

Bentonville City Council
Meeting Minutes
January 14, 2014

The City Council of Bentonville, Arkansas, met in regular session Tuesday, January 14, 2014, at 6:00 p.m., at the Community Development Building, Planning Commission meeting Room, 305 SW A Street, Bentonville, Arkansas.

Present were council members Mary Baggett, Chris Sooter, Roger Thomas, Shane Perry, Leah Williams, Bill Burckart, Burton Head and Jim Grider. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

Mayor McCaslin called the meeting to order at 6:00 p.m. 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 Baggett to approve the minutes of the December 10, 2013 meeting as written, second by Alderman Grider. There was no discussion. Motion carried (8-0).

Mayor McCaslin recognized Police Chief Jon Simpson. Chief Simpson announced two promotions within his department: Lieutenant Randy Wood promoted from sergeant and Sergeant Ryan Suedel promoted from warrants officer. Each were sworn in by the Mayor to uphold the duties of their new rank.

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

1. Ordinance No. 2014-1: 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.

[Petitioner: Todd Butler, Mitchell & Spencer Properties, LLC;
County Court Case No. 2013-31]

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

2. Ordinance No. 2014-2: 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.

[Petitioner: New Home Church; County Court Case No. 2013-32]

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

- 3a. Ordinance No. 2014-3: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to R-1, single family residential.

[Applicant: Matthew K. Pabst and Stacie K. Pabst;
Location: 4229 Southwest Bright Road]

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

- 3b. Ordinance No. 2014-4: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to R-C2, central residential-moderate density.

[Applicant: Lamplighter Restorations;
Location: 214 Southwest D Street]

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

- 3c. Ordinance No. 2014-5: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to DE, downtown edge.

[Applicant: Lamplighter Restorations;
Location: 219 Northwest A Street]

City Attorney Spence read the ordinance by title only.

Alderman Thomas asked if the City had received any comments regarding this project since it involved a three-unit condominium. Troy Galloway, Director of Community Development, indicated there had been no response.

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

- 3d. Ordinance No. 2014-6: Ordinance amending the classification of property from agricultural and commercial to industrial on the Future Land Use Map for the City of Bentonville, Arkansas.

[Applicant: Cross Mar Investments and Glass Investments;
Location: Southwest corner of Southwest Regional Airport Boulevard and Southwest Rainbow Farms Road]

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

- 3e. Ordinance No. 2014-7: Ordinance accepting a plat of Lots 50-55 Cornerstone Ridge Subdivision Phase 4 to the City of Bentonville, Arkansas.

[Applicant: First Assets Holdings, LLC;
Location: Southwest Regional Airport Boulevard]

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

- 3f. Ordinance No. 2014-8: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to I-1, light industrial.

City Attorney Spence read the ordinance by title only.

Alderman Thomas raised a question about the rezoning creating the potential for the presence of large vehicle traffic. Troy Galloway, Director of Community Development, responded to the inquiry indicating that was in fact a possibility with the new classification as industrial. He further noted that many properties zoned as industrial in Bentonville were not typical industrial properties and that they tended to be warehouses which did not generate as much traffic. He stated that was not a guarantee with respect to the future with the rezoning and concluded by noting that adjacent property and the property to the immediate east of the proposed rezoning was industrial being part of the City's original industrial park.

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

4. Ordinance No. 2014-9: Ordinance vacating an alley located within Bentonville Original to the City of Bentonville, Arkansas, Benton County, Arkansas.

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

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

5. Ordinance No. 2014-10: Ordinance vacating a utility easement located in Bentonville Original to the City of Bentonville, Arkansas, Benton County, Arkansas.

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

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

6. Ordinance No. 2014-11: Ordinance vacating a utility easement located in Harbin Pointe Addition Phase II to the City of Bentonville, Arkansas, Benton County, Arkansas.

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

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

7. Resolution No. 1-14-14 A: Resolution setting a public hearing for January 28, 2014 at 6:00 p.m. regarding a petition filed by Englander NWA Metro, LLC requesting a utility easement vacation at 3607 Southeast Metro Parkway.

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

8. Approval of Change Order No. 1 for Downtown Bentonville improvements adding an additional \$57,082.73 and eleven days to the contract.

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

9. Ordinance No. 2014-12: Ordinance approving an agreement with Ashby Street Outdoor and providing a legislative exception to the City's existing rules related to signs and billboards.

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Sooter.

Alderman Grider asked to be reminded about what the City's ordinance regarding billboards provided about the swap out of stacked billboards. Troy Galloway explained the City's policy and that the deviation from the policy proposed was to avoid the necessity to condemn the billboard and pay for it, as well as to work with the billboard's owner to solve the problem.

Alderman Perry indicated that since raising the issue at the previous meeting, he had met with Troy Galloway and City Attorney Spence about the proposed ordinance and that he was satisfied the ordinance was proper.

Alderman Burckart and Alderman Baggett stated they appreciated the effort to work together to satisfy the interests of both parties.

Second by Alderman Grider. Motion carried (8-0).

10. Approval to award Bid No. 13-54 to Gastony Directional Boring, Inc. for a blanket contract to be utilized by multiple departments in the 2014 calendar year for all directional and on-grade boring.

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

11. Ordinance No. 2014-13: Ordinance authorizing the Mayor and the City Clerk to purchase a 2014 Chevy Tahoe from Nunnally Chevrolet for the Bentonville Police Department and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only.


Alderman Grider asked about how this matched against a State bid for the vehicle. Chief Simpson explained that Nunnally Chevrolet had assisted with the specs and that this was the same vehicle that would have been obtained under a State bid at the exact same cost.

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

12. Approval of a budget adjustment in the amount of \$5,000 to the Bentonville Public Library from a private donation to the Bentonville Library Foundation to support the library's large print collection.

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

Motion was made by Alderman Grider to adjourn the meeting, second by Alderman Baggett. Motion carried (8-0).


Linda Spence, City Clerk


Bob McCaslin, Mayor