

The Smithfield Town Council held its regular meeting on Tuesday, October 4th, 2016. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor; Mr. Michael Smith, Ms. Connie Chapman, Mr. Randy Pack, Mrs. Denise Tynes, and Dr. Milton Cook. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mrs. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. William H. Riddick, III, Town Attorney; Mr. Steve Bowman, Chief of Police; Ms. Judy Winslow, Director of Tourism; Mr. Bill Davidson, Planning Commission Chairman; and Ms. Amy Musick, Smithfield Center Director. There were approximately twelve (12) citizens present. The media was represented by Mr. Ryan Kushner of the Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of October 4th, 2016. It is now 7:30 p.m. Thank you all for coming out tonight. 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 now start our meeting with the Informational Section of the agenda with our Town Manager.

Town Manager – Thank you, your Honor. Welcome everyone. The September Activity Report was included with the October agenda which was posted on Friday. I hope everyone has had a chance to look at that. As always, I am happy to answer any questions. Certainly, we are preparing for Hurricane Matthew this week. We are keeping an eye on things. We will plan on having a staff briefing within the town tomorrow and then county wide on Thursday and see where things stand. We also have a Chief Administrative Officers regional meeting tomorrow and it is not on the agenda; but, who knows, we might be talking about that as well. It is always forefront in our minds as something like this is heading up the coast. As a point of information, I saw on Facebook that Food Lion was already out of water. The good news is that our R.O. Plant has the generator ready and full of diesel and can run for at least three (3) days. We are on the priority list for diesel refill if needed. Everyone will have plenty of water for at least three (3) days. We have a holiday coming up. Who knows what is going to happen with the Virginia Municipal League Conference which is in Virginia Beach. Ms. Ippolito and I were scheduled to make a presentation regarding Smithfield VA Events and its impact on the community and so forth on Monday. I am not sure what is going to

happen so we will just play it by ear. Certainly, throughout the next several days, we will keep you all posted on what happens. As far as the monthly schedule, we have Planning Commission on October 11th. There is no Board of Zoning Appeals meeting this month. We have the Board of Historic and Architectural Review scheduled for October 18th. Our committee meetings are October 24th and 25th. We are back to our regular schedule for October. They will all be at the Smithfield Center. That is all unless anyone has any questions.

Mayor Williams – Are there any questions for Mr. Stephenson? Hearing none, we will move to Public Comments. The public is invited to speak on any matter except for public hearings. We have two (2) tonight. You are limited to five (5) minutes per person. If you want a response from the town after the meeting tonight just let us know and give us your contact information.

Town Manager – The first signup is Ms. Betty Clark.

Ms. Clark – Here we are again deciding to tear down another part of Smithfield's history. Does anybody ever get tired of tearing down? I attended the September 20th Board of Historic and Architectural Review meeting. At that meeting, the contractor for 222 Astrid Street asked to rebuild the fire damaged structure as it had been built. It is a Non-Contributing structure. Unfortunately, the BHAR gave that contractor a lot of grief about building. They did allow him to build it back but they did not seem to mind that Smithfield Foods is allowed to tear down a Contributing barn behind the Smithfield Inn. It appears that Smithfield Foods and China are being allowed privileges that others do not get. I hope you all will keep that in mind. Thank you.

Mayor Williams – Thank you Ms. Clark.

Town Manager – Our next signup is Mrs. Carolyn Torre.

Mrs. Torre – I live at 32 Main Street. I was at that same meeting. I also felt that a Contributing building was not really given the due that it should be given. My understanding is that Smithfield Foods said the building was one of very few that are left that was used for peanut warehousing. To my mind, it makes it worth more not less to Smithfield. I looked around and I could not find another barn like it. I found out that all of Commerce Street had burnt down in 1921 or 1922. There were a lot of them down there at that time; but there is sure no vestige left of the historic district's former thriving peanut industry. I do think that it is highly likely that Smithfield Foods cannot afford to

redo the siding of that barn. It has a metal roof that is very protective that could easily be replaced. Their idea of building, basically, a glorified garden shed and calling it a representative of a smokehouse which is not what is there is really kind of laughable. They will throw a little pig wind charm on top, or whatever you call it, and say that makes it apropos of our town. It is still not what is there. What is there is considered Contributing as of the late 1970's when the ordinances and the Design Guidelines for the town were first designed for the long term benefit. People went to a lot of trouble to set those in place. I say that building is not falling down. It is not even leaning. It has a rich history. It is one hundred (100) years old. It is a part of Smithfield. I think that you should be accordance to the ordinances. It is not what the BHAR did. I was really disappointed because they should care more than anybody about an old building. I pointed out the insignia above the table here. I said that the ladies in the late 1930's who decided to pull down a perfectly good house that a doctor had built one hundred (100) years or so before that and it was still there. They wanted the original Courthouse. People probably thought they were crazy to fight for it. You have it on your seal now. You are proud of it but it could have just been that house that the doctor built. We have bigger fish to fry. There are Landmarks that are being ignored. I think that fines should be put in place for many of the buildings on Main Street and Church Street. There are beautiful old buildings that are Contributing and Landmarks that are not being put right. The owners are not being told that they will be fined. We will have to exact those fines. I am appealing to you because I love this town. I moved here a little over three (3) years ago. I just think it is the most beautiful place that I have ever lived and I have lived in some nice places. Smithfield has something to offer Virginia, our country, and tourists that we need and want to keep more than any place around. I think those old buildings need more than a second thought. Thank you for your time.

Mayor Williams – Thank you Ms. Torre. Would anyone else like to come forward for public comments? Hearing none, we now move to a Briefing by Richard Grice, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Grice – Good evening Council members and distinguished guests. I am Dick Grice with the Isle of Wight County Board of Supervisors representing the Smithfield District. Initial reports are that the county has held another successful County Fair. The weather really cooperated with us and attendance was very steady. It was

held September 15th – 18th. We have not seen any final reports on that but we are excited about it. Additionally, on September the 15th, the Board met. It was a rather mundane event with few exceptions. Items of interest were that we approved a new monument sign for the Sentara Medical Complex on Brewers Neck Road so people can find it. After moving it from the consent agenda to new business for further discussion, the Board voted to enter into an agreement with VDOT for the removal of improper signs in right of ways. While we are going forward with the agreement, no action will be taken by county staff to implement the agreement until full operating policies and procedures are in place and have been approved for enactment. The Commission on Aging will hold its annual Health and Wellness Fair at the Smithfield Center on this coming Thursday, October 5th. Additionally, general information is now available for seniors and senior events on our county website. It was just changed recently. Before that, they were kind of ignored. A public hearing was held on the proposed amendments to the county code for zoning. The amended recommendations will receive additional review at a public work session to be held this Thursday evening at 6:00 p.m. at the county Board room. Under new business, the hours reduced in Smithfield and Carrollton by Blackwater Library was challenged by Supervisor McCarty and myself by meeting with the library Board. The outcome of the meeting was to reinstate, what I call, one hundred twenty-two equivalent operating days to the Windsor, Carrollton, and Smithfield library branches for the sum of twenty thousand (\$20,000.00) dollars or one hundred sixty-three (163.93) dollars and ninety-three cents per day. The Board of Supervisors, after some debate, approved the expenditure and all three (3) library facilities have now gone back to their original operating hours. We also approved our participation in the Million Cat Challenge Initiative Grant. In the spirit of cooperation, we will be delivering the first three hundred thousand (300,000.00) cats to Smithfield in short order. I am just kidding again. That is my levity for the evening. The grant is intended to improve cat holding conditions at our Animal Control building. Lastly, at this time for those of you who have not met him yet, I would like to introduce our new County Administrator, Mr. Randy Keaton.

Mr. Keaton – Good evening. I appreciate the opportunity to come tonight. I have met a number of you at different functions around the community. I just wanted to put a face with a name and see me other than in the newspaper. I appreciate all of the help

that I have received so far. I am just trying to learn a lot about the community. I have known Mr. Stephenson for a number of years through our work with the Hampton Roads Planning District Commission. I have worked there the last three and a half (3 ½) years. You have probably read that I worked for thirty (30) years in North Carolina. One thing I like about this community is that it is very similar to the type of communities I have been living in just across the state line in the Elizabeth City area. Growing up, my family was hog farmers. We actually brought our hogs to Smithfield. I have been here a number of times. I grew up on a farm all of my life. I have had the pleasure of working in a number of small communities. One thing I have really enjoyed so far about Isle of Wight County, Smithfield, and Windsor is that sense of place that the communities have. It is a very unique sense of place. I went to a conference a few years ago. One of the themes of the conference was talking about home from anywhere; where so many communities look like anywhere else. It is what I really like about this community. You have a unique sense of place in history. I think it really makes it a desirable place for people to move here and raise their families. I congratulate you on the work you have done in preserving the area. I think it is a beautiful place and that is what really attracted me to come here. I look forward to being here and getting a chance to get to know each one of you as we go forward and work in cooperation between the county and the town. If you have any questions, I probably will not be able to answer them yet; but I will be glad to get the information for you. Please give me a call if you have questions or needs from the county.

Mayor Williams – Thank you Mr. Keaton. Welcome aboard. We now have a Presentation from Western Tidewater Free Clinic by Stephe Broadwater.

Mrs. Broadwater – Good evening ladies and gentlemen. I am here tonight in my role as the Chair of the Western Tidewater Free Clinic to say thank you for the support that you continue to give to Western Tidewater Free Clinic and the mission that we have. Your contribution for the 2016-2017 fiscal year is going to serve thirty-one (31) patients for a full year. The last time I was here I told you that it is costing, on average, one thousand, two hundred twenty-five (\$1,225.00) dollars to provide care for a patient for a year. Your generous contribution will take care of thirty-one of your fellow citizens here. We were just at a Board meeting last night and we were going over some numbers. We have talked before about how sick our patients are. Most of our patients

come to our health home between twelve (12) and fourteen (14) times per year. It is for their primary medical care. Most of us are lucky enough to go probably just once but most of these folks continue to be very sick. Let me take a few moments to talk to you about your specific Smithfield numbers. In 2015, we served eighty-four (84) patients from Smithfield who made one thousand and fifty (1050) visits to the clinic for that year. That average is just for that patient population at twelve and a half (12 .5) visits per patient. So far, this year through August 31st, we have seen seventy-one patients from Smithfield with seven hundred sixty-three (763) visits. We still have four (4) months left of the year. At the rate our new patients are coming in, sadly but truthfully, we will exceed the eighty-four patients that you all had from Smithfield last year. It does not count year-to-date the two hundred thousand (\$200,000.00) dollars' worth of free medications that the patients from Smithfield have received. It continues to take a lot of people to make this clinic operate. You are a big part of that as well as other citizens and players in the community. Really quickly from a high level, so far, this year we have seen one thousand, one hundred seventy (1,170) patients through almost twelve thousand (12,000) visits. It includes medical, dental, and mental health which continues to be a really significant challenge in this community as well as education which is very important for this patient population. In 2016, we expect to exceed fourteen hundred (1400) unduplicated patients. While the visits tell you how many times people come, the fourteen hundred plus (1400+) is the discreet patients that we see. We are, sadly, going to have a record setting year for visits with somewhere between seventeen (17,000) and eighteen thousand (18,000) visits this year between the fourteen hundred (1400) square miles that Western Tidewater Free Clinic services. There is no decrease in the need for our services. We are working hard to become a health home for more of our citizens. We serve these fourteen hundred (1400) to fifteen hundred (1500) patients a year but if you look at the demographics the potential patient population is somewhere closer to eight thousand (8000) patients that could use the help of our safety net. I always like to leave you with a story. The numbers are great for those of us that our business people and they resonate; but I think a story always really illustrates the work that the clinic does and how important the whole community is. J. C. is a forty-nine (49) year old, female resident of Smithfield. She was employed by a local business before having two (2) strokes. After that, she lost her job and subsequently her health

insurance. She was referred by a local Smithfield doctor to Western Tidewater Free Clinic. She has multiple health problems including diabetes and very high blood pressure. Interestingly, she is of normal weight, a non-smoker, and non-drinker. She was given medications for her hypertension and blood thinners to reduce chances of another stroke. She had a women's health visit and was sent for a mammogram. They found something concerning so she needed to go for a biopsy. Sadly, because of the tendency for her strokes, the staff and doctors had to work with her for two (2) months to get her blood pressure down and to take her off of the blood thinner. They will not do the biopsy while you are on a blood thinner. Thankfully, the results of the biopsy were negative. In the first three (3) months she was at the clinic, she had nine (9) visits to the clinic and needed ten (10) different medications. Currently, her blood pressure is slowly improving. The last time it was checked, on her most recent visit, it was 173/65. The first time it was 223/75. So she is making some improvement. She needs a number of teeth extracted and, again, the medical and dental staff are working with her to make sure she is stabilized before they will do any of that sort of work on her. Ultimately, the goal is to better manage her blood pressure with medication, diet changes, and increased exercise. She faces, as many of our patients do, multiple barriers to care including minimal financial resources, transportation problems, and limited family support. Clinic members and volunteers are providing education to help her become a partner in improving her own health. Again, I just want to say thank you for helping Western Tidewater Free Clinic offer the helping hands, health, and hope not only to J. C. but any other member of a community that needs our help. Are there any questions?

Councilwoman Tynes – I just wanted to thank you and the clinic. I know that all of you volunteer time and it is like a full time job. I appreciate everything you are doing for the citizens in this community as well as the citizens of Western Tidewater. Thank you very much.

Mayor Williams – Thank you Mrs. Broadwater. We now move to Council Comments.

Councilwoman Tynes – Mayor Williams and Town Council members, I would just like to tell you that the members of Rising Star Baptist Church on Battery Park Road, which is the small church across from Greenbrier Lane, thank you very much as well as the citizens of the Town of Smithfield for honoring them with their 116th anniversary.

Mayor Williams had a proclamation written and I went down to present it to them on Sunday morning. They were very appreciative. Thank you very much.

Mayor Williams – Are there any other Council comments? I would like to say one thing about our fabulous Police Department. They showed their excellence again last Sunday in a situation that they had. Several policemen showed up to handle the scene. They did an excellent job. It was well recommended by a lot of people around town that knew about it. Please pass the word on to your men, Chief Bowman. You did an excellent job of getting them ready for a situation. We will now move to the Summary of Consent Agenda Items. We have five (5) this evening. Would any Council member like to pull any item for further discussion? Hearing none, we move to the Police Committee Chair, Mrs. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. Thank you, Mayor Williams. The first is a resolution to approve the street closure request for the Smithfield High School Homecoming Parade on Friday, October 14th from 4:15 p.m. until 5:15 p.m. the next item is a resolution to approve the traffic assistance request for the Smithfield 6 Pack and Toast of Town 3K on Sunday, November 6th from 3:00 p.m. until 5:00 p.m. Thank you.

Mayor Williams – Now we have C3, C4, and C5 with the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. This evening we have four invoices in excess of \$10,000.00 that require Council authorization. The first is for GET Solutions for \$13,540.00 for our sports complex. We pulled this last month and held it until we received verification on the bill. We have since received clarification. We are recommending approval this evening. The second invoice is to Godwin Pumps for an emergency bypass pump at the Wellington Pump Station for \$59,328.13. This has been budgeted for and purchased. It has arrived in good shape. REW Corporation installed this pump for \$39,900.00. As a reminder, ladies and gentlemen, we are spending close to \$100,000.00 on the emergency bypass pump. We take good care of them. When folks ask, tell them that we try and do our best because a new one is almost \$100,000.00. Finally, we have Bayside Harley Davidson for police motorcycles for \$46,163.84. It is for two (2) motorcycles that we have received. They are in good condition. This money was funded to us by Smithfield Foods. We want to

make sure that we thank them for that. We are recommending approval of all four (4) of these invoices this evening. Item C4 is a motion to authorize the Town Treasurer to purchase a refurbished AS400 IBM printer. Many of you may ask why she would want that because it is an antique. It is but so is our tax billing software. We are moving to a new one.

Councilman Dr. Cook – It is a server.

Councilman Pack – Yes, it is a server. We are moving to a new system but it is a little bit slower. In order to make sure that we get our tax bills out this year which are critical to our Finance Committee as well as the rest of the town, we need to make sure that we have a server that will work. We are recommending authorization of this tonight.

Mayor Williams – It does say ‘printer.’

Councilman Pack – It does but it is a AS400 IBM server. Item C5 is a motion to adopt our Personal Property Tax Relief Act (PPTRS) Percentage of 50% as recommended by our Town Treasurer. Thank you, Mr. Mayor.

Mayor Williams – You have all heard the consent agenda items.

Councilwoman Tynes – I make a motion that we approve the consent agenda items as presented.

C1. Resolution to Approve Street Closure Request for the Smithfield High School Homecoming Parade, Friday, October 14th, 2016 from 4:15 p.m. to 5:15 p.m.

C2. Resolution to Approve Traffic Assistance Request for the Smithfield 6 Pack and Toast of Town 3K, Sunday, November 6th, 2016 from 3:00 p.m. to 5:00 p.m.

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

a. GET Solutions	\$13,540.00
b. Godwin Pumps	\$59,328.13
c. REW Corporation	\$39,900.00
d. Bayside Harley Davidson	\$46,163.84

C4. Motion to Authorize the Town Treasurer to Purchase a Refurbished AS400 IBM Server.

C5. Motion to Adopt Personal Property Tax Relief Act (PPTRA) Percentage of 50%.

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, 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 our Action Section. We have a Public Hearing: Machinery and Tools Tax Proposed Changes. We will have a staff presentation by our Town Treasurer, Ms. Ellen Minga.

Town Treasurer – Last month, we briefly discussed a proposal by Mr. Gerald Gwaltney, Commissioner of the Revenue for Isle of Wight County, to change the personal property tax assessment for machinery and tools from one hundred (100%) percent to forty (40%) percent of original cost. Mr. Gwaltney attended our September 19th Finance Committee meeting to discuss the proposal and answer questions. In a letter to the Board of Supervisors dated October 3rd, 2016, Mr. Gwaltney confirmed that he had completed his statutory requirement for providing public notice and soliciting comments for the valuation change. The change will take place for the current 2016 tax year. In order for the town's Machinery and Tools Tax to remain revenue neutral, our rate would need to increase from fifteen (.15) cents to thirty-seven and a half (.375) cents per one hundred (\$100.00) dollars assessed. For the record, our billings last year totaled one hundred nineteen thousand, three hundred and eighty-seven (\$119,387.00) dollars in that category. Without the increase, we would lose approximately seventy-one thousand, six hundred and thirty-two (\$71,632.00) dollars. You have an ordinance before you tonight that the Town Attorney prepared for you to increase the Machinery and Tools Tax rate.

Mayor Williams – Does any Council member have a question for Ms. Minga? Hearing none, I now declare the public hearing open. Is there anyone who would like to come forward and say anything one way or the other about the Machinery and Tools Tax proposed change?

Town Manager – There were no advanced signups.

Mayor Williams – Hearing none, the public hearing is now closed. We will have consideration by the Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Thank you, Mr. Mayor. The Town Treasurer summed this up pretty easily. This is a revenue neutral change. It is a manner in which the county puts

the assessments on our tools and machinery which is passed on to us. If they now value our tools and machinery at sixty (60%) percent of what they were then, we would see a loss of revenue. In order to keep that revenue equal and not increase, I stress equal, we are increasing the rate from fifteen (.15) cents per one hundred (\$100.00) of assessed value to thirty-seven and a half (.375) cents per (\$100.00) of assessed value. Many of you may wonder, like many of us did, why we are doing this. On paper, this looks better to industry coming into our community when they see that their machinery, tools, and equipment were never depreciating. It was always kept at one hundred (100%) percent. It is now immediately depreciated to forty (40%) of its value. It has an immediate depreciation of sixty (60%) percent. Well, I guess they do not care about what the rate is because it is absolutely no different; but we need to do this to keep our tax revenue equal here in the town. I would like to make a motion that we accept this ordinance as presented to increase the Machinery and Tools Tax rate.

Councilwoman Chapman – Second.

Mayor Williams – Is there any further discussion? 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 Smith voted aye, Vice Mayor Gregory voted aye, Councilwoman Chapman voted aye, Councilwoman Tynes voted aye, Councilman Dr. Cook voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Our next item is a PUBLIC HEARING: Grant of Easement to Smithfield Foods. We will have a staff presentation by our Town Attorney, Mr. William Riddick.

Town Attorney – Mr. Mayor and members of Council, the town has been working with Smithfield Foods for quite some time now on the expansion of the existing parking lot here at the Smithfield Center. It will be over behind the War Memorial. It has taken quite some time but the plans have been through review. We are getting very close to doing this. There are three (3) steps to this. There are three (3) documents. One of them has to do with the maintenance of the BMP-stormwater runoff. Another is a License Agreement which you approved at the last meeting. It gives them permission to go upon your property and construct the parking lot. This is an easement but it is designed to be a long term right for Smithfield Foods to use that parking lot. They have

agreed to pay for it all. They are going to do all of the construction. They are paying for all of the cost related to it. It is going to permit them to use the thirty-two (32) new spaces and the other spaces too. This is designed to cover the original expansion plus the new expansion during working hours, during the work week. On the weekends, evenings, and holidays, it will be available for use by the town, the Smithfield Little Theatre, and the public. It is a situation that has been in place as an arrangement between the town, the Smithfield Little Theatre, and Smithfield Foods for quite some time. This is just 'piggy backing' on that good model; but this is a grant of an interest in real estate for not more than forty (40) years. The draft says 'perpetual' which was prepared by the attorney for Smithfield Foods. I advised him that it cannot be perpetual because the law only permits up to forty (40) years. This process that we are going through is exactly like the Franchise Agreement Extension for the Smithfield Station property. It is the same process. We have to have a public hearing on it. After the public hearing, you can award this. I would recommend that you not take action on it tonight because the Town Manager and the Planning and Zoning Administrator and I have a meeting tomorrow to work out some of the details pertaining to the stormwater and the maintenance. It is an obligation that the town is going to have for a very long time. We have to work all of that out. Some of these things may have to be covered in this agreement. We cannot include that yet. The purpose of tonight's public hearing is to satisfy the statutory obligation to hear from the public if they have any objection to this. Once that is done, you would be in a position to approve an easement. It is not in the final form to approve tonight so I would recommend that you not take action. There is no emergency or critical time lime where we have to approve it tonight. They have not started construction yet. With that being said, this is the first step which is required by law and that is the purpose of the public hearing.

Mayor Williams – Thank you, Mr. Riddick. I now declare the public hearing open. Does anybody want to come forward and discuss the Grant of Easement for Smithfield Foods?

Town Manager – There were no advance signups.

Mayor Williams – Hearing none, we will declare the public hearing closed. We will have consideration by Public Works Committee Chairman, Mr. Michael Smith.

Councilman Smith – I would like to make a motion to table this until the November Town Council meeting.

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

Mayor Williams – Our next item is Additional Invoice Over \$10,000.00 Requiring Council Authorization: Kimley Horn Associates for \$69,624.65.

Councilman Pack – Thank you, Mr. Mayor. We have an additional invoice to Kimley Horn Associates which has much to do with the drawings and bidding that is going on with the Joseph W. Luter Jr. Sports Complex for \$69,624.65. It roughly brings us to two-thirds of the total contract amount with this group in the design phase. I would like to make a motion to approve this invoice this evening.

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, Councilwoman Tynes voted aye, Councilman Smith voted aye, Councilman Pack voted aye, Vice Mayor Gregory voted aye, Councilwoman Chapman 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 Award Site Work Contract for the Joseph Luter Jr. Sports Complex.

Town Attorney – Mr. Mayor and members of Council, the bids were opened last Thursday. I will defer to our Construction Manager, Mr. Brian Camden, and our Engineer with Kimley Horn, Mr. Jamie Weist. They can give you a briefing on the status of the bids.

Mr. Camden – Good evening, Mr. Mayor and members of Council. As Mr. Riddick said, we received ten (10) contractor bids on September 29th, 2016 for the Joseph Luter Jr. Sports Complex. A number of these guys were local; but we also received bids from up and down the east coast. The bids ranged in value from a high around four million,

one hundred and forty thousand (\$4,140,000.00) dollars to a low of two million, eight hundred and ninety-one thousand (\$2,891,000.00) dollars. The low bidder was R.A.D.Sports who is out of Rockland, Massachusetts. They also have an office in Richmond. They have a Mid-Atlantic region and are trying to move heavily in here. This company is one of the largest sports complex building firms in the nation. They have done, at least, a couple hundred sports facilities. I have checked their references and they are an outstanding company. I would like to recommend acceptance of this low bid and to allow the Town Manager to enter into a contract contingent upon the Town Attorney's final approval. I will be happy to answer any questions that you might have.

Councilman Pack – I would like to make one comment, Mr. Mayor. It has been the history of this Council to work with our local contractors and try and do stuff with folks that are based in Isle of Wight County. R.A.D. Sports is not from here. They are from Massachusetts with an office in Richmond; but I will say this, I had a customer come in to the restaurant that is a local contractor. He was not the low bidder. R.A.D. Sports has reached out. There will be a lot of local folks working on this project. There will be a lot of subcontractors that are going to keep money in our community. My only point in saying that is that so often we get caught up in keeping it local. We got a really good low bid on this project and we are getting some good local contractors also. Some of this money will stay local if we choose to award it to R.A.D. Sports out of Massachusetts.

Mr. Camden – We received the subcontractor and supplier list today. Farmer's Service Company is listed as a major supplier. We also have Natural Sand, Vulcan Materials, Nansemond Pre-Cast, and Christian and Pugh Well Drilling just to name a few. They have reached out extensively to the local contractors and suppliers.

Town Attorney – Mr. Camden, what is the bid amount?

Mr. Camden – The lump sum, base bid is two million, eight hundred and ninety-one thousand (\$2,891,000.00) dollars. As I said, there was a significant disparity between the high and low bid; but between this low bid and the second low bidder it was only sixty-three thousand (\$63,000.00) dollars. The two contractors at the bottom had a very close gap.

Town Attorney – Mr. Mayor and members of Council, I would recommend that you adopt a motion to authorize the Town Manager to execute a contract with R.A.D. Sports for the site work on the Joseph W. Luter Jr. Sports Complex for an amount not to

exceed two million, eight hundred and ninety-one thousand (\$2,891,000.00) dollars subject to approval of the contract by me as your Town Attorney.

Vice Mayor Gregory – So moved.

Councilwoman Tynes – Second.

Mayor Williams – Is there any further discussion?

Councilman Dr. Cook – What was our original budget for this?

Mr. Camden – We had actually broken this out from the entire package. Our budget for this was right around two million, nine hundred thousand (\$2,900,000.00) dollars so we are fairly close. There are some amenities to the site such as the large entrance gate etc. that will be bid this Thursday with the architectural bid package. At that time, we are going to come together and put together an entire cost model for the entire project capturing all of the costs. It will include construction, soft costs and design costs. We should have that presented to the Town Manager hopefully by Tuesday of next week.

Councilman Dr. Cook – My follow up question is that for the two million, eight hundred and ninety-one thousand (\$2,891,000.00) dollar bid, generally, what does that include? Is it just baseball fields, just parking, or the multi-purpose fields? What does that bid include?

Mr. Weist – The bid includes everything except for the concession building and the entrance gates and the field lighting. It includes five (5) baseball fields, the football field, warning tracks, asphalt track around the football field, two hundred eighty-nine parking spaces, water, sewer, electricity, parking lot lighting, and any other site amenities; everything that goes with the fields like poles, bases, fencing, dug-outs, irrigation, and wells.

Councilman Dr. Cook – So, lights are not included in this.

Mr. Weist – The ballfield lights are not included but all of the other lights are included in this.

Mayor Williams – What this approval will do is give Mr. Camden a chance to nit-pick.

Councilman Dr. Cook – Why would the baseball lighting not be included? It is kind of necessary for playing ball.

Councilman Pack – Only at night.

Mr. Weist – We had a separate package from a national light provider for baseball field lighting that we will be bringing before you all to look at. It is separate from the site plan. It is a statewide contract. We pulled it out of the contract.

Mr. Camden – It is kind of like buying furniture for a school. You generally do not give that to a general contractor.

Mr. Weist – It allows you to purchase direct versus having any markup.

Councilman Dr. Cook – So, doing the math, we are going to be several hundred thousand dollars short on our original budget.

Mr. Camden – We will know that better come next week and after this bid opening on Thursday. We feel that the two million, eight hundred and ninety-one thousand (\$2,891,000.00) dollar number should be able to be reduced by about one hundred thousand (\$100,000.00) dollars to one hundred and fifty thousand (\$150,000.00) dollars depending on the alternates that we take and some other items. I think when we put all of the costs together next week you will have a better handle on it but we are fairly close.

Mr. Weist – One of the things that we did when we bid this is that we bid the alternates into this. We have five (5) deduct alternates in this package. With the concession package that bids on Thursday, it also has alternates which mean we can pull things out and know what they cost upfront before we pull them out to become within budget. We have some flexibility within these numbers. Before we decide which ones to pull out and which ones to negotiate, we want to get all of the numbers in and then make those decisions.

Vice Mayor Gregory – Could you please give us an update on a reasonable time frame for a shovel to be in the dirt? I know a lot of people have been asking when it will get started. A lot has been going on behind the scenes but the community does not see that.

Mr. Camden – They self-perform a great deal of this work. They will be bringing in their own excavators, bulldozers, and stuff like that. If we are able to submit this cost model on Tuesday to the Town Manager, I see no reason why we could not issue them a Notice to Proceed letter no later than the end of next week and expect mobilization out there within ten (10) days.

Mr. Weist – They would need ten (10) day notice to begin. Their contract is for three hundred (300) days to complete the fields.

Mr. Camden – The sooner we can get you that notice and have the attorney approve the contract; the quicker we will see equipment on the site.

Councilwoman Tynes – With three hundred (300) days, you are saying that it should be completed by June or July.

Mr. Camden – Hopefully, next fall. The winter is coming up and inclement weather usually causes delays. A lot will depend on how hard they hit the project and how they mobilize and prosecute the work. We are fortunate to have such a stellar company come in on this project. They have a great reputation.

Mr. Weist – Within the three hundred (300) days included in the contract documents, they have a certain number of days that allow for weather days that have already been calculated. They would have to exceed those days in order to get an extension. There is an awful lot of infrastructure work that needs to be done that can be done through the winter months before they start grading fields and throwing down grass seed. They have plenty of time.

Mayor Williams – Are there any further questions? Thank you, gentlemen, for your hard work. We appreciate you. A motion has been made and properly seconded. Roll call vote.

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

Mayor Williams – The motion passed six (6) to one (1). Our next item is a Motion to Approve the Town Council Meeting Minutes of September 6th, 2016.

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

Vice Mayor Gregory – So moved.

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

Mayor Williams – We will now move to New Business. Do we have any new business?

Councilman Dr. Cook – You were going to provide us an aerial photo. Did you bring that with you?

Mr. Weist – I did. I emailed it to the Town Manager earlier today. He has asked for me to zoom in a little closer. I have an 11” x 17” for those of you that brought your glasses.

Town Manager – I asked Jamie to zoom in on a couple of the commercial entrances.

Councilman Dr. Cook – The reason that I bring this up now is because if we are going to try to join the county's contract with the engineering firm, we need to decide and talk about proceeding with some kind of direction or engaging them while they are still under the contract.

Town Attorney – Chief Bowman points out the fact that nobody understands what you are talking about so you might want to explain that a little bit.

Councilman Dr. Cook – At our committee meetings two weeks ago, we were discussing the bike path from Royal Farms to the Smithfield Station Bridge. There was some discussion about size, shape, yes, no, location, all of the above. I will speak for myself. I am not entirely one hundred (100%) percent behind it but am open to discussion. I would like to see what the different widths of the bike path/sidewalks would look like on the street. There was some discussion about just making a sidewalk versus making a multi-use path with asphalt versus concrete. With the county's current contract wrapping up, if we were to want to tag onto their contract then we can; but we have to do it before the county terminates that contract. I had asked Mr. Weist to present us with a diagram or an image of how wide that path would be. It would be hard to see on this one.

Mr. Weist – Yes. We need to zoom in on a couple of businesses. The next two (2) pages zoom in a little bit but now enough for us to be able to see it clearly.

Town Manager – We plan on bringing this back to committee.

Councilman Dr. Cook – So my question will be if it is a month or so from now do we have any indication of how much longer the county's contract is going to be going.

Town Manager – As far as VDOT is concerned, December 1st is really our cutoff. We, certainly, would recommend at the next Council meeting that you would take action.

Mayor Williams – Do you mean to take it back to committee?

Town Manager – Yes. It will go back to committee this month.

Councilman Dr. Cook – Right. Between now and committee, can you investigate any validity or possibility of the town reaching out to the county for the use of their stormwater fees that was suggested. If we can use it, it would help offset some of our costs in stormwater management. There is some validity in that argument that those fees are to be used for stormwater management. If we are going to be putting in curb and gutter, if that is a possibility or an option, we can tap into some of those funds and see if the county will help work with us and help negate those costs.

Mr. Weist – And perhaps by the December 1st deadline with VDOT, part of the first phase of this would be looking at alternatives that you would like to do. It would at least obligate that funding from VDOT by December 1st so that it does not go away to further evaluate the options to get you to the point where everyone is on board.

Councilman Dr. Cook – I do not know if we have enough money set aside in that VDOT fund to do curb and gutter.

Town Manager – No, we do not.

Councilman Dr. Cook – So, it might be some validity in the argument of us going to the county and seeing if they have some stormwater management funds available and to see if we can use some of those funds to help the cost of putting in curb and guttering. There is flooding my side of Church Street. It is pretty bad.

Mayor Williams – Yes it is.

Town Manager – I will follow up on it.

Councilman Dr. Cook – Thank you.

Mayor Williams – Is there any further discussion on the Nike Park Trail? Hearing none, is there any other new business? Next, we will move to Old Business. Hearing none, we will move on. We do not have a Closed Session this evening.

The meeting adjourned at 8:26 p.m.



Mr. T. Carter Williams
Mayor



Peter Stephenson, AICP, ICMA-CM
Town Manager