

The Smithfield Town Council held its regular meeting on Tuesday, March 5<sup>th</sup>, 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; Mr. Alonzo Howell, Deputy Chief 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 – I would like to call the Smithfield Town Council meeting of March 5<sup>th</sup>, 2013 to order. I would like to thank everybody for coming out tonight on a rainy night like this. At this time, we will stand for the pledge led by Miss Aston Tynes.

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

Mayor Williams – Thank you, Miss Tynes. We will start this evening off with our Town Manager with the Informational Section.

Town Manager – Thank you, Your Honor. Welcome everyone. Miss Aston Tynes is a freshman Political Science major at Norfolk State University. She is spending some time during the spring break with us learning about local governments. The Activity Report was included in the electronic posting on Friday. It is available online. The 2012 Annual Report was also provided to you and is also on the town's website now. I thank Ms. King and all of the department heads for putting that together. Our goal by March 1<sup>st</sup> every year is to get the Annual Report accomplished and everyone did a great job. Also, Mrs. Debbie Bennett in our office posted the Talk of the Town, E-Newsletter. Hopefully, you all saw that email. One alteration from the schedule this month that is listed on upcoming meetings and activities according to Mr. Joseph Reish there will be no Board of Zoning Appeals this month. We do have the Windsor Castle Park Foundation Board on Thursday at 2:00 p.m. at Town Hall this week. There will be a Pinewood Heights Management Team meeting next Monday at 4:00 p.m. at the Smithfield Center. The Planning Commission meeting is Monday, March 11<sup>th</sup> at 7:30 p.m. a day early. We have

Board of Historic and Architectural Review scheduled on March 19<sup>th</sup>. The Town Council Committee meetings will be held on March 25<sup>th</sup> and 26<sup>th</sup> at 4:00 p.m. at the Smithfield Center. The only additional item that was added to the agenda after committees was one additional invoice. I informed Finance Committee Chair, Mr. Pack which is a budgeted invoice for \$10,000.00 for the Smithfield Volunteer Fire Department. We included a bit of information about that in the packet. I will be happy to answer any questions. Thank you.

Mayor Williams – Are there any questions for Mr. Stephenson? Thank you. We will move onto Public Comments. There are no sign ups. Next is a Briefing by Mr. Al Casteen, Board of Supervisors, Smithfield District.

Town Manager – Ms. Lesley King, Town Clerk posted his report this afternoon for you all.

Supervisor Casteen – Good evening, Mr. Mayor and members of Council. The Board voted to reduce the Planning Commission to ten members with two members appointed from each election district. The Board voted to reduce the field rental fees for the Smithfield Soccer Club from \$1,350.00 to \$250.00 for the Nike Park soccer field in support of its efforts to raise funds to fight cancer. On a split vote the Board voted that the Independence Day fireworks not be identified for elimination in the Parks and Recreation Budget. Bailey, Casteen, and Darden voted to keep the fireworks and Alphin and Hall voted to end the fireworks. The Board voted to appropriate funds for the design and construction of the Park to Park Trail. The projected total cost of the project is \$8 million with the county paying 20%. The county has already spent \$400,000.00 on the project that will soon get an 80% reimbursement. It is a good goal. We are getting a lot of subsidies. We were already on that path so we felt that it would be best to complete it. The in-house EMS billing for Emergency Medical Services Revenue Recovery Program that begin July 1<sup>st</sup>, 2012 has a net revenue gain of \$99,100.00 over last year as of the end of January for the current year. They also recovered \$183,000.00 from prior years that was classified as uncollectable by the old billing agency. They are doing a great job. Item six is a motion to include in the consent agenda a report listing all checks issued by the county above the amount of \$10,000.00 was defeated by a vote of 2-3 with Supervisors Casteen and Bailey voting in favor of the motion and Supervisors Alphin, Darden and Hall voting against the motion. I was inspired by the town's report. I

thought it was a good thing. The Board voted that the County Administrator be directed to write a letter to Verizon advising that the citizens are not being served in a reasonable manner at my request. I sent copies to Mayor Williams and Mr. Stephenson. I shared it with the Town Clerk who can share it with the rest of the Council. Are there any questions?

Mr. Pack – In regards to the fireworks what was the rationale of the Board cutting an \$11,000.00 item?

Supervisor Casteen – Let us be real clear because there were only two people on the Board that had any thoughts at all about removing the fireworks. You will have to get them to explain it. It did not make any sense to me whatsoever. I was thoroughly miffed that they would even suggest it. My friends on the Council had just helped us so much with the fees and so forth for the new Rescue Squad building. I made it blatantly clear that I had inquired with the Mayor to make sure that he agreed with my assessment that we did in fact want to keep those fireworks in place. He assured me that he definitely did and was confident that the rest of the Council would agree. I conveyed that at the Board meeting but these two just could not be persuaded but we out voted them.

Mr. Pack – Thank you for your vote.

Councilwoman Chapman – Is the EMS billing for emergency services all being done in-house by the county employees now?

Supervisor Casteen – Yes Ma'am to the tune of several hundred thousand dollars. They went back and audited all of those old bills. The prior people were making their money on the volume. They were serving us and any number of other people.

Councilwoman Chapman – Is there no plan to hire another billing recovery agent?

Supervisor Casteen – No, Ma'am. We are over that especially if this group continues at the rate they are going. They are really doing a good job. They are very motivated. Not only that, they are encouraging our volunteer groups to make sure that they get all that money. Our rescue groups here in town are a great part of this. It is a big help in our operation.

Councilwoman Chapman – Great job.

Councilman Dr. Cook – What percentage of the rescue squad budget are they now collecting?

Supervisor Casteen – It is a decent amount. I do not want to tell you wrong because we have two things. We have a budget that we are paying the Rescue Volunteer Department, squad, buildings and that kind of stuff and then we have a separate budget for Rusty and his group. Frequently, staff is a part of those efforts. To be fair you have to add them all. I am thinking a couple of million dollars but I might be off. I will see if I can get you more information. They are making a difference.

Councilwoman Tynes – I do not know if you will be able to answer it today or not because it is not concerning your current agenda. Do you remember the donation amount that you gave to Western Tidewater Free Clinic? I received a letter last week. I think they are about to ask for another donation or something.

Supervisor Casteen – The money that we contribute to the Western Tidewater Free Clinic is some of the best money that we have contributed. As I recall, we get a return of about \$6 in support for citizens for every dollar that we give to them. I have been a staunch supporter. Last year, I was hopeful that we would increase our contribution. I want to say that is was a little over \$6,000.00 last year. I intended to make a motion to address and improve it. I lost on that vote. I did not get a chance to have those things reconsidered. However, I am hopeful that we will be able to change that vote when we get into addressing that for the Western Tidewater Free Clinic. They have asked us for a pretty good sum of money. I think last year they asked us for about \$60,000.00 and we did not do a tenth of that. It was consistent with what we had given them in previous years but it did not address the current situation in my view. It did not work out like I had hoped.

Mayor Williams – Are there any other questions? Thank you, Supervisor Casteen.

Supervisor Casteen – How much did the town contribute to the old Courthouse?

Town Manager – It has been \$5,000.00 ever since I have been here.

Supervisor Casteen – I am trying to get the County to participate in that on a more regular basis. We started a couple of years ago giving \$2,500.00 and last year with everything going on we were not able to support it all. This year, I am hopeful that we will be able to support them with \$5,000.00 which would really only be \$2,500.00 for

last year and this year. If you see any of my friends on the Board, please be sure to encourage them about how important the old Courthouse is to your hearts.

Mayor Williams – Thank you, Supervisor Casteen. We appreciate it. We move on now to Council Comments. Are there any Council member comments?

Councilwoman Tynes – I had a phone call from a concerned citizen. I could bring it up at the Police Committee but I wanted to tell the Council about it tonight so they could be thinking about it before we go to the Committee meetings. The concerned citizen lives in the Jersey Park/Woods Edge community. She was very concerned and she was speaking on behalf of herself and some other parents there. I guess that all of you have heard since the Chief Bowman and Mr. Stephenson have been keeping us up on some of the negative activities that have been going on in those communities. The citizens that live there are concerned because they are saying that the things that are happening are coming from outside forces coming in. They would like to know if there is anything that Council could do to assist them maybe with security to make the community a little safer. Because the children are afraid to go out to play as well as some of the adults are afraid to walk out of their doors. This is something to think about before the Committee meetings at the end of the month and maybe find some solutions.

Mayor Williams – Thank you. We will take that under advisement and maybe bring it up in the Committee meeting

Town Manager – Absolutely, we will.

Mayor Williams – Are there any other Council comments? I have sitting to my left, Mr. Peter Stephenson, who is a big cog in the wheel with Kiwanis Club. I am also a member. He was Lieutenant Governor and the foundation presented him with the Hickson Award which is the highest award that the foundation can offer any Kiwanian anywhere in the United States and abroad. Mr. Stephenson received that award a couple of weeks ago. The Smithfield Kiwanis Club is real proud of him. There are not many Kiwanis Clubs that have a Lieutenant Governor that can go out and run the whole division. There are eight clubs in the division. Mr. Stephenson did an outstanding job. I am real proud of him. He still does a good job with the Kiwanis Club. I would like to give him a round of applause.

Town Manager – Thank you, Your Honor.

Mayor Williams – Next is the Consent Agenda. We will move on to the Summary of the Consent Agenda items. These are items that we discussed in Committee. Each Chair will now have an opportunity to bring us up to date on what we learned in Committee. If anyone has any questions, please hold them until we get to the end. We have thirteen items on the consent agenda. We will start with Councilwoman Chapman with the Police Committee Summary.

Councilwoman Chapman – Thank you, Mayor. The first item on our consent agenda is a request for traffic control assistance for the YMCA Sprint Triathlon on Saturday, April 6<sup>th</sup>. The Set Up Inc. and the YMCA are requesting the assistance of four police officers for this event. They will be billed for these services that are used by the organization putting on the event and the actual time that the officers contribute per the new rate structure that the town has approved. The next item is for a partial street closure for the Wine and Brew Festival on April 13<sup>th</sup>, 2013. This will affect part of Jericho Road. It will be one-way traffic once the festival has begun. The next item is also a street closure request for the Mustang Car Show on Saturday May 18<sup>th</sup> from 9:00 a.m. until 3:00 p.m. This is going to affect the 100, 200, and 300 block of Main Street. The 300 block of Main Street may not be affected depending on the number of vehicles that are in the actual car show. The next item is a motion to accept a donation of Opticom LED Emitters from Smithfield Foods for the Smithfield Police Department. Our Chief of Police met with executives from Smithfield Foods and they asked him what items our police department could benefit from. He came back with a proposal for them. These are devices that will go in all of the police cars that can control the stop lights in the event of an emergency. They can alter it to get control of the traffic. It is a \$20,900.00 donation of equipment that would be received by the Smithfield Police Department from Smithfield Foods. The next item is a request from the Town of Smithfield to donate a 2006 Ford Crown Victoria to the Isle of Wight Sheriff's office department. They are in need of some vehicles. Instead of the vehicle going into a surplus inventory, Chief Bowman has stated that he would like to give this vehicle which is valued at about \$1,100.00 to the Sheriff's Department for their use since they are in need of it. The last item is a donation from Farmers Bank in the amount of \$24,000.00. The Council needs to officially accept the donation for the police department. It is in recognition of the reward based on the solving of the crime with the robberies at Farmers Bank.

Mayor Williams – We will move now to the Water and Sewer Committee

Summary.

Vice Mayor Gregory – Thank you, Mr. Mayor. We only have one item on our consent agenda in regards to the water and sewer. Item C-7 is a motion to accept the installation of a doghouse manhole. The work will be done by Lewis Construction. There is a sewer line underneath the street adjacent to the Ice Cream Parlor that we have no access to. The manhole needs to be installed so that we can inspect the line and make any repairs that are necessary.

Mayor Williams – Thank you. We now move to the Finance Committee  
Summary.

Councilman Pack – Thank you, Mr. Mayor. We have a couple of items this evening beginning with two invoices over \$10,000.00 requiring Council's consideration. The first is for Draper Aden Associates for \$20,484.50. This is all items that are broken down in our packet and are all related to the Consent Order. The next item is from Blair Brothers, Inc. for \$17,372.39. This is the final payment for the John Rolfe Drive widening which Mr. Hopkins and staff have reported as one hundred percent complete. They are very happy with the work. Council recommends that these invoices be paid. The last item for the Finance Committee is C-9 a motion to approve the Friends of the Smithfield Library's request for funding for surveillance cameras and a onetime sponsorship of a Dome Theater for a total amount of \$4,803.00. We had the Friends of the Smithfield Library at our Committee meeting to explain the benefits of this. These items are budgeted in our library donation budget for the year. We recommend approval for these as well.

Mayor Williams – Thank you. We now move on to the Public Works Committee  
Summary.

Councilman Smith – Thank you, Mr. Mayor. We have two items tonight for Public Works. The first is to approve the purchase of a budgeted Public Works truck in the amount of \$28,244.00. The second item is a renewal for FY 2013/2014 mowing contract with Brown Brother's Lawn and Care Service. They stepped in to take the place of some people that had stepped down. Mr. Stephenson, is that correct?

Town Manager – Yes.



b. Blair Brothers, Inc.

\$17,372.39

C9. Motion to Approve the Friends of the Smithfield Library's Request for Funding of Surveillance Cameras and a onetime sponsorship of a Dome Theater for a Total Amount of \$4,803.00.

C10. Motion to Approve the Purchase of Budgeted Public Works Truck in the Amount of \$28,244.00.

C11. Motion to Renew FY 2013/2014 Mowing Contract with Brown Brother's Lawn and Care Service.

C12. Motion to Approve Partial Closure of Trails at Windsor Castle Park for the Wine and Brew Festival, April 13<sup>th</sup>, 2013.

C13. Motion to Accept Deeds for 41 Carver Avenue, 42 Carver Avenue, and 43 Carver Avenue as Part of the Pinewood Heights Relocation Project.

Councilwoman Chapman – Second.

Mayor Williams - A motion has been made and properly seconded to approve the consent agenda as presented. 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. Next is the Action Section. We have the Virginia Tourism Corporation Grant – LOVE Artwork. We turn this over to Public Buildings and Welfare Committee Chair, Dr. Milton Cook.

Councilman Dr. Cook – This is an initiative brought to us by our Tourism Director, Ms. Judy Winslow from the Virginia Tourism Corporation where we are expounding on the “Virginia is for Lovers” theme. She has presented to us an idea to bring us on board with the Virginia Tourism’s branding, so to speak. Mr. Mayor, would you like for Ms. Winslow to come up and give us a synopsis real quick?

Mayor Williams – I would.

Ms. Winslow – As Dr. Cook was saying this has been an initiative by the Virginia Tourism Corporation to spread “LOVE” all over the state of Virginia. You have probably seen “LOVE” sculptures in many other localities. The great thing about this particular thing is that we applied for a grant to have them pay for our “LOVE” structure. We were

awarded a grant. We can pay for it with their money if we can go through the process and get approval for this. I showed you all the structure and design but I will pass it around again. At the County Committee meeting, we are looking at this point to put it at the corner where the "Walk in the Pork Pig" is currently located at the intersection of Route 10 and Route 258 although we are still open to other ideas. It is in a major entrance corridor. Over sixty percent of our visitors come from Williamsburg. We are envisioning people saying turn left at the bacon.

Mayor Williams – Are you going to move the pig?

Director of Tourism – We would move the pig. We thought it probably was not a good idea to see the before and after on the same intersection.

Mayor Williams – Are there any questions for Ms. Winslow?

Councilwoman Chapman – I apologize for missing the presentation originally. Is this something that you would do a contest like you did with the pigs to see who wants to build the structure?

Director of Tourism – No. We have actually found somebody who can build and paint the structure. Ms. Lois Chapman has done the design. There are certain parameters though in order to get the money from Virginia Tourism Corporation. It has to be a certain size. It has to be either semi-permanent or permanent. It has to have the Virginia Tourism logo on it.

Mayor Williams – So we need to go on record saying that this is not going to cost the town any money to construct and install. Also, we would have to take over the maintenance of this artwork.

Director of Tourism – It would probably be gifted to the town. What we are looking for tonight is approval from Council to go forward. We would still need to take this to the Planning Commission and the Board of Historic and Architectural Review.

Mayor Williams – I think that maybe we need to find out a little bit more about the maintenance of it and how it is going to be painted. You can paint something one way and a year later you have to go back and paint it again. I am assuming that it is going to be made out of wood or steel.

Director of Tourism – It will be galvanized metal. It will be painted and clear coated.

Mayor Williams – We just need to have some type of input on that, I feel, if we are going to be responsible for it.

Councilwoman Tynes – How high will it be? Do you think it would be a distraction for traffic there?

Chief Bowman – I think it is too early in the review process.

Councilman Dr. Cook – Mr. Mayor, I think Ms. Winslow is looking for a consensus for us to agree conceptually with the idea so she can proceed with the applications. But you are concerned, if I have this right, about maintenance issues. Is there a timeline on this?

Director of Tourism – Yes, I guess.

Mayor Williams – We could approve the concept so that she can move on with this. The only thing that I am asking is that we would know a little bit more about the process of the painting and other things that would be required.

Town Manager – You have to accept the grant this month is that correct?

Ms. Winslow – Yes I have to accept the grant this month.

Town Manager - So we need authorize on the Town's behalf acceptance of the grant.

Councilman Dr. Cook – We will be able to finalize the exterior painting and stuff later. I make a motion to have the Town Manager authorize the Tourism Director to proceed with the "LOVE" project.

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 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. Next on the agenda is Additional Invoices over \$10,000 Requiring Council's Authorization of Payment that we did not discuss earlier. We have already agreed on this. It just needs our blessing to go ahead and pay it this year. Are there any questions on this item?

Councilwoman Tynes – I make a motion that we pay \$10,000.00 for the heavy rescue truck for the Smithfield Volunteer Fire Department.

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 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 a Motion to Approve the Town Council Minutes for the Meeting of February 5<sup>th</sup>, 2013.

Town Attorney – Mr. Mayor and members of Council, I found only a few minor corrections and I would recommend that the minutes be approved as revised and corrected.

Vice Mayor Gregory – I make a motion to approve the minutes.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded to approve the minutes with minor corrections. 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 – The motion passed. Next is New Business. Is there any new business? Next is Old Business. Is there any old business? Next is a Closed Session.

Town Attorney – Mr. Mayor just a brief closed session concerning consultation of legal counsel as to legal matters.

Councilman Smith – I will make a motion that we go into closed session for that purpose.

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. 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.

*Town Council went into closed session at 8:06 p.m.*

*Town Council went back into regular session at 8:27 p.m.*

Town Attorney – We need a motion to go back into open session.

Councilman Smith – I make a motion to go back into open session.

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. 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

Town Attorney – Mr. Mayor, we need a motion that during the closed session that there was only a consultation with legal counsel as to legal matters pursuant to Section 2.2-3711.A.7 Code of Virginia, in particular the license agreement with the Bank of Southside Virginia.

Councilman Pack – So moved.

Councilman Smith – Second.

Mayor Williams – A motion has been made and properly seconded. 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.

Councilman Smith – I make a motion that we authorize our legal counsel and the Town Manager to enter into a license agreement with the Bank of Southside Virginia to proceed with our Farmer's Market.

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. 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 to come before the Council? This meeting is adjourned.

The meeting adjourned at 8:29 p.m.

  
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T. Carter Williams  
Mayor

  
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Peter Stephenson, AICP, ICMA-CM  
Town Manager

