

## MEMORANDUM

**DATE:** February 21, 2020  
**TO:** Mayor White & City Council  
**CC:** Mercy Rushing, City Manager  
**FROM:** Doris Newman, Main Street Director, Historic Preservation Officer  
**SUBJECT:** Landmark Commission Bylaw Changes

### **Background Information:**

The Landmark Commission Advisory Board reviewed our bylaws in our regular meeting on February 13, 2020, making a few changes in timeline of actions and otherwise just up-dating the document with actual operations, changes in titles and current offerings. The bylaws are Ordinance No. 94-8-8. The Commission voted unanimously for the following changes to our bylaws:

### **Page 1 Introduction paragraph**

*From:*

(Deleting the words in red with strikethroughs, AND replacing OF with the word FOR in the first location and with OR in the second location)

AN ORDINANCE OF THE CITY OF MINEOLA, TEXAS CREATING THE MINEOLA HISTORIC LANDMARK COMMISSION: DESCRIBING THE MEMBERSHIP THEROF; PROVIDING FOR THE DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS; CREATING THE REQUIREMENTS ~~OF~~ FOR OBTAINING A CERTIFICATE OF APPROPRIATENESS ~~OF~~ OR DEMOLITION PERMIT; ~~PROVIDING FOR TAX ABATEMENTS~~; PROVIDING FOR THE ENFORCEMENT THEREOF; CONTAINING A PENALTY CLAUSE AND A SEPARABILITY CLAUSE AND PROVIDING FOR THE PUBLICATION THEREOF.

### **Page 2 HISTORIC LANDMARK COMMISSION Sect. 2 item (a)**

*From:*

#### **Section 2: HISTORIC LANDMARK COMMISSION**

There is hereby created a commission to be known as the Mineola Historic Landmark Commission.

(a) The Historic Landmark Commission shall consist of nine (9) persons to be appointed by the City Council of the City of Mineola as follows:

Five (5) members shall have demonstrated an interest in the history of Mineola.

Two (2) members shall be property owners representing one or more of the historic districts.

Two (2) members shall be an active member of other Mineola Historic Organizations.

Ex-officio members shall include:

One (1) representative from the Planning and Zoning Commission.

The City of Mineola Historical Preservation Officer.

*To:*

The Historic Landmark Commission shall consist of nine (9) persons to be who have demonstrated an interest in the history of Mineola. (This deletes the requirements of someone owning a property in “one or more of the historical districts” and that two shall “be an active member of other Mineola Historic Organizations.”

And deleting the sentence stating that ex-officio members include a representative of the Planning and Zoning Commission.

AND, adding

Must be eligible to vote within Mineola ISD.

**Page 3 Section 2 item (g)**

*From:*

Any member who misses three (3) consecutive meetings will be replaced, except when excused by Chairman of the Board.

*To:*

Any member who misses three (3) consecutive meetings without prior notification of the chairman or Historic Preservation Officer will be replaced.

**Page 4 Section 2(i)(11) Deleting reference to tax abatement and then consequently changing the numbers of the last two items to 11 and 12.**

Section 2(j)

*From:*

The Historic Landmark Commission shall set meeting time and dates by majority vote of the Board Members. Special meetings may be called at any time by the Chairman, Preservation Officer, or on the written request of any two (2) Historic Landmark Commission Board Members. All meetings shall be held in conformance with the Texas Open Meeting Act, Texas Civil statutes, Article 6252-17.

*To:*

(adding “and other applicable ordinances” at the end)

The Historic Landmark Commission shall set meeting time and dates by majority vote of the Board Members. Special meetings may be called at any time by the Chairman, Preservation Officer, or on the written request of any two (2) Historic Landmark Commission Board Members. All meetings shall be held in conformance with the Texas Open Meeting Act, Texas Civil statutes, Article 6252-17 and other applicable ordinances.

**Page 7**

Section 5 (c)

*From:*

The Historic Landmark Commission shall take into consideration the current needs of the property owners, and shall be sensitive to the property owner's financial condition.

*To:*

(adding “the architectural significance of the property”)

The Historic Landmark Commission shall take into consideration the current needs of the property owners, architectural significances of the property, and shall be sensitive to the property owner's financial condition.

**Page 8**

**CERTIFICATE OF APPROPRIATENESS APPLICATION PROCEDURE, item (d)**

*From:*

The Historic Landmark Commission shall take action on the completed application within twenty-one (21) days from receipt of the completed application, at which time an opportunity will be provided for proponents and opponents of the application to present their views. Said public hearing shall be held within fourteen (14) days of the date of application.

*To:* (changing the timeframe)

The Historic Landmark Commission shall takee action on the completed application within sixty (60) days from receipt of the completed application, at which time an opportunity will be provided for proponents and opponents of the application to present their views. Said public hearing shall be held within sixty (60) days of the date of application.

And (f)

*From:*

All decisions of the Historic Landmark Commission shall be in writing and shall be sent to the applicant (by registered mail) and a copy filled with the City Secretary's office for public inspection. The Historic Landmark Commission shall state the reasons for denying or modifying any application. If denied, no further obligation shall be upon the landowner under this ordinance in regards to the proposed construction. However, all other City ordinances must be adhered to.

*To:* (deleting by registered mail)

All decisions of the Historic Landmark Commission shall be in writing and shall be sent to the applicant and a copy filed with the City Secretary's office for public inspection. The Historic Landmark Commission shall state the reasons for denying or modifying any application. If denied, no further obligation shall be upon the landowner under this ordinance in regards to the proposed construction. However, all other City ordinances must be adhered to.

Item (g)

*From:*

If the Historic Landmark Commission has not made a final decision within thirty (30) days, a Certificate of Appropriateness shall be deemed issued by the Historic Landmark Commission.

*To:* (changing timeframe)]

If the Historic Landmark Commission has not made a final decision within 60 (60) days, a Certificate of Appropriateness shall be deemed issued by the Historic Landmark Commission.

**Page 9 Sections 7 & 8 (changing all references to City Administrator to City Manager)**

**Section 9**

*From:*

No owner or person with an interest in real property designated as a landmark or included in a historic district shall permit the property to fall into a serious state of disrepair without requesting a Demolition Permit so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the historic Landmark Commission, produce a detrimental effect upon the character of the historic district *as* a whole, or the life and character of the property itself.

*To:* (deleting the erroneously appearing phrase “without requesting a Demolition Permit”)

No owner or person with an interest in real property designated as a landmark or included in a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the historic Landmark Commission, produce a detrimental effect upon the character of the historic district *as* a whole, or the life and character of the property itself.

**Page 10 DEMOLITION BY NEGLIGENCE (g)**

Delete the phrase “and the enclosing envelope” and replace with “or shell”

**RECOMMENDATION: The staff and Landmark Commission Board members recommend approval of these changes.**

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE FOR THE CITY OF MINEOLA, TEXAS AMENDING  
ORDINANCE NO. 94-8-8, HISTORIC DISTRICTS AND LANDMARK ZONING  
ORDINANCE; PROVIDING AMENDMENTS TO SAID ORDINANCE;  
PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE;  
AND PROVIDING AN EFFECTVIE DATE.**

WHEREAS, on August 8, 1994 the City Council for the City of Mineola, Texas passed Ordinance No. 94-8-8, Historic Districts and Landmark Zoning Ordinance; and

WHEREAS, the City Council revised Ordinance No. 94-8-8 on two separate and subsequent occasions, those being June 22, 1998 and December 18, 2000, respectively; and

WHEREAS, the City Council now finds it necessary to amend Ordinance No. 94-8-8 and is empowered to do so pursuant to Texas Local Government Code Chapter 211.001, *et seq.*

NOW, THEREFORE, be it ORDAINED by the City Council for the City of Mineola, Texas as follows:

**I. Amendments**

- Section 2: Historic Landmark Commission shall be amended as follows:

(a) The Historic Landmark Commission shall consist of nine (9) persons to be appointed by the City Council of the City of Mineola, Texas who have demonstrated an interest in the history of Mineola. All members must be eligible to vote within the Mineola Independent School District.

(g) Any member who misses three (3) consecutive meetings without advance notification to the Chairman or Historic Preservation Officer will be replaced.

(i)(11) – This subsection shall be removed.

(j) The Historic Landmark Commission shall set meeting times and dates by majority vote of the Board Members. Special meetings may be called at any time by the Chairman, Historic Preservation Officer, or on the written request of any two (2) Historic Landmark Commission Board Members. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Government Code Chapter 551.001, *et seq.*, and any and all applicable Ordinances of the City of Mineola.

- Section 3: Designation of Landmarks or Historic Districts shall be amended as follows:

(b) The last sentence of paragraph 2 of subsection (b) shall be amended as follows: The City Council shall give notice, follow the publication procedure, hold hearings and

make its determination as required by law within forty-five (45) days of receipt of such recommendation.

- Section 5: Certificate of Appropriateness Application Procedure shall be amended as follows:

(c) The Historic Landmark Commission shall take into consideration the current needs of the property owners, the architectural significance of the property and shall be sensitive to the property owner's financial conditions.

(d) The Historic Landmark Commission shall take action on the completed application within sixty (60) days from receipt of the completed application, at which time an opportunity will be provided for proponents and opponents of the application to present their views. Said public hearing shall be held within sixty (60) days of the date of the application.

(f) All decisions of the Historic Landmark Commission shall be in writing and shall be sent to the applicant and a copy filed with the City Secretary's office for public inspection. The Historic Landmark Commission shall state the reasons for denying or modifying any application. If denied, no further obligation shall be upon the landowner under this ordinance in regards to the proposed construction. However, all other City ordinances must be adhered to.

(g) If the Historic Landmark Commission has not made a final decision within sixty (60) days, a Certificate of Appropriateness shall be deemed issued by the Historic Landmark Commission.

- Section 7: Certificate of Compliance shall be amended as follows:

Any and all references within Section 7 to "City Administrator" are hereby amended to "City Manager."

- Section 8: Ordinary Maintenance shall be amended as follows:

Any and all references to "City Administrator" are hereby amended to "City Manager."

- Section 9: Demolition by Neglect shall be amended as follows:

The first paragraph shall be amended as follows: The reference "without requesting a Demolition Permit" shall be deleted.

The second paragraph shall be amended as follows: The reference to "by registered mail" shall be deleted.

(d) "Deterioration of Crumbling" shall be amended to "Deterioration or Crumbling."

(g) shall be amended as follows: “Deterioration of Structural Elements or Shell.”

**II. Severability**

Should any provision of this Ordinance be held invalid, illegal or unconstitutional by any court or tribunal having jurisdiction, said finding shall not affect the remaining provisions found herein.

**III. Repealer**

Should any provision of any prior Ordinance of the City be in conflict with any provisions of this Ordinance, said prior provision is hereby repealed to the extent of said conflict. However, all such provisions not in conflict with one another shall remain in full force and effect.

**IV. Effective Date**

This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED** by the City Council, City of Mineola, Texas, on this 27<sup>th</sup> day of April, 2020.

**APPROVED BY:**

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Kevin White, Mayor

**ATTEST:**

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Cindy Karch, City Secretary