

Bentonville City Council

Meeting Minutes

May 25, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, May 25, 2021, at 6:00 p.m., at the Bentonville Community Center, 1101 Southwest Citizen's Circle, Bentonville, Arkansas.

Present were Council Members Cindy Acree, Octavio Sanchez, Holly Hook, Chris Sooter, Bill Burckart, Aubrey Patterson, and Gayatri Agnew. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience. Council Member Tim Robinson attended remotely and participated by Zoom.

Due to the situation related to COVID-19, several members of the city staff and the public attended remotely by Zoom. Mayor Orman reminded the council that all votes would be by roll call.

Several individuals signed in to speak at the meeting in person, and several individuals joined via Zoom for public comment or to speak to agenda items.

Mayor Orman called the meeting to order. Izabella Mazzanti, a Girl Scout from Troop 5273, 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 May 11, 2021, meeting as presented, second by Council Member Burckart. 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 Burckart. There was no discussion. Motion carried (8-0).

1. Proclamation presented to recognize "National Drug Court Month" in Bentonville, Arkansas.

2. Information Presentation regarding Quilt of Parks Project by Parks and Recreation Director David Wright.

Council Member Sanchez asked when the project will be completed. David Wright explained that they would not start until the parking garages downtown are complete, which may be complete by next fall. If that timeline is correct, they will have the project out to bid next summer and start construction next fall. It will be an 18-month construction.

Council Member Hook asked if the trees added to the project will be included in Bentonville's tree canopy. David Wright said that they are working on securing trees to have as part of the project.

Council Member Robinson asked if the property within the square will still be owned by Benton County and what their involvement would look like during this project. David Wright explained that the square still belongs to Benton County and that they are in continuous discussion with Benton County as the project moves forward.

Council engaged in a lengthy discussion regarding the project's specific impact on maintenance, personnel needs, traffic flow through downtown, and traffic during construction.

Council Member Burckart thanked David Wright and the Parks Department for their work and also expressed his belief that the economic impact of the addition far outweighs the overhead costs.

David Wright thanked the council and encouraged feedback on the designs.

Council Member Agnew mentioned that it might be good to add artwork that reflects the history and story of David Peel Park.

Mayor Orman recommended that the council vote to send back agenda items 5, 6, and 10 to their respective board or commission based on recommendations from legal and applicants.

Motion to send back items 5, 6, and 10 by Council Member Acree, second by Council Member Robinson.

Council Member Sanchez made a motion to separate items 5 and 6 from 10 so council can vote on items 5 and 6, second by Council Member Acree. There was no discussion. Motion carried (7-1), with Council Member Agnew voting no.

Council discussed whether to send items 5 and 6 back to the Planning Commission. Council Member Burckart asked what the timeline would be for the applicant if the items get sent back to the Planning Commission. Mayor Orman stated that the items would be on the next Planning Commission agenda. Council Member Sanchez said that the council should go ahead and vote on both items and why. Council Member Burckart asked Ellen Norvell how long resubmitting for rezoning would take if the rezoning were denied. Ellen Norvell said that they have to wait 12 months in that case.

Barry Kinyon requested to comment on items 5 and 6. Council decided to allow the comment. Barry Kinyon asked to have the council move forward with item 5 and send back item 6 to the Planning Commission.

Motion to split items 5 and 6 by Council Member Burckart, second by Council Member Sanchez. Motion carried (8-0).

In light of the information provided by the applicant and the decision to split all three agenda items, the council decided to dismiss the suggestion of removing agenda items 5, 6, and 10.

Council Member Acree and Council Member Robinson withdrew their original motion and second. Council to discuss the agenda items as they move through the agenda.

3. Ordinance No. 2021-108: Ordinance accepting the Annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards.

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

4. Planning:

- 4a. Ordinance No. 2021-109: Ordinance accepting a property line adjustment of Lots 61 & 62, Lonesome Pond Addition to the City of Bentonville, Arkansas (Project No. PLA21-0017).

[Applicant: Delaney Property Group, LLC;

Location: 2900 SW 14th Street]

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

- 4b. Ordinance No. 2021-110: Ordinance accepting a lot split of Lot 6, Block 15 of Railroad Addition to the City of Bentonville, Arkansas (Project No. LS21-0017).

[Applicant: Pensago LLC;

Location: 117 SE F Street]

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

- 4c. Ordinance No. 2021-111: Ordinance amending the Zoning Code of the Bentonville Municipal Code to amend the lot and setbacks for the R-2, Duplex and Patio Home District, R-3, Medium Density Residential District and R-4, High Density Residential District.

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

- 4d. Ordinance No. 2021-112: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-C2, Central Residential - Moderate Density to DN-4, Downtown Mixed-Use Residential (Project No. RZ21-0026).

[Applicant: Todd Renfrow;

Location: 509 SE 6th Street]

Council Member Hook asked if they have to use parking because it is difficult to find parking spots in this specific location. Particular Austin-Baggett Park spots are often used by commercial properties/businesses.

Ellen Norvell, Community Development Director, explained that there would be parking requirements but that she cannot speak to the specific parking issue at hand at this time without more information.

Council Member Burckart said there is a parking requirement based on the square footage of the building during development and agreed that parking is getting difficult in the area.

Council Member Acree asked if the issue in discussion is enforcing parking. Council Member Hook explained that she does not think there is a way to do so, and she is worried if more commercial is added without addressing the parking, then the issue will only increase.

Ellen Norvell explained that the area in question is in line with the Land Use Plan. Council Member Sooter mentioned that a large parking garage will be built close to the area, so it may help with parking issues.

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

4e. Ordinance No. 2021-113: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential (Project No. RZ21-0027).

[Applicant: Jacobs Group;

Location: 604 Bella Vista Road]

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

4f. Ordinance No. 2021-114: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential (Project No. RZ21-0028).

[Applicant: Jacobs Group;

Location: 1202 NE Monroe Street]

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

4g. Ordinance No. 2021-115: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of DN-4, Downtown Mixed-Use Residential to DE, Downtown Edge (Project No. RZ21-0030).

[Applicant: Mike Garrison;

Location: 527 SE 6th Street]

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

4h. Resolution No. 5-25-21 A: A resolution adopting revisions to the Future Land Use Plan from Residential Estate to General

Commercial, Mixed-Use Commercial, and High-Density Residential for specific areas (Project No. GPA21-0003).

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

5. Ordinance No. 2021-116: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification OF R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential (Project No. RZ20-0063).

[Applicant: Allen & Veda Kinyon Trustees;

Location: 342 SW D Street]

Mayor Orman asked if there is a motion to send item five back to the Planning Commission, as discussed at the beginning of the meeting. Council Member Acree made a motion to send it back to the Planning Commission. There was not a second, so Council Member Acree withdrew her motion.

Mayor Orman recognized those that joined via zoom and in-person to make a public comment regarding the item. Barry Kinyon spoke in favor of the item, while Andy Johnson and Paul Mahan spoke against the item.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no further discussion. Motion carried (6-2), with Council Member Hook and Council Member Acree voting no.

6. Appeal to a Planning Commission decision for a rezoning request by the Allen and Veda Kinyon Trustees of land located at 403 SW E Street. A rezoning request from R-1, Single-Family Residential to DN-2, Downtown Medium-Density Residential. The Planning Commission voted 7-0 to recommend to the City Council that the petition be denied and that said property not be rezoned from its present classification of R-1, Single Family Residential to DN-2, Downtown Medium Density Residential.

Motion to send back to the Planning Commission by Council Member Burckart, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

7. Ordinance No. 2021-117: Ordinance vacating alley right of way of Lot 25 of W.A. Burks Addition of Bentonville to the City of Bentonville, Arkansas, Benton County Arkansas (Project No. VAC21-0008).

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

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

8. Resolution No. 5-25-21 B: A Resolution setting a public hearing for June 8, 2021, for a Utility Easement Vacation requested for 801 SW 41st Street, Eversole Addition (VAC21-0009).

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

9. Resolution No. 5-25-21 C: A resolution setting a public hearing for June 8, 2021, for a Utility Easement Vacation requested for 224 North Main Street, Bentonville Original (VAC21-0010).

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

10. Resolution authorizing the Mayor and City Clerk to execute a Lease between the City of Bentonville, as Lessor and QWH Properties, LLC, or its assigns, as Lessee, for a hangar site located at the Bentonville Municipal Airport.

Motion to send back to the Airport Advisory Board by Council Member Sanchez, second by Council Member Hook. There was no discussion. Motion carried (7-1), with Council Member Acree voting no.

11. Ordinance No. 2021-118: Ordinance authorizing the Mayor and the City Clerk to purchase medical supplies from Henry Schein Medical and waiving the requirement of competitive bidding.

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

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

Mayor Orman recognized Ellen Norvell, Community Development Director, to update processes for appeals, Land Use amendments, etc.

Ellen Norvell and Mayor Orman explained the processes for keeping the Land Use Plan updated and timelines for reviews of the Land Use Plan. The council engaged in a lengthy discussion regarding the Community Plan and Land Use Plan reviews and bylaw details.

Council Member Acree asked why the airport resolution was sent back (item ten). Mayor Orman explained that she received several phone calls and discussed the concerns with the Airport Advisory Board Chair, who agreed to have the Airport Advisory Board revisit the item.

Council Member Patterson asked if internally they are looking at how to handle airport leases in the future. Mayor Orman explained that she would like to see a more consistent process for airport leases.

Mayor Orman mentioned that the Arkansas Municipal League has videos available for the council to view that cover planning which may be

helpful as planning items come through. Mayor Orman reminded council that City Council meetings will be at the new City Hall location, and zoom registration will still be available starting June 8, 2021. She also requested that council members send information they want to share with all council members to CC.Comments@bentonvillear.com.

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

The next Bentonville City Council meeting will be on June 8, 2021.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

