

**Minutes
Windsor Town Council Meeting
Town Hall
April 13, 2021**

The Windsor Town Council met in regular session on April 13, 2021 at 7:00 p.m. at the Windsor Town Center, Windsor, Virginia. Mayor Glyn Willis was present, and he called the meeting to order. He welcomed those who were present. Mayor Willis asked for anyone with cell phones to please turn them off. Terry Whitehead, Town Clerk, recorded the minutes. William G. Saunders, IV, Town Manager, Cheryl McClanahan, Treasurer, and Fred Taylor, Town Attorney, were present.

Council members present: Greg Willis
 Walter Bernacki
 Kelly Blankenship
 J. Randy Carr
 George Stubbs
 Jake Redd

Councilwoman Blankenship led the Pledge of Allegiance.

Public Hearing

None

Delegations and Public Comments

Theodore R. Haynes, III, Windsor, Virginia, said it was wrong for the officers to pepper spray Lt. Nazario. He said one officer was fired, and he doesn't understand why the other officer wasn't fired also. He said he doesn't understand why Chief Riddle has not responded to News Channel 10 with a comment regarding the traffic stop. Mr. Haynes said he thinks this has been happening, and it has finally come out, because Lt. Nazario was smart and did what he had to do by reporting it.

Laverne Ruffin, Windsor, Virginia, said the officers should have respect for people and know how to talk to people. He said if we could all learn this, we could all get along. Mr. Ruffin said Lt. Nazario also should not have been thrown to the ground; it was uncalled for.

Reverend W. L. Williams, 17094 N. Carolina Avenue, Windsor, Virginia, said it is a rare time when a symptom of a problem so clearly shows itself. He said the incident that happened on December 5, 2020 shows that there is a problem. He said the problem is not just the Town of Windsor. He said there is a more deep-seated problem in Isle of Wight County and ultimately in America. He said we have a culture of racism. He said many people refer to it as systemic racism; not an easy subject to talk about.

Reverend Williams said our behavior cannot change unless we obtain new information. He said the officer was fired, but another officer will be hired with the same issues. He said the only way we are going to change things is to enter into a training program that deals with implicit biases and equity. Reverend Williams said he would be glad to meet with Council to make recommendations on how to install such a program.

Japharii Jones, BLM 757, said he would like to make sure that Lt. Nazario is honored in everything that we are speaking on and everything that we are doing here in the Town of Windsor, Virginia. He said that all eyes are on Windsor right now. Mr. Jones said the officer needs to be arrested, because you cannot pepper spray individuals without there being a charge of assault, the use of chemical warfare, or conspiracy. He suggested that the officer be tested for drugs; specifically steroids. He said when using force, all officers should be tested for drug use.

Mr. Jones said this is Council's opportunity to show America what should be done in situations like this. He said this can be a learning experience and suggested that Council get in front of an issue like this in the future.

Ernest Hunter, 22404 Courthouse Highway, said as a concerned citizen, as well as a Pastor for this community, he would like to see African-Americans on the Windsor police force.

Laequinla Hunter, 22404 Courthouse Highway, said in reference to the injustice that occurred in December, and we just hearing about it in April, to Lt. Nazario by the Windsor Police Officers, it is imperative that we have open Town forums where we can begin to communicate and dialog with all demographics of our community. She said that some are aware of what is going on in the community and others are not, and it is our job as a community to keep everyone well educated and informed.

Mrs. Hunter said a lot of the community has reached out to Town officials and the Police Department, and they have not had any direct questions answered. She said she feels that it is cowardly to send out an email when you can have forums where you can talk to your community so that we all will have an understanding of what is going on in our Town.

Volpe Boykin, 28359 Walters Highway, Carrsville, Virginia, said he is present to speak on behalf of The Southern and Central Isle of Wight Citizens Group. He said this is a citizen's association that covers the southern end of the County, including Windsor, and he is the president of the group. He said the great majority of our citizen's group voted that we should take an official position on what happened in Windsor on December 5, 2020 in an incident involving Officer Joe Gutierrez and Officer Daniel Crocker and wanted the following statement read:

The Southern and Central Isle of Wight Citizens group wishes to express its support for the Town of Windsor Police Department and Town Council. We agree with and support the actions they have taken in reference to the December 5, 2020 incident involving Officers Joe Gutierrez and Daniel Crocker. We expect the Town of Windsor to continue its support for Officer Daniel Crocker unless it's proven through due process that he intentionally acted improperly.

Mr. Boykin explained the safety risks that a police officer faces when on duty.

Samantha Jackson, 12424 Wakefield Road, Sedley, Virginia, asked why it took so long to fire one officer when this incident happened four months ago. She said action was only taken following the release of the bodycam footage. She said clearly there is a deeper issue within a department that is intent on covering up a direct abuse of power. She said officials state that the police are here to protect and serve, but she feels that

they are here to enforce and abuse the power that they are given by us. She expressed her concerns with information not being released to the public. She asked if a separate Council needs to be created for weekly review of bodycam footage to address the abuses of power that are displayed in these videos. Ms. Jackson stated that Lt. Nazario has served our county and what happened to him is a tragedy.

Chris Wingard, said she supports our Town, Town Council, and law enforcement. She said the issue here is deeper than systemic racism; she believes it is individual sin. She said we were not at the incident, and we don't know the whole story. She encouraged Council to support Officer Crocker in having the chance to go through the process to determine whether he is innocent or guilty. She said her biggest concern is the hatred that is pouring into our County and into our Town, and she is sickened that it is so divided today. Mrs. Wingard said she prays that we will all have a heart of unity, and we will all have courage to stand up for truth regardless of how difficult that may be.

Valerie Butler, President of the Isle of Wight County NAACP, said she is present on behalf of the Isle of Wight County NAACP. She said she doesn't understand why guns were drawn for a simple traffic stop, and she doesn't understand why both officers were not fired. She said she is concerned that the Town of Windsor and the Town's Police Department would put a new officer on the street to patrol without proper training. Mrs. Butler said Windsor is a diverse community, and there needs to be a black officer in the Police Department if there isn't one.

Mrs. Butler said you cannot know how she feels as a Black American unless you have walked in her shoes and experienced some of the things we have experienced. She said it concerns her that the Town's two police officers acted in the manner that they did in lieu of what's taking place around the country. Mrs. Butler said officers are sworn to protect and serve our community, and if they are not comfortable in that capacity, then they need to choose another profession.

Mrs. Butler said we also have a concern with this incident occurring on December 5, 2020 and just being brought to light last week from a reporter from the *Virginian Pilot*.

Clarence Dempsey, 11011 Beale Drive, Windsor, Virginia, said he is a new resident, and he came to the Town of Windsor for peace. He said he is racially profiled all the time, and he is not a violent person, but he does not back down. He said he does not condone what happened to Lt. Nazario. He said it is true that we don't know what took place before he pulled over, but the video does not lie; he was peppered sprayed. Mr. Dempsey said he fears for his life every day because he is black. He said he has been through a lot. He said police officers are sworn to protect and serve, but it was wrong to pull weapons on an innocent man who serves in the military. He said America needs to wake up and stop hurting one another. Mr. Dempsey asked Council to do the right thing for their people and for their Town.

Judy Dempsey, 11011 Beale Drive, Windsor, Virginia, said she retired from the United States Air Force and served for 27 years. She said Lt. Nazario serves in the military and he was disrespected. She said speakers tonight are also being disrespected, because some members of Council are not listening and do not care. She said she has lived in Windsor for 20+ years, and now all she wants to do is move. She expressed her concerns with paying taxes, and the Windsor Police Department not being present at the meeting to answer questions. She also expressed her concerns with just now

terminating Officer Gutierrez and still allowing Officer Crocker to be employed. Mrs. Dempsey questioned if the Town would be raising taxes to pay the million dollar law suit.

Mayor Willis said he appreciates everyone coming out to share their views and giving Council an opportunity to hear your concerns. He said he will open the floor to those who did not sign up for public comments to speak after the agenda items have been completed.

Consent Agenda

Mayor Willis said the Consent Agenda consists of the minutes of the November 23, 2020 Work Session, minutes of the March 4, 2021 Work Session, minutes of the March 9, 2021 Council meeting, minutes of the March 30, 2021 Work Session, minutes of the April 5, 2021 Work Session, and the Police Chief's report. He asked if there were any questions or comments regarding the Consent Agenda.

Councilman Stubbs made a motion to adopt the Consent Agenda as presented. Vice Mayor Greg Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Treasurer's Report

Ms. McClanahan reviewed the March Treasurer's report noting several large transactions. She reported that delinquent notices for Real Estate and Personal Property were mailed out in March, and all bank statements are balanced from July 2020 to March 2021.

Ms. McClanahan briefed Council on the status of the FY19/20 audit stating that she hopes it will be completed by the May 11, 2021 Council meeting. She also reported that she will be generating Real Estate bills within the next couple of days.

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

Council Comments

Councilwoman Blankenship said a neighbor approached her in the Windsor Woods subdivision regarding septic tank issues on one side of the street on York Court. Councilwoman Blankenship said her neighbor contacted the Isle of Wight County Health Department and was informed of a sewer project near Windsor Woods where sewer lines are being run to the fairground. She said the Health Department recommended that this citizen attend a Council meeting and ask that Windsor consider participating in the sewer project in order to have that sewer line run into the Windsor Woods neighborhood.

Mr. Saunders said he had a phone conversation with Don Jennings, Director of Isle of Wight County Utilities, regarding this sewer project. Mr. Saunders explained that Windsor Woods was designed for Phase 1 to be on drain fields and septic tanks and Phase 2 to be on County Sewer. He said since there is the potential for sewer expansion nearby, the County is questioning if it would be prudent to extent it part of the way into Windsor Woods Phase 1 to pick up some of these failing systems. He said Isle of Wight

County will want Council to consider contributing to this project in some degree. Mr. Saunders said this is all very preliminary; therefore, he doesn't have a lot of detail at this time.

Town Manager's Report

Capital Projects Update

Public Works Building

Mr. Saunders reported that the interior work is largely complete with punch list items being finalized. On the exterior, punch list items are being completed and as-built surveys are being conducted for submittal to IOW County. There has been a Change Order for railings around the mechanical equipment in the loft for approximately \$700. The project is still expected to be under budget and is expected to be completed within the next two weeks.

Duke Street & Virginia Avenue Water Main Replacement

On the agenda as a separate item.

Shiloh Drive Sidewalk

Mr. Saunders stated that the drainage and erosion issues have been reported to the IOW Project Manager; VDOT and the contractor have made site visits to determine the best resolution of the issues. The corrections have been designed. Some will be done as a Change Order and some under the contractor's warranty. It is anticipated that the repairs will be undertaken the week of April 19th.

Windsor Town Center Roof Replacement and Moisture Repair

On the agenda as a separate item.

Duke Street and Virginia Avenue Water Main Replacement

Mr. Saunders said the Duke Street and Virginia Avenue Water Main Replacement project has been in the Town's Capital Improvement Plan for years, until it was finally acted upon in earnest in 2018. \$300,000 was set aside in the FY19 budget and an application for \$150,000 was submitted to the Virginia Department of Health (VDH) for a loan to partially fund the project.

Mr. Saunders said the project was nearly put out to bid in early FY21, when it was realized that the new water mains were outside of the VDOT right-of-way and did not have utility easements. Following this, the engineers who had contracted to create the plans, get the permits from VDH and bid the project, stated that the creation of easement plats was not included in the original contract for work and that a Change Order would be required for them to perform this additional work.

Mr. Saunders stated that the total cost was estimated at \$328,000 in the loan application; however, it was determined that an itemized engineer's estimate of construction costs for the project did not exist. He said an engineer's estimate was provided recently that put the permitting and construction phase of the project at \$758,580; compared to \$257,500 shown for that portion in the loan application. Mr. Saunders said these amounts do not include easement acquisition costs, should some homeowners not dedicate the necessary easements at no cost to the Town.

Mr. Saunders said given that the funds set aside currently are insufficient, the necessary easements need to be identified and obtained, and the status of the loan application is uncertain, it is not expected that the project will go back out to bid any time soon. However, in an effort to keep the project moving, staff recommends approval of Change Order #1 in the amount of \$7,416 for the engineers to create the plats necessary to obtain the easements while other elements of the project are pulled together. Mr. Saunders explained that the most likely scenario for funding is to push all projects in the CIP back one year in order to provide another round of funding for the project.

Mr. Saunders said Change Order #1 and the Engineer's estimate of Construction Costs are enclosed for Council's review.

Vice Mayor Greg Willis made a motion to approve Change Order #1 in the amount of \$7,416. Councilman Stubbs seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Cares Act Municipal Utility Relief Program Budget Appropriation

Mr. Saunders said the Cares Act Municipal Utility Relief Program is a program for the relief of customers of municipal utilities during the COVID-19 pandemic. He said the Virginia Department of Housing and Community Development (DHCD) has initiated a program for the relief of customers of municipal utilities using Cares Act funds. These funds would come directly from the Commonwealth, and are not a part of those Cares Act funds already earmarked for the Town of Windsor. Mr. Saunders explained that the primary focus of these funds is the assistance of customers who have outstanding utility bills which are 30+ and/or 60+ days in arrears due to economic hardships related to the COVID-19 pandemic.

Mr. Saunders reported that the total amount granted to the Town of Windsor is \$4,674.10 and town staff has identified this amount of water bills in arrears to which these funds can be applied.

Mr. Saunders said that a budget appropriation in the amount of \$4,674.10 is required to accept and implement the funding. He recommended that Council adopt the attached resolution accepting the funds and appropriating them to the Water Fund Operating Budget.

Mayor Willis read the title of the resolution as follows: A Resolution Accepting a Cares Act Award from the Department of Housing and Community Development for Municipal Water Utility Relief and Appropriating the Funds to the Water Fund Water Sales Line Item for Fiscal Year 2020/21.

After discussion, Councilman Bernacki made a motion to adopt the resolution entitled: A Resolution Accepting a Cares Act Award from the Department of Housing and Community Development for Municipal Water Utility Relief and Appropriating the Funds to the Water Fund Water Sales Line Item for Fiscal Year 2020/21. Councilman Redd seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Town Attorney's Report

None

Mayor's Report

None

Economic Development Authority (EDA)

Councilman Redd reported that the EDA is still working with a potential buyer for the property located on West Windsor Boulevard past the Dairy Queen.

Other Reports

None

Old or Unfinished Business

Windsor Town Center Roof Replacement Bids

Mr. Saunders said an Invitation for Bids for the roof replacement at the Windsor Town Center (WTC) was posted and the apparent low bid for the roof replacement came in at \$237,700; the latest total cost projection for the roof and remediation project coming in at \$358,663.

Mr. Saunders reported that he and Mayor Willis were before the Isle of Wight Board of Supervisors at the Board's April 1, 2021 Work Session to present the new project cost information. He said the Board of Supervisors was thorough in their review of the project, but reiterated their interest in sharing the cost of the project, as well as providing the funds up front.

Mr. Saunders said further, the Board of Supervisors effectively conditioned the release of funds for the project with the adoption of the Memorandum of Agreement; which is not irrelevant to the roof project, as it seems that the Board is interested in bringing the cost-sharing of capital expenses/repairs back into the MOU.

Mr. Saunders reported that the apparent low bid for the roof replacement is \$237,700 from Adelpia Contracting, Inc. of Maryland. He said since the writing of this staff report, it has been determined that Adelpia Contracting, Inc. is the lowest responsive and responsible bidder. He said it is hoped that a Notice to Proceed can be issued to Adelpia Contracting, Inc. by April 24th. Mr. Saunders recommended that Council authorize the Town Manager to enter into a contract with Adelpia Contracting, Inc., and give them a Notice to Proceed as soon as possible.

Mr. Saunders stated that the Project Cost Projection is enclosed for Council's review.

Mr. Saunders said the Board of Supervisors will be holding their regular meeting Thursday, April 22, 2021. He said that he and Mayor Willis plan to attend this meeting to discuss the adopted Memorandum of Agreement and finalize the discussions on the funding of the roof project.

Councilwoman questioned how we plan to fund our share of the roof repair project.

Mr. Saunders said there are funds in the Miscellaneous Revenue portion of the budget to fund our share of the roof repair project. He also suggested that the Town can take out a loan or use debt service to pay off the County should they provide all the money upfront.

After further discussion regarding funding, Councilman Stubbs made a motion to authorize the Town Manager to enter into a contract with Adelpia Contracting, Inc., and give them a Notice to Proceed pending a positive outcome regarding cost sharing with Isle of Wight County. Vice Mayor Greg Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Councilman Carr asked Mr. Saunders to email Council after the Board of Supervisors meeting to brief them on the outcome before he reaches out to the contractor.

July 4th and Other Events

Councilman Redd asked if the Concert Series was going to continue this year.

Mr. Saunders said he does not see concerts being scheduled before July, but there is a possibility that they may be able to take place in August, September, or October due to increased vaccination rates.

After further discussion, Council agreed to have Mr. Saunders reach out to the two bands that currently have a deposit from the Town to see if they would be available for August and September. He said there may be a need for flexibility in September due to the Labor Day holiday, which can be discussed at the May 11, 2021 meeting.

New Business

None

Public Comments Continued

Mayor Willis said he would like to open the floor to those who did not have an opportunity to speak earlier.

Taylor Copeland, Sunset Drive, Windsor, Virginia, said she would like to address Council regarding the behavior of Windsor Police Officers and the inaction of those in authority to confront this issue until it became a national news headline. She said many of us residents had not heard of the events that occurred on December 5, 2020 until social media brought it to light. She said the incident on December 5, 2020 involving Windsor Police Officers Gutierrez and Crocker brings the issue of police brutality and abuse of authority close to home for many of us. She expressed her concerns with being able to respect those intended to enforce the law if they don't respect us, and they cannot be trusted to hold themselves accountable for their actions. Ms. Copeland said while one officer has been terminated from the force, this consequence didn't occur until after Governor Northam made a statement initiating a State Police investigation and after outrage in the community and the nationwide pressure on Council. Ms. Copeland said in the aftermath of the murder of George Floyd, Windsor Police Officers should have been

trained with awareness and de-escalation techniques with special sensitivity to those of color. Ms. Copeland said she is calling for the termination of Officer Crocker, as well as a serious reassessment of the way this department interacts with the community.

Tammy Somers, 121 Atlantic Avenue, Hampton, Virginia, said she is a combat veteran; three times deployed to Afghanistan, but she does not speak on behalf of the military. She said she comes before Council as a concerned citizen; a black woman who has been and is willing to die for her nation, for what was on her heart as she saw the violence that was perpetrated on Lt. Caron Nazario. She said in the Town's letters, Council acknowledged wrong doing by Officer Gutierrez, but has anyone from the Town's government reached out to Lt. Caron Nazario to apologize for the violence he has experienced here. Mrs. Somers expressed her concerns with how Lt. Nazario must have felt after he was released. She said many of us will never know what it is like to be beaten into submission and have your liberty taken from you when you have committed no crime. Ms. Somers said even a criminal ought to be dealt with as a human being, else we all become like animals.

Jay Boone, with Keeping us Secure and Prosperous (KUSP), Hampton Roads, Virginia, said she is the proud child of two veterans who served proudly and honorably for this country. She said when she saw the video, it brought back all the stories that her parents told her about the disrespect that they had to face in and out of uniform. She said it surprised her that it took Council so long to take any action. She said while Lt. Nazario had to live with the repercussions of that event, the officer was still able to serve in the community and traumatize possibly more individuals. Ms. Boone said she can't believe this is an isolated incident, and she hopes Council is investigating any and all arrests that he has made.

Avery, Chesapeake, Virginia, said he is upset by what he saw happen to Lt. Caron Nazario, the actions of the two officers that stopped him, the Town's entire police force, and by the state of American policing, as a whole. He said we have an opportunity to fix something in the Town of Windsor. He said Officer Gutierrez was seen on video threatening Lt. Nazario; a man he is sworn to protect by duty, a citizen and a veteran, and a man who simply did not break the law. He said the two officers immediately drew their weapons and threatened him. He said Officer Gutierrez was allowed to wear a badge for four months after assaulting someone, and Officer Crocker is still on the police force.

Avery said he is here today because he is afraid as someone who has to travel through Windsor regularly in a commercial vehicle. He said he is also afraid for his co-workers; many of whom are African-American, if they get stopped. He said if you don't fire Officer Crocker, you are not only doing a disservice to the community, but you are putting them at physical danger. He said the Windsor Police Department needs to take a page from Lt. Nazario and learn how to stay brave and calm while deescalating a situation. He asked will there be charges brought on Officer Gutierrez, and when will Officer Crocker be removed from the force, and why not.

Closed Session

Councilman Stubbs made a motion to go into closed session to discuss the following matters, all in regard to the Windsor Police Department, pursuant to Virginia Code Section 2.2-3711, A-1 The assignment, performance, disciplining, or resignation of

specific public officers, appointees, or employees of any public body. Section 2.2-3711, A-7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation where such consultation or briefing in an open meeting would adversely affect the litigating posture of the public body. Section 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 legal counsel. Councilman Bernacki seconded, and Council passed the motion as recorded on the attached chart as motion #6.

Council reconvened back into regular session at 11:00 p.m.

Councilman Stubbs 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. Vice Mayor Greg Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

Mayor Willis outlined the following five points of action for the Town of Windsor:

1. Continue to cooperate fully with the Virginia State Police investigation.
2. Body cam video and other relevant information is being posted and updated on the Town website.
3. All answers to the Freedom of Information Act (FOIA) concerning the incident will be posted on the Town's website.
4. Weekly Council work sessions will be scheduled to reach out and engage with the community
5. Town Council fully supports the Windsor Police Department; including Chief Riddle and Officer Crocker.

Mayor Willis said Windsor is special in a very good way. He said we, as Council members, are here to serve the Town, and we are looking forward to doing that in a way that helps people see the good parts about the Town as compared to the bad parts and views that people have now. He said we look forward to providing more information, and we will continue to work with all that want to help us get our message out about what Windsor is really like as compared to the picture that is out on the world right now.

Councilman Stubbs made a motion to adjourn. Vice Mayor Greg Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

The meeting adjourned at 11:10 p.m.

Glyn Willis, Mayor

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 COUNCIL VOTES

Council Meeting Date April 13, 2021

Motion #	Blankenship	Carr	Stubbs	Redd	Greg Willis	Bernackl	Glyn Willis
1	Y	Y	Y	Y	Y	Y	
2	Y	Y	Y	Y	Y	Y	
3	Y	Y	Y	Y	Y	Y	
4	Y	Y	Y	Y	Y	Y	
5	Y	Y	Y	Y	Y	Y	
6	Y	Y	Y	Y	Y	Y	
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Jerry Whitehead, Town Clerk