

## MINUTES

The **Rogers City Council** met for a *regular session* in the Council Chambers of the City Administration Building on Tuesday, July 11, 2006 at 7:30 P.M. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Councilman Barney Hayes.

### **PUBLIC FORUM:**

Mayor Womack announced item #2 concerning the Beaver Lake Watershed has been pulled from the agenda.

George Beavers of 110 North Drive expressed concerns for the amount of time that fireworks are allowed to be discharged in the City of Rogers. He has picked up a couple of sacks full of firework trash and it takes about a week for his cats to recover from the firework noise. He would like to see the time shortened or stopped all together.

Paul Marsh of 2713 Highland Drive states he is in favor of the development on 24<sup>th</sup> Street. This will give the developer the option of moving the PUD to the east and leave the natural drainage system. The City of Rogers stands to gain, the developer stands to gain, the environment stands to gain and I will gain green space if this is approved.

There were no other comments from anyone in the audience.

The public hearing was declared closed.

### **COUNCIL MEMBERS PRESENT:**

Councilmen Bob Goodwin, Larry Daniel, Jack McHaney, Greg Hines, Buddy Wright, Barney Hayes and Jim Clark, were present. Mark Kruger was absent.

### **OTHER OFFICIALS PRESENT:**

City Clerk Peggy David, City Attorney Ben Lipscomb, Director of Parks & Recreation Rick Stocker, Superintendent of Water Utilities Tom McAlister, Police Chief Steve Helms, Fire Chief Wesley Lewis, Water Utilities Engineer Mark Johnson, Treasurer

Jerry Hudlow, Director of Planning and Transportation Steve Glass, Senior Planner Derrel Smith, Director of Code Management and Inspections James Willett, Street Superintendent Frankie Guyll, Airport Manager David Krutsch.

Motion by Hines second by Wright approve the minutes of June 27<sup>th</sup>, 2006 and special meeting of June 29<sup>th</sup>, 2006 as submitted. Voice vote: Unanimous. **Motion carried.**

### **REPORTS OF BOARDS AND STANDING COMMITTEES**

(Agenda Item #1)

**RES. R06-33:** Condemning a Structure at 120 S. 8<sup>th</sup> Street, and Declaring the Same To Be a Nuisance

Hines introduced the resolution.

Lipscomb read the resolution.

Councilman Hines, chairman of the Community Environment & Welfare Committee, reports the committee has met and recommended a “Do Pass” and recognized Code Management and Inspections James Willett.

Willett states he posted the property on the 28<sup>th</sup> of June and sent a certified letter to the owners letting them know the condemnation would be heard tonight and has not received a response.

Lipscomb states he spoke with one of the owners of the property. She stated that she realized the property needs to be torn down but it will take her some time to make arrangements to do so. Procedurally we are at the resolution condemning the structure, after 30 days the owner will be given the opportunity to appear and show cause why the building should not be raised. If she fails to do so we can tear it down the next morning.

(Agenda Item #2)

**RES. 06-** : Expressing Support of Beaver Lake Water District Board of Directors Efforts to Protect the Beaver Lake Watershed and resolutions.

(Agenda Item #3)

**RES. R06-34:** Authorizing a Contract with Stericycle, Inc. for Regulated Waste Disposal Services for Rogers Municipal Airport

(Agenda Item #4)

**ORD. 06-119:** Authorizing a Contract with Scurlock, Industries, of Fayetteville, AR, for the Purchase of Concrete Boxes for the New Hope Road Widening Project

Motion by Hines second by Clark to adopt the resolution.  
Voice vote: Unanimous. **The resolution is adopted.**

**Withdrawn.**

Hines introduced the ordinance.

Lipscomb read the ordinance.

Councilman Hines, chairman of the Transportation Committee, reports the committee has met and recommended a “Do Pass”.

Motion by Hines second by Hayes to adopt the resolution.  
Voice vote: Unanimous. **The resolution is adopted.**

Motion by Hines, second by Wright to suspend the rules and consider the ordinance on a single reading.  
Roll call: Unanimous. **Motion carried.**

Lipscomb read the ordinance.

Councilman Hines, chairman of the Transportation Committee, reports the committee has met and recommended a “Do Pass”.

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

(Agenda Item #5)

**ORD. 06-120:** Renaming Rylee Court to McLeod Meadows.

RCCM 7/11/06

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

Roll call: Unanimous. ***The emergency clause is adopted.***

Motion by Hines, second by Wright to suspend the rules and consider the ordinance on a single reading.

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

Lipscomb read the ordinance.

Councilman Hines, chairman of the Transportation Committee, reports the committee has met and recommended a "Do Pass" and recognized Senior Planner Derrel Smith.

Smith states there are three homes under construction at this time and we would like to make the change now before someone moves into the houses so it will not affect the residents.

The Mayor asked, "Shall the ordinance and resolutions pass?"

Roll call: Unanimous. ***The ordinance is adopted.***

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

Roll call: Unanimous. ***The emergency clause is adopted.***

**OLD BUSINESS:**

(Agenda Item #1)

**ORD. 06-121:** Reconsideration of Previously Denied ORD. to Rezone from C-2 to PUD (RMF-7.A)

Lipscomb states that the owner of the property had called him after the rezone was denied and expressed that she felt the council did not fully understand the request. The rules of order allow for a reconsideration of a vote under a couple of different requirements, #1 being the motion to reconsider must be made someone who voted in the majority of the original vote. #2 the

motion to reconsider be made on the same day of the vote taken on the next day. This body clearly falls under the 1<sup>st</sup> rule. If there is a motion to reconsider by a majority vote and there is a second on that motion we will take a roll call vote to determine whether or not the motion will be reconsidered. If that vote passes the next vote will be to approve the rezone up or down.

Motion by Clark, second by McHaney to reconsider the previously denied rezone request from C-2 to PUD (RMF-7A). Roll call: **Yes.** Hayes, Daniel, Wright, Clark, McHaney, Goodwin. **No.** Hines **Motion carried.**

Clark states he would like to hear from Senior Planner Derrel Smith and the developer.

Smith states this property has been rezoned many time back and forth from multifamily to C-2 and C-3 zones. The PUD is already approved for 7 units per acre on the back side of the property. They are asking to change the C-2 zoning inside the PUD to the RMF-7 and dedicating almost 4 acres to the City of Rogers for the trail system. This will pull the apartments closer to 24<sup>th</sup> Street and give over a 100-ft green space buffer to the people in Turtle Creek and remove the C-2. If you vote to keep the C-2 you will still have multifamily in back with only 30 ft of green space for Turtle Creek. The reason they are making the change is due to the wet lands on the back of the property.

Clark states they cannot build the apartments if the Corp of Engineers does not release those wet lands to them. I do have some concern for the safety of children. This is a heavily traveled area.

Kerri Elders, owner and developer of the property, states that she would like to apologize to council for not adequately explaining this revision to the PUD that was approved about 6 months ago. I want it to be very clear to everyone so there is no further confusion of the revision. If you do not approve the revision we will continue with the PUD that has already been approved by you. The wet land issue is not the major or only issue, we can deal with that. Turtle Creek residence had some issues that we felt were valid. We want a project that is good for the area. We have spoken with the parks department on what they feel would be good for the natural area and they felt it would be better left as it is. We want to set an example of the way developers should work with the residents that their developments will affect.

The Mayor asked, "Shall the ordinance and ordinance pass?"

Roll call: **Yes.** McHaney, Goodwin, Hayes, Daniel, Wright, Clark. **No.** Hines

***The ordinance is adopted.***

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

Roll call: Unanimous.

***The emergency clause is adopted***

**NEW BUSINESS:**

(Agenda Item #1)

**ORD. 06-122:** Vacating Portions of Public Streets in Robertson Addition.

Motion by Hayes, second by Wright to suspend the rules and consider the ordinance on a single reading.

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

Lipscomb read the ordinance.

The Mayor asked, "Shall the ordinance and resolutions pass?"

Roll call: Unanimous. ***The ordinance is adopted.***

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

Roll call: Unanimous. *The emergency clause is adopted.*

**ANNOUNCEMENTS:**

Womack announced July 21<sup>st</sup> the Clean Air Act take effect which will ban smoking in public places.

**APPOINTMENTS:**

Womack recommends reappointment of Ron Hudnall to the Rogers Historic Commission term to expire July 11<sup>th</sup>, 2009.

**APPROVES** the reappointment of **Ron Hudnall** to the **Rogers Historic Commission** term to **expire July 11, 2009**.

Motion by Hines, second by Wright to **approve** the reappointment of **Ron Hudnall** to the **Rogers Historic Commission** term to **expire July 11, 2009**.

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

Womack announced there is a vacancy on the Rogers Historic Commission; Julie Fryauf does not wish to be reappointed. My office will accept resumes and letters of interest for appointment to the Rogers Historic Commission.

There being no further business, motion by Hines, second by Daniel to adjourn the meeting. Meeting adjourned at 8:15 P.M.

**ATTEST:**

**APPROVED:**

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Peggy David, City Clerk

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Steve Womack, Mayor