



ARTICLE II

Board, Committee, or Commission
Specific Bylaws

Article II. Specific Language for the Historic District Commission

Section 2.01 Establishing the Bylaws of the Historic District Commission

Arkansas Historic Districts Act § 14-172-206(d) authorizes the Commission to adopt rules and regulations.

These are the bylaws for the City of Conway Historic District Commission, which shall be referred to as the "Commission" within these bylaws. All previous versions of said bylaws are repealed and the Commission hereby adopts the Standard Commission Bylaws for the City of Conway with Commission specific language to define how the Commission conducts its basic operations, rules, and conduct of the Commission.

(a) Arkansas Code § 14-172-206(d):

- (i) *The commission may adopt rules and regulations not inconsistent with the provisions of this subchapter and may, subject to appropriation, employ clerical and technical assistants or consultants and may accept money, gifts, or grants and use them for these purposes.*

Section 2.02 Amendment History for Commission Bylaws

The bylaws were adopted April 29, 2003.

Amended February 2013, June 2018, and March 2022.

Section 2.03 Required Actions

- (a) Pursuant to Historic District Commission Standards *Section 17. Appeals*, the HDC may adopt, within its own rules, procedures for addressing aggrieved applicants or reconsidering prior decisions.
- (i) *The Commission hereby adopts the following pursuant to Sec. 17. Appeals: Aggrieved Applicants may appeal the decision of the Historic District Commission to the staff member appointed to oversee the Commission, in writing, within thirty (30) days of the decision. Said appeal request shall be reviewed to determine if any new or previously undisclosed considerations exist which were not previously reviewed or considered by the Commission during the public meeting. Financial hardship shall not be considered a reason for appeal. If new or previously undisclosed considerations exist, the applicant shall submit a new application for consideration at the next scheduled HDC meeting. Appeals shall be subject to all applicable public notices, fees, and public hearings as the original submission. The HDC shall be the authority in determining if an appeal is approved or denied. Applicants shall exhaust this appeal method after one request for an appeal. Further appeals shall be in accordance with ordinance and state law.*

Section 2.04 Members and Terms

- (a) The membership and the terms of service shall be as stipulated by the 2010 Historic District Commission Standards adopted by reference ordinance O-10-12 and subsequent amends.
- (b) Members who are appointed to fill vacancies for unexpired terms shall join the Commission at the next meeting following their appointment and confirmation.
- (c) The Chair, on behalf of the Commission, may request the resignation of any member who has missed three (3) consecutive meetings without reasonable cause.

Section 2.05 Officers – Chair, Vice-Chair, and Secretary

- (a) At a time and place to be designated by the Mayor, the Commission shall meet and organize by electing from its members a Chairman, a Vice Chairman and a Secretary. The Chairman, herein referred to as the “Chair”, shall hold no other municipal office or appointment. Officer terms shall run from January to December.
- (b) The Chair shall preside over 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.
- (c) If both the Vice-Chair and Chair are unable to complete the duties of the Chair other than meetings and hearings, the staff member assigned to oversee the commission is authorized by the Commission to take a staff action to delegate said authority to another Commissioner to ensure business continuity.
- (d) The Chair shall sign all approved minutes, and other appropriate documents on behalf of the Commission.
- (e) The Chair, in coordination with the appointed staff member, shall be responsible for the orientation and training of new members.
- (f) The appointed staff member is authorized to take staff action in planning, coordinating, and scheduling public meetings for training on behalf of the Commission.
- (g) The Secretary shall, in coordination with the appointed staff member, be responsible for:
 - (i) *Monitoring the minutes of each meeting.*
 - (ii) *Maintaining a record of the bylaws for the Commission.*
 - (iii) *Maintaining a record of current membership of the Commission with their terms of office.*
 - (iv) *Maintaining a record of the organization of the Commission.*
 - (v) *Distribution of conflict-of-interest forms at the appropriate time.*
- (h) Officers, including the Chair, Vice-Chair, Secretary, and/or any acting Chair, shall be considered voting members of the whole Commission.

Section 2.06 Order of Agenda

- (a) All meetings shall be conducted in accordance with an agenda, which may include:
 - (i) *Call to order and roll call.*
 - (ii) *Finding a quorum.*
 - (iii) *Reports from Staff.*
 - (iv) *Committee Reports.*
 - (v) *Approval of previous minutes.*
 - (vi) *Old business.*

- (vii) *New business.*
- (viii) *Announcements and other business.*
- (ix) *Adjournment.*

(b) Withdrawals

- (i) *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 request to withdraw the application after the public hearing, but prior to Commission action. Said request requires a motion to approve the withdraw and requires a simple majority vote of those Commissioners present.
 - 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 Commission meetings.

(c) Applicant Attendance

- (i) *The applicant, on each item docketed, shall be present or represented at the meeting and prepared to discuss the request. Applications for which there is no represented shall be postponed until an applicant can be present to represent the item. This shall be completed with a motion to Postpone, rather than a motion to Table.*

(d) Amendments

- (i) *Amendment of an application – An applicant may be allowed, at the discretion of the Chair, to verbally amend a request during the meeting at which the application is heard. Such amendment shall only be made prior to the closure of the public hearing for the item. When such amendment is made, the Commission may require the public hearing to be continued to the next regular meeting prior to acting on the item.*

(e) Precedents

- (i) *Each item docketed shall be decided upon its own merit and circumstances attendant thereto. No action shall be considered a precedent for future action.*

Section 2.07 Order of Hearing

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

- (a) Announcement of the item by the Chair
- (b) Presentation of the staff report
- (c) Applicant's presentation
 - (i) *Limited to 10 minutes – such time may be extended upon discretion of the Chair*
- (d) Pre-approved presentation by other interested persons
 - (i) *Limited to 10 minutes – such time may be extended upon discretion of the Chair*

(e) Public comment

(i) Limited to 3 minutes per person – such time may be extended upon discretion of the Chair

(f) Closing of the hearing by the Chair

(g) General discussion and questions by the Commissioners

(i) Commissioners may request clarification from the staff or applicant on items addressed in the public hearing

(h) Commission action

Section 2.08 Conduct of Hearing

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

(a) No person shall address the Commission without first being recognized by the Chair.

(b) All questions and remarks shall be made from the podium and addressed through the Chair.

(c) After being recognized, each person shall state their name and address for the record.

(d) When a group of citizens is present to speak about an item, a spokesperson shall be selected by the group to address the Commission.

(e) All remarks shall be addressed to the Commission as a whole and not to any individual member.

(f) No person, other than members of the Commission and the person having the floor, shall be permitted to enter any discussion, either directly or through a member of the Commission, without the permission of the Chair.

(g) Once the public hearing is closed by the Chair, no person in the audience shall address the Commission on the matter without first securing permission to do so by a majority vote of the Commission.

Section 2.09 Rules of Procedure

(a) Quorum - A quorum for the transaction of business shall be four (4) members.

(b) Table Limitation - For any agenda item from a public applicant which has been tabled at two previous meeting or have been held by the Commission longer than two consecutive

meetings, shall either approve or deny the request as presented at the next scheduled meeting.

- (c) Public Comment – The Chair of the Commission shall have the authority to end public comment either for individual speakers or any further public comments due to inappropriate or repetitive comments that do not further contribute to the decision required for any agenda item. Any speaker whose time has ended or ended early may, one time, request additional time which shall require a motion by any Commissioner and a simple majority vote by the Commission. Any Commissioner may motion to extend any speaker or public hearing time allotted, which shall require a simple majority vote. The Commission shall stipulate the amount of additional time given. The Chair shall have the authority to extend any speaker’s time without exception.

Section 2.10 Purpose of the Commission

- (a) The Robinson Historic District and the Old Conway Design Overlay District were created for the purpose of enhancing, protecting, and preserving the aesthetics, sustainability, and the historic nature and character of the older residential areas in Conway by requiring new construction to conform to proper design standards. The primary objective of the Historic District Commission is to ensure these proper design standards are reviewed and guidelines are considered and responsibly enforced within Historic Districts within the City of Conway to preserve and protect the historic integrity of the Historic Districts.
- (b) Commissioners shall acknowledge Section 6. Purpose of the Historic District Commission Standards, and future subsequent amendments thereof, in all considerations made by the Commission.
- (c) Powers & Duties
 - (i) *Commissioners shall acknowledge and abide by Section 4. Duties Generally, Section 5. Duties Relating to the Creation of Historic Districts, and Section 7. Commission Powers as provided within the Historic District Commission Standards as adopted by City Council, and future subsequent amendments thereof.*