

Bentonville City Council
Meeting Minutes
January 12, 2016

The City Council of Bentonville, Arkansas, met in regular session Tuesday, January 12, 2016, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Stephanie Orman, John Skaggs, Tim Robinson, Chris Sooter, James Smith, Bill Burckart, Octavio Sanchez and Jim Webb. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

At 6:00 p.m., prior to calling the meeting to order, Mayor McCaslin invited public comments pertaining to items on the agenda. The following eight people expressed their opinions regarding Agenda Item 1a, the rezoning of Hope Church of NWA: Tim Hale, Shane Miller, David Slone, Ed Belto, Daniel Koster, Penny White, Mary Jane Sonntag and Eddie Pendley.

The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

Thereafter, Mayor McCaslin called the meeting to order. The Mayor led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces.

Motion was made by Alderman Burckart to approve the minutes of December 8, 2015 as presented, second by Alderman Sanchez. There was no discussion. Motion carried (8-0).

Motion was made by Alderman 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 Alderman Smith. There was no discussion. Motion carried (8-0).

- 1a. Ordinance No. 2016-1: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to C-2, general commercial.

Mayor McCaslin recognized Troy Galloway, Community and Economic Development Director, to address the Council about the decision of the Planning Commission.

Mr. Galloway stated that the matter before the Council was an appeal from the Planning Commission decision to rezone property located at 1700 Southeast Moberly Lane, approximately three acres, from R-1 to C-2. He stated that C-2 was the most generous zoning designation for commercial uses in the City of Bentonville Zoning Code, and referred to a handout that listed permitted uses, regulations and setbacks.

He stated that it was the staff's opinion that C-2 was an appropriate zoning designation for this property based on it being consistent with the Land Use Plan, based on the amount of traffic on Moberly Lane, and based on the fact that the church would remain as a buffer to the neighborhood. He also stated that when the property was developed subdivision regulations would require that appropriate buffers and screens be constructed to help provide some relief from lights and noise.

Alderman Robinson asked if there had been any research as to property values decreasing due to zoning changes. Mr. Galloway stated that he was not aware of any.

Alderman Orman asked about drainage and sewage issues that might be a problem. Mr. Galloway stated when the property was developed it would be addressed in the development plan and in compliance with existing codes.

Alderman Sanchez asked about possible contamination from oil and gasoline if the site is used as a car dealership. Mr. Galloway stated those would have to be contained on site and that there were regulations from the State that would address such things.

Alderman Smith asked if this site could be developed as R-1. Mr. Galloway stated that there was nothing to prevent it from being developed as housing.

Alderman Robinson asked Mr. Galloway if he was able to speak to the reasons why the Planning Commission denied this request. Mr. Galloway indicated the concerns he was aware of related to separation from the adjacent neighborhood and the impacts that this site might impose on that neighborhood.

The Council heard from Richard Binns, Chairman of the Planning Commission. Mr. Binns stated that he felt the reason for the Commission voting the way it did was that there is no way to hold the developer to do what they say they are going to do.

Alderman Orman asked if there was anything legally binding in the real estate contract or agreement with the church. Mr. Galloway stated he was not privy to that information.

Mayor McCaslin asked George Spence, City Attorney, to clarify the issue before the Council. Mr. Spence stated what was before the Council was whether or not to rezone this property from R-1 to C-2, and that the Council should be focused on the possible uses of the property if it is rezoned. He added if there was a contract with respect to the sale of the property that it would be an agreement between the parties and subject to change based on their subsequent agreement, and that the City really had nothing to do with that.

Alderman Skaggs asked if it was possible under the ordinance to do a conditional rezoning. Mr. Spence indicated he did not think that appropriate, and added that there was no conditional use in another zone for this particular use, which was confirmed by Mr. Galloway.

Alderman Skaggs indicated that in the distant past he had been involved in a rezoning and that conditions were imposed with regard to the development. He asked if that still applied. Mr. Spence stated that it did not with respect to the rezoning, but that after the rezoning a development

permit would be required and that such requirements might be associated with that process.

Alderman Skaggs asked if the proposed development would have to come before the Planning Commission again. Mr. Galloway confirmed that it would.

Alderman Orman asked Mr. Galloway to confirm what she had heard about the Church having held a "town hall" about the proposal. Mr. Galloway indicated he had heard the same thing, but that he was not aware of the specifics.

Mayor McCaslin stated that he wanted to remind the Council that what was before them was a rezoning. He further stated that the reason he supported the proposed rezoning, and the reason the staff did as well, is because the rezoning would be consistent with the City's Master Plan which designates this as commercial.

Alderman Burckart asked Mr. Galloway about how long this property had been on the Master Plan as commercial. Mr. Galloway indicated it had been designated that way since 2007. Mr. Galloway went on to note again that the proposal was for rezoning only, but that any specifics of development would come back before the Planning Commission.

Alderman Burckart moved to approve the ordinance, second by Alderman Robinson. At this point, the City Attorney interjected that it would be necessary to read the ordinance and proceeded to do so by title only. Motion passed (7-1) with Alderman Smith voting no.

- 1b. Ordinance No. 2016-2: Ordinance accepting a lot split of Lot 1 Naples Subdivision to the City of Bentonville, Arkansas.

[Applicant: Cabe Ranch Leasing, LLC;
Location: Regional Airport Boulevard]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Sanchez, second by

Alderman Burckart. There was no discussion. Motion carried (8-0).

- 1c. Ordinance No. 2016-3: Ordinance accepting a property line adjustment of Lot 27, Block 10, W.A. Burks Addition to the City of Bentonville, Arkansas.

[Applicant: Steve and Teri Brewer;
Location: 1114 Northeast Monroe Street]

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

- 1d. Ordinance No. 2016-4: Ordinance accepting a property line adjustment of Lot 13, Block 3, Lincoln & Rice Addition to the City of Bentonville, Arkansas.

[Applicant: Gene Buescher;
Location: Northeast 2nd Street and Northeast H Street]

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

- 1e. Ordinance No. 2016-5: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to RC-2, central residential - moderate density.

[Applicant: Lavee Collingsworth;
Location: 402 Southeast G Street]

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

- 1f. Ordinance No. 2016-6: Ordinance accepting a property line adjustment of Lot 28, Block 24, Deming's 2nd Addition to the City of Bentonville, Arkansas.

[Applicant: Clyde Nichols; Location: Northeast A Street]

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

- 1g. Ordinance No. 2016-7: Ordinance accepting a property line adjustment of Lot 25, Block 9, W.A. Burks Addition to the City of Bentonville, Arkansas.

[Applicant: JBJ Properties, LLC (Bryan Harvey);
Location: Northeast A Street and Northeast Park Street]

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

- 1h. Ordinance No. 2016-8: Ordinance accepting a lot split of Lot 16 Leflors Addition to the City of Bentonville, Arkansas.

[Applicant: Diedra Robinson;
Location: Northwest 2nd Street and Northwest F Street]

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

- 1i. Ordinance No. 2016-9: Ordinance accepting a final plat of Brighton Cottages Subdivision to the City of Bentonville, Arkansas.

[Applicant: Brighton Bentonville, LLC;
Location: Southwest Farrington Avenue]

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

- 2a. Approval to award Bid No. 15-56 to Oelke Construction for the adaptive re-use of the former AT&T building located at 402 South Main Street, for use as a utility drive-thru, meter reader office and IT training room

Motion to approve by Alderman Burckart, second by Alderman Sooter. There was no discussion. Motion carried (8-0).

- 2b. Approval of a budget adjustment for the adaptive re-use of the former AT&T building.

Motion to approve by Alderman Sooter, second by Alderman Burckart. There was no discussion. Motion carried (8-0).

3. Ordinance No. 2016-10: Ordinance adopting revisions to the Personnel Policy for the City of Bentonville, Arkansas.

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

4. Ordinance No. 2016-11: Ordinance adopting revisions to the 2016 pay plan for the City of Bentonville.

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

5. Ordinance No. 2016-12: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with the Arkansas Municipal League for the City of Bentonville's vehicular insurance coverage and waiving the requirement of competitive bidding.

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

6. Ordinance No. 2016-13: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Tech Logic Corporation for the purchase of automated materials handling systems for the City of Bentonville Public Library and waiving the requirement of competitive bidding.

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

7. Resolution No. 1-12-16 A: Resolution declaring certain property belonging to the City of Bentonville, Arkansas, as surplus property. [RFID technology]

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (8-0).

8. Resolution No. 1-12-16 B: Resolution declaring certain property belonging to the City of Bentonville as surplus property. [Ford F550 cab and chassis]

City Attorney Spence read the resolution by title only.

Alderman Burckart asked where this item appeared in the capital plan. Travis Matlock, Engineering Director, indicated that this boom was transferred to a truck which was disposed of previously and that this resolution was to account for that disposition which was made in 2015. It would not affect the 2016 capital items.

Motion to pass by Alderman Burckart, second by Alderman Smith. Motion carried (8-0).

9. Resolution No. 1-12-16 C: Resolution authorizing the Mayor and Clerk to enter into an agreement with Osmose for pole restoration and engineering for the Bentonville Electric Department.

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

10. Ordinance No. 2016-14: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Downtown Bentonville, Inc. for event production and related services and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only.
Motion to pass by Alderman Robinson, second by
Alderman Sanchez.

Alderman Burckart asked how similar this agreement with Downtown Bentonville was to past agreements. David Wright, Parks and Recreation Director, stated that it was the same dollar figure as in the past but that the main focus of this contract as opposed to ones in the past is that this is event driven.

Motion carried (8-0).

11. Resolution No. 1-12-16 D: Resolution authorizing the Mayor and Clerk to enter into an agreement with SunGard Public Sector and ExecuTime Software, LLC for professional software services for the City of Bentonville.

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

12. Ordinance No. 2016-15: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of uniforms for the Bentonville Police Department and waiving the requirement of competitive bidding.

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

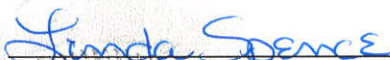
13. Ordinance No. 2016-16: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with the City of Rogers for animal services and waiving the requirement of competitive bidding.

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

Alderman Burckart inquired about having an early Committee of the Whole meeting, perhaps prior to the next meeting, to discuss the upcoming year. Mayor McCaslin stated the ordinance indicated a meeting in February. Mr. Spence noted that it was a resolution, rather than an ordinance, but that there is supposed to be a Committee of the Whole meeting the Monday before the first Council meeting in February and that he understood that to already be in the works.

Alderman Smith asked that at the Committee of the Whole meeting that the Mayor look to having some periodic updates on the progress of City projects and specifically cited to wanting to have a report on the status of 8th Street, the Bentonville Blueprint and the Community Plan.

Motion to adjourn by Alderman Burckart, second by Alderman Smith. Motion carried (8-0).



Linda Spence, City Clerk



Bob McCaslin, Mayor

