



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117 · (Fax) 479-936-5401
www.rogersar.gov

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS
FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: September 19, 2019

The following committee meetings will be held on **Tuesday, September 24, 2019** prior to the City Council Meeting:

5:45 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf, Kruger & Carmichael) **Committee Room #1**

- To Discuss: (a) A Resolution Authorizing a Contract with DEMX, of Fayetteville, AR for Design Services
-
- (b) A Resolution Authorizing a Contract with Milestone Construction Co., LLC, of Springdale, AR for the Construction Management Services
-

6:00 p.m. - FINANCE COMMITTEE: (Reithemeyer, Wolf & Kendall) **Committee Room #2**

- To Discuss: (a) A Resolution Authorizing a Grant Agreement with the Walton Family Foundation to Receive Up to \$497,000; Amending the 2019 Budget to Recognize Grant Funds in the Amount of \$497,000 into Acct. #200-16-45600; Appropriating the Same to Acct. #200-16-85051
-
- (b) A Resolution Authorizing the Transfer of Funds from the General Project Account of the 2018 Construction Fund to Various Components of the 2018 Construction Fund for Reimbursement
-
- (c) A Resolution Amending the 2019 Budget to Reflect Funds in the Amount of \$181,818 from the Assistance to Firefighters Grant Program from the U.S. Department of Homeland Security to Acct. #100-04-45110; Appropriating \$200,000 to Acct. 100-04-80100
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- (d) A Resolution Amending the 2019 Budget to Recognize an Insurance Reimbursement in the Amount of \$94,439.97 into Acct. #100-01-49195; Appropriating \$94,439.97 into Acct. #100-08-70430
-

6:00 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Carmichael, Townzen and Hayes) **Committee Room #1**

To Discuss: (a) An Ordinance Amending Various Sections of Chapter 14 of the City of Rogers Code of Ordinances

- (b) An Ordinance Rezone from C-2 to C-4, .99 ± Acres at 1201 N. 2nd Street
(Lissett Flores) – Represented by Lissett Flores
-

6:15 p.m. – PUBLIC WORKS COMMITTEE: (Townzen, Kendall and Brashear) **Committee Room #1**

To Discuss: (a) Monthly report from RWU



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ROGERS CITY COUNCIL

AGENDA

SEPTEMBER 24, 2019

6:30 P.M.

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: September 10, 2019

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. RES. Re: Authorizing a Grant Agreement with the Walton Family Foundation to Receive Up to \$497,000; Amending the 2019 Budget to Recognize Grant Funds in the Amount of \$497,000 into Acct. #200-16-45600; Appropriating the Same to Acct. #200-16-85051 - Finance Committee
2. RES. Re: Authorizing the Transfer of Funds from the General Project Account of the 2018 Construction Fund to Various Components of the 2018 Construction Fund for Reimbursement - Finance Committee
3. RES. Re: Amending the 2019 Budget to Reflect Funds in the Amount of \$181,818 from the Assistance to Firefighters Grant Program from the U.S. Department of Homeland Security to Acct. #100-04-45110; Appropriating \$200,000 to Acct. 100-04-80100 - Finance Committee
4. RES. Re: Amending the 2019 Budget to Recognize an Insurance Reimbursement in the Amount of \$94,439.97 into Acct. #100-01-49195; Appropriating \$94,439.97 into Acct. #100-08-70430 - Finance Committee

ROGERS CITY COUNCIL AGENDA

SEPTEMBER 24, 2019

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| 5. RES. Re: | Authorizing a Contract with DEMX, of Fayetteville, AR for Design Services | - Public Safety Committee |
| 6. RES. Re: | Authorizing a Contract with Milestone Construction Co., LLC, of Springdale, AR for the Construction Management Services | - Public Safety Committee |
| 7. ORD. Re: | Amending Various Sections of Chapter 14 of the City of Rogers Code of Ordinances | - Community Environment & Welfare Committee |
| 8. ORD. Re: | Rezone from C-2 to C-4, .99 ± Acres at 1201 N. 2 nd Street (Lissett Flores) – Represented by Lissett Flores | - Community Environment & Welfare Committee |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R-19-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION TO RECEIVE UP TO FOUR HUNDRED NINETY-SEVEN THOUSAND DOLLARS (\$497,000.00); AMENDING THE 2019 BUDGET TO RECOGNIZE GRANT FUNDS IN THE AMOUNT OF FOUR HUNDRED NINETY-SEVEN THOUSAND DOLLARS (\$497,000.00) INTO ACCOUNT #200-16-45600, GRANTS AND DONATIONS; APPROPRIATING THE SAME TO EXPENSE ACCOUNT #200-16-85051, POPLAR ST./13TH ST. IMPROVEMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers will receive up to four hundred ninety-seven thousand dollars (\$497,000.00), from the Walton Family Foundation to be used for the Poplar Street and 13th Street Improvements project;

WHEREAS, the Grant is a 50/50 matching grant, where the City will match the grant funds provided by the Walton Family Foundation with Bond Funds for the Poplar Street and 13th Street Improvements project; and

WHEREAS, the estimated total cost of the project is nine hundred ninety-four thousand dollars (\$994,000.00).

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into a 50/50 matching grant agreement on behalf of the City of Rogers with the Walton Family Foundation in which the City shall accept up to four hundred ninety-seven thousand dollars (\$497,000.00) in grant funds on a project with an estimated cost of nine hundred ninety-four thousand dollars (\$994,000.00);

Section 2: The 2019 Budget is hereby amended to recognize grant funds in the amount of four hundred ninety-seven thousand dollars (\$497,000.00) to account #200-16-45600, Grants and Donations;

Section 3: The 2019 Budget is further amended to appropriate said four hundred ninety-seven thousand dollars (\$497,000.00) to account #200-16-85051, Poplar St./13th St. Improvements;

Section 4 - 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 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 _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Lance Jobe, PE, Department of Community Development
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration by the Finance Committee

RESOLUTION NO. R-19- _____

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL PROJECT ACCOUNT OF THE 2018 CONSTRUCTION FUND TO THE VARIOUS COMPONENTS OF THE 2018 CONSTRUCTION FUND FOR REIMBURSEMENT; AND FOR OTHER PURPOSES;

WHEREAS, pursuant to Ordinance No. 18-64, adopted October 23, 2018 ("Ordinance No. 18-64"), the City of Rogers, Arkansas (the "City") issued its Sales and Use Tax Bonds, Improvement Series 2018B (the "Bonds"); and

WHEREAS, Section 14(b) of Ordinance No. 18-64 established the following Construction Funds into which the proceeds of the Bonds were deposited: Street Construction Fund, Fire Construction Fund, Park and Recreational Construction Fund, and Police Construction Fund (collectively, the "2018 Construction Fund"); and

WHEREAS, Section 15(f) of Ordinance No. 18-64 provides that all interest earnings and profits realized from the investment of moneys in the 2018 Construction Fund shall be deposited into a General Account and used at such times and in such amounts as designated by the City Council for one or more of the following purposes: Street Improvements, Fire Improvements, Park and Recreational Improvements, and Police Improvements, as such terms are defined in Ordinance No. 18-64; and

WHEREAS, the City has incurred brokerage fees relating to the investment of moneys in the 2018 Construction Fund ("Brokerage Fees") and such Brokerage Fees have been paid from the components of the 2018 Construction Fund after the earnings and profits were transferred to the General Account; and

WHEREAS, such Brokerage Fees should have been paid from the earnings and profits from the investment of moneys in the 2018 Construction Fund prior to making transfers to the General Account.

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

Section 1: The City Council hereby directs the following transfers from the General Project Account representing Brokerage Fees to the various components of the 2018 Construction Fund: Twenty-three thousand sixty-five dollars and fifty-four cents (\$23,065.54) to the Street Construction Fund; one thousand one hundred thirty-seven dollars and thirty-two cents (\$1,137.32) to the Fire Construction Fund; five thousand five hundred seventy-one dollars and four cents (\$5,571.04) to the Park and Recreational Construction Fund; and one thousand nine hundred six dollars and ninety cents (\$1,906.90) to the Police Construction Fund.

Section 2: Going forward, all Brokerage Fees shall be paid from the General Project Account.

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 resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk-Treasurer

Requested by: Casey Wilhelm, Director of Finance
Prepared by: J. Shepherd Russell, III, Attorney with Friday, Eldredge & Clark
For Consideration by the Finance Committee

RESOLUTION NO. R-19-_____

A RESOLUTION AMENDING THE 2019 BUDGET TO REFLECT FUNDS IN THE AMOUNT OF ONE HUNDRED EIGHT-ONE THOUSAND EIGHT HUNDRED EIGHTEEN DOLLARS (\$181,818.00) FROM THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY TO ACCOUNT NUMBER 100-04-45110, FEDERAL GRANT REVENUE; APPROPRIATING TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) TO ACCOUNT NUMBER 100-04-80100, CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Fire Department has been awarded a two hundred thousand dollar (\$200,000.00) grant from the Assistance to Firefighters Grant Program from the U.S. Department of Homeland Security;

WHEREAS, this grant has a matching portion of eighteen thousand one hundred eighty-two dollars (\$18,182.00) which will be paid using General Fund Reserves; and

WHEREAS, this grant money will provide five lifting cots for the Rogers Fire Department ambulances.

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

Section 1: That the 2019 Budget is amended to recognize grant revenue in the amount of one hundred eighty-one thousand eight hundred eighteen dollars (\$181,818.00) in account #100-04-45110 Federal Grant Revenue;

Section 2: That the 2019 Budget is further amended to appropriate the amount of two hundred thousand dollars (\$200,000.00) from Federal Grant Revenue and General Fund Reserves to account #100-04-80100 Capital Expenditures;

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 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.

PASSED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: Thomas Jenkins, Fire Chief

Prepared by: Bonnie Bridges, Staff Attorney

For Consideration by the Finance Committee

RESOLUTION NO. R-19-_____

A RESOLUTION AMENDING THE 2019 BUDGET TO RECOGNIZE AN INSURANCE REIMBURSEMENT IN THE AMOUNT OF NINETY-FOUR THOUSAND FOUR HUNDRED THIRTY-NINE DOLLARS AND NINETY-SEVEN CENTS (\$94,439.97) INTO ACCOUNT #100-01-49195 INSURANCE REIMBURSEMENT; APPROPRIATING NINETY-FOUR THOUSAND FOUR HUNDRED THIRTY-NINE DOLLARS AND NINETY-SEVEN CENTS (\$94,439.97) INTO ACCOUNT #100-08-70430 SWIMMING POOL MAINTENANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Aquatic Center has received ninety-four thousand four hundred thirty-nine dollars and ninety-seven cents (\$94,439.97) in insurance reimbursement for damage caused by a lightning strike; and

WHEREAS, this is the last insurance payment for this damage as all of the damage has been assessed and the final repairs have been made.

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

Section 1: That the sum of ninety-four thousand four hundred thirty-nine dollars and ninety-seven cents (\$94,439.97) is hereby received into Account # 100-01-49195 Insurance Reimbursement from an insurance settlement reimbursement;

Section 2: That the sum of ninety-four thousand four hundred thirty-nine dollars and ninety-seven cents (\$94,439.97) is appropriated in Account # 100-08-70430 Swimming Pool Maintenance;

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 resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk-Treasurer
Requested by: Jim White, Director of Parks and Recreation

Prepared by: Bonnie Bridges, Staff Attorney
For Consideration by the Finance Committee

RESOLUTION NO. R-19-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
A CONTRACT WITH DEMX, OF FAYETTEVILLE, ARKANSAS, FOR DESIGN
SERVICES; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers has a need to expand and renovate the Rogers Emergency Training Center; and

WHEREAS, DEMX, is able to provide the design services needed for this project; and

WHEREAS, this project was authorized under the City of Rogers 2018 Bond Issue; therefore, this contract will be paid for out of Bond monies.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with DEMX, of Fayetteville, Arkansas, for design services related to the expansion and renovation of the Rogers Emergency Training Center;

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; and

Section 3 - Repeal of Conflicting Resolutions: All Resolutions of the City Council, or parts of Resolutions of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: David Hook, Facilities Development Manager
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration by the Public Safety Committee

RESOLUTION NO. R-19-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH MILESTONE CONSTRUCTION COMPANY, LLC, OF SPRINGDALE, ARKANSAS, FOR CONSTRUCTION MANAGEMENT SERVICES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers has a need to expand and renovate the Rogers Emergency Training Center; and

WHEREAS, Milestone Construction Company, LLC, is able to provide the construction management services needed for this project; and

WHEREAS, this project was authorized under the City of Rogers 2018 Bond Issue; therefore, this contract will be paid for out of Bond monies.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Milestone Construction Company, LLC, of Springdale, Arkansas, for construction management services related to the expansion and renovation of the Rogers Emergency Training Center;

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; and

Section 3 - Repeal of Conflicting Resolutions: All Resolutions of the City Council, or parts of Resolutions of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: David Hook, Facilities Development Manager
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration by the Public Service Committee

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 14 OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers, City Council finds it to be in the best interest of the City of Rogers to adopt provisions allowing Cottage Court/Cluster Housing as a residential use type for the purpose of clarifying procedural requirements;

WHEREAS, the City of Rogers, City Council finds it in the best interest of the City of Rogers to revise N-R zoning district standards to allow for more compact development in certain situations; and

WHEREAS, these provisions are consistent with the Comprehensive Growth Map and will create useful transitions between areas of high-intensity and low-intensity.

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

Section 1: Chapter 14, Article VI, Division 2, Section 14-695, Subsection(b)(1), of the City of Rogers, Code of Ordinances is amended to add Subsection (L) and to read as shown in the attached Exhibit “A” and Municode Corporation is hereby instructed to make said amendments;

Section 2: Chapter 14, Article VI, Division 2, Section 14-702, is amended to read as shown in the attached Exhibit “B” and Municode Corporation is hereby instructed to make said amendment;

Section 3 - Emergency Clause: The need to amend said City Code chapter is immediate 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 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 _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: John McCurdy, Director Community Development

Prepared by: Bonnie Bridges, Staff Attorney

For Consideration by the Community Environment & Welfare Committee

EXHIBIT “A”

Sec. 14-695(b)(1)(L)

Cottage Court / Cluster Housing is a secondary use classification encompassing a grouping of three or more detached units on one lot that are typically placed in closer proximity than usual with the purpose of retaining an open space area. This type of development allows for site built or non-mobile manufactured houses.

EXHIBIT “B”

Sec. 14-702. – N-R neighborhood residential district.

- (a) *Purpose and intent.* The N-R neighborhood residential district is created to encourage the continuation and revitalization of ~~existing single-family detached housing at subdivision densities which are compatible with the comprehensive plan's goals for residential developments.~~ low- to medium-density housing throughout the City. Goals of the N-R district can be: Make more efficient use of existing infrastructure such as streets, and water and sewer lines, provide affordable housing opportunities within the City, minimize traffic congestion by reducing commuting distances, and relieve some of the pressure from suburban sprawl by promoting new development in more established areas.
- (c) *Bulk and open space regulations.*
- (1) *Maximum structure height:*
 - a. *When side yards are less than 15 feet in width:* 35 feet or 2½ stories above the finished grade.
 - b. *When side yards are 15 feet in width or greater:* 45 feet or three stories above the finished grade.
 - c. *Accessory structures:* 16 feet, except storage buildings which shall not exceed ten feet.
 - (2) *Minimum yard requirements:*
 - a. *Front yard:* 20 feet.
 - b. *Interior side yard:* Six feet. *
 - c. *Exterior side yard:* 20 feet.
 - d. *Rear yard:* 20 feet.

* The interior side yard setback may be reduced to 0' on one side if the following criteria are met:

 - a. A Density Concept Plan is required based on the Comprehensive Growth Map;
 - b. The development is located within 300' of a higher-intensity Growth Designation; and
 - c. The houses are clustered together to provide usable, shared open space.
- (d) *Density and lot size requirements.*
- (1) *Minimum lot area:* 6,000 square feet. **
 - (2) *Minimum lot width:* 60 feet. **
 - (3) *Minimum lot depth:* 100 feet. **
 - (4) *Maximum building coverage:* 30 percent.
 - (5) *Minimum open space:* Not less than 40 percent of the total lot area shall be devoted to open space. Open space shall not include areas covered by building, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- ** The minimum lot size may be reduced to 3,000 square feet with no minimum lot width or depth if the following criteria are met:

- a. A Density Concept Plan is required based on the Comprehensive Growth Map;
 - b. The development is located within 300' of a higher-intensity Growth Designation; and
 - c. The houses are clustered together to provide usable, shared open space.
- (f) *Design Standards.* Manufactured cottage court/cluster housing must be compatible with and similar in appearance to nearby site-built houses and meet the following criteria:
- (1) Be placed on a concrete slab or brick skirting, in accordance with applicable building codes;
 - (2) Have wheels, axles and hitch mechanisms removed;
 - (3) Have siding material of a type customarily used on site-built houses, excluding smooth, ribbed, or corrugated metal or plastic panels;
 - (4) Have pitched roof of at least 4:12 and roofing material of a type customarily used on site-constructed houses; and
 - (5) Must have a porch, awning, or similar entry feature.

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO C-4, 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, the City Council has found that certain lands hereinafter described are better suited for C-4 than C-2 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-4 and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned C-4:

LOT "D", BLOCK 2, LOVELAND ADDITION, ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT FILED OF RECORD IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.

LAYMAN'S DESCRIPTION: 1201 N. 2nd St.

SECTION 3: 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 4: 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 5: 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 _____, 2019.

ROGERS, ARKANSAS

ATTEST:

PEGGY DAVID, CLERK

APPROVED:

C. GREG HINES, MAYOR