

**Minutes  
Windsor Town Council Meeting  
Town Hall  
August 14, 2018**

The Windsor Town Council met in regular session on August 14, 2018 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Carita J. Richardson was present, and she called the meeting to order. She welcomed those who were present. She asked for anyone with cell phones to please turn them off. She asked the Clerk to call the roll. Terry Whitehead, Town Clerk, recorded the minutes. Michael Stallings, Town Manager, Chief Riddle, Christy Jernigan, Treasurer, and Wallace W. Brittle, Jr., Town Attorney, were present.

Council members present: Durwood Scott  
N. Macon Edwards, III  
Greg Willis  
Patty Flemming  
Tony Ambrose  
Walter Bernacki

Vice Mayor Scott led the Pledge of Allegiance.

**Public Hearing**

None

**Delegations, Public Comments and Citizens' Concerns**

***Windsor Vacuum Sewer Study***

Don Jennings, Isle of Wight County Director of Utility Services, gave an update on the Windsor Vacuum Sewer Study. He said the purpose of the sewer study was to estimate the remaining available capacity in the collection system. He continued to brief Council on the system operation. He explained that connections to the vacuum sewer system have increased over time and system performance has degraded. He said at the same time, demand/desire to connect new development to the existing system continues. Mr. Jennings also explained that backups and less than optimal conditions impact staff and customers.

Mr. Jennings reported that the Town has 4 zone locations or piping systems. He reviewed the locations and explained that zone 1 is almost at capacity with less than 20 connections available. He said zone 2 has 79 connections available, zone 3 has 31 connections available, and zone 4 has 109 connections available.

Mr. Jennings said that based on pre-final results, individual new connection requests will need to be assessed on a case-by-case basis. He said Isle of Wight and Town staff have provided comments regarding these results, and the consultant is anticipating a final report in late August, 2018. He said based on the final study results, a standard procedure can be established to account for future connections and determine safe limit of new connections per zone.

Mr. Jennings said that an approximate \$100,000 upgrade is needed to provide efficient system operation and reduce man hours required to keep the system in operation. He said funding will need to be coordinated between the Board and Town Council. Mr. Jennings explained that there are other alternatives to improve the sewer system. He said constructing a smaller vacuum sewer station is another recommendation to improve the system but this would cost approximately \$1,300,000. He said reducing inflow and infiltration is another option, but this is also very costly.

Council continued to discuss the sewer capacity issues within the Town. Councilwoman Flemming asked for a recommendation on how to solve the sewer capacity issue on Lovers Lane.

Mr. Jennings said there is a pump station in front of Cost Plus World Market with possible capacity that could possibly serve Lovers Lane, but it would be very expensive to extend the gravity feed under the four lanes on Route 460.

Vice Mayor Scott asked if it was possible to upgrade the Holland Meadows pump station to service Lovers Lane, and what would the estimated cost be? Mr. Jennings said there is capacity at the Holland Meadows pump station, but he is not sure if they can flow by gravity to the back of the Holland Meadows station due to environmental issues. He said the permitting process would be very costly.

Katherine Dailey, 10442 Albert Court, said she received a notice of violation due to having chickens in a coop in her backyard. She said she was unaware of the ordinance prohibiting chickens within Town limits except on lots zoned A-1 Agricultural. She explained that her children helped build the coop, learned about the needs of chickens, and also learned about their protection from predators and eagerly awaited their first egg. She said she strives to go back to basics to give her children better options, and she chooses to feed them nutritious home grown eggs versus processed food. She said her boys are Boy Scouts, and she strives to teach them scouting principles such as knowing where your food comes from, eating healthy, and spending time outside where nature intends for these young boys to be.

Ms. Dailey said her son has a diagnosed disorder. She said when he has an episode, he runs outside and holds and talks to his chickens, and looks for eggs. She said this is therapeutic and calms him. She said he was referred to horse therapy, but that got very expensive. She said they were pleased to find that their chickens could provide somewhat similar therapy right at their home.

Ms. Dailey said it is difficult to explain to her boys why chickens are allowed in larger cities such as Chesapeake, Norfolk, and Portsmouth and can also be purchased at the local hardware stores within Town, but they can't have them on our property. She said her boys are helping her get signatures to help change this ordinance to allow chickens in R1 Districts within the Town. She asked those Council members who voted against allowing chickens in the R1 Districts to please consider a compromise. Ms. Dailey respectfully asked for an extension to keep their pet chickens until she can build a coop at her home in Chesapeake or until this issue is examined further.

Mayor Richardson asked Mr. Stallings to contact Ms. Dailey regarding an extension.

## **Consent Agenda**

Mayor Richardson said the Consent Agenda consists of the minutes of the July 10, 2018 Council meeting, the July 11, 2018 Intergovernmental meeting, the July 20, 2018 Intergovernmental meeting, the July 23 Called Council meeting, and the Police Chief's report. She asked if there were any questions or comments regarding the Consent Agenda.

Councilman Edwards noted a correction on page 2 of the July 10, 2018 Council meeting minutes and another correction on page 2 of the July 23, 2018 Called Meeting minutes.

Councilman Ambrose commented that the National Night Out sponsored by the Windsor Police Department was a great event this year. He thanked Chief Riddle and his officers.

Councilman Edwards made a motion to adopt the Consent Agenda with the aforementioned corrections to the minutes. Councilman Ambrose seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

## **Treasurer's Report**

Mrs. Jernigan said the Treasurer's report for the month of July is before Council for review. She said the Treasurer's report for the 2017/2018 fiscal year is also included. She also reported that the auditor is scheduled to begin the 2017/2018 fiscal year audit on September 5-7, 2018. Mrs. Jernigan said she will be glad to answer any questions.

Councilman Bernacki asked for clarification on the Treasurer's report regarding the band payment for the June Concert showing as a refund. He also asked about two payments to the same vendor only 20 days apart totaling approximately \$3,000 under Equipment and Repairs in the Water Fund. Mrs. Jernigan said she would check into the band refund entry, and the \$3,000 was for window and air conditioner repairs to the backhoe.

Councilwoman Flemming made a motion to approve the Treasurer's report as presented. Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

## **Council's Discussion of Citizens' Concerns**

Vice Mayor Scott said several citizens have contacted him regarding grass clippings in the streets and on the sidewalks after mowing. He said this is an ordinance violation. He said he was also informed that the light on the centennial monument is out. Vice Mayor Scott also reported a drop inlet that has collapsed in front of 11 Mathews Drive and a pipe across the street from 11 Mathews Drive that is also caving in. Mr. Stallings said he will check into these issues.

Councilwoman Flemming asked if Ms. Dailey could obtain an exception to the ordinance if a doctor had her chickens designated as therapy or service animals.

Mr. Stallings explained that the ordinance does not allow for exceptions unless there is something in state law on service animals that would trump the Town's ordinance. He said the Town is willing to be lenient and give people time to relocate any illegal animals.

Councilman Bernacki suggested that a good compromise, as requested by Ms. Dailey, would be for Council to rewrite the ordinance to allow for such exceptions.

Council asked Mr. Brittle to research further what can and cannot be considered a service animal.

After further discussion, Councilman Bernacki suggested putting the matter to a referendum on the ballot for the Town Council election this November, 2018.

Councilman Ambrose made a motion to direct the Town Manager to check the feasibility of getting a referendum regarding the backyard chicken ordinance recommended by the Town's Planning Commission in 2017 on the November, 2018 ballot with a \$5,000 cap for the cost. Councilwoman Flemming seconded, and Council passed the motion 5 to 1 as recorded on the attached chart as motion #3.

### **Town Manager's Report**

Mr. Stallings introduced Ben Sullivan, the new Planning and Zoning Administrator.

#### ***Appropriation of Funds for Purchase of New Radios***

Mr. Stallings said Isle of Wight is currently installing a new public safety radio system. He said once the new system is operating, the Town's existing radios will no longer work. He explained that in the previous fiscal year, the Town budgeted \$75,000 for the purchase of new radios for the new system. He said final pricing for the new radios was not received before the end of the 2018 fiscal year.

Mr. Stallings stated that in an effort to obtain additional savings, Isle of Wight County will be purchasing all of the radios, and both Town's will be reimbursing the County for their portion of the order. He said the total purchase price for the Town of Windsor's radios is \$68,241.69. Mr. Stallings explained that the funds were not expended before the end of the 2018 fiscal year; therefore, Council must appropriate the funds into the 2019 fiscal year for the purchase of the radios.

Mr. Stallings recommended that Council adopt the enclosed resolution appropriating these funds and authorizing the Town Manager to purchase the radios.

Mayor Richardson read the title of the resolution as follows: "A resolution appropriating the sum of \$70,000 from the Unappropriated Fund Balance of the General Fund to the General Fund Operating Budget for fiscal year 2018-2019."

After discussion, Councilman Edwards made a motion to adopt the resolution entitled: A Resolution Appropriating The Sum Of \$70,000 From The Unappropriated Fund Balance Of The General Fund To The General Fund Operating Budget For Fiscal Year 2018-2019. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

#### ***Virginia Department of Health (VDH) Grant Application***

Mr. Stallings reported that this year's Water Fund CIP contains \$300,000 for the construction of the Duke Street/Virginia Avenue water line project. He said the Town

applied to the Virginia Department of Health (VDH) for \$150,000 in funding. He said VDH provided the Town with two options. He said option 1 is a \$150,000 loan for 20 years at an interest rate of 1% below the 20 year AA municipal bond rate which is currently 2.5% - 3.5%. He said option 2 is a \$75,000 grant with a \$75,000 loan at 2.5% for 30 years.

Mr. Stallings explained that in order to qualify for option 2, Council will have to agree to either raise the water rates so that the average monthly bill is 1% of Median Household Income (MHI) or agree to adjust the rates 3% for each of the next five years. He said this would require the Town to raise the water rates from the current \$7.50 per 1,000 gallons to \$8.70 per 1,000 gallons by the year 2023.

Mr. Stallings said \$300,000 was budgeted for this project. The funding was comprised of \$150,000 from the Water Fund Fund Balance and \$150,000 from the VDH. He said if Council elects to go with option 2, he would like to propose to schedule full repayment of the \$75,000 loan in the next fiscal year to lessen the interest expenses. Mr. Stallings stated that VDH will need to be notified of the Town's selection no later than August 20, 2018.

Mayor Richardson said if option 2 is chosen, she does not like that Council will no longer be in control of the water rates, so to speak, for a \$75,000 grant and \$75,000 loan from VDH.

After further discussion, Council agreed by consensus to allocate the \$150,000 in the budget for engineering costs for the Duke Street/Virginia Avenue and not commit to rate increases for a grant/loan from VDH.

### ***Replacement Meter Reading Equipment***

Mr. Stallings reported that the Town's handheld devices used to read water meters each month and the software that runs the program are outdated and are no longer being supported by their manufacturer. He said this has caused staff to look for replacement meter reading equipment.

Mr. Stallings said the maintenance supervisor evaluated equipment from a variety of manufacturers before selecting new equipment from the same company that manufactured our existing equipment. Mr. Stallings said he attached quotes for the handheld device, software, and the probe. He said the quote also includes installation, setup, and training on the software and devices. He said the total cost for the equipment and setup is \$21,763. He explained that funds must be appropriated because this expense was not contemplated when the 2018-2019 operating budget was developed.

Mr. Stallings recommended that Council approve the enclosed resolution to appropriate \$21,763 from the unappropriated portion of the Water Fund Fund Balance to cover this needed purchase.

Councilman Bernacki questioned the service life of the old equipment, and what the anticipated service and support life will be for the new equipment. He also asked if several bids were obtained. Mr. Stallings said the old equipment has been utilized for approximately ten years. He said that several bids were obtained, and Itron had the lowest bid.

Councilman Edwards expressed his concerns with the attached quote being an estimate and not an actual invoice bill. He also noted that freight is not included on the quote. Mr. Stallings said there are funds in the Equipment line item to cover shipping costs.

Council continued to review the cost estimate for the meter reading equipment and services provided by Itron.

Mayor Richardson read the title of the resolution as follows: A resolution appropriating the sum of \$21,763 from the Unappropriated Fund Balance of the Water Fund to the 2018-2019 Water Fund Operating Budget.

Councilman Ambrose made a motion to adopt the resolution entitled: A Resolution Appropriating The Sum Of \$21,763 From The Unappropriated Fund Balance Of The Water Fund To The 2018-2019 Water Fund Operating Budget. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

### ***Action List***

Mr. Stallings reviewed the Action List for the month of July with Council. He said he met with the developers for Holland Meadows, and they are anticipating starting Phase II within the next few months.

Mr. Stallings reviewed the monthly status report on the renovation of the Windsor Town Center. He said the project is on schedule to be completed by September 14, 2018, and a grand opening is scheduled for October 13, 2018.

Council continued to discuss planning for programs and activities for the Windsor Town Center and potential grant opportunities. Mr. Stallings said the Windsor Town Center Advisory Board is looking into getting set up as a 501 (c) (3) to pursue grants. He said the Advisory Board is conducting a corporate fundraising campaign, and donations have been received.

### ***Calendar of Events***

Mr. Stallings reviewed the Calendar of Events with Council.

### **Town Attorney's Report**

None

### **Mayor's Report**

Mayor Richardson stated that several senior citizens have expressed their concerns with the lack of handicap parking at Sentara Obici Hospital and the fact that the hospital has done away with the valet parking. She said she wrote a letter to the president of the hospital, and they met for a meeting on July 20, 2018 to discuss this issue. She said the valet parking was contracted by another company, and it was discontinued due to several negative incidents and complaints. She said Obici plans to add more handicap parking spaces, but they need support due to the expense. Mayor Richardson said she sent a letter supporting the plan for additional parking spaces.

Mayor Richardson said there are several copies of flyers with a golf cart schedule in the rear of the Council Chamber for citizens to pick up if they would like. She reviewed the schedule noting that golf cart drivers will pick you up in the parking lot if you call the number on the flyer and take you to your car if you stop at the front desk as you leave the hospital.

**Economic Development Authority (EDA) Report**

None

**Other Reports**

None

**Old or Unfinished Business**

Councilman Bernacki said he asked at the July 10, 2018 Council meeting if the HVAC system at the Windsor Town Center will act as a smoke evacuation system. Mr. Stallings said he was told that it was not designed to act as a smoke evacuation system, but the contractor would see what it would take to upgrade the system. He said he has not received additional information regarding the HVAC system at this time, but he will reach out again.

Councilman Bernacki also questioned why several years on the delinquent tax report were highlighted. He asked if they were highlighted because the Town does not anticipate recovering them, or are they being treated as priority collections at this time. Mrs. Jernigan explained that the highlighted delinquent taxes are for real estate, and those properties will be going up for auction on August 27, 2018 for tax collections.

**New Business**

None

**Closed Session**

None

Councilman Willis made a motion to adjourn. Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

The meeting adjourned at 8:40 p.m.

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Carita J. Richardson, Mayor

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Terry Whitehead, Town Clerk

TOWN OF WINDSOR  
 RECORD OF  
 COUNCIL VOTES

Council Meeting Date August 14, 2018

Motion #	Scott	Flemming	Edwards	Ambrose	Bernacki	Willis	C. Richardson
1	Y	Y	Y	Y	Y	Y	
2	Y	Y	Y	Y	Y	Y	
3	N	Y	Y	Y	Y	Y	
4	Y	Y	Y	Y	Y	Y	
5	Y	Y	Y	Y	Y	Y	
6	Y	Y	Y	Y	Y	Y	
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Jerry Whitehead, Clerk