

**City of Cave Springs**  
**City Council Meeting Minutes – American Legion**  
**January 24, 2022 @ 6:30 PM**

**Call to Order of City Council Meeting @ 6:30pm**

Mayor Noblett	Present
Marc Williams	Present
Angie Caruthers	Present
Lori Bond	Present
Mike Middlecamp	Present
MC Chitszan	Present / Arrived @ 6:43pm
Liz Hendricks	Present

---

**Others Present:**

Recorder Treasurer – Kimberly Hutcheson / Absent  
Police Chief – Keith Lawson  
Fire Chief – Gary Jordan  
Public Works Director – Andrew Williams  
Water Clerk – Julie Bradberry  
Planning – Juliette Richey / Garver  
City Attorney – Justin Eichmann

**Approval of the January 24, 2022, City Council Agenda**

Alderman Williams made the motion to approve the agenda, Alderman Middlecamp seconded the motion. Motion Passed 5-0

**Approval of City Council Minutes – November 29, 2021 & December 20, 2021**

Alderman Bond made the motion to table City Council Minutes; Alderman Caruthers seconded the motion. Motion Passed 5-0

**City Financial Reports:**

**December 2021 City Financial Report**

Alderman Caruthers made the motion to approve City Financials for December 2021, Alderman Williams seconded the motion. Motion Passed 5-0

**Water and Sewer Financial Reports:**

**December 2021 Water and Sewer Financial Report**

Alderman Caruthers made the motion to approve Water & Sewer Financials for December 2021, Alderman Williams seconded the motion. Motion Passed 5-0

**Department Reports:**

Fire Department – Gary Jordan  
Police Department – Keith Lawson  
Water and Sewer – Andrew Williams  
Planning Commission – Juliette Richey – Garver

**City of Cave Springs**  
**City Council Meeting Minutes – American Legion**  
**January 24, 2022 @ 6:30 PM**

**Attorney's Report:** Justin Eichmann

**Recorder / Treasurers Report:** Absent

**Mayor's Report:** Randall Noblett

- State of the City for 2022

**Public Comments:**

- Suzanne Clark, an attorney representing the owners of a proposed apartment complex on the corner of W. Wallis Rd in Rogers, Arkansas. She will address her concerns when the rezoning ordinance item for this issue is up for discussion later in the evening.

**City Recognition Event:**

Fire Department recognizes Jeff Bowers on his retirement with Cave Springs Fire Department for 28 years of service. All completed at the City of Cave Springs.

Police Department recognizes Police Chief Rick Crisman on his retirement with 28 years of service.

Police Department recognizes Robert Jones on his promotion to Sergeant.

**New Business:**

- 1) **A RESOLUTION TO APPROVE THE FINAL 2021 BUDGET FOR THE CITY OF CAVE SPRINGS, ARKANSAS FOR THE TWELVE (12) MONTHS BEGINNING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2021.**

Alderman Caruthers made the motion to approve Resolution 2022-01, Alderman Chitszan seconded the motion. Motion Passed 6-0

- 2) **A RESOLUTION APPROVING A KARST CONDITIONAL USE PERMIT FOR THE WALLIS NEIGHBORHOOD STORAGE LOCATED AT 2050 W. WALLIS ROAD WITHIN THE CITY OF CAVE SPRINGS, ARKANSAS**

Alderman Caruthers made the motion to approve Resolution 2022-02, Alderman Chitszan seconded the motion. Motion Passed 5-1 (Alderman Hendricks voted NO)

- 3) **A RESOLUTION TO PROVIDE FOR SALARY CERTIFICATION PAY AND TO SET SALARY RANGES FOR THE MAYOR AND CITY RECORDER-TREASURER IN THE CITY OF CAVE SPRINGS, ARKANSAS.**

Alderman Chitszan made the motion to approve Resolution 2022-03, Alderman Williams seconded the motion. Motion Passed 5-0

- 4) **A RESOLUTION AUTHORIZING THE MAYOR TO MAKE A BID ON A SURPLUS FIRE TRUCK FOR THE CAVE SPRINGS FIRE DEPARTMENT**

Alderman Hendricks made the motion to approve Resolution 2022-04, Alderman Williams seconded the motion. Motion Passed 6-0

**City of Cave Springs**  
**City Council Meeting Minutes – American Legion**  
**January 24, 2022 @ 6:30 PM**

**5) AN ORDINANCE TO REZONE APPROXIMATELY 21.18 ACRES OF REAL PROPERTY LOCATED AT 2050 WEST WALLIS ROAD WITHIN THE CITY LIMITS OF CAVE SPRINGS, ARKANSAS FROM AGRICULTURAL A-1 TO PLANNED ZONING DISTRICT PZD.**  
*(FB105.32)*

Alderman Chitszan made the motion to suspend the rules and to be placed on the third and final reading by title only, Alderwoman Caruthers seconded the motion. Motion Passed 6-0

Angie Caruthers	YES	Liz Hendricks	YES
Lori Bond	YES	Mike Middlecamp	YES
MC Chitszan	YES	Marc Williams	YES

Alderwoman Caruthers made the motion for the **Ordinance 2022-02** to be adopted, Alderman Chitszan seconded the Motion. Motion Passed 5-1

Angie Caruthers	YES	Liz Hendricks	NO
Lori Bond	YES	Mike Middlecamp	YES
MC Chitszan	YES	Marc Williams	YES

***DISCUSSION:***

Attorney Suzanne Clark represents Richardson Investments Revocable Trust who is objecting to the PZD Rezoning. Ms. Clark stated that her objection was to the use, and that there was no objection to the environmental/karst issues. Her client purchased property in Rogers for the purpose of constructing a \$250 million-dollar residential apartment project across the street from the rezoning. She stated that he purchased the property in June of 2020. The City of Cave Springs land use maps were approved later in December 2020. The property in Cave Springs was zoned agricultural at the time of her client's purchase and there was nothing to indicate that Cave Springs was going to zone the property as commercial for self-storage unit. Ms. Clark stated that she has two storage units and would not want to live by either of them. When the City did not pass the land use maps it re-enforced there would not be Commercial use for that property. Self-storage is not compatible and if it is, it must comply with Ark. Code Ann. § 14-56-306. Ms. Clark believes that this statute requires a resolution by the City of Rogers and the City of Cave Springs in order for Cave Springs to move forward in the PZD. She stated that if the city approves the rezoning without a resolution, then there would be a violation of Arkansas law. She stated that her client is not interested in litigation. She came before the council to request that the City Council not adopt the rezoning ordinance.

Kael Bowling represents the owner of the proposed Wallis storage units. He stated planning commission approved unanimously, and he hopes that the city council will do the same. He stated that the project is compatible, and that there is need for storage units next to such a large multifamily complex across the street. He stated that the proposed storage units are the fanciest storage facility that he can recall seeing and that it was designed to be compatible. He said that he understands that when land for the apartments, this property that is proposed to be rezoned was zoned for agricultural uses, but zoning designation change. He also stated that he believes that Ms. Clarks clients had to get their property rezoned as well.

**City of Cave Springs**  
**City Council Meeting Minutes – American Legion**  
**January 24, 2022 @ 6:30 PM**

City Attorney Justin Eichmann addressed a question from a city council member about whether each city had to agree to the rezoning of the adjoining properties. Part A of the statute addresses adjacent properties in the boundary area being zoned to compatible uses. Part B of the statute addresses what happens if when the adjacent properties in the boundary area are to be zoned to an incompatible use. The determination is made by Cave Springs or Rogers, or for example Tontitown and Springdale, about this compatibility. As an example, there was an issue in Johnson where property was proposed to be rezoned and Springdale did not agree that it was compatible, so each city approved a resolution agreeing to the rezoning change. Here in this instance, Cave Springs determined the rezoning to be compatible and Rogers was consulted and agreed, finding no incompatibility. We are proceeding with this rezoning under Part A of the ordinance. In response to a question, Mr. Eichmann responded that Rogers was consulted with the PZD plan.

Juliet Richey and the project engineer addressed a question from a City Council member about how many units were planned for the storage facility. The project engineer responded that the numbers of units have not been allocated, but the square footage is around 160,000 sq. ft. and they are thinking of approximately 1,000 enclosed units. There will not be parked vehicles, it is not that type of facility. The engineer stated that it would be the nicest storage facility in Arkansas and Oklahoma. He stated that there could be 800-1000 units in the first phase, and with the second phase there could be modifications.

In response to a question from a City Council Member, Juliet Richey explained that compatibility does not mean the same zoning. This process was about 4 to 5 months at the planning commission with discussions about the compatibility and that is when the planning commission formulated the different items that they wanted to see or have the applicant address. PZDs are more complex as compared to zoning categories, but it is easier in this context because it limits the uses that can take place on the property.

In response to a question from a City Council Member, Suzanne Clark stated that the proposed apartments which are going to be constructed by her client will have mixed-uses with some parts that are commercial. The apartments are 3-story which will have a section that will overlook the storage facility. She stated that these apartment units will not be desirable and that there is an issue of the loss in property value. Ms. Clark stated that she believes the proposed apartments would have approximately 1,200 units. She stated that the size of the apartments is not relevant, but what is relevant is that it will be a residential use. She argued that by definition the storage facility is not a compatible use and should be analyzed under part B of the statute. She agreed with Mr. Eichmann that if there is compatibility, you do not need the resolutions under the statute. She stated that she can argue that the uses are not compatible by zoning, future land use and evaluations of use by right or conditional use.

In response to a question from the mayor about what her client's property is zoned, Ms. Clark stated that she did not know. Ms. Richey stated that it is zoned C-3 under Roger's code which is a mixed-use category that allows for commercial use, office, and multi-family. A City Council Member asked Ms. Clark how she could argue that there is incompatibility when she does not know her the zoning for her client's property. Ms. Clark stated because her client is building his project in line with the future land use map. In response to a question from the mayor about when the property was zoned to C-3 in Rogers, the applicant responded that the rezoning for that occurred in June of 2020. The mayor mentioned that there were no resolutions at that time for the rezoning to C-3.

**City of Cave Springs**  
**City Council Meeting Minutes – American Legion**  
**January 24, 2022 @ 6:30 PM**

**6) AN ORDINANCE AMENDING ORDINANCE NO. 2020-09 IN ITS ENTIRETY AND ESTABLISHING THE ORGANIZATION, MANAGEMENT, AND RULES OF PROCEDURE FOR THE AFFAIRS OF THE CITY OF CAVE SPRINGS CITY COUNCIL, AND FOR OTHER PURPOSES.**

Alderman Williams made the motion to suspend the rules and to be placed on the third and final reading by title only, Alderman Middlecamp seconded the motion. Motion Passed 6-0

Angie Caruthers	YES	Liz Hendricks	YES
Lori Bond	YES	Mike Middlecamp	YES
MC Chitszan	YES	Marc Williams	YES

Alderman Caruthers made the motion for the **Ordinance 2022-03** to be adopted, Alderman Middlecamp seconded the Motion. Motion Passed 6-0

Angie Caruthers	YES	Liz Hendricks	YES
Lori Bond	YES	Mike Middlecamp	YES
MC Chitszan	YES	Marc Williams	YES

**7) AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE OF ORDINANCES OF THE CITY OF CAVE SPRINGS, ARKANSAS, AND ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE EFFECTIVE DATE OF SUCH CODE AND A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; AND DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

Alderman Middlecamp made the motion to suspend the rules and to be placed on the third and final reading by title only, Alderman Bond seconded the motion. Motion Passed 6-0

Angie Caruthers	YES	Liz Hendricks	YES
Lori Bond	YES	Mike Middlecamp	YES
MC Chitszan	YES	Marc Williams	YES

Alderman Middlecamp made the motion for the **Ordinance 2022-04** to be adopted, Alderman Caruthers seconded the Motion. Motion Passed 6-0

Angie Caruthers	YES	Liz Hendricks	YES
Lori Bond	YES	Mike Middlecamp	YES
MC Chitszan	YES	Marc Williams	YES

Alderman Chitszan made the motion to approve the Emergency Clause, Alderman Hendricks seconded the Motion. Motion Passed 6-0

Angie Caruthers	YES	MC Chitszan	YES
Liz Hendricks	YES	Lori Bond	YES
Marc Williams	YES	Mike Middlecamp	YES

**City of Cave Springs**  
**City Council Meeting Minutes – American Legion**  
**January 24, 2022 @ 6:30 PM**

**8) AN ORDINANCE TO WAIVE COMPETITIVE BIDDING FOR THE PURCHASE OF A 2022 CHEVROLET TAHOE FOR USE BY THE CAVE SPRINGS FIRE DEPARTMENT; AND DECLARING AN EMERGENCY.**

Alderwoman Hendricks made the motion to suspend the rules and to be placed on the third and final reading by title only, Alderman Chitszan seconded the motion. Motion Passed 6-0

Angie Caruthers	YES	Liz Hendricks	YES
Lori Bond	YES	Mike Middlecamp	YES
MC Chitszan	YES	Marc Williams	YES

Alderman Williams made the motion for the **Ordinance 2022-05** to be adopted, Alderwoman Caruthers seconded the Motion. Motion Passed 6-0

Angie Caruthers	YES	Liz Hendricks	YES
Lori Bond	YES	Mike Middlecamp	YES
MC Chitszan	YES	Marc Williams	YES

Alderwoman Caruthers made the motion to approve the Emergency Clause, Alderwoman Hendricks seconded the Motion. Motion Passed 6-0

Angie Caruthers	YES	Liz Hendricks	YES
Lori Bond	YES	Mike Middlecamp	YES
MC Chitszan	YES	Marc Williams	YES

**9) AN ORDINANCE TO WAIVE COMPETITIVE BIDDING FOR THE PURCHASE OF A 2022 CHEVROLET TAHOE 4WD FOR USE BY THE CAVE SPRINGS POLICE DEPARTMENT AND DECLARING AN EMERGENCY.**

Alderwoman Caruthers made the motion to suspend the rules and to be placed on the third and final reading by title only, Alderwoman Hendricks seconded the motion. Motion Passed 6-0

Angie Caruthers	YES	Liz Hendricks	YES
Lori Bond	YES	Mike Middlecamp	YES
MC Chitszan	YES	Marc Williams	YES

Alderman Chitszan made the motion for the **Ordinance 2022-06** to be adopted, Alderman Williams seconded the Motion. Motion Passed 6-0

Angie Caruthers	YES	Liz Hendricks	YES
Lori Bond	YES	Mike Middlecamp	YES
MC Chitszan	YES	Marc Williams	YES

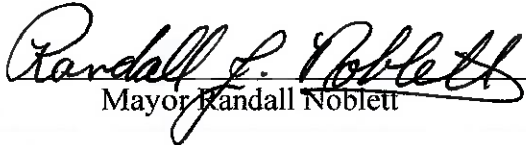
Alderwoman Caruthers made the motion to approve the Emergency Clause, Alderman Chitszan seconded the Motion. Motion Passed 6-0

Angie Caruthers	YES	Liz Hendricks	YES
Lori Bond	YES	Mike Middlecamp	YES
MC Chitszan	YES	Marc Williams	YES

**City of Cave Springs**  
**City Council Meeting Minutes – American Legion**  
**January 24, 2022 @ 6:30 PM**

Alderwoman Hendricks asked if there would be an update on the Community Building at the work session?

Alderman Middlecamp made the motion to adjourn at 8:10pm, Alderwoman Hendricks seconded the motion.  
All Approved 6-0

  
Mayor Randall Noble

  
City Recorder Kimberly Hutcheson



FILED FOR RECORD  
AT 10:26 O'CLOCK A.M.

MAR 16 2022

CITY OF CAVE SPRINGS, AR  
CITY CLERK