

The Smithfield Town Council held its regular meeting on Tuesday, January 4th, 2022. The meeting was called to order at 6:30 p.m.

Members present:

T. Carter Williams – Mayor
Michael Smith – Vice Mayor
Beth Haywood
Wayne Hall
Renee Rountree

Members absent:

Randy Pack
Valerie Butler

Staff present:

Michael Stallings - Town Manager
Lesley King – Town Clerk
Ellen Minga – Town Treasurer
William H. Riddick, III – Town Attorney
Alonzo Howell – Chief of Police
Tammie Clary – Community Development & Planning Director
Ashley Rogers – Human Resource Director
Chris Meier – Deputy Chief for the Smithfield Police Department
Jack Reed – Director of Public Works and Utility
Kelly Confalone – Officer for the Smithfield Police Department
Eric Phillips – Lieutenant for the Smithfield Police Department
Sam Johnson – Officer for the Smithfield Police Department
Alan Lester – Officer for the Smithfield Police Department
Charles Bryan – Vice Chairman of the Planning Commission

Press:

Stephen Faleski – The Smithfield Times

Citizens: Approximately 7

Mayor Williams welcomed everyone to the meeting, wished everyone a Happy New Year, and all stood to recite the Pledge of Allegiance.

Swear-In Smithfield's newest Police Officer, Kelly Confalone

The Town Manager invited the Smithfield Police Department's Police Chief to the podium to swear-in their newest police officer. Chief Howell asked Kelly Confalone to join him at the podium to be recognized. He reported that Officer Confalone was previously an officer at the Poquoson Police Department, and before that worked for the Sheriff's Office in Hampton. He stated that they are pleased to have her join the ranks of the Smithfield Police Department.

Lesley King, Town Clerk, joined them at the podium and completed Officer Confalone's swearing in.

Chief Howell addressed Officer Confalone, stating that the badge given to her was symbol of the public's trust. He stated that she is a certified Officer in the State of Virginia, and that she has joined the ranks of the Smithfield Police Department. He stated that public trust was near and dear to the department's heart. He challenged Officer Confalone to honor the badge and in doing so honoring the public's trust. He asked her to wear the badge with pride, honor, and dignity. He offered his congratulations and presented her with her badge.

Officer Confalone thanked Chief Howell and stated that she accepted the challenge.

Manager's Report:

The Town Manager stated that included in the packet were activities from the previous month. He stated that if there are any questions, he would be glad to answer them. There were no questions from the Council.

Upcoming Meetings and Activities:

- January 4 - 6:30 p.m. – Town Council Meeting
- January 11 - 4:00 p.m. – Pinewood Heights Management Team Meeting
- January 11 - 6:30 p.m. – Planning Commission
- January 17 - Town Administrative Offices closed for Martin Luther King, Jr. Day
- January 18 - 6:30 p.m. – Board of Historic and Architectural Review
- January 24 - 3:00 p.m. – Town Council Committee Meetings (Consecutive)
 - Public Safety Committee
 - Water and Sewer Committee
 - Finance Committee
 - Parks and Recreation Committee
 - Public Works Committee
 - Public Buildings and Welfare Committee

Public Comments:

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

There were no public comments.

Briefing by Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District:

Supervisor Grice started by reminding the Council that the Smithfield District was now named "District 5." He reported that since the last session the County held a joint work session and regular monthly meeting on December 9th. During the work session the Board of Supervisors received an update on the Strategically Targeted Affordable Roadway Solutions (STARS) project and Nike Park Road extension. Mr. Grice reported that the project is now fully funded and moving forward. He added that actual construction would start in about 2 years after engineering and environmental work had been completed.

Supervisor Grice reported that the Board of Supervisors had asked the county attorney to draft a policy permitting the hunting of bear and deer with a rifle. He added that Isle of Wight County is one of the few counties in the state that does not permit it. The draft will be discussed this Thursday at the Board of Supervisors work session, and if an agreement is reached then a public hearing will be called for citizen input. He reported that the Board of Supervisors had discussed recruitment and retention ideas with the Sheriff. He added that out-of-the-box ideas are needed as government employees and volunteers are becoming harder to recruit and retain. The County does not have the funding available that Virginia Beach and larger Tidewater localities have and need to consider innovative programs to solicit applicants. He stated that the vacancies needed to be filled.

Supervisor Grice stated that the Board's Holiday celebrations were able to take place, which included the traditional County Wreath-hanging and Tree-lighting ceremony. He added that the County Fair Queen had assisted in the festivities and music programming had been provided by Isle of Wight Academy.

He continued that the celebration had been followed by the Board's Regular Session, during which they received the Board's by-laws and procedures, and received a copy of the recommended meeting schedule for 2022. The Organizational Meeting will take place Thursday at 11:00 am in the County Board Room. He added that recommended revisions along with voting of Board Officers will take place during the meeting.

Supervisor Grice reported that there were two Public Hearings at the session: the first for the sharing of space in the old Clerk's Office with the Isle of Wight Historical Society. There was no opposition, and the Society now has a home and antiquities storage space. The second public hearing dealt with the lease of property for agricultural purposes at the rear of the Isle of Wight EMS, leased to the Scouts through the Ruritans. He reported that there was no opposition, and the Board passed the lease.

Supervisor Grice reported that the Board heard the bids for the Hardy Elementary water tower, and the chosen bid came in at \$2.7 million. He reported that he is the Chair of the Tidewater Water Authority this year and other localities had expressed that they would like names of the contractors used for our water towers as they were paying much more for a 600,000-gallon tank. He added that getting the water tower completed on schedule would be a challenge due to the current demand of steel. They are hoping to have it in place by the opening of the new Hardy Elementary School in September next year. He thanked the Town again for assistance with the water line for the new Hardy School.

He reported that the final proposal of the counties new districts had been addressed by the Board at this session as well. He stated that the larger part of Smithfield Proper is now in District 5. This will be in place for the next 10 years. Supervisor Grice stated with the construction of Hardy Elementary School going over budget, the county is looking at a \$18.5 million bond issue this early Spring. Due to the current low rates, this was moved up from the planned bond in Fall of this year.

Supervisor Grice stated that the Board approved a proffered amendment for the Benn's Grant apartments, which included \$1 million for land and a water tower in the Benn's Grant area. He added that this was needed to strengthen water pressure in the area for future growth. It will be in the highest point in the north end of the county. He concluded by wishing everyone a prosperous New Year.

Ms. Haywood inquired as to what was the highest point in Isle of Wight County.

Supervisor Grice stated that if you go out to Benn's Church, it is very close to the highest point. He added that the water coming up the new portion of Route 10 must be pumped uphill. Placing a water tower in this area would create great water pressure.

Council Comments:

Councilwoman Rountree inquired if as a result from the meeting on December 22nd, had we had any talks about a joint meeting between the County and the Town to discuss the Luter's proposal.

The Town Manager stated that it was on the agenda and would be covered later in the meeting.

Consent Agenda:

C1. Motion to Approve Groundwater Withdrawal Permit Application and Water Treatment Facility Expansion Preliminary Engineering Report

The Water and Sewer Committee Chair, Vice Mayor Smith, reported that the committee recommended approval of the groundwater withdrawal permit application and water treatment facility expansion preliminary engineering report.

C2. Motion to Approve the Purchase of a Submersible Motor Replacement from Sydnor Hydro at the Crescent Pump Station

Vice Mayor Smith reported that the Water and Sewer Committee recommended approval of the purchase of a submersible motor replacement from Sydnor Hydro at the Crescent Pump Station.

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

Vice Mayor Smith, member of the Finance Committee, reported the following:

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| a. Allfirst, LLC (Electrical Upgrades for Arc Flash Requirements) | \$ 34,023.00 |
| b. Draper Aden Associates (Smithfield Lake Dam – Lakebed Survey) | \$ 12,368.50 |
| c. Lewis Construction of VA (emergency repair - Water Valve Replacement) | \$ 19,638.30 |

Additional Invoices rec'd since Finance Committee Requiring Council Authorization:

- | | |
|---|--------------|
| d. Core and Main (Budgeted – meters) | \$ 12,480.00 |
| e. Allfirst, LLC (replace (2) VFDs and 1 transfer switch at Main Street PS) | \$ 26,117.28 |

C4. Motion to Request the Closure of Town Offices from 9:00 a.m. to 12:00 p.m. on Thursday, January 27th, 2022, for an Employee Training Day

C5. Resolution to Close Windsor Castle Account with Towne Bank

C6. Motion to Authorize a Revised Amount of American Rescue Plan Act (ARPA) Funds used to Provide Public Wayfinding Signs

Vice Mayor Smith made a motion to approve the consent agenda items as presented. Councilwoman Rountree seconded the motion. Mayor Williams called for the vote.

On call for the vote, five members were present. Councilwoman Rountree voted aye, Councilman Hall voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

PUBLIC HEARING: Special Use Permit – 205 Chalmers Row

Tammie Clary, the Community Development & Planning Director, reported that the applicant is seeking approval to rent 205 Chalmers Row, which is an existing single-family residential dwelling, as a short-term and long-term rental property. According to the Smithfield Zoning Ordinance (SZO) Article 2.Z.1, short-term rentals as principal uses are permissible by Special Use Permit (SUP) only. She stated that no changes to the property are proposed to accommodate the short-term rental. Town staff has identified this property as operating as a short-term rental under the name Pigs Inn a Blanket on Airbnb; however, they are unsure when it commenced operations.

She added that at its Tuesday, December 14th, 2021 meeting, the Planning Commission favorably recommended this Special Use Permit Application to the Town Council for review and decision under the following conditions recommended by Town staff: approval should be conditioned on the applicant following the conditions outline in Article 2.Z.1.a through Article 2.Z.1.i., except for Article 2.Z.1.b.. Mrs. Clary added that these conditions do require a signed and notarized short-term rental affidavit ensuring compliance. She stated that Article 2.Z.1.a through Article 2.Z.1.i. followed the staff report in the packet.

Mrs. Clary reported that a positive aspect of the application is that it provides additional accommodations in the Heart of the Historic District. She added that the negatives including that this is not a by-right use and does require a SUP.

Mayor Williams asked if the Council had any questions for Mrs. Clary.

Councilwoman Haywood asked if Mrs. Clary had responded to the email that a neighbor had sent regarding concerns they had with the application.

Mrs. Clary stated that regarding the email that was sent to Ms. Haywood with concerns, that a second follow-up email had been received inquiring about the historic nature of the property and whether this would be an exception to Historic District guidelines. She added that she had let them know that this was a Special Use Permit for the property to be used as a short-term rental, and because it is located in the Historic District, they are still required to follow those guidelines.

Mayor Williams opened the public hearing and asked if anyone would like to speak for or against the disposition of property. Hearing none, he closed the public hearing, and it will move to council for consideration.

Vice Mayor Smith made a motion to approve the Special Use Permit for 205 Chalmers Row as presented. Councilman Hall seconded the motion. Mayor Williams called for the vote.

On call for the vote, five members were present. Councilwoman Rountree voted aye, Councilman Hall voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Motion to Approve the Town Council Summary Minutes of December 7th, 2021:

The Town Attorney recommended approval of the December minutes with minor revisions.

Councilman Hall made a motion to approve the minutes with minor revisions. Vice Mayor Smith seconded the motion. Mayor Williams called for the vote.

On call for the vote, five members were present. Councilwoman Rountree voted aye, Councilman Hall voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

New Business:

Motion to Accept Mayor William's Appointment/Reappointment to the Smithfield Planning Commission to fill the three (3) expiring terms

Mayor Williams stated that the expiring terms on the Planning Commission were regarding Mr. Randy Pack, Mr. Michael Swecker, and Mr. Charles Bryan. He stated that he had spoken with all three gentlemen, and they would all like to serve 4 more years on the Commission. Mayor Williams stated that he had seen them on the Planning Commission for many years and they do an excellent job. He added that it was his recommendation that the Council approve them to serve an additional term.

Councilman Hall made a motion to approve the reappointment of Mr. Pack, Mr. Swecker, and Mr. Bryan to the Planning Commission. Councilwoman Haywood seconded the motion. Mayor Williams called for the vote.

Councilwoman Rountree agreed that the gentlemen would do a fantastic job but had a question regarding conflicts of interest. She stated that it was her understanding that Mr. Pack had expressed interest in getting involved with one or more of the restaurants and possibly the boutique hotel proposed at the Pierceville site. She asked if the Commission's memberships would be eroded if they had to recuse themselves as these developments came up.

Mayor Williams stated that Mr. Pack will have to abstain from anything that he is involved with on the one particular property. He added that he has spoken with Mr. Pack about this issue and he will recuse himself from discussion of development of that property and will step down as Chair of the Planning Commission. Mayor Williams reiterated that all three members in question do an excellent job, and he would hate to see Mr. Pack leave the Commission entirely.

Mrs. Rountree stated that she is not denying their job efficacy she is just wondering about the state of the Commission if members are repeatedly having to recuse themselves.

Mayor Williams stated he understood, but 1 member recusing themselves still leaves six (6) more members to make decisions. With no further discussion, Mayor Williams called for the vote.

On call for the vote, five members were present. Councilwoman Rountree voted aye, Councilman Hall voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Motion to Accept the Nominating Committee's Recommendation to Reappoint Laura Kvech-Brown to the Board of Historical and Architectural Review (BHAR)

Councilwoman Haywood made a motion to reappoint Laura Kvech-Brown to the BHAR. She stated that Mrs. Kvech-Brown had been appointed but had not served an entire term on the Board. She added that Mrs. Kvech-Brown has reported that she enjoys it and would like to serve the next term on the committee. Vice Mayor Smith seconded the motion. Mayor Williams called for the vote.

On call for the vote, five members were present. Councilwoman Rountree voted aye, Councilman Hall voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Old Business:

Motion to Revisit options on the Smithfield Lake Dam

Councilwoman Haywood, the Public Works Committee Chair, reported that it had previously been voted by the Council to put a culvert in that would allow the lake to revert to its natural state due to the cost and difficulty involved in maintaining the dam. She added that since then there had been communication from concerned citizens that the lake contributes much to the Town. Councilwoman Haywood stated that the dam is a safety concern in that the structure could become a hazard if overfilled due to rain. She added that it is a constant concern with Town employees if it should be closed during heavy rain events. It is also a possible risk to the safety of those who check on the dam. She revisited the concerns outlined by the Chief of the Smithfield Volunteer Fire Department regarding draining the lake as it is used to fill the fire trucks with water to assist in emergencies in that area. She inquired if there was another way to solve the problem of low and slow water pressure and is this an issue where the Town should invest in long-term infrastructure upgrades to address the issue.

Councilwoman Haywood reported that for the last 10 years the dam had not been able to meet certification requirements. She added that even when the necessary fixes were made, the requirements would frequently change necessitating restarting the certification process. She added that it has become a never-ending problem.

Vice Mayor Smith asked Chris Edwards, Chief of the Smithfield Volunteer Fire Department, if he would come to the podium to answer some questions.

Councilwoman Rountree stated she had a question regarding procedure. She asked if it was possible to remand the discussion back to Committee due to two Councilmembers being absent.

Mayor Williams stated that it would go back to Committee, but there would be discussion during this meeting as well.

Vice Mayor Smith asked Chief Edwards if he could tell them how many times the Fire Department pulls water from the lake for fires in Smithfield versus for fires in Isle of Wight County.

Chief Edwards stated that it was almost impossible to give an answer, but he would estimate 80% - 90% County and 20% Town due to the location and acreage of the lake.

Vice Mayor Smith stated that he understood that Chief Edwards was concerned about the businesses and the sports complex in that area. He added that he knew there was a fire hydrant at the Virginia Department of Transportation (VDOT) workstation that would be able to fill up the truck, but not as fast.

Chief Edwards confirmed that this was correct. He stated that the hydrant was able to fill the truck at 600 gallons/minute and drafting at the lake could fill it at 1500 gallons/minute.

Vice Mayor Smith asked if there were any other hydrants that were close by.

Chief Edwards stated that there were two hydrants at the corner of Waterworks Road and he believes there are one or two between Waterworks Road and Luter Park.

Vice Mayor Smith asked if the problem was that the line was reduced as it got down to that area.

Chief Edwards stated this was correct and that there was a tremendous amount of head pressure. He added that there was about 20 feet of topographical difference between downtown Smithfield and West Main Street, and this was why the volume was so different. He gave the example of a structure fire 15 years ago at Dave's Service Center in one of the office buildings in the back of the property. He stated that though this was a small structure, during that incident there had not been enough water in the hydrant to put out the fire and they had to shuttle water in to extinguish the fire.

Vice Mayor Smith stated that the problem stemmed from issues that go into town further than he anticipated.

Chief Edwards stated that he was correct and added that anything on West Main Street, on the other side of the bypass, has minimal water flow. He reiterated that there was water flow there, but it was just not enough. He listed Westside Elementary School, Jersey Park Apartments, Farmers Services, and Luter Park as all having lower water volume. He stated that if there was a need for water in these areas, they would have to set up a drafting operation at the lake to supplement water to the hydrants.

Vice Mayor Smith thanked the Chief for speaking and asked if anyone else on Council had questions for him.

Mayor Williams inquired as to how many hydrants there were from the intersection of US 258 and SR 10 to the lake.

Chief Edwards estimated that it was around 15-18 hydrants, one every 1000 feet.

Jack Reed, Director of Public Works and Utility, agreed that this was a sound estimate.

Mayor Williams asked for confirmation that there was a significant number of hydrants without having to shuttle water from the lake to the structure.

Chief Edwards stated that even with that in mind, the water was still having to travel through a 6-inch line to each hydrant.

Mayor Williams expanded on his previous comment that this would be different if the line was bigger.

Chief Edwards stated that the line would have to be substantially bigger as this was still a dead-ended line coming in from one-way.

Mayor Williams asked for confirmation that there were enough hydrants in the area, to which the Chief agreed. Chief Edwards added that the hydrants were there with an 8-inch waterline, however they were being fed from a 6-inch water line. He added that there was a fight for water pressure due to the difference in elevation in the area.

Councilwoman Rountree stated that she had a follow-up from the Committee meeting, recounting the Fire Chief's comments that day about the possibility of insurance and ratings being

affected if the lake was drained. She stated that she had talked to Mr. Keating and Mr. Grice and that he thought this was not the case.

Chief Edwards stated that this was a gray area, adding that since there was not a designated dry hydrant at the lake, it was not designated by the Insurance Services Offices (ISO) as a draft site. He stated that one was never installed due to the maintenance and silting-in issues. He reported that the average dry hydrant could produce 1000 gallons/minute of water, whereas a floating strainer off the boat ramp could easily get 1500 gallons/minute.

Councilwoman Rountree thanked him for the clarification. She wanted to confirm that due to the lack of official designation, the draining of the dam would not affect the ISO rating or insurance premiums.

Chief Edwards stated that the reason it is not designated is that there is not a dry hydrant there.

Councilwoman Rountree stated that there were many reasons to keep the lake, but one of them was not because it would negatively affect our ISO rating or the insurance rates.

Chief Edwards agreed. He stated that there is a dry hydrant at Lake Tormentor in Smithfield. He recounted a time when there was a fire at the County Attorney's Office, they put a floating strainer in that lake rather than connecting to the dry hydrant as there was an increase in the volume of water that could be accessed.

Mayor Williams inquired as to what size waterline it would take to get 1500 gallons/minute.

Mr. Reed stated that amount could be achieved if it was fed by another 6-inch waterline, and it was located close to the plant. He added there were many situational aspects that would make this achievable.

Chief Edwards stated that he believed the only hydrant that was able to get 1500 gallons/minute was at the base of the water tower on South Church Street.

Vice Mayor Smith asked Mr. Reed if the fact that the hydrants were on a dead-ended line would that affect the volume. Mr. Reed stated that this was correct.

Mayor Williams inquired as to what the future was for that waterline.

Mr. Reed stated that in the Master Plan 2017 there were plans to upgrade to 12 inch lines all the way to Waterworks Road. He added that he left employment with the Town that year and had since returned. Since his return he did not know what had taken place or why it wasn't done.

The Town Manager stated that within the last week Town staff had been evaluating ways to increase volume to this area. He added that this had occurred unrelated to the issue of the dam.

Mayor Williams asked for clarification that the Town was going to increase volume to this area.

The Town Manager said this was correct.

Mayor Williams asked would this upgrade go to the State-owned shed on Waterworks Road.

The Town Manager stated that it would increase the volume there. He added that as of now they are looking to address the area with a 6-inch line. He stated that this issue needs to be addressed regardless of what happens outside of the SR10 Bypass for there to be any difference in volume.

Councilman Hall asked to make a motion to table the issue until the next Committee meeting for further discussion.

Mayor Williams confirmed that this would be done but wanted to continue the discussion to get a better idea of what they would discuss at the Committee meeting.

Mayor Williams called on Randolph Barlow, resident of Smithfield, to approach the podium.

Mr. Barlow thanked Mayor Williams and Councilmembers. He stated that he is a life-long resident and a property owner on Smithfield Lake. He added that those reasons were not his only concern as this was a structure that had been here for over 200 years. Mr. Barlow stated that to his knowledge it had only been overrun one time. He stated that he did not know what the regulations were with the state regarding the dam's maintenance, but in his opinion another spillway could be put in to resolve any problem for the future. He added that if you look at the dam now, it is in better shape than he has ever seen it. Mr. Barlow stated he would hate to see it go, adding that it is a recreational asset to the Town and County and is very picturesque. He made the comparison that if there was a 200-year-old home in the Historic District that it would not be arbitrarily destroyed. Mr. Barlow stated that the Town has a historic site in the dam, and he would like to see it preserved. He stated that this action would drain 1500 acres of property that includes farmland and roadways. Mr. Barlow stated that the dam prevents pollutants from going downstream to the Pagan River, the James River, and the Chesapeake Bay. He stated that a big concern in this area is cleaning the Bay. He apologized for not being able to attend the last Committee meeting, but stated the Council had the letter that he wrote with his concerns.

Mayor Williams thanked Mr. Barlow for speaking to the Council.

Councilwoman Rountree pointed out that dam is in Smithfield and asked if the lakebed was in the Town or the County.

The Town Manager stated that all the lake is in the County and half of the dam is in the Town limits.

Councilwoman Rountree inquired if this should be a joint consideration between the Town and the County.

Mayor Williams stated that they had talked to the County about the dam. He addressed the Town Manager stating he had some areas of concern. He stated that he was concerned about possible contaminant exposure if the lake is drained. He stated that the County and the State Highway Department needed to be more involved in the issues with the dam. He inquired if these departments would help if there were any emergencies and pointed out that there are roads on either side of the dam. He added that he understood that we get grants and funding, but it would be very expensive if the dam were to fail. He asked that the Town request involvement from the County and the Highway Department, asking also for grants to be checked on to assist in funding. Mayor Williams asked the Town Manager if the State and Highway Department directed the Town to inspect the dam yearly or every other year.

The Town Manager stated that the Town inspects it every year.

Mayor Williams replied that the yearly inspection is costly. He stated that he could see both sides and the concern surrounding the issue. He asked that the Town staff investigate further how the dam might be kept.

Councilwoman Haywood inquired when the last time this was discussed with the County.

The Town Manager replied that he had spoken with them this afternoon. He stated that their answer had essentially been the same as before: they felt the dam was not theirs.

Councilwoman Rountree stated that it is half the Towns, and the lakebed is the County's.

The Town Manager clarified that the lakebed is in the County, but the Town holds the deed to it.

Councilwoman Haywood asked the Town Manager if he had spoken to them about the issues surrounding use of the lake for the fire department.

The Town Manager stated that he did bring the issue up, but it did not raise any red flags for the County.

Councilwoman Rountree stated that they had reported that since it wouldn't affect their rating or insurance it wasn't an issue.

Chief Edwards returned to the podium to add that he would be attending an Isle of Wight Fire and Rescue Meeting Wednesday night with the County, and he had plans to bring the issue up. He reported that this meeting would be with the Chiefs of all 7 fire departments. He stated that he was going to ask if they could make a motion to go to the Board of Supervisors to ask for assistance. He stated that if the Fire and Rescue Departments in the County reached out to them and made the recommendation maybe they would help to save the lake.

Chief Edwards gave the recommendation from a contracting point of view that if a 36-inch pipe and a spillway with a riser, it would be much more effective than the current 60-inch pipe and spillway at removing excess water.

Councilman Hall made a motion to table the issue and take it back to the Public Works Committee for further discussion. Councilwoman Rountree seconded the motion. Mayor Williams called for the vote.

On call for the vote, five members were present. Councilwoman Rountree voted aye, Councilman Hall voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Discussion on Farmers Market

The Town Manager summarized a joint meeting that was held with the Board of Supervisors on potential Pierceville development and a proposed Farmer's Market. He stated that the developer had asked the County and the Town jointly to contribute funding to this project of \$6 million. The Town Manager stated that it had been added to the agenda so the Council may discuss how they would like to approach this issue. He reported that he had conversation with the County Administrator and the Director of Tourism regarding potential income for the Town from the project and any grants they might qualify for. He reported that the potential rental income from the restaurant space would generate \$60,000.00/year. Additionally, there would be income generated from rental of the stalls within the Farmer's Market space. He reported that he and the Director of Tourism were researching different grants they could access, and then potentially the Town and County filling the gap for whatever is left. The Town Manager stated he would like Council to have the discussion about how they would like to proceed before he sits down with the County to talk about it.

Councilwoman Rountree stated that from her notes from the meeting on December 22nd under Phase 1 which Mr. Luter had submitted, would be a cost of \$100 million, the estimated tax revenue reverted to the Town would be \$933,988.00, and \$1.184 million would go to the County. She stated that they had asked for the \$6 million, and that the Director of Tourism had been kind enough to commit to finding \$1 million in grants. This would leave \$5 million, which she stated split evenly over a 5-year period would be \$500,000.00 each for the Town and the County. She stated that she felt \$2.5 million each over a 5-year period was generous. Councilwoman Rountree stated that borrowing was easy at this time due to low interest rates, and the Town could easily make the money back. She stated that she felt it made good sense and that the Council should commit to the plan to split the \$5 million with the County.

Mayor Williams had questions regarding the proposed underground parking garage beneath the market. He stated that the current proposal had the parking spaces at \$30,000.00 a piece, and the \$6 million could be reduced if there were a reduced number of spaces, for example 100 spaces instead of 150 spaces. He added that he wanted to talk about how the parking in the development may affect the parking to the downtown area.

Councilwoman Rountree stated that she felt that there could never be enough parking. She added that in the presentation having underground parking solved an additional problem with building on the land.

The Town Manager stated that because the lot currently drops off, it would have to be filled in order build on it. Adding the parking structure would alleviate the need for filling.

Councilwoman stated that the worst-case scenario would be that the full \$5 million would have to be split, and that \$500,000.00/year was a negligible amount to borrow over 5 years. She added that the Town Attorney had calculated the figure of \$104,000.00 worth of interest payments. She gave the comparison that with just the projected tax revenue of a restaurant in that development of \$60,000.00/year this was minor.

The Town Attorney added that if the money was to be borrowed, money has never been less expensive. He stated if the money was borrowed, it could be paid off in 10 or 20 years with the annual outlay being far less than \$500,000.00. The Town Attorney stated that the Council needed to decide if they wanted to proceed and reminded the Council that this was contingent on the project even being approved. He added that this was just approval of the Farmer's Market component of the development.

Mayor Williams stated that he agreed.

Councilwoman Rountree asked how the point is reached with the County on how the project funding is split.

Mayor Williams stated that the Council needed to make their decision tonight, then it would go to the Board of Supervisors, then the Town and County Managers will meet and join the decisions together, and then there would be another inter-governmental meeting.

The Town Manager stated that he told Mr. Keating that he would communicate with him the outcome of the Town Council's discussion. He added that they had a Board Meeting coming up and would be discussing the project as well.

Vice Mayor Smith wanted to go back to the parking discussion, stating that in the meeting the developer had stated that around \$4.5 million would have to go to the parking structure with the

remainder to go to building on top, so by reducing the parking it would not be accomplishing much cost cutting.

Mayor Williams stated that he understood, but the idea was mentioned at the meeting on the 22nd and he wanted to follow through with the discussion. He clarified that he was for the full 150 parking spaces as he felt there wasn't enough parking near downtown currently.

Councilman Hall pointed out that underground parking had the added benefit of cover from inclement weather during the Farmer's Market and other events. He stated that it would be limited to pick-up trucks, with no large vans, etc.

Councilwoman Rountree inquired what motion would need to be made to move forward to allow the Town Manager to proceed.

Vice Mayor Smith stated that there was a tight timeline to get it completed.

Mayor Williams added that the Town and County need to reach a decision by the end of the month.

Councilwoman Rountree made a motion to authorize the Town Manager to negotiate with the County Administrator on the funding source for Farmer's Market improvements up to a 50/50 split. Mr. Hall Seconded the motion. Mayor Williams called for the vote.

On call for the vote, five members were present. Councilwoman Rountree voted aye, Councilman Hall voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

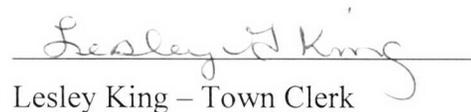
Closed Session:

The Town Manager stated that no closed session was necessary at this time.

The meeting was adjourned at 7:30 p.m.



T. Carter Williams - Mayor



Lesley King - Town Clerk