

Bentonville City Council

Meeting Minutes

February 28, 2017

The City Council of Bentonville, Arkansas, met in regular session Tuesday, February 28, 2017, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Stephanie Orman, Chad Goss, 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 recognized seven Boy Scouts from Troop 525 who were present working on a merit badge.

Mayor McCaslin invited public comments and comments from members of the Council. Comments and discussions were had regarding items on the agenda regarding DN-2 rezoning, changes to the resolution regarding public comments, delay in completing the Airport Road construction and the number of automobile accidents occurring along Rainbow Curve and at Southwest C Street and Walton Boulevard.

Mayor McCaslin called the meeting to order at 6:15 p.m. The Mayor led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces and public safety employees.

Motion was made by Alderman Burckart to approve the minutes of the February 14, 2017 meeting as presented, second by Alderman Robinson. 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 Burckart. There was no discussion. Motion carried (8-0).

- 1a. Ordinance No. 2017-35: Ordinance accepting a lot split of Lots 37 and 38 Commerce Centre Subdivision to the City of Bentonville, Arkansas.

[Applicant: RT Western Missouri Franchise, LLC;
Location: 1402 South Walton Boulevard]

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

- 1b. Ordinance No. 2017-36: Ordinance accepting a property line adjustment of Lots 1 and 2 Henry C. Browne Addition to the City of Bentonville, Arkansas.

[Applicant: Henry C. Browne Limited Partnership;
Location: 1004 Phyllis 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).

- 1c. Ordinance No. 2017-37: Ordinance accepting a property line adjustment of Lots 1 and 2 Oscar Deckard Subdivision to the City of Bentonville, Arkansas.

[Applicant: Kristen L. Martin;
Location: 3 Lindy Lane]

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

- 1d. Ordinance No. 2017-38: Ordinance accepting a property line adjustment of Lot 19 Block 1 Smartt's Addition to the City of Bentonville, Arkansas.

[Applicant: Main Street Co-Op Property, LLC;
Location: 409 and 501 Southwest A Street and
500 South Main Street]

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).

- 1e. Ordinance No. 2017-39: Ordinance accepting a final plat of Lots 17 through 32 Block J Orchard Addition to the City of Bentonville, Arkansas.

[Applicant: Tourmaline Urban Lofts, LLC;
Location: 503 Southeast D 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).

- 1f. Ordinance No. 2017-40: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of A-1, agricultural to C-3, central commercial.

[Note: After the meeting, it was noticed that the ordinance presented to the Council indicated a change from R-1 to C-3 rather than the correct change from A-1 to C-3. All other material presented to Council correctly reflected the A-1 to C-3 change. As the approval by the Planning Commission was unanimous, as the changed zone classification was correct, and as there was no opposition to the change at Council and it was approved there unanimously, City Attorney Spence indicated that the correction could be made by addressing it in the minutes. Approval of these minutes is thus acquiescence in the correction to the ordinance.]

[Applicant: Lonesome Tree Properties, LLC;
Location: Southwest I 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).

- 1g. Ordinance No. 2017-41: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of R-1, single family residential to DN-2, downtown medium-density residential.

[Applicant: Abraham Harvey and JBJ Properties, LLC;
Location: 112 Northeast Park Street, Northeast A Street and

Northeast Monroe Street]

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

Alderman Orman asked whether safety concerns had been considered at the hearing before the Planning Commission. Troy Galloway, Planning and Economic Director, stated that safety was always a primary consideration and that additional consideration would be made with regard to safety when the property was actually developed. Alderman Burckart commented that such considerations would be made when the property went through large scale.

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

- 1h. Ordinance No. 2017-42: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of R-1, single family residential to DN-2, downtown medium-density residential.

[Applicant: JBJ Properties, LLC;
Location: Northeast A Street]

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).

- 1i. Ordinance No. 2017-43: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present

classification of R-1, single family residential to DN-2, downtown medium-density residential.

[Applicant: Clifford and Lori Vanderpool;
Location: 601 Northwest B 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).

- 1j. Ordinance No. 2017-44: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of R-1, single family residential, R-0, residential office, R-E, residential estate, R-3, medium density residential to PUD, planned unit development.

[Applicant: Hung T. Nguyen, James K. Smith, David Fredrickson, Daryl Stroud, Kenneth Smith, Scott Rumpy, Lisa M. Hall, Larry Vandevour, Doug True and Angel Floro;
Location: 901, 903, 907, 1001, 1005 and 1009 Southeast 3rd Street, 112 Southeast J Street and 900 East Central Avenue]

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

Alderman Orman commented that the developer on this project had done a great job of explaining the planned project at the Planning Commission meeting and had been very responsible in talking to residents about the plans for the property.

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

2. Ordinance No. 2017-45: Ordinance vacating a public access easement located at 1302 Melissa within Hardcastle Estates Subdivision 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 hearing closed.

City Attorney Spence noted a correction to the language of the ordinance indicating vacation of an access easement at all points in the ordinance rather than a utility easement. He then read the corrected ordinance by title only.

Motion to pass by Alderman Sanchez, second by Alderman Smith. There was no discussion. Motion carried (8-0).

3. Ordinance No. 2017-46: Ordinance vacating a utility easement located at Kerelaw Castle Subdivision 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 hearing closed.

City Attorney Spence read the ordinance by title only.

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

4. Resolution No. 2-28-17 A: Resolution authorizing the Mayor and Clerk to enter into an agreement with ESRI for GIS software applications.

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).

5. Resolution No. 2-28-17 B: Resolution authorizing the Mayor and Clerk to enter into an amendment to the contract with G Squared for additional services related to mapping and aerial photography data and related services.

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

Alderman Burckart commented that the City of Bentonville's GIS Department does a great job creating and supporting a superb product that is useful for many types of users.

6. Resolution No. 2-28-17 C: Resolution adopting revised standard operating guidelines for the City of Bentonville Fire 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).

7. Resolution No. 2-28-17 D: Resolution authorizing the Mayor and City Clerk to enter into an agreement for ambulance service with Benton County, Arkansas.

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).

8. Resolution No. 2-28-17 E: Resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property.

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

9. Resolution No. 2-28-17 F: Resolution authorizing the Mayor and Clerk to enter into an agreement with Emergency Services Group International to provide training to the City of Bentonville Police Department and Fire Department.

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

10. Resolution No. 2-28-17 G: Resolution authorizing the Mayor and City Clerk to enter into an amended and restated land lease agreement with Tony Steele and Carolyn Grimsley, as trustee of the Grimsley Family Revocable trust dated March 24, 2012, for a hangar site located at the Bentonville Municipal Airport.

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

11. Resolution No. 2-28-17 H: Resolution authorizing the Mayor and City Clerk to enter into an assignment and assumption agreement for a hangar land lease at the Bentonville Municipal Airport.

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

12. Resolution No. 2-28-17 I: Resolution authorizing the Mayor and Clerk to enter into an agreement with Morrison-Shipley Consulting Engineers for engineering services for Citizens Park.

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

13. Resolution No. 2-28-17 J: Resolution authorizing the Mayor and Clerk to enter into an agreement with Challenger Sports for the operation of a youth soccer camp for the City of Bentonville Parks and Recreation Department.

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).

14. Resolution No. 2-28-17 K: Resolution authorizing the Mayor and Clerk to enter into an agreement with First Employment Staffing to provide temporary staffing services for the City of Bentonville.

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

15. Resolution No. 2-28-17 L: Resolution establishing procedures with regard to meetings.

City Attorney Spence read the resolution by title only.

Alderman Sanchez indicated he wanted to vote on changes to the proposed resolution in two parts and moved to divide the question to vote first on the proposed changes to the resolution related to adding items to the agenda and thereafter on the proposed changes to the resolution related to public comments. Second by Alderman Burckart. There was no discussion. Motion carried (8-0).

City Attorney Spence indicated he wanted to clarify what was to be voted on next and indicated that approval of the previous motion resulted in the following language from the proposed revisions to the resolution to be voted on first (City Attorney Spence read the following language in full):

B. Meeting Agenda - The Mayor shall place items on the agenda concerning the City's business such as to promote the orderly administration of the City. Items may be added to future agendas by a majority vote of the aldermen present at a council meeting.

Alderman Smith indicated that he had made the proposals about revisions with regard to public comments and that though he had pushed it forward because he believed the revisions justified, he meant no disrespect.

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

City Attorney Spence indicated that with the divided question, the second vote would be on the remaining proposed changes to the resolution, all of which related to revisions to the language concerning public comments. He stated that the proposed changes would not result in a "public forum" or "open public forum" as had been suggested, but rather would just broaden the "limited public forum" allowed by the City at Council meetings. He further stated that the proposed changes regarding public comments would result in the public comments period at council meetings being open to any and all comments without regard to their subject, but still subject to the time limitations and other rules regarding public comments previously adopted.

Alderman Sanchez moved to approve the proposed changes to the resolution related to public comments as presented in the resolution, second by Alderman Smith.

Alderman Orman commented that she had been contacted by several people for and against the changes related to public comments and that her tally was eleven for the changes and eighteen against. She stated she had also considered that the school district and county do allow wide ranging public comments and that she had sought out advice with regard to how it worked for those bodies. She stated that she was willing as an alderman to meet with those concerned about matters concerning the City and hear their concerns.

Alderman Burckart commented that he was pleased with the change already approved and thought it adequately expanded public comments by allowing matters to be added to the agenda. He also stated that the change made was a big step forward in his history with the City and the meetings concerning the subject.

There was no further discussion. Motion failed (2-6) with Alderman Smith and Alderman Robinson voting yes.

Motion to adjourn the meeting by Alderman Burckart, second by Alderman Sanchez. Motion carried (8-0).

Linda Spence

Linda Spence, City Clerk

Bob McCaslin

Bob McCaslin, Mayor

