

The Smithfield Town Council held its regular meeting on Tuesday, April 4th, 2023. The meeting was called to order at 6:30 p.m.

Members present:

Steven G. Bowman – Mayor

Valerie Butler – Vice Mayor

Michael Smith

Jeff Brooks

Wayne Hall

Randy Pack

Renee Rountree

Members absent:

None

Staff present:

Michael Stallings - Town Manager

William H. Riddick, III – Town Attorney

Lesley King – Town Clerk

Alonzo Howell – Chief of the Smithfield Police Department

Tammie Clary – Community Development & Planning Director

Jack Reed – Director, Public Works and Utilities

Judy Winslow – Director of Tourism

Ashley Rogers – Director of Human Resources

Nadya Jaudzimas – Administrative Assistant

Charles Bryan – Chairman, Planning Commission

Steve Clark – Parks and Grounds Attendant

Brianna Jimenez – Officer, Smithfield Police Department

Press:

Stephen Faleski – The Smithfield Times

Citizens: Approximately 15

Mayor Bowman welcomed all attendees to the meeting. He asked all present to stand for the Pledge of Allegiance to be led by Councilman Hall.

Manager's Report:

The Town Manager reported that the previous month's activity and summary reports were contained in the Council members' informational packet. He stated that he would be glad to answer any questions regarding the information provided.

Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, District 1

Supervisor Grice apologized for his absence over the last couple of months, adding he felt back on course now. He reported that the past month the County Board held a work session on March 2nd and the regular meeting on March 16th. He said that the next work session will be

Thursday, April 7th at 6:00 pm during which attendees would hear from the Virginia Department of Transportation (VDOT) regarding the James River Bridge, Port Authority, and include the introduction of this year's County budget. He reviewed that the Board of Supervisor's Meeting were also now available to live-stream.

Supervisor Grice reported that at the March 2nd work session it was announced that a Therapeutic Recreation Specialist for the Parks and Recreation Department had been hired, adding that this had been a recommendation of last year's Special Needs Task Force. He reported that at a joint work session with the School Board directly after that meeting the schools presented a proposal for a \$5 million budget increase. He explained that the School Board was notified by the Supervisors that a 1 cent increase in the real estate rate equaled approximately \$550,000.00. He calculated that the request would be in the 9 cent increase range. Supervisor Grice said that he believed the updated version of the budget had now been lowered to \$2.8 million.

Supervisor Grice continued that at the March 16th meeting the Supervisors confirmed appointments to the new Energy Task Force, which consisted of one (1) member for each district and two (2) at large members. He reported that at the April 7th meeting he would request to expand the membership to include one (1) representative from each of the two (2) Towns in Isle of Wight County. He expanded that at the top of the Energy Task Force's agenda would be consideration of land use issues and utilization of prime farmland, namely for solar farms and gas lines. Supervisor Grice reported that the Board also heard a presentation on target shooting situations that are endangering nearby residents, which would be an ongoing discussion.

Supervisor Grice updated the Council on the status of Hardy Elementary School's construction, reporting that the construction schedule remained tight but the target opening date remained the Fall of 2023.

Swearing in of Smithfield's Newest Police Officer, Brianna Jimenez

Chief Howell reported that it was his pleasure to introduce the newest member of the Smithfield Police Department, Officer Brianna Jimenez. He informed the Council that Officer Jimenez was previously a part of the Newport News Police Department, and her first day had been April 3rd. He explained that she would be going through Smithfield's training program to become qualified as a Virginia Certified Law Enforcement Officer. He added that the Smithfield Police Department was happy to have Officer Jimenez on board.

Mayor Bowman stated that the Council was happy as well.

The Town Clerk proceeded to swear in Officer Jimenez.

Chief Howell presented Officer Jimenez with her badge. He explained to Officer Jimenez that the badge was a symbol of the public's trust, adding that it had taken a long time for the department to gain. He continued that as a new Smithfield Officer taking the oath she was committed to honor the public's trust and encouraged her to do the job that is asked of her. Chief Howell concluded by emboldening Officer Jimenez to serve the citizens of Smithfield and Isle of Wight County to the best of her ability, thereby helping the police department to build the partnership with the community that they hold dear.

Officer Jimenez spoke about growing up in New Jersey and wanting to become a police officer all of her life. She explained that she thought it would work for her in Newport News, and

unfortunately it had not. She continued that she felt God had plans for her as she felt grateful for the opportunity to work in Smithfield. She reported that she hopes to be able to help people like she intends to, and also meet some great people in the process. She thanked everyone.

Public Comments:

Bob Hines of 216 Washington Street in Smithfield reported that he wanted to focus on the agenda item regarding the use of ARPA funds in addressing stormwater and drainage needs. He added that he would like some specification as to how much money would be used, where it would be used, and for what projects.

Julian Leamon of 111 Thomas Street in Smithfield said that there had been a common concern reported about the Department of Motor Vehicles (DMV) being constructed. He continued that he had heard that there was already money going into the project and that the architect that had been hired had failed to uphold his position.

Mayor Bowman stated that he did not know that to be the case, but he did know that there would be a ground-breaking for the building to start construction Friday.

Mr. Leamon asked for confirmation that people had been very unhappy with the initial modernistic design of the building.

Mayor Bowman stated that was correct.

Mr. Leamon stated that because the Town was historic, people would not expect that.

Mayor Bowman recapped that the applicants modified that initial design and had it reviewed by the Planning Commission, who had now approved the matter unanimously.

Mr. Leamon thanked the Mayor.

Pat Soule of Church Square in Smithfield reported that he had first moved to the area 1986 while on active duty in the Navy. He reported that he had taken his family for a drive, went across the river on the Jamestown Ferry, and into Smithfield. He stated that his wife fell in love with the Town and they made the decision to one day move to the Town when they were downsizing. He continued that he lost his leg eight years ago, and that sped up their plans. Mr. Soule clarified that he was not accusing any of the Town Council members of maleficence. He explained that when his leg was replaced eight years ago it had been his goal to be able to walk to Main Street via Church Street as it was about a mile. He said that the Church Street project had taken years, and it was his understanding that it had not been approved for the last round of funding. Mr. Soule reported that he could not walk down the street as it was too uneven. He reported that he and Mrs. Soule loved living in Smithfield. He continued that there were some decisions that the Council had made that had a direct impact on the Town, namely the things that made historic Smithfield so good. He cautioned the Council that the constant development would ruin what makes the Town great. He added that if this continued the Town would begin to look like Route 17 in Carrollton.

Teresa Mulherin of 206 Washington Street in Smithfield reported that she would like to compliment Councilman Pack and the Planning Commission on their negotiation of what was wrong with the developer's initial plans for the DMV, adding that it was handled beautifully and with respect. Mrs. Mulherin discussed the proposed demolition of another historic building that had an application 10 years earlier to be rebuilt or rehabbed, and again complimented Councilman Pack on his research and comment on the issue. She addressed road condition issues in her

neighborhood. She hypothesized that after construction was completed the road would need to be repaved due to oil stains and divots that had occurred during the construction of the houses on Washington Street. She additionally reported that rocks had appeared in the park near the construction, but added that she thought that might need to be told to Isle of Wight County when they cut the grass. Mrs. Mulherin expressed concern about projects that reached the Planning Commission level of review and not having better communication from Town Staff. She requested that as they were now considering allowing Town Staff to approve changes to proffers that the Council please ensure that the public were notified of those planned changes or add a way for proposed changes to be stopped by the Town Council.

Presentation from the Western Tidewater Free Clinic by Tim Palmer

Timothy Palmer, Board Member at the Western Tidewater Free Clinic, thanked the Town of Smithfield for their past support. He reported that the Smithfield Town Council has invested in the Free Clinic since 2008, with 2007 having been the clinic's first year of operation. He stated that in the current fiscal year the Town had contributed \$35,000.00 which equated to 100 hours of service, or 220 visits, to 24 patients at the clinic. Mr. Palmer explained that the Town's support enabled the clinic to continue to serve high risk patients, keeping them out of emergency rooms and local hospitals.

Mr. Palmer expanded that in the entire 2021 – 2022 fiscal year the clinic had served a total of 120 residents throughout Smithfield who received an estimated 900 visits. He focused the number of residents served to those within the Town proper of Smithfield to 67 patients, who received 463 visits or an average of about 7 to 8 visits per year. He added that the number reflects about 5% of the total population of the patients utilizing the Western Tidewater Free Clinic. Mr. Palmer continued that the patients who were residents of Smithfield received free medications that were over \$100,000.00 in retail value in the last year and over \$77,000.00 in the last 6 months alone.

Mr. Palmer gave information on the Clinic, reporting that since opening their doors the clinic had given services to about 7,000 unduplicated patients through about 200,000 visits that included medical, dental, mental health, and eligibility consultations. He continued that these patients received 296,000 medications with a retail value of over \$56 million.

Mr. Palmer said that they had seen an increase in the need for dental and mental health services, and had planned expansions in both areas. He added that the clinic would add two dental chairs to allow for more patients to be seen.

He reported that providing for these critically ill patients with a health home allows them to receive care that they desperately need to reclaim their lives and improve their health. He said that this would not be possible without the Council's support, and described the personal testimony of one of the clinic's patients, whose name was changed to protect their privacy. Mr. Palmer reported that the service area of Western Tidewater was a 2200 square mile area, and the contribution that they were requesting this year was \$24,498.00 which would represent service to about 16 Town of Smithfield patients with an estimated 153 visits. He explained that the change in the requested contribution amount was due to the 5% of the total funds that the clinic requests from the municipalities.

Mr. Palmer reiterated his thanks to the Council for their investment in the Western Tidewater Free Clinic. He invited all of the members to stop by for a tour at any time, but did caution that they would begin expansion construction soon.

Council Comments:

Councilman Pack reported that at the Tuesday, April 11th, Planning Commission Meeting attendees would get their first look at the application package for The Grange. He confirmed that though there would not be a public hearing yet the public could comment during the appropriate section and the entire package would be available for review online. He added that as a restaurant owner he has been open about his interest in being a part of the development, and as such would be recusing himself from discussion and voting on the subject. He invited all attendees to come in person or live stream the meeting from home.

Continuation of Public Comments:

Mayor Bowman acknowledged that he had neglected to ask if there were any other attendees who would like to speak present during the public comment section. He invited any additional members of the public to utilize this time to speak.

Richard Linear Sr. of 101 Prestwick in Smithfield asked to bring to the attention of the Mayor, Council members, and Town Staff an issue of public safety. He stated that the current plans at 10 Grange on Main included open detention and retention ponds, which are commonly called BMPs. He reported that the proposed open pond that he was most concerned about would be located on Main Street, across from Main Street Baptist Church, beside the School House Museum, and across from the Church Manor Apartment Complex. Mr. Linear stated that an open pond in this area would present a safety hazard for children and adults. He continued that a covered underground retention or detention pond there would eliminate those safety issues. He said that requesting an underground retention pond was not unreasonable. He acknowledged that it would cost more and take additional time. Mr. Linear related that Main Street Baptist Church had an underground detention pond at the rear of its property, a decision made because of safety and use of the property for church functions. He asserted that the developer of 10 Grange should be required to utilize covered underground detention ponds, explaining that they could be covered with grass, shrubs, and small trees. He reiterated that safety was his main concern, using the quote “an ounce of prevention is worth a pound of cure.”

Martha Evans Jackson of 511A Cedar Street in Smithfield reported that she had good news to share with the Council. She announced that tomorrow at 2:00 pm there would be a ribbon cutting for signage honoring Black Businesses at Wharf Hill, namely the peanut industry and commerce. She urged all present to come out and attend. She proudly related that her father had a garage at the bottom of Wharf Hill near the current location of the Booth Cleaners. She again encouraged all present, and the viewers streaming at home, to come and support the Isle of Wight County Museum and Historic Smithfield at Wharf Hill.

Tommy Gehringer of 215 Cary Street in Smithfield reported that for years they had been talking about the speeders on Cary Street and had always been told that it was a responsibility of the State to address. He stated that he had called the Virginia Department of Transportation

(VDOT) and spoke with Paul Maddox, the local representative, who had said this was not correct information and that their jurisdiction stopped at the County line. Mr. Gehringer continued that the speed limit on Mill Swamp Road goes from 55 mph to 45 mph to 30 mph and remains that speed all the way to the stop sign at Grace Street. He related that Mr. Maddox called someone in Public Works and spoke to them offering to send something in writing about the issue. He reiterated they needed to address the speed limit as this was the only road in the Historic District at 30 mph. Mr. Gehring stated that it would be great if the speed limit could be changed from the YMCA down to the stop sign at Grace Street. He said that issue would be up to the Town Council or Public Works but he was not sure. Mr. Gehringer added that he had been trying to get Verizon to trim the limbs that were obstructing the wires along Cary Street, and Wayne Griffin, Town Engineer, had told him that when he reached out to the company he was met with no response. He continued that since he got nowhere with the issue he got an estimate for limb trimming that was \$800.00. He asked for assistance with the issue.

Mayor Bowman relayed that when he had been Police Chief, the speed limit in that area had been a concern. He continued that the rationale at that time was that coming off of a 55 mph speed limit highway and reducing it to a 25 mph speed limit in that area would be too significant a decrease in a short span of time. He said he thought there was a law that had been changed since that time, but previously the law had been that the speed could not be reduced within a certain period of time unless there was a step-down phasing plan. He stated that he would like to assign the issue to the Public Safety Committee for further investigation.

Vice Mayor Butler reported that there was tree trimming contracted through Xylem by Dominion Power, and had stopped to speak with them last week as they were cutting limbs in a neighborhood. She stated that she did not know why they were not coming to Cary Street.

Mr. Gehringer reported that the power lines were kept on the other side of the street from the telephone lines on Cary Street, and Xylem was only contracted through the power company.

The Town Manager agreed that Mr. Gehringer was correct, and Mr. Griffin had tried consistently to get Verizon to address the issue, adding that they had even met in person at the site. He reported that they would investigate further what the delay was due to.

Mayor Bowman reported that both issues would be looked into.

Mr. Gehringer said that he had also spoken with Chief Howell about the speed limit issue on Cary Street.

Mayor Bowman asked if there were any other members of the public that wished to be heard. Seeing and hearing none, he closed the public comment section. He stated that he had seen the sign for the Wharf Hill ribbon cutting mentioned by Mrs. Jackson, and recognized her hard work at getting it placed.

Consent Agenda:

C1. Allocate ARPA Funds to Address Drainage/Storm Water Needs

Councilman Pack addressed Mr. Hines' earlier question about specifying the information about the funding. He reported that there were five (5) areas in the proposal:

- 205 Barrcroft included a driveway pipe replacement quoted at \$15,200.00.

- 301 Winchester to repair a structure pipe and reset the flared end section of the pipe quoted at \$128,560.00.
- 30 Buckingham Way for ductile iron repair quoted at \$6,850.00.
- The Machrie pipe to be excavated and failed 30 inch pipe disposed of \$45,970.00.
- 512 Hickory Crescent was a driveway pipe replacement quoted at \$18,820.00.

C2. Memorandum of Agreement (MOA) – Hampton Roads Planning District Commission on Stormwater Management

Councilman Brooks reported that the MOA for Stormwater Management was up for renewal and upon review was being recommended for approval.

C3. Invoices Over \$20,000 Requiring Council Authorization

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|---|--------------|
| a. Nostos SS Contractors LLC – Wilson Road Water Storage Tank Rehab | \$ 78,468.75 |
| b. Core and Main - Meters | \$ 32,400.00 |
| c. Lewis Construction of Virginia – Progress Billing Red Point | \$ 68,600.00 |
| d. Lewis Construction of Virginia – 101 Moore Avenue | \$ 27,769.00 |

Councilman Pack made the motion to approve the Consent Agenda as presented. Councilman Smith seconded the motion.

Mayor Bowman called for the vote. On call for the vote, eight members were present. Councilwoman Rountree voted aye, Councilman Hall voted aye, Councilman Pack voted aye, Vice Mayor Butler voted aye, Councilman Brooks voted aye, Councilman Smith voted aye, and Mayor Bowman voted aye. The motion passed.

Motion to Approve the Town Council Summary Minutes of March 7th, 2023.

The Town Attorney recommended approval of the February 7th, 2023, Town Council summary minutes with minor grammatical corrections.

Councilman Hall made the motion to approve the minutes with grammatical corrections. Councilwoman Rountree seconded the motion.

Mayor Bowman called for the vote. On call for the vote, eight members were present. Vice Mayor Butler voted aye, Councilman Brooks voted aye, Councilman Smith voted aye, Councilman Hall voted aye, Councilwoman Rountree voted aye, Councilman Pack voted aye, and Mayor Bowman voted aye. The motion passed.

New Business:

There was no New Business discussed.

Old Business:

Smithfield Zoning Ordinance Amendment – Conditional Zoning & Proffers:

The Town Attorney reported that this amendment had been discussed at the previous Town Council Meeting and had been referred back to the Planning Commission for additional work. He

recalled that the Town Code, with respect to provisions pertaining to the amendment of proffered conditions was not in accord with State Law. He reviewed that there had been discussion regarding Mallory Scott Farm's proposed fishing pier which had precipitated the issue. The Town Attorney said that there had been proposed language that had now been reviewed twice before the Planning Commission and now twice before the Town Council with Town Staff recommending approval as presented. He explained that the amendment provides that "There should be no amendment or variation of any conditions proffered pursuant to Article 5 until after a public hearing before the governing body, however where an amendment to such proffered conditions is requested and where such amendment does not affect the condition of use or density, then a local governing body may waive the requirement for a public hearing by majority vote at the next regularly scheduled Town Council meeting." The Town Attorney stated that he stressed the term "may" as it illustrated that this was not mandatory, but was an option. He added that this brought the Town into compliance with State Law and he recommended it be adopted.

Councilman Pack reported that there had been lengthy discussion at the Planning Commission about the amendment and wanted to address one of Mrs. Mulherin's concerns. He continued that the proposed amendment matched the State Law almost verbatim. He reported that were it did not match State Law was in the addition of the inclusion of the ability of the local governing body may waive the requirement based on the conditions set forth, but the Town Council must do so in a public setting and it must be by majority vote. He stated that the Planning Commission felt that it was important to include this aspect for the current Council and also future Councils. Councilman Pack explained that the amendment also made it so that Town Staff could not waive any proffered conditions, that it must come before the Town Council, and the Council may waive the right to a public hearing, but it must be voted on before the public.

The Town Manager reiterated Councilman Pack's point that there was no situation where Town Staff would have the ability to waive a proffered condition.

Councilman Brooks agreed with Councilman Pack's point as well. He reviewed that the Town Council had been following along with the amendment process and admitted that at first he had not been in favor of the change. He continued that upon learning more information he saw that the Town Council retained the decision power on whether or not to hold a hearing. He stated that he appreciated what Councilman Pack and the Planning Commission had accomplished and was now in favor.

Councilman Smith made a motion to approve the Zoning Ordinance Amendment. Councilman Hall seconded the motion.

Mayor Bowman called for the vote. On call for the vote, eight members were present. Councilman Smith voted aye, Councilwoman Rountree voted aye, Vice Mayor Butler voted aye, Councilman Pack voted aye, Councilman Hall voted aye, Councilman Brooks voted aye, and Mayor Bowman voted aye. The motion passed.

Additional Item: Request to Move May Town Council Meeting to Monday, May 8th, 2023:

Mayor Bowman reviewed that at the last Committee meeting there had been discussion about possibly moving the date of the May Town Council Meeting. He stated that he had asked for the move as he was undergoing knee replacement surgery and was concerned that he would

not be able to make the meeting. He acknowledged that there was protocol for his absence that could be followed. He said that he had discussed the issue with Vice Mayor Butler and there was a scheduling conflict on the day of the May Town Council Meeting that might make it so that she would not be able to attend either. Mayor Bowman summarized that having both Mayor and Vice Mayor absent threw them into a bit of a quandary, and he requested again for the Council to consider moving the date of the regular Town Council Meeting to May 8th.

Councilman Hall made a motion to move the next Town Council Meeting to Monday, May 8th, 2023. Councilman Smith seconded the motion.

The Town Attorney reiterated that the meeting would be held on a Monday, not Tuesday the 9th. He confirmed with the Town Clerk that appropriate notice of the change would be given and advertised.

Councilman Pack confirmed that there were no matters that were time sensitive or carried such weight that the public may feel it inappropriate to move the meeting.

Mayor Bowman stated that he did not think there were, and even so they should feel moving the meeting put them in a better position to hear from all of the Council members.

The Town Attorney reported that at this time there were no public hearings to be scheduled.

Councilman Pack stated that the discussion regarding 10 Grange at the next Planning Commission Meeting would not have necessitate additional actions by Town Council in May.

Mayor Bowman said that the project at 10 Grange or any other development project would not have anything less than an open forum with ample opportunity for comment.

Mayor Bowman called for the vote. On call for the vote, eight members were present. Councilman Smith voted aye, Councilwoman Rountree voted aye, Vice Mayor Butler voted aye, Councilman Pack voted aye, Councilman Brooks voted aye, Councilman Hall voted aye, and Mayor Bowman voted aye. The motion passed.

Town Council Interviews of Applicants for the Position of Treasurer

The Town Manager reported that several applications had been received for the open Treasurer position, and announced that provided within section 2.2-3712-12b of the Freedom of Information Act (FOIA) within the next 15 days the Town Council would have closed session meetings solely for the purpose of interviewing candidates.

Mayor Bowman asked if such a meeting would require certification that no other business had been discussed.

The Town Attorney replied that there must be such a certification after any closed meeting, but this action would waive the notice requirement.

The Town Manager reported that if an interview/closed meeting is held within that 15 day period, then it would be certified at the next Town Council Meeting.

The meeting was adjourned at 7:28 pm.