

The Smithfield Town Council held its regular meeting on Tuesday, January 6, 2026. The meeting was called to order at 6:30 PM.

**Members present:**

Michael Smith - Mayor  
Bill Harris - Vice Mayor  
Steve Bowman  
Mary Ellen Bebermeyer  
Valerie Bulter  
Darren Cutler  
Jeff Brooks

**Members absent:**

None

**Staff present:**

Michael Stallings – Town Manager  
Lesley King – Town Clerk  
Tammie Clary – Community Development & Planning Director  
Ed Heide – Director of Public Works  
Judy Winslow – Director of Tourism  
Laura Ross – Treasurer  
Alonzo Howell – Chief, Smithfield Police Department  
Chris Meier - Deputy Chief, Smithfield Police Department  
Ashley Rogers – Director of Human Resources  
Steve Clark - Grounds Attendant

**Legal Representation:**

Chris Mackenzie - Sands Anderson, Interim Town Attorney

**Press:**

Stephen Faleski - The Smithfield Times

**Citizens:**

5

Mayor Smith welcomed all attendees to the meeting and asked all present to stand for the Pledge of Allegiance.

- 1. Call To Order**
- 2. Pledge Of Allegiance**
- 3. Informational Reports**

Mayor Smith asked if there were any questions for the Town Manager regarding the Informational Reports.

Councilman Cutler reported that he had questions he would like to ask. He pointed out that in the Manager's Reports, in the Community Planning section, there were items a-h listed as site plans under review for subdivisions. He confirmed that those site plans were to be reviewed administratively only and not come to the Planning Commission or Town Council for review in compliance with the General Assembly's new laws passed last year. He asked for more information about "Evergreen Acres, Phase III," and where it was located.

Tammie Clary, Community Development and Planning Director, reported that it was located off of Cedar Street on the Way to Windsor Castle Park. She said that they had submitted a plan that

included 39 units.

Councilman Cutler pointed out that in the Activity Report, the Parks and Recreation report included that they had held 21 events and 11 of those were at a 100% discount with 2 others given a 50% discount. He asked how the Town arrived at those discount determinations.

The Town Manager reported that the town did have some civic organizations, within the Town and the County, that had predetermined arrangements made for discounted rates. He noted that without Amy Novak, Director of Parks and Recreation, present he could not answer in more detail.

Councilman Cutler stated that the number of events given discounted rates was disproportionate to the total number of events. He questioned whether the recently approved Master Plan for the Luter Sports Complex, which was a significant expense, would have the same proportion of discounted events.

The Town Manager explained that in the case of the Sports Complex, when the fields were completed they would be strictly for-rent by outside entities. He detailed that there was not a discounted rate structure planned for use of those fields.

Councilman Cutler recognized the Tourism Department's work in marketing the "Virginia 250" events.

Vice Mayor Harris asked the Town Manager if the Town Council could receive a list of the groups who received discounted rates.

- a. Town Manager's Reports
- b. Committee Summary Reports

#### **4. Upcoming Meetings And Activities**

|              |                                                                  |
|--------------|------------------------------------------------------------------|
| January 1 -  | Town Offices Closed in Observance of New Year's Day              |
| January 6 -  | 6:30 p.m. - Town Council Meeting                                 |
| January 13 - | 6:30 p.m. - Planning Commission Meeting                          |
| January 19 - | Town Offices Closed in Observance of Martin Luther King, Jr. Day |
| January 20 - | 6:30 p.m. - Board of Historic and Architectural Review           |
| January 20 - | 7:30 p.m. - Board of Zoning Appeals                              |
| January 26 - | 3:00 p.m. - Town Council Committee Meetings                      |

#### **5. Public Comments**

Mayor Smith confirmed that there were no sign-ups to speak, and asked if anyone present wished to comment but had not been able to sign in. Hearing and seeing none, he closed the Public Comment Section.

#### **6. Council Comments**

Councilman Bowman reported that he had noticed in the last several weeks and months that the trash pickup in the Town had been sporadic, and, in some locations, entire areas had been missed. He additionally noted that there was visible discharge coming from the trash vehicles when they came through, adding that he did not know if that was just part of the process or if it was actual refuse. He stated that he had spoken with the Town Manager about the issue earlier in the day as he had received a number of complaints from citizens.

The Town Manager reminded the Council that the Town had been experiencing service-related issues with the Town's sanitation service provider for some time. He reported that they had met with their leadership previously, which was helpful for a period, but now it had fallen back off significantly. He stated that there was a meeting scheduled with Bay Disposal for the upcoming Friday to encourage them to fix the issues or the contract would be put out to bid early.

Vice Mayor Harris thanked Councilman Bowman for bringing the matter up as his plan had been to do the same. He reported that he had five different citizens speak with him about the same issues with trash collection.

Councilwoman Bebermeyer asked for clarification on who citizens should call with trash collection issues: the service provider directly or the Town.

Councilman Bowman related that one of the citizens that had contacted him had called the number given for service issues by the trash company, and it had been disconnected.

The Town Manager reported that there was a staff member in the Public Works Department that communicated directly with Bay Disposal regularly. He noted that sometimes the numbers that were displayed on certain cans and dumpsters were much older and no longer in service. He added that every call or complaint made at Town Hall was documented and recorded so that they may relay that information directly to the service provider.

Councilman Cutler announced that he had a new granddaughter born over the holidays, which gave him some time to reflect on recent events. He said that it was an incredible honor to have been elected by the citizens of the Town. He said he wanted to give a few reminders, beginning with the Freedom of Information Act of Virginia: "the affairs of government are not intended to be conducted in an atmosphere of secrecy, since any time, the public would be the beneficiary of any action taken at any level of government. Provisions of the Freedom of Information Act shall be liberally construed or promoted to increase the awareness of all persons of governmental activities, and afford every opportunity of citizens to witness the operations of government." He said that while they had done great things in 2025, they had been tasked in the election of 2024 to manage growth, follow zoning laws, and hold developers accountable. He stated that they had been able to hold developers accountable one time. Councilman Cutler stated that it had been a challenge to be on the Town Council and the Planning Commission as there were some that contended that enforcing zoning laws could hamper the creativity of the product presented, adding that he had observed previously there was little creativity. He said that the Town Council had stood their ground with the developer, and he hoped that they would carry on into 2026. He pointed out that they were not as effective in the case of the Promontory, pointing out that they did not pay attention to the many different ways the citizens had said that they did not want additional growth. Councilman Cutler stated that they should strive to do better than that in 2026, adding that he certainly would. He said that a great thing that they did was institute a personnel review process to ensure the Town Council was given feedback and constructive direction to their four core staff members. He recalled that the process had been lacking prior, and it was their responsibility to ensure that the Town's highest level employees received the same opportunities for feedback as the rest. He reported that they had started taking minutes at closed-session meetings, adding that there was still work to be in that area, but it was a step in the right direction. He noted that the taking of minutes in closed session would encourage accountability among themselves and create an appropriate and effective legal record in the event that actions taken in closed session were needed to provide facts in order to protect the best interests of the Town. Councilman Cutler stated that there had been the challenge of integrity and accountability in the Town's government. He said that while it was disappointing and taxing, the Town Council did not hold any staff accountable for the situation. He observed that closed session minutes would really have settled much of the division, provided factual context for the situation, and provided them with information on the past intentions of previous Town Councils that made decisions. He noted that they had chased hearsay, with no recordkeeping available regarding past council actions on the subject. Councilman Cutler stated that as they embark on the process of finding a new attorney, they would focus on finding one that emphasized transparency and open government. He asked the citizens to continue to press the Town Council to adopt a recordkeeping policy for closed sessions in 2026. He said that closed sessions were not secret, but were important for the integrity of the topic at the time, but no records made the policy of transparency ineffective. He quoted from Patrick Henry, "the liberties of a people never were nor ever will be secure when the transactions of their rulers may be concealed from them." He said he looked forward to another year of service with all the Council members.

Councilwoman Butler wished all in attendance a Happy New Year, and introduced two college students that were in attendance, Elijah and Micah. She related that one of the highlights of her position was working with and interacting with young people.

Councilman Bowman pointed out that it was the opening day of Riverside Smithfield Hospital. He observed that Councilwoman Butler had been present on the opening day, and that she was the President of the Advisory Committee. He said that from all the reports that he had received, it

went very well and ran smoothly. He offered congratulations to all involved with the project from the beginning, including all the staff and doctors. He emphasized that it was a proud day for the community.

**7. Consent Agenda Items**

Councilman Brooks made a motion to approve agenda items C(a) through C(d) on the Consent Agenda as presented.

Councilman Bowman seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilwoman Butler voted aye, Councilwoman Bebermeyer voted aye, Councilman Brooks voted aye, Councilman Cutler voted aye, Councilman Bowman voted aye, Vice Mayor Harris voted aye, and Mayor Smith voted aye. The motion passed unanimously.

- a. Invoices Over \$20,000 Requiring Council Authorization:  
[Finance Committee Chair, Jeff Brooks](#)
  - i. East Coast Emergency Vehicles, LLC - Public Safety Vehicles \$ 21,991.60
- b. Motion to Award Concrete Services Contract to Dan White Concrete, LLC.  
[Public Works Committee Chair, Bill Harris](#)
- c. Motion to Award Right-of-Way and Drainage Easement Maintenance Contract to Goodrich and Sons Tree Service  
[Public Works Committee Chair, Bill Harris](#)
- d. Motion to Approve the Summary Minutes of Town Council from December 2, 2025  
[Mayor Michael G. Smith](#)

**8. Action Items**

- a. PUBLIC HEARING: Text Amendment - Historic Preservation Overlay District  
[Tammie Clary, Director of Community Development and Planning](#)

Mrs. Clary reported that the proposed text amendment was to Article 3.M.E.1. changing the term of office from five years to four years for the members of the Board of Historic and Architectural Review (BHAR). She observed that the BHAR amended their bylaws in January 2025 to reflect a four-year term instead of the five-year term, and it would bring alignment to the requirements for a liaison from each Board and Commission with consistent terms. She added that the Planning Commission had favorably recommended the application to Town Council.

Mayor Smith opened the public hearing and asked if anyone present wished to speak on the matter. Hearing and seeing none, he closed the hearing.

Councilman Bowman made a motion to approve the proposed Text Amendment as presented.

Councilman Cutler seconded the motion.

Mayor Smith called for the vote, with seven members present. Vice Mayor Harris voted aye, Councilman Cutler voted aye, Councilman Bowman voted aye, Councilman Brooks voted aye, Councilwoman Bebermeyer voted aye, Councilwoman Butler voted aye, and Mayor Smith voted aye. The motion passed unanimously.

- b. Invoices Over \$20,000 Received after Finance Committee Requiring Council Authorization:  
[Finance Committee Chair, Jeff Brooks](#)
  - i. Vortex Services \$ 31,896.90
  - ii. Epps Building Inc. - Public Works Breakroom / Safety Meeting Room \$ 48,500.00

Councilman Brooks reported that after the December Committee meetings there had been two additional invoices over \$20,000.00 received that would need the Council's approval. He explained that one was to Vortex Services for camera and utility work in Grimesland, and one to Epps Building Inc. for work done on the Public Works Department's breakroom/ safety meeting room.

Councilman Cutler made a motion to approve the invoices over \$20,000.00 received after the Finance Committee meetings.

Councilwoman Bebermeyer seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilman Brooks voted aye, Councilwoman Butler voted aye, Councilwoman Bebermeyer voted aye, Councilman Cutler voted aye, Councilman Bowman voted aye, Vice Mayor Harris voted aye, and Mayor Smith voted aye. The motion passed unanimously.

- c. Recommendation by Nominating Committee to Appoint / Reappoint two members to the Board of Historic and Architectural Review to fill the Expiring Terms of Julia Hillegass and Justin Hornback (1-31-2026)  
[Councilwoman Bebermeyer and Councilman Cutler](#)

Councilwoman Bebermeyer reported that it was the Nominating Committees recommendation that Julia Hillegass and Justin Hornback be reappointed to fill their own expiring terms on the BHAR. She asked the Town Manager to explain the additional actions in regard to Mrs. Hillegass's reappointment.

The Town Manager explained that Mrs. Hillegass would be appointed to start her term on January 31<sup>st</sup> of 2027. He stated that her term starting on that date would put her BHAR term in alignment with her current Planning Commission term. He reported that the way the bylaws read, a board member would stay seated until such time that someone else was appointed.

Councilwoman Bebermeyer made a motion to approve the Nominating Committee's recommendation to reappoint Justin Hornback and Julia Hillegass as members of the BHAR.

Councilman Cutler seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilman Brooks voted aye, Councilwoman Butler voted aye, Councilman Cutler voted aye, Councilwoman Bebermeyer voted aye, Councilman Bowman voted aye, Vice Mayor Harris voted aye, and Mayor Smith voted aye. The motion passed unanimously.

## **9. New Business**

Mayor Smith confirmed that there was no New Business for discussion.

## **10. Old Business**

- a. Town Council Policy & Procedures Manual  
[Michael Stallings, Town Manager](#)

Mayor Smith recapped at the last Town Council meeting he had indicated that he wanted to approve the proposed Manual in a timely manner because he felt it was imperative for the Town Council to have a document that it was able to use as a resource when they were interviewing for the new Town Attorney. He noted that the document could be amended if the need was there, and the Council would vote on it annually. He reviewed that no comments were sent to the Town Manager in regard to the document. He said that he would like to entertain a motion from the Council to adopt the document.

Councilman Bowman reported that he had reviewed similar manuals throughout the years, and he felt that it was well done. He made a motion to adopt the Town Council Policy and Procedures Manual as presented.

Councilman Brooks seconded the motion.

Councilman Cutler reported that he had a number of comments to make on the subject. He said that the document was not received before the previous meeting with enough time to review the material at full capacity. He said he had spent time going through the document, and though he agreed that the document was well-done, there were many elements that could be addressed.

Mayor Smith reiterated that the document was able to change as needed, and any glaring issue would be addressed.

Councilman Cutler stated that he did not see why the rush to approve it was needed. He pointed out that candidates for Town Attorney could review the draft document and knew that it was something that they were working towards. He directed the Council to page 8 to "the will of the majority," noting that the statement was challenged in 2025 and should be highlighted or put in a blue banner like the other important elements in the document. He next moved to the "Conflict of Interest Standard" and asked the Interim Attorney if separate ethical guidelines were needed or would they apply across the board. He added the question of whether they would allow consideration for attorneys representing the Smithfield Town Council while they simultaneously represented the same or similar clients within Isle of Wight County. He questioned if the example he just gave would be considered a Conflict of Interest and, if so, would it need to be disclosed to the Town Council.

Mayor Smith asked Mr. Mackenzie if he could address the question.

Mr. Mackenzie pointed them to the Conflict of Interest Act (COIA) on page 11, and observed they governed public bodies, using the Town Council as an example. He explained that for Attorneys, the Conflict of Interest Rules were different and arose under their ethical rules. He noted that a conflict in the Attorney context was governed by their Rules of Professional Conduct. He emphasized that the conflict rules that applied to the Council were different than the conflict rules that applied to the Attorney's. Mr. Mackenzie reported that any time an attorney took on a new engagement, they checked for conflicts, presumably before they would even put their name in for consideration. He illustrated that identification of a conflict as to whether the attorney had received confidential or privileged information from another client that could be impacted by the new engagement. He stated that each attorney had an ethical duty to complete that analysis before taking on an engagement and throughout that engagement to ensure that no conflicts arose. He added that the attorneys that they interviewed would likely have already completed such analysis, but it certainly was something that they could check on during the process.

Councilman Cutler said that it sounded as if it was the attorney's own determination of whether it required disclosure.

Mr. Mackenzie confirmed that was the case. He reported that the Council's disclosure requirements were under COIA, which allowed them to proceed under certain circumstances if they had conflicts which barred them from participating, but they wanted to make them known. He added that there were others under the Freedom of Information Act (FOIA) which said that they could disclose conflicts, but they were still not allowed to participate. He continued that for attorneys, under the Rules of Ethics, the consideration was supposed to be completed by the attorney. He pointed out that the one exception to that was that a client could waive a conflict. He used the example of an attorney that had a conflict had the ability to acknowledge the possible conflict, approach the existing client and prospective client and inform them of the potential risks, and if both were comfortable proceeding, then they could waive the conflict and allow the engagement to proceed.

Councilman Cutler continued to the Vision, Mission, and Core Values section on page 15. He said that he wanted to point out that during the process of the Luter Sports Complex Master Plan consideration the Council did not embody what was written. He said that no one from the community was involved. He asked that they do a better job embodying what was in their own mission statement.

The Town Manager reported that the mission statement included in the manual was the mission statement quoted, word for word, from the one that the Town Council had adopted. He said that if they would like the mission statement changed, then they would need to do so.

Councilman Cutler explained that the mission statement was just that: a statement. He stated

none of the core values written in the statement pointed to the idea of a "people-first community." He continued that the core values also called for integrity and accountability, questioning if there were processes available through Human Resources for personnel accountable to the Town Council.

The Town Manager asked for clarification of what Councilman Cutler was requesting.

Councilman Cutler stated that there did not seem to be a formal process for how they could pursue counseling or reprimanding a direct report.

The Town Manager reported that if the Town Council were taking that type of action, then Human Resources would not be involved. He explained that such matters would be handled by the Council in closed session.

Councilman Cutler said that he understood, adding that there could be a policy that resided in Human Resources.

Mayor Smith stated that it was his understanding that the process began with the Mayor addressing the issues first, and if it could not be resolved, then it went before the Council.

The Town Manager stated that the example the Mayor had given was the process for individual Town Council members, and that process was outlined in the manual, which was where the direct report evaluation process could be found as well.

Councilman Cutler asked if there was such a process for the other Town employees.

The Town Manager confirmed that the Town employees did have a disciplinary process, but that process would not necessarily apply to the Town Council's appointees.

Councilman Cutler directed them to page 17, and noted the information contained there seemed contrary to FOIA law. He questioned who would decide and provide appropriate authorization. He asked if a Council person wanted to disclose confidential information, where they would get appropriate authorization to do so.

The Town Manager said the procedure was referring to situations where an entity has given information that is deemed confidential, for a variety of reasons, then that information cannot be used. He acknowledged that there was nothing, generally speaking, that prevented the Council from disclosing closed-session information, unless it was something strictly prohibited.

Councilman Cutler recapped that the first statement made sense and they could not use confidential information. He continued that the second statement outlines that confidential information included discussions during closed session, which was contrary to the FOIA law. He said that FOIA law did not provide an expressed restriction on discussion of items in closed session.

Mr. Mackenzie reported that FOIA did not discuss the confidentiality of closed session. He said that all FOIA did was give the opportunity to go into closed or executive session in the circumstances identified in the Act. He continued that the decision of whether to disclose confidential information obtained during closed session was the purview of a document such as the Manual in question, and not FOIA.

Councilman Cutler asked for confirmation that the General Assembly expressly did not forbid the action, and they were going to "one up" the General Assembly by forbidding it in the Town's own Manual. He reiterated that the action seemed contrary to FOIA.

Mayor Smith asked Mr. Mackenzie if Councilman Cutler's statement was correct.

Mr. Mackenzie stated that he thought that the two matters were separate. He noted that Councilman Cutler had pointed out earlier in his comments that FOIA is an open government and transparency law, and tended towards promoting those aspects. He said that the reason that closed sessions were addressed in FOIA was that closed sessions were not open, and were not held where the public could access them. He continued that FOIA was very specific about how to go into closed session, when to go into closed session, what could be discussed in closed session, and verification required following the closed session that the procedure was followed

correctly. He observed that as far as FOIA went in their requirements, and it did not specify, either way, that repeating information discussed in closed session elsewhere was a violation of FOIA. Mr. Mackenzie explained that FOIA was a discretionary act that gave the governing body the ability to go into closed session, but it did not mandate closed sessions. He said that as far as FOIA was concerned, everything could be conducted in open session and it would not violate the act. He acknowledged that proceeding in that way would create practical considerations as even FOIA recognized that some things had to be discussed in closed session. He gave the example of the Town Attorney needing to give the Town Council legal advice and there were other people present, then they would lose the ability to give privileged legal advice. He additionally used the example of the discussion of employment information that included disclosure of protected health information or private information of an individual that could not be discussed in open session. He concluded that FOIA allowed the governing body and other laws to control the dissemination of the information, meaning that it was up to the Town Council.

Councilman Cutler stated that under "Council Norms" in the manual in item number 9, "maintain strict confidentiality in those discussions allowed by the Code of Virginia" was a much more appropriate statement and his recommendation was to delete the second sentence of number 14, which definitively said that members could not discuss those matters.

The Town Manager reported that his direction had come from the Council. He asked if a discussion could be had on whether the Council's consensus was to make the change before it was made.

Councilman Brooks gave the reminder that a motion and a second had been made.

Councilman Bowman suggested that Councilman Cutler share the list of his concerns with the Council instead of debating it piecemeal. He related that his list should be submitted so that the other Council members could see them to give them appropriate consideration and allow for their own follow-up questions. He stated that he felt caught unprepared by the current discussion.

Councilman Cutler said that he would be happy to share.

Councilwoman Bebermeyer suggested that they have a work session or committee meeting since they were going through the document line-by-line. She added that she did not think that type of discussion needed to be held during a regular Council meeting.

Councilman Bowman reiterated Councilman Brooks's statement that a motion and second had been made. He related that he did not see what was wrong with approving this beginning document for use as they started to evaluate attorneys that they would be dealing with and then work diligently to amend it based on the suggestions made.

Councilman Cutler asked if Councilman Bowman's intent was to keep the matter in Old Business. He stated that many times if the matter was not kept on the agenda, then they did not come back up.

Councilman Bowman said, with all due respect, that Councilman Cutler would keep it on the agenda.

Councilwoman Butler stated that she thought there needed to be clarification of what the Council would like to see. She said that listening to Councilman Cutler made it sound like the Council had not been transparent in some of the actions in regard to closed sessions. She related that she was confused whether the Council as a whole would like to have all discussion in open session or did they want to continue to have closed sessions. She continued that, personally, there were no consequences if they did not keep things discussed in closed session confidential. She informed them that if they had gone into closed session and found that one of their colleagues had shared that information with the public, then she had trust issues with that particular colleague. Councilwoman Butler stated that the Council needed to decide if they would still go into closed sessions moving forward.

Councilman Bowman said that in the interest of keeping the process moving forward, he would like to call for the question on the motion and second made.

Councilman Cutler stated that Councilman Bowman could not just stop discussion by calling the question. Councilman Cutler made a substitute motion to table the adoption of the Policy and Procedures Manual to allow for further discussion.

Vice Mayor Harris seconded the substitute motion.

Councilwoman Butler asked for confirmation if the information would be tabled for discussion at the February Town Council meeting or would a work session be scheduled.

Councilman Culter stated that the Committee Meetings worked best, adding that he would send his list of comments to the other Council members.

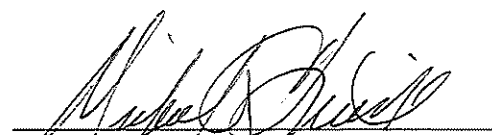
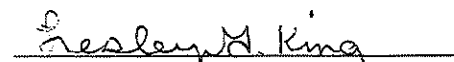
Vice Mayor Harris agreed with Councilwoman Butler's statement that they had agreed to bring their concerns up at the Committee Meeting prior to the current meeting. He said that was really what Councilman Cutler was doing, and he felt that they should take the time to discuss further so that it did not seem that it was just one Council person making changes.

Councilman Bowman withdrew his original motion to approve the Policy and Procedures Manual as presented.

Mayor Smith called for the vote on the substitute motion to table the matter. Vice Mayor Harris voted aye, Councilman Cutler voted aye, Councilman Butler voted aye, Councilman Brooks, Councilwoman Bebermeyer voted aye, Councilwoman Butler voted aye, and Mayor Smith voted aye. The motion passed unanimously.

#### **11. Adjournment**

The meeting adjourned at 7:18 pm.

  
Michael Smith - Mayor  
Lesley King - Town Clerk