

The Smithfield Town Council held its regular meeting on Tuesday, July 2<sup>nd</sup>, 2013. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mrs. Denise N. Tynes, Ms. Connie Chapman, Mr. Michael Smith, and Mr. Randolph Pack. Mr. Andrew Gregory, Vice Mayor and Dr. Milton Cook were absent. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mr. William T. Hopkins III, Director of Planning and Public Works; Ms. Lesley G. King, Town Clerk; Mr. William H. Riddick, III, Town Attorney; 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 was one (1) citizen present. The media was represented by Ms. Abby Proch of The Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. I would like to bring the July 2<sup>nd</sup>, 2013 Town Council meeting to order. At this time, we will stand and say the Pledge of Allegiance led by Councilwoman Tynes.

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

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

Town Manager – Thank you. Yesterday, Mrs. Debbie Bennett sent out our bi-monthly E-newsletter. I hope everyone received it. The new refuse and recycling schedule went into effect. Please continue to spread the word as we did with the water rate fee modifications every business and resident received a notice. We still had a few people wondering why they were getting new recycling cans. I want to thank everybody, staff and tourism included, for preparation beforehand and during the week after Olden Days. The weather held out. I think it was a successful event. I was there for a few hours on Saturday. I did not make it to the raft race but did see the fun pictures on Facebook and in the Daily Press. Regarding the schedule for July of course we are closed on July 4<sup>th</sup>. There is no recycling pick up on Thursday. The schedule for Friday is per the usual. Pinewood Heights Management team is going to meet next Monday, July 8<sup>th</sup>, instead of next Tuesday at 4:00 p.m. I will be out July 8<sup>th</sup> and 9<sup>th</sup> for orientation with my daughter at Virginia Commonwealth University. I have some other dates that I will be out in the month of July so I will let you all know. We have a Windsor Castle Park Foundation Board on July 11<sup>th</sup> at 2:00 p.m. The following week we have the Board of Historic and Architectural Review on July 16<sup>th</sup> at 7:30. There will not be a Board of

Zoning Appeals meeting this month. The Committee meetings will be on July 22<sup>nd</sup> and the 23<sup>rd</sup>. The Smithfield Center will be closed on July 8<sup>th</sup> and 9<sup>th</sup> for deep cleaning.

Councilman Pack – On the trash and recycling pick-up, is trash at the first part of the week and recycling the second part of the week.

Town Manager – That is correct. If your schedule was Monday or Tuesday for trash then that remains the same. If your schedule was Thursday or Friday previously for trash now it is recycling pick-up. Yard waste is on Wednesday. We are asking people to call in the Friday before if they want yard waste picked up. It will be recycled not land filled now. We made sure that Smithfield True Value ordered clear bags. They want the leaves or the yard clippings to be in clear bags so that they can see very clearly that it is something that will be recycled now.

Councilwoman Tynes – So they need to go to Smithfield True Value to buy the bags?

Town Manager – They can use other retailers. We made sure that we had someone in town that had clear bags. Hopefully others will follow suit.

Councilwoman Tynes – So to clarify, I have my pick-up on Tuesday for trash so that will stay the same. They normally come on Wednesday for recycling but now it will be Friday.

Town Manager – That is correct. Tuesday will be refuse and Friday will be recycling. If you have yard waste to be recycled then call and get on the list for pick-up on Wednesday. There will still be some confusion but we will work through it. I appreciate everyone's patience.

Councilwoman Tynes – It will be starting next week?

Town Manager – It is starting now. They are still delivering some of the new recycle bins. We told everyone in the newsletter that if they had not received a new bin then it would be late next week before they could start participating.

Councilwoman Chapman – Will the Windsor Castle Park meeting be at your old office or Town Hall?

Town Manager – The Windsor Castle Park Foundation Board meets on the 2<sup>nd</sup> floor conference room at Town Hall at 2:00 p.m. on July 11<sup>th</sup>.

Mayor Williams – Next is Public Comments. Do we have any sign ups?

Deputy Chief Howell – We do not have any sign ups.

Mayor Williams – Next we will have 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. I noticed you have a long agenda tonight so I will be brief. After the public hearing, the Board voted 4-1, I opposed, to adopt the county operating budget appropriations ordinance in the amount of \$96,312,616.00 and to increase the real estate tax by eight cents. After the public hearing, the Board will wait until the July meeting to vote on the 2013/2014 capital budget that includes the ball fields. We were not delaying that but have to wait at least ten days after the public hearing to act on it. There was no point in having an extra meeting. Standard and Poor's has upgraded the county's bond rating from AA- to AA. This is good news and hopefully will save us a penny here and there down the road. The Board voted 3-2 to approve the boundary line adjustment between Isle of Wight and the Town of Smithfield. Supervisor Hall and Supervisor Alphin were opposed. The Board approved the Annexation Waiver Agreement Moratorium between the county and the Town of Smithfield. The Board approved a three percent state funded increase for the Commonwealth Attorney. He was the only constitutional officer that was not receiving some kind of supplement. The Board voted to appropriate \$10,000.00 through the Chamber of Commerce from the contingency line item for FY 2013 for use by the Chamber in next year's operations. The Board moved the regular August 15<sup>th</sup> meeting to August the 22<sup>nd</sup> since we had one Board member and the county attorney who could not be there. Are there any questions?

Mayor Williams – Thank you, Supervisor Casteen. Next is the Consent Agenda. Would any Council member like to remove any item from the consent agenda for discussion? Next we have the Summary of Consent Agenda Items. We will start with the Police Committee Chair, Denise Tynes.

Councilwoman Tynes – Police Committee Summary. We have two items on the consent agenda. The first is a motion to authorize traffic assistance for Ham-azing Time Trial event on Sunday, July 14<sup>th</sup> from 9:00 a.m. to 3:00 p.m. This is pretty much traffic control since this is a bicycle event. It will begin in Smithfield and end in Smithfield. The majority of the race will be on county roads. I think that is going to require that the organizers take care of one officer. The next item is a resolution for street closure

request for the Ruritan Car Show at the Town and Country Days on Saturday, October 12<sup>th</sup>, 2013. This is an annual event. They normally close off the 100 to 200 block.

Mayor Williams – Vice Mayor Gregory is not present for the Water and Sewer Committee Summary. He has a motion to renew the Sanitary Sewer Rehabilitation Contract with Tri-State Utilities for one additional year. They are doing a good job. Staff recommended that we give them another year on their contract. Item C-4 is a motion to move forward with a cost share proposal for utilities on Livengood's property in Phase 1 of the Pinewood Heights Relocation project. The Livengood's want to go ahead with some construction on their lots that they own in Pinewood Heights. It requires installing a sewer line and a pump station in there that will cost about \$18,000.00. We recommend that their cost would be one third of that. We voted to move forward with that at the committee meetings. Next we have Finance Committee Chair, Randy Pack.

Councilman Pack – Finance Committee Summary. We have four invoices tonight over \$10,000.00 requiring Council's consideration. The first is Blair Brothers, Inc. for \$77,959.42 for budgeted street repairs that town's staff says have been completed and are in good shape. The second item is for a budgeted Public Works truck for \$23,209.00. Draper Aden submitted a bill for \$16,333.00 for work completed under our consent agenda. We also have the Isle of Wight County General Obligation bond for the Town portion for \$36,909.35 to be considered by Council for approval this evening. The next item is C-6 which is a motion to adopt appropriation resolution to carry forward funds and restrict funds appropriated in FY 2012/2013. This is basically taking some monies that we appropriated in FY 2012/2013 and allowing it to roll forward and be used in FY 2013/2014 namely the Pinewood Heights Relocation project for \$991,634.00, Sewer Consent Order Compliance funds of \$91,000.00, and Sewer Capital repairs of \$50,000.00. The next item is C-7 is a motion to adopt an appropriation resolution for funds for FY 2013/2014 effective July 1<sup>st</sup>, 2013. It reads as follows:

WHEREAS, in order to provide for the operation of the government of the Town of Smithfield, the Town Council of the Town of Smithfield finds it necessary to appropriate the funds budgeted for fiscal year 2013-2014, beginning July 1<sup>st</sup>, 2013.

NOW, THEREFORE, BE IT RESOLVED that the following sums of money, or as much thereof as may be authorized by law, as may be needed or deemed necessary to defray all expenses and liabilities of the Town are hereby appropriated for the corporate

purposes and objects of the Town as herein below specified for the fiscal year commencing on the 1<sup>st</sup> day of July, 2013, and ending on the 30<sup>th</sup> day of June, 2014. Without going through the individual line items these are all items of our budget that we approved at our special meeting in June.

Mayor Williams – Next we have Public Works Committee Chair, Michael Smith.

Councilman Smith – Public Works Committee Summary. The only thing that we have on the agenda tonight is a motion to renew an underground utilities contract with Lewis Construction for one additional year. They perform scheduled water and sewer repairs as needed which are typically over six feet deep. We do not have the equipment to do those ourselves. Mr. Hopkins has been very pleased with their work in the past. I have been involved with several projects and they are very professional. We recommend this for approval.

Mayor Williams – Next we have the Public Building and Welfare Committee member, Connie Chapman.

Councilwoman Chapman – Item C-9 is a motion to approve a License Agreement for the public restroom facility located at 206 Main Street. This agreement is between the town and Ms. Carol. Our Town Attorney will elaborate on that for us.

Town Attorney – Mr. Mayor and members of Council you had this agreement back at your Committee meeting but we were discussing some additional changes. In particular, Mr. Stephenson had consulted with VML about the insurance issues. They had recommended that we not indemnify each other. This means that we agree to name each other as additional insured on each other's policies. There is a reason for that. Basically it is the proper way to handle this. I removed the indemnification language that had been suggested by the attorney for Smithfield Foods. Now it comports with Virginia law. We discussed this the other day and in its current form I would recommend that you adopt it.

Mayor Williams – Thank you. This completes our consent agenda items. Do I hear a motion?

Councilwoman Tynes – I will make a motion to approve the consent agenda.

C1. Motion to Authorize Traffic Assistance Ham-azing Time Trial Event, Sunday, July 14<sup>th</sup> 2013 from 9:00 a.m. to 3:00 p.m.

C2. Resolution for Street Closure Request for Ruritan Car Show at Town and Country Days, Saturday, October 12, 2013.

C3. Motion to Renew Sanitary Sewer Rehabilitation Contract with Tri-State Utilities for One Additional Year.

C4. Motion to Move Forward with Cost Share Proposal for Utilities on Livengood's Property in Phase 1 of the Pinewood Heights Relocation Project.

C5. Invoices Over \$10,000 Requiring Council's Consideration:

a. Blair Brothers, Inc.	\$77,959.42
b. Bowditch Ford (budgeted Public Works truck)	\$23,209.00
c. Draper Aden Associates	\$16,333.00
d. IOW County General Obligation Bond	\$36,909.35

C6. Motion to Adopt Appropriation Resolution to Carry Forward Funds and Restrict Funds Appropriated in Fiscal Year 2012/2013.

C7. Motion to Adopt Appropriation Resolution for Funds for Fiscal Year 2013/2014, Effective July 1<sup>st</sup>, 2013.

C8. Motion to Renew Underground Utilities Contract with Lewis Construction for One Additional Year.

C9. Motion to Approve License Agreement for Public Restroom Facility Located at 206 Main Street.

Councilwoman Chapman – Second.

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

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

Mayor Williams – We now move to our Action Section. The first item is an Ordinance to Amend the Town Code to Prohibit Gasoline Powered Motors in Waterworks Lake.

Councilwoman Tynes – This is pretty much just like the Town Manager said it is a housekeeping item. It has been on our ordinance but when they removed the fees the signs were removed from the lake. Without the signs there the citizens do not know.

They have tried to put some of the smaller gasoline motorboats out on the lake. Waterworks Lake is a small lake. It is really not large enough for gasoline powered boats. Row boats are fine.

Town Attorney – We do not have to have a public hearing on this. There was a discussion at the Council meeting about not just the operation of a boat with a motor but having one mounted on the boat. It is unlawful to have a boat with a motor mounted on it. No one should be able to say that they were using their little electric motor. On the Suffolk lakes that is what they do. They try to be clever and get away with it. Chief Bowman is happy with this.

Councilwoman Tynes – So we are pretty much asking that they only have something like a row boat, kayak or a canoe?

Town Attorney – You can use an electric motor. You can use a trolling motor. You cannot use a gasoline powered motor of any type.

Mayor Williams – We need a motion.

Councilman Smith – So moved.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded to prohibit gasoline powered motors on Waterworks Lake. Roll call vote.

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

Mayor Williams – Now we need a Motion to Approve the Town Council Minutes for the Meeting of June 4<sup>th</sup>, 2013.

Town Attorney – I would recommend that they be approved as presented.

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, five members were present. Councilman Pack voted aye, Councilman Smith voted aye, Councilwoman Chapman voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Now we have a Motion to Accept Deed of Gift for Public Restrooms from Smithfield Foods.

Town Attorney – Mr. Mayor and members of Council Smithfield Foods has reviewed and agreed to execute a Deed of Gift for the new public restroom facility. You need to take action to accept that deed. We have already had a discussion with them and we are waiting on an appraisal of the property. I saw Mr. Lawrence Pitt today and he said that it should be ready probably by Wednesday of next week. You can authorize us to accept the deed and we will do that once we get the appraisal. It is important because Ms. Minga, Town Treasurer needs it and our Town Manager needs it for insurance purposes. We will not actually take possession until we get the appraisal in hand. If you would make the motion to authorize me to accept the deed on behalf of the Town Council then we can do that when the appraisal is presented.

Councilwoman Tynes – I will make a motion to authorize our Town Attorney to accept the Deed of Gift for the public restroom on Main Street when the appraisal is presented.

Councilman Smith – Second.

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

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

Mayor Williams – Next is New Business. We will also have to give the Town Attorney Authorization to Accept the Deed from the County on the Ball Field Property when they have it ready. Hopefully, they will do that on the July 18<sup>th</sup> meeting. The Smithfield Recreation Association Board that will be in charge of building the new ball field, of which I am a member of, we have already had a meeting and we are interviewing engineers for that piece of property. We do not particularly want to wait for the next Town Council meeting to authorization to the Town Attorney to accept the deed.

Supervisor Casteen – I thought we voted on the boundary adjustments. We had previously voted to support the gift of the property and the realignment of the boundaries with the \$25,000.00 per year from the county for the ball fields.

Town Attorney – That is correct but it is a formality for us. If you are ready to give us a deed then the Town Council can accept it but they have to authorize me to accept it on their behalf. Just for a status report the plat that would subdivide the parcels, one for Rescue Squad, one for the church, and one for the ball fields has been submitted to the county. The surveyors are making some minor changes. Hopefully they will be ready shortly. Once the plat is approved then we can schedule a final hearing on the boundary adjustment with the Circuit Court. We are getting close. We are hopeful that it might be done this month. If it is done in July it becomes effective on the first day of the month following the entry of the order. If it is done in August it will be the first day of the month following that. We are very close.

Councilman Pack – I make a motion that we allow the Town Attorney to accept on behalf of the town a deed for the boundary line adjustment and the ball fields.

Councilwoman Chapman – Second.

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

On call for the vote, five members were present. Councilwoman Chapman voted aye, Councilman Smith voted aye, Councilwoman Tynes voted aye, Councilman Pack voted aye, and Mayor Williams voted aye.

Mayor Williams – Is there any more new business?

Councilwoman Chapman – Mr. Mayor, I wanted to bring to the Town Manager's attention and anyone else who needs to know that I have already been addressed by a citizen that the restrooms need to be maintained with the proper supplies. They have already been found empty. I know it was a busy weekend but hopefully we can stay on top of that.

Mayor Williams – There will be a meeting on that between all of the parties next Wednesday. I do not know what everyone did before that restroom was built. It is the busiest place in town. I guess tourism, the Taste of Smithfield, and all of the shops handled everybody. There are a few kinks to work out. Is there any other new business? Next is Old Business. Does anyone have anything else to come before Council? Hearing none, we are adjourned.

The meeting adjourned at 7:56 p.m.



T. Carter Williams  
Mayor



Peter Stephenson, AICP, ICMA-CM  
Town Manager