

**SMITHFIELD TOWN COUNCIL AGENDA**  
**December 4<sup>th</sup>, 2018 at 7:30 p.m.**  
**Held at Smithfield Center, 220 N. Church Street**



**A. INFORMATIONAL SECTION:**

1. Manager's Report

- a. November Activity Report

**B. UPCOMING MEETINGS AND ACTIVITIES:**

- December 4 - 7:30 p.m. – Town Council Meeting  
December 7 - Town Offices will be Closed for In-Service Day Training and Holiday Luncheon until 2:00 p.m.  
December 11 - 6:30 p.m. – Planning Commission Meeting  
December 17 - 3:00 p.m. – Town Council Committee Meetings (Consecutive)  
Police Committee  
Water and Sewer Committee  
Finance Committee  
December 18 - 3:00 p.m. – Town Council Committee Meetings (Consecutive)  
Parks and Recreation Committee  
Public Works Committee  
Public Buildings and Welfare Committee  
December 18 - 6:30 p.m. – Board of Historic and Architectural Review  
December 24 & 25 - Town Offices Closed in Observance of the Christmas Holiday  
December 31 - Town Offices Closed in Observance of the New Year's Day Holiday  
January 1 - Town Offices Closed in Observance of the New Year's Day Holiday

NOTE: All of the above public meetings will be held at the Smithfield Center, unless otherwise noted.

**C. Public Comments:**

The public is invited to speak to Council on any matters, except scheduled public hearing(s). There will be a separate sign up sheet for public hearings. For public comments please use the appropriate sign-up sheet and include your preferred method of contact. Comments are limited to five (5) minutes per person. Any required response(s) from the Town will be provided in writing following the meeting.

- a. Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District

**D. Council Comments**

**NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT.** Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend Town Council Meetings. ADA compliant hearing devices are available for use upon request. Please call (757) 356-9939 at least 24 hours prior to the meeting date so that proper arrangements may be made.

**E. Summary of Consent Agenda Items**

- a. Police Committee Chair, Mrs. Denise Tynes
- b. Water and Sewer Committee Chair, Mr. Michael G. Smith
- c. Finance Committee Chair, Mr. Randy Pack
- d. Parks and Recreation Committee Chair, Wayne Hall
- e. Public Buildings and Welfare Committee Chair, Ms. Valerie C. Butler

**CONSENT AGENDA ITEMS**

- C1. **Resolution to Approve Street Closure Request for BOB Festival on Saturday, January 19<sup>th</sup>, 2018** **TAB # 1**  
Police Committee Chair, Mrs. Denise Tynes
- C2. **Motion to Approve Option # 1 from Draper Aden Associates to Rebuild Outfall at the Reverse Osmosis Plant.**  
Water and Sewer Committee Chair, Mr. Michael G. Smith
- C3. **Motion to Approve Proposal from Draper Aden Associates for Stormwater Improvements at the Reverse Osmosis Plant in an Amount Not to Exceed \$26,200.**  
Water and Sewer Committee Chair, Mr. Michael G. Smith
- C4. **Invoices Over \$10,000 Requiring Council Authorization:**  
Finance Committee Chair, Mr. Randy Pack
- a. Core and Main (Formally HD Supply) \$ 24,000.00
  - b. Wood Equipment Service Co. \$ 26,743.72
  - c. Isle of Wight County General Obligation Bond \$503,569.05
  - d. Blair Brothers Inc. (balance due on Chip & Seal work) \$ 9,627.00
- C5. **Motion to Approve Smithfield Recreation Association (SRA) Lease Amendment** **TAB # 2**  
Parks and Recreation Committee Chair, Mr. Wayne Hall
- C6. **Motion to Accept Deed for Lot 34 as Part of the Pinewood Heights Relocation Project**  
Public Buildings and Welfare Committee Chair, Ms. Valerie C. Butler
- C7. **Motion to Approve Subdivision Agreement for Phase 7B & C of the Cypress Creek Subdivision** **TAB # 3**  
Public Buildings and Welfare Committee Chair, Ms. Valerie C. Butler
- C8. **Resolution to Support Fair Housing Act as Part of the Pinewood Heights Relocation Project** **TAB # 4**  
Public Buildings and Welfare Committee Chair, Ms. Valerie C. Butler
- C9. **Motion to Approve the 2019 Meeting Schedule** **TAB # 5**  
T. Carter Williams, Mayor

## **ACTION SECTION**

1. **Presentation of Windsor Castle Restoration Project – Phase III and Endorsement of Proposed Use Plan**  
Public Buildings and Welfare Committee Chair, Ms. Valerie C. Butler
2. **Motion to Approve the Town Council Meeting Minutes of November 6<sup>th</sup>, 2018**  
William H. Riddick, III, Town Attorney
3. **Motion to Appoint Nominating Committee for the Expiring Terms of Julia Hillegass, Thomas Pope, and Michael Torrey on Planning Commission**  
T. Carter Williams, Mayor
4. **Motion to Appoint Nominating Committee for the Expiring Terms of Gary Hess and Russell Hill on the Board of Historic and Architectural Review**  
T. Carter Williams, Mayor
5. **New Business:**
6. **Old Business:**
7. **Closed Session: Discussion Concerning the Disposition of Publicly Held Real Property Where Discussion in an Open Session Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body Pursuant to State Code Section 2.2 3711 (A)(3)**
8. **Adjournment**

**COMMITTEE  
SUMMARY REPORTS**

November 30, 2018

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING  
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE POLICE COMMITTEE MEETING  
HELD ON MONDAY, NOVEMBER 26<sup>TH</sup>, 2018

The Police Committee met Monday, November 26<sup>th</sup>, 2018 at 3:00 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee member attending were Mrs. Denise N. Tynes, Chair; and Mr. Wayne Hall. Other Council members present were Mr. Michael G. Smith, Vice Mayor; Mr. Randy Pack, Ms. Valerie C. Butler and T. Carter Williams, Mayor. Staff members present were Mr. Brian S. Thrower, Town Manager; Ms. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mrs. Ashely Rogers, Director of Human Resources; Mr. Alonzo Howell, Chief of Police; Mr. Matthew Rogers, Deputy Chief of Police; Ms. Amy Novak, Director of Parks and Recreation; and Mr. William G. Saunders, IV, Director of Planning Engineering and Public Works. Also in attendance were Mr. Rick Bodson of Smithfield 2020 and Mr. Bill Davidson. The media was represented by Mr. Frederic Lee of The Smithfield Times.

Police Committee Chair, Mrs. Denise N. Tynes, called the meeting to order.

**A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL'S AGENDA**

1. Street Closure Request of Jericho Road for BOB Festival on Saturday, January 19<sup>th</sup>, 2018 – Mrs. Tynes mentioned that this event is one of the town's annual events and asked if there were any changes. Ms. Novak stated that the details for the event are the same as in past years with the exception of extending the event traffic controlled closure of Jericho Road. There were no concerns with the closure and this item will move to Town Council for consideration.

**B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA**

1. Operational Updates – Chief Howell reported that in the form of operational updates there has been a small uptick in individuals tampering with unlocked vehicles in the Waterford Oaks community. He explained that this type of activity is not unusual for this time of year. They continue to remind people to secure their vehicles and the contents in the vehicles. Chief Howell

also reported that over the last month Officer Paul Jones graduated from the Hampton Road Criminal Justice Academy. His first day with the town as a certified officer was November 21<sup>st</sup>. He stated that they are also in the process of offering employment to a new applicant as they continue to look for applicants that are already certified to fill the vacancies that they have. Committee thanked Chief Howell for the update.

The meeting adjourned at 3:02 p.m.

November 30, 2018

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING  
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE WATER & SEWER COMMITTEE  
MEETING HELD ON MONDAY, NOVEMBER 26<sup>TH</sup>, 2018.

The Water & Sewer Committee held a meeting on Monday, November 26<sup>th</sup>, 2018 at 3:02 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were Vice Mayor Michael G. Smith, Chair; Mr. Randy Pack and Mrs. Denise N. Tynes. Council members also in attendance were Ms. Beth Haywood, Ms. Valerie C. Butler, Mr. Wayne Hall, and T. Carter Williams, Mayor. Staff members present were Mr. Brian S. Thrower, Town Manager; Ms. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. William G. Saunders, IV, Director of Planning Engineering and Public Works; Ms. Ashley Rogers, Director of Human Resources; Ms. Amy Novak, Director of Parks and Recreation; and Ms. Judy Winslow, Director of Tourism. Also in attendance were Mr. Rick Bodson of Smithfield 2020; Mr. Bill Davidson, Ms. Connie Chapman, and Ms. Gina Ippolito. The media was represented by Mr. Frederic Lee of The Smithfield Times.

Water and Sewer Committee Chair, Mr. Michael G. Smith, called the meeting to order.

**A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL'S AGENDA**

1. Reverse Osmosis (RO) Plant – BMP Pond and Outfall

a. Options for Rebuilding Existing Outfall - Mr. Saunders stated that in 2011 the RO plant was built here in the town. As far as treating water it has worked great; however the outfall of the BMP has failed. When the site was developed, the BMP outfall was only armored on a small portion of the town's property. The hillside of the adjacent property was not armored and has subsequently eroded away. This has been going on for some time; however to this area being in a wooded area no one was aware of the erosion that was occurring until it reached the outfall of the BMP. At that point it washed out completely. Staff has asked Draper Aden to design options to rebuild this outfall. Included in the committee packet are three different options that would give a positive solution. The first solution for this area would be to only pipe as it leaves the BMP. With this option it would be graded to be a level spreader down the hillside into the existing private pond. Most of the work for Option #1 would be done on town property. Staff does have some concerns that this could potentially setup some other erosion problem on the adjacent property. The second option is a piped solution that leads to the BMP for a short distance and then goes to a rip rapped flume the rest of the way down to the existing private pond.

Mr. Saunders stated that he knows of at least three flumes that have washed out around town over the last couple of years. Mr. Saunders stated that this option concerns him because a lot of the standards that they are built to are the current standards for the state. As we know we have been getting more intense rain events since these standards were developed. The third option is a piped solution all the way down to the edge of the adjacent pond. This option is staff's recommended solution in an estimated amount of \$136,000. It is the most costly; however it is the one that is expected to require the least amount of maintenance and the least probability of causing any type of erosive damage on the adjacent property owner's property in the future.

b. Proposal for Stormwater Improvements – Mr. Saunders stated that also included in the packet is a proposal to make improvements to the existing BMP. Staff met with Isle of Wight County to discuss whether any permitting would be required or could it be improved as a maintenance without any permits. Mr. Saunders explained that during this process it was realized that the existing BMP was not built according to the original plans. The BMP in the original plans required the creation of wetlands. This would have made it harder and more expensive to maintain. The proposal before you today is to have Draper Aden Associates design a BMP in the amount of \$26,200 that is appropriate for the site and will handle all the stormwater as well as potentially flushing the wells into it from time to time as needed. The design would eliminate erosion on the adjacent property. It would be easy and cost effective to maintain in the future. The proposal would also carry the town through the permitting process. Mr. Saunders stated that part of this is to bring committee up to speed on the entire project but also ask for approval on the proposal to redesign and permit a new BMP along with the construction of a new outfall. Mr. Saunders stated that they have had discussions with Isle of Wight County Stormwater Committee and it does appear that this project will qualify for a 50% revenue match from Isle of Wight County Stormwater fees. This will be a big ticket item; however Isle of Wight County will match the town 50% for the design and construction of the new outfall and BMP. Vice Smith asked where the funds for the town's portion of the match would be pulled from. Ms. Minga stated that it would most likely come from the Water Capital Escrow account. Mr. Pack asked how soon this work needs to be done. Mr. Saunders explained that they would like the work done as soon as possible and hope to be able offer this work to contractors that the town already has on retainer without having to do a formal RFP process. This would help with expediting the process. Mayor Williams asked if the town has permission to drain into the adjacent properties private pond. Mr. Saunders explained that this is a natural drainage way so stormwater has the right to drain into the private pond; however how the town gets it in the pond once we concentrate the water flow is the town's responsibility to do it in a way that it does not cause damage to the adjacent property owners property. Flushing water from the town's wells is not a natural drainage. The adjacent property owner is amendable to giving the town a construction easement to do the work and he is amendable to giving the town a drainage easement to put the drainage through his property that would also allow the town to flush the wells from time to time; however the property owner has made it known that he is interested in fair compensation for these easements. Mr. Saunders stated that he would also like to request the engineers to give the town some estimates on what these easements are worth.

Mr. Saunders clarified that the \$136,000 is the cost estimate on the construction of the outfall. Approximately \$9,000 has been spent to date on the design of the outfall. The \$26,200 is for the design and permitting of the BMP pond. At this time the town has no estimates on the cost to construct the BMP. If Town Council approves the proposal from Draper Aden Associates

to design the BMP then we should get estimates on the cost to construct the BMP at that time. Mr. Pack asked where we are with the study that was being done on discharging into Cypress Creek. Mr. Saunders explained that work that was being done at no cost to the town has reached an end. In order to move forward they want to set up a pilot program inside the RO plant to do further testing just on our plant. Up to this point they have been doing generic testing and want to continue with specific testing for our plant. The cost estimate for this work to continue is around \$18,000. Mr. Pack asked if this testing is a totally separate issue from the proposal that are before us today. Mr. Saunders replied that they are. The Town Manager stated for clarification town staff is recommending Option # 1 to rebuild the outfall and execute a contract with Draper Aden Associates for the design and permitting process of a new BMP at the Reverse Osmosis Plant. These items will be placed on Town Council agenda for consideration at their December 4<sup>th</sup> meeting. Vice Mayor Smith thanked staff for all their hard work.

Meeting adjourned at 3:23 p.m.

November 30, 2018

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING  
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE FINANCE COMMITTEE MEETING  
HELD ON MONDAY, NOVEMBER 26<sup>TH</sup>, 2018

The Finance Committee met on Monday, November 26<sup>th</sup>, 2018 at 3:23 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were: Mr. Randy Pack, Chair; Ms. Valerie Butler and Mr. Michael G. Smith, Vice Mayor; Other Council members present were Ms. Beth Haywood; Mr. Wayne Hall, Mrs. Denise N. Tynes and T. Carter Williams, Mayor. Staff members present were Mr. Brian S. Thrower, Town Manager; Ms. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. William H. Riddick, III, Town Attorney; Mr. William G. Saunders, IV, Director of Planning, Engineering and Public Works; Ms. Ashley Rogers, Director of Human Resources; Ms. Amy Novak, Director of Parks and Recreation; and Ms. Judy Winslow, Director of Tourism. Also in attendance was Mr. Rick Bodson of Smithfield 2020; Mr. Bill Davidson, Ms. Gina Ippolito, and Ms. Connie Chapman. The media was represented by Mr. Frederic Lee of The Smithfield Times.

Finance Committee Chair, Mr. Randy Pack called the meeting to order.

**A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL AGENDA**

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

a. Core and Main (Formerly HD Supply) \$ 24,000.00

This invoice is for the purchase of 100 budgeted water meters. Committee recommends approval of invoice.

b. Wood Equipment Service Co. \$ 26,743.72

This invoice is for five (5) hydromatic impellers. This item will be paid for through Sewer Maintenance and Repairs as part of the town's Find & Fix program. Committee recommends approval of invoice.

c. Isle of Wight County General Obligation Bond \$503,569.05

This invoice is for the town's portion of the General Obligation Capital Improvement Bond for the purchase of the Town Manager's Office and the Smithfield Police Department buildings. Ms. Minga mentioned that this is the town's final payment of this debt. Committee recommends approval of invoice.

**B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA.**

1. October Financial Statements – Ms. Minga reported that we got off to a slow start this year as far as collections of taxes because the bills went out a little bit later than normal. Real Estate did not go out until the end of October and Personal Property went out the first of November. The public service corporation bills were pushed back a little bit as well. Those bills went out today with an extended due date of December 15<sup>th</sup>. This only affects eight real estate bills and two personal property by this delayed billing. Other than that the town is pretty much on track. The town has received the Fire Department's pass through funds from the state. It has been processed and given to the Fire Department. In regards to departmental operating expenses there is nothing significant to report. Capital Outlay will need some appropriation amendments; however she has not had a chance to talk with the Town Manager about these amendments yet. Most of the amendments are for grant monies that are coming in such as the Police Department grants for equipment and where the town carried forward some funds for the Urban Fund projects that have not been completed. Revenues for both sewer and water are running lower than this time last year which is based on consumption. Maintenance and repairs are running high in sewer due to impeller repairs, pump repairs, and tree removals. Ms. Minga mentioned that there are storm maintenance line items highlighted in the General Fund, Water and Sewer Fund, and Highway. It does not look like the town will be able to get any money back in preparation of the recent storms. She stated that she was notified by Isle of Wight County last week that they have been approved by VDEM for reimbursement under Florence; however there are a lot of restrictions on how that money gets reimbursed. Preparing for storms such as getting gasoline and renting generators is not eligible for reimbursement unless the equipment is used. Nothing stood out under Water and in regards to Highway the town continues to expend state grant funds.

2. October Cash Balances / VML Investment Pool Update — Ms. Minga reported that cash remains very strong. Total of all funds are down \$267,614.00 from last month. Overall Water Funds is \$111,307 higher than last month. Sewer Funds are \$27,995 higher, basically from some reimbursements from the Water Fund. Highway Fund is down, \$52,125 as the town continues to expend grant funds for maintenance work as necessary. General Fund is \$354,792 because of using General Fund cash to supplement our bills and cost of operations before the tax revenues start rolling in. In regards to the VIP Pool the town had an ending market of \$513,888. There was an unrealized loss; however there was income earned of almost \$970. Ms. Minga stated that she feels the VIP Pool remains very strong. Ms. Minga mentioned that it will take a couple of months to go through the process to have the Isle of Wight County Museum account completely closed. Water = \$763,351.11; Water Debt Service = \$704,174.07; Water Capital Escrow Availability Fees = \$543,215.75; Water Treatment Plant Escrow = \$10,911.93; Water Deposit Account = \$86,508.22; Water Development Escrow = \$128,775.81; **Subtotal Water = \$2,236,936.89.** Sewer = \$139,224.95; Sewer Development Escrow = \$390,765.98; Sewer Capital Escrow Availability Fees = \$865,052.67; Sewer Compliance = \$2,396,263.16; **Subtotal Sewer = \$3,791,306.76.** Highway = **\$377,223.19.** General Fund = \$4,418,271.08; Payroll = \$291,590.72; Money Market General Fund Towne Bank = \$38,697.58; Business Super NOW-General Fund = \$34,180.59; Money Market General Fund Farmers Bank = \$295,422.08; General Fund Capital Escrow = \$706,661.80; Certificate of Deposit = \$527,026.18; Certificate of Deposit Police Dept = \$37,048.69; Special Project Account = \$31,155.94; Pinewood Heights Escrow = \$63,587.88; SNAP Program = \$2,218.75; Museum Account = \$188,248.65; Windsor Castle Acct \$89,478.00; **Subtotal General Fund = \$6,723,587.94. TOTAL ALL FUNDS = \$13,129,054.78.**

3. Closed Session Pursuant to Virginia State Code 2.2-3711 (A) (7) – Consultation with Legal Counsel Regarding Actual Litigation – The Town Attorney stated that we need a closed

session for the discussion of consultation with legal counsel regarding actual litigation pursuant to Virginia State Code 2.2-3711 (A)(7). Mr. Pack made the motion to go into closed session and Vice Mayor Smith seconded the motion. Motion passed.

*In Closed Session @ 3:33 p.m.*

*Out of Closed Session @ 4:09 p.m.*

The Town Attorney stated that we need a motion that during closed session there was only consultation with legal counsel as to actual pending litigation pursuant to 2.2-3711 (A)(7) of the Code of Virginia. Mr. Pack so moved the motion and Mrs. Tynes seconded the motion. Motion passed.

Meeting Adjourned at 4:09 p.m.

November 30, 2018

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING  
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE PARKS AND RECREATION COMMITTEE  
MEETING HELD ON TUESDAY, NOVEMBER 27<sup>th</sup>, 2018

The Parks and Recreation Committee held a meeting on Tuesday, November 27<sup>th</sup>, 2018 at 3:00 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were Mr. Wayne Hall, Chair; Ms. Beth Haywood and Ms. Valerie C. Butler. Other Council members present were Mr. Randy Pack, Mrs. Denise N. Tynes and Mr. T. Carter Williams, Mayor. Staff members present were Mr. Brian S. Thrower, Town Manager; Ms. Lesley King, Town Clerk; Mr. William H. Riddick, III, Town Attorney; Ms. Amy Novak, Director of Parks and Recreation; Mr. William Saunders, Director of Planning Engineering and Public Works; Mr. Wayne Griffin, Town Engineer; Ms. Ashley Rogers, Director of Human Resources; Ms. Jennifer England, Director of Isle of Wight County Museum; and Ms. Judy Winslow, Director of Tourism. Also in attendance were Mr. Rick Bodson of Smithfield 2020; Mr. Carroll Collins of Kimley Horn Associates; Ms. Gina Ippolito of Smithfield VA Events, Mr. Chris Kennedy, President of Smithfield Recreation Association. The media was represented by Mr. Frederic Lee of The Smithfield Times.

Parks and Recreation Committee Chair, Mr. Wayne Hall called the meeting to order.

**A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON COUNCIL'S AGENDA.**

1. Smithfield Recreation Association (SRA) Lease Amendment – Ms. Novak stated that Mr. Chris Kennedy, President of Smithfield Recreation Association, has been working with the town over the last couple of years on the existing lease agreement. She mentioned that she also attends all SRA Board meetings as an x-officio nonvoting member for the purpose of keeping the lines of communication open. Ms. Novak explained that when we were having delays with the sewer lines and the right turn lane discussions were had on what the best route to go would be to make sure SRA has a place to play while we are disrupted in our scheduling of the facility. Mr. Kennedy stated that there has been some community outpouring to save Beale Park. It has been in the paper for a number of years that SRA had agreed to sell Beale Park when the new ball fields were built. Once the sale signs went up quite of few people wanted to see what could be done to save Beale Park. One of the biggest issues with saving Beale Park is not being able to raise the \$300,000 needed by the timeframe that was laid out in the original lease agreement. Also

if we end up selling Beal Park what would we do with the money that is raised? The lease amendment before you today takes care of that issue so they can raise money to save Beale Park because we do not have to meet the \$300,000 threshold by January 2020. It gives SRA time to stretch the fund raising efforts over a longer period of time. It also still gives the town the necessary backup if they are unable to raise the entire amount over the course of ten years. The Town Attorney explained that the amendment only amends paragraph 6(b) of the original lease agreement. It strikes the provision that a lump sum payment of \$300,000 is due at the sale of Beale Park and is amended to read as follows: “In addition to the base rent, Tenant covenants and agrees to make payment to Landlord in the amount of three hundred thousand dollars (\$300,000.00) without interest. Payment shall be made in ten (10) equal annual installments of thirty thousand dollars (\$30,000.00) each, the first installment shall be due payable on January 2020 and on the same day of each and every year thereafter until the entire indebtedness is paid in full. This obligation shall be evidenced by a deed of trust note in a form to be approved by the Town Attorney and executed by Tenant and shall be secured by a first deed of trust on Tenant’s property known as Beale Park, Tax Map Parcel no. 22-04-000B and 22-01-042C located in the Town of Smithfield”. Ms. Butler wanted to confirm that SRA is fully aware that for the next ten years there will be a lien on the property at Beale Park until such time the indebtedness is paid in full. Mr. Kennedy stated that SRA was fully aware of the amended terms and if a payment is missed then for sale signs will be placed at the park. Ms. Butler asked if there was a reason why 2020 was picked as the date this agreement would start. Mayor Williams stated that the turn lane will not be completed until January 2020 which also includes the installation of some sewer lines. Ms. Haywood asked who is responsible for what at the sports complex. Ms. Novak stated that the division of the responsibilities are spelled out in the original lease. Mr. Hall stated that this item will move forward to Town Council for consideration at their December 4<sup>th</sup> meeting.

**B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON COUNCIL’S AGENDA.**

1. Operational Update – Parks and Recreation Committee Report/Park Project Updates – Ms. Novak reported that the outdoor parks have slowed down a bit with the exception of Windsor Castle Park. The Smithfield Center has and continues to very busy with holiday parties and regular meetings. Coming up this Friday, November 30<sup>th</sup> will be the Woman’s Club Tree Lighting and Light Up Main. The event will start at the times Gazebo and move down Main Street. This Saturday and Sunday here at the Smithfield Center we have the Antique Show. Events in town Saturday, December 8<sup>th</sup> are the Santa Breakfast, Christmas Parade and Christmas Concert by the Naval Fleet Band. The Manor House restoration project has been moving along with the back porch being rebuilt and new cooper roof installed. The stucco replacement on the west wing has been completed and the foundation of the new wing is underway. Trail Doctor hours will likely total more than 500 hours by the end of the calendar year. Trail maintenance includes filling in ruts and making berms to prevent water damage to the trails. The sewer line

repairs at the Joseph W. Luter, Jr. Sports Complex by RAD Sports has begun and much of our new parking lot has been torn up to install the new sewer lines. The right turn lane bids are due Thursday, November 29<sup>th</sup>. Clontz Park Boat ramp work has started with the first item being the parking lot. Mr. Hall mentioned that according to the Eco Counter the number of people using the park remains good even with the weather starting to cool off. Mayor Williams expressed some concern that the bridges in the park have not yet been sanded to make them where they are not so slippery when they are coated with frost this time of year. Ms. Novak will follow-up with staff.

2. Additional Item: Scholarships – Ms. Novak stated that in being in partnership with Smithfield Recreation Association it is important to make sure that all kids have the opportunity to play ball at this facility. Smithfield Recreation Association offers a scholarship program for kids that are in need and cannot afford to play baseball. The program also allows them to provide cleats and gloves to children as well. Applications can be found on SRA's website and any child that is a member of SRA can utilize either the fields at Beale Park or the new fields at the Joseph W. Luter, Jr Sports Complex.

The meeting adjourned at 3:15 p.m.

November 30, 2018

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING  
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC WORKS COMMITTEE  
MEETING HELD ON TUESDAY, NOVEMBER 27<sup>TH</sup>, 2018

The Public Works Committee held a meeting on Tuesday, November 27<sup>th</sup>, 2018 at 3:21 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were Ms. Beth Haywood, Chair; and Mrs. Denise N. Tynes. Other Council members present were Mr. Randy Pack, Mr. Wayne Hall, Ms. Valerie C. Butler and Mr. T. Carter Williams, Mayor. Staff members present were Mr. Brian S. Thrower, Town Manager; Ms. Lesley King, Town Clerk; Mr. William H. Riddick, III, Town Attorney; Ms. Amy Novak, Director of Parks and Recreation; Mr. William Saunders, IV, Director of Planning Engineering and Public Works; Mr. Wayne Griffin, Town Engineer; Ms. Ashley Rogers, Director of Human Resources; Ms. Jennifer England, Director of Isle of Wight County Museum; and Ms. Judy Winslow, Director of Tourism. Also in attendance were Mr. Rick Bodson of Smithfield 2020; Mr. Carroll Collins of Kimley Horn Associates; and Ms. Gina Ippolito of Smithfield VA Events. The media was represented by Mr. Frederic Lee of The Smithfield Times.

Public Works Committee Chair, Ms. Beth Haywood, called the meeting to order.

**A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL'S AGENDA**

1. Additional Item Discussed: Blair Brothers Invoice – Mr. Saunders mentioned that last month discussion was held on the paving project that was done on Main Street by Blair Brothers. At that time staff recommended that the milling and paving be paid for in full and the town not pay any of the invoice for the crosswalks, as staff was not satisfied with the work. Town Council also decided to hold back a percentage of the invoice for the chip and seal work that was done. At that time staff certainly concurred with Town Council's decision because at that time a lot of the job was obscured by dust and loose stone. Since Blair Brothers has come in several times in the early mornings and late evenings with their vac truck to get up the excess stone. At this time staff does not see any deficiencies that require any further work by Blair Brothers on the chip and seal portion of the project. This type of product is generally done in more rural locations and because it was done in a close urban location is what caused a lot of the dust issues. It was no fault of Blair Brothers and the excess stone is part of the process when this type of product is used. Staff would recommend that the balance due to Blair Brothers for the chip and seal portion of the project, in the amount of \$9,627.00, be approved at the December 4<sup>th</sup> Town Council

meeting. Committee agreed to send the balance of Blair Brothers invoice to Town Council for consideration.

**B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA**

1. Benns Church / Us 258 / Route 10 Bypass Intersection Alternatives Analysis – Mr. Saunders reminded everyone that this is one of the three (3) Urban Fund projects that was designated last fiscal year. There has been potential development pressure in the undeveloped area that would require a forth leg to that intersection. Currently, this intersection only has the three legs. Kimley Horn has done extensive research and analysis on this area. Mr. Collins stated that most of the presentation today is a recap of what was presented back in June 2018. The goal was to look at a combination of things such as potential improvements to the existing intersection as well as accommodating future land use and development around the Benns Church and South Church Street intersection where there is some residual right-of-ways. He explained the different ways that they can help the town as follows: 1) investigate the opportunity for residual right-of-way for future development; 2) assist the town with a request for break in limited access; and/or 3) accommodate a fourth leg to the intersection. Mr. Collins stated that the study area includes South Church Street at Hepinstall Avenue / Smithfield Boulevard to Turner Drive with the primary focus on the intersection of South Church Street and Benns Church Boulevard. Several conversations have been held with town staff and the Virginia Department of Transportation (VDOT) to come up with this study area. Mr. Collins mentioned that in regards to the projects background they reviewed alternatives to what was previously looked at in regards to a possible interchange being placed at the intersection of Benns Church Boulevard and South Church Street. They also investigated the willingness of VDOT to sell/transfer land currently designated as right-of-way to the Town of Smithfield for potential future development. They reviewed the ability to assist the Town with a request from VDOT for a break in limited access. In regards to other intersections/corridor within the study area they developed additional recommendation for short-term, mid-term, and long-term improvements. Mr. Collins explained that there are different phases of the process. The process consist of identifying the project team which includes the Town of Smithfield, VDOT and Kimley Horn Associates. They have identified the existing conditions such as where the property lines are, where there are vacant parcels, what the vacant parcels look like in regards to zoning for potential development, as well as development that has already been approved. Through identifying the existing conditions they are also able to estimate traffic volumes. Kimley Horn also looked at intersection improvement concepts such as roundabouts and other innovated intersections such as the quadrant intersection that is now located at Benns Grant. At this time Kimley Horn is in the recommendation phase of the study. They are working on finalizing the cost estimates for the different alternatives included in this study. Mr. Collins showed a map of the study area and what the future land uses and developmental potential are. In regards to the Innovative Intersection Alternatives VDOT's Junction Screening Tool (VJust) identified several options for the intersection at South Church Street and Benns Church Boulevard. Some of the potential options include Interchanges, Roundabouts, R-CUTs, and Displaced Lefts. They also looked at the intersection at Benns Church Boulevard and Gumwood Drive/Cypress Crossing for innovative alternatives. VDOT's VJust identified a Roundabout or R-CUT intersection for this location. Mr. Collins explained that collectively they identified six (6) different potential alternatives for these two (2) intersections. They are as follows: Alternative 1 would include a full diamond interchange at South Church Street and a roundabout at Cypress Crossing/Gumwood Drive; Alternative 2 would include a diamond interchange with quadrant loop at South Church Street and a roundabout at Cypress Crossing/Gumwood Drive; Alternative 3 would include a diamond interchange with quadrant

loop at South Church Street and a R-CUT at Cypress Crossing/Gumwood Drive; Alternative 4 would include a partial displaced left-turn at South Church Street and roundabout at Cypress Crossing/Gumwood Drive; Alternative 4 includes a conventional at-grade intersection at South Church Street and roundabout at Cypress Crossing/Gumwood Drive; and Alternative 6 would include a conventional at-grade intersection at South Church Street and a R-CUT at Cypress Crossing/ Gumwood Drive. Mr. Collins explained that they compared the alternatives through their evaluation matrix. The evaluation matrix takes in consideration traffic operations, safety, tax base, right-of-way, environmental, construction cost and constructability. Kimley Horn's recommendation on near-term (10 to 15 years) for the South Church Street/Benns Church Boulevard intersection is to remain as a conventional at-grade signalized intersection as well as request break in limited access so a fourth leg can be added to the intersection as development occurs. They are also recommending a roundabout be constructed at Benns Church Boulevard and Cypress Crossing/Gumwood Drive. In the long-term (25 plus years) Kimley Horn is recommending VDOT keep control of Right-of-Way for as potential diamond interchange with quadrant loop at South Church Street and Benns Church Boulevard and continue to monitor traffic volumes as the area develops. Mr. Collins showed a map of what the two intersections would look like graphically for the near-term recommendation. He also showed a map on the long-term improvement recommendation that would include an interchange. The town would need a significant increase in volume before the long term recommendation would be considered. Mr. Collins explained that in regards to the other intersections within the study area there are a number of things that can be done to improve the overall traffic flow. Mr. Pack asked Mr. Collins to explain what break in access means. Mr. Collins explained that a limited access line means that there is no access to the adjacent property or the ability to access Route 10. Essentially, a break in access means granting permission to go through VDOT's right-of-way. He explained that the next steps include presenting the DRAFT report to VDOT. Address any comments or concerns from the DRAFT document and finalize the study. At that time they will provide the town with a draft resolution to request break in limited access. Town at that time would adopt the study and resolution defining the break in limited access points. A request for Break-in Access package would then be submitted to VDOT. Once VDOT and the CTB have reviewed and approved the Break-in Access the town can then begin preliminary engineering of preferred at-grade intersection alternative. Ms. Haywood asked what kind of time frame would the town be looking at before we can submit our request for break-in access. Mr. Collins stated that the Draft-final study will be submitted to VDOT next week and we should hear back from VDOT in January 2019. Once all questions and concerns have been addressed he is hopeful that the final report will come back to the town in time for February committees to be approved by Town Council at their March 2019 meeting. Ms. Haywood asked if the roundabouts ever impact the next signalized intersection. Mr. Collins stated that roundabouts normally work very well. He explained the tools that were used to determine the potential impact the roundabout would have at this location. Mayor Williams asked if the roundabouts would be double lanes or triple. Mr. Collins explained that at this time they are double lanes. Mayor Williams expressed concern that he sees this area in the future being a heavily populated area. Mr. Collins explained how a third lane could be added if necessary. He suggested that these concerns be brought up when the town gets to the design details of the roundabout. Mr. Hall asked about the safety aspect of roundabouts. Mr. Collins explained that studies have shown that roundabout in regards to safety significantly improve over conventional intersections. Committee thanked Mr. Collins for the update.

Meeting adjourned at 3:48 p.m.

November 30, 2018

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING  
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC BUILDINGS & WELFARE  
COMMITTEE MEETING HELD ON TUESDAY, NOVEMBER 27<sup>TH</sup>, 2018

The Public Buildings and Welfare Committee held a meeting on Tuesday, November 27<sup>th</sup>, 2018 at 3:48 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee member attending were Ms. Valerie Butler, Chair; Mr. Randy Pack and Mr. Wayne Hall. Other Council members present were Ms. Beth Haywood, and Mr. T. Carter Williams, Mayor. Staff members present were Mr. Brian S. Thrower, Town Manager; Ms. Lesley King, Town Clerk; Mr. William H. Riddick, III, Town Attorney; Ms. Amy Novak, Director of Parks and Recreation; Mr. William Saunders, Director of Planning Engineering and Public Works; Mr. Wayne Griffin, Town Engineer; Ms. Ashley Rogers, Director of Human Resources; Ms. Jennifer England, Director of Isle of Wight County Museum; and Ms. Judy Winslow, Director of Tourism. Also in attendance were Mr. Rick Bodson of Smithfield 2020; Dr. Milton Cook, Ms. Sue Ivy and Ms. Renee Rountree of the Manor House Use Plan Committee; and Ms. Gina Ippolito of Smithfield VA Events. The media was represented by Mr. Frederic Lee of The Smithfield Times.

Public Buildings and Welfare Committee Chair, Ms. Valerie C. Butler called the meeting to order.

**A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON COUNCIL'S AGENDA**

1. Windsor Castle Restoration Project – Phase III Committee Presentation – Ms. Sue Ivy was present to give committee an update on the restoration project located in the historic easement at Windsor Castle Park. Phase I of the project included the outbuildings and Phase II was the exterior of the Manor House. As Phase II finishes up Windsor Castle Restoration, LLC would like to move forward with Phase III. Ms. Ivy stated that much of the gratitude for the success of this project goes to Mayor Carter Williams and Mr. Rick Bodson. At this time the project is expected to come in under budget enough so they would like to move right into Phase III. Phase III is the renovations of the inside of the Manor House. A Phase III Committee was formed to decide what would be the best and highest use of this property. The Committee knew that they wanted it to generate income so that it would be self-sustaining. Smithfield Foods had contributed funds to the restoration of the Manor House with the idea that it would eventually become an event space. The Phase III committee held their first meeting in October of this year. It was pretty much decided right from the beginning that the best and highest use of the property

would be an event space. They reviewed possible plans for the Manor House and the grounds space. Ms. Rountree explained that as a group they first came up with an elevator speech that gave direction to what their mission was. They, as a group, were creating a proposal to present to Town Council, a realization of the highest and best use plan for the historic easement of Windsor Castle. They also wanted the plan to promote a revenue producing, self-sustaining asset for the Town of Smithfield and its taxpayers. Ms. Rountree stated that the committee had worked very hard over the last couple of months to develop a best use plan for the Manor House. They used focus groups, stakeholder analysis, and a lot of research from other event spaces that were very similar. They took the revenue producing, self-sustaining aspect of it very seriously. Their plan was to keep the 1850's Victorian Style theme there. They would like the lower level to have the ability to be rented for functions and events to include a Groom's ready room with bar and possibly a gaming area. The 1<sup>st</sup> floor would be used for high-end events and meeting space, with a catering kitchen. It could be rented for cocktail parties, business meetings, showers, etc. The 2<sup>nd</sup> floor could be used on the east side as a bridal ready suite, with adjoining bathroom and dressing room. The west side of the 2<sup>nd</sup> floor could be outfitted eventually for overnight accommodations. The northeast room would contain bathrooms and a large dressing suite. Outside, there could be a patio area that could be used for cocktail parties and outdoor rentals. The "Manager's Office" could be used for interpretive space; however there will be limited historical interpretation on site. The entire Windsor Castle Park area is open for rentals, with an emphasis on whole site rental as a wedding and event space. Staffing of the event space will be discussed during the town's FY 2019/2020 budget cycle. A rental fee schedule will be forthcoming, as we get closer to the time the space can be rented. It will also be considered during the town's FY 2019/2020 budget cycle. A Special Use Permit will need to be sought from the Planning Commission in early 2019. There has been some talk if we have money in the budget to do something with the outdoor kitchen; however at this time we do not know what that will be. Mr. Pack asked who will be required to bring the special use permit to the town. The Town Attorney explained that the town and the Windsor Castle Restoration, LLC are co-applicants so as the property owner the town would need to give the Windsor Castle Restoration, LLC consent to apply for a special use permit on the town's behalf. Ms. Ivy stated that she would anticipate that the space would be fully operational by December 2019. Mayor Williams asked that during the planning process if accent lights could be installed in some of the doorways to the older buildings for picture taking. Mayor Williams thanked Ms. Ivy and Ms. Rountree for all their hard work on this project. Mr. Pack stated for clarification purposes this presentation is for informational purposes only and no action is required by Town Council at this time. The Town Attorney stated that Windsor Castle is the property of the town and the restoration committee is making a recommendation. At some point collectively the Town Council should agree that this is the direction that you want them to go. The Windsor Castle Restoration, LLC will evaporate at some point when the restoration work has been completed and the town will be left with what is there. Mr. Pack asked how we go about blessing this proposal from the Windsor Castle Restoration, LLC Phase III Committee. A motion of approval would give the Windsor Castle Restoration, LLC the confidence that they are doing what the will of the Town Council is. A formalized motion would say that we as a

Council have heard the proposal and concur with recommendations from Windsor Castle Restoration, LLC and they should proceed to develop the property as an event space to be used ultimately by the Town of Smithfield for that purpose. This item will be placed under the Action Section of the Town Council agenda for Council to endorse the proposed plan from the Windsor Castle Restoration, LLC Phase III Committee to develop the Manor House property to be used as event space.

**B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON COUNCIL'S AGENDA**

1. Additional Item Discussed: Plastic in our Waterways – Mayor Williams asked if there is anything that we as a town can do to possibly ban the use of straws. Maybe we could start with asking the waitresses and waiters in our town to ask if customer would like a straw rather than just automatically giving them one. Ms. Haywood stated that she recalls years ago when there was an attempt to ban plastic grocery bags and she would like to see that initiative come back. The Town Attorney stated that he does not think that the town has the ability to ban straws. A resolution can be adopted encouraging all restaurants to be mindful of the number of straws that are given out compared to the number of people that actually use them. Mayor Williams asked for the Town Manager to research whether it is possible to ban straws or not as a first step to help save our environment.

2. Additional Item Discussed: Town Elections – Mr. Pack stated that he had a conversation recently from a former council member about the possibility of moving Town Elections to November rather than having a separate election in May. The Town of Windsor just had town elections where 45% of their citizens made it to the poles to vote. The Windsor Town Council election may not of been what brought them out to vote; however while they were there they were able to vote for their local town officials. Mr. Pack stated that he would like to bring this discussion back to Town Council for further consideration. Mr. Pack stated that he understands that there is a process. The Town Attorney stated that the Town Charter would need to be changed for elections to be moved to November. This item will be brought back to committee for further discussion.

The meeting adjourned at 4:27 p.m.

# ACTIVITY REPORTS

November 30, 2018

**TO: SMITHFIELD TOWN COUNCIL**

**FROM: BRIAN S. THROWER  
TOWN MANAGER**

**SUBJECT: MONTHLY ACTIVITY REPORT – NOVEMBER 2018**

**DIRECTOR OF HUMAN RESOURCES:**

- a. Conducted New hire Orientation for:
  - a. Chelsey Daughtrey – Compliance Administrator – Week of November 26th
- b. Conducted Interviews for:
  - a. Compliance Administrator
- c. Recruited for:
  - a. Maintenance Helper
  - b. Patrol Officer
- d. Worked with various property liability claims with VML Insurance
- e. Worked with various workers compensation claims with VML Insurance
- f. Worked on continued compliance with the Bloodborne Pathogens Standard
- g. Added WCP properties to VML insurance policy
- h. Conducted Safety Committee Meeting on November 14th
- i. Created Harassment, EEO and Fleet Maintenance Training to be delivered on 12/07
- j. Created agenda for 12/07 training day
- k. Continued process to move to online enrollment for health and dental insurance
- l. Collected and tracked jobsite safety inspections for Town owned buildings
- m. Participated in Police Department Open House as we increase our recruiting efforts

### **TOWN CLERK'S OFFICE:**

- a. Transcribed and proofed the monthly minutes from Town Council, Planning Commission and Board of Historic and Architectural Review
- b. Swore in New Patrol Officer Paul Jones on November 20<sup>th</sup>.
- c. Prepared November Town Council Committee Agenda and the December Town Council Agenda
- d. Attended Town Council Committee meetings on November 26<sup>th</sup> and 27<sup>th</sup> and prepared summary reports from all.
- e. Continue to work on records management projects.

### **TREASURER'S OFFICE:**

- a. Attended meeting with Q-Design Architects on 11/8/18 to discuss possible modifications to the Town Hall building.
- b. Participated in webcast sponsored by Mansfield Fuel titled "Budgeting for 2019: Fuel Price Risk Management" on 11/14/18.
- c. Met with Pam Ellyson of Farmers Bank and front office staff to work on remote deposit issues on 11/15/18. The meeting served as a productive training opportunity.
- d. Enjoyed the Thanksgiving Holiday break on 11/22 /18 and 11/23/18.
- e. Completed October 2018 bank reconciliations and financial statements for the 11/26/18 Finance Committee meeting.
- f. Received the draft audit report on 11/26/18 and worked on review, statistical tables, and the Management Discussion and Analysis (MD&A). The transmittal file was sent to the Auditor of Public Accounts on 11/30/18.
- g. Met with William Saunders on 11/27/18 to discuss costs and funding sources for future operating and capital expenses for Public Works, Water, Sewer, and Highway.
- h. Met with Jessie Snead, Fran Hyde, and a Cintas representative on 11/28/18 to discuss billing issues for uniforms and supplies specifically related to contract pricing.

### **PUBLIC WORKS:**

1. Staff performs the following duties on a monthly basis
  - A. Miss Utility marking
  - B. Read meters for billing and to transfer property owners
  - C. Water cut-offs and cut-ons
  - D. Check sewer pump stations daily
  - E. Install and repair street signs
  - F. Replace and repair broken water meters
  - G. Perform maintenance on town-owned buildings

2. Sewer Line Repairs and Maintenance

- A. Located and repaired sewer line laterals in various locations.
- B. Cleaned sewer main line in various areas of the town.
- C. 119 Berryman Ct. Removed tree root from sewer lateral.

3. Sewer Pump Station Repairs and Maintenance

- A. Weekly and daily checks on all 27 pump stations.  
Performed the following scheduled maintenance at all pump station
  - 1. Cleaning of wet-wells
  - 2. Alarms testing
  - 3. Sump pump cleaning
  - 4. Check Valve cleaning and repair
  - 5. Generator checks / Godwin pump checks
  - 6. Control Panel / Flow monitor checks
  - 7. Fence and Grounds inspections
  - 8. Inspected Structure
  - 9. Inspect and clean pumps
  - 10. Level system check
  - 11. Test limit switches
  - 12. Bar screen cleaning
  - 13. Rain gauge cleaning
  - 14. Head pressure reading at 7 pump stations
- B. Drummonds Lane pump station pump #1 seal fail.
- C. Replaced check valve at Rising Star pump station.
- D. REW replaced rail system at Minton Way pump station.
- E. HRSD installed pressure gauges at Crescent, James St, Wellington, Lakeside and Golf Course pump station to monitor head pressure.

4. Water line Repairs and Maintenance

- A. Water service repairs: 503 and 505 Virginia Ave.  
144 Sykes Ct.  
388 Pagan Rd.

5. Well Repairs and Maintenance

- A. All wells except 8A and 10 (at RO Plant) are off now that RO plant is running.  
Upgrades to well houses have been completed to keep wells in operating

condition in case of an emergency. Emergency wells are flushed, sampled, and inspected once a month.

1. Well 8A remains in stand-by mode.

## 6. Water Treatment Plant

- A. Operate RO Plant and monitor distribution system.
- B. Daily lab analysis, monthly sampling, and reports for VDH, HRSD, DEQ and RO contractors.
- C. Performed monthly routine tasks including but not limited to:
  1. Daily Inspection of RO Plant and grounds.
  2. Monthly Tank inspections.
  3. Inspect and exercise plant generator monthly.
  4. Fill antiscalant day tank.
  5. Truck Inspections.
  6. Routine service of lime system.
  7. Service online fluoride and chlorine analyzers.
  8. Calibrate online turbidimeter and pH meter.
  9. Check and replace air filters
  10. Test Alarms.
- D. Pre-lube chlorine carbon filters for Well 8 and Well 10 changed out.
- E. Installed SDI (Silt Density Index) Station and Sample Tap on Well 8 and Well 10.
- F. Winterized Emergency Wells.
- G. Changed oil in truck 11 and truck 15.

## 7. Miscellaneous

- A. Grounds crews cut right-of-ways on water and sewer lines and emptied trash cans on Monday and Friday
- B. Richard Hayward received his certification in Backflow and Cross Connection.
- C. Minor repairs at Town Hall and town buildings.
- D. Grounds crews started leaf pick up.
- E. Public Works worked the following events in town: Trick or Treat, Horsepower on Main, and Holiday Market.

## **PLANNING AND ZONING**

1. Planning Commission – November 13, 2018

- A. Entrance Corridor Overlay District Design Review – 1604 S Church St – Ray Barlow, applicant – Approved.
- B. Entrance Corridor Overlay District Design Review – 200 Vincent’s Crossing – Smithfield Hotel LLC and Michael Pisa, Alliance Signs of Virginia LLC, applicants – Approved.
- C. Entrance Corridor Overlay District Design Review – 1613 S Church St – Jimmy Auvil, applicant – Approved.
- D. \*Discussion Item\* – Amendments to Article 3.R of the Zoning Ordinance – Entrance Corridor Overlay (ECO) District – Town of Smithfield, applicant – Consensus to advertise for a Public Hearing at the December 11 meeting.

2. Rezoning Applications under review

- None.

3. Special Use Permit Applications under review

- A. Cypress Creek Phase VI – Gravel Recreational Vehicle Parking Lot – Cypress Investment Holdings, LLC.
- B. Moody Properties, LLC – Business Supply Establishment with Outdoor Storage – Carver Avenue.

4. Subdivision and Site Plans under review

- A. Cypress Creek Ph. VI –Subdivision Plan – Cypress Investment Holdings, LLC applicant.
- B. B&J Mini Storage – Site Plan – B. Bailey.

5. Subdivision and Commercial Sites Under Construction and Inspection

- A. Church Square, Phase I (95% complete)
- B. Lakeview Cove Condos (75% complete)

6. Board of Historic & Architectural Review – November 20, 2018

- A. Dormer Color Change - 107 Thomas Street - Contributing - T. Vicky Adams, applicant - Denied.
- B. Detached Sign - 309 Main Street - Non- Contributing - Dr. Milton Cook, applicant - Approved.

7. Board of Zoning Appeals – November 20, 2018

- No Meeting Held

## **ENGINEERING**

1. Church Square, Phase I, contractor has installed E & S controls as required by the Town and the approved site plans. Homes are under construction as per market demand.
2. Blair Brother's Contr., Contractor repaired damaged storm drain outfall pipe at 118 Goose Hill Way. There were found two pipe joint separations. Contractor also repaired four minor sink hole areas around drop inlets on the Machrie, Saint Andrews and Lochview in the Cypress Creek Subdivision. Repairs involved the grouting of the storm pipe connections into the drop inlets along with the top joint connection to the main structure locations.
3. Erosion & Sedimentation control field inspections for single family dwellings were performed at 23 locations throughout the Town and required reports were filed.
4. Field inspections continued to be held this month involving the Smithfield Lake Dam. Some structural deficiencies were found at the emergency outfall, due to storm damage by Matthew. The Town has coordinated the repair with FEMA representatives. Reimbursement documents have been forwarded to FEMA.
5. Scoping meetings have been held with VDOT representatives involving the Urban funding projects.
  - A. UPC: 110507 Install right turn lane adjacent to Westside Elementary School – on US 258 – Main Street. Approval by VDOT has now been received and the project is now moving forward in regards to the bidding process.
  - B. UPC: 110508 Benns Church / Route 258 / Route 10 Bypass Intersection – Alternative Analysis. Traffic analysis has been under taken and is under review. A meeting with the engineer has been held where a discussion of several interchange options were reviewed. Comments and concerns were expressed and the engineer is now revising the options accordingly. A presentation on the analysis was provided to Town Council at their Nov. 27, 2018 committee meeting.
  - C. UPC: 110509 Smithfield to Nike Trail Park – Segment 3 – Alternative Analysis. A meeting was held and several options were discussed and are now currently under review. Staff has requested a proposal for additional analysis to be undertaken in order to ascertain the potential impacts and costs relative to a sidewalk, rather than a multi-use path for connectivity.

6. Attended progress meeting on the Smithfield to Nike Park Trail – Segments 1 & 2 – Contractor has begun installation of bike trail at intersection of Battery Park Rd. and Nike Park Rd. down to the intersection of Kendall Haven and Battery Park Road. Contractor has completed the installation of segment 1 of the bike trail, final completion walk through is being scheduled.
7. Met with a representative from VDOT to discuss the reconstruction of Grace Street. We are looking at relocating / replacing the sanitary sewer and water systems in this roadway area prior to VDOT project.

**SMITHFIELD POLICE DEPARTMENT  
MANAGER'S REPORT  
NOVEMBER 2018**

**Committees and Projects:**

11/01 Chief Promotional Interviews – Hopewell PD – Chief Howell  
11/02 Re-entry and Access Authorization Plan – IOW Courthouse – Major Rogers  
11/03 TOP COP Awards Ceremony – Virginia Beach – Chief Howell, Major Rogers,  
Lt. Meier, Sgt. Brady, Officer Wooley, Annette Crocker  
11/05 - Accreditation – Roanoke Sheriff's Office – Kristi Kincaid  
11/06 Town Council meeting – Smithfield Center – Chief Howell  
11/07 Department Head – Town Hall – Major Rogers  
11/13 TRIAD meeting – Isle of Wight Courthouse – Chief Howell, Sgt. Powell  
11/15 Mock Assessment – James City County PD – Major Rogers, Kristi Kincaid  
11/19 Genieve Shelter meeting – Suffolk – Major Rogers  
11/20 Swearing in – PD – Paul Jones  
11/20 Crime Line – Center – Lt. Meier, Annette Crocker  
11/20 Graduation – HRCJTA – Paul Jones, Chief Howell, Lt. Meier, Officer Wooley,  
Sgt. Powell

**Training**

11/05 – 06 IA Investigations – Complaint and Procedural Responsibilities – Portsmouth  
Sheriff's Office – Sgt. Brady (12.5 hrs.)  
11/14 Boat Training – Pagan River – Sgt. Powell, Sgt. Adams, Officer Wooley, Officer  
Norton (3 hrs.)  
11/28 – 30 Homicide Scene Seminar – Sandston, VA – Sgt. Brady

**Community Relations**

10/31 Safe Trick or Treat – Town – Officer Johnson, Lt. Meier, Officer Wooley  
11/01 – 30 Traffic Control – Westside Elementary – Officer Cooper, Officer Wooley, Officer  
Polk  
11/03 Traffic Control – Luter Sports Complex – Sgt. Brady,  
11/03 Fall Festival – Smithfield Christian Church – Sgt. Powell  
11/08 Veteran's Day program – Westside Elementary – Chief Howell, Lt. Araojo, Sgt.  
Powell  
11/10 Big Pig Bike Race – Town – Officer Johnson,  
11/14 Homework Station – Jersey Park/Woods Edge Apts. – Officer Cooper  
11/17 Christmas Market – Town – Lt. Meier, Sgt. Adams, Officer Cooper

## **Investigations**

**IBR#:** 2018-00785  
**Offense:** Commercial Breaking and Entering  
**Location:** 600 block Pole Road  
**Date:** 11/04/18

Officers responded to Jones Automotive in reference to a break-in. An unknown suspect/s broke in the front door with a prying instrument, pried open a small safe stealing \$100 in petty cash and also stole 150 Virginia Safety Inspection sticker sets. Case ACTIVE.

**IBR#:** 2018-00816 & 00817  
**Offense:** Motor vehicle theft  
**Location:** Southampton Court & Keswick Place  
**Date:** 11/18/18

Officers responded to both residences in Town and took reports for stolen motor vehicles which that occurred overnight. Each vehicle was recovered undamaged in the City of Norfolk within days. Possible links are being investigated. Case ACTIVE.

**IBR:** 2018-00852  
**Offense:** Possession of Marijuana  
**Location:** 100 block of Sherwood Lane  
**Date:** 11/25/18

Officers assisted the Isle of Wight Sheriff's Office with a reckless driving call for service which occurred on Brewer's Neck Blvd. The vehicle involved was registered in the Town on Sherwood Lane. During the investigation when officers made contact with the resident when the front door was opened, they detected an odor of marijuana emanating from the interior of the house. Officers initiated a narcotics investigation, secured the residence, applied for and received a search warrant. Officers executed the search warrant and seized marijuana and several paraphernalia devices. A juvenile suspect was released to his father. Petitions are PENDING.

# Parks and Recreation Operation Update

## November 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
				12:00 PM - 12:00 AM SC MHSu 5:00 PM Frye and Werner Wedding and Reception 3:00 PM - 7:00 PM WC Trails 3:00 PM IWA Cross Country Meet 7:00 PM - 9:00 PM Parking Lot 7:00 PM Theater Show	2:00 PM - 12:00 AM SC MHSu 6:30 PM Rushmere Fire Banquet 7:00 PM - 9:00 PM Parking Lot 7:00 PM Theater Show	7:00 AM - 1:00 PM WC Courtyard 7:00 AM IQW Schools 65 Roses 5 K 10:00 AM - 12:00 AM SC MHSu 4:30 PM Woodlief-Witt Reception 12:00 PM - 7:00 PM WC Riverfront 4:00 PM Woodlief-Witt Wedding 7:00 PM - 9:00 PM Parking Lot 7:00 PM Theater Show
4	5	6	7	8	9	10
Fall Clocks Back 10:00 AM - 10:00 PM SC MHSu 4:00 PM Spruiell and Brown Wedding and Reception 7:00 PM - 9:00 PM Parking Lot 7:00 PM Theater Show	9:00 AM - 5:00 PM SC MH 10:00 AM Virginia Cooperative Extension Fall District Conference	5:00 AM - 8:00 PM SC MH 7:00 AM Elections 5:00 PM - 7:00 PM SC C&D 5:30 PM WCFB Meeting 7:00 PM - 9:00 PM SC A&B 7:30 PM Town Council	6:00 AM - 11:00 AM WC Riverfront 7:00 AM Burning Pile 12:00 PM - 8:00 PM SC MHSu 12:00 PM Davis & Burkhardt Setup	1:30 PM - 10:30 PM SC MHSu 3:00 PM Davis & Burkhardt Wedding & Reception 7:00 PM - 9:00 PM Parking Lot 7:00 PM Theater Show	12:00 PM - 8:00 PM SC MHSu 12:00 PM Jordan and Street Set 7:00 PM - 9:00 PM Parking Lot 7:00 PM Theater Show	12:00 PM - 10:00 PM SC MHSu 3:30 PM Jordan and Street Wedding and Reception 7:00 PM - 9:00 PM Parking Lot 7:00 PM Theater Show
11	12	13	14	15	16	17
Veterans Day -Reserved 10:00 AM - 12:00 PM Memorial Lawn 10:00 AM Veterans Day Service 10:00 AM - 12:00 PM SC Suites 10:00 AM Rain Site-Veterans Day Service 7:00 PM - 9:00 PM Parking Lot 7:00 PM Theater Show	Closed all day	4:00 PM - 5:00 PM SC A&B 4:00 PM Pinewood Heights Team Management Meeting 6:00 PM - 8:00 PM SC A&B 6:00 PM Planning Commission		10:00 AM - 3:00 PM SC Suites 10:00 AM Smithfield Women's Club	11:00 AM - 7:00 PM SC MHSu 11:00 AM Copeland and Bristow Set-Up	7:00 AM - 1:00 PM OTS 7:00 AM COP Turkey Giveaway 9:00 AM - 3:00 PM WC Manor House 9:00 AM Museum-Video Shoot 9:00 AM - 10:00 PM SC MHSu 3:00 PM Copeland and Bristow Wedding and Reception 2:00 PM - 10:00 PM Town Streets 4:00 PM Christmas Market
18	19	20	21	22	23	24
10:00 AM - 8:00 PM SC MHSu 1:30 PM Tucker and Bryant Wedding and Reception	8:00 AM - 1:00 PM SC Suites 8:00 AM Carpet Cleaning 5:00 PM - 7:00 PM SC MH 5:00 PM WC Phase 3 Committee	8:00 AM - 3:00 PM WC Courtyard 8:00 AM JROTC Team building 11:30 AM - 2:00 PM SC C&D 11:30 AM Crime Line Meeting 7:00 PM - 8:30 PM SC A&B 7:00 PM BHAR	Closed at noon	Thanksgiving Day -Closed	11:00 AM - 11:00 PM SC MHSu 4:00 PM Gray-Cook Wedding & Reception	11:00 AM - 7:00 PM SC MHSu 11:00 AM Jones and Grandberry Wedding and Reception
25	26	27	28	29	30	
1:00 PM - 12:00 AM SC MHSu 4:00 PM Jones and Grandberry Wedding and Reception	4:00 PM - 6:00 PM SC C&D 4:00 PM Committee Meetings	10:00 AM - 4:00 PM SC C&D 10:00 AM Tourism SSR Meeting 4:00 PM - 6:00 PM SC C&D 4:00 PM Committee Meetings	7:00 AM - 6:00 PM SC MHSu 7:00 AM Antique Show Set	7:00 AM - 6:00 PM SC MHSu 7:00 AM Antique Show Set	7:00 AM - 6:00 PM SC MHSu 7:00 AM Antique Show 4:00 PM - 7:00 PM Town Streets 4:00 PM Women's Club Tree Lighting at the Gazebo	

Events for November 2018	
Total Events	23 Events
Events discounted 100%	10 events
Events discounted 50%	1 events
Deposit Totals for November 2018	
Smithfield Center Deposits	\$11,095.42
Town Services Deposits (police, public works and park impact fees)	\$838.00



# Parks and Recreation Operation Update

November 2018

Clontz Park Boat Ramp Updates
<p>Proposed Progress Schedule</p> <ul style="list-style-type: none"> <li>• Permits received</li> <li>• Strip top soil, grade subsurface in order to install gravel for parking lot area: December 2018</li> <li>• Marine construction equipment mobilization: January 7-11, 2019</li> <li>• Demo boardwalk for access: January 14-18, 2019</li> <li>• Install jetties and cofferdam: January 21-25, 2019</li> <li>• Grade to elevation and pour concrete ramp: January 28-February 8, 2019</li> <li>• Drive pilings and install gangway down to floating docks: February 11-22, 2019</li> <li>• Removal of cofferdam and demobilization: February 25-March 1, 2019</li> </ul>

Park Projects			
Completed	Project Name	Location	Applicant Name
	Interpretative Signage for Windsor Castle Park	Windsor Castle Park	Master Naturalist
	Purple Mailbox	Windsor Castle Main Parking Area	Relay for Life-Pam Jordan
	Planting of Flower Beds at Playscape	Windsor Castle Playscape	Girl Scout Troop 1404 -Wendy Reagle
	QR Coded Signs for the Visually Impaired	Windsor Castle	Matthew Lemon, troop 36
	Install Lions Club Time Capsule	Windsor Castle	Lions Club/Leo Club-Terry Castengay
2018	A Walk in the Park	Windsor Castle	Smithfield Middle School/Dolphin Team
2018	Oyster Restoration	Windsor Castle	Windsor High School, Orignally -Kelly Davis, Chesapeake Bay Foundation
2018	Monarch Butterfly Habitat	Windsor Castle	Ruth Meredith, Smithfield Middle 7 <sup>th</sup> Graders, Boy Scout Troop 7
2018	Edible Garden	Windsor Castle	Jennifer Smith, Smithfield Middle School

## Parks and Recreation Operation Update

November 2018

2018	Haydens Lane Painted Benches	Haydens Lane	Smithfield High School Art Class
2018	Benches for Playscape	Windsor Castle Playscape	Cooper Boley-Eagle Scout
2017	Compass Course	Windsor Castle	Kyle Rutherford-Eagle Scout
2016	Pop Up Library	Haydens Lane	Alex Simmons, Isle of Wight Academy
2016	Wood Duck Boxes	Windsor Castle	Ashlynn Newberry, Girl Scout Troop 622
2016	Bike Path Repairs	Windsor Castle Bike Path	Jacob Thomas, Eagle Scout
2015	Bluebird Houses	Windsor Castle	Linda Langdon, Virginia Master Naturalist
2015	Dog Agility Course	Windsor Castle Dog Park	Daniel Brower, Boy Scouts Troop 36
2016	Fishing Line Receptacles	Windsor Castle Fishing Pier	Claudia Lee, Virginia Master Naturalist
2014	Tree Identification	Windsor Castle	Girl Scout Troop 622

## **Smithfield/Isle of Wight Tourism Activity Report –NOVEMBER 2018**

- County Agenda Review staff meeting 11/1/18 and 11/29/18.
- Coastal Virginia Tourism Alliance (CVTA) Advocacy Committee meeting held 11/2/18 and 11/8/18. Full membership meeting held 11/8/18. Director is President this year.
- Monthly Tourism staff meeting 11/5/18.
- Windsor Castle Park Phase 3 Committee meeting held 11/05/18 and 11/19/18.
- Christmas in Smithfield Event meeting 11/6/18 and 11/20/18. Event is December 1-2. Antique Show at Smithfield Center, Greenery Workshops and House Tour in Cypress Creek. Tix on sale NOW.
- Smithfield Town Council meeting 11/6/18.
- Smithfield Town Staff meeting 11/7/18 and 11/28/18.
- Special Event meeting 11/7/18 and 11/28/18.
- Historic Saint Luke's Development Committee meeting 11/8/18.
- Meeting with Delegate Emily Brewer 11/8/18.
- VRLTA weekly governmental conference call 11/2,9,16,30/18. Director is on board for VRLTA for 3 years. (Virginia Restaurant, Lodging and Travel Association).
- Salty Southern Route video shoot, Saturday 11/10/18 and 11/11/18.
- The Big Pig Bicycle Tour event Saturday 11/10/18.
- VA-1 Tourism Summit in Richmond, Sunday 11/11/18-Tuesday 11/13/18. Director on Planning Committee for Summit. Director on Speaker Panel for Regional Tourism Initiatives. VADMO Board Meeting held at Summit 11/12/18.
- CSLI (Chamber Student Leadership Institute) session 11/14/18. This month's session was a field trip to the Newport News Shipyard and classes on Public Speaking and Social Media. Director of Tourism is coordinating the program

again this year. Sessions held monthly. 16 students from SHS, WHS, IWA and NSA. All High School juniors who are competitively chosen.

- PDCCC Board Meeting 11/15/18. Director is on Board.
- County Board of Supervisors Meeting 11/15/18.
- Holiday Evening Market held Saturday, 11/17/18. Excellent turn-out. Tourism Special Event Coordinator took over this event after we lost Market Manager with just weeks to go to event. Connie Chapman did an outstanding job coordinating this effort and received a County “Caught You Caring” Award for her work.
- County Staff meeting 11/19/18.
- New Tourism website training 11/19/18.
- Judged City of Franklin’s Main Street Programming event 11/20/18.
- Thanksgiving Holiday 11/21-23/18.
- Met with Spring Tourism Intern, Brooke Winslow 11/26/18. Intern will be shared between Smithfield VA Events and Smithfield & IOW Tourism from January until May 2019.
- Council Committees 11/26/18 and 11/27/18.
- IOW Fair Committee 11/26/18.
- Salty Southern Route Regional Committee meeting held 11/27/18.
- Attended Hampton Roads Chamber Pillars of the Economy presentation 11/28/18. CVTA is sponsor. Director is President of CVTA.
- Smithfield Christmas Tree Lighting and LIGHT UP MAIN Event held 11/30/18. Light Up Main is first time event to take advantage of evening traffic on Main Street for extra hours shopping and a “grand” illumination.
- Tourism Facebook postings and tweets throughout month. Update website events and *Where the Locals Go* event promotion newsletter weekly. This e-newsletter combines tourist events and the Farmer’s Market information.

Upcoming Events: See [www.VisitSmithfieldVa.com](http://www.VisitSmithfieldVa.com) for more details!

## ZONING PERMITS OCTOBER 2018

PERMIT #	CONSTRUCTION TYPE	PROJECT	ADDRESS	CONTRACTOR/ OWNER
6995	INTERIOR RENOVATIONS FOR COMMERCIAL BLDG.	HISTORIC DISTRICT CURE COFFEE SHOP	113 N. CHURCH ST.	HALL
6996	ADDITION	RED POINT HEIGHTS	211 BARCROFT DR.	BELL
6997	DEMOLISH SINGLE FAMILY DWELLING	WOMBWELL HOUSE	888 W. MAIN ST.	TOWN OF SMITHFIELD
6998	FENCE	MOONE PLANTATION	416 LANE CRESCENT	HURLEY
6999	DETACHED GARAGE	WATERFORD OAKS	420 HUNTINGTON WAY	BREEDING
7000	CARPORT	RED POINT HEIGHTS	10 PETERSON AVE.	GASS
7001	SIGN PERMIT	HAMPTON INN AND SUITES	200 VINCENTS CROSSING	ALLIANCE SIGNS
7002	SIGN PERMIT	VAUGHAN TECH	932B S. CHURCH ST.	VAUGHAN
7003	INTERIOR RENOVATIONS FOR COMMERCIAL BLDG.	SOUTH CHURCH	1613 S. CHURCH ST.	AUVIL

RESOLUTION

BOB FEST

WHEREAS, Smithfield VA Events has organized the BOB Fest to be held at Windsor Castle Park on Saturday, January 19, 2019; and,

WHEREAS, the event organizers have requested that Jericho Road be closed to public traffic and event traffic controlled on the day of the festival; and,

WHEREAS, the Town Council desires to support and cooperate with the organizers of the Festival by rerouting traffic in order to allow a safe and convenient environment for the BOB Fest.

NOW, THEREFORE, BE IT RESOLVED that on Saturday, January 19, 2019 Jericho Road shall be closed to public traffic and event traffic controlled from 7:30 a.m. to 4:30 p.m.; and,

BE IT FURTHER RESOLVED, that these actions shall be subject to such rules, guidelines and procedures as may be established by the Town Manager and the Chief of Police.

Adopted this 4th day of December, 2018.

TOWN COUNCIL OF THE  
TOWN OF SMITHFIELD

By \_\_\_\_\_  
T. Carter Williams, Mayor

ATTEST:

\_\_\_\_\_  
Lesley G. King, Clerk

## **FIRST AMENDMENT TO COMMERCIAL LEASE**

THIS FIRST AMENDMENT TO COMMERCIAL LEASE, is made as of this \_\_\_\_\_ day of December, 2018, by and between the **TOWN OF SMITHFIELD**, Virginia, (“Landlord”), and **SMITHFIELD RECREATION ASSOCIATION, INC.**, a Virginia limited liability company (“Tenant”).

T N E S S E T H:

WHEREAS, the parties hereto have entered into a Commercial Lease Agreement dated March 13, 2018 (“the Commercial Lease”; and,

WHEREAS, the parties desire to amend and revise certain terms in the Commercial Lease.

NOW THEREFORE, in consideration of the mutual promises contained herein, and of other consideration, the Landlord and Tenant do hereby covenant and agree as follows:

Section 6.(b) of the Commercial Lease Agreement is hereby revoked and is amended and revised as follows:

6.     **Payments by Tenant.**

(b) In addition to the base rent, Tenant covenants and agrees to make payment to Landlord in the amount of Three Hundred Thousand Dollars (\$300,000.00) without interest. Payment shall be made in ten (10) equal annual installments of Thirty Thousand Dollars (\$30,000.00) each, the first of which installments shall be due and payable on the 15<sup>th</sup> day of January, 2020 and on the same day of each and every year thereafter until the entire indebtedness is paid in full. This obligation shall be evidenced by a deed of trust note in a form to be approved by the Town Attorney and executed by Tenant and shall be secured by a first deed of trust on Tenant’s property known as Beale Park, Tax Map Parcel no. 22-04-000B & 22-01-042C located in the Town of Smithfield.

All other terms, conditions and provisions of the Commercial Lease shall remain in full force and effect.

IN WITNESS WHEREOF the Landlord and Tenant hereto have caused this Lease to be executed in their names below.

**LANDLORD:**

TOWN OF SMITHFIELD

By: \_\_\_\_\_  
Brian S. Thrower, Manager

COMMONWEALTH OF VIRGINIA  
COUNTY OF ISLE OF WIGHT

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Brian S. Thrower, Manager, TOWN OF SMITHFIELD on behalf of the town.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**TENANT:**

SMITHFIELD RECREATION ASSOCIATION, INC.

By: \_\_\_\_\_  
Christopher M. Kennedy, President

COMMONWEALTH OF VIRGINIA  
COUNTY OF ISLE OF WIGHT

The foregoing instrument was acknowledged before me this this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Christopher M. Kennedy as President of SMITHFIELD RECREATION ASSOCIATION, INC. on behalf of the company.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

SUBDIVISION AGREEMENT  
CYPRESS CREEK PHASES 7B & 7C

THIS SUBDIVISION AGREEMENT (this “Agreement”), made this \_\_\_\_ day of \_\_\_\_\_, 2018 by and between CYPRESS INVESTMENT HOLDINGS LLC, a Delaware limited liability company, of the first part, herein referred to as “Developer”; and TOWN OF SMITHFIELD, a Virginia municipal corporation situate in Isle of Wight County, of the second part, herein referred to as “Town”.

WHEREAS the Developer is the owner of certain tracts or parcels of land situate in the Town of Smithfield known as Cypress Creek, Phases 7B & 7C (the “Development”) and desires to have a plat for the Development containing 42 single-family lots (the “Homes”) entitled “Cypress Creek, Phases 7B & 7C” approved by the Town and admitted to record in the Clerk’s Office of the Circuit Court of Isle of Wight County, Virginia (the “Subdivision Plat”); and

WHEREAS, installation of sewer, water, streets lights, entrance signage, and street improvements required by the Subdivision Ordinance of the Town by Developer has not been commenced or completed and Developer desires to enter into this Agreement and to furnish the financial assurances required by the Subdivision Ordinance of Town so that the subdivision plat may be approved for recordation, upon Town’s assurances that Town will accept such improvements and thereafter operate and maintain same; and

WHEREAS, Developer is required to pay the costs of designing and installing certain sewer lines within the Development.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the approval of the Subdivision Plat and the covenants and agreements herein contained, it is agreed as follows:

ARTICLE I

1. Town hereby authorizes the necessary Town officials to approve the Subdivision Plat of the Development for recordation subject to compliance with the design and review standards of the Subdivision Ordinance of the Town.

2. Within twelve (12) months from the date of approval of the Subdivision Plat for the Development, Developer agrees to have completed the construction and installation of the sewer, water, and street improvements in the property shown on the Subdivision Plat, as required by the Subdivision Ordinance of the Town.

3. The sewer system improvements (“Sewer Improvements”), water system improvements (“Water Improvements”), and street lights and street improvements (“Street Improvements”), are collectively referred to herein as the “Improvements”. The design, construction and installation of the Improvements shall be in compliance with all requirements of the Town, the State Health Department, the State Water Control Board, and the Virginia Department of Transportation and shall be subject to final approval by Town at all steps of

design and construction. No construction of the Improvements shall commence until the plans and specifications have been approved by the Town. No changes in the plans and specifications shall be made without further approval by the Town. All such plans, as finally approved by Town, shall become part of this Agreement. Developer shall dedicate and convey the Improvements to the Town upon completion, and Town shall accept the same. No buildings shall be connected to the Sewer Improvements or Water Improvements prior to acceptance of the Improvements by Town, except that in hardship cases temporary use may be made with the approval of Town and where Developer accepts full responsibility and bears the cost of such operation.

4. Town reserves the right and shall fix, and retain all appropriate sewer and water tap fees for properties connected to the sewer and/or water lines constructed and installed by Developer. The initial sewer connection fee for each residential or equivalent connection in the Development shall be \$1,580.00 with an availability charge of \$4,120.00 per residential or equivalent connection. The initial water connection fee for each residential or equivalent connection in the Development shall be \$660.00 with an availability charge of \$2,720.00 per residential or equivalent connection. These fees are subject to change from time to time upon the action of Town Council in accordance with the provisions of the Town Code and applicable state law. All connection fees shall be payable to the Town in full when application is made for a zoning permit for that lot or parcel of land. In addition to fees due and owing to the Town of Smithfield, there are connection fees due and owing to the Hampton Roads Sanitation District in connection with connection to the Town's sewer system.

## ARTICLE II

1. Developer will, upon execution of this Agreement, in order to comply with the Subdivision Ordinance of the Town, provide Town with an unconditional and irrevocable letter of credit in the initial amount of \$\_\_\_\_\_ which shall serve as Developer's bond for performance. The letter of credit and the performance bond, totaling \$\_\_\_\_\_ will be conditioned upon the performance of all covenants and provisions of this Agreement. The form and substance of the letter of credit shall be subject to the approval of Town's attorney. The parties agree that if the amount of the letter of credit remains undetermined at the time of the execution of this Agreement it will be set prior to the execution and recordation of the Subdivision Plat.

2. In the event Developer fails to complete the Improvements provided hereinabove in the time designated, Town may complete or cause the same to be completed, and Developer shall be liable to pay to Town for the cost necessary to complete the Improvements up to the amount set forth in paragraph 1 of this Article II. Any requests by Developer for an extension in the time for completion shall be delivered to Town in writing no later than forty-five (45) days prior to the date for completion as established by the provisions of Article 1, paragraph 2 of this Agreement. Any requests for extensions shall be considered and reviewed by the Town Council. In the event that an extension is granted, the Developer shall pay an administrative review fee equal to two and one-half percent (2.5%) of the amount of the surety being extended to compensate Town for its significant administrative costs caused as a result of Developer not completing the Improvements within the time period established by this Agreement.

3. In the event of default by Developer described above, Town may, at its option, collect the estimated cost for the completion of the Improvements hereof from Developer prior to the actual construction of same. In the event the estimated cost is greater than the cost necessary to complete the Improvements, Town shall refund the difference to Developer.

4. Reductions in the amount of the surety held by Town may be made by the Town as construction progresses and is approved by Town, except that in no instance shall the amount of the surety be reduced to less than twenty percent (20%) of the cost of construction of the Improvements, as determined by the Town Engineer.

5. If Developer shall faithfully execute each and all requirements of this Agreement, then the aforementioned letter of credit shall be released by Town to Developer within 30 days of Town's final inspection and after written notification by the Town to Developer of Town's acceptance of the Improvements.

### ARTICLE III

1. Developer will not under any circumstances permit the discharge of sewage originating on any other property or premises, either directly or indirectly, into the Sewer Improvements without the specific prior approval of Town. With the approval of Town, Developer may agree with owners of adjacent properties to construct joint facilities to be connected to the Sewer Improvements.

2. Developer agrees that no residence shall be connected to, and that no effluent shall be discharged into the Sewer Improvements prior to infiltration tests and notification by the Town to Developer of Town's tentative acceptance of the Sewer Improvements or portions thereof.

3. Developer shall pay to Town a fee assessed for the inspection of the Improvements constructed as part of the Development, which fee is to be paid prior to the construction of the Improvements and equal to two percent (2%) of the estimated construction costs of the Water Improvements and Sewer Improvements and one and one-quarter percent (1.25%) of the estimated construction costs of the Road Improvements, as submitted by the Developer and verified by the Town's consulting engineers.

4. Town shall have the right at any and all times to make, connect, or permit the connection of any other sewer or sewer connections or extensions with the Sewer Improvements, at any point or points, and shall have the right to at any and all times to take and dispose of sanitary sewage, through the Sewer Improvements from persons beyond and adjacent to the Development and originating on properties other than that described in this Agreement provided the number of connections and capacity necessary for the Homes is reserved.

5. Developer will not under any circumstances permit the flow of water from Town's existing water system into the Water Improvements without the specific prior approval of Town. With the approval of Town, Developer may agree with the owners of adjacent properties to construct joint facilities to be connected to the Water Improvements.

## ARTICLE IV

1. Upon completion of the construction of the Sewer Improvements, and the final inspection and approval of construction by Town, Developer shall forthwith convey to Town, free and clear of any encumbrances, and in form approved by Town, all of Developer's right, title and interest to the Improvements, including but not limited to sewer and water mains, force mains, laterals, lines, pipes, pumping stations, and other related facilities, street lights and street improvements, and shall grant and convey to Town, with General Warranty of title any lots or sewage pumping station sites, with access or right-of-way and/or easements of which said force main, gravity mains or any other facility is constructed, all without cost to Town. Such transfer and conveyance shall include but not be limited to all facilities capable of serving more than one customer plus laterals (house or building connections) up to but outside private property lines. Facilities on private property serving one customer shall become the property of that customer.

2. Developer hereby grants to the Town, the exclusive right to establish and re-establish rates for sewer and water service to be furnished by Town after acceptance of the Improvements by Town. Developer covenants and agrees that any contracts for sewer service which it may enter into with customers in the Development at any time prior to its conveyance of the Improvements to Town shall incorporate by reference the provisions of this Agreement.

3. Developer shall indemnify Town and keep and hold Town free and harmless from any contractual liability to Developer and from all claims on account of injury to Developer or any other person, firm or corporation, or damage to the property of Developer or any other person, firm or corporation arising from or growing out of Developer's design, and/or approval, construction and/or installation of the Improvements, and in the event that suit shall be brought against Town, either independently or jointly with such Developer, on account thereof, Developer shall defend the Town in such suit at no cost to Town. In the event of a final judgment being obtained against Town, either independently or jointly with Developer, then Developer shall pay such judgment with all costs and hold the Town harmless therefrom.

4. Developer, or its lessee or purchaser of any property in the Development hereby waives as against Town, any and all rights or claims which they may now have, or may hereafter have on account of injury or damage to Developer, lessee or purchaser or on account of injury or damage to the property of Developer, lessee or purchaser directly or indirectly resulting from the failure of Town to supply sewer or water service to Developer, lessee or purchaser in whole or in part under this Agreement; provided, however, that this waiver shall not be construed to relieve Town from any of its contractual obligations to Developer under this Agreement.

5. The approval of any final plat or plan of this subdivision or any section thereof under this Agreement shall not be deemed an acceptance by the Town of the Improvements for their maintenance, repair, or operations. Until accepted in writing by the Town, the Developer shall be fully responsible for maintenance, repairs, and operations of and shall assume all risks and liability associated with the Improvements. The Developer shall pay the costs of repairing or replacing the Improvements because of defects due to inferior materials or faulty workmanship appearing within one (1) year after acceptance by the Town. The Developer shall post a bond or other security (the "Defect Bond") in form approved by the Town's attorney and with surety

acceptable to the Town in the amount of twenty percent (20%) of the total construction costs of the Improvements. The Defect Bond shall guarantee the repair of defects in the Improvements due to the inferior materials or faulty workmanship as required by this Agreement

6. The Town agrees to accept, operate and maintain the aforesaid Improvements upon conveyance to the Town by the Developer, provided that all terms and conditions of this Agreement are complied with by the Developer, and especially that (1) the Developer has completed the Improvements in accord with the plans and specifications approved by the Town; (2) the Developer has tendered such appropriate instruments approved by the Town pursuant to Article IV, paragraph 1 of this Agreement; and (3) satisfactory evidence is provided by the Developer that the Improvements have been paid for in full by the Developer; (4) upon receipt by the Town of one copy of "as built" construction plans prepared by the engineering firm which designed the Improvements; and (5) the Road Improvements are in full compliance with the provisions of the Town's street lighting policy and all ordinances relating to street lights in effect at the time of the installation of street lights.

#### ARTICLE V

1. In accordance with the terms of that certain agreement entitled "SUPPLEMENTAL UTILITY AGREEMENT FOR THE CYPRESS CREEK DEVELOPMENT", dated February 1, 2005, the Town agrees that the the remaining lots in the Cypress Creek Subdivision, including the Development, shall not be subject to the per lot charge currently assessed to individual lots as a pro rata contribution to offset the costs of off-site water improvements.

#### ARTICLE VI

1. Upon execution of this Agreement it shall be recorded in the Clerk's Office of the Circuit Court of Isle of Wight County at the Developer's expense.

2. Developer agrees to obtain the full release of any deed of trust lien on its land in so and any and all land referred to in Article IV, Paragraph 1 of this Agreement, and Town shall not be required to accept the Improvements or connect them to Town facilities until such release has been obtained.

3. Developer and its lessee or purchaser of any property in the Development hereby agrees that any such property remaining or becoming subject to any existing or subsequent easements, including any scenic easement heretofore or hereafter recorded, shall continue to be subject to such to the extent provided for by the provisions of said easement of record. Developer specifically agrees to reserve unto itself and unto the Town the right of entry upon the lots being conveyed, an easement of entry upon the property for the purpose of removing any obstructions to the drainage easements, ditches and other drainage structures and facilities located upon the property.

4. Developer and its lessee or purchaser of any property in the Development hereby recognizes that no buffer component of a Resource Preservation area in aforesaid Development

shall be disturbed, cleared or mowed in contravention of any federal, state or municipal law or regulation to which the Resource Preservation Area is then legally subject and shall include a covenant to this effect in its declaration of restrictions and conditions.

5. This Agreement shall not be assignable or transferable by Developer without the prior consent of Town.

6. This Agreement shall be binding upon Developer's successors and assigns.

WITNESS the following signatures, Cypress Investment Holdings LLC, a Delaware limited liability company, having caused these presents to be executed by its Sole Member, Limehouse Street LLC, which has caused these presents to be executed by its Majority Member, Wharf Street, LLC, which has caused these presents to be executed by Todd Kuhl, its authorized representative, pursuant to due corporate authority, and the Town of Smithfield having caused these presents to be executed on its behalf by its Town Manager pursuant to resolutions duly adopted by the Town Council of the Town of Smithfield on \_\_\_\_\_, 2018.

CYPRESS INVESTMENT HOLDINGS LLC

By: Limehouse Street LLC, its Sole Member

By: Wharf Street LLC, its Majority  
Member

By: \_\_\_\_\_

Todd Kuhl

Authorized Representative

TOWN OF SMITHFIELD

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE/COMMONWEALTH OF \_\_\_\_\_

CITY/COUNTY OF \_\_\_\_\_; to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018, by Todd Kuhl, as an Authorized Representative of Wharf Street LLC, as the Majority Member of Limehouse Street LLC, as the Sole Member of Cypress Investment Holdings LLC, a Delaware limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

Notary Registration Number: \_\_\_\_\_

[AFFIX SEAL]

COMMONWEALTH OF VIRGINIA

COUNTY OF ISLE OF WIGHT; to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_, as Town Manager of the Town of Smithfield.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

Notary Registration Number: \_\_\_\_\_

[AFFIX SEAL]

# RESOLUTION IN SUPPORT OF VIRGINIA'S FAIR HOUSING LAWS

WHEREAS, it is the policy of the Commonwealth of Virginia to provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status, or handicap, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the Commonwealth may be protected and insured; and,

WHEREAS, the Town of Smithfield has been actively relocating the residents of the Pinewood Heights neighborhood using Virginia Small Cities Community Development Block Grant funds for several years having successfully relocated dozens of residents; and,

WHEREAS, the Town of Smithfield has been awarded by the Governor of Virginia the funding for the final phase to complete the relocation of the residents of Pinewood Heights.

NOW, THEREFORE, BE IT RESOLVED that the Town and its staff will continue to support Virginia's Fair Housing Law by encouraging residents both in the Pinewood Heights project area and throughout the Town to be aware of their rights, to provide literature and information on the Fair Housing Law of Virginia, and to encourage all citizens to report suspected violations of the Virginia Fair Housing Law to the Commonwealth's Fair Housing Office.

Adopted this 4<sup>th</sup> day of December, 2018.

Town Council of the  
Town of Smithfield

By \_\_\_\_\_  
T. Carter Williams, Mayor

ATTEST:

\_\_\_\_\_  
Lesley G. King, Clerk

# Meeting Dates for 2019

## January 2019

### **New Year's Day, Monday, December 31st & Tuesday, January 1st - Town Offices Closed**

January 8	Pinewood Heights Management Team Meeting	4:00 p.m.
January 8	Planning Commission Meeting	6:30 p.m.
January 8	Town Council Meeting	7:30 p.m. <b>(MOVED BACK A WEEK)</b>
January 15	Board of Historic & Architectural Review	6:30 p.m.
January 15	Board of Zoning Appeals	7:30 p.m.

### **Lee/Jackson Holiday, Friday 18<sup>th</sup> & Martin Luther King, Jr. Day, Monday 21<sup>st</sup> – Town Offices Closed**

January 28	Town Council Committee Meetings	3:00 p.m.
January 29	Town Council Committee Meetings	3:00 p.m.

## February 2019

February 5	Town Council Meeting	7:30 p.m.
February 12	Planning Commission Meeting	6:30 p.m.

### **Presidents Day, Monday 18<sup>th</sup> – Town Offices Closed**

February 19	Board of Historic & Architectural Review	6:30 p.m.
February 19	Board of Zoning Appeals Meeting	7:30 p.m.
February 25	Town Council Committee Meetings	3:00 p.m.
February 26	Town Council Committee Meetings	3:00 p.m.

## March 2019

March 5	Town Council Meeting	7:30 p.m.
March 12	Pinewood Heights Management Team Meeting	4:00 p.m.
March 12	Planning Commission Meeting	6:30 p.m.
March 19	Board of Historic & Architectural Review	6:30 p.m.
March 19	Board of Zoning Appeals Meeting	7:30 p.m.
March 25	Town Council Committee Meetings	3:00 p.m.
March 26	Town Council Committee Meetings	3:00 p.m.

## April 2019

April 2	Town Council Meeting	7:30 p.m.
April 9	Planning Commission Meeting	6:30 p.m.
April 16	Board of Historic & Architectural Review	6:30 p.m.
April 16	Board of Zoning Appeals Meeting	7:30 p.m.
April 22	Town Council Committee Meetings	3:00 p.m.
April 23	Town Council Committee Meetings	3:00 p.m.

## May 2019

May 7	Town Council Meeting	7:30 p.m.
May 14	Pinewood Heights Management Team Meeting	4:00 p.m.
May 14	Planning Commission Meeting	6:30 p.m.
May 20	Town Council Committee Meetings	3:00 p.m. <b>(MOVED UP A WEEK)</b>
May 21	Town Council Committee Meetings	3:00 p.m. <b>(MOVED UP A WEEK)</b>
May 21	Board of Historic & Architectural Review	6:30 p.m.
May 21	Board of Zoning Appeals Meeting	7:30 p.m.

### **Memorial Day, Monday 27<sup>th</sup> – Town Offices Closed**

## June 2019

June 4	Town Council Meeting	7:30 p.m.
June 11	Planning Commission	6:30 p.m.
June 18	Board of Historic & Architectural Review	6:30 p.m.
June 18	Board of Zoning Appeals Meeting	7:30 p.m.
June 24	Town Council Committee Meetings	3:00 p.m.
June 24	Continued Town Council Meeting	6:00 p.m.
June 25	Town Council Committee Meetings	3:00 p.m.

## July 2019

July 2	Town Council Meeting	7:30 p.m.
<b>Independence Day, Thursday, July 4<sup>th</sup> – Town Offices Closed</b>		
July 9	Pinewood Heights Management Team Meeting	4:00 p.m.
July 9	Planning Commission Meeting	6:30 p.m.
July 16	Board of Historic & Architectural Review	6:30 p.m.
July 16	Board of Zoning Appeals Meeting	7:30 p.m.
July 22	Town Council Committee Meetings	3:00 p.m.
July 23	Town Council Committee Meetings	3:00 p.m.

## August 2019

August 6	Town Council Meeting	7:30 p.m.
August 13	Planning Commission Meeting	6:30 p.m.
August 20	Board of Historic & Architectural Review	6:30 p.m.
August 20	Board of Zoning Appeals Meeting	7:30 p.m.
August 26	Town Council Committee Meetings	3:00 p.m.
August 27	Town Council Committee Meetings	3:00 p.m.

## September 2019

### **Labor Day, Monday September 2<sup>nd</sup> – Town Offices Closed**

September 3	Town Council Meeting	7:30 p.m.
September 10	Pinewood Heights Management Team Meeting	4:00 p.m.
September 10	Planning Commission Meeting	6:30 p.m.
September 17	Board of Historic & Architectural Review	6:30 p.m.
September 17	Board of Zoning Appeals Meeting	7:30 p.m.
September 23	Town Council Committee Meetings	3:00 p.m.
September 24	Town Council Committee Meetings	3:00 p.m.

## October 2019

October 1	Town Council Meeting	7:30 p.m.
October 8	Planning Commission Meeting	6:30 p.m.
<b>Columbus Day, Monday 14<sup>th</sup> – Town Offices Closed</b>		
October 15	Board of Historic & Architectural Review	7:30 p.m.
October 15	Board of Zoning Appeals Meeting	7:30 p.m.
October 28	Town Council Committee Meetings	3:00 p.m.
October 29	Town Council Committee Meetings	3:00 p.m.

**November 2019**

November 5 Town Council Meeting 7:30 p.m.  
**Veterans Day, Monday 11<sup>th</sup> - Town Offices Closed**  
November 12 Pinewood Heights Management Team Meeting 4:00 p.m.  
November 12 Planning Commission Meeting 6:30 p.m.  
November 18 Town Council Committee Meetings 3:00 p.m. **(MOVED UP A WEEK)**  
November 19 Town Council Committee Meetings 3:00 p.m. **(MOVED UP A WEEK)**  
November 19 Board of Historic & Architectural Review 6:30 p.m.  
November 19 Board of Zoning Appeals Meeting 7:30 p.m.  
**Thanksgiving, Wednesday 27<sup>th</sup> - Town Offices Close at Noon**  
**Thanksgiving, Thursday 28<sup>th</sup> and Friday 29<sup>th</sup> - Town Offices Closed**

**December 2019**

December 3 Town Council Meeting 7:30 p.m.  
December 10 Planning Commission Meeting 6:30 p.m.  
December 16 Town Council Committee Meetings 3:00 p.m. **(MOVED UP A WEEK)**  
December 17 Town Council Committee Meetings 3:00 p.m. **(MOVED UP A WEEK)**  
December 17 Board of Historic & Architectural Review 6:30 p.m.  
December 17 Board of Zoning Appeals Meeting 7:30 p.m.  
**Christmas Holiday, Tuesday, December 24<sup>th</sup> & Wednesday, December 25<sup>th</sup> Town Offices Closed**

**NOTE: ALL MEETINGS WILL BE HELD AT THE SMITHFIELD CENTER**