

**Minutes
Windsor Town Council Meeting
Town Hall
August 12, 2014**

The Windsor Town Council met in regular session on August 12, 2014 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 Town Clerk to call the roll. Terry Whitehead, Town Clerk, recorded the minutes. Michael Stallings, Town Manager, Sergeant Jernigan, Dennis Carney, Planning and Zoning Administrator, Christy Newsome, Interim Town Treasurer, and Wallace W. Brittle, Jr., Town Attorney were present.

Council members present: Wesley F. Garris
J. Clinton Bryant
Greg Willis
N. Macon Edwards, III
Patty Flemming

Council member absent: Durwood V. Scott

Mayor Richardson recognized Mr. Curtis Byrd who serves as the District Liaison for Congressman Randy Forbes. She welcomed and thanked him for attending the meeting.

Mayor Richardson noted that Mr. Brittle, the Town Attorney, will be late for the meeting due to being held up at court.

Mayor Richardson asked everyone to stand for the Pledge of Allegiance.

Public Hearing

None

Delegations, Public Comments, and Citizens' Concerns

Mayor Richardson invited Mr. Curtis Byrd to come forward at this time. Mr. Byrd said that he and Congressman Forbes are always willing to hear from Council and the citizens of Windsor regarding any issues that are important to them. He said he appreciates the work that Council does and for what the Town of Windsor stands for which is "good ole American hometown." Mr. Byrd thanked Council for allowing him to come forward to speak.

Billy Gwaltney, 23489 Deer Path Trail, said that he has a few comments regarding the proposed U.S. Route 460 Project. He stated that this project will probably have the largest impact on the Town of Windsor since the railroad was built. He said there are five alternative routes being considered. He explained that if the northern route is chosen, it will devastate the Town of Windsor because the businesses, in order to survive, will have to move north to the bypass. He was concerned that several of the small towns would be substantially harmed by the new project. He said that the master

plan for Windsor is to have all the industrial growth on the southern side of Town where the intermodal park is located, and it would be more logical to also have the bypass on the southern side of Town.

Mr. Gwaltney said there is a concern with disturbing wetlands to the south, but he feels there are just as many wetlands on the north side of Town. He said that relying on tolls to pay for this project, if the new alternatives are chosen, may be a mistake. He said he doesn't feel that people are going to pay a toll to go around a Town to come back on the same highway later. He also expressed his concerns with the new U.S. Route 460 being on the north side because it will go directly through the middle of his farm causing major accessibility problems for his farm equipment. He said it will also affect a farm of his on the south side, but with less of an impact. Mr. Gwaltney said that the Isle of Wight County Board of Supervisors are unanimously for the southern route, and he hopes that Town Council will also unanimously support the southern route and join the County in an effort to voice their concern on this issue.

Dale Scott, 9 Virginia Avenue, said he is before Council to speak on behalf of the Windsor Volunteer Fire Department. He said that he addressed Council at the May meeting regarding Isle of Wight County's Emergency Services Facility Use Agreement conflicting with the Windsor Volunteer Fire Department's 2008 Memorandum of Understanding (MOU). He said that he and Jessie Gwaltney have been chosen as the representatives for the Windsor Volunteer Fire Department. He said they have had several meetings with the County Board of Supervisors and legal counsel regarding paragraph 14 which states that all prior Agreements would be null, void, and without legal effect if the County's Facility Agreement is signed. He said this would null and void the 2008 MOU between Isle of Wight County, the Town of Windsor, and the Windsor Volunteer Fire Department. He said that the fire department's legal counsel said that a three party agreement cannot legally be made null and void by one party. Mr. Scott said that the County is insisting that the Facility Agreement be signed without any revisions or they will consider withholding funding to the fire department. Mr. Scott asked Council for any support necessary to continue to protect the citizens of Windsor and the three party MOU.

Jessie Gwaltney, 19501 Orbit Road, said that the Isle of Wight Board of Supervisors, at their last meeting, said if the Facility Agreement is not signed, they will consider voting to discontinue funding to the fire department at their August 21, 2014 meeting. Mr. Gwaltney said if an agreement cannot be reached between the Isle of Wight County Board of Supervisors and the Windsor Volunteer Fire Department, the volunteers have voted to unanimously walk out. He gave estimates on how many fire calls are made a year and how costly it would be to the Town if the County chooses to charge for calls. Mr. Gwaltney said he hopes that the Windsor Town Council will support the Windsor Volunteer Fire Department regarding this issue.

Davis Throckmorton, 13 Church Street, said he has an issue with rain water standing in his yard when it rains 2 to 3 inches due to the water on the Town's lot next door overflowing onto his property. He explained that the Town has put in a pump, but it has to be plugged into his house using his electricity. He said he also has to roll the hose up before the grass can be cut. He said that the cord stretches across the park, and is a safety hazard because it can easily be tripped over. Mr. Throckmorton suggested filling the lot with dirt and having it regraded.

Mayor Richardson stated that these issues will be addressed at item 7 on the agenda.

Consent Agenda

Mayor Richardson said the Consent Agenda consists of the minutes of the July 8, 2014 Council meeting, the Police Chief's report, and the Zoning Administrator's report. Mayor Richardson noted a correction in wording switching the terms "manufactured home" and "mobile home" on page 5 of the July 8, 2014 minutes and asked if there were any questions or comments regarding the Consent Agenda.

Councilman Edwards made a motion to adopt the Consent Agenda with the correction to the July 8, 2014 minutes. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Treasurer's Report

Ms. Newsome said that the Treasurer's report for the month of July is before Council for review. She asked if there were any questions.

Councilwoman Flemming asked Ms. Newsome how she closed the 2013-2014 fiscal year without the assistance of the Town's contracted IT person. Ms. Newsome explained that she used the assistance of the Bright help desk. She said they worked with her step by step through help desk tickets to close out the 2013-2014 fiscal year. Councilman Willis asked if there was a fee per help desk ticket. Ms. Newsome explained that the Town pays a quarterly fee of \$4800 for maintenance and to the use the help desk with no fees per help desk ticket.

Mayor Richardson commended Ms. Newsome for doing an amazing job closing out the 2013-2014 fiscal year with only the assistance from the Bright help desk. She noted that Ms. Newsome has scheduled the audit to begin on September 2, 2014.

Councilman Willis made a motion to accept the Treasurer's report as presented. Councilman Bryant seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Council's Discussion of Citizens' Concerns

Mayor Richardson said that Mr. Billy Gwaltney spoke earlier on the U.S. Route 460 project, and she appreciates input from the citizens on this very important issue. She reported that Council is in the process of scheduling an Intergovernmental meeting with Isle of Wight County to discuss which options of the alternatives will work best for the Town and the County. Mayor Richardson said that Resolutions will be presented to VDOT from the Town and the County showing support for the need of a new U.S. Route 460.

Mayor Richardson said she attended the meeting held at Kings Fork High School regarding the U. S. Route 460 project. She said that safety was a major issue discussed at the meeting. She said Mr. Rinehart from VDOT reported that there are more fatalities on U. S. Route 460 from Suffolk to Petersburg than any other four lane road in the State of Virginia. She also said that Governor McAuliffe had a mock evacuation study done and has stated that it is impossible to evacuate this area with the existing U.S. Route

460. She said from these safety issues alone, it is very important that the U.S. Route 460 Project move forward.

Mayor Richardson also explained that if the U. S. Route 460 Project does not go through, then the funds may not necessarily stay in the Hampton Roads area. She said the funding will go back to the State Transportation Board, and they will decide where the funds will go. She said that historically if a locality doesn't use the funds, it doesn't go back to that locality. Mayor Richardson encouraged the citizens to give their input, because the community deserves a safe route to travel.

Councilwoman Flemming discussed the flooding issues on U.S. Route 460 near Zuni during major storms.

Mayor Richardson said that Council was not aware of the information presented by Mr. Scott and Mr. Jessie Gwaltney regarding the Windsor Volunteer Fire Department MOU and the Isle of Wight County Facility Agreement. After a brief discussion, it was the consensus of Council to schedule a work session with the representatives from the fire department and their attorney on August 14, 2014 at 4:30 p.m., and then meet with the representatives of the Isle of Wight County Board of Supervisors and their attorney to discuss this issue in more detail.

Council discussed regrading the Town's lot with dirt next to Mr. Throckmorton's home to keep rain water from overflowing onto his property. Councilman Edwards said that re-directing the water to the road may create another safety hazard for the citizens. After further discussion, Council agreed to have Mr. Stallings obtain quotes for dirt and regrading and research what is the best way to re-direct the water flow. Mr. Stallings said he would report back with this information at the next Council meeting.

Mayor Richardson said that a citizen approached her with concerns regarding yard sales taking place in Windsor without proper permits. Council discussed amending the yard sale ordinance to add a fine for those who do not have the proper permits. They also discussed having an auxiliary officer enforce the ordinance especially on Saturday mornings. After further discussion, it was the consensus of Council to have Staff review yard sale ordinances from other localities and bring back a recommendation at the September Council meeting.

Councilwoman Flemming said that Bonnie Lauver, the Windsor Librarian, is concerned that there has never been a termite inspection at the library since she has been there, and there may be damage to the floors. Councilwoman Flemming also stated that there are several sinkholes in the library parking lot. Mayor Richardson asked Mr. Stallings to contact the Parks and Recreation Department to let them know that there are sinkholes in the library parking lot that are in need of repair and that the library needs a termite inspection. Mr. Stallings said he would contact Parks and Recreation and VDOT on this matter.

Town Manager's Report

Appropriation of Funds from Holland Meadows

Mr. Stallings said that Holland Meadows, Inc., as part of its rezoning process, agreed to make a contribution towards the construction of a new police headquarters. He said as

the Town has already constructed this facility, they have made a contribution of \$131,000 to the Town of Windsor. As previously discussed, a portion of this money will be used to finish paying off the loan to the Farmer's Bank that was used for the police department renovations.

Mr. Stallings explained that the current outstanding balance on the General Fund portion of the loan is \$320,264.67. After the payments of \$291,012.00 that were adopted in the current budget, there will be an outstanding balance of \$29,252.67. Mr. Stallings recommended paying this outstanding balance off and depositing the remaining \$101,747.33 into the Space Needs Fund.

Mr. Stallings recommended that Council adopt the enclosed resolution that appropriates the funds and adds them to the Space Needs Fund line item to be distributed as explained.

Mayor Richardson read the title of the resolution as follows: "A resolution appropriating the sum of \$131,000 from Holland Meadows, Inc. into the General Fund Operating Budget and approving a budget amendment for fiscal year 2014-15."

After a brief discussion, Councilwoman Flemming made a motion to adopt the resolution entitled: *A Resolution Appropriating The Sum Of \$131,000 From Holland Meadows, Inc. Into The General Fund Operating Budget And Approving A Budget Amendment For Fiscal Year 2014-15.* Vice Mayor Garris seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Appropriation of Donated Funds

Mr. Stallings reported that the Windsor Police Department in conjunction with the Isle of Wight Sheriff's Office held a National Night Out in Windsor on August 5, 2014. This event is geared towards the youth and allows them to interact with the police officers. He said that the Windsor Ruritan Club donated \$100.00 towards this event, and the Town must appropriate these funds into the 2014-15 operating budget.

Mr. Stallings recommended that Council adopt the enclosed resolution that appropriates these funds and adds them to the Community Relations line item within the Police Department budget.

Mayor Richardson read the title of the resolution as follows: "A resolution appropriating the sum of \$100.00 from the Windsor Ruritan Club into the General Fund Operating Budget and approving a budget amendment for fiscal year 2014-15."

Councilman Bryant made a motion to adopt the resolution entitled: *A Resolution Appropriating The Sum Of \$100.00 From The Windsor Ruritan Club Into The General Fund Operating Budget And Approving A Budget Amendment For Fiscal Year 2014-15.* Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Councilwoman Flemming said that Bonnie Lauver, the librarian, is willing to post promotional flyers at the library when she is told about events such as the National Night Out.

Resolution to Commend Community Harvest Outreach

Mr. Stallings said that the Town of Windsor is served by several outstanding non-profit organizations and Community Harvest Outreach is one of them. He said that Community Harvest Outreach seeks to provide for the basic needs of the underprivileged in the community through clothes closet and food pantry services. He said they were recently awarded the Community Partners for Education Award from Southampton County Schools, as well as the Hampton Roads Volunteer Achievement Award for their outstanding programs and services.

Mr. Stallings recommended that Council adopt the enclosed resolution and invite the representatives of the Community Harvest Outreach to an upcoming Council meeting to present them with the resolution.

Mayor Richardson said that the Community Harvest Outreach organization does amazing work for the community and are very deserving of the Hampton Roads Volunteer Achievement Award.

Mayor Richardson read the title of the resolution as follows: "A resolution thanking and commending Community Harvest Outreach for its service to the Town of Windsor, Virginia and Isle of Wight County."

Councilwoman Flemming made a motion to adopt the resolution entitled: *A Resolution Thanking And Commending Community Harvest Outreach For Its Service To The Town Of Windsor, Virginia And Isle Of Wight County*. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Action List

Mr. Stallings said the Action List is enclosed for Council's review. Councilwoman Flemming requested more detailed information regarding the Drainage Committee meetings. She also suggested pursuing candidates for the Windsor High School Student Liaisons to Council. Mayor Richardson said that Principal Soderholm has selected interested students in the past and suggested that Councilwoman Flemming meet with him regarding the selection of this year's student liaisons.

Councilman Edwards reported that some sinkholes on Duke Street have been repaired and others have not. He also said that the sinkhole on Church Street in front of the school has been reported several times and has not been repaired. Mr. Stallings said he spoke with Mr. Joseph Lomax with VDOT regarding the sinkholes that have not been repaired and was told that they are repairing sinkholes within the Town in between bigger scheduled jobs. Mr. Stallings said he has explained to Mr. Lomax that the sinkholes need to be repaired not just patched with dirt and rock.

Calendar of Events

Mr. Stallings said he has enclosed the Calendar of Events for Council's information. He reported that the Concert at the Gazebo will take place September 5, 2014 featuring Billy

Mitchell's Golden Oldies. He noted that the band, which was rained out for the August concert, has been rescheduled to play on Saturday, October 4, 2014.

Town Attorney's Report

Mr. Brittle reported that Isle of Wight County is currently installing sidewalks from North Court Street to the ball fields just north of Town, and they are having difficulties working with one of the property owners along the project. The construction is taking place on the VDOT right-of-way; however, they are in need of a ten foot temporary construction easement for the property located at 49 North Court Street. Mr. Brittle said with Council's approval and a public hearing, he can begin the process of acquiring the ten foot temporary construction easement and begin negotiations with the property owner on a reasonable fee for the temporary easement.

Jamie Oliver, Isle of Wight Engineering Department, explained the difficulties that they are having with receiving permission from the property owners to allow the contractors to work on the property with hand tools. She said that the ten foot temporary construction easement will only be needed for temporary access and there will be no impact to the property. Ms. Oliver said that the easement will revert back to the property owner after the work is completed.

After a lengthy discussion, Councilman Willis made a motion to schedule a public hearing for the September 9, 2014 Council meeting to receive input from the public and the property owner at 49 North Court Street regarding the ten foot temporary construction easement needed to complete the sidewalk project. Councilman Bryant seconded, and Council passed the motion three to two as recorded on the attached chart as motion #6.

Mayor's Report

Mayor Richardson said she would like to begin the Town Attorney's evaluation at the September 9, 2014 Council meeting in closed session; therefore she needs the evaluation forms from the Council members by Monday, August 25, 2014. She also reported that she toured the Western Tidewater Free Clinic. She said that she spoke with Ms. Fowler who works at the clinic regarding the Town of Windsor not donating to the Western Tidewater Free Clinic. Mayor Richardson explained to Ms. Fowler that the Town does not give donations to any charitable organizations, but the Town's citizens pay taxes to the County and the County does give a donation to the Clinic. Mayor Richardson also explained to Ms. Fowler that some of the Council members donate their stipend and she would like it noted that it is on behalf of the Town of Windsor.

Mayor Richardson said there will be an Inter-governmental meeting scheduled in the near future to discuss the U. S. Route 460 Project. She said that the July 4th Committee met and reviewed the July 4th celebration. Mayor Richardson also reported that the School Board has invited the Council members to attend a program for the opening of the new school year on August 22, 2014 at 9:30 a.m.

Economic Development Authority Report

None

Other Reports

None

Planning Commission Items

Planning Commission Recommendations on Time Restraints on Manufactured Homes

Mr. Carney said at Planning Commission's July 23, 2014 meeting, they discussed the ten year restriction on manufactured homes and the recommendation to lengthen it to 15 years that came out of the meeting with the three manufactured/mobile home parks. He said that the Planning Commission set a public hearing for their August 27, 2014 meeting to amend the Land Development Ordinance to fifteen years from its current ten year period and amend the RMP District to remove the word "mobile" and replace it with "manufactured." Mr. Carney stated that this latter action will put the ordinance into accord with State and Federal law.

Update on Temporary Signs and Banners

Mr. Carney reported that the Planning Commission requested Staff to ask the business community to attend the July 23, 2014 Planning Commission meeting to give their views on the temporary signs and banner ordinance. This was to create a more "business friendly" ordinance that could be more fairly and evenly administered. After hearing from the business community, Planning Commission requested Staff to draft an ordinance based on the recommendations discussed during the meeting and bring it back before Planning Commission at the August 27, 2014 meeting.

Old or Unfinished Business

Town Sign

Mr. Stallings reported that he and Mayor Richardson met with Victor Story, owner of Vic's Signs, to select a new sign design. The design has also been sent to another sign company for a second quote. He said the quotes should be available by the next meeting for Council's information.

Vice Mayor Garris reported that weeds are growing on the side of the road in front of the east bound Town entrance sign making it hard to see the sign. He said the Town has a 200 foot site easement which will allow maintenance to cut from the sign to the road. Mr. Stallings said he would discuss the site easement with the Maintenance Department and have them cut the weeds from the sign to the road. Mayor Richardson suggested not using grass killer in front of the sign.

Vice Mayor Garris asked Mr. Stallings to brief Council on the status of the Redflex red light camera to be placed at the six-way intersection in Town. Mr. Stallings said that Sheriff Marshall is reluctant with signing an approval letter because he feels that the camera may cause more rear end accidents after reviewing crash data. He said that Sheriff Marshall has agreed to sign an approval letter only after removing the Isle of Wight County Sherriff's Department from all liability due to the crash data.

After discussion, Vice Mayor Garris made a motion to proceed with acquiring the signed approval letter from Sheriff Marshall to begin the process of moving forward with the Redflex red light camera for the six-way intersection in the Town of Windsor. Councilman Willis seconded.

Councilman Edwards questioned if there would be any costs to the Town for the use of the red light camera. Mr. Stallings said he believes the contract states that there will be no fees charged to the Town for the use of the red light camera.

After further discussion, Vice Mayor Garris withdrew his motion and Councilman Willis withdrew his second. It was the consensus of Council to table this issue until the September meeting to allow Council to review the Redflex red light camera contract for clarification regarding whether there will be any fees charged to the Town for the use of the camera .

New Business

None

Closed Session

Councilman Willis made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-3 discussion or consideration of the acquisition of real property for a public purpose, or 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. Councilwoman Flemming seconded, and Council passed the motion as recorded on the attached chart as motion #7.

Vice Mayor Garris made a motion to go back into regular session. Councilwoman Flemming seconded, and Council passed the motion as recorded on the attached chart as motion #8.

Councilwoman Flemming 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 Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

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

The meeting adjourned at 9:45 p.m.

Carita J. Richardson, Mayor

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 COUNCIL VOTES

Council Meeting Date August 12, 2014

Motion #	Bryant	Willis	Scott	Flemming	Edwards	Garris	C. Richardson
1	Y	Y	Absent	Y	Y	Y	
2	Y	Y		Y	Y	Y	
3	Y	Y		Y	Y	Y	
4	Y	Y		Y	Y	Y	
5	Y	Y		Y	Y	Y	
6	Y	Y		Y	N	N	
7	Y	Y		Y	Y	Y	
8	Y	Y		Y	Y	Y	
9	Y	Y		Y	Y	Y	
10	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