

RESOLUTION NO. 2024- 08

**A RESOLUTION REFERRING CERTAIN ORDINANCES TO THE LINCOLN
PLANNING COMMISSION FOR PUBLIC HEARING**

WHEREAS, the Lincoln City Council desires to consider the attached ordinances regarding the numbering of the positions of the Lincoln Planning Commission and the terms of those numbered positions; and

WHEREAS, ARK. CODE ANN. § 14-56-422 requires plans, ordinances and regulations pertaining to municipal planning to be the subject of a public hearing;


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

Article 1. The drafts of the attached ordinances are hereby referred to the Lincoln Planning Commission for a public hearing in accordance with ARK. CODE ANN. § 14-56-422 at its next regular meeting.

Article 2. City personnel shall provide and publish notice of the public hearing in accordance with that statute.

PASSED AND APPROVED this 16th day of April, 2024.

APPROVED:



Doug Hutchens, Mayor

ATTEST:



Becky Carter, Clerk-Treasurer



Attachment For
Resolution 2024-08

ORDINANCE NO. 2024-_____

AN ORDINANCE DESIGNATING THE POSITIONS ON THE CITY OF LINCOLN PLANNING COMMISSION BY NUMBER, PROVIDING FOR THE METHOD OF ASSIGNING THOSE POSITIONS, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINCOLN, ARKANSAS:

Section One: Title. This ordinance shall be known as An Ordinance Designating the Positions on the City of Lincoln Planning Commission by Number, Providing for the Method of Assigning those Positions, and for Other Purposes.

Section Two: Findings: The City Council finds that:

a. ARK. CODE ANN. § 14-56-404 authorizes the City to create a Planning Commission of not less than five (5) members. ARK. CODE ANN. § 14-56-405 authorizes the City to set the terms of those members and provide for their appointment by ordinance.

b. The City of Lincoln already has a functioning Planning Commission. The City Council does not intend, by the adoption of this ordinance, to alter the makeup of the Planning Commission.

c. The City is unable to determine with certainty the length of service for all of the current members on the Planning Commission.

d. The City Council does intend, however, to provide for (1) certainty in terms; (2) continuity of experience on the Commission; and (3) the orderly appointment or re-appointment of members at the expiration of each member's term.

e. There are currently seven (7) members of the Planning Commission.

Section Three: Designation of Positions on the Planning Commission by Number. The seven (7) existing positions on the Lincoln Planning Commission are hereby designated as Position 1, Position 2, Position 3, Position 4, Position 5, Position 6, and Position 7, respectively.

Section Four: Method of Assigning Numbered Positions: At the first regular Planning Commission following the effective date of this Ordinance, there shall be seven (7) equally-sized pieces of paper, each being numbered with one (1) of the numerals (numbers) 1 through 7, inclusive. After being numbered, the pieces of paper shall be folded in such a way that it is not possible to determine which number is on which piece of paper without unfolding it and looking at it. The Chair of the Planning Commission shall cause the pieces of paper to be placed in an opaque bowl or hat, and shall mix the pieces of paper in such a way as to ensure a random draw. Thereafter, each member shall draw a single piece of paper from the bowl or hat, open it, and read the number aloud in public session. The Planning Commission Secretary will record that person's name and the corresponding number, and that person shall be designated as sitting in the position

corresponding to his or her drawn number. In the event a member is absent during the draw, the Chair of the Planning Commission shall draw for that member by announcing the member's name for which he or she is drawing, and then reading the number aloud in public session. The Planning Commission Secretary shall likewise then record that person's name and the corresponding number, and that person shall be designated as sitting in the position corresponding to his or her drawn number.

Section Five: Effective Date. This Ordinance shall become effective from and after 91 days following its publication unless an Emergency Clause is appended.

Section Six: Repealing Clause. Ordinances or parts thereof in effect at the time that this ordinance shall take effect that are in conflict herewith, are repealed.

Section Seven: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Eight: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

PASSED AND APPROVED this ____ day of _____, 2024.

APPROVED:

Doug Hutchens, Mayor

ATTEST:

Becky Carter, Clerk-Treasurer

Attachment for
Resolution 2024-08

ORDINANCE NO. 2024-___

AN ORDINANCE AMENDING LINCOLN MUNICIPAL CODE § 13.04.02 REGARDING THE TERMS OF PLANNING COMMISSION MEMBERS, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINCOLN, ARKANSAS:

Section One: Title. This ordinance shall be known as An Ordinance Amending Lincoln Municipal Code § 13.04.02 Regarding the Terms of Planning Commission Members, and for Other Purposes.

Section Two: Findings: The City Council finds that:

- a. ARK. CODE ANN. § 14-56-404 authorizes the City to create a Planning Commission of not less than five (5) members. ARK. CODE ANN. § 14-56-405 authorizes the City to set the terms of those members and provide for their appointment by ordinance.
- b. The City is unable to determine with certainty the length of service for all of the current members on the Planning Commission.
- c. The City Council does intend, however, to provide for (1) certainty in terms; (2) continuity of experience on the Commission; and (3) the orderly appointment or re-appointment of members at the expiration of each member's term.

Section Three: Lincoln Municipal Code § 13.04.02 Amended. L.M.C. § 13.04.02 is hereby amended to read as follows:

~~The original members of said Planning Commission shall be appointed to a term of one, two, three, four, five or six years.~~

- a. The terms of Positions 1 and 2 of the Planning Commission shall expire on December 31, 2024. The persons appointed or re-appointed to each of those positions shall begin a term commencing on January 1, 2025 and expiring on December 31, 2028. The terms of Positions 1 and 2 shall expire every four (4) years thereafter.
- b. The terms of Positions 3 and 4 of the Planning Commission shall expire on December 31, 2025. The persons appointed or re-appointed to each of those positions shall begin a term commencing on January 1, 2026 and expiring on December 31, 2029. The terms of Positions 3 and 4 shall expire every four (4) years thereafter.
- c. The terms of Positions 5 and 6 of the Planning Commission shall expire on December 31, 2026. The persons appointed or re-appointed to each of those positions shall begin a

term commencing on January 1, 2027 and expiring on December 31, 2030. The terms of Positions 5 and 6 shall expire every four (4) years thereafter.

d. The term of Position 7 of the Planning Commission shall expire on December 31, 2027. The person appointed or re-appointed to that position shall begin a term commencing on January 1, 2028 and ending on December 31, 2031. The term of Position 7 shall expire every four (4) years thereafter.

e. When the term of any member shall expire, the Mayor shall make a nomination, subject to confirmation by the City Council, to fill such vacancy for a period of six four (4) years. When a vacancy shall otherwise occur, the Mayor shall nominate a person to serve the remainder of the term, subject to confirmation by the City Council. Members of the City Council may also nominate a person to serve at the expiration of any term or for the remainder of a term if there is a vacancy, subject to confirmation by the whole City Council.

Section Four: Effective Date. This Ordinance shall become effective from and after 91 days following its publication unless an Emergency Clause is appended.

Section Five: Repealing Clause. Ordinances or parts thereof in effect at the time that this ordinance shall take effect that are in conflict herewith, are repealed.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

PASSED AND APPROVED this ____ day of _____, 2024.

APPROVED:

ATTEST:

Doug Hutchens, Mayor

Becky Carter, Clerk-Treasurer