

The Smithfield Town Council held its regular meeting on Tuesday, February 7th, 2017. 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, Ms. Connie Chapman, Mr. Randy Pack, Mrs. Denise Tynes and Dr. Milton Cook. 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; Mrs. Ashley Rogers, Director of Human Resources; Mr. Steve Bowman, Chief of Police; Mr. William Saunders, Planning and Zoning Administrator; Ms. Judy Winslow, Director of Tourism; Mr. Bill Davidson, Planning Commission Chairman, Mr. Joshua Powell, Police Officer; and Mr. Christopher McGough, Police Officer. There were eleven (11) citizens present. The media was represented by Mr. Ryan Kushner of the Smithfield Times and Ms. Hilary Smith of the Daily Press.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of February 7th, 2017. It is now 7:30 p.m. Thank you all for coming out tonight. We appreciate it. I would like everyone to stand as we say the Pledge.

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

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

Town Manager – Thank you, Your Honor. Welcome everyone. Would everyone please join me in wishing the Town Treasurer, Ms. Ellen Minga, a happy birthday? To keep the excitement going, I will turn it over to Chief Bowman who will introduce our newest officer.

Chief Bowman – Mr. Mayor and members of Council, it is my distinct pleasure to introduce to you our newest member of the Police Department; Mr. Christopher McGough. He is a twelve (12) year law enforcement veteran. Most recently, he came to us from Regent University's Police Department. He resides in the north end of Suffolk which means he is close which we really like. He is married to Shannon and has five (5) girls.

Town Manager – Thank you, Chief. Welcome aboard Officer McGough. The January Activity Report was included with the agenda posting. I have one item to note. There will not be a Planning Commission meeting next Tuesday, February 14th. We

have one holiday this month which is Presidents Day on February 20th. The Board of Historic and Architectural Review will meet on February 21st at 6:30 p.m. To conclude the month, we have a Black History Month program at the Smithfield Center on Sunday, February 26th at 3:00 p.m. I would like to thank the library for helping us with the programming. Town Council Committee meetings will finish up the month on the 27th and 28th at 4:00 p.m. at the Smithfield Center. The only other addition to the agenda this evening is that we will need a very brief closed session.

Mayor Williams – We will now move to Public Comments. The public is invited to speak to Council on any matter except scheduled public hearings. We have two (2) of those this evening. Comments are limited to five (5) minutes. Any required response from the town will be provided in writing following the meeting. Does anyone wish to speak?

Mr. Thomas Mayes – I live in Surry, Virginia. Good evening, Mayor, Mr. Stephenson, members of Council, and staff. I have a quick update on the removal of the smokehouse at the Wombwell property. Since receiving the letter and keys on the January 17th, we had about a week of removing debris and about four trailer loads of old siding, cedar roof, and such. We were happy to find that the roof structure was pretty intact. I made a decision to not try to disassemble it. There were a lot of mortise and tenon joints and early nails. There was actually original siding up to that point. We made some rigging and actually lifted it intact. I am happy to say, as of this afternoon, it is now resting in its new place at Matoaka's Dowarie in Surry. The bottom half will still have to be dealt with. I mentioned to you in my RFP that somewhere in its history a floor pit had been dug and had been placed on cinderblocks to catch up with the times and keep the heat further from the meat. In the early portion of its lifespan, it allowed the lower, larger structure of the 8" x 8" sill boards to have deteriorated to a point that I did not feel like moving those in the pronounced way. Starting tomorrow, I will create some interim cribbing to encircle the building that will have jacking points. We will lift it up this week and get some rollers under it. All things being equal, hopefully, my thirty (30) days will be on tap. By next week, we ought to have the whole thing down and out. I am pretty happy with it. We had some interesting stuff as we pulled the siding off. The old Roman numeral markings that were typical of the time for carving the pockets were hidden

features that we are documenting. They will be part of the interpretation of the smokehouse when it is finally put back together. Thank you for your time.

Mayor Williams – Thank you. We appreciate you. Are there any other public comments? Hearing none, we will now move to a Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District. I would also like to recognize Mr. Rudolph Jefferson of the Isle of Wight County Board of Supervisors. It is nice to have you with us.

Supervisor Grice – Mr. Mayor and Council, it is good to be here this evening. The Board had a meeting on January 19th. We appointed a representative to the Board of Paul D. Camp Community College, Mr. Rod Hallum. Rod's background is in cyber security and he fully supports both accredited and non-accredited workforce development programs leading to base certifications and immediate employment. I was able to meet with the president of Paul D. Camp this afternoon. We discussed his background briefly. He looks forward to Rod joining the Board. The county Board of Supervisors approved taking a 6.5 million dollar line of credit to cover the Machinery and Tool Tax refund decision. This decision was made as part of the current Board's efforts to correct past ills and to make corrections to the tax methodology that has been in place since the 1970's. This program will have little or no impact on the two (2) towns. The county's Parks and Recreation department has moved forward with the previously funded kayak and canoe launch at Nike Park. Hopefully, it will be in full operation this summer. Lastly, we took on the subject of residential chickens. Chickens are now legal under the conditions specified in the adopted regulation. We had a work session on February 2nd. The first issue to be addressed was stormwater management. Now that the county has been successful in terminating our MS4 rating on stormwater, the county has now moved forward to form a Stormwater Advisory Committee. It will be organized along the lines of the Water Task Force with nine (9) voting members to evaluate the county's stormwater programs and fees. Both towns and each voting district will have a seat on the committee. The next item was the emergency radio system. The program continues to move forward hitting only a few minor speed bumps. It is still on schedule and should be online later this year and be fully operational early next year. The cost is estimated to be between 6.3 and 6.8 million dollars allowing the balance to be paid back and pay down the 8 million dollar loan. The town should stay in close communication

with the project team leaders. The town should also take a look at vehicle and portable radios needed for the upcoming fiscal budget. I am sure the Town Manager is well aware of this. EMS billing continues to be a subject of interest to the Board. Unfortunately, the information and numbers presented at our work session resulted in more questions than answers. It continues as an active issue until we understand the associated costs and determine an operating plan going forward. The last item is that the county has kicked off its Comprehensive Plan Use plan. We will do that in March or April of this year. Our newly appointed Planning and Zoning Director, Mrs. Amy Ring, has presented some recommendations to the Board which we concur with. It is recommended that we use fewer outside consultants to hold down costs and be more inclusive of the development of the plan. The county's plan will incorporate the town's plans. It will be developed using more local residential talents. We cannot stop progress and change but we can manage and direct that change to our best advantage. Thank you. Are there any questions?

Councilman Dr. Cook – I would like to expand on your comment about the Machinery and Tools Tax and it not affecting the towns. I just want to hear it from you. Is it the Board's intention to reimburse the towns the money that we have to refund?

Supervisor Grice – As it stands right now that is how it is going to work out. I do not know all of the specific details. We have not gone into the finite details of it; but that is our intent, yes.

Mayor Williams – Are there any other questions of Supervisor Grice? Thank you, sir. We appreciate you coming out. Our next item is Council Comments. Does anyone have any comments?

Councilwoman Tynes – Mayor Williams, Vice Mayor Gregory, and Peter Stephenson, please come forward. On December 28th, 2016, we broke ground for the future for our youth in the Town of Smithfield as well as Isle of Wight County with the Joseph W. Luter Jr. Sports Complex. We were all proud the day we stood out there for the groundbreaking. This is something that Vice Mayor Gregory brought to the Council since he works with the youth as a coach. He said, when we first opened Windsor Castle Park, he had an idea and wanted to come forth for the youth. The Town Council voted it down; not because we did not want to do anything for the youth. At that time, we felt the location was a problem. Vice Mayor Gregory did not give up. He heard about the

new Rescue Squad location that had extra property and he went forth again. Once again, he had to give up on that project but he continued on. Finally, he got the location and everyone on board. He got all the money and the funding that he needed with everything in place. The day of the groundbreaking was a beautiful, sunny day. We were all so proud. Thank you to Mr. Cripps with the Isle of Wight County Smithfield/Windsor Chamber of Commerce for this beautiful picture. Some of the youth that were there that day purchased the local paper so their classmates could see. Vice Mayor Gregory, this is for you. I wanted you to have this so you could hang it in your house. When the youth come there, they will see that this is where it started. Mayor Williams, this is for you because you were there that day with your granddaughter. This is one that I would like for the Town Manager to have to hang on the wall in his office. Thank you, Mr. Cripps, for capturing it.

Mayor Williams – Thank you Councilwoman Tynes. We really appreciate. We will now move to the Summary of Consent Agenda Items. Would any Council member like to pull any item for further discussion? Hearing none, we will start off with the Police Committee Chair, Ms. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. Thank you, Mayor Williams. Tonight, I have item C1 which is to adopt a re-certification resolution designating Smithfield as a Certified Crime Prevention Community. I will have Chief Bowman elaborate on it a bit since I do not want to get anything wrong.

Chief Bowman – Very briefly, Smithfield is one of twelve (12) Certified Crime Prevention Communities in the Commonwealth of Virginia. We are the smallest town to ever receive this designation. It is a three (3) year program. In much the same way as we do accreditation, we have to go back and do some checks and balances and make sure we are keeping up our obligation to maintain our certification. So, this starts that ball rolling that reinforces the support of the Town Council for this program for the Town of Smithfield.

Councilwoman Tynes – Thank you very much, Chief. I would also like to add that Smithfield is one of the small towns in the Hampton Roads area that belong to this organization. We are proud of that. Windsor is also a member and they are both in Isle of Wight County. We are very proud of both towns for keeping their certifications going. Thank you very much.

Mayor Williams – Thank you. Now, we will move to the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. The first item is a resolution to authorize the Town Treasurer to refund the Machinery and Tools Tax for 2013, 2014, and 2015. This is in reference to what Mr. Grice was speaking about earlier. It is the intention, as we understand it, of Isle of Wight County Board of Supervisors to cover the cost on this and reimburse us for it. Even if they choose not to do so, it is our obligation under the law to make sure the Machinery and Tools Tax is refunded. We are recommending that for approval this evening. The next item is for invoices in excess of \$10,000.00 which require Council authorization. The first is to RAD Sports. They are our contractor at the Sports Complex. This is their first draw of \$120,080.00 for mobilization and a few other items. This is the first of a 2+ million dollar contract. The second one is to the YMCA. They sent us a letter requesting the \$50,000.00 donation that we budgeted for them this year. The next payment is to the Smithfield Volunteer Fire Department for \$10,000.00 for a budgeted donation. The next one is to Haley Ford – South for \$27,382.08. This is for a 2017 Ford Explorer for the Police Department. This was a budgeted item to replace an older 2008 Explorer that is coming out of service. Finally, in the consent agenda items, we have a bill from VML/VACo Financing through PNC Bank for \$21,211.50. This is part of one of the bonds that we have issued. It is one of the two payments we make every year. We do principal and interest and interest only. This one happens to be the interest only so it is a bit less expensive. We recommend that all five of these invoices be considered tonight under the consent agenda. Item C4 is a motion to renew our audit services contract with Robinson Farmer Cox and Associates for one additional year. I imagine we do not have many more times to renew this without bidding it out. We have been very happy with these guys. If you remember, they provided us with some good cost savings over the year. They did a very good job with our audit. We will be sending this out for bid next year because this is the last year we can renew the contract. We are recommending, for this year, to include them in the consent agenda. Thank you.

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

Councilwoman Chapman – Parks and Recreation Committee Summary. Thank you, Mayor. We have a motion to approve two amendments tonight to Kimley Horn Associates for the Joseph W. Luter Jr. Sports Complex. These are a second invitation to bid for the architectural bids for the concession stand. Jamie Weist of Kimley Horn shared that the base agreement for the contract of a sixteen hundred (1600) square foot concession building with restrooms was originally estimated at \$276,000.00. During the course of the development and the construction document phases, the scope of project had to increase to include the following: main concession was expanded to include a coaches Board room, a family toilet, four press boxes, and stairs. The size of the main concession building increased from sixteen hundred (1600) square feet to twenty five hundred (2500) square feet on the first floor and five hundred (500) square feet on the upper level. So, amendment #1 is in the amount of \$16,000.00 which is what is being requested by Kimley Horn to cover the additional design work by the architect. Amendment #2 is for additional services regarding mechanical and electrical work within the concession building in the amount of \$9,830.00. We have on file where Brian Camden of Alpha Corporation concurred with the revised additions and cost. The committee recommends these two items for consideration.

Mayor Williams – We will now move to item C6 and C7 with our Public Works Committee Chairman, Mr. Michael Smith.

Councilman Smith – Public Works Committee Summary. Thank you, Mr. Mayor. Our first item is a resolution to adopt the Hampton Roads Hazard Mitigation Plan. This plan is something that we have to adopt because we all know there are natural hazards. This is to protect the people and the property within our community. By adopting this, it allows for future funding for mitigation processes under FEMA. The next item is a resolution to budget the town's local match of \$21,251.00 to the three designated VDOT Urban Fund Projects that we have right now. This includes Route 258, West Main Street, and the right turn lane at the sports complex. It also includes the Benn's Church Boulevard/South Church Street intersection improvement, analysis, and conceptual design and the South Church Street Segment 3 design alternative and analysis for the trail sidewalk.

Mayor Williams – Next, we have our Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Public Buildings and Welfare Committee Summary. Item C8 is a motion to reject the proposals received for the relocation of the Wombwell house and to issue a new, informal RFP. None of the proposals that we received for the actual Wombwell house relocation were acceptable to us. We will reject them all and issue a new, informal RFP which, hopefully, will be a much easier process. Item C9 is a motion to accept the deeds for 25, 31, 35, 28A, and 28B Jamestown Avenue and lot #35, which is vacant, as part of the Pinewood Heights Relocation Project. We are going to accept those deeds for Pinewood Heights.

Mayor Williams – Thank you. We have heard all nine (9) consent agenda items. What is the will of the Council?

Councilman Pack – Mr. Mayor, I would like to make a motion that we approve the consent agenda items as presented.

C1. Adopt a Re-Certification Resolution Designating Smithfield as a Certified Crime Prevention Community.

C2. Resolution to Authorize the Town Treasurer to Refund Machinery and Tools Tax for Fiscal Year 2013, 2014, and 2015.

C3. Invoices Over \$10,000 Requiring Council Authorization:

a. RAD Sports	\$120,080.00
b. YMCA	\$ 50,000.00
c. Smithfield Volunteer Fire Dept.	\$ 10,000.00
d. Haley Ford-South	\$ 27,382.08
e. PNC Bank – VML/VACo	\$ 21,211.50

C4. Motion to Renew Audit Services Contract with Robinson Farmer Cox and Associates for One Additional Year.

C5. Motion to Approve Amendments #1 and #2 to Kimley Horn Associates for the Joseph W. Luter Jr. Sports Complex.

C6. Resolution to Adopt the Hampton Roads Hazard Mitigation Plan.

C7. Resolution to Budget the Town's Local Match of \$21,251.00 to the Three Designated VDOT Urban Fund Projects.

C8. Motion to Reject Proposals Received for the Relocation of the Wombwell House and to Issue a New Informal RFP.

C9. Motion to Accept Deeds for 25, 31, 35, 28A, and 28B Jamestown Avenue and Lot #35 of the Pinewood Heights Relocation Project.

Councilwoman Tynes – Second.

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

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

Mayor Williams – We will now move to the Action Section of the agenda. The first item is a Motion to Award the Town's Landscaping Services Contract to Southern Shores Lawn and Landscaping.

Councilman Smith – Thank you, Mr. Mayor. This has come about because we thought we had a contract with The Grounds Guys from Virginia Beach. We had accepted their low bid for landscaping services. They have since withdrawn their bid. It is our intention to go to the next highest bidder which is Southern Shores here in Smithfield. I would like to make a motion that we continue our landscape services with Southern Shores and approve their contract.

Councilman Dr. Cook – Second.

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

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

Mayor Williams – We now move to a Public Hearing: Zoning Ordinance Amendment to Residential Office District. We will have a staff report by Mr. William Saunders.

Planning and Zoning Administrator – Good evening, Mr. Mayor and members of Council. You have before you tonight a public hearing on a potential Zoning Ordinance Amendment. It is Article 3G which is the Residential Office District Ordinance. In 1998, the RO District Ordinance was adopted in order to provide a vehicle by which limited commercial uses could develop on thoroughfares that we knew would have heavy

commercial and retail in the future; but was predominately residential at the time. This has allowed offices over the years and has been a good vehicle for that use; however, it does not allow retail by right. By Special Use Permit, it offers very limited retail. Arguably, it is unreasonably limited as it only allows for retail of 'interior display and sales of high technology, scientific, electronic, and medical equipment of a type not customarily retail to the general public provided that there shall be no exterior or storefront displays.' This is very limiting to people that want to get into that district. However, out of respect for the residences still prevalent in that district, we would like to open up the residential use but leave it as a Special Use Permit item and continue to limit the exterior or storefront displays. It still has a residential nature to the exterior but allows for retail of any items in those areas. This would allow, with a Special Use Permit, to be able to sight more businesses in the structures that are in that area and, also, areas that the lots are not large enough to rezone to a higher commercial level. If you look at your draft ordinance section on page 2, there were just a few grammatical changes made there to make it read better. On page 3, in Section C under the Special Use Permit item, you can see that 'offices with' was struck and the very limiting items were struck which leaves you with Item C-1 as 'retail sales provided that there shall be no exterior or storefront displays' available as an option under uses with a Special Use Permit. At their January 10th, 2017 meeting, the Planning Commission recommended approval of this item to Town Council with no conditions. Staff recognized strengths is that it would open up existing commercial areas to new commercial opportunities, the amendments would still minimize the impact to the transitional district through the limitations that will exist. We did not identify any weaknesses at this time. Are there any questions?

Vice Mayor Gregory – Every ordinance has an origin. Is there any reason why this was so restrictive to begin with?

Planning and Zoning Administrator – It was in 1998. I really do not know. If I had to guess, I would say the outside consultant who worked on this ran into something like this in another municipality. I do not know of any special criteria in this municipality that it was related to; but, over the years, we have had more and more trouble locating businesses in those areas because they want to have some retail.

Town Manager – I was here at the time. I think the other component of it was that there are so many curb cuts with the small parcels. I think the outside consultant was pushing the consolidation of those lots. Two (2) or three (3) lots would have made one (1) lot. The restrictive nature was maybe one way to encourage the consolidation of the larger lots. It was a transition for us.

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

Councilman Dr. Cook – We went over this in committee and it seems pretty straight forward. It allows more opportunities along that stretch for business ventures. Do any Council members have any comments?

Councilman Pack – We did review this at the Planning Commission meeting. We spent some time on it and did recommend it to Town Council for approval.

Councilman Dr. Cook – Seeing no other discussion, Mr. Mayor, I would like to make a motion that we approve the Zoning Ordinance Amendment for the Residential Office District.

Vice Mayor Gregory – Second.

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

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

Mayor Williams – Our next item is a Public Hearing: Special use Permit – Cypress Run Drive for Temporary, Private Water and Sewer System. We will have a presentation by the Planning and Zoning Administrator, Mr. William Saunders.

Planning and Zoning Administrator – Thank you, Mr. Mayor and members of Council. This is a public hearing for a Special Use Permit; specifically for the subdivision of a single family home with temporary, private water and sewer system. The applicant is Mr. Brian H. White of 100 White's Point Way in Smithfield. It is at the end of Cypress Run Drive. We had similar applications a couple of years ago. One was on Cypress Run

Drive and the other was on Cypress Crossing. These are in our Community Conservation Zoning District which is the closest thing we have to agricultural in town. Typically, they are areas where we have not extended town utilities. This accommodates family transfers or small subdivisions of single family lots with wells and septic tanks. This is temporary in nature. It is expected that in the future, at some time, if town utilities are provided adjacent to that property by a developer or the town that the applicant would hook up to town utilities at that time. This provides them the ability to develop in those outlying areas on private wells and septic. Previously, this parcel had two (2) residences on it when it was annexed into the town from the county. Subsequently, one of them has been demolished. Currently, there is only one (1) dwelling on it. The total parcel is six and a half (6 ½) acres. Mr. White owns property to the rear of this parcel. He would like to cut off what you see labeled as Parcel 1 for a lot for his son which is the subject parcel of this application. The residue parcel will continue to have the existing house on it and the existing well and septic tank. At the rear, you can see 'Addition to lot 3D' which will be an area that Mr. White would like to add to his existing property at the rear. There will end up being three (3) changes here but only one new lot will be created which is the subject parcel of this application. At the January 10th Planning Commission meeting, they recommended approval to Town Council with no conditions. The strengths identified by staff are that it allows a town resident an opportunity for a family transfer in an area without public utilities. We identified no weaknesses at this time. Are there any questions?

Mayor Williams – Thank you, Mr. Saunders. Everyone heard the presentation. I now declare the public hearing open. Would anyone like to speak for or against? Hearing none, I declare the public hearing closed. We have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – We discussed this at committee level. No one brought up any opposition to it then. I do not really see a whole lot of issues with it now. Does any Council member have any comments?

Councilman Pack – I have one, Dr. Cook. I am not sure by the way this was presented. Planning Commission intended for it to be presented for approval with the understanding that if town water and sewer were ever provided to the area that the applicant would agree to hook into water and sewer at that point. I am not sure if that is

the way the motion actually came across at the Planning Commission meeting. From listening to you, it sounded like there were no conditions applied.

Planning and Zoning Administrator – Staff made a recommendation to Planning Commission to make that part of the motion; but, Planning Commission did not. However, the item itself is listed under the special use items as temporary, private well and septic. It is built in to assume that is what is meant by ‘temporary.’ Staff recommended making that part of the motion to nail it down. It is expected to be that way, regardless.

Councilman Pack – Dr. Cook, if you choose to make a recommendation in favor of that, I would ask that you add that condition to your motion please.

Councilman Dr. Cook – Knowing the location of it and what is around it, I do not think it is likely in our lifetime. It is stated as temporary, private water and septic which is what was presented to us at our committee meeting under the understanding that when or if public water and sewer comes through that it will be tied in.

Town Attorney – It would be a great idea to put that in your motion because it is likely that none of us will be here if that ever happens. It would be good to refer back to the records.

Councilman Dr. Cook – How would we word that?

Town Attorney – You need a motion to approve the application with the condition that if public water or sewer becomes available then the applicant would be required to connect at their expense.

Councilman Dr. Cook – So moved.

Vice Mayor Gregory – Second.

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

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

Mayor Williams – Our next item is a Motion to Approve the Town Council Meeting Minutes of January 3rd, 2017.

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

Councilman Pack – So moved.

Councilwoman Tynes – Second.

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

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

Mayor Williams – Our next item is New Business. We have Invoices Over \$10,000.00 Requiring Council Authorization: Lewis Construction for \$120,961.49 and IOW Tourism True-Up for \$10,884.50. We will have consideration by our Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Thank you, Mr. Mayor. We have two (2) additional invoices in excess of \$10,000.00 which require Council authorization that were not originally brought before us at committee level. The first is to Lewis Construction for \$120,961.49. It is directly related to material for the Main Street water line project. This material is either on site or stored at our public works building. It came in handy to have the material on site this week as we ran into a little issue that we did not know we were going to have. I would like to make a motion that we approve the Lewis Construction of Virginia invoice of \$120,961.49.

Councilman Smith – Second.

Mayor Williams - A motion has been made and properly seconded. Is there any further discussion? Is this in addition to the contract or is this part of the contract to have the material on site. Do they want to get paid for the material?

Town Manager – Yes. It is for materials.

Mayor Williams – So, this amount was in the contract for materials. Have we received the change order yet?

Town Manager – No.

Mayor Williams – So, this is the material. They have put it on site. Jesse Snead has looked at it and he told me that it was okay. I just wanted to clarify that. A motion

has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

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

Councilman Pack – The second item is one that we have discussed before. It is the Isle of Wight County Tourism true-up for \$10,884.50. This is the difference in salaries that was approved by the county without town input with regard to salary increases for county staff. We did not budget for it. There was a Joint Tourism Committee meeting recently. Mayor Williams and Councilwoman Tynes were in attendance. I spoke with our Tourism Director about this as well. We are recommending that we move forward with this true-up. Part of the reason that Council held back on this is because we wanted some input on items such as this so that we do not pick up budget items where the county had not done so. It is my opinion that the county is working much closer with us now than they ever have as evidenced by them working with us on the Tools and Machinery Tax. It will probably be in excess of \$10,000.00 for the town portion for reimbursement. I would make a motion that we move forward and finish up and pay our true-up with tourism for Isle of Wight County for \$10,884.50.

Councilwoman Tynes – Second.

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

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

Mayor Williams – Are next item is Old Business. Do we have any old business? Hearing none, we will have a short Closed Session. I want to thank everyone who might be leaving for coming out tonight.

Town Attorney – Mr. Mayor, we need a motion to go into closed session for the purpose of a briefing by legal counsel as to actual legal matters requiring legal advice.

Vice Mayor Gregory – So moved.

Councilman Pack – Second.

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

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

Town Council went into closed session at 8:14 p.m.

Town Council returned to open session at 8:26 p.m.

Town Attorney – Mr. Mayor, we need a motion that during the closed session there was only a briefing by legal counsel as to actual legal matters requiring legal advice pursuant to Section 2.2-3711.A.7 of the Code of Virginia.

Councilwoman Chapman – So moved.

Councilman Smith – Second.

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

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

Mayor Williams – I have one thing to add. We have a different set up tonight in case we needed to look at the screen. Do you want to stay like this or move back to where we were?

Councilwoman Chapman – I do not care.

Councilman Pack – I would like to move back, Mr. Mayor.

Councilman Smith – I like the way it is tonight. It is more conducive and looks a whole lot more open.

Town Manager – It may change if you have a really big crowd. Out of necessity, you may need to go back to the other way.

Councilwoman Tynes – I was just thinking that I like it because nobody has their back if someone is coming in the door; but I was just thinking about the town seal behind us. The photographer was taking pictures but there is no town seal behind us. If it does not matter to you all that there is no town seal if she wants to put us on TV and there is no Town of Smithfield seal then that is fine.

Vice Mayor Gregory – I would say that if we have a known presentation on the screen then we would do it this way. Otherwise, we should leave it how we are usually seated with the seal in the background.

Councilman Pack – It made a difference with people trying to come in the first entrance. It was a little tight.

Vice Mayor Gregory – Especially if you had someone with disabilities.

Councilman Dr. Cook – I do not care.

Councilwoman Tynes – I like it the original way for the sole purpose of what we have already said.

Mayor Williams – We have three (3) who want to move back, two (2) to stay here, and two (2) that do not care.

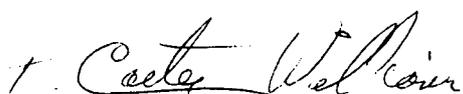
Councilwoman Chapman – What does our Town Manager think?

Town Manager – I agree that this way is blocking the entrance in case of an emergency. We cannot block it. It is a problem. It also really depends if we have a lot of citizens here because we would have to go back to the old set up.

Town Attorney – I think that you never know how many people will show up. If there had been ten (10) more people here tonight then there would not have been enough room.

Mayor Williams – Okay, five (5) want to move back so that is what we will do. Is there anything else to come before Council? Hearing none, we stand adjourned.

The meeting adjourned at 8:29 p.m.


Mr. T. Carter Williams
Mayor


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