

The Smithfield Town Council held its regular meeting on Tuesday, August 3<sup>rd</sup>, 2021. The meeting was called to order at 6:30 p.m.

**Members present:**

T. Carter Williams – Mayor  
Michael Smith – Vice Mayor  
Randy Pack  
Valerie Butler  
Wayne Hall

**Members absent:**

Beth Haywood  
Renee Rountree

**Staff present:**

Michael Stallings - Town Manager  
Lesley King – Town Clerk  
Ellen Minga – Town Treasurer  
William H. Riddick, III – Town Attorney  
Alonzo Howell – Chief of Police  
Tammie Clary – Community Development & Planning Director  
Ashley Rogers – Human Resource Director  
Judy Winslow – Director of Tourism  
Chris Meier – Deputy Chief of Police  
Eric Phillips – Smithfield Police Department  
Will Wooley – Smithfield Police Department  
Jacob Norton – Smithfield Police Department  
Kate Wahl – Smithfield Police Department

**Press:** -0-

**Citizens:** 13

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

**Manager's Report:**

Michael Stallings reported that the activity report for July was included in the packets. The Smithfield Police Department has a new officer that will be sworn in this evening.

Chief Howell introduced the newest member of the Smithfield Police Department, Kate Wahl. She resides in the Town of Smithfield. Officer Wahl will be graduating from the Hampton Roads Criminal Justice Police Academy tomorrow at 4:00 p.m. Senior Chief Wahl will pin the badge on his wife this evening.

The Town Clerk swore in Kate Wahl.

Chief Howell explained what the badge represents which is a symbol of public trust. He presented the badge to Senior Chief Wahl to pin his wife. The Town Council welcomed Officer Wahl to the Smithfield PD.

**Upcoming Meetings and Activities:**

August 3<sup>rd</sup> - 6:30 p.m. – Town Council Meeting

August 10<sup>th</sup> - 6:30 p.m. – Planning Commission

August 17<sup>th</sup> - 6:30 p.m. – Board of Historic and Architectural Review

August 23<sup>rd</sup> - 3:00 p.m. - Town Council Committee Meetings (Consecutive)

Public Safety Committee

Water and Sewer Committee

Finance Committee

Parks and Recreation Committee

Public Works Committee

Public Buildings and Welfare Committee

**Public Comments:**

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

Theresa Mulherin resides at 206 Washington Street. She stated that she is now a nurse practitioner. She explained that she would like the pandemic rescue funds to be used for building infrastructure including broadband access. She would like an access point where older citizens can complete their healthcare follow-up appointments. Many of these appointments are mostly done via telehealth and cannot be done currently in Smithfield with the lack of public broadband. She also asked that the Town not use pandemic rescue funds for water or sewer for any of the new construction projects such as Mallory Pointe or the old Pierceville property. She suggested that the developers could pay for their own infrastructure. She explained that, during the last year, the Town citizens have been laid off or are not working and cannot pay their rent. Landlords are not getting paid and that something has to be done to rescue Town citizens. She stated that citizens have paid more taxes and paid more for services such as water and sewer and recycling was taken away. It has been a tough year on the citizens. Ms. Mulherin stated that she was also asking whoever represents Human Resources for Smithfield to go back five years and look at the conflict-of-interest statements filed by paid employees and elected officials for the Town. She would like them reviewed to see if anyone is involved in any of the building projects or sale of real estate. She stated that the Town should lock this down. She stated the Town Council has improved over the last few years in identifying their own conflict of interests. She asked to move forward and to be clear in meetings if there is a conflict of interest. As an example, she explained that she would not give an opinion about the proposed hospital because she works for the competition which would be her conflict of interest. She is also interested in all of the projects over the last five years which have not been completed on time or on budget and how that has impacted the taxpayers. Examples she gave included the dam, the sports complex, and the many times Main Street has been torn up. She suggested the Town Council keep a close eye on projects that are not on time and on budget. She said contractors should be held accountable for on time and on budget.

There were no other public comments.

**Resolution to Commend and Congratulate the 2021 Smithfield High School Debate Team:**

Mayor Williams invited representatives from the Debate team forward to present/read the resolution which states: WHEREAS, The Smithfield High School Debate team has won the 2021 Class 4 Virginia High School League State Championship; and, WHEREAS, this marks the 5th consecutive year that the team has won the State Championship; and, WHEREAS, the members of the Debate Team devoted their time and energy towards to accomplishment; and, WHEREAS, the Smithfield Town Council desires to recognize the talent, skill, and commitment of the players and coach of this Championship Team. NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Town Council of the Town of Smithfield, Virginia commends and congratulates the Smithfield High School Debate Team on its 2021 Class 4 Virginia High School League State Championship for the 5th consecutive year. Adopted this 3rd Day of August 2021 signed T. Carter Williams, Mayor, Town of Smithfield.

**Resolution of Appreciation to Catherine Bowden for Serving on the Board of Zoning Appeals:**

Mayor Williams invited Ms. Bowden to come forward. He read the resolution which states: WHEREAS, Ms. Catherine Bowden a longtime resident of Smithfield proudly served the citizens of Smithfield as an appointed official for ten (10) years; and WHEREAS, Ms. Bowden was appointed by Town Council to serve a five year term on the Board of Zoning Appeals on June 7th, 2011. She was then reappointed to serve on the Board of Zoning Appeals for another five-year term on June 7th , 2016 ending June 30th, 2021; and WHEREAS, Ms. Bowden demonstrated excellent leadership qualities in local government during her role on the Board of Zoning Appeals with numerous accomplishments to benefit the Town of Smithfield; and THEREFORE, BE IT RESOLVED that I, T. Carter Williams, Mayor of the Town of Smithfield on behalf of the Town Council wish to formally extend our sincere appreciation for your dedication and loyal service to the Town of Smithfield as a member of the Board of Zoning Appeals; and BE IT FURTHER, RESOLVED, that this Resolution will be spread upon the permanent records of the Town of Smithfield and that a suitable copy thereof be delivered to Ms. Bowden and signed by T. Carter Williams, Mayor, Town of Smithfield.

**Resolution to Commend and Thank the City of Suffolk Fire Department for their Assistance with the Smithfield Fire of 1921:**

Mayor Williams reminded everyone that Smithfield used to be known as the “Peanut Capitol of the World” prior to becoming the “Ham Capitol of the World.” There were many warehouses at the bottom of Wharf Hill. A fire burned them all down. The Suffolk Fire Department came to help Smithfield with the fire. Mayor Williams invited Nick Savage with the Suffolk Fire Department to come forward for the presentation of the resolution which states: WHEREAS, The Town of Smithfield was once home to the world's largest peanut business run by P.D. Gwaltney, Sr.; and, WHEREAS, in 1880 Mr. Gwaltney built facility for cleaning and storing peanuts along the Pagan River that stored and shipped enormous sacks of peanuts that were sold and shipped all around the world; and, WHEREAS, on August 17, 1921, an early morning fire broke out in Warehouse No. 1. and destroyed five warehouses, the piers, and several other buildings before it was extinguished by members of the Suffolk Fire Department;

and, WHEREAS, the Smithfield Town Council wishes to commend and thank the Suffolk Fire Department for the role it played in preventing further damage to the Town of Smithfield on that fateful day in August 1921, 100 years ago. NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Town Council of the Town of Smithfield, Virginia commends and thanks the Suffolk Fire Department for coming to the aid of the Town of Smithfield on August 17, 1921, the day of the "great fire" in Smithfield. Signed by T. Carter Williams, Mayor, Town of Smithfield.

**Council Comments:**

Mayor Williams thanked Councilwoman Haywood, Councilwoman Butler, and Councilwoman Rountree for attending the ribbon cutting for a local business. There will be two other ribbon cuttings this month. He encouraged the Town Council members to attend. He also stated that National Night Out for Smithfield would be in October at the Joseph W. Luter Sports Complex. He encouraged all Town Council members to attend.

There were no other Council comments.

Mayor Williams asked if any Council member would like to pull any item for further discussion. Mayor Williams pulled item C10.

**Consent Agenda:**

**C1. Motion to Approve the Installation of One Additional Streetlight in the Area of Lane Crescent / Kendall Haven:**

Councilman Hall stated that an additional streetlight was needed on Lane Crescent and Kendall Haven.

**C2. Motion to Approve Proposals from ALLFIRST, LLC to Install New Float Brackets and Floats at Twelve (12) Pump Station within the Town:**

Vice Mayor Smith stated that the proposals are to install new float brackets and floats at 12 pump stations to help with safety records.

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

Superior, LLC (PD Annual Maintenance Contract)	\$ 25,428.08
Lewis Construction of Virginia (Grace Street Utility Project)	\$ 105,310.00
Kimley-Horn Associates (S. Church St. Alternatives Project)	\$ 30,901.16
Wilbar Truck Equipment	\$ 68,552.00
Santander Bank, N.A. (Vac-Con Vacuum Truck)	\$ 99,349.81
VRS (Line of Duty Act for Police Officers)	\$ 13,628.89

Councilman Pack explained the invoices over \$10,000.00 requiring Council authorization. He recommended all invoices for approval.

**C4. Motion to Approve Amendments to the Town's Personnel Manual, More Specifically Compensatory Time Policy, Holiday Policy, and Drug Free Workplace:**

Councilman Pack explained that Virginia Law requires updates to the Town's policies.

**C5. Motion to Adopt an Appropriation Resolution for the CHIP Program:**

Councilman Pack explained that the monies slated for the CHIP Program as a general line item would be moved to the CHIP Program itself which is now being held on its own.

**C6. Motion to Approve Use of Funds from the American Rescue Plan Act to Fund Projects that Meet the Guidance from the Federal Treasury:**

Councilman Pack recommended this item for approval.

**C7. Motion to Approve Rate Adjustments at the Joseph W. Luter, Jr. Sports Complex:**

Councilman Hall recommended the rate adjustment for approval. Based on the amount of work that needs to be done from one season to another, the rate needs to be adjusted.

**C8. Motion to Approve Proposal from Blair Brothers, Inc. to Repair Pipe on Winchester Place:**

Vice Mayor Smith explained that the pipe needs repair on Winchester Place.

**C9. Motion to Approve Proposals from Kimley-Horn Associates for Phase I and Phase 2 Drainage Design in the Pagan Road Neighborhood:**

Vice Mayor Smith recommended approval of this item.

**C10. Pulled from Consent Agenda:**

Councilman Pack made a motion to approve the consent agenda items C1–C9 as presented. Councilman Hall seconded the motion. With no further discussion, Mayor Williams called for the vote.

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

**Item C10 – Resolution of Support for a Riverside Acute Care Hospital Facility in Isle of Wight County:**

Councilwoman Butler explained that there was a presentation from Riverside at the July committee meetings. She read a resolution for the project which states: WHEREAS, Riverside Health System is applying with the Commonwealth of Virginia for a Certificate of Public Need (COPN) from the State Health Commissioner to establish a new general acute care hospital in Isle of Wight County, in close proximity to the Town of Smithfield; and, WHEREAS, the Smithfield Town Council desires to improve accessibility of affordable, high quality health care services for its residents and other citizens of the region; and, WHEREAS, a local general acute care hospital facility will allow for more cost effective and timely EMS response and access; and, WHEREAS, with a growing and aging population in Smithfield, it is important that residents have a distinct choice in the scope and quality of care of the providers and facilities where health care services are available; and, WHEREAS, the facility will provide economic development and employment opportunities for a rapidly growing portion of the Town and County. NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Smithfield, Virginia, supports the plans and efforts of Riverside Health System to establish a new general acute care hospital in Isle of Wight County. BE IT FURTHER RESOLVED that the Smithfield Town Council also supports the application of Riverside Health System for a Certificate of Public Need (COPN) from the Commonwealth of Virginia to establish a new general acute care hospital in Isle of Wight County. Adopted this 3<sup>rd</sup> day of August 2021. Signed T. Carter Williams, Mayor, Town of Smithfield.

Councilwoman Butler made a motion to accept the resolution of support for Riverside Acute Care Hospital facility in Isle of Wight County. Vice Mayor Smith seconded the motion. Mayor Williams called for the vote.

On call for the vote, five members were present. Councilwoman Butler voted aye, Vice Mayor Smith 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.

**Public Hearing: Abandonment of Right-of-Way @ Lot 12 Pagan Road:**

The Community Development & Planning Director, Tammie Clary, reported that Lot 12, Pagan Road is a vacant lot that has been for sale for an extended length of time now, owing largely to the problems posed by topography, the one-hundred foot (100') Resource Protection Area, and required yard areas (setbacks). Tuesday January 26<sup>th</sup>, 2021, staff received a call from Billy Birdsong (prospective builder) on behalf of a prospective buyer, who asked if there would be a way to adjust or vacate the unimproved section of Pagan Rd so that the right-of-way (ROW) line and edge of pavement were consistent with one another. This would lessen the severity of the required thirty-five foot (35') front yard setback's impact on the lot's overall buildable area. On February 8th, 2021, the Town concluded it had no reservations concerning the abandonment of the existing unimproved public right-of-way (ROW) in front of Lot 12, Pagan Road (TPIN:22B-03-012) and 525 Pagan Road (TPIN:22B-03-011), provided the following conditions were met:

*(a) The resulting cul-de-sac radius cannot be less than forty feet (40'), as this would result in the cul-de-sac's ineligibility to be covered under the Virginia Department of transportation's (VDOT's) Urban Maintenance System. Essentially, the Town would otherwise lose funding for this ROW's maintenance and upkeep. In order to reduce the existing ROW, you/we will have to begin the additions and abandonment processes with VDOT.*

*(b) You, the owner, and/or the prospective owner must cover the surveying, legal, and recordation fees necessary for this to occur, and we will (in turn) waive any price tag from the actual acquisition of the ROW, so long as you undertake the same ROW vacation process on the adjacent property (525 Pagan Rd, TPIN 22B-03-011), where a similar problem is known to exist.*

*(c) No existing improved portion of the ROW will be ceded by the Town.*

Tammie Clary explained that in March 2021, both property owners (Larry Jones), as well as the adjacent property owners (Charles & JoAnne Modlin) signed and had notarized, an affidavit which stated "I/we swear and affirm that I/we are interested in pursuing VDOT's additions/abandonment process, specifically for the reduction in the cul-de-sac radius at the end of Pagan Rd from fifty feet (50') to forty feet (40')" (see Enclosures 1 and 2). The applicants have also provided a signed and sealed right of way vacation plat, dated April 28th, 2021 (see Enclosure 3) and a draft deed (see Enclosure 4). Town staff recommended approval as presented.

Mayor Williams opened the public hearing for anyone who wanted to speak for or against the application. Hearing none, he closed the public hearing for consideration by Town Council.

The Town Attorney stated that this type of process has been used many times. He explained that he had prepared an ordinance which explains everything that Mrs. Clary just said. The right-of-way plat shows the crescent that will be vacated. The ordinance requires that a like portion be conveyed to the adjacent property owners, Mr. and Mrs. Charles Modlin. The size of the cul-de-sac will be reduced to a size that is not unsafe and does not exclude the Town receiving any reimbursement for highway funds. The Town Attorney also stated that he had prepared the deed. The statute requires that attorney fees have to be reimbursed as well as any

cost out of pocket by the Town of Smithfield all of which has been accomplished and produced. All of the documents are in place if the Council chooses to move forward.

Councilman Pack stated that the Planning Commission had reviewed the information as well. The Planning Commission made a unanimous recommendation to Town Council to proceed.

Councilman Pack made a motion to proceed with the abandonment of the right-of-way at Lot 12 Pagan Road as presented. Councilman Hall seconded the motion. With no further discussion, Mayor Williams called for the vote.

On call for the vote, five members were present. Councilwoman Butler voted aye, Vice Mayor Smith 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.

**Public Hearing: Special Use Permits – 803 South Church Street:**

The Community Development & Planning Director, Tammie Clary reported that at its Tuesday, July 13<sup>th</sup>, 2021 meeting, the Planning Commission conditionally-approved the site plan amendment, after-the-fact ECO and ECO design review, and ECO waiver applications for 803 S. Church St. (TPIN 21A-01-484). Specifically, these applications entailed the following improvements to the property, which would accommodate the operation of a tasting room and restaurant (classified under the Smithfield Zoning Ordinance as a “fast food restaurant without drive-through facilities”):

1. The existing seventeen-foot (17’) by sixteen-foot (16’) concrete pad will be enlarged to a twenty-four-foot (24’) by twenty-four-foot (24’) stick-built addition on a concrete slab and will be enclosed. The addition will have a metal roof and all exterior colors will match the existing building.

2. The proposed addition will have a barn style garage door that faces South Church Street, along with an ADA compliant bathroom with interior and exterior access.

3. There will be a gravel sitting area immediately adjacent to the proposed addition, which will feature six feet (6’) high by twenty-four foot (24’) white vinyl screening fence. This fence will run parallel to South Church Street and will connect to the proposed black metal fencing. The gravel sitting area will connect to the stamped concrete sitting area via a gravel path that will run along the east side boundary line of the property.

4. In between the raised flower bed abutting South Church Street and the white vinyl screening fence will be a flower and herb garden.

5. In between the raised flower bed abutting South Church Street and the proposed addition will be a loading area and employee parking.

6. There will no longer be two improved parking spaces on the east (right) side of the building.

7. The installation of a wood-framed shed roof over the entirety of the wooden deck located at the rear of the primary building.

Additionally, the applicants received after-the-fact approval for the following:

1. The expansion of the gravel parking area located on the west side of the property.

2. The expansion of the outdoor patio into a stamped concrete sitting area that will be fenced in by a three and a half foot (3.5’) black metal fencing.

3. The installation of a twenty-four foot (24') eight-inch (8") by thirteen foot (13') covered wooden deck located at the rear of the primary building. The deck will wrap around the building on the west (left) side of the building and continue, abutting along two parking spaces.

4. The remaining west (left) side of the building will feature five (5) bushes.

The Community Development & Planning Director explained that at the same meeting, the Planning Commission favorably recommended the two (2) Special Use Permits to Town Council for review and decision.

1st SUP: To accommodate the encroachment of the primary building into the required (pursuant to Smithfield Zoning Ordinance (SZO) Section 3.I.E.2) forty foot (40') front yard setback and twenty foot (20') side/rear yard setbacks, as well as the encroachment of an accessory building (storage shed) into the required fifty foot (50') setback from the lot line shared with 801A S Church St and the required five foot (5') setback from the lot line shared with 805 S Church St. (pursuant to SZO Sections 2.P.6 & 2.P.12), an SUP for a "waiver of yard requirements" is needed, pursuant to SZO Section 3.I.C.28. Specifically, the applicants are requesting zero-lot-line development to the boundary line shared with 805 S Church St, a reduction in the required front yard setback to 26.6', and a reduction in the required accessory building/structure setback from the lot line shared with 801A S Church St. from fifty feet (50') to ten feet (10').

2nd SUP: To waive the "prohibition of parking in front yards" provision of SZO Section 3.I.C.28, and to reduce the minimum number of required off street parking spaces (pursuant to SZO Section 8.E.18) from nineteen (19) to five (5) spaces, and a waiver from the provision of SZO Section 8.B.13 "no loading space shall be located within a front yard," an additional SUP for a "waiver of parking and loading requirements" is needed, pursuant to SZO Section 3.I.C.30. To help facilitate additional parking spaces, the applicants recorded a twenty foot (20') parking easement located on the expanded gravel parking area (see Enclosure 1). Additionally, the applicants stated they have a verbal agreement with the owner of 805 South Church Street (Smithfield Animal Hospital), which allows for owner/ employee parking on the adjacent lot after 6:30pm. This application has resulted in requests for comments from several agencies outside of the Smithfield Community Development & Planning Department:

Isle of Wight County Stormwater Division - Enclosure 2

Virginia Department of Transportation (VDOT) - Enclosure 3

Virginia Department of Health - Enclosure 4

The applicants have stated that they plan on paving the parking lot with asphalt and will connect to Town water by June of 2022, in accordance with their approved phasing plan. Town staff recommended approval.

Mayor Williams asked if the asphalt would be impervious.

Mrs. Clary explained that the gravel already located on the property is impervious gravel. The asphalt was part of their phasing plan and will be completed by June of 2022.

Mayor Williams clarified that Isle of Wight County Stormwater division signed off on the asphalt.

Mrs. Clary stated that was correct.

Mayor Williams asked if there were two parking spots for the neighbor.

Mrs. Clary stated that it was her understanding that they have a parking easement that allows them ingress and egress.

The Town Attorney stated that both parties entered into reciprocal parking agreements and driveway agreements. Everything pertaining to access to the property in the back was included in a Deed of Easement which everyone has sign. It has been recorded.

Councilwoman Butler asked Mrs. Clary about the after-the-fact approval and if some type of construction has already begun.

Mrs. Clary stated that the after-the-fact approval was for the expansion of the gravel parking lot and the stamped concrete sitting area in the rear of the property with the black metal fencing. It was after-the-fact for the Entrance Corridor Design Overlay review.

Councilwoman Butler explained that she attends some of the Planning Commission meetings. Many property owners ask for after-the-fact approval. She asked how the Town could encourage business owners, contractors, or builders to get the proper licensing and approvals before any work begins.

Mrs. Clary stated that the Planning department certainly tries. They notify the property owner if something has been constructed or altered in a way that would require approval.

Councilwoman Butler asked what would happen if someone asked for approval after-the-fact and it was not approved.

The Town Attorney stated that the permit would be denied, and the Town would make them take it out. It has happened before. On the current application, the business submitted all of their plans. Then, they did some things that required overlay approval. The patio was part of the disturbed area and the applicant wanted to put a fence there which needed to be approved. Some things that the business owner initially showed ended up requiring some additional approvals. The Town Attorney did not believe that the business owner failed to tell the Town what he was doing on the front end. With the proposal for the expansion, all of it came to a head. The business owner did not do things that he had not originally said that he was going to do. It has been a long process including a transition from John Settle as the previous Community Development & Planning Director to Tammie Clary as the new Community Development & Planning Director. Now, the Town is trying to get the business owner where he needs to be with all of the permits that he needs.

Nick Hess, the applicant, resides at 223 S. Church Street. He explained that he started the process with John Settle back in March to go to the April Planning Commission meeting. Months have passed and it is now August. Everything was previously approved but now he needs the additional items approved. He stated that he never did anything that he was not supposed to do. The improvements were on the plan all along. Mr. Settle gave verbal permission and added it to the SUP through Tammie Clary.

Councilman Hall stated that he went to the property. He believes they meet all of the requirements set forth by Mrs. Clary.

Mayor Williams opened the public hearing for anyone who might want to speak for or against the application. Hearing none, he closed he public hearing.

Councilman Hall made a motion to approve the SUP as presented. Councilman Pack seconded the motion.

Councilman Pack explained that he had visited the site with another Planning Commission member. The application is confusing. He stated that fences typically go on the lot line. It is not typically put 4' or 5' inside the property line. They walked the site and felt that the improvements were appropriate from an aesthetic point. There is a lot of equipment that they would like to get under roof which the Town Council can help them do. The application was confusing, but it was easier to understand by walking the site. The Planning Commission unanimously recommended the improvements for approval.

Mayor Williams stated that the changes are a tremendous improvement on the site. The building has been a dress shop, a gas station, and a dog groomer. It is good seeing the area dressed up. With no further discussion, Mayor Williams called for the vote.

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

**Motion to Fill the Unexpired Term of Michael Torrey on the Planning Commission:**

Councilman Pack explained that Mr. Torrey had not resigned from the Planning Commission. There was some miscommunication because of a job promotion which seems to be working out. Mr. Torrey would like to remain on the Planning Commission for the remainder of his term.

Mayor Williams pulled the item from the agenda.

**Motion to Approve the Town Council Summary Minutes of July 6<sup>th</sup>, 2021:**

The Town Attorney stated that normally he recommends minutes for approval. However, he would like to table the minutes. He was not criticizing Town staff, but minutes used to be verbatim but were changed to summary minutes. The minutes read as if they are statements of fact and the Town cannot do that. As an example, it should say "he said that the Planning Commission did not do their job" instead of "the Planning Commission did not do their job." The Town cannot have that in the minutes. Mr. Riddick explained that he has to go back and fix it all and attribute statements to people such as "Mrs. Jones said that the Planning Commission did not do their job." It is not fair to the Planning Commission for the minutes to say "The Planning Commission did not do their job" which is just one example. There are hundreds of those types of statements in the minutes. He has to go back and fix them all and work with Town staff to fix them. He has to do the same thing with the Planning Commission minutes. He asked the Town Council to table the minutes until they are fixed. They will be added to the agenda next month after corrections are made. Mr. Riddick explained that he was not going to omit what people said. He is going to correct them. The minutes cannot reflect statements as fact that are not factual statements.

Mayor Williams stated that the minutes would be tabled until next month.

**New Business:**

The Town Manager stated that since the last meeting he has been talking through the American Rescue Plan Act funds and potential ways to use those. With the increase in the Covid positivity rate in Isle of Wight County including the Delta variant, he has been looking at ways to incentivize employees to get the vaccine. Other localities surrounding the Town are doing an incentive program for employees to be vaccinated which is included in the guidance. He

recommended that the Town of Smithfield implement such a program such as offering \$100 to any employee that gets the vaccine which is in line with other localities. It would perhaps help to get the vaccination rate up for Town staff.

Councilwoman Butler asked what the percentage of Town employees that are not vaccinated.

The Town Manager stated that staff is over 50% vaccinated. Right now, it is voluntary for staff to provide the HR Department with the vaccination card. Once that is done, the Town considers the employee vaccinated. Vaccinated employees have not been required to wear a mask when the mask restrictions are not in place. He felt that some employees have simply not provided cards as proof of vaccination; but they really have no incentive other than not wearing a mask to do so. However, there are several employees that have not been vaccinated that he is aware of. The incentive of \$100 may encourage them to be vaccinated.

Councilman Pack explained that he had heard a lot about incentives through the press. He understood the meaning and purpose behind it. The problem he has with incentives is for the staff that were vaccinated to start off with.

The Town Manager stated that it would be retroactive. Anyone who had received the vaccine would receive the incentive. He did not want to punish the ones that received the vaccine initially and reward the ones that waited.

Vice Mayor Smith asked if the incentives program would follow what the state is doing.

The Town Manager explained that it is within the state guidelines. The Human Resource Director has done research with the Town's insurance carrier and others. It is following what other localities are doing. The incentives would go through payroll and taxes will be paid on it.

Vice Mayor Smith asked if that applied to the retroactive staff members too.

The Town Manager stated that he believed so.

Mayor Williams asked the Town Manager about mask mandates.

The Town Manager explained that Isle of Wight County has a high positivity rate classification at this point in time. The CDC guidance is that all individuals will have to wear masks indoors. Once our locality becomes no longer substantial or high in classification then we can go back to the previous guidance which says that only unvaccinated people have to wear masks. The mask guidance for the Town offices begins tomorrow.

Mayor Williams asked if there was any other new business.

The Town Attorney stated that there are four lots in Pinewood Heights that are ready to close. (1, 6, 8, and 12 Pinewood Drive). He explained that there would be a motion to authorize the Town Manager to accept the deeds. There is also a Deed of Easement for the RO Plant and there will need to be a motion to accept that as well.

Councilman Hall made a motion to accept the deeds for 1, 6, 8, and 12 Pinewood Drive as part of the Pinewood Heights Relocation project and the Deed of Easement at the RO Plant. Councilman Pack seconded the motion. With no further discussion, Mayor Williams called for the vote.

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

Smithfield Town Council  
August 3<sup>rd</sup>, 2021

**Old Business:**

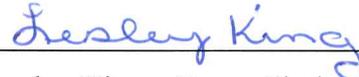
Mayor Williams welcomed Judy Winslow back as the Director of Tourism.

Mrs. Winslow stated that it was a pleasure to be back.

With no further business, the meeting adjourned at 7:24 p.m.



T. Carter Williams - Mayor



Lesley King – Town Clerk