

Bentonville City Council
Meeting Minutes
June 11, 2013

The City Council of Bentonville, Arkansas, met in regular session Tuesday, June 11, 2013, 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 and Burton Head, with Jim Grider absent. 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 Burckart to approve the minutes of the May 28, 2013 meeting as written, second by Alderman Baggett. There was no discussion. Motion carried (7-0), with Alderman Grider absent.

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. Alderman Burckart suggested that the motion be amended to exempt Item 6 on the agenda from suspension of the rules with regard to reading on three separate days, which was agreed to by Alderman Sooter. Second by Alderman Baggett as to the revised motion. Motion carried (7-0), with Alderman Grider absent.

1a. Ordinance No. 2013-50: Ordinance accepting a property line adjustment of Annabeth Addition Lot 2 to the City of Bentonville, Arkansas.

[Applicant: Lavelle Sanders Trust;
Location: 813 Northwest C Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Burckart, second by Alderman Williams. There was no discussion. Motion carried (7-0), with Alderman Grider absent.

- 1b. Ordinance No. 2013-51: Ordinance accepting a property line adjustment of Farrer Subdivision Lots 8 and 9 to the City of Bentonville, Arkansas.

[Applicant: Fox Farr, Inc./Christopher Conway;
Location: Farrer Subdivision, Lots 2 and 5]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Baggett, second by Alderman Burckart. There was no discussion. Motion carried (7-0), with Alderman Grider absent.

- 1c. Ordinance No. 2013-52: Ordinance accepting a property line adjustment of Allen Subdivision Tracts 12 and 13 to the City of Bentonville, Arkansas.

[Applicant: Peel Mansion Foundation and Wal-Mart Properties;
Location: 400 South Walton Boulevard]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Burckart, second by Alderman Sooter. There was no discussion. Motion carried (6-0-1), with Alderman Grider absent and Alderman Perry abstaining.

- 1d. Ordinance No. 2013-53: Ordinance accepting a lot split of Braithwaite Park Subdivision Block 2 Lots 10 and 11 to the City of Bentonville, Arkansas.

[Applicant: Larry and Barbara Cummins;
Location: 1304 Bella Vista Road]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Burckart, second by Alderman Sooter. There was no discussion. Motion carried (7-0), with Alderman Grider absent.

- 1e. Ordinance No. 2013-54: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to R-3, medium density residential.

[Applicant: Cody Burnett; Location: 705 Southeast 4th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Sooter, second by Alderman Baggett. There was no discussion. Motion carried (7-0), with Alderman Grider absent.

- 1f. Ordinance No. 2013-55: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to R-1, single family residential.

[Applicant: Christopher Conway; Location: Southwest 2nd Street and Southwest Tater Black Road]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Baggett, second by Alderman Burckart. There was no discussion. Motion carried (7-0), with Alderman Grider absent.

- 1g. Public hearing and ordinance vacating a right of way easement in Thornbrook Village Phase 1 within the City of Bentonville, Arkansas.

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

Mayor McCaslin recognized Brian Bahr, Economic Development Manager, to discuss a development regarding this item. Mr. Bahr explained that the developers of the property were considering a change in plans which might result in their withdrawing the request to vacate the right of way reflected in this item as well as the request to vacate the utility easement in the following agenda item. Accordingly, it was requested that the public hearings, which were already published, be held but that consideration of the ordinances be delayed.

Motion to table the ordinance until staff brings it forward again by Alderman Burckart, second by Alderman Sooter. Motion carried (7-0), with Alderman Grider absent.

- 1h. Public hearing and ordinance vacating a utility easement in Thornbrook Village Phase 1 within the City of Bentonville, Arkansas.

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

Motion to table the ordinance until staff brings it forward again by Alderman Burckart, second by Alderman Sooter. Motion carried (7-0), with Alderman Grider absent.

2. Ordinance No. 2013-56: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Mission Communications LLC for certain alarm services for the City of Bentonville wastewater system 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 Thomas. There was no discussion. Motion carried (7-0), with Alderman Grider absent.

3. Ordinance No. 2013-57: Ordinance revising certain job titles in the pay plan for the City of Bentonville, Arkansas.

City Attorney Spence reminded Council of the revised ordinance that was handed out at the beginning of the meeting being the ordinance presented for their consideration. The ordinance was then read by title only.

Alderman Burckart questioned the total cost of the newly created position when benefits were added in. Ed Wheeler, Human Resources Manager, responded that while he did not have a precise figure, benefits usually ran about 40 percent so he would estimate the total cost at \$60,000 to \$65,000. Alderman Burckart also expressed his concern that the new position would take business away from private sector firms. Ben Peters, City Engineer, explained that the new position would be able to do some small engineering projects in house that are currently being done by private firms and that those projects are not particularly popular with or profitable for private engineering firms. Alderman Burckart stated he thought it would be somewhat less expensive to use private engineering firms than to fund a new job position.

Alderman Thomas indicated his calculations resulted in a total cost closer to \$70,000 to fund the new job position. He also asked what the overall change for all the position changes would cost. Mr. Peters replied that at the lower entry level pay the change would be level from a cost standpoint.

Alderman Burckart suggested that the savings from bringing the position in house would erode over time with pay increases for the new position. Mr. Peters indicated that his expectation was that this new position would not experience such increases as the person filling it would likely have a desire to move up either in house or

by leaving for an outside position after getting a professional engineering license after three or four years.

Alderman Baggett commented that it appeared to her that this change would assist in getting projects completed in a timely manner, a comment with which Mr. Peters agreed.

Motion to approve the request by Alderman Sooter, second by Alderman Baggett. Motion carried (7-0), with Alderman Grider absent.

4. Mayor McCaslin recognized Danielle Shasteen, Community Programs Coordinator, who presented the Residential Yard of the Month award for the month of June to Brad and Johnetta Dexter.
5. A resolution authorizing the Mayor and Clerk to enter into an agreement with Jackson, Brown, Perculict Architects for architectural services related to the design of Fire Station 6 in the City of Bentonville, Arkansas.

Alderman Burckart asked why the City was paying for the plans again for this station as the design for Station 6 was substantially the same as for Station 5 and he also asked about pursuing ownership of the plans or paying a reduced fee for using the plans again in the future. Dave Burris, Architect, stated that the new plans would be largely the same as for Station 5 with a few changes in design based on experience with Station 5. He noted that his firm had not designed Station 5. He also added that the language in the contract pertaining to ownership of the plans was pretty typical contract language.

Mayor McCaslin stated that Station 6 would be the same as Station 5 with some minor modifications based on experience and had Assistant Chief Gary Birch from the Fire Department explain the planned modifications.

Alderman Perry indicated he agreed that the language of the contract needed to be reviewed with regard to ownership of the plans. Motion by Alderman Perry to table the resolution to give the Mayor and staff time to address suggested revisions to the contract, second by Alderman Williams. Motion carried (7-0), with Alderman Grider absent.

6. Ordinance regulating door to door solicitation at private residences in the City of Bentonville and for other purposes.

Alderman Burckart initiated a discussion which was joined in by most members of the Council, City Attorney George Spence, Staff Attorney Camille Thompson and Police Chief Jon Simpson. Alderman Burckart stated his concern was that the proposed ordinance was too restrictive and would be a hindrance to small businesses. Several questions were raised about Scouts and students being affected by the ordinance which were allayed by noting that the ordinance exempted charitable organizations. Mrs. Thompson noted that the current ordinance prohibited door to door sales altogether and that the proposed ordinance was actually less restrictive and was not opposed by the businesses that had been in contact with the City about it.

Chief Simpson explained that from the Police Department's perspective the proposal would promote public safety by giving officers an additional tool to respond to complaints. He noted that responding to violations were and would be complaint driven in response to concerns from Council members, noting that the Police Department did not receive complaints about either Scouts or students selling door to door, or neighborhood children seeking to sell lawn mowing services.

A question arose as to whether the proposed ordinance would prohibit businesses from handing out advertising door to door. City Attorney Spence explained that so long as there was no approach to a resident seeking an immediate sale of goods or to take an immediate order for goods, handing out advertising materials was allowed by the ordinance.

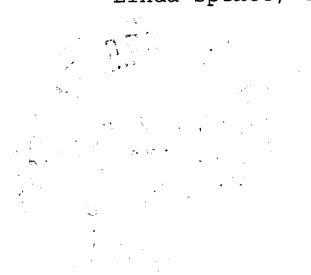
The Council generally seemed to be in agreement that revising the existing ordinance was appropriate but asked that the proposed ordinance be revised to attempt to address their concerns.

Motion to table the ordinance by Alderman Baggett, second by Alderman Burckart. Motion carried (7-0), with Alderman Grider absent.

Motion to adjourn the meeting by Alderman Burckart, second by Alderman Sooter.

Before adjournment, City Attorney Spence was given permission to address the Council. He indicated he wanted to call the Council and public's attention to Mayor McCaslin having been named by AY Magazine as being among their Powerful Men in Arkansas for 2013. The Mayor was given a round of applause.

Thereafter, the Mayor adjourned the meeting without objection.


Linda Spence
Linda Spence, City Clerk

Bob McCaslin
Bob McCaslin, Mayor