

**City of Lockhart
Historical Preservation Commission
August 17, 2022**

MINUTES

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

Member Absent: Ray Ramsey

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

Public Present: Marcia Proctor and Coyle Buhler

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 July 6, 2022, Meeting.

Chair Reagan moved to approve the minutes as presented. Commissioner Royal seconded, and the motion passed by a vote of 5-0.

4. Presentation and discussion regarding potential mural regulation standards and guidelines.

Planning Staff David Fowler presented discussion of the feedback by Commissioners' testimony at the July 19th Council meeting, conversations with Staff since the July 6th LHPC meeting, issues identified to date, and Staff's research on City regulation of murals in Texas and other states. The intent is to provide examples of mural ordinance practices in other cities, discuss the main issues the Historical Commission believes Lockhart faces in regulating the appearance of the Historic District, and get feedback from the Commission regarding the types and levels of regulation that would be appropriate for Lockhart. This will allow Staff to draft mural ordinance language for consideration at future meeting. Mr. Fowler utilized a PowerPoint presentation, answered Commissioners' questions, and asked for Commissioners' thoughts and ideas.

Discussion ensued regarding mural guidelines and standards in the Historic District.

Commissioner Faulstich explained that the appropriateness of murals would depend upon the location of the building, as it would be nice to have them around town and not only in the Historic District. Mr. Faulstich asked what stops anyone from adding murals now.

Mr. Gibson responded that if a mural constitutes a sign, it would be regulated by the Sign Ordinance. Any works of art that don't contain a commercial message are not regulated.

Chair Reagan shared her thoughts and concerns for not wanting murals in the Historic District. She felt there would be far too many murals and didn't understand the actual purpose for murals in the Historic District.

Commissioner Royal voiced her concerns and reasons for not wanting murals. She stated that the Historical Preservation Commission is tasked with preserving the buildings in the Historic District. Murals are good in other areas of the community, but they do not preserve the Historic District in any way. Royal added that the murals' maintenance would be challenging to keep up with.

Chair Reagan commented that if you get into the freedom of speech, the City Attorney will allow anything to go up including nudity or messages that may be offensive.

Commissioner Ohlendorf asked Commission members if they agreed that murals should not be allowed within the Historic District. At that point, three of the five members stated that they preferred no murals within the Historic District. Chairwoman Reagan, and Members Royal and Ohlendorf, were opposed to murals within the District. No motion was made and therefore, no vote.

Vice-Chair Lairsen gave his thoughts in support of the murals, but with strict guidelines and restrictions set in place to protect them. He doesn't want to see murals all throughout downtown, but does feel that there is a large part of the community that are in favor of the murals, as they are an expression of art. Lairsen agreed with Chair Reagan that if a building sells, what happens then. He was also concerned with the freedom of speech and any issues that could arise, so guidelines must be in place. Lairsen didn't think any verbiage should be allowed on the murals.

Chair Reagan stated that there would be so many rules to follow that it could be just like the blade sign and result in an automatic approval if you follow the rules and guidelines. Approaching murals in a similar format would defeat the Commission's purposes for regulation. Who would elect the art committee for review?

Marsha Proctor, 515 S. Main Street, came forward to voice her thoughts to not allow murals in the Historic District.

Commissioner Faulstich supported the comments regarding the upkeep of murals when ownership changes over the years, and what repercussions does the City or Commission really have to repair and maintain them, especially if there are no stipulations for mural maintenance.

Coyle Buhler, W. San Antonio St., came forward to also share his thoughts. He stated that there are two issues. The first concerns what has been presented regarding the guidelines and regulations. The second would be when any signage or alteration is proposed in the Historic District, it should come before the Historical Commission for review and before any work is done and money and time is invested. He referred to when the Ordinance was established and how it reads that any item that refers to alteration of a building must be reviewed and approved by the Historical Commission. The biggest issue is when citizens put up murals with no permission or approval from the Historical Commission, and it ruins the reputation of the Commission to turn them down. Once too much time and money are invested, the applicant will surely go before the City Council and most likely obtain approval and overturn a denial decision made by the Commission.

Chair Reagan asked what the next steps for the Commission are for creating a draft Mural Ordinance for review.

Mr. Fowler replied that the members could express concerns individually to him by phone or via email, or take more time to think about everything before discussing.

Vice-Chair Lairsen stated that clear written guidelines for murals will be needed.

Discussion continued regarding regulations and standards for murals, and alternatively if they would be allowed by-right within the Historic District.

Commissioner Ohlendorf shared that she is not opposed to artistic expression. The Historical Commission is charged with preserving the Historic District. Ohlendorf stated that she has no issue with murals possibly enhancing other parts of the city. She added that she doesn't want to create more regulations for City staff to enforce, nor stifle someone's artistic expression. Growing the artistic footprint in the city is worthy, but painting on cinder block is different than painting a building, a legacy that the Commission is charged with preserving. Ohlendorf suggested that no mural should be allowed that could be seen from the Caldwell County Courthouse.

Vice-Chair Lairsen stated that the building owner should be responsible for the upkeep of the murals and not the artist.

Commissioner Faulstich suggested to table this item for further review.

Vice-Chair Lairsen stated that he, too, felt the item should be tabled, which would allow for individual brainstorming and continued collaboration with Commission members in a future meeting.

Mr. Gibson explained that the Commission first needs a definition of a mural prior to their regulation. He added that murals could deter graffiti artists. Thirdly, a point of discussion at a recent City Council meeting was whether murals would only be regulated in the Historic District or citywide, and if citywide, then murals should also be addressed in the Sign Ordinance.

Vice-Chair Lairsen stated he agreed that murals should be considered citywide and included in the sign Ordinance.

Mrs. Proctor added that if murals were to be allowed citywide, the public should first have an opportunity to comment and provide input at the public meetings/hearings.

Mr. Buhler agreed that a definition of a mural is important, and that a painted sign conveys a message. He reiterated that the Commission has oversight of alterations in the Historic District, including murals.

Mrs. Proctor stated that she agrees with adding murals to the Sign Ordinance, and that those proposed in the Historic District should be subject to a Certificate for Alteration.

Commissioner Faulstich voiced concerns regarding the repainting and maintenance of murals over time, and how that would affect the buildings' appearance and downtown area.

Chair Reagan reiterated that mural guidelines would need to clearly specify who is responsible for mural upkeep as time goes by.

Mr. Gibson added that the Historic Ordinance can be enforced through court action if needed, but that the City desires to work with citizens prior to reaching that level.

Commissioner Faulstich proposed to table Agenda Item 4, pending further discussion with Staff. Chair Reagan seconded, and the motion passed by a vote of 5-0.

5. Continue discussion on the potential development of City-designated Historic Landmark placards for placement on identified Historic Landmark structures.

Chair Reagan stated that this item should be added to the agenda of the next meeting, as more information, including pricing, will soon be provided by Commissioner Faulstich.

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

Chair Reagan asked if a Certificate for Alteration is required for the tent and portable stage constructed in the pocket park area, which is privately-owned land.

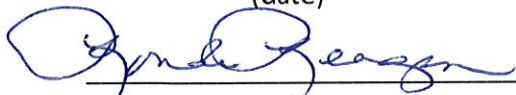
Mr. Waller replied that since the canopy is a temporary structure, it did not need Commission review and approval. He added that the Building Official, however, has explained that the canopy would not be allowed as is, and that the stage would require a permit. Waller also stated that no applications had been submitted for the September 7 meeting to date, and that the deadline is August 24.

Commissioner Faulstich reminded the Commission that its ultimate decision regarding murals will be very important, with lasting implications.

7. Adjournment.

Commissioner Faulstich moved to adjourn the meeting, and Commissioner Ohlendorf seconded. The motion passed by a vote of 5-0, and the meeting adjourned at 6:46 p.m.


Yvette Aguado, Recording Secretary

Approved: 9-7-22
(date)

Ronda Reagan, Chair