

**Minutes  
Windsor Town Council Meeting  
Town Hall  
September 12, 2017**

The Windsor Town Council met in regular session on September 12, 2017 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, Town 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 Councilwoman Flemming to lead the Pledge of Allegiance.

Council agreed by consensus to change the order of the agenda to allow Delegations, Public Comments and the Engineering Services RFP discussion before the public hearing.

**Delegations and Public Comments**

Mayor Richardson introduced and welcomed Laura Eley Sullivan, the new Principal at Windsor High School. Mrs. Eley said she is a Windsor Alumni and is very excited and proud to be back serving the Town and the County that supported her and her growth as a youth. She announced that Will Dube will be serving as one of the Student Liaisons to Council this year, and another student will be announced at a later date. Mrs. Sullivan briefed Council on several activities that will be taking place this school year. She reported that the school is already looking at projects that can help support the community with their new Project Base Learning Initiative. Mrs. Sullivan said she looks forward to working with Council.

**Engineering Services RFP**

Mr. Stallings reported that he issued a Request for Proposals (RFP) for an annual engineering services contract to help mainly with projects that are in the water system. He said he has received seven proposals.

Brian Camden with Alpha Corporation said that he and his firm received and reviewed seven submitted proposals from civil engineering firms. He said that Alpha Corporation's reviews are based on the selection criteria factors that were stated within the RFP. He said that Alpha Corporation recommends that Council conduct interviews with the three highest ranked firms which are Kimley-Horn, Bowman Consulting, and Dewberry Engineers.

Mr. Camden recommended holding interviews with these top three firms on Thursday, September 21, 2017. He said he will notify the selected firms, coordinate the interviews, and transmit detailed interview criteria that include specific scopes and request non-binding fee proposals to be used in competitive negotiations.

After discussion, Council agreed by consensus to have Mr. Camden schedule interviews with Kimley-Horn, Bowman Consulting, and Dewberry Engineers for consideration of an annual engineering services contract for the Town of Windsor.

Mr. Stallings encouraged Council to attend the interviews. He said based on the outcome of the interviews, he anticipates having a recommendation on the agenda for the October 10, 2017 Council meeting.

### **Public Hearing**

Mayor Richardson said there is a public hearing tonight to receive input from the public on a proposed chicken ordinance. She asked Mr. Stallings if he had any comments.

Mr. Stallings said the proposed chicken ordinance allows chickens in residential zoning districts as well as Public districts when being used in conjunction with a permitted public use. He said he included a revision to the Town's current chicken ordinance for the Agricultural district. He explained that currently you must have a minimum of 5 acres to have chickens in an A-1 district. He said this causes problems for people who are zoned A-1 but have less than 5 acres. He said he removed the lot size restriction but still has the setbacks in place. Mr. Stallings continued to review the proposed chicken ordinance.

Mr. Stallings said he attached all written comments received since the last Town Council meeting, as well as a copy of the proposed ordinance. He also stated that the public hearing has been properly advertised.

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

Gail Bernacki, 24129 Johnson Avenue, thanked Council for the opportunity to speak in favor of the proposed chicken ordinance. She stated that the time spent on this ordinance should handle any issues that could possibly come up with someone having a few hens in their back yard. She said the Planning Commission was very diligent in their work on this issue and did an excellent job. She explained that a violation notice was sent to her family stating that they were in violation of the current Town Code due to the keeping of hens on their property. She said that her family would like to see the Town Code changed to better the community and reflect the country atmosphere that we live in.

Mrs. Bernacki said she took a petition to the public during the November election and collected 147 signatures of people who want to see chickens in the Town of Windsor. She verified that 133 of the signatures were residents who lived within the Town limits. She said she has heard from some who are opposed to this ordinance

say that they are the silent majority. She disagreed stating that she and Councilman Bernacki have knocked on over 300 doors in Town and, after speaking with many homeowners, she firmly believes that the majority of people in the Town couldn't care less. She said they may not all get chickens, but they didn't see any reason why their neighbors couldn't have chickens.

Mrs. Bernacki asked Council to consider the 133 signatures and those who have taken their time to come and voice their opinions tonight as this issue is debated.

Robert Howald, 23081 Courthouse Highway, said he does not plan to own chickens, but he does not have a problem with others in Town owning chickens. He said he read the proposed chicken ordinance, and it addresses any concerns that he may have.

Richard Griggs, 23 North Court Street, said it is a pleasure to live in a Town small enough and rural enough to still be discussing having chickens. He said he grew up in Town and is in favor of the proposed ordinance to allow chickens. He said he owned chickens several years ago and received no objections from his neighbors. He said he raised his chickens, and they were very docile. He said his grandchildren enjoyed hand feeding his chickens. He explained that he received a violation letter stating that he could not own chickens in Residential districts. He stated that he has no plans to own chickens anytime soon, but he would like to think that he was allowed to own chickens if he would like for his great-grandchildren to enjoy in the future. He said the proposed ordinance addresses any issues that may come about.

Justin Williams, 9593 Windsor Boulevard, said he is a huge fan of having chickens. He said when he lived in Norfolk, chickens were not allowed due to noise issues. He said he owned a couple of dogs that barked at people as they walked by, and the barking noise was never an issue. He noted that dogs are much noisier than chickens. He also stated that chickens are educational and teach children responsibility.

Dakota Bernacki, 24129 Johnson Avenue, thanked everyone for the time and effort expended on the proposed chicken ordinance. He said this issue is important to both parties, and we have heard in length about the concerns of the opposed and the potential solutions to the concerns. He said the Town has had several families that have kept chickens in these zoning areas for years, and he is aware of only one self resolving issue that arose from this. He said his chickens were a non-issue until the anonymous complaint last summer which had nothing to do with any of the issues that the opposition has brought up thus far.

Mr. Bernacki noted that he is not saying that chickens should go unregulated. He said he feels that this issue has been blown out of proportion and explained that we do live in a country that was founded upon the idea of personal responsibility and freedom of choice. He asked should we not do our duty to ensure that reasonable restrictions are set, which he believes were, and then trust our fellow citizens to do what they have already been doing up to this point, mainly respecting their neighbors and exercising their individual rights. He said perhaps it is time for us to once again

perform the duty required of us and give our neighbors the opportunity to live a little more fully. He thanked Council for their time and attention.

Mayor Richardson asked for any persons wishing to speak in opposition of the proposed chicken ordinance to come forward.

Lud Spivey, 18 B Avenue, stated that the proposed chicken ordinance to allow chickens in Residential zoning districts is a bad law for residents, chickens and for the Town of Windsor. He expressed several concerns regarding the proposed ordinance including the reduced setback of not less than 5 feet if permission is granted by the adjacent landowner. He said that no law should ever be a negotiable law between neighbors, and Town officials should not be responsible for dealing with these issues. Mr. Spivey said that passing this chicken ordinance is asking for potential problems, and he asked Council to please think seriously about not passing bad laws.

Katherine Queen, 61 East Windsor Boulevard, stated that she and her husband, Tom Queen, are opposed to the revised language to the Town's chicken ordinance that permits chickens in Residential districts. She explained that allowing farm animals on less than 5 acres of land decreases the land value for property owners and increases unhealthy living conditions for the citizens of the Town of Windsor.

Mrs. Queen said she and her husband are concerned with their tax money being used to police this ordinance, and they feel that the police department has more important issues to deal with than monitoring chickens. She said this action opens the door for other farm and exotic animals to be allowed within the Town. She said she does believe that there is a silent majority of citizens who do not want chickens to be allowed in Residential districts. She stated that the citizens in this Town care very much about the value of their property, their health, and their taxes. She asked Council to please do the right thing and vote no to the proposed chicken ordinance. Mrs. Queen said that the citizens of Windsor want to see the character of our neighborhoods protected.

Connie Yeatman, 24222 South Johnson Avenue, said she is present to share her objections to the proposed chicken ordinance. She said that she is very familiar with the smell, noise, and unpleasantness of chicken pens because she was raised on a farm. She explained that other animals will come into yards preying on pinned up chickens, and this will become a matter of community safety and a matter of neighborhood disputes. She said she read an article from the Centers for Disease Control and Prevention (CDC) explaining that dried up chicken feces built up in pens can cause seven major respiratory illnesses. She said we do not want to take a chance on a public health issue within our Town. Mrs. Yeatman expressed her concerns with using taxpayer money for inspection and enforcement of this proposed ordinance. She said she believes that the majority of the Windsor citizens see no need that we change our community and allow chickens to become a part of our small Town. Mrs. Yeatman asked Council to please keep the chickens on the farm.

Reuben Askew, 35 Church Street, stated that a chicken is a farm animal, and he doesn't care to have chickens next door to him. He said he also does not want to upset a neighbor who might come to him and ask if their pens can be closer to his property line. He said he may have to sell his property one day, and he does not want this to be an issue. He said people live too close to each other in this community for chickens to be practical.

Clint Bryant, 5 Virginia Avenue, said he does not have an answer for the decision that has to be made regarding chickens in residential districts, but he prefers to not have chickens beside his property or behind his property.

Robert Beale, 201 Hidden Acres, stated that chickens belong in the country. He said he read the same report from the CDC that Mrs. Yeatman mentioned regarding respiratory illnesses caused by chickens. He said that Council really needs to take this information into consideration. He said this issue has gone on long enough, and he would like Council to vote no to the proposed chicken ordinance.

Mayor Richardson closed the public hearing. She said it is now open for discussion among Council.

Councilman Bernacki addressed the concerns and issues that were brought before Council during the public hearing.

Councilman Edwards said that Council needs to come up with a compromise that both sides can live with. He suggested the following revisions to the language of the proposed chicken ordinance: property owners will own the chickens on the property, the permit must be renewed with a new landowner if the adjacent landowner moves and has given previous permission for the setback reduction, chickens shall not free range on property of other ownership, Public districts must comply with the six chicken provision, and to add the language "failure to comply with the requirements "shall" result in a written warning and failure to comply with the warning within ten days will result in the zoning permit being revoked."

Council agreed with the suggested changes.

Vice Mayor Scott stated that Council's job is to listen to both sides and to make a decision that is best for the entire Town.

After further discussion, Councilman Bernacki made a motion to adopt the proposed chicken ordinance as presented with the aforementioned changes. Councilman Edwards seconded, and the vote failed 4 to 2 as recorded on the attached chart as motion #1.

### **Citizens' Concerns**

Clint Bryant, 5 Virginia Avenue, said it has been brought to his attention by a citizen that it has been 12 working days since a water leak at 7 Virginia Avenue was first reported to the Town. He said the repairs have not been made, but it has been marked for Miss Utility. He suggested that in the future, citizens should be updated on the status of when

repairs will be made. Mr. Stallings said he will speak with the maintenance department regarding this issue and contact Mr. Bryant with an update.

Justin Williams, 9593 Windsor Boulevard, said he is in the military, and it is nice to settle down in a small Town like Windsor. He thanked Council for the amount of effort and research that each Council member put forth on the proposed chicken ordinance. He said it is nice to see that this Council really cares about its citizens and the community. He thanked them again for their service and dedication to the community and said he plans to attend more meetings in the future.

Richard Griggs, 23 North Court Street, reported that pine straw and debris settles in a drain in front of his home causing his yard to flood when it rains. Mr. Stallings said he will contact the maintenance department and have them clean this drain out. He said he will also contact VDOT regarding this issue.

### **Consent Agenda**

Mayor Richardson said the Consent Agenda consists of the minutes of the August 8, 2017 Council meeting and the Police Chief's report. She asked if there were any questions or comments regarding the Consent Agenda.

Councilman Edwards made a motion to adopt the Consent Agenda as presented. Councilman Ambrose 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 asked if there were any questions or comments regarding the report.

Mayor Richardson thanked Mrs. Jernigan for the detailed year to date financial report on the Windsor Town Center. She suggested that a monthly instead of year to date report be included in the packets to save paper and time. Mrs. Jernigan agreed to submit a monthly report going forward.

Vice Mayor Scott suggested that Council meet with Mrs. Jernigan for a brief tutorial or review of the new reports generated by the Town's new software. Mrs. Jernigan said she will be glad to meet with Council to review and discuss the reports in more detail.

Councilman Willis made a motion to adopt the Treasurer's report as presented. Vice Mayor Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

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

Councilman Bernacki reported the following concerns received from citizens. He said a citizen at Windsor Manor Mobile Home Park reported that the speed limits in this mobile home park seem excessive compared to other mobile home parks within the Town, and a lot of the roads in the park are missing stop signs. He said these concerns are safety issues and need to be addressed. Mr. Stallings said he will address these issues with VDOT, Isle of Wight County, and the Windsor Police Department.

Councilman Bernacki explained that a constituent on Old Suffolk Road purchased a home where the previous owner did not connect to the Town's water system, and she is receiving a minimum bi-monthly bill of \$25.38 from the Town. Mr. Stallings explained that they are paying for the availability and fire protection of the water system. He suggested that the homeowner contact the Town office and discuss options regarding their situation. He said if they choose to make their account "inactive," they will have to pay the fees required if they need to activate their account in the future due to a failed well.

Councilman Bernacki said that a citizen on Old Suffolk Road has questioned why the Town has a speed limit, but the speed limit sign on Old Suffolk Road is on the Town side and not at the County line. He said there is a stretch of road where the speed limit is 45 or 55 until they reach the speed limit sign. Mr. Stallings explained that there is no Town wide speed limit. He said they are VDOT roads, and they set the speed limits based on the criteria of the neighborhood.

Councilman Bernacki said that a citizen asked if there is a better way to utilize pertinent Town information that has been placed on facebook. Mr. Stallings said the Town posts everything they can on facebook to keep the community informed. He suggested that they go directly to the Town's facebook page because it may not show on their news feed depending on how they have it set up. Mr. Brittle suggested that the citizen needs to go to the Windsor Facebook, follow it, and set up a badge to allow an alert for when there is a new post.

Councilman Bernacki said that a resident in Windsor Woods said that there are drains that are flooding during heavy rains, and it may be due to debris build up. Mr. Stallings said that VDOT is aware of the drainage issues in Windsor Woods, and they are working towards finding a solution to the ongoing drainage problems in that area.

Councilman Edwards reported that the driveway at 8 Virginia Avenue still has rocks and debris from the previous water leak repair. Mr. Stallings reported that the Town has contracted Belcher's Paving to make the repairs to the driveway within the next couple of weeks. He said he will make sure that the resident is updated on the status of the repairs.

Vice Mayor Scott said that a resident reported that the ditch behind East Griffin Street did not have drainage issues until Isle of Wight County installed a sewer line. He said they installed and covered a pipe that was not large enough to handle the drainage. Mr. Stallings said that most of that area has open ditches and is not piped. He said the County is planning to clear the ditches out in that area to help with drainage issues. He said he will check with the County to see when this work is scheduled to begin and make them aware of the citizen's concern regarding the pipe.

Councilwoman Flemming asked Mr. Stallings to contact VDOT to request flashing warning lights to be installed on the roads near the school for safety purposes. Mr. Stallings said he will contact VDOT regarding this issue.

## **Town Manager's Report**

### ***Shiloh Drive Sidewalks MOU***

Mr. Stallings said he has been working with Isle of Wight County to develop a Memorandum of Understanding (MOU) that will allow the Town to proceed with the Shiloh Drive sidewalk project.

Mr. Stallings said as discussed before, the MOU indicates that the Town of Windsor agrees to provide the funding for the project. The Town will transfer the funding to Isle of Wight based off the 90% design documents construction estimate. He said Isle of Wight County will administer the project and will apply for Revenue Sharing funds from VDOT. If the Town's Revenue Sharing application is successful, it could provide up to 50% of the funds for construction of the sidewalks. He said the MOU States that at completion of the project, any unused funds will be transferred back to the Town.

Mr. Stallings recommended that Council consider approval of the MOU so that it may be forwarded on to the Board of Supervisors for adoption and then on to VDOT so that the project can proceed.

Council reviewed and discussed the terms of the MOU.

After further discussion, Councilman Willis made a motion to approve the enclosed Memorandum of Understanding (MOU) with Isle of Wight County regarding the Shiloh Drive sidewalk project. Vice Mayor Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

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

Mr. Stallings said that last fiscal year, Council appropriated the funds to cover the total cost of the conversion to Munis. Due to the conversion not being completed last fiscal year, the remaining funds have gone into the Unappropriated Fund Balance of the General Fund. He said Council must appropriate these funds so that the Town can continue this project.

Mr. Stallings recommended that Council adopt the enclosed resolution appropriating these funds so that the Town may continue this project.

Mayor Richardson read the title of the resolution as follows: "A resolution appropriating the sum of \$123,800 from the Unappropriated Fund Balance of the General Fund to the 2017-18 General Fund Operating Budget."

After discussion, Councilwoman Flemming made a motion to adopt the resolution entitled: A Resolution Appropriating The Sum Of \$123,800 From The Unappropriated Fund Balance Of The General Fund To The 2017-18 General Fund Operating Budget. Councilman Ambrose seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.



### ***Job Descriptions***

Mr. Stallings said at the last meeting, he was asked to make some minor changes to the draft job descriptions for the Clerk and Treasurer positions. He reviewed the changes with Council. Councilwoman Flemming suggested adding that "a driver's license is required" to both job descriptions. Mr. Stallings said he will add this requirement to the job descriptions.

Councilwoman Flemming made a motion to adopt the job descriptions for the Clerk and Treasurer positions with the "driver's license requirement" added. Councilman Ambrose seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

### ***Action List***

Mr. Stallings reviewed the Action List for the month of August with Council.

Vice Mayor Scott asked if Old Dominion University (ODU) has committed to conducting a hydrological study for the Town of Windsor as a school project. Mr. Stallings said he will reach out to ODU to see if they have selected specific projects for this school year.

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

Mr. Stallings reviewed the Calendar of Events with Council.

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

None

### ***Mayor's Report***

Mayor Richardson said she was invited to attend the Windsor Boy Scout annual banquet for Troop 41. She said they were also celebrating their 50<sup>th</sup> anniversary. She said they presented the Town with a beautiful award for all of the support that the scouts have received from the Town throughout the years. She said that one patch on the award shows a picture of Larry Willis, James O'Briant, and Carl Eason who were three of the first troop leaders for Troop 41. Mayor Richardson said she thought it would be appropriate if Council would like to draft a resolution honoring their 50<sup>th</sup> anniversary. Council agreed to draft a resolution to be presented to Troop 41 in honor of their 50<sup>th</sup> plus anniversary noting that this troop has over 60 Eagle Scouts.

Mayor Richardson reported that there was a meeting with the architects regarding the Windsor Town Center project. She said that a couple of members from the Windsor Town Center Advisory Board also attended the meeting. She said they made a list of suggestions for the kitchen renovations. She said that the architects are going to continue to work on the schematic design and will meet again to continue to discuss the project on September 18, 2017 at 10:00 a.m. at the Town Hall. Mayor Richardson encouraged Council to attend to give their input.

Mayor Richardson said that she and Mr. Stallings will be presenting the Windsor Town Center design to the Isle of Wight School Board for their approval at their September 14, 2017 meeting at 6:00 p.m.

Mayor Richardson also reported that the Windsor Town Center Advisory Board met September 6, 2017 to compile information regarding rental rates for other similar facilities in the area. She said they will be finalizing rental rates and begin work on policies and agreements for the facility at the October 4, 2017 meeting.

### **Economic Development Authority Report**

None

### **Other Reports**

None

### **Old or Unfinished Business**

Councilwoman Flemming said she was asked by the Friends of the Library to inform Council that the Windsor library either needs an addition, which will just be a temporary fix, or Council needs to meet with the County and present the Town's request for a new library due to the lack of room at the current library.

Mayor Richardson said that Supervisor Joel Acree contacted her and informed her that he realizes that the Town needs a larger library. She said he is willing to work with Council and the Board of Supervisors to present ideas regarding the library at an intergovernmental meeting. She said she is working with him to schedule an intergovernmental meeting to discuss the library and other issues.

Councilwoman Flemming said she would like to discuss the issue regarding lots that are not buildable within the Town due to the lack of sewer capacity at the next intergovernmental meeting. She also requested that the 4 acre plot of land owned by the Town on Bank Street not be farmed anymore, and instead turn it into a walking park. She said the new construction teacher at Windsor High School has expressed an interest in having his students build picnic tables for the proposed park as a school project. She also mentioned her concerns over the lack of bathroom facilities at the Robinson Park.

Council continued to discuss options for bathroom facilities including possibly enclosing porta potties with nice wooden structures, drainage issues at the proposed park, who would maintain the proposed park, and project priorities.

### **New Business**

None

### **Closed Session**

Vice Mayor Scott made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-1 personnel to discuss the Zoning Administrator position.

Councilman Ambrose seconded, and Council passed the motion as recorded on the attached chart as motion #7.

Councilman Edwards made a motion to go back into regular session. Councilman Willis seconded, and Council passed the motion as recorded on the attached chart as motion #8.

Councilman Edwards 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 Ambrose seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

Councilman Edwards made a motion to adjourn. Councilman Ambrose seconded, and Council passed the motion unanimously as recorded on the attached chart as motion #10.

The meeting adjourned at 10:27 p.m.

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Carita J. Richardson, Mayor

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Terry Whitehead, Town Clerk

TOWN OF WINDSOR  
 RECORD OF  
 COUNCIL VOTES

Council Meeting Date September 12, 2017

Motion #	Flemming	Edwards	Ambrose	Bernacki	Willis	Scott	C. Richardson
1	N	Y	N	Y	N	N	
2	Y	Y	Y	Y	Y	Y	
3	Y	Y	Y	Y	Y	Y	
4	Y	Y	Y	Y	Y	Y	
5	Y	Y	Y	Y	Y	Y	
6	Y	Y	Y	Y	Y	Y	
7	Y	Y	Y	Y	Y	Y	
8	Y	Y	Y	Y	Y	Y	
9	Y	Y	Y	Y	Y	Y	
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Jerry Whitehead, Clerk