

Bentonville City Council

Meeting Minutes

October 27, 2020

The City Council of Bentonville, Arkansas, met in regular session Tuesday, October 27, 2020, 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, Chris Sooter, Bill Burckart, Jonathan Terlouw, and Aubrey Patterson. Also present were Mayor Stephanie Orman, City Attorney George Spence, the press, city staff, and the audience. Council Member Tim Robinson and Council Member Chad Goss attended remotely and participated by Zoom.

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

Mayor Orman announced that public comments on agenda items would be taken as we came to the item. Several signed in to speak at the meeting in person, and several joined via Zoom to speak to agenda items.

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.

Motion was made by Council Member Acree to approve the minutes of the October 13, 2020 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. Resolution No. 10-27-20 A: A resolution to recognize, commend, and congratulate Detective Corporal Jerrod "JC" Wiseman on his retirement from the City of Bentonville Police Department. This resolution recognizes JC Wiseman for more than 25 years of Arkansas law enforcement service to include more than 14 years of dedicated and decorated service to the Bentonville Police Department. This resolution also wishes JC Wiseman much health, happiness, and continued success in all of his future endeavors.

Mayor Orman read the resolution aloud. Motion to pass by Council Member Burckart, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

Mayor Orman recognized JC Wiseman. Jon Simpson, Chief of Police, presented JC Wiseman with the framed resolution and thanked him for his service.

2. 2020 Street Overlay Presentation - Tony Davis, Street Manager
Tony Davis spoke on asphalt price increases over the last few years. Council Member Sanchez commended Tony Davis for the department's hard work and asked if the budget they currently have proposed for 2021 will be enough to keep the momentum up on the overlay project. Tony Davis believes it should cover costs and be enough for 2021.

Mayor Orman explained that the overlay project funding doubled this year because a portion of the half-cent sales tax from the state went to help fund the project, which is on the ballot this election.

Council discussed if it was critical for the half-cent sales tax to pass to continue the overlay work at the current rate and budget.

3. Demonstration of online utility bill payment system's new donation option by Gary Wilson, Billing and Collections Manager.

The donations assist those in the Bentonville community who need help paying their utilities during Covid-19. This is a partnership with Helping Hands, who will help identify those in the community who need support.

4. Planning:

- 4a. Ordinance No. 2020-201: Ordinance accepting a lot split of Lots 1-3 of The Reserve Subdivision to the City of Bentonville, Arkansas (Project No. LS20-0004).

[Applicant: Paul & Sue Ollar;

Location: Greenhouse Road]

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).

- 4b. Ordinance No. 2020-202: Ordinance accepting a lot split of Lot 27 of Railroad Addition to the City of Bentonville, Arkansas (Project No. LS20-0047).

[Applicant: Sherry Perry;

Location: 306 SE A 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).

- 4c. Ordinance No. 2020-203: Ordinance accepting a lot split of Lots 2-3 of Shellfish Subdivision to the City of Bentonville, Arkansas (Project No. LS20-0042).

[Applicant: Whorton Family Trust;

Location: 407 SW C Street]

City Attorney Spence read the ordinance by title only. There was no discussion. The ordinance was adopted unanimously by council.

- 4d. Ordinance No. 2020-204: Ordinance accepting a lot split of Lots 1-2 of Casey Subdivision to the City of Bentonville, Arkansas (Project No. LS20-0048).

[Applicant: Jerry Casey;

Location: 1117 SE 33rd 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).

- 4e. Ordinance No. 2020-205: Ordinance accepting a property line adjustment of Lot 1 of Venus Subdivision to the City of Bentonville, Arkansas (Project No. PLA20-0049).

[Applicant: Bryan Family Trust;

Location: 1306 NW 9th 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).

- 4f. Ordinance No. 2020-206: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of PUD, Planned Unit Development to C-2, General Commercial (Project No. RZ20-0046).

[Applicant: Tollett Wood, LLC;

Location: SW F Street & SW Regional Airport Boulevard]

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).

- 4g. Ordinance changing real estate from R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential, Bailey Family Trust, 410 SW 4th Street.

Council Member Acree said that she believes that a variance would achieve what they wanted to accomplish without rezoning. Since the tree is a natural occurring event, that would constitute a hardship which would qualify them for the variance.

Council Member Patterson asked if a variance would be enough to allow the applicant to do what they need to. Brain Bahr, Planning Services Manager, said that the Board of Adjustment has granted variances in the past for site setbacks, but there is no guarantee that the variance would be approved.

City Attorney Spence read the ordinance by title only. Council Member Acree made a motion to send back to the Planning Commission for a variance, second by Council Member Patterson. Motion passed (5-3) with Council Member Sanchez, Council Member Sooter, and Council Member Burckart voting no.

- 4h. Ordinance No. 2020-207: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of I-2, Heavy Industrial, R-3, Medium Density Residential, R-O, Residential Office, and C-2, General Commercial to PUD, Planned Unit Development (Project No. PUD20-0002).

[Applicant: Wal-Mart Stores, Inc.;

Location: 301 SE J 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).

- 4i. Ordinance No. 2020-208: Ordinance accepting a final plot of Autumn Hills Subdivision to the City of Bentonville, Arkansas (Project No. FP20-0003).

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. Resolution No. 10-27-20 B: A resolution to request city staff to study the regulation of short-term rentals in the City of Bentonville and report back to the council.

Larry Kelly, Member of the Arkansas Realtors Association, did not speak for or against the item but asked council to consider not overregulating short-term rentals. Larry Kelly offered their help to participate in conversations regarding this issue.

Council questioned and discussed the purpose of regulating short-term rentals.

Council Member Patterson said that this item would be to open the opportunity for public input and research to see if there is a need to regulate short-term rentals.

Council Member Acree made a motion to amend the resolution to request the city staff to study the regulation of short-term rentals in the City of Bentonville and report back to council.

Motion to amend the resolution as presented by Council Member Acree, second by Council Member Patterson. There was no further discussion. Motion carried (8-0).

Motion to pass the amended resolution by Council Member Sooter, second by Council Member Sanchez. There was no further discussion. Motion carried (6-2) with Council Member Acree and Council Member Burckart voting no.

6. Appointment of Allison Glenn to Position 5 on the Public Art Advisory Committee (PAAC). Ms. Glenn is the Associate Curator, Contemporary Art for Crystal Bridges Museum of American Art, and has over a decade of working in the public realm. This will be Ms. Glenn's first term, beginning November 1, 2020, and expiring October 31, 2023.

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

7. Reappointment of Lauren Haynes to a second term to the Public Art Advisory Committee (PAAC). Ms. Haynes is the Director of Artist Initiatives and Curator, Contemporary Art for Crystal Bridges Museum of American Art and oversees the visual arts program at The Momentary. This will be Ms. Haynes' second term, beginning November 1, 2020, and expiring October 31, 2023.

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

8. Ordinance No. 2020-209: Ordinance vacating a Utility Easement located for multiple (15) lots in Livingston Square Subdivision to

the City of Bentonville, Arkansas, Benton County Arkansas (VAC20-0023).

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).

9. Ordinance No. 2020-210: Ordinance vacating for a Utility Easement located at LOT 10 of Ivy Place Subdivision to the City of Bentonville, Arkansas, Benton County Arkansas (VAC20-0024).

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).

10. Ordinance No. 2020-211: Ordinance vacating a Utility Easement located at LOT 215 of the Original Town, to the City of Bentonville, Arkansas, Benton County Arkansas (VAC20-0025).

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).

11. Resolution No. 10-27-20 C: A resolution setting a public hearing for November 10, 2020 for a Utility Easement Vacation requested for LOT 21 of Creekstone Subdivision (VAC20-0026).

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).

12. Resolution No. 10-27-20 D: A resolution setting a public hearing for November 10, 2020 for a Utility Easement Vacation requested for East end of SW Opal (VAC20-0027).

City Attorney Spence 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).

- 13a. Resolution No. 10-27-20 E: A resolution allowing the Mayor to enter into a professional services agreement with O.R. Colan Associates, LLC for acquisition services of public improvements required by the development of the Walmart Global Home Office project.

The agreement will be in the amount of \$88,775.00.

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).

- 13b. Approval of a budget adjustment accepting funds for the property acquisition agreement with ORC.

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

14. Resolution No. 10-27-20 F: A resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property.

This resolution declares one (1) 2009 Chevrolet Police Package Impala (unit 2010-80, VIN 2G1WS57M991286340) as surplus property. This vehicle was previously used as an unmarked detective and administration car. Upon approval and being declared as surplus, this vehicle can be transferred to the City of Sulphur Springs Police Department. This city would use this vehicle, as equipped, to conduct patrols within their jurisdiction and answer calls for service.

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).

15. Resolution No. 10-27-20 G: A resolution declaring certain property belonging to the City of Bentonville Electric Department as surplus property.

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).

- 16a. Resolution No. 10-27-20 H: A resolution authorizing the Mayor and Clerk to enter into an agreement with Futura Systems, Inc. to provide certain software for the City of Bentonville.

City Attorney Spence 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).

- 16b. Approval of a budget adjustment moving \$61,100.00 from Underground Primary to Computer Software to cover the costs of Future and DataVoice converting the existing BEUD AutoCAD map to ESRI.

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

17. Ordinance No. 2020-212: Ordinance delegating to the Library Advisory Board the ability to provide for recognitions with regard to fundraising for the library.

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

- 18a. Resolution No. 10-27-20 I: A resolution authorizing the Mayor and the City Clerk to enter into an agreement with Turner Revocable Trust, Charles H & Marilyn S, & Hawkins, Lawrence H & Linda J.

The agreement is for a total of \$850,000.00, plus closing costs estimated at \$9,000.00 and including \$10,000.00 earnest money for the purchase of the property located at 401 South Main Street. Additional costs totaling \$19,800.00 will fund other services associated with the purchase. The property will provide greater expansion opportunities for Bentonville Public Library.

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

- 18b. Approval of a budget adjustment to purchase the property located at 401 South Main Street in the amount of \$850,000.00, plus closing costs estimated at \$9,000.00 and including \$10,000.00 earnest money. Additional costs totaling \$19,800.00 will fund other services associated with the purchase.

Council engaged in a lengthy discussion on overall budget adjustments in 2020 thus far, how they come to council, and if this expenditure is possible at this time. Council also discussed current city reserves with Jake Harper, Director of Finance & Administration.

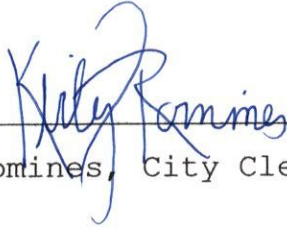
Mayor Orman spoke on the possibility of a library expansion and that this piece of property would be needed down the road if the Bentonville Library Needs Assessment determines a need to expand the library.

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

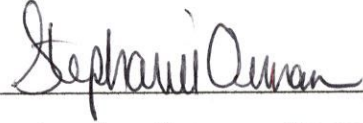
Mayor Orman adjourned the meeting. Motion to adjure by Council Member Burckart, second by Council Member Sanchez.

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

[Agenda item 19 was addressed at the October 27, 2020 Committee of the Whole meeting.]



Kirby Romines, City Clerk



Stephanie Orman, Mayor

