

The Smithfield Town Council held its regular meeting on Tuesday, March 3<sup>rd</sup>, 2015. The meeting was called to order at 7:30 p.m. Members present Mrs. Denise Tynes, Dr. Milton Cook, Mr. Michael Smith and Mr. Randolph Pack. Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor; and Ms. Connie Chapman were absent. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. Steven Bowman, Chief of Police; Mr. William K. Barlow, Acting Town Attorney; Ms. Judy Winslow, Director of Tourism; Mr. Jeff Smith, Mr. Jessie Snead, Public Works Superintendent; Ms. Sonja Eubank, Office Manager; Mr. Kaden Bockelman, Mrs. Meghan Bockelman, Mr. Josiah Jendrey, Mr. Darryle Warren, Mr. Jack Reed, Ms. Amy Musick, Smithfield Center Director; and Mr. Bill Davidson, Planning Commission Chairman. There were twenty nine (29) citizens present. The media was represented by Ms. Abby Proch of The Smithfield Times.

Councilwoman Tynes – Good evening. At this time I would like to call to order the March 3<sup>rd</sup>, 2015 meeting of the Smithfield Town Council. The first thing we would like to do tonight is to have Colby Cook and Connor Gamble come forward to lead is in the Pledge of Allegiance. Mr. Gamble is with Boy Scout Troop 36. Please stand for the pledge.

*All present stood and recited the Pledge of Allegiance to the flag.*

Councilwoman Tynes – Thank you. We have a few empty chairs tonight. Mayor Williams is out tonight because he had a medical procedure yesterday. He is home resting tonight. He is doing well. Councilwoman Chapman is out tonight due to a virus. I would like for everyone to keep them in your thoughts. Vice Mayor Gregory is out of the country. We would also like to keep him in our thoughts for safe traveling. At this time we move to our Informational Section. We will have our Manager's Report by our Town Manager, Mr. Peter Stephenson.

Town Manager – Thank you, Madam Councilwoman. The February Activity Report was included with the Council agenda that was posted online over the weekend. The annual report for all of 2014 was also posted online yesterday. Please look for it on the town's website. I appreciate all of the departments putting together all of the information that has occurred in the prior year. It is a lot of good information on what has been happening in town. Regarding the month of March, we have a Pinewood Heights

Management Team meeting on March 10<sup>th</sup> at 4:00 p.m. at the Smithfield Center. We will have a Planning Commission meeting at 6:30 p.m. that same evening. The Board of Historic and Architectural Review and the Board of Zoning Appeals have been cancelled for this month. The Council Committee meetings will be held March 23<sup>rd</sup> and 24<sup>th</sup> at the Smithfield Center at 4:00 p.m. I will have a few comments when we get to the accreditation presentation. I will be happy to introduce our presenter when the time comes.

Councilwoman Tynes – Thank you. We have Attorney William Barlow with us tonight. He is filling in for our Town Attorney, Mr. Bill Riddick, who is out tonight. Welcome Mr. Barlow. The next item on the agenda is Public Comments. We have no one signed up. I would like to give you an opportunity if you did not know our routine. The only thing you cannot speak on is any public hearing items. Hearing none, we will move to a Presentation of the American Public Works Association Award.

Town Manager – I am very pleased this evening to introduce Ms. Diane Linderman who is the past president of the American Public Works Association. She was president of the organization in 2011 and 2012 when she was with the city of Richmond. She is presently with the engineering firm of VHB in Richmond. Welcome.

Ms. Linderman – I am excited to be here tonight to present the Public Works Department with their accreditation plaque. Accreditation is a mark of professionalism. It indicates that a public works agency has made the commitment to continuous improvement in the delivery of public works operations and services in the community that it serves. It recognizes that an agencies policies, procedures, and practices have been elevated against nationally recognized management practices which are determined to be appropriate for their specific agency. The APWA began the accreditation program in 1995. The first agency to receive the designation was the city of Greeley, Colorado in 1997. Accreditation is important to agencies that seek a method to demonstrate that the agency is well managed, able to demonstrate compliance with recommended practices, and dedicated to continuous improvements of the public works facilities and services. The agencies must first complete a self-assessment and make improvements to their operations, management policies, practices, and procedures to comply with the recommended practices as established in APWA's Public Works Management Practices manual. Documentation is then submitted to APWA detailing

how the agency complies with the practice followed by an onsite evaluation. During the accreditation visit a team of reviewers examines the agency's documentation and conducts interviews with selected agency staff. The accreditation visit may also include interviews with agency chief elected or appointed officials and members of the community. The Town of Smithfield Public Works Department formally applied for accreditation in January of 2012 using our seventh edition of the manual. An onsite evaluation by a team of APWA evaluators was conducted on November of 2014. The accreditation Council awarded full accreditation in November 12<sup>th</sup>, 2014. As the Department of Public Works Director for the City of Richmond I went through this accreditation process. I had a staff of about six hundred people. It is my understanding that you all have a staff of about nineteen. It does not mean that it is any less work. They need to be applauded. They worked on a total of three hundred and sixteen practices in the manual. They were all reviewed. Every practice met full compliance. It is an outstanding record. Unfortunately, Mr. Bill Hopkins is not here to accept this for all of the hard work that he did for his community. Ms. Sonja Eubank is the Accreditation Manager. Some of the public works staff is here. They really did a fabulous job in bringing their department to accreditation. I do not know if it is appropriate at your Council meeting to applaud but they deserve it. I certainly want to thank Mr. Peter Stephenson for his support of the department and their work toward the accreditation program. On behalf of the APWA it is my pleasure to formally present the accreditation plaque to you. You are the 97<sup>th</sup> agency in the United States and Canada to receive it. You are the 7<sup>th</sup> agency in Virginia. Your neighbors of Chesapeake, Virginia Beach, Alexandria, Newport News, Prince William County, and Richmond are also accredited. They are all big communities. You are a very small community. I cannot stress enough how exciting it is to get a community of your size to really focus on serving the community and serving the people of this town in the services that public works provides. On behalf of APWA as past president I would like to present to you this lovely plaque that I hope you hang somewhere proudly.

Councilwoman Tynes – On behalf of Mayor Williams, he would to thank all of the public works staff for the hard work that you did during the snow and ice. We would also like to thank the police department for their work. We appreciate all you do. I would also like to thank public works staff for turning off some water so that pipes would not freeze.

Some people were not at home. It is the type of nice things they do for citizens in the community. Thank you.

Town Manager – Thank you. It is very bittersweet as we dedicate this honor and achievement to our beloved late friend, Mr. Bill Hopkins.

Councilwoman Tynes – The next item on the agenda is Council Comments. Are there any comments?

Councilman Pack – I would like to apologize for my appearance this evening. I typically like to be dressed a little nicer like the rest of my council members but I came straight from work and will be returning to work after the meeting. There is no disrespect intended.

Councilman Smith – Thank you. I have a comment about the award that was just presented to the Public Works Department. When I came on Council two and a half years ago one of the things that struck me the most about the town employees and everyone who works on the committees was the level of cooperation. It was really impressive to me to see that. Phone calls are being returned. People are pleasant. It was just a spirit of all of the organizations that the town is involved in and the people that are involved in the town whether it is an employee, servant, or a volunteer. It is absolutely amazing that we have such a great town. When you hear numbers like ninety-seven out of the entire country and the little town of Smithfield is grouped with large organizations like Virginia Beach, and Chesapeake it speaks volumes to the dedication that people have here. I really like the spirit of cooperation, honesty, and being up front. This town has proved to me once again to be my home town. I want to thank those guys for continuing to be the spirit of who we think the town is. Thank you so much.

Councilwoman Tynes – The next item on the agenda is the Summary of Consent Agenda Items. Tonight in place of Councilwoman Chapman who chairs the Parks and Recreation Committee, we will have Councilman Randy Pack. In place of Vice Mayor Gregory who chairs the Water and Sewer Committee, we will have Councilman Smith.

Councilman Smith – Water and Sewer Summary. The first item is to accept a proposal from Kimley-Horne and Associates for the Reverse Osmosis Plant treatment discharge evaluation. This is an ongoing process of trying to get to the level where we can discharge water that we are not using that typically has to go to (HRSD) Hampton

Roads Sanitation District into the Cypress Creek. The studies are ongoing. We are hoping that this will get to point where we can be able to do that to reduce our levels of concentration to ultimately not continue to pass our HRSD fees to the public.

Councilwoman Tynes – Next we have Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Councilwoman Tynes. I would like to pull item C-3 a resolution to refinance two bonds with PNC Bank from the consent agenda. We have a little bit more action to do that. We can make it an action item this evening. We have invoices over \$10,000.00 requiring Council's authorization. This month was a light month. It is to REW Corporation for \$13,820.60. This is for some improvements to the radio towers that were installed on our pump stations at the request of public work. The work has been completed. It has made a huge difference in the communications with the pump stations. Parks and Recreation Summary. I will speak on behalf of Councilwoman Chapman items for the parks and recreation. We have a motion to authorize the use of Clontz Park for the annual fireworks display on Friday, July 3<sup>rd</sup>, 2015 as requested by the County. We have fireworks on July 3<sup>rd</sup> and the County takes care of those and we provide the park. We would like to approve that this evening. We also have an authorization to approve the Girl Scouts project application to install wood duck boxes at Windsor Castle Park. In order to achieve her Girl Scout Gold Award she is planning a series of a dozen or so wood duck boxes in the marshes along Windsor Castle Park.

Councilwoman Tynes – Next we have the Public Works Committee Chairman, Mr. Michael Smith.

Councilman Smith – Public Works Committee Summary. We have a motion to renew a landscaping contract with Southern Shores Lawn and Landscaping for one additional year. The next item is a motion to renew the mowing contract with Southern Shores Lawn and Landscaping for one additional year. This is for grass and landscaping combined.

Councilwoman Tynes – Next we have Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook - Public Buildings and Welfare Committee Summary. We have a motion to authorize the Town Manager to purchase the old Isle of Wight

Volunteer Rescue Squad building from Isle of Wight County in accordance with the agreement that we have already set forth. We are to pay half of the averaged appraised value of the building.

Councilwoman Tynes – At this time we need a motion to approve the consent agenda items except for C-3.

Councilman Dr. Cook – I would like to make a motion to approve the consent agenda items as presented except for item C-3.

C1. Accept Proposal from Kimley-Horne and Associates for Reverse Osmosis Water Treatment Discharge Evaluation.

C2. Invoices Over \$10,000 Requiring Council Authorization:

a. REW Corporation                      \$13,820.60

C3. Pulled from Consent Agenda.

C4. Motion to Authorize the use of Clontz Park for the Annual Fireworks Display, Friday, July 3<sup>rd</sup>, 2015.

C5. Authorization to Approve Girl Scouts Project Application to Install Wood Duck Boxes in Windsor Castle Park.

C6. Motion to Renew Landscaping Contract with Southern Shores Lawn and Landscaping for One Additional Year.

C7. Motion to Renew Mowing Contract with Southern Shores Lawn and Landscaping for One Additional Year.

C8. Authorize the Town Manager to Purchase the Old Isle of Wight Volunteer Rescue Squad Building between Isle of Wight County and the Town of Smithfield in Accordance with the Agreement.

Councilman Pack – Second.

Councilwoman Tynes – A motion has been made and properly seconded to approve our consent agenda items except for item C-3. Roll call vote.

On call for the vote, four members were present. Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilman Pack voted aye, and Councilwoman Tynes voted aye. There were no votes against the motion. The motion passed.

Councilwoman Tynes – We will now move to the consent agenda item C-3 that was pulled for discussion.

Councilman Pack – We have a Resolution to Refinance Two Bonds with PNC Bank. Our Town Treasurer, Ms. Minga is going to give us a little more information. We are able to move a little quicker than we originally thought.

Town Treasurer – We discussed this in the Finance Committee meeting in February. Originally our Town Attorney, Bill Riddick had prepared a resolution for us to go ahead with this refinancing of two existing loans. VML/ VACo Finance who we are working with on the refinancing actually forwarded their own resolution that they wanted us to adopt tonight along with two bond purchase agreements one for each of the bonds that is being refinanced. One of the things they commented on when we adopt the resolution is that we need to do so while referencing in considering the two bond purchase agreements. They just need to be referenced. They will be signed as part of the settlement in closing. One of the bonds is 2004 VRA bonds. This was a bond that originally existed for a forty year term for the old sewer treatment plant that is no longer operational. We refinanced that loan quite a few years ago. We reduced the term and were able to reduce the interest rate and release the required escrow on the account. This refinancing is lowering the interest rate even further and it will not extend the term. There is only about seven years left on the term. There will be a net present value savings of about \$101,723.00. The other bond is the 2005 Callable bonds for the existing Reverse Osmosis Plant that we just built a few years back. It will not extend the term. There is about ten years left on that bond. The debt service net present value savings will be about \$254,338.00. We ask that you consider that resolution tonight while referencing the actual bond agreements. Thank you.

Councilman Pack – Are there any questions?

Councilman Dr. Cook – I just want to point out that we are saving \$300,000.00 by refinancing these loans with no extension of terms.

Councilman Pack – I would like to make a motion that we adopt the resolution for the refinancing of the bonds with reference to the purchase agreements.

Councilman Dr. Cook – Second.

Councilwoman Tynes – A motion has been made and properly seconded to adopt a resolution to refinance two bonds. Roll call vote.

On call for the vote, four members were present. Councilwoman Tynes voted aye, Councilman Pack voted aye, Councilman Dr. Cook voted aye, and Councilman Smith voted aye. There were no votes against the motion. The motion passed.

Councilwoman Tynes – Next is the Action Section. We have a Public Hearing: Pinewood Heights Relocation Project – Phase III Application Submittal. I know there are a lot of happy citizens in our audience tonight since we are getting to Phase III. This was a project that former Council members started years ago. We have had a lot of happy citizens from the Pinewood Heights community because they have been able to relocate into some beautiful homes. When they started there were only three phases. Everyone was excited and wanted to participate. We had to break it up a little bit to make sure that we could get everybody in and be fair to everyone. We have Mr. Michael Dodson with the Community Planning Partners to speak on the project.

Mr. Dodson – I have a map to show an overview of the project. The town has already acquired and cleared all of the dark gray area on the map. It was actually Phase I. This is Phase II that we are working on now the north side of Carver Avenue. We are finishing up moving into the Multi-Year II by getting the last of the homes on Carver Avenue. We started a planning grant for Phase III and IV to help cover the planning phases in the application. The town received the application last summer. The process includes everyone left in Pinewood Heights. Phase III is going to be broke up into two phases two multi-years doing the south side and the north side of Jamestown Avenue because of limitations in state and federal funding. Phase IV which will probably be two or three years down the road will include the rest of the neighborhood. Tonight before Council is a resolution asking for the formal consideration to submit the application to the Department of Housing and Community Development. This is an annual competitive grant application that is due by March 25<sup>th</sup>, 2015. The town is asking for a formal request of a million dollars in state funds. In your package one of the main items is the project budget and it is broken down in the resolution. The town commitment will be \$1,323,335.00 with one million coming from the state. The non-state does include a small commitment from the County which we received the letter today for use of home funds which will help with acquisition and down payment assistance as well as improvement if some of the structures need that. There is also a contribution from the Section 8 program. There are several tenants in the neighborhood that will be able to

move to another property. We are doing eighteen properties in this phase. It is nine structures total. There are all duplexes. The idea is to acquire the properties, demolish them, and relocate the residents. Relocation can occur anywhere in the Country. If a resident wants to move to Los Angeles then they can. They get the same amount of benefits if they move to Church Street. It has been a privilege to work with you all. This has been a great town to work for. I hope you will consider adopting the resolution tonight to allow us to submit the application. Also if anyone would like to speak tonight to support this we would like for them to sign in. It helps when presenting to the state. These are competitive applications. Just to give you an idea the state has about fourteen million in funding. The Governor just released some more funding. Last year they funded thirteen total projects with last year's money. They had over sixty submissions. It is a very competitive program. I think we have always submitted a very competitive application. We have always received funding with the commitment the town puts in. You all are actually a little more than a 50/50 split. It is definitely a positive when the state scores your application. I will be happy to take any questions.

Councilwoman Tynes – Thank you, Mr. Dodson. I would like to declare the public hearing open for the Pinewood Heights Relocation Project. Has anyone signed up to speak? If not, at this time, I would like to give you an opportunity if you would like to speak on behalf of the Pinewood Heights Relocation Project. Hearing none, I will declare the public hearing closed. Next we have consideration from Committee chair, Dr. Milton Cook.

Councilman Dr. Cook - We have been down this road several times. It is a full application to get the funding. Hopefully the powers that be will give us what we are asking for. Does anyone have any comments?

Councilman Pack – Two or three years ago, we increased our meals tax by two percent to help cover the town's cost of this. It is dedicated to the Pinewood Heights function. It has been a great project.

Councilman Dr. Cook – If no one has any further comments. Do we need a motion to authorize the application?

Councilwoman Tynes – Do we need a motion Mr. Stephenson?

Town Manager – Yes. Actually the motion would embody everything in item 2 on the agenda.

Councilwoman Tynes – We have a Motion to Approve the Following Documents in Regards to the Pinewood Heights Relocation Project Phase III Application Submittal to the Virginia Department of Housing and Community Development.

- a. Resolution to Submit Application to DHCD
- b. Residential Anti-Displacement and Relocation Assistance Plan
- c. Fair Housing Certification
- d. Local Business and Employment Plan
- e. Non-Discrimination Policy
- f. Section 504 Grievance Procedure

Town Manager – Does anyone need any elaboration on these items? Obviously they are all items that are required for the Council to approve and adopt.

Mr. Dodson – They are all standard federal items that go in with an application that the state requires with the submittal. It also gives you points if you do it ahead of time. You can do this after the application but you lose several points. We also recommend that localities do it ahead of time. Most of them are self-explanatory. The first one is the resolution which authorizes the Town Manager as the town representative to submit that formal application which lays out what we are putting in the application. The Displacement and Relocation Plan are the formal plans that basically state that we are going to work with everyone in Pinewood Heights. They all have the right to relocate and where they want to locate. We will follow federal uniform relocation procedures. The Fair Housing Certification is done every year with the town with a block grant. It simply certifies that you follow the state and federal fair housing guidelines and you will commit to at least one activity. This year's activity that we are hoping to do is to host a fair housing seminar at the Smithfield Center. It would be open to town staff, realtors, and managers of apartment complexes can get their annual certifications for their staff as well. The state pays for it. They love hosting it. The Local Business and Employment Plan not much here because we are acquiring and demolishing. It encourages the contractors that we use to do physical work. In this case it would be demolition. If they need people they look at using residents from the neighborhood if they are hiring. If they come to the town asking to hire people then we work them per those plans. The Non-Discrimination Policy is simple. You agree not to discriminate based on federal guidelines. The Section 504 grievance procedures are laid out per

federal guidelines. The localities have some leeway. If a property owner or a person participating has a concern it lays out the procedures to address those concerns and the appeals. If they do not like the resolution they get then there are multiple layers it goes through staff, committees, and Council. If the person is still not satisfied they can file at the Circuit Court. As far as I know no one has filed a grievance for any of Pinewood Heights. These are requirements as put forth as part of the application.

Attorney Barlow – Do you want Council to vote on all six of these items as one vote or do we need to vote separately on those.

Mr. Dodson – They can all be included.

Councilman Dr. Cook – I would like to make a motion to approve documents A thru F in the action section number two of the agenda.

Councilman Pack – Second.

Councilwoman Tynes – A motion has been made and properly seconded. Roll call vote.

On call for the vote, four members were present. Councilman Smith voted aye, Councilwoman Tynes voted aye, Councilman Dr. Cook voted aye, and Councilman Pack voted aye. There were no votes against the motion. The motion passed.

Councilwoman Tynes – Phase III is on its way. Our next item on the agenda is a Motion to Authorize the Town Manager to enter into a Contract to Purchase Approximately 20 Acres from Howard Little Farm, LLC and others and a Contract to Purchase Approximately 81.5 acres from Howard Little Farm, LLC and others. Is there any discussion at this time?

Councilman Pack – The contract to purchase approximately 81.5 acres is still an option as opposed to a purchase agreement correct?

Town Manager – Right. I would further describe it in that the approximately twenty not to exceed twenty-one acres that is drafted in the purchase agreement which is intended for the ball fields project which is in our Capital Improvement Program. It is part of a larger parcel that is referenced. The property has not been surveyed specifically where the ball fields would go. A concept plan has been done. But until the actual survey has been completed and the area has been defined with ingress and egress defined it is an option so we need to include the larger tract as well. There is a longer study period on that I believe one hundred and eighty days.

Councilwoman Tynes – Is it fine the way it is written?

Town Manager – I had asked our Town Attorney to word it exactly as he desired. He was comfortable with it. He told me not to sign anything until he gets back.

Councilman Smith – Was there a discussion about possibly a year option on the 81.5 acres, Mr. Stephenson?

Town Manager – It was drafted for one hundred and eighty days.

Councilman Smith – It is a due diligence period correct?

Town Manager – Yes.

Attorney Barlow – The first line says entering into a contract. It is my understanding that it is entering into an option agreement not a binding contract to buy.

Councilman Pack – There is a contract to purchase the twenty acres with an option on the 81.5 acres.

Attorney Barlow – Okay.

Town Manager – It would include a one hundred eighty day due diligence period.

Attorney Barlow – The second one would be an option. I think it is an important distinction.

Councilman Pack – I will make a motion to authorize the Town Manager to enter into a contract to purchase approximately twenty acres from Howard Little Farm, LLC and others and an option to purchase approximately 81.5 acres from Howard Little Farm, LLC and others.

Councilman Smith – Second.

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

On call for the vote, four members were present. Councilman Pack voted aye, Councilman Smith voted aye, Councilman Dr. Cook voted aye, and Councilwoman Tynes voted aye. There were no votes against the motion. The motion passed.

Councilwoman Tynes – Next item is a Motion to Approve the Town Council Meeting Minutes of February 3<sup>rd</sup>, 2015.

Attorney Barlow – I would recommend the February 3<sup>rd</sup>, 2015 minutes be approved as presented.

Councilman Pack – So moved.

Councilman Dr. Cook – Second.

Councilwoman Tynes – A motion has been made and properly seconded to approve the minutes. Roll call vote.

On call for the vote, four members were present. Councilman Pack voted aye, Councilman Dr. Cook voted aye, Councilwoman Tynes voted aye, and Councilman Smith voted aye. There were no votes against the motion. The motion passed.

Councilwoman Tynes – The next item is New Business. Do we have any new business? Hearing none, we will now move to Old Business. Does anyone have any old business? We do not have a closed session tonight. Chief Bowman lost his father about a week and a half ago. Some of the town staff attended the services for him. Since it was in Richmond maybe a lot of people did not know about it. Chief Bowman from the Council and I am sure the citizens of the town we would like to convey our condolences to your family.

Chief Bowman – Councilman Smith commented earlier about what a great town this is. It has been a difficult fourteen months since my dad was diagnosed and his passing. The outpouring of support and concern has been overwhelming. I greatly appreciate it so I wanted to let you know that. Thank you for your comments.

Councilwoman Tynes – You are welcome. If there is nothing else before us tonight the meeting is adjourned.

The meeting adjourned at 8:10 p.m.

  
Mrs. Denise Tynes  
Councilwoman

  
Peter Stephenson, AICP, ICMA-CM  
Town Manager