

ORDINANCE NO. 2016 - ____

CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING CHAPTER 13.04 PLANNING COMMISSION OF TITLE 13 PLANNING IN ITS ENTIRETY OF THE CAVE SPRINGS MUNICIPAL CODE SETTING FORTH THE POWERS AND DUTIES THEREOF, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of Cave Springs, Arkansas has adopted Arkansas Code Annotated § Title 14 Chapter 56 Section 404 et seq., as amended, enables Cave Springs, Arkansas, to create a Planning Commission; and

WHEREAS, pursuant to Arkansas Code Annotated § Title 14 Chapter 56 Section 404 et seq., as amended, to revise the existing Ordinance no. 2007-16 and Ordinance no. 2016-1 establishing the Planning Commission of the City of Cave Springs, in order to clarify and better establish the formation, duties, powers and responsibilities of the Planning Commission to assure the proper and orderly growth of the City of Cave Springs and the proper and efficient operation of the Planning Commission now and in the future; and

WHEREAS, at a regular meeting on June 7th 2016, the Cave Springs Planning Commission unanimously voted to recommend APPROVAL to the City Council of Cave Springs of the proposed amendment to Title 13 Planning of the Cave Springs, Benton County Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Cave Springs City Council as determined that Chapter 13.04 PLANNING COMMISSION, of Title 13 PLANNING of the Cave Springs Municipal Code should be revised and amended in its entirety, as set forth herein below.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED that the City Council of Cave Springs does hereby amend Title 13 Planning of the Cave Springs, Benton County, Arkansas Municipal Code as follows:

SECTION 1. Chapter 13.04 PLANNING COMMISSION, of Title 13 PLANNING, of the Cave Springs Municipal Code is hereby revised to read, in its entirety, as follows:

TITLE 13 – PLANNING COMMISSION

Chapters:

13.04 Planning Commission

CHAPTER 13.04 – PLANNING COMMISSION

Sections:

13.04.01	Commission created
13.04.02	Terms of office of members
<u>13.04.03</u>	<u>Compensation</u>
13.04.034	Vacancies in office
13.04.045	Election of officers
13.04.056	General goals and purposes
13.04.067	Powers and duties of Planning Commission
<u>13.04.08</u>	<u>Quorum</u>

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<u>13.04.09</u>	<u>General Meeting Procedures</u>
<u>13.04.10</u>	<u>Public Hearing Procedures</u>
<u>13.04.11</u>	<u>Work Session</u>
<u>13.04.0712</u>	Appropriation by Council required prior to expending or encumbering funds
<u>13.04.0813</u>	Cooperation with other planning bodies
<u>13.04.0914</u>	Territorial jurisdiction

Section 13.04.01 Commission Created.

There is hereby created a Planning Commission for the City of Cave Springs, Arkansas, to consist of six (6) members. At least two-thirds (2/3) of said Commission shall not hold any other elective or appointive municipal office. All members shall reside within the planning jurisdiction of the City of Cave Springs. The members of the Planning Commission shall be nominated by the Mayor and confirmed by a majority vote of the City Council.

Section 13.04.02. Terms of Office of Members.

The terms of service of each position on the Planning Commission shall be for a period of three (3) years, except that the initial terms for each position shall be as set forth below, and the initial membership of the Planning Commission, as nominated and approved hereunder shall be as follows:

Position	Name	Term
Position 1		One (1) year
Position 2		One (1) year
Position 3		Two (2) year
Position 4		Two (2) year
Position 5		Three (3) year
Position 6		Three (3) year
<u>Alternate Position 1</u>		<u>Three (3) year</u>
<u>Alternate Position 2</u>		<u>Three (3) year</u>

All terms shall begin on January 1st of the year following appointment, and shall expire on December 31st three (3) years therefrom, except for the initial terms specified hereinabove, which shall begin on July 9, 2007 and expire on December 31st of the years designated herein. By December 1st of each year when the term of office of any member of the Planning Commission expires, the Mayor shall make and submit a nomination to fill the position for the next term to the City Council for confirmation by a majority vote. All members shall serve until their successors have been appointed and qualified.

The Mayor may designate two (2) alternate members, who are allowed to vote and make motions in the absence of a Planning Commission member. The Mayor shall make and submit a nomination to fill the two (2) alternate positions to the City Council for confirmation by a majority vote. All alternate members terms shall begin on January 1st of the year following appointment, and shall expire on December 31st three (3) years therefrom. Alternate members attendance will be requested, not less than twenty-four (24) hours prior to the scheduled Planning Commission meeting.

Any Planning Commission member may be removed by City Council for any of the following reasons, but not limited to these reasons, if demonstrated to the appointing entity's satisfaction:

- (1) Failure to attend three (3) consecutive regular or work session meetings without a twenty – four (24) hour notice of absence prior to the scheduled meeting; or
- (2) Actions and conduct unbecoming to a public official of the City of Cave Springs, Arkansas; or
- (3) Acts and conduct detrimental to the peace, health, safety, and welfare of the City of Cave Springs, Arkansas

Section 13.04.03. Compensation.

Members of the Planning Commission, to include alternates, shall be paid \$100 for each regular or work session meeting attended; payment to be made monthly.

Section 13.04.034. Vacancies in Office of Members.

When a vacancy shall occur otherwise than by the expiration of the term of office, the Mayor shall immediately nominate a person to serve the remainder of that term, which nomination shall be submitted to the City Council for confirmation by a majority vote.

Section 13.04.045. Election of Officers.

The Planning commission shall, from its membership, elect a ~~chairman~~, and a vice-chairman and secretary. The ~~chairman~~ shall not hold any other municipal office or appointment.

Section 13.04.056. General Goals and Purposes.

The general goals and purposes of the City's Planning Commission shall be to prepare, or have prepared, a comprehensive plan of the municipality, receive and make recommendations on public and private proposals for development, prepare and administer planning regulations, prepare and transmit to the legislative body recommended ordinances implementing plans, and advise and counsel the City's government and other public bodies in relation hereto.

Section 13.04.067. Powers and duties of Planning Commission.

- A. The Planning commission shall make and adopt such rules and regulations to govern its proceedings and for the discharge of its duties and the transaction of business, which rules and regulations may provide, without limitation, the following:
 - (1) Establishment of a regular meeting date of the Commission at least once monthly, or more often as prescribed by the Commission;
 - (2) Cancellation or postponement by the ~~Chairman~~ of a regular monthly meeting, if there is no pressing business at hand; provided that a meeting is held at least once each quarter of each calendar year;
 - (3) Holding of special meetings, and the manner of calling the same;
 - (4) Rules regarding the establishment of a quorum for conducting the business of the Commission;

- (5) Establishment of such committees as may be found necessary and advisable, and establish the duties of such committees; and
- (6) Such other rules and regulations as shall be deemed necessary and appropriate for the government of its proceedings and the discharge of its duties and the transaction of its business.
- B. The Planning Commission shall keep a public record of all business, resolutions, transactions, findings and determinations made by it.
- C. The Planning Commission shall have the duty and function of promoting public interest in, and understanding of, the long-term coordinated municipal planning of the City.
- D. The Planning Commission shall prepare a planning area map, work programs and make such other comprehensive studies as are required herein and by State law.
- E. After the preparation of the planning area map, the Planning Commission may prepare such other plans as deemed appropriate for all, or any portion of, the area encompassed by the map, which may consist of maps, plats, charts, diagrams and other necessary documents and descriptive matter; which plans may include, without limitation:
- (1) Master street plan;
 - (2) Land use plan; and
 - (3) Community facilities plan.
- F. Upon adoption of appropriate plans as needed and provided, the Planning Commission may prepare and transmit to the City Council such proposed or recommended ordinances and regulations as are deemed necessary and appropriate to carry out the purpose and intent of the plans, or any parts thereof, and to carry out and protect the various elements of the plans.
- G. The Planning Commission may prepare for submission to the City Council a recommended zoning ordinance for the entire area of the City, as well as its planning jurisdiction, upon the adoption and filing of an appropriate land use plan.
- H. The Planning Commission may make recommendations and reports to the public and to public and private agencies.
- I. The Planning Commission may enter upon land to make examinations and surveys and to maintain necessary monuments and markers thereon.
- J. The Planning Commission may receive and spend funds from federal, state, county, municipal and other public and private sources, and may contract with respect thereto.
- K. The Planning Commission is hereby authorized to employ such staff, consultants and other persons as it deems necessary in carrying out its duties and responsibilities, subject to the provisions hereof concerning the appropriation and expenditure of funds.

- L. The Planning Commission shall have such other powers as are necessary and appropriate to carry out the purposes of the Planning Commission specified herein, as well as any other powers and duties provided by the City Council and the laws of the State of Arkansas.

Section 13.04.08. Quorum

To establish a quorum the presence of a majority of the Commission's members is required. A quorum shall require the attendance of four (4) Planning Commission members.

Section 13.04.09. General Meeting Procedures

The Planning Commission shall meet regularly on the first Tuesday of each month, at 6:30 P.M., or in accordance with the approved Cave Springs Planning Commission calendar.

Unless otherwise provided herein, organization of and the conduct of business of the Planning Commission shall be governed by the latest edition of the Handbook for Municipal Officials published by the Arkansas Municipal League. Insofar as the said Handbook for Municipal Officials and the by-laws set out above do not apply, the organization and conduct of business of the Planning Commission shall be governed by "Robert's Rules of Order" to which they are applicable and where they do not conflict with other rules adopted herein.

The order of business at regular meetings shall be:

- Call to order
- Pledge of Allegiance
- Roll call
- Approval of minutes of previous meeting
- Public hearing
- Old business
- New business
- Adjournment

All meetings shall be open to the public, pursuant to the Arkansas Freedom of Information Act.

It is the policy of the Planning Commission that sufficient supporting information, such as a site plan, plat of survey, etc., accompany the application so staff and the Planning Commission members have adequate time to review the material. Staff will determine if sufficient supporting information has been provided. An application without the required supporting information will not be placed on the agenda.

Each member of the Planning Commission shall be notified of the place and date of each meeting with an accompanying agenda by staff, by written notice, not less than five (5) calendar days prior to the date set for the meeting. Said notice may be waived by a majority vote of the Planning Commission.

Section 13.04.010 - Public Hearing Procedures

The chair, vice-chair or a designated presiding member of the Planning Commission shall preside at Ordinance 2016-___

all hearings. The presiding member shall reserve the right to assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times.

- (1) Presiding member introduces the agenda item by document number;
- (2) Presiding member requests staff report and staff recommendation, if appropriate;
- (3) Staff presents application to the Planning Commission including request, pertinent information, and staff recommendation;
- (4) Presiding member directs Planning Commissioners to address any questions to staff;
- (5) Presiding member requests the applicant or authorized representative to approach and speak to the Planning Commission;
- (6) Presiding member directs Planning Commissioners to address any questions to the applicant or representative;
- (7) Prior to opening any public hearing portion, the Presiding member, explains the procedures and time limitations for people who wish to comment. It shall be made clear at the hearing that all questions and comments must be directed through the presiding member after having been duly recognized. Public comments shall be heard as follows:
 - a. Approach the podium;
 - b. Clearly state your name and address for the record and sign the sign-in sheet;
 - c. If the comments have been previously presented, refrain from repeating and state that you are in agreement with or disagreement with an issue;
 - d. Comments should be as clear and succinct as possible;
 - e. Comments should be 3 minutes or less.
- (8) Presiding member opens for public comment so that attendees may speak on the application;
- (9) After public comment, if any, the Presiding member gives the applicant or representative an opportunity to rebut;
- (10) Presiding member closes the public comments portion and opens the review session for the Planning Commissioners;
- (11) No additional information shall be admitted during the review session unless specifically requested by a member of the Planning Commission;
- (12) The Planning Commission shall vote on any motions made and seconded. A failed motion does not constitute a recommendation of the opposite. A motion passes when it receives the majority vote of the members present and voting;
- (13) Presiding member announces the vote and provides date, time and location for the appropriate City Council meeting, if applicable.

Section 13.04.011. Work Sessions

The Planning Commission may hold a work session on the third Tuesday of any month, at 6:30 P.M., or in accordance with the approved Cave Springs Planning Commission calendar.

- (1) The chair, vice-chair or a designated presiding member of the Planning Commission directs the work session and shall require orderly behavior and discussion;
- (2) No formal actions shall be taken or motions made at a work session;
- (3) Work sessions shall be open to the public. Public comment is not required at a work session;

(4) Work sessions may be joint sessions including participation by other City employees, departments and City Council members.

Section 13.04.07~~12~~. Appropriation by Council required prior to expending or encumbering funds.

The Planning Commission shall not expend or encumber funds without prior appropriation by the City Council.

Section 13.04.08~~13~~. Cooperation with other planning bodies.

The Planning Commission shall have the authority to cooperate with official and unofficial planning bodies for the purpose of coordinating the preparation of plans for the City and its adjacent territory.

Section 13.04.09~~14~~. Territorial jurisdiction.

The City intends to exercise its territorial jurisdiction as provided for by Act 186 of the 1957 Arkansas General Assembly (Arkansas Code Annotated 14-56-413), as amended from time to time. Said territorial jurisdiction of the City Council for the purpose hereof shall be exclusive and shall include all land lying within ~~five (5)~~ one (1) miles of the corporate limits of the City of Cave Springs, Arkansas.

SECTION 2. The Cave Springs Municipal Code for the City of Cave Springs, Arkansas shall remain unchanged in all respects other than those mentioned herein above.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. 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. Declaration of Emergency. It is hereby found and determined that Chapter 13.04 PLANNING COMMISSION, of Title 13 PLANNING, of the Cave Springs Municipal Code should be immediately amended in order to clarify and better establish the formation, duties, powers and responsibilities of the Planning Commission to assure the proper and efficient operation of the Planning Commission now and in the future. Therefore, an emergency is declared to exist, and this Ordinance being immediately necessary to insure the proper growth and development of the City and for the preservation of the public peace, health, safety and welfare of the citizens of Cave Springs, Arkansas shall become effective immediately from and after the date of its passage, to take effect as provided by the terms of this Ordinance. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this ____ day of June, 2016:

APPROVED:

Travis Lee, Mayor

ATTEST:

Kimberly Hutcheson, City Recorder