

**Minutes
Windsor Town Council Meeting
Town Hall
March 14, 2023**

The Windsor Town Council met in a regular session on March 14, 2023 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor George Stubbs was present, and he called the meeting to order. He welcomed those who were present. Terry Whitehead, Town Clerk, recorded the minutes. William G. Saunders, IV, Town Manager, James Randolph, Planning & Zoning Administrator, Chief Riddle, Cheryl McClanahan, Treasurer, and Fred Taylor, Town Attorney, were present.

Council members present: J. Randy Carr, Vice Mayor
 David T. Adams
 Walter Bernacki
 Edward (Gibbie) Dowdy
 Jake Redd
 Marlin Sharp

Councilman Sharp delivered the invocation, and Vice Mayor Carr led the Pledge of Allegiance.

Public Hearings

None

Delegations and Public Comments

None

Consent Agenda

Mayor Stubbs said the Consent Agenda consists of the minutes of the February 7, 2023 Council meeting, the Planning & Zoning report, and the Police Chief's report. He asked if there were any questions or comments regarding the Consent Agenda.

Councilman Bernacki questioned if setbacks have been met for the new construction of a new single family dwelling on the small property located at 102 Maple Lane where a condemned building was removed.

Mr. Randolph confirmed that zoning and building permits have been approved, and the contractor is moving forward with the construction of a single family dwelling on that property. He explained that the front setback was adjusted to meet the average setbacks in that neighborhood per the Town of Windsor Land Development Ordinance.

Mayor Stubbs noted that the Planning & Zoning report shows that a permit was approved for the conversion of signage from Farmers Bank to Towne Bank at 50 E. Windsor Boulevard.

Councilman Adams made a motion to adopt the Consent Agenda as presented. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Treasurer's Report

Ms. McClanahan reviewed the February 2023 Treasurer's report. She gave an update on collections for the month.

Ms. McClanahan noted that the Virginia Investment Plan (VIP) interest earned is recorded on the Trial Balance within the Treasurer's report for Council's review.

Councilman Adams questioned why the Water Fund Salaries and Wages line item has not increased in several months.

Ms. McClanahan explained that the Water Fund reimburses the General Fund twice a year to cover a portion of the salaries of the employees that spend time working for both Funds.

Councilman Sharp made a motion to approve the Treasurer's report. Councilman Dowdy seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Council Comments

Vice Mayor Carr asked if a permit was issued for the accessory building placed on the vacant lot located across from the Town property on N. Court Street.

Mr. Saunders confirmed that the accessory building was permitted.

Mayor Stubbs reported that he received a call from a resident who expressed concerns with birds roosting near the end of Duke Street; causing an unsightly mess on their property. He said he has left several messages with a Department of Game and Inland Fisheries (DGIF) representative, and has not received a call back as of this time. He said the birds are protected, and he is waiting to hear back from DGIF regarding this issue. Mayor Stubbs said he wanted to inform Council of this matter, in case it is mentioned in the community.

Town Manager's Report

Capital Projects Update

Duke Street & Virginia Avenue Water Main Replacement

Mr. Saunders stated that this item will be taken up under Old Business.

HVLS Fan in Public Works Building

Mr. Saunders reported that after exploring other local contractor pricing for the installation of the fan, the manufacturer's installation was still the lowest quote. Therefore, the fan was ordered from MacroAir with the manufacturer's recommended installation. Mr. Saunders said up to four weeks is expected for delivery and installation.

Calendar of Events

Mr. Saunders stated that the March 2023 and April 2023 calendars are enclosed to include Town of Windsor and Isle of Wight County public meetings, as well as other pertinent information.

Mr. Saunders suggested that Council may want to schedule a work session to discuss the balance of the American Rescue Plan Act (ARPA) funds and the Town's Strategic Plan.

After discussion, Council agreed by consensus to schedule a work session on March 28, 2023 at 5:30 pm.

Mr. Saunders added that he and the Town Clerk have family obligations the week of April 10, 2023, which falls on the April Town Council meeting. He said he would like to give Council a choice whether we can delegate our duties to other staff members to conduct the meeting on the scheduled date, or move that meeting up a week to April 4, 2023.

After discussion, Councilman Adams made a motion to move the regularly scheduled Town Council meeting from April 11, 2023 to Wednesday, April 5, 2023 at 7:00 pm. Councilman Sharp seconded, and Council passed the motion 5 to 1 as recorded on the attached chart as motion #3.

Councilman Bernacki said his work schedule will not allow him to attend the rescheduled Council meeting on April 5, 2023. He said he will try to participate by phone.

Mr. Saunders noted that the Town of Windsor's 121st Birthday Party will take place Wednesday, March 15, 2023 at the Windsor Town Center at 12:30 pm.

Spring Cleanup Days – Special Residential Refuse Pick-ups

Mr. Saunders said at their February 7, 2023 meeting, the Town Council voted to use the Refuse Control and Recycling Grant Funds to initiate special residential refuse pick-ups this spring.

Mr. Saunders stated that due to the transfer station only being open until noon on Saturdays, two dates will be required to cover the Town.

Mr. Saunders said that the routes have been separated by water billing areas; informational flyers will be included with the March and April water bills.

Mr. Saunders explained that those that receive a water bill in March will participate in the pick-up on Saturday, April 1st and those that receive a water bill in April will participate in the Saturday, April 15th pick-up.

Mr. Saunders noted that these pick-ups are only for residential addresses that are currently serviced by Bay Disposal; businesses, or residences that are served by dumpsters, do not qualify.

Town Attorney's Report

None

Mayor's Report

Mayor Stubbs encouraged everyone to attend the Town of Windsor's 121st celebration at the Windsor Town Center on Wednesday, March 15, 2023 at 12:30 pm.

Economic Development Authority (EDA)

None

Other Reports

None

Old or Unfinished Business

Bid Award – Virginia Avenue/Duke Street Water Main Replacement Project

Mr. Saunders reported that the Duke Street and Virginia Avenue Water Main Replacement project was put out for rebid on January 4, 2023. Six (6) bids were received on January 31, 2023.

Mr. Saunders said the project includes the replacement of 1,750 linear feet of 4" water main with 8" main on Duke Street, the replacement of 1,450 linear feet of 4" water main with 6" main on Virginia Avenue, the relocation of 2 fire hydrants, the addition of 3 fire hydrants, and the relocation of 38 water meters.

Mr. Saunders said Six (6) bids were vetted by Nitant Desai and staff of Bowman Associates Consultants. KCH Contracting, LLC. is the lowest responsive bid and responsible bidder for the construction of the project at \$565,774.

Mr. Saunders stated that \$750,000 is programmed in the FY23 Capital Improvement Plan and FY23 Budget from American Rescue Plan Act funds for this project.

Mr. Saunders recommended adoption of the enclosed resolution authorizing and directing the Town Manager to do all things necessary to proceed forward with the contract with KCH Contracting, LLC.

Mr. Saunders read the title of the enclosed resolution as follows: A Resolution Awarding The Duke Street And Virginia Avenue Water Main Replacement Project's Construction To KCH Contracting, LLC.

Councilman Adams asked Mr. Taylor if a bidder is responsive, and the bid is deemed technically acceptable by the Town's engineering firm, and they are the lowest; does the Town have to accept the bid.

Mr. Taylor confirmed that "by law" the Town does have to accept the lowest bid if they are the lowest responsive bid and responsible bidder for the construction of the project.

Mr. Saunders added that the engineers check out the bid tabulation sheets and confer with the lowest bidder that each of their unit prices are reasonable and in line, they make sure it is a responsive bid, and then they check the references of other similar jobs completed by the lowest bidder to make sure they are a responsible bidder.

Councilman Adams expressed his concerns with the bids from five other companies being at an average of \$1,500,000, and the lowest bid coming in at approximately \$500,000. He said he is concerned that something is underpriced for this project by the lowest bidder.

Councilman Bernacki made a motion to adopt the resolution entitled: A Resolution Awarding The Duke Street And Virginia Avenue Water Main Replacement Project's Construction To KCH Contracting, LLC. Councilman Sharp seconded, and Council passed the motion, with Councilman Adams abstaining, as recorded on the attached chart as motion #4.

New Business

Contract Award – Preliminary Engineering Reports for Future Water Projects

Mr. Saunders stated that the Capital Improvement Plan (CIP) and Budget for FY23 include funding for Preliminary Engineering Reports (PERs) for three future Town water projects.

Mr. Saunders reviewed the following three projects identified for PERs:

Downtown Water Main Project

A project to relocate the 2" water main under Windsor Supply, connect the 8" line from the Rescue Squad to B Avenue, and install fire hydrants.

Taylor Avenue Water Main Project

A project to upgrade and extend the 4" water mains on Taylor Avenue, install fire hydrants, and relocate the water main from under the Farm Bureau Building.

Holland Lane Water Main Project

A project to upgrade the 4" water main on Holland Lane, install fire hydrants, and relocate water meters from the middle of yards.

Mr. Saunders reported that the proposed cost for the work is \$28,212.00. He said \$25,000 of American Rescue Plan Act funding is appropriated in the FY23 Water System Capital Improvement Plan and Budget for this work.

Mr. Saunders said it is recommended to appropriate \$3,212.00 from ARPA Fiscal Year 2023 Unappropriated Fund Balance in the General Fund Operating Budget to the Water Fund Operating Budget Line Project Engineering to make up the balance.

Mr. Saunders recommended that Council adopt the resolution entitled: A Resolution To Enter An Agreement With Bowman Associates Consulting For Preliminary Engineering Reports For Three Future Water Projects And Appropriating The Sum Of \$3,212.00 From The American Rescue Plan Act Unappropriated Fund Balance Of The General Fund And Approving A Budget Amendment For Fiscal Year 2023 For The Expenditure.

Councilman Dowdy made a motion to adopt the resolution entitled: A Resolution To Enter An Agreement With Bowman Associates Consulting For Preliminary Engineering Reports For Three Future Water Projects And Appropriating The Sum Of \$3,212.00 From The American Rescue Plan Act Unappropriated Fund Balance Of The General

Fund And Approving A Budget Amendment For Fiscal Year 2023 For The Expenditure. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Budget Appropriation – Police Vehicle

Mr. Saunders reported that the Commonwealth of Virginia has initiated a special Law Enforcement Grant from unspent ARPA funds. He said the Town of Windsor qualifies for \$153,000 for the purchase of appropriate equipment that can have the effect of suppressing violent crime in the community. He explained that the equipment planned for purchase needs to be submitted to the Commonwealth by March 24, 2023 and final approval of the plan will be received May 11, 2023. Mr. Saunders added that standard law enforcement vehicles are listed in the grant materials as allowable equipment.

Mr. Saunders said in recent practice, lease-purchase agreements have been utilized in order to acquire multiple police vehicles in a single year, which spreads the cost over multiple years. In the latest transaction, two police vehicles were acquired in FY21 with one installment paid in June of FY22, with a second due in June of FY23. Mr. Saunders said this transaction cost \$3,000 in fees to VML Finance and \$1,028 in interest to the lender.

Mr. Saunders stated that the lease-purchase transactions have their place, but with the purchase of only two vehicles every other year; there is not much economy of scale and the fees and interest seem costly. He said during the creation of the FY23 budget, it was decided that for the foreseeable future; police vehicles will be paid for as we go, at one per year.

Mr. Saunders explained that the \$45,000 programmed in the FY23 Capital Improvement Plan and budget is for the lease-purchase installment due in June of FY23; not for a new vehicle. He said the programming of these vehicles with unappropriated funds will qualify us for the grant opportunity, as well as aid us in breaking out of the lease-purchase cycle.

Mr. Saunders reported that the first vehicle, a 2023 Ford Expedition #NT236180, is currently in stock and on hold. It was one of a lot purchased under state contract by the City of Chesapeake, of which they did not take delivery. He added that this vehicle would replace the Chief's 2017 Chevrolet Tahoe. Mr. Saunders noted that the total cost of the vehicle purchase, plus the outfitting of the vehicle, is \$64,391.09.

Mr. Saunders said the second vehicle is planned to be an F-150, which has not been delivered to the dealer as of yet. He explained that it is our intention to come back before Council for purchase authorization of the second vehicle once specifics are available.

Mr. Saunders said the purchase of these vehicles is recommended to be made from unappropriated ARPA funds until such time as they are reimbursed by the grant.

Mr. Saunders recommended that Council adopt the enclosed resolution entitled: A Resolution Appropriating The Sum Of \$64,391.09 From The American Rescue Plan Act Unappropriated Fund Balance Of The General Fund And Approving A Budget Amendment For Fiscal Year 2023 For The Purchase And Outfitting Of A 2023 Ford Expedition Police Vehicle.

Vice Mayor Carr asked what would the balance of the grant money be used for after the purchase of the two police vehicles, and why was a truck chosen for the second vehicle.

Chief Riddle explained that the remainder of the grant money, after the purchase of the two new police vehicles, will be used for other law enforcement equipment as needed. He also explained that the F-150 was chosen due to the Dodge Charger being discontinued and various mechanical issues with other police vehicle models; but mostly for versatility and availability.

Councilman Bernacki suggested that Chief Riddle look into obtaining a quote for an extended warranty on the 2023 Ford Expedition due to past mechanical issues with police vehicles. He explained that if grant funds are available to purchase an extended warranty, it may save the Town money in the future on repair costs.

After discussion, Council agreed to have Chief Riddle verify if grant funds will cover an extended warranty on the 2023 Ford Expedition, and if so, obtain a quote.

Mr. Taylor recommended adopting the resolution with language to include a cap for the amount of an extended warranty only if the warranty is covered by the grant, in order to move forward with the purchase of this vehicle.

After further discussion, Councilman Bernacki made a motion to adopt the enclosed resolution with the amended language as follows: A Resolution Appropriating The Sum Not To Exceed \$70,000, To Include An Extended Warranty Only If The Warranty Is Covered By The Virginia ARPA Law Enforcement Equipment Grant Program, From The American Rescue Plan Act Unappropriated Fund Balance Of The General Fund And Approving A Budget Amendment For Fiscal Year 2023 For The Purchase And Outfitting Of A 2023 Ford Expedition Police Vehicle. Councilman Redd seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

Board/Committee Appointments/Reappointments

Mr. Saunders reported that following a review of Town Board, Commission, and Committee membership, it has been determined that appointments/reappointments are required due to the following term expirations and vacancies:

Board of Zoning Appeals

Carolyn Harrup	Term to expire 12/31/2022	New appointment necessary.
Frances D. Butler	Term to expire 12/31/2024	New appointment necessary.

Isle of Wight County Economic Development Authority

Tony Ambrose	Term to expire 06/30/2023	New appointment necessary.
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Drainage Committee

Butch Ambrose	Term expires 05/13/2023	Willing to be reappointed.
Sue Meadows	Term expires 05/13/2023	Willing to be reappointed.
Durwood Scott	Term expires 03/14/2023	Willing to be reappointed.

Windsor Town Center Advisory Board

Melvin Evans	Term expires 05/13/2023	Willing to be reappointed.
Rita Richardson	Term expires 05/13/2023	Willing to be reappointed.

Mr. Saunders noted that Town Board and Committee Appointment Guidelines are enclosed for Council's review.

Mr. Saunders said several names have been brought up as potential candidates. He asked if Council would like to continue discussions in open or closed session regarding potential candidates.

Vice Mayor Carr suggested that these expirations and vacancies be advertised to the public to determine if there are other citizens who may be interested in serving.

After discussion, Council agreed by consensus to continue discussions regarding potential candidates for Authority, Board, and Committee appointments/reappointments during closed session.

Closed Session

Councilman Bernacki made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711.A.1. Discussion and consideration of prospective candidates for appointment of specific public officers for Boards and Committees. 2.2-3711.A.7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, regarding the Windsor Police Department, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body. 2.2-3711.A-8. Consultation with legal Counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.


Councilman Sharp 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 Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

Councilman Adams made a motion to recommend, to the Isle of Wight Circuit Court, appointment of Lewis Edmonds to the Board of Zoning Appeals to fill the term to expire on December 31, 2027, and to recommend, to the Isle of Wight Circuit Court, appointment of Debra Hicks to the Board of Zoning Appeals to fill the term to expire on December 31, 2024. Councilman Dowdy seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

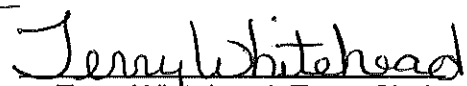
Councilman Dowdy made a motion to reappoint Rita Richardson and Melvin Evans to the Windsor Town Center Advisory Board. Councilman Redd seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10.

Councilman Bernacki made a motion to adjourn. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #11.

The meeting adjourned at 8:45 p.m.



George Stubbs, Mayor



Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 COUNCIL VOTES

Council Meeting Date March 14, 2023

Motion #	Carr	Adams	Dowdy	Sharp	Redd	Bernacki	Stubbs
1	Y	Y	Y	Y	Y	Y	
2	Y	Y	Y	Y	Y	Y	
3	Y	Y	Y	Y	Y	N	
4	X	Y	abstain	Y	Y	Y	
5	Y	Y	Y	Y	Y	Y	
6	Y	Y	Y	Y	Y	Y	
7	X	Y	Y	Y	Y	Y	
8	Y	Y	Y	Y	X	Y	
9	Y	Y	Y	Y	X	X	
10	Y	X	Y	Y	Y	Y	
11	Y	Y	Y	Y	Y	Y	
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Jerry Whitehead, Clerk