

Bentonville City Council  
Meeting Minutes  
September 10, 2013

The City Council of Bentonville, Arkansas, met in regular session Tuesday, September 10, 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, 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 August 27, 2013 meeting as written, second by Alderman Burckart. 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 Grider. There was no discussion. Motion carried (8-0).

- 1a. Ordinance No. 2013-80: Ordinance accepting a lot split of Crystal Bridges Museum Addition Lots 10, 11 and 12 to the City of Bentonville, Arkansas.

[Applicant: Walton Family Foundation, Inc.; Location: Crystal Bridges Museum Addition, Lot 4; 600 block of Northeast J Street]

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 (8-0).

- 1b. Ordinance No. 2013-81: Ordinance accepting a lot split of Brown Subdivision Lots 1 and 2 to the City of Bentonville, Arkansas.

[Applicant: Michael Brown; Location: 706 Bella Vista 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).

- 1c. Ordinance No. 2013-82: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to R-1, single family residential.

[Applicant: Walton Family Foundation, Inc.; Location: Crystal Bridges Museum Addition, Lot 4; 600 block of Northeast J Street]

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 (8-0).

- 1d. Ordinance No. 2013-83: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to R-C2, central residential moderate density.

[Applicant: CHP, LLC; Location: 408 Southwest 3rd Street]

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).

- 1e. Ordinance No. 2013-84: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to R-2, duplex and patio home residential.

[Applicant: CBFJ Properties, LLC; Location: Carriage Square Subdivision, Block 9, Lot 35]

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 (8-0).

- 1f. Ordinance No. 2013-85: Ordinance vacating a street right of way easement located in Orchard Addition between Block O and Block P to 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.

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 (8-0).

- 1g. Ordinance No. 2013-86: Ordinance vacating a drainage easement located in Bentonville Inn 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 public hearing closed.

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).

- 1h. Ordinance No. 2013-87: Ordinance amending Chapter 15 Subdivision Code, Article 1400 Landscaping, Screening and Buffering, Article 200 Definitions and Article 900 Plat and Plan Requirements of the Bentonville Municipal Code.

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

A discussion was initiated by Alderman Thomas by requesting an overview of the objective for the ordinance. Troy Galloway, Director of Community Development, stated the reason for the new ordinance was that the current landscaping ordinance was not achieving the results intended. He stated the ordinance seeks to achieve a cost-neutral approach. Mr. Galloway stated proposed changes included eliminating high-maintenance shrubs in favor of canopy trees and noted many economic and environmental benefits by doing so. He stated that the ordinance was not retroactive and only impacts new developments that come through the City's planning process.

Alderman Thomas inquired of Beau Thompson, Planner, if he had presented and/or received feedback on the ordinance. Mr. Thompson stated that in the last six months they had started looking at projects to implement the ordinance to see if they could recognize changes. He also stated to date he had not had a negative response from a developer and they seemed to be happy to get rid of shrubs in favor of trees.

Mr. Galloway stated he had discussed with Alderman Burckart that in some cases this might cost a developer a little bit more land in initial development stages due to increased buffer widths on some parking lot requirements and screening requirements, but noted that developers could apply for a waiver through the Planning Commission.

Mr. Galloway stated that the City is supporting this effort also. He noted that the City gives away trees twice a year at the Farmers Market, the Parks Department plants trees every year, and has a major tree planting program going on this fall and that there have been discussions about planting 1,026 trees on Make a Difference Day, October 26.

Mr. Thompson stated that after meeting and reviewing the plans for the new Water Department project with the landscape architect, the City was able to save money under the new ordinance because it had originally been designed under the old ordinance.

Alderman Baggett expressed her thanks to everyone who worked on putting this together, as did Alderman Perry.

Alderman Burckart indicated he had met with the staff to discuss the proposed ordinance. He indicated that in his mind cost was a significant consideration and that he viewed the increase in buffers of 40 percent as a problem because it reduced income potential and would be a significant cost on smaller sites. Alderman Burckart stated that he thought waiver opportunities would help, but that the costs are not minor.

Mr. Galloway responded that waiver would be more appropriate for smaller sites as it would be easier to show hardship. He indicated the wider buffers would also help with regard to utility issues and that the wider buffers were better for tree roots.

Alderman Burckart stated that the additional buffer space would affect the cap rate and that he wanted it on the record that waivers will be appropriate at times.

Alderman Grider noted that in order for this to work the ordinance would need to be enforced. He asked whether the City would follow up with a property owner about replacing a downed tree. Mr. Galloway responded that the City would.

Alderman Burckart requested clarification of the "lifetime" guarantee statement. George Spence, City Attorney, stated that while that term was used in the summary, it was not reflected that way in the revision of the Zoning Code. He noted it was a permanent requirement in that if a tree or planting goes away it is to be replaced. Alderman Burckart reiterated he did not agree with the "lifetime" guarantee provision.

Alderman Perry stated that he thought the Council needed to place trust in the Planning Commission in the work it had done.

Alderman Burckart stated he had heard complaints about the City removing trees or cutting trees on its own property and also regarding trimming trees for utility lines. He indicated he would like to see a commitment from utility companies and city departments that if a tree is cut down it will be replaced.

Mayor McCaslin stated that the need to provide electric power would always take precedence and also noted that the City does replace trees when it is necessary to take them out.

Alderman Burckart stated his disagreement with the need for a licensed landscape architect on plans indicating it was his thought that a lot of qualified people, particularly in the construction area, were not credentialed.

Mr. Galloway indicated that this provision was somewhat a response to what had actually been happening in that 99 percent of current plans were being submitted by licensed professionals.

Mr. Galloway presented a power point presentation regarding problems observed with landscaping around the City and the need for the proposed ordinance.

Motion carried (8-0).

2. Resolution No. 9-10-13 A: Resolution authorizing the Mayor and Clerk to enter into an agreement with Boyette Strategic Advisors for an economic development strategic plan for the City of Bentonville.

City Attorney Spence read the resolution by title only.

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Alderman Grider asked Brian Bahr, Economic Development Manager, to explain the plan. Mr. Bahr stated the strategic plan would identify the strengths and weaknesses of Bentonville for economic development, identify growth industries, strengthen current employment centers and provide objectives to accomplish over the next five years. He also stated the cost for the plan would be \$76,450 and should be completed in six months. Tom Ginn, Vice President of Economic Development with the Bentonville/Bella Vista Chamber of Commerce, added that the plan would establish a benchmark and provide an opportunity for everybody to work together.

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

3. Resolution No. 9-10-13 B: Resolution authorizing the Mayor and Clerk to enter into a lease agreement with Bob and Susan Koehler of NWA Polo for a portion of the city-owned property at Price Coffee Road.

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

4. Bentonville Public Library Summer Reading Club 2013 report.

Mayor McCaslin recognized Hadi Dudley, Library Director. He also noted the summer reading recap presentation included in the agenda. The recap included graphs showing an increase in the number of hours read by youth for the last six years, an increase in summer program attendance, an increase in circulation for the months of June and July for the last six years and a circulation breakdown by collection for 2013.

5. Resolution No. 9-10-13 C: Resolution authorizing the Mayor and Clerk to enter into an amendment to the agreement with Morrison Shipley Engineers for additional services related to the South Main Street Improvement project.

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

6. Resolution No. 9-10-13 D: Resolution authorizing the Mayor and Clerk to enter into an agreement with Traffic Engineering Consultants for a traffic signal timing study and coordination plan.

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 (8-0).

7. Ordinance No. 2013-88: Ordinance amending the pay plan for the City of Bentonville, Arkansas (eliminating transportation technician and creating transportation foreman).

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).

8. Resolution No. 9-10-13 E: Resolution authorizing the Mayor and City Clerk to enter into an agreement with the FAA for an airport improvement program grant for partial funding of the Runway Safety Area Improvement project at Bentonville Municipal Airport.

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).

9. Approval to award Bid No. 13-17 to TNT, Inc. in the amount of \$543,897.80 for construction of the Runway Safety Area Improvement project.

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

10. Approval to award Bid No. 13-30 to General Construction Solutions in the amount of \$252,876.80 for construction of sidewalk and drainage improvements to Northwest 3rd Street, Southeast 2nd Street and Southeast A Street.

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

11. Resolution No. 9-10-13 F: Resolution authorizing the Mayor and Clerk to enter into an amendment to the contract with FTN Associates, Ltd. to increase the study length.

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

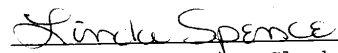
12. Ordinance No. 2013-89: Ordinance authorizing the City of Bentonville to purchase fill material for the Windmill Road project from K & M Excavating "Cousins Pit" and waiving the requirement of competitive bidding.

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

13. Resolution No. 9-10-13 G: Resolution authorizing the Mayor and Clerk to enter into an amendment to the contract with CEI Engineering related to Fire Station 6 in order to develop a phase one grading plan for the site.

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

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

  
Linda Spence, City Clerk

  
Bob McCaslin, Mayor



