

ORDINANCE NO. 0-02-124

AN ORDINANCE CREATING A HISTORIC DISTRICT COMMISSION, CREATING PROCEDURE FOR THE ESTABLISHMENT OF HISTORIC DISTRICTS, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Conway wishes to create a historic district commission to oversee the creation and operation of historic districts within the City of Conway; and

WHEREAS, ACA § 14-172-201 ~~et~~ seq. sets out the procedures required to create historic district commissions and historic districts.

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

Section 1. Creation and Members

- (A) There is hereby created the Conway Historic District Commission pursuant to the authority contained in ACA § 14-172-2-1 ~~et~~ seq, which provisions of said statutes are hereby adopted.
- (B) The Historic District Commission shall consist of nine (9) members appointed by the Mayor with the advice and consent of the City Council. At least one member shall represent each ward. Members shall be electors of the City of Conway holding no salaried or elective municipal office and shall include at least one (1) person who **owns** property within the proposed historical district. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, history, urban or regional planning, building rehabilitation, real estate, or preservation or conservation in general.
- (C) Members shall be appointed for terms of three (3) years each and until their successors are appointed and qualified. The appointment shall be arranged so that the term of at least one (1) member shall expire each year. Vacancies shall be filled in the same manner for the balance of the unexpired terms. Members shall serve without compensation.

Section 2. Officers, Meetings and Staff

The Commission shall elect a chairman and vice-chairman annually from its own members and shall meet at least four times per year. The commission may adopt rules and regulations not inconsistent with the provisions of this ordinance and state law. A simple majority of the commission shall constitute a quorum for the transaction of business. The commission may, subject to appropriation, employ clerical and technical assistance or consultants and may accept money, gifts or grants, and use the same for such purpose.

Section 3. Fiscal Procedures

The historic district commission is subject to all fiscal procedures of the city.

Section 4. Duties Generally

- (A) The Commission may conduct studies for the identification and designation of historic districts and sites. The Commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use. The Commission shall serve as a governing body for all Historic Districts formed in the City of Conway, subject to the provisions of this ordinance and future Historic District ordinances.
- (B) The Commission may make recommendations to the State Historic Preservation Officer for the listing of a historic district or site in the National Register of Historic Places.
- (C) The Commission will cooperate with the Arkansas Historic Preservation Program (AHPP) and the National Park Service (NPS) in the pursuance of Certified Local Government (CLG) status.
- (D) The Commission shall recommend to the Conway City Council for passage ordinances governing the historic districts.
- (E) The Commission will serve as the official custodian of the City's history and will act as a point of contact for the public and for state and federal agencies in all matters concerning historic preservation.

Section 5. Duties Relating to the Creation of Historic Districts

- A. The Commission shall make an investigation and report on the historic significance of the buildings, structures, sites, or surroundings included in a proposed historic district and shall transmit copies of its report to the Arkansas Historic Preservation Program (AHPP), a division of the Department of Arkansas Heritage, or its successor agencies, and to the Conway Planning Commission for their consideration and recommendation. AHPP (or applicable state agency) and the Planning Commission shall give their recommendations to the Historic District Commission within sixty (60) days from the date of receipt of the report.
 - (1) Failure by these bodies to make recommendations within sixty (60) days after date of receipt shall be taken as approval of the report of the Commission.
 - (2) Recommendations shall be read in full at the required public hearing to be held by the Commission.
- B. The Commission shall hold a public hearing on the establishment of the proposed historic district after giving notice of such hearing by publication in a newspaper of general circulation in the city once a week for three (3) consecutive weeks, the first such publication being at least twenty (20) days prior to the public hearing. Such notice shall include the time and place of the hearing, specify the purpose and describe the boundaries of the proposed historic district.
- C. The historic district commission shall submit a final report with its recommendations and a draft of a proposed ordinance to the City Council within sixty (60) days after the public hearing. The report shall contain the following:
 - (1) A complete description of the area or areas to be included in any single historic district or

districts. Any single historic district may embrace noncontiguous lands.

- (2) A map showing the exact boundaries of the area or areas to be included within the proposed district or districts.
- (3) A proposed ordinance designed to implement the provisions of the Arkansas Historic Districts Act [ACA §14-172-201 et seq.].
- (4) Such other matters as the commission may deem necessary and advisable, including a statement of purpose and policy.

D. The City Council, after reviewing the report of the commission, shall take one (1) of the following steps:

- (1) Accept the report of the commission and enact the proposed ordinance therein; or;
- (2) Return the report to the commission, with such amendments and revisions thereto as it may deem advisable, for consideration by the commission and a further report City Council within ninety (90) days of such return; or;
- (3) Reject the report of the commission, stating its reasons therefore, and discharge the commission.

Section 7. Repealing Clause

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. Emergency Clause

In order to preserve and protect historically and architecturally significant structures and areas within the City of Conway, and to prevent the wasteful destruction of the same, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage.

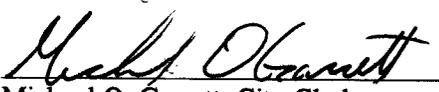
Passed this 13th day of August 2002.

APPROVED:



Mayor Tab Townsell

ATTEST:



Michael O. Garrett, City Clerk