



CITY OF BAY CITY

MINUTES • JUNE 14, 2018

Council Chambers

Workshop – City Council

6:00 PM

1901 5TH STREET
BAY CITY, TX 77414

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Mark A. Bricker	Mayor	Present	
William Cornman	Mayor Pro-Tem	Present	
Becca Sitz	Councilwoman	Present	
Chrystal Folse	Councilwoman	Present	
Jason Childers	Councilman	Present	
Julie Estlinbaum	Councilwoman	Present	

II. FUTURE ACTION ITEMS

1. Budget

DISCUSS, CONSIDER AND/OR TAKE ACTION ON THE ROAD PAVING EQUIPMENT AND ROOFING PRESENTATION.

Public Works Director, Barry Calhoun

Public Works Director, Barry Calhoun presented to Mayor Bricker and Council members.

Discussed roofing replacement needs: Library, Police Dept., Civic Center and City Hall - A single ply roof is recommended. 15 year warranty on the roofing product by Ultimate Roofing

Discussed road project equipment - Road project for in-house road surface replacement.

List of equipment:

Option 1 - Purchase Equipment

Option 2 - Purchase and rent equipment

Water truck

Roller (Various types)

Asphalt Zipper

Tip Sealer / Spreader attachment

Heated asphalt distributor

Dumb truck and Haul trailer

Street sweeper (Current one can be traded -in)

Training is a concern for Council. Skilled labor to use the equipment might be a problem.

2. Policy

HEAR PRESENTATION REGARDING THE BAY CITY HISTORIC COMMISSION'S CERTIFICATE OF APPROPRIATENESS PROCESS.

Councilman, Jason Childers

Councilman, Jason Childers presented this agenda item.

Council members, Historic Commission members, citizens and Mayor Bricker discussed the Certificate of Appropriateness process and the recent murals painted in the historic district downtown. Councilman Cornman thanked the Historic Commission for their continued volunteer efforts assisting the City in implementing the ordinance protecting the two historic districts. Mayor Bricker stressed the need to combine the current certificate of appropriateness with the City historic ordinance.

3. Policy

DISCUSS AND CONSIDER A REVIEW OF CITY ORDINANCES.

Mayor, Mark A. Bricker

Mayor Bricker presented the City Ordinances that are in need of review and revision. He requested Council assistance in serving on committees to review the ordinances.

Ordinances:

Sign

Mobile Homes

Mobile Food Vendors - trucks

Teen Curfew

After Hour Clubs

Graffiti

Public Art

III. ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized:

The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Executive Sessions Authorized:

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

This is to certify that the above notice of a Workshop was posted on the front window of the City Hall of the City of Bay City, Texas on Thursday, June 7, 2018, before 6:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

David Holubec
City Secretary



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 3156)

Meeting: 06/14/18 06:00 PM
Department: City Secretary
Category: Budget
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3156

DISCUSS, CONSIDER AND/OR TAKE ACTION ON THE ROAD PAVING EQUIPMENT AND ROOFING PRESENTATION.

COMMENTS - Current Meeting:

Public Works Director, Barry Calhoun presented to Mayor Bricker and Council members.

Discussed roofing replacement needs: Library, Police Dept., Civic Center and City Hall - A single ply roof is recommended. 15 year warranty on the roofing product by Ultimate Roofing

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Training is a concern for Council. Skilled labor to use the equipment might be a problem.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 06/14/18 06:00 PM
Department: City Secretary
Category: Policy
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3157

AGENDA ITEM (ID # 3157)

**HEAR PRESENTATION REGARDING THE BAY CITY
HISTORIC COMMISSION'S CERTIFICATE OF
APPROPRIATENESS PROCESS.**

07-27-2017 - Council Approved the current Certificate of Appropriateness

12-07-2017 - Council approved the Historic Commission Bylaws

COMMENTS - Current Meeting:

Councilman, Jason Childers presented this agenda item.

Council members, Historic Commission members, citizens and Mayor Bricker discussed the Certificate of Appropriateness process and the recent murals painted in the historic district downtown. Councilman Cornman thanked the Historic Commission for their continued volunteer efforts assisting the City in implementing the ordinance protecting the two historic districts. Mayor Bricker stressed the need to combine the current certificate of appropriateness with the City historic ordinance.



HISTORIC COMMISSION

CERTIFICATE OF APPROPRIATENESS

INTRODUCTION

The purpose of a Certificate of Appropriateness is to help maintain and return the lost or diminished architectural significance of Bay City's tangible past. A Certificate of Appropriateness (COA) is required for projects that would alter the exterior appearance of a designated historic property. This includes alterations, additions, demolition, or relocation of a landmark or structure within an historic district or new construction within an historic district. The City of Bay City follows the Secretary of Interior's National Historic Preservation Act criteria for preservation standards.

COA APPLICATION PROCESS

There is no fee for filing a COA application and the Bay City Historic Commission staff can guide you through the process. It is highly recommended that applicants contact a staff member in the beginning stages of a project before any designs are finalized, and well in advance of an application deadline. Staff can offer technical assistance to ensure proposed projects are sensitive to the historic character of the designated site or district. Once the application is received, the Historic Commission will then meet to review the COA. If approved, the application will be returned to the applicant, for the privilege of obtaining the proper City permits.

Please contact staff to make a COA plan review appointment. (979) 245-8081.

CERTIFICATE OF APPROPRIATENESS APPLICATION FORM

DATE: _____

PROPERTY

Address: _____

- ☐ Downtown Historic District
☐ South Side District

Registered Texas Historical Landmark (RTHL) Structure: ☐ Yes ☐ No
 Local Historical Landmark Designation: ☐ Yes ☐ No

Current Condition of Property: _____

OWNER

Name: _____

Mailing Address: _____

Phone: _____

Email: _____

APPLICANT* (if other than owner)

Name: _____

Mailing Address: _____

Phone: _____

Email: _____

Signature: _____

Attachment: Certificate of Appropriateness - 2017 (3157 : Historic Commission COA Process)

***The presence of the applicant or his/her agent as designated herein is necessary at the Historic Commission meeting.**

Name of Designated Agent: _____

Email: _____

Phone: _____

PROPOSED ACTION

- | | | |
|---|---|-------------------------------------|
| ☐ Alteration or Addition | ☐ Restoration | ☐ Relocation |
| ☐ Demolition | ☐ New Construction | ☐ Signage |

Description of Work – (Applicable to any exterior alterations and/or repairs or signage)

Cost Estimation: \$_____

- Include elevation drawings of the proposed changes if available, and preferably in color
- If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used and a plan showing the sign's measurements and location on the property are to be included.
- When changing paint colors, please include actual paint samples, indicating finish and placement on building exterior.

INTENDED START / COMPLETION DATES

Start Date: _____

Completion Date: _____

Completed applications and drawings must be in the Community Development Office no later than ten (10) days before the regularly scheduled Historic Commission meeting on the first Monday of each month.

Signature: _____

SUPPORT DOCUMENTS / PHOTOS REQUIRED

- ☐ Photo of Property (historical photos & current photos)
- ☐ Design Drawings (to scale)
- ☐ Architectural Drawings (new construction)
- ☐ Paint Color Samples

DEFINITIONS

Addition: any expansion to an existing building, structure or object.

Alteration: any change to the exterior of a building or structure, including adding, moving, removing or replacing an exterior feature.

Demolition: an act or process that destroys in whole, or a majority of, any building, structure, object or site.

Exterior Feature: an element of the architectural character and the general arrangement of the external portion of a building, structure or object, including building materials and parts of the exterior wall assembly such as windows, walls studs, interior shiplap and the foundation.

New Construction: the erection of a new building, structure, or object, on a lot, site, or other property.

Relocation: any change in the location of a building, structure, or object.

Restoration: accurately recovering the form and detail of a building, structure, object, or site and its setting as it appeared at a particular period by means of the removal of later work, or by the replacement of missing earlier work, or both.

Official Use Only

COA approved with the following conditions:

Historic Commission Agent Signature_____
Date**STAFF NOTIFICATION**

Once the COA has been approved, the Historic Commission chairman or agent shall affix their signature above. The applicant will then take this form to the Building Inspector for the proper acquisition of required City permits. The form will then be sent to the Public Works Director and the Mayor. The COA will then be returned to the City Secretary's office for record retention.

Historic Commission Chairman	NOTES: _____	Staff Initial _____
Building Inspector	NOTES: _____	Staff Initial _____
Public Works Director	NOTES: _____	Staff Initial _____
Mayor's Office	NOTES: _____	Staff Initial _____
City Secretary's Office	NOTES: _____	Staff Initial _____

Sec. 78-103. - Appeals.

(a)

Appeals of decisions made under [section 78-99](#) shall be made in writing to the city council by the owner of the property in question, within 30 days of the date notification of the decision by the historic commission.

(b)

The city council shall hear all such appeals at the next regularly scheduled council meeting occurring after receipt by the city secretary of the written notice of appeal.

(Code 2000, § 78-114; Ord. No. 1332, § 14, 3-23-2006; Ord. No. 1400, § 1, 3-24-2011)

Bay City Historic Commission By-Laws

ARTICLE I. NAME

Section 1.1 The Commission shall mean the members of the Historic Commission of the City of Bay City, Texas.

ARTICLE II. DUTIES AND POWERS

Section 2.1 The Commission shall be under the supervision of the Mayor and the City Council of Bay City, Texas.

Section 2.2 The duties and powers of the Commission are:

- Authorized and directed to make a continuous study of all buildings, structures, parks, area, sites, districts, and items of natural or artificial phenomena located within the city and which are known to, or brought to the attention of, the Commission for designation as possible landmarks under the provisions of Division 3 of Chapter 78 of the Bay City Code of Ordinances, as amended.
- Under the auspices of City Council, shall administer Division 3 of Chapter 78 of the Code of Ordinances, as amended, and the permitting thereof contained in this Division and other applicable ordinances.
- The Commission chairperson or designee shall serve as historic preservation officer, coordinating the Commission and City's preservation activities with the county, state, and federal agencies as appropriate and advising the Commission on relevant issues.
- The Commission shall increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs.
- The Commission shall approve or disapprove applications for a Certificate of Appropriateness.
- The Commission shall recommend specific design guidelines to ensure compatibility with the Historic Districts and designated landmark buildings and residences.

ARTICLE III. MEMBERSHIP

Section 3.1 The Commission shall consist of seven (7) voting Members (Voting Members) and three (3) non-voting, ex-officio Members (Ex-officio Members).

Section 3.2 The seven (7) Voting Members shall be composed of:

- Two (2) owners of landmark structures within the City limits.
- One (1) person having at least ten (10) years' experience in the business of buying, selling, or dealing in real estate.
- One (1) person having a least ten (10) years' experience as a general contractor in construction, architect, planner, or designer.
- Three (3) persons who, by training, experience, or activity, have demonstrated an interest in preserving the landmarks of Bay City.

Section 3.3 The three (3) Ex-officio Members are the Chief Building Inspector of Bay City, one City Council member, and the Main Street Director.

Section 3.4 The Mayor shall appoint Voting Members with the approval of the City Council. The term of an appointment shall be for three (3) years.

Section 3.5 Attendance:

- All Voting and Ex-officio Members are required to attend all scheduled meetings. Furthermore, all Voting and Ex-officio Members are required to notify the Commission's Secretary, or designee, if unable to attend any meeting. If the Commission Secretary is notified prior to a meeting, the absence shall be an excused absence. If the Commission Secretary is not contacted prior to a meeting, the absence shall be an unexcused absence. A Voting Member with three (3) unexcused absences within a twelve (12) month period automatically resigns from that Voting Member's position on the date of the third unexcused absence.
- Any Voting Member wishing to resign shall submit a written resignation to the Chairperson of the Commission.

Section 3.6 A vacancy that occurs during a term shall be filled as soon as reasonably possible and in the same manner as an appointment in accordance with the City Charter. If possible, the Voting Member shall continue to serve until the vacancy is filled.

Section 3.7 Voting and Ex-officio Members shall serve without compensation. The Commission and its Voting and Ex-officio members have no authority

to expend funds or to incur or make an obligation on behalf of the City unless authorized and approved by the City Council. Voting and Ex-officio Members may be reimbursed for expenses authorized and approved by the Commission and City Council.

- Section 3.8 Voting and Ex-officio Members shall comply with City Ordinances, Rules, and Policies applicable to the Commission and the Voting and Ex-officio Members, including but not limited to *Ethics Ordinance*.
- Section 3.9 Removal of Voting Members:
- Voting Members are subject to removal at the discretion of City Council.

ARTICLE IV. COMMISSION OFFICERS

- Section 4.1 The Commission Officers are Chairperson, Vice-Chairperson, and Secretary. The Chairperson is recommended by the Mayor and approved by City Council. Should the Mayor not recommend a Chairperson or City Council fail to approve a Chairperson recommended by the Mayor, a majority of City Council plus one Councilmember may approve a Chairperson without the recommendation of the Mayor. The Vice-Chairperson and Secretary are elected by a majority vote of the Voting Members at the first meeting after the annual appointment process.
- Section 4.2 Commission Officers serve for a term of one year. In the event of vacancy in the office of Chairperson, the Vice-Chairperson shall serve as Chairperson until the Mayor appoints a replacement, with the approval of City Council. A vacancy in the other offices shall be filled by majority vote of the Voting Members at the next meeting, or as soon as reasonably practical for the unexpired Officer term. Commission Officers may be re-appointed or re-elected, as the case may be.
- Section 4.3 Duties.
- a. The Chairperson presides at Commission Meetings. The Chairperson shall generally manage the business of the Commission. The Chairperson shall perform the duties delegated to the Chairperson by the Commission.
 - b. Vice-Chairperson shall perform the duties delegated to the Vice-Chairperson by the Commission. The Vice-Chairperson presides at Commission meetings in the Chairperson's absence. The Vice-

Chairperson shall perform the duties of the Chairperson in the Chairperson's absence.

c. The Secretary shall perform the duties delegated to the Secretary by the Commission.

ARTICLE V. SUBCOMMITTEES

Section 5.1 The Commission may organize subcommittees from among its Voting and Ex-officio Members and may delegate to the subcommittees responsibilities to carry out the purpose of the Commission. The subcommittees include, but are not limited to, an Incentive Subcommittee, an Architectural Design Subcommittee, and the Historical Research Subcommittee.

- The Incentive Subcommittee (IC) serves to recommend conferral of recognition upon the owners of landmark or properties within the Historical District by means of certificates, plaques or markers. The IC shall coordinate with Main Street Program. It shall make recommendations to the Mayor and City Council concerning the utilization of state, federal, or private funds to promote the preservation of landmark and historic districts within the City. It shall propose tax abatement programs for historic landmarks or districts.
- The Architectural Design Subcommittee (AD) serves to make recommendations to the Mayor and City Council regarding the criteria for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts. It reviews applications for building permits for structures designed as landmarks by the Commission and makes recommendations to the City for approval or dis-approval. It prepares and maintains specific design guidelines for the review of landmarks and districts.
- Historic Research Subcommittee (HR) serves to maintain an inventory of significant historic, architectural and cultural landmarks and all properties located in historic districts within the City. It takes action to increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs. The HR shall coordinate with the Main Street Program.

Commented [SK1]: I don't know what this means

Section 5.2 The Commission may form such other subcommittees as it deems appropriate from time to time to carry out the duties and powers of the Commission.

- Section 5.3 The Commission shall establish the term of subcommittee membership, and may provide for the frequency of meetings, requirements for attendance and frequency and type of required reports of the subcommittees' activities. Except as otherwise provided in a resolution, the Chairperson, in cooperation with the subcommittee chairperson, shall appoint the members thereof from any Voting or Ex-officio Member or City resident who has expressed a particular interest in serving on said subcommittee. Any Member of a subcommittee, including the subcommittee chairperson, may be removed from the subcommittee by a majority of the Commission whenever in its judgement the best interests of the Commission shall be served by such removal.
- Section 5.4 No subcommittee, or member of a subcommittee, has the authority to expend funds or incur an obligation on behalf of the City or the Commission. Subcommittee member expenses may be reimbursed if authorized and approved by the Commission and City Council.
- Section 5.5 Subcommittee meetings and deliberations shall be open to the public, except for properly noticed closed session matters, and shall be conducted in accordance with the Texas Open Meetings Act.

ARTICLE VI. MEETINGS

- Section 6.1 The Commission shall meet at least monthly, at dates and times set by the Commission. Special meetings may be called at any time by the Mayor, Chairperson, or at the written request of any two (2) Voting Commission Members.
- Section 6.2 Items may be placed on the agenda by the Chairperson, the Mayor or designee, or at the request of a Voting or Ex-officio Member. The person requesting an agenda item shall be responsible for preparing an agenda item cover sheet and for the initial presentation at the meeting. Agenda items shall be submitted to the Staff Liaison no later than one week before the Commission meeting at which the agenda item will be considered. Agenda packets for regular meetings shall be provided to Voting and Ex-officio Members in advance of the scheduled meeting. Agenda packets shall contain the posted agenda, agenda item cover sheets, and written minutes from the prior meeting.
- Section 6.3 All meetings of the Commission shall be held in conformance with the Texas Open Meetings Act. Written or recorded minutes of each meeting of the Commission shall be prepared by the Commission and provided to the City Secretary within 10 days of each meeting.

- Section 6.4 A quorum of the Commission consists of four (4) Voting Members. A quorum is required for the Commission to convene a meeting and to conduct business at a meeting.
- Section 6.5 Commission meetings shall be called to order by the Chairperson, or if absent, by the Vice-Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the meeting shall be called to order by the Secretary, and a temporary Chairperson shall be elected to preside over the meeting.
- Section 6.6 Commission meetings shall be conducted in accordance with these By-Laws and City Council meeting rules and Procedures.
- Section 6.7 Each Voting Member shall have one (1) vote. Each Voting Member shall vote on all agenda items, except on matters involving a conflict of interest, in violation of the City's Ethics Ordinance, or other applicable laws, rules, or policies. In such instances, the Voting Member shall make the required disclosures and shall refrain from participating in both the discussion and vote on the matter. The Voting Member may remain at the dais or leave the dais, at the Voting Member's option, while the matter is being considered and voted on by the other Voting Members. Unless otherwise provided by law or these By-Laws, if a quorum is present, an agenda item must be approved by a majority of the Voting Members present at the meeting.
- Section 6.8 The Commission may conduct closed meetings as allowed by the Texas Open Meetings Act. A recording or certified agenda shall be made of all closed meetings, except closed meetings held under Section 551.071 of the Texas Government Code (Consultation with Attorney).
- Section 6.9 The Commission's fiscal year shall be June 1 – May 31.
- Section 6.10 An annual Commission meeting shall be held in June to elect officers, recognize retiring members, perform administrative functions of the Commission, and develop a written plan of action for the upcoming year.

ARTICLE VII. REPORTS TO CITY COUNCIL

- Section 7.1 The Commission shall prepare and submit by May 31st of each year a written annual report to be presented to the Mayor and City Council at the first regular City Council Meeting June. The report shall summarize the work completed during the previous year.

Section 7.2 The Commission shall meet with City Council, as requested, to determine how the Commission may best serve and assist the Mayor and City Council.

ARTICLE VIII. BY-LAW AMENDMENTS

Section 8.1 These By-Laws may be amended by the Commission by a vote of approval of at least four (4) Voting Members. No amendment is effective until approved by the City Council.

PASSED AND ADOPTED by the Historic Commission this ____ day of July 2017.

BAY CITY HISTORIC COMMISSION

BY: _____
Chairperson

ATTEST:

BY: _____
Secretary

APPROVED by City Council of Bay City this ____ day of July 2017.

CITY OF BAY CITY

Mark A. Bricker, Mayor

ATTEST:

David Holubec, City Secretary

APPROVED AS TO FORM:

M. Shannon Kackley, Asst. City Attorney

DIVISION 1. - GENERALLY

Sec. 78-48. - Purpose.

The city council does hereby declare that, as a matter of public policy, the protection, enhancement, and perpetuation of districts and landmarks of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the historical resources of the city represent the unique confluence of time and place that have shaped the identity of generations of citizens, collectively and individually, and these resources constitute the heritage of the citizens of the city. This article is intended to:

- (1) Perpetuate, protect, enhance, and preserve the historic districts and landmarks which represent distinctive elements of the city's historic, architectural, social economic, ethnic and political heritage and to develop appropriate settings for such places;
- (2) Safeguard the city's historic and cultural heritage, as embodied and reflected in such historic landmarks, by application of appropriate procedures;
- (3) Stabilize and improve property values in such locations; and
- (4) Ensure that new construction is appropriate to and contributes to historic integrity.

(Code 2000, § 78-101; Ord. No. 1332, § 1, 3-23-2006;)

Sec. 78-49. - Penalties.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-16.

(Code 2000, § 78-112(a); Ord. No. 1332, § 12, 3-23-2006)

Secs. 78-50—78-67. - Reserved.

DIVISION 2. - HISTORICAL DISTRICT

Sec. 78-68. - Created; described.

- (a) There is hereby created the City of Bay City Downtown Historical District and Southside Historic District.
- (b) The Bay City Downtown Historical and Southside Districts shall consist of 23 ½ blocks, including the east one-half of Block 77, and all of Blocks 62, 78, 79, 80, 89, 90, 91, 92, 103, 104, 105, 106, 107, 108, 117, 118, 119, 120, 121, 122, 133, 134 and 135, Old Townsite, City of Bay City, Matagorda County, Texas, as shown by the plat thereof, recorded in volume 5, page 36, Deed Records, Matagorda County, Texas.

(Code 1985, § 23-31; Code 2000, § 78-66)

Secs. 78-69—78-95. - Reserved.

DIVISION 3. - HISTORIC COMMISSION

Sec. 78-96. - Composition; membership terms.

- (a) The historic commission of the city is hereby established. It shall be under the supervision of the mayor and city council. It shall consist of seven members appointed by the mayor and approved by the city council. Of this number:
 - (1) Two shall be owners of a landmark structure within the city limits;
 - (2) One shall be a person having at least ten years previous experience in the business of buying, selling or dealing in real estate;
 - (3) One shall be an individual having at least ten years experience as a general contractor in construction, architect, planner or designer;
 - (4) Three shall be persons who, by training, experience or activity have demonstrated an interest in preserving the landmarks of the city as the same are herein defined.
- (b) The term of appointment shall be for three years. However, of the initial appointments, three shall be for a one-year term, two shall be for a two-year term, and two shall be for three-year terms. Nonvoting ex officio members shall be the main street director, the building inspector and one city council member.
- (c) A quorum for the transaction of business shall consist of four members of the historic commission.
- (d) All meetings shall be held in conformance with the Texas Open Meetings Act.

(Code 2000, § 78-102; Ord. No. 1332, § 2, 3-23-2006; Ord. No. 1400, § 1, 3-24-2011)

State Law reference— Open meetings act, V.T.C.A., Government Code § 551.001 et seq.

Sec. 78-97. - Duties and powers of the historic commission, support staff and historic preservation officer.

- (a) The historic commission is hereby authorized and directed to make a continuous study of all buildings, structures, parks, areas, sites, districts, and items of natural or artificial phenomena located within the city and which are known to, or brought to the attention of, the commission for designation as possible landmarks under the provisions of this division.
- (b) The historic commission, under the auspices of the city council, shall administer this division and the permitting thereof contained in this and other applicable ordinances.
- (c) The historic commission chairperson or designee shall serve as historic preservation officer, coordinating the commission's and city's preservation activities with the county, the state and federal agencies as appropriate and advising the commission on relevant issues.
- (d) The historic commission shall:
 - (1) Increase public awareness of the value of historic, cultural and architectural preservation by encouraging and participating in public education programs.
 - (2) Approve or disapprove applications for a certificate of appropriateness.
 - (3) Recommend specific design guidelines to ensure compatibility within the historic districts and designated landmark buildings and residences.

(Code 2000, § 78-103; Ord. No. 1332, § 3, 3-23-2006; Ord. No. 1400, § 1, 3-24-2011)

Sec. 78-98. - Changes or alterations prohibited until reviewed by commission.

- (a) Nothing in this division should be construed to prevent ordinary maintenance or repair of any exterior

architectural feature of a property designated as a landmark. The term "ordinary maintenance" shall be defined as any work that does not constitute a change in design, material, color or outward appearance, and include in-kind replacement or repair.

- (b) Building permits for the demolition, material alteration, substantial modification or other change will not be issued by the city for officially designated landmarks until the plans and specifications upon which the application for such permit is based shall have first been submitted to the historic commission for review.

(Code 2000, § 78-109; Ord. No. 1332, § 9, 3-23-2006; Ord. No. 1400, § 1, 3-24-2011)

Sec. 78-99. - Certificates of appropriateness; rehabilitation.

The historic commission shall follow the United States Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings to assist in its consideration of all certificates of appropriateness (COA). These standards and guidelines shall be made available to owners and tenants of property designated as historic upon request. The building department shall direct all individuals requesting a building permit in the historic districts or for property designated as historic property to the Main Street office for a certificate of appropriateness.

- (1) A person shall not alter a property designated as historic or place, construct, expand or remove any structure on the site without first obtaining a certificate of appropriateness (COA) in accordance with this division. A COA shall be obtained prior to issuance of any building or demolition permit, although the COA review and building permit and other required permit review processes may be conducted simultaneously. A COA may also be required for work not otherwise requiring a building permit. The COA shall be required in addition to, and not in lieu of, any required building permit.
- (2) Prior to commencement of any work, the owner shall file an application for a certificate of appropriateness (COA) with the historical preservation officer or designee. The application shall include information deemed necessary by the historic commission for clarification of the project.
- (3) The commission shall deny, approve or approve with conditions any certificate of appropriateness (COA) within 30 days of receipt of the completed application, determining whether the proposed work is consistent with the regulations contained in this, and in all other applicable ordinances.
- (4) All decisions of the commission shall be in writing, stating its approval or the specific reasons for denying or modifying any application. A copy of the certificate shall be sent to the applicant and a copy filed with the historical preservation officer or designee and shall become a part of the records with the commission.
- (5) All work performed on the historical property as related to this division shall conform to all its requirements. It shall be the duty of the historical preservation officer or designee to inspect periodically to ensure such compliance.

(Code 2000, § 78-110; Ord. No. 1332, § 10, 3-23-2006; Ord. No. 1400, § 1, 3-24-2011)

Sec. 78-100. - Application for certificates of appropriateness; demolition permits.

- (a) A demolition permit for a structure designated as an historical landmark or a structure within an historic district shall not be issued by the building inspector's office until review and issuance of a completed certificate of appropriateness application has been filed with the historic preservation officer or designee by the property owner for the historic commission's review and written opinion. The application shall contain:
 - (1) Information describing the condition of the structure;

- (2) Estimated cost of restoration or repair;
 - (3) Demonstration that the adaptive use or restoration of the structure has been seriously considered;
 - (4) Any available historic records of the structure (drawings, photographs);
 - (5) Architectural drawings for any proposed new construction which is intended to replace the historic structure;
 - (6) Other information that may be requested by the commission to render a decision regarding the plan.
- (b) The commission shall hold a public meeting on the application within 30 days of its receipt. A copy of the commission's written decision shall be filed with the historical preservation officer or designee and to the applicant within ten days of the public meeting.
 - (c) A property owner whose demolition has been denied may request hardship relief. In order to prove the existence of hardship, the property owner shall have the burden to establish that:
 - (1) The property is incapable of earning a reasonable return on the owner's investment;
 - (2) The property cannot be adapted for another use that can result in a reasonable return;
 - (3) No potential purchaser of the property with a reasonable offer who intends to preserve it can be identified.
 - (d) The commission shall hold a public meeting on the hardship relief request at least 60 days following the original date of the application for the demolition of the structure, at which time proponents and opponents of the plan may present their views. The commission may seek expert assistance in the fields of real estate development, appraisal, financing and other related disciplines to review the hardship request.
 - (e) The property owner shall consult in good faith with the commission, interested local groups and individuals in a diligent effort to investigate alternatives that will result in preservation of the property.
 - (f) All decisions of the commission shall be in writing. Copies shall be sent to the property owner and a copy filed with the historical preservation officer or designee.

(Code 2000, § 78-111; Ord. No. 1332, § 11, 3-23-2006)

Sec. 78-101. - Rollback of benefits.

If the owner of an officially designated landmark accepts any financial benefits accruing to the property in the nature of tax abatements, grants, or other subsidies, and, within ten years thereafter, elects to repeal such designation pursuant to section 78-100, the total of such financial benefits, plus interest at the rate of ten percent from the date of such acceptance, shall become immediately due and payable.

(Code 2000, § 78-112(b); Ord. No. 1332, § 12, 3-23-2006)

Sec. 78-102. - Lien on property.

- (a) A lien shall attach to the property immediately upon the repeal of such designation to secure the repayment of any such financial benefits and any interest due.
- (b) The lien shall exist in favor of all taxing units and other parties providing such benefits.

(Code 2000, § 78-113; Ord. No. 1332, § 13, 3-23-2006)

Sec. 78-103. - Appeals.

- (a) Appeals of decisions made under section 78-99 shall be made in writing to the city council by the owner of the property in question, within 30 days of the date notification of the decision by the historic commission.

- (b) The city council shall hear all such appeals at the next regularly scheduled council meeting occurring at the time of the secretary of the written notice of appeal.

(Code 2000, § 78-114; Ord. No. 1332, § 14, 3-23-2006; Ord. No. 1400, § 1, 3-24-2011)

Secs. 78-104—78-134. - Reserved.

DIVISION 4. - HISTORIC LANDMARKS

Sec. 78-135. - Authorized to officially designate and establish criteria for landmarks.

The historic commission shall have the authority to establish criteria for and to designate those buildings, structures, parks, area sites, districts, and items of natural or artificial phenomena which in its judgment are candidates to be officially designated as landmarks under the provisions of this article. In determining what should be designated a landmark under this article, the commission shall take into account the age, design, period of construction, esthetic value, past use, historical significance, unusual nature, point of location, or other recognized or general accepted basis.

(Ord. No. 1332, § 4, 3-23-2006; Ord. No. 1400, § 1, 3-24-2011)

Sec. 78-136. - Rules and regulations in selection of items considered.

For the purpose of carrying out the provisions of this article, the historic commission shall have the authority to:

- (1) Establish rules and regulations in order to evaluate and select items to be considered;
- (2) To fix criteria to be followed for designated landmark candidates and officially designate landmarks;
- (3) Provide the ways and means for the evaluation, selection and designation of landmarks.

(Ord. No. 1332, § 5, 3-23-2006; Ord. No. 1400, § 1, 3-24-2011)

Sec. 78-137. - Notice of identification sent to owner of landmark.

When a landmark has been officially identified by the historic commission, as described in this article:

- (1) Notice of its candidacy shall be sent by registered mail to the owner of the landmark, as the name is disclosed by the city or county records, and to any current occupant thereof.
- (2) The owner may then, if the owner so desires, make written application to the commission for official designation.
- (3) Upon approval by the commission of the submitted application, the landmark will be placed on the official register. The owner will then assume all privileges and responsibilities of owning an officially designated landmark.
- (4) Perforce, if no application is submitted, no official designation shall be rendered.

(Ord. No. 1332, § 6, 3-23-2006; Ord. No. 1400, § 1, 3-24-2011)

Sec. 78-138. - Public declaration of officially designated landmarks.

- (a) When a building, structure, park, area, site, district, or other item natural or artificial phenomena has been officially designated as a landmark within the meaning of this article, such fact shall be publicly declared by the

historic commission and shall be transmitted to the historic preservation officer or designee, who is charged with the duty of maintaining an official landmark register in which shall be entered all such designations, adequately described for proper identification.

- (b) A statement of the historical considerations that formed the basis for such designation shall also be filed with the historic preservation officer or designee, who shall maintain such statement for public use and inspection.
- (c) Designation shall be recorded by legal description on the city's official maps, in the records of real property of the county, and with the tax appraisal office.

(Ord. No. 1332, § 7, 3-23-2006)

Sec. 78-139. - Officially designated landmarks declared to be matters of public interest and concern.

- (a) All buildings, structures, parks, areas, sites, districts, and items of natural or artificial phenomena duly designated as landmarks and registered with the historic preservation officer or designee as herein provided are declared to be matters of public interest and concern.
- (b) The preservation of such landmarks is hereby recognized to have economic and aesthetic value, and is held to be in the best interest of and to promote the general welfare of the city and its inhabitants.

(Ord. No. 1332, § 8, 3-23-2006)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 06/14/18 06:00 PM
Department: City Secretary
Category: Policy
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3158

AGENDA ITEM (ID # 3158)

DISCUSS AND CONSIDER A REVIEW OF CITY ORDINANCES.

COMMENTS - Current Meeting:

Mayor Bricker presented the City Ordinances that are in need of review and revision. He requested Council assistance in serving on committees to review the ordinances.

Ordinances:

Sign

Mobile Homes

Mobile Food Vendors - trucks

Teen Curfew

After Hour Clubs

Graffiti

Public Art