



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

***AMENDED* COMMITTEE SCHEDULE**

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: February 23, 2021

The following committee meetings will be held on **Tuesday, February 23, 2021** prior to the City Council Meeting:

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

<https://us02web.zoom.us/j/84259038166> OR (312) 626-6799 ID: 842 5903 8166

To Discuss: (a) RWU Monthly Report

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

<https://us02web.zoom.us/j/84259038166> OR (312) 626-6799 ID: 842 5903 8166

To Discuss: (a) A Resolution Authorizing The Destruction Of Certain Records Of The Rogers District Court

05:30 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

<https://us02web.zoom.us/j/84259038166> OR (312) 626-6799 ID: 842 5903 8166

- To Discuss:
- (a) A Resolution Amending The 2021 Budget To Recognize State Trauma System Grant Funds In The Amount Of \$6,500.00 Into Account Grants And Donations
 - (b) A Resolution Amending The 2021 Budget; Recognizing A Donation From NWA Adopt A Cop To The City Of Rogers Police Department In The Amount Of \$500.00 Into Grants And Donations; Recognizing A Donation From The Family Of Jim Tull To The City Of Rogers Police Department In The Amount Of \$2,000.00 Into Grants And Donations
 - (c) A Resolution Amending The 2021 Budget To Appropriate \$24,250.00 From CMRS Fund Reserves To Computer Network Expense
 - (d) An Ordinance Waiving Competitive Bidding To Upgrade The City Of Rogers Police Departments Evidence Storage System

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

<https://us02web.zoom.us/j/84259038166> OR (312) 626-6799 ID: 842 5903 8166

- To Discuss:
- (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (Can-Ark) [Staff Report](#)
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Ironwood) [Staff Report](#)
 - (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-O To C-3 (Olive St.) [Staff Report](#)



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ROGERS CITY COUNCIL
AGENDA

FEBRUARY 23, 2021

6:30 PM

<https://us02web.zoom.us/j/89107618741> OR (312) 626-6799 ID: 891 0761 8741

PUBLIC FORUM:

ROLL CALL:

ACTION ON MINUTES:

- 1. February 9, 2021

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | |
|----|--|------------------------------|
| 1. | RES. Re: Authorizing The Destruction Of Certain Records Of The Rogers District Court | RESOURCES & POLICY COMMITTEE |
| 2. | RES. Re: Amending The 2021 Budget To Recognize State Trauma System Grant Funds In The Amount Of \$6,500.00 Into Account Grants And Donations | FINANCE COMMITTEE |
| 3. | RES. Re: Amending The 2021 Budget; Recognizing A Donation From NWA Adopt A Cop To The City Of Rogers Police Department In The Amount Of \$500.00 Into Grants And Donations; Recognizing A Donation From The Family Of Jim Tull To The City Of Rogers Police Department In The Amount Of \$2,000.00 Into Grants And Donations | FINANCE COMMITTEE |
| 4. | RES. Re: Amending The 2021 Budget To Appropriate \$24,250.00 From CMRS Fund Reserves To Computer | FINANCE COMMITTEE |

Network

- | | | | |
|----|----------|--|--|
| 5. | ORD. Re: | Waiving Competitive Bidding To Upgrade The City Of Rogers Police Departments Evidence Storage System | FINANCE
COMMITTEE |
| 6. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (Can-Ark) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 7. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Ironwood) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-O To C-3 (Olive St.) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION R21- _____

A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS OF THE ROGERS DISTRICT COURT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers District Court desires to destroy certain archived court records to create space for current court records; and

WHEREAS, the list of records to be destroyed is set out in the attached Affidavit of Destruction.

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

Section 1: The City of Rogers District Court Clerk may destroy the following records of the Rogers District Court, pursuant to Arkansas Code Annotated §16-10-211:

- (a) Audited records three (3) years or older: bank reconciliations, check book registers and check listings, cancelled checks, bank statements, deposit collection records, distribution reports, receipt and disbursement journals, time payment records, citation book logs, served, recalled, or quashed arrest warrants, copies of citations, alternative service or community service time sheets, uniform filing fees collection remittance forms and fine reports, miscellaneous fee and fine collection reports, served or unexecuted search warrants, and other miscellaneous items.
- (b) Audited records seven (7) years or older: complete case files and written exhibits for all courts, not including civil or small claims division cases in which the judgment is not satisfied, show cause orders, case information including arrest reports and affidavits, files concerning cases resulting in a suspended imposition of sentence.

Section 2: 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.

Section 3: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, 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: Chris Griffin, District Court Judge

Prepared by: Bonnie Bridges, Staff Attorney

For Consideration By: Resources & Policy Committee

AFFIDAVIT OF DESTRUCTION OF DISTRICT COURT RECORDS

I, Dana Burk, do hereby certify that the following records of the Rogers District Court, have been retained for at least three (3) years as specified under Ark. Code Ann. §16-10-211 and have been audited as required by law. The records listed below, covering the time period stated, are to be destroyed on February 26th, 2021 by burning/shredding said records.

<u>TYPE OF RECORD</u>	<u>TIME PERIOD</u>
Bank reconciliations	2016 - 2017
Check book registers and check listings	2016 - 2017
Cancelled checks	2016 - 2017
Bank statements	2016 - 2017
Receipts	2016 - 2017
Deposit collection records	2016 - 2017
Receipts listings	2016 - 2017
Distribution reports	2016 - 2017
Receipts and disbursement journals	2016 - 2017
Time payment records	2016 - 2017
Citation book logs	2016 - 2017
Citation books from each police department and sheriff's office	2016 - 2017
Served, recalled or quashed arrest warrants	2017
Copies of citations	2017 and before
Alternative service or community service time sheets	2017
Uniform filing fees collection remittance forms and fine report	2016 - 2017
Miscellaneous fee and fine collection reports	2016 - 2017
Served or unexecuted search warrants	2016 - 2017

Dana Burk
District Court Clerk

Subscribed and Sworn to me this 4 day of February, 2021.

Mackenzie Smith
Notary Public



Other Records Found to have Destroyed:

Civil Checks – CK# 1857 – CK# 1899

I started writing month end checks for Civil from Quickbooks September of 2018. These checks were left over paper checks.

Small Claims – CK# 2115 – CK# 2200

Small Claims Account was closed September of 2018. Beginning September of 2018 the Small Claims account was combined into the Civil Account. These Small Claims Checks were left over paper checks.

2016 – 2017 Rogers Police Department Petitions for Retention of Contraband/Unclaimed Property and Orders

2015 – 2017 Bonds from Other Agencies

2016 – 2017 Defensive Driving Course Completions

2016 – 2017 Benton County Sheriff's Office and Rogers Police Department Ticket/Warrant Logs

2016 – 2017 Benton County Sheriff's Office Probable Cause Misdemeanor Warrants and Logs – The Court gives these warrants a warrant number then the warrants are taken to the Benton County Sheriff's Office by the Benton County Deputy to be made an active warrant. Court only keeps a copy of the warrant.

2016 Invoices

Dana Burk
District Court Clerk

Subscribed and Sworn to me this 4 day of February, 2021.

Mackenzie Smith
Notary Public



AFFIDAVIT OF DESTRUCTION OF DISTRICT COURT RECORDS

I, Dana Burk, do hereby certify that the following records of the Rogers District Court, have been retained for at least seven (7) years as specified under Ark. Code Ann. §16-10-211 and have been audited as required by law. The records listed below, covering the time period stated, are to be destroyed on or after February 26th, 2021, by burning/shredding said records.

<u>TYPE OF RECORD</u>	<u>TIME PERIOD</u>
Complete case files and written exhibits for all courts, not including civil or small claims division cases in which the judgment is not satisfied	<u>2013</u>
Show cause orders	<u>2013</u>
Case information, including arrest reports and affidavits	<u>2013</u>
Files concerning cases resulting in a suspended imposition of sentence	<u>2013</u>

Dana Burk
District Court Clerk

Subscribed and Sworn to me this 4 day of Feb, 2021.

Mackenzie Smith
Notary Public



RESOLUTION NO. R21-_____

A RESOLUTION AMENDING THE 2021 BUDGET TO RECOGNIZE STATE TRAUMA SYSTEM GRANT FUNDS IN THE AMOUNT OF SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500.00) INTO ACCOUNT #100-04-45600 GRANTS AND DONATIONS; APPROPRIATING THAT SAME AMOUNT TO EXPENSE ACCOUNT #100-04-70250 COMPUTER EXPENSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers will receive six thousand five hundred dollars (\$6,500.00) in grant funds from the State Trauma System; and

WHEREAS, this grant money will be used for the purchase of telecommunication devices to aid in the treatment of trauma patients.

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

Section 1: The 2021 Budget is hereby amended to recognize grant funds in the amount of six thousand five hundred dollars (\$6,500.00) to Account #100-04-70250 Computer Expense.

Section 2: The 2021 Budget is further amended to appropriate six thousand five hundred dollars (\$6,500.00) to Account #100-04-70250 Computer Expense.

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.

Section 4: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, 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: Tom Jenkins, Chief of Rogers Fire Department
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R21 _____

A RESOLUTION AMENDING THE 2021 BUDGET; RECOGNIZING A DONATION FROM NWA ADOPT A COP TO THE CITY OF ROGERS POLICE DEPARTMENT IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00) INTO GRANTS AND DONATIONS ACCOUNT NUMBER 100-03-45600; RECOGNIZING A DONATION FROM THE FAMILY OF JIM TULL TO THE CITY OF ROGERS POLICE DEPARTMENT IN THE AMOUNT OF TWO THOUSAND DOLLARS (\$2,000.00) INTO GRANTS AND DONATIONS ACCOUNT NUMBER 100-03-45600; APPROPRIATING TWO THOUSAND FIVE HUNDRED TO POLICE DEPARTMENT CONTINUING EDUCATION ACCOUNT NUMBER 100-03-70005; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Police Department has received a five hundred dollars (\$500.00) donation from NWA Adopt A Cop; and

WHEREAS, the City of Rogers Police Department has received a two thousand dollars (\$2,000.00) donation from the Family of Jim Tull; and

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

Section 1: That the 2021 Budget is amended to increase Grants and Donations Account Number 100-03-45600 in the amount of two thousand five hundred dollars (\$2,500.00);

Section 2: That the 2021 Budget is further amended to appropriate the amount of two thousand five hundred dollars (\$2,500.00) to Police Department Continuing Education Account Number 100-03-70005;

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 ordinances, resolutions, or orders of the City Council, or parts of the same, 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: Hayes Minor, Police Chief
Prepared by: Bonnie Bridges, City Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R21 _____

A RESOLUTION AMENDING THE 2021 BUDGET TO APPROPRIATE TWENTY-FOUR THOUSAND TWO HUNDRED FIFTY DOLLARS (\$24,250.00) FROM CMRS FUND RESERVES TO ACCOUNT #352-52-70255 COMPUTER NETWORK EXPENSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Police Department has a need for a server upgrade through Tyler Technologies to upgrade its server.

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

Section 1: The 2021 Budget is amended to appropriate twenty-four thousand two hundred fifty dollars (\$24,250.00) from CMRS Fund Reserves to Account #352-52-70255 Computer Network Expense;

Section 2: 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.

Section 3: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, 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: Hayes Minor, Police Chief
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 21-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING TO UPGRADE THE CITY OF ROGERS POLICE DEPARTMENTS EVIDENCE STORAGE SYSTEM; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR THE UPGRADE WITH PATTERSON POPE, A COMPANY OUT OF CINCINNATI, OHIO; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the current evidence storage system for the Rogers Police Department is dead and cannot be repaired;

WHEREAS, this has caused an emergency as many employees are locked out of accessing evidence and are unable to complete job duties;

WHEREAS, Patterson Pope is uniquely familiar with the evidence storage needs of the police department and can provide an upgrade to the system;

WHEREAS, the contract amount is thirty thousand three hundred thirty-eight dollars (\$30,338.00); and

WHEREAS, this project will be paid out of 2018 Police Bond Funds.

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

Section 1: That the Mayor and City Clerk are authorized to enter into a contract with Patterson Pope, a company out of Cincinnati, Ohio, in the amount of thirty thousand three hundred thirty-eight dollars (\$30,338.00), to upgrade the Rogers Police Department's evidence storage system;

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the repair work to the sewer pipes;

Section 3: Emergency Clause: The need to upgrade the Police Department's evidence storage system is immediate and 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 its 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 _____, 2021.

APPROVED:

C. GREG HINES,
Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Hayes Minor, Police Chief
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 21-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO R-SF, 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 February 16, 2021, the City Council has found that certain lands hereinafter described are better suited for R-SF zoning.

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

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

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

PROPERTY DESCRIPTION:

A PART OF THE FRACTIONAL NW1/4 OF THE NE1/4 OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT WHICH IS SOUTH 87 DEGREES, 24 MINUTES, 10 SECONDS EAST 30.76 FEET FROM THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING ALONG THE NORTH LINE THEREOF: SOUTH 87 DEGREES, 24 MINUTES, 10 SECONDS EAST 283.53 FEET TO A FOUND RAIL SPIKE, THENCE LEAVING SAID NORTH LINE SOUTH 02 DEGREES, 07 MINUTES, 40 SECONDS WEST 922.77 FEET, THENCE SOUTH 62 DEGREES, 48 MINUTES, 26 SECONDS WEST 351.91 FEET, THENCE NORTH 03 DEGREES, 20 MINUTES, 39 SECONDS EAST 1097.66 FEET TO THE POINT OF BEGINNING, CONTAINING 6.82 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN WEST SHORES AVENUE RIGHT OF WAY OF THE NORTH SIDE OF HEREON DESCRIBED TRACT AND SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

SUBJECT TO RECORDED INSTRUMENTS, COVENANTS, RIGHTS OF WAY, AND EASEMENTS, IF ANY. SUBJECT TO ALL PRIOR MINERAL RESERVATIONS AND OIL AND GAS LEASES, IF ANY.

LAYMAN'S DESCRIPTION:

6.82 ± Acres to the SE of W Shores Rd. and S. 60th St.

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

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: Daniel Ellis, Crafton Tull
Prepared By: Amber Long, Planner I
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 21-_____

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

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on February 16, 2021, the City Council has found that certain lands hereinafter described are better suited for NBT zoning.

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

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

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

PROPERTY DESCRIPTION:

Lots 21 and 22, Hardin’s Addition to Rogers, Benton County, Arkansas, as shown Plat book “A”, Page 10, and, the East 10 feet of a 20 foot wide vacated alley located along the West boundary of said Lots 21 and 22, Hardin’s Addition to Rogers, Arkansas, with said alley vacated, as per City of Rogers Arkansas Ordinance No. 376, recorded in Book 311, Pages 16 & 17 thereof.

LAYMAN'S DESCRIPTION:

0.32 ± acres at the NW corner of W. Persimmon and N. 6th St.

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

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

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

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

PASSED THIS _____ **DAY OF** _____, 2021.

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested By: Jared Marley
Prepared By: Amber Long, Planner I
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. _____

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

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on February 16, 2021, 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:

PART OF TRACT PC1A OF SCOTTSDALE CENTER, AS PER PLAT RECORD 2004-426 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT PC1A;
THENCE ALONG THE EAST LINE THEREOF S02°12'10"W 300.06 FEET;
THENCE LEAVING SAID EAST LINE N86°38'04"W 336.65 FEET TO THE EAST RIGHT-OF-WAY OF NORTH 42ND STREET;
THENCE ALONG SAID EAST RIGHT-OF-WAY N03°21'56"E 257.00 FEET;
THENCE ALONG SAID EAST RIGHT-OF-WAY 39.27 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 25.00 FEET AND A LONG CHORD OF N48°21'56"E 35.36 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF OLIVE STREET;
THENCE ALONG SAID SOUTH RIGHT-OF-WAY S86°38'04"E 305.56 FEET TO THE POINT OF BEGINNING CONTAINING 2.29 ACRES, MORE OR LESS.

LAYMAN'S DESCRIPTION:

2.29 ± acres to the SE of the intersection of 46th St. and Olive St.

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

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: Daniel Ellis, Crafton Tull
Prepared By: Amber Long, Planner I
For Consideration By: Community Environment & Welfare Committee