

MINUTES

The **Rogers City Council** met for a regular session on August 10, 2021 at 6:30 PM. The meeting was called to order by Mayor Hines.

ZOOM INFORMATION:

1. [HTTPS://US02WEB.ZOOM.US/J/83738203548](https://us02web.zoom.us/j/83738203548)
OR BY PHONE (312) 626-6799 ID: 837 3820 3548:

PUBLIC FORUM:

Jim Dixon provided an invocation.

Mayor Hines, public statement regarding state law 1002 has nothing to do with a city wide mask mandate. There is no provision or way for a city to legally mandate a mask ordinance at this time.

Karen Arriaza, resident of 2120 S. 30th Street. In favor of no mask mandate.

ROLL CALL:

Mark Kruger, Betsy Reithemeyer, Marge Wolf, Gary Townzen, Clay Kendall, Barney Hayes, Mandy Brashear, and April Legere were present.

ACTION ON MINUTES:

1. July 27, 2021
Motion by Townzen, second by Wolf to approved the July 27, 2021 minutes.

Motion by Kruger, second by Hayes to suspend the rules to consider all items on the agenda on a single reading and by title only.

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. ORD. Re: Amending Chapter 52 Section 4 Of The City Of Rogers Code Of Ordinances

The ordinance was introduced by Kruger and read by title only by City Attorney Andrew Hatfield.

Kruger, chair of Transportation Committee, reported the committee had met, recommended to “Do pass” and recognized Staff Attorney John Pesek.
No questions from the council.

The Mayor asked, "Shall the ordinance pass?"
Roll call: Unanimous – Yes. The ordinance is adopted.

The Mayor asked, "Shall the emergency clause pass?"
Roll call: Unanimous – Yes.

2. ORD. Re: Amending Chapter 20 Section 141 Of The Rogers' City Code Of Ordinances Regarding The Arkansas Fire Prevention Code

The ordinance was introduced by Wolf and read by title only by City Attorney Andrew Hatfield.

Wolf, chair of Public Safety Committee, reported the committee had met, recommended to "Do pass" and recognized Rogers Fire Chief Tom Jenkins.
Wolf, appreciative the RFD and Home Builders Association working together.

The Mayor asked, "Shall the ordinance pass?"
Roll call: Unanimous – Yes. The ordinance is adopted.

The Mayor asked, "Shall the emergency clause pass?"
Roll call: Unanimous – Yes.

3. RES. Re: Authorizing The Rogers Parks And Recreation Department To Dispose Of Obsolete Property No Longer Used By The City Through Internet Auction Or Other Available Means

The resolution was introduced by Hayes and read by title only by City Attorney Andrew Hatfield.

Hayes, chair of Resources & Policy Committee, reported the committee had met, recommended to "Do pass" and recognized Parks & Recreation Assistant Director Andrea Brinton.

No questions from the council.

Motion by Reithemeyer, second by Townzen to adopt the resolution.
Voice vote: Unanimous – Yes. The resolution is adopted.

4. RES. Re: Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive Up To \$175,045.00

The resolution was introduced by Reithemeyer and read by title only by City Attorney Andrew

Hatfield.

Reithemeyer, chair of Finance Committee, reported the committee had met, recommended to “Do pass” and recognized Parks & Recreation Assistant Director Andrew Brinton.

No questions from the council.

Motion by Hayes, second by Reithemeyer to adopt the resolution.

Voice vote: Unanimous – Yes. The resolution is adopted.

5. RES. Re: Amending The 2021 Budget To Recognize Donation Proceeds For Five Park Benches To Be Placed On The Razorback Greenway Trail In The Amount Of \$3,667.91

The resolution was introduced by Reithemeyer and read by title only by City Attorney Andrew Hatfield.

Reithemeyer, chair of Finance Committee, reported the committee had met, recommended to “Do pass” and recognized Parks & Recreation Assistant Director Andrew Brinton.

No questions from the council.

Motion by Wolf, second by Brashear to adopt the resolution.

Voice vote: Unanimous – Yes. The resolution is adopted.

6. RES. Re: Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With Arkansas State Library To Receive Up To \$55,642.00 From The American Recovery Plan Act

The resolution was introduced by Reithemeyer and read by title only by City Attorney Andrew Hatfield.

Reithemeyer, chair of Finance Committee, reported the committee had met, recommended to “Do pass” and recognized Library Director Hannah Milligan.

No questions from the council.

Motion by Reithemeyer, second by Hayes to adopt the resolution.

Voice vote: Unanimous – Yes. The resolution is adopted.

7. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To NBT (Wilder)

The ordinance was introduced by Legere and read by title only by City Attorney Andrew Hatfield.

Legere, chair of Community Environment & Welfare Committee, reported the committee had met, recommended to “Do pass” and recognized Hannah Cicioni.

No questions from the council.

The Mayor asked, “Shall the ordinance pass?”

Roll call: Unanimous – Yes. The ordinance is adopted.

The Mayor asked, “Shall the emergency clause pass?”

Roll call: Unanimous – Yes.

OLD BUSINESS:

NEW BUSINESS:

1. CUP Appeal- Willa Mini Storage

Representative Kyle Unser presented the Conditional Use Permit appeal. Feels the proposed use properly fits under the A1 zoning which the property is currently zoned. The Planning Commission viewed this differently but the comprehensive growth map is a general growth map and therefore feels the property is correctly zoned as A1 and a storage facility does fit within the conditional use of this property. Property to the north of the currently operating under the same conditional use and all other adjacent property fit within the asking use of the property in question.

The Planning Commission sees the property as being under Neighborhood use in the comprehensive growth map but Mr. Unser hasn't been able to find in city code where it says that nothing else can be used outside of those plans from the comprehensive growth map. The client is willing to take all steps necessary to follow all requirements and work with the city. The property north, currently working as a storage facility, in 2018 the property was allowed a rezone for the use when the comprehensive growth map read the property as neighborhood use. We are requesting a similar use with even less ask with not asking for a rezone. Tremendous respect for the city, but strongly disagrees with the Planning Commission decision and shows an inflexible reading of the comprehensive growth map and will limit future opportunities.

Willa Lawson, property owner, would like to see the property rezoned.

McCurdy, there is always a piece of land close to a developed parcel to keep lanaiary sprawl from occurring. The property is not zoned correctly and if this makes sense to the city, then we should be looking to a change to the comprehensive growth map first before being reactive to a conditional use request.

Mayor, A1 is not a legitimate municipal use.

Pesek, agrees with the Mayor.

Reithemeyer, what is the vote? Mayor, a yes vote would be to overturn the Planning Commissions denial and a no vote would be to uphold the Planning Commission's decision to deny.

Brashear, is this property currently outside the neighborhood city center on the comprehensive growth map? Pesek, correct. Brashear, we are using the neighborhood center as the standard? McCurdy, we are trying to communicate the map is to be used as neighborhood, not neighborhood center and in doing so asking to change the comprehensive growth map. This also gets into a flood plain that is inadequate to support expanded commercial growth.

Brashear, can someone speak to the change in 2017 to the neighborhood center? McCurdy, it is a completely different situation as our system now is trying to control the growth expansion. The property to the north was rezoned when a different set of rules was in play and we were managing the growth differently. Brashear, the way the law reads now, it is not clearly stated the conditional use is proper and if we don't have clear verbiage to the people, how would they know differently? McCurdy, conditional uses is not a by right use. If it is for any conditional use, the Planning Commission has to hear it and can be fairly subjective.

Appeal denied. Yes - Hayes. No - Kendall, Brashear, Wolf, Townzen, Kruger, Legere, Reithemeyer.

APPOINTMENTS:

ANNOUNCEMENTS:

Mayor, welcome Scout BSA Troop 22. Congratulations for wanting to better yourself and attending tonight. Despite the news, nothing we have spoken to tonight should make anyone feel we are not encouraging people to take all measures to stay safe and healthy. Speak to your doctor who can help you make good health decisions. No other time in history would you call a politician to speak to them regarding a health issue. Get vaccinated and wear a mask.

Legere, received lots of communication regarding masks and no masks but it is important to note that it my responsibility to ensure those around can stay safe and healthy. My daughter and I will continue to mask and make the right decisions to keep everyone safe & healthy. It turned political and never should have done so.

All council members agree and concur.

Kruger, Transportation Committee approved a street closure request for Bikes on the Bricks on September 25, 2021.

ATTEST:

Jessica Rush, City Clerk

APPROVED:

Greg Hines, Mayor