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**City of Lockhart
Historical Preservation Commission
October 5, 2022**

MINUTES

Members Present: Christine Ohlendorf, Ronda Reagan, Michel Royal, John Lairsen, Ron Faulstich, Ray Ramsey

Members Absent: None

Staff Present: Yvette Aguado, Kevin Waller, David Fowler, Dan Gibson

Public Present: Marcia Proctor, Melissa Reese (applicant, Agenda Item 4)

1. Call meeting to order. Chair Reagan called the meeting to order at 5:31 p.m.

2. Citizen comments not related to an agenda item.

None.

3. Consider the minutes of the September 21, 2022, Meeting.

Commissioner Ramsey moved to approve the minutes as presented. Commissioner Faulstich seconded, and the motion passed by a vote of 6-0.

4. CFA-22-14. Consider a request by Melissa Reese on behalf of Texas Monthly for approval of a Certificate for Alteration for a temporary wall mural on part of Lot 3, Block 14, Original Town of Lockhart, zoned CCB (Commercial Central Business District) and located at 200 East Market Street.

Planning Staff Kevin Waller reported that the applicant proposes a temporary mural to be painted onto the west wall of the building that will advertise the Texas Monthly BBQ Fest in November. The mural will be located on a previously painted wall that will be visible to pedestrian and vehicular traffic. It will measure approximately 35 feet wide by 9 feet tall, or 315 square feet. Since the Coca-Cola® bottle and logo are a small part of the mural, the mural will not be classified as a sign for the purposes of review, as the mural exceeds the 7 percent sign area limitation were it to be considered a sign. Texas Monthly has agreed to paint over the mural within 90 days of its completion, with a color matched to the current building color. The removal of the mural has been planned to coincide with the property owner's intended timeframe to repaint the building. Mr. Waller utilized a PowerPoint presentation and answered Commissioners' questions. Staff recommends approval of the temporary mural, with the condition to remove it as proposed within 90 days from date of completion.

Commissioner Faulstich stated that the Commission decided upon 60 days and not 90 days, and that the Coca-Cola bottle would not be so prominent but more to the side.

Mr. Waller replied that the Coca-Cola® logo is more discreet and that the mural falls outside of the sign category, due to the mural's size. He didn't recall the 60-day timeframe preference, and stated that the application does specify 90 days.

Commissioner Faulstich replied that the application did state 60 days, but when the Commission had the discussion previously, it went from 90 days to 60 days after completion. Texas Monthly would paint over the mural and not wait for the Mendez family to repaint the building.

Applicant Melissa Reese, on behalf of Texas Monthly, commented that the application does specify that Texas Monthly would be responsible to paint over the mural. She did recall 60 days had been mentioned in the discussion, but also many other ideas, so she went with the 90 days, which is what she hoped to get approved. She responded to Commissioners' questions.

Coyle Buhler, 1000 Magnolia, came forward to share his thoughts regarding the temporary aspect of approvals. He felt problems could arise with consequences of approving items not allowed by amendments proposed and to be considered by City Council. Mr. Buhler stated that he was not opposed to the mural being approved, but hoped to point out the dilemmas that could arise. He stated that temporary is temporary until removed, and that the overall objective may fail once considered by City Council.

City Planning Director Dan Gibson stated that the Coca-Cola® logo is discreetly placed. The Sign Ordinance does not allow signage to exceed 7% of the wall façade in the CCB zone, which is roughly 1/14 of the entire wall; the mural is much larger. Mr. Gibson stated that the size of the mural is what makes it a mural.

Ms. Reese stated that the Coca-Cola® logo was intended to be integrated into the mural in a more complimentary manner, and less of a commercial image, while still acknowledging the sponsor (Coca-Cola). She added that the mural design is still conceptual, and that revisions could still be made.

Commissioner Faulstich stated that the Commission is in the process of amending the Sign Ordinance to prohibit murals in the downtown Historic District. The proposed mural review and approval is being considered before the Ordinance is being considered and passed by City Council. However, like anything else, the City Council may decide to override any decision the Commission makes. Mr. Faulstich stated that he liked the 60 days over the 90 days temporary approval.

Chair Reagan stated that she was not opposed to the mural, since it is promoting a fabulous festival that they are bringing to the town. It is changing the façade of the building, but it is temporary. She stated that the commitment of it being temporary needs to be in writing by letter or statement.

Ms. Reese responded that it is stated on the application that Texas Monthly will paint over the mural after 90 days, color-matched to the building color.

Chair Reagan requested that Texas Monthly provide a letter from their legal department outlining a timeframe for the proposed mural, in order to avoid past situations where something is proposed and changes are later made inconsistent with the approval. Ms. Reagan also asked why they needed it to be 90 days.

Ms. Reese answered that it's a sponsor-related expectation, but they could certainly provide a letter if needed.

Mr. Waller added that Staff recommends a condition of approval for either 60 or 90 days, with Staff to confirm the mural's removal after the expiration. Enforcement action would be taken if the mural is not removed.

Vice-Chair Lairsen commented that he was the minority vote in favor of allowing permanent murals in the Historic District, with very stringent guidelines. He felt the Commission could be setting a double-standard, as they've been adamant about not approving murals in the Historic District, but now they're trying to push this mural through as a temporary mural. Mr. Lairsen added that murals are wonderful for tourism, and he was going along with the approval for the 90-day temporary placement.

Commissioner Royal stated that she does not trust that the mural will be removed if approved for the 60 or 90 days, thinking of past issues that have occurred in which the applicant does not follow through based on what was promised and approved. Mrs. Royal added that they've talked at length about having murals, and that she just wasn't in favor of the proposed mural, and felt that the event could be just as successful without the mural.

Commissioner Ohlendorf explained that her concern was that the Commission is planning to amend the Sign Ordinance to prohibit murals downtown. While the Commission doesn't object to the BBQ Fest event, they have already recommended the prohibition to the City Council.

Chair Reagan stated that if the proposal is not approved, it can go before the City Council.

Mr. Gibson replied that they have a right to appeal the Commission's decision to City Council within 30 days.

Planning Staff David Fowler commented that this application is submitted under the wire before the regulations potentially change, and suggested the Commission act accordingly.

Mr. Buhler stated that the Commission could make a statement for the record and to the City Council that approving this temporary mural doesn't change the Commission's recommendation on the proposed Ordinance amendment.

Vice-Chair Lairsen stated that the proposed mural is temporary, and not permanent, which the Commission must consider.

Commissioner Ramsey stated that he had no problem with the proposal, but was concerned that the applicant might not follow through with the removal of the temporary mural and repainting the building back to its original color.

Mr. Waller referenced the checklist on Page 2 of the Certificate for Alteration application form, stating that Section Two, Question Three establishes a 90-day timeframe for temporary alteration or construction.

Chair Reagan moved to recommend approval of CFA-22-14 with the condition that the mural is temporary and required to be removed within 90 days after its completion, and the property be

returned to original or agreed-upon condition. Vice-Chair Larsen seconded, and the motion passed by a vote of 4-2.

5. Consider designs and cost estimates for City-designated Historic Landmark placards for placement on officially designated Historic Landmark structures.

Commissioner Faulstich stated that he had no update on this agenda item, as it is unclear what information and graphics the placard would contain, but that he did bring a material sample for consideration.

Commissioner Faulstich and Chair Reagan agreed to gather more information and discuss options on the material type and the language on the placard.

Mr. Buhler explained that during his time on the Commission, they tried and tried to get the placards approved. Buhler encouraged the Commission to take this across the finish line to completion. There were many people out there who would be proud to place the placard on their building.


The Commission tabled this agenda item to a future meeting by consensus.

6. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.

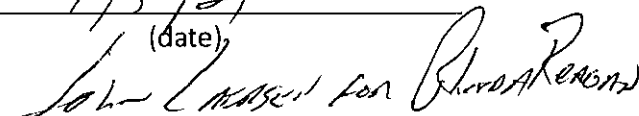
Mr. Waller stated that no applications had been submitted for the October 19 meeting, with today being the deadline to submit. The next regularly scheduled meeting after October 19 is Wednesday, November 2.

7. Adjournment.

Commissioner Faulstich moved to adjourn the meeting, and Commissioner Ramsey seconded. The motion passed by a vote of 6-0, and the meeting adjourned at 6:18 p.m.


Yvette Aguado, Recording Secretary

Approved:

4/5/23
(date)

Ronda Reagan, Chair