



Office of the City Clerk-Treasurer  
301 W. Chestnut  
Rogers, Arkansas 72756  
479-621-1117  
[www.rogersar.gov](http://www.rogersar.gov)

**6:00 P.M. STATE OF THE CITY PRESENTATION - Mayor Greg Hines**

Can be viewed in City Hall Council Chambers &

via ZOOM <https://us02web.zoom.us/j/88903338431> OR By Phone (312) 626-6799 ID: 889 0333 8431

**COMMITTEE SCHEDULE**

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: February 22, 2022

The following committee meetings will be held on **Tuesday, February 22, 2022** prior to the City Council Meeting:

**05:15 p.m. - PUBLIC WORKS COMMITTEE:** (Townzen\*, Brashear, Kendall)

**Community Room** OR <https://us02web.zoom.us/j/85977709187> OR (312)626-6799 ID: 859 7770 9187

To Discuss: (a) RWU Monthly Report

**05:25 p.m. - TRANSPORTATION COMMITTEE:** (Kruger\*, Legere, Townzen)

**Community Room** OR <https://us02web.zoom.us/j/85977709187> OR (312)626-6799 ID: 859 7770 9187

- To Discuss:
- (a) An Ordinance Vacating Of A Certain Portion Of West Capitol Avenue
  - (b) An Ordinance Vacating A Platted But Unused Alley In The Revised Hillcrest Addition
  - (c) An Ordinance Vacating Of A Certain Portion Of An Undeveloped Street Right-Of-Way Originally Platted As Linden Street On The West Side Of Monte Ne Road
  - (d) A Resolution Waiving Competitive Bidding For The Purchase And Installation Of A Traffic Signal At The Intersection Of West Hudson Road And North 2nd Street
  - (e) A Resolution Amending The 2022 Budget To Recognize \$51,909.75 Into Account #200-16-49195 Insurance Reimbursement

**05:35 p.m. - RESOURCES & POLICY COMMITTEE:** (Hayes\*, Reithemeyer, Brashear)

**Community Room** OR <https://us02web.zoom.us/j/85977709187> OR (312)626-6799 ID: 859 7770 9187

To Discuss: (a) An Ordinance Amending Chapter 2 Of The City Of Rogers Code Of Ordinances

**05:45 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE:** (Legere\*, Townzen, Hayes)

**Community Room** OR <https://us02web.zoom.us/j/85977709187> OR (312)626-6799 ID: 859 7770 9187

- To Discuss:
- (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Hickman - 514 W. Olive Street) [Staff Report](#)
  - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To R-DP (Johnston - 110 W. Easy Street) [Staff Report](#)



Office of the City Clerk-Treasurer  
301 W. Chestnut  
Rogers, Arkansas 72756  
479-621-1117  
[www.rogersar.gov](http://www.rogersar.gov)

**6:00 P.M. STATE OF THE CITY PRESENTATION - Mayor Greg Hines**

Can be viewed in City Hall Council Chambers &

via ZOOM <https://us02web.zoom.us/j/88903338431> OR By Phone (312) 626-6799 ID: 889 0333 8431

**ROGERS CITY COUNCIL**  
**AGENDA**

**FEBRUARY 22, 2022**

**6:30 PM**

via ZOOM <https://us02web.zoom.us/j/81294912484> OR By Phone (312) 626-6799 ID: 812 9491 2484

**PUBLIC HEARING:**

1. Vacating Of A Certain Portion Of West Capitol Avenue
2. Vacating A Platted But Unused Alley In The Revised Hillcrest Addition
3. Vacating Of A Certain Portion Of An Undeveloped Street Right-Of-Way Originally Platted As Linden Street On The West Side Of Monte Ne Road

**PUBLIC FORUM:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ACTION ON MINUTES:**

1. February 08, 2022

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

- |    |          |                                                                                                            |                             |
|----|----------|------------------------------------------------------------------------------------------------------------|-----------------------------|
| 1. | ORD. Re: | Vacating Of A Certain Portion Of West Capitol Avenue                                                       | TRANSPORTATION<br>COMMITTEE |
| 2. | ORD. Re: | Vacating A Platted But Unused Alley In The Revised<br>Hillcrest Addition                                   | TRANSPORTATION<br>COMMITTEE |
| 3. | ORD. Re: | Vacating Of A Certain Portion Of An Undeveloped<br>Street Right-Of-Way Originally Platted As Linden Street | TRANSPORTATION<br>COMMITTEE |

On The West Side Of Monte Ne Road

- |    |          |                                                                                                                                                |                                                    |
|----|----------|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 4. | RES. Re: | Waiving Competitive Bidding For The Purchase And Installation Of A Traffic Signal At The Intersection Of West Hudson Road And North 2nd Street | TRANSPORTATION<br>COMMITTEE                        |
| 5. | RES. Re: | Amending The 2022 Budget To Recognize \$51,909.75 Into Account #200-16-49195 Insurance Reimbursement                                           | TRANSPORTATION<br>COMMITTEE                        |
| 6. | ORD. Re: | Amending Chapter 2 Of The City Of Rogers Code Of Ordinances                                                                                    | RESOURCES &<br>POLICY<br>COMMITTEE                 |
| 7. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Hickman - 514 W. Olive Street)                                | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To R-DP (Johnston - 110 W. Easy Street)                                | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |

**OLD BUSINESS:**

**NEW BUSINESS:**

**APPOINTMENTS:**

**ANNOUNCEMENTS:**

**ORDINANCE NO. 22- \_\_\_\_\_**

**AN ORDINANCE VACATING OF A CERTAIN PORTION OF WEST CAPITOL AVENUE; DIRECTING NOTICE TO BE POSTED; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Code of Ordinances, City of Rogers, §14-521, a request by the adjoining property owner has been made to vacate a portion of an existing street having the legal description as follows:

PART OF WEST CAPITOL AVENUE OF PINNACLE HEIGHTS, AS PER PLAT RECORD L202013247 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 5 OF SAID PINNACLE HEIGHTS, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF SOUTH PINNACLE HILLS PARKWAY THENCE ALONG SAID RIGHT-OF-WAY 72.51 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 460.00 FEET AND A LONG CHORD OF S41°47'41"E 72.44 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF WEST CAPITOL AVENUE; THENCE ALONG SAID RIGHT-OF-WAY S63°06'45"W 171.36 FEET; THENCE LEAVING SAID RIGHT-OF-WAY N27°19'36"W 70.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF WEST CAPITOL AVENUE; THENCE ALONG SAID RIGHT-OF-WAY N63°06'45"E 153.27 FEET TO THE POINT OF BEGINNING, CONTAINING 11,431 SQUARE FEET, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

**WHEREAS**, notice was placed on the above described land as required by law and the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question; and

**WHEREAS**, the City Council has ascertained that the above described land has not been used as a public street for the previous five (5) years to the petition and all adjoining property owners are in agreement with this street vacation.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The City Council finds, after proper notice and hearing, that the above described street has been unused for a period of five (5) years prior to this request and all adjoining property owners have consented to this vacation;

Section 2: The City Council directs the Department of Community Development to post notice of this vacation for at least a period of thirty (30) days on the property described above. A

copy of the Ordinance, duly certified by the City Clerk, shall be filed in the office of the recorder of Benton County and recorded in the deed records of Benton County, thirty-one (31) days after the passing and posting of this Ordinance;

Section 3: Emergency Clause: That the need to vacate the above described street is immediate; therefore, in order to protect the public peace, health, safety and welfare, an emergency is deemed to exist, and this Ordinance shall become effective upon its passage and approval;

Section 4: Severability Provision: If any part of this Ordinance is held to be invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director – Department of Community Development

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

**ORDINANCE NO. 22- \_\_\_\_\_**

**AN ORDINANCE VACATING A PLATTED BUT UNUSED ALLEY IN THE REVISED HILLCREST ADDITION; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Code of Ordinance, City of Rogers, §14-521, a request by the adjoining property owners has been made to vacate a portion of an alley having the legal description as follows:

A PART OF AN EXISTING 10 FOOT WIDE ALLEY LOCATED SOUTH OF LOTS 1, 2, 3, 4, 5, 6, OF BLOCK 06 OF REVISED HILLCREST ADDITION AND NORTH OF LOTS 11 , 12, 13, 14, 15, 16, OF BLOCK 06 OF REVISED HILLCREST ADDITION, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SE CORNER OF LOT 1 OF BLOCK 06 OF SAID REVISED HILLCREST ADDITION AND RUNNING THENCE ALONG THE EAST LINE OF SAID REVISED HILLCREST ADDITION S 01° 05'45"W 10.00 FEET TO THE NE CORNER OF LOT 16 OF BLOCK 06 OF SAID REVISED HILLCREST ADDITION, THENCE LEAVING THE EAST LINE OF SAID REVISED HILLCREST ADDITION N 88°06'50"W 290.58 FEET, THENCE N 01°21'52"E 5.00 FEET TO A SET #4 REBAR, THENCE N 88°06'50"W 9.76 FEET TO A SET #4 REBAR, THENCE N 01°21'52"E 5.00 FEET TO THE SW CORNER OF LOT 06 OF BLOCK 06 OF SAID REVISED HILLCREST ADDITION, THENCE S 88°06'50"E 300.29 FEET TO THE POINT OF BEGINNING. CONTAINING 0.07 ACRES, MORE OR LESS.

**WHEREAS**, notice was placed on the above described land as required by law and the Council has, at the time and place mentioned in the notice heard all persons desiring to be heard on the question;

**WHEREAS**, the City Council has ascertained that the above described land has not been actually used as an alley or for access, utilities, or service purposes and that all adjoining property owners have consented to this vacation;

**WHEREAS**, adjacent properties will remain accessible and do not rely on this alley for access, utility, or service purposes; and

**WHEREAS**, the Council finds that public interest and welfare will not be adversely effected by the abandonment of the alley.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The City of Rogers, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the above described alley;

Section 2: The City Council directs the Department of Community Development to post notice of this vacation for at least a period of thirty (30) days on the property described above. A copy of the Ordinance, duly certified by the City Clerk, shall be filed in the office of the recorder of Benton County and recorded in the deed records of Benton County, thirty-one (31) days after the passing and posting of this Ordinance;

Section 3: Emergency Clause: That the need to vacate the above described public alley is immediate; therefore, in order to protect the public peace, health, safety and welfare, an emergency is deemed to exist, and this Ordinance shall become effective upon its passage and approval;

Section 4: Severability Provision: If any part of this Ordinance is held to be invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director – Department of Community Development  
Prepared by: John M. Pesek, Senior Staff Attorney  
For Consideration By: Transportation Committee

**ORDINANCE NO. 22- \_\_\_\_\_**

**AN ORDINANCE VACATING OF A CERTAIN PORTION OF AN UNDEVELOPED STREET RIGHT-OF-WAY ORIGINALLY PLATTED AS LINDEN STREET ON THE WEST SIDE OF MONTE NE ROAD; DIRECTING NOTICE TO BE POSTED; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Code of Ordinances, City of Rogers, §14-521, a request by the adjoining property owner has been made to vacate a portion of an existing street having the legal description as follows:

PART OF LOT 9A OF MONTE NE TERRACE, UNIT ONE, A SUBDIVISION TO ROGERS, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 8, OF SAID MONTE NE TERRACE, UNIT ONE; THENCE ALONG THE EAST LINE OF LOT 9A, S 10°30'47" W, 86.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE, S 10°30'47" W, 100.54 FEET TO A POINT; THENCE LEAVING SAID EAST LINE AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND SUBTENDED BY A CHORD BEARING AND DISTANCES OF N 38°41'14" W, 32.67 TO A POINT; THENCE N 87°53'42" W, 128.68 FEET TO A POINT; THENCE N 00°24'54" E, 50.02 FEET TO A POINT; THENCE S 87°53'42" E, 137.57 FEET TO A POINT; THENCE AROUND LEFT HAVING A RADIUS OF 25.00 FEET AND SUBTENDED BY A CHORD BEARING AND DISTANCES OF N 51°19'02" E, 37.85 FEET TO THE POINT OF BEGINNING, CONTAINING 8161.9 SQ FEET, 0.187 OF AN ACRE, MORE OR LESS.

**WHEREAS**, notice was placed on the above described land as required by law and the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question; and

**WHEREAS**, the City Council has ascertained that the above described land has not been used as a public street for the previous five (5) years to the petition and all adjoining property owners are in agreement with this street vacation.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The City Council finds, after proper notice and hearing, that the above described street has been unused for a period of five (5) years prior to this request and all adjoining property owners have consented to this vacation;

Section 2: The City Council directs the Department of Community Development to post notice of this vacation for at least a period of thirty (30) days on the property described above. A copy of the Ordinance, duly certified by the City Clerk, shall be filed in the office of the recorder of Benton County and recorded in the deed records of Benton County, thirty-one (31) days after the passing and posting of this Ordinance;

Section 3: Emergency Clause: That the need to vacate the above described street is immediate; therefore, in order to protect the public peace, health, safety and welfare, an emergency is deemed to exist, and this Ordinance shall become effective upon its passage and approval;

Section 4: Severability Provision: If any part of this Ordinance is held to be invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director – Department of Community Development  
Prepared By: John M. Pesek, Senior Staff Attorney  
For Consideration By: Transportation Committee

**RESOLUTION NO. R22-\_\_\_\_\_**

**A RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE PURCHASE AND INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF WEST HUDSON ROAD AND NORTH 2<sup>ND</sup> STREET; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR SAID PURCHASE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the traffic signal at the intersection of West Hudson Road and North 2<sup>nd</sup> Street suffered a total loss as a result of a traffic accident on January 5, 2022;

**WHEREAS**, the City of Rogers Street Department contracted with All Services Electric, Inc. of Hot Springs, Arkansas, to install a temporary signal and replace the damaged traffic signal due to the emergency circumstance that was created due to the accident;

**WHEREAS**, All Services Electric, Inc. provided the necessary items, equipment, and services to quickly install a temporary traffic signal and reinstall a permanent signal at the intersection of West Hudson Road and North 2<sup>nd</sup> Street; and

**WHEREAS**, the contract for items, equipment, and services with All Services Electric, Inc. will not exceed fifty one thousand one hundred forty-four dollars (\$51,144.00).

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor and City Clerk are authorized to enter into a contract with All Services Electric of Hot Springs, Arkansas to purchase all necessary items, equipment, and services to replace the traffic signal at the intersection of West Hudson Road and North 2<sup>nd</sup> Street in an amount not to exceed fifty one thousand one hundred forty-four dollars (\$51,144.00);

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of the necessary equipment and services to replace the traffic signal at West Hudson Road and North 2<sup>nd</sup> Street;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: Frankie Gyll, Director, Street Department

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

**RESOLUTION NO. R22-\_\_\_\_\_**

**A RESOLUTION AMENDING THE 2022 BUDGET TO RECOGNIZE FIFTY ONE THOUSAND NINE HUNDRED NINE DOLLARS AND SEVENTY-FIVE CENTS (\$51,909.75) INTO ACCOUNT #200-16-49195 INSURANCE REIMBURSEMENT; TO AMEND THE 2022 BUDGET TO APPROPRIATE THAT AMOUNT FROM ACCOUNT #200-16-49195 INSURANCE REIMBURSEMENT INTO ACCOUNT #200-16-70931 TRAFFIC LIGHT INSTALLATION; AND FOR OTHER PURPOSES.**

**WHEREAS**, a traffic light at the intersection of West Hudson Road and North 2<sup>nd</sup> Street was damaged in a traffic accident on January 5, 2022; and

**WHEREAS**, the City received a check from the insurance company of the driver who damaged the traffic light to replace the damaged traffic signal.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKNASAS THAT:**

Section 1: The City of Rogers' 2022 Budget is hereby amended to recognize fifty one thousand nine hundred nine dollars and seventy-five cents (\$51,909.75) into Account #200-16-49195 Insurance Reimbursement;

Section 2: The City of Rogers' 2022 Budget is hereby amended to appropriate fifty one thousand nine hundred nine dollars and seventy-five cents (\$51,909.75) from Account #200-16-49195 Insurance Reimbursement into Account #200-16-70931 Traffic Light Installation;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**APPROVED:**

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: Frankie Guyll, Director, Street Department

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

**ORDINANCE NO. 22-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers City Council, upon recommendation of its Resources and Policy Committee, finds it to be in the best interest of the City to update the provisions governing the City Council member attendance policy as found in § 2-30 of the City of Rogers' Code of Ordinance; and

**WHEREAS**, these changes will streamline the council members ability to attend a limited number of City Council meetings electronically.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: Chapter 2, §§ 2-30 and 2-31 of the City of Rogers Code of Ordinances are amended to read as shown in the attached Exhibit "A" and the Municode Corporation is hereby instructed to make said revisions;

Section 2: Emergency Clause: The need to amend said City Code chapter is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 3: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**APPROVED:**

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Resources and Policy Committee  
Prepared by: John M. Pesek, Senior Staff Attorney  
For Consideration By: Resources & Policy Committee

## **Exhibit “A”**

### **Sec 2-30 - Absence from meetings; forfeiture of office**

- (a) Any alderman who shall fail to attend three (3) consecutive meetings of city council, and fail to give notice that has been accepted by the City Council shall be considered to have resigned his or her office as a member of the council and his or her place shall be immediately filled in the manner prescribed by law for filling vacancies.
  - a. The vacancy shall only occur upon a vote by a majority of city council that a vacancy exists and authorizes the City Clerk to declare the seat vacant.
- (b) Any alderman may choose to attend a council meeting through electronic methods pursuant to the requirements set forth in § 2-31. Any alderman may attend up to two (2) city council meetings via electronic methods in a calendar year, unless the Governor has declared a State of Emergency. If the Governor has declared a State of Emergency, those electronic meetings shall not count against the number of meetings any alderman may appear by electronic means and those meetings shall be conducted in accordance with Ark. Code Ann. § 25-19-106(e).
- (c) If any alderman uses their two (2) virtual attendances in a calendar year, each subsequent use of a virtual attendance shall count as an unexcused absence for purposes of subsection (a).

### **Sec. 2-31 - Electronic Meetings.**

- (a) If any council member decides to participate in a virtual meeting that is not being held due to a Governor declared State of Emergency, the following procedures shall apply:
  - 1) Notice of the electronic meeting shall also be provided to each member of the city council along with the city council agenda before the council meeting, including a description of how members will be connected to the electronic meeting. The notice shall contain the necessary information to connect to the electronic meeting.
  - 2) Before an electronic meeting may be called to order, all members of the city council shall be given an opportunity to participate in the meeting and no electronic meeting shall be convened unless the quorum of the city council is present at City Council Chambers for the meeting.
  - 3) When an electronic meeting has been called, City Council Chambers shall be open to all public so that anyone may participate in the meeting.

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM R-DP TO NBT, PROVIDING FOR  
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on February 15, 2022, the City Council has found that certain lands hereinafter described are better suited for NBT zoning.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

**SECTION 1:** That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

**SECTION 2:** That the land hereinafter described should be and the same is hereby zoned as NBT and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

Lots 17, 18, & 19, Block 1, Revised Brown's Addition to the City of Rogers, Benton county, Arkansas

**LAYMAN'S DESCRIPTION:**

514 W. Olive Street

**SECTION 3: Zoning.** That the above described lands are better suited for NBT than R-DP zoning and same should be and are hereby zoned NBT.

**SECTION 4: Emergency Clause.** That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

**SECTION 5: Severability Provision.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**SECTION 6: Repeal of Conflicting Ordinances and Resolutions.** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

**APPROVED:**

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Barry Williams

Prepared By: Zack Birdsong, Planner

For Consideration By: Community Environment & Welfare Committee

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM C-2 TO R-DP, PROVIDING FOR  
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on February 15, 2022, the City Council has found that certain lands hereinafter described are better suited for R-DP zoning.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

**SECTION 1:** That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

**SECTION 2:** That the land hereinafter described should be and the same is hereby zoned as R-DP and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

THE NORTH 100 FEET OF LOT 3 AND THE SOUTH 134 FEET OF LOT 3 (ALL OF LOT 3), BLOCK 2, LOVELAND SUBDIVISION, IN SECTION 6, TOWNSHIP 19 NORTH, RANGE 29 WEST, IN THE CITY OF ROGERS, ARKANSAS.

**LAYMAN'S DESCRIPTION:**

110 W. Easy Street

**SECTION 3: Zoning.** That the above described lands are better suited for R-DP than C-2 zoning and same should be and are hereby zoned R-DP.

**SECTION 4: Emergency Clause.** That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

**SECTION 5: Severability Provision.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**SECTION 6: Repeal of Conflicting Ordinances and Resolutions.** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Russell Johnston

Prepared By: Nick Little, Planner

For Consideration By: Community Environment & Welfare Committee