

**Minutes  
Windsor Town Council Meeting  
Town Hall  
June 13, 2023**

The Windsor Town Council met in a regular session on June 13, 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. 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:                   J. Randy Carr, Vice Mayor  
  David T. Adams  
  Walter Bernacki  
  Edward (Gibbie) Dowdy  
  Jake Redd  
  Marlin Sharp

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

**Public Hearings**

**FY2023-24 Tax Increase on Real Property**

Mayor Stubbs opened the public hearing for the FY2023-24 Tax Increase on Real Property. He asked for any persons wishing to speak either for or against the proposed increase in tax revenues based upon the 2023 Isle of Wight County Real Estate reassessment values to come forward at this time. Hearing none, he closed the public hearing and opened the floor for discussion among Council.

There was no further discussion among Council.

**FY2023-24 Tax Ordinance**

Mayor Stubbs opened the next public hearing for the FY2023-24 Tax Ordinance. He asked for any persons wishing to speak either for or against the proposed FY2023-24 tax ordinance for tax rates to come forward at this time. Hearing none, he closed the public hearing and opened the floor for discussion among Council.

There was no further discussion among Council.

**FY2023-24 Water Rate Ordinance**

Mayor Stubbs opened the public hearing for the FY2023-24 Water Rate Ordinance. He asked for any persons wishing to speak either for or against the proposed FY2023-24 ordinance for water rates. Hearing none, he closed the public hearing and opened the floor for discussion among Council.

## **FY2023-24 Budget, CIP, Tax, and Water Rate Review / Ordinance Adoption**

Councilman Adams said after several work sessions reviewing and preparing the budget, he sees where no revisions are necessary. He thanked Mr. Saunders and staff for their hard work and diligence in preparing the budget.

Councilman Sharp commended Mr. Saunders and staff for a “job well done.”

Councilman Adams made a motion to adopt the resolution entitled: A Resolution Approving And Adopting The Fiscal Year 2023-24 Operating Budget For The Town Of Windsor, Virginia And Appropriating The Requisite Funds For Said Budget. Councilman Sharp seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Councilman Bernacki made a motion to adopt the resolution entitled: A Resolution Approving And Adopting The Five-Year Capital Improvements Plan (CIP) For The Period Covered By Fiscal Years 2023-2024 Through 2027-2028. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Councilman Adams made a motion to adopt an ordinance entitled: An Ordinance Imposing And Levying Taxes Within The Town of Windsor, Virginia Upon Real Property, And Upon Public Service Corporation Real Property For The Fiscal Year Beginning July 1, 2023, And Ending June 30, 2024; And Upon Personal Property, Upon Public Service Corporation Personal Property, Upon Machinery And Tools, And Upon Mobile Homes For The Calendar Year Beginning January 1, 2023, And Ending December 31, 2023. Councilman Dowdy seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Councilman Sharp made a motion to adopt an ordinance entitled: An Ordinance Establishing The Water Rate Schedule For The Water System Owned And Operated By The Town Of Windsor, Virginia. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

### **Public Hearings (Continued)**

#### **Rezoning – Conditional B-1 to B-1 Commercial – Parcels 54B-04-1-19, 21-23**

Mayor Stubbs opened the public hearing for the rezoning from Conditional B-1 to B-1 Commercial for parcels 54B-04-1-19 and 21-23. He asked for any persons willing to speak either for or against the proposed rezoning application submitted by the Windsor Economic Development Authority (EDA) to come forward at this time. Hearing none, he closed the public hearing and opened the floor for discussion among Council.

Mayor Stubbs asked Mr. Randolph to give an overview of the proposed rezoning.

Mr. Randolph reported that the Planning Commission met on May 24, 2023 and held a public hearing to consider a request for a change of zoning classification from C-B-1, Conditional General Business to B-1, General Business on properties located along Windsor Boulevard on the western edge of Town. He added that these properties have been through multiple owners throughout the years; however, in 2004, American Fidelity

Insurance Agency submitted an application to rezone these parcels to Conditional B-1, Conditional General Business to allow for a commercial shopping center with an out-parcel for a restaurant. He said a list of proffers (conditions) was voluntarily submitted by the applicant. The proffers include:

- 1) Development of the subject property shall be in substantial conformity with the general site plan and the architectural elevations submitted with this application.
- 2) Developer shall extend water and sewer lines to the subject property at the Developer's expense.
- 3) Lighting for the site shall be directed inward with minimal overlap onto adjacent properties. Standard sized light poles shall be used in the retail shopping center area and all out-parcels. Lighting shall be uniform in color for the project and shall utilize direct cutoff lights on 30 foot poles.

Mr. Randolph stated that the Town Council held a public hearing on July 13, 2004 and voted to approve the zoning map amendment to Conditional B-1.

Mr. Randolph said the EDA has now applied to remove the proffered conditions in order to be able to market the properties without the aforementioned conditions. He said they have a potential client interested and have submitted a conceptual plan as part of their application

Mr. Randolph said after discussing the matter, the Planning Commission voted 4-0, to recommend approval of the application to the Town Council.

Mayor Stubbs noted that in the staff report, it shows that there are no water or sewer utilities serving these properties, and utilities, if provided, would be a private well and private on-site septic system subject to Health Department Standards. He asked if a private on-site septic system would be allowed within the Town limits.

Mr. Randolph said if they needed on-site sanitation, it would have to be done with a private septic system. He said that is generally discouraged where there is sewer availability, but we do have parts of the Town that are served by septic systems.

Vice Mayor Carr asked if this rezoning is approved, would there be a recommendation for water and sewer to be extended to these parcels. He said he is in favor of the rezoning and feels that extension of the water and sewer lines to those parcels would be beneficial for future growth for the Town. Vice Mayor Carr did express his concerns with traffic issues at the location of these parcels on Route 460.

Mr. Randolph explained that Council, in coordination with the Planning Commission and Isle of Wight County, may wish to consider planning for utility extension as you develop your five-year CIP on an annual basis.

Councilman Bernacki questioned if a perk test has been performed on those parcels to determine if a septic system will be acceptable.

Councilman Redd, who serves as the Council Liaison on the EDA, said that a perk test has not recently been done on those properties. He said the project from 20 years ago had plans of extending the water and sewer lines.

Councilman Redd stated that the client interested in the property does have a contract on the property. He said the client plans to have an agritourism type business with a winery and orchard. Councilman Redd explained that his needs, for the type of business he plans to operate, will be met by a private on-site septic system and well.

Councilman Sharp expressed his concerns with lights possibly being installed on the north side of the property shining directly into the home located next to the property.

Mr. Randolph explained that when the proffers were originally put into place, these were 30 ft. poles designed for commercial use. He said lighting for an agritourism type business would be much more directional and appropriate for that site.

Councilman Redd said the potential owner is willing to work with the Town through future site plans.

Councilman Bernacki questioned if restrictions, such as lighting, would be addressed through the Town's Land Development Ordinance.

Mr. Randolph confirmed that development of the property would need a site plan, and during the site plan review, that issue would be addressed.

After further discussion, Councilman Bernacki made a motion to approve the application for a change of zoning classification from C-B-1, Conditional General Business to B-1, General Business on parcels 54B-04-1-19, 21-23 located on the south and north side of Windsor Boulevard. Councilman Sharp seconded, and Council passed the motion 5-1, with Councilman Redd abstaining, as recorded on the attached chart as motion #5.

### **Delegations and Public Comments**

None

### **Consent Agenda**

Mayor Stubbs said the Consent Agenda consists of the minutes of the May 9, 2023 Town Council Meeting, minutes of the May 30, 2023 Town Council Special 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 that the Police Report shows that the "Larceny" numbers are up. He asked was this an upward trend needing increased patrol in certain areas.

Chief Riddle said they were isolated incidents.

Councilman Sharp 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 #6.

### **Treasurer's Report**

Ms. McClanahan reviewed the May 2023 Treasurer's report and gave an update on collections. She stated that 90% of real estate taxes have been collected.

Councilman Bernacki noted that the YTD Budget Report shows an increase of 6048.5%, and under General Fund Trans Unappropriated, it shows 0%. He asked if these percentages were correct.

Ms. McClanahan said the ARPA money could have skewed the large increase of 6048.5%, but she would check into both issues and report back.

Councilman Bernacki made a motion to approve the Treasurer's report. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

### **Council Comments**

None

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

#### ***Capital Projects Update***

##### **Duke Street & Virginia Avenue Water Main Replacement**

Mr. Saunders reported that a pre-Notice to Proceed meeting was held between town staff, consultants from Bowman Associates, the owner of the KCH Contracting, LLC, on May 23, 2023. He said a Notice to Proceed is expected to be issued in the next two weeks.

##### **HVLS Fan in Public Works Building**

Mr. Saunders said the fan was delivered on April 5th, 2023. He added that the fan was installed on June 8, 2023, and it seems to be working very well.

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

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

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

None

### **Mayor's Report**

None

### **Economic Development Authority (EDA)**

None

### **Other Reports**

Councilman Bernacki reported that the Fire Department is sending four people to Florida on July 7, 2023 to do the final inspection on the tanker truck, and it should be delivered and in service by the end of July, 2023.

**Old or Unfinished Business**

None

**New Business**

***Budget Appropriation – July 4<sup>th</sup> Event Donations***

Ms. McClanahan reported that the Town has received funds in the amount \$13,450.00 for sponsor donations for the 4<sup>th</sup> of July. She said, as such, we must appropriate these funds to the 2022-2023 General Fund Operating Budget for Revenue and 4<sup>th</sup> of July expense line item.

Ms. McClanahan recommended that Council adopt the resolution entitled: A Resolution For Appropriating The Sum Of \$13,450.00 To The General Fund Operating Budget For Fiscal Year 2022-2023 For Revenue And Any Expense For The 4<sup>th</sup> Of July.

Councilman Bernacki made a motion to adopt the resolution entitled: A Resolution For Appropriating The Sum Of \$13,450.00 To The General Fund Operating Budget For Fiscal Year 2022-2023 For Revenue And Any Expense For The 4<sup>th</sup> Of July. Councilman Dowdy seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

***Budget Transfers – FY23 Budget***

Mr. Saunders briefed Council on the following budget transfers:

**General Fund Police - Travel and Training to General Fund Police – Equipment**

A transfer to cover a portion of the cost to upgrade police service weapons.

Specifically, a transfer of \$3,000 from the Police - Travel and Training line item of our General Fund budget to the Police - Equipment line item of our General Fund budget.

Councilman Adams said he recalls at a previous meeting that the amount that could be moved from one line item to another had been adjusted giving the Town Manager authority to do so, within the approved limit, without bringing it to Council.

Mr. Saunders said that small line-item adjustments within departments are not necessary to do budget transfers per the auditor. He explained that large amounts such as this are required to do a budget transfer, and if the entire department has gone over budget, then it is also required to do a budget transfer.

Councilman Adams made a motion to approve a budget transfer of \$3,000 from the Police – Travel and Training line item of our General Fund budget to the Police – Equipment line item of our General Fund budget. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

**General Fund Contingency to General Fund Legal Services**

A transfer to cover the additional cost of legal services.

Specifically, a transfer of \$10,000 from the Contingency line item of our General Fund budget to the Legal Services – Legal Services line item of our General Fund budget.

Councilman Sharp made a motion to approve a budget transfer of \$10,000 from the Contingency line item of our General Fund budget to the Legal Services – Legal Services line item of our General Fund budget. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10.


### **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, in regard to 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. 2.2-3711.A.3. Discussion or consideration of the disposition of publicly held real property between the Town of Windsor and the Isle of Wight County School Board, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. 2.2-3711.A.8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel in regard to contract negotiations with the Town of Windsor and KCH Contracting, LLC, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. 2.2-3711.A.1. Discussion or consideration of prospective candidates for appointment of specific public officers for Boards and Committees. Councilman Adams seconded, and Council passed the motion as recorded on the attached chart as motion #11.

Councilman Adams 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 Dowdy seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #12.

Councilman Bernacki made a motion to adjourn. Councilman Sharp seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #13.

The meeting adjourned at 8:49 p.m.

  
George Stubbs, Mayor

  
Terry Whitehead, Town Clerk

TOWN OF WINDSOR  
 RECORD OF  
 COUNCIL VOTES

Council Meeting Date June 13, 2023

Motion #	Sharp	Redd	Bernacki	Carr	Adams	Dowdy	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	Abstain	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	
10	Y	Y	Y	Y	Y	Y	
11	Y	Y	Y	Y	Y	Y	
12	Y	Y	Y	Y	Y	Y	
13	Y	Y	Y	Y	Y	Y	
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Terry Whitehead, Clerk