

The Smithfield Town Council held its regular meeting on Tuesday, February 1st, 2022. The meeting was called to order at 6:30 p.m.

Members present:

T. Carter Williams – Mayor
Michael Smith – Vice Mayor
Beth Haywood
Wayne Hall
Renee Rountree
Randy Pack
Valerie Butler

Members absent: None

Staff present:

Michael Stallings - Town Manager
Lesley King – Town Clerk
William H. Riddick, III – Town Attorney
Alonzo Howell – Chief of Police
Tammie Clary – Community Development & Planning Director
Ashley Rogers – Human Resource Director
Chris Meier – Deputy Chief for the Smithfield Police Department
Jack Reed – Director of Public Works and Utility
Eric Phillips – Lieutenant for the Smithfield Police Department
Sam Johnson – Officer for the Smithfield Police Department
Christopher McGough – Officer for the Smithfield Police Department
Trey Gwaltney – Chairman, Board of Historical and Architectural Review

Press:

Stephen Faleski – The Smithfield Times

Citizens: Approximately 30

Mayor Williams welcomed everyone to the meeting, and all stood to recite the Pledge of Allegiance.

Presentation of Award for Becoming a Certified Crime Prevention Community to the Smithfield Police Department

Chief Howell introduced Eric Smith of the Department of Criminal Justice Services in Richmond. He stated that Mr. Smith was instrumental in the Smithfield Police Department (SPD) being recognized as a Certified Crime Prevention Community. He asked that the officers that were involved in the Department receiving the certification, Officer Eric Phillips, Officer Christopher McGough, and Deputy Chief Chris Meier, to join him at the podium.

Mr. Smith introduced himself to the Council as the Manager for Law Enforcement Policy and Standards from the Department of Criminal Justice Services. He stated that one of his happier duties was certifying different localities as Certified Crime Prevention Communities. He defined the certification as being established about 20 years ago to recognize localities that have formed outstanding partnerships between local law enforcement, local businesses, and the community for

the purpose of crime prevention. Mr. Smith stated that this was a very rigorous program, and the localities that participate must meet all the core community safety elements, and at least seven optional community safety elements. These include things like school safety, relationships with the business community, and relationships with different community groups like Neighborhood Watch.

Mr. Smith stated that he was very happy to present the award to Chief Howell to show that the Town of Smithfield has been recognized once again as a Certified Crime Prevention Community. He added that this reflects both his commitment and the localities commitment to crime prevention and public safety. He reiterated that this was quite an achievement as there were only 12 localities in the Commonwealth of Virginia that had successfully completed the program. He concluded that this was something the Department, the Town Council, and the entire Town should be proud of.

Mayor Williams thanked Mr. Smith and congratulated the men and women of the Smithfield Police Department for their accomplishment.

Manager's Report:

The Town Manager stated that included in the packet were activities from the previous month. He stated that if there are any questions, he would be glad to answer them.

Councilwoman Haywood stated that she was excited to see the Green Team Meeting in the activity report and asked the Town Manager to give some additional information about it.

The Town Manager reported that there had been a kick-off meeting to reorganize the Green Team completed by Mrs. Novak of the Parks and Recreation Department.

Councilwoman Rountree inquired if this included trash pickup, which the Town Manager confirmed.

Public Comments:

Mayor Williams explained that the public was invited to speak to Council on any matter, except scheduled public hearings. There will be a separate signup sheet for public hearings. For public comments, please use the appropriate sign-up sheet and include your preferred method of contact. Comments are limited to five (5) minutes per person. Any required response from the Town will be provided in writing following the meeting. Mayor Williams reported that there were seven signups this evening.

Bill Harris of 329 Grace Street in Smithfield stated that he had been a resident of Smithfield for 30 years and was currently living in his second home on Grace Street. Mr. Harris reported that he and his wife, Mary, had done the original restructuring of the Jordan House at 308 before starting to work on the house at 329. He stated that they had been very active in Smithfield during this time to support the Historic District and its historic mission. He added that he had served on the Board of Directors for Historic Smithfield for many years, as well as in Preservation Virginia. Mr. Smith stated that he was one of many present this evening to share concerns and ideas regarding the proposed project at the corner of 10 and Main Street referred to as "10 Grange." He recapped that at the most recent Planning Commission meeting it had been suggested that the public would be better served if it presented comments and concerns in the form of constructive criticism and suggestions as to what the public would like to see as the development moves forward versus a list of objections and demands. He continued that accordingly after several meetings a group of concerned citizens has drawn up a list of things they would like to see done as the Town Council

begins formal consideration of the project. He reported that firstly they would like to see all phases of the Council's and Committees deliberations be characterized by the highest level of transparency, integrity, and honesty. He continued that the group would like the publishing of transcripts from all meetings made public for all citizens to have access to, not just municipal officers. He added that all meetings between the Town Council and Planning Commission with citizens be respectful and courteous. Mr. Harris continued that the group would like to see the recusal of all members of the Council and the Commission who are involved in the development and have any possibility of economic gain. He defined that in this case a recusal would involve those members stepping away from their responsibilities of voting on proposals. Mr. Harris commended Councilman Pack for stepping forward to publicly acknowledge his intention to recuse himself and stated that he hoped that any other of the municipal officers who stand to gain from any level economically to follow suit. Mr. Harris stated that this was in accordance with federal law, specifically the Hobbs Act of 1946, that the group would like those who recuse themselves to do so in the most complete manner possible. He stated that recusal from voting on matters in relation to the development project is only the first step a complete and formal recusal. Mr. Harris added that recused members should not participate in any discussions related to the ongoing consideration of the developer's proposal. He continued that all steps should be taken to avoid the appearance and the reality of conflicts of interest. He stated that everyone presents already knew that there was a Smithfield Times article already written about conflicts of interest. He stated that this is something that reflects poorly on the Town Council and the Town as well, and steps should be taken to avoid this in the future. Mr. Harris finished by stating that he looked forward to continued exchange with the Council.

Nick Blevins of 220 Grace Street in Smithfield stated he would continue with what Mr. Harris was saying, the group would like the Town Council and Planning Commission complete their legally required due diligence before consideration of any of the developer's proposal requesting zoning changes, Special Use Permits (SUPs), and the development master plan. He stated that the Town must complete the following site surveys and make the findings accessible to the public for review prior to public hearings. He added that the studies should be completed by independent, third-party consultants with no affiliation with the developers or the project in any way. He listed the studies as follows: first: an environmental impact study on the development site as well as all surrounding areas as there are state and federal impacts that will need to be addressed, second: a complete public impact study on the Town's public utilities with results shared with the public before development begins. He added that of particular concern was the drainage and sewer capacity, along with the cost of public services and utilities in to and for 10 Grange. Mr. Blevins continued with the third study: a pedestrian and vehicle impact study to quantify the changes in car and foot traffic, location, frequency, and intensity, especially in regard to downtown businesses. He stated that this study must also address how the Town plans to change South Church Street corridor into a walkable area connected to the downtown. Mr. Blevins stated that an archeological site survey is required to include ground penetrating radar identification of the one or more burial sites on the parcel that are recorded in the historic records. He stated that additional evidence had also been discovered potentially indicating that there may be Native American cultural sites in the area. Mr. Blevins continued that the Town Council knows that State and Federal laws require certain things must be done prior to the potential disturbance of cultural or burial sites, adding that it is a

felony to damage a burial site. Mr. Blevins quoted the Virginia Department of Historic Resources as saying disinterring, removing from a grave, or displacing part or all of any buried human remains is a Class 4 felony under Virginia law, section 18.2-126, convictions punishable by 2-10 years in prison up to \$100,000.00 in fines. He stated that this law applies to all burials whether prehistoric, historic, or modern. Mr. Blevins stated that this was not in the best interest of the Town, the developer, or the project, and that the time to identify those sites is now before the construction begins. Mr. Blevins reported that the Isle of Wight Historical Society had contacted each of the Council members by email to provide an overview of how this process would be conducted, the steps necessary to complete the archeological survey, and was standing by to assist in contacting local and state level professionals. He encouraged the Council to contact him for more details.

Leigh Abbott-Leaman of 111 Thomas Street in Smithfield wanted to reference what Mr. Harris had stated, that they were all residents of the Town and considered it beautiful. She stated that she had been active in different groups within the community, and they know that growth is important in the Town. She added that this is managed growth and growth that considers any level of safety. She stated that they feel that the information presented so far is lacking this. She continued that the plans that are before Council disregard what is a growing and unchecked hazard that exists. She reported that an assessment that was conducted less than 5 years ago showed vehicle traffic on Grace Street in a 7-day window was over 3,000 cars. She continued that the same type of assessment in 2021 showed 11,569 cars in a 6-day period. Mrs. Abbott-Leamon stated that the average speed of the cars cited in the study was 24 mph in a 25-mph zone. She stated that it was important to note that the speed monitoring device was placed at the entrance of Grace Street off of James Street, adding a fair number of cars could not have accelerated past 10 mph. She added that she could figure out that it would take a high rate of speed in a good distribution of the cars to get to an average of 24 mph. She stated that if you were to travel down Grace Street you would see that 35-40 mph is more the norm. Mrs. Abbott-Leamon stated the growth rate of 425 % in vehicle traffic on Grace Street and in 4 years nothing has been planned to curb the volume and speed. She wanted to stress that they were not faulting law enforcement, law enforcement was not responsible for the growth, and that they can only monitor within the resources they have. She stated that when the residents asked for additional speed monitoring or equipment, it was suggested that they pull their resources together to purchase their own device. She stated that this was not mitigation or planning and managing the volume. She inquired as to what was the traffic study for this project, what was the plan for current volume and speed growth on Grace and Thomas streets, and where was the study for the Thomas and Main Street intersection. She added that this intersection already has restricted visibility when people are legally parked at the winery or coffee shop. She inquired about the dialogue that had been had with the Virginia Department of Transportation (VDOT) regarding this road that couldn't be widened and would possibly be narrowed if Americans with Disabilities Act (ADA) compliance were enforced on the sidewalks. She stated that the Town had already seen massive growth and questioned what would happen when all the cars would be added. She additionally questioned who did not think that there would be more cars added before the commercial activity starts. Mrs. Abbott-Leamon reported that they had cars repeatedly broken into, multiple bikes stolen, and stolen items left at their house and in their yard. She added that this had all gone on relatively unchecked and questioned what would happen with additional development.

She inquired about the public safety plan with the discussion of extending business traffic for an eventual 7-day a week farmer's market. She stated that the Council was considering plans that will, in the group's opinion, increase current safety hazards and congestion, and they find that unacceptable.

Lanny Hinson of 345 Main Street in Smithfield thanked the Council members for allowing the public to speak on the 10 Grange project. He stated that the group he was a part of understood that development of 10 Grange will occur but that the group hoped that the visual impact would enhance the Historic District in some form. He continued that early proposals indicated the residential and commercial buildings within the project would be done in an architectural style similar to the style of the buildings in the Historic District. He stated that his group would like for the Town Council to compel the developer to comply with the existing perimeters and restrictions currently in place within the Historic District. He added that they were hopeful that the height of the proposed buildings would be limited to no more than three stories, to keep uniformity with even the largest houses throughout the Historic District. He continued that the worry is that anything higher than three stories will look more similar to recent developments on Route 17. Mr. Hinson acknowledged that Mr. Luter had done much to enhance the beauty of Smithfield, and the group is pleased that there are green spaces within the proposed development. He stated that the group would like to see that green space include at least a 100-foot buffer of grass, shrubs, and trees between the parking lot and the existing homes on Cary Street. Mr. Hinson reported that he moved to Smithfield in December of 1974, and it looked a lot different than it does today. He continued that he moved here because it was a unique town, filled with history, architecture, and it was charming. He stated that this town was afforded many amenities that areas this size are normally not privileged to, which increases the town's appeal. He added that our Tourism department has been active, and Smithfield is a destination spot for tourists. Mr. Hinson stated that what makes this Town unique is that it has practically been here since the beginning of this country and spoke about Arthur Smith building the property that is now Windsor Castle Park. He stated that the Town was established in 1752 and was witness to being an English colony, the Revolutionary War, and the early days of the Republic. He concluded by stating we must do everything we can to preserve it.

Elizabeth Hopkins of 320 Grace Street in Smithfield stated that she lucked out moving here, and it had always been her dream as a teacher to live somewhere with so much history. She stated that on paper the proposed Farmer's Market at the top of Grace Street is wonderful, however it would work perfect in a different area, giving the example of placement in North Suffolk, Harbourview, or Shoulder's Hill Road. She continued that approval of the proposed project would be seen as a rash decision based on the points brought up by previous speakers and by her point of the placement of the Farmer's Market currently. She stated that the appeal to the day trippers who come to the Market is that they park throughout the Town and wander through the streets enabling them to see what else is there. She stated that she had a vision of how the area at 10 Main Street could be built to compliment the Town. Mrs. Hopkins stated that what has been proposed will kill off downtown. She reported that when she previously lived in North Suffolk she would go to the Suffolk Farmer's Market, which was planned much like the proposed Farmer's Market for Smithfield. She continued that when she would go to the Suffolk Market, she would park in the designated area, do her shopping at the Market, and then leave without wandering through Suffolk's

downtown area. She questioned what would happen to the businesses that had invested all the time to this area when a permanent structure was built away from the downtown area. Mrs. Hopkins stated that foot traffic from the Farmer's Market where it is currently placed breaks off by 50% by the time it reaches the store When Pigs Fly, and that when it reaches further down Main Street to the florist shop Fleur de Fou it drops to 10%. She questioned what would happen when people park at a permanent event area and just go home. She again stated that the Historic area would die and there would not be any more day trippers. She proposed that a traffic study be completed and that the Council look at business plans of Farmer's Markets that are purpose-built to see if they had turned out as expected. She compared the project to Waterside in Norfolk stating that it started out with unique boutiques and then did not sustain with increased population and even a water attraction. She concluded by stating again that it was a good idea on paper, but the reality was that it did not fit and that she would be happy to share her vision with the Council.

Betty Clark of 120 North Church Street in Smithfield started by stating that she wanted to tell the people of Smithfield what they could expect with the proposed Luter construction. She reported that she had lived through the Corporate Smithfield Foods construction and the damages that it incurred to the Mansion on Main Bed and Breakfast. She stated that during that time she had talked to Mr. Luter, and he had asked her to move the building over 50 feet or he would trade that building for the Christmas Store located across the street. She continued that Mr. Luter had first refusal of 120 North Street, and that construction continued at Smithfield Foods. She reported that when she attempted to move into 120 North Street, she was prevented from doing so by Mr. Luter for 5 months by keeping Dominion Power from allowing her power to be hooked up. She questioned what happened to the easement law. She stated that the antique shop is still moving down the hill as no retaining wall was built after 25-30 ft of earth was removed behind it, adding that she has elevations as evidence of this. She gave examples of damages to the bed and breakfast that needed repainting and replastering. She stated that she had seen similar damages in other homes and was confident that Mr. Luter had been aware of it. Mrs. Clark added that others should not expect the Town to assist in fixing damages alleging that her permits had been pulled to delay restoration to her antique shop. She stated that unless someone had a legal document prior to construction any damage that a property incurs would probably be denied. She stated that it was her opinion that this project had been in the works for 6-10 years due to its size. She recalled to 5-7 years ago when Preserve Smithfield had attempted to get the Town to preserve Pierceville Plantation, but they did not have the funds necessary. Mrs. Clark stated that the project would cost the Town much more than it would have to preserve the historic property. She added that it was her opinion that Mr. Luter was not engaging in this project for the good of the Town, but to get a tax write-off. She stated that it was her belief that Mr. Luter would not have purchased that property had he not been given assurances by Town Council and Commissions that the zoning would be changed after demolition of the buildings. She stated another town on the edge of Smithfield would kill the businesses. Mrs. Clark gave the idea that the property would make a great nature preserve. She stated that any members of the Council, Planning or Zoning Commissions, or Board of Historic and Architectural Review (BHAR) involved in this project should resign tonight so there would be no conflict of interest. She stated that she was sure that there would be people present that would say that she fabricated information she has given but stated that she did not exaggerate facts.

The Town Attorney informed Mrs. Clark that her time had expired. She continued to speak as she left the podium, but the audio was not clear.

Terry Mulherin of 206 Washington Street in Smithfield started by congratulating Chief Howell on the certificate received earlier in the meeting. She stated that in reference to what Mrs. Clark had said, she would like to see an impact survey of what construction might do to the homes in the Historic District. She stated that she was in contact with her lawyer in case she incurs in damage. She addressed that Town Manager regarding the compensation study, offering the idea of using not just salaries but also total compensation and benefits for a fair comparison. She gave the example of at her business only the employee gets benefits, not members of their family and this made a difference in total compensation. Mrs. Mulherin reported that she had read every page of the Comprehensive Plan, left comments on the Plan, and read within the Plan the recommendation to pull Pierceville out as a mixed-use development, which she felt it was too early to include this as the development was not yet agreed to. She reminded the citizens present that the comment section was open through the weekend and encouraged them to visit the site. She stated that she read in the Plan that it was encouraging dialogue between the Council and the citizens. She added that the Plan encouraged walking and bicycling, but she estimated that 80% of the people commuted, so this would not fix traffic problems. Mrs. Mulherin said she would like to second the comment about speed limits, adding that they were not being followed now. She continued that it was a fundamental problem with behavior in the Town. She thanked the Council and stated that she hoped their group was perceived as polite as they were working on it.

Mayor Williams stated that no one else had placed their name on the sign-up, but he would leave the public comment section open for anyone else who wished to speak.

Robert Hines of 216 Washington Street in Smithfield stated that he wanted to add that anyone who suggested or supported the proposal of a 60-foot-high building at the edge of the Historic District should be embarrassed and that it was ridiculous.

Linda Spadey of 221 Cary Street in Smithfield stated that she was glad Mrs. Abbott-Leamon had brought up traffic studies in the Town but stated that Cary Street was left out of the information. She stated that she came forward to represent her friends on Cary Street and that they were asking that Council please not put an entrance to the proposed development on Cary Street. She added that two cars cannot face each other on the street and pass due to how narrow it is and the parking situation for the houses near the Grace Street intersection. She also asked for a traffic and speed study to be completed from Grace Street just past Goosehill Creek. She additionally recommended that the Council get statistics from the Fire Department and the Rescue Squad regarding how often they travel down Cary Street. She stated that the traffic down Mill Swamp Road is unbelievable. She recommended that the traffic and speed study should be done for at least a week and offered to have the device placed in front of her home.

Julian Leeman of 111 Thomas Street in Smithfield stated that he has lived with his parents in Smithfield for six years. He reported that he joined the Marines for honor, courage, and commitment. He added that he had served the public with honor, integrity, hard work and had given his all. He continued that the United States was founded on the Constitution and the Declaration of Independence, they come with honor, and that to have honor is to have integrity. Mr. Leeman stated that to be honest was to do the right thing, and to uphold the Constitution, the values, and traditions

of being an American. He stated that it was disrespectful of the Council to not uphold that, and it was disrespectful to the townspeople who gave them the funds, time, and effort so that they may be here to represent them. He asked about the farmers and the people who gave years of labor to the Town. He asked if the Council was going to build tall buildings filled with people and make things very organized but that as shown by the statistics given the group this does not work. He added that history has shown that this does not work. He stated not to be disrespectful but that when history repeats itself it is usually due to ignorant and arrogant people. He clarified that he was not calling the Council ignorant and arrogant but if they were going to refrain from looking back on history and exploit it, that this was disrespectful and wrong.

Virginia Smith from 207 James Street in Smithfield stated that moving forward it is the groups hope that the Town Council and the Planning Commission will remain open to hearing, and when possible acting, on the concerns brought to them by the citizens of Smithfield. She stated that a development the size and at the site of 10 Grange will have a tremendous impact on the economics of the Town but also the atmosphere that makes it a special place. She continued that great care should be taken on all aspects of the development and all involved should work to create a development that is good for all aspects of the Town.

Mayor Williams inquired if there was anyone else who would like to come forward. Hearing none, the Public Comment section was closed. He thanked the speakers for their input and their support for or against the project.

Briefing by Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District:

Supervisor Grice started by reminding the Council that the Smithfield District name was changed to a number. It had been changed to 5, but he stated that the State had rejected their numbering in favor of a different numbering that they had not yet received. He reviewed the meetings that had been held by the Isle of Wight Board of Supervisors in the last month. He reported there was a work session on January 6th, the Board of Supervisors went on its annual retreat to the Hayden Village Center in Franklin, VA on January 10th, they held their regular monthly meeting on January 20th, and on January 27th three Supervisors met with the Smithfield Town Council for a second round of discussion about the proposed Farmer's Market.

Supervisor Grice reported that the work session on January 6th started with their organizational meeting during which Supervisor Jefferson was elected Chair and Supervisor McCarty was elected Vice Chair for 2022. He continued during the rest of the session that they were given a presentation by Charter on broadband development for the County, they went over their annual audit report, went over a report on cost of recycling and future direction, they discussed the possibility of County water users participating in an irrigation meter program, they talked about the County switching to Hampton Roads Utility Billing (HRUB) from the in-house utility billing, the Board discussed the color of the new water tank at Hardy Elementary but were unable to choose as most of the Board members are colorblind, and finally they continued the discussion about deer and bear hunting with rifles from an elevated position.

Supervisor Grice discussed the retreat for the Board of Supervisor held on January 10th at the Hayden Village Center. He reported that the Southeastern Virginia Regional Senior Services was their host as their offices were located at the Center. Supervisor Grice encouraged visiting the

Center as it combines community services, medical services, and housing for seniors in a renovated schoolhouse. He continued that following their tour of the facility, the Supervisors discussed County operational issues and future program direction.

Supervisor Grice reported that at the meeting on January 20th there were two public hearings held. He stated that the first was on a bond issue of \$19.5 million of needed capital. He explained that \$12 million of this was to make up the budgeting deficit created by the replacement Hardy School scheduled to open in September 2023. He reported that the Board heard no retort to moving forward with the bond issue. He explained that they were hoping the interest rate would hold at 2% until the bond is issued, and that the County's credit is AA+ due to well managed taxpayer funds. Supervisor Grice reported that the second public hearing was on the issue of allowing deer and bear hunting with a rifle from an elevated position and was well attended by citizens both for and against the issue. After the hearing the Board decided that there were sufficient unanswered questions that needed to be resolved before voting. He added that the Board hopes to hear from several State agencies before the next meeting in February. Supervisor Grice stated that additionally at this meeting the Board sent a proffer back to the Planning Committee for The Crossings for review, they approved an adjusted minimum wage schedule to comply with State wage code and agreed that they would move forward with discussion of the covered Farmer's Market.

Supervisor Grice continued that at the meeting on January 27th the consensus was for the Town Manager of Smithfield and the County Administrator meet to work out the details of any agreement between the two governing bodies that would benefit all parties.

Councilman Hall inquired if during the discussion regarding rifle hunting from an elevated position had there been any inclusion of discussion about black-powder rifles.

Supervisor Grice confirmed they had. He continued that black-powder rifles are allowed in many communities but that most of the hunting done here in the County is with shotguns. He stated that black-powder rifles today are not the same as what they used to be, and they are high powered rifles.

Councilman Hall stated that he has black-powder rifles and that he can hit 3 out 3 targets at up to 125 yards.

Supervisor Grice informed Councilman Hall that he is a good shot. Mayor Williams stated that the problem is that many people out hunting are not.

Mayor Williams inquired if they had considered the handicapped regarding this change, to which Supervisor Grice stated that you wouldn't expect them to climb 15 feet into a tree. Supervisor Grice noted that if you own a piece of property with large amounts of acreage you can shoot a rifle as much as you want and would not have to be elevated. He added that certain animals, such as coyotes, could be hunted with rifles from a non-elevated position. He concluded that there was much discussion still happening and their goal was to find the answer that was safest for their constituents.

Council Comments:

Councilwoman Butler pointed out that February is Black History Month and that this was a time to recognize achievements and the contributions of African-Americans in the United States and World History. She reported that there were three community activities that she wanted to highlight. She encouraged visiting the Schoolhouse Museum and reported that it is dedicated to

preserving and interpreting the history of African American education in Isle of Wight County. She shared that on February 24th the Isle of Wight County Museum would be having a “Lunch and Learn” at 12:30 pm with the topic being Africans and the Enslaved Free Blacks in Isle of Wight County. She added that Windsor Castle Park would be holding a walking tour this weekend. She expressed excitement and gratitude that Jennifer England, Director of the Isle of Wight County Museum, had given a tour in the Town of Smithfield that gave a transparent and open discussion of the experience of enslaved persons in the town.

Councilwoman Rountree wanted to state for the record that while she did receive two emails regarding the Farmer’s Market project this month, she did not receive an email from the Isle of Wight Historical Society as was previously indicated. She encouraged them to rewrite her. She additionally reported that she got one phone call in support of the golf cart legislation. Councilwoman Rountree stated that she is currently on the Farmer’s Market advisory board. She reported that the Farmer’s Market had gotten a new manager, and that the board had just resumed meetings since the first of the year. She added that all 11 in attendance at the meeting, who were mostly vendors and members of the board, were very excited about a permanent Farmer’s Market space.

Councilman Pack stated he had two comments. He addressed the Town Manager stating that there had been many reports about the speed on Grace Street, and that they were not placing the monitoring device in the correct spot. He suggested that it be placed in a spot that could gather accurate information and suggested across from Town Hall. He additionally recommended sharing that information as soon as it is received.

Councilman Pack stated that his second comment was more of a retraction from a previous comment made at Planning Commission. He reviewed that a new zoning ordinance had been brought the Commission for consideration called a Planned Mixed-Used Development (PMUD). His comment at that meeting had been that the PMUD zoning had been designed for the Comprehensive Plan for use on South Church Street Bridge at Smithfield Station towards Turner Drive. He stated that he really did believe that this is what that was for. He continued that while that is a true statement, it is also in fact the zoning piece that would be needed for the Luter’s to make an application. Councilman Pack admitted that he did not understand that and that he wished he had before he made the comment. He continued that when he discussed it with staff members this week that a PMUD was not needed as there was different aspects of it already in town: a hotel, apartments, etc. He then added that being said, those different building types were not all in one concentrated area. He stated that the point of having a new zoning ordinance was to keep it from becoming confusing, and to protect the downtown area. Councilman Pack stated that his point in bringing the subject up was to firstly stand corrected, and secondly to stated that it would be brought back up at the Planning Commission meeting scheduled for February 8th. He reported that the Planning Commission would ultimately be making a recommendation either for or against the zoning ordinance change to bring back to the Town Council. He added that there are many items that will be discussed as they do not make sense and gave the example of the 60-foot building in the Historic District. He stated it does not make sense there, but at the other end of the Town near the Hampton Inn it could be considered. He concluded by saying the Planning Commission could take pieces of the ordinance and change it to ultimately protect the Historic District. He went back

to the issue of height and explained that if they thought that 60 feet was an appropriate height at the Hampton Inn end of Town, then the Commission could say the ordinance is 35 feet, but an exception can be made by applying for a Special Use Permit. He continued that if the Luter's then wanted to go higher than 35 feet, they could apply to, but there was not already placed right for them to do so, adding that the Planning Commission and Town Council could then deny the height change. Councilman Pack stated that the PMUD ordinance is not dead, they had originally tabled it until after the Luter project had been completed but now it either be favorably or not favorably recommended to Town Council and then placed up for Public Hearing.

Councilman Pack addressed whether or not he should recuse himself from talking about the PMUD issue. He stated that this was about a zoning ordinance for the Town, and he felt that it was important for him to be able to discuss it. He acknowledged that he would not be able to give any feedback on the Luter project or its rezoning and that the Luter's would have to apply for the rezoning if the ordinance is passed. He stated that the 30-50 acres that was being discussed was the last big piece of Historic District property and he knew it was important to maintain the downtown and residential zoning the way it looks now. He encouraged the other members of the Town Council to please let the Planning Commission know if there were parts of the zoning ordinance that they would like to see changed. Councilman Pack concluded by stating that those were he thoughts about the PMUD zoning and it would be discussed further at the Planning Commission meeting next Tuesday.

Councilwoman Butler thanked Councilman Pack for his transparency and added that her concern with the process was that they were making a consideration about zoning that was for a project that had not even come before the Council yet. She continued that the zoning ordinance should be examined with consideration to the discussion of the Comprehensive Plan and the development of South Church Street.

Councilman Pack stated that in the zoning ordinance currently there is not an allowance for a mixed-use project. He defined mixed-use as several things close together. He stated that in the Comprehensive Plan some of the long-term projection pictures from Cypress Creek Bridge to Q'Daddy's restaurant are unique and he felt that this is a part of Town that could use improvement. He stated that this type of zoning would allow buildings to come closer to the road, so with the assumption that the residences there currently would eventually become commercial. He continued that moving the buildings closer to the road increases walkability. Councilman Pack explained that when they were looking at the Comprehensive Plan they realized that this is a commuter town but increasing the ability to walk and bike assists in making the feel better. He stated that a lot of planning deals with how you feel and the perception of the area when you are traveling through a community. He stated that this is what the PMUD zoning would be accomplishing. He added that it is an important zoning tool that the Town does not have now, and they want to make sure they get it right. He stated that if the PMUD is more restrictive but allows for Special Use Permits, and this would allow each piece of development to be looked at individually. Councilman Pack stated that it is hard to plan 10-20 years on the future, because you don't know what the future is going to bring, and they want to give themselves tools to deal with issues that arise that they haven't even thought of yet.

The Town Manager stated that he would like to add that the only thing that the this would do is create a new zoning district that is available for any piece of property in Town, and they would still have to go through the rezoning process. He explained that nothing that the Planning Commission is considering at this time was rezoning any property that wouldn't be available to any other property. He reiterated that this was just another "tool in the toolbox," and was not preemptively rezoning any property or anything of that nature.

Mayor Williams commended Councilman Pack for serving on the Planning Commission, adding that it takes a lot of work before items even come before the members.

Councilman Pack thanked the Mayor. He stated that something that he learned in an Urban Planning course that he took was to have a walkable sidewalk you need the following simple plan: a road, then a greenspace, then a sidewalk, and finally another greenspace.

Consent Agenda:

C1. Motion to Approve the Purchase and Installation of By-Pass Pumps for Jordan Drive and Moonefield Drive Pump Stations previously Approved with ARPA Funds

C2. Invoices Over \$10,000 Requiring Council Authorization:

- a. Draper Aden Associates (Sewer Assessment Program – Phase V) \$ 38,006.48
- b. Lewis Construction of VA (Drainage repairs at the RO plant) \$ 74,575.00

Additional Invoices rec'd since Finance Committee Requiring Council Authorization:

- c. Robinson, Farmer, Cox Associates, PLLC (FY 20-21 Audit) \$ 29,700.00
- d. Isle of Wight County IT Services (February 2021 – June 2021) \$ 33,750.00
- e. Isle of Wight County IT Services (July 2021 – December 2021) \$ 40,500.00

Vice Mayor Smith made a motion to approve the Consent Agenda as presented. Councilman Hall seconded the motion. Mayor Williams called for the vote.

On call for the vote, seven members were present. Councilwoman Rountree voted aye, Councilman Hall voted aye, Councilman Pack voted aye, Councilwoman Butler voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Motion to Approve the Town Council Summary Minutes of January 4th, 2022

The Town Attorney recommended approval of the January minutes with minor typographical revisions.

Vice Mayor Smith made a motion to approve the minutes with minor typographical revisions. Councilman Pack seconded the motion. Mayor Williams called for the vote.

On call for the vote, seven members were present. Councilwoman Rountree voted aye, Councilman Hall voted aye, Councilman Pack voted aye, Councilwoman Haywood voted aye, Vice Mayor Smith voted aye, Councilwoman Butler voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

New Business:

There was no New Business discussed.

Old Business:

There was no Old Business discussed.

Closed Session:

The Town Manager stated that no closed session was necessary at this time.

The meeting was adjourned at 7:42 p.m.



T. Carter Williams - Mayor



Lesley King - Town Clerk