

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, April 24, 2018 at 6:30 p.m. The meeting was called to order by Mayor Greg Hines. The Invocation was given by Rev. Pamela Cicioni, Chaplain for Highland Oncology Group. Those in attendance were led in the Pledge of Allegiance.

PUBLIC FORUM:

Autumn Pullen, 5424 Horsebarn Lane, spoke in favor of the rezoning request on the agenda rezoning from RMF-15B to A-1.

Pullen said when the PUD for this property and adjacent property were being considered, she and other neighboring residents on the private drive, Horsebarn Lane, were very vocal speaking against the proposed development. “I realize this is an opportunity for a do-over from the PUD that never happened, and support the rezoning request from RMF-15B to A-1. We would like to see the A-1 zoning be approved for the sake of compatibility and knowing that with the flood zone, there are only a few things that the property can be used for.”

The Public Forum was declared closed.

COUNCIL MEMBERS PRESENT:

Mark Kruger, Buddy Wright, Betsy Reithemeyer, Gary Townzen, Marge Wolf, Clay Kendall, Jerry Carmichael, and Barney Hayes were present.

OTHER OFFICIALS PRESENT:

City Clerk-Treasurer Peggy David, City Attorney Andrew Hatfield, Senior Staff Attorney Jennifer Waymack, Director of Parks & Recreation Jim White, Police Chief Hayes Minor, Community Development Director John McCurdy, Public Relations Specialist Ben Cline, Parks Superintendent Stan Weaver, Project Engineer Nathan Becknell, City Planner Lori Ericson, Museum Director John Burroughs, Water Utilities Superintendent Earl Rausch, Water Utilities Operations Manager Brent Dobler, Main Street Director Shay Bland, and Assistant to the Mayor Carey Anderson.

ACTION ON MINUTES:

(April 10, 2018)

Approves the suspending of rules for the meeting.

REPORTS OF BOARDS AND STANDING COMMITTEES:

(Agenda Item #1)

RES. #R18-28 Appropriating \$1,400,000 from General Fund Reserves to Acct# 100-10-80122, Museum Expansion in Furtherance of the Final Phase of the Museum Expansion

(Agenda Item #2)

RES. #R18-29 Recognizing a Donation from First Baptist Church of Rogers in the Amount of \$2,500; Increasing the Grants/Donations Acct #100-03-45600 in the Amount of \$2,500; Appropriating \$2,500 to Police Small Tools and Equipment Acct #100-03-70205 from Grants/Donations Acct #100-03-45600

Motion by Wright, second by Townzen to approve the minutes of April 10, 2018 as submitted.

Voice vote: Unanimous -Yes. ***Motion carried.***

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

Roll call: Unanimous – Yes. ***Motion carried***

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

Reithemeyer, chair of the Finance Committee, reported the committee had met, recommended a “Do pass” and recognized Museum Director John Burroughs.

Burroughs said this will be the last appropriation request to finish up the Museum Expansion. The expansion work is proceeding nicely and coming in under budget due to the diligence of Nabholz, the general contractor. Burroughs expressed appreciation for the public/private partnerships that have helped to provide funds to finish this project.

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

Voice vote: Unanimous- Yes. ***Motion carried.***

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

Reithemeyer reported the Finance Committee had met, recommended a “Do pass” and recognized Police Chief Hayes Minor.

Minor reported a donation was received from First Baptist Church of Rogers and will be used

to purchase small flashlights for each patrol officer.

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

Voice vote: Unanimous- Yes. ***Motion carried.***

(Agenda Item #3)

RES. #R18-30 Recognizing Donations from First Baptist Church of Rogers in the Amount of \$2,500 and an Individual in the Amount of \$1,000; Increasing the Grants/Donations Acct #100-04-45600 in the Amount of \$3,500; Appropriating \$3,500 to Fire Acct 100-04-70015 Uniform Expense from Grant/Donation Acct #100-04-45600

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

Reithemeyer reported the Finance Committee had met, recommended a “Do pass” and recognized Fire Chief Tom Jenkins.

Jenkins reported the donations will be used to purchase personal protective equipment.

Motion by Kruger, second by Townzen to adopt the resolution.

Voice vote: Unanimous- Yes. ***Motion carried.***

(Agenda Item #4)

RES. #R18-31 Memorializing the Intent to Fund a Portion of the 8th Street Sidewalk Improvements if Awarded a Grant from the Arkansas Department of Transportation

The resolution was introduced by Councilmember Kruger and read by title only by Hatfield.

Kruger, chair of the Transportation Committee, reported the committee had met, recommended a “Do pass” and recognized Project Engineer Nathan Becknell.

Becknell explained as a part of grant application, there is a requirement for a resolution supporting the application for grant money. The grant, if approved, would be used to construct sidewalks along S. 8th Street from Poplar to New Hope Road.

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

Voice vote: Unanimous- Yes. ***Motion carried.***

(Agenda Item #5)

ORD. #18-23 Amending Various Sections of Chapter 14 of Code of Ordinances to Establish Upper Density Limitations for Upper-Floor Residential Space in Commercial Zones

The ordinance was introduced by Carmichael, and read by Hatfield by title only.

Carmichael, chair of the Community Environment & Welfare Committee reported the committee had met, recommended a “Do pass” and recognized Director of Community Development John McCurdy.

McCurdy explained there are provisions in the city code that allows upper-floor density for residential use in commercial zones but it is not consistent with residential multifamily restrictions. This would make the upper density limitations to be consistent in all zones.

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

The Mayor asked, “Shall the emergency clause pass?”
Roll call: Unanimous – Yes. ***The emergency clause is adopted.***

OLD BUSINESS:

None.

NEW BUSINESS:

(Agenda Item #1)

ORD. #_____ Rezone from RMF-15B to the A-1 at 422 S. Horsebarn Road

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

Kelly Boyd, representing the property owner, requested the rezoning from RMF-15B to A-1 and the residents on Horsebarn Lane are in support of the rezoning as indicated by Autumn Pullen, who spoke during the Public Forum.

Boyd said when the closing for the PUD property came, the developer never showed up, and Ms. Matula bought the property so that it could retain the A-1 zoning.

Mayor Hines noted the staff report provided to the Planning Commission recommended that the rezoning be denied which was confirmed by Director of Community Development John McCurdy.

McCurdy said the A-1 zone is intended to be a temporary zone and usually the only way you see an A-1 zoning is for property that has been annexed from the county then rezoned for the specific use as it is developed. The city has the right to regulate three different types of land uses for municipal purposes which are residential, industrial, and commercial other than industrial. Agriculture is not a municipal land use and we don't have the authority to extend the agriculture zone into the city. The dilemma that the Planning Commission had was that we do not have a way to revert the PUD.

Hines explained that rezoning to A-1 is rare and understood that the purpose of the requested A-1 zoning is so that horses could be allowed on the property.

Laurel Matula, the property owner, stated the purpose of the rezoning is to get rid of the PUD and she purchased the property so that she could enjoy peace and quiet on Horsebarn Lane.

Hines said the staff proposed the R-E (Residential-Estate) zoning instead of the A-1 zoning.

Boyd explained that horses will not be on the property and doesn't understand why the R-E is being pushed.

McCurdy said the staff was recommending the R-E zone, not the A-1 zone. The current zone RMF-15B can remain that zone until the property owner wants to make a change. If the property owner wants to use the property for commercial farming uses, then there would be some restrictions.

Councilmember Kruger, as the senior member of the council, stated he does not recall going to a lower zone, and understands the property owner wants to keep its as it is, but doesn't want to open the door to rolling back zones.

Councilmember Reithemeyer said the Planning Commission unanimously approved the rezoning request to A-1 and this is a unique situation. "I understand that the current zone will not hinder the property owner from doing what she wants, but thinks that if the owner wants to take it back to A-1 that she should be able to do so."

Councilmember Carmichael agreed with Reithemeyer saying that the property owner should be able to rezone the property back to A-1. "I support the A-1 zone."

The Mayor asked, "Shall the ordinance pass?" Roll call: Reithemeyer, Carmichael, and Wright – Yes; Townzen, Wolf, Kendall, Hayes and Kruger - No. *The ordinance is defeated.*

There being no further business, motion by Kruger, second by Wolf to adjourn the meeting. Meeting adjourned at 6:28 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk-Treasurer

C. Greg Hines, Mayor