



**Immediately following the conclusion of the above meeting:**

**Finance**

**Members: Pack (CH), Gregory, Cook**

- 1. Public Comment
- TAB # 5** 2. June Cash Balances / VML Investment Pool Update
- TAB # 6** 3. Invoices Over \$10,000 Requiring Council Authorization:
  - a. Kimley-Horn Associates (Sports Complex) \$21,623.74
- TAB # 7** 4. Staff Recommendation on Award of Vehicle Maintenance Contract
- TAB # 8** 5. Pre-Public Hearing Discussion: Meals and Transient Occupancy Tax Increases per Adopted Budget

**TUESDAY, JULY 26<sup>th</sup>, 2016**

**4:00 p.m.**

**Parks and Recreation**

**Members: Chapman (CH), Pack, Tynes**

- 1. Public Comment
- TAB # 9** 2. Operational Update – Parks and Recreation Committee Report
- TAB # 10** 3. Fishing Pier Closure for Bacon Fest at Windsor Castle Park from Wednesday, September 28<sup>th</sup> through Saturday, October 1<sup>st</sup>, 2016.

**Immediately following the conclusion of the above meeting:**

**Public Works**

**Members: Smith (CH), Cook, Tynes**

- 1. Public Comment
- TAB # 11** 2. Renewal of Debris Contract with Goodrich and Son's and Smithfield Services Inc.

**Immediately following the conclusion of the above meeting:**

**Public Buildings & Welfare**

**Members: Cook (CH), Chapman, Smith**

- 1. Public Comment
- TAB # 12** 2. Pinewood Heights Relocation Project – Phase II and Phase III Update
- TAB # 13** 3. 502 Grace Street Pierceville Manor House – Historic District Maintenance Violation - Appeal
- TAB # 14** 4. Pre-Public Hearing Discussion: Chesapeake Bay Preservation Ordinance

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**\*\*\* Additional Item Not Listed on Committee but will be on Council's July 5<sup>th</sup>, Agenda\*\*\***

- Approval of July 5<sup>th</sup>, Town Council Meeting Minutes
  - Accept Deeds for 36 Jamestown Avenue as part of the Pinewood Heights Relocation Project
-

**POLICE  
COMMITTEE**



**Town of Smithfield  
Special Event Application for Permit**

<b>Event Date</b> (don't include setup dates here)	<b>Times</b> (don't include setup or street closure times here)	<b>Proposed Location</b>
<b>Saturday, October 1, 2016</b>	<b>10 AM-5 PM</b>	<b>WC Riverfront</b>

<b>Event Name</b>	<b>BBB Fest –Bacon Bourbon and Beach Music Festival</b>
<b>Event Organizer (Group Name)</b>	<b>Smithfield VA Events</b>
<b>Tax Exemption ID Number</b>	
<b>Website</b>	<b>www.smithfieldvaevents.com</b>

<b>Event Contacts</b>					
<b>Name</b>	<b>Gina Ippolito</b>	<b>Cell Phone</b>	<b>757-869-0664</b>	<b>Email</b>	<b>gina@smithfieldvaevents.com</b>
<b>Name</b>		<b>Cell Phone</b>		<b>Email</b>	

<b>1<sup>st</sup> Time Event</b>		<b>Annual Event- how many times has event taken place?</b>	<b>Once - 2014</b>
<b>Event Category</b> <input checked="" type="checkbox"/> <b>Festival</b> <input type="checkbox"/> Concert <input type="checkbox"/> Parade <input type="checkbox"/> Run/Walk <input type="checkbox"/> Bike Race/Tour <input type="checkbox"/> Car Show Other _____			
<b>Description of Event</b>			
Festival goers each get a half pound of bacon with wide selection of condiments. Bourbon tasting ticket holders get 10 bourbon tastings. There will be three stages with live music as well as food vendors, retail vendors and wine and beer sales.			
<b>Average Ticket Price</b>	\$ 40-55	<b>Participants will be</b>	<input type="checkbox"/> youth <input checked="" type="checkbox"/> adults <input type="checkbox"/> both
<b>Expected Attendance</b>	2800 - 3000	<b>Largest Attendance Number and Year</b>	2014- 2500 p
<b>What is your plan in the event of bad weather-cancel, reschedule?</b>		Rain or shine, cancelation if dangerous weather present- hurricane, strong winds etc	

<b>Road Closures, Traffic Assistance, Windsor Castle Park Trail Closures</b>				<input type="checkbox"/> Closure
<b>Street Name or Park Area</b>	<b>Closure or Traffic Assist</b>	<b>Date Needed</b>	<b>Times Needed</b>	
<b>Jericho Road</b>	<b>Restrict to one way, exit only</b>	<b>10/1/16</b>	<b>8 AM-2 PM</b>	
<b>Fishing pier</b>	<b>closed. Will post signs and adjust based on final tent set up closer to the event.</b>	<b>9/28 until 10/1/16</b>	<b>All Day</b>	
<b>Trail Closure (at event site)</b>	<b>Closure</b>	<b>10/1/16</b>	<b>9 AM-5 PM</b>	
<b>Alcohol Service and/or Sales?</b> <input checked="" type="checkbox"/> Alcohol		<b>Having music- live bands or DJ?</b> <input checked="" type="checkbox"/> Music		
<b>Date</b>	<b>Times</b>	<b>Date</b>	<b>Times</b>	
<b>10/1/16</b>	<b>10 AM-4:30 PM</b>	<b>10/1/15</b>	<b>11 AM-5 PM</b>	

<b>List benefits of your event to the community</b>	<b>List Recipients of Proceeds</b>
<b>Proceeds benefit Isle of Wight based organizations.</b>	<b>Organizations will be selected by the Smithfield VA Events committee to receive proceeds from the event. Anticipated donations to community for</b>



**Town of Smithfield  
Special Event Application for Permit**

	<p><b>this event this year are +/- \$40,000 for both Benefiting Organizations &amp; Volunteer Organizations. In addition, a \$5 per ticket donation will be made to the Town of Smithfield for Historic Preservation fund for the site. Anticipate this donation to be +/- \$12,000 - \$15,000.</b></p>
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Check any of the following that your event will include.			
Item	Number	Item	Number
<input checked="" type="checkbox"/> Food, Caterer	2	<input type="checkbox"/> Food, by Organization	
<input checked="" type="checkbox"/> Retail Vendors Non-Profit	1	<input checked="" type="checkbox"/> Retail Vendors For Profit	10
<input checked="" type="checkbox"/> Port-a-Potties	20 plus	<input checked="" type="checkbox"/> Fencing/Barricades	Several feet
<input checked="" type="checkbox"/> Trash Cans	40	<input checked="" type="checkbox"/> Generators	4
<input checked="" type="checkbox"/> Dumpsters	2	<input type="checkbox"/> Special Lighting	
<input type="checkbox"/> Recycle Containers		<input checked="" type="checkbox"/> Golf carts/ATVs	10
<input checked="" type="checkbox"/> First Responders- EMS, Fire	2		
Item	Number	Sizes	
Tents	20	Various sizes ranging from a 40x60 down to 10x20s	
Staging	2	Large covered stages for musical performances	
<input type="checkbox"/> Allowing pets		<input type="checkbox"/> Fireworks	<input checked="" type="checkbox"/> Providing Shuttle Service

<b>Certificate of insurance for \$1,000,000 is required (certificate of insurance must be presented prior to event)</b>	
<b>Policy Number</b>	<b>To be provided closer to the event.</b>
<b>Name of Insurance Liability Carrier</b>	
<b>Insurance Company Address</b>	
<b>Insurance Company Phone Number</b>	

I have received, read thoroughly, understand and will comply with the policies and procedures governing special events held in the Town of Smithfield.

<b>Event Organizer's Signature</b>	<i>Gina Ippolito</i>	<b>Date</b>	7/9/15
<b>Print Name</b>	Gina Ippolito		

**Attach the following documents:**

Flyers or any promotional materials about event or organization
Site Map/Layout of Event



**Town of Smithfield  
Special Event Application for Permit**

<b>Event Date</b> (don't include setup dates here)	<b>Times</b> (don't include setup or street closure times here)	<b>Proposed Location</b>
<b>Saturday, Oct. 8, 2016</b>	<b>9 a.m. to 2 p.m.</b>	<b>100-300 blocks of Main Street</b>

<b>Event Name</b>	<b>Autumn Vintage Market (during Town &amp; Country Day)</b>
<b>Event Organizer (Group Name)</b>	<b>Smithfield Farmers Markets</b>
<b>Tax Exemption ID Number</b>	
<b>Website</b>	<b>www.smithfieldfarmersmarket.org</b>

<b>Event Contacts</b>					
<b>Name</b>	<b>Cheryl Ketcham</b>	<b>Cell Phone</b>	<b>757-375-3031</b>	<b>Email</b>	<b>cketcham@isleofwightus.net</b>
<b>Name</b>		<b>Cell Phone</b>		<b>Email</b>	

<b>1<sup>st</sup> Time Event</b>		<b>Annual Event- how many times has event taken place?</b>	<b>2</b>
<b>Event Category</b> <input checked="" type="checkbox"/> Festival <input type="checkbox"/> Concert <input type="checkbox"/> Parade <input type="checkbox"/> Run/Walk <input type="checkbox"/> Bike Race/Tour <input type="checkbox"/> Car Show Other _____			
<b>Description of Event</b>			
Vintage Market along Main Street, with vintage, antique and repurposed items, along with read-to-eat food and live music. The Autumn Vintage Market will replace the car show during Town & Country Day.			
<b>Average Ticket Price</b>	\$free	<b>Participants will be</b>	<input type="checkbox"/> youth <input type="checkbox"/> adults <input checked="" type="checkbox"/> both
<b>Expected Attendance</b>	10,000	<b>Largest Attendance Number and Year</b>	7,000 in 2015
<b>What is your plan in the event of bad weather-cancel, reschedule?</b>		cancel	

<b>Road Closures, Traffic Assistance, Windsor Castle Park Trail Closures</b>				<input type="checkbox"/> Closure
<b>Street Name or Park Area</b>	<b>Closure or Traffic Assist</b>	<b>Date Needed</b>	<b>Times Needed</b>	
<b>Main Street 100 block</b>	<b>Closure</b>	<b>10/8/16</b>	<b>6 AM-3 PM</b>	

Road Closures, if approved, will start at least 1 hour before event start. Signage with closure times is placed out in advance of closure.

<b>Alcohol Service and/or Sales?</b> <input type="checkbox"/> Alcohol		<b>Having music- live bands or DJ?</b> <input checked="" type="checkbox"/> Music	
<b>Date</b>	<b>Times</b>	<b>Date</b>	<b>Times</b>
		<b>10-8-16</b>	<b>9 a.m. to 2 p.m.</b>

<b>List benefits of your event to the community</b>	<b>List Recipients of Proceeds</b>
<b>It will be a great event for locals, plus it will bring in a large number of outside visitors, which will help local restaurants and stores, especially along Main Street.</b>	



**Town of Smithfield  
Special Event Application for Permit**

Check any of the following that your event will include.			
Item	Number	Item	Number
<input type="checkbox"/> Food, Caterer		<input type="checkbox"/> Food, by Organization	
<input checked="" type="checkbox"/> Retail Vendors Non-Profit	Approx.5	<input checked="" type="checkbox"/> Retail Vendors For Profit	Approx.. 80
<input checked="" type="checkbox"/> Port-a-Potties	4	<input type="checkbox"/> Fencing/Barricades	
<input checked="" type="checkbox"/> Trash Cans		<input type="checkbox"/> Generators	
<input checked="" type="checkbox"/> Dumpsters	1	<input type="checkbox"/> Special Lighting	
<input type="checkbox"/> Recycle Containers		<input checked="" type="checkbox"/> Golf carts/ATVs	1
<input type="checkbox"/> First Responders- EMS, Fire			
<b>Item</b>	<b>Number</b>	<b>Sizes</b>	
Tents	Approx. 80	10x10	
Staging			
<input checked="" type="checkbox"/> Allowing pets		<input type="checkbox"/> Fireworks	<input checked="" type="checkbox"/> Providing Shuttle Service

<b>Certificate of insurance for \$1,000,000 is required (certificate of insurance must be presented prior to event)</b>	
<b>Policy Number</b>	<b>Through Isle of Wight County</b>
<b>Name of Insurance Liability Carrier</b>	
<b>Insurance Company Address</b>	
<b>Insurance Company Phone Number</b>	

I have received, read thoroughly, understand and will comply with the policies and procedures governing special events held in the Town of Smithfield.

<b>Event Organizer's Signature</b>	Cheryl Ketcham	<b>Date</b>	2-2-16
<b>Print Name</b>	Cheryl Ketcham		

**Attach the following documents:**

Flyers or any promotional materials about event or organization
Site Map/Layout of Event



**Town of Smithfield  
Special Event Application for Permit**

<b>Event Date</b> (don't include setup dates here)	<b>Times</b> (don't include setup or street closure times here)	<b>Proposed Location</b>
October 8, 2016	7:00 A.M. – 11:00 A.M.	Smithfield Foods & numerous streets in town

<b>Event Name</b>	Smithfield Hog Jog
<b>Event Organizer (Group Name)</b>	IOW Christian Outreach
<b>Tax Exemption ID Number</b>	54-1638727
<b>Website</b>	smithfieldhogjog.weebly.com

<b>Event Contacts</b>					
<b>Name</b>	Robin Gearey	<b>Cell Phone</b>	757-329-2418	<b>Email</b>	robingearey@gmail.com
<b>Name</b>	Sam Valdes	<b>Cell Phone</b>	757-871-0816	<b>Email</b>	Natgas1971@aol.com

<b>1<sup>st</sup> Time Event</b>	<input type="checkbox"/>	<b>Annual Event- how many times has event taken place?</b>	14
<b>Event Category</b>	<input type="checkbox"/> Festival <input type="checkbox"/> Concert <input type="checkbox"/> Parade <input checked="" type="checkbox"/> Run/Walk <input type="checkbox"/> Bike Race/Tour <input type="checkbox"/> Car Show <input type="checkbox"/> Other _____		
<b>Description of Event</b>			
5K run/walk, 250 meter kids fun run, and Wild Hog (~4 miles)			
<b>Average Ticket Price</b>	\$25.00	<b>Participants will be</b>	<input type="checkbox"/> youth <input type="checkbox"/> adults <input checked="" type="checkbox"/> both
<b>Expected Attendance</b>	750-1000	<b>Largest Attendance Number and Year</b>	850-900 2014
<b>What is your plan in the event of bad weather-cancel, reschedule?</b>		Rain or shine. Never had to cancel	

<b>Road Closures, Traffic Assistance, Windsor Castle Park Trail Closures</b>			<input checked="" type="checkbox"/> Closure
<b>Street Name or Park Area</b>	<b>Closure or Traffic Assist</b>	<b>Date Needed</b>	<b>Times Needed</b>
Rt 10 by-pass, Jericho, Hill St, Grace St, Main St.	Closure	October 8, 2016	9:00 A.M. – 10:30 A.M.

Road Closures, if approved, will start at least 1 hour before event start. Signage with closure times is placed out in advance of closure.

<b>Alcohol Service and/or Sales?</b> <input checked="" type="checkbox"/> Alcohol		<b>Having music- live bands or DJ?</b> <input checked="" type="checkbox"/> Music	
<b>Date</b>	<b>Times</b>	<b>Date</b>	<b>Times</b>
October 8, 2016	9:30 A.M. - noon	October 8, 2016	9:00 A.M. - noon

<b>List benefits of your event to the community</b>	<b>List Recipients of Proceeds</b>
Fundraiser for Christian Outreach Program	Christian Outreach



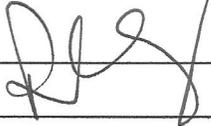
**Town of Smithfield  
Special Event Application for Permit**

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Check any of the following that your event will include.			
Item	Number	Item	Number
<input type="checkbox"/> Food, Caterer		<input checked="" type="checkbox"/> Food, by Organization	
<input type="checkbox"/> Retail Vendors Non-Profit		<input type="checkbox"/> Retail Vendors For Profit	
<input checked="" type="checkbox"/> Port-a-Potties		<input checked="" type="checkbox"/> Fencing/Barricades	
<input checked="" type="checkbox"/> Trash Cans		<input type="checkbox"/> Generators	
<input type="checkbox"/> Dumpsters		<input type="checkbox"/> Special Lighting	
<input type="checkbox"/> Recycle Containers		<input type="checkbox"/> Golf carts/ATVs	
<input checked="" type="checkbox"/> First Responders- EMS, Fire	5-6		
<b>Item</b>	<b>Number</b>	<b>Sizes</b>	
Tents	4	(2) 10X10, (2) 8X8	
Staging			
<input type="checkbox"/> Allowing pets	<input type="checkbox"/> Fireworks	<input type="checkbox"/> Providing Shuttle Service	

<b>Certificate of insurance for \$1,000,000 is required (certificate of insurance must be presented prior to event)</b>	
<b>Policy Number</b>	
<b>Name of Insurance Liability Carrier</b>	
<b>Insurance Company Address</b>	
<b>Insurance Company Phone Number</b>	

I have received, read thoroughly, understand and will comply with the policies and procedures governing special events held in the Town of Smithfield.

<b>Event Organizer's Signature</b>		<b>Date</b>	May 17, 2016
<b>Print Name</b>	Robin Gearey		

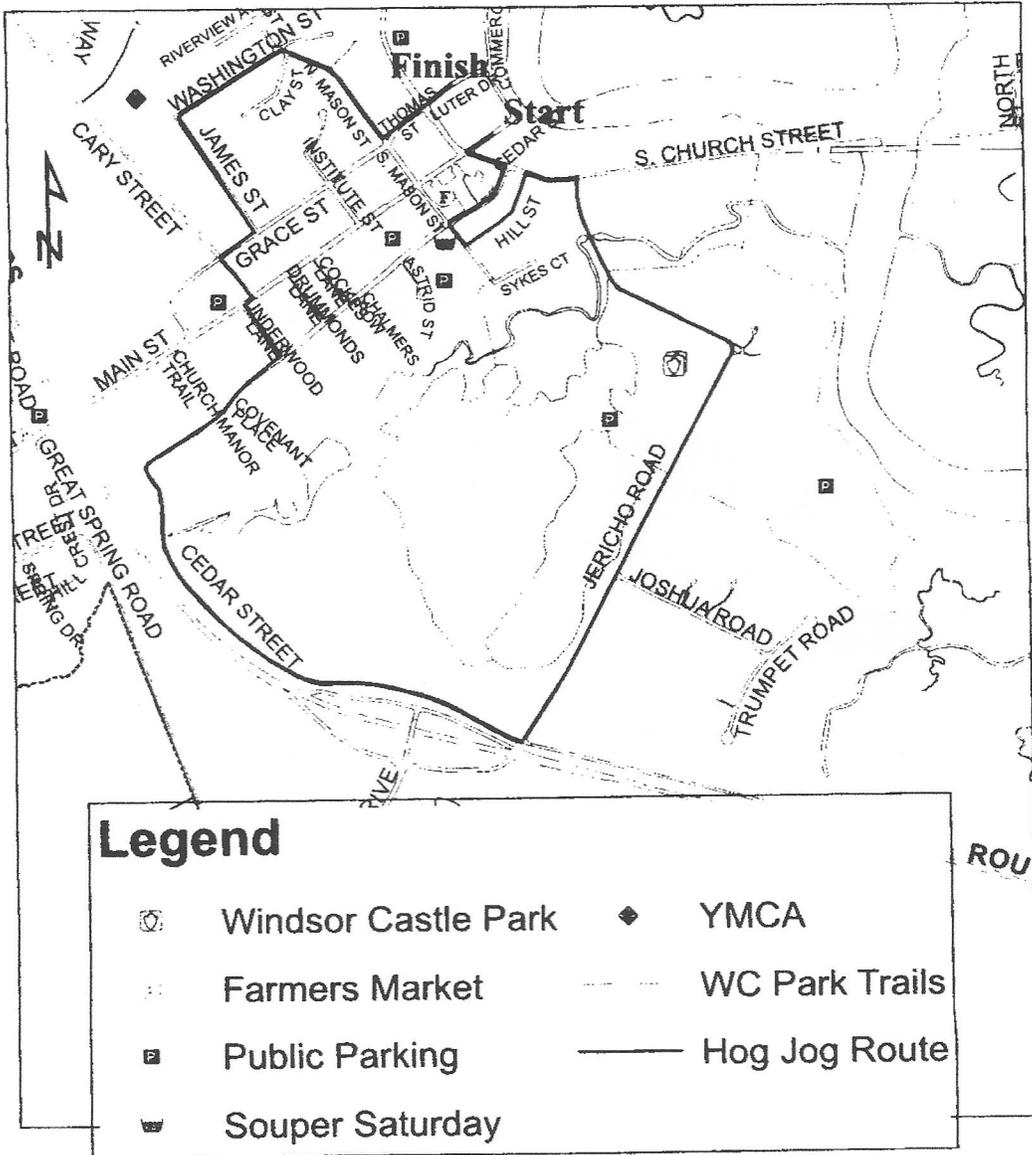
**Attach the following documents:**

Flyers or any promotional materials about event or organization
Site Map/Layout of Event

# HOG 12th ANNUAL JOG

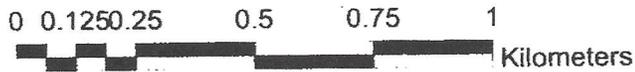


SMITHFIELD OCT 12 2013



## Legend

- |  |                     |  |                |
|--|---------------------|--|----------------|
|  | Windsor Castle Park |  | YMCA           |
|  | Farmers Market      |  | WC Park Trails |
|  | Public Parking      |  | Hog Jog Route  |
|  | Souper Saturday     |  |                |



Map created by the City of Smithfield, Ontario, 2013

**ALL AGES  
WELCOME!**



**15th  
ANNUAL**

**HOG JOG**

**OCT 8th, 2016**

**SMITHFIELD, VA**

**9AM**

**Start on the waterfront in  
Historic Downtown Smithfield**

**5K Run/Walk**

**Wild Hog .Piglet Run  
Free hot dogs and beer for runners**

**All proceeds to benefit Christian Outreach Program.**

**[WWW.SMITHFIELDHOGJOG.WEEBLY.COM](http://WWW.SMITHFIELDHOGJOG.WEEBLY.COM)**



**REGISTER NOW  
AT WWW.ACTIVE.COM!**

**Saturday, October 8th, 2016.**

<b>TIME</b>	<b>7:00 AM</b>	Race Day Registration (closes at 8:45 am)
	<b>9:00 AM</b>	5K Run/Walk
	<b>9:00 AM</b>	Wild Hog- mystery course through Windsor Castle Park, length TBD (route will be unknown until run), started concurrently with the 5K. Runners only, please . Only top Male/Female receive awards)
	<b>10:15 AM</b>	Kids Piglet Run (Ages 10 and under)
	<b>10:30 AM</b>	Awards and Post Race Party featuring Gwaltney hot dogs, soda, and beer.

**PLACE** **100 Commerce Street, Smithfield, Virginia 23430**  
*(On the Waterfront at Smithfield Foods Headquarters in Historic Downtown Smithfield)*

**FEES** **5K Run/Walk and Wild Hog**  
 \$25.00 Pre-registration (received by September 25, 2016)  
 \$30.00 Registration after September 25, 2016  
 "Whole Hog" Team Registration (Groups of 10 or more, \$20.00 each)  
*(Entire group must be postmarked and delivered in 1 envelope by September 25, 2016)*  
 Must have designated team leader to pick up registrations and t-shirts on race day

**Kids Piglet Run**  
 \$10.00 Pre-registration (**only pre-registered runners are guaranteed a t-shirt**)  
 \$10.00 Registration after September 25, 2016

**ONLINE REGISTRATION** Available at [www.active.com](http://www.active.com) (closes September 26th, 2016, 11:59 pm EST)  
**Only pre-registered runners are guaranteed a t-shirt—register early!!!!**

## AWARDS

<b>5K RUN/WALK</b>	Top 3 Male and Female overall, Top 3 Masters Male and Female, and Top 3 Age Group Male and Female will all receive a unique commemorative award. (11 and under, 12-14, 15-19, 20-24, 25-29, 30-34, 35-39, 40-44, 45-49, 50-54, 55-59, 60-64, 65-69, 70+)
<b>WILD HOG KIDS FUN RUN BEST COSTUME</b>	Top Male and Female All children will receive a participation award. The best dressed "Piggy" in both the 5k run/walk and the Kids Fun Run will receive a special award. (Must be present at Awards Ceremony to receive Award)
<b>DOOR PRIZES</b>	Drawings will be held for door prizes from merchants and race supporters. All entrants and volunteers are eligible to win. You must be present to win.

**RACE INFO** Robin Gearey ([smithfieldhogjograce@gmail.com](mailto:smithfieldhogjograce@gmail.com))

**RACE CORDINATION** Finish line results and race support provided by the Peninsula Track Club.

**BENEFICIARY**

Race proceeds will benefit The Isle of Wight County Christian Outreach Program (COP), a local non-profit organization that helps those in need in Isle of Wight County, Virginia.

**ADDITIONAL ACTIVITIES**

Race Day is also "Town and Country Day" in Smithfield and Isle of Wight, including a car show and farm fresh produce at the Smithfield Old Towne Curb market; "Souper Saturday", at Trinity Methodist Church, serving homemade soups, breads and sandwiches. Visit Main Street in Smithfield for local shopping. [www.smithfield-virginia.com](http://www.smithfield-virginia.com) for more information.

The Luter Family YMCA at 259 James Street offers use of their shower facilities after the race so participants and guests can stay for the day and enjoy all that Isle of Wight and Smithfield has to offer.

**DIRECTIONS**

**From the James River Bridge:** From Rt. 17 South turn right at the 4th stoplight onto Rt. 258. At the "T" of Rt. 258, turn right onto Rt. 10 West. Turn right at the 5th stoplight onto Main St. Turn left at the first stoplight onto Church St. Just past Luter Drive, turn right into the Smithfield Center/Smithfield Little Theatre. Race day registration will be under the tent behind the Veterans Memorial. Parking is available at the Smithfield Center and Smithfield Little Theatre.

**From Virginia Beach and Chesapeake:** Take Rt. 64 toward Suffolk. Take Rt. 58/460 west to Rt. 10. Turn right on Rt. 10 west and continue through Chuckatuck. Turn right at the 6th light and follow the James River Bridge directions from Main Street.

**MAKE CHECKS PAYABLE TO:** SMITHFIELD HOG JOG  
**MAIL ENTRIES TO:** CHRISTIAN OUTREACH PROGRAM, PO BOX 253,  
SMITHFIELD, VA 23431  
(EMAIL: SMITHFIELDHOGJOGGRACE@GMAIL.COM)

**NAME (LAST, FIRST):** \_\_\_\_\_

**ADDRESS (STREET, CITY, STATE, ZIP):** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

**WHOLE HOG TEAM NAME/ LEADER (IF RUNNING AS A TEAM)** \_\_\_\_\_

**PHONE NUMBER W/AREA CODE (IF NO EMAIL)** \_\_\_\_\_

**AGE ON RACE DAY** \_\_\_\_\_ **SEX (CIRCLE ONE) M / F**

**EVENT: 5K RUN/WALK** \_\_\_ **WILD HOG** \_\_\_ **KIDS PIGLET RUN** \_\_\_ **PTC MEMBER (CIRCLE ONE) Y / N**

**T-SHIRT SIZE: (ADULT SIZING ONLY) S M L XL XXL**

I know that running a road race is a potentially hazardous activity. I should not enter and run unless I am medically able and properly trained. I agree to abide by any decision of race officials relative to my ability to safely complete the run. I assume all risks associated with running this event including, but not limited to, falls, contact with other participants, the effects of the weather, including high heat or humidity, traffic and conditions of the road, all such risks being known and appreciated by me. This is a road race conducted under the rules of USATF and I understand the race is **not intended for individuals with headphones, baby joggers, baby strollers, dogs on leashes, skateboards, or skates** and I will abide by these guide lines. **NO DOGS.** Having read this waiver and knowing these facts and in consideration of your accepting my entry I for myself and anyone entitled to act on my behalf, waive and release the Peninsula Track Club, the Road Runners Club of America, the Town of Smithfield, The Christian Outreach program, Smithfield Foods, race officials, volunteers and all sponsors, their representative and successors from claims or liabilities or any kind arising out of my participation in this event. I grant permission to all the forgoing to use any photographs, motion pictures, recordings or any other record of this event for any legitimate purpose.

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Guardian if under 18** \_\_\_\_\_ **Date** \_\_\_\_\_

Special Events in Smithfield  
 Town of Smithfield  
 220 North Church Street  
 Smithfield VA 23430  
 United States  
 757-356-9939 / 757-365-4819



## Confirmation

<b>Group</b>	<b>Reservation:</b>	2670
Barbara Stafford	Event Name:	Hog Jog
Hog Jog Committee	Status:	Confirmed
	Phone:	757-647-4061
	Event Type:	Race

Bookings / Details	Quantity	Price	Amount
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### Saturday, October 8, 2016

5:00 AM - 10:00 AM Hog Jog (Confirmed) Town Streets

Subtotal			
Grand Total			0.00

Adopted by Town Council on 10-8-14 (revised 05-27-15)

In order to better serve our community, recognized non-profits, educational, community and service organizations, as well as, local government agencies, churches and charitable groups, organizations wanting to hold an open to the public Special Event on town property will have to complete an application process. Open to the public special events are different in nature from private events and many factors for public events have to be taken into consideration such as impact to property and community, frequencies of other planned events, type of event and organization's ability to quickly repair/reclaim site in the event of damage.

All applications will be presented for review by the Special Events Review Committee.

- 1.) Application Deadlines- Any person, organization or company seeking the issuance of a Special Event Permit shall apply by contacting the town to check for available dates. After an available date has been determined, a date confirmation and application will be sent to the applicant. The Special Event Permit Application must be completed and returned to the town at least 6 months prior, but not more than 18 months before the proposed Special Event date(s).
- 2.) Payment of Town Services- The Town will invoice the Event Organizer after the event takes place. All invoices must be paid within thirty (30) calendar days of issuance.
- 3.) Insurance- The applicant shall procure and maintain insurance at all times during its use of the Event Venue, and shall name the "Town of Smithfield, it's officers, officials, employees and agents" as an additional insured there under. The applicant shall provide the Town with a certificate of insurance at least 2 months prior to event date.
- 4.) Permits Not Transferable- No Special Event Permit or conditional approval may be transferred.
- 5.) Order and Special Event Exclusivity- Special Event Permit Applications shall be considered and processed in order of receipt by the Town. The use of a particular public event venue shall be allocated in order of receipt of fully completed applications. The Town will provide exclusivity to each event organizer that is granted a Special Event Permit. This exclusivity will provide sole use of the special event venue on the approved dates as outlined in the permit. Furthermore, no other similar special event will be approved for the same event venue for 15 days prior to or for 15 days after.
- 6.) Annual Events-After a group has held their first annual event with no violations of town special event policies and is in good standing with the town they shall be considered the annual event holder and given first right to the event date. An application for the following year will be sent to the group contact within 2 weeks following their event. The

**Bookings / Details****Quantity****Price****Amount**

application must be completed and returned to the town. If the application is not received at least 6 months prior to the event date, the event date shall be considered released and applications from other groups for that event date may be submitted for consideration.

· Releasing an Annual Event-If a group chooses to release their event date, notice must be submitted to the town in writing. Once a group releases their event date, applications from other groups may be submitted to the town.

7.) Special Event Permit Application Review and Written Notice of Approval or Denial -All Special Event Permit Applications are subject to review by the Town. Event Organizers may be requested to meet with Town representatives to review event plans, layout and all other event logistics prior to the official decision and notification of approval or denial of the Event's application.

Applicant will be notified within forty five (45) calendar days of the date on which a Special Event Permit application is fully completed and filed with the Town of approval or denial. However, the Town may extend the period of review for an additional fifteen (15) days by issuance of a written notice of extension.

· Approval of permit will be sent to event organizer with the listing of Town Services costs. Required town services may include Smithfield Police Department Officers, Smithfield Public Works staff, newspaper notice of street/park closures, town equipment etc.

· Notice of denial will be sent to event organizer citing one of the 18 reasons for denial (see Addendum A). An Event Organizer may file a written appeal to the Town Manager within 7 calendar days if a Special Event Permit Application has been denied or a specific Town requirement or restriction outlined is considered to be unreasonable.

8.) Town Services and the associated fees are required for some events. The number of staffing and/or equipment required is at the discretion of the Town Special Events Committee.

A. Open to the Public Events with alcohol service or concessions will be required to have one Smithfield Police Officer per 500 people. More officers may be required and the Town of Smithfield reserves the right to determine the number of officers required for each event.

B. Use of certain event venues will require staffing by our Public Works Department and Public Restroom Janitorial staffing.

C. Street or park closures will require a notice in the Smithfield Times. A fee will be charged to the event for this service. The town will handle submission of the closure notice to the Smithfield Times.

9.) Written Post-Event Review- Within thirty (30) calendar days from the completion of a Special Event, the Town will require the Event Organizer to complete a Post-Event Review. At that time the Town may provide the Event Organizer a written review of items and/or concerns related to their event that may negatively influence the event organizer's ability to obtain future Special Event Permits.

10.) Use of Town Logo or Name- Prior authorization from the Town of Smithfield is required for an Event Organizer to use the words, "The Town of Smithfield" or "Town of Smithfield" or a facsimile of the official logo of the Town of Smithfield, in the title and/or promotional materials of a Special Event.

11.) Revocation of Special Event Permit- A Special Event Permit may be revoked at any time prior to or during the event if the Town determines the event is a.) in violation of any condition of the Special Event Permit. b.) the event poses a threat to public health or safety c.) the event organizer or any person associated with the event has failed to obtain any other permit required pursuant to this policy.

12.) Other Permits and Licenses- The issuance of a Special Event Permit does not relieve any Event Organizer or person from the obligation to obtain any other permit or license required pursuant to Town Code.

13.) Alcoholic Beverages at Special Events- The event organizer must obtain the appropriate license from the Virginia Department of Alcohol Beverage Control and follow all laws pertaining to alcohol service and sales shall be strictly enforced at all times. The Town of Smithfield reserves the right to deny, cease or restrict the serving or consumption of beer and/or wine either prior to or during a Special Event.

14.) Signage promoting event that is to be displayed within the town limits of Smithfield must be permitted with the town planning office. Restrictions on placement of sign and time limit it may be displayed will be determined by the planning

**Bookings / Details****Quantity****Price****Amount**

office and will be provided as part of your permit.

15.) Indemnification and Reimbursement Agreement- The applicant promises and covenants to reimburse the Town for any costs incurred by the Town; and to indemnify the Town and hold it harmless from any liability to any person resulting from any damage or injury occurring in the connection with the permitted Special Event caused by the action of the permittee, the event organizer, its officers, employees or agents or any person under their control insofar as permitted by law.

If permission is granted, the event organizer/organization will remain responsible for all venue rental fees, equipment rentals, ABC and health department certificates, security, and damage, including potential site reclamation costs such as landscaped site work or sod replacement, or extraordinary cleaning arising from the specified event.

**Addendum A**

The Town may deny a Special Event Permit Application on any of the following grounds:

- 1) The Town may deny a Special Event Permit Application if the applicant or the person on whose behalf the application was made has on a prior occasion made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of a prior Special Event Permit issued on behalf of the applicant
- 2) An application (including required attachments and submissions) is not fully completed.
- 3) An applicant is in the rears on town service fees or has not obtained an indemnification agreement or insurance certificate, within the deadlines prescribed by the Town.
- 4) An application contains a material falsehood or misrepresentation.
- 5) An applicant is legally incompetent to contract or to sue and be sued.
- 6) An applicant or person on whose behalf the application was made has on prior occasion damaged a public property, park or facility and has not paid in full for such damage, or has other outstanding and unpaid debts to the Town.
- 7) A Special Event Permit Application for the same time and venue has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular public property.
- 8) The use or activity intended by the applicant would violate the terms of the Town's Special Event Exclusivity granted a prior applicant that has been or will be granted approval.
- 9) The applicant requests use of an Event Venue that is unavailable based on the Town's Right of First Refusal policy.
- 10) The proposed use or activity would conflict with previously planned programs, projects, activities or events organized and conducted by the Town.
- 11) The proposed use or activity is prohibited by or unsuitable for the uses of the Event Venue.
- 12) The proposed use or activity would present an unreasonable danger to the health or safety of the applicant, or other users of the public property, park or facility, of Town personnel, or of the public.
- 13) An applicant has not complied or cannot comply with applicable licensure requirements, fees, taxes, ordinances or regulations of the Town.
- 14) The proposed use or activity is prohibited by law, by Town Code or ordinance, or by the regulations of the venue's governing public agency.
- 15) Due to limited resources and personnel capacity, the Town is not able to provide the required or requested resources and/or personnel for the proposed Special Event, or has committed those resources and/or personnel within a similar time frame to a prior applicant.
- 16) The proposed use or activity will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route.
- 17) The proposed use or activity would cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility.
- 18) The proposed use or activity will have an unmitigated adverse impact upon residential or business access and traffic circulation in the vicinity of the Event Venue.
- 19) An applicant has not provided sufficient off-site parking or shuttle service, or both, required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event.

**WATER AND SEWER  
COMMITTEE**

**From:** Derek McCown <derek.mccown@sydnorhydro.com>

**Date:** July 19, 2016 at 2:04:28 PM EDT

**To:** Jeff Smith <jsmith@smithfieldva.gov>

**Subject:** Morris Creek & Lakeside

**Jeff:**

Regarding the Morris Creek and the Lakeside P.S. pump stations, I have the following pricing:

**Lakeside Pump Station:**

- Replacement Pump: \$14,500.00.
- Rotating Assembly: \$11,950.00.

**Morris Creek Pump Station:**

- Replacement Pump: \$10,100.00.
- Rotating Assembly: \$8,250.00.

Pricing is net, freight allowed to the jobsite. Delivery is 6-8 weeks ARO for the rotating assemblies; 10-12 weeks for the complete pumps.

Sincerely,

**Derek R. McCown**

Equipment Sales

Sydnor Hydro, Inc.

2111 Magnolia Street

Richmond VA 23223

P.O. Box 27186

Richmond VA 23261

(804) 644-2292

(800) 552-7714 x256 Toll Free

(804) 644-2297 Fax

<http://www.sydnorhydro.com>

**FINANCE  
COMMITTEE**

CASH BALANCES AS OF JUN 2016					
ACCOUNT NAME	BANK NAME	ACCOUNT BALANCE	Current Year	Prior Year	ADJUSTED BALANCES
			Interco. Balances	Interco./Interdep Balances	
<b>Water</b>	Farmers Bank	1,037,816.72	(671,703.58)	-	366,113.14
<b>Water-Debt Service</b>	Farmers Bank	889,194.46	64,748.39	-	953,942.85
<b>Water Capital Escrow (availability fees)</b>	TowneBank	447,993.26	10,880.00	-	458,873.26
<b>Water Treatment Plant Escrow</b>	TowneBank	112,155.33	-	-	112,155.33
<b>Water Deposit Account</b>	TowneBank	108,110.58	-	-	108,110.58
<b>Water Development Escrow</b>	TowneBank	100,753.97	-	-	100,753.97
<b>Subtotal Water</b>		2,696,024.32	(596,075.19)	-	2,099,949.13
			-		
<b>Sewer</b>	Farmers Bank	481,328.18	(134,142.16)	(327,071.65)	20,114.37
<b>Sewer Development Escrow</b>	TowneBank	358,528.70	-	-	358,528.70
<b>Sewer Capital Escrow (availability fees)</b>	TowneBank	847,942.75	16,480.00	-	864,422.75
<b>Sewer Compliance</b>	Farmers Bank	1,376,974.84	169,072.68	-	1,546,047.52
<b>Subtotal Sewer</b>		3,064,774.47	51,410.52	(327,071.65)	2,789,113.34
<b>Highway</b>	Farmers Bank	104,521.88	189,215.93	-	293,737.81
<b>General Fund</b>	Farmers Bank	1,579,927.76	391,680.39	327,071.65	2,298,679.80
<b>Payroll</b>	Farmers Bank	308,508.14			308,508.14
<b>Money Market-General Fund</b>	TowneBank	2,195.75			2,195.75
<b>Business Super Now-General Fund</b>	Farmers Bank	33,269.43			33,269.43
<b>Money Market-General Fund</b>	Farmers Bank	290,865.33			290,865.33
<b>General Fund Capital Escrow Account</b>	TowneBank	215,592.89			215,592.89
<b>Certificate of Deposit</b>	Farmers Bank	526,432.40			526,432.40
<b>Certificate of Deposit-Police Dept</b>	Farmers Bank	36,840.51			36,840.51
<b>Special Project Account</b>	Farmers Bank	2,547,000.78			2,547,000.78
<b>Pinewood Heights Escrow</b>	Farmers Bank	46,734.65			46,734.65
<b>SNAP Account</b>	Farmers Bank	2,264.75			2,264.75
<b>Museum Account</b>	Farmers Bank	131,482.68			131,482.68
<b>Windsor Castle Acct</b>	TowneBank	50,500.00			50,500.00
<b>S. Church Street Account</b>	TowneBank	36,231.65	(36,231.65)	-	-
<b>Subtotal General Fund</b>		5,807,846.72	355,448.74	327,071.65	6,490,367.11
<b>TOTAL ALL FUNDS</b>		11,673,167.39	0.00	-	11,673,167.39

REGIONS BANK  
1900 5TH AVE N - 25TH FL  
BIRMINGHAM AL 35203

ADMINISTRATOR:	AMANDA WESLEY 866-230-3771
INVESTMENT OFFICER	
RELATIONSHIP MANAGER	
ACCOUNT NUMBER	9246002035

TOWN OF SMITHFIELD, VA  
ATTN: ELLEN D. MINGA, TREASURER  
310 INSTITUTE STREET  
PO BOX 246  
SMITHFIELD VA 23431

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IF YOU HAVE QUESTIONS CONCERNING THIS STATEMENT, PLEASE CONTACT  
YOUR ACCOUNT ADMINISTRATOR.

REGIONS BANK  
VACO/VML VIRGINIA INVESTMENT  
POOL, TOWN OF SMITHFIELD,  
VIRGINIA PARTICIPANT  
ACCOUNT

# ACCOUNT STATEMENT

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Statement Period 06/01/2016 through 06/30/2016  
Account Number 9246002035

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# ACCOUNT STATEMENT

Statement Period  
Account Number

06/01/2016 through 06/30/2016  
9246002035

## Balance Sheet

	AS OF 06/01/2016		AS OF 06/30/2016	
	COST VALUE	MARKET VALUE	COST VALUE	MARKET VALUE
<b>A S S E T S</b>				
CASH	0.00	0.00	0.00	0.00
<b>TOTAL CASH &amp; RECEIVABLES</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
CIF/CTF FUNDS-BALANCED	504,386.55	508,755.68	504,784.46	511,670.07
<b>TOTAL CIF/CTF FUNDS-BALANCED</b>	<b>504,386.55</b>	<b>508,755.68</b>	<b>504,784.46</b>	<b>511,670.07</b>
<b>TOTAL HOLDINGS</b>	<b>504,386.55</b>	<b>508,755.68</b>	<b>504,784.46</b>	<b>511,670.07</b>
<b>TOTAL ASSETS</b>	<b>504,386.55</b>	<b>508,755.68</b>	<b>504,784.46</b>	<b>511,670.07</b>
<b>L I A B I L I T I E S</b>				
<b>TOTAL LIABILITIES</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL NET ASSET VALUE</b>	<b>504,386.55</b>	<b>508,755.68</b>	<b>504,784.46</b>	<b>511,670.07</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>504,386.55</b>	<b>508,755.68</b>	<b>504,784.46</b>	<b>511,670.07</b>

REGIONS BANK  
VACO/VML VIRGINIA INVESTMENT  
POOL, TOWN OF SMITHFIELD,  
VIRGINIA PARTICIPANT  
ACCOUNT

## ACCOUNT STATEMENT

Page 2

Statement Period  
Account Number

06/01/2016 through 06/30/2016  
9246002035

### Summary Of Fund

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<b>MARKET VALUE AS OF 06/01/2016</b>		<b>508,755.68</b>
CTF DISTRIBUTIONS	441.06	
REALIZED GAIN OR LOSS	0.00	
UNREALIZED GAIN OR LOSS	2,516.48	
ADMINISTRATIVE EXPENSES	43.15-	
<b>TOTAL MARKET VALUE AS OF 06/30/2016</b>		<b>511,670.07</b>

REGIONS BANK  
VACO/VML VIRGINIA INVESTMENT  
POOL, TOWN OF SMITHFIELD,  
VIRGINIA PARTICIPANT  
ACCOUNT

## ACCOUNT STATEMENT

Page 3

Statement Period  
Account Number

06/01/2016 through 06/30/2016  
9246002035

### Asset Summary As Of 06/30/2016

DESCRIPTION	MARKET VALUE	COST	% OF PORT
CIF/CTF FUNDS-BALANCED	511,670.07	504,784.46	100
TOTAL INVESTMENTS	511,670.07	504,784.46	
CASH	0.00		
DUE FROM BROKER	0.00		
DUE TO BROKER	0.00		
TOTAL MARKET VALUE	511,670.07		

# ACCOUNT STATEMENT

Statement Period 06/01/2016 through 06/30/2016  
 Account Number 9246002035

## Asset Detail As Of 06/30/2016

UNITS/BOOK VALUE	DESCRIPTION	MARKET VALUE	COST	% OF PORT
<b>CIF/CTF FUNDS-BALANCED</b>				
50,436.097	CUSIP # CF5400035 VIRGINIA INVESTMENT POOL	511,670.07	504,784.46	100
		<b>511,670.07</b>	<b>504,784.46</b>	<b>100</b>
	<b>TOTAL INVESTMENTS</b>	<b>511,670.07</b>		
	<b>CASH</b>	<b>0.00</b>		
	<b>DUE FROM BROKER</b>	<b>0.00</b>		
	<b>DUE TO BROKER</b>	<b>0.00</b>		
	<b>NET ASSETS</b>	<b>511,670.07</b>		
	<b>TOTAL MARKET VALUE</b>	<b>511,670.07</b>		

# ACCOUNT STATEMENT

Statement Period  
Account Number

06/01/2016 through 06/30/2016  
9246002035

## Summary Of Earnings

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### INCOME EARNED

CTF DISTRIBUTIONS 441.06

**TOTAL INCOME EARNED 441.06**

UNREALIZED GAIN IN THE PERIOD 2,516.48

**TOTAL INCREASES IN FUND VALUE 2,957.54**

### FEES AND OTHER EXPENSES

ADMINISTRATIVE EXPENSES 43.15

**TOTAL FEES AND OTHER EXPENSES 43.15**

**TOTAL DECREASES IN FUND VALUE 43.15**

NET CHANGE IN NET ASSET VALUE 2,914.39

# ACCOUNT STATEMENT

Statement Period  
Account Number

06/01/2016 through 06/30/2016  
9246002035

## Chronological Schedule Of Transactions

DATE	DESCRIPTION	CASH	COST
06 / 01 / 2016	BEGINNING BALANCE	0 . 00	504 , 386 . 55
06 / 01 / 2016	DISTRIBUTION FROM 50,396.74 UNITS VIRGINIA INVESTMENT POOL EFFECTIVE 05/31/2016 CUSIP # CF5400035	219 . 90	0 . 00
06 / 01 / 2016	PURCHASED 219.9 SHS MORGAN STANLEY PRIME ADVISORY #8341 ON 06/01/2016 AT 1.00 CUSIP # 61747C723	219 . 90 -	219 . 90
06 / 02 / 2016	PURCHASED 21.783 UNITS VIRGINIA INVESTMENT POOL ON 05/31/2016 AT 10.095 INCOME REINVESTMENT CUSIP # CF5400035	219 . 90 -	219 . 90
06 / 02 / 2016	SOLD 219.9 SHS MORGAN STANLEY PRIME ADVISORY #8341 ON 06/02/2016 AT 1.00 CUSIP # 61747C723	219 . 90	219 . 90 -
06 / 16 / 2016	FEE TO VML/VACO FINANCE PARTICIPANT FEE FOR MONTH ENDING 05/31/2016	43 . 15 -	0 . 00
06 / 16 / 2016	DISTRIBUTION FROM 50,418.52 UNITS VIRGINIA INVESTMENT POOL EFFECTIVE 06/15/2016 CUSIP # CF5400035	221 . 16	0 . 00
06 / 16 / 2016	PURCHASED 178.01 SHS MORGAN STANLEY PRIME ADVISORY #8341 ON 06/16/2016 AT 1.00 CUSIP # 61747C723	178 . 01 -	178 . 01
06 / 17 / 2016	PURCHASED 17.575 UNITS VIRGINIA INVESTMENT POOL ON 06/15/2016 AT 10.1284 INCOME REINVESTMENT CUSIP # CF5400035	178 . 01 -	178 . 01
06 / 17 / 2016	SOLD 178.01 SHS MORGAN STANLEY PRIME ADVISORY #8341 ON 06/17/2016 AT 1.00 CUSIP # 61747C723	178 . 01	178 . 01 -
06 / 30 / 2016	ENDING BALANCE	0 . 00	504 , 784 . 46

REGIONS BANK  
VACO/VML VIRGINIA INVESTMENT  
POOL, TOWN OF SMITHFIELD,  
VIRGINIA PARTICIPANT  
ACCOUNT

## ACCOUNT STATEMENT

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Statement Period  
Account Number

06/01/2016 through 06/30/2016  
9246002035

**IMPORTANT INFORMATION FOR REGIONS CORPORATE TRUST CUSTOMERS:**

INVESTMENT, INSURANCE AND ANNUITY PRODUCTS: ARE NOT FDIC INSURED, ARE NOT A DEPOSIT, ARE NOT BANK GUARANTEED, ARE NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY, MAY GO DOWN IN VALUE, AND ARE NOT A CONDITION OF ANY BANKING ACTIVITY.

FOR MORE DETAILED INFORMATION REGARDING FEES, PLEASE CONSULT THE FUND PROSPECTUS OR CONTACT YOUR ADMINISTRATOR.

**IMPORTANT DISCLOSURE INFORMATION FOR ALL FLORIDA ACCOUNTS:**

AN ACTION FOR BREACH OF TRUST BASED ON MATTERS DISCLOSED IN A TRUST ACCOUNTING OR OTHER WRITTEN REPORT OF THE TRUSTEE MAY BE SUBJECT TO A SIX MONTH STATUTE OF LIMITATIONS FROM THE RECEIPT OF THE TRUST ACCOUNTING OR OTHER WRITTEN REPORT. IF YOU HAVE QUESTIONS, PLEASE CONSULT YOUR ATTORNEY.

**INVOICES - OVER \$10,000.00  
REQUIRING COUNCIL  
AUTHORIZATION**



TOWN OF SMITHFIELD  
ATTN: LESLEY KING  
310 INSTITUTE STREET  
SMITHFIELD, VA 23430

Invoice No: 8083393  
Invoice Date: Jun 30, 2016  
Invoice Amount: \$21,623.74  
Project No: 116499011.3  
Project Name: JOE LUTER SPORTS COMPLEX  
Project Manager: WEIST, JAMIE

Please send payments to:  
KIMLEY-HORN AND ASSOCIATES, INC.  
P.O. BOX 75557  
BALTIMORE, MD 21275-5557

Client Reference:  
For Services Rendered through Jun 30, 2016

Federal Tax Id: 56-0885615

**COST PLUS MAX**

Description	Contract Value	Amount Billed to Date	Previous Amount Billed	Current Amount Due
ARCHITECTURAL DESIGN	20,000.00	1,209.80	0.00	1,209.80
EXPENSES	0.00	66.44	0.00	66.44
JOINT PERMIT APPLICATION	6,500.00	340.00	210.00	130.00
MEETINGS AND COORDINATION	6,000.00	3,350.00	940.00	2,410.00
PRELIM 35% SITE PLAN	13,500.00	13,397.50	6,970.00	6,427.50
SITE PLANS	105,000.00	8,420.00	0.00	8,420.00
SW MANAGEMENT DESIGN	12,000.00	3,850.00	1,315.00	2,535.00
TRIP GEN/TURN WARRANT	12,500.00	425.00	0.00	425.00
<b>Subtotal</b>	<b>175,500.00</b>	<b>31,058.74</b>	<b>9,435.00</b>	<b>21,623.74</b>
<b>Total COST PLUS MAX</b>				<b>21,623.74</b>

**Total Invoice: \$21,623.74**

Vendor # \_\_\_\_\_

Account # \_\_\_\_\_

Dept. Head \_\_\_\_\_

Town Manager PLS

TOWN OF SMITHFIELD  
 ATTN: LESLEY KING  
 310 INSTITUTE STREET  
 SMITHFIELD, VA 23430

Invoice No: 8083393  
 Invoice Date: Jun 30, 2016  
 Project No: 116499011.3  
 Project Name: JOE LUTER SPORTS  
 COMPLEX  
 Project Manager: WEIST, JAMIE

**COST PLUS MAX**

Task	Description	Hrs/Qty	Rate	Current Amount Due
JOINT PERMIT APPLICATION	PROFESSIONAL	1.0	130.00	130.00
<b>TOTAL JOINT PERMIT APPLICATION</b>		<b>1.0</b>		<b>130.00</b>
PRELIM 35% SITE PLAN	PROFESSIONAL	1.5	115.00	172.50
		21.5	120.00	2,580.00
	PROFESSIONAL 2	7.5	170.00	1,275.00
	SENIOR PROFESSIONAL	11.0	210.00	2,310.00
	SENIOR SUPPORT	1.0	90.00	90.00
<b>TOTAL PRELIM 35% SITE PLAN</b>		<b>42.5</b>		<b>6,427.50</b>
SITE PLANS	DESIGNER	23.0	145.00	3,335.00
	PROFESSIONAL	33.0	130.00	4,290.00
	PROFESSIONAL 2	0.5	170.00	85.00
	SENIOR PROFESSIONAL	3.0	210.00	630.00
	SENIOR SUPPORT	1.0	80.00	80.00
<b>TOTAL SITE PLANS</b>		<b>60.5</b>		<b>8,420.00</b>
SW MANAGEMENT DESIGN	PROFESSIONAL	19.5	130.00	2,535.00
<b>TOTAL SW MANAGEMENT DESIGN</b>		<b>19.5</b>		<b>2,535.00</b>
MEETINGS AND COORDINATION	PROFESSIONAL	6.5	130.00	845.00
	PROFESSIONAL 2	4.0	170.00	680.00
	SENIOR PROFESSIONAL	4.0	210.00	840.00
	SENIOR SUPPORT	0.5	90.00	45.00
<b>TOTAL MEETINGS AND COORDINATION</b>		<b>15.0</b>		<b>2,410.00</b>
ARCHITECTURAL DESIGN	SUBCONSULTANTS			1,209.80
<b>TOTAL ARCHITECTURAL DESIGN</b>				<b>1,209.80</b>
TRIP GEN/TURN WARRANT	PROFESSIONAL 2	2.5	170.00	425.00
<b>TOTAL TRIP GEN/TURN WARRANT</b>		<b>2.5</b>		<b>425.00</b>
EXPENSES	BOND PLOTS	10.0	2.00	20.00
	MILEAGE ON PERSONAL VEHICLES	86.0	0.54	46.44
<b>TOTAL EXPENSES</b>		<b>96.0</b>		<b>66.44</b>

TOWN OF SMITHFIELD  
ATTN: LESLEY KING  
310 INSTITUTE STREET  
SMITHFIELD, VA 23430

Invoice No: 8083393  
Invoice Date: Jun 30, 2016  
Project No: 116499011.3  
Project Name: JOE LUTER SPORTS  
COMPLEX  
Project Manager: WEIST, JAMIE

Task	Description	Hrs/Qty	Rate	Current Amount Due
<b>TOTAL LABOR AND EXPENSE DETAIL</b>				<b>21,623.74</b>

*This page is for informational purposes only. Please pay amount shown on cover page.*

DATE JULY 25, 2016  
TO SMITHFIELD TOWN COUNCIL – FINANCE COMMITTEE  
FROM SONJA EUBANK  
PLANNING, ENGINEERING, & PUBLIC WORKS  
SUBJECT VEHICLE MAINTENANCE SERVICES CONTRACT

The Town issued a Request for Proposals (RFP) for the Vehicle Maintenance Services Contract as the current contract will expire August 30, 2016. Proposals were received from the following:

Askew Enterprises/Cofer Auto  
Brown Brothers Inc.  
Dave's Service Center  
Smithfield Auto and Truck Center, LLC

The evaluation committee, which consisted of staff from the Police Department and Planning, Engineering and Public Works Departments, thoroughly evaluated and scored all proposals based on the criteria in the RFP, including submittal requirements and cost of services. The highest ranking offeror was Smithfield Auto and Truck Center and the second highest ranking offeror was Askew Enterprises/Cofer Auto. Competitive negotiations/Interviews were conducted with all four companies.

Smithfield Auto and Truck Center, LLC had the most detailed proposal including qualifications and certifications of employees, warranties, and towing services. They also had the lowest cost of services (costs are also lower than current contract). References were checked with all providing positive comments. The evaluation committee was very impressed with Mr. Macioci and his assurance to provide excellent customer service to the Town of Smithfield and his understanding of the importance of ensuring that first responder vehicles for both the Police Department and Public Works Department are given priority repairs to help ensure the safety of our citizens; therefore the evaluation committee recommends award of the Vehicle Maintenance Service Contract to Smithfield Auto and Truck, LLC.

NOTICE OF PUBLIC HEARING  
TOWN COUNCIL OF THE TOWN OF SMITHFIELD

Notice is hereby given pursuant to Section 58.1-3007 of the Code of Virginia (1950), as amended, that the Town Council of the Town of Smithfield, Virginia, will hold a public hearing at the regular meeting of the Town Council in the council chambers in the Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 2, 2016, at 7:30 p.m. to consider the adoption of the following ordinances:

AN ORDINANCE AMENDING ARTICLE V., SECTION 74-122 OF CHAPTER 74. OF THE CODE OF THE TOWN OF SMITHFIELD, VIRGINIA, AS AMENDED, IN ORDER TO REVISE AND AMEND PROVISIONS OF THE ORDINANCE IMPOSING A MEALS TAX. THE CHANGE TO THE ORDINANCE WILL INCREASE THE TAX RATE FROM SIX PERCENT TO SIX AND ONE-QUARTER PERCENT ON MEALS PURCHASED FROM ANY FOOD ESTABLISHMENT.

AN ORDINANCE AMENDING ARTICLE VI., SECTION 74-151 OF CHAPTER 74. OF THE CODE OF THE TOWN OF SMITHFIELD, VIRGINIA, AS AMENDED, IN ORDER TO REVISE AND AMEND PROVISIONS OF THE ORDINANCE IMPOSING A TRANSIENT OCCUPANCY TAX. THE CHANGE TO THE ORDINANCE WILL INCREASE THE TAX RATE FROM FIVE PERCENT TO SIX PERCENT ON HOTELS, MOTELS, BOARDINGHOUSES, TRAVEL CAMPGROUNDS AND OTHER FACILITIES OFFERING GUESTROOMS RENTED OUT FOR CONTINUOUS OCCUPANCY OF FEWER THAN 90 DAYS.

Any person desiring to be heard in favor of or in opposition to or to express his or her views with respect to the aforesaid Ordinances may appear at the hearing and be heard. The full texts of the Ordinances are available for inspection in the office of the Town Manager, 911 S. Church Street, Smithfield, Virginia 23430.

TOWN OF SMITHFIELD, VIRGINIA

By: Lesley G. King, Clerk

Publish: July 20, 2016

**PARKS AND RECREATION  
COMMITTEE**

**Parks and Recreation Committee Report**

**July 2016**

<b>Event Listing (since last Committee Meetings)</b>			
<b>Day</b>	<b>Date</b>	<b>Event Type</b>	<b>Location</b>
Mon	Jun 27	Committee Meetings	Smithfield Center
		WCFB Meeting	Smithfield Center
		Town Council Continued Meeting	Smithfield Center
Tue	Jun 28	Committee Meetings	Smithfield Center
Thu	Jul 1	Reception	Smithfield Center
Sat	Jul 2	Wedding & Reception	Smithfield Center
Sun	Jul 3	Reception	Smithfield Center
		Town fireworks Display	Downtown
<b> </b>			
Tue	Jul 5 <sup>th</sup>	Town Council	Smithfield Center
Wed	Jul 6 <sup>th</sup>	Town Departments Staff Meeting	Smithfield Center
Thu	Jul 7 <sup>th</sup>	Wedding & Reception	Smithfield Center
Sat	Jul 9 <sup>th</sup>	Wedding & Reception	Smithfield Center
Sun	Jul 10 <sup>th</sup>	Wedding & Reception	Smithfield Center
<b> </b>			
Mon	Jul 11 <sup>th</sup>	Wedding & Reception	Smithfield Center
Tue	Jul 12 <sup>th</sup>	Smithfield Foods Business Meeting	Smithfield Center
		Pinewood Heights Meeting	Smithfield Center
		Planning Commission	Smithfield Center
Wed	Jul 13 <sup>th</sup>	Smithfield Foods Business Meeting	Smithfield Center
Sat	Jul 16 <sup>th</sup>	5 K-Into the Wood Series	WC Park Trails
Sun	Jul 17 <sup>th</sup>	Wedding & Reception	Smithfield Center
<b> </b>			
Tue	Jul 19 <sup>th</sup>	Schoolhouse	Smithfield Center
		Crimeline	Smithfield Center
		BHAR	Smithfield Center
Wed	Jul 20 <sup>th</sup>	Active Shooter Seminar	Smithfield Center
Thu	Jul 21 <sup>st</sup>	Food Lion Job Fair	Smithfield Center
Fri	Jul 22 <sup>nd</sup>	Birthday Party	Smithfield Center
Sat	Jul 23 <sup>rd</sup>	Wedding & Reception	Smithfield Center
Sun	Jul 24 <sup>th</sup>	Bicycle Time Trials	Veterans Memorial Lawn
		Wedding & Reception	Smithfield Center

<b>Upcoming Events to Note</b>			
<b>Day</b>	<b>Date</b>	<b>Event Type</b>	<b>Location</b>
Tue	Aug 2	National Night Out	Smithfield Center

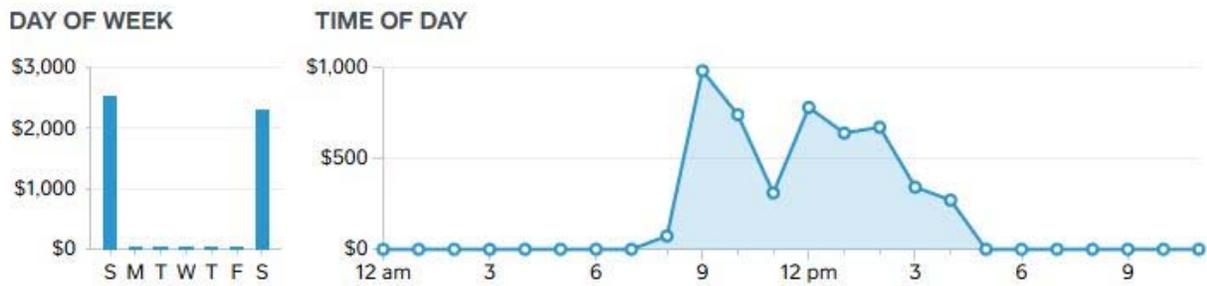
Parks and Recreation Committee Report

July 2016

Programming

Kayak Rentals

Netted as of 7/21/16	\$ 4601	Averaging Per Weekend	\$ 418 per weekend
Staffing Hours as of 7/21/16	\$ 2171		
Net after Staffing Hours	\$ 2430		



*Taking reservations for Mondays and Fridays.*

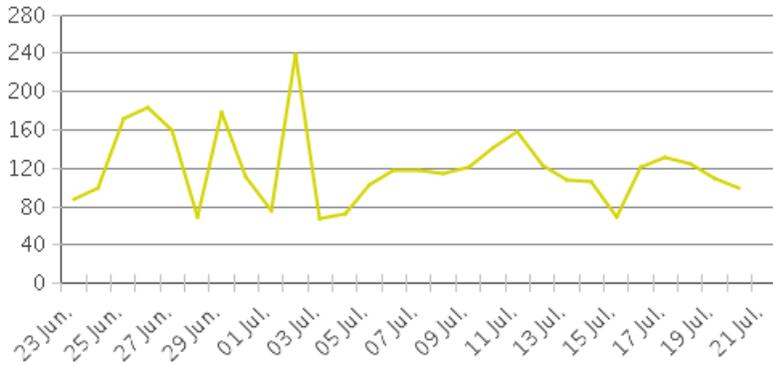
Windsor Castle Park Trail Doctors

Projects	Hours	Docs
Tree of Heaven Eradication	18.5	Steve Senkovich, , Davis Ippolito
General Trail Maintenance	11	Francois Meunier,Bob Wolfram, Wayne Hall

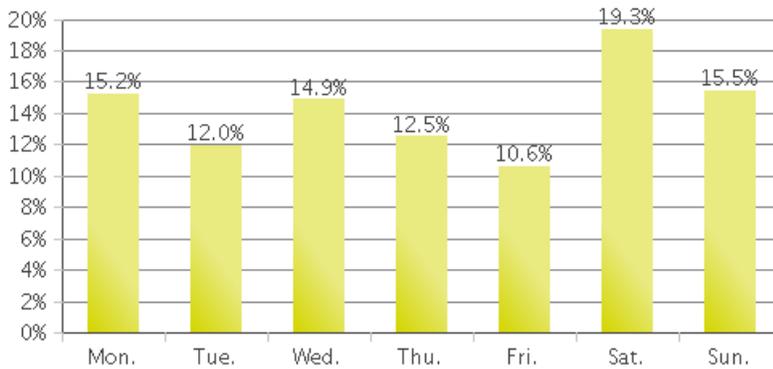
Parks and Recreation Committee Report

July 2016

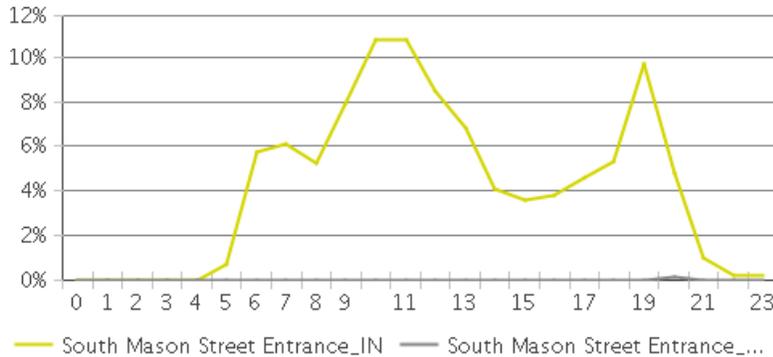
Eco Counter Data for Windsor Castle Park			
Location: Mason Street Entrance		Daily Average - 121	
Busiest Days	Saturday July 02 (239)	Sunday June 26 (183)	Wednesday June 29 (178)



Daily Data



Weekly Profile



Hourly Profile during the Week



Hourly Profile during the Weekend



**Town of Smithfield  
Special Event Application for Permit**

<b>Event Date</b> (don't include setup dates here)	<b>Times</b> (don't include setup or street closure times here)	<b>Proposed Location</b>
<b>Saturday, October 1, 2016</b>	<b>10 AM-5 PM</b>	<b>WC Riverfront</b>

<b>Event Name</b>	<b>BBB Fest –Bacon Bourbon and Beach Music Festival</b>
<b>Event Organizer (Group Name)</b>	<b>Smithfield VA Events</b>
<b>Tax Exemption ID Number</b>	
<b>Website</b>	<b>www.smithfieldvaevents.com</b>

<b>Event Contacts</b>					
<b>Name</b>	<b>Gina Ippolito</b>	<b>Cell Phone</b>	<b>757-869-0664</b>	<b>Email</b>	<b>gina@smithfieldvaevents.com</b>
<b>Name</b>		<b>Cell Phone</b>		<b>Email</b>	

<b>1<sup>st</sup> Time Event</b>		<b>Annual Event- how many times has event taken place?</b>	<b>Once - 2014</b>
----------------------------------	--	--	--------------------

**Event Category**  Festival  Concert  Parade  Run/Walk  Bike Race/Tour  Car Show Other \_\_\_\_\_

**Description of Event**  
 Festival goers each get a half pound of bacon with wide selection of condiments. Bourbon tasting ticket holders get 10 bourbon tastings. There will be three stages with live music as well as food vendors, retail vendors and wine and beer sales.

<b>Average Ticket Price</b>	\$ 40-55	<b>Participants will be</b> <input type="checkbox"/> youth <input checked="" type="checkbox"/> adults <input type="checkbox"/> both
<b>Expected Attendance</b>	2800 - 3000	<b>Largest Attendance Number and Year</b> 2014- 2500 p

**What is your plan in the event of bad weather-cancel, reschedule?** Rain or shine, cancelation if dangerous weather present- hurricane, strong winds etc

**Road Closures, Traffic Assistance, Windsor Castle Park Trail Closures**  Closure

<b>Street Name or Park Area</b>	<b>Closure or Traffic Assist</b>	<b>Date Needed</b>	<b>Times Needed</b>
<b>Jericho Road</b>	<b>Restrict to one way, exit only</b>	<b>10/1/16</b>	<b>8 AM-2 PM</b>
<b>Fishing pier</b>	<b>closed. Will post signs and adjust based on final tent set up closer to the event.</b>	<b>9/28 until 10/1/16</b>	<b>All Day</b>
<b>Trail Closure (at event site)</b>	<b>Closure</b>	<b>10/1/16</b>	<b>9 AM-5 PM</b>

<b>Alcohol Service and/or Sales?</b> <input checked="" type="checkbox"/> Alcohol		<b>Having music- live bands or DJ?</b> <input checked="" type="checkbox"/> Music	
<b>Date</b>	<b>Times</b>	<b>Date</b>	<b>Times</b>
<b>10/1/16</b>	<b>10 AM-4:30 PM</b>	<b>10/1/15</b>	<b>11 AM-5 PM</b>

<b>List benefits of your event to the community</b>	<b>List Recipients of Proceeds</b>
<b>Proceeds benefit Isle of Wight based organizations.</b>	<b>Organizations will be selected by the Smithfield VA Events committee to receive proceeds from the event. Anticipated donations to community for</b>



**Town of Smithfield  
Special Event Application for Permit**

	<p><b>this event this year are +/- \$40,000 for both Benefiting Organizations &amp; Volunteer Organizations. In addition, a \$5 per ticket donation will be made to the Town of Smithfield for Historic Preservation fund for the site. Anticipate this donation to be +/- \$12,000 - \$15,000.</b></p>
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Check any of the following that your event will include.			
Item	Number	Item	Number
<input checked="" type="checkbox"/> Food, Caterer	2	<input type="checkbox"/> Food, by Organization	
<input checked="" type="checkbox"/> Retail Vendors Non-Profit	1	<input checked="" type="checkbox"/> Retail Vendors For Profit	10
<input checked="" type="checkbox"/> Port-a-Potties	20 plus	<input checked="" type="checkbox"/> Fencing/Barricades	Several feet
<input checked="" type="checkbox"/> Trash Cans	40	<input checked="" type="checkbox"/> Generators	4
<input checked="" type="checkbox"/> Dumpsters	2	<input type="checkbox"/> Special Lighting	
<input type="checkbox"/> Recycle Containers		<input checked="" type="checkbox"/> Golf carts/ATVs	10
<input checked="" type="checkbox"/> First Responders- EMS, Fire	2		
Item	Number	Sizes	
Tents	20	Various sizes ranging from a 40x60 down to 10x20s	
Staging	2	Large covered stages for musical performances	
<input type="checkbox"/> Allowing pets		<input type="checkbox"/> Fireworks	
		<input checked="" type="checkbox"/> Providing Shuttle Service	

<b>Certificate of insurance for \$1,000,000 is required (certificate of insurance must be presented prior to event)</b>	
<b>Policy Number</b>	<b>To be provided closer to the event.</b>
<b>Name of Insurance Liability Carrier</b>	
<b>Insurance Company Address</b>	
<b>Insurance Company Phone Number</b>	

I have received, read thoroughly, understand and will comply with the policies and procedures governing special events held in the Town of Smithfield.

<b>Event Organizer's Signature</b>	<i>Gina Ippolito</i>	<b>Date</b>	7/9/15
<b>Print Name</b>	Gina Ippolito		

**Attach the following documents:**

Flyers or any promotional materials about event or organization
Site Map/Layout of Event

**PUBLIC WORKS  
COMMITTEE**

DATE           JULY 25, 2016

TO             SMITHFIELD TOWN COUNCIL- PUBLIC WORKS COMMITTEE

FROM          SONJA EUBANK  
               DEPT OF PLANNING, ENGINEERING AND PUBLIC WORKS

SUBJECT      DEBRIS REMOVAL CONTRACT

Each year the town engages the services of a debris removal contractor. The town does not have the personnel to properly maintain the BMP (Best Management Practices) ponds and outfall ditch system. The town had a contract with Goodrich and Son's and Smithfield Services for the 2015/2016 fiscal year and the town reserves the right to renew the contract for three additional years.

The debris removal contract includes the following:

- Contractor shall be immediately available after a hurricane or other disasters and shall be available within 24 hours after a minor storm.
- Work will be conducted after storms and as required for normal improvements to storm drainage areas
- Contractor shall be responsible for disposal of debris
- Work shall consist of clearing and removing storm generated debris as directed by the Town of Smithfield. Operations includes multiple, scheduled passes of each site, location and right-of-way
- Contractor shall provide equipment, operators and laborers for debris removal operations

Both Goodrich and Son's and Smithfield Services current contract pricing will remain the same. Staff has been pleased with the work of both companies and we are recommending that both contracts be renewed for an additional year.

**PUBLIC BUILDINGS & WELFARE  
COMMITTEE**

# **Pinewood Heights Relocation Project Updates**

## PERMANENT RELOCATION MONTHLY PROGRESS REPORT FOR JULY 2016

Locality: Smithfield Town  
 Project Name: Pinewood Heights Phase 2

Contract #: 13- 02 MY2

Prepared by: Michael Paul Dodson  
 Date: July 12, 2016

FINANCIALS			
CDBG Contract Amount:	<u>\$375,280</u>	Local Leverage Amount:	<u>\$540,751</u>
CDBG Amount Obligated:	<u>\$375,280</u>	Local Leverage Amount Obligated:	<u>\$540,751</u>
CDBG Amount Expended:	<u>\$340,857</u>	Local Leverage Amount Expended:	<u>\$331,993</u>

CUMULATIVE RELOCATION PROGRESS			
# of appraisals done?	<u>6 of 6</u>	# of homeownership counseling done?	<u>6 of 6</u>
# of homes acquired?	<u>5 of 6</u>	# of housing inspections done?	<u>5 of 6</u>
# of vacant lots acquired?	<u>2 of 2</u>	# of owner-occupied relocations done?	<u>1 of 2</u>
# of demolitions done?	<u>2 of 6</u>	# of market-rate relocations done?	<u>3 of 3</u>
Clearance completed?	<u>2 of 6</u>	# of Section 8 relocations done?	<u>1 of 1</u>

### ADMINISTRATIVE ACTIVITY

Date Project Sign Erected: 11/ 01/ 2013

Date of last Management Team meeting: 07/11/ 2016

Date annual Project Area Clean-Up Session done: 11/ 28/ 2015

Date annual Fair Housing activity done: 06/ 30/ 2016

TA Site Visit Requested:  Yes  No

Is project on schedule as shown in timeline?  Yes  No If no, update will be uploaded by: \_\_\_\_/\_\_\_\_/\_\_\_\_

Is the project proceeding within budget?  Yes  No If no, update will be uploaded by: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Status:** What project activities will occur in next 60 days? Will they be completed on time? Are problems anticipated or occurring?  
 All purchase offers have been accepted. The residents at 52, 53, 54, 110 & 111 Carver have all been relocated. The residents of 111 Carver will complete their moving to a new home on Tan Road in 90 days. The homes at 52, 53, 54, 110 & 111 Carver have been acquired. 53 and 54 have been demolished. The disconnection of the services and prep work to demolish 52 Carver has begun. 110 Carver has been secured and once vacated 111 Carver will be prepared and demolished

**Are problems anticipated?** None

**Other comments:** None

**Project Specific Products:**

**Owner-Occupied Acquisition** (Goal=2)

Owner Occupied Homes

1) 44 Carver 2) 53 Carver

Preliminary Acquisition Letters Sent 2

1) 44 Carver 2) 53 Carver

Appraisals Completed 2

1) 44 Carver 2) 53 Carver

Review Appraisals Completed 2

1) 44 Carver 2) 53 Carver

Offer to Purchase Letters Sent 2

1) 44 Carver 2) 53 Carver

Offers Accepted 2

1) 44 Carver 2) 53 Carver

Properties Closed On 1

1) 53 Carver

**Tenant-Occupied Acquisition** (Goal=4)

Tenant Occupied Homes

1) 52 Carver 2) 54 Carver 3) 110 Carver 4) 111 Carver

Preliminary Acquisition Letters Sent 4

2) 52 Carver 2) 54 Carver 3) 110 Carver 4) 111 Carver

Appraisals Completed 4

1) 52 Carver 2) 54 Carver 3) 110 Carver 4) 111 Carver

Review Appraisals Completed 4

1) 52 Carver 2) 54 Carver 3) 110 Carver 4) 111 Carver

Offer to Purchase Letters Sent 4

1) 52 Carver 2) 54 Carver 3) 110 Carver 4) 111 Carver

Offers Accepted 4

1) 52 Carver 2) 54 Carver 3) 110 Carver 4) 111 Carver

Properties Closed On 4

1) 54 Carver 2) 110 Carver 3) 110 Carver 4) 111 Carver

**Owner-Occupied Relocation** (Goal=2)

Owner Occupied Homes

1) 44 Carver 2) 53 Carver

Household Surveys Completed 2

1) 44 Carver 2) 53 Carver

Income Verifications Completed 2

1) 44 Carver 2) 53 Carver

Eligibility of Relocation Letters Sent 2

1) 44 Carver 2) 53 Carver

Comparable Units Found and Inspected 2

1) 44 Carver      2) 53 Carver  
Households Relocated 1  
1) 53 Carver

**Market-Rate, Renter-Occupied Relocation** (Goal=3)

Market-Rate Occupied Homes  
1) 52 Carver      2) 54 Carver      3) 111 Carver  
Household Surveys Completed 3  
1) 52 Carver      2) 54 Carver      3) 111 Carver  
Income Verifications Completed 3  
1) 52 Carver      2) 54 Carver      3) 111 Carver  
Eligibility of Relocation Letters Sent 3  
1) 52 Carver      2) 54 Carver      3) 111 Carver  
Comparable Units Found and Inspected 3  
1) 52 Carver      2) 54 Carver      3) 111 Carver  
Households Relocated 3  
1) 52 Carver      2) 54 Carver      3) 111 Carver

**Section 8, Renter-Occupied Relocation** (Goal=1)

Section 8 Occupied Homes  
1) 110 Carver  
Household Surveys Completed 1  
1) 110 Carver  
Income Verifications Completed 1  
1) 110 Carver  
Eligibility of Relocation Letters Sent 1  
1) 110 Carver  
Comparable Units Found and Inspected 1  
1) 110 Carver  
Households Relocated 1  
1) 110 Carver

**Demolition** (Goal=6)

Units to be Demolished  
1) 44 Carver      2) 52 Carver      3) 53 Carver      4) 54 Carver      5) 110 Carver      6) 111 Carver  
Units that have been Demolished 2  
1) 53 Carver      2) 54 Carver

*Upload your progress report and last month's PMT agenda and meeting minutes via CAMS into the "Reports and Communications" tab. They are to be scanned as one document. Remember to place a copy in the project files.*

# PROJECT STATUS MAP

Pinewood Heights Phase II Redevelopment Project  
Multi-Year 2  
Town of Smithfield, Virginia

## LEGEND

--- PHASE II BOUNDARY

### STATUS:

-  PRELIM ACQ LETTER RECEIVED BY OWNER
-  OFFER TO PURCHASE ACCEPTED
-  RELOCATION IN PROCESS
-  RELOCATION COMPLETE
-  READY FOR DEMOLITION/DEMO PREP
-  PROPERTIES ACQUIRED IN MY1
-  GRANT ACTIVITIES COMPLETE MY2

-  OWNER OCCUPIED
-  RENTER OCCUPIED
-  SECTION 8 TENANT



July 2016

COMMUNITY PLANNING PARTNERS, INC.

## PERMANENT RELOCATION MONTHLY PROGRESS REPORT FOR JULY 2016

Locality: Smithfield Town Contract #: 15-10 Prepared by: Michael Paul Dodson  
 Project Name: Pinewood Heights Phase 3 Date: July 15, 2016

FINANCIALS			
CDBG Contract Amount:	\$ <u>1,000,000</u>	Local Leverage Amount:	\$ <u>1,323,335</u>
CDBG Amount Obligated:	\$ <u>404,000</u>	Local Leverage Amount Obligated:	\$ <u>291,099</u>
CDBG Amount Expended:	\$ <u>163,500</u>	Local Leverage Amount Expended:	\$ <u>256,099</u>

CUMULATIVE RELOCATION PROGRESS			
# of appraisals done?	<u>9</u> of <u>18</u>	# of homeownership counseling done?	<u>9</u> of <u>18</u>
# of homes acquired?	<u>2</u> of <u>18</u>	# of housing inspections done?	<u>6</u> of <u>18</u>
# of vacant lots acquired?	<u>0</u> of <u>2</u>	# of owner-occupied relocations done?	<u>2</u> of <u>5</u>
# of demolitions done?	<u>0</u> of <u>18</u>	# of market-rate relocations done?	<u>3</u> of <u>9</u>
Clearance completed?	<u>0</u> of <u>18</u>	# of Section 8 relocations done?	<u>1</u> of <u>4</u>

### ADMINISTRATIVE ACTIVITY

Date Project Sign Erected: 11/ 30/ 2015

Date of last Management Team meeting: 07/ 12/ 2016

Date annual Project Area Clean-Up Session done: 11/ 28/ 2015

Date annual Fair Housing activity done: 06/ 30/ 2016

TA Site Visit Requested:  Yes  No

Is project on schedule as shown in timeline?  Yes  No If no, update will be uploaded by: \_\_\_\_/ \_\_\_\_/ \_\_\_\_

Is the project proceeding within budget?  Yes  No If no, update will be uploaded by: \_\_\_\_/ \_\_\_\_/ \_\_\_\_

**Status:** What project activities will occur in next 60 days? Will they be completed on time? Are problems anticipated or occurring?  
 Notice to Purchase and Relocation First notice letters sent to resident/owners of 21, 23, 24, 26, 27A, 28A, 28B, 31, 33, 34, 35, 36, 37, and 38 Jamestown. Appraisals and RA have been completed for 21, 23, 25, 26, 27A, 27B, 28A, 31, 33, 36, 37, and 38. Applications have been received and being processed for residents at 21, 23, 24, 26, 27A, 28A, 28B, 31, 33, 34, 35, 36, 37, and 38 Jamestown Avenue. Ten residents have provided, and been qualified for relocation, their income forms. Owners at 21, 36 and 38 Jamestown have sold their homes and relocated. Owners at 23 and 33 Jamestown are waiting to close and relocate. Three renters have relocated with two becoming homeowners. We are working with four other tenants of their relocation. Offer letters were mailed for the vacant rental units of 27A, 27B and 28A Jamestown Avenue.

**Are problems anticipated?** None

**Other comments:** None

## Project Specific Products:

### **Owner-Occupied Acquisition** (Goal=5)

Owner Occupied Homes

1) 21 Jamestown 2) 23 Jamestown 3) 33 Jamestown 4) 36 Jamestown 5) 38 Jamestown

Preliminary Acquisition Letters Sent 5

1) 21 Jamestown 2) 23 Jamestown 3) 33 Jamestown 4) 36 Jamestown 5) 38 Jamestown

Appraisals Completed 5

1) 21 Jamestown 2) 23 Jamestown 3) 33 Jamestown 4) 36 Jamestown 5) 38 Jamestown

Review Appraisals Completed 5

1) 21 Jamestown 2) 23 Jamestown 3) 33 Jamestown 4) 36 Jamestown 5) 38 Jamestown

Offer to Purchase Letters Sent 5

1) 21 Jamestown 2) 23 Jamestown 3) 33 Jamestown 4) 36 Jamestown 5) 38 Jamestown

Offers Accepted 2

1) 21 Jamestown 2) 23 Jamestown 3) 33 Jamestown 4) 36 Jamestown 5) 38 Jamestown

Properties Closed On 3

1) 23 Jamestown 2) 36 Jamestown 3) 38 Jamestown

### **Heir (Vacant) Acquisition** (Goal=1)

Heir (Vacant) Homes

1) 37 Jamestown

Preliminary Acquisition Letters Sent 1

1) 37 Jamestown

Appraisals Completed 1

1) 37 Jamestown

Review Appraisals Completed 1

1) 37 Jamestown

Offer to Purchase Letters Sent 0

Offers Accepted 0

Properties Closed On 0

### **Tenant-Occupied Acquisition** (Goal=12)

Tenant Occupied Homes

1) 22 Jamestown 2) 24 Jamestown 3) 25 Jamestown 4) 26 Jamestown 5) 27A Jamestown 6) 27B Jamestown

7) 28A Jamestown 8) 28B Jamestown 9) 31 Jamestown 10) 32 Jamestown 11) 34 Jamestown 12) 35 Jamestown

Preliminary Acquisition Letters Sent 8

1) 24 Jamestown 2) 26 Jamestown 3) 27A Jamestown 4) 28A Jamestown 5) 28B Jamestown 7) 31 Jamestown

8) 34 Jamestown 9) 35 Jamestown

Appraisals Completed 5

1) 26 Jamestown 2) 27A Jamestown 3) 28A Jamestown 4) 28B Jamestown 5) 31 Jamestown

Review Appraisals Completed 5

1) 26 Jamestown 2) 27A Jamestown 3) 28A Jamestown 4) 28B Jamestown 5) 31 Jamestown  
Offer to Purchase Letters Sent 4  
1) 27A Jamestown 2) 28A Jamestown 3) 28B Jamestown 4) 31 Jamestown  
Offers Accepted 4  
1) 27A Jamestown 2) 28A Jamestown 3) 28B Jamestown 4) 31 Jamestown  
Properties Closed On 0

**Owner-Occupied Relocation** (Goal=5)

Owner Occupied Homes  
1) 21 Jamestown 2) 23 Jamestown 3) 33 Jamestown 4) 36 Jamestown 5) 38 Jamestown  
Household Surveys Completed 5  
1) 21 Jamestown 2) 23 Jamestown 3) 33 Jamestown 4) 36 Jamestown 5)38 Jamestown  
Income Verifications Completed 4  
1) 21 Jamestown 2) 23 Jamestown 3) 33 Jamestown 4) 38 Jamestown  
Eligibility of Relocation Letters Sent 4  
1) 21 Jamestown 2) 23 Jamestown 3) 33 Jamestown 4) 38 Jamestown  
Comparable Units Found and Inspected 4  
1) 21 Jamestown 2) 23 Jamestown 3) 33 Jamestown 4) 38 Jamestown  
Households Relocated 3  
1) 23 Jamestown 2) 36 Jamestown 3) 38 Jamestown

**Market-Rate, Renter-Occupied Relocation** (Goal=8)

Market-Rate Occupied Homes  
1) 24 Jamestown 2) 25 Jamestown 3) 26 Jamestown 4) 28A Jamestown 5) 28B Jamestown 6) 31 Jamestown  
7) 34 Jamestown 8) 35 Jamestown  
Household Surveys Completed 8  
1) 24 Jamestown 2) 25 Jamestown 3) 26 Jamestown 4) 28A Jamestown 5) 28B Jamestown 6) 31 Jamestown  
7) 34 Jamestown 8) 35 Jamestown  
Income Verified 6  
1) 26 Jamestown 2) 28A Jamestown 3) 28B Jamestown 4) 31 Jamestown 5) 34 Jamestown 6) 35 Jamestown  
Eligibility of Relocation Letters Sent 6  
1) 26 Jamestown 2) 28A Jamestown 3) 28B Jamestown 4) 31 Jamestown 5) 34 Jamestown 6) 35 Jamestown  
Comparable Units Found and Inspected 5  
1) 26 Jamestown 2) 28A Jamestown 3) 28B Jamestown 4) 34 Jamestown 5) 35 Jamestown  
Households Relocated 1  
1) 28A Jamestown

**Section 8, Renter-Occupied Relocation** (Goal=4)

Section 8 Occupied Homes  
1) 22 Jamestown 2) 27A Jamestown 3) 27B Jamestown 4) 32 Jamestown

Household Surveys Completed 2

1) 27A Jamestown 2) 27B Jamestown

Income Verifications Completed 2

1) 27A Jamestown 2) 27B Jamestown

Eligibility of Relocation Letters Sent 2

1) 27A Jamestown 2) 27B Jamestown

Comparable Units Found and Inspected 2

1) 27A Jamestown 2) 27B Jamestown

Households Relocated 2

1) 27A Jamestown 2) 27B Jamestown

**Demolition** (Goal=18)

Units to be Demolished

1) 21 Jamestown 2) 22 Jamestown 3) 23 Jamestown 4) 24 Jamestown 5) 25 Jamestown 6) 26 Jamestown

7) 27A Jamestown 8) 27B Jamestown 9) 28A Jamestown 10) 28B Jamestown 11) 31 Jamestown 12) 32 Jamestown

13) 33 Jamestown 14) 34 Jamestown 15) 35 Jamestown 16) 36 Jamestown 17) 37 Jamestown 18) 38 Jamestown

Units that have been Demolished 0

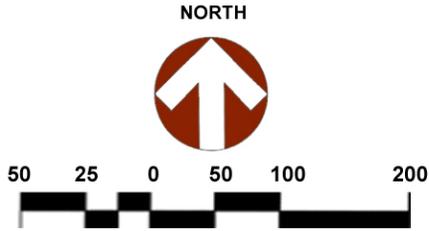
# PROJECT STATUS MAP

## Pinewood Heights Phase III Redevelopment Project

### Town of Smithfield, Virginia

**LEGEND**

-  PHASE III BOUNDARY
- STATUS:**
-  PRELIM ACQ LETTER RECEIVED BY OWNER
-  APPRAISAL COMPLETE
-  OFFER TO PURCHASE ACCEPTED
-  RELOCATION IN PROCESS
-  RELOCATION COMPLETE
-  READY FOR DEMOLITION/DEMO PREP
-  OWNER OCCUPIED
-  RENTER OCCUPIED
-  SECTION 8 TENANT
-  VACANT STRUCTURE



GRAPHIC SCALE IN FEET

COMMUNITY PLANNING PARTNERS, INC.  
COMMUNITY DEVELOPMENT CONSULTANTS  
RICHMOND, VIRGINIA

**STAFF REPORT TO  
THE TOWN COUNCIL**

**August 2, 2016**

**Owner Name & Address**

Mary Delk Crocker  
502 Grace Street  
Smithfield, VA 23430

**Property Location & Description**

502 Grace Street, Across from Cofer  
Automotive, behind IOW Christian  
Outreach

**Statistical Data**

Property Classification

Landmark

Current Zoning

C-C, Community Conservation

**Surrounding Land Uses/Zoning**

D, Downtown District;  
DN-R, Downtown Neighborhood  
Residential

**Overview**

Given the ongoing poor condition of the property known as Pierceville, town staff has determined the property to be in violation of Section 22.2 of the Town Code (Unsafe Structures) and Article 3.M: HP-O, Historic Preservation Overlay District Ordinance, F: 2: G (Maintenance and Repair Required). Below find the items that were determined to be the cause for action:

- The primary residence is in a state of disrepair, including but not limited to the following:
  - Sections of siding that are missing or have been patched in a manner inconsistent with the Historic District regulations
  - Sections of roofing that are missing which expose structures to the elements and create a hazardous situation
  - Deferred maintenance issues inconsistent with the Historic District regulations that could be considered 'demolition by neglect'
  - Vegetation not consistent with Town Code
- In addition, there are numerous accessory structures (barns) on the property that are in various states of disrepair, including but not limited to the following:
  - Deferred maintenance issues inconsistent with the Historic District regulations that could be considered 'demolition by neglect'
  - Roofing – paint, missing sections, collapsed sections which expose structures to the elements and create a hazardous situation
  - Siding – paint, missing sections, collapsed sections which expose structures to the elements and create a hazardous situation
  - Doors, Windows – paint, missing sections
  - Vegetation not consistent with Town Code

Before the Board of Historic and Architectural Review (BHAR) at their December 15, 2015 meeting was consideration of the conditions at Pierceville in regard to demolition by neglect and/or unsafe or dangerous structures, as per Section F: 2: G (Maintenance and Repair Required) Historic Preservation Overlay District Ordinance; which reads:

*Maintenance and Repair Required*

*All buildings and structures in the HP-O District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the Review Board, result in the irreparable deterioration of any exterior appurtenance or architectural feature, or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, including but not limited to:*

- (1). *The deterioration of exterior walls or other vertical supports;*
- (2). *The deterioration of roofs or other horizontal members;*
- (3). *The deterioration of exterior chimneys;*
- (4). *The deterioration or crumbling of exterior plaster or mortar;*
- (5). *The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;*
- (6). *The peeling of paint, rotting, holes, and other forms of decay;*
- (7). *The lack of maintenance of surrounding environment e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping and*
- (8). *The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.*

*After notice by the Review Board by certified or registered mail of specific instances of failure to maintain or repair and of the opportunity to appear before the Review Board, the owner or person in charge of said structure shall have 90 days to remedy such violation. Thereafter, each day during which there exists any violation of this section shall constitute a separate offense and shall be punishable as provided in the Zoning Ordinance. In the alternative, if the owner fails to act, the Review Board may order the Planning and Zoning Administrator, after due notice to the owner, to enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure. The reasonable costs thereof shall be placed as a lien against the property or, in a proper hardship case, paid by the Town from a fund established for such purposes.*

The Town of Smithfield BHAR reviewed the deferred maintenance and demolition by neglect case and acted to have planning staff notify the owner of 502 Grace Street of the violations. The applicant has appealed the decision of the BHAR requiring the remedy of the violation to the Town Council. The appeal section of the HP-O ordinance reads:

- A. *Any person aggrieved by any decision of the Review Board may appeal such decision to the Town Council, provided that such appeal is filed within fourteen (14) calendar days from the date of notification of the Review Board decision.*
- B. *The Town Council shall consult with the Review Board in relation to any appeal and may require documentation of any Review Board decision prior to hearing the appeal. The Town Council may affirm, reverse or modify the Review Board decision and shall notify the Planning and Zoning Administrator of its action.*

## **Recent Events**

December 1, 2015 – Smithfield Town Council voted to have the BHAR reconsider the conditions at Pierceville in regard to demolition by neglect and/or unsafe or dangerous structures.

December 15, 2015 – The Town of Smithfield BHAR reviewed the deferred maintenance and demolition by neglect case and acted to have planning staff notify the owner of 502 Grace Street of the violations.

January 21, 2016 – Town planning staff sent a Notice of Violation to the owner of 502 Grace Street regarding deferred maintenance and demolition by neglect. (Find enclosed)

February 19, 2016 – The owner of 502 Grace Street's attorney responded with a letter to appeal the notice of violation (Which was premature, with the BHAR process not complete).

March 11, 2016 – Following communications with the Town Attorney, the owner of 502 Grace Street's attorney responded with another letter requesting an appearance before the BHAR at their April 19, 2016 meeting.

April 19, 2016 – The BHAR, at the request of the owner's representatives, voted to allow for a meeting of representatives of the owner and the town in order to discuss an acceptable scope of work to resolve the maintenance violation status of the property.

May 2, 2016 – Representatives of the owner and the town met to discuss an acceptable scope of work to resolve the maintenance violation status of the property. The owner's

representatives stated that the necessary repairs/remediation of the site may not be affordable and asked if temporary measures, such as wrapping the primary structure in a bubble or tent, were acceptable. Town representatives stated that at the very least, that the roof of the primary structure needed to be a functional system. Numerous items regarding the condition of the structures and grounds, their potential repair and/or demolition were discussed. The owner's representatives discussed the viability of subdividing the property to remove the primary structure and barns from the balance of the acreage; subsequently asking for a week to do market research on how the subdivision would impact the marketability of the property and to respond by letter their offer in regard to the proposed scope of work to satisfy the violation.

May 11, 2016 – A letter was received by town planning staff regarding the proposal, which did not provide a scope of work to answer the required actions to eliminate the ongoing maintenance violations of the property. (Find response letter enclosed)

May 17, 2016 – No further action was taken by the BHAR on this item, which means that the violation status as stated in the correspondence dated January 21<sup>st</sup>, 2016 still stands and the 90 days to remedy the violation began at the BHAR meeting appearance on April 19<sup>th</sup>, 2016.

May 31, 2016 – Notice of appeal correspondence was received from the owner's legal representative. (Find appeal letter enclosed)

July 17, 2016 – Marks the end of the 90 day period to remedy the violation.

Contact William Saunders at 365-4266 or [wsaunders@smithfieldva.gov](mailto:wsaunders@smithfieldva.gov) with any questions.



# TOWN OF SMITHFIELD

*"The Ham Capital of the World"*

## NOTICE OF VIOLATION

### CERTIFIED MAIL

January 21, 2016

Mary Delk Crocker  
502 Grace Street  
Smithfield, VA 23430

Re: Historic Preservation Overlay District Property Maintenance Violation - 502 Grace St.

Mary Delk Crocker,

Based on our records, you are the owner of the above referenced property.

This correspondence is to notify you that the lack of maintenance of the primary structure, outbuildings and surrounding environment at 502 Grace Street has resulted in a state of disrepair that constitutes demolition by neglect and a detriment to the Historic District. The Town of Smithfield Board of Historic and Architectural Review (BHAR), at their December 15, 2015 meeting, acted to authorize this notification in an effort to reverse this ongoing neglect.

As per Article 3.M: Historic Preservation Overlay District (HP-O), Section F.2.G of the Town of Smithfield Zoning Ordinance: *All buildings and structures in the HP-O District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the Review Board, result in the irreparable deterioration of any exterior appurtenance or architectural feature, or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, including but not limited to:*

- 1. The deterioration of exterior walls or other vertical supports;*
- 2. The deterioration of roofs or other horizontal members;*
- 3. The deterioration of exterior chimneys;*
- 4. The deterioration or crumbling of exterior plaster or mortar;*
- 5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;*
- 6. The peeling of paint, rotting, holes, and other forms of decay;*
- 7. The lack of maintenance of surrounding environment e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping and*
- 8. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.*

Each of these defects can be found on the buildings and grounds at 502 Grace Street and require appropriate repair to shield the structures from the elements and further degradation.

**DEPT. OF PLANNING, ENGINEERING, AND PUBLIC WORKS**

310 Institute Street, P.O. Box 246 • Smithfield, VA 23431 • (757) 365-4200 • Fax (757) 357-9933  
[www.smithfieldva.gov](http://www.smithfieldva.gov) • Local Cable Channel 6

Mary Delk Crocker  
January 21, 2016  
Page 2

In June of 2015, representatives of Frazier Associates undertook an inspection of the dwelling house and outbuildings. They made a report to the Town Manager and provided a recommended scope of work which they deemed minimally necessary to “mothball” the house. I am providing a copy of that report letter and the recommended scope of work which might be valuable to you in determining the work necessary to be done to stabilize and protect your property.

Further, the BHAR advises you that you may appear before them in regard to this situation; however, by ordinance you have ninety (90) days from this notification to remedy the violation or further action to correct this situation may be undertaken by the Town of Smithfield.

Find enclosed a copy of the above referenced section of Town Ordinance.

Please contact me at (757) 365-4266, or in writing, at your earliest convenience to discuss a course of action to resolve the violations on your property.

Sincerely,



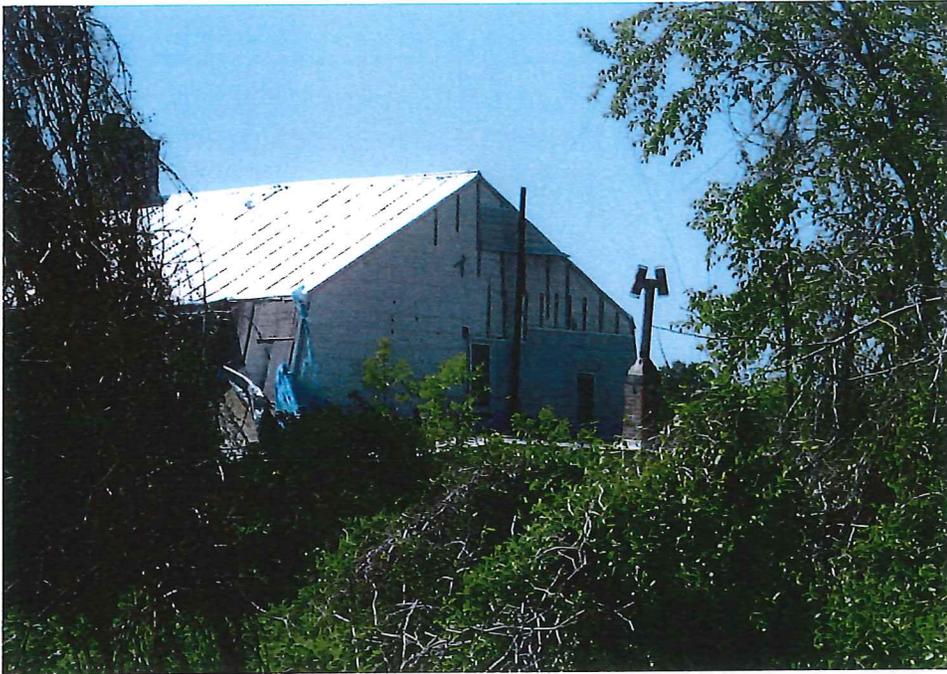
William G. Saunders, IV, AICP, CZA  
Planning and Zoning Administrator

Encl: (2)

CC: Peter M. Stephenson, AICP, ICMA-CM, Town Manager  
William H. Riddick, III, Town Attorney  
Trey Gwaltney, Chair, Board of Historic and Architectural Review  
Archer L. Jones, II, Jones and Jones, P.C.



AUGUST 19, 2010



APRIL 11, 2016

**JONES AND JONES, P.C.**  
ATTORNEYS AT LAW

ARCHER L. JONES, II  
ROBERT W. JONES, JR.

1600 SOUTH CHURCH STREET  
SMITHFIELD, VIRGINIA 23430  
PHONE: 757-357-2187  
FAX: 757-357-0994  
Email: joneslaw@jandjpc.com

May 10, 2016

William G. Saunders, IV  
Planning and Zoning Administrator  
Town of Smithfield  
310 Institute Street  
P.O. Box 246  
Smithfield, Virginia 23431

Re: 502 Grace Street, Smithfield, Virginia 23430

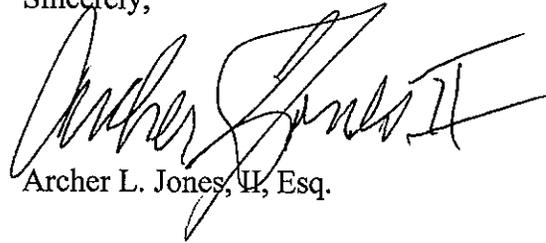
Dear Mr. Saunders:

On behalf of Mary D. Crocker, I offer the following in settlement of the Notice of Violation initiated against her by your letter dated January 21, 2016:

1. Ms. Crocker hereby agrees to give the historic structure, that is the private residence located at 502 Grace Street, Smithfield, Virginia, including one-half acre of ground upon which it sits, to the Town of Smithfield or its assigns, including a 50' non-exclusive right of way for ingress and egress and utility services as determined in the sole discretion of Ms. Crocker.
2. The Town will not require of Ms. Crocker any maintenance to the remaining structures on the property, and Ms. Crocker will have the authority to demolish any structures that she chooses.
3. The cost of surveying the one-half acre of ground will be borne by the Town of Smithfield or its assigns.
4. Ms. Crocker will not be responsible to make any maintenance efforts with respect to the home site.

Please let me know if this is acceptable to the Board of Historic and Architectural Review and to the Town Council for the Town of Smithfield.

Sincerely,

A handwritten signature in black ink, appearing to read "Archer L. Jones, II". The signature is fluid and cursive, with a long horizontal stroke at the end.

Archer L. Jones, II, Esq.

cc: William H. Riddick, III, Esq., Town Attorney  
Trey Gwaltney, Chair, Board of Historic and Architectural Review  
Mary D. Crocker

**JONES AND JONES, P.C.**  
ATTORNEYS AT LAW

ARCHER L. JONES, II  
ROBERT W. JONES, JR.

1600 SOUTH CHURCH STREET  
SMITHFIELD, VIRGINIA 23430  
PHONE: 757-357-2187  
FAX: 757-357-0994  
Email: joneslaw@jandjpc.com

May 31, 2016

William G. Saunders  
Planning and Zoning Administrator  
Town of Smithfield  
310 Institute Street, P.O. Box 246  
Smithfield, Virginia 23431

Trey Gwaltney  
Chair, Board of Historic and Architectural Review  
Town of Smithfield  
310 Institute Street, P.O. Box 246  
Smithfield, Virginia 23431

Re: **Appeal of Notice of Violation**  
Property Owner: Mary Delk Crocker  
Property Address: 502 Grace Street, Smithfield, Virginia 23430

Dear Messrs. Saunders and Gwaltney:

We represent Mary Delk Crocker, the owner of property located at 502 Grace Street, Smithfield, Virginia 23430 (the "Property"). We have received the "Notice of Violation" written by Mr. Saunders dated January 21, 2016 (the "Notice") and reissued by your letter to Ms. Crocker dated May 23, 2016. On behalf of Ms. Crocker, please accept this letter as an appeal of the Notice. In accordance with the Town requirements, we previously sent to you a check in the amount of \$250.00 made payable to the "Town of Smithfield" which represents the required zoning appeal filing fee. I trust you have those proceeds.

The Notice states that due to a "lack of maintenance" the structures on the Property are "in a state of disrepair that constitutes demolition by neglect and a detriment to the Historic District." As set forth in the Notice, Article 3.M, Section F.2.G of the Town of Smithfield Zoning Ordinance requires that "all buildings and structures in the HP-O District shall be preserved against decay...and maintained free from structural defects..." The Virginia enabling statute, set forth in Section 15.2-2306 of the Virginia Code, as amended, does not authorize imposing a maintenance obligation through a historic preservation ordinance. If the General Assembly had intended to authorize imposing such a maintenance obligation on owners of structures in a historic district, the enabling statute would include such express power and the

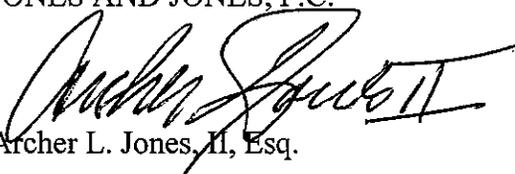
Town's reliance on the concept of "demolition by neglect" is misplaced. Accordingly, the Board of Historic and Architectural Review has no authority to require Ms. Crocker to perform any repair or maintenance of the Property and the structures situated thereon.

In addition, the Town is obligated to enforce its ordinances in a consistent and even-handed fashion. There are other structures in the HP-O District that are not maintained in accordance with the standards of the HP-O District. The Town is not allowed to selectively enforce its ordinance.

Thank you for your attention to this matter and we look forward to a hearing before the Town of Smithfield Council.

Respectfully submitted,

JONES AND JONES, P.C.

A handwritten signature in black ink, appearing to read "Archer L. Jones, II". The signature is written in a cursive, flowing style with a horizontal line at the end.

Archer L. Jones, II, Esq.

ALJ:sfh

cc: Mary Delk Crocker  
Peter M. Stephenson, Town Manager  
William H. Riddick, III, Esq., Town Attorney

**STAFF REPORT TO THE  
TOWN COUNCIL**

**ZONING ORDINANCE REVIEW**

**\*\*\*PUBLIC HEARING\*\*\***

**Article 3.P: CB-O, Chesapeake Bay Preservation Overlay District Ordinance Review**

**August 2, 2016**

Due to changes in state environmental laws, as well as changes in Isle of Wight County ordinances, there are several amendments that are recommended for our CBPO district ordinance.

The main amendments relate to the changes in state law regarding storm water management; specifically, the transfer of those responsibilities to the county's program. Other amendments relate to the ability for septic tank owners to have the option of having inspections of their systems by appropriate personnel in lieu of pump-outs; in line with a similar amendment that was made by the county. In addition to these primary revisions, there were several minor amendments made.

The enclosed draft was reviewed by Shawn Smith, the Principal Environmental Planner for the Department of Environmental Quality and was found to be acceptable.

The Smithfield Planning Commission, at their July 19, 2016 meeting, recommended approval of the amended ordinance to the Town Council.

**Staff Comments**

Town staff recommends adoption of the amended ordinance.

Contact William Saunders at 365-4266 or [wsaunders@smithfieldva.gov](mailto:wsaunders@smithfieldva.gov) with any questions.

NOTICE OF PUBLIC HEARING  
TOWN COUNCIL OF THE TOWN OF SMITHFIELD  
AMENDMENT AND REVISION OF ZONING ORDINANCE

Notice is hereby given pursuant to Sections 15.2-2204 and 15.2-2285 of the Code of Virginia, (1950), as amended, that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 2, 2016 at 7:30 p.m., to consider the amendment and revision of certain provisions of the Town's Zoning Ordinance. The proposed revisions and amendments of the Zoning Ordinance are required as a result of changes to the Chesapeake Bay Preservation Act. The proposed revisions and amendments of the Zoning Ordinance affect the following articles of the ordinance:

The following provisions are to be amended or revised:

Amendments:

- Article 3.P, Chesapeake Bay Preservation Overlay District, Section A.1
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section B.3.d.3
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section B.3.d.5
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section F.1
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section G.1
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section G.2.b.2
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section G.2.e.1
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section G.2.e.2
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section G.3.c.1(e)
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section G.3.c.4.(a)
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section G.3.c.4.(b)
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section I.2.a.2(b)
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section I.2.a.4
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section I.3.a.2
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section I.3.a.2(b)
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section I.3.b.1
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section J.1
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section K.1,A.1
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section K.3
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section K.6
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section K.6.B
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section K.6.C
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section K.7
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section K.8
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section K.9.A
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section K.9.C
- Article 3.P, Chesapeake Bay Preservation Overlay District, Section K.9.E

Copies of the current Zoning Ordinance for Smithfield, Virginia, adopted September 1, 1998, and all amendments thereto, along with copies of the proposed revisions and amendments of the Zoning Ordinance for Smithfield, Virginia are on file and may be examined in Department of Planning, Engineering, & Public Works, 310 Institute Street, Smithfield, Virginia 23430.

Any person desiring to be heard in favor of, in opposition to, or to express his or her views with respect to the aforesaid revisions and amendments may appear and be heard.

TOWN OF SMITHFIELD

By: Lesley G. King, Clerk

Publish: July 20 and 27, 2016

Article 3.P:

**CB-O, Chesapeake Bay Preservation Overlay District**

Article 3.P:

## CB-O, Chesapeake Bay Preservation Overlay District

### A. Authority

1. This Ordinance is enacted under the authority of Section ~~10.1-2100~~ 62.1-44.15:67 et seq. (The Chesapeake Bay Preservation Act) and Section 15.1 - 15.2-2283, of the Code of Virginia. Section 15.1 states that zoning ordinances may "also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section 62.1-255." (Ord. of 8-1-2000; Ord. of 4-6-2004)

### B. Allowable Land Use and Conflict with other regulations

1. In any case where the requirements of this article conflict with any other provision of the Town of Smithfield Code or existing state or federal regulations, whichever imposes the more stringent requirements, these shall apply.
2. In the RMA, permitted uses, special uses, accessory uses, and special provisions and regulations shall be established by the underlying zoning district, unless specifically modified by the requirements set forth herein.
3. In the RPA, development may be allowed only if it (1) is water-dependent; (2) constitutes redevelopment; or (3) constitutes development or redevelopment within a designated Intensely Developed Area; (4) is a new use subject to the provisions of Section G.3, subsection C.2 of this Article; (5) is a road or driveway crossing satisfying the conditions set forth in Section B, subsection 3.c of this Article or (6) is a flood control or stormwater management facility satisfying the conditions set forth in subsection 3.d of this Article.
  - a. A new or expanded water dependent facility may be allowed provided that the following criteria are met:
    1. It does not conflict with the Comprehensive Plan;
    2. It complies with the performance criteria set forth in Section G of this Article;
    3. Any nonwater-dependent component is located outside of the RPA; and

4. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.
- b. Redevelopment outside of locally designated Intensely Developed Areas sites shall be permitted in the Resource Protection Area only if there is not increase in the amount of impervious cover and no further encroachment within the RPA and it shall conform to the stormwater management requirements outlined under Section G, subsection 2.d of this Article and the erosion and sediment control requirements outlined under Section G, subsection 2.f.2 of this Article.
  - c. Roads and driveways not exempt under Section I.3 of this Article and which, therefore, must comply with the provisions of this Article, may be constructed in or across RPAs if each of the following conditions are met:
    1. The Zoning Administrator makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA;
    2. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality;
    3. The design and construction of the road or driveway satisfy all applicable criteria of this Article;
    4. The Zoning Administrator reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development requirements as required under Section I.2 of this Article or subdivision plan.
  - d. Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in the RPA provided that the following conditions are met:
    1. The Town of Smithfield has conclusively established that the location of the facility within the RPA is the optimum location;
    2. The size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both;

3. The facility must be consistent with a comprehensive stormwater management program ~~that has been developed and~~ approved ~~by the Chesapeake Bay Local Assistance Board as a Phase I modification to the Town of Smithfield's stormwater management program in accordance with 9VAC25-870-92 of the Virginia Stormwater Management Program (VSMP) regulations;~~
4. All applicable permits for construction have been obtained from the appropriate state and federal agencies;
5. The Town of Smithfield, and Isle of Wight County if subject to the requirements of the State Water Control Law, ~~have~~ ~~has~~ approved the project prior to construction; and
6. Routine maintenance will be performed to assure that these facilities continue to perform as designed.
7. It is not the intent of this subdivision to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located in a Resource Protection Area.  
(Ord. of 8-1-2000; Ord. of 4-6-2004; Ord. of 12-6-2005)

### **C. Purpose and Intent**

1. These regulations are designed to protect and improve the water quality of the Chesapeake Bay, its tributaries, buffer areas and other sensitive environmental lands by minimizing the potential adverse effects of human activity upon these areas. The regulations are intended to encourage and promote:
  - a. Protection of existing high-quality state waters and restoration of all other State waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;
  - b. Safeguarding the clean water of the Commonwealth from pollution;
  - c. Prevention of any increase in pollution;

- d. Reduction of existing pollution; and
  - e. Promotion of water resource conservation in order to provide for the health, safety and welfare of the present and future citizens of the Town and region.
2. This article, along with other applicable sections of this ordinance and the subdivision ordinance is intended to address management practices for areas identified by the Comprehensive Plan and the Chesapeake Bay Preservation Area Map which comprise one or more of the following physical attributes: steep slopes, hydric and highly permeable soils, highly erodible soils, vulnerable ground cover, rare ecological areas, aquifer recharge areas, tidal and non-tidal wetlands, rivers, stream valleys, marshes, floodplains, established man-made drainageways, other lowlands with sensitive environmental characteristics and public rights of way and easements.
  3. It is not the intent of this subdivision to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located in a Resource Protection Area.
  4. This article is also intended to support the goals of the Chesapeake Bay Preservation Act and the Town's Comprehensive Plan by encouraging both the preservation of environmentally sensitive areas and the development of suitable areas within the Town, as identified on the Future Land Use Map.  
(Ord. of 8-1-2000; Ord. of 4-6-2004; Ord. of 2-1-2005)

**D. Establishment of the District and Land Use Management Classifications**

1. The Chesapeake Bay preservation areas are delineated on the Town's Chesapeake Bay Preservation Area Map as one of the following: (a) Resource Protection Areas (RPAs), (b) Resource Management Areas (RMAs) or (c) Intensely Developed Areas (IDAs). These mapped designations show the general location of RPA, RMAs and IDAs and should be consulted by persons contemplating development. Such land and the district classifications shall be shown on the map designated as the Chesapeake Bay Preservation Area (CBPA) District Map of Smithfield, Virginia, and approved by Town Council. This CBPA district map and all notations and other explanatory matter shown thereon, pertaining to such districts, shall be a part of this Ordinance as is fully described herein. The Chesapeake Bay Preservation Area Map is incorporated by reference into the Official Zoning Map for the Town of Smithfield.

2. The Resource Protection Areas, RPAs, include all sensitive environmental lands, wetlands and waters, as well as a 100-foot buffer around them, which have been determined for protection by the Town due to their vulnerable characteristics and critical location within the Chesapeake Bay watershed. The buffer area is designed to retard runoff, prevent erosion and filter non-point source pollutants from runoff. It is designed to achieve a level of 75% reduction in sediments and 40% reduction of nutrients.

The RPAs designated for protection of the quality of local and State waters include:

- a. Tidal wetlands.
  - b. Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow.
  - c. Tidal shores.
  - d. Other sensitive lands at or near the shoreline that provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff.
  - e. A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections (a) through (e) above and along both sides of any water body with perennial flow.
3. The Resource Management Area (RMA) is the area that is composed of all other lands, wetlands and waters not included in the RPA (including floodplains, highly erodible soils, highly permeable soils, etc.) and the IDA, within the incorporated boundaries of the Town of Smithfield, which have been determined by the locality to be significant lands in the Chesapeake Bay watershed and necessary to the protection of the quality of State waters.
  4. The Intensely Developed Areas, IDAs, are designated redevelopment areas of the Town which overlay portions of the RPAs or RMAs. IDAs were identified for redevelopment where, at the time of initial adoption of the CBPA little of the natural environment remained and at least one of the following conditions existed:
    - a. Development had severely altered the natural state of the area such that it has more than 50% impermeable surface;

- b. Public water and sewer was constructed and currently serves the area.
- c. Housing density was equal to or greater than 4 dwelling units per acre.  
(Ord. of 8-1-2000; Ord. of 4-6-2004)

#### **E. Interpretation of District Boundaries**

1. Any person(s) contemplating development activities within the Town of Smithfield shall consult the Chesapeake Bay Preservation Area District Map prior to engaging in such activity. District boundary lines are shown as approximate on the district map and vary from the actual location on the land. The actual location shall control and the applicant shall have the following responsibility:
  - a. Delineation RPA by the Applicant: The site-specific boundaries of the Resource Protection Area (RPA) shall be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Zoning Administrator and in accordance with Article 3.P, Section I or Section H (WQIA). The CBPA District Map shall be used as a guide to the general location of Resource Protection Areas (RPA).
  - b. Delineation by the Zoning Administrator: The Zoning Administrator, when requested by an applicant wishing to construct a single family residence, may waive the requirement for an environmental site assessment and perform the delineation. The Zoning Administrator may use remote sensing, hydrology, soils, plant species, and other data, and consult other appropriate resources as needed to perform the delineation.
  - c. Resolution of Conflict of District Boundaries: Where the applicant has provided a site-specific delineation of the RPA, the Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Zoning Administrator may render adjustments to the applicant's boundary delineation, in accordance with Article 3.P, Section I. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of Article 3.P, Sections I and J.
2. If the boundaries of a Chesapeake Bay Preservation Area include only a portion of a lot, parcel, or development project, the entire lot, parcel, or development project shall comply

with the requirements of the Overlay District. The division of property shall not constitute an exemption from this requirement.

(Ord. of 8-1-2000; Ord. of 4-6-2004)

#### F. General Development Requirements

1. Any land disturbing activity that exceeds an area of 2,500 square feet (including construction of all single family houses, septic tanks and drainfields, but otherwise defined in § ~~10.1-560~~ 62.1-44.15:51 of the Code of Virginia) shall comply with the requirements of Article 11.A of the Town of Smithfield Zoning Ordinance.
2. A water quality impact assessment shall be required for any proposed development or redevelopment within designated RPA, RMA or IDA (Refer to Article 3.P, Section H). The Planning and Zoning Administrator may waive this requirement within an RMA and IDA when it is apparent without further study that the unique characteristics of the site (such as the topography, soils, ground cover, location of wetlands and tidal shores) will prevent the proposed development from causing a degradation of water quality.
3. Intensely Developed Areas (IDA) shall serve as redevelopment areas. Areas so designated shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in Article 3.P, Section G.  
(Ord. of 5-2-2000; Ord. of 8-1-2000; Ord of 4-6-2000; Ord. of 12-6-2005)

#### G. Performance Standards for Preservation Areas

1. It has been determined that natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion; indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff; and minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential. In order to minimize erosion and sedimentation potential, reduce applications of nutrients and toxins, and increase rainwater infiltration the following performance standards are hereby established and shall apply to all development activities in the Preservation Area Districts. The purpose and intent of the following standards are ~~set~~ to set forth minimum requirements for development which will prevent a net increase in nonpoint source pollution from new development; reduce nonpoint source pollution from redevelopment; and reduce nonpoint source pollution from agricultural uses.

2. General Performance Standards for Development and Redevelopment in Preservation Areas
  - a. Limitations on Land Disturbance
    1. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
      - (a) In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be defined by a construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.
      - (b) The construction footprint shall not exceed 60% of the site, unless relief is granted by the Planning Commission pursuant to Article 11, Section L.
      - (c) Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Zoning Administrator.
  - b. Preservation of Indigenous Vegetation
    1. Indigenous vegetation shall be preserved to the maximum extent possible consistent with the proposed development and in accordance with the Virginia Erosion and Sediment Control Handbook and Article 11.A.
    2. Existing tree over two (2) inches diameter at breast height (DBH) within the RPA shall be preserved outside the construction footprint, and existing trees over two (2) inches diameter breast height (DBH) within the RMA and outside the construction footprint shall be preserved to the maximum extent practicable in accordance with Section G.2.a of this ordinance. Diseased trees or trees weakened by age, storm, fire, or other injury or of nuisance species may be removed.
    3. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality Best Management Practices (BMPs), and the installation of utilities, as approved by the Zoning Administrator.

4. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected five (5) feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- c. Limitation on Impervious Covers
1. Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use or development permitted.
  2. Grid and modular pavements, permeable asphalt, or other semi-permeable or permeable materials, or other Best Management Practices to control storm water run-off and non-point source pollution, shall be used for any required parking areas, and low traffic areas and driveways, unless otherwise approved by the Zoning Administrator.
  3. Parking spaces (Refer to Article 9, Sections C & D)
- d. Sewage Disposal Site Requirements (Refer to Article 11, Section I.9)
- e. Storm Water Runoff Requirements
1. Land Disturbing Activities within the Town of Smithfield that exceed 2,500 square feet of disturbance, or are otherwise subject to the requirements of the State Water Control Law, shall meet the requirements of the Isle of Wight County Stormwater Management Ordinance.
  2. Projects within the Town of Smithfield that are subject to the requirements of the State Water Control Law and/or include Stormwater Maintenance Facilities (BMP structures), shall require plan review, permitting, and inspection for the stormwater management elements of the project by Isle of Wight County.
  - ~~1. For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater~~

~~Management Regulations (4 VAC 3-20-10 et seq.). All BMP facilities require an approved maintenance agreement with the Town of Smithfield.~~

~~(a) For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the CBLAD-provided default Tidewater average land cover of 0.45 lbs/acre/year of phosphorus (equivalent to approximately 16% impervious surface);~~

~~(b) For sites within IDAs or other isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:~~

~~(1) In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;~~

~~(2) Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;~~

~~(3) If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this Ordinance.~~

~~(c) For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.~~

## f. Applicability of Other Regulations

1. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator.
2. Notwithstanding on any other provisions of this Ordinance or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drainfields, shall be reviewed by the Zoning Administrator and comply with the requirements of Article 11.A.
3. Land upon which agricultural activities are being conducted shall have a soil and water quality conservation plan. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Natural Resource Conservation Service and accomplish water quality protection consistent with this Ordinance.

## 3. Buffer Area Requirements

- a. To minimize the adverse effects of human activities on the other components of Resource Protection Areas (RPA), state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.
- b. The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA, in accordance with Article 3.P, Section D. The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.
- c. Activity in the buffer area shall meet the following performance standards:
  1. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, general woodlot management, and best management

practices, including those that prevent upland erosion and concentrated flows of stormwater as follows:

- (a) Trees may be pruned or removed as necessary to provide sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
- (b) Any path shall be constructed and surfaced so as to effectively control erosion.
- (c) Dead, diseased, or dying trees or shrubbery and noxious weeds may be removed and thinning of trees may be allowed, pursuant to sound horticultural practice incorporated into locally-adopted standards.
- (d) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.
- (e) Existing trees over two (2) inches diameter at breast height (DBH) within the RPA shall be preserved outside the construction footprint, and existing trees over two (2) inches diameter at breast height (DBH) within the RMA and outside the construction footprint shall be preserved to the maximum extent practicable in accordance with Section G.2.a of this ordinance. Diseased trees or trees weakened by age, storm, fire, or other injury or of nuisance species may be removed.

2. Permitted encroachments into the buffer area:

- (a) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Zoning Administrator may permit encroachment into

the buffer area in accordance with Article 3.P, Section G.3 and the following criteria:

- (1) Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
  - (2) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment into the buffer area shall be established elsewhere on the lot or parcel; and
  - (3) The encroachment may not extend into the seaward 50 feet of the buffer area.
- (b) When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, the Zoning Administrator may permit encroachments into the buffer area in accordance with Section I.2 of this Article and the following criteria:
- (1) The lot or parcel was created as a result of a legal process conducted in conformity with the local government's subdivision regulations;
  - (2) Conditions or mitigation measures imposed through a previously approved exception shall be met;
  - (3) If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
  - (4) The criteria in subsection 2(a) (previous page) shall be met.
3. Redevelopment within IDA may be exempt from the buffer areas, in accordance with Article 3.P, Section G.3.

4. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. The agricultural buffer area may be reduced as follows:
- (a) To a minimum width of 50 feet when at least one agricultural best management practice which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land – erosion control or nutrient management – is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil test, must be developed consistent with the Virginia Nutrient Management Training and Certification Regulations (~~4-VAC-5-15~~ 4 VAC 50-85-10 et seq.) administered by the Virginia Department of Conservation and Recreation.
  - (b) To a minimum width of 25 feet when a soil and water quality conservation plan, as approved by the Peanut Soil and Water Conservation District, has been implemented on the adjacent land. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Natural Resource Conservation Service and accomplish water quality protection consistent with this Ordinance. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as “T”, as defined in the “National Soil Survey Handbook” of November 1996 in the “Field Office Technical Guide” of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil tests, must be developed consistent with the Virginia Nutrient Management Training and Certification Regulations (~~4-VAC-5-15~~ 4 VAC 50-85-10 et seq.) administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of best management

practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.

- (c) The buffer area is not required for agriculture drainage ditches if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the Peanut Soil and Water Conservation District.

- 5. When agricultural or silvicultural uses within the buffer area cease, and the lands are proposed to be converted to other uses, the full 100-foot wide buffer area shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions are maintained or established.  
(Ord. of 8-1-2000; Ord. of 4-6-2004; Ord. of 12-6-2005)

#### **H. Water Quality Impact Assessments**

- 1. The purpose of the Water Quality Impact Assessment is to:
  - a. Identify the impacts of proposed development on water quality and lands within RPAs and other environmentally-sensitive lands;
  - b. Ensure that, where development does take place within RPAs and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands;
  - c. To protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage;
  - d. Provide for administrative relief from the terms of this Ordinance when warranted and in accordance with the requirements contained herein; and
  - e. Specify mitigation which will address water quality protection.
- 2. A Water Quality Impact Assessment (WQIA) is required for:

- a. Any proposed land disturbance, redevelopment, or development within a RPA, RMA or IDA including any buffer area encroachment in accordance with Article 3.P, Section F.2;
  - b. Any development in the Town of Smithfield RMA as deemed necessary by the Zoning Administrator. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.
3. Minor Water Quality Impact Assessment
- a. A minor water quality impact assessment pertains to land disturbance, development or redevelopment activity within a CBPA which proposes to encroach into the landward 50 feet of the 100 foot buffer as permitted under Section G.3, subsection c.2 of this Article, and causes no more than 5,000 square feet of land disturbance. A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings and necessary best management practices will result in removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and that will retard runoff, prevent erosion and filter non-point source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site drawing to scale which shows the following:
    1. Location of the components of the RPA, including the 100 foot buffer area and the location of any water body with perennial flow;
    2. Location and nature of the proposed encroachment into the buffer area, including: type of paving materials; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;
    3. Type and location of proposed best management practices to mitigate the proposed encroachment.
    4. Location of existing vegetation onsite, including number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification;

5. Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.
4. Major Water Quality Impact Assessment
    - a. A major water quality impact assessment pertains to land disturbance, redevelopment or development which:
      1. proposes to disturb any portion of the seaward 50 feet of the 100 foot buffer area; or
      2. proposes to disturb the landward 50 feet of the 100 foot buffer and which causes more than 5,000 square feet of land disturbance; or
      3. is proposed in the RMA and is deemed necessary by the Zoning Administrator.
    - b. The following elements shall be included in the preparation and submission of a major water quality assessment. The information required in this section shall be considered a minimum, unless the Zoning Administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.
      1. All of the information required in a minor water quality impact assessment, as specified in Article 3.P, SectionH.3.
      2. A hydrogeological element that:
        - (a) Describes the existing topography, soils, hydrology and geology of the site and adjacent lands.
        - (b) Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.
        - (c) Indicates the following:
          - (1) Disturbance or destruction of wetlands and justification for such action;

- (2) Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers or other water bodies;
- (3) Disruptions to existing hydrology including wetland and stream circulation patterns;
- (4) Source location and description of proposed fill material;
- (5) Location of dredge material and location of dumping area for such material;
- (6) Location of impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas;
- (7) Estimation of pre- and post-development pollutant loads in runoff;
- (8) Estimation of percent increase in impervious surface on site and type(s) of surfacing materials used;
- (9) Percent of site to be cleared for project;
- (10) Anticipated duration and phasing schedule of construction project;
- (11) Listing of all requisite permits from all applicable agencies necessary to develop project.

(d) Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:

- (1) Proposed erosion and sediment control concepts; concepts may include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed area, schedule and personnel for site inspection;
- (2) Proposed stormwater management system;

- (3) Creation of wetlands to replace those lost;
  - (4) Minimizing cut and fill.
3. A landscape element that:
  - (a) Identifies and delineates the location of all significant plant material on site, including all trees over two (2) inches or greater diameter at breast height. Where there are groups of trees, stands may be outlined.
  - (b) Describes the impacts the development or use will have on the existing vegetation. Information should include:
    - (1) General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;
    - (2) Clear delineation of all trees which will be removed;
    - (3) Description of plant species to be disturbed or removed.
  - (c) Describes the potential measures for mitigation. Possible mitigation measures include:
    - (1) Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used;
    - (2) Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation.
    - (3) Demonstration that indigenous plants are to be used to the greatest extent possible.
4. A wastewater element, where applicable, that:

- (a) Includes calculations and locations of anticipated drainfield or wastewater irrigation areas;
  - (b) Provides justification for sewer line locations in environmentally-sensitive areas, where applicable, and describes construction techniques and standards;
  - (c) Discusses any proposed on-site collection and treatment systems, their treatment levels, and impacts on receiving watercourses.
  - (d) Describes the potential impacts of the proposed wastewater systems, including the proposed mitigative measures for these impacts.
5. Identification of the existing characteristics and conditions of sensitive lands included as components of Chesapeake Bay Preservation Areas, as defined in this Ordinance.
6. Identification of the natural processes and ecological relationships inherent in the site, and an assessment of the impact of the proposed use and development of land on these processes and relationships.
5. Submission and review requirements shall be provided and conducted pursuant to Article 11 of this Ordinance or Article 4 of the Subdivision Ordinance.
6. Evaluation Procedure
- a. Upon the completed review of a minor water quality impact assessment, the Zoning Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the provisions of Article 3.P, will make a finding based upon the following criteria, and will provide the finding to the Planning Commission pursuant to Article 11 of this Ordinance or Article 4 of the Subdivision Ordinance:
    - 1. The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;

2. Impervious surface is minimized;
  3. Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
  4. The development, as proposed, meets the purpose and intent of this Ordinance;
  5. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
  6. Proposed mitigation measures result in minimal disturbance to all components of the RPA.
- b. Upon the completed review of a major water quality impact assessment, the Zoning Administrator will determine if the proposed development is consistent with the provisions of Article 3.P, will make a finding based upon the following criteria, and will provide the finding to the Planning Commission pursuant to Article 11 of this Ordinance or Article 4 of the Subdivision Ordinance:
1. Within any RPA, the proposed development is water-dependent;
  2. The disturbance of any wetlands will be minimized;
  3. The development will not result in significant disruption of the hydrology of the site;
  4. The development will not result in significant degradation to aquatic vegetation or life;
  5. The development will not result in unnecessary destruction of plant materials on site;
  6. Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;

7. Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve the required performance standard for pollutant control;
  8. Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits;
  9. The design and location of any proposed drainfield will be in accordance with the requirements of Article 3.P, Section G.
  10. The development, as proposed, is consistent with the purpose and intent of the Preservation Area district;
  11. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- c. The Zoning Administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Zoning Administrator based on the criteria listed above in Section H.6.b.
- d. The Zoning Administrator shall find the proposal to be inconsistent with the purpose and intent of this Ordinance when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Zoning Administrator based on the criteria listed in Section H.6.b.  
(Ord. of 8-1-2000; Ord. of 4-6-2004)

## **I. Administration and Enforcement**

### **1. Enforcement**

- a. It shall be the duty of the Zoning Administrator and such deputies as are appointed by him to enforce the provisions of this Ordinance and to refuse to issue any permit for any building, or for any development or redevelopment of any land which would violate any of the provisions of said Ordinance. It shall also be the duty of all officers and employees of the Town to assist the Zoning

Administrator by reporting to him any seeming violation in development or redevelopment within the Town of Smithfield.

2. Plan of Development Requirements

a. For the purpose of compliance with the Chesapeake Bay Preservation Act and its Regulations, the processing of development proposals through Article 11 of this Ordinance or Article 4 of the Subdivision Ordinance, as appropriate, constitutes the required Plan of Development Review Process. More specifically, the Plan of Development Review Process involves:

1. A site plan in accordance with Article 11 of this Ordinance or a subdivision plat in accordance with Article 4 of the Subdivision Ordinance.

2. An environmental site assessment

(a) The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:

(1) Tidal wetlands;

(2) Tidal shores;

(3) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;

(4) A 100 foot buffer area located adjacent to and landward of the components listed in subsections a. through c. above, and along both sides of any water body with perennial flow;

(5) Other lands and other sensitive environmental features as determined by the Zoning Administrator.

(b) Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineation Jurisdictional Wetlands, ~~1987~~ 1989.

(c) The environmental site assessment shall delineate the site-specific geographic extent of the RPA.

- (d) The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat, and shall be certified as complete and accurate by a professional landscape architect and/or engineer or a certified land surveyor. This requirement may be waived by the Zoning Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.
  3. A landscaping plan in accordance with Article 9.
  4. A stormwater management plan in accordance with ~~the Isle of Wight County Stormwater Management Ordinance to the Design and Construction Manual.~~
  5. An erosion and sediment control plan in accordance with the provisions of Article 11.A.
3. Use Exemptions

Exemptions may be issued by the Zoning Administrator upon receipt of an application and a determination that the provisions listed herein will be complied with.

a. Exemptions for Utilities, Railroads, and Public Roads

1. Construction, installation, and maintenance of water, sewer, natural gas, and underground telecommunications and cable television lines owned, permitted, or both, by a local government or regional service authority shall be exempt from the Overlay District provided that:
  - (a) To the degree possible, the location of such utilities and facilities shall be outside RPAs;
  - (b) No more land shall be disturbed than is necessary to provide for the proposed utility installation;
  - (c) All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and

- (d) Any land disturbance exceeding an area of 2,500 square feet complies with Article 11.A.
2. Construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (§ ~~40.1-560~~ 62.1-44.15:51 et seq. of the Code of Virginia) and the Stormwater Management Act (§ ~~40.1-603.1~~ 62.1-44.15:24 et seq. of the Code of Virginia), (ii) An erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of ~~Conservation and Recreation~~ Environmental Quality, or (iii) local water quality protection criteria at least as stringent as the above state requirements will be deemed to constitute compliance with this chapter. The exemption of public roads is further conditioned on the following:
- (a) Optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize encroachment in the Resource Protection Area and adverse effects on water quality; and
- (b) All public roads as defined in ~~9-VAC 10-20-40~~ 9 VAC 25-830-40.
- b. Exemptions for Silvicultural Activities
1. Silvicultural (forest management) activities are exempt from the requirements of this Ordinance provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its "Virginia's Forestry Best Management Practices Handbook for Forestry Operations-Water Quality" Technical Manual. Silvicultural (forest management) activities are the jurisdiction of the State Forester pursuant to §10.1-1105 et seq. of the Code of Virginia.
- c. Exemptions in Resource Protection Areas
1. The following land disturbances in Resource Protection Areas may be exempted from the Chesapeake Bay Preservation Overlay District: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails,

and pathways; and (iii) historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the Zoning Administrator that:

- (a) Any required permits, except those to which this exemption specifically applies, shall have been issued;
- (b) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
- (c) The intended use does not conflict with nearby planned or approved uses; and
- (d) Any land disturbance exceeding an area of 2,500 square feet shall comply with Article 11.A.

d. Nonconforming uses and noncomplying structures

1. The lawful use of a building or structure which existed on September 4, 1990 which is not in conformity with the provisions of the Overlay District may be continued in accordance with Article 7, Nonconforming Uses, of the Zoning Ordinance.

2. No change or expansion of use shall be allowed with the exception that:

(a) The Zoning Administrator may grant a nonconforming use and/or waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations to such nonconforming structures provided that:

(1) There will be no increase in nonpoint source pollution load;

(2) Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirement of this Article.

(b) An application for a nonconforming use and/or waiver shall include the following information:

- (1) Name and address of applicant and property owner;
  - (2) Legal description of the property and type of proposed use and development;
  - (3) A survey or plat showing the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the RPA;
  - (4) Location and description of any existing private water supply or sewage system.
- (c) A nonconforming use and development waiver shall become null and void twelve (12) months from the date issued if no substantial work has commenced.
- (d) An application for the expansion of a nonconforming principal structure may be approved by the Zoning Administrator through an administrative review process provided that the following findings are made:
- (1) The request for the waiver is the minimum necessary to afford relief;
  - (2) Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Article to other property owners in similar situations;
  - (3) The waiver is in harmony with the purpose and intent of this Article and does not result in water quality degradation;
  - (4) The waiver is not based on conditions or circumstances that are self-created or self-imposed;
  - (5) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;

(6) Other findings, as appropriate and required by the Town of Smithfield are met; and

(7) In no case shall this provision apply to accessory structures.

4. Exceptions

a. A request for an exception to the requirements of the Chesapeake Bay Preservation Overlay District shall be made in writing to the Planning Commission. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA, RMA or IDA through the performance of a water quality impact assessment in accordance with Article 3.P, Section F.2 and Section H.

b. The Planning Commission shall review the request for an exception and the water quality impact assessment (if required) and may grant the exception in accordance with Article 3.P, Section F.2 with such conditions and safeguards as deemed necessary to further the purpose and intent of this Ordinance if the Zoning Administrator finds:

1. Granting the exception will not confer upon the applicant any special privileges that are denied by this Ordinance to other property owners in the Overlay District;

2. The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;

3. The exception request is the minimum necessary to afford relief;

4. The exception request will be in harmony with the purpose and intent of the Overlay District, and not injurious to the neighborhood or otherwise detrimental to the public welfare, and not of substantial detriment to water quality; and

5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

c. The Town of Smithfield shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with § 15.2-2204 of the Code of Virginia, except that only one hearing shall be required.

(Ord. of 8-1-2000; Ord. of 4-6-2004; Ord. of 2-1-2005; Ord. of 12-6-2005)

## J. Appeals

1. Appeals of a decision of the ~~Planning and~~ Zoning Administrator in the administration of this article shall be to the Planning Commission as provided in Section 15.2-2311 ~~(1997)~~ of the Code of Virginia. The Planning Commission shall consider the Water Quality Impact Assessment and rationale of the Zoning Administrator in determining harmony with the intended spirit and purpose of this Ordinance.

2. Appeals of a decision of the Planning Commission by the applicant or a party in interest regarding a site plan, waiver, variation or substitution shall be to the Town Council, provided that such appeal is filed with the Town Manager within ten (10) calendar days of the decision being appealed. The appeal shall be placed on the agenda of the Town Council at the next regular meeting. The Town Council may reverse or affirm, wholly or partly, or may modify the decision of the Planning Commission.

(Ord. of 8-1-2000; Ord. of 4-6-2000; Ord. of 2-1-2005)

## K. Performance Standards and Development Criteria

1. General Performance Standards

A. General Performance Standards for Development and Redevelopment in the Chesapeake Bay Preservation Area.

1. All on-site sewage disposal systems not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit shall be pumped out at least once every five years. As an alternative to the pump-out every five years, there shall be the option of (i) submitting documentation every five years, certified by an operator or onsite soil evaluator or other licensed or certified under Chapter 23 (Section 54.1-2300 et seq.) of Title 54.1 as

being qualified to operate, maintain or design on-site sewage systems, that the septic system has been inspected, is functioning properly, and the tank is not in need of having the effluent pumped out; or (ii) having a septic effluent filter installed and maintained in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. Such a filter should satisfy standards established in the Sewage Handling and Disposal Regulations (12 VAC 5-610) administered by the Department of Health. Septic treatment systems equipped with an effluent filter would require pump-outs under this program only once every seven years.

## 2. Septic Pump-Out Program

### A. Purpose and Findings

The purpose of the Septic Pump-Out Program is to protect public health, safety, and welfare through ensuring the proper functioning of on-site sewage disposal systems. The Septic Pump-Out Program also is intended to protect water quality within the Chesapeake Bay watershed, and is required to meet state and local Chesapeake Bay Preservation Area regulations.

Findings made by the Town of Smithfield include the following:

- 1) Individual and group on-site sewage treatment systems continue to be relied upon in some parts of the Town, including properties located within the Chesapeake Bay watershed.
- 2) Septic systems require proper management and maintenance in order to continue working as intended. Solids will accumulate over time and require pumping out.
- 3) Septic systems that are improperly installed or maintained are subject to clogging and/or overflow. A malfunctioning system may cause contaminants to rise to the surface, pollute ground or surface water, create foul odors, and otherwise threaten public health, safety, and welfare.

- 4) Most experts recommend that on-site sewage treatment systems be inspected and pumped out as necessary every three to five years, according to the U.S. Environmental Protection Agency.
- 5) Septic systems that are properly maintained are less likely to cause pollution. Routine maintenance can help avoid the costs of emergency replacement and/or major repairs caused by neglect.

3. Authority

This program is authorized by the Commonwealth of Virginia, pursuant to ~~9-VAC-10-20-120.7~~ 9 VAC 25-830-130.7 and Section G.2.d of the Town of Smithfield Chesapeake Bay Preservation Overlay District Ordinance.

4. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this Article shall be held as invalid or unconstitutional, such a ruling shall not affect the validity of the remainder of this Article.

5. Effective Date

This program shall go into effect on August 1, 2008.

6. Applicability

The purpose of the Septic Pump-Out Program is to encourage proper maintenance and increase the functional life of on-site septic systems through regular monitoring and pump-outs ~~at least once every five (5) years~~. The program applies to those properties located in the Chesapeake Bay watershed in the Town of Smithfield, Virginia that are served by private, on-site sewage treatment and disposal systems. Please see special language located elsewhere in this document regarding septic systems equipped with septic tank effluent filters.

- A. No property owner located within the Chesapeake Bay watershed of the Town of Smithfield, Virginia shall operate an on-site sewage treatment system unless

such construction, installation, alteration, maintenance or operation is in compliance with all applicable sanitary regulations and this program.

- B. Septic tank pump-outs as prescribed in this article shall take place at least once every five (5) years on all on-site sewage disposal systems not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit, other than as noted in Item C. Furthermore, in lieu of requiring proof of a septic tank pump-out every five (5) years, owners may submit documentation every five (5) years, certified by an operator or on-site soil evaluator licensed or certified under Chapter 23 (Section 54.1-2300 et seq.) of Title 54.1 as being qualified to operate, maintain or design on-site sewage systems, that the septic system has been inspected, is functioning properly, and the tank is not in need of having the effluent pumped out.
- ~~C. On-site septic systems that have been equipped with a septic tank effluent filter are required to have pump-outs only once every seven (7) years to comply with Town of Smithfield regulations. Please note that manufacturer recommendations may call for more frequent inspection and/or pump-out for systems equipped with effluent filters.~~
- C. As an alternative to the mandatory pump-out or certification, owners have the option of having a septic effluent filter installed in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system; such filter shall be installed and maintained subject to standards administered by the Department of Health.

## 7. Exemptions

Situations exempt from the septic pump-out requirement include any inactive or abandoned on-site septic system.

To qualify for exemption, property owners must provide the Town with appropriate, written verification. This could include a statement or other acceptable evidence ~~acceptable to the County~~. The statement or evidence must show the old septic system has been pumped out and destroyed, either with the tank being crushed in and backfilled

in place or the tank filled with clean sand. There is no permit required to abandon a septic tank system.

8. Definitions

**AOSE:** An abbreviation for Authorized Onsite Soil Evaluator, an individual certified by the Virginia Department of Health. An AOSE is someone who has demonstrated knowledge, skills, and abilities in the practice of siting and designing on-site septic systems. An AOSE may be from the private sector or be employed by the Virginia Department of Health.

**Authorized Inspector:** This may include a licensed professional engineer, an Authorized Onsite Soil Evaluator, or a person hired or contracted by the County or State to inspect on-site septic systems.

**Chesapeake Bay Preservation Area (CBPA):** Any land designated by the Town of Smithfield pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, ~~9-VAC 10-20~~ 9 VAC 25-830-10 et seq., and Section ~~10.1-2107~~ 62.1-44.15:72 of the Code of Virginia (1950, as amended). The Chesapeake Bay watershed covers all of the Town of Smithfield, Virginia.

**Malfunctioning system:** Any septic system that is overflowing, clogged, or otherwise creating a threat to the public health, safety and general welfare, as regulated by the Virginia Department of Health. Includes any on-site system that is not performing as specified, as determined by an authorized inspector.

**Septic Effluent Filter:** A ~~plastic~~ device installed on the outflow pipe from the septic tank. The device filters solid material from the effluent while sustaining adequate flow to the drainfield. The outflow filter must meet standards set by the Sewage Handling and Disposal Regulations (12 VAC 5-610-~~40~~ et seq.) administered by the Virginia Department of Health.

**Septic System:** Any private on-site sewage treatment and disposal system not requiring a VPDES permit.

**Septic System, Active:** Any on-site septic system contained within the Chesapeake Bay watershed that is currently in use for any affected property.

**Septic System, Inactive:** Any on-site septic system that has been abandoned or is no longer in service. The functional status of any given system must be documented by the Virginia Department of Health or any licensed sewage handler.

**Sewage handler:** Any person, contractor or corporation allowed to operate under a permit issued by the Virginia Department of Health to pump-out sewage treatment systems.

**Town:** Town of Smithfield, Virginia.

**Violator:** Any person who: (1) violates any provision of this program or (2) violates or fails, neglects, or refuses to obey any Town Council's or the Zoning Administrator's final notice, order, rule, regulation, or variance or permit condition authorized under this program.

**Zoning Administrator:** The person, or authorized designee, responsible for administering and enforcing the Septic Pump-Out Program.

9. Administration

A. General Procedures:

Septic systems located within the Chesapeake Bay watershed must be pumped out, or inspected and found to be in satisfactory working order, at least once every five (5) years, except as noted under Item ~~F~~ E for systems equipped with a septic tank effluent filter. Property owners are responsible for the costs of pump-outs and/or inspections. Property owners are also responsible for any and all costs arising from repairs and/or replacements of any or all failing or failed septic system components discovered during a required pump-out or inspection. The Zoning Administrator is responsible for the general administration and enforcement of the Septic Pump-Out Program.

To support the Septic Pump-Out Program, the County Town of Smithfield Department of Planning, Engineering, and Public Works will create and maintain a database ~~be~~ organized according to Tax Parcel ID number. The database will

contain the following information: name of property owner, mailing address, physical address, whether the system has a filter installed, and date of last septic system pump-out or inspection.

Affected property owners will be required to register their septic systems with the Department of Planning, and Zoning Engineering, and Public Works. This includes both existing and new septic systems. The Town will notify property owners and provide the forms that need to be filled out to comply with the Septic Pump-Out Program.

The Department of Planning, and Zoning Engineering, and Public Works will administer the program through a combination of public education, mailings, and information posted on the Town of Smithfield Internet web site. Activities to be undertaken by the County Town will include the following:

- Notification to affected property owners.
- Mailings of the program Verification and Compliance Forms (once every five years).
- Other homeowner education and outreach as deemed appropriate.

B. Right of Entry:

The Zoning Administrator, or authorized designee, shall have the right to enter property where an individual or group septic system is located for the purpose of observation, inspection, monitoring and/or sampling the septic system, its drainfield and the surrounding land area.

C. Role of Property Owner with Septic System:

Property owners with septic systems located within the Chesapeake Bay watershed must participate in the Septic Pump-Out Program. This includes filling out, signing and submitting forms as required by the Town.

Property owners are in compliance with the Septic Pump-Out program when: 1) They have filled out, signed and submitted the septic system verification forms as

required by the Town; and 2) they have had septic system pump-outs or inspections as required by the Town.

This program, started in August 2008, was initiated with a bulk mailer containing a septic system verification form; however, owners with newly installed septic systems will also be mailed a septic system verification form. ~~—will be carried out in stages, by election district, with the affected property owners notified each year by the Town. In any given year, Once notified, all these~~ property owners who have on-site septic systems within the Town ~~been notified by the Town~~ will have 24 months from the date of notification to have pump-outs or satisfactory inspections completed or to demonstrate why they are exempt from the program.

Property owners who fail to provide information to the Town when requested may be subject to civil penalties and/or court-ordered fines.

D. Complaints and Appeals:

Written complaints about the Septic Pump-Out Program should first be directed to the Zoning Administrator, who can investigate and determine whether a complaint is valid. Any person or persons who continue to feel aggrieved by this program, or any decisions made by the Zoning Administrator, may appeal those decisions, in writing, to the Town Council. Appeals to the Town Council must be made within 30 days of the date of the written decision by the Zoning Administrator, or such decision shall be final.

Any decision by the Town Council regarding the Septic Pump-Out Program may be appealed by petitioning the Circuit Court of Isle of Wight County within 30 days after the final decision of the Town Council, or such decision shall be final.

E. Septic Tank Effluent Filters:

The Septic Pump-Out Program allows the installation of septic tank effluent filters on all new on-site septic systems and as a retrofit on all existing septic systems, where appropriate. The Virginia Department of Health has advised that some types of septic treatment systems do not have septic tanks and are not designed to include septic effluent filters (some aerobic sewage treatment units, for example, are not appropriate for installation of these effluent filters).

Under the Septic Pump-Out Program, the required pump-out or inspection period for septic tanks equipped with effluent filters is once every seven (7) years instead of once every five (5) years. Please be aware that manufacturer specifications for effluent filters may require more frequent pump-outs to maintain proper functioning of the effluent filter.

The Town strongly recommends that septic tank effluent filters be installed by septic tank contractors and in accordance with standards set by the Virginia Department of Health.

10. Enforcement, Violations and Penalties

A. Enforcement:

The Zoning Administrator, or authorized designee, holds the primary responsibility for administering the Septic Pump-Out Program. The Zoning Administrator shall seek criminal or civil enforcement for any provision of this program and take any action on behalf of the Town to prevent or abate any violation or potential violation of this program.

The Zoning Administrator, upon written request of an interested person whose property may be affected, shall render a decision, based on the facts presented, as to the applicability of this ordinance to particular situations that may arise under the Septic Pump-Out Program. See Section K.9. regarding complaints and appeals.

B. Penalties:

Violators shall, upon finding by an appropriate circuit court, be assessed a penalty up to five thousand dollars (\$5,000.00) for each day of violation.

As an alternative to a court-ordered penalty, violators may be offered the option of a onetime payment of civil charges for each violation in specific sums, not to exceed ten thousand dollars (\$10,000.00) for each violation, as determined by the Town of Smithfield Town Council.

(Ord. of 7-1-2008)

**L. Additional Definitions**

1. Refer to Article 13, Definitions for general definitions of terms described herein.

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