

The Smithfield Town Council held its regular meeting on Tuesday, August 6<sup>th</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, Dr. Milton Cook, and Mr. Randolph Pack. Mr. Andrew Gregory was 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. Steven G. Bowman, Police Chief; 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 five (5) citizens present. The media was represented by Ms. Abby Proch of The Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of August 6<sup>th</sup>, 2013. 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. Welcome everyone. The July Activity Report was included with the electronic posting. National Night Out is still going on right now for another half an hour at the YMCA. It was moved indoors because of the weather. It was very successful. Thank you for all the support for National Night Out. Tomorrow we will be recording the deed for the public restrooms. We did get the appraisal and the deed is ready to record. We will get it on our VML insurance policy tomorrow as well. Yesterday, I received in the mail, after submitting our application on November 30<sup>th</sup>, 2005, our new Groundwater Withdrawal Permit which is good for ten years until 2023. We have ten years from July 31<sup>st</sup>. It is amazing how things work. I am glad to have that in hand after many years. The meeting schedule was posted. There is no Planning Commission or Board of Zoning Appeals meeting this month. We do have a Board of Historic and Architectural Review meeting on August 20<sup>th</sup>. Committee meetings will be at 4:00 p.m. on August 26<sup>th</sup> and 27<sup>th</sup>. We have the Labor Day Holiday coming up as well.

Mayor Williams – Are there any questions? Next is Public Comments. This is the time that the public can speak on any matter except for public hearing items. Seeing

none, next is a Briefing by Mr. Al Casteen, Isle of Wight County Board of Supervisors,

Smithfield District.

Supervisor Casteen – Thank you, Mr. Mayor. The Board approved the 2013/2014 Capital Budget for the amended amount of \$8,994,779.00 that includes the ball field in Smithfield at \$25,000.00 per year. The Board authorized a public hearing to convey County property to the Town of Smithfield for the ball field complex at the Board's August 22, 2013 meeting. The Board voted to tear down the Fort Boykin house and any insurance money would be earmarked for future improvements. The Board voted to reappropriate Hurricane Irene Insurance reimbursement to the Nike Park Pier Replacement Capital Project for FY 2013/2014. The Board voted to advertise a public hearing for the August 22<sup>nd</sup> meeting to sell the old sewer treatment plant property for Queen Anne's Court to St. Luke's Church. The Board voted to purchase the Owen Water Systems for \$11,000.00 for the Lake Shores and Green Meadows private water systems. The Board voted to approve a three percent state funded salary increase for all of the constitutional officers effective August 1, 2013. The Board voted to authorize salary increases effective July 1, 2013 for the assistant commonwealth attorneys. We are basically passing along the money that the state gave to us. Are there any questions?

Councilman Dr. Cook – I would love to hear from you directly about an issue that has been tossed around. What is your reasoning behind not going with seven districts instead of five?

Supervisor Casteen – I did not back off the seven districts at all. Somebody has supposed that. You might read in tomorrow's paper with a little luck there will be an explanation which I would be happy to share with you in a brief form now. I will give you a summary since you have asked.

Councilman Dr. Cook – I just want to hear it from you. You cannot believe half of what you hear.

Supervisor Casteen – Hopefully this will come out exactly as I wrote it tomorrow in the paper. I will give you a summary tonight. Basically, the seven district proposal was from our committee that we had. The committee was thirteen people at the max. A Couple of board members have left. Of the remaining eleven, four of them were appointed by current Board members. All of the rest were appointed by past Board

members. Of those four, three of them were appointed by the departing Hardy Supervisor leaving one person that was still on that committee that was appointed by a current Board member. To me, a slow and deliberate approach to any redistricting will best serve the citizens. A quick rush to implement seven districts in an election year makes little sense if the goal is to insure that all have a chance to understand and review any proposed changes. I do not know where the future Hardy Supervisor stands on the issue but he needs to be heard. Making any changes before any minority member joins the Board seems to be a giant step backward especially if he might disagree. I do not know where he stands. I believe that how we make any changes to the election districts is possibly more important than possibly any changes that might be made. The old seven district plan clearly had some politically motivated components as did the five district plan that was adopted. Both of them were clearly wiggled politically. That is the issue. It is not whether it is five or seven districts it is how we do it. If the people rejected the old board, I think the new board should be involved if we are going to go in that direction. We ought to have a new group come forward and put it together and work from there. We need to take our time and explain it. You will recall that the five district plan that was adopted and implemented was not from the committee. Mr. Clark asked Mr. Finch if he had another combination to bring up and ultimately that is what was adopted. It was later discovered that Mr. Clark, Mr. Burton, and Mr. Finderson had developed that plan themselves entirely out of the public view. I have no interest in that. You have to change it and you have to review it.

Councilman Dr. Cook – Two or three years ago when this was passed to five districts, you were in favor of a seven district at the time.

Supervisor Casteen – Sure. I have not been opposed to the seven district concept at all. The concept is one thing but what they tried to pass was another. We are two years later down the road and have all these different players now so that is why. I am not against the seven district plan. I am against adopting one that was developed several years ago.

Councilman Dr. Cook – So you do not think the nine or ten people that were not appointed by the people that are no longer there their study was not worth it.

Supervisor Casteen – Well, I think it would make more sense particularly since several of those people are direct relations to defeated Board members. It does not

make sense that they will be the guidance that you need to be working from. In particular, here in my Smithfield District, I have a considerable problem with the fact that my friends on the one side of Grace Street are not included in the Smithfield District.

Councilman Dr. Cook – But that was the five district plan not the seven district plan.

Supervisor Casteen – You might want to look at that again. I do not have it in my pocket but as I recall it still has that same change in it.

Councilman Dr. Cook – As I said, I wanted to hear your opinion from your mouth.

Supervisor Casteen – That is why. We cannot just magically say could you pull that up it looks close and it has the percentages. That is not the way we need to do it. We need to review it and let the public see the details. We did not get much in the way of details at all in our review. In my view a summary line characterizing those opposed to an open, fair, and informed approach as being power hungry is more than a bit unfair but it happens. Are there any other questions?

Councilman Smith – How many people were on the committee?

Supervisor Casteen – We all appointed two. There were ten people.

Councilman Smith – Okay. You appointed ten people. I am wondering why a committee was appointed but then you did not even listen to their recommendations. How did it get shoved under the table and now it is being brought back up? Is there a new committee being formed for recommendations?

Supervisor Casteen – At the moment, we have not gotten to that point yet. That is what precipitates this thing. At our last meeting during the Board comments somebody said we need to change the seven district plan.

Councilman Smith – I was approached by several people that were on the committee. They were very disgusted about the time and energy that were spent. They were so disgusted that they said that they hoped they were never asked to do it again. I feel like people's time is worth a lot especially when it is free. I just feel like if you are going to form a committee for recommendations then those recommendations need to be listened to with earnest so that you can move forward in the right direction and not serve some political agenda that somebody on the Board might have. I think that you feel the same way. I would like to make clear that the citizen's time is important. Anyone

that volunteers for something like that then they need to be respected for their decisions.

Supervisor Casteen – Certainly. I agree with you. I was there and upset the whole time but it did not do any good. To answer your question, there were thirteen on the committee. After all ten were appointed Mr. Clark insisted that he needed to add someone. Our county attorney advised us to add some more diversity. So Smithfield and Hardy had to appoint two more people. I added a black female appointee. The Hardy district added a white female appointee. I do not think that added enough diversity but I did my part.

Councilman Smith – I just want to make sure that the county understands that when you appoint something like that the members need to be respected and their voices need to be heard.

Supervisor Casteen – Sure. Councilman Dr. Cook, as I think about that last piece it might not have been included after all. I will have to go back and look at that seven district plan.

Councilman Dr. Cook – I do not remember directly but I think it was kind of added at the end and that upset a lot of people.

Supervisor Casteen – On the five district piece, it was worse than that because the people right across the street from Supervisor Hall were included in the Smithfield District. She at least got those folks back. I did not get my folks but I am going to try to. If you have any suggestions, feel free to call me. I am thinking that if we go to seven districts then my district should be as much of the town limits as possible.

Mayor Williams – Thank you, Mr. Casteen. Next is Council Comments.

Councilwoman Chapman – I just wanted to recognize our Smithfield Police Department and the Isle of Wight Sheriff's Department for their great job tonight at the National Night Out. Thank you to the folks here that was able to make it out including Ms. Judy Winslow who rode the I-Ride and to Rick who also made that happen. It was a great turn out. It is one thing that we can mark off our list towards a certification as a Crime Prevention Community. Thank you to all who supported that.

Mayor Williams – Thank you Councilwoman Chapman for all of your help with it. When I left there it was going full blast. Everyone was having a really good time.

Councilman Dr. Cook – As far as the Police Department is concerned, I think we should all take some time to spend some time with the police while they are on duty to appreciate what they are going through out on the streets. I had the opportunity Friday to have some excitement with the police department. It was really an eye opener as far as what they go through, the training that they need to go through, and what it takes to run the police department. I think we should setup something with Chief Bowman to spend some time with an officer on duty.

Councilwoman Tynes – We were invited by the former Chief to ride along with an officer on duty but our Town Attorney advised us not to do that as Council because of insurance or something like that.

Town Attorney – I do not recall the scenario. It is really up to Chief Bowman as to whether it would be appropriate for you to do it or not.

Mayor Williams – Next is the Summary of Consent Agenda Items. Does any Council member like to pull any of the consent agenda items for further discussion? Hearing none, we will start with Mrs. Denise Tynes, Police Committee Chair.

Councilwoman Tynes – Police Committee Summary. The first item is a motion to authorize the purchase of three budgeted police vehicles for FY 2013/2014. Chief Bowman explained that these will be three marked units. The reason for buying them all at one time is because of the window of time that they have to buy it in. The larger jurisdictions come in and buy more vehicles. He wants to be on top of the list so that he can get them earlier. The next item is a resolution for a street closure request for the Hog Jog Race on October 12<sup>th</sup>, 2013. The majority of the proceeds will go to Isle of Wight County Christian Outreach. This is a local organization that is very helpful to citizens in the community that is in need.

Mayor Williams – Next is Finance Chair, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. We have several invoices tonight requiring Council's authorization over \$10,000.00. The first is for Draper Aden Associates for work under our consent order. We also have a quarterly payment to Caldwell Tanks for preventive maintenance and other work to our tanks in town. We have two debt service payments in relation to the Reverse Osmosis Plant which are paid twice per year. One is for \$84,150.83 and the other is for \$208,243.75. We have an invoice from REW Corporation which is for a budgeted flow

monitor upgrade. We also have two additional invoices since our committee meetings two weeks ago for OSSI which is a Sungard Public Sector software maintenance that our police department uses. The other one is a work order system for the public work for \$13,350.00. This is a new work order system that allows Public Works to work more efficiently. It was a budgeted item. We recommend approval on all of these invoices. We also have two resolutions in front of us tonight. The first is to approve a line of credit renewal with Farmers Bank. We currently have no balance with them but we want to be able to use it if necessary. We are recommending approval of this credit line renewal with Farmers Bank for \$1,000,000.00. We have a second credit line with TowneBank. For both of these banks we decided to maintain a banking relationship this year. This line of credit is good for \$500,000.00 and also has a zero balance on it. Both of these lines of credit are recommended for approval and used only as necessary.

Mayor Williams – Thank you. We now move to Public Works Committee Chair, Mr. Michael Smith.

Councilman Smith – Public Works Committee Summary. Thank you, Mr. Mayor. We have a motion to renew the debris removal contract with Goodrich and Sons and Smithfield Services for one additional year. They have been very happy with their response times and their professionalism. The next item is a motion to release Excel Paving Performance Bond for the South Church Street Project.

Mayor Williams – Next is Public Buildings and Welfare Committee Chair, Dr. Milton Cook.

Councilman Dr. Cook – Public Buildings and Welfare Committee Summary. We have one item from the Public Buildings and Welfare Committee. This is a temporary License Agreement for the Great Springs Road Property which is between us and the county to allow us access to the property to begin some initial engineering work.

Mayor Williams – Do I hear a motion?

Councilman Pack – I will make a motion to approve all of the consent agenda items.

C1. Motion to Authorize the Purchase of Three Budgeted Police Vehicles for Fiscal Year 2013/2014.

C2. Resolution for Street Closure Request for Hog Jog Race October 12<sup>th</sup>, 2013.

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

a. Draper Aden Associates	\$ 14,531.50
b. Caldwell Tanks	\$ 25,468.32
c. US Bancorp	\$ 84,150.83
d. US Bank (Debt Service RO Plant)	\$208,243.75
e. REW Corporation (budgeted Flow Monitors)	\$ 29,608.60

ADDITIONAL INVOICES

f. OSSI – Sungard Public Sector (software maintenance)	\$ 19,722.08
g. PubWorks (Public Works-work order system)	\$ 13,350.00

C4. Resolution to Approve Line of Credit Renewal with Farmers Bank.

C5. Resolution to Approve Line of Credit Renewal with TowneBank.

C6. Motion to Renew Debris Removal Contract with Goodrich and Sons and Smithfield Services for One Additional Year.

C7. Motion to Release Excel Paving Performance Bond for the South Church Street Project.

C8. Authorize Temporary License Agreement for Great Springs Road Property.

Councilman Dr. Cook – Second.

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

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

Mayor Williams – New is the Action Section. We have a Street Closure Request for Parade of Homes Rescheduled for October 5<sup>th</sup> – October 20<sup>th</sup>. Councilwoman Tynes.

Councilwoman Tynes – We have a street closure request for the Parade of Homes rescheduled for October 5<sup>th</sup> – October 20<sup>th</sup>. There will be very little impact on traffic for this. It will bring a lot of revenue to the town as well as the county.

Town Attorney – Since we met the other day, they have decided to change the dates. They have decided to amend their application. There is no urgency on doing this tonight. We could defer it to another time. They could not make their original dates.

They have given us some proposed dates but there is no urgency in doing it tonight. I would suggest that we just carry this item over.

Mayor Williams – So October 5<sup>th</sup> – 20<sup>th</sup> is the tentative dates?

Town Attorney – They want it to be closed not just during the time of the show but during the construction period. I contacted them and they advised that they were going to change the dates.

Councilwoman Tynes – Okay. At this time, I will recommend that we take it back to committees for consideration.

Mayor Williams – I do not think we need a motion on that. Next item is a Motion to Approve the Minutes for the Continued Town Council Meeting of June 24<sup>th</sup> and the Town Council Meeting of July 2<sup>nd</sup>, 2013.

Town Attorney – I would recommend that the minutes for June 24<sup>th</sup> meeting be approved as presented and the minutes for July 2<sup>nd</sup> be approved with minor revisions and corrections.

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

Mayor Williams – Next is New Business. Does any Council member have any new business? Seeing none, we move to Old Business. Does any council member have any old business that they would like to bring up? Next is a Closed Session.

Town Attorney – We need a motion to go into closed session to discuss the acquisition/disposition of real property and a briefing by legal counsel as to actual pending legal matters requiring legal advice pursuant to 2.2-3711.a 4 & 7.

Councilman Smith – So moved.

Councilman Dr. Cook – Second.

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

On call for the vote, six members were present. Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilman Dr. Smith voted aye, Councilman

Pack voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Ladies and gentlemen, we will now move to closed session.

*Town Council went into closed session at 8:00 p.m.*

*Town Council went back into regular session at 8:48 p.m.*

Mayor Williams – We need a motion to go back into open session.

Councilwoman Chapman – So moved.

Councilwoman Tynes – Second.

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

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

Town Attorney – We need a motion that during the closed session there was only a discussion of acquisition/disposition of real property and a briefing by legal counsel as to actual pending legal matters requiring legal advice pursuant to Section 2.2-3711.A.4 & 7 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, six members were present. Councilman Smith 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 – Motion to authorize the Town to make payment to Verizon for the invoice amount less the change order fees for the South Church Street Beautification Project. Now we will go back to the Finance Committee Chair, Mr. Randy Pack.

Councilman Pack – I will make a motion to authorize the Town to make payment to Verizon for the invoice amount less the change order fees for the South Church Street Beautification Project.

Councilwoman Chapman – Second.

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

On call for the vote, six members were present. Councilman Smith 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 – Is there any other business?

Councilman Dr. Cook – Yes Mr. Mayor. The Public Buildings and Welfare Committee discussed an RFP for rental of 315 Main Street. We received two very nice applications in response to the RFP. After deliberation, we have decided to pursue a lease with Ms. Nansi Strickland. A motion to authorize the Town Manager to enter into lease negotiations with Ms. Nansi Strickland for 315 Main Street. I will make a motion to authorize the Town Manager to enter into lease negotiations with Ms. Nansi Strickland for 315 Main Street.

Councilwoman Chapman – Second.

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

On call for the vote, six members were present. Councilman Smith 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 passes. Is there any other business? Hearing none, we are adjourned.

The meeting adjourned at 8:49 p.m.

  
T. Carter Williams  
Mayor

  
Peter Stephenson, AICP, ICMA-CM  
Town Manager