

The Smithfield Town Council held its regular meeting on Tuesday, February 5th, 2013. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor, Dr. Milton Cook, Mrs. Denise N. Tynes, Ms. Connie Chapman, Mr. Randolph Pack, Mr. Michael Smith and Mr. Andrew Gregory, Vice Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mr. William T. Hopkins III, Director of Planning and Public Works; Mr. William H. Riddick, III, Town Attorney; Mr. Steve Bowman, Police Chief; Ms. Lesley G. King, Town Clerk; Ms. Judy Winslow, Director of Tourism; and Ms. Ellen Minga; Town Treasurer. Others in attendance were Mr. Al Casteen; Isle of Wight County Board of Supervisors, Smithfield District. There were two (2) citizens present. The media was represented by Ms. Abby Proch of The Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome everyone here to tonight's Town Council meeting on February 5th, 2013. I would like to thank everybody for coming out tonight. At this time, we are going to have Councilwoman Tynes lead us in the Pledge of Allegiance.

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

Mayor Williams – Thank you, Councilwoman Tynes. At this time, we will start with the Informational Section. We have the Manager's Report.

Town Manager – Thank you, Your Honor. The January Activity Report was included in the electronic posting. The only item that I failed to mention was that the last day of the month last week that Chief Bowman, Councilman Pack, and I attended the VML VACo Legislative Day in Richmond. I also wanted to mention that I will be back in Richmond this Friday. We have a combined trip of the adult and youth Leadership Isle of Wight classes. We will be heading back to Richmond on Friday. Regarding the meeting schedule, the only additional note to make is that on Thursday at 2:00 p.m. at Town Hall on the second floor the Windsor Castle Park Foundation Board will be meeting. We do have Planning Commission next Tuesday the 12th at 7:30 p.m. The President's Day holiday on February 18th which is a Monday. We do not have a Board of Zoning Appeals meeting this month. The Board of Historic and Architectural Review will meet on the 19th at 7:30 p.m. The Town Council Committee meeting will meet at the

Smithfield Center at 4:00 p.m. on February 25th and 26th. If you have any questions, I will be happy to answer them.

Mayor Williams – Are there any questions for the Town Manager? Next is Public Comments. There are no sign ups. Is there anyone who would like to speak? There are none. Next is a Briefing by Mr. Al Casteen, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Casteen – Good evening Mr. Mayor and members of Council. It is a pleasure to be with you this evening. I hope you all have received my report. The Board approved funding for the purchase of twenty-eight laptop computers to be used as Electronic Poll Books at fourteen precincts in the county. The county will be reimbursed for half of the cost of the computers. The Board voted to oppose the House Bill No. 1450 and Senate Bill No. 824 which was for an additional one percent sales and use tax for the local area for transportation. The Board voted to oppose House Bill No. 2164 which had to do with unexpended or unencumbered School and Educational Funds. On a split vote, the Board voted to support Senate Bill No. 881 which would allow the localities to adopt ordinances to directly bill insurance companies for volunteer Fire/EMS Department services. Supervisors Bailey, Casteen and Darden supported the bill; Supervisor Alphin abstained and Supervisors Hall opposed the bill. Chairman Hall removed the Smithfield Board member, which is me, from the Joint Tourism Committee that consists of Smithfield and Windsor. Supervisor Darden was left to represent Windsor. It was not mentioned during the meeting and I only realized it as I was preparing this report. I do not know if that was an oversight, error, or a mistake. Supervisor Hall has been out of the area so I have not been able to get a clarification but it was in her handwriting so I presumed it was valid. The Board voted to direct that budgets be presented to the Board containing a five percent decrease. The Board approved a resolution in support of Benn's United Methodist Church's request for retaining a full median break on Benn's Church Boulevard. Are there any questions?

Councilwoman Tynes – Could you repeat that again about the Board that the Smithfield representative was removed from.

Supervisor Casteen - We did these committee assignments each year. The new chair usually makes some suggestions and generally we vote on them. This year we did not really vote on them. I was going through the action report to prepare my report for

you. I saw that the Tourism Committee did not include me any longer which was a disappointment. I thought that committee had to be a Smithfield representative and a Windsor representative.

Councilwoman Tynes – That is why I was asking.

Supervisor Casteen – You will have to ask the Chairman Hall because I do not know.

Councilwoman Tynes – We are going to ask the Town Manager to follow up on that for us.

Town Manager – Absolutely.

Councilwoman Tynes – I cannot see putting Carrollton or Carrsville there. It is Smithfield and Windsor tourism.

Supervisor Casteen – Do you have any insight Judy?

Director of Tourism – No.

Councilwoman Tynes – I just want to make sure that we are represented where we need to be represented. Thank you.

Supervisor Casteen – Particularly since you all carry the lion share of the tourism budget.

Mayor Williams – We also have two members of this council on that committee.

Councilwoman Tynes – Yes but that represents his board.

Mayor Williams – Thank you, Supervisor Casteen. We appreciate you. Next is a Proclamation for Black History Month. I will read it.

WHEREAS, Black History Month was initiated by Carter G. Woodson, a noted scholar, historian and son of former slaves in February 1926; and,

WHEREAS, during the nation's Bicentennial in 1976, this was expanded and became established as Black History Month; and,

WHEREAS, the accomplishments and heritage of African-Americans contribute in large measure to the cultural and ethnic diversity which is a hallmark of American Society and the Town of Smithfield, as well; and,

WHEREAS, the month of February 2013 has been officially designated as black History Month throughout the United States; and,

NOW THEREFORE, I, T. Carter Williams, Mayor of the Town of Smithfield, hereby proclaim the month of February 2013 to be Black History Month in the Town of

Smithfield, and I commend to each citizen the diversity and richness of African-American culture as something to be appreciated and celebrated by all people. Given under my hand this 5th day of February 2013.

Mayor Williams – We also have a Proclamation Designating February as “Love Our Park” Month.

WHEREAS, Windsor Castle Park is an integral part of our community; and

WHEREAS, Windsor Castle Park helps build a healthy and active community and contributes in the prevention of chronic diseases and improves the mental and emotional health of all citizens, including those that work and play in Smithfield, Virginia;

WHEREAS, Windsor Castle Park’s natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, Windsor Castle Park’s preservation of historical resources are of cultural and aesthetic benefit to the community; and

WHEREAS, Smithfield, Virginia recognizes the benefits derived from Windsor Castle Park, and encourages the community to give back their time, talent or treasure to support the mission and efforts of the Windsor Castle Park Foundation.

NOW THEREFORE, BE IT RESOLVED BY, The Smithfield Town Council, that February 2013 be recognized as “LOVE OUR PARK MONTH” in Smithfield, Virginia. Proclaimed this 5th day of February 2013. I think we need to send Mr. Luter a copy of this proclamation.

Town Manager – Yes, good idea.

Mayor Williams – Next is Council Comments. Is there anyone from Council that would like to make a comment at this time?

Councilwoman Tynes – Yes, I have a comment. I would like to thank Mayor Williams and the Smithfield Town Council for recognizing Black History Month as well as “Love Our Park Month”. I would like to mention something about Black History Month which is part of my heritage. Isle of Wight County and the Town of Smithfield have been known to have a lot of wealth as far as richness as far as history. Every year we still discover things that we did not know. As of a couple of weeks ago, the Smithfield Times actually ran an article about a resident of Isle of Wight County. He lives right on the outskirts of Smithfield. His name is Mr. William White. His family did not know until the

president sent someone to his door to recognize him for being a Tuskegee airman. That is really a lot of wealth in our community. If you know Mr. White he lives across from Hardy Elementary. Please say hello and recognize him for what he did years ago. He really did not know himself that he was that important. Thank you.

Mayor Williams – Thank you, Councilwoman Tynes. At this time, we move onto the Summary of Consent Agenda Items. First, we have the Police Committee Chair, Councilwoman Chapman.

Councilwoman Chapman – Police Committee Summary. Thank you, Mayor. We have two items on our consent agenda under the Police Committee tonight. One is a motion to accept a donation of a motorcycle from the Portsmouth Sheriff's Office. The second item is a motion to accept the Community Help in Progress (CHIP) Steering Committee appointments. On that committee are Councilwoman Denise Tynes, Mr. Dawson Moody, Reverend Moss, Chief Bowman, Ms. Francine Holloman, Ms. Julie Brown Woodland and Ms. Betty Entsminger.

Councilwoman Tynes – I would like to make one correction Councilwoman Chapman. I do not recall hearing you say where the donation of a motorcycle came from?

Councilwoman Chapman – Yes, from Portsmouth.

Councilwoman Tynes – I missed the Portsmouth part. I am sorry.

Councilwoman Chapman – No problem. That is all.

Mayor Williams – Thank you, Councilwoman Chapman. We move now to the Finance Committee Chair, Councilman Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mayor. We have several invoices on the agenda tonight for approval by Council that are over \$10,000.00. The first two are USbank and USbancorp. USbank is for \$53,243.75. USbancorp is for \$84,150.83. Both of these are payment on debt service that the town pays. Draper Aden Associates for \$20,118.00 for various items related to our Consent Order. Next is REW Corporation for \$16,564.00 for several repairs done on pumping stations throughout the town. Finally, Caldwell Tanks for \$24,996.41 for part of our maintenance contract on our water tanks in town. It was reported at committee level, that public works is very happy with the work they are providing for us. We present these to be considered tonight and approved as submitted.

Mayor Williams – Are there any questions of Councilman Pack? We move on to Public Buildings and Welfare Committee Chair, Councilman Dr. Cook.

Councilman Dr. Cook – Public Buildings and Welfare Committee Summary. Item C-4 on the agenda tonight is a motion to authorize the Town Manager to submit Round 12 Grant application to the Obici Healthcare Foundation on behalf of Smithfield on the Move. This is the next cycle of grants coming from Obici for Smithfield on the Move to continue on with their progress of making the Town of Smithfield a healthier place to live. The next item is motion to move the Planning Commission’s meeting scheduled for March 12th to March 11th to allow the Smithfield Center to be rented for a three day conference. Lastly, we need a motion to extend the Franchise Agreement with Charter Communications to extend to March 31st, 2013 to allow more time for negotiations.

Mayor Williams – Thank you. Are there any questions for Councilman Dr. Cook? We need a motion.

Vice Mayor Gregory – Mr. Mayor, I will make a motion that we approve the Consent Agenda as presented this evening.

C1. Motion to Accept Donation of Motorcycle from the Portsmouth Sheriff’s Office.

C2. Motion to Accept Community Help In Progress (CHIP) Steering Committee Appointments.

C3. Invoices Over \$10,000 Requiring Council’s Consideration:

a. USbank	\$53,243.75
b. USbancorp	\$84,150.83
c. Draper Aden Associates	\$20,118.00
d. REW Corporation	\$16,564.00
e. Caldwell Tanks	\$24,996.41

C4. Motion to Authorize the Town Manager to Submit Round 12 Grant Application to the Obici Healthcare Foundation on Behalf of Smithfield on the Move.

C5. Motion to Move Planning Commission’s Meeting Scheduled for March 12th to March 11th to Allow the Smithfield Center to be Rented for a Three Day Conference.

C6. Motion to Extend Franchise Agreement with Charter Communications to March 31st, 2013.

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 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 – The motion passed. We move now to the Action Section. We need a Motion to Approve the Town Council Minutes for the Meeting of January 2nd, 2013.

Town Attorney – Mr. Mayor and members of Council, I have read them twice and cannot find anything to correct so I would recommend that they be approved as presented.

Councilman Smith – I will make a motion to approve the minutes as presented.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded to approve the minutes for January 2nd, 2013. Roll call vote.

On call for the vote, seven members were present. Councilman Pack voted aye, Councilwoman Tynes voted aye, Vice Mayor Gregory voted aye, Councilman Smith voted aye, Councilwoman Chapman 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 motion passed. The second item on the action section is a Motion to Accept Nominating Committees Recommendation to fill the Expiring Board of Historic and Architectural Review Terms for Members Laurie Coyne and Russell Parrish (01/31/2013).

Councilman Smith – We have recommended that Mr. Trey Gwaltney be nominated and also Mr. Russell Parrish be reappointed.

Mayor Williams – Mr. Trey Gwaltney is going to replace Ms. Coyne. Mr. Russell Parrish will serve another term.

Councilwoman Tynes – Mr. Mayor, I recommend that the Council approve the recommendation for the Board of Historic and Architectural Review Board as submitted with Mr. Trey Gwaltney and Mr. Russell Parrish.

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

Mayor Williams – The motion passed. Next is New Business. Is there any new business? Isle of Wight Rescue Squad Request to have Utility Fee Hook-ups Waived. The County of Isle of Wight Board of Supervisors has requested from the Town Council to waive their hookup fees for the Isle of Wight Rescue Squad which is in the county. It is on the other side of Great Spring Road. They would like to have the Town Council waive their hookup fees.

Councilman Smith – Yes, the understanding that we need to have is that they pay for all construction going to the new services and also the new meter. We recognize that these tap on fees are almost \$80,000.00. We want firm confirmation that they understand that we also have a meter that needs to be paid for and the construction going to the new services.

Mayor Williams – Are there any questions?

Councilwoman Tynes – No but can I make a recommendation? Is this something that we need to finalize tonight? I would recommend that we take it back to the committee. We need to make a decision tonight.

Mayor Williams – Yes, I am afraid we do. Time is of the essence to them.

Councilman Smith – I have a little heartburn about the \$80,000.00 but in conversations with the county on some other properties that they are trying to work with us on. I do not want to bite my nose off to spite my face. I want to get along with the county. I feel that this is honoring their efforts and also serving the Town of Smithfield. I do have some heartburn about that but also I think they will continue to work with us on this. As long as they are willing to continue with the construction cost and the actual meter cost itself.

Councilwoman Tynes – I have one question. You said that it is going to cost about \$80,000.00 for the tap on fees. If we waiver that fee, will it actually come out of our budget?

Town Manager – No, essentially what it would be is lost revenue if you will or an in kind donation to the county in the amount of \$79,480.00.

Councilman Dr. Cook – It was not budgeted income?

Town Manager – No

Councilwoman Tynes – In hearing that then I do not have a major concern with it. We are all in this county together working for the citizens of Isle of Wight County and the Town of Smithfield. The Rescue Squad will serve the Town of Smithfield also. If we can help them in anyway then I am for it.

Vice Mayor Gregory – I share Councilman Smith's opinion that the number is fairly significant. It is probably more money to us than it would be for the county. I feel like the relationship between the town and the county has improved dramatically over the last several years. I do not know if that was already starting to work its way into place before anyone of us at this table got here. I am pleased with that. I want us to be able to continue to be good working partner with the county. Hopefully, we can partner on other things in the future. Maybe this would be a good step of good faith in that direction to ensure that we are, in fact, trying to be a good partner for the community.

Mayor Williams – Thank you, Vice Mayor Gregory. Is there anyone other comments?

Councilman Pack – What expense will the town incur to tie this water system in?

Mayor Williams – None.

Councilman Pack – Zero. Okay.

Mayor Williams – Isle of Wight County is going to do every single thing even paying for the meters for the water and sewer hookups. They are going to handle all of that.

Town Attorney – There is an expense but the motion is to require them to reimburse the town for that. There is the expense of the meter which is \$17,000.00 or something like that. There is a significant expense associated with that but if I heard Councilman Smith's proposal correct it would be 100% reimbursement by the county for the actual out of pocket expenses incurred by the town.

Councilman Pack – That was my question. Thank you.

Councilman Smith – What this does is set a precedent that we have all known to have cooperation between local governments is important. I think this is a big step to do that. We can bicker all day long if we want to. I appreciate Vice Mayor Gregory's comments. It is hard to look at \$80,000.00 and think you are going to just sweep it under the rug but this is not sweeping it under the rug. It is benefitting our town and the county as Councilwoman Tynes said. I am all for this.

Mayor Williams – Are there any further comments?

Councilwoman Chapman – I agree.

Vice Mayor Gregory – I will make a motion that we approve the waiver of the water and sewer tap fees with the language to be very specific that the town will be reimbursed for any infrastructure cost or out of pocket expenses by the county.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded to waive the fees to Isle of Wight County and be reimbursed for any expense incurred by the Town of Smithfield. Roll call vote.

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

Mayor Williams – Is there any further new business from Council? Next is Old Business. Is there any old business to discuss? Next is Closed Session: Disposition of Real Property.

Town Attorney – Mr. Mayor, we need a motion to go into closed session for the purpose of discussing the disposition of publicly held real property pursuant to 2.2-3711.A.4 of the Code of Virginia.

Vice Mayor Gregory – So moved.

Councilwoman Tynes – Second.

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

Town Council went into closed session at 7:56 p.m.

Town Council went back into regular session at 8:30 p.m.

Town Attorney – Mr. Mayor and members of Council, we need a motion to go back into open session.

Vice Mayor Gregory – I make a motion that we go back into open session.

Councilman Dr. Cook – Second.

Mayor Williams – A motion has been made and properly seconded to go back into open session. Roll call vote.

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

Town Attorney – Mr. Mayor, we need a motion that during the closed session there was only a discussion of the disposition of publicly held real property pursuant to 2.2-3711.A of the Code of Virginia.

Councilman Smith – So moved.

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

Mayor Williams – We turn the floor over now to Councilman Dr. Cook. Authorize the Town Manager and the Town Attorney to Finalize and execute a land lease with the Weiss' at Windsor Castle Park.

Councilman Dr. Cook – Mr. Mayor, I would like to make a motion to authorize our Town Manager to negotiate and execute an agricultural use lease with Weiss Ventures or its' affiliate for five acres in Windsor Castle Park for a period of five years.

Vice Mayor Gregory – Second.

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

Councilwoman Tynes – When Councilman Dr. Cook made the motion he said the Town Manager to enter but I thought we said the Town Manager and the Town Attorney. That is important.

Town Manager – For both of us to negotiate and then I would be executing the document and it would be an initial lease period of five years.

Councilman Tynes – Yes

Mayor Williams – Okay, that was a small correction. Is there any other discussion? Roll call vote.

On call for the vote, seven members were present. Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilman Smith voted aye, Councilman Pack 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 – The motion passed. Is there any other discussion or anything else to come before the Council? This meeting is adjourned.

The meeting adjourned at 8:33 p.m.


T. Carter Williams
Mayor


Peter Stephenson, AICP, ICMA-CM
Town Manager