

**CITY OF SMITHVILLE**  
**COUNCIL MEETING AND PUBLIC HEARING MINUTES**  
May 16, 2022

Present: Mayor Joanna Morgan, Councilmembers Janice Bruno, Bill Gordon, Tom Etheredge, Sharon Foerster, Stan Gerdes, and City Manager Robert Tamble.

**Open Meeting:** Call to order: Mayor Morgan called the meeting to order at 6:00 p.m. and led the Invocation and Pledge.

Recognition/Awards/Proclamations/Announcements/Presentations:

- a) Proclamation – “National Historic Preservation Month” – Read by Mayor Morgan.
- b) Proclamation – “Police Officer Memorial Day & National Police Week” Proclamation read by Mayor Morgan.
- c) Proclamation for "Motorcycle Safety and Awareness Month"- Read by Mayor Morgan
- d) Recognition of Walker Hightower for Eagle Scout Project - Judy Bergeron gave the presentation.

Citizen Comments: None

Approval of the minutes from April 11, 2022, Council Meeting and Public Hearing. Councilman Etheredge moved to approve the minutes. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a Resolution Canvassing May 1, 2021, Municipal General Election: Sharon Foerster was duly elected Mayor; Cassie Barrientos was duly elected Councilmember Place 4, and Janice Bruno was duly elected Councilmember Place 5. Councilman Gordon made a motion to approve the resolution. Councilman Gerdes seconded and the motion passed unanimously.

Administering of Pre-Oaths and Oath of Office to Elected Officials: Jennifer Lynch administered Pre-Oaths and the Oaths of Office to the newly elected and re-elected officials.

Issuing of Certificates of Election: Jennifer Lynch issued Certificates of Election.

Citizen Comments: None

Discussion and Action on Election of Mayor Pro-tem: Councilwoman Bruno made a motion to elect Councilman Gordon as Mayor Pro-tem. Councilman Etheredge seconded and the vote was:  
For: Bruno, Etheredge and Barrientos  
Abstain: Gordon

Citizen Comments: None

Discussion and Action on Appointment to Place 1 for the unexpired term - When Sharon Foerster was elected as the City's new Mayor, this created a vacancy (unexpired term) in Place 1. Per Texas Local Government Code for Type A General Law Municipality, Section 22.010 (a): "If for any reason a single vacancy exists on the governing body of the municipality, a majority of the remaining members who are present and voting, excluding the mayor, may fill the vacancy by appointment". Councilwoman Bruno made a motion to appoint Joanna Morgan to the unexpired term for Place 1. Councilman Etheredge seconded and the motion passed unanimously.

Administering of Pre-Oaths and Oath of Office to the appointment of Place 1: Jennifer Lynch administered the Pre-Oath and Mayor Foerster administered the Oath of Office to Joanna Morgan as the newly appointed Place 1 Councilmember.

Hear recommendations from Planning and Zoning and Developer on:

- a) on a variance request for encroachment of the 10 ft. rear yard setback for 106 Les Lane, Hurta River Estates, Lot 12, Property ID 8713236, Property Owners TTH Enterprises LLC, Agent Jimmy Taylor. Brian Riewe said that P&Z recommends approving the variance.
- b) on a Replat for 1501 Dorothy Nichols Lane, R44765, Riverdale OUTLOT 11FR, Acres 3.201, Property Owner Smithville Hospital Authority, Agent Jim Wither. Brian Riewe said that P&Z recommends approving the replat plat.

### **Public Hearing:**

Hear citizen's comments on:

- a) on a variance request for encroachment of the 10 ft. rear yard setback for 106 Les Lane, Hurta River Estates, Lot 12, Property ID 8713236, Property Owners TTH Enterprises LLC, Agent Jimmy Taylor. No one signed up to speak for or against this item.
- b) on a Replat for 1501 Dorothy Nichols Lane, R44765, Riverdale OUTLOT 11FR, Acres 3.201, Property Owner Smithville Hospital Authority, Agent Jim Wither. No one signed up to speak for or against this item.

### **Open Meeting:**

Council Discussion and Action on:

- a) on a variance request for encroachment of the 10 ft. rear yard setback for 106 Les Lane, Hurta River Estates, Lot 12, Property ID 8713236, Property Owners TTH Enterprises LLC, Agent Jimmy Taylor: Slab encroaches < ½ foot into the 10' side yard setback. Councilman Etheredge made a motion to approve the variance request and that it will not be contrary to the public interest there are special conditions including unusual case and due to the special condition, it would result in unnecessary hardship. Granting the variance would be

consistent with the ordinance. Finally, substantial justice would be done by granting the variance. Councilman Gordon seconded and the motion passes unanimously.

- b) on a replat for 1501 Dorothy Nichols Lane, R44765, Riverdale OUTLOT 11FR, Acres 3.201, Property Owner Smithville Hospital Authority, Agent Jim Wither: Councilman Gordon made a motion to approve the preliminary plat. Councilwoman Bruno seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on entering into a contract with Singleton, Clark & Company, PC for the 2021/2022 Fiscal Year Audit: Approval of this agenda item will allow the City to utilize Singleton, Clark & Company for our annual audit services. Councilwoman Bruno made a motion to approve the entering into a contract with Singleton Clark & Company. Councilwoman Barrientos seconded and the motion passed unanimously.

Citizen Comments: None

Discussion and Action on a 380 Economic Development Agreement with Sammi and Travis Hill. This item was pulled by Sammi and Travis Hill as they were not able to attend this meeting. We will push this item to June Council Meeting.

Citizen Comments: None

Discussion and Action on the Certificate of Appropriateness for the Texas Mural at 201 Main: The Historic Preservation Design Standards Advisory Committee (HPDSAC) is recommending approval of a Texas Flag Mural painted on the side of the old First State Bank Building (owned by Edward and Victoria Allen). Councilwoman Bruno made a motion to approve the Certificate of Appropriateness. Councilwoman Barrientos seconded and the motion passed unanimously.

Citizen Comments:

Discussion and Action on Amending Ordinance Chapter 1 General Provisions, Article 1.08 Parks and Recreation, Division 4, City of Smithville Code of Ordinances, by amending Section 1.08.092 (1) Dog Park hours: This is an administrative change to align all city park Hours of Operation from 6:00 am to 11:30 pm. Councilwoman Bruno made a motion to approve the Ordinance. Councilman Gordon seconded and the motion passed unanimously.

Citizen Comments:

Discussion and Action on an Ordinance Amending Chapter 12 Traffic and Vehicles Ordinance, Article 12.200 Control Devices to add stop signs at 7th Street and Olive: Heather Larsen (711 Gresham) is requesting two (2) STOP signs be added to the intersections of 7th Street and Olive. A traffic study was conducted and the signs are recommended by the Smithville PD. Councilwoman Barrientos made a motion to approve the Ordinance. Councilman Etheredge second and the motion passes unanimously.

Citizen Comments: None

Discussion and Action on the approval of the Financial Report. Councilman Etheredge made a motion to accept the Financial Report. Councilman Gordon seconded and the motion passed unanimously.

Adjourn 6:56 p.m.

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Sharon Foerster, Mayor

Attest:

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Jennifer Lynch, City Secretary