

TEXAS HISTORICAL COMMISSION

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March 9, 2016

Marty W. Nelson
Economic Development Coordinator
City of Ennis
PO Box 220
Ennis, TX 75120

Re: 2016 Four-Year Evaluation under Section 101(a)(7)(C) of the National Historic Preservation Act of 1966, for the Certified Local Government program, City of Ennis, Ellis County, Texas

Dear Mr. Nelson,

Thank you for our meeting in Ennis on October 13, 2015, for the purpose of conducting the above-referenced evaluation. This letter presents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC). As the state agency responsible for administering the Certified Local Government (CLG) program, these comments also provide recommendations on compliance with state rules and federal regulations.

The review staff, led by Madeline Clites, local government specialist for the CLG program, has completed its review. Based on the information discussed at the meeting and submitted to date, it appears that the City of Ennis will fulfill its responsibilities pursuant to the terms of the original Certification Agreement.

The following are additional recommendations:

- Ensure that the Historic Preservation Officer attends at least one training approved by the THC annually.
- Ensure that Historic Preservation Commissioners have access to annual training.
- Cite the *Secretary of Interior's Standards for Rehabilitation* in meeting minutes so the criteria used to approve or deny Certificate of Appropriateness applications are clear.
- Encourage the Historic Preservation Commission to work beyond Certificate of Appropriateness review, such as community outreach, education, historic resources surveys, and local district or landmark designation.
- Update the city's historic resources survey to include the results of the 2015 downtown commercial district survey update.
- Update the outdated sections of the city's historic resources survey (completed in 1985, updated in 1997).



- Consider applying for a 2017 CLG grant to draft design guidelines for the downtown commercial historic district.

Enclosed is a copy of the completed evaluation form for your files that outlines the aforementioned required improvements and recommendations in greater detail. Thank you for your cooperation in this federal and state review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact me at 512-463-9063.**

Respectfully,



Madeline Clites, Local Government Specialist
Certified Local Government Program

cc: The Honorable Russell Thomas, Mayor of the City of Ennis, Texas

**CERTIFIED LOCAL GOVERNMENT
FOUR-YEAR REVIEW**

CERTIFIED LOCAL GOVERNMENT: **City of Ennis**
DATE OF VISIT: **October 13, 2015**
DATE COMPLETED: **February 26, 2016**
THC STAFF REVIEWER: **Madeline Clites**

PURPOSE

In accordance with federal regulations and Texas Administrative Code Chapter 15.6, Rules and Procedures for Certified Local Governments, section (h) (1), the State Historic Preservation Officer (SHPO) shall conduct, at least once every 4 years, a review of Certified Local Governments (CLGs). The purpose of this is to assure that each government fulfills its responsibilities as provided for in the Certification Agreement, as follows:

- (1) To review the annual review reports submitted by the local governments and other documents as necessary;
- (2) To review reports and documents pertaining to the fiscal management of Historic Preservation Fund monies.
- (3) To review all relevant records and materials available to the State Historic Preservation officer, including copies of all documentation of expenses.
- (4) To review the performance of the Certified Local Government on the basis of recognized standards for historic preservation activities, such as the National Register Criteria for Evaluation, State survey grant requirements, the *Secretary of the Interior's Standards for Rehabilitation* and the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.

PROCEDURE FOR REVIEW OF CLG PROGRAMS

In Texas, the SHPO is the Executive Director of the Texas Historical Commission and his designee is responsible for carrying out this review. In order to make an objective review of the local CLG program, the SHPO or his designee will make an on-site visit for one to two days. The following schedule will apply:

1. The SHPO shall confer with the CLG on an appropriate on-site date to coordinate with the historic preservation review commission/board/committee regularly scheduled monthly meeting.

2. During or prior to the on-site visit, the SHPO will request that the CLG produce files, publications, minutes of local review commission meetings, and other materials necessary to accurately answer questions listed in the evaluation. Meetings with review commissions/boards/committees and special groups reviewing certificates of appropriateness also will be necessary.
3. A draft of the findings and recommendation of the SHPO staff will be provided to the CLG typically within 60 days after the on-site visit.
4. The CLG shall have 45 days from the receipt of the comments of the SHPO to submit a written response.
5. The SHPO and CLG shall consult to resolve any differences of opinion about the findings and recommendations presented in the report.
6. The CLG shall then take action to provide required documentation or perform other steps necessary to correct deficiencies noted in the report.
7. If all corrections required are not accomplished within the agreed upon time frame in accordance with the Rules and Procedures for Certified Local Governments, the SHPO may recommend to the National Park Service the decertification of the CLG.

PROCESS FOR REVOKING CERTIFICATION

The process for revoking the certification of a local government is outlined in Section (i) in the adopted Rules and Procedures for Certified Local Governments.

EVALUATION FORM FOR CERTIFIED LOCAL GOVERNMENTS

Attached is the evaluation form to be used by the SHPO during and on-site visit. Questions preceded by an "*" must be answered with a "Yes" or the CLG will be considered deficient in that mandatory area. Negative answers to these items must be discussed in the "Required Improvements" section of the evaluation of the specific program area. These negative items must be corrected by the CLG in order to remain in good standing.

EVALUATION FORM

I. SUMMARY OF CLG REVIEW MEETING

THC Staff **Madeline Clites**

Local CLG Representative **Marty Nelson**

Did THC Staff observe CLG Board Meeting?

Yes No

II. CLG ADMINISTRATION AND ORGANIZATION

In this section, the SHPO will evaluate the administration and organization of the CLG. It is recognized that the CLGs will vary in their organization and means of administering a preservation program. This portion is intended to cover broad areas and general responsibilities.

*A. Does the CLG have a designated city/county official, staff person, or other appropriate resident of the local government serving as preservation officer?

Yes No

*B. Does the appointed CLG Representative satisfy the requirements for serving as Historic Preservation officer, as outlined by local ordinance and the Secretary of the Interior's Standards for Professional Qualifications?

Yes No

*C. Did the CLG submit a complete and acceptable annual report in a timely manner as specified in the Certification Agreement?

Yes No

SUMMARY OF SHPO FINDINGS:

The City of Ennis Preservation Ordinance states that the Historic Preservation Officer (HPO) will be the chair of the Historic Landmark Commission (HLC); however city staffer and Economic Development Coordinator, Marty Nelson, is acting HPO.

Mr. Nelson does not meet the Secretary of the Interior's Professional Qualification Standards, but is willing to learn and attend trainings.

The CLG routinely completes and submits Annual Reports on time.

REQUIRED IMPROVEMENTS:

According to the THC CLG Handbook, the CLG shall "appoint a historic preservation officer that satisfies the Secretary of the Interior's Professional Qualification Standards. If the CLG is unable to satisfy the standards, the HPO must clearly demonstrate an interest, knowledge, and demonstrated background in the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation."

Item four in the 2012 CLG Certification Agreement states that the CLG will "provide appropriate training for historic preservation officer, related city staff and members of the historic preservation commission."

The CLG shall either hire a HPO who meets the Secretary of the Interior's Professional Qualification Standards, or ensure that the HPO attends trainings hosted or approved by the THC.

RECOMMENDATIONS:

The THC recommends that the HPO remains in frequent communication with the CLG Program. The CLG Program staff welcomes all questions regarding local preservation issues. The HPO should also monitor the CLG listserv for information about future trainings offered to HPOs.

The National Alliance for Preservation Commissions Annual Conference, FORUM, is an excellent opportunity to learn more about the responsibilities of the HPO role and the application of the Secretary of Interior Standards (SOIS) for Rehabilitation, and network with other HPOs around the country.

Consider editing the Ennis Preservation Ordinance so that the HLC Chair is not also the HPO. This creates a potential conflict of interest since the HPO makes a recommendation to the commission, but in this case, would also have voting rights as a member of the commission.

**III. HISTORIC PRESERVATION REVIEW
COMMISSION/BOARD/COMMITTEE**

In this section, the SHPO will evaluate the existing historic preservation review commission/board/committee based on the Certification Agreement and the Rules and Procedures for Certified Local Governments.

*A. Does the CLG maintain an adequate and qualified local historic preservation review commission/board/committee in accordance with the provisions of the Certification Agreement and Rules and Procedures for Certified Local Governments?

Yes No

*B. Does the CLG's historic preservation review commission/board/committee maintain adequate written minutes of all meetings?

Yes No

*C. Are the minutes kept on file and available for review by the public?

Yes No

*D. Do the minutes appear to fully state the reasons for commission/board/committee decisions?

Yes No

*E. Are copies of the minutes distributed to the members of the review commission/board/committee and to the Texas Historical Commission within sixty days of the date of a meeting?

Yes No

*F. Is there evidence that all review commission/board/committee meetings are held in conformance with the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17?

Yes No

*G. Does the local historic preservation review commission/board/committee meet at least monthly, unless no applications for work have been received, or unless no commission/board/committee action is required?

Yes No

H. Has it been necessary to fill vacancies on the local commission/board/committee since the execution of the Certification Agreement or the last annual review?

Yes No

*I. If new members have been appointed since execution of the Certification Agreement or the last annual review, has the SHPO been provided copies of resumes (vitae) for each new member?

Yes No

*J. Is there evidence that all commission/board/committee members are residents of the county or municipal entity for which they serve?

Yes No

*K. Is there evidence that all commission/board/committee members represent the general ethnic make-up of that community?

Yes No

*L. Do all review commission/board/committee members have a demonstrated interest, competence, or knowledge in historic preservation?

Yes No

*M. Is there evidence that the local government made a reasonable effort to locate and appoint professional members from the disciplines of architecture, history, architectural history, planning, archeology, or other disciplines related to historic preservation such as American studies, American civilization, cultural geography, or cultural anthropology?

Yes No

(This may be demonstrated through a public service announcement, newspaper advertisement, media story, or other appropriate form of public communication.)

*N. Has at least one member of the local historic preservation review commission/board/committee attended at least one informational or educational meeting sponsored or approved by the Texas Historical Commission, and which pertains to the current work and functions of the review commission/board/committee or to other related historic preservation topics during each of the three preceding fiscal years?

Yes No

Summary of Training:

Texas Downtown Association Annual Conference, 2014.

SUMMARY OF SHPO FINDINGS:

The City of Ennis maintains an active Historic Landmark Commission (HLC). The commission is made up of diverse individuals with varying interest and experience in the field of historic preservation. The HLC meets monthly and appears to comply with the State of Texas Open Meetings Act.

REQUIRED IMPROVEMENTS:

The CLG shall, in accordance with the local preservation ordinance, seek to advance historic preservation in areas beyond the review of Certificate of Appropriateness (COA) applications.

The HLC shall recommend designations for local landmarks and districts, initiate historic resource surveys, review national register nominations, and educate the public about the benefits of historic preservation.

The HLC meeting minutes shall document why decisions are being made. For example, if a Certificate of Appropriateness application is approved/denied, the meeting minutes should cite the ordinance or the Secretary of the Interior's Standards for Rehabilitation. This should be done either in the motion or the staff's recommendation.

The excerpt below, which was taken from the August 2015 Historic Preservation Commission meeting minutes, does not cite the standards and guidelines. Future motions should be phrased to include them, or reference staff's recommendation which cites the standards or guidelines. This practice ensures that the commission is acting in its legal authority and making decisions based on the city's preservation ordinance.

Public Hearing and consideration as may be appropriate with regard to a Certificate of Appropriateness for the removal of existing wood & metal front awning and replace with new wood and metal awning, duplicating the existing awning at 210 W Brown St, Lots 5 & 6, Blk 58, OT Ennis, 0.132 Acres, requested by Keith Jantz.

Motion by Commissioner **Zembala**; Second by Commissioner **Ventura**, to approve a Certificate of Appropriateness for the removal of existing wood & metal front awning and replace with new wood and metal awning, duplicating the existing awning at 210 W Brown St, Lots 5 & 6, Blk 58, OT Ennis, 0.132 Acres, requested by Keith Jantz.

All in favor.

The CLG shall encourage HPC members to attend at least one THC approved training a year. Number four in the 2012 CLG Certification Agreement states that the CLG will "provide appropriate training for historic preservation officer, related city staff and members of the historic preservation commission."

RECOMMENDATIONS:

The City of Ennis has invited CLG Program staff to give a training on March 22, 2016. The training will focus on educating members of the commission about the benefits and requirements of the CLG Program, as well as address Certificate of Appropriateness application reviews and interpreting the Secretary of the Interior Standards for Rehabilitation.

IV. NATIONAL REGISTER NOMINATIONS PROCESS

In this section, the SHPO will review the CLG's participation in the preparation, evaluation, and review of nominations to the National Register of Historic Places in accordance with the Certification Agreement, Rules and Procedures for Certified Local Government, and the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.

A. Has the CLG reviewed a National Register nomination during the last year?

Yes No

*B. If the answer to "A" is "yes", did the CLG carry out the review of the National Register nominations in accordance with the Rules and Procedures for Certified Local Governments during the past year, including the following:

*1. Did the review commission/board/committee and the chief elected official of the CLG separately notify the National Register Department, the owner of the property, and the applicant as to their opinions in regard to the proposed nomination within 60 days of the receipt of the nomination materials?

Yes No Not Applicable

*2. Did the CLG provide a reasonable opportunity during the 60 day period for public comment?

Yes No Not Applicable

*3. Did the CLG verify the accuracy of the nomination including the names of all owners of properties included in the nomination?

Yes No Not Applicable

*4. Did the CLG hold public information meetings concerning the proposed nomination?

Yes No Not Applicable

*5. Were appropriate professionals, meeting the Secretary of the Interior's Professional Qualifications Standards, available when the review commission/board/committee considered the National Register nomination?

Yes No Not Applicable

(This should be demonstrated through the minutes from the meeting in which the nomination was reviewed.)

SUMMARY OF SHPO FINDINGS:

In the past four years, there have been no National Register nominations for properties located in the City of Ennis; therefore, the HLC has not had the opportunity to review a nomination.

Due to increased interest in federal and state tax credits, the City of Ennis is working with the THC's National Register Program to update the downtown National Register district.

REQUIRED IMPROVEMENTS:

The HLC shall play an active role in reviewing all future National Register nominations.

RECOMMENDATIONS:

In 2015, the city updated their downtown historic resources survey as part of a project to expand the downtown National Register Historic District. This survey should be imported into the THC's Access database template and the city's GIS mapping system. The THC recommends a comprehensive update to the 1997 historic resources survey so that it would include the residential historic district. The update might also include areas that were not previously included, but have become historic since the initial survey in 1985.

V. SURVEY AND INVENTORY

In this section, the SHPO will evaluate the CLG based on the Certification Agreement, Rules and Procedures for Certified Local Governments, and the *Secretary of the Interior's Standards for Archeology and Historic Preservation*.

*A. Does the CLG maintain a system for the survey and inventory of historic properties which is coordinated with and complementary to the historic sites inventory of the SHPO?

Yes No

*B. Is all inventory material maintained securely and accessible to the public, with the exception of the location of archeological sites?

Yes No

*C. Is the inventory used in the process of designating local landmarks and in the review of National Register nominations?

Yes No

*D. Is there evidence that the CLG periodically updates the inventory to reflect changes, alterations, and demolitions?

Yes No

E. Has a building-by-building survey been made for each locally designated historic district and an inventory file accessible to the public organized?

Yes No

List each local district, if any, and percentage completed:

Downtown Historic District, Templeton McCanless Residential Historic District

SUMMARY OF SHPO FINDINGS:

In 2015, the city updated its historic resources survey of downtown in an effort to expand the downtown National Register historic district. This survey was not organized using the THC's Access database template and included the property address, date of construction, architectural description, a photo, and its historic/current status as a contributing/noncontributing resource to the National Register historic district.

REQUIRED IMPROVEMENTS:

No required improvements at this time.

RECOMMENDATIONS:

Incorporate the 2015 survey results into the 1985/1997 historic resources survey. Digitize the 2015 survey with the THC's Access database template. Share the 2015 survey with the public. Consider incorporating historic resources survey information into the city's GIS program.

Consider updating the 1997 historic resources survey to include the residential historic district and other areas not initially surveyed.

Contact the THC's Survey Program Coordinator, Leslie Wolfenden to discuss options for a survey update and digitization.

Consider applying for a 2017 CLG grant to develop a survey plan and conduct a comprehensive survey update.

VI. DESIGNATION OF LOCAL PROPERTIES (Cities only)

In this section, the CLG will be evaluated on the basis of the Certification Agreement, Rules and Procedures for Certified Local Governments, and the *Secretary of the Interior's Standards for Archeology and Historic Preservation*.

*A. Does the CLG enforce provisions of the local historic preservation ordinance for the designation of local landmarks and districts?

Yes No Not Applicable

SUMMARY OF SHPO FINDINGS:

The HLC acts in accordance with the local preservation ordinance and maintains the authority to designate properties as historic; however, the HLC rarely exercises this authority.

REQUIRED IMPROVEMENTS:

No required improvements at this time.

RECOMMENDATIONS:

The HLC should seek to expand the protection of historic resources in Ennis through landmark designation.

The HLC should also consider ways to encourage preservation beyond Certificate of Appropriateness review. For example, reviewing the city's preservation ordinance, the commission by-laws, nominating and designating historic properties, conducting public outreach and education, and inviting preservation professionals to speak to the commission as a form of training.

VII. PROTECTION OF LOCALLY DESIGNATED PROPERTIES (Cities only)

In this section, the CLG will be evaluated on the basis of the Certification Agreement, Rules and Procedures for Certified Local Governments, and the *Secretary of the Interior's Standards for Archeology and Historic Preservation*.

*A. Does the CLG enforce the protective features of the local historic preservation ordinance?

Yes No Not Applicable

*B. Do the decisions of the local historic preservation review commission reflect a general understanding and use of the *Secretary of the Interior's Standards for Rehabilitation*?

Yes No Not Applicable

SUMMARY OF SHPO FINDINGS:

The City of Ennis HLC acts in accordance with the preservation ordinance and routinely reviews Certificate of Appropriateness (COA) applications at monthly meetings.

REQUIRED IMPROVEMENTS:

The CLG shall cite the Secretary of Interior Standards for Rehabilitation, the preservation ordinance, or (future) design guidelines when making decisions on COA applications.

RECOMMENDATIONS:

Design guidelines would help clarify appropriate treatments of historic properties in Ennis.

Apply for a 2017 CLG grant to draft local design guidelines.

VIII. PUBLIC PARTICIPATION AND COMMENT

In this section, the CLG will be evaluated on the basis of the Certification Agreement, Rules and Procedures for Certified Local Governments, and the *Secretary of the Interior's Standards for Archeology and Historic Preservation*.

*A. Can the CLG demonstrate encouragement, to the maximum extent possible, of public participation in the local preservation program?

Yes No

SUMMARY OF SHPO FINDINGS:

The city of Ennis publicizes HLC meetings days in advance and members of the public frequently attend the meetings.

REQUIRED IMPROVEMENTS:

The CLG shall encourage public participation in the local preservation program.

RECOMMENDATIONS:

The HLC should include a "Public Comment" item on their monthly agenda and encourage the public to voice opinions/concerns and ask questions of the HLC.

The HLC should also work with the Main Street Board to plan public outreach and education events.

IX. CERTIFIED LOCAL GOVERNMENT GRANTS-IN-AID MANAGEMENT

In this section, the CLG will be evaluated on the basis of the Certification agreement, Rules and Procedures for Certified Local Governments Section (j), and the National Register Programs Manual.

A. Did the CLG receive a CLG subgrant during the last four fiscal years?

Yes No Applied but not funded

*B. If the answer to “A” is yes, did the CLG demonstrate the existence of an adequate financial management system in accordance with the Certified Local Government grant contract?

Yes No Not Applicable

*C. If the subgrant exceeded \$20,000, did the CLG have a financial audit of the CLG grant-in-aid fiscal management?

Yes No Not Applicable

D. If the answer to “C” is yes, has the SHPO received a copy of the audit?

Yes No Not Applicable

E. Does the CLG appear knowledgeable of allowable and unallowable costs in accordance with the “Guidelines for Survey and Planning Grants?”

Yes No Not Applicable

*F. Does the CLG insure compliance with provisions of Title VI, as required under the terms of the Certified Local Governments grants contract?

Yes No Not Applicable

SUMMARY OF SHPO FINDINGS:

The City of Ennis did not apply for any grants in the past four years.

REQUIRED IMPROVEMENTS:

The City of Ennis shall work towards planning projects that advance local preservation efforts and that are eligible for CLG grants.

RECOMMENDATIONS:

The CLG should consider applying for CLG grants. These matching grants are available to assist cities with preservation projects including, historic resources surveys and design guidelines.

The City of Ennis is in need of a set of design guidelines. This project qualifies for CLG grant funding. Please contact CLG program staff to work on the 2017 grant application.

X. REVIEW AND COMPLIANCE

In this section, the CLG will be evaluated only if it is currently performing all or part of the SHPO’s review and compliance responsibilities and if an agreement among the parties concerned is complete. The basis for evaluation will be the Programmatic Agreement, the *Secretary of the Interior’s Standards for Archeology and Historic Preservation*, and National Register criteria.

A. Does the CLG determine eligibility for the National Register of Historic Places for properties part of a federal undertaking?

Yes No Not Applicable

*B. If the answer to “A” is yes, then the following are to be considered:

*1. Are the records for determining eligibility of properties clear, accurate, and accessible?

Yes No Not Applicable

*2. Is there documentation on the evaluation of each property in question?

Yes No Not Applicable

*3. Is there evidence that the CLG used the existing inventory of surveyed properties and its recommendations for eligibility in the evaluation process?

Yes No Not Applicable

*4. Did the CLG respond to all requests for eligibility within 30 days and forward a copy to the SHPO within the same period?

Yes No Not Applicable

*5. Does the CLG maintain a full-time staff person who meets the Secretary of the Interior’s Professional Qualifications Standards and determines the eligibility for above-ground properties?

Yes No Not Applicable

SUMMARY OF SHPO FINDINGS:

There is no evidence that the City of Ennis is involved with Section 106 review.

REQUIRED IMPROVEMENTS:

No required improvements at this time.

RECOMMENDATIONS:

At a minimum, CLG should be aware of the Section 106 process, and know who their contacts are at the THC.

CLGs may request to become a consulting party on Section 106 projects. In some cases, the city itself may initiate a Section 106 project. In these cases, the HPC should be consulted on any projects that trigger Section 106 review or impact historic resources.

X. SUMMARY

In recent years, the City of Ennis has grown in population and there has been a renewed interest in the historic, commercial downtown. In order to keep up with the increased amount of interest in downtown redevelopment, the CLG should examine its preservation ordinance and determine if updates are necessary. Design guidelines are needed to direct new development and rehabilitations. Design Guidelines would also improve the Certificate of Appropriateness application process. The CLG should also consider an update to their comprehensive historic resources survey (1997) which would include the residential historic district and any properties that have become historic in the last 19 years. The CLG should continue to partner with Main Street to educate the public on the benefits of historic preservation.