

**Minutes  
Windsor Town Council Meeting  
Town Hall  
April 12, 2022**

The Windsor Town Council met in a regular session on April 12, 2022 at 7:00 p.m. at 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. Mayor Willis asked for anyone with cell phones to please turn them off. Terry Whitehead, Town Clerk, recorded the minutes. Chief Riddle, Cheryl McClanahan, Treasurer, and Fred Taylor, Town Attorney, were present. William G. Saunders, IV, Town Manager, was absent.

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

Councilwoman Blankenship led the Pledge of Allegiance.

**Electronic Participation – Councilman Bernacki**

Mayor Willis stated that Councilman Bernacki would like to request to participate and vote at tonight’s meeting by electronic participation due to being out of Town on personal business. He said if approved, Councilman Bernacki will be participating electronically from New York State.

Councilwoman Blankenship made a motion to allow Councilman Bernacki to participate and vote at tonight’s meeting by electronic participation. Vice Mayor Greg Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

**Public Hearings**

***Windsor Station Rezoning – Tax Parcel 54-01-094B***

Mayor Willis said there are two public hearings tonight. He said the first public hearing is to consider public comment on Case TZ-001-22 – Windsor Station Rezoning. He asked Mrs. Brown to give an overview of the rezoning application.

Mrs. Brown said this is a public hearing for Case TZ-001-22 - Windsor Station Rezoning. She said a rezoning request by First Dominion Land, Inc., property owners, to rezone 40.028 acres from A-1 to R1/MHP to create 60 single family residential lots. She said the property is located on Shiloh Drive and connects to the existing Holland Meadows subdivision. Mrs. Brown stated that the property is identified as Tax Map Number 54-01-094B.

Mrs. Brown stated that the original Holland Meadows rezoning was approved by Town Council on June 9, 2009, and construction was completed in 2021. She said it should be

noted that the sanitary sewer pumping station that was put in place as part of the original 2009 Holland Meadows development was designed to serve both the existing Holland Meadows subdivision and the proposed development, also known as Windsor Station, which is now under consideration.

Mrs. Brown reported that if approved, the lots would have a minimum lot size of 7,500 square feet, but as the concept plan indicates, most lots will have additional square footage over the minimum. She said the minimum lot width is 50', and the corner lots are 75' in width.

Mrs. Brown said it has come to the attention of Town staff since the March 23<sup>rd</sup>, 2022 Planning Commission meeting, that following the rezoning of Holland Meadows to Conditional R-1/MHP, the Town of Windsor Planning Commission actively sought to create alternative zoning districts for developments such as Holland Meadows and Windsor Station, in order to prevent the future use of MHP in this manner.

Mrs. Brown said the two alternative districts are Planned Unit Development (PUD) and High Density Residential (HDR).

Mrs. Brown explained that in PUD, the developer creates their own district ordinance for adoption and then rezones their property to it. She said this was recommended to the developers of Windsor Station by Town staff in order to eliminate the use of MHP; however, the developers submitted application in concert with the Conditional R-1/MHP designations used for Holland Meadows.

Mrs. Brown said HDR is a standard zoning district. She said the largest differences in what is proposed for Windsor Station and HDR is that the proposed Conditional R-1/MHP zoning has 7,500 sq. ft. minimum lot sizes and HDR has 8,712 sq. ft. minimums by right and as little as 4,356 sq. ft. with the approval of a Conditional Use Permit. Mrs. Brown said the other difference is that in HDR, 10% of the gross area of the development is required to be provided as open space.

Mrs. Brown said at the Planning Commission work session held on February 23, 2022, and the Planning Commission Public Hearing, held on March 23, 2022, the following transportation related comments were addressed:

1. The Virginia Department of Transportation (VDOT) is the review and approval authority in Windsor for all public transportation related requirements. Their comment letter is attached to this report. The proposed streets, if approved, will become public streets built to VDOT specifications. To summarize VDOT's comments, they concur with the applicant's trip generation report and turn lane warrant report. Therefore, no turn lane will be required. VDOT comments did make clear, however, that if this development moves forward, additional construction plans would be required to ensure that all requirements, including sight distances, intersection configurations, drainage design, right of way widths, etc. are met.
2. Regarding another transportation-related item that came up during the Planning Commission work session was the internal street connections between Holland Meadows and Windsor Station. Per the proposed concept plan, the main entrance to the proposed subdivision is Shiloh Drive – there will be one

connection of Savannah Street internally. The applicant is in the process of applying for a variance/exception from VDOT for Lena Rose Street to not be connected although it was originally planned for such connection.

3. During that same work session, a citizen comment was made regarding a safety concern at the intersection of Route 460 and Lovers Lane. VDOT verbally responded to this as follows: It is anticipated that there will be more vehicle trips added to the Route 460/Lovers Lane intersection; however, it is not anticipated that it would drop the existing level of service, and impacts would be overall minimum.
4. During the Planning Commission meeting, the developer/applicant also agreed to barricade Savannah Street to prohibit through traffic during the course of construction.
5. A citizen comment was also received regarding combining the Holland Meadows Homeowner's Association and the Windsor Station Homeowner's Association. There is a legal requirement for both subdivisions to have homeowner's associations; however, there is no legal or zoning requirement to require they be combined.

Mrs. Brown said she would like to read into record the following most recent proffer statement signed and agreed upon by the applicant/owners and dated April 12, 2022:

1. The developer/owner agrees the total lot count shall not exceed 60 single family residences.
2. The property to be rezoned shall be developed in General Conformance with the Conceptual Plan submitted by Parish Layne Design Group and dated April 15, 2021, a copy of which is on file with the Town of Windsor.
3. In order to enhance the architectural aesthetics, the developer proffers the following:
  - a) Homes shall have a minimum square footage of heated living space of 1,600 square feet.
  - b) Foundations shall be raised slab construction elevated at least 1 foot above final grade and shall be finished with either brick or parged concrete finishes.
  - c) No more than three exterior materials shall be allowed on each structure, not including doors, windows, shutters, railings, columns and roof materials.
  - d) Roofing materials shall be, at a minimum, dimensional, or architectural asphalt shingles. Standing seam, pre-finished metal roofs, painted galvanized metal roofs, composite slate and composite cedar roofs are allowed.
  - e) Exposed roof vent stacks shall be located on the rear of the house for minimum visibility. Vented fireplace boxes are permitted provided, that they are constructed out of the same primary material as the house and the roof lines are consistent with the main house.

- f) All dwellings shall have a minimum of a one car garage and driveways shall be concrete material.
  - g) No two dwellings with the exact elevations shall be constructed immediately adjacent to on another.
  - h) The development shall require a minimum of three model homes with three different elevations for each model.
  - i) All dwellings shall have a covered front porch.
  - j) No single-wide or double-wide mobile homes or temporary structure of any kind may be used as a dwelling.
  - k) Extended parking of vehicles shall be limited to paved surfaces.
4. The developer/owner shall establish a Landscape Buffer 40' in width along Shiloh Drive and construct a three-foot earthen berm within the Landscape Buffer with enhanced landscaping.
5. The developer/owner shall install a five-foot sidewalk along the frontage of Shiloh Drive. This sidewalk shall be installed prior to the issuance of the last Certificate of Occupancy for the subdivision.
6. The developer/owner shall impose restrictive covenants and conditions and will create a Homeowners Association with the obligation to maintain the any BMP structures located within the subdivision. The Homeowner's Association shall provide adequate financial security to maintain any BMP structures located within the subdivision and shall enforce the architectural features listed above as 3. a-k.
7. The developer /owner shall extend and develop Savannah Street to provide a dedicated public right-of-way for street connectivity. The developer shall work with the Holland Meadows Homeowner's association to remove the stub/pavement section on Lena Rose so that it does not appear to be an abandoned street.
8. Front building lines shall be allowed to be reduced to a minimum of 35' from the street right of way.
9. The homes shall be constructed in general conformance with the submitted building elevation drawings.
10. The developer shall install a fence around the Windsor Station storm water management facility.
11. The developer shall install children amenities in the Windsor station open area.
12. The developer shall install a sidewalk within the existing right of way, connecting the Windsor Station sidewalk to the Holland Meadows Sidewalk along Shiloh Drive.

13. The developer shall barricade Savannah Street to prohibit through traffic during construction.

Mrs. Brown reported that the Planning Commission held a public hearing at its March 23, 2022 meeting and recommended approval (3-2 vote with 1 abstention) of Rezoning TZ-001-2021, subject to the following changes to the March 23, 2022 Draft Proffer Statement:

1. The developer will change the minimum front setback from 30 (feet) to 35 (feet).
2. The developer will install amenities in the open-space area.
3. The developer will install a fence around stormwater banishment area.
4. The developer will construct a sidewalk within the existing right-of-way, connecting the Windsor Station sidewalk to the Holland Meadows sidewalk along Shiloh Drive, as long as there is right of way.
5. The developer will barricade Savannah Street to prohibit through traffic during construction.

Mrs. Brown noted that the April 12, 2022 Revised Proffer Statement, as written, and as signed by the owner, addresses the above-referenced comments of the Planning Commission.

Mrs. Brown stated that the application is being represented by Brian Layne, with Parrish-Layne Design Group and Donnie Cross of Ashdon Builders.

Brian Layne, with Parrish-Layne Design Group, 7021 Harborview Boulevard, Suffolk, Virginia, spoke on behalf of the applicant and owners. He said they have heard all the concerns from the Planning Commission and from the President of the Holland Meadows Homeowner's Association (HOA), and they feel like they have addressed everything that could be addressed as outlined by Mrs. Brown in the aforementioned revised proffers.

Mr. Layne said there were some other concerns that are beyond their control. He said this will be a separate subdivision called Windsor Station, and it is required to have a separate HOA from Holland Meadows. He also explained that the two subdivisions will be connected due to VDOT requirements.

Mr. Layne said he received a call from Mr. Saunders relating to a possible text amendment issue with how the application was prepared regarding the Conditional R-1/MHP zoning district versus Planned Unit Development (PUD) or High Density Residential (HDR) zoning district classifications, as Mrs. Brown explained.

Mr. Layne said after speaking with Mr. Saunders, the owner and the developer understand that this issue will not impact the technical layout of the subdivision or the proposal; therefore, they are ok with whatever staff needs to do to address the text amendment on the application at a later date.

Mr. Layne explained that the open space area that has been provided by the developer meets the 10% requirement for the HDR zoning district classification. He noted that their total gross area is 40 acres, and the open space area will be 4 acres to meet that requirement.

Mr. Layne said he feels that the proposed Windsor Station subdivision will be an enhancement and a compliment to Holland Meadows. He noted that Ashdon Builders

will be utilizing local merchants to purchase materials, local restaurants and convenience stores should see an increase in sales for gas and food, and revenue for tap fees and real estate taxes will increase for the Town if the rezoning is approved for the Windsor Station subdivision.

Donnie Cross, Vice President of Ashdon Builders, distributed a packet to Council showing floor plans and exterior of the homes being proposed. Mr. Cross said the homes will range from 2000 to 2800 square feet with an estimated sale price of \$375,000 and up. He said homes will be vinyl sided with architectural roof shingles. He added that some will also have brick and stone accents on the front. He noted that the homes would be a mix of single story and two story homes with varying elevations of each with a minimum of three per model type. Mr. Cross stated that all information regarding the models is included in the packets.

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

Lewis Edmonds, 24327 John Henry Street, said he spoke on behalf of the Holland Meadows Homeowner's Association at the Planning Commission public hearing held on March 23, 2022. He said he will be speaking as a citizen tonight, because he has not had an opportunity to review the following recommended proffer changes with the HOA.

Mr. Edmonds recommended the following highlighted proffer changes:

- 3.a. Homes shall have a minimum square footage of heated living space of ~~4,600~~ *2,000 square feet. (Assuming that Ashdon Builders is not counting the garages as part of the square footage. All of the advertised houses are at least 2,000 square feet, which is the desired size for what this neighborhood should be.)*
  
- 8. Front building lines shall be allowed to reduce to a minimum of thirty-five feet (35') as measured from the front right-of-way line *and must include a driveway that is a minimum of eighteen feet (18') wide. However, for any home with a sidewalk in front of the home, the front building lines shall be a minimum of forty feet (40') as measured from the front right-of-way line. (This is a safety issue because the shorter distance will increase the likelihood of cars protruding into the sidewalk. All the models advertised in the agenda packet are two car garages; therefore, 18' wide driveways should be expected. This will also reduce on-the-street parking.)*
  
- 11. ~~Developer shall install children amenities in the Windsor Station Open Space~~ *create a contiguous open space with a minimum of three-thousand and five-hundred square feet (3,500 sq.ft.) and with a minimal grade. (In Holland Meadows, "open space" was a euphemism for "space not practicable for a house" and is ultimately a reoccurring, indefinite lawn care expense for the residents. If the HOAs are not combined, Ashdon Builders will have control of the Windsor Station HOA when the children's amenities are decided, which means Ashdon Builders will choose the amenities to what best suits them and impose a lasting insurance liability on the HOA. This was brought up in the Planning Commission Public Hearing, but failed to make it into this agenda packet.)*

Mr. Edmonds continued to discuss the disadvantages of having separate HOAs for Holland Meadows and the proposed Windsor Station subdivision. He said if there are

going to be separate HOAs, he strongly urges that the proffer language be amended to clearly delineate a minimum occupancy threshold that the residents can assume a controlling share of the HOA.

Mr. Edmonds suggested that Town Staff should ask/task the Planning Commission to give serious consideration to revising zoning definitions and set expectations for further subdivisions. He also suggested that the Planning Commission minutes be included in Council packets for Council's review.

Mr. Edmonds said the following should be considered in future zoning/development planning:

- Required and well defined common space(s) based on the number of houses in a development.
- Minimum functional backyard size.
- Strictly enforcing the 40' building line to right-of-way ordinance.
- Safety features for stormwater banishment areas.
- Minimum lot sizes with defined standards regarding shapes/widths (see lots 18, 54, & 55).

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

Councilman Bernacki asked if the setbacks between homes are being reduced, how will that affect and impact fire hydrant placement.

Chris Parrish, Parrish-Layne Design Group, 7021 Harborview Boulevard, Suffolk, Virginia, explained that the fire hydrants will be required to be 800 feet from one fire hydrant to the next per the International Fire Code.

Vice Mayor Willis agreed that the minimum driveway width should be 18' with the 35' setback.

Mayor Willis explained that an effort was made to address and correct the R-1/MHP zoning district when the Land Development Ordinance was revised in 2015 or 2016. He said the Planned Unit Development (PUD) and the High Density Residential (HDR) districts were approved by Council in 2017 as alternatives to correct and eliminate the R-1/MHP district. Mayor Willis said he had concerns when an application for the rezoning of the Windsor Station subdivision was submitted with the same R-1/MHP district as was submitted in 2009 for Holland Meadows.

After discussion, it was the consensus of Council to not allow the R-1/MHP zoning district to be used in future developments, and to have this corrected in the Land Development Ordinance.

Councilwoman Blankenship expressed her concerns with some of the homes in Holland Meadows having extremely small back yards that back up to the drop off at the ravine.

Mr. Cross explained that they are trying to get a little more backyard space and solve the issue of the drop off at the ravine in the problem area backyards by reducing the setback from 40' to 35'.

Councilman Carr and Councilwoman Blankenship expressed their concerns with a playground being near a retention pond or in front of the subdivision next to Shiloh Drive.

Councilwoman Blankenship asked for clarification as to why it would be beyond the control of the developer to combine the two HOAs.

Mr. Taylor stated that the developer has zero control over the Holland Meadow's HOA. He said once the developer turns the HOA over to the residents of that local community, they are in essence like a mini corporation. He said they have the same rights and obligations under the Virginia Property Owners Associations Act and whatever covenants or bylaws that the individual HOA would have. He said neither the developer nor Town Council can tell them what to do, and they can't restrict anything they do in the sense of combining. He said the only way for them to be combined would be for the two independent HOAs to make that decision and then go through a legal process to make that happen. Mr. Taylor said this is all clearly spelled out in the Code of Virginia.

After further discussion, Mr. Layne said he spoke with the developer, and they are willing to add language stating that all driveways will be a minimum of 18 feet wide. Mr. Layne explained that they wouldn't want to remove the 1600 square foot home option, because it is the difference between a room over the garage and not having a room over the garage.

Mayor Willis made a recommendation to table the proposed rezoning until the May 10, 2022 meeting to allow Council time to review the revisions made to the proffers and to allow Council time to review the Planning Commission minutes regarding this issue before a decision is made.

Councilman Stubbs confirmed with Mrs. Brown that information from the Planning Commission regarding this issue was included in the staff report, and that she had not received any comments from citizens in opposition of the rezoning request.

Councilman Stubbs briefed Council on the discussion held at the March 23, 2022 Planning Commission meeting regarding the proposed Windsor Station rezoning.

Mayor Willis said it has been productive in the past to take the opportunity to gather our thoughts before we make a decision on issues such as this after it has just been presented for the first time.

After further discussion regarding the location of the open space area, Mr. Layne said the developer has agreed to have the open space area for the playground exclusive of the stormwater area and not located along Shiloh Drive.

Mrs. Brown was asked to read into record the following changes to the Draft Proffer Statement:

- Proffer 8. Developer has agreed to add language stating that all driveways in the Windsor Station subdivision will be a minimum of 18 feet wide.



- Proffer 11. Developer has agreed to add language stating that the open space area for the playground will be exclusive of the stormwater area and not located along Shiloh Drive.

Councilman Stubbs made a motion to approve the rezoning of 40.028 acres from A-1 to Conditional R1/MHP to create 60 single family residential lots, known as Windsor Station, if all above-mentioned changes to the proffers were made to the Draft Proffer Statement. Councilman Carr seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Mayor Willis said there is another public hearing this evening to consider public comment on Electronic Summons Funding. He asked Chief Riddle to give an overview.

Chief Riddle said Town Council has been briefed on the digiTICKET electronic summons system at work sessions and meetings and has recommended that staff move forward with implementation.

Chief Riddle stated that the Windsor Police Department is considering an electronic summons system, digiTICKET, to modernize and streamline the issuance of citations and the corresponding data collection related thereto.

Chief Riddle said this is a program that can potentially be done in concert with the Isle of Wight County Sheriff's Department for an overall cost savings due to an economy of scale. He said the IOWC Sheriff's Department has the implement intends to implement the system prior to the end of the current fiscal year.

Chief Riddle said an ordinance provision is required to authorize the collection of a five dollar fee per citation in order to fund the ongoing maintenance of the system. He said an ordinance is going before the IOWC Board of Supervisors at their April 7<sup>th</sup>, 2022 work session; an ordinance is before you for review and adoption in order to begin the building of the maintenance fund.

Chief Riddle stated that the initiation of this program can be funded by American Rescue Plan Act Funds, due to the minimization of person to person interaction and corresponding prevention of the spread of the COVID pandemic on traffic stops.

Chief Riddle explained that the five dollar fee will be collected by the Clerk of the Court and will be earmarked specifically for the ongoing funding of the electronic summons system, as questioned by Councilman Stubbs.

Mr. Taylor explained that the five dollar fee is defined by the General Assembly, as questioned by Councilwoman Blankenship.

Mr. Taylor noted a correction to the last sentence in the proposed ordinance. He stated that "solely to fun" should be corrected to "solely to fund."

Mayor Willis opened the public hearing and asked for any persons wishing to speak either for or against the Electronic Summons System Funding Ordinance to come forward at this time.

Herb DeGroft, 15411 Mill Swamp Road, said he is in favor of the electronic summons system. He said he spoke with Sheriff Clarke recently, and he explained how this system streamlines the process of issuing citations and makes it safer for the officers. He said it maximizes the officer's time and gives them more time to do other important duties. Mr. DeGroft said he highly encourages Council to adopt this ordinance.

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

Councilman Stubbs made a motion to approve and adopt the ordinance entitled: An Ordinance To Amend Chapter 86, Article 1, Section 2, of the Code of Ordinances of the Town of Windsor, Virginia. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

### **Delegations and Public Comments**

#### ***Public Comments***

Herb DeGroft, 15411 Mill Swamp Road, said he has been assigned to the Senior Services Board for the past 16 years and is presently on the Strategic Planning Committee. He said he appreciates Town Council and the Town Center Advisory Board's diligence and effort in taking the time to consider the use of the Town Center by Senior Services. He said this would bring much needed programs and knowledge about those programs to the community if the use of the facility by Senior Services was approved.

Edward Dowdy, 9 Bank Street, said he has been working on keeping the ditches cleaned out from Bank Street down part of Buckhorn Drive to alleviate drainage issues. He said the contractor who built the four homes on Buckhorn Drive did a very poor job of landscaping and putting the ditches back where they belong, and it has stopped up the ditches down Bank Street. He said he is trying to keep them maintained and flowing.

Mr. Dowdy said he has spoken to three of the four new homeowners on Buckhorn Drive, and they are very dissatisfied and are having issues with the poor quality of work completed by the contractor on these homes. He said he would like to bring this to Council's attention before this contractor pursues building other poor quality homes in the Town of Windsor.

Pamela Barton, who serves on the Senior Services Board, expressed the importance and the need of having senior programs in the Town of Windsor. She said she is the retired Director from the Department of Social Services where she served for over 10 years. She said this end of the County has less information that is given to seniors, and this is an opportunity to improve that. Mrs. Barton said she appreciates the consideration of voting in favor of the use of the facility for senior programs.

Lewis Edmonds, 24327 John Henry Street, thanked Town Council and Mayor Willis for challenging and trying to understand exactly what the developers of Windsor Station were proposing, and holding them to what the intention of what Council wanted that neighborhood to be. He said he also appreciated the education on the HOA. Mr. Edmonds said he still thinks having two HOAs is going to be a problem, but he understands the inability to do anything about it.

Mrs. Whitehead introduced Jay Randolph, who was hired as the Town's Planning and Zoning Administrator.

### **Consent Agenda**

Mayor Willis said the Consent Agenda consists of the minutes of the March 8, 2022 Council meeting, March 28, 2022 work session, and the Police Chief's report. He asked if there were any questions or comments regarding the Consent Agenda.

Councilman Stubbs made a motion to adopt the Consent Agenda as presented. Vice Mayor Greg Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

### **Treasurer's Report**

Ms. McClanahan reviewed the Treasurer's report for the month of March, 2022. She reported that as of March, an average of 89.6% of 2021 Personal Property taxes have been collected. She said \$8,329 was collected in 2021 Personal Property taxes and \$4,141 in back taxes. She noted that we also collected \$11,860.50 in the Local Sales & Use taxes and \$36,891.95 in Business Licenses. She stated that Real Estate taxes should be in the mail by next Tuesday, April 19, 2022. Ms. McClanahan added that all bank balances and accounts receivables are reconciled.

Ms. McClanahan reported that the dilapidated church on Maple Lane is tax exempt, as questioned by Vice Mayor Greg Willis.

Ms. McClanahan explained the credit card fees showing on the treasurer's report, as questioned by Councilman Bernacki.

Councilwoman Blankenship made a motion to approve the Treasurer's report. Councilman Stubbs seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

### ***Budget Appropriation / Resolution – digiTICKET Electronic Summons System***

Ms. McClanahan reported that on February 8, 2022 the Town Council was briefed on the digiTICKET system.

Ms. McClanahan said the Windsor Police Department would like to proceed with the electronic ticketing system, digiTICKET, to modernize and streamline the issuance of citations and the corresponding data collection related thereto. This initiation of this program will be funded by American Rescue Plan Act Funds, due to the minimization of person-to-person interaction and corresponding prevention of the spread of the COVID pandemic on traffic stops.

Ms. McClanahan recommended that Council adopt the resolution entitled: A Resolution For Appropriating The Sum Of \$29,449.16 From American Rescue Plan Act Funding From the Commonwealth Of Virginia To The General Fund Operating Budget For Fiscal Year 2021-2022 For Police Technology Line Item.

Councilman Bernacki made a motion to adopt the resolution entitled: A Resolution For Appropriating The Sum Of \$29,449.16 From American Rescue Plan Act Funding From the Commonwealth Of Virginia To The General Fund Operating Budget For Fiscal Year 2021-2022 For Police Technology Line Item. Councilman Stubbs seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

### **Council Comments**

Councilwoman Blankenship said she questioned last month if a resident had a permit to install an eight foot fence on Windsor Way in the Windsor Woods subdivision. She said she was told that there was no permit issued for the fence, and Mrs. Brown was going to send a letter to the resident. She said she has received several complaints from neighbors regarding this fence. Councilwoman Blankenship said the resident should not be able to receive a permit for an eight foot fence in that area according to the Town's Fence Ordinance.

Mr. Randolph said he would check into this matter.

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

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

Mayor Willis briefed Council on the following Capital Projects:

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

Easement acquisition packets were sent out to landowners; meetings are being scheduled with those who want more information.

#### **Shiloh Drive Sidewalk**

In addition to the repairs on the eroded portion of the sidewalk, which were completed on February 2<sup>nd</sup>, 2022, two sidewalk sections, which had somehow been cracked were replaced under warranty on February 21<sup>st</sup>, 2022.

#### **Windsor Town Center Roof Replacement and Moisture Repair**

Final invoicing has been received and the overall project came in with a minimum of unexpected costs. Please find enclosed, a spreadsheet comparing projected and actual costs.

Vice Mayor Greg Willis said he would like to see a letter drafted and sent to Isle of Wight County documenting the ongoing issues with the Shiloh Drive sidewalk. He said he would like the letter to state that the Town should not be responsible, after the warranty expires, with issues that were not resolved from the beginning of the project.

Mayor Willis explained that he is not sure how much, if any, Alpha Corporation was involved in the Shiloh Drive Sidewalk project, as questioned by Councilman Stubbs. He said this would be a follow-up question for Mr. Saunders.

Councilman Bernacki asked how the unspent money in the amount of \$18,901.44 from the Windsor Town Center roof project will be handled.

Mayor Willis said that he and Mr. Saunders will be discussing how to handle the unspent money from the Windsor Town Center roof repairs with Isle of Wight County at the next Board meeting since the County partnered with the Town on the project. He said they should have a solution on how to address the unspent money after the Board meeting.

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

Mayor Willis said the April, 2022 and May, 2022 calendars are enclosed to include Town of Windsor and Isle of Wight County public meetings, as well as other pertinent information.

Mayor Willis noted that a budget work session will be scheduled for the end of April, 2022. He said Mr. Saunders will be contacting Council with a specific date.

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

None

### **Mayor's Report**

None

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

Councilman Redd reported that they have received three applicants interested in painting the frogs that will be placed within the Town. He also reported that there is a contract on the property located west of the Dairy Queen, and it is under the due diligence time period.

### **Other Reports**

None

### **Old or Unfinished Business**

#### ***Senior Programs for Windsor Town Center Proposal / MOU***

Chief Riddle reported that this item was before the Windsor Town Council at their March 8, 2022 meeting, where representatives from Senior Services of Southeastern Virginia (SSSEVA) presented their proposal. He said following consideration, the Town Council requested that the Windsor Town Center Advisory Board (WTCAB) review these proposals, and the draft MOU, and provide a recommendation to them in advance of their April 12, 2022 meeting.

Chief Riddle said due to how impactful the proposed use would be to operations at the WTC, a Memorandum of Agreement between the Town and SSSEVA was recommended by Town staff.

Chief Riddle stated that a MOU is enclosed, for Council's review, that includes the revisions recommended by the WTCAB and the Town Attorney.

Chief Riddle reviewed the following revisions to the draft MOU since March 8, 2022:

#### Section III.A.1

The WTCAB recommends the ending of SSSEVA programs by 1:45pm, due to the stacking of cars in front of the Center by parents picking up children after school; the school day ending at 2:25pm.

The WTCAB recommends SSSEVA programs taking place Monday through Thursday.

#### Section IV

The WTCAB recommends being flexible and accommodating to Senior Programs to the extent possible when scheduling events and using the numerous areas available in the facility to host different activities concurrently; however, at times Town rentals and/or specific, planned P&R or County activities may conflict with Senior Programs.

The WTCAB recommends that the Arrowhead Meeting Room be the primary location for Senior Program activities, with the gym, art room, and lounge as secondary, alternative locations when necessary.

#### Section VI

The WTCAB recommends that all parties to the agreement meet between twelve (12) and eighteen (18) months following execution to determine if any amendments to the terms are necessary.

#### Section XII

The Town Attorney recommends that termination may only occur after parties providing thirty (30) days' written notice.

Chief Riddle explained that the WTCAB did not provide a recommendation as to whether SSSEVA should pay any rental fees for normal programming and/or special event bookings; however, they did discuss concerns relating to an expected increase in utilities and professional services (i. e. Cleaning, maintenance, etc.) expenses with the additional usage of the facility.

Chief Riddle said this is for Council's consideration.

Councilman Bernacki said he went out into the community and knocked on some doors to receive input regarding the proposed MOU. He said several citizens questioned if the SSSEVA has an event outside of their normal schedule, should there be fees to cover the additional operational expenses. Also, the MOU addresses adding Senior Services as an additionally insured party to the Town's insurance policy; will this be an additional cost to the Town, and has it been budgeted.

Councilwoman Blankenship said she recalls a conversation with the previous Town Attorney advising the Town not to offer reduced rates to non-profit organizations. She said he advised that there be one specific rate for all non-profit organizations, whether it be reduced or not.

Councilwoman Blankenship asked Mr. Taylor what position would Council be putting themselves in if there were no fees for the SSSEVA, and other non-profit organizations are expected to pay fees.

Mr. Taylor said that he and Mr. Saunders had discussions in that regard, and they procedurally anticipated that there may be questions requiring specific legal advice that could be given during a closed session. He said Council can discuss all closed sessions at once or deal with this issue now.

Councilman Stubbs expressed his concerns with not knowing what the additional cost will be to add Senior Services on the Town's insurance policy with a minimum of \$1M coverage per event and \$5M total coverage. He suggested that Mr. Saunders research that cost.

Steve Zollos, Chief Executive Officer for SSSEVA, said he respectfully encourages Council to look at what Senior Services are bringing with in-kind services, such as staffing, the meals, professionals who come in to serve meals to the adults, and various programs. He said he appreciates Council and David Smith taking the time to try and make this work if possible.

Councilwoman Blankenship said we need to ask ourselves can and should the Town's small budget absorb the expenses to provide this service that is also shared with the County's population. She also asked if we need to reach out to Isle of Wight County to see if we have the Board's support since we do have a separate MOU with Isle of Wight County. Councilwoman Blankenship said we are considering entering into an agreement that could narrow the County's opportunities for bringing other services to the facility.

Councilwoman Blankenship said she does not want to jeopardize the Town's relationship with the County. She said she feels that we should not vote on this issue until the Board of Supervisors say that they are in support of this use of the facility with the possible detriment of the growth of Parks and Recreation.

Mayor Willis said it may be helpful for David Smith, Isle of Wight County Parks & Recreation Director, to possibly meet with Mr. Saunders to discuss where we are with programs and what are we looking at going forward, to potentially be shared at the next Council meeting.

Mr. Smith stated that the Isle of Wight Board of Supervisors are very favorable to senior services. He said they have a senior program at Nike Park, and the Board has increased some of the funding that they are providing to these services. He said he does agree that it would be prudent to discuss this issue with the Board to get their direct comments regarding the use of the Town Center for senior services.

Mr. Smith said the County is planning to do Therapeutic Recreation programs, as discussed at the last meeting. He said part of the week that program will be held at the Windsor Town Center and the other part of the week it will be held at Nike Park. He said that's where we are now, and he hopes that five years from now they will be exploding with other activities at the Town Center. Mr. Smith said they are continuing to look at what the new trends are for recreation, activities and programs in order to plan for the future.

Mr. Smith said they are in the process of working on a Comprehensive Park & Recreation Master Plan. He said surveys will be sent out and public meetings will be held. Mr. Smith said the plan will help give guidance for the next five to ten years.

Mayor Willis said we have a draft MOU, and we will receive direction from Mr. Taylor during closed session. He said we will continue to push forward on this issue and come to a consensus and an understanding of what's the best way to handle this issue.

## **New Business**

### **Appointment of Residential Beautification Committee Members**

Chief Riddle reported that at their November 9, 2021 meeting, the Town Council voted to create a Residential Beautification Committee and to invite citizens interested in serving on the committee to come forward.

Chief Riddle explained that the committee would judge and award residential property owners, and would consist of three town residents on the committee. He said the following three Town residents have volunteered to serve on the Residential Beautification Committee:

- Mary Frances Begley
- Laurie Leigh Gust
- Julia Paul

Chief Riddle said the recommendation is to appoint the volunteers to the committee.

Vice Mayor Greg Willis made a motion to appoint the volunteers, Mary Frances Begley, Laurie Leigh Gust and Julia Paul, to the Residential Beautification Committee. Councilman Stubbs seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

Councilman Bernacki said he will be serving as the Liaison to Town Council, as discussed at a previous meeting. He said he sees this as a positive, and he looks forward to setting up a meeting and moving forward.

Mayor Willis said paperwork will be sent out this week to begin the process of staff evaluations.

## **Closed Session**

Councilman Stubbs made a motion to go into closed session in regard to the Windsor Police Department, pursuant to Virginia Code Section 2.2-3711, A-7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body. In regard to the Town Attorney, Section 2.2-3711, A-1 Discussion, consideration of performance and salary of specific public officers, appointees, or employees of any public body. In regard to the Windsor Town Center, Section 2.2-3711, A3 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 a public body regarding specific legal matters requiring the provision of legal advice by such legal counsel. Vice Mayor Greg Willis seconded, and Council passed the motion as recorded on the attached chart as motion #8.



Vice Mayor Greg Willis 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 Stubbs seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

Councilman Stubbs made a motion to accept the Town Attorney contract as proposed by Mr. Saunders. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10.

Councilman Stubbs made a motion to adjourn. Vice Mayor Greg Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #11.

The meeting adjourned at 10:20 p.m.

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Glyn Willis, Mayor

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Terry Whitehead, Town Clerk

TOWN OF WINDSOR  
 RECORD OF  
 COUNCIL VOTES

Council Meeting Date April 12, 2022

Motion #	Blankenship	Carr	Stubbs	Redd	Greg Willis	Bernacki	Glyn Willis
1	✓	✓	✓	✓	✓	✓	
2	✓	✓	✓	✓	✓	✓	
3	✓	✓	✓	✓	✓	✓	
4	✓	✓	✓	✓	✓	✓	
5	✓	✓	✓	✓	✓	✓	
6	✓	✓	✓	✓	✓	✓	
7	✓	✓	✓	✓	✓	✓	
8	✓	✓	✓	✓	✓	✓	
9	✓	✓	✓	✓	✓	✓	
10	✓	✓	✓	✓	✓	✓	
11	✓	✓	✓	✓	✓	✓	
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Jerry Whitehead, Clerk