

**Minutes  
Windsor Town Council Meeting  
Town Hall  
August 8, 2017**

The Windsor Town Council met in regular session on August 8, 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  
Tony Ambrose  
Walter Bernacki

Council member absent: Patty Flemming

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

**Public Hearing**

None

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

Allen Brown, 41 Bank Street, stated that he owns two lots in Town that he has paid taxes on for years, and he can't sell them because there is no sewer capacity. He asked Council if they would contact Isle of Wight County on his behalf to address this issue.

Bobby Claud, 26 Holland Drive, said he would like to speak against the draft chicken ordinance. He read sections 2.a, 2.b, 2.c, 2.f and 2.g of the draft ordinance. He expressed his concerns with these sections regarding setbacks, who would be responsible for policing the ordinance to make sure that chickens are not running free on neighbor's property, and who determines if the pens are being kept clean to eliminate odors and the attraction of flies or other pests from chicken litter or waste that diminishes the rights of the adjacent property owners to enjoy reasonable use of their property.

Mr. Claud said he understands that a few citizens would like to have chickens in Town. He explained that he has had conversations with several residents, and they also don't believe this is in the best interest of the majority of the citizens. He said in his experience in local government, it is very difficult to get the silent majority to come to public meetings and voice their concerns. He said it is up to our representatives to evaluate all information and then vote to do what they feel is best for the Town they serve. He said he hopes that Council will vote against this ordinance and put it to rest. Mr. Claud thanked Council for the service they provide for the citizens of the Town.

Sam Askew, 35 Church Street, said that chickens are identified as farm animals, and farm animals are not suited to urban communities. He said it is not possible for owners to contain the odors and attracted flies that are associated with farm animals. He explained that with each breeze, the odor of excrement and gathering flies would be shared with neighbors impeding upon their right of enjoying fresh breezes through open windows and utilizing their yard without the disturbance of farm animals.

Mr. Askew said that eggs are a benefit gained by the owner of chickens, but there is no benefit for the neighbor who is being imposed upon. He noted that suitable property for raising chickens exists in Isle of Wight County. He said this is neither a dietary or hunger issue, and eggs are readily available at various market locations within the Town. Mr. Askew urged Town Council to maintain an ordinance that does not allow the raising of chickens in residential districts.

Robert Beale, 201 Hidden Acres Circle, said he is also present to speak against allowing chickens in residential areas. He said he has paperwork that he signed prior to purchasing his property that states that no fowl will be permitted in Hidden Acres. He said his main concerns are the waste, odors, and the health issues. He said that people may choose to put chicken waste in the trash cans, and that will up the tonnage on trash causing more expense for the Town. He explained that he is not opposed to people having chickens, but they should not be allowed in residential areas.

### **Consent Agenda**

Mayor Richardson said the Consent Agenda consists of the minutes of the July 11, 2017 Council meeting and the Police Chief'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. Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

### **Treasurer's Report**

Mayor Richardson explained that the Treasurer is absent due to attending an accounting course offered through the Treasurer's Association of Virginia. She stated that the Treasurer's report for the month of July is before Council for review. She asked if there were any questions or comments regarding the report.

Councilman Edwards noted that the Health Insurance line item on page 7 of the Treasurer's report is showing 100%. He said he brought this to Mrs. Jernigan's attention, and she explained that the budget number did not post to the Treasurer's report. He said she will make the correction, and it will reflect on next month's report.

Councilman Edwards made a motion to adopt the Treasurer's report with the aforementioned correction. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

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

Mayor Richardson responded to Mr. Brown's concerns regarding lack of sewer capacity within the Town. She stated that Council is in discussions with Isle of Wight County regarding this issue. She explained that the County does not have the funds at this time to upgrade the sewer system, but they are aware that this is a real problem for the growth of the Town. Mayor Richardson suggested that anyone with similar sewer problems should draft a letter or send an email to the County expressing their concerns.

Vice Mayor Scott said he recalls that when this sewer system was designed, it was built to have sewer capacity for every existing tax parcel that had a tax map number within the Town.

After further discussion, Council agreed to have Mr. Stallings research to see if there is documentation stating that the existing sewer system was designed to have capacity for every existing tax parcel that has a tax map number. He was also asked to contact Isle of Wight County to see if these lots will qualify for a septic permit if they do not have capacity.

Councilman Willis stated that if these lots are not buildable, the County should reduce the value of the property.

Mayor Richardson asked Mr. Stallings to contact Mr. Brown and inform him that discussions with Isle of Wight County are continuing regarding this issue.

Councilman Edwards explained that Councilwoman Flemming asked him to report the following issues that need to be addressed within the Town. He reported that rocks were left in the driveway and yard at 8 Virginia Avenue after several repairs to a water line, and this needs to be addressed. He said citizens have commented that they do not want night time activities to take place at the possible future park on Bank Street. He reported that citizens have expressed their concerns with needing a larger library for the Town. He also reported that Councilwoman Flemming stated that she owns four buildable lots that do not have sewer capacity. She also noted that the lots donated by Farmers Bank to the Town on Bank Street also do not have sewer capacity for possible future development.

Vice Mayor Scott reported that several citizens have expressed their concerns with needing public transportation for the elderly in Town. He also said that a citizen questioned why the Town needs a Police Department. He said he explained that the Police Department plays a major role in keeping our citizens safe, and keeping our citizens safe is a huge priority for Town Council.

Councilman Bernacki said that citizens have requested additional police presence at the Church Street/ Shiloh Drive transition to enforce the speed limits.

## **Town Manager's Report**

### ***Draft Chicken Ordinance***

Mr. Stallings said he attached a draft ordinance to allow chickens in R-1 and R-4 (LDR) districts which includes language that permits chickens in the Public district when

associated with a permitted public use. He explained that Town Council asked the Planning Commission to draft an ordinance to allow chickens in residential districts based on Isle of Wight County's recently adopted ordinance.

Mr. Stallings stated that he also 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 and left the setbacks in place.

Mr. Stallings explained that most of the conversation at the Planning Commission was centered on the setback for the chicken housing. He said the Planning Commission came to a compromise that sets the minimum setback at 15 feet unless the adjacent property owners agree to a reduced setback that shall be no less than 5 feet. He said that odor and related issues were addressed at the Planning Commission meeting.

Mr. Stallings noted a correction to section 2.b. He said he added "not" to the last sentence correcting it to show "not less than 5 feet."

Vice Mayor Scott reported that Town Council received seven letters from residents who are not in favor of allowing chickens in R-1 and R-4 (LDR) districts.

After further discussion, Councilman Bernacki made a motion to schedule a public hearing to receive comments regarding the draft chicken ordinance at the September 12, 2017 Town Council meeting. Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

### ***Water Leak Policy***

Mr. Stallings said that a citizen spoke to Council at the July meeting regarding a recent high water bill that he received due to a leak. He said the current water leak policy does not allow a credit to exceed \$500 for residential customers. After the \$500 was applied to his account, he was left with a balance of \$1,818 with his normal average being \$25. Mr. Stallings said Council may want to consider increasing the cap of the credit amount to \$1,000 or remove the cap completely.

After discussion, Vice Mayor Scott made a motion to leave the water leak policy as it stands. Councilman Ambrose seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Council agreed by consensus to work with the citizen by allowing him to make monthly installments until his water bill is paid in full. They also requested that every possible effort be made, including a phone call, to notify citizens when they have a large water bill due to a possible leak.

### ***Grant Writer***

Mr. Stallings reported that he and Mayor Richardson met with Desiree Urquhart on July 10, 2017 to discuss the possibility of her helping the Town with the pursuit of grants and other funding for the Town Center and other projects. He said Ms. Urquhart is willing to work 40 hours for \$75.00 per hour which totals \$3,000

Mayor Richardson reviewed Ms. Urquhart's bio and discussed some of her accomplishments.

After discussion, Councilman Edwards made a motion to hire Ms. Urquhart to pursue grants and funding for the Town Center and other projects at a rate of \$75.00 per hour for 40 hours up to \$3,000 which will be based on a detailed report submitted periodically to Town Council by Ms. Urquhart showing hours worked and a list of grants applied for. Vice Mayor Scott seconded, and Council passed the motion four to one as recorded on the attached chart as motion #5.

### ***Surplus Property***

Mr. Stallings said the Town is in the process of purchasing three new police vehicles. He said he has attached a memorandum from Chief Riddle requesting that Town Council declare three of the existing vehicles surplus. He is also requesting that Town Council consider donating the 2008 Ford Crown Victoria to the Isle of Wight County Sheriff's Department to be utilized as a spare vehicle for their fleet.

Mr. Stallings said he enclosed a resolution that would declare three police vehicles including the 2008 Ford Crown Victoria as surplus. He said the resolution also authorizes the Town Manager to dispose of these vehicles in accordance with Town policy and allowing the donation of the 2008 Crown Victoria to the Isle of Wight County Sheriff's Department.

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

### ***Appropriation of Asset Forfeiture Funds***

Mr. Stallings said he recommends that Council adopt the enclosed resolution appropriating the amount of \$2,565 from the Asset Forfeiture Account into the Equipment line item of the 2017-2018 Police Department Budget so that it may be combined with the funds from the JAG Grant to purchase new body armor for the Town's police officers.

Mayor Richardson read the title of the resolution as follows: "A resolution appropriating the sum of \$2,565 in Asset Forfeiture funds to the General Fund of the Town of Windsor's Operating Budget for fiscal year 2017-2018."

Councilman Willis made a motion to adopt the resolution entitled: A Resolution Appropriating The Sum Of \$2,565 In Asset Forfeiture Funds To The General Fund Of The Town Of Windsor's Operating Budget For Fiscal Year 2017-2018. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

### ***Action List***

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

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

Mr. Stallings reviewed the Calendar of Events with Council. Councilman Edwards noted that the Planning Commission meeting date should be corrected to show August 23, 2017.

Mayor Richardson announced that the Windsor Town Center Advisory Board meeting is scheduled for August 9, 2017 at 7:00 p.m. at the Town Hall, and it is an open meeting. She said that Ms. Urquhart, the grant writer, will be attending the meeting if Council would like to meet her.

### ***Job Descriptions***

Mr. Stallings said he attached combined portions of the various job descriptions that members of Council suggested for the Treasurer and Clerk positions. Council reviewed the job descriptions.

Mayor Richardson suggested the following changes to the Clerk's job description: add a "s" to the verbs making it consistent with the Treasurer's job description, remove "Board of Architectural Review" and add "Proofreads written materials for the Town Manager and all administrative offices."

Councilman Edwards said that Councilwoman Flemming asked him to report a couple of additions needed to the job descriptions. He said she would like to add that it is a requirement for the Clerk and Treasurer to be bonded and to have a valid driver's license.

Council agreed to have Mr. Stallings make the changes to the job descriptions and present them at the next Council meeting for review.

### ***Engineering Services***

Mr. Stallings reported that he received an estimate from Brian Camden with Alpha Corporation for the Duke Street and Virginia Avenue water project as requested by Council. He stated that the engineering cost should be under \$30,000, and Alpha Corporation estimates that the total project could cost between \$250,000 and \$300,000.

Mr. Stallings stated that the Town has additional engineering work in the CIP for master planning and mapping for this fiscal year in the amount of \$50,000. He said Mr. Camden recommended that the Town issue a RFP for an annual contract for engineering services. He explained that this would give the Town an on call engineer to assist with both of the above mentioned projects as well as any other projects that may come up during the year.

Mr. Stallings recommended that Council authorize him to issue a RFP for an annual contract for engineering.

After discussion, Councilman Edwards made a motion to authorize the Town Manager to issue a RFP for an annual contract for engineering services. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

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

None

### **Mayor's Report**

Mayor Richardson thanked Council for attending the August 4, 2017 Intergovernmental Meeting held at Isle of Wight County. She updated Council on the August 8, 2017 meeting with Moseley Architects regarding the renovations for the Windsor Town Center. She stated that Chairwoman Brenda Stephenson and Marie Stephenson, members of the Town Center Advisory Board, also attended the meeting to offer input. She reported that the architects are close to completing the schematic drawing which will be presented to Council before going out for bid.

Mayor Richardson also reported that the VML Conference will take place in Williamsburg this year from October 1, 2017 through October 3, 2017. She said if anyone is interested in attending, contact Mr. Stallings for registration. Councilman Ambrose stated that he and his wife will be attending.

### **Economic Development Authority Report**

Mr. Stallings reported that he met with representatives from Isle of Wight Economic Development regarding potential retailers locating to Windsor. He said they have nothing official to report at this time. He also reported that he will be meeting with Hampton Roads Planning District Commission and Isle of Wight County in the near future to identify sites that are ready for development within the Town. He said this is being done to help promote the region.

### **Other Reports**

None

### **Old or Unfinished Business**

Councilman Bernacki asked for an update on the repairs to well #6 located on Route 258. Mr. Stallings reported that the well has been repaired, and it has not yet been determined if insurance will cover the repairs. He said he will be following up on the insurance claim.

Councilman Edwards asked for an update on the Church Street/Shiloh Drive sidewalks. Mr. Stallings said he sent a draft MOU to Isle of Wight County as requested by VDOT. He said he will follow up with the County to check the status of the MOU.

Vice Mayor Scott asked if Old Dominion University (ODU) was still interested in conducting a hydrological study for the Town. Mr. Stallings explained that the

hydrological study is being put on a list of other projects at ODU, and they will determine which project to pursue when the new semester begins. He said he will update Council when ODU makes their decision.

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

Councilman Ambrose made a motion to go back into regular session. Councilman Bernacki seconded, and Council passed the motion as recorded on the attached chart as motion #10.

Councilman Willis 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 Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #11.

Councilman Edwards made a motion to adjourn. Vice Mayor Scott seconded, and Council passed the motion unanimously as recorded on the attached chart as motion #12.

The meeting adjourned at 9:44 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 August 8, 2017

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