

**Minutes
Windsor Town Council Meeting
Town Hall
May 13, 2014**

The Windsor Town Council met in regular session on May 13, 2014 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, Interim Chief Riddle, Dennis Carney, Planning and Zoning Administrator, Christy Newsome, Interim Town Treasurer, and Wallace W. Brittle, Jr., Town Attorney were present.

Council members present: Wesley F. Garris
J. Clinton Bryant
Greg Willis
N. Macon Edwards, III
Durwood V. Scott
Patty Flemming

Mayor Richardson recognized Mr. Andrew Cripps, President of the Isle of Wight/Smithfield/Windsor Chamber of Commerce. She welcomed and thanked him for attending the meeting.

Mayor Richardson asked Councilwoman Flemming to lead the Pledge of Allegiance, and Councilwoman Flemming did.

Public Hearing

Public Hearing on CUP-13-02 Verizon Wireless/Fox Run Farm, Inc.

Mayor Richardson said there are two public hearings tonight. The first is on CUP-13-02 Verizon Wireless/Fox Run Farm, Inc. for a proposed 199 foot tall monopole telecommunications tower. She then asked Mr. Carney to summarize the request.

Mr. Carney said that the applicant has revised the prior application for a Conditional Use Permit (CUP) to construct a 199 foot tall monopole telecommunications tower which would exceed the 35 foot height restriction for structures. He said the purpose of the tower is to provide 4G coverage and other Verizon services to the Town of Windsor area. The tower will be on a 151.5 acre parcel located on the southeast side of South Court Street approximately 0.3 miles south of U.S. Route 460 and less than 0.2 miles from its intersection with Griffin Street and Bank Street. Mr. Carney stated that the property is zoned A-1 Agricultural and is shown as Tax Map Parcel 54-01-067 on the Isle of Wight Tax Maps; a telecommunications facility is otherwise a permitted use in this district.

Mr. Carney reported that the Town has worked with a telecommunications consultant, at the applicant's expense, to review this request. Mr. Carney briefed Planning Commission on several concerns submitted by EEE Consulting, Inc., and noted that the concerns have either been dealt with or are built into the potential proposed conditions

for this request. Mr. Carney stated that conditions 14 thru 18 are before Council for review. He said they were added due to the Town recently being informed that the Isle of Wight County Emergency Services may want to utilize the tower in the future. He noted that the applicant also just received these five conditions earlier in the day. He then reviewed the proposed conditions. Mr. Carney said he would be available for questions after the public hearing.

Mayor Richardson opened the public hearing. She asked for any persons wishing to speak in favor of the CUP application to construct a 199 foot tall monopole telecommunications tower to come forward.

Mr. Stephen R. Romine, Attorney representing Verizon Wireless, explained the need for 4G coverage in this area and presented maps showing the proposed location of the tower. He noted that the application is consistent with the Town of Windsor's Comprehensive Plan. He stated that Verizon originally proposed a 301 foot lattice tower, but has lowered the proposed height to a 199 foot monopole design. He said this new design will have significantly less visual impact than the first design. He explained that because it is less than 200 feet in height, it will not require FAA mandated lighting. He said this tower will be built in a manner that if there were a failure, it would collapse upon itself staying within the property line. He said the tower is also being constructed where three to four additional carriers could be co-located. Mr. Romine said at this time he does not feel that the location of the tower will be in conflict with any future corridor for U.S. Route 460, but Verizon will monitor the proposed new U.S. Route 460 Bypass project.

Mr. Romine stated that the first thirteen conditions in the Staff report are acceptable. He said he just received today the additional five conditions. He requested several revisions to the additional five conditions. He presented Council with a Verizon approved condition that is used on a national basis that he felt may be sufficient if the Town Attorney and Council were in agreement. Mr. Romine stated that he and Mr. Stephen Waller, Site Acquisition Specialist for Verizon, are available for any questions.

Mayor Richardson asked for any persons wishing to speak in opposition of the request to come forward at this time, and having no one come forward, she closed the public hearing. She said it is now open for discussion among Council.

Mayor Richardson asked what would be the approximate date to begin construction on the tower if the request is approved. Mr. Waller explained that this is a high priority site, and if it is approved, construction would begin soon after a permit is obtained. Mayor Richardson explained that there is a lot of uncertainty and changes to the alternatives regarding the proposed new U.S. Route 460 Bypass project. She said if the tower is approved, Verizon may want to be informed that the Army Corps of Engineers may have a ruling on the wetlands by the end of the year.

Council briefly discussed several issues such as the bond condition, mapping of the tower, and revisions to language in the conditions. Councilman Edwards expressed his concerns with just receiving the additional conditions and not having time to thoroughly review them. Council agreed that there had not been sufficient time to review the additional conditions. After further discussion, Vice Mayor Garris made a motion to table the CUP-13-02 Verizon Wireless/Fox Run Farm, Inc. until the May 27, 2014 Council meeting to allow the Town Attorney and Staff to review and if needed, make revisions to

the additional five conditions. Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Public Hearing on Draft Future Land-Use Map and Text for the Proposed 2014 Comprehensive Plan

Mayor Richardson said the second public hearing is for the draft Future Land-Use Map and related text for the proposed 2014 Comprehensive Plan. She asked Mr. Carney to summarize the request.

Mr. Carney explained that the Planning Commission has for the last six months concentrated on completing the Future Land-Use Map and its related narrative in order to accommodate the work that the Isle of Wight County Planning Department has been doing on the U.S. Route 460 Corridor Plan for the existing U.S. Route 460 and adjoining area. He said that Ms. Jai McBride and Ms. Sara Kidd of the Hampton Roads Planning District Commission were of immense assistance to the Town in this process and they are still assisting with the remainder of the Comprehensive Plan. Mr. Carney stated that the remaining Comprehensive Plan is still coming together but should be completed in the next two months with public hearings to follow.

Mr. Carney noted that the new map is not greatly different than the Future Land Use Maps of previous plans. He said that the Commission placed a greater emphasis on what they would like the Town to become rather than what it is now. Mr. Carney said there also was a conscious effort to coordinate with the adjoining land uses in Isle of Wight County in order to achieve continuity.

Mr. Carney stated that in March, after a public hearing in which no one spoke either in favor or in opposition, the Planning Commission unanimously voted to recommend to Town Council that this first element of the Comprehensive Plan be approved for incorporation into the 2014 Comprehensive Plan.

Mr. Carney said there were two small areas along N&W Street that Commissioner Glynn Willis thought should be shown as business. Although the Future Land-Use Map was recommended without these changes, there was no disagreement with the change to business, because it was felt that this had been a minor oversight. Mr. Carney reported that following the initial recommendation, Staff asked the Planning District Commission to make the change on the Map as an option for Town Council to consider.

Mr. Carney said at the April Planning Commission meeting, Staff asked whether the Commission would have any concerns over the two minor changes if Town Council should agree to them at Council's public hearing. The Commission had no problems with the changes and would urge that the revised one with the minor changes be considered for adoption.

Mr. Carney stated that Staff recommends that Town Council consider approval of the Future Land-Use Map and narrative as the first elements of the 2014 Comprehensive Plan.

Mayor Richardson opened the public hearing. She asked for any persons wishing to speak in favor of the Future Land-Use Map and narrative for the 2014 Comprehensive Plan to come forward, and there were none. She asked for any persons wishing to

speak in opposition of the Future Land-Use Map and narrative for the 2014 Comprehensive Plan to come forward at this time, and hearing none she closed the public hearing. She said it is now open for discussion among Council.

Councilwoman Flemming made a motion to approve the Future Land-Use Map and narrative for the 2014 Comprehensive Plan. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Presentations

Mayor Richardson asked Mr. Daniel Soderholm, Principal for Windsor High School, to come forward. She explained that the Windsor High School cheerleaders won the State Championship in 2004, and Town Council approved to have State Championship signs placed on the Town entrance signs to celebrate their accomplishment. Mayor Richardson said the new entrance signs will not have space for the State Championship signs; therefore, Council thought it would be appropriate to present the signs to Principal Soderholm to be placed at the Windsor High School for display. Principal Soderholm thanked Council, and said that the Windsor High School will display the Windsor Cheerleader's Championship signs with great pride.

Delegations, Public Comments, and Citizens' Concerns

Jenny Saunders, Windsor High School Co-Student Liaison to Council, reported on several school activities. She said that the BETA Club is involved in several Relay for Life fund raising projects. She reported that the BETA Club has also been focusing on helping younger children by tutoring those who need academic help. She announced that the band will be performing a spring concert on Thursday May 15, 2014 at the Windsor High School. Ms. Saunders also reported that the Drama department is busy preparing for two plays which will be performed at the end of May. Mayor Richardson thanked Ms. Saunders for updating Council on the recent events at the high school.

Albert Burkhardt, 12303 Titus Point Lane, Carrollton, Virginia 23314, said he would like to discuss possible funding for the Isle of Wight County Museum and Department of Historic Resources. He presented Council with a handout showing funds that have been deleted from the Isle of Wight County budget proposal for the museum totaling \$238,000. He explained that there may not be funding for the next three years and ten jobs are at risk. He said that the Smithfield Town Council is considering budgeting \$100,000 to help fund the museum. He also reported that the Museum Foundation, Rushmere Community Development Corporation, and the Isle of Wight Historical Society are proposing to help with funding for the museum.

Mr. Burkhardt said he would like to ask Town Council to consider donating \$25,000 to help save the Isle of Wight County Museum and Department of Historic Resources. He said that Mr. Randy Pack, Finance Committee Chairman for the Smithfield Town Council, is working with the Historical Society to form partners to help save the museum. Mr. Burkhardt said to contact Mr. Pack if Council is interested in helping fund the museum.

Mayor Richardson thanked Mr. Burkhardt and said that Council will be discussing this issue under Section 7 "Council's Discussion of Citizens' Concerns" on the agenda.

Martha Newsome, 35 Holland Lane, said she was present to speak on behalf of Windsor Manor Mobile Home Park regarding the age restraints on manufactured homes. She said the current Town ordinance reads as follows: Section 160-45 "...No mobile home shall be allowed to locate in the Town of Windsor if its date of manufacture is greater than 10 years from the date of the application for a zoning permit." She presented Council with pictures of mobile homes that are ten years and older which are in excellent condition. She explained that she has had to turn people away with mobile homes in excellent condition due to the Town's ordinance. She stated that Windsor Manor Mobile Home Park requires applicants to send pictures of their mobile homes to determine the condition of the home before they are accepted into the park. Mrs. Martha Newsome asked Council to consider revising the Town's ordinance to allow mobile homes into the park that are ten years and older.

Mayor Richardson thanked Mrs. Martha Newsome and commended her on the appearance and management of the Windsor Manor Mobile Home Park.

Dale Scott, 9 Virginia Avenue, said he was speaking on behalf of the Windsor Volunteer Fire Department. He said that Isle of Wight County and the Windsor Volunteer Fire Department signed a Memorandum of Understanding (MOU) regarding the operations of the Fire Department in 2008. He said that the Windsor Volunteer Fire Department was notified on Sunday, May 11, 2014 that Isle of Wight County is considering making changes to the Fire Department, which many of the changes contradict with the MOU that was signed in 2008. He stated that members of the Windsor Volunteer Fire Department have voted to unanimously oppose the new agreement. He said that members of the Windsor Volunteer Fire Department have no intentions of changing their position, and they would appreciate any assistance that can be provided by Town Council.

Consent Agenda

Mayor Richardson said the Consent Agenda consists of the minutes of the April 8, 2014 Council meeting, minutes of the April 22, 2014 Council work session, the Police Chief's report, and the Zoning Administrator's report. Mayor Richardson asked if there were any questions or comments regarding the Consent Agenda.

Councilman Edwards made a motion to adopt the Consent Agenda as presented. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Treasurer's Report

Ms. Newsome stated that the Treasurer's report for the month of April is before Council for review. She asked if there were any questions.

Mayor Richardson thanked Ms. Newsome for stating the non-routine items in the Treasurers report. Councilman Edwards noted that he asked Ms. Newsome if she would include a quarterly delinquent tax report with the Treasurer's report, and she agreed to include this beginning with her July report. He commended Ms. Newsome for the good job she has been doing collecting delinquent taxes

Council's Discussion of Citizens' Concerns

Councilwoman Flemming said she was approached by several citizens regarding inadequate notification of the streets being closed for the VDOT paving and the 5K Run sponsored by the Windsor High School. She explained that the door hangers used to notify citizens of the streets being closed were blown off by the wind, or citizens did not see them hanging on their front doors. Councilwoman Flemming also suggested that Emergency Services be contacted when streets are closed.

Councilman Edwards stated that the library sign near the Windsor High School on Church Street has a large sinkhole around it, which was reported at the last Council meeting. He said this is a safety issue and needs to be addressed. He also reported that several citizens did not know about the May 2, 2014 concert at the gazebo. He suggested better advertising for future concerts.

Councilman Scott reported that he has received several complaints regarding tall grass, shrubbery and vines overgrown around several dwellings, and trash around some homes. He suggested that Staff review the grass ordinance to help improve yard conditions within the Town.

Mr. Carney reviewed the Town's Ordinance Section 148-3 "*Growth of weeds and grass; removal by Town.*" He explained the violation process, and the process of the Town having to hire an outside contractor to cut the grass of property owners who neglect to do so themselves. Mayor Richardson noted that if the owner of the property does not pay the fees charged to the Town after their grass has been cut, the fees should be collected with real estate taxes and an administrative fee should be applied, as stated in the Town ordinance.

After further discussion, Council agreed to have Staff use every means possible within the Town Code to enforce the grass cutting ordinance and look at means to improve the ordinance.

Mayor Richardson said she also received a complaint regarding the tall shrubbery at the intersection of Lover's Lane and U.S. Route 460 that is obstructing the view. Mr. Stallings said he would check into this matter.

Mayor Richardson said at this time Council would like to address Mr. Burkhardt's request for the Town of Windsor to donate \$25,000 to help fund the Isle of Wight Museum and Department of Historic Resources. After a brief discussion, Council agreed to review the Town's budget and then respond to Mr. Burkhardt's request.

Mayor Richardson stated that Mrs. Martha Newsome requested a revision to the Town's Ordinance Section 160-45 to allow mobile homes in good condition to be permitted in mobile home parks that are ten years and older. Council had several questions regarding the current ordinance, inspection and condition of mobile homes permitted in mobile home parks. After a brief discussion, Council requested Mr. Carney to bring this issue before Planning Commission to review and possibly make revisions to the ordinance.

Mayor Richardson said that Mr. Dale Scott commented earlier on a revised Memorandum of Understanding (MOU) from Isle of Wight County regarding the Windsor

Volunteer Fire Department and other departments within the County. She said that she just received and distributed this agreement to Council on May 12, 2014. She said Council has not had time to thoroughly review the MOU and does not have adequate information and facts at this time to have a discussion on this matter.

Mayor Richardson noted that the Isle of Wight County Board of Supervisors is meeting tonight to discuss this issue, and when more information is received, she would like to schedule a meeting for Council and the Fire Department to discuss the new agreement. She said it would also be appropriate to then schedule an intergovernmental meeting with the Isle of Wight County Officials for more discussion on this issue. Council was in agreement with scheduling meetings to discuss the new agreement in the near future.

Mayor Richardson stated that Council is very concerned with the new agreement because it does impact the safety of the Town's citizens. Mayor Richardson said that Council appreciates all that the Windsor Volunteer Fire Department does for the citizens of the Town of Windsor.

Mayor Richardson suggested a five minute break, and Councilman Willis excused himself from the meeting at 9:15 p.m.

Town Manager's Report

Virginia Retirement System Changes

Mr. Stallings said as was done in 2012, Virginia Retirement System (VRS) is requiring localities to select their contribution rate for the 2014-2015 fiscal year. Localities can choose to pay the rate that was certified by the VRS Board of Trustees, which is 6.68% or an alternate rate that is calculated based off a percentage of the existing rate. He said although the second rate may, at times, be lower, the localities will be required to pay a higher rate in upcoming years to offset the reduced rate for the 2014-2015 fiscal year. Mr. Stallings stated that for this reason, he is recommending that the Town pay the certified rate of 6.68%, which is the rate that the proposed budget was based on.

Mr. Stallings said he recommends that Council adopt the enclosed resolution regarding the rate paid to VRS, which must be adopted prior to July 1, 2014.

Mayor Richardson read the title of the resolution as follows: "Employer contribution rates for counties, cities, towns, school divisions and other political subdivisions."

Councilwoman Flemming made a motion to adopt the resolution entitled: *Employer Contribution Rates For Counties, Cities, Towns, School Divisions And Other Political Subdivisions*, at the certified rate of 6.68%. Councilman Bryant seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Budget Proposal

Mr. Stallings said he submitted to Council the budget proposal and CIP proposal for the upcoming fiscal year, and stated that a public hearing on the budget and CIP is scheduled for May 27, 2014.

Action List

Mr. Stallings presented Council with price estimates on various size flags. After discussion, Council requested that Mr. Stallings receive a quote for a 20' x 30' flag, pole, and installation of the flagpole.

Councilman Edwards said that the paving contractors left gaps between the new paving and the old paving on the edge of several streets within Town, and it needs to be maintained for safety reasons. He said he has reported this at previous meetings, but it has not been addressed.

Mayor Richardson said she would like to receive an updated VDOT paving schedule for the streets within the Town. Mr. Stallings said he would contact VDOT.

Council discussed ditch and drainage problems within Town. It was agreed that the Drainage Committee needs to meet and identify drainage problems and start with some type of plan to help resolve them.

Mr. Stallings reported that Staff is in the process of contacting Drainage Committee members to schedule a Drainage Committee meeting for the end of May.

Calendar of Events

Mr. Stallings stated that he has enclosed the Calendar of Events for Council's information. He noted that the Concert at the Gazebo featuring the Newsome Brothers will be June 6, 2014 from 6:00 p.m. to 9:00 p.m. at the gazebo beside the Windsor Library. Mayor Richardson suggested printing color flyers to distribute around Town to advertise for the concert and to show the different bands who will be performing.

Town Attorney's Report

None

Mayor's Report

Mayor Richardson said two members of Planning Commission need to be appointed. She said she has spoken with both individuals currently serving on Planning Commission, and both are willing to serve another term. She said the two members are Bennie G. Brown and N. Macon Edwards, III. She asked for a motion from Council in regards to this re-appointment.

Vice Mayor Garris made a motion to re-appoint Bennie G. Brown and N. Macon Edwards, III to serve another term on Planning Commission. Councilman Bryant seconded, and Council unanimously passed the motion, with Councilman Edwards abstaining, as recorded on the attached chart as motion #5.

Mayor Richardson said there is also a need for one appointment for the Board of Zoning Appeals (BZA). She said she spoke with Frances Butler, and she has agreed to serve another term. She asked for a motion from Council regarding the BZA re-appointment.

Councilman Edwards made a motion to re-appoint Frances D. Butler to BZA, Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

Economic Development Authority Report

Councilman Scott announced that the Business Appreciation Event will be May 29, 2014 from 5:30 p.m. to 7:00 p.m. at the Windsor Ruritan Community Building. Mr. Stallings noted that the Chamber of Commerce Business Appreciation luncheon will be June 4, 2014 from 12:00 p.m. to 2:00 p.m. at the Smithfield Center.

Other Reports

Dog Defecation Ordinances

Mr. Carney reviewed several ordinances from other localities to provide Council with options to help create an ordinance for the Town of Windsor that effectively deals with the problem of dog defecation on the Town's sidewalks and streets. He said that all of the aforementioned ordinances assume that a citizen or a Town employee sees the violation occurring and will attest to that fact. They must know whose dog or animal it is and that the violation was not remedied by an appropriate clean-up of the violation as noted in each of the ordinances.

After discussion, Council felt that the following ordinance, with minor revisions to the language, best suits the needs for the Town. The ordinance reads as follows: *"It shall be unlawful for any owner or person in control of any animal to allow any animal to defecate on the property of other persons without their consent or that of the authorized agent or persons having control of the premises or on public property. Immediate removal and sanitary disposal of the defecated matter shall not constitute a violation of this section. The defecated matter shall be placed in a container and disposed of in a proper waste receptacle. A violation of this section shall constitute a class 3 misdemeanor."*

After further discussion, Council agreed that the Town Attorney will make revisions to the language and bring the ordinance back before Council either as a public hearing or for approval.

Old or Unfinished Business

Mayor Richardson reviewed the revised Windsor Middle School gym lease with Council. She said that Mr. Robert Eley from the Isle of Wight School Board said that the School Board will be responsible for the water and electrical hook-ups to the gym. Mayor Richardson said that her objective is to save the building to give the community an opportunity to have a Community Recreational Center that will benefit the citizens.

Councilman Edwards asked how the internal controls would be managed regarding the funds for the gym project. Mr. Stallings explained that the funds will be handled as a capital project outside of the normal operating budget, and there will be a separate checking account set up, which will be the Windsor Community Recreational Center account. He also explained that the Treasurer will be maintaining separate records showing three donation categories; Obici Grant, Exterior Donations, and Undedicated

Donations. He said that Ms. Newsome will keep records showing expenditures for each category and funds donated to each category.

After further discussion, Councilwoman Flemming made a motion to except the lease as written and have Mayor Carita J. Richardson and Wallace W. Brittle, Jr., Town Attorney, sign the lease. Vice Mayor Garris seconded, and Council unanimously passed the motion as recorded on the attached chart as motion 7.

Council noted that there will be no financial obligation from the Town of Windsor to fund the Windsor Community Recreational Center.

Council thanked Mayor Richardson for her hard work and dedication towards saving the Windsor Middle School gym to be used as a Community Recreational Center.

New Business

Mayor Richardson said she has received several concerns from businesses regarding the Town's ordinance regarding signs. She asked Mr. Carney to review the ordinance regarding temporary signs to see if any revisions can be made to help businesses with advertising.

Closed Session

None

Vice Mayor Garris made a motion to adjourn. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

The meeting adjourned at 10:05 p.m.

Carita J. Richardson, Mayor

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 COUNCIL VOTES

Council Meeting Date May 13, 2014

Motion #	Flemming	Edwards	Garris	Bryant	Willis	Scott	C. Richardson
1	Y	Y	Y	Y	Y	Y	
2	Y	Y	Y	Y	Y	Y	
3	Y	Y	Y	Y	Y	Y	
4	Y	Y	Y	Y	Y	Y	
5	Y	abstained	Y	Y	out @ 9:15	Y	
6	Y	Y	Y	Y		Y	
7	Y	Y	Y	Y		Y	
8	Y	Y	Y	Y		Y	
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Jerry Whitehead, Clerk