

Minutes
Windsor Town Council Work Session
Town Hall
August 6, 2009

The Windsor Town Council had a work session on August 6, 2009 at 4:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Marvin A. Crocker, Jr. was present, and he called the meeting to order. Robin Hewett, Town Clerk, recorded the minutes. John L. Rowe, Jr., Interim Town Manager, Michael Stallings, Assistant Town Manager/Planning and Zoning Administrator, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present:

- J. Clinton Bryant
- Wesley F. Garris
- William L. Jones
- Carita J. Richardson
- Durwood V. Scott
- Greg Willis

Mayor Crocker said there is no need for a closed session. Councilman Willis asked if Council could go into closed session for a personnel issue. Mayor Crocker advised Councilman Willis to meet with the Personnel Committee first on the personnel issue. He said a closed session could be held at the next Council meeting if necessary.

Councilman Bryant asked why closed session was on the agenda, but they were not having a closed session. Mr. Rowe said the purpose of the closed session was regarding an unannounced business possibly interested in locating in the Town of Windsor. He said he did not have any information to share with Council on this issue at this time; therefore, there is not a need for a closed session for this purpose. Mayor Crocker said if the reason for closed session is personnel related he would rather Council members with the concern meet with the Personnel Committee prior to going into closed session. Councilman Bryant asked when were they going to discuss Council committees verses Council acting as "a committee of the whole." Mayor Crocker said that Council could discuss this matter today.

Discussion of Frank Spadea and Vince Napolitano Development Proposal

Councilman Bryant said the reason he wanted to discuss this item was because two council members were missing from the workforce housing meeting when Council last discussed Mr. Spadea's and Mr. Napolitano's proposed new subdivision. He said he wanted to make sure all of Council has been informed on the issue. Councilman Garris asked the status of the development. Councilwoman Richardson said the developer's plan shows condominiums in the back of the property and single family residences and duplex homes within the development. She said that the developers are proposing that ten percent of the housing is for workforce housing. Councilman Garris and Vice Mayor Jones said they did not agree with the 12 family condominium units on the plan. Councilman

Garris said that was too many homes in such a small area. Councilman Willis said his concern was the left turn at the six-way intersection for the subdivision. He said he feels this would be a great safety hazard. Mayor Crocker said the Virginia Department of Transportation (VDOT) would do an extensive traffic study on the traffic flow before any plans come to Council for approval.

Councilwoman Richardson asked if the developer was meeting the requirements of a multi-family use of the property. Mr. Stallings said yes the developer does meet the requirements, which is five units per acre; which is shown on the proposed plan.

Discuss and Plan for the Location of Sidewalks in Town and Their Construction

Councilwoman Richardson said she wants Council to look at the future and plan where the Town should construct new sidewalks over the next 10 to 15 years. She said this is a good time to start planning. She said with the amount of money that was left over from Fiscal Year 2008-2009, it would be a good idea for Council to use some of that money for sidewalk construction instead of putting the whole amount in the Fund Balance of the General Fund. She said she would like to have sidewalks down Route 460 to Food Lion. She said she would also like to see sidewalks on the other heavily traveled streets in the Town. Councilwoman Richardson said she would like to have sidewalks extended down Church Street, Shiloh Drive, North Court Street, and possibly Lovers Lane. She said she feels Council needs to make a plan for sidewalks. She said the issue has been in the Town's Comprehensive Plan for years and nothing has been done.

Mayor Crocker asked Mr. Rowe for the status of the Federal stimulus funds. Mr. Rowe gave Council a briefing of origin of the Town's portion of the Federal stimulus funding including how the region's Metropolitan Planning Organization (the MPO) is distributing the same to the various localities that comprise the Hampton Roads Planning District Commission. He informed Council that the Commonwealth Transportation Board must approve the various Federal stimulus projects at its meeting in September. He said that the recipients of the Federal stimulus money must obligate the funds by March 2009. He briefed Council that its Capital Improvements Budget for Fiscal Year 2009-2010 appropriated this Federal stimulus funding for the construction or improvements of sidewalks within existing right-of-ways. He said if the Town or VDOT has to acquire any right-of-ways, then Town will have a very difficult time in meeting the various Federal deadlines for the use of this particular Federal funding. Mr. Rowe said that the Town can use this money for new sidewalk construction, for sidewalk repairs or to make existing sidewalks handicap accessible.

Councilman Garris said he feels that the Town does not need three to three and a half feet sidewalks. He said he would rather have something constructed more like a bike path, out of asphalt; one that is wide enough for bikers and pedestrians to be able to meet without having to move over. He said Council should look into this to see if there is a cost benefit. Council discussed the bike

trail type walkways further. Mr. Rowe suggested that Council look at other localities and how they have constructed sidewalks/bike trails around busy highways and streets.

It was Council's consensus to direct the Manager and the Assistant Manager to find the areas of the Town that have right-of-ways where sidewalks can be constructed. Mayor Crocker asked Mr. Stallings to check on the areas of Shiloh Drive to Holland Meadows. Councilman Willis asked to have Lovers Lane included when researching the right-of-ways.

Discussion of the New Town Charter

Councilman Willis said he is pleased with the progress Council has made thus far on the proposed new Town Charter. He said the process has been very educational. He said there has been some discussion regarding the police chief's position being a position which is appointed by Council and the police chief would answer to Council. Mayor Crocker asked the Town Attorney to comment on this concept.

Mr. Pretlow said he is not aware of any locality in the state of Virginia where the Police Chief is directly answerable to Council. He said the Police Chief is always appointed by the Town Manager, who answers to Council. Mr. Pretlow said the Clerk/Treasurer, Attorney and Manager are the only appointees of Council that answer directly to Council. He said all other positions come under the Town Manager form of government. He said he does not think that the General Assembly would pass a charter bill with such an arrangement. Mr. Pretlow said he does not feel that this is something that Council would want. He said Council needs to have someone to deal with the individual on a day-to-day basis because of the nature of the job. He said this would lead to Council micro-managing everything. He said it would not be a good policy to have the Police Chief answer to Council from a legal stand point. He said he strongly feels that legislature would not pass a policy such as this.

Councilwoman Richardson said she thought she remembered seeing in another locality's charter that Council members could take citizens' concerns to the Police Chief. Mr. Pretlow said he is not aware of this at all. He said this type of issue would not normally be written in a charter. He said citizens' concerns should go through the Manager who is responsible for the employees. Councilman Garris said he feels Council does not want to be in that situation. He said he agrees with the Town Attorney on this issue. Mr. Pretlow said the process is not to keep citizens from talking to the Police Chief, but to keep Council from dealing directly with the Police Chief. He said it should not be the case that the Police Chief's employment is threatened by his actions. Mr. Pretlow said Council should not deal with the professional aspects of law enforcement, because that is what the Police Chief was hired for. He said Council sets the policies and then lets the Manager implement them. The Town Attorney, Manager and Council continued to discuss the issue. The Town Attorney advised Council that it can ask questions of the employees, but it cannot give direction to the employees.

Councilman Willis asked where Council is on the Charter schedule and getting it to legislature on time. Mr. Rowe said Council has completed the charter review. He said the August 6, 2009 draft has all the changes that Council asked the Town administration to make. He said that Council's public review process started in January 2009, and it was completed last month. Mr. Rowe said the Charter is ready for Council to give the Manager direction as to where the process goes from here. He said that the State Code states that Council is required to either hold a referendum or a public hearing on the proposed new Town Charter. He said most local governments utilize the public hearing alternative. Mr. Rowe said members of the General Assembly must file all charter bills by the first day of the General Assembly, which is typically the second Wednesday in January. He said Council needs to have the public hearing, and then ask a member of the Town's General Assembly delegation get the proposed new Charter to the State's Division of Legislative Services to review and draft a charter bill for introduction in next session of the General Assembly.

It was Council's consensus to schedule the required public hearing for its regular meeting in September 2009. Mayor Crocker recommended that Council do this by the adoption of a motion during its August 11, 2009 regular Council meeting; in this regard, he asked the Manager to place such a motion on the agenda for that meeting. He said at that time Council could decide to advertise for a public hearing possibly for the September Council meeting. Mr. Rowe advised Council that the Division of Legislative Services should have the proposed charter in November so that it has sufficient time to review and draft a charter bill.

The Town Complex/Space Study/One Possible Location for Police Building

Councilman Willis said he is a fan for having the Police Department in the building where the Post Office is currently located. He said Council could also consider putting the Post Office on the property where the Saunders house was located. He said several residents have said that the bank is willing to build a building for the Post Office. He said he would like to see Council move forward with this thought process.

Mayor Crocker said the Town needs to keep the Post Office in the Town. He said his idea is having the Police Station in line with the municipal building and Post Office so they could share services such as telephone service, internet services and other related utility services. He said all parking could be in the rear of the buildings and the police officers would have immediate access to Route 460. Mr. Rowe discussed where the water mains and sewer lines are in relation to Mayor Crocker's location for the Police Station.

Councilman Garris said he does not feel the site is big enough for the municipal building, Post Office and a Police Station. He said the police need to be away from the six-way intersection. He said he feels the property behind the rescue squad station would be a better location for the Police Department. He said he has looked at the property and feels there is ample space for the Police Department. He said he feels Council needs to negotiate with the County on acquiring the property.

Council discussed the likelihood of the Post Office getting closed down due to the economic times. Councilwoman Richardson said she would much rather have more parking for the Post Office and the municipal building, than have the Police Station located in this area.

Mr. Rowe asked if it was the consensus of Council to move the monument out of the park behind the municipal building. Councilman Scott said there needs to be more long range planning before doing a lot of changes to the property. He said Council needs a plan before making changes on the property. Mr. Rowe said Council has started the planning process, but it has not yet completed the process.

Mayor Crocker asked for consensus of Council to look at the property behind the rescue squad building and to have staff investigate with the County on the availability of the property and the County's plans for the Windsor Rescue Squad. Council's consensus was to have Town staff meet with County personnel to discuss the availability of the property. Mr. Rowe said staff would start the investigative process with the County.

Discussion of Cars on Virginia Avenue

Vice Mayor Jones said he has received several citizens' concerns regarding the number of cars at a residence on Virginia Avenue. He said it is unsightly for the neighborhood. Mr. Pretlow said Council could go to the County and get the State's Division of Motor Vehicles (DMV) records to check on the number of vehicles the individual owns. He said if there are vehicles that do not belong to the property owner, then the Town could ask that the property owner to remove those vehicles from the property. Mr. Stallings said the vehicles that are currently on the property have current licenses and current inspections. He said if the vehicles are current with these items and are not dismantled, then the resident is in compliance with the Town zoning ordinance. Mr. Pretlow said he will look into the issue before Council's August meeting to see how the Town can handle this matter.

Vice Mayor Jones said there is another resident on Virginia Avenue that has been living there for approximately two years with two vehicles registered in Florida. Mr. Pretlow asked if Council has talked with the Manager or Police Chief regarding this issue. Councilman Garris said he has spoken to the Police Chief about this issue. Mr. Pretlow said the Commissioner of Revenue could research the vehicle and identify who the vehicle is registered to and in what state. Mr. Rowe said he would research this issue further.

Discussion of Property Maintenance

Vice Mayor Jones mentioned several locations in the Town that was in need of property maintenance. He said there are several areas that the property owner needs to clean up the property and cut the grass. Mr. Stallings said he is currently working with property owners to get these issues taken care of.

Discussion of Hurricane Preparedness and Evacuation

Mayor Crocker said he put this item on the agenda because Council has never really discussed the issue of hurricane preparedness. He said that Hurricane Isabelle caused power outages, communication problems, and flooding issues. He said that the members of Council need to be close to home when something comes up. He said it also needs to be in constant communication with each other and with Town staff. Mr. Rowe said it is best for all citizens to listen to the radio or television; if the appropriate emergency official advises to evacuate the area, then that is what everyone needs to do. Mayor Crocker said he would like to have hurricane preparedness brochures available at Town Hall for any residents. Mr. Rowe said Rusty Chase from Isle of Wight County will be at the August 11, 2009 Council meeting to discuss hurricane preparedness. Council discussed the battery backups at the stoplights and also traffic flow on Route 460 that it wants to ask Mr. Chase about when he comes to the Council meeting.

Councilman Willis suggested having Town maintenance staff go through the Town and check the storm drains by making sure they are open and flowing.

Discussion of Ideas for the Future

Councilwoman Richardson said this item has been discussed previously in the meeting. Mayor Crocker suggested the following items that Council needs to discuss sometime in the near future: annexation, work force housing, economic development, and more training for Council.

Discussion of Other Ideas

Councilwoman Richardson asked the Mayor to explain how Council operating as "a committee of the whole" would work as compared to the various committees that Council members are currently assigned. Councilman Garris said because the Town now has hired staff to handle issues, there is no need for the various individual committees of Council. He said Council sets the policies and staff does the remainder of the work. Mayor Crocker asked how to respond to citizens' questions, if they do not have individual committee chair persons to refer that individual to. Mr. Rowe said Council operates best when everyone knows the same amount of information at the same time. He said if a resident asks for information, the best answer is "I don't know, but I will check it out." Council discussed whether there was still the need to have a chairman for the individual committees. Mr. Rowe said with "a committee of the whole" the entire Council can have a regular or called meeting to discuss any matter as a whole. He said Council would still have the Economic Development Committee because this committee is made up of residents and business owners as well as two Council members. He said Council could have a liaison report back to Council with regard to the library and fire department and any other organizations as necessary. It was Council's consensus to operate in the future as "a committee of the whole." Mayor Crocker said Council should formally consider this at its

next regular meeting so that the change is a matter of public record. He asked to have this item on the agenda for the August 11, 2009 Council meeting.

The meeting adjourned at 7:40 p.m.

Respectfully Submitted,

Robin Hewett,
Town Clerk/Treasurer