

The Smithfield Town Council held its regular meeting on Tuesday, April 7<sup>th</sup>, 2020 at Westside Elementary School. The meeting was called to order at 6:30 p.m.

**Members present:**

T. Carter Williams – Mayor

Michael Smith – Vice Mayor

Denise Tynes

Valerie Butler

Randy Pack

Beth Haywood

Wayne Hall

**Staff members present:**

Sanford B. Wanner – Interim Town Manager

William H. Riddick, III – Town Attorney

John Settle – Community Development & Planning Director

Ashley Rogers – Human Resource Director

There were no citizens present. The media was not represented.

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

**Manager's Report:**

The Interim Town Manager, Mr. Sanford Wanner, stated that the departmental Activity Reports were provided in the packets. The month of March was extremely active as well as dealing with the impacts of the COVID-19 dilemma. Town staff continues to provide services for all citizens and has done an excellent job.

**Public Comments:**

There were no public comments due to meeting restrictions due to COVID-19.

**Council Comments:**

Mayor Williams thanked the citizens for their patience during the COVID-19 pandemic. He also thanked the staff for keeping the Town running during this unprecedented time with social distancing restrictions. He stated that Town Council appreciates all their efforts.

**Consent Agenda:**

Mayor Williams explained that the consent agenda items were reviewed at the Committee meetings. He asked if any Council member wanted to pull any item for further discussion. Hearing none, the consent agenda items are as follows:

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

- |                   |              |
|-------------------|--------------|
| a. Wood Equipment | \$ 24,673.00 |
| b. Beck Roofing   | \$ 13,325.00 |

C2. Motion to Award Contract to Summit Design & Engineering Services, PLLC for the Town's Comprehensive Plan Update.

C3. Motion to Amend the Town's Personnel Manual to Amend Section 6.2 – Sick Leave Policy.

C4. Motion to Amend the Town's Personnel Manual to Add Section 6.8 – Public Health Emergency Leave.

C5. Motion to Approve Street Maintenance Proposals from Blair Brothers, Inc. for Carl Point, Lane Crescent/Kendall Haven, Tallwood Circle, Wildwood Circle, and Hickory Crescent.

C6. Motion to Approve Additional Street Maintenance Work from Blair Brothers, Inc. for Previously Approved (5/7/2019) Proposal on Canteberry Lane.

C7. Motion to Adopt the Smithfield Lake Dam Emergency Action Plan.

C8. Motion to Accept Deeds for 3, 4, and 14 Pinewood Drive as part of the Pinewood Heights Relocation Project – Phase IV.

C9. Motion to Appoint Michael R. Stallings, Jr. to the Hampton Roads Planning District Commission.

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

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

**Public Hearing: Special Use Permit – 1402B South Church Street:**

The Community Development & Planning Director, John Settle, reported that this application has two special use permits. The applicant is looking for a waiver of yard requirements for the installation of a shed towards the rear of the property. The Smithfield Zoning Ordinance Section 2.P.6 states “accessory buildings on lots in commercial and industrial districts which abut a residential district shall be located a minimum of fifty feet (50’) from such residential line.” The waiver of yard requirements is meant to bring relief for the setback requirement. The shed would be located approximately fifteen feet (15’) off the rear yard setback. The additional special use permit request is a waiver of parking and loading requirements. The Smithfield Zoning Ordinance prohibits parking in front yards. The applicants want to waive the parking provision of the yard relief. The application has been reviewed by the Planning Commission at the March 10<sup>th</sup> meeting and was favorably recommended to Town Council under the condition that the shed be kept in its current appearance, position and configuration. They also approved the Entrance Corridor Overlay design review and site plan amendment applications contingent on the Town Council’s approval of the SUP. Town staff recommends approval with the same conditions recommended by the Planning Commission.

The applicant did not attend the meeting to speak on behalf of the application due to COVID-19 restrictions.

Councilman Pack stated that the applicant contacted him by phone to see if she needed to attend. He advised her that since the application had already been to the Planning Commission that she did not have to attend. With the current COVID-19 situation, she chose not to come. She did ask for favorable approval of her application.

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

Mayor Williams asked if anyone had spoken against the application at the Planning Commission meeting. Councilman Pack stated that no one spoke against the application. Mr. Settle stated that, per code, signs were posted on site. It was advertised in local newspapers and letters were mailed to the adjacent property owners.

Councilwoman Tynes asked what type of business would be located at 1402B South Church Street. Councilman Pack explained that it was Grafik Trenz. They do screen printing and were located in another building on South Church Street.

Councilman Pack explained that the Planning Commission felt that it was logical to leave the shed as it is. He made a motion to approve the special use permit with the conditions recommended by the Planning Commission and Town staff. Mr. Hall seconded the motion. Mayor Williams called for the vote.

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

**Public Hearing: Special Use Permit/Comprehensive Plan Amendment/Official Zoning Map Amendment – 803 South Church Street.**

Mr. John Settle reported that this application has three different items. The applicants are considering purchasing 803 South Church Street. They are proposing to operate a tasting room and restaurant on the property. The application changes the zoning district from Residential/Office to Highway Retail Commercial to accommodate their desired use of the property. The applicants wish to improve the site by closing one of the entrances on South Church Street with a series of raised flower beds, expanding the paved driveway/parking area by a total of three spaces, restoring and expanding the dilapidated gravel driveway and parking area, and dedicating four parking spaces along the northwest side of the building, relocating the existing storage shed to a position at the back of the property, connecting to the public water system, and constructing an approximately 410 square foot patio to the rear of the primary building. The Planning Commission favorably recommended the rezoning as well as the Comprehensive Plan Amendment applications as presented. For the special use permit application, it was recommended that the applicants erect signage on the property forbidding patrons from parking in the Smithfield Animal Hospital parking lot located next door. The adjacent owner was present at the Planning Commission meeting and was appreciative of this

condition. There are two issues with the general development plan. The applicants are aware of the issues and are actively working with staff to remedy them. They are minor and entail flipping the labels to two easements for ingress/egress. Staff would like the Town Council to confirm that the applicants are okay with making the changes so that is in the public record.

Nicholas Hess and Derek Joyner, the applicants, explained that they wanted to bring a little Eastern Shore flare to Smithfield. They are hoping for a favorable vote for their application. The business would be for growlers to go, local beer and wine. The menu will include a brick oven pizza, lobster roll, and local seafood appetizers. The hours of operation would be 4:00 p.m. until 9:00 p.m. Monday through Thursday. Friday hours would be 4:00 p.m. until 10:00 p.m. Saturday and Sunday hours would be from 12:00 p.m. until 10:00 p.m.

Mayor Williams opened the public hearing and asked if anyone would like to speak for or against the application. Hearing none, he closed the public hearing and asked for consideration by Town Council.

Councilman Pack explained that the Planning Commission thoroughly reviewed the application. The applicant has been very cooperative with staff and the neighbors to accommodate everyone. They are aware that the bike path may come through their front yard and are not opposed to that. The Planning Commission unanimously recommended the application to Town Council for approval.

Councilman Pack made a motion to approve the application as presented with the recommendation from staff. Councilman Hall seconded the motion. Mayor Williams called for the vote.

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

**Motion to Approve Proposal from Draper Aden Associates for the Smithfield Lake Dam Alternative Analysis:**

Councilwoman Haywood stated that this is necessary to get some permanent solutions for the Smithfield Lake Dam. She made a motion to approve the proposal from Draper Aden for the alternative analysis. Councilwoman Tynes seconded the motion. Mayor Williams called for the vote.

Councilman Smith asked about the options Draper Aden would look at. The Interim Town Manager stated that the discussion was to not fix the Smithfield Lake Dam but the Council wanted a cost estimate of what it would have taken to fix it. The Council wanted to be able to show the cost when one of the other options were decided on. The Council agreed to look at the culvert analysis and the breaching of the Dam total. Councilman Smith stated that, for the record, he was not in favor of spending \$10,000 for that option. Councilwoman Tynes reminded everyone that the option was discussed so that they could discuss it with Isle of Wight to possibly help fund #2 or #3. She also stated that Option #1 was disregarded. The Council was only looking at Option #2 and #3. Councilman Smith asked if the \$10,000 would include

addressing VDOT concerns. The Interim Town Manager stated that VDOT is included in the \$10,000.

Mayor Williams stated that a motion was on the floor and had been properly seconded. He called for the vote.

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

**Motion to Approve the Town Council Summary Minutes of March 3<sup>rd</sup>, 2020:**

The Town Attorney reviewed the minutes and made minor revisions and recommended approval as revised.

Vice Mayor Smith made a motion to approve the minutes as revised and Councilwoman Tynes seconded the motion. Mayor Williams called for the vote.

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

**New Business: Motion to Amend the Town's Personnel Manual to Amend Section 6.3 FMLA Policy Effective through December 31<sup>st</sup>, 2020.**

Ashley Rogers, Human Resource Director, explained that this was a law that was passed on March 18<sup>th</sup>, 2020. It is called the Families First Coronavirus Response Act (FFCRA) which is an amendment to the Family Medical Leave policy. It is a federal law effective April 1<sup>st</sup>, 2020 through December 31<sup>st</sup>, 2020. The Town is required to implement this policy. It refers to sick leave under certain circumstances related to COVID-19 as well as certain types of leave for childcare related to COVID-19.

Councilman Hall made a motion to approve as presented. Councilman Pack seconded the motion. Mayor Williams called for the vote.

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

**New Business: Ordinance to Temporarily Amend Chapter 26, Article 1 Section 26-6 of the Town Code Pertaining to the Collection of Business License Tax Effective until December 31<sup>st</sup>, 2020.**

Councilman Pack explained that this is relief for some of the small businesses in Town. Business Licenses are due on April 15<sup>th</sup>, 2020. The Town Treasurer has agreed to push this out until June 15<sup>th</sup>, 2020. There will be a sixty-day extension with no penalty or interest.

Councilwoman Tynes made a motion to temporarily amend the Town Code pertaining to Business Licenses. Councilman Hall seconded the motion. Mayor Williams called for the vote.

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

**New Business: Motion to Approve Task Order #7 for the Bennis Church/South Church Street Intersection Improvements by Kimley Horn & Associates, Inc.**

The Interim Town Manager explained that the Council took action to approve the agreement between the Town and the Commonwealth of Virginia. The Town received a letter stating that the project had been approved by the Commonwealth of Virginia. The task order is the next step to move forward with the project.

Councilman Pack made a motion to approve the task order as presented. Councilman Hall seconded the motion. Mayor Williams called for the vote.

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

**New Business: Motion to Amend the Town Manager's Employment Contract:**

The Human Resource Director stated that she realized there was a tax implication with the Town insurance plan that does not permit the Town to pay the premium for the Town Manager. She consulted with a Compliance Specialist who recommended that the Town include the cost of the premiums into the salary which is budget neutral. The Town would not pay the premiums for the Town Manager but the money will be added to his salary.

Councilwoman Tynes made the motion to approve as presented. Vice Mayor Smith seconded the motion. Mayor Williams called for the vote.

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

**New Business: Additional Invoices Since Finance Committee:**

- |                           |              |
|---------------------------|--------------|
| a. Department of Taxation | \$ 21,681.00 |
| b. Haley Ford             | \$ 35,545.35 |
| c. Haley Ford             | \$ 35,545.35 |

Councilman Pack stated that the Department of Taxation invoice is for bank franchise tax refunds for BB&T. The check was made out to Truist. When BB&T audited their books for 2012, 2013, and 2014, they found they had paid the franchise tax in excess. They requested a refund of \$ 21,681.00. There are two invoices from Haley Ford for \$35,545.35 each for two new budgeted police vehicles.

Councilman Pack made a motion to approve the three invoices. Councilman Hall seconded the motion. Mayor Williams called for the vote.

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

**Old Business:**

There was no old business.

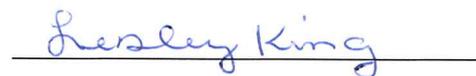
The Interim Town Manager, Mr. Sanford Wanner, thanked the Town Council for their confidence in engaging him to serve the Council and the citizens of Smithfield. He stated that it had been an honor and a privilege for him to serve. He is looking forward to a smooth transition on April 20<sup>th</sup>, 2020 with the new Town Manager, Michael Stallings.

Councilwoman Tynes explained to Council that a Town employee had a fire in their home. They will be displaced for a while. She thanked Councilman Pack for giving them temporary housing at the Smithfield Station until they could find other temporary housing. She stated that anyone who wanted to donate money to them could give it to the Town Clerk. Councilman Pack stated that they are also in need of furniture. Kristi Kincaid is heading up the donations and can be contacted as well. The home was severely damaged. The family is large with eleven members due to taking in some minor children.

The meeting was adjourned at 7:10 p.m.



T. Carter Williams - Mayor



Lesley King – Town Clerk