

SMITHFIELD TOWN COUNCIL AGENDA
October 4th, 2016 at 7:30 p.m.
Held at Smithfield Center, 220 N. Church Street



A. INFORMATIONAL SECTION:

1. Manager's Report
 - a. September Activity Report

B. UPCOMING MEETINGS AND ACTIVITIES:

- | | | |
|------------|---|---|
| October 4 | - | 7:30 p.m. – Town Council Meeting |
| October 10 | - | Town Administrative Offices Closed in Observance of Columbus Day |
| October 11 | - | 6:30 p.m. – Smithfield Planning Commission Meeting |
| October 18 | - | 6:30 p.m. – Board of Historic and Architectural Review |
| October 24 | - | 4:00 p.m. – Town Council Committee Meetings (Consecutive)
Police Committee
Water and Sewer Committee
Finance Committee |
| October 25 | - | 4:00 p.m. – Town Council Committee Meetings (Consecutive)
Parks and Recreation Committee
Public Works Committee
Public Buildings and Welfare Committee |

NOTE: All of the above public meetings will be held at the Smithfield Center, unless otherwise noted.

C. Public Comments:

The public is invited to speak to Council on any matters, except scheduled public hearing(s). There will be a separate sign up sheet for public hearings. For public comments please use the appropriate sign-up sheet and include your preferred method of contact. Comments are limited to five (5) minutes per person. Any required response(s) from the Town will be provided in writing following the meeting.

- A. Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District
- B. Presentation from Western Tidewater Free Clinic by Stephie Broadwater

D. Council Comments

NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT. Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend Town Council Meetings. ADA compliant hearing devices are available for use upon request. Please call (757) 356-9939 at least 24 hours prior to the meeting date so that proper arrangements may be made.

E. Summary of Consent Agenda Items

- a. Police Committee Chair, Mrs. Denise N. Tynes
- b. Finance Committee Chair, Mr. Randy Pack

CONSENT AGENDA ITEMS

C1. Resolution to Approve Street Closure Request for the Smithfield High School Homecoming Parade, Friday, October 14th from 4:15 to 5:15 p.m. **TAB # 1**

Police Committee Chair, Mrs. Denise Tynes

C2. Resolution to Approve Traffic Assistance Request for the Smithfield 6 Pack and Toast of Town 3K Sunday, November 6th, 2016 from 3:00 p.m. to 5:00 p.m. **TAB # 2**

Police Committee Chair, Mrs. Denise Tynes

C3. Invoices Over \$10,000 Requiring Council Authorization

Finance Committee Chair, Randy Pack

- a. GET Solutions (Sports Complex) \$13,540.00
- b. Godwin Pumps (Emergency Bypass Pump @ Wellington Pump Station) \$59,328.13
- c. REW Corporation (Installation of Emergency Bypass Pump) \$39,900.00
- d. Bayside Harley Davidson (Police Motorcycles) \$46,163.84

C4. Motion to Authorize the Town Treasurer to Purchase a Refurbished AS400 IBM Printer

Finance Committee Chair, Mr. Randy Pack

C5. Motion to Adopt Personal Property Tax Relief Act (PPTRA) Percentage of 50%

Finance Committee Chair, Mr. Randy Pack

ACTION SECTION

1. PUBLIC HEARING: Machinery and Tools Tax Proposed Change **TAB # 3**

- a. Staff Presentation by Town Treasurer, Ms. Ellen Minga
- b. Public Hearing Open
- c. Public Hearing Closed
- d. Consideration by Finance Committee Chair, Mr. Randy Pack

2. **PUBLIC HEARING: Grant of Easement to Smithfield Foods (DRAFT)** **TAB # 4**

- e. Staff Presentation by Town Attorney, William H. Riddick, III
- f. Public Hearing Open
- g. Public Hearing Closed
- h. Consideration by Public Works Committee Chair, Mr. Michael Smith

3. **Additional Invoice Over \$10,000 Requiring Council Authorization:** **TAB # 5**
Finance Committee Chair, Mr. Randy Pack

- a. Kimley Horn Associates (Sport Complex) \$69,624.65

4. **Motion to Award Site Work Contract for Joseph W. Luter, Jr. Sports Complex** **(Forthcoming)**
Mr. William H. Riddick, III, Town Attorney

5. **Motion to Approve the Town Council Meeting Minutes of September 6th, 2016** **TAB # 6**
Mr. William H. Riddick, III, Town Attorney

6. **New Business:**

7. **Old Business:**

8. **Closed Session**

9. **Adjournment**

September 30, 2016

TO: SMITHFIELD TOWN COUNCIL

**FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER**

SUBJECT: MONTHLY ACTIVITY REPORT – SEPTEMBER 2016

TOWN MANAGER'S OFFICE:

- a. Attended the following meetings and activities: Smithfield Kiwanis Club Board of Directors, HRPDC CAO Meeting in Virginia Beach which included Chief Bowman and all Chiefs of Police in the region, welcome reception of new County Administrator Randy Keaton, Public Works confined space safety training and accreditation meeting, VDOT representative regarding town Urban Fund projects, orientation for new HR Director Ashley Rogers, VML Insurance Programs Fall Workshop in Williamsburg with Ashley, Chamber of Commerce Student Leadership Institute Kickoff with Chief Bowman, Pinewood Heights Management Team meeting, and ICMA Annual Conference in Kansas City, MO.
- b. Utilized one day of vacation leave to participate in City of Suffolk fundraiser for the United Way. Utilized two days of vacation leave to visit my parents in Illinois following the ICMA Conference.

TOWN CLERK'S OFFICE:

- a. Transcribed and proofed the monthly minutes from Town Council, Planning Commission and Board of Historic and Architectural Review.
- b. Prepared September Town Council Committee Agenda and October Town Council Agenda.
- c. Attended Town Council Committee meetings on September 19th and 20th and prepared summary reports from committees.
- d. Attended Pinewood Heights Management Team Meeting, September 20th at the Smithfield Center.

TREASURER'S OFFICE:

- a. Continued moving forward via status calls and updates with MUNIS conversion.
- b. Prepared for FY2016 audit and assisted auditors on site with annual field work the week of September 19.
- c. Prepared bank reconciliations for council committee meetings on September 19.
- d. Received real estate and personal property files from IOW County and are working with Bright and Associates on data conversion to prepare annual billings.
- e. Attended VIP Trustees meeting on September 23 in Richmond to discuss a new VIP Stable NAV Liquidity Pool. The pool was approved by the Trustees and will be offered beginning October 3.
- f. Took a vacation day on September 26.
- g. Attended VRS Roundtable discussion in York County with Ashley Rogers.
- h. Completed August financial statements.

PUBLIC WORKS:

- Staff performs the following duties on a monthly basis:
Miss Utility marking, read meters for billing and to transfer property owners, cut offs and cut-ons, check pump stations daily, install and repair street signs, replace and repair broken water meters, take a minimum of 9 water samples and have them tested, flush water lines, repair water leaks, repair radio reads after each reading if needed, maintenance on town owned buildings.
1. **Sewer Line Repairs and Maintenance:**
 - a. Located and repaired sewer line laterals in various locations.
 - b. Sewer air release valve inspection completed.
 2. **Sewer Pump Station Repairs and Maintenance:**
 - a. Weekly and daily checks on all 27 pump stations.
 - b. Performed the following scheduled maintenance at all pump station
 - Cleaning of wet-wells
 - Alarms testing
 - Sump pump cleaning
 - Check Valve cleaning and repair
 - Generator checks / Godwin pump checks
 - Control Panel / Flow monitor checks
 - Fence and Grounds inspections
 - Inspected Structure
 - Inspect and clean pumps

Level system check
Test limit switches
Bar screen cleaning
Rain gauge cleaning

C.REW has started work on installing bypass pump at Wellington pump station.

D. Morris Creek - pump station on one pump with a bypass pump in place.

E. Crescent pump station - waiting on new pump to come. Set up bypass pump to have on site as back up.

3. Water line Repairs and Maintenance

- a. Installed and relocated water service for 208 and 210 Azalea Dr.
- b. Repaired water leak found on main water main at 210 Azalea Dr.
- c. Replaced oil water service line at 200 East St.
- d. Replaced 5ft of water service line at 228 Grandville Arch
- e. Lewis Construction Company installing water service lines on Lumar Rd to house with water line in the backyards.

4. Well Repairs and Maintenance

- a. All wells except 8A and 10 (at RO Plant) are off now that RO plant is running. Upgrades to well houses have been completed to keep wells in operating condition in case of an emergency. Emergency wells are flushed, sampled, and inspected once a month.

5. Water Treatment Plant

- a. Daily lab analysis, monthly sampling and reports for VDH, HRSD, DEQ and RO contractors.
- b. Performed monthly routine tasks including but not limited to:
 1. Daily Inspection of RO Plant and grounds.
 2. Monthly Tank inspections.
 3. Inspect and exercise plant generator monthly.
 4. Fill anti-scalant day tank.
 5. Truck Inspections.
 6. Routine service of lime system.
 7. Service online fluoride and chlorine analyzers.
 8. Calibrate online turbidimeter and pH meter.
 9. Check and replace air filters
 10. Test Alarms.
- c. RO Plant generator coolant leak was repaired and new batteries were installed.
- d. RO Plant staff installed 12 new Toray membranes in RO skid 3rd stage.
- e. Operator Dale Wall attended Water Jam in VA Beach earning continuing education credits.

- f. Plant Manager Jack Reed attended Mid-Atlantic Public Works Institute Leadership program Session 3-Finance, Law and Media.
- g. Plant operators repaired leak on RO skid permeate header.

6. Safety

- a. Monthly truck inspections
- b. All Public Works employees attended Confined Space training.

7. Windsor Castle Park

- a. Cleaned off and repaired walking trails as needed. Trash cans, recycle bins, information stands and doggie bags are emptied, cleaned or refilled as needed on Mondays and Fridays.
- b. A general inspection of the park is conducted weekly to ensure that all park amenities are in good condition and are not in need of maintenance or repair. This inspection includes walking of the trails to inspect all pedestrian bridges, overlooks, and to identify possible problems with the trails. In addition inspections are made to the kayak launch and fishing pier to identify possible maintenance issues.
- c. Repairs made to trails after being identified during routine inspections.
- d. Installed some of the missing signage and ordered more signs.

8. Fog/Backflow Programs

- a. Fog inspections on FSE and monitoring of grease disposal is ongoing with a good level of compliance and cooperation from local businesses.
- b. Equipment (Sludge Judge) was purchased to better monitor the pumping of grease interceptors.
- c. The following locations had FOG inspections conducted this month
 - i. Tops China
 - ii. Wendy's
 - iii. Cockeyed Roster
 - iv. Jalapenos'
 - v. Sista's Café
 - vi. Dominoes
 - vii. Pizza Hut
 - viii. Subway
 - ix. Old Bay Seafood
 - x. Anna's Pizza
 - xi. Hunan Express

- d. Backflow test reports are being submitted by residents and business with a good level of cooperation from the public. Plan review and inspections are conducted on all new commercial structures to ensure they meet town requirements

9. Miscellaneous

- a. Grounds crews cut grass at town-owned property and rights-of-way weekly and empty trash cans on Monday and Friday
- b. Minor repairs at Town Hall and town buildings.

PLANNING AND ZONING:

1. Planning Commission – September 13, 2016

- A. Preliminary and Final Site Plan Review - Joseph W. Luter, Jr. Sports Complex – 900 W. Main St. – Town of Smithfield, applicant– Approved.

2. Rezoning Applications under review

- None

3. Special Use Permit Applications under review

- None

4. Subdivision and Site Plans under review

- A. Parking Lot Expansion – 111 North Church St. – Smithfield Co., applicant.
- B. Clontz Park Public Boat Ramp Facility – Clontz Way – Town of Smithfield, applicant.
- C. Recycling Facility – 83 Pagan Road - Bay Disposal, applicant.

5. Subdivision and Commercial Sites Under Construction and Inspection

- A. Church Square, Phase I (95% complete)
- B. Smithfield Manor Townhomes (95% complete)
- C. Lakeview Cove Condos (75% complete)

6. Board of Historic & Architectural Review – September 20, 2016

- A. Detached Sign – 132 Main Street – Landmark – Jennifer Gangemi, applicant – Approved.
- B. Exterior Renovation – 220 Astrid Street – Non-Contributing – Mary Kathleen Donovan, applicant – Approved.
- C. Demolition / Replacement of Primary Structure – 222 Astrid Street - Non-Contributing – Carl Lewis, NDS Services LLC, applicants – Demolition and new home approved with conditions that siding be Hardie Board rather than vinyl and porch be redesigned to match the style of existing porch.
- D. Garden Shed – 308 First Street – Non-Contributing – Claire Lewis, applicant – Approved.
- E. Demolition / Replacement of Accessory Structure – 111 North Church Street – Contributing – Matt Liberman, Smithfield Foods, Inc., applicants - Approved.
- F. Siding Color and Window Change – 204 Grace Street – Landmark – Darvie Werling, Werling Construction Corp., applicants – Color approved and vinyl windows with exterior muntins approved for sides and rear of home.
- G. Historic District Designation Review – Astrid Street & Cary Street

7. Board of Zoning Appeals – September 20, 2016

- No meeting held.

ENGINEERING

- A. Church Square, Phase I, contractor has installed E & S controls as required by the Town and the approved site plans. Homes are under construction as per market demand.
- B. Lakeview Cove is now under new ownership. All E & S controls have been installed previously by the contractor as per the approved site plans and required by the Town.
- C. Blair Brother’s Contr. Contractor regraded roadside ditch on Smithfield Blvd. and cleaned entrance pipe near sanitary sewer pump station. Contractor also repaired sinkhole areas around drop inlet in backyard of 203 Winchester Place. Contractor repaired outfall ditch and reinstalled rip-rap on Lytham in the Cypress Creek subdivision. Contractor milled out asphalt section on both sides of crosswalk located at the Post Office on Main Street and re-installed a 1 ½ inch asphalt surface.
- D. Erosion & Sedimentation control field inspections were performed and appropriate reports filed on the following active project: Moody Properties. Also Erosion & Sedimentation control field inspections for single family dwellings

were performed at 14 locations throughout the Town and required reports were filed.

- E. Field inspections were held this month involving the Smithfield Lake Dam. No major structural deficiencies were found at this time.
- F. Cypress Creek Development; Contractor C. A. Barrs Constr., all work on project has now been completed including the roadway asphalt surface. The project is now under its one year warranty period.

**COMMITTEE
SUMMARY REPORTS**

September 30, 2016

TO: SMITHFIELD TOWN COUNCIL

FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER

SUBJECT: INFORMATIONAL REPORT FOR THE POLICE COMMITTEE MEETING
HELD ON MONDAY, SEPTEMBER 19TH, 2016

The Police Committee met Monday, September 19th, 2016 at 4:00 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were Mrs. Denise Tynes, Chair; and Mr. Andrew C. Gregory, Vice Mayor. Other Council members present were Mr. Michael Smith, Dr. Milton Cook, Mr. Randy Pack, and T. Carter Williams, Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. Steve Bowman, Smithfield Police Chief; and Ms. Amy Musick, Director of Parks and Recreation. Also in attendance were Mr. Rick Bodson, Mr. Gerald Gwaltney, and Ms. Judy Winslow. There was no media represented.

Police Committee Chair, Mrs. Denise Tynes called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL'S AGENDA.

1. Street Closure Request for the Smithfield High School Homecoming Parade, Friday, October 14th, 2016 from 4:15 p.m. to 5:15 p.m. – Ms. Musick reported that this year's homecoming parade was originally to be held on Saturday, October 29th from 9:00 am to 10:00 am. Dr. Cook expressed concern on how this would affect the businesses along Main Street on a Saturday. Chief Bowman and Ms. Musick explained that this is a very short parade and the street would be only closed to through traffic for a short period of time. Dr. Cook asked if the town had received an application for the parade date from Smithfield High School. Ms. Musick stated that she has not received an application as of yet but had received information from Tourism on the date and time. Dr. Cook asked that Ms. Musick double check with the school system on the date. Since committee Ms. Musick has received a completed application from Smithfield High School requesting a street closure for their homecoming parade for Friday, October 14th, from 4:15 pm to

5:15 pm. The School Board denied the schools request to have the homecoming parade on Saturday, October 29th.

2. Traffic Assistance for the Smithfield 6 Pack and Toast of Town 3K Run on Sunday, November 6th, 2016 from 3:00 p.m. to 5:00 p.m. – Ms. Musick explained that this is a new event sponsored by the Wharf Hill Brewing Company. The run will start at Wharf Hill Brewing and run sequentially to Smithfield Station, Taste of Smithfield, Smithfield Bakery, Smithfield Inn, and the Smithfield Winery to enjoy a small taste of their beverage at each location before continuing on to finish at Wharf Hill Brewing Company for an end of run party. There will be no street closure for this event; however for the safety of the runners they are requesting traffic assistance from 3 pm to 5 pm. Committee had no concerns and recommends approval of new event.

B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA.

1. Operational Updates – Mrs. Tynes reported that in light of the recent bombings in New York and New Jersey she would like to acknowledge and thank all first responders around the country. She asked Chief Bowman to thank his department for their service to our community. Chief Bowman stated that the Police Department has been preparing for a very busy schedule of upcoming special events. As far as crime goes uneventful is a good word. Committee thanked Chief Bowman for the update.

2. Additional Item Discussed: Special Events – Mayor Williams expressed concern that in the next few months the town has a lot of events coming up in the historic district. He stated the he has had a lot of people voicing their concerns about the Christmas Parade and the Santa Breakfast not being on the same day. Mayor Williams asked if committee should consider having a representative from Town Council serve on the town's Special Events Committee. Mr. Pack did not think that it was necessary as many of us are already involved in the backgrounds of planning these events. Chief Bowman mentioned that the Special Events Committee was created to take some of the work off the Town Council when it comes to planning and details of an event. Dr. Cook stated at the end of the day the Town Council does make the decision to approve or not approve and event. Since committee Mayor Williams has talked with Parks and Recreation Committee Chair, Ms. Connie Chapman, and she has agreed to serve on the town's Special Events Committee that meets on a quarterly basis.

The meeting adjourned at 4:23 p.m.

September 30, 2016

TO: SMITHFIELD TOWN COUNCIL

FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER

SUBJECT: INFORMATIONAL REPORT FOR THE WATER & SEWER COMMITTEE
MEETING HELD ON MONDAY, SEPTEMBER 19TH, 2016

The Water & Sewer Committee held a meeting on Monday, September 19th, 2016 at 4:23 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were Mr. Andrew Gregory, Vice Mayor; Mr. Michael Smith, and Mrs. Denise Tynes. Other Council members present were Dr. Milton Cook, Mr. Randy Pack, and T. Carter Williams, Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Also in Attendance were Mr. Rick Bodson, Mr. Gerald Gwaltney, and Ms. Judy Winslow. There was no media present.

Water and Sewer Committee Chair, Vice Mayor Andrew Gregory, called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA

- B. Operational Updates – The Town Manager reported that Public Works Superintendent, Jessie Snead, and Reverse Osmosis Plant Manager, Jack Reed, are currently attending the third of four seminars through the Virginia American Public Works Association (APWA) in Woodbridge this week. The last seminar will be held next spring in Richmond. He explained that they were going to have Jamie Weist of Kimley Horn Associates here today to give an update on where we are with the town's concentrate discharge; however it has been deferred until next month so Mr. Snead and Mr. Reed will be here. The Town Manager also reported that Smithfield Foods has moved ahead with scheduling the work for the installation of the Observation Well Nest that will be put in next to the Town Manager's Office. The first well that is being installed the closest to the Town Manager's Office is called a rotonomic bore. Work should begin next week. The Virginia Department of Environmental Quality (DEQ) has reviewed the project and approves of the timeframe. The agreement between the state and the Town of Smithfield is still forthcoming. Maintenance however in the end will be maintained by the state and the asset will be owned by the town.

- C. Additional Item Discussed: Cary Street Water Tower – Mr. Smith mentioned that he had talked with Mr. Griffin in regards to the water issue at a residents house on Cary Street next to the town’s water tower. The resident has asked what can be done about the water that runs across his property when the Cary Street Water Tank is flushed by Public Works staff. The Town Manager stated that as of today the Cary Street Water Tank is offline. It will remain as a historic structure but will no longer be used so flushing the tank should not be necessary. Mr. Smith stated that Mr. Griffin was also getting a price on having a pipe put for the water to run through if was ever necessary for the water tank to be flushed again. Mr. Smith thought that taking the tank offline should satisfy the resident.
- D. Additional Item Discussed: Sewer Leak on North Church Street – Mayor Williams asked if there was an update on what happened in court with the property at 406 North Church Street. The Town Attorney stated that he would follow-up and let him know.

The meeting adjourned at 4:34 p.m.

September 2, 2016

TO: SMITHFIELD TOWN COUNCIL

FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER

SUBJECT: INFORMATIONAL REPORT FOR THE FINANCE COMMITTEE MEETING
HELD ON MONDAY, SEPTEMBER 19TH, 2016

The Finance Committee held a meeting on Monday, September 19th, 2016 at 4:34 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were: Mr. Randy Pack, Chair; Mr. Andrew Gregory, Vice Mayor; and Dr. Milton Cook. Other Council members present were Mr. Michael Smith, Mrs. Denise Tynes, and T. Carter Williams, Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; and Mr. William H. Riddick, III, Town Attorney. Also in Attendance were Mr. Rick Bodson, Mr. Gerald Gwaltney, Commissioner of Revenue; and Ms. Judy Winslow. There was no media present.

Committee Chair, Mr. Randy Pack called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL AGENDA

1. Pre-Public Hearing Discussion: Machinery and Tools Tax Proposed Change, Gerald Gwaltney, Commissioner of Revenue - Mr. Gerald Gwaltney was present and gave a history of how we got here. He explained that back in the 1970's it was decided to assess machinery and tools at 100% of the install cost with no depreciation. That has been in effect for forty years. He explained that based on recent conversations with economic development prospects, the County has determined that, in order to better position itself for future economic development opportunities, a re-examination of its machinery and tools tax methodology is in order. Letters have been sent out to all account holders outlining the proposed change. Citizens who wish to comment on the proposed change have until September 30th to submit comments. The proposed change would give a little more depreciation upfront for the manufacturer. It will apply a forty percent (40%) ratio to the original cost of the machinery and tools with no additional depreciation. The proposed change will be "revenue neutral" for tax year 2016, so those businesses paying Machinery and Tools taxes will not pay any more or less in taxes as a result of this adjustment. Ms. Minga explained that the town's current tax rate is \$0.15

per \$100 of the assessed value of machinery and tools. She also explained that to offset the 100% to 40% the town is proposing an increase in the tax rate to \$0.375 per \$100 of the assessments and this would levy approximately the same amount of total taxes from machinery and tools. Mr. Smith asked if agricultural equipment is exempt. Mr. Gwaltney replied that farm equipment was exempted in 2002. Mr. Smith expressed his concerns that in all fairness he feels that farm equipment should not be exempt and asked the Board of Supervisors revisit. Mr. Gwaltney stated that he would relay this message back to the Board of Supervisors. Mr. Gwaltney stated that the proposed change will be adopted by the Board at their October 20th meeting. The Town Attorney stated that the proposed change has been advertised as a public hearing for Town Council's October 4th meeting. Committee thanked Mr. Gwaltney for coming to explain the proposed change.

2. Invoices Over \$10,000 Requiring Council Authorization:

a. GET Solutions (Sports Complex) \$ 13,540.00

This invoice was referred back to committee from the September 5th Town Council meeting for a review of charges, in particularly the \$1,000 charge for clearing for access, at the sports complex by Project Manager, Mr. Brian Camden. Mr. Camden explained that this fee was originally \$1,200.00 and he was able to negotiate down to \$1,000. There was quite a bit of clearing that had to be done to bore in certain areas on the site. Committee recommended approval of invoice.

b. Godwin Pumps \$ 59,328.13

This invoice from Godwin Pumps is for the purchase of an emergency by-pass pump at Wellington Pump Station that was approved by Town Council at their April 5th, 2016 meeting. Committee recommends payment of invoice.

c. REW Corporation \$ 39,900.00

This invoice from REW Corporation is for the installation of the emergency bypass pump at Wellington Pump Station that was approved by Town Council at their April 5th 2016 meeting. Committee recommends approval of invoice.

d. Bayside Harley Davidson \$ 46,163.84

Ms. Minga reported that the Police Department is now in possession of the two (2) new police motorcycles. Ms. Minga explained that the town had previously received a contribution from Smithfield Foods to pay for the motorcycles. Committee recommends approval of invoice.

3. Additional Item Discussed: Replacement of IBM Printer - Ms. Minga stated that the computer conversion to MUNIS has been a very slow and painful process. At this time the MUNIS conversion will not go live until at least January 2017 as the town is now moving into tax season. She explained that with that said the Bright System that they are currently using is becoming obsolete. The Treasurer's Department has been unable to do updates on the Bright System for a couple of years. They continue to struggle with the AS400 IBM printer as part of the Bright System. She explained that

this past Friday they had to have a refurbished hard drive installed to finish their daily work. Ms. Minga expressed concern that with tax season upon us if they do not purchase an up to date refurbished IBM printer they could have issues. The cost of a refurbished IBM printer would be approximately \$15,500 and would come with software support. She explained that once the conversion to MUNIS is complete they will still need the IBM printer for history data for a while. Committee asked where the money would come from. Ms. Minga stated that it could come from Operating Reserves or the loan from Farmers Bank. Committee recommends approval of purchasing a refurbished IBM AS400 printer.

4. Adopt Personal Property Tax Relief Act (PPTRA) Percentage - Ms. Minga stated that the Personal Property Tax Relief is a calculation that the town does every year. It is an educated estimate based on a set amount from the state each year. It has remained pretty stable for the last few years at 51%; however this year it will be 50%. This item will be on Town Council's October 4th agenda for approval.

B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA.

1. July Financial Statements and Graphs – Ms. Minga reported that there is not a lot of activity for July because everything hits in June prior to end of the fiscal year. Due to the committees being a week early this month and the auditors being here she was unable to prepare the August Financials for today's meeting. At this time revenues have been switched to delinquent accounts. As far as the expense, the majority of dues and subscriptions for this fiscal have been paid. The town has also paid the LODA insurance for the police officers. The LODA insurance did go up a little bit this year. Ms. Minga mentioned that Chief Bowman feels that the town may have overlooked the purchase of a third police vehicle during the budget process. She continues to look into this see if it was overlooked or not.

2. August Cash Balances – Ms. Minga reported that cash balances remain pretty strong. The town's special project account has \$3 million in it and that is where the town will start pulling funds from to cover project expenses such as the sports complex and public boat ramp. The South Church Street project will be closed out soon. Ms. Minga also reported that the VML/VACo Investment Pool is down a little bit this month. She mentioned that she has a VML/VACo meeting this Friday to discuss more investment options. This will come back to committee next month for an update.

Water = \$395,131.20; Water Debt Service = \$728,945.51; Water Capital Escrow Availability Fees = \$475,422.41; Water Treatment Plant Escrow = \$112,212.34; Water Deposit Account = \$104,056.01; Water Development Escrow = \$103,205.18; **Subtotal Water = \$1,918,972.65.** Sewer = (\$95,740.22); Sewer Development Escrow =

\$361,110.94; Sewer Capital Escrow Availability Fees = \$889,575.94; Sewer Compliance = \$1,623,231.21; **Subtotal Sewer = \$2,778,177.87. Highway = \$68,733.20.** General Fund = \$1,862,492.57; Payroll = \$268,808.08; Money Market General Fund Town Bank = \$2,196.86; Business Super NOW-General Fund = \$33,296.41; Money Market General Fund Farmers Bank = \$291,011.18; General Fund Capital Escrow = \$215,702.48; Certificate of Deposit = \$526,498.74; Certificate of Deposit Police Dept = \$36,863.72; Special Project Account = \$3,047,920.19; Pinewood Heights Escrow = \$42,902.37; SNAP Program = \$2,294.75; Museum Account = \$135,765.19; Windsor Castle Acct \$50,500.00; **Subtotal General Fund = \$6,516,252.54. TOTAL ALL FUNDS = \$11,282,136.26.**

3. TRIAD Projected Budget – Ms. Minga stated that the Town has contributed for many years to the Isle of Wight County TRIAD. Prior to the Town hosting the event it was organized by Isle of Wight County. When the County stepped away from hosting the event the Town stepped in, with a lot of help from Mr. Kurt Beach, to continue offering this event to the senior citizens of Isle of Wight County. The purpose of the TRIAD Program is to reduce the fear of crime and empower seniors with the knowledge to avoid becoming a victim of crime and help them protect their life savings and property assets. The Town did not find out until the first of July, after this year's budget had been approved, that there will not be any grant money to help fund this event this year. In past years the town has always paid \$1,650.00; however due to overall budget cuts on contributions the town approved \$3,120.00 for TRIAD with the town's portion being \$870.00 and grant funding of \$2,250.00. Ms. Minga explained that she wanted to make sure that council was aware that there will be no grant revenues received this year to offset this overall adopted budget of \$3,120.00 for TRIAD. She also stated that the Town of Windsor has already donated their \$1,000 contribution towards the event.

The meeting adjourned 5:12 p.m.

September 30, 2016

TO: SMITHFIELD TOWN COUNCIL

FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER

SUBJECT: INFORMATIONAL REPORT FOR THE PARKS AND RECREATION
COMMITTEE MEETING HELD ON TUESDAY, SEPTEMBER 20TH, 2016

The Parks and Recreation Committee held a meeting on Tuesday, September 20th, 2016 at 4:00 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were: Ms. Connie Chapman, Chair; and Mrs. Denise Tynes. Other Council members present were: Mr. Andrew Gregory, Vice Mayor; Dr. Milton Cook and Mr. T. Carter Williams, Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Mr. William H. Riddick, III, Town Attorney; Mr. Wayne Griffin, Town Engineer; Mr. William G. Saunders, IV, Planning and Zoning Administrator; Ms. Amy Musick, Director of Parks and Recreation; and Ms. Judy Winslow, Director of Tourism. Also in attendance were Mr. Jamie Weist of Kimley-Horn Associates; and Mr. Rick Bodson. There was no media present.

Parks and Recreation Committee Chair, Ms. Connie Chapman called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA.

1. Operational Update – Ms. Musick reported that September has been a busy month at the Center and there has been some activity at Windsor Castle. Upcoming events to note include: Aiken Fest at the Smithfield Little Theater on September 24th; Bacon Fest at Windsor Castle on October 1st; Hog Jog Run and the Fall Vintage Market on October 8th; Smithfield High School Homecoming Parade on October 14th; Souper Saturday at Trinity Church, Ruritan Car show in the Smithfield Center parking lot and Isle of Wight Education Foundation Gala at the Smithfield Center on October 15th; Smithfield Century Bike Tour at Windsor Castle on October 22nd; and lastly, Hamoween on October 31st. Upcoming projects at the Smithfield Center include painting the concrete awning supports at the front entrance of the Center and new flooring for the bathrooms. Ms. Musick reported that the playground people are on the grounds at Windsor Castle Park;

however due to weather are not getting much done. Committee asked if they were getting paid by the day. Ms. Musick replied that they are paid a flat amount regardless of how long it takes to finish. Ms. Musick stated that fencing for the toddler area was not included in the original cost so this will come back to committee with options on fencing once the size of the fenced area is determined. Ms. Musick reported that the Department of Historic Resources has conditionally approved the restoration project at Windsor Castle. Two Town Council members, Dr. Milton Cook and Ms. Connie Chapman, have joined the Windsor Castle Foundation Board. The Town Attorney stated that at this time the LLC still does not have an agreement between the Windsor Castle Foundation Board, Smithfield Foods and the Town of Smithfield. Ms. Musick reported that kayak rentals have done well this year and September 25th is the last day of the season. The Trail Doctors continue to work on stilt grass eradication every Thursday and have almost completed the Tree of Heaven removal. Ms. Musick stated that according to Mr. Steve Senkovich most of the Trees of Heaven that remain are male and will not need to be removed. Ms. Musick stated that the public boat ramp and the architectural plans for the sports complex are out to bid and will be due by October 6th. Dr. Cook asked what the timeframe was for the completion of the public boat ramp. The Town Manager stated that the bids are due in on October 6th so it should be approved at the November Town Council meeting. Once the notice of award is sent out the project should be complete in 180 days. Mr. Weist stated that all the work for the boat ramp that needs to be done in the water will be done first so by the time it gets to the time of year that you are not allowed in the water that portion will be done.

2. Memorandum of Understanding (MOU) between the Town of Smithfield and Isle of Wight County for the Joseph W. Luter, Jr. Sports Complex - The Town Manager explained that, on February 18th, 2016, Isle of Wight County Board of Supervisors agreed to donate \$250,000.00 to be paid to the Town of Smithfield at \$50,000.00 a year for the next five years. At the time of the approval the county had mentioned some stipulations that they wanted to see in the Memorandum of Understanding (MOU) between the Town and County. The Town Attorney explained one area of concern was 5B of the draft MOU in regards to regular use. The Town states that for regular use a “reasonable fee” will be charged by SRA for the usage of the facility commensurate with other regional sports complex fees and charges. The County Attorney struck out “reasonable fee” to just say a “fee” would be charged. In that same paragraph, it says that SRA shall develop a schedule of fees for regular use which shall be subject to review and approval by the Town. The County Attorney added that the fees for regular use shall be subject to review by Town and County. Dr. Cook expressed concern in the fact that the County should not have any say in setting fees for the sports complex. The Town Attorney stated that most

of the changes to the MOU were minor with the exception of paragraph 5B. Committee asked if there was a timeline to have the MOU in place. The Town Attorney stated that there was no timeline but the town will not get the County's \$50,000 for this year until the MOU is approved and signed. He stated that he will convey Town Council's concerns to County Attorney, Mark Popovich, and bring back next month for further discussion.

3. Pre-Public Hearing Discussion: Lease with Smithfield Recreation Association (SRA) – The Town Attorney explained that a long lease must be treated like the recent Franchise Agreement with Smithfield Station; therefore there will be no public hearing at Town Council's October 4th meeting. It will come back to October committee to be on the November 1st Town Council agenda. In the meantime, the town needs to determine what SRA will be responsible for when it comes to maintenance at the sports complex. Ms. Musick stated that she would set up a meeting to discuss responsibilities with town staff and a representative from SRA.

The meeting adjourned at 4:32 p.m.

September 30, 2016

TO: SMITHFIELD TOWN COUNCIL

FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER

SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC WORKS COMMITTEE
MEETING HELD ON TUESDAY, SEPTEMBER 20TH, 2016

The Public Works Committee held a meeting on Tuesday, September 20th, 2016 at 4:32 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were: Mrs. Denise Tynes, and Dr. Milton Cook. Other Council members present were: Mr. Andrew Gregory, Vice Mayor; Ms. Connie Chapman, and T. Carter Williams, Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Mr. William H. Riddick, III, Town Attorney; Mr. William G. Saunders, IV, Planning and Zoning Administrator; Mr. Wayne Griffin, Town Engineer; and Ms. Judy Winslow, Director of Tourism. Also in attendance were Mr. Jamie Weist of Kimley-Horn Associates and Mr. Rick Bodson. There was no media present

Public Works Committee Member, Mrs. Denise Tynes, called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL'S AGENDA.

1. Pre-Public Hearing Discussion: Shared Use Agreement with Smithfield Foods – The Town Attorney stated that this public hearing is for an Easement Agreement for forty years which outlines the use of the new parking lot located at 220 North Church Street. Smithfield Foods is paying to have a parking lot constructed for their use during their office hours; however the Town of Smithfield and the Smithfield Little Theater will have the right to use the parking lot when they need extra parking at other times. Committee recommends approval of Easement Agreement between Smithfield Foods and the Town of Smithfield.

B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA.

1. Virginia Department of Transportation (VDOT) Urban Fund Allocations and 2016 Virginia Appropriation Act – The Town Manager explained that all local government managers were notified by the Commonwealth Transportation Board that any remaining funds, in the VDOT Urban Fund in our case, as of January 1st, 2018 will be transferred to the new ‘State of Good Repair’ program, unless these funds are allocated to a fully funded and active local project. The town currently has \$2,190,200 in Urban Funds that we must use or lose. Back in December 2013 Town Council adopted a resolution authorizing Urban Funds to be allocated to Segment 3 of the Isle of Wight County park to park trail project. Since that time no further action has been taken by the town as the county has been working on Segments 1 and 2 of the project. In order to get Segment 3 programmed by VDOT an adopted Memorandum of Agreement (MOA) between the town and county is required. Staff is recommending that this MOA be drafted and that up to \$1.3 million remain committed to the county’s park to park trail project. At this time the town would need to begin looking at design alternatives in this corridor of South Church Street. Dr. Cook expressed his concern over a ten (10) foot strip of asphalt going down the east side of South Church Street for the multi-use path. He stated that many of the businesses in this area have limited parking as it is and taking ten (10) more feet for the multi-us path and the buffers on each side of the path will make parking even more limited. Dr. Cook suggested that sidewalks and curbs on both sides of the road in this area would make this area of South Church Street much more appealing. The Town Manager stated that this is not an option due to stormwater management regulations. Mr. Jamie Weist of Kimley-Horn Associates was present and stated that they could have choke points along the path were the width could be reduced to eight (8) feet. Committee asked if VDOT would allow that the entire stretch in front of the businesses on South church Street be considered a choke point. Staff was not sure but could certainly ask VDOT. Discussion was also held on where alternative paths could be directed rather than going down South Church Street. Mr. Saunders stated that surveys have been done and South Church Street was the option with the least amount of resistance. Mr. Weist suggested taking an aerial shot with both the ten (10) foot and eight (8) foot path so committee would have a visual of what it would look like along South Church Street. The Town Manager stated that with \$1.3 million dollars allocated to this project the town still has \$1 million to allocate to other local projects. Vice Mayor Gregory stated that, typically, VDOT will only allow funds to be allocated to one project at a time and wanted to know if they are being lax on this policy to allow us to use all of the funds. The Town Manager stated that was correct. VDOT is willing to work with the town to help get funds allocated to an active project. He explained that it has been determined that a right turn lane is warranted, for safety reasons, on West Main Street/ Route 258 at the entrance of the Joseph W. Luter, Jr. Sports complex. Staff is

recommending that this right turn lane be identified and Urban Funds be allocated for this project. Staff has talked with VDOT about extending the sidewalk from the Sports Complex to Westside Elementary entrance. Staff will be communicating with School Superintendent and County Administrator to discuss land disposition for the sidewalk. The entire project will cost approximately \$400,000 to \$450,000. With still approximately \$500,000 remaining in Urban Funds staff is requesting an intersection analysis for South Church Street at the Route 10/258 Bypass/Benns Church Boulevard as part of the town's comprehensive planning efforts. Vice Andrew Gregory also asked for staff to look at the cost to have streetlights added to Cypress Creek Bridge and Battery Park Road as discussed in past years. The Town Manager stated that this item will come back to committee next month because a resolution will need to be done at Town Council's November 1st meeting to allocate funds.

The meeting adjourned at 5:15 p.m.

September 30, 2016

TO: SMITHFIELD TOWN COUNCIL

FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER

SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC BUILDINGS & WELFARE
COMMITTEE MEETING HELD ON TUESDAY, SEPTEMBER 20TH, 2016

The Public Buildings and Welfare Committee held a meeting on Tuesday, September 20th, 2016 at 5:15 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were: Dr. Milton Cook, Chair; and Ms. Connie Chapman. Other Council members in attendance were Mr. Andrew Gregory, Vice Mayor, and Mr. T. Carter Williams, Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Mr. William H. Riddick, III, Town Attorney; and Mr. William G. Saunders, IV, Planning and Zoning Administrator. There was no media present.

Public Buildings and Welfare Committee Chair, Dr. Milton Cook called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA.

1. Pinewood Heights Relocation Project Phase III Update – The Town Manager reported that Mr. Dodson of Community Planning Partner's monthly report was included in the packet for Phase III. He stated that Phase III is moving along. Owners at 21,23,36, and 38 Jamestown have sold their homes and relocated. The 33 Jamestown owner is waiting to close and relocate; this should be done before the end of September. Four renters have relocated with two becoming homeowners. 27A, 27B, 28A, and 28B have also relocated. Offer letters were mailed to the landlords of the now vacant rental units of 27A, 27B and 28A Jamestown Avenue and they should close in late October. The Town Manager explained that, unlike Phase I and II, Phase III is not segmented where the town must do certain properties first. This will help to keep the Phase III moving at a steady pace. Dr. Cook asked about the abandoned well at the end of Jamestown Avenue. The Town Manager explained that the well is town owned and has been filled in due to state standards. The Town Manager also reported that staff continues to work on the

relocation of the last property, 111 Carver Avenue, in Phase II so that we can demolish those units. The next Pinewood Heights Management Team meeting will be held on November 15th, 2016.

Meeting adjourned at 5:20 p.m.

ACTIVITY REPORTS

**SMITHFIELD POLICE DEPARTMENT
MANAGER'S REPORT
September 2016**

Committees and Projects:

09/06 Town Council mtg – Center – Chief Bowman
09/07 Mock Accreditation – Newport News Sheriff's Office – Kristi Jenkins
09/07 C.H.I.P. met with Calvin of the School System regarding new chairs, tables for Homework Station at Jersey Park – Kurt Beach
09/07 Hampton Roads Planning District Chief Administrative Officers mtg – Virginia Beach – Chief Bowman
09/09 Law Enforcement Graduation – Crater Criminal Justice Training Academy, Petersburg – Deputy Chief Howell
09/09 Chamber of Commerce Awards Banquet – Cypress Creek Clubhouse – Chief Bowman
09/13 TRIAD mtg – IOW Courthouse – Kurt Beach
09/14 Department Head – Center – Chief Bowman
09/19 Ribbon Cutting – Hope Presbyterian Church – Chief Bowman
09/20 C.H.I.P. Presentation – Western Tidewater Community Services – Suffolk – Kurt Beach
09/20 Crime line mtg – Center – Deputy Chief Howell, Sgt. Meier, Kurt Beach, Annette Crocker
09/21 Interagency Code Enforcement mtg – Town Hall – Kurt Beach
09/22 Regional Radio meeting – Center – Chief Bowman, Deputy Chief Howell, Sgt. Meier
09/24 Police Officer Testing – Main Street Baptist – Sgt. Meier, Annette Crocker
09/26 – 28 Accreditation – Caroline County Sheriff's Office – Kristi Jenkins

Training

09/07 - 09 TacOps Conference – Alexandria, VA – Sgt. Araojo, Officer Powell (24 hrs.)
09/19 – 23 In-Service Training – York/Poquoson Sheriff's Office – Officer Washington (40 hrs.)
09/26 – 30 CIT Core Class – Suffolk PD – Chief Bowman, Officer Adams, Officer Gutierrez (40 hrs.)
09/26 – 30 Security Assessment for Crime Prevention Practitioners – VSP Headquarters, Richmond – Officer R. Howell (40 hrs.)

In-House Training

09/06 ERT Range Training – Franklin PD Range – Sgt. Araojo, Officer Adams, Officer Powell, Officer Phillips, Officer Johnson, Officer Wooley
09/28 Color Guard Training – Sgt. Jones, Officer Wright, Officer Johnson, Officer Bancroft

Community Relations

09/02 Ride Along – Josef Lee - Officer Bancroft
09/06 – 30 School Zone – Westside Elementary – Chief Bowman, Sgt. Araojo, Sgt. Jones, Officer Phillips, Officer Gutierrez, Officer Cook, Officer Bancroft, Officer Washington, Officer Wright, Officer Seamster, Officer Johnson
09/14 Homework Station – Jersey Park/Woods Edge Apts. – Officer Bancroft, Kurt Beach
09/16 Security - Isle of Wight County Fair – Officer R. Howell, Officer Phillips
09/17 Ride Along – Mikayla Scoville – Officer Bancroft
09/17 Security - Isle of Wight County Fair – Sgt. Miller, Officer Johnson
09/25 Neighborhood Watch – Berkeley St./Mount Vernon Court – Officer Phillips
09/27 Neighborhood Watch mtg – Covenant Place – Sgt. Miller
09/28 Homework Station – Jersey Park/Woods Edge Apts. – Officer Cook

Investigations:

Case#: 2016-00735
Location: Smithfield Foods
Offense: PWID Marijuana
Disposition: Cleared by Arrest

On 9/9/16 a supervisor from the plant was moving boxes and observed a red bag fall from a hiding place. When the bag hit the ground a mason jar filled with marijuana came out of the bag. The supervisor took the bag and its contents to the HR Manager's office. Officers were called to the plant. Inside the bag was a piece of mail that returned to an employee of the plant. Officers watched the security footage of the employee coming into the entry gate and observed him holding the same red bag. The suspect, Arthur Townsend, was charged with possession with intent to distribute marijuana.

Case#: 2016-00740
Location: Rte. 10/Main St
Offense: DUID, Stolen Vehicle
Disposition: Cleared by Arrest

On 9/11/16 Officers received a call that a woman was slumped over the steering wheel of a vehicle in the middle of the intersection Rte. 10 and Main St. As officers were in route the vehicle had been pushed to the commuter lot and the female was walking towards 7-Eleven. The officer arrived on scene and spoke with the female. He could tell that she was highly intoxicated. He found needle caps in her vehicle. He asked her if she was on any kind of drugs and she stated that she used to shoot up but does not do that anymore. She explained the needles were for her dog's medication. The officer took her to the hospital for a blood draw. While he was bringing her back to the PD he was alerted that dispatch received a hit on the vehicle for a stolen vehicle out of Surry County. The subject was charged with DUID and unauthorized use of a motor vehicle.

September 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
					Courtney Off Summer Series Concert -The Tams MHSu 400	Courtney Off Gorham and Russell Wedding and Reception MHSu 80
4	5	6	7	8	9	10
Courtney Off Dawson and White Wedding and Reception MHSu 274	Labor Day-Sat Rate Courtney Off	Herbert Off Smithfield Meeting C&D 25 Town Council A&B 20 WCFB Meeting D 10	Herbert Off Smithfield Audit Interviews Suites 16	Herbert Off 10:30 AM Hiller Inspection	Herbert Off	Herbert Off Gillam and Glanville Reception MH 90
11	12	13	14	15	16	17
Herbert Off		Planning Commission A&B 20 TRIAD Meeting C&D 25	Staff Meeting A&B 20	IOW Fair A Night to Remember MH 150 Smithfield Women's Club Suites 80 Sports Complex Pre-Bid Meeting MH 20	IOW Fair 50th Anniversary Carrollton Fire MH 120	Melissa Off IOW Fair Thomas and Moore Wedding and Reception MHSu 150
18	19	20	21	22	23	24
Melissa Off IOW Fair Krauss and Mackenstadt Wedding and Reception MHSu 130	Melissa Off Committee Meetings C&D 10	Melissa Off BHAR A&B 20 Committee Meetings C&D 10 Crime Line Meeting C&D 10 Dominion Safety Meeting Set-Up MH 200 Pinewood Heights Meeting A&B 20 Schoolhouse Committee C&D 10	Melissa Off Dominion Safety Meeting MHSu 200	Melissa Off Job Fair C&D 50 Presentation of Radio System A&B 30	Lisa Off Melissa Off Tatum and Hirsh Wedding and Reception MHSu 90	Melissa Off Aiken Fest Connell-Piquette Wedding & Reception MHSu 85

September 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
25	26	27	28	29	30	
Melissa Off Watson-Hunter Wedding & Reception MHSu 160	Courtney Off VA Police Work Dog Association MH 100	Women's Connect Meeting MH 80	11:30 AM Staff Training-Crowd Control	Chamber Board of Directors Strategic Planning C&D 20 VA Police Work Dog Association MH 125	Painting Projects	

Smithfield Center - September 2016 - Monthly Report

Booking Date	Building Code	Room Code	Group	Event Name	Group City	How did you hear about us	Pricing Plan	Discount Percent	Venues	Town Services
9/2/2016	Center	MHSu	Smithfield Times	Summer Series Concert -The Tams	Smithfield	Town Event	g.) Sponsored	100.00%		
9/3/2016	Center	MHSu	Gorham and Russell Wedding and Reception	Gorham and Russell Wedding and Reception	Norfolk	Word of Mouth	A.) Standard-Fri, Sat, Sun	0.00%	\$2,023.84	
9/4/2016	Center	MHSu	Dawson and White Wedding and Reception	Dawson and White Wedding and Reception	Chesapeake	Word of Mouth	A.) Standard-Fri, Sat, Sun	0.00%	\$2,350.00	
9/6/2016	Center	A&B	Town of Smithfield	Town Council	Smithfield	Town Event	h.) Town	100.00%		
9/6/2016	Center	C&D	Smithfield Foods Corporate a	Smithfield Meeting	Smithfield	Returning Client	D.) Resident -Weekday	0.00%	\$200.00	
9/6/2016	Center	D	Windsor Castle Foundation Board	WCFB Meeting		Town Event	h.) Town	100.00%		
9/7/2016	Center	Suites	Smithfield Foods Executive Office a	Smithfield Audit Interviews	Smithfield	Returning Client	C.) Standard-Weekday	0.00%	\$200.00	
9/9/2016	Center	MH	Gillam and Glanville Wedding and Reception	Gillam and Glanville Set	Carrollton	Word of Mouth	B.) Resident-Fri, Sat, Sun	0.00%		
9/10/2016	Center	MH	Gillam and Glanville Wedding and Reception	Gillam and Glanville Reception	Carrollton	Word of Mouth	B.) Resident-Fri, Sat, Sun	0.00%	\$1,350.00	
9/13/2016	Center	A&B	Town of Smithfield	Planning Commission	Smithfield	Town Event	h.) Town	100.00%		
9/13/2016	Center	C&D	Isle of Wight County	TRIAD Meeting	Isle of Wight	Returning Client	g.) Sponsored	100.00%		
9/14/2016	Center	A&B	Town of Smithfield	Staff Meeting	Smithfield	Town Event	h.) Town	100.00%		
9/15/2016	Center	MH	Dwayne Wilson	A Night to Remember	Smithfield	Returning Client	D.) Resident -Weekday	0.00%	\$500.00	\$180.00
9/15/2016	Center	MH	Town of Smithfield	Sports Complex Pre-Bid Meeting	Smithfield	Town Event	h.) Town	100.00%		
9/15/2016	Center	Suites	Smithfield Women's Club	Smithfield Women's Club	Smithfield	Recurring Event	Resident -Weekday	50.00%	\$200.00	
9/16/2016	Center	MH	Carrollton Volunteer Fire Department	50th Anniversary Carrollton Fire	Carrollton	Word of Mouth	g.) Sponsored	100.00%		
9/17/2016	Center	MHSu	Thomas and Moore Wedding and Reception	Thomas and Moore Wedding and Reception	Portsmouth	Word of Mouth	A.) Standard-Fri, Sat, Sun	0.00%	\$1,850.00	
9/18/2016	Center	MHSu	Krauss and Mackenstadt Wedding and Reception	Krauss and Mackenstadt Wedding and Reception	Newport News	Word of Mouth	B.) Resident-Fri, Sat, Sun	0.00%	\$1,400.00	
9/19/2016	Center	C&D	Town of Smithfield	Committee Meetings	Smithfield	Town Event	h.) Town	100.00%		
9/19/2016	WCP	Riverfront	Fit in Your Health	Tabata Group Exercise Class		Word of Mouth	A.) Standard-Fri, Sat, Sun	0.00%		
9/20/2016	Center	A&B	Town of Smithfield	BHAR	Smithfield	Town Event	h.) Town	100.00%		
9/20/2016	Center	A&B	Town of Smithfield	Pinewood Heights Meeting	Smithfield	Town Event	h.) Town	100.00%		
9/20/2016	Center	C&D	Town of Smithfield	Crime Line Meeting	Smithfield	Town Event	h.) Town	100.00%		
9/20/2016	Center	C&D	Town of Smithfield	Schoolhouse Committee	Smithfield	Town Event	h.) Town	100.00%		
9/20/2016	Center	MH	Dominion Virginia Power	Dominion Safety Meeting Set-Up	Richmond	Returning Client	C.) Standard-Weekday	0.00%		
9/21/2016	Center	MHSu	Dominion Virginia Power	Dominion Safety Meeting	Richmond	Returning Client	C.) Standard-Weekday	0.00%	\$600.00	
9/22/2016	Center	A&B	Town of Smithfield	Presentation of Radio System	Smithfield	Town Event	h.) Town	100.00%		
9/22/2016	Center	C&D	All For You In Home Care	Job Fair	Suffolk	Word of Mouth	C.) Standard-Weekday	0.00%	\$200.00	
9/23/2016	Center	MHSu	Tatum and Hirsh Wedding and Reception	Tatum and Hirsh Wedding and Reception	Chesapeake	Word of Mouth	A.) Standard-Fri, Sat, Sun	0.00%	\$2,069.60	
9/24/2016	Center	MHSu	Connell-Piquette Wedding & Reception	Connell-Piquette Wedding & Reception	Portsmouth	Word of Mouth	A.) Standard-Fri, Sat, Sun	0.00%	\$1,950.00	
9/25/2016	Center	MHSu	Watson-Hunter Wedding & Reception	Watson-Hunter Wedding & Reception	Hampton	Word of Mouth	A.) Standard-Fri, Sat, Sun	0.00%	\$2,080.00	
9/26/2016	Center	MH	Isle of Wight County	VA Police Work Dog Association	Isle of Wight	Returning Client	h.) Town	100.00%		
9/27/2016	Center	MH	Smithfield Foods Corporate a	Women's Connect Meeting	Smithfield	Returning Client	C.) Standard-Weekday	0.00%	\$400.00	
9/29/2016	Center	C&D	Isle of Wight Chamber of Commerce	Chamber Board of Directors Strategic Planning	Smithfield	Returning Client	D.) Resident -Weekday	0.00%	\$200.00	

Deposit Totals for September
 \$11,390.44 Venue Rental Deposits
 \$180.00 Town Services Deposits

\$17,573.44 \$180.00

Smithfield/Isle of Wight Tourism Activity Report –SEPTEMBER 2016

- Director attended Smithfield Town Council Meeting 9/6/16.
- Smithfield Farmer's Markets held 9/3,10,20,17/16. Farmer's Markets will be open each Saturday through October from 9 a.m. to noon. Wednesday Farmer's Markets held in Carrollton were discontinued this month.
- Held "live" HAM CAM tourism minute on the web. Museum will be broadcasting a Museum Minute on every Tuesday at 12:05 p.m. and Tourism will be broadcasting a Tourism Minute on every Thursday at 12:05 p.m. to highlight something special going on!
- Agenda Review meeting 9/1/16.
- Constitutional Presentation for DAR 9/7/16.
- Aiken & Friends Music Fest Open Mic contest held 9/1/16. Logistics planning meeting held 9/21/16. Festival held at SLT 9/23-24/16. Clean-up 9/25/16.
- Vintage Market Planning Meeting held 9/2/16.
- Worked with the Summer Concert Series TAMS concert 9/2/16.
- Burlap Trail FAM Tour Franklin 9/6/16.
- Smithfield 2020 meeting held 9/7/16. Reconvened after summer break.
- Chamber Student Leadership Institute meeting held 9/7/16. First Session held 9/20/16. Director is co-facilitator of program.
- Welcome Reception for new County Administrator, Randy Keaton held 9/8/16.
- Director vacation 9/9-9/16.
- IOW County Fair 9/14-18. Tourism Staff manned Information Booth at the Fair.
- County Staff Meeting 9/19/16.
- Tourism Staff Meeting held 9/19/16.

- Christmas in Smithfield Event meeting 9/21/16; 9/22/16.
- VACVB Conference Call 9/23/16.
- Historic Saint Luke's nominating committee meeting 9/23/16.
- Attended the County formal E.D. announcement 9/27/16.
- Prep for Bacon, Bourbon & Beach Music Fest 9/27-30/16. Festival held on 10/1/16.
- Attended Council Committees 9/19-20/16.
- Smithfield Staff Meeting 9/14/16 and 9/28/16.
- Tourism Facebook postings and tweets throughout month. Update website events and *Where the Locals Go* event promotion newsletter weekly. This e-newsletter combines tourist events and the Farmer's Market information.
- Weekly individual meetings with staff to address concerns and review projects.

Upcoming Events: See www.VisitSmithfieldVa.com for more details!

ZONING PERMITS AUGUST 2016

PERMIT #	CONSTRUCTION TYPE	PROJECT	ADDRESS	CONTRACTOR/ OWNER
6653	SHED	WELLINGTON ESTATES	305 QUEEN COURT	DAVID MORGAN
6654	SHED	JOHN ROLFE ESTATES	720 WEST ANDREWS CROSSING	PERCY BROWN
6655	COVERED PORCH AND MOVE FENCE	GRIMESLAND	1302 WILSON ROAD	LUNET HUNT
6656	CONCRETE PATIO	BUSINESS Q-DADDYS	1007 S. CHURCH STREET	Q-DADDYS NORMAN WITTEN
6657	SINGLE FAMILY DWELLING	WELLINGTON ESTATES	609 WESMINSTER REACH	AFFORDABLE HOMES

**RESOLUTION
STREET CLOSURE FOR HOMECOMING PARADE ROUTE**

WHEREAS, the Smithfield High School has proposed to hold a Homecoming Parade on Friday, October 14, 2016 at 4:15 p.m.; and,

WHEREAS, the Smithfield High School has requested that certain streets within the Town be closed for the Homecoming parade; and,

WHEREAS, it appears to the Town Council that the brief time during which these streets will be closed for the parade will not work undue hardship on the residents and businesses along the parade route; and,

WHEREAS, the Town Council desires to cooperate with the organizers of the Smithfield High School by closing off certain of the town's streets in order to allow a safe and convenient parade route and environment for the parade.

NOW, THEREFORE, be it resolved that on Friday, October 14, 2016, the following streets or portions of streets shall be closed from 4:15 p.m. until the conclusion of the Homecoming parade: a portions of Cary Street to its intersection with Grace Sreet, Grace Street from its intersection with Main Street to its intersection with N. Mason Street, Main Street from its intersection with Grace Street to its intersection with N. Mason Street; N. Mason Street from its intersection with Main Street to its intersection with Grace Street.

BE IT FURTHER RESOLVED that said street closure shall be subject to such rules, guidelines and procedures as may be established by the Town Manager and the Chief of Police.

Adopted this 4th day of October, 2016.

TOWN COUNCIL OF THE
TOWN OF SMITHFIELD

By _____
T. Carter Williams, Mayor

ATTEST:

Lesley G. King, Clerk

RESOLUTION

CLOSURE OF STREETS FOR “SMITHFIELD 6-PACK AND TOAST OF TOWN 3K” EVENT

WHEREAS, a committee has formed for the purpose of sponsoring a six kilometer run race and a three kilometer walk event to be known as the “Smithfield 6-Pack and the Toast of Town 3K”; and,

WHEREAS, the committee has requested that all or portions of Main Street, Hill Street, South Mason Street, Drummonds Lane, Jericho Road, Cedar Street, Institute Street, Grace Street, James Street, Washington Street, Thomas Street, Luter Drive and Commerce Street, all as shown on the attached sketches, be closed on Sunday, November 6, 2016 from 3:00 p.m. to 4:00 p.m. to be used as the race and walking courses and to permit a safe environment to conduct the events; and,

WHEREAS, these streets will only be closed for the minimum time period necessary for the runners and walker to cover the different sections of the courses; and,

WHEREAS, it appears to the Town Council that this event has been well organized, will benefit the community; that the request is reasonable and that closing the streets specified above for brief periods during the events will not work an unreasonable hardship on the Town's citizens .

NOW, THEREFORE, be it resolved that on Sunday, November 6, 2016, all or portions of Main Street, Hill Street, South Mason Street, Drummonds Lane, Jericho Road, Cedar Street, Institute Street, Grace Street, James Street, Washington Street, Thomas Street, Luter Drive and Commerce Street, all as shown on the attached sketches, be closed from 3:00 p.m. to 4:00 p.m., to permit a safe environment for conducting a six kilometer road race and a three kilometer walking event; and that the closure of these street shall be subject to such rules, guidelines and procedures as may be established by the Town Manager and the Chief of Police.

Adopted this 4th day of October, 2016.

TOWN COUNCIL OF THE
TOWN OF SMITHFIELD

By _____
T. Carter Williams, Mayor

ATTEST:

Clerk

NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD

Notice is hereby given pursuant to Section 58.1-3007 of the Code of Virginia (1950), as amended, that the Town Council of the Town of Smithfield, Virginia, will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, October 4, 2016, at 7:30 p.m. to consider the adoption of the following ordinance:

AN ORDINANCE TO INCREASE THE TAX RATE LEVIED AS TO MACHINERY AND TOOLS

The current tax rate is \$0.15 per \$100 of the assessed value of machinery and tools. The County of Isle of Wight is changing the methodology for the assessment of machinery and tools. The proposed methodology for assessment of machinery and tools will apply a forty percent (40%) ratio to the original cost of machinery and tools with no annual depreciation. This is a reduction from a one hundred percent (100%) ration of the original cost of machinery and tools.

The Town Council of the Town of Smithfield is proposing an increase in the tax rate to \$0.375 per \$100 of the assessed value of machinery and tools. The proposed change in the rate when applied to the new assessments would levy approximately the same amount of total taxes from machinery and tools.

Any person desiring to be heard in favor of or in opposition to or to express his or her views with respect to the aforesaid Ordinance may appear at the hearing and be heard. The full text of the Ordinance is available for inspection in the office of the Town Manager, 911 S. Church Street, Smithfield, Virginia 23430.

TOWN OF SMITHFIELD, VIRGINIA

By: Lesley G. King, Clerk

Publish: September 21, 2016

NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD

Notice is hereby given pursuant to the requirements of Section 15.2-2100 et seq. of the Code of Virginia, (1950), as amended, that the Town Council of the Town of Smithfield, Virginia, will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, October 4, 2016 at 7:30 p.m. to consider an ordinance to approve the conveyance of an easement to Smithfield Foods, Inc. on a portion of the property owned by the Town adjacent to The Smithfield Center for the purpose of construction and use of a parking lot by Smithfield Foods, Inc. The property is located at 220 N. Church Street, (Tax Map Parcel nos. 21A-01-067A).

Any person affected by or interested in the aforesaid matter may appear at the hearing and be heard. The full text of the Ordinance is available for inspection in the office of the Town Manager, 911 S. Church Street, Smithfield, Virginia 23430.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley Greer, Clerk

Publish: September 21 and 28, 2016

Prepared By and Return To:
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, Virginia, 22102
Attn: E. Kristen Moye, Esq.

Tax Map No: 21A-01-067A

DEED OF EASEMENTS
(Parking Lot)

THIS DEED OF EASEMENTS (“Deed”) is made as of _____, 2016, by and between TOWN OF SMITHFIELD, a municipal corporation (“Grantor”), and SMITHFIELD FOODS, INC., a Virginia corporation, its successors and assigns (“Grantee”).

WITNESSETH:

WHEREAS, Grantor is the owner of certain property known as Tax Map Number 21A-01-067A, located in Isle of Wight County, Town of Smithfield, Virginia, as more particularly described and shown on Exhibit A, attached hereto and incorporated herein (the “Property”);

WHEREAS, Grantee has (or will) construct an additional surface parking lot consisting of thirty-two (32) parking spaces with a storm water management system and appurtenant facilities on a portion of the Property as shown on Exhibit B, attached hereto and incorporated herein (the “Parking Lot”); and

Comment [ES1]: How many on Town’s property and how many on the Theater’s?

WHEREAS, Grantee desires Grantor to grant and convey unto Grantee, and Grantor has agreed to grant and convey unto Grantee, certain easements over the Property and Parking Lot on the terms and conditions set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does convey to Grantee the following easements:

1. Grant of Easements. Grantor hereby grants and conveys unto Grantee, its employees, agents, representatives, invitees, successors and assigns, the following easements: (i) a perpetual vehicular and pedestrian ingress, egress and access easement on, over and across the Property and the Parking Lot for the purpose of access to and from Grantee’s adjacent property (the “Access Easement”), ~~and~~ (ii) a perpetual and exclusive easement to access and use all thirty-two (32) of the parking spaces in the Parking Lot for the purposes of parking automobiles and other similar vehicles (the “Reserved Parking Space Easement”) and (iii) a perpetual easement to access, use, operate, construct, maintain and repair a storm water management system and appurtenant facilities (the “Storm Water Easement”). The Access Easement, ~~and~~ the Reserved Parking Space Easement and the Storm Water Easement shall collectively be

Comment [ES2]:

referred to as the “Easements”. Grantee’s use of the Easements shall be without charge to Grantee and to Grantee’s employees, agents, representatives, invitees, successors and assigns.

2. Term of Easements. The Easements shall in continue in perpetuity.

3. Use of Easements. Grantee and its employees, agents, invitees, licensees, lessees, successors and assigns shall have full and free use of the Easements for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise of the Easements. Grantor reserves the right to make any use of the Easements which may not be inconsistent with the rights herein granted to Grantee or interfere with the use of the Easements by Grantee for the purposes herein named.

4. Reserved Parking Space Easement. Notwithstanding anything to the contrary, Grantee may utilize the Reserved Parking Space Easement only during the hours of ____ AM to ____ PM on business days (i.e., Monday through Friday, excluding New Year’s Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day) (such times being referred to herein as the “Grantee Parking Hours”). Grantor may utilize the Parking Lot only during none Grantee Parking Hours.

5. Maintenance. Grantee shall reasonably maintain the Parking Lot. Such maintenance shall include snow and ice removal, filling of potholes, asphaltting and striping of parking spaces. Furthermore, Grantee shall also reasonably maintain the Storm Water Easement.

6. Indemnification. To the extent permitted by law, each party shall defend, indemnify and hold the other party harmless from and against any and all loss, cost, expense, claims, damages, suits, litigation or liability (including, but not limited to, reasonable attorneys' fees) resulting from the other party's use or occupancy of the Parking Lots. To the extent permitted by law, each party shall defend, indemnify and hold the other party harmless from and against any and all mechanic's liens encumbering the Parking Lot arising out of the use by such party of the Parking Lot or its own adjacent property by such party or any of its tenants, licensees, contractors, agents, employees or occupants.

7. Insurance. Grantee and Grantor shall each maintain commercial general liability insurance, to include bodily injury, personal injury, and property damage coverage, written on an occurrence basis with a company licensed to transact business in Virginia, in a commercially reasonable amount to cover construction, development, operation, use, inspection and maintenance of the Parking Lot and the Storm Water Easement and any damage or loss suffered or incurred by Grantor or Grantee, their representatives and agents resulting from such work and use. Grantee shall require, during times of maintenance or repair, that all contractors performing work in the Parking Lot and Storm Water Easement maintain general liability, auto liability, excess liability, workers compensation and employer’s liability insurance coverage in commercially reasonable amounts, with Grantor named as an additional insured on such policies.

Grantee and Grantor shall provide to the other party evidence of insurance as reasonably requested by such party from time to time.

8. Attorney's Fees. In the event any party hereto institutes any proceeding against any other party with respect to any controversy or matter arising out of this Deed, the prevailing party shall be entitled to recover from the nonprevailing party such prevailing party's reasonable attorney's fees and costs incurred in connection with any such proceeding.

9. Rights and Remedies. It is expressly understood and agreed that upon a breach of this Deed by any party to this Deed, the nonbreaching owner shall have any and all rights and remedies for such breach at law or in equity, including specific performance.

10. Governing Law. This Deed shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

11. Entire Agreement. The terms and conditions set forth in this Deed represent the entire agreement and understanding of Grantor and Grantee with respect to the subject matter hereof and supersedes all prior agreements, oral or written, and all other communications between the parties relating to such subject matter. This Deed may not be modified or amended except by a writing signed by both parties.

12. Partial Invalidity. If any provision of this Deed shall be deemed invalid or unenforceable, the remainder of this Deed in its application shall not be affected by such partial invalidity but shall be enforced to the fullest extent permitted by law as if such invalid or unenforceable provision was never a part hereof.

13. Covenants Running with Land. The agreements and covenants stated herein are covenants running with the land, which are and shall be binding upon Grantor and Grantee, and their successors and assigns.

14. Counterparts. This Deed and any subsequent amendments hereto may be executed in any number of counterparts, each of which, when executed, shall be deemed to be an original, and all of which shall be deemed to be one and the same instrument. Facsimile transmission signatures shall be deemed original signatures.

[Signatures follow]

WITNESS the following signatures and seals.

GRANTOR:

TOWN OF SMITHFIELD,
a municipal corporation

By: _____
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA,
COUNTY OF ISLE OF WIGHT, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, as _____ of Town of Smithfield, a municipal corporation, on behalf of the Town.

Notary Public

My Commission Expires: _____

Registration Number: _____

WITNESS the following signatures and seals.

GRANTEE:

SMITHFIELD FOODS, INC., a Virginia
corporation

By: _____
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA,
COUNTY OF ISLE OF WIGHT, to wit:

The foregoing instrument was acknowledged before me this ____ day of
_____, 2016, by _____, as _____ of Smithfield
Foods, Inc., a Virginia corporation, on behalf of the company.

Notary Public

My Commission Expires: _____

Registration Number: _____

EXHIBIT A

PROPERTY

(Cover Page)

EXHIBIT B
PARKING LOT

**INVOICES - OVER \$10,000.00
REQUIRING COUNCIL
AUTHORIZATION**

TOWN OF SMITHFIELD
 ATTN: LESLEY KING
 310 INSTITUTE STREET
 SMITHFIELD, VA 23430

Invoice No: 8286817
 Invoice Date: Aug 31, 2016
 Invoice Amount: \$69,624.65

Project No: 116499011.3
 Project Name: JOE LUTER SPORTS COMPLEX
 Project Manager: WEIST, JAMIE

Please send payments to:
 KIMLEY-HORN AND ASSOCIATES, INC.
 P.O. BOX 75557
 BALTIMORE, MD 21275-5557

Client Reference:

For Services Rendered through Aug 31, 2016

Federal Tax Id: 56-0885615

COST PLUS MAX

Description	Contract Value	Amount Billed to Date	Previous Amount Billed	Current Amount Due
ARCHITECTURAL DESIGN	24,465.55	24,465.55	24,465.55	0.00
EXPENSES	0.00	528.21	191.06	337.15
JOINT PERMIT APPLICATION	6,500.00	440.00	440.00	0.00
LIGHTING PLAN	1,500.00	342.50	225.00	117.50
MEETINGS AND COORDINATION	6,000.00	5,937.50	5,262.50	675.00
ON-SITE WELL/SEWER DESIGN	8,500.00	8,465.00	7,690.00	775.00
PLANTING AND IRRIGATION	1,500.00	1,500.00	0.00	1,500.00
PRELIM 35% SITE PLAN	13,500.00	13,397.50	13,397.50	0.00
RETAINING WALL SPECS	2,500.00	652.50	0.00	652.50
SITE PLANS	105,000.00	77,557.50	20,367.50	57,190.00
SW MANAGEMENT DESIGN	12,000.00	11,390.00	6,315.00	5,075.00
TRIP GEN/TURN WARRANT	12,500.00	4,987.50	1,685.00	3,302.50
Subtotal	193,965.55	149,663.76	80,039.11	69,624.65
Total COST PLUS MAX				69,624.65

Total Invoice: \$69,624.65

TOWN OF SMITHFIELD
 ATTN: LESLEY KING
 310 INSTITUTE STREET
 SMITHFIELD, VA 23430

Invoice No: 8286817
 Invoice Date: Aug 31, 2016
 Project No: 116499011.3
 Project Name: JOE LUTER SPORTS
 COMPLEX
 Project Manager: WEIST, JAMIE

COST PLUS MAX

Task	Description	Hrs/Qty	Rate	Current Amount Due
SITE PLANS	PROFESSIONAL	157.5	130.00	20,475.00
		71.0	145.00	10,295.00
		8.0	180.00	1,440.00
	SENIOR PROFESSIONAL	1.5	200.00	300.00
		83.0	225.00	18,675.00
		4.5	250.00	1,125.00
	SENIOR TECHNICAL SUPPORT	26.0	150.00	3,900.00
	SUPPORT STAFF	3.5	90.00	315.00
7.0		95.00	665.00	
TOTAL SITE PLANS		362.0		57,190.00
PLANTING AND IRRIGATION	SENIOR PROFESSIONAL	3.0	200.00	600.00
		4.0	225.00	900.00
TOTAL PLANTING AND IRRIGATION		7.0		1,500.00
SW MANAGEMENT DESIGN	PROFESSIONAL	35.0	145.00	5,075.00
TOTAL SW MANAGEMENT DESIGN		35.0		5,075.00
MEETINGS AND COORDINATION	SENIOR PROFESSIONAL	3.0	225.00	675.00
TOTAL MEETINGS AND COORDINATION		3.0		675.00
ON-SITE WELL/SEWER DESIGN	PROFESSIONAL	2.5	130.00	325.00
	SENIOR PROFESSIONAL	2.0	225.00	450.00
TOTAL ON-SITE WELL/SEWER DESIGN		4.5		775.00
RETAINING WALL SPECS	PROFESSIONAL	4.5	145.00	652.50
TOTAL RETAINING WALL SPECS		4.5		652.50
LIGHTING PLAN	PROFESSIONAL	0.5	145.00	72.50
	SUPPORT STAFF	0.5	90.00	45.00
TOTAL LIGHTING PLAN		1.0		117.50
TRIP GEN/TURN WARRANT	PROFESSIONAL	8.0	180.00	1,440.00
		2.0	200.00	400.00
		6.5	225.00	1,462.50

TOWN OF SMITHFIELD
 ATTN: LESLEY KING
 310 INSTITUTE STREET
 SMITHFIELD, VA 23430

Invoice No: 8286817
 Invoice Date: Aug 31, 2016
 Project No: 116499011.3
 Project Name: JOE LUTER SPORTS
 COMPLEX
 Project Manager: WEIST, JAMIE

Task	Description	Hrs/Qty	Rate	Current Amount Due
TOTAL TRIP GEN/TURN WARRANT		16.5		3,302.50
EXPENSES	PRINTING			115.75
	TRAVEL - OTHER			1.44
	BOND PLOTS	63.0	2.00	126.00
	MILEAGE ON PERSONAL VEHICLES	174.0	0.54	93.96
TOTAL EXPENSES		237.0		337.15
TOTAL LABOR AND EXPENSE DETAIL				69,624.65

This page is for informational purposes only. Please pay amount shown on cover page.

The Smithfield Town Council held its regular meeting on Tuesday, September 6th, 2016. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor; Mr. Michael Smith, Ms. Connie Chapman, Mr. Randy Pack, Mrs. Denise Tynes, and Dr. Milton Cook. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mrs. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. William H. Riddick, III, Town Attorney; Mr. Steve Bowman, Chief of Police; Mr. William Saunders, Planning and Zoning Administrator; Ms. Judy Winslow, Director of Tourism; Mr. Bill Davidson, Planning Commission Chairman; and Mr. Charles Bryan, Planning Commission Vice Chairman. There were approximately seventeen (17) citizens present. The media was represented by Mr. Ryan Kushner of the Smithfield Times and Ms. Reema Amin of the Daily Press.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of September 6th, 2016. It is now 7:30 p.m. I would like everyone to stand as we say the Pledge.

All present stood and recited the Pledge of Allegiance to the Flag.

Mayor Williams – Welcome everyone. Thank you all for coming out tonight. We will now start our meeting with the Informational Section of the agenda with our Town Manager.

Town Manager – Thank you, your Honor. As always, the August Activity Report was posted with the agenda. I will be happy to answer any questions. The main note for September is that committee meetings are one week early. They will be held on September 19th and 20th. If you remember, we had moved them earlier and we kept them that way. We thought we had a conflict at the Smithfield Center but we do not. We are keeping the schedule as is. There is no Board of Zoning Appeals this month. Otherwise, Planning Commission will meet on September 13th. The Board of Historic and Architectural Review will meet on September 20th. Committees will be on the 19th and 20th. We will need a brief closed session this evening at the end of the meeting. Thank you.

Mayor Williams – Are there any questions for our Town Manager? Hearing none, we now move to Public Comments. The public is invited to speak to Council on any

matter. We remind you that you have five (5) minutes to speak. If you want a response from the town, it will be written to you following your comments.

Town Manager – We have one signup, Mr. Mark Gay.

Mr. Gay – Good evening. I live at 110 Goose Hill Way. Mr. Mayor and members of Council, I wish to say just a few words prior to the Action Item before you this evening that pertains to the ‘Demolition by Neglect’ proceedings for Ms. Mary Delk-Crocker’s property on Grace Street. As you know, legal counsel for our Preserve Smithfield non-profit has advised a sixty (60) day deferral this evening so that focused negotiations for purchase of that property can proceed between Trust for Public Land and the Delk-Crocker family. One among you has responded with a legitimate concern that further delay could send the wrong message after these several years of disputed proceedings. So I want to be clear about our expectations as concerned residents and business owners of this community whose collective voice spoke very firmly and clearly at last week’s event; and who now want to address you with the same conviction. First, we will strongly oppose any vote this evening that authorizes the razing of the landmark designated Thomas Pierce home and its surrounding physical structures; strongly oppose. Yes, the property has been on the market for more than a year in accordance with Article 3M of the Zoning Ordinance; but it has yet to be offered for sale at a price supported by any fair-market appraisal. In fact, current appraisal values for tax purposes are well short of the seller’s asking price. Second, our town folk last week strongly supported the continued designation of the Pierce home and most of the surrounding fifty-eight (58) acres as ‘Community Conservation.’ With the exception of ten (10) to twelve (12) members of the Planning Commission and Historic Smithfield/Smithfield 2020 representatives who proctored and documented the event, and the two (2) real estate agents who were present, the remaining ninety-eight plus (98%+) of attendees categorically rejected any change to the Future Land Use Map of the Comprehensive Plan as it pertains to the Pierceville Farm. Mr. Saunders made it explicitly clear during his opening remarks that the intent of town staff is to listen to the people of this town. So what was their message? Leave it alone! Finally, allow me to say that I believe the Trust for Public Land has every intention of doing right by Ms. Delk-Crocker and her family. I was instructed earlier today to include the cost of mothballing the Pierce home into Preserve Smithfield’s first year budget for establishment of a colonial working farm. I

have to tell you that the financials, at first blush, are compelling for getting that farm that Mr. Slade is going to put up there. It does not guarantee that the Trust will delegate executive agency to Preserve Smithfield; but we continue to work very hard to earn that privilege. We will deliver a high quality business plan to the Trust on schedule within the next two (2) weeks. Thank you for your time and your interest.

Mayor Williams – There are no other signups. Would anyone else like to come forward and speak even if you did not sign up?

Mr. Rick Bodson – Mr. Mayor and members of Council, I represent Smithfield 2020. I want to make, for the record, a correction to a statement that was just made. I am the Project Manager for Smithfield 2020. I am also the Secretary for Historic Smithfield. There was a statement just made that representatives of both organizations were at the mapping exercise hosted by the Planning Commission as proctors and as ‘after the fact’ compilers. There were, in fact, several members of Historic Smithfield and Smithfield 2020 present. We were present to observe only. For the record, two members who happen to be residents of the historic district did participate in the mapping exercise as residents without guidance from Smithfield 2020. We did not influence the mapping exercise beyond the two private residents and citizens participating. We certainly have not participated after the fact in the tabulation and analysis of the report. I would also like to go on record, since it has been in the public domain via emails, that Smithfield 2020 has not met with the Planning Commission nor town staff for the Comprehensive Plan except for one meeting where I met with Mr. Saunders to discuss how one goes about participating and the protocol for that which was to attend meetings, observe, and if requested to submit a statement on the Comprehensive Plan. That is the sole participation so far. To indicate otherwise is, frankly, to indulge in fantasy if not paranoia. Thank you for your time.

Mr. Bill Davidson – I live at 725 West Andrews Crossing in Smithfield. As the Chairman of the Planning Commission, I would like to also verify that what Mr. Bodson says is correct. We were contacted by Mr. Saunders as the Planning Commission and asked to help proctor; only to explain the map and to collect and not to give any advice and that is the way it was handled. I think that I am a little tired of all of these accusations which are just not true. Thank you.

Mayor Williams – Is there anyone else who would like to speak? Hearing none, we have a Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Grice – Good evening ladies and gentlemen. I am Dick Grice your Board of Supervisor representative for the Smithfield District. This last month was not as exciting as some of the previous meetings but we seemed to get a lot done. We were not allowed to draw and quarter anyone so I am losing my edge, I think. That is supposed to be humorous. The Benns Church intersection is now complete as of the end of August. The ribbon cutting is set for this Thursday, September 8th, at 1:30 p.m. at the Benns Church parking lot. All are invited to attend. For someone who passes through this intersection twice daily most weekdays, it is two hundred (200%) percent better as it now has two (2) turning lanes both coming in and exiting onto Brewers Neck Road. It has been worth putting up with the work disruption to get this vastly improved and needed intersection. We need to applaud our staff at the county for getting this done in conjunction with VDOT. Mark your calendars, iPads, phones, or however you keep your records. I keep mine on a scratch piece of paper which I manage to lose. Take your family out to the Isle of Wight County Fair on September 15th – 18th. There are more rides and more events. Let us also say a prayer for good weather. We need it. Currently, September 15th with my weather forecaster says that it will be in the mid 80's and partly cloudy. We will hope it stays that way for the whole weekend. We have a new County Administrator, Mr. Randy Keaton. The County Administrator is on board and will shortly be taking up residence in Isle of Wight. I am hopeful that he will be attending the Council's next meeting so that I can introduce him to this esteemed governing body. The revised county Sign Program is a new sign package as a result of a court ruling. We were not participants or defendants. We were just responding to it. It has caused multiple revisions and relaxed some of the restrictions on signs. Older signs that may be negatively impacted as a result of the code changes are being grandfathered as long as they were in the constraints of the old code. No one needs to panic. If you have any questions, please call our Planning Department and they will be happy to work with you to resolve issues. Moving forward with our RFP to recruit industry to our county, the county has engaged a consultant to identify and arrange one on one meetings with manufacturing companies using one (1) million to four (4) million gallons a day of water

who would be interested in expanding or relocating into our Shirley Holland Industrial Park. Meetings begin this month. We built it. They did not come so we are going out to get them and invite them personally. Staff members from our respective governments have met and we continue to move forward with the county Water Task Force and the Land Boundary Agreements. In closing, we continue to make excellent advancement on the new emergency communication systems. The Board will be entertaining monthly updates to ensure our tax dollars that are being invested in the program are used penuriously. Penurious is a word and I added 'ly'. Are there any questions? If not, I wish you all a very, very good evening.

Mayor Williams – Thank you Supervisor Grice. We appreciate you coming out. Thanks for your information. We now move to Council Comments. Are there any comments from Council? Hearing none, we will now move to our Summary of Consent Agenda Items. We have six (6) items tonight. Are there any Council members that would like to pull any of these for further discussion?

Councilman Pack – Yes sir. I would like to pull item C3 – Additional invoice 'd' for thirteen thousand, five hundred forty (\$13,540.00) dollars for further consideration.

Mayor Williams – Are there any others? Hearing none, we will start with Mrs. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. We have a motion to authorize the Town Manager to purchase two (2) budgeted patrol vehicles in the amount of forty-nine thousand, nine hundred fifty (\$49,950.00) dollars. These vehicles are budgeted for this fiscal year. They were planned.

Mayor Williams – We move to our Water and Sewer Committee Chairman, Vice Mayor Andrew Gregory.

Vice Mayor Gregory – Water and Sewer Committee Summary. Thank you, Mr. Mayor. We have a motion to authorize the purchase of a budgeted replacement pump for the Wellington Pump Station.

Mayor Williams – We now move to the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. We have a couple of invoices that are over ten thousand (\$10,000.00) dollars that require Council authorization. The first is to Kimley Horn Associates in the amount of forty-eight

thousand, nine hundred eighty (\$48,980.37) dollars and thirty-seven cents. This is for various engineering and preparation for the Sports Complex that will be on West Main Street. The second invoice is to Western Tidewater Free Clinic for thirty-eight thousand (\$38,000.00) dollars. This is our budgeted disbursement from the town; a donation if you will that we agreed to in our budget this year. We also have Tri-State Utilities for fifty-one thousand, three hundred seven (\$51,307.60) dollars and sixty cents which is for various find and repair sewer work that we have had done under our consent order. We are pulling item C3-d for further consideration and discussion. The next item is to R.K. Chevrolet for a budgeted police vehicle for thirty-six thousand, nine hundred seventy-seven (\$36,977.50) dollars and fifty cents. It is a Chevrolet Tahoe that we ordered this past spring after a patrol car was totaled in an accident. The Police Chief has told me that they are in possession of it and are happy with it. We can go ahead and pay these folks tonight. Thank you, Mr. Mayor.

Councilwoman Tynes – In regards to the Tahoe, I wanted to add that it was because a police car was destroyed in an accident. The officer that drove the car was one of our detectives. He needed an SUV which is why they upgraded it. There are things they have to collect with his duties. He would have more room in an SUV. It is a small SUV versus trying to store things in a smaller vehicle.

Mayor Williams – We will now move to our Public Works Committee Chairman, Mr. Mike Smith.

Councilman Smith – Public Works Committee Summary. Thank you, Mr. Mayor. We have a motion to approve the renewal of the HVAC contract with Atlantic Constructors. They do all of our HVAC work. Staff is very happy with them. We also have item C5 which is a motion to approve the License Agreement with Smithfield Foods to allow access to the property for construction of the new parking lot. The Town Attorney can elaborate a little bit on that.

Town Attorney – This Council authorized, many months ago, the extension of a parking lot on town property to be used by Smithfield Foods. They are constructing that parking lot at their expense. It has been going through a long and arduous design process. Now we are at the point where the legal documents have been put into place. The Town Manager has already been authorized to sign a BMP agreement. It is an agreement where the town is obligated to be responsible for the BMP; the stormwater

runoff on that. The next step would be this License Agreement which gives Smithfield Foods access to the property for the purpose of proceeding with construction. They have been through the design process and are very close to beginning construction. At your October meeting, you will have a Lease Agreement. I take that back. It is not a Lease Agreement. It is effectively a lease but it is really an easement. It is the right in perpetuity for Smithfield Foods to use this parking lot during their business hours. It also provides that during the hours they are not using it for business purposes; it is available to the town and the Smithfield Little Theatre. It is very similar to the existing arrangement that we have on the first section of the parking lot and on other parking lots that we have had constructed in sort of a public/private partnership. Tonight, the agreement that you are authorizing the Town Manager to sign will give them access to the property for a period of one (1) year for construction.

Mayor Williams - It is going to take six (6) months from what I understand.

Town Attorney – The License Agreement will just expire when it is done.

Mayor Williams – I am just making a point that hopefully they will get this done a whole lot quicker than that.

Town Attorney – That is right but we always give plenty of time.

Councilman Smith – For those of you that do not know where this is, it is right behind the memorial here in this parking lot. It is just adding more parking spaces which are needed by the town and Smithfield Foods.

Mayor Williams – Our next item is C6 with Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Public Buildings and Welfare Committee Summary. Apparently, we are buying a house at 21 Jamestown Avenue and accepting a deed as part of the Pinewood Heights Relocation Project.

Mayor Williams – Our next item is C3-d which is an Invoice from GET Solutions for \$13,540.00. We can just go ahead and take care of this.

Councilman Pack – This invoice is for GET Solutions which is for soil boring. If you look at Tab #1 on your invoices, it is on page 59. The one thing that I always worry about when we build projects of this scope and we have to pay these major bills is that the town sees invoices come through. We see items that seem ridiculous. So I want to pick out an item that I think is ridiculous. These folks came out to test our soil which is

not ridiculous according to the engineers. They have clearing for access to the location of one thousand (\$1,000.00) dollars in this bill. It seems to me that they are going to go out there and test our soil but they do not need to charge us to clear the spot where they are going to dig a hole. They are charging us one thousand (\$1,000.00) dollars for that. If this was my bill that I received through my business, I would argue that one thousand (\$1,000.00) dollars. There are a lot of things on here that I would probably argue but they are negotiated ahead of time. I am not here to get on a pedestal. The one thousand (\$1,000.00) dollars in this bill is just dumb. It is just clearing for access to a location.

Town Attorney – Do not pay it then.

Councilman Pack – I have no problem shortening the bill to twelve thousand, five hundred forty (\$12,540.00) dollars which is less one thousand (\$1,000.00) dollars.

Mayor Williams – Would you like to pull this and have the Town Manager negotiate that with them?

Town Manager – It would essentially be Brian Camden.

Councilman Pack – Yes, please. That is what I would like to do.

Town Manager – Yes. If you would authorize the bill minus the one thousand (\$1,000.00) dollars; that will work.

Town Attorney – My suggestion is to do this as a separate motion. Go ahead and approve your consent agenda absent the item that Mr. Pack pulled.

Councilman Pack – Mr. Mayor, I would like to make the motion that we approve the consent agenda as presented with the exception of item C3-d which is an invoice to GET Solutions.

C1. Motion to Authorize the Town Manager to Purchase Two (2) Budgeted Patrol Vehicles in the Amount of \$49,950.00.

C2. Motion to Authorize the Purchase of Budgeted Replacement Pump for Wellington Pump Station.

C3. Invoices Over \$10,000.00 Requiring Council Authorization:

a. Kimley Horn Associates	\$ 48,980.37
b. Western Tidewater Free Clinic	\$ 38,000.00
c. Tri-State Utilities	\$51,307.60

Additional Invoices:

d. Pulled from Consent Agenda

e. R. K. Chevrolet \$ 36,977.50

C4. Motion to Approve Renewal of HVAC Contract with Atlantic Constructors.

C5. Motion to Approve License Agreement with Smithfield Foods to Allow Access to the Property for Construction of New Parking Lot.

C6. Motion to Accept Deed for 21 Jamestown Avenue as part of the Pinewood Heights Relocation Project.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

On call for the vote, seven members were present. Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilman Pack voted aye, Councilwoman Chapman voted aye, Vice Mayor Gregory voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Councilman Pack – Mr. Mayor, I would also like to make the motion that we approve the invoice to GET Solutions for twelve thousand, five hundred forty (\$12,540.00) dollars which is one thousand (\$1,000.00) dollars less than the invoice that was presented to us. I would ask that the Town Manager renegotiate with GET Solutions to have this one thousand (\$1,000.00) dollars removed.

Councilwoman Chapman – Second.

Town Manager – For the record, it was for soil borings related to the Sports Complex. They did have to do additional borings from what we originally anticipated. I would certainly agree.

Councilman Pack – I am not questioning the borings. They are fourteen (\$14.00) dollars per linear foot; but I am questioning the fact that they had to charge us one thousand (\$1,000.00) dollars to clear the land to dig at fourteen (\$14.00) dollars per linear foot.

Vice Mayor Gregory – It says ‘clear for access’ so I guess they had to knock something down to get their equipment back there.

Town Manager – They did not communicate that.

Councilman Pack – I think we need to ask before we approve it.

Councilman Dr. Cook – Why don't we just hold the whole invoice until Brian Camden can discuss it with them and find out what they actually did.

Town Attorney – Just because you authorize the money does not mean it has to be paid right away. You give the Town Manager the authority to negotiate a reduction in the billing.

Vice Mayor Gregory – It is not actually due until after our committee meetings. There is plenty of time to get an explanation.

Mayor Williams – We can readdress it then.

Councilman Pack – I will revise the motion. I will make the motion that Item C3-d to GET Solutions that we ask the Town Manager to get some clarification on it. We do not need a motion for it. Let us just withdraw the motion and see if the Town Manager can just get some clarification on it. That way we do not have to vote on it.

Town Manager – So, no payment at present?

Councilman Pack – No payment at present. We have until Committee meetings but cannot vote on it there.

Mayor Williams – No but we can bring it up then. We now move to 502 Grace Street – Pierceville Manor House – Historic District Maintenance Violation – Appeal with Dr. Milton Cook.

Councilman Dr. Cook – We are speaking about the Pierceville Manor house again and our order of Demolition by Neglect. I believe that the interested parties are here to appeal our decision. Is that correct?

Town Attorney – The matter before Town Council tonight is an appeal by the property owner from a decision by the Board of Historic and Architectural Review. The subject property is 502 Grace Street otherwise known as the Pierceville property. You had a staff report at committee that Mr. Saunders did. This is a matter that is very familiar with Town Council. It has been going on for many, many years. There is a timeline that is included in the staff report. In December of 2005, Town Council directed the BHAR to reconsider the condition of the Pierceville property. It was referred to the BHAR. A Notice of Violation was sent by staff in January of 2006 setting forth the items that required attention pursuant to the terms of our Historic Overlay District and Article 3M of the Zoning Ordinance. The property owner was given the opportunity to make the necessary repairs and maintenance and failed to do so. There was a ninety (90) day

period in which they were to act. The BHAR made a finding that the property was, in fact, in violation of the town's Zoning Ordinance with respect to the obligation of the property owner to maintain and repair it under Article 3M - Section F2-G of the Zoning Ordinance titled Maintenance and Repair. Mr. Jones, who represents the property owner, appeared at the BHAR meeting and asked for an opportunity to meet with staff and the Chairman for the purpose of perhaps coming up with a plan that would be acceptable to address the issue. The meeting was held but no plan for remediation was forthcoming. They did send a letter to the town offering to donate the property to the town but it did not address the issues at hand. The Board chose to find that, in fact, the property owner was in violation. I want to bring your attention to Section F2-G of the Zoning Ordinance that deals with Maintenance and Repair. I am going to read this because it is important and needs to be in the record. It states: 'Maintenance and repair is required. All buildings and structures in the Historic Preservation Overlay District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration, or defects may, in the opinion of the Review Board, result in the irreparable deterioration of any exterior pertinence or architectural feature, or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, including but not limited to: the deterioration of exterior walls or other vertical supports; the deterioration of roofs or other horizontal members; the deterioration of exterior chimneys; the deterioration of crumbling of exterior plaster or mortar; the ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors; the peeling of paint, rotting, holes, and other forms of decay; the lack of maintenance of surrounding environment e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping and the deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions. After notice by the Review Board by certified or registered mail of specific instances of failure to maintain or repair and of the opportunity to appear before the Review Board, the owner or person in charge of said structure shall have 90 days to remedy such violation. Thereafter, each day during which there exists any violation of this section shall constitute a separate offense and shall be punishable as provided in the Zoning Ordinance. In the alternative, if the owner fails to act, the Review Board may order the Planning and Zoning Administrator,

after due notice to the owner, to enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure. The reasonable costs thereof shall be placed as a lien against the property or, in a proper hardship case, paid by the Town from a fund established for such purposes.' That is the law. It is your ordinance. It was adopted many, many years ago. It has been recodified in the town's Zoning Ordinance when it was last revised. It has been tested. It has been enforced but that is what the law is. The process that is set forth in the Zoning Ordinance has been adhered to. There have been findings by staff. There has been notice and an opportunity to cure the problems. There has been an opportunity to appear before the Board of Historic and Architectural Review. The BHAR made a finding that the property owner was in violation. The ordinance provides that the property owner has an appeal and the appeal is to you. It is your obligation tonight to consider the record and the evidence that has been presented in support of this finding by the Board of Historic and Architectural Review. Mr. Jones, on behalf of his client, has an opportunity to address you tonight and make his case. He has provided a memorandum or a letter that states that he, on behalf of his client, is in disagreement with our authority to act. It is a legal conclusion. Your job is to hear him. You can then make a decision to uphold the decision of the BHAR, reverse it, or take no action tonight; but he has the opportunity to make that case to you in support of his client's position. Once he has done so, we can discuss it further. You do have the record in the form of a report and with photographs. I believe some of you, not all of you, have had the opportunity to go upon the property and see the condition of the property. With that being said, unless there are any further questions, I think it would be proper to give Mr. Jones the opportunity to address the Town Council.

Councilman Dr. Cook – Does anyone have any questions for Mr. Riddick?

Town Attorney – I do want to say one thing before you proceed. There were three (3) points raised by a citizen prior to tonight's meeting. The concern was that there might be a vote to tear down the structure. That is not being considered tonight so that is a red herring. It is not something that is being discussed. It is not something you can decide tonight. It is not what you are doing. You are deciding whether or not the property owner is in violation of the town's ordinance with respect to the condition of the property and their failure to maintain and repair it. There was a request, or an

observation, that this should be delayed so as to give them an opportunity to negotiate a sale or potential funding by some third party. You can make that conclusion on your own but I cannot see how following the ordinance and making a decision tonight as to whether or not the BHAR was correct in their determination would have any impact whatsoever in private negotiations between the property owner and a third party about buying the property. I do not know if that serves anyone's interest very well but that is your decision. Finally, the concern about the Comprehensive Plan mapping session having any impact on this is completely misplaced. That is an entirely separate exercise and is required by law. The Planning Commission is just acting in an orderly fashion to do what they are charged with and that is to update the Comprehensive Plan. The mapping session was part of that. The fact that Pierceville is located within the town and was subject to comment has no bearing whatsoever on tonight's proceedings.

Councilman Dr. Cook – Are there any further questions for Mr. Riddick? Hearing none, I would like to invite Mr. Jones up to address the Town Council.

Mr. Jones – Mr. Mayor and members of Council, I have just handed out a memorandum that is very similar, almost exact, to the memorandum I handed out in late July at your committee meeting. If you remember, we were there at that time. As we have said all along, I am not going to belabor the point tonight; you have a right to try to enforce your ordinance. We do not believe you can in the way you are doing it. I am not going to be able to convince you that your attorney has advised you incorrectly. I am not going to try to except to show you what we believe the situation is. The enabling legislation says there are a lot of things that you can impose; but the affirmative obligation to maintain, we do not believe is a part of that enabling legislation. We think you are destined, eventually, to find that out. The enabling legislation does not give you the ability to require people to maintain. You can require them, if they are going to make an amendment to the property, to get your approval of the historical nature it, the colors, and the structure itself. We do not believe you can require someone to maintain which is the thrust of what you are doing here. This ordinance has been on the books for forty (40) years. You have made no official effort to do anything about this until January of 2016. The property is a mess. A lot of people would like it to be a show place here in the Town of Smithfield. It is just going to cost too much money for that to happen from a practical standpoint. The second part that we believe here is more of a factual one and

less of a legal one which we believe, ultimately, is going to be determined. You are suggesting that you pay seventy thousand (\$70,000.00) dollars to fix a roof to mothball the structure. As I said at the Committee meeting, you may as well throw that money, for all the good it is going to do, into the Pagan River. We believe the remedy that you suggest here is unrealistic given the economic status of that structure. We just think it is an unrealistic desire coming much too late and without sound legal authority. I do not want to belabor the point. I have said that before. You do not want to hear me make any more comments about that. I will be glad to try to answer any questions; but that is the thrust of our position.

Councilman Pack – In this memorandum, you have said that Mrs. Crocker will apply to demolish the structures. Would you like to speak to that?

Mr. Jones – Well, I have previously. Under the enabling legislation, of which I provided you a copy, there is a provision where she can list the property for a fair market value and depending upon what that fair market value is she has to keep the property listed from about ninety (90) days to twelve (12) months. After that, she is entitled to tear the property down anyway. She has informed the subcommittee that it is her intention. She is informing this Town Council that those are her intentions. She attempted to give the property to the town. As Mr. Riddick said, there was no remedial effort. We believe giving this structure and a half acre of land on which it sits was a significant remedial effort. Certainly, in your authority, you chose not do it based upon the recommendation of the BHAR. Certainly, that is your right. We believe it is a pretty significant remedial effort on the part of Mrs. Crocker who was born in that home and raised in the Town of Smithfield. She feels quite as sensitive about this community as each of you does. She is rather shocked at the way she is being treated but she is. In response to your question she feels that the last resort, in spite of what she has tried to do, is to seek from you a demolition permit which your ordinance and enabling legislation permits. Even though we fully anticipate that you will probably deny it, under the terms of the enabling legislation if she meets those requirements, she would have the right to demolish the home in any event over the objection of the town. She has to meet the terms that are outlined specifically in the enabling legislation which she believes she can do reasonably quickly, obviously, under the terms of what the enabling

legislation requires her to do and also allows her to do. Does that respond to your question?

Councilman Pack – Yes, sir. Thank you.

Councilwoman Tynes – Like the Town Attorney said earlier, the town has been working with the property owner for years on this. I have been here, myself, for eight (8) years. This was an issue when I came on board and is still here. I had asked Council, during our committee meeting, if it would be appropriate if we could speak with the property owner. I was pretty much told that they were not meeting with anyone. They have legal counsel which is Mr. Jones. Today, I took it upon myself to speak to family members. They are the caretakers of the property owner. I really just wanted to find out what was going on with how the property owner feels. I got different from what Mr. Jones just told us tonight. I know he represents the property owner. This is where all of the confusion comes in. The property owner was born in the home, raised in the home, and it is an historic building. It does not matter what condition it is in; it is an historical building. I was told by family members today that she had hoped to die in that structure. I have never had an opportunity to visit the structure; but from what I have seen and heard from everyone, it is not safe for anyone to live in. It is why the property owner is no longer in the home. I am saying all of that to say this: the property owner is an elderly member of our community and there are other third party citizens in the community that want to secure the property and restore the historical buildings. I am not an expert. I do not know if we have experts in the audience this evening on restoring properties; but I have seen the pictures. I have seen properties that were in worse shape than this because it only had an old structure with a fireplace and bricks around it. It was restored to the point that people are living in it today. It is beautiful. If the third party is willing to do this and the only person who gets any benefit from it is the homeowner then I am willing to go forward to do what we need to do to work with everyone in the community so that we all can come out with a happy solution on this piece of property. If that is the situation, I would love to see the homeowner saying her home that she was born in, that she loved all of these years is going to become a historical building in the town that she grew up in. We do not have too many historical buildings; just a few. A month or so ago, one of our main homes here in our community was sold. It was sold away from a family that we all knew of and we looked up to this family. If we continue to sell things, the

Smithfield that we know is no longer going to be a part of us. It is not going to be a characteristic that we like today. I am saying all of that to say that I would appreciate it if the Council members would reconsider everything that they have heard and think about the homeowner. Put yourself in her position as an elderly person and you have this ordinance and that ordinance, somebody says they might take her to court. We do not know what has been coming at this individual. Put yourself in her place. All of us are homeowners. If that was coming to you, from my understanding, the homeowner's wealth is in that property. There is no other as far as taking care of the needs with medical needs and those types of things. Again, like I said, let us just make the property owner happy. Work out a solution. If a third party is out there and is willing and wants to restore this and work with the property owner and buy the property, let them do that and let them take care of it. They will come back to us and deal with the ordinance. We will no longer put that elderly individual under all of this stress. My suggestion tonight is to allow the third party a little time to secure the financing to work with the property owner. I think we would all be comfortable with a happy solution to this. Like I said, the most important person in this whole situation is the property owner and making that individual happy and proud to call herself a native of Smithfield.

Councilman Dr. Cook – I kind of agree with Mr. Riddick in that any action we take tonight, I do not think, is going to step on the feet of anybody trying to act with the homeowner as far as getting a sales contract or proceeding with any kind of negotiations with the property. We are just reaffirming what the BHAR has already said. It does not provide any roadblocks for anybody trying to get a contract or negotiate the sale of the property. It is not stopping any of that. We are not trying to tear down the house; actually, we are doing just the opposite. This has been going on since I got on Council. I just think the time has come that we just have to move forward. As Mr. Jones says, we might be too late. This property might be beyond repair. I am not a contractor. I have been in the house and have met with the family. It is scary to say the least. I do not know how the second floor is actually standing. It is not attached to the walls anymore. We might be too late to try to restore it; but I think what actually deserves our effort in trying to protect it is the actual ordinance itself. The ordinance was put in place years ago for this reason. If we do not try to enforce this ordinance then why even have the ordinance. It might go to court. The town might lose or the property owners might

lose. If history repeats itself, the town has the right for this ordinance. I think it is our responsibility as caretakers of this town to enforce the ordinances that we have on the books. I think that is where we need to go. We have delayed this enough. Honestly, I do not know if the structure will last through the winter if we keep delaying it. With that being said, all seven (7) of us have been on Council long enough to know that nothing happens quickly. Even if we deny the appeal today, it is not going to court tomorrow. There is not going to be a resolution on this tomorrow. It is going to take a long time for anything to happen. I think the longer we delay the more inevitable it is that the house will fall down on its own and they are not going to have to hire a bulldozer to come and do it. I really think we need to move forward. We have sat on our hands long enough; probably, in my opinion, too long.

Councilwoman Tynes – I have a question. Is it too much to ask, as the Town Attorney said was one of our choices, to not act on anything tonight?

Councilman Dr. Cook – What benefit would it give to the town or the third party you talked about?

Councilwoman Tynes – We, as a Council, are representing everyone here. We are representing the property owner. We are representing the third party which is an organization with citizens from the town. So we are representing all. If it benefits them not to act on anything tonight and come back to another meeting after giving them sixty (60) days or whatever then we can go forward with what we have here that we had planned to do tonight.

Councilman Dr. Cook – Our job as Town Council is to enforce the ordinances that we have on the books.

Councilwoman Tynes – But if we do not enforce this ordinance tonight, would it be a major safety issue or hazard to the town's citizens?

Councilman Dr. Cook – This issue is not going to be resolved in sixty (60) days. There is still going to be the sixty (60) days that was requested regardless of what happens tonight.

Town Attorney – I can help you, I think, Dr. Cook. Focus your attention on what you are here tonight for which is the appeal of the decision of the Board of Historic and Architectural Review. You have to decide whether they acted appropriately or not or modify their decision. You do not have to decide on a remedy tonight; but you need to

make a decision on the appeal. I appreciate your comments Councilwoman Tynes but I think it is important to remember that we are tasked with fairly administering our ordinances. It is called equal protection. You feed everybody out of the same spoon. You treat people fairly. You enforce the ordinances uniformly. You can have sympathy for the property owner but everybody is going to make the same argument. They have always made the same argument. They do not have the money to do what is necessary. In every instance when we send the notices of violation, the first response that the staff gets is that it is just too expensive and they cannot do it. Well, that is their defense in every case. If you want to take the position that you want to be sympathetic to every property owner then you will never enforce your ordinances. You will never get people to comply with the law that is on the books. You can have compassion but you have to be objective in your analysis of the situation. You are charged with making a decision tonight as to whether or not the BHAR acted appropriately or not which is the appeal. If you make a decision tonight and the property owner does not like it, he can appeal it to the Circuit Court and we can go in that direction. You do not have to make a decision as to what you are ultimately going to do tonight. You need to consider that and make a decision. There is some time to do that but you need to act on the question before you and that is the appeal of the property owner of the decision made by the Board of Historic and Architectural Review. I am sorry that this has taken so long but there is enough blame to go around and it cuts in two (2) directions. We had to get a court order. We were prohibited from stepping foot on the property for many years. It required a court order for us to take the first close examination of the property. Did it take a long time? Yes. It is extremely difficult, even today, to see the condition of that residence on the back side of the house without trespassing. We do not do that. I think the town was respectful of people's property rights and acted appropriately given the circumstances and given the efforts on behalf of the property owner not to cooperate. It is just a fact.

Vice Mayor Gregory – I have some questions for Mr. Jones. I will preface my question by admitting that this is outside the realm of my expertise. I am not an attorney. As with Item 1, typically, the first thing you throw out is probably the one you feel strongest about. I am referring back to 'the town lacks the legal authority to enforce the notice of violation.' One of the comments that was mentioned was that you agreed that the town did have the right to enforce paint color, type of wood, and certain materials

that are used. I guess my question pertaining to this is if a structure was out of compliance because of paint color, for example, there is a cost to repainting that house the proper color. Would you also argue that it is also a duty on the homeowner that would be unenforceable by the town because they are having to pay money to have the house repainted in the proper color?

Mr. Jones – I do not think you can force a landowner under the enabling legislation to paint the color different than what is on it today. Now, if they go up there and paint it with polka dots in violation of the ordinance without getting the authority of the town to do that then you definitely can impose, through the enabling legislation and your ordinance, the requirement that they change that paint color and also require that it be a color that is acceptable under your ordinance. If there is a paint color that has been on there for forty (40) years, I do not think you can come in today and require them to put the paint color on it that you think is appropriate. I think that is an act of maintenance. If they undertake to do it then it has to be the color you want or that you find acceptable under your ordinance. I do not believe you can require, in this case, Mrs. Crocker to paint the house after it has not been painted for forty (40) years. That is my belief in a reading of the enabling legislation.

Vice Mayor Gregory – So I am to conclude from that; that essentially all of our historic district ordinances are unenforceable. If somebody painted their house thirty (30) years ago the proper color and then over time it completely deteriorated to where there was no color then the town has no legal standing to be able to say that they need to paint their house.

Mr. Jones – That is correct. You cannot tell them that they have to paint their house. They cannot paint it a color that you do not like without your permission; but you cannot go there and tell them they have to paint it because it is too old and faded. I do not believe you can under the enabling legislation. I do not believe the legislature has granted the Town of Smithfield or any other community any more than what the enabling legislation stated. Obviously, Mr. Riddick disagrees and that is why we have judges. There is one thing that is going to happen if this appeal is denied. There are notice requirements and lawyers are going to start getting involved and be responded to. It is certainly going to generate the expense account on both sides.

Vice Mayor Gregory – I am not saying you are right or wrong but if you are right I feel that is not just a disagreement; it is kind of earth shattering. It is basically telling every community in the state of Virginia that we have no ability to preserve and protect any historic structure or historic district in the entire Commonwealth. I think that is what is being said and I think that is a hard argument to make. I am not saying you are wrong. I just think it is a really difficult argument to make.

Mr. Jones – There are a lot of constitutional authorities brighter and more aware than I am. There is certainly something well known which is the Dillion Rule. What the state does not give the town; the town does not have. What the state does not give the county; the county does not have and that is the issue we are in. What I have said about no duty to maintain; and I believe it is the same for duty to paint a faded home.

Vice Mayor Gregory – Thank you. I really appreciate it.

Councilman Dr. Cook – I have a problem with something that you have said multiple times and I just want to clarify. You keep quoting enabling legislation. Which statute are you referring to?

Mr. Jones – I supplied it with this memorandum.

Councilman Dr. Cook – Is it the one on the end of your memorandum? Is that the one you are talking about? There are different statutes saying different things.

Mr. Jones – I believe it is 15.2 and 2306 which I provided. It is the core of where you get your authority to have your ordinance and that is what I am relying on. Thank you.

Councilman Dr. Cook – Does anybody else have any questions or input? As Mr. Jones said, we have been through this many times and for a very long time. Mr. Riddick, does this need to be a motion or not? If you want to deny the appeal do I need to make a motion or is there just no action.

Town Attorney – You are not denying his appeal. You are making a finding that the Board of Historic and Architectural Review was correct in their finding.

Councilman Dr. Cook – Do we need to make a motion or is this a no motion item?

Town Attorney – It is a motion. You have to make a finding.

Councilman Dr. Cook – I would like to make a motion that the Board of Historic and Architectural Review was correct in its ruling regarding the 502 Grace Street, Pierceville Manor house maintenance violation. Is that what it needs to be?

Town Attorney – That is an appropriate motion.

Councilwoman Chapman – Second.

Mayor Williams – A motion has been made and properly seconded. Does everyone understand the motion? Is there any further discussion?

Vice Mayor Gregory – I just want to make one comment. This vote for me is to keep the process moving but not eliminating any options. I do not think there are any options taken off the table tonight. As Councilwoman Tynes has said, I have been here for a little over eight (8) years myself. This seems to have been on our radar. The thought that we are acting hastily; it might be criminal to assume that. I do not think this precludes any action in the future. I hope something happens. I wish the group good luck and the property owner as well.

Councilman Pack – I have one quick comment as well. This vote, to me, is an effort to continue to preserve the home from further deterioration. It is an effort at preserving Pierceville as opposed to opposition to any development big or small.

Mayor Williams – Is there any further discussion?

Councilwoman Tynes – Mayor Williams, I am going to say the same thing. My vote tonight would be to preserve Pierceville as a historical home.

Mayor Williams – Is there any further discussion? Hearing none, roll call vote.

On call for the vote, seven members were present. Councilman Pack voted aye, Councilman Smith voted aye, Vice Mayor Gregory voted aye, Councilwoman Chapman voted aye, Councilwoman Tynes voted aye, Councilman Dr. Cook voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Thank you all. I thank everybody for their input. We now move to a Motion to Approve the Town Council Meeting Minutes of August 2nd, 2016.

Town Attorney – Mr. Mayor and members of Council, I recommend the minutes be approved as presented.

Vice Mayor Gregory – So moved.

Councilman Pack – Second.

Mayor Williams – A motion has been made and properly seconded. Roll call vote.

On call for the vote, seven members were present. Councilman Dr. Cook voted aye, Councilwoman Tynes voted aye, Councilman Smith voted aye, Councilman Pack voted aye, Vice Mayor Gregory voted aye, Councilwoman Chapman voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – We now move to New Business. We have Machinery and Tools Tax – Proposed Change in Valuation Methodology.

Town Treasurer – The item you have before you tonight is regarding the change in the Machinery and Tools Tax. I just became aware of this at the end of last week. Our Town Manager received some materials from the Commissioner of the Revenue, Gerald Gwaltney. We talked about it. They are planning to change their methodology of assessing the Machinery and Tools Tax. Currently, it is assessed at one hundred (100%) percent of the cost of the machinery and tools with no depreciation applied to it. They are going to reduce that to forty (40%) percent of the cost of the machinery and tools with, again, no depreciation applied to that. In order for that tax to remain revenue neutral, we would have to increase our tax. Currently, our tax is fifteen (.15) cents per hundred on machinery and tools. It would have to come up to thirty-seven and one half (.37 ½) cents to remain revenue neutral. The reason this is before you now is because we would have to advertise this and have a public hearing in order to do this if it is something you are interested in. We would really need to do that by the October meeting so that the bills could go out on time. For the county, I think it still has to go to a vote before the Board of Supervisors; but that is their plan at this point in time to make that change. Theirs will actually go from seventy (.70) cents per hundred to one dollar and seventy-five (\$1.75) cents per hundred with the increase. It would be a significant hit to us if we do not do it because the Machinery and Tools Tax is around one hundred eighty thousand (\$180,000.00) to one hundred ninety thousand (\$190,000.00) dollars. You are talking basically sixty (60%) percent of that.

Councilman Pack – Why do we have to change it at all? Why can't we continue to do it the way we have always done it?

Town Treasurer – Because the assessed values are going down significantly.

Councilman Pack – So, the county assesses it.

Town Treasurer – Yes. They are our assessor. The values will go down from one hundred (100%) percent of cost to forty (40%) percent of cost.

Councilman Pack – So we increase the tax one and a half (1 ½) times what it is to remain revenue neutral. What is their reason for doing it?

Town Treasurer – That was my thought too. I actually said something to Supervisor Grice about that tonight. My thought is that it is a perception issue. The memo says ‘its recent conversations with economic development prospects.’ It does not really change what they pay. The assessment goes down but the price goes up. That is really all that I know at this point. We do not have to vote on anything tonight. Mr. Riddick, Mr. Stephenson, and I thought we should bring it to your attention. I certainly did not want to advertise for a public hearing without any discussion and without you even knowing what was going on. We can certainly find out a little bit more about it before it has to go to a vote. If we are considering it then it does have to be advertised as a public hearing and we do not have a lot of time. This came up kind of late in the game.

Councilman Dr. Cook – This issue is as old as this tax is. People are always upset that they pay one hundred (100%) percent on their machinery and tools for as long as you own it. One half of me is thinking that, finally, we get some depreciation on our machinery and tools. The other half realizes that we are doubling our tax to make up for the shortfall. I also question why they did not switch the Furniture and Fixtures Tax because we still pay one hundred (100%) percent of that.

Town Treasurer – It stayed the same. The rate is one (\$1.00) dollar for the town.

Councilman Dr. Cook – It is an argument that is as old as time. We pay taxes on one hundred (100%) percent of the value of this chair here for as long as we own it. I am glad they are dropping forty (40%) percent and the reason is that they are trying to bring in more big businesses. On paper, to them, it looks more enticing to businesses and manufacturers.

Town Treasurer – Sure.

Councilman Dr. Cook – If the county is our assessor and we are going to take sixty (60%) percent out of our revenue, I think we are going to need a lot more discussion. I think we certainly need to get a public hearing scheduled and advertised.

Town Treasurer – Right. That is why I am bringing it up tonight. I told the Town Attorney that I did not want to advertise this until I could mention it to you all. You had

no clue as to what was going on with it. We felt like this was the prime opportunity to have everybody together and bring it up before we advertise it.

Town Manager – Yes and this came up after the committee meetings.

Town Treasurer – Yes. We just found out at the end of last week.

Town Attorney – If you wait it will make it impossible for her to bill.

Town Treasurer – We would have to bill at the current rate which would be low and then we would have to do supplemental bills to bring it back up if we decide to do it. Actually, we really could not do that since the assessment will go down not up.

Mayor Williams – Can you advertise it with an explanation?

Councilman Pack – Well, let's advertise for a public hearing and have a continued conversation at our committee meeting this month so we have an opportunity to not short our budget. We can make that decision. Since the county is our assessor, if they do it then we kind of have to do it.

Vice Mayor Gregory – I would like to make the motion that we authorize the Town Manager or the Town Treasurer to advertise a public hearing for the purpose of addressing the Machinery and Tools Tax.

Councilman Pack – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

On call for the vote, seven members were present. Councilwoman Chapman voted aye, Councilman Smith voted aye, Councilman Pack voted aye, Councilwoman Tynes voted aye, Councilman Dr. Cook voted aye, Vice Mayor Gregory voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Our next item is to Appoint a Nominating Committee to Fill the Unexpired Term of Jeffrey Yeaw of the Board of Historic and Architectural Review. I would asked that Vice Mayor Gregory and Councilwoman Tynes handle this. I would like for you to get with Trey Gwaltney. He is the chairman of the BHAR. He would like to talk to you all about this also if you do not mind talking to him. You do not have to but I think it would be good if you do. He might be able to help you select somebody.

Councilwoman Tynes – Mayor Williams, thank you for wanting me to serve on this committee. At this time, I would like to ask you to appoint someone else please. I found out today that I have some medical issues. There is a possibility I will be away from you

all for a couple of weeks. I would want someone to be in that position that can actually concentrate on it. The next time I will be happy to serve on a nominating committee.

Councilman Pack – Dr. Cook said that he will be happy to fill in.

Mayor Williams – In order to keep my rotation schedule even it will be Vice Mayor Gregory and I.

Vice Mayor Gregory – Yes sir. I will be glad to work with you.

Mayor Williams – This will be an easy fix. It keeps the rotation like we had it and working well. Our next item is Old Business. Does anyone have any old business? Hearing one, ladies and gentlemen, thank you all for coming out tonight. We appreciate it. We will now move to Closed Session.

Town Attorney – Mr. Mayor, we need a motion to go into a closed session for the purpose of discussing the disposition of publicly held real property and matters requiring legal advice by legal counsel.

Vice Mayor Gregory – So moved.

Councilman Mr. Pack – Second.

Mayor Williams – A motion has been made and properly seconded. All in favor say aye, opposed say nay.

On call for the vote, seven members were present. Councilwoman Tynes voted aye, Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilman Smith voted aye, Councilman Pack voted aye, Vice Mayor Gregory voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Town Council went into closed session at 8:42 p.m.

Town Council returned to regular session at 9:18 p.m.

Vice Mayor Gregory – I would like to make a motion that during the closed session there were only matters requiring legal counsel and disposition of real property discussed.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded. All in favor say aye, opposed say nay.

On call for the vote, seven members were present. Councilwoman Tynes voted aye, Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilman

Smith voted aye, Councilman Pack voted aye, Vice Mayor Gregory voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – We need a Motion to Appoint Dr. Cook and Ms. Chapman to the Windsor Castle Foundation.

Vice Mayor Gregory – I make a motion that we appoint Ms. Connie Chapman and Dr. Milton Cook as Parks and Recreation Chair and Public Buildings and Welfare Chairman to serve on the Windsor Castle Foundation.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

On call for the vote, seven members were present. Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilman Pack voted aye, Councilwoman Chapman voted aye, Vice Mayor Gregory voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Councilwoman Tynes – Before you all leave, I wanted to bring up something about Pinewood Heights real quick. As far as the playground over there, the majority of the children it served are gone. There are only one and a half streets left now. It is a little dangerous. They do not even take their kids down there. They have problems over there anyway with other activities going on around there where they have needles out there sometimes. Well, there was a group over in Jersey Park community that asked what we were going to do with it. I mentioned it to Mayor Williams. They want to relocate it over there in that community. Please think about it for the Parks and Recreation committee.

Councilwoman Chapman – Is it movable? Is it concreted into the ground?

Councilwoman Tynes – I do not know. I just wanted to bring it up to the committee.

Mayor Williams – I think we should turn it over to Public Works and see what it would take to move it. If there is nothing else to come before Council, we stand adjourned.

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The meeting adjourned at 9:20 p.m.

Mr. T. Carter Williams
Mayor

Peter Stephenson, AICP, ICMA-CM
Town Manager

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