

The Smithfield Town Council held its regular meeting on Tuesday, August 1st, 2017. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor, Mr. Michael Smith, Ms. Connie Chapman, Mrs. Denise Tynes, Mr. Randy Pack, and Dr. Milton Cook. Staff members present were Mr. Peter Stephenson, Town Manager; Mrs. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. William H. Riddick, III, Town Attorney; Mrs. Ashley Rogers, Human Resource Director; Mr. Alonzo Howell, Smithfield Police Chief; Ms. Judy Winslow, Tourism Director; Mr. Bill Davidson, Planning Commission member; and Mrs. Amy Novak, Director of Parks and Recreation. There were approximately ten (10) citizens present. The media was represented by Ms. Diana McFarland of the Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of August 1st, 2017. It is now 7:30 p.m. Thank you all for coming out tonight. Would you please stand with me for the Pledge?

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

Mayor Williams – We will start off tonight with the Informational Section with the Manager's Report.

Town Manager – Thank you, Your Honor. Welcome everyone. We had two (2) additional invoices that the Treasurer needed to bring to your attention. Those were posted as supplemental information this afternoon along with a couple of other reports. It will be under the action section of the agenda. The Town Treasurer is here to explain those if needed. They are pretty self-explanatory; but they need to be addressed this evening. As always, I am happy to answer any questions regarding the July Activity Report. I would like to thank everyone who came out for National Night Out. It just wrapped up in the main hall here at the Smithfield Center. We all work together as a community to fight crime; every night and every day all year round. It was a great event. We have an intergovernmental meeting with the county at 2:00 p.m. on August 3rd, 2017 at the Smithfield Center. The county has called a larger, countywide meeting with Smithfield, Windsor, and some other representatives for 6:00 p.m. that same night. The Planning Commission will meet on August 8th, 2017 at 6:30 p.m. We will also have the Board of Historic and Architectural Review meeting on August 15th, 2017 at 6:30 p.m. We have a Board of Zoning Appeals meeting this month on August 15th, 2017 at 7:30

p.m. Our Town Council Committee meetings will be on August 28th and 29th at 4:00 p.m.

here at the Smithfield Center. I will yield a few moments to our Tourism Director to address you. She has a statement about an issue that arose during this past week.

Tourism Director – Good evening everyone. I am Judy Winslow; your Tourism Director. As the Director of the Department of Tourism, I would like to issue an official apology to the Art Center at 319 Main Street and the Smithfield Times for any comments disseminated on one of our social media sites under the umbrella of Isle of Wight County. I would also like to apologize to Town Council for the public drama that has laid itself before you. As public servants, we often come under scrutiny and criticism by our constituents and our stakeholders; regardless of our well intentioned actions. But, I would like to reiterate to you and the public tonight that Tourism's goal is to generate increased tax revenue by promoting our destination as the quintessential locale to visit and to increase that visitation through marketing, earned media, hospitality and special events. We take our job seriously and we take it personally. We work tremendously hard to make a major positive difference in our community by attracting visitors and by augmenting the quality of life for our residents. But, we are also human and mistakes happen. Situations arise and we can be wrong. So many people seem afraid to admit that and I think us government types can be the worst of all. As a Director of a local governmental department and as a person, I don't want that person and I do not want our department to be that. Tourism has become an important part of this community; of the lifeblood of its merchants, restaurants, hotels, attractions and its people. I am here to pledge to you and to the people of this constituency that we will continue to serve the public to the best of our ability. My door is always open and I am not afraid to make the changes we need to breed success. We want to remain innovative, relevant and immersed in making our community the best it can be. We may occasionally stumble; but we appreciate the hands up and subscribe to the "it takes a village" tradition. Thank you.

Town Manager – Thank you, Judy. Again, our condolences on everyone's behalf for the loss of your father. I know it has been a heck of a rough ride this past week. I am very sorry. God bless you.

Mayor Williams – Thank you, Mr. Stephenson and Ms. Winslow. We will now move to Public Comments. The public is invited to speak to Council on any matter.

Comments are limited to five (5) minutes per person please. Any required response from the town will be provided in writing following the meeting if you so desire. For the record, please state your name and address.

Town Manager – Our first speaker is Mr. Albert Burckard.

Mr. Burckard – Thank you. I live on Titus Point Lane in Carrollton. I am here because of an article in the Daily Press yesterday. It is about your Intergovernmental Committee meeting on Thursday. It looks like one of your topics is going to be annexation. Let me submit to you that, to even talk about something right now is very bad timing. We are just starting with our Comprehensive Plan review process. You know that is going to affect all land use decisions. The Carrollton Civic League, right now, is considering recommending and proposing that the Yeoman farm, which is now in the Newport Development Service District, be simply taken out of it. In fact, we are even looking at a plan to maybe eliminate half of what is in the current Newport Development Service District. It would be a recommendation from the Carrollton Civic League. It really was not clear what you might do with the Yeoman farm; but I would humbly suggest that either that or maybe even the Phillip Edward's farm might make a wonderful green belt ultimately around the town. I am here today to ask you all to please postpone any decisions just because even talking about controversial subjects like annexation when we are about to launch into an eighteen (18) month process of looking at the Comprehensive Plan; it just looks bad. I hate to fall into current terminology but it makes it look like you all are trying to rig things ahead of time. The optics are bad. It is a phrase that you hear a lot lately. I am not sure exactly what it means. In any case, Mr. Mayor and ladies and gentlemen, I would really humbly submit that at your next intergovernmental meeting that maybe you do not talk too much about annexation. Or maybe, if you want to, lay out very clearly what you want so maybe we can throw it into the discussion. Thank you very much.

Town Manager – Our next speaker is Ms. Theresa Mulherin.

Ms. Mulherin – I live at 206 Washington Street. If you have not been by our house, you should see the bushes gone from what was a shack on the corner. Please drive by; it is starting to look good on our street. First, I saw that the Finance Committee is going to deliberate some rules related to when we dip into our reserves etc. for the \$74,000.00. Thank you for that. In addition to that, would you please consider when do

we actually take out loans on behalf of anybody else, \$300,000.00 or more, so that we have rules related to that prior to any approval. I did a lot of constitutional research over the last thirty (30) days and something concerned me. I will just say that John Stuart Mills who is a writer and a civil libertarian contends that unlikely judgements are only possible if you have all of the facts and if all of the ideas are considered and only then can you test your own opinion against opposing views and hopefully come up with something that is a better conclusion. Within our self-governing society, this is called freedom of speech. It provides necessary checking functions for our government. It is a citizen's right, and I would submit it is our duty, to research, compare, question, opine, obtain expert opinion and do what we need to do to live in the society together as a team. It is your job to listen to us whether you agree with us or not; but you do need to listen to us. If we made you embarrassed, made you feel like we were dishonoring your integrity, or questioned you on whether you were doing your job; I am sorry. After thirty-three (33) years of being a forensic nurse, I teach forensic nursing. I tell all of my nurses if they are comfortable under cross examination then that suspect did not get a fair trial because you should not be comfortable. You should be challenged. My concern was using the Town Council comment section of the Town Council meeting to scold, belittle, bully, or profess that you are not listening to all of us. I think that is intimidating. I think it can suppress some citizens from making critical commentary. I believe that violates freedom of speech. That is my opinion. I also researched it constitutionally. These were not comments provided during public comments. They were not prefaced that I am a private citizen and they were not done in public comment. They were provided pursuant to your official duties portion of the meeting. I would just say to be careful about that. We are all on the same team here; at least I feel that way. Justice Marshall said "government has no power to restrict expression just because of the message, idea, subject matter, or content." Justice Brennan said "debate of public issues should be uninhibited, robust, and wide open." You are right; comments hurt. We are all human and I understand that. They can be sharp and, frankly, they can be caustic whether we are talking Freedom of Information, conflict of interests, questions about spending etc. We are trying to do our jobs as citizens too. Thank you.

Town Manager – Thank you. Our next speaker is Ms. Harriet Hines.

Ms. Hines – Good evening. I live at 897 Talbot Drive. I am here tonight to express two (2) concerns I have concerning Windsor Castle Park. We have been blessed with that beautiful park; but with every blessing comes responsibility. We have a responsibility to make sure that park is taken care of in perpetuity. The amenities that have been added to the park are good and the restrooms are necessities. In order for us to make sure that the park is taken care of, I want you to consider that before any more amenities are added to the park that we do our due diligence. We need to make certain, when the next storm comes and when the next recession comes that we have done some planning. I am asking you before any more amenities are added to the park that we put forth all of our efforts and money into creating an endowment so that when devastation does hit, we have planned ahead to take care of that park. The second issue that I want to address has to do with the volume of the music or in this case the lack of. I can fully understand your wanting to make a quick resolution for those who complained about the volume of the music. I know firsthand that some bands will not come when the music has to be turned down as you have stated. I did not go to the Wine and Brew Fest last year. Living on Talbot Drive directly across the creek from the amphitheater, you better believe I heard the music. This year I went to the Wine and Brew Fest and I was seated three quarters of the way up the hill from the amphitheater and I could not hear the music. I was thinking maybe I need to have my hearing checked. I leaned forward and asked the young couple seated in front of me, who happened to be from Virginia Beach, if they could hear the music. The gentlemen looked down the hill and saw that they were playing music; but could not hear it either. So yes, you took care of the situation for those who complained. I may be naïve but I certainly think that had a letter been created and sent out prior to your quick decision; their complaints might have subsided. If we keep the major festivals to three (3) per year, I think anybody can tolerate music whether it is their choice or not. Let's face it, they put up with their in-laws more than that. Not only are we not going to be able to get the bands that we might want but also, mark my words, down the road the citizens who are coming from out of town are going to find other venues to go to if they cannot hear the music. They are only going to sit on that hill and look at the creek for so long. As you know, there are festivals that go on around Hampton Roads every week and they make a decision. I am certain that you are aware that the organizations that donate their time

get a portion of the profit in relationship to the number of hours they put in. They do not have a party with that money. They do not pay for their meals. They turn around and make donations to the food bank. I am reasonably estimating that at least \$8,000.00 of that money goes to scholarships for our outstanding young graduates. They pay for young leaders to go to leadership camps. They make donations to the Boys Scouts, the Girl Scouts, Christian Outreach, the Geneva Shelter, and the Western Tidewater Free Clinic. In other words, they give that money back to the community. As much as Joe Luter has given back to us, I have never spoken to him; but I would bet that he is very proud of the civic organizations that give back to the community.

Town Attorney – Your time is up, Ms. Hines.

Ms. Hines – Well, I think I made my point. I ask you to take both of these items into consideration.

Mayor Williams – There are no more signups; but the podium is still open if anyone else would like to speak. You are welcome to come forward at this time. Seeing no one, we will move to a Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District. I do not see Mr. Grice here this evening. We will skip over that. Our next item is Council Comments. Does any Council member have any comments?

Councilwoman Chapman – I would like to recognize the outstanding job for the Police Departments National Night Out. I will say that it had the largest attendance of any National Night Out event we have ever had. Congratulations. I would also like to recognize our newlywed in the audience, Mrs. Amy Novak.

Councilwoman Tynes – I wanted to thank everyone for coming out for National Night Out. I would like to thank Mayor Williams and Vice Mayor Gregory for participating. Some of the others came in later as well as our Town Manager. It was the largest attendance that we have had since we brought it indoors at the Smithfield Center. We have had larger attendance in earlier years when we used to have it over at Riverview. Thank you again for coming out. We will have it again next year on the first Tuesday in August. Thank you.

Mayor Williams – Next year will be the 35th year. Are there any other Council comments? Hearing none, we will move to the consent agenda items. We have seven (7) items tonight. Would any Council member like to pull any item for further discussion?

Hearing none, we will move to the Summary of Consent Agenda Items. We will start with our Police Committee Chair, Mrs. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. Thank you, Mayor Williams. Item C1 is a resolution to approve a street closure request for the Ruritan Car Show on September 23rd, 2017 from 7:00 a.m. until 3:00 p.m. This is one of the Ruritans Club annual events. I think last year they had it in conjunction with another organization; but this year, they have asked us to have it independently. Thank you.

Mayor Williams – We will now move to the Water and Sewer Committee Chairman, Vice Mayor Andrew Gregory.

Vice Mayor Gregory – Water and Sewer Committee Summary. Thank you, Mr. Mayor. This month we have a motion to authorize the Town Manager to purchase two (2) budgeted replacement pumps for the James Street and the Main Street pump stations. It was determined that the cost to purchase new pumps was actually less expensive than repairing the old ones. We are passing this on to Council for approval this evening.

Mayor Williams – Thank you. We will now move to the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. This evening we have before us several invoices over \$10,000.00 which require Council authorization. The first is to R.A.D. Sports. They are working on our ballfields. They are moving the dirt and doing all of the ground work. Their progress billing is for \$298,357.95. It is recommended for approval this evening. The next invoice is to A. R. Chesson Construction for the ballfields for the concession stand building for \$64,717.60. I was fortunate enough, the past week or two, to get a tour of the facility out there. Our ballfields are looking really good. They are going to be world class. We should be really proud of what we have here in another month or two. Our next invoice is to Draper Aden Associates for the Waterworks Lake Dam repairs for \$11,515.00. The Windsor Castle Park Foundation is asking for a draw of \$100,000.00 which we recommend for approval tonight. We had an additional invoice from the Smithfield Volunteer Fire Department. It is pass through money and comes from the state. The town turns around and passes it on to the fire department for \$26,250.00. Additionally, we had two (2) invoices passed on to us later this afternoon for consideration. It is debt service on the old treatment

plant. It is where our Public Works facility is located now. It is for \$126,107.63. This bill is due twice a year. This particular one is mostly principal at about \$121,000.00 and interest of \$5,107.26. Our final bill this evening is for the debt service on our Reverse Osmosis Plant. It is also billed twice yearly. This is mostly a principal payment. The total amount due is \$222,103.33 of which \$206,000.00 is the principal due and \$16,103.33 is interest. We are recommending approval this evening for all of these bills. Item C4 is a motion to renew the vehicle maintenance contract with Smithfield Truck and Auto LLC (1) or one additional year. This went out last year with a request for proposals and was won by Smithfield Truck and Auto. Department heads all report satisfactory results this year and are recommending approval for one (1) additional year. That is all we have for the Finance Committee this evening, Mr. Mayor.

Mayor Williams – Next, we have the Parks and Recreation Committee Chair, Ms. Connie Chapman.

Councilwoman Chapman – Parks and Recreation Committee Summary. Item C5 is a motion to approve the Eagle Scout park project application for Windsor Castle Park. We have the nice playscape area and there is limited seating. We have an Eagle Scout from Troop 36 who would like to build two (2) pressure treated benches to match the ones that are already there. It will just add to the overall enjoyment of the adults in the park. Thank you.

Mayor Williams – We will move to the Public Works Committee Chair, Mr. Michael Smith.

Councilman Smith – Public Works Committee Summary. Thank you, Mr. Mayor. We have a motion to renew the debris removal contract with Goodrich and Sons and Smithfield Services for one (1) additional year. We have been happy with their services. They respond quickly when needed. We would recommend them for approval tonight. Thank you.

Mayor Williams – Item C7 is with Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Public Buildings and Welfare Committee Summary. The town leases 223 Washington Street to the VFW. They are proposing to add onto their building. It will be a storage area so to speak. We need to approve the amended lease with the town.

Mayor Williams – On Item C7, I will abstain from voting on that.

Councilman Dr. Cook – We will have to pull that item then.

Councilwoman Tynes – I have a question for Dr. Cook. I am sorry. I was not in attendance at that meeting. I know you said an addition. Will it be an addition to the building or are you just going to add it to the property?

Councilman Dr. Cook – It will be attached to the existing building.

Councilwoman Tynes – Thank you.

Town Manager – I apologize but I do have a housekeeping issue with item C2. It is just a point of information. The replacement pumps will be sole source purchased. I need to note that in accordance with our purchasing policy. Otherwise, it would be a whole lot more expensive because we would have to replace all the other instrumentation, control panels, and everything else. The pumps are sole source purchases. I will fill out all of the paperwork accordingly.

Mayor Williams – Okay. We need a motion on C1 - C6.

Councilman Pack – Mr. Mayor, I will make a motion that we approve item C1 – C6 as presented.

C1. Resolution to Approve the Street Closure Request for the Ruritan Car Show on Saturday, September 23rd, 2017 from 7:00 a.m. until 3:00 p.m.

C2. Motion to Authorize the Town Manager to Purchase Budgeted Replacement Pumps for James Street and Main Street Pump Station by Sole Source Purchase.

C3. Invoices Over \$10,000 Requiring Council Authorization:

a. R.A.D Sports	\$298,357.95
b. A. R. Chesson Construction	\$ 64,717.60
c. Draper Aden Associates	\$ 11,515.00
d. Windsor Castle Park	\$100,000.00
e. Smfd. Volunteer Fire Department	\$ 26,250.00
f. PNC Bank – Debt Service	\$126,107.63
g. PNC Bank – Debt Service	\$222,103.33

C4. Motion to Renew Vehicle Maintenance Contract with Smithfield Truck and Auto LLC for One Additional Year.

C5. Motion to Approve Eagle Scout Park Project Application for Benches at Windsor Castle Park.

C6. Motion to Renew Debris Removal Contract with Goodrich and Sons and Smithfield Services for One Additional Year.

C7. Pulled from Consent Agenda.

Councilwoman Chapman – 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 Smith voted aye, Councilman Dr. Cook voted aye, Councilman Pack voted aye, Councilwoman Chapman voted aye, Vice Mayor Gregory voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Now, we will move to item C7 which is a Motion to Approve the VFW's Proposed Building Addition Located at 223 Washington Street and Amend the Lease with the Town of Smithfield. We already discussed it so I will make a motion to approve it.

Town Attorney – The amendment to the lease is just to increase the footprint of the lease. It should authorize the Town Manager to execute that.

Mayor Williams – So noted.

Vice Mayor Gregory – 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 Gregory voted aye, Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilman Smith voted aye, Councilwoman Tynes voted aye, Councilman Pack voted aye, and Mayor Williams voted abstained. There was one abstention. There were no votes against the motion. The motion passed.

Mayor Williams – The motion passes 6 – 1. Thank you very much. We will now move to the Action Section of the agenda. We need a Motion to Approve the Town Council Meeting Minutes of July 11th, 2017.

Town Attorney – Mr. Mayor and members of Council, I recommend the minutes be approved as presented.

Vice Mayor Gregory – So moved.

Councilwoman Tynes – Second.

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

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

Mayor Williams – The next item is New Business. Is there any new business to discuss? Hearing none, we will move to Old Business. Is there any old business?

Councilman Dr. Cook – I would like to give an update on the Windsor Castle manor house. Seeing how we just withdrew \$100,000.00 for this, I guess we need to give an update as to where the money is going. I do not know if any of you have been out there. The caretaker's house has been the focus in July. The foundation has been repaired. Windows have been rebuilt and re-glazed. Roger Ealy has done a whole lot of re-purposing and saved us a lot of money by re-building some things in there. All but the western outside wall have been repaired and re-painted. By the middle of next month, the kitchen wing should be completed and the porches re-installed. This will complete our Phase 1 work on the caretaker's house. The second wing on the manor house has been demolished. Beginning August 21st, the brick foundations on both wings will be demolished. The bushes against the foundation around the house will be removed. This is going to help with the water mitigation in the basement. It will help get water away from the house especially after harsh rains. This will complete Phase 1 for the manor house. Site work behind the north outbuildings will begin at the end of August. There is a swale to be excavated to divert stormwater away from the outbuildings foundations to help protect those buildings that we just repaired. Plat surveys for the re-constructed barns and associated septic fields were completed this past month. Construction plans for the interior of the caretaker's house and the barns will be completed in August. That is where we are now. As far as the total budget, it is amazing. We have spent a lot; but it is amazing how little, as far as the total budget, we have spent and how much work has been visualized. I think we have spent just over \$400,000.00 to date out of a

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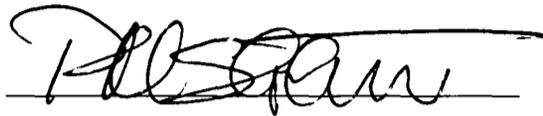
\$5,000,000.00 project. We are less than ten (10%) percent spent and look what has been done. I think it is impressive for the money spent so far.

Mayor Williams – Is there any other old business? Ladies and gentlemen, thank you all for coming out tonight. We certainly do appreciate it. We stand adjourned.

The meeting was adjourned at 8:02 p.m.



Mr. T. Carter Williams
Mayor



Mr. Peter Stephenson, AICP, ICMA-CM
Town Manager