

MINUTES
NEOSHO CITY COUNCIL
July 21, 2022 - 8:00 AM
Neosho Council Chambers
203 E. Main St., Neosho, MO

CALL TO ORDER

Mayor DeWitt called the special session of City Council to order at 8:00 a.m.

ROLL CALL

COUNCIL PRESENT:

Carl Cobb, Angela Thomas, Charles Collinsworth, Richard Davidson, Tyler DeWitt

COUNCIL ABSENT:

Julie Humphrey, Ashton Robinson

CITY OFFICERS PRESENT:

David Kennedy, City Manager; Jordan Paul, City Attorney; Cheyenne Wright, City Clerk-minutes taken by the City Clerk

APPROVAL OF AGENDA

Councilman Collinsworth made a motion to Approve the Agenda; Councilman Cobb seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Richard Davidson, Tyler DeWitt

No: None

Abstain: None

Passed.

NEW BUSINESS

Appeal from Decision Regarding Application for Certificate of Appropriateness and Application for Certificate of Economic Hardship by the Historic District Board - Fidelity Abstract & Title Co.

Attorney Paul explained to the Council how the proceedings should go. He stated there are two items in front of you, Certificate of Appropriateness and Application for Economic Hardship. If the Council decides that the renovations to the building are appropriate in the Historic District and do not agree with the Historic Preservation Commission's decision, then the certificate of appropriateness would be put on the table for approval. However, if you were to decide that the board was correct in not approving the design of the renovations, but the economic hardship of the owner is evident, then you would put the application for economic hardship on the table for approval. You will not vote to approve both, because they are inconsistent with each other. This is how these two items are defined.

Attorney Paul stated that for the record, he would like City Code 125.140, 405.176 and 405.178 entered into

the minutes.

He stated that he would like the Council to accept into evidence the following items:

Exhibit 1 - Application for Certificate of Appropriateness for Fidelity Abstract & Title Co.

Exhibit 2 - Application for Certificate of Economic Hardship for Fidelity Abstract & Title Co.

Exhibit 3 - R. E. Werner Architect, LLC Letter

Exhibit 4 - Map Outlining the Historic District and Buildings in this District with Dryvet Siding

Exhibit 5 - July 18, 2022 Historic Preservation Commission Draft Minutes/Decision from the Historic Preservation Commission on the Fidelity Abstract renovation

Exhibit 6 - July 21, 2022 Agenda for the Special Session City Council Meeting regarding this Appeal

Development Services Director Leavens was sworn in by City Clerk Wright.

Mr. Leavens proceeded to inform the Council of the proceedings of the Historic Preservation Commission through the entire process from beginning to end of Fidelity Abstract & Title Co.

There was discussion held between the Council and Mr. Leavens.

Councilman Davidson asked for the record, when Mr. Marion notified Mr. Leavens after the June 1, 2022 HPC meeting and told you that he planned to file an appeal, why did it take until July 5th, 2022 to be placed on the Council agenda?

Mr. Leavens asked for more clarification.

Councilman Davidson stated that after the June 1, 2022 HPC meeting, it took the City Staff and the City Attorney a month before putting this appeal on the July 5th, 2022 Council agenda. So my statement is that this delay was not entirely due to Mr. Marion, but that the City trying to interpret the code.

Mr. Leavens stated that the city code stated that any appeals should go before the Board of Appeals but did not reference the Council. This is where the confusion lies with the city staff. This has now been corrected by correcting that piece of the city code.

Councilman Davidson asked for the record, you never knew Mr. Marion planned to make an appeal a couple of days prior to the July 5, 2022 Council Meeting.

Mr. Leavens stated that he did not know about the appeal going to Council but a couple of days prior to going to the Council Meeting.

Attorney Paul stated that you do not need both the certificate of appropriateness and the certificate of economic hardship, you only vote for one or the other. Certificate of Appropriateness is determining the HPC was wrong in determining that the brick was inappropriate. The certificate of economic hardship agrees with the board that the brick is inappropriate, but putting the brick back up creates economic hardship for the owner.

David Sims addressed the Council stating that they are a board that is here to serve the City of Neosho and the Council. This is not a delay on the part of the board. The board would get a quorum together in at least a week to hear any requests. Mr. Marion stated on multiple occasions that he would get the board more information on whether or not this brick could be saved. During one discussion, it was stated that the brick could be used, but the cost would be exceptional.

Councilman Collinsworth addressed Mr. Sims stating that he sees this as a significant economic hardship for Fidelity Abstract and Title Co. He stated that Mr. Sims is accurate in reading the code.

Attorney Paul stated that economic hardship is a form of variance.

Councilman Collinsworth asked Mr. Paul about the certificate of appropriateness is not plausible. I am sure everything is salvageable, but at what cost?

Councilman Collinsworth made a motion to Approve the Certificate of Appropriateness; Mayor DeWitt seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Richard Davidson, Tyler DeWitt

No: None

Abstain: None

Passed.

ADJOURN

Councilman Collinsworth made a motion to Adjourn; Councilman Cobb seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Richard Davidson, Tyler DeWitt

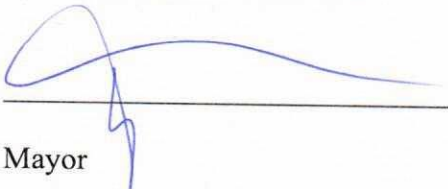
No: None

Abstain: None

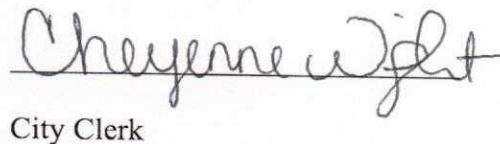
Passed.

APPROVED

NEOSHO CITY COUNCIL


Mayor

ATTEST


City Clerk