

The Smithfield Town Council held its regular meeting on Tuesday, December 1<sup>st</sup>, 2015. The meeting was called to order at 7:30 p.m. Members present were Mr. Andrew Gregory, Vice Mayor; Ms. Connie Chapman, Dr. Milton Cook, Mr. Michael Smith, Mrs. Denise Tynes, and Mr. Randy Pack. Mr. Carter Williams, Mayor, was absent. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mr. William H. Riddick, III, Town Attorney; Ms. Ellen Minga, Town Treasurer; Mr. Steven Bowman, Chief of Police; Mrs. Lesley King, Town Clerk; Ms. Judy Winslow, Director of Tourism, and Mr. William Saunders, Planning and Zoning Administrator. There were approximately fifteen (15) citizens present. The media was not represented.

Vice Mayor Gregory – I would like to call the Smithfield Town Council meeting of December 1<sup>st</sup>, 2015 to order. Welcome everyone. I appreciate everybody coming out tonight. If you would, please stand for the Pledge of Allegiance.

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

Vice Mayor – As always, we will get the meeting started with our Manager's Report from Mr. Peter Stephenson.

Town Manager – Thank you, Vice Mayor. We posted the November Activity Report with the agenda. I am always happy to answer any questions. I just wanted to take a moment to cover a couple of other things. First, we received some good news today. On behalf of the National Association of Town Watch, we are pleased to inform you that the Smithfield Police Department has been selected as a national award winner for its outstanding participation in the 32<sup>nd</sup> Annual National Night Out. Within the next month, they will be receiving a special award recognizing our area's achievements in the National Night Out 2015 campaign. This year's event involved 38.3 million people in 16,728 communities from all fifty states, U.S. territories, and military bases worldwide. We extend our congratulations for being selected among the nation's best. Congratulations and thanks for everyone's support. It is good news. I believe it is our third time in a row winning that. Things have been busy. You probably saw Public Works out putting up garland and bows today and getting in the holiday spirit. We are ready for Christmas. We have a lot going on this month as you are aware. The town and tourism websites have the information. We have an Evening with St. Nick coming up this Friday. There are home tours on Saturday. The following Friday will be our Christmas Evening Market on Main Street. We also have the parade, a Santa breakfast,

tree lighting, and you name it. Ms. Winslow and her staff have been very busy preparing. Everybody is working together really great. We are looking forward to it and I hope we have some great weather. As far as the meeting schedule, Mr. Saunders sent out a notice that we will not have a Planning Commission meeting this month or a Board of Zoning Appeals meeting. We still anticipate having our Board of Historic and Architectural Review meeting. The Town Council committee meetings are on December 21<sup>st</sup> and 22<sup>nd</sup> prior to Christmas. They begin at 4:00 p.m. each day. We have a special Council work session. It will be a committee style work session. It is planned for December 7<sup>th</sup> at 6:30 p.m. It is on the Cary and Main conditional rezoning application. I apologize if there was any confusion on Action Item 2 on our agenda tonight. It is regarding the Pierceville Manor house, the demolition by neglect ordinance, and trying to make sure we have another plan for mothballing that historic structure. It does not have anything to do with the rezoning application. The town offices will be closed on December 24<sup>th</sup> and 25<sup>th</sup> for Christmas. We will also be closed for December 31<sup>st</sup> and January 1<sup>st</sup> in observance of the New Year's holiday.

Vice Mayor Gregory – Thank you. Mayor Williams stopped by my office yesterday. He is obviously not here tonight. He is the president of his church Council. There is a three church conference that he is in charge of. He had a conflict but will be back with us for the January meeting. At this time, we will have Public Comments. The public is invited to speak to Council on any matters except scheduled public hearings. We do have one public hearing tonight. There will be a separate signup sheet for the public hearing. For public comments, please use the appropriate signup sheet including your preferred method of contact. Comments are limited to five minutes per person. Any required response from the town will be provided in writing following the meeting. Do we have any signups for tonight?

Town Manager – Yes sir. We have Mr. Ron Braunhardt.

Vice Mayor Gregory – Please state your name and address for the record. Thank you sir.

Mr. Braunhardt – I live at 101 Goose Hill Way. The clock has already started. Let me get the right page here. My remarks should not be construed in its wavering on the Pierceville subdivision. I am adamantly opposed to it. I think you already know that. It is the wrong neighborhood on the wrong piece of historical property; period. In previous

meetings, we have debunked the traffic study, the postulated local economy revenue, the taxes, and the jobs that are going to be created. We overwhelmingly demonstrated by a ten to one margin that the constituents are against this subdivision including the vast majority of the downtown historic district businesses. We factually demonstrated, using historic district ordinances and through the use of an unofficial survey of one hundred and six homes in the historic district, that the BHAR's declaration of acceptable home styles did not meet the historic district laws; specifically, the Historic Preservation and Overlay District's paragraph E.2.B, compatibility with similar features of buildings or structures within the district. E.2.C. says harmonious with and architecturally compatible with the historic district buildings. Other than four walls and a roof; they do not. We have identified serious shortcomings and the developer's proffers. Firstly, the twenty five hundred dollars offered versus Isle of Wight County's nine thousand dollar recommendation. During a Public Buildings and Welfare committee meeting, Mr. Riddick cited the TischlerBise study which recommended over eleven thousand dollars as acceptable cash proffers; clearly well above twenty five hundred. Where in the world does it say the taxpayers are responsible for subsidizing a developer's profitability by making up for insufficient cash proffers? None and then there is the issue of compliance with historic district building requirements not sufficiently addressed in the proffers. There is the troublesome wording that will allow the developer far too much leeway for non-compliance. If it is not written down; it is not enforceable. We have identified ordinance requirements that compel the Town Council to both comply with a law and provide specific guidance to the developer on building materials, building styles, architectural features etc. It must be conveyed in writing, I would suggest, to be fair to the developer so he knows what is expected to build in the historic district and to demonstrate your good faith to the public and the petitioners. You are well within your duties and responsibilities and, I think in order to comply with the law, must take the above actions based on the following ordinance of Article 3.D of the Zoning Ordinance. It states that the principle objective is to recognize, maintain, and reinforce the existing sense of neighborhood in and around the downtown historic areas and to promote residential development of historic character and architectural massing. Furthermore, it is to preserve existing historic and natural features to protect existing landscapes and vegetation, encourage housing with appropriate scale, and architecture. The developers

proposed offerings clearly do not meet that standard. In an excerpt from the December 1<sup>st</sup> Town Council meeting it was stated that the DNR may allow up to five lots per acre but the proffer put on there may only be three lots per acre and that is what they are bound to. The proffer does not address the number of houses per acre. This needs to be specifically addressed in the town's counter proposal to the developer. DNR is the wrong zoning selection for the proposed Pierceville land and should be rejected by the Town Council as the Planning Commission did. To provide examples of the proffers troublesome wording, I will point out that the current wording does not address how many of the various models would be allowed. You could end up with one hundred and fifty one, two thousand square foot homes on six thousand square foot lots which is one eighth of an acre and be well within the legal requirements of that proffer. That is not what we have. That is not what we need. It does not match the rest of the town's historic district homes. Words matter on a legal document. This should be specifically addressed and by phase. I will come back and talk about that. I offer the following for the counter proposal to the developers. Specify the number of homes by size and by phase. There are four of them. If you wait and tell them they can catch up in the fourth phase; there may never be a fourth phase. You will end up with two thousand square foot homes that do not have any architectural features whatsoever that match the survey. There is no catch up. In order to match existing neighborhoods, architectural features should be specified by house style in accordance with the historic district architectural guidelines and in the quantity and percentages identified in the survey that I presented to you and by build phase which are metal roofs, window styles, wide porches, wrap around porches, chimneys, doors, paint colors, gingerbread and decorative millwork, materials, etc. Not the glossed over, generalizations of the proffers or the Board of Historic and Architectural Review's acceptable approach. Without this, the developer always will be looking for ways to cut costs in order to maximize profits. It is not a bad thing but it will be tempting to do so at the expense of the historic district. If you have not thoroughly read the zoning and historic district ordinances lately, I think a careful review will make it clear just how far out of sync the developer's proposal is with the local laws.

Vice Mayor Gregory – The five minute timer just chimed.

Mr. Braunhardt – Could I have one last comment please?

Vice Mayor Gregory – Sure.

Mr. Braunhardt – Thank you. Lastly, I have identified in previous comments a very real concern I have over the past and future enforcement of the historic district ordinances. Past and future homeowners who have spent money complying with or arguing against spending money to comply can simply point to the proposed one hundred and fifty one houses in the Pierceville subdivision and refuse or worse. They can sue for the money that you made them spend and did not make the developer hold accountable to. In ramming through this land use and rezoning change, you will have the unintended consequence of fatally destroying everything done to date by you, the Mayor, and by a lot of you sitting here and many others here tonight to create, preserve, and promote the Smithfield historic image and the historic district in one ill-conceived decision. You will kill the reason people come to Smithfield because it is different and it is historic; the very thing that makes Smithfield what it is. Thank you for the extra time. I appreciate it. Thank you.

Vice Mayor Gregory – We do not have anyone else who signed up for public comments. Is there anybody else who would like to speak? Seeing none, we will move forward to Council Comments. Is there any member of Council who would like to make any comments this evening? Hearing none, I have one comment. I watched the football game last night between the Ravens and the Browns. A little known fact is a young man, Daniel Brown, from the town of Windsor played in his first actual NFL game. It was a proud moment. He is also a graduate of my alma mater, Isle of Wight Academy. I am a little bit proud of that. It was nice to see him get on the field. Hopefully, he will continue to move up the charts.

Councilwoman Tynes – I thought there were two that were from Isle of Wight County playing for the Ravens.

Vice Mayor Gregory – I do not know.

Councilwoman Tynes – According to the newspaper article, they had two but maybe I read it wrong.

Vice Mayor Gregory – There were two people called up but only one that I know of is from here.

Councilwoman Tynes – Okay but I do have a comment. I would like to wish everyone, all the citizens in the Town of Smithfield, happy holidays and a prosperous New Year. Thank you.

Vice Mayor Gregory – The next item on the agenda is our Summary of Consent Agenda Items. These items have been discussed at committee. Council always has the ability to pull one of these items if they so choose. Before we actually dive into them are there any items on the consent agenda that anyone would like to pull.

Councilman Pack – Yes sir, Vice Mayor. I would like to pull item C2 which is a motion to adopt the Procurement Policy Manual for no action tonight. Let's just return that back. There are a few things I would like to tweak in that before it gets voted on. We can turn that back to the Finance Committee. I will take care of it at the committee meetings this month.

Vice Mayor Gregory – Is there anything else that any member of Council would like to pull? Seeing none, we will do a summary of the consent agenda items. We will start with the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you. We only have one item for the Finance Committee this evening. It is an invoice over ten thousand dollars that requires Council authorization. This is for Blair Brothers, Inc. for \$19,082.46 for the paving of South Mason Street that was long overdue. We finally got our utilities underground. We were able to get the street paved. We and the residents are happy to not have the dust bowl anymore. Thank you.

Vice Mayor Gregory – Next on the agenda is the Parks and Recreation Committee Chair, Ms. Connie Chapman.

Councilwoman Chapman – Parks and Recreation Committee Summary. Thank you, Vice Mayor. We have item C3 tonight which is a resolution to accept an agreement with VMRC for the public boat ramp at Clontz Park. This is something that our Town Manager has been working on for a few months now. This is an agreement with the Virginia Saltwater Recreational Fishing Development Fund. I have one more item also. Item C4 is a motion to accept the scope of work for the design of the Clontz Park public boat ramp by Kimley Horn Associates in an amount not to exceed \$33,800.00. The three tasks in that scope of service are a geotechnical investigation, construction documents, and construction phase services not to exceed \$33,800.00.

Vice Mayor Gregory – Next we have the Public Works committee Chairman, Mr. Michael Smith.

Councilman Smith – Public Works Committee Summary. Thank you, Vice Mayor. I have a motion to approve the professional engineering service contracts renewal with Draper Aden Associates and Kimley Horn Associates for an additional two years. We get sort of tired of seeing their names before us all the time but they do excellent work. We have been very pleased with them. They correspond in a professional manner. Once again, I cannot compliment their work enough. Staff feels the same. I want to move it for approval. Also, I have a motion to approve the proposal by Draper Aden Associates for repairs to the primary spillway at the Smithfield Lake Dam. This has been going on ever since I started on Council. We have been trying to correct problems we have had at the dam there. We have chuckled about the damn dam project. These final improvements that they are going to do will shore it up. It will bring it up to what it should be. We will not have to continue to revisit this time and time again. We feel confident of that. I would like to move that for recommendation.

Vice Mayor Gregory – Last, but certainly not least, is our Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Public Buildings and Welfare Committee Summary. Coming in from the Public Buildings and Welfare Committee, we have a motion to authorize the Town Attorney to start the condemnation process on 52 Carver Avenue, with property owners consent, as part of the Pinewood Heights Relocation Project. This is a formality that the town needs to do in order to clear up a clouded title for 52 Carver Avenue. The property owner is consenting to the condemnation.

Vice Mayor Gregory – Thank you. I will take item C8 which is just a simple motion to approve the Town's 2016 meeting schedule which is included in your packets.

Councilman Dr. Cook – I make a motion to approve the consent agenda items except item C2.

C1. Invoices Over \$10,000 Requiring Council Authorization:

Blair Brothers, Inc. – South Mason Street      \$ 19,082.46

C2. Pulled from Consent Agenda.

C3. Resolution to Accept Agreement with VMRC for Public Boat Ramp at Clontz Park.

C4. Motion to Approve Scope of Work for the Design of the Clontz Park Public Boat Ramp by Kimley Horn Associates in an Amount not to Exceed \$ 33,800.00.

C5. Motion to Approve Professional Engineering Service Contracts Renewal with Draper Aden Associates and Kimley Horn Associates for an Additional Two (2) Years.

C6. Motion to Approve Proposal by Draper Aden Associates for Repairs to the Primary Spillway at the Smithfield Lake Dam.

C7. Motion to Authorize the Town Attorney to Start Condemnation Process on 52 Carver Avenue with Property Owners Consent as Part of the Pinewood Heights Relocation Project.

C8. Motion to Approve the Town's 2016 Meeting Schedule.

Councilwoman Chapman – Second.

Councilman Pack – I want to make one comment on item C4. It is a motion to accept the scope of work for the design of the Clontz Park public boat ramp. The money being expended is fully reimbursable by the grant. While we have to outlay the money for it, I want to make the public aware that it is not just design money we are spending. It is fully reimbursable through the grant that we anticipate being awarded on December 8<sup>th</sup>.

Vice Mayor Gregory – A motion has been made and properly seconded to approve the consent agenda items excluding item C2. Is there any further discussion? Roll call vote.

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

Vice Mayor Gregory – The motion carries. Our next item is the Action Section of our agenda. We have a Public Hearing: Floodplain Ordinance. We will have consideration by the Planning and Zoning Administrator, Mr. William Saunders.

Planning and Zoning Administrator – Good evening, Vice Mayor and members of Council. We have before us tonight a public hearing on Article 3.0 Floodplain Overlay District Ordinance (FPO) and Article 13 which is the definition section of the Town of Smithfield's Zoning Ordinance. The Federal Emergency Management Agency and the

Federal Insurance Agency have comprehensively redrawn the flood insurance rate maps (FIRM) for the first time since September 4<sup>th</sup>, 2002. The new maps are more accurate due to the improvements of computer mapping technology. They are intended to become the maps of record on December 2<sup>nd</sup>, 2015 which is tomorrow. Updates to municipalities' floodplain management ordinances are expected to go along with these changes in mapping. Due to the numerous updates necessary to bring our currently adopted floodplain ordinance into conformance with all of these changes since 2002, we determined it was best to modify the model ordinance that was provided by the Department of Conservation and Recreation to meet the town's needs rather than to revise our previous town floodplain ordinance. The draft ordinance that you have in your packets is that. It is a redlined version but the redline changes are the changes made to the model ordinance from DCR not to our old existing ordinance. They are there in the redlined version so that you can see the changes that had been made to modify that. Also enclosed for your review, is Article 13 which is the definition section of the ordinance. Numerous definitions related to floodplain management were added. This amended version, if approved, would replace our currently adopted version. It is the one that is there now with just floodplain management definitions added. The Planning Commission held a public hearing on these items at their November 10<sup>th</sup> meeting. They recommended approval to Town Council. I will go through these and note the changes that were made to them. On the Floodplain Overlay District Ordinance on page 2, the 'Town of Smithfield' was inserted there. We also added the panel numbers for the flood insurance rate map panels that are subject to the Town of Smithfield. On page 3, we added the municipality name. We struck 'Director of Planning' and replaced 'Planning and Zoning Administrator.' We struck a section that relates to the penalties and violations and added a section that is more in keeping with our current ordinance. We also added an article and section identifying more information about the violations sections in another part of our ordinance. On page 4, we struck 'Floodplain Administrator' and put in 'Planning and Zoning Administrator' because that is more consistent with other areas of our ordinance. We also added the town name in a section. The town name was added on page 5 and page 6. On page 8, the town name was added and we replaced 'Zoning Officer' with 'Planning and Zoning Administrator' for consistency. On page 10, we added the 'Town of Smithfield' and inserted 'December

2<sup>nd</sup>, 2015' as the date that the flood insurance rate map that this corresponds to is considered appropriate. We struck a section where we could have added a table there because we are not going to add it. On page 11, we struck 'AH' zones as there are no AH zones within the Town of Smithfield. We also added a section there. It is section 2. It was part of the footnotes of the model ordinance but we wanted to have that information codified in the article itself. We added the footnote as part of the text. Again, we struck 'AH' in a couple of other areas. We added the town's name in a couple as well. On page 12, we struck the 'AO' zone information. It was on page 12 and leading into page 13. There are no AO zones in the Town of Smithfield either. Also, on page 13, we struck the base flood elevation of one foot and made it eighteen inches of freeboard. This is a little more stringent than the law requires but it is also consistent with Isle of Wight County's floodplain ordinance. Given that Isle of Wight County's building codes officials also work within the Town of Smithfield, we wanted to keep that section consistent with Isle of Wight County's ordinance. Further down, on page 13, we added 'eighteen inches of freeboard.' There was also some language in there about whether the lowest horizontal structural member is parallel or perpendicular to the direction of the wave action. We struck that section as we increased the freeboard level. We felt that the differentiation did not need to be made. On page 14, in a section related to how much area beneath a home can be enclosed without triggering high insurance rates. We struck 'shall' and put 'should' and then we explained why people should not do that. It could trigger high insurance rates. We wanted people to have the opportunity to build their home in that manner if they chose to but they would be educated on the fact that it could trigger high insurance rates. Also, further down on that page in a section related to public structures within the flood zone, we struck 'shall' and put 'should.' It will remain as a reminder to any public structures going in there that it should be seriously considered but it will not be prohibited. On page 15, the 'Town of Smithfield' was added. Also, 'Zoning Regulations' was added as some of this relates to our subdivision as well as our zoning ordinances. On page 17, 'AH' was struck as well. Also, 'eighteen inches of freeboard' was added. As far as who maintains the documents, 'Town Clerk' was added to that section. Further down, 'AH' and 'AO' were also struck. Similarly, on page 18, 'VE' and 'V' were added to the manufactured home section as we do have VE and V zones within the Town of Smithfield. On page 19, item 'E' was struck. It relates to damaged

structures being rebuilt within the floodplain. This section was not required and it had to do with maintaining a rolling five year record of damage to structures. We felt that was unnecessarily costly to track. On the last page, we inserted 'Town of Smithfield.' Are there any questions about the Floodplain Overlay Ordinance or any changes that we made to it before I move on to the definition section? Hearing none, I will move to Article 13: Definitions. On page 4, we added a definition of 'Base Flood Elevation.' We also added to the definition of 'Basement' which was language specific to floodplain. On page 9, we added to the definition of 'Development' as it relates to development within the floodplain. On page 10, we added to the definition of 'Dwelling' or 'Manufactured or Mobile Home' as it relates to floodplain management. On page 12, we added the definition of 'Elevated Building,' 'Existing Construction,' and 'Existing Manufacture Home Park/Subdivision.' On page 13, we added 'Flood Hazard Zone' and all of the different zone definitions. We also added 'Flood Insurance Rate Map' and 'Flood Insurance Study.' On page 14, we added definitions of 'Flood Proofing,' 'Floodway,' and 'Freeboard.' On page 16, we added the 'Highest Adjacent Grade' definition. On page 17, the definitions of 'Historic Structure' and 'Hydrologic and Hydraulic Engineering Analysis' were added. On page 19, the 'Letters of Map Change' definitions were added. On page 22, the 'Lowest Floor' definition was added. On page 23, we added to the definition of 'Manufactured Home Park or Subdivision' as it relates to floodplain management. We also added a definition for 'New Construction.' On page 27, 'Post-FIRM' and 'Pre-FIRM' structure definitions were added. On page 28, 'Recreational Vehicle' and on page 19 'Repetitive Loss Structure' definitions were added. On page 31, the definition of 'Severe Repetitive Loss Structure' was added. On page 32, 'Special Flood Hazard Area' and 'Start of Construction' definitions were added. On page 34, the definition of 'Structure' was added to and on page 35 'Substantial Damage' and 'Substantial Improvement' definitions were added. On page 37, the 'Violation' definition was added as it relates to floodplain management. Those are all of the changes that were made to the definition section. Can I answer any questions about those for you?

Vice Mayor Gregory – We reserve the right to bring you back up after the public hearing.

Planning and Zoning Administrator – Fair enough. Thank you.

Vice Mayor Gregory – At this time, I would like to open the public hearing. Is there anybody who would like to speak for or against the updating of the Floodplain Ordinance? Hearing none, I will close the public hearing. We will have consideration by Public Building and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Thank you sir. Just so we all clearly understand, if we do not pass this tonight, everybody's flood insurance is null and void tomorrow.

Planning and Zoning Administrator – Until such time as it gets passed.

Councilman Dr. Cook – I see no problem with passing it. I will go ahead and make a motion to approve as presented.

Councilman Pack – Second.

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

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

Vice Mayor Gregory – We will now move to a Motion to Refer Pierceville Property back to the Board of Historic and Architectural Review for Further Action. We will have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Mr. Riddick will bring us up to speed.

Town Attorney – I would be happy to. In our committee meeting, we talked about pursuing two avenues to deal with the Pierceville property. One is to work, hopefully, cooperatively with the owner with their consent to stabilize the dwelling. I think it was the consensus of the Council that we also needed to take another track which is to pursue the provisions under the town's Historic Preservation Ordinance. It is essentially the procedure dealing with demolition by neglect which is certainly the case with the Pierceville property. You really cannot take action. The action is initiated by the Board of Historic and Architectural Review. Mr. Saunders gave me the minutes from the January 19<sup>th</sup>, 2010 meeting where the Town Council actually made a reference back to the BHAR to action. It is all you are really doing. You are bringing it to the attention of the BHAR so they can initiate the action. They would have to make a finding that the property is in need of repair and attention and that it is in violation of the town's Historic

Preservation Ordinance. Then a ninety day notice is given. If they do not act in that period then it goes further. There is a strict protocol on how to deal with this but the first step is for the BHAR to make a finding and send the notice. All you are doing is essentially giving notice to the BHAR that you want action taken.

Councilman Dr. Cook – Does anyone have any other comments about referring this demolition by neglect back path to the BHAR? Hearing none, I make a motion to refer this issue back to BHAR.

Councilman Smith – Second.

Vice Mayor Gregory – A motion has been made and properly seconded. I have one question. When we dealt with this back in 2010 maybe our failure was to put this through to BHAR. We tried to do it through Council. I remember it very clearly when this came up several years ago.

Town Attorney – We went through the right steps. We were on a dual track then too. We were dealing with it on the BHAR level but also as an unsafe structure because she was living there. We got to the point that we had to get a court order to enter the property and take a look at it. You could not see the damage from the street. Once we saw it, it became abundantly clear that it was far more than just a demolition by neglect. It was a health and safety issue. At that point, we sort of stopped with that process and brought the building official in. It was still a concern of the town but it was out of our jurisdiction. The building official had exclusive jurisdiction over those issues. Now we are back to a situation where she is not living there and the house is open to the weather and deteriorates on a daily basis. We are back to pursuing that process.

Councilman Smith – Mr. Riddick, do we have to go through the process of asking the county to go back out again?

Town Attorney – No. We are not dealing with the building official anymore. This is an internal procedure.

Vice Mayor Gregory – Are there any other questions or concerns? Roll call vote.

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

Vice Mayor Gregory – The next item on the agenda is a Motion to Approve the Continued Town Council Meeting Minutes of October 27<sup>th</sup> and the Town Council Meeting Minutes of November 3<sup>rd</sup>, 2015.

Town Attorney – Vice Mayor and members of Council, I have no changes to the October 27<sup>th</sup> meeting minutes. There are some minor typographical and clerical revisions to the other minutes. I would recommend the October 27<sup>th</sup> meeting be approved as presented and that the minutes from November 3<sup>rd</sup>, 2015 meeting be approved as revised and corrected.

Councilman Pack – So moved.

Councilwoman Chapman – Second.

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

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

Vice Mayor Gregory – Our next item is a Motion to Appoint a Nominating Committee to Fill the Two (2) Expiring Terms of the Board of Historic and Architectural Review. I met with the Mayor yesterday. He asked that I appoint Councilman Dr. Cook and Councilman Pack for this task. It was their turn in the rotation. Also, the same for item 5 which is a Motion to Appoint a Nominating Committee to Fill the Expiring Term on the Smithfield Planning Commission. We are going to have these two gentlemen take care of both of those. The next item on the agenda is New Business.

Councilwoman Tynes – I have a question before we move into new business. I know you said you discussed it with the Mayor. Did he give a reason why he wanted to appoint the same two individuals when we have other Council members here?

Councilman Dr. Cook – I will be glad to give it to you.

Councilwoman Tynes – No, I am just questioning it because it seems to be the same thing. I asked the same question the last time.

Vice Mayor Gregory – His only comment to me was that you and I handled the last round.

Councilwoman Tynes – No, that is a lie because I have never handled that before.

Vice Mayor Gregory – No, not this one. You and I handled the last appointments. .

Councilwoman Tynes – That was just for the Board of Zoning Appeals. He always puts me on that one. I have never been on the Planning Commission one before. I am just questioning it. Put it on the record that it was questioned; that is all.

Vice Mayor Gregory – Absolutely.

Councilman Dr. Cook – You can have it.

Councilwoman Tynes – I have been sitting here on this Council longer than anyone sitting here tonight; longer than anyone on this Council. Carter was here previously but he came back. I have never had an opportunity to do that other than one time and that was with Mayor Hare. It is okay. Thank you Vice Mayor.

Vice Mayor Gregory – Absolutely. The next item is New Business.

Town Attorney – I have one item. We received a deed to Clontz Park several months ago. Since then, we have had a new survey made. Smithfield Foods delivered, to my office yesterday, a revised and corrected deed to the town from them for the Clontz Park property being conveyed by a new survey. Since it is a more recent deed, I would ask that the Town Council adopt a motion to accept that deed.

Councilman Dr. Cook – Is there any substantial changes?

Town Attorney – It is the same property just more accurately described.

Councilman Dr. Cook – I make a motion to accept the revised deed for Clontz Park.

Councilman Pack – Second.

Vice Mayor Gregory – A motion has been made and properly seconded. Are there any questions? Roll call vote.

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

Vice Mayor Gregory – Is there any other new business? Hearing none, our next item on the agenda is Old Business. Do we have any old business? Hearing none, we move to our Closed Session for the acquisition or disposition of real property. I would ask for a motion for the closed session.

Councilman Smith – So moved.

Councilman Dr. Cook – Second.

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

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

Vice Mayor Gregory – Ladies and gentlemen, thank you for coming out tonight. Council is now in closed session.

*Town Council went into closed session at 8:10 p.m.*

*Town Council came out of closed session at 8:33 p.m.*

Town Attorney – Vice Mayor, we need a motion that during the closed session there was only a discussion of the acquisition of real property for public purposes pursuant to Section 2.2-3711.A.3 of the Code of Virginia.

Councilman Smith – So moved

Councilman Dr. Cook – Second.

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

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

Vice Mayor Gregory – Is there any other questions to come before Council tonight?

Councilwoman Chapman – I have one question. This week a gentleman came up to me and asked about developing a semi-pro basketball team in Smithfield. Does he have to come before the town for any kind of approval? He is not looking for funding. He is not looking for anything. He wants to be named Smithfield Patriots. Their games would either be at the high school or Westside Elementary. Is there anything he would have to do with the town?

Vice Mayor Gregory – Would he need a business license?

Town Attorney – He may not need one. We will have to look at it and see.

Councilwoman Chapman – He wanted to know if he needed to come to a committee meeting to give more details. It is basically a business.

Councilman Pack – Is he recruiting?

Councilwoman Chapman – He says he already has some guys. So he could just follow through with a business license and whatever else and be good to go. I will let him know.

Vice Mayor Gregory – I would like to make a motion that we authorize the Town Manager to negotiate a contract for one hundred and one (101) acres on West Main Street.

Town Manager – I can give the reference information. It is the Howard Little Farm, LLC, H. Wayne, and Stephen Wilson Jones, owners, otherwise identified further as Tax Parcel 21-01-051 and 21-01-051B.

Vice Mayor Gregory - Further, the price will not exceed eight hundred thousand dollars (\$800,000.00.)

Councilman Smith – Second.

Vice Mayor Gregory – A motion has been made and properly seconded. Is there any discussion? Roll call vote.

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

Vice Mayor Gregory – I would also like to make a motion that we accept and acknowledge a one million dollar donation (\$1,000,000.00.) I will read a letter as part of that motion. It says: 'Smithfield Foods is pleased to give one million dollars (\$1,000,000.00) to the Town of Smithfield for the youth ballfield project. We did receive the first installment on November 6<sup>th</sup>, 2015. We would just like to authorize the Town Manager to put that money into escrow to await disbursements for the development of that project.

Councilwoman Chapman – Second.

Vice Mayor Gregory – A motion has been made and properly seconded. Is there any discussion? Roll call vote.

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

Vice Mayor Gregory – Is there any other business to come before Council? The meeting is adjourned.

The meeting adjourned at 8:38 p.m.

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Mr. Andrew Gregory  
Vice Mayor

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Peter Stephenson, AICP, ICMA-CM  
Town Manager