

**Minutes  
Windsor Town Council Meeting  
Town Hall  
September 11, 2018**

The Windsor Town Council met in regular session on September 11, 2018 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Carita J. Richardson was present, and she called the meeting to order. She welcomed those who were present. She asked for anyone with cell phones to please turn them off. She asked the Clerk to call the roll. Terry Whitehead, Town Clerk, recorded the minutes. Michael Stallings, Town Manager, Chief Riddle, Christy Jernigan, Treasurer, and Wallace W. Brittle, Jr., Town Attorney, were present.

Council members present: Durwood Scott  
N. Macon Edwards, III  
Greg Willis  
Patty Flemming  
Tony Ambrose  
Walter Bernacki

Mayor Richardson asked everyone to bow for a moment of silent prayer in remembrance of the victims of 9/11 and for everyone’s safety during Hurricane Florence.

Councilwoman Flemming led the Pledge of Allegiance.

**Public Hearing**

None

**Delegations, Public Comments and Citizens’ Concerns**

Katherine Dailey, 10442 Albert Court, read a letter on behalf of her son, Liam Barnes. The letter stated that he doesn’t understand why chickens aren’t allowed in residential districts within the Town. In his letter, he explained that he has lived in the Town all his life, and several people have owned chickens during this time. He said he loves his chickens and does not want to get rid of them. Liam’s letter stated that the chickens have been very educational to him and his family.

Ms. Dailey said she contacted Mathew Gray, Virginia State Director of the Humane Society of the United States. She said Mr. Gray stated that the Humane Society does not usually take a position on chicken ordinances. She said he explained that with good common sense restrictions, including a prohibition on roosters and limiting the number of chickens, he personally thinks that chickens are great. Ms. Dailey discussed the conditions in which grocery store eggs are produced.

Ms. Dailey asked again that Council pass an ordinance allowing chickens in residential districts. She also asked that those Council members who are seeking re-election to publicly state what their vote would be regarding this matter so that the public can make an informed decision as to how they cast their vote at the November, 2018 election.

Harley Frady, 10482 Beale Drive, said she provides child care to the Barnes/Dailey home and has seen first-hand the benefits of their chickens. She said the chickens have provided a great learning opportunity for the children. She said she has also had the benefit of enjoying the fresh eggs that the chickens provide. She explained that these chickens are not just poultry; they are pets. She said she did not realize that chickens were not allowed in residential districts. Ms. Frady asked Council to please consider revising the current ordinance and finding a compromise to allow these children to continue to enjoy the benefits of these pets.

### **Consent Agenda**

Mayor Richardson said the Consent Agenda consists of the minutes of the August 14, 2018 Council meeting and the Police Chief's report. She asked if there were any questions or comments regarding the Consent Agenda.

Councilman Edwards noted a correction on page 2, paragraph 2 of the Council meeting minutes under *Windsor Vacuum Sewer Study* stating that the wording should be corrected to show that there is no sewer service on Lovers Lane.

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

### **Treasurer's Report**

Mr. Stallings said that Mrs. Jernigan is not present at tonight's meeting due to attending a training class with the Treasurer's Association. He said the Treasurer's report for the month of August is before Council for review. He said he will be glad to answer any questions.

Councilman Bernacki suggested using the language "contribution" instead of "donation" when funds are being transferred from the General Fund to the Library and Economic Development since the Town does not participate in using tax dollars for outside donations.

Councilman Edwards said the bank name on the Treasurer's report under the Certificates of Deposit should be changed from Citizens National Bank to Old Point National Bank.

Mr. Stallings briefed Council on the tax implementation with Munis.

Councilman Edwards made a motion to approve the Treasurer's report with the aforementioned corrections. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

### **Council's Discussion of Citizens' Concerns**

Mr. Stallings reported that the Bank Street railroad crossing repair is scheduled to begin by the middle of September if the hurricane does not cause delays.

Councilman Edwards noted that a realty sign is on the Town property located on Route 460. Mr. Stallings said the sign was placed there without permission, and he will have it removed.

Councilwoman Flemming reported that the storm drains on Church Street are clogged up. Mr. Stallings said the maintenance department tries to clean these drains before a major storm event. He said he will speak with the maintenance supervisor to have these drains cleaned out.

Vice Mayor Scott reported several bumps in the road located on Route 460. He said one is located near Roberts Avenue and another near the Dairy Queen. Mr. Stallings said he will report this issue to VDOT.

## **Town Manager's Report**

### ***Financial Software Conversion***

Mr. Stallings reported that last fiscal year, Council appropriated the funds to cover the total cost of the conversion to Munis. He said the conversion was not completed last fiscal year; therefore, the remaining funds of \$56,788 have gone into the Unappropriated Fund Balance of the General Fund. He said the remaining funds must be appropriated in order for the project to be continued.

Mr. Stallings recommended that Council adopt the enclosed resolution that appropriates \$56,788 to continue the conversion to Munis.

Mayor Richardson read the title of the resolution as follows: "A resolution appropriating the sum of \$56,788 from the Unappropriated Fund Balance of the General Fund to the 2018-19 General Fund Operating Budget."

Councilman Willis made a motion to adopt the resolution entitled: A Resolution Appropriating The Sum Of \$56,788 From The Unappropriated Fund Balance Of The General Fund To The 2018-19 General Fund Operating Budget. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Councilman Edwards requested a breakdown of how much has been spent thus far on the Munis conversion project. Mr. Stallings said he will provide this information to Council.

### ***Car Tax Relief Ordinance***

Mr. Stallings said as with previous years, Council needs to establish the car tax relief for calendar year 2018. He stated that the relief has been calculated for 2018 at 28.4%. He said he has attached an ordinance that will set 28.4% as the amount of the car tax relief for the 2018 calendar year.

Mr. Stallings recommended that Council adopt the enclosed ordinance.

Mayor Richardson read the title of the ordinance as follows: "An ordinance establishing a personal property tax relief percentage of 28.4% for calendar year 2018 personal property tax bills."

Councilman Ambrose made a motion to adopt the ordinance entitled: An Ordinance Establishing A Personal Property Tax Relief Percentage Of 28.4% For Calendar Year 2018 Personal Property Tax Bills. Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

### ***Appropriation of DMV Grant Funds***

Mr. Stallings reported that each year the Town applies for a Department of Motor Vehicles (DMV) grant. This grant provides funding for increased traffic safety enforcement. He said the Town of Windsor has been awarded a grant in the amount of \$14,486. He explained that the Town is required to provide a match of \$7,243. As with previous years, the match will be provided through in kind services such as use of our police cars and equipment.

Mr. Stallings recommended that Council adopt the enclosed resolution accepting the DMV grant and appropriating the funds into the General Fund portion of the Town's operating budget.

Mayor Richardson read the resolution title as follows: "A resolution accepting a grant award from the Department of Motor Vehicles of the Commonwealth of Virginia for traffic safety initiatives for the Windsor Police Department and appropriating the grant funds to the General Fund Expenditures of the Town's operating budget for Fiscal Year 2018-2019."

Councilman Edwards made a motion to adopt the resolution entitled: "A Resolution Accepting A Grant Award From The Department Of Motor Vehicles Of The Commonwealth Of Virginia For Traffic Safety Initiatives For The Windsor Police Department And Appropriating The Grant Funds To The General Fund Expenditures Of The Town's Operating Budget For Fiscal Year 2018-2019." Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Councilwoman Flemming asked if a portion of the grant money can be used to purchase a radar sign to be placed within the Town. Chief Riddle explained that this year's grant money has already been allocated. Mr. Stallings said he would check to see if a radar sign can be requested with next year's grant funds.

### ***Chicken Ordinance Referendum***

Mr. Stallings said he was directed to determine if the issue of allowing chickens in residential districts could be placed on the November, 2018 ballot for a referendum.

Mr. Stallings explained that after speaking with the State Board of Elections and reviewing State Code, he was unable to find any language in State Code that would allow the Town to put this matter on the ballot. He said the State Board of Elections indicated that only things specifically allowed in State Code can be placed on the ballot; therefore, the Town cannot have this issue placed on the ballot for a referendum.

### ***Resolution to recognize Windsor, North Carolina's 250<sup>th</sup> Anniversary***

Mr. Stallings said the Town of Windsor, North Carolina is celebrating its 250<sup>th</sup> anniversary in 2018. He said in recognition of this momentous anniversary, he drafted a resolution to send to the Town of Windsor, North Carolina in honor of its anniversary.

Mayor Richardson read the title of the resolution as follows: "A resolution to recognize the Town of Windsor, North Carolina's 250<sup>th</sup> anniversary."

Councilman Ambrose made a motion to adopt the resolution entitled: "A Resolution To Recognize The Town Of Windsor, North Carolina's 250<sup>th</sup> Anniversary." Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

### ***Appointment of Planning Commission Member***

Mr. Stallings explained that Bennie Brown, the current Chairman of the Planning Commission, is no longer living within the Town of Windsor. He said Council must appoint someone to fill his seat.

After discussion, Councilwoman Flemming made a motion to appoint Devon Hewitt as a member of the Planning Commission to fulfill the remainder of Mr. Brown's term. Vice Mayor Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

Mr. Stallings explained that a new chairman will be elected at the September 26, 2018 Planning Commission meeting.

### ***Action List***

Mr. Stallings reviewed the Action List for the month of August with Council. Mr. Stallings reported that the Church Street/Shiloh Drive Sidewalk project is on schedule to go to bid in the Spring of 2019. He also reported that the engineers working on the drainage study will be starting site survey work on September 13, 2018.

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

Mr. Stallings reviewed the Calendar of Events with Council. He said Isle of Wight County is scheduling an Intergovernmental meeting for October 11, 2018 at the Smithfield Center at 6:00 p.m. He noted that the Tidewater News is looking at hosting a candidate forum for the upcoming November, 2018 election either on October 18, 2018 or October 22, 2018 at the Windsor High School auditorium at 7:00 p.m. He said the date will be determined based on the availability of the candidates.

Mr. Stallings reported that the Windsor Town Center's Grand Opening has been delayed due to Dominion Power setbacks. He said the grand opening has been tentatively scheduled for October 27, 2018.

### ***Hurricane Florence Update***

Mr. Stallings reported that Isle of Wight County Emergency Management has declared a local state of emergency. He said they plan to open shelters on Thursday, September 13, 2018.

Mr. Stallings recommended that Council also declare a local state of emergency for the Town of Windsor. He said this authorizes the Town to purchase whatever equipment or supplies it will need to prepare for the storm.

After discussion, Councilman Bernacki made a motion to declare a local state of emergency for the Town of Windsor, Virginia. Councilman Ambrose seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

Councilman Bernacki briefed Council on safety concerns during a major storm.

Mayor Richardson thanked the first responders for their hard work and dedication.

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

None

### **Mayor's Report**

Mayor Richardson read a thank you note from Dana Stallings to Town Council expressing her sincere thanks for the flowers and other expressions of sympathy during her dad's illness and passing.

Mayor Richardson reported that in January, 2018, the Isle of Wight County Board of Supervisors presented to the Windsor Town Council the possibility of the county working with the state to build a Youth Development Center for juvenile offenders at a site on route 258 in phase 3 of the intermodal park. She said the plan was for the county to give the state 20 acres and \$500,000 with the state contributing over a million dollars to extend sewer and water to the site. Mayor Richardson said the idea was that the availability of utilities would spur development of over 900 acres in phase 3 of the park and expand the tax base significantly to benefit the county and our residents.

Mayor Richardson said on September 6, 2018, she attended an Isle of Wight County Board of Supervisors work session which included a presentation by Kimley-Horn on the amount and location of wetlands in phase 3 of the intermodal park. She said this study showed that a vast majority of phase 3 is wetlands with the exception of parts of the site on route 258 and parts of two other parcels on the opposite side of phase 3 near Buckhorn Road. She said because of this recent information regarding the wetlands, it seems obvious that the development plan for phase 3 is highly unlikely.

Mayor Richardson suggested that Town Council draft a letter in opposition of the Youth Development Center being located in the intermodal park due to the recent information regarding the wetlands.

Councilman Edwards stated that Council has already written a letter of support. He suggested that Council needs to find out exactly what the state's plans are for the location of the center before another letter is written.

After further discussion, Councilman Bernacki made a motion to have Mayor Richardson draft a letter to the Isle of Wight County Economic Development Authority, for Council's review before mailing, in opposition of the proposed Youth Development Center being located in the intermodal park due to numerous concerns regarding the recent information pertaining to the wetlands. Vice Mayor Scott seconded, and the motion passed 5 to 1 as recorded on the attached chart as motion #9.

**Economic Development Authority (EDA) Report**

None

**Other Reports**

None

**Old or Unfinished Business**

None

**New Business**

None

**Closed Session**

None

Councilman Willis made a motion to adjourn. Vice Mayor Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10.

The meeting adjourned at 8:25 p.m.

---

Carita J. Richardson, Mayor

---

Terry Whitehead, Town Clerk

TOWN OF WINDSOR  
 RECORD OF  
 COUNCIL VOTES

Council Meeting Date September 11, 2018

Motion #	Flemming	Edwards	Ambrose	Bernacki	Willis	Scott	C. Richardson
1	Y	Y	Y	Y	Y	Y	
2	Y	Y	Y	Y	Y	Y	
3	Y	Y	Y	Y	Y	Y	
4	Y	Y	Y	Y	Y	Y	
5	Y	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	N	Y	Y	Y	Y	
10	Y	Y	Y	Y	Y	Y	
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							

Jerry Whitehead, Clerk