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**MINUTES**  
**LANDMARK COMMISSION**  
September 27, 2016

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**MEMBERS PRESENT:**

Stacie Flood, Chairperson  
Barney Brock  
Cindy Cotton  
Michele Derr  
Jackie Lebow  
Andy Lee

■ Members  
■ P&Z Liaison  
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Michael Smith

■ Council Liaison

Karen Gagné, Planning Administrator  
Aaron Hudman, Planner III  
Matt Prouty, Planner II  
Amy Krikorian, Municipal Court Prosecutor

■ City Staff  
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■ Legal Dept.

**ABSENT:**

Christy Graham  
Cindy Ramirez

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**I. Call to Order, and Introductions**

Chairperson Stacie Flood called the meeting to order at 12:00 p.m.

**II. Review & Approval of Minutes from August 23, 2016**

Chairperson Flood called for review and approval of minutes from the August 23, 2016 Landmark Commission meeting. Mrs. Michele Derr stated that the location for "Top of Texas" needed to be changed from the J.S. Bridwell Ag. Center to the MPEC. Mr. Andy Lee made a motion to approve the minutes with the necessary correction. Mrs. Michele Derr seconded the motion. The motion was taken to a vote and passed unanimously.

**III. Review Item: Texas Historical Commission: Certified Local Government Four-Year Review**

Mrs. Karen Gagné stated this four-year review had been unique because there had been two different reviewers and the review had taken place over a six to eight month period. Because the previous CLG had vacated her position, there had been a time lapse in the processing of submitted documents, but a new CLG coordinator had since been hired. One of the recommendations regarding organization and administration of the CLG was that a Historic Preservation Officer be appointed that satisfies the Secretary of the Interior's Professional Qualification Standards. She stated it had been discussed that Mr.

Matthew Prouty could be made the HPO, and she could be named the deputy, or possibly Matt could be the deputy.

Mrs. Gagné stated another of the items reviewed, which had been satisfied, was the Commission's maintaining of complete and accurate minutes that are available to the public and distributed to the Commission. She stated the approved minutes for the last several years and agendas for upcoming meetings had begun to be posted on the Planning section of the City website. Mrs. Gagné stated another recommendation made under the Survey and Inventory section was to consider applying for a CLG grant to develop a phased survey preservation plan update. She stated that the current preservation plan dates back to 1982, and staff was hoping to pursue a grant in either 2017-18, or 2018-19 in order to update the existing plan. She stated that staff would also be working with the Wichita County Heritage Society in an effort to digitize the older inventory sheets from the original preservation plan.

Councilor Michael Smith asked for a brief explanation of how to incorporate the information from the historic resources survey. Mrs. Gagné stated that one possibility would be to work in conjunction with Wichita Falls Times Record News on a series featuring historic resources. She stated another possibility could be to make information on historic sites more accessible to the public by digitizing files and placing them on the Planning website, or sharing them with the Wichita County Archives.

Mr. Andy Lee asked about the application process for designation to the National Registry. He wanted to know if the application needed to be submitted to THC concurrently with an application for design review with the local CLG. Mrs. Gagné stated typically staff receives notice from the National Register Coordinator at THC when they receive an application for the National Register, which then triggers staff to become formally involved and schedule the property for Landmark review. Mr. Lee stated he felt they were in a good place with their application with THC for the Zales building thanks to the experience and work on behalf of staff and the Commission, and the fact that the review process the Landmark Commission had adopted mirrored the standards used by THC.

#### **IV. Review and Discussion Item: Consideration of Alternative Materials Decision Tree Diagram**

Mr. Matthew Prouty stated he had been unable to attend the National Parks Service Forum in Mobile, Alabama, but he had received a copy of the "Consideration of Alternative Materials Decision Tree Diagram" from the CLG coordinator with THC. He stated, upon review of the document, he believed the commission had followed fairly closely the practices outlined in the decision tree when considering the use of alternative materials for the Zales building. He stated this document would be an excellent resource to refer to moving forward on other projects.

Ms. Stacie Flood asked if this was something that needed to be included in the Landmark Commission's design guideline book, or if it was just a tool for the Commission to use when considering alternative materials. Mrs. Karen Gagné stated she thought it was something that the Commission should use as a standard when considering alternative materials. Mr. Andy Lee stated he thought adding the decision tree to the design review

guidelines could simplify the decision making process for home and business owners by giving them a clear cut outline to follow.

Mrs. Karen Gagné stated this brought up the ongoing question of using aluminum windows. She stated this would need to be further researched now that the Commission has a CLG Coordinator at THC. In an effort to continue to conform to both THC standards and national standards, staff would be looking into what direction was being taken in regard to the changes to the energy code.

Mr. Jackie Lebow referred to a project at Rolling Meadows where they had run into issues with accessibility and operable window requirements. He explained it had been difficult to locate appropriate materials that would both satisfy the energy code, accessibility standards, and design guidelines. Mr. Lebow stated he believed these issues would become even more common with upcoming implementation of the 2015 Energy Code. Ms. Cindy Cotton asked if aluminum windows had been improved to the point that they would be considered acceptable. Mr. Lebow stated windows would need to be thermally broken in order to satisfy the requirements of the Energy Code, and the cheaper, aluminum windows would not satisfy this requirement.

Mrs. Gagné stated Ms. Susan Gross had experienced similar issues with the most recent window replacement phase done on her home on 9<sup>th</sup> Street. She had experienced problems locating the appropriate materials that were both cost effective, and acceptable under the design review guidelines. Mrs. Gagne stated with so many other communities dealing with similar issues, it would be something THC and the Department of the Interior would need to address. She stated this was something staff would be researching over the next few months.

Mr. Barney Brock stated he recently learned there is an aluminum window with a special coating that will meet the 2015 Energy Code. Ms. Cindy Cotton stated that several residents wanted to replace their existing wood windows because they were difficult to open. She stated it was expensive to buy replacement windows constructed of wood, but having the wood repaired could possibly be a less costly alternative.

Mr. Prouty stated he had the opportunity to meet with the HPO from Palestine, TX. He stated they had received funding from THC to give workshops for wood window repair and renovation. Mr. Aaron Hudman stated there had been trials conducted on a national level that had shown it could be beneficial to consider the possibility of repairing wood windows. He stated that in approximately thirty percent of the cases analyzed repairing the wood windows had been more cost effective than replacing them. Ms. Cotton pointed out it would be difficult to find someone locally that could do the repairs.

**V. Discussion Item: Section 106 Review for any effect a proposed 195' telecommunications tower at an address TBD Gregg Rd. Wichita Falls, TX may have on Historic Properties**

Mr. Matthew Prouty stated it was a requirement of the FCC, per Section 106 of the National Historic Preservation Act, that the proposed tower project must be evaluated for any affect it may have on historic properties or landscapes. He stated after thoroughly researching the surrounding area, which is just outside the City boundary, it was determined that Lake Wichita was the one site that met the qualifying criteria of a Historic Property. He stated Lake Wichita, built in 1901, was over fifty years old and could qualify as a historic landscape and engineering feat. He stated it also had potential cultural significance related to Native American presence in the area. Mr. Prouty pointed out there had also been several community initiatives aimed at a historic revitalization of the lake.

Mr. Prouty stated, because Lake Wichita could potentially be considered a Historic Property, it was important to evaluate the potential impact a 195' telecommunications tower in the approximate location designated might have on view corridors and the historic look of the lake. He mentioned that there were already two telecommunications tower on the east side of the lake, but they did not interfere with the view of the sunset.

Mr. Prouty stated this discussion also brought up the question of whether it had ever been considered to designate Lake Wichita as a historic property. He stated this might aid the current efforts being made to fundraise for the lake revitalization project. Mr. Andy Lee pointed out that the boundaries of the lake changed based on rainfall in the area, and that over the years the lake had emptied and filled in a cyclical manner. Mr. Hudman stated that the FCC is very specific when it comes to the Section 106 review, and there are several categories that could be applied when considering a site for historic designation.

Councilor Smith stated he had seen several cell towers come before the City Council for approval, but doesn't recall ever having been required to review them in his capacity as a member of the Landmark Commission. Mrs. Karen Gagné explained that it was required by the FCC that notice go out whenever erecting a new telecommunications tower and that staff had records for several cases on file. She stated there were specifications in the Federal Communications Act requiring projects be reviewed any time federal funds are being utilized on a project. The purpose of the review is to insure the project will not destroy or significantly damage historic properties. Chairperson Stacie Flood stated she recalled reviewing the tower that was placed on top of the Hamilton Building.

Mrs. Gagne clarified that ordinarily they do not go into as much depth in these reviews, but this particular tower is unusual because the proposed location is just outside the city limits in the ETJ, hence just outside of zoning. She stated staff had done a thorough analysis of research for Lake Wichita because it was a major community asset. Because the lake is now over capacity, it was also an important focal point that the city can capitalize on.

Mr. Prouty stated there had been several cell phone towers erected within the city limits that do not follow the letter of the ordinance. He pointed to the example of a cell tower near the Wichita Falls Travel Center, just outside the CBD. According to Section 106, cell towers located within or in proximity to a historic district should be stealth towers that fit the historic look of the district. He stated the parcel for the proposed tower has residential zoning, and there had been discussions regarding having the parcel replatted and having the current zoning removed. He stated if the tower were to be located in or around a Single-Family zoning district, it would be required to be a stealth tower. Mr. Prouty pointed to a successful example of a stealth tower, the green and white pillar located at the Week's Tennis Center. Mrs. Gagné pointed out there had been very detailed negotiations involved with the tower mentioned because it had been placed on City property.

#### **VI. Discussion Item: Bird mitigation strategies and Historical Structures and Landmarks**

Mr. Aaron Hudman stated the discussion on bird mitigation strategies was generated by an observation that birds had made a mess of the second floor of the Kell House. He stated he had reached out to Tedd Pepps, wildlife biologist and USDA representative, who provided support to SAFB and occasionally worked with the City on bird mitigation. Due to the flying missions at SAFB, the birds are often removed from the base. When the birds relocate to new locations in the city, it can have an impact on landmarks and other structures. He stated the damage caused by the birds was becoming an increasing financial burden.

Mr. Hudman stated he had taken Mr. Pepps to observe the situation at the Kell House in hopes of gaining a recommendation on an appropriate mitigation strategy that would also satisfy the design requirements for locally and nationally designated historic properties. He stated he expected future feedback from Mr. Pepps, but felt it would be useful to discuss among the Commission because of the significant damage the dense bird populations were causing to these structures.

Chairperson Flood stated the Kell House had tried placing metal spikes on the tops of the columns in hope of preventing the birds from roosting, but the spikes had instead provided the birds with more firmly secured nests. Mr. Hudman stated there are cost effective methods that can be combined with spikes, making deterrence more effective. He stated his concern is finding strategies that don't create more of an eyesore than the birds themselves. He stated there are low profile electronic bands that can be laid along the ledges of a roof to give a cautionary shock to the birds when they land. Mr. Hudman stated the bands are very effective and he would be providing examples in the future.

Chairperson Flood stated they had recently repaired the railing for the second story balcony at the Kell House, and the wood of the railing was already deteriorating again due to the bird droppings. She stated they had looked into what the Parthenon in Nashville, TN had done for similar issues and found they had used netting. Mr. Hudman stated he and Mr. Pepps had worked on projects utilizing netting and learned the installation of the netting needed to be very specific, and it could be effective against some species of bird, but would not deter them all. He stated he believed a combination of efforts would be the most successful strategy because birds could be very adaptive.

Chairperson Flood stated it was an onerous task for the Kell House to find strategies that would be acceptable under both their local and national historic designations. Mr. Hudman stated the urban environments being created were providing an ideal habitat for the birds. He suggested perhaps some of the solutions to the increasing problem would be provided on a national level. Mr. Prouty pointed out that an urban environment was not the natural habitat of these birds, and pointed to this fact as an example of just how adaptable they could be to changing environments. Mr. Hudman emphasized that it was this versatility of the birds that made mitigation so difficult.

Mr. Andy Lee stated once the birds were removed from one location in the city, they reappeared somewhere else. He stated Wichita Square had spent \$15,000.00 on cleaning up after the birds. He stated they were using shock track and cages on the roofs at Quail Creek and their next step would be to implement the use of netting on signage. He stated they were using shock track and netting at another building in Parker Square. Mr. Lee stated the birds were very destructive and there was a true cost involved with the damage incurred. He mentioned the University of Texas had issued shot guns loaded with rock salt to all of its maintenance workers.

Mr. Hudman emphasized that any species of bird can be adaptive unless you continue to change your approach. He pointed to a variety of methods, such as blocking off the environment, using acoustics, adjusting the lighting, and bringing in predator birds. He stated there was no one method alone, other than depredation, that would be fully effective, but using varying methods would be the best way to redirect the birds.

## **VII. Other Business:**

### **a) Monthly Report—Depot Square & West Floral Heights Historic Districts**

Mrs. Michele Derr stated there was a food truck competition coming up on October 8<sup>th</sup> on Ohio Street. She stated that it was being organized by and benefitting the Downtown Lion's Club.

Ms. Cindy Cotton stated West Floral Heights was still in the process of organizing the planting of trees to restore the canopy in the neighborhood. She stated they were looking at planting several red oaks and one elm. Mr. Hudman asked if there were any restrictions on how close the elms could be planted. He stated that if an elm was planted within fifty feet of another elm, their root structures could connect and potentially cause fungus. Ms. Cotton stated they were only planting one elm, and all the trees would be at least fifty feet apart. She stated the homeowners would also have to agree to properly care for the trees.

Mr. Prouty asked if the trees would be going back into the City right-of-way, between the sidewalk and the curb. Ms. Cotton stated they would. Mr. Prouty stated there would need to be some discussion with the Public Works Department regarding the placement of the trees. He stated there had been a push to keep trees from being planted in the right-of-way, both because of the birds and interference with utilities. Ms. Cotton stated the utilities did not run along the street fronts being restored, but along the side streets. Mr. Prouty stated he would set up a meeting to discuss with Public Works the desire to restore the historical canopy to the neighborhood, and he would contact Ms. Cotton when making arrangements.

**b) Design Review—Staff Authorized—Minor Alterations/Repairs:**

Mr. Matt Prouty reported on the four staff authorized minor alterations/repairs:

300 Morningside Dr. (Morningside District) – Mechanical permit (Guyette air conditioning and heating)

1508 Hayes (West Floral Heights) – Plumbing Permit – Domestic plumbing repair related to foundation repair; no visible exterior changes to structure

1515 Buchanan (West Floral Heights) – Electrical Permit – Bobby Garcia Electric

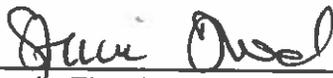
1708 Buchanan (West Floral Heights) – Mechanical Permit – Feguson-Veresh, A/C Condenser

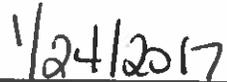
**c) Articles & Periodicals/Updates: Texas Co-op Power –Celebrating The National Park Service Centennial, The National Park Centennial in Texas, People preserve history and natural beauty at these timeless destinations.****VI. New Business:**

a) Next Mtg. – Tuesday, October 25<sup>th</sup>, at 12pm

**VII. Adjourn:**

Meeting adjourned at 1:30 pm

  
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Stacie Flood, Chairperson

  
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Date

