

The Smithfield Board of Historic and Architectural Review held its regular meeting on Tuesday, May 17th, 2016. The meeting was called to order at 6:30 p.m. Members present were Mr. Trey Gwaltney, Chairman; Mr. Jeff Yeaw, Vice Chairman; Mr. Ronny Prevatte, Ms. Julia Hillegass, Mr. Gary Hess, Mr. Russell Parrish, and Mr. Chris Torre. Staff members present were Mr. William G. Saunders, IV; Planning and Zoning Administrator and Mr. William H. Riddick III, Town Attorney. There were sixteen (16) citizens present. The media was represented by Ms. Diana McFarland of The Smithfield Times.

Chairman Gwaltney – Ladies and gentlemen, I would like to welcome you here tonight. I will call this meeting of the Board of Historic and Architectural Review to order. The first item is the Planning and Zoning Administrator's Report.

Planning and Zoning Administrator – Thank you, Chairman. I wanted to mention that we will have a new photograph taken after the meeting since it looks like everyone is here.

Chairman Gwaltney – Thank you. Our next item on the agenda is Upcoming Meetings and Activities. They are listed on the agenda. The next item is Public Comments. We do have people signed up for public comments. I will call your name. If you would step up to the podium and state your name and address for the record please. Our first sign up is Mr. Ron Braunhardt.

Mr. Ron Braunhardt – I am Colonel Braunhardt. I live at 101 Goose Hill Way. I have spoken to you before. Thanks for letting me have the opportunity. I want to talk to you just a little bit about Preserve Smithfield, Inc. We are almost a 501(c)(3) corporation. I will talk more about that in a moment. Our vision is a community of interested, experienced, and dedicated persons who are committed to the long term protection, preservation, and restoration of Smithfield and Isle of Wight County's unique historic properties and defining architectural structures and agricultural green space into the promotion of educational programs which compliment that preservation. Our mission is to acquire, preserve, restore, and maintain historic properties and prominent architectural structures throughout Smithfield and Isle of Wight County beginning with the Pierceville Manor property and to establish supporting education, horticultural, and agricultural programs that sustain preservation and enhance colonial heritage to provide future generations a greater understanding and appreciation of the area's agricultural

heritage. The articles of incorporation were submitted to the Virginia State Corporation Commission in late February. The SCC has asked for a minor change to be made which was accomplished. We are now waiting for official approval of Preserve Smithfield as a 501(c)(3) non-profit. In the interim, Preserve Smithfield's Board of Directors and supporters have met with noted historical building/restoration experts and national level fundraisers who have pledged their expertise and support. I think I can describe their interest as keenly interested and excited to be a part of Preserve Smithfield. These experts have positively identified the home as historically significant. They believe that some of the outbuildings and barns may also be. We discussed organic farming approaches and funding grants with noted consultants who are reaching out to Virginia Tech and Virginia State University's small farm outreach program. We are engaging Christopher Newport's Green Team for support to Preserve Smithfield. Upon official 501(c)(3) approval, we will engage potential donors and fundraisers to assist us in our plan to purchase the Pierceville farm. Of concern is the recent course of action undertaken by the town's Board of Historic and Architectural Review. More specifically, the BHAR entered into negotiations with the Delk family's attorney ostensibly to discuss the cost estimate of making repairs as part of the demolition by neglect proceedings that were started on January 21st, 2016. The April 19th BHAR meeting, which was just three days before the demolition by neglect ninety day window expiration, agreed to meet with representatives of the owner and town to discuss the acceptable scope of work to resolved maintenance violations on the property. The requested meeting was subsequently held on May 2nd which was after the bylawed, ninety day window was closed. In that meeting, only a select few members of the BHAR were allowed to attend. No notice or agenda was provided to the town's taxpayers or interested parties. Furthermore, the owner's attorney discussed subdividing the property to remove, and I quote "the primary structure and barns from the balance of the acreage." This was, most specifically, not part of the stated reason for that meeting which was to discuss the scope of the repair work to the home itself. Additionally, it appears through the questionable action and authority of the partial BHAR members attending the meeting and not officially announced or with a written agenda, it was decided to allow the owner's attorney a week to do market research on how the subdivision would impact the marketability of the property and to respond by letter with their offer in regard to the

proposed scope of work to satisfy the violation. There was no opportunity for non-attending BHAR members to ask questions or to discuss the proposed action which was clearly outside the stated reason for the meeting. More importantly, there was no opportunity provided for interested taxpayers to make their wishes known. On May 11th, almost three weeks after the ninety day demolition by neglect deadline, the owner's attorney submitted a letter that did not address the original request for the meeting, in other words, the scope of work required to obtain compliance for the demolition by neglect proceedings. All of this was done outside the official BHAR process as specified in town ordinances or in compliance with Commonwealth statutes. We ask you to keep in mind that the Pierceville farm, not only the original home but also the barns and outbuildings and the land itself, is of historic significance. It has been amply proven in previous year long testimony and discussions with you. The taxpayers and voters have made that unquestionably clear. There should be no doubt in your mind. Preserve Smithfield is working to obtain funds to purchase the farm, as I said earlier for preservation and restoration. We need your cooperation toward that end. The land is not just dirt. It is our nation's history to include a documented 1937 Virginia State Historical Society listing as having a slave burial site on the farm. Rest assured, any potential developer or buyer should be and will be made aware of that fact. We would like to partner with you. We would like to be part of the solution. We are working very hard to get the money to buy the farm but we need your assistance. Thank you very much.

Chairman Gwaltney – The next person signed up is Ms. Betty Clark.

Ms. Betty Clark – I live at 120 North Church Street. Anyone that has talked with me in the last eight to ten years about old buildings has probably heard the name Gary Ramsburg. I think I say it in my sleep. I know some of you have met Gary. He spoke before the Town Council on January 5th, 2016. He is a restoration consultant for historic buildings and properties. He has done numerable jobs for Colonial Williamsburg and all over the east coast. I had emailed him the website documents that you all have online. He sent me a short note back today. I would like to read it to you. It states: 'Betty, I think gifting of the house and half an acre of land to the town would be a mistake. Giving the new development, the Delk family, the opinion of what to do with all of the outbuildings would be a disaster. You would lose all the outbuildings including the kitchen which is

an integral part of the history of the property. Also, has anyone determined where the old slave graveyard is on the property? Will it be within the half acre proposed to be gifted? A half-acre is a very small piece of land. Any plan should include all of the existing structures and research needs to be performed to locate the graveyard. If a developer starts digging and hits a grave, the entire development process would be shut down.' He goes on to say that I should raise the question of the graveyard at the meeting and the concerns over the historic structures such as the kitchen. I do not even know what to say except just to beg you all to please think very hard before you subdivide this land. Please give Preserve Smithfield a chance to help make this town more than what it is. We have a lot going on here but we can make it more. I would like to give you all a copy of this.

Chairman Gwaltney – Thank you Ms. Clark. The next person on the signup sheet is Mr. Mark Gay.

Mr. Gay – I live at 110 Goose Hill Way. Good evening Mr. Chairman and members of the BHAR. As you have heard already this evening, the people of this town are asking some serious questions about process and procedure being employed to resolve the ongoing debate about the Pierceville properties. I would simply remind that more than ninety five percent of downtown residents and business owners have already made known their strong opposition to any proposed solution that fails to respect the history of that property, the architectural uniqueness of the structures upon it, or that impinges upon the quality of life presently enjoyed by residents of downtown Smithfield. Since I last stood before you in April, Preserve Smithfield has continued to take important and constructive steps to get organized, to get funded, and to begin moving forward toward execution of the vision that Colonel Braunhardt shared with you earlier. I told you that accomplishment would not be easy. I am told that a couple of you have 'poo-pooed' our efforts as something akin to chasing pixie dust. Let me assure you, you miscalculate our abilities and our operational reach. On May 3rd, I received a call from Nick Barbash who works as a Senior Aide for Historical and Environmental Affairs to Senator Tim Kaine in the Washington D. C. office. Frankly, I was expecting a perfunctory 'check the box' dialogue that might satisfy the Senator's obligation to a constituent. Instead, Mr. Barbash spent more than ten minutes of his time discussing in detail with me a number of grants, historical preservation, and conservation

opportunities that might be available to Preserve Smithfield. More important, he assured me that he and Senator Kaine stand firmly with the petitioners of Pierceville. They will work with us every step of the way to achieve at Pierceville what George Washington, and public and private contributions, accomplished at Mount Vernon. You see, there are strong parallels in the histories of these properties. I spoke briefly in May about Maureen Denlea and about her visit to Smithfield in late February. Maureen is a national level fundraiser with an extensive Rolodex of donors who can write six figure checks to the left of the decimal point. She presently secured funding for the Love Boat project at Fort Myers and Sanibel Island which is affording military couples the opportunity to reconcile relationships that have been disrupted by injury, PTSD, or multiple lengthy separations. Maureen was also the central fundraiser for the Children's Christian Fund. I share this with you because Preserve Smithfield is quite aware that bake sales, yard sales, and garage sales will not accomplish what must be done at Pierceville. With Maureen Denlea, we are playing with the first string. She is in frequent contact with us. We have also been advised by an expert in organic seed farming, as Colonel Braunhardt, said that the Pierceville farm can be transitioned to a very, profitable agricultural experimentation business that embraces the rich colonial history of the property and our country's farming heritage. Essentially, Clifford Slade's knowledge and experience will assist us in establishing a detailed proposal to flesh out an earlier working outline. Mr. Slade's education and experience with both Virginia State University and Virginia Tech convinces us that we will be eligible for multiple grants. Further, his many contacts in Isle of Wight encourage us that he can and will secure the support of county farmers like the Barlow's and their period equipment as needed to reestablish a colonial working farm. Lastly, I also mention the pending visits of Ivor Massey who is the Chief Executive of Triad Industries and Elizabeth S. Kostelny of Preservation Virginia. Mr. Massey holds a Juris Doctor from Coral Gables, Florida. He has served as President of Preservation Virginia and was on the Board of Advisors for the superb Jamestown Commemoration Ceremony several years ago. He understands the degree of difficulty involved in our preservation enterprise and has made clear that we will have his full support. I am pleased to report that Ivor and Ms. Kostelny will be visiting on May 24th for the purposes of detailing next step coordination. I hope that several of you will make the effort to meet with them while they are here. There is a

biblical phrase which says 'to whom much is given; much is expected.' We, collectively, have been blessed with cherished town and county prosperity, history, physical geography, temperate weather, well defined laws, and with talented, educated, and world experienced citizens. Not only can we take on the challenges of preserving the hallowed properties like the Pierceville farm, and I do mean the farm not the dilapidated house and half acre of land, we are capable as a people and as a governance of the people to endure and succeed with those pursuits. We look forward to discussions with Mrs. Delk's realtors to negotiate a win/win for all concerned. Thank you very much.

Chairman Gwaltney – Thank you. Our next public speaker is Mrs. Carolyn Torre.

Mrs. Torre – You all are on this Board because you care about history. You care about the history of this town. It is your town. You are the Board of Historic and Architectural Review. You may hear that you are advisory and you do not really have the pull that the Town Council has or other governments but you sit here and you are the gatekeepers. We are known by five generations: our grandparents, our parents, our siblings, our children and maybe our grandchildren. I ask you to think, both before and after, what your great grandparents, what your great-great grandparents, what your great-great-great grandparents thought about that land. Nobody screwed up for all of those generations. We are talking about going back to the 1600's. How far back in your family trees would you have to go to find generations of people who cared about that land. They cared about that farm. They cared about the building and the history. You can drive all over Virginia and this country and find ghost towns. There are little towns that are rotting. That is not going to happen to Smithfield in fifty years but what about one hundred years from now. What about your children, grandchildren, and great grandchildren; what will they think of you if you do not fight and you say that you are just an advisory committee. You are on this Board because you have individual expertise. You can fight for this town. You can fight for this land. You can make it be what it always has been and what it should be. Do it for the future. We cannot really do anything for those in our past but think what they would want you to do. They did not mess up that land. They fought for what was right. They took the measures and did not let delay, after delay, after delay happen. You have that power and it really is that important. We leave this world but we leave behind things that really do matter. I ask you, tonight, to really think about that when you talk about Pierceville. Thank you.

Chairman Gwaltney – Is there anybody else who would like to make any comments before we move on with the agenda? Hearing none, our next item is Board Member Comments. Hearing none, we will move on to Proposed Shed – 225 James Street, Smithfield Library – Contributing – Jim Phillips, Friends of the Library, applicants.

Is there anyone here to speak on behalf of this?

Mr. Jim Phillips – I am here as the President of the Friends of the Library. My purpose is to promote the idea that we want to have a storage shed for books in the back of the library adjacent to the YMCA to the rear of the building towards the ‘L’. It is back in the enclave of the facility. It is behind but near the transformer and the HVAC systems that are presently there. The purpose is that we do not have adequate storage any longer for how we need to store our goods. It is particularly the books that we use for fundraising for the many programs that we sponsor to promote for the town for the library. There is no other place we can go to that is approximate to the facility. We have to have it built where it is closer to us for the simple reason that the majority of my volunteers are my age or older. The bulk of them are females and they cannot go out long distances to haul books back to the library to do this work. It is the main function. We intend, with your permission, to have the building built by Mr. Dave Morgan of Smithfield. We will meet all of the requirements and make sure they are met. The facility will be complimentary to the grounds and the background as required. I think I sent things to Mr. Saunders addressing that very fact. As for colors, I submitted that also to Mr. Saunders but we are flexible. Mr. Morgan said that he will paint the facility any color so desired to blend in with the environment. Are there any questions that I could possibly answer?

Mr. Parrish – Mr. Phillips, I have a question. Not too long ago, we had a local Eagle Scout who made a presentation.

Mr. Phillips – Yes, we funded it from the VFW. I am aware of it.

Mr. Parrish – I am just curious how that ties in with the shade tent thing and this idea.

Mr. Phillips – It is an ongoing project by that young man. It is to support the summer programs of the YMCA. It will be further out than the location of the shed but it will be in that same proximity. I think it is over by the tennis courts. That program is still ongoing.

Mr. Parrish – I just did not see a site plan showing where these things line up. I am familiar with what is going on. There are a couple of big trees and that kind of thing.

Mr. Phillips – Are you familiar with where the transformer is, sir?

Mr. Parrish – Yes.

Mr. Phillips – If you were going down Cary Street, it would be to the left and the rear about ten feet from the YMCA. Cathy, the Director, knows about it and supports it as well. She has given up what used to be a garden area back there for the YMCA.

Chairman Gwaltney – Mr. Saunders has a few comments that might clear some of this up.

Planning and Zoning Administrator – If you look at the sheet with the pictures, in the upper right picture, you can see in the center there is the big, green transformer. You can just see a little bit of a white trailer to the left of that which was parked around the corner at the time of this photo. It will be all the way back in the corner back there. The shade structure is going to be more to the right of that shot where you can see the trees currently. Also, on the lower right of the pictures, you can see some shots of some light blue and slate gray colors that are proposed for the siding and trim. In the lower left picture, it is not the same structure but one that the same gentlemen built that is similar although the colors are different. The one that is proposed may have a little steeper pitch to the roof than the one shown in the picture. It is just an example of the type of structure that is proposed with the materials and colors that are listed in your staff report.

Chairman Gwaltney – Are there any other questions or comments?

Mr. Parrish – I would like to see a color that blends in more with the brick building versus something that sort of sits out there since it is not a small structure.

Mr. Phillips – We were sensitive to the color. There is no white trim; even though the white trim is all over the library and the YMCA. The idea, for our purposes, is for it to disappear as well. It is difficult to match the brick because the bricks are about fifteen different colors. I came up with the idea to go with a non-descriptive slate gray and all trim would be in a darker antique hue of a dark blue or something like that. Mr. Morgan thought it was a good idea. It would just blend in, hopefully. Any suggestions for color are fine with me.

Chairman Gwaltney – Are there any other comments?

Mr. Hess – I make a motion to approve as submitted.

Ms. Hillegass – Second.

Chairman Gwaltney – A motion has been made and properly seconded. All those in favor say aye, opposed say nay.

On call for the vote, seven members were present. Chairman Gwaltney voted aye, Vice Chairman Yeaw voted aye, Ms. Julia Hillegass voted aye, Mr. Ronny Prevatte voted aye, Mr. Russell Parrish voted aye, Mr. Gary Hess voted aye, and Mr. Chris Torre voted aye. There were no votes against the motion. The motion passed.

Mr. Phillips – Thank you very much.

Chairman Gwaltney – Our next item on the agenda is Maintenance Violation – Demolition by Neglect – 502 Grace Street – Landmark – Mary Delk Crocker, owner.

Could we have a staff report please?

Planning and Zoning Administrator – This was before you last month to discuss the maintenance violation and demolition by neglect. At that meeting as has been mentioned tonight, the owner's representative asked to meet with town staff and Board members to discuss an appropriate scope of work to meet the maintenance violation status of the property. The Board did vote to allow them that. It was hoped that was what would result from the meeting. It was also expected, from that meeting, that there would be a response from the owner in order for us to report back to you at this month's meeting as to what transpired. That meeting, as was also mentioned previously, was held on May 2nd where representatives of the owner and the town met to discuss an acceptable scope of work to resolve the violations. The owner's representative stated that the necessary repairs may not be affordable by the owner. They were concerned about alternative opportunities to get the house stabilized. It was made clear to them that the maintenance violation was the issue at the fore. The two primary issues were the vegetation and the roof of the primary structure. A phased scope of work would be acceptable whereby the two primary issues were dealt with first. Once the vegetation was removed, we would have more access and knowledge of what the outbuildings held and then that work could be phased in over time. It is obvious that it did not happen overnight. We do not expect it to be remedied overnight, but what we had hoped to get in the response letter was a prioritized, phased-in scope of work to deal with it. They also illustrated their concern that they cannot sell the property to somebody that could

fix it up. Part of that concern was due to the acreage that is attached to it. They did discuss the possibility of subdividing the property to get at least that portion of the property with the historic structures into somebody's hands that could stabilize the property or even go further and renovate the property. They asked for some time to do some research and put together their response. That was granted based on the fact that their response would get back to us in time to report to you all tonight. Again, they did respond in a timely manner. We did bring that response back to you; however, it was not the expected phased scope of work to deal with the issues. It was what everybody has seen on the website; the letter offering to donate the house and a half acre to the town. It asked for permission to demolish the outbuildings and to maintain nothing. I did receive a second letter from the owner's attorney this afternoon that, unfortunately, for some reason would not print. It is not very long. I would like to read that into the record if I could. I emailed it to you all today but could not make a hard copy. It states: 'By way of background to the settlement offer that I previously sent to you on behalf of Mrs. Crocker, please know that on Roger Ealy's suggestion we contacted Chris Edwards to evaluate the vegetation growing upon the outbuildings. Mr. Edwards went on the property twice and reports that he can pull vegetation off of the buildings but feels that in doing so he would substantially damage the buildings. As an alternative, he suggests a regime of poisoning over a period of two or more years might be employed. Mrs. Crocker did not believe either option was appropriate in this situation. I wanted you and the committee to be aware of this state of affairs. You may call Mr. Edwards if you care to discuss his findings in detail. We await your response to our offer of settlement. We will not attend this evening's meeting. Sincerely, Archer Jones II, Esquire.' Again, the letter that was received by the planning staff regarding their response did not provide a scope of work to answer required actions to eliminate the ongoing maintenance violation of the property. Therefore, that falls before you all. The Town Attorney may wish to add something to that.

Town Attorney – The matter before you is really the review of the action that you have already taken. You have already made a finding that the property is in need of repair. You have directed your staff to send notice; which was done. The statute provides that the property owner has the opportunity to appear. She did so through her representatives at last month's meeting. Mr. Saunders did a great job summarizing what

transpired. Essentially, we expected a schedule of repairs to be made and a timetable during which they would occur but that is not what you got. The offer to donate the property to the historic Board is not an offer that you can accept. You do not have the authority to do that. Really there is nothing for you to do unless you, for some reason, do not think we should proceed under the finding that you already made. Mr. Jones already sent me a letter, weeks ago, that said they intended to appeal this decision by the historic Board. That appeal was tolled pending their appearance at last month's meeting. He appeared. We spent thirty days hoping that something would come of it and nothing has. So really nothing has to be done tonight. This is just informational. The matter is likely to go to Town Council on appeal where they can decide. They have the authority to accept an offer if they want to, they can reject it, or they can direct me and the town staff to proceed with the enforcement of the ordinance to require maintenance and repair of the structure. We have a history of doing this. We have been to court previously and the court has ordered that the property owner fix up their property. We did this with the Parker house on Main Street. There is a provision in the ordinance that says that the town can spend its money to do that. That has never been done. There is not a lot of appetite for that or does not appear to be a lot of appetite for that course of action with the Town Council. We already have a limited budget. This is something that would be a precedent; whereby we are spending public money to fix up private property. It is not something that we have done but it is possible. It is a decision for the Town Council. You cannot accept their offer. You do not have the authority to do that. If you want to recommend to the Town Council one way or the other; you can do that. Your recommendation is nothing more than that. It has no binding affect. You have already done your job. You found that the property was in need of repair. It was essentially a case of demolition by neglect. The process is transpiring. There is a process. We are required to give notice. We are required to give them an opportunity to appear. They have done that. The clock is running. The time period was tolled until he appeared. He appeared last month. That is what the ordinance says. We are proceeding as we should. I know it is frustrating for everyone. It has taken quite a long time. It has been seven years actually. You can comment in any way you wish to; but there really is no action to be taken unless you want to make a recommendation to Town Council with respect to the offer that has been made.

Chairman Gwaltney – Thank you. Are there any Board member comments on this?

Mr. Hess – How long before this actually gets to litigation?

Town Attorney – It is up to Town Council to direct me to do that or not.

Mr. Hess – What if they tell you to proceed?

Town Attorney – You file a lawsuit. There are twenty- one days to file and twenty- one days to answer. Then the court sets a hearing date and then there is potential discovery. It usually takes a long time. It can be a minimum of six months but most likely closer to a year. It is not a very quick system; although, Virginia is much quicker than most places.

Mr. Torre – Is it correct that Mr. Jones said last month that if he did not get the answer that he favored at this meeting then he would appeal to the Town Council anyway? If he did not get the answer that he felt he needed at the Town Council that he was going to appeal it to the county and after that he was going to file suit.

Town Attorney – He cannot appeal it to the county but what you have said is correct. I think he said that. It is backed up by the fact that he sent me a letter saying that he wants to appeal the decision of this Board. There is really nothing left for you to do. You have already made a decision. The decision to litigate is up to the Town Council. They will give me my marching orders.

Planning and Zoning Administrator – The Town Council's decision can be appealed to the Circuit Court.

Town Attorney – It can be appealed to the Circuit Court. It cannot be appealed to the county. It is appealable to the Circuit Court. It is where you go. The town would bring a separate action to enforce its ordinances. The statute says that it shall be punishable as a violation of the zoning ordinance. A violation of the zoning ordinance is a Class 1 Misdemeanor. It is a two thousand five hundred dollar (\$2,500.00) fine and a year in the penitentiary. We have never done that to anybody because you generally do not do that for things like this. There are things in the ordinance that are of a dangerous nature and that penalty would be appropriate. The fine is certainly appropriate. It is all speculative and conjecture. It is purely something that would be determined by a Circuit Court judge if it ever gets that far.

Mr. Torre – Let me ask you one more question. If Mr. Jones and the landlady go forward with the appellate process, and it does not make any difference what we say here, they appeal to the Town Council and then they appeal to the Circuit Court. It goes to a lawsuit and the lawsuit takes a year and a half to two years plus. What have we already lost? What are we going to lose before we get to the lawsuit even if we win? Do we not just come back to the point where we are right now?

Town Attorney – Not necessarily. The case that has already been litigated by the Town of Smithfield is the Parker house. They went through this long process which is the same thing we are talking about. It went to court. It was a case of first impression. I think it was the first time a case like that had been heard in the state of Virginia. The court ordered Dr. Parker to repair his home. He had to do so. He had to paint it, remove stuff, fix the roof, replace the windows, and remove old air conditioners from windows. The foundation was in disrepair. There was water in the basement. He was ordered to do all of that. It was a Court order. A court order is punishable by the power of the Court to enforce its orders.

Mr. Torre – The landlady has no money. So after two or three years, you get back to the point where she is forced to fix the place but she cannot because she does not have any money and then the town has to fix it anyway.

Town Attorney – I suspect that all of that will be evaluated between now and that point in time. There will be decisions made as to how to proceed.

Mr. Torre – Mr. Chairman, I would like to make a motion that we recommend to Town Council to accept this proposal. Regardless of what they do with our recommendation, I think that it is in the Town of Smithfield's best interest that we take the property, if we can get it, now and quit fooling around with it because the place is disintegrating. It is just dissolving in front of our eyes and we are not doing anything about it.

Mr. Prevatte – Second.

Town Attorney – You can have discussion on his motion.

Chairman Gwaltney – Is there any more discussion?

Mr. Parrish – I have a comment about the authority that she has, if I am reading this right. She can demolish anything else on the property other than the house.

Mr. Hess – Yes.

Mr. Parrish – That does not make me happy, personally. I just want to put that out there.

Mr. Hess – My concern is similar to yours. What is the purpose of subdividing the property? I am not sure why they presented it in that fashion. What is the intent for the use of the rest of the property? If the town were to get into that kind of negotiation, I think that would have to be part of the conversation; because there are a lot of other historic structures other than the house.

Mr. Parrish – She is going to try to make some money off the rest of the property; if she can.

Mr. Hess – Then we will all be having a heated discussion at another time.

Mr. Parrish – Exactly.

Planning and Zoning Administrator – Mr. Chairman, I would like to mention a couple of items related to the zoning ordinance. One item that I would throw out there, for the record, is that a couple of the uses that have been thrown out by people interested in the future of this site are the potential use as a homestead, as a single family dwelling, and a potential use as some type of interpretive historical location. I would mention that if livestock is envisioned in either of those uses, whether by somebody wanting to have a horse on the property or any type of interpretive farm with livestock, there is a minimum of three acres required to have livestock. If that is ever going to be envisioned, a half-acre would not accommodate that. Another thing to consider is that with this being a landmark site, the accessory structures also have a protected status. I do not know that a half acre would encompass any of the outbuildings. I think, in this, the outbuildings are specifically listed as accepting this offer gives the owner the permission to demolish all of the outbuildings and maintain nothing. Those are a couple of points I would throw out there relating to the ordinance to consider as it relates to this offer.

Town Attorney – Mr. Torre, you might want to look at the offer a little bit. If you want to make a recommendation, you do not have to make a recommendation to accept all of it. Mr. Saunders has a really good point. For the information of the Board, he made that point very clear at our meeting with Mr. Gwaltney and the representatives of the property owner that three acres was critical acreage for a stand alone site because of the reason he just pointed out. It is disappointing. The whole letter is disappointing, I

think, in that it is not responsive to the representations that were made. I think everybody anticipated that there would be some reasonable plan for dealing with the problem at hand. I think this is at best a punt. It is not their problem anymore.

Ms. Hillegass – It is not reasonable at all. It does not give us anything but a money pit. I do not think we want to be in the real estate business and certainly not with just a half acre and none of the outbuildings.

Mr. Hess – We kind of already are with Windsor Castle.

Ms. Hillegass – I am not in favor of accepting their offer.

Chairman Gwaltney – Are there any other comments or questions? Hearing none, a motion has been made and properly seconded. Roll call vote.

On call for the vote, seven members were present. Chairman Gwaltney voted nay, Vice Chairman Yeaw voted nay, Mr. Gary Hess voted nay, Ms. Julia Hillegass voted nay, Mr. Russell Parrish voted nay, Mr. Ronny Prevatte voted nay, and Mr. Chris Torre voted aye. There were six votes against the motion. The motion was denied.

Planning and Zoning Administrator – The motion fails.

Town Attorney – There is nothing else to be done.

Chairman Gwaltney - Do we need to make a recommendation or is that pretty much doing it?

Town Attorney – The minutes of this meeting will be shared with the Town Council because they will be interested to know what transpired. As I stated, the owner's representative already intends to appeal it so it does not stop. It just keeps going.

Chairman Gwaltney – The next item on our agenda is the Approval of the April 19th, 2016 Meeting Minutes.

Town Attorney – Mr. Chairman, I recommend the minutes be approved as presented.

Ms. Hillegass – So moved.

Vice Chairman Yeaw – Second.

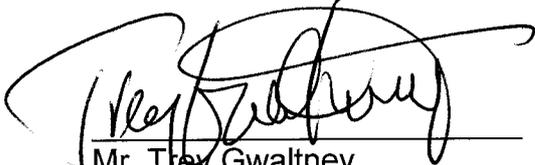
Chairman Gwaltney – A motion has been made and properly seconded. All those in favor say aye, opposed say nay.

On call for the vote, seven members were present. Chairman Gwaltney voted aye, Vice Chairman Yeaw voted aye, Ms. Julia Hillegass voted aye, Mr. Ronny Prevatte

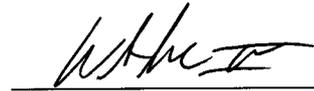
voted aye, Mr. Russell Parrish voted aye, Mr. Gary Hess voted aye, and Mr. Chris Torre voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Members of the Board, I think you all have a copy of the summarization of the subcommittee meeting where we had talked about the educational outreach incentive that we are working on. We will follow up with that in the near future to look at prioritizing some of these ideas and how to implement them and who will implement them. If you have any questions, please feel free to contact any of the people listed who were at the meeting. We look forward to moving ahead with some of those. Is there any other business or discussion? Hearing none, we are adjourned. Thank you all very much.

The meeting adjourned at 7:20 p.m.



Mr. Troy Gwaltney
Chairman



Mr. William G. Saunders IV
Planning and Zoning Administrator