

The Smithfield Town Council held its regular meeting on Tuesday, March 6th, 2018. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Michael Smith, Mrs. Denise Tynes, Dr. Milton Cook, Mr. Randy Pack, and Mr. Steve Bowman. Staff members present were 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; Mr. Alonzo Howell, Smithfield Police Chief, Ms. Judy Winslow, Director of Tourism; Mrs. Ashley Rogers, Human Resource Director; Officer Ryan Polk, Smithfield Police Department, Sergeant Eric Phillips, Smithfield Police Department; Mrs. Amy Novak, Director of Parks and Recreation; Mr. Bill Davidson, Planning Commission member, and Mr. Chris Torre, Board of Historic and Architectural Review Vice Chairman. There were approximately thirty (30) citizens present. The media was represented by Elizabeth Pattman of the Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of March 6th, 2018. It is now 7:30 p.m. Thank you all for coming out tonight. Please stand for the Pledge.

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

Mayor Williams – Thank you. We will start off tonight with the Informational Section with the Manager's Report. Our Town Manager is on a trip. He is having a good time and certainly deserves it. We will have a report by Mr. William Saunders, Director of Planning, Engineering and Public Works.

Director of Planning, Engineering and Public Works – Thank you, sir. The February Activity Report from the Town Manager is included in your packet. For Upcoming Meetings and Activities, we will have a Pinewood Heights Management Team meeting on March 13th at 4:00 p.m. There will also be a Planning Commission meeting at 6:30 p.m. that same day. On March 20th, at 6:30 p.m., there will be a Board of Historic and Architectural Review meeting. The Town Council Committee meetings will be held on March 26th and 27th at 4:00 p.m. at the Smithfield Center. I will now turn the meeting over to our Chief of Police, Alonzo Howell.

Chief Howell – Good evening Mr. Mayor and members of Council. Tonight, I stand before you to introduce to you one of our newest employees, Mr. Ryan Polk. Just to give you a little information about Ryan, he started his law enforcement career with the

City of Norfolk. He stayed with them for approximately one year. He left and went into the insurance field. He had a passion to get back into law enforcement. He applied with the Smithfield Police Department and was the selected candidate to wear the blue that he is wearing tonight. Ryan currently lives in Virginia Beach. He has plans to move closer to the area. He started with us on February 7th. He is currently in the FTO program. He is riding with an officer who will train him as to how we do things here in town. I am pleased to introduce to you, Mr. Ryan Polk, our newest Smithfield police officer.

Mayor Williams – Welcome aboard.

Officer Polk – I am proud to be here in Smithfield. I am looking forward to seeing everybody out and about. Thank you.

Mayor Williams – It is good to have you. We will now move to Public Comments. The public is invited to speak to Council on any matter except for scheduled public hearings. We have two of those tonight. You will have an opportunity to speak at that time. Comments are limited to five minutes per person. Any required response from the town will be provided in writing following the meeting if you so desire. Please state your name and address as you come forward. Do we have any signups?

Director of Planning, Engineering and Public Works – The first signup is Mr. Chris Torre.

Mr. Torre – I live at 32 Main Street. I had the opportunity to attend the Town Council Committee meetings on Tuesday of last week. A gentleman for Alpha Corporation gave you folks a report regarding construction of the concession stand at the sports complex. Apparently, the general contractor, the plumbing contractor, the concrete contractor, and the plumbing inspector, and the building inspector all missed the fact that there is no floor drain as called for in the plans and in the specifications for the public changing room. The contractor does not want to put one in there now after the fact. Alpha reports to you folks and I quote “to install a floor drain now would require cutting and patching the concrete floor which would detract from the overall appearance.” Instead, he says he wants to make a deal. He will put the missing floor drain from the changing room over at the stair landing. Apparently, the stair landing has another problem of water ponding there as it comes from underneath the door. It stands on that portion of the concrete. The contractor says that he is willing to put the missing

floor drain from the changing room into the concrete landing pad at the bottom of the stairs. The report from Alpha went on to say that the contractor suggested a tradeoff where they will install a floor drain at the bottom of the stairs to relieve the ponding issue at the entrance doors. The construction manager says to you folks "it is our opinion that the ponding water at the bottom of the staircase represents an unsafe condition and it is our recommendation that the town accepts this trade." I hope you do not. It is a bad idea all the way around. That floor drain is a necessary component. It was put in there for a reason. The janitor is going to have a terrible time cleaning that floor without a drain. If there is no place for the rinse water to go; maybe he will do a good job of cleaning and floor and maybe he will not. The floor will be just as unsanitary as you could possibly imagine. It is a changing room and all kinds of stuff is going to hit the deck. The kids will be running around in there, you know as well as I do, with bare feet and so will the adults in a lot of cases. So, for that reason, I suggest that you tell the contractor to put the drain in where it belongs. He has poured the slab wrong. It does not slope to drain because there is no drain in the floor. He has poured it flat. He needs to take the whole thing out and throw it away. He needs to get the plumber to put the floor drain in there like it was supposed to be in the first place. He can get the concrete guy back and have him slope the drain with 1/8" per foot or 1/4" per foot so that the janitor can actually clean that place. He also needs to go the landing at the bottom of the stairs and hammer that concrete out and pour it back the way it is supposed to be so that the water does not pond there or do that to the exterior concrete which is funneling the water under the door and causing the problem in the first place. That is my recommendation.

Mayor Williams – Thank you, Mr. Torre. We will certainly take that under consideration. Thank you for your input. We do not have any other signups but you are certainly welcome to come forward if you please. Is there anyone else who would like to speak? Hearing none, we will move to a Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Grice – Good evening. I would like to report on the Board's activities for the county. At the February 15th regular Board meeting, we received a great annual report from Danny Byrum with the Isle of Wight County Fair Committee. It won many, many awards this year from both the state and regional levels. We have a great recognized Fair. We just need to get a little bit more people there now. Additionally, we

received a report from Ms. Judy Winslow who is our Director of our joint tourism organization. She, once again, provided an annual report that was both informative and fun to read. The pictures this year were almost as fantastic as the results of her organization. The county is moving forward with the Route 10 water line. It will take approximately two and a half years to complete. It will provide the northern end of the county with a closed loop system. Finally, the Hampton Roads Military and Federal Facilities Alliance has asked all Hampton Roads community's governments to support their request for Virginia exclusion for the next round of Bureau of Ocean Energy Management's five year oil and gas lease program. Put simply, they do not want any offshore drilling. The Board voted 4 – 1 in support of this measure. At the March 1st work session, the Board requested a formal proposal from the Virginia Department of Game and Inland Fisheries to provide managerial assistance for the county's property along the Blackwater River. Since the county cannot force residents to connect to available county water and sewer services, the county has abandoned its 'stick' approach and will develop a 'carrot' approach to encourage residents to partake of these services through a limited discounted tap fee. This will apply to the new Route 10 water line and the Route 17 lines. You have to have water in order to have sewer service. Finally, in an effort to stem the amount of excitement prevailing at this work session, we reviewed updated language on two county policies to ensure compliance with state code. Unfortunately, this continued the excitement and generated so much excitement that even the press left the session before we adjourned. We had a Smithfield/Isle of Wight County Intergovernmental meeting on February March 2nd. Representatives of the two government bodies reached an agreement in principle on the management of the Isle of Wight Museum with a shared cost basis similar to our very successful tourism arrangement. Another agreement in principle was reached on the water agreement for the five year extension on the Gatling Pointe water and sewer services and other related water issues. Another agreement in principle was made for the boundary line adjustment for the Scott Farm property and related issues. All three items are being put into the appropriate legal language by our legal representatives. Public hearings will be conducted as required by both governing bodies in short governmental order. Hopefully, we will get it all done before the end of April. Thank you. Are there any questions or comments?

Mayor Williams – Thank you very much Mr. Grice for your input. We will now move to Council Comments. Are there any Council members who would like to make a comment?

Councilwoman Tynes – I mentioned this at our Committee meeting but I thought it was important to do it here also. Our own Mayor, Carter Williams, and Chief Howell were featured in the Virginia Town and City magazine. This is a magazine put out by the Virginia Municipal League. It is Volume 54 for January and February 2018. We are proud. The reason they were featured in there was that Smithfield was re-certified as a crime prevention community. I do not want you to think that they put it in there just to fill up space. They have people all over the state of Virginia that want space in this magazine. We won out this month and I love it. Thank you.

Councilman Dr. Cook – I have two comments. First, I want to echo what Mr. Torre brought to light earlier with the drains at the concession stand. I was not a big fan of hearing that the subcontractors messed up and they were trying to do what was easiest for them to fix. It really needs to be done correctly in the first place. I am also in favor of having them come back and do it the way it was supposed to be done and not having it as patchwork. It was in the plans and was supposed to be done. I do not see it on our agenda items for tonight. I do not think we would be approving anything tonight on it; but I think we need to speak about what we expect of our contractor on a four million dollar job. Something like that needs to be fixed. I think that is something for us to discuss at our next committee meeting as to how that will be addressed. Secondly, we had an Intergovernmental meeting that I was actually invited to attend this time. They even let me speak. I think it went really, really well. It was refreshing to see a group of guys that understand the success of the town also means success for the county. It is really refreshing to hear. I really appreciate it and I thought we got a lot done. It was a longer meeting but it felt like it went by pretty quick. It was nice to get something done so to speak. Thank you.

Councilman Bowman – Mr. Mayor, just as a point of clarification about Dr. Cook's comment pertaining to the change order. I specifically asked the question during the course of that dialogue as to what action or inaction would need to be taken. As I recall, it was deferred back to the Town Manager to interact pertaining to that change order. I think we need to express that sentiment back either through Mr. Saunders or whatever

vehicle to let him know that we have some concerns pertaining to that change order. I had been contacted about the matter as well. Upon reflection, it is the right thing to do. It sounds to me like it may be a lot of trouble to correct it. Perhaps Mr. Camden can come back and after reflection give us some other ideas; but the bottom line is that you do not put a mat in place of a drain. They do not work that way. I would like that to be directed to the Town Manager for consideration and further discussion as to what the actual solution is and brought back to committee. I will not be there but I hope and I know that due diligence will be paid to that item. Thank you.

Mayor Williams – Mr. Saunders and Mrs. Novak, you all get together and take care of that and let Peter know when he gets back next Monday. We need to go ahead now and contact Mr. Camden and let him know. With it being Tuesday, we cannot wait until Monday because they may be going ahead with the change order.

Councilwoman Tynes – I just wanted to let you know that I agree with Dr. Cook.

Mayor Williams – I think we are all onboard with it. I have also heard comments and thought about it as well.

Councilman Bowman – Mr. Mayor, I think Mrs. Novak may have a comment.

Mrs. Novak – I believe that Alpha and Brian Camden had already talked to Chesson about switching out the change orders. We will go back to square one and make sure we are doing the bathroom also.

Councilman Dr. Cook – Have we already approved the change order one way or another?

Mayor Williams – No.

Councilman Bowman – We certainly did not. It was the reason for my question at the committee meeting. I asked whether it was ours to do or not to do or the Town Manager to do. That is where we are. I am glad you are on it. Also, Mr. Torre, you should be congratulated for your attention to detail and bringing it to us.

Councilwoman Tynes – Have we made the final payment to them?

Councilman Pack – I do not think we have made a final payment to A. R. Chesson yet. I will get a number on where we are with them.

Mayor Williams – Are there any further comments from Council? Hearing none, we will move to the Summary of the Consent Agenda Items. We have eight items on the agenda tonight. Would any Council member like to pull any item for further discussion?

Councilman Bowman – Mr. Mayor, just one point pertaining to the consent agenda. Item C3 which is a resolution to award the professional audit services to Robinson, Farmer, Cox Associates has me listed as carrying that. I do not know if that is correct. I think that would be the purview of the Finance Committee.

Mayor Williams – So noted. We will start with the Police Committee Chair, Mrs. Denise Tynes

Councilwoman Tynes – Police Committee Summary. Thank you, Mayor Williams. We have a resolution to approve the revised street closure request for the St. Patrick's Day Parade for Saturday, March 17th, 2018 from 10:30 a.m. until 1:00 p.m. The normal parade route has been revised due to the construction on Main Street. The parade route will be on James Street, Grace Street, Washington Street and back to James Street. It is pretty much a square. Thank you.

Mayor Williams – We will now move to the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. As you all know, if we have any invoices over \$10,000.00 they require Council authorization. Tonight, we have several of those. The first is to Draper Aden Associates for \$14,623.07. They are one of our onboard engineers. They are private but they work at our pleasure. They have looked at several projects including the sewer line and the dam project out on Waterworks Road. The second invoice is to Burleigh Construction Company for \$117,664.42. This is for actual construction for the work that was done out on the dam since Christmas time. RAD Sports has an invoice for \$27,956.21. It is a draw on the sports complex. We have an invoice from Isle of Wight County Tourism for \$116,544.00 for our mid-year true-up with the county. It is roughly half of the budgeted amount for tourism for this year. It is the same with Isle of Wight County E911 with our budgeted contribution of \$97,300.50. This week we also received an additional invoice for A. C. Schultes of Maryland since our committee meetings. It is for \$13,750.00. There was a little mix up about how we got those bills. We apologize for not presenting it until tonight. It is for some of our wells to determine what we needed to do. That work has been completed and we recommend payment for that this evening. We are recommending that all of these bills get paid with Council authorization. Finally, we have a resolution to award the professional audit services to Robinson, Farmer, Cox Associates. They are

our audit group. They responded to our RFP and were the only responders. We are very pleased with them. We have used them for five years now. We will have one more year with an option to renew for four more after that. We recommend approval. We are very happy with this audit company. Thank you.

Mayor Williams – We will now move to the Parks and Recreation Committee Chairman, Mr. Steve Bowman.

Councilman Bowman – Parks and Recreation Committee Summary. Thank you, Mr. Mayor. Item C4 is a motion to approve the Windsor Castle Park Project called “A Walk in the Park” by Smithfield Middle School students. If you recall, this was a wonderful presentation that the Middle School provided pertaining to signage that will be placed in Windsor Castle Park. The next item is a motion to approve the Windsor Castle Park project to install a Lions Club Time capsule by the Lions Club and Leo Club. I would ask for your favorable approval on these.

Mayor Williams – The next item is with the Public Works Committee Chairman, Mr. Mike Smith.

Councilman Smith – Public Works Committee Summary. Thank you, Mr. Mayor. Tonight, we have three items on the agenda. The first is a motion to renew the landscaping and grass maintenance contract with Southern Shores for one additional year. They have been doing a good job. We have questioned any deficiencies in the past and they have addressed all of those. We are pleased with their work. Item C7 is a motion to adopt the Design and Construction Standards Manual. It is about one hundred and sixty pages. This brings us together with other municipalities for water distribution and sanitary sewer systems. We have some wiggle room for each locality. If we need to adopt something that is not so deep or not so shallow then we can adjust that because of our locality. We are one of many localities that are participating in this. The only one in our region that is not is the City of Suffolk. I do not know way. The next item is a motion to approve the change order from Burleigh Construction Company for the repair work to the Smithfield Lake Dam. This is for additional signage and warnings prior to the construction. Thank you.

Mayor Williams – You have all heard the consent agenda items.

Councilman Dr. Cook – I would like to make a motion that we approve the consent agenda items as presented.

C1. Resolution to Approve Revised Street Closure for the St. Patrick's Day Parade on Saturday, March 17th, 2018 from 10:30 a.m. until 1:00 p.m.

C2. Invoices Over \$10,000.00 Requiring Council Authorization:

a. Draper Aden Associates	\$ 14,623.07
b. Burleigh Construction Co.	\$117,664.42
c. RAD Sports	\$ 27,956.21
d. IOW – Tourism	\$116,544.00
e. IOW – E911	\$ 97,300.50
f. A.C. Schultes of Maryland (Additional Invoice)	\$ 13,750.00

C3. Resolution to Award Professional Audit Services to Robinson, Farmer, Cox Associates.

C4. Motion to Approve Windsor Castle Park Project "A Walk in the Park" by the Smithfield Middle School Students.

C5. Motion to Approve Windsor Castle Park Project to Install Lions Club Time Capsule by the Lions Club and Leo Club.

C6. Motion to Renew Landscaping and Grass Maintenance Contracts with Southern Shores Lawn and Landscaping for One Additional Year.

C7. Motion to Adopt the Design and Construction Standards Manual.

C8. Motion to Approve the Change Order from Burleigh Construction Company for Repair Work to the Smithfield Lake Dam.

Councilwoman Tynes – 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. Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilman Pack voted aye, Councilman Bowman 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 the Action Section of the agenda. The first item is a Public Hearing: Amendment and Revision of Zoning and Subdivision Ordinance. We will have a staff presentation by the Director of Planning, Engineering and Public Works, Mr. William Saunders.

Director of Planning, Engineering and Public Works – Thank you, Mr. Mayor. We have a public hearing tonight for zoning amendments and also subdivision ordinance amendments. These relate back to our recent audit by the Department of Environmental Quality over our local Chesapeake Bay Preservation Program. There are several bits of language that were supposed to be in our ordinance that they found to not be as complete as they would like to have seen. They relate to language requiring notations on subdivision plats and plats to be recorded and also any plans that are approved in the Town of Smithfield. If you look at Article 5 of the subdivision approval process, on page 13 and 14, those amendments were made. Item 3A requires final subdivision plats to include required information and certifications as provided for in the final plat checklist. Item 5B shall be the responsibility of the applicant and the applicant's engineer or surveyor to complete and return two copies of the final plat checklist. Item 3C also relates to the final plat checklist. Item 3D is really what relates to DEQ. It states that "all final subdivision plats and other record plats shall show the one hundred foot resource protection area and the resource management area boundaries in the extent of the buildable area allowed on each lot based on all applicable setbacks, buffers, easements, rights of way, and other limitations such as the location of the primary and reserve onsite sewage disposal system areas and well protection areas if public utilities are unavailable." Item 3E states that "all final subdivision plats and other record plats including a resource protection area shall provide the following notation: There shall be no encroachment in the resource protection area including but not limited to land disturbing activities, vegetation removal, and construction activities without the appropriate authorization from the Town of Smithfield." Item 3F says that "all final subdivision plats and other record plats shall show the location of all primary and one hundred percent reserve onsite sewage disposal system areas and shall provide the following notation: All onsite sewage disposal systems must be pumped out or inspected at least once every five years." That completes the language changes for Article 5 of the Subdivision Ordinance. For Article 11 of the Site Plan Requirements, the first amendment is on page 10. Some language was struck there. It was a little dated in reference to this. It added "all preliminary major site plans shall show the one hundred foot resource protection area and resource management area boundaries and the extent of the buildable area allowed on each lot based on all applicable setbacks,

buffers, easements, rights-of way and other limitations such as the location of the primary and reserve onsite sewage disposal system areas and well protection areas, if public utilities are unavailable. All preliminary and major site plans including a resource protection area shall provide the following notation: There shall be no encroachment in the resource protection area, including but not limited to, land disturbing activities, vegetation removal, and construction activities without the appropriate authorization from the Town of Smithfield.” This section is for the preliminary site plan requirements for major site plans. Very similar language is also in the final site plan requirements for major site plans as well as the final site plans requirements for minor site plans. I will not read all three sections if that is alright. That was the only comment that the Department of Environmental Quality had for our audit of our Chesapeake Bay Program. The amendment of these two sections of the ordinance will get us fully congruent with the state’s requirements as it relates to our local program. Thank you.

Mayor Williams – I will now open the public hearing. Is there anyone who would like to come forward and speak for or against? Seeing none, I now declare the public hearing closed. We will have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – We were able to read through the changes. Are there any questions?

Councilman Pack – I wanted to report that the Planning Commission did review this. We recommended, unanimously, to send this to Council for consideration. The Planning Commission was very pleased with the work presented by staff.

Councilman Dr. Cook – Are there any other comments about the ordinance as presented?

Mayor Williams – I would like to commend the staff for the excellent job they did as far as preparing this. Thank you.

Councilman Dr. Cook – I would like to make a motion that we adopt the revised Zoning and Subdivision Ordinance as presented.

Councilman Pack – 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 Smith voted aye, Councilman Pack voted aye, Councilman Bowman voted aye, Councilman Dr. Cook voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Our next item is a Public Hearing: Pinewood Heights Relocation Project – Phase IV Grant Application Submittal. We have a staff presentation by Mr. Michael Dodson of Community Planning Partners. He has done a wonderful job of keeping us straight on this project. He has talked to people over there. He gets these grants and so forth for our town.

Mr. Dodson – As the Mayor said, this is Phase V. It is the final phase. We are finally there. I have just a quick overview of the first three phases. We are in Phase III now following final completion. This is the resolution for the final phase to go up to complete the last of the homes in Pinewood. It includes everybody on Pinewood Drive that is left which is 1 – 16. We included the last house on Carver Avenue that was in Phase II. Those owners were in Phase II and kind of disappeared on us. There is one half of a duplex. The town already owns the other half. We would like to acquire that as well. When you look at your budget, this one is a little higher because we dumped this one in. During the last phase, it was sixteen homes and two lots. This one is seventeen homes which is why it is a little off this year. We are going to get the other half of that duplex. This will go in March 31st. I love how the state decided to do this on Good Friday. They always love doing this right before Easter. The budget, basically, is set at \$2,433,907.00. The state only gives \$1,000,000.00 every year. The town's contribution would be \$1,433,907.00. We are estimating a little bit of assistance through some Section 8 renters in the neighborhood. We are estimating that they will continue to get those benefits which are paid by the Suffolk Housing Authority. Hopefully, they will continue to work with us in the final phase as we get the last homeowners out. There are five owner occupied units and ten rental occupied units. We think there are three that are Section 8. We are not sure. We know there are two. One of our rental tenants did not mark on their survey whether they are paying the rent themselves or whether they get a subsidy. There are two vacant lots. One is on one side of the old store/church and one is on the other side on Pinewood. Since you are maxed out on state funds, we did not include, in this budget, the old store that is there. The state said to start calling it

a store and not a church. You all are eligible to acquire that property. I think the property owners said they want to do it; but that would be town funds. We can amend this budget and include it in at a later date because it would be leverage or you all can leave that property there. There is no requirement that you acquire it because it is all voluntary acquisition. It is up to Council. It is something the property owner has asked for; but, again, that is up to you all. That is about it. Does anybody have any questions? This will complete the eighty-two homes. The grant will go in on March 31st. Generally, the previous Governor has been slow; but we will see how the new one does. More than likely, it will be October or November before the town hears about the award. I know the state is excited to get this. The rep has said this is her retirement gift. We are estimating a two year time frame. I know the residents in here will tell you that they are ready to go. We have had an application from every resident and every property owner. We have also had every landlord/tenant fill out their participation forms. Everybody is ready. When we get an award/contract, we will probably be moving people out the next day. They are ready to go. Again, I am here if anybody has any questions.

Mayor Williams – Do any Council members have any questions? Thank you, Mr. Dodson, you did an excellent job. We will now open the public hearing. Is there anyone who would like to speak for or against? Please come to the podium and state your name and address.

Mr. Raymond Seaborne – I own 17 and 18 but he said 1 – 16. I am wondering what they are going to do about 17 and 18 which is the church building over there.

Mr. Dodson – That is the one we were just talking about. It is up to the Town Council if they want to acquire that. It is eligible but it would be town funds. The maximum the state will give any locality is one million dollars for these grants. It would require additional town funds to buy that property which is up to Council. It is an option that we can include in the submission package.

Mr. Seaborne – You can include it.

Mr. Dodson – Yes.

Mr. Seaborne – I wish you would. I would like to do something with it. I have had that place for quite a while. What can I do over there with everybody else gone? I really need for you all to address that in some shape, form or fact. Thank you.

Mayor Williams – Yes, sir. We will be taking a look at that. Thank you very much.

Do we have a contact number for him Mr. Dodson?

Mr. Dodson – Yes. He has turned in an application.

Mayor Williams – Thank you. The public hearing is still open. Is there anyone else who would like to speak for or against the grant application? Hearing none, I now declare the public hearing closed. We will have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – We have gone through this process quite a few times. Does anyone have any comments? We are all happy that progress has been made. My understanding from Mr. Dodson is that property 17 and 18 that was just referenced would be the town buying it anyway. It is not really part of the grant process.

Mr. Dodson – No, it is not part of the application. Since you guys have the resolution, I would not change it because those numbers are set. However, when the grant gets awarded you can increase your leverage. I say ‘when’ because the state wants to complete this too. They are not going to leave you guys hanging. Once it is submitted, they can put in a request. It just shows the town commitment to the project.

Councilman Dr. Cook – With the amount of leverage we have, I do not think that is necessary.

Mr. Dodson – There are very few localities. Sussex just got a grant and Sussex put in nothing. They only get a million and will only do ten houses. This is probably the most active locality when it comes to committing local funds to these projects.

Councilman Dr. Cook – So, my point was that we do not need to add that. If the town is acquiring those two lots then it does not need to be added to this grant process. It is just something that the town would do on its own. To answer Mr. Seaborne’s question, it will be a town decision whether to pursue that or not. It will not be part of this grant process. It would just be a property acquisition by the town.

Mr. Dodson – It would not be part of the formal application. The state has said, in the narrative, that the town will consider it so that when they review everything and look at the maps it has not just left out this one building. I do want to add that you all have, additionally, tonight a resolution to go with this if anybody has any questions on it.

Councilman Dr. Cook – Right. It would be an additional acquisition. If there are no questions, I would like to make a motion that we approve the Town Manager to submit the application for Phase IV Pinewood Heights Relocation Project.

Councilwoman Tynes – 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. Councilman Dr. Cook voted aye, Councilwoman Tynes voted aye, Councilman Smith voted aye, Councilman Pack voted aye, Councilman Bowman voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams - We will now move to a Motion to Approve the Following Documents in Regards to the Pinewood Heights Relocation Project Phase IV Application Submittal to the Virginia Department of Housing and Community Development (DHCD).

- a. Resolution to Submit Application to DHCD.
- b. Residential Anti-Displacement and Relocation Assistance Plan.
- c. Fair Housing Certification.
- d. Local Business and Employment Plan.
- e. Non-Discrimination Policy.
- f. Section 504 Grievance Procedure.

Councilman Dr. Cook – There are six housekeeping items to keep us in compliance for the state funds with DHCD.

Mr. Dodson – Mainly because this is a relocation program, there are certain requirements that come with the federal dollars to ensure that we treat all people fairly and equally. We also do not push anyone towards anything. For the relocation, residents can move to California if they want to. I had one move to Israel a few years ago from another project. They are allowed to move anywhere they want. We do not push them and this just kind of puts that down in writing. The Fair Housing Certification just says that you will follow the state's fair housing guidelines and perform an activity every year. For you all, it is a little different because the only activity you are doing after you acquire it is demolishing it. The Local Business and Employment Plan just states that you will target local businesses and try to provide them the business first. The Non-

Discrimination Policy is that you do not discriminate on race and gender and family status when taking applications. The Section 504 Grievance Procedure is the procedures for access as well as participation. Essentially, there is a checklist that goes with that. I think it is in your package. It says that for anyone, turning in an application can, get into town hall. They can get into the Town Manager's office without any assistance. We do not have any access issues. These are standards and they are not required to be adopted ahead of time; but you get extra points in the applications if you do. We also recommend that localities do it ahead of time.

Councilman Dr. Cook – Thank you. I would like to make a motion to approve the six documents as listed on the agenda.

Councilwoman Tynes – 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. Councilman Dr. Cook voted aye, Councilwoman Tynes voted aye, Councilman Smith voted aye, Councilman Pack voted aye, Councilman Bowman voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – The next item is a Motion to Approve a Security System at the Joseph W. Luter, Jr. Sports Complex. We will have consideration by Parks and Recreation Committee Chairman, Mr. Steve Bowman.

Councilman Bowman – This is an item that we discussed at committee. It is a motion for a security system at the sports complex. We have received a bid from Siemens pertaining to this particular item from Mrs. Novak. It is for \$12,400.00. We will be glad to answer any questions pertaining to the bid. Siemens is a company that we use throughout the town for security. Hearing no questions, I will make a motion that we accept the bid for the security system at the sports complex.

Councilwoman Tynes – 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. Councilman Pack voted aye, Councilman Bowman voted aye, Councilman Smith voted aye, Councilman Dr. Cook

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 a Motion to Approve Nutrient Offset Credits for the Public Boat Ramp at Clontz Park in an Amount not to Exceed \$20,000.00. Consideration is by Parks and Recreation Committee Chairman, Mr. Steve Bowman.

Councilman Bowman – This item was also discussed at committee pertaining to the purchase of nutrient offset credits for the public boat ramp at Clontz Park. We discussed it in depth at committee. What this basically does is allow us to have a certain amount of impervious surface and offset that by nutrient offset credits. Does anyone have any questions?

Councilman Smith – I have one question. Is the \$20,000.00 above and beyond what we talked about for total expenses for the boat ramp?

Councilman Bowman – As I recall, Mr. Saunders can correct me if I am wrong, I believe it is a little bit more as far as the nutrient offset credits are concerned because the area to be disturbed is a little larger than we originally anticipated. Is that correct, Mr. Saunders?

Director of Planning, Engineering and Public Works – Yes. The area is a little larger on the re-designed facility; but the actual cost of the nutrient credits per pound of phosphorous went down. It is not as much as it would have been by the increase in the size; but it is about \$3,000.00 more than what it previously would have been.

Councilman Bowman – Are there any other questions from Council? Hearing none, I make a motion that we approve the nutrient offset credits not to exceed \$20,000.00 for the public boat ramp at Clontz Park.

Councilman Dr. Cook – 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. Councilman Bowman voted aye, Councilman Dr. Cook voted aye, Councilman Smith voted aye, Councilwoman Tynes voted aye, Councilman Pack voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Our next item is a Motion to Accept the Deed for the Clontz Park

Boat Ramp.

Councilman Bowman – At this time, I would like to turn that item over to our Town Attorney, Mr. William Riddick.

Town Attorney – Mr. Mayor and members of Council, as you remember, Smithfield Foods generously donated Clontz Park to the town for the location of the boat ramp. There was a reversionary clause in there and because of the delays in the designs and approval of the boat ramp and the need to re-bid the provision in the deed kicked in and the property reverted back to them. They are aware that we are ready to go once again and they have generously executed the deed donating the Clontz Park property back to the town with the condition that it always be used for a park, picnic area, or a boat ramp. It would be accepted with those conditions. It is necessary for the Town Council to take formal action to accept the deed.

Councilman Dr. Cook – Is there a reversionary clause in this deed also?

Town Attorney – There is but we have until April of next year to complete the construction. We feel that is certainly within our anticipated construction time frame.

Councilman Bowman – Are there any further questions? Seeing none, I make a motion to accept the deed for the Clontz Park Boat Ramp as explained by our Town Attorney.

Councilman Pack – 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. Councilman Pack voted aye, Councilwoman Tynes voted aye, Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilman Bowman voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – The next item is a Motion to Approve the Town Council Meeting Minutes of February 6th, 2018.

Town Attorney – Members of Council, I recommend the minutes be approved as presented.

Councilman Pack – So moved.

Councilwoman Tynes – Second.

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

On call for the vote, six members were present. Councilman Bowman voted aye, Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilman Pack voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – We now move to New Business. I would like to bring up the situation that we have with a vacant seat up here where Vice Mayor Gregory has moved out of town. He is no longer with us and we have to fill this seat. There was speculation and talk about selecting a candidate that would be running for Town Council in the May 1st election. If we were to fill that seat with one of those candidates that are running then the others candidates, rightfully so, would be upset that they were not selected. So, we had to decide what to do. At this point, we thought maybe we should look somewhere further and try to get somebody with some experience.

Councilman Dr. Cook – With that being said, we have found somebody that has great experience with this job. She has been past Mayor and past Vice Mayor. She has been on Council several times. She has been appointed in the past to fill vacancies. I take pleasure in Nominating Mrs. Florine Moore to Fill the Vice Mayor Gregory Vacancy for the Remainder of that Term.

Councilman Bowman – Mr. Mayor, if it pleases the Council, I would like to take this opportunity to second that motion. I think Dr. Cook has adequately described the credentials of Mrs. Moore. We could go on and on as far as her accomplishments, her contributions, and her dedication to the town. I can think of no one better suited at this juncture as we go down the path for the next several months of some very important items. At this point, I would also like to indicate that I will be leaving also. Tonight is my last meeting. I wish, to an extent, that I was not leaving; however, I know that it is the right thing to do and the required thing to do. Sometimes, the right thing to do is not the easy thing to do. I really, really have enjoyed my time here working with this Council. I know that Mrs. Moore and the remainder of the Council will have a number of different items they will be facing. The town has a lot of difficult decisions to be made in the next several months and the years to come. We have some infrastructure issues that need to be dealt with that were laid out pretty succinctly by our planning department. We also have a number of different items to consider. I do not intend to take up any time at the

end of the agenda; but I believe that the structure of the town is somewhat like a house. Not to simplify things, I have said it before; it is only as good as the foundation. You have to make sure that the foundation is taken care of before the swimming pool is put in for lack of a better way of characterizing it. Whatever I can do to help the town, I will be here to do that. The other thing is that I hope you really take time to consider the plight of the town employees and the salary work that has been done. I know that times are tight and things are difficult but I hope you consider the employees and staff and the hard work they have put in as bricks as part of that foundation because without the hard work that they do the house would not be in order. Those are the final comments that I will be making as far as Council members are concerned. Again, I wholeheartedly second the nomination for Mrs. Moore to replace former Vice Mayor Gregory's vacant seat.

Mayor Williams – Thank you Mr. Bowman. A motion has been made and properly seconded. Hearing none, roll call vote.

On call for the vote, six members were present. Councilman Pack voted aye, Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilwoman Tynes voted aye, Councilman Bowman voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Now, we are tasked with the situation to replace Andrew Gregory as the Vice Mayor. We will open that up for discussion.

Councilman Dr. Cook – Mr. Mayor, I think it only appropriate with new Mayor and Vice Mayor elections in July to nominate somebody who has experience and the knowledge that we need for items coming up such as hiring a new Town Manager to take the position of Vice Mayor. With that being said, she might be new but she is the most experienced to take this job. I would like to Nominate Mrs. Florine Moore as the Vice Mayor.

Councilman Bowman – Mr. Mayor, without any need for further qualification, I second that motion.

Mayor Williams – A motion has been made and properly seconded. Hearing none, roll call vote.

On call for the vote, six members were present. Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilwoman Tynes voted aye, Councilman Pack

voted aye, Councilman Bowman voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Thank you very much. Is there any further new business?

Councilwoman Tynes – I have a question for our Town Attorney. We just nominated Mrs. Moore to Council but she will not be sworn in until the next meeting.

Town Attorney – She can be sworn in tomorrow. She has to go to the Clerk's office. The Clerk of the Court will swear her in. Her appointment as Vice Mayor is subject to her being sworn in as a Council member.

Councilwoman Tynes – I just did not want us to jump without keeping things in order.

Mayor Williams – We will now move to a Motion to Appoint a Nominating Committee to Fill the Unexpired Term of Clem Batten (6-30-2022) on the Board of Zoning Appeals. Mr. Batten passed away last week. He will be sorely missed. He has been a valuable asset to this town for a long time. I would like to select Councilwoman Tynes and Councilman Smith to select his replacement. Also, you have all heard that Mr. Bowman is leaving. His seat will be vacant after tonight so I would like to select Councilman Dr. Cook and Councilman Pack to be the Nominating Committee to Fill the Town Council Vacancy for the Unexpired Term. Thank you all. Is there any other new business? Seeing none, we will move to Old Business. We have a Status Update of the Scott Farm Boundary Line Adjustment Request from the Intergovernmental Meeting held on Friday, March 2nd, 2018.

Town Attorney – Mr. Mayor and members of Council, we had an excellent and productive Intergovernmental meeting. The documents have been prepared for the proposed boundary adjustment to bring the Scott Farm into the Town of Smithfield. I have shared those documents with the County Attorney. With one minor change to them, he has approved them. I have talked to our special annexation counsel and he has advised that you can make a motion to authorize that we proceed with a public hearing at the next Town Council meeting. The necessary public notice will be published once a week for two successive weeks prior to that meeting. We will give certified notice to the property owners affected. At the April meeting, you can approve the annexation agreement and authorize the filing of the petition for the boundary line adjustment of the Scott Farm. It seemed to be in agreement with the county that this is

the time to proceed. The documents are prepared to reflect that agreement. I would recommend, if it is your pleasure, that we go ahead and advertise those documents for the public hearing.

Councilman Dr. Cook – Mr. Mayor, I will start with the motion but we will have some discussion after that. I make a Motion to Authorize the Town Attorney to Advertise for a Public Hearing at our Next Monthly Meeting on April 3rd, 2018 for the Boundary Line Adjustment.

Councilman Bowman – Second.

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

Councilman Dr. Cook – Yes, Mr. Mayor. I want to follow-up with what Mr. Riddick said at our Intergovernmental meeting. It was a really good meeting which is, to me, always a surprise. It is very refreshing to be working with people that truly understand that the success of this town equals success for the county. We had some great results from that meeting; this boundary line adjustment being one of them. It is a stand-alone product. Each of our discussions were on their own merits. This boundary line adjustment is not tied to anything else. I was trying to get it done while we can.

Councilman Pack – As far as the details on the boundary line adjustment is there anything tied to water or revenue sharing?

Councilman Dr. Cook – It sits on its own.

Councilman Pack – Is there a moratorium on additional boundary line adjustments or annexation?

Councilman Dr. Cook – Yes. They asked for a moratorium on the town becoming a city. We told them we have no plans for the town to become a city. There is a spot for how many years.

Town Attorney – That is something we are going to have to talk about. If you recall, we had discussions about certain areas around the town that are potentially ripe for development in the near future where the county will not be able to provide services. They have acknowledged that and pretty much have conceded that they would never be able to provide those services and would like to make it easier for the town to do that. We will have to tweak that a little bit; but that will be part of the agreement as what time period and how we deal with that issue.

Councilman Dr. Cook – It will not be a prohibition of annexation. It will be a prevention of a contested annexation or whatever the right term is. If it is an agreed upon boundary line adjustment such as the Scott Farm then we would not be limited by that time period.

Councilman Pack – Very good. That is what we were looking for all along. Fantastic.

Mayor Williams – Is there any further discussion? Roll call vote.

On call for the vote, six members were present. Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilman Pack voted aye, Councilman Bowman 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 old business?

Councilman Dr. Cook – I would like to give an Update on the Windsor Castle Restoration Project. Over the last thirty days, the maintenance and storage buildings are going up. Framing is complete and the siding is underway. This time of year it is a bit hard to predict but they suspect they are about 50% complete. Their goal is to be done by the Wine & Brew Fest which is April 14th. Smithfield VA Events will then be able to take hold of everything. The maintenance and storage building is where most of the focus is going right now. The next phase after that is the exterior of the Manor house. It will be later in the spring. The current status of the key project phases is that the Manor house Phase 1 is complete. We are not working on that at this moment. The Caretaker's house is complete and is already under sublease by Smithfield VA Events. They have moved in and taken possession of it. Eight of the nine outbuildings are about 95% complete. The Manager's office is the ninth one that has not been rehabilitated yet. As I said, the maintenance and storage buildings are about 50% complete. There is always site work that gets done. Are there any questions?

Mayor Williams – Thank you, Dr. Cook. Good job. We appreciate you staying on top of this.

Councilman Dr. Cook – I would like to thank the contractors that are out there working especially during the winter time. You know its cold out there for the guys sitting out in that wind and cold. You know it has to be miserable.

Mayor Williams – Is there any other old business? Hearing none, we do not have a closed session tonight. Ladies and gentlemen, thank you all for coming out tonight. We appreciate it very much. We are adjourned.

The meeting was adjourned at 8:37 p.m.



Mr. T. Carter Williams
Mayor



Mr. William G. Saunders, IV
Director of Planning, Engineering and Public Works