

**Minutes
Windsor Town Council Meeting
Town Hall
September 9, 2014**

The Windsor Town Council met in regular session on September 9, 2014 at 6:30 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 Town 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
- J. Clinton Bryant
- Greg Willis
- N. Macon Edwards, III
- Durwood V. Scott
- Patty Flemming

Closed Session

Councilman Edwards made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-1 personnel matters for a personnel evaluation. Councilman Willis seconded, and Council passed the motion as recorded on the attached chart as motion #1.

Councilman Scott made a motion to go back into regular session. Councilman Bryant seconded, and Council passed the motion as recorded on the attached chart as motion #2.

Vice Mayor Garris 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 Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Mayor Richardson requested a 15 minute recess at 6:45 p.m.

The Council meeting reconvened at 7:00 p.m.

Mayor Richardson recognized Ms. Karita Suiter who serves on the Board of Zoning Appeals. She welcomed and thanked her for attending the meeting.

Mayor Richardson asked Councilman Willis to lead the Pledge of Allegiance, and he did.

Public Hearing

Mayor Richardson said there is a public hearing tonight to receive public comments regarding the North Court Street sidewalk project. Mayor Richardson asked Mr. Stallings for his comments regarding the project.

Mr. Stallings said the public hearing is set to receive public input on the possibility of using the Town's power of eminent domain to acquire a temporary construction easement to complete the sidewalk project. He said the Town has been working with the property owner, and a temporary construction easement may be acquired without using eminent domain.

Mayor Richardson opened the public hearing. She asked for any persons wishing to speak in favor of the Town having to possibly use eminent domain to complete the North Court Street sidewalk project to come forward. There were none. She asked for any persons wishing to speak in opposition to come forward, and hearing none she closed the public hearing. She said it is now open for discussion among Council.

Mayor Richardson stated that ongoing talks are continuing with the property owner, and it is very promising that the Town's power of using eminent domain will not have to be used; therefore, no action is needed by Council at this time.

Delegations, Public Comments, and Citizens' Concerns

Mayor Richardson presented a resolution to representatives of Community Harvest Outreach commending and thanking them for their service to the Town of Windsor and Isle of Wight County. Mayor Richardson said that they were recently awarded the Community Partners for Education Award and the Hampton Roads Volunteer Achievement Award for their outstanding programs and services. She thanked them for the amazing work they do for the community.

Marsha Cale, Assistant Principal of the Windsor High School, introduced Raegan Hasty and Sarah Zabinski, the two new student liaisons to Council. Each student reported on several activities taking place at the Windsor High School. Ms. Raegan reported that students in the Highlight Club and members of the WHS staff attended the "Out of the Darkness" walk in Virginia Beach to raise awareness about depression and suicide. She also said that the Art Club will be competing at the Neptune Festival later this month. Ms. Zabinski reported that the school has added "positive" referrals to acknowledge and show appreciation to students who are doing well in school. She also reported on several Homecoming activities including the parade which will begin October 19th at 5:00 p.m., and the game will begin at 7:00 p.m.

Mayor Richardson thanked Ms. Raegan and Ms. Zabinski for updating Council on the recent events at the high school. She said Council looks forward to working with the student liaisons this year.

Dale Scott, 9 Virginia Avenue, said he is present to speak on behalf of the Windsor Volunteer Fire Department. He said he would like to update Council since the last meeting 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 the Board of Supervisors voted to release the funds that were being withheld by staff without their authorization. He also reported that the Board has agreed to vote at their October 1, 2014 meeting to withhold future funds to the fire department if the Facility Use Agreement is not signed. He noted that the grass is not being cut by the County, which is a violation of the 2008 MOU. Mr. Dale Scott said that the Windsor Volunteer Fire Department appreciates the Town's continued support.

Consent Agenda

Mayor Richardson said the Consent Agenda consists of the minutes of the August 12, 2014 Council meeting, the minutes of the August 14, 2014 Work Session, the Police Chief's report, and the Zoning Administrator's report. She said minor corrections have been made to the minutes and are before Council for their information. She asked if there were any questions or comments regarding the Consent Agenda.

Councilman Edwards made a motion to adopt the Consent Agenda with the corrections to the minutes. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Treasurer's Report

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

Councilwoman Flemming thanked Ms. Newsome for stating the non-routine items in the Treasurer's report.

Vice Mayor Garris made a motion to accept the Treasurer's report as presented. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Ms. Newsome said she would like to discuss the Town's \$30.00 return check fee with Council. She explained that she has researched other localities and has found that the Town of Windsor has a lower return check fee than most localities. She said several localities charge \$50.00. Ms. Newsome said that after evaluating the Town's return check fee process, she would like to recommend to Council to increase the fee to \$50.00.

After a discussion regarding the return check fee process, Vice Mayor Garris made a motion to increase the return check fee to \$50.00 effective October 1, 2014. Councilman Scott seconded. Councilman Edwards suggested making the effective date October 15, 2014 to allow time for the citizens to be informed of the increase. Vice Mayor Garris withdrew his motion, and Councilman Scott withdrew his second.

After further discussion, Vice Mayor Garris made a motion to increase the return check fee to \$50.00 effective October 15, 2014. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

Mayor Richardson asked staff to include the \$50.00 return check fee in the newsletter and on the Town's website to inform the citizens of the increase before the October 15, 2014 effective date.

Council's Discussion of Citizens' Concerns

Mayor Richardson asked Mr. Stallings to brief Council on what has been done to address Mr. Thockmorton's problem with water standing in his yard. Mr. Stallings said he has spoken to a contractor regarding the Town's lot next door possibly needing to be regraded and is waiting for an estimate. He said Councilman Scott has also given him names of contractors to contact for estimates. Mr. Stallings said he should receive the estimates soon and will present this information to Council at the October meeting.

Councilman Edwards said that the library still has a sinkhole in the driveway, and he also asked the status of the termite inspection. Mr. Stallings said that a termite inspection has been done and there is no new termite damage, but the County will be replacing the front door and four windows due to old damage. He said VDOT has replaced the drop inlet and Belcher's Paving is scheduled to repair the parking lot.

Councilman Scott reported a pipe that was separating causing sinkholes on the east and west side of Watson Street. He said VDOT repaired the sinkholes by putting dirt over the pipe. Councilman Scott said the dirt obstructed the pipe causing drainage problems. After a brief discussion, Council asked Mr. Stallings to discuss this issue with VDOT, and explain that they need to research what is causing these sinkholes and repair the problem and not just patch the holes. Mr. Stallings said he has been discussing this issue with VDOT, and he will continue to encourage them to look at other alternatives to repair these problems permanently.

Councilwoman Flemming said a citizen suggested asking the Windsor "Teachers of the Year" to be the Grand Marshalls in the Christmas parade. She also noted that there will be an "October Fest" Saturday, October 4, 2014, which will be the last of the concert series for the year.

Town Manager's Report

Isle of Wight County Water Leak Credit Request

Mr. Stallings said as you may recall, Isle of Wight County experienced a water leak back in the fall of 2013. The leak spanned two billing cycles and resulted in two high water bills. He said the two bills were for \$28,743 and \$19,571; significantly more than the normal bill of approximately \$2,300. He said in accordance with the Town's water leak credit policy, Isle of Wight was issued a credit of \$13,303 on their first and highest bill.

Mr. Stallings said he has enclosed a letter from the Chairman of the Isle of Wight County Board of Supervisors requesting an additional credit on their second bill since the leak spanned two billing cycles and resulted in two high water bills. He said they previously applied for an additional credit on their second bill. He said in accordance with the Town's water leak policy, this credit was denied as they had already received one within the previous 12 months. He said if Council decides to issue a second credit, it will be approximately \$8,635. Mr. Stallings asked for Council's direction regarding this issue.

Mayor Richardson said that Mr. Frank Haltom, Director of General Services for Isle of Wight County was present if anyone had questions for him regarding this issue.

Mayor Richardson asked Mr. Haltom if Green Mountain Coffee Roasters (GMCR) is using more water at this time. Mr. Haltom said there has been a recent spike in their water usage, and GMCR did confirm that they are using more water. He said he does not know if this will be the trend going forward. Mr. Haltom explained that GMCR has a separate meter that is read monthly; therefore the County knows when their usage is high.

Council asked several questions regarding meter readings, the billing process, and when the leak was repaired.

Vice Mayor Garris commented that the Town has a water leak policy, and it should be abided by.

After further discussion, Councilman Edwards made a motion to table this issue and schedule a work session with the Windsor Public Works Supervisor to receive information regarding the meter reading and billing process of the County's two high water bills before a decision is made on a second leak adjustment. Councilwoman Flemming seconded, and Council passed the motion five to one as recorded on the attached chart as motion #7. Mayor Richardson said that a work session will be scheduled as soon as possible.

Part Time Police Officer

Mr. Stallings said he has enclosed a memorandum from Interim Chief Riddle requesting that Council consider adding a temporary part time police officer position for a period of six months to help reduce the work load on the existing officers.

Mr. Stallings said the total cost for a part time officer to work 32 hours a week at \$15 per hour will be \$13,253.76. He said the funds for this temporary position can come from the Salaries line item with the Police Department budget. He said there are ample funds in this line item due to not currently paying the salary that was budgeted for the Chief position. Mr. Stallings said he feels that this temporary part time position would be a great benefit to the Windsor Police Department.

Interim Chief Riddle explained that the need for this position is driven by a number of different factors; most importantly employee morale and burnout. He said the officers have worked most of the last eight months with an officer down and at times

two officers down. He said it is projected that four officers will lose 96 hours of earned annual leave by January 2015 due to the vacation hours cap. He said this position will allow the very dedicated officers of this agency the time off to decompress and remain sharp while improving morale, and allow him to take a more administrative role as the Interim Chief.

After a brief discussion, Councilman Edwards made a motion to hire a part time officer to work 32 hours a week for six months. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

Action List

Mr. Stallings said the Action List is enclosed for Council's review. He said he has received a second quote on the replacement sign for Town Hall. He said he needs to speak with the sign company to make sure they have included everything in the quote. Mayor Richardson said the first quote included a five year warranty, and she would like Mr. Stallings to make sure that the second quote also includes a five year warranty. Mr. Stallings said he will contact the sign company and report this information back to Council at the next Council meeting.

Council discussed the shrubs on Lovers Lane that are obstructing motorists' view. Mr. Stallings reported that a letter was sent to the homeowners regarding sharing the cost to have the shrubs removed, but he has not received a response from them. Mayor Richardson suggested having someone contact them on the weekend because it is a safety hazard. Mr. Stallings said he will try to contact them on the weekend and also send them a certified letter.

Calendar of Events

Mr. Stallings said he has enclosed the Calendar of Events for Council's information. He reported that the last Concert at the Gazebo for this year will take place October 4, 2014. The Windsor Young Professional Organization (YPO) is sponsoring a Touch-A-Truck event that same day from 3:00 p.m. to 6:00 p.m. at the high school parking lot on Duke Street. He said that civic and community groups are invited to participate in the event to get the word out about their organizations.

Mr. Stallings said he has ordered shirts for Council to wear at the VML Conference, and they should be in soon.

Town Attorney's Report

Mr. Brittle briefed Council on the indictment of the former Police Chief Arlis Reynolds. He also noted that a Grievance hearing has been re-scheduled for the end of September with the former Chief.

Mayor's Report

Mayor Richardson reported that she, Vice Mayor Garris, and Mr. Stallings met with several County Board of Supervisors in an Inter-governmental meeting regarding what the Town and the County would need in a new U. S. Route 460. She said the County is drafting a letter to VDOT with all of the recommendations that were discussed at the meeting, and it will be presented to Council for their review.

Mayor Richardson read a letter she received from a resident stating that he commended and thanked Jeannie Dunlow, Assistant Clerk and Terry Whitehead, Town Clerk for being of great assistance to him during his move to the Town of Windsor. Mayor Richardson thanked all of staff for doing such a good job.

Mayor Richardson announced that Isle of Wight County is conducting a survey which is due October 6, 2014 to identify needs or concerns that citizens may have. She said this would be a great opportunity to emphasize the need for the County's support of the Windsor Middle School Gym Recreation Center Project. Mayor Richardson said flyers with several survey locations are available in the Town office, and she encourages everyone to participate in the survey.

Economic Development Authority Report

None

Other Reports

None

Planning Commission Items

Draft 2014 Town of Windsor Comprehensive Plan

Mr. Carney reported that the Planning Commission held a public hearing and recommended the Draft 2014 Comprehensive Plan be approved with two very minor corrections. Because of the significance of the Plan to the Town's future, Town Council may wish to hold a work session in order to review the Plan, its proposed future land use designations, and policy recommendations. After discussion, Council agreed to review the Draft 2014 Comprehensive Plan at the upcoming work session. Mayor Richardson asked Mr. Carney to distribute the corrected Draft 2014 Comprehensive Plan to Council before the work session. Mr. Carney said he would contact Ms. Jai McBride from the Hampton Roads Regional Planning District Commission (HRRPDC) for the revised copies and distribute them to Council.

Mayor Richardson commended Mr. Carney, the Planning Commission, and the Hampton Roads Regional Planning District Commission for doing a good job on the Plan. She thanked them for their hard work.

Mr. Carney said the Planning Commission also held a public hearing on the amendments to increase the ten year restriction to fifteen years on manufactured

homes entering the Town and to replace "mobile" in the Land Development Ordinance to "manufactured" in the MHP District section. He said the Commission recommended that the amendments be approved as written. Mr. Carney said due to the lack of time between the Commission and the Council meeting, the public hearing before Town Council will be at the October meeting.

Old or Unfinished Business

Yard Sale Ordinance

Mayor Richardson said that a citizen approached her with concerns regarding yard sales taking place in Windsor without proper permits. She said Council asked Mr. Stallings to research other localities to review their yard sale process and enforcement. Mr. Stallings said that Mr. Carney enclosed a report for Council's review regarding Yard Sale Ordinances from other localities. Council reviewed the report and discussed amending the Town's Yard Sale Ordinance to add a penalty for those who do not have a yard sale permit or who violate the Town's Yard Sale Ordinance including using illegal signs. They also discussed police officers enforcing the Yard Sale Ordinance. Interim Chief Riddle suggested that staff email him a list of those who have acquired permits for yard sales and "Peddler" licenses during the week to help with enforcement. Councilman Scott asked staff to put information in the newsletter stating that a permit is required for yard sales and for peddlers, and that it will be enforced.

Vice Mayor Garris made a motion to add language to the Yard Sale Ordinance stating that after the first offense of not having a yard sale permit or the use of illegal signs, there will be a warning; after the second offense, there will be a \$50.00 penalty. Mr. Brittle, Town Attorney, expressed his concerns with who would be cited for the offense. He said the ordinance states that the property owner would be in violation, and if the County owns the property, then they would be cited for the offense.

After further discussion, Vice Mayor Garris withdrew his motion, and Council agreed to have Mr. Stallings add language to the ordinance addressing the issues discussed and present it to Council at the next meeting.

Redflex Red Light Cameras

Mayor Richardson said there were questions regarding the Redflex red light camera contract at the last meeting, and Mr. Stallings had a copy of the contract delivered to Council. Councilman Edwards said the 2011 contract states there will be a monthly fee of \$4,740 costing approximately \$170,000 over a three year period. He also said he doesn't feel that the Town has the manpower to oversee this process and the six-way intersection may not be the best set up for the red light camera. He said he does want to make the intersection safer, but he's not sure this is the correct approach.

Councilman Edwards asked Interim Chief Riddle for his opinion regarding the Redflex red light camera. Interim Chief Riddle discussed the advantages and

disadvantages of the red light camera with an opinion that it may not be the best option for the six-way intersection. Council continued to discuss liability issues. Vice Mayor Garris said he is in favor of the red light camera if it will deter vehicles from running through the red light causing accidents.

Councilman Scott said he has reviewed the 30 page contract, and he feels that Council needs to understand and know what will be agreed to before voting on this issue. After further discussion, it was the consensus of Council to have Mr. Stallings contact Redflex for a current contract stating whether the Town will be responsible for any fees. Council also asked the Town Attorney to review the current contract regarding fees and liability issues and report back to Council at the next meeting.

Fire Department 2008 MOU and Isle of Wight County Facility Agreement

Mayor Richardson asked Mr. Dale Scott if a revised Memorandum of Understanding (MOU) has been drafted by the Isle of Wight Board of Supervisors, the Windsor Volunteer Fire Department, and their attorneys that would satisfy most of the concerns as discussed at the Inter-governmental meeting. Mr. Dale Scott said the fire department is currently working with Mr. Woodrow Crook, attorney representing the fire department, on language to accomplish this issue. After discussion, it was the consensus of Council to meet with all parties concerned for discussion when a revised MOU is drafted.

Mr. Dale Scott asked for support from Council to encourage the County Board members to reconsider their vote on October 1, 2014 to withhold funds to the fire department if the Facility Use Agreement is not signed. After further discussion, Council agreed to have Mr. Stallings draft a letter of support for the fire department to be sent to the Isle of Wight County Board of Supervisors requesting that they continue funding the fire department and also continue negotiations with them. Mayor Richardson asked Mr. Stallings to present the draft letter to Council at the upcoming work session for their review.

Vice Mayor Garris said he would like to have the Town flag issue on the agenda for next month's meeting. Mr. Stallings said he should have a quote from the contractor by the next Council meeting and will put this item on the agenda.

Councilman Scott said the electrician misplaced a lantern light fixture to one of the entrance signs. He said the electrician has paid for a new one and has installed it. He said that he and Mayor Richardson have been working on landscaping plans, which will be presented to Council when completed.

New Business

Noise Ordinance

Mayor Richardson reported that she was approached by a citizen with concerns regarding the Town's Noise Ordinance not having language in it addressing loud noises from the hours of 11:00 p.m. to 6:00 a.m. when most citizens are sleeping. She said she asked Mr. Stallings to research other localities to see if they have

language in their ordinances that may resolve this problem. Mayor Richardson explained that Council has not had time to review the other ordinances. It was the consensus of Council to discuss this issue at the upcoming work session.

Council suggested working with Southern Foods to encourage them to keep their “no left turn” sign out to help with traffic congestion and safety issues at the six-way intersection. Interim Chief Riddle commented that the “no left turn” sign cannot be enforced because it is on private property, but it does help the traffic flow when people abide by it.

Closed Session

Councilman Willis made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-3 discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Councilwoman Flemming seconded, and Council passed the motion as recorded on the attached chart as motion #9.

Councilman Scott made a motion to go back into regular session. Vice Mayor Garris seconded, and Council passed the motion as recorded on the attached chart as motion #10.

Vice Mayor Garris 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 Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #11.

Councilman Edwards made a motion to adjourn. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #12.

The meeting adjourned at 10:00 p.m.

Carita J. Richardson, Mayor

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 COUNCIL VOTES

Council Meeting Date September 9, 2014

Motion #	Willis	Scott	Flemming	Edwards	Garris	Bryant	C. Richardson
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	
11	Y	Y	Y	Y	Y	Y	
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Jerry Whitehead, Clerk