

The Smithfield Town Council held its regular meeting on Tuesday, November 3<sup>rd</sup>, 2015. 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, Dr. Milton Cook, Ms. Connie Chapman and Mr. Randy Pack. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Ellen Minga, Town Treasurer; Mr. Alonzo Howell, Deputy Chief of Police; Mr. William H. Riddick, III, Town Attorney; Mrs. Lesley King, Town Clerk; Mr. William Saunders, Planning and Zoning Administrator, and Ms. Judy Winslow, Director of Tourism. There were approximately one hundred and ten (110) citizens present. The media was represented by Ms. Allison Williams of The Smithfield Times.

Mayor Williams – Good evening ladies and gentlemen. Welcome to the Smithfield Town Council meeting of November 3<sup>rd</sup>, 2015. Thank you all for coming. I hope everyone was able to get out and vote tonight. We have Troop 3 of the Boy Scouts that will post the flags for us. If everyone will rise, we will open the meeting with the Pledge of Allegiance.

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

Mayor Williams – Everyone may be seated. We thank Troop 3 for posting the colors. We look forward to you all growing up and becoming leaders of our community. We will start the meeting tonight with the Informational Section with our Manager's Report from Mr. Peter Stephenson.

Town Manager – Thank you, Your Honor. Welcome everyone. We printed extra copies of the agenda for tonight's meeting. They are on the table. However, if we do run out, we would ask you to please share. We have two public hearings this evening. We also have one new business item. The October Activity Report was included in the electronic posting. I will be happy to answer any questions. The main thing to note is a couple of holidays this month. We have Veteran's Day on November 11<sup>th</sup>. There will be a ceremony on Veteran's Day. Committee meetings are early this month due to the Thanksgiving holiday. Town Council Committee meetings will be on November 16<sup>th</sup> and 17<sup>th</sup> at 4:00 p.m. at the Smithfield Center. We will not have a Board of Zoning Appeals meeting on November 17<sup>th</sup>. Thank you.

Mayor Williams – Are there any questions for the Town Manager? Hearing none, we will move to Public Comments. The public is invited to speak to Council on any

matter except for scheduled public hearings. We have two tonight. There is a separate signup sheet for the public hearings. For public comments, please use the appropriate signup sheet and include your preferred method of contact. Comments are limited to five minutes. We have a clock here that you will be able to see for yourself. Any required response from the town will be provided in writing following the meeting. We are now open for public comments.

Mr. Bodson – I am Rick Bodson. I live at 115 Commodore Lane in Smithfield. Good evening Mr. Mayor and members of Council. I am not a resident of the town but, like you, I am a resident of the county and a taxpayer in the county. With this being Election Day, I thought it appropriate to bring up one subject. There will be a new representative for the Smithfield District in January. There may be two new Board of Supervisors elected today. I think there is an opportunity for a new chapter between the town and the county relations to be open in January when the new Board is sworn in. I would love to hear that new chapter open with a sentence that reads: “the relationship between the town and the county was reset with a January 2016 Intergovernmental Committee meeting.” I submit for your consideration that such a meeting is scheduled for January and that there is two agenda items in that meeting. The first one is the infamous Gatling Pointe water line. By then it may be a moot point. The county Planning Commission recommended against approving it. The Board may or may not vote on it this month. Regardless of what happens between now and January, I think there is a bigger issue that the town and the county should engage in. It is the more strategic ten, twenty, or thirty year plan for water in this county. To be perfectly blunt about it, the Gatling Pointe water line strategy seems more like a poke in the eye by the county to town leadership than could be defended financially or fiscally. As a county taxpayer, I think that is an example of something that should be discussed rationally, unemotionally, and with an Excel spreadsheet close at hand to see how that could possibly make sense. The next topic is the boundary line adjustments for the Scott Farm. I realize that the Comprehensive Plan change for future growth areas essentially was tabled for the northeast growth area. I was a witness to the derailment that occurred in this room at a Town Council meeting. More than anything else, I think the Scott Farm got the relationship between the town and the county really off kilter when someone could not differentiate between the ballpark and the Scott Farm being

separated. I think that discussion needs to be reopened. It is an acid test for how well conversation between the town and the county can go forward. Annexation is spoken against by county administration as loss of revenue for the county. We are all county taxpayers and frankly, for a purely residential neighborhood, the only thing that comes out of it is the proportion of sales tax revenue split between the town and the county. I exchanged emails with the Commissioner of the Revenue and by my accounting, which is rough we are talking less than twenty-five percent of the distribution of sales tax revenue from the county to the town if the school age children for the Scott Farm development were in the town versus the county. I bring that up only as it is the acid test for how well the town and the county discuss something like that with real facts. On a final note with all due respect to Mr. Stephenson, Ms. Seward, Mr. Riddick, and Mr. Popovich, at that first meeting, I think leading and speaking roles should be given to the Mayor and the Chair. Frankly, all members of the Board should be invited. The water line goes from Windsor through Newport into Smithfield. Part of Smithfield is represented by Mr. Jefferson. Invite the whole damn Board. Have a discussion but let the tone, the objectives, and the agenda be set by the Mayor. I would love to read in the Smithfield Times' January publication a headline that reads: "Group hug at the Smithfield Center. Town and county leadership agree to work together for the benefit of county taxpayers." Thank you for your time.

Mayor Williams – Are there any other public comments? Hearing none, we will move to Council Comments.

Mayor Williams – I have two comments tonight. I want to thank the Public Works Department, the Police Department, and the businesses for the safe Halloween on Main Street and Grace Street. I think there was a record crowd. There are always a lot of people. I walk it every time. I would like to commend all of them for the fine job they did in keeping the order and moving things along. A friend of mine lives on Grace Street. They had five hundred candy bars. He put one in every bag that came to his door. Forty five minutes later he was out of candy. The second thing I want to do is to commend our Town Clerk for her participation in our Leadership Isle of Wight program. She is a graduate of the Class of 2015. It is great that she has taken her time to participate. It is a big step. We now move to the consent agenda items. We will have a summary of these items. It is a briefing from the Chair of each committee of items discussed during

at committee meetings earlier in the month. We discussed these and they bring their recommendation to Town Council. We vote on them tonight. Is there any member who would like to pull any of the consent agenda items for further discussion? Hearing none, we move to the Water and Sewer Committee Chairman, Vice Mayor Andrew Gregory.

Vice Mayor Gregory – Water and Sewer Committee Summary. Thank you, Mr. Mayor. There are two items on the consent agenda with regards to water and sewer. Item C-1 is a motion to authorize the Town Manager to cancel the water tank maintenance contract with Caldwell Tanks and issue a new request for proposals for a new company to service the existing water tanks. Item C-2 is a motion to accept the utility master planning proposal from Draper Aden Associates in an amount not to exceed \$48,500.00. This is something that we are tasked with taking on as far as identifying and planning for the future for all utilities including water and sewer throughout the town. Draper Aden has done good work for us in the past and will take on this project for us. Thank you.

Mayor Williams – We will now move to Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. We have two items for the Finance Committee this evening. As you all know, any invoice over \$10,000.00 requires Council's authorization. This month there are quite a few. The first is to Moseley Architects for \$14,567.40. It is for the work we have done for the police evidence storage building. The second is for Virginia Resources Authority for \$12,140.59. Draper Aden Associates invoice is for \$28,182.50. The next invoice is for Lewis Construction of Virginia for \$25,926.55. We have one for Blair Brothers, Inc. for \$89,000.00. Our trash company, All Virginia Environmental Solutions, has an invoice for \$11,600.00. The Western Tidewater Free Clinic invoice is for \$34,000.00. This is a donation for them that we budgeted this year. We have an invoice to THG construction for \$20,750.00. Our last invoice is for Atlantic Communications Inc. for \$37,263.82. The All Virginia invoice of \$11,600.00 is for demolition of some homes in Pinewood Heights. Item C-4 is a motion to approve the 2015 holiday work schedule for town employees. We made a small amendment this year. Christmas Eve will be a full day instead of a half day. New Year's Eve will also be a full day off instead of a half day. We recommend all of these for approval this evening. Thank you.

Mayor Williams – We need a motion to approve items C-1 through C-4.

Councilman Pack – I would like to make a motion to approve these items as presented.

C1. Motion to Authorize the Town Manager to Cancel Water Tank Maintenance Contract with Caldwell Tanks and Issue New Request for Proposals.

C2. Motion to Accept Utility Master Planning Proposal from Draper Aden Associates in an Amount not to Exceed \$45,500.00.

C3. Invoices Over \$10,000 Requiring council Authorization:

a. Moseley Architects	\$14,567.40
b. Virginia Resources Authority (VRA)	\$12,140.59
c. Draper Aden Associates	\$28,182.50
d. Lewis Construction of Virginia	\$25,926.55
e. Blair Brothers, Inc.	\$89,000.00
f. All Virginia Environmental Solutions	\$11,600.00
g. Western Tidewater Free Clinic	\$34,000.00
h. THG Construction	\$20,750.00
i. Atlantic Communications Inc.	\$37,263.82

C4. Motion to Approve 2015 Holiday Work Schedule for Town Employees.

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, Councilwoman Chapman 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 now move to the Action Section. We will start with the Public Hearing: Amendment to Comprehensive Plan. We will have a staff report by our Planning and Zoning Administrator, Mr. William Saunders.

Planning and Zoning Administrator – Good evening Mr. Mayor and members of Council. You have before you tonight a request for an amendment to the Comprehensive Plan. This is a change in designations of the Future Land Use Map. The applicant is William G. Darden with Hearndon MC Builders, LLC. The applicant is proposing the amendment of the Comprehensive Plan's Future Land Use Map in order to facilitate the rezoning of the majority of the approximately 58 acre portion of the Pierceville Farm that is northeast of the Route 10 bypass. This proposed action is to accommodate the development of a residential subdivision consisting of one hundred

and fifty one new single family detached homes. Currently, the Comprehensive Plan Future Land Use Map shows the area in question as plus or minus one acre designated as Downtown Commercial. It is up near the old Little's Supermarket. The balance is designated as Parks and Recreation because a baseball complex was envisioned there at the time of the adoption of the last Comprehensive Plan. If the future land use designation of this property is not amended, it will be a subject for review under the upcoming update of the Comprehensive Plan. The applicant proposes amending the future land use designation to 'SR' which is Suburban Residential. This would accommodate the proposed Downtown Neighborhood Residential zoning. A change in the future land use designation such as this, requested by the applicant, constitutes an amendment to the Comprehensive Plan. This requires a public hearing before the Planning Commission followed by the Commission's recommendation to the Town Council. The Planning Commission held their public hearing on this item at their August 11<sup>th</sup>, 2015 meeting at which time they recommended denial of the applicant's requested change of future land use designation. A change of the future land use designation in the Comprehensive Plan also requires a public hearing before the Town Council prior to Council action. Council can approve, deny, or table the application but the action on this item will have bearing on the subsequent rezoning application. If approved, the Comprehensive Plan's Future Land Use Map will conform to the proposed rezoning. If denied, it will not. I will be glad to answer any questions you may have. Thank you.

Mayor Williams – We will now have a presentation by the applicant.

Ms. Venable – I am Melissa Venable. I am sorry for the delay while setting up. I am the owner of Land Planning Solutions located at 5857 Harbour View Boulevard in Suffolk, Virginia. Thank you for the opportunity to speak this evening. Thank you for your service to the Town of Smithfield. I have been a planner for twenty plus years with an emphasis in traditional neighborhood design and mixed use communities. A project in historic Smithfield is a dream come true for me and for most planners. It is a property to be designed as a neighborhood along Main Street in a pedestrian friendly town with the work and entertainment already in place. It does not get a whole lot better than that as far as I am concerned. This is just an ideal condition to be able to plan and design in. I would like to first talk about Main Street, Genuine Smithfield, our investment, and our plan. Mr. Bobby Jones will elaborate on our proffers. Mr. Rose who is the president of

Rose and Womble will speak about the market and Hearndon's reputation. I said this in one of our first Planning Commission meetings but I am going to reiterate it because I think it is just so important. When you turn down Main Street from Church Street you will find the perfect picture of genuine America. There are antique stores, boutiques, an ice cream shop, restaurants, brick sidewalks, gas lights, benches, and history. It is breathtaking. It is a good old town. It is not here by accident. There are several very specific folks that have invested hundreds of thousands of dollars to keep Main Street alive. This is a picture perfect place. A place you only wish you could live. If you keep heading west on Main Street towards Route 10 it is not quite the same picture. As a matter of fact, it can be the opposite. There is an old closed down grocery store and a parking lot in poor condition. If you are coming in from the Route 10 bypass onto Main Street, which many of the visitors do, this is the first thing you see. It is your western gateway. There are older homes in disrepair and a sidewalk that needs some attention. This entrance also has some very wonderful things if you look a little closer. There is a historic schoolhouse, the second oldest home in historic Smithfield, a beautiful Baptist Church, and a consignment shop that provides much needed funds for our four legged friends, an apartment community, and homes that are modest and simpler but are very beautiful because they are our homes. They are our neighbor's homes. They take time to restore and refurbish but time is the hardest commodity to find for our working families. This end of town simply needs a similar investment that the other end of town has already received. I mention this because the Pierceville property and the proposed Cary and Main project can be the investment into Main Street's second gateway. Fast forward if you will and imagine families like mine and retirees who actually have buying power for a home between the mid \$200,000.00 and mid \$300,000.00. Homeowners like Moms and Dads with buying power and folks looking for the exact same thing that you have already found in downtown Smithfield. There are teachers, police officers, fire fighters, town and county workers, engineers, and many that live right here in the town or in Isle of Wight. The one thing we have found through our studies is there are not any opportunities today for our children to go away to college and come back. There are not homes for them to come back and move into. We believe that this project could potentially be those homes for them where they can shop, go to restaurants; take part in the entertainment, and the ever growing farmer's market that is here. The community

that we are proposing creates a very large park on Main Street. I have a graphic of that, as you can see, on the easel. It is a bit small but you can see there is a photograph of Main Street at almost the same angle of what you will see when you come down Main Street. It turns a little bit as you would enter into the property. The drawing shows the actual entrance into the property with what we envision the park to look like with the pond area and the trails that are around our entry feature. We see the lights and benches. It is the entry into Cary and Main from Main Street. We are obviously fairly proud of that. I think it would be a fantastic entrance at that end of town. It is why I emphasize that so much. Behind that park, you can see the Pierceville Manor house. It would be restored. It is what you would see as you drive down the street. You would not see any of the proposed homes. You would see the park. The first house you would actually see is the restoration of the Pierceville Manor house and the manor itself. The proposed community also realigns Grace Street so you do not have the sharp turn any longer. It will have a 'T' intersection that would become our second entrance into our community to help alleviate any potential conflicts. The community is located in the historic district and will follow the historic architectural guidelines. Of course, the homes will not be historic. They cannot be. They are being built in 2016 and beyond. They will be built to appeal to today's market. They will be classic in their design. All of the homes have been designed with the same proportions and take cues from Georgian Federal, Arts and Crafts, and Victorian architectural styles. These homes are built to be environmentally responsible which is a demand of today's buyers. The neighborhood will have a handful of smaller parks and play areas which you will see on the master plan. It has trail systems around the pond areas and the green open space areas. Its proximity to the YMCA, Paul D. Camp Community College, and the Riverview Park which seems to be a bit underutilized today makes this an ideal community. From Cary and Main, you can walk to the intersection of Main Street and Church Street in less than ten minutes. Our street system will include all public right of ways that our fifty feet in width. There is a minimum of twenty-six feet of pavement, sidewalks on both sides, street lights, and curb and gutter. It will certainly be easier for our residents to traverse the interior streets of this neighborhood than to travel along Cary Street. There will be two main entrances into the Cary and Main project from Main Street. We are hoping that the one entrance that I pointed to will be our second entrance into the area of the closed

down grocery store. It would be another commercial development that will come along with this neighborhood. We are hopeful that it will come online eventually. Obviously, it is not part of this rezoning. The other thing that I wanted to address that came up was about our first traffic impact analysis. There were some questions on it. We have resubmitted it with new data that took very specific counts in September after school had started. It has been resubmitted to you. I believe it is online and has been available to the public as well. It addresses any conflicts. We also have made some modifications to the plan to change our ingress and egress that is on Cary Street. It moves it to align with the YMCA as opposed to the alignment with Goose Hill. We have a fairly large buffer now as well. I think from the intersection of Goose Hill and Cary Street there is a one hundred and fifty foot buffer to the back of the first lot. There is a fair amount of open space that can be landscaped so that you will not see any of the backs of the homes. There was some question about the design of the property and it not being a grid. The property is an odd shape and it does not lend itself to a perfect grid system. There are several large utility service power line easements that run through the property. Street design standards today do not allow for the same ninety degree turns that were once permitted. Therefore, the layout is a combination of a grid pattern where it is closer to Main Street and more traditional design where it is adjacent to Goose Hill outside of the historic district. Luckily, we do not live from a birds eye view. The attention to the homes, streets, and parks will create a very desirable neighborhood. The devil is in the details. The attention to details, even at the early stage of this project, has been quite specific. We will continue to refine our details throughout the engineering and design process to be sure that the streetlights, sidewalk details, and the landscape will compliment what we see today in town. We have made some modifications to the plan as I mentioned. We have increased some of the lot sizes from the minimal lot sizes. Every lot is larger than the minimum lot size. I will mention again that we are providing more than twice as much open space than is required in the Downtown Neighborhood Residential requirement. Lastly, I wanted to point out that the preservation of the Pierceville Manor house is to be completed within one hundred and twenty days of the approval of this rezoning. Also, within one year of the property acquisition, the developer will complete the renovation of that home. I am not sure if the town can put a real future value on that but I want to emphasize the investment that is

directly into the town. I think the future investment will grow and grow for you if we see the Pierceville Manor house come to life as a historic property. Thank you so much.

Mr. Rose – I am Van Rose. I am the president of Rose & Womble Realty. I am a 1975 graduate of the Naval Academy. I spent the first part of my life flying planes. For the last thirty-one years, I have been selling, developing, and marketing houses in all twelve cities of Hampton Roads. I have had the great fortune of being able to sell about 120,000 houses here in Hampton Roads with 30,000 being new homes. I have been called upon by all twelve cities to do forecasting for the housing markets because, for some reason, people think I know something about it. I am here basically for two reasons tonight. The first reason is to talk about your builder. I feel like I do have credibility and can speak about the builder/applicant. For the last twenty five years, I have had the great pleasure of representing Hearndon Construction. I have represented two hundred and fifty builders in this marketplace. I will tell you on any day, at any place, at any time that Hearndon Construction sits at the very pinnacle of one of the finest building groups that we have ever represented. That is not an easy thing to say because builders are a strange breed. Having sold as many houses as I have and represented as many builders as I have, I know that all things that builders promise sometimes do not come true. I can stand here in front of everybody in this room and say that if Hearndon Construction promises something then they deliver. In fact, I would say that their basic motto in life is that they under promise and over deliver. One of the things I am proudest about when representing their company is that I have seen them work with cities such as yourself through as difficult situations as exist. They will work every single detail out until the city is satisfied, they are satisfied, and in the end the buying public is typically very satisfied. I measure a builder's success most frequently in my company by the amount of recall calls that I get from the houses that have been produced that consumers are either happy or unhappy. I can tell you that in twenty five years of working with them it is virtually never that I get a call about a house that is not completely satisfactory to the buyers. They are an incredibly, great company. If you guys decide to work together with them, I know I will not ever have to stand here and say to you that they did not do what they said they were going to do. They will do more than they say they are going to do. The second thing is something I would like to address to everybody in this room. I am a forecaster of the real estate industry. We

have just come through the most challenging real estate market certainly in my lifetime and probably almost every person in this room's lifetime. In 2005, we had the biggest boom. In 2008, we had the biggest bust. It is has taken until 2014 for us to crawl, kind of, out of the hole. In 2015 was the first time that we actually could smell the air again. This year all twelve cities of Hampton Roads and all 1.7 million people have experienced in general a twenty-two percent gain over 2014. Isle of Wight and Smithfield did not share in that same appreciation. When I say appreciation, I mean that same enhancement in housing. In fact, as of today, there had been four hundred and twenty-seven houses that had closed in Isle of Wight and Smithfield in 2015. By any standard in this country, if you look at housing turnover for a market to be viable and healthy there needs to be about a sox percent turnover of housing in a marketplace. If you took the 30,000 plus people that live in Isle of Wight and the 8,000 plus people that live in Smithfield and put that together and took sox percent of that you would have to sell about two thousand seven hundred houses. You are currently at four hundred twenty-seven. The reason I bring that to your attention is because if everybody does not pay some attention to this you will create for yourself a problem for your future. Ms. Venable said it very, very well. If you want your children to come back to this place and buy houses, you have to build houses for them. If you decide you want to retire and you want to get rid of your larger house, you have to have something to move to. At four hundred twenty-seven houses, you do not have enough housing available to take care of yourselves. You cannot raise families, get married, get divorced, have children, send them to school, bring them back home, send them back out, and then unfortunately die and live off of four hundred twenty seven houses. You cannot do it a year. In the world I grew up in with the military, there is a term called 'entropy'. It says that everything is in a state of decay unless you put something into it. My greatest plea tonight for everybody here is to understand one thing. Unless there is some vitality and something put into your marketplace, sooner or later it decays. As Ms. Venable said so well, Smithfield is one of the most awesome places of the twelve cities in Hampton Roads. It is an awesome place but it takes continued vitality for it to continue to keep that state. I would hate for this group of people to miss the opportunity with one of Hampton Roads most premier builders. You are sitting here at the threshold. You are lagging right now but you have the opportunity, with this community, to make some great headway in the

sweet spot of the market which is \$250,000.00 and \$350,000. It means your people can buy houses. Almost all of your people could buy houses. It is what we want. At 4:00 p.m. this afternoon, I went to the computer just to see where Isle of Wight/Smithfield was and you had thirty five resale single family houses and six new home listings to live off of. That does not work for your future. You have a great city but you have to put some energy into it to keep it that way. Here is a housing project that gives you the opportunity to do that. I would hope that everybody would take it incredibly seriously because most cities do not get this kind of opportunity. We are blessed to be able to sell a project which is currently ongoing. It is in Chesapeake. In three months, they sold thirty six houses at an average price of \$380,000.00 that look just like those houses you are looking at over there. That is called vitality. That is called life. I hope all of you will take that seriously when you think about what you want to do with this project. Thank you.

Mr. Jones – I am Robert Jones. I am with Jones & Jones PC at 1600 South Church Street in Smithfield, Virginia. I am the attorney for the applicant. As Mr. Saunders said earlier, you actually have two action items before you tonight. The first being the amendment to the Comprehensive Plan and the second being the rezoning request. Those two are inseparably intertwined; without one there is not the other. I would ask Council's indulgence to accept what we have presented which is now on the Comprehensive Plan issue as the same for the rezoning request. We are presenting our entire package in one step. If you want us to get back up and repeat everything, we can certainly do that but we would ask just to have that adopted and we will put that on the record at the next public hearing which is the second step. As you all know, this process began with an application being filed for these two requests. The process started with town staff. As a result of that, the preliminary proffers were generated. Then, as you know, we had a meeting before the Planning Commission in August. The ultimate outcome was a recommendation four to three vote to deny the application. If you look at the context of that hearing, there was more concern about the product that you see and unanswered questions than the general concept of the plan which is what is the appropriate use for that particular property as opposed to whether it is residential, ballfields, or something of that nature. It did not appear to be the concern. It was more about the unanswered questions that existed at that time. Part of it was the traffic study

that Ms. Venable discussed. We had presented one. The staff comments that came out prior to that hearing had concerns which we have now addressed with a new traffic study. Other concerns were about the number of homes that we had presented as model homes and the general lack of variety in that and also the question of whether or not these homes were appropriate in the historic district. The other large concern was what was going to be done with Mrs. Crocker's home and the surrounding structures. We took note of those concerns and then we revised our proffers. As I am sure someone will tell you, probably Mr. Riddick, the proffers that have now been submitted and dated October 20<sup>th</sup> are not on the agenda for your consideration tonight because they were recently done and not discussed with the Planning Commission. We addressed those concerns by amending the proffers. We submitted an additional study for the traffic impact. We have prepared additional renderings and many more designs than were originally shown to the Planning Commission. We took those renderings to the Board of Historic and Architectural Review because one of the questions was whether they were appropriate for the historic district. At their last meeting, they reviewed items such as the renderings, materials list, and the color list we provided. They agreed or passed a motion and ruled that these renderings were in general conformity with the guidelines set forth for building a new home in the historic district. It was not an official act of approving any particular house on any particular lot. It is something that we tried to address since the Planning Commission public hearing. As far as Mrs. Crocker's home, proffer #12 sets forth exactly what is proposed for that. Within seventy-five days of rezoning, the developer would post a \$100,000.00 cash surety bond for the purpose of making sure that the work gets done. If for some reason the builder backed out there would be a bond there for the town to be able to use those funds for that. Within one hundred and twenty days, they would basically mothball the home to prevent further deterioration. In addition, if this goes forward, if the developer is unable to find somebody that is suitable to take over the home and restore it then he will undertake the renovation and complete it as a single family home. He will restore it and put it on the market for sale. I think that addresses one of the unanswered questions as to what would actually happen to the home and sets forth with particulars about how that will be accomplished. As for the proffers dated in October and discussing them with Mr. Saunders, we realized that we added a proffer #2 which I will get to in a minute. It

caused proffer #10 to have a typographical error in it. It refers to proffers 3-8 when it should be 4-9 because we added a line item. We will submit corrected proffers tomorrow or the next day to have that taken care of but there are no substantial changes. It is truly just a typographical error. As for the proffers themselves, you just heard comments that the developer has never made a promise when doing one of these projects that he did not keep. That is fine but the proffers are insurance that those promises are kept. This is a conditional rezoning and if approved it is approved with these proffers setting the rules. It is a contract between the builder and the town. He has to do what is in these proffers. Basically, going through them very quickly, it says that they will be built in general conformity to the master plan that was submitted as part of this project. This means that the general layout and the number of homes is what you will get. It will not be some surprise down the road that they ask for more houses or a completely different layout. There certainly may be minor tweaks here and there because of engineering or things of that nature but it will be in general conformity to the layout. Paragraph two that was added says that the homes that are built will be in general conformity to the renderings that were submitted to the Board of Historic and Architectural Review. Again, does it mean that particular house is exactly what is going to be built? No, it still requires the Board to render an opinion on a particular item but it will be in general conformity. Item 3-9 are items that are setting forth what the minimum standards will be in the development from the way of the homeowner's association. Again, the homeowner's association does not take the place of Town Council, Planning Commission, or the Board of Historic and Architectural Review. It does set forth the rules that they are going to live by. You will see that. It sets forth that those covenants and those various paragraphs will not be changed even after the developer is out of the project and it is just homeowner's there that have taken over the association. If they want to change 4-9, they have to come back through the town in order to be amended. They cannot change their architectural standards to something less than what we are showing you. We are asking that both of these applications be deferred until your December meeting to allow the new proffers to be able to be considered. It would give you some time since your committee meetings are between now and then. It would give time to be able to answer any specific questions that you have once you get into the project. We will certainly address any questions that you have tonight but the

detailed questions would probably be more appropriately addressed in a work session of the committees where you can have specific requests made and then come back with a detailed response as opposed to us trying to answer a question on the fly tonight. We can certainly answer specifics that are before us but we would ask, at the appropriate time, to consider deferring this for one month to allow the new proffers to be considered and to address any additional questions that may come up as a result of comments tonight. Again, at the appropriate time, we will ask that you take this as the second half of this meeting as well. Thank you.

Mayor Williams – Does any Council member have any questions of the applicant? Hearing none, we will move on to the public hearing. This is an amendment to the Comprehensive Plan. I would ask that the people that signed the signup sheet, if you do not mind, to not be repetitious in saying something exactly as someone else has just said. ‘Ditto’ works very well for us or you can say that you feel the same. However, if you feel compelled and say the same thing then you are certainly welcome to. We have nineteen people signed up. We will take them one by one. Here is the clock so that you can see it for yourself. Our Town Attorney, Mr. Riddick, will tell you when you have one minute left. We ask you to abide by the five minute rule.

Town Manager – Our first sign up is Mr. Christopher Gwaltney.

Mr. Gwaltney – I live at 1 Jamesview Circle in Smithfield, Virginia. I have had a 23430 zip code for forty-one years. Fifteen of those were in the Bennis Church area but since then for twenty some odd years I have been a resident of Smithfield. I appreciate your time and effort on this. I am a product of Isle of Wight County schools. I graduated third in my class which I always thought was the best because it is the highest you can graduate without having to do anything. I went on to get a degree in civil engineering from Virginia Tech. I have been practicing generally in the Williamsburg area doing land development. I take it as personal pride to do quality developments. I do not have anything to do with this development. I wanted to add my general support for the development and the players that have presented themselves here. I have worked with Ms. Venable from time to time. I have seen her work. I think she is a very accomplished land planner. A very wise man, Donald Rumsfeld, was criticized by the media when he said “there are things we know, things we know we do not know, and there things we do not know that we do not know.” I have been working with the Gwaltney family reunion. I

have history that I know. For the last forty-two years almost I have lived in Isle of Wight County and Smithfield. I have history that I do not know that I know I do not know. I also have history that I know I do not know. I have been working on some of that. I have looked at the history of Pierceville. Mrs. Mary Emma Crocker was a nice lady who was our church secretary when I was a teenager. After doing some research, I found out that she is a Gwaltney. Her grandmother was a Gwaltney. She is a relation to us. We have been having the Gwaltney family reunion for eight years and we found out that all Gwaltneys came from a Thomas Gwaltney who came to Smithfield in 1638. He landed at Goose Hill. All of this property has a lot of history to me. It is history that I did not know that I did not know until all of this happened. Now I have found out a little bit more about it. At this point and time, I would just like to say that land development is part of my career. I have been a licensed professional engineer going on fifteen years now. I have worked on very high level residential in the James City County and Williamsburg areas. This portion that we are talking about now is just an amendment to a Comprehensive Plan. The Comprehensive Plan is old; long before we had Windsor Castle Park. Public use areas have moved. I want to point out that even though the applicant is a developer the ultimate owner is the land owner, Mary Emma Crocker. She was born on that property. She has lived there for about eighty-five years so far. Her family has been there for over two hundred years. The history of the property is very long. The bypass was taken from them. Sewer lines and water lines were run under the farm affecting the way it can be laid out now. There was a sewage treatment plant on the farm. There was a health department on the farm. All of these things occurred in the past without any kind of Comprehensive Plan. At some point in time there may have been a desire to have a ballfield there, now there is a desire to have a farm there. Ultimately, I feel like the person who owns the property or the potential buyer who is willing to invest in the property should get just a little bit more interest and a little bit more say because they are the ones who have been the caretakers of the property over the years. If Mrs. Crocker did not want the property to be developed, she would be the first line of defense against the property being developed. With that being said, I would just like to disagree that just because the Comprehensive Plan amendment passes it does not necessarily mean that a zoning has to pass. It is just a color on a future land use map. It allows landowners to know what they can potentially sell their property for. If

their property is worth nothing than a ballfield then they cannot sell it for anything but a ballfield. If their property is potentially developable for any purpose then that gives them options so they can conduct their personal finances. Thank you.

Town Manager – The next signup is Mr. Richard Harrell.

Mr. Harrell – Good evening Mr. Mayor and Council members. I would like to talk a little bit about this recently published sewer analysis that came out. I have some issues with a few things in it and maybe some impact into the proffers that you guys need to consider. Let me talk on that for just a moment if I could. I learned some things. This was a very well written survey. I am an engineer. I like data and numbers. The thing that got my attention talks about an eight inch gravity drain sewer line going from the pumping station along the access road. That line runs directly behind my house and I have had some trouble there. I never knew it was an eight inch line. That was surprising. The study also talks about a twelve inch pressure fed line feeding from downtown and feeding from Drummonds Lane that feed into that. I was aware there was a pressure feed into that gravity line but I was not aware of the size of those lines. In the study that was passed out, the eight inch line running behind my house was rated at seven hundred gallons per minute. The study also says that based on the current use in wet conditions that we could have from four to six hundred gallons per minute into that line. I am a pessimist. Let us take the six hundred gallon a minute figure and adding the Pierceville development would only add an additional ninety three gallons at peak. If all of that is thrown together, you have a reserve of seven gallons per minute. That is kind of tight but that is what is in that report. Now, the reason I have a problem with this is because I bought property in 2007. The first summer I was there the weather was little bit warm. All of a sudden, I was getting horrible odors of sewage in my backyard. I called the town and ask for help. They sent a gentleman out. My memory is not that great but I believe it was Mr. Bill Hopkins. He was a very nice fellow. We went over and looked at the sewage treatment plant and there was nothing there. What we found was an elevated manhole cover that has a concrete form coming up with a metal cap on it and then the cover. It did not make a very tight seal and odors were coming from this. At the time, I was told that I would get odors during peak times. It turns out that it is about four or five times a month that we have odors coming out of this manhole. In 2008, I was told that the sewer line coming down to the pumping station

was at maximum capacity which was causing the odor issue. The study kind of implies that it is not that. It is only at wet times that we even approach maximum capacity. This little gadget here is like one hundred and fifty five feet behind my back deck. If the wind is in the east, I cannot even use my back deck because of the odors coming out of it. I have to cancel planned cookouts. This past September, I was trying to put grass seed down in my yard and as I came down the hill to the street where the line runs the odors were so bad I did not even get down to the street. I just turned around and gave up on putting seed back there. If you guys will ride down the street, you will see that the fescue has come up about fifty or sixty feet back from the end of my property. It is where I stopped because the odors coming out of this thing were so bad. Well, that little sewer place is about two hundred and eighty feet from the pumping station. So you have the pumping station and then I have this place where we have a problem. What I want you guys to do is to think that with the other sewage that is added here that eight inch line is not going to be adequate. It is going to be an expensive item because it is quite a distance. The proffers that you get for this are going to need to include replacing that sewer line and making repairs to it. I want you to be sure to consider that should you vote in favor of this. I am not in favor of this project for a bunch of reasons that you have heard. Should it go through, please include replacing that eight inch sewer line. It is just too small. Thank you.

Town Manager – The next speaker is Mr. Al Coke.

Mr. Coke – Thank you Mr. Mayor. I would like to unofficially upgrade the number of kids at the Halloween event. It was about twelve hundred that came through my yard on Grace Street. I live at 304 Grace Street here in the historic district. I appreciate your time and consideration of my comments. The residents, business owners, as well as the elected and appointed officials of this uniquely qualified town are all stewards of the historic district with the responsibility to maintain the beauty, ambience, and charm for generations to come. My wife and I and the neighbors have chosen to embrace these responsibilities. We ask you to join us by opposing this proposed land use change before you. We are not alone in asking you to make this choice. There are two hundred and sixty signatories to three petitions representing more than three hundred residents including eighteen brick and mortar downtown business owners. The petition represents the overwhelming majority of Goose Hill and historic district residents who will be

impacted directly by the outcome of your choice. Nearly every resident of Cary, James and Grace Streets have signed the petition as have more than eighty percent of residents along Church, Main, Institute, Thomas, Mason, Clay, and Washington Streets, Sykes Court, and Jericho Estates. This includes residents who have sighted conflict of interest that prevent their signing. The actual favorable response is greater than ninety five percent. I will say that again. Ninety-five percent of these folks oppose this action. Our opposition to the Comprehensive Plan modification and the Pierceville development project is firm. It is not rooted in emotionalism or petty self-interest. Yes, we are rightly concerned about the potential harm to our already depressed real estate market here in Smithfield. That is very clear but the comment and evidence presented to the Planning Commission in August confirm that there are critical infrastructure challenges. You just heard one. They come from the intense build out of the very historic district of Pierceville Farm. Those challenges include school classrooms and education support and traffic management, sewage and water runoff, crime, environmental situations. Imagine us looking like the north side of the James River. The entire farm is a resource management area of the Chesapeake Bay. Remember our Chesapeake Bay. Something that has been totally ignored up until this point because of legal maneuvering that bypasses the subdivision ordinance and Article 3 and 11 of the Zoning Commission. Also, you will hear in some detail from others this evening, we are strongly objecting to the developer's conceptual plan, site plan, and/or preliminary subdivision plan which are part and parcel to any consideration before you tonight. Both the Zoning and Subdivision Ordinances compel you to consider future land use change and conditional rezoning within the context of major site planning and subdivision plat review not in isolation. Lastly, we will talk about the inadequacies of the proposed subdivision plat itself. You will hear factual evidence tonight that confirms that even the best of the tract home designs for this subdivision fall short of the architectural standards of the historic district. I had a conversation this afternoon with somebody from the historic committee. They do not meet and they do not agree with the standards. Presenters of the October 27<sup>th</sup> Public Buildings and Welfare Committee meeting detailed the numerous architectural deficiencies. The advisory rendered by the Board of Historic and Architectural Review a week earlier was as inane as it was illegitimate. The BHAR works within the subdivision review committee which in turn reports to the

Planning and Zoning Administration and the Planning Commission. There are no 'ifs', no 'ands', and no 'buts'. While there may be a place in the greater Smithfield or the county for Hearndon's proposed subdivision the Pierceville farm is not it. Residing within an historic district is not the right place. There is plenty of land. Find another place. I ask you to please give consideration to these concerns as you make your decision. Thank you.

Town Manager – Our next signup is Ms. Bonnie Pryor.

Ms. Pryor – Good evening. I have been asked to speak as a newcomer with a fresh eye. I will be very brief. I came to Smithfield eighteen months ago when I bought and began the renovations of the Valentine House at 400 Main Street. It is on the corner of Cary and Main. I am a retired law librarian so I understand all of the issues that are here. I was born and raised on the northern side of Virginia Beach by the bay. I remember when it was Princess Anne County. I left what is now no more than a sprawling cramped suburb with strip malls and I lived in the nice part of the town. I do have fresh eyes but I am not here to criticize. I love it here; everything about it. This town has been doing it right all along. With few exceptions, the standards are high and uniform. No one in this room is going to be here in fifty years to see the result of a decision to develop Pierceville. If you want to see a similar result, go visit the neighboring cities with the irresponsible development and the building and decay up to the steps of the historic landmarks. Notwithstanding what developers say or what Mr. Rose said, I have watched it for over fifty years in Virginia Beach. Imagine if the development at Windsor Castle had gone through. It is a delight to the tourists and the residents. It is a destination. Pierceville should anchor the west part of the historic district as Windsor Castle does to the east. Others are addressing the problems of traffic, resources, and crime. I can tell you from where I sit at the corner of Cary and Main I see tourist stop dead. There is nothing beyond. They hustle past the decaying apartment building across from Mr. Riddick and me. I have had to use my own Round Up and weed eater there. My neighbors pick up the trash. It is a source of trash, noise, and drug deals. I see them going on all the time in that corner. Cars are already speeding down Cary Street. We do not need more. We have current issues that need to be resolved without adding to already stretched personnel and resources. This proposed development would be akin to having a leaking roof and siding and deciding

to put on a new addition rather than fix the existing leak that is causing some deterioration. It is my opinion that leaping from Community Conservation to Suburban Residential is flat out a mistake. It would set a very bad precedent. We will have more of "if they did that before; let's do that again." We have all seen that happen over and over. Just as eminent domain can be used for the greater good; certainly upholding the current zoning and future designation is for the greater good as well. Thank you for your time.

Town Manager – The next speaker that signed up is Mrs. Robbie Younger.

Mrs. Younger – My husband and I own 324 Main Street. It is the Painted Garden Gallery. We have owned the building for sixteen years. I have been in business for fifteen years. I am strongly against the Pierceville property being rezoned. In our historic district, I believe, we have one hundred and eighty one homes. Adding one hundred and fifty one homes, I think would be a big mistake. In 2013, I tried to get parking in front of my place because my particular building does not have parking. I kept an article about it. I had requested two hour parking. One of the comments from Smithfield Police Chief Steve Bowman said that implementing parking restrictions will ultimately call for more policing. With one hundred and fifty one more homes coming, I think it would be more than worrying about two hour parking. I believe that most people come to Smithfield because of the history. I have been at my shop for fifteen years and people love the history. I do not think people are coming to go to a new housing development. Just look at this particular advertisement about "12 Things to do in Smithfield". Ten out of twelve is something historic. I think we have to keep going forward with the historic. It is what draws people here. I would say that is why most of us came to live here. Again, in all of the advertisements, the Chamber and everything is about people coming to town to enjoy the ambience of the historic, the beautiful old homes, the charm, and the businesses that are here. I also think of a minister that I knew. He always said that "whatever you do will increase or decrease." I think this development will decrease our neighborhood. One other thing that I wanted to say is from the book of Proverbs. It says "my people perish for lack of vision." We appreciate everything you do. I know it is hard to serve. You have families but I believe you have the vision to know that this is something so special that we have. It should be used for something higher than a one hundred and fifty one home development. I found this, from 2014, about the Battle of

Smithfield. I am not a historian but there was a quote in here. It says "Meantime a Confederate courier had been sent to Blackwater to inform Major Sturtevant, Commander of the small Confederate force, that the Yankees were stranded in Smithfield on or about noon." It also states: "the battery consisted of only two field pieces, a twelve pound pulley in and a six pound houser." These were placed on a hill on what is now the Delk farm. I think maybe there is a lot of history there that has not been recognized but should be recognized. I just wanted to state again my vision. I have talked before about an art colony, something non-profit, or something that we do not have to look to the town to support it. I have been making calls to different art colonies in the United States. They say it really adds to communities. It brings money in and it would really culturally add to us. I know Judy Winslow has done a lot with HeART history and the arts. I think that would be something that would increase us and not decrease us. Thank you.

Town Manager – Our next speaker is Mrs. Susie Gay.

Mrs. Gay – Good evening. I live at 110 Goose Hill Way right next to Mr. Harrell. I can say that, yes, it does stink down there. My parents raised my brother and me to appreciate history, antiques, and historical destinations. They took us to visit places like Sturbridge Village in Newport, Rhode Island, Gettysburg, and Colonial Williamsburg. My husband and I have had the privilege of living all over the United States and Germany during his career in the army. Living and experiencing those places gives you a very unique perspective on how things can be done poorly in a community and how they can be done really well. One very good example is Savannah, Georgia. My husband and I had the pleasure of living in or near Savannah for six years. The first time was in the 1970's. I remember when the River Walk was a dusty, dirty road. There were no hotels overlooking the waterway. It could be rough but there was credible potential. Some of the houses closest to the block above the River Walk had been renovated but the squares farther out still held run down, dilapidated houses in dire need of renovation. Our second tour to the area in the 1980's showed significant improvement. There were more houses renovated, more tourists, great restaurants, and more squares that were safe to walk in day and night. A recent vacation to Savannah highlighted a beautiful city with character, charm, and a southern uniqueness not found anywhere else. What had been a very rough, uncut, dirty piece of glass turned into a magnificent diamond, cut

and polished. It did not happen overnight or without help from private citizens. The founding of the Historic Savannah Foundation began with a catalyst which was the impending destruction of the Isiah Davenport house. It was an 1820's brick home on Columbia Square in 1955. Through the tenacity of an unlikely band of seven women activist, the house was saved and the organization founded. The ladies gathered private monies and saved the house. They went on to save other structures one by one through their revolving fund. Once each house or building was renovated, it was sold. The money from the sale went right back into their fund and they moved on to next project. The money revolves and the work revolves. Today, more than three hundred and fifty buildings have been saved after the Foundation started over sixty years ago. They literally stopped the paving of a paradise and putting in parking lots. Since that time, Savannah has achieved an international reputation for historic preservation and today boasts a billion dollar tourist industry. Daniel Cary of the Foundation stated in their informative video on the web "the loss of those things, the structures, one by one represented the loss of community and sense of place in Savannah. We were trading in our uniqueness for everywhere USA one building at a time." I submit that the loss and development of the Pierceville property would represent the loss of community in Smithfield. We would definitely trade in our uniqueness for everywhere USA with one hundred and fifty-one tract houses that do not represent the historic district of Smithfield. We would indeed be paving over paradise and putting in a huge parking lot. Savannah has an international reputation. There is a sense of place in Savannah. If they lose that, they lose their sense of community and become a soulless city. If we, the Town of Smithfield, allow the high density development of this very historic and unique Pierceville property we will definitely and assuredly become a soulless town just like everywhere USA. Why are we thinking of selling out? Why is the Town Council continuing to push the rezoning and development of the property in the face of major opposition from its constituents? As far as I am concerned, there is only one reason which is money. Do we really want to sell our souls? Do you want to sell your souls and the very essence of our historical town for money? Think about it. Thank you.

Town Manager – The next person signed up is Mr. Ross Younger.

Mr. Younger – Good evening. My wife Robbie has already spoken. We own 324 Main Street. I agree with Mr. Rose that you do have to have some new houses in an

area for it to grow and survive. I do not agree with the density and the location of this area. In downtown Smithfield you have about one hundred and eighty one homes. You are almost doubling that. I do not know how many people came from the north side of the James today like I did but coming into town at the intersection of Nike Park and Battery Park traffic was backed up past the Fulgham Bridge. It was probably ninety percent of the people that were going into town. They were not going to Gatling Pointe. They were going into town. With one hundred and fifty one homes, you can figure on an average of two cars per home or possibly three or four if they have kids. You will have all of that traffic coming down Main Street and Grace Street. I can guarantee you that most of those people are not going to go Route 10 because it is a longer route to the north side of the bridge. Most buyers of those homes would not be working on this side of the water. They would be going to the north side of the bridge. My main concern is traffic but I also disagree with the other infrastructure problems that we have. Luckily, I have not smelled Mr. Harrell's house but I have, in Hampton, dealt with some issues with some sewer lines near my business there. There were subdivisions overloading the sewer lines and it backed up continually. The city does not have money to repair it. Just think about your infrastructure problems before you approve any zoning changes. Thank you.

Town Manager – The next sign up is Ms. Betty Clark.

Ms. Clark – I live at 120 North Church Street. I grew up in Smithfield. I have seen projects come and go; some good and some not so good. I have seen old houses torn down so a bank or a store could be built in its place. This was not the good. The good is the restoration of the houses on South Church Street, Grace Street, and Main Street. The good was my daughter, Sayla, restoring the Thomas House to be a Bed and Breakfast. It is not turning Pierceville into a section of strip houses that truly look nothing like the Victorians they are supposed to emulate. Smithfield advertises its history. In almost everything that is printed it is called 'Genuine Smithfield.' Where will that genuine be if we allow Pierceville to be turned into little non-descript houses? You say you care about this town and you must or you would not be here. It is time to stop thinking about just the tax dollar and to think about the future of this historic site. Preserving this and other historic sites in the town takes work. Voting no for the Hearndon development of Pierceville will show your desire to leave a legacy for future generations. Since the last

Town Council meeting, Dr. Cook has been encouraging us to form a group to present an alternative use for the Pierceville property. He has told me that the Town Council will be willing to help wherever and whenever possible. With that in mind, we, the petitioners against the Hearndon development, are forming a group called Preserve Smithfield. You will hear more about that later. To help with the formation of Preserve Smithfield, we have talked with John Horstein who is a historian at Mariner's Museum. He has also worked on several national committees regarding historic restoration. He is willing to work with us. I have also talked with Linda Park at the Classic American Homes Preservation Trust in New York City and with Mark Wagner at Historical Preservation Resources in Richmond. Both of these people offered meaningful comments about preserving the Pierceville property. They were both astounded that, at this point, the Town of Smithfield does not appear to be receptive to the restoration of Pierceville. I will now read an email that I got from Mark Wagner from Richmond. It states: "The Thomas Pierce house in Smithfield is a significant colonial period dwelling. While Smithfield has a few colonial period buildings, the example has the very traditional eastern Virginia gambrel roof design. Colonial period gambrel roof houses were rarer than regular gables and there are fewer than survive. This larger and wider gambrel signifies that the owner had more than average wealth. The families who maintained this farm appear to have been prosperous based on the extensive number of outbuildings. The Virginia Department of Historic Resources file records for Pierceville go back to the 1930's. The surveyor at that period noted that there was a good many slaves on the farm and that two of the buildings were slave quarters. It appears that at least one of these buildings still stands. The surveyor also notes a burial ground on the property which is likely to have family members and slaves buried there. There was no mapping for the property in the 1930's survey so we do not know where the cemetery is located. With a property this size, it is likely that slaves lived near the main house. The house servants and the field servants lived in cabin quarters in the open farm area. It is somewhat likely there are archeological sites on these field quarters. Our file photos from 1968, 1972, and 1992 show a larger than average number of historic farm buildings surviving. I note, based on the roof pitches and exterior details of our older photos that one of the farm buildings dates to the 18<sup>th</sup> century. Several others are pre-civil war."

Town Attorney – Your time is up Ms. Clark.

Ms. Clark – One building appears to have doubled as slave quarters.

Mayor Williams – Thank you, Ms. Clark. We appreciate you coming up.

Town Manager – Our next signup is Chris Torre.

Mr. Torre – Good evening Mr. Mayor and Town Council members. I live at 32 Main Street. I am across the street from the Episcopal Church. My family and I have been here for about two and a half years. We have found that Smithfield is really a nice town. Everybody knows that. It does not make any difference who you talk to. It does not make any difference what you read. It does not make any difference who you listen to. Everybody says the same thing. Smithfield is a great place which includes beautiful, friendly, stately old mansions. It is quaint, charming, historic, and well preserved. It is an excellent place to live and raise a family. What you folks are contemplating down at the end of Main Street has the potential to permanently and irrevocably change the nature of this place forever. If that development gains approval then there is just absolutely nothing left but to stand by and see what happens. I came here tonight to speak to you from the perspective of a builder. I was a general contractor in my other life. I had an office in San Diego. My branch office was in Nashville, Tennessee. I had a general contractor's license in Florida, Hawaii, and every state where I needed one. All I ever did in my whole life was construction. I started off in the housing business. My father was a housing building in Sacramento. He did tracts in Sacramento and Stockton. He ended up in Reno in the late 1950's through the 1960's. I left you a copy of my contractor's qualifications statement and my sales brochure just in case you wanted to check me out. If you do not have any use for it then just throw it away. The way a typical developer arrives at his construction budget is through the asking sales price of the house. It is where all the money is generated. If a developer is going to build a two thousand square foot house and sell it for \$200,000.00 his construction budget is \$100.00 per foot and it will not buy much. When I was in business, we used to consider the shell of the house to cost \$100.00 per foot. It was four walls and a roof. Water tight integrity was all you got. The problem with a developer's budget is that there is not very much left of it by the time he actually gets to the construction of the house. Every single cost that the developer incurs along the way gets subtracted from the amount of money that he has got left to spend at the end to manufacture the house. Those houses are manufactured. Before construction begins, you have to subtract land cost, loan cost,

preliminary approvals such as the one we are doing tonight, final approvals if they get one, soil report, architectural fees, and civil engineering fees which include the plat. The plat is a complicated document with precise meets and bounds and a precise grading plan. They also have to record easements, utility work, sanitary sewer, storm sewer, and laterals. In this case, there are other costs besides those before the builder even starts like overhead and profit. If he is going to have a reasonable profit, maybe he will mark it up five percent. Reasonable overhead might be another five percent. He will deduct seven percent for the land cost. The architectural fees are probably watered down because these houses have probably been built somewhere else. They will be another five percent. He has all of those kinds of costs before he ever starts. What is left will actually build a house. At this point and time, I do not think anybody knows what the thing is going to be made out of or what it is going to look like. I am asking that you consider those things in your consideration for the proposal before us.

Town Manager – The next speaker is Mrs. Carolyn Torre.

Mrs. Torre – I am actually having a great deal of trouble hearing. Do you think this is on properly?

Mayor Williams – Yes it is.

Mrs. Torre – I guess it is just me then. I live at 32 Main Street in lovely Smithfield. My husband, Chris, and my daughter, Aubrey, moved here two and a half years ago. I would like to say that we escaped from southern California. I grew up in a small New Hampshire town. My husband grew up in a small northern California town. We lived in southern California for about twenty-five years. We saw a lot. What we saw and what we escaped was the urban sprawl, residential density, traffic, crowded schools, and the basic lack of birdsong and tranquility. We have found that here in Smithfield. The Cary and Main development would be like what we left behind in California with tight, cramped, and ugly homes with no character. It is laughable to say that Hearndon can recreate and conform to the historic guidelines here in our beautiful, little town. They cannot do it with that kind of density and not in that questionable price point. I was a realtor in San Diego during the years my older children grew up. I watched it all happen. Whole developments were thrown together and cheaply built. It marred the look of the land; betraying it. This sort of high density development is never pretty; not even at twice the price which is what the average home was in southern California. I have

something to pass out so people can see. It is about the square footage of the homes they are discussing on about the same size lots. They are twice the price and cheaply made. They will degrade within ten years. It would happen here in our town. Smithfield does not require it or need it. It needs to stay historic, rural, and so enrichingly beautiful. Sunrises and sunsets as the eye travels over Smithfield, morning or evening, you know time and again that time has been kind to it. We do not need to grow and to double our historic district without care to great detail. The people who founded this town cared about detail. We should also. This development would not be kind to the spirit, the history, and the beauty of Smithfield. You are the 'powers that be' for your drive and your intelligence. Do not be swift to change what is picture perfect as is. John F. Kennedy said "change is the law of life and those who only look to the past or present are certain to miss the future." Change is inevitable but it can be managed. I realized when I came across that quote recently that both sides of this room could use that statement to bolster their stances yet we must honor our past. It is the very creed of our town. If we only make decisions that seem right in the present, we do truly betray the townspeople of the future. Let us not miss that future; let us preserve for those who will come like our children, grandchildren, and those who might judge us if we are to desecrate our history for a few tax dollars or a developer's bank account. They will not blame us for conservation, preservation, and caution. They will say thank God; they could have wrecked it. We look to you. We have entrusted you. Please hear us tonight. Thank you.

Mayor Williams – We are about half way through the public hearing. At this time, we will take a five minute break.

*The clock was set for a five minute break.*

Mayor Williams – Ladies and gentleman, our five minute break is over. I would like to call the meeting to order. Thank you very much. We will continue with the public hearing.

Town Manager – The next sign up is Ms. Dawn Riddle.

Ms. Riddle – Good evening and thank you. I live and work at 36 Main Street in our historic district. I agree with the developers that Smithfield is awesome but it is more than that. We are special. Our history is ultra-unique. For thirteen years, I have been, as they say, on the front lines of tourism with my heart and soul in Smithfield. I work with

our visitors and our tourism office as much as I can. I am for working with you for the growth of our history, our arts, and our education to utilize our historic resources to grow heritage tourism. I am a founding member of Preserve Smithfield. Our Facebook page is not even a week old yet. It has not reached critical mass but within four days we had sixty five 'likes' with new people as well as the ones that signed the petition. The support is growing and will continue to grow. There is a rich and storied history in Smithfield. It is precious, priceless, and profitable. How many historic districts encompass hallowed grounds where our nation took root much less even having original standing structures that date back before we were even a nation? That is kind of special. Let me just, for perspective, state the history that we do know. We do know that our history of Smithfield dates back a hundred years before Pierceville when the Virginia colony early documents, in the 1630's, recognized this area. It is because we care about this that we want to see our history built upon not built over with a housing development. We do not want narrow houses on slabs that did not even exist then. You are the legal custodians of our town. This rezoning would change the core character of our town and our identity. The citizens trust you to uphold the 1972 historic ordinances. The Zoning Ordinance constitution specifically says that with the stipulation of our code of the Town of Smithfield "to protect against destruction of or encroachment of incompatible uses and buildings upon the town's historic areas and tourism corridors." Yes, we could use the Pierceville property to anchor the historic district. The fact is we are Genuine Smithfield. The rebranding and the marketing initiative found out that most people want the Williamsburg feel. They want the charm and the stepping back in time. Also, it is profitable as our economic mainstay which is our second industry. It is second only to Smithfield Foods. It is our homegrown industry. Again, it is second only to Smithfield Foods before Smithfield Foods was sold out to another country. Last year, direct spending by local visitors in town was \$37 million dollars. It was actually almost \$37.5 million dollars. Local tourism related revenue reached over \$821,000.00. Even in the tough economic times the revenue has increased. For instance, in the years 2010 until 2014, our local supported jobs were up one point five percent, direct spending was up three point five percent, and local money spent was one percent according to statistics from the Virginia Tourism Corporation. There is military history from two wars. Tom Finderson and Rob Fry had it documented in their publications. Benedict Arnold's

force was encamped here. There was a battle of Mackey's Mill. Josiah Parker with the Isle of Wight Militia was assembled at the Pierceville area. It was a bigger engagement than the Battle of Smithfield during the Civil War. I have faith that we can work together. We can make this resource work for Smithfield. We can increase our revenue and our history. Again, it is precious, it is priceless, and it is profitable. I urge you to please work with the citizens. Most people in this room are with you to work with Smithfield to keep what is uniquely ours and to preserve that wonderful resource that we have. Thank you.

Town Manager – The next speaker that is signed up is Mr. R. B. Braunhardt.

Mr. Braunhardt – Good evening. I live at 101 Goose Hill Way. Mr. Mayor, ladies and gentlemen, and members of the Town Council thank you for the opportunity. I would like to use that to remind the Council of facts previously presented to you and other committees and Boards. Regarding the Smithfield 2020 evaluation, we have proven with facts and accurate analysis that the ascertainment and estimates concerning the amount of money that is going to come to the local economy, tax revenues, and job creation estimates are based on metropolitan planning factors. That means, they are grossly over estimated and the impact on the proposed tract home subdivision that would be coming into the town. The evaluation and pronouncements against the adverse of low and middle income houses on the surrounding residents was based on a single ten year old study of federally subsidized rental property. It was an utterly useless apples to oranges misleading product. It does raise the specter that sometime in the future, when or if homes do not sell for the developer, that he turns to low income housing that most certainly would destroy home values in surrounding neighborhoods not to mention the historic district. I hope that does not happen. The attempt at a survey, easily debunked, that wrongly but deliberately used an incorrect unipolar survey construct so there is a maximum amount of attitude or none of it. There is never a negative. You cannot get one with that kind of survey construct. To compound this flawed attempt, the paltry number responded positively to the misleading survey with twenty-five supporting question number one and seventeen for question number two and not one single survey by name. We have given you close to three hundred names right now and are still gathering. We gave you the names and we gave you the addresses of those people. They have less than ten percent supporting it. We are against the Cary and Main subdivision. We debunked the initial traffic report. We see there is a new report and

there will be more on that in a moment. The semi-official looking study that uses three years of estimated data and the remaining two years that are the most recent does not even exist. They said that three hundred cars are no problem and no big deal at all. It grossly underestimates the traffic impact. VDOT's website hosts an official traffic estimator that says ten trips to and from per family per day. That is 3,020 vehicle movements a day. It is still not an accurate picture because they do not all drive all twenty four hours. If peak traffic is from 6:00 a.m. until 8:00 p.m., that is 215 cars on two different streets in and out which is Cary and Main Streets. In an hour, that is 215 cars. It is preposterous and an intentional attempt to misrepresent. There is not a subdivision plat or a site plan so you do not really know what you are actually voting for. As proof, VDOT refuses to make a determination on the traffic impact due to the lack of adequate planning documents in existence right now. Regarding the second traffic study, I do not think you should even look at it or consider it. Unfortunately, for Intermodal Engineering who is the author of the first and second traffic report, they put the traffic sensor at a stop sign in the corner of my property. That was not smart. The technician was putting the equipment up on Tuesday, September 15<sup>th</sup> at 7:30 p.m. I saw him when I was headed to the YMCA. He was still there at 9:15 p.m. when I came back. This is authenticated by an email from me to other opponents of the subdivision. The equipment was removed early afternoon. The times it was in place clearly missed rush hour traffic. It is more garbage. We are talking about this land use change and I am sitting here listening to other people talk and the thing that strikes me is we have not even talked about the historic land itself. It is providence like I have never seen. I am not a historian but I am a history buff. It is providence unequalled by anything. We are not talking about lifetimes. We are talking about centuries of the existence of a piece of property that can prove back where it came from and how it got there and what happened. That does not even address the historical events there that we are continually uncovering that have occurred on that property. You just cannot do this. It is the wrong subdivision. Therefore, the rezoning and, therefore, the land use changes are the wrong subdivision and the wrong piece of property. Thank you very much.

Town Manager – The next speaker is Mr. Bob Hines.

Mr. Hines – I live at 216 Washington Street. I should not say this but I find it kind of humorous that we had to be told what a nice town we have tonight. We were told how

backwards we are by how you all have been running things. I think you have been doing a pretty good job. I grew up in Denbigh. When I was fourteen, in 1962, there was one flashing light up in Denbigh like they used to have in Surry. Now it is a permanent light but that was it. Look at Denbigh now. It was a long time getting there but still it is there. Growth is good in a sense. As far as we go, citizens rose up against the Windsor Castle thing. They rose up against the Walmart thing. Those things went away. I would ask these people to pull out, quite honestly, because I am basically with the other people here. As been referred to, we have this petition out. It was just referred to that the town had a survey of some businesses. It may have been a blind survey; I do not know but I would like to see the names of the businesses and the people that have said they want to do this. The citizenry was never asked. Of course, I am told that it is what this forum is about so here we are telling you not to do this. I looked up Hearndon on the internet and they are somewhat local people. They are in Chesapeake. They seem to be reputable. The houses look nice. I do not doubt that everything said about them is true. They are probably good people trying to make a honest buck. You cannot blame them for that but they just happened to pick the wrong spot. Somewhere along the way, as was just mentioned, job development will cause increased commerce. People need medical, groceries, and services. There will be jobs created because more services will be needed. As far as the construction goes, will Hearndon hire the local carpenters, plumbers, electricians, graders, roofers or will they bring their own people in? What will it mean as far as even temporary employment for local people? We do not know that. The bottom line, legal proceedings whether right or wrong, misinterpreted maybe, who knows but there is a lot of debate about that. The various studies whether flawed or not, being honestly presented or not, this project is fine but not in the historic district; not here, somewhere else maybe. As previously stated, there are over two hundred and sixty private citizens and businesses that do not want the land use changed to allow this type of development to occur by Hearndon or anyone at any time in the future. We are not convinced it is right to allow such as this. Are you? Do we want, fifty years from now, that one stoplight at Main Street to be eventually like upper Newport News? Most of us do not like to go up there too much especially around Christmas. Since the Town Council represents us, the people, we have spoken. We just do not want this thing to

happen. I trust you will simply respect your constituents' collective judgement and wishes on this matter. Thank you.

Town Manager – Our next speaker is Ms. Beth Haywood.

Ms. Haywood – Good evening. I live at 224 Cary Street in Smithfield. I want to thank you for giving us the opportunity to express our concerns about the proposed housing development at Cary and Main. It is very apparent that each of you strives to make the best decisions for the town. You take your job on the Town Council very seriously. I want to thank the people that I have been able to speak to about this matter; helping me to understand it and just learn more about the whole process. I would like to share some information on the current capacity of our schools. I am sure you probably know this but I would still like to state it for the record anyway. Since the school system cannot ask for proffers, the county does it. There is a difference in the way that the county and the schools determine the capacity of buildings. The school system determines capacity based on how many students can reasonably be placed in each classroom. The county bases capacity on the size of the building. They are considering things like the cafeteria, the auditorium, and the lunch room when in actuality those places are not being used for instruction. Currently Smithfield High School and Westside are at full capacity according to the way the buildings were used and are being used right now. With homes being built in Carrollton and Bennis Church, it will place further strain on the buildings capacity. What will eventually happen for the people who live in Smithfield is that they will have to be bussed to Windsor because all of the people in Carrollton will be coming to school in Smithfield. I would just like for you to take into consideration the size of the classrooms. For people who want to move into new developments, they do look at schools and they do look at the student/teacher ratio. Currently at Westside, it is twenty-eight, twenty-nine, or thirty students per classroom which is above the average for the rest of the county. I would just like for you to remember that it is important to maintain a strict balance between residential growth development and the services that we are able to provide. I also would like to just give a brief statement about traffic since I do live on Cary Street. I understand that they did their traffic study. Living there and driving on that road, currently, it is very hard for two cars to go by certain places on that road. Just increasing the amount of cars that will be on that road, I think, is something to consider for safety with the streets. I do not know if

anyone was travelling through town the day we had the flood. People could not go through town by the Smithfield Station. It was flooded. If you were anywhere near the intersection of Route 10 and Main Street, it was backed up for miles. So just take things like that into consideration when you are making your decisions about the impact that it will have on the residents that we already have and the future of our town. Thank you for your time.

Town Manager – Next is Mr. Jim Sharps.

Mr. Sharps – My wife is Elisa Sharps. We live at 121 Goose Hill Way. I just wanted to say 'ditto' to those comments. I support those comments to maintain the history and the charm of this Pierceville area. Thank you very much for your time.

Town Manager – The next sign up is Terry Mulherin.

Mrs. Mulherin – I live at 206 Washington Street. I am the president and Chairman of the Board of Preserve Smithfield. For your visual, I would ask that everyone who is opposed to the current density level of development that is in this room to please stand. I think that says enough. I have some audio visuals for you. First, is the photo of the outbuildings. Pierceville is the oldest property on the walking tour. It is as old as Mount Vernon. It is older than the courthouse. It is as old as dang dirt in our town. Our decisions related to it are really critical. I think we need to get it right. I agree that Hearndon has done some great building and I think they can do justice to the property but at a different density level and a different plan. I would like to point out something that somehow missed the Board of Historic and Architectural Review. The Pierceville property is a landmark property which is how it is designated in the Historic Preservation Overlay. I downloaded it just to make sure I was right about that. We have very specific rules about building adjacent to the Historic Preservation Overlay specifically the landmark properties. We need to make sure that whatever we do is consistent with what is listed within that. This house was built in 1730. It has been walked on by native Americans, Captain John Smith, Colonel Josiah Parker, Captain John Sinclair, and if you believe some elements of history, even a traitor, Benedict Arnold. It is one of original eight shires from the King of England. How much more historic does it need to get? You are going to see a lot of reports that are going to say this or that and you may disagree with them. What I would like to proffer is that almost doubling the size of the historic district has to impact the need for police services. I do not think the police were

given a chance to do a true crime prevention environmental study which would involve a survey of town residents. I do not think an archeological study or a historical study was done on the property. I would recommend that they be done. I recommend if you have never done the walking tour of Smithfield go and do it. I took time to be a tourist. I enjoyed it. I bought things in a lot of the shops. There are some shops I might not buy in again. It was educational. It brought me face to face with some of our issues. There are a number of properties in town that also need to be worked on. That is no surprise. Let us hope that they never get to the level of decay of the Pierceville property. Whether by vote or by allowing time to take its toll on it, and hoping the property owner would make a different decision, we need to have a new plan for the preservation of Smithfield. I went to all of the meetings related to the James Street and Washington Street development. I can recall discussion about the property owner at Pierceville and what her intent never was for that property. Please talk to the town officials who are still here. They can help brief you on that piece of it. I am surprised to hear this level of development from this person's surrogate decision maker. We are going to be two hundred and seventy five years old in eleven years. What will they be saying about our decision at that point in time? I am trying to succinctly do this all for you. The historic district is designed to protect designated landmarks and our other historic and architectural features. Please make sure to consider that in your deliberations. Ask the appropriate questions. Do not believe everything you are told. Ask your questions and do your research and get a buddy who is also a builder. I want to add to what the Mayor said about Halloween. I want to recognize all of the citizens of all the historic district streets which includes Washington Street. We had four hundred or so kids. Without the residents, there would be no Halloween. Way to go citizens in addition to the business owners. Thank you to the business owners. Thank you.

Town Manager – Next is Mr. Brad Face.

Mr. Face – I believe I was last on the list. Am I still last?

Town Manager – There is one more. Then we will open it up to anyone else.

Mr. Face – I will subscribe to a lot of the 'ditto' instructions. I do believe this is probably the most historic tract in the town. I think most people probably agree that Benedict Arnold was there in January of 1781 when he took Thomas Pierce prisoner. I guess Thomas Pierce did not want to go down in history associated with that house so

he built The Grove down the street to get away from the memory of being in the possession of Benedict Arnold. From our modern perspective, I really believe this is our most important tract in the historic district. That and the adjacent commercial property is going to define the future of the historic district. That piece of property is not there to define whether we should get affordable housing in Isle of Wight County. It is not there to rectify any bad equation in our real estate situation. It is there to do the best that we can possibly do to complete what is the picture of the historic district. We will not get a do over on this. If we get this wrong, it is wrong forever and there is not a next opportunity to do anything like Pierceville. The question we have to ask ourselves is; is this is the best we can do. I think everybody in this room agrees that it is not because the developer himself is asking to change it and come back at a later date. Whenever we come to the final decision on this, it is the question we must ask. Is the best we can do in front of us? Can we do any better than this because we are buying this forever? It is such an important piece of property at that entrance to town. There is not going to be any other opportunity in the future to make a bad decision and to make a good decision. Thank you.

Town Manager – The last sign up in advance was Nancy Owen.

Ms. Mulherin – She had to go home for her baby.

Mayor Williams – Although you may not have signed the sheet, you still have an opportunity to come up and speak. If somebody in here rattled your brain and you came up with a thought you are welcome to come on up. If you have been up here before, I will allow one person to come back up again and speak.

Mr. Arinello – I am Dennis Arinello. I live at 113 Goose Hill Way. First, Mr. Mayor and Town Council members, I want to thank you for the service to our town. Smithfield did not get to be where it is today without the service of your leadership. We petitioners recognize your incredible service and leadership worthy of our acknowledgement. I want to thank you. We have been at this for eleven months. It has been a long time. As various Town Council and Planning Commission members suggested direct communications, I would also like to thank those members who have been in direct communication for several weeks with many of the petitioners. We welcome the opportunity for frank and honest exchange of opinions and ideas. I want to publicly single out and thank Dr. Cook for allowing me the time to speak about my many

concerns at last week's Town Council committee meeting during the Public Buildings and Welfare Committee session. I talked ad nauseum about market saturation. Under Article 1 of the Zoning Ordinance Constitution, under the purpose and intent of that constitution, are listed fifteen objectives intended to promote the health, safety, and general welfare of the public to be implemented and adopted as part of the Comprehensive Plan for the controlled development of the town. I noted four objectives that caught my eye. They were objectives 4, 5, 6, and 7 and all talk about recognizing the needs of houses, industry, and business in the town's future growth. They also say to promote and expand land uses that will be developed with adequate housing utilities, to provide residential areas with healthy surroundings, and to protect against the destruction or encroachment of incomparable uses upon the town's historical areas and tourist corridors. No one disputes the owner's rights to try to sell the land. Conversely, no one disputes the developer's right for an opportunity to present his proposals. Equally, the town has a responsibility to protect against destruction or encroachment of the incompatible use upon this historic area and the tourism corridor. We petitioners are not against anti-developer if it is done right. A developer can be a great catalyst for change. We recognize that this property will certainly be developed in some fashion one day but not today. This is not the right project. It is not the right proposal. I do not have the credentials that Mr. Rose has but I, too, know how to read the internet. As of 8:15 p.m. this evening, there are approximately fifty-nine houses and plots that reside over in Cypress Creek, which is almost one half of what is proposed at this development that are on the Rose & Womble website. I kind of triangulated just to get a perception. At Founders Pointe, there are sixty homes and plots available. In Ms. Melissa's area at Governor's Pointe there are forty-five homes and lots. In addition, we do not know what Benn's Grant is going to look like and more importantly St. Luke's when it was first touted was at the upper echelon of the \$400,000.00 range. They have since come down in the price range for about one hundred and twenty-one homes that the developer is talking about now. Ladies and gentlemen, I encourage you to reject changing the future land use map and the zoning change for what the developer has offered. It is just not the right parcel for this property as you have heard. We are in it for the long run. We want to be part of this solution with you. There are other options out there that I think are more viable. We really look to make the changes for the future of Smithfield. Lastly,

for the members who have served in our armed forces, I appreciate your service. Thank you very much. Thank you for your time.

Mayor Williams – Would anyone else like to come forward?

Ms. Moore – I am Florine Moore. I live at 309 South Church Street. I just want to say 'ditto' especially to the last two speakers. There have been many wonderful thoughts that have come to you tonight. This is not the right development. We can do it better. Thank you.

Mayor Williams – Is there anyone else who would like to come forward?

Mr. Whitten – Good evening ladies and gentlemen. I thank you so much for taking the time to come out tonight and hear us. My name is Jessie Whitten. I live at 227 James Street. I think I am the only representative from James Street tonight. My wife and I shortly after getting out of the military decided to move back from San Diego to the area. I was raised just down the street in Suffolk and Eclipse. When we came across Smithfield, we knew immediately that this was where we wanted to start our family. My wife, unfortunately, cannot be here tonight to echo that sentiment. She is nine months pregnant. We are expecting our first child, hopefully this week. The reason we moved to Smithfield was because of genuine Smithfield. Though we agree with everyone's rights to their opinion on what should or should not be done with the land, we moved here because of how it is now. We are not saying that the land should not be changed but we want to echo the sentiment that this is not the right time and this is not the right development. However, I would like to thank the developers for sparking such a wonderful debate so that we could truly see what Smithfield is really about and what can happen when the town really comes together and unites under a common goal. As you can see this evening, so many have come out this evening to unite under a common goal. We hope you take note of it. Thank you very much and have a wonderful evening.

Mayor Williams – Is there anyone else?

Ms. Robinette – I am Sheila Robinette. I own Smithfield Christian Counseling at 341 Main Street. I have the wonderful experience of living in my business so I am a resident and a business owner. Before I owned property here, my number one hobby was shopping. I was a power shopper. Smithfield was my favorite destination to shop. I love historic Main Street as a shopping destination. Part of the allure for me was that it was easy access. It was easy to get to. I do not like Williamsburg to shop because I

have to navigate parking. It is congested. I do not like that. Part of the reason I left Riverwalk in Chesapeake was because it took me ten minutes to get to the light just to get on the interstate to go to work every day. I do not want that. I moved here to get away from larger development and congestion. When I shop, I do not want to come to a congested area. I want to come to an area where I can find easy access to parking, easy access to a restaurant, to walk in a historic district, and find places to shop. The project being added will greatly take away from the allure for a shopper that I am an expert in; I can promise you that. Thank you very much for your time.

Mayor Williams – Is there anyone else?

Mr. Coke – I am Al Coke. I have been a resident of Smithfield for twenty years. Five years before that, my wife and I travelled all over the United States looking for the perfect place. We found the perfect place. It was Smithfield. We bought a house. We have spent a fortune restoring the house. Please, please, please do not make our decision a mistake by doing this project. Please. Thank you.

Mayor Williams – Is there anyone else?

Ms. Younger – I have gotten thirty-five more signatures. I have not had one person that declined. Everybody that I ask anywhere was anxious to sign. I just thank you for that.

Mayor Williams – I want to thank everybody who took the time to come out tonight and come up to the podium to speak. For those of you who did not speak, I know you had an influence on those who did. I see some of my good friends out here and they are very influential people who have been a big part of my life as I have grown up here. I have been here a long time. I want thank all of you for your input. We hear you loud and clear. The public hearing is now closed. We now move to consideration by the Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – We have heard the presentation. We have heard the public comments. Now it is time for us to discuss amongst one another. I am sure everyone wants to chime in so we can just start on one end and work our way down.

Councilman Pack – I have done my homework. I do not think my homework is done. I am by no means making a motion at this point but I certainly think it is something that we need to table tonight. Here is why. We have three responsibilities as Town Council that I can best sum up from the last ten minutes. The first one is to the

Town of Smithfield. It is to the betterment of the Town of Smithfield. It is to the protection of the Town of Smithfield. We need to protect our residents. We need to protect our finances. We need to protect our future. It is loud and clear that we have a historic district and we need to be protective of that. The other responsibilities that we have are to our people's opinions. We are a group of seven elected officials. While our own opinions certainly matter, we are supposed to be wise beyond our years. I am thirty nine and I do not know everything and that is okay. We have to listen to our constituents. We have to listen to our staff. We have to listen to folks who have been here before us and take all of those things into consideration. There is another person that we really need to take into consideration here. This kind of goes back to protecting the future of our town. We have to respect and have a responsibility to the developer bringing a presentation before this Council. One of the things that we do not want to do is run Hearndon out of town so bad that nobody else ever considers coming to Smithfield. We need to be a business friendly community and be willing to look at new ideas and willing to work with developers. We have to be willing to work with people who want to bring new ideas, new money; new people to this awesome town. There is one sentiment we have heard tonight over and over; without some change we start to die and start to decay. We have to manage that change. We have to do it responsibly. I do not think we are quite there yet. I do not feel that I can say yes to this proposal. I also do not feel I can say no to this proposal right now. There are certainly some things I am uncomfortable with. We have discussed some of those. The product, to me, is still not a product that is appropriate for the historic district. The builder has also been willing to work with us so far. The product we see in front of us tonight is better than the product we initially saw. We cannot vote on everything we have seen tonight. I am sure Mr. Riddick will get to that and advise us on what we can and cannot do. We do not want to run businesses out of town because there may not be somebody else to come in here. We could get a bad reputation of running businesses out of here without giving them a fair shake. I am not saying that we have to accept them just because it is a new idea. Without giving them a fair chance, I am not willing to invest that kind of protection of our future because that is no future. Thank you.

Councilman Dr. Cook – Would you like to comment Mrs. Tynes?

Councilwoman Tynes – No, thank you.

Councilman Smith – I guess I have been here probably longer than Carter has. He thinks he has been here longer than I have but maybe he has not been. I have been here all of my life. I was raised here and went to Smithfield High School. I left town and graduated from Atlantic Christian College. I came back for a while. I went to Chuckatuck for a while. My brother stayed here with my mother and father. I ended up returning. One of the reasons I returned was because I have always loved this town. I remember it when it was not quite what it was today. The streets were not quite so pretty. The buildings were not so well done. There were a lot of dilapidated buildings especially on parts of Main Street. I have seen it come a very long way. I sat down at Tennis Seafood and drank many a beer. Now it is Smithfield Station. Who would have ever thought that? Things have changed here. I keep hearing about historical value. What I am concerned about is the possibility of something that we have not thought about such as archeological studies. The history of that is very important. I do not think Town Council has denied that. There has been talk about wanting to make sure that something got done with Pierceville. I know it is in bad shape right now. It is in really bad shape. The other thing that concerns me is if something does not happen with this piece of property with all of these grandiose ideas of farmer's markets, art towns, or whatever it might be; who is going to pick up the tab? Who is going to step forward and put out the money and make this thing work? Do we lay it on the citizens? Do we ask for money? How do we manage this? There are a lot of decisions to be made. I am with Mr. Pack on this. I do not think that I can make a decision, personally, because of some of the things that I have heard tonight. I do not want to run someone out of town because they have the opportunity to possibly make a development. I do not want to run somebody out in the future who has a better idea and can stand up and prove to us that it is for the good of Smithfield. With that being said, I hear your concerns. I have written them all down, every one of them. I do not want to go over them again. We have heard it all. I want to thank everyone for coming out tonight. Whatever we decide tonight, we will ultimately work through that.

Councilman Dr. Cook – Thank you, Mr. Smith. Mr. Mayor, would you like to speak?

Mayor Williams – I suppose. Mr. Smith said there was a flashing light at Church and Main Streets or something to that effect. I remember when there was no flashing

light there. I did not ride a horse and buggy through town but I was in the back of a three ton truck with the rest of the farm hands. One sentence that somebody mentioned tonight was about working together. Keep that in your mind. Come together and unite. Come together as one unit. I would really like to see that in this town as one unit. This town has been united for a long, long time. We have worked together in this town. We have always agreed to disagree and we were still friends. I have said a couple of things to a couple of my friends that went back to some of these people. They took the words and twisted them all around. They are pitting these two friends against each other. One of them, I have known all of my life. He is a good friend. That is not working together folks. I take exception to it. I have been called a liar twice. I do not know why I was called a liar. I have not gotten that part of it; just that I was a liar. They might have misinterpreted something that I said and thought that I was a liar but I am going to let you know right now to man up and come to me and tell me I am a liar. Do not let me hear it on the streets. I cannot deal with that. People move in here and want to do what they want to do. You all moved in here. We have been here. We have watched you all move in here and we have embraced that. We have embraced the people that have moved into this town and joined organizations and became volunteers and made this town better instead of chastising this Council; and that you have done. I can deal with that but I am going to tell you right now that I am not going to put up with and will not stand for you chastising our staff. You have done that unmercifully. You have said that they do not know what they are doing, they are not doing the procedure right, and they are not going through the right motions. I am not going to put up with it. I take offense to that. With William Saunders, Peter Stephenson, and Bill Riddick, we have a combined eighty years of planning with those three. They talk together all the time. That is eighty years that they have been working in that department. They ought to know what they are doing. They are advisors to us. We certainly do not know all of it. We have been briefed by them. We have talked to them about it. I just had a meeting the other day with Bill Riddick and Peter Stephenson so they could get my mind straight on some things that I was not a hundred percent sure of. They know but they have been called incompetent. They have been told that they do not know what they are doing. You people have had lawyers, judges and I do not know who else that says they are wrong. Where are they? Tell them to come and see them. I want to read something that was in

one of the emails that we received. If this is not a slap in the face, people, I have never seen one in my life.

Councilman Dr. Cook – Mr. Mayor, could you speak into the microphone a little more.

Mayor Williams – The email states: “All that is actually required to understand the town code and the ordinances is a basic understanding of the King’s English and an eight grade reading comprehension.”

Mr. Gay – And that is true.

Mayor Williams – No more comments from the gallery.

Mr. Gay – Are you lecturing us Mr. Mayor or are you commenting during a public session? I will not be lectured.

Mayor Williams – You have been lecturing us the whole time through these emails and stuff and I am fed up with it.

Mr. Arinello – Let’s go. Let’s go. Let’s go. It is wasted time. Let’s go.

Mr. Gwaltney – See ya.

Mr. Braunhardt – I have not had the opportunity to talk to you sir but this is totally inappropriate on your part, Mr. Mayor.

Mr. Gay - If we have to go court sir then we will go to court if that is really what you want.

Mrs. Braunhardt - This is a democratic process.

Mayor Williams – We are getting to the democratic process. Each one of us up here is going to have a say up here. I am just letting you now that we do not appreciate what has been said about us.

Mr. Gwaltney – Commence to go, commence to go.

Deputy Chief Howell – If you wish to leave then please leave.

Mr. Braunhardt - We will talk again sir.

Mayor Williams – I look forward to it.

Ms. Mulherin - Shall we call ‘out of order’? I think that is Robert Rules.

Mayor Williams – I am through.

Councilman Dr. Cook – We will now hear from Vice Mayor Gregory.

Vice Mayor Gregory – Well, that is a tough act to follow. As the youngest member of Council, I am only young enough to not remember when Carter was not old. I wanted

to focus the bulk of my comments on the reading of over two hundred and some odd pages of data and information that I want to thank staff for providing. The Planning Department has provided information as well as other outside groups. The county has provided some feedback. Smithfield 2020, under the leadership of Mr. Bodson, has also. Frasier and Associates which is a well-respected historical preservation company has given us information and also the citizens. I wanted to highlight a few things that stuck out to me. Please indulge me. I take this seriously and I want to make sure I get how I feel out. The project that has been presented has strengths and it has weaknesses as any project would. I do not know that I agree that doing nothing there is something that I think is necessarily the right thing to do. ISLE2040 was a very contentious proposal. Many members of Council, including myself, disagreed with it. However, there were some bits and pieces of data that I did pay attention to. I thought they were very well thought out. I see this as a thirty eight year old business owner in this community. If we do not have a community that our kids and grandkids will come home to then Smithfield does not have a future. We are going to have to have places for my kids to want to come back, be a part of this community, and want to be close to home. Whether we like it or not, the millennials and the next generation do not want to drive. They want to walk. They want to ride their bike. It might mean that we have to put a few more homes in the historic district somewhere; not necessarily one hundred and fifty one homes. Somewhere in this community we are going to have to find places for the awesome, phenomenal future leaders to live if we want them here. That was the foundation of some of the things that I saw. From a weakness perspective, we have a lot of great feedback on quality and what this is going to look like. I will give you some examples. This was across the board from anyone who sent in a report or citizen comments including Smithfield 2020. It was about the quality of construction, what it looks like, how it conforms, how it can benefit and actually compliment what we already have here. Examples were homes built on a crawl space instead of a raised slab and chimneys. Not a single one of these homes have a chimney and yet almost every house in the historic district does. Another example is diversity of construction. Those things stood out to me. There were some comments and I will quote a couple. Frasier and Associates said: "the proposed houses appear to draw some inspiration from the surrounding historic house styles but in some cases have a mix of details from various

styles and often have over simplified details with incorrect proportions. Façade reversal is counted as a different elevation. We would recommend that façade reversal does not count as a different elevation.” The Smithfield 2020 report stated: “a rezoning to Downtown Residential has the potential of developing a neighborhood that has reasonable architectural and street designs that fit with the surrounding historic district and residential areas but the current proposed master plan falls short of that defined reasonable fit.” I do not necessarily disagree. There were some folks who made comments tonight that took issue with the survey done by Smithfield 2020 and compared it to the petition. Obviously, there are a lot more people that signed the petition than responded to the survey. As with any survey or anything else it is easy to shoot holes in it especially if you do not like what the data says. I could easily say that half the petitioners signed the petition because somebody very politely asked them to sign the petition. I am not saying that but somebody could say that. I read the surveys that Smithfield 2020 did. I saw the responses. I actually read the comments. I did not just pay attention to the fact that seventy percent of the respondents responded favorably to doing something but they did not necessarily like the details. They gave actual responses. They did not just sign a petition. They gave details about why they were saying what they were saying. They did not just say they strongly agreed or strongly disagreed. Even the people who disagreed gave examples. One person said “they envisioned young families without disposable income.” They did feel it would be a huge benefit. However, several people said that it could be an opportunity for their business to grow. They said there would be more people within walking distance and more people to support the existing businesses. They also said there would be diversity of local business not just relying on tourism but also increasing the number of folks that can shop locally. I read those; maybe many people did. I do not just throw out or discard Smithfield 2020’s research or the homework that they did because I thought it was very basic and easy to understand. You either agreed that this would be helpful to your business or you did not. Seventy percent of respondents thought that it would be helpful to their business. I did not discount that. As far as proffers, we have gotten a report from the county that has outlined what they feel should be charged for proffers for schools, fire, rescue etc. There will be a day for us to have a conversation with the county. We will obviously, possibly, disagree on how that money should be divided. I think,

essentially, they think that they are supposed to get all of it and we are just supposed to give it to them. However, in general, I do not know that \$2,500.00 per unit scratches the surface or is appropriate for the number of people and the amount of service that will have to be taken care of. I envision, in a perfect universe, that the answer is somewhere in the middle. There are people in this room that would say they do not ever want anything to happen there, to me, that is unacceptable. Almost every speaker describes it as one of our jewels and one of our diamonds in the rough. For it to fall apart and not be restored, to me, is not acceptable. The Council is very aware of the types of costs are associated with restoring historic property. We are already dealing with that with the Manor house at Windsor Castle Park and the outbuildings there. It can be argued that the Pierceville project would be even more expensive and more elaborate. Where that money might come from is probably still somewhat of a mystery. I would like to see some new people that live in downtown. I would. The density, I think, is too much. I think it needs to be scaled back. I think the quality of the construction needs to take into consideration some of the things that have been brought to light tonight. I think more reasonable offsets to deal with the level of service that Smithfield residents have come to know. People love the police force here. They love feeling safe. We enjoy phenomenal fire and rescue facilities and the people that volunteer to run those organizations. It does not run itself for free. Those are the things that stood out to me as I poured through this data over the last several days. I, too, think we need more time. I would like more time. I would like to work with Hearndon and see if there is middle ground or to see if there is a way to make this place as awesome as everybody in this room knows that it can be. If not, that is okay but we need explore it. We need to try to find a way forward. I am going to do everything I can to do that and to represent the folks who spoke very passionately tonight. I appreciate that the vast majority of the speakers tonight were not personal. You were impassioned. You felt strongly about how you felt. There were only a very few who talked about a Council who was pushing for this rezoning. I do not know any member on this Council that pushed for this rezoning. All we have done is followed a process. Somebody applied, somebody wants to purchase the property and if I was the one purchasing it I would want my day. I would want my chance to be able to make a presentation. If that means that we are pushing for rezoning then so be it but I do not think that is true. Thank you for your time. Council,

thank you for indulging me, I probably spoke longer than I really should have. Thank you.

Councilman Dr. Cook – You will have to forgive me a little bit because I am not as polished as Vice Mayor Gregory. I might be jumping around a little bit. I want to start off by continuing his comments. I have learned a lot over the past several months about people in this community. There are some people in this community that are very derogatory or just mean. You have witnessed some of it. We have received very hateful emails from individuals about this process. It is a process. People have a right to be heard. I personally have been accused of altering minutes. I have been accused of holding an illegal Town Council meeting. I have been accused of many things. Most things roll off my back and I am all right but you still learn a lot about people. What I appreciate tonight is that the majority of people that spoke tonight, as Vice Mayor Gregory said, were respectful, gave us their opinion, gave us what they know they want, and what they envision this town to be. We are here as vested members of this community. We are not a corporation trying to run a company. We live here too. We want the same thing that you guys want. I am sorry that Dennis Arinello left. I wanted to tell him that I think he finally got it right that the applicant has a right to present their idea and they do. The big complaint that we have is that the Town Council is allowing them to apply for rezoning. Yes, they have a right to apply for rezoning. It is part of the process. They have a right to be heard. We get to weigh the options. We get to start discussion about it. What is wrong with talking? I just wanted to finish what Vice Mayor Gregory said. The majority of the people we talk to are nice. They understand our role. They understand we are concerned for the town's future and wellbeing and that we get it. I have learned that a lot of people just think the worst of people. They accuse, publicly make comments that are hurtful, and do irreparable damage to people's character in this town. Especially volunteers of the town that helps organizations. Their reputations get hurt from comments like that. We will get past that now. As far as the application, you cannot help but look at the artistic renderings. They are pretty darn nice. It is a nice picture and a nice view coming in from the west side of town which is sorely lacking. I agree with some of the comments that were made. Adding one hundred and fifty homes, for me, to a downtown area where there is a historic district of one hundred and eighty is going to be pushing it. My primary goal with anything on this property is to

restore the Pierceville house and the outbuildings. That is what I want. I am willing to talk, discuss, compromise and figure out what might work to have that happen. As it was stated, it is probably the second oldest house in town. To get that, we might need to develop the property or at least part of the property. We have two groups sitting in this room today that might need to talk to each other. We have a group that wants to restore the Pierceville house, Preserve Smithfield, and take over ownership, take over running the farm and the building, and help preserve it. We also have a group saying they want to help out and provide some assistance in doing that. Maybe we need to sit down and talk. Maybe everybody needs to be at the table. Maybe there is a compromise. If you ask me if I like what is currently proposed, the answer is no, I do not. I am not a big fan of that many houses on that property in the configuration as set. But do I think something might be able to work? Yes, I think something might work. We will not know until we sit down. At the end of the day, Hearndon might say it is not profitable for them. It is not going to work and the money is not right. So be it, we tried. Maybe the price point on the property is too high. Maybe that needs to be looked at on their part. I do not know but we do not know until we sit down at the table. We could possibly have a work session or whatever you want to call it and sit down and talk to figure out what we, as a Council, want. It is pretty obvious from everybody's comments up here that we do not want one hundred and fifty-one homes. The houses look really nice. If it was on the outskirts of town, I think it would be perfect. I work in the historic district. I do not know if it really blends in but we might be able to get something to work out once we sit down. I really think that the two parties that are sitting in this room need to talk. They need to figure out something to work out. I think, under the right circumstances, we might be able to get what everybody wants. Thank you.

Councilwoman Chapman – Ditto. I am just going to give my personal feelings too. I listened to all twenty-one of you that spoke tonight. Some of them may not be here anymore. As Vice Mayor Gregory did, I wrote down every name and address. I want you guys to know pretty much what you have heard from everybody on here. We are on Town Council because we do care about this community. We love Smithfield. It is our home but this applicant deserves the right to go through the process. Mr. Riddick and Mr. Saunders have been phenomenal in educating us and reading the hundreds of pages of documents to try to understand the procedures. It would be wrong for anybody

to come up and be denied the opportunity to be heard and give their presentation. It is not fair. They deserve it. Maybe we do not like everything about it but we do have the opportunity to work together. I can tell you that all of us love this community. All of us are not getting our pockets lined by Hearndon as we have also been accused of. We have to have thick skin to come up here. If anybody knows me, they know mine is getting thicker. I used to get my feelings hurt a lot. From the very beginning, when this development was even proposed the emails started coming out that we are in the developers back pocket. I do not know about you guys but I have not gotten anything. It is just not true. We are just trying to give them the due process they deserve or any one of you if you came up and said what you wanted to do with the property. You would get that same respect. The Pierceville house is falling down as we sit right here tonight. The tarps have blown off in the last storm. It is in serious, serious need of mothballing. You cannot blame the Council for entertaining the idea of someone that is going to come along and rescue that house. Maybe it is not the right plan but for us to even entertain the idea we can work together. Someone, I do not remember who spoke this tonight, I think it was the president of Preserve Smithfield. I love what you said. Let's work together. We want the citizens to work with us. You elected us. You put us here. I am very concerned about Mr. Harrell comment about the sewage line. It is a huge concern to me. I had never heard that before until tonight. We are here to listen. We all probably have somewhere else we would rather be at this time of night but we want you to know that we are here and we are working for you. We care about this town. Together, maybe we can come to some kind of agreement on what is best for Pierceville. We are a genuine historic town. That is what makes us popular and what also makes us special. I am very excited to hear that there are a group of citizens that want to come together with us and do what is best. I am on the Public Buildings committee with Dr. Cook. I can assure you that there was no doctoring of minutes. None of that has taken place and it is hurtful. I know a lot people got upset when the Mayor defended people but it is true. We are here for you guys. You put us here. We are giving you the courtesy of hearing every single one of these people speak tonight. We just want the same courtesy back in letting us go through the process that we, by law, have been instructed to do. We are following the expertise guidance that we have with legal counsel and the experts in the field. Maybe we can come to an agreement and maybe not, but we have to give them

their shot. For that same reason, I think it demands further discussion. I really appreciate everybody taking time to come out tonight and share your feelings and to be passionate about Smithfield. I have also been in this community almost forty eight years and I love Smithfield. I do not want it to become a paved parking lot like anyone else. Thank you all for coming.

Councilman Dr. Cook – The consensus I am getting from Council is that we would like to table this until the Public Buildings and Welfare Committee meeting at the end of the month.

Town Attorney – You would have to continue consideration until your next Town Council meeting. You would be able to discuss it. You can call work sessions. You can do it at your committee meetings or wherever you choose. The action tonight is to vote yes, vote no, or defer consideration until your next Town Council meeting.

Councilman Pack – Do you have to defer to your next Town Council meeting or can you just defer action?

Town Attorney – We defer action but it needs to be deferred to another date. It does not require you to act at the next Town Council meeting.

Councilman Pack – We have a lot of people here. If we think we can get it wrapped up in November then great but if not, I do not want to bring folks out more than necessary.

Town Attorney – If you want you can defer it until your January meeting for further consideration. December is not a great time to do this kind of business. I will just be frank about that. It just never has been.

Councilman Pack – But it would be prudent to set a date.

Town Attorney – Yes because it is not fair to the applicant to carry it on indefinitely without some date to revisit it.

Councilman Dr. Cook – But between now and that date, I think we definitely need to set up a work session so we can hammer out some of our concerns with this project. That is allowed. Is that correct?

Town Attorney – Absolutely. Between now and your December meeting, you may make great progress or you may find that you are not making such great progress. Whatever action you take tonight, you can revisit again in December.

Vice Mayor Gregory – Mr. Mayor, there may be further discussion but I would like to make a motion that we table this proposal until the January Town Council meeting. Also as part of that motion is to instruct the Town Manager to schedule a work session with the applicant.

Town Attorney – For public information, the work session would be opened to the public and announced in advance in accordance with the requirements by law as to public meetings.

Councilman Dr. Cook – And if you want notice on what day it is, just ask me and I will let you know.

Councilwoman Chapman – Second.

Mayor Williams – A motion has been made and properly seconded to table this until the January Town Council meeting. Is there any further discussion? Hearing none, roll call vote.

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

Mayor Williams – The motion passes unanimously. With that being said, we do not have to go to the change of zoning classification.

Town Attorney – Yes we do. The public hearing has been advertised. We are required to hold it. As you stated earlier, Mr. Mayor, there may be people who have signed up. The applicant may want to say something briefly. We would give them the opportunity to do that but they indicated that they did not intend to make their entire presentation again. Then the public has a right to speak. I would suspect there would be a lot of people that will concur with what they said previously but we will see.

Mayor Williams – Our next item is a Public Hearing: Change of Zoning Classification. We will have a staff presentation by the Planning and Zoning Administrator, Mr. William Saunders.

Planning and Zoning Administrator – Thank you, Mr. Mayor and members of Council. You also have before you tonight a request for a rezoning. The applicant is William G. Darden with Hearndon MC Builders, LLC. The applicant is proposing the rezoning of the majority of the fifty eight acre portion of the Pierceville farm that is

northeast of the Route 10 bypass to accommodate a subdivision of one hundred and fifty one single family detached homes. The current zoning designation of the area in question is plus or minus one acre which is zoned Downtown (D) which is the mixed use zoning district which is adjacent to the old Little's Supermarket. The balance is zoned Community Conservation (CC) which is a residential district with low density. It is also the closest thing that we have to an agriculture district in the Town of Smithfield. The applicant proposes rezoning the area to Downtown Neighborhood Residential (DNR). The proposed development would be one hundred and fifty one single family detached homes on lots with a minimum of six thousand square feet area. This area also includes the historically significant Pierceville Manor house and other relevant historic structures which have fallen into disrepair and have been the subject of previous actions by local government in order to stop the demolition by neglect. The integrity of these structures and their historical surroundings are of great significance to the historic district and by extension to the Town of Smithfield. The proposed rezoning, being a conditional one, is accompanied by proffers that are voluntarily proposed by the applicant in order to give an expectation of the type of development that would result if the rezoning is approved. If the rezoning is granted, the subsequently submitted subdivision plan and subdivision should be in substantial conformity with the proffered conditions and general development plan as well as meeting other ordinance code and design standard requirements. A change in the zoning classification requires a public hearing before the Planning Commission followed by the commission's recommendation to Town Council. The Planning Commission held their public hearing on this item on August 11<sup>th</sup>, 2015. They recommended denial of the applicant's requested change of zoning classification. As the greater portion of the subject property is within the Historic Preservation Overlay District, a recommendation from the Board of Historic and Architectural Review regarding the proposal's appropriateness within the historic district was also requested for the consideration of the Town Council. At their October 20<sup>th</sup> meeting, the BHAR, while short of a recommendation, found that the proffered homes for the proposed development were appropriate in regard to the historic district guidelines. The only significant change in the revised October 20<sup>th</sup> proffers, from the July 22<sup>nd</sup> version that went to the Planning Commission, is item #2. Mr. Jones referred to it earlier tonight. This includes the elevations and materials reviewed by the BHAR in the proffers and

would also allow for additional home styles to be allowed into the development with the approval of the BHAR. A change in the zoning classification also requires a public hearing before Town Council prior to Council action. Regarding Council action, there are several options available at this public hearing. Council can grant the rezoning based upon the proffered conditions that were reviewed by the Planning Commission on August 11<sup>th</sup>. Council can deny the rezoning based upon the proffered conditions that went to the Planning Commission on August 11<sup>th</sup>. Council can table the application to another date. Council can continue the public hearing to consider a revised set of proffered conditions thereby giving the public an appropriate review period prior to the continued hearing date or Council can refer a set of revised proffered conditions back to the Planning Commission. There is nothing in the ordinance to limit the Council's discretion to continue the application to subsequent dates for further modification as long as the proper review period is accorded each time. Some of the project strengths are that the proposed project would create construction jobs within the town as well as provide new residents. This would provide associated benefits to local businesses and town tax revenues. The proposed project would provide additional water customers to offset the impact of the potential loss of Gatling Pointe water customers. The proposed project would halt the demolition by neglect of the Pierceville Manor house and the most relevant outbuildings. Some project weaknesses are a substantial number of petitioners from the adjacent neighborhood and the historic district are concerned about the potential negative impacts of the project. The projects proposed housing designs and sizes are limited in number which does not reflect the diversity currently found in the historic district. Offsite utility and transportation improvements may be required to offset the impact of the proposed project and the impact to public schools has yet to be determined. That is all I have Mr. Mayor. If anyone has any questions, I will be glad to try and answer them.

Mayor Williams – Are there any questions? Hearing none, we will move to a presentation by the applicant.

Mr. Jones – Thank you, Mayor. For the purpose of the record, I am Robert Jones at 1600 South Church Street in Smithfield, Virginia. I am the attorney for the applicant. As I said earlier and using your phrase, I would just 'ditto' what we presented earlier with just a couple of additions. The first is that we listened to the comments that were

made here after our presentation. For the Council's benefit, we understand that there may be a sewer line issue that Mr. Harrell brought up. We certainly have not done anything to create a sewer line issue. We have not developed the property. Not as part of this process but if this were approved in the subdivision portion where things are engineered and submitted, we are responsible for all the impacts. If a new pump station needs to be put in because of that then that is something where the town holds the developer's feet to the fire. It is something we understand. The other is, until tonight, we had not heard of the Preserve Smithfield group. I can tell you that the developer does not want to own the Pierceville Manor. I think everybody understands that. He has pledged to preserve it to the extent we have said in the proffers but if there is another group we can work with, which we have said from day one, we will. If someone could please put us in touch with the appropriate group, we would love to work with them. Again, I think this is just a process that we just need to work through. From the standpoint of the developer and what has been said by Mr. Saunders, we are asking that this also be tabled along with the Comprehensive Plan request. We have submitted new proffers which cannot be acted on tonight. I would anticipate, based on the comments that I have heard from Council, that there are going to be some other amendments that the Council can consider with the appropriate review period. What cannot take place is that we are not allowed to take anything out of the proffers. It has to remain as what the Planning Commission saw plus additions. If we remove something from the proffers, it would have to go back to the Planning Commission for their consideration. I think we are in process to work forward. If there are specific questions, we will be happy to answer them but I think it is probably more appropriate to get into a work session and go that route. Thank you.

Ms. Venable – I am Melissa Venable I am the agent for the applicant. My address is 5857 Harbour View Blvd., Suffolk, Virginia. I would also like to say 'ditto.' There are two things that I wanted to briefly mention because density has come up several times. The density on the proposed project at three dwelling units per acre, gross density, is much less than the downtown district. I wanted to point that out. We are providing more open space than what is required. What we are proffering is less density than what you could put in the downtown district. Again, I know it sounds like a lot but it is a large piece of property. I wanted to point that out. At three dwelling units per acre that is not a

downtown density. It is something that you would typically see in a suburban area. It is not a high density project by any means. Lastly, from the Frasier report, we had originally only submitted about six elevations. Since then we have elaborated on those elevations and have added quite a bit of detail. From the Frasier report moving forward, we have come up with these twenty four elevations. They are similar house plans but elaborated on. Details have been added to those. We have tried to address those comments. Again, in our work session, we can continue to do so. Thank you.

Mayor Williams – Does any Council member have any questions of the applicant? Hearing none, we will now open the public hearing for the change in the zoning classification.

Town Manager – The first speaker that was signed up is Mr. Christopher Gwaltney.

Mr. Gwaltney – Thank you. I live at 1 Jamesview Circle in Smithfield, Virginia. I have been a resident of the town for twenty some odd years. I was highly impressed by the comments that the Board made. It feels like everybody is on track which is good. I know you guys have really been handling things. Smithfield is not the way it is because of anything that I have done so I appreciate your consideration. It seems that you have been considering it quite a bit. Again, I would like to offer my services as a professional engineer. If you guys ever have any questions about development, developer tricks, sewer, why pump stations stink and all of those types of things, I would be happy to give you my free opinion on that because opinions are usually free. I would like to echo Ms. Venable's statement that this is really not a high density project. If you look at Goose Hill subdivision from an aerial standpoint it is about the same size of the whole former school complex where the YMCA is now. In my opinion it is a waste of land like some other areas in the town. I would just bring into the thoughts that I am for annexation. I think the town needs to expand for certain reasons. I am for historic preservation but my little pony farms are for the county. It is what the county is there for. We have a town for shared services, for shared investment and infrastructure, and that is really what we need to be working towards. If there are transportation problems then our planning system needs to work with Virginia Department of Transportation or whoever to solve these transportation problems and not just wait for an individual landowner to have to fix every problem in the town just to support their project as a proffer. Again, I would say

that I agree with a lot of what people have said. The builder individual, I do not know his name, brought up some very important points. There is economy of scale. There is an economics that is occurring here that has to be dealt with. It is really the biggest driving force. If it cost too much to build then it cost too much to build. There is a lot of money involved in these meetings and these professionals and whatnot. I do appreciate Ms. Chapman's opinion that we do have to run the process through but in some ways I think maybe the horse is getting ahead of the cart. We need to move the process through in its proper sequence. We need to determine if there is development potential for this land. If there is development potential, what will the development be. I appreciate your time and effort. I really do want to compliment the opinions that I heard. I thought they were right on point and did show a very good understanding of the process. Thank you.

Town Manager – The next individual who signed up is Mrs. Sharla Braunhardt but she is not here. The next person is Mr. Mark Gay. He is not here. The next person is Mr. Richard Rudnicki.

Mr. Rudnicki – Good evening Council members. I am the Assistant Director of Planning and Zoning for the county. As you are all aware, we have sent a letter to the Planning Commission and then updated it and sent it to you addressing the proffers. I believe Vice Mayor Gregory touched on that a little bit. I am not going to cover the letter. I do want to clarify one citizen comment that was made. Both the schools and the county use effective program capacity when we talk about how many children and what the capacity of the school is. We are completely on the same page when we talk about which schools are full and which schools are not full which is largely the purpose of the updated letter that I sent on October 26<sup>th</sup>. We used new school enrollment numbers which come out in September. It showed a change from the June numbers which we originally addressed. I would also like to point out that we sent out a memorandum of agreement. I believe it was in June. We were looking to establish a common ground on the issue of proffers. There was one previously but it had expired. We sent it out. I do not know if you have had a chance to look at it. It is probably something that could be ironed out faster than this process. Everyone could be on the same page when dealing with proffer discussions. Also, I would just like to say that staff would be happy to be present for any discussion that involves proffers if you would entertain that. If you would like to have a separate discussion, I am sure that the county would be amenable to that

because it is a very important issue that affects every citizen of the county. Since the bulk of proffer funds goes to schools, it is not just those of us sitting in this room but it is the future of the county.

Town Manager – The next individual who had signed up is R. B. Braunhardt. He spoke before but he has left. The next speaker is Ms. Terry Mulherin.

Ms. Mulherin – I live at 206 Washington Street. Part of our group is absence now. We are a fledging group. We are learning. I have only been here ten years but I love this town. I intentionally selected the Town of Smithfield. I have enjoyed the lesson in history I have gotten over the last few months. It is really kind of ingrained how much more I like Smithfield. You are right; I love the police. I am a forensic nurse. Therefore, they are my partners against crime here in the town. I definitely do not want to see their work load increase without us doing due diligence to make sure that we are supporting them so they can continue to provide that level of service. I have already given my opinion so this is my personal opinion as a homeowner in the town. My tiny block has fourteen houses. Nine of them are occupied. The rest have no occupants in them. There are twenty two cars between our nine houses. Look at your streets to see what potential traffic of one hundred and fifty houses could be. There is a traffic assessment that says eighty seven cars at Route 10 in peak; but that might mean that all of the other cars are all going the other way especially if they work on the Peninsula as I do. Maybe the reason that houses are not for sale is because once we get here, we do not want to leave. It may well be to everyone's credit that is in this room. I do not want to let go of my property unless I build my forever house. I think we can work together to do that. We can do due diligence to our heritage and help preserve the town for the kids so they want to come back. There can be something exciting for them to come back to. In speaking with the Mount Vernon ladies, you all know that this is how Mount Vernon was restored. Even the Commonwealth of Virginia did not want to buy it. An organization formed to help preserve and restore it. Look at where they are today. If you have not been to that property, oh my goodness, you need to go to see what all has been done to preserve it. A lot of good things can happen when citizens work together with our elected officials. Thank you.

Town Manager – There were no other advanced signups, Your Honor.

Mayor Williams – Would anyone else like to come forward and speak?

Mr. Crum – I am Jonathon Crum. I live at 341 Main Street. I thank you for taking the time, Mr. Mayor and Council, for listening to the citizens here and all that they have said. I want to first echo everything that has been said with regards to the previous sentiments that go along with this particular request with regards to zoning. I would like to 'ditto' those particular remarks that were made earlier. I thought they were very professional in nature and very well prepared for this particular meeting. Hopefully, you do take them into consideration. I do want to bring a couple of extra points that I do remember from looking at some of the paperwork at previous zoning and Planning Commission meetings with regards to future plans of development. I would ask the Board to take into consideration the time and effort that was placed into those future development plans that were made for this particular town. I think that any changes that need to be made should go through the same process where there is a group that gets together and actually comes up and formulates a plan for the future and the development of this particular small town and historical district. Those previous plans that were put into place had a cost associated with that. It was a group that actually came together to actually come up with those plans. I know that homeowners or landowners absolutely have the right to request anything that they wish. I do request that when it comes to developing the town and looking at a future plan having a plan and a vision for this particular town is going to be an important thing that needs to be taken into consideration. It should be done as a vision for the entire town and not just a request by an independent landowner just for a change in that one venue. That is one thing. The second thing was that I went to the gym today. From my house to the gym, there were five houses for sale. When I came home, I looked on the internet in the local area within a one mile radius. Within a one mile radius, I saw that there were an additional ten houses besides the five that I saw that were for sale. I do not really think there is a lack of homes that are available for people to move back into this area. That was just quickly and locally. I know that there were some other people who mentioned quite a few numbers of new developments that are in the area. I just want to make that as a mentioning point and something to consider when you are looking at the fact of adding an additional one hundred and fifty plus locations for additional dwellings. There are already adequate dwellings in the area that people can move into and actually purchase, at what I would consider a fairly reasonable amount in the same price range

that the developers are looking to build. That was another thing I wanted to mention.

The last point I wanted to make is with regards to the values of the homes or the homes in the future market of what we might actually have and what we might be missing out on with regards to rezoning these particular areas. Rezoning these areas in a way that you allow an additional one hundred and fifty plus homes is not necessarily something that is going to improve the town if those homes go unsold. I just read in the newspaper today, as a matter of fact, while I was at the gym and some of you may have seen the same article, that there was an increase in the number of foreclosures on the Peninsula. It was a drastic increase. It was a double digit increase for the number of foreclosures. I do not remember the exact number. I want to say it was around 28%. It is an increase from 2014 for the number of foreclosures. If there is that kind of increase in the market place, adding new and additional dwellings in an area where there is already a market of homes available for people who want to move back to the area is something that should also be considered with regards to homes or rezoning or any types of changes that the historical area wants to make with regards to the future development of this particular town. I thank you for your time.

Mr. Torre – I am Chris Torre. I live at 32 Main Street. I am the builder that made the comments about construction costs and so forth. One of the comments that the engineer made kind of struck a chord. I have been in construction all of my life. I have never done anything else. I would like to volunteer if you guys have a question about construction. I do not know anything about planning, zoning or any of that stuff but I know something about construction. I think I have heard that Smithfield does not have its own building department. The county does plan checks. I think I have heard that you folks do not have your own building official so there may not be somebody for you to go to. I volunteer and can give you my phone number. If you have a question, give me a call. If you want me to come down and talk with you guys then I am happy to do that too. Thanks.

Mayor Williams – Is there anyone else?

Ms. Vassey – I am Christine Vassey. I live at 109 Berryman Court. I did not come prepared to speak. I have been in town for forty-one years. I love this town. I have seen it grow so much just like Carter has. Many times I was against the growth but so much good has come from the growth. Smithfield Station and Ron Pack did so much for

downtown. I really 'ditto' much of what has been said tonight. Ditto on the traffic, ditto on the size, do we have police, fire, and rescue to handle it; do we have schools that can handle it? I have always worked in town. I have never worked across the river. I lived through the 1980's when downtown was dying and the merchants of downtown worked hard together and revived downtown to what it is today. I have seen the streets torn up. It is a wonderful downtown. One of my concerns is that for thirty some years I have walked dogs all over town and all over Gatling Pointe. At 9:00 p.m. or 10:00 p.m. at night while walking a dog, I have never feared. My concern is that the time will come without careful, careful planning that it will go away. Right now, I do not normally go off and leave my house unlocked but sometimes I do. Sometimes, my cat runs through and the garage door goes back open. I do not have to worry that my belongings will be there when I get back. I want to be able to walk a dog at night without worrying that somebody is going to come and attack. The older I get the more I am concerned about that. I do have a license to carry but I do not carry. My husband made me get it just for that. Thank you. I appreciate all of your work.

Mayor Williams – Is there anyone else?

Ms. Sheila Robinette – I am Shelia Robinette. I live at 341 Main Street. I will be brief because I always have to have the last word; not really. I just wanted to say to keep in mind the scope of how much is being rezoned. I know you are already well aware of that. I respect that very much but we are not talking about an acre of land that we are considering rezoning for residential for one house. We are considering a very large historic property. I do not have to go over what has already been said but it is a very significantly, historic area to be completely rezoned to a residential area. That is giving the historic value of that land completely away if that is rezoned; that significant amount of property. The ends do not always justify the means. I just want that to be considered.

Mayor Williams – Next we have Ms. Robbie Younger.

Ms. Younger – I am at 324 Main Street. I just wanted to say 'ditto' to what I said before and to agree with someone that we cannot do a do over. This could be Pandora's Box. These are things we just do not know. It is too many houses. I am sure he is a great builder and all but it is just not the right fit. Please do not rezone it. Thank you.

Mayor Williams – I want to thank everybody for coming up and speaking tonight. Thank you very much. I now declare the public hearing closed.

Councilman Dr. Cook – We have consideration for the change in the zoning classification. I assume we all know what we have to do with that.

Town Attorney – For the record, let me tell you. Your options are that you really cannot vote for this because the action on the Comprehensive Plan has not been taken. So, you are pretty much limited in what you can do. What I would suggest is that you, if you are so inclined, continue this until your January meeting for a continued public hearing because they have proffered new proffered conditions. They would have to be considered at a continued public hearing at that time. Once again, you may determine in December that it may be premature. At that point, if it appears to be, you can continue the date for your public hearing in February if necessary. I think this two month window is very workable. It gives you the flexibility to determine what you need to do to make this process go forth.

Councilman Dr. Cook – So be it. Does anyone have any individual comments? We have covered a lot of it already. I would like to make a motion mimic our previous public hearing motion to table this until January. We will continue the public hearing until the January Town Council meeting.

Councilwoman Chapman – Second.

Mayor Williams – A motion has been made and properly seconded to continue the public hearing until the January Town Council meeting. Is there any further discussion? Hearing none, roll call vote.

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

Mayor Williams – Our next item is a Motion to Approve the Town Council Meeting Minutes of October 7<sup>th</sup>, 2015.

Town Attorney – Mr. Mayor, I recommend the minutes be approved as presented.

Vice Mayor Gregory – So moved.

Councilman Pack – Second.

Mayor Williams – A motion has been made and properly seconded. All in favor say aye, opposed say nay.

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

Mayor Williams – Now we move to New Business.

Councilman Dr. Cook – Sir, I have some new business. It is actually a very exciting announcement. It is something that has been in the works now for a couple of years. Working through the Windsor Castle Park Foundation, the town is pleased to announce a commitment of two million dollars (\$2,000,000.00) to begin the renovation process towards the Manor house and the existing outbuildings at Windsor Castle Park. Smithfield Foods has agreed to give one million dollars (\$1,000,000.00) towards the project. This is in addition to a gift of three hundred thousand dollars (\$300,000.00) that they have given for architectural fees associated with the renovation that will occur. This project will be completed in several phases. Phase 1, to which the three million dollars (\$3,000,000.00) will be directed, includes renovation to the mid-eighteenth century Manor house and existing outbuildings. The Manor house will be used to host meetings and private events. The Foundation is also beginning a four million dollar (\$4,000,000.00) fundraising effort to complete the additional phases of the project. It has been in the works for a long time. I am pleased to actually make this a public announcement. We are going to move forward from here.

Mayor Williams – Also, Dr. Cook, Smithfield Foods is assisting us with grants. We feel there are right many of them. They do have a lot more personnel that can help handle that. That is a good thing also.

Councilman Dr. Cook – Yes sir, it is part of the next phase of fundraising. In light of this announcement, I would like to make a motion that Town Council does hereby acknowledge the generous commitment by Smithfield Foods to donate an additional one million dollars (\$1,000,000.00) for the restoration and renovation of the Manor house and the existing outbuildings at Windsor Castle Park and further; that the Town Council does hereby make its commitment to contribute two million dollars (\$2,000,000.00) to Phase 1 of the restoration/renovation project for Windsor Castle Park

and that the town staff be directed to proceed with all things necessary to proceed with the implementation of Phase 1.

Councilwoman Chapman – Second.

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

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

Mayor Williams – Is there any further new business? Hearing none, we will now move to Old Business. Is there any old business to discuss? Ladies and gentlemen, we thank you all for coming out tonight. We really do appreciate your input. We know it is time consuming but we appreciate your interest in our town. We certainly do. We will go into a Closed Session.

Town Attorney – Mr. Mayor, you need a motion to go into closed session for the purpose of discussing the acquisition and disposition of real property for public purposes pursuant to Section 2.2-3711.A.4 Code of Virginia.

Vice Mayor Gregory – So moved.

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded. All in favor say aye, opposed say nay.

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

*Town Council went into closed session at 11:08 p.m.*

*Town Council came out of closed session at 11:24 p.m.*

Town Attorney – Mr. Mayor, we need a motion that during the closed session there was only a discussion of the acquisition of real property for public purposes.

Vice Mayor Gregory – So moved

Councilwoman Tynes – Second.

Mayor Williams – A motion has been made and properly seconded. All in favor say aye, opposed say nay.

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

Mayor Williams – Is there anything further to come before Council?

Councilwoman Chapman – Could I ask a real quick question about the announcement. Is that going to be in the newspaper?

Mayor Williams – Yes. Smithfield Foods will be releasing that.

The meeting was adjourned at 11:25 p.m.

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Mr. T. Carter Williams  
Mayor

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Peter Stephenson, AICP, ICMA-CM  
Town Manager