

The Smithfield Planning Commission held a continued meeting on Tuesday, July 19th, 2022, at 7:08 p.m. at the Smithfield Center.

Members present:

Charles Bryan – Chairman
Julia Hillegass – Vice Chair
Raynard Gibbs
Michael Torrey
Randy Pack
Dr. Thomas Pope
Michael Swecker

Members absent: None

Staff present:

Tammie Clary - Community Development & Planning Director
William H. Riddick, III – Town Attorney
T. Carter Williams – Mayor
Jack Reed – Director of Public Works and Utility
Mark Kluck - Planner
Nadya Jaudzimas – Administrative Assistant

Press: Stephen Faleski - The Smithfield Times

Citizens: 7

Chairman Bryan called the continued meeting back to order and welcomed all attendees.

Planning Commission Waiver - 825 Jericho Road – Justin Emmanuel, applicant

Tammie Clary, Director of Community Development & Planning, reported the applicant appeared on the May 10th, 2022 Planning Commission agenda for approval for a permanent portable shipping container, approximately forty-foot (40') long by eight-foot (8') wide by eight-foot six-inch tall (8'6") tall on the property located at 825 Jericho Road, painted white.

She updated the Commission that the applicant was now seeking approval for the shipping container, with the proposal to install horizontal white vinyl siding, while also erecting a pergola style pressure-treated wooden material lean-to structure that would be attached to the left side of the shipping container, painted either white or black (to match the single-family dwelling). This application originally appeared on the Tuesday, June 14th, 2022 agenda.

Mrs. Clary continued that pursuant to Smithfield Zoning Ordinance (SZO) Article 2 Section P.15, Town staff have already issued a zoning permit waiver (March 22nd, 2022) and a zoning permit (#7681 on April 1st, 2022) for the keeping of a portable storage unit until August 22nd, 2022. She added that the shipping container is currently a rusty orange color and not shielded from view from Jericho Road, Cedar Street, or the Route 10 Bypass.

Mrs. Clary reported that a positive of this application would be that it provides additional storage accommodations on the property. She added that negative aspects included that the shipping container is considered a temporary permitted accessory structure and does require an appeal to the Planning

Commission for an extension exceeding the permitted ninety (90) days pursuant to SZO Article 2.P.15.

Justin Emmanuel of 22301 Tradewinds Drive in Smithfield explained that they had begun building on the lot and needed storage quickly. He reported that getting a shed in the time frame that they needed was not feasible, so they opted to have a shipping container placed on the property as it provided more storage and was waterproof. He acknowledged that when the shipping container was placed on the property they did not know that it was not allowed, adding that once they were notified of the violation they immediately started taking the steps to have it authorized. Mr. Emmanuel stated that they had submitted several different concepts, but they have since come to the conclusion that they should update the proposal to have the shipping container moved away from Route 10, place it behind the primary structure, paint it white, place it on a concrete slab, and install a roof on it.

Mr. Emmanuel reported that he had done some looking around the Town, and found that there were many containers within it. He gave several examples of where they could be found including the baseball fields behind Smithfield Baptist Church and the shop across from the old Ford Dealership. He added that he had sent photos of the containers to Mrs. Clary to illustrate the number of containers present in Town, and added that he did not see where the issue was being taken care of. He stated that he was trying to hide the container on his property and after the primary structure was built it would not be able to be seen at all. He reported that he felt the proposed changes accommodated all that the Commission was requiring. He offered to show the Commission members the photos taken of the containers visible around the Town.

Mrs. Clary reported that Town Staff had scanned in the photos provided by Mr. Emmanuel and directed the members to where the PDF could be found.

Mr. Pack recapped for clarification that the updated proposal included moving the container behind the house and future addition, placing the container on a concrete pad, painting the container white as opposed to using the vinyl siding, and placing a roof on it as indicated in the updated drawings provided.

Mr. Emmanuel confirmed this information was correct. He added that moving the container behind the house away from Route 10 and painting it white would help it to blend into the surroundings.

Mrs. Clary reported that from a zoning standpoint the location to which the container would be moved would be 25 feet from the side yard setback.

Mr. Torrey stated that he had been wondering if the structure had been intended to be temporary, and added that now with all the work Mr. Emmanuel was proposing to complete it sounded like he wanted the container to be permanent.

Mr. Emmanuel reported that when the amount of storage space the container provided was equated to a shed of the same size the shed would cost around \$15,000.

Mr. Swecker stated that he felt it was a good job.

Mr. Pack examined the plat provided and reported seeing a dotted line around the property that indicated 63.62 feet of space behind the existing structure. He asked Mrs. Clary for confirmation that this would allow for the container to be placed 25 feet off the property line.

Mrs. Clary stated that it appears so and added that they did not have a diagram to scale but did not foresee any issues.

Mr. Pack asked Mr. Emmanuel to confirm that if the application was approved, he would ensure that the closest corner stays 25 feet off of the property line.

Mr. Emmanuel confirmed that he would.

Chairman Bryan inquired if the other containers around Town that Mr. Emmanuel had reported on were grandfathered in or were they also in violation.

Mrs. Clary reported that some of the containers had been approved. She added that if Town Staff did not see a waiver or approval on file, they were in the process of contacting the property owner to determine what their plan of action was for the containers.

Vice Chair Hillegass confirmed with Mrs. Clary that the owners would receive notice if it was found that they were in fact in violation. She inquired if any of the containers were in the Historic District.

Mr. Emmanuel reported that there was one, which was confirmed by Mrs. Clary.

Mrs. Clary added that it was not a shipping container but was a PODS storage container.

Vice Chair Hillegass confirmed with Mrs. Clary that the nature of that brand of storage container was temporary.

Mr. Pack pointed out that the application was for a shipping container outside of the Historic District. He added that the Commission had a similar application several months ago regarding a shipping container in use for the Smithfield Volunteer Fire Department, at which time they were given a year extension on approval.

Vice Chair Hillegass added that the Fire Department's approved shipping container was also intended to be temporary.

Chairman Bryan stated this was his concern and questioned if the Commission wanted to enter into this type of approval.

Vice Chair Hillegass stated that she did not.

Mr. Pack stated that he felt that once it was painted and had a roof placed on it the container was no longer a temporary structure. He added that it was essentially then a shed made of metal instead of 2x4" planks and plywood.

Mr. Emmanuel likened it to a metal garage.

Mr. Pack continued that the alterations changed the structure. He stated that at the last meeting he thought that Dr. Pope had brought up the point that when a roof was placed on shipping containers you couldn't tell the difference between it and a "stick-built" structure.

Vice Chair Hillegass stated that perhaps that was true if the container were wrapped in another material, but not if it would just be painted.

Chairman Bryan reported that he did not like the idea of just painting the container and it still looking like a freight box.

Mr. Emmanuel stated that it would not be able to be seen as it would be hidden behind the house.

Chairman Bryan stated that its existence would give precedence to others that come for future approval.

Mr. Emmanuel stated that future applications would have to be reviewed by the Commission at which time the members would determine if the containers were hidden or in full view.

Chairman Bryan stated that he understood.

Vice Chair Hillegass stated that it was complicated, and she did not want to set the precedent.

Mr. Pack asked if the applicant added the vinyl siding back into the proposal would that satisfy her requirements.

Vice Chair Hillegass stated that she did not want the structure to look like a container.

Mr. Swecker inquired what the difference was between the container and metal structures that were being built. He continued that the proposed container had more structure than metal buildings that could be ordered.

Mr. Emmanuel stated that the metal building that could be seen before crossing over to Smithfield Station was essentially the same as the proposed shipping container.

Dr. Pope stated that a shipping container was just that no matter what alterations were made, and he did not think the precedent needed to be set for the Town. He continued that he did not think that its true structure could be hidden, and it was not appropriate for placement within a historic town.

Mr. Gibbs asked to excuse his tardiness to the meeting. He stated that he understood the need for storage containers and agreed with the conservation aspect of what was proposed. He added that he agreed with Vice Chair Hillegass' question of where the limit would be in these types of applications.

Mr. Emmanuel stated that would be up to the Planning Commission. He reported that they had taken the correct steps and had made the changes to accommodate what the Commission was looking for including moving the container so that it would not be seen from Jericho Road or Route 10. He stated all that would be seen was a white building and questioned who would be able to tell the difference between the painted container and a metal building. He reiterated that they were trying to take the right steps and work together with the Commission to make the container work on the property. Mr. Emmanuel stated that he understood that the members were concerned about setting the precedent of having a container approved but reminded them that he was trying to make the container look more like a structure. He continued that every storage container application following would be different to fit the circumstances and location.

Mr. Swecker made the motion to approve the application as presented, with the container painted gray, the addition of the gabled roof and other alterations. Mr. Pack seconded the motion.

Mr. Torrey asked for confirmation that the application included only painting the container white and adding a roof, with the vinyl siding aspect of the proposal having been omitted.

Mr. Pack stated that this was correct and recapped all the alterations included in the motion.

Mr. Swecker stated that in one picture the color of the container looked gray and Mr. Emmanuel stated that it would be painted white to better blend with the house.

Mrs. Clary asked Mr. Emmanuel if the original proposed pergola structure added to the side of the container was still going to be used to which he replied that since they decided to move the whole container behind the house it would not.

Mr. Gibbs inquired about the use of vinyl siding.

Mr. Emmanuel reiterated that vinyl had originally been proposed when the container would still be placed visible by Route 10. He stated the current plan was for paint only.

Vice Chair Hillegass confirmed that there would not be a pergola nor siding included.

Mr. Swecker inquired if Mr. Emmanuel would be willing to put 2 windows in the container.

Mr. Emmanuel replied in the affirmative. He added that the container would need to have vents added to it anyway. He confirmed with Mr. Swecker there would be no heat or air conditioning in the container.

Mr. Swecker asked Vice Chair Hillegass if she was satisfied with the addition of putting windows in the structure.

Vice Chair Hillegass stated that it was still a storage container.

Dr. Pope asked Mrs. Clary to speak to where Isle of Wight County stood with the inclusion of a large structure on the property.

Mrs. Clary stated that Town Staff had reached out to Isle of Wight County, and they reported that if the shipping container was not altered, they required no additional permitting. She continued that if there were a roof added and the container was altered in any way, they would require additional permitting.

Chairman Bryan confirmed that shipping containers were permitted in the County.

Mr. Emmanuel reported that the County had stated the container was fine but did require Town approval.

Mr. Pack asked Mr. Swecker if he wanted to change his motion to include the installation of windows.

Mr. Swecker inquired if anyone on the Commission took issue with this change and added that the applicant was willing to install them. He asked to amend his motion to include a minimum of 2 windows to be installed.

Mr. Pack reported that his previous second of the motion stands.

Dr. Pope inquired that if the applicant is willing to complete all these changes to the structure, wouldn't he need to return to the Commission with a more formal and detailed plan. He gave the hypothetical situation of Mr. Emmanuel putting much different sized windows in than expected.

Mr. Emmanuel reported that there were extra windows left over from building the current structure on the property.

Mr. Swecker asked for confirmation that the Commission had never agreed with the applicant to have vinyl siding included on the container.

Dr. Pope stated that it had previously been proposed when the container was to be in a different location. He added that since the location had changed, the proposed alterations had changed as well.

Mr. Swecker asked for confirmation from Mr. Emmanuel whether or not he would be using vinyl siding on the container.

Mr. Emmanuel stated that he was backing away from vinyl siding.

Chairman Bryan asked Mr. Swecker if he wanted to restate his motion.

Mr. Swecker stated that he did not. He reiterated that the applicant was willing to put 2 windows in the container and place it on a concrete slab, and that this was more than is required for people who wanted to put a shed on their property.

Mr. Gibbs stated that he was in agreement with Dr. Pope that the inclusion of windows made the container more palatable but wanted the applicant to come back with more detail.

Mr. Emmanuel stated that there were 2 windows left over from the building of the home taking place on the property.

Dr. Pope stated that for the record he was not in favor of any shipping container being used as a storage container for a house in the Town of Smithfield.

Vice Chair Hillegass agreed.

Chairman Bryan reviewed that the application was for the permanent placement of a shipping container, proposal to place the container behind the house, place the container on a concrete pad, paint the container white, and add a roof. Chairman Bryan called for the vote.

Mr. Gibbs reiterated the addition of the window installation to the motion.

On call for the vote, seven members were present. Mr. Gibbs voted aye, Mr. Swecker voted aye, Mr. Torrey voted nay, Dr. Pope voted nay, Mr. Pack voted aye, Vice Chair Hillegass voted nay, and Chairman Bryan voted nay. The motion failed.

Mr. Pack reported that the Hardee's on South Church Street had placed a large shipping container in their parking lot on the entrance corridor. He asked Mrs. Clary if they had acquired a permit for its placement.

Mrs. Clary reminded the Commission that the Hardee's had come before them previously with an application to complete remodeling of their restaurant. She reported that Town Staff would ensure that they had gotten the appropriate zoning permit or waiver for the shipping container.

The Town Attorney stated that Mr. Emmanuel had identified many shipping containers and if it was determined that they were in areas where they were not permitted to be then the Town would take action. He added that even if a shipping container had been placed for a long period of time this did not mean that it was permitted to stay.

Mr. Torrey asked if any of the shipping containers identified were at residences.

Mrs. Clary reported that the PODS container was located at a residence in the Historic District and the rest of the containers were located in commercial areas.

Mr. Pack inquired about the shipping containers located at Beale Park. He added that roofs had been added to them and they had been placed there for a long time.

Mr. Swecker asked what the main problem was with the use of shipping containers, adding that they were built better than sheds that were available.

Chairman Bryan stated that it mostly dealt with the appearance, and once approval was given once there would be many applications to follow. He questioned the standard that would be needed for such applications.

Mr. Pack stated that he had felt that approval of the application would have allowed them to set precedence. He continued that his thought process was similar to Mr. Swecker's in that he thought of the structure as a shed, especially once a roof, permanent foundation, and windows were added.

Mr. Swecker gave the comparison of the structure on the shipping container versus the vendor on Benn's Church Road selling sheds with no windows, cheap vinyl siding, and light frame that may be affected by wind. He continued that there were less restrictions on someone placing one of those sheds with less structure on their property than on someone placing a highly structured container. He added speculation that once all of the proposed changes had been made to the shipping container that a person would not have been able to tell the difference.

Dr. Pope stated that the structures described in Carrollton are designed and built to be temporary structures.

Mr. Swecker stated that people bought these structures frequently and questioned what kind of restrictions were required for them.

Chairman Bryan inquired if it would then be considered a small shed or accessory, adding that it was very common for people to place them on their property without disturbance to their neighbor.

Mr. Torrey stated that if there was going to be a shed placed that was 40 feet long there would have to be some kind of permitting necessary.

Mr. Swecker agreed. He asked what would be required for the largest shed at the establishment

he referenced earlier, asking specifically if any shed that was purchased from there would be required to be placed on a concrete pad.

Mrs. Clary reported that the Town does not have a concrete pad requirements for a zoning permit. She continued that 256 square feet was the threshold that would trigger a building permit from Isle of Wight County. She stated she could investigate what building permits were necessary at that limit.

Dr. Pope reported that he believed that at 256 square feet it was required to be on a permanent foundation. He stated he was familiar with this from personal experience, having to get a building permit with the County for a permanent foundation for a 254 square foot shed. He added that this had been his point at the last meeting in regard to accessory structures and the Commission needing to come with a plan. He continued that he thought there should at least be some minor architectural guideline of what would be expected to keep in the character of the Town. Dr. Pope stated that he felt the Town did not need to approve the placement of a shipping container in a Victorian lot.

The Town Attorney stated that if the Commission wanted to develop criteria for accessory structures and added that generally modern accessory structures are prefabricated. He continued that due to this, most likely meet building code. He stated that what the Commission mostly deals with is not the building code issue, but whether or not the structure is appropriate.

Chairman Bryan stated they needed to keep in mind the culture and character of the Town, and he did not see shipping containers as being appropriate.

Mr. Swecker reported if that the application was not presented as a shipping container, the Commission would have likely approved it. He added that the title of "shipping container" is what was getting it rejected.

The Town Attorney stated that it did not necessarily matter what it was called, but that a person could look at it and determine what it was used for regardless.

Dr. Pope stated that it was a temporary portable structure, so it triggers the need for a Special Use Permit (SUP). He stated that if the applicant had built a similar structure with a poured foundation, built stick walls, and put a roof on top the Commission need never be involved. He stated that it is correct that it has to come before the Planning Commission as it is a shipping container.

Mr. Pack pointed out that in the agenda packet there was a letter included and questioned where it originated from.

Mrs. Clary explained that it was a citizen comment received that they wanted to circulate to the Planning Commission members with the author's name redacted from the document.

Mr. Swecker stated that the members all had a right to disagree and added that he would not have a problem with what was presented going in his or his neighbor's backyard.

Dr. Pope expressed that he would like Isle of Wight County to address the issue of placing shipping containers on properties with more in-depth guidance.

The Town Attorney reiterated that whether or not having a shipping container in the Town is permitted was up to the Planning Commission and it did not matter what guidance the County gave. He added that the only issue the County could weigh-in on was regarding building codes.

Dr. Pope stated that he understood that point. He continued that it was his opinion if a person was going through the expense to place a foundation under a container it would not be that much more cost to build something. He added that if the County gave guidance on foundation types, etc., for placement of shipping containers instead of just placing them on the ground, it might aid people in

making more economical decisions.

The Town on Attorney reiterated that the County does not have that requirement.

Dr. Pope stated that he felt it would be important for the County to comment as the issue would be increasing in its appearance. He added that there is overlap between the Town and the County, especially if the latter would be overseeing the types of structures.

Mr. Swecker stated that he agreed with what Dr. Pope was saying, and he did not think that someone should be allowed to purchase a shipping container and just place it on their property alone. He agreed that there needed to be some guidance with modifications similar to what Mr. Emmanuel had been proposing.

Chairman Bryan stated that he stands by the character and charm of the Town as it is, and a shipping container is just a shipping container.

Final Plat Application – Cypress Creek Phase VI Section 2, Cypress Creek Investment Holding, LLC C/O Timothy Culpepper, applicant.

Mrs. Clary reported that the applicant is now applying for final plat review and decision by the Planning Commission, allowing for the formal subdivision of Section 2 of Phase VI into fifty-one (51) Suburban Residential (Cluster)-zoned properties to accommodate the new construction of a like number of single-family detached dwellings. In addition, one (1) open space parcel is to be subdivided through this action.

Town staff recommend that this application be approved under the following conditions:

- (1) The applicant must acquire an SUP from the Town Council prior to breaking ground on the proposed gravel trailer and recreational vehicle parking lot.
- (2) The Town must be furnished with a cost estimate that will be verified by the Department of Public Works and Utilities, and a bond in the amount of 120 percent of the total scheduled value shown in the above-mentioned approved cost estimate.
- (3) The Town must be furnished with the payment of the requisite inspection fees for the road infrastructure and water and sewer infrastructure, based upon percentages of the above-mentioned approved cost estimate.
- (4) The completion of a zoning permit application and payment of a seventy-five-dollar (\$75) zoning permit fee for the installation of infrastructure.
- (5) The Town must be furnished with no less than five (5) signed copies of the subdivision agreement (once presented and approved by Town Council), along with the requisite recordation fee for Isle of Wight County Courthouse. Page three (3) of the subdivision agreement must be updated with the value noted in item two (2) above.
- (6) The deed of drainage and utility easement that is to accompany this final plat at recordation, must be submitted to the Town Attorney for review, and must be revised (if necessary). The Town must be furnished with no less than five (5) signed copies of this deed.
- (7) The Town must be furnished with no less than five (5) executed copies of the final plat for Section 2, approved by Town Staff on May 10th, 2022.
- (8) Once confirmed with Isle of Wight County Courthouse, the amounts of the additional recordation fees will be provided to the applicant, along with recordation receipts once recorded.

Chairman Bryan inquired if the applicant was present, and was informed by the Town Attorney that Mr. Culpeper had been present at last week's meeting.

Mr. Pack asked, in regard to recommendation number 1, for confirmation that the Planning Commission had previously agreed that gravel trailer and recreational vehicle parking lot was not necessary. He added that he did not see it on the plat provided.

Vice Chair Hillegass stated that she had thought it had been removed from the plan previously.

Dr. Pope stated that it had not been removed for the Cypress Creek development, but they had discussed the removal in regard to the Mallory Point development.

Mr. Pack asked where it could be found as it was not included on the plat. He added that he was aware that there was an existing lot in Cypress Creek and did not know if they were expanding it.

Dr. Pope stated not to his knowledge. He directed the members to the total overview of Phase VI on page 22 of the PDF to the region labeled "Open Space Parcel 6" that is next to Benn's Church Boulevard and speculated that it would be there.

The Town Attorney inquired about the purpose of the apparent right-of-way between Lots 40 and 41 at the end of Royal Blackheath.

Dr. Pope pointed out that on page 24 of the PDF the upper right corner included Lots 40 and 41 in closer view. He continued that the area between the lots was labeled "20' Ingress/Egress Easement Dedicated to the Cypress Creek Homeowner's Association (HOA)."

The Town Attorney expressed curiosity as to whether that was an access point to the lot in question.

Mr. Pack reported that part of the reason for agreement to allow the cluster development was due to the inclusion of more open space. He added that there is 10 acres of open space in this area, until there is a gravel parking lot for trailers, etc. He recalled that the Commission had discussed that because this area would be age-restricted the requirement for trailer parking in a 50+ community is not as great and they decided to waive the need for its completion. He stated that he thought the design was unique as it brought everything closer together but gave more open space back to the Community giving it a village feel.

Dr. Pope inquired if the applicant indicated he would be available by phone.

Mrs. Clary stated that she could try to reach the applicant.

The Town Attorney stated that it would not have impact on approval of the plat.

Mrs. Clary reported that she could verify where the first mention of the Special Use Permit (SUP) for the proposed gravel recreational vehicle (RV) and trailer lot was in the project and report back to the Commission.

The Town Attorney stated that there was either a waiver for the lot or not, and if there was then it was not required on the plat. He added that if there was not a waiver then there would need to be an application completed. He continued that the waiver could not be given this evening, so it would not impact the plat approval.

Mr. Pack stated that it does have impact if they held them to the previous decision on the gravel lot for the RV's and trailers.

The Town Attorney stated that they have to hold the applicant to it if there is not a waiver for the lot.

Mr. Pack questioned where the location of the lot would be on the plat.

The Town Attorney stated that the applicant would have to come back and show the Commission.

Dr. Pope reported that he did not recall if the applicant had gotten approval for the lot or not. He added that he felt like the applicant possibly had gotten approval because there was a waiting list to use the existing RV and trailer lot making the amenity important to the community.

Chairman Bryan asked Mr. Pack to repeat what his concern was.

Mr. Pack reviewed that one of the recommendations listed in the report by Town Staff had been that the applicant must provide a Special Use Permit (SUP) prior to breaking ground on the proposed gravel parking lot for RVs and trailers. He stated that his comment had been that he thought the Commission had previously waived the requirement, and if it had not been waived then where would it be placed in Phase VI because it is not shown on the plat.

Chairman Bryan stated that he did not believe that it had been part of Phase VI, and that it had been included in a different section of the development. He recalled that the applicant had come to the Commission a couple of years ago regarding a pool facility.

Dr. Pope stated that what the Chairman was referring to had been for Phase VII up the 15th, 17th, and 18th fairways on the golf course. He added that when the developer proposed Phase VI it had included certain amenities including a walking trail, a pool establishment, and parking lot area that was meant to go around the turn area in Parcel 6. He added that the inclusion of these amenities was triggered by the number of development units that were proposed. He stated that he did not know if the gravel lot was included in these amenities that were proposed. Dr. Pope recalled that the developer had to come before the Commission to get approval to redo the original Cypress Creek pool and change the amenities in that area. He reported there would be a total of two pools in the development: the remodeled pool and the next pool system that is triggered by the increased number of units.

Chairman Bryan added that this would be within the open space.

Dr. Pope added that in the original plans it was in Parcel 6 near the round-about. He stated that he did not remember where the parking lot was to go in relation to those plans.

Mr. Pack asked if this information should be included on the final plat, even if the locations were just proposed.

Dr. Pope stated that he would think so.

Mrs. Clary stated that this was only for Section 2, and she believed that the pool that was being discussed was located in the St. Andrews Open Space Parcel 6 which is in Section 3 near Lot 61.

Mr. Pack acknowledged this but reiterated that it was not shown on the plat.

The Town Attorney reiterated Mrs. Clary's point that the approval was just for Section 2. He asked Mrs. Clary if the other Phases were approved.

Mrs. Clary reported that Section 1 and Section 3 had been approved.

Dr. Pope stated that he thought this would be the end of the development of Cypress Creek, other than the amenities that would need to be added.

The Town Attorney stated that the pool and clubhouse would be placed in the open space area, which was not a platted lot as it was owned by the HOA.

Mr. Pack stated that he understood, and did not have a problem with it, however his issue resided in that there was a final plat application with no amenities shown on it.

Vice Chair Hillegass stated that the definition of "open space" changed if there was the

placement of a recreational facility in it.

The Town Attorney reported that zoning requirements necessitated the presence of those amenities.

Vice Chair Hillegass stated that the amenities were not “open space.” She continued that open space included green space and trails, not a pool facility and clubhouse.

The Town Attorney explained that if the developer does not include plans for required elements, then Mrs. Clary would not issue them any zoning permits.

Vice Chair Hillegass questioned if the Commission should not approve the application.

The Town Attorney stated that he understood the point, but was it was not what he was saying. He added that he had been assuming that the amenities would be going in the open space and reiterated that they are not a platted lot. He continued that there was an abundance of open space owned by the HOA in which the amenities could be placed. He reported to the Commission that the issue could be tabled if needed since the applicant was not available.

Vice Chair Hillegass stated that she felt the site plan was a misrepresentation as the it clearly had areas labeled “open space” and they knew that this was not what it would end up being.

The Town Attorney asked where this would be occurring.

Vice Chair Hillegass repeated the statement that there would be a pool and clubhouse going in that general vicinity, but it was being called open space. She reiterated that she felt open space was trails, green space, etc.

The Town Attorney stated that it sounded like the Commission did not have enough information to make an informed decision.

Vice Chair Hillegass made the motion to table the application until more information is received. Mr. Gibbs seconded the motion.

Dr. Pope made a point that the Commission had approved a Phase VI site plan years ago, and that they did not have that information in front of them for review.

Mr. Pack reiterated that he did not take issue with the design but wanted to actually see where the amenities would be going since they would have agreed to it.

Vice Chair Hillegass agreed.

The Town Attorney added that even if the applicant, Mr. Culpepper, were here the final site plan does not show where the amenities would be placed.

Mr. Pack stated that he would like to see the final site application with the amenities included to show locations and sizes.

Chairman Bryan called for the vote. On call for the vote, seven members were present. Mr. Gibbs vote aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Dr. Pope voted aye, Mr. Pack voted aye, Vice Chair Hillegass voted aye, and Chairman Bryan voted aye. The motion to table the application passed.

***Public Hearing* Special Use Permit Application (Zero Lot Line Residential Units Permitted for New Construction) and Site Plan Approval – Corner of Washington Street and James Street – Ted Miller, applicant.**

Mrs. Clary reported that the applicant is seeking site plan approval for eight (8) residential lots, four (4) single family detached dwellings (by-right use through SZO Article 3.D Section B.1) and four (4) duplex residential dwellings.

At the Tuesday, November 1st, 2021 Town Council meeting the applicant successfully acquired a Special Use Permit (SUP) to facilitate the construction of four duplex residential dwellings, in accordance with Smithfield Zoning Ordinance (SZO) Article 3.D. Section C.3. She continued that the applicant plans on constructing thirteen (13) parking spaces for the Veteran of Foreign Wars (VFW) building located at 233 Washington Street (by right through SZO Article 3.D Section B.2.). This parking lot will connect Washington Street to Clay Street. The proposed project also contains the extension of Clay Street, connecting to it James Street. Along Clay Street the applicants will connect an eight-inch (8") water main to the existing four-inch (4") water main, and connect an eight-inch (8") sanitary sewer main to the existing eight-inch (8") sanitary sewer main. She reported that a new fire hydrant will also be added to the site on Clay Street.

In addition to site plan review and approval, the applicant is seeking an SUP to allow for zero lot residential units, in accordance with SZO Article 3.D Section C.24., to accommodate the proposed dwellings on Lot 1, Lot 2, Lot 3, Lot 4, and Lot 8.

Just as a reminder, October 10th, 2022 is the date ninety (90) days after this application will have been first heard. In accordance with SZO Article 6 Section E.2. this application shall be deemed approved, unless the application has been withdrawn by the applicant prior to the expiration, or the time period has been extended by mutual agreement by the Town and the applicant.

Town staff recommends a favorable recommendation to Town Council, conditioned on the approved site plan dated June 1st, 2022 (staff approved June 3rd, 2022). Any modification/ deviation from the approved site plans, would require a new SUP. She added that Town staff recommended that this site plan application be approved under the following conditions:

- (1) The Town must be furnished with a cost estimate that will be verified by the Department of Public Works and Utilities, and a bond in the amount of 120 percent of the total scheduled value shown in the above-mentioned approved cost estimate.
- (2) The Town must be furnished with a landscaping cost estimate, and a bond in the amount of 120 percent of the total value shown.
- (3) The Town must be furnished with the payment of the requisite inspection fees for the road infrastructure and water and sewer infrastructure, based upon percentages of the above-mentioned approved cost estimate.
- (4) The completion of a zoning permit application and payment of a seventy-five-dollar (\$75) zoning permit fee for the installation of infrastructure.
- (5) The Town must be furnished with no less than five (5) signed copies of the subdivision agreement (once presented and approved by Town Council), along with the requisite recordation fee for Isle of Wight County Courthouse. Page three (3) of the subdivision agreement must be updated with the value noted in item two (2) above.
- (6) The deed of drainage and utility easement that is to accompany this final plat at recordation, must be submitted to the Town Attorney for review, and must be revised (if necessary). The Town must be furnished with no less than five (5) signed copies of this deed.
- (7) Once confirmed with Isle of Wight County Courthouse, the amounts of the additional recordation fees will be provided to the applicant, along with recordation receipts once recorded.

Chairman Bryan reported that there had been two sign-ups to speak for the public hearing.

Teresa Mulherin of 206 Washington Street in Smithfield inquired as to who owns the property as it is listed two different ways: one as Joe Luter IV, and one as LSMP, LLC.

The Town Attorney stated that the owner was the Town of Smithfield.

Mrs. Mulherin stated she would get to that in a moment.

The Town Attorney stated that Mrs. Mulherin had asked the question and this was the answer.

Mrs. Mulherin stated that the paperwork showed Joe Luter and LSMP, LLC as the owner but Isle of Wight County listed the owner as the Town of Smithfield. She acknowledged she wasn't clear about that piece and that money was not transferred so Mr. Luter does not own it. She added that the agent for LSMP, LLC was present and they could ask the Town Attorney.

The Town Attorney explained that he was not the agent for the company, but he was the registered agent which was an entirely different distinction.

Mrs. Mulherin reported that she had looked up the definition. She added that she was familiar with zero lot lines so she did not have questions regarding them. She asked who should be addressed when the neighbors in the area need their property protected. She reported that the question was intended to give guidance to her neighbors when they had concerns about their property. She added that the neighbor beside the VFW was present, as well as the neighbor across the street.

Chairman Bryan stated that this was the purpose of the public hearing, and if someone had issue with the application then they should speak.

Mrs. Mulherin thanked the Chairman and stated that was where she would leave her comments.

Chairman Bryan reported that there was another person who had signed up to speak. He confirmed with them that they did not want to speak in regard to the application for the subdivision at Washington and James Street specifically. He explained that since the meeting was continued, the portion for general public comment had been at last week's meeting.

The Town Attorney stated that the Chairman could give time at the end of to accommodate public comment.

Chairman Bryan inquired if there was anyone else who would like to speak in regard to the public hearing.

Bob Hines of 216 Washington Street in Smithfield discussed the history of the property relating that it had been identified in 2006-2007 as a possible place for affordable housing for police and fire department personnel or relocation of residents from the Pinewood Heights area. He expressed surprise when the paper had reported that the residents of Pinewood Heights had opted to find their own homes, and he supposed that was why it never happened. He questioned where all of the parking would go for the Luter Family YMCA's large event in the Spring. He speculated that it could go out in the field. Mr. Hines added that he had seen in the paper that the Clay Street extension would be called "Clay Drive." He questioned what the point of that would be as there were already many confusing streets and street names in Town. He commented on the proposed home prices of \$450,000 – 550,000 in that neighborhood and wished them luck.

Catherine Blount of 221 Washington Street in Smithfield, the ham capital of the world, stated that her concern was with the pipes in the area. She reported that the pipes that were in the ground were likely placed there before she was born, and questioned if these pipes will be able to accommodate the new pipes that will be installed as part of the development. She stated that she did not want a mess in her home, adding that she was born there. She added that she did not think the members of the

Commission would want a mess in their home if they had lived there for years and were born there. Mrs. Blount reported that she had concerns about the closeness of passing cars on the street and had spoken with the Chief of Police about them. She continued that cars came up James Street, turned onto Washington Street, and when the maneuver was complete they are on the left side of the street where children played. She reported that the children were our precious jewels and that we needed to look after them. She stated that there would be 4 duplexes built on Washington Street and James Street, with the resident's cars backing in and out. She added that the plan was to give the VFW 13 parking spaces, stating that this was not fair. She continued that sometimes when the VFW has a function they have 20-30 cars. Mrs. Blount questioned how 13 parking spots is going to honor our veterans. She guessed that there were some veterans present, and that they knew that would not be enough spaces. She questioned what would residents who moved into one of duplexes would do if they had a boat or camper that they wanted to park. She continued it would be taking from our veterans and that was not right. She encouraged the Commission members not to forget to buy their breakfast Saturday morning at the VFW. Mrs. Blount stated that she pays attention to what happens in the community and she thought that consideration needed to be given to what was being built. She stated that there were children in two locations near this area and she was concerned about their safety no matter what age they were. She stated that even older children with cars and jobs are still children. She expressed the need to protect them from those that move into the community that are not right, and asked if people who moved in would have their credentials checked. She stated that there is more to the situation than just accepting everything. She expressed appreciation for what Mr. Luter does. She gave an example of the killing of a young child years ago in the Jersey Park neighborhood. She related that at that time she told her friends not to worry, that Joe Luter would find out who had committed the crime. Mrs. Blount stated that everyone needed to step up and look out for all of our children. She asked the Commission to please take into consideration the things that she had mentioned as it was important.

Chairman Bryan asked if there was anyone else who wished to speak for the public hearing. Seeing and hearing none the public hearing was closed.

Mr. Pack wanted to point out the 50' tree preservation easement dedicated to the Town of Smithfield to preserve the two large cypress trees that are on the corner of James Street and Washington Street.

Vice Chair Hillegass reported that this had been a question at last week's portion of the public hearing.

Chairman Bryan discussed the issue that Mrs. Blount had mentioned in her statement about the existing pipes in the ground in that area, reporting that the issues was studied by Town Engineers to ensure that they are adequate for any development being built there.

Mrs. Clary stated that this was correct, and the site plan goes to the Department Public Works and Utilities who completes the assessment. She reported that Jack Reed, Director of the Public Works and Utilities Department was present to speak on the issue.

Mr. Reed stated that the pipes would be fine.

Mr. Pack commented on Mr. Hines statement regarding the Clay Street extension name, reporting that their information still read Clay Street with no mention of "Clay Drive," and that he had not seen this in the paper.

Chairman Bryan stated that this caught his attention as well.

Mr. Pack asked for confirmation that this road would still be named Clay Street.

Mrs. Clary stated that Town Staff was not aware of any proposal for the street name of “Clay Drive.”

Dr. Pope asked who determines what side of the street could be parked on, for example the placement of “no parking” signs. He also asked if there are cars parked on both sides of the road in this area is there enough space to pass in between them.

Mrs. Clary reported that for the site plan review, parking was assessed with the duplex and single family dwellings to ensure that there are two 9 x 18’ parking spaces per unit.

Dr. Pope used the YMCA Spring event as an example and questioned how are people going to know where to park or how to line up. He reported that his question was really focused on Clay Street, acknowledging that he did not have the actual measurements, and whether or not if 2 cars are parked on the curb is there enough space for cars to pass.

The Town Attorney stated that the pavement section was 24 feet wide.

Dr. Pope stated that you likely couldn’t park on both sides of the street. He asked how which side would allow parking going to be determined.

The Town Attorney stated that a “no parking” area could be designated by the Town Council.

Mr. Pack stated that this would be on Town-owned roads only. He gave the example of Grace Street being owned by the State, adding that he believed Clay Street and Washington Street were owned by the Town of Smithfield.

The Town Attorney asked Mr. Reed what the size of a typical pavement section was, adding that this area was 26 feet.

Mr. Reed stated that if there weren’t any “no parking signs,” a study could be done by him and the Town Engineer and brought to Town Council to have them placed. He confirmed that the two roads in question were owned by the Town.

Dr. Pope stated that he would like to see as much parking preserved around the development as possible. He was curious how this would play out for events such as the VFW breakfast mentioned by Mrs. Blount.

Chairman Bryan stated that parking on the road had been decided by residents whether they wanted to park on one side or the other.

Mr. Pack reported that Google Maps showed street parking on both sides of the road currently.

Chairman Bryan supposed that parking was pretty much common sense without any signs or directions.

Vice Chair Hillegass stated that common sense is not all that common. She circled back to Mr. Hines report of the name change to Clay Drive and pointed out that on sheet CU201 the street was noted as “Clay Avenue.”

The Town Attorney stated that this was a clerical error by the draftsman, as it shows as “Clay Street” everywhere else.

Chairman Bryan asked the Town Attorney to please explain the term “zero lot” for clarity.

The Town Attorney stated that zero lot referred to no separation between two lots, meaning they share a common wall as applies to the duplexes. He added that though the lots may share a separate wall, the lots can have separate ownership.

Mrs. Clary offered clarification that approval of the zero lot line development for this project

was recommended for the approved site plan. She recalled back to when the applicant appeared before the Board of Historic and Architectural Review (BHAR) where it was requested that the placement of the garages not be front facing, which then caused the reconfiguration of the duplex units. She directed the Commission to look starting on the back side of lots 3 and 4, to where the duplexes are not meeting the setback requirements. She reported that the staff recommends approval of zero lot lines would be contingent upon the approval of this site plan with the proposed setbacks as illustrated.

Mr. Pack made the motion to approve the application as presented with the staff recommendations for the site plan and the addition that the street name remain “Clay Street.” Vice Chair Hillegass seconded the motion.

Chairman Bryan confirmed that the motion included the favorable recommendation to Town Council for the Special Use Permit for the zero lot line.

Chairman Bryan called for the vote. On call for the vote, seven members were present. Mr. Gibbs voted nay, Mr. Swecker voted aye, Mr. Torrey voted aye, Dr. Pope voted aye, Mr. Pack voted aye, Vice Chair Hillegass voted aye, and Chairman Bryan voted aye. The motion passed, and the Special Use Permit application was favorably recommended to Town Council as a public hearing.

Subdivision Application – Washington & James Street, Town of Smithfield, applicant.

Mrs. Clary reported that the applicant is seeking approval for the subdivision of 2.69 acres of land on the corner of Washington Street and James Street in order to create three (3) new parcels. Lot A (223 Washington Street) will be 0.56 acres, and Lot B (240 James Street) will be 0.62 acres leaving the remainder of Lot 184A (TPIN: 21A-01-184A) with 1.51 acres. The existing zoning on the subject parcel is Downtown Neighborhood Residential (DN-R) and is in the Historic Preservation Overlay (HPO). She continued that this application would create three (3) lots, enabling both the Children’s Center (240 James Street) and the Veterans of Foreign Wars Post 8545 (223 Washington Street) buildings to be located on individual parcels.

The Town Attorney pointed out that the surveyor had labeled the two commercial buildings, the Children’s Center and the VFW, as “dwellings” and they would ask for the information to be fixed. He addressed Mrs. Mulherin’s earlier question, reporting that the property has not changed hands as the VFW and the Children’s Center are on the master parcel under long-term leases and there is no intention to disrupt those leases, but the property cannot be conveyed until the lots have been created for the two buildings, which is the purpose of the plat. He reported that the purchaser is ready, willing, and able to complete the transaction.

Vice Chair Hillegass made the motion to approve with the note that the plat be corrected to show the commercial buildings. Mr. Pack seconded the motion.

Chairman Bryan called for the vote. On call for the vote, seven members were present. Mr. Gibbs voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Dr. Pope voted aye, Mr. Pack voted aye, Vice Chair Hillegass voted aye, and Chairman Bryan voted aye. The motion passed.

***Discussion Item* - Smithfield Zoning Ordinance, Article 2.V.13, amendment, Town of Smithfield, applicant.**

Mrs. Clary reported that the discussion item was in regard to “Lot and Yard Requirements and Modifications,” that addresses development on shrink/swell soils. She stated that Town Staff had

reached out several neighboring localities as well as Isle of Wight County.

Therefore, Town Staff is bringing SZO Article 2, Section V as a discussion item to Planning Commission, to discuss a potential text amendment, specifically focusing on section b., “The minimum lot size for any new subdivided lot containing shrink/swell soils shall be increased by a multiple of 1.20 times the minimum lot size prescribed by the applicable zoning district in which the lot is located.”

Town Staff were able to speak with Doug Pinckney, the Geotechnical Team Lead/ Senior Engineer from our consulting group, Draper Aden and Associates (DAA). Mr. Pinckney stated that he did not have a scientific correlation between minimum lot size requirements and the presence of shrink/swell soils located on a particular parcel of land, for development. She continued that more specifically, Mr. Pinckney discussed engineer foundations as a way to appropriately account for foundational concerns when developing on shrink/ swell soils and could not provide a reasoning as to why an increase in the minimum lot size would be required (we are currently awaiting a written explanation/ documentation from DAA in reference to the statements above). She added that this would be in alignment with what Isle of Wight County requirements that if a development is constructed on shrink/swell soils the type of soil must be identified and a foundation be engineered to accompany the zoning permit. She continued that there was not any minimum lot size increase in the County’s requirements if shrink/swell soils are identified.

Town staff recommend a robust discussion and a favorable consensus on the return of the application as a public hearing for the Planning Commission.

Chairman Bryan stated that the question would be does the Commission want to amend the ordinance concerning lot sizes which has a minimum of 8,000 square feet.

The Town Attorney stated that this would apply to any lot, no matter the size. He continued that the way the ordinance is written currently when shrink/swell soils are identified then the lot size must be increased to larger than normal to accommodate the issue. He added that the problem with it, is that it does not address the shrink/swell issue. He gave the example of Wellington Estates having very wet soil, and all of the structures in this area having engineered foundations as a result.

Vice Chair Hillegass stated that a larger lot does not make the foundation shift less.

The Town Attorney reiterated that there is a provision that is not based on any fact at all.

Mr. Pack stated that the current ordinance required that the lot be increased by 20%. He stated that when the Commission has seen some items with good intentions that do not have scientific evidence to bolster them and they don’t necessarily make sense, they ought to be changed. Mr. Pack added that the issue had been discussed in regard to the Mallory Scott Farm project. He added that statements had been made that the houses built there would fail because of the shrink/swell soil, however it was not zoning issue. He continued that whether or not the houses would be affected would be a building and engineering issue.

Chairman Bryan stated he wanted to mention that the ordinance was originally written in 2003, and there had been improvements in building on shrink/swell soils since that time. He questioned how the conclusion had been reached to increase the lot size by such a large percentage and have a minimum lot requirement of 8,000 square feet.

The Town Attorney stated that it did not matter what the minimum size was, the ordinance required that the lot size be increased 1.2 times the minimum required in the zoning district it in which it was located.

Vice Chair Hillegass reiterated the point that this would not fix the problem.

The Town Attorney stated that it was not rationally related to the problem.

Chairman Bryan questioned what recourse would a homeowner would have once a development was built on shrink/soil if the foundation developed issues as a result.

The Town Attorney reported that there would be no recourse against the Town. He continued that the Town requires that shrink/swell soils be identified and a zoning permit is not issued until plans have been submitted with an engineered foundation to address the issue. He added that this is not a new problem but there has been progress in addressing the issue. He reiterated that houses can safely be built on shrink/swell soils but they must have specially designed and engineered foundations to accommodate the issue. He reported that any recourse would be against the builder, and the State gives a five year warranty on foundations by law in new homes.

Chairman Bryan questioned if after that five year period the homeowner was on their own.

The Town Attorney stated that this was correct.

Dr. Pope inquired if the Commission would need to specify the requirement for blanket testing or testing on every single lot in a development if shrink/swell soils were discovered on a portion as outlined in one of the supporting documents provided.

The Town Attorney reported that he thought that the Town currently required this, and asked for confirmation from Mrs. Clary.

Mrs. Clary reported that Article 2, Section V, Item 13 a. of the ordinance stated a “report shall be prepared by a registered professional engineer and shall address (1) the location and characteristics of the soils and (2) foundation and related structural engineering design recommendations for the intended structure.”

Dr. Pope reiterated that it would need to be for every lot.

The Town Attorney repeated that if a soil sample indicated shrink/swell soils then the developer would need to proceed with engineered foundations.

Dr. Pope gave the hypothetical of finding shrink/swell soils on Lot 20, would a study then be required on Lot 21 set 50 feet away.

The Town Attorney stated not necessarily, but it might be required. He gave the example of “peanut soil” that was sandy being in close proximity to soil that is not.

Dr. Pope stated that he felt that it was a lot of expense for the developer.

The Town Attorney stated that this was ultimately the builder’s problem.

Mr. Pack stated that if somebody was building 100 homes, he liked to think that there was a concession where you don’t have to complete 100 soil samples.

The Town Attorney stated that before a developer buys land they should have an idea as there are geological soil maps that show the characteristics of the soil in general terms.

Vice Chair Hillegass stated that the United States Department of Agriculture (USDA) has a soil survey for the entire County.

Mr. Pack pointed out that regardless of this information, increasing the lot size does not change the problem of having shrink/swell soils. He identified that the Town’s ordinance currently requires this increase, and he recommended changing it.

Vice Chair Hillegass stated that agenda item this evening was to decide if they would like to recommend the ordinance change for public hearing. She made a motion to recommend that the item

return to the agenda for public hearing.

Mr. Gibbs seconded the motion.

Mr. Pack asked Mrs. Clary if this would provide her with enough preparation time.

Mrs. Clary confirmed and clarified that this would specifically be for repealing Section b.

Chairman Bryan called for the vote. On call for the vote, seven members were present. Mr. Gibbs voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Dr. Pope voted aye, Mr. Pack voted aye, Vice Chair Hillegass voted aye, and Chairman Bryan voted aye. The motion passed.

Public Comments:

Chairman Bryan explained that due to the continuation of last week's meeting, there would be additional time for Public Comments.

Nicole Bonilla stated she represented the address of 227 Clay Street in Smithfield. She reported that her grandmother who was on oxygen and mother who works two jobs reside at this address. She added that they do not have the luxury to attend the meetings. She stated that she had observed that there was a house being built on the side of 227 Clay Street. She acknowledged that she did not know if someone had obtained a permit for this, but she found it troubling. She stated that her mother and grandmother did not come from means, but they wanted to keep their property in the family. She reiterated that she found it troubling that someone would build something on such a small plot of land with 15 feet between properties.

Mr. Pack looked at the parcel information and confirmed the name of the owner, Linda Williams, listed at 227 Clay Street.

Mrs. Bonilla confirmed this was correct.

Mr. Pack reported that this was next door to Lot 1 on the proposed Luter Acres parcel.

Mrs. Bonilla reported that her mother had worked for Joe Luter for a long time. She reported that she was visiting from Boston and had been gone from the area for about 7 years. She added that not much in the area had changed, which gave her concern as there was nothing being done for young people who reside on Cedar Street, Church Manor, and Jersey Park Apartments. She continued that there would be new families moving into to the area, and she was concerned that the kids who already lived there were going to be seen as a problem. Mrs. Bonilla stated that there was nothing for those kids to do or a way for them to contribute to the community because no one wants to give back. She stated that she would expect better from the members of the Board, and that it should be known that when there is an investment in young people it makes the Town a better place overall. She related that as a young person she was depressed thinking about how she could give back to her community, adding that there was no one willing to invest in them unless they came from the suburbs. She continued that these are lower middle-class people in those neighborhoods, and predicted that people residing in the suburbs would send their children to college because they had money, then those children would work for corporations, and would not give back to the Town of Smithfield. Mrs. Bonilla stated that it was disheartening as the Commission was supposed to represent everyone. She stated that all the kids do is ride up and down the street smoking weed because they have nothing else to do. She added that she heard that the YMCA was supposed to be building a spa, and that guessed it was to show off for the people that already had money.

The Town Attorney stated that this was a Planning Commission meeting.

Mrs. Bonilla stated she understood, and stated that maybe the Commission could point her in the

right direction to address these issues.

The Town Attorney stated that they would be happy to, and stated that the comment about her mother's property was appropriate for the meeting. He stated that he would be happy to discuss all of the other issues outside the meeting.

Mrs. Bonilla stated that she would love to discuss the issues with anyone who was willing to listen and thanked the Commission.

Chairman Bryan asked if there was anyone else who wished to speak. Hearing and seeing none, the public comments section was closed.

Dr. Pope asked if the voting order could be changed, especially when there were votes on controversial items. He stated that he did not know how Mr. Gibbs felt always having to vote first.

Mr. Gibbs thanked Dr. Pope for the consideration but added that he was okay with the voting order as he always votes from the heart.

Mr. Pack reported that at Town Council the voting order is always random, never repeated, and with the Mayor always voting last.

Approval of the Tuesday, June 14th, 2022 meeting minutes

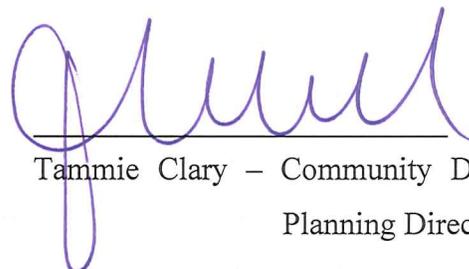
The Town Attorney recommended approval of the minutes as presented.

Vice Chair Hillegass made a motion to approve the minutes. Mr. Pack seconded the motion.

Chairman Bryan called for a collective vote, all members were in favor, with none opposed. The motion passed.

The meeting adjourned at 8:50 p.m.


Charles Bryan - Chairman


Tammie Clary – Community Development &
Planning Director