

The Smithfield Town Council held its regular meeting on Tuesday, March 4th, 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
Tammie Clary – Community Development & Planning Director
Mark Kluck - Planner
Judy Winslow – Director of Tourism
Laura Ross – Treasurer
Chris Meier – Deputy Chief, Smithfield Police Department
Nadya Jaudzimas – Administrative Assistant

Press:

Citizens: 18

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

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:

Recognition of Randy Pack, Jim Collins, and Raynard Gibbs Service to the Town of Smithfield

Mayor Smith recognized Randy Pack for his 12 years of service on the Smithfield Town Council and Planning Commission. He thanked Jim Collins and Raynard Gibbs for their willingness to serve the Town of Smithfield on the Town Council, both having been on the Council for 1 year.

Public Comments:

Lawrence Pitt stated that Mr. Luter was a benefactor to the Town of Smithfield, and he had looked to him when he was doing work in the Town. He noted that in the park a marker had been placed identifying people who had helped with the park. He said that he felt that the markers were unnecessary and did nothing for the park. He related that he would like to see them removed and the Town should direct their employees to remove any that they saw. Mr. Pitt stated that the park was more focused on animals and nature, and people visiting the park should use it in the same way.

Elden Ross of 106 Montpelier Way in Smithfield reported that he had some safety concerns he wanted to bring to the Council's attention. He related that the placement of the sign for Cypress Creek Dentistry posed a significant safety hazard for motorists coming out of Smithfield Boulevard onto South Church Street. He stated that drivers turning left were having pull up past the line delineating where the intersection started in order to see past the sign, which then would cause drivers turning right onto Church Street to move up to have a better sight line as well. Mr. Ross said that his second concern was with the traffic light at the intersection of Route 10 and Turner Drive near Smithfield High School. He related his experience with drivers getting stuck in the intersection when the light turned red as they were attempting to turn left onto Turner Drive which created a traffic hazard. He observed that it would be hard to change but would like to see it addressed. Mr. Ross reported that the dumpster behind the Papa John's Pizza establishment was emptied very early in the morning and it was very loud, adding that if there could be an adjustment to the time then it would be appreciated. He noted that the noise on South Church Street at night had also become extremely loud.

Councilman Brooks confirmed the exact location of the sign that Mr. Ross referenced.

Bob Hines of 216 Washington Street in Smithfield read directly from an article published in the Smithfield Times dated September 14th, 1988 written by John Edwards and titled "Luter Fears Growth as Sewer Line's Result." He then read from the editorial titled "Into the Abyss" published in the Smithfield Times on October 12, 1988. He related the information in the two to the current state of the Town.

Council Comments:

Vice Mayor Harris reported that he and Councilwoman Bebermeyer had held a meet-and-greet at the Blackwater Library in Smithfield the prior evening, and had spoken with a number of citizens. He observed that many people had thanked them at the end of the meeting for allowing them the opportunity to share their ideas and concerns with the Council directly. He said that the statements made by the citizens had impressed upon him that they had placed a great deal of trust in the members of the Town Council. He noted that the Council needed to take care and consider all aspects of issues before reaching judgement. Vice Mayor Harris stated that though this was only the third meeting of the new Council, they had been inundated with major issue after major issue. He added that as a result, they had hurried a bit too much here and there to address issues so that they could move on. He recommended that the Council slow down and recognize that accuracy was more important than expediency. He continued that slowing down would give more time for the Council to investigate, question, debate, and communicate with the Town's citizens and receive their input. Vice Mayor Harris related that his statement was not a complaint, and all of the new

Council members were not troubled by the amount of work or issues. He reported that the new Council members wanted to reach solid consensus and make positive decisions. He said that the Council could do a better job reaching positive results by slowing down, doing a better job completing their due diligence, creating the opportunity to share with each other, and using the feedback received from the people who elected them to their positions. He concluded with “excellence over speed.”

Councilwoman Bebermeyer reported that their meet-and-greet had been advertised on the Town’s website, the library’s website, some social media posts, and the Community Calendar section of the Smithfield Times. She stated that they had a good turnout with 17 or 18 people coming to meet with them, and thanked the citizens that had attended. She said that the concerns and feedback shared with the Council members had been very helpful, and they would be hosting more events of that nature. She invited all of the Council members to join her at the events if they wanted and were able to attend. Councilwoman Bebermeyer stated that future events would be held at different times and days of the week in order to allow citizens with assorted circumstances to be able to meet with the Council.

Consent Agenda:

C1. Resolution to Appropriate Funds from Historic Smithfield into the General Funds Operating Budget for Proposed Scope of Work for Grace Street Streetscape

Vice Mayor Harris requested that the item be moved from the Consent Agenda to the Action section to allow for additional discussion.

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

a. Lewis Construction of Virginia, Inc. - Sewer Lateral	
Repairs at 328 Grace Street	\$ 25,537.50
b. Kimley Horn Associates - Pinewood Heights	\$ 55,474.74
c. Robinson, Farmer, Cox Associates, PLLC	\$ 42,200.00
d. Athens Building Corp - Windsor Castle Park	
Boardwalk Restoration Project	\$ 26,041.05

Councilman Brooks made a motion to approve the consent agenda as presented. Councilman Cutler 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, Councilman Cutler voted aye, Councilman Bowman voted aye, Vice Mayor Harris voted aye, and Mayor Smith voted aye. The motion passed unanimously.

Action Section:

Additional Discussion of Item C1: Resolution to Appropriate Funds from Historic Smithfield into the General Funds Operating Budget for Proposed Scope of Work for Grace Street Streetscape

Vice Mayor Harris stated that he had asked to move the item for many reasons, to include the topic of slowing down that he had covered during Council Comments. He said that there were a number of aspects to the action that many of the Town Council members would like to have more information regarding. He reported that he was a Fiscal Conservative, and he thought that they needed to be very careful before authorizing the spending of money, or its acceptance, and closer examine the project. He said that when the plan offered by Kimley-Horn was reviewed, there were many things included that were specific and technical that he felt needed further explanation. Vice Mayor Harris reported that at the meet-and-greet held the prior evening, there had been members of the public who had asked for clarity and an explanation before moving forward, particularly when it involved the expenditure of funds. He stated that it was his hope that the action that the Council would take for the item was to table it and move it to the next Committee Meetings so that an in-depth study could be completed.

Councilman Brooks reported that they had learned about the resolution the prior week. He said that it looked really good on paper; however, there were many questions that he had as a result and he wanted them to take their time in its consideration. He stated that he appreciated everything that Historic Smithfield had offered, but he would like to delve into it more, as some of the other Council members had wanted to do as well. He made a motion to table the subject until the next Committee Meeting.

Councilman Cutler 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.

Public Hearing: Text Amendment Article 3.D.C of the Zoning Ordinance

Tammie Clary, Community Development & Planning Director, reported that the applicant was seeking a text amendment to the Downtown Neighborhood Residential (DNR) Zoning District. She noted that the text amendment would include a waiver of maximum density as an additional special use permit item. She updated that the action would allow the applicant to apply for a new site plan at Washington and James Street. She gave the reminder that if the project had come forth prior to the recordation of the final plat, then it would have been a by-right use at 10 units. She reported that the application was favorably recommended to Town Council at the January 14th Planning Commission meeting having only received one nay vote.

Mayor Smith reported that the matter was subject to a public hearing, and there had been no sign-ups to speak. He asked if there was anyone present who wished to speak.

Vincent Carollo, applicant, stated that they had come before the Council a few weeks prior and expressed his appreciation at being moved to the beginning of the agenda for the evening. He explained that they had purchased the property in question from Mr. Luter, and it was now encompassed by Clay Street, James Street, and Washington Street. He said that with the inclusion

of the improvements made to the property they had come up with the concept for James Street Parc with 10 units. He said that they had felt that the DNR Zoning that the property was classified under currently was a little contradictory in its verbiage. He continued that it was important to edit the text amendment in order for them to be able to start their project. Mr. Carollo introduced John Hopke with Hopke Associates. He related that they had presented conceptual renderings for the project, which had prompted some questions by the Planning Commission. He said that they had answered the questions to the best of their ability, and acknowledged that there were some questions asked that they could not answer accurately at that time. He thanked the Council for their communication that had allowed them to get to the point that they were at. He said that he was happy to be a small part of the vision of the future for Smithfield, thanked them for their time, and offered to answer any questions.

John Hopke stated that they had brought a brief presentation along with them. He outlined that their objective for the evening was to seek a text amendment for an additional Special Use Permit (SUP) condition to the DNR Zoning to allow for an infill planned residential development with density greater than 5 units per acre, so as to be compatible with the established density and scale of the existing neighborhood. He added that the intent of the ordinance was to continue new development in the character of the existing neighborhood. Mr. Hopke reported that the 5 unit per acre maximum made it impossible to replicate the existing historic residential fabric, character, and scale. He pointed out that they had provided a conceptual plan and images to demonstrate how a higher density would allow for development that was complementary to the scale and density of the existing historic neighborhood, per the stated goals of the DNR ordinance and the Town's Architectural Design Guidelines. He observed that there had been some confusion regarding SUPs and what exactly they were. He emphasized that an SUP was not a special exception of variance granted for the benefit of a developer, and quoted it as "a process used by a municipality to encourage, but still regulate, land use in a zoning district by making it subject to a special review and criteria detailed in the Zoning Ordinance." Mr. Hopke defined the term "downzoning" as the term for overlaying a low maximum density on a high-density neighborhood. He reported that downzoning required developers to target a more affluent market, in order to cover the same land acquisition and development costs, which often contributed to gentrification. He stated that he did not think that gentrification was not something that the Town wanted to promote through its Zoning Ordinance. He related that what they were proposing would fix the issue of the ordinance being in conflict with itself. Mr. Hopke reported that text amendments were not an extreme remedy and zoning ordinances were written with the anticipation of amendment over time to better suit the needs of changing communities. He reported that they had prepared a conceptual rendering video that showed that they could develop at that density and be consistent with architecture, character, and scale of the existing neighborhood.

The Town Manager clarified that the Council would only be acting on the text amendment currently, and would not be voting in relation to the specific development.

Councilman Cutler asked if they had resolved the questions regarding the square footage since their last meeting.

Mr. Carollo stated that they had not, as it was still too early in the process to have specific numbers. He recalled that the range that they had given was between 1500 and 2500 square feet.

Mr. Hopke added that the question was perfect for when they were applying for the SUP.

The Town Manager noted that they needed to conclude the public hearing before entering into too much discussion.

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

Bob Hines of 216 Washington Street in Smithfield asked to address the statement of keeping the project within the character of the neighborhood. He said that he did not have a problem with a project at the location; however, two-story duplexes was not in the character of the Historic District and certainly not at that location of Washington Street, James Street, and Cary Street. He stated that the concept would make the area look cluttered. He added that the easement for the trees went all the way to Clay Street, and some of the proposed houses were located within that easement.

Mayor Smith reiterated that the public hearing was addressing the text amendment only.

Councilwoman Bebermeyer and Councilman Cutler stated that the public hearing needed to be closed.

Mayor Smith closed the public hearing, and asked the Council for their comments.

Councilman Cutler asked where the information for the density in the surrounding neighborhood that had been included on a slide displayed had been obtained.

Mr. Hopke reported that the Town Planning Staff had provided it.

Councilman Cutler asked why Town-funded resources were being used for research that would support the developers project. He said that it should be the developer's research to do.

The Town Manager reported that it was incumbent upon staff to evaluate what the existing densities were. He said that since it had already been done, and it had been requested to be provided, so Town Staff obliged. He observed that it had been requested by the Council to be compiled, and at that point it became a public document.

Councilman Cutler said that he did not recall asking for that information.

The Town Manager stated that the work had been completed ahead of time so that the question could be answered if it arose.

Councilman Cutler reiterated that it was the developer's question to answer.

Vice Mayor Harris asked if the same analysis had been done on Clay Street, James Street, and Grace Street. He noted that those very important parts of Downtown Historic Smithfield had been left out of the analysis and they represented the areas that they would like most replicated by downtown development.

The Town Manager stated that they had not done further analysis.

Mayor Smith said that since the public hearing had been closed he wanted to know what the will of the Council was on the vote.

Councilman Cutler reported that during the campaign process for the most recent the election reigning in and managing growth had been the primary focus of the residents of the Town of Smithfield. He recognized that Mr. Carollo himself was a citizen of the Town, and had done great work. He expressed appreciation that they had come out to make the presentation. Councilman Cutler stated that he thought that it was time that the Town Council stood up to developers and required them to adhere to the zoning guidelines without asking them to be rewritten. He stated that he understood that it was a text amendment and they were common;

however, if the Town really wanted to build 10 homes per acre in the Historic District then someone should make a motion to make a change to the zoning. He noted that he would not necessarily be in support of such a change, but it would be the correct way to deal with infill building. He summarized that the developer had purchased the land that was approved for an amount already exceeding the Town's limit, 8 units versus the written 5 units per acre, which he felt was more matching the character of the Town. He stated that he had driven through the areas provided to support the density requested, but it was not as clear-cut since some houses had been omitted. He added that without a counter analysis of what the rest of the density of downtown having been provided, he did not think that it was a fair representation to convey justification for the project. Councilman Cutler made a motion to deny the text amendment.

Councilwoman Bebermeyer seconded the motion.

Mayor Smith asked if there was any further discussion from the Council.

Councilwoman Butler recognized that there had been much discussion about the project previously. She recalled back to Councilman Cutler's question regarding Town Staff completing research in support of a developer and said that she did not believe that Mrs. Clary had started the work with that as the focus. She stated that she had several conversation with Mrs. Clary to better understand the density in the Historic District. She pointed out that the ordinance was written in 1998, and all of the communities were already developed. She noted that this was one reason that she had wondered how the Planning Staff or Town Council or Planning Commission at that time had come up with the number of 5 units per acre. Councilwoman Butler continued that she felt that a good discussion was held regarding density in the DNR districts during the joint meeting held between the Town Council and the Planning Commission on February 25th. She added that she did not look at the use of SUPs as giving preferential treatment to a developer, though it appeared that some of the Council felt that it looked that way. She reported that it was not her job to say how much money a developer made as that was the nature of their business, and she was more concerned they got a quality product for the community. She stated that she did not see this as a new project because it had already been approved under the previous owner, Mr. Luter. She continued that if Mr. Carollo wanted to build the plan that had already been approved, then he could do so; however, she felt that what Mr. Carollo was proposing was a better project. Councilwoman Butler said she did not know if the issue was that there was too much discussion about the text amendment and should they have more in-depth conversation once the actual application package was completed if the text amendment was approved.

Councilman Cutler said that he agreed with most of what Councilwoman Butler was saying, but he felt that what they were seeing presented was a cherry-picking of density in portions of the Historic District that matched the desired development. He agreed that Mr. Carollo's price point, if he were able to stay at it, was great, but could be built in 8 homes just as well as 10 homes.

Councilwoman Butler stated that it sounded as though the Council wanted to prevent even making the text amendment. She related that if that happened, then Mr. Carollo would not even have the opportunity to submit a package for review so that they would know exactly what the proposed development would entail.

Mayor Smith asked Mrs. Clary if she could explain what exactly the text amendment would do, and clarify that they were not currently voting on Mr. Carollo's specific project.

Mrs. Clary clarified that in order for the applicant to put forth an application for the revised site plan, they would need to have the text amendment in place. She noted that the text amendment would not be only for Mr. Carollo's use but would be available for use by any developer or applicant that wanted to pursue development in the DNR. She reported that the text amendment would provide a mechanism for a waiver of maximum density so that they would be able to exceed the 5 units per net developable acre restriction that was currently in place.

Mayor Smith asked if any Council members had questions specifically about the text amendment.

Councilwoman Bebermeyer asked for confirmation that if the text amendment passed then it would allow developers to request to have more than 5 units per acre, and in that sense they would then be encouraging higher density.

Mrs. Clary stated that the text amendment would provide the opportunity for developer's to apply for the waiver.

Councilman Cutler noted that in relation to the text amendment, and what they had seen with growth in the Town, the sentiment was "go big, and scale back." He interpreted that the change would not limit to 10 homes per acre but did say that a waiver could be made for anything. He gave the hypothetical situation of a different applicant coming before them and requesting 12 homes per acre. He said that if any Council member felt that the limit should be 10 homes per acre, then they should initiate changing the zoning requirements in the entire district. He reiterated that the applicant already had 8 homes approved and he did not think the request had merit or that the Town should change their zoning at the request of the developer.

Mayor Smith confirmed that if the text amendment was passed the application would need to then go back to the Planning Commission.

Mrs. Clary explained that if the text amendment passed, the applicant would then be applying for a SUP and would then be subject to a public hearing before the Planning Commission with their issuing a recommendation to the Town Council. She continued that then the SUP application would come before the Town Council for a public hearing with the Council issuing a decision at that time.

Mayor Smith confirmed with Mrs. Clary that the text amendment would allow the applicant to apply for what they hoped to have.

Councilman Cutler stated that it was not just allowing them to apply, but was allowing any future applicants to apply for any waiver of density whether it was 10 homes per acre or 25 homes per acre. He speculated that this opened the door to a developer seeing an open 1 or 1.2 acre of land in the Historic District and think that because it had been approved prior it would also be approved for them. He said that the result would be growth in excess of what the people who had written the zoning in 1998 had done in order to preserve the Town.

Mayor Smith asked the Town Manager or Mrs. Clary to explain that the text amendment was tied specifically to Mr. Carollo's project and did not carry on to another project.

The Town Manager stated that if the text amendment was approved anyone could apply for the waiver; however, the Town Council was not required to approve it. He reported that by-right someone could apply for the waiver, but it did not mean automatic approval. He added that the Council had the authority to deny an application if they did not think it was appropriate. He

notified the Council that if they changed the amount of units to 10 by-right, then an applicant could have 9 units on a property because it was within the by-right limit. He countered that with an SUP, the Council would have to approve any number of units requested over the limit of 5. He reported that the Council had all legal authority to say no if they felt that the application was not appropriate, regardless of previous decisions.

Councilman Bowman recalled that he had made the comment that this type of text amendment was just another tool in the toolbox when the Council was considering The Cottages project previously. He continued that it enabled Planning and Zoning to evaluate the application, and then send it to the Planning Commission who were professional advisors to the Council. Councilman Bowman repeated the earlier statement that the zoning was written in 1998, adding that things change over time, good, bad, or other. He reported that there was no guarantee whatsoever that voting for the text amendment meant that he would vote for approval of their project. He reasoned that by approving the text amendment and allowing the application to be reviewed by the Planning Commission, the Council would then be able to consider the project as a whole. He related that he understood the concern about growth in the Town, but he did not think that approving a text amendment that would allow them to simply apply was the wrong thing to do. Councilman Bowman stated that there was a misconception that needed to be clarified. He recognized that he had voted and cast the deciding vote that allowed the Grange to occur, if it came to fruition. He explained that he had done so because he felt that it was the right thing to do in the right location. He stated that the other developments were advancing with most approved prior to this Council's review. He related that he had nothing to do with zoning in 1975, and all that the Council could do was the best they could with what they had to work with. Councilman Bowman stated that he was a proponent of due process, and he believed that to circumvent the capability of someone to be heard was a violation to an extent. He emphasized that the applicant had a right to be heard.

Councilman Bowman made a substitute motion approve the text amendment of Article 3.D.C of the Zoning Ordinance. Councilwoman Butler seconded the motion.

Mayor Smith asked if there was any discussion regarding the substitute motion.

Councilman Cutler said that the citizens were very knowledgeable, did understand the zoning ordinances, and understood the decisions that the Council made. He said he would not besmirch the intelligence of the electorate, adding that the citizens were very informed about the issues and the growth that was happening in Town.

Vice Mayor Harris said that the issue was a difficult one for him to consider. He noted that Mr. Carollo was a well-liked developer and member of the community and it was a project that he could embrace. He continued that if he removed the personality of the applicant and the conceptual renderings of the project and looked at the issue from the aspect of the legislative change being considered, then he had difficulty endorsing the decision. He stated that he did not believe that zoning regulations that were already in place should be amended. Vice Mayor Harris continued that he thought points made by Councilwoman Butler and Councilman Bowman had been good, but if they took a vote on the issue tonight, he would have to vote against the amendment because he felt it was a really bad precedent to set. He added that it was the Council's job to listen to what the citizen's were telling them. Vice Mayor Harris reported that as a Town Council member, and

as a historian, he felt that that it was his responsibility to make sure that Historic District stayed like it was. He reiterated that he was against tampering with existing legislation for a single issue.

Councilwoman Butler questioned what the purpose of the joint meeting had been on Tuesday night. She stated that she felt that it had been a good discussion, and she came away from the meeting with positive feelings about it. She recalled that there was a discussion centered around setting precedents, as another Council member had been approached by a citizen who wanted to buy and develop a different lot in downtown. She recalled that Charles Bryant and Dr. Pope had explained that SUPs were not setting precedence but allowed a developer to make a request, but didn't necessarily mean that they would have to allow it if it was not in the vision for the Historic District. Councilwoman Butler reported that each individual project had to stand on its own merit and every project was not the same. She noted that there were other examples of duplexes in the Historic District. She related that she could be misunderstanding the issue, or maybe she was just a little bit more flexible in her thinking where developers were concerned. She observed that Mr. Carollo's plan had more units than Mr. Luter's, but the units were also smaller. She stated that she wanted to give the applicant, and any other applicant thereafter, to have the chance to have their project reviewed if they wanted to build in Smithfield.

Councilman Cutler said that he thought that Councilwoman Butler made some good points; however, he felt that they served the people and not developers. He said that when they didn't listen to the citizens of Smithfield then the Council was doing them a disservice. He recognized that Mr. Carollo was a citizen as well as a private developer, which he felt took priority over that in this instance. He said that it was important that they listened to the messages sent by the citizens of the Town.

Councilwoman Butler said that she did not want to give the perception to the members of the Council or the citizens to think that she didn't want to listen to them. She noted that the issues were complex for the Council and asked Councilman Cutler if he really thought that the citizens really understood SUPs when they were requested. She related that in the joint meeting with the Planning Commission the Council had questions that they had received clarification on, adding that she would never question what a citizen knew, but some of the topics they were dealing with were complex. She reported that she had lived in Smithfield her entire life and, besides Mayor Smith, no one had seen the level of growth in the Town that she had seen. She stated that if a quality developer brought a project for review then it deserved to be heard, and that was what planning was.

Councilman Cutler stated that Mr. Carollo had been heard three times, and many of the citizens present at the meeting were present every month. He added that the citizens were at least as informed as the Council members.

Mayor Smith called for the vote regarding the substitute motion to approve the text amendment. Seven members were on call for the vote. Councilwoman Butler voted aye, Vice Mayor Harris voted nay, Councilman Cutler voted nay, Councilwoman Bebermeyer voted nay, Councilman Brooks voted nay, Councilman Bowman voted aye, and Mayor Smith abstained. The motion failed by majority nay vote 2/4.

Mayor Smith called for the vote regarding the original motion to deny the text amendment. Seven members were on call for the vote. Vice Mayor Harris voted aye, Councilman Brooks voted

aye, Councilwoman Bebermeyer voted aye, Councilman Bowman voted nay, Councilwoman Butler voted nay, Councilman Cutler voted aye, and Mayor Smith abstained. The motion passed by majority vote of 4/2.

Public Hearing: Text Amendment - Article 2.W.2a of the Zoning Ordinance

Mrs. Clary reported that the proposed Text Amendment to Article 2.W.2.a. of the Zoning Ordinance to bring the publication requirements in line with State Code.

Mayor Smith asked if there were any questions. He opened the public hearing and asked if anyone wished to speak. Hearing and seeing none he closed the public hearing.

Councilman Bowman made a motion to approve the text amendment as presented. Councilwoman Bebermeyer seconded the motion.

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

Public Hearing: Text Amendment Article 2.K of the Zoning Ordinance

Mrs. Clary stated that the proposed Text Amendment to Article 2.K of the Zoning Ordinance was in order to bring the annexation language in line with State Code.

Mayor Smith opened the public hearing and asked if anyone wished to speak. Hearing and seeing none he closed the public hearing.

Councilman Bowman made a motion to approve the text amendment 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, Councilwoman Butler voted aye, Councilman Brooks voted aye, Councilwoman Bebermeyer voted aye, Vice Mayor Harris voted aye, Councilman Bowman voted aye, and Mayor Smith abstained. The motion passed.

Public Hearing: Text Amendment - Article 10.E.12 of the Zoning Ordinance

Mrs. Clary reported that the proposed Text Amendment to Article 10.E.12. of the Zoning Ordinance to allow for internally illuminated logos on signs.

Mayor Smith opened the public hearing and asked if anyone wished to speak. Hearing and seeing none he closed the public hearing.

Councilman Brooks made a motion to approve the text amendment as presented. Vice Mayor Harris seconded the motion.

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

Ordinance to Partially Exempt Real Estate Taxation for the Proposed Rehabilitated Properties Known as Jersey Park Apartments and Woods Edge Apartments, Located in Smithfield Virginia by Local Classification of Designation from Full Assessment of Taxes

Councilwoman Butler asked if the Council would like to have additional discussion regarding the tax abatement since it had been included in the action section.

Mayor Smith asked the Town Manager to summarize what the action was in relation to.

The Town Manager reported that the Jersey Park and Woods Edge Apartment complexes were both in the process of being acquired by a new owner. He said that as a part of the acquisition, there were plans to undertake massive renovations, equivalent to \$8.4 million at Jersey Park and \$6.3 million at Woods Edge. He said that as part of their financing package through the Department of Housing and Urban Development (HUD) and other financiers, they had requested that the Town consider a partial tax abatement. He explained that this meant for the next 15 years they would be taxed at their current value, which was \$3.2 million at Jersey Park and \$2.3 million at Woods Edge. The Town Manager continued that as the improvements were completed, the increased value taxes that resulted would be abated by the Town. He reported that the abatement would allow the owners to put additional funds into the project and help them to secure their financing.

Vice Mayor Harris reported that the issue had been tabled previously because he had raised concern and wanted time to study more about abatement. He related that he was completely satisfied with his understanding of the subject, and felt that they could move forward now. He made a motion to approve the abatement as proposed.

Councilwoman Bebermeyer seconded the motion.

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

Approval of Town Council Summary Minutes from February 4th, 2025

The Town Attorney said that he had reviewed the minutes and recommended that they 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. Councilman Cutler voted aye, Vice Mayor Harris voted aye, Councilman Bowman voted aye, Councilwoman Butler voted aye, Councilman Brooks voted aye, Councilwoman Bebermeyer voted aye, and Mayor Smith voted aye. The motion passed unanimously.

Appoint a Nominating Committee to fill the Expiring Term of Faye Seeley and the Unexpired Term of Greg Brown on the Board of Zoning Appeals

Mayor Smith appointed Councilwoman Bebermeyer and Councilman Cutler to the Board of Zoning Appeals nominating committee.

The Town Attorney gave the reminder that the Board of Zoning Appeals was a board that the Council recommended someone to the Circuit Court for approval, and then the process went through the court order process.

New Business:

There was no New Business discussed.

Old Business:

Additional Discussion Regarding the Smithfield Recreation Association's (SRA) Debt to the Town

Councilman Bowman recapped that the Council had heard from a representative of SRA about a month prior and he had made a motion to abate their debt to the Town. He observed that the motion, in a different form, failed. He said that as a result he would like to make a motion to further amend the lease agreement with the SRA to reduce and restate the balance due in lump sum payments of \$60,000 to be paid in four annual payments of \$15,000 and to authorize the Town Manager and Town Attorney to prepare and execute the Amendment.

Councilman Brooks seconded the motion.

Councilman Cutler confirmed that the action would forgive some debt, but would not give a cash payout.

The Town Attorney reported that the lease itself stated that it was deemed additional rent in lump sum, and it effectively was a reduction of the lump sum rent that was required in the second amendment of the lease.


Councilman Cutler summarized that the Town would forgive \$15,000 annually for four years.

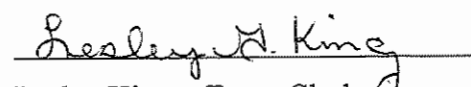
Vice Mayor Harris reported that this was a good precedent to set. He pointed out that any other group that found themselves in a similar situation could come before Town Council and present their case.

Mayor Smith called for the vote. Seven members were on call for the vote. Councilman Cutler voted aye, Councilman Bowman voted aye, Councilwoman Butler voted nay, Councilman Brooks voted aye, Vice Mayor Harris voted aye, Councilwoman Bebermeyer voted nay, and Mayor Smith voted aye. The motion passed by majority 5/2.

Councilman Cutler addressed Councilwoman Butler and stated that he would like to work with the Smithfield Packers organization to facilitate reduced usage cost for the fields in a similar manner, as well as any other youth group in Town.

The meeting adjourned at 7:56 pm.


Michael Smith - Mayor


Lesley King - Town Clerk