

The Smithfield Town Council held its regular meeting on Tuesday, February 7th, 2023. The meeting was called to order at 6:30 p.m.

Members present:

Steven Bowman – Mayor

Valerie Butler – Vice Mayor

Jeff Brooks

Wayne Hall

Randy Pack

Renee Rountree

Michael Smith

Members absent:

None

Staff present:

Michael Stallings - Town Manager

William H. Riddick, III – Town Attorney

Lesley King – Town Clerk

Alonzo Howell – Chief of the Smithfield Police Department

Chris Meier – Deputy Chief of the Smithfield Police Department

Tammie Clary – Community Development & Planning Director

Mark Kluck - Planner

Jesse Snead – Superintendent, Public Works and Utilities

Jack Reed – Director, Public Works and Utilities

Jeff Smith – Supervisor, Public Works and Utilities

Kathy Bew-Jones – Accreditation Manager, Public Works and Utilities

Amy Novak – Director of Parks and Recreation

Ashley Rogers – Director of Human Resources

Nadya Jaudzimas – Administrative Assistant

Charles Bryan – Chairman, Planning Commission

Steve Clark – Parks and Grounds Attendant

Press:

Stephen Faleski – The Smithfield Times

Citizens: 23

Mayor Bowman welcomed all attendees to the meeting. He reported that the Pledge of Allegiance would be led by representatives from Boy Scouts Troop 3 including Robert Bebermeyer (Committee Chairman of Troop 3), Brian Mockrey (Assistant Scoutmaster), Preston Tollet, Kate Bebermeyer, Abby Giltner, Isaac Smith, Ben Denencourt, and Ben Stimson. All stood to recite the Pledge of Allegiance. Mayor Bowman thanked Troop 3 for their attendance and stated it was a privilege to have their participation in the Council meeting.

Manager's Report:

The Town Manager reported that the Town Council meeting was being live-streamed for the first time. He thanked Steve Clark from the Parks Department for making the live-stream possible. He added that the meeting would be streamed on Facebook, and then would be archived allowing it to be viewed after the meeting was held.

Mayor Bowman stated that the subject of live-streaming had been prevalent among requests from the constituency. He thanked the Town Manager and Mr. Clark for implementing the process in such a quick fashion.

Public Comments:

Mayor Bowman explained that the public was invited to speak to Council on any matter, except scheduled public hearings. He reminded speakers that comments were limited to five (5) minutes per person.

Chris Torre of 32 E. Main Street in Smithfield reviewed that December 22nd, 2021, Mr. Luter had asked to the Town Council and the Board of Supervisors for a “public/private participation agreement for master infrastructure.” He inquired as to what exactly that would include in the way of utilities, lighting, gutters, etc. He stated that the information made a difference as the request was for the Town to pay for the updates. Mr. Torre reported that the term was used again in the Smithfield Times the week before last, but there was still no additional information as to what this would include. He asked if the Town Council would address the question of what “master infrastructure” was in that context.

Bill Harris of 329 Grace Street in Smithfield reported that a major theme of the recent election was the need for increased transparency and responsiveness on the part of Smithfield’s municipal government. He added that the three (3) winning Council members endorsed these actions and the Town members were looking forward to these things occurring. He reported that the citizens felt encouraged after the first meeting of the new Town Council and praised the positive energy of the meeting. Mr. Harris reviewed that previous meetings saw members of the public compare the public comments section of the Council meeting as one-sided with their offering suggestions or comments and rarely receiving response from the Council members. He related that not once had he ever heard the Mayor ask if the other Council members would like to respond to comments just made by a citizen speaker. He added that without response the citizens of the Town do not know what the Council members really think, how decisions are made, and who held what position on different topics. He described these points as core elements of transparency. Mr. Harris continued that the existing protocol states that any public comments that request or need a follow up will receive a written response. He wondered if anyone present could point to an example of a written follow-up provided after a Town Council meeting. He stated that he was not suggesting that the public comment time should involve public comment followed by Town Council response, as time and human behavior would not make that work well. Mr. Harris asked that the Town Council consider way that they could more publicly share their views and justifications on actions taken on behalf of the citizenry. He stated that if the established method of public comment with no response continues, many citizens will continue to believe that no one in the Council really listens or cares to hear what they have to say. He continued that without feedback there can be no proof that any public comments had been heard. He commended the

Candidate Forum held in the last election cycle, and encouraged the Town Council to consider holding such question and answer events ongoing if the public comments section could not be expanded. He added that this would allow for greater public education and a chance to inform the public of their specific positions. Mr. Harris reported that he was among the dozen other community members invited to the informational meeting held by Mr. Luter last Thursday evening. He stated that the presentation given by Mr. Luter and his organization was designed to answer many questions, but that it had generated more questions than answers. He acknowledged that everyone on the team was cordial and entertained questions from the audience. Mr. Harris added that most of the questions the citizens had were answered in vague terms or ignored all together, including certain very crucial issues. He reported that the team refused to answer any questions regarding proffers or to what degree they intended to pay for the cost associated with electrical systems, water/sewage lines, paving/curbing, etc. needed for 10 Grange. He continued that he felt great concern that Mr. Luter's team could not produce evidence of an environmental impact study or the required ground-penetrating radar study that could confirm the total absence of historic burial sites, previous Native American dwelling sites, or enslaved people's quarters on the old Pierceville property. Mr. Harris reported that he had been assured that the studies had been conducted and that they would be sent to him by the next day. He added that within the 5 days after this statement he has received nothing. He questioned if the studies had been presented to Town Council as required. Mr. Harris reported that the biggest revelation of the community meeting had been that Mr. Luter shared that he would only be developing Phase I of 10 Grange and intended to sell the rest of the acreage to other developers. He continued that he found that information troubling as many that have supported 10 Grange use the argument that Mr. Luter always completes good projects. He questioned that if Mr. Luter is not in control of Phase II, can it be assumed that all things will be done as well.

Mayor Bowman asked to address some of the points Mr. Harris had made. He stated that he felt that part of the responsibility of being a Council member was to answer questions if he had the answer. He added that if he did not know the answer then he would let the questioner know that and rely on the Town Manager to get back in touch with the answer. He added that there are some topics that are sensitive in nature and can stir emotion, making the public comment section not the place to engage in a dialogue. He reiterated that if a question was asked, he had an informed answer, and it was appropriate to give the information, then he would.

Mary Harris of 329 Grace Street in Smithfield thanked the Town Council for work that was completed on Grace Street. She reported that the progress is obvious with the sidewalk repairs, and the neighborhood was pleased it was finally being addressed. She stated another item she wished to address that she had spoken about before was the traffic in Town. She had made a list of all the proposed and developments in process in Downtown Smithfield, adding that they should be considered in a comprehensive perspective. She reported the following numbers for new homes in the Town: Cypress Creek – 152 homes, Church Hill – 74 homes, Luter Acres – 12 homes, Downtown – 5 buildable lots, Mallory Farms – 812 homes, the Park at Battery – 150 homes, in addition to the new homes at 10 Grange. She stated that this added up to 1,505 new homes in Smithfield, adding this was a large number for a small town. Mrs. Harris stated that she had then gathered information as to what developments were being proposed in the County to the East and

to the South of the Town: Sweetgrass – 615 homes (adding that she received varying numbers), The Crossings – 240 homes, Benn's Grant – not fully built out so the number was not available, Timber Preserve – 340, Brewer's Station – 261 homes, St. Luke's – 179 homes, South Harbor – 340 homes, Bridgepoint Commons – 350 homes. She stated that this brought another 2,586 new homes, bringing her total to 4,000 new homes to the immediate area. Mrs. Harris reviewed that the traffic is already a problem and quoted a study done in April 2022 with Grace Street having 1,960 cars on average per day with only 23 residents on the street, Thomas Street having 29 residences. She stated that the Virginia Department of Transportation (VDOT) reported that the average residential street traffic rate was 1000 cars per day, adding that Smithfield's Comprehensive Plan also listed Grace Street as having about 100 cars per day. Mrs. Harris stated that they know that this was inaccurate as traffic studies showed numbers much higher than that. She continued that in the same study referenced Cary Street had 2208 vehicles per day with 30 residences. She stated that on Church Street, with 46 residences, 11,611 vehicles were counted per day. She related that this was a lot of traffic and then there would be the addition of 1,500 homes to that number. She continued that last year she had done her own study counting the number of homes in the Downtown area, reporting that in the downtown proper there was about 311. She offered to share her spread sheet with the information gathered with the Town Council. Mrs. Harris compared this with the 304 homes proposed for the Luter development, doubling the downtown residency. She repeated her request that the Town Council look at the information comprehensively as one of the Town's goals was to reduce traffic. She reported that she felt that Mr. Luter was cherry-picking the goals that he described in the community meeting he held. She related that she had brought up her concerns about increased traffic during the meeting, where Mr. Luter had not addressed the issue as a concern in his presentation. She concluded that she wanted the Town Council and the residents to look at the growth plan and the growth that is coming comprehensively so that the residents are not overwhelmed.

Mayor Bowman reviewed that in 1982 traffic on Grace and Church Street had been a concern, adding that these roads were classified by the State as Route 258 Business and Route 10 Business. He continued that based on information from that same time period, there had only been an increase of about 2000 people through today. He reported that from a growth perspective, the Town had done well. Mayor Bowman acknowledged her assertion that there were upcoming developments that would create significant increases.

Mrs. Harris thanked Mayor Bowman, adding that the information given did intensify her concern as the growth rate had been so low and now the Town was expecting such a large increase.

Mary Ellen Bebermeyer of 355 Grace Street in Smithfield stated that she had some concerns about the development Grange at 10 Main. She stated that she wanted to clarify that not all citizens were against the proposed development and reported that she would like to see another hotel in town and some additional restaurants. She added that she wanted to see the original Downtown of Smithfield preserved. She stated that another concern she had was with the density of the housing as she felt that what was proposed was too dense. She expanded on this by stating that there were too many apartments proposed, and she felt there was lack of clarity on what type of housing would be included: affordable vs. luxury housing. She referenced the community meeting held by Mr. Luter where it was reported that most of the houses were going to be priced

in the \$550,000 – 580,000 range which could not be considered affordable housing. She related that when she first moved to Smithfield 20 years ago Downtown had a grocery store, a hardware store, and a pharmacy, adding that none of those businesses were there any longer. Mrs. Bebermeyer stated that in those 20 years with all the development coming in, businesses were moving out. She acknowledged that Smithfield was a great Town for tourism, and that she loved living Downtown, but she felt that the Town needed to look at what was happening. She continued that when the Comprehensive Plan was being updated there was much discussion about height restrictions within the Town. She stated that when she reviewed the plan for 10 Grange she felt that either the developer had not paid attention to those restrictions or they did not care. She reiterated that she felt the plan was too dense and the height of the buildings was too high. Mrs. Bebermeyer additionally reported that there needed to be a comprehensive plan for traffic in Downtown Smithfield. She stated that a common argument was that things couldn't be changed due to restrictions from VDOT. She recommended that they continue to try get VDOT to make changes as there could not be one entrance from 10 Grange onto Main Street. She added that there had to be an entrance to the development from Route 10. She related that there had been discussion of construction of a flyover from Route 10 to Mill Swamp Road, adding that most of the traffic on Cary Street was motorists going to Mill Swamp Road. Mrs. Bebermeyer stated that the building of the flyover had to happen now before construction started on the development and not after the fact. She emphasized that the development will permanently alter Smithfield and that the whole package needed to be considered.

Mayor Bowman stated that in regard to 10 Grange he had come to the conclusion that there was a process in place in which the project will be vetted with aspects of it being removed or added prior to its presentation to the Town Council for review. He reported that he did not intend to get involved in the dialogue or discussion pertaining to 10 Grange regarding traffic etc. until all of the appropriate entities had weighed in and completed their due diligence. He reiterated that he would listen to comments and concerns, hearing what was being said. He stated that he wanted the citizens to understand that if he did not respond to those comments, it is not due to his not caring about what was being said, but that he wanted to be fair to all involved.

Mrs. Bebermeyer expressed her appreciation, adding that as citizens they wanted to be kept as a part of the process and heard throughout.

Mayor Bowman reiterated that the citizens would continue to be heard and have opportunities to speak. He reported that there were no other citizens signed up to speak and asked if there was anyone present who hadn't signed up that would like to speak. Seeing and hearing none, the public comments section was closed.

Public Works Re-Accreditation Presentation from the Regional Director of the American Public Works Association (AWPA), Mr. Jeffrey P. Brown

Jefferey Brown introduced himself as the Regional Director of AWP, serving on the National Board and representing Region 3 encompassing North Carolina, Tennessee, South Carolina, Kentucky, and Virginia. He expressed that it was an honor to be present at the meeting and it was time of celebration for the Public Works Department. He read the following regarding re-accreditation: "Accreditation is the mark of professionalism indicating that a Public Works

Agency has made the commitment to continuous improvement in delivery of Public Works operations and services in communities. Accreditation recognizes an agency's policies, procedures and practices which have been evaluated by experienced public works professionals by comparing them against internationally recognized management practices appropriate for that specific agency." Mr. Brown continued that the benefits of being accredited were an increase in efficiency, improves processes, takes into account succession planning, recognizes professional development, and is a continuous opportunity for an organization or agency to look at their operations to see where improvements and efficiencies could be captured. He reported that Smithfield had officially become accredited in 2014 and was the third time the agency had be successfully reaccredited receiving their notice on November 8th 2022 with 105 total practices reviewed. He added that they were being recognized for their hard work and dedication in the field of Public Works, and were the 178th accredited agency in the United States. Mr. Brown thanked Jack Reed, Kathy Jones, and the department for their hard work. He recognized Mrs. Jones for her work as the Accreditation Manager. He presented the award to the members of the Public Works Department that were in attendance.

Mayor Bowman thanked Mr. Brown for coming to the meeting. He pointed out that the jurisdictions that had also received the accreditation were significantly larger than the Town of Smithfield, which also meant that they had more resources at hand. He reported that he and the other members of the Town Council were extremely proud of the Department of Public Works.

Jack Reed, Director of Public Works and Utilities, offered thanks to the Town Council and the Town Manager for their continued support the Public Works Department through the accreditation process. He recognized Kathy Jones, Accreditation Manager, for her work in the process. He then thanked the Public Works employees who worked in the field, recognizing Jeff Smith, Supervisor, who was also present. He praised the Public Works Department members for their knowledge of policy and procedure, helping staff understand what accreditation was, and utilizing best management practices. He added that this makes the Department more effective and efficient in providing services to the residents in the community.

Council Comments:

Councilman Pack wanted to give kudos to Town Staff for getting the Town Council meeting live streamed in such a quick manner. He added that the Council members had asked about having the meetings available through live streaming at the last meeting, and praised the Staff's efficiency at getting it done.

The Town Manager stated that the thanks for getting the meetings live-streamed should be directed to Steve Clark, Parks and Grounds Attendant, and Amy Novak, Director of Parks and Recreation. He reported that Town Staff had been reviewing a more traditional method of going through the IT department at Isle of Wight County as we were contracted with them. He added that Mr. Clark had come up with the idea of live-streaming through Facebook as he had the equipment, and Mrs. Novak came to him with the idea. The Town Manager stated that the recognition needed to go them for thinking outside the box and figuring out a creative way to allow its execution so quickly.

Consent Agenda:

C1. Recommendation to Award Historic District Guidelines and Entrance Corridor Overlay District Guidelines Update

C2. Invoices Over \$20,000 Requiring Council Authorization:

- | | |
|--|--------------|
| a. Lewis Construction of Virginia, LLC – Drummonds Lane and Cedar Street | \$ 20,882.00 |
| b. Harrellsville Metal Works, Inc. – Public Works Metal Building | \$ 60,267.50 |
| c. Nostoss SS Contractors, LLC – Wilson Rd Water Storage Tank Rehab | \$ 85,722.50 |
| d. Kimley Horn and Associates – Wilson Rd Water Storage Tank Rehab | \$ 24,078.66 |
| e. Axon Enterprises, Inc. – Tasers, Body Cams and in-Car Cameras | \$ 61,470.00 |
| f. Robinson, Farmer, Cox Associates, PLLC – Audit Services | \$ 32,000.00 |

Invoices Received since Finance Committee:

- | | |
|---|--------------|
| g. The Blair Brothers, Inc. – Benns Church @ South Church Street Intersection Project | \$ 30,664.62 |
| h. Isle of Wight County – IT Services | \$ 40,500.00 |
| i. Isle of Wight County – E911 Joint Services | \$178,150.50 |
| j. Core & Main – Meters | \$ 27,000.00 |
| k. Sydnor Hydro – Crescent Pump Station | \$ 22,950.00 |
| l. Nostos SS Contractors, LLC – Wilson Road Water Storage Tank Rehab | \$202,958.75 |

Councilman Pack made the motion to approve the Consent Agenda as presented.

Councilman Hall seconded the motion.

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

PUBLIC HEARING: Special Use Permit – 235 Main Street

Tammie Clary, Director of Community Development and Planning, reported that the applicant is seeking approval for a Special Use Permit (SUP) pursuant to the Smithfield Zoning Ordinance (SZO) Article 3.H Section C, in order to allow “the conversion of any residential structure for a non-residential use as the principal use of the building, even if the converted use in question is one of the permitted uses listed in SZO Article 3.H Section B.

She continued that the current primary use of the property is a single-family detached dwelling and the applicant is seeking approval to convert the residential dwelling into a general or professional office pursuant to SZO Article 3.H Section B.3. She reported that the business intends to employ three (3) to five (5) personnel and will operate from 8am until 6pm. Customers and employees will use on-street parking and the public parking lot to access the proposed business.

Mrs. Clary reported that the applicant has stated that the exterior appearance and color of the building will not change, with the exception of a small sign affixed to the exterior of the building. The future business owner will apply for the signage approval separately. She stated that a positive aspect of the application is that the applicant is not proposing any exterior structural changes to the property and is seeking approval for the specific use of “general or professional office.” She continued that a negative aspect was that this requested use is a by-right use; however, an SUP is required for the conversion of a residential structure for a non-residential use.

Mrs. Clary reviewed that at the Tuesday, January 10th, 2023 Planning Commission meeting, this application was favorably recommended to Town Council. Town staff do support the application, provided any proposed signage/ exterior changes must be properly permitted and reviewed by the Board of Historic and Architectural Review (BHAR), if applicable, and the applicant must obtain a new Certificate of Occupancy from Isle of Wight County. She added that if approved by Town Council, the future business owner will need to obtain a Town of Smithfield Business License with Treasurer’s Office as required by Town Code Chapter 26 Article 1 Section 26-3.

Mayor Bowman asked if the applicant was present to speak regarding the application.

Tim Ryan of 11220 Shelter Cove in Smithfield was present to answer any questions that the Council members had regarding the application.

There were no questions from the members of the Council.

Mayor Bowman opened the public hearing to members of the public who wished to speak for or against the matter. Seeing and hearing none, Mayor Bowman closed the public hearing.

Councilman Pack reviewed that the Planning Commission had previously held discussion on the application and that the favorable recommendation included the conditions proposed by Town Staff. He made a motion to approve the application as presented.

Councilwoman Rountree seconded the motion.

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

PUBLIC HEARING: Text Amendment – Article 2.AA Public Buildings/New Construction

Mrs. Clary reported that at its Tuesday, August 9th, 2022 Planning Commission meeting, the Commissioners inquired if there was an ordinance or design guideline adopted by the Town of Smithfield that sets a standard for the design of public buildings located outside of the Entrance Corridor Overlay’s (ECO) 500-foot buffer. Town staff provided draft language at the Monday November 7th, 2022 Planning Commission meeting for review that incorporated the comments received and provided a red-lined draft for review and discussion. Town staff used the language that was found to draft detailed provisions that would be used in the design of any newly constructed municipal public building, including the construction of additional square footage of an existing building and its accessory structures, even if these newly built structures are located outside of the Town of Smithfield’s ECO. She added that these provisions would apply to state and federal public buildings as well.

Mrs. Clary continued that the draft language provides the procedures for processing applications, along with procedure for waivers and appeals. She reported that at the request of the Planning Commission, Town staff deleted Section AA.1.b.i. excluding pump stations and other public utility structures, which are to be dedicated to the Town and Section AA.1.b.ii. exempting State and Federal buildings. She reviewed that the draft version was favorably recommended to Town Council at the Tuesday, January 10th, 2023 Planning Commission meeting.

Councilman Brooks asked for clarification that this proposed text amendment would apply to the vac truck building that had been included in the Consent Agenda for Council authorization. He reviewed that the invoice for the metal building had been for \$60,000.00, adding that he could not imagine how much a building that conformed to this proposed code would cost.

Mrs. Clary reported that there was a waiver section that an applicant could utilize in order to seek a waiver from the Planning Commission to request alternatives to the ECO requirements.

Councilman Pack reported that the issue had been discussion by the Commission and the issue did not fall on deaf ears. He continued that there are exceptions where it would make sense to allow alternatives, giving the example that there was no reason to go to a Public Works area and construct a large brick building. He stated that there are instances that the Commissioners felt that the text amendment would be appropriate, such as in residential developments. He added that there could not be a text amendment to ensure continuity in developments without having a waiver, which would be accepted only if the Planning Commission and Town Council chose to allow it.

Mayor Bowman added the example that the exceptions to remain within the confines of the new text amendment would be pump stations placed in developments that should conform to the architectural design of the structures around them.

Mrs. Clary clarified that the waiver section would only go before the Planning Commission if it was not included as a Special Use Permit, which would then go before the Town Council as well as the Planning Commission.

Mayor Bowman opened the public hearing to members of the public who wished to speak for or against the matter. Seeing and hearing none, Mayor Bowman closed the public hearing.

The Town Attorney reported that he had prepared an Ordinance that amends the Zoning Ordinance Article 2.A General Regulations to include section AA pertaining to Public Building and New Construction.

Vice Mayor Butler made the motion to accept the text amendment Article 2-AA for Public Buildings and New Construction. Councilman Pack seconded the motion.

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

Motion to Adopt an Ordinance to Change the Number of Planning Commission Members to Serve the Town of Smithfield

The Town Attorney explained that the next three agenda items were all associated to the topic. He reviewed that the January Town Council meeting had been organizational in nature and as such there had been several agenda items involving the appointment of new members to certain

committees. He referred specifically to the Nominating Committee that was tasked with proposing new members to be appointed to the Planning Commission. The Town Council Committee had made recommendations for 3 people to be appointed to the Planning Commission all of whom were qualified. The Town Attorney stated that a mistake had been inadvertently made as the Town Code requires that one member of the Planning Commission is required to also be appointed to the Board of Historic and Architectural Review (BHAR). He continued that this had not been realized until after the new members were confirmed. He reported that there was a permanent solution with a temporary duration in the amendment of Section 2 – 236 of the Town Code that establishes the number of members allowed on the Planning Commission. The Town Attorney reported that the State Code allowed for as many as fifteen (15) members with the current Town Code allowing for seven (7). He continued that he had prepared a new Ordinance that states that a Planning Commission is created for the Town, with such a Commission consisting of at least seven (7) but not more than eight (8) members, one of whom may be a member of the Town Council, and the remaining six (6) or seven (7) appointed members shall be residents of the Town and qualified by knowledge and experience to make decisions on questions of community growth and development with at least half of the members being owners of real property. The Town Attorney summarized that the only real change was the allowance of at least seven (7) members, but no more than eight (8), resolving the conflict without removing any members that had previously been appointed.

Mayor Bowman pointed out the State Corporation Commission (SCC), which sets utility rates, etc. for Virginia, has had a similar issue with membership numbers for about a year and had settled on a similar solution.

Councilwoman Rountree questioned what the procedure would be in the event of a tied vote.

The Town Attorney reported that a motion that results in a tied vote fails as there must be a majority.

Mayor Bowman reported that it states in the Town Charter that the Town is guided by the rules of the House of Delegates.

The Town Attorney pointed out that it was not unusual for bodies that had odd numbers of members would end up with a tied vote as there are members that are absent or have recused themselves from voting.

Councilman Hall made the motion to adopt the ordinance to change the number of Planning Commission members to serve the Town of Smithfield. Councilman Smith seconded the motion.

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

Motion to Recommend the Smithfield Planning Commission Amend their Bylaws to Change the Number of Members to Serve

The Town Attorney reported that this agenda item was more of an advisory matter as the Council had changed the number of members allowed on the Planning Commission. He directed

the Council members to their packets to review the revised bylaws that comported with the change made to the ordinance. He advised that the Council make a recommendation to the Planning Commission to revise their bylaws accordingly.

Councilman Pack made the motion to recommend the Smithfield Planning Commission amend their bylaws to change the number of members to serve. Councilman Smith seconded the motion.

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

Motion to Accept the Nominating Committees Recommendation to Appoint a Member of the BHAR to the Smithfield Planning Commission

Councilman Brooks reported that he spent much time considering the issue that had been created, adding that he and Councilman Smith had worked together to come to a solution. He reported that they had consulted with several people after reaching their decision regarding the vacancy. Councilman Brooks reported that he and Councilman Smith would like to recommend Julia Hillegass for appointment to the Planning Commission.

Councilman Smith echoed that he and Councilman Brooks had spent much time on the issue. He reported that the consideration of forward movement of the Town and upcoming growth had been key factors in their decision. He reported that he felt that they had made an excellent recommendation.

Councilwoman Rountree confirmed that Mrs. Hillegass was currently appointed a member of BHAR, and inquired about how much time was left in her current term on the Board as she wanted to ensure that the two terms lined up as she was required to serve on both.

Mayor Bowman stated that they would be sure to make considerations before Mrs. Hillegass's term on BHAR expired. He continued that the issue had been one of the first items of business after the Mayor had been appointed when many things had been happening concurrently and the mistake had been made. He reported that as a result the Town Attorney would also now be vetting all nominations made to the Boards to ensure the qualifications of the appointment are met.

Councilman Pack reported that Mrs. Hillegass's BHAR term would expire in January of 2026.

Councilman Hall made the motion to accept the Nominating Committees recommendation to appoint Julia Hillegass to the Planning Commission. Councilman Smith seconded the motion.

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

Motion to Approve the Town Council Summary Minutes of January 3rd, 2023.

The Town Attorney recommended approval of the January 3rd, 2023, Town Council summary minutes as presented.

Councilman Smith made the motion to approve the minutes as presented. Councilman Pack seconded the motion.

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

New Business:

There was no New Business discussed.

Old Business:

There was no Old Business discussed.

Closed Session:

Mayor Bowman reported that a Closed Session was needed for the purpose of discussing the acquisition/disposition of publicly held Real Property pursuant to 2.2-3711 A3 and Personnel Matters Pursuant to 2.2-3711 A1 of the Code of Virginia.

The Town Attorney reported that a motion was needed to go into Closed Session.

Councilman Hall made a motion to go into closed session and Councilwoman Rountree seconded.

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

Mayor Bowman reported that he would like to see Closed Sessions held at the beginning of Council Meetings when necessary as he wanted to ensure that the public would have an easier time staying to hear the outcome of what may be discussed. He continued that in the interest of increased transparency he wanted to certify what was done with more opportunity for citizen attendance. Mayor Bowman added that the Council would be moving to a different room for their closed session instead of requiring all attendees to exit the Council Chambers.

The Town Council went into closed session at 7:31 p.m.

The Town Council returned to open session at 8:08 p.m.

The Town Attorney reported that a certification was needed that only discussion of the acquisition/disposition of publicly held Real Property pursuant to 2.2-3711 A3 and Personnel Matters Pursuant to 2.2-3711 A1 of the Code of Virginia was held.

Councilman Hall made a motion to certify the discussion only of the acquisition/disposition of publicly held Real Property pursuant to 2.2-3711 A3 and Personnel Matters Pursuant to 2.2-3711 A1 of the Code of Virginia. Councilman Smith seconded the motion.

Mayor Bowman called for the vote. On call for the vote, seven members were present. Councilman Smith voted aye, Councilwoman Rountree voted aye, Vice Mayor Butler voted aye,

Councilman Pack voted aye, Councilman Hall voted aye, Councilman Brooks voted aye, and Mayor Bowman voted aye. The motion passed.

The Town Attorney reported that one of the items discussed had been a vacancy in the position of Town Treasurer which is a position created by the Town Code. He reported pursuant to their obligations it was necessary to advertise for a candidate to fill the position, and had directed the Town Manager to do so.

Mayor Bowman stated that this was correct.

The meeting was adjourned at 8:09 pm.

Steven G. Bowman - Mayor

Lesley King – Town Clerk

DRAFT