

The Smithfield Town Council held its regular meeting on Tuesday, August 4th, 2020. The meeting was called to order at 6:30 p.m.

Members present:

T. Carter Williams – Mayor

Michael Smith – Vice Mayor

Valerie Butler

Randy Pack

Beth Haywood

Wayne Hall

Renee Rountree

Staff members present:

Michael Stallings - Town Manager

Lesley King – Town Clerk

Ellen Minga – Town Treasurer

Alonzo Howell – Chief of Police

John Settle – Community Development & Planning Director

Judy Winslow – Director of Tourism

Tammie Clary - Planner

There was one (1) citizen present. The media was not represented.

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

Manager's Report:

Mr. Michael Stallings explained that the July Informational Report was included in the packet. He stated that due to the tropical storm some parts of Town are without power. The Smithfield Blvd. area was the worst hit.

Public Comments:

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

There were no public comments.

Council Comments:

There were no Council comments.

Consent Agenda:

Mayor Williams asked if any Council member would like to pull any consent agenda item for further discussion. None were pulled.

C1. Motion to Amend the Smithfield Design Standard to Add Section 5.2 – Wastewater Pumping Stations and Appendix F – Work in Town Right-of-Ways.

Vice Mayor Smith explained that this item will help clarify during the bidding process.

C2. Motion to Authorize the Advertisement of a Public Hearing for the Refinancing of the 2017 Note.

Councilman Pack explained this would be to obtain better rates.

C3. Resolution Authorizing the Issuance and Sale of the General Obligation Refunding Bond, Series 2020A-1 in an Aggregated Principal Amount not to Exceed \$1,175,000.00 and the Execution and Delivery of Certain Documents Prepared in Connection Therewith.

C4. Invoices Over \$10,000.00 Requiring Council Authorization:

- | | |
|-------------------------------|--------------|
| a. AllFirst LLC | \$ 69,874.40 |
| b. Kimley Horn & Associates | \$ 24,087.87 |
| c. Virginia Retirement System | \$ 15,063.51 |

Councilman Pack explained that the invoice for AllFirst LLC is for various valves, flow monitoring, and software upgrades. The Kimley Horn & Associates invoice is for intersection improvement project. The last invoice is for the Virginia Retirement System which is a Line of Duty Fund. It will provide a little extra in VRS for the Town's active duty police officers.

C5. Appropriation Amendment Resolution for FY 2019/2020 for Cares Act Funding Reimbursement in an Amount of \$20,170.16.

C6. Appropriation Amendment Resolution for Projects not Completed in FY 2019/2020.

C7. Resolution to Reclassify a Portion of Cedar Street from Limited Access Right-of-Way to the Urban Maintenance System.

Councilwoman Haywood explained that VDOT stated it is a limited access right-of-way. VDOT would like for it to be reclassified as the Urban Maintenance System which will put the Town in compliance with VDOT.

C8. Motion to Renew the Lease for 315 Main Street.

Councilwoman Butler explained that the lease expired on June 30th, 2020. She recommended renewal.

C9. Motion to Renew Demolition Contract with WACO, Inc.

Councilwoman Butler explained that WACO, Inc. handles the demolition for the Pinewood Heights Project.

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

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

Public Hearing: Zoning Ordinance Amendment – Home Occupation:

The Community Development and Planning Director reported that a number of Town residents in the Attached Residential (AR), Multi-Family Residential (MFR), and Residential Office (RO) zoning districts have inquired with Town staff about establishing “professional offices” in their homes. Professional offices are currently classified under Smithfield Zoning Ordinance (SZO) Section 2.U.15.f as home occupation uses. Unfortunately, and pursuant to SZO Sections 3.E.C.13, 3.F.C.18, and 3.G.C.15, home occupation uses are only permissible in the AR, MFR, and RO districts following the successful acquisition of a Special Use Permit (SUP) from the Town Council. In order to ease the burden on residents and prospective business owners, Town staff have initiated a text amendment to Article 2 of the SZO which would allow residents in all zoning districts to establish “professional offices” in their homes without having to obtain an SUP from the Town Council. Additionally, by removing “professional office” from the uses listed in SZO Section 2.U.15 as requiring a home occupation permit, residents will now be able to establish professional offices in their homes without the additional hassle of obtaining a home occupation permit, provided they have acquired a business license from the Town Treasurer’s Office, and all other standards applied to home occupation uses are fulfilled. The bulk of the language proposed in this text amendment would appear as SZO Section 2.U.17, which would read: *Nothing in this Ordinance shall preclude an owner/occupant from having a professional office within their home. A professional office shall be excluded from obtaining a home occupation permit from the Planning and Zoning Administrator, so long as a business license is obtained from the Town, and all other applicable standards of this Section have been met.* At its Tuesday, July 14th, 2020 meeting, the Planning Commission favorably recommended this application to the Town Council, so long as the language “in excess of what is normally associated with a single-family dwelling” was removed from the proposed SZO Section 2.U.18. The requested change has been made. Town staff recommends approval as submitted.

Councilwoman Butler asked for clarification. She asked if a business could have client visit with the new text amendment or would they have to get a special use permit. Mr. Settle explained that, with the new text amendment, if they had client visits then they would have to get a special use permit. The Planning Commission did not want client visits to adversely impact the surrounding residential area. Mr. Settle explained that the text amendment puts the power of regulating it into the hands of the Planning Commission and Town Council.

Mayor Williams asked if a contractor would be able to park equipment at a home. Mr. Settle explained that there are other existing ordinances in place to prevent onsite storage.

Mayor Williams opened the public hearing. He asked if anyone would like to speak for or against the text amendment. Hearing none, he closed the public hearing.

Councilman Pack made a motion to approve the Zoning Ordinance amendment for home occupation as presented. Councilman Hall seconded the motion. With no further discussion, Mayor Williams called for the vote.

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

Public Hearing: Zoning Ordinance Amendment – Signage:

The Community Development & Planning Director explained that, over the course of the past year, Town staff have been tasked with rigidly interpreting, administering, and enforcing the Town's sign ordinance. In particular, temporary signage has emerged as a high priority concern for Town staff, the Town Council, as well as the general public. Through this task, Town staff have had the opportunity to work with countless business owners, event organizers, political candidates, and an assortment of community figures- all of these interactions have assisted tremendously in forming Town staff's understanding of the strengths and weaknesses of the existing sign ordinance. Through the input of the aforementioned groups and individuals, Town staff became convinced that the existing sign ordinance was not only in need of revisions- it was in need of replacement altogether. To better serve, enable, and protect the property owners, businesses, and residents of the Town, Town staff propose the complete repeal and replacement of the sign ordinance- Article 10 of the Smithfield Zoning Ordinance (SZO). Additionally, revisions are proposed for Articles 3.L & 3.R of the SZO. Collectively, these amendments to the SZO are intended to achieve the following:

- (1) The consolidation of all language regulating signage into Article 10 of the SZO. Currently, there are three different Articles (3.L, 3.R & 10) in which signage is regulated. This has proven problematic, as property owners in certain zoning districts and overlays seeking guidance on the permissibility of their proposed signage are caused to consult three different Articles for clarification. Articles 3.L & 3.R, the only Articles outside of the sign ordinance addressing signage, are also inconspicuously-named, causing the sign-related language contained therein to appear hidden or conniving. The proposed revisions to these Articles migrates this language into Article 10, effectively turning Article 10 into the "one stop shop" for Town signage regulations.
- (2) Another reason inspiring the replacement of the sign ordinance is the widespread duplication of language contained in the existing ordinance. In many cases, regulations that would apply to all sign types in all zoning districts is restated in each section outlining the restrictions in each zoning district. To shorten the overall length of the sign ordinance, and to make its use less arduous for both Town staff and residents alike, many sections of the old sign ordinance have been removed and noted in the "general requirements for all signs" section of Article 10. The most notorious example of this is the landscaping requirement for detached signs, which is currently referenced once in

Article 3.R, and twelve times in Article 10. Under the proposed revisions, it appears only once throughout the SZO.

- (3) The proposed replacement Article 10 will bring the Town's sign ordinance into compliance with the *Reed, et al. v. Town of Gilbert, Arizona, et al. (2015)* decision. As a result of this United States Supreme Court case, sign ordinances are now prohibited from containing any language which may be considered content-based. This decision was decided (in part) to preserve the first amendment rights of Americans when expressing thoughts, opinions, etc. through signage. The most evident language contained in the proposed Article 10 that seeks to remedy the Town's noncompliance with this decision is contained in the "purpose and intent" section of the ordinance. Additionally, any language throughout the ordinance which could be construed as being "content-based" was removed or replaced. The most prevalent example of this is the replacement of language referencing a type of sign's content with the phrase "draws attention to".
- (4) Finally, and of the most interest to the general public is a sensical relaxation of Article 10, Section G- commonly referred to as the temporary sign ordinance. The proposed revisions to this section will result in the following sampling of relaxed standards:
 - a. Applicants for temporary sign permits will no longer need to pay a ten dollar (\$10) fee, regardless of whether or not their proposed signage is for a business or a nonprofit.
 - b. Temporary sign permits are only required in the instances in which the proposed signage conflicts with any of the standards contained within Article 10, Section G. This allows Town staff to review each proposed sign on a case-by-case basis to assess whether or not the proposed signage could be injurious to the health, safety, or welfare of the general public.
 - c. Off-premises temporary sign permits are not required for the posting of signage at certain "high visibility" intersections in Town, so long as the property owner at that location provides their written consent to the applicant(s), and traffic safety visibility remains unobstructed, among other standards.
 - d. Temporary signs may be erected for any duration of time, so long as that duration of time does not exceed a total of six months (continuously or cumulatively) in any calendar year. Under the current ordinance, temporary signs cannot be erected for more than thirty days- after which, the temporary sign must be removed for at least thirty days before a new temporary sign permit must be issued. This cycle cannot occur more than three times a year.
 - e. Temporary sign permits are not required for temporary signage not visible from the public right-of-way. Under the current ordinance, these signs are not exempt.
 - f. Temporary signs directing attention to matters of personal expression (i.e. political campaigns, religious beliefs, etc.) are finally and officially exempted from requiring a temporary sign permit. Under the current ordinance, these signs are not exempt.

- g. The temporary sign ordinance is now structured in such a way that restrictions are tailored towards specific uses (i.e. car dealerships, farming operations, downtown boutiques, etc. From as early as 1998 onwards, the opposite has been a reality in Smithfield.

At its Tuesday, July 14th, 2020 meeting, the Planning Commission favorably recommended this application to Town Council, so long as the maximum allowable area for “event facility signs” is increased to six square feet. The Planning Commission’s requested change has been made through SZO Section 10.G.4.d.(1). Town staff recommends approval as submitted.

Mayor Williams asked about the VFW fundraising signs in particular. Mr. Settle explained that the VFW signs would be classified as reoccurring signs. A temporary sign permit is needed but there would be no fee. Most of the locations where the VFW places the signs is classified as high visibility intersections such as Nike Park, Battery Park, and South Church Street. In those locations, signs can be posted without a permit.

Mayor Williams opened the public hearing. He asked if anyone would like to speak for against the signage amendment. Hearing none, he closed the public hearing.

Councilman Pack made a motion to approve the Zoning Ordinance amendment changes as presented. Vice mayor Smith seconded the motion. Mayor Williams called for the vote.

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

Public Hearing: Establish a New Line of Credit with Farmers Bank for Utility Capital

Needs:

The Town Treasurer explained that the public hearing is for issuance of new debt to address the capital needs of the Town’s public utilities as adopted in the FY 2020/2021 budget. Town staff have been working with Davenport and Company to review the Town’s financial position. During the process, RFP’s were put out for existing and new debt in order to take advantage of low interest rates and to eliminate balloon payments. For the new debt under consideration, Farmers Bank offered the most favorable alternative. Six banks responded to the RFP. The alternative is an interim line of credit not to exceed \$1,650,000.00 at an interest rate at 1.45% per year. The Town would pay interest only on the funds that are drawn down with a maturity rate October 1st, 2023. It gives the Town the option of drawing only the funds that are needed. The Town would not be locked down to a defined principal amount at this time. As a reference, the Town has budgeted \$2,008,000.00 in utility capital repairs and replacement for FY 2020/2021 which includes: the sewer line replacement on Grace Street of \$600,000.00, water main replacement on Grace Street of \$600,000.00, water main repair for the Cypress Creek Bridge of \$50,000.00, truck with crane lift body of \$75,000.00, PLC and equipment for the RO Plant of \$50,000.00, and storage tank maintenance and repairs on South Church Street for

\$633,000.00. There are cash reserves in the form of escrow funds from prior year collections of Availability Fees and Pro-rata Share Fees. The intention is to use some of that for capital repairs and replacement; but the Town does not want to deplete those funds. The line of credit would give the option for financing.

Mayor Williams opened the public hearing. He asked if anyone would like to speak for or against the line of credit. Hearing none, he closed the public hearing.

Vice Mayor Smith made a motion to approve the line of credit with Farmers Bank for utility capital needs. Councilman Hall seconded the motion. With no further discussion, Mayor Williams called for the vote.

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

Motion to Accept the Nominating Committee's Recommendation to Fill the Unexpired Term on the Board of Historic and Architectural Review:

Councilman Hall explained that he and Councilman Pack have spoken to Chairman Gwaltney of the BHAR. There was a recommendation of Judith Lally who resides at 226 South Church Street. Everyone reviewed her Talent Bank form.

Councilman Hall nominated Judith Lally to fill the unexpired term for the BHAR. Councilman Pack seconded the motion. Mayor Williams called for the vote.

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

Motion to Approve the Town Council Summary Minutes of July 7th, 2020:

The Town Manager explained that the Town Attorney was not able to be at the meeting. They both reviewed the minutes. The Town Manager recommends the minutes for approval.

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

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

New Business:

There was no new business.

Old Business:

Councilwoman Rountree updated the Town Council on the golf cart issue. She appreciated all discussion at the committee meetings with regard to the amendments that would

be required to lower the speed limit so that golf carts would be allowed in some neighborhoods and downtown. She and the Town Manager spoke with Delegate Brewer. It is possible that she may be able to obtain an exception for the Town at the next session coming up in two weeks. The Town Manager stated that Delegate Brewer already had a drafted code change to allow golf carts in 35 mph speed zones. Councilman Rountree stated that details have not quite been worked out from Cypress Creek to downtown. It will be necessary to apply for changes to the bypass. Everyone is not comfortable with the Great Springs Road option. If Delegate Brewer can help, it would be to allow for someone to operate a golf cart in a 35 mph speed zone in town limits. It would only apply to the little section from Moonefield to the bridge. The Cypress Creek plan is still unresolved.

Councilwoman Haywood asked if it would apply throughout the 35 mph zones in all of the Town of Smithfield. Councilwoman Rountree stated that it would apply to all 35 mph zones. The Town Manager stated that more would be known about that once he saw the draft legislation. He has asked for a copy but has not received anything back from Delegate Brewer yet. Councilwoman Rountree explained that they had a study from Colonial Beach which stated that everywhere in their Town golf carts could be used in 35 mph speed zones versus the normal 25 mph speed zones.

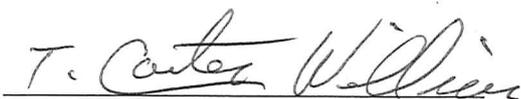
Councilwoman Butler asked why a study was done for comparison when Colonial Beach is a tourist/beach area. She asked if there was a main thoroughfare going through Colonial Beach. The Town Manager stated that the only reason Colonial Beach came up is because they are the only locality for the specific exemption in the State Code that the Town has asked about.

The Town Manager stated that there are two items happening. The Town has to go to the Commonwealth Transportation Board to have them approve anything with the Cypress Creek request. Delegate Brewer is working with the change to state code. The Town Manager is working with the Town Engineer to determine what is feasible.

Mayor Williams stated that he would like to see the area of Route 258 in front of Westside Elementary at 25 mph. It is currently 35 mph to 45 mph. He explained that now that the sports complex is there the current speeds are too fast. The Town Manager stated that the Town could ask VDOT to look at it again now that the sports complex has been completed.

With no further business, Mayor Williams adjourned the meeting.

The meeting was adjourned at 7:11 p.m.



T. Carter Williams - Mayor



Lesley King - Town Clerk