

The Smithfield Town Council held its regular meeting on Tuesday, October 3rd, 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, Mrs. Denise Tynes, Mr. Randy Pack, and Dr. Milton Cook. Staff members present were Mr. Peter Stephenson, Town Manager; Mrs. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mrs. Ashley Rogers, Human Resource Director; Chief Alonzo Howell, Smithfield Police Department; Mrs. Amy Novak, Director of Parks and Recreation; Mr. Chris Hewett, Parks Maintenance Supervisor; Mr. Kurt Beach, Crime Prevention Specialist; Lt. Matthew Rogers, Smithfield Police Department; Officer Josh Powell, Smithfield Police Department; Officer Anthony Cooper, Smithfield Police Department; Officer Jacob Norton, Smithfield Police Department; Ms. Judy Winslow, Tourism Director; Sgt. Thomas Jones, Smithfield Police Department; and Mr. William H. Riddick, III, Town Attorney . There were approximately seventeen (17) citizens present. The media was represented by Ms. Diana McFarland of the Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of October 3rd, 2017. It is now 7:30 p.m. Thank you all for coming out tonight. We appreciate you all.

Councilwoman Tynes – Good evening. Amidst the tragedies that have happened in Las Vegas, Virginia Beach, and our own extended community in Rushmere, the members of the Smithfield Town Council would like for you to join us in a moment of silence immediately after the Pledge of Allegiance. We ask that you keep our nation and the loved ones of those lost during these tragic events in your spiritual thoughts that they may have strength and comfort during the sorrowful times and may they forever find peace.

Mayor Williams – If everyone would please rise for our Pledge.

All present stood and recited the Pledge of Allegiance to the Flag. A moment of silence was observed.

Mayor Williams – Thank you very much ladies and gentlemen. We will start off tonight with a special action item. It is a Motion to Accept the Nominating Committee's Recommendation to Fill the Unexpired Term of Town Council Member, Ms. Connie Chapman. I would like to welcome her here tonight. I told her as part of the deal with her

leaving us; she would have to come up here and listen to us and give us the guidance that she is so familiar with. At this time, I will turn it over to Vice Mayor Gregory.

Vice Mayor Gregory – Thank you, Mr. Mayor. I appreciate it. I will start off by saying that back in 2008 I was on the other side of this coin. I was appointed to Town Council when the honorable Ms. Wendy Dean decided to move outside of the district. I had big shoes to fill. I would like to still think I am young. I was really young then; but I am not as young as I used to be. Councilwoman Tynes and I had a chance to speak and meet face to face last week. We reviewed all of the talent bank forms that were submitted. We did not have a ton. We had multiple forms; but it was not an influx of candidates. We broke some bread and went through résumés. While this is only going to be a nine month term, he or she will be finishing up the unexpired term with some really big shoes to fill. After deliberating those candidates, the experience of this candidate stood out with regards to not only the local level through law enforcement and public safety; but also, experience at the state level through his service at VMRC. Obviously, the fact that we have him here in our hometown is a big bonus for us. Councilwoman Tynes and I, unanimously, would like to make a motion and nominate Mr. Steve Bowman for the vacancy for Town Council.

Councilwoman Tynes – 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 Dr. Cook voted aye, Councilwoman Tynes voted aye, Councilman Smith voted aye, Vice Mayor Gregory voted aye, Councilman Pack voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – We have a unanimous vote. Welcome Steve.

Vice Mayor Gregory – On behalf of Town Council, I would like to welcome you aboard.

Councilman Bowman – Thank you very much. First of all, I would like to take this opportunity to thank the members of the nominating committee; Councilwoman Tynes and Vice Mayor Gregory as well as the entire Town Council for the faith that they have in me to do what is really, really a very, very important job. It is a privilege and a humble honor to be selected for this. I do realize the full effect of the fact that it is a position that

has not been elected by the people. I am here to fill, as has been said, some very large shoes. I have learned a lot from my five and a half years with the town. The good news is that I do have some perspective. I do feel that I can hit the ground running fairly well; although, no one knows everything. I still have a lot to learn. I am sure I will learn along the way. At this time, I would like to thank my family; my wife Amy, my son Conner and my son Stephen and my daughter-in-law Krystle for the support that they have provided to me to allow me to continue on a different path of public service. With that, I really thank you so very much for the opportunity. I promise, Connie, that I will do my best to fill those very, very large shoes. I promise the citizens of Smithfield that I will do my level best to serve the interests of the Town of Smithfield and its citizens as we go along the path to a bright, bright future. So, thank you very much. It is truly an honor. Thank you.

Ms. Sharon Jones – Clerk of the Circuit Court for Isle of Wight County. Mr. Bowman, do you solemnly swear that you will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia, and that you will faithfully and impartially discharge all duties incumbent upon you as a member of the Smithfield Town Council of Isle of Wight County for an unexpired 4 year term which began on July 1st, 2014, according to the best of your ability, so help you God.

Councilman Bowman – I will.

Town Attorney – Thank you, Ms. Jones.

Mayor Williams – Welcome aboard, Mr. Bowman. We look forward to working with you. Again, I want to thank Connie for her seven years of service with this Council. She did a wonderful job. We will now move to the Informational Section of the agenda with the Manager's Report with Mr. Peter Stephenson.

Town Manager – Thank you, Your Honor. I will keep my remarks brief because we do have a special presentation momentarily. The September Activity Report, as usual, was included in the packet. I am happy to answer any questions. The main thing is that we have one holiday this month. The town offices will be closed in observance of Columbus Day on October 9th. We have our Planning Commission meeting on October 10th as well as the Board of Historic and Architectural Review on October 17th. We will not have a Board of Zoning Appeals meeting this month. Our committee meetings will be on October 23rd and 24th at 4:00 p.m. each day at the Smithfield Center. That is all unless there are any questions.

Mayor Williams – Is that a change for the committee meetings?

Town Manager – No. The only thing to note there is that you all had authorized my attendance at the ICMA Conference so I will not be present at those. My very able staff will be here to cover those agenda items in my absence.

Mayor Williams – Are there any other questions for the Town Manager? Hearing none, we will move to Public Comments. If you come forward, for the record, please state your name and address. The public is invited to speak to Council on any matter. Comments are limited to five (5) minutes per person please. Any required response from the town will be provided in writing following the meeting if you so desire. For the record, please state your name and address. Do we have any signups?

Town Manager – Yes. We have three individuals that signed up in advance. The first is Martha Jackson.

Mrs. Jackson – Good evening Mayor Williams, Council members, Manager Stephenson and constituents. When my deceased husband, James Lewis Jackson III, moved to Smithfield from Long Island, New York in 1992, he was impressed at the residential area and how well they were kept and the friendliness of the people here. I have been attending Council meetings now for approximately three years. My concern tonight is when members of the community, your constituents, speak there seems to have been terse responses and your ears have not been in tune. You represent each one of us. We are your constituents. You have many heated issues that come before you. We know that you spend a lot of time in decision making and speaking for the community. I ask you to please make sure that your responses are indicative of a listening ear and that you are in tune to the constituents. Thank you very much for your time and attention.

Town Manager – Thank you. The next person signed up is Mr. Mark Gay.

Mr. Gay – Members of Council, first allow me to extend my congratulations to his appointment.

Councilman Bowman – Thank you, sir.

Mr. Gay – It is very well deserved. I have some objection to the process that was used; but we got the right guy at this time. I would like to think that other very deserving, qualified candidates will be given further due process at the appropriate time. I would also like to comment on the action item this evening that pertains to approval of the

minutes for the September 5th Town Council meeting and the consent item involving the initial release of funds of the \$350,000.00 loan to Smithfield VA Events. You may recall that last month's meeting concluded with the Town Attorney announcing that he planned to check with the House of Delegates of Virginia about the legitimacy of Council's two to one vote to permit construction of two new barns at Windsor Castle. Subsequently, I am told that Mr. Riddick confirmed that recent changes to delegate rules, in fact, allow for votes that do not comprise a quorum as long as that vote does not involve taxation or indebtedness to town citizens. However, Article 31 of the Town of Smithfield Municipal Code has not been changed. It reads: 'a majority of the Council shall constitute a quorum for the transaction of business but no ordinance or resolution shall be passed or adopted having for its object the levying of taxes or contracting a debt except by a concurring vote of two-thirds of the members of the Council.' It is a clear round up rule that is five; not four. It also says 'each member of the Council shall have one vote.' (*This reference is from the Town of Smithfield Charter – Section 31*) Mr. Riddick has opined further that he does not believe the vote on the barns had anything to do with the \$350,000.00 loan that is being secured by the citizens of Smithfield. We think quite the opposite. We know that the most recent Windsor Castle LLC update for the town last week depicts the \$350,000.00 as a loan; L O A N. Truth be told, there was no reason for the barns to even come to the Town Council as an action item last month since BHAR had already approved the plans for construction. So, it is in fact, all about the money which has yet to be voted on appropriately by this Town Council. As always, one hopes that members of Council will do the right thing for its citizens. Thank you for the opportunity to comment.

Town Manager – Thank you. The next advanced signup is Ms. Terry Mulherin.

Ms. Mulherin – I live at 206 Washington Street in Smithfield. Mr. Mayor, members of Council, and our citizens, I welcome Mr. Bowman. I thought that I would take the time to say that, just a few months ago, we stewed over a budget deficit and what we were going to do. I am not sure if all the citizens know but there was a potential to raise your taxes including your personal property tax for a \$74,000.00 deficit. You are considering taking out \$150,000.00 tonight of the \$350,000.00 loan to build what are called barns. For the citizens, they are not barns. They are insulated. They will have bathrooms. They will have a septic system. They are also installing air conditioning. That is not a barn

from anywhere that I come from. I am just making sure you are educated to that. So, my concern is that we did not have the money a few months ago. How on earth do we have the money now? Are you confident that there will be no default on this loan; therefore placing all this indebtedness on your taxpayer's back. Secondly, Windsor Castle LLC and Windsor Castle Foundation are indeed an entity of the town with Mr. Riddick as their registered agent. So, I do think, I would like to hear the Treasurer weigh in on whether we can afford that level of a loan to an organization that just received their non-profit status that has not yet had the opportunity to file the form 990. Therefore, as citizens, we do not really know what their finances look like. Lastly, on the vote last month, I am sure you guys had some debate in the background of that. I am sure Mr. Riddick contacted the House of Delegates; but I did as well. I am going to read Rule 69 from the House of Delegates. It states: 'a member who is present and fails to vote shall on the demand of any member be counted on the negative of the question and when the ayes and nays are taken shall, in addition, be entered on the journal as present and not voting; however, no member who has an immediate and personal interest in the result of the session shall either vote or be counted upon it.' You all know what Boards you are on. I am not going to bring that up again. I have done my level of research on it. I do have some concerns. Thank you for withholding your vote last time for the conflict of interest. I really appreciate that. I think it demonstrates growth in our leadership. Mrs. Jackson, thank you for standing up for our first amendment right. Thank you.

Mayor Williams – Those were all the signups. Is there anyone else who would like to speak? Hearing none, we will now move to a Presentation by Mr. Derick Mays with the Virginia Department of Criminal Justice Services for the Town's 2017 Re-Certification as a Certified Crime Prevention Community.

Mr. Mays – It is an honor to be here. I am doing this presentation on behalf of the Crime Prevention Coordinator for the Department of Criminal Justice Services. He had a prior commitment and there was no way for him to get across the state to get here in time. So, it is an honor to be here because still being a sworn servant, I am also a Certified Crime Prevention Specialist. The Certified Crime Prevention community Program was created in 1998 by a director from the Governor's New Partnership Commission for community safety to promote community safety and to recognize communities displaying exemplary efforts in the prevention of crime. This program is the

first and only of its kind in the United States. Virginia is the forerunner on that. Participant communities must undergo a rigorous application process and provide proof of overall community involvement and meet the twelve mandated elements and an additional seven optional elements. Communities are being closely examined by a sub-committee of the Criminal Justice Services Board to ensure that they meet all required elements and they are proving their dedication to the safety of the community. Communities that are subsequently certified must go through a similar process of re-certification every three years to retain that certification. There have been sixteen communities certified since 2001. However, currently, only twelve of them are still certified. They are the ones that met the requirements for re-certification. The benefits of the certification, in addition to the added consideration to grants, also gives communities the application process of the All American Cities program. Others have used certification to attract new business and industry through economic development and programs. Others have used the certification to market their community in other ways. Now, let's talk about Smithfield. Although Smithfield is the smallest of the localities that are certified, you are far from the smallest in achievements and are unique in other ways as well; all of which contribute to your success. Reviews of the application noted that of the certified communities, Smithfield is the only one that has mass community involvement with the programs that are being offered. The fact that you, as the governing body, appoints the members to serve on the Smithfield Community Crime Prevention Team is a testament to the crime prevention community cohesiveness sought through this certification. This certification is a community certification; not a city Council, town Council, and not a police department. It is a community certification. Clearly, the Crime Prevention team is actively involved as reported with the number of hours volunteered by those members. During the certification period, the three strongest elements put forth all address the physical, environmental, and its relationship to crime. One, specifically, was noted that their strength demonstrated in the crime prevention through environmental design and security assessments was awesome. Several of the crime prevention teams have received training resulting in **a hands marketing** in advance training for some of the police department's staff. The application reported an impressive fifty percent increase in security assessments over the past three years. Related to this element is the growth of the business watch, as part of the program, a

two hundred percent increase in participants in the crime alert notification system. Many of the other successful programs are related to develop partnership and aid agreements with surrounding jurisdictions. It is clear that Smithfield has done much with their resources and in building valued relationships. I think that is absolutely awesome. The town is clearly dedicated to prevention from the elected officials to the citizens served. I am pleased at this time to officially re-certify Smithfield as a Crime Prevention Community and to present a certificate of this accomplishment. Would the Mayor and Chief Howell please come down? *The certificate presentation was made by Mr. Mays.*

Mayor Williams – I would like to add that Mr. Kurt Beach is a very large part of this. He has been there a long time and does a wonderful job for us. Kurt, thank you.

Chief Howell – Mr. Mayor and members of Council and citizens, I, too, would like to acknowledge the work that Mr. Kurt Beach and the citizens have put into receiving and accomplishing this award. When the community gets involved, it makes the load a little bit easier to bear. It is just like Mr. Mays said; it is not a Town Council award. It is not a police department award. It is a community award. We are only as good as the community in which we serve. I am elated by the fact that the community has gotten involved and will continue to be involved to maintain the certification that the citizens have received. To Kurt and others, thank you. Mr. Mayor, I would like to take this opportunity to introduce to members of the Town Council and the citizens two of our newest police officers. Would Officer Norton and Officer Cooper please come forward? Please face the Town Council. I would like to introduce our newest officers. First, we have Mr. Anthony Cooper. He was hired with us on May 18th, 2017 and went to the academy on May 22nd. We had a very short opportunity to get him processed and get him ready for the academy; but we met the challenge. Anthony recently graduated from the Hampton Roads Criminal Justice Training Academy on September 20th. He has been on the street with us learning the job as a police officer and putting to use the tools that the academy has given him. He is learning what it is that Smithfield does on the streets of the town. We would like to welcome Office Anthony Cooper on board to the Smithfield Police Department. Secondly, we have Officer Jacob Norton. He comes to us from the City of Suffolk. He worked for them for two and a half years. We were able to pick Officer Norton up to help fill the ranks of the Smithfield Police Department. We are happy to have him. He was hired on August 7th of this year and has been working the

streets since that time. On behalf of the men and women of the Smithfield Police Department, members of Council, and the community, I would like to present the two newest employees of the Smithfield Police Department.

Mayor Williams – Welcome aboard. Next, we will move to a Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Grice – Good evening, members of Council and those in the audience. The Board of Supervisors met for a work session on September 6th. The regular meeting was on September 21st. At the work session, we were presented with the new ‘Welcome to Isle of Wight’ sign positioned at the south end of the James River Bridge. The Board has agreed that its presentation is much improved and improves the image welcoming folks to our county. We have directed staff to advance a schedule for a sign replacement program for the many entry points into the county. I know that most folks do not want to leave Isle of Wight; but should you have an opportunity to go over the James River Bridge take a look at the sign on your way back. I think you will find it appealing. Additionally, the Board heard a presentation from the Game and Inland Fishery Department on the possibility for managing the county’s Blackwater properties. The Board’s key concern here is to lease a portion of the properties to two hunt clubs as well as potential development for other environmental friendly uses for the balance of that property. They will be looking into the property management and have also been asked by the Board if they might be interested in purchasing the property from the county. In the interim, we extended the current leases for the two hunt clubs. At the regular meeting, we received notice that all three rating agencies have continued our AA credit rating. Our Standard & Poor’s rating has increased from AA stable to an AA positive. Additionally, the result of our financing of approximately \$30 million of outstanding debt has netted a debt service savings over \$3.1 million dollars. These savings will begin in fiscal year 2018 - 2019 and continue for approximately fifteen years of debt service. It is not a onetime get it all event; unfortunately. During the consent agenda portion of the meeting, the Board approved an additional 1.5% for a total of 3% wage increase for the constitutional offices which includes the Clerk of the Circuit Court, Commissioner of Revenue, Commonwealth Attorney, Sherriff, Treasurer, and Voter Registrar. Additionally, we amended and renewed Mr. Randy Keaton’s employment agreement. Yep, it has been over a year since the Board hired Mr. Keaton as our

Administrator. We continue to pat each other on the back for having hired him. The only down side to these proceedings is that the Board, once again, demonstrated a slight weakness in financial acumen as we forgot to give ourselves a pay raise. That is my funny for the night. Finally, the Board appointed some twenty community members to serve on the Comp Plan Leadership Task Force. Both towns have representation on the task force and Vice Mayor Gregory will be representing Smithfield Town Council. We are very pleased that he will be serving on that task force. We are intent on executing a totally transparent and all-inclusive comp plan review and getting this done on time. It will take approximately eighteen to twenty-four months. By the way, it will be done in a manner not similar to the 2040 rollout that was not welcomed by our community. Lastly, the Smithfield Times was kind enough to remind me that the three year agreement of the town's takeover of the management of the county museum is at an end. Mr. Keaton will be meeting with Peter Stephenson in the near term to begin work on a new agreement that mutually benefits both governments; but more importantly, keeps the museum doors open. This will be added to our current list of projects where we are working together cooperatively. Sorry that is boring and does not sell newspapers; but it does cause our citizens to win; a win just like this past Saturday's Vintage Market. Working together with the Tourism Department produces some very remarkable results. Does anyone have any questions?

Councilman Smith – I have a question. Some months back, we had a discussion about this MOU pertaining to the ballfields. I know the county was struggling with accepting that and feeling like they did not understand what they might be approving or disapproving. Some of it pertained to the use policy that still had not been presented. I guess my question is have you seen the latest use policy and has the Board accepted that as a vote as part of the MOU?

Supervisor Grice – The language of the MOU, the basic document, has already been approved by the Board. As far as the addendum which was the only portion we were waiting for, I believe, Dave and Amy have worked through all of the details. You are going to hear a presentation on it tonight. I have not seen a written document; but I have had discussions with Mr. Smith. I think that you will find that the Board is ready to act and get this thing approved.

Councilman Smith – Okay, so, you have not approved that as of today. Is that correct?

Supervisor Grice – We have not had a meeting since that time. I believe it is being presented here tonight for the first time. Working together, we are going to get this done. I believe it is coming to a close right now.

Councilman Smith – Okay, thank you.

Mayor Williams – Are there any other questions for Supervisor Grice? Hearing none, thank you. We really appreciate you. Our next item is Council Comments. Does any Council member have any comments?

Councilwoman Tynes – Mayor Williams, I just wanted to thank Council and the citizens for allowing myself and the Mayor to represent you in Williamsburg this week at the annual VML Conference. I do not want to say we had an enjoyable time; but we did. I will tell you that our days started around 7:00 a.m. and finished around 9:00 p.m. I brought that to your attention because I do not want you all to think that when we go to these conferences it is just a lot of fun. Actually, our days started at 7:00 a.m. and we were in sessions after sessions, non-stop, all day. We had ten minute breaks. This is how this particular conference runs. I wanted to let you know that the new Executive President is Dr. Pat Woodbury from the Newport News City Council. She will be reigning as the new Executive President for this next year. Next year, the conference will be held in Hampton and I would like to see a whole lot of you there because it is also opened to the public. Thank you.

Vice Mayor Gregory – Thank you, Mr. Mayor. I just wanted to take a moment to make a comment. I appreciate Ms. Mulherin's comments about indebtedness and the very important job and our role as not only the Finance Committee but also the Council as a whole. The power of the purse and how we spend dollars is very important. It is our biggest job; maybe next to public safety. Recently, we have actually had a chance to meet with our Treasurer. Councilman Pack and I had a meeting with Ms. Minga not too long ago. We are in the midst of getting a formal reserve policy in place for Council to be able to deal with the rare occasion that we dealt with this past budget cycle. So, in my nine years on Council, I do believe it is the first time we had ever tapped into reserves to fund the budget; but I want to provide some perspective. The \$74,000.00 that we did tap into to balance the budget this year comes from a general fund balance

of \$13.5 million dollars. Some would say that is too much and some would say that we should not keep that much cash. Some of that money is promised to other things. We understand that and realize that; but I think if we looked at this as one of our citizen's households then I would like to think that our citizens would be proud of how we handle your money. I would also like to say, in my business and what I do for the last twelve years, I have some experience with regards to credit ratings, bond ratings, etc. I was proud to hear Supervisor Grice's update on the county's AA credit rating. Based on my understanding of those credit ratings, if the town were large enough to be considered for a credit rating we would be a AAA credit rated community which is the highest standard that can be put to any investment that I put in front of my clients.' AAA' resonates and people understand what that means. It is not getting a trip booked from point A to point B. That is my funny for the night Mr. Grice. At the end of the day when it comes to the loan, and yes, it is a loan and I am a member of the Smithfield VA Events Board. I would like to think that if I stepped off of that Board tomorrow because of the work that I have seen this group do to no benefit of their own. I do not benefit in any way, shape, or form except the pride of helping this town become even better and become a better place and to raise a bunch of money for charity. If that is a conflict of interest then let it be what it is. I would gladly write that check and, yes I am confident of their ability to pay it back. I know these people personally. I work alongside of them. I know their families. I know their heart. I know what drives them and what motivates them. At the end of the day, I think it is money well spent. I honestly believe that. I only speak on my behalf. I do not speak on behalf of Town Council. I do not want it to be lost that we just sit up here and throw money here and there. We take very, very careful consideration as to where we spend these dollars. It is our job. It is what we were tasked to do. So, at the end of the day, if I felt any differently; then I should not be sitting in this seat. I would step down and do something else. We appreciate the concerns. I also want to thank Ms. Mulherin. She has always approached that podium with dignity, class, and respect. That does not always happen all the time; but it is appreciated. It is acknowledged. I do want to thank her for that. Thank you very much.

Councilman Dr. Cook – First, I just want to say ditto. Vice Mayor Gregory said a lot of the things I was going to say. Specifically, to Ms. Mulherin, you always state the facts and are very respectful and you keep people's ears open. That is great. There is

nothing wrong with watchdogs. I will stop right there. It keeps everybody's eyes and ears open. There is nothing wrong with that. Thank you very much. To tag along with what Vice Mayor Gregory said about Smithfield VA Events, you will see this weekend three thousand of your favorite friends over at Windsor Castle for the Bacon Festival. It is another weekend where over \$100,000.00 will be given to charities in town. These are great events and it is a great way for non-profits to volunteer their time and bring in some extra money; everything from VFW to the Rotary all the way to the School Board Foundation. It raises money for the schools. Everybody that volunteers gets money. I think this is a great opportunity for the town to have that entity in its borders that raises so much money for the groups within our own borders. There are many well-deserving non-profits in this town that benefit from this. I think it is kudos to us. As Supervisor Grice said, they are patting themselves on the back for hiring Mr. Keaton. I think Smithfield VA Events should pat themselves on the back. I say it over and over. I am not on the Board. I just give them all my money. They should pat themselves on the back for a job well done just from the amount of people that are brought into this town and the amount of money that is raised for people in this town. The last thing I want to talk about is that the First Amendment is what drives this country. We should be able to say what we want and when we want; but you also have to be responsible for what you say. Along with that comes the responsibility of ferreting out what the truth is. We are now a nation of fake news. It is hard reading Facebook or any other social media to realize what is real. We have to dig into this First Amendment. We see it every day on the news; what is real and what is not. You have to figure out what is real and what is not. Is it from what we say, what your neighbor says, what the state says, what the federal government says? In today's visual world, there is a responsibility for all of us to find out the truth. That is it, sir.

Mayor Williams – Is there anyone else who would like to make a comment? I would like to weigh in on the fact that, yes, we did have an \$80,000.00 deficit that we had to take a look at. We did talk about every single aspect that we could to find out where we would get the money. I want to thank our Town Treasurer again for helping us with that. She is a blessing to this town and this Council. She does a wonderful job. I would just like to say, and will go back on the record again and I have said it many times, this Council has not raised real estate taxes in twenty-three years. We are still

surviving very well. Hopefully, we can keep on doing that. Are there any other comments? Hearing none, we will now move to the Consent Agenda.

Councilman Dr. Cook – Mr. Mayor, I would like to pull C4 – item D.

Mayor Williams – Would anyone else like to pull anything for further discussion?

Councilman Pack – Yes, sir. I would like to pull C6 for consideration.

Mayor Williams – We will now move to our Summary of Consent Agenda Items.

First, we have the Police Committee Chair, Mrs. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. Item C1 is a resolution to approve the street closure request for the Christmas Evening Market on Friday, December 8th, 2017. Some parts of Main Street will be closed around 3:00 p.m. so the vendors can come in and set up. The market starts at 6:00 p.m. Please come out and have a wonderful evening. The next item is a resolution to approve the street closure for the Smithfield Annual Christmas Parade on Saturday, December 8th, 2017. It is an annual event that we have every year in the town. I do not think anything has changed as far as which streets are closed. Thank you.

Mayor Williams – We will now move to the Water and Sewer Committee Chairman, Vice Mayor Gregory.

Vice Mayor Gregory – Water and Sewer Committee Summary. The only item on the agenda for water and sewer is a mechanical, electrical and utility services contract with R.E.W. Corporation for one additional year. Staff gave a presentation. They are very pleased with their work. I believe we have two more renewals left on this contract. We are exercising the first of those for one additional year.

Mayor Williams – We will now move to the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. We have before us this evening several invoices over \$10,000.00 which require Council authorization. The first is to A. R. Chesson Construction for the concession building at the sports complex. It is for \$106,185.83. We had a report from our consultant at committees this month. We are pleased to announce that we are in our 'punch list' phase of the concession building. We are just about ready to wrap that portion of the project up. Secondly, we have Gately Communications for \$16,060.00. This is for access controls in various town buildings where they have the cards to be able to access the buildings. They were in

need of updating. Finally, we have the Isle of Wight County Tourism True-Up of \$104,390.07. This is the town's portion of the tourism budget which did come in under budget for the first half of the year. Item D will be moved to an action item since it was pulled from the consent agenda. Item C5 is a motion to adopt a Personal Property Tax Relief Act (PPTRA) Percentage. This is the amount that we are given for discounts on our cars. In the past, it has been 50%. This year it is 48.5% which is a little bit of a decrease in our tax relief on that. Just so the public understands how that works, we are given a pool of money and that pool of money stays consistent. If we were given \$100,000.00, as an example, we are given \$100,000.00 every year so we have to divide the amount of personal property of the county. We have some more cars this year, apparently, and other items that fall under personal property so that rate for this year will be for 48.5%. We are recommending approval of these items, Mr. Mayor.

Mayor Williams – We have pulled item C6. We will move to the Public Works Committee Chairman, Mr. Michael Smith.

Councilman Smith - Public Works Committee Summary. We have a motion to approve the street paving proposal from Blair Brothers, Inc. for the portion of South Mason Street from Cedar Street to Sykes Court. We also have a motion to approve the proposal from Draper Aden Associates for the Virginia Department of Conservation and Recreation grant work for the Waterworks Lake Dam. Thank you.

Mayor Williams – We will now move to the Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Public Buildings and Welfare Committee Summary. We are moving into Phase IV of the Pinewood Heights project. In order to proceed we need to accept a contract with Community Planning Partners, Inc. for management assistance services. Thank you.

Councilman Pack – I would like to make a motion that we approve the consent agenda items with the exception of items C4-D and C6 which we have pulled to action items.

C1. Resolution to Approve Street Closure Request for the Christmas Evening Market, Friday, December 8th, 2017.

C2. Resolution to Approve Street Closure for Smithfield Annual Christmas Parade, Saturday, December 9th, 2017.

C3. Motion to Renew Mechanical, Electrical, and Utility Services Contract with R.E.W. Corporation for One Additional Year.

C4. Invoices Over \$10,000.00 Requiring Council Authorization:

- | | |
|---|--------------|
| a. A.R. Chesson Construction (concession bldg.) | \$106,185.83 |
| b. Gately Communications | \$ 16,060.00 |
| c. Isle of Wight County Tourism True-Up | \$104,390.07 |
| d. Pulled from Consent Agenda | ***** |

C5. Motion to Adopt Personal Property Tax Relief Act (PPTRA) Percentage.

C6. Pulled from Consent Agenda.

C7. Motion to Approve Street Paving Proposal from Blair Brothers, Inc. for a Portion of South Mason Street from Cedar Street to Sykes Court.

C8. Motion to Approve Proposal from Draper Aden Associates for the Virginia Department of Conservation and Recreation Grant Work for the Waterworks Lake Dam.

C9. Motion to Accept Contract with Community Planning Partners, Inc. for Management Assistance Services for the Pinewood Heights Relocation Project Phase IV.

Councilwoman Tynes – 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, seven members were present. Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilman Pack 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 – Now, we will move back to item C4-D which is an Invoice Over \$10,000.00 Requiring Council Authorization to Windsor Castle Park Foundation for the Restoration Project. We will have consideration by the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Thank you. It is for the restoration project at Windsor Castle. The continued project is \$150,000.00.

Councilman Dr. Cook – This is a draw to pay for work on the interior of the caretaker's house; but, because it was brought up during public comments I wanted to

discuss our vote from last month. Mr. Riddick, our vote was in the affirmative. Is that correct?

Town Attorney – Yes, it was. I was going to explain that later Dr. Cook; but maybe now is the appropriate time. After the vote last month on the action item to approve the design and construction of the barns at Windsor Castle, the vote was 2 – 1 with Dr. Cook and Mr. Smith voting in the affirmative and Mrs. Tynes voting in the negative with the remainder of the Council abstaining. I was not certain whether that was an effective vote or not. After the Council meeting, I did legal research and had a conversation with the Clerk of the House of Delegates. He suggested that we amend the provisions of our ordinance to not be governed by the rules of the House of Delegates. He said they really do not apply and he cannot imagine how we got that. I explained that Smithfield does things the same way that we have been doing them for a long time. So, that is probably very good advice. Anyway, there was a full quorum present of seven Council members. The majority of those who voted on the motion (2 -1) voted in the affirmative so the motion passes. It was not an action item to raise taxes, levy taxes, or to enter into contracts. It was nothing more than, you, as Town Council members looking at the design and understanding what you are doing by building these buildings pursuant to the plan as approved by the Department of Historic Resources. You have done that so you can proceed with construction of those barns. Funding is a completely different issue. This was not a vote on a loan. The town has ample reserves. You could build it out of your reserves if you choose to or you can borrow it from a number of sources available to the town. That is a completely separate issue and has nothing to do with the vote that you took last month. Does that answer your question, Dr. Cook?

Councilman Dr. Cook – Yes; a very long version.

Town Attorney – Well, it needed to be long because it needed to be explained and it needed to be on the record. I was going to do that anyhow.

Councilman Dr. Cook – Well, I just gave you the opportunity now. Technically, it is a little different than the vote tonight. I just wanted you to clarify that before we moved on to this vote.

Town Attorney – Yes, sir.

Councilman Pack – Is there any further discussion on extending funds of \$150,000.00 for the Windsor Castle Park Foundation restoration project? Seeing no

further discussion, I would like to make a motion that we approve extending

\$150,000.00 to the Windsor Castle Park Foundation for the restoration project as requested.

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

Mayor Williams – The motion passes 6 – 1. Thank you all. Now, we move to item C6 which is a Motion to Approve the Purchase of Grounds Equipment to be Used at the Joseph W. Luter Jr. Sports Complex. We will have consideration by Mr. Steve Bowman.

Councilman Bowman – This is a request by Amy Novak for Parks and Recreation to purchase two pieces of equipment necessary for upkeep of the sports complex. I believe there may be some questions pertaining to the cost involved. The actual new cost of the multi-surfacers is \$21,180.00 and the rotary mower is \$29,100.00. Ms. Minga, not to put you on the spot; but you were going to check the budget.

Town Treasurer – We have \$30,000.00.

Councilman Bowman – Okay. Thank you. Mr. Mayor that is what is before Council at this time. I will be glad to answer any questions and if Mrs. Novak has a presentation then come on up.

Councilman Pack – I have a couple of questions. The only reason I pulled it from the consent agenda is because we had some discussion about different ways to do it at committees. Mrs. Novak has presented us a couple of different options for this. I believe one of the things we had talked about at committee was that we were leaning towards a used rotary mower for \$16,000.00 and looking at financing or leasing the multi-surfacers. Mrs. Novak has brought us back some information with some options to lease the multi-surfacers.

Mrs. Novak – I would like to take a quick moment to introduce our Parks Maintenance Supervisor, Chris Hewett. We actually got to test drive the Groundmaster today.

Councilman Bowman – It is fun; isn't it? They have one at the high school.

Mrs. Novak – Yes. It really just floats on top of the ground.

Councilman Pack – I would like to discuss both of them and just kind of come up with a consensus of which way we want to move with this.

Mrs. Novak – I will let Mr. Hewett talk about the used mower and why we felt comfortable going that route.

Mr. Hewett – We met with the Toro sales representative today. He came out and did a demonstration on a unit. As you can see, the new unit is approximately \$30,000.00. He said that they lease to golf courses for about four years. They use Groundmaster mowers. After those four years, the mowers have approximately fifteen hundred to two thousand hours on them. After four years of use, they turn them back over to Toro. They do a full inspection and a thorough check of all mechanics on the mower. They put them back up for sale as used to municipalities and whoever.

Councilman Dr. Cook – Is it, technically, refurbished or just checked over?

Mr. Hewett – It is thoroughly checked over. They provide a ninety day warranty for the used units.

Mrs. Novak – The hours are less which is what was impressive to us.

Councilman Dr. Cook – Is the lease for thirty-six months, forty-eight months, and sixty months which is on the back of the brochure; is that the lease amounts?

Mrs. Novak – It is.

Councilman Dr. Cook – The dollar buyout means that after the lease then we could buy it for a dollar.

Mrs. Novak – That is right and we would own it. The other option is just a lease and you return it to them.

Councilman Dr. Cook – So, that is financing above and leasing below.

Mrs. Novak – Yes.

Councilman Dr. Cook – For \$50.00 more per month, you own it.

Mrs. Novak – I asked about the rate of 4.5%. I thought that was a little high for us. He said that we could shop it. There are other resources that Toro uses to get a lower rate for financing.

Councilman Dr. Cook – But your recommendation is a used mower.

Mrs. Novak – Yes.

Councilman Dr. Cook – Do they sell a used Sand Pro?

Mrs. Novak – You would not want it.

Councilman Pack – I believe the Town Treasurer made a recommendation on this. Is that correct?

Mrs. Novak – Her recommendation is that either way is good for her; but lease to own is the best if you want to do the financing option which is what she recommended.

Councilman Pack – I will just make a comment to the Council. It would be my recommendation to purchase the used mower as they requested outright for \$16,000.00 and look at leasing to own the Sand Pro three-wheeler. I would leave that to the discretion of the Town Treasurer as to the terms of that lease as far as length. I would be fine with any of those.

Councilman Dr. Cook – If it is really close to our budget, we would allocate it anyway. Right?

Councilman Pack – Correct.

Mrs. Novak – However, there is other equipment needed.

Councilman Dr. Cook – So, the budget was not for these two items.

Mrs. Novak – It was actually for one mower; but we went the rotary mower route.

Councilman Dr. Cook – But the budgeted \$30,000.00 was for one mower not for all of your equipment.

Councilman Pack – Correct.

Councilman Dr. Cook – So, we are basically getting just over two items for your budgeting of one item.

Mrs. Novak – Yes.

Vice Mayor Gregory – Even if that rate is 4.5%, I know we can pay for it. I do not know why we would pay even 3% interest if we can just pay for it on such a small amount. Maybe I am reading that wrong.

Councilman Dr. Cook – Why pay someone else to use our own money?

Mayor Williams – That is what I was going to bring up.

Councilman Dr. Cook – Is this coming out of the budget for the initial ballfield budget from the very beginning?

Mrs. Novak – No. It was a budget item set up for it this fiscal year.

Councilman Dr. Cook – So, this is off of this year's budget.

Mrs. Novak – Yes.

Councilman Bowman – Does anyone else have any questions?

Councilman Smith – Yes. I have a question about the thirty-six month lease where you can buy it for \$1.00. That is very close to what they are actually wanting for the new one. You have time to pay for it in thirty-six months. You are at \$22,600.00 with the lease and you are at \$21,180.00 so, to me, it is not that much money in three years to finance. I think that would help out with budgeting for what we already have. Is that correct, Ms. Minga?

Councilman Dr. Cook – To answer your question, it is \$1,400.00 in interest for three years.

Councilman Pack – It keeps us under the \$30,000.00.....

Councilman Smith – That is what I am worried about.

Councilman Pack – It would extend it by \$7,180.00 in excess of what we budgeted to purchase them both outright now. So, if we buy the used at \$16,000.00 and we do a thirty-six month lease then it would stay within our budget. We can make adjustments for it a little bit during budget cycles.

Mrs. Novak – And it would give us some money for additional things like blowers and things that are needed.

Councilman Bowman – Are there any further questions? Hearing none, Mr. Mayor, I will yield the floor to a motion by someone else if they would like to do that based on their calculations.

Councilman Pack – Thank you, Mr. Bowman. At this time, I would like to make a motion that we purchase the real mower for \$16,000.00 and do a lease to own for thirty-six months for \$627.66 on the Sand Pro 3040 with attachments.

Councilman Bowman – Second.

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

Councilman Smith – I have one more question. When do you need this equipment? Which one is needed now and which one could be put off for a month or two or whatever?

Councilwoman Tynes – You cannot put it off because the contract says that prices could change by the 31st.

Mrs. Novak – The grounds will be turned over to us probably at the end of this month; not next month. We will need to start cutting and also turning over the fields even though no one is playing on them.

Councilman Smith – Okay. That is all I had.

Mayor Williams – Are there any further questions? Hearing none, roll call vote.

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

Mayor Williams – Now, we will move to the Action Section. We have four items. We are going to put Mr. Bowman on the hot seat; right out of the gate.

Councilman Bowman – Thank you. Mrs. Novak, you can stay right there. This is a Motion to Approve a Memorandum of Understanding (MOU) Between the Town of Smithfield and Isle of Wight County for the Joseph W. Luter Jr. Sports Complex. During the course of listening to some conversation between Councilman Smith and Mr. Grice, it caused my ears to come up. I do not know what type of impacts that will have. Mrs. Novak, if you would give us an update as to what is going on and where we are please.

Mrs. Novak – The Board of Supervisors did vote on the MOU two months ago. The way the vote went, by my understanding, is that they voted yes to the MOU; but they would like to see the accompanying use policies which the Town Council had not reviewed yet.

Councilman Dr. Cook – So, it is contingent upon.....

Mrs. Novak – Reviewing the use policies; not approving them because that is our Town Council's responsibility.

Councilman Bowman – I would say for the record that Mr. Grice is nodding in accordance even though he is not at the podium. That is good enough for me as well. I am sure, at this juncture, that this MOU is quite right for a vote on behalf of the town if the county has not completed its work in totality on the complete MOU. Would that be a correct assumption?

Mrs. Novak – I would think that the use policies and fee structure need to be approved by Town Council and then they would be ready to finish their vote on the MOU.

Councilman Bowman – You are turning it around on me.

Mrs. Novak – I think we need to start with the use policies tonight and then see what happens with the MOU if that makes sense.

Councilman Bowman – Okay.

Councilman Dr. Cook – I have a couple of questions. For anyone who might know the answer to this, is the sidewalk that we are building from Westside Elementary to the sports complex a contingency from the county for their funding? Are we building that because the county wanted us to build it?

Councilman Pack – Item #6 under access in the MOU specifically says ‘is hereby agreed that the Town Council shall construct a sidewalk or other appropriate pedestrian construction from Westside Elementary School to the athletic complex at its sole expense.

Councilman Dr. Cook – Where do you see that?

Mrs. Novak – The MOU is in your electronic agenda.

Town Attorney – I can answer that Dr. Cook. When the initial MOU was prepared and sent to the county, it was one of their responses.

Councilman Dr. Cook – They said we would build the sidewalk on our dime in order to get the \$250,000.00 from the county. Correct?

Town Attorney – Correct.

Councilman Pack – I would like to add to Dr. Cook’s comment as well. This afternoon, while reading this, I have a friend in the concrete business and I asked them for a quick estimate on what we are talking about here since it is a requirement of the access. He did a quick estimate of a seventeen hundred foot by five foot sidewalk including labor and materials. The cost would be approximately \$55,000.00. With all engineering and permits and VDOT right of ways, it could easily come close to a \$120,000.00 by the time it was complete. It would require a bulkhead for a portion of the sidewalk where it comes by the walking track. I am sure VDOT would then require curb and gutter to extend from Farmer’s Service to the park since you are adding a walkway. If that estimate is correct in any way, shape, or form, it takes a \$250,000.00 from the county and quickly reduces it down to \$130,000.00 because there is an additional \$120,000.00 with this additional expense with this MOU. I had not realized that prior to today.

Councilman Dr. Cook – Okay. Moving away from the MOU towards the use policy because it is all connected. There are addendums to the MOU. I do not have a problem with Level 1, Level 2, and Level 3. There needs to be a method in place for people to get discounts for use. We have it here at the Center and have it in the other public access areas. You can have discounted users whatever that discount user might be. I also have absolutely no problem on the use policy where it states who Level 2 users are such as Windsor Athletic Association, Isle of Wight County recreation teams, and county citizens in their different sporting functions. I think it is fine to give discounts to local teams in order to have local events. We are going to approach the school Board and ask if they would like to have a night under the lights as well as Paul D. Camp. I like that there is a method for it to be acceptable to come and play. I do not exactly have a desire to enter into an agreement with the county; meaning, I am in favor of giving them what they want for fee structure; but I do not want their money. That comes to my next question for the Town Treasurer. When we first talked to the county about a donation of \$250,000.00 to the ballfields, the county came back to us and said they could pay it to us over a number of years. The way it was presented to us, and I might be incorrect and feel free to correct me, is that there is money given to us by big donors and we used some money of our own to pay for this project. The county was just basically paying us back for money that we have already gotten. Is that still true today as it was back then?

Town Treasurer – At this point, it would be supplementing. There were two parts to that. When you look at the \$250,000.00 that the county was going to give us and the possible money we would eventually get from SRA then, yes, they are paying it back. If you look at it as not being sure when or if that money will come from SRA or the county, it would actually help us to break even. They would still be paying us back since we fronted the cost; but it would help bring the project to pretty much break even for what we had budgeted for everyone other than SRA. Does that answer your question?

Councilman Dr. Cook – Yes; but, I am going to ask a stupid question anyway. We have the money to complete the project assuming that SRA sells their property and then that money goes into the project. According to our agreement with them for \$20,000.00, assuming their property gets sold, funding wise; we have the money we need. The county is just kind of helping offset the cost for stuff we have already paid. Is that correct?

Town Treasurer – I am not sure I am on board with the SRA portion. I originally thought that was about \$400,000.00. If that has changed....

Town Attorney – It was \$350,000.00 plus the \$20,000.00 annually.

Town Treasurer – The way the project stands right now, it is about \$200,000.00 to \$250,000.00 that is not funded by the money that we had committed plus the donations that we received. You can look at that as, yes, that \$250,000.00 from the county would finish the project. What we would get from SRA would be excess to cover the expenses that we have. It also depends on if we do any additional work other than what I know about at this point as far as asphalt or a sidewalk.

Mayor Williams – Asphalt is the big cost right now that is not in any of this.

Councilman Dr. Cook – I thought we got another donation to help offset that.

Mayor Williams – No, sir.

Town Treasurer – I have not received any at this point.

Councilman Smith – Mr. Mayor, out of fairness to the county, I know we have tried to reach out many, many times. Sometimes, we do not feel really good about what we are doing because of their actions; but I still feel that in the best interest of the county and the town I see nothing wrong with them using this. They are not beating us up over it. I think they need to look at this, to be fair to them, and then if they are happy with it and sign off on it and make a recommendation that they are okay with it then I think we can come back to this and then vote on it. I think we are premature right now because it does not give them the opportunity to complete what they said they were going to do.

Councilman Bowman – As the novice up here, what I am thinking is that from what I am hearing, there does not seem to be a whole lot of heartburn. Of course, we have not heard from every member of the Council; if there is then please let me know. We are trying to keep arms around it. I have not heard any heartburn pertaining to the use policy and the fee structure.

Councilman Pack – I would like to comment on that, Mr. Bowman. I have zero heartburn with it. I asked Mrs. Novak to provide us with comparison pricing for sports venues which she has done. We are right in the ballpark. The money is right where it ought to be. It is something that I had asked for and it is sitting right here before us. I appreciate it Mrs. Novak. You are spot on with that. Thank you.

Mrs. Novak – You are welcome.

Councilman Bowman – So, with that being said Mr. Mayor, I will continue on as Chairman of the committee. I would be in a position to make a motion, if appropriate, to accept the proposed use policy and the fee structure contained in the action section at this time.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded to approve item #2 and item #3. Is there any further discussion?

Vice Mayor Gregory – Mr. Mayor, I would like to answer a question that pertains to the very important point that Councilman Pack just brought up. It is probably a question for the Town Manager. Was it not the goal on the sidewalk piece that we would be able to utilize urban funds to construct that sidewalk and not ‘town’ money?

Town Manager – Yes, it is part of the turn lane project which would be paid for through urban funds.

Vice Mayor Gregory – Okay; because this came up before and I did not want that to get lost by Council. These urban funds are one of those special situations where it is VDOT money that sits in our account. If we do not use it then they pull it back.

Town Manager – We had come up with an early estimate of just the sidewalk of about \$50,000.00 several months ago.

Vice Mayor Gregory – The follow up to that is after the turn lane is completed, based on what we estimate that to be, will there be enough money left in urban funds to cover say \$150,000.00 which is over-estimated?

Town Manager – Yes.

Vice Mayor Gregory – From that perspective, my heartburn with all of this is that at the end of the day, we have really tried to forge a better partnership with the county. I think in many respects we have done that. I applaud Mr. Grice for his efforts. We have worked together on water and sewer. We have started to get back together on intergovernmental, at least, recently. We would like to keep that going. The hard part and what is frustrating is, when we first asked, I was the one who came and asked personally for the assistance from the county. Basically, we presented it as a matching grant. We had a \$2,000,000.00 grant. All that the grant was asking was that the county put some skin in the game because as you can see from this use agreement the vast majority of the groups that will be using this are county taxpayers and county residents.

Pop Warner football has already kind of staked a claim. They want to use the football field and that is all county residents so they gave it a blessing that night. Ever since then and after that, it seems like there have been several caveats and attachments and the sidewalk and certain uses and whatnot. That is all fine and good; but we are trying to be good teammates and good partners. I think we should approve the use agreement. This is a lot like trying to work between the House of Representatives and the Senate. We are passing a bill and then they get it and then they review it. If they are good with it then they are good. If we do not pass it and we wait for them to review then there is no formal action taking place. I have one final comment. I believe that if we pass this use agreement tonight and the county is not good with it and they have further issues then I do think we have to start thinking about eliminating Level 2 and just going with Level and Level 3. Maybe Level 2 could just be town residents. If you are a resident of the Town of Smithfield, you could be provided discounts if you have a travel team or a recreation soccer team that wants to come out and use the outfields. If they are not going to be in for their portion, which is very important for us to get this done in a timely manner, then I cannot see how we can start granting discounts and accommodations. We are asking for zero maintenance dollars. We are giving them fifty percent discounts on all the usage fees. I do not get a discount when I go to Nike Park. I pay the \$80.00 like everybody else. So, I think there has to be some give and take. We are meeting them on the sidewalk and they need to meet us on getting this money contributed in a timely fashion. The ability to pay for that parking lot is huge. We have all echoed that. I think we are all committed to this project whether the county is on board or not; but we want them to be a partner. I want them to be a partner. I want this to be another step in our ability to work together on something that is going to make the county a destination for people to want to be here. We already have plenty of those; but there is nothing wrong with having one more in diversifying your tax base, diversifying your revenue, and diversifying tourism. I think they are all good things. This adds a whole other level of tourism for the Tourism Director to take advantage of. I appreciate Council's patience and their willingness to continue to deliberate this; but I hope we will vote in the affirmative tonight.

Mayor Williams – Thank you. You have mentioned some things here that will change the motion if we go in that direction. We have a motion on the floor.

Vice Mayor Gregory – I do not want to change the motion. I am fine with the motion as presented.

Mayor Williams – Is there any further discussion? Does everyone understand the motion?

Councilman Dr. Cook – Can you repeat the motion one more time?

Vice Mayor Gregory – It is a motion to approve the use agreement and the fees.

Councilman Bowman – The motion would be to approve action items #2 and #3 and it was seconded by Mrs. Tynes.

Mayor Williams – Is there any further discussion? Hearing none, roll call vote.

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

Town Attorney – Mr. Mayor, I have a housekeeping item on action item #1. We need a motion to defer that to another meeting.

Councilwoman Tynes – So moved.

Councilman Pack – Second.

Mayor Williams – A motion has been made and properly seconded to defer action item #1 which is a Motion to Approve the MOU Between the Town and the County for the Joseph W. Luter Jr. Sports Complex. 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 Tynes 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 – Next, we have a Motion to Approve the Town Council Meeting Minutes of September 5th, 2017.

Town Attorney – Mr. Mayor, I have made minor revisions and corrections. When I was asked by Dr. Cook earlier about the action item on the matter concerning the construction of the barns, in the minutes, I had stated that the motion had failed. I am going to leave it that way because that is what I stated. I am inserting a 'note' that says the following: 'Note: After further research, it was determined by the Town Attorney that the motion passed. A full quorum was present and a majority of the Council members

voting on the motion voted in the affirmative.' I am not changing the minutes; but, for posterity so that people will know what occurred, the minutes need to reflect that note.

Vice Mayor Gregory – So moved.

Councilman Pack – Second.

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

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

Mayor Williams – The next item is New Business. We have the Town Manager and the Town Treasurer for an Additional Invoice Received from Xylem for Sewer Bypass Pump (Budgeted Rollover Purchase from Last Fiscal Year) of \$83,229.41.

Town Manager – Yes. It is a Godwin sewer bypass pump. This is an item that was budgeted last fiscal year according to our Public Works Superintendent. It was ordered back in April, I believe, but like a lot of the things he discusses with you all, there is a long lead time on it. We finally got it and received the invoice. The Town Treasurer did rollover \$100,000.00 from the amended budget from last year's funds which was advertised to the public. So, \$100,000.00 was rolled over from the sewer fund to cover this. We have more than enough in the rollover funds to pay this invoice.

Vice Mayor Gregory – I would like to make a motion to approve this expenditure.

Councilman Dr. Cook – 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, seven members were present. Councilman Pack voted aye, 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 - We will now move to Old Business. Is there any old business?

Councilman Dr. Cook – I have an Update on the Windsor Castle Restoration Project. The manor house has a couple less trees. The trees that are there have been pruned. We had met with an arborist. Personally, I had a lot of heartache over this. At first, I said no. We did not need to do this and then we met with the arborist and started

looking at the trees. There was a maple tree on the front and the other was a beech tree up near the fence. With the maple tree, specifically, the crown of the tree was dead. The top of the tree was just dead and ready to fall on top of the house. The arborist said that the tree was on its way out. It was dying for whatever reason. We have pictures if anyone wants to see them. The last thing we need is to spend money on the manor house to fix it up and then have a tree fall on it and the squirrels move into the basement. So, that tree was hollow through and through. It had to come down. As far as the beech tree up front, it had already lost a number of limbs. The fence in the front has been repaired a number of times. The arborist also said it is an old tree and it was time for it to go. We have pictures of it when it was cut down. Every limb on that tree was hollow. I am sure we upset some squirrels; but it had to come down. In my opinion, when you look at the house now, it is lopsided; but just like any construction project, you have to wait until the end to see the results. When we get to the landscaping phase, it will be balanced out. We are going to plant more trees, more shrubbery, and more landscaping to balance out the look. Right now, it is just a transitional phase. All the pecan trees around the area had the limbs trimmed to get the limbs off of the house. Every time there was a wind storm, it would knock the windows and dormers. We are just protecting the house. The pecan trees are still there for nice shade in the summertime and whoever wants to pick up pecans. Personally, I had heartaches about cutting them down. I resisted at first; but once I met with the arborist, they made really good points about them having to come down. Moving across the street, the caretaker's house is essentially finished. The porches are done. I think some spindles need to be put on the front porch to finish that off. Essentially, the exterior is done. This is the slow phase where everything starts moving inside and you cannot see anything happening; but they are still there every day from what I hear. The crew has also moved to the interior of the manor house. A new roof has been installed on the 18th century barn. The only roof left to be worked on is that little manager's office catty-cornered to the caretaker's house. One of the barns there is a log crib. It is probably the most photographed building there. It is a favorite backdrop for photography sessions. We are going to preserve that in its 'natural' state. It is not exactly safe right now because it has not really been shored up. There is going to be an interior shoring up of the log crib. The exterior will kind of look the same with logs skewed every which way; but it will be

stabilized from the inside so that the photographic opportunity is still there for those that want it. It will be structurally sound and safe. Coming up later this month, now that the harvesting of the grapes is mostly completed, we will work on the excavation of the swale behind the north outbuildings along that side. We hope to divert water away from all the work we have accomplished on those outbuildings. The caretaker's house interior is underway. It is basically getting roughed in with the plumbing, HVAC, and electrical. The inside is moving relatively quickly. As far as the reconstructed barns, the construction plans are ninety percent complete. An archeological survey is about to begin. Every time we dig in the ground, we have to have an archeological survey to make sure we are not digging up anything of historical significance. Moving forward to our financial summary to date, our project cost is tracking at \$182,000.00 below our original estimates. So, we are coming in well under budget. Our first draw for 150,000.00 was approved tonight for our accelerated projects. I had mentioned earlier during Council comments that this weekend is the Bacon Fest. If anybody happens to be there for the Bacon Fest, you can get a really good opportunity to get a before and after look on the outbuildings. The backside of the stable which is the third building in from the road and the log crib which is the second building in you can kind of see the reconstructed wall and then the open wall of the log crib. It has been roped off and walled off so that people cannot get in there because the log crib is questionable at the moment; but you can see a good before and after of the outbuildings and where the money is going and how it is being restored. I would like to add that we have a high school group that is entering into the oyster agriculture business at Windsor Castle Park off of the kayak launch. Hopefully, they will have better luck that we did off of the fishing pier and they will not find them disappeared in the middle of the night by those mysterious otters. I am sure that is what took those. So, the Windsor High School students are doing an oyster project off of the kayak launch. They are raising oysters from seed oysters up to adult size and then will give them back to the Chesapeake Bay Foundation to help in the repopulation efforts of the oysters in the bay and rivers. Kudos to them. Thank you.

Mayor Williams – Is there any other old business?

Town Attorney – Mr. Mayor, I have one thing I need address in the record. During the Council comments tonight, Vice Mayor Gregory very eloquently responded to the

concerns raised by citizens. One of the questions that he responded to was not an entirely appropriate question. The fact that it is not an appropriate question is something I will take the blame for. I have tried very hard to make people understand that the Town of Smithfield is not making a loan to or for the benefit of any third party, in particular, Smithfield VA Events. It is not what you have done. You have entered into a lease with the LLC; but they entered into a sublease with Smithfield VA Events. They are required to pay rent. If the town does, at some time, borrow money to make improvements for these barns then Smithfield VA Events will not be responsible for repayment of that debt. It is not the case. Their only obligation is to pay rent under the terms of their sublease. The town is responsible for any debt that is incurred. I apologize if I have not made that clear in the months we have been discussing this. Vice Mayor Gregory was responding appropriately to the question; but, perhaps, it was not exactly the right question. I apologize that I have not made it clearer.

Mayor Williams – Is there any other old business? Hearing none, we do have a Closed Session tonight for a personnel matter with the Town Manager and the disposition of real property.

Town Attorney – We need a motion to go into closed session for the purpose of discussing the disposition of publicly held real property and personnel matters.

Vice Mayor Gregory – So moved.

Councilman Pack – Second.

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

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

The Town Council went into closed session at 9:08 p.m.

The Town Council returned to open session at 10:06 p.m.

Town Attorney – Mr. Mayor, we need a motion to go back into open session.

Councilman Smith – So moved.

Councilman Pack – 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, Councilman Bowman voted aye, Councilwoman Tynes voted aye, Vice Mayor Gregory voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Town Attorney – Mr. Mayor and members of Council, we need a motion that during the closed session there was only a discussion of personnel matters and a discussion of disposition of publicly held real property.

Vice Mayor Gregory – So moved.

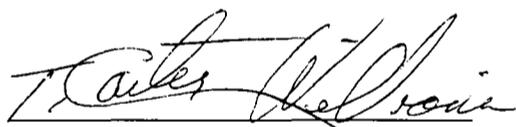
Councilman Dr. Cook – Second.

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, Councilman Bowman voted aye, Councilwoman Tynes voted aye, Vice Mayor Gregory voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Is there anything else to come before Council tonight? Hearing none, we stand adjourned.

The meeting was adjourned at 10:07 p.m.



Mr. T. Carter Williams
Mayor



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