

**WILLIAMSBURG CITY COUNCIL  
MINUTES  
JULY 8, 2010**

The Williamsburg City Council held its regular monthly meeting July 8, 2010, at 2:00 p.m., in the Council Chambers of the Stryker Building, 412 N. Boundary Street, Williamsburg, Virginia.

**CALL TO ORDER and WELCOME TO NEW COUNCIL MEMBERS**

Mayor Clyde A. Haulman called the meeting to order and welcomed new Council members, D. Scott Foster, Jr. and Douglas G. Pons who were elected for four-year terms in May 2010.

**ATTENDANCE**

Present in addition to Mayor Haulman and Messrs. Scott Foster. and Doug Pons were Vice-Mayor Paul T. Freiling, and Council member Ms. Judith Knudson. Also present were City Manager Jack Tuttle, City Attorney Christina Shelton and Council Clerk Donna Scott.

Staff Attending: Assistant City Manager Jodi Miller, Economic Development Director Michele DeWitt, Communications Specialist Kate Hoving, Deputy Planning Director Carolyn Murphy, Finance Director Phil Serra, Public Works and Utilities Director Dan Clayton, Parks and Recreation Director Lori Rierson, Major Andy Barker representing Police Chief Dave Sloggie, Fire Chief Pat Dent, Human Services Director Peter Walentisch, and Commissioner of the Revenue Judy Fuqua.

**COUNCIL MINUTES**

Ms. Knudson moved that Council approve the minutes of the June 7 Work Session, the June 10 Regular Meeting, and the June 16 and 18, 2010 Special Meetings as submitted. Mr. Foster seconded the motion. The motion carried by roll call vote of 5-0 except for the June 16 minutes from which Mr. Freiling abstained.

Recorded Vote on the Motion:

Aye: Knudson, Pons, Haulman, Freiling, Foster

No: None

Abstain: Freiling (from June 16 minutes because he was absent from the meeting)

Absent: None

**MATTERS OF SPECIAL PRIVILEGE**

**Excellence in Service to Williamsburg**

Mayor Haulman presented a plaque and read the proclamation honoring Robbie Herrmann, Water and Sewer Division, Public Works & Utilities Department.

Mayor Haulman noted that Mr. Herrmann began his career with the City of Williamsburg thirteen years ago reading water meters. He has faithfully and effectively served the citizens, working his way up to the position of Supervisor for the Water & Sewer Division of the Public Works and Utilities Department. Robbie has spent many long hours, at all times of the day and night, in the most difficult of circumstances, to keep the water and sewer service flowing for the benefit of every Williamsburg resident, business, and visitor. He is a true public

servant and is recognized for his dedication to excellence in keeping with the best traditions of public service in the City of Williamsburg.

Robbie thanked Bob Iversen, Curtis Jones and Paul Reeser for their support, and said without them he would not be where he is today. He also thanked the other employees in the department, saying they work as a team and a family, working together to accomplish all they do.

## **PUBLIC HEARINGS**

**PCR #10-007: Request of L&B Quarterpath, LLC, to amend the text of the RM-2 District to allow duplexes to have one 25-foot wide lot and one 35-foot wide lot, instead of two 30-foot wide lots. *Proposed Ordinance #10-13***

Deputy Planning Director, Carolyn Murphy, presented the Zoning Ordinance text amendment request. She noted the purpose for the request is to allow the developer of the Village at Quarterpath to have more flexibility in the design of the duplex dwellings. The proposed amendment would enable the developer to provide a variety of features and pricing.

It is proposed to modify the lot width requirements for duplex dwellings to allow a minimum lot width of 25 feet, with a total lot width of 60 feet for both duplex lots. The existing ordinance requires a minimum lot width of 30 feet, and a total lot width of 60 feet for both duplex lots. This change will allow duplexes to have one 25-foot wide lot and one 35-foot wide lot, instead of two 30-foot wide lots, and will apply to all RM-2 Districts. The allowable density of 14 dwelling units per net acre in the RM-2 District will not be increased.

The applicant states that the current 30-foot minimum does not allow for a unit to be offered with a downstairs master bedroom. If this request is approved, the downstairs master bedroom unit will be constructed on one side of the duplex lot while a more affordable home will be constructed on the smaller 25-foot wide lot.

Ms. Murphy noted that no one spoke for or against the amendment at the Planning Commission meeting Public Hearing on June 16, and the Commission recommends to City Council that the zoning text amendment be approved. In response to Mr. Freiling's question, Ms. Murphy confirmed that changing the minimum lot size would also permit the flexibility to have lots of 26 feet and 34 feet.

Mayor Haulman opened the Public Hearing.

There being no comment the Public Hearing was closed.

Mr. Freiling asked for the rationale for the original ordinance specifying 30-foot lots, and Ms. Murphy replied that the thinking at the time was that it was a good plan, but with this development, the amendment would allow more flexibility. In response to Mr. Freiling's query, she said there is no down side to the change.

Council members expressed appreciation for the flexibility the amendment would allow to construct more affordable units as well as providing an option for a first floor master bedroom. Mr. Freiling said something that is very important to the citizens in Williamsburg is the

aesthetic quality of the project and noted that one of the down sides of having a straight 30-foot lot is that there is a more uniform look across the row of the duplexes; somewhat cookie-cutter like. However, getting the break in this would potentially eliminate some of that to make it more appealing. He added that to him it makes a lot of sense.

Mr. Freiling moved that City Council approve the zoning text amendment to allow a 25-foot minimum lot width for a duplex dwelling in the RM-2 Multifamily Dwelling District. Ms. Knudson seconded the motion which carried by roll call vote of 5-0.

Recorded Vote on the Motion:

Aye: Pons, Foster, Haulman, Freiling, Knudson

No: None

Absent: None

Adopted Ordinance #10-13

## **REPORTS**

### **Monthly Financial Statement**

There were no additional comments from staff.

### **Monthly Departmental Operating Reports**

Mr. Tuttle noted that we have had a very dry June, but have had a higher level of rainfall for this calendar year compared to last year, so the water level in the reservoir is still above the spillway, and we are in good shape going into the summer months. In response to Mayor Haulman's question, Mr. Tuttle said we are a long way from having to consider water rationing. Prior to turning to that option we would first look at doing a draw-down of the Newport News water in full amounts, then look at various conservation measures, with the last step being any form of rationing. Currently we are not using our own well or drawing from Newport News. Mr. Freiling pointed out that, even as dry as it has been, the report reflects only an increase in water use of 1% over this time last year.

Mr. Pons suggested this might be an opportune time to begin communicating that it has been very dry and of course water levels will decrease, so consumers should be conscious of their water consumption and not take it for granted. Mayor Haulman asked if this information might be included in the City's citizen newsletter, the "Quarterly Quill." Water Conservation Tips are included in the Water Quality Report mailed to all water customers as well as the Quarterly Quill and on the City's website.

**Planning Report – None**

### **City Manager Reports**

#### **Financial Year-end Report**

Finance Director Serra presented a recap of fiscal year 2010. The FY 2010 General Fund Operating Revenues Budget was \$32.1 million and \$31.6 million has been collected so we're under budget about \$481,000. The largest area of shortfall is the Room and \$2 Lodging Revenues that were down compared to last year; meal was fine but we were quite a bit under on Room and Lodging. Property taxes were fine, assessments held true to the prior year. Another big area of shortfall was interest earnings which were down significantly from prior

years. He said that all-in-all we are \$481,000 under budget. There will also be \$370,000 in additional Revenues Accrued; Sales Tax for Education \$70,000, Utility Taxes (2 months) \$120,000, \$2 Lodging Taxes (1 month) \$130,000, and Other \$50,000.

The FY 2010 General Fund Operating Expenditures came in at about \$29.4 million, significantly, \$2.7 million, below budget. Mr. Serra explained areas of expenditures and savings noting that there are a lot of line items where City departments cut their spending. The total estimated additional accrued expenditures are \$1.95 million.

Estimated revenues of \$32 million and \$31.3 million in expenditures, will give an operating surplus of about \$673,000 in Operations. Mr. Serra said this is only 2.1% of the revenues, not a significant amount of overage and less than we have had in prior years.

Mr. Serra explained the status of the Sales Tax Fund, estimating just under \$5.4 million in revenues and \$7.7 million in expenditures under Capital Projects, making a difference of \$2.3 million from reserves. This is a year when we have more spending than revenue because of the Capital Projects and is budgeted.

We started the year with \$26.37 million in the Reserve Fund. With the addition of revenues and expenditures we end up with a Reserve Fund balance of \$24.7 million, or about 62.6% of revenues. The City's Reserve Policy is 35%, so we are well above the Policy.

Mr. Serra concluded his presentation with a Revenue and Expenditure History which reflected the downturn in the economy. He said we've had surpluses through the years of \$1 million plus in the Operating Fund. In 2005 there was an opening-up with the increase in assessments, with the high point in 2008 when the surplus was \$3.2 million. In FY 2009 the economy turned and we ended up with \$236,000 in surplus. He said we are estimating about a \$673,000 surplus and next year about \$31.2 million is budgeted in revenues and expenditures. Mr. Serra said it will be interesting to see the trend in both revenues and expenditures over the next two to three years. He added that they always keep a watchful eye on all of it.

Mr. Pons noted the Sale of Property and the VDOT Reimbursement were unbudgeted revenue and the 2010 Revenues would have been lower by about \$1.3 million without these two items. Mr. Serra confirmed this statement and added that the Sale of Property was one of the outparcels of the High Street property.

Ms. Knudson asked about the Additional Expenditure Considerations in the report, and noted the \$1.3 million for "Other Operating Costs" seems like a lot. Mr. Serra said it is a conservative number, probably a high number, and reflects the goods and services purchased in June that have not yet been paid for. Mr. Tuttle added that when all the final accounting is done for the comprehensive annual financial report, the auditors review all the final statements in August and September and Council will get that report in November. The estimate of Expenditure Accruals may be a little higher than the final figure might be, but the Operating Surplus won't be less than \$673,709.

Mr. Freiling said even though Mr. Serra says the \$67K is a small percentage of the budget and represents only eight days of operating expenses, and even though there is the concern about the gap narrowing, in this particular time when people are concerned about their own well-

being and ability to pay their bills, it shows great care on the City's part not to be collecting more money than it absolutely needs. He added that what it really emphasizes is terrific discipline on the part of every City employee; they must be paying a lot of attention to every day-to-day activity to save that much money over the course of the year. He said he is sure he echoes all Council members' sentiment of appreciation for what the staff has done to help make this year as much of a financial success as possible. Mr. Serra responded by saying staff has held many meetings this year with the strategic planning team discussing the situation and it was made clear that we were going to live within our means. Mr. Tuttle added that the approach taken and the policies put in place ensure a balanced budget and that the City will be in the black.

Mr. Serra confirmed Mr. Pons' statement that the Room & Meal Tax and Property Taxes are the ones that have the greatest opportunity to affect the income stream. Mayor Haulman noted that changing garbage collection from twice a week to once per week, as well as other actions by City Council and staff, have paid off as we have moved into the recession. Unlike most municipalities, we have been able to continue to operate in the black. He added that we thank Phil, Jack and staff for helping us foresee what is coming and react to it.

Mr. Foster said he noticed expenditures for Education has changed little, and knowing we dodged the bullet from the state budget this year, he asked if there a projection of how that will change next year. Mr. Serra explained that the money budgeted for education is a contractual number and that number won't change unless there is action by the James City County Board of Supervisors; if they change their allotment, we will have to change ours. He noted the difference Mr. Foster noted is administrative costs for salaries, not for operations, and what is in the budget is what we will pay the School Board. Mr. Haulman added that we have about 8% of the students in the school division and in the past we have tried to protect the schools as much as possible when cuts came from Richmond, whether we will be able to do that into the future is an important question and will be an important part of our budget discussions.

Mr. Freiling said the freezing of the local composite index and the deferral of the payments to VRS are issues that we as a community are going to have to deal with very soon and they could be compounded by other issues we are going to face on the operating side. Mr. Haulman agreed, adding that we can all look forward to a challenging budget process for the next fiscal year and beyond.

**Residential Permit Parking Amendment, Proposed Ordinance #10-14**

Major Andy Barker, Williamsburg Police Department, presented the proposal to create an alternative process for determining whether or not a street qualifies for the limitation on non-resident parking. He said that Section 11-241 of the Williamsburg City Code authorizes the City Manager to limit parking by non-residents on certain residential streets. One of the two criteria that must be met in order for a street to be designated as one with a limit of non-resident parking, is that the number of parking spaces on the streets within a regulated area occupied by vehicles exceeds 75% of the number of spaces available. Occasionally, non-resident parking is a significant problem at one end of a street, but less so at the far end, and as a result, the "75%" test may not be satisfied over the entire length of the street.

The proposed amendment provides that 75% of the fee simple owners of real property abutting a residential street may sign and submit a petition to the City Manager requesting a

limitation on non-resident parking. If, in addition to the receipt of the petition, the number of parking spaces on the streets within a regulated area occupied by vehicles exceeds 50% of the number of spaces available, and the second criteria requiring 25% non-resident parking is also met, the City Manager may limit non-resident parking on said residential street. The City Manager is still authorized to impose the same limitation without a property owner petition if both conditions contained in the existing criteria are met by conditions on a particular street.

Mayor Barker responded to questions from Council members including an explanation of the method of conducting parking surveys and which streets close to the William and Mary campus have time restrictions or “no parking” imposed. Mayor Haulman said the proposed amendment creates some flexibility for unusual circumstances and appears to be fair and equitable.

Mr. Freiling questioned the 75% figure, noting the difficulty in sometimes getting in touch with property owners, and suggested flexibility on the number; possibly starting with 75% but being open to amending that figure. He added that he would hate to see the will to have the restriction, but just for other logistical reasons it was impractical to meet the threshold. Mr. Tuttle responded that the intent is that the petition would require a super majority and the 75% figure reflects 3/4 of the property owners on that street have been located and want the regulation imposed; if the number is 2/3 it would still satisfy the intent.

Mr. Freiling moved that City Council adopt *Proposed Ordinance #10-14*, amending Section 11-241 of the Williamsburg City Code creating an alternative process for designating a street for limitation of non-resident parking, with a change within that proposed ordinance to read 67% instead of 75% of the fee simple owners. Ms. Knudson seconded the motion which carried by roll call vote of 5-0.

Recorded Vote on the Motion:

Aye: Pons, Foster, Haulman, Freiling, Knudson

No: None

Absent: None

Adopted Ordinance #10-14

### **Elimination of Printed City Council Agendas – Use of Electronic Readers**

Information Technology (IT) Director, Mark Barham, presented an iPad to the Mayor and showed an instructional video of its application.

Mr. Barham said that currently the City spends about \$2,000 per year in direct printing costs for agenda packages for City Council meetings and work sessions; the printings equate to about 34,320 pieces of paper, or roughly 69 reams of paper. The goal of the iPad use would be to eliminate printed materials for City Council meetings, and also enhance email and web access for Council members. Also, the elimination of the printed agenda packets would be another step in the City’s commitment to an environmentally responsible work place.

After reviewing current electronic reader technology, Mr. Barham and IT staff has determined that the Apple iPad is the preferred device for the City’s needs. The purchase of the iPads would be about one-third the cost of the currently used laptops. Although IT staff would instruct each Council member individually on the use of the device, training would be minimal due to the intuitiveness of the iPad.

After Council members asked several questions about the iPad's capabilities, and received assurance that the meeting packet would continue to be posted online, Mr. Freiling moved that City Council authorize the elimination of printed agenda packets for Council meetings and work sessions in favor of electronic readers. Ms. Knudson seconded the motion which carried by roll call vote of 5-0.

Recorded Vote on the Motion:

Aye: Pons, Foster, Haulman, Freiling, Knudson  
No: None  
Absent: None

### **City Attorney Report**

Mayor Haulman welcomed Christina Shelton and congratulated her on her appointment as the City Attorney.

## **UNFINISHED BUSINESS**

### **Appointments to Boards and Commissions**

Vice-Mayor Freiling announced that on June 16 and 18 City Council held interviews for the vacancy on the Planning Commission created by Doug Pons' election to City Council in May. He said that as a result of those interviews, Council is pleased to announce that:

DANIEL QUARLES has been appointed to the Planning Commission to fill the unexpired term of Douglas Pons to expire December 31, 2010 and that

DEMETRIOS FLORAKIS has been appointed to the Architectural Review Board to fill the unexpired term of Daniel Quarles to expire December 31, 2012.

Mayor Haulman thanked Daniel Quarles for his continued service and welcomed Mr. Florakis.

## **NEW BUSINESS**

### **Appointment of City Council & City Staff Members as City Representatives to Various Boards and Committees**

Mayor Haulman read a number of the appointments and noted that the entire list of appointees is on the City's website, as well as being included in Council's Policies and Procedures Manual.

### **Surry Coal Plant**

Mayor Haulman stated that he has heard a desire from Council members to address the Surry Coal Plant and asked staff to research the issue and prepare the necessary information needed for Council to take a stance.

### **City Council Meeting Time**

Mr. Foster said that when he was campaigning for election, he heard an element of concern among some folks about the current 2:00 p.m. time for Council meetings. He asked that Council consider changing the time of the meetings to an evening hour. Mayor Haulman asked staff to prepare a proposal with the pros and cons of such a meeting time that would be useful for discussion.

## **OPEN FORUM**

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

**Ron Kirkland**, 249 York Street, regional general manager of the BlueGreen Corporation, owner and operator of the Patrick Henry Inn, Patrick Henry Square and the Colonial Capitol Inn, noted that they provide leisure hotel accommodations as well as time-share products and currently provide over 100 jobs in Williamsburg and paid in excess of \$250,000 in taxes in 2009. He said that for the most part they are very pleased for what they get in return for their tax contribution, however there is a growing concern with tax money they are required to pay that is used for tourism promotion; in their case, over \$75,000 in 2009. He said they would be more enthusiastic about writing that check if they were seeing results. He noted that we are currently in the midst of what he thinks will turn out to be the worst year for tourism in Williamsburg that anyone can remember; this is a trend that began years ago and has continued to make a steady decline.

Mr. Kirkland asked that Council not wait; please, today, start having serious discussions and set out to make decisions that will affect wholesale changes in the way the City funds tourism promotion and do it with a sense of urgency. If nothing else, look at what we've been doing the last four years and do the opposite; it can't get much worse. We no longer have the luxury of time for studies, committees or continuing with the status quo. The traditional resources looked to for guidance cannot be the only ones for this Council. Please also look to the many independent hoteliers and restaurateurs when you seek opinion on which direction to move. He suggested the easiest way to do this would be through open dialog with the Williamsburg Area Restaurant Association and the Williamsburg Hotel and Motel Association. These organizations represent a majority of motels, hotels and restaurants in the City, but are considerably under-represented in the City's tourism partners, and results are telling us that this lack of representation is part of the problem and that has to change. We need Council to hit the road running today. The local tourism industry is withering on the vine and it's not due to the heat. We need your help and leadership today, please. Mr. Kirkland thanked Council for their time and consideration.

Mayor Haulman thanked Mr. Kirkland for his remarks and assured him that his concerns will be a point of consideration at City Council's retreat next month and as we move into the fall months.

There being no additional comment the Open Forum was closed.

## **CLOSED SESSION**

At 3:10 p.m., Mr. Freiling moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph 1, concerning annual personnel evaluation, and for the purpose of discussing one property matter per subparagraph 3, regarding the acquisition of property for economic development of which discussion in an open meeting would adversely affect bargaining or negotiation strategy of the public body. The motion was seconded by Ms. Knudson and carried by roll call vote of 5-0.

Recorded Vote on the Motion:

Aye: Pons, Foster, Haulman, Freiling, Knudson  
No: None  
Absent: None

The Mayor called for a five-minute recess prior to going into Closed Session.

**OPEN SESSION**

A 4:50 p.m. Council again met in Open Session for certification of the closed meeting.

**CERTIFICATION OF CLOSED MEETING**

Date: July 8, 2010

Mr. Freiling moved to approve the certification of a closed session pursuant to Section 2.2-3712 of the Code of Virginia. Ms. Knudson seconded the motion which carried by roll call vote of 5-0.

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Committee that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

Recorded Vote on the Motion:

Aye: Knudson, Pons, Haulman, Freiling, Foster  
No: None  
Absent: None

Absent During Vote: None  
Absent During Meeting: None

**ADJOURNMENT**

There being no additional business before the Council, the City Council meeting of July 8, 2010 was adjourned by unanimous roll call vote at 4:52 p.m.

Approved: August 12, 2010

Clyde A. Haulman, Mayor

Donna Scott, City Council Clerk