Minutes
Windsor Town Council Meeting
Town Hall
September 13, 2016

The Windsor Town Council met in regular session on September 13, 2016 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, Dennis Carney, Planning and Zoning Administrator, Christy Jernigan, Town Treasurer, and Wallace W. Brittle, Jr., Town Attorney, were present.

Council members present: J. Clinton Bryant
Greg Willis
N. Macon Edwards, III
Durwood V. Scott
Patty Flemming
Tony Ambrose

Mayor Richardson asked Councilman Scott to lead the Pledge of Allegiance.

Mayor Richardson recognized several Girl Scouts from Troop 1105, Stephen Faleski, a new reporter for the Tidewater News, and Mathew Miller from Boy Scout Troop 41. She thanked them for attending the meeting.

Public Hearing

Mayor Richardson said there is a public hearing tonight to consider public comments regarding the proposal to permit poultry in the A-1 Agricultural District. She asked Mr. Carney to summarize the proposal.

Mr. Carney reported that the proposal is to permit poultry in the A-1 Agricultural District by amending the Town of Windsor Land Development Ordinance. He explained that the Town of Windsor Land Development Ordinance does not permit livestock of any type, other than horses and ponies in the LDR Low Density Residential District, in any district except A-1 Agricultural. He said it is controlled in two sections of the ordinance in the A-1 Agricultural District. In Section 160-53A (2) livestock is permitted by right with the exception of intensive livestock farming. However, Section 160-53C (12) makes the raising of swine and poultry a conditional use.

Mr. Carney said the Code of Virginia Section 3.1-22.28 Right to Farm Act deals with restrictive ordinances. He said it does not permit counties, cities and towns to "unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district unless such restrictions bear a relationship to the health, safety and general welfare of its citizens." He said the present outright ban on poultry could be viewed as an unreasonable restriction for an A-1 Agricultural District.

Mr. Carney said that poultry in the A-1 Agricultural District may be allowed by amending the Town of Windsor Land Development Ordinance as follows:

- Adding to Section §160-53A (2) Permitted Uses in the A-1 Agricultural District - "The raising of poultry is permitted provided the A-1 Agricultural parcel or tract exceeds five acres and all pens and houses for poultry are at a minimum of fifty (50) feet from the property lines of the parcel or tract that are zoned A-1 Agricultural. If the subject property meets all of the other requirements but adjoins non-agriculturally zoned property then any and all pens and houses for poultry must be at a minimum of 100 feet from the adjacent non-agricultural property."

- Amending Section §160-53C (12) Conditional Uses in the A-1 Agricultural District to read "Swine raising and/or processing of swine and processing of poultry."

Mr. Carney reported that the amendments have been legally advertised. He recommended that Town Council consider approving the amendments noting that it would also take the Town out of a potential violation of the Virginia Right to Farm Act.

Mayor Richardson opened the public hearing. She asked for any persons wishing to speak in favor of the proposed amendments to come forward at this time.

Walter Bernacki, 24129 Johnson Avenue, said he appreciates that Council is considering allowing chickens in the A-1 Agricultural District because Windsor is a farming community. He also stated that he is strongly against the five acre restriction. He said he spoke with residents on Lovers Lane, Bear Trap Circle and Joyner Town Lane with smaller lots and found that they were disappointed that chickens will be restricted in the R-1, HDR and LDR Residential Districts. He asked Council to please move forward with allowing Chickens in the A-1 Agricultural District but to strongly reconsider the restrictions that have been placed in correlation with the Virginia Right to Farm Act.

Mayor Richardson asked for any persons wishing to speak in opposition of the proposed amendments to come forward at this time, and hearing none she closed the public hearing. She said it is now open for discussion among Town Council.

Councilwoman Flemming said she received positive comments from several citizens in regards to permitting chickens within the community. Councilman Ambrose stated that since the proposal is dealing with the A-1 Agricultural District, he is in agreement with the setback requiring 100 feet when a residential property backs up to an agricultural district. Council continued to discuss the setback that was previously suggested by a citizen.

Mr. Carney stated that the amendments have been legally advertised, and staff has not received any further public comments.

After further discussion, Councilman Willis made a motion to adopt the ordinance amendment to Section 160-53 (A) by adding the statement "The raising of poultry is permitted provided the A-1 Agricultural parcel or tract exceeds five acres and all pens and houses for poultry are at a minimum of fifty (50) feet from the property lines of the parcel or tract that are zoned A-1 Agricultural. If the subject property meets all of the other requirements but adjoins non-agriculturally zoned property, then any and

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all pens and houses for poultry must be at a minimum of 100 feet from the adjacent non-agricultural property." Also included in the motion is to amend Section 160-53C (12) to read "Swine raising and/or processing of swine and processing of poultry." Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Delegations, Public Comments and Citizens' Concerns

Girl Scout Presentation

Candace George, a member of the Silver Sisters of Seven Cities and volunteer with the Community Three Girl Scouts, presented Claire Anderson, Kerri Barton, Katie Anderson and Madison Stubbs from Girl Scout Troop 1105, with the Presidential Volunteer Service Award for committing to at least 50 hours of volunteer service in the past year. Mayor Richardson congratulated the Girl Scouts and thanked them for their service to the Town of Windsor.

Consent Agenda

Mayor Richardson said the Consent Agenda consists of the minutes of the August 9, 2016 Council meeting, the Police Chief's report and the Zoning Administrator's report. She asked if there were any questions or comments regarding the Consent Agenda.

Councilman Ambrose made a motion to adopt the Consent Agenda. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Treasurer's Report

Mrs. Jernigan said the Treasurer's report for the month of August is before Council for review. She gave an update on the progress of the Munis training. She asked if there were any questions.

Councilman Edwards made a motion to accept the Treasurer's report. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Council's Discussion of Citizens' Concerns

Mayor Richardson reported that there is ivy growing under a tree located at the intersection of Shiloh Drive and Lovers Lane that is obstructing the view. She asked staff to contact the owner to ask if he would have the ivy trimmed back for safety purposes.

Councilman Willis said he was approached by several citizens who were concerned with excessive speeding on Church Street, Court Street and Lovers Lane.

Councilman Scott said citizens have contacted him suggesting that VDOT install signs restricting large trucks from using jake brakes in Town due to the excessive noise they make. Mr. Stallings explained that VDOT does not allow signs restricting jake brakes in Town due to the liability of an accident occurring. He suggested that the citizens contact VDOT to encourage them to permit the signs.

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Councilman Willis suggested that the Town contact the City of Suffolk regarding a turn lane at Old Myrtle Road due to the many accidents that occur at the intersection. Mr. Stallings said he would contact the City of Suffolk regarding this issue.

Town Manager's Report

Budget Amendment – Water Fund

Mr. Stallings said $10,000 was placed in the Capital Improvements Plan (CIP) for the purchase of a new utility cart for the Public Works Department. He said Council gave authorization to proceed with the purchase of the new cart at the August Council meeting.

Mr. Stallings explained that the $10,000 was placed in the CIP for the purchase of the cart but was not placed into the operating budget for the Water Fund. As such, an amendment is needed to the Water Fund's operating budget to include this purchase.

Mr. Stallings recommended that Council authorize a budget amendment to create a New Utility Cart line item in the Capital Portion of the 2016-17 Water Fund Operating Budget and move $10,000 from the Depreciation line item into the New Utility Cart line item. He said this will result in no increase to the overall Water Fund budget.

Councilman Edwards suggested that 50 percent be charged to the General Fund and 50 percent be charged to the Water Fund since the cart will be used for public works. He said he is concerned with it all being taken out of the Depreciation line item in the Water Fund because there will be repairs needed in the near future on several water lines within the Town.

After further discussion, Councilman Scott made a motion to authorize a budget amendment to create a New Utility line item in the Capital portion of the 2016-17 Water Fund Operating Budget and move $5,000 from the Depreciation line item in the Water Fund and $5,000 from the Contingency Line item in the General Fund. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Purchase of New Public Works Truck

Mr. Stallings said the purchase of a new public works truck was included in the current CIP and Water Fund Operating Budget at a cost of $40,000. He reviewed two proposals discussing warranty and options on each vehicle with Council. He said one vehicle was a 2017 Chevy 3500 from RK Chevrolet for $38,909.49 and the other vehicle was a 2017 Dodge 2500 from Dominion of Bedford for $36,620. He said they were both on State contract.

Mr. Stallings recommended that Council authorize him to proceed with the purchase of the 2017 Dodge 2500 for $36,620.00 from Dominion of Bedford.

Mr. Stallings explained that once the new truck arrives, the old truck will need to be disposed of. He said Dominion of Bedford offered $1,500 trade in for the old truck. He said he feels that the truck could sell for $3,500 or more. He recommended that the old truck be sold by sealed bids.

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Mr. Stallings said he enclosed a resolution that will declare the truck surplus upon arrival of its replacement and authorizes the Town Manager to dispose of the truck in accordance with the Town Policy.

Councilman Willis made a motion to authorize the Town Manager to proceed with the purchase of the 2017 Dodge 2500 from Dominion of Bedford for $36,620. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Council continued to discuss the benefits of keeping the old truck versus selling it and putting the money towards purchasing the new truck.

Mayor Richardson read the title of the resolution as follows: "A resolution declaring certain non-fixed assets surplus and approving the disposal of said assets."

Councilman Willis made a motion to adopt the resolution entitled: *A Resolution Declaring Non-fixed Assets Surplus And Approving The Disposal Of Said Assets.* Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

Machinery and Tools Tax

Mr. Stallings reported that Isle of Wight County is proposing a change to the way machinery and tools are valued for tax purposes in the county noting that the values will be reduced considerably. He said the County will be voting on this issue at their October 20, 2016 Board meeting.

Mr. Stallings said the Commissioner of Revenue for Isle of Wight County has indicated that the Town will need to increase the Machinery and Tools Tax rate from its current $0.10 per $100 of value to $0.25 per $100 of value to remain revenue neutral. He said this will cause no increase in taxes for those currently paying Machinery and Tools Tax to the Town.

Mr. Stallings recommended that Council set a public hearing for October 11, 2016 to consider raising the Machinery and Tools Tax from its current rate of $0.10 per $100 of value to $0.25 per $100 of value.

Councilman Edwards said he would like to know what the impact would be on the Town if the rate was not increased. Mr. Stallings estimated several hundred dollars noting that it only affects six businesses at this time. Councilman Edwards said he would like to make sure that the County is going to vote for the proposed change before the Town spends money advertising for a public hearing.

After further discussion, it was the consensus of Council to advertise for a proposed rate increase due to the proposed increase in valuations for machinery and tools for the 2017-2018 budget year.

Windsor Town Center Architectural Services

Mr. Stallings reported that he and Brian Camden, Architectural Consultant, met with Mr. Jeffrey Hyder from Moseley Architects at the Winsor Town Center to discuss Council's future plans for the building.

Mr. Stallings said that Mr. Hyder provided him with a proposal to have Moseley assist the Town with a planning study to help identify options for conversion of the facility. He said once a decision has been made as to the future use of the building, Moseley will help the Town prepare the plans moving forward both structurally and architecturally. Mr. Stallings reported that the proposal fee is $20,000. Mr. Camden reviewed the three sections of the proposal with Council.

Council continued to discuss future plans for the center, installation of the HVAC system, asbestos issues and selecting stakeholders and a board to operate the facility.

Councilwoman Flemming made a motion to accept the proposal by Moseley Architects to assist the Town with a planning study to help identify options for conversion of the Windsor Town Center for a fee of $20,000. Councilman Ambrose seconded, and Council passed the motion 4 to 1 with one abstention as recorded on the attached chart as motion #7.

Town Code Update

Mr. Stallings reported that in accordance with the Town Code update schedule, he has completed his review of Sections 92, 100, 104 and 107. He reviewed each section with Town Council. Several additional changes were made to the draft revisions. Council was in agreement with the revisions and agreed to add these changes to the previous batch for advertisement at a future date.

Action List

Mr. Stallings reviewed the Action List for the month of August with Council. He asked Mr. Camden to brief Council on the status of the space needs plan for the new municipal building.

Mr. Camden reported that Moseley Architects provided three generic draft design options for staff to review and comment on regarding space needs. He said the comments have been sent back to Moseley, and they are incorporating those into a plan to be submitted to Council in the near future.

Council discussed placing the water fountain near the library.

Calendar of Events

Mr. Stallings stated that he has enclosed the Calendar of Events for Council's information. He noted that the VML annual conference will be on October 9–11, 2016 in Virginia Beach.

Town Attorney's Report

None

Mayor's Report

None

Economic Development Authority Report

None

Other Reports

None

Planning Commission Items

Mr. Carney reported that there will be a community outreach meeting for the residents of Griffin Street, Bank Street, Maple Lane and B Avenue to give their views and ideas on their portion of the Olde Town Windsor Project for the regular September 28, 2016 Planning Commission meeting.

Old or Unfinished Business

None

New Business

Councilman Ambrose thanked Mayor Richardson and Mr. Stallings for signing the petition requesting a World War I and World War II moving museum to come to Isle of Wight County.

Closed Session

None

Councilman Willis made a motion to adjourn. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

The meeting adjourned at 9:05 p.m.

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Carita J. Richardson, Mayor   Terry Whitehead, Town Clerk

TOWN OF WINDSOR
RECORD OF
COUNCIL VOTES

Council Meeting Date _September 13, 2016_

Motion #	Scott	Flemming	Edwards	Ambrose	Bryant	Willis	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	N	Y	abstained	Y	Y	Y	
8	Y	Y	Y	Y	Y	Y	
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Terry Whitehead, Clerk