

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, March 26, 2019 at 6:40 p.m. The meeting was called to order by Mayor Greg Hines. The Invocation was given by Rev. Alan Johnson of Rogers First Church of the Nazarene. Those in attendance were led in the Pledge of Allegiance.

PUBLIC FORUM:

Daniel Phillips, 2203 S. 21st Street, a resident of the Creekside Subdivision and member of the Creekside POA Board, said the residents of Creekside are not opposed to the development of the Nolan Farm and in fact support the development of the Nolan Farm, but are opposed to the True Blue Development as currently proposed.

Phillips listed the following concerns:

1. Opposed to the RMF-19 zoning and believe the density is too high.
2. Opposed to the proposed height of the building being four stories when the neighboring developments Palisades Apartments and Village on the Park are two stories.
3. Phillips expressed appreciation for some of the changes by the developer and suggested that the location of the pool should be moved to the north end of the property just off of Laurel to provide additional buffer for the Creekside neighborhood.
4. Eliminate the entrances to the project on 26th Street and Laurel Avenue. There will be less than one-half block away from the proposed new street 26th Place. The Palisades residents only use 26th Place. There is no other entrance.
5. Completions of this project will extend S. 26th Place all the way from 26th St. to Laurel and disagree with the developer that the residents will use 26th Place to enter and exit. The developer says that only 15 additional cars would be using Laurel. A resident of Creekside recently sat from 7 a.m. to 8 a.m. and counted the number of cars which total 100 during that time. The developer is not taking into account that the residents of

Palisades will also use Laurel. Laurel Avenue is a two-lane road that measures 18-ft. at its widest part. Improvements to Laurel Avenue have been planned by the city for the last several years, but it is not a priority and is currently not considered.

Phillips presented a petition signed by 51 residents of Creekside Subdivision who are opposed to the development. Phillips asked those in attendance for a show of hands if opposed to the project. An estimated 20 plus raised their hands.

Shakira Haro, the 2019 Benton County-Wide Boys and Girls Club Student of the Year winner, presented her speech.

Mayor Hines congratulated Shakira and presented her with a certificate of recognition and city coin and announced that she will be giving her speech at the Boys and Girls Club Banquet next week and then will go on to compete in the regional and possibly national competitions.

Paul Johnson, 2803 S. 24th Street, also a resident of the Creekside Subdivision and member of the Creekside POA Board, said the residents of Creekside Subdivision want to see development, but are opposed to the density, expressed concern that Laurel (18-ft. wide as Phillips previously said) will not support additional traffic, does not have curb and gutter for drainage, or sidewalks. Laurel is currently used by students and bicyclers and it is dangerous. The pool location is next to a city street and agreed that if the pool could be moved, it would be better. Also the residents would rather see three story buildings than four story buildings. Johnson suggested that the buildings will be close to the Creekside Subdivision. If the pool was flipped to the other side and the fourth floor eliminated the density would be decreased and it would be a win-win for everyone.

Steve Franklin, 2705 S. Laurel Crossing Circle, expressed appreciation that the developer for Agenda Item #5 has agreed to amend the rezoning of the property to RSF rather than the multifamily zoning. Franklin said the Laurel Crossing Subdivision POA supports approval of the rezoning to RSF and encouraged the council to approve it.

Becky Schoewe, 2808 S. 22nd Street, spoke against the RMF-19 zoning and expressed concern for student's safety who use Laurel Avenue.

Pam Knetzer, 2105 W. Coyote Trail, spoke in opposition of the RMF-19 rezone. "I am the resident who sat and counted the cars on Laurel Ave. because that is my chief concern. With the adjacent apartment complexes already in place and this one, it will add over 2000 cars to the area. When I sat out there counting, there were fewer than 10 cars that came from subdivisions."

Chuck Easterling, 2704 S. 24th Street, said at the first Planning Commission meeting no one spoke in favor of the rezoning. There are 82 acres that is available for development including this property within a stone's throw of the Creekside Subdivision. Even if it were zoned for single family it would be a lot of residents, and ask the council to send this back to the Planning Commission to re-evaluate the density in the area.

There were no other comments from anyone in the audience.

The Public Forum was declared closed.

COUNCIL MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

City Clerk-Treasurer Peggy David, Staff Attorneys Bonnie Bridges and John Pesek, Assistant Fire Chief Bryan Hinds, Director of Finance Casey Wilhelm, Water Utilities Superintendent Brent Dobler, Water Utilities Shared Services Manager Jené Huffman, Parks and Recreation Director Jim White, Parks Superintendent Stan Weaver, City Planners Lori Ericson, Airport Manager David Krutsch, PR Specialist Ben Cline, and Assistant to the Mayor Carey Hollis.

ACTION ON MINUTES:

(March 12, 2019)

Approves the suspending of rules for the meeting.

Motion by Townzen, second by Hayes to approve the minutes of March 12, 2019 as submitted.

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

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.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

(Agenda Item #1)

RES. #R19-24 Authorizing a Contract Amendment with Garver, LLC of North Little Rock, AR in the Amount of \$30,723.60

The resolution was introduced by Councilmember Kruger and read by title only by Staff Attorney Bonnie Bridges.

Kruger, chair of the Transportation Committee, reported the committee had met, recommended a “Do pass” and recognized Airport Manager David Krutsch.

Krutsch explained this is an administrative reconciliation contract amendment. The taxiway contract didn’t come in on time and was over budget. There will no additional funds requested as a grant request will take care of part of the cost and the contractor will pay for liquidated damages.

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

Voice vote: 7 – Yes; Kruger - abstains. ***The resolution is adopted.***

(Agenda Item #2)

RES. #R19-25 Authorizing an Agreement to Grant an Easement to Carroll Electric Cooperative Corporation, Pursuant to and Authorized by A.C.A. 14-54-302

The resolution was introduced by Councilmember Kruger and read by title only by Bridges.

Kruger reported the Transportation Committee had met, recommended a “Do pass” and recognized Project Engineer Lance Jobe.

Jobe reported Carroll Electric has requested a 20-ft easement for an area at the Olive Street Park south property line to provide underground electrical service to the apartments that are being built on 24th Street.

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

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

(Agenda Item #3)

RES. #R19-26 Amending the 2019 Budget to Appropriate General Fund Reserves in the Amount of \$9,600 to Acct. #100-09-70256

The resolution were introduced by Reithemeyer and read by title only by Bridges.

Reithemeyer reported the Finance Committee had met, recommended a “Do pass” and recognized Wilhelm.

Wilhelm explained this resolution is a carryover budget item for 2019 for a project that began in 2018 but not completed.

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

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

OLD BUSINESS:

None.

NEW BUSINESS:

(Agenda Item #1)

RES. #R19-27 A Resolution of Intent to Issue Industrial Development Revenue Bonds

The resolution was introduced by Councilmember Kruger and read by title only by Bridges.

Shep Russell, attorney with Friday, Ellredge and Clark, presented the resolution.

Russell explained this resolution would not obligate the city in any way. The bonds would be paid for by the lessee as rent payments which has been allowed by state law since 1960.

Mayor Hines said the details of the bond issue will be revealed at the announcement tomorrow, but this resolution gives the city's support of the project.

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

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

(Agenda Item #2)

ORD. #19-24 Rezone from A-1 to RMF-19B, 13.19 Acres Located at S. 26th & W. Laurel Ave. (Shaver Revocable Trust & Hooten Special Needs Trust & Noland, Matthew Clay)

The ordinance was introduced by Kruger and read by title only by Bridges.

Ryan Gill, of HFA, presented the rezoning request and providing responses to the comment from the public hearing.

Gill said this project has been reviewed by two Plans and Policy Committee meetings, Public Hearing, two Planning Commission meetings, and Council's Community Environment and Welfare Committee meeting receiving unanimous approval.

Gill said the four-story buildings project complies with the Comprehensive Growth Map. As far as traffic, according to the Institute of Traffic Engineer Manual, the estimate is that 145 trips per day, 94 coming into the development and 51 going out. To exit the development the path of least resistant would be to use 26th Street. The city's data states that 26th Street could handle 36,000 vehicles per day and currently handles 7000 vehicles daily. Laurel Ave. can handle 10,000 cars per day and the city's data says currently there are 2,000 cars daily. For the building height, the building have been set back as far as possible. The

east/west road is dictated by the city's connectivity ordinance that connects to the roads north and south. The distance from the development and the closest residence is almost 300 ft. Road improvements will be made to Laurel and 26th Place. There are no variances being requested for this development. The development meets the density concept, connectivity ordinance, and comprehensive growth map.

Gill introduced Brandon Huffman, of Little Rock, who is CEO of Huffman & Company and operates True Blue.

Huffman said his company has developed 18 projects with their own investment money. The projects are managed, maintained and owned by Huffman & Company. Only one of the 18 have been sold. This is a \$40 million project for the city.

Councilmember Reithemeyer asked if there was any consideration of the suggestion to move the pool, which would be a good compromise.

Huffman responded that the location of the pool is to make it accessible to all of the residents of the complex.

Reithemeyer responded this would be good compromise for the neighborhood.

Huffman offered to make the building closest to the residents three story instead of four stories.

Mayor Hines reminded council members that the layout of the buildings is not the consideration now, only the rezoning.

Councilmember Kruger noted the four stories is too much when it is so close to the neighbors and cannot support it.

Councilmember Carmichael announced that everything that is being proposed today meets

the city codes and lines up according to all of the requirements.

Reithemeyer said she didn't have the density concept plan in her packet.

Carmichael explained that the density concept plan was reviewed especially with Laurel Road in mind. The developer understands that improvements to Laurel and 26th Place will be their responsibility. The density is 19 which is high, but we've seen it higher. Our job is to make sure that the city code is followed. This project meets all the city codes.

Community Development Director John McCurdy gave the history of Laurel saying it is under design to the 30% to 60% level, but not designated as a bond project. It is scheduled to be constructed by the Street Dept. in the next two or three years, but that is subject to other priorities.

Carmichael asked McCurdy to move improvements for Laurel up on the project list because this development, another one also on the agenda tonight, and the remainder of that farm will be developed in the future and will it be a major east/west corridor.

Mayor Hines noted that the 2011 Bond Issue included improvements to Laurel, but this council decided to take away the connectivity to 13th Street to satisfy concerns of a church, so there was no need in spending thousands of dollars for a street to go nowhere. Laurel is a street that needs to be improved.

Councilmember Kendall agreed with Carmichael that the city requirements have been met, even though it may not be his favorite project, he would support it.

Councilmember Kruger agreed that the developer has jumped through all of the hoops and they have the right to ask for the density, but we have to the responsibility to respect the

established neighborhood and preserve them. It is a fine line that we have to balance.

The Mayor asked, “Shall the ordinance pass?”
Roll call: Townzen, Kendall, Carmichael, Brashear – Yes; Kruger, Reithemeyer, Wolf and Hayes – No. The Mayor votes - Yes. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”
Roll call: Townzen, Kendall, Carmichael, Brashear – Yes; Kruger, Reithemeyer, Wolf and Hayes – No. The Mayor votes - Yes. ***The emergency clause is adopted.***

(Agenda Item #3)

ORD. #19-25 Rezone from RSF to N-R, 1401 W. Pine Street, (Terra Firma Building Co.)

The ordinance was introduced by Kruger and read by title only by Bridges.

Bill Watkins, representing the owner, presented the rezoning request. The Planning Commission unanimously approved the rezoning.

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 is adopted.***

(Agenda Item #4)

ORD. #19-26 Rezone from C-4 to I-1, 3005 W. Hudson Road, 2.71 ± acres on W. Hudson Road, East of Antique Market, West of Railroad Spur

The ordinance was introduced by Kruger and read by title only by Bridges.

Matt Ahart, representing the owner, presented the rezoning request which was unanimously approved by the Planning Commission.

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 is adopted.***

(Agenda Item #5)

ORD. #19-27 Rezone from A-1 to RSF, 40 Acres Located at the SE Corner of S. Concord Street and W. Laurel Ave. (Laurel & Concord, LLC)

The ordinance was introduced by Kruger and read by title only by Bridges.

Bill Watkins, representing the owner, presented the rezoning request saying originally the request was to rezone to R-AH, but changed to N-R and was narrowly approved by the Planning Commission. Because of comments from the Planning Commission and the Community Environment & Welfare Committee the developer agreed to change the zoning to RSF.

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 is adopted.***

APPOINTMENTS:

Mayor Hines recommended the appointment of Jerry Walton to the Board of Directors of the Northwest Arkansas Regional Airport Authority, term to expire December 31, 2022.

Approves the appointment of ***Jerry Walton*** to the **Board of Directors of the Northwest Arkansas Regional Airport Authority**, term to expire December 31, 2022.

Motion by Kruger, second by Brashear to approve the reappointment of Jerry Walton to the Board of Directors of the Northwest Arkansas Regional Airport Authority as recommended.
Voice vote: Unanimous – Yes. ***Motion carried.***

ANNOUNCEMENTS:

None.

There being no further business, motion by Kruger, second by Wolf to adjourn the meeting. Meeting adjourned at 7:32 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk-Treasurer

C. Greg Hines, Mayor