

MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10th FLOOR CONFERENCE ROOM
2400 Washington Avenue
October 14, 2008
3:00 p.m.

PRESENT: Dr. Patricia P. Woodbury; Herbert H. Bateman; Joe S. Frank; Madeline
McMillan; Sharon P. Scott; Tina L. Vick; and Joseph C. Whitaker ----- 7

ABSENT: None ----- 0

OTHERS PRESENT: Randy W. Hildebrandt; Stuart E. Katz; Mabel V. Washington; Neil
Morgan; Alan Archer; Cynthia Rohlf; Lottie Vincent; Allen Jackson; Iza Ciesznski; Gregg
Jones; Lisa Cipriano; Rhonda Everton; Steve Carpenter; Chad Pritchett; Al Riutort; Sheila
McAllister; Angela Hopkins; William Cowardin; Sabine Hirschauer; Jennifer Walker; Clede
Jones; and Kim Lee

I. FY-2008 Year-End Financial Review

City Manager Hildebrandt stated the City finished FY 2008 with a General Fund budgetary surplus of \$8.2 million, which was 1.9% of the \$415.6 million adopted budget. He stated the surplus was achieved by expenditure reductions. He introduced Mr. Gregg Jones, Director, Budget & Evaluation, to explain the \$8.2 million surplus and to answer any questions about last year's performance. A financial workshop was scheduled for November 6, 2008 to report on the first quarter expenditure and revenue results for FY 2009, to offer projections for FY 2009 and to report on what was anticipated to happen in FY2010 – FY2011. (A copy of memo, "Fourth Quarter FY 2008 Financial Report," to City Council, is attached and made a part of these minutes.)

Mr. Jones reported the City ended FY 2008 with a General Fund Revenue deficit of -\$1.2 million and revenues underperformed budgeted amounts by -0.3%. He stated the largest contributors to the revenue shortfall were Sales Taxes (-\$1.3 million), State Aid and Reimbursements (-\$1.2 million), and Business Professional and Occupational License Receipts (-\$2.0 million). Offsetting these deficit performances was a \$2.2 million or 1.4% surplus in current and delinquent real estate taxes. Corrections that the State made to the collection and distribution of the Telecommunications Tax resulted in returns of \$1.2 million over budgeted amounts. Revenues from meals taxes and interest earned on investments posted strong performances.

Mr. Jones noted FY 2008 General Fund year-end expenditures were \$9.4 million below budget as a result of the hiring suspension implemented in February 2008 and continued departmental efforts to reduce costs in all areas. He stated savings in salaries, benefits, overtime, and operating supplies accounted for most of the surplus.

Mr. Jones reported the FY 2008 net budgetary performance amounted to a combined General Fund budget surplus of \$8.2 million. The City anticipated a net operating surplus of \$2 million to \$4 million due to year-end write-offs for bad debts or other unanticipated accounting charges which typically reduced the fund balance.

Mr. Jones reminded that City Council had approved \$22 million in appropriations from the General Fund Balance, for several one-time projects, including cash funding for capital improvements. He stated the \$22 million consisted of surpluses that had been achieved in previous fiscal years, primarily in FY 2007. Due to credit rating agency's accounting rules, the City could not end FY 2009 with a deficit, and was prepared to do whatever it took to ensure it closed the year in the positive.

City Manager Hildebrandt noted the \$22 million was used for one-time expenses, and was not carried forward to cover on-going expenses. The \$22 million in appropriations were for the replacement of aging IT software and equipment, renovations to the Community Services Board (CSB) and Rouse Tower buildings, the initial cost of the Sanitary Sewer Consent Order, replacement of refuse trucks and fire apparatus, and other similar capital acquisitions. The City had a small reserve left that it could not spend because it would end up with a negative CAFR balance in FY 2009. It was extremely important that the City balance the operating budget in FY 2009 without appropriating or spending from the Fund Balance. The City needed to have a modest surplus, in FY 2009, in order to avoid a two year decrease in reserves which would pose a negative bond rating by credit rating agencies.

Councilwoman McMillan suggested that the City consider using a portion of the net operating surplus to hire an independent agency to analyze the City's departments and programs, where City Council was totally out of the loop, to see if there were, perhaps, things that could be cut. She stated emotional issues might be involved, but felt, in practical aspects, there were things that could be cut. The City was now at a point where it needed to do this.

Councilwoman Woodbury agreed. She stated objectivity could be very good for looking at what was really necessary.

City Manager Hildebrandt replied he had no idea how much an independent study would cost the City and how long it would take. Unlike some organizations, Newport News was involved in many different kinds of activities from law enforcement and fire protection, to engineering, etc. Someone would have to look at all those operations, in enough detail, to offer some constructive recommendations, which would be very time consuming and perhaps, costly.

Mayor Frank understood the City Manager had already instructed staff to cut back on expenditures and freeze employment for new hirers. The City was already looking at a num-

ber of cost saving proposals. He felt the City Council needed to see the FY 2009 first quarter projections before it hired an outside agency to conduct a study. He was prepared to allow the City Manager and his staff to do their job to see what they could come up with.

City Manager Hildebrandt noted the City was able to operate last fiscal year and provide core services, without major reductions or impacts in services. The City was able to save \$9 million last fiscal year and the management team and department directors were conscious of the economic issues and problems affecting the economy. City Manager Hildebrandt stated he allowed the management team and department directors to use their best efforts to minimize expenses in FY 2009, without cutting core services. The prospects for the FY 2010 budget would be worse than FY 2009. Unfortunately, the City would be forced to make cuts and limited reductions in order to present a balanced FY 2009 – 2010 Operating Budget to City Council.

Councilwoman Woodbury inquired whether the City could enlist assistance from the Virginia Municipal League (VML) or the National League of Cities (NLC) to administer a departmental cost analysis. She could not imagine that either organization did not have resources to do such. She recalled, while a member of the School Board, the National Association of School Boards had consultants who were fairly reasonable and knew about the governing of schools. She felt the governmental agencies, VML and NLC, would know about City governance. She inquired whether City Council could agree to explore whether VML or NLC had such resources that might reflect minimal cost to the City.

City Manager Hildebrandt replied the City could explore the notion, but indicated in his 30 years of service, with the City, he had never known VML to have staff resources that could conduct an analysis. The International City/County Management Association (ICMA), in which he was a member, did not offer such services. They had general technical consultants, but they did not assist with operational audits. In the past, organizations had to hire management consultants to conduct such an analysis. He would look into the matter, but was not aware of any resources offered through VML or NLC.

Councilwoman Woodbury hoped the City Manager would investigate the issue with VML and NLC to see whether they had any recommendations for a departmental analysis. She recalled that four members of City Council did not want to spend \$150,000 to do a study for the Asheton development project. She welcomed a study to cut expenses across all City departments, rather than spending \$150,000 for the Asheton study.

Councilwoman McMillan suggested swapping audit teams, with other similar sized localities, by having their auditors audit Newport News, while Newport News auditors audited their locality. She inquired whether such had ever been done.

City Manager Hildebrandt replied the City auditors did not do the type of cost analysis Councilwoman McMillan was referring to. The City auditors only did financial work. He stated, Cathy Matthews, Director, Department of Internal Audit, would not be able to do a comprehensive analysis of the City in one year with a staff of only seven to eight people. He felt other localities had the same situation, wherein they had to hire independent auditors. The City would incur a significant expense because they needed to hire specialist for certain departments. He understood the concept, but indicated it was not quite as simple as calling someone up and asking them to come and look at what was being done to see if it was done correctly. He hoped City Council would have confidence in knowing that he employed qualified managers, assistant managers and department heads who were experts in their fields. Such professionals were charged with operating their departments in a cost effective manner. He felt the management team, department heads and staff were doing a good job and he saw no indication where they failed to respond to the current fiscal environment. The changing budget situation was forcing management to continue to look at the smallest items to see whether they should be spending or finding ways to reduce costs. The process was ongoing and would continue because the City had to get through several tough fiscal years.

Councilwoman McMillan inquired about the date of the last independent audit. City Manager Hildebrandt replied an independent study was done each year.

Councilwoman McMillan inquired whether a yearly independent audit was done for each department or just for overall financial balances. City Manager Hildebrandt replied the City did a check and balance of every transaction in the City to ensure that accounting and financial records were appropriate.

Mayor Frank pointed out that Councilwoman McMillan was inquiring about a management audit and program analysis, while the City Manager was referring to a financial audit. She was referring to an audit that looked at each department to see what was being done, whether it needed to continue to be done, and whether a program was successful or not, which he felt was a herculean undertaking. He preferred to have the City Manager instruct his management team and department heads to undertake such an audit; they knew the programs and the community. Other localities worked, fundamentally, different from Newport News. He preferred the approach the City Manager was already undertaking. He wanted to wait to see the first quarter report of FY 2009 and its implications before moving forward with an independent audit. He felt the City would need to freeze the CIP for the coming year and suspected City

employees would not receive salary increases. He felt there would be many things that the City would have to “bite the bullet on,” and he did not believe the City should spend a huge amount of money to figure out what those things were.

Councilwoman Bateman was encouraged about some of the controls put forth by the City Manager that helped the City realize a surplus without cutting a large number of personnel. He appreciated Councilwoman McMillan’s suggestion and indicated he wanted to know that the City was looking at other municipalities and what type of innovative things they were doing to save costs. He felt the City needed to do that in light of the first quarter FY 2009 budget workshop scheduled for November 6, 2008. He was interested in seeing that some matters were tested against other Cities of Newport News’ peer group.

Councilwoman Woodbury voiced concern that the community was not getting any relief thus far from taxes. She felt there were people in the community who offered good suggestions that City Council should take seriously.

Vice Mayor Whitaker felt City Council should not jump at having an independent audit done. He felt the City should continue to do what it was doing to reduce costs. He was encouraged at what the City Manager had done so far in reducing the budget, and felt he had done a good job. He wanted to leave the decision for further cuts to the City Manager. City Manager Hildebrandt understood where the cuts were needed. Vice Mayor Whitaker also was in agreement with giving relief to citizens, but felt the City had to act with caution.

City Manager Hildebrandt stated department directors were being challenged to look at every opportunity to save money. He noted he was going to ask employees to help with the cost reductions by doing things different, better and at less costs. Everything was on the table and local, state and federal governments were in a distraught fiscal situation. Just to get through the next two years was going to require the City to cease certain programs and procedures. Some matters were going to inflict a huge amount of negative feedback. The City closed the Juvenile Services Less Secure Facility, which saved \$.5 million. He reminded about the proposal made last year to close the West Avenue Library. It was going to be difficult to keep and run all of the City’s programs and facilities. Each department was seriously looking at reductions and knew they faced challenging times on how to keep their budgets to a minimum. The City hired extremely confident managers and talented professionals who understood how to manage resources affectively. He would share City Council’s concerns that they needed to be looking at certain issues if he thought otherwise. The Departments of Internal Audit and Budget & Evaluation could take a more in depth look at matters as they arose, but they did not have the ability to study everything at once.

Councilwoman Woodbury inquired about the youth who were in the Less Secure Facility. City Manager Hildebrandt replied the youth were transferred to the community super-

vision day and evening reporting programs. He indicated a few of the youth could end up in Secure Detention if they needed that type of care. The City was able to find less expensive ways to deal with the youth who were in the Less Secure Facility.

Councilwoman Scott inquired whether the youth were monitored with leg monitoring security devices. City Manager Hildebrandt replied leg monitors were used for some of the youth that were affected by the closing of the Lee Secure Facility.

Councilman Bateman inquired whether the City Manager would offer different scenarios of what departmental cut-backs would be implemented to reduce costs, during the financial report scheduled for the November 6, 2008 Work Session of City Council. City Manager Hildebrandt replied he would have some scenarios of departmental cut-backs, but his main objective, during the report, was to define how much of a financial problem the City was looking at. He indicated the City had already made considerable reductions with the hiring freeze. Each day the City had new matters that had to be considered and City Council would receive a series of memos, in the near future, on suggestions for further cuts that might affect certain City operations.

Councilman Bateman voiced concern that real estate values were drifting. He indicated residents on his street were trying to sell their homes and, if they sold them at all, they were selling for less than the assessed value. The City was coming into a budget season and it was incumbent upon City Council to make sure they explained the assessment process again to its citizens. Residents wanted to know how their homes were worth more than the assessed value when their neighbors were selling below the assessed value. Citizens did not understand that assessments reflected a certain time-frame.

Councilwoman McMillan indicated Councilman Bateman brought up a very important point because of the decreases in the market value of homes. She recently had a market assessment done on her home, which came in at \$35,000 below the assessed value of her home. When you put that in dollars and cents, in the City coffers, it was quite a decrease, because assessments must show the market value of a home.

Councilman Bateman noted that assessments would reflect a certain time-frame and the difference would be seen in upcoming years.

City Manager Hildebrandt replied home sales that occurred through June 30, 2008, would drive the City's real estate tax revenue in FY 2009 – 2010. Home sales occurring July 1, 2008 through June 30, 2009 would affect real estate tax revenue in FY 2010 – 2011. The reduction in the sale prices of real estate would pose problems for the City in FY 2010 – 2011.

Councilwoman McMillan noted the spin-off affect of the reduction of real estate, to the total economy, would be a decrease in retail sales because people usually used their home

equity to purchase a car or make improvements to their homes. If the City did not see reductions this year they would see them, throughout the economy, before 2011.

Mayor Frank reminded he asked the City Manager to revisit the process the City took in assessing non-residential property. He felt non-residential properties were under evaluated. If the City got those back to a fair value, it would generate more revenue from the commercial tax base which would take pressure off residential properties and would be fair and equitable.

Councilwoman McMillan noted she would be afraid of the negative impact such would pose to small businesses.

Mayor Frank stated if it was done fair and proper it should pose no negative impact on small businesses. He was not suggesting the City go out on a crusade; he was only suggesting that the City make the assessment process for both residential and commercial properties equitable and fair.

Councilwoman McMillan noted as long as it was done carefully because assessing the Ferguson property was much different than assessing smaller non-visible properties.

Vice Mayor Whitaker agreed that commercial property was not assessed fairly as opposed to residential property.

City Manager Hildebrandt replied because the market was more volatile, housing prices had changed more dramatically than commercial property. He indicated the Assessor's office did attempt to assess commercial property properly in FY 2007 and would continue that process this fiscal year. Unfortunately, economic factors would affect the value of commercial properties because their value was based on their generating income. If rents and gross receipts were down, the value of such properties were also going to eventually go down.

City Manager Hildebrandt reported he would report back to City Council on November 6, 2008.

II. Library Facility & Space Needs Recommendation

City Manager Hildebrandt recalled City Council was briefed on the results of the Library Facilities and Space Needs Analysis conducted by PSA-Dewberry at the February 26, 2008 Work Session of City Council. He stated the overview briefing presented four options for a master plan of library facilities in Newport News. While City Council was not asked to choose a

specific option for capital projects, Ms. Izabela M. Cieszynski, Director, Department of Libraries and Information Services, was tasked with the development of a proposal, based on the study, for future programming of CIP resources for library facility needs. He introduced Ms. Cieszynski to report on the recommendations.

Ms. Cieszynski stated a group was formed to study the four options and began meeting in May 2008. The study group prepared a report with their recommended option and the Library Board of Trustees unanimously accepted the report of the study group on July 29, 2008. The report was a master plan for the future CIP. The Library Board and the study group were cognizant that this was not the best economic time to be presenting a 15/20 year plan for library facilities. They were only attempting to respond to the study that was paid for by the City. (A copy of the presentation "Report of the Facility and Space Needs Study Group – October 14, 2008, and memo dated July 7, 2008, to the Library Board on the Recommended Action of the Facility and Space Needs Study," are attached and made a part of these minutes.)

Ms. Cieszynski stated the study group recommended the following: 1) Building a new Grissom Library, co-located with proposed North End Community Center, at Stoney Run; 2) Renovate/Expand Pearl Bailey Library; 3) Build a new Oyster Point Library; 4) Renovate Main Street Library; 5) Re-evaluate West Avenue Library; and 6) Consider building Lee Hall Library, only if population and demand support it.

Councilwoman Woodbury inquired about the proposed location for the new Oyster Point Library. Ms. Cieszynski replied there was no selected location other than the library should be in the Oyster Point area. The study group felt the Library should not be in the high-rent district of Oyster Point and needed to be in an area that was accessible to citizens and business owners. She noted the discussion of having a library in Oyster Point had been on the books since 1990 or before.

Ms. Cieszynski noted the proposed timeline for the study group's recommendations: 1) FY 2010 – 2014 CIP – Design and construct Grissom Library alongside North End Community Center; Renovate/expand Pearl Bailey Library; and Evaluate and possibly renovate the old Hilton Fire Station for the Virginiana Room use; 2) FY 2015 – 2019 CIP – Design and construct Oyster Point Library; and 3) FY 2020 – 2024 – Renovate Main Street Library; and Evaluate need for neighborhood libraries [West Avenue Library and Lee Hall Library]. Ms. Cieszynski and the study group acknowledged the timelines were very ambitious and realized these were tough times. They were really asking that a place holder be put in the CIP for Library facilities. A number of years had passed since there had been a new Library facility. Many Library facilities were aging, which increased maintenance and upkeep costs. They also realized this was a very long-term plan and people used libraries differently than what they used 20 years ago. Like any plan this was a living and breathing thing that could change. As they moved forward, they would continue to re-evaluate household usage of libraries. This

past fiscal year Libraries had 942,000 people walk through their doors, which indicated libraries were still viable.

Councilwoman McMillan stated she indicated her strong objection to moving the location of the Grissom Library, during the Work Session held in February 2008. She indicated the library was within walking distance of Denbigh High School and, despite what the consultant said, the same consultant who indicated it would be wonderful to have a new library when the study had not even been done, children still walked to the Grissom Library. It was in walking distance of a high school and senior complex. It could be reached without going onto Warwick Boulevard, from the Denbigh Plantation to Bethel Elementary School, if people wanted to walk, ride a bike or drive. She felt this was important due to the transportation problem. She agreed the new community center had better access to transportation because it was on a main corridor; however, bus service was not terrific in that part of town. She stated Councilwoman Scott could agree with the fact that the City needed to extend the Hampton Roads Transportation (HRT) route in the northern part of the City. HRT provided the North District with the mall hall loop, which was not beneficial to the new Grissom Library location. For years, the historical and business community wanted the Grissom Library area to be a civic complex, which included the Old Courthouse and the Smith Hotel property. They wanted to establish a park vista from Warwick Boulevard, to establish a sense of place which was described in the Warwick Boulevard corridor plan. Councilwoman McMillan stated the report of the study group gave no credence to the historical community's recommendation.

Councilwoman McMillan clarified, in 1998, when the city broke ground for the Lee Hall Library, there was concern about what the citizens were getting and the reason for the Library, which was to ease the load on the Grissom Library and transportation. The residents objected to the fact that the City was taking an old bread store, immediately adjacent to the railroad tracks, and converting it into a library. The Lee Hall residents wanted and felt they deserved a new facility similar to other Libraries in the City. Based on that, Ms. Naomi Hoover offered her property for sale to the City, and went through condemnation with specific wording about the use of the property that had to do with the Lee Hall Plan and the need for a Library. It had absolutely nothing to do with the Asheton project, and for that to be dumped to the side was disrespectful of the wishes of the Lee Hall community and, particularly, Ms. Hoover who donated the property.

In light of her remarks made during the February 24, 2008 Work Session, Councilwoman McMillan hoped that the Library Board chose Option I. She felt Option 1 was the best option and was the one that she would support. Councilwoman McMillan also did not believe the West Avenue Library should be closed. She stated the City should have a library if it were going to have a viable downtown residential community.

Councilwoman Vick felt the Library administration had done a fantastic job in managing all the patrons that visited the Pearl Bailey Library. She was in favor of the expansion

of the Pearl Bailey Library, and indicated their computer room was filled to capacity each and every time she visited.

Councilwoman Scott was impressed that Ms. Cieszynski had as many people visit the Pearl Bailey Library as had visited the Main Street Library. She felt that was wonderful and indicated it said something about the quality of programs that were offered.

Councilwoman Scott disagreed with Councilwoman McMillan in that the Grissom Library belonged in the Stoney Run area for higher visibility and easier access. She was in support of building the new Grissom Library.

Vice Mayor Whitaker inquired whether the West Avenue Library could become handicap accessible. Ms. Cieszynski replied the West Avenue Library could become handicap accessible at a very costly price to the City. She indicated the biggest cost would be the construction of an elevator, which posed major challenges.

III. Framework for the Future

City Manager Hildebrandt stated the City Planning Commission had completed the preparation and review of the draft *Framework for the Future 2030* land use plan. He introduced Mr. William Cowardin, Chairperson, Newport News Planning Commission, to offer opening remarks on the Framework's update.

Mr. Cowardin reported State law required that the Comprehensive Plan of the City be reviewed every five years. He stated the City started the process of review in 2001. During that time, a great deal of work had been done by City staff and its citizens. As part of the citizen review process, the Planning Commission sponsored three public meetings to obtain citizen input. The meetings were held in the southern, central, and northern areas of the City where approximately 90 citizens attended. Also, as part of its official public hearing process, the Commission kept the hearing for the draft plan open for six weeks to provide ample opportunity for public comment at four City Planning Commission meetings. Citizen comments were collected and forwarded to the Oversight Committee for review. The Oversight Committee held over 20 meetings where the districts offered suggestions. Suggestions and comments were then incorporated into the plan. Minor amendments included typos, clarification, and suggestions that did not alter the proposed intent of the draft. The amendments were transmitted to the Planning Commission for a final hearing on the draft plan.

After much discussion, the Planning Commission voted to recommend to City Council approval of the proposed draft of the *Framework for the Future 2030* land use plan. Mr.

Cowardin introduced Mr. Al Riutort, Director, Department of Planning, to familiarize City Council with the plan.

Mr. Riutort noted the members of the Oversight Committee and indicated City Council approved the work plan for the *Framework for the Future 2030* land use plan on October 11, 2005. He reported the Task Force reviewed the following chapters of the *Framework for the Future* plan in 2006 and 2007: 1) Economic Development; 2) Land Use; 3) Transportation; 4) Public Education; 5) Parks, Recreation, and Tourism; 6) Housing; 7) Public Safety; 8) Historic Preservation; 9) Human Services; 10) Culture; 11) Environment; 12) Urban Services; and 13) District Land Use Maps.

Mr. Riutort reported work completed on the *Framework for the Future 2030* land use plan included: 1) copies of plan were placed in all City libraries; 2) CDs of the plan were prepared and made available to all citizens in all libraries; 3) the plan was put on the internet in html format which made it handicap accessible; and 4) the plan was sent to the Virginia Department of Transportation for their review. He stated the City held three public meetings, at the Downing Gross Cultural Arts Center on August 14, 2008, the City Center James Room on August 18, 2008 and the Lee Hall Administration Building on September 4, 2008. The Planning Commission's public hearings began on August 20, 2008 and were kept open until October 1, 2008, when the Planning Commission approved the *Framework for the Future 2030* land use plan. (A copy of the presentation, "Framework for the Future 2030 – October 14, 2008," is attached to these minutes.) He introduced Mr. Michael King, to go over changes that the plan represented and to offer detail information resulting from the public meetings.

Mr. King reported the *Framework for the Future 2030* land use plan offered: 1) a User Friendly/Web-Based Document (Limehouse Software); 2) a Visual Preference Survey; 3) Goals Clearly Labeled/Better Organized; 4) More Photos/Graphs; 5) New Land Use Category – Urban Residential; and 6) Four new Land Use Principles – Density; Compatible Infill; Workforce Housing; and Aesthetics. New themes included: 1) Green Building; 2) Conservation; 3) Emphasis on Tourism; 4) New Land Use Principles; 5) Mixed Use/New Urbanism; 6) Light Rail; and 7) Redevelopment.

Mr. King noted the major issues for the *Frameworks for the Future 2030* land use plan included: 1) the Southeast Housing/Waterfront Study; 2) the Southeast Urban Waterfront Study; 3) Inclusionary Zoning; 4) SAP Made Public and Accessible; 5) Tracking/Tasking/SAP should be in FFF; 6) Light Rail Access in the Southeast Community; 7) City Farm; 8) Text Amendment for William & Mary Property; 9) Oyster Point Traffic Study Inclusion; 10) More Emphasis on Tourism; and 11) Slower Development/More Open Space. (A copy of memo

dated September 12, 2008 from Michael King, “*Draft Framework for the Future 2030 – Major Public Input Comments*,” explaining the reason behind each issue, is attached and made a part of these minutes.)

Councilwoman Woodbury inquired why the Oversight Committee overruled the desires of the citizenry to keep the City Farm space as a park. Mr. Riutort replied the Oversight Committee felt the City should look at the potential of the property.

Councilwoman Woodbury did not want the City to dismiss the desires of the citizenry. Mr. Riutort replied the consensus of the Oversight Committee, which included all the Task Force Chairmen, was to move forward with the plan and not revert back to the park recommendation.

Mr. King stated the Planning Commission met on October 1, 2008 to endorse the changes recommended by the Oversight Commission except the following: 1) No Text Amendment for William & Mary; 2) City Farm Recommendation was Adequate; 3) Three Land Use Plan Changes: Emmanuel Baptist Church; World Victory Church and Life Center; and Abbitt Property. Emmanuel Baptist Church requested to change the land use designation on its property to high-density residential and community facilities to accommodate a proposal for senior housing. World Victory Church and Life Center requested to change the land use designation on the proposed future land use map from community commercial to community facility and the property was located at 5918 Jefferson Avenue. The Abbitt property was designated for community facility and staff felt as Huntington Pointe was developed a school might be warranted. The property owner felt differently and made a request to the Planning Commission to make a request that it be changed from community facilities to low density residential.

Councilwoman McMillan inquired about the exact wording for the City Farm recommendation. Mr. King noted the exact verbiage from the *Framework for the Future 2030* draft document. The verbiage noted that no matter what happened to the City Farm, a plan would be developed by the citizens, through a citizen based process, that included access to the water and connectivity to the Riverview Farm Park.

Councilwoman McMillan felt it was necessary to mention, which she noted at two of the public meetings, that the people who spoke about the possible development of the City Farm were people who had been in the process for a long time and who had been active in the community. She felt that Councilwoman Woodbury had a very good point about the fact that, in some ways, a school site overrode citizen comments and their comments were being discounted. The emphasis had been to have the property for public use rather than private use.

Councilwoman Vick inquired about the change for Emmanuel Baptist Church. Ms. Sheila McAllister, Assistant Director, Department of Planning, replied the current Framework identified the property as community commercial industrial entity facilities and it

needed to be changed. Planning felt this was the perfect opportunity to change the zoning of the property to add senior housing for the site.

Councilwoman Vick inquired whether the City had met with the community that surrounded the church. Ms. McAllister replied the request had been referred to the Planning Commission.

Councilwoman Scott inquired about World Victory Church and Life Center. Ms. McAllister replied that World Victory Church and Life Center requested an expansion of their facility through a rezoning request that was scheduled for the October 28, 2008 Regular Meeting of City Council.

Mr. King commended City staff for the work done on the *Framework for the City 2030* land use plan with the use of the Limehouse Software.

Councilwoman McMillan inquired whether the Limehouse Software could be used for different applications. Mr. King replied the Limehouse Software could be used for any document in the City. However, the Planning Department was in the first phase of using the software. He felt confident that the software would enable Planning to develop more web-based plans. Limehouse was publishing type software that included a public participation element.

Miscellaneous Matter

City Manager Hildebrandt introduced Ms. Yvonne Manning, Director, Human Resources, to report on the ordinance amendment regarding Employee Leave and Benefits for Military Duty that was scheduled for the October 14, 2008 Regular Meeting of City Council. He stated the ordinance affected active military personnel and treated them the same way the City had always treated them prior to Operation Enduring Freedom. This amendment would save the City funding by getting back to a common base of handling the City's Military Active Duty benefits, which dealt with leave and health benefits.

Ms. Manning explained the City had a responsibility under the Uniformed Services Employment and Reemployment Rights Act (USERRA), to allow active military employees leave time and re-employment once they left military service. She stated, in addition to those basic requirements, the City Code took it a step further. The Code required the City to pay employees who entered active military duty medical, vision and dental insurance, at the employee contribution rate, for up to one year and paid medical and personal leave. However, it did not require the City to accrue that leave, but to receive it upon reemployment. The

Code also required the City to pay military personnel at their request any of the unpaid personal leave that they had accrued. In 2001, after September 11, the City opted to enhance those benefits that were already in place for military employees who were on active duty military leave for Operation Enduring Freedom. In addition to what it was previously required to do, the City paid the full medical, dental and vision premiums for the City's active military employees and their families. The City also allowed military employees, upon re-employment, or if they decided not to come back to work, payment for all leave they accrued before they went into the military.

Ms. Manning stated, in researching and looking at what other City's were doing, the Department of Human Resources proposed the following changes: 1) Revert to the City's regular military leave benefits for employees on active duty; 2) continue the expanded benefits for employees who were currently serving with Operation Enduring Freedom and for those employees who entered service this year, through the end of calendar year 2008; and 3) effective January 1, 2009, any employee on active duty military leave would be eligible for regular leave benefits. This meant that as of January 1, 2009, all active duty military members would be responsible for their portion of their insurance premiums for the next 12 months, after which time they would be eligible for COBRA benefits. Employees would not accrue paid personal leave (PPL) and paid medical leave (PML) while on military leave. Paid Personal leave carryover would be capped at the employee's amount of paid personal leave as of December 31, 2008, or as their date of entry into the Armed services, whichever was later.

After much discussion, there was consensus among City Council to amend the City Code to allow consistent treatment of employees on active duty military leave for Operation Enduring Freedom as others on military leave.

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 5:16 P.M.

Jennifer D. Walker, CMC
Chief Deputy City Clerk

Joe S. Frank
Mayor
Presiding Officer

A true copy, teste:

City Clerk