

The Smithfield Town Council held its regular meeting on Wednesday, January 3rd, 2018. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor; Mr. Michael Smith, Mrs. Denise Tynes, Dr. Milton Cook, and Mr. Steve Bowman. Mr. Randy Pack was absent. Staff members present were Mr. Peter Stephenson, Town Manager; Mrs. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. William H. Riddick, III, Town Attorney; Mr. Alonzo Howell, Smithfield Police Chief, Ms. Judy Winslow, Director of Tourism, and Mr. William G. Saunders IV, Director of Planning, Engineering and Public Works. There were three (3) citizens present. The media was represented by Mr. Ryan Kushner of the Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of January 3rd, 2018. It is now 7:30 p.m. Thank you all for coming out tonight. Happy New Year to everyone. I hope you have a good one. Please stand for the Pledge.

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

Mayor Williams – Thank you. We will start off tonight with the Informational Section with the Manager's Report.

Town Manager – Thank you, Your Honor. Happy New Year everyone. Most of you know by now that town offices will be closed as well as most of the area governments and schools. Public Works and the Police Department are as prepared as we can be for this winter storm. We had a staff meeting this afternoon and went over everything in as much detail as possible to prepare. If there are any questions, I will be happy to answer them. I had one this afternoon about recycling for this week. Originally, the plan was to be backed up one day on pick up due to the holiday. Thursday pickup would have been Friday. Friday pickup would have been Saturday; but that is weather dependent. We will certainly try to get the word out if for some reason Bay Disposal cannot pick up. It is an intangible that we are just not sure of yet. There will be a regional call among the Chief Administrative Officers and Managers tomorrow to follow-up and see where we all are. We will hope for the best. Mr. Saunders sent out the Planning Commission agenda early, electronically, as well as Mr. Reish who notified everyone about the Board of Zoning Appeals meeting. We have a Pinewood Heights meeting still planned. Hopefully, the weather will perk up by then. There will be a Management Team meeting at 4:00

p.m. and a neighborhood meeting at 6:00 p.m. preceding the Planning Commission meeting. There are two holidays coming up. We have Lee/Jackson Day on January 12th and Martin Luther King, Jr. Day on January 15th. Town offices will be closed both days. Town Council will have a special retreat at the Smithfield Center on January 17th at 2:00 p.m. We will have committees on January 22nd and 23rd. Lastly, in response to an issue that Supervisor Grice mentioned last month, I updated the Town Council at the committee level on a multitude of issues that Randy Keaton and I have been talking about. The boundary line adjustment issue will require new public hearings for the Scott Farm boundary line adjustments. We will hope to have that lined up for the February meeting. The Board of Supervisors will need to have a new public hearing on it as well. We will try to keep that moving into this new year; sorry for the delay. That is all Your Honor, in the interest of time, because of the storm.

Mayor Williams – Where is the Town Council Retreat?

Town Manager – It is here at the Smithfield Center. We checked one more venue within the county but it was not available.

Mayor Williams – Thank you. We will now move to Public Comments. Is there anyone who would like to make any comments? Hearing none, we will move to a Briefing by Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Grice – Good evening. This evening I thought you might be interested in hearing a quick summary of this last year's achievements in the county and a short list of "to do's" in the new year. In fiscal 2017/2018, the county produced a General Fund budget of \$72,400,000.00 without raising real estate taxes for the third year in a row. We also had a 25% reduction in stormwater fees and managed to set aside \$1,100,000.00 for fiscal 2018/2019 capital projects. The county continues to improve its economic development position with total business growth closely approximating the previous years; having the second best record in the Tidewater area of a 41% increase over the previous year. Now, we have the only large permit-ready site in the Hampton Roads area with eighty-two acres with our Shirley T. Holland Intermodal Park. No one has a bigger spot right now. Hopefully, we can convince somebody to join us. Public safety continues to receive attention with a new E911 Communication System under construction and scheduled to come online in 2018. I am very pleased to say that it is on schedule and, more importantly, on budget. We added two Sheriff Deputies to the

Carrollton patrol district this last year. The expanded Body Camera Program necessitated adding two additional staff to the Commonwealth Attorney's office to deal with this additional work load that the cameras have created. Every time there is an incident that is recorded on a camera, they have to watch the entire thing in the office. They make notes and go back and do all that kind of stuff. It has increased the work load there. We approved a flat school budget for the first time in, I think, most folks memory. Usually, they want more money. This year we actually had a flat budget and it included a much needed \$2,700,000.00 for roof repairs and replacement. They are underway and coming in under budget so we have taken on some additional roofs. We issued a \$7,900,000.00 short term bond. A bond fully funded through monies saved as a result of withdrawing from the Pruden program. Our county schools will be running their own CTE programs with these funds and other funds generously contributed by a local business. I have toured the programs as they stand today. If you are invited to do so, again, I encourage you to go out and take the tour. The enthusiasm of our students is absolutely incredible. They are really getting into these programs. We continue to work to improve customer service. We have moved forward with the Route 10 water line to provide a looped service to the Newport district residents. We have expanded hours at all the refuse and recycling centers. We have broken ground on a Park to Park Trail and began developing a video series to help customers navigate the rather complicated permitting process. We have things we need to do in the upcoming year. We need to develop a plan to improve broadband service throughout the county by investigating the use of contract commercial services or an in-house program utilizing the newly erected E911 towers. If we can get commercial contracts, we will actually lease space and actually make some revenue. We need to meet the increased debt service coming at us in fiscal year 2018/2019. We plan on doing that without raising real estate taxes. Keep your fingers crossed. We want to develop a proffer system that meets state code; a business responsive that provides needed capital funds to accommodate growth and services. We are looking at a number of different programs since the legislation is not going to do that this year. We will continue to work on the county's Comprehensive Plan to wisely handle the coming growth. To do this, the county and town governments must be creative and continue to work closely together. We are going to move forward with improved governmental cooperation to resolve and conclude the boundary line

adjustments which the Town Manager mentioned earlier. We also have a museum agreement and water and sewer system planning to see if there is any way to save taxpayer money through cooperative elimination of duplicate services provided at the county, town and school level. 2018 has arrived with snow; but there is real potential for another great year. Can I answer any questions?

Mayor Williams – Do you know where the Park to Park Bike Trail is going to start? Will it be at the other end or at this end?

Supervisor Grice – Yes. They are starting it at a couple of different places. They will not quite simultaneously start but they are doing a couple of things.

Councilwoman Tynes – I saw the surveyors on Nike Park Road this week.

Supervisor Grice – Yes. They are doing Nike Park Road before bringing it down. It will be done first; but whether they start at the bridge or Nike Park Road, I think they are starting at a couple of places along Nike Park Road.

Town Manager – As a follow-up to that, yesterday, I asked our consulting engineer what the status was. I had hoped it would be ready for December committees. He promised to have the update for Council on Segment 3 this month. I am sorry for the delay on that.

Supervisor Grice – Very good.

Mayor Williams – Are there any other questions for Supervisor Grice? Hearing none, thank you very much sir. We appreciate your time. We will now move to Council Comments. Does any Council member have any comments?

Councilwoman Tynes – I have one, Mayor Williams. I have a thank you to read. It says: ‘I am humbled by your thoughtfulness, attendance and condolences at the passing of my brother Charles Ford. The official letter helps our family remember the life he lived. I will never forget your kindness. Sincerely, Martha Jackson and the Ford family.’ For those of you that do not know Mrs. Jackson, she is the African-American lady who comes to our meetings. The reason she is not here tonight is because of another death in her family. She sits at the end of the table. This was dated 12/19/2017. Her sister’s service was today. There were only three of them. So, if you see Mrs. Jackson please give her a little love. Thank you.

Mayor Williams – We thank you for going and representing us. We thank you for doing that. Are there any other Council comments? Hearing none, we will move to the

consent agenda items. We will start off with a summary. The first is the Water and Sewer Committee Chairman with Vice Mayor Andrew Gregory.

Vice Mayor Gregory – Water and Sewer Committee Summary. Thank you, Mr. Mayor. Item C1 is a motion to approve the purchase of a bypass pump, fan/ventilation and an emergency pump connection for the Crescent Pump Station. This is an item covered via our sanitary sewer consent order find and fix program. Therefore, we do have funds available and allocated towards it.

Mayor Williams – We have two items for our Finance Committee Chairman, Mr. Randy Pack, who is not here. Dr. Milton Cook will fill in.

Councilman Dr. Cook – Finance Committee Summary. There are several invoices that are due to be paid. The first is a payment for our General Obligation Bond for \$14,701.10. We have a water and sewer debt service payment for \$18,604.50 to PNC Bank. We have a payment to RAD Sports for \$54,511.00 for the sports complex. The next invoice is to Smith & Turf Irrigation for \$17,200.00 for the ballfield mower. We also have an additional invoice received from Kimley Horn Associates for \$13,488.52. Item C3 is a motion to authorize our Town Treasurer to close the South Church Street account with TowneBank.

Mayor Williams – We will now move to our Public Works Committee Chairman, Mr. Michael Smith.

Councilman Smith – Public Works Committee Summary. We have a motion to approve the parking lot expansion behind 315 Main Street. Tourism is very excited about that. Item C5 is a motion to award the contract for repairs to the Smithfield Lake Dam to Burleigh Construction in the amount of \$105,174.42. The next item is a motion to approve the street closure of Waterworks Road from January 15th – March 16th, 2018 for repair work on the dam. Are there any questions on that? It is not affecting much traffic.

Town Manager – I have one correction. The actual start date on Waterworks Road will be the 16th. The 15th is a federal holiday and this is a federally funded reimbursable project. Work cannot start on a federal holiday so it will be the 16th of January instead of the 15th. Thank you.

Councilman Dr. Cook – Could we pull item C6 please so we can discuss it?

Mayor Williams – Yes. We will pull it; no problem.

Councilman Smith – Item C7 is a motion to approve the street closure request by Columbia Gas for the planned natural gas infrastructure replacement project along the 100, 200, and 300 blocks of Main Street starting on January 2nd – March 31st, 2018. This is a much needed thing. We are glad to see them in there so we can move along with this project and repave Main Street in a timely manner before the season starts.

Mayor Williams – We have heard item C1, C2, C3, C4, C5, and C7.

Councilman Bowman – I have a question on C2 please about the invoice to Smith Turf & Irrigation for \$17,200.00. Does that include sales tax or has that been removed from it?

Town Manager – It has been removed.

Councilman Bowman – Thank you.

Mayor Williams – Are there any other comments on those six items?

Vice Mayor Gregory – I will make a motion to approve the consent agenda with the exception of item C6 that was pulled.

C1. Motion to Approve the Purchase of Bypass Pump, Fan/Ventilation, and Emergency Pump Connection for Crescent Pump Station.

C2. Invoices Over \$10,000.00 Requiring Council Authorization:

a. Isle of Wight County (General Obligation Bond)	\$ 14,701.10
b. PNC Bank (Water and Sewer Debt Service)	\$ 18,604.50
c. RAD Sports (November)	\$ 54,511.00
d. Smith Turf & Irrigation (mower for ballfields)	\$ 17,200.00
e. Additional Invoice – Kimley Horn Associates (Urban Fund project)	\$ 13,488.52

C3. Motion to Authorize the Town Treasurer to Close the South Church Street Account with TowneBank.

C4. Motion to Approve Parking Lot Expansion Behind 315 Main Street.

C5. Motion to Award Contract for Repairs to the Smithfield Lake Dam to Burleigh Construction in the Amount of \$105,174.42.

C6. Pulled from Consent Agenda.

C7. Motion to Approve the Street Closure Request by Columbia Gas for Planned Natural Gas Infrastructure Replacement Project along the 100, 200, and 300 Blocks of Main Street starting January 2nd – March 31st, 2018.

Councilman Bowman – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

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

Mayor Williams – We will now move to item C6 which is a Motion to Approve the Street closure of Waterworks Road from January 16th – March 16th, 2018 for Repair Work to the Dam.

Councilman Dr. Cook – Can I voice my question while Councilman Smith gathers his notes? My first question is if Waterworks Road is within the town limits? Can we close it?

Town Manager – The town owns the whole road and nothing but the road all the way to the middle of the dam. Basically, from the middle of the dam where the sign is out into the county is VDOT; but the stabilization and repair work is right at the boundary inside the town limits. It is closer to the parking area. It is our baby. We have already talked to VDOT. They are aware. We have reached out to schools, the county, and everybody to get the word out as we had to do when we did the emergency work after the last big rain event. We have as much signage as practical.

Town Attorney – I do not think it affects anybody on the north side of the dam.

Town Manager – It is just that it has to be closed for the work to be done.

Councilman Dr. Cook – My question was not about closing it. My question is if we have the authority to close it. Was it a VDOT road and they have to authorize it? I thought town limits stopped at the road.

Councilwoman Tynes – We closed it once before to do some work out there at the dam.

Town Manager - The large amount of damage before was on the primary spillway which was in the county. This is completely in the town.

Councilman Dr. Cook – My whole question was whether it was a VDOT road or within the county limits.

Town Manager – We are closing it right at the town limits. There will need to be a detour for this span of time. This is the worst case. We are hoping it will be done sooner. We have to advertise the worst case scenario.

Councilman Smith – Are there any other questions?

Vice Mayor Gregory – I make a motion to approve item C6.

Councilman Smith – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

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

Mayor Williams - We will now move to the Action Section of the agenda. We have a Motion to Approve the Town Council Meeting Minutes of December 5th, 2017.

Town Attorney – Mr. Mayor and members of Council, I recommend approval as presented.

Councilman Bowman – So moved.

Councilwoman Tynes – Second.

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

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

Mayor Williams – We will now move to a Motion to Accept the Nominating Committee's Recommendation to Fill the Three (3) Expiring Terms (1-31-2018) on the Smithfield Planning Commission for Randy Pack, Michael Swecker, and Charles Bryan.

Councilman Smith – Thank you, Mr. Mayor. Councilman Bowman and I have talked to all three candidates. Mr. Pack is the Chairman for the Planning Commission and is pleased with Vice Chairman Bryan's and Mr. Mike Swecker's participation. They have all expressed interest in wanting to serve again. Mr. Pack feels they have a good Planning Commission and everybody is excited about what they are doing. We are

recommending and making a motion that these three seats stay as they are now with Randy Pack, Charles Bryan, and Michael Swecker.

Councilman Bowman – Second.

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

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

Mayor Williams – The next item is a Motion to Accept the Nominating Committee's Recommendation to Fill the Two (2) Expiring Terms (1-31-2018) on the Board of Historic and Architectural Review. We have Dr. Milton Cook for consideration on that.

Councilman Cook – Mr. Pack and I looked at the expiring terms for Mr. Trey Gwaltney and Mr. David Goodrich. We have spoken to both of them. They are relatively new to the BHAR. Mr. Goodrich was appointed to fill someone else's term. Mr. Gwaltney is relatively new and is the current Chairman. We believe that they are both doing an excellent job especially with their historical experience. We nominate both of them to return.

Vice Mayor Gregory – Second.

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

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

Mayor Williams – The next item is New Business. Is there any new business to discuss? Hearing none, we will move to Old Business. Is there any old business?

Councilman Bowman – I would like to get an update from Mr. Saunders pertaining to the commercial business located at the corner of Mercer and South Church Street commonly known as the old Tastee Freeze building.

Director of Planning, Engineering and Public Works – Good evening, Mr. Mayor and members of Council. The information that I have from the Building Codes office is that on December 11th the lessee of the property got a permit extension on her building permit from the county for six months. We are hopeful that we will see some progress

over the course of the next six months; but that is all we know at this point. She did apply for extension of the building permit and it was granted on December 11th, 2017 for six more months.

Councilman Bowman – Can you please explain to me, if you know, how someone gets an extension on a building permit? Do you have to demonstrate that any work is being conducted or anything is being done to move forward whatsoever?

Director of Planning, Engineering and Public Works – I will be glad to provide you a copy of Section 110.6 of the Virginia Construction Code. I wanted this question answered for myself as well. It relates to the fact that work has to have ceased for a complete period of six months before the building official is permitted to revoke the building permit. I assume that they cannot because in the last six month period some work took place. For this next six months, if no work takes place, it is within the power of the building official to revoke the permit. It is an assumption on my part; but I have to assume that there has not been a complete period of six months that no work took place. So, they reissued the permit for another six months.

Councilman Smith – I have a question regarding public safety. The building is wide open. People can come and go as they please. Building materials have been left uncovered. I am worried about children in that neighborhood. The next thing you know they will be inside the building climbing up on the roof. Is there any way that we can have them board it up temporarily?

Director of Planning, Engineering and Public Works – When it was an enclosed structure with a couple of windows open, we felt it should be boarded shut. Now, it effectively, is not even an enclosed structure. I would say if there was not an open building permit on it currently, it would constitute a nuisance. It is going to be hard to make a nuisance violation stick when there is an open building permit. That is the quandary here. I would argue that if this permit extension lapses and no work takes place and it is not renewed then it would be within the purview of the Town Council to declare it an unsafe structure. Hopefully, the owner or the lessee are interested in making the best of what they have already invested there and will make some use of the property before it comes to that.

Councilwoman Tynes – I have a question. I am just curious. According to what you just told us and read, they could actually come with a hammer and a nail and bang it in the wall and say some work was done. Is that correct?

Director of Planning, Engineering and Public Works – The requirement of the building code is that there is an inspection every six months at a minimum to maintain the permit and that there has to be some progress taking place during that inspection period.

Councilwoman Tynes – Does it have to be a certain percentage of progress?

Director of Planning, Engineering and Public Works – Just progress.

Councilman Bowman – I would like to know what progress has been made, any inspections, and exactly what type of record is being kept. I observe that facility very, very frequently on a daily basis. Six months goes by and I do not know what they consider work but I do not know what work has been done. I would like to know, if you can find out, what work has been done. Does the delivery of materials count as work?

Director of Planning, Engineering and Public Works – I would argue no.

Mayor Williams – What they did was that they built the stud walls from the concrete up which did not pass the inspection. They had to tear the walls down and build a foundation and then they put the walls back up. The last that Mr. Saunders heard from her that I am aware of was that she ordered some special trusses and they have not come in yet.

Councilman Bowman – Mr. Mayor, the other thing that is problematic is that I have looked there and I do not see a building permit posted anywhere. I would presume that it is a requirement to post the building permit. Is that correct?

Mayor Williams – It is required.

Councilman Bowman – If it is not posted is that in and of itself a violation?

Director of Planning, Engineering and Public Works - I would assume so but that would be the purview of the Building Code Inspection Department.

Councilman Bowman – If you can do whatever you can, and I know you have done a great job as far as reporting today and I appreciate that, to exercise due diligence with the county and find out about what is going on. I really, really would like to see observations made as far as what work is going on for the next six months. It seems to me counterproductive to rationale that someone can simply say I want another

six months to forestay, as I said before, with something that is a blight by simply going out and asking for an extension without good cause.

Mayor Williams – If you would like, I will set up a meeting with the Director of Inspections and both of you can meet me there and we can talk to him.

Councilman Bowman – That would be fine with me Mr. Mayor. I just want to see something happen.

Mayor Williams – It is an eyesore and I agree with you.

Councilman Dr. Cook – I have a question for the Council. As the Town Council, with an open building permit, do we have any authority or path of action towards anything?

Town Attorney – As Mr. Saunders said, the only recourse you have is to declare it an unsafe structure. The problem is that they have a pending, open building permit. You would have to take legal action to enforce that and you probably would not get very far.

Councilman Dr. Cook – So, we are either in a six month holding period where we sit back and watch or we look towards the county for help.

Town Attorney – The building official needs to be very proactive in his supervision and observation of the progress.

Councilman Dr. Cook – And that would be a county function.

Town Attorney – Yes.

Councilman Bowman – Thank you for the report Mr. Saunders. Thank you, Mr. Mayor.

Mayor Williams – Is there any other old business?

Councilman Dr. Cook – Update on Windsor Castle Restoration. During the holiday season, not a whole lot got done at Windsor Castle. The caretaker's house is complete except for the new power connections. I am sure that will be coming in by this spring. The new storage buildings have foundations. That is about it and all we have going on. We cleaned out the basement.

Mayor Williams – The power will be installed by the middle of next week to the caretaker's house.

Councilman Dr. Cook – Really? An interesting fact that I learned over the holidays is what a small world this is. I received a picture of my father-in-law eating dinner in the basement of Windsor Castle in the 1950's. He was a next door neighbor in Richmond of

Charlie Betts. They were friends. As a teenager, he would come to Smithfield from Richmond and spend some of the summer at Windsor Castle. It is interesting how the world goes around. I have a picture of a basement dining room with a fireplace. It is a picture I have never seen. I would not have imagined the basement in the condition it is in to have ever been a finished room. I just thought it was an interesting little tidbit.

Mayor Williams – That is interesting. Thank you. Is there any other old business?

Hearing none, thank you all for coming out tonight. We stand adjourned.

The meeting was adjourned at 8:07 p.m.



Mr. T. Carter Williams
Mayor



Mr. Peter Stephenson, AICP, ICMA-CM
Town Manager