

AGENDA REQUEST

FOR: COUNCIL MEETING OF MARCH 19, 2013

FROM:

PAUL BECKER, FINANCE DIRECTOR and
KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §33.108 Compensation Relating To The Planning Commissioners

APPROVED FOR AGENDA:

Paul a. Becker

Finance Director

3-6-2013

Date

Kit Williams

City Attorney

3-6-13

Date

03-05-13 P01:01 RCVD

Kim J.





Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to read 'Kit Williams', with a long horizontal line extending to the right.

DATE: March 6, 2013

RE: Planning Commissioner Compensation

Pursuant to the Resolution that the City Council passed unanimously on March 5, 2013, I have prepared an ordinance to amend the Fayetteville Code which had stated that the “members of the Planning Commission shall serve without compensation.” To effectuate your Resolution, my proposed amendment would state that the Planning Commissioners shall be compensated at a monthly rate of \$375.00.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §33.108 COMPENSATION RELATING TO THE PLANNING COMMISSIONERS AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the Fayetteville City Council passed a Resolution on March 5, 2013 requesting that Planning Commissioners be compensated in the amount of \$375.00 monthly and requesting that the Administration prepare the necessary documents for this to be accomplished.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §33.108 **Compensation** of the Fayetteville Code by repealing it and enacting a replacement §33.108 at follows:

“§33.108 Compensation

The members of the Planning Commission shall be compensated in the amount of \$375.00 for their service.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment in order to pay this compensation.

PASSED and APPROVED this 19th day of March, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer





**City of Fayetteville, Arkansas
Budget Adjustment Form**

C. 1 V12.0724
Amend 33 108 Compensation
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Budget Year 2013	Division: City Planning Department: Development Services	Request Date 3/5/2013	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Pay for planning commissioners beginning in March, 2013.

Division Head  Date: 2-28-2013 Budget Director	Prepared By: _____ Reference: _____	_____ Fell, Barbara
Department Director _____ Date: _____	Budget & Research Use Only Type: A B C <u>D</u> E P	
Finance Director  Date: 3-6-2013	General Ledger Date _____	
Chief of Staff  Date: 3-6-13	Posted to General Ledger Initial _____ Date _____	
Mayor  Date: 3/7/13	Checked / Verified Initial _____ Date _____	

TOTAL BUDGET ADJUSTMENT 36,850 36,850

Account Name	Account Number	Increase / (Decrease)		Project.Sub Number
		Expense	Revenue	
ADDSalaries and wages	1010.6305.5100.00	33,750	-	.
ADDFICA taxes	1010.6305.5105.00	3,100		.
Use of fund balance	1010.0001.4999.99		36,850	.
				.
				.

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

State law reference(s)--Municipal planning commissions generally, A.C.A., §15-56-401 et seq.

33.106 Composition

The Planning Commission ("commission") shall consist of nine members, all of who shall be citizens of Fayetteville, and at least two-thirds of whom shall not hold any municipal office or appointment. No two members of the commission ("commissioners") shall be related by blood or marriage in the third degree, nor shall any two commissioners have direct financial involvement. All commissioners must disclose annually all real estate holdings in Fayetteville and the Fayetteville planning area, and any business or financial interest which could affect, or be affected by, decisions of the commission. All commissioners shall have a demonstrated interest, experience, or expertise in land use planning.

(Code 1965, §2-81; Ord. No. 956, 9-12-49; Ord. No. 3872, §1, 2-21-95; Code 1991, §33.106)

State law reference(s)--Appointment of members, A.C.A. §14-56-405.

33.107 Terms Of Members

Each commissioner, unless appointed to fill an unexpired term, shall be appointed to serve a term of three years. Such terms shall be staggered, with three commissioners being appointed each year. All terms shall begin on April 1.

(Code 1965, §2-82; Ord. No. 1126, 3-25-57; Ord. No. 2404, 12-6-77; Ord. No. 3872, §1, 2-21-95; Code 1991, §33.107)

33.108 Compensation

The members of the Planning Commission shall serve without compensation.

(Code 1965, §2-83; Ord. No. 956, 9-12-49; Code 1991, §33.108; Ord. No. 4892, 06-20-06; Ord. 5295, 12-15-09)

State law reference(s)--Compensation of members, A.C.A. §15-56-409.

33.109 Powers And Duties

The Planning Commission shall have such powers and duties as are now or hereafter prescribed or granted by state statute.

(Code 1965, §2-84; Ord. No. 956, 9-12-49; Code 1991, §33.109)

State law reference(s)--Powers and duties of commission, A.C.A. §14-56-412.

33.110 Appointment Procedures

When vacancies on the Planning Commission occur because of resignation or term expiration, the city shall follow the following procedure:

- (A) The Rules of Order and Procedure, Fayetteville City Council, Revised and Adopted March 4, 2003, Section H, Citizens committees, as may be amended from time to time, shall be incorporated and made a part hereof as if set forth word for word.
- (B) The application form for appointment to city boards, commissions, and committees, as may be amended from time to time, is herein incorporated and made a part of this ordinance. Applicants shall describe their philosophy and approach to land use planning issues as they impact the City of Fayetteville.
- (C) Applicants shall disclose all real estate holdings in Fayetteville and the Fayetteville planning area, and any business or financial interest which could affect, or be affected by, decisions of the Planning Commission.

(Ord. No. 3872, §2, 2-21-95; Code 1991, §33.110)

State law reference(s)--Appointment of members, A.C.A. §14-56-405.

33.111 Removal of Planning Commissioners

By a vote of two-thirds of the City Council, any Planning Commissioner may be removed from the office for cause. Cause shall include, but not be limited to, the following:

- (A) Chronic discourteous behavior to other commissioners, staff, or members of the public.
- (B) Ongoing lack of familiarity with staff-prepared material.
- (C) Planning Commissioners must attend at least 60% of Agenda setting sessions and tours unless that commissioner is currently on the Subdivision Committee. If job requirements do not permit a member to attend agenda meetings or tours prior to 5:00 P.M., the meetings and tours will be scheduled for after normal working hours or such member shall be excused from the requirements of attending the agenda meetings and tours.
- (D) Planning Commissioners shall serve on the Subdivision Committee for one-third of their

Current Law

RESOLUTION NO. _____

**A RESOLUTION TO REQUEST THE ADMINISTRATION TO RESUME
PAYING MONTHLY COMPENSATION TO THE FAYETTEVILLE
PLANNING COMMISSIONERS**

WHEREAS, the Fayetteville Planning Commission has the most legal authority and impact upon the planning and development of the City of Fayetteville of any appointed city committee; and

WHEREAS, the Fayetteville Planning Commissioners meet twice a month for their agenda session and tours and twice a month for Planning Commission meetings, and serve on the subdivision committee and ad hoc planning committees; and

WHEREAS, the Planning Commission conducts public hearings to decide Conditional Use Permits, Large Scale Developments, Preliminary Plats, Variance requests and other Planning issues and to make recommendations to the City Council for Rezonings and Annexations; and

WHEREAS, because of their very important positions and the extreme demands on their time to properly perform their positions as Planning Commissioners, the City Council had previously determined they should be compensated at a monthly rate of \$375.00 which had to be ended when the Great Recession lowered the City's revenues in 2009; and

WHEREAS, the City revenues have now recovered enough to renew compensating the Planning Commissioners.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby requests that the Administration resume paying monthly compensation to the Planning Commissioners and bring whatever budget adjustment or other document which might be necessary to accomplish this to the City Council for its final decision.

PASSED and APPROVED this 5th day of March, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer