

The Smithfield Town Council held its regular meeting on Tuesday, December 1st, 2020.
The meeting was called to order at 6:30 p.m.

Members present:

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

Staff members present:

Michael Stallings - Town Manager
Lesley King – Town Clerk
Ellen Minga – Town Treasurer
William H. Riddick, III – Town Attorney
Alonzo Howell – Chief of Police
Chris Meier – Deputy Chief of Police
Donna Hughes – Smithfield Police Department Officer
Eric Phillips – Smithfield Police Department Officer
David Adams – Smithfield Police Department Officer
William Wooley – Smithfield Police Department Officer
Kristi Kincaid – Smithfield Police Department Office Manager
John Settle – Community Development & Planning Director
Tammie Clary - Planner
Ashley Rogers – Human Resource Director
Judy Winslow – Director of Tourism
Trey Gwaltney – Board of Historic and Architectural Review Chairman

There were approximately twelve (12) citizens present. The media was represented by Mr. Nate Delesline and Stephen Faleski of the Smithfield Times.

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

Manager’s Report:

The Town Manager reported that the November Activity Report was included in the packets.

Upcoming Meetings and Activities:

December 1 - 6:30 p.m. – Town Council Meeting
December 8 - 6:30 p.m. – Planning Commission
December 15 - 6:30 p.m. – Board of Historic and Architectural Review
December 24 - Town Administrative Offices Closed for the Christmas Holiday
December 25 - Town Administrative Offices Closed for the Christmas Holiday
December 28 - 3:00 p.m. - Town Council Committee Meetings (Consecutive)

Public Safety Committee

Water and Sewer Committee

Finance Committee

December 29 - 3:00 p.m. – Town Council Committee Meetings (Consecutive)

Parks and Recreation Committee

Public Works Committee

Public Buildings and Welfare Committee

January 1 - Town Administrative Offices Closed for New Year's Day

Promotion: Officer William Wooley to Rank of Sergeant:

Chief Howell announced the promotion of William Wooley to Sergeant. Sergeant Wooley came forward to be presented with his new badge. Chief Howell explained the value of public trust. The new gold badge represents leadership within the Smithfield Police Department.

Re-Accreditation Award Presentation for the Police Department:

Derrick Mays with the Department of Criminal Justice Services in Richmond explained that he works with any law enforcement agency in the state that would like to become accredited. He stated that being accredited is a Smithfield Police Department award that benefits everyone including the public. Police officers serve twenty-four hours a day. Being an accredited agency is part of public trust.

Sheriff Bolson explained that he is the sheriff of Westmoreland County. He stated that the Smithfield Police Department is outstanding. They demonstrate great things on a daily basis. Public trust includes accountability. He congratulated the Smithfield Police Department on their continued accreditation efforts.

Derrick Mays presented the Certificate of Accreditation to Chief Howell and the Smithfield Police Department employees present at the meeting. He explained that accreditation happens every four years and this is the sixth award for the Smithfield Police Department.

Mayor Williams thanked the Smithfield Police Department for all they do for the Town.

Smithfield High School Update:

Anika Eng reported updates on Smithfield High School's activities and club activities.

Update from the Western Tidewater Free Clinic by Stephie Broadwater:

Stephie Broadwater gave an update for the clinic. She stated that for every dollar donated; seven dollars' worth of services were provided to patients. She thanked the Council for their generous donations since April 2008.

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

Supervisor Grice updated the Town Council on the Board of Supervisors activities. They had a resolution for \$135,000.00 from the Obici Healthcare Foundation for the increasing costs due to COVID pandemic. Small businesses can apply for \$3,000.00 in relief. A report was given that the Windsor Community Center would require a roof replacement. Approximately \$224,000.00 is designated for a stormwater ditch. Emergency transportation services were discussed. The Monument Task Force was tasked with making recommendations to the Board of Supervisors. They supplied a prioritized list of suggested relocation sites. County staff will research the viability of the Task Force's top three recommended sites. A report was provided on

the \$400,000.00 Gift Card Program. It was 50% funded by Isle of Wight County, Smithfield, and Windsor town governments. The other 50% comes from the card purchaser. This program helps all small businesses.

Isle Shop Small Gift Certificate Program Update and Information on Second Round of Funding:

The Tourism Director, Judy Winslow, reported that the gift card program sold out in one and a half hours. It was an economic uplift for local small businesses. Eighty-three of the ninety-eight businesses that signed up had purchases made. The popularity of the program crashed the site and many could not make purchases. The top four businesses that received their checks last week received well over \$10,000.00. The program was very successful. Mrs. Winslow thanked Town Council for their contribution to Round 1. She asked the Town Council for additional CARES Act Funding as she has done with Windsor and Isle of Wight County. The Isle of Wight County Board of Supervisors granted an additional \$200,000.00 to put towards Round 2 of the program. The new sales date will be December 9th, 2020 from 11:00 a.m. until 1:00 p.m. and 6:00 p.m. until 8:00 p.m. Half of the funds will be sold at the first session and the other half at the second session. Each person can purchase up to five gift certificates. There will be limited promotion so that it will be more manageable. Participating businesses will be listed in alphabetical order to simplify the purchase process. The gift certificates can be used starting on January 9th, 2021 for the second round of sales. The expiration date of the gift certificates will be on December 31st, 2021. She asked the Town Council to consider contributing to the second round. The CARES Act funds have to be used by December 31st, 2020.

Public Comments:

The public is invited to speak to Council on any matter, except scheduled public hearings. There will be a separate sign-up sheet for public hearings. For public comments, please use the appropriate sign-up sheet and include your preferred method of contact. Comments are limited to five (5) minutes per person. Any required response from the Town will be provided in writing following the meeting.

Mrs. Robbie Younger resides 19001 Farm Road in Smithfield. She also owns 324 Main Street which is her art gallery. She opposed the demolition of the circa 1730 Thomas Pierce home. She explained the historic importance of the home according to the Virginia Department of Historic Resources.

Mr. Nick Blevins resides at 220 Grace Street. He asked if Mark Gay's letter would be read into the record as requested.

Mayor Williams stated that it would.

Mr. Blevins explained that he lives close to the Pierceville property. He stated that it is a rare treasure. The vegetation was cleared away last week which revealed the simple beauty and the strong presence of the sheds and barns around it. He explained that there was still an opportunity to turn it into something useful and productive again without tearing it all down. He stated that the brick walls are strong enough to stand for another two hundred years. Pierceville is a tangible link to the Town's history. Slaves built the Town properties and worked the land as farmers, laborers, skilled craftsman, and as fathers, mothers, sons and daughters. They were people with hopes and dreams despite the circumstances they were born into. Every place is

sacred to their memory because so many of them died and were buried in the fields without grave markers. Every old place is a bridge to their experience and memory. He stated that it would be an injustice to demolish the Pierce home and outbuildings. He asked the Town Council to not approve demolition of the Pierce home and outbuildings.

Mrs. Betty Clarke resides at 120 North Church Street. She explained that she and her daughter restored the Bed and Breakfast where she lives. It helped to bring tourism to the area. She stated that it is her understanding that approval of the demolition has already been approved even though a public vote has not been taken. Her opinion is that Mr. Luter would not have purchased the property without assurances of demolition. A third party has said that Mr. Luter is not opposed to the preservation of the Pierce home and outbuildings. She stated that the Town Council does not care about the property. Smithfield has been victimized by the ‘good ole boys’ club.

Mrs. Martha Ford Evans Jackson resides at 511A Cedar Street in Smithfield, Virginia. She gave thanks to people behind the scenes for the Town such as Lesley King. Mrs. King works quietly and sends out the twice a year newsletter for the Town. Ellen Minga, the Town Treasurer, is a rare diamond and very knowledgeable. She asked the Town Council to consider live streaming the public meetings for those that cannot come out.

Mr. Dick Grice of 415 Muirfield in Smithfield stated that he would support the removal of the Pierce home and the outbuildings. If the Town Council decided to demolish the buildings on the property, he suggested a memorial plaque in the area to memorialize the Pierceville farm.

Council Comments:

There were no Council comments.

Consent Agenda:

C1. Motion to Adopt the Resolution of Participation and Statement of Intent to Become a Certified Crime Prevention Community.

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

a. Isle of Wight Tourism True-up for FY 2019-2020	\$100,535.00
b. Isle of Wight E911 – True-up for FY 2019-2020	\$ 51,301.49
c. Applied Concepts, Inc.	\$ 18,097.00
Additional items received since Finance Committee	
d. Kimley Horn and Associates	\$ 18,399.96
e. A.C. Schultes of Maryland, Inc.	\$118,968.50
f. ALLFIRST	\$ 21,483.40
g. Axon Enterprises, Inc.	\$ 12,003.00

Councilman Pack explained that the Isle of Wight Tourism True-up is the Town’s budgeted share for tourism expenses shared with the county. The E911 True-up is for budgeted E911 services shared with the county. Applied Concepts, Inc. provided a message board that the police officers use around the Town. Kimley Horn and Associates was for the South Church Street intersection improvements. A.C. Schultes and ALLFIRST pay for the relining and a flush valve for Well #8A at the Reverse Osmosis Plant. Axon Enterprises, Inc. provided services to the new police vehicles. All invoices are recommended for approval.

C3. Ordinance to Extend the Due Date of Real Estate and Personal Property Tax Bills until December 31st, 2020.

Councilman Pack explained that the normal due date is December 5th, 2020. There have been issues getting them out this year. The deadline will be extended until December 31st, 2020.

C4. Motion to Adopt Meeting Schedule for 2021.

There are two June meetings due to the budget cycle.

Councilman Pack made a motion to approve the consent agenda items as presented. Councilman Hall seconded the motion. With no further discussion, Mayor Williams called for the vote.

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

Motion to Approve the Text Amendment to Article 3.M of the Smithfield Zoning Ordinance:

The Community Development & Planning Director reported that the 2017 designation evaluation of the properties located within the Historic Preservation Overlay (HPO), which was finalized by the Board of Historic & Architectural Review (BHAR) earlier this year, has caused Town staff to realize that the inventory of properties located within the HPO (enshrined in Smithfield Zoning Ordinance (SZO) Section 3.M.H) has grown to become lengthy and difficult to navigate. Additionally, Town staff have persistently struggled with a lack of clarity in the SZO concerning the boundaries of the HPO, the absence of classification criteria for non-contributing properties, and our inability to update the inventory of properties to reflect technical changes to certain attributes contained therein (i.e. address changes, etc.). To remedy these concerns, Town staff have proposed a text amendment to SZO Article 3.M which seeks to achieve the following items:

- (1) The revision of SZO Section 3.M.D.4 to include classification criteria for non-contributing properties.
- (2) The creation of a map of the HPO which clearly illustrates the HPO's boundaries, and the designations of the properties located therein.
- (3) The repeal of SZO Section 3.M.H, and its replacement with an inventory of properties that will be attached to the aforementioned HPO map as an appendix.
- (4) The creation of SZO Section 3.M.D.6, which allows Town staff to update the inventory and HPO map from time to time to reflect technical changes which occur within the HPO in real time. All changes will be brought to the BHAR for their review and decision, with the exception of changes to property classifications, which the BHAR will review and recommend, with final review and decision rendered by the Town Council. This, coupled with the removal of the inventory list from SZO Section 3.M.H, allows for Town staff to make changes to the inventory and map without having to seek review and decision by both the Planning Commission and the Town Council- a sixty-to-ninety-day process that entails two public hearings. Some examples of technical changes to the inventory and map that Town staff would seek to undertake include (but are not limited to):

- (a) Address assignments, changes, and removals (resulting from new construction, demolition, etc.).
- (b) The reversion of a property's designation from landmark or contributing to non-contributing in the event of its accidental destruction by fire, flood, etc.
- (c) The creation, vacation, and/or adjustment of lot lines and tax parcel identification numbers as a part of the subdivision process.

Some other items for the consideration of the Town Council include the fact that Article 3.M of the SZO has always referenced an HPO map, but until now, no definitive map has been known to Town staff. Finally, the inclusion of an inventory of properties located within an overlay district as a section of the zoning ordinance is a concept that is atypical in Virginia. At its Monday, November 2nd, 2020 meeting, the Town Council tabled this application, requesting the inclusion of additional language in the proposed text amendment, authorizing themselves to make the final decision on changes to the classifications of properties located within the HPO. As a result, Town staff have included the following language in the proposed SZO Section 3.M.D.6: *In the event that an amendment to the Inventory Map and property inventory results in a change in the classification of any property in the HP-O District, the Administrator shall refer this change to the Review Board for their review and recommendation, with final review and decision rendered by the Town Council.* Additionally, the Town Council expressed concerns over the possibility that properties with primary buildings less than fifty (50) years old would automatically become classified as non-contributing. These concerns have been addressed through the inclusion of more flexible language in SZO Section 3.M.D.4 outlining the features typically associated with non-contributing properties. Finally, the Town Council requested that Town staff prepare a list of all of the properties whose designations are proposed to be changed as a result of the BHAR's 2017 classification evaluation. When feasible, the list must include the reasoning as to why the change was recommended. This list has been included as an attachment to this staff report. For the convenience of the Town Council, photographs of the properties in question have been included. A redlined version of this text amendment is included in the pages immediately following this staff report. Additionally, the draft HPO map and inventory have been included for the convenience of the Town Council. Town staff recommend approval as submitted.

Councilwoman Haywood asked about some of the newer homes such as 150 and 154 Riverview Avenue which were classified as contributing. Another newer home, 206 Riverview Avenue, is non-contributing. She asked why there was a difference in homes on the same street.

The Community Development & Planning Director explained that these homes were designated prior to his employment with the Town. He stated that he believes the BHAR reached that conclusion because both of the gable-front styled homes were intended to emulate popular late 19th century architectural styles.

Councilwoman Haywood asked about the home on 200 Washington Street which is classified as non-contributing.

The Community Development & Planning Director stated that the BHAR decided that it was so new that it would be non-contributing.

Councilman Pack made a motion to approve the text amendment to Article 3.M as presented. Vice Mayor Smith seconded the motion. With no further discussion, Mayor Williams called for the vote.

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

Appoint Nominating Committee to Fill Two Expiring Terms on the Board of Historical and Architectural Review:

Mayor Williams appointed Vice Mayor Smith and Councilwoman Rountree to find a replacement.

Appoint Nominating Committee to Fill the Unexpired Term of Planning Commission Member Rev. Dr. Lilton J. Marks:

Mayor Williams appointed Councilwoman Haywood and Councilwoman Butler:

Motion to Approve the Town Council Summary Minutes of November 2nd, 2020:

The Town Attorney stated that he had reviewed the minutes and recommended they be approved as presented.

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

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

New Business:

Resolution to Appropriate \$15,960.00 to the FY 2020/2021 General Fund Operating Budget for the Jersey Park Basketball Court:

The Town Manager explained that during the November 5th, 2019 meeting, Town Council voted to cover a portion of the paving cost for the basketball court in the amount of \$15,960.00. The work was not completed in FY 2019 so the funds rolled over into the fund balance. The work has now been completed for an additional \$900.00 for striping of the court. The additional funds will be covered with the current budget.

Councilwoman Rountree stated that the Student Leadership Team is working on a grant application. They plan to petition the Obici Healthcare Foundation for a community fund grant opportunity for approximately \$2,500.00 to cover the new basketball backboard and hoop. There is a service organization that has agreed to cover the \$900.00 for striping. She explained that the paving has significantly improved the basketball area. It used to be grass only.

Vice Mayor Smith made a motion to approve the resolution as presented for \$15,960.00. Councilman Pack seconded the motion. With no further discussion, Mayor Williams called for the vote.

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

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

Motion to Allocate \$65,120.00 as Smithfield's Portion of CARES Act Funds to be Used for the Second Round of Isle Shop Small Gift Certificate Program:

The Town Manager explained that Isle of Wight County has agreed to contribute \$200,000.00. Using the same percentage as the first round, the Town contribution would be \$65,120.00. The Town of Windsor will also contribute. Mr. Stallings explained that it leaves the Town will just over \$601,000.00 of CARES Act funds. The packets include the information on the program.

Chairman Pack stated that CARES Act money must be expended by December 31st, 2020. He asked the Town Manager if the remaining funds had been earmarked for anything else.

The Town Manager explained that there are a couple of other projects being worked on that should be expended by the end of the fiscal year. Anything that is remaining, the Town can submit Public Safety Payroll for. The Town will have expended all the funds by the end of the year. The projects would be worked on first.

Chairman Pack asked if the Town Council would consider increasing the contribution for the gift card program for a total of \$100,000.00. It helps Town businesses, citizens, and puts tax dollars back into the community.

The Town Manager explained that the percentage for the contribution is based on population for a total of \$65,120.00. He stated that increasing to \$100,000.00 would not impact the projects the Town is currently working on.

Councilman Pack made a motion to allocate \$100,000.00 for Smithfield's portion of the CARES Act funds to be used for Isle Shop Small Gift Certificate Program. Councilwoman Butler seconded the motion. Mayor Williams asked if there was any further discussion.

Councilwoman Butler asked about what type of businesses did not receive any funds from the first round of the program.

The Tourism Director, Judy Winslow, explained that most of them were gyms. She stated that the gyms would probably get some funds during Round 2 since everyone wants to go to the gym in January due to New Year's resolutions.

Councilman Pack stated that with the Town of Smithfield, Town of Windsor, and Isle of Wight County's contribution together there would be \$644,000.00 back into the community. There would be a total of \$844,000.00 for both rounds of sales for the gift cards.

The Town Manager explained that more comes back to the Town than the percentage being contributed.

With no further discussion, Mayor Williams called for the vote.

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

Old Business:

Motion for Renewed Consideration of the Application of Mary Crocker for Demolition by Right for the Pierceville Manor House:

The Town Attorney explained that there is an order of the Circuit Court entered on November 12th, 2020. Mrs. Crocker filed an application for permission to demolish her home as a matter of right under the Town's Zoning Ordinance. The Board of Historic and Architectural Review denied the application. The appeal came to the Town Council in August 2019 and was denied. Mrs. Crocker then filed an appeal of the Town Council's decision. Once an appeal is filed nothing else can go on. The appeal has been pending in the Circuit Court for quite some time. There was a hearing in July 2020 in Suffolk by Judge Sandwich. The case was argued, and it was taken under advisement by the judge. He never made a ruling on the case. The court systems are at a standstill due to COVID. Time has gone by and Mrs. Crocker received an offer to buy the property from Mr. Luter. He closed around November 10th, 2020. At that point, Mrs. Crocker does not own the property anymore and she does not want to spend any money on the court case. She asked for it to be dismissed. It was dismissed on the condition and the direction of the court for the matter be remanded to the Town Council's agenda. The final decision was made in August of 2019. A period of more than one year has passed since Town Council made the decision to deny the application. Under the Town's ordinances, Mrs. Crocker could not accept an offer to satisfy that condition more than one year after the Town's final decision was made. The Town Attorney asked the Community Development & Planning Director to confirm, for the record, that Mrs. Crocker has not withdrawn her application.

The Community Development & Planning Director stated that she has not.

The Town Attorney explained that she still has a valid application. On one hand, the year has passed. If the year has passed and she did not receive an offer then she has satisfied that condition. No one came in the one year period to give an offer for the fair market value. This satisfies the condition. The Town ordinance states that any order to avail yourself of the right to demolish the property then the owner is entitled to do that provided that the owner or the applicant has made the application. Mrs. Crocker was the owner but is still the applicant. No bona fide contract or binding offer has been executed during that period. Mrs. Crocker has satisfied all of the conditions. On the other hand, if she had not, the entire period of more than one year has passed before she received any offer whatsoever. In either case, the Town is ordered by the court to reconsider the decision. The Town Council can vote any way they choose. The Town Attorney read from the Town code which states: "no offer to sell shall be made more than one year after a final decision by the Town Council; but thereafter, the owner may renew the request to the Town Council to approve the razing or demolition of the designated building, landmark, or structure." The Town Clerk will read some letters that have been provided. Mr. Luter has concurred with Mrs. Crocker's application to demolish and ask that the Town Council grant permission to raze the structure. Several Town Council members have asked if it can be done and Mr. Riddick argued that, not only can you, you must reconsider tonight and make a decision. The right to demolish the structures runs with the owner. The owner and the applicant are now different people; but they have satisfied the conditions of the Town's ordinance.

Councilwoman Butler asked for an explanation of the applicant. Mary Crocker is no longer in the picture where the property is concerned. She asked if a sale would negate that.

The Town Attorney said that it does not because the condition of the property has not changed. The Town Council's final decision was made in August of 2019. An entire year has

passed in which an offer could have been accepted but was not. Had Mrs. Crocker accepted an offer during the one year with an offer to restore the home then that would have satisfied the condition and Mrs. Crocker would not be permitted to tear it down. The court has dismissed the case and sent it back to Town Council. The application still exists. Mr. Riddick stated that the question the Town Council must answer is if the owner of the property can raze the structure. The condition of the house has deteriorated. It is not in any better shape than it was eighteen months ago.

Councilwoman Butler asked what happens if the Town Council decides that Mrs. Crocker cannot demolish the house and the outbuildings. Mrs. Crocker no longer has an interest in the property and there is a new owner.

The Town Attorney stated that Mrs. Crocker has not withdrawn her application.

Mayor Williams explained that she did want to demolish it; but Town Council voted against it.

The Town Attorney explained that the court has ordered Town Council to reconsider demolishing the structure. The court did not tell Town Council how to vote; but the court did say Town Council has to reconsider.

Councilwoman Rountree stated that the current applicant and the current owner both want the structures demolished.

The Town Attorney stated that was correct. The distinction is that the Town ordinance does not require that the owner and the applicant be the same person. With zoning cases a perspective owner will often file an application for rezoning with consent from the current owner. There are two public comments that need to be read into the record.

The Town Clerk read a letter from Mark Gay who resides at 110 Goosehill Way in Smithfield stating: "On behalf of greater than 350 Town and County residents who support Preserve Smithfield, I ask members of Town Council and the Town Manager to question seriously the legitimacy of the "Old Business" listed as an agenda item for tonight's December meeting. Not only is there no remaining "Old Business" to address from the August 2019 Council meeting at which two votes were held (and all matters resolved); but our understanding is that the Pierceville property at issue is no longer owned by Mary Delk-Crocker and heirs. Thus, Mrs. Delk-Crocker no longer has legal standing to request the razing of Pierceville. Rather, the responsibility rests with the new owner, Mr. Luter, to petition the Town and according to the ordinance, the initial consideration of such a request resides with the Board of Historic and Architectural Review. Town Council, of course, ultimately has appellate review of the matter. The 3-4 weeks of additional consideration and review requested are meaningful. On Monday, November 30th, Mr. Luter communicated through a responsible third-party that he is not opposed to the preservation of the Thomas Pierce home and outbuildings; but that he is not inclined to fund the considerable costs involved. Thus, Preserve Smithfield believes that an accommodation may yet be reached to preserve the circa 1740 physical structures that hosted General Benedict Arnold's historic encampment at the site in 1781. A local resident of the Historic District, who has considerable experience with the renovation of historic properties, believes that the original Pierce home can be restored for less than \$500,000.00. If those monies cannot be secured, then there remains the possibility that Mr. Luter may agree to architectural salvage. We appreciate

that Mr. Luter's intentions towards Pierceville are both honorable and worthy and our intent is not be Luddite obstructionists. However, the historical importance of Pierceville to this Town's legacy suggests that the slight delay to observe legal process is worthwhile."

The Town Clerk read a letter from Mr. Luter which states: "On behalf of my father and our family, I want to share with you our thoughts behind the purchase of Little's Supermarket and the adjacent land, including the old Crocker home. The primary purpose is to improve the gateway for the Town entering from the west on 258. This part of town has been neglected for years and we think there is an opportunity to revitalize it with a mixed-use project. We envision the following: a high-quality development that provides specific commercial and residential needs to the Town. While it is too early to understand exactly those needs, this development could include additional office space, multi-family housing for all income levels, a small boutique hotel, townhomes, senior living for 55-year-old and above, assisted living, and single family homes. The development will likely include acres of open space with newly planted trees, benches, and a walking trail that we build in conjunction with the YMCA. Those discussions have not yet occurred, but I understand the YMCA would like to have this type amenity nearby. A full-length brick wall and six-foot sidewalk along Main Street, similar to the brick wall that was created at Windsor Castle Park, will be part of the early design and set the tone for the quality of this project. We are discussing some street parking on the south side of the wall to serve the parking shortage for the church. We are having discussions with Historical Concepts, an architectural firm from Atlanta, about a master plan for this project that incorporates the architectural style of Smithfield and connects this project to downtown. Historical Concepts specialize in this type of work. I encourage you to view their projects at www.historicalconcepts.com. Critical to the success of revitalizing this part of Smithfield is the demolition of the Crocker house and the outlying barns. We have examined them and determined that they cannot be salvaged or renovated. They are beyond repair. We do plan to salvage some of the wood from a barn or two and will utilize this wood if and where it makes sense. Additionally, I understand there might be some old hinges that warrant saving. Our family appreciates history and relics of history and will explore the feasibility of saving such relics. For the benefit of revitalizing and enhancing the beauty of western Main Street, we ask the Town Council to grant us permission to demolish all structures on the property now owned by LSMP, LLC. Be assured that my father intends for this project to enhance the beauty and vitality of Smithfield. The quality of this project will be as good or better than any prior projects with his name behind them. He has demonstrated that commitment as a private citizen and as CEO of Smithfield Foods with Windsor Castle Park, the Smithfield Center, the YMCA, Smithfield Foods Corporate Center, and the recently completed Joseph W. Luter, Jr. Sports Complex. We look forward to working collaboratively with the Town as this project evolves. Please feel free to contact me at any time." The letter is signed by Joe Luter IV.

Councilman Hall stated that the Pierceville Manor home has been a contentious topic for quite some time. The Crocker family, owners of the property, wish to demolish the home. The Town of Smithfield wished to enforce its preservation ordinance. The Town Council is revisiting this because of a suit brought against the Town of Smithfield by the Crocker family who believe that they had the right to demolish the home. The suit was heard in front of the Circuit Court in

the City of Suffolk. The Circuit Court has remanded the decision back to the Town Council of Smithfield. The Pierceville Manor home was first found in violation of the Town's ordinance in 2009. The home had been in disrepair for some time at that point. The roof leaked and the interior was open to the elements. Demolition by neglect was in full force. The Town has an ordinance for historic homes that require their upkeep and the owners to maintain their home from falling into disrepair. The ordinance was intended to be enforced to maintain the integrity of the home. The Isle of Wight County Building Inspector went so far as to condemn the home for safety reasons and forced the occupants to move out. The Crocker family, owners of the property, refused to comply with the Town ordinances and stated they wished to tear the house down. It was not affordable for the owners to repair it. Shortly thereafter, they listed the property for sale and almost immediately had an offer on the property. The offer was conditional on a rezoning of the property which the developer proposed in 2015. During the rezoning process, the owner proffered to restore the home. The rezoning asked for 151 homes on the site which ultimately failed. The home remained on the market; but no bona fide offers were made on the property. The Crocker family applied to demolish the home once again. The Board of Historic and Architectural Review denied their request. The Town Council also denied the request with a 5-2 vote. During all of these proceedings, no repairs were made to the house and demolition by neglect grew worse. The Crocker family filed suit against the Town in October 2016 and the case was eventually heard this year. Last month, the presiding judge remanded it back to Town Council. The preservation of the home has been fought for years. During this time, the home has continually worsened and is at the point that it is unsalvageable. Therefore, in reconsideration of his original vote, Councilman Hall made a motion for renewed consideration of the application of Mary Crocker for demolition by right of the Pierceville Manor home and the surrounding buildings and move that Council approve the demolition of the manor home and all of its associated buildings.

Mayor Williams stated that there was a motion on the floor. Councilman Pack seconded the motion. Mayor Williams asked if there was any further discussion.

Vice Mayor Smith stated that this property has been before Town Council many times. He explained that he is from Smithfield and has seen the home over the years. He understands the value of Smithfield. He has always cherished the Town. He explained that he is also a realist. He has been in the construction business for thirty-six years. He has restored many homes. He visited the Pierceville home about four years ago. At that time, it was seriously deteriorated and could not continue with rain soaking the inside. He went back out to the property before they had removed the vines from the outbuildings. He went back into the house last week. He went into every barn that he could safely enter and the house. He can testify to everyone that he was fearful being in there by himself. He was careful. The upstairs is completely gone and the roof is peeled back. The masonry work and chimneys are leaning so badly that if anything was removed, they would collapse. The basement is full and the barns are completely shot. It is not his recommendation that anyone could take \$500,000.00 and restore the Pierceville home or any building out there. He explained that he has been in the business a long time and it takes manpower and a lot of money. Vice Mayor Smith explained that he voted against it the last time. He hates to do it but the decision has to be made. It has to be realistic with a real decision not

wishful ideas to save the home and outbuildings. With all this said, he stated that he would not apologize for his vote. He will stand by it.

The Town Attorney clarified that there are two bases for taking action. Due to the court's order, the pending application is still open and active. Councilman Hall's motion was to approve Mrs. Crocker's application. He pointed out that Mr. Luter has the right, under the ordinance since a year has passed, as the owner to request or renew the request to demolish the structures. There are two bases for taking action.

Councilwoman Butler asked if Mr. Luter would have to request an application or does his email serve as the request.

The Town Attorney stated that Councilman Hall's motion is to approve Mrs. Crocker's application; but there is a basis for either party. Mr. Luter's email clearly asked for permission to demolish the structures. There is nothing in the ordinance that requires him to make a specific application because the application is already pending. The time period during which they could have accepted an offer has expired. When it expires, the owner has the right to renew the request to demolish the property.

With no further discussion, Mayor Williams called for the vote on Councilman Hall's motion.

On call for the vote, seven members were present. Vice Mayor Smith voted aye, Councilwoman Haywood voted nay, Councilman Pack voted aye, Councilman Hall voted aye, Councilwoman Rountree voted aye, Councilwoman Butler voted aye, and Mayor Williams voted aye. There was one vote against the motion. The motion passed 6-1.

Closed Session:

The Town Attorney stated that the Council needed a motion to go into closed session for the purpose of discussing personnel matters pursuant to 2.2-3711.A-1 of the Code of Virginia and the acquisition/disposition of real property pursuant to 2.2-3711.A-3 of the Code of Virginia.

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

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

The Town Council went into closed session at 8:17 p.m.

The Town Council returned to open session at 8:35 p.m.

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

Vice Mayor Smith made the motion and Councilman Hall seconded. Mayor Williams called for the vote.

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

The Town Attorney stated that a motion was needed that during the closed session there was only a discussion of personnel matters pursuant to 2.2-3711.A.1 and the disposition of publicly held real property pursuant to 2.2-3711.A-3 of the Code of Virginia.

Councilman Pack made the motion and Councilman Hall seconded. Mayor Williams called for the vote.

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

Motion of Confirmation to Appoint Jack Reed as Director of Engineering and Public Works:

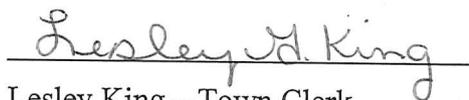
Councilman Hall made a motion to confirm Jack Reed as the Director of Engineering and Public Works. Councilman Pack seconded the motion. With no further discussion, Mayor Williams called for the vote.

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

With no further business, the meeting was adjourned at 8:37 p.m.



T. Carter Williams - Mayor



Lesley King - Town Clerk