

The Smithfield Town Council held its regular meeting on Tuesday, September 5th, 2017. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor; Mr. Michael Smith, Ms. Connie Chapman, Mrs. Denise Tynes, Mr. Randy Pack, and Dr. Milton Cook. Staff members present were Mr. Peter Stephenson, Town Manager; Mrs. Lesley King, Town Clerk; Mr. William G. Saunders IV, Planning and Zoning Administrator; Ms. Ellen Minga, Town Treasurer; Mr. William H. Riddick, III, Town Attorney; Mrs. Ashley Rogers, Human Resource Director; Mr. Alonzo Howell, Smithfield Police Chief; Ms. Judy Winslow, Tourism Director; Mr. Bill Davidson, Planning Commission member; and Mrs. Amy Novak, Director of Parks and Recreation. There were approximately five (5) citizens present. The media was not represented.

Prior to the regular Town Council meeting, a closed session was held at 6:00 p.m.

Mayor Williams – Ladies and gentlemen, I would like to call this special evaluation meeting to order before our Town Council meeting of September 5th, 2017 at 7:30 p.m. It is now 6:00 p.m. I will call this meeting to order. At this time, I would like to go into Closed Session.

Town Attorney – You need a motion to go into closed session pursuant to 2.2-3711.A.1 of the Code of Virginia for the purpose of discussing personnel matters.

Councilwoman Chapman – So moved.

Councilman Pack – Second.

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

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

Town Council went into closed session at 6:02 p.m.

Town Council returned to open session at 7:23 p.m.

Town Attorney – We need a motion that during the closed session only matters related to personnel were discussed pursuant to 2.2-3711.A.1 of the Code of Virginia.

Councilman Dr. Cook – So moved.

Councilman Pack – Second.

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

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

Mayor Williams – We are now back in open session.

Councilman Dr. Cook – I would like to make a motion that we take a five (5) minute recess.

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

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

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of September 5th, 2017. It is now 7:30 p.m. Thank you all for coming out tonight. Please join me as we stand for the Pledge.

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

Mayor Williams – Thank you. I would like to recognize former Mayor Chapman is here with us tonight. It is good to have you here. We will start off tonight with the Informational Section with the Manager's Report.

Town Manager – Thank you, Your Honor. Welcome everyone. The August Activity Report was included with the agenda posting on Friday. In terms of meetings for the month ahead, we have a Pinewood Heights Management team meeting on September 12th at 4:00 p.m. We will also have a neighborhood meeting at 6:00 p.m.. We are trying to get the residents in the final section included in the last grant application. The Planning Commission will meet at 6:30 p.m. on September 12th also. The Board of Historic and Architectural Review will meet on September 19th at 6:30 p.m. Committees will meet on September 25th and 26th at 4:00 p.m. each afternoon. I know we are trying to also arrange the Sister City event with Smithfield Foods for our friends in China. I received information today that the 19th may need to be rescheduled. We will keep you

posted on that. We are still looking at September but the 19th is doubtful at this moment. On September 18th, Mr. Andy Cripps with the Smithfield Chamber of Commerce wanted me to remind you all that they have their annual awards reception from 6:00 p.m. until 9:00 p.m. in the clubhouse at Cypress Creek. The town, due to our sponsorship, does have some tickets to that. If you are interested, please let the Town Clerk know. Just to make sure that everybody is aware, as a follow up to last month's Intergovernmental Committee meeting within the next week, town and county staff will be getting together to follow-up on that discussion that we had earlier last month.

Councilman Dr. Cook – Did you say within the next week?

Town Manager – We have a staff to staff meeting scheduled. Yes, sir, we do have that scheduled.

Councilman Dr. Cook – Good.

Town Manager – At committee, I had made a note. For those of you that are here this evening and may have read that Action Item #2 on the agenda might be a public hearing, it is not. It is not required to be a public hearing. If anybody is interested in Action Item #2 and would like to speak, it would be under public comments. Your comments would be most welcomed. Please sign up under public comments. There is not a separate public hearing. Thank you.

Mayor Williams – We will now move to Public Comments. The public is invited to speak to Council on any matter except public hearings. We have one (1) of those tonight. There is a separate signup sheet for the public hearing. Comments are limited to five (5) minutes per person. Any required response from the town will be provided in writing following the meeting. Please, for the record, state your name and address.

Town Manager – We have two (2) signups for public comments. The first is Theresa Mulherin.

Ms. Mulherin – I live at 206 Washington Street. I would like to speak in opposition to a \$350,000.00 loan, on the taxpayer's behalf, in order to purchase or build a barn. I am not unfamiliar with barns. My stepfather owned a farm. I am pretty familiar with how much they cost. I do not think they cost that much money; but I am sure you have an itemized list of what it is. I did have a chance to hear the builder speak at the BHAR meeting. The builder said they would be placing air conditioning in the barn which would mean, I guess, it is an insulated barn. We did not have that. There will be restrooms etc.

It must be a little bit more than a barn. I pulled the Department of Historic Resources minutes related to the easements and the proposals to build the barn. The DHR, in item #3, said that “completion of all rehab and capital improvements described in condition #2 must occur prior to construction of a 2,500 square foot barn and associated new outbuildings.” So, that may mean the cost of that for our Treasurer does not have to come out this year. I do not know if everything is rehabbed at this point at Windsor Castle Park. There were six (6) items on the archeological survey which included all of the utilities, stabilization and rehab of historic buildings including the smokehouse, kitchen, log, corncrib, farm office, granaries, exterior rehab of the tenant house which includes new roof, repair foundation, repair/replace windows, repairs and rehab of the main house according to prioritized conditions etc. I also directly heard the builder say “thanks to the generosity of Smithfield VA Events who are completely funding the project.” I do not think that you need to take out a loan on their behalf. Thank you and I will leave you with the minutes from that meeting.

Mayor Williams – Thank you.

Town Manager – The next signup is Mr. Mark Gay.

Mr. Gay – I live at 110 Goose Hill Way. Members of Council, it has now been two (2) months since one among you availed himself of Council’s Rules of Order to subject me to a lengthy rant here at a Council meeting. I would just like to say that as a Colonel of Combat Arms it is beneath me to respond directly to those comments. As one who has served this nation in harm’s way for over thirty-one (31) years, I retain both the right and privileges as a citizen to speak when I observe patent abuse of democracy which I believe strongly could be the case here in my adopted hometown of twenty (20) years. Let there be no doubt that I can handle the stress and the pressure and the duty that comes with a Council seat or Council responsibilities. I have borne them well in many different ways over the years. My belief is that there are many other people in this town who are experienced, educated and sensible who are willing to put the interest of the town’s people above personal gain. I am hoping to see those people at the polls here in the months ahead. Predictably, the most controversial item on tonight’s agenda is its last. It is the issue of whether the town folk should bankroll the construction of two (2) party barns at Windsor Castle. If I understand correctly those buildings will not simply be air conditioned but will have bathrooms as well; so, they are hardly historical

restorations or renovations. At least we now understand why the cost of two (2) barns can exceed \$350,000.00. Like Ms. Mulherin, my dad is a cattleman farmer. We had barns; horse barns, cattle barns, and hay barns. They do not cost anything close to that. Mind you, I am not opposed to the charitable goodness that Smithfield VA Events proposes to continue showering on the town. However, I am holding a lengthy letter from the attorney for the Weiss family that is now seven (7) months old. Mr. Riddick, I believe you have seen this document in as much as it was addressed to you personally. It confirms in spades a phone call that I received in mid-June from a member of the Weiss family. My belief is that an out of court settlement was reached with the Weisses'; the contents of which have been withheld from public knowledge to this point. So, my opposition to the barns and to the cost of the barns is derived from my belief that Smithfield VA Events essentially appropriated the Weiss family's business plan for Windsor Castle to use as its own. One could argue, simply, that is business. In this case, however, the last minute refusal of the Weiss's offer to purchase property not only cost the taxpayer \$2,000,000.00 over the last two (2) years; but also placed an indelible stain on this town's honor in its business dealings. To quote a prominent citizen of downtown who is not here this evening, "the actions of Town Council with regard to the Weiss's were dishonorable if not illegal." So, my vote tonight for the barns is 'no.' I hope the majority of you will agree with me. Thank you.

Mayor Williams – There are no more signups for public comments. Is there anyone else who would like to step forward?

Former Mayor Chapman – Thank you, Mr. Mayor and Council members. I am sorry I forgot the signup sheet. I used to do it twenty (20) years ago; but I forgot this time. Nevertheless, I want to thank you for being at my ribbon cutting along with Councilwoman Tynes. Supervisor Grice was there also. The next thing is to thank you for those jokes you told on me too. The third thing I wanted to say, I am a little late in doing this, is to congratulate the entire Council for the great work you did. You made history a few weeks ago when you elected Alonzo Howell as the Chief of Police for the Town of Smithfield. It is history. You are down in the history books now. Of course, I know that all of you did not want him to be the Chief; but what was so good about it was that before you voted you all got together. I think you all voted unanimously for him to be the Chief of Police. It is a wonderful thing. I know the Town Manager got some grief

for nominating him. You stood well as Town Manager. Congratulations to you too. I want to thank you again just for the good work you are doing for the Town of Smithfield. Now, I am hearing about these barns at Windsor Castle. I was born over there by those barns. Thank you very much.

Mayor Williams – Thank you. Is there anyone else who would like to come forward for public comments? Hearing none, we will move to a Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Grice – Good evening ladies and gentlemen. At our meeting on August 17th, the citizen comments were as diverse and far reaching as I have had the pleasure of listening to in my twenty (20) months on the Board. The comments were made with conviction and personal concern. They covered everything from the bike path, property issues, road work, use of taxpayer funds, to prayer, and monuments. Each subject will be addressed in time. In the interim, I would encourage citizen participation in your local governments. Everyone living in the county, which includes Smithfield and Windsor town residents, will be impacted by the county governments actions or lack thereof. If you cannot attend the monthly meeting, you can watch them by streaming them online or get them from the county website in the meeting video archives. Starting this month, on the 26th, the county Planning Commission meetings will also be available either live stream or on video. It is only through citizen's eyes that we provide transparency. We are currently underway with the new Comprehensive Plan process for the county which includes land management. The decisions reached to implement the new plan will have an impact on the look and feel of the county for decades to come. Get involved by coming and participating in the many public meetings that will be held. Additionally, the county is encouraging citizen input through online surveys covering a host of topics. The newest survey which should be out in a day or so will be asking for direction with citizen input on prayer or invocations when opening Board meetings. I believe I can state that, without exception, the current Board membership wants to continue opening each meeting with invocation. We know we are in need of as much prayer as we can get. From a personal perspective and as your elected servant on the Board, should anyone tonight find 'In God We Trust' offensive, I am available after this meeting to accept any and all of the offensive stuff called US currency that you may want to dispose of. The current language on the ballpark was

passed in principal pending the review and approval of the agreement appendages. A letter was sent to the Town Manager this week. The County Fair will kick off with the Truck and Tractor Pull on Saturday from 4:00 p.m. until 11:00 p.m. followed by a Seafood Festival next Wednesday, September 13th from 4:00 p.m. until 9:00 p.m. It is really good eating. On September 14th – 17th, there will be live entertainment, concerts, an antique tractor pull, rodeos, demolition derbies, and fireworks. Please make sure that you take the family to this year's County Fair. More detail is available online. The county opened a new canoe and kayak launch this past week at Nike Park. All are welcome to use the facility as we go into this beautiful fall season. There is one request. The reporter from the Smithfield Times took a kayak out for the first time the day of the opening. He enjoyed it so much he has not been seen since. If anyone sees him, please return him to either Parks and Recreation or the Smithfield Times office. By the way, the county wishes to thank Smithfield for the loan of the kayaks for the ribbon cutting. Finally, the sale of refunding bonds covering the county's debt is targeted to begin or being offered on this Thursday, September 7th. It is our hope that the refinancing will reduce the debt service by approximately \$2,000,000.00 over the life of the debt service. We believe residents will be pleased with the upcoming public notice on the county's AA rating. We look for the rating agencies reports in next week's paper. That is all I have to report. Are there any questions?

Councilman Dr. Cook – On the tentative approval of the MOU, did you all have access to the draft appendices' that we have been working on for the use agreement.

Supervisor Grice – I have not seen any of the finals. I am not sure who had access to what pieces. I know that Mrs. Novak and Dave are working on something.

Councilman Dr. Cook – So, you tentatively approved the MOU pending approval of our use agreements. Is that correct?

Supervisor Grice – The addendums to the agreement, yes.

Councilman Dr. Cook – But you have not seen a draft or any of that as a Board.

Supervisor Grice – I understand there is conversation and there is a preliminary draft; but I have not seen it.

Councilman Dr. Cook – Which probably means that no Board members have actually seen it if you have not.

Supervisor Grice – I cannot speak for them.

Councilman Dr. Cook – But you have not seen it.

Supervisor Grice – I have not. I am not sure if the Chairman or Vice Chairman have seen it; but I have not seen it.

Councilman Dr. Cook – As just a follow up on that, are you all aware of what is in those agreements. Why did you vote to tentatively approve them based on approval of those amendments if you do not know what they are?

Supervisor Grice – Well, we agreed to the revisions. We voted on approving the revised language in the major agreement. We have a fiduciary responsibility to the citizens to do all of the contract prior to going forward; but we do agree with the language as was currently presented in the agreement. We are just waiting for the addendums. As soon as we have those in place, we will go forward with the vote and get it all done.

Mayor Williams – Does anyone else have any questions for Supervisor Grice? Thank you, Supervisor Grice. We appreciate your input. We will now move to Council Comments. Does anyone have any comments?

Councilwoman Tynes – Yes, Mayor Williams. Thank you. On September 30th – October 3rd, they will be having the annual VML Conference for municipal groups in the state of Virginia. I know I will be attending. Mayor Williams will also be attending. If you miss us in town on those days, we will be in Williamsburg, Virginia representing the Town of Smithfield.

Mayor Williams – Are there any other comments?

Councilwoman Chapman – Mayor, fellow Council members and citizens that have entrusted me and elected me for the last two (2) terms, I just want to thank you. This is my last Council meeting. I have taken a position with the Tourism Department and will be stepping off of my role on Council. I just want to thank you for allowing me the opportunity to learn, to learn about our community, to learn about government, and to embrace all different walks of people and feedback with all the different people I have had the opportunity to meet. Thank you from the bottom of my heart. I really encourage you to consider serving your local government by running for Town Council. It is a wonderful experience. Thank you again.

Mayor Williams – Thank you, Ms. Chapman.

Councilman Dr. Cook – I just wanted to say thank you to Ms. Chapman. I have sat beside you for seven (7) years. Ms. Chapman has pretty much been our heart and conscience as we sit here. Sometimes, we try to make it black and white and she kind of brings in more emotional side to us. For that, we appreciate you. I am sad to see you go. I do not know who is going to sit beside me for the next eight (8) months but it has been a pleasure to sit beside you.

Councilwoman Chapman – Thank you, Dr. Cook.

Vice Chairman Gregory – Mr. Chairman, I would like to take a moment too to echo some of Dr. Cook's comments. Ms. Chapman has been our heartbeat. She has been our pulse. She brings an element of grace and grit and toughness and a quiet calmness. I have never seen somebody bite their tongue and it not be in half by this point. It has been an honor to sit two (2) seats down. We are going to miss you. We are proud to keep you in the town limits.

Councilwoman Chapman – Thank you.

Councilman Smith – I met Ms. Chapman when she was looking for signatures before she ran for Council. At the time, I could not sign it because I did not live in the town. She was just as excited about wanting to be part of that than before she ever got elected. When I came on Council, that energy level never ceased. It actually expanded. She really developed and came out of her shell and made me pay attention to how important it is to be thoughtful, embracing the community, and listening to people that called her. We are going to miss her. I just really appreciate everything she has done and said to me in talks with me. It has been a great relationship and I know it will continue. Thank you, Connie.

Councilwoman Chapman – Thank you.

Councilwoman Tynes – I have enjoyed serving with you on this Town Council. Some of the colleagues that have spoken earlier probably would not say I brought any softness to the Council because I am probably the one they used the 'B' word with. I am a public official and I am not here for votes for anyone to like me. I am just going to do what I need to do for the public. I think you have done the same thing and I appreciate that. You did it with softness. I am going to miss you. I do not know who is going to replace you; but, at this point, I am hoping it may be another female. But I can stand my ground with all of the men. It is not a problem.

Councilman Chapman – Thank you.

Councilman Pack – Obviously, we are all going to miss you and everyone has had really nice things to say. I am really excited that you are joining the tourism team. You have big shoes to fill there. I worked with Terry for quite a few years as well. I am really excited to see you in that role. I am sorry you have to leave us; but we certainly have enjoyed everything you have brought here. I am looking forward to seeing what you continue to bring to the town and the tourism department. I think you are going to be fantastic. I wish you the best.

Councilwoman Chapman – Thank you.

Mayor Williams – I am not going to say anything because I am still mad at you and the county for taking you from us. Are there any other Council comments?

Councilman Dr. Cook – I am actually pretty proud of keeping Windsor Castle within town ownership. You can see what Windsor Castle has brought to this town. You can see all the traffic we would not have if it was privately owned. You can see all the public enjoyment of that facility that would not be there if it was privately owned. I actually think we made a good decision to invest in Windsor Castle and restore it. It is starting to come around. During old business, I will give you all more of an update as to where we are and everything that has happened. As you can see, it is starting to look pretty nice with the barns getting restored. The original manor house is starting to take shape. It is starting to look nice. You will see that with the events and the traffic we get and the town visits from tourism because of the events we have there and the people that come back to town because they are here for one of these events. They think it is a nice town. It is a neat town. It is a quaint town. It has nice waterfront and nice restaurants. It has nice picturesque houses up and down Church Street, Main Street, Cary Street, and Grace Street. You would be amazed at the number of people that walk around that come back after these events. I am happy that we did what we did. There will be more to come under old business.

Mayor Williams – Are there anymore Council comments? Hearing none, we will move to our consent agenda items. We have fifteen (15) items tonight. Would any Council member like to pull any items for further discussion? I would like to pull item C10 and C11. We will begin with the Police Committee Chair, Mrs. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. I have so many tonight because the fall is an active season. The first item on the agenda tonight is a resolution to approve the street closure request for the Autumn Vintage Market on Saturday, September 30th, 2017 from 6:00 a.m. until 4:00 p.m. This is an annual event. Nothing has changed. The next item is a resolution to approve the street closure for the Smithfield High School Homecoming Parade on Friday, October 6th from 4:00 p.m. to 4:30 p.m. This is also an annual event. Item C3 is a resolution to approve the street closure request for the Bacon Fest on Saturday, October 7th, 2017 at Windsor Castle Park. This is another annual event. Item C4 is a resolution to approve the street closure request for the Hog Jog Race on Saturday, October 14th, 2017. We will not completely close the street. It will be monitored by our local police officers. They will only shut it down momentarily when we have the joggers across certain areas. They will stop traffic for that. Item C5 is a resolution to approve the street closure request for the Horsepower on Main Street Car Show on Saturday, October 28th, 2017 from 2:00 p.m. until 9:30 p.m. This is an annual event but they changed the name. The antique cars will be coming to town. Right now, there is a possibility they will close the 100, 200, and 300 blocks if needed. The 200 block will be closed for certain. The other blocks will depend on how many cars they have. Thank you.

Mayor Williams – Our next item is with the Water and Sewer Committee Chairman, Vice Mayor Gregory.

Vice Mayor Gregory – Water and Sewer Committee Summary. Thank you, Mr. Mayor. The only item on the agenda for water and sewer is a motion to approve a proposal from A. C. Schultes of Maryland, Inc. to make an emergency repair to the Reverse Osmosis Water Treatment Plant Well 8A. In the past, we have had two (2) wells at the Reverse Osmosis Plant. One is working perfectly fine and the other has had issues. After further inspection, several of the pipes going down below need to be replaced and others need to be reconditioned. This proposal will address that and then we will have two (2) operational wells being able to back up the other one if it goes down. Thank you.

Mayor Williams – Next, we have the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Before us this evening, we have several invoices over \$10,000.00 which requires Council authorization. The first is to RAD Sports. This is the July progress billing for the ballpark. RAD Sports is doing the grounds for that and we are getting pretty close with those guys. You can see some grass growing out there. The progress billing is for \$175,737.00. It has been recommended for approval this evening. The next invoice is for A.R. Chesson Construction. They are working on our concession building at the sports complex. They are also coming very close to completion. The invoice is for \$49,927.09 and is also recommended for approval this evening. MUSCO Lighting has provided our stadium quality lights all over the site. The invoice is for \$29,846.35. The last invoice is to Kimley Horn Associates for \$16,488.51 for Urban Fund projects. We will ask Kimley Horn to take a look at these around town including the Bike Trial Phase III from Royal Farms up to the Cypress Creek Bridge. We should have some information from them shortly on that. The last item this evening is a motion to change our broker of record for the town benefits to The Hughes Agency. We are still using the same benefits for the town; but it is just a change of broker. There are absolutely zero changes. It is just who handles our account. When you have someone who handles your account, you have to do a formal change for who that is. It also brings that business back into the Town of Smithfield. It is a Smithfield based business. We are recommending that for approval this evening.

Mayor Williams – We will move to the Parks and Recreation Committee Chair, Ms. Connie Chapman. She has four (4) items; two (2) of which we have pulled.

Councilwoman Chapman – Parks and Recreation Committee Summary. Thank you, Mayor. Item C9 is a resolution to approve the Riverfront Trail closure on Saturday, October 7th and the fishing pier closure for Monday, October 2nd through Saturday, October 7th for the Bacon Fest at Windsor Castle Park. We will skip items C10 and C11 since they were pulled. Item C12 is a motion to approve the lease agreement between the Town of Smithfield and Smithfield Recreation Association (SRA) for the Joseph W. Luter Sports Complex. Thank you.

Mayor Williams – We now move to our Public Works Committee Chairman, Mr. Michael Smith.

Councilman Smith – Public Works Committee Summary. Thank you, Mr. Mayor. We have a motion to renew the HVAC maintenance and repair contract with Atlantic

Constructors, Inc. for one additional year. We have been very happy with their work. We recommend that for approval tonight. The next item is a motion to approve the street paving proposal from Blair Brothers, Inc. for Lane Crescent, Kendall Haven, and Faye Drive. These are highway funds. I can tell you that our town engineer, Mr. Wayne Griffin, does a good job of working with them and the budget. He makes sure we do not spend money that we do not have. The next item is a motion to accept grants from the Virginia Department of Conservation and Recreation (DCR) for the Waterworks Lake Dam. We had requested \$11,000.00 and they have decided to graciously give us \$5,000.00. Thank you.

Town Attorney – Mr. Mayor, if I may, I would request that the Council pull item C12 for consideration. If you recall from the committee meeting, I had stated that I would like to have an opportunity to talk to the Town Manager about the insurance provision in that. He is very experienced in that and I want to discuss that with him. If you pull that, I would make a recommendation that you approve it and authorize him to execute it subject to our revision of the insurance section pertaining to the lease agreement.

Mayor Williams – Okay. We have pulled items C10, C11, and C12 for further discussion. We will need a motion on the other items.

Councilman Pack – I just have one quick question for Councilman Smith. On item C13, please refresh my memory. Atlantic Constructors does a fantastic job; but is this a preventative maintenance contract or is it just where we keep them on as our preferred vendor?

Councilman Smith – They are our preferred vendor.

Councilman Pack – So, we are not actually doing physical repair and maintenance.

Councilman Smith – No. We are just keeping them on for emergency situations.

Councilman Pack – I remember that discussion but could not remember exactly. I would like to make a motion that we approve the consent agenda as presented with the exception of item C10, C11, and C12.

C1. Resolution to Approve Street Closure Request for Autumn Vintage Market, Saturday, September 30th, 2017 from 6:00 a.m. to 4:00 p.m.

C2. Resolution to Approve Street Closure for the Smithfield High School Homecoming Parade on Friday, October 6th from 4:00 p.m. to 4:30 p.m.

C3. Resolution to Approve Street Closure Request for the Bacon Fest on Saturday, October 7th, 2017 at Windsor Castle Park.

C4. Resolution to Approve Street Closure Request for the Hog Jog Race on Saturday, October 14th, 2017.

C5. Resolution to Approve Street Closure Request for Horsepower on Main Street Car Show on Saturday, October 28th, 2017 from 2:00 p.m. until 9:30 p.m.

C6. Motion to Approve Proposal from A.C. Schultes of Maryland, Inc. to make Emergency Repair to the Reverse Osmosis Water Treatment Plant Well 8A.

C7. Invoices Over \$10,000.00 Requiring Council Authorization:

a. RAD Sports	\$175,737.00
b. A. R. Chesson Construction	\$ 49,927.09
c. MUSCO Lighting	\$ 29,846.35
d. Kimley Horn Associates	\$ 16,488.51

C8. Motion to Change Broker of Record for the Town Benefits to The Hughes Agency.

C9. Resolution to Approve the Riverfront Trail Closure on Saturday, October 7th and the Fishing Pier Closure on Monday, October 2nd through Saturday, October 7th for the Bacon Fest at Windsor Castle Park.

C10. Pulled from Consent Agenda.

C11. Pulled from Consent Agenda.

C12. Pulled from Consent Agenda.

C13. Motion to Renew HVAC Maintenance and Repair Contract with Atlantic Constructors, Inc. for One Additional Year.

C14. Motion to Approve the Street Paving Proposals from Blair Brothers, Inc. for Lane Crescent, Kendall Haven and Faye Drive.

C15. Motion to Accept the Grants from the Virginia Department of Conservation and Recreation (DCR) for the Waterworks Lake Dam.

Councilwoman Tynes – Second.

Mayor Williams – Second. A motion has been made and properly seconded. Roll call vote.

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

Mayor Williams – I think items C10 and C11 go hand in hand. Item C10 is a Motion to Approve the Memorandum of Understanding (MOU) Between the Town of Smithfield and Isle of Wight County for the Joseph W. Luter Jr. Sports Complex. Item C11 is a Motion to Approve the Use Policy Addendum to the Memorandum of Understanding (MOU) between the Town of Smithfield and Isle of Wight County for the Joseph W. Luter, Jr. Sports Complex. I am with Dr. Cook. I do not understand how the county can approve something and not approve the other part when both go together.

Councilman Dr. Cook – It kind of rubs me the wrong way that the county is putting so many stipulations on this. I understand that the county is giving money. I understand they are looking out for their constituents. Sometimes, the county forgets that the town is within the county. All the townspeople are also the county's constituents. They are giving to themselves so I do not think they quite understand. With that being said, I have not exactly been known to hold my tongue at times. I have said I have been frustrated with them about not approving this MOU and withdrawing it in the first place. Looking at its face value, my fear is that the county is going to try to get into the business of running our ballfields and requiring what should be allotted to a four (4%) percent stakeholder. Once you add the numbers, they are a four (4%) stakeholder. So, my fear is.....it's already been quoted some in the paper by the Parks and Recreation administration that they would love to run that park. I know it was not offered to him; but that is what he said. My fear is that they will try to tell us how to run our own park. However, taking the MOU at face value and taking these addendums which we have seen which does not give any of our rights away; I do not have a problem with the MOU as written and our amendments. The amendments are the use policy which states what the fees are going to be, how the fields are going to be used, and who is going to maintain them. It defines everything. I do not have a problem with that policy either. I am just upset that the county is dragging their feet on this. I just want to say that we do not need their money. We have this covered; but, the flip side is that it would be nice to keep that door open. It would be nice if they want to agree with what we already have

and what has been drafted as the agreement; and with what we have drafted as our use agreements with the addendums then I am okay. I just hate the fact that they are dragging their feet on this. I will retract what I have spoken in the past. I am in favor of it if we keep it how it is; but if the county starts trying to tell us how to run our own shop then I think we need to take a step back.

Vice Mayor Gregory – I actually share some of Dr. Cook's concerns. I thought he asked a really good question tonight from Supervisor Grice. The question was has he seen any of the addendums? The answer was no. If I was on the Board of Supervisors for the county and I was approving an MOU that referenced addendum A, B, and C as a part of that agreement and I had not seen them; I do not think a single member of this Council would approve that type of agreement. Even if those forms had nothing to do with us, it is their responsibility to read every part of it. With that being said, I think we should move forward with approving our finalized versions of what we have worked on. Those versions have been based on conversations between the Town Council, the Board of Supervisors, Mrs. Novak, and their new Parks and Recreation Director. There has been a lot of collaboration and a lot of feedback back and forth that has gone into what is ultimately in these documents. I think we approve those tonight. We provide copies of those to the county. If the county, at that point, says no; then I will buy Dr. Cook's next round. I will probably agree with him one hundred (100%) percent because I do think that it has gone on long enough. I think there comes a time where you do recognize that all of the kids from Smithfield Recreation Association and from a lot of the other organizations that will participate at this park are already county taxpaying children. It is going to be an awesome venue. It will give another reason for people to visit the town. They already have plenty of reasons; but it does not hurt to have one more. So, I would ask Council to consider these addendums on how we feel about them and not on how the county feels about them. That will be their decision when they come back to it in September. Those are my comments. Thank you.

Councilman Pack – I feel a little different, Mr. Mayor. The use agreement that we have that Mrs. Novak has been working on is not laid out strong enough for me to be able to vote on it this evening. Level 1 is our partnership with SRA. This is where the ballpark started and where the need for it started. What SRA has offered up to us, in their lease that we will look at this evening, is the total proceeds of their sale of Beale

Park which is estimated between \$300,000.00 and \$400,000.00. We will say \$350,000.00 to be in the middle. On top of that, they will give us \$20,000.00 a year in rent for the park. They are the primary users but that is certainly a nice maintenance piece. The county has been asked to donate \$250,000.00 and there is no discussion on pricing as of yet. There is no talk of maintenance. It is all going to be maintained by the Town of Smithfield and we are just going to have to deal with Isle of Wight County schools, Isle of Wight County Parks and Rec, Windsor Athletic, Town of Windsor, and Isle of Wight based recreation activities. While I do not mind sharing, I want to make sure that not only are we sharing our fields but also sharing the cost. It says right in here that fees and charges are in Appendix B. I do not have Appendix B. The reason we do not have it is because it is a draft. We need to see the whole piece of the puzzle here. I want to know that the county is willing to share in a fair part of maintenance on this facility besides the \$250,000.00. I am not prepared to vote yes for it. That is my two cents. Thank you.

Mayor Williams – Are there any other comments from Council? I was concerned with the 3 - 2 vote that we got out there and the comments that were made by the two (2) that voted no on this. It was not unanimous. They had a lot of concerns. I have some concerns also. Could you come up please, Mrs. Novak? I have talked to her a little about this and she feels real comfortable with it. I like the discussion she had with me about working well with Mr. David Smith. They are working real well together and getting this done. We had so many unforeseen things going on that is going on now and will be going on out there once this gets started. You just do not know. It is a work in progress. Until all of that is done, it will be a couple of years before we can get it refined. I like that David Smith and Amy Novak are working together so well. The county is not on board with that even though their Parks and Rec Chairman says all is good. Do you have any comments that you would like to make, Mrs. Novak? What are your thoughts about going forward with this?

Mrs. Amy Novak – I watched the recorded Board of Supervisors meeting. What I took from it was that they are all on board with the MOU. They just want to know what the fee structure will look like in the end. They want to make sure that the use policies are something they can live with. If they have not all seen it then it is not fair to their citizens to approve this MOU since it heavily refers to the use policies. My staff

recommendation is for the Council to approve the MOU as the county did and we can take the use policies back to committees this month.

Mayor Williams – That is where I was going. We can approve one without the other.

Mrs. Novak – Along with the fee structure.

Mayor Williams – I do not know how we can approve something when we do not even know what it is going to be.

Mrs. Novak – Another thing that I have taken from my conversations with the county, not just David Smith but also a couple of the Board of Supervisors, is that they do not expect to pay zero. They just do not think they should pay what Level 3 users are paying because they have invested in the park.

Councilman Dr. Cook – So, would you suggest that everybody who has invested in the park to get some form of discount?

Mrs. Novak – I think it would depend on the level of investment.

Councilman Pack – Would they feel comfortable with the Level 1 user who has also heavily invested in the park and the same amount of maintenance? It was a rhetorical question. I do not expect you to answer that.

Mayor Williams – I like approving the MOU without the use policy. I am just still concerned with the county not backing this one hundred (100%) percent. Vice Mayor Gregory and I went out there about two (2) years ago and talked to the county. We told them about this and that we had somebody who was going to kick it off pretty nicely. We asked for their help and we fought a long, hard battle for a right good while now and we are still fighting. I just have a little bit of a splinter under my thumb that will hopefully get out one day; but it is still there now. We are getting there. I really do appreciate what you do, Mrs. Novak. I am glad you are working well with David Smith. You are a good ambassador to the town. I appreciate that. Does anyone else have any questions for Mrs. Novak?

Town Attorney – I have a comment to make if I may.

Mayor Williams – Yes, go ahead, we want to hear from you.

Town Attorney – It comes from two (2) different directions. The MOU has language in it that I am very comfortable with. That is a result of the change that was made as a result of our Intergovernmental meeting. In particular, it says in paragraph 5

which pertains to the use of the facility that 'all use of the athletic facility shall be in accordance with the use policies and procedures as they may be amended from time to time which are attached hereto and incorporated by reference. Said use policies and procedures shall be developed, implemented, and/or modified by the town following good faith discussions and negotiations as to the terms contained therein with the county.' In a nut shell what that means is that the Town Council has the absolute right to make whatever terms and conditions it deems reasonable and necessary to include in the use policies and procedures. You have an obligation to discuss it with the county; but they have no veto over this. It is your decision. From the standpoint that they can tell you what to do with your facility, they cannot. The flip side of this coin is you are adopting a MOU here. If you are going to take your policies and procedures back, I do not think you should do what the county did. I do not think you should vote on one without the other. They go hand in hand. When you vote on it, you ought to vote on the whole thing knowing what you are voting on. I do not think there is any serious time consideration here that requires you to vote on this tonight. If you are going to take your policies and procedures back to committee then you ought to just do the same thing with the MOU.

Mayor Williams - They do go hand in hand. The MOU is not going to do anything without the use policies. It is mute actually. We are still not going to get a penny from them without both of them.

Town Attorney – But the point is that it is abundantly clear from the discussions by the Town Council tonight and public statements by the Board of Supervisors and their vote that the language of the MOU is acceptable. The issue now is really the guts of the matter which is the uses and procedure attachments. It has to do with money and things that go to the heart of the working relationship between the two (2) municipalities. I do not know why you would vote on one without the other; but you can. I am not going to tell you that you cannot because you can do what you want to.

Mayor Williams – Mrs. Novak, how close are you with the use policies? You got it done, right?

Mrs. Novak – Yes. I am ready.

Mayor Williams – Will David Smith present it to the Board of Supervisors on the 15th?

Mrs. Novak – I am not aware of his presentation date. It is ready. I just keep making a couple of minor tweaks. If people suggest stuff and I think it is a good idea, I insert it into the document. We are probably on version 5 of the drafts.

Councilman Dr. Cook – Do you have the fee structure that Councilman Pack was requesting?

Mrs. Novak – Yes. What I want to discuss at committees is that I think Level 2 pricing should be a discounted percentage of Level 3. It will be my suggestion. It is just that discounted percentage amount that I want feedback from the Council on. As a Council, you will set Level 3 fees each year and then the discount percentage will remain the same throughout the years.

Councilman Pack – Mr. Mayor, may I ask you a hypothetical question?

Mayor Williams – Absolutely.

Councilman Pack – Have you ever had a very difficult partner in your business dealings?

Mayor Williams – Absolutely.

Councilman Pack – Did you enjoy it?

Mayor Williams – Absolutely not.

Councilman Pack – Would you like to enter into business again with a difficult partner?

Mayor Williams – I never did.

Councilman Pack – I kind of feel like that is what we are doing here today. We are dealing with a small level (4%) partner and they are being nothing but difficult the best I can tell. I just do not know why this makes a good decision for us moving forward. It is not like we just get rid of them in a year. They are there forever. This is the town's ballpark. Smithfield Foods has been nothing but super, super generous so we could have this. We have a small party here that has the potential to give us hiccups for the remainder of our time that we own this ballpark which is forever. I hate to turn down money but my goodness.

Councilwoman Chapman – I was just going to suggest even though I will not be there that this go back to committee for further discussion. You can just table it for right now.

Mayor Williams – I like that Ms. Chapman. It will give us some time.

Councilwoman Tynes – I just sat back and listened to what everyone else had to say. I know a lot of times I say things here and I guess I am just saying it for myself; that is the way I think sometimes. I mentioned that, when it first came to us, about starting the ballpark. I asked the question ‘do we need the county?’ It was answered yes because I mentioned the small part then. At that time, I anticipated the problems that were going to go forward. Anyone, which includes us, if you are going to donate your funding in any project; you want to have some say. You want to have a lifetime say because you figure it does not matter what percentage. I understand it is a very small percentage which is why I asked the question. I know it was stipulated by one of the individuals that gave us the gift that we include the county. At this point, I am wondering if that individual would be willing to change their mind.

Mayor Williams – He rescinded that three (3) months ago.

Councilwoman Tynes – Then why are we having this conversation? We can come up, if the town can find it in their budget, to put that \$250,000.00 in there. I mentioned that before too. We can just eliminate all of this and it will just be the Town of Smithfield ballpark and no other government will have anything to do with it. That is all I have to say. Thank you.

Mayor Williams – One thing that I think Mrs. Novak can relate to is that David Smith does bring a world of information that she could use a lot of times. She knows absolutely nothing about a tournament other than watching it. On the other hand, I think SRA could help her. I know there is a Vice Mayor who could help you. There are ways of getting around that but I really like Ms. Chapman’s suggestion so what would you like to do?

Councilwoman Chapman – I would like to table it and send it back to the committee meetings so that everyone involved has an opportunity to think about it. While part of me thinks it would be great to just have it owned by just the town, I think Mrs. Novak has worked diligently with Mr. Smith to come up with a partnership and a great working relationship. I know that over the years we have been trying to bring the town and county together to work together in harmony. It will be a decision for you all. I say send it back to committee.

Mrs. Novak – Yes. It is not so much the donation; it is the relationship that I think would be a good thing. That is why I am working hard towards this.

Councilwoman Chapman – I appreciate that. You have worked very hard with Mr. Smith. I would like to make a motion that we send Items C10, C11, and C12.....

Councilman Dr. Cook – Not C12.

Town Attorney – I am not so sure that C12 should not go either because that incorporates the use policies. Is it likely that we have to enter into the lease agreement by October 1st with SRA? Is that necessary?

Mayor Williams – If that is fine with you....you were going to make a comment on C12.

Town Attorney – Well, my only question about C12 is the lease agreement. I would like to go over the insurance provisions with the Town Manager.

Mayor Williams – You have not done that.

Town Attorney – No. Mr. Stephenson is very experienced in the insurance side of it.

Mayor Williams – Okay. Make a motion for all three (3) Ms. Chapman.

Councilwoman Chapman – I would like to make the motion that we send items C10, C11, and C12 pertaining to the MOU, the use agreement, and the fee structure for the Joseph W. Luter, Jr. Sports Complex back to the committee meeting for Parks and Recreation for September.

Councilwoman Tynes – Second.

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

Vice Mayor Gregory – Yes, please. With regards to item C12, there is one thing that I do not want to get lost in this while we are having some disagreements or not meeting eye to eye with the county. We have a non-profit organization that is being asked to sell their home in order to help fund this project and potentially move in sometime next year, I do not know if it behooves us or SRA to keep delaying the lease agreement. The fact is that until they have a lease and they have some security that we are going to follow through on the commitments that we have promised, I would not even think about calling the real estate agent. It is a unique property. It could sell in one day or take several months. I think their Board is going to want some certainty. No matter what happens with us and the county, we are committed with SRA and they are committed to us. I think this would be a very good first step for them to see that even

though we are having some issues that really are not related to them that we are still committed to them on their side. I know there is the insurance issue which I think we can roll into that.

Town Attorney – If you feel like you need to vote on the lease, Mrs. Novak has been through that with the SRA representatives. The only issue is the insurance. It would also have to be subject to approval of the use policies because that is an integral part of the lease as well. If you feel like you need to take action on that then that is fine. You can authorize the Town Manager to execute on your behalf.

Vice Mayor Gregory – Correct me if I am wrong; but every single draft of the use policy has SRA listed as a Level 1 user with priority. They can set their schedule first and then everything else builds around them.

Town Attorney – That is correct. I do not think the use policies.....there is some nuts and bolts in there that is really important. Mrs. Novak has worked through that with SRA. I think they have gotten to a level of comfort. Those are the things that we have been kind of waiting on. We could have entered into a lease a long time ago; but this whole thing evolves. Every time you turn around you think of something else that needs to be addressed. She has done a wonderful job of dealing with that in the use policy. We were not rushing to get that done but, at some point, I understand what you are saying. They need some certainty. If you feel like you need to do that, it is fine but it would be a motion to authorize the Town Manager to execute the lease subject to revision of the insurance provisions and subject to approval of the use policies.

Vice Mayor Gregory – I would respectfully ask Ms. Chapman if she would amend her motion to just include item C10 and C11 and then we can deal with item C12 separately.

Councilman Chapman – I would like to amend my motion to send item C10 and C11 back to committee meetings for September for more discussion.

Vice Mayor Gregory – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

On call for the vote, seven members were present. Councilman Smith voted aye, Councilman Pack voted aye, Councilwoman Chapman voted aye, Vice Mayor Gregory voted aye, Councilwoman Tynes voted nay, Councilman Dr. Cook voted aye, and

Mayor Williams voted aye. There was one (1) vote against the motion. The motion passed.

Mayor Williams – Item C12 is a Motion to Approve the Lease Agreement between the Town of Smithfield and Smithfield Recreation Association (SRA) for the Joseph W. Luter, Jr. Sports Complex.

Vice Mayor Gregory – Mr. Mayor, I would like to make a motion that item C12 be approved with the stipulation that the use agreement will have to be approved subsequently after we get through with it at the committee meeting.

Town Attorney – If I can, Vice Mayor Gregory, would you consider a motion to authorize the Town Manager to execute the proposed lease subject to review and revision of the insurance provision and subject to approval of the use policy?

Vice Mayor Gregory – So moved.

Councilman Pack – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

On call for the vote, seven members were present. Councilman Smith voted aye, Councilman Pack voted aye, Councilwoman Chapman voted aye, Vice Mayor Gregory voted aye, Councilwoman Tynes voted nay, Councilman Dr. Cook voted aye, and Mayor Williams voted aye. There was one (1) vote against the motion. The motion passed.

Mayor Williams – Thank you. Now, we will move to the Action Section of the agenda. We have a Public Hearing: Special Use Permit – 338 Main Street. We will have a presentation by our Planning and Zoning Administrator, Mr. William G. Saunders IV.

Planning and Zoning Administrator – Good evening, Mr. Mayor and members of Council. This is a special use permit application tonight with a public hearing. The owner/applicant name and address is Joseph McCain. The subject property is 338 Main Street. It is in the Downtown Mixed Use district on Main Street. Their residential uses are by right. However, commercial uses and residential structures require special use permits. The applicant wants to open a floral shop there. He has already purchased the property. He has been to the BHAR to make improvements to the property. He wants it to be more back to its original state. Also, in your packet, you have a pretty extensive business plan that he has submitted as well as a site plan. Given that this site is under

ten thousand (10,000) square feet, it does not require off street parking. However, as you can see on the site plan, he will be able to accommodate parking for his employees; although he is not required to accommodate parking for his customers. Specifically, the approvals that are being sought are conversion of a residential structure for non-residential use as the principal use of the building for the ground floor while leaving the upstairs for residential use. Currently, it is a two (2) unit residential structure. It will remain residential upstairs and will be a flower shop downstairs. Also, another element of the special use permit is for business, storage, or display to be conducted outside of an enclosed building in order to display live plants, axillaries and topiaries in the front yard. As this is a special use permit application, reasonable conditions can be put on the approval if Town Council deems them necessary. At their August 8th meeting, the Planning Commission recommended approval to Town Council for this application with no conditions. Thank you.

Mayor Williams – Does anyone have any questions for Mr. Saunders? Hearing none, I will now declare the public hearing open for anyone who wants to speak for or against this application.

Town Manager – The applicant has signed up to speak.

Mr. Joseph McCain – Good evening, Town Council members. I am the co-owner of the business Fleur de Fou. My co-owner, Jason Camper, is here as well. Our business plan is quite simple. We just want to bring more business to downtown Smithfield. We like it here. We also want to re-purpose the historical structure. We are a full service florist. We create many floral arrangements for any and all occasions whether it be weddings, birthdays, funerals, anniversaries, holiday events, church services and so on. If it can be imagined, we are going to do our best to make it happen. We started this business in a home in Rescue, Virginia. We have had such a great response that we decided to expand to a storefront to be in plain view. We just want to have a small shop downtown where we can have retail space and a place to display our floral creations. We also hope to increase foot traffic downtown for the visitors and locals. Our plan is to convert a two (2) story Victorian house, which is currently a duplex, into a commercial space on the first floor and a place to reside on the second. No major construction is being done; just a few renovations to give it a fresh look. We are also trying to convert it back to its original state. We are going to replace

the screened in porch on the front of the house with a traditional Victorian porch to keep the feel of the other Victorian sister houses next to it. Fleur de Fou which translates to 'the foolish flower' will be fresh, innovative, and something different for the 300 block of Main Street. We would like to thank the Council for your time and consideration in our new venture to continue the efforts of the revitalization of downtown Smithfield. Thank you.

Councilwoman Tynes – I have a question. Are you the individual that provided arrangements for the spring Chamber of Commerce breakfast?

Mr. McCain – Yes we did.

Mayor Williams – Mr. McCain, are you the owner that will be living there.

Mr. McCain – I will be living there for a little while; yes. The goal is to be there all the time.

Mayor Williams – You are not looking to rent it.

Mr. McCain – It is a rental property as well on the second floor.

Mayor Williams – Are there any other questions for the applicant? Hearing none, I will now declare the public hearing closed. We will have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Thank you, Mr. Mayor. We spoke about this at committee. I think it would be good idea to have our Planning Commission representative to fill us in on what our Planning Commission advises.

Councilman Pack – Yes, sir, Dr. Cook. The Planning Commission reviewed this application last month. We had no concerns and felt it was in line with other businesses downtown particularly with the special use permit. It is an appropriate use of the homes downtown in the third block. We recommended that Town Council approve this with no conditions.

Councilman Dr. Cook – I think all the business we can get in the 300 block would be good. It is the most forgotten block on Main Street. For those of us in the 300 block, that is what we call it. It will be nice to have them as a neighbor. Does anyone else have any comments or questions? Hearing none, I would like to make a motion to approve the special use permit for 338 Main Street.

Councilman Pack – Second.

Mayor Williams – A motion has been made and properly seconded. Roll call vote.

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

Mayor Williams – We will now move to a Motion to Approve the Construction of a New Storage Building and Maintenance Building at Windsor Castle Park. We will have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – On tab #9 in your packet, you can see the elevations of the proposed barns. We thought it appropriate to bring it to Town Council for a vote to build these buildings on public property. We have covered this in past meetings as far as how the financing would work and how the funding went. All the money associated with the cost of this loan will be paid by Smithfield VA Events. Every payment will be made by Smithfield VA Events. All interest, all principal, and all cost will be born by Smithfield VA Events. We have all heard from the hundreds of people that are in support of this from previous meetings. Does anyone have any comments?

Councilwoman Tynes – Yes, I have a question. Are you a member of Smithfield VA Events Dr. Cook?

Councilman Dr. Cook – No, ma'am.

Councilwoman Tynes – Okay. I remember the last time we had an item that came to us for Smithfield VA Events you abstained from voting.

Councilman Dr. Cook – No, I did not.

Councilman Pack – I did.

Councilwoman Tynes – There were actually three (3) Council members.....

Mayor Williams – Two (2).

Councilman Dr. Cook – Mrs. Tynes, there are two (2) members of Council that are on the Smithfield VA Events Board. I am involved with Smithfield VA Events by the fact that I give them thousands of dollars every year.

Councilwoman Tynes – So, is Vice Mayor Gregory the other one?

Mayor Williams – I am the other.

Councilwoman Tynes – You are; but that particular night, we had three (3) members.

Councilwoman Chapman – It is just two (2).

Councilwoman Tynes – I remember that three (3) members of Council abstained and four (4) voted.

Mayor Williams – I do not remember that.

Councilman Dr. Cook – Mrs. Tynes, I voted. All I can tell you is that I am not on Smithfield VA Events.

Councilwoman Tynes – Okay, thank you. I do have some concerns. The town is spending a lot of money. We still have a major project that we have not completed yet which came up during budget time. It is the Pinewood Heights project. It was pending. We were going to have the funding to complete that. I do not have a problem with you doing the things over in Windsor Castle Park. I agree with everything you all have said about Windsor Castle Park as far as people coming out there to visit. I have heard a lot of people say that they love that park. I would like to see it go forward. My only concern is that I want to make sure myself, as a Council member; if I vote for this that I am legally voting for something that will not be a public conflict later. You said that two (2) of you abstained from voting; good. I just feel that there is too much Town Council involved with this project. It is like we are pushing it and I do not want that to happen. I want to hear from the public that they want this. I really have not seen a whole lot of public come out to tell us. They do not come anyway. I just feel if I could get maybe the Town Manager to send this off to the Virginia Conflict of Interest and Ethics and see if this is okay for us to do this. It does not have anything to do with our attorney or anything. It is just that all of us are a part of this. I would like to hear from someone from the outside that does not have anything to do with it that this is okay to do.

Councilman Dr. Cook – Mayor, I have a problem with that and questions. Are you associated with Smithfield VA Events?

Councilwoman Tynes – No, I am not.

Councilman Dr. Cook – Do you receive any benefits from Smithfield VA Events?

Councilwoman Tynes – No, I do not.

Councilman Dr. Cook – Does Smithfield VA Events do anything to you directly?

Councilwoman Tynes – No.

Councilman Dr. Cook – Then, I do not know where you would have a conflict.

Councilwoman Tynes – I did not say that I have a conflict. I am talking about the Council; period.

Councilman Dr. Cook – No, my point is that you are saying.....

Councilwoman Tynes – Once I vote for this, Dr. Cook, and if I say yes go forward then I am a part of this Council. I am voting for the citizens of the Town of Smithfield as a part of this Council.

Councilman Dr. Cook – Right.

Councilwoman Tynes – So, that makes me, at that point, responsible for my vote.

Councilman Dr. Cook – Right. I think all the members of Council of which there were (2) who are associated with Smithfield VA Events, who are on their Board, who volunteer for Smithfield VA Events are abstaining from voting. So they are removing themselves from the vote. The remaining Council members, you, me, Connie, Mike, and Carter are not on Smithfield VA Events either.

Town Attorney – Mr. Mayor, we are way far afield here because that is not what the vote is tonight. The sublease to Smithfield VA Events has already been approved by the Town Council. What you are voting for tonight is to approve the construction of these buildings. These buildings are part of the master plan that was already approved by the Department of Historic Resources. These are not historic buildings. They are replicas of buildings that are believed to have been in existence many years ago when the farm was in its most active state I think. The DHR insisted that these barns must look rather new instead of.....they are not designed to look old so that the public can see that they are, in fact, new structures because they are replacing what used to be an old structure. It is not a restoration. It is a new structure replacing what was there once before. Mrs. Tynes, what your vote is tonight is not whether you should allow Smithfield VA Events to sublease this and use those structures. That has already been decided. It has already been voted on. It is really the question of the designs for the building. It is the town's park. It belongs to the Town of Smithfield. There is a funding source identified that can service the debt to pay for the construction of not only these barns; but the renovation of the caretaker's house. It is a much larger project than that; but that has already been decided. It is just the question that it is your property and some have argued that you do not even need to do this. I think that you should. It is my opinion that it is your property and the Town Council should say yes or no to build these buildings. Now, the question of what they are going to be used for has already been decided. It has already been decided by the terms of their lease agreement. At this point, it is really

a question of should you build these buildings as presented. It is an opportunity as Council members to see what is going to be constructed and say yes that is okay. They meet the expectations that we have for construction of the buildings on the premises. This is not a conflict of interest issue at all. This has to do with if we should build these particular buildings on our property given all the things we know about them and the fact that the design has been approved by DHR. I think Mr. Bodson would confirm that. He is not here anymore. Yes, he is. That has been confirmed. It was really part of the original plan. I am just trying to bring things back to where we are. That is not the vote tonight. It is not a question of whether or not you should sublease these properties to Smithfield VA Events. That is not the question.

Councilwoman Tynes – Okay. I have another question for you then.

Town Attorney – Yes, ma'am.

Councilwoman Tynes – I know you have answered this before but it was at a different meeting. I want you to answer this again for me.

Town Attorney – Sure.

Councilwoman Tynes – In the event that Smithfield VA Events dissolves, the Town of Smithfield citizens will be responsible for the renovations of all of the properties over there if it has not been paid for. Am I correct?

Town Attorney – The Town of Smithfield is responsible for the money anyhow. Let me explain. The money that has been used to renovate or is being used to renovate the caretaker's house and the money to construct these two (2) barns is money that is being borrowed by the Town of Smithfield to improve its property. It is property that you own. You are taking money and fixing up your own property. Now, as part of the overall plan for this, you have identified a sub-tenant that was willing to pay you a stream of income over a period of time that would be sufficient to offset that cost to the town. It is the town's debt; but you are fixing up your property. So, if for some reason, Smithfield VA Events came to an end and terminated for whatever reason, the Town of Smithfield still owes whatever the balance is on that. Smithfield VA Events is an organization. They would no longer have a stream of income. There would be nobody to go to; but the flip side of that is that the town has been able to construct these improvements now rather than at a later time as anticipated in the original plan.

Councilwoman Tynes – I thank you for that and I understand that. It is exactly the way you explained it the last time. I understood that too; but, do we have to....the Town of Smithfield, yes, we borrowed the money....we did not have to make all of those elaborate plans to the barns. Do you understand what I am saying? We only had to bring them back to reconstruction as far as the DHR said we had to. So, maybe, we did not have to put as much money into it.

Town Attorney – Well, you are exactly right; you would not have to do that but then you probably would not have a tenant that would be willing to rent the buildings. This is sort of a package deal. They were willing to rent the property and pay you a certain stream of income if you would make these barns useful to them. So, there is extra cost to make them useful.

Councilman Dr. Cook – Okay, Mr. Mayor, I would like to call up Mr. Rick Bodson to educate us on his knowledge of this as far as DHR is concerned with what is approved, what we can do, and what we cannot do. He is now, by necessity, an expert on this.

Mr. Rick Bodson – I guess I am representing the Historic Windsor Castle Restoration, LLC. The reconstruction of the two (2) barns and the rehab of the interior of the caretaker's house were part of the Phase 2 submission to DHR. They have been conceived as part of a bigger picture; a feasibility study that envisioned rehab of all of the buildings as well as several additional buildings including two (2) reconstructed barns as well as an event barn and kitchen that has since been put aside. To be clear, when Smithfield VA Events approached us with a letter of intent saying as Mr. Riddick explained that they are willing to pay the debt service to buildout those buildings in return for a lease. We were bound to go to DHR and get an amendment to the Phase 2. The amendment had some technical details, basically, that said we have someone who is able to accelerate the process. We said we would like to change our application to say that it is not a Phase 3 but a Phase 2 effort. We also made two (2) architectural changes. The original architect had it as a slab on grade and we said no. It needs to be elevated so they look more like the other buildings. All along, again to be clear about this, they were referred to as reconstructed barns because that is what they were. It was always clear that the buildings would be used for storage which implies conditioning of the buildings. Even in the original DHR applications, it speaks about those two (2)

buildings being used for the storage of materials used for events held at Windsor Castle. Should Smithfield VA Events not take possession of the barns, they would still be conditioned storage buildings that the town could use to maintain Windsor Castle Park. Back then, there was no specific plan that Smithfield VA Events would come forward; but they were always intended to be storage buildings. They are referred to in the plan as a maintenance building and a storage building; I think more to reflect the design of the buildings. One other piece that has been referred to as \$350,000.00 barns, they are not. The \$350,000.00 is an estimate that we are using essentially as a budget for the reconstruction of the two (2) barns and the rehabilitation of the interior of the caretaker's house; the house at \$80,000.00 and the barns at \$270,000.00. As far as, Mr. Riddick also pointed this out, any money that is being spent before we draw down a line of credit or a loan it is being tracked separately. So, if we have paid an invoice for example for a building permit out of the funds we have that is being tracked separately. Interest is accruing every day until the lease payments begin. Smithfield VA Events will be paying more than the full debt service because they are accruing some interest today. We are tracking it very carefully. As of tonight, I checked the report before I came here, Smithfield VA Events has accrued \$1.23 of interest for the rehab of the interior of the caretaker's house. That is the level of fiduciary control and oversight that we are providing. It is consistent with what we filed with DHR. We have filed an amendment which they have approved. They have it in hand. The money is being spent in a very diligent and very carefully controlled manner.

Councilman Dr. Cook – Thank you. So, really, we cannot get lost in the details from the fact that these are buildings that are useful buildings with or without Smithfield VA Events. We just would not have built them if we did not have a tenant in mind and lined up. Essentially, the vote tonight has specifically nothing to do with Smithfield VA Events other than they will be a tenant. These are buildings that the town is building for the town's benefit on town property. If there are no more comments, I am going to go ahead and make a motion that we approve the construction of the new storage building and the maintenance building at Windsor Castle Park.

Councilman Smith – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

On call for the vote, seven members were present. Councilman Pack abstained, Vice Mayor Gregory abstained, Councilwoman Chapman abstained, Councilman Dr. Cook voted aye, Councilwoman Tynes voted nay, Councilman Smith voted aye, and Mayor Williams abstained. There were four (4) abstentions. There was one (1) vote against the motion.

Town Attorney – The motion fails.

Note: After further research, it was determined by the Town Attorney that this motion passed. A full quorum was present and a majority of the Council members voting on the motion voted in the affirmative.

Mayor Williams – The motion did not pass. We will now move to a Motion to Approve the Town Council Meeting Minutes of August 1st, 2017.

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

Councilwoman Tynes – So moved.

Councilman Pack – Second.

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

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

Mayor Williams – Our next item is a Motion to Appoint a Special Nominating Committee to Fill Vacancy of Ms. Connie Chapman on Town Council. I would like to say that Connie came in here about seven and a half (7 ½) years ago. She wanted to do good for the community and add something to it and also learn what was going on in the community. She wanted to help out the best she could in making decisions for the wellness of the Town of Smithfield. She had very, very thin skin. Today, she has very, very tough skin. She found out after about two (2) to three (3) years that she had to have tough skin and she grew it. She has done an excellent job over this time growing that tough skin to be able to put up with the harassment this Town Council receives a whole lot of times. You have to work through it. You have to listen to the people and you have to do what you think is best for the Town of Smithfield. She has done that. We

appreciate it. We are all going to miss you. I am still mad that the county took you away from us.

Councilwoman Chapman – Thank you, Mayor.

Mayor Williams – I have a rotation of committee members that I rotate when somebody is due to be replaced. This rotation will be Mr. Andrew Gregory and Mrs. Denise Tynes. They will be looking for a replacement for Connie Chapman for the next seven (7) months to fill her seat. They will be getting back with us at the October meeting to present that name. Thank you very much. Is there any New Business? Hearing none, we will move to Old Business.

Councilman Dr. Cook – Mr. Mayor, I have our monthly update on Windsor Castle. Anyone that has been by Windsor Castle, you can see that a lot of work has been done over the past month. I went by there this afternoon. I was kind of hoping to see the porches on the tenant house going up but I think they were working on the floors. Hopefully, the rest of this week they can get the roof and supports up. The manor house work is now complete for Phase 1 with the excavation of the wing foundations and the removal of the bushes along the foundation of the house. Everything we have done on the exterior of the manor house is, basically, to get the water away from the house and bring it back down to 1800's form and shape. Starting today, you can see the mobilization of some arborist. They are taking out dead trees, dying trees, or diseased trees that are a risk to the house. With the storm coming up, we do not need a two (2') limb going through the roof. You can also see some trimming of some of the pecan trees and the magnolia tree around the house. They are cleaning it up so you can have a better view of the house. The caretaker's house exterior is pretty much done. You will see, within the next week or two, the exterior of the house will be completely finished. The metal roofs on the peanut barns and log crib have been painted. The replacement roof on the 18th century barn, which is the barn down next to the pole barn, is about to begin. Currently, we have spent ten (10%) of the total project cost to date. I think we have done a lot for the money. Pretty much all of the outbuildings and barns except for two (2) are done. I think we are doing pretty good on money. The work on the caretaker's exterior is ninety-five (95%) percent complete. We are almost done with the town's part of the caretaker's house. We are going to be considerably under budget, so far, for Phase 1. I think, due to our foreman and his frugality, we are saving a lot of

money. He is reusing boards, finding glass somewhere to make his own windows, making his own doors, he is my kind of man; cheap. I said this at our committee meeting so Council has kind of already heard this; but Mr. Eley has found some odd things going on with the foundation bricks and how they were cut and put together. Different brick patterns indicated different periods of time. Some things just did not quite make sense to him. So, he, along with the reconstruction committee, brought out a man from William and Mary who did his own investigation. He produced a report to us about Windsor Castle and what he was able to discover using what he found in the basement. He has found, what he believes, would be the original foundation outline of the original Arthur Smith house from the 1700's. It is quite interesting how he thinks that throughout the different generations of people who have lived there and how they have built it and added on to it and where it has grown. It is actually a major discovery for the manor house to see what the original Arthur Smith house looked like. It was not this two (2) story grand mansion you see now. It was a one (1) story smaller house with a very steep pitched roof. It probably had a loft kind of area for storage. With all this being said, it is going to kind of make us circle back to how we plan on utilizing the interior of the manor house. For example, our original plan that had been submitted to DHR was to have an accessible bathroom in the basement for the house. That is where the bathroom is going to be. If you notice, the wings for the bathrooms are now gone. So, we would have to have a bathroom. The original plan was to have a bathroom in the basement. I do not exactly know that the best location for a bathroom would be the original foundation of the Arthur Smith house. That is just one (1) example. There are some things we will have to circle back on and how we will utilize that house in the future, how we will have it open to the public, and have it for venues for corporate dinners, retreats, rehearsal dinners; whatever, you name it. We do not exactly know yet. The Historic Restoration Committee is kind of forming a task force to figure out the best use for that property knowing more information that we have now. A press release was issued last week, August 30th. You may have already read it in the newspaper. The final historic interpretation tour for the property is going to be this Saturday, September 9th, at 2:00 p.m. Everyone will meet in front at the manor house. This will be the last opportunity you have to get into a guided tour of the interior of the manor house. I am sure we have all been through it many times.

Mayor Williams – It is just the property; not the interior.

Councilman Dr. Cook – Oh, it's not the interior; just the property. Well, if you missed it, you missed it; so sorry. Anyway, it will be the outbuildings and the barns.

Mayor Williams – They will be talking about the interior.

Mr. Bodson – It is not safe right now.

Councilman Dr. Cook – It starts on the front of the house. For those of you not familiar with 1700's houses, the front of house faces the river; not the road. Thank you.

Mayor Williams – Is there any other old business?

Town Attorney – Mr. Mayor, I want to put one comment on the record. I am not certain about the effectiveness of the action pertaining to item #2 in the Action Section of the agenda. We have a quorum present. All members of Council are present so the quorum is here. Four (4) members abstained. There was a majority vote 2-1 in favor of the motion. I am not certain if it is a valid action or not. I am putting that on the record. The Town Council is governed by the rules of the House of Delegates; believe it or not. I will do some research and give you my opinion as to the validity of the action. I cannot make one call tonight yes or no. It has never happened in the twenty-five (25) years that I have been here.

Mayor Williams – Is there anything else to come before Council?

Town Manager – On behalf of all the town staff, thank you Connie.

Councilwoman Chapman – Thank you, Peter.

Mayor Williams – Ladies and gentlemen, we stand adjourned.

The meeting was adjourned at 9:08 p.m.



Mr. T. Carter Williams
Mayor



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