

Bentonville City Council
Meeting Minutes
April 26, 2016

The City Council of Bentonville, Arkansas, met in regular session Tuesday, April 26, 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. There was no response so the Mayor declared the comment period closed. 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 then 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 Sanchez to approve the minutes of the April 12, 2016 meeting as presented, second by Alderman Webb. 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).

1. Troy Galloway, Community Development Director, recognized Randal Morrison, an attorney practicing in the area of municipal sign regulations. Mr. Morrison, who is a consultant for the City, presented an overview of the U.S. Supreme Court ruling in the case of Reed vs. Gilbert and

its effect on municipal sign regulations along with a power point presentation. Mr Galloway indicated a revision to the City's sign regulations was being considered with Mr. Morrison consulting on the revisions.

- 2a. Ordinance No. 2016-58: Ordinance accepting a lot split of Lot 1 Mattingly Addition to the City of Bentonville, Arkansas.

[Applicant: Josh Mattingly;
Location: 2902 Northwest 3rd 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).

- 2b. Ordinance No. 2016-59: Ordinance accepting a lot split of Lot 1 Mount Carmel Community Subdivision to the City of Bentonville, Arkansas.

[Applicant: Mount Carmel Community in Bentonville, LLC;
Location: Southwest Regional Airport Boulevard and Shell Road]

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).

- 2c. Ordinance No. 2016-60: Ordinance accepting a property line adjustment of Lots 17 and 18 Block 8 Clark's Second Addition to the City of Bentonville, Arkansas.

[Applicant: SW A Building, LLC;
Location: Southwest A Street and Southwest 4th 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).

- 2d. Ordinance No. 2016-61: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to C-2, general commercial.

[Applicant: Troy Link Enterprises, LLC;
Location: Southwest Regional Airport Road and Southwest Cornerstone Road]

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).

- 2e. Ordinance No. 2016-62: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to D-C, downtown core.

[Applicant: SW A Building, LLC;
Location: Southwest 4th Street and Southwest A 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).

- 2f. Ordinance No. 2016-63: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-O, residential office.

[Applicant: Bentonville Child Care and Development Center, Inc.; Location: Northeast J 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).

3. Ordinance No. 2016-64: Ordinance vacating a street right-of-way located at 200 Northeast A Street with 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 Burckart, second by Alderman Sanchez. There was no discussion. Motion carried (8-0).

4. Resolution No. 4-26-16 A: Resolution declaring a certain residential structure in the City of Bentonville, Arkansas a nuisance pursuant to the Bentonville Municipal Code, Section 11.25.10 and setting a public hearing.

City Attorney Spence read the resolution by title only.

Alderman Burckart questioned whether or not this was a civil issue and why the City was involved in this matter. Mr. Galloway stated that the City became involved as a result of an engineering report outlining risk factors involved. Ben Peters, City Engineer, added that engineers for the City and for the home owners were in agreement with their findings. Alderman Sanchez reminded Council that the matter before it was just setting a public hearing.

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

5. Approval for renewing the contract with Pyro Shows for the Fourth of July fireworks display.

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

6. Resolution No. 4-26-16 B: Resolution authorizing the Mayor and Clerk to enter into an agreement with Osmose for pole testing and engineering services for the Bentonville Electric Department.

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

- 7a. Resolution No. 4-26-16 C: Resolution authorizing the Mayor and Clerk to enter into a revised utility agreement with the Arkansas State Highway and Transportation Department for additional engineering services related to the 1-49 improvements between Highway 72 and Highway 102.

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).

- 7b. Approval of a budget adjustment to front additional costs as a result of the revised utility agreement with the Arkansas State Highway and Transportation Department for AHTD Project No. CA0902.

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

8. Resolution No. 4-26-16 D: Resolution authorizing the Mayor and Clerk to enter into an amendment to the existing contract with Garver Engineers for additional services related to the utility agreement with AHTD for the Interstate 49 improvement project.

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).

9. Approval of a bid award to Challenger Teamwear in an amount not to exceed \$47,000 for the purchase of uniforms for the 2016-2017 youth soccer season.

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

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



Linda Spence, City Clerk



Bob McCaslin, Mayor