

<p style="text-align: center;">AGENDA</p> <p style="text-align: center;">HISTORIC LANDMARK COMMISSION CITY OF MANSFIELD, TEXAS CITY COUNCIL CHAMBERS TUESDAY, OCTOBER 9, 2018, 5:30 PM</p>

1. CALL TO ORDER

2. APPROVAL OF LAST MEETING MINUTES

3. PUBLIC HEARINGS:

- A. HLC#18-003: Public hearing to consider a request for new fencing and a replacement marker for the Perry Cemetery located at 2001 Ragland Road

4. DISCUSSION:

- A. Discussion on a recognition program as authorized by Section 5400.J.4 of the Zoning Ordinance
- B. Discussion on the Historic Mansfield Grant Program

5. COMMISSION ANNOUNCEMENTS

6. STAFF ANNOUNCEMENTS

7. ADJOURNMENT OF MEETING

I certify that the above agenda was posted on the bulletin board next to the main entrance of City Hall on October 4, 2018, in accordance with Chapter 551 of the Texas Government Code.

Delia Jones, Secretary

- This building is wheelchair accessible. Disabled parking spaces are available. Request for sign interpreter services must be made 48 hours ahead of meeting to make arrangements. Call 817 473-0211 or TDD 1-800-RELAY TX, 1-800-735-2989.

**HISTORIC LANDMARK COMMISSION
CITY OF MANSFIELD**

August 28, 2018

Chairman Smith called the meeting to order at 5:30 p.m. in the City Council Conference Room of City Hall, 1200 East Broad Street, with the meeting being open to the public and notice of said meeting, giving date, place, and subject thereof, having been posted as prescribed by Chapter 551, Texas Government Code.

Present:

Robert Smith	Chairman
David Littlefield	Vice-Chairman
Mark Walker	Commissioner

Absent:

Cynthia Gardner	Commissioner
Justin Gilmore	Commissioner
Brent Parker	Commissioner
Lynda Pressley	Commissioner
Arnaldo Rivera	Commissioner

Staff:

Peter Phillis	Deputy City Manager
Lisa Sudbury	Interim Director of Planning
Art Wright	Planner

The Chairman noted that under the Commission's Rules of Procedure, three members constituted a quorum to do business.

Approval of Last Meeting Minutes

Chairman Smith called for approval of the minutes of the July 24, 2018, meeting. Commissioner Littlefield made a motion to approve the minutes as presented. Commissioner Walker seconded the motion which carried unanimously.

Work Session on a Historic Preservation Tax Incentives Program

Chairman Smith began the work session by stating for the record that he and his family, as owners of historic buildings in downtown Mansfield, would not participate in any incentive program the City may establish. He stated that as a member of the Historic Landmark Commission, it would not be appropriate.

Mr. Wright presented an overview of the properties on the Historic Resources Survey in the downtown area that may be eligible and how the incentive might work. He described how reducing taxes on too many historic properties may reduce the amount of revenue available to the Historic Downtown Mansfield Tax Increment Reinvestment Zone (TIRZ) for downtown projects.

Mr. Phillis stated that the City was supportive of preservation efforts, and asked if the program would focus on properties of historic value. He stated that it is beneficial if the program not only increases the value of the property receiving the incentive but also those of the adjacent properties.

Commissioner Walker stated that he, as the owner of a historic property and a member of the Historic Landmark Commission, would also not participate in the incentive program.

Chairman Smith asked Staff for recommendations on the program.

Mr. Phillis stated that using the hotel/motel tax for a grant program is a good start. He stated that tax incentives should be the second step. He asked if the Commission could narrow down which properties should be eligible for the incentives.

Chairman Smith proposed limiting the program to the properties that are listed as medium or high on the Historic Resources Survey. He suggested that the initial program should focus on the following properties: 302 E. Broad Street, 301 Elm Street, 305 Elm Street and 309 Elm Street.

Mr. Walker discussed some misperceptions that homeowners have about historic preservation and suggested that the program should promote the idea that an owner's taxes would not increase due to preservation.

Chairman Smith noted that historic tourism is on the rise and that preservation may draw visitors to Mansfield. He also stated that visitors to historic sites will also spend money at local business. Vice-Chairman Littlefield agreed with Dr. Smith's assessment.

Mr. Phillis stated that Staff will need time to develop a program. He stated that he would need to consult with the Chief Appraiser at the Tarrant Appraisal District about the tax exemption process and that the Commission and Staff would need to draft an ordinance establishing the program to present to the City Council. Mr. Phillis also suggested that the Commission have a list of targeted properties to discuss with the City Council.

Chairman Smith directed Staff to schedule another meeting for the first or second week of November to give Staff time to look into the requirements for the program.

Commission Announcements

None

Staff Comments

Ms. Sudbury stated that the City Council had removed the Truck Route designation from North Main Street through the downtown area at their last meeting on August 27, 2018. The Council designated Main Street as a Commercial Delivery Route for trucks making deliveries to local businesses. Ms. Subbury stated that commercial truck traffic through the downtown should decrease, and that the Police Department will enforce the new regulations.

Adjournment

With no further business, Chairman Smith adjourned the meeting at 6:15 p.m.

Robert Smith, Chairman

ATTEST:

Delia Jones, Secretary

HISTORIC LANDMARK COMMISSION COMMUNICATION

Agenda Date: October 9, 2018

Case Number: HLC#18-003

Applicant: Joe Bailey, Napoleon Perry Descendants

Subject Land Use: Cemetery

Zoning: C-1 with H, Historic Overlay District

Subject: Public hearing to consider a request for new fencing and a replacement marker for the Perry Cemetery located at 2001 Ragland Road

COMMENTS AND CONSIDERATIONS

The owner of the commercial property surrounding the Perry Cemetery (c. 1855) is currently developing the property for office buildings. As required by ordinance, the developer is also erecting an 8-foot tall masonry screening wall along the rear property line adjacent to the residential lots. The screening wall stops on either side of the cemetery. The commercial developer is providing access to the cemetery with a new sidewalk from the office park.

To protect the cemetery, the applicant is requesting approval of a new wrought iron fence around the cemetery property. The fence will be 8 feet in height to match the height of the commercial screening wall along the residential property line and 6 feet in height adjacent to the commercial development. The new fence will be higher than the existing fence to discourage vandals from entering the grounds. The applicant is also proposing to relocate the new fence to the edge of the cemetery property. Currently, the existing fence only surrounds a part of the cemetery property.

The applicant is also seeking approval to replace the local landmark subject plaque on the cemetery. This plaque is one of the old Corian-style markers and has worn with age.

The following guidelines from the Texas Historical Commission's *Preserving Historic Cemeteries, Texas Preservation Guidelines* should be considered for changes or alterations to historic cemeteries:

- *Erect fencing that is appropriate for the site.* The applicant is proposing a wrought iron fence which is a style of fence typical of late 19th century cemeteries.
- *Deter vandals from damaging urban cemeteries by installing fencing that is easily seen through, allowing police and concerned citizens to see and report illegal activity.* The proposed fence is open-style and will provide views into the cemetery both for visitors and for anyone observing vandalism or other illegal activity.
- *Fencing is the visual boundary of a cemetery, and should reflect the boundaries recorded in the deed record.* The applicant proposes to install the fence along the perimeter of the cemetery property. The existing fence only encloses a portion of the property.

The Perry Cemetery is described in the *Tarrant County Historic Resources Survey* as follows:

“Of the estimated six to eight original grave markers of this reconstructed graveyard only one has been recovered, that of Sarah J. Perry (Jan. 16, 1828 - Oct. 2, 1855), the first wife of Napoleon Bonaparte Perry. Perry, a veteran of the Confederate Army, was an early settler in the Mansfield-Webb area. The original wrought iron fence is gone.”

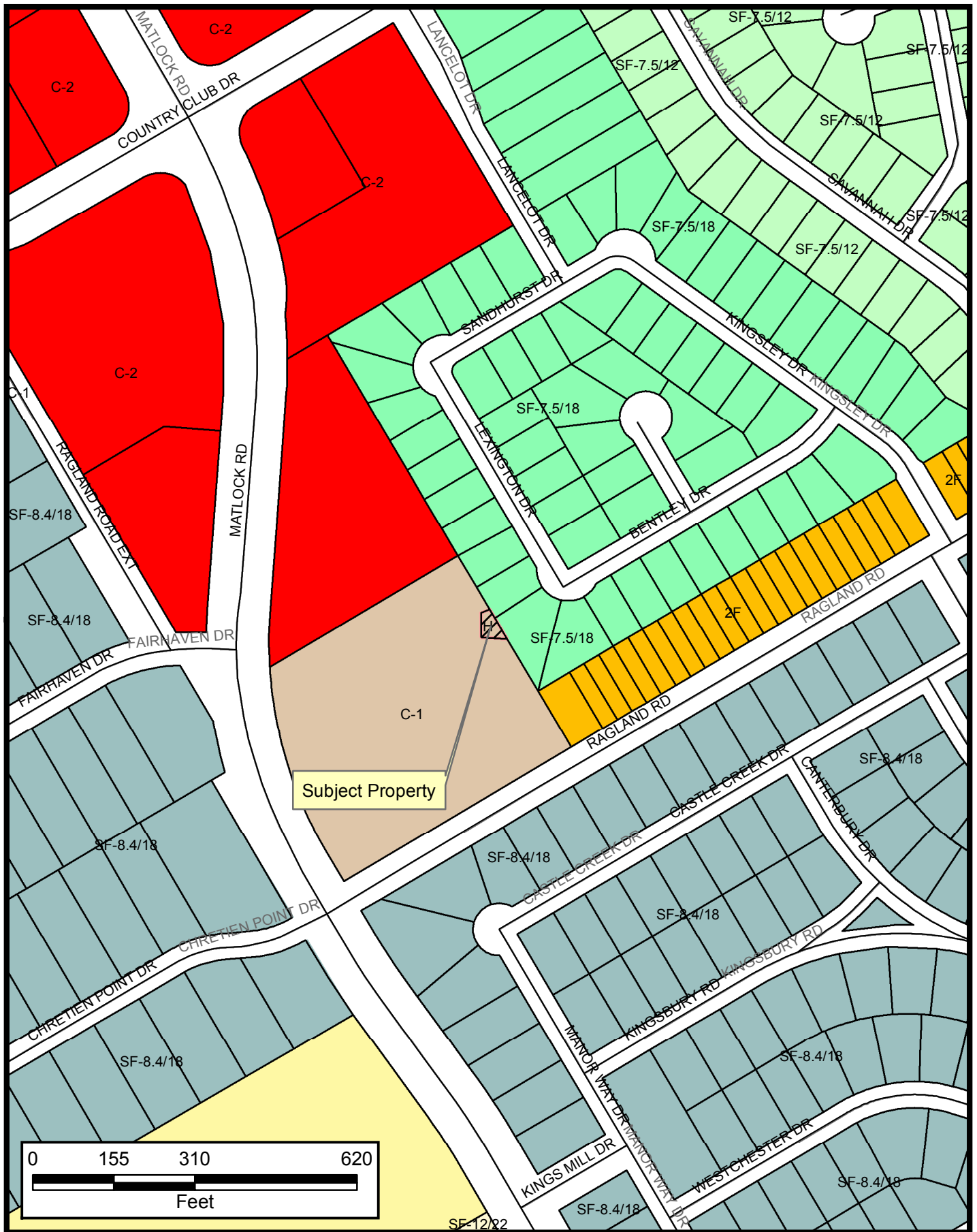
Staff recommends approval.

Attachments

Maps and supporting information

Site plan and fence exhibits

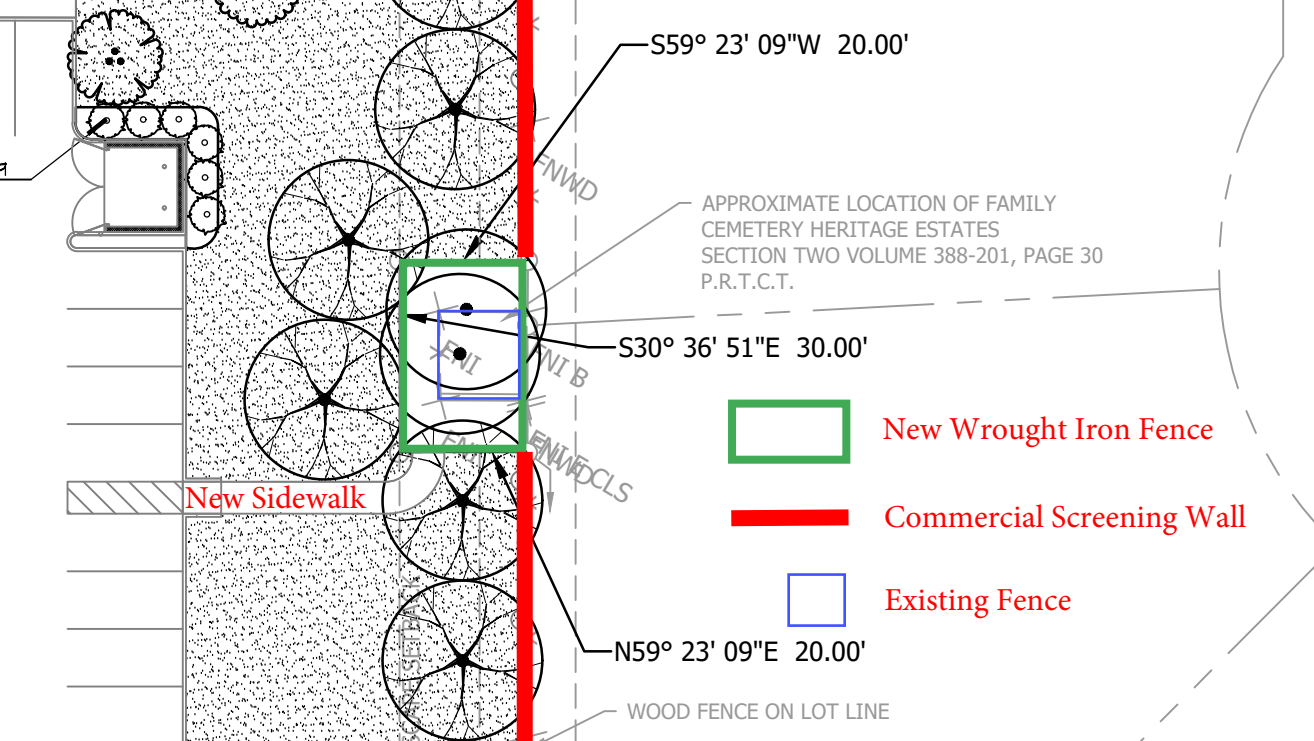




HLC#18-003

This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

9/18/2018





Perry Cemetery - Proposed fence type
8' high. on back R / 6' on 3 sides

HISTORIC LANDMARK COMMISSION COMMUNICATION

Agenda Date: October 9, 2018

Subject: Discussion on Historic Recognition Program

COMMENTS AND CONSIDERATIONS

One of the duties of the Historic Preservation Officer assigned in Section 5400.J.4 of the Zoning Ordinance is to submit a list of structures and other historic features deemed deserving of official recognition to the Historic Landmark Commission, although these may not be designated as historic landmarks or Historic Landmark Overlay Districts, and take appropriate measures of recognition, and maintain a documentary inventory. The ordinance requires the Commission to conduct a public hearing and approve the list and any subsequent additions to it.

In keeping with the Commission's goals of identifying historic resources and promoting the work of the Commission, the Commission may wish to establish a recognition program to honor historic resources.

A recognized property would not be a designated landmark, and the owner is not obligated to comply with the design guidelines or seek approval from the Commission for changes to the recognized property. However, a recognition program can be used to promote awareness of the need for preservation among the owners of historic properties, and may encourage these owners to apply for landmark status.

Attachment:

Section 5400.J.4

2. Consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historical preservation;
3. Inspect and investigate structures, sites and areas which are believed worthy of preservation;
4. Submit to the Historic Landmark Commission for public hearing and approval, and subsequently maintain (and resubmit as required) a list of structures and other features deemed deserving of official recognition although not designated as historic landmarks or Historic Landmark Overlay Districts, and take appropriate measures of recognition, and maintain a documentary inventory;
5. Disseminate information to the public concerning those structures, site and areas deemed worthy of preservation, and encourage and advise property owners in the protection, enhancement, perpetuation and use of landmarks and property of historical interest;
6. Consider methods other than those provided for in this Ordinance for encouraging and achieving historical preservation, and make appropriate recommendations to approval bodies and other public and private agencies; and
7. Establish such policies, rules and regulations as are deemed necessary to carry out the purpose of this Ordinance.

K. Building Implementation Procedures:

1. **Landmark Guidelines:** The following guidelines shall be used by the Historic Landmark Commission in considering the issuance of a Certificate of Approval for construction, reconstruction, restoration, remodeling or alteration of landmarks:
 - a. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" as adopted by Ordinance No. 919.
 - b. Design Guidelines for Downtown Mansfield as adopted by Ordinance No. 919; said Design Guidelines are applicable only to historic landmarks within Blocks 1 and 2 of the Original Town of Mansfield as shown in plat recorded in Volume 63, Page 53-54 of the Plat Records, Tarrant County, Texas.
 - c. *Design Guidelines for Historic Residential Properties* as adopted by Resolution No. 2138. These Design Guidelines are applicable to any historic residential landmark in the City of Mansfield, regardless of the use of the building. *Ord No. 1575, 5/22/06*
2. Other specific guidelines promulgated by the Historic Landmark Commission as provided hereinafter.
3. **Promulgation of Guidelines:** Following the submission of a set of guidelines by the applicant with the submittal of the designation request and upon designation by the City Council, the Historic Landmark Commission shall within sixty (60) days review for approval such guidelines prepared by the applicant specifically for that district for use by property owners and the administrative staff in implementing the intent of this Ordinance. A copy of these guidelines shall be on file in the Office of the Building Official. The guidelines will classify all structures and sites within the district as one of the following: a) Landmark, b) Contributing Element or c) Non Essential Element as defined in Paragraph B of this Section.

HISTORIC LANDMARK COMMISSION COMMUNICATION

Agenda Date: October 9, 2018

Subject: Discussion on the Historic Preservation Grant Program

COMMENTS AND CONSIDERATIONS

On September 12, 2018, the City Council approved the Commission's request for \$10,000 from the City hotel/motel tax to fund the Historic Preservation Grant Program. The program is intended to fund projects that will restore, maintain and extend the life of historic buildings.

Grant recipients must use the funds for work that is compatible with the City's historic guidelines. To protect the property after the work is completed, the recipient must volunteer to designate the property as a Mansfield historic landmark if the building is not already a landmark. Details about the program are attached.

To initiate the program, Staff believes that the Buttrill-Nifong House at 302 E. Broad Street and the W.G. Ralston House at 309 Elm Street should be high priorities. Staff is seeking the Commission's guidance in establishing a priority list for historic properties to be considered for the grant program.

Staff is working with the City's Volunteer Coordinator regarding the possibility of a partnership with some of the City's volunteer groups. Under a partnership, a volunteer group may be willing to provide additional funding or services in conjunction with the grant. The volunteer group's contribution may qualify as the property owner's matching funds.

Attachment:

HPGP guidelines

Proposed Preservation Agreement



HISTORIC MANSFIELD PRESERVATION GRANT PROGRAM GUIDELINES

Purpose of the Grant Funds

The goal of the Historic Mansfield Preservation Grant Program is to preserve the City's cultural heritage through the preservation, restoration, rehabilitation and/or reconstruction of historic homes.

Application Process

Applicants must complete a grant application form and meet with City Staff to discuss the proposed work.

Recommendations for grants will be presented to the City of Mansfield Historic Landmark Commission for consideration.

General Criteria

1. Grant funding is available for:

- Owner-occupant residential uses: Up to \$10,000 max. with a half match (2/1 match)
- Rental residential uses: Up to \$5,000 max. with a full match (1/1 match)

Notes: Priority will be given to owner-occupied grant applicants.

If an applicant does not have the funding necessary for a match, such applicant may request a waiver from the matching requirement. Said waiver will only be approved by the City upon the recommendation of the Mansfield Historic Landmark Commission.

2. The City may increase the above stated amount in cases where existing conditions of the residence require additional assistance or where the proposed work exceeds the goals and objectives of this grant program. The increase must receive final approval from the City Council prior to becoming effective.
3. After grant award, any increase or decrease in construction expenses, including cost increases, change orders and overruns shall be determined and assumed by the Owner.
4. Grants are limited to exterior preservation, restoration, rehabilitation and/or reconstruction of historic homes in existing historic districts or homes determined eligible for Historic Landmark designation by the Mansfield Historic Landmark Commission. The residence must be located within the boundaries of the Original Town of Mansfield. All proposed work must comply with the City's *Design Guidelines for Historic Residential Properties* and the Secretary of the Interior's *Standards for the Rehabilitation of Historic Properties*.

5. Grant funding is **NOT** available for purchase or rental of tools, machinery, equipment or Owner's time spent on work.
6. Each application will be evaluated on its merits as a viable project and on how it relates to the City's goals. Applicants must describe the project and include drawings, specifications, photographs (historic, where available), budgets and schedule.
7. Owner agrees to sign a Preservation Agreement, which contains a reimbursement requirement in the event of sale or change in use of the property from owner-occupied to rental.
8. Owner agrees to designate their property with "H", Historic Landmark Overlay District zoning through a Historic Landmark zoning change in accordance with Section 5400 of the Mansfield Zoning Ordinance. A Historic Landmark property will be subject to the City's *Design Guidelines for Historic Residential Properties* for future exterior modifications.
9. The Applicant shall comply with all zoning and permitting requirements of the City and the Zoning Ordinance.

Funds

1. Grant funds must be used within six (6) months from the date of the Preservation Agreement or the grant becomes void.
2. Grant funding is handled on a reimbursement basis. Funds will only be disbursed when receipts of completed work are submitted for reimbursement and approved by the City Manager or his designee.

The City reserves the right to observe and monitor the project prior to payment and/or to make payment directly to a Contractor (where a grant has been awarded without a matching requirement).

3. One hundred percent (100%) payment of the grant will be disbursed only when:
 - there is evidence that the project is completed, such as receipts for work completed (including copies of paid receipts) are received and approved by the City; and
 - the work passes inspection by the Development Services Department (where required); and
 - after the property owner has submitted the application for Historic Landmark designation; and
 - after non-conforming work is modified where required by the Mansfield Historic Landmark Commission and/or the Development Services Department (for achieving final

inspection).

4. Payment may be withheld if the work fails to meet the Secretary of the Interior's *Standards for the Rehabilitation of Historic Properties*.
5. The City is obligated, by the Internal Revenue Service, to request a W-9 form and to file a Form 1099 for all funds to grant recipients. Please contact your tax consultant to determine if any additional tax liability may be incurred as a result of funds received from the Grant Program.

Repayment

Grant recipients must repay all of the funds if any of the following circumstances occurs within one (1) year of completion of the project:

- The building is not maintained to City Building Codes.
- Historic Landmark designation is removed.
- Property changes from residential use to another.
- Owner performs or arranges for other work (not under this Agreement) materially detracting from the historic character or fabric of the exterior of the house without a Certificate of Appropriateness.
- Property is sold or conveyed to another.

Grant recipients who receive grant funding based on owner-occupied residential use of the property must repay twenty five percent (25%) of the grant amount if the owner-occupied status of the property changes to rental.

Required Submittals

1. A completed Grant Application with necessary signatures and budget where required on the application.
2. A completed Historic Landmark Application form with necessary signatures, notarized where required. A Notary Public is available, at no charge, in City Hall.
3. Proof of ownership, copy of deed. If application is submitted by someone other than Owner, please submit documentation establishing permission to work on property.
4. Proof of insurance, casualty, fire and federal flood insurance, if applicable.
5. Plans and specifications (if available or needed) of proposed work.
6. Historic documentation. Historic photographs (if available) or other documentation (i.e. drawings, sketches). Identify approximate date of documentation.

Miscellaneous

The Grant Program begins on October 1 and ends on September 30 of the year. Applicants may reapply for funding for a project in a subsequent year if funds were unavailable during the current grant year.

Those who have projects published agree to acknowledge the support of the City of Mansfield. It is also understood that the City of Mansfield may seek public recognition for its contribution to any grants funded project.

Applications are available from:

Art Wright, Historic Preservation Officer
City of Mansfield
1200 E. Broad Street, Mansfield, Texas 76063.
TELEPHONE: 817-276-4226. Email: art.wright@mansfieldtexas.gov.

All materials submitted become the property of the City of Mansfield.



HISTORIC MANSFIELD GRANT PROGRAM PRESERVATION AGREEMENT FY 2018 - 2019

Whereas this Preservation Agreement (Agreement) is entered into between the City of Mansfield, a Texas municipal corporation (City) and (Owner); and

Whereas the Owner will use funds made available through the Historic Mansfield Grant Program (Program) for exterior preservation, restoration, rehabilitation and/or reconstruction (Work) of the Historic House, which is owned by the Owner; and

Whereas the purpose of this agreement is to set forth the responsibilities of the City and the Owner in the payment, construction and reporting of the Work; and

Whereas the Owner has made application under the Program for financial assistance for Work to the _____ House, which is located at _____, an officially designated landmark or property eligible for designation as a Mansfield Historic Landmark in the City of Mansfield; and

Whereas such application was recommended for \$_____ by the Mansfield Historic Landmark Commission on _____, 20____ and

Whereas the Owner will commence work on or about_____, 20____;

NOW THEREFORE, be it agreed by the City and the Owner as follows:

Term

The term of this Agreement shall commence on the latest date of execution shown hereon and shall terminate one (1) year following the date of completion of the Work.

Amount and Scope

The City shall pay to the Owner \$____ for the Work which shall consist of:

1. _____
2. _____
3. _____
4. _____

Any increase or decrease in the construction costs, including cost increases, change orders, and overruns shall be determined and assumed by the Owner. Payment to the Owner shall be made as follows:

- After the Work is completed (copies of paid receipts are received), and

- After the Work passes final inspection by the City Development Services Department (where required), and
- After the property owner has submitted the Historic Landmark Overlay District application form, and
- After non-conforming work (if any) is corrected where required by the Mansfield Historic Landmark Commission and/or the City Development Services Department (for achieving final inspection).

Maintenance of Zoning

The Owner agrees to initiate and designate their property a City of Mansfield Historic Landmark in accordance with Section 5400 of the City of Mansfield Zoning Ordinance. If the residence is already a Historic Landmark, the Owner shall maintain the Historic Landmark status of the _____ House.

Repayment

The Owner shall promptly repay all amounts paid by the City in the event that during the term of this agreement:

1. The residence is not maintained to City of Mansfield building codes.
2. Historic Landmark designation is removed.
3. Property changes from residential use to another use.
4. Property is sold or conveyed to another owner.
5. Owner performs or arranges for other work (not under this Agreement) materially detracting from the historic character or fabric of the exterior of the house.

Grant recipients who receive grant funding based on owner-occupied residential use of the property must repay twenty five percent (25%) of the grant amount if the owner-occupied status of the property changes to rental.

Insurance, Liability and Indemnification

The Owner is prohibited from expending funds made available through the Program to purchase any insurance regarding the Work under this Agreement. The Owner shall carry casualty, fire and federal flood insurance (if applicable) at a level acceptable to the City, and shall provide proof of same to the City upon request.

The Owner acknowledges that he/she has read the guidelines for the grant program included with the application and agree to all of the terms and conditions contained in the guidelines and further

agrees that any contractors hired for this project will hold contractors licenses for the City of Mansfield.

The Owner acknowledges that the City is merely granting funds in connection with the work or project, and that neither the Mansfield Historic Landmark Commission nor the City of Mansfield is or will be responsible for satisfactory performance of the work, or payment for the same beyond the grant by the City. The Owner also acknowledges that he/she is solely responsible for selecting any contractors hired in connection with the project and in requiring satisfactory performance by such contractor.

The Owner agrees to indemnify and hold harmless the Mansfield Historic Landmark Commission and the City of Mansfield, its agents, servants, employees, and officers against losses, costs, damages, expenses and liabilities of any nature directly or indirectly resulting from or arising out of or relating to the City's acceptance, consideration, approval or disapproval of this agreement and the issuance or non-issuance of a grant, or any work performed in connection with this Agreement.

Notice

The Owner shall provide the City with at least two (2) weeks' notice of any intended transfer of title, any encumbrance on title or pending legal action which may result in foreclosure of property. Notice or correspondence shall be sent to:

City of Mansfield
Planning Department
1200 E. Broad Street
Mansfield, Texas 76063

Acknowledgement

The Owner shall, at City's expense, allow for installation of a durable sign visible to the passing public that identifies the house and acknowledges that assistance has been provided through the City of Mansfield.

Assignment

The terms of this agreement shall be binding on the Owner's successors and assigns and shall run with the property for the term of the agreement.

Executed this _____ day of _____, 20____.

Clayton Chandler, City Manager
City of Mansfield

Owner,
Address

Approved as to Form:

City Attorney

THE STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME _____ ON THIS DAY PERSONALLY
APPEARED

_____ KNOWN TO ME (OR PROVED TO ME ON THE
OATH OF CARD OR OTHER DOCUMENT) TO BE THE PERSON WHOSE NAME IS
SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME
THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION
THEREIN EXPRESSED.

(SEAL) GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF

_____, A.D. _____.

NOTARY IN AND FOR STATE OF TEXAS

DATE OF LICENSE EXPIRATION

THE STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME _____ ON THIS DAY PERSONALLY
APPEARED

_____ KNOWN TO ME (OR PROVED TO ME ON THE
OATH OF CARD OR OTHER DOCUMENT) TO BE THE PERSON WHOSE NAME IS
SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME
THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION
THEREIN EXPRESSED.

(SEAL) GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF

_____, A.D. _____.

NOTARY IN AND FOR STATE OF TEXAS

DATE OF LICENSE EXPIRATION