

# CITY COUNCIL STUDY SESSION

**TO:** Mayor and City Council  
**FROM:** Mari E. Macomber, City Manager

**SESSION DATE:** February 26, 2008  
**TIME:** 5:30 p.m.  
**PLACE:** Second Floor Conference Room

**AGENDA:**

- **Meeting with ATSU President Jack Magruder**
- **Review Recommendations from Canopy Committee**
- **Newsletter Review – February 22, 2008**

**MEETING WITH ATSU PRESIDENT JACK MAGRUDER**

Jack Magruder was appointed as interim President of A.T. Still University on Saturday, February 9. This appointment was made after James McGovern had requested and received a medical leave of absence from the Board of Trustees. Jack was currently serving on the Board of Trustees of ATSU. He began his responsibilities with ATSU on February 14. Shortly after his appointment, Dr. Magruder requested an opportunity to visit with the City Council.

Dr. Magruder will be in attendance at the Study Session on Tuesday to visit with the City Council. One of the issues to discuss is the Jefferson Street corridor project. Former President McGovern had requested certain design standards to differentiate the ATSU campus from the properties east. The City may also wish to discuss ATSU's interest in the future renovations and improvements to the downtown area and its potential impact on ATSU's operations.

Recommended Action:

It is important to visit with Dr. Magruder and continue the partnerships between the City and ATSU.

**REVIEW CANOPY COMMITTEE RECOMMENDATIONS**

BACKGROUND

In 1974 the City Council adopted an ordinance that would allow downtown business owners to install canopies on to their buildings and tie into the sidewalk. With the plans to improve Franklin Street the issue of what happens to the canopies had become a topic of great interest.

The intent of the Franklin Street project was to implement the plans found in the Downtown Design Guidelines. Before the Design Guidelines were developed, a plan for the downtown had to be developed. The City, along with its partners the Downtown Improvement Committee, Chamber of Commerce, ATSU, TSU, Adair County Commission and NEED, now KREDI, worked together to develop a vision for the downtown. This was a very public process including a week long charrette hosted by Gould Evans Goodman. This architectural planning firm set up in the store front now occupied by Vintage Books, allowing citizens to come in at any time during the day and then hosted two more formal workshops. The workshops were attended by over 150 people. A community survey was also conducted with the City receiving approximately 600 survey responses. Before adopting the Downtown Improvement Plan, the City Council also hosted a public hearing.

When the City moved forward with the development of the Design Guidelines, again there were several public meetings. Notices of these meetings were hand delivered to each of the businesses in and around the square. What resulted was the Kirksville Downtown Design Guidelines. Page 22 of the Kirksville Downtown Design Guidelines and page 30 to 34 of the Downtown Improvement Plan discuss the canopies. Both of these documents were approved by the City Council. The support of the documents was also received from the various partners.

The City Council discussed the canopies in March when reviewing the Franklin Street project. The canopies were specific Study Session agenda topics in August and December. See Study Session reports prepared by Paul Frazier, former Codes and Planning Administrator and Brad Selby, current Codes and Planning Administrator. After the meeting in August, the Council directed a structural review be completed. This was done and shared with the Council in December.

#### CITY ORDINANCE

Current City Ordinances, a copy of which is included in this document, outlines the allowances that the City has given to the property owners. There are no provisions in the Ordinance that allows the City to remove them permanently. It explains the removal if the canopies/awnings are found to be in disrepair and the owner does not take responsibility to fix the problem. The Ordinance requires the property owners to maintain the canopies/awnings. It was determined at a previous Study Session that the City needed to know what the condition of the canopies/awnings was before any further course of action was decided. The City hired a firm, Allstate Consultants out of Columbia to inspect the structures. The inspection report was presented at a previous Study Session.

#### CANOPY COMMITTEE

City staff communicated the information of the canopies to business owners. Those property owners whose canopies had serious deficiencies were required

to make repairs immediately. A summary of the canopy report was sent out through the KDIC email list. Once this was done, a committee was formed with the purpose of making recommendations to the City Council on actions the City Council should take in regard to the canopies.

The Committee was asked to look at several possibilities which were: 1) Whether or not the City Council should pass an ordinance that would allow for the implementation of the downtown plan and remove the existing structures and adopt design standards that would only allow the installation of structures to meet the "Old Towne" atmosphere; 2) If the current structures stay, an expectation of what should happen when and if the City needs to make improvements and what should happen if the existing structures become obsolete; and 3) If the current structures stay, should those property owners who wish to remove their structure be required to retain it or allowed to remove their structure without approval from their neighbors and what is the City's role in seeing that the work of removal is completed in a workmanlike fashion.

The Committee was made up of individuals representing all sides of the issue. Brad Selby invited each person to serve and all agreed. An additional member was added, Kim Moody, when he asked if he could participate. The Committee was given the responsibility of responding back to the City Council by early spring.

The Committee's recommendation was as follows: All of the metal canopies should be removed from the downtown area, and that the City Council should adopt the 2004 Design Guidelines by Ordinance and that the City Council approve a Certified Local Government (CLG) that would establish a historic downtown district. A letter outlining this recommendation was hand delivered to all of the property owners within the downtown area.

#### City Manager Recommendation

It was the TIF Commission that said a few weeks ago, that they were tired of spending money on plans and ideas to make the downtown better if people didn't want to make things better. Maybe sometimes it's not a matter of not wanting to make things better, but more a matter of how to go about doing that, the uncertainty of new and an overwhelming concern for costs and impact on the bottom line. The TIF Commission has offered to pay for the removal of all of the canopies. It was clear that the Commission wanted the Design Guidelines to be followed and would only agree to pay for the removal if all of the canopies were removed. The Commission also discussed the possibility of low interest loans and may be agreeable to provide these to property owners to improve their store fronts once the canopies are removed.

I would suggest that the process for removal be undertaken over a defined period of time and in conjunction with sidewalk improvements. I would also like to suggest that there be some assistance provided to the property owners on how

to renovate their store fronts prior to the removal of the canopies. I am waiting for a return telephone call from our DREAM Initiative contacts on how they would suggest we work on the issue of removal.

Recommended Action – It is recommended that the City Council review the recommendations of the Committee. Chairman McCord will be in attendance at the meeting to answer questions the City Council may have regarding Committee feedback and discussions.

### **NEWLETTER REVIEW – February 22, 2008**

#### Attachments

Staff Report from December 2007 – pg. 5

Staff Report from August 2007 – pgs. 6 and 7

Ltr. to Downtown Businesses Regarding Canopies – pgs. 8 and 9

Ltr. to Downtown Businesses on Committee's Recommendation – pg. 10

Canopy Ordinance and Proposed Changes from the Committee – pgs. 11-12

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Downtown Canopy Inspection Results from Allstate Consultants

**STUDY SESSION MEETING DATE:** December 11, 2007

**CITY DEPARTMENT:** Codes

**PREPARED BY:** Brad Selby

Allstate Consultants has completed their inspection and report on the condition of the downtown canopies, that was requested by the City.

Their report conclusion summary identified some specific areas that need repair, and also some overall recommendations:

### Specific areas:

- 1) All bent support columns and deflected support beams should be replaced/repared.
- 2) The awning at 122 W. Harrison St. (Hensley's) is not supported with a beam at the eaves and should be repaired.
- 3) All bent roof panels should also be replaced.
- 4) Awning at 108 and 110 S. Elson, Manhattan and T.P.'s, has been hit and should have any bent components replaced or repaired.
- 5) 124 N. Franklin, China Palace, has a separation from the building that must be addressed immediately. (Owner has been contacted 12-7-07.)
- 6) Eleven (11) locations had problems that "should be repaired as soon as reasonably possible". One of these 11 has been recently repaired.

### Overall:

- 1) The weak point and the main concern of the canopy structure is the attachment to the building. Some of these attachment points were not visible. The ones that were visible appeared to be inadequate. Boards are rotting and fasteners are pulling out of the wall. All awnings should have the flashing removed and the connections inspected for proper attachment. *My comment: This will likely require the replacement of the nailing strip board and all attachment screws.*
- 2) After repairs, the wall connections should be properly flashed to prevent moisture from leaking down to the connections.

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Downtown Building Design Standards & Canopy Report

**STUDY SESSION MEETING DATE:** August 28, 2008

**CITY DEPARTMENT:** Codes

**PREPARED BY:** Paul Frazier

### Downtown Building Design Standards

The Kirksville Downtown Improvement Guidelines, December 2004; and the Downtown Improvement Plan, 1999; suggested that a building plan review board be appointed in order to achieve and preserve the historic theme that these downtown documents recommend.

City Codes has developed building guidelines and processes to fulfill the inception of such a board. It should be understood that the guidelines that are contained in this document should not be used alone. The use of the City Sign Code, Kirksville Downtown Design Guidelines and the Downtown Improvement Plan should be referenced and used by the Plan Review Committee, in reviewing plans and making decisions regarding plan approval.

### Canopies

In the early 1970's many business owners in the Downtown Business District had metal canopies erected. As the canopies were partially located on the city right of way; during construction or shortly thereafter, the City Council passed an ordinance that set rules for maintenance of these canopies. At part of the ordinance contains language, whereby the city could make repairs to canopies if the owners failed to be responsible for their maintenance. Additionally, the city relieved them selves of any liability that might arise due to the presence of canopies on public property. Also, in this ordinance the city reserved the right to require the business owners, at their cost, to shorten the width of their canopies in the event that the city wished to make changes to street widths or sidewalk improvements.

Downtown consultants recommended that all canopies be removed and that a more aesthetically pleasing canvas or vinyl canopy be allowed (If new canopies were to be installed by the individual business owner).

From the meetings that I have attended and input from others involved, it appears that if the canopies are made to be removed, resistance may arise. If the council chooses to allow the canopies to remain several issues should be addressed:

- A survey of the canopies should be completed, addressing repairs to canopies that are in need of repairs and any costs associated with these repairs.
- Implement a plan to require the repair of all canopies that need repaired.
- Canopies were originally lit by florescent lights arranged underneath the canopies. (I believe that almost all of these are not working.) Either due to the electric meters being pulled by Ameren UE because of problems of payment to the light company (each block had one meter). (Some would pay and some would not.) Similar problems arose due to arguments of who would pay for maintenance of canopies. As an alternate to lighting, skylights could be used and would be able to be installed in existing canopies to allow more light.
- If one owner in a block chooses to take their canopy down it could create problems for adjacent owners. If so, who pays for what?
- As canopies are repaired and painting takes place, the plan review board should review any color schemes and not permit any color that might be perceived as out of text with the downtown historic theme.

In summary, a downtown plan review committee should be appointed and an ordinance prepared implementing the guidelines that have been submitted. The question of whether to allow the canopies to remain must be addressed. If canopies are to remain, guidelines and rules for new canopies or repair of the old ones should be followed.

I intend to be at the August 28, 2007, work session to discuss these matters.

## AN INFORMATIONAL LETTER SENT TO PROPERTY OWNERS IN NOVEMBER

November 9, 2007

Dear Downtown Property Owner:

I apologize upfront for the length of this letter, but encourage you to read it in its entirety to understand the City's intentions and your role as a property owner.

The City started 2007 with the intention of replacing the water mains within the downtown followed by improvements to the east side of Franklin Street from Normal to Washington. Though the waterline project progressed and continues, the Franklin Street project was delayed pending final design approval by the Missouri Department of Transportation. Maybe this delay has been a blessing in disguise for all of us.

The Franklin Street project includes sidewalk enhancements, which affects all of the property owners along the construction site. Part of the scope of the grant award included funds to pay for the removal of the canopies in the block between McPherson and Washington. The removal of the canopies was a feature of the Downtown Redevelopment Plan, which had been approved by the City Council.

As the City was preparing the Franklin Street project, questions began to arise regarding the future of all of the canopies downtown. The Kirksville Downtown Improvement Committee formed a committee with the purpose of talking about the canopies. Soon after this committee was formed, a letter was hand delivered to the City stating that the individuals signing the letter wanted to retain their canopies.

The receipt of this letter caused the City Council to wonder what the downtown property owners really wanted as the downtown plan was developed with input from many people including downtown property and business owners. The City's goal for the downtown is to keep it viable as an economic hub. The City does though have an obligation to adhere to the rules and regulations that are in place. After listening to citizens and reviewing the City's ordinance, the Council determined that they needed to know the condition of the canopies.

An inspection of the condition of the canopies throughout the downtown has been completed by our Codes Inspection Department. The results of the inspection were given to the City Council. A majority of the canopies are in need of some repair, but only a few appear to have structural problems. Because of the uniqueness of these

structures, the City has contracted with a structural engineering firm who will be completing a visual inspection of the canopies on November 16. The firm is Allstate Consultants, P.C. out of Columbia. We are hoping that they can inspect the canopies before the greenery and lights are hung and before your busy holiday season.

The City is interested in working with all of the property owners and has noted the effort that has been put into improving the aesthetics of the canopies. However, it is important that the canopies are structurally sound and safe for our citizens and your patrons.

Please do what you can to assist us in this effort by cooperating with the Allstate Consultant representative if you are asked. Remember the most important reason for inspecting these canopies is to determine what work, if any, needs to be done. We would ask for your cooperation should the Allstate Consultant wish to step into your business during their inspection.

Once this inspection is finished we will provide the report to the City Council for their review. There are two issues that will then need to be decided. 1) What repairs need to be done to the canopies; 2) Should the Downtown Redevelopment Plan be followed or should it be amended to allow for the retention of the canopies based on individual property owner interests?

If you have any questions concerning this inspection, please contact Brad Selby, Codes Administrator at 627-1272.

Sincerely,

Mari E. Macomber  
City Manager



February 15, 2008

To: Downtown Business and Property Owners

re: Downtown Canopy Committee Meeting

On Wednesday, February 13, 2008, the Canopy Committee met in the Council Chambers of City Hall. In addition to Committee members and City staff, there were 11 other interested persons present. Our meeting began at 4:00 p.m. and concluded sometime after 6:30 p.m. We had a good discussion regarding the best options for retaining or removing the downtown canopies.

It was the goal of our Committee to present to the City Council, a consensus of opinion on what we believed was the best option for the safety, aesthetics, and economic vitality of the downtown area, and in the best interest of the citizens of Kirksville.

After much frank discussion about the downtown, the economic conditions, the high costs of repair of the existing canopies, the comparison of costs of new canopies, possible financing options from the City's revolving loan fund, the Downtown TIF and the potential of the DREAM initiative, the following motion was brought forth, "All of the metal canopies should be removed from the downtown area, and that the City should adopt the 2004 downtown design guidelines by ordinance and that the City Council approve a Certified Local Government that would establish a Historic Downtown District." The Committee voted 4-1 in favor of this motion. The results of this meeting will be presented to the City Council at their scheduled study session on February 26, 2008.

What does this mean to each of you? If the City Council were to support the recommendations of the Committee, then several details including timelines and future development projects would need to be addressed and would be communicated to each of you. Please know that the overall interest and desire is to affect the downtown positively.

Thank you to the Committee members and to everyone who participated by attending and expressing their opinions at our meetings.

Regards,

Jill McCord (J. M.)  
Chairperson, Canopy Committee

### DIVISION 3. CANOPIES

Sec. 21-161. "Downtown business district" defined.

The "downtown business district" for the purposes of this division shall be defined as that area commencing at the public square, and including the same, and extending two (2) blocks east, south, west and north from such square.

(Code 1974, § 21-25)

Sec. 21-162. Construction authorized in downtown business district.

Sidewalk canopies, as specified in this division, are authorized to be constructed, erected and installed in the downtown business district of the city, after obtaining all required permits.

(Code 1974, § 21-26)

Sec. 21-163. Upright support requirements.

The sidewalk canopy upright supports, authorized to be erected under this division, shall have a minimum exposed height of ten (10) feet and be placed two (2) feet from the outside sidewalk curb. Such supports shall be spaced not more than twenty-four (24) feet apart, commencing two (2) feet from the corner of the block.

(Code 1974, § 21-28)

Sec. 21-164. Roof overhang; reducing width of sidewalk.

The roof overhang of the sidewalk canopies authorized to be erected under this article shall not extend beyond the outside curb of the sidewalk proposed to be covered. In the event the city should find it necessary to reduce the width of the sidewalk in the future for the general safety of the public and a smoother flow of traffic on the adjacent street thereto, then the roof overhang of the canopies so erected shall be required to be shortened, to extend only to the curb, and the upright supports relocated two (2) feet from the curb, at no expense or cost to the city.

(Code 1974, § 21-29)

Sec. 21-165. Drainage from canopies.

Any drainage, rainwater, melted snow, etc., collected on the sidewalk canopies shall be disposed of in a safe manner. The design and operation of drains, etc., shall be the responsibility of the adjacent landowner and liability shall be in accordance with section 21-167.

(Code 1974, § 21-30)

Sec. 21-166. Responsibility for maintenance of canopies; repairs by city.

The maintenance and repairs of all canopies erected under the provisions of this division shall be the sole responsibility of the owners of the adjacent buildings. On failure by the owner of an adjacent building to maintain and repair the canopy fronting his building, the city shall have the right to have the same maintained or repaired, and the costs incurred therefor shall be assessed to the building owner and the same shall constitute a lien on the adjacent real estate until the city has been reimbursed the cost incurred thereon.

(Code 1974, § 21-31)

Sec. 21-167. Liability for damages, etc.

Any and all accidents, injuries or other damages, created or caused by the sidewalk canopies authorized by this article to passing pedestrians or motorists shall be the sole liability of the adjacent building owner, and the city is absolved of all liability therefor, except, for any negligent acts on the

city's part in maintaining the adjacent street which results in unknown hazards to the building owner.

(Code 1974, § 21-32)

### **Possible Changes and additions to the canopy Ordinance**

Sec. 21-161, 21-166, 21-167 – Leave these sections alone.

Sec. 21-163, 21-164, 21-165 – Repeal/delete these sections.

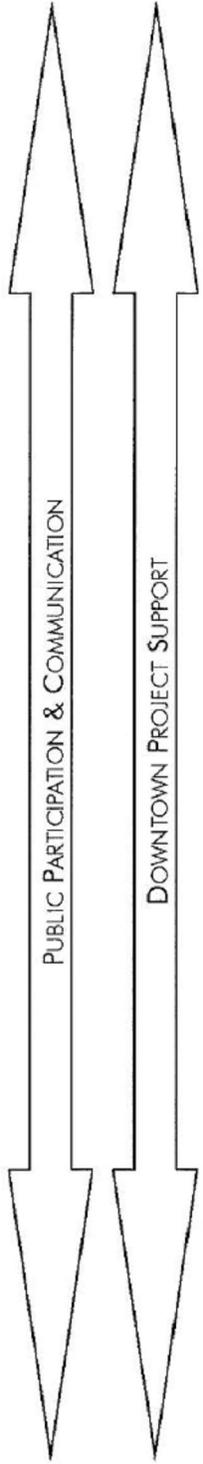
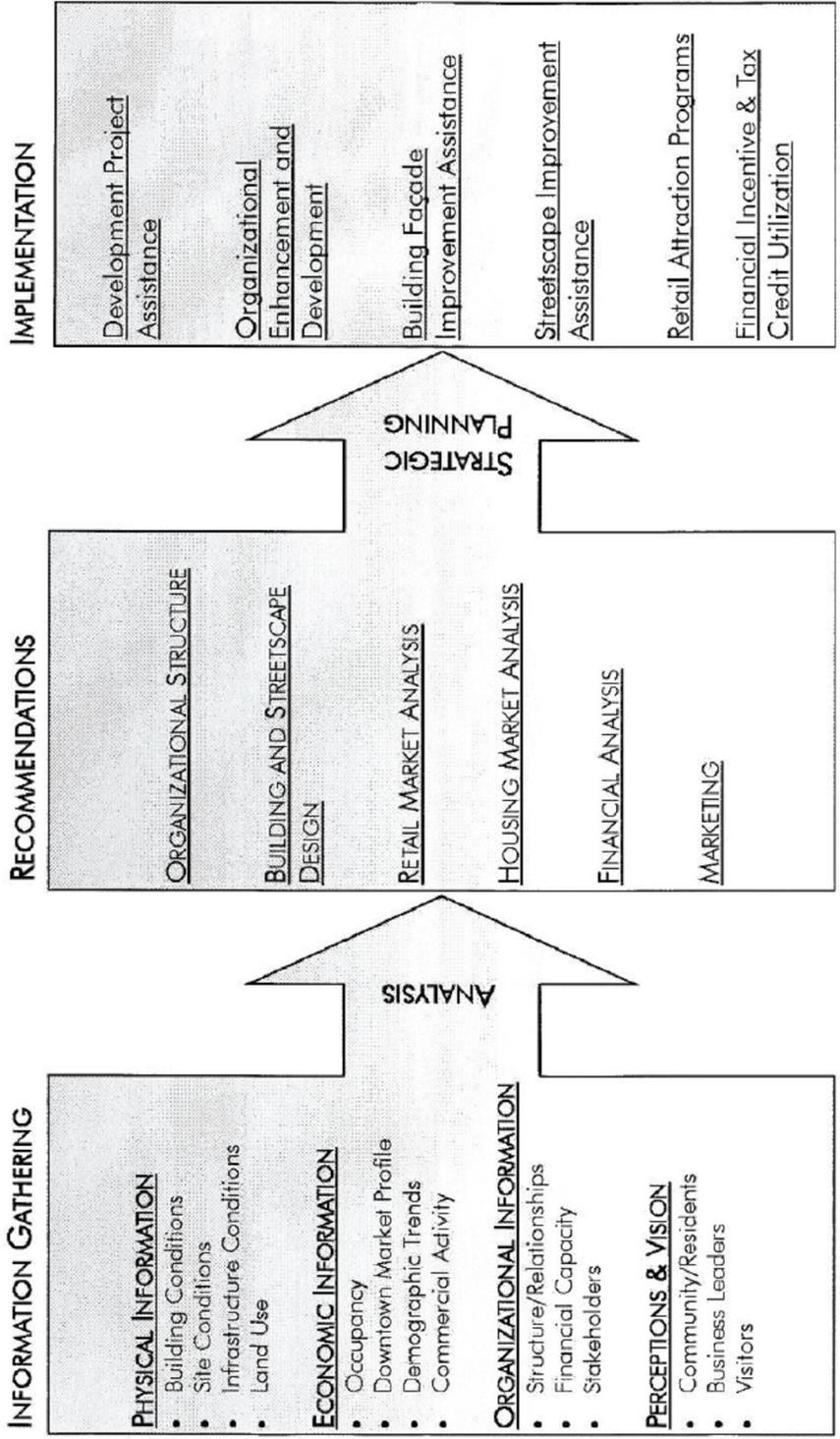
Sec. 21-162 – Replace this section with:

Sidewalk canopies in the downtown business district, are authorized and encouraged to be installed in the said district, after obtaining all required permits, under the following specifications:

1. Any canopy must be affixed to the building front in a manner that will ensure protection from falling, to prevent injury to the general public.
2. Canopies can not extend out any farther than the curb.
3. Canopies must have a nominal 8 ft. minimum clear height. Any brackets or support framework must not interfere with pedestrian traffic.
4. No supports or legs can be installed or located on the sidewalk area adjacent to the curb, to support the canopy.
5. Any canopy with a design that uses a leg requiring support from the ground, can be used, as long as that support is next to the building front and does not extend any farther than 6” out from the front of the building.



DREAM INITIATIVE — CONCEPTUAL OVERVIEW





January 29, 2008

City of Kirksville  
201 S Franklin  
Kirksville, MO 63501

RE: Proposal Contract Amendments

Dear Mrs. Macomber:

Upon reviewing the discussion we had regarding your trash collection we have put together a proposal that we not only think would benefit the City, but also the residents and the safety of our drivers. With this amendment we would ask for an extension on the current contract in the amount of 5 years.

We would supply one (1) 96 gallon tote to each residential customer in a single housing unit. Residents would be able to place desired number of bags in the container so long as the lid would close, we would ask that everything placed within the tote be bagged. Any bags or cans outside of the tote would not be picked up until the following week. Apartment buildings, multi residential units or any other revenue generating venue would not be part of the tote program and would need to contact separately through Veolia.

The recycling program would remain the same.

The Spring Clean-Up would be eliminated and a 1 large item a week program would be set in place. This would allow each resident to place one large item out for pick up each week. Items taken will be listed within the amendment. Landlords with college students would be able to have special cleanups for their move-in and move-out seasons. 1-unit \$35.00, 2-units \$75.00, multiple units would need to contact Veolia for pricing information.

Appliance Clean-Up would be available twice a year, the date of the Appliance pick up would be decided by the Contractor. These days would be advertised in the Kirksville Crier and Daily Express for City Residents.

The once a month yard waste program would be eliminated and in its place we would provide the following:

Two (2) 30yd containers would be placed at the Kirksville Recycling Center, all city residents would be able to drop off their yard waste for \$1.00 per bag.

We would also provide a special yard waste cleanup the 2nd week of November for brush and leaves.

Yard Waste must be placed in 33 gallon biodegradable bags or loosely in 33 gallon cans and all limbs be in 4ft sections and bundled.

We would like to thank you for the opportunity in working with the City of Kirksville on enhancing the services we provide, and hope this option has covered all of the items we have discussed.