

MINUTES
DOWNTOWN REVIEW BOARD
August 4, 2010
5:30 P.M. – COUNCIL CHAMBER

	<u>Name</u>	<u>Attendance</u> (mtgs attended-mtgs absent)	<u>Term of Office</u>
MEMBERS PRESENT:	Carl Kohler	(2-1)	3/04/12
	Vincent Lewis	(3-0)	3/04/12
	Debbie Mahoney	(1-1)	3/22/13
	Mike Manganaro	(3-0)	5/21/10
	Mark Schmitz	(3-0)	3/10/11
	Cole Woodbury, Chairman	(3-0)	3/27/12
MEMBERS ABSENT:	Beth Conway	(1-2)	3/10/11
	Troy Culver, Vice Chairman	(2-1)	3/10/11
	Josh Royle	(1-1)	3/22/13

Quorum Present. Five members constitute a quorum.

OTHERS PRESENT: Mike Kellam, City Planner

Chairman Woodbury called the meeting to order.

APPROVAL OF MINUTES – May 5, 2010.

Chairman Woodbury asked for corrections and/or additions to the minutes of the meeting of May 5, 2010. Mark Schmitz made a motion to approve the minutes as submitted. Vincent Lewis seconded the motion.

VOTE: Kohler – yes, Lewis – yes, Mahoney – yes, Manganaro – yes, Schmitz – yes, Woodbury – yes.

Ayes – 6, Nays – 0. Quorum vote is five votes. Motion passes.

Old Business -- None

New Business

ITEM #1 ECBG2, LLC dba as EmChamas Brazilian Grill – 123 South 6th Street – Requesting approval of a Certificate of Appropriateness for placement of a new 3-D front lit sign.

The applicant did not attend this meeting, nor did anyone representing the applicant. No one appeared to speak in favor of the application and no one appeared to speak in opposition to the sign.

Mike Kellam stated that this sign meets the requirements of the Downtown Precise Plan as well as the City's sign code. He stated his disappointment in the applicant for installing the sign prior to receiving a Certificate of Appropriateness (C of A) and sign permit. However, since the sign meets all the City's requirements, staff recommends approval of the C of A.

Cole Woodbury asked if the applicant would be required to remove the sign if the Downtown Review Board (DRB) chooses to deny the C of A. Mike said that denial of the C of A would not necessitate the removal of the sign; likely, the applicant would appeal the denial to the Board of Zoning Adjustment, then to the circuit court of Buchanan County if necessary. The appeal could take several months, during which time the sign would remain in place.

Mike said the applicant would have to pay double the fee in order to receive their sign permit. That currently is the only penalty available. Mike also said this problem is not unique to downtown – it happens all over town. Unfortunately, we do not have enough staff to allow us to do regular field research.

Mark Schmitz asked if the applicant was aware of staff's recommendation of approval prior to installing the sign. Mike said he is not sure; we do send a letter with a copy of the staff report to the applicant prior to the DRB meeting, but he is not sure how the dates coincided with installation of the sign.

Vince Lewis asked if there has ever been a time when a sign has met all the requirements but the DRB denied the C of A. Mike said no. Mr. Lewis asked how this board could deny a C of A if the sign met all the requirements. Mike explained that this board has authority to do design review to ensure signs and other exterior changes are appropriate to the character of downtown.

There being no further discussion on this application, Chairman Woodbury called the question.

VOTE: Kohler – yes, Lewis – yes, Mahoney – yes, Manganaro – yes, Schmitz – yes, Woodbury – yes.

Ayes – 6, Nays – 0. Quorum vote is five votes. Motion passes.

This Certificate of Appropriateness has been approved by the Downtown Review Board.

ITEM #2 Staff Report

- Cole Woodbury asked what the regular fee is for a sign permit. Mike said it is \$78.75. It was generally determined that a double fee for installing a sign prior to obtaining a C of A and sign permit seems merely like a slap on the hand. Mike said the maximum fine that can be charged is set by the State of Missouri at \$250.00. Mr. Woodbury asked if we could hold the sign companies responsible. Mike explained that most of the local sign companies are aware of the permitting requirements, including required C of A's, but sometimes they choose to install

the signs anyway. He again stated that we have this problem all over town and not just in downtown.

There being no further discussion or business to come before this board, Chairman Woodbury adjourned the meeting at 5:45 p.m.

The next regular meeting of the Downtown Review Board is scheduled for September 1, 2010 at 5:30 p.m. in the Council Chamber.