

**Minutes
Windsor Town Council Meeting
Town Hall
December 8, 2020**

The Windsor Town Council met in regular session on December 8, 2020 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, LaToya Parker, Interim Treasurer, Chief Riddle and Fred Taylor, Town Attorney, were present.

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

Councilman Stubbs led the Pledge of Allegiance.

Public Hearing

None

Delegations and Public Comments

None

Consent Agenda

Mayor Willis said the Consent Agenda consists of the minutes of the November 10, 2020 Council meeting and the Police Chief's report. He asked if there were any questions or comments regarding the Consent Agenda.

Vice Mayor Scott noted a correction to the November 10, 2020 minutes. Language in the first full paragraph on page 9 was revised from "their" to "the Board of Supervisors" for clarification.

Vice Mayor Scott made a motion to adopt the Consent Agenda with the aforementioned correction to the November 10, 2020 minutes. Councilman Stubbs seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Treasurer's Report

Mrs. Parker reviewed the November Treasurer's report. She reported that the C.W. Brinkley, Inc. payment was processed for the third draw of \$90,734.05 for the construction of the Public Works building.

Appropriation of Donated Funds

Mrs. Parker reported that each year the Police Department conducts a toy drive here in Windsor. She said the Police Department has received donations in the amount of \$3,550 to assist in this effort. As such, Council must appropriate those donations to be used to purchase toys for the toy drive.

Mrs. Parker recommended that Council adopt the enclosed resolution.

Mayor Willis read the title of the resolution as follows: A resolution appropriating the sum of \$3,550 in funds donated to the Town of Windsor to the General Fund of the Town of Windsor's Operating Budget for fiscal year 2020-2021.

Councilman Stubbs made a motion to adopt the resolution entitled: A Resolution Appropriating The Sum Of \$3,550 In Funds Donated To The Town of Windsor To The General Fund Of The Town Of Windsor's Operating Budget For Fiscal Year 2020-2021. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Councilwoman Blankenship questioned the \$117,000 shortfall in revenue as noted on the comparison report submitted by Mrs. Parker. Councilwoman Blankenship stated that Police 599 Funding is down by \$15,000, Traffic Fines is down by \$39,000, and Real Estate Taxes are down by \$62,000. She said she understands that the Real Estate taxes will be collected in this fiscal year, but is concerned with the other revenue shortages.

Chief Riddle stated that 599 funding, that is distributed to each locality, is determined annually by the State. He explained that the funding is staggered throughout the year, and he is not familiar with the States distribution schedule. Mrs. Parker stated that a payment was received in December and will reflect on next month's report.

Chief Riddle explained that the traffic fines are handled by the Clerk of Court. He reported that the courts have been closed for several months due to COVID-19, and when the backlog of cases starts to move through, revenue from fines should increase. He also added that legislature was passed last year which eliminated any penalties for non-payment of fines; therefore, there is no recourse for collecting this money. Chief Riddle explained that this will affect funds received through traffic fines.

Council continued to discuss how to manage the budget with the shortfall of revenue due to the impacts of COVID-19 and to new legislature passed by the State regarding traffic fines.

Mayor Willis said this issue will be discussed further at the January meeting when a six-month review of the budget will be presented.

Councilwoman Blankenship stated that Capital Projects are approximately 268% over budget. She asked if there were any expected transfers of money to offset this shortage.

Mrs. Parker said this is primarily due to the Town Center roof project. She said that she and Mr. Saunders are in the process of discussing budget adjustments and transfers.

After discussion, it was the consensus of Council to include the total roof cost when there are discussions regarding cost sharing with Isle of Wight County.

Councilwoman Blankenship noted that the first two draws for the Public Works building is not showing in the year-to-date budget totals.

Mr. Saunders said this will be adjusted, and the correct year-to-date totals will be showing in next month's report.

Councilwoman Blankenship made a motion to approve the Treasurer's report. Councilman Greg Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Council Comments

Vice Mayor Scott asked if there was an update from Norfolk Southern regarding the repairs needed to the railroad crossing on Route 258. Mr. Saunders said he has not received an update, but he will follow-up.

Town Manager's Report

COVID-19 Municipal Utility Relief Program

Mr. Saunders reported that 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. He said 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 said municipal utilities in Hampton Roads have over \$34 million in delinquent balances; approximately 2x the amount in 2019.

Mr. Saunders reported that the Town of Windsor has \$7,815.29 of water bills 30+ days in arrears, and \$5,395.65 of water bills 60+ days in arrears for the relevant time period; which is March 1, 2020 through December 31, 2020.

Mr. Saunders said the application has been made for the receipt of this benefit, but how much will be granted and what percentage of the funds in arrears can be certified to be caused by the pandemic is unknown at this time. Mr. Saunders reported that no action is required by Town Council.

Mr. Saunders answered several questions regarding the COVID-19 Municipal Utility Relief Program. He explained that this will be a first-come first-serve relief program until the funds are expended. He also explained that there is a mandate from the Governor restricting cut-offs for non-payment due to the pandemic. Mr. Saunders said funds will be returned to the State if not used.

Capital Projects Update

Public Works Building

Mr. Saunders reported that the interior work is underway, the concrete work has been done around the building, and the roll-up doors have been installed. He said there have been no change orders since his last report. Mr. Saunders said the project is still under budget.

Duke Street & Virginia Avenue Water Main Replacement

Mr. Saunders reported that the plans had been completed for these projects when it was determined that the entirety of the project could not be performed within the VDOT right-of-way, and that some private easements would have to be obtained. He said Bowman Consulting is currently drawing up easement plat exhibits for these areas. Mr. Saunders added that Mr. Sims (Maintenance Supervisor) has reached out to the engineers recently, and he is working towards getting this project moving again.

Shiloh Drive Sidewalk Project

Mr. Saunders reported that VDOT Construction and VDOT Residency accepted the project on November 18, 2020; starting the warranty period as of November 19, 2020. The acceptance was conditioned on vegetation establishment and quarterly inspections provided by Alpha with reports to the County and Town for any corrective action needed during the warranty period. Mr. Saunders said the contractor has 30 days to submit their final invoice, so final close out and issuance of any allocation reimbursements will probably be within 90 days.

Windsor Town Center Roof Replacement and Moisture Repair

Mr. Saunders reported that the roof design is underway with REI Engineering Group, and documents for the acquisition of revised bids are being compiled.

Windsor Library

Mr. Saunders said following requests for the improvement and/or enlargement of the Library facility in Windsor, Isle of Wight County has programmed funding for an expansion of the library into their FY20-21 Capital Improvement Plan. He said the proposed expansion will be an addition to the north side of the existing building of approximately 1,800 sq. ft. with a storage room above. He said this project will require the approval of Council, as it is on Town-owned property. He said as more detailed information is assembled, it will be brought to Council. He said this will not be a shared cost project with the Town; it will be fully funded by Isle of Wight County. Mr. Saunders said he has provided the slideshow of the proposed renovations for Council's review.

Councilman Bernacki asked if there is an update from the contractor regarding the projected completion date for the Public Works building. Mr. Saunders said he believes it is on track with the original proposal. Mr. Saunders said he will speak with the contractor to confirm the completion date and report back to Council.

Mr. Saunders explained "vegetation establishment" as it relates to the Shiloh Drive Sidewalk project. He also explained that the quarterly inspections conducted by Alpha Corporation will begin November 19, 2020 and will take place quarterly throughout the one-year warranty period as questioned by Councilman Bernacki.

Vice Mayor Scott commented that the library was originally built as a residential structure, and he hopes that the contractor has taken this into consideration as they move forward with a commercial addition.

Mr. Saunders reported that he met with Randy Keaton, Isle of Wight County Administrator and Tony Wilson, Isle of Wight County General Services, and they are aware that the original building was built to residential standards and retrofitted to a commercial use. He said the new addition will have to be designed and built to commercial standards.

Town Attorney's Report

None

Mayor's Report

None

Economic Development Authority (EDA)

Vice Mayor Scott reported that six new businesses have or are in the process of locating within the Town of Windsor. He also announced that the Cares Act Gift Card Program will begin its second round on December 9, 2020 from 11:00 am to 1:00 pm and from 6:00 pm to 8:00 pm. for online purchases. He explained that the overall concept of this program is to stimulate the economy by COVID-19 Cares Act funding by offering gift certificates to the public for local businesses. Vice Mayor Scott reported that when this program is over, it will have generated a million dollars for Windsor, Smithfield, and County businesses.

Mr. Saunders added that staff will also be located at the Town Center during those hours to assist citizens who do not have access to computers for the purchase of the gift certificates.

Other Reports

None

Old or Unfinished Business

Windsor Strategic Plan - Focus on the Future

Mr. Saunders stated that the strategic plan was previously discussed at the 6:00 joint meeting tonight. He reiterated that the plan, while recommending numerous directives, focuses on the following five core areas to guide the growth and direction of the Town:

- Economic Development
- Connected/Engaged Citizens
- Effective Government and Infrastructure
- Lifestyle and Wellness
- Managed Growth and Beauty

Mr. Saunders said the visionary focus within this plan will guide the current, as well as future, Town Councils in their development of what the Town of Windsor is to become. He noted that his recommended action was adoption of the Windsor Strategic Plan - Focus on the Future. He said it is Council's decision to move this in the direction that they choose. Mr. Saunders noted that a conversation was initiated at the 6:00 joint meeting tonight, and this would be the time to continue that conversation to determine future direction.

Councilman Bernacki said he agrees with Mayor Willis's earlier statement that it gives Council due diligence to not adopt the strategic plan this evening, but to give the Planning Commission time to review and generate any potential items that may need addressing. Councilman Bernacki explained that the Planning Commission should also have an opportunity to review, address, and provide input particularly regarding the sections in the plan that pertain to zoning issues. He suggested that the next step would be to engage citizens to obtain their thoughts and ideas. He said after involving all "stakeholders," it would then be an appropriate time for Council to consider adoption.

Councilwoman Blankenship commented that there was already a community meeting where citizens provided feedback. She suggested that now is the time to communicate this plan to the citizens. She agreed that Planning Commission should have an opportunity to review the plan and provide feedback.

Councilwoman Blankenship suggested that Council have a planning meeting in March, 2021 to discuss what Council would like to focus on in the next budget year as part of the strategic plan.

Council continued to discuss how to communicate this plan to the citizens and potential funding issues due to the pandemic and other activities that may take place, such as addressing the Salary and Compensation plan.

After further discussion, Council agreed by consensus to discuss citizen communication strategies at the January 12, 2021 Council meeting, and to discuss input provided by the Planning Commission at the February 9, 2021 Council meeting before considering adoption of the Windsor Strategic Plan - Focus on the Future.

Councilman Carr suggested that Council schedule a work session with the Planning Commission to discuss ideas and goals regarding the strategic plan.

New Business

VDOT Agent Sign Enforcement Agreement and Resolution

Mr. Saunders reported that in order for Town of Windsor staff members to enforce sign regulations within the Virginia Department of Transportation's (VDOT) rights-of-way, an agreement and resolution need to be adopted.

Mr. Saunders explained that as the Town of Windsor has a population under 3,500, the public street rights-of-way are under the jurisdiction of the Commonwealth of Virginia and maintained by VDOT. In order to supplement VDOT's resources, localities can undertake the enforcement of illegal signage and advertising as agents of VDOT. He said in order to do this, an agreement must be entered into by both parties and a resolution must be passed by the locality's elected officials.

Mr. Saunders stated that the agreement, resolution, and VDOT Instructional and Informational Memorandum are enclosed for Council's review. Mr. Saunders recommended that Council adopt the resolution authorizing the execution of the agreement.

Councilman Bernacki expressed concerns with language in the Procedures section of the VDOT Instructional and Informational Memorandum regarding authorization and fines.

Mr. Taylor explained that most of the VDOT Instructional and Informational Memorandum is VDOT's own internal process of how they remove signs and how they levy fines. He said Mr. Saunders is recommending a subset of that, which is the recommended language included within this memorandum. He said if Council agrees to this and enters into this agent agreement with VDOT, the authority to enforce rests entirely with Town staff. He said staff will make decisions in regard to any fines or penalties that are levied and does not require approval from VDOT. He said if this is deferred to the Town, 100% of all fines will go to the Town and not to VDOT.

Mr. Saunders explained that we are not interested in using VDOT's standards to police signs. He said we are only interested in how to access VDOT's right-of-way to enforce the Town's zoning regulations. He said currently we can't enforce the Town's zoning regulations appropriately, because we don't have the appropriate land use permit to access signs within VDOT's right-of-way. Mr. Saunders said he doesn't foresee Town staff levying fines for removal of illegal signs unless there is some type of unusual circumstance.

After further discussion, Mayor Willis read the title of the resolution as follows: A resolution to approve an agreement with the Virginia Department of Transportation for local enforcement of laws regarding illegal signs and advertising within the limits of the highway.

Vice Mayor Scott made a motion to adopt the resolution entitled: A Resolution To Approve An Agreement with The Virginia Department Of Transportation For Local Enforcement Of Laws Regarding Illegal Signs And Advertising Within The Limits Of The Highway. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Mr. Saunders updated Council on the tax billings. He said through the efforts of Town staff and Cyndi Wellman and Meghan Doggett, Isle of Wight County staff, the real estate tax bills were sent to the third-party vendor for mailing on December 3, 2020. He noted that the due date will be January 15, 2021. Mr. Saunders reported that the personal property tax bills are anticipated to be sent to the third-party vendor for mailing by December 15, 2020 with a proposed due date of January 15, 2021 as well.

Councilwoman Blankenship recommended that Council approve a Christmas bonus for Town staff.

After discussion, Vice Mayor Scott made a motion to approve a \$200 net bonus for full-time staff and a \$100 net bonus for part-time staff. Councilwoman Blankenship seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Vice Mayor Scott expressed his gratitude to the citizens of the Town for electing him to serve the Town of Windsor for the past 12+ years. He said it has been a pleasure serving the Town, and he has enjoyed working with this Council and past Council members. He said he will miss serving the Town in this capacity, and it has truly been an honor serving the community.

Mayor Willis asked that Mr. Saunders put on the January agenda that an Economic Development Authority (EDA) Council representative will need to be appointed as well as a Vice Mayor.

Mayor Willis thanked Vice Mayor Scott for his wisdom and for his service to the Town. He expressed that Vice Mayor Scott will be missed.

Closed Session

Councilman Bernacki made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-1 Personnel. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. Vice Mayor Scott seconded, and Council passed the motion as recorded on the attached chart as motion #6.

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

Vice Mayor Scott made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D, that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

Councilman Bernacki made a motion to authorize the Town Manager to make an offer to a potential Town Treasurer. Councilman Stubbs seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

Vice Mayor Scott made a motion to adjourn. Councilman Greg Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10.

The meeting adjourned at 10:10 p.m.

Glyn Willis, Mayor

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 COUNCIL VOTES

Council Meeting Date December 8, 2020

Motion #	Stubbs	Scott	Greg Willis	Bernacki	Blankenship	Carr	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	
7	Y	Y	Y	Y	Y	Y	
8	Y	Y	Y	Y	Y	Y	
9	Y	Y	Y	Y	Y	Y	
10	Y	Y	Y	Y	Y	Y	
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Jerry Whitehead, Clerk