

The Smithfield Town Council held its regular meeting on Tuesday, July 10th, 2018. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Michael Smith, Mrs. Denise Tynes, Mr. Randy Pack, Ms. Valerie Butler, Mr. Wayne Hall, and Ms. Beth Haywood. Staff members present were Mr. Brian S. Thrower, Town Manager; Mrs. Lesley King, Town Clerk; Mr. William G. Saunders IV, Director of Planning, Engineering and Public Works; Ms. Ellen Minga, Town Treasurer; Mr. Alonzo Howell, Smithfield Police Chief, Mr. William H. Riddick, III, Town Attorney; Ms. Judy Winslow, Director of Tourism; Mrs. Amy Novak, Director of Parks and Recreation; Mr. Bill Davidson, Planning Commission member; Mr. Charles Bryan, Vice Chairman of the Planning Commission; and Mr. Michael Swecker, Planning Commission member. There were approximately twenty-seven (27) citizens present. The media was not represented.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of July 10th, 2018. It is now 7:30 p.m. We have some Boy Scouts with us tonight. I invite them to come up and lead us in the Pledge.

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

Mayor Williams – Thank you very much Troop 7. We appreciate it and you are doing a wonderful job. Keep it up. We will start off tonight with the Informational Section. The first order of business tonight is the Election of Mayor. I will turn this over to our Town Attorney, Mr. William Riddick.

Town Attorney – Members of Council, you have a new Council convened tonight. The first order of business is the election of the Mayor. The floor is open for nominations for Mayor.

Councilman Pack – I would like to nominate Mr. Carter Williams.

Councilwoman Tynes – Second.

Town Attorney – Mr. Williams has been nominated. Are there any other nominations? Hearing none, nominations are closed. All those in favor of Mr. Carter Williams as Mayor of the Town of Smithfield say aye, opposed say nay.

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

Town Attorney – Mr. Williams, you have been re-elected as the Mayor of the Town of Smithfield. The next item of business is the Election of Vice Mayor. The floor is open for nominations for Vice Mayor.

Councilman Hall – I would like to nominate Mrs. Denise Tynes as Vice Mayor.

Councilwoman Haywood – Second.

Town Attorney – Are there any other nominations?

Councilman Pack – I would like to nominate Mr. Michael Smith as Vice Mayor.

Councilwoman Butler – Second.

Town Attorney – Are there any other nominations? Hearing none, the nominations are closed. All those in favor of the election of Mrs. Denise Tynes as Vice Mayor say aye and raise your hand so I can count please.

On call for the vote, seven members were present. Councilman Hall voted aye, Councilwoman Butler voted nay, Councilman Pack voted nay, Councilman Smith voted nay, Councilwoman Haywood voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted nay. There were four votes against the motion. The motion failed.

Town Attorney – All those in favor of Mr. Michael Smith, say aye and raise your hand.

On call for the vote, seven members were present. Councilman Hall voted nay, Councilwoman Butler voted aye, Councilman Pack voted aye, Councilman Smith voted aye, Councilwoman Haywood voted nay, Councilwoman Tynes voted nay, and Mayor Williams voted aye. There were three votes against the motion. The motion passed.

Town Attorney – Mr. Smith has been elected Vice Mayor. Mr. Mayor, the meeting is yours again.

Mayor Williams – Thank you very much. We will start with our Manager's Report with Mr. Brian Thrower.

Town Manager – Honorable Mayor and Council, you have the Manager's Report from June. It was put together by the former Town Manager, Mr. Peter Stephenson. The departmental reports are also attached. I just wanted to say that I am looking forward to working with everybody and thank you for having me. I would also like to add that we did add two items to the agenda tonight. The first is under new business with a Compensation Plan revision. We need to add a legal matter requiring the advice of counsel and a briefing by staff under our closed session. In terms of upcoming

meetings, you have those listed on your agenda. Today, we had the Pinewood Heights Management Team meeting at 4:00 p.m. The Planning Commission meeting was just held prior to this meeting. On July 17th at 6:30 p.m., we have the Board of Historic and Architectural Review meeting. The Town Council Committee meetings will be held on July 23rd and 24th at 4:00 p.m. On the 23rd, we will have the Police Committee, Water and Sewer Committee, and Finance Committee. On July 24th, we will have the Parks and Recreation Committee, Public Works Committee, and Public Buildings and Welfare Committee. All of these meetings are held here at the Smithfield Center. Thank you.

Mayor Williams – We will now move to Public Comments. The public is invited to speak to Council on any matter except for scheduled public hearings. We have one public hearing tonight. Comments are limited to five minutes per person please. Any required response from the town will be provided in writing following the meeting if you so desire. Please state your name and address as you come forward. Do we have any signups for public comments?

Town Manager – We have three speakers signed up. The first is Mr. Lee Duncan.

Mr. Duncan – Good evening. I live at 12170 Modest Neck Road. I have interests in the town on Cary Street, Hill Street, and Main Street. Tonight, I would like to speak to you about Wharf Hill Brewing Company at 25 Main Street. I am going to compel you with my very persuasive arguments in four ways. First, I am going to flatter you. I have taken a shower and am wearing a clean shirt. I have control of my pony tail and I shaved my neck. Secondly, I would like to say that you all look very handsome and beautiful in whatever way you see that to be. Mr. Saunders and Mr. Howell, thank you all for being here this evening; and of course, Mr. Riddick. Congratulations to the new Town Council members, the new Vice Mayor, and Mayor. It is excellent to see you. What I would like to discuss with you is specific to Wharf Hill Brewing Company and that is our waste management system. We are in an old building from 1906. We have a brewery in a building from 1953. They are both located on Wharf Hill. We have no property outside of the boundaries of our building. The way we have dealt with waste disposal in the past is that we recycle all glass and all cardboard. All food waste goes into five gallon buckets which I feed to my pig, my chickens, and sometimes my horses, dogs and cats. We try to manage our waste as well as we possibly can. Again, we do not have any space outside of our buildings. Since we opened, we have been paying

extra to Bay Disposal for five trash cans. They are picked up three times per week on Monday, Wednesday, and Friday. We pay for those services from the company; but it is just not enough. We have been so fortunate to have the success that we have had because of the work of the Town Council, the parking area that you all helped provide for Wharf Hill businesses, Tourism, and just because we live in a great town. Welcome, Mr. Thrower. I am glad you get to be part of that as well sir. We have outstripped our capacity. We have too much trash. Five cans are not enough. We keep one can inside the building and one on the doorstep of the brewery. We just do not have any more space. My request is to put a dumpster down by the pumping station at the bottom of Wharf Hill. The space in question is currently on town property. It came up for discussion during the last Public Works Committee meeting. Those are our concerns as far as wanting a dumpster. The location of the dumpster would be the second parking spot away from the pumping station. The pumping station is away from homes as far as the condos and homes up the hill. I have spoken with Mr. Marvin Johnson who owns the dry cleaning business. It would be a dumpster for our restaurant as well as the business that used to be the shoe shop and for the cleaners. At our expense, we would screen it as necessary. If necessary, we would put a slab underneath the dumpster; however, that may or may not be necessary. Today, I met with Dawson Moody who is our local representative and a very colorful character. He said that we really do not need a slab. It is for sweeping and so forth; but being such a careful restaurant as we are and bagging all of our waste I do not think we would have any need to sweep it. If we did then we would. Okay, I have gone through flattery and discussed needs. Next, I will address concerns. At the committee meeting, there were concerns about raccoons and rodents. We are the only large restaurant in town that does not have a dumpster. Raccoons and rodents cannot get into the dumpster if the doors are closed. I assure you that we will make sure the doors are always closed to the dumpster. However, if any rats, raccoons, opossums, or other rodents are around, we will do whatever it takes to get rid of those animals. We like animals but we do not want them in the dumpsters. Dawson Moody felt that raccoons have to eat too. I told him that would probably not be persuasive to the Town Council. He said to close the doors and we will not have a problem. Secondly, there was a concern about banging of doors all hours of the night. Our restaurant has hard working men and women in it. We currently employ forty-four people. Nobody

wants to be in that restaurant longer than they have to if they have been in the kitchen.

Those are the folks that take out the trash. On Sunday nights, food is no longer served after 9:30 p.m. Those dumpsters will not be filled. The doors will not be banging past 10:00 p.m., to be sure; because those guys get it in and get out. On Mondays through Thursdays, the time is 10:30 p.m. and then 11:30 p.m. on Friday and Saturday nights. Believe me; those guys are not going to bang them. They are too tired. They will just close them carefully to make sure the animals cannot get into the dumpsters. It was also mentioned that we should pay for our waste disposal which we have always done. We do not depend on the town for waste disposal. We cover those costs ourselves. Finally, numbers are not my strength but I am going to share some with you. We pay \$149.01 per month for our five trash cans. We have forty-four employees as I already mentioned. We have been opened since April 1st, 2015. In that time, we have paid Smithfield a grand total of \$375,211.32 as of the day we opened. We are very pleased to say that. We love Smithfield and Smithfield needs money. We do not want a lot but a dumpster would help us keep those numbers going. It would give us more space in the restaurant and it would just make good sense for our business not to have garbage cans inside our business. To close, I will go back to flattery again. Your tie looks really good sir. I always like that stripe suit you wear Mr. Riddick. It is really sharp sir. If you can use tonight as an opportunity to discuss this, I would be very grateful. Thank you for your assistance.

Mayor Williams – How many times will this be dumped and at what time?

Mr. Duncan – It will be dumped at the same time as the dumpsters at Smithfield Foods on Monday and Thursday mornings between 7:00 a.m. and 8:00 a.m.

Mayor Williams – Does anyone else have any questions for Mr. Duncan? Hearing none, we appreciate you and will take it under advisement.

Mr. Duncan – Thank you very much sir. I appreciate your time.

Town Manager – Honorable Mayor and Council, our next speaker is Mr. Mark Hall.

Mr. Hall – I live at 7432 Barton's Landing. They say in show business never to perform after children or animals so I am really under pressure here at this point. I am here actually in support of the last speaker. I wanted to tell you a story from several years ago. A guy named Adam Steely called me at my office. He said that he was the

owner of a couple of restaurants in Williamsburg. One is The Trellis and the other is Dog Street Pub. He was calling on that day about a restaurant called The Blue Talon which is in the historic district. He wanted to start this restaurant and they did not have any room for a dumpster. They could not do it without waste disposal of that kind. Williamsburg allowed him a space where he could put the dumpster with one provision. He had to get rough cut pine to put around it to screen it appropriately for their historic purposes. That is where I came in. I put the lumber on a trailer and took it over there myself and sat at the bar and had a drink. It was a nice experience for me and he solved his problem. I think it illustrates that Williamsburg knows that it is hard to have preservation without economic vitality. In historic districts such as ours, there are challenges. We cannot just tear something down to provide for our modern needs so we have to be adaptive. In this case, it seems like a really easy fix with a good agreement between the town and the property owner to put that dumpster there with an agreement and understanding of how it will be operated. I would like to ask that you actually add this item to your agenda tonight with someone making a motion. You can second it and vote for approval of this because I think it is very important to the economic vitality of the historic district. Also, I have several dumpsters around town myself due to property ownership that I have. I never have any complaints from any tenants about clanging of doors nor animal issues. I think it will be just fine and I think it is another great partnership for the town and the business. I thank you for attention and thank you for your service.

Town Manager – Our third speaker is Mark Gay.

Mr. Gay – Good evening. I live at 110 Goose Hill Way. I am not here to talk about the dumpsters; although, I am a big fan of anaerobic digestion and responsible waste management. I am here in response to an agenda item tonight about the Wombwell house. I told Mr. Riddick earlier since he provided us with a draft agreement. We have an awful lot of due diligence to accomplish on our end. We appreciate the responsiveness and the pace at which the town is moving. I would ask to defer this as an agenda item because we have some things to accomplish on our end. We have to talk to lawyers. We need to understand the condition of the interior of the house better and to confirm exactly where we want to relocate this house and what costs will be involved. I beg your indulgence and when we have our act together we will come back

to you at the committee meeting and will be prepared to take it to the next level. We do appreciate the draft agreement. It is straight forward, no nonsense, and we look forward to being a part of this. Thank you.

Mayor Williams – We have that as an action item and we will discuss it at that time. Is there anyone else who would like to speak for public comments? You certainly can at this time even if you did not sign up. Seeing none, we will move to a Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District. We have the honor and privilege of having him here.

Supervisor Grice – Good evening. After that introduction, I hope I do not fall short of your expectations. The Board of Supervisors held both its work session and regular meeting on June 14th, 2018. At the work session, we received an update on the second phase of collecting public input for the county's Comprehensive Plan. Both in public meetings and surveys, we had four hundred and nine county residents participating in this second round. As we proceed with the process, we encourage more participation. The next series of public input meetings and surveys will take place this September. It will focus on two land use scenarios that have been developed based upon data collected from the previous two sessions. I will remind Smithfield taxpayers that they are also county residents. From your tax bills, I am sure you recognize that. Please participate and share your thoughts on the future of our county's managed growth, schools, transportation, Parks and Recreation, and many other services. We have 37,000 residents in the county. Are there really only four hundred people that want to provide input? At the second work session, we also discussed a test program of providing security cameras at our waste collection centers. We are investigating the possibility of taking resident construction materials at the collection centers. Currently, we do not do that. Additional information and action will be addressed at our July 19th regular meeting. Work sessions, like the one we held on June 14th, are scheduled to provide the Board and the citizens with information addressing issues and future programs. We only vote on those actions at our regular meetings. Work sessions are informational only. At our regular Board meeting that followed the work session, we heard five public hearings. One of these addressed the new ordinance regarding the planning of new and managing of existing running bamboo and grasses. The town may wish to review the county's ordinance and integrate it into their own. The first four

hearings resulted in a vote of approval. The fifth public hearing addressed the county's Blackwater property and no action was taken pending additional consideration. Purchased in 2010, this county property remains an under-utilized asset. Currently, the county leases this property to two private county hunt clubs. The Board will continue to discuss alternative uses and management of this property at the July 19th meeting. Interested parties may wish to attend and provide comment during the citizen's comments portion of the agenda. At this meeting, the Board took action and improved both the Smithfield and county partnership arrangement for the Isle of Wight Museum. There is also a new water agreement between the two government agencies. At the recent July 5th work session, the Board was presented with recommended changes to the operation of our Animal Control Services. Two new vehicles were ordered earlier this year and have a delivery date expected for later this year. These vehicles will provide climate control for our animals being transported. Other administrative policies and procedures are underway by the Sheriff's Department. We were informed, last week and at this work session, that the U.S. Supreme Court rejected a request to review a Fourth Circuit Court ruling on policy and practices related to invocations at the beginning of public governmental meetings. They have deemed our current practice as unconstitutional. Thus, we will be addressing alternative procedures at our July 19th Board meeting. All members of this sitting Board believe it is wise to seek all the help it can get in orchestrating the county's business. Thus, we will be discussing alternatives to our current practice to ensure compliance with the court's ruling. It is interesting that the Sixth Circuit Court, in a similar case, has found that our current practice is within constitutional boundaries. I wonder which one of these courts is legislating from the bench. I would like to remind all Smithfield residents that are looking for some excitement that they can enjoy watching their elected county officials and staff as they maneuver through the business of running the county at either the work session or the regular meetings. These take place on the first and third Thursday of each month. You do not even have to leave the convenience of your favorite TV or computer chair. It is streamed in real time on both the county website and on Facebook. There are not any commercials. Does anyone have any questions or comments?

Mayor Williams – Hearing none, we thank you Supervisor Grice. We appreciate you. We will now move to Council Comments. I would like to introduce and welcome, at

this time, our three newest Council members. I have on my immediate left Ms. Beth Haywood. Sitting next to her is Mr. Wayne Hall and next to him is Ms. Valerie Butler. We would like to welcome all of you. I would like everybody to clap for them. They ran a hard fought campaign. There were nine applications picked up. It ended up being seven people running. We welcome all of you. Also, we have Mr. Brian Thrower with us tonight. This is his first meeting as our new Town Manager. He started on July 2nd. We welcome him. He will be a good fit for the town and he comes from Emporia. He was there for ten years as their Town Manager and did an outstanding job. I checked him out very carefully. He did really well. I could not find any mistakes and I looked hard. Now, we will look here. I could not find any in the first ten days so we will keep an eye on him. Thank you Brian; we appreciate you being here. Are there any other Council comments? Hearing none, we will now move to our consent agenda items. There are eight on the agenda this evening. Would any Council member like to pull any item for further discussion? Hearing none, we will start off with the Police Committee Chair, Mrs. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. Thank you, Mayor Williams. Item C1 is a proclamation in support of the 2018 National Night Out to be held on August 7th, 2018 from 5:00 p.m. until 7:00 p.m. here at the Smithfield Center.

Mayor Williams – On that night, Council members are not required to dress up in their finest. You can wear T-shirts and shorts if you want to. All seven of us will be at the National Night Out. It is a big event and everybody is certainly welcome to come. It is really nice. The next four items are with our Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. This evening we will start off with some invoices in excess of \$10,000.00 which require Council authorization. The first is to Windsor Castle Restoration, LLC for \$100,000.00. This is a draw on the loan we have to do the improvements to the barns and Manor house over on the forty-two acres in the historic district at Windsor Castle Park. We have an additional invoice that we received since our Finance Committee meeting. It is for Blair Brothers for street paving proposals which Town Council approved on May 1st, 2018 for \$192,082.40. We are recommending these invoices for approval this evening. Item C3 and C4 are very important items. We passed our FY 2018/2019 Operating

Budget on June 25th, 2018. Tonight, we need to do a little bit more housekeeping to put this to work. The first is a resolution to adopt the Appropriation Resolution to carry forward funds and restricted funds appropriated in FY 2017/2018. What that basically means is that we are modifying our budget for FY 2017/2018 and moving some of those funds into the new budget. We are recommending it for approval this evening. You should have that in your Council agendas. We received it earlier this week. The second is a motion to adopt the Appropriation Resolution for funds for FY 2018/2018 effective July 1st, 2018. Basically, this is saying that we are going to fund the budget that we passed at our continued meeting. We are also recommending approval of that this evening. Item C5 is for our Parks and Recreation Summary. It is a motion to approve a park project application to plant flower beds at Windsor Castle Playscape by Girl Scout Troop 1404. The troop came to our committee meeting and gave us a wonderful presentation. They talked about their flowers and where they wanted to plant them in Windsor Castle. After a little bit of discussion, we sent this to Council for consideration. Tonight, we are recommending approval of this park project.

Mayor Williams – The next two items are by Public Works Committee Chairman, Mr. Michael Smith.

Vice Mayor Smith – Public Works Committee Summary. Thank you, Mr. Mayor. Tonight, we have a motion to approve the street maintenance proposals from Blair Brothers, Inc. for the following streets: Bishops Reach, Croatan Court, Croatan Court, Ransdell Lane, Pocahontas Court, Sycamore Springs Court, Maple Court, Fawn Court, and Buckingham Way. Item C7 is under the Public Buildings and Welfare Committee Summary. It is a motion to accept the Minor Subdivision Agreement for 305 Smithfield Boulevard with Dale Steffensmeier of Anchor Contracting. Would our Director of Planning, Engineering, and Public Works like to explain this please?

Director of Planning, Engineering, and Public Works – As was alluded to at the last meeting, we had a subdivision agreement before you for a very minor subdivision with a utility agreement to ensure that the developer of that property or the builder of that home would install utility services there. It did beg some questions last month because with the downturn in the housing market we have not done a lot of subdivision agreements. It was something that was done a lot more often in years past. Things are starting to move again in the housing market and we are going to have more of these

C3. Resolution to Adopt Appropriation Resolution to Carry Forward Funds and Restricted Funds Appropriated in FY 2017/2018.

C4. Motion to Adopt Appropriation Resolution for Funds for FY 2018/2019 Effective July 1st, 2018.

C5. Motion to Approve the Park Project Application to Plant Flower Beds at Windsor Castle Playscape by Girl Scout Troop 1404.

C6. Motion to Approve the Street Maintenance Proposals from Blair Brothers for the Following Streets: Bishops Reach, Croatan Court, Ransdell Lane, Pocahontas Court, Pocahontas Court, Sycamore Springs Court, Maple Court, Fawn Court, Buckingham Way.

C7. Motion to Accept Minor Subdivision Agreement for 305 Smithfield Boulevard, Dale Steffensmeier, Anchor Contracting.

C8. Motion to Accept Minor Subdivision Agreement for Lakeview Cove, Henry Stephens, Verde Development Co.

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

Mayor Williams – We will now move to the Action Section. We have a Public Hearing: Special Use Permit – 319 Main Street. Could we have a staff report please?

Director of Planning, Engineering, and Public Works – We have an application for a special use permit before you tonight for a public hearing. The applicant's name is Mr. Wayne Stallings. The property owner's name and address is Gary and Monette Brooks of Old Town Place in Smithfield. The property location is 318 Main Street. Specifically, this is an application for the conversion of a residential structure to a commercial use in the Downtown Zoning District. It is proposed to be a retail sales outlet and art gallery. Due to the fact that there is less than 10,000 square feet of usage here, there are zero spaces required for parking. However, the applicant has proposed to put in two to three

spaces offsite for employees and customers to use. The application is consistent with the Comprehensive Plan. Again, this is for a retail outlet and art gallery. The applicant previously ran the Imagine Art Gallery at 131 Main Street and envisions a similar use at 318 Main Street including the sale of original art, prints, bronzes, and gift items. They will also do custom framing as well as the use of the location for art shows; meet the artist events, and book signings. The proposed commercial use is intended to include both the ground floor and the upstairs floor of the structure. The hours of operation are proposed to be from 10:00 a.m. until 6:00 p.m. on Monday through Saturday and closed on Sunday. There will be two employees including the owner/proprietor himself. Town staff has deemed the application to be complete. The proposal seems to be within the parameters required by the zoning ordinance. However, as this is a special use permit application, reasonable conditions may be recommended by the Council as deemed necessary to protect the public interest and welfare. I will say that the Planning Commission recommended approval of this application with the addition of the two to three off street parking spaces at their meeting approximately an hour ago. Also, in your packet, you will find the application, an exhibit of the site, site plan, as well as a site photo. Thank you.

Mayor Williams – Would the applicant like to make a presentation?

Mr. Stallings – I am good.

Mayor Williams – We will now open the public hearing. Is there anyone who would like to speak for or against this application? Seeing no one, I will close the public hearing. We will have consideration by Public Buildings and Welfare Committee member, Mr. Michael Smith.

Vice Mayor Smith – Thank you. We have all heard about this. I am happy that he is able to move back into town again. He did such a great job before. We were disappointed that he had to leave. Do any Council members have any comments or questions?

Councilman Pack – I just wanted to bring you up to speed. We literally just had a public hearing on this at the Planning Commission meeting an hour ago. The next door neighbors presented some concern with the three parking spaces behind it because it would face their property. They were concerned there would be some privacy issues because these parking spaces look right into their back yard. The Planning Commission

did discuss this at length and considered putting different restrictions on it. At the end of the day, the motion was made and approved unanimously to send a recommendation to Council for approval as presented with up to three parking spots off site. One of the concerns that the Planning Commission has always had is that there is not enough parking downtown. We thought that one of the strengths of the application was having offsite parking. I wanted to make Council aware that the immediate next door neighbors to the right did have some concerns about parking in the rear of the building.

Mayor Williams – So, what was the outcome of the concern?

Councilman Pack – The motion was for up to three parking spots behind the building for either employees or customers. This is the recommendation from the Planning Commission. Mr. Davidson made the motion. It is always difficult to balance public and private business and homeowners in a mixed use district like downtown. We felt, with the strength of the application that off street parking was able to outweigh the concerns. The applicant and the next door neighbor seemed to be working things out a little bit between them so we did not want to put any additional stipulations. We asked that Council accept it as presented. It was a unanimous decision by the Planning Commission.

Vice Mayor Smith – Thank you. I would like to make a motion that we accept the application for the special use permit at 318 Main Street.

Councilwoman Tynes – Second.

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

Town Attorney – Does that include the specification that the Planning Commission added about the three parking spaces?

Vice Mayor Smith – Yes. It includes the three parking spaces.

Mayor Williams – Is there any further discussion? Hearing none, roll call vote.

On call for the vote, seven members were present. Councilwoman Butler voted aye, Councilwoman Tynes voted aye, Vice Mayor Smith voted aye, Councilman Pack voted aye, Councilwoman Haywood 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 Discussion on the Use of Goats at Windsor Castle Park as a Means of Clearing Debris. We will have consideration by our Parks and Recreation Committee member, Mr. Randy Pack.

Councilman Pack – Thank you, Mr. Mayor. This is a discussion on the use of goats at Windsor Castle Park as a means of clearing debris. If anybody has been to the park recently, the area we are discussing is the area from the natural amphitheater by the pole barns in the middle around to the kayak launch. Smithfield VA Events and the town have partnered to clear a large section of this area. The reason for consideration of clearing this area is that the ivy and undergrowth in there is so thick that it is growing and killing the large old trees in there. We really feel there is a need to do this. It is just under an acre because there are different restrictions if we did more than that. It is very expensive and it has to get into engineering plans and so forth. In speaking with some of our Council members, specifically the Mayor and Vice Mayor, we kind of came up with a 'going back to basics' plan. Vice Mayor Smith knows a group that has goats. They rent these goats out to areas. They have an invisible fence and can contain the goats to this certain area. Within about two months, we believe that the goats will go through here and eat the ivy and the vines and naturally clear enough of the vines that it will stop the choking problem we have on the trees. There are still some Tree of Heaven trees in there that need eradication. We thought it was a bit more unique and certainly a more cost effective method for helping these old growth trees. We talked about this a bit at committee. We thought it was an interesting idea. Vice Mayor Smith was going to work on some pricing which he may have a better idea of tonight. I am not sure. This is up for discussion and to see where we want to go with it. Thank you.

Mayor Williams – There are about fifteen Trail Doctors. Six of us went in there with machetes and hatchets to try and clear it out; but it was just impossible. It would not have cost the town anything. We managed a ten foot by ten foot section in about four hours and did not get very far at all. It needs to be cleaned out. If we do not, we will lose everything in there. In another two years, you will not see a tree there. Over half of them are falling now. Once the goats clear out the area about as high as they can reach on their hind feet; then the Trail Doctors can go in there and eradicate the Trees of Heaven. We have been doing this all over the park for the last five years. It is working

really well to get rid of those invasive trees. Is there any further discussion about the goats?

Councilwoman Butler – I like the concept. I do not know if it will work; but it is inexpensive. I think it will be a good idea and I think it will add to the wildlife currently in the park.

Vice Mayor Smith – The goats will be monitored twice a day by the owners. It is relatively inexpensive at about \$1,000.00 per month. They will be monitored. I do not know what happens if one gets loose. I feel sure that someone will make a phone call to the Mayor if that happens.

Councilwoman Haywood – Do you think there is a chance that other people are going to start feeding the goats and they will get distracted from their job?

Vice Mayor Smith – We will have to make sure they do not do that. We can put some signs out to not feed the goats. I think it will be great.

Councilman Pack – Mr. Mayor, if we were to move forward with this tonight, I would ask the help of our Tourism Department to bring some press to this. It is not exactly something that happens everywhere. I think with the right twist on it and Tourism's help we can have some fun with this.

Councilman Hall – I think that, in addition to what has already been discussed, it would be a little more ecologically friendly and it will not be as disruptive to the people enjoying the park. The goats will be by themselves with no loud noises as when the Trail Doctors were in there. I think it is a great idea.

Mayor Williams – We need to find out where the money is. If they can clean it out in two months, it will cost \$2,000.00. The Director of Parks and Recreation says we have it in the Parks and Recreation budget.

Councilman Pack – I would like to make a motion that we use goats at Windsor Castle Park as a means of clearing debris between the kayak launch and the natural amphitheater.

Councilman Hall – I will second that.

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. Councilman Pack voted aye, Councilwoman Tynes 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.

Mayor Williams – Vice Mayor Smith is charged with getting goats. Our next item is a Motion to Award the Construction of Clontz Park Boat Ramp to Docks of the Bay, LLC. We will have consideration by Parks and Recreation Committee member, Mr. Randy Pack.

Councilman Pack – Thank you. Tonight, we have something we have been waiting on for a long time. We will have a staff presentation on it first by our Director of Parks and Recreation, Mrs. Amy Novak.

Director of Parks and Recreation – You have the paper with the numbers in front of you that came from the value engineering meeting that we had last week. Our Director of Planning, Engineering, and Public Works will go through those numbers with the items that we deducted to get the price down a little.

Director of Planning, Engineering, and Public Works – As you can see on the sheet there, it outlines the grants that we have. The lowest responsive, responsible bidder was \$902,500.00. We have to subtract the grant funding which is one of the things obviously. Some of the things that we tried to cut from the plan were things that would not really decrease the functionality of the project; but still get the core project there. As you can see on your plan, there are two different floating docks one on either side of the ramp and “L” shaped. If we were to remove one of those, it would cut \$50,000.00 out of the project. If we remove the geotech services, the Docks of the Bay contractors state that they plan to build the ramp itself to meet the worst soil conditions out there. They feel that we could remove the geotech services from the bid because they do not need to find out how bad or good the soil is because they are going to build it to the worst soil already. This change would save \$25,000.00. Removing the concrete wall caps and replacing them with wood will cut another \$10,000.00 out. To revise the coffer dam installation process from what was shown by the engineers to use a process that they have used previously on other Virginia Department of Game and Inland Fisheries boat ramps would deduct another \$15,000.00. On the value engineering, it is a \$100,000.00 cut right there if you all choose to act on those cuts. One thing that is not in this yet is the Nutrient Credit purchase that you may recall. It is \$20,000.00 and needs to be added back in. So, the total project cost if you go this route is \$196,063.00

after deducting the grants and value engineered items. I will call your attention to Bid Alternate #1 for the parking lot of \$175,000.00. It was put in as a bid alternate if we felt that we could pull that from the winning bidder and bid it out again separately or potentially give that to one of our contract holders. In this case, one of the primary groups that we would use for it is Blair Brothers; but they came in higher on that bid alternative than Docks of Bay did. This whole project came out higher than the first time we bid it. It is kind of a 'bird in the hand' versus 'bird in the bush.' It is possible to pull the parking lot out of this bid and rebid that parking lot again; but it is an unknown quantity. Blair Brothers already bid more than that. I would also call your attention to the project deadlines at the bottom of the page. Time is ticking on this project and it will take a long time to take something and rebid it. With all that said, I would say that the staff recommendation is to implement the value engineering items that are listed here and go with Docks of the Bay for the entire project if you propose to move forward. Obviously, not moving forward is an option too; but if you choose to move forward, this is the staff recommendation.

Councilwoman Tynes – Are you familiar with the company Docks of the Bay, Mr. Saunders?

Director of Planning, Engineering, and Public Works – I am not personally; no.

Councilwoman Tynes – Have you seen any of their projects?

Director of Planning, Engineering, and Public Works – I have not.

Councilwoman Tynes – I do know that we have worked with Blair Brothers over the years. I do have a concern. Sometimes the lowest bidder may not be the quality of work that we want. We are putting up a lot of money for the boat ramp. I would hate for something to go wrong and we are responsible for that. If you could find out and maybe go to some of their sites and see them.

Director of Parks and Recreation – Kimley Horn is pursuing references and researching their work. They are handling that to make sure.

Director of Planning, Engineering, and Public Works – There is a process by which they are fully vetted and it relates to them being responsible and responsive bidders on the project. They also have discussed with us about the previous work they have done for the Virginia Game and Inland Fisheries for this type of boat ramp.

Councilwoman Tynes – So, Kimley Horn is familiar with them.

Director of Parks and Recreation – No, they are not; but they are researching all of their references and actually checking out the work that they have done previously.

Councilwoman Tynes – Thank you.

Councilman Pack – I asked that at the committee meetings myself. This is a scope of work that I am a little more familiar with. I asked Jamie to provide me with some references so I could physically look at the projects that are out there. The other thing I might add is that we have on this request here to replace the concrete wall cap with wood. While \$10,000.00 is certainly a cost savings in the scope of the project, \$10,000.00 is not that big of a deal. I would recommend that if we choose to do this that we add the concrete wall cap back in there. It will be there longer and last a lot longer. Wood moves, splits, and warps. If you look at the ramp at Jones Creek that was built about twenty years ago, it is all wood. It has waves, tides, and boaters who are learning how to boat and they hit it. It is a little cockeyed and wobbly. One of the parts that we have to do with the VMRC grant which is \$410,000.00 is that we have to keep this in good repair which is at our own expense. Much of this project is funded through grant money. Anything we can build upfront with grant money we are probably better off. The other question I would have is to our Town Treasurer. If we were to take on another \$196,000.00 in expenses in the fiscal year, have we made provisions for this in our budget?

Town Treasurer – No, it is not in the budget.

Councilman Pack – So, what would our funding sources be?

Town Treasurer – The money would come from our fund balance.

Town Manager – I would like to add that staff did talk about this project over the last several days; primarily, today. I was going to recommend that you move forward as requested by staff and that you authorize us to move forward and taking the money from the fund balance to complete the project. I did talk about that today so I think we are good there.

Vice Mayor Smith – I agree with Mr. Pack on this concrete cap. The wood cap does not last very long. It is just a constant maintenance nightmare.

Councilman Hall – In removing the floating dock, would it matter or have any impact as to which side?

Director of Planning, Engineering, and Public Works – I do not think so. I do not know if you are a boater or not; but if you did not have either one of them you would almost have to have two people. You would need one to motor the boat and one to go back for the trailer. It would really decrease the usefulness of the ramp. Both of these “L” shaped floating docks are pretty sizable. I do not think the functionality will be cut from the pier that much by eliminating one of them to save that \$50,000.00. Of course, it would be something that would be able to be added, simply, at a later date. I think which side it is on is really just a matter of preference.

Councilman Hall – Being a boater in the past and in the future, I know most docks are most serviceable if it is on the driver’s side of the vehicle while backing down the ramp. Based on the map, the one on the east side would probably be the one to be eliminated from a user friendly standpoint.

Director of Planning, Engineering, and Public Works – This does have the potential to be used as a double ramp; but it will most likely be used as a single ramp then that would apply in most cases.

Councilman Pack – While looking at this Mr. Hall, it looks like we have approximately sixty-eight linear feet on the outbound current side of dock. Being that the ramp is only twenty feet wide, you have to have two really skilled trailer drivers to use it as a double ramp. With sixty-eight feet, you could have one boat coming out and then two waiting for that. Even at Jones Creek which I have used quite a bit, they have a double ramp. It is not too often that you see more than two boats at the same time so I think removing one of those would be wise. I think it would be logical to keep the one you suggested Mr. Hall. It is a highly used fishing pier as well. If we remove the one by the gazebo, it would give more fishing access and closer parking spots. It makes the most sense to me as well.

Mayor Williams – I have lived here for a long time. Right here, at the bottom of this hill, is where we would launch our boats right through the marsh grass, weeds, and mud. We used that area. We have never had a boat ramp in Smithfield; ever. This is a wonderful opportunity. We have worked a long, long time to get these grants and get this far. It is just a shame that the coffer dam is costing so much; but I would like to see this project move forward. Is there anyone else who would like to comment?

Councilman Pack – Mr. Mayor, I would like to make the motion that we award the construction of the Clontz Park Boat Ramp to Docks of the Bay with the value added engineering as presented with the exception of replacing the concrete wall cap with wood. I would like to keep that in. It will add \$10,000.00 back and allow the Town Manager to enter into a contract to do so.

Councilman Hall – 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 Pack voted aye, Councilwoman Butler voted aye, Councilman Hall voted aye, Vice Mayor Smith 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 a Motion to Approve an Agreement between Preserve Smithfield and the Town for the Relocation of the Wombwell House. We will have consideration by Public Buildings and Welfare Committee member, Mr. Michael Smith.

Vice Mayor Smith – Did we have some additional information?

Mayor Williams – They would like to pull it. They want to postpone it.

Mr. Mark Gay – We can come back to the Public Buildings and Welfare Committee meeting at the end of this month.

Councilman Pack – I respect Preserve Smithfield's willingness to work with us and I am happy to do so. I also understand that they just now saw this contract as most of us did. What if we were to make a motion to have our Town Manager negotiate this contract with Preserve Smithfield over the next thirty days so we are able to get this ball rolling? I understand they have to do their due diligence. I completely understand where they are coming from. We were set to tear this building down before they were able to find land and bring this to our table. We do have the ballpark opening this Fall. I would like to keep this as fast tracked as possible. If they do not want it and they cannot come up with the money or whatever happens then we have a means to.....the whole reason I have been pushing the Wombwell house removal is because we are getting ready to open a ballpark where there are children playing. I do not want to see a bunch of kids playing in an older home. I certainly understand their willingness to work with us; but

rather than having to wait until committee meetings and bringing it back to Town Council; perhaps we can get our new Town Manager to work directly with Preserve Smithfield based on the information that we have here in front of us to see if we can keep this moving in a quick manner.

Vice Mayor Smith – Mr. Gay seems to be in agreement with that so it stays on the radar. I think it is important to them and to us too to get it in a timely manner. I am glad to be working with them. I hope it works out.

Councilman Pack – So am I.

Town Attorney – Let me see if I understand what you are saying. I prepared this and made it up out of whole cloth because we have never done this before. I based it on what I understood the representations of the Preserve Smithfield group to be. They wanted six months for the opportunity to raise the money and find a place to put it. I have included provisions in this agreement that protects the town with insurance, indemnity, and a requirement that they demonstrate to the town in writing that they have money and a place to put the house. They have to get permits and they have to find a licensed home mover. My recommendation to you is that those, at the very least, are four critical things that need to be demonstrated that they can provide for you to go through with this. That is the basic framework; but if they have some things they want to tweak a little bit then they can; but I cannot think of any of the things that I have included in here that you should omit.

Councilman Pack – I am not suggesting omitting anything.

Town Attorney – I am just saying, as far as negotiating is concerned, there may be some little stuff but I think there are some things in here that are non-negotiable.

Vice Mayor Smith – What you are saying is that extra time would not be out of the question.

Town Attorney – If they want to add another month to this, they can. My concern is there is not anything in here that I would recommend that you take out. They have to have a place to put it. They have to prove that they have the money. They have to get the permits and they have to find the house mover. Those things, to me, seem to be the essential elements. Once that is done, they have to demonstrate that they can provide insurance because the town needs to be protected in that regard too. It gives some flexibility to the Town Manager and the Police Chief to set up some rules, regulations,

and procedures about how it is going to be moved with traffic control and all those types of things. This is a big deal. To move a house is not an inconsequential thing because it involves potentially relocating power lines. Hopefully, they can minimize that. It is a big deal. I guess what you are saying, Mr. Pack, is that you just want to keep things moving.

Councilman Pack – Yes, sir. I read the agreement you presented. Section 2 is covering us very well and I am in full agreement with that. I just want to keep it moving, keep it on the radar, and let these guys look at it. If they come to an agreement, perhaps before the Committee meetings, we can authorize the Town Manager to enter into an agreement with them. If we need to be flexible with the dates, I am okay with that to a reasonable extent. My intention is to keep this moving and keep this going.

Vice Mayor Smith – I do not think we need to set the timelines right now; do we? Can we approve this tonight?

Town Attorney – We can.

Vice Mayor Smith – The time thing will just have to come back to us again.

Town Attorney – I guess what they are looking for is another month.

Mayor Williams – Why don't we just give them another month? If they have any questions or want to negotiate anything then they can see the Town Manager and negotiate that with him. It could be ready for our next Public Buildings and Welfare Committee meeting.

Councilman Pack – That is fair. It gives them another thirty days to make any changes. Truthfully, they may find this is a project they are not prepared to handle or don't want to. At least this way, it does not strap them down to anything and we can move forward.

Vice Mayor Smith – I would like to make a motion to defer the Wombwell house relocation by Preserve Smithfield until the July Committee meetings.

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 Haywood voted aye, Vice Mayor Smith voted aye, Councilman Hall voted aye, Councilwoman Butler voted aye, Councilman Pack 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 Eagle Scout Project to Designate Handicap Spaces at the VFW Post 8545. We have representation here tonight from Troop 7.

Director of Planning, Engineering and Public Works – We received an application through Mr. Jim Phillips from the VFW for Mr. Clark's application. He has done a good bit of due diligence on this application and has met the town's specifications for the parking space sizes. He wants to do handicap space implementation at the VFW.

Mr. Jonathan Clark – We will have one van parking spot and four additional parking spots for a standard car. The plans show the lines drawn out for these spaces. We also plan on putting in a sidewalk to make it easier for the handicapped to walk into the building instead of going all the way around through the grass to the main sidewalk. In addition to that, we will also be putting a memorial around the flag pole for the veterans of the Smithfield Post. Everything is to the town's specifications. We have all of that down and ready.

Vice Mayor Smith – I have seen the drawings. It is really nice. I wish you luck with it.

Mayor Williams – It is a big plus for the VFW also. So, you are including the sidewalk from the handicapped parking to the sidewalk going into the front entrance.

Mr. Clark – Yes, sir.

Mayor Williams – Thank you for taking this on. We appreciate it.

Vice Mayor Smith – I would like to make a motion to approve the Eagle Scout project for handicap spaces at the VFW building including a sidewalk.

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. Vice Mayor Smith voted aye, Councilwoman Haywood voted aye, Councilwoman Butler voted aye, Councilman Pack 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 Motion to Approve the Town Council Meeting Minutes of June 5th and June 25th, 2018.

Town Attorney – Mr. Mayor and members of Council, I have reviewed the minutes and recommend that both sets of minutes be approved as presented.

Vice Mayor Smith – So moved.

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

Mayor Williams – We will now move to a Motion to Accept the Nominating Committee's Recommendation to Fill the Expiring Term of (6-30-2018) of Christopher Gwaltney to the Board of Zoning Appeals.

Councilwoman Tynes – I spoke to Mr. Christopher Gwaltney and he would like to be reappointed to that position. I would like to make a motion that we accept the nomination for Mr. Christopher Gwaltney to be reappointed to the Board of Zoning Appeals.

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. Councilman Hall voted aye, Councilman Pack voted aye, Councilwoman Butler 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.

Town Attorney – I would like to explain to the newcomers if I could please. You all have the power to appoint almost everyone except for the Board of Zoning Appeals. You just make a recommendation to the Circuit Court that Mr. Gwaltney be reappointed. Only the Circuit Court can appoint members to the BZA. It is the only office that you do not directly appoint someone to.

Mayor Williams – Our next item is New Business. We have a Request to VDOT to have the Speed Limit on the Cypress Creek Bridge Reduced to 25 MPH.

Councilman Pack – There are two ways to look at this. We have a golf cart ordinance in the Town of Smithfield that allows golf carts primarily in our historic district; but also on any road where the speed limit is 25 mph or less. There is quite a bit of golf cart traffic in the Moonefield neighborhood that could access downtown if the speed limit were 25 mph on the bridge. It was kind of the motivating factor behind this. The other thought was that VDOT, maybe, does not really care that much about golf carts on the bridge but might be more concerned about the two crosswalks immediately at the bottom of the bridge where the speed limit goes from 35 mph to 25 mph. Perhaps we could slow them down earlier and make a safety plea for this. I chatted at the last committee meeting about people that have said they would like to go downtown by golf cart. I have been to golf cart communities like Cape Charles. I think it is super cool. I do not own a golf cart; but I would probably purchase one if I could ride one downtown. Wharf Hill is a great destination by golf cart. I have seen a few there. Going downtown by golf cart is just kind of cool. I have seen other communities do it and embrace it and do it very well. We have a very wide lane that may one day become the multi-use path lane as well. I think it would be great and it is a neat way to do it. I do not have much more to say; but I do not want to hide the fact that I would like to see it because I would like to ride a golf cart downtown and to my place of business. I am not going to pretend it is not one of my motivating factors; but safety would probably play better to VDOT. Golf Carts are green vehicles too. There are lots of things you can play; but the gist of it is that I would like to ride downtown on a golf cart.

Councilwoman Tynes – If we are going to go that route, I think we should pretty much leave golf carts out of it and approach VDOT with it. We have a lot of pedestrian traffic on that bridge also. I think they would look at it in a better way if the town said they would like to do it to keep pedestrians safe. As a matter of fact, when I was coming to the meeting here today, I met a mother. She had an older child who was pushing one stroller and the mother had another stroller. I thought about the speed limit on that bridge and there could have been an incident at 35 mph. A 25 mph speed limit would have been perfect to slow it up. I just used that parent as an example because she had an older child pushing a stroller too. Like I said, there are a lot of pedestrians on the bridge. So, I think we should do it for pedestrian safety.

Councilman Pack – With the multi-use path under consideration with this new Council, we would probably insist that it become a 25 mph zone anyway for the reason Mrs. Tynes just cited.

Councilwoman Haywood – I would agree with that. It is very confusing coming into town and what the speed limit is. Once you get over the bridge, it is clearly marked but I think it would be a great thing for the town.

Councilman Pack – We have to request VDOT to do this. They may not agree with us.

Town Manager – Staff would certainly contact VDOT if that is what Council wishes to pursue.

Town Attorney – If you want to take action on it, you could go ahead and adopt the resolution authorizing the Town Manager and I to craft an appropriately worded resolution stressing safety as a motivating factor for the town's request.

Councilman Pack – So moved.

Councilman Hall – Golf carts notwithstanding, I think safety is paramount on that bridge for a number of reasons especially during our fireworks display and any special events going on. Again, I am not a large proponent for or against golf carts; but I think safety should be the paramount reason for doing it.

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

Town Manager – Item B under new business, is a request from the town's HR Director. It is a Change to the Compensation Plan. When you initially passed the Compensation Plan effective July 1st, 2018, the IT Network Administrator position was put in the wrong place. It was previously listed as Grade 20 and that needs to be listed at Grade 17. We are asking that you approve the Compensation Plan change to reflect that at Grade 17.

Councilman Pack – That is where it is supposed to be; correct? We just need to correct it.

Town Manager – Correct. It is just a minor change.

Councilman Pack – I would like to make the motion to move the IT Administrator position to Grade 17.

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

Mayor Williams – Is there any other new business?

Councilman Pack – Yes, sir. We had a plea tonight from Wharf Hill for discussion and potential action for a Dumpster Request for their business. I think this warrants some discussion from Council. It is important that we pay attention to our constituents and our businesses and their needs. While we may agree or disagree with those needs, I think it at least warrants some discussion this evening.

Councilwoman Tynes – Mayor Williams, I do not need to discuss it. I think Wharf Hill and the other businesses down there need to keep the community clean. I am glad he is doing well with his business. Mr. Johnson is doing well with his business there as well. To put the dumpster down there on town property, it will probably only take up one parking place. It will keep it clean. I do know the animals will get into the smaller trash bins overnight. We do not want the residents down there to wake up in the morning and find business trash all over. I would like to make a motion to approve locating a dumpster at the end of Wharf Hill on the property owned by the Town of Smithfield.

Councilman Pack – I would like to add to your motion perhaps. There are a couple of things down there that are potentially disturbing. The first is that the pickup time is between 7:00 a.m. and 8:00 a.m. Perhaps they could work with Bay Disposal Company to come a little later in the day. I have dumpsters that are picked up on those same days but mine are not done until 10:00 a.m. Hearing a garbage truck at 7:00 a.m. in your neighborhood and dumping is a little loud and potentially disturbing. Secondly, Mr. Hall

was up here and suggested that they do a really cool screening of the dumpster. He suggested some different woods to use. I agree with the motion; but would you consider adding additional stipulations just to make it a little friendlier to some of the resistance I heard previously.

Councilwoman Tynes – I do not get to choose when they come to pick up my trash can. I think all of us here would like to have an option on the time they pick up our trash. We do not have that option as far as the time. If they want to enclose it with something then that is up to the town if they want to get involved and fund that. The dumpster, itself, I am thinking to put it on the town's property which provides the businesses on Wharf Hill some place to put their garbage. We do have them located at other businesses in town.

Councilman Pack – Yes, mam. I agree that it is a good idea. I am just trying to make it better. A dumpster sitting out by itself is unattractive. They have offered to put a screening around it. It is certainly your motion.

Town Attorney – I can help a little bit with this. The town's zoning ordinance is going to require that it go to the Board of Historic and Architectural Review who will most certainly require that it be screened.

Councilman Hall – At whose expense?

Town Attorney – At their expense.

Mayor Williams – He said that he would pay for it.

Town Attorney – He is going to pay for all of it. This is not a town expense. All you are proposing, I think, is that you give him permission to locate the dumpster there. It would not be a town expense whatsoever. Any conditions imposed by the Board of Historic and Architectural Review will also be at the business owner's expense. Mr. Saunders is pointing out that it is going to be required anyhow. It will have to go to the BHAR for review. I am just trying to add to the clarity here.

Councilman Tynes – I am recommending tonight that whatever it takes for the businesses at Wharf Hill to go forward and get a garbage dumpster on the town's property at Wharf Hill. It can then go to the BHAR for approval. I am making this a motion.

Councilman Hall – Second.

Town Attorney – This is just a motion to approve the location and allow the applicant, Mr. Lee Duncan and the other businesses down there, to locate one dumpster on the town's property located at the foot of Wharf Hill in the second space. This is what staff is recommending. If you are going to make a motion, we recommend that be your motion because it fits within the parameters of what we need to do there. As far as the BHAR, it just goes there anyhow so you do not have to recommend that.

Councilwoman Tynes – So moved.

Councilman Pack – I do not disagree with the motion but I do think we need to put some stipulations on it which is what Mr. Duncan has offered this evening. He has offered to make sure it is clean and make sure there are no rodents. Having dumpsters close to the marsh, rodents get in them. If he is willing to keep them clean, great, no problem. He stood up here and promised that. I just want to make it a stipulation because they do not just get in the trash. They get in the trash and bring the trash out. We are dealing with public property. They have agreed to do that but I just want it to be in the motion to be specific. As the motion stands right now, I cannot agree with it even though I agree with the premise of the motion. I need it to be more specific. I do not know how to address that since we have a motion and a second and have to vote on it.

Town Attorney – You can propose an amendment to the motion if it would be acceptable to Councilwoman Tynes and Councilman Hall.

Councilman Pack – The amendment to the motion would be a couple of things. The first is that it stays clean and that it is properly screened in a historic fashion. Everything Mr. Duncan has done in this town before has been very presentable. It is all at his expense.

Councilwoman Butler – And that it stays closed.

Councilman Tynes – These are the things that Mr. Duncan said tonight. He went through it. He is going to make sure that his staff keeps it clean and keeps it closed; but we all have to understand as individuals that people walk by. There are events that take place down there. We cannot blame him if someone decides to come down there and toss their garbage in there. They could leave the door open and someone could just toss their garbage beside the dumpster. He said that he would do the best he can as a business owner to keep it clean and keep the door closed. It is all we can ask of anyone in this town. I do not see where we need to put stipulations on it.

Councilman Pack – Okay.

Town Attorney – It is kind of like a special use permit. He is asking you to do something that you do not have to do. You can put conditions on it which will encourage him to do these things so you do not revoke that permission.

Councilwoman Tynes – Mr. Duncan, do you have a problem if we put the stipulations on it of keeping the doors closed and to keep it clean?

Mr. Duncan – No, I do not.

Councilwoman Tynes – All right, thank you. I will amend my motion to add the stipulation that they will try to keep the doors closed and keep the area clean. That is all we can do. You cannot force it.

Mayor Williams – We have a motion and an amended motion on the floor. Is there any further discussion?

Town Attorney – I need to be the traffic cop here. Mr. Pack has proposed an amendment. Councilwoman Tynes, do you accept the amendment?

Councilwoman Tynes – I accept the amendment.

Town Attorney – Do you second that, Mr. Hall?

Councilman Hall – I do, Mr. Riddick.

Town Attorney – Now, you have a proper motion on the floor.

Mayor Williams – Is there any further discussion?

Vice Mayor Smith – Yes, Mr. Mayor. I had some neighbors contact me about this including the ones on the top of the hill, where I live, and even one of the business owners. None of them were in favor of it. One of them was pretty forceful in not wanting it. The other thing that I think we need to think about is that you have to go on private property to get to this dumpster. It is a right-of-way that cuts through everybody's houses. That property is owned by someone else. There are two parcels there that are owned by one individual and a bank owns the other. You have to cross that property to get to this. While there is a right-of-way where people go in and turn to park, there is a right-of-way that goes all the way behind those houses all the way back up there towards the Smithfield Station. It is a public access for emergency vehicles but it is private property. This needs to be addressed.

Councilwoman Tynes – The dumpster is going to be on Lot 2.

Vice Mayor Smith – It is on Lot 2 but you have to cross private property to get to that piece of property.

Councilwoman Tynes – Mr. Riddick, do we have the right to cross the property now?

Town Attorney – I cannot tell you because I do not know. I can find out; but I do not know off the top of my head.

Councilwoman Tynes – I thought we owned the property where you turn off the street and up to the cleaners. I thought the town owned that property.

Town Attorney – We do own next to the cleaners. What Mr. Smith is saying is that where it exits off the street may be private property. If it is, the question is does the town have the right to use it and can that be assigned to Mr. Duncan. I cannot answer that question. There are plats of the property down there and it shows who owns everything. I can find that out.

Councilwoman Tynes – Actually, the town is not going to be using the right-of-way. We are going to allow Mr. Duncan to put the dumpster on the town's property.

Town Attorney – It would be up to him to obtain that.

Councilwoman Tynes – Yes, what if there is a problem with it?

Town Attorney – If it is not the town property then it would be up to Mr. Duncan to make that happen.

Councilwoman Tynes – We are giving him permission to put the dumpster on our property.

Vice Mayor Smith – What I am saying, Mrs. Tynes, is how is he going to get it dumped if someone has to cross private property to get to the dumpster?

Town Attorney – He will not if he does not work that out unless it is the town right-of-way. Mr. Smith's point is that you cannot even put it there.

Councilwoman Tynes – If that dumpster gets filled up to the point that it starts smelling, someone will want him to dump it. They will not be worried about whether it is public or private.

Vice Mayor Smith – I would like to see this solved; but I am afraid the obstacles are going to be that the lot is so narrow that it is only large enough for cars to park there. They will actually be on a right-of-way that is owned by a private individual. It needs to be looked into before we vote on this I think.

Mayor Williams – We have a motion on the floor and an amended motion and a second on both of them. Now, another issue has come up that would require the owner to get permission to use the private property to get to the dumpster.

Vice Mayor Smith – These are buildable lots that could have homes on them. It is going to happen sooner or later. Somebody will build something there one day. I know that. I would like to see it myself.

Town Attorney – Mr. Saunders has come up with the maps. It is clear that the entrance is located on the town's property. The town has an 'L' shaped parcel that goes to the pump station. The driveway enters onto town property and immediately to the right is where the parking lot spaces are. So, this is all town property.

Councilwoman Tynes – That is right. We discussed this a couple of years ago. I remember that Mr. Riddick told us.

Councilman Pack – I think Mr. Smith's concern, and correct me if I am wrong, is that once you place the dumpster in the second spot that there is not enough room for that garbage truck to get in and get back out.

Vice Mayor Smith – Yes; that is my concern.

Councilwoman Tynes – Can the town staff get with the business owners and work out that issue on the town's property? I am not withdrawing the motion because we are still giving him permission to put the dumpster there. I am just recommending that the town staff get with Mr. Duncan to see the best location for it where they can reach the dumpster safely and take care of the needs.

Mayor Williams – We have a motion on the floor and an amendment and a second for both of them. It says that we will allow Mr. Duncan to put a dumpster on one of our parking spaces on our property.

Councilman Pack – The motion said, specifically, the second parking spot. The only reason I add that is because while working with staff if the location needs to be revised then we need to change it.

Town Attorney – That is what your motion is; but your point is well taken. If they have to work it out and it ends up on a different spot then it could come back.

Councilman Pack – I am not trying to make this more difficult, Mrs. Tynes. I am sorry.

Councilwoman Tynes – I am going to get through it because I know where this is going.

Mayor Williams – I think we should kill this motion and start over.

Councilwoman Tynes – Okay.

Mayor Williams – We have a motion on the floor and an amendment and a second for both of them. Is there any further discussion? Hearing none, roll call vote.

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

Councilwoman Tynes – I would like to make a motion that we allow staff to get with Mr. Duncan so that he will be able to locate a dumpster on the town's property where he and staff feel is best and put it in a safe area versus Lot 2 as long as it is on town property and they keep it clean with the lid closed. I am not getting into the screen issue because Mr. Riddick said that he will have to take that to the Board of Historic and Architectural Review. They will tell him what he needs to do with the screening. Right now, we just want to get him on the town's property.

Councilman Pack – Second.

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

Vice Mayor Smith – Yes, Mr. Mayor. I think we need to have a feasibility study before we approve something that he cannot do. I do not want to see him spend his money and then he cannot get his garbage picked up. I just feel like we are getting the 'cart before the horse.' If you cannot get to it, why even have it there. I think he needs to get with staff and see if he can get it down there instead of us saying yes and then we have real problems on our hands because we did not think about what we were doing.

Councilwoman Tynes – The motion was to get with staff.

Vice Mayor Smith – This is a discussion.

Mayor Williams – Could Mr. Duncan come up please?

Mr. Duncan – We are obviously happy to do whatever it takes to alleviate the disposal problems for the businesses on Wharf Hill. We want to see everybody succeed and continue to grow and benefit the town. I met with Dawson Moody at 3:30 p.m. this

afternoon on the site which is the second spot. I asked him specifically if it was possible for your truck to get in and get out of here. He said absolutely. He explained how they would come in a pick it up on the front, dump it, put it back down, and they will back out. That is all the information that I have from the source of the company itself. I just wanted to point that out because there was some discussion about maneuverability in that area. Thank you very much.

Mayor Williams – We have a motion and a second on the floor. Does everyone understand the motion? Is there any further discussion? Hearing none, roll call vote.

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

Mayor Williams – Staff will get with you Mr. Duncan and sort it out. Thank you. The next item is Old Business.

Town Manager – There is no old business from staff.

Mayor Williams – Ladies and gentlemen, thank you very much for coming out tonight. We have a brief Closed Session tonight. We will not be making any announcements after the closed session but you can stick around if you want to.

Town Attorney – Mr. Mayor, we need a motion to go into a closed session for the purpose of discussing legal matters requiring legal advice pursuant to 2.2-3711A-7 of the Code of Virginia.

Vice Mayor Smith – So moved.

Councilman Hall – Second.

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

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

Town Council went into closed session at 9:14 p.m.

Town Council went back into open session at 9:24 p.m.

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

Vice Mayor Smith – So moved.

Councilwoman Tynes – Second.

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

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

Town Attorney – Mr. Mayor, we need a motion that during the closed session there was only a consultation with legal counsel as to actual matters requiring legal advice pursuant to 2.2-3711A-7 of the Code of Virginia.

Councilwoman Tynes – So moved.

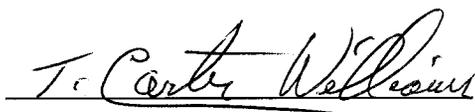
Councilman Pack – Second.

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

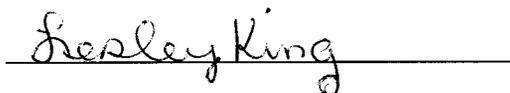
On call for the vote, seven members were present. Councilman Hall voted aye, Councilman Pack voted aye, Councilwoman Butler voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion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

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

The meeting was adjourned at 9:24 p.m.



Mr. T. Carter Williams
Mayor



Mrs. Lesley King
Town Clerk