

ORDINANCE NO. O-01-107

AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION FOR THE CITY OF CONWAY, ARKANSAS; PROVIDING FOR THE RECOGNITION AND PROMOTION OF HISTORIC SITES AND DEFINING POWERS AND DUTIES OF THE COMMISSION.

WHEREAS the City Council of the City of Conway, Arkansas, is desirous of preserving its historic neighborhoods, both residential and commercial

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

SECTION 1: PURPOSE AND INTENT

The purpose of this ordinance is to:

- A. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance;
- B. Safeguard Conway's historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance;
- C. Stabilize and improve property values;
- D. Foster pride in the legacy of beauty and achievements of the past;
- E. Protect and enhance Conway's attractions to tourists and visitors and the support and stimulus to business thereby provided;
- F. Strengthen Conway's economy;
- G. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure and welfare of the people of Conway.

SECTION 2: DEFINITIONS

- A. Commission. The Conway Historic Preservation Commission, as established by this ordinance.
- B. Historic District. An area which contains a significant portion of archaeological sites, buildings, structures and/or other improvements which, considered as a whole:
 - i. Possesses integrity of location, design, setting, materials, workmanship, feeling and association; and
 - ii. Embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - iii. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
 - iv. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area;
 - v. Is associated with the lives of persons significant in our past; or
 - vi. Has yielded, or may be likely to yield, information important in prehistory or history.
- C. Historic Site. An archaeological site, structure or building which,
 - i. Is associated with events that have made a significant contribution to the broad patterns of our history; or
 - ii. Is associated with the lives of persons significant in our past; or
 - iii. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - iv. Has yielded, or may be likely to yield, information important in prehistory or history.

SECTION 3: CONWAY HISTORIC PRESERVATION COMMISSION

- A. The Commission shall initially consist of seven (7) members who shall be residents of Conway. Three (3) members shall be property owners of the Historic District(s); three (3) shall represent historic preservation-oriented organizations and one shall be an architecturally trained/knowledgeable professional.
- B. Members of the Commission shall be appointed by the Mayor with the advice and consent of the City Council. Members shall demonstrate a positive interest in historic preservation and possess an interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.
- C. The appointments to the Commission shall be arranged so the term of at least one (1) member shall expire each year and their successors shall be appointed in a like manner for terms of three (3) years. Members who are appointed to fill vacancies for unexpired terms shall join the Commission at the next meeting following their appointment and confirmation. The original appointment of the members of the Commission shall be: three for two years, two for three years and two for two years, from January 1 following the year of such appointment or until their successor is appointed to serve for the term of three years.
- D. Vacancies occurring on the Commission, other than for expiration of term of office, shall be filled only for the unexpired portion of the term of the member replaced.
- E. Members may serve for more than one term and each member shall serve until the appointment of a successor.
- F. Vacancies shall be filled by the Mayor according to the original selection as aforesaid.
- G. Members shall serve without compensation.
- H. A simple majority of the commission shall constitute a quorum for the transaction of business.
- I. The Commission shall elect a Chairman who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the commission's proceedings. Such records shall then be archived in the City Clerk's office.
- J. The Commission shall meet at least four (4) times a year.

SECTION 4: POWERS OF THE COMMISSION

- A. The Commission may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this ordinance. 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.
- B. The Commission may make a recommendation to the State Historic Preservation Officer for the listing of a historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.
- C. The Commission may investigate and recommend to the City Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein; and
- D. Other Powers. In addition to those duties and powers specified above, the Commission may, with City Council approval:
 - i. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.
 - ii. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.
 - iii. Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission.
 - iv. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.

- v. Contract, with the approval of the governing body, with the state or the federal government or other organizations.
- vi. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.
- vii. Provide information for the purpose of historic preservation to the governing body.
- viii. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

SECTION 5: SEVERABILITY

Should any section or provision of this ordinance be decided by a court of this state to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 6: AMENDATORY PROVISIONS

The City may amend this ordinance to meet any unforeseen circumstances that may affect the duties and responsibilities of the Commission.

SECTION 7: EFFECTIVE DATE

That this ordinance is necessary for the protection of the public peace, health, and safety of the citizens of Conway and, therefore, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this ____ day of _____ 2001.

APPROVED:

Tab Townsell, Mayor

ATTEST:

Michael O. Garrett, City Clerk