

Little Rock City Beautiful Commission

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ARTICLE I GOAL AND DUTIES

SECTION 1 CBC Goal The goal of the Little Rock City Beautiful Commission (the "CBC") is to raise the level of community expectation for the quality of its environment.

SECTION 2 CBC Mission Statement CBC's mission statement is – to enhance the City's appearance and quality of life by promoting and providing supervision of its natural resources and surroundings (adopted February 25, 2007).

SECTION 3 CBC Duties Per City Code 15-26, 27 (October 19, 1976); the duties, responsibilities and powers of the Commission are as follows:

1. REVIEW THE VARIANCE REQUESTS TO THE LANDSCAPE ORDINANCE
Review all commercial development plans requesting variances to the required Landscape Ordinance (adopted September 26, 2000) per *Tree City USA registration (2001) requirement*.
2. PROMOTE BEAUTIFUL LANDSCAPE IN LITTLE ROCK
Promote public interest in the general improvement and appearance of the City of Little Rock.
3. PROVIDE ENVIRONMENTAL POLICY DIRECTIONS & GUIDANCE TO THE LITTLE ROCK CITY BOARD OF DIRECTORS (THE "BOD")
Prepare and transmit to the Directors recommended environmental policies and implement plans prepared by and/or for the Commission.
4. PROVIDE AESTHETIC IMPROVMENT GUIDELINES TO THE BOD
Establish, subject to BOD approval, regulations of aesthetic quality for public and private lands and improvements.

ARTICLE II MEMBERSHIP

SECTION 1 The CBC shall consist of ten (10) members who shall be qualified electors of the City of Little Rock, appointed by the BOD.

SECTION 2 Commissioner Terms CBC commissioners may serve a maximum of two (2) three (3) year terms unless the BOD chooses to appoint a member to one additional term according to the provisions of Little Rock, Ark. Ordinance ("LRO") No. 12,313 (July 11, 2006) or other applicable ordinances or state statutes.

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SECTION 3 Meeting Attendance Being present for scheduled variance requests at the beginning of the meeting is a priority for attendance. In order to be counted present at a CBC meeting, a member needs to attend 50% of the meeting.

Attendance of CBC commissioners at CBC meetings shall be governed by the City Code of Ordinances, § 2-262.

SECTION 4 Filling Unexpired Terms An unexpired CBC vacancy shall be filled by a new member chosen in the same manner as members chosen for a full term. When filling an unexpired term, the new member will finish the balance of the unexpired term first. At that time, the member can apply for their first full term.

SECTION 5 City Supervision CBC is accountable directly to the BOD and under the general supervision of the City Manager. The Director of the Planning & Development Department or his representative shall act as an ex-officio member of CBC.

SECTION 6 Ex-officio/Advisory Members CBC may appoint ex-officio and/or advisory members to the CBC as it desires to further its own aims. All ex-officio members must be appointed or re-appointed each calendar year by the Chair under recommendation from all members and are expected to come to monthly meetings as they are able. All ex-officio members are non-voting and serve as CBC advisors.

ARTICLE III MEETINGS

SECTION 1 Meeting Times and Dates Official CBC meetings shall be held on the first Thursday of every month at 11:30 a.m. Special meetings may be called by the Chair and written notice thereof shall be given by regular or electronic mail to all members at least five (5) business days prior to the meeting day. Special meetings may also be called by the Chair with a 24-hour telephone notice to members and required two-hour prior written notice to press through the City's public relations office.

SECTION 2 Meeting Order Guidelines All CBC meetings shall be conducted according to these bylaws and pursuant to the latest edition of Roberts' Rules of Order (by Henry M. Robert).

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SECTION 3 Meeting Location All CBC meetings shall be held in the Sister Cities Conference Room, 2nd floor of City Hall unless a different place of meeting is designated in the notice thereof. Meetings are subject to the same cancellations applicable to the City such as weather conditions, and when City Hall is closed, the meeting will be automatically cancelled and the hearing applications will be postponed to the next scheduled meeting.

SECTION 4 Meeting Quorum A quorum must be present for the CBC to conduct business. A quorum is defined as a simple majority of the entire CBC membership (6 members).

SECTION 5 Meeting Order The order of business at all regular meetings of the CBC shall be as follows:

- A. Call to Order by the Chair
- B. Roll Call of members present by Recording Secretary
- C. Approval of Minutes: Distributed prior to meeting
- D. Public Hearing: Hear appeals made by variance request applications
- E. Executive Committee Reports: Treasurer's Report
- F. Committee Reports
- G. Old Business (Unfinished business)
- H. New Business
- I. Announcements
- J. Adjournment

SECTION 6 Any item voted on by the CBC shall fail if the item does not receive six (6) affirmative votes.

SECTION 7 Meeting materials distribution One week prior to a scheduled meeting, all meeting materials will be posted on the CBC website.

ARTICLE IV EXECUTIVE COMMITTEE OFFICERS

SECTION 1 CBC Executive Committee The CBC Executive Committee shall consist of the following officers: Chair, Vice-Chair, and Treasurer, each of whom shall be elected by the Commission. The Recording Secretary shall be an ex-officio member from the Planning & Development Department, and appointed by the Planning Director.

SECTION 2 Officer Terms Each officer will serve shall serve a one year term and officers may succeed themselves. Since the membership terms for all

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commissioners begin and end in late-October, officer terms will begin November 1st and end October 31st each calendar year.

SECTION 3 Officer Duties The duties of the officers shall be as follows:

- Chair The Chair shall: preside over all meetings; appoint all standing and ad hoc committees; have the authority to call special meetings, provided the proper notices are given; be responsible for establishing the monthly meeting agenda.
- Vice-Chair In the event of the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.
- Treasurer The Treasurer shall keep an accurate record of all monies received and disbursed by the CBC, and such records shall be kept on file in the Planning & Development Department. The Treasurer shall make monthly financial reports at each of the CBC meetings. The City Finance Department will be responsible for financial oversight of the CBC's expenditures.
- Recording Secretary The Recording Secretary shall keep an accurate record of all CBC proceedings, including committee meetings, and shall have the responsibility for all official papers and records pertaining to the CBC. The Recording Secretary shall attend to all correspondence as may be necessary or desirable in connection with the CBC.
- One week prior to a scheduled meeting, the Recording Secretary will send out notice that all meeting materials are posted on the CBC's website. (See Article III, Section 6 for more information).

SECTION 4 Executive Committee Officer Elections The CBC Chair shall appoint, at the July or August meeting each year, a Nominating Committee (3 members) to select a proposed slate of officers for the following year. The nominating committee shall report at the September meeting and elections will be held at that meeting. Additional nominations may be made from the floor. Officers are selected by majority vote of the entire membership of the CBC.

ARTICLE V FINANCIAL MATTERS

SECTION 1 The CBC is subject to all fiscal procedures of the City of Little Rock. Funding received from the City and appropriated for CBC use during a calendar year will be available throughout the year through the reimbursement system or through direct payment of the expenses by the Planning and Development Department. Financial authorization of all

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funding and monies collected by the CBC are governed by the City Manager and the Director of Finance.

CBC expenses should be submitted to the Planning and Development Department for payment, and all invoices must be sent to that department. The Treasurer will be responsible for CBC submittals and shall maintain a copy of all submittals with the date of the submittal and whether the reimbursement has been received or payment has been made. Updates will be given in the Treasurer's report at each meeting.

SECTION 2 Expenses over \$200 require approval of a majority vote of the CBC membership.

SECTION 3 The fiscal year for the CBC shall begin on the first of January and end on December thirty-first of each year to follow the City's fiscal year.

SECTION 4 CBC funds shall never be distributed to the Commissioners for personal use or gain.

ARTICLE VI AMENDMENT OF BYLAWS

SECTION 1 Proposed amendments to the bylaws shall be submitted in writing to each CBC member at least thirty (30) days prior to consideration by the CBC. A representative from the City Attorney's office should be included in the review process along with the Planning and Development Department.

SECTION 2 Any proposed bylaws amendment shall be approved by a majority vote of the entire CBC membership (6 votes) by a vote taken at the next meeting after the required review period. The Recording Secretary shall give written notice of such approval with copies of such proposed amendment to each member of the CBC and the BOD. Upon approval by the CBC, the revised bylaws will be immediately effective.

ARTICLE VII CASES BEFORE THE CBC

SECTION 1 Each application to CBC, whether an appeal from an order, decision, or determination of the Department of Planning and Development, or whether for a special exception or for a variance request, shall be made on an

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official application form which can be obtained from the Department of Planning and Development.

SECTION 2 All information called for by the official application form shall be furnished by the applicant in the manner therein prescribed in accordance with the instructions provided the applicant.

SECTION 3 The CBC shall consider only those applications made on the prescribed form properly filled out with all required data attached within the approved scheduled deadline for the next CBC meeting.

The CBC Meeting Calendar will list the filing deadline dates for each approved meeting date for the upcoming calendar year and will serve as the governing deadline dates for City Staff to use with variance request applications. In addition, the approved calendar will be posted on both the City and CBC websites.

SECTION 4 After properly filing the application, the applicant shall give notice as required. The cost of these notices shall be borne by the applicant.

Before the CBC shall consider a request for landscaping variance of any property, the petitioner for such variance shall first give not less than ten (10) days written notice of the time, place and date of public hearing thereon to all record owners of property situated within two-hundred (200) feet thereof as certified by a licensed abstractor. Said notice shall be sent by certified or registered mail to the last known address of such record owner(s) and the petitioner shall execute and file with the Department of Planning and Development an affidavit evidencing that the required notices have been mailed.

The affidavit and supporting exhibits (return receipts, certified abstract list and copy of notice) shall be filed with the Department of Planning and Development no later than six (6) calendar days prior to the meeting date.

SECTION 5 The applicant shall post the sign furnished at the time of filing at the front of the property so that it can be seen from the street, at least ten (10) calendar days before the meeting. If for any reason the sign should be destroyed or torn down, a replacement may be obtained from the Department of Planning and Development.

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SECTION 6 The applicant or agent shall be present at the meeting to present their case and to answer any questions the CBC members or interested parties may have.

SECTION 7 Variance Request Summary Sheet Planning and Development staff shall distribute a summary of the request for variance to CBC members prior to the meeting at which it will be considered. This Variance Request Summary Sheet includes a case number (Item number and CBC number), date of the hearing, the name and address of the applicant, identification and description of the location, listing of the ordinance requirements pertaining to the case, itemized variance requested, findings and description of the case, and staff recommendation.

This Variance Request Summary Sheet for a given case will be distributed one week prior to the scheduled public hearing for a CBC meeting with the other meeting materials. The distribution will include a map of the site with the variance requests shown, if available.

Photographs of the site will be distributed at the Public Hearing meeting by the Recording Secretary. The Variance Request Summary Sheet, associated site map and photographs will be posted on the CBC website along with the hearing results.

ARTICLE VIII CASE DOCKET AND CALENDAR

SECTION 1 Each application filed in proper form with the required data shall be numbered serially, docketed, and be placed upon the CBC calendar by the Recording Secretary.

SECTION 2 All cases docketed more than thirty (30) days preceding a regular meeting day, shall be automatically set for hearing on the succeeding regular meeting day. Cases docketed within thirty (30) or less days of the regular meeting day shall be set for hearing on the second regular meeting day after the docketing of the application. See Article VIII, Section 3 for more information on the CBC Meeting Calendar details.

SECTION 3 Applications shall be heard in the order in which they appear on the agenda, except when an application may be advanced for hearing by order of the CBC upon good cause shown. Where all the applications cannot be

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disposed of on the day set, the CBC may adjourn and defer the remaining applications until the next regular meeting.

SECTION 4 The applicant may appear in his or her own behalf or be represented by agent or attorney at said hearing. In the absence of any personal appearance on behalf of applicant, the CBC will proceed to dispose of the matter on the record before it.

SECTION 5 At the public hearing, the order shall be as follows:

- A. Public Hearing opened by CBC Chair.
- B. Application read by Recording Secretary.
- C. Staff recommendations made by Recording Secretary.
- D. Applicant's presentation.
- E. Interested property owners' opportunity to speak.
- F. Questions or comments from CBC members.
- G. Motion, stated affirmatively, offered by CBC members.
- H. Discussion and debate of the motion on the floor.
- I. Vote or votes made "By Voice" (verbal aye or no) unless requested otherwise (See Article III, Section 7 for more information).

ARTICLE IX FINAL DISPOSITION

SECTION 1 In the final disposition of any application, the decision shall affirm, modify, or reverse the refusal of a landscape permit by, or any order or decision of, the Department of Planning and Development, acting as designated agent of the City Manager. In case of an application for variation or special exception, the decision shall set forth that the application is denied or that it is granted with or without conditions, and said decision shall specifically set forth what variations or special exceptions are permitted and what conditions, if any, must be met. The vote of each member present on each decision shall be recorded with the decision.

SECTION 2 Any applicant may, in writing, withdraw his or her application at least five (5) working days prior to the regular meeting day of the CBC for which the application is docketed. Refunds are not given at this time.

SECTION 3 If an application is granted by the CBC, all permits necessary for the prosecution of the work shall be obtained within sixty (60) days from the date of permission by the CBC, unless extension of said time is granted by the CBC.

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ARTICLE X PRECEDENTS

SECTION 1 No action of the CBC shall set a precedent. Each case shall be decided upon its merits and upon the circumstances attendant thereto.

SECTION 2 Any member of the CBC who shall have a direct or indirect interest in any property or in the decision relating to such property, which shall be the subject matter of, or affected by, a decision of the CBC shall be disqualified from participating in the discussion, decision, or the proceedings of the CBC in connection therewith. (See Article III, Section 7, for more information on conflict of interest guidelines).

ARTICLE XI CASE FOLLOW-UP

SECTION 1 For updates on a particular case, the CBC Chair may designate a member of the CBC or request that city staff to make personal inspections when necessary from time to time, and unless directed by a majority of the CBC, shall appoint such committees as may be found necessary.

SECTION 2 The authorized agent of the Department of Planning and Development shall report at each meeting on all official upcoming variance requests planned for the next meeting.

SECTION 3 Under the docketing of any application, the authorized agent of the Department of Planning and Development shall make a personal inspection of the premises, see that all sketches and plans are properly prepared, and be prepared to advise the CBC on the physical conditions of the property affected by such application. The authorized agent of the Department of Planning and Development shall demand from the applicant such additional information and data as may be required to fully advise the CBC with reference to the application, whether such information and data is called for by the official forms or not. Any failure or refusal on the part of the applicant to furnish such additional information or data, or failure to comply with the instructions for making application, shall be grounds for dismissal of the application by the CBC.

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ARTICLE XII CASE DOCKET AND MINUTE BOOK

SECTION 1 The Director of the Department of Planning and Development, or his designee, shall be provided with a minute book, which shall be kept up-to-date. The minute book shall be a well-bound book, in which shall be recorded the decision relating to each case acted on, together with the vote of each member of the CBC, those absent being so marked, together with all other actions of the CBC. The results will also be summarized online. Further information is available within the meeting minutes in which the variance request application was heard.

By: _____

Steve Homeyer
Steve Homeyer, Chair
Little Rock City Beautiful Commission

Date: May 7, 2009