

SMITHVILLE BOARD OF ALDERMEN REGULAR SESSION

May 21, 2024 7:00 p.m.
City Hall Council Chambers and Via Videoconference

1. Call to Order

Mayor Boley, present, called the meeting to order at 7:00 p.m. A quorum of the Board was present: Marv Atkins, Melissa Wilson, Leeah Shipley, Ronald Russell, Kelly Kobylski and Dan Hartman.

Staff present: Cynthia Wagner, Gina Pate, Chief Lockridge, Chuck Soules, Rick Welch, Matt Denton and Linda Drummond. Jack Hendrix was present via Zoom.

Megan Miller, Gilmore and Bell, PC.

2. Pledge of Allegiance lead by Mayor Boley

3. Proclamation

- National Public Works Recognition Week

Mayor Boley presented the Proclamation for National Public Works Recognition Week to Tony Turner, Street Department Crew Leader.



4. Consent Agenda

- **Minutes**
 - May 7, 2024, Board of Aldermen Special Session Minutes
 - May 7, 2024, Board of Aldermen Regular Session Minutes
- **Resolution 1354, Nehemiah Festival 2024 Agreement**

A Resolution authorizing and directing the Mayor to execute an agreement with Grace Community Church for the use of Smith's Fork Park to host a music festival.
- **Resolution 1355, Appointment of an Alternate Prosecuting Attorney**

A Resolution appointing Gina Simone as Alternate Prosecuting Attorney.

- **Resolution 1356, Liquor License**

A Resolution issuing a liquor license to Kozak's Laketown Grill, LLC, Brian A. Hove, Managing Officer, doing business as Grassroots Garden Lounge located at 114-116 North Bridge Street.

- **Resolution 1357, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for David Adam in the amount of \$162.85.

Alderman Atkins moved to approve the consent agenda. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the consent agenda approved.

Linda Drummond, City Clerk, swore in Gina Simone as the City's Alternate Prosecuting Attorney.

REPORTS FROM OFFICERS AND STANDING COMMITTEES

5. City Administrator's Report

Cynthia Wagner highlighted a few items in her report. She noted that in the FY2024 budget, the Board approved funds for a Citizens Academy. Gina Pate, Assistant City Administrator, has been working with staff throughout the organization to develop the curriculum. The Citizens Academy will be held on successive Monday nights this fall. Applications for the Citizens Academy are now available on the website and the link is in the City Administrator's report. We are limiting the class size so that we can maximize that opportunity for residents. Once staff receives those applications there will be a review process. We are excited to start that.

Cynthia noted that there are several highlighted updates on Public Works projects. Staff is posting these projects on social media. She said that we are now definitely in orange cone season and there will be detours. She asked that everyone be patient as we make improvements throughout the community.

Cynthia noted that on the last page of City Administrator's report, there is a link to the volunteer page for Smithville Lake Festival. They have asked that we remind the governing body members and City staff of that opportunity to assist them on Friday and Saturday for Smithville Lake Festival.

Mayor Boley noted that if you are considering volunteering please let them know as soon as possible and give them your shirt size.

ORDINANCES & RESOLUTIONS

6. Bill No. 3033-24, Amendment to Section 600.030(D), Liquor by the Drink Licenses – Emergency Ordinance Sponsored by Mayor Boley – 1st and 2nd Reading

Alderman Atkins moved to approve Bill No. 3033-24, repealing Section 600.030(D) number of licenses limited and enacting a new Section 600.030(D) number of licenses limited. 1st reading by title only. Alderman Hartman seconded the motion.

Alderman Russell asked why this is an emergency Ordinance.

Chief Lockridge at the time this was written we knew of a couple businesses that were looking to come to town. One of those was approved tonight on the consent agenda. With that we have met our current capacity for liquor by the drink licenses. Chief added that he had received a voicemail today from a gentleman wanting information on acquiring a license. He is interested in bringing a business to town. Chief explained that he has not returned his call yet because he wanted to wait until tonight's meeting before he called him back so he could give him proper guidance.

Mayor Boley state that we have an additional businesses that are looking to submit that cannot.

Alderman Russell asked if this would need to be approved before the next license can get approval.

Mayor Boley explained that we cannot take another application.

Alderman Kobylski explained that there are no more licenses available.

Cynthia clarified that with the approval of the license for Grassroots this evening there are no more licenses available in the City without the approval of this Ordinance. That is why we want to ensure that we have this in place before we go into summer with a lake community.

Upon roll call vote:

Alderman Hartman - Aye, Alderman Kobylski - Aye, Alderman Atkins – Aye,
Alderman Wilson - Aye, Alderman Shipley – Aye, Alderman Russell - Aye.

Ayes –6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3033-24 approved first reading.

Alderman moved to approve Bill No. 3033-24, repealing Section 600.030(D) number of licenses limited and enacting a new Section 600.030(D) number of licenses limited. 2nd reading by title only. Alderman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Atkins - Aye, Alderman Wilson - Aye, Alderman Kobylski – Aye,
Alderman Russell - Aye, Alderman Hartman – Aye, Alderman Shipley - Aye.

Ayes –6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3033-24 approved.

7. Resolution 1358, Sponsorship Request – Grace Community Church

Alderman Atkins moved to approve Resolution 1358, approving a sponsorship request for Grace Community Church. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1358 approved.

8. Resolution 1359, Awarding Bid No. 24-11, Sale of City Property on the Northside of Church Street

Alderman Atkins moved to approve Resolution 1359, awarding Bid No. 24-11, Sale of City Property on the Northside of Church Street to 110 Smithville, LLC. Alderman Hartman seconded motion.

Megan Miller, Gilmore and Bell, presented the bid response for Bid No. 24-11.

RFP #24-11 – Northside of Church Street

110 Smithville, LLC Response

- Will construct 42 parking spaces that will remain available for public parking between the business hours of 6 am and 6 pm every day
 - 39 standard spaces, 3 ADA spaces
- Intends to eventually build a multi-level mixed use development with parking included; Applicant will keep 42 spaces available for public parking, but if the property is redeveloped in a way that creates more than 42 spaces (subject to City approval), any additional spaces would be public OR private
- Project completion anticipated to be August 1, 2026
 - Property would be used for construction activities during the construction of the TIF Project
- EV-Ready/EV-Capable Parking
 - Applicant acknowledged and agreed to the Minimum Parking Requirements, but with respect to the EV-Ready/EV-Capable spots, agrees to comply with them provided that there is an appropriate power source, and that the City will collaborate on completing this requirement.
 - Applicant will explore options, including collaboration with third-party charging vendors and does not promise that the EV-charging stations will be free or that the City will be able to control the price of charging.
- Purchase Price
 - \$16,726 – cash offer for property
 - \$294,000 – Applicant estimated value of improvements
- Total value of bid: \$310,726

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Resolution 1359 approved.

9. Resolution 1360, Awarding Bid No. 24-12, Sale of City Property on the Southside of Church Street

Alderman Atkins moved to approve Resolution 1360, awarding Bid No. 24-12, sale of City Property on the Southside of Church Street to 110 Smithville, LLC. Alderman Shipley seconded motion.

Alderman Hartman recused himself.

Megan Miller, Gilmore and Bell, presented the bid responses for Bid No. 24-12.

RFP #24-12 – Southside of Church Street

Herzog Foundation Response

- Prepared to adhere to any stipulations of the City & in accordance with the existing TIF Plan
- Intend to implement a payment system for patrons to pay by hour or day
- Will implement safety measures
- Purchase Price: \$188,000

110 Smithville, LLC Response

- Alternative Proposal
 - Wants to use the property as private parking.
 - In exchange for removing the reversion language in the RFP/Real Estate Contract/Deed, Applicant will pave & restripe the undeveloped west half of the City Property at the corner of Mill & Meadow (west half of parcel, excluding the existing parking lot) to create approximately 39 new public parking spaces.
 - City to own and maintain this; projected date to complete is August 1, 2026.
 - Will also create up to 23 new street parking spaces on the east side of Mill and south side of Church; projected date to complete is August 1, 2026.
 - Total number of spaces to be determined in plan review.
 - Potential to add up to 30 new public parking spaces downtown.
- Construction on the project site to begin later this summer; projected date to complete parking improvements on the property is May 31, 2025
- Applicant will comply with the Minimum Parking Lot Requirements to the extent they apply to private parking lots
- EV-Ready/EV-Capable Parking
 - Applicant acknowledged and agreed to the Minimum Parking Requirements, but with respect to the EV-Ready/EV-Capable spots, agrees to comply with them provided that there is an appropriate power source, and that the City will collaborate on completing this requirement.
 - Applicant will explore options, including collaboration with third-party charging vendors and does not promise that the EV-charging stations will be free or that the City will be able to control the price of charging.
- Purchase Price:
 - \$15,054 – cash offer for property
 - \$294,000 – Applicant estimated value of the Donated Improvements
 - \$195,000 – Applicant estimated value of the New Street Parking
- Total value of bid: \$504,054

Alderman Russell asked about the 6:00 a.m. to 6:00 p.m. parking piece of it. If there is an event downtown, is there leeway on this or just no parking there at all.

Megan explained that would be something we would have to work out within the real estate contract if this bid was to be awarded to them. In their response it says it will be public from 6:00 a.m. to 6:00 p.m.

Mayor Boley noted that there were two documents the Board received this evening. One from Agent Jo and one from the Herzog Foundation related to this item.

Alderman Wilson noted that she had thought a lot about this over the last 24 to 36 hours and upon further reflection does not feel that the two proposals were apples to apples. She said that in reading the one letter that the Board received this evening she felt it would behoove the Board to go back to the drawing board and request a new RFP. She said that she did not feel that in good conscience, we can really move forward because we did not really compare apples to apples.

Alderman Kobylski asked if both of the bids meet the RFP request. Because the letter the Board members received says that it was not, so she was curious to see what the differences could be or why they felt that 110 Smithville, LLC did not meet it.

Megan explained that the letter did not state why they felt 110 Smithville, LLC did not meet non responsive other than what was detailed in the letter.

Alderman Wilson noted that in Herzog's proposal they said there would be a fee for parking. She asked how that fits into the TIF plan.

Megan explained we would have to have some conversations about how the TIF plan would be implemented, because on that parcel is a portion of the building that is a part of the overall TIF project. A portion of the building is on that parking lot property. Herzog stated in their response that they would adhere to the stipulations as required in the TIF plan.

Mayor Boley noted that there has been discussion at the Economic Development Committee meetings on the availability of free parking downtown. He said that the paid parking would likely be an economic detractor for downtown.

Alderman Russell noted that the letter of protest the Board received claims the Smithville 110, LLC bid is non-responsive and non-conforming. He believes everybody knows he is against the TIF plan, and it is not what he would recommend. He agrees with Alderman Wilson that in looking at the bids, they are really different in what they are, and they had the same RFP requirements. Alderman Russell said that you can see how one side could say we could have done that too. He agrees with Alderman Wilson that they are not apples to apples.

Alderman Wilson noted that where she is saying they are not apples to apples is the fact that one includes adding an additional parking lot and that really was not part of the RFP. It was specifically this south of Church Street lot.

Mayor Boley asked for roll call vote.

Upon roll call vote:

Alderman Shipley – Aye, Alderman Kobylski – Aye, Alderman Atkins – Aye,
Alderman Wilson – No, Alderman Russell – No.

Ayes – 3, Noes – 2, motion carries. Mayor Boley declared Resolution 1360 approved.

OTHER MATTERS BEFORE THE BOARD

10. Public Comment

None.

11. New Business from the Floor

None.

12. Adjourn.

Alderman Atkins moved to adjourn. Alderman Russell seconded the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:22 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor