

**Minutes  
Windsor Town Council Meeting  
Town Hall  
February 13, 2018**

The Windsor Town Council met in regular session on February 13, 2018 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 – Zoning Text Amendments (ZTA) 4-2018**

Mayor Richardson stated that there is a public hearing tonight to receive input regarding proposed zoning text amendments ZTA 4-2018. She asked Mr. Mitchell to give a summary of the proposed amendments.

Mr. Mitchell explained that in each district of the Land Development Ordinance is a brief introduction or statement of intent for the district. He said he has taken that language and placed it in section 160-37 where the districts are listed. He said using section 160-60, staff has inserted the density as outlined in the ordinance. He said where appropriate, such as in commercial or industrial districts, staff has inserted a floor area ratio which adds some required open space on parcels in these districts. He said this is especially important as the Town moves to be consistent with the Bay Act and other environmental programs mandated by the Commonwealth. Mr. Mitchell explained that this amendment will make the use of the ordinance more efficient and its administration more straight forward and clear.

Mr. Mitchell reported that the Planning Commission held a public hearing, and no one spoke for or against the proposed amendments. He said the Commission discussed the proposed amendments and believed that it was promoting public necessity, convenience, general welfare, and that good zoning practice would be served by its adoption. He said the Commission voted to move ZTA-4-2018 to the Town Council with a favorable recommendation with a unanimous vote.

Mayor Richardson opened the public hearing. With there being no one to speak either in favor or in opposition of the zoning text amendments, she closed the public hearing. She then opened the matter for discussion among the Town Council.

Councilman Bernacki said he spoke with several citizens in the Agricultural District (A-1) who border Residential Districts (R-1), and they are concerned that the language in the R-1 District may unduly harm them or force their farms out of the Town. He said the language in the ordinance stating that regulations tend to protect against encroachment of "noise," "light," "dust" or "other obnoxious influences" is too vague and seems to target them. Councilman Bernacki also asked for the definition of a "dwelling unit."

Mr. Mitchell said that a "dwelling unit" refers to a house. He also explained that this is the existing language in the ordinance and has just been moved to a more defined location.

Mr. Stallings explained that language such as "obnoxious influences" is based on the judgement call of the Planning and Zoning Official. He said if the official's decision is called into question, then it can be appealed through the Board of Zoning Appeals (BZA), and the BZA would determine whether or not the Zoning Official was reasonable in his application of the ordinance. He said this would be the first step before going to court. He said that language similar to this is all through the State code and other Planning and Zoning codes.

Mr. Brittle noted that this language is in the ordinance to determine what can happen within the boundaries of R-1 and is not to be used to hinder the A-1 District.

After further discussion, Councilman Ambrose made a motion to approve the zoning text amendments ZTA-4-2018. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

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

### ***Fiscal Year 2016-2017 Audit Presentation***

Mayor Richardson asked Roger Hamilton, CPA with A. Rohm, Smith & Company, to come forward at this time to present the 2016-2017 Town of Windsor audit.

Mr. Hamilton briefly explained the five sections of the audit report, which are the Introductory Section, Financial Section, Individual Statements, Statistical Section, and the Compliance Section. He reviewed the Audit Findings Report noting some conversion problems from the Bright System to the Munis System and reconciliation issues. He said these problems were addressed by the Treasurer with help from IT. He said he would be glad to answer any questions.

Mayor Richardson explained that Council just received the audit information and has not had an opportunity to review it in detail. Mr. Stallings said that Mr. Hamilton will attend the March 13, 2018 Council meeting to answer any questions that Council may have regarding the 2016-2017 audit.

Mayor Richardson thanked Mr. Hamilton for attending the meeting and giving an overview of the audit.

### ***Citizens' Concerns***

Brenda Peters, 11332 Five Forks Road, said she would like to speak in favor of going forward with the interior renovations to the planned Windsor Town Center. She stated

that there is a need for a multi-use facility in the Town of Windsor. She said Parks and Recreation programs need to be conveniently available to Windsor citizens and to the surrounding community. She explained that these programs can bring important and positive life changes through physical and social activities. She said we also need a community center in which to hold meetings and events for a large number of people in attendance. She said the planned Windsor Town Center gives us the opportunity to address those needs in this calendar year.

Mrs. Peters said she fears that if the Town went with the suggestion of a combined municipal building, library and community center on its vacant lot adjacent to the Town's police station, it could be several years before anything was actually built due to the astronomical cost of such a facility. She explained that the cost of the debt service will likely be substantial for the proposed alternative combined facility, and an increase in meals, cigarette, and property taxes would not be favorable to citizens in a tightening financial environment. Mrs. Peters encouraged Town Council to review, discuss and negotiate the bids, and move forward with the planned Windsor Town Center.

Mary Joe Albright, 11155 Windsor Way, read a statement in support of renovating the interior of the planned Town Center on behalf of Carie Hooker, who resides at 11106 Windsor Way. Mrs. Hooker's letter stated that she is highly in favor of the planned Windsor Town Center and recommends that Council votes to begin the necessary renovations to provide this much needed community resource. She continued to explain that the center will be a positive impact on Windsor and provide residents with the opportunity for a better quality of life.

Mrs. Albright also voiced her support of the planned Windsor Town Center. She said she moved back to Windsor several years ago and found that there is not a lot of opportunity for activities for her small children. She said she understands that the renovation bids are higher than expected, but she feels that with proper negotiations and good management of funds, we can have a much needed Town Center. She said this is an investment that will benefit so many and create a cohesive community.

Marsha Atwood, 401 Hidden Acres, said she is totally in favor of renovating the planned Windsor Town Center. She said this is a great opportunity for children and senior citizens in our community. She said the Town needs a large place to hold meetings and events. Mrs. Atwood said she is a taxpayer and would like to see her tax money used for such projects as renovating the Windsor Town Center which will be a long term benefit for the entire community.

### **Consent Agenda**

Mayor Richardson said the Consent Agenda consists of the minutes of the January 23, 2018 Council Work Session, minutes of the January 23, 2018 Council meeting and the Police Chief's report. She asked if there were any questions or comments regarding the Consent Agenda.

Councilman Willis made a motion to adopt the Consent Agenda. Vice Mayor Scott 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 January is before Council for review.

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

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

Councilman Willis said VDOT put crush and run at the washout at the bridge on Lovers Lane that was reported last month. He said he was notified that it is washing out again and needs additional crush and run. Mr. Stallings said he will contact VDOT.

Councilman Edwards said a citizen approached him regarding a large hole at the railroad track on South Court Street which he reported at the last meeting. He said the action list states that Norfolk Southern will not be making repairs until April due to availability of asphalt. Councilman Edwards suggested that they contact Belchers Paving if they need asphalt because the hole needs immediate attention. Mr. Stallings said he will contact Norfolk Southern regarding this matter.

Mayor Richardson said the issue brought up by citizens last month regarding the excessive patching on Shiloh Drive close to Holland Meadows has not been repaired. She said the patched area tends to pull vehicles towards the ditch and is creating a safety hazard. Mr. Stallings said he will contact VDOT regarding this safety issue.

## **Town Manager's Report**

### ***Electronic Participation Policy***

Mr. Stallings said at the last meeting, Council discussed creating a policy to allow members of Council to participate, including voting remotely. The Town Attorney and I have drafted a policy that is in accordance with State Law.

Mr. Stallings said the policy allows members of Town Council to participate remotely with proper notice. It also limits the number of times that any member may participate remotely to two per calendar year as required by State Law. Mr. Stallings recommended that Council adopt the attached policy.

Councilman Edwards suggested that an "Approval Process" be included in the Electronic Participation Policy.

Council agreed to add an "Approval Process" stating that "remote participation by any member of Town Council shall be approved by a majority vote of Council members physically present at the beginning of the meeting." They also agreed that the absent member will incur the cost of the phone call by physically calling into the meeting.

After further discussion, Councilman Ambrose made a motion to adopt the enclosed Electronic Participation Policy with the aforementioned "Approval Process" language

included. Councilman Willis seconded, and Council voted 4 to 1 to pass the motion as recorded on the attached chart as motion #4.

### ***Revenue Projections***

Mr. Stallings updated Council on the Town's year end revenue projections. He reported that the spreadsheet attached indicates that the Town will end the year with \$65,469 more in revenues than budgeted.

Mr. Stallings said he does not anticipate a large deviation from the current fiscal year projections. He said we do not anticipate any large change in real estate or personal property taxes. Other sources of revenue may fluctuate slightly, but significant changes from the current conditions are not anticipated.

Mr. Stallings said current projections in the Water Fund anticipate the Town bringing in \$8,060.47 more than last year based on sales up to this point in time as compared to this point in time last year. He said the projected revenues are \$18,232 above the budgeted amount.

### ***Audit RFP***

Mr. Stallings said request for proposals (RFP) were issued for auditing services at the beginning of February, 2018. The RFP closed on January 31, 2018 at 4:00 p.m. He said the following proposals were submitted for 2018, 2019, 2020: Karamalils Consulting, Arlington VA, \$13,575, \$13,982, \$14,401, Perry & Associates, Vienna, WV, \$14,500, \$14,975, \$15,500, and Robinson, Farmer, Cox Associates, Chesterfield, VA, \$15,000, \$15,450, and \$15,900.

Council reviewed the proposals and agreed by consensus to interview Karamalils Consulting and Robinson, Farmer, Cox Associates who are both Virginia based companies. Mr. Stallings said he would schedule the interviews.

### ***Budget Transfer – Sidewalks***

Mr. Stallings said trees have been removed along North Court Street to prepare for repairing the sidewalks. He said there is a need to transfer \$500 into the sidewalk maintenance line item to cover the cost of repairing the sidewalks. He said the total cost for the three tree removal contracts was \$7,500, and the proposal to repair the sidewalks is approximately \$2,800.

Mr. Stallings requested a budget transfer in the amount of \$500 from Equipment Rental in the Public Works Budget, Line Item 100-41000-45410 to Street & Sidewalk Maintenance in the Public Works Budget, Line Item 100-41000-43319.

Vice Mayor Scott made a motion to approve a budget transfer in the amount of \$500 from Equipment Rental in the Public Works Budget, Line Item 100-41000-45410 to Street & Sidewalk Maintenance in the Public Works Budget, Line Item 100-41000-43319. Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

### ***Town Center Bid Results***

Mr. Stallings reported that the invitation for bids for the renovations to the Windsor Town Center was issued at the beginning of January, 2018 and were due on February 6, 2018 at 2:00 p.m. He said seven bids were received. The lowest bidder was GTT Enterprises at \$1,000,000, and the second lowest bidder was AR Chessom Construction at \$1,398,000.

Mr. Stallings said he attached a spreadsheet with the results of the bid opening. He reviewed the results with Town Council.

Mr. Stallings said negotiations are currently taking place with the lowest bidder, and a recommendation should be on the agenda for the March 13, 2018 Town Council meeting.

Mr. Stallings reviewed a draft "Term Sheet For Use And Operation Agreement" between the Town of Windsor and Isle of Wight County.

### ***Action List***

Mr. Stallings reviewed the Action List for the month of January with Council. Mayor Richardson noted that Isle of Wight received preliminary approval from VDOT indicating an award of \$304,000 for the Church Street/Shiloh Drive Sidewalk project. She asked Mr. Stallings if he had any information regarding Phase II of the Holland Meadows development and their \$100,000 commitment towards sidewalks after completion of the improvements.

Mr. Stallings said he was told by the developers that they are working on their proposal for Phase II. He said he would contact the developers for an update on their progress.

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

Mr. Stallings reviewed the Calendar of Events with Council. He said he will be scheduling a Town Center Advisory Board meeting in the near future and will send a memo inviting Council to attend once a date has been determined.

Mayor Richardson suggested that Mr. Stallings schedule an Intergovernmental meeting with the Town of Smithfield. Mr. Stallings said he would contact the Town of Smithfield and report back with available dates.

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

None

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

Mayor Richardson said there is going to be a public meeting regarding the U.S. Route 460 Improvements Project at Kings Fork High School on February 22, 2018 from 5:00 p.m. to 7:00 p.m. Mr. Stallings noted that there will also be a meeting at the Windsor High School on February 20, 2018 from 5:00 p.m. to 7:00 p.m. Mayor Richardson

encouraged everyone to attend either of these meetings to speak on the needs of U.S. Route 460 improvements.

Mayor Richardson made a public statement that she would not be running for re-election in November mainly due to health issues. She said it has been an honor serving as Mayor since 2010 and as a member of Council four years before that. She said she wanted to make this announcement so that others who may be interested in running can do so. She said there are a lot of good people in the community with new ideas to guide Windsor, and they will make excellent candidates for mayor. Mayor Richardson noted that anyone interested in running in the November election should have their signatures and paperwork in by June 12, 2018.

### **Economic Development Authority (EDA) Report**

None

### **Other Reports**

None

### **Old or Unfinished Business**

#### ***Grant Writer***

Mayor Richardson reported that Ms. Urquhart submitted several grant applications and is now waiting to see what is going to happen with the Windsor Town Center before she submits additional applications.

#### ***New Business***

None

#### ***Closed Session***

Councilman Willis made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-1, personnel matters, and A-5, discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. Councilman Ambrose seconded, and Council passed the motion as recorded on the attached chart as motion #6.

Councilman Edwards made a motion to go back into regular session. Councilman Ambrose seconded, and Council passed the motion as recorded on the attached chart as motion #7.

Vice Mayor Scott 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 #8.

Councilman Willis made a motion to adjourn. Councilman Edwards seconded, and Council passed the motion unanimously as recorded on the attached chart as motion #9.

The meeting adjourned at 8:58 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 February 13, 2018

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