

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE**

**June 9, 2009  
7:30 P.M.**

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

ABSENT: None-----0

A. Invocation

The invocation was rendered by Pastor Gerald Wollitz, Calvary Chapel.

B. 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 Councilman Herbert H. Bateman, Jr.

C. Public Hearings

(1) Conditional Release of Development Restriction – 41 Morrison Avenue

AN ORDINANCE TO CONDITIONALLY RELEASE A DEVELOPMENT RESTRICTION ON PROPERTY LOCATED AT 41 MORRISON AVENUE, NEWPORT NEWS, VIRGINIA. This ordinance conditionally released a development restriction on property located at 41 Morrison Avenue. The property owners of 41 Morrison Avenue petitioned the City Council at its September 23, 2008 Work Session, to remove a development restriction which required the property to remain open space in perpetuity. The proposed use of the property would be consistent with the single-family residential zoning of the area. The City Attorney drafted an ordinance that released the development restriction subject to the condition that the design of the residence be subject to the review and approval of the City of Newport News Director of Planning and 10 other conditions. The Director of Planning reviewed and approved the design of the proposed single-family residence. The City Manager recommended release of the development restriction with conditions.

(No registered speakers)

Mr. Billie Millner, Attorney, Jones, Blechman, Woltz and Kelly, representing the applicant, was available for questions.

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

Vote on Roll Call:

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

Nays: None

C. Public Hearings Continued

- (1) Conditional Release of Development Restriction – 41 Morrison Avenue  
Continued

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

Vote on Roll Call:

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

Nays: None

- (2) Lease between the City and Warwick Lions Club, Inc., for Storage Building on  
Municipal Lane

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND WARWICK LIONS CLUB, INCORPORATED, DATED THE 9<sup>TH</sup> DAY OF JUNE, 2009, FOR A CINDER BLOCK STORAGE BUILDING LOCATED ON MUNICIPAL LANE. This ordinance authorized the City Manager to execute a lease between the City of Newport News, Virginia, and the Warwick Lions Club, Incorporated, related to a storage building on Municipal Lane. The Warwick Lions Club had continually leased a storage building on Municipal Lane from the City since 1994. The lease was to expire on June 30, 2009, and a new lease requested. The new lease contained essentially the same terms and conditions; however, rather than an uninterrupted five-year term, the new lease was for a one-year period, with four successive one-year options to renew at the discretion of the City. The new lease also reflected a 25% increase in the annual rental rate to \$500. The lease obligation of the Warwick Lions Club to maintain the building remained in place. There was a new provision reserving unto the City the right to use a 375 square foot portion of the structure for storage purposes, given 45 days advance notice by the City. The City Manager recommended approval.

(No registered speakers)

Mayor Frank advised that Council would prefer not to do the 25% increase and leave the rent fixed. Councilwoman Woodbury responded that it was her preference to reflect increments of 5% increases each year. Mayor Frank repeated that the new lease would reflect a 5% increase rather than a 25% increase.

Councilwoman McMillan moved closure of the public hearing; seconded by Councilwoman Woodbury.

Vote on Roll Call:

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

Nays: None

C. Public Hearings Continued

- (2) Lease between the City and Warwick Lions Club, Inc., for Storage Building on Municipal Lane Continued

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

Vote on Roll Call:

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

Nays: None

D. Consent Agenda

Vice Mayor Whitaker moved adoption of the Consent Agenda, Items 4 and 5, as shown below; seconded by Councilwoman Scott.

- (4) Resolution Canceling Second City Council Meetings in July, August, and December 2009

A SPECIAL RESOLUTION CANCELING THE REGULAR COUNCIL MEETINGS OF JULY 28, 2009, AUGUST 25, 2009 AND DECEMBER 22, 2009. This Resolution cancelled the July 28, 2009, August 25, 2009, and December 22, 2009. Cancellation of the second regularly scheduled meetings in July and August was consistent with previous years, in which City Council met only once during each of these two months to accommodate summer vacation schedules. In the same regard, cancellation of the second meeting in December would accommodate holiday vacation schedules. Taking action at this time to officially cancel these meetings allowed staff to schedule pending items for upcoming meeting agendas, and accommodate the required advertising and notification requirements for certain items of business.

Vote on Roll Call:

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

Nays: None

- (5) Resolution Reauthorizing Jefferson Park Redevelopment Plan

RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS RE-AUTHORIZING THE JEFFERSON PARK REDEVELOPMENT PLAN PURSUANT TO TITLE 36 OF THE CODE OF VIRGINIA. This Resolution reauthorized the Jefferson Park Redevelopment Plan, pursuant to Title 36 of the Code of Virginia. The original Jefferson Park Redevelopment Plan was approved by the Newport News City Council on June 26, 2006. The original plan called for the acquisition of 56 properties in the area, the relocation of residents and demolition of structures to allow assemblage of properties for new development. To date, 365 properties had been acquired. Title 36 of the Code of Virginia required that plans approved after July 2002 be reauthorized within 36 months of the original City Council action. In order to comply with Title 36, the Jefferson Park Redevelopment Plan must be reauthorized by City Council prior to June 26, 2009. It was anticipated that an additional \$2.7 million was needed to

D. Consent Agenda Continued

(5) Resolution Reauthorizing Jefferson Park Redevelopment Plan Continued

complete the project, as originally proposed. Of this amount, \$1.5 million had been approved in the CIP over the next two years. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

Councilwoman Scott moved adoption of the Consent Agenda, Items 1 through 3, as shown below; seconded by Councilwoman Vick.

(1) Minutes of the Work Session of May 26, 2009

Vote on Roll Call:

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

Nays: None

Abstain: Frank (Was not present at the Work Session of May 26, 2009)

(2) Minutes of the Special Meeting of May 26, 2009

Vote on Roll Call:

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

Nays: None

Abstain: Frank (Was not present at the Special Meeting of May 26, 2009)

(3) Minutes of the Regular Meeting of May 26, 2009

Vote on Roll Call:

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

Nays: None

Abstain: Frank (Was not present at the Regular Meeting of May 26, 2009)

E. Other City Council Actions

(1) Ordinance Amending Chapter 31, Pensions and Retirement, Related to Newport News Public Schools (NNPS) Pension Benefits

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, DIVISION 2., DEFINITIONS, SECTION 31-25, DEFINITIONS; DIVISION 3., MEMBERSHIP, SECTION 31-30, MEMBERSHIP GENERALLY AND SECTION 31-31, EXCLUSIONS FROM MEMBERSHIP. This ordinance amended Chapter 31 of the City Code, Pensions and Retirement, Sections 31-25, 31-30 and 31-

E. Other City Council Actions Continued

(1) Ordinance Amending Chapter 31, Pensions and Retirement, Related to Newport News Public Schools (NNPS) Pension Benefits Continued

31. On April 22, 2009, the Newport News School Board voted unanimously to approve a recommendation to City Council and the Board of Trustees of the Newport News Employees' Retirement Fund (NNERF), that all eligible School Board employees hired on or after July 1, 2009, be members of only the Virginia Retirement System (VRS) and no longer eligible for membership in NNERF. On May 28, 2009, the Retirement Board unanimously approved the School Board's recommendation to exclude School Board employees hired on and after July 1, 2009. The City Manager recommended closing the City's pension plan to new NNPS VRS participants. Current NNPS employees and retirees would not be affected by this change; their benefits would remain vested in both retirement plans. The City would have no future accrued actuarial liability incurred for NNPS' employees hired on or after July 1, 2009. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

(2) Ordinance Amending Chapter 31.38-39, Pensions and Retirement, Related to Reemployment

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, DIVISION 4., CREDITED SERVICE, SECTION 31-38, REEMPLOYMENT OF A VESTED, TERMINATED MEMBER NOT RECEIVING RETIREMENT BENEFITS; AND SECTION 31-39, REEMPLOYMENT OF A RETIRED MEMBER RECEIVING RETIREMENT BENEFITS. This ordinance amended Chapter 31-38, Reemployment of a Vested, Terminated Member Not Receiving Retirement Benefits), and 31-39 (Reemployment of a Retired Member Receiving Retirement Benefits). On May 28, 2009, the Retirement Board of Trustees unanimously approved recommending to City Council, amending the Pension Code to define how to calculate retirement benefits for vested, terminated and retired members who were rehired in a full-time position prior to October 1, 2007. The recommendation was to implement the "prior administrative practice" of combining all of the service time together and using one Average Final Compensation (AFC) for those members rehired prior to October 1, 2007. The recommendation would not decrease a member's benefits. Because the City combined all of the accredited service together and used only one AFC, the result would be a higher benefit. The City Manager recommended approval.

(No registered speakers)

E. Other City Council Actions Continued

- (2) Ordinance Amending Chapter 31.38-39, Pensions and Retirement, Related to Reemployment Continued

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

Councilwoman Woodbury inquired, if an employee was rehired prior to October 1, 2007, their full service time would be calculated in the AFC. City Manager Hildebrandt responded, if an employee were rehired prior to October 1, 2007, their benefits would be calculated based on the method that had been done as a prior practice before October 1, 2007. It was a way to combine the employee's previous service and new service under rehired status in calculating their benefits. He stated this change would help four individuals by giving them a higher retirement benefit. Councilwoman Woodbury questioned what would occur for anyone subsequent to that. City Manager Hildebrandt responded, subsequent to that, no one would be affected, since the ordinance was changed for everyone. Anyone that retired now would be under the new procedure. Mayor Frank reminded that this change only applied to four individuals.

Vote on Roll Call:

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

Nays: None

- (3) Resolution Authorizing Memorandum of Agreement between Hampton Roads Sanitation District (HRSD) and Hampton Roads Localities

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN MEMORANDUM OF AGREEMENT BY AND BETWEEN THE HAMPTON ROADS SANITATION DISTRICT AND THE CITIES OF VIRGINIA BEACH, NORFOLK, CHESAPEAKE, SUFFOLK, HAMPTON, NEWPORT NEWS, PORTSMOUTH, WILLIAMSBURG AND POQUOSON, THE TOWN OF SMITHFIELD, THE COUNTIES OF ISLE OF WIGHT, GLOUCESTER AND YORK AND JAMES CITY SERVICE AUTHORITY DATED THE 9<sup>TH</sup> DAY OF JUNE, 2009, PERTAINING TO MUTUAL COOPERATION IN THE RETROFIT ENFORCEMENT OF GREASE CONTROL DEVICES. This resolution authorized the City Manager to execute an Agreement between the Hampton Roads Sanitation District (HRSD) and the Cities of Virginia Beach, Norfolk, Chesapeake, Suffolk, Hampton, Newport News, Portsmouth, Williamsburg and Poquoson, the Town of Smithfield, the Counties of Isle of Wight, James City, Gloucester and York, pertaining to mutual cooperation in the retrofit enforcement of grease control devices. In compliance with a Regional Special Order by Consent from the Virginia Department of Environmental Quality (DEQ), the City Council was briefed at its May 26, 2009 Work Session by Public Works' staff on efforts to establish the environmentally damaging build-up of organic materials in sewer lines. As part of this process, the City was committing, along with other cities in the region, to be more aggressive in controlling the amount of fats, oils and grease, otherwise known as FOG-related sewer back-ups and overflows. Food service facilities and restaurants were most often the major contributors to these build-ups. The non-binding Memorandum of

E. Other City Council Actions Continued

- (3) Resolution Authorizing Memorandum of Agreement between Hampton Roads Sanitation District (HRSD) and Hampton Roads Localities Continued

Agreement (MOA) between the HRSD and the Hampton Roads localities was the first step in establishing the City's FOG Program. This was a necessary "good faith" action consistent with the Consent Order. There was no financial commitment by the City related to this MOA.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

F. Appropriations

Councilman Bateman moved adoption of Items 1 through 4, both inclusive, as shown below; seconded by Councilwoman Vick.

- (1) Fire Department – Pet Shelter Grant from the Department of Homeland Security

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE - FED PET SHELTER – 09 (\$20,000.00) TO EQUIPMENT (\$20,000.00). This resolution appropriated \$20,000.00 from FY 2009 Federal Department of Homeland Security Grant Revenue to the Fire Department. The Fire Department received a grant award of \$20,000.00 from the Department of Homeland Security through the Virginia Department of Emergency Management. The funding was restricted in use to support the acquisition of a trailer and supplies in adequate number to open and operate a pet shelter during an emergency. Grant guidance provided that the trailer and supplies may be requested as an asset by the State, through a Statewide Mutual Aid Plan, under a Memorandum of Understanding. The State did not require local grant match funding. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (2) Fire Department – HazMat Grant

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE-F-DHS-HAZMAT GRANT 09 (\$60,000.00) TO EQUIPMENT (\$60,000.00). This resolution

F. Appropriations Continued

(2) Fire Department – HazMat Grant

appropriated \$60,000.00 from FY 2009 Department of Homeland Security Grant Revenue to the Fire Department. The Fire Department received a grant award of \$60,000.00 from the Department of Homeland Security through the Virginia Department of Emergency Management (VDEM). The funding was restricted in use to support the Newport News Hazardous Materials Response Team (HazMat). VDEM was provided this funding in recognition of the City's status as a regional hazardous materials response team for the Commonwealth. Grant guidance restricts the funds to the purchase of equipment and training to support a response to chemical, biological, radiological or explosive incidents. The State did not require any local grant match funding.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

(3) Fire Department – “Four for Life” Grant

A RESOLUTION APPROPRIATING FUNDS FROM STATE REVENUE – FOUR FOR LIFE 09 (\$158,459.00) TO TRAINING (\$10,000.00) AND MACHINERY & EQUIPMENT (\$148,459.00). This resolution appropriated \$158,459.00 from FY 2009 State Department of Health Grant Revenue to the Fire Department. The Fire Department received a grant award of \$158,459.00 from the State Department of Health as the City's portion of the “Four for Life” payments, as required by Section 46.2-694, Code of Virginia. The funding was restricted in use to training emergency medical personnel and the purchase of necessary equipment and supplies, as allowed under program guidance. The State did not require local grant match funding. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

(4) Engineering Department – Streetlight Installation for Jefferson Avenue Widening Project

A RESOLUTION APPROPRIATING FUNDS FROM REVENUE FROM THE COMMONWEALTH – VIRGINIA DEPARTMENT OF TRANSPORTATION (\$567,420.00) AND VDOT LOCAL GRANT MATCH – JEFFERSON AVENUE WIDENING - STREETLIGHTS (\$11,580.00). This resolution appropriated \$579,000.00 of front funding, for the installation of streetlights along the Jefferson Avenue widening project, between Buchanan Drive and Green Grove Lane. The Department of Transportation (VDOT) was widening

F. Appropriations Continued

(4) Engineering Department – Streetlight Installation for Jefferson Avenue Widening Project

Jefferson Avenue between Buchanan Drive and Green Grove Lane. Dominion Virginia Power would install 94 streetlights. The City would be responsible for the administration of the streetlight installation project. The City's cost share would come from appropriations available for VDOT Local Grant Match within the Streets and Bridges category of the CIP. The City's total cost was \$11,580.00. Upon completion of this project, the City would be 98% reimbursed by VDOT. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

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

Ms. Joan Minarik, 114 Linbrook Drive, Newport News, addressed City Council about her concerns on the King William Reservoir (KWR) project. She commented that the project was on "life support" for another 90 days. She reminded that one of the biggest concerns was how the City could afford to build a reservoir that would cost over \$300 million by the time it was constructed. She expressed further concern that citizens could not afford the cost of the project. She hated to think about the cost of water as a result. Ms. Minarik further questioned the involvement of the Justice Department in the KWR project. She questioned what would happen at the end of 90 days and whether the citizens would be presented with a report on the alternatives.

City Manager Hildebrandt responded that the Justice Department was the attorney for all federal agencies. The decision as to whether or not to appeal the decision against the permit was a judgment made by the Justice Department. The Justice Department received recommendations from their client(s), but the decision was theirs. The Justice Department decided to file a motion of appeal. City Manager Hildebrandt advised that he would provide City Council with a comprehensive report at the end of 120 days and would address all of the issues outlined in the Resolution, including what was believed to be alternatives that the City would research if the KWR project was terminated. He advised this would be presented at an open Work Session of City Council. Citizens would have a chance to hear what was presented. Citizens would be given an opportunity to comment depending on what action was taken by City Council. City Manager Hildebrandt stated the appeal decision complicated the analysis of how it would affect the way the Army Corps handled the permit.

H. New Business and Councilmember Comments

Councilman Bateman congratulated the Menchville Monarchs Boys Baseball Team on winning the 2009 State Championship.

H. New Business and Councilmember Comments Continued

Councilman Bateman shared good news about the possibility of the Middle Ground Boulevard Extension project.

Mayor Frank expressed condolences to Delegate Mamyé BaCote and family on the loss of her husband, Theodore "Teddy" BaCote. He further expressed condolences to the Archey family on the loss of their son, Ronald.

Councilwoman McMillan expressed condolences to Delegate Mamyé BaCote and family on the loss of her husband, Teddy. Councilwoman McMillan shared a personal story of how Coach Teddy BaCote had made her daughter feel comfortable at school. She further expressed condolences to the Archey family on their son, Ronald.

Councilwoman McMillan announced a Town Meeting, sponsored by the North Precinct, on Wednesday, June 17, 2009, 7:00 p.m., at Colossian Baptist Church, on Old Fort Eustis Boulevard.

Councilwoman McMillan announced a Wine Tasting, scheduled for Saturday, June 13, 2009, 11:00 a.m. – 6:00 p.m. at Lee Hall Mansion. Proceeds from this event were to benefit the Virginia War Memorial Museum.

Councilwoman Scott expressed condolences to Delegate Mamyé BaCote and family on the loss of her husband, Teddy.

Councilwoman Scott offered congratulations to the 378 young black males who were honored by the 200+ Black Men honored on Saturday, May 16, 2009. Scholarships were awarded, some in the amount of \$60,000.

Councilwoman Scott announced the next North District Town Hall Meeting, scheduled for Monday, June 22, 2009, 7:00 p.m. at American Legion Post 368. No speakers were scheduled.

Councilwoman Scott announced a "Fun Fest" sponsored by Survivors, Not Victims for Saturday, June 13, 2009, 11:00 a.m. – 7:00 p.m. at King-Lincoln Park. The event was sponsored to raise awareness of victims of sexual abuse. All children would receive a free meal.

Councilwoman Vick expressed condolences to Delegate Mamyé BaCote and family on the loss of her husband, Teddy.

Vice Mayor Whitaker expressed condolences to Delegate Mamyé BaCote and family on the loss of her husband, Teddy.

Councilwoman Woodbury expressed condolences to Delegate Mamyé BaCote and family on the loss of her husband, Teddy.

H. New Business and Councilmember Comments Continued

Councilwoman Woodbury commented on the moving Drug Court Graduation held on June 5, 2009. She commented on the heart-wrenching personal testimonies and successes of the graduates in their battles with addiction. She indicated the City should never question the money for this program.

Councilwoman Woodbury commented on the Newport Foster Parents Program and a picnic held in their honor on Saturday, June 6, 2009, at the Midtown Community Center. She was presented with a tee-shirt which she proudly wore.

Councilwoman Woodbury announced the All City Musical Review, scheduled for Friday, June 19, 2009, at 6:00 p.m., at the Downing-Gross Cultural Arts Center. The production consisted of employees of the City, Newport News Public Schools, City residents, and shipyard employees. She congratulated Mr. Sabastian Velilla, Security Division Administrator, for putting the production together. There was no fee for the event.

Councilwoman Woodbury congratulated St. George's Episcopal Church on its 50<sup>th</sup> Anniversary. She reminded that she once played the organ at the church many years ago.

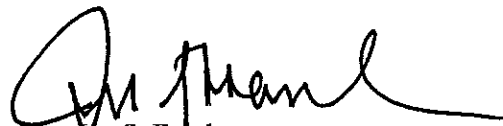
THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 8:02 P.M.



Mabel Washington Jenkins, CMC  
City Clerk

A true copy, teste:

City Clerk



Joe S. Frank  
Mayor  
Presiding Officer