

The Smithfield Town Council held its regular meeting on Tuesday, September 1<sup>st</sup>, 2020.  
The meeting was called to order at 6:30 p.m.

**Members present:**

T. Carter Williams – Mayor

Michael Smith – Vice Mayor

Valerie Butler

Beth Haywood

Wayne Hall

Renee Rountree

**Members absent:**

Randy Pack

**Staff members present:**

Michael Stallings - Town Manager

Ellen Minga – Town Treasurer

Lesley King – Town Clerk

William H. Riddick, III – Town Attorney

Alonzo Howell – Chief of Police

Ashley Rogers – Human Resource Director

Judy Winslow – Director of Tourism

Chris Meier – Patrol Lieutenant

John Settle – Community Development & Planning Director

Tammie Clary – Planner

Charles Bryan – Planning Commission Vice Chairman

There were approximately ten (10) citizens present. The media was represented by of the Smithfield Times.

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

**Manager's Report:**

The Town Manager reported that the Department of Criminal Justice Services asked to present the award next month. It was not quite ready yet. He explained that the August Activity Report was included in the packets and he was available if anyone had any questions.

**Upcoming Meetings and Activities:**

September 8<sup>th</sup> - 4:00 p.m. – Pinewood Heights Management Team

September 8<sup>th</sup> - 6:30 p.m. – Planning Commission

September 15<sup>th</sup> - 6:30 p.m. – Board of Historic and Architectural Review

September 28<sup>th</sup> - 3:00 p.m. – Town Council Committee Meetings (Consecutive)

Public Safety Committee

Water and Sewer Committee

Finance Committee

September 29<sup>th</sup> - 3:00 p.m. – Town Council Committee Meetings (Consecutive)

Parks and Recreation Committee

Public Works Committee

Public Buildings and Welfare Committee

**Public Comments:**

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

Mr. Derek Boone stated that he was not speaking for the Smithfield Packers. He stated that the sports complex was a beautiful facility. He explained that it brings a lot to the Town; but he would like to see more fields there. There is one football field that can also be used for soccer or field hockey. If there were more fields, there could be more teams, more access, and more for youth to participate in. He is hoping the Town can fix the parking issue. He would like more accessibility for different organizations to play. With the new schools coming along, there will be limited field space for practice and play. He explained that statistic show that the NFL and the NBA are 80% African Americans. He loves baseball; but only 10% are playing baseball. If the Town only has baseball fields and no football, soccer, lacrosse, or field hockey fields then a major percentage of other players have nothing to do. It would also bring more revenue. He asked if the Town was looking into the indoor facility. The YMCA has basketball courts; but two people doing yoga will cancel an opportunity for youth to play basketball there. He stated that the Town needs more indoor facilities for the kids to play basketball so they can be great. It

builds leadership skills and confidence. He wants to give kids the chance and the opportunity to grow into something. Mr. Boone asked if there was a plan for the old Jersey Park basketball goal. He explained that it looks bad out there. The kids have nothing to do. He stated that it is probably privately owned and the Town has nothing to do with it. He asked if the Town knows anything about a project for that. If kids have nothing to do, things can get bad and the police have to handle situations. He would like to see more things done for the youth.

Mr. Herb DeGroft stated that he was speaking for the Isle of Wight Citizens Association. He wanted to make everyone aware that there will be a public forum on September 14<sup>th</sup>, 2020 at the Windsor Town Center. Representatives from health organizations will be there to explain the current status of the pandemic and what it looks like moving forward. They will also discuss the upcoming flu season. It is at 7:00 p.m. on September 14<sup>th</sup>, 2020 at the Windsor Town Center. Mr. DeGroft also stated that on November 11<sup>th</sup>, 2020 there will be a veteran's program at the Veteran's Memorial on North Church Street at 11:00 a.m. He hopes the Mayor and Town Council members can attend.

Ms. Julia Novak stated that she is one of the organizers for Smithfield Animal Save. She explained that they hold a vigil at the Smithfield Packing Plant, typically, every Sunday and/or Monday nights. They bear witness to the pigs lives that come through on the transport trucks before they are killed. They bring light to the public about the conditions that they come in on. The public is not aware of the conditions that the pigs arrive in and what they go through to get here. She wanted to discuss the proposal for the assembly permits and what the changes would do to their organization. She explained that they have always had a good, civil, and peaceful relationship with the Town for their vigils. The Town has always granted them multiple weeks and months on one permit. Their permit never changes. They do the same thing every night that they are out there with the peaceful vigil. The new proposal states that a new permit would be needed for every single night they are out there five days in advance. There would also be a permit fee of \$25.00 for each permit. Money is not made from the vigils. It is non-profit and everyone is a volunteer. Ms. Novak was asking that if the new proposal is passed that Smithfield Animal Save be exempt from the new proposal.

Mr. Ken Penn asked the Town Council to consider if the new proposal for Assembly Permits would infringe on certain civil rights. He explained that small groups for any cause would have a difficult time with the new proposal. He opposes the changes to the Assembly Permit process.

Ms. Julie Coffey stated that she is an organizer with Smithfield Animal Save. She opposes the changes to the permitting process. She asked the Council to reconsider the fees and choose not to limit the number of permits per year.

Mr. Albert Burckard stated that he was not speaking for the Historical Society or the Carrollton Civic League. He asked each Town Council member to attend the county public hearing at 6:00 p.m. on September 3<sup>rd</sup>, 2020 at Smithfield High School. The subject is the fate of the war memorial at Monument Circle in front of the 1801 Courthouse building. He asked each Town Council member to publicly support the retention of the monument/memorial as a historical edifice of Isle of Wight County. It is no less important or worthy as the 1750

Courthouse building or the dozens of other pre-1865 historic homes in the Town of Smithfield or throughout the county. He explained that each of these buildings would have been built in part or entirely by slave labor. It was the existing labor force at the time as it was generally throughout most of the original thirteen colonies. It is a historic fact. Slave labor was also used to build the White House and the U.S. Capitol buildings in Washington, D.C. Should all these buildings be demolished because slaved African Americans helped build them; of course not. Several peaceful protests walked through Smithfield recently as well as at the courthouse in Isle of Wight County. Their theme was the demolition and removal of the county war memorial. He explained that he witnessed both events and it was the only purpose which was well reported in the local media. A speaker at a recent Board of Supervisors meeting at the County stated that this was just the beginning. Another speaker at the rally in Smithfield shouted “let the revolution begin.” Mr. Burckard heard it because he was there. He asked what was next for our communities; vegan protestors smelling blood in the water. Recently, there were harassed customers at the Taste of Smithfield. Another small PETA mob of protestors were recently in front of Smithfield Foods. Does the Town name need to be changed since the founding family owned slaves for several generations? Will all the Town Council members decide to remove the beautiful life-size bronze statues of Jefferson and Washington since they were slave owners? He explained that the Council needed to decide if they honor and believe in the local history. He asked if the Town keeps its symbols or destroys them because a shouting mob of mostly outsiders demands it. He asked that each Town Council member take a public stand on these issues. He asked if the Schoolhouse Museum would become a future target of other mobs that would demand its removal. He wants everyone to search their own conscience and decide if erasing some history is worth the risk of having all the County history erased on the whims and passions of the moment. Mr. Burckard ask the Town Council members to help preserve all the history; both the glorious and the odious. Even the most offensive symbols can be a constant reminder to everyone of things that never should be repeated.

There were no other public comments.

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

Supervisor Grice reported that during COVID emergency restrictions the Board of Supervisors can now vote on issues of concern during work sessions. Action was taken on four issues at the August 6<sup>th</sup>, 2020 Board of Supervisors work session. The first item was authorization of a public hearing on the issuance of a bond to finance the replacement of Hardy Elementary School and other planned capital improvement projects. It will necessitate a tax rate increase of five cents or less depending on the interest rates. There will be a public hearing on September 9<sup>th</sup>, 2020. The second issue was a second matching allocation of CARES Act Funds for the County and both Towns. A portion of the monies will be allocated for a second round of 2,000.00 grants for all small for-profit businesses operating in the County that have been affected by COVID 19. He urged everyone to support the local businesses. The second choice would be to order online. Both options keep the sales tax money in the County. The third item was that the Board directed staff to move forward on the application for the Virginia Technology Initiative Grant funds. These funds would be used to expand broadband services within the County. The

fourth item is to forgo a referendum and move to a public meeting on the disposition of the confederate monument located in the front of the old courthouse since 1907. The public hearing will be held on September 3<sup>rd</sup>, 2020 at Smithfield High School. He urged citizens to attend or send an email to the County. The website address is [comments@iwus.net](mailto:comments@iwus.net). Supervisor Grice also reported that the Board of Supervisors accepted an Obici Healthcare Grant and a certification for achievement of excellence for financial reporting. They authorized a temporary reduction in water tap fees to encourage new users since the pipeline on Route 10 is now operational. He was available for questions from the Town Council members.

**Council Comments:**

Councilwoman Rountree explained that she was in contact with multiple citizens over the last month and explained their comments and concerns. She received two emails following the Smithfield Times report on golf cart access downtown. They are both in support of golf carts downtown from the neighborhoods. She also spoke to the HOA president for Cypress Creek. He asked about street cleaning. He stated that it is supposed to be done twice a year and he would like to know the schedule for the Cypress Creek neighborhood. Councilwoman Rountree followed up with the leader for the Broadband Task Force. He was very knowledgeable and supportive. He supports the golf cart initiative and would like to see the plan for making sure that businesses plan to come back to closed shops.

Councilwoman Butler stated that she hopes the school year will be successful for all students. The pandemic is unprecedented. Years from now, she hopes the students will have a story to tell about school during a pandemic.

**Consent Agenda:**

Mayor Williams asked if any Council member would like to pull any item for further discussion. Councilwoman Haywood pulled item C1.

**C1. Pulled from Consent Agenda.**

**C2. Motion to Authorize Purchase of Perpetual Drainage Easement Behind Reverse Osmosis Water Treatment Plant:**

Vice Mayor Smith explained that other families own this property. The Town is making an offer to purchase.

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

- |   |              |
|---|--------------|
| a. Core & Main<br>(water meter registers)                                     | \$ 15,400.00 |
| b. Draper Aden Associates<br>(2020 manhole inspections & rehab)               | \$ 45,165.25 |
| c. Lewis Construction of Virginia<br>(install sewer manhole & 2 new laterals) | \$ 14,000.00 |
| d. Kimley Horn & Associates<br>(intersection improvement project)             | \$ 29,769.10 |
| e. Central Square Technologies<br>(annual software & maintenance fee)         | \$ 26,697.87 |

**Additional Invoices Received Since Finance Committee:**

f. Acme Equipment (budgeted scissor lift)	\$ 11,694.00
g. Beach Ford (budgeted Public Works truck)	\$ 34,903.00
h. Axon Enterprise, Inc. (budgeted Police equipment)	\$ 10,320.02

**C4. Authorization to Make Contribution of CARES Act Funds to the Western Tidewater Free Clinic and Isle of Wight Christian Outreach:**

Vice Mayor Smith explained that this contribution is eligible under the CARES guidelines.

**C5. Motion to Approve Contribution of 20% from Second Round of CARES Act Funding to be Used for Isle Rebound Grant Program with the Adoption of Certification Resolution:**

Vice Mayor Smith explained that the Town of Smithfield, Town of Windsor, and Isle of Wight County are partnering on Isle Rebound.

**C6. Motion to Reallocate Remaining Funds from VDOT's Urban Fund for Segment 3 of the Nike Park Trail to Preliminary Engineering Phase and Rename Project as a Study:**

Councilwoman Haywood stated that the study will help determine the route of the Nike Park Trail through the Town of Smithfield.

Vice Mayor Smith made a motion to approve consent agenda items C2 – C6 as presented. Councilman Hall seconded the motion. With no further discussion, Mayor Williams called for the vote.

On call for the vote, six members were present. Councilwoman Rountree voted aye, Councilman Hall 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.

**Ordinance to Amend Town Code as it Pertains to Assembly Permits (Item C1):**

Councilwoman Haywood asked if there were options to work with the people that spoke against the amendments to the ordinance for Assembly Permits.

Mayor Williams asked the Chief of Police if there had been any incidences with the Smithfield Animal Save group. Chief Howell reported that there had been no incidents with their organization. He explained that in light of the current climate, the Town has to try to maintain order as far as knowing what is going on.

Councilwoman Rountree clarified that the red-lined changes to the ordinance did not include a limitation on the number of permits. The Town Manager explained that the limit on the number of permits was removed. Concern about the fee can be discussed.

Councilwoman Butler stated that the group is non-profit and they are concerned about the fee. There have not been any issues with them. They have been doing this for quite a while. She asked what other municipalities do regarding a fee. The Town Manager explained that many localities do not have Assembly Permits whatsoever. He stated that any changes needed to be for all and not just for one organization.

Councilwoman Rountree agreed that there is some administrative burden in reviewing the applications and the Chief of Police having a police presence at the location. If the applicants could apply for multiple days on the same permit then that would lessen the burden on Town staff. The Town Manager stated that the code allows them to apply up to sixty days in advance. It would be the maximum amount of time without amending the existing code.

Mayor Williams asked how many people usually attend. Julia Novak stated that, on average, there are about ten people present. The permit is usually written for thirty people in case more attend to support animal rights.

Mayor Williams asked if all were adults. Julia Novak stated that her son usually attends and he is five years old. They usually have the vigil on Sunday nights; but occasionally, they meet on Monday nights as a backup day or a rain day.

Mayor Williams asked how far the participants are driving to come to Smithfield. Ms. Novak stated that she lives in Virginia Beach. The other attendees are mostly from Virginia Beach as well.

Councilwoman Rountree asked if this group was the only group that submits for permits. The Town Manager explained that it is the only frequent one since he has been with the Town.

Councilwoman Butler asked Ms. Novak if \$150.00 for the year would be a hardship for her organization? Ms. Novak stated that if it was their only option then they would make it work. If they paid the \$25 fee every sixty days then they could be onboard with that. The Town Manager stated that the wording could be changed to allow for more than one date on a permit.

Mayor Williams stated that this is only one organization. He does not mind the group coming at all since they are peaceful and are passionate about their cause. His concern is that others may not be that way.

The Town Manager explained that even deleting the section about one permit per event the Town is still tightening the regulations from the current ordinance. An applicant can currently apply for as many events as they want and there is no fee. The fee would help to cover some of the administrative time and costs. If no changes are made, an applicant can apply for as many events as they want. The requirement is that they file an application no less than five days before the event and no more than sixty days before the event. It gives the applicant as much as fifty-five days for an assembly permit. The application is reviewed but the Town would probably not grant someone a permit that wanted to assemble seven days a week. The Town Attorney reminded the Council that it was discussed at length at committees. The Council did not want to limit freedom of speech or how many times someone could assemble. He stated that what the Town Manger has suggested is a reasonable compromise. It removes the provision that prohibits someone from applying for more than one date during a sixty day period. Ms. Novak has said that it would not be burdensome to her group.

The Town Manager explained that the changes to the Assembly Permit process would be to add in the \$25.00 fee and to clarify the five days to five business days. It would remove the restriction of how many someone could apply for on one application.

Councilwoman Rountree made a motion to remove the section about one date per application; but included the fee and clarification for five business days. Councilman Hall seconded the motion. With no further discussion, Mayor Williams called for the vote.

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

**Public Hearing: Zoning Ordinance Amendment – Ground Source Well:**

The Community Development and Planning Director reported that due to the Smithfield Town Code (STC) Section 82-45, as well as the nature of ground source heating, ventilation, and air conditioning (HVAC) systems that require wells for operation, Town residents, prospective residents, and contractors are encountering situations where they cannot replace or install their ground source HVAC systems without first obtaining a Special Use Permit (SUP) from the Town Council. STC Section 82-45 reads: *Where a public water supply is available in the town it shall be unlawful to connect a residential or commercial structure to a private well or other water supply except as may be approved by the town manager on a temporary basis or by approval of a special use permit in accordance with the provisions of the town's zoning ordinance.* In order to ease the burdens and frustrations of prospective applicants, Town staff have generated a text amendment to Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, 3.G, and 3.H of the SZO, which would allow residents in all residential zoning districts to utilize wells for ground source HVAC systems, by right, without having to obtain an SUP from the Town Council. The language proposed in this text amendment would appear in tandem with the irrigation well use that appears in Section B, "Permitted Uses", in Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, and 3.G of the SZO. Additional language proposed in this text amendment would add wells for ground source HVAC systems to Section I, "Additional Regulations", in Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, and 3.G. Lastly, for reasons unclear to Town staff, irrigation wells were not included as a permitted use in the Downtown zoning district. This is a mixed-use district with a high concentration of residential properties. This text amendment would add irrigation wells and wells for ground source HVAC systems to Article 3.H, Section B, "Permitted Uses", in addition to Section I, "Additional Regulations". A red lined version of this text amendment is included in the pages immediately following this staff report. At its Tuesday, August 11<sup>th</sup>, 2020 meeting, the Planning Commission favorably recommended this application to the Town Council. Town staff recommended a favorable report to the Town Council.

Vice Mayor Smith asked what happens to the water after it is used. Mayor Williams stated that it goes back into the ground. It is a loop. Vice Mayor Smith wanted to know if the ordinance addresses that the water must go back into the ground for a geo-thermal system. Many people run it over a hill or into a pond. He is familiar with the system and has seen people abuse it. It is a concern environmentally. The system is supposed to have a shallow well to distribute the used water back into the ground. The Community Development & Planning Director stated that it is not addressed. It only adds ground source HVAC systems to the list of permitted uses.

The Town Attorney suggested a condition that any such HVAC system would be a closed loop or a return system. The other option would be to prohibit any type of discharge system.

The Community Development & Planning Director explained that it could be satisfied by the definition of ground source HVAC systems. The Town Attorney suggested it state “for the purpose of this ordinance, wells shall not be permitted for the installation of an above ground HVAC system.” It is hard to define all of the different kinds of systems; but the Town can prohibit the discharge system.

Mayor Williams declared the public hearing open. He asked if anyone would like to speak for or against the application.

Mr. Charles Bryan, Vice Chairman for the Planning Commission, explained that the Planning Commission had concerns about the discharge system as well. When they recommended the amendments to the Town Council, the Planning Commission understood it to be a closed loop system. He explained that they would not have approved discharge above ground.

With no further comments, Mayor Williams closed the public hearing.

Vice Mayor Smith made a motion to approve the changes with the addition of no discharge above ground. Councilwoman Butler seconded the motion. Mayor Williams called for the vote.

On call for the vote, six members were present. 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 – Short Term Rentals:**

The Community Development & Planning Director explained that, currently, there is nothing to address short-term rentals in any Town Ordinance. With current trends and the influx of Internet-based short-term rental housing markets, homeowners/occupants have the ability to rent their entire house or portions (rooms), for a short period of time. These short-term rentals are usually for a week or weekend. We are aware that there are some short-term rentals currently being operated in Town. This text amendment will function as an avenue for these short-term rentals to legitimize their businesses. Additionally, by requiring a business license for all short-term rentals, residents will be allowed to openly report income for taxation purposes. To better serve and protect Town residents, Town staff propose the following text amendment to Article 2, creating Section Z. This text amendment to the SZO is intended to achieve the following:

- (1) The assurance of compliance with existing public and private legal infrastructure by requiring the operator to obtain a Town business license, assure service by a Virginia-licensed waste management facilities operator, and continued compliance with any

- other section of the Town Code and any private restrictions and covenants (i.e. owners' associations, etc.).
- (2) The creation of development standards by limiting the total number of rentable nights per calendar year to 104 nights, the total length of stay to no more than thirty days, and the prohibition of short-term rentals in accessory buildings and structures, among other standards.
  - (3) The provision of an avenue for legitimization for those currently operating short-term rentals in the Town by requiring them to obtain a business license, and pay occupancy tax, enabling those operators to report their earnings as taxable income, which consequently expands the Town's tax base.
  - (4) The empowerment of decision-making bodies (i.e. the Planning Commission and Town Council) by establishing them as stakeholders in the decision-making process- this is done through the proposed language in which short-term rentals not classified as "homestays" are required to apply for a Special Use Permit. This also ensures that there is necessary oversight above the administrative level in this permitting process.
  - (5) The creation of necessary avenues for recourse if violations are discovered.
  - (6) Language was incorporated into the proposed text amendment in which existing short-term rentals operating prior to the date of adoption of the proposed SZO Section 2.Z and which conflict with the standards contained therein may be approved administratively by Town staff following the operators' submittal of satisfactory evidence to the Town that they were operating prior to the date of adoption of the proposed Section 2.Z.

In order to reach this end, this text amendment imposes provisions that are consistent with other localities, as well as best planning practices suggested by the Virginia State Bar. In order to ensure that these provisions are met, prospective operators will be required to complete, sign, and notarize an affidavit assuring all applicable provisions are adhered to. To remove ambiguity, the terms "short-term rental" and "homestay" will be added to the definitions in Article 13, Section B. A red lined version of the proposed language of this text amendment, as well as a draft version of the proposed short-term rental affidavit, accompany this staff report. At its Tuesday, August 11<sup>th</sup>, 2020 meeting, the Planning Commission favorably recommended this application to the Town Council. Town staff recommended a favorable report to the Town Council.

Councilwoman Haywood asked the Town Attorney if item #6 is okay to do. The Town Attorney explained that non-conforming uses can be grandfathered. If someone is doing something that has never been regulated and a new regulation is put into place then the Town Council can exempt them. Some provisions would still be required. Government changes the laws all the time. It is generally seen as unfair to make the rules after someone has already started doing something.

Councilwoman Rountree asked how taxes work. In other towns, people travel to stay for short-term rentals. They have specific rules about the person that owns the property paying the

taxes back to the locality. People are renting homes instead of hotel rooms. Mr. Settle explained that the text amendment keeps the transient occupancy tax in place. The Town Manager explained that the Town would start collecting it on the grandfathered ones because they would then be legitimized. Currently, they are under the radar. The grandfathered ones would have to pay the tax. The Town Attorney explained that the current ones will have to comply with the licensing requirements. Mr. Settle explained that they would need a business license and would be monitored by the Town.

Councilwoman Butler asked what would happen if ownership were to change. Mr. Settle explained that non-conforming conditions run with the land. If a non-conforming use is discontinued for a period in excess of two years then it expires.

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

Vice Mayor Smith made a motion to approve the amendment as presented for short-term rentals. Councilman Hall seconded the motion. With no further discussion, Mayor Williams called for the vote.

On call for the vote, six members were present. Councilman Hall voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith 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: Refinance 2017 Note to a General Obligation Bond for Various Capital Projects in an Amount not to Exceed \$4,205,000.00:**

The Town Treasurer reported that this is a taxable bond that will replace the existing note that was obtained through Farmers Bank for 5,000,000.00 that was subject to an interest rate reset. The purpose of the financing is for various capital projects including phased rehab in Windsor Castle Park, acquisition and construction of the public sports complex, renovations to the Smithfield Police Evidence building, Clontz Park Boat Ramp, as well as various utility system improvements. The actual payoff of the Farmers Bank loan is \$4,168,652.00. The net interest cost if the new loan is 1.526% and the net present value savings is calculated to be 68,303.62. This is the third and last of the loans the Town worked on with Davenport.

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

Vice Mayor Smith made a motion to approve the refinancing of the note as presented and authorize Town staff as may be necessary to execute all documents. Councilman Hall seconded the motion. Mayor Williams called for the vote.

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

**Motion to Approve the Town Council Summary Minutes of August 4<sup>th</sup>, 2020:**

The Town Attorney reviewed the minutes and recommended they be adopted as presented.

Vice Mayor Smith made a motion to approve the minutes. Councilwoman Butler seconded the motion. Mayor Williams called for the vote.

On call for the vote, six members were present. Councilman Hall voted aye, Vice Mayor Smith voted aye, Councilwoman Rountree voted aye, Councilwoman Haywood voted aye, Councilwoman Butler 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:**

There was no old business.

**Closed Session:**

The Town Attorney stated that the Council needed a motion to go into closed session for the purpose of discussing the acquisition of real property for public purposes pursuant to 2.2-3711.A-3 of the Code of Virginia.

Vice Mayor Smith made a motion to go into closed session. Councilman Hall seconded the motion. Mayor Williams called for the vote.

On call for the vote, six members were present. Councilman Hall voted aye, Councilwoman Haywood voted aye, Councilwoman Rountree 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.

*The Town Council went into closed session at 7:38 p.m.*

*The Town Council returned to open session at 7:50 p.m.*

The Town Attorney stated that a motion was needed to go back into open session.

Vice Mayor Smith made the motion and Councilman Hall seconded. Mayor Williams called for the vote.

On call for the vote, six members were present. Councilman Hall voted aye, Councilwoman Haywood voted aye, Councilwoman Rountree 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.

The Town Attorney stated that a motion was needed that during the closed session there was only a discussion of acquisition and disposition of real property for public purposes pursuant to 2.2-3711.A-3 of the Code of Virginia.

Vice Mayor Smith made the motion and Councilman Hall seconded. Mayor Williams called for the vote.

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

Smithfield Town Council  
September 1<sup>st</sup>, 2020

The meeting was adjourned at 7:50 p.m.



T. Carter Williams

T. Carter Williams - Mayor



Lesley J. King

Lesley King – Town Clerk