

The Smithfield Town Council held its regular meeting on Tuesday, March 5th, 2019. The meeting was called to order at 6:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Michael Smith, Vice Mayor; Mrs. Denise Tynes, Mrs. Valerie Butler, Mr. Wayne Hall, and Ms. Beth Haywood. Mr. Randy Pack was not in attendance. Staff members present were Mr. Brian S. Thrower, Town Manager; Mrs. Lesley King, Town Clerk; Mr. William G. Saunders IV, Director of Planning, Engineering and Public Works; Ms. Ellen Minga, Town Treasurer; Mr. William H. Riddick, III, Town Attorney; Mrs. Ashley Rogers, Director of Human Resources, Mrs. Amy Novak, Director of Parks and Recreation, Ms. Judy Winslow, Director of Tourism; Mr. Bill Davidson, Planning Commission member; and Mr. Matt Rogers, Deputy Chief of Police. There were approximately eleven (11) citizens present. The media was represented by Mr. Frederic Lee of the Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of March 5th, 2019. It is now 6:30 p.m. Thank you all for coming out on this chilly evening. Please stand for the Pledge.

All present stood and recited the Pledge of Allegiance to the Flag.

Mayor Williams – Thank you. The first order of business tonight is our Informational Section starting with the Manager's Report with Mr. Brian Thrower.

Town Manager – Honorable Mayor and Council, the February Activity Report is in your packet. I will be glad to answer any questions you may have.

Mayor Williams – We will now move to Public Comments. We do not have any signups but anyone may come up and speak if you would like.

Mr. Tommy Gehring – Thank you Mayor and Town Council. I have been here before asking about the drainage problem through my yard. It has been over a couple of years now. I know there have been some hurdles that we have had to go through for easements and everything. We have done all of that. In talking with the Town Engineer, he says that it now has to go before the Town Council again to get approved again because of cost changes or something. I do not understand what is going on. Every month, the town floods my yard by flushing the water for twenty minutes. It is thousands of gallons of water that goes through my yard. I do not think it has dried up since the Fall. I am just trying to get some answers as far as when something is going to happen.

Mayor Williams – The Director of Planning, Engineering, and Public Works will contact you in the next few days. I know the Town Engineer has been working on this.

Mr. Gehring – It would be nice if the town would let me know. Usually, it is the first Tuesday of the month when they flood my yard. It would be nice to know because sometimes I have activities that I want to do such as cutting grass or having the grandchildren over. Having a marsh out there is not very fun.

Mayor Williams – I know one of the issues out there is the drainage all the way down that street on that side starting up at the last house up there. We are working with VDOT on that. If you have ever worked with VDOT before, it is like the turn lane at the ball park which has been three years in the making.

Mr. Gehring – I get about ten houses worth of drainage from the other side of the street. All the stuff in the curbs and all the leaves get washed into my yard too. I do not have Magnolia trees but they do up the street and they end up in my yard.

Mayor Williams – William Saunders and the Town Manager will get together and then get back with you very soon.

Mr. Gehring – I appreciate it.

Town Attorney – Since the last time he was here, we did get all the easements. He is aware of this since I talk to him fairly regularly. The easements took quite a bit of time. Not everyone was completely onboard with that but they finally agreed.

Mr. Gehring – I thought once that was done that things would speed up a bit. It is nice that they cleaned the ditch out between Christian Outreach and my neighbors. The water does drain better; but when there is a heavy rain, I still see it backing up down there. I have had water damage at my house in my side yard. I had my pop-up camper down where the garden is and it went under water one day because of the flooding. I would appreciate anything you can do.

Mayor Williams – Are there any other public comments?

Mr. John Graham – Good evening. I live at 113 Jericho Road. It is nice to see everyone and thank you for letting me be here. I am here to ask you to review and change the customer service policy for your new water customers. To support this request, I am going to summarize my recent experience and observations regarding initiating water service in Smithfield and recommend some improvements that I hope you will consider for that process. My son owns a townhome that he rents. The tenant

was moving out so he asked me if I would put the water in his name. When I visited the Treasurer's office, I was given a form to fill out to initiate water service. I sent him the form which he completed and I returned to the Treasurer's office. I then learned that a photo ID was also required. I went back and eventually returned with all the required documentation plus two required payments. The first was a \$28.00 application fee and a \$175.00 deposit. You have to write separate checks; both to the Town of Smithfield. You cannot pay them together. At that point, after service was started, I asked if all landlords would have to go through the same process every time a tenant moved out. I was informed at that point that there is a form that the landlord can complete and the town will hold the deposit and then the landlord simply has to make a phone call to turn on service. Then, I asked what was required of a new tenant or someone coming in new to the community. I learned that they must physically come to the Treasurer's office with a completed application, a copy of their lease, a form to be completed by the landlord confirming they are the tenant, the \$28.00 application fee, the \$175.00 deposit, again, as two separate payments. This cannot be done online or via the mail. These policies are burdensome and unreasonable in 2019. It is particularly harsh on working people who must take time off work just to get the water turned on. Being an old retired guy, I have plenty of time to run back and forth to the Treasurer's office. I enjoy talking to the nice ladies who work there; but most people do not have that luxury. Our most vulnerable citizens suffer the most. They are usually renters. They move more often and have busy schedules. They have much more difficulty getting time off of work to go down and get the water turned on. Can you imagine going to shop in town and the merchants said that you have to pay two bills. One for the item you were purchasing and a separate check for the taxes. How about if you were in a restaurant and told the bill would be split in two because they pay the dishwasher out of a separate account. You would rightly say that was absurd. You have a monopoly. People need water and you are the only option where they can get it. You also have an obligation to provide reasonable and convenient use to the citizens of the community. I would ask that:

1. Smithfield allow customers to initiate water service online or by mail.
2. You publish on the town webpage all the requirements for water service and have forms that can be downloaded.

3. Have trained staff that explains everything that is needed the first time you go in or a client calls. Possibly, there could be a written procedure that you can hand someone stating what they will need when they come back in. Hopefully, it could also be mailed in or make some other arrangements.

4. Find a way to take one check instead of requiring two.

Those are my thoughts and, as a citizen, I wanted to bring them to your attention. Thank you.

Mayor Williams – Are there any other public comments? Seeing none, we will move to a Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Grice – Good evening. Before I start my presentation, I want to thank John Graham. In three and a half years that is the first positive thing I ever heard about county water. February was an interesting month for Isle of Wight County. The Board's work session on February 7th was primarily focused on the audit report for fiscal year 2018. The county is healthy and healthier than at the end of fiscal 2017. While revenues fell \$1,700,000.00 short of budget, the expenditures were \$5,800,000.00 less than budgeted thus increasing the General Fund balance \$4,100,000.00 year to year. Our unassigned fund balance, also called the rainy day fund, went from \$11,000,000.00 to \$15,900,000.00. Perhaps you will recall that three years ago this fund was at its absolute minimum balance allowed by policy. We are certainly not rolling in money but we are confident to hold on to our AA Bond rating. A couple more numbers that are typically of interest are the Utility Subsidy and Debt. We have reduced the Utility Subsidy to \$3,600,000.00 from over \$5,300,000.00 three years ago. While certainly moving in the right direction, the county would certainly welcome a large water user to bring their operations to the county. It would make a huge difference in our rates and how successful we are going forward. We are in the top ten debt to assessment valued counties in the Commonwealth. There is no question about it. However, we were able to reduce debt by \$5,800,000.00 or from \$151,000,000.00 to \$145,000,000.00. This puts the county at a 2.5% debt to asset value ratio vs. the counties mandated 4%. There are often penalties reducing debt through bonds which is not like reducing personal debt. You just cannot walk in and pay off the bank. Bonds come with penalties when you try to retire them early. Some of those penalties are higher than the interest you are paying

on them. There can be a 3% or 4% penalty on it but you may only be paying 1% or 1.2% interest. All in all, the county remains reasonably healthy but must proceed carefully. The work session was closed with the agreement that there would be a public hearing on the DJJ project at the Board's regular meeting on February 21st. As you have seen in the papers that occurred. The evening of the 21st went well past midnight before the Board concluded its agenda. While there were four public hearings, only the first of those four drew a crowd; a rather substantial crowd. The Department of Juvenile Justice hearing went on for almost four hours with the nay contingency very well represented. There were also a number of people who supported the project. Following the public hearing, the Board discussed the comments presented and the concerns presented. Each Board member had his turn to make comments. I was last on that list. Having heard the prevailing reason for being against it which was 'not in my backyard,' and hearing no substantive new reason that had not been previously addressed, I made the motion to accept the transfer of the twenty acre site from the EDA and to transfer it to the Department of Juvenile Justice predicated on reaching agreement on contract language affecting the transfer to them. The motion passed by a vote of 3–2. The issue of negotiating contract term language will be addressed at our work session this Thursday evening. The public is welcome and can speak during the public comments portion of the meeting. There will not be a public hearing on this but we will be discussing the terms at great length. During the following three public hearings, the Board approved its third solar farm in the county, the renewal of The Children's Center lease, and approved revision changes to the Zoning Ordinance. After the public hearings, we agreed to move forward in accepting the City of Hampton's gift of an Ajax missile and launcher for display at Nike Park. It has been disarmed. We approved the use of the Camptown Park for Paul D. Camp Community College for their soon to be formed soccer team. We had Board discussion on the tax exemption application by Mid-Atlantic Broadcast Corporation and the forthcoming creation of the Capital Improvements Program Committee were deferred until this Thursday's work session and the next meeting on March 21st. Does anyone have any questions or concerns?

Mayor Williams – Was the Nike missile originally from Nike Park?

Supervisor Grice – I do not know if it was ever here or at some other facility; but it was given to the City of Hampton. The question now is how do we get it and pick it up

and get it moved over here. I am not sure if it will fit crossing the bridge. It is being examined right now.

Mayor Williams – It would be interesting to know because there was not another one close by here. The closest one, at that time, was like three or four hundred miles.

Supervisor Grice – I do not know the history but I am sure someone will.

Councilman Hall – I think I remember hearing that it was over here at one time and taken back across the river.

Mayor Williams – Thank you Mr. Grice. We appreciate you coming out. We will now move Council Comments. Does any Council member have any comments?

Mayor Williams – I have two. I want to welcome John Graham tonight. He is a former Council member who served four years for the town. I would also like to welcome Miss Ana Eng the future President of the United States. Are there any other Council comments? Hearing none, we will move to our Summary of the Consent Agenda Items. We have three items tonight. Would any Council member like to pull any item for further discussion? Hearing none, we will start off with our Finance Committee Chairman, Mr. Randy Pack. He was not able to be here tonight so he asked Councilwoman Butler to do it.

Councilwoman Butler – Finance Committee Summary. I serve on the Finance Committee with Randy Pack. The Town Manager recommended a temporary upgrade to our Personnel Policy at our committee meetings. The policy addresses situations where employees are temporarily assigned to perform job responsibilities of a position at a higher grade. However, the policy in place does not address situations resulting in an increase in pay which is what the recommendation is. It states: ‘the general policy applies to situations where employees will temporarily fill a position at a higher grade for thirty days or more. An employee acting as a department head position will be moved to the minimum starting salary of the new position or be given an increase of 10%; whichever is higher. An employee acting in a non-departmental head position will be moved to the minimum starting salary of the new position or given an increase of 5%; whichever is higher.’ I would like to make a motion to approve the amendment to the town’s Personnel Manual to add a temporary pay upgrade policy.

Mayor Williams – We will now move to our Parks and Recreation Committee Chairman, Mr. Wayne Hall.

Councilman Hall – Parks and Recreation Committee Summary. Good afternoon, ladies and gentlemen, Honorable Mayor, and Town Manager. Our first item is a motion to approve the park project application to plant a group of Longleaf Pines with interpretive signage in Windsor Castle Park. This would be overseen by a Master Naturalist. There was a very in-depth presentation at our last committee meeting. These Longleaf Pines are native to Virginia; however, it has been a long time since they have been around. They are long-term growers and take time to get some height on them initially. These pines are set to go in an area over near the Dog Park and that is yet to be determined. They will be set out in about a 60' x 60' area. It will take many years for them to gain any height at all. It will be a real nice environment for people that walk in that area. I would make a motion to approve that project. There are more trees under consideration for planting. It has already been approved but not acted on yet. It will be happening in the near future. Our next item is a motion to accept a proposal from Dominion Energy for streetlights at the Clontz Park Boat Ramp. At this time, I will defer to the Town Manager who has that information.

Town Manager – Honorable Mayor and Council, I believe the amount we received from Dominion was about \$17,618.00. There will be eight total. I recommend that you allow me to sign the contract for these lights.

Mayor Williams – Thank you. You have all heard the three consent agenda items. We need a motion.

Vice Mayor Smith – I make a motion to approve the consent agenda items as presented.

- C1. Motion to Approve Amendment to Town's Personnel Manual to add Temporary Pay Upgrade Policy.
- C2. Motion to Approve Park Project Application to Plant a Group of Longleaf Pines with Interpretive Signage in Windsor Castle Park by the Master Naturalist.
- C3. Motion to Accept Proposal from Dominion Energy for Streetlights at the Clontz Park Boat Ramp.

Councilman Hall – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

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

Mayor Williams – We will now move to the Action Section of the agenda. We have a Motion to Approve the Town Council Meeting Minutes of February 5th, 2019.

Town Attorney – Mr. Mayor and members of Council, I recommend the minutes be approved as presented.

Councilman Hall – So moved.

Vice Mayor Smith – Second.

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

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

Mayor Williams – We will now move to New Business. We have a Clontz Park Boat Ramp Invoice from Docks of the Bay for \$122,258.59. This is for work performed to date. There is a list on page 3 showing everything that has been done and what is going on. It is all spelled out.

Town Manager – Our project manager, Kimley Horn, has signed off on this.

Vice Mayor Smith – Mr. Mayor, I would like to make a motion to approve the payment of \$122,258.59 to Docks of the Bay.

Councilwoman Butler – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion on this payment? Roll call vote.

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

Mayor Williams – Is there any other new business? Hearing none, we will move to Old Business. Is there any old business? Hearing none, we will now move to a Closed Session.

Town Attorney – Mr. Mayor, we need a motion to go into closed session for the purpose of consultation with legal counsel as to actual pending litigation pursuant to 2.2-

3711A.7 of the Code of Virginia and discussion of contractual matters where public discussion would adversely affect the town's negotiating and bargaining position pursuant to 2.2-3711A.29.

Councilman Hall – So moved.

Vice Mayor Smith – Second.

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

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

Town Council went into closed session at 6:58 p.m.

Town Council went back into open session at 7: 17p.m.

Mayor Williams – We need a motion to go back into open session.

Town Attorney – Mr. Mayor, all of those who participated in the closed session of this meeting are reminded that all matters discussed in closed session are to remain confidential as provided under the Virginia Freedom of Information Act and that such matters as discussed in closed session should not be acted upon or discussed in public by any participant unless and until a public formal action of the Town Council is taken on that particular subject matter. Pursuant to Section 2.2-3712 of the Code of Virginia, a motion certifying that to the best of each members knowledge only public business matters lawfully exempted from open meeting requirements and only such public business matters as identified in the motion to move to closed session were heard, discussed, or considered during the closed session. That motion is in order.

Vice Mayor Smith – So moved.

Councilman Hall – Second.

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

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

Mayor Williams – We are back in open session. We have one item to discuss. We will have consideration by Parks and Recreation Committee Chairman, Mr. Wayne Hall.

Councilman Hall – I would like to make a motion to Approve the Memorandum of Understanding with Smithfield Pop Warner and the Town of Smithfield as previously discussed.

Vice Mayor Smith – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

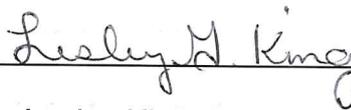
On call for the vote, six members were present. Vice Mayor Smith voted aye, Councilwoman Tynes voted aye, Councilman Hall voted aye, Councilwoman Haywood voted aye, Councilwoman Butler voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – The motion carries unanimously. Is there anything else to come before Council? Hearing none, we stand adjourned.

The meeting was adjourned at 7:19 p.m.



Mr. T. Carter Williams
Mayor



Mrs. Lesley King
Town Clerk