "Municipality"), and Black Hills Energy Arkansas, Inc. (hereinafter referred to as "Black Hills").

WHEREAS, Municipality proposes to make certain improvements at the location designated above, and as a result of such improvements, Black Hills must adjust, enhance, locate, observe, and/or relocate certain of its existing facilities, or construct additional facilities; and

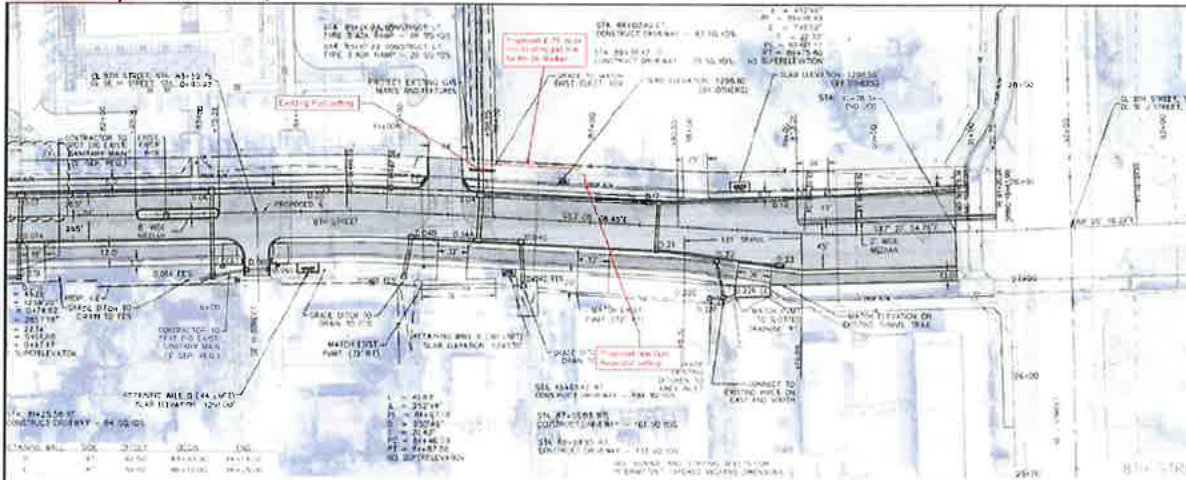
WHEREAS, in connection with Municipality's proposed improvements, Municipality wishes Black Hills to do the following:

Work to begin at 36.3642334 -94.1988324. Bhe will need to replace an existing HP gas regulator setting due to road and drainage improvements. Approx. 40' of 4" PE and a new regulator setting
(hereinafter referred to as the "Work"); and

WHEREAS, such Work is shown in detail in Black Hills' plans, sketches, estimate of cost, and specifications (when applicable), which are attached to this Agreement and



made a part hereof; and



WHEREAS, Municipality agrees to pay for the cost of such Work to the extent herein agreed upon.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES AND OTHER VALUABLE CONSIDERATION HEREIN ACKNOWLEDGED, MUNICIPALITY AND BLACK HILLS AGREE AS FOLLOWS:

1. Where applicable hereunder by reason of new utility occupancy or crossing of Municipality's property, Municipality hereby grants to Black Hills an easement or license to install and operate utility facilities on or across Municipality's property as shown on the approved plans or sketch maps attached hereto and made a part hereof. Prior to Black Hills beginning the Work, Municipality will, at no cost to Black Hills, furnish Black Hills with all necessary easements, rights of way and permits.

2. Where applicable hereunder by reason of new construction on existing utility rights of way, Black Hills hereby grants to Municipality the right to use for Municipality's purposes the lands within the limits of the improvement project limits on or across which Black Hills holds a valid property interest antedating Municipality's rights which were subsequently acquired in the same lands, and which property rights Black Hills shall retain so long as Black Hills, its successors or assigns continues such use and occupancy and does not abandon, and thereby release, such property interest to Municipality through removal of facilities in performing the Work or by subsequent removal of facilities for Black Hills' convenience; and Municipality hereby agrees that Black Hills, by granting said right and by said continued joint use and occupancy, does not waive any future claim for reimbursement for any costs as may be eligible for reimbursement by reason of such prior property interest, nor does Black Hills waive any other legal or property right held under the laws or Constitution of the State of Arkansas or the United States.



3. In the event that future construction, reconstruction, expansion, relocation, rehabilitation, betterment, maintenance, or other work on the facilities owned and operated by either Municipality or Black Hills in the area jointly occupied or used under either or both Paragraphs 1 or 2 of this Agreement will disturb, detrimentally affect, interfere, or be inconvenient to the facilities or responsibilities of either party, the parties hereto shall reach agreement in writing as to locations, extent, and methods of such work before the work is undertaken. In a case of emergency, and where immediate action is necessary for the protection of the public and to minimize damage to or loss of investment in the property of Municipality or of Black Hills, either party hereto may, at its own responsibility and risk, make any necessary emergency repairs, and shall notify the other party hereto of such action as soon as practicable.

4. The estimated cost of the Work is **\$55,022.13**. After it has completed the Work, Black Hills will bill Municipality for the actual cost of the Work. Municipality shall pay such invoice within 30 days of Municipality's receipt of the invoice.

5. Black Hills will perform the Work, as described on the first page of this Agreement. Black Hills will endeavor to perform the Work within a reasonable time period, subject to applicable laws, rules and regulations of governmental authorities, and subject to any delay occasioned by lack of right of way, availability of materials and supplies, force majeure or events or conditions of whatsoever nature reasonably beyond Black Hills' control, and further conditioned upon the receipt of all required approvals and consents in form and substance acceptable to Black Hills. Black Hills shall not be obligated to commence the Work unless and until, at no cost to Black Hills, all necessary easements and rights of way have been executed, acknowledged and delivered to Black Hills in a form acceptable to Black Hills.

6. Title to and ownership of facilities which are the subject of the Work shall forever be and remain exclusively and unconditionally vested in Black Hills. Municipality understands, acknowledges and agrees that Municipality shall have no title to, interest in, or ownership of those facilities.

7. It is mutually agreed by the parties hereto that the provisions of this Agreement pertaining to property rights, right of way occupancy permission, access for servicing when applicable, and joint use of rights of way shall continue in full force and effect from the date of this Agreement, and shall be perpetually binding upon each party, and its representatives, successors and assigns.

8. Municipality and Black Hills acknowledge that there are no agreements or understandings, either written or oral, between the parties related to the Work, other than as set forth in this Agreement, and that this Agreement (including any attachments hereto) contains the entire agreement between the parties regarding the Work.



9. This Agreement shall be governed in accordance with the laws of the State of Arkansas, the rules and regulations of the Arkansas Public Service Commission, and the Tariff of Black Hills. In the event of a conflict between this Agreement and any such laws, rules, regulations or Tariff, such laws, rules, regulations or Tariff shall control.

10. In the event Black Hills is required to initiate litigation to enforce the terms and conditions of this Agreement, then Black Hills shall have the right to recover from Municipality Black Hills' costs and expenses of such litigation, including reasonable attorney fees.

11. Municipality acknowledges that it has been afforded an opportunity to have its attorney review and explain the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate by their duly authorized representatives on the date stated above.

BLACK HILLS ENERGY ARKANSAS INC.

CITY OF BENTONVILLE, ARKANSAS

By: 

By: _____

Its:  Sec. Manager - Operations

Its: _____

Federal Tax I.D. No.: _____

RESOLUTION NO. _____

A RESOLUTION ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH BLACK HILLS ENERGY TO ADJUST UTILITY FACILITIES FOR THE 8TH STREET CONSTRUCTION PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, Utility work is needed for the 8th Street Construction Project;

WHEREAS, this agreement is for adjustment of utility facilities for conflicts with road and drainage improvements; and

WHEREAS, the total cost of this agreement will not exceed fifty-five thousand twenty-two dollars and thirteen cents (\$55,022.13), funding to be provided from the 2021 Street Bond Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are authorized to enter into an agreement with Black Hills Energy to provide utility services for the 8th Street Construction Project;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2023.

APPROVED:

STEPHANIE ORMAN, Mayor

Attest:

KIRBY ROMINES, City Clerk



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Transportation
Submitted by	Dennis Birge
Phone	479-271-5964

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Resolution allowing the Mayor and City Clerk to apply for a \$3,799,532 STBGP-A grant administered through the NWARPC and commit to the funding of Bentonville's share of the 20% matching funds.					

Estimated Cost	\$504,416.00
Is this Item Budgeted?	☐ Yes ☒ No
If no, please explain how item will be funded (briefly explain in space below) :	
Funded from the Street Reserve Fund.	



Memorandum



To: Mayor Orman and City Council

From: Dennis Birge, Transportation Director

Date: Monday, July 03, 2023

Re: Application for Surface Transportation Block Grant Program – Attributable (STBGP-A) Funds for Right of Way and Utility Relocations for Improvements to Greenhouse Road

Staff recommends City Council approval of a resolution expressing the willingness of the City to apply for \$3,799,532 from the federal-aid FFY 2024 Surface Transportation Block Grant Program– Attributable (STBGP-A) funds administered by the Northwest Arkansas Regional Planning Commission (NWARPC) to perform Right of Way acquisition and Utility relocation for improvements to Greenhouse Road. This project is a partnership between the City of Bentonville and the City of Centerton. If awarded, the grant will pay 80% of the total cost up to the grant amount. The two cities must match 20%, estimated to be \$949,883. Bentonville’s portion would be calculated as shown below. The matching funds will be funded from the Street Construction account.

Total cost	\$4,749,415
80% Federal Fund	\$3,799,532
20% City Match	\$949,883

Bentonville cost share:

20% of Bentonville Water/Sewer Relocation	\$248,438
20% of Bentonville Communication / BHE	\$60,000
55% of the ROW 20% match (20% of \$1,781,625)	\$195,978
Total Bentonville share of Match funding	\$504,416

For information only, Centerton cost share:

20% of Centerton Water Relocation	\$145,120
20% of Centerton Communication / BHE	\$140,000
45% of the ROW 20% match (20% of \$1,781,625)	\$160,347
Total Bentonville share of Match funding	\$445,467

Thank you for your consideration of this request. Please contact me at dbirge@bentonvillear.com or 479-271-5964 with any questions or comments.

RESOLUTION NO _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTONVILLE TO APPLY FOR SURFACE TRANSPORTATION BLOCK GRANT PROGRAM-ATTRIBUTABLE (STBGP-A) GRANT FUNDING FOR GREENHOUSE ROAD AND AGREES TO THE 20% LOCAL MATCH REQUIRED BY THE FUNDER IF AWARDED

WHEREAS, the City of Bentonville understands Surface Transportation Block Attributable grant programs are available at an 80% funder and 20% local government financial match arrangement to complete right of way and utility work for the improvement of Greenhouse Road; and

WHEREAS, the City of Bentonville understands that the funds for this project, if awarded, are available upon a reimbursement basis only, requiring work to be done, proof of payment completed and submitted to the funder, prior to the fiscal reimbursement from the funder; and

WHEREAS, this project, using a portion of federal pass-through funds will be open and available for use by the public and will be maintained by the applicant: and

WHEREAS, the City of Bentonville intends to partner with the City of Centerton and apply for Surface Transportation Block Grant Program – Attributable (STBGP-A) grant funding for this project; and

WHEREAS, the current application requires applicants to contribute towards the total project cost amount of \$4,749,415.00; and

WHEREAS, the local match required for this amount would total 20% of the total project cost which is \$949,883.00; and

WHEREAS, the local match for Right of Way acquisition would be split between the City of Bentonville and the City of Centerton based on the linear footage of roadway currently estimated in each municipality; and

WHEREAS, the local match for Bentonville Utility would be funded by the City of Bentonville and the local match for Centerton Utility would be funded by the City of Centerton.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BENTONVILLE CITY COUNCIL THAT:

Section 1. The City of Bentonville will submit a Surface Transportation Block Grant Program-Attributable proposal to the Northwest Arkansas Regional Planning Council, in collaboration with the City of Centerton.

Section 2. The City of Bentonville Mayor is hereby authorized and directed to execute all appropriate grant contracts necessary to expedite the above stated project, upon notification of award.

Section 3. The City of Bentonville pledges its full support and hereby authorizes the Streets Department to submit the Surface Transportation Block Grant Program-Attributable Proposal as the Lead applicant in collaboration with the City of Centerton.

Section 4. The required matching in the amount of \$949,883.00 are hereby committed out of the Street Reserve Fund account pending the approval of the application and commitment from the City of Centerton on their portion of the local match.

THIS RESOLUTION adopted this _____ day of _____, 2023.

Stephanie Orman, Mayor

ATTEST: _____
Kirby Romines, City Clerk

(SEAL)



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Engineering (for City-Wide use)
Submitted by	Dan Weese
Phone	(479) 254-2024

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Resolution to award IFB-23-32-Re-Bid-Indefinite Delivery, Indefinite Quantity (IDIQ) Sidewalk and other Concrete Work to Milestone Construction Company, LLC per the Unit Prices attached, for a one-year Contract not to exceed \$1,500,000.00, for sidewalk and other concrete work as needed. This Contract will be available for city-wide use based on each Department's budget for this work. This was the lowest Bid received. No Budget Adjustment is needed.					

Estimated Cost	\$1,500,000.00
Is this Item Budgeted?	☒ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below) :	
Each Department will use their Budget for sidewalk and concrete work as needed/as is applicable.	





MEMORANDUM

LEGAL DEPARTMENT - PURCHASING

FROM: Gladys Shoemake, Purchasing Manager

DATE: July 05, 2023

RE: IFB-23-32-RE-BID-IDIQ SIDEWALKS AND OTHER CONCRETE WORK

The IFB-23-32-Re-Bid for Sidewalks and other Concrete Work represents our initiative to implement more city-wide solutions instead of department specific solutions, this time for Departments to have a sidewalk and concrete contract available for use.

IDIQ stands for "Indefinite Delivery, Indefinite Quantity", meaning that the Contract is used on an as needed basis per the Unit Prices submitted in the Bid.

The IFB-23-32-Re-Bid Contract has a Not to Exceed amount set at \$1,500,000.00. This means that the total payments to the Contractor during the one-year term, city-wide, cannot exceed \$1,500,000.00 without an amendment approved by Council. Each Department will have access to use this Contract based on their departmental needs and budgets.

Please note that the quantities used in the Bid (represented on the Bid Tabulation attached) were placeholders only and various amounts were used to weight specific Line Items to ensure the Contract would be beneficial to the City; the actual quantities for each Work Assignment a Department uses the Contract for will vary, but the Unit Prices will govern. Contractors were clearly communicated with throughout the bid process regarding these quantities and understand this is an annual contract.

The lead Department on this solicitation was the Engineering Department, and as such they are bringing the Bid Award forward for approval. The Estimated Cost in their Agenda Item represents the total award value for city-wide use, not necessarily what the Engineering Department will spend on this work.

Additional IDIQ contract types are under review in our Department for future use. While this is a new approach for this type of Contract for the City, the City has utilized other types of "blanket" contracts throughout the years, such as the Boring & Trenching Contract, Uniforms, and various Professional Services. If this Contract is successful, we plan to re-bid annually.

Please contact me with any questions.

Thank you,

Gladys Shoemake

(479) 271-3115

gshoemake@bentonvillear.com



IDIQ Bid Submissions for Review | Received June 29, 2023
Bentonville Sidewalk Improvements
City of Bentonville, Arkansas

Project No. 023-00574

		N.E.C., Inc.				Verzani Construction, LLC		Milestone Construction, LLC	
Line	Item Description	UofM	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	4" concrete demolition, including haul off	SY	370	\$ 22 50	\$ 8,325.00	\$ 50 00	\$ 18,500.00	\$ 16 81	\$ 6,219.70
2	6" concrete demolition, including haul off	SY	370	\$ 22 50	\$ 8,325.00	\$ 75 00	\$ 27,750.00	\$ 26 22	\$ 9,701.40
3	Curb and gutter demolition, including haul off	LF	660	\$ 13 00	\$ 8,580.00	\$ 20 00	\$ 13,200.00	\$ 16.43	\$ 10,843.80
4	Roadway demolition, including haul off	SY	500	\$ 17 00	\$ 8,500.00	\$ 75 00	\$ 37,500.00	\$ 20 37	\$ 10,185.00
5	Clear and grub and haul off (up to 6") - Over 100 SY	SY	400	\$ 21 00	\$ 8,400.00	\$ 20 00	\$ 8,000.00	\$ 15.75	\$ 6,300.00
6	Clear and grub and haul off (up to 6") - Under 100 SY	SY	80	\$ 53 50	\$ 4,280.00	\$ 25 00	\$ 2,000.00	\$ 17 06	\$ 1,364.80
7	Clear and grub and haul off (up to 12") - Over 100 SY	SY	400	\$ 22 50	\$ 9,000.00	\$ 35 00	\$ 14,000.00	\$ 24 27	\$ 9,708.00
8	Clear and grub and haul off (up to 12") - Under 100 SY	SY	80	\$ 57 50	\$ 4,600.00	\$ 40 00	\$ 3,200.00	\$ 27 56	\$ 2,204.80
9	Clear and grub and haul off (up to 14") - Over 100 SY	SY	400	\$ 23 00	\$ 9,200.00	\$ 40 00	\$ 16,000.00	\$ 27 81	\$ 11,124.00
10	Clear and grub and haul off (up to 14") - Under 100 SY	SY	80	\$ 57 50	\$ 4,600.00	\$ 45 00	\$ 3,600.00	\$ 31.48	\$ 2,518.40
11	Compact 12" of existing subgrade - Over 100 SY	SY	400	\$ 21 00	\$ 8,400.00	\$ 15 00	\$ 6,000.00	\$ 5.11	\$ 2,044.00
12	Compact 12" of existing subgrade - Under 100 SY	SY	80	\$ 52 50	\$ 4,200.00	\$ 20 00	\$ 1,600.00	\$ 13.14	\$ 1,051.20
13	Remove unsuitable material, furnish, haul and install select fill 12" thick (additional depth paid based on 12" price prorated) - Under 100 SY	SY	400	\$ 36 50	\$ 14,600.00	\$ 75 00	\$ 30,000.00	\$ 35.77	\$ 14,308.00
14	Remove unsuitable material, furnish, haul and install select fill 12" thick (additional depth paid based on 12" price prorated) - Under 100 SY	SY	80	\$ 99 00	\$ 7,920.00	\$ 80 00	\$ 6,400.00	\$ 92 35	\$ 7,388.00
15	Furnish, haul and install 4" base per details - Over 100 SY	SY	400	\$ 27 50	\$ 11,000.00	\$ 15 00	\$ 6,000.00	\$ 18.47	\$ 7,388.00
16	Furnish, haul and install 4" base per details - Under 100 SY	SY	80	\$ 60 00	\$ 4,800.00	\$ 15 00	\$ 1,200.00	\$ 27.19	\$ 2,175.20
17	Furnish, haul and install 6" base per details - Over 100 SY	SY	400	\$ 31 00	\$ 12,400.00	\$ 23 00	\$ 9,200.00	\$ 20 59	\$ 8,236.00
18	Furnish, haul and install 6" base per details - Under 100 SY	SY	80	\$ 61 00	\$ 4,880.00	\$ 23 00	\$ 1,840.00	\$ 35.41	\$ 2,832.80
19	Furnish and install select fill - Over 50 CY	CY	100	\$ 143 00	\$ 14,300.00	\$ 35 00	\$ 3,500.00	\$ 28 32	\$ 2,832.00
20	Furnish and install select fill - Under 50 CY	CY	40	\$ 126 50	\$ 5,060.00	\$ 40 00	\$ 1,600.00	\$ 150 20	\$ 6,008.00
21	Furnish and install topsoil 4" per ArDOT standards - Over 200 SY	SY	300	\$ 18 50	\$ 5,550.00	\$ 25 00	\$ 7,500.00	\$ 9 37	\$ 2,811.00
22	Furnish and install topsoil 4" per ArDOT standards - Under 200 SY	SY	100	\$ 51 00	\$ 5,100.00	\$ 25 00	\$ 2,500.00	\$ 34 09	\$ 3,409.00
23	Furnish and install fillable flow	CY	40	\$ 392 00	\$ 15,680.00	\$ 400 00	\$ 16,000.00	\$ 584 00	\$ 23,360.00
24	Construct curb and gutter per details (subgrade and base price paid separately) - Over 100 LF	LF	660	\$ 48 00	\$ 31,680.00	\$ 50 00	\$ 33,000.00	\$ 36 50	\$ 24,090.00
25	Construct curb and gutter per specifications (subgrade and base price paid separately) - Under 100 LF	LF	80	\$ 67 00	\$ 5,360.00	\$ 70 00	\$ 5,600.00	\$ 36 50	\$ 2,920.00
26	Construct sidewalks per specifications (subgrade and base price paid separately) - Over 50 SY	SY	400	\$ 104 00	\$ 41,600.00	\$ 90 00	\$ 36,000.00	\$ 65.70	\$ 26,280.00
27	Construct sidewalks per specifications (subgrade and base price paid separately) - Under 50 SY	SY	40	\$ 259 50	\$ 10,380.00	\$ 110 00	\$ 4,400.00	\$ 65.70	\$ 2,628.00
28	Construct ADA ramps per specifications (subgrade and base price paid separately)	SY	2	\$ 1,926 00	\$ 3,852.00	\$ 120 00	\$ 240.00	\$ 1,168 00	\$ 2,336.00
29	Construct residential driveways/drives per specifications (subgrade and base price paid separately)	SY	3	\$ 1,191 00	\$ 3,573.00	\$ 120 00	\$ 360.00	\$ 91 98	\$ 275.94
30	Construct commercial driveways/drives per specifications (subgrade and base price paid separately)	SY	1	\$ 1,844 00	\$ 1,844.00	\$ 160 00	\$ 160.00	\$ 91 98	\$ 91.98
31	Construct concrete trail 4" thick poly fiber reinforced saw cut contraction joints expansion joints using black board and zip strips (subgrade and base price paid separately) - Over 100 SY	SY	200	\$ 107 00	\$ 21,400.00	\$ 95 00	\$ 19,000.00	\$ 73 00	\$ 14,600.00
32	Construct concrete trail 4" thick poly fiber reinforced saw cut contraction joints expansion joints using black board and zip strips (subgrade and base price paid separately) - Under 100 SY	SY	40	\$ 227 00	\$ 9,080.00	\$ 110 00	\$ 4,400.00	\$ 73 00	\$ 2,920.00
33	Construct concrete trail 6" thick poly fiber reinforced saw cut contraction joints expansion joints using black board and zip strips (subgrade and base price paid separately) - Over 100 SY	SY	200	\$ 142 00	\$ 28,400.00	\$ 125 00	\$ 25,000.00	\$ 86.14	\$ 17,228.00
34	Construct concrete trail 6" thick poly fiber reinforced saw cut contraction joints expansion joints using black board and zip strips (subgrade and base price paid separately) - Under 100 SY	SY	40	\$ 248 00	\$ 9,920.00	\$ 135 00	\$ 5,400.00	\$ 86.14	\$ 3,445.60
35	Construct concrete trail 8" thick poly fiber reinforced saw cut contraction joints expansion joints using black board and zip strips (subgrade and base price paid separately) - Under 100 SY	SY	200	\$ 168 00	\$ 33,600.00	\$ 145 00	\$ 29,000.00	\$ 105.12	\$ 21,024.00
36	Construct circular curb inlet per specifications (6' maximum depth)	EACH	2	\$ 9,684 00	\$ 19,368.00	\$ 5,000 00	\$ 10,000.00	\$ 10,220 00	\$ 20,440.00
37	Construct regular curb inlet per specifications (6' maximum depth)	EACH	2	\$ 11,044 00	\$ 22,088.00	\$ 5,000 00	\$ 10,000.00	\$ 10,220 00	\$ 20,440.00
38	Construct 4' throat extension for curb inlet	EACH	1	\$ 2,364 00	\$ 2,364.00	\$ 1,500 00	\$ 1,500.00	\$ 2,190 00	\$ 2,190.00



IDIQ Bid Submissions for Review | Received June 29, 2023
Bentonville Sidewalk Improvements
City of Bentonville, Arkansas

Project No. 023-00574

		N.E.C., Inc.				Verzani Construction, LLC		Milestone Construction, LLC	
Line Item	Item Description	UofM	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
39	Construct 8' throat extension for curb inlet	EACH	1	\$ 4,614.00	\$ 4,614.00	\$ 1,500.00	\$ 1,500.00	\$ 3,690.00	\$ 3,690.00
40	Construct concrete wing wall per ArDOT specs footing included (note price is per CY) (4000 PSI Concrete)	CY	3	\$ 6,104.00	\$ 18,312.00	\$ 1,500.00	\$ 4,500.00	\$ 1,168.00	\$ 3,504.00
41	Construct concrete retaining wall (less than 4' tall) footing included (note price is per CY) (4000 PSI Concrete)	CY	7	\$ 2,975.00	\$ 20,825.00	\$ 1,500.00	\$ 10,500.00	\$ 1,460.00	\$ 10,220.00
42	Construct flat work 6" thick with #4 rebar at 12" O.C. (4000 PSI Concrete)	SY	20	\$ 157.50	\$ 3,150.00	\$ 155.00	\$ 3,100.00	\$ 105.12	\$ 2,102.40
43	Furnish and install keystone block (or approved equal) retaining wall per manufacturer's recommendation (less or equal to four feet in height) including base excavation and backfill.	SF	180	\$ 86.00	\$ 15,480.00	\$ 50.00	\$ 9,000.00	\$ 76.65	\$ 13,797.00
44	Repair sidewalk settled next to curb inlet; this price includes the cost to tie into the curb inlet box per linear foot of tie in. The cost for demolition, subgrade preparation, base, and concrete will be paid for under separate line items.	EACH	2	\$ 3,622.00	\$ 7,244.00	\$ 3,000.00	\$ 6,000.00	\$ 730.00	\$ 1,460.00
45	Construct patterned concrete 4" thick	SF	150	\$ 45.50	\$ 6,825.00	\$ 45.00	\$ 6,750.00	\$ 21.90	\$ 3,285.00
46	Construct patterned concrete 8" thick	SF	150	\$ 50.50	\$ 7,575.00	\$ 60.00	\$ 9,000.00	\$ 29.20	\$ 4,380.00
47	Repair commercial streetlight base (30"x6' deep) per specifications. Requires the contractor to drill and epoxy the anchor bolts back in place.	EACH	20	\$ 2,349.00	\$ 46,980.00	\$ 2,000.00	\$ 40,000.00	\$ 1,314.00	\$ 26,280.00
48	Replace commercial streetlight base (30"x6' deep) per specifications. Requires the contractor to furnish and install the anchor bolts back in place.	EACH	15	\$ 2,294.00	\$ 34,410.00	\$ 3,200.00	\$ 48,000.00	\$ 2,336.00	\$ 35,040.00
49	Repair residential streetlight base (24"x30") per specifications. Requires the contractor to drill and epoxy the anchor bolts back in place.	EACH	20	\$ 1,598.00	\$ 31,960.00	\$ 2,000.00	\$ 40,000.00	\$ 1,022.00	\$ 20,440.00
50	Replace residential streetlight base (24"x30") per specifications.	EACH	15	\$ 2,047.00	\$ 30,705.00	\$ 2,500.00	\$ 37,500.00	\$ 2,044.00	\$ 30,660.00
51	Install 3-Phase Transformer Pad per specifications attached.	EACH	25	\$ 883.50	\$ 22,087.50	\$ 2,800.00	\$ 70,000.00	\$ 1,752.00	\$ 43,800.00
52	Construct construction entrance per specifications	EACH	1	\$ 7,319.00	\$ 7,319.00	\$ 3,500.00	\$ 3,500.00	\$ 8,219.80	\$ 8,219.80
53	Construct concrete washout	EACH	1	\$ 1,136.00	\$ 1,136.00	\$ 800.00	\$ 800.00	\$ 1,460.00	\$ 1,460.00
54	Furnish, install, maintain and remove wattles	LF	660	\$ 3.50	\$ 2,310.00	\$ 10.00	\$ 6,600.00	\$ 9.13	\$ 6,025.80
55	Furnish, install, maintain and remove rock check dams (25' wide)	EACH	2	\$ 2,186.00	\$ 4,372.00	\$ 1,600.00	\$ 3,200.00	\$ 1,343.20	\$ 2,686.40
56	Furnish, install, maintain and remove rock check dams (40' wide)	EACH	2	\$ 2,186.00	\$ 4,372.00	\$ 3,200.00	\$ 6,400.00	\$ 2,044.00	\$ 4,088.00
57	Furnish, install, maintain and remove silt fence	LF	660	\$ 8.50	\$ 5,610.00	\$ 5.00	\$ 3,300.00	\$ 9.90	\$ 6,534.00
58	Furnish, install, maintain and remove sediment filters around inlets	LF	40	\$ 91.50	\$ 3,660.00	\$ 20.00	\$ 800.00	\$ 40.15	\$ 1,606.00
59	Furnish and install, erosion control mats DS75 by North American Green or approved equal (per manufacturer's recommendations)	SF	300	\$ 8.50	\$ 2,550.00	\$ 2.00	\$ 600.00	\$ 8.76	\$ 2,628.00
60	Furnish and install scourstop with sod (per manufacturer's recommendations) (sod sold separately)	SF	300	\$ 31.50	\$ 9,450.00	\$ 50.00	\$ 15,000.00	\$ 57.67	\$ 17,301.00
61	Seed and straw per ArDOT standards	SY	300	\$ 11.50	\$ 3,450.00	\$ 3.00	\$ 900.00	\$ 1.97	\$ 591.00
62	Sod (Bermuda) per ArDOT standards	SY	300	\$ 13.50	\$ 4,050.00	\$ 8.00	\$ 2,400.00	\$ 7.30	\$ 2,190.00
63	Furnish and install hydroseed per city standards	SY	300	\$ 3.50	\$ 1,050.00	\$ 4.00	\$ 1,200.00	\$ 1.97	\$ 591.00
64	Install 18" or equivalent Class III RCP, including excavation and haul off of unsuitable material (backfill paid for separately). Contractor to furnish and install all items.	LF	100	\$ 149.50	\$ 14,950.00	\$ 80.00	\$ 8,000.00	\$ 154.98	\$ 15,498.00
65	Install 24" or equivalent Class III RCP, including excavation and haul off of unsuitable material (backfill paid for separately). Contractor to furnish and install all items.	LF	100	\$ 160.50	\$ 16,050.00	\$ 120.00	\$ 12,000.00	\$ 195.71	\$ 19,571.00
66	Install 30" or equivalent Class III RCP, including excavation and haul off of unsuitable material (backfill paid for separately). Contractor to furnish and install all items.	LF	100	\$ 245.00	\$ 24,500.00	\$ 160.00	\$ 16,000.00	\$ 216.37	\$ 21,637.00
67	Install 36" or equivalent Class III RCP, including excavation and haul off of unsuitable material (backfill paid for separately). Contractor to furnish and install all items.	LF	100	\$ 298.00	\$ 29,800.00	\$ 200.00	\$ 20,000.00	\$ 309.52	\$ 30,952.00
68	Install 18" or equivalent concrete flared end section.	EACH	4	\$ 3,148.00	\$ 12,592.00	\$ 1,050.00	\$ 4,200.00	\$ 1,657.10	\$ 6,628.40
69	Install 24" or equivalent concrete flared end section.	EACH	4	\$ 3,303.00	\$ 13,212.00	\$ 1,700.00	\$ 6,800.00	\$ 1,730.10	\$ 6,920.40
70	Install 30" or equivalent concrete flared end section.	EACH	4	\$ 3,535.00	\$ 14,140.00	\$ 2,300.00	\$ 9,200.00	\$ 2,357.90	\$ 9,431.60
71	Install 36" or equivalent concrete flared end section.	EACH	4	\$ 4,307.00	\$ 17,228.00	\$ 2,400.00	\$ 9,600.00	\$ 2,752.10	\$ 11,008.40
72	Place and compact backfill around and above pipe with suitable subgrade to 95% standard proctor density (in place).	CY	3	\$ 428.50	\$ 1,285.50	\$ 50.00	\$ 150.00	\$ 282.27	\$ 846.81



IDIQ Bid Submissions for Review | Received June 29, 2023
Bentonville Sidewalk Improvements
City of Bentonville, Arkansas

Project No. 023-00574

		N.E.C., Inc.				Verzani Construction, LLC		Milestone Construction, LLC	
Line Item	Item Description	UofM	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
73	Furnish and install black powder coated handrail per detail.	LF	50	\$ 81 50	\$ 4,075.00	\$ 166 00	\$ 8,300.00	\$ 211.70	\$ 10,585.00
74	Furnish and install galvanized handrail per detail.	LF	50	\$ 81 50	\$ 4,075.00	\$ 180 00	\$ 9,000.00	\$ 160.60	\$ 8,030.00
75	1" yard line relocation (requires state licensed plumber)	LF	10	\$ 581 00	\$ 5,810.00	\$ 45 00	\$ 450.00	\$ 493 84	\$ 4,938.40
76	Furnish and install 2" waterline (private 2" service line) (requires state licensed plumber)	LF	10	\$ 608 00	\$ 6,080.00	\$ 50 00	\$ 500.00	\$ 589 98	\$ 5,899.80
77	Furnish and install 3" conduit for electrical (requires state licensed plumber)	LF	30	\$ 199 50	\$ 5,985.00	\$ 30 00	\$ 900.00	\$ 93 38	\$ 2,801.40
78	Furnish and install 4" conduit for electrical (requires state licensed electrician)	LF	30	\$ 213 50	\$ 6,405.00	\$ 35 00	\$ 1,050.00	\$ 108 01	\$ 3,240.30
79	Furnish and install quazite boxes (requires state licensed electrician)	EACH	1	\$ 5,957 00	\$ 5,957.00	\$ 1,250 00	\$ 1,250.00	\$ 4,307 00	\$ 4,307.00
80	Adjust manhole lids UP (up to 6")	EACH	1	\$ 4,128 00	\$ 4,128.00	\$ 1,200 00	\$ 1,200.00	\$ 13,505 00	\$ 13,505.00
81	Adjust manhole lids DOWN	EACH	1	\$ 4,128 00	\$ 4,128.00	\$ 1,200 00	\$ 1,200.00	\$ 13,505 00	\$ 13,505.00
82	Adjust manhole lids (additional 6" increments, first 6" paid for using the Unit Price above)	EACH	1	\$ 1,811 00	\$ 1,811.00	\$ 750 00	\$ 750.00	\$ 1,460 00	\$ 1,460.00
83	Adjust valve boxes (up to 6")	EACH	3	\$ 1,445 00	\$ 4,335.00	\$ 600 00	\$ 1,800.00	\$ 1,455 38	\$ 4,366.14
84	Adjust valve boxes (additional 6" increments, first 6" paid for using the Unit Price above)	EACH	1	\$ 10,542 00	\$ 10,542.00	\$ 200 00	\$ 200.00	\$ 4,366.13	\$ 4,366.13
85	Furnish and install light pole bases per detail (foundation/concrete)	EACH	2	\$ 2,006 00	\$ 4,012.00	\$ 3,200 00	\$ 6,400.00	\$ 1,898 00	\$ 3,796.00
86	Furnish and install fencing (cedar post and rails)	LF	200	\$ 122 00	\$ 24,400.00	\$ 60 00	\$ 12,000.00	\$ 70 08	\$ 14,016.00
87	Furnish and install fencing (chain link)	LF	40	\$ 61 00	\$ 2,440.00	\$ 60 00	\$ 2,400.00	\$ 51.10	\$ 2,044.00
88	Furnish and install pavement striping (4") Thermoplastic	LF	120	\$ 7 00	\$ 840.00	\$ 3 00	\$ 360.00	\$ 14.60	\$ 1,752.00
89	Furnish and install pavement striping (6") Thermoplastic	LF	1	\$ 13 50	\$ 13.50	\$ 3 50	\$ 3.50	\$ 21 90	\$ 21.90
90	Furnish and install pavement striping (12") Thermoplastic	LF	120	\$ 67 50	\$ 8,100.00	\$ 4 00	\$ 480.00	\$ 43 80	\$ 5,256.00
91	Labor Rate (In dollars per hour for miscellaneous items) (This dollar amount is outside of the Line Items in this Bid - all other Line Items shall include labor rates in addition to all other costs)	Per Hour	1	\$ 53 00	\$ 53.00	\$ 80 00	\$ 80.00	\$ 730 00	\$ 730.00
92	Equipment and Operator (In dollars per hour for miscellaneous items) (This dollar amount is outside of the Line Items in this Bid - all other Line Items shall include equipment and operator costs in addition to all other costs)	Per Hour	1	\$ 244 50	\$ 244.50	\$ 250 00	\$ 250.00	\$ 262 80	\$ 262.80
Base Bid Total:					\$ 978,897.00		\$ 886,223.50		\$ 794,878.50

Note: red text indicates calculated amount different than amount shown on bid form

Certified Correct:

Andrew S. Brewer, P.E. - Arkansas No. 13624

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID IFB-23-32-RE-BID TO MILESTONE CONSTRUCTION COMPANY, LLC, FOR INDEFINITE DELIVERY INDEFINITE QUANTITY SIDEWALK AND OTHER CONCRETE WORK NEEDED FOR THE CITY OF BENTONVILLE, ON AN AS-NEEDED BASIS, IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00); AND FOR OTHER PURPOSES.

WHEREAS, Milestone Construction Company, LLC submitted the lowest, most responsible and responsive submission for bid IFB-23-32-Re-Bid;

WHEREAS, this agreement will be for a one-year term allowing the ability to contract out certain job duties for the City of Bentonville to complete projects as needed; and

WHEREAS, this will be paid with budgeted funds for this type of work on an as-needed basis.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are authorized to enter into an agreement with Milestone Construction Company, LLC to contract out certain job duties related to sidewalk and other concrete work needed in the City;

Section 2: The estimated contract cost will be used on an as-needed basis in the amount not to exceed one million five hundred thousand dollars (\$1,500,000.00);

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

KIRBY ROMINES, CITY CLERK



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Engineering
Submitted by	Dan Weese
Phone	(479) 254-2024

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☒ Change Order	☐ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Resolution allowing the Mayor and City Clerk to authorize Agreement Amendment No. 2 with Olsson, Inc. for design services for East Battlefield Improvements (MUNIS# 21ST0001; PIIP22-0020). The cost of this amendment will be \$185,900.00, bringing the total agreement amount to \$1,787,256.00. This is being paid for with the 2021 Street Bond.					

Estimated Cost	\$185,900.00
Is this Item Budgeted?	☐ Yes ☒ No
If no, please explain how item will be funded (briefly explain in space below) :	
This project is part of the 2021 Street Bond program.	



Memorandum



To: Mayor and City Council

From: Dan Weese, Deputy Director of Transportation

Date: Tuesday, July 11, 2023

Re: Agreement Amendment No. 2 for East Battlefield Improvements (MUNIS# 21ST0001; PIIP22-0020)

Staff requests approval of a resolution allowing the Mayor and City Clerk to authorize Agreement Amendment No. 2 with Olsson, Inc. for East Battlefield Improvements (MUNIS#21ST0001; PIIP22-0020).

Additional services for redesign of roadway and drainage to accommodate new sidewalk and path widths, additional project management, and updating of property acquisition documents/landowner meetings.

This amendment will increase the agreement price by an amount of \$185,900.00, bringing the total agreement price to \$1,787,256.00.

Please contact me with any questions or concerns regarding this Agreement Amendment or the project as a whole. My email is dweese@bentonvillear.com and my telephone number is (479) 254-2024.

CONTRACT AMENDMENT 2 EAST BATTLEFIELD IMPROVEMENTS (MUNIS# 21ST0001)

Date: June 13, 2023

This AMENDMENT ("Amendment") shall amend and become a part of the Professional Services Agreement dated July 15, 2021 between City of Bentonville ("Client") and Olsson, Inc. ("Olsson") providing for professional services. Olsson's Scope of Services for the Agreement is as indicated below.

SCOPE OF SERVICES

Olsson shall provide the following additional services (Scope of Services) to Client for the project:

1.0 Project Management, Meetings, Utility Coordination, Permit Coordination

Coordination and meetings with the City, internal team coordination, utility coordination, coordination with permit agencies, and general PM tasks such as invoicing, progress reports, budget and schedule reviews.

Fee: \$43,620

2.0 Roadway Design Services

Update plans to reflect replacing original typical section with updated typical section, see attached exhibit. Redesign sidewalks/trails, driveways, side streets, handicap ramps to new roadway typical section. Determine locations where retaining wall could be utilized to reduce construction limit impacts to surrounding property and design of retaining wall structures.

Fee: \$68,420

3.0 Drainage Design Services

Recalculate drainage areas to reflect new roadway typical section and reanalyze drainage design with updated drainage areas. Redesign and analyze drainage area inlet and swale locations.

Fee: \$23,860

4.0 ROW Acquisition

Updating ROW exhibits and descriptions to reflect new temporary construction easements and drainage easement limits. Conduct meetings with property owners to provide updated exhibits and descriptions.

Fee: \$50,000

COMPENSATION

Time and Expenses Not to Exceed (TENTE) Client shall pay Olsson for the performance of the Scope of Services, the actual time of personnel performing such services in accordance with the Labor Billing Rate Schedule and all actual reimbursable expenses in accordance with the Reimbursable Expense Schedule in the Professional Services Agreement dated July 15, 2021. Olsson shall submit invoices on a monthly basis and payment is due within 30 calendar days of invoice date. Olsson's Scope of Service will be provided on a time and expense basis not to exceed **\$185,900**.

TERMS AND CONDITIONS OF SERVICE

All provisions of the original Agreement not specifically amended herein shall remain unchanged.

If this Contract Amendment satisfactorily sets forth your understanding of our agreement, please sign in the space provided below. Retain a copy for your files and return an executed original to Olsson. This proposal will be open for acceptance for a period of maximum 30 days from the date set forth above, unless changed by us in writing.

OLSSON, INC.

By _____
Richard Herrick, Vice President

By _____
Andrew Brewer, Technical Leader

By signing below, you acknowledge that you have full authority to bind Client to the terms of this Amendment. If you accept this Amendment, please sign:

CITY OF BENTONVILLE

By _____
Stephanie Orman

Title _____ Mayor _____

Dated: _____

Attachments

Amendment 2 – Preliminary Deliverables Schedule

Updated Roadway Typical Section

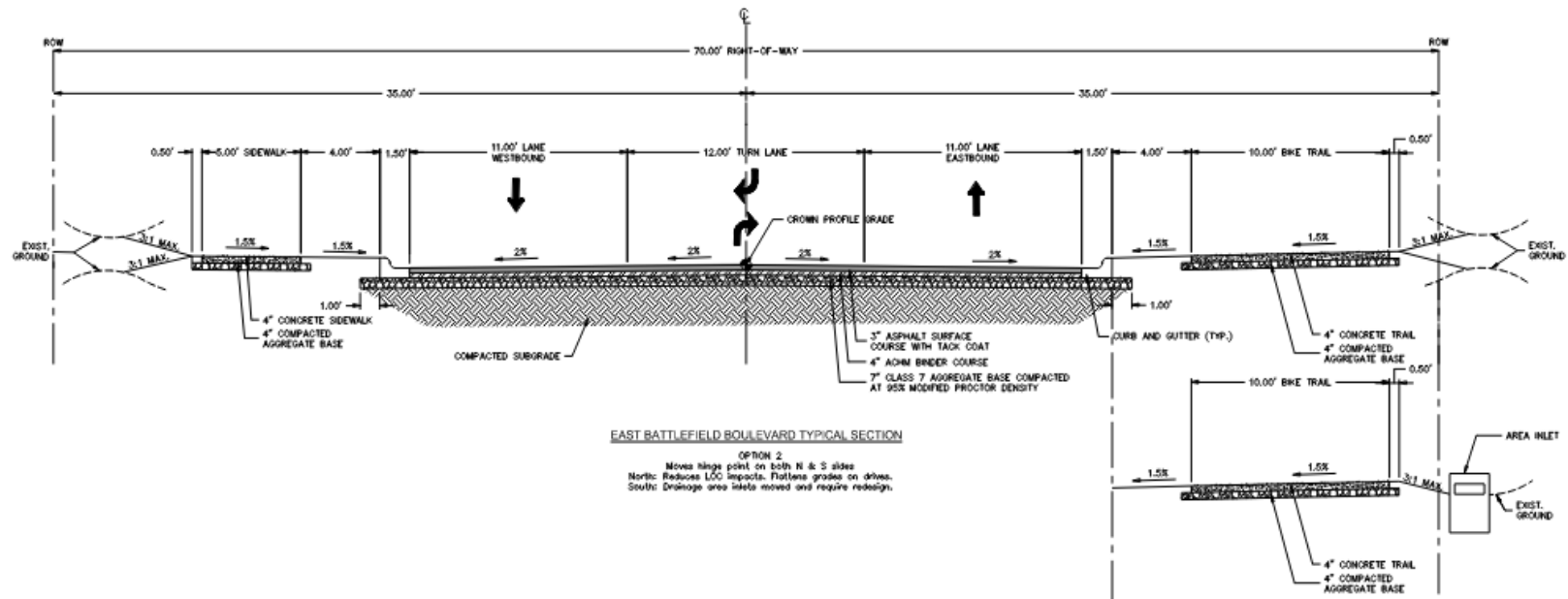
Amendment 2 – Preliminary Deliverables Schedule

Notice to Proceed: July 1, 2023

95% Design: November 1, 2023

Final Design: February 1, 2024

EXHIBIT



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO
AMEND THE AGREEMENT WITH OLSSON, FOR DESIGN SERVICES FOR
THE EAST BATTLEFIELD PROJECT (PIIP22-0020; MUNIS21ST0001); IN THE
AMOUNT OF ONE HUNDRED EIGHTY-FIVE THOUSAND NINE HUNDRED
DOLLARS (\$185,900.00); AND FOR OTHER PURPOSES.**

WHEREAS, the City of Bentonville previously entered into an agreement with Olsson, Inc., for professional services related to the East Battlefield Improvements;

WHEREAS, the City is requesting Olsson to provide services for redesign of roadway and drainage to accommodate new sidewalks and path widths, additional project management and updating of property acquisition documents/landowner meetings; and

WHEREAS, this amendment will be paid from 2021 Street Bond Funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS.

Section 1: That the Mayor and City Clerk be and are hereby authorized to amend the agreement with Olsson for design services for the East Battlefield Project (PIIP22-0020; MUNIS 21ST0001) as set forth in Amendment No. 2 to increase the agreement price by an amount of one hundred eighty-five thousand nine hundred dollars (\$185,900.00);

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

Stephanie Orman, MAYOR

ATTEST:

Kirby Romines, CITY CLERK



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Engineering
Submitted by	Dan Weese
Phone	(479) 254-2024

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☒ Change Order	☐ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Resolution allowing the Mayor and City Clerk to authorize Agreement Amendment No. 1 with Meshek & Associates, LLC for design services for SW Nutmeg Street Drainage Improvements (MUNIS#22EN0001; PIIP23-0002). The cost of this amendment will be \$9,225.00, bringing the total agreement amount to \$176,055.00. No Budget Adjustment is needed.					

Estimated Cost	\$9,225.00
Is this Item Budgeted?	☒ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below) :	



Memorandum



To: Mayor and City Council

From: Dan Weese, Deputy Director of Transportation

Date: Tuesday, July 11, 2023

Re: Agreement Amendment No. 1 for SW Nutmeg Street Drainage Improvements
(MUNIS#22EN0001; PIIP23-0002)

Staff requests approval of a resolution allowing the Mayor and City Clerk to authorize Agreement Amendment No. 1 with Meshek & Associates, LLC for SW Nutmeg Street Drainage Improvements (MUNIS#22EN0001; PIIP23-0002).

This amendment will change the scope of work to include environmental assessment eligibility coverage under a U.S. Army Corps of Engineers (USACE) Section 404 Nationwide Permit.

This amendment will increase the agreement price by an amount of \$9,225.00, bringing the total agreement price to \$176,055.00. This is a budgeted item.

Please contact me with any questions or concerns regarding this Agreement Amendment or the project as a whole. My email is dweese@bentonvillear.com and my telephone number is (479) 254-2024.

AMENDMENT TO OWNER-CONSULTANT AGREEMENT

AMENDMENT TO OWNER-CONSULTANT AGREEMENT

Amendment No. 01

1.01 *Background Data:*

Effective Date of Owner-Consultant Agreement: 01/20/2022

Owner: City of Bentonville

Engineer: Meshek & Associates, LLC

Project: SW Nutmeg Street Drainage Improvements

2.01 *Description of Modifications:*

a. *Consultant shall perform or furnish the following Additional Services:*
Environmental Coordination.

b. *The Scope of Services currently authorized to be performed by Consultant in accordance with the Agreement and previous amendments, if any, is modified as follows:*

Assessment of this project's eligibility for coverage under a U.S. Army Corps of Engineers (USACE) Section 404, Nationwide Permit. Nationwide Permits include General Conditions that limit the permittee from adversely affecting protected resources such as critical resource waters, listed species and/or properties listed, or eligible for listing in the National Register of Historic Places. The Consultant will prepare a Preliminary Jurisdictional Determination (PJD) and Pre-Construction Notification (PCN) to the USACE seeking coverage for impacts regulated under Section 404 of the Clean Water Act (CWA). The Consultant will utilize field data previously collected to prepare the PJD and PCN. No additional field work is included within this scope of work.

This scope of work includes coverage under a CWA, Section 404 Nationwide Permit and does not include cost to perform Archaeological Survey.

Furthermore, additional scope will be necessary if a CWA, Section 404 Individual Permit is required.

c. *The responsibilities of Owner are modified as follows:*
N/A

d. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:

\$9,225.00

e. The schedule for rendering services is modified as follows:

The Nationwide Permit process should require 3 to 4 months after a notice to proceed.

f. Other portions of the Agreement (including previous amendments, if any) are modified as follows:

N/A

Agreement Summary:

a. Original Agreement amount:	\$ 166,830.00
b. Net change for prior amendments:	\$ 0.00
c. This amendment amount:	\$ 9,225.00
d. Adjusted Agreement amount:	\$ 176,055.00

SIGNATURES:

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is 05/22/2023.

By: _____

Printed Name: _____

Title: _____

Date: _____

Consultant's License No.: _____

Meshek & Associates, LLC

By:  _____

Printed Name: Ben Fletcher, PE, LSI

Title: Design Department Manager

Date: 05/22/2023

Consultant's License No.: 1487 (OK)

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO
AMEND THE AGREEMENT WITH MESHEK & ASSOCIATES, LLC., FOR
PROFESSIONAL SERVICES FOR THE SW NUTMEG PROJECT (PIIP23-0002;
MUNIS22EN0001); IN THE AMOUNT OF NINE THOUSAND TWO HUNDRED
TWENTY-FIVE DOLLARS (\$9,225.00); AND FOR OTHER PURPOSES.**

WHEREAS, the City of Bentonville previously entered into an agreement with Meshek & Associates, LLC., for professional services related to the SW Nutmeg Street Drainage Improvements;

WHEREAS, the City is requesting Meshek & Associates to provide services to include environmental assessment eligibility coverage under a U.S. Army Corps of Engineers (USACE) Section 404 Nationwide Permit; and

WHEREAS, this amendment is a budgeted item.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS.

Section 1: That the Mayor and City Clerk be and are hereby authorized to amend the agreement with Meshek & Associates, LLC. for professional services for the SW Nutmeg Project (PIIP23-0002; MUNIS 22EN0001) as set forth in Amendment No. 1 to increase the agreement price by an amount of nine thousand nine hundred twenty-five dollars (\$9,225.00);

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

Stephanie Orman, MAYOR

ATTEST:

Kirby Romines, CITY CLERK



Agenda Item Form

Date of City Council Meeting	7/11/2023
Department	Parks and Recreation
Submitted by	Scott Mendenhall
Phone	(479) 271-3190

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☒ Ordinance	☐ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Ordinance requesting a Waiver of Bid for the purchase of a 2023 Chevrolet Traverse in the amount of \$36,626.94. This vehicle was approved in the 2023 Budget and is a replacement for vehicle 5030-05, a 2012 Dodge Durango. Due to the AR State Contract dealership alerting the Department that the original order (ordered in Dec. 2022) would be cancelled, and due to the current supply chain issue surrounding the purchase of vehicles, it is not practical to solicit competitive bids. Due to immediate purchase being required to guarantee quoted pricing, an emergency clause is needed. No Budget Adjustment is needed.					

Estimated Cost	\$36,626.94
Is this Item Budgeted?	☒ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below) :	



Memo



To: City Council Members and Mayor Orman
Thru: David Wright, Parks and Recreation Director
From: Scott Mendenhall, Park Maintenance Manager
Date: June 28, 2023
Re: City Council approval of a Waiver of Bid Request in the amount of \$36,626.94 to McLarty Daniel Chevrolet for the purchase of a 2023 Chevrolet Traverse.

Parks and Recreation staff is requesting City Council approval of a Waiver of Bid Request in the amount of \$36,626.94, to McLarty Daniel Chevrolet for the purchase of a 2023 Chevrolet Traverse that was approved in the 2023 Budget. The vehicle is a replacement for parks truck 5030-05, a 2012 Dodge Durango.

The qualifying Arkansas State Contract vehicle dealer that Parks and Recreation placed the departments 2023 truck order with in December 2022, informed us in their latest update that the order has not been officially cancelled by the manufacturer and may get cancelled or partially cancelled. The noted vehicle is part of this order. The 2023 Budget specifies a 2023 Chevrolet Traverse for the budgeted amount of \$40,000, and in consideration of the distinct possibility that the new vehicle order, including the Chevrolet Traverse will not be picked up by the manufacturer, our staff has persistently shopped the region for the specified vehicle that meets the budget requirement. Staff was successful in identifying and locating one vehicle that meets the requirements and subsequently is requesting approval of the Waiver of Bid Request to initiate the immediate purchase of the vehicle under the “Emergency Clause”.

McLarty Daniel Chevrolet

Date: **06/26/2023 10:39 AM**

Salesperson: **Billy Tally**

Manager: **Justin Haggard**

FOR INTERNAL USE ONLY

CUSTOMER	Creek Wenger	Home Phone:
Address :	Bentonville, AR 72712	Work Phone :
E-Mail :	cwenger@bentonvillear.com	Cell Phone :

VEHICLE

Stock # :	PJ267095	New / Used :	New	VIN :	1GNERGKW8PJ267095	Mileage:	4
Vehicle :	2023 Chevrolet Traverse			Color :	Summit White		
Type :	LT Cloth w/1LT				1NC56		

Market Value Selling Price	39,590.00
Discount	2,794.06
Rebate	1,000.00
Adjusted Price	35,795.94
Brake Plus/Wheel Locks	699.00
Total Purchase	36,494.94
Taxable Fees (Estimated)	3.00
Service and Handling	129.00
Cash Deposit	.00
Balance	36,626.94

Customer Approval:

Management Approval:

By signing this authorization form, you certify that the above personal information is correct and accurate, and authorize the release of credit and employment information. By signing above, I provide to the dealership and its affiliates consent to communicate with me about my vehicle or any future vehicles using electronic, verbal and written communications including but not limited to eMail, text messaging, SMS, phone calls and direct mail. Terms and Conditions subject to credit approval. For Information Only. This is not an offer or contract for sale.

Type Comments Here:



MCLARTY DANIEL CHEVROLET

JOHN NGUYEN
Sales Professional

MARK OF EXCELLENCE
AWARD WINNER

T (479) 381-8878
Johnnguyen1973@gmail.com

1159 N 45TH STREET
SPRINGDALE, AR 72762

2023 TRAVERSE 1LT CLOTH FWD		GENERAL MOTORS LLC	
GAZ SUMMIT WHITE	/V6G		
H1T JET BLACK		RENAISSANCE CENTER	
ORDER NO. CQM76/TRE	STOCK NO.	DETROIT	MI 48243-1114
VIN 1GN ERGK W8 PJ267095		VEHICLE INVOICE 10D56233397	
*****		*****3583*****13*33363S	
MODEL & FACTORY OPTIONS	MSRP	INV AMT	RETAIL - STOCK
1NC56 TRAVERSE 1LT CLOTH FWD	37045.00	35340.94	INVOICE 05/24/23
FE9 50-STATE EMISSIONS	N/C	N/C	SHIPPED 05/24/23
LFY ENGINE, 3.6L V6, SIDI, VVT	N/C	N/C	EXP I/T 06/12/23
M3V TRANSMISSION, 9-SPD AUTOMATIC	N/C	N/C	INT COM 06/12/23
UD7 REAR PARK ASSIST	0.00	0.00	PRC EFF 05/24/23
UKC LANE CHANGE ALERT WITH	0.00	0.00	KEYS Z1700 Z1700
SIDE BLIND ZONE ALERT			WFP-S QTR OPT-1
ZL3 CONVENIENCE AND DRIVER	1295.00	1178.45	BANK: ALLY - 340
CONFIDENCE PACKAGE:			CHG-TO 33-363
* DISPLAY, MULTI-COLOR DRIVER			
INSTRUMENT INFO ENHANCED		SHIP WT: 4218	
REMOTE VEHICLE START		HP: 32.9	
REAR LIFTGATE, POWER		GVWR: 6173	
* DRIVER & FRONT PASSENGER		GAWR.FT: 3196	
HEATED SEATS		GAWR.RR: 3527	
* CHEVROLET INFOTAINMENT 3 PLUS		EMPLOY: 36626.94	
8" DIAG HD COLOR TOUCHSCREEN		SUPPLR: 38082.44	
VOICE RECOGNITION		NTR:	
BLUETOOTH AUDIO STREAMING,		EMPINC: 2113.59	
WIRELESS APPLE CARPLAY		SUPINC: 658.09	
WIRELESS ANDROID AUTO			
CAPABLE, IN-VEHICLE APPS AND			
PERSONALIZATION CAPABLE			
* UNIVERSAL HOME REMOTE			
060 CREDIT - NOT EQUIPPED W/REAR	145.00-	131.95-	
PARK ASSIST			

TOTAL MODEL & OPTIONS	38195.00	36387.44	ACT 237	36636.59
DESTINATION CHARGE	1395.00	1395.00	H/B 261	1145.85
DEALER IMR CONTRIBUTION		381.95	ADV 261	381.95
LMA GROUP CONTRIBUTION		477.44	EXP 65A	477.44

TOTAL	39590.00	38641.83	PAY 310	38641.83
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MEMO: TOTAL LESS HOLDBACK AND	
APPROX WHOLESALE FINANCE CREDIT	36792.12

INVOICE DOES NOT REFLECT DEALER'S ULTIMATE COST BECAUSE OF MANUFACTURER REBATES, ALLOWANCES, INCENTIVES, HOLDBACK, FINANCE CREDIT AND RETURN TO DEALER OF ADVERTISING MONIES, ALL OF WHICH MAY APPLY TO VEHICLE.

MCLARTY DANIEL CHEVROLET

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH MCLARTY DANIEL CHEVROLET FOR THE PURCHASE OF A 2023 CHEVROLET TRAVERSE FOR THE BENTONVILLE PARKS DEPARTMENT; WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING; PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville Parks Department requests to purchase a 2023 Chevrolet Traverse; and

WHEREAS, because of the current supply chain issues related to the purchasing of vehicles and a cancellation of the previous order by the State bid dealer, an immediate need to purchase this vehicle exists, and therefore it is not practical or feasible to solicit competitive bidding.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS.

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter into an agreement with McLarty Daniel Chevrolet for the purchase of a 2023 Chevrolet Traverse in the amount of thirty-six thousand six hundred twenty-six dollars and ninety four cents (\$36,626.94).

Section 2: Due to a previous order for this type vehicle being cancelled by the State bid dealer and due to the current supply chain issues and immediate need to purchase this vehicle, it would be neither practical nor feasible to advertise for competitive bidding so that requirement is herein waived;

Section 3 - Emergency Clause: The need to make this purchase is immediate, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Ordinances: All Ordinances of the City Council, or parts of Ordinances of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

KIRBY ROMINES, City Clerk