

The Smithfield Town Council held its regular meeting on Tuesday, November 7<sup>th</sup>, 2017. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor; Mr. Michael Smith, Mrs. Denise Tynes, Mr. Randy Pack, Dr. Milton Cook, and Mr. Steve Bowman. Staff members present were Mr. Peter Stephenson, Town Manager; Mrs. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. William H. Riddick, III, Town Attorney; Mrs. Ashley Rogers, Human Resource Director; Mr. Alonzo Howell, Smithfield Police Chief; Mrs. Amy Novak, Director of Parks and Recreation, Mr. William Saunders, Planning and Zoning Administrator; and Sgt. Chris Meier. There were approximately twenty (20) citizens present. The media was represented by Mr. Ryan Kushner of the Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of November 7<sup>th</sup>, 2017. It is now 7:30 p.m. Thank you all for coming out tonight. We have Troop 3 with us tonight. Please come forward. They will lead us in the Pledge.

*All present stood and recited the Pledge of Allegiance to the Flag.*

Mayor Williams – Thank you. We will start off tonight with the Informational Section with the Manager's Report.

Town Manager – Thank you, Your Honor. Welcome everyone. I will keep it fairly brief. We have a couple of public hearings this evening. We have a few things to note in terms of the monthly schedule for November. The Veteran's Day holiday will be observed this Friday, November 10<sup>th</sup>. Please note, however, that there is no change in the recycling schedule. If your recycling gets picked up on Friday then it will get picked up on Friday. The Pinewood Heights Management team meeting was listed for November 14<sup>th</sup> but we had to cancel that. There will not be a Pinewood Heights Management team meeting. We have a full complement of meetings this month. The Planning Commission will meet on November 14<sup>th</sup> at 6:30 p.m. The Board of Historic and Architectural Review and the Board of Zoning Appeals will meet on November 21<sup>st</sup> at 6:30 p.m. and 7:30 p.m. respectively. We have our Thanksgiving holiday as well. We will be closing offices at noon on November 22<sup>nd</sup>. We will be closed on the 23<sup>rd</sup> and 24<sup>th</sup>. Recycling for Thanksgiving is a day behind. If your recycling is normally picked up on Thursday it will be picked up on Friday. If Friday is your scheduled day, it will be picked

up on Saturday. The Town Council Committee meetings will be held on November 27<sup>th</sup> and 28<sup>th</sup> at 4:00 p.m. The October Activity Report was included in your electronic posting. There is a lot of good information in there. Thank you.

Mayor Williams - We will now move to Public Comments. The public is invited to speak to Council on any matter except for public hearings. We have two of those tonight. You will have an opportunity to speak on those at that time. Comments are limited to five minutes per person please. Any required response from the town will be provided in writing following the meeting if you so desire. For the record, please state your name and address when you come to the podium. Do we have any signups for public comments?

Chief Howell – No, sir.

Mayor Williams – Is there anyone who would like to speak on any matter except for the public hearings? Hearing none, we will move to Western Tidewater Free Clinic – Mrs. Stephe Broadwater.

Mrs. Broadwater – Good evening, Mr. Mayor, Council members, and staff. I live at 1027 Cypress Creek Parkway. I am here tonight as a Board member of the Western Tidewater Free Clinic. We have Charlie Broadwater here who is on the Board also. We are here tonight to say thank you and provide you with a brief update. The Smithfield Town Council has been a financial partner of the Western Tidewater Free Clinic since April of 2008. We are so grateful for your support and extend a heartfelt thank you. Because of our partnership, the clinic's success, our patient's success is also your success. It is hard to believe that the Western Tidewater Free Clinic is celebrating ten years of providing comprehensive and compassionate care to the most vulnerable in our community. Since opening our doors in June 2007, five thousand unduplicated patients have been treated through one hundred and thirty thousand visits. These same patients have received free medications with a retail value of \$34,000,000.00. While our patients are so critically ill and, quite frankly, not all survive; our patients do receive the care and support they so desperately need to reclaim and improve their health. This would not be possible without you. Our \$38,000.00 request for fiscal year 2017 - 2018 will provide yearlong comprehensive care for thirty-one patients through an estimated four hundred visits. On average, right now, it costs the clinic \$1,200.00 per year to treat a patient. As I said, we are celebrating our ten year anniversary and the Board is

working on our strategic vision to double our patient numbers and expand access to care by 2020. We have a Strategic Planning Committee working on that currently. They are looking at several different ideas. We hope to be far enough along to share that with you all soon. Our new Medical Director and full time physician, Dr. Steven Greer, started in August. Having this position filled allows for more medical visits and provides a continuity of care that is critical for our patient base. 2016 was a record setting year for Western Tidewater Free Clinic. I say that feeling glad that we are able to help so many people; but sad at the same time that so many people need help. There are so many more that we have not been able to reach yet. 2017 is going to be another record setting year. We are anticipating, based on where we are now and projecting out, that we will treat sixteen hundred unduplicated patients through nineteen thousand visits in 2017. We have some numbers for Smithfield town proper which is what you all like to know about. Through September 30<sup>th</sup> of 2017, we have seen one hundred patients through nine hundred ninety-eight visits. You all, for the town, are on track to have the largest year too in terms of the number of patients we treat. For all the work that has been done, there are many more patients that need health care to lead full and productive lives. For several months, the clinic has been conducting eligibility and re-eligibility at the Isle of Wight Health Department and has seen sixty-seven patients right here in Smithfield. For those folks, they have not had to travel far to complete this first and critical step to be a Western Tidewater Free Clinic patient. So, with much gratitude, thank you for your investment in the mission of Western Tidewater Free Clinic. The care provided to our patients is free to them; but, as you know, it is not free to provide that care. Volunteers and partnerships with many local businesses, municipalities, organizations, and individuals make our work possible. For every dollar donated, we provide \$7.00 to \$8.00 in medical services to our patients which is a really strong return on your investment. Thank you again for all you have done to support our mission. I am happy to answer any questions if you have any.

Mayor Williams – Does anyone have any questions? Hearing none, thanks so much. We really appreciate you and all your hard work that you do for the Western Tidewater Free Clinic.

Mrs. Broadwater – Thank you.

Mayor Williams - Our next item is a Briefing by Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Grice – Good evening. We held our regular October meeting on the 19<sup>th</sup>. Our meetings, for years, have been available as videos on the website. In recent times, there is a live stream during the actual meeting that can be seen through the county website. On October 19<sup>th</sup>, we had a first. It was the first time the meeting streamed live on Facebook. We have come of age. The website live stream usually has eight to ten folks watch for some period of time. With Facebook, we had thirty-nine hundred notifications. One thousand people viewed some part of or all of the video. Fifty people actually engaged and left remarks. We are not sharing those yet. Although this all occurred, we had an average view time of just over one minute. Please check out the page. If you give us your Facebook information, we will include you on the notification. The revised ballfield MOU, fee structure, and use policy was approved unanimously by the Board. I see it is on your agenda for completion this evening. Last month, Councilman Dr. Cook brought up the museum. In accordance with the agreement between the town and the county, the agreement in place has been extended for one additional year. This is in full accord and provided for in the existing agreement. With that being said, the Board instructed Mr. Keaton to begin discussions for a new agreement with the town so that we can have an understanding available before each governing body plans their budgets for 2018/2019. I believe it would be appropriate to assign the museum to our shared tourism organization. However, I am sure the Town Manager and Mr. Keaton will provide the Council and the Board with a very workable plan. We received the preliminary report from the county Fair committee. We had over twenty-eight thousand people attend the Fair this year. Senior Bingo was so popular that we out-spaced the space in the tent. They were sitting outside calling Bingo numbers. The concessions reported very good sales. The Demolition Derby was held for the first time and was well-attended and well-received. The final financial report is forthcoming. We have identified the county key legislative priorities for the state's Congressional 2018 session. Those key legislative points are as follows: 1. Education funding; fund what is promised. 2. Exemption of revenue recovery for the Western Tidewater Jail. 3. The Limited Residential Housing Act. 4. Equity and authority for counties, cities, and towns. 5. Unfunded mandates. 6. Transportation funding. I have

asked that we include proffers on the list as well. In the past, we have rested upon our Assistant Administrator and the Virginia Association of Counties (VACO) to provide lobbying services for the county. This year the Board has agreed that we need to include an open and direct dialogue with our state congressional representatives. We believe we will know exactly who those people are in about an hour. We have several people running and those positions need to be filled. There are decisions that need to be made. We have asked our County Administrator to arrange a face to face round table meeting with the two House of Representatives and the two Senators to represent Isle of Wight citizens. We believe a face to face meeting will facilitate a better understanding of the county's needs and for us to understand their agendas. This will be in addition to continuing our lobbying efforts. The schools have been awarded and have received a \$100,000.00 grant for additional security technology equipment for Carrsville and Carrollton Elementary Schools. The county Board responsible for school funding is pleased to appropriate these funds. At our November 1<sup>st</sup> work session, we discussed the Safe Harbor program, the county mandated connection policy, and the new county employee incentive program. At the recent Board retreat, the Board wanted a renewed emphasis on improving both perception and reality of our customer service through some form of a measured program. Thus, the new program is a carrot and stick. It is a new program with the carrot being the incentives and you can guess which part is the stick. With regard to the boundary line adjustment for the Scott's Farm property, it is my understanding that our administrative staff is very close to having an outlined proposal for both the Board and the Town Council to consider. There is some water consumption numbers being collected by the town and then we should be ready to discuss the proposal. It would be great if we could have this before the two governments in this calendar year so that any public hearings that might be necessary could be scheduled for January. This has been a very long time in coming so let's push forward and not let it rest. Does anyone have any questions or concerns?

Mayor Williams – Hearing none, thank you for what you do and the great report.

Supervisor Grice – I am going to sit down and become a citizen for your Cypress Creek public hearing. Thank you.

Mayor Williams – We will now move to Council Comments. Does any Council member have any comments?

Councilwoman Tynes – Good evening. This past Saturday, November 4<sup>th</sup>, the Hampton Roads Crime Line had their annual dinner in the City of Suffolk at the Hilton Garden Inn. This year the honoree from the Smithfield Police Department was Sgt. Christopher Meier. They honor the Top Cops for making the Town of Smithfield a safe place to live as well as a safe place to work. Sgt. Meier, would you please come up so we can see you? Forgive him for not being in his dress uniform. I contacted him at the last minute and he was here. We appreciate that. I just want all of us to come up and shake his hand and congratulate him. We also have Mrs. Meier in our audience. Will you stand please to be recognized? The two of them have two lovely daughters. Thank you very much.

Mayor Williams – Are there any other Council comments?

Councilman Dr. Cook – I have a couple of things. The first is that the Windsor Castle Park Foundation has their second annual Christmas ornament that is coming out for sale. You can find it at the tourism office and several businesses around town. The Windsor Castle Park Foundation is a fundraising arm for the park. If you want to support the park, buy an ornament from them. They are really nice. The old smokehouse is the ornament this year. They are \$20.00. I will have some in my office; but tourism will have a whole bunch. The next thing is kudos to Smithfield VA Events for another great Bourbon Festival this year. I will probably have the numbers a little off but, to date, with this festival I think it is just shy of \$700,000.00 raised for community organizations. I know you are not going to pat yourself on the back so I will do it for you. Good job.

Mayor Williams – Are there any other Council comments? Hearing none, we will now move to the consent agenda. Vice Mayor Gregory will explain that for members that do not know what a consent agenda is and certainly for the Boy Scouts that are here tonight.

Vice Mayor Gregory – For those that are new to our meetings, there are some items that are put on a consent agenda for Council. Typically, these are items where there is a consensus from committee and they are less contentious items or they have been thoroughly discussed and maybe have been tabled a time or two. There is already a consensus. Back in the old days, some of these meetings used to last until midnight or later. One of the ways to try to accelerate that a little bit for us and our citizens was for us to create a consent agenda. Items can be pulled from the consent agenda. If one

member of Council would like to have an item pulled, we can do that if there needs to be further discussion. Otherwise, these items can be approved with one single vote. It is the mission of that process. With that, Mr. Mayor, I would like to ask Councilman Pack to go ahead and address his items on the consent agenda for the Finance Committee.

Councilman Pack – Finance Committee Summary. Thank you, Vice Mayor. This evening we have a couple of things for the Finance Committee. We have invoices over \$10,000.00 which requires Council authorization. Our first invoice is for RAD Sports for the ballpark for the actual grounds and fences. We have an invoice here for \$64,599.05. We have another from A. R. Chesson Construction for the concession building. This is just about their final invoice. It is for \$42,725.89. The next invoice is from Blair Brothers. They handle a lot of paving in our area. Their invoice is for \$117,700.00. We have an annual contribution for the Western Tidewater Free Clinic for \$38,000.00 that you heard about earlier. All of these were discussed at committee and are on our agenda for approval this evening. Additionally, we have two other invoices on here that we had not discussed. The first is for Kimley Horn Associates for Urban Fund projects. We had asked them to give us some engineering for a couple of projects. The first was for the US 258 right turn lane which goes into the ballfields. The second is for an intersection improvement analysis out by Anna's and Hardees where you turn onto Route 10. We are looking at a couple of alternatives there of what we can do with that intersection. Finally, we have the Nike Park Trail (Segment 3) which is the portion of the bike path that is scheduled to run from Royal Farms to the Cypress Creek Bridge at the Smithfield Station. Mr. Stephenson, have we seen the products for these invoices?

Town Manager – Yes. We met with Kimley Horn this afternoon for quite a while. We received updates on the status of all three so we are satisfied.

Councilman Pack – Will we be able to see these at Council level? I know we are particularly interested in the park trail; especially me.

Town Manager – Yes. We are looking at December committees.

Councilman Pack – Thank you. The final invoice for tonight is for Blair Brothers for South Mason Street from Cedar Street to Main Street and a small section of South Mason. The invoice is for \$25,330.00. We are recommending that all six of these invoices be approved for payment this evening. Thank you.

Vice Mayor Gregory – Next, we have our Parks and Recreation Committee Chairman, Mr. Steve Bowman.

Councilman Bowman – Parks and Recreation Committee Summary. Thank you. The first item is approval of a park project application for a Monarch butterfly habitat at Windsor Castle Park. It is a project by some students at Smithfield Middle School. They want to erect and construct a stopover point for Monarch butterflies as they are migrating from north to south. The next item is an approval of the Memorandum of Understanding between the Town of Smithfield and Isle of Wight County for the Joseph W. Luter Jr. Sports Complex. Supervisor Grice spoke about this earlier. Thank you.

Mayor Williams – All Council members have heard the items on the consent agenda.

Councilman Bowman – I would like to make a motion to approve the consent agenda.

C1. Invoices Over \$10,000.00 Requiring Council Authorization:

a. RAD Sports	\$ 64,599.05
b. A. R. Chesson Construction	\$ 42,725.89
c. Blair Brothers Inc.	\$117,700.00
d. Western Tidewater Free Clinic	\$ 38,000.00
e. Kimley Horn (additional invoice)	\$ 30,088.53
f. Blair Brothers Inc. (additional invoice)	\$ 25,330.00

C2. Approval of Park Project Application for a Monarch Butterfly Habitat at Windsor Castle Park.

C3. Approval of Memorandum of Understanding Between the Town of Smithfield and Isle of Wight County for the Joseph W. Luter Jr. Sports Complex.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

On call for the vote, seven members were present. Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilman Pack voted aye, Councilman Bowman voted aye, Vice Mayor Gregory voted aye, Councilwoman Tynes voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – We will now move to our Action Section of the agenda. The first item is Approval of Proposed Change Order from RAD Sports for Asphalt Parking Lots at the Joseph W. Luter, Jr. Sports Complex. We will have consideration by our Parks and Recreation Committee Chairman, Mr. Steve Bowman.

Councilman Bowman – Yes, sir. We discussed a proposed change order from RAD Sports for the asphalt parking lots at the sports complex. Mr. Mayor, you had brought this up during the course of the committee so if you would like to proceed then please do.

Mayor Williams – We have talked about it a few times. Would any Council member like to bring that forward to talk about some more? It is something we wanted to do from the very beginning; especially Councilman Pack who wanted to pave this. We have received some additional monies to help toward this project. Mr. Camden is here and can talk about this.

Mr. Brian Camden – I am the Project Manager for the ballfields. The proposal in front of you today is from RAD Sports. As you may remember, the parking lots were designed with gravel in order to achieve budget compliance when the project first started. We received a request from the town to ask RAD to put asphalt in. Kimley Horn came up with a revised grading plan because most of the gravel had already been installed. This will be the addition of two inches of asphalt over those two main parking areas. The base cost from RAD Sports was \$166,399.00 just for the asphalt. If you want to add the line painting onto the parking areas, it is an additional \$8,075.00. If you want to add curb stops of precast concrete blocks which keep people from driving onto the grass that is an additional \$18,090.00. If Council approves the change order with the two additions, the total is \$192,564.00. There is a zero time extension request attached to this. They figured they would extend their overhead out there and put that in as part of the overall project. I am happy to answer any questions you have on this.

Mayor Williams – You are talking about two inches of asphalt but that is not road grade.

Mr. Camden – That is correct. It is not like a VDOT pavement section where you would put down a four inch S-5 and then the B-4 on top of it. It is a typical asphalt parking lot.

Mayor Williams – I would imagine if we put the road grade in there it would probably be double that; wouldn't it?

Mr. Camden – Oh yes; more than double. This will be just like any other parking lot you would see at any commercial facilities around town.

Councilman Pack – We currently have plans for paving of the driveway coming into the ballfields. Would this pave all the parking areas and nothing left with gravel?

Mr. Camden – That is correct. We have already approved the change order earlier for RAD to do the main entrance. This would tie right into that so you will not have all of that dust normally associated with a gravel parking lot and driveway.

Councilman Smith – Does this include the fees for the engineering from Kimley Horn?

Mr. Camden – No, sir, it does not. This is strictly just for paving from the site contractor.

Councilman Smith – Do we know what Kimley Horn charged for that?

Mayor Williams – I really do not think it was very much if anything at all. I think they just added it in.

Town Manager – The total for some additional work was about \$6,000.00. It was for a whole bunch of extra stuff.

Vice Mayor Gregory – Mr. Camden, do you know how many parking spots there will be?

Mr. Camden – No, I do not know. There will probably be about two hundred and thirty but do not hold me to that. I do not think anybody actually did a parking lot count on it because we were not paving it.

Councilman Pack – It will be about \$834.00 per parking spot.

Councilman Bowman – Since being appointed to Council and appointed Chairman of the Parks and Recreation Committee, I have been out to the ballpark a number of times. I was out there yesterday, as a matter of fact, looking around. It is such a great spot. It has so much potential. It is top notch and world class. To not proceed with paving the parking lots, I think it would be pennywise and pound foolish and a disservice to the work, planning, and effort. I would just make a comment that whatever we can do to get that parking lot paved I think we should proceed forward.

Councilman Pack – This is a world class facility and not to pave it would be silly. I would like to make a motion that we approve the change order as presented.

Councilman Smith – Second.

Mayor Williams – A motion has been made and properly seconded to approve the change order as presented. Is there any further discussion?

Vice Mayor Gregory – Could we have the Town Treasurer come up for just a second please? I know we have asked a lot of questions in the last few weeks of where we stand with everything. I know there are a lot of moving parts and there are some things that will come at their own time. I spoke with the president of the Smithfield Recreation Board to re-confirm that everything was still on track. They are 100% committed to their portion once they can get Beale Park sold or, if they keep it, they know they will have to raise the equivalent of what we are estimating from them. Where do we stand with approval of the MOU with the county tonight, what we have coming from SRA, what has already been spent, and what is left outstanding? Can you ballpark the ballpark?

Town Treasurer – What is the actual amount that we are planning on now from SRA?

Vice Mayor Gregory - \$350,000.00

Town Treasurer – I updated the project today as to what has been spent. I included the expenses that we have tonight. There were a few invoices that had come through. At this point, I do not really have any projected amounts remaining. The \$6,250.00 for Kimley Horn was included in here for their additional charges. There are some occasional invoices from GET Solutions and Alpha Corporation. Some I do not have final numbers on but, to date, we have spent \$4,461,292.00 which includes the land purchase. This does not count the county's \$250,000.00 and it does not count the \$350,000.00 from SRA. We have \$4,590,000.00 in hand including loans which covered our purchase of the ballfield property and a small portion of the actual construction plus contributions. It leaves us a balance of funds remaining of \$128,707.00. Of the two large vendors we have left, RAD Sports and A.R. Chesson, we have \$367,715.00 left on those two contracts to finish those out. When I take the balance of the \$128,707.00 minus the \$367,715.00, it puts us at \$239,000.00 in the hole. Of course, there is \$250,000.00 coming from Isle of Wight County. We knew we would front that money

anyway so that was included in our budget projections. If I add back in the money discussed tonight which I had estimated at \$165,000.00. Obviously, I was a little low and that would have put us at \$404,000.00 and you add back in Isle of Wight County that would have put us at \$154,000.00 below. Once we add back in the SRA contribution then we would actually be a little bit to the good.

Vice Mayor Gregory – So, if everything as we understand it exists today it would not require any additional borrowing for us to pave the parking lot.

Town Treasurer – No. There are several ways to go about it. Obviously, we have some reserves on hand. If we were going to utilize reserves, I would recommend our General Fund Capital Escrow Account. We have about \$216,000.00 in that account that was basically undesignated. It is from some sales of properties that we have done over the last few years and we have not utilized that money. There is money available from that perspective. There are other reserve accounts as well. When we took out the \$5,000,000.00 loan, there was some money that was borrowed to be used towards the boat ramp or the dam repairs. Those have been pushed back a little bit so it is possible we could utilize that money up front. We would just have to make sure those can be addressed when they become necessary; but I think there is funding available it that is the route you want to take.

Vice Mayor Gregory – Thank you. I really appreciate it. I think that was good for Council just to hear kind of where we stand. Mr. Camden, we have not had a whole lot of change orders. I just want to say, publicly, that while I might not attribute all of that to you I think you are a big part of that. Having you manage a couple of projects for us in the past and up to this point, you have not let us down. I think you have done a really good job of keeping us up to date. With the minor changes we have made, you have kept them limited and kept the cost down. We appreciate your efforts. I know it is not done yet. We have not seen it through to completion but we are almost there.

Mr. Camden – I thank you for that. The motion tonight is for the full amount of \$192,564.00. Is that correct?

Councilman Pack – Yes, sir.

Mayor Williams – We have a motion on the floor to approve the proposed change order from RAD Sports to pave the parking lot with asphalt. Is there any further discussion? Hearing none, roll call vote.

On call for the vote, seven members were present. Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilman Pack voted aye, Councilwoman Tynes voted aye, Councilman Bowman voted aye, Vice Mayor Gregory voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – Our next item is a Public Hearing: Cypress Creek – Phase VI – Conditional Zoning Amendment. We will have a presentation by our Planning and Zoning Administrator, Mr. William Saunders. Also, I would like to combine the other Public Hearing: Cypress Creek – Phase VI – Special Use Permit. Both of them fall under the same umbrella. There is really no need to have two separate discussions.

Planning and Zoning Administrator – Good evening Mr. Mayor and members of Council. I will also give back to back staff reports while I am up here so we can combine the public hearings. These two items are very integrated. The first item is a conditional zoning amendment. The second one is a special use permit for the use of cluster zoning in the Suburban Residential Zoning district. The applicant is Timothy S. Culpepper with Cypress Investment Holdings. They are the new owners of the development at Cypress Creek subdivision. Currently, it is zoned Suburban Residential. It is done in a conventional manner for S-R zoning. While this is a conditional zoning amendment, it is not an actual rezoning. However, to change the proffers or conditions on a zoning then you have to go through the same process as a rezoning. The process is the same; however, what they would attempt to do is change the proffers from the original proffers that were done some thirty years ago until today. The applicant has a different vision for the subdivision than what was originally envisioned there. There are a number of proffers in your packet that are either changed or added. The proposed proffers dated September 28<sup>th</sup> are the last iteration. The big changes here are the removal of twenty-four townhomes that were originally in the proffers. There is an increase in the maximum number of units in the entire subdivision from four hundred and fifty to five hundred and eighteen which is sixty-eight additional units. There is an inclusion on ninety-one age restricted units. They are defined by at least one person being fifty-five years of age on the deed for those units. Those ninety-one are part of the five hundred and eighteen; not in addition to. There is replacement of references such as environmental with architectural as it relates to the Review Board within the neighborhood. There are forty to fifty boat slips that have been removed that were

originally envisioned in the subdivision. The buildout time frame restriction was originally in there and has been removed. They have included design guidelines for a redesigned Phase VI of the neighborhood. There are setback requirements for a newly envisioned Phase VI that exceed the minimum setbacks in the town ordinance. There are also assurances as to the time frame of the provision of planned amenities in the new Phase VI. The addition of the sixty-eight housing units and the inclusion of ninety-one age restricted units actually creates a net reduction of six traditional single family housing units in the subdivision compared to the original master plan. The subdivision was originally approved in Isle of Wight County and was subsequently taken into the town by a boundary line adjustment. There have never been cash proffers related to education or emergency services associated with the development. In order to develop the revised Phase VI plan as proposed, the cluster provision of the Suburban Residential zoning ordinance will be required. The cluster provision requires the granting of a special use permit and it is expected that Phase VI will be developed in substantial conformity with the conceptual plan dated March 6<sup>th</sup>, 2017 which is included in your packet. The Town of Smithfield Planning Commission, at their August 8<sup>th</sup>, 2017 and September 12<sup>th</sup>, 2017 meetings, tabled this item. At their October 10<sup>th</sup> meeting, it was recommended to Town Council for approval. Also, in your packet you will find outside agency comments related to this action. Isle of Wight County Emergency Services stated that they do not envision the proposed changes negatively impacting fire or EMS service capability in the area. Isle of Wight Schools provided comments in regard to the potential impact related to this application. Isle of Wight County School Superintendent's memo is included in your packet. Isle of Wight Planning and Zoning provided no comments. Town staff has deemed the application to be complete and that all problems with the application's proffers identified by the applicant seem to have been satisfied. Planning and development of this subdivision has been spread over approximately three decades during which time the housing market and the vision for the subdivision have changed. The proposed conditional zoning amendment will primarily pave the way for the additional housing units that are proposed for the redesign of Phase VI as well as clean up a number of elements lingering in the original proffers that are no longer envisioned. You have a number of enclosures in your packet including the red-lined original proffers. I will also call your attention to the two additional proffers which are items #11 and #12.

These specifically limit the setbacks and also the additional facilities in Phase VI that are envisioned and the timeline for those to be expected. As far as the special use permit application, the applicant is the same and the subdivision is the same. Basically, what we have here is that the Suburban Residential zoning district can be developed in two ways. The first way is conventional which is the way it is developed currently in the Cypress Creek subdivision; but there is also what is referred to as a cluster provision. This is where there can be a density bonus and the minimization of setbacks on the lots for the proffer of additional green space. To do the conventional subdivision, it requires 10% open space dedicated in the subdivision. In the cluster provision, they have to dedicate 20% open space as part of it rather than the 10%; but they get additional density and smaller lots. It is what they are going for. Technically, it is not a rezoning. It is to change the type of Suburban Residential zoning that is in this. Phase VI was the last phase that had not been formally platted. There was a master plan; but it was not formally platted. They propose to change Phase VI. The cluster provision in S-R allows for a density bonus of 4.5 units per acre rather than 3 as a maximum. Lot sizes would be smaller and be eight thousand square feet instead of twelve thousand square feet. It reduces the setbacks in return for an allotment of 20% green space rather than 10%. The proposed changes include one hundred and fifty-two single family detached housing units; ninety-one of which are to be age-restricted. It will also add another fitness center, pool, and clubhouse for the age-restricted portion of the neighborhood. Again, the town tabled this item also at two of their meetings and then recommended approval to Town Council at their October 10<sup>th</sup> meeting with no conditions. Staff comments and outside agency comments were also the same comments that were related to the previous staff reports. I will be glad to answer any questions you have at this time.

Mayor Williams – I will start. How will the six foot and eighteen foot setbacks be set up?

Planning and Zoning Administrator – It is one of the changes that came about after a couple of times of being tabled. The applicant went back to the Homeowner's Association and the residents and they hammered out a lot of changes in the design standards and they added proffer #11 that relates to the setbacks. Basically, the minimum six foot setback gave a lot of people heartburn. They were afraid you would

have a house with a six foot setback on either side and the houses would be twelve feet apart. That would be allowable as the ordinance is written. However, what they have done here is put a six foot setback on one side of the lot and an eighteen foot setback on the other side. You cannot put the two six foot setbacks together on any one side. They can put the driveway on the wider side; but you will never end up with two houses that are only twelve feet apart. The applicant will probably go into great detail on this because there was a lot of conversation on this by the Planning Commission.

Mayor Williams – Does anyone else have any questions for Mr. Saunders?

Councilman Dr. Cook – I think you said this in the beginning but I did not get the exact number. What is the overall difference in number of houses? My understanding is that they got rid of some townhomes and changed things around. My question is: what is the difference is the number of residences?

Planning and Zoning Administrator – Just a footnote that you made me think of here. The first action for the zoning amendment changes relates to the entire subdivision. The special use permit really only relates to the way they want to develop Phase VI. They are integrated. The first action would change the total number of the entire subdivision from four hundred and fifty to five hundred and eighteen. The twenty-four townhome units that are coming out are accounted for in those numbers. They will be replaced with twenty-four single family homes. As far as the bottom line, there were four hundred and fifty that were originally approved to five hundred and eighteen based on everything being approved tonight.

Mayor Williams – I will now declare the public hearing open. You can come up and speak on both the conditional zoning amendment and the special use permit. Would anyone like to come forward and speak in favor of or against? Hearing none, I will close the public hearing. Would the applicant like to come forward to speak?

Mr. Culpepper – Good evening Mayor Williams, Vice Mayor Gregory, members of Council, and staff. I am with Cypress Investment Holdings which is the owner of Cypress Creek. I wanted to just provide you with a few items this evening such as a brief background of our involvement with Cypress Creek, a summary of our proposal, and the process we have gone through to arrive here this evening. First and foremost, in our opinion, Cypress Creek is an iconic community both within the Town of Smithfield and the entire Hampton Roads Region. As stated earlier, it was originally zoned almost

thirty years ago. It was originally projected to be a ten year project. We acquired Cypress Creek almost two years ago. When we acquired the project, it was only 57% complete. At the time we closed, there was no active construction activity within Cypress Creek. For all intents and purposes, the community had somewhat stalled as a result of the residential recession primarily. Since our acquisition, we have closed on over thirty homes with an average price of right at \$500,000.00 equating to a price per square foot of about \$140.00 per foot. That average price per foot is higher than the average sales for five of the previous seven years. In short, there has been exciting new progress at Cypress Creek. This momentum and renewed construction activity is a positive development for the community. The renewed momentum, combined with our efforts to rebrand and update the community including new entry and clubhouse signage, have brought new energy into the community. However, we also need to address changes that have occurred in the market over the past thirty years. Notably, the average age of the population both in the United States, in Virginia, and in the Town of Smithfield has increased dramatically. The first baby boomers turned sixty-five in 2010. The last of the baby boomers turn sixty-five in 2030. During these twenty years alone, the percentage of the population of the U.S. which is sixty-five or older will almost double. This surge in aging population is fueling a dramatic change in housing requirements across the country. We have seen the demand for age appropriate housing surge. We have also heard from existing residents from within Cypress Creek that there is a built-in demand within the community for age appropriate housing. The market is changing for the competitive landscape for large amenitized communities. Newer large scale communities include different types of housing in multiple price points. In addition, the communities feature very well thought out amenities. They have splash pools, leisure pools, walking trails, and open spaces. All of these things attract a variety of different buyers. They attract families, empty-nesters, and retirees. All of these factors are the recipe for successful communities in today's market. In fact, the top two selling communities in Hampton Roads last year were both communities that offered a variety of housing types and a variety of price points. When Cypress Creek was rezoned almost thirty years ago, it was a pioneering vision. It included a championship golf course, a community pool, and a location within the charming town of Smithfield. However, as I have mentioned, this market has changed. Our proposal is aimed to

address these changes and better position Cypress Creek for its successful completion. Our proposal, as Mr. Saunders pointed out, is to modify the original proffers at Cypress Creek to provide for the development of age-restricted units on the seventy-five acre parcel that we commonly refer to as Phase VI. This is the area located behind the twelfth hole at Cypress Creek. We specifically identified this area because it is not adjacent to any homeowners. It is bound on the southwestern side the golf course, on the eastern side by Cypress Creek, and on the northern side by the bypass. The inclusion of the age-restricted housing in Cypress Creek is a direct result of today's demographic trends and the projected demographic trends for the next few decades. In addition to diversifying the products offered within the community, the inclusion of age-restricted housing facilitates the need to expand our amenities. By providing some additional units, we are also looking to enhance the existing amenities at Cypress Creek. To be clear, we are not proposing any attached housing. We are not proposing any income restricted housing. We are not proposing any apartments or any multi-family housing. What is being proposed this evening is all single family detached homes consistent with the existing configuration of Cypress Creek. In fact, our request specifically eliminates townhouse units which were once contemplated within Cypress Creek. It is our vision that attached housing is not consistent with the balance of the community so we have requested that they be eliminated. Our plan includes approximately nineteen acres of open space in Phase VI which is in excess of the fifteen acres that would be required under the town's cluster ordinance. Cypress Creek, while it does have a golf course, does not have any open space that is under the specific control of the Homeowner's Association and designated for the use by the entire community. Our plan also includes another pool facility, a fitness facility, and a network of walking paths that provide pedestrian connectivity directly to Cypress Creek. It is another amenity that does not currently exist within the community. In addition to these planned improvements in Phase VI, we are also planning a renovation of the existing pool facility within Cypress Creek to better position that facility into the future. In total, we are proposing well over a half million dollars of additional investment into the amenities at Cypress Creek alone. To ensure the architectural integrity of the proposed units in Phase VI, we have proffered design guidelines which will apply to the construction of all units within Phase VI. These guidelines were drafted to provide clarity

of our intent with new construction. Since they are proffered, they would provide more enforceability relative to the existing guidelines in place at Cypress Creek. It is our opinion that our design guidelines are more detailed, provide more guidance, and provide more architectural integrity than what currently exists in terms of architectural standards within Cypress Creek. In closing, I just want to speak on the process that we followed. At our first annual meeting of the HOA in April of 2016, we mentioned to the homeowners at that time that we would be looking at some ways to diversify some of the housing types within Cypress Creek. A year and a half ago, we made a commitment to the HOA that prior to our even submitting an application for review to the town we would present our plans to the HOA in an effort to solicit community feedback and address any concerns and answer any questions that the homeowners had. Beginning in February of this year, we distributed our plans to the HOA Board for comments. We took feedback received from the Board and made revisions to both our plan and the design guidelines. In March and April of this year, we held two meetings with the HOA; both of which had well over one hundred residents in attendance. In addition, we posted information on the community website for review and comment. It was after these series of HOA meetings and Board meetings that we submitted our application to the town in May. We have worked hard to proactively communicate our plans and solicit feedback from the community. After our initial Planning Commission hearing, we tabled our application for a total of sixty days and, again, engaged the HOA to address additional concerns that were brought up in those public hearings. We have made numerous revisions and clarifications to our application to address community concerns. We have revised and added proffered conditions to our application to address Planning Commission and staff comments. The result of this effort and engagement with the community is an application that has been recommended for approval by the town's Planning Commission. It has received the unanimous endorsement from the HOA Board. In short, our dialogue with the community has resulted in a better application for the community of Cypress Creek and the Town of Smithfield. In closing, I want to publicly thank the HOA Board many of whom are here this evening. I want to thank town staff, the Planning Commission, and everyone who has provided not only their time but their valuable feedback in our application. I respectfully request your approval of our application this evening. I will stand by for any questions that Council may have.

Mayor Williams – I have a question. What is the buildout on this? Somebody might have said that but I had not heard.

Mr. Culpepper – We project the total buildout to be five to seven years. Assuming we get approval this evening, the Phase VI engineering will get started immediately. I would hope that we would start development work by mid-next year. I would anticipate for it to be three to five years in terms of the total development of Phase VI.

Councilwoman Tynes – I know exactly what you are talking about because I am a baby boomer myself. A lot of my friends have downsized from the larger homes to some of the smaller homes which they have built in communities such as Cypress Creek and they call them cottages. They are really nice. Is this sort of the idea of having smaller homes that they are calling cottages? I know that the east coast pretty much has mixed communities.

Mr. Culpepper – Yes, ma'am. That is precisely what we are targeting. As a matter of fact, in our design guidelines, we have referred to the age-restricted component of the community as the cottages. There are a couple of things, specifically, that we are doing. The age-restricted buyer profile does require certain things. One of those things, generally, is that they are looking for smaller lots and a smaller footprint for their individual home. We have heard from a number of residents that are living in larger houses on one acre lots that every day they get up and the one acre lot gets a little bit bigger. We are specifically trying to address that. The other thing that we are providing for with our cottage product is lawn maintenance. It will be included within our cottage section. It will be provided through the HOA. The residents within the cottages would pay, in addition to their HOA assessment, a maintenance assessment for the lawn maintenance of their home. They would pay their HOA fee that everyone else pays and also the lawn maintenance assessment. We think that this type of product is becoming more desirable in many communities. The location of Cypress Creek with the golf course and the amenities that we have provided in combination with its location within the Town of Smithfield do give us all the ingredients for a successful age targeted product type.

Mayor Williams – Are there any other questions of Mr. Culpepper?

Councilman Dr. Cook – I do not live in a community with a HOA and I do not think any others on Council do either. At the very end of our agenda, we have a resolution

from the HOA that states that they approve it. Not exactly knowing how your HOA works, is that a statement from the community of Cypress Creek itself saying we are behind it or is that just a select few? Did they do a survey of all the residents and there is a consensus from the HOA that everybody is behind it? I am not exactly seeing anybody here opposing it.

Mr. Culpepper – The HOA has an election of a Board of Directors every year; I believe. There are nine members of the Board. This is, much like Town Council, the elected leadership of the Homeowner's Association. During the course of our town hall meetings and our dialogue with the Board, the Board thought it was in the best interest of the community as a whole for the community of Cypress Creek to endorse this application. In other words, the Board felt as though this was the best path forward for the community of Cypress Creek. I will tell you that was a unanimous endorsement by the leadership of the HOA.

Councilman Bowman – Mr. Mayor, in order to perfect the record, the president of the HOA is here. I would like to hear from him please just to reiterate what Mr. Culpepper has said for the record.

Mr. Jim Parks – I live at 101 St. Andrews in Cypress Creek. As Mr. Culpepper explained, we had multiple meetings with our residents. There are a few people within Cypress Creek that do not approve of this project; but by my estimate about 95% of our folks approve it. I think it is the best thing for the community. I have lived there for nine years. I have seen the community slow down because of the real estate delay. We worked with Mr. Culpepper for two years. He is a straight shooter and his company is a straight shooter. I think it is in the best interest of Cypress Creek.

Councilwoman Tynes – You stated that there were a few residents that do not approve this project. Did they state to the HOA why they felt that way? I am just curious.

Mr. Parks – Most of the people that have stated their disapproval are afraid that the smaller size houses will impact the price of their house when they get ready to sell. It was the biggest opposition that we heard. These are going to be smaller houses.

Councilwoman Tynes – But they still have value in a nice community.

Mr. Parks – I am also on the Developer's Architectural Review Board. I was on the ARB with Mr. Rosser and now with Mr. Culpepper. His design guidelines for Phase VI

are better written than what we have for the entire community. I think he has done a super job for Phase VI. I really do.

Councilman Bowman – The only comment I had was that I did not intend to impugn in any way the integrity or the statement of Mr. Culpepper. Just for the record, I wanted to hear from Mr. Parks.

Mayor Williams – Right. That is fine. Although we heard everything together on the public comments and our discussion, I would like to separate them for the vote. We will now have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – Is there any further discussion? Does anyone have any further questions or input?

Councilwoman Tynes – I have some input, Dr. Cook. I think it would be something great coming into our community. Other communities on the east coast are doing this. I have visited some of them. I am afraid that if we do not bring in this type of housing within that community....the large houses, like I said, there are a lot of baby boomers out there. We are the ones that will be purchasing houses for those born in the 1960's, 1970's, and 1980's. They will want to come here to live; not the other people in the other generations. They are looking for smaller homes, not large homes; but they want the quality in smaller homes. Sometimes, they do not want to be attached to other housing. They do not want the attachments like we see sometimes that we saw about ten years ago; they came and did the little condo things and everything was attached. They want to be detached. They want their privacy and smaller houses. It will be beneficial for our community; a community such as Smithfield and what we have to offer. Thank you.

Councilman Dr. Cook – Are there any other comments? Do I hear a motion for the conditional zoning amendment?

Councilman Pack – I would like to make a motion that we approve the Cypress Creek conditional zoning amendment as presented.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

On call for the vote, seven members were present. Councilman Pack voted aye, Vice Mayor Gregory voted aye, Councilman Bowman voted aye, Councilman Dr. Cook

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

Councilman Dr. Cook – Okay, that is item #2. We will now move to item #3 which is for the special use permit.

Councilman Pack – I would like to make a motion that we approve the Cypress Creek Phase VI special use permit as presented.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

On call for the vote, seven members were present. Vice Mayor Gregory voted aye, Councilman Bowman voted aye, Councilman Dr. Cook voted aye, Councilman Smith voted aye, Councilwoman Tynes voted aye, Councilman Pack voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – We will now move to a Motion to Approve the Town Council Meeting Minutes of October 3<sup>rd</sup>, 2017.

Town Attorney – Mr. Mayor and members of Council, I recommend approval as presented.

Councilwoman Tynes – So moved.

Vice Mayor Gregory – Second.

Mayor Williams – A motion has been made and properly seconded. Roll call vote.

On call for the vote, seven members were present. Councilman Pack voted aye, Councilman Smith voted aye, Councilman Dr. Cook voted aye, Councilwoman Tynes voted aye, Vice Mayor Gregory voted aye, Councilman Bowman voted aye, and Mayor Williams voted aye. There were no votes against the motion. The motion passed.

Mayor Williams – The next item is New Business. Is there any new business to discuss? We have a Council Retreat to discuss under new business with our Town Manager, Mr. Peter Stephenson.

Town Manager – Thank you, Your Honor. I am requesting that, in January, Council do something that we have not done in a while outside of our standard committee format. Basically, we would have an afternoon outside of the budget process to work with myself, the Town Treasurer, and our Human Resources Director to dive into employee pay and benefits and where we are and where we want to be as an

organization before we get into the budget process. Also, it has been several years since we have gotten together with the Windsor Town Council. They would like to engage with you all again for information sharing but in a social setting. I had thought and am suggesting a couple of Wednesday afternoons/early evenings on January 10<sup>th</sup> or January 17<sup>th</sup>. We would host it here at the Smithfield Center and accomplish those two things outside of our normal meeting process if you all are amenable. I am just trying to get a date locked in on the schedule for the Smithfield Center. Thank you.

Vice Mayor Gregory – I would recommend the 17<sup>th</sup> because there is an event on the 10<sup>th</sup> at the park.

Councilman Dr. Cook – What time in the afternoon are you thinking?

Town Manager – Probably at 2:00 p.m.

Mayor Williams – Is there any other new business? Hearing none, we will move to Old Business. Is there any old business?

Councilman Dr. Cook – I have an update on the Windsor Castle restoration. If you go out there, you will see the rehabilitation work on eight of the nine outbuildings except for a couple of doors and windows. The old manager's office is the one that has not begun yet. If you drive out there, you will see a couple of bright red, new buildings. Two of the nine have been painted. The remaining seven will be complete by the end of the year assuming we do not have three feet of snow. The excavation of swales between the vineyards and the barns is now complete. It will help keep the water out of the newly restored barns. The rehab work is now complete for the exterior of the caretaker's house except for some doors that are being rebuilt by hand by Mr. Ealy. He is a jack-of-all-trades. We have a couple of storm windows to put in and some exterior light fixtures; but, essentially, the exterior of the caretaker's house is complete. As far as the accelerated projects, the interior of the caretaker's house is all roughed in. The drywall and insulation is almost complete. By the end of the month, they hope to have the painting and trim work all finished. It is coming along there nicely. As far as the maintenance and storage buildings for the accelerated projects, the pre-construction and archeological surveys are complete. Nothing was found, thankfully, or to your chagrin; whichever way you want to look at it. The building plans are finalized and ready for submission to the county. As far as financially, what you see done so far represents thirteen percent of our total forecast project estimate. We have gotten a lot of work done

for that. We are still tracking about \$188,000.00 to the good. We are coming in well below our baseline estimates. Thank you.

Councilwoman Tynes – I just wanted to say something. Mr. Mayor, I guess it has been about eight or nine years ago and we were in a Council meeting setting such as this. We decided the old caretaker's house was only worth about one dollar. I went through there the other day, Dr. Cook, and you proved us wrong. It really looks great. Like I said, about eight years ago you could completely see through the old thing. You proved us wrong. Thank you.

Councilman Dr. Cook – It will be a fine home for somebody one day.

Councilwoman Tynes – It is a fine home. It turned out nice.

Councilman Dr. Cook – Mr. Ealy has done a great job out there. He is a very frugal man and stretches your dollar.

Mayor Williams – Is there any other old business? Hearing none, thank you all for coming out tonight. I would like for the Council members to stay for a minute for a photo please. Do not leave. We stand adjourned.

The meeting was adjourned at 8:56 p.m.



Mr. T. Carter Williams  
Mayor



Mr. Peter Stephenson, AICP, ICMA-CM  
Town Manager