

The Smithfield Town Council held its regular meeting on Tuesday, February 2<sup>nd</sup>, 2021. The meeting was called to order at 6:30 p.m.

**Members present:**

T. Carter Williams – Mayor  
Michael Smith – Vice Mayor  
Valerie Butler  
Randy Pack  
Beth Haywood  
Wayne Hall  
Renee Rountree

**Staff present:**

Michael Stallings - Town Manager  
Lesley King – Town Clerk  
Ellen Minga – Town Treasurer  
William H. Riddick, III – Town Attorney  
John Settle – Community Development & Planning Director  
Amy Novak – Director of Parks and Recreation  
Judy Winslow – Director of Tourism  
Alonzo Howell – Chief of Police  
Chris Meier – Deputy Chief of Police  
Jack Reed – Director of Public Works & Utilities

**Press:**

Nate Delesline, III – The Smithfield Times

**Citizens Present:** 11

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

**Manager's Report:**

The Town Manager reported that the January Activity Report was included in the packet. He was available for questions.

**Upcoming Meetings and Activities:**

February 2<sup>nd</sup> - 6:30 p.m. – Town Council Meeting  
February 9<sup>th</sup> - 6:30 p.m. – Planning Commission  
February 15<sup>th</sup> - Town Offices Closed in Observance of President's Day  
February 16<sup>th</sup> - 6:30 p.m. – Board of Historic and Architectural Review  
February 22<sup>nd</sup> - 3:00 p.m. - Town Council Committee Meetings (Consecutive)  
    Public Safety Committee  
    Water and Sewer Committee  
    Finance Committee  
February 23<sup>rd</sup> - 3:00 p.m. – Town Council Committee Meetings (Consecutive)  
    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.

The Town Clerk stated that there was one public comment received by email that would be deferred to the February Committee meeting for discussion.

There were no other public comments.

**Anika Eng, Smithfield High School Update:**

Miss Eng reported that the second semester began including fall and winter sports. Christopher Gundy was awarded Senior of the Month for January. He will attend the United States Naval Academy next year. Isle of Wight County Schools are considering returning to in-person school five days a week. Many teachers have been getting vaccinated.

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

Supervisor Grice reported that the Board of Supervisors held their annual reorganizational meeting on January 7<sup>th</sup>, 2021. Supervisor Grice was elected as Chairman and Don Rosie was elected as Vice Chairman for the calendar year. There were updates on new construction starts within the county. He explained that 279 new home permits were drawn in 2020 versus 209 in 2019. Isle of Wight continues to grow in spite of the pandemic. Demand for homes continue to positively impact home values. Staff gave updates on developing a separate section in the county's Comprehensive Plan for senior citizens. There are over one thousand more 65+ citizens than there are school age residents. The trend is expected to increase further by 2030. The county has not yet received the 2020 census data for specific numbers and updated estimates. Seniors and the services for them will impact the county for many years to come. To determine the services that need expanding, a survey is being distributed requesting county residents' input. Supervisor Grice explained that the December 31<sup>st</sup>, 2020 deadline for expenditures of CARES Act funds has been extended to December of 2021. Expenditures are intended for COVID 19 related costs; not items normally addressed with general funds. After increasing setbacks, screening requirements, and adding berms, the Board of Supervisors approved solar farm's conditional use amendment request at a public hearing. After freezing county employee's salaries last July, due to COVID 19 uncertainties on tax revenues, the Board authorized a 2% increase for all employees effective February 1<sup>st</sup>. The increase covers a seventeen-month period from now until June 2022. In the fall, the county will be looking at a merit/bonus program to reward outstanding performance and adjustments to the personnel policies that may impact turnover. The county received a new mass-casualty bus via a grant. The old bus will be gifted to Surry County. The county's employee policy has amended referencing its' emergency leave policy. Now that a vaccine is available, if an employee chooses not to participate, they would no longer be covered by the leave policy. The vaccine is not mandatory for county employees. Supervisor Grice reported that 173 of the county's frontline employees have either received or been scheduled for the vaccination. There are 235 that have not yet signed up or been scheduled. The Western Tidewater Health Department recorded that 562 Isle of Wight County residents received vaccinations. There are 2,600 received vaccinations in the Western Tidewater Health District. The district received an allocation of only 800 vaccines. An additional 1,800 doses were provided by Bons Secours and Sentara inventory. The health department's allocation for this week was 800 vaccines. In addition to and separate

from the health department's program, the three hospital groups in Hampton Roads are administering their own programs and notifying patients. Citizens can contact their local health department and their health provider for information. Communication and distribution in allocating the vaccine has been poorly orchestrated at the federal and state level. It does seem to be getting better. The local health departments and hospital groups are working closely and cooperatively to serve our community. They deserve our gratitude. He urged everyone to check the county's website for updated information from the Western Tidewater Health District.

**Council Comments:**

There were no Council comments.

**Consent Agenda:**

Mayor Williams asked if any Council member would like to pull any item for further discussion.

Councilman Pack pulled item C3.

Vice Mayor Smith pulled item C1-g.

**C1. Invoices Over \$10,000 Requiring Council Authorization:**

a. WACO, Inc.	\$ 21,954.00
b. Axon Enterprises, Inc.	\$ 12,840.00
c. Tyler Technologies	\$ 11,100.00
d. Suburban Contractors, LLC	\$ 15,200.00
e. Robinson, Farmer, Cox Associates	\$ 25,250.00

**Additional Invoices Received since Finance Committee:**

f. Davenport & Company	\$ 26,000.00
g. Pulled from consent agenda.	

Councilman Pack explained that the WACO, Inc. invoice is for demolition for Pinewood Heights project. Axon Enterprise, Inc. supplied in-car cameras for the police department. Tyler Technologies is for the town's MUNIS conversion and Suburban Contractors is for the water storage tank rehab. The 2020 audit was performed by Robinson, Farmer, Cox Associates. Additional invoices received since the Finance Committee included one for Davenport & Company who provided financial services to the Town. Item "g" is pulled for further discussion. He recommended "a – f" be approved.

**C2. Motion to Approve Proposal for Battery Park Road Drainage Study and Improvements by Draper Aden Associates:**

Councilwoman Haywood recommended the drainage study be approved.

**C3. Pulled from consent agenda.**

Councilman Pack made a motion to approve the consent agenda items C1 – a-f & C2 as presented. Councilman Hall seconded the motion. Mayor Williams called for the vote.

On call for the vote, seven members were present. Councilwoman Rountree 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.

**Item C1 - 'g' – Invoice Over \$10,000 Requiring Council Authorization: Lewis Construction for \$94,466.00:**

Councilman Smith stated that they were just getting started. He asked if the invoice was for materials that the contractor has acquired and stored somewhere.

The Town Manager explained that was his understanding of the invoice. They had a lot of the pre-cast concrete manholes pre-ordered for the sewer portion of the project.

Councilman Pack asked if the Town had already made a payment for materials.

The Town Manager explained that was correct. It was for the pipe which is stored at the Cary Street location before prices increased in January.

The Mayor stated that the concrete manholes are not stored; but had to be ordered.

The Town Manager explained that several manholes are on the site. The contractor did drillings a couple of weeks ago to determine the elevations and ordered the manholes.

Councilman Pack made a motion to approve the invoice to Lewis Construction for \$94,466.00. Vice Mayor Smith seconded the motion. With no further discussion, Mayor Williams called for the vote.

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

**Item C3 - Motion to Approve the Lease Agreement with Proposed Timeline for Preserving the Wombwell House with the Isle of Wight County Historical Society:**

Councilwoman Butler explained that there are questions about the lease.

Councilman Pack stated that he had reviewed the lease. He does not believe it is specific enough for Council to vote on. He would like Council to give some direction to staff and return the item to committee for discussion. He believes the Historical Society will be a good tenant; but there are a couple of items in the lease that need clarification. Specifically, the lease refers to Exhibit A in several locations which Council has not seen yet. Exhibit A is designed to show what the Historical Society is leasing, where the fence will be located, and where parking will be located. The lease mentions that it does not include the barns on the rear of the property. He would like to have specifics on what exactly the Town will be leasing. It also states that “the tenant specifically agrees to secure the premises” by a certain date; but the dates are not filled in. Dates for certain structures are also not filled in on the lease. There is a list from the tenant with four years of construction on the project; but it is not referenced in the lease. What happens if the tenant does not meet the guidelines? Councilman Pack does not want to get five years down the road and have the building look the same as it does today. The tenant indicated that they have cash. Councilman Pack would like the lease to show a proof of cash. He would also like to see an agreement to follow the timeline as it is laid out and if the tenant does not follow the timeline that there would be good reason for an extension or for Council to not continue the lease. Under services in the contract, it states “the Town specifically agrees to extend sewer and water connections to the structure at the Town’s expense.” The Town is leasing the property for \$1 per year. He is not certain that the Town wants to fund the sewer and water connections to the Wombwell House. The lease also states that the Town will mow the grass and provide general landscaping at the Town’s expense. He has

questions about these items and feels they are worthy of further discussion at the committee meeting. Under insurance, it states “that the landlord shall adequately insure the building for fire, casualty, hazard, and liability insurance.” Councilman Pack would like to have a minimum liability insurance on it which is pretty common in other contracts. He recommended that staff work on these items over the next couple of weeks and bring it back at the next committee meeting for discussion. It could then be approved at the March Town Council meeting.

The Town Attorney stated that the draft was done two years ago when the Town was negotiating with the Historical Society’s attorney; Mr. Woodrow Crook. Nothing in the agreement has changed except for the date. It is not complete and should not have been on the agenda for consideration. He is sure the Historical Society would want some input into this as well. The lease was guidance and direction from Council back when it started in 2019. At one time, there was going to be direct access off of Route 258. Now, access will be from the feeder road at the sports complex. There are a lot of issues that need to be addressed.

Mr. Jim Henderson, Treasurer of the Isle of Wight Historical Society, stated that he did not have a copy of the lease with him.

Mayor Williams asked if he could look into updating the lease agreement with the attorneys involved and bring it back by February 22<sup>nd</sup> to the committee meetings.

Mr. Henderson stated that some of the conditions are changing and need to be negotiated.

The Town Attorney stated that he would make certain that it gets done.

Councilwoman Butler clarified that the Town Attorney would meet with the Isle of Wight Historical Society before Council’s next committee meeting. At that time, there will be a proposal that they put together.

The Town Attorney stated that he would meet with Mr. Henderson and Mrs. Keen along with the Town Manager.

Councilwoman Butler tabled the lease agreement until February 23<sup>rd</sup>.

**Motion to Approve the Town Council Summary Minutes of January 5<sup>th</sup>, 2021:**

The Town Attorney recommended the minutes be approved as with one correction.

Councilman Hall made a motion to approve the minutes with as corrected. 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 Rountree voted aye, Councilwoman Haywood voted aye, Councilwoman Butler voted aye, Councilman Pack voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

**New Business:**

**Deed of Easement for Cypress Creek – Phase VI:**

The Town Attorney stated that the Community Development & Planning Director has been negotiating with Cypress Investment Holdings concerning Cypress Creek Phase VI Section 1. At the Town’s request, the developer prepared a Deed of Easement and delivered it to the Town last week. After review by Town staff, Mr. Riddick recommended that the Deed of Easement be accepted for Cypress Creek Phase VI.

Councilman Pack made a motion to accept the deed and Councilwoman Rountree seconded the motion. With no further discussion, 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 Rountree voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

**Old Business:**

**Update on Fireworks Display 2021:**

The Town Manager explained that the Town was notified by Isle of Wight County that they intended to consolidate their fireworks display for 2021 with one display at the fairgrounds. He was asked to explore possibilities of continuing fireworks in the Town and July 2<sup>nd</sup> is the date available by the fireworks company. They are not available on July 3<sup>rd</sup>. Mr. Stallings checked with multiple companies. The state of Virginia requires a specific Virginia license and many fireworks companies are not able to do them in Virginia. The company that normally does the Smithfield fireworks can do it on July 2<sup>nd</sup> with a cost of approximately \$15,000.00.

Chairman Pack asked if the Director of Tourism could speak on the fireworks. The Town has always had fireworks on July 3<sup>rd</sup> but the Town could do them on July 2<sup>nd</sup> which is a Friday. It would be a great kickoff to the weekend. He asked Mrs. Winslow how many people come to Smithfield for fireworks each year.

The Director of Tourism, Judy Winslow, estimated that 10,000 people visit the area.

The Town Manager stated that it would give everyone three opportunities to see fireworks in one weekend.

Mayor Williams asked if the Town would still be liable for the county's fireworks. He thought they wanted to partner with the Town of Smithfield and the Town of Windsor.

The Town Manager stated that the county has not asked the Town to contribute financially to the fireworks at the fairgrounds. The notice received by the Town explained that as the county progressed in the planning that they might ask if the Town wanted to be involved; but they did not ask the Town to make a financial contribution.

Mrs. Winslow stated that the county is aware that the Town of Smithfield may pursue other interests.

Chairman Pack asked what the prior contributions have been to the county for fireworks.

Mrs. Winslow stated that the amount was \$2,000.00.

Chairman Pack explained that it would be a \$13,000.00 increase for the Town to have their own fireworks.

The Town Manager stated that the Town could work to identify the funds to cover the cost of the fireworks.

The Town Treasurer stated that \$2,000.00 had been budgeted for this year as in previous years.

Councilman Pack asked what the refund policy was from the fireworks company if the area continues to be under COVID restrictions.

The Town Manager asked the company to send him a contract proposal; but he has not received it yet. His guess is there would not be a refund.

Councilman Pack stated that he would like to know what the cancellation policy is.

The Town Manager stated that once he receives the contract, he will circulate it to Council.

Vice Mayor Smith asked what the Town missed out on by not having the fireworks. He stated that the entire Town had no activity at all last year. It was like a ghost town. He explained that activities go on all day for people visiting the area and staying for the fireworks.

Mrs. Winslow stated that it impacts the hotels and restaurants the most which is where the money is made.

Councilman Pack stated that July 4<sup>th</sup> tends to be quiet since the larger cities in Hampton Roads do so much more. When the Town started having fireworks on July 3<sup>rd</sup>, it helped bring people to the area.

Mayor Williams asked the Chief of Police if he had any issues with having fireworks on July 2<sup>nd</sup> since there will be staffing issues.

Chief Howell explained the Town usually has the Sheriff's office help with staffing needs.

Mayor Williams stated that Public Works employees usually assist also. He asked if there would be any concerns for that department.

The Director of Public Works & Utilities, Jack Reed, stated that the employees could assist without issue.

Mayor Williams explained that it would also cost more for the Sheriff's office and the Public Works employees since they would be paid overtime. He stated that Council needs to look at the cost involved.

The Town Manager explained that overtime costs have already been accounted for in the budget since those departments assist every year.

Councilwoman Butler asked what the Town of Windsor planned to do.

The Town Manager explained that he did not know if they had decided yet.

Mrs. Winslow explained that the Town of Windsor is fine with having the fireworks at the fairgrounds since the location is much closer to Windsor. They are happy with the arrangement.

Councilwoman Butler asked the Town Manager to confirm that the Town would not have a financial obligation to Isle of Wight County for fireworks.

The Town Manager stated that he would confirm with the county.

Councilman Hall thought it was positive to have it on July 2<sup>nd</sup> since it is a Friday. Next year, the date can change back to the 3<sup>rd</sup> which is the date the Town usually has fireworks.

Councilman Pack made a motion to authorize the Town Manager to move forward with a contract for fireworks on July 2<sup>nd</sup>, 2021. Vice Mayor Smith seconded the motion.

Councilwoman Rountree asked if Council could stipulate that the Town track the revenue that comes in for the July 4<sup>th</sup> holiday.

Councilman Pack explained that it would have to be done on a volunteer basis. When the Town Treasurer receives meals and occupancy taxes, they are not received by the day. Hotels are by month and restaurants are quarterly.

The Town Manager suggested comparing that quarter's revenues from previous years.

Councilwoman Rountree stated that she had spoken to Mrs. Winslow before about people that travel to cities for sports tournaments which supports that economy. Sometimes, in those cities, tourism or the Chamber of Commerce will survey those people to gather data. Councilman Rountree would like to see the Town do that to quantify the revenues generated. Volunteers could

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February 2<sup>nd</sup>, 2021

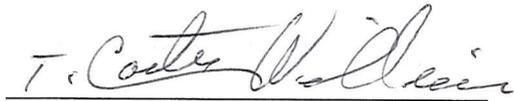
do surveys and ask people if they are staying in a hotel, visiting restaurants, etc. The Town could quantify and justify the expenditures moving forward.

Mayor Williams stated that a motion was on floor and asked if there was any further discussion. With no further discussion, he called for the vote.

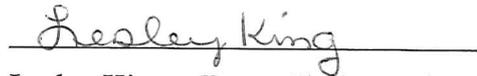
On call for the vote, seven members were present. Councilwoman Rountree voted aye, Councilwoman Butler voted aye, Councilman Hall voted aye, Vice Mayor Smith voted aye, Councilman Pack voted aye, Councilwoman Haywood voted aye, and Mayor Williams voted aye. There were no votes against the motion. The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

Mayor Williams stated that the Town would plan fireworks for July 2<sup>nd</sup>, 2021 if the cost works out and the Town is allowed to gather due to COVID.

With no further items of business, the meeting was adjourned at 7:09 p.m.



T. Carter Williams - Mayor



Lesley King - Town Clerk