

**Minutes
Windsor Town Council Meeting
Town Hall
March 10, 2015**

The Windsor Town Council met in regular session on March 10, 2015 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, Interim Chief Riddle, Dennis Carney, Planning and Zoning Administrator, Christy Newsome, Town Treasurer, and Wallace W. Brittle, Jr., Town Attorney, were present.

Council members present: Greg Willis
 N. Macon Edwards, III
 Durwood V. Scott
 Patty Flemming
 Tony Ambrose

Council member absent: J. Clinton Bryant

Mayor Richardson asked Councilman Scott to lead the Pledge of Allegiance, and he did.

Delegations, Public Comments and Citizens' Concerns

Raegan Hasty, Windsor High School co-student liaison to Council, reported on several school activities. She briefed Council on the Senior Class trip to Disney World. She announced that there will be a 1st Annual Duke Open Charity Golf Tournament to benefit the Windsor High School Booster Club. She said it will take place Friday, May 8, 2015 at 1:00 p.m. at the Nansemond River Golf Club. Ms. Hasty continued to brief Council on several other school competitions that took place during February.

Mayor Richardson thanked Ms. Hasty for updating Council on the recent events at the high school.

Dale Scott, 9 Virginia Avenue, updated Council on the status of the Windsor Volunteer Fire Department's ongoing negotiations regarding the proposed Facility Use Agreement with Isle of Wight County. Mr. Scott reported that all seven fire departments voted at the Fire and Rescue Association meeting to unanimously support and sign the proposed amended Facility Use Agreement which was drafted by Mr. Woody Crook. He said the agreement was mailed to the Isle of Wight County Board of Supervisors, the County Administrator, and their attorney in early January. He said the proposed amended agreement has not been on the County's agenda for their January or February Board meeting. Mr. Scott reported that the Board of Supervisors did vote at their February meeting to offer the fire department six months to sign the original Facility Use Agreement. He stated that the fire department voted not to sign the agreement due to paragraph 14 which states that all prior agreements, including the 2008 Memorandum of Understanding (MOU), will be voided.

Mr. Dale Scott said he understands that proposed revisions are being drafted to the 2008 MOU. He requested that the fire department be involved with any discussions regarding the three party MOU. He also explained that when the 2008 MOU was agreed upon, it was the intent that the Town transfer ownership of the land that the fire department is located on to the County. Mr. Scott said he understands that the transfer of land did not take place. He said as a tax paying citizen, he would like to encourage Council not to move forward with the transfer of the land to the County until they honor the 2008 MOU.

Jessie Gwaltney, 19501 Orbit Road, said that the Windsor Volunteer Fire Department has agreed to present the seven signed proposed amended Facility Use Agreements to the County, and if they don't accept it, then the fire department is going to contact the media and go public with this issue.

Council continued to discuss fire department funding issues and the 2008 MOU with Mr. Dale Scott and Mr. Gwaltney, representatives from the Windsor Volunteer Fire Department.

Mayor Richardson thanked the members of the Windsor Volunteer Fire Department for their hard work and dedication towards keeping the citizens safe.

U.S. Route 460 Project Update

Angel Deem and Amanda Baxter, representatives of the Virginia Department of Transportation (VDOT), presented an unscheduled overview and update of the 17 mile long hybrid plan with a northern bypass. Ms. Deem reported that VDOT, the Federal Highway Administration, and the U.S. Army Corps of Engineers worked through a series of options looking for an alternative that sufficiently addresses the purpose and need over its length and affected the fewest acres of wetlands. She explained that the project's purpose and need is to address safety, mobility and evacuation needs, accommodate freight traffic along the 460 corridor, and support local economic development plans. She reported that the preferred 17 mile alignment with the bypass north of Windsor is expected to affect 52 acres of wetlands at an estimated cost of \$375 to \$425 million. She noted that several public hearings were held to receive input from the citizens. Ms. Deem asked if there were any questions or comments regarding the U.S. Route 460 Project.

Mayor Richardson expressed her concerns with the project's scope and purpose of increased safety, evacuation, economic development, and reduced congestion not being achieved along the majority of the corridor. She said that the suggested route does not provide a safe evacuation alternative with eight lanes of traffic merging into four lanes on the existing route at Zuni with the potential for dangerous backups. She explained that the adopted route does not provide for direct access to Isle of Wight's intermodal park, thus forcing the increased truck traffic to utilize the existing Route 460 and Route 258 to access the bypass.

Mayor Richardson explained that the proposed alignment would have a severe negative impact on Windsor business and economic growth. Mayor Richardson expressed her concerns with VDOT only providing updates and not considering any input from Town Council or the citizens of the Town regarding the project. She said that the Town of Windsor prefers the addition of a center turn lane within Town, where needed, and the

addition of a two lane, truck only bypass similar to what the Town of Smithfield has. Mayor Richardson said this would meet the purpose and needs of the project, be more economical, and disturb less wetlands.

Councilman Scott questioned why public hearings were held if VDOT was not going to listen to or consider what the citizens had to say.

Council continued to discuss the adverse effects that this alternative will have on the Town of Windsor.

Mayor Richardson thanked Ms. Deem and Ms. Baxter for providing Council with an update on the U.S. Route 460 Project.

Brenda Peters, 11332 Five Forks Road, expressed her gratitude to the Windsor Town Council for adamantly opposing the northern bypass alternative. She stated that she is disappointed that the Isle of Wight County Board of Supervisors are now supporting this alternative. Mrs. Peters said she represents many citizens who are against this alternative, and she and many others are willing to do whatever it takes to support Council to get this preferred alternative stopped.

Consent Agenda

Mayor Richardson said the Consent Agenda consists of the minutes of the February 10, 2015 Council meeting, the Police Chief's report, and the Zoning Administrator's report. She asked if there were any questions or comments regarding the Consent Agenda.

Mayor Richardson commended Interim Chief Riddle and Sergeant Jernigan for their professionalism and assistance during the high speed chase that proceeded through the Town on U.S. Route 460.

Councilwoman Flemming 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

Ms. Newsome said that the Treasurer's report for the month of February is before Council for review. She stated that there are a couple of budget transfers and a recommendation to move \$300,000 from the General Fund to a Certificate of Deposit (CD) with Farmers Bank.

Mayor Richardson stated that the Rural Development Construction account shows a balance of \$22,036.53. She said these funds were for the construction of Well #6 and the engineering work that was done. She asked if these funds were going to be paid in the near future. Mr. Stallings said that no other invoices have been submitted. He said that during the budget process, Council can determine if they would like these funds paid back towards the loan. Council agreed to discuss this further at the April 28, 2015 budget work session.

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

Budget Transfers

Mayor Richardson said there is a need for a budget transfer within the General Fund in the Travel and Training line item due to increased training needs for new employees. Ms. Newsome recommended that Council approve a budget transfer in the amount of \$3,500 from account 4-100-12100-6020 Equipment to account 4-100-12100-5500 Travel and Training.

Councilman Willis made a motion to approve a budget transfer in the amount of \$3,500 from account 4-100-12100-6020 Equipment to account 4-100-12100-5500 Travel and Training. Councilman Ambrose seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Mayor Richardson said there is also a need for a budget transfer within the Water Fund in the Vehicle Repairs and Maintenance line item due to some unexpected repairs to the Chevrolet utility work truck. Ms. Newsome recommended that Council approve a budget transfer in the amount of \$500 from account 4-200-42000-3312 Equipment Repairs and Maintenance to account 4-200-42000-3310 Vehicle Repairs and Maintenance.

Councilman Willis made a motion to approve a budget transfer in the amount of \$500 from account 4-200-42000-3312 Equipment Repairs and Maintenance to account 4-200-42000-3310 Vehicle Repairs and Maintenance. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Certificate of Deposits

Ms. Newsome stated that currently Farmers Bank and Citizens National Bank are offering 1% on a 36 month CD. She recommended that Council move \$300,000 from the General Fund checking account with Farmers Bank into a CD with Farmers Bank for three years at an interest rate of 1%.

Councilman Edwards suggested dividing the \$300,000 into three \$100,000 CD's if Farmers Bank will continue to offer the 1% interest. He said this may keep the Town from being penalized if a portion needed to be withdrawn early.

After discussion, Councilman Scott made a motion to authorize Christy Newsome, Treasurer, to move \$300,000 from the General Fund checking account into CD's with Farmers Bank at an interest rate of 1% for 36 months with the first option being three \$100,000 CD's, and the second option being one \$300,000 CD. Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Council's Discussion of Citizens' Concerns

Councilman Willis stated that VDOT's preferred northern bypass alternative has become a major concern with practically every citizen within the community.

Councilman Edwards said there are several sidewalks in Town with dirt and rocks on them from the snow including the sidewalk at the post office. He said this is a safety hazard and needs to be addressed. He said he will give Mr. Stallings a list of the various locations after the meeting. Mr. Stallings said he will have maintenance take care of this matter.

Councilman Scott reported that a resident at 49 North Court Street contacted him regarding VDOT digging the ditch next to her driveway deeper on North Court Street where the new sidewalks were installed. The homeowner is concerned that there may be erosion issues in the future, and that children may fall into it when playing or riding bicycles. Councilman Scott said he spoke with Jamie Oliver, Project Manager for the Isle of Wight County Engineering Department, regarding the ditch, and she said she would contact VDOT. He reported that the homeowner has not heard from VDOT. Mr. Stallings said he would contact VDOT and follow up on this issue.

Town Manager's Report

Sidewalk Repairs

Mr. Stallings reported that funds were carried over from last year's budget and added to the Sidewalk Repair line item. He said there is \$20,758 in this line item which can be used this year for a large scale sidewalk repair project.

Mr. Stallings explained that two bids were received from local companies, and they both bid the same price of \$20.50 per linear foot. In addition to the sidewalk repairs, two trees may have to be removed that are having a significant impact on the sidewalks. Mr. Stallings said he is recommending that Council award sidewalk repair contracts to both companies in the amount of \$8,500 each. He said this will provide 828 feet of sidewalk repairs leaving \$3,000 for the potential removal of trees that are impacting the sidewalks.

Mr. Stallings recommended that Council authorize him to move forward with awarding contracts for sidewalk repair and tree removal not to exceed \$20,700.

Councilman Edwards noted that one bid quoted 42" wide and the other bid quoted 48" wide. Mr. Stallings said that the contractors must have measured two different sections with different measurements, but they know that they are required to repair what is existing. He said he would confirm this with the contractors. Councilman Edwards also said that one quote states "subject to change order or patch". He asked Mr. Stallings what "patch" refers to. Mr. Stallings said he would contact the contractor and ask what "patch" refers to.

After further discussion regarding change orders, Councilman Scott made a motion to authorize the Town Manager to award contracts for sidewalk repairs and tree removal not to exceed \$20,700. Councilman Ambrose seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

4th of July Celebration – Fireworks Display Permit

Mr. Stallings said the Windsor Ruritan Club, the Town, and Isle of Wight County are finalizing the details for the Town's annual 4th of July celebration. He said the Town will

end the celebration with a fireworks display that the County's Department of Parks and Recreation plans and coordinates.

Mr. Stallings said Section 73-10 of the Windsor Town Code provides a process for the Town to issue a permit for fireworks displays. He said he has enclosed a copy of a February 9, 2015 letter from Lauren Bailess, the department's Events and Fair Coordinator, which is the application for this permit.

Mr. Stallings said he has reviewed the application, and he has determined that it is in order. He said he would recommend that Council issue this permit. He said he has enclosed a resolution for Council's consideration, which if adopted, constitutes the Town's written issuance of the fireworks display permit.

Mayor Richardson read the title of the resolution as follows: "A resolution issuing a fireworks display permit to the Isle of Wight County Department of Parks & Recreation to conduct a 4th of July fireworks display in the Town of Windsor, Virginia."

Councilman Willis made a motion to adopt the resolution entitled: *A Resolution Issuing A Fireworks Display Permit To The Isle Of Wight County Department Of Parks & Recreation To Conduct A 4th Of July Fireworks Display In The Town Of Windsor, Virginia*. Councilwoman Flemming 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 February with Council. He reported that he has begun the process of re-negotiating the lease with the postal service. Councilman Edwards asked when the replacement sign was going to be installed. Mr. Stallings said that the base of the sign took longer to make than expected. He said he would contact the sign company for an approximate installation date. Mayor Richardson suggested that Mr. Stallings go ahead and have the maintenance department move the smaller sign. He said he would coordinate moving the small sign with the installation date of the replacement sign. She also asked Mr. Stallings to have maintenance put down mulch around the Town entrance signs located on U.S. Route 460.

Councilman Scott explained that the streetlight at 23192 North Court Street has been reported several times for being out and has not been repaired. Mr. Stallings said he would have staff contact Dominion Virginia Power regarding the streetlight.

Councilwoman Flemming reported a broken guide wire cover from a light pole lying next to a sidewalk located on Church Street. Mr. Stallings said he would also report this to Dominion Virginia Power.

Calendar of Events

Mr. Stallings stated that he has enclosed the Calendar of Events for Council's information. He said that the Tidewater News is launching a new publication dedicated solely to the Town of Windsor called *Windsor Weekly*. He explained that the newspaper will publish each Saturday beginning with the first edition on March 28, 2015. Mr. Stallings said that the Tidewater News will be hosting an open house from 8:00 a.m. to

9:30 a.m. on Wednesday, March 11, 2015 at the Windsor Ruritan Club to celebrate the launch of the *Windsor Weekly*.

Mayor Richardson explained that the first edition will be mailed to the citizens, and the other issues will be placed at businesses throughout Town at no cost to the citizens.

Mr. Stallings said that the court case for the former Police Chief, Arlis V. Reynolds, took place March 2, 2015. He said he would answer any questions that Council may have concerning the trial. Mr. Stallings also explained that the Grievance hearing has been cancelled, and the Town will be beginning the process of hiring a new Police Chief.

Town Attorney's Report

Mr. Brittle said he was asked at the last Council meeting to research whether a three-party MOU can be voided by one party. He stated that state law defines a MOU as a contract. He said that the 2008 MOU was a signed agreement between the Windsor Volunteer Fire Department, the Town of Windsor, and Isle of Wight County; therefore, it cannot be modified without the consent of all parties involved.

Mayor's Report

U. S. Route 460 Resolution

Mayor Richardson said that she and several Council members attended the Post Legislative Breakfast held in Smithfield on March 5, 2015. She said that Delegate Rick Morris spoke at the breakfast and said that he did not and will not support the northern bypass around Windsor. Mayor Richardson said that since the northern bypass has been chosen as the preferred alternative, Council has drafted another resolution to be sent to VDOT and to the state and federal agencies involved. She explained that this resolution states Council's opposition against the northern bypass and also requests a collaborative process which includes a solution that better meets the purpose and needs of the project while disturbing less wetlands.

Mayor Richardson read the title of the resolution as follows: "A resolution expressing concern regarding the construction of northern Route 460 bypass around the Town of Windsor." After further discussion, Councilman Edwards made a motion to adopt the resolution entitled: *A Resolution Expressing Concern Regarding The Construction Of Northern Route 460 Bypass Around The Town of Windsor* and to include a letter explaining the adverse effects that a northern bypass will have on the Town of Windsor and its Comprehensive Plan. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

Windsor Youth Art Foundation Resolution

Mayor Richardson said she met with Jennifer Bak, Girl Scout Leader for Windsor, and Sam Welty, renowned muralist, to discuss their desire to create a Youth Art Foundation to provide the youth in Windsor with an avenue to display their artistic talents and their work. Mayor Richardson said there is a resolution enclosed stating Council's support for the creation of a Windsor Youth Art Foundation. She read the title of the resolution as follows: "A resolution in support of the creation of a Windsor Youth Art Foundation."

After further discussion, Councilman Willis made a motion to adopt the resolution entitled: *A Resolution In Support Of The Creation Of A Windsor Youth Art Foundation*. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

Community Recreation Center

Mayor Richardson reported that the contractor has begun renovations to the outside of the Community Recreation Center, and the parking lots have been paved. She said she discussed organizing a fundraiser at last month's meeting to raise money to paint the inside of the gym and to help pay expenses until it can support itself. She said that Nixon's is available on Saturday, May 2, 2015. Council agreed to have the first concert series at the same time as the fundraiser. Mayor Richardson said she has coordinated with the Windsor Christian Church to have meals picked up at the church, or dinners can be picked up at the gazebo to eat while enjoying the band. She said tickets will be available for \$9.00 at the Town Hall, and Council members will also have tickets to sell.

Federation Day Resolution

Mayor Richardson said that the Woman's Club of Windsor was founded in May of 1930, and they have faithfully served the Town of Windsor for over 83 years. She announced that the General Federation of Women's Clubs are celebrating its 125th anniversary on April 24, 2015. She said there is a resolution enclosed establishing April 24, 2015 as Federation Day in the Town of Windsor. Mayor Richardson read the title of the resolution as follows: "A resolution establishing April 24, 2015 as Federation Day in the Town of Windsor, Virginia." Councilman Ambrose made a motion to adopt the resolution entitled: *A Resolution Establishing April 24, 2015 As Federation Day In The Town Of Windsor, Virginia*. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10.

Economic Development Authority Report

None

Other Reports

Councilman Willis reported that the Windsor Rescue Squad is looking for opportunities to assist with community projects. Mayor Richardson suggested that they help with the May 2, 2015 fundraiser.

Old or Unfinished Business

Flag Pole Installation

After discussion regarding the location of the flag pole, Council agreed to table this issue until the April 28, 2015 work session.

New Business

None

Closed Session

None

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

The meeting adjourned at 9:30 p.m.

Carita J. Richardson, Mayor

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 COUNCIL VOTES

Council Meeting Date March 10, 2015

Motion #	Scott	Flemming	Edwards	Ambrose	Bryant	Willis	C. Richardson
1	✓	✓	✓	✓	Absent	✓	
2	✓	✓	✓	✓		✓	
3	✓	✓	✓	✓		✓	
4	✓	✓	✓	✓		✓	
5	✓	✓	✓	✓		✓	
6	✓	✓	✓	✓		✓	
7	✓	✓	✓	✓		✓	
8	✓	✓	✓	✓		✓	
9	✓	✓	✓	✓		✓	
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Jerry Whitehead, Clerk