

Bentonville City Council
Meeting Minutes
May 12, 2020

The City Council of Bentonville, Arkansas, met in regular session Tuesday, May 12, 2020, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present at the Community Development Building were Mayor Orman, City Attorney George Spence, City Clerk Linda Spence, city staff Don Chase and Sergeant Andrew Albers.

Due to the situation related to the Coronavirus, council members Tim Robinson, Chad Goss, Cindy Acree, Chris Sooter, Aubrey Patterson, Bill Burckart, Octavio Sanchez and Jonathan Terlouw attended remotely, as did several members of the city staff and the public.

There were no public comments or comments from the Council about items on the agenda.

Mayor Orman called the meeting to order. The Mayor led everyone present in the Pledge of Allegiance followed by a moment of silence in support of our armed forces and all those involved in dealing with the COVID-19 crisis.

Motion was made by Council Member Sanchez to approve the minutes of the April 28, 2020 meeting as presented, second by Council Member Acree. 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 Sanchez. There was no discussion. Motion carried (8-0).

- 1a. Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, single

family residential to DN-1, downtown low-density residential.
(Project No. RZ20-07)

Mayor Orman noted that, as with an item on the last agenda, there was obvious public interest in this item and the difficulty with having an effective public hearing with Council members and the public participating remotely.

Motion by Council Member Sanchez to postpone this item to the first Council meeting where the Council and public could attend a Council meeting in person, or until such time as three members of the Council notified the Mayor that they desired to have the item placed on the agenda. Second by Council Member Acree. Motion carried (6-2) with Council Member Burckart and Council Member Goss voting no.

- 1b. Ordinance No. 2020-86: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, agricultural and R-E, residential estate to R-1, single family residential. (Project No. RZ20-13)

[Applicant: Allan and Jennifer Bertrand;
Location: 1714 Southwest 2nd Street]

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

- 1c. Ordinance No. 2020-87: 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. RZ20-16)

[Applicant: Patton Family Revocable Trust;
Location: 1580 East Centerton Boulevard]

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

- 1d. Ordinance No. 2020-88: Ordinance accepting a property line adjustment of Lots 30-33 Block 7 of W.A. Burks Addition to the City of Bentonville, Arkansas. (Project No. PLA20-15)

[Applicant: Jared Faciszewski;
Location: Northeast Monroe Street]

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

- 1e. Ordinance No. 2020-89: Ordinance accepting a property line adjustment of Lot 16 Block 2 of Armstrong Subdivision to the City of Bentonville, Arkansas. (Project No. PLA20-22)

[Applicant: Steven Trainor;
Location: 305 Southeast C Street]

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

- 1f. Ordinance No. 2020-90: Ordinance accepting a lot split of Lots 87-88 of Stonegate Subdivision to the City of Bentonville, Arkansas. (Project No. LS20-22)

[Applicant: Patton Family Revocable Trust;
Location: 1580 East Centerton Boulevard]

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

- 1g. Ordinance No. 2020-91: Ordinance accepting a property line adjustment of Lots 1-2 of Park Central Addition to the City of Bentonville, Arkansas. (Project No. PLA20-24)

[Applicant: Newell Development;
Location: 321 Southeast 2nd Street]

City Attorney Spence read the ordinance by title only.

Mayor Orman recognized Jerry Taplin, who was present at the City Council chambers and wished to comment on the item. Mr. Taplin stated that he had not received any notice regarding a public hearing on the subdivision plan to create eighty-one units, which had now been reduced to seventy-four units. He stated that he thought that number excessive concerning the narrow street and resulting traffic concerns.

Ellen Norvell, Planning Director, stated that the comments were more appropriately directed toward the large scale for the project, which was still in the future, and that the matter before the Council was only to clean up lot lines.

Council Member Sanchez acknowledged that the matter was just to adjust lot lines, but noted that the waivers connected with the large scale, related to the parking issues, were problems from his point of view.

Council Member Patterson stated she was concerned the large scale would not come before Council. Council Member Burckart stated that the decisions made by Planning staff were consistent with other developments.

Council Member Sooter noted that in considering the waivers for parking, weight was given to planned parking decks in the area. Council Member Acree stated she wanted the overall plan to be reconsidered. Mrs. Norvell noted that waivers such as those allowed here are not unusual.

Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no further discussion. Motion carried (8-0).

2. Approval for the reappointment of David Short to the Tree and Landscape Committee, said term to expire on May 23, 2023.

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

3. Resolution No. 5-12-20 A: Resolution authorizing the Mayor and Clerk to enter into an add-on agreement with Invoice Cloud.

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

4. Ordinance No. 2020-92: Ordinance to amend Ordinance 2004-119, terms and conditions of utility service for the City of Bentonville, Arkansas.

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

5. Ordinance No. 2020-93: Ordinance approving the Northwest Arkansas Regional Airport Authority second restated and amended agreement and authorizing the Mayor to execute and deliver said agreement.

City Attorney Spence 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).

6. Ordinance No. 2020-94: Ordinance adopting and enacting a new code for the City of Bentonville, Arkansas; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this ordinance shall become effective.

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

7. Ordinance No. 2020-95: Ordinance adopting revisions to the City of Bentonville Personnel Policy related to emergency and

family and medical leave provisions pursuant to newly enacted federal law and declaring an emergency.

City Attorney Spence 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).

City Attorney Spence read the emergency clause. Motion to adopt emergency clause by Council Member Goss, second by Council Member Acree. There was no discussion. Motion carried (8-0).

8. Resolution No. 5-12-20 B: Resolution authorizing the Mayor and Clerk to enter into an agreement with Garver, LLC for engineering services for a comprehensive assessment and plan related to the drinking water system.

City Attorney Spence 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).

- 9a. Approval of change order No. 2, in the amount of \$169,983.01, for additional mill and overlay work to be added to the Highway 102 and Southwest I Street intersection improvement project.

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

- 9b. Approval of a budget adjustment for the Engineering Department, in the amount of \$169,983.01, for the Highway 102 and Southwest I Street intersection improvement project.

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

Motion to adjourn the meeting by Council Member Sanchez, second by Council Member Acree. Meeting adjourned.

Council members reported on committees and boards they participate in related to the City. There were no public comments.

Linda Spence
Linda Spence, City Clerk

Stephanie Orman
Stephanie Orman, Mayor

