

Preservation takes a backseat to progress

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By Rebecca Rose

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BELTON -In a small room in the Harris Community Center, they came to be heard.

They filled nearly every seat in the room Tuesday evening, clutching papers containing their carefully chosen words. Old and young, new residents who had just come to the city and those who could trace their roots in Belton to the Civil War came before the council to speak.

As different as they all were, they were united in one purpose: Prevent the city from overriding its own historical preservation guidelines.

But despite a growing vocal opposition, the City Council voted to approve a moratorium on a key preservation ordinance. The move allows the University of Mary Hardin-Baylor to move forward with plans to demolish two homes in the city's West Historic District.

Two years ago, on July 14, 2009, the council voted unanimously to approve Ordinance 2009-30. It established policies for Belton's historic building preservation. The ordinance also created the Heritage Preservation Board and the procedures for applying for demolition permits.

At the beginning of 2011, UMHB adopted a new master plan, which includes nearly \$100 million worth of new construction over the next three to seven years. In a letter outlining the plan, UMHB President Randy O'Rear called the plan "bold and ambitious, because it is designed to help UMHB achieve the vision of becoming the university of choice for Christian higher education in the Southwest."

On Feb. 3, UMHB representatives approached the Heritage Preservation Board with requests to demolish four structures in the West Belton Residential Historic District. All of the properties are owned by the university.

In their request for demolition, UMHB representatives cited hazardous conditions and structural damage they deemed too costly to repair.

The board approved the demolition of structures at two of the properties, both described as garage apartments.

Requests to demolish two others, homes at 716 Wells St. and 229 West Seventh Ave., were denied.

The board's denial prompted the university to file a lawsuit Feb. 24, part of the appeals process outlined in the ordinance.

In its lawsuit, the university described both homes as "aging structures," which are "no longer reasonably practical to maintain, from a financial standpoint."

Attorney Samuel Fulcher represented UMHB at the Feb. 3 Heritage Preservation Board meeting.

Fulcher spoke on the university's behalf at Tuesday's meeting. He said it boiled down to a matter of balancing historic preservation against the rights of property owners.

"It's a hot button issue," Fulcher said. "I grew up in Belton, I personally care a lot about historical preservation of Belton, as does my client, UMHB."

City Manager Sam Listi described what led up to his office recommending the council approve the moratorium.

"This process began with a lawsuit filed by UMHB in district court after the Heritage Preservation Board disapproved its requests for demolition," he explained. "This action by the university represented the only appeal opportunity available to them. The city and UMHB agreed to work together and try to seek and negotiate a settlement that would avoid protracted litigation during this process."

Those discussions led to an agreement to implement a temporary moratorium on the ordinance while it is reconsidered, Listi said.

A report from the city manager's office recommending the ordinance states: "During the moratorium, parties agree to consult on historical preservation and ultimate ordinance language based on city and university interests."

In his remarks, Fulcher said UMHB was "thankful to Mr. Listi and other city staff, who've been so collaborative in trying to take care of the lawsuit that unfortunately had to be filed by virtue of the ordinance."

Terms of the eight-month moratorium allow for UMHB to demolish the two homes it was previously denied demolition permits for.

In granting the moratorium, the council also excluded 19 homes, most privately owned. That means the owners of the properties and homes listed must still adhere to the ordinance.

Mayor Jim Covington, and council members echoed concerns over legal precedence that led them to believe the courts would find in UMHB's favor. Covington said he believed there was a chance the ordinance could be entirely vacated by the court.

UMHB's lawsuit cited *Grayned v. City of Rockford*, a Supreme Court case, as part of its argument to have the ordinance deemed void. The case dealt with an anti-picketing ordinance the court struck down, deeming it "overbroad."

Nancy Kelsey, a local historian active with preservation efforts in Belton, voiced her concerns during the meeting. For months, Kelsey, along with her husband, Michael, has

been increasingly vocal in her opposition to efforts to encroach on preservation guidelines.

"I think they're being dishonest," Kelsey said of the council's decision Tuesday.

"The city is working with UMHB. They want to bend the rules for UMHB, but not for anyone else."

Neighborhoods, not just houses

"It's about the broad picture," Kelsey said. "To me, it's about the neighborhood, not just two houses."

"Belton was a frontier town. It still has a lot of the old buildings that are downtown."

Kelsey said when she travels out of town, she meets many people who tell her how much they like Belton.

"I ask, 'What do you like about it?' They say it's the old homes, the courthouse, the buildings downtown," she said. "No one ever says I come there for Mary Hardin-Baylor or a football stadium or a Walmart.

"That's the reason (the guidelines) were put in, to keep things from being destroyed and to give Belton a character."

Welba Dorsey lives on land directly across from UMHB, on University Drive. Her grandfather purchased the land in 1942, when he sold his original property to Camp Hood to make way for what is now an artillery range.

Dorsey addressed the council at Tuesday's meeting about her concerns over the university's growth aspirations. She stressed that she wanted to find a way to work with the university.

"Every morning, I walk around the college. That's my morning walk," she said. "I have wonderful memories of Mary Hardin. I grew up near this campus. I learned to skate on the tennis courts.

"I want this to work," Dorsey said. "But I don't want to be crushed or have our community destroyed. We need cooperation."

Dorsey said she noticed major changes to her neighborhood in the past year, including a nearby four-story apartment complex and increased noise and traffic.

"The Mary Hardin-Baylor of today is not the Mary Hardin-Baylor of back then.

"But," she noted, "the world is not the way it was then."

Timeline of events

July 14, 2009: The Belton City Council votes to approve passage of Ordinance 2009-30, laying out guidelines for the creation of a Heritage Preservation Board, along with procedures for applying for demolition permits and an appeals process.

2011: The University of Mary Hardin-Baylor reveals a new, updated master plan for growth, detailing over \$100 million in new construction during the next decade.

Feb. 3: UMHB requests demolition permits for four structures in Belton's West Historic District. The committee denies requests for two of the permits, for homes located at 716 Wells and 229 W. Seventh.

Feb. 24: UMHB files a lawsuit in 146th District Court in Bell County, asking that the court overrule the Heritage Preservation Board's decision, thereby permitting UMHB to proceed with demolition of the two properties. In its response to the lawsuit, the city asks for more time.

June 18: In a interview with the Killeen Daily Herald, Belton City Manager Sam Listi said the city is evaluating the ordinance and trying to address whether it meets the community's needs.

July 11: At a meeting of the Heritage Preservation Board, members receive a report regarding a proposed temporary moratorium on the application of the Historic Preservation Ordinance adopted in 2009.

July 12: The Belton City Council unanimously approves a moratorium on the original 2009 ordinance, effectively allowing for demolition of the two homes in question.