

The Smithfield Town Council held its regular meeting on Tuesday, May 5th, 2015. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor; Ms. Connie Chapman, Dr. Milton Cook, Mr. Michael Smith, Mr. Randolph Pack, and Mrs. Denise Tynes. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Ellen Minga, Town Treasurer; Mr. Steven Bowman, Chief of Police; Mr. William H. Riddick, III, Town Attorney; Ms. Judy Winslow, Director of Tourism; Mr. Bill Davidson, Planning Commission Chairman; and Ms. Amy Musick, Smithfield Center Director. There were three (3) citizens present. The media was represented by Ms. Abby Proch of The Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. I would like to bring the Smithfield Town Council meeting of May 5th, 2015 to order. Thank you all for coming out tonight. We will open the meeting with the Pledge of Allegiance.

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

Mayor Williams – We will start with the Informational Section with our Manager's Report from Mr. Peter Stephenson.

Town Manager – Thank you, Your Honor. Welcome everyone. In addition to the agenda this evening we will have a brief closed session. We also have one new business item regarding emergency repair to the Main Street Pump Station. It needs to be dealt with so we can order parts. It will need to be sorted out in terms of an insurance claim and responsibilities financially. We need to get it back up and running. Please note on the meeting schedule for this month that because of the Memorial Day holiday that our Committee meetings will be a week early. The Committee meetings are on May 18th and 19th. It is the main thing for Council to note. We have a Pinewood Heights Management Team meeting next Tuesday at 4:00 p.m. It will be followed by a 6:30 p.m. Planning Commission meeting. The Board of Historic and Architectural Review will meet on May 19th at 6:30 p.m. The offices will be closed on May 25th for Memorial Day. Next we will have an invitation from Ms. Judy Winslow.

Ms. Winslow – Good evening. I just wanted to extend an invitation to come to the Visitor's Center on Friday for National Tourism week. We honor and have a little party for our Hospitality Heroes of the year. We will be honoring our ambassadors that made it through our Ambassador Program this year as well as our community ambassadors. It

is a quick event from 5:30 p.m. to 6:30 p.m. on Friday evening at the Visitor's Center.

We would love for you to come.

Town Manager – Thank you, Ms. Winslow. We appreciate that. I told her that I would not be able to attend. As a member of the VML Insurance Board I will be attending the National League of Cities Risk Information Sharing Consortium conference in Savannah. I will be leaving tomorrow afternoon and will return on Friday night. The April Activity Report was included in your packet. Does anyone have any questions?

Mayor Williams – Thank you. We will move to Public Comments. We have one person signed up.

Mrs. Turner – My name is Pam Turner. I live at 100 Commerce Street. I have a great concern about a parking issue. First I would like to say that we are so happy with Wharf Hill Brewery. It is a great business. We have watched Mr. Duncan rehab the building from day one. He has really put his heart and soul into it. Everybody that I have talked to loves the establishment. Our concern is that when the brewery opened there was no plan for parking. There was a lot put in beside Booth Cleaners but it only holds about eight cars. In the beginning they parked in the privately owned lot beside our townhouse. Sometimes there would be up to thirty cars there. We have put a sign up which states no parking. We have put up no trespassing signs because people go down on our dock and the dock owned by First Citizens which is an insurance issue. This past Friday I actually called the Smithfield Police Department because people were still parking in the lot with a no parking sign. There really was not anything they could do except to suggest putting up more signs which is what I am requesting. There is a no parking sign on Commerce Street. It is just one little sign towards the Smithfield Foods Executive Offices. If we had two more signs on the lamp post it would take care of that side of the street. I feel like we need another sign that designates a town parking area like we have on Main Street. Even with our no parking signs people still park there. They do not see the sign. I hope Council can help us out.

Mr. Turner – Mr. Richard Turner. I live at 100 Commerce Street. Ladies and gentlemen I would like to applaud you for the time, effort, and wisdom that you have used in leading Smithfield. We are seeing wonderful directions of growth and renovations. The Wharf Hill Brewery is an example of that. I would like to echo what my

wife said but I came to speak on something else. I want to bring recognition to a fellow employee of the town. We had a problem down our way and Mr. Bill Hopkins and his staff was professional and polite. They did a wonderful job. I do not have to tell you what a great employee Mr. Bill Hopkins was. I just wanted to tell you from the neighbor's standpoint how much we appreciate all that he did and the leadership that he gave. God bless you all.

Mayor Williams – Thank you, Mr. Turner. Is there anyone else who would like to speak under public comments?

Mr. Smith – My name is Ronald Smith. I live at 703 Canterbury Lane. I am not sure I am at the right meeting. My concern is the sewer in my back yard.

Mayor Williams – If you live in the Town of Smithfield you can speak on anything that you would like to.

Mr. Smith – Ever since hurricane Isabel we have had problems keeping a fence up in our yard. It has repeatedly sunk on two different sides of my yard. We have had really deep sink holes. I understand that there is a plan that will be coming before Council at some point to try to reroute it. I think that the way it is ran in that area now I do not think it can continue. I went to pour quikrete and water in the hole and it disappeared then I put the pole in and it disappeared. I was standing right at the edge. It has happened on the right side of my house and the back of my house. I do not know what you can do with the one storm sewer drain but that whole area is constantly falling in.

Mrs. Barbara Smith – My names is Barbara Smith. I live at 703 Canterbury Lane. I have been dealing with Mr. Wayne Griffin. We have been working on this for close to a year. The storm sewer is supposedly going to be relocated. Nothing has happened. When it first happened you could look down and not see the ends of the earth. They have temporarily modified it. They covered it with some dirt. He said the storm sewer will be relocated at some point. It was last summer. We have grandchildren and dogs. We do not want anything to happen to anyone's kids. Our neighbors behind and beside us feel the same. We are here tonight to find out what is going on with the project.

Mayor Williams – You said you spoken to Mr. Griffin and he is aware of the situation.

Mrs. Smith – Yes.

Mayor Williams – If you would write your name and address on a piece of paper and give it to the Chief of Police then he can give it to the Town Manager later on tonight. The Water and Sewer Committee Chairman and the Town Manager will get back with you within ten days. They will have an answer for you then. Are there any other public comments? Hearing none, we will move to Council Comments. Does any Council member have any comments?

Councilman Dr. Cook – Mayor Williams and I attended the NAACP Interracial Relations meeting. I think it was a very good meeting. It was very well attended by many different groups in town representing many different people. There were a lot of great ideas. A lot of people were open about what they liked and disliked. I hope they continue with future meetings. Maybe it will keep Smithfield on the same track we are on with good relations.

Mayor Williams – Do any other council members have any comments? Hearing none, we will move to our Summary of Consent Agenda Items. We will start with Water and Sewer Chair, Vice Mayor Gregory.

Vice Mayor Gregory – Water and Sewer Committee Summary. Thank you, Mr. Mayor. There is one item with regards to water and sewer on the consent agenda. It has to do with the repair of the sewer line and storm drain on Main Street. The cost of this repair is going to be a little over \$30,000.00. It is hopefully one of the last few sections that we will have to take care of before the repaving and resurfacing of Main Street which everyone has on the top of their list.

Mayor Williams – We will move to Finance Committee Chair, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. We have two invoices this evening over \$10,000.00 requiring Council authorization. The first invoice is Lewis Construction of Virginia in the amount of \$22,000.00 for a sewer extension in Pinewood Heights. It has been completed. The second is our quarterly payment to Caldwell Tanks in the amount of \$26,181.44 for repairs and maintenance on our water tanks in the town. Public Works staff reports that they are happy with the work. The next item is a resolution to adopt the Virginia Retirement System “Phase In” for fiscal year 2015/2016. It is a multiphase one percent per year phase in for VRS.

Mayor Williams – Next is Parks and Recreation Committee Chair, Ms. Connie Chapman.

Councilwoman Chapman – Parks and Recreation Committee Summary. Thank you, Mr. Mayor. We have a motion to approve the grading of the old orchard field at Windsor Castle Park by Smithfield VA Events. They will do all of the work and pay the bill. It would actually improve the site for future use.

Mayor Williams – We will move to Public Works Committee Chair, Mr. Michael Smith.

Councilman Smith – Public Works Committee Summary. Thank you, Mr. Mayor. We have a motion to approve the renewal of the street maintenance contract with Blair Brothers, Inc. for one additional year. We have been satisfied with their work. They have consideration for the public and public safety. They do excellent work. We recommend it for approval.

Mayor Williams – We will now move to Public Buildings and Welfare Committee Chair, Dr. Milton Cook.

Councilman Dr. Milton Cook – Public Buildings and Welfare Committee Summary. Now we are the proud owners of 1802 South Church Street which was the old Rescue Squad building. We need to fix it up. We are going to issue an architectural request for proposals for the renovations for that building. It is proposed for the Smithfield Police evidence and storage building.

Councilman Smith – I would like to make a motion to approve the consent agenda items as presented.

- C1. Motion to Accept Proposal from Lewis Construction to Fix Sewer Line and Storm Drain on Main Street in the Amount not to Exceed \$30,061.12.
- C2. Invoices Over \$10,000 Requiring Council Authorization:
 - a.) Lewis Construction \$22,000.00
 - b.) Caldwell Tanks \$26,181.44
- C3. Resolution to Adopt the Virginia Retirement System “Phase In” for Fiscal Year 2015/2016.
- C4. Motion to Approve Grading of the Old Orchard Field at Windsor Castle Park by Smithfield VA Events.
- C5. Motion to Approve Renewal of Street Maintenance Contract with Blair Brothers, Inc. for One Additional Year.

C6. Motion to Authorize the Town Manager to Issue Architectural Services RFP for the Renovations of the Proposed Smithfield Police Evidence/Storage Building at 1802 South Church Street.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded to approve the consent agenda items. Is there any further discussion? Hearing none, 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.

Mayor Williams – Next is the Action Section. We will hear from Councilwoman Tynes.

Councilwoman Tynes – Thank you, Mayor Williams. We have a Resolution for Street Closure Request for Olden Days, June 26th and 27th, 2015. I think the reason we added this to the action section is because they are requesting for South Mason Street to be closed from June 26th at 8:00 p.m. through Saturday, June 27th until 5:00 p.m. We put it there in case any citizens wanted to address the parking. I would like to make a motion to approve as presented.

Vice Mayor Gregory – Second.

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

Councilman Smith – Have the people that live on that street been contacted?

Councilman Pack – I asked them how they felt about having their street closed. One person said they would love it. They said their road had significant sections of dirt due to the road repairs. On market days the traffic makes it impossible to sit comfortably on their front porch because of the dirt cloud. They asked if the road would be open for non-thru traffic. I explained there would be vendors and the road would be closed. Three residents are okay with it. We have done our due diligence I believe. I am in support of it at this point.

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

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

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

Mayor Williams – Next is a Motion to Approve the Town Council Minutes of April 7th, 2015.

Town Attorney – Mr. Mayor and members of Council I have reviewed and revised the minutes with minor corrections from the April 7th meeting of Town Council. I would recommend the minutes be approved as corrected.

Vice Mayor Gregory – So moved.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded to approve the minutes. 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.

Mayor Williams – We now move to New Business. We have one additional item to discuss that is not listed. We will hear from the Water and Sewer Committee Chair, Vice Mayor Gregory.

Vice Mayor Gregory – Thank you. I believe everyone on Council has a copy of the damage report for the Main Street Pump Station service cables. Apparently there has been some rusted conduit that allowed some wire insulation to be punctured causing a ground fault. It has to be dealt with. The lump sum for this repair from REW Corporation is \$15,413.00. I am guessing this is something that needs to be taken care of expeditiously. You may want to hear from the Town Manager. Is there work that has been done for the short term?

Town Manager – Yes we have. This past week we have been operating off of the permanent generator as well as the bypass pump. We have been alternating both for the last week. I spoke to Mr. Jesse Snead this afternoon. He said there is a four day lead time. He wanted me to let him know after the meeting tonight so he can get REW Corporation to order the parts. The parts take four days to get here. We will continue to use the generator and the bypass pump in the meantime. We will also sort out the

insurance claim and any subrogation back against Dominion or not. We have filed it as we always do as a claim. VML helps us sort all of that out.

Vice Mayor Gregory – I would like to make a motion to approve the lump sum bid in the amount of \$15,413.00 to deal with the repairs pending future investigation into the insurance claim.

Councilwoman Tynes – Second.

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

Councilman Smith – Mr. Mayor, I feel like we have reached a threshold of \$10,000.00. It needs to move to Councilman Pack's Finance Committee to approve since it is over \$10,000.00. I am in favor of all of this.

Mayor Williams – We can do two approvals then. Vice Mayor Gregory can make one to repair it and then one to the Finance Committee to approve the cost.

Councilman Pack – Would we just not approve it by Vice Mayor Gregory's motion? When we receive the invoice we would approve it to get paid. I think that is how it would normally work.

Town Attorney - It seems to mean that you are making the motion to have the work done. You will eventually have to pay for it. You do not have to appropriate the money tonight but the invoice will come back to the Finance Committee. You are committing the town's resources to make this happen. You know what it costs. It really does not matter.

Councilman Smith – I am just concerned we will not reach that threshold. I just wanted to make sure.

Town Attorney – This is a committee as a whole. You can approve any amount. It does not matter once you are at this level. This is a bill that has to be approved by Town Council. It does not have to go through committee. You as a committee of the whole, the entire Council can approve this.

Councilman Smith – With the urgency of this I feel like it needs to be taken care of tonight instead of making it wait until the end of the month. I just wanted to make sure we were doing the right thing.

Town Attorney – You do not have to send it to committee. You as the duly constituted Town Council at a regular meeting can approve the payment of this invoice.

I think Vice Mayor Gregory's motion was subject to review by insurance and determination as to whether it is reimbursable. It is entirely appropriate to authorize the work and authorize to pay for it.

Councilman Pack – I would recommend that we authorize the work and then once it is completed we will authorize a payment. I do not want to authorize work that we are not happy with. I trust that REW Corporation will do a good job. At next month's Council meeting we would likely have this invoice and agree to pay it. If we authorize the work then work can begin immediately. Assuming we are happy with the work which is likely then we will pay for it. If we are unhappy with the work then we can withhold money until we are happy with the work.

Councilman Smith – We will also be waiting on VML Insurance findings.

Mayor Williams – This motion is to take care of it and pay for it.

Town Attorney – I believe the motion was to authorize the work and to appropriate the money for payment subject to review of the claim by the insurance.

Mayor Williams – Up to \$15,413.00. We will leave it like that then. We have a motion and a second. Is there any further discussion?

Councilman Dr. Cook – I mentioned it to a couple of people before the meeting. I thought it would be worthy to mention during the meeting. It is my understanding that this break happened on the Dominion side of the meter box. If the line from the power line to the meter box breaks then Dominion takes care of it. If the problem is on your side of the meter box then you fix it. Why is Dominion not fixing it if it is on their side of the meter box? Why are we worried about the insurance reimbursing us? Why is it even our issue?

Councilman Smith – I was there at the time. I spoke to Mr. Jeff Black who represents Dominion Power. I actually watched him open the panel box. It was not on Dominion Power's side. It was on our side. Smoke was rolling out of the top of the box not from the bottom of the box. They immediately recognized it as being our problem and not theirs.

Councilman Dr. Cook – So it was in the meter box not underground.

Councilman Smith – It goes through another channel that goes underground to everything else.

Councilman Dr. Cook – So it is on our side of the meter box.

Councilman Smith – Yes it is.

Mayor Williams – Is there any further discussion? We have a motion to do the repair work on the Main Street Pump Station in the amount of \$15,413.00. Roll call vote.

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

Mayor Williams – Is there any further new business? Hearing none, we now move to Old Business.

Councilman Dr. Cook – I think the Wharf Hill parking falls under old business since we have discussed it at previous meetings. Mr. Mayor, are we going to bring that back to committee?

Mayor Williams – We can do that.

Councilman Pack – On that topic our last decision was that we authorized our Town Manager to deal with it as he felt was appropriate. He could just deal with it tomorrow. It might make it happen a little bit quicker. He can give us an update at the next Committee meeting. If they are just asking for two additional parking signs I do not think it is something we need to worry about a whole lot. We can let the Town Manager handle it.

Councilwoman Tynes - We discussed putting signage there which was prior to Mr. Hopkin's death. I think something got crossed with everything going on. They can address the signage right away but as far as further parking then it would probably need to come back to the Committee.

Councilman Smith – I have talked to the Town Manager about this. Mr. Griffin, Bill Hopkins, and I have personally been down there time and time again to resolve this. We have had Virginia Department of Transportation involved in this. They have appropriated the lanes that are there now. The Virginia Department of Transportation approved it. We have safety issues which I am very concerned about with emergency vehicles and other vehicles that go down there. I do not want to continue to let them park haphazardly because if there is a truck unloading goods and there is an emergency situation at the bottom of the hill I do not want my name associated with it. We have been very patient as landowners. We have gone through a lot effort as Council

to try to create more parking. I think we need to let them understand our decision and move forward. We need to start issuing citations for people parking illegally. It is dangerous. I am concerned that if something really happened down at the bottom of the hill and we could not get service down there then we are liable for our decision.

Mayor Williams – I think the first thing we need to do is address the signage. The signs could say that additional parking is off of Main Street behind Bank of Southside Virginia. We also have the parking lot at the Smithfield Center. It is not that far to walk from the Smithfield Center to the Wharf Hill Brewery. After 5:00 p.m. when the Smithfield Foods employees leave the parking lot is virtually empty unless the Smithfield Little Theatre has something going on. It is actually easier since walking up the hill to the Bank of Southside Virginia is kind of a jog. I think signage that says additional parking elsewhere with arrows showing the way. Smithfield Foods is about to embark on adding eighty additional parking areas around the complex. Have you noticed any Smithfield Foods vehicles parked over there?

Councilman Smith – No. They have done a real good job. Ms. Martha Russ has instructed them to park on Luter Drive temporarily until this situation is resolved. They have been very respectful of that. The same amount of cars that were parking at Wharf Hill have moved to Luter Drive. I think signage is needed. Like Chief Bowman said when it says no parking then it is no parking. We need to think about the people that own land there and be respectful of them. There are liability issues as Mrs. Turner said. We have actually seen children down on the docks while their parents are in the pub. It becomes a real safety issue. I do not want the town to be involved with any lawsuits out of negligence.

Councilwoman Tynes – Do we need to put signs on the docks?

Councilman Smith – That is being done by the owners. I think giving more instructions about where to park and where not to park is a good idea.

Councilman Pack – Could you give me more specific examples of where people are parking illegally Councilman Smith?

Councilman Smith – When you have parallel spaces and diagonally parking all the way up the hill that is illegal. I think the Chief Bowman would agree with me on that.

Mayor Williams – He is talking about across the street from the townhouses. It is no parking there. There is only one sign there. Mrs. Turner suggested putting two more signs on the light post.

Councilman Pack – If you are coming from Smithfield Foods and making a right up Wharf Hill then that side is no parking. There is some parking on the other side beside the townhouses.

Mayor Williams – They are blocking driveways. The police can take care of illegal parking on the street but they cannot go on private property which is where the signage comes in.

Vice Mayor Gregory – One thing that needs to be improved upon is the markings for the parallel parking because they are faded. I do not know who recently painted them but I had to look to see where the markings were.

Councilwoman Tynes – The whole street is not parallel because once you pass the new business it is diagonal parking.

Vice Mayor Gregory – If everyone is parked diagonal and you do not see any markings then you just assume you should do what everyone else has done.

Councilwoman Tynes – It can be confusing for a visitor.

Councilman Smith – The Town Manager and I have discussed remarking it. You cannot stop the delivery trucks but when you have diagonal parking all the way down the hill they cannot really get out of the way. There is no passage after that even for a vehicle.

Councilwoman Tynes – I am pretty sure they know when they will be receiving a delivery. Maybe they could put out safety cones to block off some space for the delivery trucks. I have been there when there was a delivery truck and it actually blocked the whole hill because cars have parked there. In the event of an emergency they probably would have a problem getting through Luter Drive with cars parked on both sides.

Councilman Pack – The delivery trucks can also use hand trucks to delivery their goods. They do not like it though.

Councilwoman Tynes – In large cities where space is challenging I have seen them put cones out for the delivery trucks.

Councilwoman Chapman – I was going to suggest in addition to the no parking signs to put some signs that say private property.

Councilman Smith – It has been done. They are disrespecting them. Further action will need to be taken on that.

Mayor Williams – Our Town Manager has directions. He will get with Mr. Wayne Griffin and embark on this immediately. Is there any further discussion? Is there any other old business? Hearing none, we will move to Closed Session.

Vice Mayor Gregory – I would like to make a motion that we go into closed session for legal advice by legal counsel.

Councilman Smith – 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. Councilman Dr. Cook voted aye, Councilwoman Chapman voted aye, Vice Mayor Gregory voted aye, Councilman Smith voted aye, Councilwoman Tynes voted aye, Councilman Pack voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Town Council went into closed session at 8:06 p.m.

Town Council went back into open session at 8:17 p.m.

Town Attorney – We need a motion that during the closed session there was only a discussion of legal advice by legal counsel as to actual legal matters requiring legal advice and personnel matters pursuant to 2.2-3711.A.1 and 7 Code of Virginia.

Vice Mayor Gregory – So moved.

Councilman Smith – 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. Councilman Dr. Cook voted aye, Councilwoman Chapman voted aye, Vice Mayor Gregory voted aye, Councilman Smith voted aye, Councilwoman Tynes voted aye, Councilman Pack voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Is there any more business to discuss? We are adjourned.

The meeting adjourned at 8:18 p.m.



Mr. T. Carter Williams
Mayor



Peter Stephenson, AICP, ICMA-CM
Town Manager