

**Minutes
Windsor Town Council Meeting
Town Hall
October 14, 2014**

The Windsor Town Council met in regular session on October 14, 2014 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, Interim Town Treasurer, and Wallace W. Brittle, Jr., Town Attorney were present.

Council members present: Wesley F. Garris
Greg Willis
N. Macon Edwards, III
Durwood V. Scott
Patty Flemming

Council member absent: J. Clinton Bryant

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

Public Hearing

Amendments to the Land Development Ordinance on Manufactured Home Parks

Mayor Richardson said there are two public hearings tonight. The first is to consider public comments on the adoption of amendments to the Land Development Ordinance on manufactured home parks. She asked Mr. Carney to summarize the proposal to amend the ordinance. Councilman Scott recused himself from this issue to avoid a possible conflict of interest due to the fact that he manages a park in Town.

Mr. Carney stated that the proposal is to amend the Land Development Ordinance to permit manufactured homes up to 15 years old from the date of the given zoning permit application to enter a manufactured home park in the Town. The present ordinance permits such homes if they are 10 years old. He said the second portion of the amendments is to replace the term "mobile" with "manufactured" throughout the ordinance in the R-1-RMP District.

Mr. Carney explained that Martha Newsome, representing Windsor Manor Mobile Home Park, brought the 10 year issue to the Town's attention. It was her belief that the 10 year rule was too restrictive, and that the State Building Code and the standards used by her Park were sufficient. Mr. Carney said over the next several months, the Planning Commission and staff reviewed the topic in great detail. Mr. Brittle, the Town Attorney, reviewed State law and has assured the Town that setting an age limit is defensible. Mr. Carney said a meeting was also held between Town officials and representatives of three of the four parks in Town. They came to a compromise position of recommending it be raised to 15 years to accommodate the better construction in recent years but still

insure quality and some degree of fiscal integrity. The Planning Commission again reviewed the subject based on the compromise and set the public hearing accordingly. He said they also added the proposal to amend the ordinance to replace "mobile" with "manufactured" throughout the R-1-RMP District to bring the definition into accord with Virginia and Federal law. He noted that the amendments are before Council for their review.

Mr. Carney reported that the Planning Commission, after a duly advertised public hearing in August, voted unanimously to recommend to Town Council that the amendments be approved as submitted. Mr. Carney said he recommends that Town Council consider approval of the Planning Commission's recommendation.

Mayor Richardson opened the public hearing. She asked for any persons wishing to speak in favor of the amendments to the Land Development Ordinance on manufactured home parks to come forward, and there were none. She asked for any persons wishing to speak in opposition of the amendments to come forward, and hearing none she closed the public hearing. She said it is now open for discussion among Council.

Vice Mayor Garris stated that the value on manufactured homes depreciate as they get older, and allowing older manufactured homes into the parks will cost the Town tax revenue; therefore he cannot support this ordinance amendment.

Councilman Edwards made a motion to adopt the amendments as presented. Councilwoman Flemming seconded, and Council passed the motion three to two with the Mayor casting the deciding vote as recorded on the attached chart as motion #1.

Amendments to the Land Development Ordinance on Temporary Signs and Banners

Mayor Richardson said the second public hearing is to consider public comments on the adoption of amendments to the Land Development Ordinance on Temporary Signs and Banners. She asked Mr. Carney to summarize the proposal to amend the ordinance.

Mr. Carney explained that at the request of Town Council, the Planning Commission began reviewing the Town's Sign Ordinance for temporary signs to determine how to make them more business friendly and not as cumbersome to administer. The Planning Commission carried out several months of discussion, which included a meeting where the business community was invited to express their concerns and to give input regarding this issue. Mr. Carney said the ideas from that meeting are included in the amendments

Mr. Carney said that the basic premise for the ordinance amendments on temporary signs was to lengthen the time a temporary sign could be in place and permit multiple time periods to be shown on one permit for only one fee. To summarize this section, it is suggested that annually up to five time periods of sixty days in duration each be permitted, provided that a fifteen day period be given in which signs must be removed before the next sign cycle could begin.

Mr. Carney said the ordinance amendment also defines better the number of temporary signs a business can utilize. The number of temporary signs and banners, whether on

the building or in front of the business, is suggested to be based on every 75 feet of street frontage of the business.

Mr. Carney said another ordinance amendment involved the permitting of properly placed "sandwich boards" as permanent signs to only be in place when the business is operating. He said the other major attempt was to take steps to lead to more quality signs by inserting in the definition and in the final section of the amendments the term "professionally made letters" (definition section) and "professional manner" (Installation and Maintenance provision).

Mr. Carney reported that the Planning Commission, after a duly advertised public hearing at their September meeting, voted unanimously to recommend that Town Council approve the amendments. Mr. Carney said he recommends that Town Council consider approval of the Planning Commission's recommendation.

Mayor Richardson opened the public hearing. She asked for any persons wishing to speak in favor of the amendments to the Land Development Ordinance on Temporary Signs and Banners to come forward, and there were none. She asked for any persons wishing to speak in opposition of the amendments to come forward, and hearing none she closed the public hearing. She said it is now open for discussion among Council.

Councilman Edwards asked if an American flag is considered a temporary sign or banner. He said he saw on the news where a business in another locality was in violation of their Town's ordinance for putting out too many American flags. After discussion, it was agreed that the definition of a temporary sign or banner does not include the American flag. Council continued to discuss enforcement issues and the need for the business community to be able to advertise in a tasteful manner.

Councilman Willis made a motion to adopt the amendments to the Land Development Ordinance on Temporary Signs and Banners as presented. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Mayor Richardson asked Mr. Stallings to inform the businesses in the Town of the amendments to the Temporary Signs and Banners Ordinance. He said he would have this information emailed to the businesses. She also noted that Council will need to set the permit fee for a temporary sign or banner, which is currently \$25.00. She said this will be done later on the agenda.

Delegations, Public Comments and Citizens' Concerns

VDOT Representative to Speak on U.S. Route 460 Project

Mayor Richardson said that Susan Clizbe, representative from VDOT, is present to give an update on the Draft Environmental Impact Study (SEIS) regarding the U. S. Route 460 Project.

Ms. Clizbe reported that VDOT, the Federal Highway Administration, and the U. S. Army Corps of Engineers have signed and released the Draft Supplemental Impact Statement (SEIS) for the U. S. Route 460 Corridor Improvements Project. She said the Draft SEIS describes the environmental impacts associated with each alternative and is now

available for public review. She said the SEIS can be viewed, and a CD can be ordered on the project website, which is www.route460project.org/SEIS. She said there is also a printed copy in the Windsor Library for citizens to view.

Ms. Clizbe announced that VDOT will be holding public information meetings, and the first meeting will be Monday, October 27, 2014 from 5:00 p.m. to 8:00 p.m. at the Windsor High School. She said there will also be meetings at The Wakefield Foundation on October 29, 2014 and at J.E.J. Moore Middle School on October 30, 2014; both from 5:00 p.m. to 8:00 p.m. She said the meetings will be an open house format, and project representatives will be present to discuss all aspects of the project including right of way procedures and Civil Rights issues. Ms. Clizbe asked if there were any questions.

Mayor Richardson asked several questions regarding the negative impact that widening the existing road would have on businesses and residences along the U. S. Route 460 corridor in the Town of Windsor if this alternative is chosen. Mayor Richardson also commented that she reviewed several sections of the SEIS report, and it seems to be inconsistent regarding the number of businesses within the Town of Windsor that will be affected by widening the existing road. She said there are numerous other businesses that will be affected, which are not showing on the report.

Mayor Richardson also asked if the alternative is chosen to widen the U.S. Route 460 and not use tolls, would there be enough money to fund this project, and would this alternative slow down trucks coming from the port.

Ms. Clizbe apologized for not being able to answer most of the questions and said there will be project experts on site at the October 27th public hearing to answer these specific questions.

Councilwoman Flemming said several citizens have expressed that they will not purchase property in the Town of Windsor until a decision has been made regarding the U. S. Route 460 project, because they do not want their new home to become road front property. She said the project has a huge impact on citizens making decisions for the future.

Vice Mayor Garris said he doesn't believe that Town Council or the citizens of Windsor will ever support the alternative to improve the existing U. S. Route 460 by widening the road within the Town. He said it will destroy the Town of Windsor. He said he supports a southern by-pass.

Council continued to ask questions and make comments regarding the U. S. Route 460 project. Ms. Clizbe encouraged everyone to attend the public hearing to voice their opinions and have questions answered from the project experts.

Mayor Richardson thanked Ms. Clizbe for the update on the project. She also stated that there are a lot of concerned citizens and businesses in the Town regarding the U.S. Route 460 Project. She said Council definitely wants a safer road for the citizens. She said there has been a meeting with the Isle of Wight County Board of Supervisors and all agree that a by-pass to the south near Windsor and the inter-model park is definitely needed. Mayor Richardson said this would be a safer, more efficient alternative for a hurricane evacuation route, and as port traffic and large trucks come thru in increasing numbers.

Sarah Zabinski, Windsor High School Co-Student Liaison to Council, reported on several school activities. She said the Homecoming events were a huge success, and Windsor High School won the Homecoming game. She said there will be an anti-bullying assembly held at the Windsor Middle School on October 17th at 1:30 p.m., and she also announced that Windsor High School will be having their Veteran's Day assembly on November 11th at 1:45 p.m. She encouraged everyone to attend both assemblies. Mayor Richardson thanked Ms. Zabinski for attending the meeting and for updating Council on the recent events at the high school.

Dale Scott, 9 Virginia Avenue, said he would like to update Council regarding Isle of Wight County's Emergency Services Facility Use Agreement conflicting with the Windsor Volunteer Fire Department's 2008 Memorandum of Understanding (MOU). He said he met with Anne Seward, County Administrator, Andrea Clontz, Interim Chief of Emergency Services, Vice Mayor Garris, Councilman Willis, and the attorneys on October 13, 2014 to negotiate a solution to this issue.

Mr. Scott reported that the Isle of Wight representatives removed seven agreements from the 2008 MOU and left three. He said he agreed to present these revisions to the fire department members for their review, but he didn't think the members would agree to remove seven important agreements from the 2008 MOU. He said in order to continue negotiations and work towards a solution, the fire department is working with their attorney, Woodrow Crook, to draft an agreement that all seven fire departments in the County can agree to. Mr. Dale Scott stated that Isle of Wight County is not funding the fire department at this time due to this issue not being resolved.

Mayor Richardson excused herself from the meeting at 8:05 p.m., and Vice Mayor Garris presided over the remainder of the meeting.

Consent Agenda

Vice Mayor Garris said the Consent Agenda consists of the minutes of the September 9, 2014 Council meeting, minutes of the September 22, 2014 Council work session, the Police Chief's report, and the Zoning Administrator's report. Vice Mayor Garris asked if there were any questions or comments regarding the Consent Agenda.

Councilman Edwards made a motion to adopt the Consent Agenda as presented. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Treasurer's Report

Ms. Newsome stated that the Treasurer's report for the month of September is before Council for review. She asked if there were any questions.

Councilman Willis 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 #4.

Council's Discussion of Citizens' Concerns

Vice Mayor Garris said that he and Councilman Willis attended the meeting with the Windsor Volunteer Fire Department and the Isle of Wight County representatives regarding Isle of Wight County's Emergency Services Use Agreement conflicting with the Windsor Volunteer Fire Department's 2008 MOU. He asked Councilman Willis to summarize the meeting.

Councilman Willis said his interpretation was that it is going to be difficult to satisfy the needs of all three entities. He said the County is determined to void the 2008 MOU and no longer have a three-party agreement. He said the fire department has worked diligently to allow the County to understand their needs and concerns, and there seems to be no flexibility with the County. He said there was discussion, as Mr. Dale Scott mentioned, to come up with a contract that all seven fire departments can agree to. Councilman Willis said he feels that the County has done a huge disservice to the Windsor Volunteer Fire Department by failing to fund them. He said they are now working from their savings, and when these funds are depleted, then the safety of the citizen's homes are compromised.

Town Manager's Report

Appropriation of Fire Department Grant

Mr. Stallings said this year we had anticipated receiving \$8,000 from the Virginia Department of Fire Programs grant for the Windsor Volunteer Fire Department. He said the Town received \$10,000, an additional \$2,000. Mr. Stallings said he enclosed a resolution that will appropriate these funds and make the needed budget amendment.

Vice Mayor Garris read the title of the resolution as follows: "A resolution appropriating the sum of \$2,000 from the Virginia Department of Fire Programs to the General Fund Operating Budget for fiscal year 2014-2015."

Councilwoman Flemming made a motion to adopt the resolution entitled: *A Resolution Appropriating The Sum Of \$2,000 From The Virginia Department Of Fire Programs To The General Fund Operating Budget For Fiscal Year 2014-2015.* Councilman Willis seconded.

Councilman Edwards suggested adding the language "additional" in front of "sum of \$2000" to make it clear that only \$2,000 should be appropriated instead of \$10,000. After discussion, Council agreed to add "additional" to the resolution.

Councilman Willis withdrew his second.

Councilwoman Flemming amended her motion to adopt the resolution with the corrected language as follows: *A Resolution Appropriating The **Additional** Sum of \$2,000 From The Virginia Department Of Fire Programs To The General Fund Operating Budget For Fiscal Year 2014-2015.* Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Yard Sale Ordinance Revision

Mr. Stallings said he was directed to revise the Town's current Yard Sale Ordinance to include penalties for violation of the ordinance. He said he revised the ordinance to include a written warning for a first time violation and a \$50 fine for each subsequent violation. Mr. Stallings said this is for Council's discussion and direction.

Councilwoman Flemming said she is opposed to the \$50 penalty. She said she has spoken to a lot of citizens regarding yard sales and the proposed penalty, and they are asking if the Town is against yard sales. She explained that yard sales bring communities together and people into the Town to spend money at local businesses, which benefits everyone.

Vice Mayor Garris said the Town is not trying to eliminate yard sales, but everyone does need to have the proper permits when having a yard sale.

Councilman Willis made a motion to have a public hearing to receive input regarding the revisions to the Yard Sale Ordinance. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

Replacement Sign

Mr. Stallings reported that he obtained two quotes for a replacement LED display sign to be placed in front of Town Hall. He said the low bid is from Cardinal Signs for \$16,260 and the high bid is from Vic's Signs for \$31,595.56. He said both signs come with a 5 year warranty on the display, and both signs are made of a synthetic stucco material. He said Mayor Richardson suggested using white letters on the display board to make the messages easier to read. He said this increased the lower bid to \$17,910.

Mr. Stallings said that \$25,000 was received from the insurance company for the replacement sign; therefore there are funds to cover the low bid for this project.

Councilman Scott suggested including the landscaping around the sign with the insurance claim. Mr. Stallings said he would discuss this with the insurance company.

After further discussion, Councilwoman Flemming made a motion to proceed with installing the sign using Cardinal Signs with the lower bid of \$17,910. Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

VML Regional Suppers

Mr. Stallings said that the Virginia Municipal League (VML) will be holding regional suppers on November 5, 2014 at Newport News and November 6, 2014 at Virginia Beach starting at 6:00 p.m. The purpose of these meetings is to provide Council with information regarding items that may be coming up in the 2015 General Assembly session. He asked Council to notify him if they would like to attend.

Action List

Mr. Stallings reviewed the Action List for the month of September with Council noting that he met with the Men's Fellowship at the Windsor Christian Church on October 5, 2014. He also reported that the ditch next to the Farmer's Daughter restaurant has been cut correcting the visibility problem.

Calendar of Events

Mr. Stallings stated that he has enclosed the Calendar of Events for Council's information. He announced again that the VDOT public hearing on the U. S. Route 460 Project will be Monday, October 27, 2014 at the Windsor High School from 5:00 p.m. to 8:00 p.m. He said the Chamber of Commerce will be having their Isle Fest at Aberdeen Farms in Smithfield on Wednesday, October 22, 2014. He asked Council to contact him if they would like tickets to this event. Mr. Stallings noted that the Planning Commission meeting scheduled for October 22, 2014 has been cancelled.

Town Attorney's Report

Mr. Brittle said that the sale of the Town's building, which is being used as the post office, has been agreed to. He also reported that the Grievance Hearing has not been rescheduled for former Chief, Arlis Reynolds. He said the chairperson stepped down due to possible conflict of interest.

Councilman Edwards asked Mr. Brittle if he reviewed the current Redflex Camera contract regarding fees and liability issues that may affect the Town. Mr. Stallings said he will get a copy of the contract to Mr. Brittle for his review.

Mayor's Report

None

Economic Development Authority Report

Councilman Scott said there is a meeting scheduled for November 10, 2014.

Other Reports

None

Planning Commission Items

None

Old or Unfinished Business

Councilman Edwards asked Mr. Stallings to brief Council regarding what has been done to address Mr. Davis Throckmorton's problem with water standing on his property at 13 Church Street, which may be caused by the Town's property next door needing to be re-graded. He also asked the status of purchasing a flag and pole for the Town.

Mr. Stallings said he has received a quote of \$2,600 from one contractor who has done an assessment of the site next to Mr. Throckmorton's property. The contractor did not feel that it was feasible to re-grade the site to make the water flow to the street because of the amount of build-up that will have to be done to the back of the property. The contractor recommended leaving the sump pump in place and piping the water from the pump to the road and having the electricity piped underground as well. Mr. Stallings said he is in the process of having another contractor assess the site, and when he receives his quote, he will bring a recommendation back to Council.

Mr. Stallings said he spoke with a contractor who needs to work with his sub-contractor to receive a quote because he does not have the equipment needed to dig the hole for the flagpole. Mr. Stallings said he will report back to Council with a quote as soon as he receives it.

New Business

Councilwoman Flemming said the Christmas parade will be December 6, 2014 at 4:00 p.m. She said the theme this year will be "The Gifts of Christmas."

Closed Session

None

Councilman Edwards made a motion to adjourn. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

The meeting adjourned at 8:40 p.m.

Carita J. Richardson, Mayor

Terry Whitehead, Town Clerk

Wesley F. Garris, Vice Mayor