

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

The Windsor Town Council met in a regular session on July 13, 2021 at 7:00 p.m. at the Council Chamber of the Windsor Town Hall, 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, Chief Riddle, 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

Councilman Redd led the Pledge of Allegiance.

Public Hearings

None

Delegations and Public Comments

Isle of Wight County Enterprise Zone Expansion

Nicole Talton, Isle of Wight County Economic Development Coordinator, presented Town Council with details regarding Isle of Wight County’s proposal of an expansion of their existing Enterprise Zone to include areas adjacent to and within the Town of Windsor.

Mrs. Talton stated that in November 2011, the Virginia Department of Housing and Community Development approved a re-designation application to allow for the expansion of the Joint Franklin/Southampton Enterprise Zone to include 2,437.80 acres in Isle of Wight County. She said the County created three Enterprise Subzones in critical target areas to support its goals of identifying land appropriate for business development, encouraging the redevelopment of areas targeted for revitalization, and promoting job growth through the community as new and existing businesses take advantage of state grant and local incentive programs. She said the proposed expansion would add 505.5 more acres.

Mrs. Talton continued to review the State Enterprise Zone Incentives, which include job creation grants and real property investment grants. She also reviewed the Local Enterprise Zone Incentives, which include machine and tool tax rebate, job creation grants, waiver of plan review fees, and fast track permitting process.

Mrs. Talton said in order to qualify for these incentives, businesses must meet minimum qualifying criteria.

Councilman Bernacki asked whether the County would be able to assist the Town in navigating environmental restrictions that have caused some businesses to lose interest in locating in Windsor.

Mrs. Talton said, within our local incentives, we have the ability to tailor a special incentive; therefore, we could go before the Board of Supervisors to request assistance with reducing the cost of environmental fees for a business interested in locating in Windsor.

Councilman Bernacki expressed his concerns with the Town having to budget for its responsibility of matching funds and providing grant money as part of the local incentives.

Mrs. Talton said the County still has local grant money, so it may not be anything that the Town may be financially burdened with. She explained that the Town wouldn't have to provide any type of incentives, but it would make it better if some incentive is provided by the Town. She said setting aside some money in the Town's next budget may be something Windsor should look at doing.

Vice Mayor Greg Willis asked how active is the County Economic Development Department going to be regarding informing prospective businesses of the Enterprise Zone concept.

Mrs. Talton said there are marketing materials available, and she plans to market and make sure that the business community knows about the zone.

Councilwoman Blankenship noted that the printout shows "Retail, food and beverage services, and personal services are not eligible for the program." She said the majority of what has been outlined in the presentation would probably be those types of businesses. Councilwoman Blankenship also asked if these types of businesses would be allowed in the Enterprise Zone if they did not qualify for the program.

Mrs. Talton said she will need to follow up to see what type of retail is not eligible for the program. She said these businesses would be allowed to locate in the Enterprise Zone, even if they did not qualify for the program.

After further discussion, Council agreed by consensus to consider the information received further before making a final decision.

Public Comments

Bentley Richardson, 24229 S. Johnson Avenue, expressed his concerns with the probability of having marijuana retail stores located in the Town of Windsor. He said he prepared a paper on marijuana while in college, and learned how it affects the brain and reflexes, especially for those between the ages of 10 to 18. He said he has seen first-hand how marijuana has negatively impacted a classmate in college and a student in his class. He said marijuana causes pupils to dilate, slows reflexes, and impairs students from being able to study properly. Mr. Richardson said he is not in support of retail marijuana stores being located in the Town of Windsor.

Consent Agenda

Mayor Willis said the Consent Agenda consists of the minutes of the June 8, 2021 Council meeting 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. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Treasurer's Report

Ms. McClanahan reported that the auditors began the FY20-21 audit on June 11, 2021 and will return September 2nd and 3rd to complete the audit. She said the Town collected an additional \$57,795.16 in Real Estate revenue. She stated that the Town received the ARPA money in the amount of \$1,033,658.63. She noted that the final payment of \$26,545.85 was paid to C.W. Brinkley for the Public Works building. Ms. McClanahan added that she billed Isle of Wight County for the Vacuum Main Wye Connection/Replacement on the Public Works building in the amount of \$1,700.

Councilman Bernacki commended Ms. McClanahan for the sub-notes added to the Treasurer's report for additional clarification on specific transactions.

Councilwoman Blankenship noted that the formatting of the Treasurer's report had changed. She said the wrapping of the columns made it difficult to read.

Ms. McClanahan said she would look into this matter and correct it on next month's report.

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

Council Comments

Councilman Bernacki reported a blue water cap that has sunk into the sidewalk at 51 Church Street that has created a safety hazard. He said that section of the sidewalk has dropped out, which may be due to a water leak.

Mr. Saunders said he would check into this issue.

Councilman Stubbs said he was asked by a citizen if there were plans of installing a flag pole and flag on the police department property. Vice Mayor Greg Willis said there were discussions in the past regarding this issue.

Mr. Saunders said he would research the history of discussions regarding having a flagpole and flag installed at the police department and report back to Council.

Councilman Redd asked if there was an update regarding the Shiloh Drive Sidewalk erosion issues.

Mr. Saunders reported that photos of the failure of the repair were taken and shared with the Isle of Wight Project Manager. He said concerns about the integrity of the design, construction and repair were also made known. Mr. Saunders reported that Isle of Wight County and VDOT are trying to determine if the issue is predominantly caused by erosion or by poor soil in order to craft an appropriate repair.

Mr. Saunders stated that we anticipate receiving a close-out reimbursement of \$37,983 from our project contribution, and he is concerned that this reimbursement may be depleted by change orders.

Mr. Saunders explained what may be covered by warranty and what may be considered change orders, based on the contract, as questioned by Councilman Bernacki.

Mayor Willis asked if there was an update from Norfolk Southern Railway regarding the rough railroad crossing on Highway 258 near the Dairy Queen.

Mr. Saunders said he has not received a call back from Norfolk Southern Railway. He said he would reach out again regarding this issue.

Town Manager's Report

Capital Projects Update

Public Works Building

Mr. Saunders reported that the project has been completed. He said once all invoices come in, we can determine the final balance on the project.

Duke Street & Virginia Avenue Water Main Replacement

Mr. Saunders reported that work to obtain the necessary easements is underway. He said easement plats have been received from Bowman Consulting and reviewed by Town Staff.

Mr. Saunders reported that the Town received \$1,033,658.63 through The American Rescue Plan Act (ARPA). He said additional funds, in the same amount, will be received June, 2022. He said these funds can be used for infrastructure needs such as water, wastewater, and broadband. Mr. Saunders explained that the Duke Street and Virginia Avenue water main replacement project and the storm water project near the Farmer's Daughter Café may be eligible uses for these funds.

Shiloh Drive Sidewalk

Mr. Saunders said this update was previously discussed.

Windsor Town Center Roof Replacement and Moisture Repair

Mr. Saunders said the agreement has been signed with Adelpia Contracting and materials have been ordered. He said the proposed time of arrival of materials has been pushed back from mid-July to August 25th.

Mr. Saunders said the cost for this project, as stated in the contract, should not increase due to the delay in receiving materials, as questioned by Councilman Stubbs.

Board of Zoning Appeals Appointment

Mr. Saunders said there is a vacancy on the Board of Zoning Appeals, due to the recent passing of Mr. James O'Briant. He said Mr. O'Briant served the Town of Windsor in many capacities, including on the Town Council, the Planning Commission and the Board of Zoning Appeals. He said his service is greatly appreciated, and he will be sorely missed.

Mr. Saunders said as you may be aware, members of the BZA are recommended by Town Council to the Circuit Court, and the court actually makes the appointments. Therefore, Council needs to recommend a potential board member for the courts to certify and appoint to serve the balance of Mr. O'Briant's term.

After discussion, Councilman Stubbs made a motion to recommend Sue Meadows to serve the balance of Mr. James O'Briant's term. Vice Mayor Greg Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Mayor Willis said that he and Mr. Saunders will contact Ms. Meadows to discuss the appointment.

Proclamation to Terminate Local Emergency

Mr. Saunders stated that a Proclamation to Terminate Local Emergency is enclosed for Council's information. He said the State of Emergency declared by the Governor has expired, and the necessity of a local emergency status no longer exists.

Legislation regarding Retail Marijuana Stores

Mr. Saunders reported that the General Assembly (GA) has passed a marijuana bill, which encompasses numerous elements regarding the legalization of small amounts of marijuana and marijuana products. He said portions of this legislation have already become law and others require re-enactment by the GA before becoming law. He said retail marijuana stores will require re-enactment, but what is currently intended is already written into House Bill 2312, which is enclosed for Council's review. Mr. Saunders noted that retail marijuana stores will not be allowed until January 1, 2024, as the law is written now.

Mr. Saunders reviewed the following major points regarding retail marijuana stores in the Commonwealth:

- Marijuana stores may be approved by ordinance.
- To prohibit them, or opt out, a referendum must be held to decide the issue.
- If a referendum is held, another cannot be held for four (4) years.
- Towns can have a separate referendum from their host county.
- Local ordinances cannot prohibit cultivation, processing or manufacturing.
- Local ordinances can regulate the distance of stores from child-related facilities and their hours of operation.
- The Commonwealth of Virginia will put a 21% tax on marijuana and marijuana products.

- Localities can put up to a 3% tax on marijuana and marijuana products.
- Only 400 retail marijuana store licenses will be available statewide (Approximately the same number as ABC stores in the state).

Councilman Bernacki noted that the law contradicts itself. He said language in the Code Section from HB 2312 states that Towns cannot adopt any ordinance or resolution that regulates or prohibits the sale and wholesale distribution of marijuana, but then in another part, it states that Towns can have a referendum. He asked the Town Attorney for clarification.

Mr. Taylor explained that there have been several tweaks to this bill between the House and the Senate in the General Assembly and with the Governor. He said regulation from our level is only that which they have granted, which is you can either allow it or you can have a referendum on it. He also explained that retail marijuana stores have a Cannabis Control Authority that has been put in place to regulate them.

Mayor Willis said he feels that it would be reasonable that Council consider using a referendum in order to receive feedback from the citizens.

Mr. Taylor confirmed that a referendum would be binding. He stated that if the County opted for a referendum on the matter, it would make sense for the Town to arrange for its own referendum to be at the same time.

Mr. Saunders updated Council regarding the Windsor Library Expansion Project as requested by Councilman Bernacki. He explained that the land at Robinson Park has several parcels, and a deed has been prepared to vacate the lot lines to allow for the expansion. Mr. Saunders said there is no expense to the Town for the lot line vacation process.

Mr. Saunders updated Council on the J & C Pitt and Play business as requested by Councilwoman Blankenship. He said the owner was given a notification letter until August 1, 2022 to end operation of his business or apply for the appropriate approval to remain in business.

Town Attorney's Report

None

Mayor's Report

None

Economic Development Authority (EDA)

None

Other Reports

Vice Mayor Greg Willis reported that the Concert and Cruise In has been advertised and will take place Friday, August 6, 2021.

Mayor Willis said there is a lot of interest regarding the Town's future plans for a Fourth of July event. He said this event was sorely missed by all this year. He suggested that Council have a discussion in the next 60 to 90 days regarding future activities for the Town. He suggested that a Citizen's Board may need to be formed to look at planning activities, such as the Fourth of July event and working towards possibly making our concert series even larger.

Councilman Bernacki said there have been quite a few roadside brush fires in the community. He asked that citizens please use cigarette dispensing devices in their vehicles if possible, and eliminate open burning when dry. He asked that this information be put on the website.

Councilwoman Blankenship suggested that Council schedule a session to discuss the Town's Strategic Plan. She said there may be items in the plan that may be eligible for ARPA funding.

Old or Unfinished Business

None

New Business

None

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 #4.

The meeting adjourned at 8:40 p.m.

Glyn Willis, Mayor

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 COUNCIL VOTES

Council Meeting Date July 13, 2021

Motion #	Redd	Greg Willis	Bernacki	Blankenship	Carr	Stubbs	Glyn Willis
1	Y	Y	Y	Y	Y	Y	
2	Y	Y	Y	Y	Y	Y	
3	Y	Y	Y	Y	Y	Y	
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Jerry Whitehead, Clerk