

The Smithfield Town Council held its regular meeting on Wednesday, October 8, 2025. The meeting was called to order at 6:30 PM.

Members present:

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

Members absent:

None

Staff present:

Michael Stallings – Town Manager
Christopher McKenzie — Interim Town Attorney, Sands Anderson
Lesley King – Town Clerk
Tammie Clary – Community Development & Planning Director
Ed Heide – Director of Public Works
Judy Winslow – Director of Tourism Stephanie Kensicki - Tourism
Laura Ross – Treasurer
Amy Novak – Director of Parks and Recreation
Chris Meier – Deputy Chief, Smithfield Police Department
David Adams - Patrol Sargeant, Smithfield Police Department
Kate Wahl - Police Officer, Smithfield Police Department
Christopher McGough - Sargeant, Smithfield Police Department
Paul Jones - Senior Police Officer, Smithfield Police Department
Casey Owens - Senior Police Officer, Smithfield Police Department
Noah Cecil - Police Officer, Smithfield Police Department
Sam Johnson - Patrol Sargeant, Smithfield Police Department

Press:

Stephen Faleski - The Smithfield Times

Citizens:

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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. Presentation

- a. Resolution in Support of the Isle of Wight Christian Outreach Program and its 2025 "Friends Helping Friends" Campaign

Mayor Smith read the following Resolution in support of the Isle of Wight Christian Outreach Program (COP) 'Friends Helping Friends' Campaign:

"WHEREAS, the Isle of Wight Christian Outreach Program (COP) has, for more than thirty (30) years, served as a beacon of compassion and practical support for the county's most physically and economically vulnerable residents, including many within the Town of Smithfield; and

WHEREAS, COP provides essential services such as food distribution, home repairs, furnishings for families in need, diaper and dental care, and emergency assistance for utility bills, rent, and medications; and

WHEREAS, the organization now services over 600 families each month, reflecting the growing needs of the community and the importance of sustained support from local churches, civic organizations, businesses, and individuals; and

WHEREAS, the month of October has been designated for COP's annual 'Friends Helping Friends' campaign – a community-wide call to action encouraging donations, volunteerism, and advocacy to meet the needs of our neighbors;

NOW THEREFORE, BE IT RESOLVED, that the Smithfield Town Council does hereby commend the Isle of Wight Christian Outreach Program for its longstanding service and commitment to the well-being of our residents; and

BE IT FURTHER RESOLVED, that the Smithfield Town Council urges all residents, businesses, and community partners to actively support COP's 2025 'Friends Helping Friends' campaign through contributions of time, talent, and resources; and

BE IT FINALLY RESOLVED, that a copy of this resolution be presented to the Isle of Wight Christian Outreach Program as an expression of the Town of Smithfield's gratitude and commitment to continued partnership in serving our community."

b. Smithfield Recreation Association (SRA) Check Presentation

Mayor Smith asked the members of the SRA to come forward for the check presentation.

Derek Joyner, representative for the SRA, thanked the Town, the members of the Town Council, the Parks Department, and all the businesses that had supported the association over the years. He stated that it was a big deal to be a part of the Luter Sports Complex and its growth.

Mayor Smith said that the Town certainly appreciated the SRA and all the programs they provided for children in the community.

Mr. Joyner presented Mayor Smith with a ceremonial check of \$60,000, signifying the final payment of the amount owed to the Town.

4. Closed Session

Councilman Bowman made a motion to go into Closed Session to discuss the topics as specified on the agenda.

Councilwoman Bebermeyer 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.

Town Council entered into Closed Session at 6:38 pm
Town Council returned from Closed Session at 8:02 pm.

Councilman Bowman made a motion to return to open session, and reported that only the previously mentioned topics were discussed during the Closed Session.

Councilman Brooks 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.

Councilman Bowman reported that the conclusion had been reached after in-depth discussion and investigation had been completed that certain mistakes had been made in regard to the compensation of the former Town Attorney. He specified that the mistakes were of omission, noting that the Town had maybe not caught on to the changes in the amounts involved. He said that he was not of the belief that there was anything nefarious done by Mr. Riddick. Councilman Bowman made a motion to forego any outstanding amount due to the Town of Smithfield from the Former Town Attorney.

Councilwoman Butler seconded the motion.

Councilman Cutler thanked Councilman Bowman for his remarks and the other Council members for their discussion in the Closed Session. He stated that his position on the topic was with the citizens and defense of their money was important to him. He stated that an audit was completed of the law firm's billing and found an over-payment of \$99,028 from the period of July 2008 through the period of July 2025. Councilman Cutler made a substitute motion for the Town Council to direct the Interim Town Attorney to send a letter to Mr. Riddick's law firm to request repayment of \$99,028.00.

Mayor Smith asked if there was a second to the motion. Hearing none, he returned to the original motion made by Councilman Bowman and seconded by Councilwoman Butler.

Mayor Smith returned to Councilman Bowman's original motion and called for the vote. Councilman Brooks voted aye, Councilman Cutler voted nay, Councilman Bowman voted aye, Councilwoman Bebermeyer voted nay, Councilwoman Butler voted aye, Vice Mayor Harris voted aye, and Mayor Smith voted aye. The motion passed 5/2.

Councilman Bowman made a motion to approve the acquisition of the right-of-way at Red Point Taphouse for the amount of \$20,000. He explained that the Town had done their due diligence on the matter, including having an appraisal of the right-of-way in question completed. He noted that the purchase amount was below fair market value for the property, and he felt that the Town was getting a fair deal.

Mr. Brooks seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilman Brooks voted aye, Councilman Cutler voted aye, Councilman Bowman voted aye, Councilwoman Bebermeyer voted aye, Councilwoman Butler voted nay, Vice Mayor Harris voted aye, and Mayor Smith voted aye. The motion passed 6/1.

Mayor Smith stated that there had also been a discussion held in regard to the Grange at 10 Main, and asked if any Council member wished to make a motion in regard to the matter.

Councilman Bowman questioned if a motion needed to be made in regard to the matter at the point they were currently at.

Mayor Smith stated that he was in agreement.

- a. Closed Session for the discussion of cost negotiations, more specifically, Right of Way acquisition at Red Point Taphouse pursuant to 2.2-3711 A3 of the Code of Virginia
- b. Closed Session for the discussion of Acquisition / Disposition of Real Property, more specifically, The Grange @ 10Main pursuant to 2.2-3711 A3 and A5 of the Code of Virginia
- c. Closed session for discussion with Legal Counsel regarding legal matters and possible litigation, more specifically, Former Town Attorney's contract pursuant to 2.2-3711 A7 and A8 of the Code of Virginia

5. Informational Reports

- a. Town Manager's Activity Reports

The Town Manager reported that there was a small model truck that he had brought in to show the Council with the Town of Smithfield's information on it. He added that there was a real-sized advertising truck with the same information on it that was currently being driven around Raleigh, North Carolina, as the tourism department had received data that the Town drew many tourists from that area. He also noted that the Council had received a copy of a memorandum from Mr. Robert Small, the attorney for the homeowners at 1502 McGruder Street, that gave an update on where the matter involving that property stood. He observed that the property owners were present if the Council had any questions.

Mayor Smith reconfirmed that the owners were present and asked if the Council had any questions.

Councilman Bowman stated that he had questions for the property owners and requested a moment to read the memorandum as the Council members had only received it at the start of the meeting and had not had sufficient time to review the information. He said that according to the information given by Mr. Small, the property owners had agreed to have everything taken care of by November 6th.

The property owner, Mr. Harris, confirmed that information.

Councilman Bowman outlined that the matter had been going on for over a year, and recognized that the owners had ambitions to rebuild and move on. He reported that the Council had to maintain the order of the Town, which included the building and associated structures being demolished and cleaned up in order to bring the site up to the Town's standards. He asked Mr. Harris if he was aware that if they did not clean the property up by November 6th, then the Town would take action to have the building demolished.

Mr. Harris stated that he understood.

Mayor Smith asked if the property owner had legal counsel present.

Mr. Harris stated that Mr. Small had previously informed the Council that he would be unable to attend October's meeting as he would be out of town, which was why he had brought the memorandum.

Mayor Smith read from the memorandum: "We disagree as to her decisions concerning the pool and shed." He asked for more information about what the disagreement stemmed from.

The Town Manager reported that there had been a Zoning Determination that had been sent out previously that indicated that the pool and shed on the property were non-conforming uses and could not exist in the Chesapeake Bay Preservation Area (CBPA). He stated that the owner had a window of time to be able to appeal that determination to the Board of Zoning Appeals (BZA), noting that there was a 30-day window for the appeal to be made.

Mayor Smith asked for the timeline following the filing of the appeal.

The Town Manager explained that the BZA would then have a hearing and determine whether they agreed with Mrs. Clary's ruling.

Interim Attorney McKenzie related that since the owner, Mr. Harris was represented by counsel, and they had indicated that they intended to appeal the determination, his recommendation was that the Town Council withhold any further questioning until the matter was before the BZA.

Councilman Bowman pointed out that the house structure could still be demolished while the appeal process proceeded for the pool and shed.

Interim Attorney McKenzie said that was correct as they were two different determinations. He noted that the blighted structure determination was under one specific part of the Town's code and Mrs. Clary's determination was made under the Zoning Ordinance.

Councilman Bowman noted that the issue had been going on for a long period of time, and the

issue had been a contentious one.

The Town Manager stated that outside of the issue just discussed, included in the Council's informational packet was his Monthly Activity Report along with the Committee Summary Reports.

- b. Committee Summary Reports
- c. Smithfield Police Department Presentation "Destination Zero Award" by Deputy Chief Meier

Deputy Chief Chris Meier reported that the Smithfield Police Department had been awarded the 2025 National Officer Safety and Wellness Award for Officer Traffic Safety. He detailed that the award had been given based on the department's policies, programs, and initiatives in officer safety. He stated that the award was received from the National Law Enforcement Officers Memorial Fund, and they created a video about the Smithfield Police that he would play for them.

The Town Manager stated that Sargeant Christopher McGough was responsible for putting the application together and sending it in for consideration. He said that he wanted to thank him for the work he had completed. He additionally recognized that Sargeant McGough had been in charge of the National Night Out celebration held the evening prior, and the Town truly appreciated all the work that he had done.

Mayor Smith recognized that Sargeant McGough began planning for the next National Night Out nearly a year ahead of the event. He observed that it was a great community event and took much work to put on.

Councilwoman Bebermeyer congratulated the department on their award, and stated that the National Night Out event the evening prior had been a great event.

6. Upcoming Meetings And Activities

- October 7 - 5:00 - 7:00 p.m. - 2025 National Night Out @ Luter Sports Complex
- October 8 - 6:30 p.m. - Town Council Meeting
- October 13 - Town Offices Closed in Observance of Columbus Day
- October 14 - 6:30 p.m. - Planning Commission Meeting
- October 21 - 6:30 p.m. - Board of Historic and Architectural Review
- October 21 - 7:30 p.m. - Board of Zoning Appeals
- October 27 - 3:00 p.m. - Town Council Committee Meetings
- October 31 - 5:30 p.m. - Downtown Safe Trick-or-Treating

NOTE: All of the above public meetings will be held at the Smithfield Center, unless otherwise noted.

7. Public Comments

Eric Leaman - Mr. Leaman of 111 Thomas Street in Smithfield reported that the comments that he wanted to make were not directed at the Town Council members personally, but were intended to highlight a situation that needed to be recognized and corrected over time. He related that Smithfield was a unique and diverse community and the Town Council needed to reflect the racial, gender, geographic, generational, and socioeconomic reality of the people it served. He stated that the current Council did not meet that standard in total. He said that the Town was far larger than its Historic District, yet 5 of 7 Council members were neighbors in that district. Mr. Leaman said that other large and small neighborhoods, such as Moonefield, Canterbury, Cypress Creek, and Wellington Estates, currently had no representation. He noted that the median age of residents in Smithfield was 47, with a wide range of family sizes and stages. He pointed out that of the 5 active generations over the age of 18 in the Town, only 2 were represented. He continued that Smithfield was about 74% White, 20% African-American, and 4-5% Latino, yet the current Council included only one member of color. Mr. Leaman stated that women made up nearly half of the town's population, yet only two of seven members were female. He said that

the median household income in Smithfield was \$110,000, but nearly 7% of the residents lived in poverty and many working families fell well below the median. He said that the Council represented the upper tier of income rather than the full range of working class and professional families in the town. He acknowledged that there was no way to change the makeup of the Council in the short-term, but there were some steps that the Council could take to increase public involvement, support, and trust. Mr. Leaman recommended that they should review the diversity of the town's appointments by actively recruiting female, minority, working class, and younger citizens for the open seats on the Town's boards and commissions. He related that even the Planning Commission had the same gender and racial imbalances. He additionally suggested that they engage in geographical outreach with the Town and Council conducting listening sessions in all of Smithfield's neighborhoods. He noted that they needed to embrace the voices of residents in the newer and older neighborhoods. Mr. Leaman stated that if people chose to live in Smithfield and contribute to the Town's tax revenues, then they deserved to be heard. He said that it would be beneficial if the Town created a neighborhood liaison program, adding that it should be considered as Smithfield did not use electoral districts. He noted that each Council member could be designated as the liaison to a local neighborhood beyond where they lived, thereby ensuring that every part of town had a consistent point of contact within the Council. He reiterated that he was not blaming the Council, but was blaming the process. He pointed out that a healthy democracy depended on public involvement, but Smithfield's citizens were not actively encouraged to participate meaningfully in local government. He recognized that meetings, schedules, and decisions felt inaccessible to a working family. He said that he also blamed the fact that it was so easy by a local newspaper in 2024 and a Political Action Committee (PAC) to influence the outcome of an election which narrowed the representation in the Town. He reported that the two topics would be addressed by himself and others at a later date. Mr. Leaman reported that Smithfield deserved better and did not deserve blame or division. He noted that it deserved a renewed commitment to be really fair, transparent, and balanced in how they choose and support their leadership.

Vice Mayor Harris thanked Mr. Leaman for coming forward with a very important issue, but more importantly, for offering ideas for solutions to the issue as well. He related that identifying problems was something that everyone could do, and that they did quite regularly. He reiterated his appreciation of offering ideas to address issues.

8. Council Comments

Councilman Cutler thanked Mr. Leaman for his comments. He said that he had also touched on changes that could be made to the budget or composition at the Planning Commission meeting. He reviewed that at the last Committee meeting he had spoken about work that still needed to be completed to correct problems in the Town. He reported that part of his discussion had been the suggestion of forming a committee, group, or designating an individual that would follow up on corrections that needed to be made in reference to recent events. He observed that the question that they needed to be asking themselves was what the barriers were that prevented a more diverse population from getting onto the Town Council. He stated that one thing that he had learned from being on the Council was the costs involved, adding that he knew that they didn't make money doing the job, but they actually lost money. Councilman Cutler said that when they reviewed the compensation structure of other localities, the Town's pay of \$300 per month did not support someone like a young, working mother. He noted that the election was just over a year away, and they should ask what they could do. He noted that the Planning Commission was paid \$60 per meeting, but the information needed to be reviewed for last month's meeting was over 1400 pages. He stated that there were a host of reasons like that to explain why there was a shortage of interest in serving in local government or submitting information to the Talent Bank for consideration. Councilman Cutler encouraged Mayor Smith to appoint a committee to seek some modernization efforts as it related to the Town Staff. He acknowledged that after his meeting with the Town Manager he understood that there were personnel in the Town that were wearing too many hats, which could be the cause of some of the issues they had run into recently. He pointed out that there was not a staff member dedicated to contracts or one dedicated to safety, and those were positions that required individual attention. He stated that it was analysis that needed to be done across the board in Town.

Councilman Bowman reported that the General Assembly had passed a measure that allowed an increase in potential earnings for Board Supervisors and Council members dependent on factors

such as population. He noted that if they voted on such an action, and it passed, it would not go into effect until the next election occurred.

Interim Attorney McKenzie stated that he would need to double-check, but he thought that statement was correct.

Councilman Bowman pointed out that they were getting very close to the next election, and there were some legal ramifications in setting salaries and when they may become effective. He recommended that the Town Council request Interim Attorney McKenzie to report on the following: the timing aspect of the issue and the salary scale that was available for a town with a population under 10,000.

Mayor Smith recalled that the issue had also been discussed by Isle of Wight County, and former Supervisor Dick Grice had discussed the issue with the Council previously. He noted that he had said that the current members would not benefit from raises, but the next people elected would. He related that there had been ongoing discussion for years about how to attract different people to serve on the Town Council.

Councilman Bowman stated that he thought that the last time someone had successfully made a motion on the subject was Andrew Gregory around 2012 or 2013.

Councilman Cutler stated that he did not want to get wrapped up in the compensation aspect, adding that it was not necessarily a decision that needed to be decided on at the current meeting. He recommended that the matter be added to the agenda for the next Committee meetings so that they may form a committee to address the recent accounting issue, assessment of the Council's compensation following the attorney's report, a similar assessment of the Planning Commission, assessment of one-time purchases that could be made for software and modernizations, and possible hiring of another employee. He acknowledged that the Town had completed a wage study previously and there were some other resources that could be brought to the meeting as well.

9. Consent Agenda Items

Councilman Bowman made a motion to approve items C(a) through C(f) on the Consent Agenda.

Councilman Cutler 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. Adopt Ordinance to Amend Town Code Chapter 82 - Utilities

Water and Sewer Committee Chair, Darren Cutler

Councilman Cutler explained that the change was not an increase or change to fees, but was modernization that required updating the water and sewer ordinances in the code.

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

Finance Committee Chair, Jeff Brooks

The Blair Brothers, Inc. - Street Pavings and Patchwork	\$120,240.00
Isle of Wight County - FY 2024/2025 Tourism True-up	\$304,504.59

- c. Adopt Ordinance to Amend Town Code to Repeal Section 70-223 Registration Fees for Use of Windsor Castle Dog Park

Public Buildings and Welfare Committee Chair, Valerie Butler

- d. Adopt Ordinance to Amend Town Code Section 60-1 Regarding Yard Sale Permits

Public Buildings and Welfare Committee Chair, Valerie Butler

Councilwoman Butler noted that the amendment would limit owners to two yard sales per month.

- e. Motion to Approve the Proposed Fee Schedule for the Community Development and Planning Department

Public Buildings and Welfare Committee Chair, Valerie Butler

- f. Approval of the Town Council Summary Minutes from September 2nd and September 12th, 2025
Mayor Michael G. Smith

The Town Manager explained that Staff had reviewed the minutes and recommended approval as presented. He confirmed that the minutes could be adopted under the Consent Agenda and did not require their own motion.

10. Action Items

- a. PUBLIC HEARING: Text Amendment - Zoning Ordinance - Article 9 - Landscaping
Tammie Clary, Director of Community Development and Planning

Mrs. Clary explained that the proposed text amendment was to Article 9.C.2.e. removing the requirement for tree canopies on platted lots in accordance with VA Code 15.2-961. She reported that the language in the Zoning Ordinance would mirror the language provided in the State Code. She stated that the Town Staff suggested a favorable approval.

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

Councilman Bowman made a motion to approve the amendment as presented. Vice Mayor Harris seconded the motion.

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

- b. PUBLIC HEARING: Text Amendment - Zoning Ordinance - Attached and Multi-Family Residential - Smithfield Zoning Ordinance Article 3.E and 3.F
Tammie Clary, Director of Community Development and Planning

Mrs. Clary reported that the proposed text amendment was to Article 3.F removing the requirement to provide recreational vehicle parking in Section I.2.B making it a Special Use Permit (SUP) requirement in Section C.24, and allowing public and private travelways in Section I.3. She noted that per the Planning Commission's recommendation, the requirement for contiguous open space remained in Section G.5, and the Town Staff suggested a favorable approval.

Mrs. Clary stated that the next proposed text amendment was to Article 3.E, removing the requirement to provide recreational vehicle parking in Section I.2.B, making it a SUP requirement in Section C.2, and allowing public and private travelways in Section I.3. She said that the Planning Commission recommended that the requirement for contiguous open space remain in Section G.5. She added that the Town Staff suggested a favorable approval of the proposed amendment as well.

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

Councilman Brooks made a motion to approve the amendments as presented. Councilwoman Bebermeyer 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.

- c. PUBLIC HEARING: Text Amendment - Site Plan Requirements - Smithfield Zoning Ordinance Article 11
Tammie Clary, Director of Community Development and Planning

Mrs. Clary reported that the proposed text amendment to Article 11 would bring Smithfield's site plan requirements in line with the Virginia Code, which recently replaced the Planning Commission with the designated agent as the reviewer of site plans. She noted that the Virginia Code also did not allow for a preliminary site plan preconference. She related that Town Staff cleared up the language for minor and major site plans and included the requirement of a preliminary plat if more than 50 lots were present. She added that the Town Staff had also updated the sewer systems with the new language from our adopted CBPA Ordinance and updated review timelines to follow the Virginia Code. She said that the final change was to the appeals process, which was clarified as going to the Board of Zoning Appeals (BZA), not the Planning Commission. Mrs. Clary observed that the revisions aligned the site plan requirements with current modern zoning practices. She reported that the Planning Commission had voted to favorably recommend the amendment to the Town Council in a 4 to 2 vote with the following additions:

- J.3.b will not be limited to only the agencies on the list. The list will also include police, IOW County, Schools, Museum, and other utilities.
- Remodeling commercial structures may qualify as a minor site plan if in the opinion of the Zoning Administrator it is in conformance with the intent of this Article.

Mrs. Clary reported that the Town Staff was continuing to work on updating the language for the major and minor site plans, with their suggesting approval of the amendment.

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

Councilman Cutler made a motion to approve the amendment as presented. Councilman Bowman 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.

d. PUBLIC HEARING: Text Amendment - Smithfield Subdivision Ordinance and Town Design Standards

Tammie Clary, Director of Community Development and Planning

Mrs. Clary explained that the proposed text amendment was to Article 2 bringing the Town's general regulations for subdivision requirements in line with the Virginia Code, which recently replaced the Planning Commission with the designated agent as the reviewer of site plans. She reviewed the following changes:

- Article 3 was updated to include Hampton Roads Planning District Commission (HRPDC) and Virginia Department of Transportation (VDOT) regulations.
- Article 4 was updated to the designated agent and included additional authorities for regulations.
- Article 5 was updated to the designated agent and removed the requirement for a planning conference.
- The review times and number of copies required were updated.
- Article 6 requires Town Council to approve private streets. Article 7 clarifies bonding requirements.
- Article 8 was repealed as it is repeated in Article 11 of the SZO.
- The checklists for preliminary plats, public improvement plans, and final plats were updated.
- Incorporation of Smithfield's Design Standards into the Subdivision Ordinance as Article 8.

Mrs. Clary reported that the Planning Commission unanimously voted for a favorable recommendation of the text amendment be forwarded to the Town Council. She added that the

Town Staff included additional language in the Design Standards requiring contractors to notify affected residents of utility disruption 48 hours prior, and that the Town Staff suggested approval.

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

Councilman Bowman made a motion to approve the amendment as presented. Councilman Cutler seconded the motion.

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

11. New Business

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

12. Old Business

a. Special Use Permit - Short-Term Rental - 139 Sykes Court Public Buildings and Welfare Committee Chair, Valerie Butler

Mrs. Clary reported that the applicant was seeking approval to rent 139 Sykes Court, which was an existing single-family residential dwelling, as a short-term rental property. She said that according to the Smithfield Zoning Ordinance (SZO) Article 2.Z.1, short-term rentals as principal uses were permissible by Special Use Permit (SUP) only. She stated that there were no changes to the property proposed in order to accommodate the short-term rental. She observed that there were currently 4 other approved SUPs located at 111 Institute Street; 205 Chalmers Row; 233 S Mason St; & 328 Main Street. Mrs. Clary reported that approval should be conditioned on the applicant following the conditions outlined in Article 2.Z.1.a through Article 2.Z.1.i., except for Article 2.Z.1.b. She stated that the conditions required a signed and notarized short-term rental affidavit ensuring compliance. She reported that the application was favorably recommended by the Planning Commission to the Town Council at their June meeting.

Anna Boyer, of 11183 Burwells Bay Road in Smithfield, was present to discuss the request. She stated that she was the owner of other short-term rentals in town and had welcomed hundreds of guests into her homes without any issues. She stated that her guests were vetted, and she maintained high standards to ensure that they treat the property and the surrounding community with respect. She reported that she had received "super host" status with Airbnb, which was only given to hosts that met strict criteria. Mrs. Boyer related that short-term rentals supported local businesses, restaurants, shops, and attractions. She continued that, according to several independent studies, short-term rentals contribute millions of dollars annually to small town economies through increased tourism spending. She observed that in her rentals she kept books that detailed all the shops and restaurants within walking distance as well as information on the festivals and farmer's markets. She noted that if a rental was requested that she had already booked, she gave referral information to the Inn, Smithfield Station, etc. Mrs. Boyer continued that responsible short-term rentals had helped to preserve older homes, increase tax revenue, and reduce blight. She reported that she fully supported reasonable regulations that ensured safety, accountability, and neighborhood integrity. She stated that after the June meeting she had received many calls and texts from people in the community who were in support of the Airbnb, with one such supporter being a resident on Chalmer's Row where her other short-term rental had been for the last four years. Mrs. Boyer read from the letter which attested that the rental was the best looking home on the street, with the renters keeping to themselves, and the home being meticulously maintained, and the writer added that it was untrue that short-term rentals resulted in less investment in the community.

Councilman Bowman asked Mrs. Boyer if she had received any complaints from neighbors regarding parking, noise, etc.

Mrs. Boyer said that in the over four years that they had been running the rental on Chalmer's

Row, they had seen maybe two people complain about a truck parking too far out into the driveway, which was remedied with a notification to the renters. She related that she had one noise complaint about a gentleman speaking loudly on the phone at 8:30 pm on the front porch, which was also remedied with a call to the renter in question. Mrs. Boyer said that at the property on Sykes Court a neighbor had not been happy about street parking, so they adjusted the check-in rules to specifically mention utilizing the full driveway and parking only in front of the house. She observed that public street-parking was allowed on that street.

Mr. Bowman asked Mrs. Boyer if she felt she had satisfied the concern of the neighbor.

Mrs. Boyer stated that she felt she had. She said that she had attempted to reach out to the speaker who had voiced concerns, but she had not been able to connect with her.

Councilman Brooks reported that the Town Council had been given much data and information by the Town Staff regarding other localities policies for short-term rentals. He stated that he did not want to go into the current short-term rental rules at that time, but he felt that they should be revisited. He stated that the guidelines had been made by a previous Town Council years ago, and at that time there was information to support the rules created. He reported that the popularity of short-term rentals had become an increasing issue for localities. He acknowledged that he was not prepared to say what should or should not be done at the current meeting.

Councilman Brooks motion to deny the SUP request for a short-term rental due to the concerns raised by the neighbors.

Vice Mayor Harris seconded the motion.

Mayor Smith called for the vote, with seven members present. Councilman Brooks voted aye, Councilman Cutler voted aye, Councilman Bowman voted nay, Councilwoman Bebermeyer voted aye, Councilwoman Butler voted nay, Vice Mayor Harris voted aye, and Mayor Smith voted aye. The motion passed by a vote of 5/2.

b. Conditional Rezoning and Special Use Permits - Sheetz

Public Buildings and Welfare Committee Chair, Valerie Butler

Mrs. Clary reported that the applicant was seeking a conditional rezoning to Highway Retail Commercial (HRC) to facilitate the construction of a convenience store with fueling station islands, with 2, potentially 3 additional retail users. She related that the requested uses were also in line with the Future Land Use Map (FLUM), as the current designation was Corridor Mixed Use, which provided for primary commercial uses. She detailed that the 6,139 square foot convenience store would feature a 4,170 square foot fueling station canopy, with 6 double-sided self-serve fueling stations. She noted that in addition to traditional convenience store offerings, there would be a made-to-order food menu, coffee bar, smoothies, indoor and outdoor seating, and the store would operate 24 hours a day, 7 days per week. Mrs. Clary stated that the site had existing access servicing Sherwin Williams and would also include a right-in/ right-out entrance shared amongst the subdivided parcels. She said that there would be a pedestrian path along Route 10 for connectivity.

- 1st Special Use Permit- Article 3.J2.C.7: Drive-thru facility: The applicant is requesting to utilize a drive-thru facility at the convenience store for made to order food or other items from the store.
- 2nd Special Use Permit- C.20: Waiver of parking and loading: The applicant would like to exceed the maximum number of parking spaces allowed by 7 spaces, providing up to 44 spaces instead of the maximum of 37 spaces.
- 3rd Special Use Permit – C. 15: Service Station: The applicant would like to utilize one parcel as a 5,500 square foot oil express facility.

Mrs. Clary stated that the applicants had included an updated conceptual plan in general conformance with the originally submitted plan for potentially 3 users in addition to the Sheetz. She related that, as proffered, any additional users would need to be reviewed and approved by the Planning Commission. She reported that the application package was favorably recommended to Town Council at the July Planning Commission meeting provided the

applicants determine a way to review/ limit the third parcel, and they address VDOT's comments prior to the Council meeting.

Randy Royal of 4525 Main Street in Virginia Beach, reported that he was representing Kimley-Horn Associates thanked Mrs. Clary for all of her assistance and felt that they had a good plan to bring Sheetz to Smithfield. He pointed out that he had brought representatives from Sheetz and the developer if the Council had any additional questions.

Councilman Cutler noted that many town residents had boats or large trailers as it was a farming community. He noted that many boaters preferred to use non-ethanol fuel. He also stated that a citizen had reached out to him and asked about Electronic Vehicle (EV) charging at the site. He related that the closest completion for EV charging was Richmond and 30 minutes away in Hampton.

Todd Casado, the Senior Real Estate Market Manager for Sheetz, reported that there would be an offering at the site for ethanol-free fuel and that they frequently included areas with long curb lines to accommodate trailer parking. He noted that there was not EV charging in their plans currently. He explained that the National Electric Vehicle Infrastructure (NEVI) funding had changed when the administration changed, and as such he was unsure how much of those funds were available. He stated that their company partnered with brands such as Tesla, EVgo, Electrify America, and Iona, and once the engineers got into the site planning aspect of the project, their energy market team would share Smithfield's information with those EV vendors to gauge their interest. Mr. Casado observed that they did have a space identified for chargers should that come to fruition.

Councilman Brooks made a motion to approve the conditional rezoning and SUP. Councilman

Bowman seconded the motion.

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

13. Additional Discussion

a. Reading of Former Town Attorney's Resignation Mayor Michael G. Smith

Mayor Smith reported that the Riddick and Pope Law Firm requested that he read the former Town Attorney's resignation letter so that it may be entered into the record.

"Dear Mayor Smith and members of Town Council:

It is perfectly clear to me after Tuesday's council meeting that I can no longer represent Smithfield as its Town Attorney. The vitriol that spilled forth made me realize that we cannot go on as before. Further, I will not and cannot represent a body that includes as a member a person who is unwilling to listen to and heed my legal advice about matters that subject the Town to potentially great liability.

I have served as the Town Attorney for more than 32 years. I have been honored to do so. I have had the great pleasure of working with dozens of truly fine public servants who wanted nothing more than to see Smithfield grow, thrive and prosper. I have said and I truly believe that I have been lucky to represent the Town during its "golden age". One needs only to look around town to see what an incredible place that Smithfield has become. The many Town Councils before you had great vision and a determination to make Smithfield better. I take no credit for their decision making but someone had to make their visions a reality and I was fortunate to be a part of those efforts.

The Town has been well served by its staff. They work hard to make things happen and I have enjoyed working with them to get things done. I have had the pleasure of working with four different Town Managers and countless employees and found them to be dedicated and cheerful

in their work. The current Town manager is as good as they come and you are lucky to have him. All of them could work elsewhere for more money but they choose to work here.

The list of accomplishments of the Town during my tenure is long: the Main Street and Church Street projects; the Smithfield Center; Windsor Castle Park; the Luter YMCA; the Luter Sports Complex; two successful annexations; renewed water withdrawal permits, the HRSD force main; the Pinewood Heights acquisition/relocation project; the Jersey Park community improvements; the Rising Star community rehabilitation; acquisition of the V W Joyner property on Main Street; acquisition of the current Police Department and Town Managers offices; construction of the Reverse Osmosis plant; the Smithfield Foods office complex development on the wharf and many more which you would have no reason to know about. I ride around town and feel a great sense of pride that I helped to make all of these things become a reality.

On top of all of that, I am very proud that in my 32 years of representation, the Town has never been successfully sued for any serious claims. I believe I have offered sound legal advice at a fair price. It has never been about the money for me. Smithfield is my home and I had a vested interest in making it a nicer place to live.

The current issue of my compensation has, in my view, been blown completely out of proportion. It is abundantly clear that the Town has no records whatsoever pertaining to my employment which began in 1993. I point out that I am not the keeper of the Town's records and find it hard to believe that over these many years there is no file devoted to my employment. Since 1993, I was regularly evaluated and my compensation was adjusted accordingly. The statute that is now being used to criticize me had not been adopted in 1993 and I had no reason or cause to review it. I was hired under the same compensation terms as the previous town attorney, Rodham T Delk Jr., who had been appointed as a Circuit Court Judge. I was reminded last Friday that due to an audit and an IRS inquiry, my compensation package was revised to make me a W-2 employee and my firm a 1099 vendor. I do not recall any of the reasoning behind that change 17 years ago but I did not object to it. Over the years my compensation was adjusted at the time of my evaluations in the same way that the Town Managers received adjustments to their pay. Again, there is no written documentation of any of it other than the 2008 fee agreement and copies of three evaluations that I provided.

Nevertheless, during the entire tenure of my employment I prepared and submitted itemized billings statements monthly. All of my bills were reviewed and approved and I was paid by checks issued by the Town. I have never received one penny from the Town for anything but work that was done at the direction of the council or Town manager. The notion that I overcharged the Town since 2008 is absurd and your decision to audit my billings since then is a waste of town resources. If anything, I have been under compensated as there is written proof on my 2002 evaluation form that my monthly retainer was to be increased to \$1,000 per month. Please remember that I did not become a W-2 employee until 2008. By my calculations, the Town has underpaid me by a sum of more than \$130,000 but that seems to be conveniently lost in the discussion. Further, you cannot reasonably believe that I had not been approved for rate increases since 2008.

The most disturbing thing to me about this whole issue is the way it has been handled. I do not object that anyone raised the issue. It is a legitimate concern and one that should be addressed. I did not object to outside legal counsel being involved. Frankly, Ms. Alejandro confirmed everything that I would say. There was no intent by me to deceive or defraud the Town and that the matter was obviously caused by a lack of a formal process and misunderstanding and miscommunications. I agree with all of her conclusions.

My strong objection is that I was not afforded the basic courtesy of being informed about the allegation at hand and given an opportunity to address them within the organization just as any other employee would have had the opportunity to do. To the contrary, I was first made aware that there was a concern about my compensation by an email from Steve Stewart with The Smithfield Times, which I received on Monday morning of August 18th. He advised me that he wanted my comments before midday for his article that afternoon concerning my performance review. I responded as best I could remember, but in hindsight I should not have. My experience is that nothing good ever comes from interactions with him and he quickly proved me right. I was vilified and quickly made to look guilty until proven innocent. At that point I had been denied any semblance of due process from my employer. In his editorial, Mr. Stewart stated that

"It's one thing for Riddick to clam up when the Times asks him questions. He doesn't like us anyway." Actually, I do not know Mr. Stewart well and whether I like him or not is irrelevant. Mostly I do not respect the way, in my view, that he chooses to use his paper to make news rather than simply reporting it. I do not understand someone's motivations to foment hate and discontent on the pages of a local paper. Moreover, I do not understand why it is so important to the Smithfield Times that I no longer serve as Town Attorney. I know for a fact that with this most recent effort, this is at least the third time that an editor or former editor of the Smithfield Times has tried to get rid of me. I suggest that the question you should ask yourselves is 'why.'

He further took me to task for not giving my bosses, you, the Town Council, a clear explanation. I did not owe the newspaper editor any explanation and I chose not to further communicate with him. I did owe the Town Council an explanation and was given that opportunity on Friday, August 29th. If you recall, I immediately accepted responsibility for the billing error and offered to make it right. I refused to assign any blame to anyone else but I continue to maintain that my billings were fair, reasonable and authorized. Had I been given that opportunity sooner this could have all been resolved and we could have moved on, but that would not have served what appears to me to be the real purpose behind all of this.

It is my view that the entire matter has been used by one council member in cooperation with the editor of The Smithfield Times as a cudgel to beat me. They have taken every opportunity to exploit the situation so as to embarrass me, the Town manager and, ultimately, the Town Council. Week after week I have been criticized while Mr. Cutler has been lauded for his devotion to transparency. Unfortunately, the concept of "transparency" seems to have been redefined to mean that Mr. Cutler can do as he wishes no matter what the consequences may be to the Town and others as long as he shares everything for publication in the local newspaper. I remind you all that he has admitted as much to all of us in recent conversations concerning The Grange project that remains confidential. He stated that he had discussed the matter first with Steve Stewart and two other "trusted citizens" before sharing the information with the other council members and staff. He had the audacity Tuesday night to talk about a loss of trust in his criticism of me when he routinely breaches his implied obligation of trust to you all. He told me directly that he had nothing to do with providing information to the editor of the paper when I understand that he very reluctantly admitted otherwise to you. It is not lost on anyone that they are immediate next door neighbors.

All of this being said, I find the most disturbing thing that he said to me was in our conversation after the meeting last Friday. Mr. Cutler told me that when he looks at me "all he sees is an attorney, not a human being". That view is one that I will never understand but was perhaps better explained by his comments Tuesday night when he talked about his experience in the Navy. Mr. Cutler needs to quickly learn that the Town of Smithfield is not the Navy and he is not a commanding officer. His position as a council member does not entitle him to give orders to anyone and his actions and words directly affect the Town and its employees. Do not think that his actions are not seen by the Town staff as a matter of great concern. You should be very concerned too. After all, if he can do this to me what could he do to them?

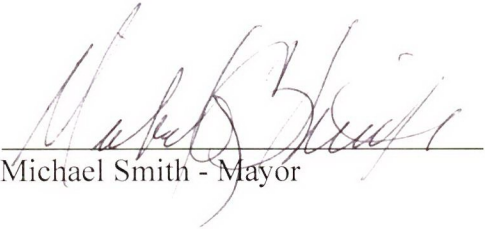
I believe that I have served the Town well and faithfully. I have 32 years of institutional knowledge that is very valuable and frankly, irreplaceable. I had hoped to find a way to transition out of this position and share it with a successor but the current circumstances make that impossible. I do not believe that I deserve the treatment that I have received. I have practiced law for 42 years, all of them here in Smithfield and I have a spotless record. My character and integrity have never been challenged until now and I believe I have been the target of a coordinated effort to tarnish my reputation in the community.

For those of you who voted to hire me again last Friday, I thank you very much and I appreciate your show of support. It means a lot to me. Nevertheless, I do not think it is in the best interest of the Town or me that I continue as the Town Attorney. I am not willing to be a "whipping boy" week after week and month after month. I have done nothing that could not have been resolved with a phone call and a 30 minute face to face meeting with the mayor, Town manager and finance committee chairman. If I am guilty of anything it is that I paid more attention to the business of the Town of Smithfield than I did to my business with the Town of Smithfield. For all of the reasons set forth herein, I hereby tender my resignation as the Town Attorney for Smithfield effective immediately. I wish for nothing but that best for the Town of Smithfield for it is my home and I love it dearly.

Yours very truly, William H. Riddick, III"

14. Adjournment

The meeting adjourned at 9:22 pm.



Michael Smith - Mayor



Lesley King - Town Clerk