

The Smithfield Town Council held its regular meeting on Tuesday, August 2nd, 2022. The meeting was called to order at 6:30 p.m.

Members present:

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

Members absent:

Beth Haywood

Staff present:

Michael Stallings - Town Manager
William H. Riddick, III – Town Attorney
Lesley King – Town Clerk
Alonzo Howell – Chief for the Smithfield Police Department
Ellen Minga – Town Treasurer
Tammie Clary – Community Development & Planning Director
Amy Novak – Director of Parks and Recreation
Judy Winslow – Director of Tourism
Chris Meier – Deputy Chief for the Smithfield Police Department
Ashley Rogers – Director of Human Resources
Jeff Brooks – Board Member, Board of Zoning Appeals
Nadya Jaudzimas – Administrative Assistant

Press: Stephen Faleski – The Smithfield Times

Citizens: Approximately 12

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

Manager's Report:

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

He reported that the facilitator for the Council Retreat had contacted him to get input on whether scheduling should be for weekend versus weekday dates.

Councilman Pack stated that it depended on the day.

Councilwoman Rountree stated that she did not prefer weekend versus weekday as she would need prior notice ahead of either.

The Town Manager stated that they would look at scheduling the retreat for the weekend as it seemed to be easiest.

Mayor Williams recommended starting on a Friday and ending on a Saturday.

The Town Manager stated that was the intent at this time.

Public Comments:

Mayor Williams explained that the public was invited to speak to Council on any matter, except scheduled public hearings. He stated that if a response was required that they should speak with the Town Clerk. He asked that speakers state their name and address, adding that comments were limited to five (5) minutes per person.

Herb Bevan of 101 Beale Avenue in Smithfield distributed photos from Google Maps of Smithfield and of the Pagan River near his property for the Council to review. He reported that he attended the Safety Committee Meetings last week to discuss the idea of reviewing the “No Wake Zone.” He reported that Jack Reed, Director of Public Works and Utilities, had informed him that the last time the issue had been discussed was in 2009. Mr. Bevan stated that much had changed within the Town since that time including the kayak launch in Windsor Castle Park, and an increase in the popularity of Clontz Park. He reported that with the inclusion of many boating clubs there has been an increase in boat traffic at Smithfield Station. He questioned if the Council had ever seen so many crab pots in the Pagan River as are out there currently. He stated that the area that he was most concerned about was present on the photo with the aerial shot of Smithfield accessed from Google. He explained that there was crowding happening with the boat traffic due to the crab pots and the pier’s placement making for a narrow channel. He added that this was especially an issue during low tide. Mr. Bevan reported that there was an increase in the paddle boarding activities in the area, which was illustrated by one of the photos distributed showing a group of 20 paddleboarders from Virginia Beach. He added that there are many kayakers in this narrow area that stay toward the shoreline. He asked the Council members to consider the safety of others in this area. He stated that during the Committee meetings it was widely acknowledged that the current No Wake Zone was not as well-marked or as well enforced as it could be. He reviewed that a discussion was had about including a sign at Clontz Park informing boaters that they were launching into a No Wake Zone. Mr. Bevan gave the example of the group of boaters going to the James River from Smithfield Station over the weekend with most of the boaters adhering to all guidelines, but added that the last 20 boats were trying to catch up to the group, accelerating as soon as they turned the corner from the Station. He acknowledged that this type of event was only once a year, and he understood what came along with it. He added that no matter was the decision was on the size of the No Wake Zone there needed to be an increase in enforcement and ways to educate the public about what a No Wake Zone is.

Albert Burckard of Titus Point Lane in Carrollton reported that he wanted to discuss the suggestion for a Department of Historical Resources (DHR) historical marker at the Schoolhouse Museum. He related that he is normally seen doing Historical Reenactments in the Town and as such likes to keep his comments light, but this was a serious matter. He stated that the idea for a State Highway Historical marker at the School House Museum was not only bad, but fatally flawed. He continued that the Virginia State Historical markers were intended to mark the actual location of historical events or in as close proximity as possible for the convenience of the motoring public. He stated that he did not want the Town to make another inappropriate mistake by putting a marker in the wrong spot as was done with the Ivy Hill Cemetery Marker. Mr. Burckard stated

that if a marker was to be placed commemorating a Rosenwald School for Black Education then it should be at the actual location of that historic site which is located on Longview Drive at the Christian Home Baptist Church. He continued that the current Schoolhouse Museum is a newer building moved from the original historic site on Longview Drive, which is located next to the actual Rosenwald building. He added that the original Rosenwald building is still at this location, and he drove by it recently. He summarized that historically important black education history did not happen at the site of the proposed marker, but black teaching and history during the sordid segregation era did happen at many other sites in Isle of Wight County that still have the original structures in place. Mr. Burckard stated that the most historically significant event that did happen at the location of the Schoolhouse Museum was the placement of the two Confederate artillery cannons that opened fire starting the Civil War Battle of Smithfield. He continued that he felt that there ought to be a historic marker for this event. He additionally gave the history of this spot as being the location of the encampment of Benedict Arnold's small British and Hessian army that engaged the Isle of Wight County Militia the following day at the Battle of Mackie's Mill on present day Scott's Factory Road. He suggested that this Revolutionary War Story could be the subject of a marker at that spot. Mr. Burckard stated that submitting the documentation to DHR for a highway historic marker would embarrass the Town as it would most likely be rejected for not meeting the State's criteria and will be opposed at the required quarterly DHR public hearing. Mr. Burckard stated that he knows this information first-hand as he was responsible for writing, speaking on behalf of, and defending the original request for State historic district designation for the Nike/Ajax site in Carrollton. He related that this took such a long time as the DHR took much time scrutinizing these requests carefully. He reiterated his request that if the Town wanted to proceed with the marker, that that it be placed on Longview Drive.

Leah Walker of 303 Redpoint Drive in Smithfield reported she also wanted to speak on behalf of extending the No Wake Zone. She stated that as Mr. Bevan had noted previously, 2009 seemed to be the last year the No Wake Zones were reviewed. She added that since that time Windsor Castle Park and Clontz Park had built kayak, stand-up paddleboard, and canoe launches. She added that walking in these areas one can see how popular the rentals and launches have become. She stated from her perspective that if the Town invited citizens and visitors to kayak and paddleboard, then it was also their responsibility to allow for safe passage along the waterway. She described the area from Smithfield Station to Wright's Point as narrow and reported that after this area it widens. She stated that she felt the No Wake Zone should be extended to Wright's Point. Mrs. Walker stated that she thought there was concern that extending the No Wake Zone was trying to inhibit boaters who wanted to drive fast, and framed it as not wanting to inhibit their speed but wanting to facilitate safe passage for those who choose to be in self-propelled watercraft in this area. She continued that the narrowness of this area made it much more vulnerable to waves and wakes from boats. She added that areas nearer to open water were much more used to damaging winds and hammering waves.

Teresa Mulherin of 206 Washington Street in Smithfield reported that she saw the plan to increase the spending to \$20,000.00 without having Town Council's approval. She stated that she was okay with this change as long as it came with the caveat that any purchasing requisitions, etc. are posted online for public view. She continued that as the construction was beginning on 223

Washington Street she wanted to pass on some comments from residents in in the neighborhood, adding it was unrelated to the Public Hearing. She stated that the neighborhood needed the sound ordinances policed, giving the example of dump trucks on the road at 5:00 am. She added that as those trucks went down the road, debris spewed out including rocks hitting cars. Mrs. Mulherin stated that there are 5 little children that reside on this road and there needed to be observance of the speed limit. She continued that the residents of this area would also like their houses to be cleaned at the conclusion of the construction. She related that residents of this area had been there when there was construction on Church Street and the street was cleaned but the houses were not. Mrs. Mulherin stated that she had spoken with Mr. Burckard regarding the belief that there should be a historic marker at the old Pierceville Property specifically for its use in the Revolutionary War. She added that she did not know how she felt about a Civil War marker as it might produce controversy. She questioned how the plans were received for the plot at 223 Washington Street if it was not officially approved and subdivided. She continued that if the plot was not officially subdivided and that's why the Town had not been paid for it, she did not understand how there were plans for its use submitted for consideration four times to the point that now they were approving zero lot lines. She stated this gave her concern for the future when they are considering 10 Grange.

Mayor Williams reported that this concluded the list of persons signed up to speak and asked if there was anyone present who had not signed up who also wished to speak on any matter.

Martha Jackson of 511A Cedar Street in Smithfield wanted to bring to the Council's attention an area on Underwood Street, when coming from Main Street, at the Cedar Street stop sign that has a large overgrowth of foliage on the right that hinders view of oncoming drivers. She stated that in order to get an appropriate view one has to pull past the stop sign.

Nicole Bonilla, representing her grandmother and mother, at 227 Clay Street in Smithfield reported that as a practice during Covid meetings could be attended via Zoom. She inquired why this had not been initiated in Smithfield, adding it was a fairly simple process. She explained that her grandmother was on oxygen and her mother worked two jobs making it so they could not easily attend if they wanted, and reported that having the meetings held electronically as well as in-person could help keep the community engaged. Mrs. Bonilla stated that she felt that there was a status quo of community development but only through real estate, and added that there was so much more money that could be accessed through the State to assist with development of community programs for youth in the area. She continued that there are so many ideas to be accessed, especially with technology innovation. She gave the example of tech companies investing money in programs that help build communities up. Mrs. Bonilla stated that an incentive to initiate community programs was keeping the older population safer by giving the younger population alternatives to activities that could get them into trouble.

Mayor Williams asked if there was any other members of the public who would like to speak. Hearing and Seeing none, the Public Comments section was closed.

Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, District 1

Supervisor Grice reported that on July 21st the County Board had held their work session and regularly scheduled meeting. He stated that the work session had lasted 2 hours and had

focused on the School's security programs, how they stand today, and how they can be improved moving forward. He reported that they additionally discussed new school funds in the amount of \$2.3 million that would be used by the schools for capital improvements. He stated that this meeting was also attended by the Interim Superintendent of Schools and the County Sheriff. Supervisor Grice reported that the meeting brought to light the following: 1. School security was not as far along as the Board of Supervisors had been led to believe based on previous funding appropriations. 2. Special funding and assistance from State and Federal programs was principally rhetoric versus actual funding assistance. 3. There was a communications gap between the Board of Supervisors, the Schools, and other agencies regarding best practices and priorities relating to security programs and funding needs. He stated that the outcome was the Board asking for a joint session in the near future to discuss security programs. He added that the session would have a closed-door portion to address sensitive security needs and an open meeting to address security with the School Board. He added that this meeting would be scheduled within the next 30-40 days.

Supervisor Grice continued that at the regular meeting the Board had set aside two consent items to the New Business section for additional discussion. The first was to address the \$613,000 that had been earned in the last fiscal year but had not been included in the current fiscal year's school budget. He continued that the School Board was asking for those funds to roll over to the new budget year. He reported that the Board of Supervisors had agreed to put the earnings in the General Fund to await reallocation until the joint session could be held to address funding needs. He gave the example of the Board asking for full transparency on school staff funding and the amount of funding the County contributes for staffing. He added that the Board of Supervisors also wanted a report from the school on how the \$7.2 million in funding received from Federal and Stated sources was spent over the last 2 years.

Supervisor Grice reported that 6 public hearings had been scheduled, but WaWa requested that their application be tabled until the August 18th meeting. He continued that 4 of the hearings had resulted in Board approvals. These included a private-run youth sports complex program, an 11-acre expansion of the Whitley-Hopkins Burrell pit, approval of the old Smithfield Glass building to be used as a vehicle repair and garden supply center, and 8.8 acres of indoor and vehicle storage in Carrollton. He stated that the hearing for a "No Trucks" pass thru on Old Mill Road required a Virginia Department of Transportation (VDOT) hearing before it could be addressed.

Supervisor Grice reported that the fiscal year 2022-2023 budget books were available for purchase, adding that there was free access to the same information online at the County website. He added that all financial and budget information, including checkbook information, was now available online for total transparency.

Supervisor Grice reported that the Board added school salary increases to the legislative propriety list. He reported that the Board would again fight for supplemental funding means to fund schools and major school projects without raising property taxes. He reported that the American Revolution 250 Commission, commemorating the 250th anniversary of the American Revolutionary War, asked that localities form local commissions to assist in the upcoming celebrations. He added that this had been assigned to the Isle of Wight Tourism department, who would be asking Windsor and Smithfield staff for additional assistance.

Council Comments:

Councilwoman Butler thanked the Mayor and stated she would like to address the article published in the Smithfield Times regarding candidates running for elections that had material omissions from their election packages after they had already been qualified. She reported that there were checks and balances to prevent these types of errors, but had not occurred. She added that sometimes the press is one-sided. She stated that while serving on the Town Council it has always been important to her to be transparent, have an open mind, listen, be honest, available, and be responsive. Councilwoman Butler stated that she would like to apologize and say thank you to her constituents in the Town of Smithfield. She apologized for her clerical error that fell under material omissions and that she felt that she had let her community and the people who signed her petition down. She stated that she had been curious as to who and why someone would do such a thing, and found out last Thursday that her packet was Freedom of Information Act (FOIA) requested by an individual that was not a citizen of Smithfield. She continued that this was important to her as it indicated that character of the people whom she serves. She thanked the citizens of Smithfield, adding that they don't always agree, but they do respect one another. She also thanked the citizens for allowing her to serve them the last four years and reported that she would be deciding her next plan of action over the next few weeks.

Councilwoman Rountree reported that she would be participating the Farmer's Market task force meeting. She added that she would be attending the tourism event on the 24th.

Consent Agenda:

Mayor Williams inquired if the Council Members would like to pull any of the items for further discussion.

Vice Mayor Smith asked that Agenda Item C6, Motion to Approve Request to Extend "No Wake" Zone Approximately 150 feet North of the Smithfield Station, could be pulled from the agenda for additional discussion.

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

a. Blair Brothers, Inc. (Intersection improvement project)	\$205,434.32
b. Lewis Construction of VA (706-704 Canteberry)	\$ 22,000.00
c. Lewis Construction of Virginia (Pagan Point Improvements)	\$ 32,972.60
d. Lewis Construction of Virginia (Fire Hydrant @ 334 S Church)	\$ 11,950.00
e. Kimley Horn Associates (shared use path design- May)	\$ 14,919.12
f. Kimley Horn Associates (RO WTP– Phase 1)	\$ 23,811.40
g. Xylem (Moonefield Pump Station)	\$ 53,819.12
h. Hercules Fence (Luter Sports Field 1)	\$ 16,995.00
i. Santander Bank (Vac Truck)	\$ 99,349.81
j. Musco Sports Lighting (Material for Phase 2 Sports Complex)	\$136,330.00
k. WACO Inc. (Demolition and Asbestos remediation)	\$131,153.00
l. Sydnor Hydro (James Street Pump Station – Pump)	\$ 28,250.00
m. Sydnor Hydro (2 impellers for Cypress Creek PS)	\$ 17,350.00

n. Blair Brothers, Inc. (various street paving around town)	\$203,870.15
Additional Invoice received since Finance Committee	
o. CI Technologies, Inc. (Police Department Software)	\$ 15,600.00
p. Kimley Horn Associates (Intersection Improvement Project)	\$ 13,893.03
q. Kimley Horn Associates (shared use path design- June)	\$ 20,497.30

C2. Ordinance to Adopt Amendments to the Town’s Purchasing Policy

Councilman Pack reported that this amendment’s purpose was to raise the Consent Agenda invoices to over \$20,000.00 for Council authorization. He reported that this would decrease the amount of paperwork that goes to Council while allowing members keep an eye on purchases. He added that all the invoices were still budgeted, with purchase and procurement by the Town made in compliance with the provisions of the Virginia Public Procurement Act.

C3. Motion to Approve Proposal from Draper Aden Associates to Conduct Smithfield Lake Dam Alternatives Analysis

C4. Resolution to Accept Royal Birkdale, Deerfield, and The Firth in the Town of Smithfield’s Maintenance System

C5. Resolution of Support for Project to be Submitted for SmartScale Evaluation and Funding Through the Virginia Department of Transportation

Vice Mayor Smith asked the Town Manager to give a brief explanation of the SmartScale project.

The Town Manager reported that SmartScale was a new scoring and funding mechanism from VDOT for roadway improvement projects. He added that this resolution was specifically for the bike trail project to be submitted for scoring and possible funding. He added the application was submitted on Monday.

Councilman Pack made the motion to approve the items C1 – C5 as presented. Councilman Hall seconded the motion.

Mayor Williams called for the vote. On call for the vote, six members were present. Councilwoman Rountree voted aye, Councilman Hall voted aye, Councilman Pack voted aye, Councilwoman Butler voted aye, Vice Mayor Smith voted aye, and Mayor Williams voted aye. The motion passed.

Additional Discussion of C6. Motion to Approve Request to Extend “No Wake” Zone Approximately 150 feet North of the Smithfield Station

Vice Mayor Smith asked for confirmation that the minutes read 150 yards.

The Town Manager stated this was correct and it should have also read 150 yards on the agenda.

Vice Mayor Smith reported that he had fielded some phone calls regarding the discrepancy between feet and yards. He stated that he was taken aback to see the consent item as they had not included a request there be a motion during the discussion at Committees. He recalled the intent

being to include additional signage regarding the No Wake Zone and requesting more law enforcement in the areas where there were more problems. He reported that he travels these areas frequently and understands the issues with boat traffic. Vice Mayor Smith stated that there were courtesies that needed to be taking place as boaters were responsible for their own wake, adding that he thought there might be confusion for some people as to what a wake really was. He reiterated that the discussion at Committees had been to gain clarity in the need for more enforcement and better signage. Vice Mayor Smith pointed out a proposed sign designed by Amy Novak, Director of Parks and Recreation, to be included at the boat ramp. He added that there is not signage currently at the boat ramp to inform that as boaters leave they are in a No Wake Zone.

Vice Mayor Smith reported that there was more kayakers and stand-up paddle boarders than he had ever seen in this area. He inquired about the inclusion of another sign alerting boaters to be of small watercraft in this area. He stated that he found it hard to understand that someone would not respond to seeing someone in a kayak especially with the possibility of small children being present in the craft. He summarized that he does understand the concern, but that he did not know how the item was added to the agenda.

The Town Attorney reported that this was a premature action as a decision needed to be made first and then notice must be given to the Department of Game and Inland Fisheries (DGIF). He added that the law had changed and the Town Council could take action of their own accord; however, DGIF must be given notice first. He reported that he had been present at the Committee meeting and did not recall this request taking place. He report that at Committees Mr. Bevan had brought up the issue, there was a long discussion about signage, but he did not recall any consensus that the No Wake Zone be extended. He reiterated that the extension was fine, but consensus had to be reached, Town Staff would have to be notified, and then the Town Manager would need to notify DGIF.

Mayor Williams stated that in the minutes from the Committee discussion it stated 150 feet and adding a “No Wake” sign past Smithfield Station. He added that this information was very vague and questioned where near Smithfield Station did the 150 yards of additional No Wake Zone start. He reported that there was already a No Wake sign present in this area.

Councilman Pack reported that there were two No Wake signs near the Smithfield Station, adding that there was one on the corner immediately across from the lighthouse and one that was just shy of Dr. and Mrs. Bevan’s dock.

Mayor Williams stated the location had to be determined and confirmed. He stated that Dr. Bevan’s information had reminded him that at Jones Creek there was a large sign there stating it was a No Wake Zone and questioned if a sign like that should be placed right at the boat ramp.

The Town Attorney pointed out that was essentially what Mrs. Novak had designed for the Council’s review.

Mayor Williams stated that they had not discussed yet where it would be placed.

Councilman Pack suggested that it should be placed on the grassy knoll adjacent to the launch.

Mayor Williams stated that this would be good as long as all the Council members were on the same page.

Councilman Pack recommended a change to the proposed sign that specifically tells boaters that they are launching their vessel inside a No Wake Zone versus that they are just entering a No Wake Zone.

The Town Attorney stated that they could work on the language included on the sign. He reviewed that the discussion had been regarding a large sign with a map and very specific information. He added that the inclusion of the point of launching into the No Wake Zone was well taken.

Mayor Williams stated that the sign referenced was a general No Wake sign, but it included other language.

Mayor Williams stated the next determination needed to be the 150 yard extension's placement.

Vice Mayor Smith stated that he felt the issue needed to be taken back to Committees for discussion.

The Town Attorney stated that it could not be voted on at this meeting. He reported that he had an extensive file pertaining to this information, and added perhaps the Town Clerk had additional information as well that could be reviewed. He stated that all of this information needed to be considered in a comprehensive manner.

The Town Attorney recalled that there was an amendment that had extended the No Wake Zone to the kayak launch in Windsor Castle Park.

Councilman Pack related that Mr. Bevan had been correct about some of the boaters participating in the James River Fun Run this past weekend that had got on wake before reaching the residential area after Smithfield Station. He stated that he and his brother had contacted the Bevan's to state that they would speak with the boaters that did not adhere to the No Wake Zone. He added that additional resources could be requested from State agencies and the Town had a boat of their own to enforce the No Wake Zone. He stated that the area had No Wake Zones currently, but if they were not being enforced they did not amount to much. He stated that he would like the Town to request additional support from State agencies and have the Town's boats patrolling the No Wake Zones. He added that sometimes just the additional presence of enforcement was effective.

Councilwoman Butler stated that she was inclined to agree with Councilman Pack's statement.

Mayor Williams stated that the other aspect was that agencies and law enforcement needed to know when to be present.

Councilman Pack stated that weekends were when most of the boating traffic was present, adding that any holiday weekend were busy as well.

Councilwoman Butler added any special event.

Vice Mayor Smith reiterated it could be discussed in Committee Meetings and made a motion to defer the item back to committee level. The motion was seconded by Councilman Hall.

Councilwoman Rountree inquired if oversight would go to the Public Safety Committee with the "No Wake" sign and speed determinations going to the Public Works Committee.

The Town Attorney stated that it was all part of the same discussion and would just need to go to one Committee.

Mayor Williams stated that the Town Manager would include it on the next Committee agenda and called for the vote. On call for the vote, six members were present. Vice Mayor Smith voted aye, Councilman Hall voted aye, Councilwoman Rountree voted aye, Councilwoman Butler voted aye, Councilman Pack voted aye, and Mayor Williams voted aye. The motion passed.

Mayor Williams handed the meeting over to Vice Mayor Smith, and excused himself from the Council Chambers.

PUBLIC HEARING: Special Use Permit – Luter Acres at the corner of Washington Street and James Street

Tammie Clary, Director of Community Planning and Development, reported that the applicant received approval for the site plan containing eight (8) residential lots, four (4) single family detached dwellings (by-right use through SZO Article 3.D Section B.1) and four (4) duplex residential dwellings, at the Tuesday July 19th, 2022 continued Planning Commission meeting. She gave the reminder that at the Tuesday, November 1st, 2021 Town Council meeting the applicant successfully acquired a Special Use Permit (SUP) to facilitate the construction of four duplex residential dwellings.

She continued that as part of the same project, the applicant plans on constructing thirteen (13) parking spaces for the Veteran of Foreign Wars building located at 233 Washington Street (by right through SZO Article 3.D Section B.2.). This parking lot will connect Washington Street to Clay Street. Mrs. Clary reported that the proposed project also contains the extension of Clay Street, connecting to it James Street. She added that the applicants will connect an eight-inch (8”) water main to the existing four-inch (4”) water main, and connect an eight-inch (8”) sanitary sewer main to the existing eight-inch (8”) sanitary sewer main. She added that a new fire hydrant would be added to the site on Clay Street.

Mrs. Clary stated that the applicant is now seeking an SUP to allow for zero lot residential units, in accordance with SZO Article 3.D Section C.24., to accommodate the proposed dwellings on Lot 1, Lot 2, Lot 3, Lot 4, and Lot 8. She reported that this application was favorably recommended (with staff recommendations and the update of Sheet CU201 to “Clay Street”) to Town Council at the Tuesday, July 19th 2022 continued Planning Commission meeting.

Town staff recommends that approval is conditioned on the approved site plan dated June 1st, 2022 (staff approved June 3rd, 2022). Mrs. Clary gave the reminder that any modification/deviation from the approved site plans, would require a new SUP.

The Town Attorney asked to give information that may provide additional understanding to a complex issue. He stated that there had been a proposed plan, and as part of standard procedure it had gone before the Board of Historic and Architectural Review (BHAR) for approval of the facades and design of the buildings. He continued that BHAR had been unhappy with the inclusion of front-facing garage entries. The Town Attorney related that BHAR had asked the applicant to redesign the buildings to have the garage access not be visible from the street, which precipitated the need for the zero lot-line request.

Mrs. Clary stated that this was correct. She reported that this was done in order to conform with the BHAR guidelines.

The Town Attorney recapped that there had been a site plan, the BHAR stated it was not aesthetically pleasing and asked for a redesign, and the applicant had complied with the design of the garages being in the rear of the building. He stated that in order to facilitate this, they need the conditional use permit. He acknowledged legal language used could be confusing.

Councilman Hall reported that he had been not understood upon first reading the information, but the way that the Town Attorney had explained it made sense to him and he understood it better.

Vice Mayor Smith opened the public hearing, asking if there was anyone who would like to speak for or against the application. He inquired if there were any sign-ups for the public hearing.

The Town Clerk reported that there were none.

Bob Hines of 216 Washington Street in Smithfield stated that he had a question that was along the line of what Mrs. Mulherin inquired about when she spoke earlier. He asked how plans can be submitted for approval for a project when that property is not owned.

The Town Attorney reported that the practice is done frequently. He added that most contracts for large tracts of land are completed with the contingency that plans must be approved prior to completion of the purchase.

Councilman Pack gave the example of the first proposal for the Pierceville project that was submitted, adding the Town reviewed the site plan prior to the purchase of the property having been completed.

Mr. Hines acknowledged this was true.

Vice Mayor Smith inquired if there was anyone else who would like to come forward to speak. Seeing and hearing none, the public hearing was closed. He asked for consideration by the Council.

Councilman Hall made a motion to approve as presented. Mr. Pack seconded the motion.

Vice Mayor Smith called for the vote. On call for the vote, five members were present. Councilwoman Butler voted aye, Vice Mayor Smith voted aye, Councilman Hall voted aye, Councilwoman Rountree voted aye, and Councilman Pack voted aye. The motion passed.

Councilman Pack asked for the record to show that during the discussion Mayor Williams had left room, and had abstained from the vote.

Motion to Approve the Town Council Summary Minutes of July 5, 2022

The Town Attorney reported that there were minor typographical errors in the minutes but recommended approval with revisions.

Councilman Hall made the motion to approve the minutes with typographical corrections. Councilman Pack seconded the motion.

Vice Mayor Smith called for the vote. On call for the vote, six members were present. Councilwoman Rountree voted aye, Councilman Hall voted aye, Councilman Pack voted aye, Vice Mayor Smith voted aye, Councilwoman Butler voted aye, and Mayor Williams abstained. The motion passed.

New Business:

There was no New Business discussed.

Old Business:

There was no Old Business discussed.

Closed Session:

The Town Attorney stated that the Council needed a motion to go into closed session for the purpose of discussing personnel matters 2.2-3711.A-1 and advice by legal counsel concerning a pending legal matter 2.2-3711.A-7 of the Code of Virginia.

Councilman Hall made a motion to go into closed session and Councilwoman Rountree seconded. Mayor Williams called for the vote.

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

The Town Council went into closed session at 7:28 p.m.

The Town Council returned to open session at 8:01 p.m.

The Town Attorney stated that a motion was needed to go back into open session.

Councilman Hall made a motion to go into closed session and Vice Mayor Smith seconded. Mayor Williams called for the vote.


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

The Town Attorney stated that a motion would be needed to direct staff to consult with Isle of Wight County and proceed with a preliminary study for a voluntary boundary adjustment for the Mollie Turner Farm, Tax Map # 32-01-010.

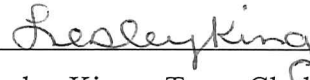
Councilman Hall made a motion to direct staff to consult with Isle of Wight County and proceed with a preliminary study for a voluntary boundary adjustment for the Mollie Turner Farm, Tax Map # 32-01-010. and Vice Mayor Smith seconded. Mayor Williams called for the vote.

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

The meeting was adjourned at 8:03 p.m.



T. Carter Williams - Mayor



Lesley King – Town Clerk