

Bentonville City Council

Meeting Minutes

March 30, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, March 30, 2021, at 6:00 p.m., at the Bentonville Community Center, 1101 Southwest Citizen's Circle, Bentonville, Arkansas.

Present were Council Members Cindy Acree, Octavio Sanchez, Holly Hook, Chris Sooter, Bill Burckart, Aubrey Patterson, and Gayatri Agnew. Also present were Mayor Stephanie Orman, Staff Attorney Camille Thompson, who filled in for City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience. Council Member Tim Robinson attended remotely and participated by Zoom.

Due to the situation related to COVID-19, several members of the city staff and the public attended remotely by Zoom. Mayor Orman reminded the council that all votes would be by roll call.

Several individuals signed in to speak at the meeting in person, and several individuals joined via Zoom for public comment and to speak to agenda items.

Mayor Orman called the meeting to order. Brett Bourquin, a Cub Scout from Pack 525, led everyone present in the Pledge of Allegiance, which was followed by a moment of silence in support of our armed forces.

Motion was made by Council Member Sanchez to approve the minutes of the March 9, 2021 meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Motion was made by Council Member 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 Council Member Burckart. There was no discussion. Motion carried (8-0).

1. Planning:

- 1a. Ordinance No. 2021-72: Ordinance accepting a property line adjustment of Lot 19, Magnolia Addition to the City of Bentonville, Arkansas (Project No. PLA21-0006).

[Applicant: Vytacil;

Location: 310 Huffman Street]

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 1b. Ordinance No. 2021-73: Ordinance accepting a property line adjustment of Lots 26, 27 & 28, Block 9, W.A. Burks Addition to the City of Bentonville, Arkansas (Project No. PLA21-0007).

[Applicant: Village View, LLC;

Location: NE Monroe, NE Park & NE A Streets]

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 1c. Ordinance No. 2021-74: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-2, General Commercial (Project No. RZ21-0009).

[Applicant: Harmon & Sharpshair;

Location: 900 SW Regional Airport Boulevard]

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 1d. Ordinance No. 2021-75: Ordinance accepting a lot split of Lots 1, 2, & 3 Hilltop Acres Subdivision to the City of Bentonville, Arkansas (Project No. LS20-0027).

[Applicant: Kirkpatrick;

Location: 4708 Town Vu Road]

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 1e. Resolution No. 3-30-21 A: A resolution adopting the Bentonville Bike and Pedestrian Master Plan Pursuant to Arkansas Code Annotated §14-56-414.

Mayor Orman recognized David Wright, Parks and Recreation Director, who presented an overview of the Bike and Pedestrian Master Plan.

Council Member Acree thanked David Wright for their work on the plan. Council Member Sanchez also thanked David and brought up a couple of items of concern, such as the responsible party for an accident and the overall expenses.

Council engaged in a lengthy discussion regarding right-of-way structures, sidewalk gaps, and the process of working together with other departments in working towards the Master Plan.

Council Member Hook asked about the project processes and how citizens can know about any upcoming projects. David Wright explained that through public hearings, meetings, and working directly with property owners, they could address any issues and satisfy citizens' concerns before moving forward with specific projects.

Mayor Orman thanked David Wright and their team for their hard work.

Staff Attorney Thompson read the resolution by title only. Motion to pass by Council Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

- 1f. Ordinance No. 2021-76: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-2, General Commercial to C-3, Central Commercial (Project No. RZ21-0005).

[Applicant: Tailor Family Development, LLC;

Location: SE 30th and SE John Rollow Drive]

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 1g. Ordinance No. 2021-77: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-3, Medium Density Residential to DE, Downtown Edge (Project No. RZ21-0007).

[Applicant: Kuhlow;

Location: 514 SE E Street]

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 1h. Ordinance No. 2021-78: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of DE, Downtown Edge to DC, Downtown Core (Project No. RZ21-0008).

[Applicant: Hall;

Location: 312 S Main Street]

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 1i. Ordinance No. 2021-79: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-2, General Commercial (Project No. RZ21-0009).

[Applicant: Harmon and Sharpshair;

Location: SW Regional Airport Boulevard and SW I Street]

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 1j. Ordinance No. 2021-80: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-3, Medium Density Residential (Project No. RZ21-0010).

[Applicant: Tirado-Wang;

Location: McCollum Road]

Council Member Sanchez commented that the Future Land Use Plan indicates this property as low-density. Ellen Norvell, Community Development Director, said it does call for low-density. Still, since it is right next to the interstate, typically, that is not an area for a single-family home, and staff felt it did not fit with the land use plan.

Council and Ellen Norvell discussed rezoning and the Future Land Use Plan complications. Ellen Norvell explained that they are putting a process together that they will present to the council that would allow them to change the Land Use Map and the zoning at the same time.

Council Member Hook mentioned concerns from local residents who do not want it to change to high-density.

Applicant Alexandra Tirado explained how they had put a lot of thoughts into the concerns discussed, that they have worked closely with the city, and found that this zoning would be the most viable.

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no further discussion. Motion carried (8-0).

- 1k. Ordinance No. 2021-81: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Single Family Residential to DE, Downtown Edge (Project No. RZ21-0012).

[Applicant: Lamplighter Restoration, LLC;

Location: 404 SE 6th Street]

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 1l. Ordinance changing real estate from C-1, Neighborhood Commercial to C-2, General Commercial, Ortho MEK, LLP, SW Bright Road and SW Regional Airport Boulevard.

Connie Kelley, Matt Moses, Amber Palmer, and Annette Moore spoke against the item. Nate Bachelor, with CEI Engineering, spoke in favor of the item.

Council and Ellen Norvell engaged in a lengthy discussion about the differences between C-2 and C-1 zoning, such as square footage, parking, and landscaping requirements.

Council Member Burckart said that this zoning fits the highest and best use of the property as it is dictated in the zoning.

Council Member Patterson said that that she does not think that this zoning fits the area.

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was a tie, so Mayor Orman broke the tie. Motion did not carry (4-5), with Council Member Patterson, Council

Member Sanchez, Council Member Hook, Council Member Acree, and Mayor Orman voting no.

- 1m. Ordinance No. 2021-82: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Single Family Residential to DE, Downtown Edge (Project No. RZ21-0015).

[Applicant: MO Hogs, LLC;

Location: SE B Street and SE 7th Street]

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

- 1n. Ordinance No. 2021-83: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Single Family Residential to DE, Downtown Edge (Project No. RZ21-0017).

[Applicant: Wisdom;

Location: 402 SE D Street]

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

2. Ordinance No. 2021-84: Ordinance extending the placement of tables, chairs, and other items on City of Bentonville public on-street parking spaces adjacent to downtown business establishments from April 30, 2021 to August 31, 2021 and declaring an emergency.

Council Member Burckart recommended that the ordinance be extended through the end of 2021 to allow businesses more use and confidence in their investment. Council Member Acree also brought up how with public property use, there is typically a lease agreement for that use. Council Member Burckart agreed and

said that if the ordinance is extended through the end of the year, in August, there can be a discussion or decision made on the ability to utilize lease agreements in the future.

Council Member Acree made a motion to extend the ordinance through the end of the year and return in August with a more permanent recommendation.

Council Member Burckart made a motion to extend temporary use of the spaces until the end of the year and that there must be a city plan in place by September 1 to continue. Council Member Agnew seconded Council Member Burckart's motion.

Council Member Acree withdrew her motion.

Council engaged in a lengthy discussion on the logistics of the possibility of having the public property use extended if not made permanent.

Mayor Orman recommended that since the item on the agenda is to extend use through August, then comments and recommendations can be taken to the Planning Commission until then to help them work on a long-term solution but to go ahead and vote on the agenda item at hand.

Council engaged in further discussion on whether to amend the ordinance to extend through the end of 2021 or keep it as August 31, with both options having a long-term solution presented by the end of August.

Mayor Orman explained that the Planning Commission is already working on the long-term solution for the public property use and will come up with an agreement by August 31.

Council Member Agnew withdrew her second to Council Member Burckart's motion.

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

Staff Attorney Thompson read the emergency clause on the ordinance. Motion to pass by Council Member Burckart, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

Council Member Sooter asked if the long-term plan can be completed before August 31. Staff Attorney Camille Thompson and Ellen Norvell explained that it could be completed before August

31 based on the plan's current status. The Planning Commission will bring a plan to the council in May or June.

3. Bid award for 750 underground wire to the lowest bidder as shown on the attached bid tabulation in the amount of \$79,254.00.

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

- 4a. Ordinance No. 2021-85: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of fingerprinting computers for the Bentonville Police Department and waiving the requirement of competitive bidding.

Staff Attorney Thompson read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 4b. Request for a Budget Adjustment and a related Agenda Item is a request for a Waiver of Bid. These items will allow for the purchase of two new fingerprinting computers from IDEMIA Identity and Security USA LLC. The Budget Adjustment for the total project is \$23,448.33 and will make use of existing Police Federal Equitable Sharing Escrow Account Funds to cover the cost of both devices, taxes, installation, and training.

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

5. Resolution No. 3-30-21 B: A resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property.

Council Member Burckart asked if it is possible to sell or auction off the vehicle in question to then reapply those funds within the city.

Chief of Police Jon Simpson explained that sharing resources with other police agencies helps with partnerships and is a way to be a good steward of taxpayer funds.

Chief of Police Jon Simpson and Mayor Orman explained how the cost for taking out police vehicles' equipment and having an auction could cost more than what the vehicle would bring in value.

Council Member Sanchez reminded council of the trade-in or sale that the department did with a local dealership where they take the equipment and decals off themselves and resale the vehicles.

Council Member Acree said it is good to establish those relationships, be good neighbors, and then ask how many vehicles have transferred to other agencies.

Chief of Police Jon Simpson said that they had transferred maybe 10 of 12 vehicles to other local cities and police academies which has also helped establish partnerships and goodwill between them.

Staff Attorney Thompson read the resolution by title only. Motion to approve by Council Member Acree, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

6. Bid award to Emergency Communication Systems (ECS) Mobile Alerting Systems for the purchase of an ECS-5 Rapid Deployment Mass Notification System for the City of Bentonville in the amount of \$99,976.35, including tax. This is a 2021 budgeted item shared between the Bentonville Fire Department and the Bentonville Police Department.

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

7. Bid award IFB-21-04 to Empire Group for the bi-weekly mowing of state highway right-of-ways within the City of Bentonville city

limits with an amount not to exceed \$165,000. This is a 2021 budgeted item. This agreement may be extended up to 3 years upon mutual agreement of both parties and council allocating funds.

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

8. Resolution No. 3-30-21 C: A resolution authorizing the Mayor and Clerk to grant a Trail Easement across certain city owned property to the City of Bella Vista, Arkansas.

Staff Attorney Thompson read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

9. Resolution No. 3-30-21 D: A resolution authorizing the Mayor and Clerk to enter into an agreement with the Arkansas Department of Transportation related to certain traffic signal items.

Staff Attorney Thompson read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Mayor Orman adjourned the meeting. Motion to adjure by Council Member Burckart, second by Council Member Acree.

Mayor Orman made a statement and addressed concerns on an issue involving a former City of Bentonville employee.

Mayor Orman opened the floor for public comments. Beatrice Apple commented on the city's response regarding an incident involving a former city employee.

Council members reported on committees and boards they participate in related to the city.

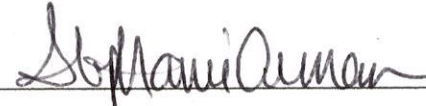
Council Member Burckart commented on the incident involving a former City of Bentonville employee and what the DEI task force will implement from this experience.

Council Member Robinson asked about the lift of the mask mandate by the Governor and what the City of Bentonville's plan is. Mayor Orman said that the city would have a meeting with all employees to discuss how the city will handle the mask requirements in the city public buildings.

The next Bentonville City Council meeting will be on April 13, 2021.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

