

The Smithfield Town Council held its regular meeting on Tuesday, January 7th, 2025. The meeting was called to order at 6:30 p.m.

**Members present:**

Michael Smith – Mayor

Bill Harris – Vice Mayor

Valerie Butler

Jeff Brooks

Steven G. Bowman

Mary Ellen Bebermeyer

Darren Cutler

**Staff present:**

Michael Stallings – Town Manager

William H. Riddick, III – Town Attorney

Lesley King – Town Clerk

Tammie Clary – Community Development & Planning Director

Ed Heide – Director of Public Works

Mark Kluck - Planner

Judy Winslow – Director of Tourism

Laura Ross – Treasurer

Alonzo Howell – Chief, Smithfield Police Department

Chris Meier – Deputy Chief, Smithfield Police Department

Ashley Rogers – Director of Human Resources

Amy Novak – Director of Parks and Recreation

Dr. Thomas Pope – Board Member, Planning Commission

Charles Bryan – Board Member, Planning Commission

Virginia “Gigi” Smith – Board Member, Planning Commission

Leigh Abbott-Leaman – Board Member, Board of Historic and Architectural Review (BHAR)

**Press:**

Stephen Faleski – “The Smithfield Times”

**Citizens:** 40

Mayor Bowman welcomed all attendees to the meeting and asked all present to stand for the Pledge of Allegiance.

**New Council Member Swearing-In**

Laura K. Smith, Clerk of the Isle of Wight County Circuit Court, was present to complete the swearing in process.

Mrs. Smith requested for all of the newly elected and re-elected Councilmembers to please come forward, which comprised of Councilman Cutler, Councilwoman Bebermeyer, and Councilman Smith, swearing all of the members in separately. All new and returning Council members agreed to the oath and signed the appropriate documentation.

**Election of Mayor and Vice Mayor**

The Town Attorney opened the floor for nominations for the office of Mayor.

Mayor Bowman nominated Councilman Smith for Mayor. Councilman Harris seconded the nomination.

The Town Attorney asked for any further nominations, and hearing none called for the vote. Seven members were on call for the vote. Councilwoman Bebermeyer voted aye, Councilman Cutler voted aye, Councilman Harris voted aye, Vice Mayor Butler voted aye, Councilman Smith voted aye, Councilman Brooks voted aye, and Mayor Bowman voted aye. The motion passed unanimously.

The Town Attorney announced that Councilman Smith was elected as Mayor of the Town of Smithfield. He opened the floor for nominations for the office of Vice Mayor.

Councilman Brooks nominated Councilman Harris for the office of Vice Mayor. Councilman Cutler seconded the nomination.

The Town Attorney asked for any further nominations, and hearing none called for the vote. Seven members were on call for the vote. Councilman Brooks voted aye, Councilwoman Bebermeyer voted aye, Councilman Cutler voted aye, Councilman Harris voted aye, Vice Mayor Butler voted aye, Councilman Bowman voted aye, and Mayor Smith voted aye. The motion passed.

The Town Attorney announced that Councilman Harris was elected as Vice Mayor of the Town of Smithfield. He reported that the election portion of the meeting had concluded and passed the meeting over to Mayor Smith.

Mayor Smith thanked all the attendees for coming to the meeting as it was a special night. He thanked the organization Citizens for Responsible Leadership (CRL) for their work during the election. He stated that their work had shown that there would be a new direction in the Town for citizen involvement.

**Closed Session:**

The Town Attorney reported that a closed session was needed for the purpose of consultation with legal counsel concerning potential litigation pursuant to 2.2-3711 A7 of the Code of Virginia.

Vice Mayor Harris made a motion to go into closed session pursuant to 2.2-3711 A7. Councilman Cutler seconded the motion.

Mayor Smith called for the vote. Seven members were on call for the vote. Councilwoman Bebermeyer voted aye, Vice Mayor Harris voted aye, Councilwoman Butler voted aye, Councilman Bowman voted aye, Councilman Cutler voted aye, Councilman Brooks voted aye, and Mayor Smith voted aye. The motion passed unanimously.

*The Town Council went into closed session at 6:38 p.m.*

*The Town Council returned to open session at 6:56 p.m.*

The Town Attorney reported that a motion was needed to certify that only consultation with legal counsel concerning potential litigation pursuant to 2.2-3711 A7 of the Code of Virginia had been discussed.

Councilman Brooks made a motion to certify the discussion was pursuant to 2.2-3711 A7 of the Code of Virginia. Councilwoman Bebermeyer seconded the motion.

Mayor Smith called for the vote. Seven members were on call for the vote. Councilwoman Bebermeyer voted aye, Vice Mayor Harris voted aye, Councilwoman Butler voted aye, Councilman Bowman voted aye, Councilman Cutler voted aye, Councilman Brooks voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**Manager's Report:**

The Town Manager reported that the previous month's activity and summary reports were contained in the information packet provided and he would answer any questions the Town Council had.

**Presentations:**

**Public Comments:**

Jessie Linyear of 101 Prestwick in Smithfield reported that she was the current President of the Board for the Schoolhouse Museum. She asked the Board members for the museum that were present to raise their hands to be acknowledged. She stated that the Schoolhouse Museum's Board wanted to take a moment to thank the former Town Council for their support of the museum. She said that it was her hope that the new Council and the museum's Board would have the same close working relationship. Mrs. Linyear recognized that some of the Town Council may not be aware of the Schoolhouse Museum's programs that were offered, adding that she would share that information with them. She reported that the Town of Smithfield owned the museum's building and its grounds, with the Town being very cooperative in maintaining both. She continued that the work of the Schoolhouse Museum extended beyond its mission which was to preserve and interpret history of African American education in Isle of Wight County during the first half of the 20<sup>th</sup> century. She stated that in order to continue the legacy of Booker T. Washington and Julius Rosenwald, the museum worked with other entities in the County and community, such as the Isle of Wight County Museum and Main Street Baptist Church. She related that last year they brought over 80 Junior Reserve Officer Training Corps (ROTC) cadets from Surry and Smithfield High Schools to have lunch with five retired Generals for their "Lunch and Learn" series. Mrs. Linyear reported that they had worked together with the Isle of Wight County National Association for the Advancement of Colored People (NAACP) to organize a very successful Juneteenth. She stated that the Smithfield Times and the Schoolhouse Museum worked together annually to sponsor a Black History Essay Contest, and they continued to work with Historic Smithfield on worthy projects. She updated that they had also restarted the afterschool tutoring program at Main Street Baptist Church which had been inactive since the Covid shut-downs, as well as offering enrichment classes to students needing or wanting assistance in Geography, Reading Comprehension, Math, and Cursive Writing. Mrs. Linyear reported that a Dominion Energy Grant

had allowed them to provide 13 different classes to adults in the community. She notified the Council that the Museum offered a \$1,000 scholarship to a worthy African-American student. She added that they had collaborated with Sentara to bring the 3-D Mammogram Van to Smithfield. She related that these were just a few examples of what the Museum participated in. She updated that in June the Museum would be bringing the Tuskegee Airman's "Rise Above" Exhibit to Smithfield, and had organized a "Lunch and Learn" with the Hampton University's ROTC and Naval ROTC cadets. She thanked the Council again for what they had done in the past and stated that she was hopeful for continued cooperation with the new Board. She welcomed the new members to the Smithfield Town Council.

Mayor Smith complimented the work that Mrs. Linyear had done to keep education accessible for all the children and community members that needed it.

Leigh Abbott-Leaman of Smithfield congratulated all of the new Council members who had been sworn in. She reported that she wanted to comment on an issue that had been brought up by some Council members at the Candidate Forum in the fall. She acknowledged that she did not the exact phrasing of the question but it had been in relation to the Grange's previous approval and whether the Council would seek to repeal or withdraw the approval. She noted that there had been communication from Mr. Luter that he would only want to move forward with the plans if there was support from the Town Council. Mrs. Abbott-Leaman related that she understood the contentious nature of the project as she was a resident of the Historic District. She stated that the truth of the matter was that the Grace Street traffic was going to stink whether the Grange was built or not. She explained that the problem was the traffic, not necessarily the Grange. She asked the Council to work on seeing what could be done about the larger problem of traffic regardless of what development went on that property. She continued that there was a much pushback regarding high-density housing being constructed at that location, and gave the reminder that there had been a proposal of low-density housing for that property which had been shot-down. Mrs. Abbott-Leaman stated that currently in Smithfield over 30% of the population was 25 years old and under. She noted that residents of the community did everything they could for the children of the Town, took pride in the organizations the children were in, and expressed concern about the school system. She questioned where these young adults were going to live after the age of 18 when they joined the workforce, were out of the military, or back from college. Mrs. Abbott-Leaman observed that they could not return back to the Town if there was no access to affordable housing options, adding that offering that type of housing would come with higher density. She stated that any of the Council members that lived Downtown were considered as living in a high-density area. She asked that the Council consider the project as a whole and its benefit to the current population. She said that there was a flaw in the logic that there would be an influx of outside people who would flood the new development while ignoring the current population of people currently in the Town that could use it. Mrs. Abbott-Leaman referenced previous negative tones used to speak about the Grange project in relation to the Smithfield Foods plant, and pointed out that the reality was that they were a major employer in the Town. She stated that with the Keurig plant closing, it was a major employer in the County. She related that she thought that they had a right, maybe not to insist on a vote, but to have a fairly large say in the discussion especially considering everything that they have contributed to the Town. She recalled that transparency was a recurring theme of

conversation during the election, and stated that in the interest of being transparent they would need to be open with the citizens on their decision and what they would do to mitigate the effects of possibly having Smithfield Foods leave the Town. She speculated that the people of Norfolk probably never thought that Norfolk/Southern would never leave their city. She pointed out that the company helped the community with 200,000 servings of food out 50,000 lbs. of food donated to the Food Banks, support to scout troops, to the local bands, Western Tidewater Community Services, assistance for Veterans, etc. She concluded that they owed it to the Town as a collective to consider all of those things when they thought about how they treated the Town's corporate neighbor.

Mayor Smith reported that there was no other members of the public signed up to speak and asked if there was anyone who wished to do so. Seeing and hearing none, he closed the public comment section.

**Council Comments:**

Councilwoman Bebermeyer congratulated Mayor Smith and Vice Mayor Harris for their election, and thanked Councilman Bowman and Councilwoman Butler for their service to the Town. She reported that she looked forward to working all of the members of the Town Council. She related that she wanted to ensure that the citizens of Smithfield were the Council's highest priority. She stated that she understood that not all citizens could come to Town Council meetings and wanted to continue the meet-and-greets that they had held in the past. She acknowledged that due to their own schedules not all Council members could attend all in-person events, but she wanted the citizens of Smithfield to know that the Council wanted their feedback. She thanked everyone for their support and said that she was ready to serve the people of Smithfield.

Councilman Cutler also congratulated Mayor Smith and Vice Mayor Harris, and thanked Councilman Bowman and Councilwoman Butler for their service. He said that they had met with many citizens and groups, adding that it was wonderful to see such a turnout at the meeting. He stated that he looked forward to the citizen's continued comments as the Council looked for guidance from them on moving the Town forward. He encouraged the citizens to continue their civic engagement.

Councilwoman Butler officially congratulated Councilwoman Bebermeyer and Councilman Butler on their election to the Town Council. She extended her congratulations to Mayor Smith and Vice Mayor Harris on their elections. She recognized that Mayor Smith was now the most seasoned member of the Town Council, adding that as this was his fourth term she was sure that there was much experience that he could share with the other members. She thanked that previous Council for allowing her to serve in the office of Vice Mayor for the Town of Smithfield. She reported that she looked forward to her last two years on the Town Council, and to making the Town a more vibrant and inclusive community.

**Consent Agenda:**

**C1. Subdivision Agreement – Mallory Point Phase A, Section 2**

Councilwoman Butler recommended a motion to approve the subdivision agreement as it dealt with the sewer and water for Phase A, Section 2 and was in compliance with the design work by the Town of Smithfield.

**C2. Invoices Over \$20,000 Requiring Council Authorization:**

a. Athens Building Corp – Windsor Castle Park Boardwalk Restoration Project	\$ 56,965.02
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Councilman Bowman made a motion to approve the Consent Agenda as presented. Councilman Brooks seconded the motion.

Mayor Smith called for the vote. Seven members were on call for the vote. Councilman Cutler voted aye, Vice Mayor Harris voted aye, Councilwoman Butler voted aye, Councilman Bowman voted aye, Councilwoman Bebermeyer voted aye, Councilman Brooks voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**Action Section:**

**Public Hearing and Discussion: Special Use Permit - 201 Gumwood Drive**

Tammie Clary, Community Development and Planning Director, reported that the applicant was seeking a Special Use Permit (SUP) under Article 3.I.C.30 for a waiver of parking and loading for relief from Article 8.E.35 which requires 1 space per 200 square feet of gross floor area. She explained that with the 30.8' by 32.3' addition, the applicant was required to have a minimum of 36 parking spaces, and currently had 27 existing spaces. She stated that at the November Planning Commission meeting, this application was favorably recommended to Town Council. She reported that Town Staff recommended approval contingent on the application obtaining a zoning permit and payment of associated fees. Mrs. Clary noted that the decision made during the Planning Commission was unanimous and the applicant did have a parking agreement with the adjacent CVS Pharmacy.

Mayor Smith opened the public hearing and asked if there was anyone who wished to comment. Hearing and seeing none, he closed the public hearing.

Councilman Bowman made a motion to approve the application as presented. Vice Mayor Harris seconded the motion.

Mayor Smith called for the vote. Seven members were on call for the vote. Councilman Brooks voted aye, Vice Mayor Harris voted aye, Councilwoman Bebermeyer voted aye, Councilman Cutler voted aye, Councilman Bowman voted aye, Councilwoman Butler voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**Public Hearing and Discussion: Entrance Corridor Overlay and Historic District Guidelines**

Mrs. Clary reported that Town Staff recommended approval for both sets of guidelines, contingent on any remaining Staff member comments be addressed. She stated that the Town's Consultant was present with a brief presentation on the guideline updates.

Caleb Gasparic introduced himself as a Historian and Historic Preservation Planner with Chronicle Heritage, a consulting firm that specializes in cultural resource management hired by

the Town of Smithfield to update the Historic District Design Guidelines and the Entrance Corridor Overlay (ECO) Guidelines. He began by discussing his work on the Historic District Guidelines by relaying that historic districts were not defined by individual buildings but were defined by interaction between individual buildings and landscapes helping to create a sense of place and identity. He said that a historic district's feel could be preserved by avoiding alteration that were out of character or that would disrupt the overall sense of the district. He reviewed that Article 3.M of the Smithfield Zoning Ordinance (SZO) gave the Town the responsibility to establish guidelines and it created the Board of Historic and Architectural Review (BHAR) to review and approve work based on the guidelines made. He added that design guidelines covered alterations to existing buildings and sites, new construction, demolitions, and building moves within the district. Mr. Gasparic reported that the local historic district boundaries mirrored the national historic district boundaries, properties within the district were subject to underlying zoning regulations, and any said changes must be reviewed and given a Certificate of Appropriateness (COA). He noted that the current guidelines were completed in 2006, and discussed the value of updating the guidelines. He showed examples of the changes and updates that could be found in the 2025 updated design guidelines that included new look and organization, new graphics to aid the reader, and a more interactive format. He related that there was information not included in the previous version of the guidelines that were now covered in the 2025 update including installation of solar panels, practices for treating and restoring historic materials, and appropriate replacement of historic materials with appropriate new synthetic counterparts.

Councilman Cutler asked how many of the Staff's comments were left to be resolved.

Mrs. Clary reported that there were only a few minor changes that included some photos to be swapped out that had better lighting, and also the inclusion of the updated Town Council members as well as the appointed Planning Commission Liaison.

Mayor Smith opened the public hearing and asked if there was anyone present who wished to comment. Hearing and seeing none, he closed the public hearing.

Councilman Cutler stated that the presentation was well-done and the work completed was excellent. He noted that the interactive nature of the document was wonderful, but felt that more time was needed to review the information and for the outstanding changes to be made. He made a motion to table the issue for 30 days.

Councilman Bowman seconded the motion.

Mayor Smith called for the vote. Seven members were on call for the vote. Councilwoman Butler voted aye, Councilwoman Bebermeyer voted aye, Councilman Brooks voted aye, Vice Mayor Harris voted aye, Councilman Cutler voted aye, Councilman Bowman voted aye, and Mayor Smith voted aye. The motion passed unanimously.

Mr. Gasparic reported that the Smithfield Entrance Corridor Overlay Design Guidelines had been completed by a sub-consultant, Meredith Johnson with Johnson Planning and Preservation. He said that Mrs. Johnson was unable to attend the meeting, and he would review her presentation to the best of his ability and pass along any questions that he could not answer to her. He reported that the update was made to the guidelines that were produced in 2006. He explained that there were six Entrance Corridor Overlays within Smithfield:

- North Church Street/Business Route 10

- West Main Street/US Route 258
- Upper South Church Street
- Lower South Church Street
- Benn's Church Boulevard/Route 10 Bypass
- Battery Park Road

Mr. Gasparic continued with discussion about the purpose of having an Entrance Corridor Overlay, including encouraging positive visual experiences, protecting natural vegetation and wildlife habitats, and discouraging indiscriminate clearing. He detailed that the changes to the 2025 ECO Design Guidelines included adjusted organization, updating the images incorporated, and the addition of environmental considerations.

Mayor Smith asked if Mrs. Clary had any additional comments regarding the update.

Mrs. Clary reported that there were minor Staff comments regarding fixing some spacing issues and some wording choices. She reiterated that Staff recommended approval contingent on the execution of the comments made.

Mayor Smith opened the public hearing and asked if there was anyone present who wished to comment.

Virginia "Gigi" Smith of 207 James Street in Smithfield reported that she was a member of the Planning Commission, and the guidelines had been reviewed by the Board in much greater detail. She recognized that the guidelines were extensive and as such they relied on assistance from Town Staff during the process. She echoed that the changes were primarily to pictures included and language used. She reiterated that the Planning Commission had spent much time working on the issue.

Mayor Smith asked if she knew exactly what comments were left out that needed to be addressed.

Mrs. Smith recalled that it just involved wording used and were minor changes. She commended the Staff on their assistance. She observed that the purpose of the guidelines were to make it look as good as possible when arriving in the Town and as such the guidelines were very detailed. She noted that there were some areas of the Town that had a dated appearance, and as they began to be updated they would be required to adhere to the guidelines.

Mayor Smith thanked Mrs. Smith for speaking to the Council.

Mrs. Smith stated that she could have also spoken during the HPO public hearing. She acknowledged that both sets of guidelines were very lengthy and included a lot of detailed information. She stated that part of the purpose of having the different Boards was so that they may do much of the leg-work for the Town Council.

Councilman Harris agreed with what Councilman Cutler had said previously and stated that he would like an additional 30 days to review the information.

Mrs. Bebermeyer stated that it was a well done presentation, but agreed that there was much information to review.

Mayor Smith asked if there was anyone else present who wished to speak.

Leah Walker of 303 Red Point Road in Smithfield asked if there had been any areas identified as higher priority than others in the updated ECO guidelines. She related that when she worked on the County-wide bike plan they had identified high priority areas.

Mrs. Clary explained that the identified corridors had been broken down by using a SWOT analysis to identify Strengths, Weaknesses, Opportunities, and Threats to each of the areas. She added that they had also incorporated images from the Comprehensive Plan for the South Church Street corridor that had included increased walkability. She related that the areas were not necessarily “prioritized,” but Staff did identify that the corridors were different.

Councilwoman Bebermeyer asked if that information was included in the guidelines.

Mrs. Clary stated that it was included towards the end of the ECO guidelines when the different corridors were addressed.

Mayor Smith confirmed that there were no more comments from the public and closed the public hearing.

Councilman Harris made a motion to table the issue for 30 days. Councilwoman Bebermeyer seconded the motion.

Mayor Smith called for the vote. Seven members were on call for the vote. Councilwoman Bebermeyer voted aye, Councilwoman Butler voted aye, Vice Mayor Harris voted aye, Councilman Cutler voted aye, Councilman Brooks voted aye, Councilman Bowman voted aye, and Mayor Smith voted aye. The motion passed unanimously.

#### **Approval of Town Council Summary Minutes from December 3<sup>rd</sup>, 2024**

The Town Attorney reported recommended that the minutes be approved as presented.

Councilman Bowman made the motion to approve the summary minutes as presented. Vice Mayor Harris seconded the motion.

Mayor Smith called for the vote. Seven members were on call for the vote. Vice Mayor Harris voted aye, Councilwoman Butler voted aye, Councilman Bowman voted aye, Councilwoman Bebermeyer voted aye, Councilman Cutler voted aye, Councilman Brooks voted aye, and Mayor Smith voted aye. The motion passed unanimously.

#### **Invoice – Athens Building Corporation – Luter Sports Complex Football Concession Building**

The Town Manager reported that since the Committee Meetings had been held the Town had received the final invoice for the work done on the new concession building at the Luter Sports Complex from Athens Building. He stated that payment of the invoice would complete the project.

Councilwoman Butler inquired if Town Staff had inspected the new building to ensure that everything had been completed.

The Town Manager stated that was correct, adding that a punch-list had been created the month prior with all issues having been addressed.

Vice Mayor Harris made a motion to approve payment of the final invoice. Councilman Culter seconded the motion.

Mayor Smith called for the vote. Seven members were on call for the vote. Councilman Bowman voted aye, Councilwoman Bebermeyer voted aye, Vice Mayor Harris voted aye,

Councilman Cutler voted aye, Councilman Brooks voted aye, Councilwoman Butler voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**New Business:**

**Motion to Award Contract for Mechanical, Electrical, and Utility Services**

Ed Heide, Director of Public Works, reported that the Town had posted a Request for Proposal (RFP) to provide mechanical, electrical, and utility services under a three year contract. He reported that two proposals had been received, and Town Staff recommended awarding the contract to Virginia Control and Electrical Services as they had proposed a significantly lower cost, were the current contract holders, and had done a good job as a service provider.

Councilman Cutler asked if there were any changes made to the amount on the contract. He noted that he assumed it was budgeted but there was no value included.

Mr. Heide explained that it was not based on a total value, but there was a unit cost on the pricing. He stated that he believed that their prices had increased since the last time the contract was negotiated.

The Town Manager added that it was not based on a total dollar amount but was bid-out based on pricing so that as work came in they already knew how much the total would be. He said that the total cost for the year would be based off of what had been completed during that time.

Councilman Cutler confirmed that they budgeted for that work and asked specifically how much was budgeted for the work.

The Town Manager reported that he would compile the information for him as the company provided work across different departments.

Councilman Brooks made a motion to approve the award of the contract. Councilwoman Bebermeyer seconded the motion.

Mayor Smith called for the vote. Seven members were on call for the vote. Vice Mayor Harris voted aye, Councilman Brooks voted aye, Councilman Bowman voted aye, Councilwoman Butler voted aye, Councilwoman Bebermeyer voted aye, Councilman Cutler voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**Appointment of Town Council Representative to Planning Commission**

Mayor Smith reported that he would like to appoint Councilman Cutler to the Planning Commission.

Councilman Cutler thanked the Mayor for his confidence in placing him that role.

**Discussion Item: Bridger's Quarter**

Mrs. Clary reported that Town Staff had received a Rezoning Request from Isle of Wight County for approximately 17.5 acres of TPIN 3201009. She noted that the parcel in question would abut the parcel that was proposed for the WaWa at the corner of Turner Drive and Benn's Church Boulevard. She stated that the proposed rezoning would be to Commercial in order to facilitate storage facilities, medical offices, retail sales, general office, and restaurant uses. She stated that according to the conceptual plan there would be six parcels to include a two-story medical office

building, a three-story climate controlled storage center, and would be accessed from the connector road coming off of the proposed Roundabout in the area with a full access intersection off of Benn's Church Boulevard. Mrs. Clary continued that according to the project's information the request was in alignment with the Newport Development Service District (DSD) future land use map which had identified the property as Business and Employment. She stated that the application had been provided to the Town to garner any additional comments, which would be due by January 20<sup>th</sup>. She said that Town Staff suggested that the Town Council hold discussion and reach consensus on their comments provided.

Vice Mayor Harris confirmed that all of the property in question was inside the County and not part of the Town of Smithfield.

The Town Manager reported that there was a general agreement between the two entities that when applications that were adjacent to the respective boundaries were received, they would be shared for the purpose of gathering additional comments. He stated that this facilitated the exchange of information between the two parties.

Mrs. Clary stated that she had reviewed the application package and had six or seven comments on the environmental site assessment. She noted that the information indicated that the property would be serviced by the Smithfield Fire Department, whom she had reached out to for their additional comments.

Councilwoman Bebermeyer said that she had read through the entirety of the application. She stated that much of the information contained within related to the property at the site, but there were many additional traffic studies that had been included that were conducted in related areas such as Sweetgrass and different intersections off of Church Street. She asked if the information, though helpful, was considered background information and why it had been included.

Mrs. Clary reported that the project was considered unique in that there were multiple developments surrounding it in the Town and the County that were happening at the same time. She continued that the County had required that a Master Traffic Impact Assessment (TIA) be completed to ensure that one development was not left having the responsibility of installing of the traffic improvements.

Councilwoman Bebermeyer said she had noticed that the TIA had been completed in 2017 or 2018. She acknowledged that there were many dates listed which made it hard to determine the completion date.

Mrs. Clary stated that the Master TIA had been under development for many years but was not completed until more recently.

Councilwoman Bebermeyer asked how long a Traffic Study was valid, adding that many of the developments involved had been in the works for many years.

Mrs. Clary reported that in this particular instance they were relying on the Virginia Department of Transportation (VDOT) because the roads included were VDOT-owned.

The Town Manager explained that the completion of the Master TIA is how the idea for the Roundabout at Turner Drive came to fruition, adding that was part of the reason the study is so complex. He observed that if conditions changed, then it would be required to be updated.

Councilwoman Bebermeyer stated that on page 84 there was reference to the water being provided by the “City” of Smithfield. She noted that there were many issues with that statement.

The Town Manager reported that Isle of Wight County would be providing the location with water and sewer.

Mrs. Clary clarified that a majority of the comments she had regarding the application addressed what services would be provided by Isle of Wight County and the Town of Smithfield.

Councilwoman Butler asked for confirmation that in addition to the light currently at Turner Drive that there was a plan to have a light for this development that would be opposite of the proposed Sweetgrass Development.

Mrs. Clary stated that it was her understanding that the light was part of the Sweetgrass Development’s application. She said that the application that they were reviewing was for full access off of Benn’s Church Boulevard.

Councilman Harris asked if there were any costs associated with the application to the Town.

Mrs. Clary reiterated that the item was only for courtesy review, and there were no proposed costs to the Town.

Councilwoman Bebermeyer asked if there were any plans for pedestrian crossing in that area or from Turner Drive.

Mrs. Clary said that she was not aware of any.

Councilwoman Bebermeyer reported that she had asked about pedestrian areas due to the proximity to Smithfield High School.

The Town Manager reiterated that the Council and Staff had until January 20<sup>th</sup> to submit comments.

### **Old Business:**

#### **Request for Additional Research on the Luter Sports Complex**

Councilman Bowman recalled that at the last meeting during the discussion of the budget process he had brought up relieving Smithfield Recreation Association (SRA) of their debt for use of the fields. He recognized that at that meeting, some of the current Council members had not been formally part of the discussion. He asked for Town Council to direct the Town Manager and Staff to gather information on the Luter Sports Complex that included cost estimates from the different user groups. He said that he wanted the Town’s citizens to know that for many years the Town Council has provided philanthropic assistance to different organizations. He continued that if they voted to approve relieving them of the debt that a thorough comparative analysis be completed to ensure that any questions of equity between organizations be addressed. Councilman Bowman referenced a Smithfield Times article that had been completed about the issue and pointed out that he had advocated for the utilization of the interest, which would be at no cost whatsoever to the Town of Smithfield, on the donated amount of money that Mr. Luter had given to the Town that they had ultimately decided not to take. He stated that he wanted detailed information regarding all of the organizations to keep all of the new members informed of what had transpired prior, so that when he included it as a line item during discussion of the budget it

was in full view. He asserted that he would not have advocated for the debt relief if he had not believed that it was the right thing to do.

Mayor Smith reported that after the issue had been raised by Councilman Bowman at the last meeting, he had asked the Town Manager for a quick synopsis of the information involved. He agreed that it would be very helpful if Town Staff could compile more information regarding contracts that had been completed and the dollar amounts associated, then bring that data back to the Council for review.

Councilwoman Butler asked Mayor Smith for clarification on what figures he was asking the Town Manager for.

Mayor Smith stated that he wanted to know how much was owed, how much the contract was for, how much the organization paid in, what exactly was promised and what exactly was received or not received. He noted that Amy Novak, Director of Parks and Recreation, would likely have to provide that information.

Councilwoman Butler asked what the difference between a Memorandum of Understanding (MOU) and a Lease Agreement, and why they were used for different groups.

The Town Manager reported that much of that was dependent on the timing of the different agreements. He explained that MOU with the Smithfield Recreation Association (SRA) was put in place while the facility was being constructed. He stated that the Lease Agreement with the Smithfield Packers Youth Sports organization was after the facility had already been constructed and a portion of the facility was being leased.

Councilwoman Butler stated that she thought that the order was actually the reverse of what the Town Manager had explained, meaning there was a Lease Agreement with the SRA and a MOU with the Smithfield Packers.

The Town Manager acknowledged that may be the case.

The Town Attorney stated that he would review all of the information and then report back.

Councilwoman Bebermeyer said that with her being new to the Council she would like more information on the history of the situation.

Councilman Cutler stated it would be beneficial to have the research done so that the Parks and Recreation department could see where more funds could make a difference across the spectrum of all of the youth organizations.

Councilman Bowman stated the purpose of the request was to ensure that the Town was providing a quality recreation program that served the citizens over a variety of different programs.

### **Request for the Formation of a Farmer's Market Subcommittee**

Councilman Brooks made a motion that a subcommittee be formed to fully vet the Farmer's Market. He said that it was an extremely valuable asset to the Town and it deserved the proper attention as such to ensure a quality product for the vendors as well as the citizens. He noted that location and funding would be a major focus for the Market and a group of people could collectively produce the best solution. He recommended Councilwoman Bebermeyer, Councilman Cutler, and Vice Mayor Harris to be appointed to that subcommittee.

The Town Attorney reported that a motion was not needed to create a subcommittee. He informed Mayor Smith that he would also have to appoint Council members to the six standing

Committees, and he could return with all of the information collectively if he did not want to make the appointments to the subcommittee at that time.

### **Request for Proposal (RFP) Withdrawal – Sale of the “Smithfield Times” Building**

Vice Mayor Harris stated that occasionally the Town Council would postpone or table items due to their needing further investigation. He noted that within the last year there had been several of these situations that had arisen, and he had hoped to revisit the issues. He stated that he wanted to begin with the sale of the Town-owned property generally referred to as the Times Building at 228 Main Street. He reviewed that the Town had put the property up for sale as part of a RFP that required the submission of closed bids by a specific deadline. He continued that there had then been a public hearing during which the majority of speakers had recommended that the Council delay the sale, re-evaluate the RFP process, and consider the effect of selling that property on the downtown area. He said that the response from the Council at that time had not given any answers as to how the sale would affect the use of the stage and property might continue to the satisfaction of the citizens. Vice Mayor Harris said that the Council then agreed to delay finalization of the sale to consider citizen concerns. He observed that the most concerning issue to him about was that the Council was positioning itself to accept a bid well below-market value of the property. He said that the Town Council were stewards of the citizen’s money, and he did not see the justification of selling the property, or any other Town-owned property, below market value. He said that the proper course of action would be to withdraw the original RFP thereby allowing Town Council to revisit the possibility of selling the property, re-evaluate its pricing, and get more exact information on its public use.

Vice Mayor Harris made a motion to withdraw the original RFP for the sale of the Smithfield Times Building. Councilman Cutler seconded the motion.

Councilwoman Butler stated that she was in agreement with the suggestion. She reported that after the original discussion she had misunderstood what exactly was part of the sale and what would be retained by the Town. She clarified that the Council at that time had also gone with the highest bid on the property as well as the best use offered. She said that she had even stated to one of her peers on the Town Council that had she had the correct information, she did not know if she would have voted the way she did on the transaction.

Mayor Smith called for the vote. Seven members were on call for the vote. Councilman Brooks voted aye, Councilwoman Bebermeyer voted aye, Councilman Cutler voted aye, Vice Mayor Harris voted aye, Councilwoman Butler voted aye, Councilman Bowman voted aye, and Mayor Smith voted aye. The motion passed unanimously.

### **Additional Discussion: Rejection of Public/Private Partnerships**

Councilman Culter recalled that Mayor Smith had made a motion several months prior for No Public-Private Partnerships that resulted in Councilman Bowman, Mayor at the time, creating a committee to come up with guidance regarding the issue. He stated that Mayor Smith and two other Council members who had since vacated their seats were appointed to that committee, and he would like to see it reinstated in order to prevent the occurrence of Public-Private Partnerships

in the Town of Smithfield. He stated that he would recommend that the committee be comprised of members from the Finance Committee, Public Building and Welfare Committee, and Planning.

Councilwoman Butler asked for clarification of whether Councilman Cutler was completely against Public-Private Partnerships or if he was interested in creating a guideline to be able entertain consideration of situations deemed appropriate.

Councilman Cutler stated that when it had been discussed previously he felt that there had been a lack of clarity that had led to the formation of the committee. He stated that discussions had of the Town investing in property or use of property with a private entity, adding that he would never say never, but generally he did not support the use of Public-Private Partnerships.

Councilwoman Butler said that she did not think that the Council had made a stance on Public-Private Partnerships as they had not been involved in a transaction of that nature.

The Town Attorney confirmed that was correct.

Councilman Cutler stated that the issue had been discussed at length during the Grange consideration.

Councilwoman Butler reported that the Town had not entered into a Public Private Partnership with the Grange project Developer.

Councilman Cutler acknowledge that.

Councilwoman Butler continued that the only commitment that the Council had made initially as \$1.4 million to the Farmer's Market, which was now an issue that Mayor Smith would be appointing a committee to further vet.

Councilman Cutler stated that he was in agreement with Councilwoman Butler, adding that the creation of some guidelines would assist with the issue. He said regardless of whether they did or did not want to entertain use of Public-Private Partnerships, there was now an empty committee that had been created.

Councilwoman Butler reported that the use of Public-Private Partnerships by Localities had also been a subject discussed at the Virginia Municipal League (VML) Conference in October 2024. She suggested that it might be advantageous for the Council to hear from a non-biased party to discuss the advantages and disadvantages about the subject.

Councilman Cutler stated that he was interested in that, and speculated that the other Council members were open to that as well.

Vice Mayor Harris reported that he had attended the meeting as a citizen when the subject had originally come up. He reviewed that former Councilman Collins had made the good point to ensure that in those discussions there was a clear delineation between incentive and entering into a transaction that involved spending of the citizens money to benefit a private development. He stated bringing in experts from the outside was an excellent idea. He stated that he was in favor of Councilman Cutler's suggestion that they revisit the issue and clean it up.

Mayor Smith asked for confirmation that consensus was to reform the committee.

Councilman Bowman stated that he was in agreement with Councilwoman Butler, and he felt that they needed to be very careful with what they were trying to achieve. He said that as they entered into the assignment, he wanted to ensure that the Council members did not have a predetermined direction or mindset as that would not be fair and likely was not lawful. He agreed with Councilman Cutler's point that it should be viewed from a larger perspective and not in direct

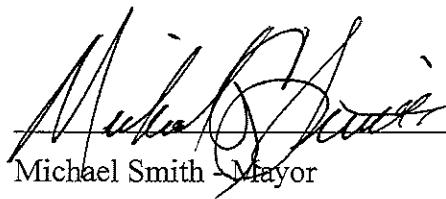
relation to just the Grange. He continued that he would like to get to the point where the citizens could rest assured that the Council was spending their money in a fair manner. Councilman Bowman recalled that during the recent situation of Mr. Luter donating money to the Town, it had been spun in a way that made it look like it would actually cost the taxpayers money. He said that there was no specific directive tied to that donation that required the Town to spend a certain amount of money in a certain amount of time. He recommended that the Council members look at the bigger picture. He said that he thought that the committee formation was a good thing that would hopefully get everyone on the same page.

Mayor Smith agreed that now they were heading in the right direction.

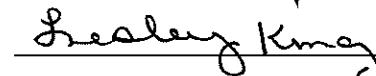
Councilman Harris stated that once a global policy was developed to address that type of situation, then it would eliminate such issues in the future.

Councilman Bowman congratulated Mayor Smith on holding his first meeting in the office of Mayor.

The meeting adjourned at 8:32 pm.



Michael Smith Mayor



Lesley King  
Lesley King – Town Clerk