

The Smithfield Town Council held its regular meeting on Tuesday, January 7th, 2020. The meeting was called to order at 6:30 p.m.

Members present:

T. Carter Williams – Mayor

Michael Smith – Vice Mayor

Denise Tynes

Valerie Butler

Randy Pack

Beth Haywood

Wayne Hall

Staff members present:

Sanford B. Wanner – Interim Town Manager

Lesley King – Town Clerk

Ellen Minga – Town Treasurer

William H. Riddick, III – Town Attorney

Alonzo Howell – Chief of Police

John Settle – Community Development & Planning Director

Ashley Rogers – Human Resource Director

Amy Novak – Director of Parks and Recreation

Judy Winslow – Director of Tourism

There were approximately twenty-three (23) citizens present. The media was represented by Mr. Frederic Lee of the Smithfield Times.

Mayor Williams welcomed everyone to the meeting and everyone stood to recite the Pledge of Allegiance.

Manager's Report:

Interim Town Manager, Sanford Wanner, reported that December was an exceptionally busy month. Many of the departments are closing the calendar year. He thanked the Police Department for their vigorous pursuit for a couple of unfortunate incidences in December. He commended all town departments for responding to all the festivities in the town. He reminded everyone that administrative offices would be closed on January 17th for Lee/Jackson Day and also on January 20th commemorating Martin Luther King, Jr. Day.

Public Comments:

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

Mr. Albert Burckard spoke representing the Isle of Wight County Historical Society. He thanked the Council for allowing them access to the Wombwell House to assess its suitability for use by the Historical Society. They were given nine months to evaluate the building for their needs. They had a clearing team remove the old clothing, bedding, carpets, and odds and ends. They engaged a small construction crew to weatherproof the exterior. The roof is patched and the windows are generally repaired. Others are boarded up. They believe it is adequately mothballed to forestall further deterioration. Signs were posted to deter uninvited guests. They will have a cleaning crew come so they can do a proper evaluation of the condition. Following that they have engaged a historical, architectural evaluation team from Colonial Williamsburg to determine the precise age of the various construction elements. They are also talking to a ground penetrating radar crew from Jamestown to help locate the cemetery site. The final step will be an assessment of what the cost might be to preserve and restore the building for use by the Isle of Wight County Historical Society.

Mayor Williams asked if anyone else would like to speak for public comments. Hearing none, public comments were closed.

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

Supervisor Grice stated that the county had a meeting at the Windsor Community Center to discuss becoming a sanctuary county. An engineer's report was given on Westside Elementary School stating that Westside could be renovated and expanded. Both the School Board and the Board of Supervisors agreed to evaluate the information and meet in the new year to decide on a direction. They agreed that prototype school architectural plans for the replace of Hardy Elementary School were to be issued. He stated that the Director of Inspections, Mr. Art Berkley, retired after twenty-eight years of service with the county. The annual audit for the county was totally prepared with staff and it saved the county \$80,000.00. The Board had comments from the public regarding proposed state legislation related to the 2nd Amendment. After legal consultation, the Board passed a resolution giving their full support of citizen rights provided in the 2nd Amendment of the Constitution.

Council Comments:

Councilwoman Tynes, as Chair of the Public Safety Committee, wanted to thank the Police Department for what they are doing in the community. She reminded everyone to lock their car doors and to remove anything that might be of interest to a burglar. There have been break-ins happening all over the area. She advised everyone to lock their vehicles.

Mayor Williams thanked Connie Chapman for the wonderful job she did on the Christmas Parade. He heard many compliments about the parade. He reminded everyone about the Alzheimer's Community Forum on February 1st.

Mayor Williams asked if anyone would like to pull any item from the consent agenda. No one pulled any items.

Consent Agenda:

C1. Resolution: Street Closure of Jericho Road for the BOB Festival on Saturday, January 18th, 2020.

Councilwoman Tynes stated that this an annual event. There are no changes as previous years.

C2. Invoices Over \$10,000.00 – Request to Approve.

a. Blair Brothers, Inc.	\$ 47,199.74
b. Smithfield Foods	\$147,478.57
c. Axon Enterprise, Inc.	\$ 12,003.00
d. WC Restoration Project	\$ 50,000.00
e. Berkley Group	\$ 11,000.00

Councilman Pack stated that the Blair Brothers, Inc. invoice is for the right turn lane project at the Luter Sports Complex for a progress draw. The payment to Smithfield Foods is the town's portion of the Well Nest project. The Axon Enterprise, Inc. invoice is for Police Department body cameras. There is a final funding draw request for the Windsor Castle Restoration project for \$50,000.00. Two additional invoices came in since the latest Finance Committee meeting. The first is to the Berkley Group for the Interim Town Manager's contract. There was also a supplemental invoice to Deere and Company for new equipment for Windsor Castle Park and the Luter Sports Complex for \$36,812.83.

C3. Motion to Approve Complimentary Use of the Smithfield Center for a Town Hall Meeting on Homeland Security and Terrorism on February 3rd, 2020 @ 7:00 p.m.

Mr. Herb DeGroft stated that the Norfolk office of the Federal Bureau of Investigations has a series of community outreach programs. It is open to all citizens in the county. Citizens should come and learn what they can do to become more aware of threats to homeland security and terrorism.

C4. Motion to Approve Funding for the Windsor Castle Park Cemetery Investigation Project in an Amount not to Exceed \$35,000.00.

C5. Motion to Approve the Extension of the Interim Town Manager's Contract.

Mayor Williams stated that the term of the agreement will be extended for an additional two months beginning January 9th, 2020 and continuing until March 9th, 2020. It may also be further extended on a month to month basis by mutual agreement of all parties.

Councilman Pack made a motion to approve the consent agenda items as presented. Councilwoman Haywood seconded the motion. Mayor Williams called for the vote.

On call for the vote, seven members were present. Councilwoman Tynes voted aye, Councilman Hall voted aye, Councilman Pack voted aye, Councilwoman Butler 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, Comprehensive Plan Amendment & Official Zoning Map Amendment (Rezoning) – Lot 511 South Church Street.

The staff report was given by the Community Development & Planning Director, Mr. John Settle. He explained that this application is three development applications for one project. It is a rezoning, a Comprehensive Plan amendment, and a special use permit application for Lot 511 South Church Street which is the approximately twenty-two acre piece of property behind Royal Farms. The applicants intend to construct fifteen multi-family structures on the property. Each structure will contain approximately ten dwelling units. They will be condominiums for sale. The applicants propose to rezone 18.3 acres of a twenty-two acre piece of property from Highway Retail Commercial to Multi-Family Residential. The Comprehensive Plan amendment portion of the application entails the changing of the same area of the property on the Comprehensive Plan's Future Land Use Map from Retail Commercial to Multi-Family Residential/Retirement. The special use permit aspect of the application is for a waiver of parking and loading requirements. The applicant would like to waive the required recreational vehicle/ trailer storage parking requirement of the Zoning Ordinance. The applicant would like to achieve the desired density so they can construct 150 condominium units. The frontage of the property along South Church Street will remain Highway Retail Commercial. There will be two parcels available for commercial development at a later time. The application first appeared before the Planning Commission in October as a discussion item. The Commissioners expressed many concerns. After the November meeting, the list was narrowed to three concerns. All three were resolved for the December meeting where the Planning Commission recommended, favorably, all three applications to the Town Council. There are ten enclosures from outside agencies with their commentary.

Ms. Beverly Walkup, representing the applicant, presented information to the Council. The developer, the applicant, and the contract purchaser were also in attendance. She introduced the team responsible for the design of the project. She explained that the project is adjacent to The Villas of Smithfield and is similar in size as far acreage. There are entrances at Royal Farms on Battery Park Road as well as between Royal Farms and the Dollar Tree facing South Church Street. The project will be utilizing all existing entrances. There are no other entrances proposed. Four acres of the property will remain commercial zoning. All the properties are under a consolidated stormwater management plan already located on the property. The units offer a lifestyle choice for families, active older adults, and singles with or without children. The average price will be mid to low \$200,000.00. They should be affordable to teachers, firemen, medical techs, nurses, and government workers. She explained that several items were added to the plan per the Planning Commission's recommendations such as a bus shelter and dumpster locations. The applicant has allowed for a rain garden in case there are any additional needs for stormwater management. If it is not needed, it would be aesthetically landscaped. The special use permit request would allow the applicant to have relief from providing twenty-five designated RV spaces. The applicant does not believe it is compatible with the lifestyle or the targeted demographic offered within the proposed residential development. Smart growth is intended to foster car-free or car-light lifestyles. The applicant is trying to provide a project that is walkable instead of getting in the car every time to go somewhere.

The architect presented the renderings to the Council. He handed out samples of the exterior materials. Each unit will look like a large house; however, each unit is individual in its color scheme. Each elevation looks like a front elevation. Each one has entrances and balconies. The product for the exterior is a cementitious, vinyl product. Everlast is a new hybrid product that is made to last. It is specifically for the local climate of high humidity and salt air. They do not scratch or show UV damage. This product will not need to be painted. They will be subdued colors keeping the Colonial Williamsburg theme throughout the entire neighborhood. Each one of the buildings will have five units on each floor with a common court for unit entrances.

Mayor Williams asked the architect if the units were on a slab. The architect stated that it would be a raised slab so that water will not be an issue. The slab will be disguised behind the landscaping. The Everlast product can be brought down to the ground. It is impervious to weather as well as the soil.

The architect explained the floor plans to the Town Council. There will be one, two, and three bedroom units in each building.

Councilwoman Haywood asked about the one entrance concept. The architect explained that there two entrances on grade per building with a sidewalk leading up to them. There is a common corridor that goes through to each unit with stairs to the second floor. There are no elevators. Parking is situated around the entire campus. Each unit has parking that would service each of the buildings. There will be an open area for the clubhouse, mailboxes, and a pool.

Mayor Williams asked if there would be a playground. The architect stated that it could be incorporated into the common area. There is plenty of room. Mr. Mamoudis explained that they would be providing an amenity package for the units that are complimentary for the demographic. There is almost four acres of open space. There could be a dedicated park area within the four acres. He is willing to do that but has not focused on it at this point.

Mayor Williams asked if a pump station was included for the property. Ms. Walkup stated that there is a pump station on the plan in the back area. The Land Planning Solutions representative stated that the pump station is not proposed to connect to the town's gravity system. It is proposed to connect to the town's force main. They will evaluate any up-stream pump stations during the site plan review. Mayor Williams has concerns since the problem happens now with the flow. Ms. Walkup explained that the applicant is required to work with the public utilities department as well as the town's consultant.

The Town Attorney explained that the applicant should be allowed to finish their presentation. The meeting would move to the public hearing and then there would be time for discussion.

Ms. Walkup explained that the project has been evaluated by the school system. This development will not overburden the schools. A traffic impact analysis was required for the development. It studied the intersections of South Church Street and Battery Park Road, Williams Street and South Church Street, Mercer Street and South Church Street, Battery Park

Road at the right-in and right-out driveway by Royal Farms, and Battery Park Road full access driveway. With the addition of the traffic generated by the development, there were no new improvements necessary. Peak hours in the morning and evening were studied in the traffic impact analysis. Residential development brings real estate revenue to the town. The heavy employers are in Suffolk and Newport News. There is a lot of commuter traffic travelling through Smithfield to and from work. It is more than the people that will live here. The property is already zoned for commercial use. Commercial use generates traffic. Ms. Walkup stated that the applicant has met with The Villas of Smithfield. They have a good working relationship. They are not opposed to the residential zoning because they believe that commercial zoning cannot be supported in that location. The Villas of Smithfield's main concern was the responsibility and maintenance of the existing stormwater. The applicant has worked with them and their attorney and believe everyone is assured. There is a stormwater agreement on record at the Clerk's office. Ms. Walkup presented the strengths of the application. The property is adjacent to and near major transportation routes and has existing water and sewer facilities. It incorporates a mix of retail and residential uses on the same parcel. It provides a layer of transition between the existing commercial uses and the existing residential. It offers compact, affordable development which has emerged as a new trend. This application implements the town's guidance for high quality design incorporating additional housing lifestyles that compliment surrounding choices. This product has been architecturally designed for Smithfield. The applicant believes that the overall impact to the town will be positive. It will generate tax revenue including real and personal property, business licenses, and will create an additional customer base for the town's water system.

Mayor Williams opened the public hearing and asked if anybody would like to come forward and speak for or against the application.

The owner of the twenty-two acre parcel, Dr. Warren Saks, has owned the property for about five years. They have tried to market the property for commercial use. They have gone to Harris Teeter, Panera, and I-Hop and all said that there was not enough residential housing to support their business. The town wanted to see more affordable housing but did not want apartments. The town wanted people invested in their property through homeownership. Mr. Saks partnered with Mr. Mamoudis who offers a residential property. The hope is that attracting more residential units would attract more commercial investments in the town.

The developer, Mr. Mamoudis, stated that they have been working on this proposed development for about a year. He stated that he has built this type of product before. He understands that Battery Park Road is a traffic issue. He does not feel that he can fix that problem with this project. He also believes that it is better as residential than commercial. If it is commercial, the daily use for traffic would increase. It is usually about five times more than residential. He believes residential is the better option for the property. He was available for questions from the Town Council.

Mr. Dennis Arinello lives at 113 Goose Hill Way. He believes the parcel is going to be tough to develop. He came to Smithfield to retire. He stated that he is paying approximately 29% between the county and the town taxes. He believes that people will not want to pay that. He stated that the town needed to look at that. He referred to Church Square that has never really taken off. He is not sure if this product will sell in this area. It is a nice looking product; but he believes the buyers will not want to pay the taxes.

Seeing no other speakers, Mayor Williams closed the public hearing.

Councilman Pack stated that the application came before the Planning Commission with a favorable recommendation. The Planning Commission voted on it in December after three other meeting dates. They spent a lot of time discussing it. One of the proffers was that they would only allow 10% rental. It will be owner-occupied for 90% of the project. They were also impressed with the community involvement from The Villas all of which was positive. It is unusual to have positive comments which weighed on their decision. The Planning Commission believes the product is attractive. Overall, they were not overwhelmingly excited with putting 150 units on the parcel. There was no issue with getting rid of the RV parking per the special use permit request; however, the applicant is putting a 10-plex unit where the parking would have been. Two members of the Planning Commission were absent; but the other five voted in favor of the application.

The Town Attorney explained that the Council needed to vote on each of the three items separately for the application.

Councilman Pack made a motion to approve the Comprehensive Plan Amendment for Lot 511 South Church Street. Vice Mayor Smith seconded the motion. Mayor Williams called for the vote.

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

Councilman Pack made a motion to approve the Zoning Map Amendment (Rezoning) request for 511 South Church Street. Councilman Hall seconded the motion. Mayor Williams called for the vote.

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

Councilman Pack made the motion to approve the Special Use Permit for Lot 511 South Church Street. Vice Mayor Smith seconded the motion. Mayor Williams called for the vote.

On call for the vote, seven members were present. Councilman Hall voted aye, Councilwoman Haywood voted aye, Councilwoman Tynes voted aye, Councilman Pack voted

aye, Councilwoman Butler voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Town Council took a five minute recess.

Public Hearing: Smithfield Zoning Ordinance Article 3.I Text Amendment (After-the-Fact)
– 865 West Main Street:

The Community Development and Planning Director, Mr. John Settle, reported that this is an after-the-fact text amendment application for Farmer's Service. In August of 2019, staff was alerted that a private well had been installed on the property. A letter was sent to the property owner asking them to take one of the following two steps: to abandon the well or deactivate it in accordance with state standards or to apply for an after-the-fact text amendment application to amend the Zoning Ordinance to allow for a special use permit item of private wells for the use of mixing and batching concrete. The applicants chose to apply for the text amendment. It will allow, through Section 82-45 of the Town Code and Article 3L of the Zoning Ordinance, a permitting avenue for the applicants to be able to apply for a special use permit to keep their well. They are applying for a text amendment to create this permitting avenue. If successful, the applicants will have to return for the special use permit which will also be after-the-fact. This application was reviewed as a discussion item and then an action item by the Planning Commission. At the November meeting, the Commissioners asked staff to acquire several pieces of information. The first was the property owners' average monthly water usage which turned out to be 201,000 gallons. The second was their monthly water bill. Staff determined that the bill was, on average, \$1,270.00 monthly. The Commissioners also wanted to know if there was a limit on how much water could be withdrawn in an annual period from a private well. Staff checked with the DEQ and the Department of Health. DEQ informed us that there is no limit as long as a permit is acquired from DEQ if draws are in excess of 300,000 gallons and all conditions of the permit are met. At the December Planning Commission meeting, the Commissioners favorably recommended this application to the Town Council. This application has been discussed with the Department of Engineering and Public Works. The department states that the town's most common water customer is a single family detached dwelling occupied by approximately four people. The average monthly usage for this customer is approximately 7,500 gallons of water per month. The average monthly usage for the applicants is 201,000 gallons. If this application is successful, the town would lose its largest water customer. Additionally, town staff has concerns of the precedent that this application may establish. Future applicants could apply for applications to achieve similar means to save revenue. Town staff recommends this application be denied and the town's written order to the applicants to abandon their well be upheld.

The applicant, Mr. Gordan Holloway, is the General Manager of Farmer's Service Company. He stated that they did not intentionally try to circumvent an ordinance or local law. They hired a contractor to install a well who obtained the necessary permits. Once they received notification of violation of the ordinance, they immediately stopped work. The well has never been put into service. It is capped. The concrete ready-mix process does not require processed

water. They only need clean water and a lot of it. It was a financial decision to save a lot of money by utilizing a well. Our consumption of processed water through the town supply would also benefit twenty-five homes or more that can use processed water. The applicant is asking for a thoughtful discussion of how they can work with the town. Mr. Holloway would like to save money and be more profitable and philanthropic for his business. They work together with the town, members of the community and organizations.

Mayor Williams opened the public hearing. He asked if anyone would like to speak for or against the application. Hearing none, he closed the public hearing.

Vice Mayor Smith made a motion to approve the Zoning Ordinance text amendment. Councilman Pack seconded the motion. Mayor Williams asked for discussion.

Councilwoman Haywood asked about other businesses in town that use this quantity of water. Staff did not recommend this item for approval partly because of other businesses that might follow suit. She asked if there were a lot of other businesses that use this amount of water that does not need to be treated.

Councilman Pack stated that the top three water users in town are Farmer's Service with two taps and the third is Smithfield Station. Farmer's Service wants to remove one and keep the other. Car washes use very little water compared to the others and they recycle it. The Smithfield Station water has to be potable but Farmer's Service does not.

Mayor Williams stated that he would love to water his yard and garden but he does not because it is too costly. He could put in a well very inexpensively. It must be a shallow well.

The Town Attorney stated that shallow wells are only permissible for irrigation purposes. There are limitations on them. The real concern here is commercial uses since they have the potential for large volumes of water. Part of the discussion at the Planning Commission meeting was about the town's water withdrawal permit. The town has a review process every ten years for the renewal of the ground withdrawal permit. It is very restrictive. The other factor is the building of the Reverse Osmosis Plant to treat the water. It is very expensive to do and it generates a bi-product. It is concentrated water that has a lot of fluoride in it. It has to be put into the HRSD system. The town pays hundreds of thousands of dollars a year to treat it. The question became why take the expensive resource to make concrete. The Town Attorney stated that staff makes a very good point; however, there are just as many good points on the other side. This is a decision for the Town Council to make. Residential growth will make a demand for potable water. It must be treated. Theoretically, this gives the town more water to devote towards residential use versus industrial use.

Councilwoman Butler commended Mr. Holloway. Farmer's Service has been around for years and has always paid for processed water. She believes they should be commended for coming up with a solution to save money.

Mayor Williams stated that the motion on the floor is to approve the Zoning Ordinance text amendment for 865 West Main Street. The motion was properly seconded. Mayor Williams called for the vote.

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

Motion to Approve the Nominating Committee's Recommendation to Fill the Expiring Term (1/31/2020) of Bill Davidson on the Planning Commission:

Councilwoman Butler reported that she and Councilwoman Tynes met and would like to nominate Rev. Lilton Jackson Marks, Sr. to replace the expiring term of Bill Davidson. Rev. Marks and his wife live in Wellington Estates. He has Planning Commission experience. He is active in the community. He would like to become involved in the local government. Councilwoman Butler made a motion to approve the nomination of Rev. Lilton Marks for the Planning Commission. Councilwoman Haywood seconded the motion. Mayor Williams asked if there was any further discussion. Hearing none, he called for the vote.

On call for the vote, seven members were present. Councilwoman Haywood voted aye, Councilwoman Tynes voted aye, Councilman Pack voted aye, Councilwoman Butler voted aye, Vice Mayor Smith voted aye, Councilman Hall 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 3rd, 2019:

The Town Attorney made minor revisions to the minutes and recommends approval as revised. Vice Mayor Smith made a motion to approve the minutes. Councilman Hall seconded the motion. Mayor Williams called for the vote.

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

New Business:

Adopt Ordinance to Establish Urban Archery Season in the Town of Smithfield:

The Town Attorney stated that when this was originally adopted it was for a period of one year. It was meant to be a test season but has been in effect every season. It has been published on the Department of Game and Inland Fisheries as a valid Urban Archery season. He prepared a new ordinance which provides that the season shall run contemporaneously with the Urban Archery as established annually by the Department of Game and Inland Fisheries. If the Council would like to continue to permit this then he recommends that the new ordinance be adopted.

Councilman Pack made a motion to approve the ordinance as presented. Vice Mayor Smith seconded the motion. Mayor Williams asked if there was any further discussion.

Councilman Hall asked if the ordinance designated the type of archery up to and including crossbows.

The Town Attorney stated that the town has one of the most comprehensive urban archery ordinances in the state. It only says archery and does not specify crossbows. Crossbows, as defined by law, are legal during archery season. However, in order to use them during archery season, hunters must also purchase a crossbow license.

Mayor Williams asked if there was any further discussion. Hearing none, he called for the vote.

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

Cypress Creek Subdivision Agreement – Phase VI:

The Town Attorney explained that Cypress Creek is proposing a new Phase VI which is one hundred fifty-two single family lots. They presented their application to the Planning Commission for an amendment for what was permitted. They are ready to proceed and the town needs a Subdivision Agreement. It is a written agreement between the town and the developer that gives them permission to record their plat. The town specifies what they must do to get their utility plans approved. It also sets a bond for the cost of the improvements. It gives the town a mechanism to make sure they do what they are supposed to do. It is financial assurance to make certain that the developer does his job. The Town Attorney has prepared a Subdivision Agreement to cover Phase VI with one hundred fifty-two lots. The Town Attorney recommends that the Council authorize the Interim Town Manager to execute this agreement on behalf of the town.

Councilman Pack made a motion to approve the Subdivision Agreement for Phase VI of Cypress Creek. Councilwoman Tynes seconded the motion. Mayor Williams called for the vote.

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

Old Business:

There was no old business.

Closed Session:

The Town Attorney stated that the Council needed a motion to go into closed session for the purpose of discussing personnel matters (Town Manager position) pursuant to 2.2-3711.A-1 of the Code of Virginia.

Councilman Hall made the motion to go into closed session. Councilman Pack seconded the motion. Mayor Williams called for the vote.

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

The Town Council went into closed session at 8:32 p.m.

The Town Council returned to open session at 9:21 p.m.

The Town Attorney stated that a motion was needed to go back into open session. Vice Mayor Smith made the motion and Councilwoman Haywood seconded the motion. Mayor Williams called for the vote.

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

The Town Attorney stated that a motion was needed that during the closed session there was only a discussion of personnel matters (Town Manager position) pursuant to 2.2-3711.A-1 of the Code of Virginia.

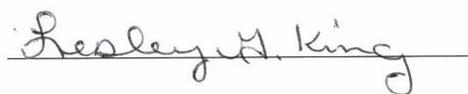
Vice Mayor Smith made the motion to go back into open session. Councilman Hall seconded the motion. Mayor Williams called for the vote.

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

The meeting recessed until January 20th at 10:00 a.m. at the Windsor Castle Manor house.



T. Carter Williams - Mayor



Lesley King – Town Clerk