

Bentonville City Council  
Meeting Minutes  
September 24, 2013

The City Council of Bentonville, Arkansas, met in regular session Tuesday, September 24, 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 Burckart to approve the minutes of the September 10, 2013 meeting as written, second by Alderman Grider. 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 Baggett. There was no discussion. Motion carried (8-0).

1. Resolution No. 9-24-13 A: Resolution commending and congratulating Sissy Rogers for her combined twenty-two years of dedicated service to the Bentonville Police Department.

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

Police Chief Jon Simpson presented Ms. Rogers with a framed copy of the resolution, which was followed by a standing ovation.

- 2a. Ordinance No. 2013-90: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to C-2, general commercial.

[Applicant: Tina Merritt; Location: 1900 South Walton Boulevard]

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).

- 2b. Ordinance No. 2013-91: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to C-2, general commercial.

[Applicant: Wal-Mart Stores, Inc.; Location: Southeast 8th Street and 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 (7-1), with Alderman Perry abstaining.

- 2c. Ordinance No. 2013-92: Ordinance amending the classification of property from medium density residential to commercial on the future Land Use Map for the City of Bentonville, Arkansas.

[Applicant: Morrison Tract LLC; Location: Southwest Bright Road and Southwest Regional Airport Boulevard]

Prior to the reading of the ordinance Mayor McCaslin explained the procedure for public comments, should the Council so allow. He stated that there would be a brief presentation by Planning staff explaining the item before the Council, a brief presentation by the property owner followed by a thirty-minute period of public comments.

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

Mayor McCaslin recognized Beau Thompson from the Planning Department. Mr. Thompson began by stating that staff supports the land use map amendment change based on it being located at the intersection of a major arterial (Southwest Regional Airport Boulevard) and a collector street (Southwest Bright Road), because there are policies within the General Plan that point in the direction of changing this to a commercial designation and based on adjacent land uses in the area. He stated the property is zoned C-1 right now, the Land Use Map shows it as a residential designation, and staff recommends making the land use consistent with the zoning.

Alderman Thomas asked how far from this location the closest C-2 property is located. Mr. Thompson stated there was C-2 property about a half mile west at Featherston Road and that immediately to the north and east is a PUD for the Links at Rainbow Curve that designated approximately twenty acres along Highway 12 as commercial, allowing any use that is appropriate within the C-1 or C-2 zoning at that time to be allowed in that area.

Mayor McCaslin clarified that zoning is not what is before the Council tonight. He stated the issue is about changing the 2006 Land Use Map designation from medium density residential to commercial.

Alderman Williams asked about the timing of the issue being raised. Mr. Thompson stated the issue had arisen because the developer plans to develop the land.

Alderman Baggett asked about future plans for the highway. Brian Bahr, Economic Development Manager, stated the road would be widened to five lanes and that after road construction a signal light would be installed at Bright Road.

Mayor McCaslin recognized Joshua Kyles, appearing on behalf of Morrison Tract. A presentation was made by Mr. Kyles showing various elements of the proposed development. He stated four to five commercial buildings were planned and that his purpose for being here is to have the Land Use Map conform to what exists and surrounds this property.

Mayor McCaslin clarified that the 2006 Land Use Plan by ordinance requires that the land use be changed before it can be used for another purpose. Mr. Thompson stated that the land use must be modified first, so that if the land use is not consistent with the zoning it would need to be changed, and that if Mr. Kyles wants to develop that land in a C-1 manner then the land use needs to be amended to reflect the actual zoning before he can develop the property.

Alderman Perry stated in his view this was an internal housekeeping issue because the planning map doesn't match the zoning.

Mayor McCaslin announced the floor was open for public comments and recognized Harley Jarvis. Mr. Jarvis stated he would be speaking on behalf of several friends and neighbors. He stated he has lived

near this intersection for ten years. He described it as an area with a high concentration of young families, lots of children, parks, churches and schools. He stated he understood the issue tonight was only to amend the Land Use Map, but that the only reason this issue was before the Council was because the developer is trying to put in a liquor store in the midst of the neighborhood. He also stated that a no vote tonight would send a message and allow time for both sides to work together to come up with a plan that will allow for commercial development that will benefit both sides.

Alderman Perry asked Mr. Jarvis if he recognized that if the ordinance was passed that a second vote before this body would be required before a liquor store could be built. Mr. Jarvis stated he did. Alderman Perry asked if his group understood there would be an opportunity to work together even if we take up the housekeeping issue tonight before the issue would come before the Council again. Mr. Jarvis stated they did, but that he simply didn't want to miss an opportunity to communicate on this issue.

Alderman Perry stated the Council is bound by certain standards when it votes on the issue tonight and those standards might be different when the issue that is being raised is actually ripe and before the Council. City Attorney Spence stated that in either case this was a legislative decision to be made using the full panoply of information before the Council.

Mr. Jarvis stated that he and his group were in favor of the change but that they were not in favor of it right now because the ultimate use is intended to be a liquor store. He indicated they would like for the Council to encourage the developers and the residents to work together.

Mayor McCaslin recognized Sarah Solis for public comments. Ms. Solis described the layout of the area, the number of schools, churches and parks. She stated there are at least eight neighborhoods in the area. She also stated that there are plans to have the Northwest Arkansas trail come through the area and it would be just outside the front door of this property, that a liquor store just would not fit in there and that more family-friendly alternatives should be considered.

Mayor McCaslin asked if there were any further public comments. There were none. He then asked if there were further questions from Council members. There were none.

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no further discussion. Motion passed (5-3), with Alderman Williams, Alderman Baggett and Alderman Thomas voting no.

3. Resolution No. 9-24-13 B: Resolution authorizing the Mayor and Clerk to enter into an amendment to the existing contract with Garver Engineers for services related to citywide traffic study.

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).

4. Resolution No. 9-24-13 C: Resolution authorizing the Mayor and City Clerk to enter into an agreement with Geosyntec Consultants, Inc. to provide environmental consulting and related services regarding water quality issues associated with Town Branch Creek.

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).

5. Resolution No. 9-24-13 D: Resolution authorizing the Mayor and Clerk to enter into an agreement with Finley Engineering for engineering design services related to Electric Substation C.

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).

6. Approval to award Bid No. 13-35 to Keeling Company in the amount of \$30,475.64 to purchase three Aqua Master fountain pumps for the Parks and Recreation Department.

Alderman Thomas asked if this money would come from the Parks and Recreation budget. David Wright, Parks and Recreation Director, stated that this item was a part of the Parks bond project.

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

7. Approval to award Bid No. 13-34 to Creative Design in the amount of \$23,723.93 for renovations to the dive pool and installation of a new pool cover at Melvin Ford Aquatic Center.

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

8. Resolution No. 9-24-13 E: Resolution authorizing the Mayor and Clerk to enter into an amendment to the existing contract with McClelland Engineers for additional services related to the Northwest 2nd Street improvements.

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


9. Approval to award Bid No. 13-36 to APAC-Central in the amount of \$986,350.90 for construction and improvements to Northwest 2nd Street from Northwest A Street west to Walton Boulevard.


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

10. Resolution No. 9-24-13 F: Resolution expressing the willingness of the City of Bentonville to utilize Federal-aid Transportation Alternatives Program funds administered by the Northwest Arkansas Regional Planning Commission.

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

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

  
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Linda Spence, City Clerk

  
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Bob McCaslin, Mayor