

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

**Members present:**

T. Carter Williams – Mayor

Michael Smith – Vice Mayor

Valerie Butler

Randy Pack

Beth Haywood

Wayne Hall

Renee Rountree

**Staff members present:**

Michael Stallings - Town Manager

Lesley King – Town Clerk

Ellen Minga – Town Treasurer

William H. Riddick, III – Town Attorney

Alonzo Howell – Chief of Police

John Settle – Community Development & Planning Director

Tammie Clary - Planner

Ashley Rogers – Human Resource Director

Judy Winslow – Director of Tourism

There were approximately eight (8) citizens present. The media was not represented.

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

**Election of Mayor and Vice Mayor Positions:**

The Town Attorney explained that with a new Town Council an election for Mayor and Vice Mayor would be necessary. The floor was opened for nominations for Mayor. Councilman Hall nominated Carter Williams. Councilman Pack seconded the nomination. There were no other nominations. The floor was closed for nominations. The Town Attorney called for the vote for Carter Williams as Mayor.

On call for the vote, seven members were present. Councilwoman Roundtree 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.

The Town Attorney asked for nominations for Vice Mayor. Councilman Hall nominated Mike Smith for Vice Mayor. Councilman Pack seconded the motion. With no other nominations, the floor was closed. The Town Attorney called for the vote for Mike Smith as Vice Mayor.

On call for the vote, seven members were present. Councilwoman Roundtree voted aye, Councilman Hall voted aye, Councilman Pack voted aye, Councilwoman Butler voted nay, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. There was one vote against the motion. The motion passed 6-1.

**Manager's Report:**

The Town Manager, Michael Stallings, explained that the activity report for June was included in the packets. He was available for questions.

**Public Comments:**

The public is invited to speak to Council on any matter, except scheduled public hearings. There will be a separate sign-up sheet for 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. Herb DeGroft, representing the VFW, spoke to Council on the issue of non-profit fundraising signage. Mr. DeGroft asked Council to modify the sign ordinance for non-profit organizations. He would like them to be allowed in strategic locations with reduced speeds so they would be seen. The signs would be removed within a week. Councilman Pack explained that the Planning Commission has been working on the ordinance. The new ordinance is in draft form and will be discussed at the Planning Commission meeting on July 13<sup>th</sup> at 6:30 p.m. After approval by the Planning Commission, the new ordinance will be presented to Town Council.

Mr. Albert Burckard, representing the Isle of Wight Historical Society, spoke to Council about the Wombwell house. He thanked the Council for their cooperation and patience with access for inspection, assessment, cleaning, stabilizing, research, and historical recording to the historic Wombwell house. The Isle of Wight Historical Society is considering the property for their use. He thanked the Council for the three month extension. Mrs. Keen asked him to inform the Council of what they have done so far and to explain that they have been conscientiously fulfilling the agreement. They covered the holes in the roof, ventilation, changed the exterior locks, and installed no trespassing signs. They had a professional architectural team from Colonial Williamsburg perform a survey. The final report and drawings are in the works. They have not been received yet due to the shutdown. They are in the process of assembling a team of architectural experts, archeologists, and historians to provide support to the Isle of Wight Historical Society. Everything is on hold right now due to COVID. Mr. Albert Burckard explained that they have received a proposal from a Virginia architectural historian. The Isle of Wight Historical Society would like to establish all the historical, social, and family connections

which began with Thomas Wombwell. He was the first County Clerk beginning in 1645. He served for eleven years. Recently, overgrowth was cleared. The Society has taken out the required liability insurance policy. It also covers anyone who assists on the property. An aerial drone survey was performed for the cemetery. The actual location has not been located yet. Earlier this year, a team probed the property extensively in an effort to locate any remaining cemetery markers. The Isle of Wight Historical Society hopes that the Council will find the accomplishments satisfactory and in compliance with the agreement.

Mrs. Martha Lucinda Ford Evans Jackson spoke to Council about the new Council member, Mrs. Renee Rountree. She welcomed her and looked forward to working with her in the future.

There were no other public comments.

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

Supervisor Grice reported that COVID testing has increased throughout the County. Free testing was offered by the Health Department in two locations. Last month, 123 residents took advantage of the testing. There were only 3 people that tested positive. He encouraged social distancing, masks, and hand washing. He explained that the Economic Development department had received 174 applications for the COVID Business Interruption Business Grant Program. It is a joint program with Windsor, Smithfield and Isle of Wight County using CARES Act funding. Of the 174, there are 82 businesses from Smithfield. Checks are being mailed for \$2,000.00 each to qualifying businesses. There is enough grant funding for a total of 323 small businesses. The County will continue to identify small businesses that qualify but have not yet applied for the grant. The County continues to move forward on several fronts: the Blackwater Park property, establishment of a Broadband Task Force, Court fee costs, amending the budget to receive the CARES Act funds, modifying the vehicle registration policy and fees, personal property tax exemption to Smithfield VA Events, and extension of a T-Mobile tower lease agreement. Supervisor Grice explained that the County spends \$26,000,000.00 annually for education needs. This compares to less than \$350,000.00 for senior care programs. Currently, there are more seniors than school age children living in the County.

Councilwoman Rountree stated that she had an interest in Broadband services. She was interested in helping with it. Supervisor Grice stated that if Town Council would like a Council representative on the task force that it would be appreciated.

**Presentation by Davenport & Company: Refinancing/Restructuring and Proposed New Utility Capital Needs:**

The Town Manager explained that Davenport & Company are the Town's Financial Advisors. They looked at existing debt and looked at options for the future capital needs of the Town for the upcoming fiscal year.

Mr. David Rose reported on a two-part plan. The first is a refinancing for savings purposes and to remove the uncertainty with interest rate risks. The second is about the Town utility system and doing interim financing. The Davenport & Company complete report is included in the supporting documents from the July 7<sup>th</sup>, 2020 meeting.

Councilwoman Rountree asked what the total debt service was for the town and if there was anything else that could be refinanced. With the low rates, she stated that it was a good opportunity for refinancing. Mr. Rose stated that there was nothing else that was viable for refinancing at the present time. Davenport & Company continually monitors their client's debt portfolio. There may be some tax advantages in the future.

The Town Attorney explained that if the Council is amenable to the recommendations then the Council needs to take action so the rates can be locked in. The Town Treasurer and the Town Manager are comfortable with Davenport's recommendation.

Councilman Pack made a motion to authorize the Town Manager, Town Attorney, and Town Treasurer to lock in the rates with Chase Bank without changing maturity dates. Additionally, to set a date for a public hearing for interim financing for the new \$1,600,000.00 with Farmers Bank. Councilman Hall seconded the motion. Mayor Williams called for the vote.

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

Mayor Williams thanked the Town Treasurer for all her hard work on the budget processes.

**Council Comments:**

Mayor Williams welcomed Renee Rountree to Council.

Councilwoman Butler recognized Kara Johnson who organized the peaceful protest on June 27<sup>th</sup>. She commended her and her committee for organizing the protest. She also thanked the Town Manager and Chief Alonzo Howell for working with her so that everything ran smoothly. Councilwoman Butler sincerely thanked the community for turning out. There were approximately 175 people present consisting of 60% African Americans and 40% white. It indicated that the Black Lives Matter movement is political which is not how she sees it. The purpose of the march was a call for justice which indicates there are concerns in the community for humanity. On June 27<sup>th</sup>, she was proud of the Smithfield community due to the peaceful protest.

Councilwoman Rountree informed Council that she is keeping a spreadsheet. Every month she will be having a meeting with the Town Manager. During Council comments, she will be informing the Council of citizen concerns or comments. One of the concerns is that the Town get a better internet provider. She volunteered to be on the Broadband committee with the County. There is also a sinkhole at the 200 block of Azalea Drive. It holds water long after the rain. She reported it to the Town Manager on June 24<sup>th</sup>. He is looking into it. The other item is to facilitate 25/35 mph zones thru intersections leading from Cypress Creek and Moonefield to connect to downtown for the purposes of driving golf carts. It would make us a golf cart community. She has held several meetings to research it. Judy Winslow did research with her tourism colleagues about Colonial Beach and Cape Charles. She looks forward to meeting with Chief Howell and everyone else during committee meetings. We have several Town citizens who would love to drive their golf carts between the neighborhoods and downtown to take advantage

of the amenities and restaurants. There was a citizen concern near the YMCA and not getting out to use her swimming pool because of the smell from Smithfield Foods. She wanted the Council to be aware of it even though it is a County issue. The last item is that several citizens are embarrassed by our rusty water tower behind Anna's Restaurant.

The Town Manager stated that painting the water tower is one of the capital projects in this year's budget.

Councilwoman Haywood thanked Chief Howell, Michael Stallings, and Kara Johnson for working together to organize the event and their speeches. Councilwoman Butler also made a speech. Councilwoman Haywood reflected on the speeches and looked at the Town Vision statement. It states "our dynamic Town is held in high regard by many because of our ability to recognize ideas and beliefs held by our diverse community. All citizens feel included and are proud to say they live in Smithfield." She also looked at the Town demographics. The Town has approximately 30% people of color. She does not see 30% people of color at the places she goes to in Smithfield and is wondering why. She would like to challenge that question to the Council members and make sure to include everyone in Smithfield. Is the Town seeking out people of color for our Boards and committees? Is there representation in all areas of the Town and if not; why? She asked what the Town could do to encourage it. She stated that perhaps the Council could have a statue of someone like Randall Booth who is an African American who saved all the records from the courthouse so they were not burned. The statue could be by the courthouse or the old schoolhouse to make an active effort to include people of color and to make sure that all of history is represented.

**Consent Agenda:**

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

**C1. Motion to Award Contract for the Relining of Well #8A to A. C. Schultes of Maryland, Inc.**

Vice Mayor Smith explained that the well needs work so it can get back online as soon as possible.

**C2. Invoices Over \$10,000.00 – Request to Approve.**

a. WACO, Inc.	\$ 47,780.00
b. DELL Marketing	\$ 13,876.78
c. Kimley Horn and Associates	\$ 16,497.28
d. Blair Brothers, Inc.	\$379,161.56

Councilman Pack stated that the WACO, Inc. invoice is for demolition of the Pinewood Heights acquisitions. DELL Marketing is reimbursable by the CARES Act for IT improvements due to COVID. Intersection improvements were provided by Kimley Horn. The Blair Brothers, Inc. invoice is for various street paving throughout the Town. He recommends these invoices for approval.

**C3. Resolution to Renew Line of Credit with TowneBank for the Pinewood Heights Relocation Project:**

**C4. Resolution to Renew Line of Credit with Farmers Bank:**

Councilman Pack explained that item C3 and C4 deal with renewals for credit lines. These are done annually. He recommends both items for approval.

**C5. Motion to Amend the Personnel Manual to Establish Juneteenth as a State Holiday:**

Councilman Pack recommended this item for approval.

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

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

**Public Hearing: Special Use Permit – 1409 South Church Street – True Value:**

The Community Development and Planning Director reported that True Value has been using the western portion of the vacant lot next door as an area for displaying and selling plant materials. Over the years, they have encountered drainage problems. They made the following improvements: an approximately 3,000 square foot area constructed of moon dust, an irrigation system was installed, a greenhouse was added, and walkways were installed to connect the area to the parking lot. They would also like to add two accent fences at the front of the display area. This property is within the Entrance Corridor Overlay district. They had an approved site plan on file from 2009. The applicants applied for and received an Entrance Corridor Overlay design review and a site plan amendment. Last month, the Planning Commission reviewed it and it was contingently approved. This application is two special use permit items. The first is a waiver of yard requirements. There are three aspects of the improvements that have been made that conflict with the zoning ordinance. There is a 17 foot encroachment into the front yard area and a 14 foot side yard encroachment with the greenhouse structure. Lastly, there are paved walkways crossing the lot line between Lot 512A and 1409 S. Church Street. The property is in a zoning district where zero lot line development is not permissible. The special use permit would waive the standards to allow for the improvements. The second special use permit is for a waiver of parking and loading requirements. The first waiver item carries a provision that if the applicant gets the waiver they lose the ability to use the front of the property for parking. If it applied for this application, the applicant would use the entirety of the parking lot. The applicant is seeking a waiver of parking and loading requirements to nullify that restriction. The Planning Commission has favorably recommended the two special use permits to the Town Council. However, it is under the condition that the applicants satisfy any comments that may have been generated by the Isle of Wight Management Stormwater Division. Comments have been provided to the applicants who are remedying the comments. Town staff recommends approval of the application by Town Council with the conditions consistent with the one given by the Planning Commission.

The applicant, Robert Little, stated that Mr. Settle's report covered everything. He was available for questions by the Council members.

Councilman Hall asked if all items had been completed. Mr. Little explained that the corner fencing had not been done. It was for aesthetics only. All other items are finished.

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. He asked if any Town Council members had any questions or concerns.

Councilman Pack explained that it was discussed at the June Planning Commission meeting and favorably recommended. He made a motion to approve the application as presented with the condition that all stormwater requirements are met by the applicant. Vice Mayor Smith seconded the motion. Mayor Williams called for the vote.

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

**Motion to Adopt the Appropriation Resolution for Fiscal Year 2020/2021:**

Councilman Pack explained that at the Council continued meeting on June 22<sup>nd</sup>, 2020 the Town Council approved the budget. This resolution will fund the budget. He made a motion to approve the appropriation resolution for FY 2020/2021 totaling \$16,872,807.00. Vice Mayor Smith seconded the motion. Mayor Williams asked if there was any further discussion.

Councilwoman Rountree asked, as a new Council member, if Council had the ability to amend the budget as needed. The Town Manager explained that Council can amend the budget at any time throughout the year. Councilwoman Rountree also asked that if an item was in the budget if that meant it had to be spent. The Town Attorney explained that the appropriation resolution authorized expenditure of the budgeted monies. There are items in the budget that are discretionary. They can be changed throughout the year.

With no further discussion, Mayor Williams called for the vote.

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

**Amended and Restated Access Agreement Between the Town of Smithfield and Isle of Wight Historical Society, Inc. for the Wombwell House:**

Councilwoman Butler explained that everyone heard Mr. Burckard during public comments. He explained what has been done to date on the house. They would like to extend their lease which expires July 31<sup>st</sup>, 2020. She made a motion to approve the access agreement until January 31<sup>st</sup>, 2020. Vice Mayor Smith seconded the motion. Mayor Williams asked if there was any further discussion.

The Town Attorney explained that this is strictly an access agreement not a lease. They hope to enter into a lease once they have done their due diligence. The Isle of Wight Historical Society has asked for 6 more months. It is the same agreement except for the expiration date.

Councilman Pack stated that this has been going on since November 7<sup>th</sup>, 2019. They need to decide if they want to lease the house or not. He believes that they have been given enough

time. The Wombwell house discussion has been going on for 3 years or more. He would like the Isle of Wight Historical Society to give an answer by July 31st.

Mayor Williams stated that they have tried to get some free help to get estimates for renovations. They have some money but they are not sure if they would have enough to finish the project. If the Town asks for a decision by the end of this month, they will probably say no. It is a substantial part of the history of the Town of Smithfield. He believes that 6 more months is reasonable and will give them the opportunity to raise money.

Councilman Pack explained that the house is a blemish next to the beautiful sports complex. How long would it take the Isle of Wight Historical Society to renovate it? He would like a timeline for completion if the lease goes through.

Councilwoman Butler stated that 6 more months would be fine but firm. After that, they should have a timeline for completion. Councilman Hall agreed.

Councilwoman Rountree asked if it harms the sports complex or access. Councilman Pack stated that it does not.

Councilman Pack stated that if the lease were to move forward, he would like to see proof of cash or how they plan to obtain the funds needed for renovations. He would like to see a written estimate with goals and firm timelines for completion.

The Town Attorney explained that a clause could be added to the access agreement to produce, no later than January 31<sup>st</sup>, 2020, a cost estimate and a proposed timeline for renovation/restoration including funding sources. It would be a condition of the extension on the access agreement.

Mayor Williams reminded everyone that a motion is on the floor with a second to approve the access agreement as presented which needs to be voted on.

On call for the vote, seven members were present. Councilman Hall voted nay, Councilwoman Haywood voted nay, Vice Mayor Smith voted nay, Councilman Pack voted nay, Councilwoman Butler voted nay, Councilwoman Rountree voted nay, and Mayor Williams voted nay. There were seven (7) votes against the motion. The motion failed.

The Town Attorney suggested that Council add a clause to the lease agreement that states: as consideration for the 6 month extension, the Isle of Wight Historical Society shall provide a written scope of work for restoration and rehabilitation of the property, a timeline for accomplishment of the work, and funding sources no later than January 31<sup>st</sup>, 2020.

Councilman Hall made a motion to approve the amended and restated access agreement with the further condition that the Isle of Wight Historical Society provides a written scope of work for restoration and rehabilitation of the property, a timeline for accomplishment of the work, and funding sources no later than January 31<sup>st</sup>, 2020. Councilwoman Haywood seconded that motion. Mayor Williams called for the vote.

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

**Motion to Accept Nominating Committee's Recommendation to Fill the Expiring Term of Faye Seeley on the Board of Zoning Appeals:**

Vice Mayor Smith stated that Mrs. Seeley has served on the BZA for twenty years. She has asked to serve one more term. He recommends that she be approved by the Circuit Court to serve another term. Councilman Hall seconded the motion. Mayor Williams called for the vote.

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

**Appoint Nominating Committee to Fill the Unexpired Term of the Board of Historic and Architectural Review:**

Mayor Williams explained that Mr. Goodrich is moving out of the Town limits. His tenure would be expiring 1/31/23. He appointed Councilman Hall and Councilman Pack to recommend someone for the unexpired term at the August Town Council meeting.

**Motion to Approve the Town Council Summary Minutes of June 2<sup>nd</sup> and June 22<sup>nd</sup>, 2020:**

The Town Attorney reviewed the minutes and recommends approval as presented.

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

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

**New Business:**

There was no new business.

**Old Business:**

There was no old business.

Mayor Williams reminded everyone to stay for a photograph of the new Town Council.

The meeting was adjourned at 7:57 p.m.



T. Carter Williams - Mayor



Lesley King – Town Clerk