

Bentonville City Council

Meeting Minutes

August 24, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, August 24, 2021, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Cindy Acree, Octavio Sanchez, Holly Hook, Aubrey Patterson, Bill Burckart, Gayatri Agnew, and Chris Sooter. Also present were Mayor Stephanie Orman, 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.

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

Mayor Orman called the meeting to order. Ayden Bourquin, a Boy Scout from Troop 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 Acree to approve the minutes of the August 10, 2021, meeting as presented, second by Council Member Sanchez. 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).

1. Planning:

- 1a. Ordinance No. 2021-170: Ordinance accepting a lot split of Lots 87 & 88 of Northaven Hills Subdivision, Phase 1 to the City of Bentonville, Arkansas (Project No. LS21-0036).

[Applicant: William IV & Linda M;

Location: 20 Valley View Circle]

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).

- 1b. Ordinance No. 2021-171: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential (Project No. RZ21-0045).

[Applicant: Carr Exempt Trust-Hannah Taylor;

Location: 407 SE B Street and 410 SE C Street]

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).

- 1c. Ordinance No. 2021-172: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of DN-2, Downtown Medium-Density Residential to PRD, Planned Residential Development (Project No. PRD19-0006).

[Applicant: Roth Family Inc.;

Location: 806 NW A Street]

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).

- 1d. Ordinance No. 2021-173: Ordinance accepting a final plat of Aurora Subdivision Phase 1 to the City of Bentonville, Arkansas (Project No. FP21-0001).

[Applicant: Aurora Development Company, LLC;

Location: 8936 South Morning Star Road]

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).

2. Recognition by City Council of Michelle and Bradley Shehan who reside at 700 SW 2nd Street. The property's landscaping was nominated by a Bentonville resident and is the August Residential Landscaping of the Month award winner.

Mayor Orman and Ellen Norvell recognized Michelle and Bradley Shehan.

3. Ordinance No. 2021-174: Ordinance vacating a drainage easement located at lot 76 of White Oak Subdivision to the City of Bentonville, Arkansas, Benton County Arkansas (VAC21-0015).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

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).

4. Ordinance No. 2021-175: Ordinance vacating a utility easement located at 1220 NE Buckingham Blvd. of Kingsbury Subdivision to the City of Bentonville, Arkansas, Benton County Arkansas (VAC21-0016).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

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).

5. Ordinance No. 2021-176: Ordinance vacating a utility and access easement located at 1605/1703 SW 14<sup>th</sup> Street to the City of Bentonville, Arkansas, Benton County Arkansas (VAC21-0017).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

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).

6. Ordinance No. 2021-177: Ordinance vacating a utility easement located at 1507 SW 14<sup>th</sup> Street to the City of Bentonville, Arkansas, Benton County Arkansas (VAC21-0018).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

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).

7. Resolution No. 8-24-21 A: A resolution setting a public hearing for September 14, 2021, for a Utility/Drainage Easement Vacation requested for 4007 NE Cadbury Ave. of Kensington Subdivision (VAC21-0020).

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

8. Resolution No. 8-24-21 B: A resolution authorizing the Mayor and Clerk to enter into an agreement with the Arkansas Department of Transportation related to certain improvements.

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

9. Reappointment of Dr. Richard Ham to the Airport Advisory Board. His term expires on September 30, 2021. The new term would expire 9-30-2024.

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

10. Reappointment of Lisa Kelley to the Airport Advisory Board. Her term expires on September 30, 2021. The new term would expire 9-30-2024.

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

11. Ordinance No. 2021-178: Ordinance establishing an entertainment district to be known as the 8<sup>th</sup> Street Market Outdoor Dining District and for other purposes.

Jeff Morse, Katie Howe, Ben Holly, Kalene Griffith, Brenda Anderson, Graham Cobb, Chad Yos, and Andrew Heath spoke in favor of the item.

Council Member Sanchez expressed concern regarding how the applicant will enforce regulations. Mayor Orman explained that since it is private property, they will be responsible for enforcing the regulations. Jeff Morse explained possible solutions such as having clear boundary markers, wristbands for patrons, etc.

Council Member Hook said they were concerned about how 8th Street would be more adult-friendly than family-friendly.

Council Member Sanchez suggested that the ordinance should read that "changes" can be made to the boundaries and regulations, not "expansions." City Attorney George Spence mentioned that the emergency clause should be removed from the title.

Council engaged in a lengthy discussion on whether or not to adjust the verbiage in the ordinance.

Motion to amend the language in the ordinance as suggested and to remove the emergency clause made by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (5-3), with Council Member Burckart, Council Member Agnew, and Council Member Hook voting no.

City Attorney Spence read the ordinance as amended by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (7-1), with Council Member Hook voting no.

12. Resolution No. 8-24-21 C: A resolution authorizing the Mayor and Clerk to enter into an agreement with Crossland Construction Company for pre-construction professional services related to the 8<sup>th</sup> Street Gateway Park Project.

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

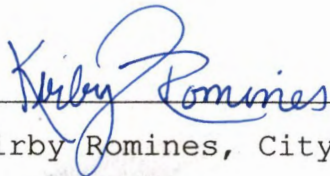
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Sooter. Motion passed unanimously.

Mayor Orman recognized Jake Harper, Director of Finance & Administration, to give an update regarding the American Rescue Plan Act (ARPA) and invite the council to the public input meeting on September 7, 2021, at 6:00 pm. Council Member Agnew asked if the city would be coordinating with the county on specific spending. Jake Harper said they would be coordinating with the county to make sure there is no overlap in spending, i.e., utility assistance. Council Member Hook asked if there are parameters or resources regarding the ARPA. Jake Harper and Mayor Orman recommended a resource from the Arkansas Municipal League. Council member Agnew and Jake discussed the annual budget and the budget timeline for the ARPA.

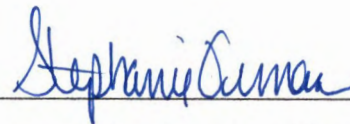
Council discussed the 2020 Census results for the City of Bentonville and when the certified results would be in.

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

The next Bentonville City Council meeting will be on September 14, 2021.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

