

ORDINANCE NO. 2016-08-4414

AN ORDINANCE MODIFYING MUNICIPAL CODE PART II, CHAPTER 38, ARTICLE II, SEC. 38-21 CONCERNING THE COMPOSITION AND FUNCTIONS OF THE HISTORIC PRESERVATION BOARD.

WHEREAS, current Municipal Code establishes the creation, operation and responsibilities of the Historic Preservation Board; and

WHEREAS, the board met July 18 and voted unanimously to recommend the following changes to Municipal Code concerning its composition and functions, namely the qualifications of its members; and

WHEREAS, the State Historic Preservation Office has reviewed and recommends approval of the changes; and

WHEREAS, the Governing Body desires to amend Municipal Code to effect said recommended changes.

NOW, THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: AMENDMENT TO MUNICIPAL CODE PART II, CHAPTER 38, ARTICLE II, SEC. 38-21.

The Governing Body of the City of Arkansas City hereby amends Part II, Chapter 38, Article II, Section 38-21 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through, new provisions in italics):

Sec. 38-21. - Creation, operation and responsibilities of ~~city~~ historic preservation board.

(a) *Creation and composition.* The board of city commissioners hereby creates a ~~city~~ historic preservation board to consist of five members ~~comprised of a nominee from each of the following: the Arkansas City Area Arts Council; the Arkansas City Convention and Tourism Board; the Arkansas City Planning Commission; the Cherokee Strip Land Rush Museum Board, with the remaining board member, a representative from the public.~~ All members of the board shall be appointed by the mayor with the consent of the board of city commissioners, ~~within 60 days of a vacancy on the board.~~ The mayor shall make every reasonable effort to appoint persons with a demonstrated interest, knowledge, or training in fields closely related to historic preservation, such as history, architecture, landscape architecture, architectural history, archeology, planning, engineering, real estate, law, finance, building trades, urban design, ~~and or~~ geography. At least two members shall be in a preservation-related profession, such as archeology, architectural history, conservation, cultural anthropology, curatorship, engineering, folklore, historic architecture, historic landscape architecture, historic preservation planning, historic preservation, or history, unless the board of city commissioners provides written documentation to the state historic preservation office that it has been unsuccessful, despite reasonable efforts, ~~to appoint~~ *in appointing* such members. The state historic preservation office shall be provided with the résumé and/or qualifications of all board members.

(b) *Term of office.* Each member of the historic preservation board shall be appointed for a three-year term. Such terms shall be staggered. In the event a vacancy shall occur during the term of any member, the successor shall be appointed to serve *the remainder of* the unexpired term.

- (c) *Operation.* The *historic preservation* board shall choose its own officers, establish its own rules and regulations, and keep a record of its meetings. ~~A majority of the Three~~ appointed members shall be considered a quorum for the transaction of any business. ~~The board of City commissioners or their designees shall be considered ex officio members entitled to attend all meetings, and haveing an opportunity to provide input, but shall not haveing the authority to vote.~~
- (d) *Continuing education.* The *historic preservation* board shall participate in continuing education as required by the board of city commissioners.
- (e) *Duties and responsibilities.* All of the powers and duties enumerated herein are subject to ~~the~~ approval, denial, or modification by the board of city commissioners. Further, all funds necessary to carry out the purpose of this article shall be approved and appropriated by the board of city commissioners. In addition to other responsibilities specified in this article, the historic preservation board may:
- (1) Adopt its own bylaws and procedures related to the conduct of meetings subject to the laws of the state, ~~and~~ the policies and ordinances of the city, *and the policies of* ~~and~~ the state historic preservation office.
 - (2) Recommend to the board of city commissioners that the city conducts an ongoing survey to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state, or city.
 - (3) Identify historic structures, historic sites, and historic districts eligible for listing in the city register of historic places.
 - (4) Make recommendations to the board of city commissioners on applications for designation and the adoption of ordinances designating properties having historic, community, or architectural value as historic structures, historic sites, or historic districts.
 - (5) Research and recommend to the board of city commissioners an appropriate system of markers for designated historic structures, historic sites, and historic districts.
 - (6) Review all proposed national register of historic places and state register of historic places nominations for properties within the city, pursuant to the guidelines established by the state ~~historical society~~ *historic preservation office*.
 - (7) Recommend that the board of city commissioners inform and educate the citizens of Arkansas City concerning the historic and architectural heritage of the city, and advise and assist owners of designated historic structures, historic sites, or historic districts of physical and financial aspects of preservation, rehabilitation, and restoration by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs, workshops, and seminars.
 - (8) Review applications for certificates of appropriateness pursuant to this article.
 - (9) Make recommendations to the board of city commissioners regarding funding for the purpose of carrying out the duties and powers of the historic preservation board, and the purposes of this article.

- (10) Make recommendations to the board of city commissioners regarding retaining such specialists or consultants, or recommend appointing such citizen advisory committees, as may be required from time to time.
- (11) Advise other city boards ~~and commissions~~ on any matter affecting significant historic structures, historic sites, and historic districts.
- (12) Periodically make recommendations to the board of city commissioners regarding actions it deems appropriate for the protection and continued use of significant historic structures, historic sites, and historic districts.
- (13) Recommend to the board of city commissioners that board members be encouraged to participate in ~~an~~ historic preservation-related educational program each year.
- (14) Undertake any other action or activity necessary or appropriate to the implementation of its powers and duties, or to the implementation of the purpose of this article.
- (15) Review and make recommendations upon all actions requiring building or demolition permits on properties listed on the national, state, and/or city register of historic places.

SECTION TWO: The Governing Body of the City of Arkansas City hereby authorizes the Mayor and/or City Manager of the City of Arkansas City to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

SECTION THREE: PUBLICATION; EFFECTIVE DATE. This ordinance, or a summary thereof, shall be published one time in the official City newspaper, and shall take effect and be in force from and after said publication.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, on this 15th day of August, 2016.

(Seal)

Duane L. Oestmann, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Tamara L. Niles, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2016-08-4414 of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on August 15, 2016, as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk