

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building and via virtual meeting space ZOOM on Tuesday, March 23, 2021 at 6:32 p.m. The meeting was called to order by Mayor Greg Hines.

PUBLIC FORUM:

Kruger, concern regarding the appointment and reappointments on the Planning Commission. The way in which the current commissioners were asked to step down is not the way he believes we should conduct business. Change for the sake of change is not good but agrees change is a necessary step. Concerned we will lose a sense of community in Rogers if continue on this path. If choose to continue, he would encourage term limits to be set for people to be aware of the term commitment.

Legere, as chairman of the Community Environment & Welfare Committee, and have worked closely with Community Development Director John McCurdy to find good applicants for Planning Commissioner seats. I ran for the city council seat on basis of community culture and growth and we do not have minority representation on the Planning Commission. We need to recognize who our community is and what we need if we want to continue to grow and be attractive. We need to match the face of our community.

Mayor, appreciate feedback but the appointments are at the discretion of the Mayor. Respect and will listen to all varying sides but it is my role to preserve this seat.

Kruger, not trying to single out anyone, only stating opinion.

ROLL CALL:

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

ACTION ON MINUTES:

March 09, 2021

Motion by Townzen, second by Brashear to approve the March 09, 2021 minutes.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

(Agenda Item #1.)

RES. Re: Amending The 2021 Budget; Recognizing Funds From The Rogers School District To The City Of Rogers Fire Department In The Amount Of \$14,651.00 Into Account #100-04-49255 Reimbursements

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

Reithemeyer, chair of Finance Committee, reported the committee had met, recommended to “Do pass” and recognized Deputy Chief Cliff Thompson.

No questions from the council.

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

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

(Agenda Item #2.)

ORD. Re: Authorizing The Mayor And City Clerk To Enter Into A Contract With Cox Advanced Services Arkansas, LLC, Of Springdale, Arkansas, In The Amount Of \$143,481.58, For Underground Utility Installation And To Provide Power Necessary For Public Safety Related To The Walnut Widening Project; Waiving Competitive Bidding

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

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

No questions from the council.

The Mayor asked, “Shall the ordinance pass?”

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

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

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

(Agenda Item #3.)

ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-6B To C-2 (Express Oil)

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

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

No questions from the council.

The Mayor asked, “Shall the ordinance pass?”

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

The Mayor asked, "Shall the emergency clause pass?"

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

(Agenda Item #4.)

ORD. Re: Amending Rogers Code Section
14-675 By Re-Zoning Certain
Lands From R-O And RO-CU To
NBT (Jones)

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

Legere, chair of Community Environment & Welfare Committee, reported the committee had met, recommended to "Do pass" and recognized representative Mr. Jones. Representative not present.

No questions from the council.

The Mayor asked, "Shall the ordinance pass?"

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

The Mayor asked, "Shall the emergency clause pass?"

Roll call: Unanimous – Yes. The emergency clause adopted.

OLD BUSINESS:

(Agenda Item #1.)

ORD. Re: Amending Rogers Code Section
14-675 By Re-Zoning Certain
Lands From R-O, C2-CU, And
PUD To C-3 (Olive St.)

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

Legere, chair of Community Environment & Welfare Committee, reported the committee had met, recommended to "Do pass" and recognized Staff Attorney Bonnie Bridges.

Council was provided the settlement provided to the City from David Matthews. The ordinance must be recalled to reopen for dialogue.

Brashear, if the ordinance is recalled tonight we will revote immediately? Bridges, correct.

The Mayor asked, "Shall the ordinance pass?"

Roll call: Kruger, Hayes, Brashear, Legere, Townzen, Kendall – Yes. Wolf - No. Reithemeyer - Recuse.

The ordinance is recalled.

Bridges, the lawsuit in the works currently and this is

an opportunity to come to a settlement agreement.

Wolf, understand the cost to the city of the lawsuit but I do not understand why a question comes to us for a yes or a no if the no vote still brings the ordinance back to us for a question.

Mayor, understands some might feel like they are being forced to say yes but the alternative is having a judge tell you, you must say yes. The comprehensive growth map tells us this is the rezone is legal.

Kruger, what is legal and what is right feels like a tough situation at this point.

Brashear, discussion with Community Development Director John McCurdy about reworking the C3 rezone broadness. Concerns from the residents in the area are the property will become a single family, 24 unit per acre development.

Kruger, are there comments from the representatives?

Matthews, on the line. Appreciates the council recalling the ordinance for the settlement of the lawsuit. History of the zoning classification for this property is difficult, and understands the tough position. Concern is the council passed the rezone for the property directly west of my clients property to the same C3 rezone request. Perhaps the opportunity to review, the council would come to a approval consistent with what has been passed for the adjacent property owners. The only plan is to rezone to C3 in alignment with the laws laid out by the city council on the comprehensive growth map.

Brashear, if there was a zoning that allowed for single family but left everything the same in C3?

Matthews, I don't think I am in a place to answer. We are merely trying to rezone the property based on the existing laws set out by this city council. After seeing the adjacent property approved for the same requested rezone, we thought a revisit to the council was appropriate.

The Mayor asked, "Shall the ordinance pass?"

Roll call: Kendall, Brashear, Legere, Townzen, Hayes – Yes. Kruger, Wolf - No. Reithemeyer - Recuse. The

ordinance is adopted.

The Mayor asked, "Shall the emergency clause pass?"

Roll call: Kendall, Brashear, Legere, Townzen, Hayes, Kruger – Yes. Wolf - No. Reithemeyer - Recuse. The emergency clause is adopted.

NEW BUSINESS:

APPOINTMENTS:

Appointment of Emery David to the Museum Commission; term to expire December 31, 2023

Motion by Wolf, second by Reithemeyer.

Reappointment of John Ford to the Museum Commission; term to expire December 31, 2023

Motion by Kruger, second by Townzen.

Reappointment of Mike Whitmore to the Museum Commission; term to expire December 31, 2022

Motion by Kruger, second by Reithemeyer.

Reappointment of Nancy Swearingen to the Museum Commission; term to expire December 31, 2022

Motion by Hayes, second by Kruger.

Appointment of Steve Lane to the Planning Commission; term to expire December 31, 2021

Motion by Kruger, second by Reithemeyer.

Appointment of Jorge Andrade to the Planning Commission; term to expire December 31, 2023

Motion by Reithemeyer, second by Legere. Kruger - opposed.

Appointment of Derek Burnett to the Planning Commission; term to expire December 31, 2023

Motion by Reithemeyer, second by Brashear. Kruger - opposed.

ANNOUNCEMENTS:

Mayor, January Sales Tax numbers came in and happy with the path forward.

Possible to reconvene in person meetings in late May.

Kruger, BikeNWA presented to the Transportation Committee a Safe Streets program to run on S. 5th Street between Oak and Cherry Street.

There being no further business, motion by Kruger, second by Wolf to adjourn the meeting. Meeting adjourned at 7:26 p.m.

ATTEST:

APPROVED:

Jessica Rush, City Clerk-Treasurer

C. Greg Hines, Mayor