

**Minutes
Windsor Town Council Meeting
Town Hall
July 11, 2023**

The Windsor Town Council met in a regular session on July 11, 2023 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor George Stubbs was present, and he called the meeting to order. He welcomed those who were present. Mayor Stubbs asked for anyone with cell phones to please silence them. Terry Whitehead, Town Clerk, recorded the minutes. William G. Saunders, IV, Town Manager, Cheryl McClanahan, Treasurer, and Fred Taylor, Town Attorney, were present.

Council members present: J. Randy Carr, Vice Mayor
 David T. Adams
 Walter Bernacki
 Edward (Gibbie) Dowdy
 Jake Redd
 Marlin Sharp

Councilman Sharp delivered the invocation, and Councilman Redd led the Pledge of Allegiance.

Public Hearings
None

Delegations and Public Comments
None

Consent Agenda

Mayor Stubbs said the Consent Agenda consists of the minutes of the June 13, 2023 Town Council Meeting, 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 noted a date correction in the last paragraph on page 5 of the minutes under "Other Reports." He said the final inspection date for the tanker truck shows June 7, 2023, and it should be corrected to show July 7, 2023. He said there will be an updated report regarding the tanker truck later in the meeting.

Councilman Sharp said he did not see the Monthly Activity Report showing traffic stops in the Police Chief's report.

Mr. Saunders said he would follow up with Chief Riddle regarding the Monthly Activity Report.

Councilman Bernacki questioned the timeframe of when site work may begin for the 60 lot Windsor Station subdivision based on the review of the site plans. Also, with the review of the site plans, he asked if we know if the fire hydrant spacing meets the National Fire Protection Association (NFPA) requirements. Councilman Bernacki said this information is needed for the Fire Department to determine what size supply line will need to be placed on the new tanker truck.

Mr. Saunders said he will get answers to both questions and report back to Council.

Councilman Bernacki made a motion to adopt the Consent Agenda with the correction to the minutes and questions to be answered. Councilman Sharp seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Treasurer's Report

Ms. McClanahan reviewed the June 2023 Treasurer's report and gave an update on collections. She stated that 94% of real estate taxes have been collected, and delinquent notices have been mailed.

Ms. McClanahan explained that refunds are shown on the Treasurer's report for real estate taxes because both the taxpayer and the mortgage company paid the tax bill, as questioned by Councilman Bernacki.

Ms. McClanahan also explained that June 30th was the end of the fiscal year, but some revenue received in July is considered June receivables; therefore, that revenue will be posted back to June.

After discussion, it was the consensus of Council to have June receivables included in the Treasurer's report next month for clarity.

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

Council Comments

Councilman Carr asked why some citizens in Windsor received GFL Environmental, Inc. trash cans when the Town still has a contract for trash pickup with Bay Disposal. He said the truck driver for GFL picked his neighbor's trash up last week and said they will not be picking it up again.

Mr. Saunders explained that Isle of Wight County recently contracted with GFL Environmental, Inc. He said GFL billed citizens and delivered trash cans to Windsor addresses whether they were within the Town limits or not by mistake.

Mr. Saunders suggested that any Town citizen who received GFL trash cans by mistake should call Bay Disposal to make sure that they are still their provider, and then call GFL to request that they pick the GFL trash cans up and return the Bay Disposal cans if they were picked up.

Councilman Bernacki reported that a couple of people have brought to his attention that there is erosion underneath the Church Street/Shiloh Drive section of sidewalk near Holland Meadows, and other areas along Church Street between Roberts Avenue and S. Johnson Avenue. He said the erosion is causing deep holes on the edge of the sidewalk. Councilman Bernacki said this has become a safety issue and needs to be addressed.

Mr. Saunders said he would check into the sidewalk issue.

After discussion regarding other potholes within Town, Mr. Saunders said he met with the Director of Facilities for Isle of Wight Schools regarding sinkholes at the Windsor High School. He said these sinkholes are outside of the VDOT right of way; therefore, the school is responsible. He said the Town filled those sinkholes in before the 4th of July event to prevent an accident from occurring. Mr. Saunders said the school is going to submit a RFP to have a contractor scope those pipes.

Councilman Adams thanked Mayor Stubbs for the work he did for the July 4th event. He said he has seen and heard nothing but positive remarks regarding the event.

Mayor Stubbs said he appreciated the comment from Councilman Adams, but there are a lot of others who need to be thanked for their efforts. He said during his opening remarks at the event, he recognized and thanked the town manager, staff, public works, the police department, and the Events Committee for their hard work in making this event a success. Mayor Stubbs also thanked the many sponsors who supported the July 4th event with their generous donations.

Mayor Stubbs said he has only heard positive comments regarding the event. He read a thank you letter from Patty Flemming who expressed her appreciation to everyone involved with organizing the July 4th event.

Town Manager's Report

Capital Projects Update

Duke Street & Virginia Avenue Water Main Replacement

Mr. Saunders reported that we have received the VDOT Land Use Permit for the water main replacement project. He said there are two primary materials that are backordered that may hold up the project for a couple more weeks. He said the contractor may do some of the preliminary work while waiting for those materials to arrive. Mr. Saunders said we may issue a Notice to Proceed closer to the end of July depending on the backordered material.

Mr. Saunders said he is not aware of an increase in the cost of the project due to the backordered materials, as questioned by Councilman Adams.

Mr. Saunders reported that the HVLS Fan installed in the public works building is working very well, as questioned by Councilman Bernacki.

Calendar of Events

Mr. Saunders said the July 2023 and August 2023 calendars are enclosed to include Town of Windsor and Isle of Wight County public meetings, as well as other pertinent information.

Use Agreement – KCH Contracting, LLC – Late Item

Mr. Saunders reported that the contractor for the Duke Street / Virginia Avenue Water Main Project needs a laydown yard for materials related to the project. Per the contract documents, it is up to the contractor to obtain an area for a laydown yard.

Mr. Saunders explained that the Town owns the vacant lot at the north end of Duke Street, which includes a small, detached garage structure. He said this property would serve well as a laydown yard for this project.

Mr. Saunders said the property also contains an abandoned well head, which the Town would like to have removed down to approximately five feet (5 ft.) beneath grade.

Mr. Saunders added that KCH Contracting is interested in using the property as a lay down yard, and in return, would remove the well head and regrade the area.

Mr. Saunders said a use agreement between the Town and KCH Contracting, LLC to establish expectations of this arrangement are enclosed for Council's review.

Councilman Adams asked if there is town property currently in the detached garage that needs to be removed. He also asked what type of materials will be stored on this property by the contractor.

Mr. Saunders said the garage is empty, and the contractor was told that he could put his own lock on the building. Mr. Saunders said the contractor will be storing any materials purchased and delivered that will be needed for the project.

Councilman Carr asked if this property is sold in the future, would the garage be an asset, or should we negotiate with the contractor to have it demolished after the water project is complete.

Mr. Saunders said the garage is in good shape and would not need to be demolished.

Mayor Stubbs said he has been confronted by a couple of residents in Town who have expressed interest in purchasing that property if the Town decides to sell it in the future.

Councilman Bernacki made a motion to accept the Use Agreement with KCH Contracting, LLC for the use of the vacant lot owned by the Town, located at the north end of Duke Street, as a laydown yard during the Duke Street / Virginia Avenue Water Main Project. Councilman Sharp seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Mr. Saunders said he received a letter from Cary Mills Storm addressed to the Mayor and Members of Town Council expressing her concern with the condition of the four foot (4 ft.) chain link fence on the south side of the cemetery. He said a copy of the letter has been placed before each Council member.

Mr. Saunders said he looked at the fence after receiving this letter, and it is in disrepair. He explained that it has some age and wear and tear on it. He said it was brought to his attention that large farm equipment from the field on the other side has also damaged the fence.

Mr. Saunders said he thinks a fence should remain at the cemetery to keep the farm equipment from hitting and damaging tomb stones.

Councilman Bernacki suggested contacting the individual who owns the field next to the cemetery to address the damage to the fence caused by the farm equipment. He said they may be responsible for assisting with the repair or replacement of the fence since it is located on Town property. He said we also need to contact the owner to make sure this doesn't continue to happen when the fence is repaired or replaced.

Councilman Carr suggested moving the fence back five feet (5 ft.) if it is located on the property line.

Mr. Saunders said he will follow up with the Town Attorney regarding this issue.

After further discussion, Council agreed by consensus to have Mr. Saunders obtain a quote for replacement of the fence located at the cemetery.

Town Attorney's Report

None

Mayor's Report

Mayor Stubbs stated that the May issue of the Virginia Towns & Cities (VTC) magazine presents the winners of the 2023 VML "If I were Mayor" essay contest. He said these middle school contestants shared great ideas regarding sidewalks, vape shops, and a contingency of different things they would not have in their Town if they were Mayor. Mayor Stubbs said it is a very interesting article, and he encouraged Council to read it.

Economic Development Authority (EDA)

None

Other Reports

Councilman Bernacki reported that the tanker truck will not be delivered by the end of July due to a delay in materials. He said the Fire Department is sending people to Florida on August 2, 2023 and August 3, 2023 to do the final inspection on the tanker truck, and it should be delivered and in service by the end of August, 2023.

Old or Unfinished Business

Budget Appropriation – July 4th Event Donations

Ms. McClanahan reported that the Town has received funds in the amount \$3,250.00 for sponsor donations for the 4th of July event. She said, as such, we must appropriate these funds to the 2022-2023 General Fund Operating Budget for Revenue and 4th of July expense line item.

Councilman Dowdy asked if the Treasurer had a total cost to the Town for the July 4th event.

Ms. McClanahan said she would have to calculate the cost to the Town for the July 4th event and report back to Council. She noted that the fireworks were paid with a generous donation from Towne Bank.

Ms. McClanahan recommended that Council adopt the resolution entitled: A Resolution For Appropriating The Sum Of \$3,250.00 To The General Fund Operating Budget For Fiscal Year 2022-2023 For Revenue And Any Expense For The 4th Of July.

Councilman Bernacki made a motion to adopt the resolution entitled: A Resolution For Appropriating The Sum Of \$3,250.00 To The General Fund Operating Budget For Fiscal Year 2022-2023 For Revenue And Any Expense For The 4th Of July. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

New Business

Budget Appropriation – Legal Services

Ms. McClanahan said a budget appropriation in the amount of \$28,460 is required for the FY23 Legal Services line item due to unexpected legal services.

Ms. McClanahan recommended that Council adopt the resolution entitled: A Resolution For Appropriating The Sum Of \$28,460 From The Unappropriated Fund Balance To The General Fund Operating Budget For Fiscal Year 2022-2023 For Legal Services Line Item.

Councilman Adams made a motion to adopt the resolution entitled: A Resolution For Appropriating The Sum Of \$28,460 From The Unappropriated Fund Balance To The General Fund Operating Budget For Fiscal Year 2022-2023 For Legal Services Line Item. Councilman Dowdy seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Personal Property Tax Relief Percentage Ordinance for Calendar Year 2023

Mr. Saunders reported that each year the Town readopts an ordinance per the 2005 revisions to the Personal Property Tax Relief Act of 1998. He said this year, the property tax relief percentage is 14.99%.

Mr. Saunders said attached is an ordinance to establish this percentage for calendar year 2023. He recommended that Council adopt the enclosed ordinance.

Mr. Saunders read the title of the ordinance as follows: An Ordinance Establishing A Personal Property Tax Relief Percentage Of 14.99% For Calendar Year 2023 Personal Property Tax Bills.

Councilman Adams made a motion to adopt the ordinance entitled: An Ordinance Establishing A Personal Property Tax Relief Percentage Of 14.99% For Calendar Year 2023 Personal Property Tax Bills. Councilman Redd seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Appointment – Planning Commission

Mr. Saunders stated that a resignation has created a vacant position on the Planning Commission.

Mr. Saunders reported Jesse Taylor has resigned his position on the Planning Commission, due to demands of his time from his work and home life.

Mr. Saunders stated that an appointee is required to fill the unexpired term. This term expires December 31, 2026.

Mr. Saunders added that Town Board and Committee Appointment Guidelines are enclosed for Council's review.

After discussion, Council agreed by consensus to have Mr. Saunders advertise the vacant position on the Town's website and on social media requesting that interested candidates submit a resume for consideration.

Mayor Stubbs indicated to the reporter that the news media would be a good way to get the word out regarding the vacant position on the Planning Commission.

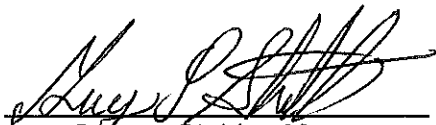
Closed Session

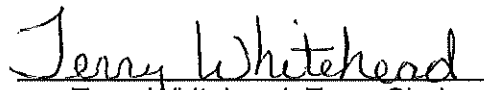
Councilman Bernacki made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711.A.7. Consultation with legal counsel pertaining to actual litigation, regarding the Commonwealth of Virginia versus the Town of Windsor, where such consultation or briefing in an open meeting would adversely affect the litigating posture of the public body. Councilman Adams seconded, and Council passed the motion as recorded on the attached chart as motion #7.

Councilman Sharp 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 Bernacki made a motion to adjourn. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

The meeting adjourned at 7:59 p.m.


George Stubbs, Mayor


Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 COUNCIL VOTES

Council Meeting Date July 11, 2023

Motion #	Redd	Bernacki	Carr	Adams	Dowdy	Sharp	Stubbs
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	Y	Y	Y	Y	Y	
6	Y	Y	Y	Y	Y	Y	
7	Y	Y	Y	Y	Y	Y	
8	Y	Y	Y	Y	Y	Y	
9	Y	Y	Y	Y	Y	Y	
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Jerry Whitehead, Clerk