

The Smithfield Town Council held its regular meeting on Tuesday, May 3rd, 2016. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor; Ms. Connie Chapman, Dr. Milton Cook, Mr. Michael Smith, Mrs. Denise Tynes, and Mr. Randy Pack. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mr. William H. Riddick, III, Town Attorney; Mr. Steven Bowman, Chief of Police; Mrs. Lesley King, Town Clerk; Mr. William Saunders, Planning and Zoning Administrator; Ms. Judy Winslow, Director of Tourism; Ms. Amy Musick, Smithfield Center Director; and Sgt. Chris Meier, Smithfield Police Department. There were six (6) citizens present. The media was represented by Mr. Matt Leonard of The Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of May 3rd, 2016. It is now 7:30 p.m. Thank you all for coming out tonight. We appreciate it very much. If everyone would please stand, we will say the Pledge.

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

Mayor Williams – We will start our meeting tonight with the Informational Section with our Town Manager's Report.

Town Manager – Thank you, your Honor. Welcome everyone. I am just going to highlight the meetings for the month. We have a very quick presentation from Chief Bowman. We have a full complement of meetings this month and then some. We have a special Finance Committee meeting to work on the budget next Tuesday at 4:00 p.m. On the same evening, May 10th, we will have our Planning Commission meeting at 6:30 p.m. here at the Smithfield Center. There will be a Pinewood Heights Management Team meeting on May 17th at 2:00 p.m. The time is a little different than what we have had in the past. It works best for our consultant in this case. We have a Board of Zoning Appeals meeting on May 17th at 7:30 p.m. There will also be a Board of Historic and Architectural Review meeting the same day at 6:30 p.m. The Town Council Committee meetings will be on May 23rd and 24th at 4:00 p.m. at the Smithfield Center. The Memorial Day holiday falls on May 30th. Please note that there will be regular trash pickup on May 30th. Bay Disposal requested it. I granted their request. Now we will have a presentation by Chief Bowman.

Chief Bowman – Mr. Stephenson, Mayor Williams, and members of the Town Council, it is my distinct pleasure, privilege and honor tonight to recognize one of our members of the Smithfield Police Department. Sgt. Chris Meier has just completed the eighty-ninth session of the Virginia Forensic Academy. You all have seen NCIS and watch how DNA comes back in six minutes or less and they solve the crime in one hour. Things are not quite that way in real life. Sgt. Meier completed a rigorous nine week training course in Richmond at the Virginia Forensic Academy. I would like to thank his wonderful wife, Sara, for the support that she provided while he was gone. It is a very intensive course. It is a highly sought after course. As a matter of fact, the class had twelve officers in the nine week course. The Town of Smithfield feels very proud and privileged to have had someone go through the Academy. He did very well. Briefly, I would like to describe what the Academy offers. The notes from the Academy program state: 'The Academy has the objective of advanced training of qualified crime scene search officers. Law Enforcement personnel learn to properly recognize, document, collect, and preserve items of physical evidence found at crime scenes for laboratory examination. The students become familiar with the capabilities and limitations of the modern forensic laboratory and the examination of the broad spectrum of materials that can be collected as evidence in criminal cases. The course provides students with the necessary background information and practical application techniques which, when coupled with the students previous experience, permit maximum utilization of forensic science in the apprehension and prosecution of criminals in the Commonwealth of Virginia.' The short, sweet, and to the point is that Sgt. Meier is now one of the best of the best that the Commonwealth of Virginia has to offer. Smithfield has him on our staff at Smithfield Police Department to go to crime scenes and do the best he possibly can in collection of evidence in the hopeful apprehension of the individuals that perpetrated the crime. I have him here to recognize him because it has been hard work. He has had nine weeks away from home. It has been tough on the family but, at the same time, he endured it and did a great job. I would like to recognize him this evening. Thank you very much.

Mayor Williams – It is a job well done, Sgt. Meier. We are proud of you as we are with the whole Police Department. We have a wonderful group of people over there. Thank you.

Councilwoman Tynes – Sgt. Meier, I was listening to Chief. I know you are anxious to get to work so you can put all of your expertise to use. We are hoping, however, that it does not happen in the Town of Smithfield. Thank you.

Mayor Williams – Our next item is Public Comments. Is there anyone who would like to speak? Hearing none, we will move to a Briefing by Mr. Richard Grice, Isle of Wight County Board of Supervisors, Smithfield District. It is good to have him here.

Thank you

Supervisor Grice – Good evening. Since our last Town Council meeting, we have had a few accomplishments. The county and the town held an overdue intergovernmental meeting last month. We actually talked and discussed mutual items of interest to both government bodies. We should soon have a two year water and sewer agreement; but more importantly, we will be forming a joint governmental task force with citizen participation to address all county resident's long term water and sewer needs. To step forward in this process this evening, I would like to invite Vice Mayor Gregory and Mr. Stephenson to participate in a review of the county's Comprehensive Water Distribution Plan being submitted to the Western Tidewater Water Authority in June. It will be on Monday, May 16th, at the county. If they accept the invitation, I will provide them with additional information so they can prepare for the meeting. The county and the town have asked their representatives and administrators to draft an outline for township growth over the next fifteen to twenty years. In that outline, the town has agreed to revenue sharing with the county. Details will be forthcoming. The word 'annexation' is an ugly word. It is a word not to be used when two government bodies can work together with mutual agreements for boundary adjustments that facilitate both managed growth and benefits all constituents. The new Board of Supervisors continues to work on the fiscal 2016/2017 budget. To date, we have moved to reinstate three hundred and fifty thousand dollars (\$350,000.00) to the school budget with a neutral impact on the operating budget. Additionally, as of the last budget work session, we have had a net decrease in expenses of two hundred and sixty thousand dollars (\$260,000.00). If we can impact budgets by six hundred and ten thousand dollars (\$610,000.00) at each work session, tomorrow's session has promise. It should be exciting. Supervisor McCarty and I both have financial and budgetary experience. We have not been shy about using it. The fact that we have been going into

so much detail has not necessarily been well received by some. However, it has not dampened our enthusiasm. Lastly, we have received two responses to our county RFP seeking direct assistance in bringing water using manufacturing to our Shirley T. Holland Intermodal Park. The review of these proposals is being orchestrated. Jobs, tax revenue that is not residential, and water users is just what the doctor ordered. Thank you.

Mayor Williams – Thank you, Mr. Grice, for coming out and sharing the information. We look forward to working with you all again. Thank you. We now move to Council Comments. Does any Council member have any comments?

Councilwoman Chapman – The Windsor Castle Park Foundation Board is hosting a ‘Party in the Park’ on Friday, May 13th at the Smithfield Center. Tickets are fifty dollars (\$50.00). We would like to encourage everyone to come out and participate and support that event.

Councilwoman Tynes – They especially want the Council members to attend because the proceeds will go towards the park.

Mayor Williams – I have one item for Council comments. I want to say that it was a hard fought battle for this election. The three incumbents won fairly and squarely. The turnout was one hundred and twenty (120) people. They did a good job of winning their seat. Welcome back to the Smithfield Town Council. We have a very good one. We appreciate you all running again. Are there any other Council comments?

Councilman Dr. Cook – Congratulations to all three of them. Welcome back.

Mayor Williams – Our next item is the Summary of Consent Agenda Items. We will start with the Police Committee Chair, Mrs. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. Thank you, Mayor Williams. Item C1 is a resolution for a street closure for the Olden Days festivities on June 24th and 25th, 2016. This is an annual festival that the town has been having. Nothing has changed. I would recommend that we approve it.

Mayor Williams – We have our Water and Sewer Committee Chairman, Mr. Andrew Gregory.

Vice Mayor Gregory – Water and Sewer Committee Summary. Thank you, Mr. Mayor. I have item C2 and C3. They are both contract renewals. One is for sanitary sewer rehabilitation with Tri-State Utilities for fiscal year 2016/2017. The next item is an

underground utilities contract with Lewis Construction for fiscal year 2016/2017. These folks have been under contract for the last couple of years. We have another year option to renew. Staff is satisfied with their work and wants to continue to work with them. We are passing those along for approval tonight.

Mayor Williams – Our next item is Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. We have a motion to approve a funding request from budgeted funds to the Friends of the Smithfield Library in the amount of four thousand dollars (\$4,000.00) to construct a storage shed and an amount not to exceed sixteen hundred dollars (\$1,600.00) to install a pathway and handicap ramp. They made proposals to us in committee and we are in agreement with them by going through the proper channels. This is part of their budgeted distribution from our fiscal year 2015/2016 budget. We also are recommending some invoices over ten thousand dollars (\$10,000.00) requiring Council authorization this evening. We have two invoices. The first is to Atlantic Communications for in-car cameras in our new police vehicles. It is for thirty-one thousand, four hundred seventy-six dollars (\$31,476.00). The second invoice is to J & B Hartigan which is a draw on the Police Evidence Storage project for two hundred and three thousand, seven hundred forty one dollars and sixty-one cents (\$203,741.61). We still have a budgeted amount of one hundred thousand dollars (\$100,000.00) left on that. At committee, we were briefed that the building is very near completion. We recommend approval of these this evening.

Mayor Williams – Are there any questions?

Councilman Dr. Cook – I make a motion to approve as presented.

C1. Resolution for Street Closures for Olden Days Festivities, June 24th and 25th, 2016.

C2. Motion to Renew Sanitary Sewer Rehabilitation Contract with Tri-State Utilities for FY 2016/2017.

C3. Motion to Renew Underground Utilities Contract with Lewis Construction for FY 2016/2017.

C4. Motion to Approve Funding Request from Budgeted Funds to the Friends of the Smithfield Library in the Amount of \$4,000.00 to Construct a Storage Shed and an Amount Not to Exceed \$1,600.00 to Install Pathway and Handicap Ramp.

C5. Invoices Over \$10,000 Requiring Council Authorization:

- a. Atlantic Communications (in-car cameras) \$ 31,473.00
- b. J & B Hartigan (Police Evidence Storage Project) \$203,741.61

Vice Mayor Gregory – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? 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 – We now move to the Action Section. We have a Public Hearing: Future Land Use Designation Change – Howard Little Farm. We will have a staff report by Mr. William Saunders.

Planning and Zoning Administrator – Good evening, Mr. Mayor and members of Council. This is a change to the Comprehensive Plan and a proposed change to the Future Land Use Map. It is located on the west side of Westside Elementary School and north of the intersection of Courthouse Highway and Waterworks Road. It is a portion of land typically referred to as the Little Farm. It is plus or minus ninety-seven and five tenths (97.5) acres. The proposed uses there, after the change in the Future Land Use Map, would be for a youth sports complex and commercial frontage. Currently, the property is a mix of low density residential which is approximately seventy-five (75) acres. Also, there is retail commercial on the corridor on the front of approximately twenty-two (22) acres. If the proposed land use change goes through, it would be approximately seventy-two (72) acres of Parks and Recreation and twenty-five (25) acres of Retail Commercial. The Planning Commission had this before them at their April 12th meeting. They recommended approval to you all with no conditions. The strengths that staff identified for this is that it would allow for a sports complex for the community's youth. It would increase the size of the commercial corridor on Courthouse Highway. There were no weaknesses identified.

Mayor Williams – I now declare the public hearing open. Is there anyone who would like to speak in favor or against? Hearing none, I declare the public hearing closed. We will now have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – We talked about this a good bit at committee about why the areas were designated what they are and the change for the Future Land Use Map. We reiterate that this is not a zoning change. It is a Future Land Use designation change. The two are not equal. Are there any questions?

Vice Mayor Gregory – I would like to make the motion to approve the Future Land Use designation change for the Howard Little Farm.

Councilman Dr. Cook – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? 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 aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – The motion passes. We will now move to a Public Hearing: Special Use Permit for Indoor Commercial Recreation Facility – 13490 Bennis Church Boulevard. We will have a staff presentation by Mr. William Saunders.

Planning and Zoning Administrator – Thank you, Mr. Mayor and members of Council. This is a special use permit application for indoor commercial recreation. It is at the site of the old Hearn Furniture building on Bennis Church Boulevard. It is five hundred feet (500) south of the intersection of Cypress Run Drive and Bennis Church Boulevard. The applicants are Rev. George Boomer and Robert W. Neal for the Hope Presbyterian Church. Currently, that property is zoned Highway Retail-Commercial. The predominant use is for a church. They would like to add the use of indoor commercial recreation facility because they would like to partner with Hampton Roads Pro Am Youth Basketball League to provide a sports basketball complex. They propose to lease out approximately thirty-three thousand (33,000) square feet of their facility for this use. This use within the HR-C district does require special use permit approval. There is a recommended condition from staff. Also, at the April 12th Planning Commission meeting,

they also recommended this condition to their recommendation. It is that recreational activities will not be held concurrently with church activities as the two uses together would exceed the limited parking available on site. We identified that this would provide a new type of recreational facility in the Town of Smithfield as a strength. The portion that is used for that purpose would generate property tax revenue for the town. We identified no weaknesses in this project.

Mayor Williams – I now declare the public hearing open. Are there any comments from anyone? Hearing none, the public hearing is closed. We will now have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Thank you, Mr. Mayor. I have one question for Mr. Saunders. When the church leases out a portion of their building does it no longer fall under a church entity as far as taxes are concerned?

Planning and Zoning Administrator – That is correct. The portion of the property would then be a commercial use; therefore, that square footage would fall back under the property tax regimen that a normal commercial property would.

Councilman Dr. Cook – So we are rotating real estate from a real estate tax free status to a taxable status.

Planning and Zoning Administrator – Just for that actual square footage related to that use.

Councilman Dr. Cook – I just wanted to make sure I understood.

Councilwoman Tynes – I had a thought about the activity and the parking. I was wondering if that includes all church activities or would a small church meeting and an activity be acceptable?

Planning and Zoning Administrator – Yes. The way the parking is calculated for a church is that it goes by the number of seats in the sanctuary. They will have approximately seventy-two (72) parking spaces available. It is based on their sanctuary being the size that they are going to make it. So if they have a church activity such as a full on church service where they expect to have the sanctuary full, it would exceed the parking if the thirty-three thousand (33,000) square feet of activity space is also being used. The commercial recreation activity would use approximately fifty (50) spaces. Since they only have seventy-two (72) spaces for the sanctuary, they would not have enough. However, if there was a small church activity and not actual services that fill the

sanctuary, they could do those at the same time. While there are regular services where they expect to have the bulk of the sanctuary filled, it should not be concurrent because they would exceed their parking.

Councilman Smith – I have a question. If this application falls through with negotiations with the church, what happens to that special use permit? Does it still stay in place or is it null and void? In the future, if they decide to leave the facility what happens then with that organization?

Planning and Zoning Administrator – If the deal does not go through with this particular person on this particular activity, I know they have some other sports activities out there. At the Planning Commission meeting, Rev. Boomer also mentioned that they were considering some others; although this would take up the majority of their space. If the partnership fell through, and you approve this, they would still have this approval for that warehouse space to use for commercial sports activities. He can probably speak more to that once he has an opportunity.

Councilman Smith – So they do not have to come back once this decision is made. Is that correct?

Planning and Zoning Administrator – The Town Attorney may want to chime in on that but as long as they do not exceed the thirty-three thousand (33,000) square feet then I would say no.

Town Attorney – As long as any subsequent application was within the parameters that they are talking about here, they do not have to come back.

Councilman Smith – Okay.

Vice Mayor Gregory – I would like to make one comment. I had a couple of questions early on about the sports complex that the town is working on and how these work in concert or against. My answer was that there was never really any money in our budget for the funding needed to do a full blown basketball court/gymnasium style facility. From my perspective, this type of activity would actually very much complement what we are trying to do over at the Little Farm. We are looking more at indoor soccer or a turf type of field where it is more for yard sports that can be moved indoors. These do not work very well on a basketball court. The hard wood flooring is tough on kid's knees and body parts if you fall. I think this is a perfect complement to what we really cannot

provide with the money that we have. I hope they are very successful and that they will stay a long time.

Mayor Williams – Are there any other Council comments?

Councilman Dr. Cook – I think this is a win for the sporting community to bring this high level of basketball into our town. We do not have anything like this in town. They have a facility where they can have a high level of basketball and tournaments in town. It is a win/win for our community as Vice Mayor Gregory said.

Councilman Smith – I would like to make motion that we approve the indoor commercial recreation facility special use permit.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded to approve the indoor commercial recreation facility. Is there any further discussion? Roll call vote.

On call for the vote, seven members were present. Vice Mayor Gregory voted aye, Councilwoman Chapman voted aye, Councilwoman Tynes 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 – Congratulations Rev. Boomer. Our next item is by our Parks and Recreation Committee Chair, Ms. Connie Chapman.

Councilwoman Chapman – Thank you, Mayor. We have a Motion to Approve a Park Project Application to Put an Edible Garden in Windsor Castle Park. The students of Smithfield Middle School and Ms. Musick presented this. Tayler and Tori, students, came last week and presented a community project that they want to do. They want to do a community garden by the kayak launch. They want to plant various vegetables, fruits, and some flowers as well. They will have rain barrels and use compost. It is up for consideration tonight.

Councilman Dr. Cook – I had two reservations about this. One is a reservation that does not matter and the other I want to see if you have considered. The first reservation is that it is just an open garden. It is doomed to fail and for nothing to be collected. Every person that walks by is going to collect whatever they want. It is up to them to experience that failure. It is fine. The second thing is that I would like to see the final design. I do not think we have a final design. These girls need for this to be approved so they can get moving on it. Spring garden planting will be over by the time

of our next meeting. I am willing to approve this under the condition that they work with Ms. Musick on the design so that it fits what we would expect for this to be. I also want it to be reversible. It should be able to be easily dismantled with no long term effect on the area such as no concrete poles set in place. These girls are twelve and thirteen. They are going to do this for a project and they will move on, eventually; maybe someone would take over but maybe they will not. I think it needs to have the ability to be removed.

Smithfield Center Director – After the discussion last week, I wrote down some notes which are pretty much what Councilman Dr. Cook just talked about. We want to make sure that the fencing that they are installing will not use Quikcrete. It can be removed if the project is ever abandoned. Hopefully, it will not be and Smithfield Middle School will continue to maintain it and teach the next class about gardening. I was also going to strongly recommend that they close off the garden to the public and only have it open on certain days and that way it will not be picked clean when they are not around. Those are the two things that I was going to go back to them with as requirements for the park project. Are there any other concerns?

Councilman Dr. Cook – I think they need to work with you as far as the design. We did not see a final design. We saw an idea.

Councilman Smith – I thought we saw a design.

Smithfield Center Director – It was in the packet.

Councilman Dr. Cook – There was a layout but then they said they were going to change the fence.

Smithfield Center Director – Do you want to see the fence design?

Councilman Dr. Cook – Yes. We saw what they thought they might use but they said they might change that.

Councilwoman Tynes – Dr. Cook, the students in Windsor have been maintaining a garden now for at least four or five years. They have been very successful with it. They have it on the school grounds and, of course, Windsor is more rural. With Smithfield High and Smithfield Middle adjoining, they probably did not have space there. It is probably why they asked us to have it in our public park.

Councilman Dr. Cook – There is a garden right there at the school.

Councilwoman Tynes – Yes, but that garden is for the special population students. Ms. Gwaltney works with them. It is part of their training. They are successful with that also.

Councilman Dr. Cook – I do not have a problem with this at all. I am in full support of it. I just think that these little caveats need to be added.

Councilwoman Tynes – Right. That is understandable.

Councilman Dr. Cook – We can have a plan B for what might happen later.

Councilwoman Tynes – I just wanted to let you know that they do have some others at the county schools and they are successful. I understand what you are saying too. You just do not want students to abandon it. I feel because they had the building administrator, as well as their teacher, to come with them that they will follow through. It was not just a parent with them.

Mayor Williams – Are there any other comments? The deer, raccoons, and squirrels will appreciate you all coming on board for this.

Councilman Dr. Cook – I will make a motion to approve the Smithfield Middle School's request for an edible garden at Windsor Castle Park.

Councilwoman Tynes – Second.

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

Councilman Dr. Cook – Do we need to amend this?

Town Attorney – You made the motion. If you want to attach a condition to it then you can.

Councilman Dr. Cook – Yes. I need to amend my motion. I would like to make a motion to approve this contingent on designing the garden per Ms. Musick's approval.

Mayor Williams – We have an amended motion on the floor.

Councilwoman Tynes – Second.

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

Mayor Williams – Our next item is by our Parks and Recreation Committee Chair, Ms. Connie Chapman.

Councilwoman Chapman – We have a Motion to Accept the Proposal for Phase 1 of the Joe Luter Jr. Sports Complex. We have Mr. Camden here tonight who will speak on that for us. Welcome.

Mr. Camden – Thank you, Mr. Mayor and Council members, good evening. I will give a brief summary how we got here. The Town of Smithfield has Kimley-Horn and Draper Aden under annual service contracts for civil engineering services. Kimley-Horn, under a previous task order, has compiled a conceptual plan for the Joe Luter Sports Complex along with an opinion of probable cost. Kimley-Horn submitted a proposal last week to Council that Council deemed unacceptable. We have gone back to Kimley-Horn and reached out to Draper Aden, also, to get competing proposals for the professional civil engineering design services. I believe Council has a copy of both of those proposals. Draper Aden is for two hundred seventy-nine thousand, two hundred and fifty dollars (\$279,250.00). Kimley-Horn is for two hundred thirty-eight thousand, five hundred dollars (\$238,500.00). However, there is a significant difference within the proposals regarding their approach to provide water and sewer services at the site. For sewage disposal, Draper Aden based their fee on a sewage pump station and running force main piping over to Westside Elementary School. Kimley-Horn has based their fee on onsite sewage disposal drain field system. For potable water, they will both be tying into the eight inch water main that is out there in front of the site. Draper Aden has included a fire and sprinkler design system that has been omitted from Kimley-Horn. Both of these proposals have exclusions and a number of not to exceed assumptions contained within their fee proposal. Please understand that we received this proposal today. We have not had a long time to look at it. Accordingly, at this time, without further scope, clarification, or definition, we are unable to make a recommendation for acceptance of either proposal. However, to keep the project moving forward, we recommend that Town Council pass a motion authorizing the Town Manager to enter into a contract with a not to exceed amount of two hundred and forty thousand dollars (\$240,000.00). By the way, that is one hundred and two thousand dollars (\$102,000.00) under the proposal you saw last week. In this way, we can reply back to both of the offers about their approach to the water and sewer, the exclusions, retaining walls, etc.

and be able to craft the proposal that much better meets the town's needs and budget.

We anticipate this effort to only take a couple of days. Our recommendation is that a motion be submitted to have the Town Manager to be able to enter into a contract for civil engineering design services not to exceed two hundred and forty thousand dollars (\$240,000.00). I will be happy to try and answer any questions.

Mayor Williams – In doing so, we can keep this moving along. If we were to defeat it tonight for further study, without giving the Town Manager authorization to proceed, we would have to have another Council meeting before we could approve it and move forward.

Town Attorney – You are exactly right, Mr. Mayor. We had an opportunity to talk to Mr. Camden before the meeting tonight. He thinks, as he stated, that we can tweak these proposals and find something that meets the needs of the town. We can authorize Mr. Stephenson to sign the most responsive proposal for an amount not to exceed two hundred and forty thousand dollars (\$240,000.00). It would keep the project moving.

Mayor Williams – It is a good opportunity to have Mr. Camden talk to both entities and probably get it down below the two hundred thirty-eight thousand, five hundred dollars (\$238,500.00) which is the lowest bid right now.

Town Attorney – He has made a lot of progress in one week.

Mayor Williams – Yes he has. We commend you for that. Thank you.

Councilwoman Chapman – I would like to make a motion that the Council authorizes the Town Manager to proceed, as Mr. Camden indicated, with a civil engineering contract with the appropriate choice of engineering firms based on what is the most responsible; not to exceed two hundred and forty thousand dollars (\$240,000.00).

Vice Mayor Gregory – Second.

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

Councilman Dr. Cook – What concerns me is that in one weeks' time the firm that we do most of our design and engineering with has dropped their fee by more than one hundred thousand dollars (\$100,000.00). I am looking at the new bid and I do not know what they did. What are they giving to us less? What concerns me is that we have a company that has been fluffing their bid by one hundred thousand dollars (\$100,000.00)

because we are a municipality that might not be looking at it. It is really concerning me as a taxpayer. It really makes me suspect on the bids working with this company unless there is an explanation somewhere that I do not see. You might have an explanation as to why it went way over. Hopefully, the twenty-two thousand dollars (\$22,000.00) to design a concession stand went away.

Mr. Camden – It did not. It actually increased. The overall fee has decreased by one hundred and two thousand dollars (\$102,000.00)

Councilman Dr. Cook – It is kind of how I deal with banks. I want the best interest rate for a loan that you can give me. I do not want to go to another bank to get a better loan and then come back to you for you to drop the loan. It seems that maybe that might be the route that we need to start going from now on with some of these single source contractors we are using to get a better price. We need to start bidding these things out. I think one of the reasons that we have annual contracts with some of these companies is so that we have the confidence that they are giving us the best price. This has made me lose confidence with this company. I am glad that we have someone like you who can negotiate with these guys to get the price down. It is sad that we have to have somebody like you to do this. It is a concern that I have right now with that company and the whole process.

Mr. Camden – I have only been involved for less than a week. I am unaware of the fees for any of the previous task orders. When I approached Kimley-Horn to start the negotiation process, he did mention that he had compiled the fee late on a Friday, to bring it in on time, and had not firmed up some of the numbers. He had a number of assumptions within their proposal. Obviously, I do not want to be making excuses for them. This was the explanation that he provided. I will say that the proposals that you have tonight are much more defined than the ones you looked at last week. A vast majority of the assumptions and the fee structures are clearly more defined. There are still some issues here that we need to work out between the two firms. I think you are correct in your direction that future task orders are competitively bid. You are lucky that you have two very good civil engineering firms under annual services contracts. There is certainly no reason you cannot competitively bid every task order from here out. I will defer to the Town Attorney on that.

Vice Mayor Gregory – The comments that I want to make revolve more around some of the opinion of probable cost numbers that we have been trying to dive through for the last several weeks. When we first looked at this, the indoor facility was thought to be very inexpensive. All of a sudden, it got very expensive; to the point that it almost looked like we were not going to be able to do everything at one time.

Mr. Camden – We are not.

Vice Mayor Gregory – Let me finish that thought. I have spent the last several days doing my own homework and reaching out to individual construction companies that are outside the state of Virginia that specialize in these types of facilities. I have come across a couple. One of which has actually constructed things here in Virginia both at Cape Henry Collegiate in Virginia Beach and an indoor horse riding facility in Isle of Wight County. Both are very well built, very well constructed, with fifty year warranties on the structures for fifty dollars (\$50.00) a square foot as opposed to one hundred and five dollars (\$105.00) to one hundred and ten dollars (\$110.00) per square foot. I do think there is an opportunity if we continue to refine these numbers and find out what we absolutely have to have versus what we want to have. We can build a very good quality complex that would include both outdoor and indoor facilities. I do think it is doable. I am going to continue to do everything that I can. It has been my passion for a while to have quality facilities for our kids to participate in and keep them off the street so they are not Chief Bowman's issue. We can give them an opportunity to compete at an individual and team level. I know that it made me a different person and it is worth fighting for. I appreciate your work Mr. Camden. Thank you for getting these numbers down as much as you have. I hope you are able to continue to find that success and that we will find the right engineer that will balance good quality work with a reasonable cost in order to achieve the task at hand. I wanted to give Council that update. If there are questions, I am happy to answer them.

Mayor Williams – Are there any further questions?

Councilman Pack – When I looked at this application and I saw that there was no indoor sports complex on here, I called Vice Mayor Gregory and we talked about it. He gave me some reasoning about why and we had some discussion about it that was good. This project was started as a baseball field. The baseball field should certainly get the lion's share of the money spent on the design, in my opinion. When Mr. Luter was

giving us two million dollars (\$2,000,000.00), it brought this to a new level. One of the things that really, really got me excited about this was the ability to add other sports to this complex; particularly Pop Warner. A lot of the kids with Pop Warner are under privileged kids. Sports are such an opportunity for these kids. I want to make sure that not everything is spent on the baseball facility. If we cannot do an indoor facility right now or some of Mr. Gregory's options allow us to do it, then great; but I want to make sure that we make room in this facility that is not just baseball. I do not mean anything against Smithfield Recreation Association. They are bringing a lot of skin and a lot of time to this game. I mean no disrespect to those guys. They have worked hard to get here. We have been very fortunate and blessed with some additional monies. I want to make sure that we balance that. The town spent eight hundred thousand (\$800,000.00) on the property which I am still glad we did; but I hope to get Pop Warner in here, some soccer, and whatever other folks want to come to the field. I see in here that there is some asphalt around the track. It is wonderful and can give us some Relay for Life stuff in there. This is more than just a baseball facility. It is a sports complex. As we move forward, we should keep this in mind and, out of the gate, that we are very conscience of our money. We were given three million dollars (\$3,000,000.00) which not many small towns in Virginia can say or anywhere else. We are conscience of that and will spend that money wisely. Two hundred and forty thousand dollars (\$240,000.00) for design fees, I get that it is less than ten percent of the whole thing. It is about eight percent. It is good but that is still a tremendous amount of money, in my head, to spend for design fees. I get what we are doing it for but, as we do this design and move forward, I do not want us to just build a baseball stadium but something for everyone of different sports. If Council can agree to that, and I think we can, then I am certainly willing to move forward with this so that we stay on the correct path. The motion has been made. I have one other question for Mr. Camden. Of the two proposals, one has a sewage system built in and one has a pump station.

Mr. Camden – Hearing Council's comments tonight, I would make the recommendation that since you do want the indoor facility that we do not use the onsite sewage disposal system. We can instruct the successful firm to go ahead and put in the pump station and size the force main for the future addition of the indoor facility.

Councilman Pack – It is not very far away from what I understand.

Mr. Camden – The cost is not that much of a difference between the sewage disposal system onsite, which are fairly expensive these days and hard to permit, versus running a force main over to the town system at Westside Elementary. We can design the force main to accommodate future growth that Council wants.

Mayor Williams – The onsite sewage system would take the field that it would go in previously; plus one more for future. It takes up a lot of land.

Mr. Camden – Yes sir, it would. We have not finished the geotechnical yet so we do not know how much land we are going to encumber with an onsite drainage system.

Vice Mayor Gregory – I have one question. For the baseball fields, we have one main concession stand that will probably have a male and female bathroom with six stalls. The indoor facility may be the same. Help me square the circle of why we need a pump station. Why can we not just install a traditional system, if it perks, with a gravity flow septic tank and drain fields? There may be two separate ones. One would be for the concession stand and one for the indoor facility. Would that not be a heck of a lot less expensive than a pump station or a force main?

Mr. Camden – No. They will run about the same on cost. The difference would be that there will be maintenance with a grinder pump. There are maintenance issues with both of them. We were going to put a large drain field in for a marina. We had to change because the state lessened the nitrate disposal levels that we could use. To answer your question, we could probably go with a standard drain field for both of them. Those firms had strong opinions for going in both directions. I wish I was more knowledgeable and cognizant of the dynamics here to give a good answer; but I think with the view of future growth with the indoor facility or anything else that having the force main may be the way to go. Here again, I am going to defer to the civil engineers who will design it.

Town Attorney – Mr. Mayor, one thing to consider is that it is public policy that the town adopted a long time ago with respect to our sewer system. We pretty much insist that everybody ties into our sewer system. There are some instances where we do not have facilities available. They are not readily available and the town has not spent the money to make the infrastructure available. We grant property owners the ability to install septic tanks; but we sort of need to lead by example.

Mayor Williams – Not only that but we have future growth there that we need to take a look at. I am sure that Mr. Camden is well aware of that with the other side of this

park. We still have land there for growth. There is no telling what is going to go there and when. We will have the capability of doing that. Councilman Smith and I have been involved in that type of stuff all of our lives. We know the cost kind of equals out when you start putting in new septic systems versus pump stations.

Councilman Pack – They are forever too.

Councilman Smith – I have a question for Mr. Camden. One of the biggest discrepancies that I have seen is with the cost of the site plan itself. There is a large difference. Obviously, you have negotiating skills to continue this. I have full trust in both of these firms. I am not disenchanted with what Kimley-Horn brought us. It is not out of distrust. They were asked to do something, in very short order, and they threw something out there. It is no different than if I gave a bid. If somebody asks me to give them something in two days then I would throw it out there too. I think we have two excellent firms that have capabilities of negotiating responsibly and getting it down to where we can make this achievable and continue to move forward. I do not know whether Vice Mayor Gregory is trying to bring in some different project people to address this in his concern to move forward but if that is the case then that throws a wrench into the whole thing.

Mr. Camden – The other elephant in the room is VDOT. Both of these proposals exclude any offsite improvements. During these last negotiations, I required Kimley-Horn to go back to VDOT to verify the traffic counts that originally were not in the proposal. They have come back and now VDOT is requiring the traffic counts. If these traffic counts indicate an increased use along the highway then we will have to install turns and tapers. That design fee is not included in that proposal. Neither of those costs were captured within that cost estimate that Kimley-Horn submitted previously.

Councilman Smith – I would like to see it move forward but also would like you to get these numbers down. We do have some unexpected things.

Councilman Dr. Cook – Are we allowed to allocate different things to different contractors?

Mr. Camden – When we go out for bids, I think we are going to need to structure the bid form itself with a number of alternatives in there to allow the town the ability to pick and choose if in fact the facility comes in over budget. I think we can separate some of the items out, maybe some of the parking, asphalt, the track, and maybe a

lighted field or so. It is the opinion of our civil engineering department in D.C. that the budget may be a little low. I think it would be prudent during this process to structure the bid form so that on bid day Council is afforded a number of alternates and choices in order to make the best decision.

Vice Mayor Gregory – Just to clarify, I did not mean new engineering firms. This was just a general contractor that does these types of buildings. We would use whatever engineer we want. We are not trying to introduce anybody new to the game. It is just a new concept of what the indoor facility would be made of. As far as the engineering, they would work with whoever they need to.

Mayor Williams – Hearing no further questions, we have a motion and a second on the floor to authorize the Town Manager and Mr. Camden to work together and give the Town Manager permission to sign the contract not to exceed two hundred and forty thousand dollars (\$240,000.00) with the most responsive and responsible firm. Is there any further discussion? Roll call vote.

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

Mayor Williams – Our next item is a Motion to Approve the Water and Sewer Services Agreement with Isle of Wight County. We will have consideration by Water and Sewer Committee Chairman, Vice Mayor Gregory.

Vice Mayor Gregory – Thank you, Mr. Mayor. We have a proposal to approve water and sewer services agreement with Isle of Wight County. As a part of the intergovernmental meeting that we had a couple of weeks ago, this was one of the primary topics of conversation. We reiterated our proposal that was presented to the Board of Supervisors at one of their meetings in late 2015 when the Gatling Pointe water line was subsequently dropped. We do have a template of this agreement in front of us for discussion tonight. Whether or not we want to move forward with it will be up to Council as a whole. We have been invited by Supervisor Grice to come and participate in their meeting, shortly, that is tied to the Western Tidewater Water Authority. I can go either way. I am willing to listen to other folks about whether we want to go ahead and approve this on our side so that if the county approves it on their side; we will have an

agreement in place. I do not know that it hurts us to go ahead and approve this tonight one way or the other. Are there any comments?

Councilman Dr. Cook – This agreement is everything that we talked about in the intergovernmental meeting. It is everything that we, as the town, agreed with. My understanding at the intergovernmental meeting was that their lawyer had no complaints against it.

Town Attorney – We do not know that. We do not have a response yet.

Councilman Dr. Cook - I will get to that. Mr. Riddick drew up everything we spoke about at the intergovernmental meeting and what we all verbally agreed to. He was going to get together with the county's attorney to hash out the details and make sure there were no problems. Our attorney has not been able to get a response from the county's attorney. I have full faith that we will get a response soon. I think this agreement is what the town wants. The water price has decreased to what we suggested of six dollars and twenty-four cents (\$6.24) per one thousand (1,000) gallons. The connection fee is what we proposed which was two dollars and fifty cents (\$2.50) per month. We mutually agreed to a two year term. I would suggest that we pass this agreement because this is what we agreed to. We have not heard anything contrary from the county attorney. I think we need to pass this, agree to it, and send it to the county and they will respond.

Councilwoman Tynes – Mr. Riddick, if we proceed with voting on this tonight, can they bring it back to us for correction if they have an issue with it?

Town Attorney – They may choose to pass it in a different form. If they do that then you would be required to either accept it or reject their amendment.

Councilwoman Tynes – Can we come back and amend it?

Town Attorney – Yes.

Councilman Dr. Cook – We do not want to amend it. We like what we have.

Councilman Pack – I just have one minor correction in this document. Under water on line two, it says one hundred and fourteen thousand, five hundred (114,500) gallons per day and the numerical is one hundred and fourteen million (114,500,000). I do not think the county is in the market for any additional water. I am in favor of sending this on tonight. It would be nice to go ahead and get something done instead of talking

about water agreements forever. Supervisor Grice is aware of what is going on. I am sure he will make sure that it gets its attention.

Vice Mayor Gregory – I would like to make the motion that we approve the water and sewer services agreement as presented.

Councilman Smith – Second.

Mayor Williams – A motion has been made and properly seconded to approve the agreement between the county and the town as presented. Are there any further questions?

Councilman Pack – You should add with one minor correction.

Vice Mayor Gregory – It should be for one hundred and fourteen thousand five hundred gallons per day.

Mayor Williams – Okay. Is there any further discussion? Roll call vote.

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

Mayor Williams – We will now move to a Motion to Approve the Town Council Meeting Minutes of April 5th, 2016.

Town Attorney – Mr. Mayor and members of Council, I recommend the minutes be approved as presented.

Councilman Pack – So moved.

Councilwoman Chapman – Second.

Mayor Williams – A motion has been made and properly seconded. All those in favor say aye, opposed say nay.

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

Mayor Williams – We will now move to New Business. I need to Appoint a Nominating Committee for the Expiring Term of Catherine Bowden (6-30-2016) for the Board of Zoning Appeals. I would like to appoint Councilwoman Chapman and

Councilman Smith. Thank you very much for stepping up and taking that position. Now we will move to Old Business. We need to Authorize the Purchase and Acceptance of the Deed for 52 Carver Avenue in Pinewood Heights.

Town Attorney – This has been an ongoing thing but we have had great progress since the last meeting. I was able to contact the attorney for the lender and he resolved the unreleased Deed of Trust that we could not resolve. He got consented permission from his client, which is the existing lender that has the mortgage on the property, to proceed with the sale of the property. We are now in a position to do this and they are ready to do it by the 15th of this month. We would need authorization from the Council to proceed with the purchase of the property and acceptance of the deed.

Councilman Dr. Cook – I have one question. What does this have to do with the combination thing last month?

Town Attorney – That was just an authorization to file the lawsuit. I prepared the lawsuit but I do not have to file it. There was a lady who owns the property who came to see me. She brought me a piece of paper that was very instrumental in making things happen.

Councilman Dr. Cook – I will make a motion that we accept the deed for 52 Carver Avenue.

Vice Mayor Gregory – Second.

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

On call for the vote, seven members were present. Councilman Pack voted aye, Councilwoman Chapman voted aye, Councilman Dr. Cook voted aye, Councilman Smith 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 – We do not have a Closed Session item this evening. I appreciate everyone coming out tonight. Thank you very much for your interest. We stand adjourned.

The meeting adjourned at 8:36 p.m.

Mr. T. Carter Williams
Mayor

Peter Stephenson, AICP, ICMA-CM
Town Manager