

The Smithfield Town Council held its regular meeting on Tuesday, April 4th, 2017. The meeting was called to order at 7:30 p.m. Members present were Mr. T. Carter Williams, Mayor; Mr. Andrew Gregory, Vice Mayor, Mr. Michael Smith, Ms. Connie Chapman, Mr. Randy Pack, Mrs. Denise Tynes and Dr. Milton Cook. Staff members present were Mr. Peter Stephenson, Town Manager; Mrs. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. William H. Riddick, III, Town Attorney; Mr. Bill Davidson, Planning Commission; Mrs. Amy Musick, Smithfield Center Director; Mr. Steve Bowman, Chief of Police; Mrs. Ashley Rogers, Human Resource Director; Mr. William Saunders, Planning and Zoning Administrator; Mr. Charles Bryan, Planning Commission; and Mr. Trey Gwaltney, Board of Historic and Architectural Review. There were approximately fifty-nine (59) citizens present. The media was represented by Mr. Ryan Kushner of the Smithfield Times and Ms. Hillary Smith of the Daily Press.

Mayor Williams – Good evening ladies and gentlemen. Thank you all for coming out tonight. Welcome to the Smithfield Town Council meeting of April 4th, 2017. It is now 7:30 p.m. Would you all join me as we stand for the Pledge?

All present stood and recited the Pledge of Allegiance to the Flag.

Mayor Williams – We will dive right into our agenda tonight with the Informational Section with the Manager's Report.

Town Manager – Thank you, Your Honor. Welcome everyone. I will keep it very brief as we do have a number of individuals signed up for public comments. We also have two (2) public hearings this evening. The main thing to note, in terms of the meeting schedule for the month of April, is that we will not have a Board of Zoning Appeals meeting this month. All of the other meetings are on the website per usual. Town Council will have a special budget work session on April 18th at 4:00 p.m. The Town Attorney and I would recommend having a brief closed session following the public hearings this evening. Thank you, your Honor.

Mayor Williams – We have with us tonight a group for a Presentation for Positive Mindz. Please come forward.

Councilwoman Tynes – While they are coming forward, I would like to tell you all a little about this group. Positive Mindz is a group of women bonding within the community to support each other and anyone else who is in need. They have sponsored families for Thanksgiving, children through the Social Services Christmas Program, feed the

community with their Thanksgiving program, and they participate in the Christmas parade. This year, they took it upon themselves when we asked for donations for our Senior Christmas program, they donated the majority of the door prizes. We thank them for that. I thought about that and I talked to the Council as well as Mayor Williams and told them that these young ladies are in our community. They are members of our community. They are doing positive things. One of the other things they are doing is the section of Main Street from Route 258 from the bypass to Westside they have adopted the highway there. They clean it and keep it clean for us. They are also role models within the community in the Jersey Park and Woods Edge community. They are the people that we like to see in our community doing positive things to help everyone. I felt that we needed to recognize them tonight. Thank you.

Mayor Williams – Thank you for coming out tonight and thank you for your great work. I will read this now. It states: ‘Ms. Terrell, On behalf of the Town Council of the Town of Smithfield I would like to take this time to thank you and the members of the “Positive Mindz” Social Club for your commitment to serving and donating your time to helping others. It has been one year since “Positive Mindz” was established and we sincerely congratulate your social club for all that you have done and continue to do for our community.’ Keep it up. You are doing a wonderful job. If you have done this much in one year, standby for year two. Thank you. We will now open up the meeting with Public Comments. Anybody is welcome to speak on any matter except for scheduled public hearings. We have two (2) tonight. I do want to remind you that we do not have a public hearing for the Pierceville property. If you want to speak on that, you need to do it during public comments. Comments are limited to five (5) minutes per person. Any required response from the town will be provided in writing upon your request.

Town Manager – We have several signups for public comments this evening. The first signup is Mr. Rick Bodson.

Mr. Bodson – Good evening Mr. Mayor and members of Town Council. I am speaking on behalf of Smithfield 2020. I have a quick recap. Smithfield 2020 is a project team that identifies, evaluates, and promotes initiatives that contribute to the economic and cultural vitality of the historic district. Our members include representatives of historic district businesses, the Chamber of Commerce, the Isle of Wight Arts League, and historic Smithfield. The Town Manager, the Director of Tourism, and Isle of Wight

County's Economic Development Director are also members of the 2020 team. On March 30th, a motion was adopted by a majority of the team's voting members to present a statement for your consideration tonight. For the record, the Town Manager and County Economic Development Director abstained from voting as did a historic business owner who is a member of Town Council and a representative of Historic Smithfield who serves on BHAR. The Smithfield 2020 team requests that you deny the application for a demolition permit submitted by the owner of the Thomas Pierce house and adjacent outbuildings at 502 Grace Street. This request reiterates a recommendation submitted by 2020 to the Planning Commission in a July 7th, 2015 report when a proposed residential development of Mrs. Crocker's property was under review. Smithfield 2020 asserted then that "the Thomas Pierce house and barns are historic structures that are integral to the fabric that defines the cultural vitality of the historic district. Further, 2020 suggested that "legal action is needed to prevent further demolition by neglect of the Thomas Pierce house and several historically significant out-buildings." Smithfield 2020 stands by those statements tonight. The Thomas Pierce house and outbuildings constitutes "Pierceville", a designated Landmark in the historic district. We acknowledge that, except for Mrs. Ketchum's offer, no clear or realistic proposal has been put forth for its restoration and future. We also acknowledge that 2020 has not identified a future owner with the resources to rehabilitate the property. We nonetheless request that you consider that it is incumbent on all of us to prevent further deterioration of a Landmark site that defines and is integral to the cultural vitality of the historic district. I think, more importantly from our perspective, we also suggest for your consideration that a precedent not be established that could undermine future necessary and critical legal actions to preserve a historic district Landmark under the town's Demolition by Neglect Ordinance. The Smithfield 2020 team requests that you deny the applicant's demolition permit. Thank you.

Town Manager – Our next speaker is Supervisor Grice. Are you signed up for your monthly report? I am sorry because we took you out of order.

Supervisor Grice – I actually signed up to speak on Pierceville; but I am going to pass on that. When you are ready for the monthly report, I can do that.

Mayor Williams – We will get you after this then.

Town Manager – Very good. Point of order, thank you, I appreciate that. The next speaker is Mr. Lee Duncan.

Mr. Duncan – Good evening. I live at 12170 Modest Neck Road. I work at Wharf Hill Brewing Company at 25 Main Street. I wanted to speak tonight about Pierceville in terms of integrity, integrity of the historic district, integrity of the ordinance, and integrity in terms of celebrating. The last time I was up here I had a power tool and some metal. It was very vociferous and very exciting; but, today, I do not feel that way. I feel like we have an ordinance. We have two (2) members of town staff that help enforce that ordinance. They do a really good job, Mr. Joseph Reish and Mr. William Saunders. I know some of us have fixed up houses and live in the historic district. We get letters every once in a while saying that someone painted their whole building the wrong color without permission and would you please come before the BHAR and take care of that. Sometimes, I get those letters. Sometimes, I think to myself things that I should not say out loud; and then I always go and fix them. I know deep down that they are to keep the integrity of the historic district intact. They protect the historic district and that protects the town. It is why Smithfield is so cool; but there is one other thing that Mr. Saunders, Mr. Reish, and the Town Council do and that is protect homes that people actually live in. So, I was thinking, what is a compelling argument to protect Pierceville? It occurred to me that there have been many, many instances of beautiful historic homes in the historic district that really looked like crap at one point. It may have been the windows or no roof, you know, houses that were rough. The Barrett-Wentworth house sits right next to Christ Episcopal Church. Until it was restored in 1954, it was derelict for forty (40) years. It looked terrible. Somebody unreasonable with funds and passion fixed it up. Now it is beautiful. It is a fantastic looking house. I do not think that was protected specifically by the ordinance. Later on when the ordinance was enacted, there were several instances of houses that were protected. I can think of Collin and Amanda Norman's home. They live in a house which was known as Dr. Parker's house. That house was protected two (2) times; once when Dr. Parker owned it and had to fix it up and sell it. The second time was when the owner previous to when Mr. Norman had it. A dormer window was blown off during a hurricane. The town told them they could not leave it like that. Now, Collin and Amanda live in it. It is a beautiful house. I do not know if he is here tonight; but good for him that he got a great house and it was not allowed to

fall down. Another instance is Justin and Becky Hornback. They live in the house kind of across from Trey Gwaltney's house. It is a blue house with multiple levels and interesting cupolas. I do not remember seeing it when it was in rough shape; but the town ordinance helped get that house sold and restored. It is now a beautiful home for a young family. Another instance is Cornett's Garage. Has anybody here ever bought anything from Gimme Shelter? It is an antique shop that used to be Cornett's Garage. The town sent them a letter and helped them see why they should fix it up. It is now in good use. It is promoting fundraising for the animal shelter, it sells good things, and it employs people. It is a positive. Bricks were falling off the top of my building. It was closed down and the Elks said they would sell it. Some crazy guy came along and bought it and fixed it up. It took him four (4) years; but now it is a restaurant that sells beer and probably makes people happy. Pierceville is the same thing. People can say that Pierceville is not even a house anymore; wait a second guys. There is a little church just on the outskirts of town that everybody loves to death; but it had nothing but three (3) walls. It did not have a stick of wood left in it. It was called St. Lukes. There was the Courthouse 750 that everybody really digs now that it is on Main Street. It was a house. It was not even a courthouse. It had dormers and different roof lines and everything. It was converted back to a beautiful building. Pierceville has the same potential guys. It has walls, a roof, floors, and they are not perfect. We have shown time and time again that this ordinance protects those places. In the long run, things get better. Thank you.

Town Manager – The next speaker is Mr. Mark Hall.

Mr. Hall – Good evening. I live at 7432 Bartons Landing in the Hardy District. I also have offices at 405 Grace Street which is basically across the street from the Pierceville property. For the past twenty (20) some years, I have looked across out of my window to that property. Recently, I was given the opportunity to go through Ms. Dashiell's book again. I think everybody is familiar with it. I was doing some research on a particular property on Main Street. It struck me the number of properties that I did not recognize was amazing. Those were the properties that were lost before we were enlightened to the value of historic properties. Today, our brand is historic preservation. If we had those properties, our brand would be worth multiple times what it is worth today. Today, it is our responsibility, knowing what we know now, to preserve these

properties. The law gives us the power to do that. If you are feeling a little bit split between the concepts of owner's rights versus the rights of historic generations, I can understand your position; but it is our responsibility to pursue that because we are the only ones who can. This property is historic. In fact, it is a Landmark. It is preservable and, therefore, I am asking that you deny the request for demolition and that you pursue Demolition by Neglect to its final conclusion to the point where the property is preserved. On a personal note, as I was saying if you are a little bit conflicted, I understand that. I have been through this whole process as well. It came to me in recent weeks, very clearly, that if I voted for the application to demolish that property that an excavator can and probably will be on that property tomorrow. It will erase three hundred (300) years of history in two (2) or three (3) hours. The whole thing will be in a dumpster and it will be on its way to a landfill somewhere. I would not be able to sleep with myself knowing that. I just think that it is our responsibility for future generations to preserve this. It is part of what we do here in Smithfield. So, please, vote against the application and continue to support preserving the property through Demolition by Neglect. Thank you.

Town Manager – Thank you. The next signup is Ms. Heidi Fansler. Following her will be Mr. Robert Smallwood.

Mr. Smallwood – I live at 816 South Church Street. I am here tonight to talk about a problem that the entire neighborhood surrounding the American Legion Hall is having due to a practice that they have had over there for years. It started out as a good thing and has escalated to the point that now the Legion Hall is actually operating an illegal nightclub over there. Just a little history, I have lived in the house that I live in now for twenty-five (25) years. When I first lived there, the Legion Hall had events. I will call them events. They even hired bands to come in. People would pay a small admission fee and go in. Every one of these events had a chaperone from the Legion Hall. Quite often, they had a couple of chaperones there. They stayed from the beginning of the event until the last bag of trash was taken out and they locked the door. Anything that made any significant noise always ended at 10:00 p.m. even if the party continued, it continued inside and it was nothing that you could hear even if you were standing outside in the yard. You could not hear what was going on. It was all very peaceful and very acceptable. I understand that they made a little bit of money that they used to

support some of the charities that they take care of; but it has changed from that to a situation now where they will rent the building. They do not chaperone it. They do not come by to inspect. The person that rents the building is given a key. They go in when they want to after their authorized period starts. They are supposed to leave at 12:00 at night which is my understanding. No one is there from the Legion Hall. There is no hired security or anything. It is just the people that are having the party there. Some of these parties do not even start until 10:00 at night. They have everything over there from having live bands to having a PA system. The music they play is very loud. They have anywhere from seventy-five (75) to sometimes over one hundred (100) people that attend these parties. They go on until 2:00 a.m. and sometimes after 2:00 a.m. There are as many as fifty (50%) percent of the people that are attending these parties outside at any given moment. They are drinking alcohol. Living next door, one of the proofs that I have of this is that every day after one of these parties I have to go over there and pick up alcohol containers that have been thrown over the seven (7) foot fence. I have a busted window on my tool shed. Right under that, I found a liquor bottle where it just got tossed over. I have a fence the whole length of my property between my house and the Legion Hall. The fence has been busted so many times that I do not even repair it anymore. It is just a mess. This weekend they had, not a shooting, but they had a gunfight over there. They had at least two (2) shooters. I called 911. They responded but as soon as the shooting was over with people just scattered. They were running all over the place. I will not go into all of the details because I am sure you all will get a report from the police about this. They were running all over the neighborhood after the shooting started. They were running through my yard. I could not see what was happening on the other side of the building. I can only assume they scattered over there also. The police came out there. It was after 12:00 at night. In front of my house, they had six (6) police cars. I could not see the other side but I could see the blue lights flashing. They had several other patrol cars over there. In addition to the town police, they had county police. These guys have to, at high speed, drive through these dark country roads to get here quickly to something that they had no idea what they were going to find when they got there. All they knew was that they had two (2) people out there shooting guns at each other. One person was shot. On that night, there were approximately seventy-five (75) people there. Out of all those people, there was not one

person that saw the shooting take place; even the gentleman that was shot claims that he does not know who shot him. I heard the gunfire go off. I was awake because there was so much noise that you cannot sleep until the party is over. This happens, I would say, about twenty-six (26) weekends per year. It has gotten really bad. One other thing, they have alcohol there. I do not know if they are properly licensed, this is something that I am assuming just based on human knowledge, they have a lot of people there that are under age. Based on their appearance, they do not appear to be over twenty-one (21) years old. The interesting thing that I find is, in my opinion, the only under age people I see over there are girls. They do not have sixteen (16) and seventeen (17) year old boys but they do have girls that appear to be about that age. When the shooting started the other night, they were running about ten (10) feet from my front door just scattering all over the place. One of them that I saw was a very young girl. My time is up but thank you very much for listening.

Ms. Fansler – To follow up on what he just said, I cannot imagine what it would be like to be a law enforcement official and have to run into a group of one hundred (100) young drunk people with guns in their hands any more than you can imagine a gun being shot fifty (50) foot from your child's bedroom window. Do they require event permits? If they do, did they get it? Are they required to have security as part of that? If not, can we change that? Can it please be an off duty police officer from this jurisdiction because they are the ones to run into that when shots are fired. Are they required to have an ABC License and did they get it? This is something that can be prevented and something that can be controlled. Every other venue in this area is required to provide security; why not the American Legion? What is the exception? Why hasn't it happened? Does anybody know the answer?

Mayor Williams – We will get back with you on that.

Ms. Fansler – Thank you. I think if you required an off duty police officer to be present I think a lot of the groups that are taking advantage of the situation simply would not rent. If they did, I think that off duty Smithfield Police officers would probably diffuse the situation before it got to that point. Thank you.

Mayor Williams – Please make sure that the Town Manager has your information on how to get in touch with you with your phone number and your address. Thank you.

Town Manager – The next signup is Ms. Sonja Ingram. Following Ms. Ingram will be Ms. Betty Clark.

Ms. Ingram – I am the Preservation Fields Services Manager for Preservation Virginia. I am here to speak about Pierceville and to encourage you to protect the property from demolition. Preservation Virginia has been involved in Pierceville for a couple of years when it was brought to our attention and also to the attention of the Department of Historic Resources. We, as a statewide organization, cannot get involved in every single issue that comes before us; although we would love to. In this case, it was something that we could not say no to and we feel it is that important. Our Executive Director, Elizabeth Kostelny, was here last year. Last year, two (2) of my coworkers were also here. A few years ago, the Department of Historic Resources was also here. With Preservation Virginia, a lot of people know us because we have been very active in this area since 1889 when we saved historic Jamestown. We also own Bacon's Castle and Smith's Fort. I think this is an extremely difficult issue. It is one we see across the state because we have an owner who seems reluctant to maintain a historic structure. I think it is one of the most difficult situations. A lot of times, we call it loving a property to death. In a lot of these cases, the owners will not give up ownership or they will not sell the property and it ends up in a situation that is not good for anyone involved. I do think that Smithfield is too important. It is on the National Register. It is in the historic district and it is not on those things for no reason. It is an early house. There also appears to be a slave dwelling at the property. It is something that you will not see anywhere else in the United States. You can go to Anywhere, USA and see a strip mall with the same Dollar General; but there is nothing like this in any other place in the United States. This is what makes Smithfield; Smithfield. This is what makes you important. You are in such close proximity to Williamsburg and William and Mary. You have a lot of entities that are willing to assist you as well as Preservation Virginia. You also have an energetic local group that seems to be eager and willing to help with this situation. I just wanted to come here tonight and encourage you to do what you can to protect Pierceville. I want to thank you guys for letting me speak tonight.

Town Manager – Following Ms. Betty Clark will be Mr. Gary Ramsburg.

Ms. Clark – I live at 120 North Church Street. "SAVE THIS HOUSE!" I am sure you all saw it on the headlines. There is not a question mark behind that statement. It is

a statement. It is a statement of what the people of Smithfield expect from our Town Council. Elections are coming up in about a year. Progress needs to be made on the house before election time. For over two (2) years, you have been hearing about the Pierceville property from the Preserve Smithfield group and still nothing has been done. Preserve Smithfield had hoped to take on the project without the help of the town; however, that does not seem possible at this time. You have seen the business plan and have been asked to help with the purchase or the mothballing of the property; still nothing has been done. Why don't you embrace the fact that Pierceville could be a reality when the Town Council decides to work with the Trust for Public Land? You have talked with Linda Frost and know that all you need to do is tell her that you are moving forward to preserve Pierceville. At a committee meeting last week, Randy Pack said that something should have been done ten (10) years ago. He was right. However, two (2) of those ten (10) years sit squarely on your shoulders. Yes, the house is in bad condition and it has become worse on your watch. It is the belief of Preserve Smithfield group that you hope to drag out a positive decision for Pierceville until the house falls down. That fate is not acceptable. Please get to work with TPL. The longer you wait the more damage there is to the buildings and the more restoration costs. We have told you, repeatedly, that experts have examined the house and the barns and find them restorable. Mr. Gary Ramsburg, our restoration consultant, is with us again this evening. He can tell you a few of the projects that he has worked on. We are also very glad that Sonja Ingram could join us this week. Her input is invaluable. Rowland McPherson, our engineer, was unable to be here tonight; but he has worked with Smithfield Foods and we know that Foods only hires the best. Some of you stated, at last week's committee meeting, that you had been in the house. You do not have engineering degrees; I don't think. You may not see passed the damage to see the good that is still there. Maybe you should talk with Gary Ramsburg and Rowland McPherson about the restoration of the house. Recently, Smithfield VA Events asked the town for \$450,000.00 to build new barns and renovate the caretaker's house at Windsor Castle. This is all good stuff to do but, at this point, we think maybe the money should go to work with TPL. In a letter dated October 31st, 2016 Preserve Smithfield asked for the help and were ignored until the last minute at last week's committee meeting. Since Smithfield VA Events already has a way to make money with the events that it holds at Windsor Castle each year, we

think the best use for the money is to work with TPL. It has come to our attention that the three (3) events that Smithfield VA Events sponsor at Windsor Castle Park are not family oriented. The Pierceville Colonial working farm would be extremely family oriented. People visiting the farm would learn about history. You have frequently said that the family has the right to sell their Pierceville property. This statement is true. Linda Frost assures Preserve Smithfield, as she has you that everyone can win in this situation. All the town has to do is to tell her that you want to see the Colonial working farm at Pierceville become a reality and be willing to work with Linda. Thank you.

Mr. Ramsburg – I have been here before. I am not going to get into the importance of saving the structure. Everyone else has pretty much addressed that and it has been addressed at previous meetings on an ongoing basis. What we need to understand is that, at this point, the structure can be saved. Yes, it is in rough shape due to neglect, moisture, and old termite damage. We were allowed by the Crocker/Delk family to access the property to do an analysis of the main structure and what we could access as far as the outbuildings are concerned. Unfortunately, Rowland McPherson could not be here tonight. He is the structural expert. Rowland has worked on numerous historic buildings including the State Capitol and the Governor's Mansion. That is just a couple of them. If you guys share the resume there, you will see that we are not 'fly by nights'. We are legitimate. We have done this on a pro bono basis to help Preserve Smithfield. I hope it has all been shared with you. We have developed budgets for the restoration. The budget for the restoration and as best we could determine from the buildings that we really could not see because they were so overgrown by vines that we really could not get to them. There was a tree grown up in front of the door. You could not get the door open. The main house has a lot of structural damage. The multi-width brick walls are in extremely good condition for the age of the structure. The major damage there is in areas where they used wood lintels over doors and windows. Of course, over a few hundred years now, they have rotted out and the brick has dropped. That is not a major repair. There is some termite damage in the basement. Most of the timbers were left into the mass brick walls for support. This is something that we typically see in structures this age. They have rotted out just because of moisture in the brick over time. Someone has gone in and done some supporting of those. The main floor, we kind of determined, is salvageable. It can be 'sistered' and it can be repaired.

The second floor and third floor would need to be dismantled. We set a budget for everything as best as we could tell somewhere in the neighborhood in putting the structure back together for the house at around \$350,000.00. We are saying the total budget as far as saving the barns and the old fruit cellar; the kitchen is not salvageable at this point. All you can do is save and mark the pieces and salvage what you can. Hopefully, somewhere down the road, you might be able to reconstruct it. I ask you to take a look at these numbers and take a look at our credentials. This is a very doable project. It is not beyond saving. It is going to take some money and some effort. It is not something where someone is going to go in there and put something up to keep it water tight because at this point a large portion of the second floor area is not safe. If it is to be mothballed, at least some structural bracing would have to be done to allow that to happen as a temporary measure to stop the deterioration at this point. Thank you.

Councilman Dr. Cook – Mr. Mayor, can I ask one question while he is up here?

Mayor Williams – Absolutely.

Councilman Dr. Cook – You said you had estimated a budget to restore the house which would be basically to tear it down and rebuild it at \$350,000.00. Are you saying that you can de-construct the house which has to be done and completely rebuild it and restore it for \$350,000.00?

Mr. Ramsburg – That is structural. We have added other numbers onto the back of that so far as the envelope is concerned and some of the brick work that needs to be done. The \$350,000.00 is strictly structural repair.

Councilman Dr. Cook – So, what is your estimate to restore the house?

Mr. Ramsburg – It is going to be around \$750,000.00.

Councilman Dr. Cook – Thank you.

Town Manager – The next speaker is Ms. Terry Mulherin and then, following her, Mr. Justin Hornback.

Ms. Mulherin – I live at 206 Washington Street. First, as a reminder, we prefer to call it Pierce Manor by the way. Pierce Manor is older than Mount Vernon. It is an original King's grant property and let's not forget the history of Captain Pierce as well as Benedict Arnold. Think back to the Town Council who first approved the Historic District Overlay and what forward thinking that was and how different our town looked then compared to now. I think that helps set our frame of reference. Of course, all property

owners are required to comply with current zoning, BHAR, and all of the other town ordinances. This property has been talked about for a long time. People before me have already reminded us of that piece. We all have to comply with rules. God forbid if you pay your water bill late. There are immediate consequences to that so upkeep of your property should have immediate consequences. Regardless of what your decision is tonight, you need to take a very serious look at how we enforce our Historic District Overlay so that another house does not get to languish for ten (10) years before someone wants to tear it down because you have not done anything. Tonight, you may hear an argument about economic hardship. I wonder what you have thought about that as a Town Council. You do not have rules in your Historic District Overlay that define economic hardship; but the Department of Historic Resources does have an opinion of what that entails. Please think about what is our definition. We do not have one. Is that something that needs to come forward as part of the Historic District Overlay; probably because this property has been revenue generating this whole time. It is a farm. It is an active farm. It is being farmed. The owner benefitted from a low tax rate by the current zoning of the farm. They have saved significant money. Failure to upkeep the property is both the responsibility of the owner and the current owner's agent. It is an income generating farm. Consider as to whether there was bad business deals made? Was there willful neglect of the home so you could sell it for a few million dollars later? Were the problems with Pierceville self-created? All of that fits into the definitions when considered if it was economic hardship or was it self- brought on? The rest I will ask you to please go and research and get the rules related to that and see if they need to be incorporated into the town; but please to not be bullied by what you may hear related to it. I would prefer that you have some consideration. My preference is to please not demolish the property. Take possession and let us get the deed so we can get it listed on the Historic Register and have access to the funds that we heard about tonight. Right now, without a deed and without it being in the Historic Register, we cannot do that. We need your help to do that piece. The last point of interest I want to bring to you is that we do have an opinion from the F.O.I. A. Council. We have sent several sets of final minutes from the town to them related to the use of closed meetings. I will just send that on to Peter Stephenson so you guys can read it. Thank you.

Town Manager – Next up is Justin Hornback and following him will be Ms. Carolyn Torre.

Mr. Hornback – I live at 117 South Mason Street. Mr. Duncan was kind enough to mention that my house was one of the problem children many years ago. I was lucky enough to take it mid-renovation. The previous owner, Brian Cantor, saw that it could be saved. We were fortunate enough to be able to take it to the finish line. I am standing here representing myself as a resident of historic Smithfield and asking that you uphold the Board of Historic and Architectural Review Board's decision to deny the request to demolish. I am going to reiterate the concern that this sets a precedent. By supporting that decision, you also validate the time and resources that the owners of the historic district and historic homes put into their homes. There are a lot of economic choices that could have been made on our restoration that would have been made very differently if we did not follow the ordinance. I think it just sets a terrible precedent. I ask that you support the BHAR decision. Thank you.

Ms. Torre – I live at 32 Main Street. I am having trouble hearing everybody tonight so I hope I am not speaking too loud. I read last August 10th in the Smithfield Times editorial about a Richmond planter with family roots here and his collaboration four (4) decades ago with the equally farsighted Smithfield Town Manager. I quote "the planter, the late John I. Cofer, wrote the ordinance including the then revolutionary concept of Demolition by Neglect. The manager, the late Elsie Harris, risked the ire of property owners to pitch the idea to a very reluctant Town Council. It took several years before a divided Council finally agreed to adopt the regulations that exist today. Now, the question before Smithfield leaders is whether the fabric of the historic district is worth saving.' The editor went on to say 'beyond this single house is the future of the historic district. The tools are in place to protect the historic district and the town knows how to use them. The question is whether there is the will to do so.' John Cofer and Colonel Harris should be honored by all of our townspeople here today and never forgotten. These ordinances were written forty (40) years ago for this day. What house or building is more at risk than Pierceville? What is more Landmark than the oldest house? What land is more important than the last fifty-eight acres of the original King's Land Grant from the 1600's. John Cofer and Elsie Harris worked hard in the face of smaller minded resistance to stop the destruction of Smithfield's historic fabric. Aren't

we glad they did? Weren't they right? The local preservation group, Historic Smithfield, said of Pierceville that any negotiations must reflect that the restoration and future use of the house and outbuildings will be guided by an unequivocal commitment to preserving the rich heritage of what may be the oldest building in the historic district. Aren't they right? Do the townspeople taxpayers want Pierceville saved? Yes. Many, right here, came to say so in recent years and most recently at the BHAR meeting here in February. Many of them are here again tonight. There are business people and residents of our historic district and town. Hear their voices. A local businessman and historic preservationist said that they come from all over Virginia. They come from elsewhere too because it is beautiful, historic, and it is still here. A local respected architect said that if they can restore Williamsburg and the Governor's Mansion from footings then this house is very restorable. The brick work has not collapsed and the ridge beam, the attic beam, the attic structure has not collapsed. A dedicated, well-known local historian said that we are losing historic properties. He quoted William Morris who is a poet born in 1835 who said "These old buildings did not belong to us only. They belong to our forefathers. They will belong to our descendants unless we play them false. They are not, in any sense, our own property to do with as we like. We are only the trustees for those that come after us." Another local resident said "it is a beautiful piece of property, quiet and serene. When you look out across the back, you can see the land where it meets the sky. The structure itself is quite impressive. Preserve it; not just for the sake of finances or agendas or who has to gain from this, that, and the other but from the perspective of the citizens of Smithfield." Another person said "places like Smithfield do not exist. It is our responsibility to protect it and follow the law and protect this national treasure. We need to make sure that we do not allow the destruction of a Landmark property." Finally, another district resident said "they had foresight and passion and they did it for the greater good. Smithfield is what it is today because people did not demolish what other people said they should demolish." She was talking about John Cofer and Elsie Harris. Their work and their voices are still witnessed and heard. Foresight and passion....she was and is talking about the many who have recently spoken here and some of whom I have quoted. Ladies and gentlemen of our Town Council, I dearly hope that she is talking about you. Thank you.

Town Manager – The next speaker who signed up is Mr. Mark Gay. Following him, we will have Mr. Dick Grice.

Mr. Gay – Good evening. Colonel Mark Gay. I live at 110 Goose Hill Way. I am the Executive Director for Preserve Smithfield. The good people of this town, county, region, and this state have made impassioned but focused and well-reasoned arguments tonight. As I told you at last week's committee meetings which was somewhat of an ambush but we will get to that. The Board of Historical Review voted unanimously to reject the property owners request to raze the structures at Pierceville. Our previous speaker just summarized the evidence presented at that Board that night as well as the calm logic that applied to arrive at the 7-0 vote. Moreover, as Mr. Bodson said earlier and as I learned this weekend from another resident of the town, the Board of Historic Smithfield has voted 16-0 against the razing of the historic Pierce home. We have heard experts speak tonight about the challenges of restoring the physical structures and the costs. They have urged us to preserve the home and the outbuildings. We have listened to a Preservation Virginia expert opine about how important to our legacy of our agricultural and colonial heritage these structures are. As I have told you twice in previous forum, but I will say it again for a third time, there is a home just like the Pierce home that was advertised in the Wall Street Journal in October. It was a Friday afternoon and it was homes that we all want to live in for the rich and famous....\$3.2 million dollars. So is it worth saving and restoring? I would take that investment. It will take time, effort, and money. From the turnout this evening and as our citizens stands testament that they want it done. Let's make no mistake. Article 3-M of the Zoning Ordinance specifies the criteria to be weighed and evaluated for the petitioner's request. No evidence submitted thus far supports that petitioner's request. No evidence. Additionally, Article 3-M makes very clear that should a majority of you vote tonight to overturn the BHAR recommendations, we have thirty (30) days in which to appeal to the Isle of Wight Circuit Court during which time neither the property owner nor the town may undertake any physical efforts to raze the buildings of Pierceville. That advice comes to us this afternoon from our legal counsel whom we have retained from Patton, Wornom, Hatten & Diamonstein in Newport News. We will most certainly appeal such an egregious decision. I also received an email this past Friday from Linda Frost with the Trust for Public Land. She has spoken with Dr. Cook and wanted to catch back

up with me. Apparently, it was a fact check phone call from Dr. Cook or an email; I don't know. She made sure that she corroborated most, if not all, of what I had said at your committee meeting last Tuesday. She also said one thing else that is very important. She said she made it very clear to Dr. Cook that the necessary financial resources can be secured and applied to achieve the preservation of Pierceville if, and I emphasize if, the local government is supportive and involved. More than ninety (90%) percent of the respondents that made clear of this town's residents and business owners have made clear their efforts and their strong objection to demolishing the Pierceville farm. As far as corroborating with us, I know there is another item on the agenda tonight, I will tell you that there is a private individual who intends to support the purchase of the Pierceville farm. He spoke with me for over an hour and a half this afternoon. He is well known to many of you at the head table and elsewhere in the room. It is up to him, of course, when he comes forward with his plan; but he is certainly going to need your support and involvement. He has the network to do it. There is a way to make this happen. It involves a will to win and a commitment to win as a team. I have asked tonight that you work together with us to make Pierceville a cherished legacy gift to those generations that follow. Let's make it happen. Thank you. This Colonel says his five minutes are up...

Town Manager – Mr. Grice is next. The last speaker that was signed up for public comments is Mrs. Robbie Younger.

Mr. Grice – As a citizen living at 415 Muirfield in Smithfield and as a 'newby', I don't think I will ever be anything but a 'newbie', I will tell you that I have heard a lot of impassioned people here this evening talking about a very unique piece of property. What I would encourage, and I don't envy your position tonight because I sit on another panel at the county that faces similar challenges, the only thing that I would forewarn you of is that it is more than just the downtown section that is being represented here. You need to look at the entire population of Smithfield. That is number one. Number two is that I do not think all of the alternatives have really been examined here. You have a fifty-eight (58) acre parcel. I think some boundary line rezoning might be in order here to preserve parts of it; but also, to allow the owner of that property to generate some revenue that she can live comfortably for the rest of her life. I know that it is a difficult situation. I do not envy your challenges here. Thank you.

Mrs. Younger – Hi everyone. I live 19001 Farm Road and also I have 324 Main Street in the historic district. I am against the leveling of the 1730 Thomas Pierce house, the barn, and other outlying structures. I urge you to please rely on the BHAR that voted unanimously 7-0 to deny it being demolished. The piece of history in the historic district needs to be placed in Agricultural Conservation and then on to agritourism and cultural tourism. In my opinion, Smithfield has not put history as a major attraction; not as important as it has done in the past. In a recent magazine article about Smithfield, I learned about many new upcoming projects which include a distillery and winery with hopes to draw millennials with weekend destination getaways with increased spirit events. As someone who lost a brother who was killed by a drunk driver, this spirit emphasis personally troubles me. I believe we need to offset more additional historic draws to the Smithfield area for all age groups; for children, for singles, for families, and seniors. Preserving Pierceville would be a welcome attraction that would reflect, in my opinion, our small town values. It would bless our town now and with all our future generations. I found a really beautiful quote today. To me, it really sums up what we are all dealing with. It is from January 1975 and it is a quote by Jacqueline Kennedy Onassis. She was a former first lady, editor, and historic preservationist. She said “Is it not cruel to let our city die by degrees, stripped of all her proud monuments until there will be nothing left of all her history and beauty to inspire our children. If they are not inspired by the past of our city, where will they find strength to fight for her future? Americans care about their past but for short term gain. They ignore and tear down everything that matters.” Now, this was in January of 1975 so she says “Maybe with our bicentennial approaching this is the moment to take a stand to reverse the tide so we will not all end up in a uniform world of steel and glass boxes.” Thank you. I just wanted to do something that Betty Clark usually does but everybody that is against demolishing Pierceville estate; please stand up. Thank you everybody.

Mayor Williams – Those were all of the signups. Does anybody else want to speak?

Mr. Stuart Resor – Thank you, Town Council members. I am told to not use the word ‘city’ here in Smithfield. I am an architect both here and in Virginia and in California. Our first project when Bonnie and I moved here to be close to our grandkids was the old Pretlow house. Does everybody know where that is? It is the old Cultural

Center. We did not know much about the history over there but that unraveled rather significantly as our restoration took hold. We had people come up to us, hugging us with tears in their eyes that we stood up to save that building. As far as I know, we were the only offer on that property. And yes, it was in bad shape. In the second story bedroom, you could look out to the sky. It had been that way for years. While we were completing that project, a member of the town came over and asked us to go look at the property on Grace Street. We had seen the old barns there. We had no idea there was house back in there. Bonnie took me over there one day with my camera and walked around. I did not go in the property. I noticed, first thing, when you look up there was a metal roof with a 'straight as an arrow' ridge beam. Get the owner's permission and walk around the foundation. If you look closely at the brick work and the foundation, windows, sills, and lintels, they are restorable. From the outside, it looks very restorable. And yes, over there at Williamsburg, they brought the Governor's palace back from practically nothing. And yes, Sonja Ingram mentioned Williamsburg. Betty Clark mentioned how Williamsburg is sitting there with a team of people waiting to be experts on the restoration of this project. We expected to go over there with the seller's permission and measure it all up and document it at no charge to anybody and that offer still stands. We will analyze the living heck out of it including all of the structural issues. I realize that some people have been in and done some of that already. From the outside, we cannot see that it is going to take so much money to at least start a salvation of the property. You could do a tremendous amount over there with \$50,000.00. We have a solution that is a long shot for saving the property. I will not go into that tonight. I will say this, the property and all its little outbuildings, do not tear anything down suddenly; document everything, analyze everything. That is a book of many pages. The story from those pages is waiting to come out. If the book is destroyed, the story will be largely gone.

Thank you.

Ms. Deborah Duncan – I live at 340 South Church Street. A lot of people have spoken today. I do not really have very personal issues with Pierceville. I do work for the Visitor's Center. I am privy to people that come into our town and why they come to our town. For the most part, we all benefit from people coming to our town; but it is not because of wonderful places like the Smithfield Station. They come here and they eat there but oftentimes they come here because of the historic nature of our town. They

see it as quaint, interesting, and unique. I have heard unique so many times. We all benefit very much from the fact that people, as I said the last time I spoke up here, are passionate about their history and that people had the foresight to see that something that was falling down, something that seemed not worth preserving that they went up there and decided to put their money and their passion into saving it. I think of history as every house's history is a story. To me, Pierceville has the most interesting story to tell. I do not personally know Mrs. Crocker. I have never met her but I do think that maybe she does not appreciate the history of her house. Some people don't and that is fair enough. People are out there that do not really feel that history is that important and properties are not worth putting time into. Maybe she should feel that she should give that to somebody else. If you do not appreciate what you have, can you not sell it to people who do appreciate it. I know that Cheryl Ketchum made an offer on the house. I have also heard that Joe Luter made an offer for the house to. Is that correct? It was a couple of years ago. He was willing to restore the house and use the land there for the ballfield that we now have going up a little further down the street. If she had accepted that offer, I think it would have been an enormous win/win for her and for the town. Then we would have people coming over from all over the place to use the field but also they would have used downtown too. I am not sure why she turned down the offers that seem very, very viable; but I think it is something that you guys should think about. Why did she not take Cheryl Ketchum's offer? Cheryl Ketchum offered the asking price but then they increased the price on her. Why would they not take it? Why didn't they take Joe Luter's price? What is their ulterior reason for not taking these very, very viable offers to save the house? It would have been a win/win. I have actually been inside of Pierceville. I think it is actually a plus that it has never been renovated. Inside the house is three hundred (300) years of architecture. A lot of the inside of the house is very, very intact. The moldings and mantels are amazing. If you like history and you like architecture, it is an amazing story of architecture. You just do not see that very often. Often you see places that are gutted and there is not much left. The fact that people are out there and are passionate enough to save houses is why Smithfield is the place where people come to and we all benefit from that; every single one of us who live here. Taxes, restaurant revenue, and the shops downtown all benefit from people and their passions to renovate what seemed like could not be renovated. I think that I do not want

our legacy to be that we destroyed the most historic of a historic district. It is the oldest house and has an amazing story behind it. It is an incredible house. Do we really want this Town Council to have that as our legacy and that we are the ones that destroyed the most historic house in a historic district? Thank you.

Mayor Williams – Would anyone else like to come forward?

Mrs. Suzie Gay – I had not planned on talking but I think there are a couple of points I would like to make. I live 110 Goose Hill Way in Smithfield. Mr. Grice, I think you mentioned that Mrs. Crocker needs to have the money for her property. I believe with TPL or perhaps the private investor she certainly will get a fair price for her property so that she can live on that money for the rest of her life. That is the only fair way of doing it. I also remember that you said something about dividing up the property. About two years ago, at one of the meetings that we have been to, I believe the good doctor there asked ‘What else can you propose?’ We proposed YMCA expansion. Personally, our son was a nationally ranked swimmer and I would love to see a fifty (50) meter pool out there or a fifty (50) yard meter pool. I would like to see more tennis courts possibly. I said baseball fields; great place for baseball fields. I would love it. You have great access from Highway 10, Cary Street and around by Cofers. And, of course, restoration meaning that we would restore the house and the barns around it; that has to be done. Of course, our town, in all of their thoughtfulness has gone and spent a lot of our taxpayer money, very hard earned taxpayer money, on the beautification of South Church Street, Windsor Castle Park, now the event center up there at Windsor Castle, and of course the ballfields. Surely, there is money in the budget to put towards the restoration of this and help buy the property with TPL. I find it curious, interesting, and yet very gratifying that those people that fought those of us who were trying to preserve that wonderful old historical place are now with us. Let’s go the final five yards and get into the end of the field and finish the deal and get it done. Thank you.

Ms. Rosa Turner – I am with the Rushmere Community Development. I am a resident of Isle of Wight County in the Rushmere area. I just wanted to say good evening to everybody. I hope that you all have something on the plan to reserve this place. Rushmere Community Development actually invited you all on Sunday to an event to give an award to the Smithfield Center. They just got it. Lesley King did not bring somebody down but she said that she was. Sunday we had all the funders. We

had the Legislators, Congressmen, and everybody in Rushmere to talk about bringing funding to restore these historical areas and sites. Congressman Scott, Mark Warner's office, and Senator Lucas' office were represented. Delegate Tyler actually presented a resolution from the Commonwealth of Virginia talking about the heritage and the Native American heritage and our preservation and identifying what we can do for this area. It has now been documented which is now going to the Federal government and the Bureau of Indian Affairs so that we can secure the funding that we need to restore, preserve, and save these facilities. I encourage anybody to say that Rushmere Community Development is willing to team with anybody that wants to do that. We are working on a \$6.5 million dollar project now in our area. We will be glad to help you work on that project too. When you talk about a Trust, we already have our attorneys doing our Irrevocable Trust to make sure that every piece of land that we acquire becomes Native American property and it will not be torn down. So, I just encourage whoever the owners are if there is something I can do. I am an architect and an engineer. We have architect and engineers on our project. We have Newport News Shipbuilding on our project. We have the US Department of VA. All of them were here on Sunday. I wanted to introduce them to you. All of them were here on Sunday to find out what we need in this area. One of things we said was if the county, town, or if everybody is hollering about what kind of money they need because taxpayers are paying, well guess what? You have another resource. Isle of Wight County and Smithfield are some of the oldest counties around here and there is funding available for you. If you work together and do things together then you can bring the money here and then the widows do not have to give their properties up for little or nothing like my great-grandmother did down at Tyler's Beach that people enjoy. Like those that enjoy Farm Fresh where the Bailey widow gave up her property to make sure you had Farm Fresh or Sandy Mount has property that the widows have given up. There are five (5) widows that gave up their property so that Smithfield and Isle of Wight can have some enjoyment. So let's work together. I am against you all tearing down the property; but let's do like we always do. Rushmere Community Development works with Old Dominion University, Hampton University, Virginia Tech, Norfolk State University, and the architect and engineering departments. We bring students in ten (10) at time every semester to do design, building construction, and everything else. We also give funding

from Home Depot Foundation and the Lowes Foundation so that we can bring the resources as well as Walmart Foundation. If you want a solution to save your property, if you want a solution to make sure that the widows and whoever owns the property can enjoy it; work together. Take a little bit of time and don't destroy the property and just enjoy it. Those are some of the things we do. We are here to help you. I am against you tearing it down. You know the history. You probably have graves out there. I pray that nobody ever comes into our community near our church and our homes and disturb a gravesite. I don't care if it is a slave owner's gravesite. I don't care what it is but I pray that nobody ever disturbs your gravesite when you take your final resting place. It is what you have at Tom Pierce's location. You have a place that was built in 1634 or 1635. You also have history about anything else. I don't care. I tell the story. I know my Confederate great-great grandfather. I know my Union great-great grandfather. I know my pre-American Revolution ancestors and everything else and I know my Powhatan ancestors too. We tell the story because Smithfield has a blended story. Let's tell it, let's keep it, and let's preserve it. Thank you.

Councilman Dr. Cook – Could you come back up? I have a quick question for you. You said something that I caught and I don't think it made it all the way here. You said that we were invited this past Sunday to something in Rushmere.

Ms. Turner – Yes you were.

Councilman Dr. Cook – I am sorry but I never got the invitation. I didn't know if anybody else here got the invitation. I don't know which route you went to invite us.

Ms. Turner – First of all, I called the Town of Smithfield. I went to visit the receptionist there to find out who I needed to invite first. Then, I also emailed Denise Tynes because she is part of my Facebook. I have her email as well so I emailed her. It was forwarded on. I got the information that Lesley King had confirmed that the Town of Smithfield would be represented because we were presenting an award. The award was because, annually, we do an event here. We collaborate with the Smithfield Center. We have been doing this for years. We also agreed to commit to make sure that we take over because of the lack participation in Black History program. We put two (2) dates on the program and say that we will be glad to help you with the Black History program and in November for Native American Heritage month.

Councilman Dr. Cook – About the invitation, I am sorry that no one showed up. I did not get one, Connie did not get one, and Andrew did not get one. I am all for a party. If you are looking at doing such things make sure you send it out to our town emails. You said that you emailed somebody but I do not think you emailed me.

Ms. Turner – I asked for Mr. Stephenson's information. Like I said, again, I came physically to the Town of Smithfield. I did it, not just to you, to Isle of Wight and Hampton University. Washington sent people down.

Councilman Dr. Cook – So, did you email me personally?

Ms. Turner – I don't know you, I'm sorry. I don't know you.

Councilman Dr. Cook – That's what I am trying to say. You said you invited us.

Councilwoman Tynes – She sent an email to me. When I got the email, I emailed it to Lesley our Town Clerk. I asked her did you receive that because I knew that she had sent it to me. I didn't want to duplicate it and send it to her. She said no that she had not received it. I was thinking that she was going to send it out to you all because I do not have all of your email addresses.

Councilman Dr. Cook – Then I apologize for not showing because I did not receive the invitation.

Ms. Turner – Apology accepted and I just presented it to the gentleman sitting at the table that we have always worked with for probably since the Smithfield Center has been opened.

Councilwoman Tynes – I am sorry if you all did not get it. I sent it to Lesley in time for you to get it. I thought the town was going to send a representative because that is the last I heard.

Town Clerk – I attempted to but I didn't on short term.

Mayor Williams – Would anybody else like to come up to the podium and speak on any matter for the Town of Smithfield?

Mr. James Miles – I am from Chesapeake, Virginia. I love Smithfield. I am looking everybody in the audience tonight. Everybody has a dedication in their heart to try to preserve or try to save this house. Once you let this house go, once you sell this house or whatever you do to it, it is never coming back. Reach down in your hearts, reach down and think about this. This is your history. I do volunteer work and I am willing to help save this house. Thank you.

Mayor Williams – Would anyone else like to come forward to speak on anything to the Town Council? Seeing none, public comments are closed. We now have a Briefing by Mr. Dick Grice, Isle of Wight County Board of Supervisors, Smithfield District.

Supervisor Grice – Good evening ladies and gentlemen, I am with the Board of Supervisors, Smithfield District. The Board had a work session on March 3rd and a regular Board meeting on March 16th. At the work session, the Board was presented with a revised Capital Improvement Project plan for 2017/2018. For this coming fiscal year, the county plans to spend just under eighteen (18) million dollars. The major expenditure areas are approximately eight (8) million on a new emergency radio system which we are hoping to bring online for under seven (7) million not the full eight (8) million. There will be roof repairs for multiple school buildings costing 2.7 million dollars. Economic Development will cost 1.5 million dollars for site preparation at the Industrial Park which is a major focus of getting someone into the park and generating additional business revenues. We also have 1.2 million dollars for a Route 10 water line which will be starting in the spring of 2018. The real victory for the fiscal 2017/2018 CIP was the fact that it is being rolled out without borrowing one additional dollar. Over three (3) million dollars was made available by the Board's insistence that the new administrator review all fund balances and make all monies available that could be made available that were not designated for other projects. In short, we want and insist upon knowing where all the counties available monies are. The operating budget, while important and the primary focus of previous Boards, it is just one piece of the total financial package this Board wants visibility of and to exercise management control over. Housekeeping on these funds is now an ongoing function and getting the attention our taxpaying residents deserve. At that same session, a joint Board meeting was held between the county Board and the School Board. At that meeting, the School Board presented a request for ten (10) million dollars for new capital funding. This was for the startup of a Certified Technical Training & Education Program. The request and the range of recommended expenditures was met with some concern by the county Board. Between March 3rd and the regular meeting on March 16th, we had much political posturing and sharp pencils brought into play. The result was that on March 16th the request had been adjusted to 7.8 million dollars and only those expenditures directly related to the CTE

programs are to be brought to the public hearing on April 20th. Please plan to attend or stream the video for that public hearing. It should be an entertaining evening. Thanks again to Smithfield Foods for their generous three (3) million dollar contribution to the schools. Anyone or any organization wishing to match their contribution would be especially welcomed at the public hearing. Following the public hearing on March 16th, the Board acted on two (2) public meetings to cover the "C" items. The first was the approval of the 2017/2018 CIP and the other one was our new chicken ordinance. It only took seven (7) months. Additionally, the Board voted to forward the School Board's CTE funding request of 7.8 million dollars to our public hearing. It will be on April 20th. Lastly, our County Administrator, Mr. Keaton, teased the Board with rough numbers on the county's 2017/2018 operating budget. We set a schedule to begin that process. He will be submitting the first official draft of the operating budget at a work session tomorrow evening at 6:00 p.m. It looks like it is going to be a rather pleasant experience at least on the onset as it seems likely this may be the third year that there will be no real estate tax increase. Can we really make that happen three (3) years in a row? Join us tomorrow evening and see. Thank you.

Mayor Williams – Are there any questions for Mr. Grice? Hearing none, we appreciate you coming by. We will now move to Council Comments. Are there any Council members with any comments they would like to bring forward? Judy Winslow, our Director of Tourism, is not here but they have received yet another award called the Trailblazers Award for "Smithfield Rocks" incentive. We want to congratulate her for doing that. They do a lot of work for tourism. We will now move to our Summary of Consent Agenda Items. We will start with our Finance Committee Chairman, Mr. Randy Pack.

Councilman Pack – Finance Committee Summary. Thank you, Mr. Mayor. Tonight, our first item is invoices that are in excess of \$10,000.00 which require Council authorization. There is quite a bit for the ballfields this evening. The first is to MUSCO Lighting for \$39,670.00 for a portion of the lights that you might have noticed out there. The second is to RAD Sports. You have seen all the big bulldozers pushing around piles of dirt. The invoice is for \$490,247.50 this month. The next item is to Lewis Construction of Virginia for \$89,704.00. They updated us at our committee meeting this month. This is for the water line replacement work being done on Main Street. Finally,

we have an additional invoice that was not at committee but requires Council's authorization. It is to Kimley-Horn Associates who are our architects and engineers for the ballfield project for \$28,033.97. We are recommending approval of all four (4) of these invoices this evening. Thank you.

Mayor Williams – We will now move to our Parks and Recreation Committee Chair, Ms. Connie Chapman. She has three consent agenda items this evening.

Councilwoman Chapman – Thank you, Mayor. Our first item is a proposed price adjustment for the Smithfield Center venue. We spoke last week at committee with the Smithfield Center Director, Ms. Musick. She shared with us that the Friday and Sunday event bookings had decreased greatly from 2016 to 2017. She wanted to know if we would consider lowering those rates. The Council agreed. Basically, we are going to offer discounts of fifty (50%) percent off the established rate for bookings on a Friday, Saturday, and Sunday for the months of January and February. These are hard months to fill. The committee agreed to the price adjustment of fifty (50%) percent off for January and February 2018 only at this time. The next item is a motion to approve a request for the use of Clontz Park for the annual fireworks on July 3rd. Fireworks are slated to start at 9:50 p.m. The next item is a motion to accept a Memorandum of Understanding between the town and the county for the Joseph W. Luter Jr. Sports Complex. Thank you.

Mayor Williams – Now we will move to the Public Works Committee Chair, Mr. Mike Smith.

Councilman Smith – Thank you, Mr. Mayor. We have a motion to renew the street maintenance contract with Blair Brothers for one additional year. We are very pleased with their work and have been. Their communication is excellent. They are very professional. Next, we have a motion to accept proposals from Blair Brothers for street maintenance work on the following streets: Old South Church Street, Stratford Lane, Wellington Circle from Dover Court to Edinburgh, and Andrews Crossing from John Rolfe Drive to Lane Crescent. This is the stuff we do on a regular basis and highway funds help us do some of that. We have a motion to approve the Cary Street drainage improvement and easement. This is something we have been working on for a while. It is to eliminate some water that has been running through private property. It has been for years. I think we are getting real close to resolving that now. The next item is a

motion to accept the proposal from Draper Aden for repair and hazard mitigation to the Smithfield Lake Dam emergency spillway. There were some problems there during one of our storms. It is moving forward to be corrected. The last item is a motion to award the refuse and recycling contract to Bay Disposal and Recycling. We have agreed to all the terms as far as what they are going to do. We just have to work out the paperwork with this Council and the Town Manager.

Town Attorney – Mr. Mayor, with respect to Item C9, I have not yet had a chance to meet with Mr. Stephenson to go over all the terms. The basic terms have been recommended by the committee. Bay Disposal was the lowest responsive bidder; but Mr. Stephenson and I have not yet met about all the details. I would recommend that it be broken out as a separate item and that there be a motion to authorize the Town Manager to sign that contract subject to approval of the contract as to form.

Vice Mayor Gregory – Mr. Mayor, I make a motion that the consent agenda be approved with the exception of Item C9.

C1. Invoices Over \$10,000 Requiring Council Authorization:

- | | |
|-----------------------------------|--------------|
| a. MUSCO Lighting | \$ 39,670.00 |
| b. RAD Sports | \$490,247.50 |
| c. Lewis Construction of Virginia | \$ 89,704.00 |

Additional Invoice:

- | | |
|--|--------------|
| d. Kimley Horn Associates (Sports Complex) | \$ 28,033.97 |
|--|--------------|

C2. Proposed Price Adjustment for the Smithfield Center Venue.

C3. Motion to Approve Request to Use Clontz Park for the Annual Fireworks Display, July 3rd, 2017.

C4. Motion to Accept Memorandum of Understanding (MOU) between the Town and Isle of Wight County for the Joseph W. Luter, Jr. Sports Complex.

C5. Motion to Renew Street Maintenance Contract to Blair Brothers, Inc. for One Additional Year.

C6. Motion to Accept Proposals from Blair Brothers for Street Maintenance Work on the Following Streets: Old South Church Street, Stratford Lane, Wellington Circle from Dover Court to Edinburgh, and Andrews Crossing from John Rolfe Drive to Lane Crescent.

C7. Motion to Approve Cary Street Drainage Improvement and Easement.

C8. Motion to Accept Proposal from Draper Aden Association for Repair and Hazard Mitigation to the Smithfield Lake Dam Emergency Spillway.

C9. Pulled from Consent Agenda.

Councilman Pack – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

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

Mayor Williams – Next, we have Item C9.

Councilman Smith – We have a Motion to Award the Refuse and Recycling Contract to Bay Disposal and Recycling. I would like to make a motion to authorize the Town Manager to execute the contract once it is finalized with the Town Attorney. Is that correct?

Town Attorney – Yes sir.

Vice Mayor Gregory – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

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

Mayor Williams – We will now move to the Action Section of the agenda. We will have a Public Hearing: Rezoning Community Conservation (C-C) to Highway Retail Commercial. We will have a staff presentation by our Planning and Zoning Administrator, Mr. William Saunders.

Planning and Zoning Administrator – Good evening, Mr. Mayor and members of Council. We have a rezoning application before us. The applicant is Charles D. Layman the President of Goodwill of Central and Coastal Virginia Inc. The current property owner is L & L Land Development, LLC. The subject property is just due south of the Tractor Supply. It is on the other side of the service entrance to the Tractor Supply

Company on Bennis Church Boulevard. It would be cut out of an approximately one hundred sixty-five (165) acre residue parcel. Currently, the property is zoned Community Conservation. The proposed rezoning is Highway Retail Commercial. The property is currently undeveloped. The proposed use of the property is for a Goodwill outlet. It would include a retail store, the receipt of donations, the sale of new and consignment goods, employee training, and related uses for a Goodwill industry store. The proposed rezoning is a straight rezoning. There are no proffers or no limitations on the potential uses. Every use under Highway Retail Commercial umbrella is applied for here; however, they do propose a finite use. They have a conceptual plan that they intend to stay in substantial conformity with. In an effort to minimize the upfront cost, the applicant has not done all of the stormwater management engineering potentially necessary to determine exactly how much area that is going to take on the property. Initially, they recommended the purchase of 1.6 acres. The first conceptual plan in your packet shows that. However, it could potentially take up to another third again of the area of the property to maintain all of the onsite stormwater management. What is proposed is 2.125 acre rezoning which is illustrated in the second conceptual plan in your packet. This would allow them all the area they would potentially need for the onsite stormwater management. The strengths of the application are the addition of a new retail outlet in this area generating more sales revenue for the town as well as potentially drawing more customers to adjacent businesses. The proposal is consistent with the Comprehensive Plan's Future Land Use Map. Weaknesses of the application are that there is currently no sewer infrastructure at the road frontage at this location for connection. However, the applicants have worked out a solution with the current property owner to route it along the rear of the property to an existing Town of Smithfield pump station. Town staff recommends approval of this application. At their March 14th, 2017 meeting, the Town of Smithfield Planning Commission recommended approval of this application with no conditions.

Mayor Williams – This is a public hearing. I will now declare the public hearing open. Would anybody like to come forward and speak for or against this application?

Mr. Nick Grainger – We have been working with Goodwill. I am with Troutman Sanders in Richmond, Virginia. We also have here tonight, Mr. Jeremy Yee with Kimley Horn who is our civil engineer on the project and Chris Rousy who is a member of the

Goodwill Board as well as the broker on the project. I first wanted to thank Mr. Saunders for all of his work in helping getting us to this point. We do not have any additions to what he commented on as far as the terms of the application and the rezoning we are looking for. I just wanted to note a few items about Goodwill. Goodwill is a non-profit entity that has been providing job training, job seeker services, employment for people with impediments to work, and people with limited work history for about ninety (90) years. They operate thirty-two (32) stores in this region in thirty-nine (39) different localities. They intend to hire about twenty-five people at this location full and part-time. As is their normal practice, they intend to hire local contractors and source local materials when possible. One of their missions in addition to job training, this Goodwill in particular keeps approximately thirty-five (35) million pounds of textiles such as household items and electronic items out of area landfills. It is another benefit for the community. We had some great support at the Planning Commission public hearing about a month ago. Several members of the community came and spoke about their excitement for the jobs training and employment opportunities that Goodwill offers. We are excited to be here. It is a new market for Goodwill. Some of the issues that have been raised that we talked about at the Planning Commission meeting and the committee meetings last week were with regards to the setback. I think those issues have largely been addressed. The plan before you does meet the Entrance Corridor Overlay District. It is our opinion that where we have placed our building is really going to be more in line with where future users down this corridor are going to go. There were also some questions about what this store would look like. I have some elevations if anyone would like to see them. It is sort of the proto-typical Goodwill store. I am happy to share those if anyone would like to see them. We are here to answer any questions if you have them and I have nothing else at this time.

Mayor Williams – Do any Council members have any questions?

Vice Mayor Gregory – Would the store on Godwin Boulevard in Suffolk be another example of what the building would look like?

Mr. Grainger – Yes.

Mayor Williams – Does anyone else have any questions? Hearing none, thank you very much sir. The public hearing is still open. Does anyone want to come up and speak for or against?

Ms. Carolyn Torre – I live at 32 Main Street. This is something I have wondered as the busier corridors of Smithfield are getting developed. This is a zoning change. Obviously, Goodwill is a really good company and does a lot of good for the communities it comes into. I am concerned about changing something that is Community Conservation into highway road side kind of development. Without thinking in terms of you really don't want to look like Mercury Boulevard. So, is there any way to say or maybe request that builders put in a certain amount of trees? They might be willing to put in trees that at maturity would grow to be shade trees and beautification projects, perhaps, a certain percentage of the land that is being used could be required to be landscaped. I just think it might be something that as the years go by and Smithfield does grow if people are willing to do things like that it will go a long way to making us look attractive even in a busier area.

Mayor Williams – Yes, mam. We do have that in place already. There are certain numbers of trees and bushes required.

Councilman Pack – Mrs. Torre, I would like to add to that. I am also the Town Council representative to the Planning Commission which I am chairing this year. We have a forty (40) foot landscape buffer in place. In looking at this application in particular, we felt that our ordinance may be a little weak on the amount of trees and shrubs in place; not only in place but for future years if the trees or plants were to pass away and there is no upkeep. The Planning Commission will be revisiting exactly what you are asking about.

Ms. Torre – For larger, mature trees.

Councilman Pack – Particularly along this corridor. It is a major entry corridor especially with Bennis Grant developing.

Ms. Torre – They could possibly plant more than one or two so if they pass away there will be others.

Councilman Pack – Yes, mam and actually we are looking at if they do pass away do we have the ability to make them replant so that this forty (40) foot landscape buffer does not just go away. They plant it one time and it goes away. We are trying to see what we can do with that. It has certainly been addressed.

Ms. Torre – That sounds absolutely wonderful. I am really happy to hear that.

Councilman Pack – Thank you.

Mayor Williams – Is there anyone else who would like to come forward? Seeing none, I now declare the public hearing closed. We will have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – We talked about this at committee level last week. I have a question for Mr. Saunders. You mentioned that the property can go one of two ways on size depending on stormwater runoff. At what point will that be determined? At what level of authorization so to speak or which entity would they have to go in front of to make that change? Are we going to have to rezone separately the different lot sizes? At what point does that change happen?

Planning and Zoning Administrator – Originally, they wanted to go for the 1.6 acres not being sure that they had enough for stormwater management but they did not want to spend the money to determine that. Frankly, we did not want to end up doing this process twice for that nor did we want to end up with a split zone subject parcel if they needed to acquire more land from the landowner. The entire residue is currently Highway Retail Commercial in the Future Land Use Map. Ultimately, unless something changes in the Comprehensive Plan, it is going to become developed that way most likely. If we are going to have a little bit of a split zone parcel, we prefer that to be the residue. It is probably going to be consistent with the Future Land Use Map. Things are trending toward the fact that they will probably need the entire 2.125 acres so that will be mute if that is the case. If they need less than that, it would leave a little bit of a residue split zone section of Highway Retail Commercial to the rear of the proposed location.

Councilman Dr. Cook – But that will not be an issue because the Future Land Use Map has that as Highway Retail Commercial.

Planning and Zoning Administrator – It would be consistent. I would much rather have a little bit of a residue parcel split zone than have a new subject parcel that should be conforming in every way split zoned or do this process twice for this one applicant. That will be determined at the site plan approval process. If this action is approved tonight, they will then sharpen their pencils on exactly how much stormwater management they will need onsite. They will determine what amount they need between the 1.6 or the 2.125 acres to nail it down when it comes to site plan review.

Councilman Dr. Cook – Does anybody else have any questions for Mr. Saunders?

Hearing none, barring any other Council member's comments, I would like to make a motion to approve the rezoning of this parcel from Community Conservation to Highway Retail Commercial.

Councilwoman Chapman – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

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

Mayor Williams – Next, we will have a Public Hearing: Special Use Permit Retail Sales in Residential/Office Zoning District. We will have a staff report by our Planning and Zoning Administrator, Mr. William Saunders.

Planning and Zoning Administrator – Hello again, Mr. Mayor and members of Council. We have an application for a special use permit. The applicant is Ms. Autumn Marade of 1306 South Church Street. The owner is Mr. Anthony Marade, her father, of the same address. The property is located northwest of the intersection of Mercer Street and South Church Street. It is right across Mercer Street from the old Tastee Freeze. Currently, the property is Residential/Office zoning. The proposed use is retail sales of antiques and art. As you may recall, recently there was a change to the Residential/Office zoning district ordinance to allow for retail sales in that area with a special use permit. These are typically lots that are too small to rezone to Highway Retail Commercial even though the South Church corridor is a very busy corridor and we expect it to ultimately be commercial one day. However, the retail sales element there is only provided if there will be no exterior or storefront displays. Currently, the applicant is doing online sales at the location. They want to expand to be able to do on-premises sales. This was previously the location of a large service business. There is a good bit of parking on site. There is enough parking to accommodate the proposed use for the structure. They would like to maintain online sales as well as on-premises sales. Strengths of the application are the possibility of the expanding the scope of an existing

business on a main corridor. No weaknesses are identified at this time. At the March 14th, 2017 meeting, the Smithfield Planning Commission recommended approval of this application with no conditions.

Mayor Williams – Are there any questions for Mr. Saunders? I will now declare the public hearing open. Is there anyone who would like to speak for or against?

Mr. Marade – Thank you town members, Council, and Mr. Mayor. I live at 1306 South Church Street. I bought the property about two (2) years ago for my daughter to try to help her have a business and be independent and something that she could do at home and take care of her daughter. I am retired from the army and a retired teacher. I thought this would be the best thing for her and her daughter to be able to spend time together like she did with me. We have been doing antiques for twenty (20) or thirty (30) years. We really know the business. We think we could be a good service for the community. Also, with the zoning, we could have other artists or vendors in there to try and help them out too. I saw that the Town Council just passed an ordinance for Residential/Office to be able to do retail sales. We wanted to try to see if we can come to the Council and ask for permission to do retail sales. We are doing online sales. Mr. Nelms had a business there for twenty (20) some years prior to me getting there with his father. There is plenty of parking there. She does jewelry, antique glass, and plants incorporated with the glass. We do collectibles and antiques. We thought that it would be a good mix to come in and compliment what is going on in the Town of Smithfield. It will also be good for her to be an entrepreneur and be independent on her own and be a way of her providing for her family. I just ask that you take it into consideration and maybe offer the opportunity for her to do retail sales there. We appreciate the time that the Planning Department, Town Council and everybody has taken to get it where it is today. We really appreciate it.

Mayor Williams – Are there any questions for Mr. Marade while he is up here? Thank you, sir. We appreciate you coming up. Is there anyone else who would like to speak for or against? Hearing none, I declare the public hearing closed. We will have consideration by Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – My biggest concern, which I expressed at committee level, was to ensure that it would not become an outdoor sales area. I did not want someone driving into town and seeing displays set up outside. I was assured through

Mr. Riddick that it is actually part of this zoning. There are no outdoor displays allowed. I am not disparaging anything about the art that might be there. I just did not want it to look like yard sales going on down the street. I was assured that it would not happen and that all sales would be inside the house. All of my concerns were addressed. Do any other Council members have any comments? Hearing none, I will make a motion to grant the Special Use permit for retail sales in the Residential/Office zoning district for Mr. Marade.

Councilman Smith – Second.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

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

Mayor Williams – Ladies and gentlemen, we are going to take a short break. We are also going into Closed Session for just a few minutes. If you all would go out and go to the front of the building to the front lobby, I would greatly appreciate it. We should not be long.

Town Attorney – We need a motion to go into closed session for the purpose of discussing personnel matters and for a legal briefing by legal counsel as to actual litigation.

Vice Mayor Gregory – So moved.

Councilman Pack – Second.

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

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

Town Council went into closed session at 9:24 p.m.

Town Council returned to open session at 10:03 p.m.

Town Attorney – Mr. Mayor, we need a motion to come back into open session.

Vice Mayor Gregory – So moved.

Councilwoman Chapman – Second.

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

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

Town Attorney – Mr. Mayor and Council, we need a motion that during the closed session there was only a discussion of personnel matters and a briefing by legal counsel as to litigation pursuant to Section 2.2-3711.A.1-7 of Code of Virginia.

Vice Mayor Gregory – So moved.

Councilman Pack – Second.

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

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

Mayor Williams – We are still in the Action Section of the agenda. We will now move to Appeal of BHAR Action – Demolition Application of Pierceville Structures. We will have consideration by Dr. Milton Cook the Public Buildings and Welfare Committee Chairman.

Councilman Dr. Cook – We have a demolition application for the Pierceville structures. We heard a lot of spirited comments tonight. Pretty much everyone is in favor of denying the application to demolish the Pierceville structures. Thankfully for you guys, we live in a very apathetic world. About thirty-five (35) of you are speaking out very emotionally to save it. With a lot of my travels in town, many people do not care; but, they are not here to say they don't care. So, they truly don't care. It is a cross section of America. We are truly an apathetic world which is sad actually. Most months we have very few people at meetings because most people do not care. It is good to see you all here even though there are only thirty-five (35) of you in a town of eight

thousand (8000) people. You guys can do the math. It is less than half a percent that care to come out and talk. With that being said, I think you are lucky that people are apathetic and are not here to tell us what they tell me on the street. With that being said, about this application, I will start with my opinion.

Town Attorney – The applicant is here and I think you need to hear from him. The applicant has the right to be heard. The applicant's legal counsel is here and I think he should be heard before you weigh in on anything.

Councilman Dr. Cook – I am sorry. He can go right ahead. Mr. Jones, you may speak. It was not on my agenda to hear from you. I was just going by the agenda.

Mr. Jones – It is fine. I am glad Mr. Riddick gave me an opportunity to say hello. I am not going to take equal time. I think we were here for forty (40) people who spoke for five (5) minutes each. It took about an hour and a half. I promise that will not happen. You all are tough to be here and stay on your game all this time. I do want to say a couple of remarks about Mary Emma Crocker and the background of her case. I think one of the things that we are hearing is there is some real concern among some of you that to approve this application, the request to raze the buildings, is going to somehow adversely affect your objectivity in dealing with other people that may be similarly situated in the town. Although, I understand you are going to rely on your own legal counsel and not my counsel, I certainly want to make you aware of the reasons why we do not believe there is anyone situated in the Town of Smithfield like Mrs. Crocker is. Whatever choice you make here, I don't believe, is going to adversely affect any other decision you make with any other property owner in town. I want to start back at October 28th, 1930. This is the night that Mary Emma Crocker came into this world. She was in the front room of the home that she lived in for the vast majority of the time she has lived on this earth. We will even go back prior to that. In 1918, her grandmother and grandfather, Mr. and Mrs. Thomas bought the property. The Thomas family bought it in 1918. Mary Emma Crocker was living with her mother and dad, Merritt A. Delk and Isabel Delk in 1930 when she was born. She remained in the property until she got married probably in the late 1960's. She grew up in the home there while Merritt Delk and his wife were running a dairy. They ran the dairy until 1967. After that, the land was only farmed. Mary Delk Crocker married but was back in the home in 1978 when her father died. Her husband, Clyde Crocker, died about the same time. She was back in

the home in 1978. Her mother died in 1975. Her father died about 1978. There was almost no maintenance done to the home or the outbuildings after the early 1960's based upon the family records. There has been no maintenance done on that place since the early 1960's. Your ordinance that Mr. Cofer had a big part in developing came into being in about 1975. It could have been a little earlier or a little later; but it was about mid-1975 when your ordinance came into play. Mary Crocker had been living there since 1978. The ordinance came in about 1975. There was no maintenance being done to the house prior to the early 1960's. Mary Delk apparently did not have much capacity, so Marty and Nancy Lynn tell me, to do the maintenance and he did not do any maintenance on the place. So, what you have is Mary Delk Crocker acquiring the home by inheritance from 1918 until she owns it today. I have heard many well-meaning people today concerned and interested in the Town of Smithfield and the historical artifacts that are here. They are certainly well-meaning and some of them are well educated on it. Others just have an intense belief in what Smithfield has to offer. Mrs. Crocker will bow to no one regarding her interest and love for the Town of Smithfield. She loves this property; but she does not love it as a historical artifact, she loves it as her home. Her private home where she was born and raised; where ninety nine (99%) percent of all the stories she knows in life came from. As well-meaning as these people are, there is certainly no one more intensely interested in the Town of Smithfield than Mary Crocker is. The unusual situation that you have with Mrs. Crocker is that Mary Crocker and her family did not buy it last week or buy it after the ordinance existed. Her family bought it ninety-nine (99) years ago. It is not a situation where a man bought a home more recently and now does not want to repair it because he does not have the money to do it. There has been no maintenance imposed upon her to do maintenance pursuant to your ordinance until 2009. She is in the home from 1978 until 2009 with no maintenance being made on the place during that period of time and the town, under its ordinance, did not make an effort to get her to improve it until 2009. The last time we were here you told her to maintain it. We filed suit. We sincerely do not believe you can require her to maintain that home. It is a matter that is in litigation and a court will ultimately decide if that is where you all want to take this thing. She can't tear it down without your approval; but I sincerely continue to believe that the enabling legislation, in spite of what Mr. Cofer put in the ordinance, authority granted to towns and the counties

across the state did not grant the authority to require maintenance. That issue will have to be litigated if that is where we all go. I think it's important that there has been no maintenance for many, many years even prior to the time that the ordinance was in existence. No action has been taken against Mrs. Crocker for thirty-nine (39) years. It was approximately 1975 when your ordinance came into existence until 2009. I think most of that was for the Isle of Wight County building official. It was not until January of 2013 that you took specific action on the part of the town against her. Clearly, Mrs. Crocker does not have the money to do the improvements that all of these people would like for her to do; but that is not the only reason. I do not think that is the most important reason that this body should not require her to do that. Money spent today to keep the home from further deterioration is going to end up being just as well used if you throw it in the Pagan River. To expect someone, as well-meaning as these people are, to come in with \$750,000.00 to make that place into an impressive historical artifact I think is not nearly enough to get the job done. That is what the evidence is right now. It is going to be at least \$750,000.00 to get that done. So, our thrust is not so much that she doesn't have the money which she doesn't and she hasn't and she can't manufacture it; but even if she did have the money, it will be a waste of use of money to recreate or reestablish what was once there. I do not believe it is realistic. She offered the home to you; the house and a half acre of ground. That offer is still on the table. It has never been formally rejected. You quickly said you had no interest in it. There has been one other realistic offer to purchase the home and that was made referenced to by Ms. Ketchum. Ms. Ketchum made the offer, and we had a full arm's length negotiation, but she did not like the response. She left which is entirely her right. We have had a lot of people say that there would be offers coming. We understood that the Queen of England was going to be making an offer. She never showed. I think there are a lot of well-meaning people. I don't think it is realistic that anybody is going to fund a \$750,000.00 remediation. So, what do you have? There is a place on Route 10 that was mothballed by some developers twelve (12) to fifteen (15) years ago. There have been no further improvements. There are homes and other historical artifacts all over Isle of Wight County, Southside Virginia, and the state of Virginia that just sit in dilapidated states. We do not think that is a benefit to Smithfield or Mrs. Crocker. We are asking

you to permit her to demolish the home and the outbuildings. We will continue to ask that. Thank you.

Councilman Dr. Cook – Thank you, Mr. Jones. I am sorry I did not give you the opportunity before I started speaking. Thank you for your comments. I will continue on with mine. I believe I am placed here to enforce the ordinances that we have to the best of our ability and to use the powers we have to enforce those ordinances. If we don't like these ordinances then we should go ahead and get rid of them. If we are not willing to enforce a Historic Preservation Ordinance, then why do we have it? Contrary to what Mr. Jones was saying about if we let one go it will not affect future enforcement issues, I disagree. I am certainly no lawyer but I think it would hamper us. As far as the comments about financial feasibility, that is really not written into our ordinance. We really cannot take that into account whether someone can afford it or not. I think it is our responsibility to try to preserve what we have. As was stated earlier by a resident, I am definitely not an engineer and don't have that education. I have been in the house and personally believe it is going to fall down. I do not see how it can be saved. Fortunately, it is not my decision. My decision is not whether it can be saved or not; but whether it should be. Whether we should have been enforcing our ordinance.....that is the direction I go.....if it comes down to, as Mr. Jones says, to litigate then it will be a judge's responsibility to decide whether or not it is salvageable. He will listen to architects from both sides to see if it is feasible. The decision will come down. I would like to hope that it will come down to give more credence to our Historic Preservation Ordinance. That is pretty much where I stand. Next?

Vice Mayor Gregory – I am going to echo a fair amount of what Dr. Cook just said but I want to add a couple of things. Because so many of you came tonight, very passionately, to defend this home and to ask us to do everything we can to try to preserve it. I actually think there is a bigger fight at hand. What happens with the house will come at some point. We have to defend the town's ability to preserve the historic district. Mr. Jones and I had a dialogue some months ago when the rezoning application came before us. I remember asking him the question 'Are you trying to tell me that historic zoning ordinances aren't enforceable throughout the country and is that an argument you are ready to make?' The answer was yes. I have had a lot of thought about that. My response is that I believe that it is worth fighting for because at the end of

the day if we do not have that it does not matter what happens with Pierceville because whatever comes after that will be irrelevant in my estimation. Maybe I am wrong. Maybe there is a judge out there that will say that historic ordinances are not enforceable and people can let all of these wonderful dilapidate and not be maintained and completely crumble to the ground. I do not think so but I could be wrong. I am not an attorney. I think it is a fight worth battling. What I will also say as a piggyback to that is there were many requests tonight that the town come to the table with money to preserve Pierceville. I am not prepared to do that yet. The reason being is I do not know how much it will cost to have this fight. I can't, in good conscience, outlay money to repair something that I don't know that I will be able to defend in the future if the ordinance ceases to exist. That is just one person's opinion at this table. That is where I stand at this point. I will continue to listen to my fellow Council members and their opinions and how they feel about it and the citizens who continue to come and share what they feel and the applicant. I have respectfully heard everything that their representatives have had to say and have taken it in full stride. That is where I stand.

Councilman Smith – It was interesting to see everyone come and be so passionate about something. Then when you hear Mr. Jones speak about her property, not ours, not the Town of Smithfield's, not Preserve Smithfield's but her property. She has been living there a long time. I wonder sometimes how do we step in and start taking people's property and telling people what to do. On the other hand, we have an ordinance that was put in place. We have been offered by BHAR to deny this. If we deny this tonight then we are no better off with the town or our ordinance we are trying to enforce. If we do enforce this, it is a fight that we will have to continue to do to try to uphold. I am hoping then that the passion I have been seeing here will continue as fast as you possible can to try to save this. Time is of the essence. The building is coming down. I have been in it. I have restored buildings before. I was part of Riddick's Folly in Suffolk. I have restored homes. I know all about them. This building is not going to make it much longer.

Councilman Pack – I have one thing to say this evening. I do not believe this is much of a decision for our Council. In Section F.2.G. – Maintenance and repair required in the Historic Overlay Preservation District reads: 'all buildings and structures in the HP-O district shall be preserved against decay and deterioration and maintained free

from structural defects to the extent that such decay, deterioration, or defects may, in the opinion of the Review Board, result in the irreparable deterioration of any exterior appurtenance or any architectural feature, produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself.' It goes on to list many other things here. We have this ordinance in place. It is our duty as Council to uphold our ordinance. If we disagree with them or feel they are out of place, we can discuss those and change those; but for tonight, the matter in front of us is to tear down a structure which we, by ordinance, say we cannot tear down.

Councilwoman Tynes – I guess, myself sitting here, thinking a little different from some of the other Council members here. I look at the property a little differently than, I guess, most of you sitting here or in the audience because looking at me I am African American. We do not have a lot of history in the Town of Smithfield, Isle of Wight County, or even in the United States for instance. When people come in and tell me, I heard the gentleman tonight talking about the structure and the slave building that was there, I know that it is a part of my history. Most of you can go anywhere in the world and find your history. I can't do that. So, whenever I find my history, no matter where it is whether it is on a small street in Smithfield or Williamsburg or wherever, I believe in preserving that because that is all we have. That is the only thing I would have to give my grandchildren if I should ever have any one day to tell the future Newbys' and the future Browns' that this is your past. Some of the people that you are part of probably helped build this building. They could be lying here in a grave. Of course, they helped cook and cultivate the properties and farms and everything. That is all we have because they were slaves so that is my heritage. I will always embrace my heritage. Whenever I have an opportunity to preserve that, I will. In doing so, at this time and I might be out of order but I am going to do it, I would like to make a motion to deny the razing of Pierceville property and the outbuildings per the taxpayers wishes. All of these people sitting here tonight are taxpayers. They all came up here and spoke and that is the reason why we are all sitting here. These citizens came out to vote for us. As I recall for the last election, only about two hundred (200) people or less came out. Do the math. The rest of them don't care. They either use it for a bedroom community or they don't care what we do here. These people care. They came out and spoke tonight. That is my motion.

Mayor Williams – All of that?

Councilwoman Tynes – My motion is to deny the razing of the Pierceville property and the outbuildings per the taxpayers wishes.

Councilman Dr. Cook – Mr. Mayor, I will go ahead and second that but I know there is going to be more discussion about it.

Mayor Williams – A motion has been made and properly seconded. Is there any further discussion?

Councilwoman Chapman – I was just going to share as well that I had an opportunity to go into the Pierceville home. I had seen the outside before and pictures and actually driven around it and I didn't think it looked that bad and I think it could be saved. When I went inside, I started to think differently. It was bad. It is really bad; but I also know that anything can be fixed if enough money is put into it and if enough passion is put into it. I think Lee Duncan proved that when he restored the restaurant as many other places in the town have been restored too. As I listened to my fellow Council, I agree that it is our duty to protect our history. Therefore, I have to go with the citizens and protect what is. Thank you.

Mayor Williams – I have one thing to add. This Council is put into a lot of positions a lot of times. Most of the time, we are not going win by somebody's account. We are in a 'no win' situation. I pulled something up and I am going to read it to you so bear with me. This is a parable to meditate on in our politically correct society. It states: An old man, a boy, and a donkey were going to town. The boy road on the donkey and the old man walked. As they went along, they passed some people who remarked 'What a shame. The old man is walking and the boy is riding.' The man and the boy thought maybe the critics were right so they changed positions. Later, they passed some people who remarked 'What a shame. He makes that little boy walk.' So, they decided they would both walk. Soon, they passed some more people who remarked 'They are really stupid to walk when they have a decent donkey to ride.' So, they both decided to ride the donkey. They passed some people who shamed them by saying 'How awful to put such a load on a poor donkey.' The boy and the man figured they were probably right so they decided to carry the donkey. As they crossed the bridge, they lost their grip on the donkey and the donkey fell into the river and drowned. The moral of this story is that if you try to please everyone, you might as well kiss your butt goodbye. Roll call vote.

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

Mayor Williams – The motion passes unanimously. The next item is Preserve Smithfield's Request for Partnering/Funding for the Preservation of Pierceville. We will have consideration by the Public Buildings and Welfare Committee Chairman, Dr. Milton Cook.

Councilman Dr. Cook – We have received two (2) separate letters requesting assistance from Preserve Smithfield to assist them in fundraising and funding to help them out with their private venture of a seed farm. I thought it was our duty to respond. We have a formal request. We owed it to Preserve Smithfield to respond to his request. At Preserve Smithfield's Executive Directors direction, I contacted the Trust for Public Land's representative, Ms. Linda Frost. I had some good long conversations both in voice as well as email. I learned a lot about the Trust for Public Land. One of which is that they really do not fund non-profits directly. They fund municipalities. If we were to require any type of help from TPL, it would be the town going to TPL not Preserve Smithfield. I also found that TPL has no money. They have no access to money and no money directly. Their job would be to assist the town in finding money; just like any other consultant. They are nothing more than a consultant. The Executive Director of Preserve Smithfield mentioned at our committee meeting about a million dollar loan at a quarter (1/4%) percent interest that TPL has access to. There is such a loan but it is not for any type of project like we are doing. It is a DEQ loan for water quality which is what Ms. Frost told me. It is not anything we could look into. My take home message from Linda Frost is that she is there to advise us if we need her help but there is not a whole lot of money for us. It would require the town to essentially take over and fund the project and find other donors. So, then it comes down to the town decision. Are we interested in funding a private venture? Preserve Smithfield wants to open a seed farm at Pierceville. So, they have asked us to, no pun intended, to get them some seed money. From my point of view, I just do not see the town being in that position. I don't think it is our job to fund private ventures. As much as I have just previously said, I

would love to have the house preserved. I don't think it is the town's role to fund that. It is not the town's property. There is a lot of buildings that need help and it is not the town's job to fund it all. From my point of view, I wish Preserve Smithfield good luck in finding, hopefully, this next anonymous private investor if it works out. I just do not think it is in the town's best interest to gift \$500,000.00 as they had asked into their private ventures. Are there any comments?

Councilwoman Tynes – Yes, I have one. Milton, you said that you do not think it is in the town's best interest at this time; but the citizens came out tonight. They are asking us, the Town Council since we represent them, if we would do something.

Councilman Dr. Cook – Yes, they asked us directly for \$500,000.00. They emailed us a letter. Did everybody receive that? Yes, they asked for \$500,000.00 to be able to go forward with TPL and try to get more money with that.

Councilwoman Tynes – I did not receive that letter. Maybe they sent it to your committee.

Councilman Dr. Cook – We talked about it at committee. It was a letter that was sent to us. It is what I am addressing.

Councilwoman Tynes – Alright. I am just addressing the fact that they are the citizens and they are asking us for help. We have spent more money on citizens when they come out and ask. So, I am just saying that they are the citizens and they have the right. We cannot pick and choose which citizens we want to help. We cannot say we are going to do the ones on this side of town and not the ones on that side of town. We are here for all citizens; big, small, ugly, black, or whatever. We have to. We have to be here for them.

Councilman Dr. Cook – I absolutely agree with you. The nuts come down to the fact that it is not our land.

Councilwoman Tynes – That's true.

Councilman Dr. Cook – If it was a citizen's idea on a way to use public land and they can enhance it and make it prettier and make a park out of it or do whatever; we helped out many entities on public land. However, this is not public land. This is private land.

Councilwoman Tynes – Did we not a few months to a year ago enter into an agreement to purchase some property that was private property and we are still trying to

get rid of a structure on there now for a dollar or whatever anybody want to pay for it?

That was private property. It is the ballfield property. It is a sports complex. That was private property. Am I right? The town did not own it; so what is the difference? They are just asking us for help. It won't hurt to try to work with TPL and see what they can do.

Councilman Dr. Cook – I have spoken with TPL at length.

Councilwoman Tynes – If it gets to the point, they come back and put it on the table in front of us and the citizens and say they cannot get the funding for you and it's all on you, then that is different. We see a different picture there.

Councilman Dr. Cook – Alright. Thank you. Are there any other comments?

Vice Mayor Gregory – The only other comment I will make is almost an echo of what I said before. This kind of speaks to Mrs. Tynes, I agree we want to help where we can help but I can't commit a dollar to fix up a house that I am not even sure I am going to have an ordinance to defend keeping it fixed up in perpetuity. I don't think that would be the right decision for anybody sitting at this table. I don't think any of us would do that with our own money. We heard great stories tonight of Lee Duncan, Deborah Duncan, and Mr. Hornback taking properties with private dollars and turning them into really good quality homes and restaurants. If we cannot defend our ordinance, we do not know if we have an ordinance to stand on then having this whole conversation about putting \$500,000.00 towards anything of historic property right now, I think, is in question. It is almost like what came first; the chicken or the egg.

Mrs. Susie Gay – Excuse me.

Town Attorney – You are out of order. Excuse me, you are out of order.

Mrs. Gay – Isn't that what you are doing at Windsor Castle with private money and putting into an LLC.

Councilman Dr. Cook – Mam, you are out of order. It is not up for discussion. You are out of order.

Mayor Williams – We own Windsor Castle.

Vice Mayor Gregory – I will just wrap up by saying that I think that even if we were to consider what is being asked, I think the plan, I don't want to use the wrong terminology but there is not a whole lot of 'there' there. I have heard that on TV a hundred times, I guess, in the last several weeks. Through Dr. Cook's conversation with

TPL, we seem to be getting somewhat conflicting stories about what they can provide and when they can provide it. My number one mission right now is protecting the town's ordinances. I think our initial vote tonight accomplished that statement. We are clearly going to have to follow through with that and that means with our voices and potentially with our dollars. Not knowing how much of those dollars that might look like, I will make the comment that I would rather put money towards defending that ordinance than putting it into that house right now. That is how I feel about it.

Councilman Dr. Cook – Mr. Mayor, I would like to make the motion that we deny Preserve Smithfield's request for the \$500,000.00 donation.

Councilman Pack – Second.

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

On call for the vote, seven members were present. Councilman Dr. Cook voted aye, Councilman Pack voted aye, Vice Mayor Gregory voted aye, Councilman Smith voted aye, Councilwoman Chapman voted aye, Councilwoman Tynes voted nay, and Mayor Williams voted aye. There was one vote against the motion. The motion passed.

Mayor Williams – The motion passes 6-1. Thank you. Our next item is a Motion to Approve the Town Council Meeting Minutes of March 7th, 2017.

Town Attorney – Mr. Mayor and members of Council, I have reviewed the minutes and made minor corrections and would recommend the minutes be approved as corrected.

Councilman Pack – So moved.

Councilwoman Chapman – Second.

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

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

Mayor Williams – Is there any Old Business?

Councilman Dr. Cook – Mr. Mayor, I have an Update on the Windsor Castle Restoration Project. As of now, we are ninety-five (95%) percent complete on the fourth

sided of the outbuildings. The roofs still have to be done. They will be starting soon.

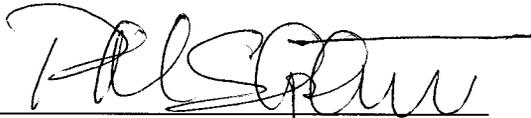
With the Wine and Brew Fest this weekend, the construction crew has moved over to the tenant house and doing some work there shoring it up. So that there are no concerns, the wings of the manor house will start coming off this coming month. I don't want anyone to think we are tearing the house down. Negotiations have also begun with Smithfield VA Events, as covered at our committee meeting, they are kind of doing some due diligence on costs of their proposal. Excitingly, they are going to be walking towards a historic site conducted by the museum. For anybody interested in history, the museum is going to start doing some tours of the site and maybe our Mayor will do some reconstruction tours while they are there. Alright, that's it.

Mayor Williams – Is there any other old business? Is there any New Business? Hearing none, we stand adjourned. Thank you very much for coming out tonight ladies and gentlemen.

The meeting adjourned at 10:45 p.m.



Mr. T. Carter Williams
Mayor



Mr. Peter Stephenson, AICP, ICMA-CM
Town Manager