

The Smithfield Town Council held its regular meeting on Tuesday, September 3rd, 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, Mr. Andrew Gregory, Vice Mayor; and Mr. Randolph Pack. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mr. William T. Hopkins III, Director of Planning and Public Works; 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 ten (10) 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 September 3rd, 2013. Tonight we have a special guest, Tyler Hicks with Boy Scout Troop # 36. Tyler will lead us in the Pledge of Allegiance.

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

Mayor Williams – Thank you, Tyler. We appreciate it. We will start with the Informational Section. Our Town Manager will give us the Manager's Report.

Town Manager – Thank you. Welcome everyone this evening. I would like to wish a happy first day of school to all of our public school students, faculty, and teachers. We ran out of copies of the agenda so I will review for our visitors. After my brief comments, we have a public comment section. The signup sheet is here if anyone would like to speak on any general items. We will have Council comments. Next the consent agenda is where the Town Council members who committee items went to will review those items. We have four items on the action section on the agenda. First we have an ordinance to amend parking regulations in the Town of Smithfield. Secondly, we have an ordinance to establish an ordinance prohibiting loitering and sleeping on town benches. Next is an ordinance to name the roads in Windsor Castle Park. We have a motion regarding the minutes of August 6th, 2013 meeting. Right now we do not have any closed session items from staff that I am aware of. So very briefly that is the way the agenda is listed for this evening. If you could share the copies that were made by the Town Clerk that would be great. Speaking of the Town Clerk, she and her husband are attending a funeral visitation. She talked to Mayor Williams early today about her not being here tonight. Later in the month when we have committees, I will

miss those because I will be attending the ICMA Conference that Council had authorized. We have a Windsor Castle Park Foundation Board meeting at 2:00 p.m. on September 5th at Town Hall. The Natural Playground plans are 95% complete. We reviewed them late this afternoon with the architect. We will have in hand a DVD tomorrow. We will have print copies made. Those will be reviewed along with the bylaws and the other things discussed at Windsor Castle Park Foundation Board. We have a Pinewood Heights Management Team meeting at 4:00 p.m. on September 10th. We have the Board of Historic and Architectural Review meeting on September 17th at 7:30 p.m. at the Smithfield Center. There is not a Board of Zoning Review meeting this month. Committee meetings will be on September 23rd and 24th at 4:00 p.m. The August Activity Report was included with the electronic packet that was sent out Friday. I will be happy to answer any questions. Also, we sent out our employee E-newsletter on Friday as well. I hope everyone had a nice Labor Day.

Mayor Williams – Thank you. Next we move to Public Comments. The public is invited to speak to Council on any matter. You have five minutes. Please state your name and address. Do we have any signups?

Town Manager – We have Margaret Carroll signed up.

Ms. Carroll – My name is Margaret Carroll. I live at 136 Sykes Court. I would like to comment on the loitering situation on Main Street. I think I am a pretty good judge of what is going on down there since I have two businesses on Main Street. I am not against people sitting and talking but sitting there all day. Unfortunately, they have nothing else to do so they tend to fall asleep. Usually when they wake up they decide that they are hungry and proceed to ask people for money. Every person that walks into my shop tells me that the guy out front asked them to buy him ice cream or a drink. It makes my customers very uncomfortable. They do not know what to do. I have to tell them that it is up to them. If we could reduce loitering by making an ordinance then it would be very helpful for downtown. We also have a problem with them parking their bikes inside of the restroom fenced area. When they park their bikes they trample over the nice foliage that Smithfield Foods paid for. It is something that is very small right now but if we do not do something about it then it will get worse over the years. It gets very annoying. I hope you will consider passing the ordinance. Thank you.

Mayor Williams – Is there anyone else who would like to speak? Hearing none, I will close public comments. Next we 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 hope you received my report in your packet. The Board approved the first change order for the Isle of Wight County Volunteer Rescue Squad facility increasing the cost of the facility by \$1,315.66 and increasing the contract time by twenty one days until March 10, 2014. The total cost of the project is currently projected to be completed for approximately \$850,000.00 under budget. The project is thirty percent complete. The Board voted to sell the old sewer treatment plant property on Queen Anne's Court to St. Luke's Church for \$10,275.00. The Board voted to convey 30.43 acres of county property to the Town of Smithfield for the ball field complex at no cost. I thought that was a lower number but it is what I read off of my report. It may be more than we expected originally. I was pleased to have it unanimously pass. The Board adopted a resolution to accept a mass casualty/evacuation transport vehicle valued at \$65,000.00 donated by the Hampton Roads Planning District Commission. The Board voted 4-1 to move \$750,000.00 of the Emergency Services department part-time salary budget to full-time salaries for the purpose of hiring twelve additional people to the existing eight full-time EMS/Firefighters currently on staff. This increases permanent staff by 150%. I did not vote for this. The Board voted to fund the rehabilitation of the old Windsor Middle School gym with \$25,000.00 per year for four years beginning next year. The Board voted to waive \$746.00 in permit fees associated with the former Health Department building located at 402 Grace Street in Smithfield to allow Christian Outreach to redirect that money to the renovation of the building or service to the citizens. The Board voted to approve the application of Breeden Investment Properties, Inc. and Eagle Harbor, L.L.C. for a change in zoning of approximately 15.80 acres of land located on the west side of Route 17 with amended proffers to allow for multi-family residential development to increase the aggregate total of residential units to allow for the development of 208 multi-family units. I would like to emphasize to you that contrary to newspaper articles or statements of my position by others I am not opposed to seven districts in the county. I think the incoming board members should be in place and have a say before we take

any action. Any other course would be short circuiting the democratic process in my view. Are there any questions?

Vice Mayor Gregory – Was the change in zoning of land located on Route 17 a unanimous vote?

Supervisor Casteen – Yes it was. Unless I report otherwise we were unanimous. My opposition to the emergency service action was that we had a budget based on part-time service yielding a certain amount of hours of service to the citizens. They converted the same amount of money to full-time which would add benefits to it. This would reduce the available service hours to the citizens. They kept saying that they are going to be the same. It did not add up. I just did not concur. The strategy is good but when we are worried about next year's budget and then increase the permanent staff by 150% in one department just before we hire a new county administrator I think you are kind of setting him up for a new grand opportunity. It is not a bad thing just a different way to approach it. I wanted to put it off for a while and they did not. Are there any other questions? Thank you.

Mayor Williams – Next is Council Comments. I would like to commend Chief Bowman on two of his police officers receiving awards for Mothers Against Drunk Driving (MADD). Would you like to comment on that Chief Bowman?

Chief Bowman – Mothers Against Drunk Driving has been advocates against driving under the influence on the highways in the Commonwealth of Virginia. Officer James Adams and Officer Eric Phillips were recently honored by MADD. They do a great job out there on the streets. MADD felt that it would be appropriate to honor them for their efforts. We are very proud of them as well as the rest of the department. We appreciate you acknowledging that.

Mayor Williams – We also have Mr. Rick Bodson who a year ago took the initiative to turn in a grant for the Isle of Wight Arts League. Ms. Winslow will address this

Ms. Winslow – Ms. Judy Winslow, Director of Tourism. It is a grant that Mr. Bodson put forward about a year ago. It is a \$5,000.00 grant that the Isle of Wight Arts League will be getting. It is kind of in conjunction with tourism and the arts. There were several other very large arts organizations that won this award. Isle of Wight Arts League was the smallest organization to win that large award so we were very pleased.

Mayor Williams – Thank you, Ms. Winslow. Smithfield is blessed to have so many hard working people that work for the Town of Smithfield and the awards that we have received in the past. I would like to let you know that Mr. James Allen Delk that lives on Jericho Road had open heart surgery today. It is a very serious operation. I have not heard how he is doing. We will keep him in our thoughts. Are there any other comments from Council? Next is Consent Agenda Summary. We have ten items on the agenda tonight. Any Council members wish to remove any of these items for further discussion?

Councilman Pack – I would like to remove C-2 to accept proposal for flow monitoring data update from Draper Aden Associates.

Mayor Williams – Next we have our Police Committee Chair, Ms. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. Thank you, Mayor Williams. Tonight, I have one item a resolution for a street closure request in Cypress Creek for the Parade of Homes for October 3rd through October 22nd, 2013. I do not think the residents in Cypress Creek will have any problems because it is a cul-de-sac and all of the homes except for one they will be showing.

Mayor Williams – We will skip C-2 for further discussion. Next we have the Water and Sewer Chair, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. We have four invoices on the agenda this evening that require Council's consideration because they are over \$10,000.00. The first one is for the Virginia Retirement System for \$10,961.37 which is passed down to us to cover some of the insurance for catastrophes with our police force which is no longer covered by the state. The next item is Southern Auto Group which is for three new police vehicles in the amount of \$71,487.00 which we have received much quicker than we thought. We have an invoice from Draper Aden Associates for \$31,080.00 that is all consent order related. We also have Blair Brothers, Inc. for \$15,255.00 for crosswalks that were repaired after VDOT repaired the road by the Cypress Creek Bridge.

Director of Planning, Engineering and Public Works – We also added a new crosswalk at the intersection of Luter Drive and North Church Street.

Councilman Pack - It was for three new crosswalks. Thank you, Mr. Hopkins. Next we have item C-4 which is a renewal of the vehicle maintenance contract with

Dave's Service Center for one additional year. We have opted to renew. The town has felt that they have done a very good job in the previous year. Also, we have a motion to approve the updated depreciation schedule that the Town Treasurer presented to us basically it adds a few new items that were not currently on our depreciation schedule as recommended by our auditors.

Mayor Williams – Next we have the Parks and Recreation Committee Chair, Ms. Connie Chapman.

Councilwoman Chapman – Parks and Recreation Committee Summary. Item C-6 is a motion to approve the IOW Ruritan Club's proposed Bluebird Project at Windsor Castle Park. Mr. Robert Hayes from the IOW Ruritan visited us at our last Committee meeting and proposed the building and installation of ten bluebird houses in Windsor Castle Park. We currently have eighty four bluebird houses in the county that the IOW Ruritan are monitoring. There will be no cost to the town for building, installation, and maintenance of these bluebird houses. They will be constructed in accordance with the Virginia Bluebird Society requirements.

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

Councilman Smith – Public Works Committee Summary. We have a motion to approve the proposal for the pipe repairs in Waterford Oaks by Lewis Construction. This is similar to what we have done in the past at Cypress Creek it is sort of a find and fix if you will. There were two bids. We actually got them to lower their bid. We would like to move forward on this project. Next is a motion to authorize acceptance of grant funding from the Virginia Department of Conservation and Recreation for the Waterworks Lake Dam. This funding is limited. Everyone feels like we spent a lot of energy to get this grant funding which is not a large amount but it is some. We appreciate the grant funding.

Mayor Williams – Next we have Public Building and Welfare Committee Chair, Dr. Milton Cook.

Councilman Dr. Cook – Public Building and Welfare Committee Summary. Both consent agenda items have to do with the Pinewood Heights Relocation Project. The first is a motion to request an extension of the Phase II Multi Year 1 Pinewood Heights Grant Agreement. The beginning start date was postponed by thirty days and the end point was not shifted back. We are requesting to shift the end date to January 20th,

2014. We are also requesting to shuffle some funds from the relocation and acquisition cost to help pay for it.

Mayor Williams – We have heard the Consent Agenda Items C-1 – C-10 omitting item C-2. Do I hear a motion?

Councilman Smith – So move.

C1. Resolution for Street Closure Request in Cypress Creek for Parade of Homes for October 3rd through October 22nd, 2013.

C2. Removed from the Consent Agenda.

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

- | | |
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| a. Virginia Retirement System | \$10,961.37 |
| b. Southern Auto Group (Budgeted Police Vehicles) | \$71,487.00 |
| c. Draper Aden Associates | \$31,080.00 |
| d. Blair Brothers, Inc. | \$15,255.00 |

C4. Renewal of Vehicle Maintenance Contract with Dave's Service Center for One Additional Year.

C5. Motion to Approve Updated Depreciation Schedule.

C6. Motion to Approve IOW Ruritan Club Proposed Bluebird Project at Windsor Castle Park.

C7. Motion to Approve Proposal for Pipe Repairs in Waterford Oaks by Lewis Construction of Virginia.

C8. Motion to Authorize Acceptance of Grant Funding from the Virginia Department of Conservation and Recreation for Waterworks Lake Dam.

C9. Motion to Request Extension of Pinewood Heights Grant Agreement – Phase II Multi Year I.

C10. Motion to Approve Budget Amendment for the Pinewood Heights – Phase II Project.

Councilwoman Tynes – Second

Mayor Williams – A motion has been made and properly seconded to approve items C-1 and C-3 through C-10. 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 we have item C2 – Accept Proposal for Flow Monitoring Data Update from Draper Aden Associates. We have our Water and Sewer Committee Chair, Vice Mayor Gregory to speak on this.

Vice Mayor Gregory – Item C-2 is a proposal from our contracted engineer Draper Aden Associates to revise flow monitoring data and update that data for the regional wet weather program. It will keep us in compliance and find out what basins are in need of rehabilitation and which ones are not. I will open this up for questions since it was pulled from the consent agenda.

Councilman Pack – My concern with this as noted in the committee meeting was really the study itself. I believe it is for \$22,500.00. It has taken me a while to figure out what I want to do with this. Do not think that I am coming to you out of nowhere on this. This study was done in 2007/2008 and the information that we have gathered since then is a little bit better information. It makes sense except that we still do not know where we are going with the consent order and the state has not set the priorities with that. I feel that it will be an unwise use of public money at this point to gamble with it to see if we have gained anything. We have done some work under the consent order that should put us in a better area. I know Smithfield is fifty percent compliant drains and according to our engineers that is better than most surrounding areas. I am not saying that the study does not need to be done but possibly not right now. I feel like we are in a better position to wait and see what the state requires. We can save this money for later. We may already be in compliance. That is my concern and for those reasons, I cannot support it at this point.

Vice Mayor Gregory – Are there other questions?

Councilman Dr. Cook – The saying goes penny wise and pound foolish. You spend a little money to save a lot of money. Like Councilman Pack said we are gambling with the public's money on whether or not we will save money in the end or not. We just do not know. I do not exactly think that I am in favor of it either. You are risking that your data is going to be better and can save some basins.

Vice Mayor Gregory – I would agree Councilman Pack except for the fact that when the standards are set and they are not going to move the deadline. The deadline is October 1st so this is our one shot if we want to update the data and have accurate information going into this process. Whether we agree with the fact that they have not

exactly set the exact number of where it is going to be they are not going to change the deadline and let us go back and redo our numbers. If we feel that having the most accurate data is the best path going forward. I do not call that a gamble. I call it having accurate information. I think that you always want to go in with the best information possible.

Councilman Smith – I know \$22,000.00 sounds like a lot of money and it is. But when you are getting the updated information that I feel like we need to know. There have been a lot of improvements since then. For us to think that it is a gamble would be foolish thinking in my opinion. If we get this information sure it is going to be better and we know that. If we do not do the study and not meet the deadlines that the state requires then I think we would be foolish to think that this is ill spent money. We know that we are better off and continue to be better off in continuing these practices that we have been doing. I praise the town for doing that. I really think that we need to move forward with this study to know exactly where we are so that we can be represented in the right frame of mind.

Councilwoman Tynes – I concur with Councilman Smith on this one. The Town of Smithfield has always moved forward especially in taking care of our citizens concerning water and sewer issues. Since the experts told us that the town has only 50% of problems and the majority of localities in Hampton Roads have 70% problems. I would feel better if we stayed in the 50% zone.

Councilman Chapman – I would also like to err on the side of caution and go with the proposal.

Mayor Williams – I am not real sure that we cannot do it because it is a consent order item. We need to move forward. We have already had tests done with flying colors. In my view, we should go ahead. I do not think it will cost as much this time as it did last time. I am not real sure about that but it should not. I think we should move forward with it. Is there any other further discussion?

Vice Mayor Gregory – I make a motion that item C-2 on the consent agenda be approved as presented.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded to approve the Flow Monitoring Data Update from Draper Aden Associates. Roll call vote.

On call for the vote, seven members were present. Councilman Smith voted aye, Councilman Dr. Cook voted nay, Councilman Pack voted nay, Councilwoman Chapman voted aye, Vice Mayor Gregory voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were two votes against the motion. The motion passed.

Mayor Williams – The motion passes. We now move to the Action Section. We have an Ordinance to Amend Parking Regulations in the Town of Smithfield. Police Committee Chair, Councilwoman Tynes will give us a report.

Councilwoman Tynes – This is an ordinance to amend Article 4 of Chapter 7 of the Code of the Town of Smithfield in order to amend the regulations as to vehicle parking. It came before us from our local police officers who were having issues with people parking in fire lanes and things like that. In order for them to act accordingly we need to amend what we have.

Town Attorney – I made the change that was suggested by the Police Chief. There are provisions in a couple of sections that allow the offender to make a payment to the Police Department. Chief asked us that a provision be provided that limits payment to the Police Department by check or money order only so that has been included.

Councilwoman Tynes – I will make a motion that we amend Article 4 of Chapter 7 of the Code of the Town of Smithfield.

Councilwoman Chapman – Second.

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

Councilman Dr. Cook – I would like to make a comment. I find it surprising that there have not been rules like this on the books until now.

Town Attorney – There are but they are not as specific and detailed as this which is what the Police Department was asking for.

Mayor Williams – Are there any other comments? Roll call vote.

On call for the vote, seven members were present. Councilwoman Tynes voted aye, Vice Mayor Gregory voted aye, Councilwoman Chapman voted aye, Councilman Dr. Cook 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 – Next is an Ordinance to Establish an Ordinance to Prohibit Loitering and Sleeping on Town Benches.

Councilwoman Tynes – I would like to take my time in discussing this one because we have a large audience here tonight that is interested in this particular ordinance. I do not know what happened with the local media but somehow they left with the wrong information. There are a lot of citizens in the town who are upset. They believe that we are going to adopt an ordinance tonight that will remove the homeless citizens from the town which is not what we are doing at all. I just want to make a statement that at any time if any citizen has any concern about what the Town Council is doing then please call us. If you hear or read something, please call a Council member or the Town Manager's office to clarify the information. I am very sorry that you all received the wrong information. I will read the ordinance tonight as it is written:

AN ORDINANCE TO PROHIBIT LOITERING WITHIN THE TOWN

WHEREAS, the Town Council and its Police Committee have determined that Chapter 50 of the Town Code should be amended to include a prohibition on loitering in public places within the Town of Smithfield.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD, VIRGINIA:

1. That Chapter 50, Article I, Section 50-27. Loitering is hereby enacted as follows:

Section 50-27. Loitering.

It shall be unlawful for any person to loiter, camp, tent, encamp or quarter upon any public grounds, parks, playfields, playgrounds or any other public property owned or maintained by the Town or lie upon any benches located within any such public property.

2. This ordinance shall become effective immediately upon adoption.

Adopted this 3rd day of September, 2013.

If we adopt this it will be signed by T. Carter Williams, Mayor of the Town Smithfield. I will make a motion that we amend this ordinance as written.

Councilwoman Chapman – Second.

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

Councilman Dr. Cook – I have a couple of issues with this. I do not like the word loitering at all. My definition of loitering means hanging out with no intended purpose which is what benches are for. Benches in the park or on Main Street are meant for people to take a break. Yes it is being abused by certain individuals. I think that we might have different mechanisms to encourage people to move on and not spend the entire day sitting on the bench. I do not think that criminalizing loitering is what we want to do. If you want to make it illegal to sleep on a bench then I am not necessarily opposed to that. There are already Virginia statutes for loitering that can be used instead of us creating our own. It is obstructing safe passage of others. There is an ordinance for that and maybe the police could use it as a method to stop people from begging or harassing people going into stores. I just do not think we need to criminalize a passive behavior. I would not say that it is not hurting anybody but there are a couple of individuals who are damaging businesses on Main Street. It might be affecting tourism and Hayden's Lane. There are a handful of individuals that are going to cause a big problem if we pass a loitering law for the community as a whole. I think we can find a sharper arrow so to speak to deal with these individuals that are causing problems.

Councilman Smith – I thought the whole purpose of this at first was to give our Police Chief some guidance as to what they could do when they approach these people within the law. Am I correct about that Chief Bowman?

Chief Bowman – That is correct.

Councilman Smith – It gives the officers guidance on how to approach someone that is loitering to ask them to move on. This gives him a tool to speak with them not in a belligerent way or an offending way. We know that this problem is here. It gives the officers the opportunity to proceed with caution and with some authority with an ordinance in place. I do not think for one moment that his officers are going to abuse this. I do not think that we will see people with handcuffs behind them. It just gives him the authority to do the right thing at the right time. I think it will actually help these individuals. I think he actually spoke about not carrying anybody over to Newport News and dumping them off. Our intention is to help the community be a safer place and give our officers an opportunity to act in an appropriate manner.

Vice Mayor Gregory – Mr. Riddick, as far as the ordinance reads does it go too far as Dr. Cook pointed out? Does that technically violate the statute as it reads or do

you have the ability to say that we are not going to enforce that in that scenario but we will enforce it in other areas? I do not want someone coming back to us and saying that you are making me move but are allowing others to do what is not allowed. Does the ordinance say go too far?

Town Attorney – You can give permission for example to the Boy Scouts to camp in the park then it becomes an activity with permission from the town. It would not be a violation of the ordinance.

Councilman Dr. Cook – The parks already have a closed at night rule. If you cannot be there at night then you cannot be in there anyway.

Town Attorney – There are rules that can have exceptions to them as long as it is done with permission. It is when people behave without permission or in such a way that they become a nuisance that they create the problem. The General Assembly has given you the authority to enact an anti-loitering statute. You do not have to do it but you can. In some states you do not even have the ability to do that but Virginia has given you the authority to prohibit this activity. You do not have to but you can.

Councilwoman Tynes – The majority of us see the issues that Ms. Carroll mentioned. Pinewood Heights, Jersey Park, and Riverview communities where the town has parks also have problems as well. At those locations there are activities going on that are not safe for any citizen especially young children. Just a few years ago, the town had to redo the park in Pinewood Heights because there were things going on that could endanger people. There was nothing in place so the officers could only ask them to please move on. Now that police officers are over in those areas we have not seen as many problems. We had people from Jersey Park that would take their beer on the playgrounds to drink. We do not want those activities going on at the playground area. The only thing that the officers could ask them was to move on. They were playing cards and gambling all day there was nothing that the officers could do. This is another reason why we need this here. At times there would be people asleep on the picnic bench in Pinewood Heights or Jersey Park. We do have issues that are happening in our community that we need to address. It is not going to help the situation but it is going to put a little band aid on it for awhile. We all know that in the town and county we do have homeless individuals. Some of them are homeless during the daytime which means that they may have some place to sleep at night. They are out on the streets

because they have no place to be during the day. The homeless situation needs to be addressed by the town and county. What we are doing tonight is just helping majority of the citizens. We still have a group of citizens that need our help. They are asking for our help. We are the ones in the position to help them. There are citizens that do not have places to go during the day or evenings.

Councilman Pack – I understand Dr. Cook's position. The Police Chief has come to us with a problem and a solution to it. He understands what we are trying to address. He instructs his officers as to what we are trying to address. We are not trying to stop the Boy Scouts from camping in the park or people who are just sitting in normal use of benches. We are trying to address a problem before it becomes a greater problem. I feel it is somewhat our responsibility as Council that when our Police Chief comes before us that we support him. We hired the right guy to run our police force so when he asks for our help in this matter then it is our responsibility to help him. Like Councilman Smith said the officers are not going abuse this power. Mr. Riddick can we call it something else other than loitering? Is this the best legal way to write this so that the town is covered?

Town Attorney – I think the definition of loitering is to be some place with no purpose. A visitor to the Town of Smithfield who sits down to rest on a bench has a purpose. Someone who chooses to be there all day long because they have nowhere else to go is loitering. If you do not like the word then you do not like the definition. You could say it would be unlawful for any person to remain in a public place with no purpose.

Councilwoman Chapman – I think that the town and county need to discuss how we can help the Christian Outreach Program. We fully support Christian Outreach and all of their efforts. Mrs. Tynes and I have worked together serving homeless meals on Christmas Eve. We are not trying to brush this problem under the rug. We want to help all citizens. As Ms. Carroll stated when it deters people from a comfort level of going into a business without being harassed to buy someone food. It is up to them if anyone wants to help them. It will be nice when we can say that Christian Outreach is around the corner with volunteers who could use your help. It would be helping them get back on their feet too. I think it is something that we have to do to support our Chief and local businesses because if people are uncomfortable then they will start avoiding going

there. This is different than someone who just wants to sit and have a cup of coffee.

When someone lies down on a bench to take a nap and dominates an area for an entire day then it might deter the folks from going to these businesses.

Councilman Dr. Cook – First of all, there is not another more staunch supporter of the police department than I. I am a huge advocate of what they are trying to accomplish and their successes that they have had. Also, there is not a bigger supporter of small businesses in town than I. I have one on Main Street. My problem is creating ordinances that have broader reaching power than what we intend them to do. Yes, we do have problems. There are some individuals that need to be worked on as far as sleeping on a bench all day or begging. Is there an ordinance in place already about harassing individuals on the street? I know other counties have anti-begging ordinances where you cannot beg on the street. I think that there are other methods of addressing the harassment of tourists and shop owners.

Town Attorney – That is the problem Dr. Cook there is not. That is what the Police Chief is telling us.

Councilman Dr. Cook – There must be another one that we can create other than just saying it is illegal to hang out with no intended purpose. That is why I cannot support the ordinance as written. Our police force will not stop people from sitting on a bench. I think they have been very straight forward in what they will do with it. It is my feeling that I do not want to make things illegal that really should be legal.

Councilman Tynes – If we were to change it to say, for instance, no loitering on Main Street we cannot do that. In front of the post office you have signs that say no parking longer than ten minutes so people can get in and out of the post office because of limited parking. We just cannot specify one street that you cannot loiter on.

Mayor Williams – Are there any other comments? I agree with everything that has been said. I have received a whole lot of phone calls on this. The problem is not just on Main Street. I think everybody knows it is a problem. I have heard it from other businesses as well as people on Church Street. I know that McDonald's and Hardees also have problems especially in the winter time. I think everybody knows that something has to be done. I have an organization here that emailed me today that says that they are willing to take the bull by the horn and help these people have a place to stay during the day and maybe even during the night but they need a place for them to

go. If we move them off of Main Street then they will go to another street. Like it or not every single city, town, and county in the United States has this same problem. Washington D.C. is actually the worst that I have ever seen. We need to start looking at a house or somewhere that we can help these people go to with direction and food. Christian Outreach offers food that they could help with as well as this organization. I do not know if I have the liberty to say who it is. I do think that it is the direction that we need to go. As far as the wording of it is concerned that is what our Town Attorney is for. A motion has already been made and properly seconded. Roll call vote.

On call for the vote, seven members were present. Councilman Pack voted aye, Councilman Smith voted aye, Vice Mayor Gregory voted aye, Councilwoman Chapman voted aye, Councilwoman Tynes voted aye, Councilman Dr. Cook voted nay, and Mayor Williams voted aye. There was one vote against the motion. The motion passed.

Mayor Williams – The motion passed. Next is an Ordinance to Name Roads in Windsor Castle Park. Councilwoman Chapman will give us a report.

Councilwoman Chapman – Thank you, Mayor. With the creation of the Windsor Castle Park and to comply with the 911 system the two new roads in the park off of Jericho Road had to have an official name. The town has elected to name the road that leads to the kayak launch Kayak Lane. The road that leads to the dog park will be named Dan Smith Drive after the former Mayor Danny Smith. We have an ordinance to name those streets those names. They will be within the 911 requirements. I would like to make a motion to approve.

Councilwoman Tynes – Second.

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

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

Mayor Williams – Next is a Motion to Approve the Minutes for the Town Council Meeting of August 6th, 2013.

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

Vice Mayor Gregory – So move.

Councilman Pack – Second.

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 – We now move to New Business. Is there any new business? Hearing none, we move to Old Business. Our meeting is adjourned. Thank you for coming out.

The meeting adjourned at 8:28 p.m.



T. Carter Williams
Mayor



Peter Stephenson, AICP, ICMA-CM
Town Manager