

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
January 27, 2009  
7:30 P.M.**

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

ABSENT: None-----0

*Mayor Frank announced, beginning with the January 27, 2009 meeting, citizens and interested parties outside of the City were able to watch the regular City Council meetings live on the internet at the City's website: [www.nngov.com](http://www.nngov.com). The meetings could also be watched "on demand" beginning 24 hours after they were shown live.*

1. Invocation

The invocation was rendered by Reverend Sam McPhail, Trinity United Methodist Church.

2. Pledge of Allegiance to the Flag of the United States of America

The Pledge of Allegiance to the Flag of the United States of America was led by Girl Scout Troop 1290, representing the Girl Scouts Council of the Colonial Coast. Mayor Frank advised this was the first meeting in which a Girl Scout Troop led the Pledge. He introduced the members: Catricia Rieg, Krysti Henton, Valerie Henton, Amy May, Emily Rawles, Alex Kessler, and Sarah Kessler.

Mayor Frank announced, on January 27, 2009, a "shadowing program" was held in the City. Eleven Boy Scouts participated, shadowing local City government staff from the following departments: Office of the Mayor, Fire Department, Police Department and Public Works. Mayor Frank introduced the Boy Scouts that were in attendance at the meeting: Joey Trask, Nicholas Adams, Zachary Fallon, Chris O'Neil, Brandon Williams, and Tom Preston.

3. Public Hearings

- (a) Conditional Use Permit, CU-09-256 – Muller Martini Manufacturing Corporation

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CU-09-256 FOR THE HERINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING A COMMUNICATION TOWER/ANTENNA ON A SITE ZONED C5 OYSTER POINT BUSINESS/MANUFACTURING. This ordinance allowed a galvanized monopole communications tower, 154 feet in height, with flush mounted antennas and supporting equipment, on a 3600 square foot lease area, located on a 9.5 acre parcel at 725 Middle Ground Boulevard, and zoned C5 Oyster Point Business/Manufacturing. The Planning Commission

3. Public Hearings Continued
  - (a) Conditional Use Permit, CU-09-256 – Muller Martini Manufacturing Corporation Continued

voted 8:1 to recommend to City Council the approval of the conditional use permit, with conditions, and the City Manager concurred with the recommendation.

Mr. Glenn Hampton, Agent for the applicant, 501 Independence Parkway, Chesapeake, addressed one condition in the recommendation of approval received from the Planning Commission. The Planning Commission maintained the preference for the flush-mounted antenna on the monopole. The applicant believed that the standard antenna array would be more appropriate. Mr. Hampton indicated they would go with the pleasure of Council, but it removed some of the flexibility for the engineers' potential co-location in the future.

Mayor Frank stated that this application was advertised and published with the array approved by the Planning Commission. He suggested, if changes were to be made, the matter would have to be referred back to the Planning Commission for reconsideration as City Council would not make a change without having had public notice. Mr. Hampton replied the applicant would agree with the conditions requested by the Planning Commission.

Vice Mayor Whitaker moved closure of the public hearing; seconded by Councilman Bateman.

Vote on Roll Call:  
Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick  
Nays: None

Councilman Bateman moved adoption of the above ordinance; seconded by Councilwoman Scott.

Councilwoman Woodbury expressed concern about the number of places around the antenna, with one being Jefferson Labs. It was pointed out that Jefferson Labs indicated the microwaves would not have an affect on their business. Having heard this, Councilwoman Woodbury advised she would support the request.

Councilwoman McMillan inquired about a standard of 125 feet for the antenna. Ms. Sheila McAllister, Assistant Director, Department of Planning, advised that the standard had been 150 feet in commercial and industrial areas. The standard was 130 – 135 feet on school sites and in residential areas. Councilwoman McMillan questioned whether the antenna in Hidenwood was higher. Ms. McAllister responded it was higher.

Vote on Roll Call:  
Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick  
Nays: None

3. Public Hearings Continued

- (b) Conditional Use Permit, CU-09-257 – Newport News Redevelopment and Housing Authority (NNRHA)/Hornsby Tire Company

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CU-09-257 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF ALLOWING A SMALL AND LARGE MOTOR VEHICLE REPAIR AND SERVICE FACILITY ON A SITE ZONED C2 GENERAL COMMERCIAL DISTRICT. This ordinance allowed a small and large motor vehicle repair and service facility, on six parcels totaling 1.09 acres, located at 3300, 3308, 3314 Jefferson Avenue; 607, 613 33<sup>rd</sup> Street; and 620 34<sup>th</sup> Street, and zoned C2 General Commercial. The Planning Commission voted 8:1 to recommend to City Council the approval of the conditional use permit, with conditions, and the City Manager concurred with the recommendation.

Mr. Raymond Suttle, Jr. Attorney for the applicant was available for questions.

Mr. William Pelkey, 556H Loch Ness Drive, Newport News, questioned whether the City would be willing to spend \$2 million to build a new facility for any other business elsewhere in the City. He felt the City was sending mixed signals to the community, particularly considering the possibility of the acquisition of property near the Downing Gross Cultural Arts Center for the proposed Martin Luther King, Jr. Plaza.

Vice Mayor Whitaker moved closure of the public hearing; seconded by Councilwoman Vick.

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

Vice Mayor Whitaker moved adoption of the above ordinance; seconded by Councilwoman Vick.

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

4. Consent Agenda

Councilwoman Vick moved adoption of the Consent Agenda, Items A through G, both inclusive, as shown below; seconded by Councilwoman Scott.

- (a) Minutes of the Joint Legislative Breakfast of December 2, 2008

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

4. Consent Agenda Continued

(b) Minutes of the Work Session of January 13, 2009

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

(c) Minutes of the Special Meeting of January 13, 2009

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

(d) Minutes of the Regular Meeting of January 13, 2009

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

(e) Donation of Surplus Police Vehicle

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING THE DONATION OF A SURPLUS 2001 FORD CROWN VICTORIA TO THE NEW HORIZONS REGIONAL EDUCATION CENTER ASSOCIATION. This resolution allowed the donation of a surplus police vehicle to the New Horizons Career and Technical Education Center, located at 13400 Woodside Lane, Newport News. The City received a request from the New Horizons Career and Technical Education Center for a donation of a police vehicle. Juniors and seniors from six local high school districts were served by the Center's Criminal Justice Program. The donated vehicle would be used to enhance instructional learning, which included executing mock warrants, conducting mock raids, interviews and interrogations. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

(f) Resolution of Recognition: Cindy DiMarino

A RESOLUTION OF RECOGNITION FOR CINDY DIMARINO. This Resolution recognized Cindy DiMarino, Assistant Director of the Boys and Girls Club of the Virginia Peninsula, Peninsula and Autumn Lakes Units. Ms. DiMarino donated countless hours of her time to the Boys and Girls Club and the Kids Café, often picking up and delivering food to help provide for more than 200 children. The generosity and hard work of Ms. DiMarino touched the lives of numerous children in the City of Newport News, and City Council wished to express its sincere appreciation.

4. Consent Agenda Continued
- (f) Resolution of Recognition: Cindy DiMarino Continued

(No registered speakers)

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

- (g) Ordinance Approving Number of Meeting Days for the Board of Review of Real Estate Assessments

AN ORDINANCE SETTING THE NUMBER OF DAYS SUFFICIENT FOR COMPLETION OF WORK OF THE BOARD OF REVIEW OF REAL ESTATE ASSESSMENTS FOR THE 2008 YEAR OF SERVICE. This ordinance set the number of days for the completion of work, of the Board of Review of Real Estate Assessments, for the 2008 year of service. The Commissioner of the Revenue's Office staffed the Board of Review and recommended that 11 days be allotted the Board for completion of its work. The City Manager concurred with this recommendation.

(No registered speakers)

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

- (h) Resolution in Memoriam: Betsy P. Ellis

A RESOLUTION IN MEMORIAM FOR BETSY P. ELLIS. This resolution is in memoriam for Betsy P. Ellis, who served her community as a member of the Newport News Mayor's Committee on Disabilities. She loved to make others smile and brought joy and laughter to others through spending countless hours volunteering in costume and make-up as "Betsy D. Clown," for hospitals, nursing homes and charities. The impact of Ms. Ellis' civic and charitable activities resonated within the community and her death created a significant void which Council recognized with sadness.

(No registered speakers)

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

5. Resolution Granting Conditional Approval – Eagle Medical Transport, LLC

A RESOLUTION GRANTING CONDITIONAL APPROVAL FOR EAGLE MEDICAL TRANSPORTS, LLC, A PRIVATE EMERGENCY MEDICAL SERVICES AGENCY, TO PROVIDE CERTAIN TRANSPORT SERVICES WITHIN THE CITY OF

5. Resolution Granting Conditional Approval – Eagle Medical Transport, LLC  
Continued

NEWPORT NEWS. This resolution granted conditional approval for Eagle Medical Transport, LLC, to provide certain transport services within the City of Newport News. Eagle Medical Transport provided services that were regulated, inspected and licensed by the Virginia Office of Emergency Medical Services. The services provided did not conflict with 9-1-1 services, but transported patients by private ambulances to doctors' appointments, hospitals and extended care facilities. The City Manager recommended approval.

(No registered speakers)

Vice Mayor Whitaker moved adoption of the above resolution; seconded by Councilwoman Scott.

Councilwoman Vick inquired whether this would conflict with the City's 9-1-1 service and whether there would be a separate number for citizens to call to utilize this service. City Manager Hildebrandt replied that citizens would call a business number to utilize this service. He advised that most transport requests were arranged by doctors and hospitals for transporting patients from one facility to another.

Councilwoman McMillan inquired whether the owner or any representative of Eagle Medical Transport, LLC. was present.

Mr. Shawn Sorrenson, 570 Industrial Park Drive, Newport News, one owner of Eagle Medical Transport, LLC, was available for questions.

Councilwoman McMillan inquired whether Eagle Medical Transport, LLC was a private medical transport service. Mr. Sorrenson confirmed that Eagle Medical Transport, LLC was a private medical transport service, and did not advertise to the public. He advised they contracted with hospitals, assisted living facilities, and skilled nursing facilities, making mostly hospital-to-hospital transfers, in non-emergency situations.

Councilwoman Vick inquired whether Eagle's fees were comparable to the standard in the industry and whether citizens were informed of the costs prior to utilizing the services of Eagle Medical Transport. Mr. Sorrenson, replied yes, they worked with Medicare and were in the process of coming on-line with Medicaid, in addition to billing third party insurances. Citizens were informed of the fees in advance. He added their fees were regulated by Medicare.

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

6. Resolution Adopting the City's Strategic Action Plan

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, ADOPTING THE STRATEGIC ACTION PLAN FOR THE CITY OF NEWPORT NEWS. This resolution adopted the modified Strategic Action Plan for the City of Newport

6. Resolution Adopting the City's Strategic Action Plan Continued

News. City Council adopted its Vision Statement, Vision Principles and Operating Guidelines by resolution on January 9, 2007. At a retreat in September 2007, City Council agreed upon individual and collective ideas about the City's future and adopted the Strategic Action Plan by resolution on December 11, 2007. During the September 2008 City Council Retreat, the Strategic Action Plan was assessed, and modifications were proposed to revise the Vision Principles, Operating Guidelines and Goal Statements of the Strategic Action Plan. This resolution provided the approval of the amended Strategic Action Plan and endorsed recommended changes to the Good for Business, Enriching the Arts, A Great Environment and Balanced Transportation System Operating Guidelines; and several Goal Statements.

(No registered speakers)

Councilwoman Vick moved adoption of the above resolution; seconded by Councilman Bateman.

Councilwoman McMillan indicated that she never understood why City Council had to vote on the Strategic Action Plan. She stated it was a matter of discussion and everyone came to a friendly consensus on the content of the document. She further stated she would only vote for it with the caveat that she did not agree with everything in the Plan. She stated that everyone was subject to different perspectives and opinions.

Councilwoman Woodbury reminded that she would vote for the Plan with the caveat that the citizens were heard on the Menchville Marina and City Farm issue. She noticed that the portion of developing the public waterfront was deleted. Three of the five task forces were not in favor of developing the waterfront, but were overruled. Councilwoman Woodbury inquired whether the City Manager was moving forward with a citizen group on the matter. City Manager Hildebrandt advised that the next stage in the process was to develop the options for presentation to City Council. It would not be put out for public review until City Council had looked at the concept, decided to support and get broad public discussion on the matter. City Manager Hildebrandt advised that he had a group of citizens he wanted to invite for discussion with staff about the concepts and ideas. He reiterated the matters would not go to a public discussion unless City Council decided to proceed. Councilwoman Woodbury asked the City Manager to involve some citizens who were on the original Riverview Park Plan twenty years ago, particularly Dr. John Dawson, who was a part of that and had insight and history to add.

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

7. Capital Improvement Program (CIP)

A. Resolution Adjusting CIP for Fiscal Year 2009

A RESOLUTION MODIFYING AND AMENDING THE CAPITAL IMPROVEMENTS PLAN FOR THE FISCAL YEAR 2009 TO THE FISCAL YEAR 2013 FOR THE CITY OF NEWPORT NEWS, VIRGINIA. This resolution modified and amended the

7. Capital Improvement Program (CIP) Continued

A. Resolution Adjusting CIP for Fiscal Year 2009 Continued

Capital Improvements Plan for Fiscal Year 2009. City Council was advised in an October 31, 2008 memorandum, of the need to make substantial reductions in capital spending over the next two years. The economic climate and financial market volatility led to the proposed Fiscally Constrained FY 2009 Capital Improvements Plan. The recommended Fiscally Constrained CIP adhered to the financial policies adopted by City Council in January 2007. The City Manager recommended approval.

Mr. Kelly V. Place, 213 Waller Mill Road, Williamsburg, expressed concern regarding a number of projects in the Capital Improvements Plan (CIP). He reminded that the North District Recreation Center had been long promised and there had always been a reason to rescind the funding. He felt there should be more revenue from Waterworks coming to the City, whether to serve the underserved areas or to keep promises made to the citizens. Mr. Place had been told that revenues from Waterworks could not be used for capital improvement projects and had nothing to do with the tax rate. Mr. Place questioned this reading from the minutes of the June 24, 2008 City Council Regular Meeting, indicating that “. . . Waterworks paid back to the General Fund over \$10 million per year, which helped reduce the tax rate for services provided to the citizens.” He further stated, the City Manager in the June 24, 2008 City Council Regular Meeting indicated that City of Newport News residents received a large dividend, with the water system paying back to the General Fund a return on investment of over \$100 million per year, in addition to other monies provided back to the City. Mr. Place questioned what other monies were being provided back to the City in excess of \$10 million and where does it come from. Mr. Place reminded there had been numerous comments that Waterworks revenue did not come back to the City, or go back to the General Fund. He was concerned that the City Council had appropriated \$101.5 million to the King William Reservoir. He indicated that projections had come short. Mr. Place stated the reservoir was predicated on incredibly fast growth, yet the proposed big growth projects, such as Endview, Huntington Pointe, etc. had fallen flat. He stated there was too much in the pipeline. Given the failure of Newport News’ projections, he indicated it was a mistake to continue with the King William Reservoir. Mr. Place was concerned about the Capital Improvements Plan, Newport News Waterworks’ revenue, and inquired about the mechanism used, which came to the General Fund, and why there could not be more.

Vice Mayor Whitaker moved adoption of the above resolution; seconded by Councilman Bateman.

Councilwoman Woodbury inquired about the North District Community Center. She questioned the \$1.5 million. City Manager Hildebrandt replied the \$1.5 million was in FY 2010, which would begin July 1, 2009. The funding for the construction of the building would be in FY 2011, which meant that sometime in July 2010, Council would have the authorization and be able to award the contract. By waiting until FY 2011 to authorize the construction bond, was only a few months delay, but would have a significant financial impact because it would move into a different fiscal year.

Councilman Bateman asked the City Manager to address the comments made by Mr. Place related to Waterworks’ revenue.

7. Capital Improvement Program (CIP) Continued

A. Resolution Adjusting CIP for Fiscal Year 2009 Continued

City Manager Hildebrandt responded, with regard to the Waterworks' revenue, there was a return on investment policy that was calculated based on the assets of the water system that generated a dividend to the City and came through the General Fund, paid for the rates and water customers. The City also received indirect costs from facilities located in Newport News, that otherwise were not taxable because the City owned them. There was also reimbursement for indirect services provided, such as the City Attorney's Office, as well as financial and other services provided to the Waterworks' Enterprise Fund. This amounted to several millions of dollars more than the \$10 million that came back to the General Fund. City Manager Hildebrandt stated water revenue bonds could not be issued for a water project. Those resources were used to finance non-water facilities, which was clearly stipulated in the bond and water revenue documents set up for the sale of those monies. From the operating budget, there was a return on investment, which was spent entirely as revenue into the General Fund.

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, Vick

Nays: McMillan, Scott

B. Resolution Approving CIP for Fiscal Year 2010-2014

A RESOLUTION APPROVING A CAPITAL IMPROVEMENTS PLAN FOR THE FISCAL YEAR 2010 TO THE FISCAL YEAR 2014 FOR THE CITY OF NEWPORT NEWS, VIRGINIA. This five-year plan of funding reflected the need to limit capital spending in FY 2010. A restructuring of capital spending in the "out years" of this CIP was accomplished, so that projects postponed from early years could be undertaken later within the five-year period. As discussed at the January 13, 2009 City Council Work Session, construction funding for the Stoney Run Recreation Center was moved up from FY 2011 to 2010. This would ensure that the project would not be delayed significantly due to timing of funding. This recommended FY 2010-FY 2014 CIP also adhered to the City's debt management policies. The City's debt burden ratio over the five-year period would drop from 2.8% in FY 2010 to 2.5% by FY 2014. The City Manager recommended approval. City Manager Hildebrandt stated in order to constrain the capital spending and the impact on the budget, the FY 2010 spending plan had been reduced by \$22.7 million and included \$20.4 million worth of General Obligation Bond Funding that would not be done. He indicated City Council had taken important steps to deal with the fiscal situation the City faced in the coming years by deferring as much, as possible, of the capital spending and lessening the impact on the operating budgets for the next two fiscal years.

Councilman Bateman moved adoption of the above resolution; seconded by Vice Mayor Whitaker.

Councilwoman McMillan stated the Grand Opening of the North District Community Center was slated for January 2009, and would serve the over 250,000 people who lived north of J. Clyde Morris Boulevard. She further stated this was a project that she had heard continually, "only a six-month delay," or "only a three-month delay." The money was there, the

7. Capital Improvement Program (CIP) Continued

B. Resolution Approving CIP for Fiscal Year 2010-2014 Continued

money was taken out. The money was included in the Capital Improvements Plan, the money disappeared from the Capital Improvements Plan. Councilwoman McMillan stated she watched the City approach countless projects, large and small, when money had suddenly appeared to go forth. She indicated it was shameful that the City could not make an investment in a project that would directly affect the lives of people in a large segment of the City. She had told her constituents that she would not vote for the Capital Improvements Plan if the Community Center was not funded; and suddenly, there is a small amount of funding for FY 2010, and a larger amount in years after. The bid would not go out until July 2011, which meant six months. Then the construction, which in 2012, would take eighteen months to build the Community Center; taking us to 2014 for a Community Center that was supposed to open January 2009. Councilwoman McMillan stated she would not vote for the CIP because she felt it was a disgrace. She was furious and stated it was an insult to the people in the northern part of the City and to every citizen in the City of Newport News.

Councilwoman Scott voiced similar disappointment. She expressed concern that if this project were not put out for bid until July 2010, there was no definite time set to break ground. It was discussed that infrastructure would begin in 2010, which was after July. City Manager Hildebrandt responded, some of the road improvements at the intersection, and some of the site improvements would begin during the next fiscal year. Bids would be put out during the spring of 2010, so there was a contract ready to award in July 2010, the beginning of the new fiscal year of FY 2011.

Councilwoman McMillan reminded the City Manager, for those infrastructure improvements, that his previous comments indicated the bid for the community center would go out in 2011. The Manager repeated that the contract would be awarded in FY 2011, which began July 1, 2010. The schedule distributed to City Council stated the contract would be ready for award and for funding, authorization of the bonds, July 2010. City Manager Hildebrandt stated he made a commitment. He reminded the design of the project would not be complete until April, meaning the project could not get out for construction much more than three months earlier if the entire amount of the project was funded. Councilwoman McMillan reminded that Council had been presented a design.

Councilwoman Scott inquired whether the City could break ground, do infrastructure, and start on the Curtis Tignor intersection in July, 2009. City Manager Hildebrandt could not recall when the intersection improvements would begin; but indicated it was funded in this CIP, for 2011, meaning anytime after July 1, 2009, that money could be authorized, and the contract awarded. He promised it would be ready as soon as it could be designed. City Manager Hildebrandt stated he did not have the schedule in front of him and could not recall the phase, but stated the project would be under construction from the road improvements, and some of the site work, during FY 2010, which began July 2009.

Councilwoman Scott voiced the concern that nothing on the community center was ever engraved in stone and the project changed frequently.

7. Capital Improvement Program (CIP) Continued

B. Resolution Approving CIP for Fiscal Year 2010-2014 Continued

City Manager Hildebrandt reiterated that he made a commitment to City Council that he would expedite the project and remain on schedule. He would do everything in his power to ensure that the schedule was adhered to. It was a realistic schedule, and staff was working to get it accomplished in the time frame. If there was a change, he would alert City Council. It was not his intention to delay the project in any way by the funding of it, and he would keep it moving. The Design Consultant was working on the final design and preparing construction documents. Work would begin on the intersection and the site plan while the design was being finished.

Councilwoman Woodbury inquired whether there was any possibility, that if things turned around in the operating budget, and money was saved, could the money be transferred to the CIP. City Manager Hildebrandt responded, depending on the City's financial situation, Council could authorize the bonds early, so the project could be awarded in the spring, when the design was done. He advised this action would have an impact on the debt service in the following year. The earliest to get the project under contract would be about April 2010, no matter when funded.

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, Vick

Nays: McMillan, Scott

8. Ordinance Amending the City Code, Chapter 31 – Pensions and Retirement, to Comply with the Internal Revenue Service (IRS) Code

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 31, PENSIONS AND RETIREMENT, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., EMPLOYEES' RETIREMENT FUND, SECTION 31-25, DEFINITIONS; SECTION 31-33, RIGHTS UNDER THIS ARTICLE NOT SUBJECT TO ASSIGNMENT, EXECUTION, GARNISHMENT, ETC.; SECTION 31-54, RETIREMENT ALLOWANCES; AND SECTION 31-64, ELIGIBLE ROLLOVER DISTRIBUTIONS. This ordinance amended the City Code to make technical changes needed to obtain an Internal Revenue Service favorable determination letter. City staff and the Retirement Board recommended seeking a determination letter from the Internal Revenue Service confirming that the City's Retirement Fund was a qualified defined benefit plan under applicable law. The amendments brought the City Code into compliance with the Internal Revenue Code. The City Manager recommended approval.

Councilman Bateman moved adoption of the above ordinance; seconded by Vice Mayor Whitaker.

Mr. Mark Dray, Partner in the law firm of Hunton and Williams, LLP, Richmond, legal counsel, who helped prepare the ordinance, addressed the technical and clarifying amendments the Retirement Board recommended that City Council adopt in conjunction with the Internal Revenue Service (IRS) filing, which was contemplated to be made during the first week of February 2009.

8. Ordinance Amending the City Code, Chapter 31 – Pensions and Retirement, to Comply with the Internal Revenue Service (IRS) Code Continued

Mr. Dray stated he was pleased to work with City staff to ensure the City's statutes, which created the Newport News Retirement funds were in compliance with the rules that applied to governmental qualified plans under the Internal Revenue Code (IRC). The plan was to file the statutory provision constituting the fund, with the IRS, with a request for a favorable determination letter on or before February 2, 2009. Mr. Dray explained the determination letter was: (1) part of a risk management process, or best practice, to provide the City assurance that the funds satisfied the rules applicable to qualified governmental plans in form; and (2) assured the tax results, with respect to participation in and the receipt of distributions from the fund to the members that participated in and benefited from the fund. In preparing for the IRS filing, a few provisions were made to facilitate the processing of the requested determination letter, or to affect other minor changes which reflected changes in the law.

Mr. Dray felt the proposed changes had no impact on the benefits provided under the fund or any possible changes in benefits that may be under consideration in the future.

Regarding the changes outlined in the City Attorney's January 22, 2009 memorandum to City Council, Mr. Dray stated the first change was in the definitions section. There were seven definitions, four were new definitions that were not in the statute before, and simply defined terms that were used elsewhere in the statute, and were merely clarifying changes. Three provisions contained technical changes, which were definitions of actuarial equivalents, the definitions of compensation and salary, and those changes were amended to reflect regulatory or statutory changes in the law. The next change dealt with the qdro (qualified domestic relations orders) rules. The Qdro rules applied to splitting benefits in the context of a divorce or legal separation. Language was added that clarified the qdro rules, simplified procedures, and would reduce the cost of administering these provisions of the plan.

Another change was a series of changes in Section 31.54 of the Code that reflected a change in the law, also known as the 415 limitations. These limitations limit, or cap, the maximum benefit that anyone could receive under the plan. Changes were made to the minimum distribution rules, which contemplated that some people might try to leave their money in the plan too long, and get the benefit of tax free accumulations. They had no practical impact on the operation of the fund, but were required to be in the document.

The final change dealt with the rollover provisions, which had very limited impact on the fund. In the context of death benefits, provided in a lump sum under the plan, they could be rolled over to another qualified retirement plan or to an individual retirement account if someone wanted to continue the benefit of the tax free environment that the funds came from.

Mr. Dray reiterated the changes were being proposed to facilitate the administration's navigation of this risk management process to obtain a favorable determination letter from the service with respect to the plan.

8. Ordinance Amending the City Code, Chapter 31 – Pensions and Retirement, to Comply with the Internal Revenue Service (IRS) Code Continued

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

9. Economic Development Authority/Hornsby Tire Company Appropriation

A RESOLUTION APPROPRIATING FUNDS FROM FY 2007 BONDS AUTHORIZED AND UNISSUED – COMMUNITY DEVELOPMENT (\$200,000.00) AND FY 2008 BONDS AUTHORIZED AND UNISSUED – COMMUNITY DEVELOPMENT (\$1,260,000.00) TO HORNSBY TIRE COMPANY RELOCATION (\$1,460,000.00). This resolution appropriated \$1,460,000 to the Capital Improvement Account for Community Development, for the Hornsby Tire Company Relocation Project. The Hornsby Tire Company Relocation Project would provide significant benefits for the City. The project would result in the relocation and retention of a longstanding business in the Southeast Community, visually improve the aesthetics and complement recent public and private investment along the Jefferson Avenue Corridor. It would also allow for the incorporation of an additional, strategically located 1.44 acres into the Southeast Commerce Center (SECC) project site, which would increase site, design and economic opportunities for planned high quality, mixed-use development. The Hornsby Tire Company Relocation Project generated interest from Riverside Health Systems, in locating a critically needed healthcare facility in the SECC, to serve the Southeast Community. Investment by Riverside Health Systems may serve as a catalyst for other private investment in the SECC development project. This project would be funded by bonds authorized and unissued. Of the \$1,460,000 requested, \$200,000 would come from the City's FY 2007 Bond Authorization, in which there was \$1,000,000 designated for community development. Approval of this resolution reduced the amount available for appropriation to \$600,000. Another \$1,260,000 for the project would come from the City's FY 2008 Bond Authorization which had \$4,500,000 designated for community development. This appropriation resulted in an estimated annual increase of \$141,620 in General Fund supported debt service. The City Manager recommended approval.

(No registered speakers)

Vice Mayor Whitaker moved adoption of the above ordinance; seconded by Councilwoman Vick.

Councilwoman Woodbury questioned the issue of bonds in February. Regarding bond authorization for FY 2009, City Manager Hildebrandt explained that Council had just approved the Capital Spending Plan, but had not yet authorized the bonds, which would be done in February. There would be a public hearing, and City Council would be asked to authorize the bonds that were called for in the Capital Spending Plan, which amounted to \$12.6 million worth of bonds. Out of that, there was \$475,000 needed to complete the funding for the Hornsby project. This could not be appropriated until the bonds had been authorized and Council had authority to appropriate money. Another transaction would be needed as soon as the authorization for the bonds had been approved. Councilwoman Woodbury questioned why some of this money could not go to the North District Community Center.

9. Economic Development Authority/Hornsby Tire Company Appropriation  
Continued

City Manager Hildebrandt replied it could, but it could not be spent for two different purposes. The design work for the North District Recreation Center was already funded; but site improvements could not be done until the design work was complete. Council would authorize \$1.5 million for that aspect in the next fiscal year. He added that \$475,000 would not change the schedule for the North District Recreation Center.

Councilwoman Scott stated there was a concrete plan in place once the City reached the point of acquiring land and moving businesses. She indicated that she had not seen anything dealing with the Aaron Brooks project. As a body, she did not recall a presentation being made. Councilwoman Scott advised she would support the project since she wanted to see progress in the Southeast Community, but was perplexed that she was not informed, and ordinances and plans were adopted without permits needed to move the project forward.

City Manager Hildebrandt responded, Council had to proceed, if the City wanted to provide the land and increase the access on Jefferson Avenue and clean up that part of the corridor. He advised the Hornsby's had delayed improvements to the facilities they purchased from the Housing Authority on the current location, in order for the City to work out the relocation portion. The preparation of the site and the project relocation must happen now, and if not, the Hornsby's would make improvements at their current location, and the land would not be available for acquisition. The City did not have eminent domain powers to take the land because it was part of a redevelopment process and eventually some private entity would develop on it. City Manager Hildebrandt explained that Council was buying and relocating businesses on a strategic piece of land, necessary as part of the development of the commerce park. He advised he would schedule another briefing, and review the specifics of pre-development agreement the City had with Aaron Brooks. Councilwoman Scott inquired when Mr. Brooks came before City Council. City Manager Hildebrandt replied Mr. Brooks appeared before the Economic Development Authority, but reminded there was a public unveiling of the plan.

Vice Mayor Whitaker indicated that the Hornsby Tire Company did the City a favor. He advised the Hornsby Tire Company purchased a building on Jefferson Avenue, kept it, for this expansion. Mr. Aaron Brooks came forward with \$10 million to invest in the East End, where he was born and raised, and Hornsby Tire Company scrapped its plan as a result on the property on which Aaron Brooks needed to expand and agreed to work with Mr. Brooks. Vice Mayor Whitaker commended the Hornsby's for this action. He reminded that the Southeast Community had been neglected for sixty years. He saw this project as a start to revitalizing the community. He felt City Council should want to work together to see it to fruition.

Councilwoman McMillan expressed enthusiasm for what this project would bring to the Southeast community. She understood the desire to improve a business district that needed an uplift. She hoped the City would consider a similar opportunity in other parts of the City. A great deal of discussion had been generated over a large amount of money being spent on what seemed to be a small project. To that end, Councilwoman McMillan requested the City Manager provide Council, in incremental time periods, the details of the expenditures of this money to clear up any misunderstandings on what the money was being spent on.

9. Economic Development Authority/Hornsby Tire Company Appropriation  
Continued

Councilwoman Woodbury requested a briefing on the Aaron Brooks project since it was done prior to her election to City Council. City Manager Hildebrandt agreed that Council should be reminded about the scope of the Brooks project and the specifics of the pre-development agreement the EDA executed with Mr. Brooks.

Councilman Bateman stated, in light of other transactions taking place in the City related to the IDA/EDA, this was a redevelopment project, in a part of Newport News where the IDA, the Newport News Redevelopment and Housing Authority, and the Hornsby's, as well as the Department of Development, had been working together to improve. The Hornsby's had the property for seventy years. He stated there was a certain uniqueness to this deal. He looked at the cash flow and the economic model of the City that justifies this investment. Councilman Bateman reminded that the Hornsby's building was aged, and would be torn down. The new building would be larger, with a larger value, creating more jobs. The tax revenues from the new building would be greater than the old building. The value of the land assembled for the possibility of a Brooks development would be greater and would have more density. There would be a commercial strip for retail sales. Riverside Healthcare System had also expressed an interest. There was a synergy where a mixed-use development would create improvements to the property in the way of buildings, commercial and residential, that would produce more revenue than what was currently there. He looked at this project very favorably for the Southeast Community and the City of Newport News as a whole. Councilman Bateman was of the belief that Council should work hard with the Hornsby's, and the neighborhood to create a synergy where investment and redevelopment could take place. He expressed his support.

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

10. Appropriations

Councilwoman Vick moved adoption of Items A through D, both inclusive, as shown below; seconded by Vice Mayor Whitaker.

Councilwoman Woodbury requested, when a match was required, that it be so noted.

(a) The Mariners' Museum – SAFTEA-LU High Priority Grant

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE UNITED STATES DEPARTMENT OF TRANSPORTATION USS MONITOR CENTER – FY 2009 (\$170,000.00) AND STATE REVENUE VIRGINIA DEPARTMENT OF TRANSPORTATION USS MONITOR CENTER – FY 2009 (\$53,266.00) TO USS MONITOR CENTER SAFTEA-LU 2009 ALLOCATION (\$223,266.00). This resolution appropriated \$223,266 of additional funding, from the U. S. Department of Transportation and the Virginia Department of Transportation, to the Mariners' Museum, for the USS Monitor Center. The Mariners' Museum had received these additional federal and state grant pass-through funds from

10. Appropriations Continued

(a) The Mariners' Museum – SAFTEA-LU High Priority Grant Continued

a SAFTEA-LU High Priority Fund Allocation. The Museum would use these funds to reimburse expenditures already made in the construction of the landscaping, lighting, sidewalks, signage and parking lots that support the USS Monitor Center exhibit. As a sponsor, the City's sole role was limited to the handling of reimbursement transactions from the Virginia Department of Transportation to the Mariners' Museum. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

(b) Fire Department – VA Department of Emergency Management Grant

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE – FEDERAL BOMB SQUAD INITIATIVE-09 (\$216,314.00) TO MACHINERY AND EQUIPMENT (\$216,314.00). This resolution appropriated \$216,314.00 from the State's Homeland Security Program Grant Revenue to the Fire Department. The City of Newport News received an award of federal pass-through grant funds from the Virginia Department of Emergency Management for FY 2009. The funding was restricted in use to support the Hampton Roads Bomb Squad initiative. The grant did not require local match funding. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

(c) Juvenile Services – Juvenile Accountability Block Grant (JABG)

A RESOLUTION APPROPRIATING FUNDS FROM LOCAL REVENUE – JUVENILE ACCOUNTABILITY BLOCK GRANT-09 (\$5,371.00) AND FEDERAL REVENUE – JUVENILE ACCOUNTABILITY BLOCK GRANT-09 (\$48,335.00) TO CONTRACTUAL SERVICES (\$53,706.00). This resolution appropriated \$53,706.00 for the Juvenile Accountability Block Grant to the Department of Juvenile Services. The City had been awarded a federal grant from the Juvenile Accountability Block Grant Program in the amount of \$48,335.00. Congress created the program to promote greater accountability in the juvenile justice system. The Juvenile Services Department would use the funds to continue the provision of services through its day reporting center for juveniles temporarily excluded from school, and to continue its evening supervision center, which provided structure during high-risk, low-supervision time periods. A local grant match in the amount of \$5,371 was required from the FY 2009 General Fund. No additional local funds were required. The City Manager recommended approval.

10. Appropriations Continued
  - (c) Juvenile Services – Juvenile Accountability Block Grant (JABG) Continued

(No registered speakers)

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

- (d) Juvenile Services – BYRNE/JAG Young Offender Regional Reentry Program (YORRP) Grant

A RESOLUTION APPROPRIATING FUNDS FROM LOCAL REVENUE – YOUNG OFFENDER REENTRY-09 (\$20,000.00) AND FEDERAL REVENUE – YOUNG OFFENDER REENTRY-09 (\$60,000.00) TO OTHER PROFESSIONAL SERVICES (\$80,000.00). This resolution appropriated \$80,000.00 to the Department of Juvenile Services. The City had been awarded a federal grant from the Department of Criminal Justice Services (DCJS) in the amount of \$60,000, for the Young Offender Regional Reentry Program. The purpose of the grant was to enhance existing substance abuse and mental health treatment-related services for approximately 20-40 juveniles and their families. This program placed emphasis on managing the transition from imprisonment to assimilation back into the community. A local grant match in the amount of \$20,000.00 was required from the FY 2009 General Fund. No additional local funds were required. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Whitaker, Woodbury, Bateman, Frank, McMillan, Scott, Vick

Nays: None

11. Citizen Comments on Matters Germane to the Business of City Council

Mr. James Armstrong, 319 36<sup>th</sup> Street, Newport News, re-visited an issue he first brought before City Council in September 2008 related to property adjacent to his that had deteriorated wood, causing the house to lean against his house. He requested that Council have the Department of Engineering review the matter. The City Manager felt Engineering did not have the expertise to make a proper assessment. Mr. Armstrong felt the homeowner of the property next to his, was receiving preferential treatment, which he felt was unethical. He requested that someone, other than the Department of Codes Compliance, investigate the matter to determine whether they acted ethically. He had not received a report or an assessment on the matter. Mr. Armstrong indicated that the City Manager had advised that the Department of Codes had acted properly. Mr. Armstrong indicated the City should not be proud of the fact that two houses were leaning together. He was told by Codes and the Manager's Office that it was acceptable for houses to lean together as long as there was not eminent danger to anyone. Mr. Armstrong felt the issue should have been addressed. He did not accuse the Department of Codes of doing anything illegal, but unethical.

11. Citizen Comments on Matters Germane to the Business of City Council  
Continued

Mayor Frank inquired whether Mr. Armstrong had appealed the case. Mr. Armstrong replied that he had filed an appeal to the Local Board of Building Code Appeals, who ruled that the Department of Codes had done nothing wrong. Mr. Armstrong reiterated this was an ethical matter.

Councilwoman Vick questioned whether Mr. Armstrong felt he had been discriminated against.

Councilwoman Woodbury responded that she reviewed the pictures carefully, and could not believe that the Department of Codes Compliance had come back with the determination they did. She indicated she would like the City Manager to ask for a second or third opinion. She felt there was obviously something wrong, after viewing the pictures.

City Manager Hildebrandt questioned whether City Council wanted to authorize him to pay for an independent structural engineer to evaluate the property, since Codes officials had researched and evaluated the properties, and used their expertise and judgment to make the determination that the properties were structurally sound. This matter was then taken to a panel of experts, independent of the City. Councilwoman Woodbury inquired whether this panel of experts had visited the house. City Manager Hildebrandt was unsure whether the panel had visited the house, but they did have the pictures.

City Attorney Katz advised that Mr. Armstrong also had an administrative appeal through the State of Virginia. Councilwoman Woodbury inquired whether there was a cost associated with this appeal. City Attorney Katz was unsure. Mr. Armstrong mentioned that he paid \$300 for the original appeal. City Attorney Katz advised this was a private legal issue between two adjoining property owners, and not a matter for City administration to step into to solve. Mr. Armstrong told officials that the building was leaning when he purchased the property and had gotten closer.

Councilwoman McMillan stated it defied common sense that there was a house, leaning against another house, that had moved closer; and yet he was told nothing was structurally wrong.

City Manager Hildebrandt stated the house was not structurally unsound to the point where it was a danger. He felt the information presented to the Board that both properties were leaning toward each other. The issue was whether either one of the properties were structurally unsound. The Department of Codes officials did not believe, based on their experience and expertise, that either of the properties were structurally unsound. City Manager Hildebrandt indicated the only way to get some other judgment was to incur the cost of hiring a structural engineer to make the determination as to whether or not that was not the case.

Councilwoman Woodbury questioned whether the City's Engineering Department could make the determination. City Manager Hildebrandt responded that the City's Engineering Department did not have the expertise to make these types of determinations.

11. Citizen Comments on Matters Germane to the Business of City Council  
Continued

City Attorney Katz suggested this went beyond the scope of the responsibility of City government to hire someone to do an assessment of anyone's private property.

Mayor Frank reminded of a problem where trees were hanging over onto someone else's property, which was a private matter, not a government matter. He stated an encroachment of one person's property onto the property line of another was something between private parties and not a government issue. The government issue was that a Codes Compliance inspection determined whether the property was, under the code, in violation of a provision of law such that the public health or safety was in danger. If Codes determined that the property was structurally sound to the point that human health and human safety were not in danger, they discharged their responsibility and the matter went back to being a dispute between two private land owners.

Councilwoman Scott inquired whether it was Mr. Armstrong's house that was leaning. Mr. Armstrong replied that nobody, in any of the reports, had indicated that his house was leaning. He indicated if his house were leaning, he would move it.

Mr. Stephen Pincus, 120 Leslie Lane, Yorktown, addressed City Council regarding the proposed changes to the City's retirement plan and other post employment benefits. He stated that City employees had been doing more with less, and had borne the brunt of unwise fiscal decisions. The City continuously poured millions of dollars into the King William Reservoir Project, the Super Block, City Center, signs, Aviation World's Fair, and various other pet projects, yet had not lived up to its responsibility to make sure the Retirement Fund remained solvent. Mr. Pincus requested that City Council reconsider the proposal for addressing the problems with the Retirement system and recognize the employees were the City's most important asset. He further asked that City Council forego some of the capital projects and fund the Retirement system as required by the City Charter, particularly the life and health insurance portions.

Mayor Frank advised, on the retirement issue, City Council began discussions at a Special Work Session, regarding the City Manager's proposal about addressing the issues involved with the Retirement program, including health care and insurance issues. He stated the discussions would continue for several months. He indicated that City Council welcomed comments from employees, retirees, and citizens; but it would be most helpful to receive those proposals and suggestions in writing so that City Council could thoughtfully consider each and their financial impact. As the process continued, he promised that no decisions would be made until City Council had a full opportunity for discussion and received input from citizens and current employees and retirees. It was a difficult and challenging issue, but Council would do its best to be respectful and appreciative of the service of the employees and retirees; yet be mindful of their responsibility to the taxpayers.

Ms. Valerie Price, 938 Shore Drive, Newport News, representing Alpha Kappa Alpha Sorority (AKA) Inc., Lambda Omega Chapter, founded in 1908, stated AKA was the oldest Greek letter organization established by African-American college trained women.

11. Citizen Comments on Matters Germane to the Business of City Council  
Continued

With more than 160 members, the chapter expressed thanks to City Council for its service to the citizens of Newport News. Members of the chapter presented each Council member with a small token of appreciation and encouraged them to continue to work for the betterment of the community.

Ms. Valerie Young, 411 Belton Place, Newport News, addressed the issues/rumors regarding the proposed changes to the City's retirement plan and other post employment benefits, specifically related to police and fire overtime. An employee of the Newport News Police Department for more than 20 years, indicated the officers had no control over their overtime. Certain events such as hurricanes, strikes, and court cases were beyond the control of police officers when called to serve. Ms. Young stated police officers have always given to the City and the citizens first; and felt the City should keep that fact in mind. Ms. Young recommended grandfathering the employees, i.e. keeping benefits for vested employees. She felt the rumors were discouraging qualified individuals from seeking employment with the City of Newport News. Ms. Young shared the following quote from Daniel Webster: "What is always right, is not always popular; and what is popular is not always right." She encouraged City Council to do the right thing for City employees.

Dr. Henry J. Godfrey, 43 Kings Point Drive, Hampton, referenced letters submitted to City Council members and encouraged them to read them carefully. Dr. Godfrey indicated that he would be available to provide additional information and to answer any questions.

Mr. Crawford Smith, 22 Diamond Hill Road, Hampton, retiree of Newport News Public Schools, serving for more than 40 years, felt retirees were being bombarded on both sides relating to health insurance and life insurance. Mr. Smith expressed concern with the proposed changes to the City's life insurance benefit. He stated employees looked for good benefits, which attracted, recruited, and retained them. He indicated when one took away what an employee earned and what they felt they deserved, much of the dignity was lost. His benefits, specifically life insurance, had become a part of his family's financial planning. He stated that \$10,000 was not an equitable compensation for the large amount his family had anticipated. Mr. Smith asked that City Council give the matter serious consideration.

Mr. Larry L. Orie, 1219 Emma Drive, Newport News, retired Newport News Fire Chief and Newport News resident, addressed his concern over the proposed changes to the City's retirement plan and other post employment benefits. After 32 ½ years of service, Chief Orie indicated he had the understanding that if he fulfilled the expectations the City had of him, he could expect an agreed upon salary and some specific benefits. He expressed concern about what benefits would be available for his family if the rumors regarding the benefits were true. Speaking for retired fire persons and employees, Chief Orie expressed specific concerns with the City's life insurance. On behalf of the Newport News Retired Firefighters Association, Chief Orie asked that City Council not approve the proposed changes as it related to employees' life insurance, and that no changes be made to current retirees' life insurance. He further asked, if changes were unavoidable, that retirees be given the opportunity to continue as a group, with a

11. Citizen Comments on Matters Germane to the Business of City Council  
Continued

group rate, that the City oversees and with the employees paying all costs. Chief Orié addressed the issue regarding the fire department and the quality of service provided. He reminded that reductions in manpower always endangered the lives of the personnel remaining. The jobs still remained to be done, meaning that remaining personnel assumed more work, worked harder, and worked less safely in an effort to cut corners. He asked that City Council act carefully when considering reductions in manpower. A copy of Chief Orié's remarks are attached and made a part of these minutes.

Mr. Frank Barger, 302 Honeysuckle Lane, Yorktown, a retired Newport News City employee, addressed City Council regarding money being spent unnecessarily by the City, rather than funding the things that City retirees counted on. He expressed concern with paid City employees staffing boards and commissions, when this money could be spent elsewhere. Independent 501(c)(3) organizations should staff their own boards. Mr. Barger asked that City Council address these matters as there were many organizations that the City was putting money into without receiving anything in return.

Ms. Joan Minarik, 114 Linbrook Drive, Newport News, asked that City Council consider the proposal to televise City Council Work Sessions, or have them video streamed on the internet. She indicated it would be helpful to hear Council's responses to citizen's issues, and proposed the answers be presented at the next City Council meeting or on the web site. Ms. Minarik also proposed an annual City-wide, televised Town Meeting, with each district presenting issues pertaining to their specific district.

Ms. Kimberly L. Winn, Newport News, expressed appreciation and thanked City Council for its service to the community. She expressed support for the West Avenue Library and the library system, which was important to the children and each community. She distributed information pertaining to the West Avenue Library, which was the oldest in the City. Ms. Winn requested that the proposed Dr. Martin Luther King, Jr. Plaza remain at the 25<sup>th</sup> Street and Jefferson Avenue site.

Mr. Kelly V. Place, 213 Waller Mill Road, Williamsburg, offered congratulations on bringing Newport News into the 21<sup>st</sup> Century via video streaming. Mr. Place encouraged a spirit of transparency for the City by posting responses to citizen inquiries on the internet. He asked about the cost of the King William Reservoir for each Waterworks customer on the Peninsula and that the cost be posted to the City's website. He projected the cost to total \$200 per person. Mr. Place expressed that the City had overestimated its revenues, its customer base and the housing base and other economic issues, which would increase the deficit in the City's projections, causing water customers to pay more.

12. New Business and Councilmember Comments

Councilwoman Woodbury inquired about the possibility of streaming the City Council Work Sessions. City Manager Hildebrandt responded that he would look into the matter. He advised trying to tape meetings and provide video production of meetings in the Council

12. New Business and Councilmember Comments Continued

Conference Room would be difficult. Council would need to consider relocating its Work Sessions to a location more conducive to televising and taping the meetings.

Councilwoman Woodbury further thanked member of the Retirement Board for the excellent Seminar provided on January 13, 2009. She advised that City Council took the changes to the City's Retirement Plan and other post employee benefits seriously. It was a complex issue and City Council would work together to reach a reasonable solution. She thanked the citizens for their attendance and participation. Councilwoman Woodbury advised that she and Betty Dixon, Newport News School Board member, would hold a community meeting on February 7, 2009 at Warwick High School. Citizens were encouraged to attend and address issues concerning both the City and the School Board.

Councilwoman Woodbury expressed concern about the issue presented by Mr. James Armstrong and asked that the matter be revisited.

Councilman Bateman thanked citizens for their attendance and participation. He advised of the Christopher Newport University (CNU) Neighborhood Relations initiative. He thanked CNU President Paul Tribble and staff for working collaboratively with the City and the citizens in communities adjacent to CNU to resolve neighborhood relations issues. He announced the creation of a committee of interested parties, to meet quarterly on neighborhood issues.

Councilman Bateman stated, in an effort to make government more transparent, the City would be streaming video on the City's website, and also be available on demand at [www.nngov.com](http://www.nngov.com). He further advised that all Newport News television programming on Cox Channel 48 and Verizon Channel 19 would be shown live and on demand at [www.nngov.com](http://www.nngov.com).

Mayor Frank wished Councilwoman Woodbury a Happy Birthday. He further wished Vice Mayor Whitaker a Happy Belated Birthday and a Happy Belated Anniversary.

Councilwoman McMillan wished Councilwoman Woodbury a Happy Birthday.

Councilwoman Scott wished Councilwoman Woodbury a Happy Birthday.

Councilwoman Scott thanked everyone for their attendance and participation at the North District Town Hall Meeting. Captain Boswell reported that crime was down in Denbigh by 9%. She advised that citizens could track crime statistics, increases and/or decreases on the City's website. She announced that City Manager Hildebrandt would be the guest at the February 23, 2009 Town Hall Meeting.

Councilwoman Vick expressed special thanks to the members of Alpha Kappa Alpha Sorority, Lambda Omega Chapter for their presentation. She also thanked the Girl Scouts Council of the Colonial Coast for their gift of Girl Scout Cookies.

Councilwoman Vick indicated that City Council members were concerned about the City's Retirement program and Pension Fund and vowed to do their best to reach an agreeable solution to the matter.

12. New Business and Councilmember Comments Continued

Councilwoman Vick wished Councilwoman Woodbury a Happy Birthday as well as her grandsons. She also acknowledged her own birthday.

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 9:47 P.M.

Mabel Washington Jenkins, CMC  
City Clerk

Joe S. Frank  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk