

The Smithfield Town Council held its regular meeting on Tuesday, January 5th, 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; Ms. Connie Chapman, Dr. Milton Cook, Mr. Michael Smith, Mrs. Denise Tynes, and Mr. Randy Pack. Staff members present were Mr. Peter M. Stephenson, Town Manager; Mr. William H. Riddick, III, Town Attorney; Ms. Ellen Minga, Town Treasurer; Mr. Steven Bowman, Chief of Police; Mrs. Lesley King, Town Clerk; and Mr. William Saunders, Planning and Zoning Administrator. There were approximately forty-five (45) citizens present. The media was represented by Ms. Diana McFarland of The Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. It is now 7:30 p.m. Welcome to the Smithfield Town Council meeting tonight. Thank you all for coming out. We will now stand and say the pledge.

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

Mayor Williams – Before we get started with the Informational Section with our Town Manager, Mr. Peter Stephenson, I would like to recognize a few people that are with us tonight. All you have to do is wave your hand. You do not have to stand up and bow or anything like that. We have with us former Mayor James Chapman, former Vice Mayor Florine Moore, the Board of Supervisor's member for Isle of Wight County Mr. Rudolph Jefferson, our Smithfield Planning Commission Chairman, Mr. Bill Davidson, former Council member and former Vice Mayor, Kaye Brown, our Town Treasurer who is hiding somewhere in the back, Ms. Ellen Minga, and also Mr. Andy Cripps, Director of the Chamber of Commerce. Thank you all for coming out tonight. We now move to the Informational Section with our Town Manager, Mr. Peter Stephenson.

Town Manager – Thank you, Your Honor. Happy New Year everyone. I apologize for the late posting of the agenda due to the holiday. We were waiting on two contracts to include. It was posted successfully yesterday afternoon. There are really no surprises or additions. Everything was included that went through committees at the end of December. The meeting schedule for the month includes a Pinewood Heights Management Team meeting next Tuesday at 4:00 p.m. followed by a Planning Commission meeting at 6:30 p.m. Town offices are closed on the following Friday and Monday in observance of the Lee/Jackson state holiday and the Martin Luther King Jr. federal holiday. The Board of Historic and Architectural Review will meet on January

19th at 6:30 p.m. There is not a Board of Zoning Appeals meeting this month. Council committee meetings will begin at 4:00 p.m. each day, respectively, on January 25th and 26th at the Smithfield Center. That is all, your Honor. We do have quite a few signups for the continued public hearing so I will keep my comments brief. I am very happy to be here for my two hundred and forty first Town Council meeting.

Mayor Williams – We now move to Public Comments. The public is invited to speak to Council on any matters except for a public hearing. We do have one tonight. There will be a separate signup sheet for it. I think everybody here has signed up. If you have not, I will give you an opportunity to speak. You can raise your hand. Public comments are limited to five minutes. We have a clock right here. Our Town Attorney will let you know when the five minutes is up. If you are really into it and you really have us paying attention, we will give you an extra couple of minutes. Any required response from the town will be provided in writing following the meeting. We are now open for public comments.

Town Manager – Our first signup is Ms. Theresa Mulherin.

Ms. Mulherin – I live at 206 Washington Street. I am publicly speaking in opposition to the consent agenda item of the Procurement Manual for the following reasons. The first is that it was proposed that it was congruent with the state's manual. It is not. What is in it may be close to the state's manual but it is missing several elements. It does not include any type of assurance that the contractor has to abide by not hiring unauthorized aliens. It does not include any assurances that any contracts or procurements are done and that you have to maintain recognition at the state level as a business that can operate in the state of Virginia. There are no assurances that the contractors, etc. must maintain a drug free work place for the entire provision of the contract. There are no rules related to any recycled goods and products, and especially for the citizens, or any recourse related to if they were substandard. There is not anything in it about cancellations and what the procedure is for that and how to make sure to prevent that it is not just cancelled and no reason has been made public. It also needs to contain the entire ethics section that is listed in the state. None of that is in ours. It also does not include requirements for maintaining the least toxic and least hazardous substances possible to complete the contract. We survive by the Pagan River. I think that is pretty important. Finally, there are some other pieces of information.

First of all, thank you to all of the town staff that have gotten us the information that we have requested over the last few weeks. We appreciate it. A request that minutes, even draft minutes, are subject to the Freedom of Information and please post them. October, November, and December Town Council is not posted. The rest I can send you in writing. Thank you.

Mayor Williams – Thank you. Is there anyone else with public comments?

Mr. Burckard – I am Albert Burckard. I live on Titus Point Lane in the Newport district, Carrollton, Isle of Wight County. I signed a sheet, I think, by mistake. I want to talk about Pierceville but I do not want to talk about the public hearing part. Is it okay, Mr. Mayor?

Mayor Williams – Yes.

Mr. Burckard – I noticed that Peter just announced that this is his two hundred and forty first Town Council meeting. What I want to let everybody know about is that on January 16th is the two hundred and thirty fifth anniversary of the Battle of Mackey's Mill. Now, it started at Pierceville, sort of. What happened was, and most of you know this as well as I do, on the 14th of January, 1781, Thomas Pierce of Pierceville was captured in the Wrenns Mill area. The next day, Benedict Arnold moved his British regulars and Hessian Jaegers into Pierceville. We are not one hundred percent sure exactly where but onto the plantation area. The next day he sent a force in the direction of Portsmouth. They were going to Portsmouth but that force met an element under Colonel Josiah Parker who was the commander of the local militia. There was an engagement there known generally as the Battle of Mackey's Mill. We think there were at least seventeen casualties on the Patriot's side. On the British side, we are not quite sure. The bottom line is, of course, that our Patriot forces were scattered but at least they slowed down Benedict Arnold's approach to Portsmouth. The importance of it is that during the revolution the British were in control wherever they physically were. In other words, they were really only in control here for about those three days in January of 1781. Once the battle was over, the militia came back. The militia, generally under the direction of your committee of safety here, really controlled events in the county. That is the significance of that. On Saturday, the 16th of January, 2016 is exactly the two hundred and thirty fifth anniversary of the Battle of Mackey's Mill. At 1:30 p.m. in the museum, rumors are that Colonel Josiah Parker himself is actually going to be there. Also, there will be one of the

officers that actually directed the troops during the Battle of Mackey's Mill. He is going to be there. They are going to explain about the battle and then we will go on a short tour of the battlefield itself. It is just outside of town. We are going to drive out there. I just want to invite everybody and let everybody know. If you are interested in Pierceville, this is the accounting of the dramatic three days of that site when it was just outside of town. Thank you. Are there any questions?

Mayor Williams – We look forward to you being there on the 16th.

Mr. Burckard – Thank you. We will be asking for a two dollar donation for the museum.

Mayor Williams – Thank you. Is there anyone else for public comments?

Mr. Gwaltney – I am Chris Gwaltney. I would like to thank Mr. Burckard for his history lesson. He is one of the few people that have ever taught me anything that I did not know. Some of that was in relation to that history. I was not planning on speaking about the consent agenda item which is a motion to purchase replacement sewer pump at Lakeside Heights pump station. As a civil engineer and former employee of the Virginia Department of Environmental Quality, it is very important to have our pump stations working properly. I know that the pump station, on Moonefield Drive, that services my neighborhood has been under an emergency pump situation for a very long time. By the way, my address is 1 Jamesview Circle, Smithfield, Virginia. It is a liability to the town because, if there is an overflow, it goes directly into the stormwater systems such as the ponds and the downstream. I am sure you guys are on top of that but just to mention that pump stations are not supposed to be in emergency bypass mode unless there is an emergency situation. Thank you.

Mayor Williams – Thank you, Mr. Gwaltney. Is there anybody else for public comments? Hearing none, we will close public comments and move to Council Comments. Does any Council member have anything they would like to talk about?

Councilwoman Tynes – Mayor Williams, we have many citizens out tonight from the Town of Smithfield. I know we have a lot of citizens from the county as well as other visitors. I just want to make a public announcement. This May, the Town of Smithfield will have a town election. Three of the seats on the Town Council are up for grabs. I would just like to invite all of you to come out on Election Day and please vote. At this time, we do not know who is running. The three seats that are up right now are Mr.

Pack, Mr. Smith, and myself. If we choose to qualify and run again, we would love to have you all come out and vote. Thank you. This is the first Council meeting where we have had this many citizens out. I do not know if we will have another one before May with this many citizens. I just wanted to make that announcement. Thank you.

Mayor Williams – Are there any other Council comments? Seeing none, we now move to the consent agenda items. Would any Council member like to pull any of these items? I would like to pull C-1 for further discussion.

Councilwoman Tynes – I would like to pull C-2 as well as C-5. We have some updates.

Mayor Williams – We are pulling C-1, C-2, and C-5. Are there any others?

Town Attorney – I would recommend that C-9 be pulled, Mr. Mayor. Ms. Mulherin made some good points. We are bound by state law. The fact that our policy might omit something does not mean we do not have to follow the rules. It seems that the Town Manager, Sonya and I ought to get together and take a look at this again before we take action on it. There is no rush to do so. I would rather be thorough and make sure that everything is addressed.

Mayor Williams – We will bring that up with Mr. Pack when we get to it. We have pulled C-1 and C-2 so we will move to C-3 which is Mrs. Denise Tynes.

Councilwoman Tynes – Police Committee Summary. We have a motion to accept the donation from Smithfield Foods for the purchase of two new police motorcycles. We really need those motorcycles because of what happens, especially over in the park. There are times when we have traffic situations and conflicts. The little motorcycles can get around traffic much easier than the larger vehicles. The next item is a resolution for traffic assistance and one way traffic along Jericho Road for the BOB Festival on Saturday, January 16th, 2016. It is an annual festival. We have officers out there assisting pedestrians as they crossover the street.

Mayor Williams – We are skipping item C-5 and moving to C-6.

Councilwoman Tynes – Item C-6 is a resolution for street closure for the Vintage Market on Saturday, March 12th, 2016. We had an extensive review of the Vintage Market during our committee meeting. With everything we have done downtown, we have been wanting to have people to come into our town and visit our town. This is one

of the activities where they will have an opportunity to come and visit the Vintage Market.

Mayor Williams – Thank you. We move to item C-7 which is Vice Mayor Andrew Gregory.

Vice Mayor Gregory – Water and Sewer Committee Summary. Item C-7 is the only water and sewer item. It is a motion to purchase a replacement sewer pump at the Lakeside Heights pump station. Through committee, we were informed it would cost more to try to refurbish and rehab the existing pump than it would be to buy a new one so that made it a fairly easy choice.

Mayor Williams – The next item is C-8 with Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. Tonight, we have two invoices in excess of \$10,000.00 which require Council's authorization. The first is an Isle of Wight General Obligation bond for \$15, 740.36. The second is to the City of Bellevue in Washington for \$25,000.00. This is an interesting one and is a good example of the county and the town working together. The Smithfield Volunteer Fire Department has purchased a fire truck of some sort from the City of Bellevue from an auction site. They went to pay for it and they found out they could not buy it. They have asked the town to purchase it and they will reimburse the town. It is kind of interesting. They are trying to figure out how they are going to get it back here from Bellevue. There have been some pretty inventive ideas on how to do so but in the spirit of cooperation the town is going to front the \$25,000.00 for the apparatus. The fire department will reimburse us from their own funds for this money.

Mayor Williams – Next we have item C-10 with Dr. Milton Cook.

Councilman Dr. Cook – We are moving along with the Pinewood Heights Relocation project. We are going forward with Phase III. In so doing, we need to approve six contracts to move ahead with Phase III. One is our contract with the Virginia Department of Housing and Community Development. The next is a contract with Community Planning Partners for management assistance services. The third contract is to approve the property acquisition plan. Then we have to approve the residential relocation assistance plan. There is also a property disposition plan. Lastly, we have to approve our redevelopment plan. It is all in accordance with our agreement for the Pinewood Heights Relocation Project.

Vice Mayor Gregory – Mr. Mayor, I would like to make a motion that we approve the consent agenda without items C-1, C-2, C-5, and C-9.

C1. Pulled from Consent Agenda.

C2. Pulled from Consent Agenda.

C3. Motion to Accept Donation from Smithfield Foods for the Purchase of Two New Police Motorcycles.

C4. Resolution for Traffic Assistance and One Way Traffic along Jericho Road for BOB Festival, Saturday, January 16th, 2016.

C5. Pulled from Consent Agenda.

C6. Resolution for Street Closure for Vintage Market, Saturday, March 12th, 2016.

C7. Motion to Purchase Replacement of Sewer Pump at Lakeside Heights Pump Station.

C8. Invoices Over \$10,000 Requiring Council Authorization:

- | | |
|--------------------------------|-------------|
| a. IOW General Obligation Bond | \$15,740.36 |
| b. City of Bellevue, WA | \$25,000.00 |

C9. Pulled from Consent Agenda.

C10. Motion to Approve the Following Contracts and Plans to Move Forward with Phase III of the Pinewood Heights Relocation Project:

- a. Contract with DHCD
- b. Contract with CPP
- c. Property Acquisition Plan
- d. Residential Relocation Assistance Plan
- e. Property Disposition Plan
- f. Redevelopment Plan

Councilman Smith – 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 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 – Now we move back to item C-1 with Mrs. Denise Tynes. It is a Motion to Approve Streetlight Installation on Colonial Avenue.

Councilwoman Tynes – It is a motion to approve streetlight installation on Colonial Avenue. It is the one you asked to pull, Mayor.

Mayor Williams – I would like to table this for another month if Council will agree to it. I have not gotten by there to look at this at night. I just forgot all about it. I still have not been by there. There is no excuse. If memory serves me, we are going to spend three thousand dollars to install this.

Town Manager – Actually, it is seventy-five hundred dollars.

Mayor Williams – That is even worse.

Councilwoman Tynes – They keep going up at Dominion Power. I guess it is the cost of living. I had an opportunity to go by there when it first came up to the committee. I went out there twice. The first time, I spoke to some of the citizens that live right in that cul de sac. I went back, the second time, in the evening. It is very dark out there. It is right at the end of the cul de sac and you cannot see anything. The street, I guess, is about a half mile long. I do not have a problem with approving it tonight because it is really dark there.

Councilman Dr. Cook – Mr. Mayor, I agree with Councilwoman Tynes. I went down there too. The cul-de-sac is completely dark at the end. There are no lights at the end. I voiced concern about the cost at the committee meeting. It sounded insane to spend seventy five hundred dollars on one light. It was pointed out to me that it was not just installing the light which is three thousand dollars but it is taking the high power down the road all the way to the light which is costing the money. It is a public safety issue. It is at the end of the cul-de-sac. The cul de sac connects to the woods behind True Value. It is a pathway for maybe some bad things to go through. It would shed some light on the subject so to speak.

Mayor Williams – What do these lights cost us per month?

Town Manager – I do not have that figure right in front of me, your Honor. Typically, it is in the range of twenty to thirty-five dollars.

Councilwoman Tynes – Both citizens there are widows. One was recently widowed about six months ago. Her husband died due to a tragic accident. I spoke with her also. The other is suffering from some memory problems right now. They are right in the cul de sac along with a couple of others.

Mayor Williams – You all have looked at it. I have not.

Councilman Dr. Cook – It is just the cost of dropping that line all the way down to the cul-de-sac which is four to five hundred feet. I would like to make a motion to approve it.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded to approve the streetlight installation at the end of Colonial Avenue. Is there any further discussion?
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, Vice Mayor Gregory voted aye, Councilwoman Chapman voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Our next item is C-2 with Mrs. Denise Tynes. It is a Motion to Award Contract for Renovations to the Police Evidence Storage building to J & B Hartigan.

Councilwoman Tynes – This is a motion that our Town Attorney asked us to pull because we have a few minor revisions.

Town Attorney – Mr. Camden is here. He is our consultant. He is the one who has negotiated this with the contractor. He has worked on the proposed AIA contract. He and I have had a chance to look at this. There are some minor revisions. One, in particular, includes the bid bond or performance bond. With that change and one other minor change, we would recommend approval. You have a draft of the contract that came out. We have made some minor changes since then. With those changes, we would recommend approval. Is that right Mr. Camden?

Mr. Camden – That is correct.

Councilwoman Tynes – Mayor Williams, I would like to make a motion to award the contract for the Police Evidence Storage building to J & B Hartigan from Carrollton with minor revisions.

Councilman Pack – Second.

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

Councilman Dr. Cook – I do not want to make this longer. I just wanted to point out that we are awarding this contract to a Carrollton business which I think is great. It

kind of keeps the money in the area so to speak. Could you explain a little bit more of the revisions just so I can get my head around that, if you do not mind?

Mr. Camden – I am Brian Camden. I am the construction program manager with Alpha Corporation. This is the renovation of a seventy two hundred square foot existing masonry and steel building into the police evidence storage building. We are going to put a whole new roof on it. It will have a new mechanical system for heating and cooling. It will have an all new lighting system. There will be new flooring and new painting. We tried to have a very cost effective approach to it to keep the budget down while still achieving the goals for the Police Department. We were very fortunate on bid day. We had about nine bidders on this particular project. We even had people from Delaware bidding it. We were fortunate to have a local bidder. His references checked out admirably. They are excited to come in here. As it stands right now, we are looking to issue a notice to proceed tomorrow. The Smithfield Police Department will be going in there and doing training on the doors tomorrow, breaching the doors, and tearing out all the doors that are slated for demolition together with the state police. We have a pre-construction meeting scheduled for next Monday. I will say that the low bid and contract amount of \$459,000.00 was within three percent of the construction estimate that the Board approved last year. On the outside of the building, you will not see that many changes. There will be new overhead doors on what are the apparatus bays now. There will be a high security card reader system going into it. The evidence storage component of the facility will be hardened in itself in the core and have its own security system to access that. I will be happy to answer any questions.

Councilwoman Tynes – I do not have any questions for Mr. Camden but I would like for Chief Bowman to elaborate just a little. He told us about the building and the importance of taking care of this evidence and why we need the building.

Chief Bowman – As anyone knows, as far as criminal procedures is concerned, the necessity to maintain a chain of custody of evidence is invaluable. It is basically one of the bedrock foundations of our criminal justice system. If we cannot be in a position where we can adequately preserve the evidence which can run anything from newspapers to fluid and other things, in a climate controlled, secure area; we cannot go into to court and testify that the integrity of that evidence has been maintained and thereby could potentially jeopardize a case. It is very, very important not just for the

criminal justice system. As I have spoken before, we are in the throws, come March, of our accreditation to the Virginia Law Enforcement Professional Standards Commission every four years. The promise was made the last time they were here that we would improve on our evidence maintenance. Although we do not expect that we will quite be there by March, I think we will be in a position when we articulate to them the steps that are being taken; we will be in good shape as far as our evidence is concerned. It is very, very important as far as the evidence is concerned from a security perspective. It is why this money is well spent. It does not take but one case blown because the evidence was not maintained in the proper manner and we are in trouble. It has a lot to do with integrity not just for the police department or the town but for the defendants as well.

Mr. Camden – We have an estimated, substantial completion date at the end of April 2016. So it would be one month after the deadline.

Mayor Williams – Are there any further questions of Mr. Camden or Chief Bowman?

Mayor Williams – We already have a motion and second. Roll call vote.

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

Mayor Williams – We now move to item C-5 which is a Resolution for Street Closure for 2nd Annual Mardi Gras Run 4 Beads, Saturday, February 6th, 2016.

Councilwoman Tynes – We would like to pretty much send that back to the Police Committee for some revisions. I know, at this point, that it is no longer going to be a street closure but there will be some other revisions also.

Mayor Williams – Alright, we can do that. We now move to C9 which is a Motion to Adopt Procurement Policy Manual.

Councilman Pack – We pulled this last month to send back to committee. Mr. Riddick seems to feel there is a little more to take a look at so let's send this back to committee again and make sure we get it right. We are under no time circumstances to get this done. If Mr. Riddick or whoever else feels it needs review then we will bring it back up at our next committee meeting.

Mayor Williams – Okay, good, we can do that. That takes care of the consent agenda. We now move to the Action Section. The first item is a Motion to Amend the Town's Comprehensive Plan in Regards to the Future Land Use Map.

Councilman Dr. Cook – As we have been dealing with this change in the Comprehensive Plan with regards to the Future Land Use Map, specifically the Pierceville property, we have known that they are linked. In order to change the zoning, you have to change the Comprehensive Plan. We have spent a lot of time speaking about this proposal, weighing the merits, and looking at what the applicant has provided us with an entire package. After such extensive discussions with them and discussions amongst ourselves, I do not feel that the applicant has persuaded me to change the Comprehensive Plan in regards to the Future Land Use Map. Because I have not been persuaded to change the Comprehensive Plan for this project, I would like to make a motion to deny the amendment of the town's Comprehensive Plan in regards to the Future Land Use Map.

Councilman Pack – Second.

Mayor Williams – A motion has been made and properly seconded to deny the Comprehensive Plan amendment in regards to the Future Land Use Map. Is there any further discussion?

Vice Mayor Gregory – Mr. Mayor, I would like to make just a couple of quick comments. We spent a lot of time on this. First of all I want to thank the Planning Commission because I know that before it ever hit our feet it hit their feet. It was not an insignificant amount of time and I know you guys do not do it for the pay. I tend to agree with Councilman Dr. Cook. I also want to say that, at least from my perspective, denying the change to the Comprehensive Plan and denying the change to the land use map does not mean that I do not think that area should never be developed. It is not my intent and that is not how I feel about it. I think with time and I think with effort and if we continue to work together then we can find something that is a win, win for everybody. When I say everybody, it includes everybody. Sometimes we forget, and I was reminded very nicely today and appropriately that there is an eighty five year old lady who has property rights. She owns this property. It is her livelihood. What happens with this property affects her significantly. I know it is only one person. I remember sitting in a meeting when Benn's Grant was going through their process years ago. Councilman

Smith's brother was at that meeting and he talked about his belief in property owner's rights. It struck a chord with me. I will not forget that. It was not lost on me. Those are some of the things that bounce around in my head as I saw this on the agenda and I knew it was coming. Perfect can be the enemy of good but I think we can do better. I think the quality can be better. I think we can get there at some point. I just wanted to make those comments. Thank you, Mr. Mayor.

Councilman Pack – I would like to comment on this as well. Mr. Darden called me yesterday and asked for my support in this vote tonight. I told him on the phone that I had been up front with him and honest about it the whole time through and intended to do so during the conversation. It was certainly not a conversation that I was looking forward to having with him because I feel that Mr. Darden has done a very good job trying to develop a product that is suitable for the town. He has listened to what we have said. He has brought many revisions. At the end of the day, I told him that I appreciate what he does and respect what he does. He is in the business to make money but I said I do not feel this is the right project for this property at this time. It was tough but he was very respectful. He was very respectful the whole time through while listening to the citizens and listening to the Council. I am proud of this Council and the way they have handled themselves and the way we have handled ourselves throughout this project. It has certainly been one of contention. Of my four years here on Council, it has certainly been the most controversial project that has come through. I think we have done our job. One of the things I said early on was that we have to give the developer an opportunity to create his best product and to put his best foot forward. He worked with us. We worked with him. I felt that we worked well together. The reason I seconded this motion is I agree with Councilman Dr. Cook that this is not the right project at this time. Thank you.

Mayor Williams – Does any other Council member have any comments? We have a motion and a second on the floor. Should we have Mr. Jones come up to make a statement?

Town Attorney – You can give him an opportunity if you would like to.

Mayor Williams – I would like to before the vote.

Mr. Jones – Thank you, Mr. Mayor. I am Robert Jones. I am with Jones & Jones, PC at 1600 South Church Street. I am the attorney for the applicant as well as the

property owner. There is a motion before you. We would respectfully request that you defer any action on both this and the rezoning request. The reason is that, at this late hour, the property owner, Mrs. Crocker, and the developer have reached a tentative agreement to amend their purchase agreement that is purely between them. The Comprehensive Plan is part of this but the rezoning aspect of it would allow for a major modification in the proffers and the amount of the cash proffers that would be available as well as other modifications that would impact the Pierceville Manor and the project itself. Again, there is no doubt in my mind that the modifications that are being proposed would require this to go back to the Planning Commission. It is not something that the Council could act on without the Planning Commission reviewing it again. The applicants have previously waived the action time limits on the Comprehensive Plan and the rezoning through the February meeting. We would ask that it be tabled until the February meeting so that those amendments could be placed in writing with the understanding that if additional time waivers need to be done that would be placed in writing as well. Again, if we do not do that, the Council would act accordingly. So it would be our request that this matter be tabled as well as the public hearing be tabled on the rezoning request until the February meeting for those reasons.

Mayor Williams – Thank you, Mr. Jones. Are there any other comments from Council? I tend to agree with Mr. Jones. If the applicant wants to go back to the drawing board, so to speak, and offer more proffers and change the concept of the subdivision then I think we should offer him that opportunity. It is just one more month. We have been working on this thing since February. It would make it a perfect year, for goodness sakes. Are there any other comments?

Councilman Pack – I wanted to ask Mr. Riddick to weigh in. I tend to agree with the Mayor. We are looking at another month. It would be nice to put this to bed but if we are really truly trying to find the right fit for it and there are significant proffer changes and neighborhood changes coming. My question to you, legally, is where do we stand on timelines? If it is tabled next month and the proffers change, as Mr. Jones has suggested, and it has to go back to Planning Commission and basically start all over again; where do we fall into this program?

Town Attorney – There is sort of two directions you can go in. This is one because he has a pending application. You could agree to that. He has already stated that he

would waive the time limitations on the action on the Comprehensive Plan change. So that would permit you to carry it out another month and receive revised written proffers. He has already stated that they are going to be significantly different than what is before you which, under our code, requires that it goes back to the Planning Commission. So you are looking at several more months or at least two or three more before it comes back here. With the public hearings, it is the same drill. If you do not do that and you take action on the Comprehensive Plan tonight, there is no restriction on refiling an amendment to the Comprehensive Plan. There is a restriction on a refiling of a rezoning application. If you take action on this and they do not withdraw their zoning application and you take action on that then they are precluded from filing a rezoning for one year. If you take action on the Comprehensive Plan and they ask to withdraw their rezoning application and you consent to that and state that it is without prejudice then the one year limitation does not apply. If they want to come back and file a new application then they can do that if they want to go back to the drawing board and come up with something different. I guess the two options are to allow them to continue with what they have on the table right now with the understanding that they are going back to the drawing board on proffers or put an end to it tonight and give them the latitude to refile without the one year limitation. You have two options.

Councilman Pack – Thank you.

Councilman Dr. Cook – Mr. Mayor, it sounds to me that any way we go, ultimately, if the developer wants to proceed with trying to address everybody's concerns then it would have to go back to Planning Commission; regardless of whether we vote it down or whether we vote to deny the amendment. I think by denying this amendment to the Comprehensive Plan it opens it up if the developer wishes to come back with a new proposal with new proffers. I believe we had a very constructive work session about our concerns. We covered the entire project. It also gives an opportunity for anybody else that might be out there, with ideas for the property, to get their ducks in a row and come up with their own proposal. Of course, it does not come to the town. It has to go through with the landowner. The town is not in charge of this project. The landowner owns the property, not the town. If there is another entity out there, another developer, another organization, or whatever that has plans for this property and thinks they have a better idea; they have just as much right to propose it as the developer does. It gives them the

opportunity as an open bid. We pretty much already know what the developer wants to do with it and how much he is willing to pay for it. There may be another entity, whether it is Preserve Smithfield or whoever, then they can pitch their proposal. It opens the gates to whoever has a good idea and then we get a choice. If there is more than one proposal, and I would like to think that it could be, we get to decide which is better for the town. The developer still might be the only proposal but you never know. This gives them the opportunity to see what else is out there. The developer, we know, is going to come back. He has already said that he has another idea. Regardless, it has to go back to Planning Commission. I am still with my motion to deny it. If the developer wants to work a new deal with the landowner and bring us a new proposal and work with some of our ideas then he can. We have been pretty clear that we are not against anything. We have our own idea and vision of what needs to be there. I want to go with that.

Councilman Pack – Mr. Riddick, if the motion on the floor passes to deny the change to the Comprehensive Plan what is the outcome of that? Where are we? Clearly we cannot pass the zoning but what does that mean?

Town Attorney – If you pass the motion to deny the change then someone could file another application to amend the Comprehensive Plan for a different or similar project. There is no restriction on that. There is a restriction on filing a new zoning application unless you as a Council allow them to withdraw without prejudice.

Councilman Dr. Cook – We want to leave it open for anybody. If Preserve Smithfield wants to get their ducks in a row to have backing to work with the landowner then they would also need a zoning change. It would open that up for them to submit an application to us.

Town Attorney – If you deny the Comprehensive Plan change then it is essentially a clean slate again. Procedurally, he has a motion that has been seconded to deny. If the motion fails that does not mean that it is approved. There is a distinction. I am not telling you which way to vote. I am just saying that if you vote for his motion to deny the change then that is it. If that motion does not carry, it does not mean that the change to the map is approved. It would have to be an affirmative motion to approve the change to the Comprehensive Plan.

Councilman Dr. Cook – It would have to be a new motion.

Town Attorney – That is correct.

Councilman Pack – As Mr. Riddick has mentioned several times, Mr. Jones would withdraw without prejudice but you have asked for it to be tabled until February.

Mr. Jones – That is our current request as to the Comprehensive Plan amendment at this point.

Vice Mayor Gregory – Let me state it so we are all saying the same thing. I just want to make sure. I guess there is a difference. If we table the motion that is on the floor now until the February meeting then it allows the developer another month to come up with whatever changes they might propose. If we were to affirm this motion, which would be disallowing the Comprehensive Plan change, does that prevent the developer from still doing what they want to do as far as continuing to change their proposal? Does Council have the ability to unilaterally come back and say we like the changes and we think we are close?

Town Attorney – You would have to initiate a change to the Comprehensive Plan yourself or let them initiate a new one.

Vice Mayor Gregory – But either way, that goes to Planning Commission whether we initiate it or a developer initiates it. It still goes to Planning Commission.

Councilman Dr. Cook – Regardless of what we do, it will have to go to Planning Commission. They would have to start over.

Town Attorney – It is very contorted here.

Mayor Williams – I understand. If we vote to deny the Future Land Use Map then we will not have a continued public hearing. It would kill it right there.

Town Attorney – Well, it would be moot. You cannot proceed to approve his zoning application without a change in the Comprehensive Plan. I would not anticipate that the developer would want to go forward because it would not make sense.

Mayor Williams – Are there any other Council member comments or questions? There is a motion on the floor to deny the Comprehensive Plan in regards to the Future Land Use Map. Is there any further discussion? Roll call vote.

On call for the vote, seven members were present. Councilman Pack voted aye, Councilwoman Tynes voted aye, Councilman Smith voted aye, Vice Mayor Gregory voted nay, Councilman Dr. Cook voted aye, Councilwoman Chapman voted aye, and Mayor Williams voted nay. There were two votes against the motion. The motion passed.

Mayor Williams – The motion passes 5-2.

Councilman Dr. Cook – So we will move on to the next item which is a Continued Public Hearing: Change in Zoning – Cary & Main Conditional Rezoning Application.

Mr. Jones – Councilman Dr. Cook, if I may, on behalf of the applicants we would respectfully request that the rezoning application be withdrawn. As you know, Mrs. Crocker initially placed her property up for sale because she had to vacate her home because of its condition. Mr. Darden and Hearndon attempted to make this project work. While we would have liked to have had it work, it is clear this is not the project that the town wants at this time. We would like to take the opportunity to thank the Council. You have been more than generous with your time. The Planning Commission and all of its members spent time in meetings and outside of meetings with us. Most importantly, your town staff has bent over backwards and has taken an awful beating over things that they did correctly. We would ask that this application be withdrawn without prejudice. It is an affirmative vote that the Council has to make on the record. Mr. Darden, above all, does not want to hinder Mrs. Crocker's ability to market this property to somebody else. As Mr. Riddick says, if it is not without prejudice then nothing can be done for a year. Mr. Darden does not want to see that happen and that is why he has authorized me to withdraw this request and we would ask that it be done without prejudice.

Councilman Dr. Cook – Mr. Mayor, as I said before the reasoning behind me denying the first item was because I was not satisfied with the end result of our work. I wanted to keep this property open and available for future use whether it is the current developer's future ideas, another developer's future ideas, or another entity that might have other options for it. None of which can be done without accepting his withdrawal without prejudice. So, I would like to go ahead and make the motion that we accept the applicant's withdrawal of his zoning application. I do not know exactly what without prejudice means. I am sure it is a legal term. We need to allow Mrs. Crocker the ability to move on with her piece of property. I think we need to do that. I make a motion to accept the applicant's withdrawal without prejudice.

Councilman Pack – Second.

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

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

Mayor Williams – The motion was approved. Thank you very much. Our next item was the continued public hearing.

Councilman Dr. Cook – That is what we just did.

Mayor Williams – I know. I do not think we need to go there but if you keep it brief and would like to get up and say something then you can. Please keep it brief. We do not need to go back through everything that we have already heard several times or even one time before. I know you would like to have a comment or two. Let's just keep it at that please. So I will open it up. Just come on up here. We have a signup sheet but I am going to dismiss that.

Mr. Quarstein – I am John V. Quarstein. I am the Director of the USS Monitor Center at the Mariner's Museum. I have preserved seventeen properties in eastern Virginia including Newport News, Hampton, South Hampton County, as far away as Warrenton, and on the Eastern Shore. You have a unique opportunity here before you to, perchance, work with the developer or work with a non-profit entity to make Pierceville the bookend of your historic district. You have Windsor Castle and it's grandness as you cross into the town. Tourism is, without a doubt, a major industry for your town. They come here and go through Church Street and see the variety of architecture from Federalist to Georgian to Victorian Gothic. You name it; you get to see it. Then they take that left turn on Main Street to go to the business district to enjoy more historic houses, to enjoy a greater feel of what this town is all about and why it is such a wondrous place to come and visit, perhaps live, and to enjoy the relevance of its history. I merely put to you that in moving forward, I think you should be careful with the historic house itself and its grounds. The house looks terrible today. I restored the Rebecca Vaughan house in Courtland and it was really worse than that building. It was built in 1791. If you have a will; you have a way. You would immediately need to come up with an idea for mothballing it as well as stabilizing the structure, and analyzing those buildings immediately around it to see what type of adaptive usage there would be. I am not asking for or advocating a museum. What I am advocating, very strongly and

somewhat pleading with you all to consider, is to advise any future developer who wishes to give you a plan that the house could be the bookend to your community.

Thank you all.

Ms. Riddle – Good evening. I am Dawn Riddle. I have lived and worked at 36 Main Street for over thirteen years which is a successful prime example of the adaptive reuse. The house was restored, sacrificially by the Clark family, and opened up to the public as a business with house/museum roles. As a matter of fact, for Christmas in Smithfield event weekend, we had over three hundred people come through the house for a house tour and educational programming. We were not even on the ticket. We were just an event that weekend. This is something that Smithfield is known for and cherished for with the variety of experiences and architecture that we can proudly display. The house was the first large Victorian home with architectural features such as art deco and art nouveau a decade or two before they were popular in America. These types of properties are of such value to our land, our town, and how we have thrived for all these years. Albert, just let me know if Colonel Parker needs a wife for Saturday the 16th please. I am also very pleased and privileged tonight to announce the officers for your grassroots volunteer organization, Preserve Smithfield, as they are today. Please stand where you are even if I mispronounce your last name. Terry Mulherin is our President, Dennis Arinello is Vice President, Bonnie Pryor is our Secretary, Sharla Braunhardt is the Treasurer, and we have a couple of co-historians, Jim and Kathy Kline. Thank you.

Mayor Williams – Is there anyone else?

Mr. Gwaltney – I would just like to say that I really appreciate how you guys deliberated this issue. We may not agree on all of the issues but when I first came to the last meeting I was not sure what I was going to see and I really appreciated every Council member going through and stating their individual opinions on it. It really helped me to have peace that it was really being evaluated to the level that I thought it would be or hoped it would be. One thing I would like to bring to your attention is that the motion to amend the town's Comprehensive Plan is all about a green mark on a map. I want you to think for a second about how many thousands and tens of thousands of dollars in architect fees, engineers, transportation studies, and all that was invested in this project to try to tell you that the green mark on that piece of property really should

not have been green. It should have been yellow or it should have been orange or it should have been some other color. So I want every landowner in this town to look at the Comprehensive Plan and ask what color is their land. Is it green? Is it worthless? Why did it get that way? Did anybody ask if it was a good idea? It did not cost this town any money to condemn that property and make it green. I do not think any money or any logic was really put to why it is green. Is it really that the property is supposed to be green? Why is not the piece of property beside it or the Health Department green? Why was the Health Department not being made to be torn down and returned back? Just think about it. It was so easy for this town to make that property green. Look at how much money was spent to try to make it not be green. As we move forward with the future land use plans, put a little bit more thought into where these things go because what they really are is spot zonings. They are saying that this is a piece of property that nobody is using for any reason. They are farming it so let's just make it green. Then years down the road when they do not want to farm it anymore and want to use it for something else, they cannot just come to you and say they do not want to do a traffic study, a land use study, or hire an architect. They just want to ask you to take the green off the map and make it yellow. It will not be that easy to reverse it. Just think about that. Think about that when you are making these colors on a map with a highlighter. You are really affecting someone's property. You are affecting the value of their property. They may want it that way. I cannot say whether Mrs. Crocker derived any benefit from her property being in the green; maybe she did. Maybe now she is paying the price for letting it get in the green. Again, let's just be a little more conscious as we move forward with future land use planning that we get the colors right. Thank you.

Mayor Williams – Thank you, Mr. Gwaltney.

Mr. Ramsburg – I am Gary Ramsburg. I am a consultant. I am working with the Pierceville group. I specialize in historic structures. I would like to thank the gentleman back there for the history lesson. I have been doing a little bit of research and there is a tremendous amount of history that relates to that particular piece of property. It is one of the oldest Dutch Colonial structures in this area with the exception of maybe Toddsbury down in Gloucester. I have only been able to investigate the structure from the exterior. It is really critical that something happen. What I am going to say is that it needs to be mothballed. We need to stop the deterioration. There are standards out there for doing

that. We need to look at the interior and see what kind of temporary structural repairs can be made to stabilize everything. You have one side of the house that is in really bad shape. You have an old kitchen over to the side that was the original kitchen of the house. The chimney, although many of the brick are still there, is literally a pile of brick now. I cannot tell while walking around because of all of the vines what kind of shape the interior is in. There are some later structures that date to the 1800's. You can kind of tell from the brick and some of the detailing on them and how they are built. I think it is really time and I thank you for your decision on this property. I mean that thing has been through the French and Indian Wars. It has been through the American Revolution and the Civil War. It is part of your history. We need to make a concerted effort to stabilize it before it gets any worse. It really does deserve saving.

Mayor Williams – Seeing no one else, we will now move to a Motion to Approve the Town Council Meeting Minutes of December 1st, 2015.

Town Attorney – Mr. Mayor and members of Council, I made some minor revisions and would recommend that the minutes be approved as revised and corrected.

Vice Mayor Gregory – So moved.

Councilman Pack – Second.

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

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

Mayor Williams – The next item is a Motion to Accept the Recommendation from the Nominating Committee to Fill the Expiring Term of the Smithfield Planning Commission. The committee consisted of Councilman Pack and Councilman Dr. Cook.

Councilman Pack – Yes sir. Mr. Mayor, thank you. Mr. Davidson has served on the Planning Commission for one full term and a partial term. It is our feeling that Mr. Davidson has done a very good job. Mr. Davidson has been in a difficult position recently and has handled himself well. We want to thank him for that. It is also Mr.

Davidson's pleasure to continue to serve. With that, we would like to nominate Mr. Davidson for an additional term on the Planning Commission.

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

Mayor Williams – Next we have a Motion to Accept Recommendation from the Nominating Committee to Fill the Two (2) Expiring Terms on the Board of Historic and Architectural Review. The committee consisted of Councilman Pack and Councilman Dr. Cook.

Councilman Pack – This one is a little bit more complicated, Mr. Mayor. As we went through the ordinances on the Board of Historic and Architectural Review which we will discuss under new business in a little bit, the town ordinance requires that a member of Planning Commission is represented on the Board of Historic and Architectural Review. Currently that role is filled by Ms. Hillegass. During some of the discussions we have had recently, we have kind of felt there could potentially be just a little bit of conflict there and that the two Boards should be independent. Mr. Ealy and Ms. Hillegass both have terms expiring this month. Mr. Ealy has suggested that after thirty-five years of service perhaps it is a good time to come off. We thank him for his service. Mr. Stephenson has some stuff to do to thank him for his time. We would like to nominate Chris Torre who is one of our newest members at the town but certainly a very qualified Class A contractor. He has also accepted the position. We would like to nominate him. We would like to leave Ms. Hillegass in place on the Board of Historic and Architectural Review until we can sort out the matters of the town ordinance and whatever Council's pleasure is with that.

Councilman Dr. Cook – Just for clarification, Mr. Pack, we are not nominating her to continue. We are just not replacing her.

Councilman Pack – Correct.

Vice Mayor Gregory – Second.

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

Councilman Pack – I think our Town Attorney is looking at this. Let's give him a second to read it. The ordinance says that if Ms. Hillegass is not re-nominated then she continues to serve on the Board until such time as Council sees fit. Is that how it reads?

Town Attorney – It says 'a member whose term expires shall continue to serve until his successor is appointed and qualified.' She will stay in place until such time as you all decide.

Mayor Williams – Is there any further discussion? All in favor say aye, opposed say nay.

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

Mayor Williams – Next we move to New Business. We have a Review of the Town Ordinance Pertaining to Board of Historic and Architectural Review Member Qualifications.

Councilman Pack – Mr. Riddick, I have not had a chance to speak to you about this since the holidays. We did ask thirty-five years ago when BHAR was founded. There is a stipulation in there that you have to have certain members on the Board. You have to have members of the historic district and members from the town. You do not have to be from the Town of Smithfield to be on the Board of Historic and Architectural Review. I believe, of the seven members, at least five have to be on there if my memory serves correct. One of the regulations is that a member of Planning Commission must also serve on BHAR. Our question is does this make sense and why is this there? Prior to this meeting, Dr. Cook and I were able to meet with former Mayor Chapman to get his insight into it. He was here thirty five years ago when this Board was formed.

Councilman Dr. Cook – He was here seventy-five years ago.

Councilman Pack – Mr. Chapman does not remember why that was done. Our Town Manager, at committee level, did not remember why.

Town Attorney – I am sure it was because there would be a liaison. Somebody from the Historic Board would also serve on the Planning Commission. In an instance

very much like the Cary and Main application, they would be available at a Planning Commission meeting to state and to advise the members of the Planning Commission as to the action that the Historic Board had taken. It really is a conduit function. Somebody serving in both capacities has the ability to inform the other members of the Boards they serve on.

Councilman Dr. Cook – Is that similar to the Planning Commission has a member of Town Council.

Town Attorney – That is correct.

Councilwoman Tynes – I had a question about that myself. Whatever happened thirty five years ago, it happened thirty five years ago. We are now in the 21st century today. I am sure they voted to do it then to appease some male that wanted to stay on both Boards and whatever. We did not have females out there too much then. I have a concern because if you are serving in two capacities like that, especially governing capacities for the town, the individual has two votes. That is my concern. I do not have a problem if they want to serve as a liaison for that but they should not have a vote while they are serving on that particular committee.

Town Attorney – That is not true Mrs. Tynes.

Councilwoman Tynes – It is my opinion that is all.

Town Attorney – That is your opinion but that is not true because they are voting on completely separate matters. The subject matter that the Board of Historic and Architectural Review goes on is completely separate and distinct and different than anything that comes before the Planning Commission. They are not voting on the same types of things. They are voting twice but they are voting in completely different areas of interest and business pending before the town. They are not voting twice on the same thing.

Councilwoman Tynes – Those two Boards are not. I was referring also to Council members serving in these positions because they vote twice, right?

Town Attorney – The Planning Commission is nothing but advisory. It is not binding.

Councilwoman Tynes – But it is a vote. If they are on there, they can vote.

Town Attorney – The only vote that counts is yours. Planning Commission is nothing but advisory. If you all want to change this, we can change this. We can have a

public hearing and come up with a proposal to amend this but it was very well thought out thirty five years ago.

Councilwoman Tynes – Do you think so?

Town Attorney – I know it was because it makes sense. It is very well conceived. It worked very well for thirty five years. I have been here for twenty three of it. If you want to change this or if you want to send it to committee to discuss, that is fine but it is pretty well conceived. They put a lot of thought into this as to why. There is a contractor on here. There is an architect. Mr. Ealy was not a resident of the town but had more expertise than anybody can ask for. The ordinance permitted him to serve. We have been able to harness a tremendous amount of talent and expertise which has served the town very well. I am not telling you not to change it. In my opinion, they did a great job when they prepared this.

Councilwoman Tynes – I am not saying that I want to change it. I just want to challenge it so the public will know why these things happen. We are just sitting here tonight discussing it. If we just voted then the public does not know what is going on. I challenged the reasons why. You explained why it was done and why we have these individuals on here. You said it has worked for thirty five years. A lot of things have worked for thirty five years. A lot of things have worked for two or three hundred years in this country but we are finding out today that we need to change. I am finished. Thank you.

Councilman Pack – My question and reasoning for bringing this up, and Mr. Riddick provided the answer, was why the ordinance says that we have to have a member of Planning Commission on BHAR. Mr. Riddick explained that it is a conduit for communicating between the two Boards which I understand. My question then becomes to our Council is this something we want to revisit? Is it something we look at to see if we still think that having a member of Planning Commission also serve on BHAR is a good idea or just something we need to look at? It is simply the question and the reason I brought this up.

Councilman Dr. Cook – I think how our committees function it is a great location for us to have a more informal conversation about this.

Councilman Pack – And in depth.

Councilman Dr. Cook – We have allowed ourselves to continue as is by not replacing Ms. Hillegass on BHAR. It gives us the opportunity to have an educated discussion about this at our next committee meeting. I suggest that we all spend the next three weeks coming up with reasons why we are for or against having a member on both. Mr. Riddick has a point. BHAR and the Planning Commission really do not vote on the same items. Planning Commission and Town Council do. We have a person on both of those. It has never really been an issue. I think we should keep that in consideration but I really think we need to move this to committee.

Councilman Pack – Yes, if it pleases the Council, let's bring this back to committee. I am not sure which committee would be appropriate. I will let the Town Manager make that decision. We will return it to committee at the end of January and have some discussion about it. I make a motion to return this for discussion to the committee that the Town Manager sees fit.

Councilwoman Chapman – Second.

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

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

Mayor Williams – Okay, it will go back to committee. We can have a while to read up on it and then discuss it. Is there any other new business? Is there any old business? We have one closed session item about a land acquisition.

Town Attorney – Mr. Mayor, we need a motion to go into closed session for the purpose of discussing the acquisition of real property for public purposes and for matters requiring legal advice from counsel.

Councilman Pack – So moved.

Vice Mayor Gregory – Second.

Mayor Williams – A motion has been made and properly seconded. Thank you very much, ladies and gentlemen, for coming out tonight. We appreciate your support. All in favor say aye, opposed say nay.

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

Town Council went into closed session at 8:47 p.m.

Town Council came out of closed session at 9:23 p.m.

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

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

Town Attorney – Mr. Mayor, we need a motion that during the closed session there was a discussion of the acquisition of real property for public purposes and a consultation with legal counsel as to actual pending legal matters.

Vice Mayor Gregory – So moved.

Councilman Smith – Second.

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

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

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

The meeting adjourned at 9:24 p.m.

Mr. T. Carter Williams
Mayor

Peter Stephenson, AICP, ICMA-CM
Town Manager