



SMITHFIELD TOWN COUNCIL AGENDA  
**September 1, 2020 at 6:30 p.m.**  
Held at Smithfield Center, 220 N. Church Street

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. INFORMATIONAL SECTION:**

1. Manager's Report

a. August Activity Report

**D. UPCOMING MEETINGS AND ACTIVITIES:**

- |              |   |   |
|--------------|---|---|
| September 1  | - | 6:30 p.m. – Town Council Meeting  |
| September 8  | - | 4:00 p.m. – Pinewood Heights Management Team  |
| September 8  | - | 6:30 p.m. – Planning Commission   |
| September 15 | - | 6:30 p.m. – Board of Historic and Architectural Review  |
| September 28 | - | 3:00 p.m. – Town Council Committee Meetings (Consecutive)<br>Public Safety Committee<br>Water and Sewer Committee<br>Finance Committee                          |
| September 29 | - | 3:00 p.m. – Town Council Committee Meetings (Consecutive)<br>Parks and Recreation Committee<br>Public Works Committee<br>Public Buildings and Welfare Committee |

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

**E. Public Comments:**

In accordance with Governor Northam's Executive Orders issued to address the spread of the COVID-19 pandemic, the September 1<sup>st</sup>, 2020 Town Council Meeting, citizens are encouraged to submit any public comments to the Town Clerk at [lking@smithfieldva.gov](mailto:lking@smithfieldva.gov) prior to the meeting so that it may be read into the record. Any required response(s) from the Town will be provided in writing following the meeting.

- a. Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District

**F. Council Comments**

**NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT.** Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend Town Council Meetings. ADA compliant hearing devices are available for use upon request. Please call (757) 356-9939 at least 24 hours prior to the meeting date so that proper arrangements may be made.

## CONSENT AGENDA ITEMS

- C1. **Ordinance to Amend Town Code as it Pertains to Assembly Permits** **TAB # 1**  
Public Safety Committee Chair, Mrs. Renee Rountree
- C2. **Motion to Authorize Purchase of Perpetual Drainage Easement behind Reverse Osmosis Water Treatment Plant**  
Water and Sewer Committee Chair, Vice Mayor Michael Smith
- C3. **Invoices Over \$10,000 Requiring Council Authorization:**  
Finance Committee Chair, Mr. Randy Pack
- |  |              |
|--|--------------|
| a. Core & Main (water meter registers)                                     | \$ 15,400.00 |
| b. Draper Aden Associates (2020 manhole Inspections & Rehab)               | \$ 45,165.25 |
| c. Lewis Construction of Virginia (install Sewer Manhole & 2 new laterals) | \$ 14,000.00 |
| d. Kimley Horn & Associates - (Intersection Improvement Project)           | \$ 29,769.10 |
| e. Central Square Technologies (annual software & Maintenance fee)         | \$ 25,697.87 |
- Additional Invoices Received Since Finance Committee** **TAB # 2**
- |  |              |
|--|--------------|
| f. Acme Equipment (budgeted scissor lift)            | \$ 11,694.00 |
| g. Beach Ford (budgeted Public Works Truck)          | \$ 34,903.00 |
| h. Axon Enterprise, Inc. (budgeted Police equipment) | \$ 10,320.02 |
- C4. **Authorization to make Contribution of CARES Act Funds to the Western Tidewater Free Clinic and Isle of Wight Christian Outreach** **TAB # 3**  
Finance Committee Chair, Mr. Randy Pack
- C5. **Motion to Approve Contribution of 20% from Second Round of CARES Act Funding to be used for Isle Rebound Grant Program with the Adoption of Certification Resolution** **TAB # 4**  
Finance Committee Chair, Mr. Randy Pack
- C6. **Motion to Reallocate Remaining Funds from VDOT's Urban Fund for Segment 3 of the Nike Park Trail to Preliminary Engineering Phase and Rename Project as a Study**  
Public Works Committee Chair, Ms. Beth Haywood

## ACTION SECTION

1. **PUBLIC HEARING: Zoning Ordinance Amendment– Ground Source Well** **TAB # 5**
- a. Staff Presentation, John Settle, Director of Community Development & Planning
  - b. Open Public Hearing
  - c. Close Public Hearing
  - d. Consideration by Town Council

2. **PUBLIC HEARING: Zoning Ordinance Amendment – Short-Term Rentals** **TAB # 6**

- a. Staff Presentation, John Settle, Director of Community Development & Planning
- b. Open Public Hearing
- c. Close Public Hearing
- d. Consideration by Town Council

3. **PUBLIC HEARING: Refinance 2017 Note to a General Obligation Bond for Various Capital Projects in an Amount not to Exceed \$4,205,000** **TAB # 7**

- a. Staff Presentation, Ellen Minga, Town Treasurer
- b. Open Public Hearing
- c. Close Public Hearing
- d. Consideration by Town Council

4. **Motion to Approve the Town Council Summary Minutes of August 4<sup>th</sup>, 2020**  
[William H. Riddick, III, Town Attorney](#)

5. **New Business:**

6. **Old Business:**

7. **Closed Session:** Pursuant to Section 2.2-3711 A3 of the Code of Virginia – Contract Negotiations

8. **Adjournment:**

# FYI ITEMS



24-hour Crisis Hotline (800)969-HOPE (4673)

P.O. Box 1585 • Suffolk, Virginia 23439

Phone 757-925-4365 • Fax 757-925-2053

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7/30/20

Town of Smithfield  
PO Box 246  
Smithfield, VA 23431

Dear Town of Smithfield,

Many domestic violence victims and their children come to our shelter with nothing but the clothing they are wearing. It is up to us to provide them with life's basic necessities, including the products you have donated today. It's a physical help to them but it also expedites their emotional recovery. Only once the necessities are covered, can victims focus on dealing with the trauma they have endured. This is the difference you have made! Those you have touched with your kindness are now on their way to a full recovery and a happier, healthier life!

We cannot thank you enough for your generous donation of the following items:

- Monetary: CK # 53050

This gift is valued at \$ 7,920.00 but to those who receive them, they are priceless. Starting over can be a dauntingly painful experience, especially when you're completely empty-handed. Please know your generosity has made someone's life a little easier.

On behalf of all of those that The Genieve Shelter serves, we thank you! We hope that we can count on your support in the future as well. Our goal is to end the cycle of violence afflicting our community. With the continuing support of people like you, we will succeed.

Sincerely,

Marleisa Montgomery, MPH, MSW,

Executive Director

# ACTIVITY REPORTS

**SMITHFIELD POLICE DEPARTMENT  
MANAGER'S REPORT  
AUGUST 2020**

**Committees and Projects:**

08/03           Waverly Police Department – hiring process  
08/04           Town Council meeting – Center  
08/05           Department Head – Center  
08/06           Testing of officer applicants – Center  
08/12           Safety Committee meeting- Town Hall  
08/12           Meeting at Smithfield Foods  
08/12           Department Head meeting – Teleconference  
08/19           Department Head meeting – Teleconference  
08/24           Public Safety Committee meeting – Center  
08/24           Special Events meeting - Center  
08/25           Deputy Chief testing – PD  
08/26           Deputy Chief panel interviews – PD  
08/26           Department Head meeting - Teleconference

**Training**

08/03 – 04     Property and Evidence Management – Skyline Regional Training Academy – Sgt. Phillips (16 hrs.)  
08/03 – 06     Field Training Officer – HRCJTA – Officer Norton (32 hrs.)  
08/07           Freedom of Information Act training – Zoom – PD – Annette Crocker (3 hrs.)  
08/17 – 21     Introductory (Basic) Crime Prevention Course – Rocky Mount, VA, Officer Hughes (40 hrs.)  
08/24 – 25     Creating & Maintaining the “Well Disciplined Organization” – HRCJTA – Sgt. Phillips (24 hrs.)

**Community Relations**

08/08           Back the Blue Rally – Commuter Parking Lot  
08/11           The Garage Ministry – Behind Ringo's  
08/20           Telephone call regarding answering questions about our agency and policing as a whole – PD  
8/26           Back the Blue Parade – Started at Nike Park traveling through downtown Smithfield ending at Isle of Wight Sheriff's Office

**Smithfield Police Department  
Criminal Investigations Division**

IBR# 2020-00406  
Offense: Aggravated Assault  
Location: 700 blk Wrenn Road  
Date: 7/12/2020

Officers responded to an assault and battery incident. A resident and her neighbor had been drinking together all night. During the occasion, the resident became upset and told everyone to leave. The neighbor also became upset. A physical altercation between the two ensued which culminated in the neighbor throwing a wine glass at the resident. The glass inflicted a gash above her right eye along with facial cuts. Responding EMS personnel advised the gash would probably cause a permanent scar. The neighbor was subsequently charged with malicious wounding. Case closed by ARREST

IBR# 2020-00415  
Offense: Larceny of a firearm  
Location: 700 blk Wrenn Road  
Date: 7/16/2020

A resident reported that an unknown suspect stole a Glock semi-auto handgun from his vehicle overnight. His vehicle was unlocked and reported that the firearm was kept out of sight inside a trash bag in the back seat. No other property or damage was reported. A review of the complex's CCTV system revealed some inconsistencies with the victim's statement. Due to technical and/or operational issues, the property management was unable to provide a copy of the video footage upon request. All leads have been exhausted. Closed INACTIVE.

IBR# 2020-00474 & 2020-00476  
Offense: Disorderly Conduct & Destruction of Property  
Location: Smithfield Center & 400 blk of South Church Street  
Date: 8/11/20 & 8/12/20

Officers responded to the Smithfield Center in reference to a group of individuals who were disrupting a scheduled Town meeting. The group began playing loud music from a portable stereo and started dancing around the room. The individuals were co-operative with the police. They provided identification and subsequently left the property without further incident. They were banned from the property. One hour later, officers responded to disorderly individuals dancing and playing loud music inside the Taste of Smithfield restaurant on Main Street. Upon police arrival, the group was observed outside of the restaurant on the sidewalk again dancing and playing loud music. They were reluctantly co-operative and left the scene in lieu of being charged with disorderly conduct. The complainant was advised of the magistrate process if they wished to proceed with any trespassing offenses that occurred prior to police arrival.

The next day on 8/12/20, officers responded to a report of destruction of property to a pig statue in the 400 block of South Church Street. The suspects had left the scene but an eyewitness provided suspect vehicle information. A check of the pig statue at Rt. 10/Rt. 258 revealed it had also been defaced with a syrup like substance, a white cream and bandages. During the investigation, the suspect vehicle was observed near the scene of the Rt. 10/Rt. 258 statue and was stopped by police for investigation. Three of the four occupants were identified as being involved in the Town meeting incident the prior night. They were detained for destruction of public property and a search warrant was obtained for the vehicle. Officers executed the search warrant and recovered evidence related to the offense. Propaganda information in the vehicle indicated the individuals are with or have an affiliation with a national animal rights group Direct Action Everywhere (DEA). The three individuals detained, identified as participating in the disruption of the Town Meeting, were each issued a Magistrate Summons for disorderly conduct for the Meeting incident and released. Only one of the individuals out of the group of eight was a Virginia resident, most were from the Midwest or West Coast. It is believed that the group participated in similar activities Richmond prior to and after these incidents. None of the statues sustained any physical damage but resources were utilized to return them to their former condition. Closed by ARREST. Monitoring of the group will continue via the web.

# Parks and Recreation Operation Update

## August 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
						7:00 AM - 5:00 PM LSC Field 1 7:00 AM Nations Baseball 9:00 AM - 10:30 AM WC Kayak Launch 9:00 AM Yoga
2	3	4	5	6	7	8
7:00 AM - 5:00 PM LSC Field 1 7:00 AM Nations Baseball 9:00 AM - 4:00 PM LSC Field 2 9:00 AM Nations Baseball <b>10:00 AM - 5:00 PM WCB Man House</b> <b>10:00 AM Graham Memorial Visitation</b>		6:30 PM - 9:30 PM SC A&B 6:30 PM Town Council	<b>7:00 AM - 5:00 PM SC MH</b> <b>7:00 AM Smithfield North Plant Orientation</b>	3:00 PM - 7:00 PM SC MH 3:00 PM Police Candidate Testing 6:30 PM - 8:30 PM SC A&B 6:30 PM BHA&R	<b>7:00 AM - 5:00 PM SC MH</b> <b>7:00 AM Smithfield North Plant Orientation</b> 9:30 AM - 12:30 PM SC C&D 9:30 AM HRSD Meeting <b>12:00 PM - 8:00 PM LSC Field 1</b> <b>12:00 PM Virginia Baseball Tournaments</b>	8:00 AM - 5:00 PM LSC Field 1 8:00 AM Nations Tournament 8:00 AM - 8:00 PM LSC Field 2 LSC Field 4 8:00 AM Nations Tournament 9:00 AM - 10:30 AM WC Kayak Launch 9:00 AM Yoga
9	10	11	12	13	14	15
8:00 AM - 4:00 PM LSC Field 4 8:00 AM Nations Tournament 8:00 AM - 5:00 PM LSC Field 1 8:00 AM Nations Tournament		7:00 AM - 5:00 PM SC MH 7:00 AM Smithfield North Plant Orientation 12:30 PM - 2:30 PM SC A&B 12:30 PM Town Interviews 4:00 PM - 5:00 PM SC A&B 4:00 PM Pinewood Heights Management Team Meeting 6:00 PM - 8:00 PM SC A&B 6:00 PM Planning Commission	9:00 AM - 3:00 PM SC C&D 9:00 AM Top Guard Security Interviews	7:00 AM - 5:00 PM SC MH 7:00 AM Smithfield North Plant Orientation	8:00 AM - 11:00 AM SC MH 8:00 AM Smithfield North Plant Orientation	9:00 AM - 10:30 AM WC Kayak Launch 9:00 AM Yoga
16	17	18	19	20	21	22
		7:00 AM - 5:00 PM SC MH 7:00 AM Smithfield North Plant Orientation 12:30 PM - 2:30 PM SC A&B 12:30 PM Town Interviews 6:00 PM - 8:30 PM SC A&R 6:00 PM RH&R		7:00 AM - 5:00 PM SC MH 7:00 AM Smithfield North Plant Orientation 6:00 PM - 9:00 PM LSC Field 1 6:00 PM Richmond Braves Tryouts	9:00 AM - 1:00 PM SC MH 9:00 AM Emergency Temporary Standard Training 9:30 AM - 6:00 PM LSC Field 1 9:30 AM Virginia Baseball Tournaments	9:00 AM - 10:30 AM WC Kayak Launch 9:00 AM Yoga 9:00 AM - 6:00 PM LSC Field 1 9:00 AM Virginia Baseball Tournaments
23	24	25	26	27	28	29
8:00 AM - 12:00 PM LSC Field 1 8:00 AM Virginia Baseball Tournaments 4:00 PM - 7:00 PM LSC Field 1 4:00 PM Richmond Braves Tryouts	9:00 AM - 1:00 PM SC MH 9:00 AM Emergency Temporary Standard Training 3:00 PM - 5:00 PM SC C&D 3:00 PM Committee Meetings	7:00 AM - 5:00 PM SC MH 7:00 AM Smithfield North Plant Orientation 3:00 PM - 5:00 PM SC C&D 3:00 PM Committee Meetings 5:00 PM - 9:00 PM SC A&B 5:00 PM IOW County Planning Commission	4:00 PM - 5:30 PM SC C&D 4:00 PM SVAE Board Meeting	7:00 AM - 5:00 PM SC MH 7:00 AM Smithfield North Plant Orientation 11:30 AM - 2:30 PM SC C&D 12:00 PM Public Works Meeting		9:00 AM - 10:30 AM WC Kayak Launch 9:00 AM Yoga
30	31					
10:00 AM - 11:00 PM SC MHSu 5:00 PM Perkins and Wood Wedding and Reception						

## Parks and Recreation Operation Update August 2020

SMITHFIELD CENTER EVENTS STATISTICS & REVENUES							
Number of Events for month	<b>24</b>	Discounted Events for Month	<b>9</b>	Sales Totals for Month	<b>\$8,116</b>	Total Event Attendance for month	<b>2000</b>
Revenue Totals for month based on <u>7</u> Events (includes deposits & final payments) Rev				<b>\$ 4042.40</b>			



WINDSOR CASTLE EVENTS STATISTICS & REVENUES							
Number of Events for Month	<b>1</b>	Discounted Events for Month	<b>0</b>	Sales Totals for Month	<b>\$500</b>	Total Event Attendance	<b>60</b>
Revenue Totals for month based on <u>1</u> Events (includes deposits & final payments)				<b>\$ 500</b>			



## Parks and Recreation Operation Update August 2020

LUTER SPORTS COMPLEX STATISTICS & REVENUES	
Sales Totals for Month	<b>\$ 2350</b>
Attendance for Month	<b>7500</b>
Hours of Use for Month	<b>201</b>



WINDSOR CASTLE KAYAK RENTALS	
Total Sales for Season	<b>\$ 14,800</b>
Average Spent by a Customer	<b>\$ 35 per visit</b>
2019 Season Sales as of last August	<b>\$ 9583</b>

Windsor Castle Trail Doctor Hours for this Month	<b>56</b>
Types of Projects	<ul style="list-style-type: none"> <li>• <b>Trail Repair</b></li> <li>• <b>Butterfly Garden Landscaping</b></li> <li>• <b>Stiltgrass Eradication</b></li> </ul>



**Fishing Pier Trail Repair (area previously had washed out)**

## **Smithfield/Isle of Wight Tourism Activity Report –AUGUST 2020**

- Tourism Staff meeting 8/3/20
- VTC ZOOM Calls 8/3, 17,31/20
- VTC Group Tour Conference Call 8/4/20
- Town Council 8/4/20
- All staff annual evaluations for FY20 and performance plans for FY 21 were completed and recorded.
- All Town Telephone prompt voice-overs were completed.
- Town Staff Meeting by Conf. Call 85,12,19,26/20
- County Staff Meeting 8/6/20, 8/24/20.
- Chamber Student Leadership Institute meeting 8/6/20.
- County Diversity Training and COVID Training completed by all staff.
- VRLTA Government Affairs Conference Call 8/7/20.
- CAO/PIO Covid-19 Regional Messaging meeting 8/11/20
- County Pre-Application Team meeting 8/12/20
- DDA Webinar "How to Effectively Communicate with Local Businesses". 8/12/20.
- VTC DRIVE Tourism 2.0 ZOOM meeting 8/13/20
- Met via phone with CGI about FREE local videos for Town website. Ongoing project. Filming to take place in October. 8/17/20 and 8/19/20.
- VA GREEN Webinar 8/19-20/20.
- Historic St. Luke's Church & Museum Executive Board meeting 8/19/20. Full Board meeting (ZOOM) 8/26/20.

- VTC RECOVERY MLP Grant Zoom Call 8/20/20.
- Salty Southern Route ZOOM meeting 8/20/20.
- Reception for Sandy Wanner 8/21/20. Put together gift basket and worked with Georgie Tyler Middle School for set up.
- Council Committee meetings 8/24-25/20.
- ZOOM call with County E.D. to plan Grant Round 2 promotion and distribution 8/25/20.
- SVAE Board meeting 8/26/20.
- Soft (Re-)Opening Smithfield Inn 8/26/20.
- PIO Zoom Call regarding weather emergency 8/27/20.
- Zoom meeting with Sandra Tanner with VTC 8/31/20.
- Farmer's Markets downtown at BSV Bank location 8/1,8,15,22,29/20 with all social distancing and VDACS regulations in place. Port-a-potties still on site until the end of June. Hand washing and hand sanitizing stations set up. Lots of signage with COVID-19 reminders. Popular vendors had X's for line spacing. No consumption of food on-site. Limit of 36 vendors with preference given to Farm Product vendors for adequate spacing during Phase 3. Facemasks highly encouraged. All staff and vendors must wear facemasks on site. Mid-Week Carrollton Market began 7/8/20 and will continue through September.
- VISITOR CENTER open throughout Month with abbreviated hours (10-4 Monday – Saturday and noon – 4 on Sunday) with many new protocols in place. Sneeze Guard installed at front desk, new brochure distribution system in place, elimination of touch points for both front desk and restrooms, increased sanitation and hygiene, masks worn by all staff when public in the building, increased public restroom cleaning. Paper towels added to restroom (instead of blower fan). Touchless faucets and soap dispensers installed.
- Continuation throughout month dealing with the affects of COVID-19 on tourism stakeholders and promotion on social media. Please see [www.GenuineSmithfieldVa.com](http://www.GenuineSmithfieldVa.com) for further info or Visit Smithfield Va on Facebook.
- Tourism, County and Town Facebook postings and tweets throughout month. Update website events and *Where the Locals Go* event promotion newsletter weekly. This e-newsletter features all events of interest to tourists.



# Town of Smithfield

## Isle of Wight County Museum

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### August 2020 Report

J.L. England, Museum Director

## Notable

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- **COVID-19 PANDEMIC.** The museum reopened to the public on July 6. These protocols remain in place:
  - All staff wear masks. The public is encouraged to wear masks.
  - A hand sanitizer station was installed at the museum's entrance. A service company refills it each month.
  - Most of the museum's high-touch objects – to include our archaeological sandbox – have been removed or restricted.
  - Staff regularly cleans and documents sanitizing of high-touch surfaces.
- Due to Hurricane Isaias, the museum opened at noon on August 4.
- Volunteer hours: 35
- Many thanks to Isle of Wight County IT Department who installed wire covers in our basement classroom on August 3.
- On August 17, we welcomed two new employees: Curator Mike Holtzclaw and Docent Dee Campbell.



## Museum Stats and Updates

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- Visitation: 458
- Special Events
  - Aug. 29. **Heavy Artillery in Isle of Wight County.** 2 p.m. From Mackie's Mill to Forts Huger and Boykin to Smithfield's Main Street, the thundering crash and clatter of cannonballs has resounded, reverberated and ricocheted in Isle of Wight County. Learn the ear and earth-shattering story of the anatomy of projectiles as well as some stories of a few smoothbore cannon projectiles which have flown about in Isle of Wight County. Earplugs not needed for this presentation. 13 attendees.



- Livestreaming Events. We continue to connect to visitors, supporters, fans and the community via social media. Our livestreaming tours and programs on Facebook are driving traffic and enhancing interaction on our sites. Events this month, still viewable in the videos section of our Facebook page, include:

- 12:05 p.m. Tuesday, August 4. **LIVE at 12:05: Peaches.** Director Jennifer England has packed some peaches in her lunchbox today. Just for this subject!
- 2 p.m. Wednesday, August 5. **Stories in Stone: Consider Your Words.** Join us for this virtual walking tour at Ivy Hill Cemetery with Kathy Mountjoy. She will share some of the obituaries written about those in the cemetery...perhaps as a reminder about the importance of word choice.
- 12:05 p.m. Thursday, August 6. **LIVE at 12:05: The Purdies.** Director Jennifer England will briefly discuss the Purdies of Isle of Wight County. Dr. John Robinson Purdie was a chronicler of local history, and we have a teaser about an upcoming project about this topic.



- 12:05 p.m. Tuesday, August 11. **LIVE at 12:05: Spherical Case.** There's a new object in the museum's collection! A section of a spherical case which was found at Fort Huger. Was it fired at the Fort in 1862 from the USS *Galena*? Maybe. Tune in as our volunteer Albert Burckard discusses this notable piece.
- 2 p.m. Wednesday, August 12. **Stories in Stone: Consider Your Words, Part 2.** Join us for this virtual walking tour at Ivy Hill Cemetery with Kathy Mountjoy. She will share some of the obituaries written about those

in the cemetery...perhaps as a reminder about the importance of word choice.

- 12:05 p.m. Thursday, August 13. **LIVE at 12:05: Cant Hook.** In our collection is a cant hook, a traditional logging tool. Director Jennifer England discusses this artifact as well as some of the logging history of Isle of Wight County.
- 12:05 p.m. Tuesday, August 18. **LIVE at 12:05: Curator Mike Holtzclaw.** The museum has a new curator! Tune in as we welcome Mike Holtzclaw to the museum team.



- 2 p.m. Wednesday, August 19. **Stories in Stone: Mourning Rituals.** Join us for this virtual walking tour at Ivy Hill Cemetery with Kathy Mountjoy. She will share some information about the interesting mourning traditions of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries.



- 12:05 p.m. Thursday, August 18. **LIVE at 12:05: Docent Dee Campbell.** The museum has a new docent! Tune in as we welcome Dee Campbell to the museum team.

- 12:05 p.m. Tuesday, August 25. **LIVE at 12:05: Knife and Fork Combo.** Curator Mike Holtzclaw will show off the J. Russell Cutlery Company Knife and Fork Combo in our collection.

- 2 p.m. Wednesday, August 26. **Stories in Stone: Legislators in Isle of Wight County.** Join us for this virtual walking tour at Ivy Hill Cemetery with Kathy Mountjoy. She will share some information about some of Isle of Wight County's elected officials including Joel Holleman, T.B. Wright, George Chapman and Dr. John W. Lawson.



- 12:05 p.m. Thursday, August 27. **LIVE at 12:05: Boom!!! Artillery in Isle of Wight County.** On Saturday, we will host a program in the museum about the anatomy of projectiles. This teaser will intrigue you and encourage you to visit us and learn the science behind explosive devices as well as the stories behind the projectiles which have flown about Isle of Wight County.

- Groups/Tours/Programs
  - None.
- Gift Shop
  - Reorders for t-shirts and pig-shaped cutting boards were placed and restocked.
- Exhibit/Project Update
  - **English Telephone Box.** The phone box in front of the Bank of Southside Virginia belongs to the Isle of Wight County Museum. It is in need of repairs, media blasting and paint. Dishman Fabrications LLC of Yorktown has taken delivery of the phone box to their shop for the work.
  - **Dr. Purdie's Papers.** This book will be published in conjunction with the Isle of Wight County Museum Foundation. The designer is working through this project. A proof is expected within the next two months.
  - **Civil War Trails.** Three new signs for Main Street, Fort Boykin and Fort Huger have been submitted. Awaiting approval, design and installation.
  - **Steamboats & Life on the Water.** In progress.

- **Theatre.** Several lighting elements will be installed in September when we also anticipate the exhibit's installation.
- **Unusual Objects.** New exhibit under development.
- **Warraskoyack Indians, Children's Area, Mercantilism, Front Entrance and Country Store.** Updates are in production for these exhibits.
- **Online Exhibits Under Development:** Vietnam War Veterans in Isle of Wight County, Unsung Heroes of Isle of Wight County.
- Artifacts
  - Several new items have come into the collection including cannonballs and a piece of shrapnel from Fort Huger. It is most likely the remnant of a IX-inch shell fired from the USS *Galena*.
- Staff Training
  - July 21. Webinar: VOSH COVID-19 Standard. Hosted by the Virginia Risk Sharing Association.
  - Both new staff members completed the Town of Smithfield's orientation training.



## Financials

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• Gift Shop Sales (including tax):	\$ 979.02
• Donations:	\$ 0.00
• Admission:	\$ 616.00
• Program/Lecture Fees:	\$ 0.00
<b>Total Monthly Deposit:</b>	<b>\$ 1,595.02</b>

## Social Media/Online Presence

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- Visit our website at [www.historicisleofwight](http://www.historicisleofwight) or [www.hamcamva.com](http://www.hamcamva.com).
- **LIVE at 12:05.** Each Tuesday and Thursday, we host pop-up broadcasts on our Ham Cam. Our segments highlight events at the museum, announcements or artifacts from our collection. Tune in each Tuesday and Thursday at 12:05 p.m. to see what we're doing: [www.hamcamva.com](http://www.hamcamva.com). **If you miss these broadcasts, they are available for viewing on our Facebook page.**
- **Facebook:** Isle of Wight County Museum: 2,376 likes and 2,559 followers. Daily posts.
- **Facebook:** World's Oldest Ham: 176 likes and 182 followers. Semi-weekly posts.
- **Twitter.** @WorldsOldestHam. The world's oldest ham has his own account. 887 followers.
- **Instagram.** @Isleofwightcountymuseum. 551 followers.
- **Google Reviews.** 4.6/5 overall rating.
- **TripAdvisor.** 4.5/5 star overall rating.
- **Yelp.** 4.5/5 star overall rating.
- **Foursquare/Swarm.** 7.3/10 rating.

## Media Coverage/Promotion/Advertising/Lobbying

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- Various pieces in area publications to include calendars and events.
- August 5. *Smithfield Times*. Column: In the Short Rows: Remembering Jack Dashiell, artist and war hero.
- August 12. *Smithfield Times*. Article: P.D. Gwaltney, friend ready to travel.

## Outreach Lectures & Events

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- August 5. Isle of Wight County Parks and Recreation Summer Blast Camp at Carrollton Nike Park. Program theme: Cold War. 18 kids.
- August 6. Isle of Wight County Parks and Recreation Summer Blast Camp at Windsor Town Center. Program theme: Cold War. 20 kids.
- August 14. Windsor Town Center. Lecture canceled due to COVID-19.
- August 19. Isle of Wight County Parks and Recreation Summer Blast Camp at Carrollton Nike Park. Program theme: Health, Exercise and Patent Medicines. 12 kids.
- August 20. Isle of Wight County Parks and Recreation Summer Blast Camp at Windsor Town Center. Program theme: Health, Exercise and Patent Medicines. 20 kids.
- August. Participation in the Blackwater Regional Library's StoryWalk program.



## Windsor Castle

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- Exhibits inside the outbuildings are in progress.
- August 1. **Walking Tour of Windsor Castle.** 2 p.m. From the site's pre-colonial existence to the present day, Windsor Castle tells the fascinating history of the development of Smithfield. Join us for this free walking tour through history. Meet on the grounds near the manor house. 20 guests.

## Fort Boykin

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- No updates.

## Fort Huger

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- No updates.

## Nike Park

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- August 22. **Walking Tour of Nike Park.** 2 p.m. Visit one of the Cold War's few surviving Army Air-Defense Posts. Local historian Albert Burckard, along with former missile mechanic Ira Abbott, hosts a short presentation and a walking tour of this site which contains the original barracks, mess hall, administration and recreation building, officer/non-commissioned officer family housing, fueling area and underground missile magazines. Event held in the Recreation Hall (former soldier barracks) at Nike Park. 10 guests.

## Boykin's Tavern

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- Visitors: 0

## Meetings

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- August 11. Virtual Meeting. Tuesday Talk: How Virginia's New Laws Impact the Museum Community. Hosted by the Virginia Association of Museums.
- Aug. 12 and 26. Town of Smithfield staff meetings.

## Safety

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- All staff completed Temporary Emergency Standard (COVID-19) training.

## Selections from Our Website and Social Media

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**World's Oldest Ham** @Worldsoldestham · Aug 4

[#Hurricanelsaias](#) is still blowing about. Just a few more hours to go.

The power to my Ham Cam has gone out a couple of times, but I'm doing alright. You guys all hang in there!

[#windy](#) [#weather](#) [#battenthehatches](#)



**Emily Jupitus** @emilyjupitus · Aug 7

YES! Friends with the Ham! ❤️

**World's Oldest Ham** @Worldsoldestham · Aug 7

My friend @emilyjupitus illustrated me!  
She captured my wit, charm and wrinkles perfectly.

[#sotalented](#) [#illustrator](#) [#EmilyIsAwesome](#)





### August 14

Have you seen the cotton in the fields?  
Cotton starts with a white flowering bloom. The white flowers will usually only stick around for about 24 hours or so; it is a short-lived stage.

Once the white flower blooms, it self-pollinates, and the white flower becomes pink in color.

This stage can last another couple of days.

Soon the flower will wither and die as the boll takes shape. It grows larger and changes from green to brown. When it dries, it will pull apart, and the cotton fibers spill out.



**World's Oldest Ham** @Worldsoldestham · Aug 18

Roses are red.  
Violets are blue.  
Hams in museums  
Are surprisingly few.  
[#BadPoetryDay](#)



## ZONING PERMITS JULY 2020

PERMIT #	CONSTRUCTION TYPE	PROJECT	ADDRESS	CONTRACTOR/ OWNER
7303	SINGLE FAMILY RESIDENCE		322 EDGEWOOD DRIVE	WILLKRIS SERVICES LLC
7304	FENCE		1004 LAKEVIEW COVE	HAMMER CONTRACTORS / TODD MORRISON
7305	SINGLE FAMILY RESIDENCE		108 THE FIRTH	EAGLE CONSTRUCTION
7306	POOL		424 WATSON DRIVE	RONALD CROKE
7307	DECK		1103 LAKEVIEW COVE	SHANIQUA LAWRENCE
7308	SHED		204 EAST STREET	KAREN WELLONS
7309	SINGLE FAMILY RESIDENCE		200 MIDDLE STREET	TIDEWATER CUSTOM MODULAR HOMES, INC / JOHN GLOVER
7310	DOCK		56 DASHIELL DRIVE	PAUL PAGE
7311	FENCE		506 HUNTINGTON WAY	CHRISTOPHER STENGER
7312	FENCE		517 PAGAN ROAD	JOSH KORAHAGES
7313	FENCE		338 SOUTH CHURCH STREET	LLOYD FRANQUES
7314	SHED		309 WATSON DRIVE	CAROL LYTTLE
7315	SHED		221 GRANDVILLE ARCH	DAVID MORGAN GENERAL CONSTRUCTION / PAUL JONES
7316	SINGLE FAMILY RESIDENCE		221 ROYAL BIRKDALE	EAGLE CONSTRUCTION OF VA LLC
7317	SHED		90 BARCLAY CRESCENT	NATHAN KOEHN
7318	FENCE		808 KERR PLACE	LARRY WILLIAMS
7319	PERGOLA		121 LENORA COVE	MICHAEL MITZEL

**COMMITTEE  
SUMMARY REPORTS**

August 28, 2020

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING  
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC SAFETY COMMITTEE MEETING  
HELD ON MONDAY, AUGUST 24<sup>TH</sup>, 2020

The Public Safety Committee met Monday, August 24<sup>th</sup>, 2020 at 3:00 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were Mrs. Renee Rountree, Chair; Ms. Haywood and Mr. Wayne Hall. Other Council members present were Ms. Valerie C. Butler, Mr. Randy Pack, Mr. Michael Smith, Vice Mayor; and T. Carter Williams, Mayor. Staff members present were Mr. Michael R. Stallings, Jr., Town Manager; Mrs. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. William H. Riddick, III, Town Attorney; Mr. Alonzo Howell, Police Chief; Mr. Chris Meier, Smithfield Police Lieutenant; Mr. McGough, Smithfield Police Officer; Mr. Wayne Griffin, Director of Engineering and Public Works;; Mrs. Amy Novak, Director of Parks and Recreation; and Mrs. Judy Winslow, Director of Tourism. There was no media represented.

Public Safety Committee Chair, Mrs. Renee Rountree called the meeting to order.

**A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL'S AGENDA**

1. Ordinance to Amend Town Code as it pertains to Assemble Permits – The Town Manager explained that included in the packet was a memo and the section of the Town Code that governs assembly permits and the recommended changes. Currently, the ordinance is very broad with no limit on the number of permits that a group can apply for each year and there is no fee required for the submittal of an assembly permit. The recommended changes will limit the number of permits a group can apply for each year to four and add a \$25 application fee. Ms. Butler stated that she feels that it is an individual's right to be expressive so she did not necessarily agree with setting a limit on the number of permits a group can get each year. The Town Manager stated that an individual does not need an assembly permit to protest; however, a group would need to get a assembly permit. He explained that the town cannot deny a permit based on content. The only reasons the town can deny a request is if they are going to cause disruption, or if the place they want to protest has been permitted to another group, or the town feels it will be unsafe. Discussion was held on some of the recent protest that have taken place in

town and how they were handled. Mr. Pack stated that the purpose of having an assembly permit is that it allows the Town to know that they are protesting and where so staff can be better prepared for the event if necessary. The Town Attorney suggested charging the \$25 fee but let them have as many as they want per year. The Town Manager mentioned that he also recommends that only one date be on an application. The Town Manager was directed by Committee to revamp the language in the recommended ordinance to take out the number of events that can be held per year, leave in that only one date can be requested per application, and there will be a fee of \$25 per application. The language also clarifies that the Town Manager has five working days to respond to a request. This item will be on Town Council's September 1<sup>st</sup>, agenda for consideration.

**B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA**

1. Operational Update – Chief Howell reported that they are testing and interviewing to fill the Deputy Chief position. The testing will kick off on August 25<sup>th</sup> with scheduled interviews on the following morning. They are hopeful that by the end of the week they will have a new Deputy Chief to fill this vacancy. Mr. Pack asked if the position of Deputy Chief was being filled in-house or did we have external candidates. Chief Howell stated that the position will be filled through the promotional process in-house. The department had two Lieutenants that expressed an interest in the Chief Deputy position. Once this position is filled, the department will then be looking to promote from within to fill the Lieutenant position. Three individuals have expressed an interest in the Lieutenant position. Mayor Williams asked if the Police Department was at full staff. Chief Howell replied that they were not at full staff. They currently have two vacancies. They tested for new officers a little over a week ago and will be scheduling interviews soon to fill these vacancies. The applicant pool was very low. In other forms of operational updates, it is business as usual meeting the needs of the public as best as they can. Vice Mayor Smith asked Chief Howell if they had been approached by Smithfield Foods to assist with extra security. Chief Howell stated that they were approached; however, due to the demand on current staff he did not feel that they could fill this obligation. Currently, the Town is down four officers due to the two vacancies, one officer still in the FTO program and one is on military orders due to COVID-19. Any extra duty cannot interfere with their work schedule. Chief Howell encouraged Smithfield Foods to reach out to the Isle of Wights Sheriff's Office. Discussion was held on the possibility that once the department's numbers are back up; they will reconsider providing extra security for Smithfield Foods. Mrs. Rountree mentioned that the large equipment that is being stored on site for the paving of the bypass makes it hard to see traffic coming when you are at the stop sign coming on to Route 10 from Fairway Drive. Mr. Griffin stated that he had noticed the same thing and will be making a call to VDOT to have the equipment moved to another area.

2. Certified Crime Prevention Team – Chief Howell stated that he had submitted an email to the Town Manager concerning the Certified Crime Prevention Program. He stated that his recommendation to the Town Manager was to withdraw from the program. The reason for withdrawing is that after a thorough assessment of the program the department is not where they need to be with this program; therefore, submitting a packet to the Department of Criminal Justice Services (DCJS) for re-certification would most likely be denied. This determination comes after meeting with a member of the DCJS from Richmond. The thought was that it would look better to withdraw than submit a packet and be denied. The department's intentions are to withdraw from

the program and reorganize the program with more sustainable goals and objectives and resubmit an application to DCJS to have the designation again as a Certified Crime Prevention Community. A long discussion was held on why the program was no longer on track to meet the goals and objectives of a Certified Crime Prevention Community. Chief Howell stated that they are in the process of revamping the program to include check points along the way to make sure the program stays on track in the future. Once it has been revamped, they will reapply through the DCJS for re-certification. Chief Howell explained that when the program was initially certified it was done by a part time employee and his sole job responsibility was to make sure that the department was meeting the requirements to stay certified. When this employee retired it left a hole in the program. The revamping will be done in a method so the Department can sustain it and if they need to change directions in the middle then they will have the flexibility to do so. Mr. Pack mentioned that he would like to see a timeline in place for when the Department will reapply for this certification. Chief Howell explained that in order to be a certified crime specialist it takes 120 hours of training. Officer McGough has approximately 20 hours left to go to be certified. The current COVID-19 pandemic has made it a little bit more difficult to get all the necessary training. Chief Howell explained that as an officer, it is very difficult to do both duties of working the streets and focusing on a crime prevention program. Chief Howell stated that there are twelve agencies in the state of Virginia that have the designation of being a certified crime prevention community and the Town of Smithfield is the smallest. Mr. Hall asked if past members of the Board will be able to serve once it has been revamped. Chief Howell stated that they will definitely reach out to those members to see if they are interested in continuing to serve. The program will take a coordinator due to the level of work to remain certified. The program is not one person doing all the work; it is a collaborative effort between law enforcement and the community. It is a community partnership. Discussions are still being worked out on how to administer the program and what will be needed regarding full and/or part time focus on the program. Mrs. Rountree asked if there was any cost associated with this program. Chief Howell stated the only cost is the required training to become a certified crime prevention specialist. He also explained that moving forward, as training becomes available, more officers will be given the opportunity to attend so that the department does not find itself in this situation again. Chief Howell explained that once the department makes application, DCJS will do an assessment of the documents that are submitted. The Smithfield Police Department will hopefully regain the designation of being a Certified Crime Prevention Community.

The meeting adjourned at 3:59 p.m.

August 28, 2020

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING  
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE WATER & SEWER COMMITTEE  
MEETING HELD ON MONDAY, AUGUST 24<sup>TH</sup>, 2020.

The Water & Sewer Committee held a meeting on Monday, August 24<sup>th</sup>, 2020 at 3:59 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee member attending were Mr. Michael Smith, Vice Mayor; Mr. Pack, and Mrs. Rountree. Council members also in attendance were Ms. Valerie C. Butler, Mr. Wayne Hall, Ms. Beth Haywood, and T. Carter Williams, Mayor. Staff members in attendance were Mr. Michael R. Stallings, Town Manager; Mrs. Lesley King, Town Clerk; Mr. William H. Riddick, III, Town Attorney; Ms. Ellen Minga, Town Treasurer. Mr. Wayne Griffin, Director of Engineering and Public Works; Mrs. Amy Novak, Director of Parks and Recreation; and Mrs. Judy Winslow, Director of Tourism. There was no media represented.

Water and Sewer Committee Chair, Mr. Michael Smith, called the meeting to order.

**A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL'S AGENDA**

1. Additional Item Discussed: Drainage Easement – The Town Attorney explained that there is need for a drainage easement behind the Reverse Osmosis Water Treatment Plant. The adjacent property owners have been very patient for a long time allowing the Town to flush the plant to a holding pond at the bottom of the hill, on their property, without an easement. After negotiations, the property owners have agreed to sell a portion of their property to the Town to be used for drainage. Staff is asking for Town Council to authorize \$10,000 to purchase this permanent easement. This item will be on Town Council's September 1<sup>st</sup> agenda for consideration.

**B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA**

2. South Church Street Water Tank Logo – Mr. Griffin explained that included in the FY21 budget is funding for maintenance on the South Church Street water tank by the RO Plant. Staff is working on getting bid documents out by mid-October. Included in this project is painting the tank. Staff has been working with Tourism and are proposing a new logo for the water tank.

Mrs. Winslow stated that the proposed logo is one that they have been using for several years. There are a lot of things around Town that have been branded with this proposed logo. Ms. Butler asked if the logo will identify the Town of Smithfield or Tourism. Mrs. Winslow replied that it is Tourism's logo. The Town Manager mentioned that the old logo currently on the water tank was also Tourism's logo. Other than the Town Seal the Town really does not have a logo. At this time staff is looking for Council's concurrence so that we may include this design in the bid documents when they are sent out. Town Council was pleased with the logo proposed.

Meeting adjourned at 4:10 p.m.

August 28, 2020

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING  
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE FINANCE COMMITTEE MEETING  
HELD ON MONDAY, AUGUST 24<sup>TH</sup>, 2020

The Finance Committee met on Monday, August 24<sup>th</sup>, 2020 at 4:10 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members in attendance were Ms. Valerie Butler, and Mr. Michael Smith, Vice Mayor. Other Council members present were Ms. Beth Haywood, Mrs. Renee Rountree, and Mr. Wayne Hall. Staff members present were Mr. Michael R. Stallings, Jr., Town Manager; Mrs. Lesley King, Town Clerk; Mr. William H. Riddick, III, Town Attorney; Ms. Ellen Minga, Town Treasurer; Mr. Wayne Griffin, Director of Engineering and Public Works; Mrs. Amy Novak, Director of Parks and Recreation; and Mrs. Judy Winslow, Director of Tourism. Also, in attendance were Mr. David Rose of Davenport & Company, and Ms. Jackson. There was no media represented.

Finance Committee Member, Mr. Michael Smith, called the meeting to order.

**A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL AGENDA**

1. Invoices Over \$10,000 Requiring Council Authorization

a. Core & Main - \$ 15,400.00

This invoice from Core and Main is for budgeted water meter registers. Committee recommends sending invoice to Town Council for consideration at their September 1<sup>st</sup> meeting.

b. Draper Aden and Associates \$ 45,165.25

This invoice from Draper Aden and Associates is for 2020 manhole inspections, rehabilitation activities and project management. Committee recommends sending invoice to Town Council for consideration at their September 1<sup>st</sup> meeting.

c. Lewis Construction of Virginia \$ 14,000.00

This invoice from Lewis Construction is to install a new precast sewer manhole and 2 new lateral lines. Committee recommends sending invoice to Town Council for consideration at their September 1<sup>st</sup> meeting.

d. Kimley Horn and Associates \$ 29,769.10

This invoice from Kimley Horn and Associates is for continued work on the Benn's Church Boulevard at South Church Street Intersection Improvements through July 31<sup>st</sup>, 2020. Committee recommends sending invoice to Town Council for consideration at their September 1<sup>st</sup> meeting.

e. Central Square Technologies \$ 25,697.87

This invoice from Central Square Technologies is for the annual maintenance fee for software used by the Smithfield Police Department. Committee recommends sending invoice to Town Council for consideration at their September 1<sup>st</sup> meeting.

2. Authorization to Make Contribution of CARES Act Funds to the Western Tidewater Free Clinic and Isle of Wight Christian Outreach – Mr. Pack stated that this authorization would allow the Town to contribute the balance of their budget request to Western Tidewater Free Clinic and Isle of Wight Christian Outreach. If approved the Western Tidewater Free Clinic would receive an additional \$5,240 and Isle of Wight Christian Outreach would receive an additional \$12,350. This additional funding is the difference in what was requested during the budget process and what was actually budgeted. Staff recommends Town Council authorize contributions to help them provide support to individuals impacted by COVID-19. This item will be on Town Council's agenda for consideration at their September 1<sup>st</sup> meeting.

3. Second Round of CARES Act Funding: Approval of Contribution to be used for the Isle Rebound Grant Program with Adoption of Certification Resolution – Isle of Wight County will be receiving a second round of CARES Act funding. The Town of Smithfield's portion of these funds is \$736,445. Isle of Wight County is proposing that all three localities provide 20% of their second round of CARES Act funding to support a second round of business grants. After the Town authorizes the 20%, there will be \$589,156 of CARES Act funding remaining. A resolution must also be adopted certifying that the Town will only use the funds for appropriation purposes and in accordance with the guidelines. Mrs. Rountree asked what the Town can spend \$589,000 on. The Town Manager explained that at this time the Town has submitted reimbursement on approximately \$50,000. The County, as well as the Town's, are looking into submitting for reimbursement of public safety payroll with any unused funds once we get closer to the end of the year. This item will be placed on Town Council's agenda for consideration at their September 1<sup>st</sup> meeting.

**B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA.**

1. Department Update – Ms. Minga apologized for not having the June financials completed in time for committees, but they have had a lot going on. They have had several meetings with HRSD to determine whether to continue with them as the primary software for utilities versus converting to MUNIS. After meeting with HRSD, they will most likely move in the direction to stay with HRSD. There were a lot of things that they were unaware of that their system offered. Staying with HRSD would be free and we would not have to go through a conversion because they already have our information. There are a lot of things that the HRSD system does for the Town on a larger scale that staff did not realize as it relates to customer service and the way payment can be made online. These are the things that would not be in place initially with converting utilities to MUNIS. Ms. Minga stated that the HRSD representative provided them with a tutorial of the City of Suffolk and it appeared to be easier to work with. Discussion was held on all the pros for remaining with HRSD for all of the utility billings. MUNIS will be used for everything else. Committee thanked Ms. Minga for the update.

2. July Cash Balances / VML Investment Pool Update — Ms. Minga stated that she was pleased with July cash balances. The Town is up from last month by \$1,034,769 in all funds. The overall balance is affected due to the timing of debt service payments. Ms. Minga stated that the year ending market value for the VML/VACo Investment Pool was \$553,222 with a slight increase from prior month. - Water = \$856,644.83; Water Debt Service = \$686,728.45; Water Capital Escrow Availability Fees = \$649,154.73; Water Treatment Plant Escrow = \$11,649.25; Water Deposit Account = \$98,288.72; Water Development Escrow = \$1166,915.33; **Subtotal Water = \$2,469,381.34.** Sewer = \$212,767.73; Sewer Development Escrow = \$432,242.17 Sewer Capital Escrow Availability Fees = \$1,189,622.35; Sewer Compliance = \$2,406,055.24; **Subtotal Sewer = \$4,240,687.49 Highway = \$321,690.18** General Fund = \$5,508,489.92; Payroll = \$46,852.86; Money Market General Fund Towne Bank = \$38,827.04; Business Super NOW-General Fund = \$35,137.11; General Fund Capital Escrow = \$217,879.50; Certificate of Deposit Police Dept (24 months) = \$37,187.97; Special Project Account = \$578,514.86; Pinewood Heights Escrow = \$53,239.82; SNAP Program = \$2,218.75; Museum Account = \$216,767.91; Windsor Castle Acct = \$12,537.17; **Subtotal General Fund = \$6,747,652.91. TOTAL ALL FUNDS = \$13,779,411.92**  
**VIP Investment Pool = \$553,222.46**

Meeting Adjourned @ 4:33 p.m.

August 28, 2020

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING  
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC WORKS COMMITTEE  
MEETING HELD ON TUESDAY, AUGUST 25<sup>TH</sup>, 2020

The Public Works Committee held a meeting on Tuesday, August 25<sup>th</sup>, 2020 at 3:00 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were Ms. Beth Haywood, Chair; Mrs. Renee Rountree and Mr. Michael Smith, Vice Mayor. Other Council members present were Mr. Wayne Hall, Mr. Randy Pack, Ms. Valerie Butler, and T. Carter Williams, Mayor. Staff members present were Mr. Michael R. Stallings, Town Manager; Ms. Lesley King, Town Clerk; Mr. William H. Riddick, III, Town Attorney; Mr. Wayne Griffin, Director of Engineering and Public Works; Ms. Ellen Minga, Town Treasurer; Ms. Amy Novak, Director of Parks and Recreation; and Ms. Judy Winslow, Director of Tourism. Also, in attendance were Ms. Lothes Lothes, Project Manager; and one other representative from Draper Aden Associates. There was no media represented.

Public Works Committee Chair, Ms. Beth Haywood, called the meeting to order.

**A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL'S AGENDA**

1. Bike Path Selection and Reallocation of Funds – The Town Manager stated that included in the Committee packet were some e-mails from Kimley Horn and Associates. Town staff had asked Mr. Farthing of Kimley Horn and Associates to look at how to have all the VDOT funds available for this project be allocated to the preliminary engineering phase so that it will fund the survey. The Town was given two options. Option # 1, would move all remaining funds to preliminary engineering phase and change the project to a study. Once the study is complete the funds are gone and the project /UPC will be closed. The Town would then need to find an alternative funding source to fund the project. This could be done through grants/smartscale application, or revenue sharing.

Option # 2, VDOT can reallocate funds from the right-of-way and construction phases of the project into the preliminary engineering phase; however, VDOT does require a realistic amount of funds to remain in the right-of-way and construction phases. The Town would then need to provide VDOT with a commitment/resolution from Town Council that the remaining funds required in the right-of-way and construction would be provided by the locality. This means that the town would have to immediately move forward with the construction of the project. Mr. Griffin stated that his recommendation is to go with option # 1. It will be \$2 - \$3 million to build the bike trail and option one will give us a little bit more freedom to find grants and/or submit application as a smartscale project. Mr. Griffin stated that he has also been in discussion with VDOT on the possibility of moving the multi-use path to the opposite side of the Cypress Creek Bridge. At this time, they are not sure that the bridge would be able to support additional concrete on the bridge for separation of the path and traffic. Mr. Pack stated that the only advantage of option # 2 is that it would commit this Council with continuing to move forward on this project to get it completed. The consensus from Committee was to go with option # 1 and discipline ourselves to keep the project moving but having the flexibility if necessary. The selection of option # 1 will be placed on Town Council's agenda for consideration at their September 1<sup>st</sup> meeting.

**B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA**

1. Update on Smithfield Lake Dam by Draper Aden Associates – Mr. Griffin stated that Council had asked Draper Aden Associates a few months ago to conduct a study on the Dam. The study was to look at options for the future of the Smithfield Lake Dam. The study has been completed and they have compiled the information to give you an update today. Ms. Lothes gave a brief update on the history of the dam. Based on conversations back in March 2020 everyone is aware that the regulatory status of this dam is the driver and why we need to determine the future of the dam. She explained the Virginia Dams Safety regulates these structures and according to the Virginia Dam Safety regulations the spillway for the Smithfield Lake Dam is too small. The spillway does not provide sufficient capacity during large storm events and can get overwhelmed causing water to go over top of the dam. The dam is not designed for this so this is not acceptable. Also, the Smithfield Lake Dam does not have a lake drain, which is required. Mayor Williams asked if having a lake drain a new regulation. Ms. Lothes replied that she did not have the answer to this question; however, she would definitely find out. Mr. Pack expressed concerns that this is the problem. The regulations are constantly changing, and new regulations are added so we are always having to make repairs to stay in compliance. Ms. Lothes continued to explain that since the Council's last update in March 2020 the Town has received our O&M certificate with conditions to conduct an alternatives analysis to indicate options and intended alternative selection by August 31<sup>st</sup>, 2020. She stated that it has been her experience with Virginia Dam Safety that as long as you are making so movement forward to meeting our goals then they will work with you

on deadlines. At the last meeting Council also asked Draper Aden Associates to do a conceptual cost estimate and that has been completed. Ultimately, a project must be conducted to satisfy the Virginia Dam Safety regulations. The next step in the process is to select an intended alternative. Ms. Lothes explained that there are three alternatives on the table at this time. Alternative # 1, overtopping protection, would keep the lake as well as the roadway above the dam. Alternative # 2, embankment conversion culvert, would put a culvert at the stream bed to allow larger flow relief from one side of the dam to the other. With this alternative the dam does not impound water, so it is no longer regulated by Virginia Dam Safety. It would just be a transportation culvert. It also requires the lake to be drained and eliminates any O&M cost for operating a lake and dam. Alternatives # 3, Embankment Breach, would get rid of the embankment. Waterworks Road overtop of the dam would no longer be. This alternative would also drain the lake and relieve the Town of the Virginia Dam Safety purview of this facility. Ms. Lothes then explained each one of the alternatives in more detail including conceptual cost where a lot of assumptions were made that may or may not be true. When an alternative is selected, they would definitely have more looking to do before they would be ready to go into design. Alternative #1, maintains the lake and keeps Waterworks Road. Basically, this alternative hardens the embankment with articulated concrete block and a lake drain would be installed. Conceptual cost would be \$1.95 million to \$2.55 million. Staff had also asked what it would cost to operate the dam each year if the town chose to keep the dam. Draper Aden estimates it will cost approximately \$15,000 annually. Alternative #2, convert the embankment using a culvert so water is not impounded. The scope would include draining the lake and installing a culvert at the lakebed. Conceptual cost would be \$1.15 million to \$2.3 million. This alternative would have low maintenance once completed. Committee asked if VDOT would consider taking Waterworks Road into their system once the dam is no longer there. Mr. Griffin stated that VDOT will be included in the process and that could be a possibility. Alternative #3, this option the Town would remove the impounding structure and Waterworks Road. The road would be dead ended, and water would be able to flow freely from one side to the other. The scope of the work would include draining the lake, manipulating the channel making some allowances for the 2-year storm and 100-year storm in the designs. Conceptual cost estimate for this alternative is \$1.15 million to \$1.75 million. Ms. Lothes went on to explain the alternatives for the lakebed restoration. She stated that there are four alternatives; however, in her opinion the Town will most likely only find two of them attractive. Lakebed restoration is all about the sediment that is going to end up downstream. When a dam is built sediment builds up a lot of sediment and when the dam is removed it is expected that the sediment will end up downstream. All alternatives will require some regulatory approval. Alternative #1 for lakebed restoration is the no action plan. In this alternative it allows the lakebed to naturally germinate and vegetate. It does not address sediment control. Conceptual cost is estimated to be around \$15K to \$30K just for monitoring and reporting requirements. Alternative # 2 for lakebed restoration is the planting and seeding alternative. This alternative includes planting and seeding the banks of the stream and flood plain. This will also allow for quicker germination and

vegetation of the lakebed which in return has less erosion. Conceptual cost is estimated to be around \$880K to \$900K. Alternative # 3 and # 4 are big effort options for lakebed restoration. Alternative # 3 is a full restoration of the lakebed that proposes significant work to improve likelihood of the channel being stable. This alternative also includes removing some sediment, grading as necessary and bioengineering. Conceptual cost is estimated to be \$4.2 million. Alternative # 4 is a legacy sediment removal that proposes removal of all sediment that has accumulated since the dam was constructed to reveal historic streambed and flood plain. Conceptual cost is estimated to be \$5.5 million. Ms. Lothes then summarized the total estimated cost for Alternatives 1-3 that included selection of intended alternative and lakebed restoration. Alternative #1, overtopping protection, has no cost associated with construction of the lakebed so the total estimated cost of the project is \$1.95 million to \$2.55 million. Alternative #2, embankment conversion culvert, has a total estimated cost of \$1.17 million to \$3.2 million. Alternative #3, embankment breach, has a total estimated cost of \$1.17 million to \$2.65 million. Mr. Pack asked what the likelihood was of the regulatory board allowing the town to do no restoration to the lakebed. Ms. Lothes stated that in her opinion the likelihood is low to do nothing to the lakebed. The Town Manager asked for Town council to keep in mind that although Alternative # 1 looks to be less expensive than the others there will be an ongoing maintenance of the dam. If something happens to the dam the Town will be required to fix it and if regulations change, we will be on the hook for those cost as well. Mr. Pack clarified that Alternative # 1 would keep the Town under the Virginia Dam Safety purview where we would be mandated to stay in compliance for all new regulations that are placed on dams. Ms. Lothes replied that was correct. Moving forward the Town Council needs to make the decision to keep or drain the lake. Once Draper Aden Associates knows which way Town Council want to go they will be able to refine the path much better. It is a different course of action depending on whether Town Council wants to keep the dam opposed to draining the lake. The next steps would be to engage stakeholders, evaluate dam alternatives or perform reconnaissance on lake depending on whether the town chooses to keep the dam or drain the lake, seek funding partners, and set scheduled goals. Part of the process will also include impacts to property owners adjacent to the lake, and engaging VDOT and Isle of Wight County in the process. A draft timeline for the project was included in the handout. Committee asked if it was possible to get some feed back from VDOT before we make a decision. All of these options will impact traffic during construction. The length of time the road will be closed will depend on which option is selected. Mayor Williams mentioned that approximately 250 people will be affected if the Town chooses to remove the dam and close Waterworks Road; however, if we drain the lake we will only affect a few people that fish there and the residents that back up to the lake. Discussion was held on whether the Town owns the lakebed that was once divided by a stream. It may be property of the adjacent property owners. Committee directed the Town Manager to start discussion with the County and VDOT regarding any kind of assistance they might be willing to give on this project. This item will come back to Committee with an update on where we are after discussions with the County and VDOT.

Ms. Butler asked if the Town Manager could investigate what type of grants are out there could be used towards this project as well. Committee thanked Ms. Lothes for the update.

Meeting adjourned at 4:12 p.m.

August 28, 2020

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING  
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC BUILDINGS & WELFARE  
COMMITTEE MEETING HELD ON TUESDAY, AUGUST 25<sup>TH</sup>, 2020

The Public Buildings and Welfare Committee held a meeting on Tuesday, August 25<sup>th</sup>, 2020 at 4:12 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members in attendance were Ms. Valerie Butler, Chair; Mr. Randy Pack and Mr. Wayne Hall. Other Council members present were Mr. Michael Smith, Vice Mayor; Ms. Beth Haywood, Mrs. Renee Rountree, and T. Carter Williams, Mayor. Staff members present were Mr. Michael R. Stallings, Town Manager; Ms. Lesley King, Town Clerk; Mr. William H. Riddick, III, Town Attorney; Mr. Wayne Griffin, Director of Engineering and Public Works; Ms. Ellen Minga, Town Treasurer; Ms. Amy Novak, Director of Parks and Recreation; and Ms. Judy Winslow, Director of Tourism. There was no media represented.

Public Buildings and Welfare Committee Chair, Ms. Valerie Butler, called the meeting to order.

**A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON COUNCIL'S AGENDA**

1. Update on Access Agreement to Wombwell House between the Historical Society and the Town of Smithfield – The Town Attorney stated that as you are aware the Historical Society asked for more time to do their due-diligence earlier this summer. Town Council amended and restated the access agreement on July 7<sup>th</sup>, 2020 with an additional paragraph that reads as follows: “The Historical Society agrees that it will prepare a proposed scope of work for the restoration and rehabilitation of the house and a proposed timeline. The Historical Society will also provide the Town with a budget for the work and identify sources of funding to accomplish the work.” The new amended agreement will expire in January 2021. The Town Attorney stated that he had received an e-mail from the Historical Society requesting more time. He stated additional time would be up to Town Council and encouraged them to sign the amended access agreement and continue to move forward with doing their due-diligence. The Town Attorney stated that he has been unable to get them to sign the access agreement that was approved at Council’s July 7<sup>th</sup>, 2020 meeting. The Town Attorney suggested giving the Historical Society a deadline to get the new amended agreement signed or the agreement will be null and void. Mayor Williams stated that he would take the access agreement and meet with Ms. Keen of the Historical Society to see if she is willing to sign. This item was for information purposes only.

The meeting adjourned at 4:18 p.m.



## Town of Smithfield

Memorandum

August 25, 2020

**TO:** Public Safety Committee  
**FROM:** Michael Stallings, Town Manager  
**SUBJECT:** Assembly Permit Modifications

Attached you will find the section of Town Code that governs assembly permits. There currently is no limit on the number of permits that an individual or group can apply for each year. There is also no fee required for the submittal of an assembly permit.

Staff would like to add a fee to the assembly permit application. The review and approval process does involve staff time from multiple departments as well as staff time during the assemblies from law enforcement. A fee of \$25 per application will help cover some of the staff costs for approval of the permit, but will not be overly expensive as to act as a barrier to those who may not be able to afford a more expensive application fee.

Other recommended changes to this code section help clarify that the number of days given for the Manager to respond are working days and not calendar days.

As previously mentioned, attached you will find a copy of the current Town Code as well as a marked up copy with my recommended changes. New language is underlined and in red.

AN ORDINANCE TO AMEND CHAPTER 70 OF THE CODE OF THE TOWN OF SMITHFIELD - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

WHEREAS, the Town Council of the Town of Smithfield finds it to be in the best interest of the public health, safety and welfare of the citizens of the Town to amend the Town Code to revise its regulations as to permitting for public assemblies.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD, VIRGINIA:

1. That Article IV, Division 2., Sections 70-197, 70-198. 70-199 (8) and 70-204 of the Code of the Town of Smithfield, Virginia are repealed and reenacted as follows:

**DIVISION 2. - PERMIT**

**Sec. 70-197. - Application generally.**

A person seeking a permit required by this division shall file an application with the town manager on forms provided by the town manager. Such application shall be filed not less than five days, nor more than 60 days before the date on which it is proposed to conduct or hold the public assembly. Not more than one assembly may be applied for on an application (This shall not prevent the inclusion of a rain date). Such application shall set forth the following information:

- (1) The name, address and telephone number of the applicant.
- (2) If the public assembly is to be conducted or held for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized heads of such organization.
- (3) The name, address and telephone number of the person who will be in charge of the public assembly and who will be responsible for its conduct.
- (4) The names and addresses of the speakers.
- (5) The date and hours for which the permit is desired.
- (6) The street, sidewalk, public alley, park, parking lot or property where the public assembly will be conducted or held and which portions of the street, park, parking lot or property are proposed to be used therefor.
- (7) The nature and purpose of the public address, lecture, discourse, meeting, demonstration or assembly.
- (8) An estimate of the anticipated attendance.
- (9) If the public assembly is designed to be conducted or held by, on behalf of or for any person other than the applicant, a communication, in writing, from the person proposing to conduct or hold the assembly, authorizing the applicant to apply for the permit on his behalf.

- (10) Any additional information which the town manager shall find reasonably necessary to a fair determination as to whether a permit should be issued.

**Sec. 70-198. - Town manager to act on application within five days.**

The town manager shall act upon the application for a permit required by this division within five working days after the filing thereof.

**Sec. 70-199. - Standards for issuance.**

The town manager shall issue a permit applied for under this division when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- (1) The place where it is proposed to conduct or hold the public assembly has not been reserved for another use on the date and hours requested in the application.
- (2) All customary and reasonable rents, fees, charges or deposits, if any, required by the town or any department thereof for the use of the park or place where it is proposed to conduct or hold the public assembly will be paid by the applicant or person conducting or holding the same.
- (3) The conduct of the public assembly will not substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic at or contiguous to the place where the assembly is proposed to be conducted or held.
- (4) The conduct of the public assembly will not require the diversion of so great a number of police officers of the town, to properly police the place where the same is conducted or held and the areas contiguous thereto, as to prevent normal police protection to the remainder of the town.
- (5) The concentration of persons, animals or vehicles at the place where the public assembly is proposed to be conducted or held will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such place.
- (6) The stated purpose of the public assembly is not to incite to violence or crime or the overthrow of the government by force.
- (7) The public assembly is not designed to be conducted or held purely for the private profit of the person conducting or holding the same or for the sole purpose of advertising any product or goods of such person.
- (8) The required \$25 assembly permit application fee has been paid.

**Sec. 70-204. - Notice of denial.**

If the town manager disapproves an application for a permit under this division, he shall mail to the applicant, within three working days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.

2. This ordinance shall take effect immediately upon adoption.

Adopted this 1<sup>st</sup> day of September, 2020.

TOWN COUNCIL OF THE TOWN OF SMITHFIELD

BY \_\_\_\_\_  
T. Carter Williams, Mayor

Attest:

\_\_\_\_\_  
Clerk

**INVOICES OVER \$10,000  
REQUEST TO APPROVE**



Acme Tools  
 PO Box 13720  
 Grand Forks, ND 58208-3720  
 USA  
 Phone: 701-335-4824  
 Fax: 701-746-2850

**Order Number**  
 16236456-

**PRO-FORMA INVOICE**

**Date**  
 8/28/20

**Page**  
 1

**Acct#:** #624985  
**Bill To:** SMITHFIELD PARKS DEPT.  
 220 N CHURCH ST

**Ship To:** 1  
 SMITHFIELD PARKS DEPT.  
 220 N CHURCH ST

SMITHFIELD,VA 23430-1206  
 USA

SMITHFIELD,VA 23430-1206  
 USA

**Ordered..:** 8/26/20  
**Ship by...:** 8/26/20

**Cust. P.O.#.:** PR-21-01  
**Order Taker:** Scott Hepper  
**Phone #.....:** 7573569939

**Ship Via...:** Best Way  
**Ship terms:**  
**Terms.....:** Cash and Carry

Line	Qty. Ordered	Qty. Shipped	Loc.	Item/Description	UOM	Disc %	Unit Price	Extend. Price	
1	1.00	1.00	820	GS-1930 GENIE 19 Ft. Electric Scissor Lift	EA		10,695.0000	10,695.00	
				1 YEAR BASIC WARRANTY (5 YEAR STRUCTURAL WARRANTY) INCLUDES PRE-DELIVERY AND ANNUAL INSPECT IONS *** THANK YOU FOR THE ORDER *** SN: GS30P-192939					
2				FREE FREIGHT REQUIRES DOCK OR FORKLIFT AT RECEIVING LOCATION					
3				CUSTOMER IS TAX EXEMPT - GOV'T					
4									

Material Total: 10,695.00  
 Handling: 999.00  
 Balance Due: 11,694.00



## Town of Smithfield

Memorandum

August 17, 2020

**TO:** Finance Committee  
**FROM:** Michael Stallings, Town Manager  
**SUBJECT:** CARES Act Funds - Contributions

As you are aware, the Town has an allocation of CARES Act Funds to be used to help us respond to the COVID pandemic. One possible use for these funds is to make contributions to organizations that are assisting our citizens that have been impacted by COVID. The Town routinely makes contributions to two organizations that fulfil this role. These organizations are the Western Tidewater Free Clinic and the Christian Outreach Program.

Both organizations requested additional funding in our FY 21 budget that we were unable to provide. Council has expressed some interest in providing the additional funding through the CARES Act funding. This would result in a contribution to the Western Tidewater Free Clinic of \$5,240 and a contribution to the Christian Outreach Program of \$12,350.

### **Recommended Action**

I recommend that Town Council authorize a contribution of \$5,240 to the Western Tidewater Free Clinic and a contribution to the Christian Outreach Program of \$12,350 to help them provide support to individuals impacted by COVID-19.



## Town of Smithfield

Memorandum

August 17, 2020

**TO:** Finance Committee

**FROM:** Michael Stallings, Town Manager

**SUBJECT:** CARES Act Funding and Isle Rebound Grant Program

As you are aware, Isle of Wight County will be receiving a second round of CARES Act funding in the amount of \$3.2 Million dollars. The Town of Smithfield's portion of these funds is \$736,445.

We are proposing that all three localities provide 20% of their second round of CARES Act funding to support a second round of business grants. This will leave us with an additional \$589,156 of CARES Act funding.

Attached is a resolution that Council must adopt certifying that we will only use the funds for appropriate purposes and in accordance with the guidelines.

### **Recommendation**

I recommend that Council approve the contribution of 20% from the Town of Smithfield's CARES Act funding to be used for the Isle Rebound Grant Program and that Council adopt the enclosed certification resolution.

**Certification for Receipt of  
Coronavirus Relief Fund Payments  
By  
The Town of Smithfield**

We the undersigned represent the Town of Smithfield, (the Town), and we certify that:

1. We have the authority to request direct payment on behalf of the Town from Isle of Wight County of revenues from the Coronavirus Relief Fund (CRF) pursuant to Section 601 (b) of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (March 27, 2020).
2. We understand that the Commonwealth of Virginia holds Isle of Wight County responsible for ensuring compliance with the documentation requirements required by this certification and that the Town's use of the funds meets the requirements set forth in this certification.
3. We understand that Isle of Wight County will rely on this certification as a material representation in making a direct payment to the locality.
4. The Town's proposed uses of the funds received as direct payment from Isle of Wight County under Section 601 (b) of the Social Security Act will be used only to cover those costs that:
  - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
  - b. were not accounted for in the budget most recently approved as of March 27, 2020, for the locality; and
  - c. were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.
5. Any funds that are not expended or that will not be expended on necessary expenditures on or before December 30, 2020, by the Town, must be returned to Isle of Wight County no later than December 30, 2020.
6. We understand that the Town will not receive continued funding beyond December 30, 2020, from any source to continue paying expenses or providing services that were initiated or previously supported from CRF funds prior to December 30, 2020.
7. Funds received as a direct payment from Isle of Wight County pursuant to this certification must adhere to official federal guidance issued or to be issued regarding what constitutes a necessary expenditure.
8. Any CRF funds expended by the Town in any manner that does not adhere to official federal guidance shall be returned to Isle of Wight County within 30 days of a finding that

the expenditure is disallowed, and that Isle of Wight County is entitled to recover any and all such funds that are not repaid within 30 days of a finding that the expenditure is disallowed.

9. As a condition of receiving the CRF funds, pursuant to this certification, the Town shall retain documentation of all uses of the funds, including but not limiting to payroll time records, invoices, and/or sales receipts. Such documentation shall be produced to the Commonwealth of Virginia and/or Isle of Wight County upon request.
10. The Town must maintain proper accounting records to segregate these expenditures from those supported by other fund sources and that all such records will be subject to audit.
11. Any funds provided pursuant to this certification cannot be used as a revenue replacement for lower than expected revenue collections from taxes, fees, or any revenue source.
12. Any CRF funds received pursuant to this certification will not be used for expenditures for which the Town has received funds from any other emergency COVID-19 supplemental funding (whether state, federal, or private in nature) for that same expense nor may CRF funds be used for purposes of matching other federal funds unless specifically authorized by federal statute, regulation, or guideline.

We certify that we have read the above certification and our statements contained herein are true and correct to the best of our knowledge.

\_\_\_\_\_  
Mayor, Town of Smithfield

\_\_\_\_\_  
Date

\_\_\_\_\_  
Manager, Town of Smithfield

\_\_\_\_\_  
Date

\_\_\_\_\_  
Treasurer, Town of Smithfield

\_\_\_\_\_  
Date

NOTICE OF PUBLIC HEARING  
TOWN COUNCIL OF THE TOWN OF SMITHFIELD  
AMENDMENT AND REVISION OF ZONING ORDINANCE

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council at the Smithfield Center, 220 N Church St, Smithfield, VA 23430 on Tuesday, September 1<sup>st</sup>, 2020 at 6:30 PM to consider the application of Town staff, applicants, for a text amendment to the provisions of Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, 3.G, and 3.H of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted Tuesday, September 1<sup>st</sup>, 1998, and as amended thereafter.

Specifically, the applicants are seeking a text amendment to add wells for ground source HVAC systems as a use permissible by-right in the Town's residential zoning districts. Additionally, this text amendment includes irrigation wells and wells for ground source HVAC systems as a use permissible by-right in the Downtown (D) zoning district.

Copies of the current Zoning Ordinance of the Town of Smithfield, Virginia, and all amendments thereto, along with copies of the proposed revisions and amendments of the Zoning Ordinance are on file and may be examined in the Community Development & Planning Department, 310 Institute St, Smithfield, VA 23430.

Any person desiring to be heard in favor of, in opposition to, or to express his or her views with respect to the aforesaid revisions and amendments may appear and be heard.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: Wednesday, August 19<sup>th</sup>, 2020 & Wednesday, August 26<sup>th</sup>, 2020

**TOWN COUNCIL STAFF REPORT: ORDINANCE AMENDMENT**  
**\*PUBLIC HEARING: TUESDAY, SEPTEMBER 1<sup>ST</sup>, 2020\***  
**SMITHFIELD ZONING ORDINANCE ARTICLE 3: GROUND SOURCE WELLS**

Due to Smithfield Town Code (STC) Section 82-45, as well as the nature of ground source heating, ventilation, and air conditioning (HVAC) systems that require wells for operation, Town residents, prospective residents, and contractors are encountering situations where they cannot replace or install their ground source HVAC systems without first obtaining a Special Use Permit (SUP) from the Town Council. STC Section 82-45 reads:

*Where a public water supply is available in the town it shall be unlawful to connect a residential or commercial structure to a private well or other water supply except as may be approved by the town manager on a temporary basis or by approval of a special use permit in accordance with the provisions of the town's zoning ordinance.*

In order to ease the burdens and frustrations of prospective applicants, Town staff have generated a text amendment to Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, 3.G, and 3.H of the SZO, which would allow residents in all residential zoning districts to utilize wells for ground source HVAC systems, by right, without having to obtain an SUP from the Town Council.

The language proposed in this text amendment would appear in tandem with the irrigation well use that appears in Section B, "Permitted Uses", in Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, and 3.G of the SZO. Additional language proposed in this text amendment would add wells for ground source HVAC systems to Section I, "Additional Regulations", in Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, and 3.G.

Lastly, for reasons unclear to Town staff, irrigation wells were not included as a permitted use in the Downtown zoning district. This is a mixed-use district with a high concentration of residential properties. This text amendment would add irrigation wells and wells for ground source HVAC systems to Article 3.H, Section B, "Permitted Uses", in addition to Section I, "Additional Regulations".

A red lined version of this text amendment is included in the pages immediately following this staff report.

At its Tuesday, August 11<sup>th</sup>, 2020 meeting, the Planning Commission favorably recommended this application to the Town Council.

**Recommendation:**

Town staff recommend a favorable report to the Town Council.

*For inquiries, contact John Settle at 1-(757)-365-4200 or [jsettle@smithfieldva.gov](mailto:jsettle@smithfieldva.gov).*

# REDLINED ARTICLE 3.A

7. Public schools and colleges.
8. Private swimming pools and tennis courts.
9. Noncommercial outdoor recreational activities, including hiking, hunting, boating, horseback riding, swimming, skeet and trap shooting, shooting preserves and fishing subject to other provisions of the Town Code relating to these activities.
10. Private horse stables.
11. Home occupations.
12. Irrigation wells, wells for ground source HVAC systems, and wells for agricultural purposes.

(Ord. of 2020-??-??)

## **C. Uses Permitted by Special Use Permit:**

1. Single family detached dwellings (with temporary, private water and sewer systems).
2. Residential subdivisions (not to exceed five residential lots).
3. Churches and places of worship.
4. Boating, country, and/or hunt clubs.
5. Public uses.
6. Libraries, museums, historic sites and shrines.
7. Plant nurseries, with no sale of products permitted on premises.
8. Child day care centers.
9. Adult day care centers.
10. Nursery schools.
11. Private schools and colleges.
12. Commercial swimming pools and tennis courts.
13. Bed and breakfast lodgings.
14. Public facilities, utilities and emergency services.
15. Temporary sawmills.
16. Dog kennels.
17. Guest houses.
18. Veterinary clinics and hospitals.
19. Cupolas, spires and steeples for public and semi-public uses.
20. Accessory apartments within a residential dwelling.
21. Group homes and nursing homes.
22. Commercial horse stables.
23. Antique shops.
24. Private boat docks serving a single residential dwelling.
25. Golf courses and golf driving ranges.
26. Public recreation and leisure establishments.

5. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. No private domestic well and septic systems shall be permitted. Irrigation wells, wells for ground source HVAC systems, and wells for agricultural purposes are permitted by right.
7. Refer to the Town's Design and Construction Manual for additional residential design standards and subdivision development criteria.
8. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
9. Refer to Sign Regulations, Article 10, for signage provisions.
10. Private stables for the keeping of horses, ponies or other livestock for personal enjoyment and not as a business are allowed by right, provided that the lot shall be three (3) acres or greater. Any building used for the keeping of such animals shall be located in the rear yard of the lot and shall conform to the side and rear minimum lot requirements established for non-accessory structures and uses in the C-C District. No more than one such animal shall be kept per each acre of land on the lot.  
(Ord. of 9-5-2000; Ord. of ?-??-2020)

Article 3.B

**N-R, Neighborhood Residential  
(Neighborhood Single Family Residential District)**

**A. Purpose and Intent:**

The N-R, Neighborhood Residential District is created to encourage the continuation and revitalization of existing single family detached housing at subdivision densities which are compatible with the Comprehensive Plan's goals for residential developments. The application of the N-R District is intended to recognize previously developed subdivisions, and it is intended to be employed for the rezoning of new low-density residential development.

The N-R District shall be applied to existing and new areas within the Town which are recognized by the Comprehensive Plan for continued, low-density residential neighborhoods. The intent of the district shall be to preserve existing subdivisions, to conserve natural features and vegetation, to encourage infill and redevelopment housing of a compatible scale and architectural character to that of the existing community, and to promote new low-density residential development. No more than one single family dwelling shall be permitted per subdivision lot.

In locations where infill development opportunities are of adequate size, minimum subdivision improvements shall include public water and sewer service, public streets, storm drainage, stormwater management and sidewalks.

(Ord. of 8-03-2004)

**B. Permitted Uses:**

1. Single family detached dwellings, with public water and sewer service.
2. Accessory buildings and uses, limited to detached carports and garages, toolsheds, children's playhouses and play structures, doghouses, swimming pools and accessory off-street parking and loading spaces.
3. Home occupations.
4. Public parks and playgrounds.
5. Yard sale and/or garage sales (temporary).
6. Private swimming pools and tennis courts.
7. Irrigation wells **and wells for ground source HVAC systems.**

(Ord. of 2020-??-??)

6. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
7. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *“This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure.”*
8. Refer to Town’s Design and Construction Manual for residential design standards and criteria.
9. All uses within the N-R District shall require a General Development Plan and/or site plan for zoning and/or special permit approval.
10. Refer to Sign Regulations, Article 10, for signage provisions.  
(Ord. of 10-3-2000; Ord. of ?-?-2020)

# REDLINED ARTICLE 3.C

**B. Permitted Uses:**

1. Single family detached dwellings.
2. Accessory buildings and uses, limited to detached carport and garages, tool sheds, children's playhouses and play structures, doghouses, and accessory off-street parking and loading spaces.
3. Home occupations.
4. Public parks and playgrounds.
5. Yard sale and/or garage sale (temporary).
6. Private swimming pools and tennis courts.
7. Irrigation wells and wells for ground source HVAC systems.  
(Ord. of 2020-??-??)

**C. Uses Permitted by Special Use Permit:**

1. Cemeteries.
2. Churches and places of worship.
3. Cluster residential subdivisions.
4. Community buildings, limited to use by residents of the subdivision.
5. Accessory apartments.
6. Libraries.
7. Museums, historic sites and shrines.
8. Plant nurseries, with no sale of products permitted on premises.
9. Child day centers.
10. Adult day care centers.
11. Nursery schools.
12. Private schools and colleges.
13. Public schools and colleges.
14. Commercial swimming pools and tennis courts (except as may be approved on a general development plan.)
15. Bed and breakfast lodgings and guest houses.
16. Public uses and utilities.
17. Civic, fraternal, and/or social organization halls.
18. Golf course and golf driving ranges.
19. Cupolas, spires and steeples for public and semi-public uses.
20. Agriculture, forestry and horticultural uses (non-commercial).
21. Storage lots for recreational vehicles.
22. Guest houses
24. Temporary real estate marketing offices for new subdivisions.
24. Waiver of contiguous open space parcel requirement.

4. Refer to Parking and Loading Requirements, Article 8, for parking regulations and specific requirements for common parking lots for recreation vehicle and boat storage.
5. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
7. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *“This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure.”*
8. All uses within the S-R District shall require a General Development Plan and/or site plan for zoning and/or special permit approval.
9. Refer to General Regulations, Article 2, for additional lot and yard requirements.
10. Refer to Sign Regulations, Article 10, for signage provisions.  
(Ord. of 10-3-2000; Ord. of ?-?-2020)

Article 3.D:

## **DN-R Residential**

### **(Downtown Neighborhood Residential District)**

#### **A. Purpose and Intent:**

The DN-R, Downtown Neighborhood Residential District provides for single family detached residences at slightly higher densities than the S-R, Suburban Residential District. All development within the DN-R District shall be consistent with the Comprehensive Plan's goals for harmonious new development as well as the revitalization of existing stable residential neighborhoods in and around downtown Smithfield. The principal objective of this district is to recognize, maintain and reinforce the existing "sense of neighborhood" in and around the downtown historic areas and to promote residential development of compatible scale, historic character and architectural massing.

While the application of the DN-R District is primarily intended to overlay the existing, substantially developed, residential areas close to the downtown, it also can be applied to new rezonings of undeveloped tracts and infill lots situated within close proximity to the downtown residential areas and waterfront areas. It is the intent of this district to preserve existing historic and natural features, to protect existing landscapes and vegetation, to promote excellence in landscape design and to encourage housing with appropriate scale and architecture.

The average density of five units per acre establishes the DN-R District as one which accepts a higher density and relatively small lot size for single family detached residences. All new and redevelopment activities shall be served by public water and sewer, public streets with curb and gutter, sidewalks, drainage and stormwater management.

#### **B. Permitted Uses:**

1. Single family detached dwellings.
2. Accessory buildings and uses, limited to detached carport and garages, tool sheds, children's playhouses and play structures, off-street parking, and doghouses.
3. Home occupations.
4. Public parks and playgrounds.
5. Yard sale and/or garage sale (per ordinance definition).
6. Private swimming pools
7. Boat docks, boat storage and waterfront access facilities, as an accessory use to a private single family dwelling.
8. Irrigation wells and wells for ground source HVAC systems.

(Ord. of 2020-??-??)

**C. Uses Permitted by Special Use Permit:**

1. Cemeteries.
  2. Churches and places of worship.
  3. Duplex residential dwellings (1 dwelling per subdivided lot).
  4. Community buildings, limited to use by residents of the subdivision.
  5. Public uses.
  6. Libraries.
  7. Museums, historic sites and shrines.
  8. Plant nurseries, with no sale of products permitted on premises.
  9. Child day care centers.
  10. Adult day care centers.
  11. Nursery schools.
  12. Private schools and colleges.
  13. Public schools and colleges.
  14. Commercial swimming pools and tennis courts.
  15. Bed and breakfast lodgings.
  16. Public utilities.
  17. Civic, fraternal, and/or social organization halls.
  18. Tennis courts, public and private.
  19. Gymnasiums, public and private.
  20. Boat docks, boat storage and waterfront access facilities, as an accessory use to uses other than private single family residential dwellings.
  21. Cupolas, spires and steeples for public and semi-public uses.
  22. Agriculture, forestry and horticultural uses (non-commercial).
  23. Outdoor storage lots for recreational vehicles.
  24. Zero lot line residential units (only permitted for new construction.)
  25. Accessory apartments.
  26. Temporary real estate marketing offices for new subdivisions.
  27. Waiver of Parking and Loading Requirements.
  28. Child Day Care as a Home Occupation (6-11 Children)
  29. Event facilities (principal and accessory uses).
  30. Boating, country, and/or hunt clubs.
- (Ord. of 9-5-2000, Ord. of 9-2-2008, Ord. of 11-4-2014, Ord. of 2019-09-03)

**D. Maximum Density:**

1. Five (5.0) dwelling units per net developable acre.

2. Refer to the Chesapeake Bay Preservation Area Overlay District.
3. Refer to Landscaping and Screening, Article 9, for screening and buffer yard provisions.
4. Refer to Parking and Loading Requirements, Article 8, for parking regulations and specific requirements for common parking lots for recreation vehicle and boat storage.
5. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
7. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
8. Refer to the Smithfield Design and Construction Standards Manual for additional residential design standards and criteria, where applicable.
9. Refer to the Smithfield Historic District Design Guidelines and the HP-O District for additional residential design standards and criteria for properties located within the historic preservation areas.
10. All uses within the DN-R District shall require a General Development Plan and/or site plan for zoning and/or special permit approval.
11. Refer to General Regulations, Article 2, for additional lot and yard requirements.
12. Refer to Sign Regulations, Article 10, for signage provisions.  
(Ord. of 10-3-2000; Ord. of ?-?-2020)

Article 3.E:

**A-R, Attached Residential  
(Townhouse and Attached Residential District)**

**A. Purpose and Intent:**

The A-R, Attached Residential District is created to provide for attached residential dwellings such as conventional townhouses, row houses, multiplex dwellings, duplexes and other similar forms of attached residential units. Single family detached residential dwellings may be permitted under the special use provisions of the district. Garden apartments, “over and under” attached residences, housing for the elderly, and other forms of multi-family housing are not permitted in this district. The A-R District is intended for use in locations compatible with the Comprehensive Plan's goals for medium density, attached residential development in Smithfield. The average density of six (6) to eight (8) units per net developable acre establishes this district as one recognizing townhouse-styled units as the dominant land use.

The A-R District shall be applied to undeveloped tracts lying within Smithfield, as well as to infill parcels at selected locations with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, creating self-sustaining neighborhoods and recreational areas and encouraging attached housing with compatible scale, materials and character of architecture. Development in the A-R, Attached Residential District shall be sensitive to land physiography, provision of adequate public infrastructure and development of quality transportation improvements in achieving optimal siting of dwellings, recreation areas, community facilities and open space.

**B. Permitted Uses:**

1. Attached residential (townhouse) dwellings.
2. Duplex residential dwellings (one dwelling per subdivided lot).
3. Private community facilities, recreation areas and other common area improvements normally associated with attached residential developments (other than those requiring special use permits) shall be permitted subject to general development plan and final site plan approval.
4. Accessory uses, to include tool sheds, detached garages and carports, children's playhouses, doghouses and accessory off-street parking and loading spaces.
5. Irrigation wells and wells for ground source HVAC systems.

(Ord. of 2020-??-??)

11. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
12. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *“This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure.”*
13. Refer to the Floodplain Zoning Overlay District, where applicable.
14. Refer to the Chesapeake Bay Preservation Area Overlay District.
15. Refer to the Smithfield Historic District Design Guidelines and the HP-O district for additional design standards and criteria, where applicable.
16. Refer to Sign Regulations, Article 10 for signage provisions.

(Ord. of ?-??-2020).

# REDLINED ARTICLE 3.F

**B. Permitted Uses:**

1. Multiple family residential dwellings (with no more than three (3) unrelated occupants per dwelling unit).
2. Single family attached dwellings, subject to A-R District regulations.
3. Duplex residential dwellings, subject to A-R District regulations.
4. A mix of residential dwelling types as set forth above.
5. Private community facilities, recreation areas, parking lots for recreational vehicles and other common area improvements normally associated with multi family residential developments (other than those requiring special use permits).
6. Accessory uses, to include tool sheds, detached garages and carports, children's playhouses and doghouses.
7. Irrigation wells **and wells for ground source HVAC systems.**

(Ord. of 2020-??-??)

**C. Uses Permitted by Special Use Permit:**

1. Cemeteries.
2. Community buildings, limited to residential use.
3. Churches and places of worship.
4. Public uses and facilities.
5. Libraries.
6. Child day care centers.
7. Adult day care centers.
8. Nursery schools, for use by MF-R District residents only.
9. Private schools and related uses.
10. Public schools and related uses.
11. Commercial swimming pools and tennis courts, except as may be approved in a planned unit development.
12. Housing for the elderly and assisted living residences requiring medical and/or food support structures.
13. Institutional housing and general care for indigents and orphans.
14. Hospitals and medical offices.
15. Public utilities.
16. Nursing homes (licensed) with medical offices.
17. Recycling centers, for use by the MF-R District residents only.
18. Home occupations.
19. Waiver of district size.
20. Waiver of maximum density.
21. Waiver of maximum building height.
22. Temporary real estate marketing offices for new subdivisions.

- C. Restrictive covenants shall specify the detailed means by which the non-profit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, pedestrian trails, parking areas, snow removal travelways and other common elements of the development.
9. Additional Land Development and Site Plan Requirements
- A. All uses within the MF-R District shall require a General Development Plan for zoning and/or special permit approval. The General Development Plan shall serve as the master land use plan for the specific development proposal.
  - B. The development of any and all sections within the MF-R District shall require site plan approval in conformance with the General Development Plan.
  - C. A Traffic Impact Assessment may be required for any MF-R District application by the Planning and Zoning Administrator. See Appendix, Article 14.B.
  - D. Refer to Article 9, Landscape and Screening Regulations for additional screening buffer yard and open space landscaping provisions.
  - E. Refer to the Town's Design and Construction Standards Manual for additional residential design standards and criteria.
10. Condominiums
- A. Any proposed condominium development established under the Condominium Laws of Virginia shall be subject to the following provisions:
    - (1) All setbacks, density and other MF-R District provisions shall be met.
    - (2) Minimum lot and yard requirements shall be met as if lot lines existed.
11. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
12. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for*

*foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure.”*

13. Refer to the Floodplain Zoning Overlay District, where applicable.
14. Refer to the Chesapeake Bay Preservation Area Overlay District.
15. Refer to Article 10, Signage Regulations for signage provisions.

(Ord. of 2020-??-??)

# REDLINED ARTICLE 3.G

8. Accessory uses, to include tool sheds, detached garages and carports, children's playhouses, doghouses and accessory off-street parking and loading spaces.
9. Irrigation wells **and wells for ground source HVAC systems.**  
(Ord. of 2019-09-03; **Ord. of 2020-??-?**)

**C. Uses Permitted by Special Use Permit:**

1. Retail sales provided that there shall be no exterior or store-front displays.
2. Drive-in banks.
3. Residential apartments, as an ancillary use within a commercial structure and limited to one dwelling unit per structure.
4. Bed and breakfast lodgings.
5. Medical care facilities, inclusive of inpatient facilities.
6. Funeral homes.
7. Parking lots (private or public, off-street as a principal use).
8. Public schools, colleges and universities.
9. Private schools, colleges and universities.
10. Any use incorporating a drive-thru facility.
11. Permitted and special permit uses on private water and sewer systems.
12. Foster homes, family care residences, and group homes serving mentally retarded and developmentally disabled persons.
13. Accessory apartments.
14. Personal service establishments.
15. Home occupations.
16. Payday lending establishments, check-cashing establishments and pawn shops.
17. Waiver of maximum building height.
18. Waiver of lot size requirements.
19. Temporary real estate marketing offices for new subdivisions.
20. Waiver of Parking and Loading Requirements  
(Ord. of 2000-09-05; 2008-09-02; 2011-04-05; Ord. of 2017-02-07)

**D. Maximum Density:**

1. Non-residential uses and accessory residential uses shall be regulated by floor area ratio. A maximum floor area ratio equal to 0.25 shall apply to non-residential uses and structures.
2. Residential dwellings: Subject to S-R District regulations.

**E. Lot Size Requirements:**

- a. Parking for non-residential uses shall be governed by the parking and loading requirements for that use.
  - b. Parking for a non-residential use shall not be permitted within the front yards of any lot.
  - c. No parking shall be permitted within a yard setback line.
  - d. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. Refer to Sign Regulations, Article 10, for signage provisions.
  7. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *“This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure.”*
  8. Refer to the Town’s Design and Construction Standards Manual for additional regulations.
  9. All uses within the R-O District shall require a General Development Plan and/or site plan for zoning and/or special permit approval.
  10. All refuse shall be contained in completely enclosed facilities. Refuse containers and refuse storage shall be located in a paved area and screened from public view by means of fences, wall or landscaping.
  11. **No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.**  
(Ord. of 10-3-2000; Ord. of ??-??-2020)

# REDLINED ARTICLE 3.H

2. Retail sales establishments (exclusive of automobile dealerships and sales establishments, lumber and millwork retail sales and storage yards, and other uses which require outdoor storage of retail goods).
3. Offices, general and professional.
4. Personal service establishments.
5. Banks and financial institutions, excluding payday lending and check-cashing establishments.
6. Eating establishments (exclusive of fast food restaurants).
7. Business service and office supply establishments.
8. Repair service establishments, provided that any given repair service does not employ more than three (3) persons on the premises during a single shift and that all repair services are performed indoors. No outdoor use, storage or display is permitted.
9. Parking lots (private or public, as a principal use).
10. Home occupations (in detached residential dwellings).
11. Residential dwellings, as an ancillary use in mixed use commercial structures, subject to other additional regulations pertaining to this district.
12. Taxicab Service.
13. Event facilities (accessory uses).
14. Irrigation wells and wells for ground source HVAC systems.  
(Ord. of 10-7-2003, 4-5-2011, Ord. of 2019-09-03; Ord. of 2020-??-??)

## C. Uses Permitted by Special Use Permit:

The conversion of any residential structure for a non-residential use as the principal use of the building shall be subject to special use permit approval, even if the converted use in question is one of the permitted uses listed above.

1. Any individual use otherwise permitted hereinabove by-right in the D District, but which exceed 10,000 square feet in lot coverage or a floor area ratio (FAR) of 2.0 (and thus, must provide off-street parking), or any of the following uses:
2. Multifamily and attached residential dwellings, as a principal use.
3. Bed and breakfast lodgings.
4. Private post office and delivery services.
5. Funeral homes.
6. Public uses and utilities.
7. Any by-right use for which business, storage or display is conducted outside of an enclosed building.
8. Any use incorporating drive-thru facilities.
9. Hotels and motels.

14. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.

(Ord. of 7-5-2005; Ord. of 2020-??-??)

NOTICE OF PUBLIC HEARING  
TOWN COUNCIL OF THE TOWN OF SMITHFIELD  
AMENDMENT AND REVISION OF ZONING ORDINANCE

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council at the Smithfield Center, 220 N Church St, Smithfield, VA, 23430 on Tuesday, September 1<sup>st</sup>, 2020 at 6:30 PM to consider the application of Town staff, applicants, for a text amendment to the provisions of Article 2, creating Section Z, and amending Article 13, Section B of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted Tuesday, September 1<sup>st</sup>, 1998, and as amended thereafter.

Specifically, the applicants are seeking to create an avenue to permit short-term rentals as principal uses (permissible by Special Use Permit (SUP)) and accessory uses (homestays, which are permissible by-right) in residential districts. This text amendment also seeks to achieve the following for short-term rentals: compliance with existing legal infrastructure, the legitimization of their businesses through the acquisition of a Town business license, the creation of development standards, empowering decision-making bodies through the SUP process, and the establishment of avenues for recourse if violations are discovered. To remove any ambiguity, short-term rentals and homestays have also been defined in Article 13, Section B.

Copies of the current Zoning Ordinance of the Town of Smithfield, Virginia, and all amendments thereto, along with copies of the proposed revisions and amendments of the Zoning Ordinance are on file and may be examined in the Community Development & Planning Department, 310 Institute St, Smithfield, VA 23430.

Any person desiring to be heard in favor of, in opposition to, or to express his or her views with respect to the aforesaid revisions and amendments may appear and be heard.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: Wednesday, August 19<sup>th</sup>, 2020 & Wednesday, August 26<sup>th</sup>, 2020

**TOWN COUNCIL STAFF REPORT: ORDINANCE AMENDMENT**  
**\*PUBLIC HEARING: TUESDAY, SEPTEMBER 1<sup>ST</sup>, 2020\***  
**SMITHFIELD ZONING ORDINANCE ARTICLE 2, SECTION Z:**  
**SHORT-TERM RENTALS**

Currently, there is nothing to address short-term rentals in any Town Ordinance. With current trends and the influx of Internet-based short-term rental housing markets, homeowners/occupants have the ability to rent their entire house or portions (rooms), for a short period of time. These short-term rentals are usually for a week or weekend. We are aware that there are some short-term rentals currently being operated in Town. This text amendment will function as an avenue for these short-term rentals to legitimize their businesses. Additionally, by requiring a business license for all short-term rentals, residents will be allowed to openly report income for taxation purposes.

To better serve and protect Town residents, Town staff propose the following text amendment to Article 2, creating Section Z. This text amendment to the SZO is intended to achieve the following:

- (1) The assurance of compliance with existing public and private legal infrastructure by requiring the operator to obtain a Town business license, assure service by a Virginia-licensed waste management facilities operator, and continued compliance with any other section of the Town Code and any private restrictions and covenants (i.e. owners' associations, etc.).
- (2) The creation of development standards by limiting the total number of rentable nights per calendar year to 104 nights, the total length of stay to no more than thirty days, and the prohibition of short-term rentals in accessory buildings and structures, among other standards.
- (3) The provision of an avenue for legitimization for those currently operating short-term rentals in the Town by requiring them to obtain a business license, and pay occupancy tax, enabling those operators to report their earnings as taxable income, which consequently expands the Town's tax base.
- (4) The empowerment of decision-making bodies (i.e. the Planning Commission and Town Council) by establishing them as stakeholders in the decision-making process- this is done through the proposed language in which short-term rentals not classified as "homestays" are required to apply for a Special Use Permit. This also ensures that there is necessary oversight above the administrative level in this permitting process.
- (5) The creation of necessary avenues for recourse if violations are discovered.
- (6) Language was incorporated into the proposed text amendment in which existing short-term rentals operating prior to the date of adoption of the proposed SZO Section 2.Z and which conflict with the standards contained therein may be approved administratively by Town staff following the operators' submittal of satisfactory evidence to the Town that they were operating prior to the date of adoption of the proposed Section 2.Z.

In order to reach this end, this text amendment imposes provisions that are consistent with other localities, as well as best planning practices suggested by the Virginia State Bar. In order to ensure that these provisions are met, prospective operators will be required to complete, sign, and notarize an affidavit assuring all applicable provisions are adhered to. To remove ambiguity, the terms "short-term rental" and "homestay" will be added to the definitions in Article 13, Section B. A red lined version of the proposed language of this text amendment, as well as a draft version of the proposed short-term rental affidavit, accompany this staff report.

At its Tuesday, August 11<sup>th</sup>, 2020 meeting, the Planning Commission favorably recommended this application to the Town Council.

**Recommendation:**

Town staff recommend a favorable report to the Town Council.

# REDLINED ARTICLE 2

2. All event facilities, and the parcel(s) upon which they are located, must meet the following standards:
  - a. Access to and from the event facility shall not occur via a shared or common driveway.
  - b. To the greatest degree possible, the permanent component(s) of a proposed event facility should be placed on a parcel so as to avoid areas identified by any Town Ordinance or publication (Comprehensive Plan, etc.) as a viewshed.
  - c. Where proposed, temporary tents are allowed for the duration of the event, or a period not to exceed seven (7) consecutive days, whichever is less. The seven (7) day time period may be extended following a written request to the Zoning Administrator or their designee, showing reasonable cause.
  - d. To protect the citizens of the Town from excessive noise, event facilities must comply with Chapter 38 of the Town Code.
  - e. In any zoning district in which this use is permitted, the maximum number of attendees for any given event is limited to the maximum live load according to the Virginia Uniform Statewide Building Code (VUSBC) for the building in or at which the event is to occur. Outdoor events may exceed this restriction. The maximum number of attendees includes, but is not limited to, any event staff, caterers, photographers, and/or vendors.
3. An application for a new event facility must include the following items:
  - a. The applicant must demonstrate that all performance standards would be met by their proposal through the submission of a site plan.
  - b. All applicable requirements in this Article, as well as Articles 3, 6, 8, 9, 10, and 11 must be met.

(Ord. of 2019-09-03)

## **Z. Short-Term Rentals**

1. These regulations are established to allow the short-term rental of rooms to transient persons in all residential settings, while at the same time preserving the residential character of the neighborhoods in which the dwellings are located. For the purpose of this section, short-term rentals include short-term rentals and homestays. In any zoning

district in which residential uses exist or are permitted, accessory short-term rentals (hereinafter referred to as "homestays") are permitted by-right- short-term rentals as principal uses are permissible by special use permit (SUP) only. Short-term rentals in any mixed-use building or structure shall also require an SUP. In all other cases, the following conditions must be met:

- a. A copy of the declarations page, a certificate of insurance, or a binder of insurance (if newly applied for) showing general, personal, or premises liability insurance in the name of the owner/operator, covering the rental of the property to transient persons, with coverage of not less than \$500,000 must be furnished to the Town. Such insurance coverage must remain in place at all times while any part of the property is being offered for short-term rental.
- b. Short-term rentals shall be permitted for not more than 104 nights per calendar year.
- ~~c. A short term rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.~~
- d. At all times, no more than ten (10) over-night guests shall occupy any short-term rental, or no more than two (2) per bedroom at any one time, whichever is greater.
- e. Accessory buildings and structures shall not be used or occupied as short-term rentals, except upon the issuance of an SUP by the Town Council.
- f. All operators engaging in short-term rentals are required to obtain and maintain a business license from the Town, and the operator of the short-term rental shall remain liable for all taxes that may be owed, in addition to the transient occupancy tax.
- g. Nothing in this section shall be construed to supersede or limit contracts or lease agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provision of condominium instruments of a condominium created pursuant to the Condominium Act (Va. Code § 55-79.39 et seq.), the declaration of a common interest community as defined in Va. Code § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (Va. Code § 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (Va. Code § 55-508 et seq.).
- h. The short-term rental must be serviced by a Virginia-licensed waste management facilities operator.
- i. To protect the citizens of the Town from excessive noise, short-term rentals must comply with Chapter 38 of the Town Code.
- j. The operator of the short-term rental must submit to the Town a signed and notarized short-term rental affidavit assuring compliance with all of the above provisions.

- k. Any of the above provisions may be waived by the Town Council, upon the issuance of an SUP. Additionally, if there is any uncertainty in interpretation between the applicant and the Administrator as to any of the provisions of this section, the Administrator may require an SUP.
2. Existing short-term rentals which conflict with the standards of this Section, and which were in operation sixty (60) days prior to the date of adoption of the same, may be administratively approved by Town staff, provided that the applicant submit satisfactory evidence to the Town that their short-term rental was in operation at that time. If uncertainty arises between the applicant and the Administrator as to whether or not satisfactory evidence has been submitted to the Town, the Planning Commission shall determine the validity of the evidence.
3. If the operator is found to have violated any of the provisions of this section, the following penalties shall apply:
  - a. The revocation of the operator's business license.
  - b. Any additional penalties as prescribed in this or any other Town Ordinance.

(Ord. of 2020-??-??)

# REDLINED ARTICLE 13

**Historic preservation:** The protection, rehabilitation and restoration of districts, sites, buildings, structures and artifacts significant in American history, architecture, archaeology or culture.

**Homeowners association:** A community association internally organized in a specific development in which individual owners share common interests in open space or facilities.

**Homestay:** The provision of a dwelling unit, or any portion thereof, for rent to transient persons for fewer than thirty (30) consecutive days as an accessory use, while the operator remains present on the premises, or in the case where the property is the operator's principal residence.

**Hospital:** Any institution receiving in-patients and rendering medical, surgical or obstetrical care, to include general hospitals and specialized institutions in which care is oriented to cardiac, eye, ear, nose, throat, psychiatric, pediatric, orthopedic, skin and cancer and obstetric cases.

**Hotel, motel:** A building or portion thereof or a group of buildings which provide sleeping accommodations in six (6) or more separate units or rooms for transients on a daily, weekly, or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis, such as an apartment hotel.

**Housing:** See "Dwelling."

**Impervious cover:** A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

**Industrial, heavy:** Land use classification consisting of, but not limited to, large manufacturing operations, heavy equipment facilities, construction and maintenance yards, fuel businesses and other basic intensive industrial activities.

**Industrial, light:** Land use classification consisting of, but not limited to, light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by highways.

**Industrial park:** A planned coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

**Setback:** In this Ordinance, the term setback is not used, as such term represents a distance that is established in like manner as that for a **Yard** in the minimum yard requirements.

**Shopping center:** Any group of two (2) or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot, (b) are under common ownership or management, (c) are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses, (d) share a common parking area, and (e) otherwise present the appearance of one (1) continuous commercial area.

**Short-term rental:** The provision of a dwelling unit, or any portion thereof, for rent to transient persons for fewer than thirty (30) consecutive days as a principal use, known as a short-term rental, or as an accessory use, known as a homestay.

**Shrink-swell soil:** Expansive and contracting soil composed largely of clay and as further defined by geotechnical evaluation of soils subject to land development activity in the Town. The soil will expand generally in an upward direction when water from any source is interspersed into a shrink/swell soil. When a shrink/swell soil dries, cracks and voids are sometimes created between the soil and constructed footings, which can subsequently lead to foundation settlement.

**Sign:** A name, display or illustration which is affixed to, or represented, directly or indirectly, upon a building, structure, parcel or lot which directs attention to an object, place, activity, institution, organization, or business located on the premises. The term "sign" shall not be deemed to include official court or governmental notices nor the flag, emblem or insignia of a nation, political unit, school or religion, or directional aids for traffic flow and other public safety purposes.

**Silvicultural Activity:** Any forest management activity, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

**Site plan:** A required submission, prepared and approved in accordance with the provisions of Article 11 of this Ordinance, which is a detailed engineering drawing of the proposed improvements required in the development of a given lot or lots.

**Town of Smithfield**

COMMUNITY DEVELOPMENT & PLANNING DEPARTMENT

PO Box 246, 310 Institute St., Smithfield, VA 23431

Telephone # 1(757)365-4200, Fax # 1(757)357-9933

**Short-Term Rental Affidavit**

STATE OF VIRGINIA

COUNTY OF ISLE OF WIGHT

(Owner)	(Address)	(TPIN)
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By signing below, I certify the following:

1. I am the owner of record for this property, and/ or I have consent from the owner of record.
2. A **copy of the declarations page, a certificate of insurance, or a binder of insurance** (if newly applied for) showing general, personal, or premises liability insurance in the name of the owner/operator, covering the rental of the property to transient persons, with **coverage of not less than \$500,000, shall accompany this affidavit.** Such insurance coverage must remain in place at all times while any part of the property is being offered for short-term rental.
3. As the operator of a short-term rental, I am responsible and liable for all taxes that may be owed, including transient occupancy tax.
4. I have **obtained a business license** from the Town.
5. This address is serviced by a Virginia-licensed waste management facilities operator.
6. I shall not permit short-term rentals **to exceed 104 nights** per calendar year.
7. At all times, **no more than ten (10) overnight guests** shall occupy any short-term rental unit, **or no more than two (2) per bedroom** at any one time, whichever is greater.
8. Accessory buildings and structures shall not be used or occupied as short-term rentals, except upon the issuance of a Special Use Permit by the Town Council.
9. To protect the citizens of the Town from excessive noise, I certify all short-term rentals shall comply with Chapter 38 of the Town Code.
10. Nothing in this section shall be construed to supersede or limit contracts or lease agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provision of condominium instruments of a condominium created pursuant to the Condominium Act (Va. Code § 55-79.39 et seq.), the declaration of a common interest community as defined in Va. Code § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (Va. Code § 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (Va. Code § 55-508 et seq.).
11. Any conflict with the terms and conditions noted above or with the standards contained in Smithfield Zoning Ordinance (SZO) Section 2.Z.1 have been resolved as a result of my successful acquisition of a special use permit from the Town Council, pursuant to SZO Section 2.Z.1.k, or otherwise, pursuant to SZO Section 2.Z.2.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
(Signature of Affiant)

SWORN to and subscribed before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

SEAL

\_\_\_\_\_  
NOTARY PUBLIC

**TOWN OF SMITHFIELD, VIRGINIA  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that on September 1, 2020, the Town Council (the "Council") of the Town of Smithfield, Virginia (the "Town") will conduct a public hearing, which may be continued or adjourned, as required under applicable law, in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, with respect to the adoption by the Council of a resolution or resolutions, as may be necessary or convenient, regarding the proposed permanent financing of certain infrastructure improvements. The purpose of the financing is for various capital projects, including recreational facilities comprised of the renovation, rehabilitation and equipping facilities located at Windsor Castle Park; acquisition and outfitting of the Town's ball fields; renovations to the police evidence building and the Clontz Park boat ramp; and various utility system repairs and improvements, together with related engineering, administrative and financing costs (collectively, "the Project"). The Town plans to fund the Project through a general obligation bond to be issued in a principal amount not to exceed \$4,205,000.

The public hearing, which may be continued or adjourned, will be conducted at 6:30 p.m., or as soon thereafter as the matter may be heard, by the Council in Conference Rooms A & B at the Smithfield Center (220 North Church Street), Smithfield, Virginia. Interested persons may appear at such time and place and present their views whether orally or in writing, or submit written comments prior to the hearing. The Council may set time limits on speakers and other rules and procedures for the conduct of this public hearing. Any persons with disabilities are urged to contact the Town Offices at (757) 365-4200 prior to the public hearing to arrange for any necessary accommodations. For additional information, please contact the Town Manager's Office.

**BY ORDER OF THE TOWN OF SMITHFIELD  
TOWN COUNCIL  
MICHAEL R. STALLINGS, JR., TOWN MANAGER**

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The Smithfield Times: Please publish in the August 12 and August 19, 2020 issues of The Smithfield Times. Please send the certificate of publication to the attention of Ellen D. Minga, Treasurer, Town of Smithfield, PO Box 246, Smithfield, VA 23431.