

The Smithfield Town Council held its regular meeting on Tuesday, May 4th, 2021. The meeting was called to order at 6:30 p.m.

Members present:

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

Staff present:

Michael Stallings - Town Manager
Lesley King – Town Clerk
John Settle – Community Development & Planning Director
Ellen Minga – Town Treasurer
Ashley Rogers – Human Resource Director
William H. Riddick, III – Town Attorney
Alonzo Howell – Chief of Police
Judy Winslow – Director of Tourism
Jack Reed – Director of Public Works & Utilities
Charles Bryan – Planning Commission Vice Chairman

Press: Stephen Faleski of the Smithfield Times

Citizens: 75

Mayor Williams welcomed everyone to the meeting. He invited the Smithfield Packers Youth Sports football teams and the cheerleaders to lead everyone in the Pledge of Allegiance.

Manager's Report:

Michael Stallings reported that the April Activity Report was included in the packets. He was available for questions.

Upcoming Meetings and Activities:

May 4th - 6:30 p.m. – Town Council Meeting
May 11th - 4:00 p.m. Pinewood Heights Management Team Meeting
May 11th - 6:30 p.m. – Planning Commission
May 18th - 6:30 p.m. – Board of Historic and Architectural Review
May 24th - 3:00 p.m. - Town Council Committee Meetings (Consecutive)
Public Safety Committee
Water and Sewer Committee
Finance Committee
May 25th - 3:00 p.m. – Town Council Committee Meetings (Consecutive)
Parks and Recreation Committee
Public Works Committee
Public Buildings and Welfare Committee

Public Comments:

Mayor Williams explained that the public was invited to speak to Council on any matter, except scheduled public hearings. There will be a separate signup sheet for each of the four public hearings. For public comments, please use the appropriate sign-up sheet and include your preferred method of contact. Comments are limited to five (5) minutes per person. Any required response from the Town will be provided in writing following the meeting.

Mr. Derek Boone thanked Town Council for negotiations for the MOU for use of the Joseph W. Luter, Jr. Sports Complex. He also thanked the Parks and Recreation staff for their care of the facility. He asked, with the current climate in the area, if there could be more programs with the police department to promote unity and to grow together. He encouraged communication with the Smithfield Chief of Police to encourage more programs. He asked Council to continue communications to improve the sports complex for the Smithfield Packers. He would like for the players and the cheerleaders to all be in one place to reduce the running around for parents. He would like to see other sports at the sports complex also. Smithfield is one community and one family.

C.J. Conner explained that he is a new football coach at Smithfield High School. He stated that he is a Behavioral Specialist. He encourages pro-social behavior which is developed at the earlier stages of life. He works with children and families. He explained that towns grow through their youth. It builds a sense of community to be involved in sports from youth sports through the high school years. Isolation has been a large part of the pandemic. Youth sports allows young people the opportunity to learn how to interact with each other and with adults. There are men and women teaching the youth how to be responsible community members. He explained that, for him, it is not all about the sports activities. Mr. Conner stated that the sports complex is about building a community.

Ms. Jordan explained that her son has ADHD and ran track until the pandemic. She has another son who plays basketball and another son who plays football. Her grandson plays football for the Smithfield Packer Youth Sports team and her granddaughter is a cheerleader. She asked for support from the Town Council for youth sports. The cheerleaders need a place to practice where it is safe and well-lit. The football team also needs lighting for practice. Concessions are needed to make more money to put back into the program. The Smithfield Packers Youth Sports program needs more fields. She asked the Town Council to donate more money, provide the space if land is available, and get Smithfield Packing involved. Ms. Jordan suggested an indoor sports arena for all sports. She asked what the children would be doing if there was no Smithfield Packer Youth Sports program. They would be playing video games, running the streets, and vandalizing.

Mr. Dan Elmore stated that his son plays on the 10U team. He shared that his son played on Coach Boone's basketball team and was the "Most Improved" player. He was impressed with the way Coach Boone cheered on every child. During the football season, he has heard the passion that the coaches have for the game but also for each child. They care for them individually as well as a team. He stated that the Town should be really proud of the way the Smithfield Packer Youth Sports teams represent Smithfield. With other teams, there have been bad behaviors. The Smithfield teams have consistently represented Smithfield with civility and

sportsmanship. It is truly outstanding. He asked the Town Council to consider doing whatever they could do to further enhance the sports complex.

Anita Reynolds explained that her daughter is a cheerleader for the Smithfield Packer Youth Sports 10U team. Her husband is in the military and the group organized a surprise when he came home from deployment. She explained that he was gone for four months and she worked full-time. The organization checked on her all the time. It meant a great deal to her to have that sense of community from the other parents and the other children. The organization holds fundraisers to support all participants. She loves Smithfield and Smithfield Packers Youth Sports.

Teyaka Ran-son-Booker stated that she has attended some Town Council meetings where the members have asked what area the organization represents. She explained that the football jerseys and cheerleading uniforms say "Smithfield." The youth are proud of their teams and their town. Every single child is considered everyone's child. Every single one of the coaches are our brothers and sisters. Smithfield Youth Sports looks out for each other. When players are sick, they check in with the parents. She explained that she is asking for improvements to the facility but also that family feeling. Smithfield is a friendly town and represents family. The organization is more than just a sports team. Everyone is cheering for all of the participants and supporting each other. She asked the Town Council to realize that Smithfield Youth Sports teams are the kids that will be the adults of Smithfield.

The mother of Jaxon explained that her son plays baseball and football in Smithfield. She stated that equal time has been spent with both sports but what has not been felt equally is the support from the Town for both sports. She stated that she would like for that to change.

Miss Anika Eng gave an update on Smithfield High School. She thanked the Town Council for allowing her to be involved at meetings during the last two years. She will be attending Christopher Newport in the fall. She explained that the Debate Team has won their 5th state championship. The Marketing Team is selling bouquets for Mother's Day. She stated that everyone is excited for graduation and for summer. Miss Eng stated that it had been an honor to be involved with the Town Council meetings.

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

Supervisor Grice gave an update for the Isle of Wight County Board of Supervisors. He reported on budget discussions and explained a tax increase to fund two new schools, Hardy Elementary and Westside Elementary. There were no citizen comments in opposition to the increase. He encouraged citizens to attend the meetings or watch via the live stream. Additionally, the Board agreed to lengthen the Ruritan/Boy Scout property lease, tabled the solar farm application, heard opposition on the cigarette tax, and discussed changes to the county's code. A conservative financial approach by the county has kept the county with a healthy financial posture. Sales tax generated due to increased online shopping during the pandemic has increased and is appreciated. The county remains fiscally healthy, not rich but on sound footing. The replacement of two schools will present some real challenges due to the cost of building materials. Proffers from future growth will be greatly needed. He explained that the county will need both towns support for this. Supervisor Grice reported that Covid vaccines recipients have increased throughout the county. Currently, anyone 16 years old and up can schedule vaccines.

The Board of Supervisors approved the removal of the Confederate monument from county property and will be relocated.

Council Comments:

There were no comments.

Consent Agenda:

Mayor Williams asked if any Council member would like to pull any item from the consent agenda for further discussion. No items were pulled.

C1. Motion to Approve the Proposal for the Water Treatment Plant Expansion Analysis from Kimley-Horn Associates.

Vice Mayor Smith explained that the proposal would suggest future needs for the Town water. Growth will happen in Smithfield and there will be need for more water.

C2. Invoices Over \$10,000 Requiring Council Authorization:

a. Lexipol, LLC	\$ 57,907.10
b. Lewis Construction of Virginia, Inc.	\$216,805.00
c. Kimley-Horn Associates	\$ 61,473.46

Councilman Pack reported that the Lexipol invoice is for policy and procedure updates for the Smithfield Police Department. The Lewis Construction invoice is for utility work done on the Grace Street utility project. The last invoice is to Kimley Horn Associates for the South Church Street water tank rehab project. Councilman Pack recommended that all three invoices be approved.

C3. Motion to Award Pest Control Services Contract to ReeSource Pest, Inc.

Councilman Pack explained that pest control services were bid out and ReeSource Pest was the best bidder.

C4. Motion to Approve Proposal to Replace Phone System.

Councilman Pack explained that the Town's phone system needs to be replaced to come into line with Town needs.

C5. Motion to Approve Memorandum of Understanding (MOU) between the Town and Smithfield Packers Youth Sports.

Councilman Hall explained that he appreciated the Smithfield Packers Youth Sports' participants attending the Town Council meeting. He fully supports youth sports in Smithfield. Councilman Hall recommended the MOU for approval.

C6. Motion to Approve Proposal from Blair Brothers, Inc. for Miscellaneous Repairs to the Waterworks Road Dam.

Councilwoman Haywood reported that miscellaneous repairs were needed for the Waterworks Road dam to maintain compliance.

C7. Motion to Approve Proposal from Blair Brothers, Inc. for Street Maintenance Work on Cokes Lane.

Councilwoman Haywood stated that street maintenance was needed on Cokes Lane in downtown Smithfield.

Councilman Pack made a motion to approve the consent agenda items as presented. Vice Mayor Smith seconded the motion. With no further discussion, Mayor Williams called for the vote.

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

Public Hearing: Lease Agreement with VFW for 223 Washington Street:

The Town Attorney reported that the Town has leased the property to the VFW for many years. The lease has expired, and the VFW would like to renew it. In order to renew, there has to be a public hearing. The lease agreement was included in the packets. All of the improvements to the building have been done by the VFW.

Mayor Williams opened the public hearing. He asked if anyone would like to come forward to speak for or against the lease agreement.

The Senior Vice-Commander of Post 8545 spoke on behalf of the lease agreement. He explained that a lease was granted ten years ago for 223 Washington Street. The VFW would like to continue to lease the property. He estimated that the VFW has spent approximately \$85,000.00 in renovations and repairs. He thanked Council, members of Post 8545, volunteers, friends, and local business owners who have made Post 8545 what it is today. He explained that insurance is carried by the VFW with an automatically renewed insurance policy through State Farm. A copy of the policy has been provided to Mayor Williams.

Herb DeGroft explained that the VFW came about in Smithfield in the late 1980s. He explained the history of the organization. He stated that the organization gives back to the community in many ways. He spoke in favor of the lease renewal and thanked the Town Council.

There were no other speakers for or against the lease agreement. Mayor Williams closed the public hearing.

Vice Mayor Smith made a motion to approve the lease agreement for 223 Washington Street as presented. Councilman Hall seconded the motion. With no further discussion, Mayor Williams called for the vote.

The Town Attorney stated that Town Council needed to set the rent for the building. In the past, it has been one dollar per year.

Vice Mayor Smith amended his motion to include rent for the lease agreement to the VFW for 223 Washington Street at one dollar per year. Councilman Hall seconded the motion. Mayor Williams called for the vote.

On call for the vote, seven members were present. Councilwoman Haywood voted aye, Councilwoman Butler voted aye, Councilwoman Rountree voted aye, Vice Mayor Smith voted aye, Councilman Hall voted aye, Councilman Pack voted aye, and Mayor Williams abstained. There was one abstention. The motion passed.

Public Hearing: Disposition of Real Estate Located at the Corner of James Street and Washington Street:

The Town Attorney reported that the Town was approached by Mr. Joseph Luter to asked if the Town would be willing to sell the property. The VFW building and the Children's Center are both located on the property; but both buildings are leased and would be excluded from the purchase. An appraisal was done and the property was valued at \$225,000.00. The buyer has agreed to pay that price. The Town will have an appraisal done to exclude the VFW and the Children's Center parcels. One condition of the purchase is for the Town to spend the purchase funds on construction of brick sidewalks and other public improvements along Main Street in the Historic District. A public hearing is needed for the sale of public property.

Mayor Williams opened the public hearing. He asked if anyone would like to speak for or against the disposition of property.

Herb DeGroft asked about the two beautiful Leyland Cypress trees on the property.

Mayor Williams stated that they will be staying.

There were no other public comments. Mayor Williams closed the public hearing.

Councilman Hall made a motion to approve the disposition of real estate located at the corner of James Street and Washington Street. Councilman Pack seconded the motion. With no further discussion, Mayor Williams called for the vote.

On call for the vote, seven members were present. Councilman Hall voted aye, Councilman Pack voted aye, Vice Mayor Smith abstained, Councilwoman Butler voted aye, Councilwoman Haywood voted aye, Councilwoman Rountree voted aye, and Mayor Williams abstained. There were two abstentions. The motion passed.

Public Hearing: Amendment & Revision of Official Zoning Map – 601 South Church Street:

The Community Development & Planning Director reported that at its Tuesday, May 2nd, 2006 meeting, the applicant received an approval from the Town Council for a Special Use Permit (SUP) for a “waiver of yard requirements, subject to the prohibition of parking in front yards,” pursuant to Smithfield Zoning Ordinance (SZO) Section 3.I.C.28, for relief from SZO Section 3.I.E. This approval was intended to facilitate the construction of an approximately ten thousand (10,000) square foot building subject to the following reduced setbacks:

A reduction in the required front yard setback extending from South Church Street from forty feet (40') to twenty-three feet (23').

(1) A reduction in the required side yard setback extending from North Street from forty feet (40') to 15.5'.

(2) A reduction in the required rear yard setback extending from 106 North Street (TPIN 21A-12-030) from forty feet (40') to 20.8'.

A zoning permit was issued for the new construction of this building on Friday, July 7th, 2006, despite the following facts:

(A) A lot line still existed between the two lots (TPINs 21A-01-032A & 21A-01-032B) that comprised the property.

(B) The two lots that comprised the property were located in different zoning districts (TPIN 21A-01-32A was zoned “NR” and TPIN 21A-01-032B was zoned “HRC”).

(C) Throughout the applicant's initial SUP process, the "prohibition of parking in front yards" provision does not appear to have ever been noted. Pursuant to SZO Section 3.I.C.28, the applicant has been unable to utilize the area located forward of an imaginary line running parallel with the forwardmost projection of the building's primary façade for off-street parking. However, an off-street parking area in this vicinity was still installed in conjunction with the new construction of the primary building.

(D) The approved zoning permit from 2006 features a plan that is consistent with the materials circulated in the Town Council and Planning Commission agenda packets from the same year, but it differs from the amendments to the plan that were verbally noted and approved by the Town Council at its Tuesday, May 2nd, 2006 meeting. These amendments resulted in the reduced setbacks noted in items one (1) through three (3) above.

The applicants are now preparing to sell the property in the coming months, and believe that the resolution of the issues identified above are paramount in improving the property's marketability. As such, the applicants have submitted the following applications:

Conditional Official Zoning Map Amendment (Rezoning): The applicant wishes to amend the official zoning map's designation of Lot 32A, North Street (21A-01-032A) from NR to HRC in a manner consistent with how the property is illustrated in the comprehensive plan's future land use map. This would result in the entirety of the applicants' property being zoned HRC, and would place the building within a single zoning district. It is important to note that, should the applicants' proposed conditional rezoning application be approved, they intend to record a lot consolidation plat to vacate the existing lot line that currently bisects their property.

Special Use Permit (Parking & Loading Waiver): The applicants have submitted an SUP application for a "waiver of parking and loading requirements" pursuant to SZO Sections 3.B.C.27 & 3.I.C.30, specifically for relief from the following SZO Sections:

3.I.C.28: The applicant is requesting relief from the front yard parking prohibition provision that was applied to the property as a consequence of the SUP that was issued on Tuesday, May 2nd, 2006.

8.B.8: The applicant wishes to utilize existing driveways located within ten feet (10') of the adjacent public rights-of-way (ROWs) as dedicated parking spaces.

8.B.22: Four (4) of the proposed seven (7) off-street parking spaces will depend on the public ROW to maneuver into and out of those parking spaces.

- 8.C.1(a): Two (2) proposed parallel parking spaces at the front of the property will be sixteen feet (16') long instead of the minimum required length of twenty-two feet (22').
- 8.C.1(b): One (1) proposed perpendicular parking space adjacent to North Street will be 17.2' in length instead of the minimum required length of eighteen feet (18'). Additionally, the parking area at the rear of the property will be accessed via a parking area entrance featuring two (2) ten foot (10') wide travel ways instead of the required two (2) twelve foot (12') wide travel ways.
- 8.E.50: A reduction in the required number of on-site parking spaces from seventeen (17) to seven (7) to accommodate the intentions of a prospective buyer.
- 8.E.57 & 8.H.1: A reduction in the required number of handicap parking spaces from one (1) to zero (0).

This application has resulted in requests for comments from several agencies and entities outside of the Smithfield Community Development & Planning Department. Comments received at the writing of this report have been labeled and attached, and are enumerated below:

- Isle of Wight County Schools (IWCS) Enclosure 1
- Virginia Department of Transportation (VDOT) Enclosure 2
- Isle of Wight County Planning & Zoning (IWPZ) Enclosure 3

Mr. Settle state that, at its Tuesday, April 13th, 2021 meeting, the Planning Commission favorably recommended this application to the Town Council.

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.

Councilman Pack made a motion to approve the amendment and revision of the official zoning map as presented. Vice Mayor Smith seconded the motion. With no further discussion, Mayor Williams called for the vote.

On call for the vote, seven members were present. Vice Mayor Smith voted aye, Councilwoman Haywood voted aye, Councilwoman Rountree voted aye, Councilman Hall 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.

Public Hearing: Special Use Permit – 601 South Church Street:

The Community Development & Planning Director, John Settle, stated that the previous staff presentation applies to the special use permit as well.

Mayor Williams opened the public hearing. He asked if anyone would like to come forward and speak for or against the application. Hearing none, he closed the public hearing.

Councilman Hall made a motion to approve the special use permit as presented. Councilwoman Butler seconded the motion. With no further discussion, Mayor Williams called for the vote.

On call for the vote, seven members were present. Councilwoman Butler voted aye, Councilman Pack voted aye, Councilman Hall voted aye, Councilwoman Rountree voted aye,

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Councilwoman Haywood voted aye, Vice Mayor Smith 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 April 6th, 2021:

The Town Attorney recommended approval of the summary minutes as presented.

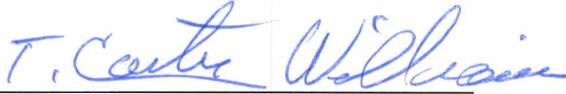
Vice Mayor Smith made a motion to approve the April summary minutes and Councilman Pack seconded the motion. Mayor Williams called for the vote.

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

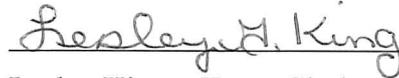
New Business: None

Old Business: None

The meeting was adjourned at 7:31 p.m.



T. Carter Williams - Mayor



Lesley King – Town Clerk