

The Smithfield Town Council held its regular meeting on Tuesday, July 1<sup>st</sup>, 2014. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor, Mrs. Denise N. Tynes, Ms. Connie Chapman, Mr. Michael Smith, Dr. Milton Cook, and Mr. Randolph Pack. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mr. William T. Hopkins III, Director of Planning, Engineering, and Public Works; Ms. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. Steven Bowman, Chief of Police; Ms. Amy Musick, Smithfield Center Director; and Mr. William H. Riddick, III, Town Attorney. There were six (6) citizens present. The media was represented by Ms. Abby Proch of The Smithfield Times and Mr. Ryan Murphy of The Daily Press.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of July 1<sup>st</sup>, 2014. It is a pleasure to have all of you here. At this time, we will all rise and say the Pledge of Allegiance.

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

Town Attorney – This is the organizational meeting of the Town Council as evidenced by the fact that four members were just sworn in as new but reelected Town Council members. This is a new Town Council. Tonight's first order of business is the Election of a new Mayor and a new Vice Mayor. The floor is now open for nominations for Mayor of the Town of Smithfield.

Councilman Dr. Cook – I would like to nominate Mr. T. Carter Williams as our Mayor.

Councilwoman Chapman – Second.

Town Attorney – Mr. Williams has been nominated. Are there any other nominations? Hearing none, the nominations are closed. All those in favor of electing Mr. T. Carter Williams as Mayor of the Town of Smithfield say aye, opposed say nay.

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 abstained. There was one abstention. The motion passed.

Town Attorney – Mr. Williams, you have been reelected as the Mayor of the Town of Smithfield.

Mayor Williams – Thank you.

Town Attorney – The next order of business is the election of a Vice Mayor for the Town of Smithfield. The floor is open for nominations.

Councilwoman Chapman – I would like to nominate Mr. Andrew Gregory for Vice Mayor.

Councilman Dr. Cook – Second.

Town Attorney – Mr. Gregory has been nominated for Vice Mayor. Are there any other nominations? Hearing none, the nominations are closed. All those in favor of electing Mr. Andrew Gregory as the Vice Mayor say aye, opposed say nay.

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 abstained, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There was one abstention. The motion passed.

Town Attorney – Congratulations, Mr. Gregory you have been reelected as Vice Mayor. Mr. Mayor it is your meeting again.

Mayor Williams – Thank you, Mr. Riddick. Thank you all for your support. The next item on the agenda is the Manager's Report.

Town Manager – Thank you, Your Honor. I would like to welcome everyone this evening. The June Activity Report was included in the electronic posting as well as on the town website. We have a few things to note. First we have the update on the fireworks. I spoke to Mr. Mark Furlo, Isle of Wight Director of Parks and Recreation this afternoon. If we are rained out Thursday evening then the backup night is Sunday. The contractor is completely booked for Friday and Saturday. We will keep you posted. On July 4<sup>th</sup>, our administrative offices will be closed in observance of Independence Day. We have a series of Pinewood Heights meetings on Tuesday, July 8<sup>th</sup>. We have the Management Team meeting at 3:00 p.m. and a Neighborhood meeting at 6:00 p.m. There is a public notice going out about the 6:00 p.m. meeting. The Planning Commission meeting will be held on July 8<sup>th</sup> at 7:30 p.m. at the Smithfield Center. The Board of Historic and Architectural Review will meet on July 15<sup>th</sup>. We will have the Town Council Committee meetings on July 28<sup>th</sup> and 29<sup>th</sup> beginning at 4:00 p.m. each afternoon at the Smithfield Center. We were not able to get a photo of our Town Council members before the meeting but will do it right after the meeting. We will have one new business item that the Town Attorney will bring up later. Thank you.

Mayor Williams – Are there any questions from Council? Hearing none, we will now move to Public Comments. The public is invited to speak to Council on any matter except for public hearing items. If you would like a response from any Council member or the Town Manager, please state your name and address.

Mr. Oliver – My name is James Oliver. Good evening. We own Sharon's Home Day Care at Wellington Estates. I am asking for the town to consider updating the current zoning to allow family home day care centers to have the number as stated by the state which is up to twelve children and the county which allows twelve children. Currently the town has a restriction in place that only allows a home day care center to have up to five children. My wife has been a home day care provider for over twenty-five years. She has been licensed in the state for over nineteen years. We have operated the home day care center in the Town of Smithfield for nine years. We were just made aware of the restriction of five children this past May. It has required my wife to cut the number of children that she cares for in half. It puts us in the position of possibly closing the home day care facility because it is just not cost effective with only five children. Gatling Pointe which sits across the County line permits twelve children. All we are asking is that we have consistency within the town. I have not found any other surrounding areas that have those similar restrictions. My wife would like to read some letters from people that were not able to attend the meeting.

Mrs. Oliver – Good evening. My name is Sharon Oliver. The first letter is from Ms. Debbie Moore, who is the USDA Coordinator. She has worked for thirty years with family child care providers as coordinator for the USDA Child and Adult Care Food Program. It is a federal program that is part of the school lunch program. Licensed providers receive funds through the USDA Child Care Food Program so that they can serve nutritious meals to the children in their care. Mrs. Sharon Oliver has participated in our USDA Food Program for over eighteen years. I have monitored her home three times per year and always impressed with her childcare. Due to legal advice handed down by the state Attorney General the division of the family childcare licensing was told that effective July 1<sup>st</sup>, 2012 they could not ignore local zoning laws. This has created a crisis across the state. Many license providers give up their license. Providers can legally care for up to five unrelated children and do not need any type of regulation. Many cities and counties have met the challenge and changed their zoning laws. Prince

William County is a good example of this as based on recommendations by licensed providers. Their zoning guidelines now match those of licensing. Becoming licensed is a long process and is similar to becoming licensed as a Child Day Care center. The standards for a family day care home are one hundred twenty-seven pages and can be seen online at the Department of Social Services website. Licensed providers require record checks such as CPS clearance, criminal records checks, liability insurance, and TB tests on themselves and other family members. They purchase new cribs that meet federal standards and sixteen training hours each year for themselves and assistants. Licensing inspectors are trained to help providers to provide the best care for up to twelve children. Concerns about traffic are unsubstantiated. Traffic is minimal since parents come at staggered times due to their schedules and a parent may have two children in care. Children in these homes come to school ready to learn which helps the school budget since remedial programs are not needed for these children. Homes are now being forced to choose which children they will need to let go. Parents will be forced to choose unregulated care. Providers pay taxes on their child care businesses. Limiting them to five children will make it impossible to stay in business if they lose payments for seven children.

Town Attorney – Mayor, I think that I would like to interject something here. Mrs. Oliver we are fortunate to have the Chairman of the Planning Commission and the Director of Planning, Engineering, and Public Works sitting here tonight. The Town Council cannot take action on this tonight. We can refer it to the Planning Commission for consideration and review of the town's ordinances which is where it has to start. You have done a good job in identifying a problem. It just so happens that the appropriate person is sitting in the front row and has heard what you said. I would think the appropriate thing is to provide the letters to the Director of Planning, Engineering, and Public Works, Mr. Bill Hopkins. The Town Council can refer the matter to the Planning Commission for consideration. The Town Council cannot make a decision because it would be an uninformed decision. The Planning Commission can investigate it. I am sure that you have helpful information with you but it is sort of wasted at this point.

Mrs. Oliver – Okay. I will hand Mr. Hopkins the letters.

Town Attorney – Mayor, I would recommend that you direct this to the Planning Commission for their consideration.

Mayor Williams – I certainly will. Thank you, Mr. and Mrs. Oliver for bringing it to our attention. We will direct this to the Planning Commission.

Ms. Stovall – My name is Sandra Stovall. I was going to speak on the same matter. I do not need to speak now since it is going back to the Planning Commission.

Town Attorney – They might want to come to the Planning Commission meeting on Tuesday night. We could add it as a new business item just to identify it as a problem. Certainly nothing will happen next Tuesday night but it will start the ball rolling.

Mayor Williams – The Planning Commission meeting is next Tuesday, July 8<sup>th</sup> at 7:30 p.m. at the Smithfield Center.

Mr. Clark – My name is George Clark. I am also here to support the Oliver's. I would also like to make everyone aware that this is time sensitive. Mrs. Oliver has already had to turn away several children.

Mayor Williams – We will move it along as quickly as possible. The Planning Commission has to have it addressed to them. They have to wait a month to bring it to the next meeting and then another month to bring it back to Town Council. It will take at least two to three months.

Town Attorney – We have to have a public hearing to change the ordinances. It will take some time. If the Planning Commission deems it an appropriate change then we can expedite it as best we can.

Mayor Williams – Are there any other public comments? Next is a briefing by Mr. Al Casteen who is not here tonight. Next is a Proclamation - Supporting "National Night Out".

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug, and violence prevention program on Tuesday, August 5<sup>th</sup>, 2014 called "National Night Out"; and

WHEREAS, the "31<sup>st</sup> Annual National Night Out" provides a unique opportunity for Smithfield, Virginia to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, Smithfield Community Crime Prevention (S.C.C.P.) Team and Business and Neighborhood Watch programs play vital roles in assisting the Smithfield Police Department through joint crime, drug and violence prevention programs and the

impact that their participation can have on reducing crime, drugs and violence in Smithfield; and

WHEREAS, it is essential that all citizens of Smithfield, Virginia be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in Smithfield; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the “National Night Out” program;

NOW, THEREFORE WE, THE SMITHFIELD TOWN COUNCIL MEMBERS, do hereby call upon the citizens of Smithfield to join the Smithfield Police Department, the S.C.C.P. Team, and in supporting the “31<sup>st</sup> Annual National Night Out” as “NATIONAL NIGHT OUT” in Smithfield, Virginia. I am suggesting that any Town Council member that attends the “National Night Out” event can come to the Town Council meeting in a T-shirt and shorts since it would be difficult to get home and change clothes. Next is Council Comments. Does any Council member have any comments?

Councilwoman Chapman – The Smithfield Police Department and the Isle of Wight County Sheriff’s Department have decided to partner together for the “National Night Out” on Main Street. I encourage everyone to come. It will be a really neat night with the art contest. The winners will have an opportunity to win a pizza party. One winner will be from Smithfield and one will be from the Isle of Wight County Sheriff’s office. Mr. Rick Bodson has arranged for collaboration with the Arts Center to provide the judges for the art contest. I have extra flyers if you want to help distribute them. It has also been sent to the newspaper so we can get kids to enter.

Mayor Williams – Next we have the Consent Agenda Items. We will start the Police Committee Chair, Mrs. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. Thank you, Mayor Williams. The first item is a resolution for a street closure request for the “National Night Out” on Tuesday, August 5<sup>th</sup>, 2014. This is the first year that we have had the event downtown on Main Street. The street closure will be the 200 block of Main Street. The next item is a resolution to appoint/reappoint a Certified Crime Prevention Team. I do not think anything has changed for this. The team consists of Councilwoman Chapman and Mr. Kurt Beach. There were no changes in the list. The next item is a motion to support the Smithfield Volunteer Fire Department members with funding for baseball caps

celebrating seventy-five years of volunteering in our community. We would like to support them. Most towns in Virginia the fire departments are volunteers. They do not have a lot of funding coming in. Smithfield has an excellent fire department. We would like to support them in celebrating their seventy-fifth anniversary by giving them caps.

Mayor Williams – Next is Finance Committee Chair, Mr. Randy Pack.

Councilman Pack – We only have one invoice this evening over \$10,000.00 which requires Council's authorization. It is to Blair Brothers, Inc. for \$139,159.00. This is budgeted money for street repaving within the Town of Smithfield.

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

Councilwoman Chapman – Parks and Recreation Committee Summary. Our first item is a proposed price adjustment for the Smithfield Center. Our Smithfield Center Director, Ms. Amy Musick, reported to the Council that after comparing local venues similar to the size and caliber of this building that we are considerably under charging. We are proposing to adopt some adjusted rates to bring us a little bit closer in line. We will still be substantially lower than other venues. I would like to point out that we will still maintain a discount for town residents in the new rate increase. The next item is the proposed kayak storage shed. This item has come back to us a couple of times. We have finally decided that the best option for the kayak storage/rental office is going through a company called Lester Buildings. Councilman Smith and Ms. Musick have done extensive research to find the best suitable storage building for all of the equipment and kayaks on site. It will take about four weeks to get. We have some volunteers from Council agree to help paint it so it is comparable to some of the barns and other buildings on the site. Next is a motion to approve exercise classes at the park. They propose to offer the classes from June through November including boot camp, yoga, and a kid's boot camp class. Our proposal is if a licenses business wants to offer a program such as an exercise class at the park then they would have a six month contract with Ms. Musick, Smithfield Center Director. She will make sure that they do not offer the same exact class. Our current vendor who is offering programs is Mr. Andre Moore with Fortified Fitness. He is a certified instructor.

Mayor Williams – Next we have Public Buildings and Welfare Committee Chair, Dr. Milton Cook.



voted aye, Vice Mayor Gregory voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There was one abstention. The motion passed.

Mayor Williams – Next is the Action Section. We will hear from Finance Committee Chair, Mr. Randy Pack.

Councilman Pack – The first thing we need to do under the action section is a Motion to Adopt Appropriation Resolution to Carry Forward Funds and Restricted Funds Appropriated in Fiscal Year 2013/2014. Is there any discussion on this item? Hearing none, I would like to make a motion to adopt appropriation resolution to carry forward funds and restricted funds appropriated in Fiscal Year 2013/2014.

Councilwoman Chapman – Second.

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

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

Councilman Pack – The second item on the action section tonight is a Motion to Adopt Appropriation Resolution for Funds for Fiscal Year 2014/2015 Effective July 1<sup>st</sup>, 2014. Is there any discussion on this item? Hearing none, I would like to make a motion to adopt appropriation resolution for funds for Fiscal Year 2014/2015 effective July 1<sup>st</sup>, 2014.

Councilman Smith – Second.

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

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

Mayor Williams – The next item is a Motion to Approve Town Manager's Annual Employment Contract. We have an annual review with the Town Manager every year.

Town Attorney – This is the fourteenth amendment of his contract.

Mayor Williams – Yes it is.

Councilman Dr. Cook – I will make a motion to approve the Town Manager's annual employment contract.

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

Mayor Williams – The next item is a Motion to Accept Recommendation to the Circuit Court to Fill the Expired Term of the Board of Zoning Appeals. Councilman Smith and Councilman Pack were on the nominating committee.

Councilman Smith – Councilman Pack and I discussed this at length. We had a pool of interested parties that we received from the Town Clerk. We recommend Mr. Robert Briggs. He has accepted. He has extensive background through his family. His father was on the Planning Commission in Chesapeake. We highly recommend him. I will make a motion to accept this recommendation.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded to elect Mr. Robert Briggs. Is there any further discussion?

Town Attorney – Just for clarification, it is a recommendation to the Circuit Court for appointment.

Mayor Williams – We need to send this to the Circuit Court for their approval. Roll call vote.

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

Mayor Williams – The next item is a Motion to Approve the Town Council Minutes of June 3<sup>rd</sup> and June 23<sup>rd</sup>, 2014.

Town Attorney – Mayor and members of Council, I have reviewed the minutes and recommend that they be approved as presented.

Councilwoman Tynes – So moved.

Councilman 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. Councilman Smith voted aye, Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilman Pack 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 – The next item on the agenda is New Business. We have one new item and will hear from our Town Attorney, Mr. Bill Riddick.

Town Attorney – The item is something that came up today. I received an email from the legal counsel for Smithfield Foods. We discussed months ago the possibility that they would construct a parking lot or garage in the area between the Smithfield Center and the corporate office building. They advised me that they are ready to proceed. This involves a swap of property. It would include property on Main Street which is the old Joyner property. I am bringing it to your attention because they would like to move quickly on this. We will need to schedule a public hearing for next month in order to get approval for the disposition of publicly held property. As I said, this is an exchange of properties.

Mayor Williams – I had a meeting with them today. One of the questions was who is going to survey our existing property.

Town Attorney – Mr. Bill Hopkins and I have discussed that several times. There absolutely needs to be a survey. We just need to find the right person to talk to at Smithfield Foods to make that happen.

Mayor Williams – We can do that while we advertise for the public hearing.

Town Attorney – Absolutely. We can go ahead and get that done.

Mayor Williams – There are several parcels involved.

Town Manager – The 315 Main Street property has been recently surveyed.

Mayor Williams – Did we do that?

Town Manager - Correct.

Mayor Williams – Perhaps they should do the other one.

Councilman Dr. Cook – I assume that the Joyner property includes our old Town Manager's office building. Is that correct?

Town Attorney – Yes.

Mayor Williams – It is the whole piece of property from Main Street to Cedar Street.

Town Attorney – We have had discussions about this with them for months if not longer. It was just a question of when they were ready to go.

Mayor Williams – It has been going on since last October. They need parking now. We need a Motion to authorize the Town Manager and the Town Attorney to Advertise for a Public Hearing for the Disposition of Publicly Held Real Property.

Town Attorney – We just need direction to advertise next month for a public hearing.

Vice Mayor Gregory – Mr. Mayor, I will make a motion that we authorize the Town Manager and the Town Attorney to advertise for a public hearing for the disposition of publicly held real property.

Councilman Dr. Cook – 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, Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilman Pack 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 – Is there any further new business from Council? We will now move to Old Business. We do not have any tonight. We do not have a closed session. We are adjourned.

The meeting adjourned at 8:03p.m.



T. Carter Williams  
Mayor



Peter Stephenson, AICP, ICMA-CM  
Town Manager