

**Minutes
Windsor Town Council Meeting
Town Hall
October 11, 2022**

The Windsor Town Council met in a regular session on October 11, 2022 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Glyn Willis was present, and he called the meeting to order. He welcomed those who were present. Terry Whitehead, Town Clerk, recorded the minutes. William G. Saunders, IV, Town Manager, Chief Riddle, James Randolph, Planning and Zoning Administrator, Cheryl McClanahan, Treasurer, and Fred Taylor, Town Attorney, were present.

Council members present: Walter Bernacki
 Kelly Blankenship
 J. Randy Carr
 Jake Redd
 George Stubbs

Council member absent: Greg Willis

Councilwoman Blankenship led the Pledge of Allegiance.

Public Hearing

Mayor Willis said there is a public hearing this evening to consider public comment regarding an application for a change in zoning classification from O-R, Office/Residential to B-2, Restricted Business. He said the application includes Tax Parcel 54B-01-200, also identified at 57 East Windsor Boulevard and Tax Parcel 54B-01-200A. He said the purpose of the application is for a contractor’s office and storage yard. Mayor Willis asked Mr. Randolph to give an overview of the rezoning application.

Mr. Randolph reported that the Planning Commission held a public hearing at their September 28, 2022 meeting. He said they discussed the history of this application including the previous zoning letter that was issued in error during 2016.

Mr. Randolph explained that after researching the past 20 years of records, no evidence could be found that the Town Council ever took affirmative action to change the zoning designation from O-R, Office/Residential to B-2, Business.

Mr. Randolph said when the applicant came forward to submit an application for construction of a 36’ by 70’ structure on the property; he was not able to approve that zoning permit, and the property was declared nonconforming.

Mr. Randolph explained that the applicant is operating a contractor’s office and storage yard on property zoned Office/Residential, which leads to a nonconforming use. He said contractor’s yards are not a permitted use in the Office/Residential district. He said Office/Residential is strictly just for office and professional use of the property to keep the residential character as such.

Mr. Randolph explained that properties that are nonconforming can continue to be utilized; however, expansion of the use with the addition of new structures is not permitted.

Mr. Randolph stated that the applicants have now filed an application requesting a change in zoning classification from O-R, Office/Residential to B-2, Restricted Business.

Mr. Randolph noted that a copy of the Planning and Zoning report is enclosed, as well as a summary of the discussion that occurred at the Planning Commission meeting on September 28, 2022. Mr. Randolph said the Planning Commission did recommend approval of the application to Town Council.

Mayor Willis opened the public hearing. He asked for any persons wishing to speak either for or against the rezoning to come forward at this time.

Mr. David Adams, 10472 Sylvia Circle, said he attended the September 28, 2022 Planning Commission meeting and learned of the rezoning application submitted by the Leitners. He said this rezoning application was necessary because of the nonconforming use that Mr. Randolph just discussed as the property is currently zoned O-R, Office/Residential.

Mr. Adams said he briefly spoke with the Leitners after the Planning Commission voted unanimously to allow the rezoning request to come before Council. He said the Leitners were very cordial to him, and they explained how the rezoning will help their business.

Mr. Adams said, as previously discussed, Leitner and Son, Inc. intend to construct an open shelter on the property that will house equipment and materials currently sitting on the property out in the elements. He said the shelter will provide protection for business investments that they may make and potentially allow them to serve more customers. The structural improvement alone, and coupled with the likelihood of increased machinery and tools on the property, will ultimately generate additional tax revenue for the Town. He said barring any public comments from the property owners adjoining the Leitner's property stating their opposition; he encouraged Council to approve the Leitner's request to rezone to B-2, Restricted Business.

Mrs. Christy Leitner, 24116 Ennis Mill Road, stated that she and her family were not aware that their property was zoned O-R, Office/Residential. She explained that they purchased the property in 2013, and it was listed by a real estate broker as B-2, Commercial. She said before moving their contractor's office and storage yard to this location, they confirmed with Town staff that the property was zoned B-2. Mrs. Leitner said they also received a letter from Town staff stating that the property was zoned B-2. Mrs. Leitner said apparently this was a mistake.

Mrs. Leitner said after recently inquiring about replacing a sign and applying for a zoning permit to construct a structure for storage of equipment and materials, we were told that the new structure could not be added unless the property was rezoned, because we were zoned as O-R, Office/Residential.

Mrs. Leitner said they would like to obtain a zoning permit to start the process of constructing the additional storage building on their property if the rezoning is approved.

Mayor Willis closed the public hearing. He said it is now open for discussion among Council.

Councilman Bernacki said he thinks it's great that the Leitner's are moving forward despite the situation that occurred. He said we have discussed at our work sessions how we need to encourage businesses to locate within the Town, and with this location, it seems like a good fit.

Councilwoman Blankenship said she is sorry that the Leitner's found themselves in this position. She also expressed her concerns with the aesthetics of having this type of business, with large equipment, visible on the main stretch of Town. She added that one of the items in the Town's Strategic Plan is to improve the appearance of Route 460 as people pass through Town.

Mrs. Leitner explained that the proposed structure will go behind the existing metal building. She said it may be seen in a small area as you ride by. She said she understands Councilwoman Blankenship's concerns, but asked where else in the Town should businesses be located. Mrs. Leitner added that they will make every effort possible to keep the appearance of their business property visually appealing from the road.

Councilman Stubbs said there were discussions in the past regarding the B-2, Restricted Business district, the O-R, Office Residential district, and with calling part of North Court Street and Church Street "Old Town Windsor." He said these discussions took place when the 460 corridor was being considered as a business district. He said the former Zoning Administrator was present for these discussions, and apparently there was some type of confusion with this issue, and a mistake was made.

Councilman Stubbs said that he and Mr. Randolph have both researched the minutes from the past, and they have found no documentation showing that there was ever a vote to change the zoning at 57 East Windsor Boulevard from O-R, Office/Residential to B-2, Restricted Business.

Councilwoman Blankenship asked if the wide opening of their fence could be closed off so that dump trucks and equipment would not be visible from the road.

Councilman Bernacki noted that several businesses along Route 460 have their equipment out and not behind fences; whereas, the Leitners are making improvements to their property to shelter their equipment.

Councilwoman Blankenship asked why a nonconforming business can remain nonconforming.

Mr. Randolph explained that zonings and ordinances change overtime. He said when you have individuals that extend effort under certain rules, and then the rules change; that can create nonconforming situations. He said you can't require them to change their business entity to meet the new zoning. He said properties that are nonconforming can continue to be utilized; however, expansion of the use with the addition of new structures is not permitted. Mr. Randolph added that if a business no longer operates, then the new entity would have to comply with the new ordinance.

After further discussion, Councilman Bernacki made a motion to accept the Planning Commission's recommendation to approve the change in zoning classification from O-R, Office/Residential to B-2, Restricted Business for the property located at 57 East Windsor Boulevard, to include Tax Parcels 54B-01-200 and 54B-01-200A. Councilman Stubbs seconded, and Council passed the motion 4 to 1 as recorded on the attached chart as motion #1.

Councilwoman Blankenship noted that the following permitted use requirement for B-2, Restricted Business takes care of her concern with equipment being visible from the road: "Contractors office for construction, electrical plumbing, heating, provided all equipment and vehicles shall be completely enclosed either within a building or storage yard such that it's not visible to the public."

Mayor Willis stated that Mr. Randolph will give the Leitners the guidance needed to follow the B-2 permitted uses while constructing the storage shelter.

Delegations and Public Comments

Mayor Willis said we have a Resolution of Gratitude for Ms. Frances Butler. He said Ms. Butler served on the Board of Zoning Appeals for 15 years. He added that he was always impressed with Ms. Butler's demeanor and her desire to contribute to the Town and make our community better.

Mayor Willis made a motion to accept the Resolution and express Council's gratitude to Frances Butler for the service she provided to the Town of Windsor. Councilman Stubbs seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Mayor Willis presented the Resolution of Gratitude in honor of Frances Butler to her sister-in-law, Arlene Butler.

Consent Agenda

Mayor Willis said the Consent Agenda consists of the minutes of the September 13, 2022 Council meeting, the minutes of the September 27, 2022 Work Session, the Planning and Zoning report, and the Police Chief's report. He asked if there were any questions or comments regarding the Consent Agenda.

Councilman Bernacki asked Chief Riddle for an update on the E-Ticket system.

Chief Riddle said we have completed our violation tables and court scheduling, and we are now waiting for the County to complete theirs.

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

Treasurer's Report

Ms. McClanahan reviewed the September 2022 Treasurer's report. She gave an update on collections for the month.

Ms. McClanahan reported that she conducted a cigarette stamp audit at several stores within Town, and they were all compliant. She also reported that 2022 Personal Property tax bills will be mailed the week of October 11, 2022.

Ms. McClanahan explained that Meals Tax is collected quarterly, with the exception of three businesses, as questioned by Councilman Bernacki.

Councilman Bernacki asked Ms. McClanahan to include the revenue from the monthly meals tax in the Treasurers report.

Ms. McClanahan said the audit may be presented at the November 2022 Council meeting.

After further discussion, Councilwoman Blankenship made a motion to approve the Treasurer's report. Councilman Carr seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Council Comments

Councilman Bernacki said a firefighter asked if there is a reason that all the fire hydrants on Route 460, within the Town, have green caps, except one across from Roberts Avenue, which has a red cap.

Mr. Saunders said he would research why there is one fire hydrant with a red cap on Route 460 and report back to Council.

Town Manager's Report

Capital Projects Update

Duke Street & Virginia Avenue Water Main Replacement

Mr. Saunders reported that he has met a couple of times with the engineers with Bowman since the September Council meeting. He said following minor revisions on the plans and bid documents, the advertisement for bids will go out on October 17, 2022, with bids due on November 17, 2022.

Calendar of Events

Mr. Saunders said the October 2022 and November 2022 calendars are enclosed to include Town of Windsor and Isle of Wight County public meetings, as well as other pertinent information.

Mr. Saunders noted that due to the Election Day holiday falling on our normal meeting date, we have moved the November Town Council meeting up to Tuesday, November 1, 2022.

Councilwoman Blankenship said she would not be able to attend the November 1, 2022 Council meeting.

Town Council Work Session – Strategic Plan

Mr. Saunders said Town Council has recommended revisiting the Strategic Plan prior to the start of the next budget cycle.

Mr. Saunders said on September 27, 2022, the Town Council held a work session to review and update the Strategic Plan. At that time, the Mayor recommended that members of Council review the document and discuss at the October 11 Town Council meeting whether a follow-up session at the end of October, is appropriate.

Mayor Willis said he reviewed the Action Items and categorized them as to what needs updating, prioritizing, and which key tasks have been completed. He said he feels that a major revision is not necessary, but essentially bring it up-to-date with collected ideas from Council, as we discuss ARPA funding into next year.

Councilman Bernacki suggested that the next work session be scheduled after bids have been received for the Duke Street/Virginia Avenue Water Project. He explained that once we have a better understanding of what the water project will cost, we will be in a better position to plan for future projects in the Strategic Plan.

After discussion, Council agreed by consensus to schedule a work session the first week of December 2022, after the bids for the Duke Street/Virginia Avenue Water Project have been received. Council agreed to discuss a date for the December 2022 work session at the November 1, 2022 Council meeting.

Town Attorney's Report

None

Mayor's Report

None

Economic Development Authority (EDA)

Councilman Redd reported that the Boy Scout frog has been placed at the Wesley F. Garris Event Park. He also noted that the EDA is receiving bids to have the grass cut at the two lots located at the west end of Town.

Councilwoman Blankenship asked if there are any plans to get the word out that the frogs are being placed throughout Town.

Mr. Saunders said it is the EDA's project, but he will be glad to meet with the EDA if they would like him to post information regarding the Frog Project on social media.

Councilman Redd said there is a tale regarding the Boy Scout frog that the EDA would like to place on the back side of the park sign near the frog if Council approves.

After discussion, Council agreed to allow the EDA to post the information on the back side of the park sign regarding the Boy Scout frog.

Councilman Stubbs noted that Dewitt Holland painted the Boy Scout frog. He also sadly reported that Mr. Holland's father, Wilson Holland, who was a former Council member, passed Saturday, October 8, 2022. Councilman Stubbs provided information regarding the funeral arrangements.

Other Reports

Councilman Bernacki reported that as colder weather is approaching, the fire department would like to encourage residents to check their heating systems to make sure they are safe and in working order before turning them on.

Old or Unfinished Business

None

New Business

Board, Commission, ad Committee Appointments/Reappointments

Mr. Saunders said following a review of Town Board, and Commission membership, it has been determined that appointments/reappointments are required due to upcoming term expirations and vacancies.

Mr. Saunders added that a guide of requirements for members of Town boards and commissions is enclosed for Council's review.

Mr. Saunders reviewed the following specifics:

Planning Commission

Devon Hewitt	Term to expire 12/31/2022	Willing to be reappointed.
Jesse Taylor	Term to expire 12/31/2022	Unsure if willing to be reappointed.

Board of Zoning Appeals

Sue Meadows	Term to expire 12/31/2022	Willing to be reappointed.
Carolyn Harrup	Term to expire 12/31/2022	New appointment necessary.
Frances D. Butler	Term to expire 12/31/2024	New appointment necessary.

Councilman Stubbs made a motion to reappoint Devon Hewitt to the Planning Commission. Councilman Redd seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Councilwoman Blankenship made a motion to reappoint Sue Meadows to the Board of Zoning Appeals. Councilman Stubbs seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

After discussion, Council agreed to have the board member vacancies placed on social media and in the newspaper.

Closed Session

Councilman Bernacki made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711. A.7. Consultation with legal counsel regarding specific legal matters, requiring the provision of legal advice by such counsel in regard to the Windsor Police Department. Section 2.2-3711. A.3. Discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Section 2.2-3711. A.8. Consultation with legal counsel employed or retained by the public body regarding specific legal matters in regard to contract negotiations requiring the provision of legal advice by such counsel. Councilman Stubbs seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

Councilman Stubbs made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D, that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

Councilman Stubbs made a motion to adjourn. Councilwoman Blankenship seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

The meeting adjourned at 8:59 p.m.

Glyn Willis, Mayor

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 COUNCIL VOTES

Council Meeting Date October 11, 2022

Motion #	Blankenship	Carr	Stubbs	Redd	Greg Willis	Bernacki	Glyn Willis
1	N	Y	Y	Y	absent	Y	
2	Y	Y	Y	Y		Y	
3	Y	Y	Y	Y		Y	
4	Y	Y	Y	Y		Y	
5	Y	Y	Y	Y		Y	
6	Y	Y	Y	Y		Y	
7	Y	Y	Y	Y		Y	
8	Y	Y	Y	Y		Y	
9	Y	Y	Y	Y		Y	
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Jerry Whitehead, Clerk