

**WILLIAMSBURG CITY COUNCIL
MINUTES
February 11, 2010**

The Williamsburg City Council held its regular monthly meeting February 11, 2010, at 2:00 p.m., in the Council Chambers of the Stryker Building, 412 N. Boundary Street, Williamsburg, Virginia.

CALL TO ORDER

Mayor Jeanne Zeidler called the meeting to order.

ATTENDANCE

Present in addition to Ms. Zeidler were Vice-Mayor Clyde Haulman, Council members Ms. Judith Knudson, and Messrs. Robert Braxton and Paul Freiling. Also present were City Manager Jack Tuttle, City Attorney Joe Phillips and Council Clerk Donna Scott.

Staff Attending: Deputy City Attorney Christina Shelton, Economic Development Director Michele DeWitt, Communications Specialist Kate Hoving, Finance Director Phil Serra, Planning Director Reed Nester, Public Works and Utilities Director Dan Clayton, Parks and Recreation Director Lori Rierson, Police Chief Mike Yost, Fire Chief Pat Dent and Human Services Director Peter Walentisch.

COUNCIL MINUTES

Mr. Freiling moved that Council approve the minutes of the January 11 Work Session and the January 16, 2010 City Council Retreat as submitted, and the minutes of the January 14, 2010 Regular Meeting as amended by Mayor Zeidler. Mr. Braxton seconded the motion which carried by roll call vote of 5-0.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Knudson
No: None
Absent: None

MATTERS OF SPECIAL PRIVILEGE

HRACRE "Award of Merit – Best Master Planned" for High Street Development

Dan Aston with Roseland Property Company, developer of the High Street project, presented to Mayor Zeidler and the citizens of the City of Williamsburg the award for the best master planned commercial project in Hampton Roads. He said it has been his privilege and honor to represent the City in the billion dollar project which will remain long after we are all gone; the project has been accomplished with an eye toward excellence and the future.

Mr. Aston noted the High Street development is in a phenomenal location and will be phenomenally successful. He said there is no way he can acknowledge everyone involved, but noted the efforts of City Council, Jack Tuttle, Reed Nester and Carolyn Murphy and on behalf of Roseland thanked all who worked on the project.

Mayor Zeidler accepted the award and said the City is proud of the High Street development and the high standards of quality it represents. The project is an important part of Richmond Road and the character of Williamsburg.

In response to Mr. Feiling's comment, Mr. Aston confirmed they will be reaching out to the community with several fund-raiser events for charities throughout the year, one being Hannah's Closet. Council members thanked Mr. Aston for his contributions to the Williamsburg community.

PUBLIC HEARINGS -- None

REPORTS

Monthly Financial Statement

Mr. Tuttle noted Revenue in the Utility Fund is down due to reduced water usage and reduced availability fees as a result of fewer new tap fees. Expenditures in the Utility Fund reflect the long-term purchase of supplemental water from Newport News. Although room tax is about 10% lower than last year at this time, Mr. Tuttle noted the upturn in sales tax and meal tax.

In response to Mr. Haulman's question about the impact the two recent snow storms have had on the budget, Public Works & Utilities Director Clayton said about 300 overtime hours were used which maxes out that part of the budget. Mr. Haulman noted that he heard time and again from citizens about the great job the City's Public Works & Utilities Department did. Council members agreed, adding that they also heard very positive comments.

Monthly Departmental Operating Reports

Rt. 143 Drainage Project

Mr. Clayton reported that the Rt. 143 project is basically completed and was opened Friday. There are still some miscellaneous minor issues to be addressed, but the road is open utilizing exchanging traffic lanes at this time.

Waller Mill Reservoir Report

It was announced that there will be a public meeting sponsored by the Naval Facilities Engineer Command on February 17 from 6:00 p.m. to 8:00 p.m. in the Williamsburg Community Building. The Open House will address the results of the Environmental Investigation associated with Site 49F, Camp Peary and Waller Mill Reservoir. The report received today noted that the PCB level in Waller Mill Reservoir does not pose a risk to human life. Media briefing will be at 5:30 p.m.

Economic Development, Human Services and Police Department

Mayor Zeidler noted the seven new City business startups in January and thanked Economic Development Director Michele DeWitt for her good work. The Mayor also noted the increases in almost all Human Services programs and asked Mr. Tuttle to have Human Services Director Peter Walentisch prepare a report for a future City Council Work Session.

Reflected in the Police Department Monthly Report, parking violations are up quite a bit from this time last year and Police Chief Yost explained this increase has a lot to do with police schedules as well as an increase in police responsiveness to members of the Merchants Square Association and their recently expressed need for more parking spaces for their businesses.

Planning Report – None

City Manager Reports

Heritage Tree Initiative

Mr. Tuttle stated that in 1993 City Council adopted an ordinance addressing a heritage tree program, City Code, Chapter 7, Article 4. In the current Biennial Goals, Initiatives and Outcomes document, under Goal 1 “Character of the City,” is the following initiative:

“Identify and further protect heritage trees located on City property with a program in place during the biennium.”

City Landscape Superintendent Will Fidler has identified a number of remarkable trees on City property and has worked with his counterparts at the College of William and Mary and at the Colonial Williamsburg Foundation to identify special trees on their properties. Mr. Tuttle said the next step is for Council to officially designate selected trees on City property that, per the current ordinance, can only be removed by City Council action. Because the current ordinance excludes federal or state property, any tree designated on College property would remain under the College’s control. Trees on private property, such as on Colonial Williamsburg property, may be designated by the City Council, but only after formal notification and comment by the private property owner.

Mr. Tuttle noted that although most private property owners would be proud to have their special tree(s) designated and listed, it is unlikely they would willingly place their tree under City control. City Council might want to consider amendments to the ordinance to make the honor of being designated and listed non-punitive.

Landscape Superintendent Will Fidler reviewed the definitions for special trees from the current ordinance and showed a number of photographs of examples of trees in those categories in our community. Significant trees were defined as:

- Specimen Tree -- notable by virtue of its outstanding size and quality for its particular species
- Heritage Tree -- of notable historic or cultural interest
- Memorial Tree -- commemorating memorial to a person, location or event
- Street Tree -- a notable grove or avenue

Mr. Fidler explained that there are two Champion Tree Classifications: (1) State Champion – largest species in the State and (2) National Champion – largest species in the United States. Our community has a fair share of State and National Champions: the City has two State Champions identified at this time; the Cottonwood Poplar in Bicentennial Park and the Water Locust near the CSX tracks & North Henry Street. Colonial Williamsburg Foundation has six State Champions identified at this time with the Compton Oak on Market Square near the George Tucker house also having the distinction of being a National Champion, and the College of William and Mary has 15 State Champions identified at this time.

Mr. Fidler thanked the original HPO (High Performance Organization) team for their efforts to identify and further protect heritage trees located on City property, and to Wesley Greene of Colonial Williamsburg and John McFarlane of the College of William & Mary for their help in identifying special trees on their respective properties.

Mayor Zeidler thanked Mr. Fidler for a very interesting presentation and impressive list of special trees that help define the beauty and character of the City of Williamsburg. In response to Mayor Zeidler's question, Mr. Fidler said the College Woods area has not been reviewed at this point, but will be. Council members expressed appreciation for the impressive work and offered a few suggestions for additional special trees. It was also suggested that the City's publication of Great City Walks include a listing of special trees in the area under the "Points of Interest" section for each walk.

Amendment to Zoning Ordinance Pertaining to Requirements for an Increase in Unrelated Occupancy

Mr. Tuttle stated that the ordinance allowing an increase from three to four unrelated renters in certain limited cases in single-family Rental Inspection Districts was adopted by City Council in December 2009. Among the several requirements that need to be satisfied in order to take advantage of this increase are two that need to be considered:

- The requirement for submission of a "minor site plan" to describe the site. A "minor site plan" requires a licensed engineer or architect's seal, which carries a fee between \$300 and \$500. Because a simple "plot plan" will convey the needed information, the seal would be an unnecessary expense for the property owners.
- The requirement for a third party inspection to certify the electrical system can accommodate the increased power demands. If the premise is that a house should have an electrical inspection for more than three unrelated occupants, then single-family houses with more than three related occupants should also be inspected. There is no authority in Virginia to require such an inspection and no evidence that there should be. This requirement is an unnecessary burden on the property owner.

Mayor Zeidler said the changes to the requirements make sense; the specified requirements had constituted unnecessary bureaucracy. Council members agreed with the Mayor, and Mr. Freiling moved the proposed revised ordinance, to amend Chapter 21, Article IV, Section 21-619 of the City Code, be referred to the Planning Commission for their consideration and recommendation to Council. Mr. Braxton seconded the motion which carried by roll call vote of 5-0.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Knudson
No: None
Absent: None

Citizen Involvement in FY 11 Budget Process

Mr. Tuttle stated that the City is always looking for ways to engage citizens in decisions that will impact them. He asked Communications Specialist Kate Hoving to brief Council on the City's experience with the firm "Peak Democracy" and demonstrate their "Open City Hall" software and system. Mr. Tuttle added that this system could be helpful over the next few months as we seek to engage our citizens in difficult budget decisions facing Williamsburg and all local governments in this recession.

Ms. Hoving reviewed the methods currently used to provide information to the community and how the City receives and shares comments from the community. She said this would provide another opportunity for citizens to comment on City issues and explained Peak Democracy's "Open City Hall" concept:

- "Open City Hall" is an online public comment process monitored by Peak Democracy to have the order and decorum of a government meeting
- Residents can read what many are saying online and make their own statements on their own schedule from the privacy of their own homes
- Peak Democracy provides moderation, authentication, support and privacy services
 1. Moderation -- Using software and staff, Peak Democracy inspects every statement for disruptive content. If a disruptive statement is found, Peak Democracy moves the statement to a separate web page and contacts the author.
 2. Authentication – To prevent any one person from dominating the forum, each participant is limited to one statement per topic. To enforce that limit, and to identify which statements come from inside the community, Peak Democracy collects and authenticates each participant's real name, home address and email address.
 3. Support – Peak Democracy provides personal attention via email to any user that requires special assistance – whether it's a general question about "Open City Hall" or a technical problem in the user's browser.
 4. Privacy – Peak Democracy does not share the user's registration information with anyone – not even with the City – without the user's consent.

Ms. Hoving noted that Peak Democracy offers the ability to contract month by month -- \$200 regularly, but as Alliance for Innovation members it would be \$160 for the City. In response to Mr. Freiling's question, Ms. Hoving answered that Peak Democracy does not provide authentication of a person's residence location. There was discussion regarding how a participant's residential locality could be accurately confirmed and how any misinformation posted can be corrected. Council members thanked Ms. Hoving for the presentation, noting it reflects a lot of work and promise. Mr. Freiling expressed concerns about the anonymity issue and yet the importance of knowing the person making the comments lives within the City's jurisdiction. Ms. Hoving requested feedback on the ease of use as well as other issues so an appropriate design can be crafted. Mr. Tuttle said that depending on the City's experience with this on-line forum during the budget process, we may want to continue it in the future to facilitate other public discussions.

City Attorney Report

City Attorney Retires

City Attorney Joe Phillips announced he will be retiring effective July 1, 2010. Mayor Zeidler said she is sorry to be losing Mr. Phillips who has been with the City since 1974. She added that she hopes he will be available to share his base of knowledge from all those years of service to the citizens of the City of Williamsburg.

UNFINISHED BUSINESS -- None

NEW BUSINESS

Appointment to Boards and Commissions

Mr. Haulman moved that City Council appoint James L. Ramage to the Social Services Advisory Board effective immediately for a term to expire June 30, 2011. Ms. Knudson seconded the motion which carried by roll call vote of 5-0.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Knudson
No: None
Absent: None

OPEN FORUM

Mayor Zeidler opened the Open Forum portion of the meeting for comments on any topic.

There being no comment the Open Forum was closed.

ADJOURNMENT

There being no additional business before the Council Mr. Freiling moved for adjournment at 3:50 p.m. Mr. Braxton seconded the motion which carried by roll call vote of 5-0.

Approved: March 11, 2010

Jeanne Zeidler
Mayor

Donna Scott
City Council Clerk