

The Smithfield Town Council held its regular meeting on Tuesday, April 3rd, 2018. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Ms. Florine Moore, Vice Mayor; Mr. Michael Smith, Mrs. Denise Tynes, Dr. Milton Cook, and Mr. Randy Pack. Staff members present were Mr. Peter Stephenson, 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. Alonzo Howell, Smithfield Police Chief, Ms. Judy Winslow, Director of Tourism; Mrs. Ashley Rogers, Human Resource Director; Mrs. Amy Novak, Director of Parks and Recreation; Mr. Bill Davidson, Planning Commission member, Mr. Chris Torre, Board of Historic and Architectural Review Vice Chairman; and Mr. William K. Barlow, Attorney. There were approximately eight (8) 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 April 3rd, 2018. It is now 7:30 p.m. Thank you all for coming out tonight. We certainly do appreciate it. Please stand for the Pledge.

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

Mayor Williams – Thank you. Tonight, I would like to recognize Mr. Rudolph Jefferson who is the Chairman for the Isle of Wight County Board of Supervisors It is good to have him here. We also have Mr. Dick Grice. Welcome to you both. Also, we have all of the new candidates running for Town Council. Thank you for being here. We will start off tonight with the Informational Section with the Manager's Report.

Town Manager – Thank you, your Honor. Good evening everyone. I have a few updates for you. The schedule for the month was included on the agenda. However, please note that it was determined that we will not have a Planning Commission meeting this month nor a Board of Zoning Appeals meeting this month. We are still planning to have the Board of Historic and Architectural Review on April 17th. Town Council Committee meetings will be on April 23rd and 24th which is our usual Monday and Tuesday at 4:00 p.m. here at the Smithfield Center. Thanks to everyone for your patience with Columbia Gas. Right now, they are still on schedule to finish up on Main Street by April 15th. Tomorrow they will be doing a shoulder closure in the 200 block of South Church Street beginning at 8:00 a.m. Please bear with us a little longer. The following week we are looking to do some street sweeping here in the historic district. I

promise that will not be as disruptive. The newsletter is getting ready to go out to all citizens. Our Town Clerk is doing a great job. If anyone has any last minute content, things that are important and need to be included, please let her know. It is still the hard copy mailer that we do twice a year. To note, I will continue to utilize some earned vacation leave. I will be out of state Thursday and Friday of this week. Speaking of out of state, our Town Attorney is out of the country. We are happy to have Mr. William K. Barlow with us here this evening. We also have special legal counsel from Troutman Sanders, Ms. Laura Kuykendall. She will be addressing part of the public hearing on the boundary line adjustment for us in terms of the process. Thank you.

Mayor Williams – 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?

Town Manager – There are no signups.

Mayor Williams – Is there anyone who would like to speak to Town Council. Hearing none, public comments are closed. We will now move to a Briefing by Mr. Dick Grice, Isle of Wight county Board of Supervisors, Smithfield District.

Supervisor Grice – Good evening Council, delegates, staff and audience. At our March 1st work session, the Board was presented with an alternative proposal from the Virginia Department of Game and Inland Fisheries regarding its potential assistance in managing the county's property along the Blackwater River. Currently, the property is leased for a nominal fee to two hunt clubs. The Department of Game and Inland Fisheries would like to open the property to all Isle of Wight citizens and they would manage the property. We have asked for a formal proposal from them to see what is involved. Additionally, after some research, we have determined that the county cannot mandate residential properties to tap into county water sources even if it is nearby. Thus, the Board intends to provide incentives to residential property owners to become county water users. A property cannot use the county's sewer infrastructure without first being and using its water source. We are working on an incentive package as we speak. The Board reviewed a recommendation to update Chapter 12 of the county code

which is Miscellaneous Offenses to ensure compliance with state code. The public at large will be pleased to know that the dance halls are still regulated. In an effort to reduce the county's financial contribution to the regional jail, we are giving consideration to reinstalling the use of the blocks in front of the old courthouse as an alternative to incarceration. I finally got a laugh out of this group. At the March 14th regular Board meeting, the county accepted a \$150,000.00 grant from the VA 911's Service Board to help with our new 911 Emergency Service System. The new equipment and operation remains on schedule and budget. Emergency calls are currently being handled by our staff from the York County Dispatch Center as training continues and our new facility is being prepared. The county's new Stormwater Advisory Committee is up and running with a great group of people who are actually interested in stormwater and its management. All five districts are represented as well as both of the towns on this committee. Additionally, Mrs. Donna Pitt has accepted an appointment to be the representative of the Smithfield District on the Blackwater Library Board of Directors. The schools have managed to save \$800,000.00 from budgeted roof repair work. They asked that the money be used for a specific list of security upgrade projects that were presented to the Board. Surprisingly, the list of upgrades just happens to come to \$800,000.00. My concern was with the accountability to ensure that the funds were being used specifically for the security items on the list. Those checks and balances are in place and the \$800,000.00 for security upgrades was granted. Additionally, Supervisor Rosie, who has a background in homeland security, will be forming a School and Public Event Task Force to ensure that the county has the appropriate tools and policies in place to respond to shootings and other emergency incidences. The request for deferring the public hearing on Brewers Station's amended zoning request was heard and denied. There will be further discussion on the amended conditional rezoning at our work session this Thursday evening. A public hearing is currently being planned for the April 14th meeting. Additionally, the Board authorized the County Administrator to move forward with the public hearing needed to consider the Scott Farm boundary line adjustment with the town. If you are dying for some excitement during the week, please tune in to this Thursday's county Board's work session where we will be presenting the fiscal year 2017/2018 audit report. The first pass at the county's 2018/2019 capital improvement plan and operating budget and further discussion on the Brewers Station

amendment request will be topics. The county meetings are both live stream on the county's website and via Facebook. You do not even have to leave the comfort of your home to participate. Thank you. Does anyone have any questions, comments, or concerns?

Mayor Williams – Thank you, Mr. Grice. As usual, it was a very good report and we appreciate the update. We will now move to Council Comments. Does anyone have anything to comment on?

Councilwoman Tynes – I would like to comment. This month in the Virginia Town and Cities magazine, which is published by the Virginia Municipal League, Mr. Stephenson was honored on his retirement and twenty-two years of service with the town. Thank you, Peter. For those members that had an opportunity to go to VML Conferences, Ms. Joni Terry is celebrating forty years with VML. If you ever have an opportunity to go to the conferences, you will get to meet Joni. She is the person you have to contact for the conference. This year the conference will be September 30th – October 2nd, 2018. It will be held in the Hampton Roads Convention Center. If the candidates that are running for Town Council would like to go and you win the election, please let our Town Clerk know that you are interested in going. There is a window of time to register. The Town Clerk is the one to get you registered. I just wanted to let everyone know ahead of time in case they are interested in going. Thank you.

Mayor Williams – Are there any other comments? Hearing none, we will now move to our Consent Agenda Items. We have ten items tonight. Would any Council member like to pull any item for further discussion?

Councilman Dr. Cook – Yes, Mr. Mayor. I would like to pull C8.

Mayor Williams – We will begin with our Police Committee Chair, Mrs. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. Item C1 is a resolution to approve the street closure/traffic assistance for the Smithfield 6 Pack 6K on April 29th, 2018. The police committee discussed this and it is the second year. There were no concerns and no changes. The next item is a resolution to approve the street closure/traffic assistance for the Main Street Mile on April 29th, 2018. I think this is the second year for this also; therefore, making it an annual event in the town. The committee recommends both of these for approval.

Mayor Williams – We will now move to Item C3 with the Water and Sewer Committee Chair, Ms. Florine Moore.

Vice Mayor Moore – Water and Sewer Committee Summary. The town has three water tanks that need attention. They are proposing to hire Quinn Consulting Services to come and take a good look at them. They will give us an evaluation and a survey of each one to tell us what needs to be done first etc. There is an amount in our budget for this. This will come under that. Whatever is leftover will go into next year's budget so the actual work can be done at that time. Also, they talked about replacing a 1994 F350 truck that is in need of replacement. It is pretty rusted out. They will replace it with a new F450 truck. This is used for pushing snow, spreading sand, and whatever they need it for. They received three quotes on this truck. The lowest and best one was for \$33,954.00. It is also a budgeted item. The town would be buying the dump body for this truck in the next fiscal year. The snow plow that we have on the current truck can be put on this new truck. Thank you.

Mayor Williams – Our next item is with the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. This evening we have three invoices over \$10,000.00 requiring Council's authorization. The first two are both to A. R. Chesson Construction. They have been working on our concession building at the sports complex. The first one is a December invoice for \$16,795.05 and the second is a January invoice for \$32,498.81. Mr. Camden, with Alpha Corporation, recommends approval of these. He has visually inspected the work and is happy with it. The next invoice is for Draper Aden Associates for \$10,956.26 for work that was done to the emergency spillway. It is a progress billing on the Smithfield Lake Dam. We feel it is one of the town's more expensive dams. All three of these invoices are recommended for approval this evening. Thank you.

Mayor Williams – We will now move to Items C6, C7 and C9 with the Parks and Recreation Committee Chair, Mrs. Denise Tynes.

Councilman Tynes – Parks and Recreation Committee Summary. Item C6 is a motion to approve the Relay for Life "Paint the Town Purple" Initiative from May 20th until June 2nd, 2018. Item C7 is a motion to approve the proposed price adjustment for 50% off on Friday, Saturday, and Sunday rentals for January and February 2019 for the

Smithfield Center. Item C9 is a motion to approve the Windsor Castle Manor riverfront fee schedule. The committee, after discussion, recommended it to Council for approval. It was submitted by our Parks and Recreation department.

Mayor Williams – The last item is C10 with Public Works Committee Chairman, Mr. Michael Smith.

Councilman Smith – Public Works Committee Summary. Thank you, Mr. Mayor. We have a motion to renew the street maintenance contract with Blair Brothers for one additional year. We have been very happy with their procedures and their work ethic. We recommend this for approval this evening.

Mayor Williams – This concludes the consent agenda items with the exception of C8.

Councilman Pack – Mr. Mayor. I would like to make the motion that we approve the consent agenda items with the exception of C8 as presented.

C1. Resolution to Approve Street Closure/Traffic Assistance for the Smithfield 6 Pack 6K on Sunday, April 22nd, 2018.

C2. Resolution to Approve Street Closure/Traffic Assistance for the Main Street Mile on Sunday, April 29th, 2018.

C3. Motion to Accept the Proposal from Quinn Consulting Services for Coating Inspection/Evaluation Services for Three of the Town's Elevated Water Storage Tanks.

C4. Motion to Authorize the Town Manager to Purchase Budgeted Public Works Truck in the Amount of \$33,954.00.

C5. Invoices Over \$10,000.00 Requiring Council Authorization:

a. A. R. Chesson Construction - December	\$16,795.05
b. A. R. Chesson Construction – January	\$32,498.81
c. Draper Aden Associates	\$10,956.26

C6. Motion to Approve the Relay for the “Paint the Town Purple” Initiative from May 20th until June 2nd, 2018.

C7. Motion to Approve the Proposed Price Adjustment for 50% Off for Friday, Saturday, and Sunday Rentals for January and February 2019 at the Smithfield Center.

C8. Pulled from Consent Agenda

C9. Motion to Approve the Windsor Castle Manor Riverfront Fee Schedule.

C10. Motion to Renew Street Maintenance Contract with Blair Brothers for One Additional Year.

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, Vice Mayor Moore 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 Item C8 which is a Motion to Approve the Proposed Park Impact Fees which was pulled by Councilman Dr. Cook.

Councilman Dr. Cook – I have some questions. I guess I can direct them to Councilwoman Tynes.

Councilwoman Tynes – I will redirect them to the Director of Parks and Recreation.

Councilman Dr. Cook – The flyer that we had at committee had examples of events on the left hand column. By making this motion to approve these fees are we only approving fees for these specific events because there is not a generic template? It only says these listed events.

Director of Parks and Recreation – These are for all open to the public events that take place at Windsor Castle Park.

Councilman Dr. Cook – I guess I did not word my question quite right. I know that is our intent; but there is no template that we are passing that says if your event is set up like this then your impact fee will be this.

Director of Parks and Recreation – They will proceed through the special event process if they are open to the public. We would know that group would get the 5% Park Impact Fee applied to their entry fee. They would go through the special event process which is how you determine they are open to the public. Anybody can buy a ticket to that particular event.

Councilman Dr. Cook – So, ticketed events are a 5% Impact Fee.

Director of Parks and Recreation – Yes, sir. If the event does not charge entry fees then they receive the lower fee because there is still an impact to the park; but they should not receive the same amount as somebody charging and making profit on an open to the public events.

Councilman Dr. Cook – So, those are basically the two different types of events that we will do impact fees for.

Director of Parks and Recreation – That is right.

Councilman Dr. Cook – What is the percentage for an open to the public event?

Director of Parks and Recreation – I did not put a percentage. I put .50 cents per attendee. As an example, a group would report that they had two hundred and fifty people attend their event that were not charged entry fees. They would be billed for .50 cent per attendee.

Councilman Dr. Cook – Basically, they are renting the park for .50 cents per person.

Director of Parks and Recreation – Yes, sir.

Councilwoman Tynes – Are there any more questions? Does that answer your concerns Dr. Cook?

Councilman Dr. Cook – It does.

Mayor Williams – Following on that, let's take an incident where they deface something. Is that going to pay for that or are you going to have a deposit that they will get back if they did not disturb anything?

Director of Parks and Recreation – Yes. It is a damages incurred fee. It would be done with the credit card on file that we will obtain from applicants. The park impact fee is separate. This would be a damages fee as incurred and as billed.

Mayor Williams – But you do not have that right now.

Director of Parks and Recreation. – No but every event going forward will have that in place.

Mayor Williams – Are there any further questions?

Councilwoman Tynes – At this time, I would like to make a motion to approve the proposed park impact fees as presented.

Councilman 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. Councilman Pack voted aye, Councilwoman Tynes voted aye, Councilman Smith voted aye, Councilman Dr. Cook voted aye, Vice Mayor Moore 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 will have a Public Hearing: Boundary Line Adjustment for the Scott Farm.

Town Manager – We have duly advertised the public hearing this evening. For the record, this is not the first time the town has had a public hearing on this request by the property owner's representatives. The property, otherwise known as the Scott Farm, sits on the north side of Nike Park Road and Battery Park Road between Nike Park Road and Gatling Point South. They want to be incorporated into the Town of Smithfield; but we are required this evening to have a new public hearing in this regard. It just pertains to this property. It has been advertised and the packet tonight included a resolution; also attached thereto is an agreement and the meets and bounds description of the property. Also, the physical survey is at my office and will continue to be available that was prepared previously. We have special legal counsel, Ms. Laura Kuykendall, this evening to explain the process. We have Messrs. Tuck Bowie and John Napolitano here this evening that are representing the property owner. I would recommend, for the record, that they be allowed to speak and reiterate their request one more time.

Ms. Laura Kuykendall – I am from the law firm of Troutman Sanders in Richmond, Virginia. My office has been working with Mr. Riddick regarding this proposal. Just to give you an update about what is going to happen, presuming that the resolution is adopted and the agreement is entered into, the county will have a similar public hearing. Once they adopt the resolution and the agreement, the parties will jointly petition the Circuit Court for entry of an order that adjusts the boundary line. The order will implement an effective date for the boundary line adjustment to go into place. This is the first step of that process. There will be another public hearing on the county's side and then we will move forward to the courts part of it. I can answer any questions that anyone has.

Mayor Williams – Does any Council member have any questions?

Councilman Dr. Cook – Assuming that this is passed tonight and assuming that it is passed on the county's side this month, how long does it take for the Circuit Court to hear it and act on it?

Ms. Kuykendall – It can depend a little bit on their schedule. We have all of the paperwork ready to go. We can get the petition filed as soon as the county has its public hearing. Generally, it would probably be within a month or two; but it sort of depends on the court's particular docket. The order is currently drafted to have the boundary line go into effect at the end of June. If the court has not adopted the order by then, it will proceed to the end of the next month after the order has been entered. It should be before June; but we have adjusted the order in case it does not get entered then. It should be within a couple of months.

Mayor Williams – Are there any other Council questions? Hearing none, thank you for the information.

Mr. John Napolitano – I am one of the land owners of the Scott Farm. As Mr. Stephenson alluded to, we have been here once before. It has been a pretty long road. It began in October of 2011 when we were ready to have the court sign off on it. Circumstances happened and I am happy to see that we are back here again at this point. We ask for your support this evening. As some of you are aware, we are working on a master plan for the property. We have already engaged an engineering firm to start working on that. We will be meeting with several of the stakeholders in the near future to discuss some of the things that the town is looking for and show them some of our work. Our designer can then put something together that, I think, all of us can be proud of at the end of the day. I thank you for your consideration tonight and ask for your approval.

Mayor Williams – I will now declare the public hearing open. Would anyone like to come up and speak for or against this boundary line adjustment for the Scott Farm? Hearing none, I will declare the public hearing closed. We will have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Yes, we have been here many times before. There is no real new information in this agreement. Does anyone have any questions or concerns? Hearing none, I would like to make a motion to approve the boundary line adjustment agreement between the county and the town.

Councilman 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. Councilwoman Tynes voted aye, Councilman Smith voted aye, Councilman Pack voted aye, Vice Mayor Moore 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: Special Use Permit – 757 Brewing Company. We will have a staff presentation by Director of Planning, Engineering and Public Works, Mr. William Saunders.

Director of Planning, Engineering and Public Works – Thank you, sir. Good evening Mr. Mayor and members of Council. This is a special use permit application before us tonight for a public hearing. The applicants name is Mr. Thomas Dawson for 757 Brewing Company at 895 West Main Street. This is the old S. W. Rawls facility across from the new sports complex. The owner of the property is BAER Development at P.O. Box 486, Smithfield, Virginia. Currently, the property is zoned I-1 which is Light Industrial. The proposed use is a brewery with light warehousing and distribution and ancillary retail and restaurant uses. The parking required equates to the parking provided at approximately twenty-five spaces. It is conforming with the current future land use plan as they show the proposed use. They propose to operate a brewery with light warehousing and distribution and ancillary retail and restaurant uses. The manufacturing, warehousing, and distribution are permitted uses in the Light Industrial district as it stands. However, the tap room and restaurant and retail uses will require the granting of a special use permit. Therefore, the applicants are seeking special use permit approval specifically for eating establishments ancillary to I-1 district uses for the proposed taproom, restaurant, retail sales and a warehouse for a wholesale establishment whereas at least 60% of the gross floor area is dedicated to warehouse space for the sales of the brewing supplies and promotional merchandise. The brewery operations will occur between 8:00 a.m. and 4:00 p.m. daily with two employees. The restaurant, taproom and entertainment activity will take place from 11:00 a.m. until 9:00 p.m. Sunday through Thursday and 11:00 a.m. until 10:00 p.m. on Friday and Saturday with three additional employees. The maximum occupancy for events is subject to the Isle of Wight County Building Codes oversight. That number has not yet been

confirmed. Exterior changes to the building and the sign plan are proposed in the future. They will come before the Planning Commission at a later time for Entrance Corridor Overlay District review. The applicant's business plan and site plan are enclosed in your materials for further information. At their March 13th meeting, the Planning Commission recommended approval to the Town Council for this item with no conditions. Town staff has deemed this application to be complete and meets the proposals required by the zoning ordinance. As this is a special use permit application, reasonable conditions may be recommended by the Town Council as deemed necessary to protect the public health, safety and welfare. As you can see in your packet, the business plan, site plan, and a floor plan of the proposed entity are shown there. I will be glad to answer any questions you may have if I can.

Councilwoman Tynes – I have a question for you. There was something I was reading since our committee meeting. I wanted to ask you before I go forward with this about the water usage at the brewery. I know we have one locally that has been in place for a couple of years; but that is not really major. This sounds like it will be more on the side of brewing versus restaurant. I was wondering if you think there will be a major impact on the fees we are paying now because of excessive water usage.

Director of Planning, Engineering and Public Works – As I understand it from the applicant's projection for water use, he is not actually expecting to have to upgrade the meter size at this time. This means that it will probably not use much more water than more water-dependent commercial activities that are out there right now. I believe there is only a three quarter inch meter on the structure currently. As he ramps up or in the future, he may require more water; but if he does, he would also require a larger meter and service in which case he would pay a pretty hefty tap fee to upgrade the meter size. It would go towards our capital budget for future water system improvements. I still do not think the amount of water he would use would be anything that would have a negative impact on our overall water treatment or capabilities in the town.

Councilwoman Tynes – Thank you.

Mayor Williams – The question came up about the turn lane in front of the sports complex versus no turn lane going in there. I think you said at the committee meeting that you did not see that it would have an impact for making a left hand or right hand turn going in there as of right now. If it really takes off and grows, it might.

Director of Planning, Engineering and Public Works – With the existing site being an industrial site and having been developed previously and also used as a delivery facility for petroleum products, there was a good bit of traffic that went in and out of there already as it was designed. They are really not expanding the footprint of the property there; although the use may be a little more extensive. Their proposed changes may not even trigger an actual site plan having to be developed. However, VDOT will have to be notified of a change of use. If anything is triggered by them, which I doubt, then that will be their purview. The turn lane going into the sports complex is just the right hand turn lane. There will be no center turn lane there. It is VDOT's corridor and their right-of-way. Based on the fact that it is already developed and already been used as an industrial site, I doubt there would be any improvements needed particularly to the degree of a turn lane; but I cannot speak for VDOT.

Mayor Williams – Is the applicant here? Seeing none, we will not have a presentation by them. I will now declare the public hearing open. We do not have anyone signed up to speak. Is there anyone who would like to come forward to speak for or against this application? Seeing none, I will close the public hearing. We will have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – We have before us a special use permit for 757 Brewing to expand its purview of its business, so to speak, for the restaurant and the taproom. Does anyone have any comments?

Councilman Pack – I have one comment. For the record, I am one of the landowners. I am not involved in the business at all; but for that very reason, I will be abstaining from this vote this evening. I just wanted the public record to show that I am going to abstain because I am a landowner.

Councilman Dr. Cook – But it is not your business.

Councilman Pack – Correct; although, my wife's grandmother was really proud of me at Easter dinner for starting a new restaurant in town at this brewery. I had to tell her that it was not mine. She was a bit disappointed. She had read that in the paper.

Councilman Dr. Cook – Are there any other questions or comments? Did he answer your question about the water usage, Mrs. Tynes?

Councilwoman Tynes – Yes, he did. Thank you.

Councilman Dr. Cook – Sitting in at the Planning Commission meeting, the intent that I overheard is that it will start small and be a smaller brewery at the beginning. Over time, if things get successful, it may grow. By then, our water usage may be different than it is now. Is that property tied into town sewer?

Councilman Pack – It is not. It is on a septic system with town water.

Councilman Dr. Cook – Does the town have plans to extend sewer in that direction anytime soon?

Town Manager – Not in the immediate future; but it is something that was addressed with Draper Aden's draft utility master plan last year. The water line will be upgraded eventually as well.

Councilman Dr. Cook – So, it is on the radar is what you are saying. Are there any other questions?

Councilman Smith – I have no concerns with it. I did question the turn lane; but that question was answered about VDOT.

Councilman Dr. Cook – Hearing no other questions, I would like to make a motion to approve the special use permit for 757 Brewing as presented.

Councilman 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 Moore voted aye, Councilman Pack abstained, Councilwoman Tynes voted aye, Councilman Smith voted aye, Councilman Dr. Cook voted aye, and Mayor Williams voted aye. There was one abstention. The motion passed.

Mayor Williams – The next item is a Motion to Approve the Town Council Meeting Minutes of March 6th, 2018. Does anyone have any corrections or additions to the minutes?

Councilman Pack – Mr. Mayor, if Mr. Barlow is in agreement, I recommend the minutes be approved as presented.

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 Pack voted aye, Vice Mayor Moore voted aye, Councilman Dr. Cook voted aye, Councilman 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 Motion to Accept the Nominating Committee’s Recommendation to Fill the Unexpired Term of Clem Batten (6-30-2022) on the Board of Zoning Appeals.

Councilman Smith – Thank you, Mr. Mayor. Mrs. Tynes and I have talked about this and we had a couple of candidates. Unfortunately, Mr. Batten has passed away. I want to thank him for his many years of service. He sort of joked and laughed with me about never having BZA meetings. He will be missed by his family members and the community. We had a talent bank that we looked at. We have a Gregory Brown that lives on Pagan Drive. He has wanted to be active in the community. He has graciously accepted this offer if appointed. It has to go to the judge first. We would like to recommend that Mr. Gregory Brown be considered for the Board of Zoning Appeals.

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, Vice Mayor Moore 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 Accept Nominating Committee’s Recommendation to Fill the Unexpired Term of Councilman Steve Bowman (6-30-2018). Mr. Bowman has moved on to other endeavors.

Councilman Pack – Mr. Mayor, this has been challenging. The term would be a very short one. We had hoped to find a former Council member, as we did with Mrs. Moore, who would accept this role. Of the ones we talked to, they were either uninterested or unable to participate. Dr. Cook and I talked to some extent about what to do for two months and bringing someone up to speed. We did not feel it would be a solid recommendation for our Council. We did not want to add one of our candidates. We did not want to give one person an unfair advantage over some of the others or at least the appearance thereof. With that in mind, we did have some discussion and

thought it would be wise to leave this seat vacant until it is filled in July by the candidates who win the election.

Mayor Williams – I certainly agree with that. It is a short period of time.

Councilman Pack – So, our recommendation would be no recommendation. I make a motion that we do not fill the unexpired term of Councilman Steve Bowman set to expire June 30th, 2018.

Councilman Dr. Cook – Second.

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

Councilman Smith – I do, Mr. Mayor. I am wondering if we are legally bound to fill this position before someone else comes on board in July. It is my biggest concern.

Councilman Dr. Cook – An alternative that we could have is that the elections will be one month from this meeting. Again, our concern was taking somebody that was outside Council experience and the learning curve of how Council works. If we appoint somebody from the general public, it would be problematic. However, if we wait until May after the elections, we could choose the top vote person just to give them a month head start and appoint them if you think you need a body in the seat.

Councilman Smith – My question is if we are doing the right thing legally by waiting?

Mayor Williams – The charter says “you shall” select somebody. It does not give a time or how many months you can wait. It just says you shall select somebody if somebody has stepped down for whatever reason.

Town Manager – Bill Riddick and I talked about it. The main “shall” was having in place a Mayor and Vice Mayor. At this point, I think it is up to you all whether you wait or waiting until next month. Either is very practical; I think.

Councilman Dr. Cook – So, the whole “shall” part was for Mayor or Vice Mayor specifically.

Town Manager – Yes, it is just like having officers for a corporation. Those have to be filled.

Councilman Pack – My thought process on that Mr. Smith was that we could, theoretically, have a tie on Council. A tie goes to a denial of the motion. We do not have anything major coming up where I felt we needed a seventh person and possible tie-

breaker. We are going to be very busy with hiring a Town Manager. I would certainly be happy if we used the top vote getter from the election. If that were Mayor Williams then it would be the second top vote getter. It would be reasonable to bring them on a month early. I am very open to that; but I think we need to vote on this motion and then probably create another motion.

Mayor Williams – We have a motion on the floor. Is there any other discussion?

Councilman Dr. Cook – To continue the conversation, I do not really think we need to. We can choose next month if we want to appoint somebody. It would be one of the incoming candidates. However, it is also throwing a new person into the middle of a budget cycle which is a lot to put your mind around.

Councilwoman Tynes – They will have to do it anyway. Our next meeting is actually on election day. We would probably know before the meeting is over as to who has won the election. The budget part does not bother me at all because they are going to be involved.

Councilman Pack – That is their first vote as well.

Mayor Williams – The answer to Mr. Smith's question is we are legally fine. In fact, I know we are. Bill looked it up.

Councilman Smith – Can we let the nominating committee continue to be actively looking? If something does come up then they could make that recommendation.

Mayor Williams – Yes that is fine. They can come back in May and make that recommendation if they find somebody. I will say that every person that has been on Council that is alive today was contacted that still lives in the town. For one reason or another, former Council members were not able to fill that slot except for Mrs. Moore. We have a motion and a second on the floor. Is there any further discussion? Does everyone understand the motion?

Councilman Dr. Cook – Let's go back to understanding the question.

Councilwoman Tynes – Repeat the question.

Mayor Williams - The question is that we do not fill the slot at this meeting for replacing Mr. Bowman.

Councilman Dr. Cook – Yes; that we do not fill. I vote against filling it whichever way that is.

Councilman Pack – The motion is to not fill the term at this meeting.

Councilwoman Tynes – But the committee will continue to seek a candidate.

Councilman Pack – Yes.

Mayor Williams - 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, Vice Mayor Moore voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – We will now move to Old Business. We have an Update on the Windsor Castle Restoration Project.

Councilman Dr. Cook – For anyone that has driven by Windsor Castle, you will see the new maintenance and storage buildings. The construction is going along nicely. It is about 85% complete. The HVAC, electrical, and plumbing have all been inspected. It is ready now for insulation, interior walls and whatever else it needs to be occupied. Hopefully, it will be done by the end of this month and then Smithfield VA Events can get all of their stuff out of the manor house. Unfortunately, it does not look like it will be completed in time for them to be out of the manor house by the Wine and Brew Fest. It will be shortly thereafter. Speaking of the manor house, we will start prioritizing the work for the rehabilitation of the exterior. In the next ninety days, you will see the last outbuilding get tackled which is the manager's old office. The exterior painting of all the buildings will start once spring decides to arrive. Shortly, the first of our tax credit applications will be submitted and we will get some tax credits. Are there any questions?

Mayor Williams – Thank you for the update, Dr. Cook. It does look like it is coming along. Is there any other business to come before Council tonight? Ladies and gentlemen, we have a Closed Session tonight. I want to thank you all for coming out. Good luck to the candidates. I will see you on May 1st.

Mr. Barlow – I would like to recommend that you make a motion that the Council go into closed session for the sole purpose of considering a personnel matter pursuant to Section 2.2-3711 of the Code of Virginia.

Councilman Smith – So moved.

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

Town Council went into closed session at 8:27 p.m.

Town Council returned to open session at 9:11 p.m.

Mayor Williams – I need a motion to come back into open session.

Councilman Smith – So moved.

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

Mr. Barlow – I have a further motion. WHEREAS, the Town Council of the Town of Smithfield has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and WHEREAS, Section 2.2 – 3711 of the Code of Virginia, (1950), as amended, requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law; NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Smithfield certified that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Town Council.

Councilman Smith – So moved.

Councilman Pack – Second.

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

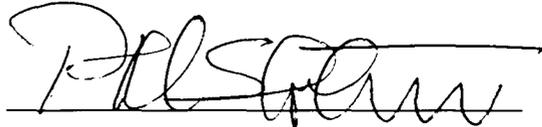
On call for the vote, six members were present. Councilman Dr. Cook voted aye, Councilwoman Tynes voted aye, Councilman Smith voted aye, Councilman Pack voted aye, Vice Mayor Moore voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Is there anything else to come before Council? Hearing none, we are adjourned.

The meeting was adjourned at 9:12 p.m.



Mr. T. Carter Williams
Mayor



Mr. Peter Stephenson, AICP, ICMA-CM
Town Manager