

**WILLIAMSBURG CITY COUNCIL
MINUTES
DECEMBER 9, 2010**

The Williamsburg City Council held its regular monthly meeting on Thursday, December 9, 2010, at 2:00 p.m., in the Council Chambers of the Stryker Building, 412 N. Boundary Street, Williamsburg, Virginia.

CALL TO ORDER

Mayor Clyde A. Haulman called the meeting to order.

ATTENDANCE

Present in addition to Mayor Haulman were Vice-Mayor Paul T. Freiling, and Council members Ms. Judith N. Knudson, and Messrs. D. Scott Foster, Jr. and Douglas G. Pons. 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, Planning Director Reed Nester, Finance Director Phil Serra, Parks & Recreation Director Lori Rierson, Major Greg Riley representing Police Chief Dave Sloggie, Burke Humphrey representing Fire Chief Pat Dent, Human Services Director Peter Walentisch, Public Works & Utilities Director Dan Clayton, Commissioner of Revenue Judy Fuqua, Williamsburg Redevelopment and Housing Authority Director Andy Hungerman and IT Director Mark Barham.

COUNCIL MINUTES

Mr. Freiling moved that the minutes of the November 1 Special Work Session, the November 8 Regular Work Session, the November 12 Regular Meeting, and the November 9 and 30 Special Meetings be approved as submitted. Ms. Knudson seconded the motion which carried by roll call vote of 5-0.

Recorded Vote on the Motion:

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

MATTERS OF SPECIAL PRIVILEGE

Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2010

Mayor Haulman, serving as Chairman of the Finance and Audit Committee, stated that the Committee met on December 1. Committee members are Gwen Williams and Bob Taylor. The annual meeting of the Finance and Audit Committee is held with the auditors and staff to discuss the audit engagement, internal controls and for a briefing on the Financial Report and results of operations for the year. Also at the meeting there is the opportunity to discuss concerns the auditors may have regarding internal controls, staff training, or anything they feel needs to be addressed based on their financial review of the systems and procedures in place during the year.

Mayor Haulman said the Committee heard a presentation by Anne Wall, Manager with Robinson, Farmer, Cox Associates, centered on the audit engagement, internal controls, and accounting standards; those standards in place now and those that may be required in the City's Comprehensive Annual Financial Report. Finance Director Phil Serra gave a report on the operating results and financial position at year end. The minutes of that meeting have been distributed to City Council members and are available online.

Mayor Haulman introduced Anne Wall, Audit Manager, who presented a report on the audit engagement, followed by Finance Director Phil Serra's presentation of the results of the operation for the year.

Ms. Wall stated that as part of the Audit Engagement, they issue three opinions. The City received an unqualified opinion on its financial statement which means the statements were materially correct and presented in accordance with generally accepted accounting principles. The other two opinions deal with the auditor's report on the City's Internal Controls and one under the compliance of an OMB section which deals with federal program dollars. Ms. Wall said there were no issues with those areas and were all clean opinions.

The City also submits the Report to the Government Finance Officers Association for review, and for the last twenty-four years the Report has received the Certificate of Achievement for Excellence in Financial Reporting. Ms. Wall added that she believes this Report will also receive the award as well, and noted the City Financial Services Department assisted greatly in the preparation of the Report. She reported City staff was very cooperative, excellent and very professional. There was no management letter issued this year. She concluded her comments by noting the Report can be found on the City's website.

Finance Director Phil Serra presented a series of slides and reviewed the results of operations for the two main funds, the General Fund and the Utility Fund. He demonstrated revenue and expenditure trends using graphs.

Total Revenue for the year is \$36.6 million compared to \$37.1 million last year, down 1.3% for the year. 81% of the total revenue taken in was in property and local taxes, and combined they were down about \$200,000 a year. Including capital projects spending, total expenditures were \$37.3 million compared to \$39.1 million last year, a reduction of 4.6%. Taking into consideration just the operating revenues, Mr. Serra said the General Fund was \$25,000 over budget for the year, property taxes were over about \$200,000, other local taxes were down about \$320,000 mainly due to the \$2 lodging tax & room tax, and interest earnings were down significantly for the year. Overall, revenues are over budget by about \$25,000, right on target with the budget.

Total Expenditures was \$1.8 million under budget. The jail spending was over budget because of the higher population than had been expected. About \$1.5 million of the \$1.8 million under budget came in from the City departments with Operations savings being the majority of it.

Taking Revenues over budget, \$25,151, and Expenditures under budget, \$1,803,821, the Operating Surplus for the year was \$1,828,972. Mr. Serra said that from 2003 to 2006 we have had \$1 million in excesses, the differences between Revenues and Expenditures. In 2007 with the property assessments increasing, we had a \$2.7 million surplus, \$3.3 million

surplus in 2008, and everything changed in 2009 with a \$236,000 difference. For 2010, we have a \$1.8 million difference between Revenue and Expenditures.

Regarding General Fund Balance, we began the year with a total of \$26.4 million, adding in the \$36.6 million in Revenues and the Sale of Land (Roseland contract final phase) and deducting the Expenditures of \$37.3 million and the transfer to the Public Assistance Fund brings the Fund Balance at the end of June 2010 to \$26 million. Breaking down the Fund Balance: Unreserved is \$19 million, Designated for Capital Projects is \$6.8 million and Designated for Health Care Costs is about \$220,000. Mr. Serra said that in terms of Fund Balance, the City's policy is 35% of Operating Revenue, or about \$11.3 million; the City is well within the Reserve Policy at 59.2%.

Regarding the Utility Fund, Revenues were \$5.66 million and Expenses were \$5.60 million for an operating income of about \$60,000. Interest income and connection fees brought in about \$30,000, deducting the interest cost, the majority of which is the debt service on the new Newport News Water Agreement; the Net Income was a negative \$330,000. He said that more importantly, looking at working capital for the Fund, Cash Investments for the year were \$4.4 million, with \$1 million in receivables, compared with what was due within a year of \$1.5 million, giving a working capital of \$3.9 million compared to about \$4.4 million last year.

Mr. Serra said he is very concerned about the schedule of progress we're making in funding the City's pension plan. The latest actuary evaluation is almost 1½ years old, but at that point the value of the assets that are backing the promise to pay the pension for existing and future retirees has a gap of \$7.3 million; we're about 85.6% funded. He added that the new June 30, 2010 evaluation will be received in January and hopefully it will be better. Before 2002 the City was fully funded and since then the gap has been widening between the relationship between the value of the assets and the promise of those benefits over time.

Mayor Haulman thanked Ms. Wall and Mr. Serra. He asked how the expenditure savings that have been made has impacted the quality of services in the City. Mr. Tuttle responded that overall the quality of services has not declined due to the decrease in expenditures. Employees have stepped up to fill the gaps due to the 6% drop in employees from two years ago. He added that some of the savings are from deferred things that will need to be done in future years, so this is not something that can be counted on every year as a savings.

Mr. Freiling noted that when thinking about the budget, there are two aspects, the revenues and the expenditures. Once the budget is established, during the course of the year there are a number of things that can be done that impact expenses and we've seen that remarkably well done by City staff the last several years. He thanked Mr. Tuttle and everybody in the City for making those expense reductions happen. Once the budget is done, there are only so many things that can be done to increase the revenue because those guidelines are set, the tax rate is set, and there is not much the City can do to impact that. He said that what is incredible is coming within \$25,000 of the budgeted revenue amount out of \$36 million; it's unbelievably close. He added that he doesn't know how much of that is just living right or good luck, but an incredible amount of effort must be involved; it's very impressive.

Mr. Tuttle noted that not too many years ago the revenues were underestimated every year, so being \$25,000 to the good may have been several hundred thousand or even \$1 million to the good, but as we've seen estimates getting closer and closer to the line, and there is only \$25,000 difference on a \$30+ million budget, it is really right on, and we do not like to be right on; we prefer to have a cushion.

Mayor Haulman thanked Mr. Serra to whom a lot of credit goes for being very careful and conservative in his estimates and for doing a terrific job.

Mr. Freiling thanked City staff for the savings reflected in the Report. He asked about the status of the repaving projects since a significant amount of money was saved in that area. Public Works and Utilities Director Dan Clayton stated that the City has been able to take advantage of stimulus funds this year on the paving so quite a bit was done. There was also some money left over from the stimulus for this whole region and we were able to take advantage of that money. All the streets that we had planned to pave with the stimulus money have been paved and we also have some City funds budgeted that we will use for additional paving; we are catching up pretty well on the paving projects.

Mr. Pons echoed appreciation for Mr. Serra's work and the many sacrifices made by City employees to help keep wages down; there's been no wage increase in two years which is significant and we should all be mindful of this. Their expenses have increased and they have taken on additional responsibilities to make sure the City maintains quality services to the residents.

Ms. Knudson said this is where the rubber hits the road. They can fiddle around in Washington and Richmond, but we have to balance our budget and provide services. This is where living within the recession really happens and making sure people get what they need in terms of the services they expect from government. She thanked Mr. Serra for keeping the City on track.

Mr. Freiling noted that we are talking about two different things: how the money was handled, the decisions on how it was spent as well as the right policies and procedures being in place to track that money and make it clear to the citizens of this community, because it's their money. He thanked Mr. Serra for being able to communicate that so effectively year after year; it is incredibly important.

Government Finance Officers Association (GFOA) Awards

Finance Director Phil Serra presented the Certificate of Achievement for Excellence in Financial Reporting for 2009. The City of Williamsburg has proudly received this award presented by the GFOA for 24 consecutive years, and has met all requirements in this peer-review program which follows national reporting guidelines.

Mr. Serra said a newer award is the Distinguished Budget Presentation Award which the City has received for 17 consecutive years. He noted that this award is much more difficult to receive because the requirements aren't as straight forward as they are for the financial statement presentation. He said we are very proud of this award in part because it includes special performance evaluation recognition. Mr. Serra thanked Council members for their support over all these years.

Mayor Haulman thanked Mr. Serra for his terrific work and asked that he let his staff know how much Council appreciates the quality work they do for the citizens of the City of Williamsburg. Mr. Serra thanked Deputy Finance Director Vickie Herrick without whom the audit could not have been accomplished.

The Virginia Torchbearer Award

Economic Development Director Michele DeWitt presented the Virginia Chamber of Commerce Torchbearer Award; the City was a finalist in the First Congressional District. The award was given for the City's Redevelopment/Demolition Loan Program; there has been about \$138,000 loaned to encourage four different redevelopment projects in the City. This has leverage \$9.6 million of private investment on those projects; for every dollar we loaned, we leveraged about \$70 of private money. In terms of new direct local taxes on the properties, not including the base land real estate tax which has already been collected, they totaled a little over \$150,000 annually. This would be a 112% annual return on a \$130,000 investment.

Mayor Haulman thanked Ms. DeWitt and asked that she thank the Economic Development Authority for their efforts in putting the program together and making it work.

PUBLIC HEARINGS

Public Comment Regarding Appointment to the Williamsburg/James City County School Board

Mayor Haulman briefly reviewed the appointment process for the City representative on the School Board. He stated that Council has accepted applications for one of the two City positions on the School Board, have interviewed the three applicants, and today will hear public comment about the applicants. State law requires that the appointment to the School Board cannot be made for seven days after this meeting. The City Council will meet on Friday, December 17 at which time the appointment will be made.

Public comments made for two of the three applicants are summarized below:

Speaking in support of applicant **Oscar Prater**:

John Whitley, 110 Governor Berkeley Road
Bobbye and Hubert Alexander, 532 Burbank Street
Clarence Wilson, 121 Huntercombe
Vernon Ross, 300 Reed Court
Sarah Linda Howard, 112 Williams Circle
James E. Baker, 42 Priorslee Lane
Thomas Shields, 132 Indian Circle
Toby Lane, 248 Yorkshire Drive
Barbara Harris, 204 Cruden Bay
Cheryl Holmes, 107 Bunche Drive

- Extensive experience. His entire professional life has been dedicated to the education of children and youth. He has taught in our school system, and has classroom to boardroom experience. He has extensive experience with planning and budget as a college administrator.
- He holds a master's degree from Hampton University and Master's and Doctor of Education degrees from the College of William & Mary.

- Has served as president of a college and a member on the Board of Trustees at a community college and is presently serving as an advisor to the president at a major university in Hampton Roads.
- He's done extensive research and published a number of articles. Among them are topics that looked at the predictors of academic performance and success, and how a teacher's perception of a student affects how he or she teaches and relates to the student.
- Can dedicate himself full-time to the position and is not focused on any special interest group. Anxious to give back to the community and see it advance.
- He is supported by branch members of the James City County-York-Williamsburg NAACP.
- Understands what competency-based teacher education is.
- Encourage & celebrate diversity by appointing an African-American. Not diversity for diversity's sake, but because he is qualified. There is a critical need and he will represent all folk. If the City and the School Board is serious about closing the gap between our minority students and the other students, then Dr. Prater is uniquely qualified to assist us in that effort.
- Well qualified with a long professional list of qualifications. He's been an administrator and a teacher
- Believes in the capacity of all students to learn.
- He is an educator and very involved in trying to bring young people to the realization of how important it is in this community to get an education that will enable them find better opportunities in life.
- He is an education intervention specialist in theory and in practice.
- He is a product of the Williamsburg community and now in his retirement has returned to the area. He knows this community well and has invested his time and energy in trying to make Williamsburg a better place for citizens and especially young people. He knows current educational trends.
- He is a change agent for education. He knows how to measure and get results.
- Being a product of Dr. Prater's teaching, it was said that he taught them, worked with them, and never left them; he continues to check on the youth in our community. We need folk who have experienced what they are going through to be able to help them. Let's make a difference by appointing this African-American and give him the opportunity to help us; all children need the opportunity to live in this beautiful dream world.
- He is a man of integrity and a man that we in the community trust and love. He is a man of faith and stands up for what he believes.
- He has overcome many boundaries and wants to see young people realize there are no boundaries that they cannot overcome with hard work and dedication.
- He needs to be commended for consenting to apply for this position; he could just rest on his laurels, but he wants to work and bring about an improved academic level.
- He is able to function as a team member. How many who have served as president of universities are willing to come and assist another president of a university? Many would feel that that would be beneath them, yet he is here serving as a team member with the president of Hampton University. He is an example par excellence. We need him; we need that kind of quality, particularly in public service.

- We need people to work together and put egos to rest; he is the man who can do that. He has a sense of humor and can laugh at himself; traits that will serve him well on the School Board, or any board.
- He listens and evaluates issues. He is dependable and reliable.
- He is comfortable with himself, can work objectively, and wouldn't take things personally. It can be counterproductive to take board business and the inevitable criticism personally and is important to maintain an objective perspective. Enthusiastically recommend his appointment.
- He knows the community well.
- His presence on the School Board would represent a segment of the population that is often under served. Your selection of Dr. Prater would indicate your awareness of the fact that the present Board does not adequately represent all of its constituents.
- He has the ability to communicate effectively regardless of class or culture.
- He is not just a fair-weather friend. When the historically black institutions were in trouble --- when budgets had to be balanced and there were political threats to schools, he was there; he stood with them. We appreciate what he did for historically black institutions at a time when they were in trouble.

Speaking in support of **Kyra Cook**:

Richard Chew, 521 E. Francis Street

Cristina Klee, 115 Berkeley Lane

Sarah Stafford, 109 Adams Street

Tyler Trumbo, 433 Prince George Street, Apartment One

- She has the experience, talent and tools required for the position.
- She has prepared, recommended and managed large budgets for several groups. She has coordinated cultural events involving local state and federal agencies. She's worked with people in the local government, the PTA, the College of William & Mary and the Williamsburg Regional Library. She has won awards for her service and is uniquely qualified for the position.
- Her commitment to the community is long-standing and she is willing to make the necessary commitment to be an effective member of the School Board.
- Her current employment with the Historic Triangle Collaborative and her former efforts for the Jamestown 400th Anniversary Celebration demonstrate her dedication to the welfare of Williamsburg residents and her engagement and understanding of our community.
- She completed her undergraduate degree at William and Mary.
- Having taken both group classes and private lessons in pottery from her, she has experience both in the classroom and teaching pupils one-on-one. She understands that students learn in many different ways.
- It's important that there is a voice for arts education on the School Board.
- One of the most important reasons we need her on the School Board is that she speaks for young families with children in the school system. Having two elementary children in the school system, she would bring a valuable perspective to the Board.

- She has a comprehensive understanding of the issues before school administrators and parents by providing them with a reasoned, well formed voice. Staff and parents often look to Kyra as the PTA Council representative for a knowledgeable explanation of concerns. The W-JCC school district would be well served if her calm and educated voice were to become a part of the School Board.
- It's important that one of our school representatives has children in the school system and is able to see what is actually going on in the classroom.
- She has had a wide range of professional and business experiences, many with limited resources. Both she and her husband have run their own businesses for years and have done everything, including budgeting and financial planning. She knows how to work creatively with people and get people with different perspectives to work hard toward a common goal.
- The Young Professionals of Williamsburg (YPoW) wholeheartedly endorse her appointment. The YPoW is a group of 20 and 30-somethings that live in the City; teachers, parents, business owners, and employees of both the College of William & Mary and the Colonial Williamsburg Foundation. Members are renters, property owners, and are invested in the current state and future of the City of Williamsburg.
- Kyra sought out the group's perspectives on a variety of issues and encouraged them to become more active in the community, volunteering for events such as An Occasion for the Arts, and to establish relationships with City leaders and organizations, and hosting an open forum discussion during the last City Council election.
- She understands the value of diversity of opinion and bridges gaps and initiates conversations,
- Her organizational, interpersonal, creative, managerial and budgetary skills are all demonstrated in Kyra's professional background.

There being no additional comment the Public Hearing was closed.

Mayor Haulman stated that Council will deliberate and meet on Friday, December 17 for the appointment decision.

REPORTS

Monthly Financial Statement

Mr. Tuttle pointed out under the "Status of Funds," "Enterprise Fund," there appears to be a large jump in the Enterprise Fund from three months ago from a balance of \$4.1 million to \$6.2 million, but the reason for that is we received about \$1.5 million for a proffer from Riverside that will be spent on the water tank. Because of this it looks like we have \$1.5 million more than we really will have.

Monthly Departmental Operating Reports

Ms. Knudson thanked the Landscape Department for planting over 8,000 flower bulbs throughout the City and noted next spring it will be gorgeous.

Mr. Foster asked about the four new businesses in the City. Mr. Tuttle responded the new businesses are Cardinal Survey and Design, Joseph Massicotte, P.C., Medical Imaging Software Technologies, and the Rainbow Buffet.

City Manager Reports

Peninsula Commission on Homelessness, *Proposed Resolution #10-14*

City Manager Tuttle introduced *Proposed Resolution #10-14* authorizing and directing the City Manager, on behalf of the City of Williamsburg, to execute an agreement among the Virginia Peninsula Localities on Homelessness, Hampton, Newport News, Poquoson, Williamsburg and the Counties of James City and York.

The Peninsula Commission on Homelessness was convened in 2005 by the Virginia Peninsula Mayors and Chairs as a regional framework to address this problem. In December 2008 the City's initial funding was \$2,759 annually based on a per capita share; and funding to continue participation is in the City's FY 2011 budget. The City's funding share remains at \$2,759.

As a result of the Commission's work, there is now a new data base, the Homeless Management Information System (HMIS) and other coordinated efforts in place locally and regionally to address this problem that has been exacerbated by the current recession.

Human Services Director Peter Walentisch noted a full report, "The Virginia Peninsula Regional Plan to End Homelessness: 2009-2019," was presented to City Council in November 2009. He said, in his opinion, the creation of the Commission in 2005 was one of the most strategic and timely decisions in the human services area that the six Peninsula localities made. This is because homelessness on the Peninsula was increasing and after 2001 there were a number of economic issues that we were already facing. Also, little did we know that by 2008, we would be facing one of the worst protracted recessions in recent history. The timing could not have been better. What the Commission did in anticipation was to create an integrated framework and comprehensive approach across the Peninsula between the public and private sectors to address the various issues of homelessness, homeless prevention, and life crises that people face.

Mr. Walentisch noted a couple of the more significant issues. Because of the coordination and structure that was put into place with the Commission, it was like an umbrella for everything else happening on the Peninsula under the localities' jurisdictions. He said \$600,000 was acquired from the pass-through agency, Hampton/Newport News CSB, partly because the Commission was already in place. The six localities received \$100,000 each toward the end of 2009 to use for citizens facing economic crisis and those particularly who were losing their apartments. The City of Williamsburg was one of the localities that received \$100,000 and it was spent in only seven months, which tells us something about the severity of the recession.

He pointed out that most of the people who were assisted, were well-intentioned, blue collar, hard working families. Some were professional people who had lost their jobs and had very little to fall back on. The receipt of the \$600,000 was largely due to the existence of the Commission that had already put in place a structure of services in the area. Also, there was a continuum of care in place, a consortium of approximately 15 to 20 agencies across the Peninsula, Avalon being one of them, that were annually applying for HUD monies to serve individuals who were at risk in a crisis. It's because of the Commission's existence that \$1.5 million was received by the agencies. The fact that the Commission was in place gave them a fairly good competitive edge statewide because they knew that the local governing bodies and other entities were behind them. We have a very small share of money that goes into this effort with a very high return across the board. Our share is money well spent.

Mr. Walentisch noted the importance of the Homeless Management Information System (HMIS) which gives the human services department a good handle on tracking people and helps to locate weak areas. He reported that another very successful program is the Historic Triangle Housing, Employment, and Linkages Project (H.E.L.P.) created by the local task force to assist people working toward self sufficiency.

Mayor Haulman thanked Mr. Walentisch for his comments and his efforts. Mayor Haulman noted Mr. Walentisch's leadership role on the Peninsula and thanked him for representing Williamsburg exceptionally well.

Mr. Freiling stated that the complicated challenges of homelessness must be dealt with on a regional basis and helping people when they are at their most vulnerable stage in their life is critical. Homelessness is not a problem that can be solved, but rather something that we will continually need to deal with. Mr. Freiling said it seems the only way to meet those challenges and to be continually more effective is to leverage all the resources at our disposal which is what the Commission is doing, particularly for such a small amount of money. Renewing the agreement is something we absolutely should do. Mr. Foster agreed with Mr. Freiling's comments as did Mr. Pons. Ms. Knudson agreed it is a very small amount of money, but she suspects it involves a huge amount of time for Mr. Walentisch. She thanked Mr. Walentisch and added that it's very well worth it to the community.

Mr. Freiling moved that City Council adopt *Proposed Resolution #10-14*, authorizing the City Manager to execute a modified agreement; provided that all six localities (the cities of Hampton, Newport News, Poquoson, and Williamsburg, and the counties of James City and York) participate, with the City share remaining at its present level of \$2,759. Mr. Foster seconded the motion which carried by roll call vote of 5-0.

Recorded Vote on the Motion:

Aye: Knudson, Pons, Haulman, Freiling, Foster

No: None

{Resolution #10-14}

Northeast Triangle Focus Area

City Manager Tuttle noted at the State of the City address on November 18, and as stated in the recently adopted Biennial Goals, Initiatives and Outcomes (GIOs), Mayor Haulman announced the appointment of a focus group with representatives from City boards and commissions, citizens, business owners and City staff to develop a vision for the "Northeast Triangle." The Northeast Triangle area encompasses Capitol Landing Road, Merrimac Trail, Second Street and Penniman Road. Mayor Haulman added this area "...can and should have a bright future."

The focus group members are Sarah Stafford, Ed Richardson, Mickey Chohany, Bobby Bland, Jim Bennett, Tory Gussman and Sharon Cardwell; Ms. Stafford and Mr. Chohany have agreed to co-chair the group. Three staff members will provide guidance and assistance to the Group, Deputy Planning Director Carolyn Murphy, Planning Director Reed Nester and Economic Development Director Michele DeWitt.

The proposed charge to the Focus Group is to:

Prepare a Vision Statement which paints a narrative and graphic picture of expectations and recommendations for the future of the Northeast Triangle Focus Area, including:

- *Future Land Use Designations*
- *Relations to Surrounding Areas in the City and Outside the City of Williamsburg*
- *Transportation Connections*
- *Design Expectations for Corridors and Open Spaces*
- *Economic Development and Business Opportunities*
- *Redevelopment Priorities and Architectural Character*
- *Character and Scale of Housing and Neighborhoods*
- *Community Life and Recreational Opportunities*

Complete the Vision Statement by December 2011 for use in the City's updated Comprehensive Plan in 2012.

Mr. Tuttle briefly reviewed the steps envisioned for the Northeast Triangle Focus Group and noted the Group's first meeting will be in January 2011. Mayor Haulman thanked Sarah Stafford and Mickey Chohany for agreeing to serve as co-chairs of the Group.

Mr. Freiling moved that City Council direct the Northeast Triangle Focus Group to report on the Northeast Triangle Area based on the charge and steps outlined by Council and to submit its report by the end of 2011. Ms. Knudson seconded the motion which carried by roll call vote of 5-0.

Recorded Vote on the Motion:

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

City Attorney Report --None

UNFINISHED BUSINESS -- None

NEW BUSINESS

Follow up to Previous Comments

Mr. Pons stated that during the Open Forum at the October Council meeting, comments were made by a resident and Mr. Pons had asked for follow up on the comments. He reported that he did follow up and while he takes all comments by citizens to be important, whether positive or negative, he did find that the staff in question had done a very good job in making sure that the evidence and the documentation was in order so that proper action was taken in a timely manner.

OPEN FORUM

Mayor Haulman opened the Open Forum portion of the meeting for comments on any topic and reminded speakers that according to City Council's Policies and Procedures Manual, initially adopted in 1994, and which has been adopted every two years since, speakers will normally limit their remarks to three minutes during Open Forum, and we will begin to enforce that limit. Further, he reminded citizens that City Council will not address matters of specific litigation or enforcement whether pending or concluded. While it's Council's role to make

policy regarding its code and the enforcement thereof, it is not Council's role to address enforcement actions in any particular case; City Council meetings are not the appropriate forum for those types of discussions.

Gary Shelly, 205 Indian Springs Road, spoke about the very cold weather and although he will enjoy the cold, he will not paint his house; it is common sense that you do not paint in this kind of weather. Labels on paint cans warn not to apply the paint if the temperature is expected to fall below 35 degrees for 48 hours after application.

Mr. Shelly said that last January we had an extended cold spell and he received notice from the City and was given 21 days to paint the house; he did not paint it, there were only two days during that time that barely met minimal standards. He said he had to go to court twice regarding the house; the first time to agree on a docket date that was agreeable to City counsel, the court and himself. The second time he appeared in court was the date mutually agreed upon. Although he was there on the appointed date, City counsel was not. After a wait of 45 minutes, the case was dismissed. He said he did not receive a call from City counsel expressing an apology or a consideration for his time. Mr. Shelly said the fact was brought up at the next court date and according to the court report, City counsel said, "Your Honor, there was an error with the court date and I did not appear --- that was what happened." He stated that there was no error with the court date; it was mutually agreed upon. Mr. Shelly concluded his comments by saying Council may have a policy that such are not to be questioned, but he thinks it is important that Williamsburg citizens know about this.

Patricia Gray, 107 John Tyler Lane, said she would like to express her gratitude for two actions by City Council. The first is the letter sent to the Army Corps of Engineers and the Virginia Department of Environmental Quality expressing the City's concerns regarding the proposed coal-fired plant in Surry. The Williamsburg Climate Action Network has received comments from many people saying they were pleased with the City's action.

The second item Ms. Gray thanked Council for is the renovation of Geddy Park. It's very attractive and has certainly improved the neighborhood, and the residents are very appreciative.

Mayor Haulman said credit for the Geddy Park renovation goes to Will Fidler and the Landscaping Department, and he clarified that the letter sent regarding the coal-fired plant stated that the City will be monitoring the ongoing review process, and that we have concerns that we hope will be addressed in the reviews. The letter also stated that the City will comment at the appropriate time.

John Whitley, 110 Governor Berkeley Road, said that 99.9% of the time he comes before Council not representing any group, organization or business. However, at this time he stands before Council as Co-Chair of the Democratic party of Williamsburg. He said he's raised the question to the Greater Williamsburg Chamber & Tourism Alliance about its membership in the US Chamber of Commerce. He noted that he holds membership in the Greater Williamsburg Chamber & Tourism Alliance.

Mr. Whitley said evidence has come forth that the US Chamber of Commerce has invested significantly, approximately \$72 million, in Republican political campaigns. He said he is concerned by this and concerned by our local Chamber and their alliance with this group.

There are a number of Chambers and Alliances across the country that have denounced membership in the US Chamber and he is hoping that will happen here.

Sabrina Fairbanks, 119 Berkeley, spoke regarding the Arts District. She said they are owners of rental home properties in the proposed district and they have a few questions about how the new zoning and new ordinance would affect the rental home owner. Her questions were:

- Will they be able to continue to rent their property as College housing;
- One of their properties has been designated as an historical home and they wonder how the new zoning and regulations will effect their ability to improve those properties or perhaps build a new structure;
- Are there going to be any restrictions placed on the property if there is a transfer of ownership in the future;
- A recent newspaper article alluded that someone would be identifying properties that would be suitable for the Arts District. They wonder if their property was identified as suitable, is there the possibility that the City would acquire these properties through imminent domain;
- Will there be any more open forums so some of these property owner issues could be addressed.

Mayor Haulman responded that this is in the very early planning stages, the EDA is having meetings about this and whatever goes forward there will be multiple opportunities for public input and an opportunity to seek answers to the kinds of questions you have asked. In the meantime, Mayor Haulman suggested Ms. Fairbanks address her questions to Michele DeWitt, Economic Development Director.

There being no additional comment the Open Forum was closed.

CLOSED SESSION

At 3:50 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 concerning appointments, per subparagraph 1. The motion was seconded by Ms. Knudson and carried by roll call vote of 5-0.

Recorded Vote on the Motion:

Aye: Knudson, Pons, Haulman, Freiling, Foster

Nay: None

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

OPEN SESSION

At 4:35 p.m. Council again met in Open Session for certification of the closed meeting.

CERTIFICATION OF CLOSED MEETING

Date: December 9, 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

Nay: None

Absent During Vote: None

Absent During Meeting: None

Response to the James City County Board of Supervisors

Mayor Haulman read his proposed response to a request from James G. Kennedy, Chairman of the James City County Board of Supervisors, to hold a joint work session with the leaders of the three jurisdictions. In his response he noted the importance of reinforcing existing mechanisms of collaboration and not inadvertently lessening their perceived importance and relevance. Consensus of Council was approval of the proposed response.

ADJOURNMENT

There being no additional business, at 4:40 p.m., Mr. Pons moved and Ms. Knudson seconded the motion that the City Council meeting of December 9, 2010 adjourn. The motion carried by unanimous roll call vote.

Approved: January 13, 2011

Clyde A. Haulman, Mayor

Donna Scott, City Council Clerk