

**Minutes
Windsor Town Council Meeting
Town Hall
August 9, 2016**

The Windsor Town Council met in regular session on August 9, 2016 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, Chief Riddle, Dennis Carney, Planning and Zoning Administrator, Christy Jernigan, Town Treasurer, and Wallace W. Brittle, Jr., Town Attorney, were present.

Council members present:

- J. Clinton Bryant
- Greg Willis
- N. Macon Edwards, III
- Durwood V. Scott
- Patty Flemming
- Tony Ambrose

Mayor Richardson asked Councilman Willis to lead the Pledge of Allegiance.

Mayor Richardson recognized Glyn Willis who serves on the Planning Commission. She thanked him for attending the meeting.

Public Hearing

None

Delegations, Public Comments and Citizens' Concerns

None

Consent Agenda

Mayor Richardson said the Consent Agenda consists of the minutes of the July 12, 2016 Council meeting, the July 21, 2016 Council work session, the Police Chief's report and the Zoning Administrator's report. She asked if there were any questions or comments regarding the Consent Agenda.

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

Mrs. Jernigan said the Treasurer's report for the month of July is before Council for review. She reviewed the new reports generated by the Munis system with Council. She asked if there were any questions.

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

Council's Discussion of Citizens' Concerns

Councilwoman Flemming reported that she was approached by several citizens at the August 5, 2016 concert at the gazebo regarding the bad odor coming from the Isle of Wight County Pump Station located on Duke Street. Mr. Stallings said he will check into this matter.

Town Manager's Report

New Public Works Utility Cart

Mr. Stallings reported that this year's budget includes \$10,000 for a new utility cart for the Public Works Department. He said the State of Virginia negotiated contract price for a Polaris M1400 is \$9,935.24. He said the contract is with Dominion Utility Vehicles out of Bedford, Virginia.

Mr. Stallings reviewed the specifications and features with Council and recommended that Council authorize him to complete this purchase.

Councilman Edwards expressed his concerns with employees driving the utility cart on the streets in Town and crossing U.S. Route 460 at a lower rate of speed than regular vehicles. He said this creates a dangerous situation for the employees and is a safety issue. Mr. Stallings briefed Council on several safety features and uses of the utility cart.

After further discussion, Vice Mayor Bryant made a motion to authorize the Town Manager to purchase a new utility cart for the Public Works Department as presented. Councilman Ambrose seconded, and Council passed the motion five to one as recorded on the attached chart as motion #3.

Joint Water Taskforce

Mr. Stallings explained that Isle of Wight County is establishing a joint water taskforce to be made up of Isle of Wight County, the Town of Smithfield and the Town of Windsor to examine what is the best use of water in the County. He said both Towns will appoint an elected official to serve on this taskforce in addition to the other members of the taskforce.

After discussion, Mayor Richardson agreed to serve on the joint water taskforce for a year.

Town Code Update

Mr. Stallings reported that in accordance with the Town Code update schedule, he has completed his review of Sections 73, 78 and 89. He reviewed each section with Town Council. They were in agreement with the revisions and agreed to add these changes to the previous batch for advertisement at a future date.

Action List

Mr. Stallings reviewed the Action List for the month of July with Council. He reported that the Town's Public Works Department may be able to install a water fountain in the Centennial Park for an estimated cost of \$1,500 to \$2,000. Councilman Edwards suggested installing the water fountain at the Wesley Garris Event Park to accommodate more people especially during events.

After discussion, Councilwoman Flemming made a motion to explore installing a water fountain at the Wesley Garris Event Park. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Mr. Stallings noted that the Project Organization and Space Needs kickoff meeting for the new municipal building will be August 15, 2015 at 1:00 p.m. at Town Hall. Council continued to discuss streetlight outages and the Route 460 sidewalks that will be located in front of the Town property.

Councilwoman Flemming asked Mr. Stallings to contact the high school to inquire about the student liaisons for the coming year.

Calendar of Events

Mr. Stallings stated that he has enclosed the Calendar of Events for Council's information. He noted that the last concert at the gazebo for this year will be September 2, 2016 featuring the Rhondels.

Town Attorney's Report

None

Mayor's Report

Mayor Richardson thanked Staff and Council for filling in for her while she was out sick.

Economic Development Authority Report

None

Other Reports

None

Planning Commission Items

Poultry in A-1 Agricultural District

Mayor Richardson asked Mr. Carney to brief Council on the proposed amendment regarding poultry in the A-1 Agricultural District.

Mr. Carney explained that the Town of Windsor Land Development Ordinance does not permit livestock of any type, other than horses and ponies in the LDR Low Density

Residential District, in any district except A-1 Agricultural. He said it is controlled in two sections of the ordinance in the A-1 Agricultural District. In Section 160-53A (2) livestock is permitted by right with the exception of intensive livestock farming. However, Section 160-53C (12) makes the raising of swine and poultry a conditional use.

Mr. Carney said the Code of Virginia Section 3.1-22.28 Right to Farm Act deals with restrictive ordinances. It does not permit counties, cities and towns to "unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district unless such restrictions bear a relationship to the health, safety and general welfare of its citizens." He said the present outright ban on poultry could be viewed as an unreasonable restriction for an A-1 Agricultural District.

Mr. Carney said that poultry in the A-1 Agricultural District may be allowed by amending the Town of Windsor Land Development Ordinance as follows:

- Adding to Section 160.53A (2) "The raising of poultry is permitted provided the A-1 Agricultural parcel or tract exceeds five acres and all pens and houses for poultry are at a minimum of fifty (50) feet from the property lines or the parcel or tract."
- Amending Section 160-53C (12) to read "Raising and/or processing of swine and processing of poultry."

Mr. Carney said after an advertised public hearing, Planning Commission unanimously recommended that Town Council approve the amendment. Mr. Carney recommended that Town Council set a public hearing on this matter at its September meeting.

Councilman Edwards said that a citizen approached him concerned that the pens and houses for poultry may need to be more than 50 feet from the property line if residential property backs up to an agricultural district. He said the citizen suggested that 100 feet may be more acceptable for this circumstance.

After discussion, Councilman Edwards made a motion to set a public hearing for the September 13, 2016 Council meeting to consider comments regarding amending the Town of Windsor Land Development Ordinance to allow the raising of poultry provided the A1 Agricultural parcel or tract exceeds five acres and all pens and houses for poultry are at a minimum of 50 feet from agricultural districts and 100 feet from any other property lines or the parcel or tract. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Request for Chickens and Pot-bellied Pigs in the R-1, HDR and LDR Residential Districts

Mayor Richardson asked Mr. Carney to brief Council on the request for chickens and pot-bellied pigs in R-1, HDR and LDR Residential districts.

Mr. Carney said at the July 27, 2016 Planning Commission meeting, the Commission discussed a proposal that was brought to their attention by Mr. Walter Bernacki of Johnson Avenue. He said the proposal would permit chickens and pot-bellied pigs in the R-1, HDR and LDR Residential Districts.

Mr. Carney explained that Mr. Bernacki has had for many years on his property on Johnson Street several hens. Based on a recent anonymous complaint, the property was found to be in violation. Partly because of this but primarily because he feels that the liberalization is justified, this request for several zoning text amendments is being brought forward.

Mr. Carney explained that this request, if approved by Town Council, would allow no more than ten chickens on a residential property at any one time. Roosters are not permitted. The pens or enclosures must be kept clean. The chickens would not be permitted to roam freely and must be under the owner/caretaker's control.

Mr. Carney said that pot-bellied pigs are also a component of these proposed amendments. This type of swine is primarily used as pets. He said the proposal would limit pot-bellied pigs to no more than two per property. Their pens or enclosures also must be kept clean. He said as with the chickens, pot-bellied pigs would not be permitted to roam freely and must be under the owner/caretaker's control.

Mr. Carney noted that the specific provisions could be modified if the Commission and Town Council deem them proper.

Mr. Carney explained that there are three ways in which a zoning text amendment could originate. He said Town Council could request the Commission to review given provisions. Staff and the Commission could review a provision on their own initiative or on behalf of individual citizens and begin the review of a proposed ordinance amendment or by a proposed zoning text amendment from a private citizen or entity. He said all of these require a public hearing on the merits of the proposals at both Council and Commission levels.

Mr. Carney explained that the Planning Commission is seeking Town Council's guidance as to whether Town Council feels that the matter of permitting chickens and pot-bellied pigs in residential districts is an ordinance topic that the Planning Commission should consider, and if so, are there concerns that the Commission should scrutinize.

Councilwoman Flemming said her husband recently visited Kansas City, Missouri and was staying next to a home with chickens. She said she researched their ordinance regarding chickens in residential districts. She reported that four chickens are permitted on three acres in rural residential areas but not in typical tract subdivisions. She explained that if less than three acres, you must apply for a special use permit with a fee of \$100 the first year and \$75 for each year after that. No chickens are allowed if less than one acre. She said the chickens must be cooped, and the coops must be 100 feet from the property line. She said there can be no smell, the manure must be disposed of immediately to prevent breeding flies, they cannot attack people or other animals, they cannot damage public property and they cannot endanger the health of the citizens. She also noted that Kansas City, Kansas only allows chickens in agricultural districts.

Councilman Willis said he is concerned that if the Town allows chickens and pot-bellied pigs, then what will keep citizens from requesting that the Town permit miniature horses, alpacas, peacocks, guineas, etc. He said this would be a problem in close proximity residential districts. He said he does not have a problem with chickens in low density residential districts if there is sufficient acreage to support them.

Vice Mayor Bryant said he is open-minded towards allowing chickens and pot-bellied pigs on larger lots, but he lives on a half-acre lot and would not want chickens or pot-bellied pigs next door to him.

Councilman Scott said he is concerned with how the proposal could be properly enforced on the sanitary issue and when the animals would not be properly confined. He said he understands Mr. Bernacki's interest, but he also has to consider the best interest of the Town and its citizens.

Councilman Edwards said he did not want to express an opinion because he serves on the Planning Commission, and this issue will be before the Commission for consideration at their next meeting.

Councilman Ambrose stated that he visited Ocracoke, North Carolina and witnessed free range chickens on quarter acre lots. He said the Town of Windsor is a rural community, and he feels that if citizens can take care of chickens in a proper way, then he is not against the proposal. He said it is something special about getting your own eggs.

Mayor Richardson asked Mr. Carney to include Council's comments and concerns in the Planning Commission's meeting packet for their review and consideration regarding this matter.

Old or Unfinished Business

Mr. Stallings reported that he will be meeting with Mosely Architects within the next couple of weeks to evaluate the Windsor Town Center. He said after the evaluation, they will submit a proposal of what it will cost for them to help Council with renovation plans. He said he will provide Council with the proposal as soon as he receives it.

New Business

Councilman Willis asked if the Town has a way to legislate unfinished in-ground pools. Mr. Stallings explained that the Isle of Wight County Building Code requires that a fence be installed around all in-ground pools. He advised Councilman Willis to report this matter to the Isle of Wight County Building Inspection Department.

Mayor Richardson thanked Council, the police department, staff, civic organizations, and all individuals who worked so hard to make the July 4th celebration such an outstanding event for the Town. Mr. Stallings said he questioned Parks and Recreation regarding the additional debris that fell on Virginia Avenue from the fireworks this year. He said they are aware of the issue and will address it next year to see if there is a solution to the problem.

Mayor Richardson reported that VDOT is asking the Army Corps of Engineers to issue a permit for the U.S. Route 460 plan with a northern bypass around Windsor. She said that during this process, they have extended the comments period to August 21, 2016. She encouraged everyone to send their comments. Mayor Richardson said she also learned from the Richmond Times Dispatch that the Army Corps of Engineers sent in an application to DEQ for a water permit. Council continued to discuss the U.S. Route 460 Project.

Closed Session

None

Councilwoman Flemming made a motion to adjourn. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

The meeting adjourned at 8:35 p.m.

Carita J. Richardson, Mayor

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 COUNCIL VOTES

Council Meeting Date August 9, 2016

Motion #	Willis	Scott	Flemming	Edwards	Ambrose	Bryant	C. Richardson
1	Y	Y	Y	Y	Y	Y	
2	Y	Y	Y	Y	Y	Y	
3	Y	Y	Y	N	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, Clerk