

The Smithfield Town Council held its regular meeting on Tuesday, August 5, 2025. The meeting was called to order at 6:30 PM.

**Members present:**

Michael Smith - Mayor Bill Harris - Vice Mayor Steve Bowman  
Mary Ellen Bebermeyer Valerie Bulter  
Darren Cutler Jeff Brooks

**Members absent:**

None

**Staff present:**

William H. Riddick, III – Town Attorney Lesley King – Town Clerk  
Tammie Clary – Community Development & Planning Director Ed Heide – Director of Public Works  
Judy Winslow – Director of Tourism Laura Ross – Treasurer  
Alonzo Howell – Chief, Smithfield Police Department Eric Phillips – Lieutenant, Smithfield Police Department Ashley Rogers – Director of Human Resources  
Steve Clark - Grounds Attendant

**Press:**

Stephen Faleski - The Smithfield Times

**Citizens:**

21

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

- 1. Call To Order**
- 2. Pledge Of Allegiance**
- 3. Informational Reports**

Tammie Clary, Director of Community Development and Planning, was sitting in for the Town Manager who was not present. She reported that she would be happy to answer any questions that she could regarding the informational reports.

- a. Manager's Report**
- b. Committee Summary Reports**

**4. Upcoming Meetings And Activities**

August 5 - 6:30 p.m. - Town Council Meeting  
August 12 - 6:30 p.m. - Planning Commission  
August 19 - 6:30 p.m. - Board of Historic and Architectural Review  
August 19 - 7:30 p.m. - Board of Zoning Appeals  
August 25 - 3:00 p.m. - Town Council Committees

NOTE: All of the above public meetings will be held at the Smithfield Center, unless otherwise noted.

**5. Public Comments**

- a. Renee Bevan - Mrs. Bevan, of 101 Beale Avenue in Smithfield, thanked the Town Council for the hard work that they had been putting in. She related that the election in the fall of 2024 had brought new hope to the citizens of Smithfield, and their work had not gone unnoticed. She said that the Mallory Scott Project had made people pay attention to the growth that was neither in character with the Town of Smithfield, nor was it congruent with the current neighborhoods or zoning laws. She noted that the current Town Council was listening to the people who elected them. Mrs. Bevan continued that they had also dealt with the inherited issue of The Cottages, summarizing its history of going from a 150-unit 10-plex project down to a 135-unit condominium project with five Special Use Permits (SUPs) under the current Planning Commission. She stated that the Planning Commission had approved the project 6-1 regardless of the negative aspects of condominium ownership, the developer changing his story about maintenance and fees, and that the developer could not or would not identify the builder for the project. She said that when the application came to the Town Council, due to their firm direction, the Cottages project was reduced further to 104 units and only 2 SUPs. Mrs. Bevan reported that one of the projects they were originally to discuss at the meeting had been approved by the Planning Commission, but the developer had requested a delay. She stated that it was her hope that developers were learning to respect the town's zoning laws, and understood that if they wanted a project approved then they would need to follow them. She reiterated that the citizens who elected them were watching, and there was much support for their campaign on managed growth and transparency. She said that she hoped they were able to maintain the vigor with which they were working on current projects for future projects that may come before them.
  
- b. Bob Hines - Mr. Hines, of 216 Washington Street in Smithfield, recalled a conversation he had with his neighbor, who was born in 1937, that the street that they lived on had at one time been a dirt road. He speculated that it was likely that 150 years ago, all the Town of Smithfield had dirt roads. He said he had seen a picture of Main Street that he was guessing was taken in 20's or 30's, and it looked to be a dirt road in the picture. He continued that also, at that time, there were no real building codes and density seemed to just happen. Mr. Hines read from a recent Smithfield Times article referring to a recent Planning Commission meeting. He read "Darren Cutler in June criticized fellow Commissioners for not being on board with the Town Council's new direction, and asserted that the body was too willing to give its blessing to developer-requested Special Use Permits to waive density limits and other zoning requirements. He cast the lone dissenting vote on two housing development proposals that reached the Planning Commission earlier this year. Other Commissioners say some provisions of the zoning ordinance, such as a five-unit per acre limit in Downtown Neighborhood Residential that overlaps much of the Historic District, were too strict given that existing Historic District neighborhoods already exceed the limit. 'We just had a recent election,' Cutler said, 'In June the Town spoke, there were changes on the Council. Quite a few, and we're trying to adhere to those changes. And now if we have a Planning Commission and Town Council that are on two different paths and the Town council is working to adhere to their campaign promises to the voters and manage the growth at a slower pace, we're not working together yet to do that on the Planning Commission. We're going to be at loggerheads and not going to function well together.' Mrs. Hillegass's response was, 'if you don't want any SUPs then you need to just come out and say that.'" Mr. Hines related that it had been said that times change and people should change with the times. He noted that the past showed that some of Smithfield exceeded the current density zoning statutes, the Historic District, for example. He continued that, over time, those restrictions were put in place, as those that put in those restrictions changed with the times by seeing future problems. Mr. Hines said that when much of the density of Smithfield's Historic District was built, and his house was about 115 years old, he guessed that it was during the time of horse-and-buggy transport. He reported that his neighbor had told him that during World War II, many people came into the town on the weekends by horse-and-buggy. He pointed out that many things had changed over the years. He said that many people did not want the area to turn into Virginia Beach, adding that Route 17 going toward Harbor View was atrocious. He questioned if they wanted to return to a time when, for example, the Historic District was "build as you wish." Mr. Hines reported that just because some areas built in the past were denser than the current code did they necessarily need to return to that time. He said that being too lenient with some SUPs with regard to density seemed to be doing so. Mr. Hines updated that he had sent a request concerning the status of the proposed Farmer's Market, and the only response he had gotten in return was from Michael Stallings, Town Manager. He said that maybe none of the Council knew more than what had been given, but they had seen the response that he had seen. He said that he appreciated the candor, but he had some concerns. He read some lines from the response he received, including "No Town of Smithfield General Fund tax dollars were to contribute to its success." He reported that the projection was that the market building itself would be paid for through advanced town and

county support, \$1.4 million each from the Town and the County. He speculated that the amount was "manna from heaven" as opposed to taxpayer funding. He observed that he was not suggesting that some sort of market was a bad idea, adding that many facilities and services existed for the citizens' benefit and were funded by taxpayer money. He stated that it seemed that taxpayer funds would have to be involved, and if so, then they should admit as much and work from there. He read, "actual ownership of the market space has not yet been determined." Mr. Hines related that given the length of time that the project had been addressed, it would seem as though the issue would have been settled.

- c. Robert Small - Mayor Smith reported that Mr. Small was the attorney for a matter listed later in the agenda and would like to move his item forward to be addressed next.

## 10. Old Business

- a. Update on Blighted Property - 1502 Magruder Road  
[William Riddick, Town Attorney](#)

Robert Small, attorney for the owners of 1502 Magruder Road, updated that his clients were able to get sufficient funds from the insurance company in order to facilitate the entire clean-up of the property. He reported that he had sent a letter to Mr. Bill Riddick, the Town Attorney, on July 28th which included a contract that his clients had entered into with a company that was familiar with the type of work necessary. He added that the letter detailed the work that would be completed, and he had attached the bona fides from the State Corporation Commission for the company as well as a copy of the \$5,000 down payment check. He noted that his clients had more than sufficient funds to cover the price the company quoted them. He recognized that the Town had received quotes from several contractors that were higher than the amount his clients were quoted, which may be related to the property's proximity to the Resource Protection Area (RPA). Mr. Small summarized that whatever the cost ended up being, the insurance company had released enough funds for his clients to be able to meet the costs necessary. He continued that he sent a follow-up letter on July 31st to confirm that his clients had retained Davis and Associates to complete the various land surveys for the RPA. He reported that the firm had asked for \$2,800 in order to complete the work which had been paid, and his clients would cover any additional expenses that may manifest. He recapped that there was a standing Injunction Order from the Circuit Court that would expire on August 27th, adding that per Davis and Associates, their survey work would take until September 4th. Mr. Small requested that the Town Council vote on a motion to approve the plan he had submitted using the named contractors. He related that in doing so the Town Council would clear up many of the previous actions taken which would enable them to move forward with the necessary work. He stated that the security fence would remain in place during the work and the swimming pool would need to remain filled with water so that it would not rise out of the ground. He noted that his clients would treat the pool for mosquitoes as necessary. Mr. Small reported that not every issue had been resolved with the insurance company; however, the injunction and the Town Council's previous ruling had all given them the necessary elements to enable his clients to receive the funding in order to complete the work necessary. He thanked the Council for their past consideration and their current consideration of his request.

Mayor Smith asked the Town Attorney if they needed to move the item back down the agenda in order to proceed with a vote.

The Town Attorney reported that if the Council agreed with the Mayor's amendment of the agenda, then they could proceed with the vote.

Councilman Bowman made a motion to move Old Business to the beginning of the meeting for consideration. Vice Mayor Harris seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilman Brooks voted aye, Councilman Cutler voted aye, Councilman Bowman voted aye, Councilwoman Bebermeyer voted aye, Councilwoman Butler voted aye, Vice Mayor Harris voted aye, and Mayor Smith voted aye. The motion passed unanimously.

Councilman Bowman asked the Town Attorney for confirmation that all the Town's protections remained in place with the knowledge of the lapse in time between the injunction expiring and work completion, and if there were any legal additions to the language of the motion that needed

to be made.

The Town Attorney explained that the injunction prevented the Town from taking any action to remove anything from the property. He continued that the injunction would dissolve and would not be an issue. He noted that if the information that Mr. Small had presented had been given months ago, it would have been more than sufficient to meet the Town's requirements. He observed that, due to the proximity to the RPA, there would be a mitigation plan that would be required to submit to Mrs. Clary for approval. He added that the request to keep the swimming pool and the foundation was going to require an application to the Board of Zoning Appeals, which they may rule for or against. The Town Attorney stated that it was all a part of the administrative process which the Town was prepared to handle. He said it was his recommendation that the Council accept the plan.

Councilman Bowman acknowledged there was an administrative process that must be completed, but asked if they should establish a date certain that the main destroyed area of the structure be removed.

The Town Attorney replied that they could set a date for review to determine what the status of the matter was.

Councilman Bowman said that he felt that once the process had moved further, Mr. Small had done exactly what he said he would do. He related that in this type of scenario the issue could linger further. He said his concern was with safety and the impact on the neighbors.

The Town Attorney confirmed with Mr. Small that the expectation was that once the administrative approvals were completed, then they would take care of the demolition of the debris. He said that the foundation could not be removed until the Board of Zoning Appeals gave approval. He stated that if the application was completed quickly then it could be on the agenda for September.

Mr. Small reported that he would attend every Council meeting until the matter was completed. He said that it was his hope that, once the administrative aspects of the matter were taken care of that the physical work would be completed within 30 to 45 days, if not sooner.

The Town Attorney observed that with the information Mr. Small just gave, the Council could move that the demolition should be completed no less than 45 days from the completion of the approvals.

Vice Mayor Harris asked the Town Attorney to confirm that if they accepted the plan, then there would be a 90-day window for resolution.

Mrs. Clary read from the statute: "They shall have 90 days to complete all work approved in the plan; however, the administrator may grant extensions of time to complete the work where the owner has completed a substantial portion of the work in compliance with the plan."

Vice Mayor Harris confirmed that the administrator in that situation would be Mrs. Clary.

Councilman Bowman made a motion to move Old Business to the beginning of the meeting for consideration. Councilwoman Bebermeyer seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilman Brooks voted aye, Councilman Cutler voted aye, Councilman Bowman voted aye, Councilwoman Bebermeyer voted aye, Councilwoman Butler voted aye, Vice Mayor Harris voted aye, and Mayor Smith voted aye. The motion passed unanimously.

## **6. Council Comments**

Councilman Cutler stated that he was relatively new to the Council and had made several observations over the last few months and had recommendations for actions to address them. He reviewed the results of the recent election, and said that, despite those results, there remained a push for very dense growth. He continued that there was a lack of awareness of citizen concerns and the direction that the Town Council wanted to go. He noted that if words were spoken, written, contained in a survey, or even if they were not spoken at a Council meeting, the

members heard them. He related that later on in the New Business section of the agenda he would discuss a task process that he would present. He recommended that they make a motion that the Council develop a planning department recommendation guideline, and he would like to work with the Town Manager in order to develop that process so that they may create a very high barrier for any applications that do not follow the current zoning laws. Councilman Cutler recapped that the process for The Cottages had been done in a backwards fashion, noting that they should be receiving a development application that fit the Town's zoning law, then came to the Planning Commission and was fixed to meet the laws in a way that was appropriate to the character of the Town of Smithfield, and then come to the Town Council for the final vote. He stated that he would like to enact tasks that would be clearly identified in the meeting minutes and then carried into Old Business until it reached resolution. His first recommendation was that the Town Manager work with himself to develop a Planning Recommendation Guideline for the Planning Department.

Councilwoman Butler suggested that a member of the Planning Department also be involved in the meeting between Councilman Cutler and the Town Manager.

Councilman Cutler pointed out that the Town Council did not task as they had four direct reports. He stated that the Council would assign the task to the Town Manager who would then assign as appropriate to the Town Planner, or perhaps the whole Planning Department.

Councilwoman Butler said that was fine; however, there should be representation from Planning on that committee as well.

Councilman Cutler stated that his second recommendation surrounded school proffers. He thanked the Town Attorney for providing very clear legal guidance and status regarding the issue. He noted that what they had been told was a little contrary to what he had been told by the School Board, but he felt progress was being made. He stated that it had not been as easy as it should be to get answers on the subject. He related that he felt that the school proffer aspect of the Town's growth was a part of what the citizens had been talking about when referring to "managed growth." Councilman Cutler said that his takeaway from the report from the Town Attorney was that there was a pathway to a positive end of the issue; however, the pathway did not exist through the Town Council. He encouraged the Council to continue to work with the County and the citizens to work with the Town and County representatives on the issue. He said that if assistance were available for the schools and infrastructure, it would be poor governance to forego that money. He observed that currently there was a "disappearing" proffer for the schools, but if done properly it was almost \$2 million that would go directly to schools with no "disappearing" function. Councilman Cutler stated that his third recommendation addressed the evaluation process for the four staff members that were direct reports to the Town Council. He thanked Director of Human Resources Ashley Rogers, Town Clerk Lesley King, and Town Treasurer Laura Ross for working with the Town Manager to answer a barrage of his questions and requests for data. He noted that the Town was historically deficient on completing evaluations for some personnel. He reported that Mrs. Rogers was working hard to establish a process of evaluation that would be included for all employees of the Town. Councilman Cutler recognized that the Town Council members were not fully paid employees, and had a harder time keeping track due to elections, turnover, etc. He said that making it a Human Resources function would ensure that the Town Council was held accountable to hold the employees accountable by assessing things like performance and pay. He said that the move would address the voter mandate of increased transparency. Councilman Cutler reported that his fourth recommendation would be using the Old Business section of the agenda to track the tasks of developing the evaluation systems and completion of the 2025 evaluations of the Town Council's four direct reports. He offered Mrs. Rogers assistance should she need it to complete the task. Councilman Cutler reported that he wanted to discuss how Closed Sessions were utilized. He said that after reflecting on the most recent Closed Session he had questioned its necessity. He stated that he would leave the answer to the Town Attorney to resolve. He stated that of the items discussed, which were necessary to be discussed in Closed Session, and if they were not, then what was the process needed to return them to the public arena. He reiterated that there needed to be transparency on Town Council. He recommended that they task a Council member to work with the Town Attorney and the Town Manager to develop a Closed Session Process, and that process involve inclusion of a motion to determine the necessity of needing to enter into a Closed Session. He continued that the Council had discussed earlier in the year taking minutes of Closed Sessions, as he had learned during his training in Richmond from the attorneys there that even

with minutes the Closed Session would remain confidential. He tasked the Town Attorney with establishing a process to ensure that inclusion of minutes for the Closed Session would remain confidential.

## **7. Consent Agenda Items**

Councilman Brooks recommended a motion to approve C1. Resolution Appropriating the Sum of \$18,750 from the Department of Criminal Justice Services to the 2025-2026 General Fund Operating Budget and C3 the included Invoices Over \$20,000.

Councilman Cutler asked if the Sidewalk Ordinance, item C2, could be discussed further.

There was discussion about whether C2 had been pulled from the Consent Agenda for further discussion.

Mayor Smith asked Councilwoman Butler to address C2.

Councilwoman Butler stated that item C2. Ordinance to Amend Town Code as it Relates to Outdoor Dining on Public Sidewalks had been discussed at the last Committee Meeting. She observed that it was a part of Article 3 Section 26-294: minimum width of sidewalk to reduce the minimum width from 7 feet to 4 feet.

Councilman Cutler stated that when the issue had been discussed previously, it was noted that it would be to ensure that some of the establishments in Town that were already over the minimum were in compliance with the ordinance, but his concern had been with other establishments, notably around the Times Square Stage.

Mayor Smith asked for confirmation that 4 feet was in compliance with the Americans with Disabilities Act (ADA) standards.

The Town Attorney confirmed that it was correct. He pointed out that there was existing outdoor dining at the bakery in that area. He noted that the change to 4 feet would meet the ADA requirement, while allowing existing businesses to continue to operate outdoor seating in compliance with the Town's laws.

Councilman Cutler stated he understood the example of the Fiddlin' Pig Pub not having the ability to conform to the 7 foot standard due to its location, but the bakery seemed to have plenty of space to work within.

The Town Attorney noted that 4 feet was a town-wide minimum that would allow the Fiddlin' Pig to be in compliance, and in the case of the bakery they had over 4 feet so they were already in compliance.

Councilman Cutler clarified that if the bakery decided to extend the sidewalk seating out by another table and still allow the minimum 4 feet, that it would create a bottleneck in that area. He asked if there was a cited problem or if there had been an issue reported.

Mayor Smith stated that the purpose had been to bring the establishment into compliance.

Mrs. Clary said that statement was correct, especially in the case of the Fiddlin' Pig and Cure Coffee Shop.

The Town Attorney reported that Section 26-288 required that a sketch be submitted by the business and approved by the administrator. He recognized that there were valid concerns, but there were safeguards built into the ordinance.

Vice Mayor Harris asked for confirmation that the Town Staff had physically measured from the curb to the tables at the bakery on Main Street.

Mrs. Clary reported that Town Staff had gone to the Fiddlin' Pig and Cure and confirmed that reduction to 4 feet would bring both establishments into compliance.

Vice Mayor Harris asked about seating on Main Street.

Mrs. Clary stated that she could not recall the exact dimensions, but they were over the 4-foot minimum.

Councilman Bowman made a motion to prove the consent agenda as presented. Councilman Brooks seconded the motion.

Mayor Smith called for the vote, with seven members present. 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.

- a. Resolution Appropriating the Sum of \$18,750.00 from the Department of Criminal Justice Services to the 2025-26 General Fund Operating Budget  
*Finance Committee Chair, Jeff Brooks*
- b. Ordinance to Amend Town Code as it Relates to Outdoor Dining on Public Sidewalks  
*Public Buildings and Welfare Committee Chair, Valerie Butler*
- c. Invoices Over \$20,000 Requiring Council Authorization:  
*Finance Committee Chair, Jeff Brooks*
  - i. The Blair Brothers, Inc. - Crosswalk in Historic District \$ 79,800.00
  - ii. The Blair Brothers, Inc. - Sykes Court \$ 84,450.00
  - iii. Xylem - Cypress Creek Pump Station \$ 51,651.00
  - iv. Santander Bank - Vac Truck \$ 99,349.81
  - v. Tactical Electronics \$ 25,089.50

8. Action Items

- a. Public Hearing: Special Use Permit - 107 Saint Pauls Avenue  
*Tammie Clary, Director of Community Development and Planning*

Mrs. Clary reported that the applicant was seeking a special use permit in accordance with Article 3.F.C.18 to utilize a portion of the home as a home occupation, for use as a book author. She said the applicant stated that there would be no customers and no employees coming to the residence. She noted that the application was favorably recommended at the June Planning Commission meeting.

Mayor Smith stated that there were two people who signed up to speak at the public hearing.

Nancy O'Berry - Mrs. O'Berry, the applicant residing at 107 St. Paul's Avenue in Smithfield, explained that she created "intellectual content" and there were no consumers coming to her home to buy goods. She added that she does this in a solitary fashion over her garage at her home. She stated that though she did get physical books printed for sale on occasion to sell at festivals, the majority of her business was conducted online. She continued that her editor, her beta reader, and the person who made the covers for her book all interacted with her via the internet, and were not coming to her residence. Mrs. O'Berry reported that Mrs. Clary had helped her to understand why the ordinance was written to require her to obtain an SUP, and that it really came down to her residence being a part of a multifamily structure. She thanked the Town for being so welcoming and added that she was honored to call Smithfield her home.

Jenny Soule - Mrs. Soule explained that she no longer wished to speak.

Mayor Smith asked if there were any other attendees present who wanted to speak on the matter. Hearing and seeing none, he closed the public hearing.

Councilwoman Bebermeyer made a motion to approve the SUP application as presented. Councilman Cutler seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilman Bowman voted aye, Councilwoman Butler voted aye, Councilman Cutler voted aye, Councilwoman Bebermeyer



voted aye, Councilman Brooks voted aye, Vice Mayor Harris voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**b. Public Hearing: Special Use Permit - 139 Sykes Court**  
*Tammie Clary, Director of Community Development and Planning*

Mrs. Clary reported that the applicant was seeking approval to rent 139 Sykes Court, which was an existing single-family residential dwelling, as a short-term rental property. She stated that according to the Smithfield Zoning Ordinance (SZO) Article 2.Z.1, short-term rentals as principal uses are permissible by Special Use Permit (SUP) only. She detailed that no changes to the property were proposed in order to accommodate the short-term rental. Mr s. Clary observed that approval should be conditioned on the applicant following the conditions outlined in Article 2.Z.1.a through Article 2.Z.1.i., except for Article 2.Z.1.b., and the conditions require a signed and notarized short-term rental affidavit ensuring compliance. She reported that the application was favorably recommended by the Planning Commission at their June meeting.

Mayor Smith stated that the matter was subject to a public hearing and asked if there were any attendees present who wanted to speak.

Margret Carrol - Mrs. Carrol reported that she resided at 136 Sykes Court in Smithfield, and she was opposed to approval of the application. She stated that she had seen renters at the property the previous two weekends. She asked if someone could explain why they were able to have renters though the property had not gone through a vote at Town Council.

Mrs. Clary clarified that by-right residents were allowed 104 nights in a calendar year as a short-term rental, meaning that they did not need any special permits for that action. She added that the application was to be able to exceed 104 nights.

Mrs. Carrol stated that the reason she was opposed to approval of the application was due to little available parking in the area of the property. She reported that she had spoken with many of the neighbors, but they had not been able to attend the meeting. She related that there was frequent vehicle traffic on their road with people looking for parking, notably during festivals in town. She said that she was unsure how many people would be allowed to stay in the home for one weekend, and questioned if they would be vetted through Airbnb or Vrbo. Mrs. Carrol reported that there were children who resided on that street, and the street had a tendency to get very crowded during even small events. She noted that at the corner of the street there was already a property used as a short-term rental. She related that she would like to have neighbors that were invested in the community, and not people who were only coming for the weekend.

Councilman Bowman observed that the house in question had recently been sold. He asked Mrs. Carrol if she knew how long the previous occupants had resided in the home.

Mrs. Carrol estimated that there had been about three different occupants at the property in the last five years. She reiterated that her concern was with the amount of people at the property because the parking was too tight.

Anna Boyer - Mrs. Boyer of 11183 Burwell's Bay in Smithfield reported that she was the owner of the property and applicant. She stated that she had purchased the property about 6 months prior, and she wasn't necessarily using the home as a weekly turnover type of rental. She said that initially there had been a renter at the property for a six-month period, and as a realtor in the town, sometimes she had clients who needed different rental periods while moving. She noted that the property could easily fit three cars and the Town had recently made improvements to the sidewalk in the area. Mrs. Boyer said that the house had three bedrooms and one-and-a-half baths, which meant at the most they could hold six to eight people. She explained that the renters came for festivals, markets, weddings, and were enjoying Smithfield. She related that she was happy to give her information to the neighbors so that they could contact her about any issues. She noted that Airbnb was very good at assisting with any reported issues with renters quickly.

Councilman Brooks asked Mrs. Boyer if her intent was to keep the property a permanent Airbnb.

Mrs. Boyer stated that was correct. She said that if she was able to get a longer-term renter at the property, then she would block those dates off as unavailable.



Mayor Smith asked if there were any other attendees present who wanted to speak on the matter. Hearing and seeing none, he closed the public hearing.

Vice Mayor Harris advised that they should table the issue. He reported that at the Committee Meetings the Council had tasked the Town Manager with investigating different uses and different numbers of Airbnb's in the Historic Districts of other areas. He said that until they had received that information he felt it would be voting in haste.

Vice Mayor Harris made a motion to table the application. Councilman Cutler seconded the motion.

Councilwoman Butler questioned if the Council's discussion in the Committee Meeting would apply to the matter they were addressing, as the application in question had already been approved by the Planning Commission, or would it only apply to any new requests before the Council.

The Town Attorney clarified that the Planning Commission had only recommended approval. He said that the public hearing had been held, and they did not need to take action. He further explained that though the term was "table," it really meant to defer consideration to a later meeting.

Councilman Cutler reported that the purpose of the action was to be able to review some research results and create a policy as it related to short-term rentals.

The Town Attorney observed that they could not apply a new policy, but if the Council wanted to consider the information the Town Manager presented and create a policy moving forward, that could be done. He noted that the newly created policy could not be applied retroactively.

Councilman Cutler recalled that they had discussed creating a policy because they were seeing many applications for short-term rentals.

Councilwoman Butler referenced the Town Attorney's point, and asked how creating a new policy would affect the application they were currently reviewing.

The Town Attorney said that the Council could take the data given by the Town Manager into consideration and use it to form their own decision on the matter.

Vice Mayor Harris stated that his recommendation for deferral was based on his request to the Town Manager to conduct research on the subject, and that information may inform the Council's decision.

Councilwoman Butler asked what research the Town Manager would be conducting. She recalled that their discussion had been surrounding Airbnb's that existed in the town, if they had any issues, and which ones were set up to be reviewed annually.

Vice Mayor Harris said that it was his understanding that he would contact the Town Manager in other areas that had seen an influx of Airbnb's, particularly in Historic Districts. He recalled that Front Royal and Virginia Beach had been examples of such communities.

Councilwoman Butler reported that she understood; however, she did not know if she necessarily agreed with the action in relation to the application that was already in process.

Mrs. Clary explained that per the State Code, the town had until December 2023 to regulate short-term rentals. She said that if they were to go back now and try to change their process for short-term rentals, they would not be allowed to use SUPs as a way to regulate them.

Councilman Brooks stated that why the Council had asked the Town Staff to research additional information was so that they could ensure that short-term rentals would not disrupt the residential character of a neighborhood. He thanked Mrs. Carrol for her comments earlier about what she had seen impact the neighborhood, because that was the type of information that he wanted everyone to see. He emphasized that it had nothing to do with that specific property, but more a

question of whether their allowance would change the character of the small historic town. He recalled that Councilman Bowman likened it to increased commercialization when considered as long-term, short-stay rentals. He said that he was in agreement with the motion to table the application, as he would like much more information.

The Town Attorney said that Councilman Brooks' point was well-taken, but asked them to remember that residents were entitled to 104 nights permitted by-right. He advised that the Council could place conditions on the application, and noted that the Town's was in a good place where the ordinance was situated currently.

Councilwoman Bebermeyer reviewed that the applicant had noted that she had a variety of renters use the property. She asked, hypothetically, if there was a renter who was there for 90 days, would that time count toward the 104 days allowed by-right per calendar year.

Mrs. Clary reported that short-term rentals were defined as less than 30 days.

Councilwoman Bebermeyer confirmed that meant that if there was a renter for 90 days, it would not count toward the 104-day limit.

Vice Mayor Harris confirmed that his motion to defer action on the item until the next Council meeting still stood. Councilman Cutler repeated his second of the motion.

Mayor Smith called for the vote, with seven members present. Councilwoman Butler voted nay, Vice Mayor Harris voted aye, Councilwoman Bebermeyer voted aye, Councilman Cutler voted aye, Councilman Bowman voted aye, Councilman Brooks voted aye, and Mayor Smith voted aye. The motion passed by a majority of 6/1.

**c. Public Hearing: Special Use Permit - Eastwood Sales Trailer**  
[Tammie Clary, Director of Community Development and Planning](#)

Mrs. Clary reported that the applicant was seeking a SUP in accordance with Article 3.C.C.24 for temporary real estate marketing office for new subdivisions. She said that the proposed 28' by 8' temporary white vinyl trailer would be used to meet with potential customers while the model was under construction and was expected to be on site for no longer than 4–6 months. She stated that the Planning Commission favorably recommended this application at their June meeting.

Mayor Smith stated that the matter was subject to a public hearing and asked if there were any attendees present who wanted to speak. Hearing and seeing none, he closed the public hearing.

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

Mayor Smith called for the vote, with seven members present. Vice Mayor Harris voted aye, Councilman Brooks voted aye, Councilwoman Bebermeyer voted aye, Councilman Bowman voted aye, Councilman Cutler voted aye, Councilwoman Butler voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**d. Public Hearing: Mallory Pointe - Sales Trailer**  
[Tammie Clary, Director of Community Development and Planning](#)

Mrs. Clary reported that the applicant was seeking a SUP in accordance with Article 3.C.C.23 for two temporary real estate marketing offices for a new subdivision. She said that the two model homes would share a temporary parking lot, the garages were planned to function as offices and would be converted back to garages when no longer needed. She said that the offices will be open daily from 10am to 7pm, and by appointment. She noted that the Planning Commission favorably recommended this application at their June meeting.

Mayor Smith stated that the matter was subject to a public hearing and asked if there were any attendees present who wanted to speak.

Steve Miller - Mr. Miller reported that he represented Stanley Martin Homes, whose office was located at 118820 Fountain Way in Newport News. He said that he was present to answer any questions that the Council may have regarding the application.

Mayor Smith asked if there were any other comments. Hearing and seeing none, he closed the public hearing.

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

Mayor Smith called for the vote, with seven members present. Councilman Brooks voted aye, Councilwoman Butler voted aye, Councilman Bowman voted aye, Councilwoman Bebermeyer voted aye, Vice Mayor Harris voted aye, Councilman Cutler voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**f. Public Hearing: Conditional Rezoning & Special Us Permits - Sheetz**  
*Tammie Clary, Director of Community Development and Planning*

Mrs. Clary reported that the applicant was seeking a conditional rezoning to Highway Retail Commercial (HRC) to facilitate the construction of a convenience store with fueling station islands, with 2 additional retail users. She stated that the requested uses were in line with the Future Land Use Map (FLUM), as the current designation was Corridor Mixed Use, which provides for primary commercial uses. She detailed that the 6,139 square foot convenience store would feature a 4,170 square foot fueling station canopy, with 6 double sided self-serve fueling stations. She noted that in addition to traditional convenience store offerings, there would be a made-to-order food menu, Coffee bar, smoothies, indoor/outdoor seating, and the store would operate 24 hours a day, 7 days per week. Mrs. Clary reported that the site had existing access servicing Sherwin Williams and would also include a right-in/ right-out entrance shared among the subdivided parcels with a pedestrian path along Route 10 for connectivity.

1st Special Use Permit- Article 3.J2.C.7: Drive-thru facility: The applicant is requesting to utilize a drive-thru facility at the convenience store for made to order food or other items from the store.

2nd Special Use Permit- C.20: Waiver of parking and loading: The applicant would like to exceed the maximum number of parking spaces allowed by 7 spaces, providing up to 44 spaces instead of the maximum of 37 spaces.

3rd Special Use Permit – C. 15: Service Station: The applicant would like to utilize one parcel as a 5,500 square foot oil express facility.

Mrs. Clary reported that the application package was favorably recommended to Town Council at the July Planning Commission meeting provided the applicants determine a way to review/ limit the third parcel, and they address the Virginia Department of Transportation's (VDOT's) comments prior to the Council meeting. She stated that the Town Staff suggested a deferral of action on the application as they had not received that confirmation from VDOT.

Mayor Smith stated that the matter was subject to a public hearing and asked if there were any attendees present who wanted to speak.

Robin Niss - Mrs. Niss, whose business address was 4525 Main Street in Virginia Beach, reported that she worked at Kimley-Horn and Associates, the civil engineering firm who had prepared the plan that they were reviewing. She noted that they may have already spoken with her colleague, Randy Royal, who was not able to be present and she would be speaking in his place. She stated that also with her was Jim Sallow, representative from Interstate, who was the landowner, Tony Caruso, representative from Sheetz, and Omar Kanaan, the team's Traffic Engineer. She updated that the team was working with VDOT to understand their traffic requirements. Mrs. Niss offered that if they went with the recommendation to defer action on the application to their next meeting, then they would be able to answer any questions they may have. She reviewed that from an engineering standpoint their plan was well-designed: addressing access to and through the site with no back-up on the roadway, accommodations for stormwater management, and considerations for utility connections. She additionally reported that they were planning to acquire off-site property in order to install roadway improvements, and would be cost participating in the improvements generated by the master Traffic Impact Analysis (TIA) plan for the area. Mrs. Niss gave the update that currently there was not a third party identified to utilize the other parcel and, as part of the agreement with the Planning Commission, they had agreed and were putting in the form of a proffer that they would present to the Planning

Commission any additional users to ensure that the business was not a repetitive use of the property.

Jim Sallow - Mr. Sallow reported that he was the Construction Manager for the developer of the land. He praised the team he worked with and reported that the tenant, Sheetz, was a joy to work with.

Tony Caruso - Mr. Caruso reported that he was a representative of Sheetz, whose address was 13302 Ellerton Terrace in Midlothian. He gave a brief presentation regarding the Sheetz company and their mission.

Vice Mayor Harris asked if they could provide a projection regarding how many jobs they would bring to the locality.

Mr. Caruso stated that there would be both full and part-time positions available, with a move towards more full-time. He stated that over three different shifts he stated that there would be 24 positions to cover, including managerial positions, assistant positions, as well as the full and part-time positions.

Councilman Bowman asked where the last Sheetz built was located in relation to Smithfield.

Mr. Caruso reported that there was a Sheetz open near Petersburg, which was located in Disputanta on Route 460. He stated that there was a Sheetz near the Richmond Airport on Route 64, as well as one in the approval process in Gloucester.

Councilman Bowman related that he had been a patron of Sheetz for many years, and had been saddened to see one location had been sold, and the quality had changed. He said that he hoped that the Town Council approved the application that Sheetz considered the Town of Smithfield a unique place to do business and wouldn't flip the business after several years.

Mr. Caruso stated that he understood the sentiment. He noted that it cost them twice now what it cost them to build five years ago, so the company was very diligent in their reviews of sites.

Councilwoman Bebermeyer pointed out that in the presentation it looked like there would be a car wash at the site, but it looked like that aspect would no longer be included.

Mr. Caruso confirmed that there would not be a car wash at the site. Councilwoman Bebermeyer asked if there was pedestrian access in the area.

Mrs. Clary reported that they were building a sidewalk, with the idea being that as the development progressed in the area, each new addition would connect to that sidewalk eventually.

Councilwoman Bebermeyer asked if there would be a pedestrian crossing at Benn's Church and Turner Drive.

Mrs. Clary clarified that it would be something that VDOT would have to agree to. Councilman Cutler asked if they were putting a Tesla charging area at the site.

Mr. Caruso reported that there were currently no plans for charging stations at the site. He related that the Sheetz team had reached out to the third party Electric Vehicle (EV) charging companies - including Tesla - to see if they were interested in placing charging stations at the site. He stated that it was currently difficult to fund EV independently, but that did not mean that they couldn't or wouldn't put EV charging at the site in the future.

Councilman Cutler reported that as EV charging was not as prevalent, it provided an interesting tourism opportunity to have a station providing the service in a place like Smithfield.

Mayor Smith asked if there was anyone else present who wished to speak on the matter. Hearing and seeing none, he closed the public hearing.

Councilman Cutler confirmed with Mrs. Clary that the application should be deferred to September.

Omar Kanaan - Mr. Kanaan, also with Kimley Horn and Associates, explained that they had begun traffic engineering in December when they met with VDOT and Town Staff. He stated that their first iteration of the traffic study was turned in February 2025, with comments received in March 2025 requesting additional traffic to be analyzed from the approved Wawa and Sweetgrass development. He continued that the revised analysis was submitted. He observed that they revised the information using national standards looking at such things as fueling positions, store size, and restaurant inclusion. He reiterated that they were expecting the final word from VDOT by the next month's meeting.

Councilman Cutler reported that at the previous Planning Commission there had been comments from VDOT reviewed, and there were quite a few.

Mayor Smith confirmed with the Town Attorney that if the action was deferred that the application would not need to return to the Planning Commission.

Councilman Cutler made a motion to defer action on the application to the Council's September meeting. Councilwoman Bebermeyer seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilman Brooks voted aye, Councilwoman Butler voted aye, Councilman Bowman voted aye, Vice Mayor Harris voted aye, Councilwoman Bebermeyer voted aye, Councilman Cutler voted aye, and Mayor Smith voted aye. The motion passed unanimously.

e. Public Hearing: Special Use Permit - 13404 Benns Church Boulevard

[Tammie Clary, Director of Community Development and Planning](#)

Mrs. Clary reported that the applicant was seeking a SUP in accordance with Article 3.I.C.33 in order to operate a Recreational Substance Establishment. She detailed that the applicant would primarily be selling cigars, cigarettes, cigarillos, e-liquid, and e-cigarettes. She reviewed that the Planning Commission favorably recommended this application at their June meeting. She reported that the requested use was not by-right and required an SUP, adding that due to previous illegal activity the owner/business was shut down. Mrs. Clary stated that the Town Staff suggested the removal of all window signs/ tinting, and they should only be allowed to operate Monday through Sunday from 8am until 8pm. She gave the update that the application was unfavorably recommended at the June Planning Commission meeting.

Mayor Smith stated that the matter was subject to a public hearing and asked if there were any attendees present who wanted to speak. Hearing and seeing none, he closed the public hearing.

Councilman Bowman made a motion to deny the application as presented. Councilman Cutler seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilman Cutler voted aye, Councilman Brooks voted aye, Councilwoman Bebermeyer voted aye, Vice Mayor Harris voted aye, Councilman Bowman voted aye, Councilwoman Butler voted aye, and Mayor Smith voted aye. The motion to deny passed unanimously.

g. Public Hearing: Text Amendment - Group Homes

[Tammie Clary, Director of Community Development and Planning](#)

Mrs. Clary reported that the proposed text amendment was to Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.G 3.H, & 3.J2 of the Zoning Ordinance to incorporate group homes as a by-right use, no longer SUP, in each residential zoning districts: Community Conservation, Neighborhood Residential, Suburban Residential, Downtown Neighborhood Residential, Attached Residential, Residential Office, Downtown, PMUD (excluding multifamily dwellings). She reported the application had been favorably recommended to the Town Council by the Planning Commission.

Mayor Smith stated that the matter was subject to a public hearing and asked if there were any attendees present who wanted to speak.

Councilman Bowman confirmed that the change was in conformance with State Law.

The Town Attorney noted that there was a draft ordinance for their review attached to the agenda.

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

Mayor Smith called for the vote, with seven members present. Councilwoman Butler voted aye, Councilwoman Bebermeyer voted aye, Councilman Brooks voted aye, Councilman Cutler voted aye, Vice Mayor Harris voted aye, Councilman Bowman voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**h. Public Hearing: Text Amendment - Side Yard Setbacks for Cluster Lots**  
[Tammie Clary, Director of Community Development and Planning](#)

Mrs. Clary stated that the proposed Text Amendment was to Article 3.C.F.2.B.2. of the Zoning Ordinance per Dr. Pope's request:

**2. Minimum yard requirements:**

**A. Conventional lot:**

- (1) Front yard: 35 feet
- (2) Side yard: 15 feet
- (3) Rear yard: 35 feet 5 feet (accessory uses)

**B. Cluster lot:**

- (1) Front yard: 25 feet
- (2) Side yard: 10 feet 6 feet
- (3) Rear yard: 25 feet 5 feet (accessory uses)

Mrs. Clary stated that the Planning Commission favorably recommended this application at their June meeting.

Mayor Smith stated that the matter was subject to a public hearing and there was one speaker who signed-up for comment.

Amanda Porter - Mrs. Porter of 708 South Church Street in Smithfield said that what she had read was suggesting a side yard setback of 5 feet, and thanked Mrs. Clary for clarifying that it was an increase to 10 feet. She stated that lowering the setbacks would not be in the best interest of the Town. She noted that if there was any future requests for a reduction, they would seriously consider the impact that it would have on the citizens.

Mayor Smith asked if there were any other attendees present who wanted to speak. Hearing and seeing none, he closed the public hearing.

Councilman Bowman made a motion to approve the application as presented. Councilman Cutler seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilman Bowman voted aye, Councilman Brooks voted aye, Councilwoman Butler voted aye, Vice Mayor Harris voted aye, Councilman Cutler voted aye, Councilwoman Bebermeyer voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**i. Public Hearing: Text Amendment - Multi Family Residential**  
[Tammie Clary, Director of Community Development and Planning](#)

Mrs. Clary reported that the proposed Text Amendment was to Article 3.F. of the Zoning Ordinance to remove regulations that address attached, townhouse, and duplex units, as they are subject to Attached Residential (AR) regulations. She stated that the Planning Commission favorably recommended this application at their June meeting.



Mayor Smith stated that the matter was subject to a public hearing and asked if there were any attendees present who wanted to speak. Hearing and seeing none, he closed the public hearing.

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

Vice Mayor Harris confirmed with Mrs. Clary that the red strikes seen in the information given were redundancies that could be found elsewhere in the ordinance.

Mayor Smith called for the vote, with seven members present. Vice Mayor Harris voted aye, Councilman Cutler voted aye, Councilman Bowman voted aye, Councilman Brooks voted aye, Councilwoman Bebermeyer voted aye, Councilwoman Butler voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**j. Public Hearing: Text Amendment - Requirements and Definition of Duplex**  
*Tammie Clary, Director of Community Development and Planning*

Mrs. Clary reported that the proposed text amendment was to Articles 3.D, 3.E, and 13 of the Zoning Ordinance to clarify that duplex units are permitted on one parcel (one duplex, two units, per single parcel of land and/or one duplex per 2 subdivided lots). She added that the action also doubled the minimum lot area and the minimum lot width if the duplex is on one single parcel of land. She reiterated that the change was suggested just to offer clarification within the zoning ordinance, and was favorably recommended by the Planning Commission in July.

Mayor Smith stated that the matter was subject to a public hearing and asked if there were any attendees present who wanted to speak. Hearing and seeing none, he closed the public hearing.

Councilwoman Bebermeyer reported that she had been present at the Planning Commission's meeting during the text amendment's discussion. She asked Mrs. Clary to explain again why this change was necessary.

Mrs. Clary reported that the project had been started by the Town Staff to provide clarity within the zoning ordinance.

Councilwoman Bebermeyer said that she understood the concept, but felt she would not be able to explain it herself. She said that she felt that there should be zoning regulations that the average person could understand. She questioned if there was a problem that prompted the change.

Mrs. Clary reiterated that the language was not clear in the zoning ordinance. The Town Attorney stated that there was not a clear definition prior.

Councilman Cutler countered that it had been defined.

The Town Attorney stated that the amendment made sense.

Councilwoman Bebermeyer said that she would argue that it did not.

Councilman Cutler said that he had reviewed the amendment with the Planning Commission and the concerns that he had were addressed regarding making the overall lot size smaller, thereby increasing density. He noted that the Planning Commission had worked to stop that from occurring, and what they were seeing in the draft document was the lots remained the same size-wise. He affirmed that the density could not be changed through the mechanism because the lot sizes and lot widths were all the same. He agreed that it seemed to be a solution to a problem that did not exist.

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

Mayor Smith called for the vote, with seven members present. Councilman Brooks voted aye, Councilwoman Butler voted aye, Councilwoman Bebermeyer voted nay, Councilman Cutler voted aye, Councilman Bowman voted aye, Vice Mayor Harris voted aye, and Mayor Smith voted aye. The motion passed by a majority of 6/1.



**k. Public Hearing: Text Amendment - Home Occupation**  
[Tammie Clary, Director of Community Development and Planning](#)

Mrs. Clary reported that the This is a proposed Text Amendment to Article 2.U.15 of the Zoning Ordinance to remove author, composer, computer programmer, salesperson, and telephone answering service as home occupation uses. She stated that the Planning Commission favorably recommended this application.

Mayor Smith stated that the matter was subject to a public hearing and asked if there were any attendees present who wanted to speak. Hearing and seeing none, he closed the public hearing.

Councilwoman Bebermeyer thanked Mrs. O'Berry for bringing the issue to light, and they were looking to correct something that should not have been an issue.

Councilman Cutler made a motion to approve the application as presented. Councilwoman Bebermeyer seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilwoman Bebermeyer voted aye, Councilman Brooks voted aye, Councilman Bowman voted aye, Vice Mayor Harris voted aye, Councilwoman Butler voted aye, Councilman Cutler voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**l. Motion to Accept the Nominating Committee's Recommendation to Fill the Unexpired Term of Bill Davidson on Planning Commission**  
[Councilman Brooks / Councilwoman Butler](#)

Mayor Smith reviewed that Councilman Brooks and Councilman Butler had been nominated to the Committee to fill the unexpired term of Bill Davidson on the Planning Commission.

Councilman Brooks stated that after review of the Talent Bank forms and discussion, the Nominating Committee nominated Dr. Herb Bevan to the Planning Commission.

Vice Mayor Harris made a motion to approve the nomination of Herb Bevan to the Planning Commission. Councilman Cutler seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilman Brooks voted aye, Councilwoman Butler voted aye, Councilman Bowman voted aye, Vice Mayor Harris voted aye, Councilwoman Bebermeyer voted aye, Councilman Cutler voted aye, and Mayor Smith voted aye. The motion passed unanimously.

**m. Approval of the Town Council Summary Minutes of July 1st, 2025**  
[William Riddick, Town Attorney](#)

The Town Attorney reported that he had reviewed the minutes, and recommended that they be approved as presented.

Vice Mayor Harris made a motion to approve the minutes as presented. Councilman Cutler seconded the motion.

Mayor Smith called for the vote, with seven members present. 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.

**9. New Business**

Councilman Cutler reported that he had several items to discuss. He said that he would like to task the Town Manager with developing a task-tracking process for the items assigned by the Town Council for completion. He stated that one way to achieve accountability for assigned tasks was through the minutes; however, he would rather leave it to the Town Manager to determine a long-term solution that will carry through the turn-over of Council members and administrators. He acknowledged that such an item may be more appropriate for discussion at the Committee meeting level. Councilman Cutler listed the tasks that he had discussed earlier during the Council Comments section of the agenda: reassessing the closed session process to include clarification during pre-vote and minute-taking during the session, direct-report evaluations of the four personnel discussed, and finally the creation of town planning recommendation

guidelines for recommending approval.

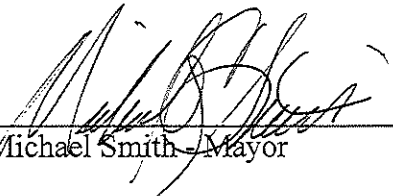
Vice Mayor Harris stated that based on the information discussed earlier in the meeting, he would like to make a motion to empower the Town Manager to refund any application within the last year under "home occupation" as it related to the ordinance change effective August 5, 2025. Councilman Cutler seconded the motion.

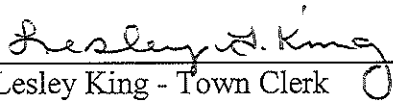
The Town Attorney advised that he was unsure whether they could refund Mrs. O'Berry her application fee, as the ordinance had simply not been updated. He said that if he found that the action was lawful, and they had made the motion, then they could proceed.

Mayor Smith called for the vote, with seven members present. Councilman Brooks voted aye, Councilman Bowman voted aye, Vice Mayor Harris voted aye, Councilwoman Bebermeyer voted aye, Councilwoman Butler voted aye, Councilman Cutler voted aye, and Mayor Smith voted aye. The motion passed unanimously.

## 11. Adjournment

The meeting adjourned at 8:29 pm.

  
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Michael Smith - Mayor

  
\_\_\_\_\_  
Lesley King - Town Clerk