

The Smithfield Town Council held its regular meeting on Tuesday, August 5<sup>th</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. Judy Winslow, Director of Tourism; and Mr. William H. Riddick, III, Town Attorney. There were five (5) citizens present. The media was represented by Ms. Abby Proch of The Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of August 5<sup>th</sup>, 2014. At this time, we will have members of Troop 7 lead us in 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. Our Town Manager will give us the Manager's Report.

Town Manager – Thank you, Your Honor. The July Activity Report was posted on Saturday morning. It was a little later than usual. We posted it on the Town's website also. We had a Pinewood Heights Management Team meeting regarding the final phases that we are entering for the planning grant. The meeting was this afternoon at 4:00 p.m. We will not have a Planning Commission meeting this month. However, for the first time in a few months, we have a Board of Zoning Appeals on Tuesday, August 19<sup>th</sup> at 6:30 p.m. and Board of Historic and Architectural Review at 7:30 p.m. The Town Council Committee meetings will be held at 4:00 p.m. on August 25<sup>th</sup> and 26<sup>th</sup>. There is one new business item listed regarding the Town Council meeting in October. There will be a conflict due to the Virginia Municipal League Annual Conference. So far, there are three Council members and I signed up for it that is why we have it on the agenda for your consideration toward the end of the meeting. We need to have a brief closed session this evening. On a final note, if you were signed up for the old Isle of Wight Alert System you will need to go back into www.iwalert.net to sign up again to receive emergency notifications. It has to be done by the middle of September.

Mayor Williams – Does anyone have any questions? Hearing none, we move to Public Comments. The public is invited to speak on any item except public hearing items. We do have someone signed up.

Ms. Hill – Good evening. My name is Tina Hill. I live at 150 Riverview Avenue. I have new photographs which show very little change on Washington Street. In May I had a response the next week that the property on Washington Street would be worked on during the second week of June. Nothing has happened in June or July. A few days ago the land was graded. This property on Washington Street is an eyesore for historic Smithfield. It has broken windows and open access. The garage door is wide open. The glass is broken and cables are coming out of the window. This is not the picture that I see of the Town of Smithfield at all. I pay tax dollars just like everybody else in town which is not even my big concern. My concern is the safety of our community. There are raccoons and birds in and out. There are children in the neighborhood that should not have the temptation to go in and snoop around. It does not represent the Town of Smithfield. I like to think that my tax dollars, the codes, and the policies that I have to follow should have to be followed by everybody in town. The house on Riverview in the very last picture shows a wide open door. It has been broken in. It has been like that for over a month. I looked at the July 29<sup>th</sup> Public Buildings and Welfare Committee meeting minutes. It is truly derelict which was quoted correctly. Mr. Hopkins reported that there was a letter going to the owner. The owner replied that around the 16<sup>th</sup> they would put it on the market. They are just going to try to sell it. It is the largest birdhouse that Smithfield has which is sad. No one is going to buy it. You would be more apt to destroy it. I have heard from a Council member that you will not destroy it because there is asbestos in it and there is no money to do it. I have been told to talk to the Board of Supervisors. Do I go to a court to fight this? I have come here and nothing has happened. The Washington Street house was going to be worked on according to the report. The grading of the ground is all that has been done which is supposed to be for scaffolding. It is an eyesore. It is unsafe. It is going to fall down before he works on it probably. It is not to code. On the 16<sup>th</sup>, I understand that a letter will go out and that they have ten days to comply. If they do not comply, they will get a misdemeanor. I guess they will put it on the market. I need action from the Town of Smithfield. It is just not fair. We tried to sell our house a year and a half ago. We were trying to buy something within

the town. I had more traffic on Riverview than I have ever had. As soon as people got to Riverview and saw that house they turned around. My realtor said that no one else has had that kind of activity as far as calling to see the house. I did not have a single person walk into my home. What you see is a gray house that has been vacant for at least seven and a half years. If someone is going to work on it then work on it. If not, I think we have to go another route. I need to know what my other options are. It is not fair to me, my neighbors, or the children. We owe our community and our taxpayers a better result.

Mayor Williams – Thank you, Ms. Hill. We will get in touch with you. Would anyone else like to speak? Seeing none, we will move to a Briefing by Mr. Al Casteen, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Casteen – Good evening, Mr. Mayor and members of Council. The Board authorized the contribution of the museum fund allocated cash and gift shop inventory to the Town of Smithfield. The Board adopted a resolution to provide for the semi-annual billing of tangible personal property taxes. The Board voted to authorize the appraisal and sale of the old Isle of Wight Rescue Squad building to the Town of Smithfield. The Facilities Use Agreement with each of the fire and rescue departments has been signed by five of the seven volunteer organizations as of the July 17<sup>th</sup>, 2014 regular meeting. The Board voted to rescind the earlier action that provided a voluntary boundary line adjustment along with other related items with the Town of Smithfield. Does anyone have any questions?

Councilman Pack – The Board voted to authorize the appraisal and sale of the old Isle of Wight Rescue Squad building to the Town of Smithfield. The provision called for the County getting an appraiser, the town getting an appraiser, and the rescue squad getting an appraiser. At the Intergovernmental meeting we discussed about that being ineffective. Have we come to an agreement that the County and the town can agree on one appraiser?

Supervisor Casteen – I do not know if we came to an absolute agreement at the Intergovernmental meeting. We discussed it at our Board meeting as well when we took action. In our meeting there was some concern about having the property appraised which would be expensive. We realized that it boiled down to just having the building appraised. You do not need to have a full appraisal done because the land is not

involved in the transaction. I think we are headed towards just having one mutually agreeable appraiser. The issue really is just having the building appraised. You do not need to spend money to have the land appraised. The location is the most important thing in real estate value, is it not? That is not involved in this case. It is just purely the building. It is a unique situation in my mind. We will get down that path together. Does that answer your question adequately?

Councilman Pack – The question was whether we were going to use one appraiser or three appraisers.

Supervisor Casteen – I believe, speaking for me, that we will have one appraiser.

Councilman Pack – The Board voted to rescind the earlier action that provided a voluntary boundary line adjustment. My question is not why you did that because that does not matter. When we were going through the museum process you all came along with Ms. Seward and spoke of how we all need to work together and restore the faith in the town and county relationship. We agreed that it was a really good idea and important that we work together. The next thing we know as soon as the museum passes and a month goes by we get a letter from the County saying that they agreed to this but now we no longer agree to it. I am sure you have your reasons. They are probably valid reasons. Why did we not sit down and be told what was going on? Why not talk about it and be told the reasons instead of getting a letter from the Board of Supervisors saying that we agreed to it but now we do not.

Supervisor Casteen – I want to be clear. Are we talking about anything having to do with the museum or not?

Councilman Pack – No sir. The spirit of the museum was that we were all going to work together.

Supervisor Casteen – Sure.

Councilman Pack – A month later there is no working together.

Supervisor Casteen – I beg your pardon Councilman Pack. We had an Intergovernmental meeting, did we not? Vice Mayor Gregory told us specifically that within thirty days we would know where this thing was going to go at the Intergovernmental meeting. We were advised that the property was not going to work at Great Springs Road.

Councilman Pack – Correct.

Supervisor Casteen – They said it could not be done. If it cannot be done then we do not have any choice but to rescind the whole thing. It is all one piece. It was all one action.

Councilman Pack – I disagree with that.

Supervisor Casteen – We did not pass three or four things.

Councilman Pack – You are missing the point. The point is there was no communication or working on this together. Instead we get a letter that says this is done and we have changed our mind. It included not only Great Springs Road but the property on Battery Park and Nike Park Road.

Supervisor Casteen – Again, it was one action. We passed it well over a year ago. It was never recorded. It did not happen. It did not occur for whatever reason. Our attorneys for whatever reason did not do it. I was fussing with our attorney about why it was not done. We were advised that there was a hold up. We were advised that it was not going to work so we did not have a choice. It was not a matter of not working with you. We could not do what we said we could. Nobody bothered to record it. If it had been recorded or something done differently then maybe it could have gone another way but that did not happen. We are back to where we were. We can still talk about whatever you want to talk about. It was one action Councilman Pack. It was not an effort to try to blind side you in any way. We did not have any options. I do not want you to think we are not trying to be cooperative.

Councilman Pack – That is my opinion Supervisor Casteen there was no communication at all between the town and the county.

Supervisor Casteen – It was not the intent at all. It was not the case in the view of the Board. We were not doing that in any manner.

Councilman Pack – I feel like this Council has really stepped forward and made an effort. You have a new administrator in there. She made the effort to say that we should work together and then there was not a phone call made to say that they needed to rescind it. There was nothing. There was just a letter saying you all were done.

Supervisor Casteen – We were notified that it was not going to happen.

Councilman Pack – I do not even believe that decision has been made.

Supervisor Casteen – I beg your pardon. Mr. Riddick, did you not say that?

Town Attorney – Mr. Casteen that is not true.

Supervisor Casteen – Oh, I see.

Town Attorney – Everything you said is completely incorrect.

Supervisor Casteen – Okay then correct it.

Town Attorney – I am going to correct you right now.

Supervisor Casteen – Thank you.

Town Attorney – We had a meeting. At that meeting, Vice Mayor Gregory and the Mayor said that the Great Spring component was not going to happen because of topographical issues and other issues to do with the ball fields.

Supervisor Casteen – That is how I remember it.

Town Attorney – Everyone said that it was fine and we could just take that off the table. Nobody ever said that the Battery Park Road boundary line component was off the table until we received a resolution from the Isle of Wight County Attorney that said that you had taken this action. I asked him what happened and how did the train go off the tracks because we had not talked about rescinding the boundary adjustment for Battery Park Road. The reply that I received was that I would have to talk to the Board about that. So that is all we know. The Battery Park Road deal was a done deal. We were exploring Great Springs Road because of the ball field concept. From day one we kept everyone informed through the County attorney and through staff that there was a problem with this. There have been numerous discussions by these gentlemen with you and others about the status of the ball fields but now everything is off the table. As Councilman Pack said there was not any notice about this. We just received a resolution that says you have changed your mind. It seems to me that the appropriate thing to do would be to pick up the phone and say we need to talk about where we are going with this. That is not what happened. We just got a resolution that said the deal is done. The deal is not done. It came as a tremendous surprise certainly to me and I think to Town Council but they can speak for themselves. To say that it is an impossibility is not true. I had conversations with the County attorney about doing a new hearing. We planned to amend the agreement and go back to where we were the first time and include the Battery Park Road property. There were discussions about that. Somewhere it got off the track and we do not know where.

Supervisor Casteen – You will recall at the Intergovernmental meeting that we mentioned and discussed that the whole action including Battery Park Road, ball fields,

and financing was in one motion. It was in one action, Mr. Riddick. I am sorry that you are shaking your head in disagreement but it was in one action. I was there.

Town Attorney – I was there too.

Supervisor Casteen – You were at our meeting.

Town Attorney – I was at the Intergovernmental meeting. I remember what was said. We probably have minutes from the meeting.

Supervisor Casteen – It was one action, Mr. Riddick. I was there when we voted for it. I made the motion.

Town Attorney – You are splitting hairs here. What we are talking about is that there were two components to this which is Battery Park Road and Great Springs Road. Great Spring was added on later because of the ball fields. When we talked at the Intergovernmental meeting we let you know that the Great Springs component was probably going away. There was never any discussion that the whole thing was going to go away. We had no reason to believe that there would not be an action to pursue the Battery Park Road. Something has changed. We just wonder why there was not a discussion about that before it came to us in a resolution. I was shocked frankly.

Supervisor Casteen – I am sorry to have shocked all of you.

Town Attorney – Well you did.

Supervisor Casteen – Again, I am sorry to have shocked you and apparently upset some of you. It was not our intention. We had one motion that I made that encompassed the whole deal all in one stroke. We were told that when that was not going to fly that we had to rescind the entire motion.

Councilman Pack – The whole point was not about why, how, or what. Why did we not talk? We are trying to build a relationship with the County and nobody is talking which is where my problem lies. Pick up the phone. Our Town Manager is in the office every day. I live across the street from you. All we have to do is have a little bit of communication so that stuff like this does not happen whether it was all one thing or not.

Supervisor Casteen – We did not have any choice. If you are not going to use the ball field then we had to rescind that motion in its entirety.

Councilman Pack – Then why did someone not say that we had a problem?

Supervisor Casteen – We did not have any choice I thought you understood that. We talked about this before. It had been mentioned before. It has been brought up

considerably in our discussions. It is just what it is. It was not a matter of trying to do something contrary. I am sorry but that is what we did.

Mayor Williams – We are splitting hairs here. We can go back and forth all day long. We will pull the minutes to see where we are with this and who said what and when.

Councilwoman Tynes – I agree with Councilman Pack. The County has been transparent with the town since I have been on the board. You come to tell us what is going on. After the Intergovernmental meeting the Mayor explains to us what is going on. I am not on that committee and have not been to a meeting. After Town Attorney meets with the County attorney he explains to us what has happened. It is what we ask of you as the representative for the Smithfield district. We are not asking why you did it or the reasons. If something comes up that you think the Council may have a concern about then just give the Town Manager or the Town Attorney a call. You could let us know that something is coming up so we can come to the meeting. We have an agenda prior to our meetings. I may call a citizen to let them know that something is on the agenda about their community in case they want to come to the meeting. It is all we are asking Supervisor Casteen. We are not trying to get into arguments about why the Board made the decisions that they made. We would just like some type of advanced notice so that we do not read it in a letter.

Supervisor Casteen – I am sorry that you feel that you were not appropriately notified.

Councilman Dr. Cook – I did not get a letter. I read about it in the paper. I think that is the most insulting thing about this whole thing. I found out a week later in the paper about what happened. I disagree with you when you say you cannot change it. You can always amend a motion or an agreement between us. We amended it to begin with by adding Great Springs Road so we could have subtracted it. I disagree completely with everything that you have said so far. How would you feel after one of our meetings we rescinded an agreement to provide water to the Rescue Squad? It would probably make you upset. Everyone is upset by what the Board of Supervisors did. I do not think there was a misunderstanding. I think we understood clearly what the County did. I hear your County Administrator crying over the fact that we need to work together. She is burdened with the debt that the County has taken on and trying to find

a way to get through it. I said then that I was skeptical about this cooperation because history has shown that there has not been a whole lot of cooperation from the County to the town. Now two months later it has come back full circle.

Supervisor Casteen – You do not think that we have been cooperative with the town for many years?

Councilman Dr. Cook – I do not think this action shows any cooperation.

Supervisor Casteen. – I think we have been cooperative for some time, Dr. Cook.

Councilman Dr. Cook - It would hurt nothing to have tabled that motion and say let us talk to the town to try to amend something. Instead, I read about it in the paper that you withdrew all of the County's donations for proposed ball fields and you completely rescinded the motion for the boundary line adjustment. The main object of that boundary line adjustment was the Scott farm at Battery Park Road and Nike Park Road which is now off the table. It might not happen now. We have gone to great lengths with the owners and the county to get that done. A lot of money has been spent to do that. The County without a bit of discussion has been wiped off the table. There is no love lost anymore.

Supervisor Casteen – Well, I do not agree Dr. Cook.

Councilman Dr. Cook – We are going to sit here and agree to disagree. You are going to defend your point. You have seven people here that disagree with you.

Supervisor Casteen – You are talking about the property on Battery Park Road. We were set to do Battery Park Road back when I was the Chairman no less. I was sending emails trying to get that done. You wanted to hold off until we can do it with the ball fields all in one motion. It has been delayed by the town all that time. It has been since 2012. We finally passed it last year and I might add on a very narrow vote of three to two of which I lead the charge, Dr. Cook. I led that charge to persuade my fellow Board members to do all of the above. We passed it. I spent a lot of political capital in support of our cooperation, mutual goals, and so forth. I had no clue that this was going to upset you all in any way. I am sorry. From our standpoint when the ball fields are not going to happen then we had to go back and rescind the whole thing.

Councilman Dr. Cook – No one said that the ball fields are not going to happen. They might not happen at that location.

Supervisor Casteen – Excuse me, that location. The initial ball field deal was going to be twenty acres then it turned out to be thirty acres we still went right along and cooperated. We made every effort. If they had gone along and not delayed this to pick up the ball fields back in 2012 when I was trying to get this done then the Battery Park issue would have been long gone before the ball fields ever got here but that is not the way it was done. It was held up by the town. I am sorry. You wanted to make it all one motion. You made it all one motion and we had to rescind it. I am sorry that you did not get appropriate notice. I did not have any idea that everybody did not understand that it was all one thing.

Vice Mayor Gregory – I would like to make one point. We have been in pretty good communication with the owner of the Scott farm. Not only the town but the property owner has money invested with this. If doing this differently or if even a phone call had been made saying that you were going to rescind this agreement what are the ramifications of that. Is it going to cost more money for us to go back and redo the Scott farm piece of this? Quite honestly the landowner was not in a rush. He wanted to get it done but no rush. Yet after spending two months working with the County Administrator and the Board on getting the museum done this felt like the thank you note. Thanks for helping with the museum but we are pulling the \$200,000.00 for the ball fields. It does not matter whether it will get done somewhere else or not. As far as the Scott farm too bad you missed the boat we are yanking all of it. We are not even going to call you about it. We will just put it in the Smithfield Times and let everybody read it and hopefully you get your copy. That is what it felt like. What was the vote on this?

Supervisor Casteen – It was 5-0.

Vice Mayor Gregory – It was 5-0. So I guess you ran out of political capital when you made that vote. You could stand up for it a couple of years ago but you could not stand up for it now.

Supervisor Casteen – No, you do not understand. I do not understand this whole thing. When you take a vote to pass anything at all you vote on it and it is done. It is inactive, right?

Vice Mayor Gregory – Sure.

Supervisor Casteen - If you change your mind on that one thing then you have to rescind that one thing.

Councilman Dr. Cook – Or amend it.

Vice Mayor Gregory – I do not have to vote on everything that is in that motion. I can vote to remove one piece out of that vote. If I vote on something that has five components and I do not agree with one of those components I do not have to reverse all five components. If you are going to sit there and make that case tonight then I think you will lose that argument 7-1. It does not make any sense. In what Robert's Rules of Order or what universe do you have to rescind everything you have ever done just because it was involved in one vote? I cannot even understand how that argument works. I do not get that at all.

Supervisor Casteen – It was one action. We were advised that we had to reverse the one action. We said in the Intergovernmental meeting that it was one action. It is the way we viewed it and the way we acted. If that is wrong then we are wrong. I am sorry to carry on and on. I am sorry that you all felt overlooked.

Mayor Williams – We can have further discussions on this. I would like to tell the rest of the Town Council that I met with Mr. Bailey, Mr. Casteen, and Mrs. Darden and they never gave me a reason. I would like to reiterate that we spent \$32,000.00 on that property to find out that we could not put the ball fields there. We had a good faith effort in it, Supervisor Casteen.

Supervisor Casteen – We understand that.

Mayor Williams – I have one last comment, Supervisor Casteen. The County is going to do the maintenance on the museum? You have \$30,000.00 in the budget.

Supervisor Casteen – I believe so.

Mayor Williams – The clock in front of the museum is broken. Can you fix it?

Supervisor Casteen – We will see what we can do about that.

Mayor Williams – Thank you. We appreciate it.

Supervisor Casteen – Again, I am sorry that Council feels that they were not properly notified. I thought it was understood.

Mayor Williams – Next we have Council Comments. Does any member have any comments?

Councilwoman Tynes – Before we move to Council comments I do have a public comment. All of you received an invitation to the Isle of Wight County Schools. They would really like to have everyone out that morning if you are available. It is an

opportunity to meet the new staff and the returning staff for the Isle of Wight Public Schools. We would like for the public officials to be there including the Town of Smithfield, Town of Windsor, and Isle of Wight County. If anyone in the audience would like to come you are welcomed also. It is August 22<sup>nd</sup> at 8:15 a.m. there will be a vendor section there starting at 8:15 a.m. The actual program will be in the auditorium starting at 9:30 a.m. If you have time, please come out. A lot of the staff and teachers do not live in the county so we would like for them to meet all the officials.

Mayor Williams - Are there any other Council comments? I am very pleased with the Council turnout on "National Night Out". It was very well attended. For the people who are here and do not know that is why we are dressed in shorts tonight. I appreciate all of the Council members that attended the event. I visit the 7-Eleven on South Church Street very often. The owner of the 7-Eleven franchise is Mr. Mike Smith. All of the 7-Elevens in the United States including Canada participated in a National Hot Dog Eating Day on July 23<sup>rd</sup>. The 7-Eleven in Smithfield on South Church Street was number one in the country for selling the most hot dogs.

Councilman Pack – Who was number two?

Mayor Williams – Los Angeles was number two. The man that had the franchise before Mr. Smith now lives in Suffolk. He was number four when he owned it. I think that says something. Please put that in our archives Ms. Winslow. Also, the Smithfield Volunteer Fire Department purchased the hats that Council so graciously donated the funds for. They have given all of us hats.

Councilwoman Chapman – I wanted to mention that the Ms. Winslow, Director of Tourism and her staff had a celebration last week for Mr. Skip Sharpley for his 80<sup>th</sup> birthday. Some of us were there. I wanted to tell Ms. Winslow how much it was appreciated by everyone and especially by Mr. Sharpley. He does so much for our community including all of the tents tonight at the "National Night Out". It was so nice to recognize him.

Ms. Winslow – I figure that over the years Mr. Sharpley has saved us literally tens of thousands of dollars.

Councilwoman Tynes – Did they send an invitation to all of the Town Council or just certain people. I did not get an invitation.

Councilwoman Chapman – The whole Town Council was invited. The Town Clerk sent it out.

Councilwoman Tynes – I did not get it. We will have to work on my emails.

Mayor Williams – Are there any other Council comments? Hearing none, we move to the Summary of Consent Agenda. We have twelve items on the consent agenda. Would any Council member like to pull any of these items?

Councilman Smith – I would like to pull item C-11 from the consent agenda.

Mayor Williams – Item C-11 is pulled. Are there any others? We will now have the summary of these consent agenda items. We will begin with Police Committee Chair, Councilwoman Tynes.

Councilwoman Tynes – Police Committee Summary. Thank you, Mayor. The first item is a resolution for street closure request for one way traffic on Jericho Road for Bacon Festival, September 27<sup>th</sup>, 2014 from 7:00 a.m. until 5:00 p.m. at Windsor Castle Park. The next item is a resolution for street closure request for the Hog Jog, Saturday, October 11<sup>th</sup>, 2014. This is something that we have every year. There are quite a few streets that will be closed. It includes Commerce Street, Main Street, Cedar Street, South Mason Street, Hill Street, South Church Street, Jericho Road, Underwood Lane, Cary Street, Grace Street, James Street, Washington Street, North Mason Street, Thomas Street, and Luter Drive. It is just about every street in the downtown historic area. The next item is a motion to authorize the Town Manager to order four budgeted patrol vehicles for the Police Department. The reason we will get all four together is because they are discounted at this time of the year. We will be able to get the cars that we need ahead of the larger cities.

Chief Bowman – In addition to that if we buy them this time of year then we are buying one year older vehicles.

Councilwoman Tynes – They are new vehicles but we get them at the end of the year before the new ones come out. The next item on the agenda is a motion to accept proposal for the budgeted new phone system for the Smithfield Police Department. The system that we have right now is so old that we cannot get any parts for it. Hopefully, we will authorize that tonight.

Mayor Williams – Next is Water and Sewer Chair, Vice Mayor Gregory.

Vice Mayor Gregory – Water and Sewer Committee Summary. We have a motion to replace a pump at the Lakeside Pump Station. We were presented a couple of alternatives. The best option is to replace the pump instead of trying to replace the parts on the pump.

Mayor Williams – Next we have Finance Committee Chair, Councilman Pack.

Councilman Pack – Finance Committee Summary. We have invoices over \$10,000.00 which requires Council's authorization. The first invoice is Caldwell Tanks for \$25,823.29. This is a quarterly payment that we make to them for repairs, maintenance, and preventative maintenance for our various water towers throughout the county. There was a bit of discussion on this at committee level. The Public Works staff is happy with the work being performed. The next item is to the Smithfield Volunteer Fire Department for \$24,294.00 for pass through funds through the state. The state gives us the money and we pass it on to the fire department. The next two items are with USBancorp and USBank. They are both principal and interest payments on the Reverse Osmosis Plant. The USBank invoice of \$215,337.50 is for our principal that is roughly three times our interest. We make these payments every six months. Our principal is \$165,000.00 and the interest \$50,337.00. I always like to look at that. We are making some ground with those. Our final item is to Isle of Wight County for an agreement that we made to the Commonwealth Attorney's office to help them fund a new software system. We agreed to this some time ago. We are going to stick to our word and give the County the money. The next item is C-7 a resolution to renew credit lines with Farmers Bank and Towne Bank. We have two credit lines outstanding with the banks both at a million dollars apiece. We did not use them last year. If we need them then we will have them. The final item is a motion to renew the vehicle maintenance contract with Dave's Service Center for one additional year. The town has been happy with the service they have received from them. Dave's Service Center is keeping individual maintenance records on each vehicle so that we know what is done with each as we progress along.

Mayor Williams – We now move to Parks and Recreation Committee Chair, Councilwoman Chapman.

Councilwoman Chapman – Parks and Recreation Committee Summary. We have a resolution to authorize partial closure at the Windsor Castle Park Trails on September

27<sup>th</sup> for the Bacon Festival that will be from 9:00 a.m. to 5:00 p.m. We also request to close the fishing pier beginning on Wednesday, September 24<sup>th</sup> through September 27<sup>th</sup> for the Bacon Festival.

Mayor Williams – Next we have Public Works Committee Chair, Councilman Smith.

Councilman Smith - Public Works Committee Summary. We have a motion to award a debris removal contract to Smithfield Services and Goodrich and Son's. They have done their job properly in a timely manner. This is just for debris removal for storms and related items such as clearing of outfall ditches and so forth. We are happy with their work and would like to see their contracts renewed.

Mayor Williams - Next is the Public Buildings and Welfare Committee Chair, Councilman Dr. Cook.

Councilman Dr. Cook – Public Buildings and Welfare Committee Summary. We have a resolution to accept deeds for 47 Carver Avenue and 51 Carver Avenue which is part of the Pinewood Heights Relocation Project.

Mayor Williams – Do I hear a motion for items C-1 through C-12 omitting item C-11?

Councilman Smith – I would like to make a motion that we approve the consent agenda as presented except C-11.

C1. Resolution Street Closure Request for One Way Traffic on Jericho Road for Bacon Fest, September 27<sup>th</sup>, 2014 from 7 a.m. to 5 p.m.

C2. Resolution Street Closure Request for Hog Jog, Saturday, October 11<sup>th</sup>, 2014.

C3. Motion to Authorize the Town Manager to Order Four Budgeted Patrol Vehicles.

C4. Motion to Accept Proposal for Budgeted new Phone System for the Smithfield Police Department.

C5. Motion to Accept the Proposal (Alternate #2) Pump Replacement at Lakeside Pump Station.

C6. Invoices Over \$10,000 Requiring Council Authorization.

- |   |              |
|---|--------------|
| a. Caldwell Tanks                       | \$ 25,823.29 |
| b. Smithfield Volunteer Fire Department | \$ 24,294.00 |
| c. USBancorp                            | \$ 84,150.83 |

- |               |              |
|---------------|--------------|
| d. USBank     | \$215,337.50 |
| e. IOW County | \$ 10,500.00 |

C7. Resolutions to Renew Credit Lines with Farmers Bank and Towne Bank.

C8. Motion to renew Vehicle Maintenance Contract with Dave's Service Center for One Additional Year.

C9. Resolution to Authorize Partial Closure of the Windsor Castle Park Trails on September 27<sup>th</sup> from 9 a.m. until 5 p.m. and Fishing Pier Closure Beginning Wednesday, September 24<sup>th</sup> thru Saturday September 27<sup>th</sup> for Bacon Fest.

C10. Motion to Award Debris Removal Contract to Smithfield Services and Goodrich and Son's.

C11. Pulled from Consent Agenda.

C12. Resolution to Accept Deeds from 47 Carver Avenue and 51 Carver Avenue of the Pinewood Heights Relocation Project.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded to approve the consent agenda items C-1 through C-12 excluding C-11 which was pulled. Are there any further questions or comments? 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 have a Public Hearing: Property Swap with Smithfield Foods. We have a staff presentation by our Town Attorney, Mr. William Riddick.

Town Attorney – Mr. Mayor and members of Council tonight we have advertised a public hearing for the disposition of real property owned by the Town of Smithfield. Before you is a plat that shows an additional area of 1.87 acres it is immediately behind the Smithfield Center. The majority of this property is marshland. There is a portion at the top right corner of the plat that is high land. Smithfield Foods is proposing to build a new parking lot in that location. We have been in negotiations with them. They have agreed to a property swap. The swap would be that the town would get the old V. W. Joyner property on Main Street. We deem those properties to be roughly equal in value

and certainly this piece of property here is not of any benefit to the current facility. It provides much needed parking for Smithfield Foods. The town has been using from time to time the old V.W. Joyner field for different functions and events throughout the year. The discussion about the swap has been under way for quite some time but now they are ready to move. We have advertised it and tonight you have public hearing to receive public comment on disposition of this property as part of the swap.

Mayor Williams – Are there any comments from Council?

Councilwoman Tynes – I agree with everything that our Town Attorney said. When I first came on Council they were discussing this swap. Downtown does not have anywhere to expand as far as parking other than that piece of property. We do not have the funding to put parking here. I think we are getting a good deal out of this.

Mayor Williams – I now declare the public hearing open on the property swap. We have one sign up. Mr. Rick Bodson.

Mr. Bodson – Thank you, Mayor. I am here representing Smithfield 2020 in support for the proposed land swap. On behalf of the team, we want to communicate that here is a good example of the cooperation that has gone on historically between the town and the corporation. This is an obvious exchange of properties which is beneficial to both parties. I realize that the public hearing and the motion is not to address future use of the property but the benefits to the town in owning the Joyner's field is apparent. It gives the town the opportunity to develop it however they see fit with possible input from advocacy groups in the town. For the other side of the swap several other economic vitality initiatives are going on in the 100 block of North Church Street as well as Wharf Hill. Parking is an issue everywhere in town. There is at least one merchant who has been a bit vociferous in expressing some concern about parking during the weekend. This will eliminate some of that and should be welcome by both current and future enterprises close to this lot. At the request of the Smithfield 2020 team I encourage you to vote favorably for the action that is before you.

Mayor Williams – Thank you, Mr. Bodson. Is there any other person who would like to speak? Seeing none, I declare the public hearing closed. We will have consideration by Public Buildings and Welfare Committee Chair, Councilman Cook.

Councilman Dr. Cook – We are considering the swap. Councilwoman Tynes, would you like to say anything else to finish your comments?

Councilwoman Tynes – No. I just agree with the swap.

Councilman Dr. Cook – Does anyone else have any comments?

Town Attorney – I have a suggestion if you are going to make a motion. If this is something that you want to do then you need to approve the disposition of the real estate to Smithfield Foods as part of a reciprocal exchange of properties. This property would be exchanged for the old V. W. Joyner site. It needs to include a provision to authorize the Mayor to execute a deed and authorize the town to accept a deed. It is complicated and I do not mean for it to be.

Councilman Dr. Cook – So moved.

Councilwoman Tynes – Second.

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

Mayor Williams – Next is an Ordinance to Establish Stormwater Fees.

Councilman Smith – This is an ordinance to establish fees for controversial stormwater regulations. The town has agreed to take over residential stormwater fees and oversights with fees being with in line of the state's fees. There is a \$150.00 fee which is an agreement in lieu of an erosion control plan and a \$300.00 fee which is a state guideline as submitted for an application for a zoning permit for residential erosion and sediment control inspections. This involves us directly with the town. These fees are kept by the town. They are monitored and inspected by town staff. I would like to make a motion to approve the ordinance to establish stormwater fees.

Councilwoman Chapman – Second.

Mayor Williams – A motion has been properly made and seconded to approve the ordinance to establish stormwater fees. Is there any further discussion? Roll call vote.

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

Mayor Williams voted aye. There were three votes against the motion. The motion passed.

Mayor Williams – The motion passed 4-3. The next item is C-11 a Motion to Authorize Signage for Two Hour Parking Restrictions along Wharf Hill which was pulled from the consent agenda.

Councilman Smith – This item is concerning the parking at Wharf Hill for signage restrictions for two hour parking. We have further information that we need to discuss and bring back to Committee regarding this. We have meetings set up addressing this. We have actions and information by the Town Manager that needs to be addressed. I would like to take it back to committee meetings this month. I would like to make a motion to defer it back to Public Works Committee for further study on Tuesday, August 26<sup>th</sup>, 2014.

Councilwoman Chapman – Second.

Councilman Pack – What is the urgency to the tenant that brought this to our attention to have this decided? Do we have time to take it back to Committee?

Councilman Smith – Yes we do. We have time for that. We feel like we have not been fair to some of the neighbors and also to people that park there that we actually created extra parking for in lieu of them trying to make arrangements for additional parking in the future which is Smithfield Foods. They are pursuing their needs to do that. I do not see the rush to have this done immediately. It is not going to solve anything but maybe give us some heartache with Smithfield Foods by taking away these extra parking spaces. There are about eight spaces there that are constantly used by Smithfield Foods. Mr. Hopkins said that there are only possibly two spaces available at the top of the hill that they might park in. We are already seeing parking problems down there where they are parking on private property to accommodate their needs to go to work. I do not think that thirty days is going to make or break anybody on this. I do know that after five o'clock that hill is completely vacant. It is mostly Smithfield Foods people and local residents that park there. I think we have time. Out of consideration for the residents and Smithfield Foods I think we need to bring it back to Committee to revisit it.

Mayor Williams – Is there any further discussion? The motion is to defer it back to the Public Works Committee later in this month. 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.

Mayor Williams – The next item is a Motion to Approve the Town Council Meeting Minutes of July 1<sup>st</sup>, 2014.

Town Attorney – I read the minutes and cannot find anything that I would recommend to be changed. I recommend the minutes be approved as presented.

Councilwoman Tynes – So moved.

Councilman Pack – Second.

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

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 – Next we have New Business. We have an October Council Meeting Date Change. We need to move our Council meeting to October 8<sup>th</sup>, 2014 because the VML Conference is October 7<sup>th</sup>. I would like to see everyone go. It is a good learning experience. If you change your mind we would love to have you. We are moving the date by one night. Do I hear a motion?

Councilman Smith – I would like to make a motion to approve the October Council Meeting date to October 8<sup>th</sup>, 2014.

Vice Mayor Gregory – Second.

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

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 - Is there any other new business?

Vice Mayor Gregory – It was brought to my attention by two people today that the Smithfield Ruritan Club was a week or two late with an application for the Ruritan Car Show for Town and Country Day. They were declined. I promised I would bring it up tonight. The Council may consider it since it has been here a decade or more. From a timing perspective if they are going to be able to participate then they need to be able to prepare for it. If it going to stay the way it is then that is the way it is. One of the individuals that brought it to my attention is a restaurant on Main Street. They were concerned that may reduce their level of foot traffic of people will want to eat during that day. We have so much going on the Country Q, Souper Saturday, Hog Jog, and the car show has always been a part of that.

Councilwoman Tynes – I thought when it was originally brought to Committee that the car show was included.

Mayor Williams – It was but they failed to turn in their application.

Vice Mayor Gregory – They turned it in after the deadline.

Mayor Williams – I would like to hear from Ms. Winslow, our Director of Tourism, first to find out why they were declined before we overstep some boundaries. Where did Ms. Winslow go?

Councilman Dr. Cook – She went next door to the theatre.

Mayor Williams – It is under new business. Do we have any Old Business?

Chief Bowman – Ms. Winslow will be right back.

Councilwoman Tynes – While we are waiting, I would like to thank the individuals who organized “National Night Out”. I think it was the YMCA.

Councilwoman Chapman – It was actually the Police Department, Mr. Kurt Beach, and the Smithfield Crime Prevention Committee.

Councilwoman Tynes – I would like to thank them again for organizing that.

Town Manager – We had a lot of good sponsors and volunteers. The Kiwanis Club helped too.

Vice Mayor Gregory – Ms. Winslow it came to my attention that the Ruritan Club brought their car show application in but it was late so it was denied.

Ms. Winslow – I am not sure if it was because it was late. We were told by Ms. Julia Hopkins in February that the Ruritan Club was not going to do the car show this year. They were looking at doing a rodeo instead as a fundraising effort. Another group

decided that they wanted to utilize that day for their car show. They put a special event application in and it was approved.

Vice Mayor Gregory – So there will be a car show?

Ms. Winslow – Yes. There will be different sponsorship.

Mayor Williams – Are you allowed to say who that is?

Ms. Winslow – It is Toys for Tots. They are the same people that do the car show during Olden Days.

Mayor Williams – Thank you. Our next item is a Closed Session.

Town Attorney – We need a motion to go into a closed session for the purpose of discussing personnel matters and a briefing as to potential threat and litigation with respect to the South Church Street Project.

Councilman Dr. Cook – So moved.

Councilman Pack – Second.

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

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.

*Town Council went into closed session at 8:34 p.m.*

*Town Council went back into regular session at 9:09 p.m.*

Town Attorney – We need a motion to go back into open session.

Vice Mayor Gregory – So moved.

Councilwoman Chapman – Second.

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

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.

Town Attorney – Mr. Mayor, we need a motion that during the closed session there was only a discussion of a personnel matter and a briefing as to potential threat

and litigation in particular the South Church Street Project and the disposition of publicly held real property pursuant to Section 2.2-3711.A.1, 4, and 7 Code of Virginia

Councilman Pack – So moved.

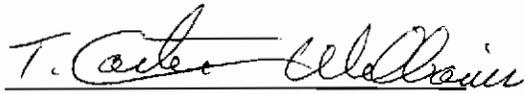
Councilwoman Chapman – Second.

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

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 – Is there anything else to come before Council tonight? We are adjourned.

The meeting adjourned at 9:10 p.m.



T. Carter Williams  
Mayor



Peter Stephenson, AICP, ICMA-CM  
Town Manager