

The Smithfield Town Council held its regular meeting on Tuesday March 4th, 2014. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor, Mrs. Denise N. Tynes, Ms. Connie Chapman, Mr. Michael Smith, Dr. Milton Cook, and Mr. Randolph Pack. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mr. William T. Hopkins III, Director of Planning, Engineering, and Public Works; Ms. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Ms. Judy Winslow, Director of Tourism and Mr. William H. Riddick III, Town Attorney. There were five (5) citizens present. The media was represented by Ms. Abby Proch of The Smithfield Times and Mr. Ryan Murphy of The Daily Press.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of March 4th, 2014. Chief Bowman will lead us in the Pledge of Allegiance.

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

Mayor Williams – We will move into the Informational Section. Our Town Manager will give us the Manager's Report.

Town Manager – Thank you. Good evening everyone. Council's agenda was posted electronically on the Town's website on Friday afternoon along with the February Activity Report. As of tonight, we do not have Planning Commission, Board of Historic and Architectural Review, and Board of Zoning Appeals meetings scheduled for this month. We have a Pinewood Heights Management Team on March 11th at 4:00 p.m. at the Smithfield Center. We have our Town Council Committee meetings on March 24th and 25th at 4:00 p.m. at the Smithfield Center. Looking ahead to May, I received communication late last week from Mr. Curtis Byrd. He is one of the staff aides or District Directors for Congressman Forbes. Congressman Forbes has asked if the Council would be available to meet in the early afternoon on Tuesday May 13th at the Smithfield Center. Unless there are any major objections or conflicts, I will probably go ahead and confirm that tomorrow. We will probably meet in Suite C and D.

Councilman Dr. Cook - Do we have an actual time for that?

Town Manager – We are looking at 1:00 p.m. to 1:30 p.m. in that time frame. I think we should block off 1:00 p.m. until 2:00 p.m. There has been some transition as of the 25th with Charter our cable provider going all digital. I appreciate everyone's

patience with it. The Town really had no control over the situation for those that are Charter subscribers. Our Channel 6 that we used to get public information out is now Channel 189 which is a public education government channel. We are kind of buried in the new lineup. It is working now. I will talk to the Director of Tourism tomorrow about her staff trying to help us progress to a newer version of that. We have been putting closing and delay information due to inclement weather on the Town's website as well as WAVY and FOX TV. We certainly appreciate the hard work of all of the essential personnel keeping us safe and trying to keep our streets and parking lots cleared as possible. It has been real interesting lately. Tomorrow we should be getting out the Talk of the Town E-Newsletter which is our employee newsletter. Please look for that in your inbox.

Mayor Williams – We now move to Public Comments. We do not have any sign ups. Is there anyone who would like to come forward and speak? Hearing none, we move to a Briefing by Mr. Al Casteen, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Casteen – Good evening. Supervisor Jefferson reported that the Western Tidewater Regional Jail received a clean opinion on its 2013 Annual Financial Audit. It stated that the number of federal inmates is steadily declining. The jail board approved sending a letter to the City of Chesapeake requesting their inmates. He further advised that in 2015 that the County may be expected to pay an additional \$369,399.00 to maintain the jail. The Board voted to direct staff to send a letter to the Governor requesting that Sunday hunting be an option for localities. The Board received a request from Calvary Baptist Church to be exempt along with other churches from the Stormwater Management Utility Fee as a requirement of state and federal law. They recommended that the ordinance be amended specifically exempting tax exempt organizations such as churches from the fee. The Board voted to direct a general reassessment of real estate next year. It was postponed this year as a cost saving measure. Are there any questions?

Councilman Pack – With respect to the Stormwater Management Utility Fee there has been a lot of concern in town with business owners with regards to the County's plans for exemption. Rumor has it that there are no exceptions this year but perhaps next year. Is there an answer for that?

Supervisor Casteen – I think you mean to say credits and not exemptions. Initially we had a miscommunication among staff and some of the Board. We discussed it at our last Board meeting. We want to have credits effective this first year as well. It is a change not from what I thought that we passed but from what somebody told me we passed. It is still up for debate. I believe that if we are going to implement the fee then you implement the credit from day one which is fair. Nobody likes spending more money but you have to be equitable. You just cannot say that we are not giving any credits this year because we need the money that is not fair. If you are going to be assessed the fee then you should be assessed the credits. The bad news is that addressing those credits is what you have to do to get them. I am hopeful that people that already have things in place such as BMP's, ponds, and so forth that they would get credit for. There is no point in requiring you to go through a lot of hoops to get credits that are pretty obvious. These are things that you had to do at the county's request in the past. We hope that we can reach some kind of very minimal requirement for request for credits at some basic level such as ten percent. You could pursue and hopefully be granted very easily at very nominal expense. Trying to get the higher levels of credits of course would require more efforts. This is a win/win for the citizens and business owners in that it will grant them some relief pretty readily and it will not be expensive for the business owners. At the county as far as the staff trying to verify it if it is a very straight forward minimal level then it is done. You do not have to spend a lot of time and have a lot of people tied up on it. It is what we are working towards.

Councilman Pack – So it would be safe to tell some of the business owners that the installed BMP's particularly the newer constructed businesses have a bit more stringent requirements that the County is working on a plan to develop some sort of credits.

Supervisor Casteen – Yes. The good news is that we waited as long as we could to implement the fee. The bad news is that we waited as long as we could to implement the fee so now we are playing catch up. With this current General Assembly there were some debates about postponing this thing for another year. It did not happen. We are playing catch up but we have a good group on it. They are trying to work with everybody responsibly and equally.

Councilman Pack – Who is the best person to contact at the county about it? Is it Ms. Melissa Lingren?

Supervisor Casteen – Yes. Ms. Melissa Lingren is the one to talk to. Right now they are trying to get the audit of the assessments to make sure it is correct and check the square footage. There are things that you can do to mediate some of that if you have some areas that you can repurpose from being a driveway to being not so much of a driveway. We are trying to have more things available that you can do to get credits. The bad news is that it is running behind. The good news is that you might be next year getting those credits but we are on it.

Mayor Williams – It was my understanding that you are going to have to pay your bill this year in order to get a credit for the next bill in the year 2015.

Supervisor Casteen – If we can get the credits in place and resolved for the business owners before the bill is due then certainly they would get a credit. All of that happening in the next three months is a lot to happen when we have nine hundred businesses involved. The effective date is the same effective date as the fee in my mind. They are concerned about finances and impact but you are either equitable or you are not.

Vice Mayor Gregory – As far as the regional jail the additional money did the County repay per capita or per prisoner? How is our amount determined on what we pay?

Supervisor Casteen – Isle of Wight County, Suffolk, and Franklin own the jail. We pay to operate it. What we can generate from income from these other folks cuts down on our overhead. When we take a prisoner out there then we are running the jail with Suffolk and Franklin. Our numbers per prisoner turn out to be what is calculated. It is not a set amount.

Vice Mayor Gregory – The only reason I asked is because it seems that the two scales are working in opposite directions. Do you earn income off of the number of prisoners that it holds?

Supervisor Casteen – Correct.

Vice Mayor Gregory – You are having less revenue come in and yet it is going to cost more to maintain it. It seems like maybe there should be some cut backs.

Supervisor Casteen – The jail was expanded to address federal prisoners. It has been a very profitable venture until recently. The reason that we are discussing these short falls is because they are moving some of the prisoners out to other places.

Vice Mayor Gregory – They got under bid.

Supervisor Casteen – They did not get under bid but were short cheated and gave it to the other guy. When we complained then they reconsidered. Moving the federal prisoners is the issue. Chesapeake has some prisoners that they need to do something with so we may gain some out of that. They were just trying to give us a heads up of what is happening.

Vice Mayor Gregory – My next question is about Sunday hunting. I have watched this play out through social media. It had garnered a lot of support but a couple of years ago it was turned down and obviously it passed this year. Was the vote unanimous on the Board's part to opt out of Sunday hunting?

Supervisor Casteen – It was unanimous to send a request to the Governor asking that they make Sunday hunting a local option. It is not going to happen. We believe that he is going to sign off on the state level. We had a lot of folks who were opposed to it that approached us. The hunting groups were opposed to Sunday hunting.

Councilman Dr. Cook – The dog hunting groups are not allowed to do Sunday hunting. You are not allowed to run dogs on Sunday. The way that it is currently proposed dogs are not allowed to be used so the dog groups are opposed to it.

Supervisor Casteen – If they had been able to run their dogs then you think that they would be in support of it.

Councilman Dr. Cook – I do. The Board of Supervisors has requested that it be a local option for Sunday hunting. What is your take on the feeling of the Board about Sunday hunting if you do not receive the local option?

Supervisor Casteen – The Board went by the feedback that we received from the citizens. I did not have a sole contact me in support of Sunday hunting.

Councilman Dr. Cook – I did not know if you had asked for input.

Supervisor Casteen – I did not. I am saying that I do not ask for a lot of input that I get. I tried to touch base with some of the hunting clubs around here. They did not seem to be all that geared up about it either that is why we requested the local option. I am not aware of any driving force supporting it in the county. I think it was all over

before it started when it got to us. We were all in agreement to ask for the local option. If we get a chance to vote on the local option then we would get local input, resolve it, and go from there. It might all change. If everyone came out and supported Sunday hunting then I would expect the Board would see it that way.

Councilman Dr. Cook – I find it interesting that localities in general are trying to tell private citizens what they can and cannot do on their own land legally.

Supervisor Casteen – One thing about the Sunday hunting you have to have permission to hunt on Sunday.

Councilman Dr. Cook – It has to be private land and you have to have the land owner's permission which you would have to have any day of the week.

Supervisor Casteen – Permission to hunt that says you can hunt seven days a week then you can hunt seven days a week without saying Sunday hunting. All agreements that are in place today that were already signed that did not say anything about it then it might be an issue.

Councilman Dr. Cook – It says that you have permission to hunt on their property. It does not say which days of the week.

Supervisor Casteen – I understand. If the land owner really objected then he could withdraw it.

Mayor Williams – Next is Council Comments. Does any Council member have any comments that they would like to share?

Councilman Pack – I would like to publicly recognize the Smithfield High School Marching Band won a first place award at Mardi Gras in the Krewe of Tucks Parade this weekend. I think that it would be really nice if Council recognized the marching band and Mr. Aaron Hill for a fairly significant achievement. There were more stories about it that I saw on Facebook. I think it would be nice if Council were able to give an official letter of recognition. It is great that the high school band received a national award.

Mayor Williams – Does anyone else wish to speak?

Vice Mayor Gregory – Our committee meetings are not always well attended but I thought it would be worth repeating that we had the Commonwealth's Attorney at our Police Committee meeting. Most everyone is aware we had a homicide in town a couple of weeks ago. Mr. Farmer commented on the cooperation between the Isle of Wight County Police, State Police, and Smithfield Police department. I wanted to echo that at

this meeting. Obviously, we hope we never have anything like that again. There was a time where we might not have that coalition that works well together harmoniously bring it to a conclusion as quickly and efficiently as possible. I wanted to say kudos to the Smithfield Police department and also the other agencies involved.

Chief Bowman – Thank you.

Mayor Williams – Absolutely. It was one of the things that I was going to comment on. We are very proud of our police department in Smithfield. I would like to echo what Ms. Judy Winslow mentioned that Smithfield was named “22 Virginia Small Towns – You Are Going to Love – A Place to Visit”. I think is pretty prestigious. I think it was from the travel guide “Virginia Is for Lovers”. Out of all of the small towns in Virginia we were mentioned as one of the twenty-two. I think that is pretty good. Are there any other Council comments? I found out today that there was a petition being circulated around town. Someone brought me a copy of it. I felt that it was kind of degrading to the Council that we were not doing our job. If anyone has not seen it, I think you can stop at any place of business and pick up one. It had to do with Mr. Joe Luter, III. I talked to Mr. Luter for a good forty-five minutes. He did not know anything about the petition. Mr. Luter said, “I caught him off guard on this one and he did not know anything about the petition”. I read it to him and we talked about it. For the record, Mr. Luter did not authorize this petition to be sent out. He knew nothing about it. He was very disturbed with it. I also talked with him about a letter that he had signed that each Council member had received a couple of months and a copy of the letter was put in the Smithfield Times for the public to see. He was not aware that it was put in the Smithfield Times. He meant for the letter to be seen by the Council members about Windsor Castle Park. We certainly do recognize his wishes. I just wanted to go on record by saying that he had no idea that it would be put in the Smithfield Times for public information. I just thought that I would bring that to everybody’s attention. Each Council member has a copy of the petition that is being circulated around town. I do not know how much longer it will stay out there maybe not much longer.

Councilman Dr. Cook – It almost appears to me that there is an individual or individuals that are maybe using Mr. Luter’s name to forward their own agendas. We need to keep that in mind when we start getting letters saying this is what Mr. Luter

wants. We do have a direct line to Mr. Luter that we could confirm some things that he might want instead of taking certain letters at face value.

Mayor Williams – Next is Consent Agenda Items. We have eleven items tonight. Does any Council member like to pull anyone of these items for further discussion? Seeing none, we will move forward with our Police Committee Chair, Ms. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. Thank you, Mayor Williams. We have a resolution for traffic control assistance for the Smithfield Sprint Triathlon on Saturday April 5th, 2014 which is an annual event. I think the YMCA has something to do with this. They start at the YMCA and end up in the park area. The next item is a resolution for street closure for the Mustang Car Show on Saturday, May 17th, 2014 from 9:00 a.m. to 3:00 p.m. This is also an annual event bringing in a lot of people to the downtown area. Next we have a resolution for street closure for the annual Genuine Smithfield Olden Days on June 28th and 29th, 2014 which is Friday and Saturday. This is annual event that has been going on for years. Next we have a motion for a partial street closure request for the Wine and Brew Festival on Saturday, April 12th, 2014. This is not a complete street closure just a change in the flow of traffic.

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

Councilman Pack – Finance Committee Summary. Thank you, Mayor. The first item is to budget a funding request from the Isle of Wight Commonwealth Attorney's office for a case management system in the amount of \$10,500.00. The Commonwealth Attorney, Mr. Wayne Farmer is looking for some funding to help their management system for a variety of reasons. He made a pretty compelling case. He is seeking additional funding from other localities as well. We are authorizing support for the next budget cycle of \$10,500.00 from Council. The next item is a motion to adopt investment policy and procedures. Basically it allows the town to have an investment policy and procedure which we have never had before. Item C-7 is a motion to authorize the Town Treasurer to open a new bank account for water deposits. This will be a place for our finance department to hold all deposits related to the new water deposit regulations that we have.

Mayor Williams – Next is Parks and Recreation Committee Chair, Ms. Connie Chapman.

Councilwoman Chapman – Parks and Recreation Committee Summary. Thank you, Mayor. Item C-8 is a motion for partial park closure for the fishing pier and trail on Saturday, April 12th, 2014 for the Wine and Brew Festival. This is the third year for this event and the pier is used as one of the tent locations so that would be closed on Wednesday, April 9th through April 12th. The portion of the trail that would be closed is the area down by the amphitheatre at the bottom of the hill where the castle is. It would be from 9:00 a.m. until 5:30 p.m. on April 12th. This is the same request that has been made for the past two years.

Councilman Pack – Excuse me but I think that this should read that there is a closure of the fishing pier from Wednesday until Sunday because of set up.

Councilwoman Chapman – Is that instead of Saturday?

Councilman Pack – Correct.

Councilwoman Chapman – I did say Wednesday through Saturday but you are saying that it should be Wednesday through Sunday. We need to amend the consent agenda. Thank you, Councilman Pack.

Mayor Williams – Next is Public Works Committee Chair, Mr. Michael Smith.

Councilman Smith – Public Works Committee Summary. We have a motion to award the 2014 mowing contract to Southern Shores Lawn and Landscaping, LLC. This is for the right-of-ways and Windsor Castle Park. It had a savings of a little more than \$600.00 for the mowing season. Next we have a motion to approve the request to have pinwheels placed at the Town's entrance sign for the month of April in support of Child Abuse Prevention Month.

Mayor Williams - Next we have Public Buildings and Welfare Committee Chair, Dr. Milton Cook.

Councilman Dr. Cook – Public Buildings and Welfare Committee Summary. We have a motion to authorize the Town Manager to submit the Pinewood Heights Phase III Planning Grant application to the Virginia Department of Housing and Community Development. So far we have completed Phase I and we are moving through Phase II which takes care of about half of the Pinewood Heights houses that we are relocating. Phase III will then take us through about half of what is left. This is the planning grant that we are applying for is to essentially plan the next phase.

Mayor Williams – Do we have a motion?

Councilman Dr. Cook – I would like to make a motion that we approve all consent agenda items with two amendments. Item C-4 will add Friday to the language and item C-8 will change the date from Wednesday through Sunday.

Councilwoman Tynes – The Olden Days correction should be Friday, June 27th and Saturday, June 28th. It is not on June 29th. Thank you.

C1. Resolution for Traffic Control Assistance for the Smithfield Sprint Triathlon Saturday, April 5th, 2014.

C2. Motion for Partial Street Closure Request for the Wine and Brew Festival for Saturday April 12th, 2014.

C3. Resolution for Street Closure for the Mustang Car Show on Saturday, May 17th, 2014 from 9:00 a.m. until 3:00 p.m.

C4. Resolution for Street Closure for the Annual Genuine Smithfield Olden Days on Friday, June 27th and Saturday, June 28th, 2014.

C5. Motion to Support the Budget Funding Request from the IOW Commonwealth Attorney's Office for Case Management System in the Amount of \$10,500.00.

C6. Motion to Adopt Investment Policy and Procedures.

C7. Motion to Authorize the Town Treasurer to Open a New Bank Account for Water Deposits.

C8. Motion for Partial Park Closure for the Fishing Pier and Trail at the Wine and Brew Festival from Wednesday April 9th through Sunday April 13th, 2014.

C9. Motion to Award the 2014 Mowing Contract to Southern Shores Lawn and Landscaping, LLC.

C10. Motion to Approve Request to have Pinwheels Placed at the Town Entrance Sign for the Month of April in Support of Child Abuse Prevention Month.

C11. Motion to Authorize the Town Manager to Submit the Pinewood Heights Phase III Planning Grant Application to the Virginia Department of Housing and Community Development.

Vice Mayor Gregory – 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 – At this time we will move to the Action Section. We have a Motion to Approve the Town Council Meeting Minutes of February 4th, 2014.

Town Attorney – I recommend that the minutes be approved as presented.

Councilwoman Tynes – So moved.

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

Mayor Williams – Next is New Business. Does anyone have any new business?

Town Attorney – We are closing tomorrow on 45 Carver Avenue it is part of the Pinewood Heights acquisition. I would need a Motion by the Council to Accept the Deed for 45 Carver Avenue.

Vice Mayor Gregory – So moved.

Councilwoman Tynes – Second.

Mayor Williams – Is there any further discussion? 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 Dr. Cook voted aye, Councilwoman Tynes voted aye, Councilwoman Chapman voted aye, Vice Mayor Gregory voted aye, Councilman Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Is there any other new business? Seeing none, we will move to Old Business.

Councilman Dr. Cook – Have we set a date for the Intergovernmental meeting?

Mayor Williams – Not yet.

Councilman Dr. Cook – I told you that I would ask every month until we do it. As part of old business, Supervisor Casteen, we would like an Intergovernmental meeting.

Town Manager – I will contact Ms. Seward to set something up.

Smithfield Town Council

March 4th, 2014

Page 12

Mayor Williams -- Is there any other old business? We move now to Closed Session. We do not have a closed session agenda for tonight. We are adjourned.

The meeting adjourned at 8:03 p.m.



T. Carter Williams
Mayor



Peter Stephenson, AICP, ICMA-CM
Town Manager