

CONWAY PLANNING COMMISSION BY-LAWS

*Adopted July 19, 1993
Amended May 20, 1996
Amended November 20, 2000
Amended September 20, 2021*

ARTICLE I • PURPOSE OF THE BY-LAWS

It is the intent of these by-laws to prescribe the organization of the Conway Planning Commission and to establish orderly, equitable, and expeditious procedure for the conduct of its affairs to the end that all may be informed and the public well served. No by-laws shall conflict with any ordinance of the City of Conway nor any statute of the State of Arkansas.

ARTICLE II • THE COMMISSION

A. Members and Terms

1. The membership and the terms of service shall be as stipulated by Ordinance No. A306 as amended. The term shall be for five (5) years, which shall begin on January 1 and end on December 31 or until a successor has been appointed, except for extenuating circumstances as mentioned in the ordinance.
2. Members who are appointed to fill vacancies for unexpired terms shall join the Commission at the next meeting following their appointment and confirmation.
3. The Chair, on behalf of the Commission, may request the resignation of any member who has missed three (3) consecutive meetings without reasonable cause.

B. Officers - Chair, Vice-Chair, and Secretary

1. The Commission shall elect each November, from its membership, a Chair, a Vice-Chair, and a Secretary for terms of one (1) calendar year each. Officer terms shall run from January to December.
2. The Chair shall preside at all meetings and hearings of the Commission. The Vice-Chair shall preside in the Chair's absence. In the event of the absence or disability of the Chair and Vice-Chair at any meeting, the other members shall elect a member to serve as the temporary chair. The Vice-Chair shall assume all duties of the Chair in the Chair's absence.
3. The Chair shall sign all approved minutes, and other appropriate documents on behalf of the Commission.
4. The Chair, in coordination with staff, shall be responsible for the orientation and training of new members.
5. The Secretary shall, in coordination with staff, be responsible for:
 - a. Monitoring the minutes of each meeting.
 - b. Maintaining a record of the by-laws for the Commission.
 - c. Maintaining a record of current membership of the Commission with their terms of office.
 - d. Maintaining a record of the organization of the Commission.
 - e. Distribution of conflict of interest forms at the appropriate time.

ARTICLE III • COMMITTEES

A. Special Committees

Special Committees may be created by the Commission. Membership of such committees shall be designated by the Chair with the approval of the Commission. The Chair shall designate a date for the submission of the Committee's final report. Special committees shall be dissolved when their particular function or task has been completed. No special committee shall exist for a term of more than twelve (12) consecutive months, except by the direction of the Commission.

B. Advisory Committees

The Commission may create such advisory committees, as it deems necessary or desirable. Each advisory committee shall be composed of at least two (2) Commissioners and other persons in a number determined by the Commission. Generally, members shall be private, professional, or technical representatives, public

officials working on the problems with which the committee is concerned, and citizens who have special interest or experience with such problems.

ARTICLE IV • MEETINGS

A. Regular Meetings

1. Date

The Commission shall, on or before the last regular meeting each year, adopt a calendar of regular meetings for the forthcoming year with at least one (1) meeting scheduled for each calendar month at a set time.

2. Place

The Commission shall meet regularly at the City Hall in the City Council Chambers.

B. Special Meetings

Special meetings may be called by the Chair, or by a quorum of the Commissioners, or by a majority of those present at a regular or called meeting.

C. Freedom of Information Act

In all appropriate Commission activities, the requirements of the Arkansas Freedom of Information Act shall be observed. All meetings shall be open to the public and shall be subject to audio and/or video recording. Recordings shall be kept in perpetuity.

ARTICLE V • CONDUCT OF BUSINESS

A. Order of Agenda

All meetings shall be conducted in accordance with an agenda, which may include these topics and cases:

1. Call to order and roll call.
2. Finding a quorum.
3. Approval of previous minutes, as mailed.
4. Old business.
5. New business.
6. Committee reports.
7. Announcements and other business.
8. Adjournment.

B. Order of Hearing

Public hearings shall be conducted by the Chair in accordance with the following order and rules:

1. Announcement of the item by the Chair.
2. Presentation of the staff report.
3. Applicant's presentation (Limited to 10 minutes – such time may be extended upon discretion of the Chair).
4. Presentation by other interested persons (Limited to 10 minutes – such time may be extended upon discretion of the Chair).
5. Public comment (Limited to 3 minutes per person).
6. Closing of the hearing by the Chair.
7. General discussion and questions by the Planning Commissioners (Commissioners may request clarification from the staff or applicant on items addressed in the public hearing).
8. Commission action.

C. Conduct of Hearing

Prior to opening of the hearing, the Chair shall read, or cause to be visually displayed in the Chambers, the following, which shall form the rules of conduct for the hearing:

1. The Conway Planning Commission makes recommendations to the City Council on public hearing items. Items reviewed on this agenda will be considered by the City Council as early as [DATE OF THE NEXT CITY

COUNCIL MEETING]. Items not approved by the Planning Commission may be appealed to the City Council within 30 days of the date of Planning Commission denial, with exception of decisions made by the Planning Commission acting as the Board of Zoning Adjustment.

2. No person shall address the Planning Commission without first being recognized by the Chair.
3. All questions and remarks shall be made from the podium and addressed through the Chair.
4. After being recognized, each person shall state their name and address for the record.
5. When a group of citizens is present to speak about an item, a spokesperson shall be selected by the group to address the Planning Commission.
6. All remarks shall be addressed to the Planning Commission as a whole and not to any individual member.
7. No person, other than members of the Planning Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Planning Commission, without permission of the Chair.
8. Once the public hearing is closed by the Chair, no person in the audience shall address the Planning Commission on the matter without first securing permission to do so by a majority vote of the Planning Commission.

D. Standard Rule of Procedure

Except as may otherwise be set forth in these by-laws, parliamentary procedure shall be as prescribed in the later edition of Procedural Rules for Municipal Officials, as published by the Arkansas Municipal League. Procedural provisions of these by-laws may be suspended with the consent of 2/3 of the Commission members present.

E. Rules of Procedure

1. Quorum - A quorum for the transaction of business shall be six (6) members.
2. Vote and proxy - Each Commissioner, including the Chair, shall be entitled to one (1) vote. No Commissioner shall cast a vote for another Commissioner by proxy. Any member of the Commission who may have a conflict of interest in any property or decision relating to such property, which shall be the subject matter of, or affected by, a decision of the Commission shall recuse him/herself from participating in the public discussion or any votes on the matter.
3. Motion and voting - Any matter of business requiring action by the Commission may be presented by oral motion. Votes may be conducted by voice vote. In the event of a vote which is not unanimous, a roll call vote shall be required. The minutes shall indicate how each member voted, including abstentions.
4. Majority Vote - A simple majority of those present at an official meeting shall be sufficient to approve any item, unless otherwise specified by city ordinance.

F. General Policies

1. Advisory opinion - Neither the Commission nor any committees shall, by vote, issue an advisory opinion.
2. Closing of docket - No application for any action by the Planning Commission shall be submitted to the Commission, or prepared for submission, unless the same has been filed in the required fashion of the appropriate ordinance or in accordance with the established Planning Commission calendar.
3. Public records - All minutes of Commission meetings and all petitions, applications, reports, and other documents shall be open to the public and available for inspection at reasonable times, as provided by law. All such records shall be kept in perpetuity.
4. Calendar - All items requiring Planning Commission review shall be considered only at a regular or special Planning Commission meeting.
5. Reconsideration of denied or amended applications
 - a. Expunging action
The Commission may, when it deems necessary, expunge any motion and a subsequent action in order to introduce a substitute motion for other action. The motion to accomplish such shall be made by a person voting in the majority, immediately and preceding the introduction of the next item of business on the agenda. When an item has been voted on and passed over for the next item of

business, it shall not be recalled at the meeting for further action, unless the rules are suspended by 2/3 majority of those voting.

b. Reconsideration

Except with 2/3 consent of all members present at a meeting, no matter on which final action has previously been taken shall be reopened for further consideration or action. If reconsideration is granted by the Commission, the case will be rescheduled for the next regular meeting. A new application will be made (new fees, legal advertisements, and renotification of adjacent property owners). With a new application, including new fees, legal advertisements and renotification of adjacent property owners, a matter may be reconsidered within twelve (12) months from the action of the Planning Commission.

c. Withdrawals before Planning Commission action

No application, which has been docketed for public hearing and advertised for such hearing shall be withdrawn, except as follows:

- (1) Upon receipt of a written request five (5) working days prior to the public hearing for the application of record.
 - (2) No applicant shall be allowed to withdraw an application within five (5) working days of, or during the public hearing.
 - (3) The applicant may withdraw the application after the public hearing, but prior to Commission action.
 - (4) In the event the case is withdrawn after the public hearing has been advertised, the same case shall not be resubmitted for at least two (2) consecutive, regularly scheduled Planning Commission meetings.
6. Amendment of an application – An applicant may be allowed, at the discretion of the Chair, to verbally amend a rezoning request during the meeting at which the application is heard. Such amendment shall only be permitted for rezoning requests and the request must be made prior to the closure of the public hearing for the item. When such amendment is made, the Commission shall require the public hearing to be continued to the next regular meeting prior to acting on the item.
7. Applicant attendance at meeting – The applicant, on each item docketed, shall be present or represented at the meeting and prepared to discuss the request. Applications for which no representative is present shall be tabled.
8. Precedents – Each item docketed shall be decided upon its own merit and circumstances attendant thereto. No action shall be considered a precedent for future action.

ARTICLE VI • AMENDMENTS

These by-laws may be amended or repealed by an affirmative vote of not less than 2/3 of the full membership of the Commission. A proposed amendment, or a motion to repeal, shall first be presented in writing at a regular meeting and placed on the agenda of subsequent regular meetings for action unless ten (10) days written notice has been given to all Commissioners, in which case, action may be taken at any regular or called meeting. No amendments shall conflict with any ordinance in the City of Conway or any statute of the State of Arkansas.