

May 5, 2023

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING  
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC BUILDINGS & WELFARE  
COMMITTEE MEETING HELD ON MONDAY, APRIL 24<sup>TH</sup>, 2023.

The Public Buildings and Welfare Committee held a meeting on Monday, April 24<sup>th</sup>, 2023 at 3:00 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members in attendance were Vice Mayor Valerie Butler, Chair; (via phone) and Mr. Wayne Hall. Other Council members present were Mr. Michael Smith, Mr. Jeffrey Brooks, Mrs. Renee Rountree and Mr. Steve Bowman, Mayor. Staff members present were Mr. Michael Stallings, Town Manager; Mr. William H. Riddick, III, Town Attorney; Ms. Lesley King, Town Clerk; Mr. Jay Hunemuller, Interim Treasurer; Ms. Ashley Rogers, Director of Human Resources; Mr. Jack Reed, Director of Engineering and Public Works; Mr. Wayne Griffin, Town Engineer; Mrs. Tammie Clary, Director of Community Development and Planning; Ms. Amy Novak, Director of Parks and Recreation; Mr. Alonzo Howell, Chief of Police; Mr. Jessie Snead; Superintendent of Public Works; and Mr. Steve Clark, Parks and Recreation Department. Also in Attendance were Mr. Jeffrey Smithfield of the Smithfield Volunteer Fire Department; Mr. Randolph Barlow, Mr. and Mrs. Buddy Jones, Mr. Roger Ealy, Mr. Rick Rowland of IOW Christian Outreach; Mr. David Hundley and Tim Kline of the 1750 Courthouse; Ms. Shelia Gwaltney of Isle of Wight Arts League; Mr. Jim Phillips of the Friends of the Smithfield Library, Ms. Hall of The Genieve Shelter; Mr. and Mrs. Bill Harris, Mr. Tim Dean of TRC (formerly Draper Aden Associates). There was no media represented.

Public Buildings and Welfare Committee Chair, Vice Mayor Butler, called the meeting to order.

**A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON COUNCIL'S AGENDA**

1. Mallory Pointe – Amendment to Proffers – Mrs. Clary explained the applicant for the Mallory Pointe rezoning project is requesting an amendment to the Proffers, due to a technical oversight. The Proffer statement, dated June 25, 2021, includes item 5.e. “A community dock/pier with limited parking will provide a kayak and non-motorized watercraft launch area and overlook. Motorized watercraft will not be permitted to use

this community dock/pier.” The Proffer statement also includes item 14.b. “Construct a westbound right-turn lane with a 200’ storage/200’ taper. During the rezoning application process and discussions, the applicant agreed to remove the community dock/pier from the application package. It was understood by the Planning Commission and Town Council that this rezoning application would not provide a community dock/pier. Additionally, during site plan review, it was determined that a 200’ storage/200’ taper would create a conflict point on Battery Park Road, and instead an 85’ storage/150’ taper would better suit the right turn entrance into Phase A of Mallory Pointe. In accordance with Virginia Code 15.2-2302B and Article 5.1.5, the applicant is seeking an amendment to the Proffers, replacing item 5.e. with “A community dock/pier is not permitted” and replacing item 14.b. with “Construct a westbound right-turn land (85’ storage/150’ taper).” According to Virginia Code and the SZO, when an amendment is requested that does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing, by a majority vote at the next regularly scheduled Town Council meeting, prior to the amendment of such proffered conditions. Town staff does support this request for an amendment to the Proffers by replacing item 5.e and item 14.b, in accordance with the approved rezoning application. Councilwoman Rountree asked what the reason for not wanting a small dock/ kayak launch. Ms. Clary explained that during the rezoning application process public comments indicated that they were not in favor of the dock/pier. The applicant at that time agreed to remove it from the proffer statement. The Town Attorney stated that due to a multitude of reasons everyone agreed that was not a good place to have a kayak launch. Councilwoman Rountree also stated that she had received a citizen comment about the recent change made to allow changes at Town Council level without a public hearing. This change was met with some resistance. The Town Attorney explained that at the May Town Council Meeting Council must take a vote to have a public hearing or waive the public hearing. Councilwoman Rountree stated that she wants it to be very clear in the record that we are responding to public comments by deleting the dock/pier. The last thing she wants it to look like we waived the public hearing, deleted the ramp, and now everyone wants the dock/pier. The Town Attorney clarified that the Town Council must in a public meeting state that you are going to do this without a public hearing. This item will be moved to Town Council for consideration on waiving the public hearing to remove the dock/pier and to shorten the 200’foot/200’taper turn lane to 85’ storage / 150’ taper.

2. Great Spring Road Project – Grant Update – The Town Manager reported that the Town was awarded a Hazard Mitigation Grant from FEMA for the Great Spring Road project. The award is a 90% Federal share and a 10% required match. The representatives from the Virginia Department of Emergency Management (VDEM) have indicated that the State will be putting up the 10% match once it is approved. They expect this approval to be coming within the next several months. To get the project moving now, the Town can commit to the required match with the anticipation of the State providing reimbursement of the funds once they are approved. He stated that he has reached out to Summit Design to assist us with the management of this project as they were the firm that

completed the application package. They are also the firm that helped manage the Pinewood Heights project and have experience working with acquisition and relocation projects. Once the Town has received reimbursement from the State the only cost to the Town would be the consultants fee from Summit Design. Councilman Smith asked when the required matching funds are needed. The Town Manager stated the 10% match from the State would be \$92,024 and if the Town would commit those funds now, with the anticipation of being reimbursed in the next couple of months, it would get the project moving. Mayor Bowman asked with what reasonable certainty do you believe that matched money will be reimbursed by the Commonwealth. The Town Manager stated that he asked this exact question, and they feel very confident that we will receive these funds they just have to go through their process. Councilwoman Rountree stated that she was very pleased with the Town Manager's efforts to secure a grant for this project. The amounts that are outlined here are the subtotals for the purchase of the properties. She would like to know what these numbers represent, fair market value, assessed value, etc. How did they come up with the amounts for each of the five properties. The Town Manager stated that his understanding is that it is based off the fair market value. She asked what happens if we enter into an agreement with FEMA and the State and one of the homeowners say they do not except this amount. The Town Manager explained we do not have the ability to force someone to participate in the project and if the Town cannot reach an agreement with the homeowner for the purchase of their property, then the Town will not acquire that property. The Town Manager stated that when the Town applied for grant funding all of the property owners were on board with the project; however, one property has changed ownership since that time. It was his understanding that the consultant discussed these dollar amounts with the property owners when the application was put together. Councilwoman Butler stated that she wanted to piggyback off what Councilwoman Rountree said. She knows that the Town Manager has been in communication with the homeowners; however, her concern is that it has been individual communication. She feels that a meeting needs to be held with all the property owners together, so they understand how this process works. The Town Manager stated that would definitely be one of the tasks the consultant group would take on. Councilwoman Rountree expressed concern about not wanting to get in a situation where the town accepts and enters into a grant agreement with FEMA along with the State match and residents get the dollar amount and say this is not okay. The Town Attorney stated that the simple thing to do would be to prepare simple contracts for each homeowner that says the Town will purchase your property at these prices subject to the receipt of the grant award and then get all the property owners to sign. If the homeowner does not agree, then that is problematic. At some point every one of these homeowners has come here and asked for help from the Town. Mayor Bowman asked if one homeowner chooses not to accept the price the Town is offering for their property could the town still move forward with the other four properties. The Town Manager stated it was his understanding that we could proceed with the four willing to sell. The homeowner that chooses not to accept the offer at that point is then on their own and the opportunity to get any help from the Town is gone. The Town Attorney mentioned that the Town had no

obligation to do anything to help these residents; however, helping them felt like the right thing to do. The Town Manager did a wonderful job in finding this grant money. Mayor Bowman stated that once this offer is made to the five property owners, they need to understand that if they choose not to accept the offer and we have another storm event that floods their home they cannot come back to the Town and ask for help. This item will be placed on the Town Council's May 8<sup>th</sup> agenda to authorize the Town Manager to execute the grant award package and that the Town agrees to commit the required \$92,024 match to get the project moving. The Town Attorney suggested putting on the May 8<sup>th</sup> Town Council agenda a motion to extend offers to the five property owners at these prices subject to the receipt of the grant award. Mayor Bowman suggested moving this item along to the Town Council's consent agenda. A consent agenda item can always be pulled if necessary. In the meantime, I would ask that staff ask the questions that have been brought up today as it relates to values, as it relates to total and other things. The Town Manager can do his due diligence with the Town Attorney and come up with some certainty on these issues so when it comes to the Town Council for a vote everyone's questions have been answered.

3. Recommendation to fill the Unexpired Term of Laura Kvech-Brown on the Board of Historical and Architectural Review – Councilman Hall stated that he has spoken to Julie Hess and she has agreed to fill the unexpired term of Laura Kvech-Brown on the Board of Historic and Architectural Review. This item will move forward for consideration at the May 8<sup>th</sup>, 2023 Town Council meeting.

**B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON COUNCIL'S AGENDA**

1. Great Spring Road Drainage Update by Tim Dean of Draper Aden Associates – Mr. Reed explained that as part of the Great Spring Road drainage issues they have continued to explore options and ways to alleviate the flooding that occurs there. Mr. Tim Dean of TRC, formerly Draper Aden, is here to better explain the cause of the flooding. Included in today's packet is a topographic survey. Mr. Dean explained that Mr. Griffin had contacted Draper Aden some time ago and they started doing a topographical survey of the creek starting at the bypass road down Cedar Street and about 800 feet downstream above the outfall. There are a number of drainage issues that play into the bigger picture. All leading to the fact there is just no place for the water to go. Along Jericho Road if you compare the elevation that goes under the culvert all the way back to cedar street you have about one tenth of a percent of slope. Upstream there is a lot of development and water coming off roadways that also gets channeled to this area of Great Spring Road. Mr. Griffin stated that Town Council had asked staff to look at doing a drainage study from the bypass back towards Cedar Street. It has been determined that the slope of the land is so flat that if we have a Nor'easter, hurricane, or anything else of this magnitude there is no place for the water to go. Councilwoman Rountree asked what

recommendation do you have to alleviate the flooding in this area. Mr. Reed stated that there is no way to alleviate the flooding in this area and staff's recommendation is to move forward with the grant to have the residents along the end of Great Spring Road relocated.

2. Adoption of Town Council Vision – The Town Manager stated that included in the agenda packet was a draft of Town Council's Vision that came out of the Council Retreat that was held back in February. Lois Tozark of Tourism put together a document that the Town could use to get the Vision out to the public. The language is exactly as it came out of the work session with the exception of any tweaking that the subcommittee of Councilman Pack and Councilman Brooks did. After review staff would recommend the Town Council adopt the vision so that we can get it out to the public and in front of various civic groups and other organizations that we may want to push this message out to. Town staff have been working on the implementation plan for this document and are prepared to bring it to Town Council's Committees in May for Council's endorsement. Mayor Bowman stated that he feels that there are a number of questions that still need to be answered regarding the vision document. He asked if tabling this item for a month would cause any issues. Councilwoman Rountree suggested tabling it for a couple of months until July since we are focused on budget at this time. The Town Manager stated that it will not cause any problems on staff's end. He would pull back the implementation plan a couple of months as well to coincide with the adoption of Town Council's Vision. Councilwoman Rountree stated that Town Council's Vision is a very big deal because it is based on where we see the Town in the year 2035 and she does not feel like the process should be rushed. The Town Manager stated that the Town Council's Vision will come back to Town Council at the July committee meeting and the implementation plan from staff will follow the adoption of the Vision.

3. Appoint a Nominating Committee to Recommend Appointment to Fill the Expiring Term on Christopher Gwaltney on the Board of Zoning Appeals, June 30<sup>th</sup>, 2023 – Mayor Bowman appointed Councilwoman Rountree and Councilman Hall to fill the expiring term of Christopher Gwaltney of the Board of Zoning Appeals.

The meeting adjourned at 4:02 p.m.