

Bentonville City Council
Meeting Minutes
August 27, 2013

The City Council of Bentonville, Arkansas, met in regular session Tuesday, August 27, 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, Leah Williams, Bill Burckart, Burton Head and Jim Grider, with Shane Perry 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 Baggett to approve the minutes of the August 13, 2013 meeting as written, second by Alderman Grider. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

Mayor McCaslin recognized Mike Churchwell, Transportation Director. Mr. Churchwell then recognized and introduced three City employees: James Bise and Rodney Chadwell from the Street Department and Shawn Buttry from the Water Department. Mr. Churchwell recounted the events of the morning of August 8 involving the flooding of Little Sugar Creek and Ford Springs Road. He stated that an individual driving a fifteen passenger van down the flooded Ford Springs Road became buoyant, left the road and began sinking, and that the individual was able to exit the van. He stated that the three employees ran through knee-deep water, called 911, and rescued the individual by grabbing hold of him and pulling him out of the floodwater. Mayor McCaslin presented each of the men with a Certificate of Commendation in recognition of their brave and selfless acts of heroism toward a fellow citizen, which was followed by a standing ovation.

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 (7-0), with Alderman Perry absent.

Mayor McCaslin announced that at the request of staff and one of the aldermen that Item 1c had been removed from the agenda and suggested that the next two weeks be used to address and resolve issues that have recently risen with the proposed ordinance.

- 1a. Ordinance No. 2013-73: Ordinance accepting a plat of East Ridge Addition to the City of Bentonville, Arkansas.

[Applicant: The Meadows at Woods Creek, Inc.;
Location: Woods Creek Road]

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

- 1b. Ordinance No. 2013-74: Ordinance accepting a lot split of Wal-Mart ISD 2nd Addition Lots 2 and 3 to the City of Bentonville, Arkansas.

[Applicant: Wal-Mart Stores East, LP; Location: Southeast Moberly Lane]

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 (6-0-1), with Alderman Perry absent and Alderman Williams abstaining.

- 1c. Ordinance amending Chapter 15 Subdivision Code, Article 1400 Landscaping, Screening and Buffering, Article 100 Definitions and Article 900 Plat and Plan Requirements of the Bentonville Municipal Code.

[Removed from agenda]

- 1d. Ordinance No. 2013-75: Ordinance amending Chapter 14 Zoning Code, Article 601 Supplemental Regulations to amend regulations for outdoor vendors to accommodate outdoor vendor parks and mobile food vendors.

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

Alderman Thomas asked if there was a limit as to outdoor vendor activity. Mayor McCaslin noted that all current vendors are located on private property. Troy Galloway, Community Development Director, stated there was not an arbitrary number established on the number of vendors allowed. He stated the intent of the

ordinance revision was to try to have regulations in place to regulate these businesses to address aesthetics. He added that the businesses benefit the community by filling in some of the gaps and dead space in the developing part of downtown until brick and mortar establishments begin to fill in those gaps.

Mayor McCaslin asked Mr. Galloway to list the requirements that must be met for this type of business to operate. Mr. Galloway responded that food vendors would have to have Health Department approval, private property owner permission, and in some cases some minor site improvements. He also stated that one of the main purposes of this revision was to encourage vendors to congregate together.

Mayor McCaslin also noted that it is mandated that these businesses register and have a relationship with the A & P Commission.

Alderman Burckart stated that where there was permitted or conditional use on many of the other items listed, under mobile vendors it didn't have conditional or permitted use under commercial. Mr. Galloway stated they are allowed in commercial areas as long as they meet all other requirements.

Motion carried (7-0), with Alderman Perry absent.

- 1e. Ordinance No. 2013-76: Ordinance vacating a utility easement located in College Place Subdivision Phase 8 Lot 30 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 Williams. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

- 1f. Resolution No. 8-27-13 A: Resolution setting a public hearing for September 10, 2013 at 6:00 p.m. regarding a petition filed by First Federal Bank requesting a drainage easement vacation within the City of Bentonville, Arkansas.

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

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- 1g. Resolution No. 8-27-13 B: Resolution setting a public hearing for September 10, 2013 at 6:00 p.m. regarding a petition filed by Kraft Foods, Inc. requesting a right of way vacation within the City of Bentonville, Arkansas.

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

2. Resolution No. 8-27-13 C: Resolution exempting property owners from making or paying a fee in lieu for typically required street improvements on South Main Street and Southwest A Street between Central Avenue and Southwest 14th Street (Highway 102).

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

3. Resolution No. 8-27-13 D: Resolution authorizing the Mayor and Clerk to enter into an agreement with Temple, Inc. for the purchase of computer software for the City of Bentonville Traffic Management Center.

City Attorney Spence read the resolution by title only.

Alderman Thomas asked if this was a 2013 budgeted item. Mike Churchwell, Transportation Director, explained these funds were from bond money, the traffic signal component of the bond program.

Alderman Burckart noted that additional hardware and materials were listed in the quotation and asked for clarification as to if that would be purchased and how that amount would be funded.

Mr. Churchwell stated that those items would be purchased but that they were under \$20,000 so there would be no need to bring them before the Council.

Motion to pass by Alderman Sooter, second by Alderman Baggett. Motion carried (7-0), with Alderman Perry absent.

4. Ordinance No. 2013-77: Ordinance authorizing the creation of a new position (Water Utility Systems Technician, Grade 21) in the pay plan for the City of Bentonville, Arkansas.

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

5. Ordinance No. 2013-78: Ordinance authorizing the creation of a new job classification (Deputy Fire Chief, Grade 57) in the pay plan for the City of Bentonville, Arkansas.

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

A discussion was initiated by Alderman Thomas regarding the analysis of the cost savings as a result of this action. Brent Boydston, Fire Chief, explained that the new structure would promote three battalion chiefs to deputy fire chiefs, three captains to battalion chiefs and three firefighters to captains with a 5 percent salary increase as opposed to the estimated cost of \$100,000 to fill the current position of Assistant Chief.

Alderman Burckart asked whether new personnel would be asked for. Chief Boydston indicated that additional personnel may be asked for in the future, but that he was not doing so now as the promoted individuals would retain their current roles with some expansion of responsibilities. Mayor McCaslin added that six to nine new fire personnel would be requested in connection with the opening of Fire Station No. 6.

Motion carried (7-0), with Alderman Perry absent.

6. Approval of a budget adjustment in the amount of \$13,682, sourced from Federal Equitable Sharing funds, to replace and upgrade fitness equipment in the Police Department gym.

Motion to approve by Alderman Burckart, second by Alderman Grider. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

7. Approval of a budget adjustment for Parks and Recreation to recognize a \$1,000,000 grant from the Community Care Foundation for construction of the Bentonville Community Recreation Center.

Motion to approve by Alderman Sooter, second by Alderman Grider. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

8. Approval of a budget adjustment for Parks and Recreation recognizing a \$30,000 contribution from Bentonville Youth Baseball for improvements at the Elm Tree baseball fields.

Motion to approve by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

9. Resolution No. 8-27-13 E: 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 Baggett, second by Alderman Grider. There was no discussion.


Motion carried (7-0), with Alderman Perry absent.

10. Ordinance No. 2013-79: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of a remote terminal unit for the Bentonville Electric Department from Novatech, LLC and waiving the requirement of competitive bidding.

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 (7-0), with Alderman Perry absent.

Mayor McCaslin announced that tax receipts for the month of June were robust and that the City is in good financial shape. He also stated that staff was heavily engaged in budget planning.

Motion was made by Alderman Grider to adjourn the meeting, second by Alderman Burckart. Motion carried (7-0).


Linda Spence, City Clerk


Bob McCaslin, Mayor