

The Smithfield Town Council held its regular meeting on Tuesday, December 6<sup>th</sup>, 2016. 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, Mr. Randy Pack, Mrs. Denise Tynes and Dr. Milton Cook. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mrs. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. William H. Riddick, III, Town Attorney; Mr. Alonzo Howell, Deputy Chief of Police; Mrs. Ashley Rogers, Director of Human Resources; Ms. Judy Winslow, Director of Tourism; Mr. William G. Saunders IV, Planning and Zoning Administrator; Mr. Bill Davidson, Planning Commission Chairman. There were four (4) citizens present. The media was represented by Mr. Ryan Kushner of the Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of December 6<sup>th</sup>, 2016. It is now 7:30 p.m. Thank you all for coming out on a rainy, blustery, and windy evening. I would like everyone to stand as we say the Pledge.

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

Mayor Williams – We will start off tonight with the Informational Section with our Town Manager, Mr. Peter Stephenson.

Town Manager – Thank you, Your Honor. Welcome everyone and Merry Christmas. We have a lot going on during the month of December. As you have probably noted already, we have a full complement of meetings this month. We will have the Planning Commission meeting on December 13<sup>th</sup>. Committees will be a bit early on December 19<sup>th</sup> and 20<sup>th</sup> at 4:00 p.m. each evening. We will have the Board of Historic and Architectural Review and the Board of Zoning Appeals on the 20<sup>th</sup> as well. As far as the Christmas holiday, we are off for a four (4) day weekend from Friday the 23<sup>rd</sup> through Monday the 26<sup>th</sup>. We will observe New Year's Day as well on January 2<sup>nd</sup>. The only other thing that might come up in the next month is that RAD Sports is still getting all of their permits for the official groundbreaking on the Sports Complex. We expect, hopefully by the end of this week or the first of next week, to have all of those in hand. We will probably be trying to coordinate a groundbreaking ceremony with you all during the month of December. It is the only other item to anticipate. Other than that, the November Activity Report was posted with the agenda on Friday. I will be happy to

answer any questions. I am looking forward to a great month ahead with a lot of activities here in town. Thank you.

Mayor Williams – We will now move to Public Comments. The public is invited to speak to Council on any matter except scheduled public hearings. We do have one of those tonight. Comments are limited to five (5) minutes per person. Do we have any public comments? Hearing none, we will now move to Council Comments. Does any Council member have anything to comment on?

Councilwoman Tynes – Mayor Williams, I just want to say thank you for reaching out to me after my surgery. I would also like to thank Council for allowing me to represent them at the regional supper that was held last week at the Embassy Suites in Hampton for the Virginia Municipal League. Very quickly, I wanted to tell you some of the things that were stated there. Our Treasurer got some positive statements made from the committee that she is on. I forgot the gentleman's name but he had a lot of positive things to say about her and that is good. A lot of positive things were said about the Town of Smithfield most of which were about tourism. I wanted to mention a few of the items that were mentioned as far as the legislative program that VML would like to present this year such as: education funding, state and local government fiscal relationships, and state assistance to the local police department. In most of those areas, they had quite a few things they were supporting this year which included taxing, licensing, and regulating internet based businesses and services. Of course, it included transportation and transit funding which you can see out on the major highways. There are a lot of other legislative positions that they are going to support this year. I wanted to let you know that they have those regional meetings every so often. If you have an opportunity to go to the next one, I would recommend it. You can really hear a lot of things that are going on at the state level that is supporting us. Thank you and have a lovely Merry Christmas.

Councilman Dr. Cook – I am going to show you the Windsor Castle Park Foundation nice Christmas ornaments. They are selling them. It is a fundraiser for the Foundation to help with many things including paying for the nice, new play area that is now in effect. These are being sold around town and here at the Smithfield Center. I am actually going to have some in my office too. It is a etching of Windsor Castle itself. I think they are sold for twenty (\$20.00) dollars.

Mayor Williams – And they make great Christmas presents.

Councilman Dr. Cook – Yes, they make great Christmas presents. They are available around town and here at the Smithfield Center. I will also have some in my office for sale. We are trying to get them into different stores on Main Street for the foot traffic up and down the street.

Mayor Williams – Does any other Council member have anything to bring forward? Seeing none, we will have a Briefing by Richard Grice, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Grice – Good evening Council members and all attending this evening's meeting. I hope everybody was able to arrive dry. At the county's Board meeting on Thursday, November 17<sup>th</sup>, 2016, the Board accepted the consent agenda. The agenda included two (2) grants requiring one for one matching and a pass-through fund from the Virginia Department of Emergency Management. Mr. Keaton, our new County Administrator, assured the Board that acceptance of these monies would not negatively impact the county operating budget. The Board will receive a detailed report on the use and distribution of these funds. Additionally, we approved acceptance of VDOT's Animal Friendly License Plate Program. A portion of the revenues from the sale of these license plates will assist in the funding of sterilization of dogs and cats. With the recent termination of the county's MSR4 permit, the county staff has recommended no change to the current policies, practices, and fees at this time. However, the Board has agreed that it will undertake a review of fees, practices, responsibilities, and staff requirements at a work session in the near future. The Board held a public hearing with reference to the application for special, conditional use under the RAC category for Aberdeen Farms. The Board set aside the decision on the application in order to collect more information. A decision will be made at our next Board meeting on December 15<sup>th</sup>. Comments referencing this issue will be entertained during the citizen comments portion of the meeting's agenda. The Board received an update on the Atlantic Pipeline project of natural gas. The Board continues to support the project. Additionally, the staff provided the Board with the policy and procedures. The Board requested, before approving the agreement, to support and assist in enforcement of illegal signs being removed under the program with VDOT to clean the signs away. The Board felt confident that this was not just a revenue generating effort and will proceed with

adequate checks and reviews in place. After an in-depth review of the county's zoning code which included Articles 2, 3, and 4, the Board approved the revised revisions to the county code. The revisions received intense scrutiny at a previous work session. We ended up with more revisions of the revisions. This action is needed as the county begins preparation for the review of the county's Comprehensive Plan. A chart and table of zoning classifications with recognized and conditional uses as amended is now available at the Planning and Zoning office and also online. It is a comprehensive table and very easy to use. You can take a look at it and see what requires conditional use and what is a recognized use for that particular area. The Board modified and exempted the construction, repair, and rehabilitation of handicapped access ramps for disabled individuals from county fees. It was an oversight earlier in the year. They still need a permit but it will be granted without any fees. During the new business section of the agenda, the Board agreed that enhancement of the county's Wi-Fi and internet service throughout the county will receive additional attention as we roll out the new 911 Emergency Service Communication System. New antennas will be designed to accommodate at least two (2) companies wishing to provide these services for the county. At a work session on December 1<sup>st</sup>, the Board entertained discussion with staff on the Emergency Communication System. We had an update on the Hampton Roads Utility Service billing system, noise ordinance amendment, welcome sign designs, and a Lawnes Point well update. With the exception of agreeing to a sign design, no other action was taken at the session. If some evening this next week you are extremely bored and seeking excitement, I invite you to watch the video of that session. It is available for your review on the Board of Supervisor's archive video tab on our county website. Are there any questions?

Mayor Williams – Thank you Mr. Grice. With no questions, you must have done a good job. We will now move to the Summary of Consent Agenda Items. We have nine (9) items tonight. We will start with the Police Committee Chair, Mrs. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. Thank you, Mayor Williams. The first item tonight is a motion to authorize the purchase of a budgeted police vehicle. It is budgeted to replace one (1) of the vehicles in the police department. The next item is a resolution to approve traffic assistance for the 8K and Jericho Road one-way traffic for the BOB Festival on Saturday, January 14<sup>th</sup>, 2017. This is an annual festival and it

will have police assistance throughout locations on that route. Nothing has changed from the previous years.

Mayor Williams – We will now move to the Water and Sewer Committee Chairman, Mr. Andrew Gregory.

Vice Chairman Gregory – Water and Sewer Committee Summary. Thank you, Mr. Mayor. Item C3 is a motion to reject the water tank maintenance contract bid. All of the water tanks throughout the town need to be maintained. We only received one (1) bid. Our staff is recommending that we take another look at this and see if we can find a better way.

Mayor Williams – Thank you. Our next item is C4 with the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. This evening, we are taking a look at several invoices over ten thousand (\$10,000.00) dollars requiring Council authorization. The first is to Kimley Horn Associates. They are our engineers for the sports complex for \$18,388.95. The next is to CAS Severn which is the server which allowed us to print all of our tax bills this year for \$15, 543.00. The next invoice is to Sydnor Hydro for \$19,875.00 for the Wellington pump replacement. I had the opportunity to see this pump. We have been approving these for some time, as needed; but this pump is gigantic. It is very solid. I am starting to get an understanding of why they have the cost that they do. We also have an invoice to Hall Automotive for two (2) budgeted Dodge Chargers in the amount of \$49,950.00. The Police Department has taken possession of those. These were budgeted to replace vehicles in our fleet. We have an invoice for the Natural Playground Company for \$43,635.31 which is the final bill for the playground that was originally installed. There may be a few more bills coming through but this should take care of the chunk of it. We have a bill for Lewis Construction for \$39,825.00 for waterline replacements. We have an Isle of Wight County General Obligation Bond for \$15,281.92. We bought some water meters from HD Supply for \$19,960.00. These should actually make this money back for us. The one that is there is not recording as it should. Our friends at Blair Brothers Inc. just finished paving Jefferson Drive last week. They are requesting payment of \$84,815.00. This will be eligible for highway money. Finally, we have an invoice to Joy P. and James P. Massie Jr. Irrevocable Trust. We bought some nutrient credits for \$24,377.50 for the

ballpark as part of the wastewater management plan. We are going to destroy some nutrients and replace them on a plantation up towards Richmond. That takes care of all of our bills this month that are in excess of ten thousand (\$10,000.00) dollars.

Mayor Williams – We will now move to the Parks and Recreation Committee Chair, Ms. Connie Chapman.

Councilwoman Chapman – Parks and Recreation Committee Summary. Thank you, Mayor. Item C5 is a motion to approve the deed and the plat for a Conservation Easement at the Joseph W. Luter, Jr. Sports Complex. I am going to defer this to our attorney, Mr. Riddick.

Town Attorney – Mr. Mayor and members of Council, we have a Deed of Easement tonight; which I prepared. We have never done one of these. I had a consultation with the county attorney because the county administers the stormwater program. They do not really have a form for this either. The one thing that was required or the three (3) conditions, on page 2 following the legal description, are conditions that were proposed by their staff. So, those are the conditions that are imposed on this easement. I made a mistake in here. Unfortunately, my eyesight is not that good. I did not see that there are actually four (4) BMP areas. If you notice on the plat, there is one tiny, little area right by the road. On page 2, where it says three (3) areas it is actually four (4) so I am going to change that. There is a blank there as to acreage. I am going to ask Mr. Canada to give me the square footage of the area. He will be revising the plat. Otherwise, this is what is required by the county. I would recommend that you authorize the Mayor to execute this when the plat is complete.

Councilwoman Chapman – Are there any questions for our Town Attorney? Hearing none, our next item is a motion to reject the architectural bids for the Joseph W. Luter, Jr. Sports Complex. This, I believe, is specifically for the concession building. It was originally designed in all brick. Mr. Weiss said that we can rebid it. He would recommend that we put that out giving us the option of other facing materials other than brick. The brick and the roof were going to be the most expensive things on the project. He hopes to have it out for rebid by the end of December. Hopefully, we can get some more bids including local contractors. The last item is a motion to authorize a direct purchase from Musco Lighting for the Joseph W. Luter, Jr. Sports Complex. The lighting

has a twenty five (25) year warranty which includes maintenance, labor, and materials. They are supposed to be the experts in the field of sports lighting.

Mayor Williams – Thank you. Now, we will move to the Public Works Committee Chairman, Mr. Michael Smith.

Councilman Smith – Public Works Committee Summary. Thank you, Mr. Mayor. Tonight, we have a motion to reject all bids for the Landscaping Services Contract. These services came in a little higher than we anticipated. We have time to re-negotiate or put this back out for bid. Hopefully, we can come back here and bring some more people in to give us bids for that.

Mayor Williams – Thank you. The next item is item C9 which is a motion to approve the 2017 meeting schedule. I am assuming that everyone has seen that. It has all of the meetings and the places that we are supposed to be with the dates and times. Those are all of our consent agenda items.

Vice Mayor Gregory – I would like to make a motion that the consent agenda be approved as presented.

C1. Motion to Authorize the Purchase of a Budgeted Police Vehicle.

C2. Resolution to Approve Traffic Assistance for 8K and Jericho Road One Way Traffic for BOB Festival on Saturday, January 14<sup>th</sup>, 2017.

C3. Motion to Reject Water Tank Maintenance Contract Bid.

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

a. Kimley Horn Associates	\$ 18,388.95
b. CAS Severn	\$ 15,543.00
c. Sydnor Hydro	\$ 19,875.00
d. Hall Automotive	\$ 49,950.00
e. Natural Playground	\$ 43,635.31
f. Lewis Construction	\$ 39,825.00
g. IOW County GO Bond	\$ 15,281.92
h. HD Supply	\$ 19,960.00
i. Blair Brothers Inc.	\$ 84,815.00
j. Joy P. and James P. Massie Trust	\$ 24,377.50

C5. Motion to Approve Deed and Plat for Conservation Easement at the Joseph W. Luter, Jr. Sports Complex.

C6. Motion to Reject Architectural Bids for the Joseph W. Luter, Jr. Sports Complex.

C7. Motion to Authorize Direct Purchase from Musco Lighting for the Joseph W. Luter, Jr. Sports Complex.

C8. Motion to Reject All Bids for Landscaping Services Contract.

C9. Motion to Approve 2017 Meeting Schedule.

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 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 – We will now move to the Action Section of the agenda. We have a Public Hearing: Special Use Permit – 327 Main Street. We will have a staff presentation by the Planning and Zoning Administrator, Mr. William G. Saunders, IV.

Planning and Zoning Administrator – Good evening, Mr. Mayor and members of Council. This is an application for a Special Use Permit. The applicant is Ms. Cheryl Ketchum. She is also the new owner of the property at 327 Main Street. She proposed to put a General Store in that building. In 2000, this building was purchased by Ms. Janet Ibbetson who operated the Treasure Chest of Smithfield. She had a Special Use Permit approved to have commercial upstairs and downstairs in this building. To expand a non-residential use into a residential structure, downtown requires one. However, at that time, Special Use Permits were granted to the owner and did not run with the land. In 2004, when the Verdaguer's ran the Old World Tea Shop they had to apply for another Special Use Permit. However, they wanted commercial downstairs and for the upstairs to remain residential. Now that Ms. Cheryl Ketchum has gotten the property, she wants to have retail or commercial use upstairs and downstairs as well. Actually, this Special Use Permit is just granting her the ability to have commercial use upstairs as the previous one ran with the land. She already has approval to have commercial use downstairs. Are there any questions?

Mayor Williams – Thank you. We now declare the public hearing open. Is there anyone who would like to speak in favor or against? Hearing none, we will close the

public hearing. We will have consideration by Dr. Milton Cook with the Public Buildings and Welfare Committee.

Councilman Dr. Cook – I actually have one question for Mr. Saunders. I am pretty sure I asked it last week at the committee meeting but will ask it again so everyone who was not at the meeting last week can benefit from your answer. In 2000, it was a Special Use Permit that went with the owner of the property. In 2004, another Special Use Permit was granted but it went with the property. So this one that we are doing today, does it go with the owner or the property?

Planning and Zoning Administrator – It is recommended that it goes with the land. If you grant it to the owner and then another owner comes along and asks for the exact same thing and you do not grant it to them then you are potentially in a position where it looks like you discriminated against someone. The recommendation is that it goes with the land. I am glad you called me back up because I failed to mention that the Planning Commission did approve this at their November meeting with no conditions.

Councilman Dr. Cook – Thank you. Does anyone have any further questions? Mr. Mayor, having all of our questions answered, I would like to make a motion to approve the Special Use Permit for 327 Main Street.

Councilwoman Tynes – Second.

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

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

Mayor Williams – The next item is a Motion to Appoint a Nominating Committee to Fill the Expiring Term (1-31-2017) of Ronny Prevatte of the Board of Historic and Architectural Review. I would like to appoint Dr. Cook and Mr. Pack for that. Thank you very much. I appreciate you doing that. You have until January 2<sup>nd</sup> to bring that back to us. The next item is Motion to Approve the Town Council Meeting Minutes of November 1<sup>st</sup>, 2016.

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

Vice Mayor Gregory – So moved.

Councilwoman Chapman – 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, 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 – We will now move to New Business. We need to Accept the Deed for 34 Jamestown Avenue as part of the Pinewood Heights Relocation Project.

Town Attorney – This is a property that we needed to close on because it was about to go into foreclosure. We closed on it last week to preclude that from happening. I checked with the Town Clerk and it had not been approved at prior meetings. We need the Town Council to make a motion to approve acceptance of the deed nunc pro tunc which means now for then as of November 1<sup>st</sup>, 2016.

Councilman Dr. Cook – It means we did it already so let's approve it. We are moving along with the Pinewood Heights Relocation project. The more properties we can get behind us the better off we will be. I will make a motion to accept the deed for 34 Jamestown Avenue nunc pro tunc as of November 1<sup>st</sup>, 2016.

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. Councilwoman Chapman voted aye, Councilman Smith voted aye, Councilman Pack voted aye, Councilwoman Tynes voted aye, Councilman Dr. Cook 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 now move to Old Business.

Town Attorney – We have two (2) items. In reading the minutes, if you recall, you made motions at last month's meetings to continue the action on the lease for the sports complex. It was continued to this meeting as was action on the lease for Windsor Castle. We discussed it at your committee meeting. It was agreed that you were not ready to do that; but it was continued to tonight's meeting. It would be appropriate to make a motion to table further action on these two (2) items until your January meeting.

Mayor Williams – That would fall under the Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Of course it does. Mr. Mayor, I would like to make a motion that we table the lease agreements with Smithfield Recreation Association for the ballfields and also with Windsor Castle LLC until our January meeting.

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. Councilwoman Chapman voted aye, Councilman Smith voted aye, Councilman Pack voted aye, Councilwoman Tynes voted aye, Councilman Dr. Cook voted aye, Vice Mayor Gregory voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Is there any other old business to come before Council? Hearing none, we will now move to a Closed Session for matters requiring advice of legal counsel.

Town Attorney – We need a motion to have a closed session for the purpose of a briefing by legal counsel as to actual litigation.

Councilman Pack – So moved.

Councilwoman Chapman – 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. Vice Mayor Gregory voted aye, Councilwoman Chapman voted aye, Councilman Pack voted aye, Councilman Dr. Cook voted aye, Councilman Smith voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

*Town Council went into closed session at 8:00 p.m.*

*Town Council returned to open session at 8:15 p.m.*

Town Attorney – Mr. Mayor and members of Council, we need a motion that during the closed session there was only a briefing by legal counsel as to actual litigation pursuant to 2.2-3711A.7 of the Code of Virginia.

Vice Mayor Gregory – So moved.

Councilwoman Chapman – 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. Vice Mayor Gregory voted aye, Councilwoman Chapman voted aye, Councilman Pack voted aye, Councilman Dr. Cook voted aye, Councilman Smith voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Are there any further items for Council? Ladies and gentlemen, we stand adjourned.

The meeting adjourned at 8:15 p.m.

  
Mr. T. Carter Williams  
Mayor

  
Peter Stephenson, AICP, ICMA-CM  
Town Manager