

The Smithfield Town Council held its regular meeting on Tuesday, July 6th, 2021. The meeting was called to order at 6:30 p.m.

Members present:

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

Staff present:

Michael Stallings - Town Manager
Lesley King – Town Clerk
Ellen Minga – Town Treasurer
William H. Riddick, III – Town Attorney
Alonzo Howell – Chief of Police
Ashley Rogers – Human Resource Director
Amy Novak – Director of Parks and Recreation
Jack Reed – Director of Public Works & Utilities
Tammy Clary – Community Development & Planning Director
Chris Meier – Deputy Chief for the Smithfield Police Department
Will Wooley – Patrol Sergeant for the Smithfield Police Department

Press: Stephen Faleski of The Smithfield Times and WTKR News 3.

Citizens: Approximately 150

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

Manager's Report:

Michael Stallings reported that the June Activity Report was included in the packets. He was available for questions from Council.

Upcoming Meetings and Activities:

July 5th - Town Administrative Offices Closed for Independence Day
July 6th - 6:30 p.m. – Town Council Meeting
July 13th - 4:00 p.m. – Pinewood Heights Management Team Meeting
July 13th - 6:30 p.m. – Planning Commission
July 20th - 6:30 p.m. – Board of Historic and Architectural Review
July 20th - 7:30 p.m. – Board of Zoning Appeals
July 26th - 3:00 p.m. - Town Council Committee Meetings (Consecutive)
Public Safety Committee
Water and Sewer Committee
Finance Committee
July 27th - 3:00 p.m. – Town Council Committee Meetings (Consecutive)
Parks and Recreation Committee

Public Works Committee

Public Buildings and Welfare Committee

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.

Herb DeGroft stated that he wanted to discuss the postal drop box on Institute Street next to the Hamtown Barber Shop. It was damaged a couple of years ago. Someone mentioned fixing it, but it has been taken away. After inquiring, the regular type of drop box is not coming back. Mr. DeGroft tried to speak to the Postmaster but could not reach him. He then called Congressman Scott to complain. The previous box was more convenient for handicapped, disabled people, seniors, and short people to drop mail off. The box that is there now is not accessible by car. Mr. DeGroft asked Council to enact a resolution to the Smithfield postmaster to bring back the “snouted” postal drop box on Institute Street.

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

Supervisor Grice reported to Council with Isle of Wight County Board of Supervisors updates. The Board met the new Equity and Inclusion Director for the school system. There were updates given from the Department of Social Services for adult companion programs, a briefing on the state’s new marijuana tax program and usage, and an update on the progress made on the water/sewer support needed for the new Hardy replacement school. Riverside Health Systems explained they were making application for approval to build a 50+ bed full-service hospital with emergency services on property near Benn’s Grant. Additionally, a hydroponics farm was approved, and Juneteenth was added as a federal holiday. Columbus Day will be a workday for Isle of Wight County employees. The new Hardy Elementary School estimating continues with the project opening date set for September of 2023 due to inflation costs of building materials and delays. There may be additional costs for the new schools and require additional time. He is more concerned with what will be taught in the schools than additional costs.

Council Comments:

Mayor Williams explained that he received a report about children suffering from cancer. He explained about the ASK Childhood Cancer organization in Virginia Beach and founded in 1975. They provide support services from children with cancer and their families. They are asking for 337 businesses and homes around the state to “Light Up Gold” for September’s Childhood Cancer Awareness Month to bring attention to the needs of the 337 children diagnosed with cancer each year in Virginia. The Governor’s mansion has accepted the challenge to support the cause. Mayor Williams proposed that Town Council approve the lighting of its town owned buildings in gold in September. He encouraged individual businesses and households in the community to do the same. There is more information at gogoldva.org or askccf.org. The Town Council members agreed to support “Light Up Gold” for September for Town buildings.

Consent Agenda:

Mayor Williams asked if any Council member would like to pull any item for further discussion. No items were pulled.

C1. Invoices Over \$10,000 Requiring Council Authorization:

a. Kimley Horn and Associates (final inspection – water tank rehab)	\$ 24,165.46
b. Sydnor Hydro (Lakeside Pump Station)	\$ 13,980.00
c. Lewis Construction of Virginia, Inc. (Grace Street Utility Project)	\$ 16,475.00
d. Blair Brothers, Inc (street maintenance-repaving)	\$303,359.00
e. Blair Brothers, Inc. (misc. street/drainage repairs)	\$ 15,416.34
f. Atlantic Constructors (ultraviolet light install & unit replacement)	\$ 97,479.00

Additional Invoice Received since Finance Committee:

a. VirTra, Inc. (Police Simulator Training)	\$162,967.73
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C2. Resolution to Renew Line of Credit with Farmers Bank:

Councilman Pack recommended renewing the line of credit.

C3. Motion to Adopt the Appropriation Resolution for Fiscal Year 2021/2022:

Councilman Pack explained that the budget was approved at the continued Town Council meeting on June 28, 2021. The motion is to fund the budget and is required by state law.

C4. Motion to Award the Benn’s Church/South Church Street Intersection Improvement Project to The Blair Brothers, Inc.:

Councilwoman Haywood explained that the motion needed to be approved to award the intersection improvement project to Blair Brothers, Inc. The project will extend the turn lanes at the intersection.

C5. Motion to Authorize the Town Attorney to Advertise a Public Hearing for the Abandonment of Right-of-Way @ Lot 12 Pagan Road:

Councilwoman Butler explained that, at the committee meeting in June, there was a discussion about abandoning the right-of-way at Lot 12 on Pagan Road. A motion is needed to advertise for the public hearing.

C6. Resolution to Commend and Thank Judy Hare Winslow:

Mayor Williams explained that the resolution thanks Judy Winslow for her leadership for the Smithfield and Isle of Wight County Tourism.

Vice Mayor Smith made a motion to approve the consent agenda items as presented. Councilwoman Rountree seconded the motion. With no further discussion, 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.

PUBLIC HEARING: Official Zoning Map Amendment, Comprehensive Plan Amendment, Zoning Ordinance Text Amendment, and Special Use Permits – 19474 & 19502 Battery Park Road, C/O Vincent Napolitano, applicant:

The Community Development & Planning Director reported that, at its Tuesday, August 1st, 2006 meeting, the applicant received an approval from the Town Council for a conditional official zoning map amendment (this is often referred to as a “rezoning”) to alter the zoning

classification of six properties (TPINs 22-01-017, 22-01-026, 22-01-028, 22-01-029, 22-03-001 & 22-03-002) from Community Conservation (CC) to Neighborhood Residential (NR). This approval was intended to facilitate the construction of 265 single-family dwellings, but the permitting process was never initiated beyond the conditional rezoning approval. The applicant now proposes to construct 507 single-family dwellings, 198 two-family (“duplex”) units, and 107 attached residential (“townhome”) dwellings. All 812 proposed dwelling units are to be for sale. The proposed development will not be age-restricted and will be privately regulated and maintained by an owners’ association. Amenities include onsite parking, pedestrian and bicycle paths, sidewalks, private streets, public streets, private travel ways, two clubhouses, two swimming pools, pump stations, stormwater retention, landscaping, public water and sewer, existing roadway infrastructure improvements, and approximately 134.6 acres of open space in the form of parks, pet stations, playgrounds, preserved environmentally-sensitive areas, and a community pier on Moone Creek, complete with a kayak and canoe storage facility and launch. The proposed development is to be accessed via five entrances on Battery Park Rd (three of which currently exist), and one entrance on Nike Park Rd. A reservation is made for a sixth entrance on Battery Park Rd via a future connection of South Ave to Greenbrier Ln. Much of the property fronts on Moone Creek and Town Farm Creek. In order to permit the development in the configuration proposed by the applicants, a total of eight development applications are necessary. They are listed and described below:

Conditional Official Zoning Map Amendment (Rezoning): The desired uses for the property would be classified as “cluster residential subdivisions,” “community buildings, limited to use by residents of the subdivision,” “single-family attached (townhouse) dwellings,” “duplex residential dwellings (one dwelling per subdivided lot),” and “private community facilities, recreation areas, and other common area improvements normally associated with attached residential developments (other than those requiring special use permits) . . . subject to general development plan and final site plan approval.” The only zoning districts in which all of these uses are permissible are the Attached Residential (AR) and Suburban Residential (SR) districts, pursuant to Smithfield Zoning Ordinance (SZO) Sections 3.C.C.3, 3.C.C.4, 3.E.B.1, 3.E.B.2, & 3.E.B.3. Because the property is currently zoned Environmental Conservation (EC), CC, and NR, and because the proposed development involves new property and conditions that far exceed those that were approved in 2006, it became apparent that a new rezoning application would be necessary. The applicant proposes no change in zoning classification to the portions of the property currently zoned EC.

Comprehensive Plan Amendment (Future Land Use Map Amendment): The most essential Town publication to consult during the rezoning process is the Town’s comprehensive plan, specifically the Future Land Use Map (FLUM). The near entirety of the property in question is designated on the FLUM as remaining future Low-Density Residential (LDR) in the future, which accommodates a portion of the property’s (TPINs 22-01-017, 22-01-026, 22-01-028, 22-01-029, 22-03-001 & 22-03-002) current zoning classification as NR. The remaining portions of the property (TPINs 22-01-033, 23-01-008 & 23-01-008A) which are currently zoned CC, if rezoned in accordance with the FLUM, would have to be rezoned NR. Consequently, the proposed rezoning conflicts with the FLUM, and a comprehensive plan amendment is necessary so that it is

consistent with the applicant's proposed rezoning. In summary, the proposed amendment to the FLUM would alter the existing designations of the properties in question from future EC and LDR to future AR, EC, and SR. The applicant proposes no change in the FLUM's current classification of the portions of the property designated as future EC.

SZO Text Amendment: The applicant has proposed a diverse array of active recreational areas for the proposed development, which would be enjoyed by owners and occupants in both the AR and SR portions of the same. Because many of these areas fall within the AR portion of the proposed development, they become subject to the provisions of SZO Section 3.E.G.3, which states that only owners and occupants within the AR portion of the proposed development may enjoy the active recreational areas located therein. In order to allow owners and occupants in the SR portion of the proposed development to enjoy the active recreational areas in the AR portion of the proposed development, the applicant has submitted a text amendment application which proposes to amend SZO Section 3.E.G.3 in the following manner: *Active recreational areas may include playgrounds with recreational structures, tot lots, tennis courts, swimming pools, wading pools, spas and saunas, clubhouse facilities, community meeting rooms and other similar facilities intended for the exclusive use and participation of residents within the AR development*

1st Special Use Permit (Parking & Loading Waiver): The general development plan submitted for the rezoning of the property features no recreational vehicle (RV) parking pursuant to SZO Section 3.E.I.2.B, which states: *Separate parking spaces shall be allocated and reserved within an AR development for RV parking on the basis of one RV parking space per four dwelling units.* The applicant has chosen not to accommodate this standard in order to achieve the appropriate net developable acreage to necessitate 305 dwelling units in the proposed AR-zoned portions of the development. It is the applicant's opinion that an RV parking lot would detract from the proposed community's character. This has necessitated an application for a Special Use Permit (SUP) for a waiver of parking and loading requirements, pursuant to SZO Section 3.E.C.20.

2nd Special Use Permit (Suburban Residential Cluster Subdivision): The applicant is seeking an additional SUP for the aforementioned "cluster residential subdivisions" use, pursuant to SZO Section 3.C.C.3. This would apply solely to the proposed SR-zoned portions of the property, and allows for reduced yard areas, greater density, etc.

3rd Special Use Permit (Suburban Residential Community Buildings): The applicant is seeking a third SUP for "community buildings, limited to use by residents of the subdivision," pursuant to SZO Section 3.C.C.4 to accommodate the proposed clubhouse and swimming pool in the SR-zoned portion of the development.

1st Planning Commission Waiver (Open Space): Because the applicant has chosen to accommodate the SZO's open space standards in both proposed zoning districts through the use of a collection of areas located throughout the proposed development instead of a single, contiguous piece of property pursuant to SZO Sections 3.C.G.4 & 3.E.G.5, an open space waiver is sought by the applicant pursuant to the same SZO Sections. This component of the applicant's applications is subject to the review and decision of the Planning Commission, which is contingent on the approval of the applicant's other applications by the Town Council.

2nd Planning Commission Waiver (Residential Building Height): Finally, because the applicant's proposed residential buildings within the AR-zoned portion of the development are

anticipated to be taller than thirty-five feet, but not to exceed three stories, whichever is shorter, a residential building height waiver is sought by the applicant pursuant to SZO Section 3.E.F.1.A. This component of the applicant's applications is subject to the review and decision of the Planning Commission, which is contingent on the approval of the applicant's other applications by the Town Council.

These applications were first seen by the Planning Commission at its Tuesday, September 8th, 2020 meeting as a discussion item. It advanced to a public hearing at the Planning Commission's Tuesday, October 13th, 2020 meeting, where it was tabled and scheduled to reappear as a discussion item at a special meeting held by the Planning Commission on Wednesday, November 4th, 2020. At this meeting, the Planning Commission reached a consensus on the applications' reappearance at a future meeting- in preparation for this meeting, the following items would need to be addressed:

- (a) The applicants must continue to endeavor to resolve the matter of the secondary access road that will impact 18489 & 18501 Battery Park Rd (TPINs 22-01-033A, 22-01-033C & 22-01-033D) in a manner that is satisfactory to both the current property owners and the Town.
- (b) The applicant must consider reducing the total number of dwelling units that they intend to complete per year.
- (c) The applicant must consider reducing the total number of dwelling units proposed through his applications, with the understanding that the Planning Commission has the least interest in the proposed multifamily dwelling units in the form of multistory "tenplexes"- this reduction in proposed dwelling units cannot impact the applicant's promise of affordable or workforce housing.
- (d) The applicant must consider substituting the proposed attached residential "townhome" dwelling units at the southern end of Lot 33, Battery Park Rd (TPIN 22-01-033) with single-family dwellings to ensure cohesion between the proposed development and the existing residential subdivision located on the opposite side of Battery Park Rd and known as "Wellington Estates".
- (e) The applicant must consider (in their anticipated widening of Nike Park Rd) the dedication of sufficient right-of-way (ROW) on the side of the road under his ownership to avoid additional ROW acquisition on the opposite side of the road. This is suggested so that the applicant can, to the best extent possible, avoid encroaching on the front yards of the existing homes located on the opposite side of this road.
- (f) The applicant must provide a written explanation to the Planning Commission detailing which traffic count and dwelling unit volumes trigger the assortment of intersection improvements noted in the applicants' presentation to the Planning Commission at its Wednesday, November 4th, 2020 meeting.

In the weeks following this meeting, the applicant signed and submitted a Planning Commission action waiver (see Enclosure 2) to the Town, waiving his right to a decision on his applications by the Planning Commission within one-hundred days of its first appearance on a Planning Commission agenda, prescribed in SZO Section 4.E.4. This was done to afford him and his agents sufficient time to respond to the concerns raised by the Planning Commission at its Tuesday, November 4th, 2020 special meeting. On June 8th, 2021 the applicants submitted a second waiver (see Enclosure 3) holding the Town of Smithfield harmless from any claim of damages caused by the Planning Commission’s action prior to the expiration of the sixty (60) days from submittal of the revised and amended application. On Monday, March 22nd, 2021, Town staff received a revised submittal of the applicant’s applications, which included a new SUP application, a new Planning Commission waiver application, and substantial alterations to all but one of his earlier applications. As such, a new thirty-day review period ensued, pursuant to SZO Section 4.D.2, and the application was scheduled for the next available Planning Commission meeting as a public hearing item. The Monday, March 22nd, 2021 submittal resulted in requests for comments from several agencies and entities inside and outside of the Town of Smithfield:

- Isle of Wight County Schools (IWCS)..... Enclosure 4
- Isle of Wight County Stormwater Division (IOW SWM).....Enclosure 5

In response to these comments, the applicants submitted a revised submittal on Monday, May 3rd, 2021, which was recirculated to the reviewing agencies on the same day. Currently, the Town has received updated comments from the following agencies:

- Smithfield Community Development & Planning Department..... Enclosure 6
- Isle of Wight County Utility Services.....Enclosure 7
- Virginia Department of Transportation (VDOT). Enclosure 8
- Draper Aden Associates, Inc. (DAA) Enclosure 9
- Smithfield Public Works & Utilities Department (SPWUD) Enclosure 10

At the Planning Commission’s Tuesday, May 11th, 2021 Public Hearing meeting, the application was tabled and scheduled to reappear as an action item held by the Planning Commission on Tuesday, June 8th, 2021- in preparation for this meeting, the following items would need to be addressed:

- (a) The applicant must update his proposed proffers statement to include the public improvements noted in his public utilities and traffic impact analyses.
- (b) The applicant must demonstrate to the Planning Commission that a definitive resolution has been reached on the matter of the portion of Lot 33, Battery Park Rd (TPIN 22-01-033) located in between 18489 & 18501 Battery Park Rd (TPINs 22-01-033A, 22-01-033C & 22-01-033D). This resolution must be satisfactory to the current property owners and the Town.

At the Planning Commission’s Tuesday, June 8th, 2021 meeting, the Planning Commission favorably recommended these applications to the Town Council. At the same meeting, it approved

the two Planning Commission waivers contingent on your approval of the remaining items. On June 25th, 2021, the applicants submitted a revised proffer statement with the following changes:

- (a) The inclusion of architectural elevations in conformance with the Conceptual Elevations, dated February 24, 2021, which is item seven (7). These provide for the following minimum architectural standards:
 - a. No attached dwelling (townhome or duplex) shall be erected on any lot with less than 1,300 square feet of heated living space.
 - b. No detached dwelling shall be erected on any lot with less than 1,800 square feet of heated living space in the case of a two-story home.
 - c. No detached dwelling shall be erected on any lot with less than 1,400 square feet of heated living space in the case of a one-story building.
 - d. All dwellings shall be covered with upgrade materials such as brick, stucco, stone, hardwood lap siding, fiber cement siding, or premium vinyl siding (0.42 mils or thicker).
 - e. All dwellings shall be constructed on a crawl space or a 16" raised slab with a full brick skirt. The use of slab on grade can be approved to accommodate handicapped accessible dwellings if needed.
- (b) The inclusion of phased timings for the upgrades to the public water main and force main, for items twelve (12) and thirteen (13).
- (c) Item fourteen (14) was updated in accordance with the VDOT recommendations to include the improvements referenced in the April 26th, 2021, Approved Memorandum, along with the Traffic Impact Analysis. Prepared by McPherson Consulting, dated April 2020, and updated April 2021.
- (d) The inclusion of item sixteen (16) stating that the Declaration of Restrictions will prohibit property owners from accepting Section 8 rental vouchers.
- (e) The inclusion of item seventeen (17) stating that the Declaration of Covenants and Restrictions will expressly prohibit individual property owners / occupants from installing irrigation wells on their respective properties.

Numerous components of this application can be viewed in the pages immediately succeeding the staff report.

Councilwoman Haywood asked for clarification on the original 2009 Comprehensive Plan. She asked why that area of land was zoned for CC and NR.

The Town Attorney explained that the Comprehensive Plan does not zone properties. The Town Council makes zoning amendments. The Comprehensive Plan designates areas in certain zoning districts for potential future land use. The Scott Farm property was not part of the Town of Smithfield in 2009. A boundary adjustment was negotiated between the Town Council and the Isle of Wight Board of Supervisors. The reason there is a requirement for a change to the Comprehensive Plan is because part of the property for which they are seeking a change in zoning was not part of the Town of Smithfield when the original Comprehensive Plan was done in 2009 nor was it inside the corporate boundaries when the Comprehensive Plan was reviewed again.

Councilwoman Haywood stated that many people have referenced the Comprehensive Plan to what is happening now. It is not the same amount of acreage as in 2009.

The Town Attorney stated that in 2009 the Scott Farm was not owned by the applicant nor was it in the Town boundaries. Therefore, it could not be rezoned by the Town.

Councilwoman Haywood stated that the Scott Farm property is currently zoned Community Conservation and the applicant could build houses there now.

The Town Attorney stated that the Community Conservation district is the lowest zoning district. It is essentially farmland, woods, and marsh land. Part of the property was designated when it came into the Town limits as a result of the boundary adjustment.

The Community Development & Planning Director stated that Community Conservation is treated as a residential district.

The Town Attorney stated that it was limited in density.

Councilwoman Haywood asked Tammie Clary if any of the rezoning requests by the developer seem unreasonable to the Town staff.

The Town Attorney stated that it is not up to Town staff to decide if the application requests are reasonable or not. It is a decision for the Town Council. The Community Development & Planning Director does not make a determination if an application is reasonable or unreasonable. It is Mrs. Clary's job to process the application and give a report to the appropriate Board. The decision is for Town Council under advice from the Planning Commission.

Councilwoman Haywood asked if rezoning is a common occurrence.

The Town Attorney stated that it is common. Most subdivisions in the Town were rezoned by Isle of Wight County. The Town acquired them as a result of annexation. He explained that in order for a development to occur it has to be rezoned unless there is existing zoning allowing development. The Scott Farm is newly acquired by the Town of Smithfield. In order for it to be developed at all, it would have to be rezoned.

With no further questions for Mrs. Clary, Mayor Williams asked the applicant to come forward for his presentation.

Mr. Napolitano stated that the rezoning has become an extremely controversial topic. He understands that the Town Council, as the deciding body, is in a difficult position. He explained that the Town Council is also in a unique position to hear all of the facts, read the reports, the studies, and work with Town staff to answer any questions before making a decision on what is best for Smithfield. Napolitano Homes has been doing business in Hampton Roads for 44 years

and Terry Peterson for 38 years and that both companies have high ratings among their customers. He explained the history of the project from the original rezoning in 2005 for Mallory Pointe. He donated 3 acres of land and paid 12% for the water tower. The total cost including the land was approximately \$270,000.00. At that time, 88 acres were left as farm use. In 2006, Mr. Napolitano said that he purchased the Scott Farm on advice that the Town would either annex or boundary line adjust the property into the Town of Smithfield. In 2008, the process began for annexation or boundary line adjustment for the Scott Farm. It was finally approved in June of 2018. The intention from the beginning was to develop a master plan community located within Town limits. During the 10 year time frame, Town leadership and staff supported the boundary line adjustment. Bus tours were provided for Isle of Wight County staff, Town leadership, Town staff, and residents from surrounding communities to tour Napolitano Homes and Terry Peterson communities. The group was asked for their vision for the Mallory/Scott property. The design phase began and meetings were held with Town staff and elected leadership to get their input on the design work. In September 2020, the Planning Commission recommended a public hearing for October 13th, 2020. During that time, the local communities' leadership was asked to invite every resident to a Zoom meeting to discuss the proposals. In person meetings could not happen due to Covid. The Zoom meeting included residents from Gatling Pointe, Gatling Pointe South, and Wellington Estates. Mr. Napolitano explained that in-person meetings were held with residents from Greenbrier Street and the Villas of Smithfield since they were smaller communities and masks were required. He was unable to arrange a meeting with Moone Plantation. All communities were told about the plans for 1,106 homes. There were 5 different housing types reaching every price point. During the meetings, he did not hear any major concerns until the October 13th Planning Commission meeting. He explained that all of the meetings were open to all residents without much participation with the exception of The Villas of Smithfield. After the public hearing on October 13th, 2020, the Planning Commission scheduled a work session on November 4th to discuss the citizen concerns. The public attended and were allowed to present their concerns. Mr. Napolitano explained that he asked for an indefinite deferral to allow him to go back and address the concerns of the citizens and the Planning Commission. The tenplex and fourplex units were eliminated. Environmental concerns were raised and adjustments were made to allow for more tree saves, walking trails, and natural play areas. (Mr. Napolitano presented a slide showing the changes.) He added an additional 25 feet to the 100-foot RPA for a total of 125 feet for protection of the environment. It will be deeded to the HOA as passive open space. It will not be touched. Individual homeowners will not be allowed to use it as part of their property. The number of homes were reduced to 812 units instead of 1,106. Townhomes will be moved so they are not visible from the street. The entrance was redesigned across from Wellington Estates to better match their existing entrance. The Bradley family has the contract regarding the driveway issue and will be getting a survey done. As of tonight, the ball is in their court. He stated that he has written verification from Mrs. Bradley stating that. The Bradley's will continue to use the driveway with no issues in the future. Duplex units and townhomes were relocated to the rear of the community and will not be seen from the main roads. There will also be a 5-foot landscaped berm along the roads. There will be 3 housing options and may be able to offer a more affordable price range for workforce and first-time buyers. There will not be any subsidized housing as per the proffers.

There will be a bike path along Battery Park Road beyond the town limits toward Gatling Pointe. There are two clubhouses and pool facilities designed to attract different age groups within the communities with associated indoor/outdoor gathering spaces. Individual docks will be prohibited except for one community kayak launch area. No motor operated watercraft will be allowed. Traffic concerns will be addressed with many improvements such as turn lanes and changing timing on lights. Mr. Napolitano explained that even with the reduction in the homes for the proposed development the fiscal impact is cash positive. The new community will add \$16.8 million to the Town and county over a 15 period after expenses. Expenses include items such as school buses, police, fire, and rescue services. Private wells will be prohibited within the community. Mr. Napolitano explained that the revised community is a better reflection of the communities surrounding it and will grow over the next several years to meld and become part of the Town of Smithfield's fabric. Change is necessary to grow but he understands that change is difficult. Riverside has announced plans for a hospital in the area. This type of development brings more retail, specialty shops, hardware stores, etc. The community will take time to build out. He plans to start on the 88 acre parcel. Utilities and street improvements will be brought to that area. Build out will depend on sales. The community will be developed in small increments. It will take 10 to 15 years to fully develop. He explained that if the development is approved then Smithfield will know what it is getting over time along with upgrades and improvements such as roads, sewer, water, and tax income. Those upgrades would have to be paid for by the Town should the property be rezoned in separate parcels. The proposed development meets the very definition of controlled growth. The Comprehensive Plan was last updated in 2009 and the Scott Farm was not within the Town limits. Comprehensive Plans are updated every five years. Relying on an outdated Comprehensive Plan should not be a reason to deny the development. Mr. Napolitano explained that shrink/swell soils have been another concern. He stated that he will be required to do a soils analysis which will state how many homes can be built not to exceed 812 and how the footings and foundations need to be engineered. Gatling Pointe is at 1.15 units per acre, Gatling Pointe South is 1.04 units per acre, Wellington Estates is 1.63 units per acre, and the proposed development is 1.63 units per acre on the same type of soils. Stormwater has to be managed within communities onsite and has to be treated before it is released offsite. The existing communities do not have ponds because they were not required at the time of construction. He stated that Smithfield is a beautiful Town and people want to live in Smithfield. He explained that others should have the same right to move to Smithfield. People do not move to an area because he builds homes. He builds homes because people want and have a right to move to an area. Smithfield will only grow by a certain amount each year based on the market. Currently, there is an up-market but there will also be down-markets. Average growth will remain fairly constant. Between 2000 and 2019, Smithfield grew on average by 106 residence per year. The growth of the proposed development will be dictated solely by the market. He stated that, basically, there have been 5 public hearings including tonight. He explained that the Planning Commission did the job that they are supposed to do. They vetted the application from start to finish and voted 6-1 in favor of the application. He asked the Town Council for their support and a favorable vote. He introduced Melissa Venable who would discuss zoning.

Melissa Venable reminded everyone about Dr. Pope's words at the Planning Commission meeting in regard to the Comprehensive Plan. She remembered that around 2014-2015 the Town Council decided to leave the Comprehensive Plan as it was. The choice was made specifically so that all new rezoning applications would be reviewed under the same scrutiny including land use review, proposed design, onsite and offsite improvements, open space, and architectural standards. The Comprehensive Plan supports growth with a mix of housing types. It does not take into account the Scott Farm since it was not part of the Town at the time. Ms. Venable reviewed each of the requests in the application citing a variety of lot sizes. Open space areas are included in the proposed development which exceeds the requirements. Preserving more open space means environmental benefits, more forest preservation, less impervious surface, and more active and passive environmental areas for residents to enjoy. The benefits of the application include the Traffic Impact Analysis and the Public Facilities Report. Draper Aden reviewed and approved the reports. Water line pipe sizing will increase and provide more capacity to Smithfield and also alleviate concerns with water pressure for existing homes.

Karen McPherson, with McPherson Consulting, explained the Traffic Impact Analysis. She stated that she sat down with Town staff, Isle of Wight County, and VDOT to establish the study area intersections. (She provided a slide of the proposed traffic areas.) The development will be multi-phased and the infrastructure will be added as the development progresses. As the homes come online, specific improvements have to be in place before the next sequential home is built. VDOT was clear and she identified trigger points for each phase. From a traffic perspective, the development has been divided into 4 phases because of their primary access point. There are a total of 12 intersections. Phase 1 will include minor improvements at South Church Street with upgrades to the signal and how it operates. There will be newer equipment and operate more efficiently during peak hours. Intersection 2 is across from Wellington Estates. The proposal includes a left turn lane and a right turn lane. These are required by VDOT. Intersection 11, at Carrollton, she identified the Nike Park Extension planned improvement by VDOT. Upon completion, it will enhance the network. The developer would go back and extend existing turn lanes in order to mitigate the additional traffic provided by the development. She explained that these improvements would be done before building any other additional houses. Zone 2 will include improvements to the intersection of Battery Park Road and Nike Park Road. A two-lane roundabout would be constructed so that future capacity can be met. In the interim, only one lane would be used. Intersection 2, Nike Park Road and Titus Creek, a left turn lane would be installed southbound. It will maintain the thru traffic along Nike Park Road. Zone 3 includes the Scott Farm which is north on Battery Park Road. The entrances will be built into that portion of the development to mitigate the impact of traffic associated with that part of the development. Zone 4 includes the entrance improvements along Nike Park Road including an exclusive left turn lane and the right turn lane. Finally, improvements will be made at intersection 10 & 12 which would include signal timing along Carrollton. She identified with VDOT that these would be done at the completion of each zone or within every five years whichever occurs first. As traffic is occurring and development in the region is occurring, they will go back and optimize the signal timings. As an example, Ms. McPherson explained that if the developer could not obtain a right-of-way, then the project stops until they can mitigate the traffic improvements before moving to the next phase.

These triggers had to be identified with VDOT. They have been approved and are in place to protect everyone so that the development does not move forward without the infrastructure in place to support it.

Mayor Williams asked Ms. McPherson to explain in more detail the turn lanes at Wellington Estates. He asked if there would be a turn lane for Wellington Estates southbound. He explained that traffic is congested there at times. There would be a right turn lane going in at the Bradley property but no turn lane going into Wellington estates.

Ms. McPherson explained that detailed plans have not yet been designed. From an alignment perspective, if a left turn lane is created to go north because of the alignment of the thru traffic, there will be additional pavement to provide a complementary left turn lane going into Wellington Estates just because of the alignment of the road. One caveat would be that it depends on the right-of-way available. If approved, she would meet with Town staff to come up with detailed plans on how best to serve that intersection.

Councilwoman Butler asked Mr. Napolitano how Greenbrier Lane would be affected by the proposed development. She asked if there would be a connection from the proposed development to Greenbrier Lane.

Mr. Napolitano explained that a paper street exists there now. An emergency access would be added and available as needed. There would not actually be traffic through Greenbrier Lane. It would be an emergency access if needed.

Mayor Williams opened the public hearing. Each speaker has 5 minutes and will be reminded at the one minute remaining mark. He asked everyone to stay within the time limit.

Gigi Smith stated that she opposed the development due to impact on the infrastructure and traffic. Realistically, she felt there would be too much traffic through the area and that delays will be caused by the construction with heavy equipment. She asked about the approval of a change to the Comprehensive Plan based on a request by the developer. She felt that the proper channels for amending the Comprehensive Plan would come through a combination of Planning Commission meetings and Town Council with a lot of input from citizens. She stated that the developer will benefit from approval of his application. She asked if anyone else will benefit from the development. By benefit, she stated that she was referring to way of life and financial benefits. She explained that the Town Council should only be concerned about the benefits to the Town of Smithfield. The citizens of Smithfield voted for each Town Council member. She has heard that some of the Town Council members feel they owe approval to the applicant. She stated that Town Council owes the citizens; not the applicant.

Heidi Swartz explained that she had reached out to the Town Council members when she realized who the developer was. She shared her concerns about the products that Mr. Napolitano builds because she has lived in one of his homes. There were many construction issues and shortcuts that were taken during construction. She has pictures documenting all issues. She explained that, via a FOIA request, emails were pulled between the planning community and the developer. She said that there are many concerns in the emails such as proffer information. She claimed that the developer has a history of purchasing property at low density and then comes back much later for rezoning requests. She said that Chesapeake sided with the citizens. She stated that the Town Council should look out for the citizen's best interest. She stated that it is the developer's

job to make a case as to why the project is good for the Town and that the citizens are fighting against the development. She explained that growth is good but it has to be smart growth, safe growth, and not growth with short cuts.

Leah Dempsey Walker stated that she is not speaking for or against decisions related to the proposed development of the Mallory/Scott Farm. She requested that the Town Council obtain the information needed to make an informed decision before making a change to the current Land Use Plan and Comprehensive Plan. She said the development will forever change the Town of Smithfield and that there is unprecedented public interest and activism related to the developer's requests. She asked the Town Council to request an independent objective review for financial, traffic, infrastructure, schools, and community impacts to allow for an informed decision by Town Council. She stated that Town is currently working with a contractor to update the Comprehensive Plan. Mrs. Walker believes it would be a good time to ask for an objective analysis on the impact of the proposed land use changes and impact of requested changes by the developer.

Greg Brown explained that his comments were regarding the Traffic Impact Analysis and the VDOT recommendations. VDOT had specific recommendations about the detailed phasing plan being written into the proffer statement. He said the proffer statement that he located did not include any of that and that there was one statement that said the developer would do it in the TIA which was not what VDOT recommended. VDOT recommended that the specific improvements with all details be written into the proffer plan with the development timeline and the key milestones for implementation. He was not certain if there were updates since his research and apologized if there were. He agreed with a previous speaker about understanding the benefits to the developer but what is the benefit to the Town and the existing residents. He said that we all hear about increased tax revenue but what will the Town Council do with the increased revenue. Is there a specific plan for the increase and does the Town need it? He said that increasing tax revenue should not be an end goal but rather it should be because it is needed to do something else.

Renee Bevan urged the Town Council to reject the Mallory/Scott Farm development. She believes the property will be developed but 812 units is too many. She said the proposal does not fit the current land use designation and that she believes that the developer should not be spearheading a land use map amendment. It should come from the Town of Smithfield's Comprehensive Plan. She said that the current plan is outdated but not useless and until there is an updated version, the current one should be the guide. The current designation is Community Conservation with one home per developable acre. Some of the property is Neighborhood Residential with two homes per developable acre. Suburban Residential is four homes per developable acre. AR is eight per developable acre. She said that the developer shows 261 developable acres which results in 223 homes and was expected when he purchased the property. She claims that one argument that was presented was that the developer could sell the property in pieces and the end result would not be a cohesive subdivision. She was not sure that cohesive was a good thing and that Benn's Grant is cohesive. She asked if Town Council wanted that for the Town of Smithfield. Mrs. Bevan stated that much of the beauty for the Town lies in its residential diversity and that most of the subdivisions in Smithfield have all price ranges with different types of homes. She believes that diverse residential communities are what make Smithfield unique, special, desirable, and beautiful. She asked the Town Council to put something together that

Smithfield can be proud of. She stated that the Town Council does not owe the developer anything. She claims that several Planning Commission members have commented to her that the developer has the right to make money. She explained that she does not disagree; however, he made an investment, and he may or may not get a return on his investment. She said it is not incumbent on the citizens of Smithfield to make sure he gets his money back. She believes that the Town Council owes it to the citizens to listen to them and represent their wishes. She asked Town Council to make an informed decision that has been researched and vetted by an impartial expert. She said the Planning Commission members are not planners; that they are restaurant owners, doctors, shipyard workers and retirees. She says that the Town Planning Department has failed our Planning Commission by not giving them the tools they need to make informed decisions. She explained that this is the first time the Planning Commission and the Planning Department have been involved in a development from the beginning and a study was not ordered. She said that Town Council has obtained many outside studies such as the dam on Waterworks Road, the bike path, and capital improvements. She explained that the Planning Commission relied on biased studies to make the momentous decision which conflicts with land use, conflicts with the Comprehensive Plan, conflicts with zoning, and needs numerous special use permits without the benefit of someone looking out for the Town's interests. Mrs. Bevan stated that she has read the fiscal impact study in depth and the figures in the report are completely hypothetical and not substantiated. Someone with experience needs to review the data. She said that if the development gets approved, it will change our town forever and there is no going back.

Mike Jahneke explained that his home is directly across the marsh from the proposed development. He said that he has attended all of the meetings since October and has been disappointed in the process. He was hopeful that the comments from citizens would result in a more positive outcome but the Planning Commission simply "checked the boxes." He opposed the development due to long lasting impacts for Smithfield and the citizens of Smithfield such as police, fire department, roads, schools, and the environment. He believes that the citizens have not had the opportunity to discuss the development that will impact citizen lives and the communities. He said the Planning Commission had numerous emails and discussion with the developer but that the Planning Commission did not have similar discussions with the citizens. He claims that multiple concerns by the citizens were never discussed or debated. He said that at the last Planning Commission meeting, public comments were followed by comments from the developer and that this resulted in the citizens being prevented from responding to the developer. He said that as an example, the developer stated that phosphorus is no longer allowed in residential fertilizer indicating that it addressed citizen concerns about environmental issues. He says the statement ignores the excessive amounts of nitrogen in fertilizers and the use of pesticides and chemicals. Mr. Jahneke stated that none of the Planning Commissioners discussed the merits of citizen concerns and that they simply voted yes without explaining their reasons. He stated that Dr. Pope's explanation did not state why he supported the proposed development and that his sarcastic replies implied that the developer had a right to develop since he owns approximately 1/8 of the entire land of the Town of Smithfield. Mr. Jahneke reiterated how disappointed he has been with the entire process. He hopes that the Town Council will listen to the citizens and discuss what the

project will do to the community, to the way of life, to the schools, to the roads etc. He stated that turn lanes are a nice thought but will not alleviate traffic. Traffic is going to be horrendous.

LeighAnn Erdman spoke about the environmental impacts of the proposed development near the wetlands. She cited the local eagles and explained that no permits have been submitted. She stated that there are protection acts for the eagles which prohibit disturbing, shooting, poisoning, wounding, killing etc. and that no one can disturb the bald eagles which is defined as decreasing its productivity, interfere with breeding, feeding or sheltering behavior, or cause nest abandonment. Violations can result in a \$100,000 to \$200,000 fine. She stated that according to the Center for Conservation Biology out of the College of William and Mary and the Virginia Commonwealth University, the area in question is the home of two nests of eagles and that construction is required to be a minimum of 660 feet or 330 feet depending on the season that the building occurs. She claims that the developer would fall under the 660-foot buffer restricting construction or land disturbance during the non-breeding season and that breeding season is from July 16th until December 14th. She said the citizens of Smithfield love their American eagles. She said that the project is said to be a 7-10 year project and that any project over five years demands a study of flight patterns and a minimum study of weather trends. She said that none of these have been seen or heard of. She stated that there should be a study to decide if there are any other protected species in the proposed area. She submitted the form required and the conservation map of the two nesting eagles. Ms. Erdman asked the Town Council to deny the application for development.

Cristin Emrick read a statement from Brendan Westock. He urged the Town Council to deny the Mallory/Scott Farm rezoning request. He has a background in planning. He explained that the proposed development does not meet the intent of the Comprehensive Plan or the intent of the Future Land Use Map. He said denying the request does not place an undue burden on the developer and that negative impacts include traffic, utilities, and schools and have not been evaluated sufficiently. He believes it is a large development that the Town of Smithfield has not had to deal with in the past. He recommended an outside planning consultant to study the issues and make recommendations. He said that making an informed decision is important and will affect the character of the Town of Smithfield for decades.

Cristin Emrick explained that she is a compassionate community volunteer and a prior Citizen of the Year. She stated that when the Mallory Pointe property was purchased it was rezoned to build 377 homes and that there was a reasonable expectation at the time that the Scott Farm property would be rezoned to allow the developer to build a total of 523 homes. She said that he purchased the land with the understanding that he could build 523 homes. She said that he has now requested rezoning to allow more than 1,100 homes. She said that the developer, after listening to concerns from citizens, will only ask for 812 homes. The Town of Smithfield owes Napolitano Homes nothing. She asked for the Town Council to save what was already promised in the original purchase. She said that the traffic studies, land use studies, and environmental impact studies mentioned were provided to the Town by the developer and that these studies show the developer in the best light possible which would be to his advantage. She stated that with any decision, doing our own research is prudent to get an unbiased idea of what this type of development would look like in the Town's small community. She stated that it is up to the people of Smithfield to

control our future and that the developer does not get to decide for the citizens. Ms. Emrick endorses the idea to spend money now to hire a consultant that has nothing to gain personally from the information provided to the Town. She believes that the draw of Smithfield is that it is a small town and not a city which is why she lives here, why she came here, and why she is staying here. She claims that if overdevelopment is allowed to include homogenous looking homes then we will lose the lifestyle we have all come to love.

Robyn Ness asked that Town Council not approve the development without working on the Comprehensive Plan and infrastructure by creating planning for future building and developments in the area. She said that roadways are full of signs asking for no rezoning from concerned citizens. She stated that the Town of Smithfield and Isle of Wight County residents truly care and are passionate about the area they live in. Citizens want a plan in place for growth and the future of their children. She asked the Town Council to consider their mission statement which states “while being ever mindful of the Town’s rich history and culture, it is our mission as representatives of the people to enhance the quality of life in the Town of Smithfield.” She stated that 812 are not needed and for the Town Council to look further at the proposed plan.

Megan Allen asked the Town Council to vote no to the Mallory/Scott Farm development as it is proposed. She explained that it is too large. She said Mr. Napolitano has made it seem that he is being magnanimous by decreasing the proposed number of homes from 1,106 to 812 homes. She believes it is still too many to put on the land, on the roads, in this part of town. She spoke of obligation which is being morally or legally bound to do something. She said that the obligation of Town Council members, voted into office by the constituents of Smithfield, is to do what is best for the Town and best for the constituents. She said that Mr. Napolitano is a landowner; not a constituent. She believes that the obligation of Council is to the more than 145 current, adjacent homeowners/constituents and that the proposed development will negatively impact the property owners including the rest of the Town. She believes that there will be increased noise pollution, increased traffic headaches, increased stress on schools, and decreased home values. She said the Dillion Rule states that when requesting a change of zoning that it is the responsibility of the requestee to prove why the proposed zoning better supports the health, safety, morals, and general welfare of the citizens of the community as compared to the existing zoning of the property. She claims that Mr. Napolitano has yet to prove to the members of the Town of Smithfield how the mega-development will benefit the current citizens. Ms. Allen stated that she sees no benefit to changing the zoning. Most importantly, there is no benefit to the schools which are bursting at the seams currently. She understands that the school system said they could eventually handle more students with the proposed new school builds. She stated that a development of this magnitude should not be based on proposed, future school buildings. She suggested smartly growing the community using current conditions and that this includes roads, safety services etc. since budgets change and goals change. She stated that the new Hardy Elementary has already been approved including funding but construction has been postponed again. She believes the Planning Commission’s obligation was to make sure it was a solid plan before passing it along to Town Council. She asked how the Planning Commission did not catch all of the mistakes in the development narratives and there are incorrect road names, development names, school numbers, and that he has manipulated information about overall school enrollment trends for the developer’s

benefit. She suggested that most errors probably occurred from copying and pasting from previous development plans. She stated that Smithfield is important and should have an original plan with data and information reflecting the unique characteristics of the Town and unique needs. She explained that she spoke to the Army Corps of Engineers requesting FOIA information in the form of the 2020 ACOE Jurisdictional Wetland Delineation letter and that there are discrepancies between what the ACOE has determined with the wetland boundary and aquatic resources and what the developer shows on his maps. She said the officer stated that there appears to be Chesapeake Bay Act buffer issues because of being so close to the wetland lines in places on the developer's plan and that there are also streams on Mallory Pointe and the Scott Farm that are not designated in the plans. She said she was able to get the information with an email and a phone call and she asked why the Planning Commission did not do this. She asked why the citizens should believe numbers from the developer when there are obvious mistakes and spinning of information to make his plan look favorable. She said it is the Town Council's obligation to make sure there is valid information before approval of the proposed development. She stated that if the Town Council does not vote against the application at tonight's meeting then she would ask Council to postpone the vote to follow-up on the very important issues. She explained that a development of this magnitude will impact the Town forever and should not be decided in a 30 day window.

Deborah Wyld explained that farmland is in a decline. She said family farms are disappearing and younger generations are either not interested or cannot keep up the farming properties and that the properties are sold to developers. She stated that many developments have been approved in Isle of Wight County as well as the Town and that these approvals are now coming to fruition and are going to be a burden on our roads, schools, and the infrastructure. She stated that she had yet to hear a single compelling reason to approve a rezoning and amend the Comprehensive Plan at the behest of a developer who now wants to more than triple the number of residential properties that were originally proposed many years ago. She said the Town Council has heard opposition from their own community. She stated that this development will be larger than Wellington Estates, Gatling Pointe North and Gatling Pointe South combined and that there is extreme pressure on the roadways which is already felt by current commuters. She said that turn lanes and a roundabout is not going to relieve the pressure on two lane roads with large ditches on either side. She stated that it was time for the Town Council to listen to their citizens.

Casey Tarnowske stated that Battery Park Road is right in his backyard and he has a vested interest in the proposed development. At the Planning Commission meeting, he asked what the added value of the proposed development would be to current citizens. He claimed that aside from generating tax revenue over time, the negatives still outweigh the positives. He said that initially, he was not opposed to the development; only the quantity of homes. He stated that developer spoke at the last meeting and said that he owned 8% of the land in Smithfield which made Mr. Tarnowske oppose the project. He stated that the four most common types of government are oligarchy, aristocracy, monarchy, and democracy; that oligarchy means a society that is ruled by a few people; usually the wealthy. He stated that aristocracy means a society ruled by the upper class; usually the wealthy and that we have not had to worry about monarchy since 1776. He said that democracy is a society by the people themselves or by representatives of the people which is the Town Council. He asked the Town Council, with thousands of petition signatures opposing the

proposed development, hundreds in attendance at meetings, and yard signs everywhere, if they would be representing the citizens or the 8% landowner.

Rob Slomienski explained that he moved to Smithfield for two reasons; gun rights and country living both of which are being stripped away from us. He explained that Smithfield residents would not survive urban expansion and urban sprawl. Smithfield is on the border of urban sprawl and if not stopped now it will roll right over us. He understands the Town Council believing that more people means more taxes and that more taxes means more money. He asked when will people listen to the people that already live here? He said he wanted to live in Smithfield to have his own piece of property, to be alone, and live his life how he chooses. He stated that Smithfield is ham, history, and hospitality not used tire stores, Walmarts, and check cashing businesses. He stated that the Town Council is elected for the people, of the people, by the people; not by developers. He said that Mr. Napolitano mentioned that the backbone of the Town will live in the new homes. Mr. Slomienski explained that the backbone of the Town already lives here and that the people do not want to live in a development. The claims they want to live in the rural areas which is why people live here. He said that the proposed development is not right or good for Smithfield and that no one wants it. He asked the Town Council to vote against the development and that if Town Council does not then the voters will have a duty to vote accordingly at the next election.

Reid Lundie stated that in a poll for the proposed development that 95% said no and 5% say yes. He asked the Town Council who they would support. He stated that the Town is not growing; it is dying. He said the proposed development will create more traffic and crime. He explained that people move from bad areas to good areas and then the good areas become the bad areas. He did not want to risk the future of Smithfield.

Joe Puglisi thanked the Town Council for their public service. He explained that he did not have much to say since everyone else has spoken very articulately. He urged the Town Council to consider that if they cannot vote no to please vote to table it for further study.

Kelly Hengler stated that many other speakers represent her comments also. She stated that July 4th was just celebrated and the people's legislative process is now before the Town Council for the proposed development. Mrs. Hengler said she is from Suffolk but she is the Civic League President and attends church on Nike Park Road and that she is a faith based, family oriented, God-driven person. She was concerned about environmental impacts explaining that the interceptor pipe through her neighborhood was supposed to improve water quality but it did not. She explained that Moone Creek is a tidal, marsh wetland. She said docks could not be there anyway because it is a mud bottom; that it is not waterfront property; that it is not navigable. But that kayaks might be able to be used. Ms. Hengler further claimed that the Comprehensive Plan did not go through the public process to be approved 2015. She asked where the soil samples were, the EPA, MS4 permit, and where will the developer send the water. She said the census information to reset the MS4 permit mandates will not be in for three more years. She said she has talked to the EPA, DEQ, and others to try to figure out how to get more money here to help the entire waterway community with water quality and there is no water quality improvement plan for the Pagan River. She asked how the Town would hold its quality controls, policy, and outcome for the best health of the community. She stated that the Dillon Rule is this: the Commonwealth is good for the common

good. She said it means that everything to do with the proposed development has to meet the question of what benefit it is to the community. She said Smithfield is not anti-growth but is for “not good, not better, but the very best for Smithfield.”

Richard Gillerlain stated that he takes offense by the statement “not in my backyard” that he claims Dr. Pope made at the Planning Commission meeting. He said he lives in Carrollton but he travels into Smithfield to shop and to worship. He said he is an engineer, that he served on the Planning Commission for Isle of Wight County, and he is a Certified Planning Commissioner. He claims that what he saw at the last Planning Commission meeting was appalling and that what he has seen since then is even more appalling. He explained that water and sewer are going to be an issue. He said the developer explained that he would replace a 10” pipe with a 16” pipe which is 2 ½ times the volume. He claims the Town does not already have a sewer lift station that can handle 2 ½ time increase in volume so the sewer station will probably have to be replaced including upgrades further downstream. He said the developer is not offering to pay for those upgrades but the taxpayers will. Mr. Gillerlain explained that people have said there is not an issue with water. Isle of Wight County made a bad deal with Norfolk and that there is plenty of water for sale but has the Town Council looked at the price of it. He said it is expensive and that will be passed on to the property owners in the new development if approved. He claims their water bills will be more than their electric bills. He stated that the Town Council represents the people, and the people say no. He said engineers build things, but they do not build stupid things. He believes the application is based on fiction and fairy tales. He hoped the Town Council has the fortitude to say no to the proposed development or, at least, table it.

Antonio Viudez stated that the initial proposal was for 1,106 homes and now it is 812 homes. He said he did some research and found that, on October 10th, 2014, in the Virginia Pilot. a Town Council member said that “the one thing I would change about Hampton Roads would be the traffic but in Smithfield we do not have any.” He claims tht VDOT estimates that there will be around 500-650 additional cars per hour at the intersection of Battery Park Road and Nike Park Road and that when you do the math, it is more than 8 cars per minute. He asked if the Town Council members had ever walked the new trail. Mr. Viudez explained that it is a busy intersection currently. He further mentioned Smithfield’s small town, southern charm. The Town of Smithfield has not updated its Comprehensive Plan except for 2 times and that there were no changes were made in 2015. He said the Scott Farm was not included in the Comprehensive Plan at all and yet he claims the developer was told that it would be future expansion for the Town. He said surrounding communities and citizens have been opposed to the proposed development since the end of last year and that the citizens have attended every single Planning Commission meeting since then bringing facts and opposition. He said he submitted a petition to each Town Council member, and no one responded. He claims that at the last Planning Commission meeting, one of the Commissioners stated that “we owe this to the developer.” He believes Smithfield should base their economy on the small-town charm, the roads, water, and sewer. He asked the Town Council to remember their mission statement “while being ever mindful of the Town’s rich history and culture, it is our mission as representatives of the people to enhance their quality of life in the Town of Smithfield by working cooperatively with Town staff, Isle of Wight County Board of

Supervisors and the community for the purpose of promoting public health, safety, order, prosperity and other services.” He asked Town Council to please think about “We the People.”

Leo Jett agreed with other public speakers. He explained that they had already said anything he wished to say.

Michelle Steele stated that she comes from a big city. She said she moved to Smithfield because it is a small town and the Town has open spaces. She said she came from the concrete jungle and she does not want that to happen to Smithfield. She acknowledges that the developer already has the right to build some homes but disagrees with the townhomes that are three stories high. She said Route 17 at Harborview is chaos and the traffic is horrendous. She claims there will be more accidents and bloodshed. She also claims that crime has already increased in Smithfield with car break ins and car thefts. She was also concerned for the wildlife. She asked the Town Council to not rezone the property and stick with the 256 single family homes that were previously approved. She said the Town of Smithfield does not need an urban environment but that if someone wants that, they can move to Hampton or Suffolk. She stated that her friends from Virginia Beach go to the Eastern Shore to get away from the urban sprawl, development, crime, and traffic. She stated that at one time, Virginia Beach was a small, charming coastal Town just like Smithfield is now and that a few years down the road, Smithfield will become a new Virginia Beach. She said Smithfield is always in the top 10 for the ‘Best Small Towns’ in Virginia but it will not be any more and that tourism will be lost. She asked the Town Council to please do what was best for the Town and not the developer. She stated that the citizens voted the Town Council into office, and they can also vote them out.

Solveigh Corley stated that tonight’s meeting was the third meeting she had attended. She explained that Mr. Napolitano bought property knowing that it was zoned for conservation and that it was not zoned for anything else. He said that developer went to the Planning Commission and the Town Council in 2006 to get permission to build 265 houses. She said the developer asked for Neighborhood Residential and received the change in zoning and now, after a few years, he asked to build 1,106 homes. She says the developer must stay 100 feet from the wetlands. She said there are only 3 pieces that the developer can build on which is where the fields are and the developer shows open space but it is really just wetlands. She asked the Town Council to Google the Flood Plain information and then look at the proposed plan. She further explained that every development on Battery Park Road has one entrance and that it was done to prevent an onslaught of traffic. Ms. Corley stated that the U.S. Department of Commerce Data Coastal Service Center has a report that was done in 1984 for Isle of Wight County and that it is the most comprehensive plan she has ever read in her life. She explained that the Town Comprehensive Plan has been following with it until now. She asked the Town Council to read it.

Mike Wilda encouraged the Town Council members to vote against the proposed rezoning. He said the citizens do not want the proposed development and that overwhelming, they want slow growth with low density housing. He claims that the Planning Commission seemed to rationalize their decision. He said the developer suggested that Town Council knows more than the citizens and thus maybe you should approve it. Mr. Wilda stated that the citizens, overwhelmingly, do not want the development. He said they are very smart, and he encouraged Town Council to not rationalize their vote.

Jake Fales stated that the school system has been underdiscussed concerning the proposed development. He claims the school system is already overtaxed. He said he is a rising senior at Smithfield High School and has firsthand experience. He claims there are classes with no room for desks because they have 30 students in a room made for 20 students. He believes the education quality will be worse for everybody. He said the he buses do not have enough seats and that students are sitting in the aisles which is a safety hazard. He believes that by approving the proposed development, Town Council will overtax the schools and overtax the teachers. Mr. Fales said he has been in the Isle of Wight County school system for over 10 years. He said it has wonderful teachers and faculty and Town Council will drive them away by overtaxing them.

Adam Teller explained that he lives on the outskirts of the Town of Smithfield and that the only thing that will affect him is the traffic. He said he homeschools his 7 children. He claimed that he can trace his lineage in Isle of Wight County back to 1700. He said he has family members in Chesapeake and has seen it change over the years. He believes mobile classrooms will be needed to accommodate all of the students. Mr. Teller explained that Mr. Napolitano wants to take away the citizens' paradise. He stated that the Town Council would be responsible for that if they approve the proposed development.

Pamela Barton stated that she is the retired Director of the Department of Social Services. She explained that no one has mentioned that the department is already bursting at the seams; that there is no more room for additional workers or space. She said these are the people who continued to work in the office during the pandemic and that they also went out in the field visiting homes. She said that there will need to be a new building to increase the social services in Isle of Wight County and that Smithfield does not have its own. She stated that when Isle of Wight County raises taxes then the taxes go up for the Town residents also. She said she is retired and not on a work schedule; however, she cannot choose a good time to drive on Route 17; that the traffic is horrible trying to get anywhere even at 10:30 in the morning. She said that the James River Bridge, in her lifetime, will not be any wider than it is now. She stated that Mr. Napolitano mentioned that the homes would be affordable. She said she looked at the products that he builds and the homes are \$300,000.00 and up and explained that did not seem to be affordable for many. She suggested that the school system may have a vested interest in supporting the proposed development. She suggested that the larger the school district and the more students they have then the more of a salary they can command. She said none of these are good reasons to change the zoning for Mr. Napolitano. She asked the Town Council to leave it at less than 300 homes which were originally slated to be on the Mallory Pointe property. She believes there is no need for this much growth and development and that citizens are already living with decisions/approvals that were made 20-30 years ago and are only now coming to fruition.

Betsy Egan explained the proposed development is in her backyard and is in the Town Council members backyards also. Smithfield is a small town and the proposed development will be in everyone's backyards. She was amazed and felt that surely Council members see the traffic issue, the sensitive environmental area, the bridges, and the bike path. She said that the Town of Smithfield's Planning Commission does not have a good handle on urban planning or the Comprehensive Plan. She believes the reason the zoning is Community Conservation is because a study shows that the soils do not drain well. She said Gatling Pointe also has shrink/swell soils and

they did not handle higher density development. She said that she is a retired architect with a master's degree in architecture and that architecture and urban planning are intertwined. She said she has worked on urban planning projects in 4 states and that the proposed development is not good planning. She stated the Comprehensive Plan was based on wisdom of careful planning. She thanked the Town Council for their service, was thankful to be able to speak, and thankful that the Town Council has an intelligent, wise, passionate, concerned, and informed citizenry. She explained that some things just are not meant to be. She said the Mallory/Scott Farm property is encompassed with sensitive, beautiful, and diverse wetlands. Ms. Egan stated that the Town Council should be well acquainted with the Newport development service district in Isle of Wight County because it is in the Town's backyard. She claims there are 6,220 dwellings scheduled in some form of planning or construction.

Carissa Worm stated that there is only one entrance to and from her neighborhood on Battery Park Road. She said she is able to access the new bike trail. She said she and her husband are avid runners on the trail and that she has to play "frogger" to get across to the trail now. She asked about consideration for access to Battery Park Road for other subdivisions. She said that another concern is that there is no crosswalk to get safely across the road at the intersection of Battery Park Road and S. Church Street. She asked the Council members to please think about how the proposed development will affect everyone else down the line. Lastly, she said the developer could have reached citizens if he had chosen to.

Steven Erickson stated that he helped with the "No Rezoning" signs. He shared that while talking to everyone to put a sign in their yard they asked for two signs. He said citizens are opposed to the proposed development. He claims that Battery Park Road and Nike Park Road have many, many signs; that there are approximately 20 homes on Battery Park Road and only one house said they did not want a sign. He said the property owners know what they were standing up against. He said Mr. Napolitano and Dr. Pope keep bringing up the Bradley's. He claims that the Bradley's have two signs in their yard. He was upset because the proposed development has impacted his family. He was concerned because people are saying that the development is a done deal even though there is a process for approval. He said all Mr. Bradley wants to do is to be able to go to his workshop next to his home. He claims that something is not jiving with what Mr. Napolitano is saying. Mr. Erickson asked if any of the Town Council members have talked to Mr. Bradley. Mr. Erickson asked if any Town Council members had spoken to the 95-year-old woman on Nike Park Road who is afraid to go out into her front yard. He claims that many are afraid to pull out of their driveways. He said that while distributing signs, it was scary getting out of driveways onto Nike Park Road. He said that at least four property owners explained that drivers careen off of Nike Park Road and into their yards. He said the citizens have demonstrated their opposition by displaying the signs. He also recommended that, at the very least, the application be tabled and go talk to the surrounding property owners. He stated that there are also many business owners along the corridor to consider as well.

Jennifer Pitsenbarger stated that she did not understand how it has gotten to this point and that it seems ludicrous to her. She claims the information that has been provided by the developer to the Town Council is not updated. She asked how Council could possibly make a decision based on information that is not accurate. She said Indian River Road in Virginia Beach used to be a two-

lane road just like Nike Park Road; that it is now 6 lanes and takes 20 minutes to get from Kempsville to the interstate. She said the public has been well spoken at tonight's public hearing. She was disappointed with how citizens were introduced to speak. She said the Town Council is supposed to represent the people. She asked the Council to prayerfully think of their position on Town Council since each Council member has been voted to represent the people of Smithfield. She also asked that the Council members make a decision based on what is right for the people of Smithfield.

Jennifer Kohms thanked Town Council for their patience in listening to the many public speakers. She addressed the school issue since she has had 3 children in the school system. She explained that the quality has eroded over the years. She said her daughter cannot get all the classes she needs or wants because they are full and that many already have 35 students in a class. And that it should not be that way. Ms. Kohms was concerned for all children. She claims that as other developments have come online, the schools have been overtaxed and that the buses have 3 students to a seat. She said that Transportation explains that they cannot get bus drivers or extra buses. She said p\Problems exist now; not just when the proposed development is built out. She believes that to even add 10 more homes is negligent because we need more schools, qualified teachers, and better pay for teachers which needs to be the priority not adding more developments.

Herb DeGroft explained that he is a former school board member for 13 years. He said the Weldon Cooper Center at the University of Virginia is the go-to demographic center for the state legislature but that The Isle of Wight County school system goes through Ohio to find some outfit to come and do the studies which Mr. DeGroft has never understood. He explained that the IOW School Board does not have the guts to make the school superintendent do what he should do. He said traffic is a concern since he takes his brother to the VA Hospital for his cancer treatments and he tries to avoid times when traffic is at its worst. He claims a development of the proposed sized will have tremendous traffic. He pities the people in Battery Park and Rescue. He says that with 5 entrances on Battery Park Road, some people will have to go through Battery Park and Rescue. He said traffic on Battery Park Road and Nike Park Road is intolerable as it stands now. He asked the Town Council to do something about the intersection and make a right turn lane from Battery Park Road onto Nike Park and from Nike Park onto Battery Park travelling northeast. Lastly, he said he keeps hearing figures about the schools being overcrowded. He said that Isle of Wight County went from 5,630 students at the end of September in 2019 to 5,310 students at the end of January 2021; that there was a 300-student drop and the superintendent anticipates 88 more students this September and that while the numbers have gone down recently, the superintendent says there will be 899 more students by 2025. He explained that the demographics have been low, but the birth rate has dropped 2% on average per year in the United States. He believes that the school board has not lived up to its responsibility to make sure that students are equally distributed across the available school classrooms. Mr. DeGroft asked the citizens to get involved with the Isle of Wight School Board and let them no public opinion. Traffic was Mr. DeGroft's biggest concern for the proposed development.

Bob Hines explained that the public had to fight for Windsor Castle Park and Pierceville. He asked why the public has to fight these types of battles. He asked why the public officials do not do what they are supposed to do before it gets to this.

Mayor Williams asked if anyone else would like to speak? Hearing and seeing none, he closed the public hearing. He thanked the public for their input. He asked for consideration by Town Council.

Councilwoman Rountree explained that she had missed the committee meeting discussions. She made a motion to approve the official zoning map amendment, Comprehensive Plan Amendment, Zoning Ordinance, Text Amendment, and Special Use Permits for 19474 & 19502 Battery Park Road. Councilman Pack seconded the motion.

Mayor Williams asked if there was any further discussion.

Councilman Pack explained that he has been studying the application since last Fall. He explained that he is the Town Council representative to the Planning Commission. There have been 4 public meetings not including tonight. There has been a lot of public opposition and he respects that. He has heard public support also which is never as loud as the opposition. *The public shouted their disagreement.* Councilman Pack stated that he had been respectful of the public and asked for the same so he could speak. He explained that he respects the passionate crowd. When Town Council looks at the application, there are many considerations such as traffic, schools, and infrastructure. The Planning Commission is now well versed in those areas and tend to lean with what the experts say. As far as traffic, there was a Traffic Impact Analysis provided by the developer. Councilman Pack stated that he had never seen VDOT agree with an analysis and they did with the proposed development analysis. VDOT asked for the developer to show the phases that would trigger each improvement which was received in a proffer from the developer. As far as schools, he explained that his children have gone through the school system. He was pleased with the education they received. He stated that there is not a private school in the area that can stand up to the Isle of Wight County School system. He understands that people feel the schools are crowded. He has leaned on the information provided by the school system regarding the proposed development. New schools are being built. Concerning water and sewer infrastructure, the developer has proposed increasing water mains and increasing sewer lines. He does not know everything about water and sewer, but he knows enough to rely on the Town's engineers (Draper Aden) and Town staff who are experts in their field. Councilman Pack accepts their decisions that the improvements will work. Lastly, he asked himself if the proposed development would be good for the community. The Planning Commission and others believe that growth is good for the community provided that the growth is at an appropriate rate with an appropriate product. Several years ago, Pierceville was discussed. The density was not bad but the product stunk. They were cookie-cutter homes. The decision was made to reject the Pierceville proposal. The product presented by the developer is equivalent to Sajo Farms which is a well-planned, well-thought-out community that has won awards. There will be similar homes as seen in Wellington Estates and Gatling Pointe. The homes are nice and the density is similar to Wellington Estates but a little more than Gatling Pointe. The population of Smithfield is in the neighborhood of 8,600. If 812 homes are added, it is an increase of roughly 2,000 people with growth at 20%. It is a large number but the growth is over 10 years which is 2% per year. Councilman Pack stated that he feels that 2% growth per year is healthy for the community. He understands that his opinions are not popular with the audience tonight. He assured them that his goals are only for what is good for the Town of Smithfield. He explained to the public that it was okay to disagree. He was not asking anyone

to agree with him but he was trying to explain why he feels the way that he does. Many have asked why he feels it is a good thing. He has tried to explain his opinion. He does not see a reason to deny the application. He believes it has been well presented and well done.

Mayor Williams stated that he was not going to ask the crowd to settle down too many more times. He asked that the public keep their thoughts to themselves or whisper to their neighbors. He asked the public to respect the Town Council members as they speak. He explained that he has probably been in Smithfield longer than anyone. He stated that there used to be a dairy barn in Cypress Creek in disrepair that he helped to rebuild in 1954. He asked to look at what is in Cypress Creek now. He said he used to hunt in Gatling Pointe; that he used to hunt pheasants in Wellington Estates. He said there were no stoplights in the Town of Smithfield in the early days of his childhood and that Grimesland only had a couple of houses. Mayor Williams stated that areas develop and grow. The Town's Comprehensive Plan in its current form that was adopted in 2009. The Planning Commission has reviewed the plan at least once every 5 years and made minor revisions or amendments. The Town has hired a consultant and the Planning Commission is currently in the process of a Comprehensive Plan review which should have been done some time ago. He said it would be incorrect to say that the Town Council may not act on the application because the Comprehensive Plan has not been amended and that there is no requirement for amendments. The only requirement is that the Planning Commission reviews the plan from time to time and that has been done. He said the proposed development has just about the same number of homes in it as Wellington Estates and Gatling Pointe on about the same acreage of land and that there are approximately 1.6 houses per acre as Wellington Estates has. Mayor Williams explained that the infrastructure will be built. He said the developer has included in the proffers water and sewer line upgrades, pump stations as needed, and whatever else is necessary and the Town has it in the developer's proffer statement. He said the developer also helped pay for the water tower on Battery Park Road about 10 years ago. He stated that the property has wetlands that will be protected by the 100-foot buffer which is mandatory, but the developer added an additional 25 feet to the 100-foot buffer. He said there will not be any docks or piers. He said the land has shrink/swell issues but most of Gatling Pointe does also and that the county building inspections department will say how each home's footing will have to be designed. He said that stormwater controls are regulated by the state, county, and the Town of Smithfield and that a developer cannot just go in there and build something without having a plan for the water runoff. He stated there will be ponds to catch the water and that the developer will be fined if stormwater is not handled properly. Mayor Williams agreed with Councilman Pack about the schools. A letter was provided by the school Superintendent and the school Board that states they can accommodate the children from the proposed development.

A member of the audience suggested that was because there was a \$40,000.00 raise involved for the superintendent.

Mayor Williams suggested that any of the audience members could run against Town Council members at the next election. He said there were 11 speakers that live within Town limits; that the rest of the 36 are from outside the Town limits and that the speakers from Gatling Pointe cannot vote for Town officials. Mayor Williams explained that if the project is denied that the developer can leave. It happened in another area already. Mayor Williams was concerned that if

the application is rejected then there is no telling what would be put on the Mallory/Scott Farm property in the future and that it could be sold to 5 or 6 different developers, and they could go in there and build who knows what. He said the Town needs affordable housing which would be built in the proposed development and that the Town needs affordable homes for the police officers, school teachers, and fire and rescue personnel. He stated that if the same people have the attitude that the public speakers have then the opponents of the development would not be living in the developments that they live in.

Councilwoman Butler explained that she had received several emails and that there have been accusations made. She explained that many do not know her. She stated that she is a lifelong resident of Smithfield; born and raised here. She remembers no traffic lights, no subdivisions, no Cypress Creek or Gatling Pointe; that the Gatling property used to be farmland; that downtown Smithfield has also transformed over the years. She said there was no Windsor Castle Park, no Clontz Park, or the Luter sports complex. She believes that all of those amenities have been great for downtown Smithfield as well as the Town of Smithfield. She said this will probably be the biggest decision during her term on the Smithfield Town Council based on some of the emails she has received of not being re-elected. If that is someone's choice then that is fine but the decision that she makes tonight is for the future growth of the Town of Smithfield. She said she purposely attended two of the Planning Commission meetings to hear both sides. She said that eventually, applications end up in front of the Town Council. She thought she had her mind made up before the process started with Town Council but that she has been conflicted on how to vote; however, after sitting in the last Planning Commission and listening to the analysis by Dr. Pope the clarity kicked in. She stated that the Comprehensive Plan is an evolving document that the Town uses to determine the direction for the Town. She believes the proposed development has a quality product and continuity with one developer is an asset. She thinks the development would enhance the lives of people that want to move to Smithfield. She explained that she is passionate about affordable housing for teachers, law enforcement, and medical workers. She said the African American community that she has spoken with support the proposed development. She believe the townhomes and the duplexes are affordably priced.

A member of the public asked how much the townhouses and duplexes would be selling for.

Councilwoman Butler stated that, based on the original report she has, the townhouses would start at \$225,000.00 and the duplexes would start at \$260,000.00. She said several reports were requested from the school system, the Traffic Impact Analysis, consultation with Draper Aden, water and sewer impacts, the Fire Department, the Rescue Squad, and law enforcement. She said there was a fiscal impact analysis that had been given to Town Council regarding the proposed development. Councilwoman Butler further explained that she felt the developer listened to some of the concerns and changes were made as Wellington Estates did not want townhouses or duplexes on the roadway and the developer made the change. She also understood, based on what Council knows and Dr. Pope followed up on, negotiated a contract with the Bradley's. She said there are more single-family homes scheduled for the project now based on public opinion. She said the developer is protecting the environment by allowing more trees, walking paths, and connecting the multi-purpose trail to Gatling Pointe. She said there will be no motorized watercraft allowed and

that Mr. Napolitano has given 25 additional feet to the RPA. She acknowledged that Medical facilities were a concern for some citizens; that recently, Riverside announced they were coming to Isle of Wight County and it will be a much needed asset.

Councilwoman Haywood explained that the Weldon Cooper population projections were mentioned earlier in the meeting. She referenced people to the current Existing Conditions Report that Summit has completed and that it is the company that are working on the new Comprehensive Plan. The information was dated 4/22/2021. Weldon Cooper is currently projecting that the Town's population will grow 4.4% over the next year. Summit also specifically said, in their recommendation, that for the next 2 decades the Town of Smithfield will need sufficient housing to accommodate an estimated 1,811 people. She said the proposed development would meet the need that is projected for the next several years. Councilwoman Haywood explained that she wants the citizens to know that Council is able to see the recommendations for housing needs to accommodate the population growth. She understood that many people are complaining about the rezoning. She did not think it was unreasonable to have no RV parking in the development or to have 3 story townhomes. She did not think it was unreasonable for the developer to want to use the clubhouse between the different neighborhoods and to have 95 acres of open space. She stated that she has been told that Mr. Napolitano has a good product. She believes that in the long run, the Town of Smithfield is going to need housing that is reasonable priced.

Vice Mayor Smith stated that he has never had so many people contact him about the proposed development. He represents the Town of Smithfield. His concern is that nobody on the Planning Commission is a certified planner and that no one on the Town Council is a certified planner. Studies are usually made by outside professionals. Vice Mayor Smith said he is involved in the community by serving on the Town Council and the Isle of Wight County Stormwater Advisory Board; but he is not a certified planner. He does not know what will happen 10-15 years from now. He believes that the Town Council has done themselves a bit of injustice to think that it can be approved without some kind of professional help. He explained that he feels there is a need for an outside study for the proposed development showing the pros or cons. He knows that the property will be developed but feels it needs to be done with controlled growth. He said the boundary line adjustment was done with Isle of Wight County for one reason only and that the Town of Smithfield wanted to control the growth of the property and not participate with the county. Vice Mayor Smith explained that he would like to be better informed before he votes on the proposed development.

With no further discussion, Mayor Williams reminded Council that there was a motion which had been properly seconded.

The Town Attorney asked to confirm the motion. He stated that Councilwoman Rountree made a motion to approve the official Zoning Map amendment, the Comprehensive Plan amendment, the Zoning Ordinance Text Amendment, and multiple Special Use Permits. He suggested that the motion also include acceptance of the proffers that have been offered from June 25th, 2021 which is the most recent version. The Town Attorney explained that he wanted to be very clear for the record what Councilwoman Rountree's motion included which is to approve all the matters that are pending on the docket tonight with respect to the application. He asked Councilwoman Rountree if that was her motion.

Councilwoman Rountree indicated that it was her motion.

The Town Attorney asked Mr. Napolitano if his proffers were voluntary and without reservation.

Mr. Napolitano stated that they were.

With no further discussion, Mayor Williams stated that a motion had been made and properly seconded. He called for the vote.

On call for the vote, seven members were present. Councilwoman Haywood voted aye, Councilwoman Butler voted aye, Councilwoman Rountree voted aye, Vice Mayor Smith voted nay, Councilman Hall voted nay, Councilman Pack voted aye, and Mayor Williams voted aye. There were two votes against the motion. The motion passed 5-2.

Mayor Williams called for a five minute recess at 9:42 p.m.

Mayor Williams called the meeting back to order at approximately 9:47 p.m.

Motion to Accept the Nominating Committees Recommendation to Fill the Expiring Term on the Board of Zoning Appeals:

Vice Mayor Smith and Councilwoman Haywood served on the nominating committee. Vice Mayor Smith explained that they looked at the Talent Bank forms and recommended Tristan Barnes. Ms. Barnes sits on the Isle of Wight County Stormwater Advisory Board. She graduated from Smithfield High School. She has a B.S. in Geography from Old Dominion University and a master's degree from Old Dominion also. She has been a planner for Isle of Wight County. Ms. Barnes is highly recommended and currently works in Yorktown as a planner. She resides in downtown Smithfield and is excited about serving.

Vice Mayor Smith made a motion to recommend the appointment of Tristan Barnes by the Circuit Court to the Board of Zoning Appeals. Councilwoman Haywood seconded the motion. With no further discussion, Mayor Williams called for the vote.

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

Motion to Approve the Nominating Committee's Recommendation to Fill the Unexpired Term (of Ronny Prevatte) on the Board of Historic and Architectural Review:

Councilman Hall and Councilman Pack served on the nominating committee. Councilman Hall explained that he spoke to Laura Brown. Her Talent Bank form shows that she has a B.A. in history from Virginia Tech and studied interior design. She comes highly recommended and has two historic homes in Portsmouth.

Councilman Hall made a motion to appoint Laura Brown to the BHAR. Councilman Pack seconded the motion. Mayor Williams called for the vote.

Councilman Pack added that Laura Brown was Trey Gwaltney's choice for appointment to the BHAR. He likes that she is young.

Councilwoman Haywood stated that she is Greg Brown's wife. He serves on the Board of Zoning Appeals.

On call for the vote, seven members were present. Vice Mayor Smith voted aye, Councilman Hall voted aye, Councilwoman Rountree voted aye, Councilwoman Haywood voted

aye, Councilwoman Butler voted aye, Councilman Pack 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 June 1st, 2021 and the Continued Town Council Summary Minutes of June 28th, 2021:

The Town Attorney explained that he had reviewed the minutes and recommend both sets for approval.

Vice Mayor Smith made a motion to approve both sets of minutes. Councilman Hall seconded the motion. Mayor Williams called for the vote.

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

New Business:

Mayor Williams explained that the mayor of Virginia Beach wrote a letter to the Governor about unemployment benefits. Businesses cannot get employees. Restaurants are having to close half days. All neighboring towns and counties are having the same issues due to unemployment benefits through September. Many people are choosing not to work and are just getting the unemployment benefits. There is no incentive to work. It hurts the economy including in the Town of Smithfield.

The Town Manager explained that he tailored a letter similar to the Virginia Beach Mayor's letter. It will be under Mayor William's signature and states: *I am thankful for the actions you have taken to support and enhance recovery efforts across the Commonwealth. I encourage you to further assist our recovery by ending enhanced jobless benefits as soon as possible. Waiting for the September 6th federal cutoff will be a huge deterrent to businesses and residents of the Commonwealth and our individual localities. Not only will it remain difficult for businesses to increase staffing levels but continued short staffing at restaurants and businesses leads to subpar service levels and slower recovery from the pandemic. I appreciate the swift action you took to lift the pandemic restrictions to allow our businesses to reopen as soon as it was safe to do so. Those extra days serve as an integral part of social and financial recovery for tourists, residents, and businesses as they were able to enjoy and benefit for the Memorial Day weekend. It gave our local economy a much needed boost to begin what is still a challenging tourist season and provided residents and visitors the opportunity to gather at their favorite spots to enjoy and celebrate. The Town of Smithfield and the Commonwealth desperately need your help to keep this momentum going. I am asking that you follow the bold leadership of the 26+ states that have chosen to halt enhanced jobless benefits in order to entice workers to return to the workforce. I urge you to give us the tools and incentives to do so. If there is anything we can do to help at the local level to help keep the recovery moving do not hesitate to ask.*

Councilman Hall made a motion to send the letter to the Governor. Councilman Pack seconded the motion. With no further discussion, Mayor Williams called for the vote.

On call for the vote, seven members were present. Councilwoman Butler voted aye, Vice Mayor Smith voted aye, Councilwoman Haywood voted aye, Councilman Pack voted aye, C

Councilman Hall voted aye, Councilwoman Rountree voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Resolution to Commend – the Smithfield High School Boys Soccer Team and the 4 x 100M Relay Team for Winning the State Championships:

The Town Manager explained that the Boys Soccer Team and the 4 X 100M Relay Team both won state championships this year. The School Board is doing a presentation for both groups and asked if the Town of Smithfield would adopt resolutions. The Town had already done this for the basketball team who also won their championship. Resolutions have been drafted. If they are approved, they will be presented at the School Board presentation on July 8th, 2021.

Councilman Hall made a motion to approve the resolutions. Councilwoman Rountree seconded the motion.

Councilwoman Butler asked if it was 3 or 4 teams that won state championship. She thought the Debate Team had also won.

Councilman Pack stated that was correct. The Smithfield High School Debate Team is a constant state winner.

The Town Manager explained that the Town did not receive any information on that from the school system. However, he will do a resolution for the Debate Team as well.

Councilman Hall amended his motion to include the Debate Team resolution and Councilman Rountree seconded. With no further discussion, Mayor Williams called for the vote.

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

Old Business:

There was no old business.

With no further business, the meeting adjourned at 10:30 p.m.



T. Carter Williams - Mayor



Lesley King – Town Clerk