

The Smithfield Town Council held its regular meeting on Tuesday, June 4<sup>th</sup>, 2019. The meeting was called to order at 6:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Michael Smith, Vice Mayor; Mrs. Denise Tynes, Mrs. Valerie Butler, Mr. Randy Pack, Mr. Wayne Hall, and Ms. Beth Haywood. Staff members present were Mr. Brian S. Thrower, Town Manager; Mrs. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. Alonzo Howell, Smithfield Police Chief; Mr. William H. Riddick, III, Town Attorney; Mrs. Ashley Rogers; Director of Human Resources, Mr. John Settle, Planning and Zoning Administrator; Ms. Judy Winslow, Director of Tourism; Mrs. Amy Novak, Director of Parks and Recreation; Mr. Charles Bryan, Vice Chairman of the Planning Commission; Officer William Wooley, Smithfield Police Department; Officer Donna Hughes, Smithfield Police Department . There were approximately fourteen (14) citizens present. The media was represented by Mr. Frederic Lee of the Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of June 4<sup>th</sup>, 2019. It is now 6:30 p.m. Thank you all for coming tonight. We have Chad Franklin from Troop 3 with us. He will come forward and lead us in the Pledge. As we stand, I would like to have a moment of silence for the tragedy in Virginia Beach.

*After a moment of silence, all present stood and recited the Pledge of Allegiance to the Flag.*

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

Town Manager – Honorable Mayor and Council, the May Activity Report is in your packet. I will be happy to answer any questions you may have regarding that. Also, I have a quick update on the Main Street paving. I have been corresponding with Blair Bros., Inc. this afternoon. They anticipate all of the paving being completed, hopefully, by midnight tonight if not before. The roads should be able to be driven on thereafter; definitely, by the morning hours which is good news. I think our Town Clerk let everyone know that there is no Planning Commission meeting this month. Lastly, we have great news. We have a new police officer that has started with the town. Officer Donna Hughes is here with us tonight. I would like to welcome her. She is a graduate of UNC Charlotte with a Bachelor's Degree in Criminal Justice and a minor in Sociology. She

came to us from the Newport News Sheriff's office. She worked there from April 18<sup>th</sup>, 2016 until December of 2018. We hired her back in January. She started at the Hampton Roads Criminal Justice Academy in early January. She has recently graduated from the academy. She lives in Carrollton. We are glad to have her onboard. Thank you for being here tonight.

Mayor Williams – Welcome aboard. We will now move to Public Comments. The public is invited to speak to Council on any matters except public hearings. We have one public hearing this evening. Comments are limited to five minutes per person. Any required response from the town will be provided in writing if you so desire. Please state your name and address for the record when you come forward. Are there any signups, Mr. Thrower?

Town Manager – Yes; the first is Mrs. Betty Clark.

Mrs. Clark – I really do believe that you want to save Pierceville. This belief comes from the fact that you saw the importance of much work to save Windsor Castle. That in itself shows that you care about the town ordinances for all of the historic properties in Smithfield. How can you face the people of the town by choosing one over the other when they are both equally important to our history? I understand that money is an issue; however, the Trust for Public Land will give an almost interest free loan if you will work with them. You did not have all the money for Windsor Castle but you were able to use over \$2,000,000.00 in tax dollars for the project. You should be willing to invest at least a portion of that in Pierceville. If you choose to demolish the buildings and the house on the Pierceville property, you will set a bad precedent for the town, county, and state. If you do decide to destroy Pierceville, please go ahead and dissolve the Board of Historic and Architectural Review because they will have no power to influence anything that goes on in the historic district. How does this Town Council want to be remembered across the state; as a Town Council that rolled over or as a Town Council that fought for its history?

Town Manager – The next speaker is Mark Gay.

Mr. Gay – There is a lot of water running beneath the bridge at Pierceville this evening. A lot of good people have every reason to be upset after reading your notes from your committee meetings last week. It is very interesting that your BHAR representative is totally unaware of any changed legislation that led to our county

judge's ruling. If the true reason the judge's ruling and opinion is based on the demolition by neglect ordinance that Pierceville cannot be enforced because the town's BHAR and Town Council have been lax through the years with selective enforcement then that is one thing. It is a far cry from rendering an opinion that our historic district's preservation ordinances are obsolete. I will echo Ms. Clark's comments. If you want to see what happens when a town cannot enforce its zoning ordinances, I would invite you to drive through historic Salem City in southern New Jersey. I have been there quite frequently on business recently. They have a history that pre-dates our own and very involved Revolutionary War battles. They have a statuesque courthouse that has great history and an absolutely dilapidated and deteriorated downtown area. There are beautiful federalist homes that are in total disrepair. You can get a four bedroom, four bath home for \$100,000.00. It happens folks; we have something special here. It is special because we have strict ordinances, good people, educated people, committed people, and we believe that is true of our governments as well. So, something does not quite wash. My belief is that we need to hear from the judge himself and not through interpretation. I find it a bit funny that people were not given any notice of the hearing beforehand. We have been at this for four plus years now fighting to find ways to preserve Pierceville. There were means available. Every effort was made to raise private money and to get the Trust for Public Land involved. It was very doable. Two or three of you at the head table know that the money went to pay for something else. So, I join with the other residents of this town and this county in asking you to do the right thing tonight; not the expedient and easy thing. Thank you.

Town Manager – Our next speaker is Carolyn Torre.

Mrs. Torre – I am also here tonight to talk about Pierceville. You could say that it is just a building; an old building. It is one of the most historic buildings in this town. It is older than Windsor Castle. You have the power with very little outlay. The Trust for Public Land, as Ms. Clark stated, is willing to give an almost interest free loan. All they require is for the Town Council to be willing to work with them. They have towns and cities all over our state that are begging for their aid. Mr. Riddick, if I am interpreting what you said at the committee meeting correctly; in effect, and I paraphrase, I fear you said that our ordinances are illegal. Perhaps you are going by what the county judge said. You know I have talked to the people at DHR who are the state level of the BHAR

in effect. No rules have been changed. We are a Dillion's Rule state as I do believe I have pointed out to you all and to BHAR in the past. What this means is that our ordinances are beholden to the legislation of the state which is tougher not less so. When I first read about this coming back up again, I heard that your staff recommended that you not break your own ordinances and allow them to raze it. Then I read the town committee meeting notes and it really rattled my cage that our Town Attorney would say that our ordinances are illegal and that laws have been changed. No; they have not. I have been in touch with DHR and several people on their staff, who care deeply, have tried to come to you and talk to you about Pierceville. You can say you do not own Pierceville. I am a come here. I have lived here for almost exactly six years. Do I really care more than BHAR? Mr. Gwaltney is not here tonight. He is the Chairman of BHAR. If a precedent is set by our town at the state level, we will look like laughing-stocks because our ordinances also set the precedent because of the Parker house. We set the precedent. It is in the state books. We did it. We gave power to our ordinances statewide. Are we going to be the town that also sets the precedent that will affect all historic buildings at the state level as well as county and town? I am sure Mr. Riddick understands this being an astute attorney. If you set a precedent, it does not go away. It does not stay in our town. Mr. Gwaltney is not here tonight to defend the ordinances. I thought you would follow the staff. When I read what was said at that town committee meeting, I said "you know what.....I am going to blow my mouth off." I will even say that my own husband, Christopher Torre who is the Vice Chairman for BHAR, should be here defending those ordinances tonight. He is not here and neither is Mr. Gwaltney; but make no mistake, I have done a lot of research. My sister is a Superior Court judge and recently retired in New Hampshire. I asked her if I had the right to do the research and bring it to the Town Council and BHAR to tell them that we are a Dillion's Rule state. Our ordinances are beholden to tougher rules not lighter rules. They are not illegal. We are beholden to the state level. She told me that not only do you have a right as a citizen; you have an obligation. You do not have to practice the law. You only have to understand it and bring it forward. I am asking you as a "come here" of this town. I love this town. I wake up every morning in my historic home and I am home and I am proud of what this town has done in the past because of our ordinances. I ask you tonight....

Town Attorney – Your time has expired.

Mrs. Torre - ....as I end my statements because I am done, please do not break your own ordinances. Do not go against the Dillion's Rule and DHR experts. Do not allow people to break our ordinances. Thank you.

Mayor Williams – Those were all who had signed up. Would anyone else like to speak even though you did not sign up?

Mr. Dennis Arinello – I am not going to talk about Pierceville. I do have a concern. One of the concerns was why I moved here in the first place and that was to get out of Virginia Beach because of the hideous taxes; the tax rates that we were assuming for improper planning and improper spending at the town level. I had similar concerns in your budget for 2020. I have read the Town Manager's report. I will be honest with you; I have not put a lot of thought into it. As I am looking at this, walking around, talking to people, reading some of the articles, and some of the information in the paper, everything seems to be recreation related or we are playing catch up because we improperly spent somewhere where we thought we were doing something for the good of the town and it did not quite work out. I hear about \$500,000.00 that you want to renovate the Manor house because the furnishings need to be appropriate to the period or the additional \$500,000.00 that we were supposed to provide as part of that \$3,500,000.00 with the Luter family giving what they needed and we do not have that money. Now, I am hearing another \$100,000.00 to repair Main Street because whatever we did there did not work. I have to question where we are getting these percentages. When I look at this budget, there is a 2% COLA raise and a 1% merit raise for a total of 3%. Our military does not even get that right now. Our civil servant workers do not even get that right now. When I read the paper and I am quoting our Town Treasurer right now "due to the upcoming events of fiscal year 2020 an additional staff member of the Treasurer's office would need to be appointed at some time." I am reading in the budget that we are going to appoint this additional staff member at about \$80,000.00 and her title will be Deputy Treasurer. Really? Really? When I look at the numbers in here in terms of the recreational attendants that you need, some of what we are paying our people mirror what Virginia Beach or Norfolk or other larger municipalities are paying their specialists. I do not know where we are coming up with the quality spreads in pay. I do not know what research we are doing. I do not even mind raising taxes if I know the

money will be spent well. But do not insult me on this three cent raise in property taxes. You get your property taxes. When property values go up with the county, my county taxes go up and my town taxes go up at the same time. The numbers do not make sense to me. I know Mr. Pack did an excellent job. I respect Randy and he is always open to discussion. I appreciate that; but I think we need the transparency. If I knew that the Town Treasurer needs somebody else I would have liked to have heard it in open forum; not in a closed session in Williamsburg. The numbers and the money just do not jive for me. I have a lot of experience in owing them money. You are stewards of our tax payer money. Please act accordingly. Take a look at your numbers before you look at this budget. Let's put the appropriate money where we need it. If I need to pay for my own trash then I am going to. Send me the bill. I would rather see what I am going to pay for up front than you tell me what you think I need to be paying so I do not what I am getting in the end. You are a great Town Council. I have all the trust and confidence in the world with each of you. Let's do the right thing. Be good stewards of my money and the town people's money. Thank you.

Mayor Williams – Would anyone else like to come forward and speak for public comments? Hearing none, we will now have a Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Grice – Good evening. I attended, this morning, a Triad meeting at the Cockeyed Rooster. Anytime there is food, I like to go to those meetings. They wanted me to extend their appreciation to the Council for the assistance on their May 6<sup>th</sup> program. They thank you for your participation. On county business, on May 9<sup>th</sup>, the Board heard and approved moving forward with a task force recommendation from the management of the Blackwater River Park. The task force goal was to develop a means of operating the park with expanded uses such as equestrian, bike riding, camping, boating, etc. Also, we wanted to allow more county residents access to the property since it is owned by the county. Finally, they had one little caveat; create a revenue stream that make the operations self-supporting. I know that sounds crazy for a government operation; but that is what we did. Believe it or not that task force came up with recommendations to do just that. Since purchasing the property in 2012, the county has leased the property to two hunt clubs. The property was restricted to their specific use for hunting, camping, walking, hiking etc. Because they were leasing it, it was for

their use only. They also maintain the property and the roads therein. One alternative that was given to the county was to give the property to the state and have them manage the property. However, no preference would have been granted to Isle of Wight residents whose tax dollars paid for that property. The task force group actually came up with a compromise program for the hunt clubs to have restricted access during deer hunting season only from Thursdays – Saturdays. The general public will have access for hunting on Mondays – Wednesdays. There will be no hunting on Sundays. Even the Lord took rest on the seventh day. The Sundays and the balance of the year would have other permitted uses by Isle of Wight citizens at a lower price than non-residents getting a permit. Prices will be published here shortly. We are forming an organization to administrate the program along with our Parks and Recreation Department. The hunt clubs will continue to pay a leased fee and are required to maintain the park roads throughout the year. They have agreed to this. The county will have a startup cost of approximately \$30,000.00 for signs, parking areas, and relocating the gates. Now, we will find out if it will actually work. We are going to try it. Wish us well on this one. At the same Board meeting on May 9<sup>th</sup>, we approved the fiscal 2019-2020 operating and capital budgets. I believe this evening you guys have your budget. We have to have ours done by May 10<sup>th</sup> because of the school requirements. We have to have the school budget in by that time. The operating budget, starting July 1<sup>st</sup>, 2019, will be \$78,800,000.00. This represents a 5.7% year to year increase. Included in this budget is \$27,500,000.00 for the county's share of the school's \$65,300,000.00 school budget. This \$27,500,000.00 is a 4.2% year to year increase over last year and last year had an increase. Animal Control, Sheriff's Department, and Fire and Rescue received \$367,200.00 which is an increase of 4.3% while county staff received a 2% COLA. By the way, that is comparable to Social Security. Being a Social Security recipient, I watch that very closely. The capital budget for 2019 – 2020 is \$6,000,000.00. The key items here are the \$1,000,000.00 for an HVAC at the Smithfield High School to complete that project. There is \$950,000.00 for the Hardy Elementary School project. I will give you more on that in just a moment. Additionally, capital included \$808,000.00 for fire and rescue replacement equipment to keep up with our accreditation and \$2,200,000.00 for the Route 10 water line to be completed. The balance is for maintenance related issues. Both the operating and capital budgets are being funded without a real estate or

property tax rate increase. It is the fifth year that they county has not raised the rate, no borrowing of money, and without drawing down any of the reserves in the rainy day funds. The county is currently planning to keep the \$1,300,000.00 or the 2.7% assessment fees increase. Since the real estate assessment increase came in at 2.7%, a public meeting will be needed to use these monies to achieve the required balanced budget. We will have that on June 20<sup>th</sup>; I believe. I think it is being posted as we speak. If there is an outcry from citizens to not adjust the rate down so that it is neutral, please come to that meeting to express your concerns and desires by bringing with you a prepared list of \$1,200,000.00 that need to be cut from the budget. We tried during six meetings and could not get there. That is why we ended up with what we ended up with. I will now go back to the capital monies allocated to Hardy Elementary. This is really more than just one school's funding. It is the start of a comprehensive plan for the northern section of the county's total school redevelopment. The schools have requested \$38,900,000.00 over the next five years. They also have expanded that to bring it up to \$75,700,000.00 over the next ten years. Before jumping into this and starting to spend money, the Board of Supervisors have authorized \$20,000.00 for an independent engineering review of the current Hardy Elementary School facility which I believe is money well spent. In short, the Board wants to approach this school because it is the first school to be touched for \$17,000,000.00. We want to make sure that we are approaching this project from the most logical and economical means possible. We are not deferring action. We are continuing to act. We are, hopefully, approaching it with the taxpayer's best interest in mind. The report from the engineers is due in two weeks. We should have it for our meeting on the June 20<sup>th</sup>. I doubt if we will react to it that evening. We will have to digest what they are recommending and some of the alternatives and then look at a constructive program for the roll out of schools over the next five years. Lastly, on a slightly more pleasant note, the county is in the process of receiving a Nike Ajax missile from a sister municipality. Thus far, it looks like a number of benevolent interested parties have volunteered their services to upgrade the missile to its original condition less the explosive warhead. When the restoration is complete, the Nike Ajax missile will be placed in a place of honor at Nike Park. Kids and parents alike should get a big bang out of it. Speaking of a subject with a big bang impact for county residents, this Thursday evening we will spend an evening at our work session talking amongst

ourselves and other companies in Isle of Wight to discuss a comprehensive means of moving forward on broadband opportunities within the county. If you are interested in broadband services, please attend the meeting. With that, are there any comments or concerns from the Town Council?

Councilwoman Tynes – I was listening to you when you were talking about the properties. There was one thing I zeroed in on. There were dates chosen for public use versus private use. I think you said that Monday, Tuesday, and Wednesday would be public use for the property for hunting. Thursday, Friday, and Saturday would be private use by the hunt clubs during the hunting season only. I know people come from all over to hunt. If I wanted to hunt as a citizen then I would be confined to Monday – Wednesday. Most people work and the premium days are left to the private hunt clubs only. I am wondering why that is being done with public funding. I know you said that they will take care of the roadways; but the public will be putting money in there also. I would have thought that maybe you could alternate the days or something where the hunt clubs will not always have the premium days.

Supervisor Grice – This was set up by the task force. Believe me, there was a lot of compromising that went on. In order to run this park and open it up to the public, we are not going to fund it other than the \$30,000.00. It has to be maintained and self-supporting or we will close it down and give it to the state. In order to do this, the club said they would continue to pay Isle of Wight money to lease the property that they now lease all year long. Now, they are only getting it exclusively during deer season and for three days each week. We gave them the prime three days because that is what they asked for. Since they are maintaining the roads and it is not costing us anything to do that, it keeps it open for the public. We thought that was a fair trade. The task force voted unanimously to promote that. Instead of having it year around, they are only having it for three days a week during the hunting season exclusively. It will be closed for other uses during any hunting times.

Councilwoman Tynes – Thank you for the clarification.

Councilman Hall – During the hunting season, does that include primitive weapon and bow season?

Supervisor Grice – There are specified dates. I do not believe it includes those. I am not a hunter personally.

Councilman Hall – So, during those dates, it is open to the public as well.

Supervisor Grice – Yes. I think it starts in late October and goes until January 1<sup>st</sup> or something like that just for big game season.

Mayor Williams – Thank you Mr. Grice. We will now move to Council Comments. We have Miss Anika Eng with us to give us an update on Smithfield High School and her endeavors.

Miss Eng – Good evening, Mr. Mayor and members of Town Council. I am so excited to be the Smithfield High School student representative for the Town Council. Each month, I will inform you about what is happening at the school. May was a very exciting month. It kicked off with the Deeper Learning Expo. Each class created an assignment to showcase what we have been learning. My English class created book trailers for what we had been reading in our own book clubs. Another class spoke about discrimination and oppression that people have experienced through the Holocaust and how it still exists today. Another class looked at an environmental footprint and how much we are contributing to the destruction of the planet. The AP European History and AP U.S. History classes have worked together to create an expo project that will be presented tomorrow. Each student will impersonate a figure that we have studied throughout history. Personally, I am dressing up as Mary Queen of Scots. This Day at the Museum project is open to the public from 8:00 a.m. through 10:30 a.m. We invite you to come out to see what we have worked very hard to put together. In addition, the Debate Team competed at Nationals in Wisconsin. The track and tennis teams are headed to states. Our Career and Technical classes had their signing day this past week. Just like athletic students can sign to a sports team, students in our CTE classes who are graduating are fully committed to jobs. As a result of the preparation from the CTE classes, fifteen students already have jobs in their fields of study after graduation. Speaking of which, our high school graduation is this Saturday. It is very bittersweet; but we are all very excited for our Seniors to move on to the next chapter of their lives. Thank you for this opportunity to speak.

Mayor Williams – Thank you Miss Eng. We appreciate your update on the high school. It is good to have you with us. Are there any other Council comments?

Councilwoman Haywood – I would like to share with the group that Councilman Hall and I participated in the Clean the Bay Day on Saturday at Windsor Castle Park.

The weather probably deterred some people from coming out but it a very organized event. We were able to get trash out of the waterways. It was nice to be part of something bigger for our whole state.

Councilwoman Tynes – Since our last meeting, Councilwomen Butler, Councilwoman Haywood, and I attended an affair for the Virginia Municipal League that was held at the Renaissance in Portsmouth. It was enjoyable and informative. They talked about the 2020 census. Senator Lucas was there and the Secretary for Veteran Affairs also. The both spoke at the meeting. Thank you.

Mayor Williams – Are there any other Council comments? I would like to recognize Councilman Hall. He got a letter in the last day or two from VML. It reads: I am pleased to confirm your appointment to the VML's 2019 General Laws and Policy Committee. Congratulations to you for sitting on that Board. I have one more thing for people that walk in the park. I just want you all to know that one of the most active things we have in Windsor Castle Park is the park projects. We have all different kinds of things. I met with the bluebird people and they have eighteen bluebird houses. Ten of those are active. It is one of the most active projects we have in the park. I thought it was pretty cool. I like bluebirds. Are there any other Council comments? Hearing none, we will move to our Summary of the Consent Agenda Items. Would any Council member like to pull any item for further discussion? Hearing none, we will start with our Public Safety Committee Chair, Mrs. Denise Tynes.

Councilwoman Tynes – Public Safety Committee Summary. Thank you. Item C1 is a resolution to close the 200 block of Main Street for the Sweet Summertime Celebration on Friday, June 28<sup>th</sup> from 7:00 p.m. until 9:30 p.m. We are actually going to gain some open street time that weekend because that is the weekend we would normally have Olden Days. This is just going to be one event on that Friday evening.

Mayor Williams – Item C2 is with our Water and Sewer Committee Chairman, Vice Mayor Smith.

Vice Mayor Smith – Water and Sewer Committee Summary. I have one item tonight. It is a motion to approve the purchase of a budgeted bypass pump for the Reverse Osmosis Plant.

Mayor Williams – Next, we have our Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. This evening we have four invoices in excess of \$10,000.00 requiring Council authorization. The first is to Blair Brothers, Inc. for the Cary Street drainage project for \$25,033.50. The next one is for Dominion Power for the streetlights that are now active over at the Clontz Park Boat Ramp. It is for \$17,618.58. We had some manhole rehabilitations by Draper Aden Associates for \$46,712.50. The next invoice is to Docks of the Bay for the Clontz Park Boat Ramp construction for a draw of \$128,012.50. We recommend all four of these for approval this evening. I would like to make a motion that we accept the consent agenda as presented.

C1. Resolution to Close the 200 Block of Main Street for the Sweet Summertime Celebration, Friday June 28<sup>th</sup>, 2019 from 7:00 p.m. until 9:30 p.m.

C2. Motion to Approve the Purchase of a Budgeted Bypass Pump for the Reverse Osmosis Plant.

C3. Invoices Over \$10,000.00 Requiring Council Authorization:

- a. Blair Brothers, Inc. (Cary Street drainage project) \$ 25,033.50
- b. Dominion Power (Clontz Park streetlights) \$ 17,618.58
- c. Draper Aden Associates ((Manhole rehabilitation) \$ 46,712.50
- d. Docks of the Bay (Clontz Park Boat Ramp) \$128,012.50

Vice Mayor Smith – Second.

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

On call for the vote, 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.

Mayor Williams - We will now move to the Action Section of our agenda with a Public Hearing: Proposed Budget for FY 2019/2020. We will have a staff presentation by our Town Manager, Mr. Brian Thrower.

Town Manager – Honorable Mayor and Council, I would ask that you bear with me while I read through the budget details for FY 2019/2020 General Fund, Sewer Fund, Water Fund, and Highway Fund budgets. After reviewing and discussing the proposed budget over multiple work sessions, your FY20 General Fund budget totals

\$12,974,005.00. My recommended General Fund budget totals \$13,599,005.00.

Departmental requests total \$13,670,020.00. A real property tax rate increase of \$0.03 and a cigarette tax rate increase of \$0.15 is included in your FY20 budget. Each penny on the real property tax rate is equivalent to \$110,802.00 (98% collection rate) in revenue. Each penny on the cigarette tax rate is equivalent to \$5,000.00 in revenue. Increasing the real property tax rate from \$0.16 to \$0.19 will generate an additional \$332,406.00 in revenue and will equal the average rate for towns in Virginia according to the Weldon Cooper Center. So, we would be at the average rate for towns in Virginia by increasing it by \$0.03. Increasing the cigarette tax rate from \$0.35 to \$0.50 will generate an additional \$75,000.00 in revenue. The Town is estimated to receive an additional \$407,406.00 in new revenue by increasing both tax rates. This additional revenue will primarily fund the following new expenses:

Personnel related items include:

- Salary Increases (2% COLA, 1% Merit) = Increase of \$88,740
- Health Insurance Premiums = Increase of \$37,719 (8.84% increase)
- Conversion of the part-time Crime Prevention Specialist to a full-time Police Officer position = Net increase of \$6,841
- Conversion of the Contracts/Procurement Administrator to a Planner position = Net decrease of \$3,413
- Addition of (2) new Parks Maintenance Specialists = Increase of \$87,722. This includes all associated benefits, taxes and salary.
- Addition of a Site Manager for the Manor House = Increase of \$25,835 (½ year expense)
- Addition of a part-time Custodian = Increase of \$10,800
- Addition of a Chief Deputy Treasurer - Accounting = \$80,323. This includes all associated benefits, taxes and salary.
- Addition of Employee Recognition Line Item in the Town Manager's budget = Increase of \$15,000

Net Increases = \$356,393

Other major operating expenses include:

- Addition of a Reserve/Contingency Line Item = \$50,000

Net Increases = \$50,000

Total new personnel and major operating expenses: \$406,393

Total proposed new revenue to fund new expenses: \$407,406

Capital expenditures include:

- Treasurer's Office - Munis Conversion = \$66,850 (Cash/Fund Balance)
- Police Department - Police Vehicles (2) = \$66,000 (Cash/Current Revenues)
- Parks & Recreation – Vehicle/Truck = \$26,000 (Cash/Fund Balance)

- Parks & Recreation - Smithfield Center Vinyl Tile = \$26,000 (Cash/Fund Balance)
- Parks & Recreation - Luter Sports Complex Maintenance Building = \$25,000 (Cash/Fund Balance)
- Community Development – Pinewood Heights Phase IV = \$2,409,807 (DHCD Grant and Town Funds – Cash/Current Revenues/Fund Balance)
- Public Works – Service Truck = \$12,500 (Cash/Current Revenues)  
Note: Cost split 4 ways – Highway, General Fund, Water Fund, and Sewer Fund – Total cost of \$50,000
- Public Works – Dam Alteration Permit Documents = \$315,000 (Cash/Fund Balance)
- Public Works – Luter Sports Complex Right Turn Lane Project = \$1,055,120 (VDOT Funds and Town Funds – Cash/Fund Balance)
- Public Works – Bennis Church/Route 258/Route 10 Bypass Intersection = \$884,800 (VDOT Fund and Town Funds – Cash/Fund Balance)
- Public Works – Bike Trail Project/Segment 3/Alternatives Analysis = \$226,000 (VDOT Funds and Town Funds – Cash/Fund Balance)
- Public Buildings – Paving and Lighting of Public Parking Lot = \$60,000 (Cash/Fund Balance)

### **Sewer Fund Budget**

Your FY20 Sewer Fund budget totals \$1,874,430. My recommended budget also totals \$1,874,430. Departmental requests total \$2,474,430. A 3% increase in sewer rates is included in your budget in order to keep pace with inflation and rising operating costs. Every 1% increase is equivalent to \$6,888. Increasing sewer rates by 3% will generate an additional \$20,664 in revenue.

#### Personnel related items include:

- Salary Increases (2% COLA, 1% Merit) = Increase of \$9,894
- Health Insurance Premiums = Increase of \$12,473 (27.83% increase)

#### Capital expenditures include:

- MOM Flow Plan Review = \$50,000 (Cash/Fund Balance)
- MOA Flow Monitoring = \$75,000 (Cash/Fund Balance)
- ARC Flash Analysis (16 Pump Stations) = \$35,000 (Cash/Fund Balance)
- Sanitary Sewer Inspections (TV the lines) = \$75,000 (Cash/Fund Balance)
- Manhole Inspections and Rehab = \$75,000 (Cash/Fund Balance)
- Sewer Capital Repairs (Find & Fix) = \$100,000 (Cash/Fund Balance)
- Terminal Bypass Pump Installation = \$150,000 (Cash/Fund Balance)
- Public Works Service Truck = \$12,500 (Cash/Fund Balance)  
Note: Cost split 4 ways – Highway, General Fund, Water Fund, and Sewer Fund

### **Water Fund Budget**

Your FY20 Water Fund budget totals \$2,423,911. My recommended budget also totals \$2,423,911. Departmental requests total \$3,353,911. A 3% increase in water rates is included in your budget in order to keep pace with inflation and rising operating costs. Every 1% increase is equivalent to \$13,679. Increasing water rates by 3% will generate an additional \$41,037 in revenue.

#### Personnel related items include:

- Salary Increases (2% COLA, 1% Merit) = Increase of \$13,466
- Health Insurance Premiums = Decrease of \$6,034 (7.05% decrease)

Capital expenditures include:

- Public Works Service Truck = \$12,500 (Cash/Fund Balance)  
Note: Cost split 4 ways – Highway, General Fund, Water Fund, and Sewer Fund
- Hydrants and Tie-Ins = \$30,000 (Cash/Fund Balance)
- RO Plant – Concentrate and Blend Control Valves = \$40,000 (Cash/Fund Balance)
- RO Plant – Automatic Flush Valve – Well 10 = \$30,000 (Cash/Fund Balance)
- RO Plant – BMP Project= \$175,000 (Cash/Fund Balance)

**Highway Fund Budget**

Your FY20 Highway Fund budget totals \$1,244,175. My recommended Highway Fund budget also totals \$1,244,175. This fund primarily covers maintenance of Town streets, bridges, and rights of way. All expenses are funded through Virginia Department of Transportation Street Maintenance allocations and interest income.

Personnel related items include:

- Salary Increases (2% COLA, 1% Merit) = Increase of \$8,517
- Health Insurance Premiums = Decrease of \$12,853 (22.48% decrease)

Other major operating expenses include:

- Maintenance Activities = \$697,252
- Street Lights = \$117,000

Capital expenditures include:

- Public Works Service Truck = \$12,500 (Cash/Current Revenues)  
Note: Cost split 4 ways – Highway, General Fund, Water Fund, and Sewer Fund – Total cost of \$50,000

Mayor Williams – We have all heard the Town Manager’s report. Does anyone have any questions?

Councilman Pack – No sir. We have to have a public hearing on it.

Mayor Williams – The public hearing is now open for the budget. Is there anyone who would like to speak?

Ms. Terry Mulherin – I live at 206 Washington Street in Smithfield. First of all, I would like to thank the Town Treasurer. I do not know how you keep anything together in this town; but I know these bills get paid sometimes by the skin of our teeth. I promise all of us that you are careful of what we are spending on things. I am not going to belabor my time by saying how far over budget our projects have been. You only need to look at the change requests to know that. I do not think we are doing our fiscal responsibility to the town taxpayers. First, let me say to Mr. Thrower that all of our property values went up. My own property values went up \$15,000.00. Others varied

but they all went up. You are going to get more money. You are going to get more money because we are stuck paying more money to the county which means our assessment for the town is up also. I can speak to vehicle tax. Mine is up 500% because I had to switch vehicles. I know that your budget does not take into account what we are projecting is going to come into the town based on the county's reassessment. I think, for businesses, what we do when we have to meet budget.....I pay 24% of my health benefits. We no longer fund spouses, children, etc. It is generous that we do that but we need to start taking a critical look at what other businesses are now doing in order to meet budget and not pass on expenses to their customers. I think you need to do a critical look on that piece. Hopefully, with vehicles coming in, you are getting rid of some also. Something can be depreciated; I do not know. I know this is the second time you have come back with a tax raise. Our Mayor always says that we have not raised taxes. It is a lot to be proud of; but you really do raise taxes because every time the county tax goes up then my tax goes up. With that in mind, please do your due diligence in approving in raises. We are up 3% in water and sewer. I would like to see us pursue bypassing of hose lines so we no longer have to pay sewer tax on what we use out of a hose that is not going down the sewer. As somebody who is already a water miser, the fees I pay on those bills are almost more than what I am paying for the water in the first place. Thank you.

Mayor Williams – Is there anyone else who would like to speak?

Mr. Dennis Arinello – I live at 113 Goose Hill Lane. I am not opposed to raising taxes for the right reasons. Property values are property values. The sewer lines and infrastructure are infrastructure. It goes old and decrepit. I get it but what I am averse to is a town of this size.....I know that the Town Manager has used whatever analysis he's used comparing apples to oranges in terms of town sizes and what the municipalities are and the way they are funded; but when I look at the size of the town and the types of the vehicles we are driving around, the numbers we have based on the per capita of what we have in uniform and how we are using those vehicles, and the infrastructure and the city trucks.....what I do not see is what we are spending in recreation and all those things that bring people in. Where was the promised revenue that we were supposed to get? Smithfield Recreation and the folks at Windsor Castle and all that money was supposed to be generated to help offset some of the charges. I have not

been around a lot but we have not done a lot with the ballfields in enticing people.

Where is the revenue that is supposed to be there? Now, we have the turn lane that still needs to be paid for and that has not been figured out. I am not opposed to raises for the right people and the right performance. When I look at 2% with the monies and retention requirement, I compared and contrasted it to what is at the Federal and state level compared to a municipality it just does not match for me. If we are going to do the boat ramp and Windsor Castle then generate the revenue that was promised. I see other hidden bills and increases. The boat ramp was promised at \$805,000.00. We are up to \$1,000,000.00 plus with the cost changes and everything else associated with the boat ramp. Why do we have that boat ramp there? I will be interested to see what happens when it's finished. I do not mind the Manor house. It is a great little pivot point. Spend the money wisely. Due diligence is fine. That is what I am asking for. Show us what we are getting in return for the money we are giving you. Transparency is the key here. That is all I ask. Thank you.

Mayor Williams – Thank you, Mr. Arinello. Would anyone else like to speak?

Ms. Deborah Compitello – I live at 109 Goose Hill Way. No, I am not affiliated with any of those other people. We are neighbors but I came on my own accord. I just have a question to ask. You said you wanted to raise the cigarette tax up to \$0.50. What will people in Carrollton pay versus the town for a pack of cigarettes? Are you going to make it so that people just go down the street to buy their cigarettes and your revenue is not realized? I do not know if that was ever even looked at. I do not know. I do not smoke. As far as I am concerned, you can tax it up the wazoo; but I am wondering if you are shooting yourself in the foot by raising that tax. You are not necessarily going to raise it because of people being able to drive somewhere else and get cheaper cigarettes. I lived in New Hampshire for eighteen years and New York prior to that and I knew people who went from New York to New Hampshire because it was tax free state to buy their alcohol. They made a trip twice a year. You need to think about that when you are determining that. You talk about raising our water 3% and something else.....my question about that is that there is a stinky little secret about Smithfield; it stinks. When we moved here, people told us to not buy in Smithfield because it stinks. We wondered how bad it could be. We knew the taxes were lower and it was a cute little town. We looked at all of those things when we made the decision to purchase our home. We

moved in and it stunk the second day we were here. I was in the garage unloading boxes, weeping, saying what have we done this place smells awful. Who cares about the savings in taxes? The Town Manager is saying that if we raise these taxes then we will be comparable to the people around us. You have to have an incentive to have people come to live in our stinky Smithfield. If there is no incentive then I will go and buy somewhere else. You raise your water prices to be the same as Isle of Wight then why would I not just go live in Isle of Wight and not have to put up with an odor? So, those things should be figured into the quality of life thing here that we choose to have. I always tell my kids that is the smell of lower taxes. I wish that you guys would think about those things when you make your determinations. Yes, you can keep raising taxes; you have that ability but you will drive people out. My daughter lives in Suffolk. They have done a huge tax increase. Her neighbors are selling their homes because of a 20% tax increase in their taxes. They are moving. They cannot afford to stay. They want to stay but the Town Council has made this determination. I would ask that you wisely think about this and not just about the money that you will bring in for your projects. My third concern is the amount of money we are putting into all of our recreation. I have six children. All of my kids played high school sports. I am a sports person. I love it. I love to see the kids doing it but when I look at these fields in this little town of nine thousand people I say we have the Taj Mahal of sports fields but we do not have the Taj Mahal when it comes to the kids. Just because a company says they will give you million dollars if you put our name on it and build this ballfield. Don't worry if you have to raise another \$10,000,000.00 to put it up. I am just throwing out numbers to just say that this is how it is done. If someone walked into your house and said here is \$5,000.00 to re-do your kitchen but don't worry if you have to come up with the other \$30,000.00. Don't worry about it; you will be able to do it. That is kind of what you have done to the town people. Just because you have been offered money does not mean you take it. You sometimes say "what about the strings that are attached to that money?" Is it a wise why to spend the constituents tax money? I would ask that you guys think a little bit more about when Smithfield Foods wants a tax write off and the desire to give us money. Is it really wise to take it with all the strings attached? Or should we say that we will take your money but we want to put it somewhere else. If the

person does not want to do that then the town can say they do not want their tax write off. Thank you for listening to me vent. I appreciate your time.

Mayor Williams – Is there anyone else who would like to speak at the public hearing on the budget? Hearing none, I now declare the public hearing closed.

Councilman Pack – Thank you, Mr. Mayor. We have heard public comments tonight. We have a budget that we have discussed throughout. We cannot do anything with this budget tonight. We have to take our time with this. We have to wait until our continued Town Council meeting on June 24<sup>th</sup>, 2019. Is there any further discussion on the budget from Council members? Hearing none, I would like to make a motion to table the adoption of the proposed budget for FY 2019/2020 until the continued Town Council meeting on June 24<sup>th</sup>, 2019. We have it scheduled in our action section for 6:00 p.m. I would recommend that we do this at 5:00 p.m. following our committee meetings. Committee meetings are now 3:00 p.m. until 5:00 p.m. instead of 4:00 p.m. until 6:00 p.m. My motion would be to table this until June 24<sup>th</sup> at 5:00 p.m. for the continued Town Council meeting.

Vice Mayor Smith – Second.

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

Councilman Pack – I have a question for Mr. Riddick. If this Council chooses to make any changes to the budget between now and then are we allowed to do that?

Town Attorney – Absolutely.

Councilman Pack – We can continue to work on the budget. If we want more discussion, we can do that at the continued meeting.

Mayor Williams – We can also discuss it further at the committee meeting. Are there any other comments? Is everyone good with 5:00 p.m. on the 24<sup>th</sup> instead of 6:00 p.m.? Hearing no objections, roll call vote.

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

Mayor Williams – Our next item is a Request to Demolish 502 Grace Street. We will have consideration by Public Buildings and Welfare Committee Chair, Ms. Valerie Butler.

Councilwoman Butler – I would like to defer this item to our Town Attorney, Mr. Riddick. There is a lot of background on this and also for interpretation of the ordinance before we take action on it.

Town Attorney – Mr. Mayor and members of Council, I will jump to the heart of the matter. Mr. Al Jones is the attorney for Mrs. Crocker. He filed this application. It does not require a public hearing but it does require action by the Town Council. Unfortunately, during this interim period when it was filed and tonight's meeting, Mr. Saunders left the employ of the town. I was looking in the audience tonight and noticed that Mr. Jones is not here. I asked the Planning and Zoning Administrator if he knew whether he had been given notice or not. He checked with Mr. Saunders and he had not been. I do not think it is appropriate to take action on this tonight. You could; but I do not think that is fair or equitable to do that. He is the applicant and represents the owner. They have the right to be heard. When they have made the application, they need to be able to make their case to you. If I may, I would like to very briefly address a lot of the misconceptions about all of this. There are so many and I heard a lot of them tonight. The speakers are correct that the state law has not changed. The statutes themselves upon which the town's historic ordinances are based have not changed. What has changed is that the law in the state with respect to case law has evolved and there are things that have happened in other jurisdictions, not here, which affect us. Case law is the controlling authority when it comes to enforcement of ordinances. We were sued by Mrs. Crocker because of action taken by the Board of Historic and Architectural Review. If you recall, initially the BHAR found that the owner was required to maintain their property. The owner appealed that to the Town Council. The Council upheld the action of the BHAR. Mrs. Crocker brought suit against the Town of Smithfield claiming that we were acting outside of the scope of the law and that we had no authority to do that. The suit was filed and we were represented by Mr. John Conrad from Richmond. He provided me with a written analysis. I am going to read just a very little bit of it because I think it is important in understanding this. First of all, we will talk about the Dillion Rule. Localities can only do things that the General Assembly authorizes them to do. The

General Assembly has to adopt laws and in those laws you are authorized to do certain things. It is the enabling legislation for the BHAR. This was done many, many years ago. The town has, essentially, a historic preservation ordinance that has not changed much from the 1970's. There was a very famous case and we started it all. It was the Dr. Ray Parker case. We brought suit against Dr. Parker to require him to maintain his residence. The case was heard by Judge Godwin. Judge Godwin ordered him to fix his house up. We hung our hat on that for a very, very long time; but the law has changed. What has changed is the interpretation. Mr. Conrad gave me this opinion and I will read a little bit of it. I think it is important to understand this. I am trying to make it clear because there are a lot of accusations that we have done something or we have not done something. What I am trying to explain to you is that the law has evolved and things are different. Everyone needs to understand that. It states "the Dillions Rule provides that municipal corporations have only those powers that are expressly granted, those necessarily or fairly implied from expressly granted powers, and those that are essential and indispensable. When read closely, the expressly granted powers under Section 15.2 – 2306." This is the state law that authorizes the preservation ordinances. It further states "does not provide any locality's historic review Board the power to inspect and order maintenance and repair of properties within the designated historical areas." So, the portion we have always hung our hat on which is the provision for Demolition by Neglect is no longer proper. We cannot enforce it. The law is very clear about that. It states "the codes state express powers are to create an ordinance requiring an applicant that any development in the area will preserve or accommodate the historical or archeological resources." We have a historic district and this ordinance applies to our historic district. We can have a Board of Historic and Architectural Review. We can require people who want to do new things or modify existing homes, historic homes, or new structures to come before the BHAR for review. The second item says that "to create an ordinance stating that no building or structure, including signs, can be erected, reconstructed, altered, or restored within any such district unless approved by the Review Board." The third item is "to create an ordinance stating that no historic structures can be razed, demolished, or removed until it has been approved by the Review Board." The exemptions are as follows: "code does not expressly grant any power to create an ordinance requiring property owners who are not applying to

develop, erect, reconstruct, alter, or restore the property to maintain or repair the property or to preserve the property against decay or deterioration, and maintain free structural defects.” The ordinance does not permit us to do that. We may be able to do it another way. The Town Manager has been proactive on that. We are going to look at the adoption of a building code. The county enforces our building code. We are looking to be able to do that within the town; but we cannot use the BHAR to do that. It is at the heart of all of this and what it is all about. So, that is what the law is and how it has evolved. There is an Attorney General’s opinion from June 7<sup>th</sup>, 2007 that reiterates all of that. I know people do not think that I know what I am talking about but I have been doing this for a long time. I rely on other legal counsel who have more experience than I do. There are some out there that do but not a lot because I have been doing this for a long time. I am smart enough to read the law and smart enough to understand the ramifications of what actions by the town would be if we choose to do some things that are contrary to the law. It is my job to advise you in that regard. This is where we are with this thing. The town’s ordinances are not illegal. There are just provisions in it that we need to remove because we cannot enforce them. It is what we are going to do. With respect to tonight’s action though, I am giving you some history because there is a lot that has gone on and the new Council members need to understand this. With respect to the action tonight that was supposed to take place, Mr. Jones filed an application under the provisions of our ordinance asking that his client be permitted to demolish their structure ‘by right.” There are things that they have to demonstrate that they have done in order to be able to do that. He is going to argue that he has done them and you may find that he has or has not. I do not think we can take that up tonight. I do not think it is fair. I would recommend that you not do that. There is no emergency here. Another month is not going to have any impact one way or another on Pierceville. There is one other thing I would remind you of. There is all this comparison between Pierceville and Windsor Castle. The greatest distinction between the two of those is that the town owns Windsor Castle and does not own Pierceville. People in this country still have property rights. I think they do. A lot people think not. I believe people have property rights and they are entitled to do with their property as they wish within the parameters that are outlined by town ordinances. They have the right to petition you to do things with their property which is what they are doing. You do not have the ability to

tell people what they can and cannot do with their homes except through zoning mechanisms. They come and ask if they can do something and if the ordinance says they can then they can. There is very limited discretion in that regard. That is where all this stands. I would recommend, Mr. Mayor and members of Council, that you move to table this until your July meeting. I will put Mr. Jones on notice. I do not believe it is his fault. It certainly is not Mr. Settle's fault. This was something that happened during the transition when Mr. Saunders left. I do not want to blame anybody. It is just an unfortunate turn of events.

Councilman Pack – I have a question with regards to the demolition by right. As I recall, there were three provisions that the homeowner has to meet to allow demolition by right in our code. I do not remember all three of those. Could you tell us?

Town Attorney – It is in the staff report. It requires that the owner or applicant has applied to the Town Council for such rights. They have done that. The other item is that the owner has, for a set period of time as set forth in the ordinance, offered the property at a price reasonably related to its fair market value and made a bonafide offer to sell such site, object, building, or structure and the land pertaining thereto to whomever gives reasonable assurance that they are willing to preserve and restore the landmark building or structure and the land pertaining thereto. In our ordinance the period of time set forth with respect to this property would be twelve months at an offering price of \$90,000.00 or more. It also says that no bonafide contract binding upon the parties thereto shall have been executed for the sale of any such landmark building or structure and the land pertaining thereto prior to expiration of the applicable time period set forth in town's schedule contained herein. He has to make application, offer it for sale for twelve months, and not have executed an offer. Mr. Jones argues in his memo to you in his application that he has done those things. It would be up to you to hear from him next month. You can then ask him about those factors.

Councilman Pack – So, if all three of these things are in fact true then our code says the property owner has the right to demolition. They have applied to demolish it. They have listed it for a minimum of twelve months at a reasonable fair market price and that during that time they did not receive a bonafide offer on the property. If anyone of those items are not met then we would not have to approve the demolition. They would not have the right to demolish it.

Town Attorney – That is correct. I recommend you table this until next month.

Mayor Williams – Are there any other questions?

Councilwoman Butler – I would like to make the motion to table action on Mr. Jones application for demolition until he can appear next month.

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

Mayor Williams – Our next item is a Motion to Approve the Town Council Meeting Minutes of May 7<sup>th</sup>, 2019.

Town Attorney – Mr. Mayor and members of Council, I did not get page one but I am sure that was a scanning issue. I found one or two typographical errors. I would recommend they be approved as corrected.

Councilman Hall – So moved.

Councilwoman Haywood – Second.

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

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

Mayor Williams – Item 5 under the Action Section is a Motion to Accept the Nominating Committee's Recommendation to Fill the Expiring Term of Robert Briggs (June 30<sup>th</sup>, 2019) on the Board of Zoning Appeals.

Councilwoman Tynes – Vice Mayor Smith and I were members of the nominating committee. We recommend and make a motion to appoint Mr. Gene Monroe. He has lived in the community for at least twelve years. He has membership in both local civic and religious organizations. He is employed with the federal government at a regional facility as an engineer. I do not know if he is here tonight. I had invited him to come.

Vice Mayor Smith – Second.

Town Attorney – Remember, this is a recommendation to the Circuit Court for the appointment of Mr. Monroe.

Councilwoman Tynes – He understands that.

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

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

Mayor Williams – Now, we move to New Business. We have a Resolution Committing the Town's Local Match to the Smithfield Nike Park Trail (Segment 3) Project from the Cypress Creek Bridge to Battery Park Road and Authorizing the Town Manager to Execute the Locally Administrated Project (LAP) Agreement with VDOT.

Town Manager – Honorable Mayor and Council, in effect, that is the summary for the item. It is a resolution that is required by VDOT that commits the town to its local match of \$16,097.00 for the project. It also authorizes me to execute the locally administered project with VDOT so we can move forward with the project to the planning phase. It is required by VDOT to move forward with this project. Staff would request that you approve the resolution authorizing me to sign the agreement with VDOT.

Councilman Hall – I would like to make a motion to approve.

Vice Mayor Smith – Second.

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

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

Mayor Williams – Our next item is by the Town Manager, Mr. Brian Thrower.

Town Manager - We have a Motion to Close Town Offices on Friday, July 5<sup>th</sup>, 2019 in Accordance with the Amended State Holiday Schedule for 2019. We understand that the governor has authorized this additional day off for state employees.

The town generally follows the state holiday schedule. It is our understanding that Isle of Wight County is also going to be off July 5<sup>th</sup>. We are requesting the additional holiday for town staff.

Councilman Hall – I would like to make a motion to close town offices on July 5<sup>th</sup>, 2019.

Councilwoman Tynes – Second.

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

Councilwoman Tynes – Yes. I just want to make sure that this is a state holiday also.

Town Manager – Yes.

Mayor Williams - Roll call vote.

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

Mayor Williams – Our next item is FEMA Hazard Mitigation with our Town Manager, Mr. Brian Thrower.

Town Manager – Honorable Mayor and Council, you have a contract attached to your agenda for FEMA Hazard Mitigation Grant Program Application – Request to Authorize the Town Manager to Execute Contract with Summit Design and Engineering Services. This is for a couple of properties; 208 Great Spring Road and 600 Quail Street. The application is to elevate those properties. The fee for the contract is a fixed fee of \$1,750.00 and for any pre-determined activities that are required. The project manager is Mr. Michael Dodson with Summit. You know him from our Pinewood Heights project. I am requesting that you authorize me to execute the contract with Summit Engineering for that project.

Councilman Pack – Mr. Mayor, I make the motion that we approve the FEMA Hazard Mitigation Grant Program application and that we authorize the Town Manager to execute the contract with Summit Design.

Councilwoman Tynes – Second.

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

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

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

Town Attorney – Mr. Mayor, we need a motion to go into closed session for the purpose of discussing personnel matters pursuant to Section 2.2-3711A.1 of the Code of Virginia.

Councilman Hall – So moved.

Councilman Pack – Second.

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

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

*Town Council went into closed session at 7:55 p.m.*

*Town Council went back into open session at 8:26 p.m.*

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

Councilman Hall – So moved.

Councilman Pack – Second.

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

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

Town Attorney – Mr. Mayor, we need a motion that during the closed session there was only a discussion of personnel matters pursuant to Section 2.2-3711A.1 of the Code of Virginia.

Councilman Pack – So moved.

Councilman Hall – Second.

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

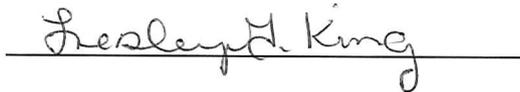
On call for the vote, seven members were present. Councilwoman Tynes voted aye, Councilman Hall voted aye, Councilman Pack voted aye, Councilwoman Butler voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion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

Mayor Williams – Is there anything else to come before Council tonight? Hearing none, this meeting will be continued until June 24<sup>th</sup> at 5:00 p.m. We are adjourned.

The meeting was adjourned at 8:28 p.m.



Mr. T. Carter Williams  
Mayor



Mrs. Lesley King  
Town Clerk