

**Minutes  
Windsor Town Council Meeting  
Town Hall  
May 14, 2024**

The Windsor Town Council met in a regular session on May 14, 2024, at 6:15 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor George Stubbs was present, and he called the meeting to order. He asked anyone with a cell phone to please silence it. Mayor Stubbs noted that the meeting would begin with a closed session. Kelly Kuhns, Town Clerk, recorded the minutes. William G. Saunders, IV, Town Manager, Cheryl McClanahan, Treasurer, and Fred Taylor, Town Attorney, were present.

Council members present:           J. Randy Carr, Vice Mayor  
  Jake Redd  
  David T. Adams (Attended Remotely)  
  Walter Bernacki  
  Edward (Gibbie) Dowdy  
  Marlin Sharp

Mr. Saunders presented a request for Council consideration from Councilman Adams to join the meeting remotely due to his commuting from a distant work location (Quantico) making him unable to otherwise attend. He noted that per Virginia State Code there is a limit to the number of times a Councilmember may attend meetings remotely. Mr. Saunders said that this would be Councilman Adams' second time this year. Mr. Saunders added that a Councilmember can attend a meeting remotely either two times per calendar year or 25% of the meetings held per calendar year. Councilman Sharp made a motion to accept remote access to the meeting by Councilman Adams, Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

**Closed Session**

Councilman Bernacki made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711. A.1 for the purpose of consideration of performance evaluations of Town staff members that report to Town Council. Councilman Sharp seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

**Reconvene Open Meeting**

The Council returned from closed session and Mayor Stubbs reopened the regular meeting at 6:59pm.

Councilman Bernacki 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 Sharp seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Councilman Sharp delivered the invocation, and Councilman Dowdy led the Pledge of Allegiance.

## **Public Hearings**

***REZ 2024-01 – To rezone approximately 0.17 acres of Tax Parcel 54B-01-126A (13 Holland Drive) from R1, Residential to C-B2, Conditional Restricted Business, for the purpose of automobile sales and repairs, as conditioned.***

Mr. Randolph reported that the Planning Commission met on March 27, 2024, and held a public hearing to consider a request for a change of zoning classification from R1- Residential to C-B2, Conditional Restricted Business for the property located at 13 Holland Drive. He noted that the application involves only a portion of the parcel identified as Map 54B-01-126A and that the remainder of the parcel would retain its R1, Residential zoning classification. Mr. Randolph added that the intent would be to utilize the existing detached garage and a small area of the rear yard for business purposes.

Mr. Randolph stated that the applicant has offered several proffers with this application, including limiting the uses available in the B2 – Restrict Business zoning district, building site improvements, and other community proffers. He noted that because proffers have been offered, this is considered a conditional zoning application.

Mr. Randolph explained that the applicant spoke at the March 27, 2024, public hearing to support the application. He said that additionally, several of the property owners from Holland Drive participated in the public hearing to raise concerns about the application.

Mr. Randolph advised that during the March 27, 2024, meeting, the Planning Commission discussed the application and subsequently adopted a motion of 6-0 to recommend denial of the application to the Town Council.

Mayor Stubbs opened the public hearing to anyone wishing to speak in support of the rezoning application.

Hearing none, Mayor Stubbs opened the public hearing to anyone wishing to speak in opposition to the rezoning application.

Shirley O'Briant, a town resident of 9 Holland Drive, said that she has lived on Holland Drive since she and her husband built their home there 48 years ago. She stated that having raised 3 children and 2 grandchildren there that the neighborhood has always been a place where children can play, ride bikes, and walk down the street safely. Ms. O'Briant noted that she chose to build her home in the Holland Drive area because it was a nice, quiet place. She stated that she is very concerned about the rezoning application and hopes that the Council will follow the Planning Commission's recommendation for denial. Ms. O'Briant thanked the Council for allowing her to speak.

Terry Persoon, a town resident of 16 Holland Drive, provided a photograph to the Town Council for review. He noted that during the Planning Commission meeting, he was under the impression that all business at 13 Holland Drive would take place behind the fence of the residence, adding that there are still vehicles being parked in the street. Mr. Persoon noted his concern for the safety of the children that play in the neighborhood, and the impact of having increased truck traffic. He stated that a few weeks ago, there was a manhole cover on the sidewalk left open overnight with

a hose coming from it that led back to 13 Holland Drive. Mr. Persoon said that he is concerned with the potential for instances such as this to escalate or reoccur. He thanked the Council for allowing him to share his thoughts on the rezoning application.

Cynthia Sanders, speaking on behalf of Betty Brayton, a resident of 18 Holland Drive, said that they are very concerned about the possibility of having a business on their street. She noted that there are numerous children that play in the neighborhood when school is out, riding bikes and skateboards. Ms. Sanders stated that there is not a need for another car lot, explaining that there is already a car lot in Windsor near the Police Department.

Cynthia Sanders also read a letter written by Kim Johnston, a town resident of 20 Holland Drive who was unable to attend the meeting. In the letter Ms. Johnston stated that she has lived on Holland Drive since 2011 and the neighborhood has always been quiet and safe for families. She noted that her concerns are about the noise and increased traffic. Ms. Johnston said that if there are cars, trucks, and wreckers going up and down the street for mechanical services, it creates an unsafe environment for the children travelling and playing in the neighborhood. Ms. Johnston noted that there was a flatbed wrecker in the street on Monday, May 13, 2024, that was trying to enter the driveway at 13 Holland Drive. She added that her husband watched the wrecker drive into a neighbor's yard across the street to maneuver into the 13 Holland Drive driveway. Ms. Johnston noted that the photo provided to the Council by Mr. Persoon was of this incident. She stated that this is unacceptable and will only get worse if the rezoning application is approved. Ms. Johnston said that regarding the noise, her husband has been an automotive technician for over 45 years and has stated that due to the types of tools used to work on vehicles, it is impossible to eliminate noise with soundproofing. She made note of the environmental impact that oil and other chemicals would have if not disposed of properly. Ms. Johnston concluded her letter by thanking the Council for taking the citizens' concerns into consideration.

Mayor Stubbs asked if there was anyone else that wished to speak in opposition to the rezoning application.

Hearing none, Mayor Stubbs closed the public hearing.

Councilman Bernacki made a motion to accept the Planning Commission's recommendation and deny the request for rezoning of approximately 0.17 acres of Tax Parcel 54B-01-126A (13 Holland Drive) from R1, Residential to C-B2, Conditional Restricted Business, for the purpose of automobile sales and repairs, as conditioned. Councilman Dowdy seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

## **Delegations and Public Comment**

### ***Recognition of Vivian Fontaine on her achieving centenarian status***

Mayor Stubbs asked Ms. Vivian Fontaine to meet him at the podium and introduced her to those in attendance.

Mayor Stubbs said that Ms. Fontaine reached centenarian age of 100 years old on May 3, 2024. He noted that she had been a resident of the Town of Windsor for 38 years. Mayor Stubbs added that Ms. Fontaine was also recognized by Towne Bank and Windsor Hardware. He thanked her for attending the meeting and allowing the Town Council to recognize her.

Ms. Fontaine's family was able to witness the recognition virtually through a Zoom meeting coordinated by Town Manager, William Saunders IV.

**Public Comment**

None

**Consent Agenda**

Mayor Stubbs said the Consent Agenda consists of the minutes from the April 9, 2024, Town Council Meeting, the minutes from the April 23, 2024, Work Session Meeting, the Planning and Zoning Report, and the Police Chief's Report. He asked if there were any questions or comments regarding the Consent Agenda.

In response to Councilman Sharp's question, Chief Riddle stated that the patrol check numbers had decreased for the month of April due to staffing shortages such as vacation and other leave being used by personnel.

Councilman Sharp made a motion to adopt the Consent Agenda as presented. Councilman Dowdy seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

**Treasurer's Report**

Ms. McClanahan reviewed the April 2024 Treasurer's Report and gave an update on collections. She stated that \$104,519.50 in meals tax was collected. Ms. McClanahan noted that 32,775.88 had been collected for business license renewals. She added that \$14,675.19 has been received for VIP interest. Ms. McClanahan said that 87.75% of personal property taxes and 14.37% of real estate taxes have been collected as of April 30, 2024. She noted that the real estate taxes are due June 5, 2024.

Ms. McClanahan advised that a new checking account was opened to keep track of revenue and expenses for events celebrating the 4<sup>th</sup> of July as well as the Christmas parade.

Ms. McClanahan added that all bank balances and accounts receivable are reconciled.

Councilman Adams asked if the figures in the meals tax section of the General Fund Local Tax were for 10 months or 11 months. He noted that the projected revenue for FY24 is \$550,000 with the town currently having received \$442,180.96.

Ms. McClanahan explained that the town still has one more quarter of meals tax to receive. She noted that those meals taxes that are due in July will be returned to June's revenue for the fiscal year.

Councilman Adams asked if it is anticipated that the town will receive the budgeted amount of \$550,000 for FY24.

Ms. McClanahan answered that she is confident that the budgeted amount will be received.

Councilman Dowdy made a motion to approve the Treasurer's report as presented. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

## **Council Comments**

Councilman Bernacki asked if Public Works could provide the information on the surplus backhoe so that the town may proceed with posting it for auction.

## **Town Manager's Report**

### ***Capital Projects Update***

Mr. Saunders advised that the contractors, town staff, and Bowman consulting staff have met to discuss the plan for flushing and testing the system, and completion of the project. He stated that the Town has requested a schedule from the contractor outlining the successful completion of the project; at the time of this writing, it has not yet been received.

### ***Calendar of Events***

Mr. Saunders presented the May and June 2024 calendar of events to include the Town of Windsor and Isle of Wight County public meetings, as well as other pertinent information. He noted that a meeting was added for Thursday, May 30, 2024, at 7pm for a Special Town Council meeting where the public hearing on the town budget and capital improvement plan will be held.

### ***Spring Clean Up – Special Refuse Collection***

Mr. Saunders said that on March 12, 2024, the Town Council authorized special residential refuse pick-ups.

Mr. Saunders stated that the two dates for the pick-ups are the first two Saturdays in June (June 1<sup>st</sup> and 8<sup>th</sup>). He noted that the routes are separated by water billing areas and that information flyers were included with the April and May water bills.

Mr. Saunders added that those that received a water bill in April will participate in the Saturday, June 1<sup>st</sup> pick-up which primarily includes Hazelwood Drive, Hazelwood West, Hidden Acres, Holland Meadows, Keaton Avenue, Lovers Lane, Sarahnell Lane, Shiloh Drive, Twin Ponds, Twin Circle, Whitfield Park, Windsor Manor, and Windsor Woods.

Mr. Saunders said that those that received a water bill in May will participate in the Saturday, June 8<sup>th</sup> pick-up which primarily includes Bank Street, Church Street, Court Street, Griffin Street, Rt.258, Windsor Boulevard, and adjacent streets.

Mr. Saunders noted that these pick-ups are only for residential addresses that are currently serviced by Bay Disposal; businesses, or residences that are served by dumpsters, do not qualify.

## **Town Attorney's Report**

None

## **Mayor's Report**

None

## **Economic Development Authority Report**

None

## **Other Reports**

None

## **Old or Unfinished Business**

### ***Review of Draft FY25 Budget and Capital Improvement Plan***

Mr. Saunders stated that following the review of the draft FY25 Budget and Capital Improvement Plans (CIP) at the April 23, 2024, work session, further amendments have been made to the budget and CIP drafts.

Mr. Saunders reviewed the budget amendments as follows:

#### General Fund Budget

Expenditures – The contribution to the Western Tidewater Free Clinic has increased by \$600.

- ARPA funding was removed from the Enhanced Law Enforcement Retirement.

Contingency – The contingency line item was increased by \$775.

#### Capital Improvement Plan

General – The Storm Water Projects line was decreased by \$1,375.

#### Unknowns

The Virginia Risk Sharing Association insurance premium amount has still not been received.

#### Public Hearings

A public hearing on the FY25 Budget and CIP will be held at the Special Town Council meeting on Thursday, May 30, 2024.

A public hearing on the tax and water rates for FY25 will be held at the regular Town Council meeting on Tuesday, June 11, 2024.

Mr. Saunders referred to an email from Councilman Adams regarding a topic for budget discussion.

Councilman Adams said that during the April 23, 2024, work session, there was a brief discussion about reducing some line items with the intent to move the funds reduced to another line item that would be used to plan and pay for additional community events. He stated that he figured approximately \$15,000 from a few line items that could be repurposed to the General Fund Expenditures Cultural Events line item. Councilman Adams noted that the events would be a good way to foster the sense of community that Windsor is known for.

Councilman Adams asked if the Council allocates the \$15,000 to the Cultural Events line item, and an unexpected expense arises, can the Council have the funds reappropriated from one line item to another.

Mr. Saunders stated that the town could rely on contingency for this. He added that the town has created a line item specific to town events at the request of the Event Committee. Mr. Saunders added that since the town utilizes sponsors to help fund events, it was appropriate to have an account designated specifically for those events. He said that this will help to keep sponsor donations appropriated solely for helping to fund town events.

Councilman Bernacki stated that he agrees with Councilman Adams on creating more opportunities for town residents to engage with one another.

Mayor Stubbs also agreed, stating that the Events Committee is open to ideas on how they can achieve more community engagement to include volunteerism.

With the consensus of the Council to be in favor of Councilman Adams' budget change recommendation, Mr. Saunders said that he would make the reflecting changes to the proposed budget for further discussion at the May 30, 2024, meeting.

## **New Business**

### ***Budget Amendment – American Rescue Plan Act Funds***

Mr. Saunders stated that with the December 31, 2024, deadline for the obligation of American Rescue Plan Act (ARPA) funds looming and the direction of the FY25 draft Budget and Capital Improvement Plans (CIP) shifting away from ARPA fund usage, the amendment of the funding source for several line items in the FY24 budget is recommended.

Mr. Saunders noted that the proposed amendment is to change the funding source of the following line items in the FY24 budget from current revenue to ARPA funds:

Payroll – All departments

Stipends – Town Council and Planning Commission

Refuse Collection

Building Repairs and Maintenance – Public Works Department

Contributions – Western Tidewater Free Clinic, Windsor Library, and Triad

Mr. Saunders said that this budget amendment will encompass approximately \$813,500 and will pay down the ARPA funds to the \$75,000 that is shown as carrying forward in the draft FY25 CIP of the Water Fund.

Mr. Saunders explained that the benefits of this action include the removal of the deadline for the obligation of the funds, and the elimination of a higher cost audit for FY25.

Councilman Bernacki made a motion to accept the budget amendment as presented. Councilman Adams seconded, and Council passed the motion 5-0 (Councilman Sharp was not in chambers at the time of the vote) as recorded in the attached chart as motion #7.

## **Closed Session – If Needed**

None

Mayor Stubbs asked if anyone had anything else they would like to discuss.

Councilman Sharp presented a notice that the Town Council communicate with the local press and the Isle of Wight County Board of Supervisors that the town acknowledges that changes have been made in the Tidewater Logistics Center project but that the town is still opposed to the project as it is being presented. He stated that the changes that are being made are not adequate to meet the concerns of the residents of the Lovers Lane, Keaton Avenue neighborhood.

Councilman Sharp made a motion to send the notice to local press and the Isle of Wight County Board of Supervisors. Councilman Adams seconded, and Council passed the motion 5-0 (Councilman Carr abstained from the vote) as recorded in the attached chart as motion #8.

Councilman Bernacki made a motion to adjourn. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

The meeting adjourned at 7:58pm.

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George Stubbs, Mayor

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Kelly Kuhns, Town Clerk