



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117
www.rogersar.gov

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: September 13, 2022

The following committee meetings will be held on **Tuesday, September 13, 2022** prior to the City Council Meeting:

05:30 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen)

Committee Room #1 OR <https://us02web.zoom.us/j/87033358884> OR (312) 626-6799 ID: 870 3335 8884

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Permanent Encroachment And Usage Agreement Within The Public Right Of Way With Vinson Square, LLC And The District
 - (b) Street Closure Request - 2nd Street Experience [FORM](#) & [MAP](#)
 - (c) Street Closure Request - LPGA 5K [MAP](#)

05:40 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Legere)

Committee Room #1 OR <https://us02web.zoom.us/j/87033358884> OR (312) 626-6799 ID: 870 3335 8884

- To Discuss:
- (a) A Resolution Adopting Updated Policies And Procedures In The Standard Operating Guidelines Of The Rogers Police Department

05:50 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/83408955360> OR (312) 626-6799 ID: 834 0895 5360

- To Discuss:
- (a) A Resolution Amending The 2022 Budget To Recognize Funds From The American Association Of Physicians Of Indian Origin In The Amount Of \$2,500.00 Into Account #100-03-45600 Grants And Donations; Appropriating That Same Amount Into Account #100-03-70005 Continuing Education
 - (b) A Resolution Authorizing The Use Of Funds From The 2018 Bond General Account For Park And Recreational Improvements
 - (c) A Resolution Authorizing The Rate Of Property Tax For The City Of Rogers For The Year 2022 To Be Collected In 2023

05:50 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes)

Committee Room #1 OR <https://us02web.zoom.us/j/87033358884> OR (312) 626-6799 ID: 870 3335 8884

- To Discuss:
- (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT, Amending The Comprehensive Growth Map (Lawson) [Staff Report](#)
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To C-3, Amending The Comprehensive Growth Map (Sapphire) [Staff Report](#)
 - (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain

Lands From A-1, RMF-31b, U-NBT, U-COM, C-2 & C-3 With P.U.D. To U-COM And U-NBT (Fields at Pinnacle) [Staff Report](#)

- (d) An Ordinance Amending The City Of Rogers Code Of Ordinances Section 14-260 - Access Management Standards And Section 14-1005 – Commercial Driveway Detail
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ROGERS CITY COUNCIL **AGENDA**

SEPTEMBER 13, 2022

6:30 PM

City Council Chambers OR virtually via
ZOOM <https://us02web.zoom.us/j/85305026702>
OR (312)626-6799 ID: 853 0502 6702

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. August 23, 2022

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|--|-----------------------------|
| 1. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Permanent Encroachment And Usage Agreement Within The Public Right Of Way With Vinson Square, LLC And The District | TRANSPORTATION
COMMITTEE |
| 2. | RES. Re: | Adopting Updated Policies And Procedures In The Standard Operating Guidelines Of The Rogers Police Department | PUBLIC SAFETY
COMMITTEE |
| 3. | RES. Re: | Amending The 2022 Budget To Recognize Funds From The American Association Of Physicians Of Indian Origin In The Amount Of \$2,500.00 Into Account #100-03-45600 Grants And Donations; Appropriating That Same Amount Into Account #100-03-70005 Continuing Education | FINANCE
COMMITTEE |
| 4. | RES. Re: | Authorizing The Use Of Funds From The 2018 Bond General Account For Park And Recreational Improvements | FINANCE
COMMITTEE |

- | | | | |
|----|----------|---|--|
| 5. | RES. Re: | Authorizing The Rate Of Property Tax For The City Of Rogers For The Year 2022 To Be Collected In 2023 | FINANCE
COMMITTEE |
| 6. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT, Amending The Comprehensive Growth Map (Lawson) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 7. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To C-3, Amending The Comprehensive Growth Map (Sapphire) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1, RMF-31b, U-NBT, U-COM, C-2 & C-3 With P.U.D. To U-COM And U-NBT (Fields at Pinnacle) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

- | | | | |
|----|----------|---|--|
| 1. | ORD. Re: | Amending The City Of Rogers Code Of Ordinances Section 14-260 - Access Management Standards And Section 14-1005 | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
|----|----------|---|--|

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R22-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A PERMANENT ENCROACHMENT AND USAGE AGREEMENT WITHIN THE PUBLIC RIGHT OF WAY WITH VINSON SQUARE, LLC AND THE DISTRICT; AND FOR OTHER PURPOSES.

WHEREAS, Vinson Square, LLC and The District are constructing a structural column that will be positioned and displayed within the City's public right-of-way;

WHEREAS, Vinson Square, LLC and The District request use of the City's public right-of-way in order to display the above-mentioned column; and

WHEREAS, this placement has been approved by the Planning Commission, Historic District Commission, and the Transportation Committee of the City Council; therefore, the City is willing to permit use of the public right-of-way on the terms and conditions contained within the negotiated Agreement.

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

Section 1: Vinson Square, LLC and The District have agreed to the City's terms in the Agreement Permitting Permanent Encroachment and Usage within the Public Right-Of-Way for placement of its column;

Section 2: The Mayor and City Clerk are hereby authorized to enter into said Agreement authorizing use of the public right-of-way for this purpose;

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

RESOLUTION NO. R22-_____

**A RESOLUTION ADOPTING UPDATED POLICIES AND PROCEDURES IN THE
STANDARD OPERATING GUIDELINES OF THE ROGERS POLICE DEPARTMENT;
AND FOR OTHER PURPOSES.**

WHEREAS, the Rogers Police Department needs to update its Standard Operating Guidelines to include policies and procedures for Body Worn Camera and Motor Vehicle Recording equipment; and

WHEREAS, the updated policies are identified in Exhibit “A” and these new policies are to be incorporated into Rogers Police Department’s Standard Operating Guidelines.

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

Section 1: That the policies and procedures set forth in the attached Exhibit “A” are adopted for use and implementation by the Rogers Police Department;

Section 2: Severability Provision: If any of the Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: 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: Jonathan Best, Chief of Police
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

ROGERS POLICE DEPARTMENT

SPECIAL ORDER

SUBJECT	Body Worn Cameras		
NUMBER	SO 2022-2	EFFECTIVE DATE	
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	
Replaces G.O.		APPROVAL DATE	
APPROVED BY	Chief Jonathan Best	CALEA STANDARDS	

I. Policy

Body Worn Camera (BWC) equipment has been demonstrated to be of significant value in the prosecution of traffic violations, narcotics interdiction, serious criminal offenses, protection of both officers and citizens in regards to allegations of civil rights violations, and in officer training and evaluation of performance. The technology application enhances this department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, provide evidence for investigative purposes, identify training needs and provide supporting documentation and protection against frivolous complaints.

The proper, consistent and effective use of BWC will provide accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, and the collection of evidence and testimony in court. In order to maximize the value and utility of this equipment in these and other related areas, officers shall follow the procedures for BWC use as set forth in this policy.

II. Definitions

Body Worn Camera (BWC)- refers to department authorized equipment designed to record and capture both video and audio, which is designed to be worn on the officer's person.

Unified Digital Evidence- refers to the video management software that is designed to operate the BWC equipment settings and captured media.

Mobile Video Recording (MVR) - defined as any recorded media regardless of format which captures and records audio and/or video signals.

III. Procedure

1. OPERATIONAL PROCEDURES

1.1 Officers shall adhere to the following procedures when utilizing the BWC:

1.1.1 BWC equipment shall be issued to all sworn personnel and Community Service Officers.

1.1.2 Officers shall only use departmentally approved BWC equipment.

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Subject: Body Worn Cameras	Number: SO 2022-2

EXHIBIT A

- 1.1.3 Officers shall ensure their BWC equipment is working satisfactorily at the beginning of each shift, to include being fully charged, and shall advise their immediate supervisor of any operational problems prior to the unit being placed into service.
- 1.1.4 The BWC shall be worn near the center of the officer's torso at approximately chest height. Considerations such as an officer's uniform limitations, height and/or body type may necessitate a slight off-center placement of their BWC to obtain the best field of view.
- 1.1.5 The BWC and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of the Rogers Police Department. No officer shall copy any recording for personal use or share with unauthorized individuals.
- 1.1.6 BWC equipment shall be used only in conjunction with official law enforcement duties and not for personal use.
- 1.1.7 Tampering with or disabling BWC equipment, shielding, or taking any other action, which interferes with the proper operation of the BWC, hardware, or software is prohibited. Officers shall not attempt to edit, erase, delete, or alter BWC digital recordings in any manner.
- 1.1.8 All uniformed officers and community service officers shall wear and utilize the BWC while on duty. Additionally, officers working extra duty assignments or bike patrol shall wear and utilize the BWC according to policy while in the performance of their duties.

2. TRAINING

- 2.1 The training unit shall be responsible for ensuring that users and supervisors are trained in the proficiency and use of the BWC.
- 2.2 The training unit will be responsible for maintaining a record of all BWC training conducted.
- 2.3 Officers or supervisors should notify the training unit in the event a digital recording may contain material that may be helpful in the training unit.

3. ACTIVATION

- 3.1 When possible, officers shall activate the BWC to record all contacts with citizens in the performance of official duties.
- 3.2 The BWC shall be activated in the following situations:
 - 3.2.1 Vehicle and pedestrian stops
 - 3.2.2 Consensual encounters
 - 3.2.3 DWI investigations
 - 3.2.4 Detentions and arrests
 - 3.2.5 Use of force incidents
 - 3.2.6 Searches of persons or property
 - 3.2.7 Transporting citizens or detainees
 - 3.2.8 K9 deployments
 - 3.2.9 Suspect/witness statements and interviews to include Miranda warnings when necessary
 - 3.2.10 Vehicle and foot pursuit
 - 3.2.11 Other incidents the officer reasonably believes should be recorded for Law Enforcement purposes
 - 3.2.12 When directed by a supervisor

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EXHIBIT A

- 3.3 The BWC system is designed to record automatically whenever the system is triggered by any of the following:
 - 3.3.1 The manual activation button is depressed
 - 3.3.2 The officer's firearm is drawn from the holster
 - 3.3.3 Any event that triggers the officer's in-car MVR and the BWC is within range
 - 3.3.4 The officer's in-car MVR is manually activated
- 3.4 If asked the officer will inform the person they are being recorded.
- 3.5 At no time are officers expected to jeopardize their safety in order to activate the BWC. However, the BWC should be activated as soon as safely practical.
- 4. DEACTIVATION/NON-ACTIVATION OF BWC EQUIPMENT
 - 4.1 Officers shall properly document any reason for deactivation by entering an audio explanation prior to deactivation. Officers shall also document the reason for deactivation in the CAD incident narrative or case report.
 - 4.2 Employees of the Police Department are prohibited from surreptitiously recording fellow employees, through the use of any electronic surveillance device or system, including but not limited to the recording of sound or voice or a closed-circuit television system, or any combination thereof, unless specifically authorized by the Chief of Police.
 - 4.3 During contact with an undercover officer or confidential informant.
 - 4.4 Officers are not required to activate the BWC during non-law enforcement actions including, but not limited to, meal breaks, fueling, restroom breaks, report writing, etc. Officers also have discretion on deactivating the BWC in places where reasonable expectation of privacy exists, such as bathrooms, dressing rooms, locker rooms, etc.
 - 4.5 No strip search or body cavity searches will be recorded.
 - 4.6 Officers may deactivate or not activate the BWC when dealing with reluctant witnesses or victims. This deactivation/ non-activation shall be documented in the CAD incident narrative or case report.
 - 4.7 When entering a residence that requires the consent of the resident, officers will inform the resident that he or she is wearing a BWC and request permission to continue recording the event. If the resident wishes not to be recorded in the interior of their home, officers will document the request and via the BWC and turn off the device. However, should exigent circumstances arise where the need to record the event outweighs any privacy concern, the officer will reactivate the BWC where feasible to do so irrespective of the resident's request.
 - 4.8 Officers may deactivate the BWC during non-enforcement activities such as prolonged traffic control or crime scenes that are no longer active. However, officers should be mindful that the BWC may need to be reactivated should the circumstances of the non-enforcement activity change.

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4.9 Upon prior approval from a supervisor.

5. SUPERVISOR RESPONSIBILITIES

- 5.1 Ensure that each BWC-equipped officer follows established procedures for the use and maintenance of BWC equipment and the handling of video/audio recordings.
- 5.2 On at least a bi-monthly basis, personally review at least two recordings to assist in periodic assessment of officer performance, determine whether BWC equipment is being fully and properly used and to identify material that may be appropriate for training; supervisors shall document the specific recording reviewed and the date the review was accomplished.
- 5.3 Shall periodically inspect officer's BWC equipment to insure proper operation.
- 5.4 Ensure that repairs and replacement of damaged or nonfunctional BWC equipment is accomplished expeditiously through the SSD Supervisor.

6. CATERGORIES AND RETENTION OF BWC DATA

- 6.1 Video management software (unified digital evidence) that exports information from computer aided dispatch (CAD) and records management system (RMS) will be utilized to automatically tag most media. It will be the officer's responsibility to check and verify the files are categorized correctly.
- 6.2 Categories and associated retention rates shall be assigned as follows:
 - 6.2.1 BWC Tests - (30 days) – This category is for documenting the inspection and test of the body-worn camera. This category is also to be used for accidental activations of the BWC. Employees are required to manually tag these videos.
 - 6.2.2 Uncategorized – (Indefinite) – This is a default category for body-worn camera videos that are not categorized by the integration with the computer-aided dispatching / record management system.
 - 6.3.3 No action - (270 days) - Incidents that do not result in police action, circumstances with no known criminal offense, or minor incidents where prosecution is not required.
 - 6.3.4 Training – (90 days) – This category is only for practical training exercises that need to be kept and documented for department training.
 - 6.3.5 Misdemeanor - (4 years) - All misdemeanor criminal investigations, reports and arrests and traffic citations.
 - 6.3.6 Death Investigation – (7 years) – All death investigations not categorized as homicides. Employees should document all death investigations in this category. Criminal Investigation Division supervisors will be responsible for tagging the videos in another category if appropriate.
 - 6.3.7 Felony - (7 years) - All felony criminal investigations, reports and arrests.
 - 6.3.8 Permanent - (Permanent) - Officer involved shootings, homicides and crimes of violence as defined by ACA 5-42-203. Supervisors in the Criminal Investigation Division and Administration will manually tag the officer involved shooting and homicide videos.

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- 6.3.9 Restricted - (Indefinite) -Videos under administrative review. The Office of Professional Standards will manage videos in this category.

7. STORAGE AND MANAGEMENT

- 7.1 Original digital files from the BWC will be downloaded and stored on a designated network server or other electronic network storage.
- 7.2 Officers will make reasonable attempts to download video/audio files before the end of each shift.
- 7.3 The overall management of the BWC system will be the responsibility of the SSD Supervisor or designee.
- 7.3.1 The SSD supervisor will ensure that any BWC equipment or software issues that cannot be resolved by the officer or supervisor is handled accordingly.
- 7.4 The Chief of Police or his designee will establish permission levels for users in the video management software. Permission levels will be determined by the employee's function within the department.
- 7.4.1 Authorized users will keep their user name and passwords confidential.
- 7.5 Requests for deletion of accidental recordings must be submitted in writing and approved by the Chief of Police or designee. All requests shall be kept on file with the SSD supervisor for a period of 3 years.

8. RELEASE OF RECORDINGS

- 8.1 All recorded media is subject to discovery under the provisions of the Freedom of Information Act. Any requests by a citizen will be handled as a FOIA request per state statute. BWC media may be redacted as required by state statute.
- 8.2 Unless for purposes of prosecution, recorded evidence shall only be released from the evidence room technician / supervisor at the direction of the Chief of Police, or the Division Commanders.
- 8.3 Prosecutors may be granted temporary access to the video management software by the SSD Captain or his designee.
- 8.4 Officers who need a recording duplicated for investigations or training must make the request to the SSD supervisor. When possible, this request should be made at least 48 hours prior to the date the recording is needed.
- 8.5 Officers who need a recording duplicated for court must make the request to the Evidence Unit. When possible, this request should be made at least 48 hours prior to the date the recording is needed.
- 8.6 When an officer has finished a court appearance the media file, if not retained by the court, will be returned to the property room for proper storage or disposal.
- 8.7 Recorded media may be released as authorized by the Chief of Police.

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ROGERS POLICE DEPARTMENT POLICIES AND PROCEDURES

SUBJECT	Mobile Video Recorder		
NUMBER	413.4	EFFECTIVE DATE	May 1, 2009
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	
Replaces G.O.	56	APPROVAL DATE	
APPROVED BY	Chief Jonathan Best	CALEA STANDARDS	

I. Policy

Mobile video/audio recording (MVR) equipment has been demonstrated to be of significant value in the prosecution of traffic violations, narcotics interdiction, serious criminal offenses, protection of both officers and citizens in regards to allegations of civil rights violations, and in officer training and evaluation of performance. The technology application enhances this department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, provide evidence for investigative purposes, identify training needs and provide supporting documentation and protection against frivolous complaints.

The proper, consistent and effective use of MVR will provide accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, and the collection of evidence and testimony in court. In order to maximize the value and utility of this equipment in these and other related areas, officers shall follow the procedures for MVR use as set forth in this policy.

II. Definitions

In-Car Camera System - refers to department authorized equipment designed to record and capture both video and audio, which is designed to be installed in a vehicle.

Mobile Video Recording (MVR) - defined as any recorded media regardless of format which captures and records audio and/or video signals.

Recorded Media - refers to any media that captures and records audio and/or visual signals. This includes analog (VHS, HI 8mm, DVD, etc.) or digital (wavelet, JPEG, MPEG, etc.) media.

Recording – an authentic, unaltered, official copy of an event captured by a MVR system subsequently transferred by mechanical or electrical means to a recorded media for transporting or storing the recorded event.

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Unified Digital Evidence- refers to the video management software that is designed to operate the BWC equipment settings and captured media.

III. Procedure

1. OPERATING PROCEDURES

1.1 Officers shall adhere to the following procedures when utilizing MVR equipment:

1.1.1 MVR equipment installed in vehicles is the responsibility of the officer assigned to that vehicle and will be maintained according to manufacturer's recommendations.

1.1.2 Officers shall ensure their MVR equipment is working satisfactorily at the beginning of each shift and shall advise their immediate supervisor of any operational problems prior to the unit being placed into service. The supervisor shall then make a determination regarding the status of the unit being placed into service.

1.1.3 The MVR and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of the Rogers Police Department. No officer shall copy any recording for personal use or share with unauthorized individuals.

1.1.4 MVR equipment shall be used only in conjunction with official law enforcement duties and not for personal use.

1.1.5 Tampering with or disabling MVR equipment, shielding, or taking any other action, which interferes with the proper operation of the MVR, hardware, or software is prohibited. Officers shall not attempt to edit, erase, delete, or alter MVR digital recordings in any manner.

1.1.6 All marked patrol vehicles and designated transport vehicles will be equipped with MVR equipment capable of recording through the front glass of the vehicle and the back seat or prisoner area of the vehicle.

1.1.7 Each officer will ensure that:

1.1.7.1 He is properly logged into the MVR. In the event the log in malfunctions, the MVR system will still be used in accordance with departmental policy and a supervisor will be notified of the malfunction;

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EXHIBIT A

- 1.1.7.2 Individually-owned non-department issued USB drives are never to be placed into the MVR system;
- 1.1.7.3 The volume on personal electronic devices within the police vehicle such as AM/FM/Satellite Radios, iPods, CD players, cell phones, etc. is muted, disabled or turned off when the MVR system is activated;
- 1.1.7.4 The video camera is properly positioned to effectively record events;
- 1.1.7.5 The remote audio transmitter is functional, has adequate power, set to 'Stand-by', is synchronized with the recording equipment, and capable of remote activation of the system via the transmitter. The officer will wear and use the wireless transmitter at all times during his/her shift;
- 1.1.7.6 The wireless microphone is activated in order to provide narrative consistent with the video recording.

2. TRAINING

- 1.1 The training unit shall be responsible for ensuring that users and supervisors are trained in the proficiency and use of the MVR.
- 1.2 The training unit will be responsible for maintaining a record of all MVR training conducted.
- 1.3 Officers or supervisors should notify the training unit in the event a digital recording may contain material that may be helpful in the training unit.

3. ACTIVATION

- 1.1 When possible, officers shall activate the MVR to record all contacts with citizens in the performance of official duties.
- 1.2 The MVR shall be activated in the following situations:
 - 1.2.1 Vehicle and pedestrian stops
 - 1.2.2 Consensual encounters
 - 1.2.3 DWI investigations
 - 1.2.4 Detentions and arrests
 - 1.2.5 Use of force incidents
 - 1.2.6 Searches of persons or property
 - 1.2.7 Transporting citizens or detainees

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- 1.2.8 K9 deployments
- 1.2.9 Suspect/witness statements and interviews to include Miranda warnings when necessary
- 1.2.10 Vehicle and foot pursuit
- 1.2.11 Other incidents the officer reasonably believes should be recorded for Law Enforcement purposes
- 1.2.12 Code 3 responses
- 1.2.13 When directed by a supervisor
- 1.3 Officers should be cognizant of performing duties within the scope of the camera's field of view when possible. When it is feasible to do so, the camera should be turned to capture critical activities performed by the officers or actions / conduct of a suspect or suspects.
- 1.5 The MVR system is designed to record automatically whenever the system is triggered by any of the following:
 - 1.5.1 The manual activation button is depressed
 - 1.5.2 The officer's rifle or shotgun is removed from the vehicle's locked rack
 - 1.5.3 The vehicle's emergency lights and/or siren is activate
 - 1.5.4 The vehicle's G-force indicates the vehicle has been involved in a collision
 - 1.5.5 The vehicle's speed exceeds ???MPH
 - 1.5.6 The officer's BWC is activated and within range of MVR

4. DEACTIVATION/NON-ACTIVATION OF MVR EQUIPMENT

- 1.1 Officers shall not manually deactivate the MVR when in contact with a suspect or during an event where the use of the MVR equipment is required by this order. The intentional stopping of recording during such events or contacts may be cause for disciplinary action, unless directed to do so by a supervisor. Obstructing, shielding, or any act of interfering with the MVR equipment is not permitted.
- 1.2 Officers shall properly document any reason for deactivation by entering an audio explanation prior to deactivation. Officers shall also document the reason for deactivation in the CAD incident narrative or case report.
- 1.3 Employees of the Police Department are prohibited from surreptitiously recording fellow employees, through the use of any electronic surveillance device or system, including but not limited to the recording of sound or voice or a closed circuit television system, or any combination thereof, unless specifically authorized by the Chief of Police.
- 1.4 During contact with an undercover officer or confidential informant.

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Subject: Body Worn Cameras	Number: SO 2022-2

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- 1.5 Officers are not required to activate the MVR during non-law enforcement actions including, but not limited to, meal breaks, fueling, restroom breaks, report writing, etc
- 1.6 Officers will note in all reports and citations that video and/or audio documentation was utilized and identify the DVR Unit used during the incident in question.

5. SUPERVISORY RESPONSIBILITIES

- 2.1 With respect to MVR technology and equipment, supervisory personnel shall:
 - 2.1.1 Ensure that each MVR-equipped officer follows established procedures for the use and maintenance of MVR equipment and the handling of video/audio recordings;
 - 2.1.2 On at least a bi-monthly basis, personally review at least two recordings to assist in periodic assessment of officer performance, determine whether MVR equipment is being fully and properly used and to identify material that may be appropriate for training; supervisors shall document the specific recording reviewed and the date the review was accomplished;
 - 2.1.3 Shall periodically inspect officer's MVR equipment to insure proper operation;
 - 2.1.4 Ensure that repairs and replacement of damaged or nonfunctional MVR equipment is accomplished expeditiously;

6. CATERGORIES AND RETENTION OF BWC DATA

- 1.1 Video management software (unified digital evidence) that exports information from computer aided dispatch (CAD) and records management system (RMS) will be utilized to automatically tag most media. It will be the officer's responsibility to check and verify the files are categorized correctly.
- 1.2 Categories and associated retention rates shall be assigned as follows:
 - 1.2.1 MVR Tests - (30 days) – This category is for documenting the inspection and test of the body-worn camera. This category is also to be used for accidental activations of the MVR. Employees are required to manually tag these videos.
 - 1.2.2 Uncategorized – (Indefinite) – This is a default category for body-worn camera videos that are not categorized by the integration with the computer-aided dispatching / record management system.

EXHIBIT A

- 1.2.3 No action - (270 days) - Incidents that do not result in police action, circumstances with no known criminal offense, or minor incidents where prosecution is not required.
- 1.2.4 Training – (90 days) – This category is only for practical training exercises that need to be kept and documented for department training.
- 1.2.5 Misdemeanor - (4 years) - All misdemeanor criminal investigations, reports and arrests and traffic citations.
- 1.2.6 Death Investigation – (7 years) – All death investigations not categorized as homicides. Employees should document all death investigations in this category. Criminal Investigation Division supervisors will be responsible for tagging the videos in another category if appropriate.
- 1.2.7 Felony - (7 years) - All felony criminal investigations, reports and arrests.
- 1.2.8 Permanent - (Permanent) - Officer involved shootings, homicides and crimes of violence as defined by ACA 5-42-203. Supervisors in the Criminal Investigation Division and Administration will manually tag the officer involved shooting and homicide videos.
- 1.2.9 Restricted - (Indefinite) -Videos under administrative review. The Office of Professional Standards will manage videos in this category.

7. STORAGE AND MANAGEMENT

- 1.1 Original digital files from the MVR will be downloaded and stored on a designated network server or other electronic network storage.
- 1.2 Officers will make reasonable attempts to download video/audio files before the end of each shift.
- 1.3 The overall management of the MVR system will be the responsibility of the SSD Supervisor or designee.
 - 1.3.1 The SSD supervisor or designee will ensure that any MVR equipment or software issues that cannot be resolved by the officer or supervisor is handled accordingly.
- 1.4 The Chief of Police or his designee will establish permission levels for users in the video management software. Permission levels will be determined by the employee's function within the department.

Page 11 of 12	Approval Date:
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EXHIBIT A

1.4.1 Authorized users will keep their user name and passwords confidential.

1.5 Requests for deletion of accidental recordings must be submitted in writing and approved by the Chief of Police or designee. All requests shall be kept on file with the SSD supervisor for a period of 3 years.

8. RELEASE OF RECORDINGS

1.1 All recorded media is subject to discovery under the provisions of the Freedom of Information Act. Any requests by a citizen will be handled as a FOIA request per state statute. MVR media may also be redacted as required by state statute.

1.2 Unless for purposes of prosecution, recorded evidence shall only be released by the evidence room technician / supervisor at the direction of the Chief of Police, or the Division Commanders.

1.3 Prosecutors may be granted temporary access to the video management software by the SSD Captain or designee.

1.4 Officers who need a recording duplicated for investigations or training must make the request to the SSD supervisor. When possible, this request should be made at least 48 hours prior to the date the recording is needed.

1.5 Officers who need a recording duplicated for court must make the request to the Evidence Unit. When possible, this request should be made at least 48 hours prior to the date the recording is needed.

1.6 When an officer has finished a court appearance the media file, if not retained by the court, will be returned to the property room for proper storage or disposal.

1.7 Recorded media may be released as authorized by the Chief of Police.

Page 12 of 12	Approval Date:
Subject: Body Worn Cameras	Number: SO 2022-2

RESOLUTION NO. R22-_____

A RESOLUTION AMENDING THE 2022 BUDGET TO RECOGNIZE FUNDS FROM THE AMERICAN ASSOCIATION OF PHYSICIANS OF INDIAN ORIGIN IN THE AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) INTO ACCOUNT #100-03-45600 GRANTS AND DONATIONS; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #100-03-70005 CONTINUING EDUCATION; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Police Department received a gift from Association of Physicians of Indian Origin (“AAPI”) in the amount of two thousand five hundred dollars (\$2,500.00).

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

Section 1: The 2022 Budget is amended to recognize funds in the amount of two thousand five hundred dollars (\$2,500.00) into Account #100-03-45600 Grants and Donations;

Section 2: The 2022 Budget is amended to appropriate two thousand five hundred dollars (\$2,500.00) into Account #100-03-70005 Continuing Education;

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 that are 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: Jonathan Best, Chief of Police
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R22- _____

**A RESOLUTION AUTHORIZING THE USE OF FUNDS FROM THE 2018 BOND
GENERAL ACCOUNT FOR PARK AND RECREATIONAL IMPROVEMENTS; AND
FOR OTHER PURPOSES.**

WHEREAS, pursuant to Ordinance No. 18-64, adopted October 23, 2018 ("Ordinance No. 18-64"), the City of Rogers, Arkansas (the "City") issued its Sales and Use Tax Bonds, Improvement Series 2018B (the "Bonds"); and

WHEREAS, Section 14(b) of Ordinance No. 18-64 established the following Construction Funds into which the proceeds of the Bonds were deposited: Street Construction Fund, Fire Construction Fund, Park and Recreational Construction Fund, and Police Construction Fund (collectively, the "2018 Construction Fund"); and

WHEREAS, Section 15(f) of Ordinance No. 18-64 provides that all interest earnings and profits realized from the investment of moneys in the 2018 Construction Fund shall be deposited into a General Account and used at such times and in such amounts as designated by the City Council for one or more of the following purposes: Street Improvements, Fire Improvements, Park and Recreational Improvements, and Police Improvements, as such terms are defined in Ordinance No. 18-64;

WHEREAS, the City requests that all interest earned from investment of moneys in the 2018 Construction Fund and credited into the General Account be designated by the City Council for Parks and Recreational Improvements in accordance with Section 15(f) of Ordinance No. 18-64; and

WHEREAS, the Mt. Hebron Parks Project and the Northwest Park Project should be funded from the interest earned and credited to the General Account.

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

Section 1: The City Council hereby directs the Finance Director to use all interest accrued from the 2018 Bond Construction Fund, minus any interest that is used to pay brokerage fees as stated in Resolution 19-72, to pay for Park and Recreational Improvements.

Section 2: This Resolution shall not repeal, and is intended to supplement, Resolution 19-73, which states "Going forward, all Brokerage Fees shall be paid from the General Project Account."

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 that are 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: Casey Wilhelm, Director of Finance
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R22-_____

A RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX FOR THE CITY OF ROGERS FOR THE YEAR 2022 TO BE COLLECTED IN 2023; AND FOR OTHER PURPOSES.

WHEREAS, Arkansas Code Annotated § 26-25-102 provides that a city may levy a tax on the real and personal property located within the city for general purposes, in any one year, pursuant to the provision of the Arkansas Constitution;

WHEREAS, Arkansas Code Annotated § 26-73-202 requires the City Council of any municipal corporation to make out and certify to the County Clerk the rate of taxation levied by the city on all the real and personal property within the city or town; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Rogers and its citizens to levy the rate of taxation on the real and personal property located within the said city as set forth herein, and to certify the same to the County Clerk, and authorize the Quorum Court of Benton County to levy said tax for the year 2022, to be collected in 2023.

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

Section 1: The property tax rate for the City of Rogers General purposes on the Real and Personal Property situated within the city and to be collected in the year 2023 shall be fixed and levied at the rate of Two and Four Tenths (2.4) mills on each dollar of assessed value of real and personal property;

Section 2: The property tax for *Library* purposes for the City of Rogers on Real and Personal Property situated within the city to be collected in the year 2023 shall be fixed and levied at the rate of Nine-Tenths (0.9) mills on each dollar of assessed value of real and personal property;

Section 3: The rate of taxation levied herein on the real and personal property within the City of Rogers shall, by this Resolution, be certified to the County Clerk to be placed upon the tax books and collected in the same manner that the state and county taxes are collected;

Section 4: The Quorum Court of Benton County is hereby authorized to levy the said tax as set forth herein for real and personal property located within the City of Rogers, for the year, 2023 at its regular meeting in November according to law;

Section 5: 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 6: 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: Mayor C. Greg Hines

Prepared By: John. M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

ORDINANCE NO. 22-_____

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

WHEREAS, pursuant to the provisions of Rogers Code Section 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 September 13, 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:

A PART OF LOT 1, A PART OF LOT 3 AND A PART OF LOT 6 ALL IN BLOCK 3 OF THE BLACKBURN'S ADDITION TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE N88°09'12"W 123.20 FEET TO THE EAST RIGHT-OF-WAY LINE OF S. 1ST STREET AS DESCRIBED IN DOCUMENT 2015-56958; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 08°14'17", A RADIUS OF 998.00 FEET, A LONG CHORD THAT BEARS N15°24'10"E 143.37 FEET, AN ARC DISTANCE OF 143.49 FEET; THENCE N65°08'20"E 12.44 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 38°10'25", A RADIUS OF 30.00 FEET, A LONG CHORD THAT BEARS N84°13'19"E 19.62 FEET, AN ARC DISTANCE OF 19.99; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 07°16'47", A RADIUS OF 295.19 FEET, A LONG CHORD THAT BEARS S82°50'33"E 37.48 FEET, AN ARC DISTANCE OF 37.51 FEET; THENCE N01°00'42"E 6.17 FEET; THENCE S88°09'12"E 22.78 FEET; THENCE S02°13'02"W 150.27 FEET TO THE POINT OF BEGINNING, CONTAINING 0.36 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR ACT.

LAYMAN'S DESCRIPTION:

102 E. Willow St., Parcel#02-02913-000

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: Comprehensive Growth Map. That the City's Comprehensive Growth Map is hereby amended to classify the entirety of parcel 02-02913-000 as the "Downtown Regional Center" Growth Designation rather than the "Neighborhood" Growth Designation.

SECTION 5: 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 6: 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 7: 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: Kristyn Lawson

Prepared by: Kyle Belt, Planner I

Reviewed By: Senior Staff Attorney, John Pesek

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO C-3, AMENDING THE COMPREHENSIVE GROWTH MAP,
PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 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 September 13, 2022, the City Council has found that certain lands hereinafter described are better suited for C-3 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 C-3 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ IN SECTION 25, TOWNSHIP 19 NORTH, RANGE 31 WEST IN THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST ¼ OF THE SOUTHEAST 1/4 OF SAID SECTION 25 BEING A 5/8" REBAR, THENCE SOUTH 02°21'24" WEST A DISTANCE OF 40.00 FEET TO A SET 5/8" REBAR; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF WEST PLEASANT GROVE ROAD SOUTH 87°23'00 EAST A DISTANCE OF 688.60 FEET TO A SET 5/8" REBAR BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAID RIGHT-OF-WAY SOUTH 87°23'00 EAST A DISTANCE OF 280.77 FEET TO A SET 5/8" REBAR; THENCE LEAVING THE SAID RIGHT-OF-WAY SOUTH 03°01'16" WEST A DISTANCE OF 353.91 FEET TO A FENCE CORNER; THENCE SOUTH 87°36'06" EAST A DISTANCE OF 320.71 FEET TO A SET 5/8" REBAR; THENCE ALONG THE WEST RIGHT-OF-WAY OF HIGHWAY 112 SOUTH 03°03'13" WEST A DISTANCE OF 260.86 FEET TO A FOUND ½" REBAR; THENCE LEAVING THE SAID RIGHT-OF-WAY NORTH 87°36'27" WEST A DISTANCE OF 364.11 FEET TO A SET 5/8" REBAR; THENCE ALONG THE CENTERLINE OF A RAVINE FOR THE NEXT FIVE CALLS, NORTH 08°17'08" WEST A DISTANCE OF 122.88 FEET TO A SET 5/8" REBAR; THENCE NORTH 00°50'25" WEST A DISTANCE OF 109.39 FEET TO A SET 5/8" REBAR; THENCE NORTH 07°35'55" WEST A DISTANCE OF 120.95 FEET TO A SET 5/8" REBAR; THENCE NORTH 35°02'17" WEST A DISTANCE OF 213.52 FEET TO THE POINT OF BEGINNING CONTAINING 165,852 SQUARE FEET OR 3.81 ACRES MORE OR LESS AND BEING FURTHER SUBJECT TO ANY RIGHTS-OF-WAYS, EASEMENTS, LIENS, OR ENCUMBRANCES WHICH MAY OR MAY NOT BE OF RECORD.

LAYMAN'S DESCRIPTION:

1995 N. Main Street, Parcel #02-02137-351

SECTION 3: Zoning. That the above described lands are better suited for C-3 than A-1 zoning and same should be and are hereby zoned C-3.

SECTION 4: Comprehensive Growth Map. That the City’s Comprehensive Growth Map is hereby amended to classify the entirety of parcel 02-02913-000 as the “Neighborhood Center” Growth Designation rather than the “Neighborhood” Growth Designation.

SECTION 5: 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 6: 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 7: 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: Jay Young

Prepared by: Nicholas Little, Planner II

Reviewed By: Senior Staff Attorney, John Pesek

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1, RMF-31B, U-NBT, U-COM, C-2 & C-3 WITH P.U.D. TO U-COM AND
U-NBT, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 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 September 6, 2022, the City Council has found that certain lands hereinafter described are better suited for U-COM and U-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 U-COM and U-NBT and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

REZONING TO U-COM

A parcel of land being a part of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) and a part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 20, Township 19 North, Range 30 West, Benton County, Arkansas and being more particularly described as follows:

Commencing at the Northeast corner of the SE 1/4 of said NE 1/4;
thence South 04 degrees 18 minutes 51 seconds West a distance of 567.25 feet;
thence North 89 degrees 18 minutes 39 seconds West a distance of 2.40 feet
to the POINT OF BEGINNING (P.O.B.)
thence South 02 degrees 32 minutes 53 seconds West a distance of 397.23 feet;
thence South 02 degrees 32 minutes 53 seconds West a distance of 646.42 feet
to a point of curvature;
thence, along a non-tangent curve to the right, an arc distance of 77.82 feet; ,
said curve having a radius of 50.00 feet,
and a chord bearing and distance of South 47 degrees 08 minutes 20 seconds West 70.20 feet;
thence leaving said curve, North 88 degrees 16 minutes 13 seconds West a distance of 577.36 feet
to a point of curvature;
thence, along a non-tangent curve to the right, an arc distance of 149.12 feet,
said curve having a radius of 330.00 feet,
and a chord bearing and distance of North 75 degrees 19 minutes 18 seconds West 147.86 feet;
thence leaving said curve, North 62 degrees 20 minutes 01 seconds West a distance of 362.54 feet; thence
North 02 degrees 34 minutes 21 seconds East a distance of 352.78 feet;
thence South 87 degrees 32 minutes 50 seconds East a distance of 510.29 feet;
thence North 03 degrees 43 minutes 43 seconds East a distance of 544.66 feet;
thence South 89 degrees 18 minutes 40 seconds East 578.04 feet
to the POINT OF BEGINNING (P.O.B), containing 874,763 square feet or 20.08 acres.

REZONING TO U-NBT

A parcel of land being a part of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) and a part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (NE 1/4) of Section 20, Township 19 North, Range 30 West, Benton County, Arkansas and being more particularly described as follows:

Commencing at the Northeast corner of the SE 1/4 of said NE 1/4;
thence South 04 degrees 18 minutes 51 seconds West a distance of 567.25 feet;
thence North 89 degrees 18 minutes 39 seconds West a distance of 2.40 feet;
thence North 89 degrees 18 minutes 40 seconds West 578.04 feet
to the POINT OF BEGINNING (P.O.B.);
thence South 03 degrees 43 minutes 43 seconds West a distance of 544.66 feet;
thence North 87 degrees 32 minutes 50 seconds West a distance of 510.29 feet;
thence South 02 degrees 34 minutes 21 seconds West a distance of 352.78 feet
thence North 62 degrees 20 minutes 01 seconds West a distance of 235.20 feet;
thence North 02 degrees 34 minutes 21 seconds East a distance of 345.21 feet;
thence North 48 degrees 48 minutes 00 seconds East a distance of 235.22 feet;
thence South 87 degrees 32 minutes 50 seconds East a distance of 211.49 feet;
thence North 03 degrees 43 minutes 43 seconds East a distance of 278.90 feet;
thence South 89 degrees 18 minutes 39 seconds East a distance of 347.49 feet
to the POINT OF BEGINNING (P.O.B.), containing 334,409 square feet, or 7.68 acres.

LAYMAN'S DESCRIPTION:

Northwest of the intersection of W. Northgate Road and S. Champions Drive

SECTION 3: Zoning. That the above described lands are better suited for U-COM and U-NBT than A-1, RMF-31B, U-NBT, U-COM, C-2 & C-3 with P.U.D. zoning and same should be and are hereby zoned U-COM and U-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: Chris Bakunas

Prepared by: Planning Department

Reviewed By: Senior Staff Attorney, John Pesek

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING THE CITY OF ROGERS CODE OF ORDINANCES
SECTION 14-260 - ACCESS MANAGEMENT STANDARDS AND SECTION 14-1005 –
COMMERCIAL DRIVEWAY DETAIL; PROVIDING FOR THE EMERGENCY CLAUSE;
AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers’ City Council finds it to be in the best interest of the City to amend Section 14-260 of the City of Rogers Code of Ordinances regarding access management standards;

WHEREAS, the City of Rogers’ City Council finds it to be in the best interest of the City to amend Section 14-1005 of the City of Rogers Code of Ordinances regarding commercial driveway detail to comply with the new access management standards adopted in this Ordinance; and

WHEREAS, the proposed amendments will implement updated access management standards to apply to new development and construction in the City of Rogers.

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

Section 1: Chapter 14, Article III, Section 14-260 – Access Management Standards shall be amended in the City of Rogers, Code of Ordinances and shall read as shown in the attached Exhibit “A” and Municode Corporation is hereby instructed to make said amendments;

Section 2: Chapter 14, Article III, Section 14-1005 – Commercial Driveway Detail shall be amended in the City of Rogers, Code of Ordinances and shall read as shown in the attached Exhibit “B” and Municode Corporation is hereby instructed to make said amendments;

Section 3: Emergency Clause: The need to amend the City Code 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 4: 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 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 Community Development
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Community Environment & Welfare Committee

EXHIBIT A

Sec. 14-260. Access management standards.

This section is intended to implement access management standards of the City as set forth in the City master street plan and growth comprehensive plan. In addition, this section conforms with policies and objectives of the NWARPC metropolitan planning organization's long-range transportation plan, the authority to control access to property as derived from state statutes, the policy and planning directives of the Federal Intermodal Surface Transportation Efficiency Act of 1991, and the Transportation Equity Act for the 21st Century. These regulations apply to all new development and construction:

(1) *Curb cuts.*

- a. *City approval.* Property owners desiring curb cuts off of City streets or the state highway and transportation department Arkansas Department of Transportation (AHTD, ARDOT) highways, not associated with an approved large-scale development plan or subdivision, must obtain a letter of approval permit from the Department of Community Development or Arkansas State Highway and Transportation Department and ARDOT prior to installation of said curb cut/driveway.
- b. *Width.* Ingress/egress opening in concrete, asphalt, rock or other street curbing, commonly referred to as "curb cuts," shall be not less than 70 feet nor more than 100 feet in width (including radii) be 18-feet wide for one-way or 24-feet wide for two-way for nonresidential uses unless approved by the Department of Community Development. The construction of three or more lanes for an ingress/egress opening shall require a study justifying the need for more than two lanes. Driveways on state highways shall meet ARDOT standards.
- c. *Distance from intersections.* Curb cuts or access points shall be no closer than 100 feet measured from the right-of-way intersecting collector streets to the centerline of the drive, and no closer than 250 feet measured from the right-of-way of an intersection involving a major or minor arterial street to the centerline of the drive.
 1. **Minor Streets.** Curb cuts along a Minor Street shall be no closer than 75 feet measured from the intersection right-of-way to the centerline of the drive when intersecting a Collector or Arterial Street.
 2. **Collector Streets.** Curb cuts along a Collector Street shall be no closer than 100 feet measured from the intersection right-of-way to the centerline of the drive.
 3. **Minor & Major Arterial Streets.** Curb cuts along a Minor or Major Arterial Street shall be no closer than 250 feet measured from the intersection right-of-way to the centerline of the drive.
- d. *Offset.* Either the centerline of opposing nonresidential or multifamily driveways shall align, or shall be offset no less than 75 feet. This condition shall not apply where a permanent median exists without break for these driveways.
- e. *Number of curb cuts permitted.* Unless otherwise specified by this section, the maximum number of curb cuts for each property shall be determined by length of road frontage and the maximum speed limit of the road (as determined by the City master street plan).

NUMBER OF CURB CUTS

Length of Street Frontage	Maximum Number of Curb Cuts*
600 feet or less	1
601—1,000 feet 1,500 feet	2

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1,001—1,500 feet	2
More than 1,500 feet	3

*Where lots are contiguous, a common ingress/egress drive is encouraged to minimize curb cuts and better facilitate traffic.

f. *Distance between curb cuts.*

Travel Speed Permitted	Minimum Distance Between Curb Cuts
30 mph	100 feet
35 mph	150 feet
40 mph	200 feet
45 mph	250 feet
50 mph	300 feet
55 mph	350 feet

- g. *Curb radius.* To ensure safe turn movements, turning radii for commercial drive curb cuts should be at least 30 20 feet for curb cuts along streets designated by the City master street plan. Minor street curb radii shall be a minimum of 15 feet. Exceptions may be granted through a waiver from the Planning Commission for shorter radii in the downtown area and for larger radii needed where there may be a need to accommodate truck traffic.
- h. *Barriers.* Entrance/exit and parking design landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All parking facilities, except those serving single-family detached and two-family dwellings shall be designed so that all existing movements onto a public street are in a forward motion.
- i. *Right turn only.* Right turn only site plans for all commercial development and multifamily dwellings on minor arterial and major arterial streets will be required to have exit points that are designated right turn only exiting movements onto a public street.
- j. *Acceleration and deceleration lanes.* Site plans for all commercial development, residential subdivisions, and multifamily dwellings on collector, minor arterial, and major arterial streets will be analyzed by the Director of the Department of Community Development or his or her designee for critical traffic conditions for both the initial opening and full development of the site. AHTD ARDOT deceleration lanes are required for single and combined uses that generate driveway volumes (trip ends) of 300 or more vehicles in the peak hour, as determined using standard Institute of Transportation Engineers (ITE) trip generation rates for the subject land use(s). Additional development requiring a building permit, which would generate driveway volumes (trip ends) of 300 or more vehicles in the peak hour, shall require the installation of an AHTD ARDOT -approved deceleration lane. Four hundred feet minimum spacing between drives, measured centerline to centerline or from the right-of-way intersecting lines of public streets to the centerline of a curb cut, is required when deceleration lanes designed in accordance with AHTD ARDOT are required.

(2) *Joint and cross access.*

- a. *Major traffic generators.* Adjacent commercial or office properties classified as major traffic generators (i.e., shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites. Major traffic generators are defined as all restaurants and any other commercial development with a total area under roof of 5,000 square feet or greater.

- b. *Techniques.* A system of joint use driveways and cross access easements shall be established wherever feasible in commercial and multifamily residential zoning districts along existing or proposed public streets designated on the City Master Street Plan, and the building site shall incorporate the following:
1. A continuous service drive or cross access corridor extending the entire length of each property served to provide for driveway separation consistent with the curb cut standards;
 2. A design speed of ten mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
 3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and
 4. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.
- c. *Shared parking.* Shared parking areas shall be permitted to reduce required parking if peak demand periods for proposed land uses do not occur at the same time periods (i.e., bank and movie theater).
- d. *Documentation.* Pursuant to this section, property owners shall record the following:
1. *Access easement.* Record an easement with the deed allowing cross access to and from other properties served by the joint-use driveways and cross access or service drive.
 2. *Access agreement.* Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the City and preexisting driveways will be closed and eliminated after construction of the joint-use driveway.
 3. *Maintenance agreement.* Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- e. *Reduction in separation distance.* The City Planning Commission may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
1. Joint access driveways and cross access easements are provided wherever feasible in accordance with this section;
 2. The site plan incorporates a unified access and circulation system in accordance with this section; and
 3. The property owner shall enter a written agreement with the City, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of the joint-use driveway.

(3) *Sight triangle.* No sign, fence, vegetation, or other obstruction shall constitute a hazard to traffic located within the sight triangle of an intersection.

1. *Definition -* The sight triangle is defined by a triangular area formed by a diagonal line connecting two points on intersecting street rights-of-way, measured 25' along each right-of-way starting at the intersection point. This is to be considered a minimum distance, and the City Engineer shall have the authority to require additional distances for public safety based on site-specific circumstances.
2. *Penalty -* If there exists an obstruction inside a sight triangle, the City may remove said obstruction, after providing, at a minimum seventy-two (72) hour notice to the owner of

the obstruction, if the owner of the obstruction is known. If the owner is unknown, the City will post notice on the obstruction for a period of seventy-two (72) hours for it to be removed prior to its removal by the City.

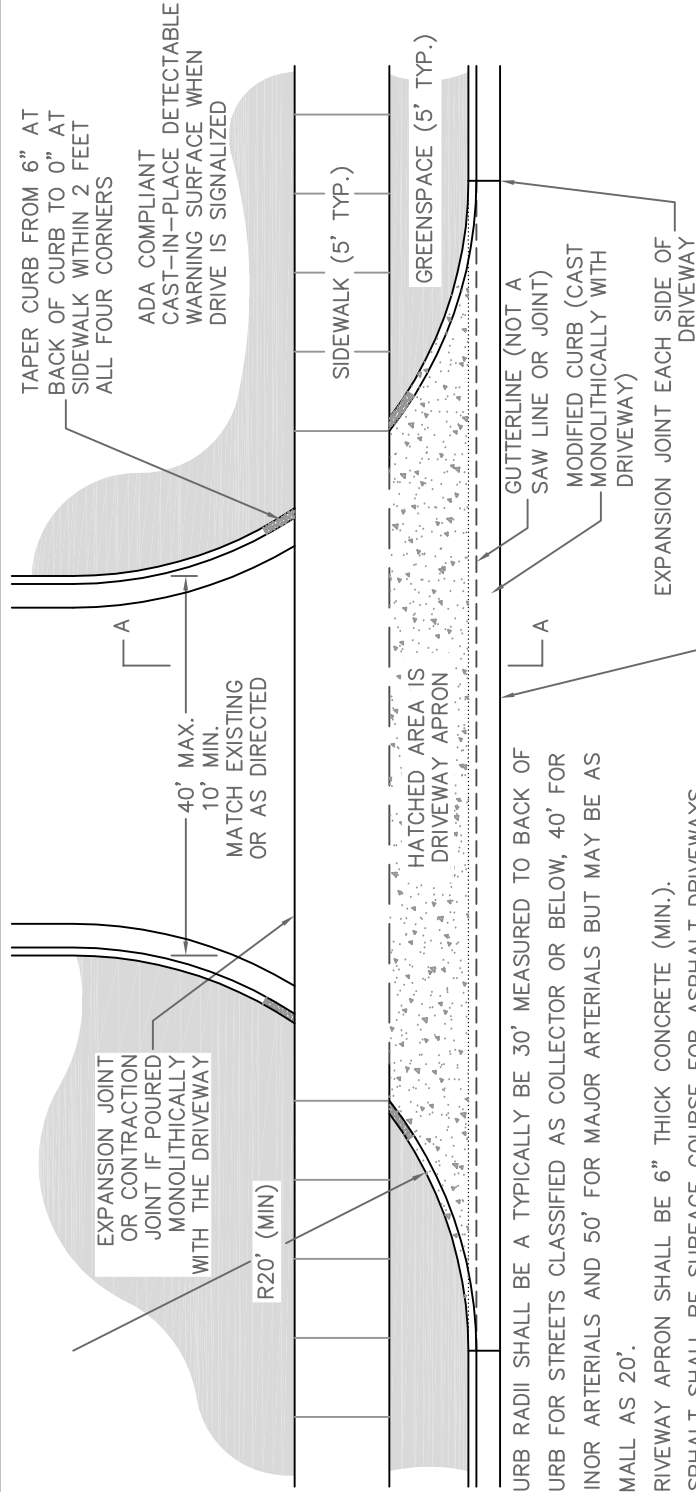
3. **Emergency** – If the obstruction is declared an emergency by either the City Engineer or the Director of Community Development, the obstruction may be immediately removed from the sight triangle.

(4) **Waivers.** The City Planning Commission may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

(5) **Nonconforming access features.**

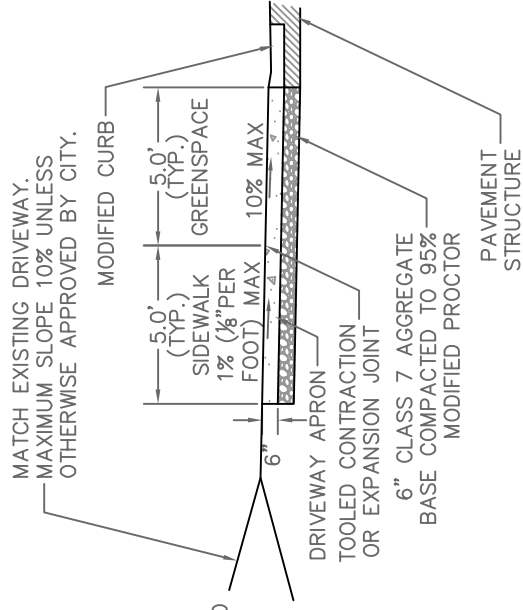
- a. **Existing.** Permitted access connections in place as of the date of the adoption of this section that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards when one of the following conditions occurs:
 1. New access connection permits are requested;
 2. Substantial enlargements or improvements are made;
 3. As roadway improvements allow; or
 4. Significant change in trip generation.
- b. **Discontinued use.** If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of 180 days then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the City Planning Commission. For uses that are vacant or discontinued upon the effective date of the ordinance from which this section is derived, the 180-day period begins on the effective date of the ordinance from which this section is derived.

(Code 1997, § 60-45; Ord. No. 04-24, § 1, 3-9-2004; Ord. No. 16-103, § 1(Exh. A), 11-22-2016)



1. CURB RADIUS SHALL BE A TYPICALLY BE 30' MEASURED TO BACK OF CURB FOR STREETS CLASSIFIED AS COLLECTOR OR BELOW, 40' FOR MINOR ARTERIALS AND 50' FOR MAJOR ARTERIALS BUT MAY BE AS SMALL AS 20'.
2. DRIVEWAY APRON SHALL BE 6" THICK CONCRETE (MIN.).
3. ASPHALT SHALL BE SURFACE COURSE FOR ASPHALT DRIVEWAYS.
4. IF THERE IS NO SIDEWALK, THE DRIVEWAY APRON SHALL BE 6' AS MEASURED PERPENDICULAR FROM BACK OF CURB OR EDGE OF PAVEMENT.
5. EXPANSION JOINTS SHALL BE A MINIMUM OF 1/2" AND EXTEND THE FULL DEPTH OF THE CONCRETE. EXPANSION JOINT MATERIAL SHALL MEET AASHTO M213 FOR AN ASPHALTIC FIBER EXPANSION JOINT MATERIAL AND INSTALLED WITH A ZIP STRIP WHICH IS REMOVED AFTER THE CONCRETE HAS CURED AND SEALED WITH A MASTIC SEALER.
6. CONTRACTION JOINTS TO BE PLACED IN CONCRETE DRIVEWAY SO THAT NO SLAB DIMENSION IS MORE THAN 15'.
7. ALL SIDEWALKS AND DRIVEWAYS TO RECEIVE A BROOM FINISH.
8. CITY SHALL INSPECT ALL SIDEWALKS AND DRIVEWAYS IN PUBLIC RIGHT OF WAY PRIOR TO CONCRETE OR ASPHALT PLACEMENT. PROVIDE 24 HOURS NOTICE PRIOR TO PLACEMENT.
9. ALL CONCRETE FOR CURB, SIDEWALKS AND DRIVEWAYS SHALL BE CLASS B CONCRETE (3500 PSI, 4-7% AIR ENTRAINED). CONCRETE MAY NOT BE PLACED IF A FALLING AIR TEMPERATURE FALLS BELOW 40° F NOR RESUMED UNTIL AN ASCENDING AIR TEMPERATURE RISES ABOVE 35° F WITHOUT SPECIFIC AUTHORITY FROM THE CITY REPRESENTATIVE. ALL CONCRETE MATERIALS, HANDLING, PLACING, JOINTING, SAMPLING, FINISHING, AND CURING SHALL BE PER CITY STANDARD SPECIFICATIONS.
10. DRIVEWAY APRON AND MODIFIED CURB SHALL BE PLACED MONOLITHICALLY.
11. REFER TO APPROVED PLANS FOR ACTUAL SIDEWALK AND GREENSPACE WIDTHS OR CONTACT CITY.
12. APRON SHALL BE GRADED SO THAT SIDEWALK CONTINUES WITHOUT GRADE BREAKS ALONG ROADWAY.
13. DRIVEWAY SHALL BE HARD SURFACE FOR ANY SLOPES OVER 8%.

TO REMOVE EXISTING CURB, A FULL DEPTH SAWCUT SHALL BE MADE AT CURB AND STREET PAVING JOINT. ANY DAMAGE TO THE STREET SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE AS DIRECTED BY CITY.



CITY OF ROGERS
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COMMERCIAL DRIVEWAY DETAIL

NOT TO SCALE

AUGUST 23, 2022