



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: April 27, 2021

The following committee meetings will be held on **Tuesday, April 27, 2021** prior to the City Council Meeting:

05:00 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

<https://us02web.zoom.us/j/81479235394> **OR (312) 626-6799 ID: 814 7923 5394**

To Discuss: (a) RWU Monthly Report

05:15 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear)

<https://us02web.zoom.us/j/81479235394> **OR (312) 626-6799 ID: 814 7923 5394**

To Discuss: (a) A Resolution Approving The 2021 Action Plan For The Use Of 2021
Community Development Block Grant Funds

05:30 p.m. - COMMUNITY SERVICES COMMITTEE: (Brashear*, Hayes, Kruger)

<https://us02web.zoom.us/j/81479235394> **OR (312) 626-6799 ID: 814 7923 5394**

To Discuss: (a) An Ordinance Establishing An Entertainment District To Be Known As The
Railyard Entertainment District

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

Hayes) <https://us02web.zoom.us/j/81479235394> **OR (312) 626-6799 ID: 814 7923 5394**

To Discuss: (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain
Lands From A-1 To N-R (Cobblestone) Staff Report



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ROGERS CITY COUNCIL
AGENDA

APRIL 27, 2021
6:30 PM

via ZOOM <https://us02web.zoom.us/j/88548896392> OR By Phone (312) 626-6799 ID: 885 4889 6392

PUBLIC FORUM:

ROLL CALL:

ACTION ON MINUTES:

- 1. April 13, 2021

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | |
|----|---|---|
| 1. | RES. Re: Approving The 2021 Action Plan For The Use Of 2021 Community Development Block Grant Funds | RESOURCES & POLICY COMMITTEE |
| 2. | ORD. Re: Establishing An Entertainment District To Be Known As The Railyard Entertainment District | COMMUNITY SERVICES COMMITTEE |
| 3. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (Cobblestone) | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R21-_____

A RESOLUTION APPROVING THE 2021 ACTION PLAN FOR THE USE OF 2021 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with the guidelines established by the Department of Housing & Urban Development for the use of Community Development Block Grant Funds, a 2020 Action Plan has been developed; and

WHEREAS, in accordance with the same, a final Public Hearing on the matter was held on April 26, 2021.

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

Section 1: That the Mayor is hereby designated as the authorized official to execute all official documents pertaining to the Community Development Block Grant Program;

Section 2: That the 2021 Action Plan for use of Community Development Block Grant Funds in the amount of four hundred fifty-five thousand three hundred ninety-one dollars (\$455,391.00) is approved;

Section 3: That the approved 2021 Action Plan for the use of Community Development Block Grant Funds is authorized for submission to the Department of Housing and Urban Development for its approval;

Section 4 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or provisions of this Resolution shall be adjusted invalid or unconstitutional, the same shall not affect the validity of this Resolution as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provision or provisions of this Resolution shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein; and

Section 5 - 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 _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

Jessica Rush, City Clerk

Requested by: Donna Johnston, CDBG Administrator
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration By: Resources & Policy Committee

ORDINANCE NO. 21-_____

AN ORDINANCE ESTABLISHING AN ENTERTAINMENT DISTRICT TO BE KNOWN AS THE RAILYARD ENTERTAINMENT DISTRICT; ESTABLISHING THE STANDARDS FOR THE RAILYARD ENTERTAINMENT DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Act 812 of 2019, codified at Ark. Code Ann. §14-54-1412, authorizes cities, collecting a gross receipts tax on prepared food or hotel and motel accommodation and located in a county authorized to sell alcoholic beverages, to create a designated entertainment district in contiguous areas zoned for or customarily used for commercial purposes;

WHEREAS, Said Act also allows cities to set reasonable standards for the regulation of alcohol possession within the boundaries of the district;

WHEREAS, the creation of this district is intended to promote tourism within the City, and to highlight local restaurant, nightlife, entertainment, and hospitality options; and

WHEREAS, the City Council finds that it is in the best interest of the City and its residents to create a permanent designated entertainment district to be known as the “Railyard Entertainment District”, subject to the regulations set forth in this Ordinance.

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

Section 1: That pursuant to the authority granted by Act 812 of 2019, an entertainment district to be known as the Railyard Entertainment District (“District”) is hereby created and established within the boundaries as set forth and designated on the map that is attached as Exhibit A and incorporated by reference;

Section 2: That the following regulations shall apply to and within the District:

- (a) Restaurants, bars, and breweries within District boundaries, as well as vendors at special events within District boundaries, may serve alcoholic beverages (pursuant to all applicable laws, regulations, licensing, and permits) that may be carried out of the establishment and consumed within the designated boundaries of the District Monday – Friday between the hours of 4:00 p.m. and 10:00 p.m. and Saturday – Sunday between the hours of 10:00 a.m. and 10:00 p.m., as long as the beverage is contained in a designated District cup, which shall not exceed 16 oz. in size and shall be provided by a participating business within the District;
- (b) Participating businesses within the District will be required to provide wristbands verifying that the individual has shown valid identification that they are of legal age to consume alcoholic beverages. Individuals without wristbands will not be permitted to consume alcoholic beverages outside of the establishment where the beverage was purchased. Wristbands shall include the name of the establishment that verified legal age;
- (c) The boundaries of the District will be designated by signage placed on the sidewalk within the District;
- (d) Waste and recycling receptacles will be placed at District boundaries and high traffic areas as needed;
- (e) An informational document will be prepared showing the boundaries of the District, participating bars and restaurants, the regulation of the District, and frequently asked questions. This document will be available on the City of Rogers, Rogers Lowell Area Chamber of Commerce, Visit Rogers, Downtown Rogers Inc., and Go Downtown Rogers websites as well as other platforms;
- (f) Participating businesses shall not allow alcoholic beverages to be removed from the premises in glass containers and it shall be a violation for any person to possess alcoholic beverages in glass containers on the streets, sidewalks, rights-of-way, and parking lots located within the District;

- (g) No alcoholic beverages purchased outside the District are allowed in open containers in the District;
- (h) Consumption of alcoholic beverages in a motor vehicle is prohibited. It shall be unlawful for any person to consume any alcoholic beverage while in the confines of a motor vehicle that is located upon any public street, parking lot, or other place in which the public has or is permitted to have access within the District;
- (i) No person shall be permitted to leave the District with an open alcoholic beverage container. All unfinished quantities of alcoholic beverages must be properly disposed of prior to the individual leaving the District;
- (j) Establishments within the boundaries of the District, including those that do not serve alcoholic beverages, shall clearly indicate their participation in the District with prominently displayed window signage. No individual possessing an alcoholic beverage shall enter an establishment that does not indicate its participation in the District. By failing to display window signage indicating participation, a business within the boundaries of the District is acknowledging that it does not allow District beverages within its premises;
- (k) The City of Rogers Arts & Culture Office shall create, keep, and distribute the official logos and designs for all District cups, wristbands, signage, etc. Establishments within the boundaries of the District shall procure District cups, wristbands, and signage by coordinating with the City of Rogers Arts & Culture Office.

Section 3: This Ordinance does not diminish the requirements or authority of the Alcoholic Beverage Control Division of the Department of Finance and Administration concerning permits issued within the designated entertainment district, including special event permits;

Section 4: Pursuant to Ark. Code. Ann. §14-54-1412(b)(4), the City Clerk shall, within ten (10) days from the passage of this Ordinance, provide notice of the creation of this Entertainment District to the Alcoholic Beverage Control Division of the Department of Finance and Administration;

Section 5: Emergency Clause: The need to make use of the provisions of Act 812 of 2019 and create a permanent Entertainment District, in order to promote the downtown area of the City of Rogers and provide entertainment, hospitality, and dining opportunities to the citizens, is immediate and an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage;

Section 6: 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 7: 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 _____, 2021

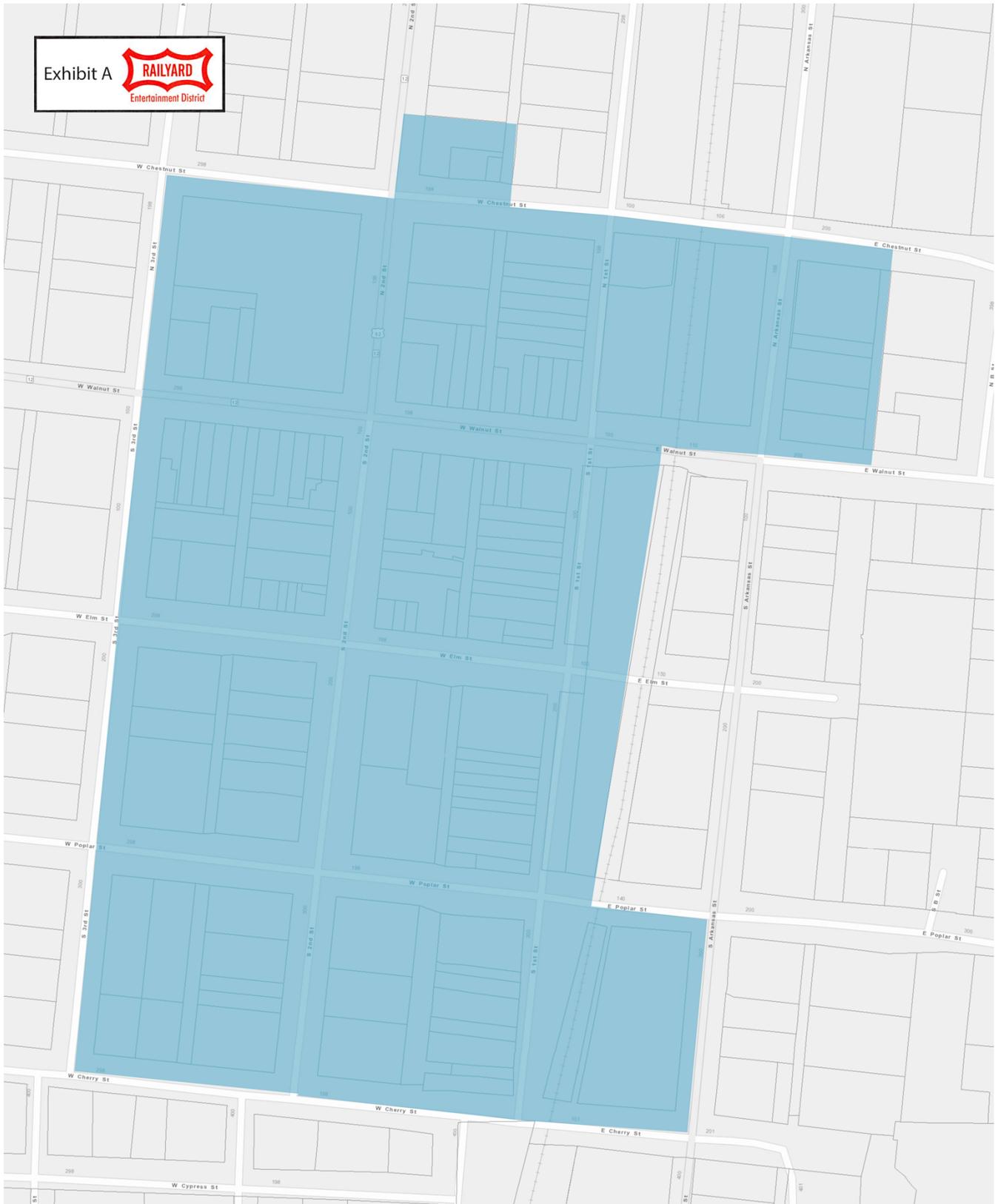
APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

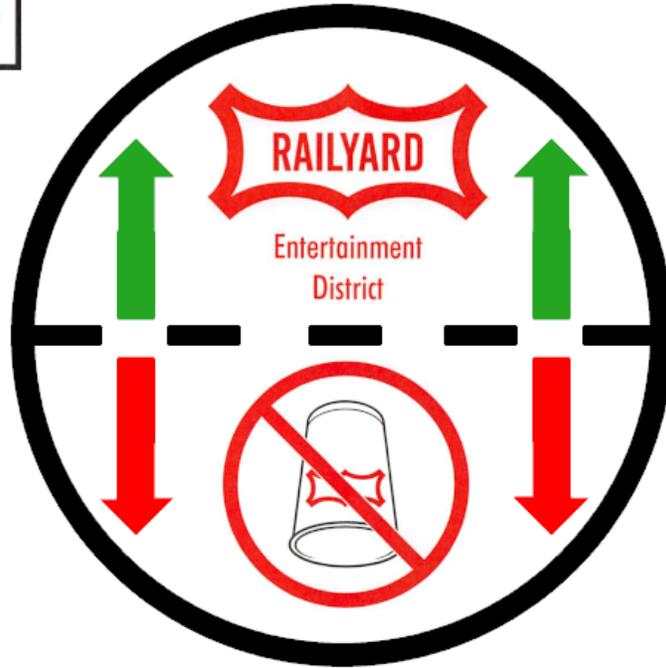
Requested by: John McCurdy, Community Development Director
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration By: Community Services Committee







Sidewalk
boundary decal



Window decal

ORDINANCE NO. 21-_____

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

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on April 20, 2021, the City Council has found that certain lands hereinafter described are better suited for N-R 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 N-R and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER NW (1/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, ROGERS, BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NW ¼ OF THE NW ¼ OF SAID SECTION 34; THENCE ALONG THE NORTH LINE OF SAID NW ¼ OF THE NW ¼, S87°26'26"E A DISTANCE OF 412.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, S87°26'26"E A DISTANCE OF 907.16 FEET TO THE NORTHEAST CORNER OF SAID NW ¼ OF THE NW ¼ AND A FOUND 5/8 INCH REBAR; THENCE LEAVING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID NW ¼ OF THE NW ¼, S02°37'25"W A DISTANCE OF 481.06 FEET TO A FOUND 2 INCH MONUMENT IN CONCRETE; THENCE LEAVING SAID EAST LINE, N87°21'15"W A DISTANCE OF 295.00 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S02°37'25"W A DISTANCE OF 200.00 FEET TO A FOUND 5/8 INCH REBAR ; THENCE N87°21'15"W A DISTANCE OF 637.35 FEET TO A FOUND 5/8 INCH REBAR; THENCE N08°06'28"E A DISTANCE OF 221.12 FEET TO A FOUND 5/8 INCH REBAR; THENCE S87°21'15"E A DISTANCE OF 3.62 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N02°40'39"E A DISTANCE OF 459.57 FEET TO THE POINT OF BEGINNING, CONTAINING 12.89 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

12.91 ± acres located between W. Pleasant Grove Rd. and S. Bellview Rd.

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

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** _____, 2021.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested by: Michael Burke Larkin
Prepared by: Amber Long, Planner I
For Consideration By: Community Environment & Welfare Committee