

The Smithfield Town Council held its regular meeting on Tuesday, October 1<sup>st</sup>, 2019. The meeting was called to order at 6:30 p.m.

**Members present:**

T. Carter Williams – Mayor

Michael Smith – Vice Mayor

Denise Tynes

Valerie Butler

Randy Pack

Wayne Hall

Beth Haywood

**Staff members present:**

Brian S. Thrower – Town Manager

Alonzo Howell – Chief of Police

Ellen Minga – Town Treasurer

Lesley King – Town Clerk

Ashley Rogers – Human Resource Director

William H. Riddick, III – Town Attorney

John Settle – Community Development & Planning Director

Amy Novak – Director of Parks and Recreation

Judy Winslow – Director of Tourism

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

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

**INFORMATIONAL SECTION:**

**Manager's Report**

Mr. Thrower included his September Activity Report in the agenda packet and was available for any questions from Council.

**Public Comments:**

The public is invited to speak to Council on any matter, except scheduled public hearings. There will be a separate signup sheet for public hearings. For public comments, please use the

appropriate sign-up sheet and include your preferred method of contact. Comments are limited to five (5) minutes per person. Any required response from the Town will be provided in writing following the meeting.

Ms. Betty Clark addressed the Council about landscaping concerns in the downtown area. She requested a written answer as to why the town spent money on plants for beautification only to let these plants die without getting watered.

There were no other signups for public comments.

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

Supervisor Grice updated the Town Council on the following items: an engineering study for Westside Elementary School, the Contractor’s Forum, establishment of a Special Needs Task Force, VDOT turn lane for Turner Drive, a public hearing about solar farm requirements, and bid package information on the Blackwater property. The Isle of Wight Board of Supervisors held a retreat. They discussed the following items: reviewing pending projects with each department, Board priorities, and Fire and Rescue Advisory Committee updates. The Stormwater Task Force was explained regarding the fallout areas in older neighborhoods without a Homeowner’s Association. VDOT changed their policy in 2014 and takes no responsibility for anything beyond the roadway which is a major burden to people sharing an easement. Property is being washed away. The Stormwater Task Force is evaluating how to correct them. He explained that if the county corrects the issues then the county has ownership but still has to go through approval by VDOT. Older systems would also have to be brought up to current standards. Repair and upkeep in any county has the same problems. The county is leading the charge through the Virginia Association of Counties to explain that localities cannot fund these projects. Localities could partner with them to help with the funding to help the residents.

**Council Comments:**

Councilwoman Tynes reminded everyone about October being Breast Cancer Awareness month to raise awareness about the importance of finding breast cancer early.

**Consent Agenda:**

Mayor Williams asked if any Council member would like to pull any of the consent agenda items. Mayor Williams pulled the Docks of the Bay invoice.

**C1. Invoices Over \$10,000 (received since Committees) – Request to Approve:**

a. Isle of Wight County – Tourism True-up	\$128,422.00
b. Isle of Wight County – E911 True-up	\$ 51,285.14
c. Smithfield Volunteer Fire Department – FY20 Contribution	\$ 15,000.00
d. Smithfield Volunteer Fire Department - 2020 pass through fire funds	\$ 29,461.00
e. Draper Aden Associates – General Services	\$ 10,485.50
f. Colonial Truck – New Parks and Recreation Truck	\$ 28,571.95
g. Docks of the Bay pulled by Mayor Williams	\$ 52,404.41
h. REW Corporation – Lakeside Pump Station Bypass pump installation	\$ 26,820.00
i. Smith Turf & Irrigation – Aerator – TC approved 9-3-19	\$ 10,364.00
j. Blair Brothers, Inc. – Right Turn Lane Project	\$178,891.12

Councilman Pack recommended all items for approval with the exception of the Docks of the Bay invoice. It was pulled by Mayor Williams for further discussion.

**C2. Purchase Orders – Request to Approve**

James River Equipment – John Deere Tractor for Parks and Rec \$26,153.09

Councilman Pack explained that this replaces an aging tractor that the town has for staff. He recommended this item for approval.

**C3. Windsor Castle Restoration Project – Request for Draw**

Councilman Pack informed Council that this request is for \$200,000.00 and they are hoping this will be the last draw needed for this project.

**C4. 208 Winchester Place Storm Drain Project – Request to Proceed**

Councilwoman Haywood explained that the pipe at 208 Winchester Place needs repair due to a joint separation. It was a budgeted item for this fiscal year. She recommends this item for approval.

**C5. HVAC Maintenance and Repair Contract – Request to Renew**

Councilwoman Haywood explained that this contract is with Atlantic Constructors for one additional year. It is recommended for approval.

**C6. 315 Main Street – Request to Renew Lease**

Councilwoman Butler explained that this lease is an annual lease for \$9,300.00 per year and is recommended for approval.

**C7. Deeds for 9, 15 & 16 Pinewood Drive – Motion to Accept Deeds as part Phase IV of the Pinewood Heights Relocation Project**

Councilwoman Butler recommended this item for approval.

Councilman Pack made a motion to approve the consent agenda items with the exception of the Docks of the Bay invoice. Councilman Hall seconded the motion. Mayor Williams asked if there was any further discussion. Hearing none, he called for the vote.

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

**Docks of the Bay – Clontz Park Boat Ramp -\$ 52,404.41**

Mayor Williams asked who inspected the boat ramp project when it was finished. The Town Manager stated that Kimley Horn did the final inspection. Councilman Pack reminded everyone that there are grant funds associated with the boat ramp as well. He stated that the VMRC had a concern with a few small items for the boat ramp. He did not know if those had been corrected. Mayor Williams asked about the narrow, wooden walkway at the ramp. The Director of Parks and Recreation stated that they were working on that. Mayor Williams inquired also about the method of getting from the walkway to the floating dock. The Director of Parks and Recreation said that it was being addressed with Docks of the Bay through Kimley Horn. There is also a final change order that is under review by town staff. Mayor Williams was questioning these items since Docks of the Bay is requesting final payment. Councilman Pack asked for this item to be tabled until after closed session or at next month's meeting. Mayor

Williams said that no action was needed at this time and this item would be discussed in closed session.

**Motion to Approve the Town Council Summary Minutes of September 3<sup>rd</sup>, 2019**

The Town Attorney explained to Council that the minutes are in summary form rather than verbatim. He had made a couple of minor changes and recommended them for approval as revised and corrected. Councilman Pack made the motion to approve and it was properly seconded by Councilman Hall. Mayor Williams called for the vote.

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

**New Business:**

**Golf Carts – Section 78-306 – Request to Amend Town Code**

The Town Attorney explained that this was approved before but a correction was found by the Town Clerk. It removes one paragraph omitting a requirement for an inspection for golf carts.

Councilman Pack made the motion to approve the amendment to the town code as presented. Vice Mayor Smith seconded the motion. Mayor Williams called for the vote.

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

**Lawn Grass Establishment Contract – Request to Approve**

The Town Manager explained that the town recently issued a Request for Proposals for lawn grass establishment services. The town is experiencing difficulty establishing grass throughout various areas of the Joseph W. Luter, Jr. Sports Complex. One proposal was received from Schultz Landscapes. They will be responsible for providing a dense, well established lawn to include watering, weeding, fertilizing, as well as the repair and reseeded of all eroded or bare spots. After the town accepts their work, Schultz will maintain the lawn for one additional year. The estimated cost of those services is \$66,542.02. The Town Manager recommended approval of this contract. Councilman Pack told Council that he had worked with Schultz on several projects personally. He feels they are a top notch company in our area. He made a motion to approve the lawn grass establishment contract with Schultz Landscapes as presented. Vice Mayor Smith seconded the motion. Councilwoman Butler asked how this effects our agreement with the original contractor. The Town Manager explained that RAD Sports is out of the picture at this point and the town is moving forward with Schultz. Councilwoman Butler asked if the town had paid RAD in full or if there was retainage. The Town Manager explained that the town is withholding a significant amount of money from them. The town is using that money to pay for services from Schultz. Mayor Williams asked if they would start now or is it at their

discretion. The Town Manager explained that staff spoke to them recently and this is the right time of year to start. Staff will be in contact with them tomorrow and they will move forward on establishing grass right away. Councilwoman Tynes asked if this was a onetime proposal. Councilman Hall asked what happens at the end of the year and if they would submit a new proposal at the end of their contract. The Town Manager explained that the proposal is only for the initial stage for the year. Staff plans on maintaining it afterwards. This is just a onetime project. Councilwoman Tynes asked if this item had been budgeted. The Town Manager explained that the town is using the money that is being withheld from RAD Sports which is in excess of \$66,542.02. A motion was made by Councilman Pack and seconded by Vice Mayor Smith. Mayor Williams called for the vote.

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

#### **Information Technology Services Agreement – Request to Approve**

The Town Manager explained the terms of the agreement between the town and Isle of Wight County for IT services. They have been doing this for the last few months since the town did not have an IT Manager. The intent of the agreement is to provide maximum efficiency of IT services without duplication of personnel or resources while maintaining sufficient support for county and town operations. The agreement strives to streamline services and furthers the goal of seeking consolidation opportunities between the town and county. The town will pay the county an annual fee of \$81,000.00 to provide these services. It will continue until terminated by either party with written notice. He recommends approval of this agreement. The Board of Supervisors approved the agreement on September 19<sup>th</sup>, 2019. The Town Attorney has reviewed it as well as staff. Councilwoman Tynes made the motion to approve the agreement as presented and it was seconded by Councilman Hall. Mayor Williams asked if there was any further discussion. Councilman Hall asked if this agreement covers personnel and equipment. The Town Manager explained that the agreement is for personnel services. Any equipment upgrades are the town's responsibility. The \$81,000.00 was the amount the town paid in the previous fiscal year for the previous IT Network Administrator. Councilman Pack explained that the first year will probably be a savings to the town when redundant systems are no longer used. He has been assured that there are some items where the town can cut some costs. The county has a good IT staff. Councilwoman Tynes felt that sharing this service with the county is a good move forward. The town will no longer be duplicating services. With no further discussion, Mayor Williams called for the vote.

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

#### **Fire Program Funds Appropriation Ordinance – Request to Adopt**

The town received \$29,461.00 from the Department of Fire Programs for use by the Smithfield Volunteer Fire Department. These funds were not included in the FY 2020 adopted budget. The Town Manager explained that these funds needed to be appropriated into the current year budget so that the funds can be sent to the Smithfield Volunteer Fire Department. Councilman Pack made a motion to approve this item as presented. Councilman Hall seconded the motion. Mayor Williams called for the vote.

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

**Old Business:**

Mayor Williams asked if there was any old business. He asked Mr. Herb DeGroft if he would like to speak since he was given the incorrect time of the meeting. Mr. DeGroft wanted to ask the Council to reconsider the sign ordinance. He also discussed the signs that went up for motorcycles and golf carts on Main Street. He feels they are unnecessary. He feels that the parking spaces on Main Street have not been marked correctly.

**Closed Session Pursuant to Virginia State Code Section 2.2-3711(A)(8) for Consultation with legal counsel regarding specific legal matters requiring legal advice.**

Councilman Pack asked if Council could add to the closed session for personnel matters. The Town Attorney added personnel matters pursuant to Section 2.2-3711A(1) of the Code of Virginia. Vice Mayor Smith made the motion to go into closed session and Councilman Hall seconded the motion. Mayor Williams requested all in favor say aye, opposed say nay.

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

*Town Council went into closed session at 7:11 p.m.*

*Town Council returned to open session at 8:10 p.m.*

Councilman Hall made the motion to go back into open session. Councilwoman Tynes seconded the motion. Mayor Williams requested all in favor say aye, opposed say nay.

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

The Town Attorney explained that Council needs a motion that during the closed session there was only a discussion of personnel matters pursuant to Section 2.2-3711A (1) of the Code of Virginia and a consultation with legal counsel regarding specific matters requiring legal advice pursuant to Section 2.2-3711A (8) of the Code of Virginia. Councilwoman Tynes made

the motion and Councilman Pack seconded. Mayor Williams requested all in favor say aye, opposed say nay.

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

**Invoice for Docks of the Bay for the Clontz Park Boat Ramp**

This item was pulled from the consent agenda for further discussion. Councilman Pack explained that it is the intention of Council to authorize payment when the work has been done according to the plans. Council would like this to move forward quickly. Once that is determined, the invoice will get paid as presented. He made a motion that we authorize payment of the invoice to Docks of the Bay for \$52,404.41 pending completion determination and confirmation that the work was done according to the plans. Councilman Hall seconded the motion. Mayor Williams called for the vote.

On call for the vote, seven members were present. Councilwoman Haywood voted aye, Councilman Pack voted aye, Councilwoman Tynes voted aye, Councilman Hall 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.

Mayor Williams asked if there was anything else to come before Council. Hearing none, the meeting was adjourned.

The meeting was adjourned at 8:13 p.m.



T. Carter Williams - Mayor



Lesley King – Town Clerk