MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10th FLOOR CONFERENCE ROOM
2400 Washington Avenue
June 10, 2008
2:00 p.m.

PRESENT: Herbert H. Bateman; Joe S. Frank; William F. Haskins; Madeline McMillan; Sharon P. Scott; Joseph C. Whitaker; and Charles C. Allen (arrived at 2:30 p.m.)-- 7

ABSENT: None---------- 0

OTHERS PRESENT: Randy W. Hildebrandt; Stuart E. Katz; Mabel V. Washington; Alan Archer; Neil Morgan; Cynthia Rohlf; Butch Blanks; Allen Jackson; Michael Poplawski; Caroline Hurt; Isabela Cieszynski; Sabine Hirschauer; Lottie Vincent; John Procyson; Mike Nealer; David Mallory; Tammy Jordan; Mike Barber; Rick Moberg; Tina Vick; Everett Skipper; Carol Hogge; C.W. Powell; Carol Meredith; Ted Figura and Kim Lee

I. Update on North Recreation Center/Library Site

City Manager Randy Hildebrandt explained that Mr. Michael Poplawksi, Director, Department of Parks, Recreation and Tourism, was present to provide an update on the design efforts for the Stoney Run Community Center, also referred to as the North Recreation Center. City Manager Hildebrandt informed City Council that Denbigh Toyota was moving into their new location on Jefferson Avenue by the end of June 2008. There was no need for an extension of the lease between Denbigh Toyota and the City. This move put the City in motion to move into the final design phase for the Center.

Mr. Poplawski reminded that in 2002, when discussing the pros and cons of a number of smaller community centers versus several large centers, the decision was made to focus on the larger centers based on economics and land issues (A copy of Mr. Poplawski's presentation is attached and made a part of these minutes). He stated the cost was far less to operate one big center, rather than splitting the costs between two smaller centers, citing the example that having one person at a front desk cost less than having two people at two different centers. He further stated finding enough land to build many small centers was a challenge.

Mr. Poplawski explained that the site of the Stoney Run Community Center was on the site of the old Denbigh landfill, behind Denbigh Toyota facility at the corner of Warwick Boulevard and Mercer Lane. The Stoney Run Athletic Complex was located nearby. When Denbigh Toyota indicated they were moving to Jefferson Avenue to a modern state-of-the-art facility to take advantage of the traffic on Jefferson Avenue and they would be selling their site on Warwick Boulevard, the City opted to purchase the 6.92 acres for the Stoney Run Community Center. Mr. Poplawski indicated that acquiring the Denbigh Toyota site allowed the Center to be

moved to the front of the site, which improved aesthetics on Warwick Boulevard and allowed easier access so that citizens did not have to weave around a car lot. The Stoney Run Community Center required 18 acres: the former Denbigh Toyota site was 6.92 acres; the Super Flea property was 0.9 acres; and the Lee's Auto property was 0.43 acres. Mr. Poplawski informed City Council that the Department of Development was working to acquire the Super Flea and Lee's Auto properties.

Mr. Poplawski explained that construction of the Stoney Run Community Center was divided into two phases. Phase I included two gymnasiums, flexible multi-purpose meeting rooms, a teen center, dance rooms, a catering kitchen, restrooms, school age program room, administrative offices, storage rooms, and parking. Mr. Poplawski reminded City Council that $10.5 million was in the Capital Improvements Plan to begin construction in July of 2009. He informed City Council that the initial $10.5 million allowed for completion of Phase I, (50,000 square feet), in comparison to the Midtown Recreation Center (80,000 square feet, including the pool and outside pavilion.) Phase II of the Stoney Run Recreation Center included an aquatic center with a pool and a small water playground; additional classroom spaces; locker rooms; showers and additional parking.

Mr. Poplawski informed City Council that feedback from over 1,000 public surveys was used to ensure the plan was on target with what citizens needed. The results of the survey showed that items most important to citizens were already included in one of the two phases. Although not in the original plan, citizens requested a walking track. Mr. Poplawski indicated that it was a simple process to develop a walking track around the perimeter of the building, and possibly an indoor track.

Councilman Haskins inquired whether user fees at the Stoney Run Community Center would be the same as the user fees currently collected at Midtown Community Center. Mr. Poplawski responded that any special interest activity that should be self-supporting would be charged a fee. General purpose activities, such as park entrance would not be charged fees. The fee structure was to be re-evaluated over the next few years as budgets got tighter. In the FY 2009 budget, just over 40% of the Parks and Recreation's budget was supported by fees, charges and dedicated taxes.

Councilman Haskins inquired about the percentage of programs at Midtown Recreation Center that were fully supported by fees. Mr. Poplawski replied that 60% of programs at Midtown Community Center were fee-based, with 12% of the cost of the facility being covered by fees. He reported that no single activity was fully supported by fees.

Councilman Haskins inquired about the number of walk-in patrons at the Stoney Run Community Center versus the Midtown Community Center. Mr. Mike Barber, Assistant Director, Department of Parks, Recreation and Tourism, explained that more drop in activities were going to be at the Stoney Run facility due to the number of children who would easily have walking or biking access. The teen area and lounge would provide areas for people to come and relax. Mr. Poplawski explained that more children lived in the three mile radius of the Stoney Run Center than at Midtown.

Councilwoman McMillan inquired about the cost of pedestrian crosswalks and lights at Curtis Tignor Drive and Mercer Drive being included in the budget for the Stoney Run Community Center. She expressed concern about the danger of public transportation stops in front of the Center. Mr. Poplawski explained that crosswalks were included in both phases, but a bus drop-off entrance was not in the current plan. Councilwoman McMillan felt crosswalks were very important because the Center would encourage walk-ins and drop-offs, thereby creating a safe way to cross Warwick Boulevard was needed. City Manager Hildebrandt explained that it was normal to include crosswalks in the cost. Councilwoman McMillan indicated that it was her understanding that no crosswalks had been placed at McLawhorne Drive on Jefferson Avenue because there was not much walk-in traffic at the Midtown Community Center.

Mr. Poplawski reiterated that a circle was drawn on the map with a radius of 1.5 miles. The site of the Stoney Run Community Center was an excellent choice because of the anticipated walk-in traffic from the Courthouse Green and Thorncliff neighborhoods.

Councilman Haskins questioned whether the Stoney Run Community Center would be competing with the nearby Boys and Girls Club and the possible People-to-People neighborhood centers. Mr. Poplawski assured that, given the number of young people in the area, the three centers would not be suitable in size and programming for all of the children. Three centers would help, but he felt that no one center would overshadow the other.

Councilwoman Scott inquired about a fitness room at the Stoney Run Community Center. Mr. Poplawski advised that this was an advantage of the multi-purpose rooms. He indicated that staff would look into using one of the rooms as a fitness center. If the use was not high enough to support, the equipment could be moved to another location. He indicated that the citizen survey expressed a need for a fitness facility.

Councilwoman Scott requested indoor and outdoor walking tracks, as well as the fitness center, be considered in the first phase.

Councilwoman McMillan asked whether the plan was a concept or a firm plan. Mr. Poplawski replied that this was a concept plan. He indicated that building materials had not been selected.

City Manager Hildebrandt reminded that in the 2007 Library Use Study by PSA Dewbury, the location of the new Stoney Run Community Center was selected as one option for the relocation of the Grissom Library. The site was configured so that if the Library were to be relocated, it would be on Warwick Boulevard adjacent to the Stoney Run Community Center, allowing citizens to travel from one facility to the other with ease. Parking for the two facilities could be shared. In the event that Atkinson Way was expanded between Jefferson Avenue and Warwick Boulevard, the Stoney Run Community Center and the relocated Grissom Library would be easily accessible from the Richneck Road/Colony Pines area. City Manager Hildebrandt requested confirmation that the Stoney Run Community Center plan and the

proposed relocation of Grissom Library next to the Center, should funding be available in the Capital Improvements Plan, would be acceptable.

Councilwoman McMillan had concerns about the proposed relocation of the Grissom Library to the site of the Stoney Run Community Center. She agreed that a long-term plan to expand library facilities was needed; however, she felt that the Police Department and Fire Department locations on DeShazor Drive were inadequate and the relocation of those facilities should take priority. Councilwoman McMillan explained that because the police and fire stations were set back in the neighborhood, they had a difficult time getting out of the area when on an emergency call. She suggested that the Police and/or Fire Departments share the site of the Stoney Run Community Center.

Councilwoman McMillan reminded that a goal for City Council was to establish a pedestrian friendly society. Citizens from neighborhoods near the City Farm northward, down to Curtis Tignor Road, could reach the current location of the Grisson Library without ever getting on Warwick Boulevard. Students from nearby Denbigh High School walked to the Grissom Library as well.

City Manager Hildebrandt agreed that the Police Department needed more space in the North District. He pointed out, unlike libraries, people did not typically visit the police precinct, and did not need to be as accessible or as visible as a library. City Manager Hildebrandt indicated that the City did not have $10 million to spend on a police precinct. He felt a regional library needed to be in a prominent location. If the Grissom Library were to be relocated, the 60,000 square foot building would be a good size for the expanded police precinct.

City Manager Hildebrandt indicated that the Fire Department was reviewing needs and deciding where to locate the next couple of fire stations, including the replacement of the station on DeShazor Drive. Chief Jones had discussed a possible need to relocate the DeShazor Drive station further south on Warwick Boulevard in the area of Bland Boulevard.

Vice Mayor Allen stated that a library and a community center were compatible uses and logically should be placed together. He explained that a police or fire station would not be compatible to a community center.

Councilwoman Scott had previously requested that a library be on the site with the Stoney Run Recreation Center and continued to believe this would be a good location for both. She felt this could be a “one-stop shop” for young people.

Councilwoman McMillan agreed that aesthetically the Stoney Run Community Center and the library on the site was a good idea, however, she felt that necessity dictated that the police needed to be visible and accessible from the main corridors. She requested that if the Police Department would not share the site with the Community Center, then another site on the main corridor should be chosen for the police precinct.

City Manager Hildebrandt explained that there were no available funds to replace the North Police Precinct. A consideration was to move Social Services and Court Services from the North Police Precinct, which would allow the police to use the entire building. He stated it was expensive to expand and update the Grissom Library; a better investment was to build a new facility. City Manager Hildebrandt acknowledged the need for more services in the Denbigh area, as the only satellite office was the Commissioner of the Revenue.

Mayor Frank suggested the use of the City-owned property at the corner of Jefferson Avenue and Fort Eustis Boulevard for the library or the police precinct.

City Manager Hildebrandt reminded that the library study showed that if the City were to have four centrally located libraries, one of them should be no further north than Stoney Run and no further south than Denbigh Boulevard.

Mr. Rick Moberg, architect, James River Architects, described the details of the site plan for the Stoney Run Community Center. He explained that there were pathways from the crosswalks at Warwick Boulevard to the entrance of the Center. The entrance from Mercer Lane would contain employee parking, a plaza, and a water feature.

Mr. Moberg discussed the problem with building materials and escalating costs as the price of oil increased. He explained that the primary entrance of the Center would be located near the administration area, with a reception area so that visitors could be observed as they entered. Other physical characteristics included the following: the primary entrance would make use of as much natural light as possible, with energy efficient sun screened glass; windows would be located internally to draw the outside light into the meeting spaces; a translucent wall would help illuminate the gym; a bank of restrooms would be centralized to reduce the extra costs of smaller restrooms located throughout. Flexible rooms, an early childhood area with outdoor playground, dance room and teen center would be facing Warwick Boulevard.

Councilwoman McMillan expressed concern that the front of the Stoney Run Community Center was the same as the front of the newly renovated school administration building.

Mr. Moberg replied that there were some similarities, but they were different. He further explained that the new trend in architecture was for entrance ways to have tall spaces with lots of light. This allowed for inclusion of indoor windows to spread the light throughout the building.

Mr. Moberg distributed a list of LEED Participation Options for the Stoney Run Community Center (A copy of the list is attached and make part of these minutes.) He reminded that “green” options were costly and needed to be considered in the upfront cost of the building. The mechanical systems in the Center would operate on methane gas from the landfill. Geothermal had been explored and added approximately $500,000 to the cost of Phase I and another $500,000 to the cost of Phase II. Mr. Moberg stated that solar power had not been

considered as a viable option for this building. For the benefit of those unfamiliar, Mr. Moberg explained the process of geothermal.

Councilwoman Scott expressed concern about the lack of family restrooms due to the large number of single parent families in the area. Mr. Moberg indicated that the design could be modified to include a family restroom. He further explained that many of the new YMCA centers had more than one family restroom, as well as teen showers and locker-rooms.

Councilwoman McMillan inquired about the use of automatically controlled interior and exterior lighting, and solar powered exterior lighting. Mr. Moberg explained that automatic lighting would be used for the interior and exterior, but solar powered exterior lights had not been considered. Councilwoman McMillan felt the cost savings would be substantial.

City Manager Hildebrandt suggested that City staff and Mr. Moberg evaluate the possibilities of the "green" items, including the life-cycle costs, determine whether it was worth spending the money for the systems over the long-term. He did not recommend implementing "green" improvements that would be at the expense of program space, but if adding $500,000 to the cost of the building payed off in time, then he advocated making the upfront investment rather than trying to retrofit the improvements later.

Councilman Haskins agreed that, according to studies and data, geothermal was a good investment. Mr. Moberg explained that there were not always immediate gains on the upfront costs; long-term paybacks were good if upfront money were available.

Councilman Bateman expressed concern about the geothermal systems if water levels were low. Mr. Moberg explained that water levels were not a problem because the wells were at the 100 foot level.

Mayor Frank stated that he was not fond of the outside architecture. He felt there were too many flat uninterrupted surfaces. He did not like the glass entry area. Mayor Frank expressed concern about the concentration of restrooms in one area of a building that would be used by children. He appreciated the cost savings of the bank of restrooms but felt the building was not functional. Mayor Frank asked Mr. Moberg to look at solar options and to make the building as environmentally friendly as possible. He agreed that geothermal and methane gas were good options.

Councilwoman McMillan reiterated that the front entrance looked too much like the school administration building and the airport. Mr. Moberg invited City Council to visit his office to view the model. He felt the model presented a more accurate depiction of the building.

Councilman Haskins questioned the cost benefit versus the returns of solar power. He indicated that studies did not show an adequate benefit.

Mr. Poplawski shared upcoming milestone dates: July 1, 2008 – Denbigh Toyota scheduled to complete move to new location; Fall 2008 – Begin demolition of Denbigh Toyota;

Spring 2009 – Receive bids for Stoney Run Community Center; and 2010/2011 – Phase I opening. Mr. Poplawski stated that construction of the Center should take about 18 months.

Councilman Haskins inquired whether the Newport News Public Schools had been contacted to provide data regarding the number of children in the area. Mr. Poplawski stated that data supplied by the Newport News Public Schools was used to calculate the number of children in the area.

Councilwoman Scott inquired about wetlands mitigation on the project. Mr. Moberg explained that most of the wetlands were skirted using existing ditches on the site. One small finger of water was interrupted.

Vice Mayor Allen stated that due to the Congestion Mitigation and Air Quality program, the cost of crosswalks should not be included in the cost of the building. He further stated that funding was available through the Department of Transportation, but if the cost was included in the building budget, it would be assumed that the City had the funding and did not need assistance. If it were left out, then an application could be made for Congestion Mitigation and Air Quality funding.

Councilman Haskins inquired about a recreation center for the Central District. City Manager Hildebrandt replied that funds were not available at the current time.

City Manager Hildebrandt stated that staff and Mr. Moberg would come back in August of 2008 to present revisions for the facility based on Council input and a report on the cost ramifications prior to the next round of the Capital Improvements Plan.

II. Status Report: Deep Creek Pier Project and Menchville Marina Improvements

City Manager Hildebrandt explained that Mr. Michael Poplawski, Director, Department of Parks, Recreation and Tourism, was present to explain efforts to replace the Deep Creek pier and the implications of each option, as well as and the progress of the Menchville Marina bulkheading effort.

Mr. Poplawski reminded that there was agreement to demolish the Deep Creek Pier due to liability issues brought about by deteriorating, unsafe conditions. The current issue was to determine whether to rebuild a mooring pier, a pedestrian pier or no pier. Regardless of the status of the Deep Creek Pier, the City owned Menchville Marina, which was currently under repair. (A copy of Mr. Poplawski's presentation is attached and made a part of these minutes)

Mr. Poplawski informed City Council that on June 3, 2008, a meeting was held to discuss the status of the pier. All who had spoken at City Council meetings regarding the pier were invited to the meeting.

Mr. Poplawski indicated the options for the Deep Creek Pier included: (1) to build a mooring pier; (2) to build a pedestrian pier; or (3) to build no pier. A mooring pier constructed to the original length would be approximately 400 feet long; the pedestrian pier would be approximately 300 feet to extend far enough into the harbor for an unimpeded view of the sunset. Watermen and sightseers would use a mooring pier. A pedestrian pier would be used for sightseeing, children's fishing and crabbing.

Mr. Poplawski reminded that there was lighting on the old Deep Creek Pier. Lighting was optional if the pier were built as a pedestrian pier because, like most Park facilities, it would close at sunset. A plaque commemorating the Meltzer land donation would be placed on the pedestrian pier if it were built. The plaque was optional on a mooring pier. The pedestrian pier would have a railing and benches, which would not be needed on a mooring pier. Staff recommended no adult fishing on the mooring pier due to parking issues.

Mr. Poplawski explained there were many concerns for building the structure and the concerns were expensive. Utilities were an ongoing cost after installation. Parking and sanitation were two large expenses to consider. The property owners adjacent to the site of the former Deep Creek Pier indicated that they had no desire to sell or lease property to the City for parking or any other purpose. Another concern was restrooms and sanitation. Portable toilets had been used in the past. Many companies began to refuse to support the pier because of abuse and dumping of incorrect chemicals. A pumphouse was required by State law for a mooring pier. Previously, the issue was avoided because small boats, which did not have on-board holding tanks, tied to the pier.

Mr. Poplawski stated that if the mooring pier were rebuilt, staff would recommend some sort of full-time person who would be responsible for monitoring activities at the pier. Land was another concern. The City owned a narrow right-of-way at the end of the road. The property on both sides of the right-of-way was private. This right-of-way was not sufficient to build a parking lot.

Mr. Poplawski informed City Council that construction costs varied widely. Construction of a 400 foot mooring pier, including design, permitting, engineering, contingency, and utilities, ranged from $204,300 to $260,300. A pedestrian pier, including design, permitting, engineering, contingency, and utilities, ranged from $108,450 for a 150-foot pier to $228,900 for a 300-foot pier. Mr. Poplawski pointed out that a 400-foot mooring pier could be built for less than a 300-foot pedestrian pier because of the added cost of railing. Other site support costs included property acquisition for parking, parking lot construction, a restroom and camera, benches and signage.

Mr. Poplawksi explained the concerns for rebuilding the pier. Parking had been a problem in the past and would continue to be a problem. Sanitation was a concern because portable toilets only worked until someone abused them. Derelict watercrafts were another major concern. A derelict watercraft could not be pulled from the pier and demolished; advertisements must be placed and every effort made to find the owner, all at a cost to the taxpayers of Newport News. Storage had been an issue in the past and would return if the

mooring pier were rebuilt. Mr. Poplawski presented a chart to show the declining use of Deep Creek Pier. Before the City purchased Menchville Marina in 1993, an average of 50 boats used the Deep Creek Pier. After the purchase approximately 10 - 20 boats, many of them non-Newport News residents, were located at the pier. When the pier closed in 2007, 12 boats needed to be relocated, eight were Newport News boats.

Councilman Haskins inquired about the requirement for a certificate of liability insurance when using the Deep Creek Pier. City Attorney Katz responded that he did not believe a Certificate of Insurance was a requirement when the pier closed. He agreed that if the pier was rebuilt, a Certificate of Insurance should be required for each boat using the facility.

Councilman Whitaker inquired about the costs to rebuild the pier and questioned whether the costs represented labor, as well as, supplies and if so, what type of materials would be used, as there were many choices. Mr. Poplawski replied that suitable materials would be used. Councilman Whitaker described the types of wood available for use on the pier. Mr. Poplawski assured that the contractor would use good materials at a good price.

Councilwoman McMillan suggested that staff look into the possibility of grant money to rebuild the pier. Mr. Poplawski stated that he had not investigated the concept of grants but would search for sources. He agreed that should funds be available to rebuild the pier, these grant funds would only cover the construction costs and no amenities.

Mayor Frank inquired about the eminent domain law regarding parking for a public facility. City Attorney Katz stated that certain procedural steps must be taken. He agreed to write a memo to City Council defining the State Code guidelines and requirements.

Councilman Bateman suggested that staff approach the adjacent property owners once again with the proposal of a venture where there would be a charge for parking which would be paid to the property owner. Mr. Poplawski stated the property owners have expressed no interest. The property owners have lived with the nuisance for many years and have never towed cars from their private property.

Councilman Haskins acknowledged the hard work of the watermen by describing their work a “labor of love.” He felt it was important to keep a mooring pier in an effort to assist the industry to thrive rather than die out.

Councilman Whitaker cautioned that if grant money were used to rebuild a mooring pier, the City would have to open the pier to everyone, regardless of residency. Mr. Poplawski replied that the policy had always been that recreation boats could not tie up to Deep Creek Pier because it would compete with other private marinas and took space from the watermen.

Mr. Poplawski shared the following comparisons: (1) Deep Creek Pier, if rebuilt as a mooring pier, could accommodate approximately 40 boats, with Menchville Marina accommodating 80 to 100 boats. (2) Parking at Menchville Marina was sufficient for the amount

of traffic; Deep Creek Pier parking was nonexistent. (3) Menchville Marina had land for sanitation and storage, Deep Creek Pier did not. (4) Rebuilding the Deep Creek Pier would have a high impact on the adjacent property owners; the Menchville Marina did not affect adjacent property owners. (5) Menchville Marina had a contracted employee to supervise the pier, as opposed to no staff at Deep Creek. (6) The condition of both structures was poor.

Mr. Poplawski explained that conditions at Menchville Marina were deteriorating. In the Fall of 2007, City Council voted to replace the wooden bulkhead. The contractor was building a sheet pile wooden bulkhead, pilings for boats to tie up to, and building up the bulkhead due to flooding.

Mr. Poplawski summarized the three options for the Deep Creek Pier. Option 1: Rebuild a mooring pier, which would have been relatively inexpensive and would have addressed the public sentiment. The impact to the adjacent property owners would be high. Option 2: Build a pedestrian boardwalk which would be inexpensive if no longer than 150 feet. This option allowed access to Deep Creek harbor, provided a limited value to residents. Mr. Poplawksi stated that he had not received any calls in support of a pedestrian pier. Option 3: was to build no pier at all and focus on improving the Menchville Marina. Traditionally the users of the Menchville Marina had been more compliant. This was a viable option as the mooring fee was $40 per month. Some of the watermen agreed it was an option, but did not address the public sentiment.

Councilwoman McMillan questioned which option would be safer for the boats. Mr. Poplawksi agreed that the Deep Creek side was more protected but stated that many watermen had been tied to Menchville Marina and never suffered damage in hurricanes, etc.

Councilwoman Scott suggested further discussions with property owners near the former Deep Creek Pier. Mr. Poplawski stated that the owners were not interested in selling or leasing property to accommodate a new pier.

Vice Mayor Allen stated that he was certain property could be condemned for a public use such as parking at a public facility. City Attorney Katz stated that he would investigate the State Code and send a memo to City Council with his analysis.

Mayor Frank suggested that each Council member choose an option in order to give the City Manager guidance on how to proceed.

Councilwoman McMillan suggested a mooring pier be built with grant money.

Councilman Haskins requested that a mooring pier be built with insurance certificates required.

Vice Mayor Allen requested a pedestrian pier with Menchville Marina being used for commercial purposes because watermen were not required to pay personal property tax on

their boats. The small offloading fee would provide some restitution for the public expense of supporting private enterprise.

Councilman Whitaker chose to pass on his vote, but agreed that he could see the benefit of both pier options.

Councilwoman Scott voted for a mooring pier, provided it came with controls to ensure it was used by Newport News residents, and if the parking issue could be resolved.

Councilman Bateman requested a mooring pier. He suggested that staff go back to the James River Marina to get a cooperative parking arrangement, possibly something behind the marina where parking fees would be paid to the marina. He preferred not to use condemnation. Councilman Bateman stated that should the mooring pier is rebuilt; all boats would need proof of insurance. Councilman Bateman indicated he did not advocate the mooring pier just to stop citizen complaints, but he would rather a long term solution.

Mayor Frank stated that he did not have enough information to decide on one option. If the mooring pier were rebuilt, it would have to meet the needs of the watermen without creating a nuisance for taxpayers with the cost of sanitation and abandoned boats. He stated he needed clarification on the eminent domain code as it related to this situation because without a parking solution he could not support a mooring pier. Mayor Frank did not feel that there was enough public sentiment to support a pedestrian pier, which would mostly benefit those who lived nearby due to parking issues. He suggested a public presentation describing the best and highest uses for all options, including costs and amenities. Mayor Frank agreed with Councilman Bateman that it was not just about rebuilding the pier.

Vice Mayor Allen stated that a mooring pier would have to have a security gate. Mayor Frank agreed as he was concerned about pedestrian traffic on the mooring pier.

Vice Mayor Allen disagreed with Mayor Frank about no public sentiment for a pedestrian pier. He had received numerous calls from citizens requesting a park like pier. City Manager Hildebrandt stated the citizens advocating the mooring pier were the most vocal.

City Manager Hildebrandt suggested that the first step was to investigate whether a mooring pier would even be possible. If a mooring pier was not possible, then the only other options were a pedestrian pier or no pier.

Vice Mayor Allen stated that no language existed in the Meltzer documents that required the pier to remain a free operation. He suggested a study to see what options were available for fees, should the mooring pier be rebuilt.

City Manager Hildebrandt stated that the user fee for the pier should, at minimum, recoup the cost of personnel to watch for violations.

Councilwoman Scott inquired about the number of people living within walking distance of the pier. City Manager Hildebrandt stated that not many people lived within a half mile of the pier.

III. Review of Proposed Enterprise Zone Expansions

City Manager Hildebrandt reminded that, at the May 27, 2008 City Council Work Session a briefing was provided regarding Enterprise Zone expansions and amendments. After the discussions, there were two remaining issues: extending the Enterprise Zone down Warwick Boulevard and into the Oyster Point area between Warwick Boulevard and Nettles Drive, and how the use of parking incentives would affect the ability to continue providing parking at City Center.

Ms. Carol Meredith, Manager of Financial Services, Department of Development, explained the Enterprise Zone application was under review by the State of Virginia. As requested by City Council, Enterprise Zone 2A had been expanded to include property around Boxley Boulevard and Oyster Point Road on Warwick Boulevard, including a section near Nettles Drive. She informed that a small addition was made to the boundary on Harpersville Road near the CSX track. This addition was .85 acres and included a piece of commercial property located at 135 Harpersville Road.

Vice Mayor Allen stated that the transportation plan included an expansion of Harpersville Road for Hampton Roads Highway. He questioned the logic of adding value to a piece of property that the City would have to purchase when Harpersville Road is expanded.

Mr. Ted Figura, Manager of Marketing, Department of Development, explained that Enterprise Zone designation would affect the property value and would not enter into any future condemnation value.

City Manager Hildebrandt stated that if the property owner built any improvements on the property, it would be more expensive for the City to purchase, if and when Harpersville Road was extended. Mr. Figura informed that a structure was located on the property.

Vice Mayor Allen suggested extending the right-of-way and building lines to protect the area needed for expansion of Harpersville Road. City Manager Hildebrandt indicated that if the expansion occurred, the City would need the entire property for the expansion of Harpersville Road because the road would have an overpass across the railroad tracks. Mr. Figura reminded that the Enterprise Zone designation would expire in 2015.

City Manager Hildebrandt explained that the revised Enterprise Zones were a way to encourage improvements to property and job growth. Vice Mayor Allen agreed that job growth and property improvement were important, but suggested that building lines be adjusted to protect long-range interests; otherwise, the City would pay more for property that it helped finance because of the Enterprise Zone designation.

Mr. Al Riutort, Director, Department of Planning, indicated that a special section of the zoning ordinance addressed setback lines. He agreed to investigate the option and report back to City Council.

Ms. Meredith explained that the City's application was under review by the Virginia Department of Housing and Community Development. One of the items for consideration was incorporating free or subsidized parking at City Center Oyster Point as an Enterprise Zone incentive. This option would only be considered if a company's expansion made a fiscal impact on the City and it qualified for Enterprise Zones on its own merits. Ms. Meredith explained that Enterprise Zone incentives were delivered on a case by case basis, and not all businesses qualified.

Councilwoman McMillan inquired about the current arrangement of free parking for some businesses. Ms. Meredith explained some free parking would remain as part of the Development Agreements.

IV. City Code Amendment Pertaining to Employee Paid Personal Leave and Retirement Credited Service

City Manager Hildebrandt explained that the recently lowered cap on Paid Personal Leave would become effective July 1, 2008. This change would not affect staff until June 30, 2009, after which, employees would not be able to carryover more than 400 hours of Paid Personal Leave at the end of a fiscal year.

Councilwoman McMillan expressed concern that some employees would lose a considerable amount of Paid Personal Leave. City Manager Hildebrandt explained that any employee with more than 400 hours of Paid Personal Leave would be grandfathered in with the then current total of hours as their new cap.

Mayor Frank requested clarification on the difference between fire conversion and regular employee conversion. Ms. Caroline Hurt, Director, Department of Human Resources, explained that an employee's unused Paid Medical Leave could be counted to determine monthly pension benefits. Fire personnel were on a different conversion schedule because their work schedule was vastly different from regular employees. Under the previous plan, 480 hours of Paid Medical Leave would convert to one month of credited service, which was not in correct proportion to their work schedule. The revised ordinance allowed for 342 hours of Paid Medical Leave to equal one month of credited service for Fire personnel.

City Attorney Katz provided clarification about the sections that were revised in the ordinance that City Council would vote on during the Regular Meeting. He stated that the ordinance would repeal and revise Sections 2-110.1 and 2-111 of the City Code and would not change Section 2-110 of the City Code.

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 5:00 P.M.

Pamela L. Foshee
Deputy City Clerk

Joe S. Frank
Mayor
Presiding Officer

A true copy, teste:

City Clerk