

Bentonville City Council

Meeting Minutes

July 25, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 25, 2023, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Aubrey Patterson, Cindy Acree, Beckie Seba, Chris Sooter, Gayatri Agnew, Bill Burckart, and Holly Hook. Also present were Mayor Stephanie Orman, City Attorney Andrew Myers, City Clerk Kirby Romines, the press, city staff, and the audience. Several members of the city staff and the public attended remotely via Zoom.

Mayor Orman called the meeting to order. George Weaver, a Cub Scout from Pack 525, led everyone present in the Pledge of Allegiance, which was followed by a moment of silence in support of our armed forces.

Motion was made by Council Member Sanchez to approve the minutes of the July 11, 2023, meeting as presented, second by Council Member Hook. There was no discussion. Motion carried (8-0).

Motion was made by Council Member Sooter to suspend the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

1. Planning:

- 1a. Ordinance No. 2023-170: Ordinance accepting a lot split of Lot 28 of Limestone Ranch Subdivision; creating new Lots 29, 30, and 31 of Limestone Ranch Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0011).

[Applicant: Tollett Wood LLC;

Location: Southwest Regional Airport Boulevard, Southwest F Street, and Southwest Stone Boulevard]

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

- 1b. Ordinance No. 2023-171: Ordinance accepting a property line adjustment of Lot 26 Block 1 of Quail Run Subdivision and Lot 15 Block 1 of Quail Run II Phase 2; creating new Lot 27 Block 1 of Quail Run Subdivision and Lot 16 Block 1 of Quail Run Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0011).

[Applicant: Johnny & Beth Haney;

Location: 1310 Quail Run Circle and 1307 Northwest K Street]

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

- 1c. Ordinance No. 2023-172: Ordinance accepting a property line adjustment of part of Lots 11 & 12 of Clark's Addition; creating new Lots 32 and 33 of Clark's Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0020).

[Applicant: Steven & Julie Freeman;

Location: 204 and 206 Southwest Glover Street]

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

1d(1).Resolution No. 7-25-23 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Low-Density Residential to Medium-Density Residential; and for other purposes.

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

1d(2).Ordinance No. 2023-173: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential; and for other purposes (Project No. RZ23-0035).

[Applicant: Nick Gatlin;

Location: 204 SW F Street]

Council Member Hook asked why the location needed to be rezoned for extending a porch. Tyler Overstreet, Director of Planning and Community Development, explained that due to setbacks within zoning, the owner would have to either rezone or ask for a variance from the Board of Adjustments. Council Member Acree asked if this property is rezoned; if sold, could a potential new owner construct something different that falls within the new zoning? Tyler Overstreet confirmed that if the property were to be rezoned, a new owner could build to the new zoning.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-1), with Council Member Acree voting no.

1e(1).Resolution No. 7-25-23 B: A resolution amending the City of Bentonville Future Land Use Map for a specific area from General Commercial to Mixed-Use Commercial; and for other purposes.

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

1e(2).Ordinance No. 2023-174: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to C-3, Mixed-Use Commercial; and for other purposes (Project No. RZ23-0041).

[Applicant: Matthew Rivard and Casey Jacobs Rivard;

Location: 2202 Del White Drive]

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

1f(1).Resolution No. 7-25-23 C: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Recently Annexed Land to Residential Estate; and for other purposes.

Council Member Patterson asked for clarification regarding the annexed land. Council and Tyler Overstreet discussed annexed property and how and when the land use is determined.

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

1f(2).Ordinance No. 2023-175: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-E, Residential Estate; and for other purposes (Project No. RZ23-0048).

[Applicant: Pamela Ausmus & Lyndell Johnson;

Location: 10325 S Morningstar Road]

Council Member Burckart asked if, in the future, the property would come in as large scale, would the developer be required to make additional improvements? Tyler Overstreet confirmed they would be required to if it came through any large-scale development but not as R-E, Residential Estate.

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

1g(1).Resolution No. 7-25-23 D: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Low-Density Residential to Medium-Density Residential; and for other purposes.

Council Member Patterson asked if there were any public comments on this item. Tyler Overstreet said one gentleman at the Planning Commission meeting spoke in favor of the item, but that is the only public comment they had received.

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

1g(2).Ordinance No. 2023-176: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to R-2, Medium Density Two Family and Townhome Residential; and for other purposes (Project No. RZ23-0051).

[Applicant: RJM Property Management, LLC;

Location: 1204 Lockheed Street]

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

- 1h. Ordinance No. 2023-177: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential; and for other purposes (Project No. RZ23-0052).

[Applicant: Allan Pinkerton (AP RE and Development, LLC);

Location: 215 Southwest F Street]

Council Member Patterson asked about residents' drainage concerns and if any improvements are planned in the area based on the downtown drainage master plan. Tyler Overstreet explained the process for when the projects come through and how drainage would be addressed during that process.

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

- 1i. Ordinance No. 2023-178: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential; and for other purposes (Project No. RZ23-0053).

[Applicant: Skyline Rental, LLC;

Location: 412 Northwest 6th Street]

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

- 1j. Ordinance No. 2023-179: Ordinance accepting a property line adjustment of Lot 14 and the east half of Lot 13, Block 18 of Deming's 2nd Addition; creating new Lot 25, Block 18 of Deming's 2nd Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0021).

[Applicant: Justin Reid / Skyline Rentals LLC;

Location: 412 Northwest 6th Street]

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

- 1k. Ordinance No. 2023-180: Ordinance accepting a lot split of previously unplatted land; creating new Lots 1, 2, 3, & 4 of AJ Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0031).

[Applicant: Rob Caster / Pamela Ausmus & Lyndell Johnson;

Location: 10325 & 10327 South Morningstar Road]

Council Member Burckart said this is a private access easement which is not traditional, and asked if the City of Bentonville is more flexible on allowing this type of easement. Tyler Overstreet confirmed that they are.

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

11. Ordinance No. 2023-181: Ordinance amending City Code Appendix B Land Development Code Section 1100.05 Driveway Standards, to establish a maximum residential driveway width at the right-of-way line; and for other purposes.

Council Member Burckart mentioned that the council approved a private access easement with a driveway over 150 feet. Tyler Overstreet confirmed that it would be exempt from this requirement. Council Member Hook asked about circle driveways. Tyler Overstreet reviewed the current standards and explained that this would not pertain to circle driveways.

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

1m(1).Resolution No. 7-25-23 E: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Low-Density Residential to General Commercial; and for other purposes.

Mayor Orman recognized Seth Ellsworth for public comment and discussion regarding the appeal. Seth explained why they decided to appeal the Planning Commission decision. Council Member Patterson commented on the Planning Commission's decision not to pass this item and that they want the North Walton corridor planned out further. Council Member Burckart explained that there is a North Walton Plan and that this item is an opportunity to see the plan come to fruition. The council engaged in a lengthy discussion regarding the surrounding properties' current zoning and future land use and what could be built on this lot within a C-1 versus C-2 zoning.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sooter, second by Council Member Agnew. There was no discussion. Motion carried (5-3), with Council Member Sanchez, Council Member Hook, and Council Member Acree voting no.

1m(2).Ordinance No. 2023-182: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to C-2, General Commercial; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sooter, second by Council Member Agnew. There was no discussion. Motion carried (5-3), with Council Member Sanchez, Council Member Hook, and Council Member Acree voting no.

2. Tabled at the 7/11/23 City Council Meeting: 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.

Mayor Orman recognized Scott Moehlenbrock, representing the applicant, for public comment. Scott Moehlenbrock requested a 45-day extension to allow them to conduct a private impact fee analysis. Mayor Orman mentioned to the council that this process is in the impact fee ordinance, and Tyler Overstreet provided further details about the process. The council and Tyler Overstreet discussed the City of Bentonville's impact fee study timeline.

Motion to allow the extension of 45 days by Council Member Burckart, second by Council Member Acree. There was no discussion. Motion carried (8-0).

3. Utility Board:

- 3a. Resolution No. 7-25-23 F: A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Garver Engineering, in the amount of ninety-five thousand six hundred thirty dollars (\$95,630.00), for technical assistance associated with the EPA's Lead and Copper Rule Revision; and for other purposes.

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

4. Resolution No. 7-25-23 G: A resolution amending the 2023 Budget; appropriating twenty thousand dollars (\$20,000.00) from General Fund Reserves into Account #101040-43210 - Legal & Professional Services; authorizing the Mayor and City Clerk to enter into an amended agreement with Forvis, LLP; and for other purposes.

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

5. Resolution No. 7-25-23 H: A resolution authorizing the Mayor and City Clerk to enter into a memorandum of understanding with the Bentonville School District related to the school resource officer program; and for other purposes.

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

6. Resolution No. 7-25-23 I: A resolution authorizing the Mayor and City Clerk to approve a personnel increase to the Bentonville Police Department, based on an additional School Resource Officer; and for other purposes.

Council Member Agnew explained why there is no budget adjustment for this item. Mayor Orman mentioned that the City of Bentonville bills Bentonville Public Schools for the officers. Chief Shastid gave further details regarding the agreement with the Bentonville Public Schools to provide a School Resource Officer and the finances behind it.

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

7. Ordinance No. 2023-183: Ordinance amending the 2023 Budget; authorizing the Mayor and City Clerk to enter into an agreement with Superior Automotive Group, for an estimated amount of sixty-six thousand seven hundred six dollars and sixty-one cents (\$66,706.61), for the purchase of a 2023 Chevrolet Police Tahoe including all equipment and up-fitting for the Bentonville Police Department; waiving the requirement of competitive bidding; providing for the emergency clause; and for other purposes.

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

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

8. Resolution No. 7-25-23 J: A resolution amending the 2023 Budget to recognize an insurance settlement claim from Arkansas Municipal League, in the amount of one hundred twenty-four thousand five hundred ninety-nine dollars and ninety-two cents (\$124,599.92); and for other purposes.

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

9. Ordinance No. 2023-184: Ordinance adopting and enacting certain technical codes for the City of Bentonville, Arkansas; providing when such codes shall become effective; providing for the emergency clause; and for other purposes.

Mayor Orman recognized Jeremy Goucher for public comment. Jeremy Goucher with Newell Development asked several questions regarding the technical codes. Division Chief/Fire Marshal Brad Arnold clarified the specific codes in question. The council, Mayor Orman, and Brad Arnold further discussed the code amendments. Council Member Burckart and Council Member Seba thanked the team for their work and diligence in answering their questions and reviewing the code.

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

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Hook. There was no discussion. Motion carried (8-0).

10. Ordinance No. 2023-185: Ordinance amending the Bentonville Municipal Code Appendix B Land Development Code, Article 1100 Development Standards; and for other purposes.

Council Member Burckart mentioned that the amendments mainly seem to pertain to Downtown Core, DN-2, etc. Tyler Overstreet explained that the main change was the need to clarify further the development code between Downtown Residential and Downtown Commercial.

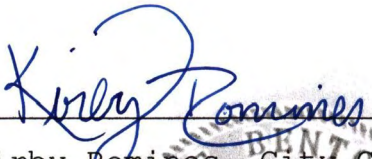
Mayor Orman recognized Jeremy Goucher with Newell Development for public comment, who thanked the Planning Department for their efforts and for allowing flexibility and further efficiency for future development. Council Member Burckart also thanked Tyler Overstreet and the Planning Department.

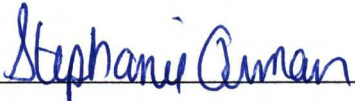
City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

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

Council, Mayor Orman, and Chief Shastid discussed the Format Festival, noise ordinances or complaints, and that it is a private event, not a City of Bentonville event. The council also engaged in a discussion regarding Ozark Regional Transit.

The next Bentonville City Council meeting will be on August 8, 2023.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

