

Prepared by:
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OB # 1



CLERKS CERTIFICATE OF RECORD
STATE OF ARKANSAS - COUNTY OF POPE
I, FERN TUCKER, Circuit Clerk and Recorder of
the County attested do hereby certify that this
instrument was filed for record the 01/04/2008 at
01:20:18 PM, and the same is now
duly recorded in Miscellaneous Book 2008-1 Page
442 - 444
Witness my hand and the seal of said court this
the 01/04/2008
Fern Tucker - Circuit Clerk and Recorder
By Dyquana Austin D.C.

ORDINANCE NO. 1997

AN ORDINANCE ESTABLISHING A PLANNING COMMISSION FOR THE CITY OF RUSSELLVILLE, PRESCRIBING ITS DUTIES, APPOINTMENT OF COMMISSIONERS, NUMBER OF COMMISSIONERS, LENGTH OF TERMS OF THE COMMISSIONERS, QUALIFICATIONS OF THE COMMISSIONERS, REQUIREMENTS OF THE COMMISSIONERS, REPEALING PREVIOUS PLANNING COMMISSION ORDINANCES AND FOR OTHER PURPOSES

WHEREAS, the need to clarify the procedure for appointing members to the City of Russellville Planning Commission has arisen as well as the need to streamline the number of existing ordinances to consolidate the information contained therein those ordinances and to remove those provisions therein which conflict with the state law pertaining to municipal planning commissions; and

WHEREAS, cities of the first and second class and incorporated communities have the power under Arkansas law to adopt and enforce plans for the coordinated, adjusted, and harmonious development of the municipality and its environs under Ark. Code Ann §14-56-401 et. seq., including the power and authority to create and regulate a Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS, OF THE FOLLOWING:

SECTION 1: This Ordinance shall be known and referred to as "The City of Russellville Planning Commission Ordinance."

SECTION 2: The City of Russellville is authorized to pass this Ordinance pursuant to the grant of authority given to the City of Russellville by the State of Arkansas under Ark. Code Ann. §14-56-401 et. seq.

SECTION 3: There is established by the City Council of the City of Russellville a Planning Commission for the City of Russellville to be composed of ten (10) members who shall serve without compensation. One (1) member of the Planning Commission is to be a currently serving Alderman of the City Council of the City of Russellville to be selected by the governing body to serve on the Planning Commission and shall have no voting privileges. The other nine (9) members of the Planning Commission shall be qualified by knowledge or experience to act upon matters pertaining to the physical, social and economic development of the City of Russellville. Of the nine (9) members,

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two-thirds (2/3) of the members shall not hold any other municipal office or appointment except membership in the Board of Adjustment or a joint planning agency. One-third (1/3) of the nine (9) members may live outside the corporate limits of the City of Russellville but within the registered planning boundary of the City of Russellville. The other two-thirds (2/3) of the members shall be residents of the City of Russellville.

SECTION 4: Before a Planning Commissioner's term shall expire, the Personnel Committee of the City Council of the City of Russellville or the Committee of the Whole of the City Council of the City of Russellville may convene to nominate candidates for the Mayor to consider for appointment to the Planning Commission. The Personnel Committee may conduct interviews with any or all candidates considered for nomination. The Committees may forward a final list of potential candidates for the Mayor to choose from before the end of term of a Planning Commissioner. On January 2, or thereafter, of a year, that of the preceding year a commissioner's term has expired, the Mayor shall submit his or her appointment to the City Council to fill the vacancy created by the expired commissioner's term. The Mayor may use the list provided to him by the either Committee of the City Council or may choose another person not from the list. The Mayor shall not be bound to the candidates on the list presented to him by either Committee. The appointment of the Mayor shall become a member of the Planning Commission upon being confirmed by the City Council. Any vacancy due to the death or resignation of a Commission member shall be filled for the unexpired portion of the term remaining by appointment by the Mayor and confirmation by the City Council. Any member of the Planning Commission, except the member from the City Council, may be removed by the Mayor at any time for good cause shown. The commissioner whose term has expired shall continue to serve until his or her successor is confirmed by the City Council.

SECTION 5: The number of years that a term of a commissioner on the Planning Commission shall be six (6) years.

SECTION 6: A commissioner of the Planning Commission shall not serve consecutive terms. A commissioner appointed to the Planning Commission to fill the remaining term of another commissioner shall not be eligible for reappointment for a consecutive term as Planning Commissioner unless the vacancy filled was for a term of three (3) or less years of service. Commissioners may serve non-consecutive terms as long as at least two (2) years has passed since the expiration of the term of the commissioner's prior service to the Planning Commission.

SECTION 7: In order to implement this Ordinance and integrate its effective provision with the currently serving Planning Commissioners, after the passage and approval of this Ordinance, the nine (9) current commissioners to the Planning Commission shall draw lots to determine when their current term shall expire. Three (3) lots shall be marked "1", three (3) lots shall be marked "3", and three (3) lots shall be marked "5". Those who draw a "1" shall have their term end on December 31, 2008. Those who draw a "3" shall have their term end on December 31, 2010. Those who draw a "5" shall have their term end on December 31, 2012. The results of the drawing shall be recorded by the Clerk of the Planning Commission and reported to the Mayor. The Clerk of the Planning Commission shall keep a list of the Planning Commissioners along with their beginning and ending dates of their terms.

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SECTION 8: It shall be the duty of the commissioners of the Planning Commission to carry out and execute the duties assigned to the Planning Commission under the provisions of Ark. Code Ann. §14-56-401 et. seq. and any other state law pertaining to municipal planning and zoning as well as the current City of Russellville Zoning and Land Subdivision and Development Code, their amendments or replacements, and any other municipal ordinance which confers a duty to perform by the Planning Commission.

SECTION 9: The Planning Commission shall designate one of its members as Chairman and shall select a Vice-Chairman, Secretary and any other such officers as the Commission may require. The Chairman and all other officers shall have voting privileges.

SECTION 10: The number of Planning Commissioners needed to be present to constitute a quorum and to conduct business is five (5) voting members of the Planning Commission. In order to pass any item on the agenda of the Planning Commission, an affirmative vote of a majority of the commissioners of the whole Planning Commission is required.

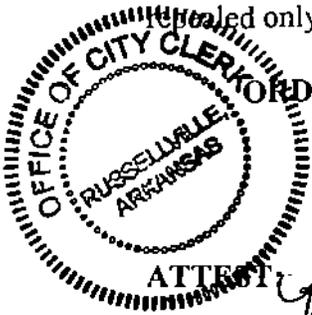
SECTION 11: All commissioners of the Planning Commission shall, if at all possible, attend each scheduled meeting of the Planning Commission. Any commissioner of the Planning Commission who shall miss three (3) scheduled meetings of the Commission or Technical Review meetings of the Commission, without good cause, within a twelve (12) month period shall be removed by the Mayor from the Planning Commission upon receipt of a letter from the Mayor notifying the commissioner that their term of service is terminated.

SECTION 12: If any provision of the Zoning Code is declared invalid by a court of competent jurisdiction, such declared invalidity shall not affect the validity of the remainder of the Zoning Code.

SECTION 13: Ordinance Nos. 406, 470, 1000, 1209 Section 2, 1360, 1531 and 1631 are hereby repealed. Any other ordinance in conflict with this Ordinance is hereby repealed only to the extent of the conflict.

ORDAINED, this 20th day of December, 2007.

TYRONE WILLIAMSON
TYRONE WILLIAMSON, MAYOR



ATTEST:

Kathy Collins
KATHY COLLINS, CITY CLERK

I, Kathy Collins, City Clerk of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1997 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 20 day of December, 2007.

APPROVED AS TO FORM:

William F. Smith III
WILLIAM F. SMITH III, CITY ATTORNEY

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