

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
August 11, 2009  
7:30 P.M.**

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

ABSENT: None-----0

Mayor Frank reported, at a Special Meeting, held August 11, 2009, 11:00 a.m. – 2:00 p.m., City Council completed its evaluation of City Manager Randy Hildebrandt. At the conclusion of the Special Meeting, City Council came out of a closed meeting to a public meeting, with the press present, and announced that a majority of City Council voted to indicate their intent to terminate the services of the City Manager. This action triggered the requirement for City Council to serve on the City Manager, a written notice that contained the issues Council had about his performance. This notice was released to the press. City Manager Hildebrandt had a right, under the City Charter, to have a hearing before City Council, which could be open to the public, but would not allow public comment. The City Manager would be given the opportunity to address City Council on the issues and concerns that were raised, and to respond in any way he deemed appropriate. City Manager Hildebrandt had asked that the meeting be held as an open meeting. The meeting was scheduled for Tuesday, August 25, 2009, 10:00 a.m., in the City Council Chambers, 2400 Washington Avenue. Mayor Frank advised that City Manager Hildebrandt was put on a leave of absence. City Council named Deputy City Manager Neil Morgan as the Acting City Manager. City Council agreed, at that meeting, to compensate Mr. Morgan an additional \$10,000 over his salary, for the additional duties and responsibilities he would take on behalf of the City. Mayor Frank advised that Acting City Manager Morgan began earlier by leading City Council through the Work Session and would handle the responsibilities at the August 11, 2009 Regular Meeting of City Council. Mayor Frank advised that Acting City Manager Morgan had been a long-term employee of the City, been engaged with almost every department in the City, and had a deep historical knowledge of the City, its affairs, issues, and personnel. City Council was confident that he would do an outstanding job as the Acting City Manager. Mayor Frank thanked Acting City Manager Morgan for his willingness to take this position under these difficult times. City Council would engage in a discussion, in the near future, about the process by which a new permanent City Manager would be selected. He reiterated the only purpose for the August 25, 2009 Special Meeting was to hold a hearing for City Manager Hildebrandt. No other business would be transacted. The next regularly scheduled meeting of the Newport News City Council would be held on Tuesday, September 8, 2009, beginning at 7:00 p.m. with presentations, and 7:30 p.m. for the regular business session.

A. Invocation

The invocation was rendered by Reverend A. Maurice Russell, Ivy Baptist Church.

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 Councilwoman Sharon P. Scott.

C. Public Hearings

(1) Issuance of General Obligation General Improvement Bonds

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED THIRTY-ONE MILLION DOLLARS (\$31,000,000) PRINCIPAL AMOUNT OF CITY OF NEWPORT NEWS, VIRGINIA, GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF VARIOUS PUBLIC IMPROVEMENT PROJECTS OF AND FOR THE CITY AND NOT TO EXCEED FORTY MILLION DOLLARS (\$40,000,000) PRINCIPAL AMOUNT OF CITY OF NEWPORT NEWS, VIRGINIA, GENERAL OBLIGATION GENERAL IMPROVEMENT REFUNDING BONDS AND/OR GENERAL OBLIGATION WATER REFUNDING BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND IN ADVANCE OF THEIR STATED MATURITIES AND REDEEM CERTAIN OUTSTANDING GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS AND/OR GENERAL OBLIGATION WATER BONDS OF SUCH CITY; AUTHORIZING THE SALE OF SUCH BONDS; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS; PROVIDING FOR THE SALE OF SUCH BONDS AND DELEGATING TO THE CITY MANAGER CERTAIN POWERS WITH RESPECT THERETO, INCLUDING THE POWER TO SELECT THE UNDERWRITERS THEREFOR; AUTHORIZING THE CITY TO ENTER INTO ONE OR MORE PURCHASE CONTRACTS BY AND BETWEEN THE CITY AND THE UNDERWRITERS RELATING TO SUCH BONDS; AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER SUCH PURCHASE CONTRACTS; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT RELATING TO THE BONDS; AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A CONTINUING DISCLOSURE CERTIFICATE OR A CONTINUING DISCLOSURE AGREEMENT RELATING TO THE BONDS; AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION GENERAL IMPROVEMENT BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS; AUTHORIZING THE APPOINTMENT OF AN ESCROW AGENT; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT BY AND BETWEEN THE CITY AND SUCH ESCROW AGENT AND THE PURCHASE OF THE SECURITIES TO BE HELD THEREUNDER; AND AUTHORIZING THE DESIGNATION OF THE REFUNDED BONDS FOR REDEMPTION. This ordinance authorized the City to contract a debt and issue General Obligation General Improvement Bonds of \$31,000,000 to finance the costs of various public improvement projects. This ordinance authorized funding for the projects in the City's FY 2010 Capital Improvements Plan, with additional funding of \$2 million for the DEQ Consent Order and \$3.7 million in funding for previous project-driven appropriations. An additional \$1 million was added to the \$30 million authorization to allow the City the flexibility to issue discount bonds if market conditions, at the time of the sale, indicated that this was the best financing option. The ordinance included the customary authorization to issue Bond Anticipation Notes prior to the sale of the bonds, should cash flow or market conditions dictate the use of such notes. This enabled the City to borrow money from local banks, anticipating the issue of bonds. The City tried not to issue the bonds until market conditions were at the best possible situation to reduce the interest rates being paid over the long-term. This ordinance also

C. Public Hearings Continued

(1) Issuance of General Obligation General Improvement Bonds Continued

included additional language to issue all or a portion of the bonds as taxable Build America Bonds. The ordinance authorized the refinancing of up to \$40 million in existing General Obligation Bonds. The \$30 million of net bond proceeds were allocated to the nine different categories identified in the CIP. The City Manager recommended approval.

Mr. Stewart Fleming, 26 Langhorne Road, Newport News, addressed Council regarding the collateral behind this bond issue, which was the value of all of the real estate in the City. Mr. Fleming indicated he had been in the City more than 30 years. He stated he had seen his house go up in value nearly every year. His house did not go up in value in the prior two years. He understood he was like 95% of the single-family property owners in the City. The assessed value of his house was exactly the same as it was two years ago, which implied that he could sell his house for the same amount he could have sold it for two years ago. Mr. Fleming did not feel that was the case. There had been publications that indicated real estate values had plummeted nationwide. Mr. Fleming stated the values never decrease in Newport News. In the bond ordinance the City Manager would sign off on a total value of all of the real estate, which totaled \$15 billion in 2008. All single-family properties either increased or remained the same. If the Daily Press were correct, in the Tidewater area, single-family property prices declined by 20%. Twenty percent (20%) of \$15 billion amounted to \$3 billion. He stated, \$3 billion was the amount the City staff was representing to City Council that the property was overvalued. Mr. Fleming offered his assistance in suggesting what could be looked at to reinforce his guesses had accuracy. He felt City Council was being misled as to the value of property. The City was telling him that he could sell his house for the same amount he could have sold it for two years prior, and charged him taxes on that value.

Mayor Frank responded Mr. Fleming's house was only a small fraction of the total valuation of the City, and whatever the change, did not include new properties, new construction, or new values added to the economic base in the City. Mayor Frank stated that staff was confident that the assessments were correct based on the methodology used and the approval from the State.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

C. Public Hearings Continued

- (2) Zoning Text Amendment – City of Newport News – ZT-09-276, for Conformance with Code of Virginia Nonconforming Uses

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXIX., NONCONFORMING USES, SECTION 45-2902, RECONSTRUCTION. This ordinance amended Section 45-2902 of the City’s zoning ordinance consistent with changes to the Code of Virginia that amended the reconstruction of nonconforming uses. The amendment addressed the reconstruction of a nonconforming use if it was destroyed by an accidental fire. The amendment did not permit the reconstruction of a nonconforming use if the fire that destroyed the use was caused by arson committed by the property owner. The Planning Commission voted unanimously (8:0) to recommend to City Council the adoption of this amendment. The City Manager concurred with the recommendation.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

- (3) Zoning Text Amendment – City of Newport News – ZT-09-277, for Conformance with Code of Virginia, Board of Zoning Appeals Hardship Provision

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXXII., BOARD OF ZONING APPEALS, SECTION 45-3203, PROCEDURE FOR REVIEW AND APPROVAL OF VARIANCES. This ordinance amended Section 45-3203 of the City’s Zoning Ordinance consistent with changes to the Code of Virginia that amended the Board of Zoning Appeals Hardship provision. The amendment removed the wording “approaching confiscation” by which a hardship for a variance was defined. Removing the language was consistent with the Virginia Code and would improve an applicant’s ability to secure a variance. The Planning Commission voted unanimously (8:0) to recommend to City Council the adoption of this amendment. The City Manager concurred with the recommendation.

(No registered speakers)

C. Public Hearings Continued

- (3) Zoning Text Amendment – City of Newport News – ZT-09-277, for Conformance with Code of Virginia, Board of Zoning Appeals Hardship Provision Continued

Councilwoman Vick moved closure of the public hearing; seconded by Councilwoman Scott.

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

- (4) Ordinance to Rename Voting Locations

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, ELECTIONS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., VOTING PRECINCTS, SECTION 15-47, VOTING PLACES IN RESPECTIVE VOTING PRECINCTS. This ordinance changed the names, but not the locations, of three polling places. The Newport News Public School System changed the names of three schools. The names of the polling locations that were changed were: (1) Dunbar-Erwin Elementary School to An Achievable Dream Academy; (2) Reservoir Middle School to Denbigh Early Childhood Center; and (3) Watkins Elementary School to Watkins Early Childhood Center. The physical locations of the polling places were not changed, and there was no need to notify voters about obtaining new voter identification cards. The City Manager concurred with the recommendation. Mayor Frank observed that members of the Electoral Board were present and offered them an opportunity to speak.

(No registered speakers)

Councilwoman Scott moved closure of the public hearing; seconded by Councilwoman Vick.

Vote on Roll Call:

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

Nays: None

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

C. Public Hearings Continued

(4) Ordinance to Rename Voting Locations Continued

Vote on Roll Call:

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

Nays: None

D. Consent Agenda

Councilman Bateman moved adoption of the Consent Agenda, Items 1 through 6, except Item 4, as shown below; seconded by Councilwoman Scott.

(1) Minutes of the Work Session of July 14, 2009

Vote on Roll Call:

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

Nays: None

(2) Minutes of the Special Meeting of July 14, 2009

Vote on Roll Call:

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

Nays: None

(3) Minutes of the Regular Meeting of July 14, 2009

Vote on Roll Call:

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

Nays: None

(5) Ordinance Amending City Code, Chapter 2, Administration of Self-Insurance Funds, Division 3: Rules Applicable to Both Funds; to cover Constitutional Officers' Employees Driving City Vehicles

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXXVI., ADMINISTRATION OF SELF-INSURANCE FUNDS, DIVISION 3., RULES APPLICABLE TO BOTH FUNDS, SECTION 2-751, DEFINITIONS GENERALLY. This ordinance amended Chapter 2, Administration, of the City Code to cover Constitutional Officers' employees driving City vehicles. The first amendment to the ordinance was to specify the limits of coverage for employees of Constitutional Officers. The Vehicle Use Policy permitted the use of City vehicles by employees of the Constitutional Officers, and the amendment would explicitly state that these employees were covered under the City's Self-Insurance provisions. The amendment to the ordinance clarified that when employees of Constitutional Officers were using their personal vehicles on City business, even with proper authorization, they would not be covered under the City's insurance. These amendments were consistent with prior and current practice. The ordinance amendment made it explicit, what was

D. Consent Agenda Continued

- (5) Ordinance Amending City Code, Chapter 2, Administration of Self-Insurance Funds, Division 3: Rules Applicable to Both Funds; to cover Constitutional Officers' Employees Driving City Vehicles Continued

previously only implied, that such employees of Constitutional Officers were excluded from any coverage whatsoever under the General Liability Fund. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (6) Resolution Authorizing Amendment No. 2 to the Agreement of Lease between the EDA and the City for Department of Human Services' Office Space in Rouse Towers

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 ADDENDUM TWO TO AGREEMENT OF LEASE BY AND BETWEEN THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE CITY OF NEWPORT NEWS, VIRGINIA, DATED THE 11<sup>TH</sup> DAY OF AUGUST, 2009. This resolution authorized Amendment No. 2 to the Lease Agreement between the City and the EDA, to increase the total rentable square feet in Rouse Tower to 102,417 square feet, for use by the Department of Human Services, and to authorize the City Manager to execute any addenda necessary. The Department of Human Services sought an additional 2,206 square feet of leased space in the Rouse Tower Building to provide a multi-purpose, on-site meeting and training room, and additional storage space. This action was consistent with the City Council directive to the EDA in 2005 to acquire, renovate, operate and lease Rouse Tower as the centralized operations center for the Department of Human Services. The additional lease expense for FY 2010 was \$34,145.21, of which the City would be reimbursed 33% by the Virginia Department of Human Services. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (4) Resolution Authorizing Lease Renewal with Virginia Department of Historic Resources for Warwick Courthouse, Second Floor Office Space

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEW-

D. Consent Agenda Continued

- (4) Resolution Authorizing Lease Renewal with Virginia Department of Historic Resources for Warwick Courthouse, Second Floor Office Space Continued

PORT NEWS, VIRGINIA, THAT CERTAIN RENEWAL OF LEASE FOR 1,100 SQUARE FEET OF SPACE AT 14415 OLD COURTHOUSE WAY BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND COMMONWEALTH OF VIRGINIA, FOR USE BY THE DEPARTMENT OF HISTORIC RESOURCES, DATED THE 11<sup>TH</sup> DAY OF AUGUST, 2009. This item was removed from the Consent Agenda for discussion by City Council at a future Work Session.

E. Other City Council Actions

- (1) Ordinance Amending FY 2010 Operating Budget Ordinance for Adjustments to Public Utilities' Revenues

AN ORDINANCE TO AMEND ORDINANCE NO. 6588-09 FOR THE APPROVAL OF THE BUDGET AND APPROPRIATE FUNDS TO OPERATE THE CITY OF NEWPORT NEWS FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2010, INCLUSIVE. This ordinance amended the City's Fiscal Year 2010 Public Utilities budget to reflect additional revenue generated by increasing the fire hydrant fee. Because City Council did not approve most of the recommended fee increases, the FY 2010 Operating Budget for Waterworks was amended to reduce appropriations to \$80,102,000. This amended Budget incorporated the \$149,396 generated by City Council's subsequent increase in the fire hydrant fees. As explained in the City Manager's July 22, 2009 memorandum, the FY 2010 Operating Budget for the Public Utilities Enterprise Fund was balanced by these measures: (1) Applying the total \$1.9 million in one-time savings from the refinancing of water general obligations bonds to FY 2010 debt service appropriations; (2) Reducing cash capital spending by an additional 22%; (3) Repaying the VRA property acquisition loan for the King William Reservoir Project to reduce interest payments; and (4) Reducing operating expenses by an additional 6% and maintaining the equivalent of 30 full-time positions vacant for the entire fiscal year. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

E. Other City Council Actions Continued

- (2) Resolution Appropriating Funds for the American Recovery and Reinvestment Act of 2009 (ARRA) – Citywide Signal System Re-Timing Project

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE, AMERICAN RECOVERY & REINVESTMENT ACT, CITYWIDE SIGNAL RE-TIMING (\$350,000.00) TO ARRA – CITYWIDE SIGNAL SYSTEM RE-TIMING (\$350,000.00). This resolution appropriated funds for the American Recovery and Reinvestment Act of 2009 (ARRA) – Citywide Signal System Re-Timing. The City of Newport News was successful in obtaining approval for additional funds in the amount of \$350,000.00 from the American Recovery and Reinvestment Act of 2009 (ARRA) funds for the purpose of the ARRA – Citywide Signal System Re-Timing Project. This was a City administered project which would retime traffic signals citywide to reduce travel times for citizens throughout the community. Funding was 100% reimbursable from Federal funds through the Virginia Department of Transportation (VDOT). The City was responsible for front-funding the project until it was completed and Federal reimbursements were received. There was no direct cost to the City other than the staff time to administer the project. The City Manager recommended approval.

(No registered speakers)

Councilwoman McMillan asked for clarification on the re-timing of the traffic signals. Acting City Manager Morgan responded this was part of a larger project. He advised there would be some progress in this area with the help of this money.

Councilwoman Scott moved adoption of the above resolution; seconded by Councilwoman McMillan.

Vote on Roll Call:

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

Nays: None

- (3) Programming Resolution for the American Recovery and Reinvestment Act of 2009 (ARRA) – Citywide Signal System Re-Timing Project Funding from VDOT

A RESOLUTION REQUESTING PROGRAMMING OF A PROJECT SUBJECT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) PROJECT FUNDING FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE ARRA – CITYWIDE SIGNAL SYSTEM RETIMING. This resolution authorized the City Manager to execute the Agreement for the American Recovery and Reinvestment Act of 2009 (ARRA) – Citywide Signal System Retiming. A programming resolution was required by Virginia Department of Transportation (VDOT) to establish the funding for the ARRA – Citywide Signal System Retiming Project. This City administered project would retime traffic signals Citywide to provide for better travel times for citizens throughout the City. The City Manager recommended approval.

E. Other City Council Actions Continued

- (3) Programming Resolution for the American Recovery and Reinvestment Act of 2009 (ARRA) – Citywide Signal System Re-Timing Project Funding from VDOT Continued

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (4) Resolution Appropriating FY 2009 CIP Funds for the Canon Boulevard Sewer Trunk Line Improvements Project

A RESOLUTION APPROPRIATING FUNDS FROM FY 2009 BONDS AUTHORIZED AND ISSUED – SEWER EXTENSION (\$480,000.00) TO CANON BOULEVARD SEWER TRUNK LINE IMPROVEMENTS (\$480,000.00). This resolution appropriated \$480,000.00 from the Sewer Extension category of the FY 2009 CIP for the Canon Boulevard Sewer Trunk Line Improvements Project. The existing sanitary sewer was surcharged and flowing at capacity. This upgrade was required to provide additional sanitary sewer capacity to support the continuing development in the Oyster Point area. The project proposed the installation of a large parallel sanitary sewer along Canon Boulevard from Town Center Drive to Thimble Shoals Boulevard in a grassy area, between the road and the drainage ditch, to correct this deficiency. The appropriation of \$480,000.00 from the Sewer Extension category of the FY 2009 CIP covered the contract costs, plus a 5% contingency. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (5) Award of Bid for the Canon Boulevard Sewer Trunk Line Improvements Project

Vice Mayor Whitaker moved to award the bid for the Canon Boulevard Sewer Trunk Line Improvements Project to Basic Construction Company, LLC; seconded by Councilman Bateman. Basic Construction Company, LLC, was the low bidder on this project at \$454,131.00. Basic Construction had performed well on similar contracts for the City of

E. Other City Council Actions Continued

- (5) Award of Bid for the Canon Boulevard Sewer Trunk Line Improvements Project Continued

Newport News and was recommended for award of the project. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (6) Resolution Appropriating the Virginia Commission for the Arts Local Government Challenge Grant

A RESOLUTION APPROPRIATING FUNDS FROM VA COMMISSION FOR THE ARTS, LOCAL GOVERNMENT CHALLENGE GRANT (\$5,000.00) TO VA COMMISSION FOR THE ARTS GRANT, SUPPORT FOR THE PERFORMING ARTS (\$5,000.00). This resolution appropriated \$5,000.00 of State Grant Revenue from the Virginia Commission for the Arts for allocation by the City to local performing and fine arts organizations. The Virginia Commission for the Arts awarded the City a \$5,000.00 Local Government Challenge Grant. These grant funds would be utilized in conjunction with the \$175,302.00 approved in the City's FY 2010 Operating Budget for support for the Performing Arts to award individual grants to eligible performing and fine arts organizations. Matching funds were budgeted in the FY 2010 Operating Budget. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (7) Resolution Approving Specific Grant Awards by the Newport News Arts Commission

A RESOLUTION APPROVING SPECIFIC GRANT AWARDS TO VARIOUS LOCAL PERFORMING AND FINE ARTS ORGANIZATIONS. This resolution approved specific grant awards to various local performing and fine arts organizations in accordance with recommendations from the Newport News Arts Commission. Through an annual competitive application process, the Newport News Arts Commission made recommendations to City Council for the allocation of City and State grant funds to various local performing and fine arts organizations. The combined funding of City and State grants available for Fiscal Year 2010 was \$180,302.00. City Council approved \$175,302.00 in the FY 2010 Operating Budget for

E. Other City Council Actions Continued

(7) Resolution Approving Specific Grant Awards by the Newport News Arts Commission Continued

Support to Performing Arts. This amount provided the local match required for the \$5,000 Virginia Commission for the Arts Grant recommended for appropriation under separate action. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

(8) Resolution Authorizing the Application for Virginia Department of Transportation FY 2010 Revenue Sharing Program Funds for the Huntington Avenue Bridge Replacement

A RESOLUTION SUPPORTING AN APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR AN ALLOCATION OF \$600,000 THROUGH THE VDOT REVENUE SHARING PROGRAM FOR FY 2010 FOR THE "HUNTINGTON AVENUE BRIDGE REPLACEMENT PROJECT OVER THE NEWPORT NEWS SHIPYARD RAILROAD SPUR." This resolution authorized the application for up to \$600,000.00 in the VDOT FY 2010 Revenue Sharing Program Funds for the replacement of the Huntington Avenue Bridge over Northrop Grumman Shipbuilding Newport News between 41<sup>st</sup> Street and 39<sup>th</sup> Street. The Huntington Avenue (Route 60) Bridge was 109 years old, 56 feet long, and was classified as functionally obsolete. The bridge replacement was a much needed project and met the requirements to qualify for State funds. The estimated cost of the project was \$1.2 million. Should the City be successful in receiving these Revenue Sharing funds, the City would be reimbursed 50% of its cost up to \$600,000. The City must bear all costs in excess of \$1.2 million. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

E. Other City Council Actions Continued

- (9) Resolution Appropriating Funds for the James City Service Authority (JCSA) Emergency Interconnection Project

A RESOLUTION APPROPRIATING FUNDS FROM GENERAL OBLIGATION WATER BONDS (\$252,400.00) TO ENGINEERING SERVICES (\$24,903.00), CONSTRUCTION (\$197,789.00) AND CONTINGENCY (\$29,708.00). This resolution appropriated \$252,400 for construction and engineering services to install an emergency interconnection between the Lightfoot Water System and the James City Service Authority. Newport News Waterworks owns and operates the Lightfoot Water System in the northern part of York County. In December 2008, City Council approved an agreement with James City Service Authority (JCSA) for JCSA to provide water to the Lightfoot system. An 8-inch diameter interconnection between James City Service Authority and Lightfoot Water System was designed and bid. Funds needed to be appropriated for the engineering and construction costs. The City Manager recommended approval.

(No registered speakers)

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

Councilwoman Woodbury questioned where the source would come from. Acting City Manager Morgan replied the system was basically a deep well system. The idea, when the City entered into this arrangement, was to create a system so that deep wells could be supplemented by the James City County Service Authority Reservoir System. This would be interconnected with the City's system. Mayor Frank added that James City County had its own water resort.

Vote on Roll Call:

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

Nays: None

- (10) Award of Bid for the James City Service Authority (JCSA) Emergency Interconnection Project

Councilwoman Vick moved to award the bid for the JCSA Emergency Interconnection Project to Toano Contractors, Inc.; seconded by Vice Mayor Whitaker. An invitation for construction bids was advertised June 21, 2009 and July 14, 2009. Eight bids were received by AES Consulting Engineers, ranging up to \$447,948, with Toano Contractors submitting the lowest bid for \$197,789. Toano Contractors had successfully performed work for the City of Williamsburg, HRSD, and numerous private entities, and was licensed by the Virginia Board of Contractors as a Class A Contractor. The City Manager recommended approval.

(No registered speakers)

E. Other City Council Actions Continued

- (10) Award of Bid for the James City Service Authority (JCSA) Emergency Interconnection Project Continued

Vote on Roll Call:

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

Nays: None

- (11) Receipt of Bid for Utility Easement – 15198 Warwick Boulevard (Stoney Run Recreation Center)

One (1) bid was received and opened from Dominion Virginia Power for the grant of a non-exclusive 740-foot by 20-foot easement over City-owned property at 15198 Warwick Boulevard for the Stoney Run Recreation Center Project and forwarded to the City Manager for review and evaluation. This proposed grant of utility easement was advertised pursuant to State Code requirements pertaining to such transactions that were for a term greater than five years. A request to receive bids was advertised in the Daily Press on July 27, 2009 and August 3, 2009. The project would construct a 50,000 square foot recreation center to include a northbound taper and right-turn radius from Warwick Boulevard onto Curtis Tignor Road. The taper and right-turn radius required relocation of overhead wires and cabling lines. As part of the project, the City requested utility companies to bury underground, all of their overhead lines for the length of the property, as a component of the required relocation. A public hearing was advertised for the September 8, 2009 Regular Meeting of City Council to consider the ordinance that would grant the actual easements to the successful bidder.

- (12) Resolution Authorizing Acceptance of Deed of Gift for Property from Robinson-Bruton Recreation Association (RBRA)

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, A DONATION OF REAL PROPERTY LOCATED AT 221 AND 235 BENNS ROAD IN THE CITY OF NEWPORT NEWS, VIRGINIA. This resolution authorized the acceptance of a Deed of Gift from the Robinson-Bruton Recreation Association (RBRA) and authorized the City Manager to execute any documents necessary to effectuate the transaction. A request was received from the RBRA for the City to accept property as a gift. The RBRA owned 235 and 221 Benns Road, totaling approximately 1.2 acres. After acceptance, the property would be used by the Department of Parks, Recreation & Tourism for neighborhood park purposes. The City Manager recommended approval.

(No registered speakers)

Mayor Frank inquired whether the City would be responsible for demolishing whatever infrastructure was on the property. Acting City Manager Morgan responded yes, at some point in the future, it would be necessary to demolish the infrastructure on the property. Mayor Frank inquired whether the City would take whatever safety precautions as were necessary to ensure no one got hurt. Acting City Manager Morgan stated the Director of

E. Other City Council Actions Continued

- (12) Resolution Authorizing Acceptance of Deed of Gift for Property from Robinson-Bruton Recreation Association (RBRA) Continued

Parks & Recreation had been involved in the details and was comfortable with the long-term opportunity to justify some immediate action on the City's part to secure the property.

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

Vote on Roll Call:

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

Nays: None

F. Appropriations

Councilwoman Scott moved adoption of Items 1 through 8, as shown below; seconded by Councilwoman Vick.

- (1) Fire Department – Virginia Department of Fire Programs

A RESOLUTION APPROPRIATING FUNDS FROM STATE REVENUE – ST-TRNG MINI-GRANT – 09 (\$9,895.00) TO EQUIPMENT – OTHER (\$9,895.00). This resolution appropriated \$9,895.00 from FY 2010 State Revenue to the Fire Department. The Fire Department received a grant award from the Virginia Department of Fire Programs. The funding was to be used to purchase two (2) Smart Boards for the Fire Training Center. No local grant match was required by the State. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (2) Fire Department – HazMat Team Equipment

A RESOLUTION APPROPRIATING FUNDS FROM STATE REVENUE – HAZ MAT TEAM FY10 (\$30,000.00) TO MACHINERY & EQUIPMENT (\$30,000.00). This resolution appropriated \$30,000.00 from FY2010 State Revenue to the Fire Department. The Fire Department received annual grant funds in the amount of \$30,000.00 from the Virginia Department of Emergency Management for FY2010. The funding was restricted for use in supporting the Newport News Fire Department Regional Hazardous Material Response Team. The State did not require local grant match funding. The City Manager recommended approval.

(No registered speakers)

F. Appropriations Continued

(2) Fire Department – HazMat Team Equipment Continued

Vote on Roll Call:

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

Nays: None

(3) Police Department – U. S. Department of Justice

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$1,039,801.00) TO CONTRACTUAL SERVICES – HAMPTON/NEWPORT NEWS CRIMINAL JUSTICE AGENCY (\$127,431.00), CONTRACTUAL SERVICES – COMMUNITY SERVICES BOARD/DRUG COURT (\$64,370.00) AND EQUIPMENT OTHER (\$848,000.00). This resolution appropriated funds from the Department of Justice, Bureau of Justice Assistance, to the Police Department for use by the Hampton-Newport News Criminal Justice Agency, the Hampton-Newport News Community Services Board and the Police Department. The City received a grant funding to be shared with the Hampton-Newport News Criminal Justice Agency, the Hampton-Newport News Community Services Board and the Police Department. The Hampton-Newport News Criminal Justice Agency utilized \$127,431 to fund one pre-trial case manager, one local probation officer, and a portion of the salary for one intake technician. The Hampton-Newport News Community Services Board utilized \$64,370 for probation supervision for mental health evaluations and services for their drug court participants. The Police Department utilized \$848,000 to purchase marked police vehicles, mobile data computers, and mobile radios. No local match was required. The City Manager recommended approval.

(No registered speakers)

Councilman Bateman inquired whether there was a positive budgetary implication for the City. Acting City Manager Morgan responded, not directly. The City assumed there would be grant money for the purchase of marked police vehicles, and did not have to budget as much in the approved operating budget, some of which had come through. He advised there were other public safety-oriented grants with the stimulus money that may present other opportunities.

Vote on Roll Call:

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

Nays: None

(4) Engineering Department – FY 2010 Public Buildings Category Bond Authorization for Phase I of the Stoney Run Recreation Center

A RESOLUTION APPROPRIATING FUNDS FROM FY 2010 BONDS AUTHORIZED AND UNISSUED – PUBLIC BUILDINGS (\$1,550,000.00 TO STONEY RUN RECREATION CENTER – PHASE I (\$1,550,000.00). This resolution appropriated \$1,550,000.00 from the FY 2010 Bond Authorization within the Public Buildings category for Phase I of the Stoney Run Recreation Center. The project would construct Phase I of the Stoney

F. Appropriations Continued

- (4) Engineering Department – FY 2010 Public Buildings Category Bond Authorization for Phase I of the Stoney Run Recreation Center Continued

Run Recreation Center to include demolition of remaining structures, installation of infrastructure intersection improvements, utility relocation/burial and site work. The intersection improvements, which would occur at Curtis Tignor Road and Warwick Boulevard, would include a northbound right turn lane on Warwick Boulevard at the recreation center entrance. Phase I of the project also enabled the completion of most utility relocations/burials and certain other infrastructure improvements, which would expedite the construction of the facility. Funding for this phase of the project would come from the FY 2010 Bond Authorization within the Public Buildings Category. The appropriation included a 5% contingency request. The City's FY 2010 Bond Authorization that allowed for capital project appropriations from the approved CIP was \$31 million. Of this amount, \$11,394,000 was designated for Public Buildings. Approval of this resolution left a balance of \$9,844,000.00 in this category. The City Manager recommended approval.

Councilwoman Scott asked the Manager to advise how the City would proceed with the Recreation Center even though there was pending land acquisitions. Acting City Manager Morgan replied the full scale final design was underway, the footprint and the site plan for the project had been established, and with the initial appropriations, there would be infrastructure work done to include relocating utility lines, constructing necessary traffic improvements, and completing drainage and site work to prep the site for the main project.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (5) Libraries and Information Services Department - Neisser Bequest for Main Street Library

A RESOLUTION APPROPRIATING FUNDS FROM INTEREST REVENUE (\$38,188.00) TO NEISSER BEQUEST (\$38,188.00). This resolution appropriated \$38,188.00 of the interest earned in FY 2009 from the Neisser Bequest. On April 12, 2005, Dr. Herbert H. Neisser left a bequest of approximately \$2 million to the Main Street Library. Guidelines stated that 85% of the interest earned each year was to be used for projects that directly benefited the Main Street Library, with the remaining 15% returned to the endowment. Funds would be used to continue the preservation/conservation work of the Virginiana Room of the Main Street Library, continued funding of data bases for the Herbert Neisser Information Center, to purchase furniture for the adult seating area of the Main Street Library, and to fund the Neisser Speaker series. No local funding was required. The City Manager recommended approval.

(No registered speakers)

F. Appropriations Continued

- (5) Libraries and Information Services Department - Neisser Bequest for Main Street Library Continued

Vote on Roll Call:

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

Nays: None

- (6) Libraries and Information Services – Gates Opportunity Online Hardware Grant

A RESOLUTION APPROPRIATING FUNDS FROM LOCAL REVENUE (\$1,300.00) AND STATE REVENUE (\$1,300.00) TO OPPORTUNITY ONLINE HARDWARE GRANT (\$2,600.00). This resolution appropriated \$1,300.00 from the City's Grant Match and \$1,300.00 from State Revenue for the Gates Opportunity Online Hardware Grant. The Library System received a grant award of \$1,300 for the second year of a grant from the Bill and Melinda Gates Foundation through the Library of Virginia. The purpose of the grant was to improve technology access in libraries serving low-income patrons. The funding would be used to purchase three public computers for the West Avenue Library. A local match of \$1,300 was required and was taken from the General Fund Grant Match. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (7) Public Works Department – FY 2009 Capital Improvement Plan for Major Renovations and Repairs

A RESOLUTION APPROPRIATING FUNDS FROM FY 2010 BONDS AUTHORIZED AND UNISSUED – PUBLIC BUILDINGS (\$1,415,000.00) TO MAJOR RENOVATIONS AND REPAIRS (\$1,415,000.00). This resolution appropriated \$1,415,000.00 from the Public Buildings category in the FY 2009 Capital Improvements Plan (CIP) for major renovations and repairs. As a result of the CIP freeze in FY 2009, many public building renovation projects were deferred. The allocation of funding was as follows: (1) Roof Replacements – Denbigh Municipal Annex (\$155,000) and Warwick Recreation Center (\$165,000); (2) Cooling Tower Replacements – Public Safety Building (\$150,000) and Juvenile and Domestic Relations Court (\$65,000); and (3) Replacement of Air Handling Units – Pearl Bailey Library (\$200,000) and City Hall (\$200,000). Funding for public building renovation and repairs was available in the City's FY 2009 CIP. The City's FY 2009 Bond Authorization that allowed appropriations from the approved CIP was \$30,000,000, with \$4,000,000 allocated for Public Building Capital Projects. The City Manager recommended approval.

(No registered speakers)

F. Appropriations Continued

- (7) Public Works Department – FY 2009 Capital Improvement Plan for Major Renovations and Repairs Continued

Vote on Roll Call:

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

Nays: None

- (8) Police Department – Public Safety/Public Services P25 Radio Subscriber Upgrade

A RESOLUTION APPROPRIATING FUNDS FROM FY 2010 BONDS AUTHORIZED AND UNISSUED – EQUIPMENT (\$1,000,000.00) TO P25 RADIO SUBSCRIBER UPGRADE (\$1,000,000.00). This resolution appropriated \$1,000,000.00 from the Equipment category in the FY 2010 Capital Improvements Plan (CIP) for Public Safety/Public Service P25 Radio Subscriber Upgrade. The City's multi-year CIP included funding for the upgrade and replacement of Public Service/Public Safety radios with P25 compliant radios. P25 radios allowed interoperable capability with neighboring communities. A separate, but related process, one directed by the Federal Communications Commission, involved the re-banding of existing City mobile radios by Nextel. This directive required Nextel to pay for a low-end replacement radio which satisfied the re-banding component, but did not provide for the P25 upgrade. This funding allowed the City to leverage the re-banding funding provided by Nextel, with CIP funding, to procure over 800 new P25 compliant radios and save the City over \$1 million dollars in acquisition costs. Funding for the Public Safety/Public Service P25 Radio Subscriber Upgrade was available in the City's FY 2010 Capital Improvements Plan. The City's FY 2010 Bond Authorization that allowed appropriations from the approved CIP was \$30,000,000. Of this amount, \$1,280,000 was designated for Equipment Projects. Approval of this resolution reduced the FY 2010 Bond Authorization by \$1,000,000 from \$28,450,000 to \$27,450,000, and the amount available in this category from \$1,280,000 to \$280,000. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

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

Mr. Milton E. Lyon, 216 Milstead Road, Newport News, advised of the successful relocation of the historic Lee Hall Depot transpired June 2009. He announced a Lee Hall Depot Relocation Ceremony, scheduled for Wednesday, September 9, 2009, 11:15 a.m. on Elmhurst Street, in the Lee Hall section of Newport News. Mr. Lyon stated this would be the biggest railroad program in the City since October 16, 1981, and was open to the public. The event would open with a 30-minute performance entitled, "Fanfare of Train Music," by the Runaway String Band. Highlights of the ceremony would include a keynote address by The

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

Honorable G. Glenn Oder. Other remarks would be provided by Mayor Joe S. Frank, Mr. Milton E. Lyon, and a Collis P. Huntington re-enactor. Councilwoman McMillan accepted the role as Mistress of Ceremonies. Other aspects of the program included the children from Lee Hall Elementary School singing a railroad song, a track-laying gang, the "Lining Bar Gang." The program climax was an encore repeat of 1881 and 1981, where several dignitaries would swing the traditional sledgehammer during a golden spike-driving reenactment. Following closing remarks and additional music by The Runaway String Band, a reception, with refreshments, would be provided by the historic Boxwood Inn. The Boxwood Inn fee would be paid by The Friends of the Lee Hall Depot Foundation. Displays would include several Lee Hall paintings, and three old-scale models of C&O steam locomotives, the steam turbo electric locomotive, known as the M-1m with eight coaches following.

Mr. Alan Witt, 605 Riverside Drive, Newport News, offered observations and provided advice to members of Council from the business perspective. He made the analogy that members of Council were the equivalent of a Board of Directors of a near billion dollar entity, with the City Manager serving as the CEO, hired to execute the policy directives. No individual Council member had direct power, but when their vote was combined with three others, ultimate power was created. As a Board of Directors, Council's job was to set the vision for the City to ensure its long-term viability, be the guardian of fiscal responsibility, set policies which enhance the quality of life and well-being for the citizens, and communicate with the citizens so they understand why decisions were being made. The job of the City Manager was to lead the City in a day-to-day manner which completed the goal established by the majority of Council. Council's duty was to establish clear majority consensus, giving the Manager comprehensive direction. No single project stood alone, and no expenditure made without taking into account all of the factors affecting the City over the long-run. Council must do its homework. Citizens demanded efficient government and abhorred wasteful spending. Council must understand significant financial benchmarks, set goals for accomplishing metrics, and direct the City Manager to implement those goals. He indicated the parades, meetings, celebrations, awards, and other niceties, were not directly relevant to the running of the organization. Mr. Witt stated that each member should be able to recite facts relating to things such as the number of full-time-equivalents (FTEs) per thousand citizens and how that compared to other Virginia localities; the City's outstanding debt as a function of aggregate real-estate assessed value, and where Council wants it to be; what was the City's funding of public schools per student and how it compared to other urban Cities; the response time for fire and ambulance service and how it compared to surrounding counties that had lower tax rates; urban allocation for roads from the State, the amount of real estate and business tax necessary to lower the tax burden on homeowners; and whether Newport News could afford better service. He indicated the total amount of pension and post employment liabilities was huge and questioned how this contractual obligation would be managed. Mr. Witt reminded that City Manager Hildebrandt was capable of carrying out policy directives as long as they were clear, well-founded, and doable. He cautioned, Council was not providing leadership if they were only to advocate projects in their individual districts without considering the affects of resource allocations citywide, and were only speaking as a single member of Council rather than a majority voice. He reminded City Council's job was to set vision, let the City Manager know what benchmarks to achieve, be informed, tell citizens what they needed to know, and to do their

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

job well to enable the Manager to do his/her job. He advised to fire a Manager before that was an ultimate failure of City Council.

Ms. Mayra R. Creed, 240 Darrington Court, Newport News, addressed City Council as a volunteer on the Hispanic Advisory Committee regarding the Daily Press articles about City Manager Randy Hildebrandt. She reminded that Virginia was designated as one of twelve Federal Resettlement areas. In 2008, the Newport News area received more than 200 refugee and immigrant families, with federal approval, in an effort to seek a better life. She reminded that some did not understand our customs, languages, and how to access our services for safety, health and education. Ms. Creed commended Mr. Hildebrandt's recognition of this. He took a risk and in 2007, submitted a strategic communication plan that included an initiative that would help understand cultural awareness in the City, thereby creating the Hispanic Advisory Committee. Tasked with bridging the gap between the citizens, City government and its agencies, Ms. Creed stated the committee volunteers had proudly executed Mr. Hildebrandt's and City Council's vision. She advocated for City Manager Randy Hildebrandt, stating his thirty plus years of experience had proven he had made decisions for the future, some popular, some not. She stated he had fulfilled his commitment to the City by standing on his organization's mission. She urged City Council to allow him to complete his tenure.

Dr. McKinley Price, 938 Shore Drive, Newport News, thanked Mayor Joe S. Frank for his many years of service to the community and expressed regret to his announcement that he would not seek re-election. Dr. Price further thanked Mayor Frank for his commitment to the People to People organization. Dr. Price advised of his recent appointment by Virginia Governor Timothy Kaine to the Virginia Economic Development Partnership for Newport News. He advised that he was the envy of his 21 fellow board members due to Newport News having been awarded nearly \$1 billion in new contracts, new business proposals, new jobs and investments, to include Canon, AREVA, and Continental. Dr. Price felt these companies chose to do new and continued business with the City of Newport News because of strong leadership, a good workforce, excellent schools, and a cultural environment that was conducive to progress and growth. This was possible because Newport News was on a path that was recognized globally as a City with strong leadership and a cohesive plan to bring its citizens into the next generation. He advised that it was not the time to talk about changing leadership to the City Manager position. Dr. Price felt it would be prudent to have the new Mayor, and new members of City Council select and hire the next City Manager, and to decide when and if that should occur.

Mrs. Effie Ashe, 4301 Madison Avenue, Newport News, stated this was not about Randy Hildebrandt, or City Council persons, but about the entire City. She felt the stability of the City should be considered. She reminded of the Mayor's decision not to seek re-election, and indicated some stability should be maintained. Mrs. Ashe expressed disbelief that a City Manager of quality could be found that would be willing to come on board, knowing there would be a new Mayor in a few months. She stated the \$31 million bond issue, approved earlier, and questioned how the bond underwriters felt with the City's instability. Mrs. Ashe stated the City of Newport News had been the envy of many of the surrounding cities, touting a \$2 million surplus at the end of the 2009 budget year. She urged City Council to reconsider its decision to

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

remove Randy Hildebrandt from his position as City Manager, and allow him to stay until the end of his term and a new Mayor has come on board.

Mr. Walter Segaloff, 10858 Warwick Boulevard, Newport News, stated the Council made a decision with regard to the future management of the City, to be confirmed on August 25, 2009, which sent a message about a different direction for the City than the past direction over the previous 5-10 years. Council's decision sent a message to the business community and a signal of major changes about to take place. Mr. Segaloff expressed concern that he spent much of his life promoting business and jobs in the City of Newport News, and creating an educational program for 1,250 at-risk children, so they would be able to compete in the world of business. He questioned the message City Council was sending the business community in the most difficult economic times, by replacing the City Manager, who ably led the City and was financially able to see the City through this rough period. Mr. Segaloff stated the message was sent to the business community about jobs created by Canon's expansion was bad, and the jobs created at City Center were bad, and having the relocation of the Atlantic 10 Conference to City Center from Philadelphia was bad, the AREVA Plant, and the positive cash flow from Center was bad. He stated the decision to remove the City Manager sent a confused message to the business community, and urged City Council to reconsider its decision about Newport News' future and that of the City Manager.

Ms. Sharyn Fox, 358 Wood Duck Lane, Newport News, referenced her letter to City Council expressing support for the continuation of the City Manager's contract (a copy is attached and made a part of these minutes). She indicated there was a bright future for the City of Newport News. As Vice Chair of the Newport News Planning Commission, Ms. Fox indicated there were a number of important plans for City Center and the Southeast Community that would come through in the next few years. She urged City Council to proceed with the vision and progress that was established during the past decade.

Ms. Romona Claiborne, 12 David Drive, Newport News, represented the Lighthouse for Women, a non-profit organization, requested that City Council stop the demolition of the Newport News Friends of the Homeless Shelter, located at 1600-25<sup>th</sup> Street. Ms. Claiborne stated there were a number of homeless in Newport News and this building was vital for the homeless, particularly those with children. She reiterated that the Lighthouse for Women wanted to take the building and modernize it to be used for the homeless, particularly homeless women with children.

Ms. Charlotte Saylor, 1011 77<sup>th</sup> Street, Newport News, representative of the Lighthouse for Women, stated since the City would use approximately \$10,000 for the demolition of the Friends of the Homeless Shelter, recommended that the City donate the building by Deed of Gift to the Lighthouse for Women to be used as a shelter for homeless women and their children. Ms. Saylor presented a number of petitions, signed by individuals in support of this project.

Mayor Frank inquired whether a contract had been let for the demolition of the Friends of the Homeless Shelter. Assistant City Manager, Alan Archer, replied there was no

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

contract in place. Mayor Frank requested that staff meet with representatives of the Lighthouse for Women, and discuss and determine whether their proposal was viable, and have the matter brought back to City Council before an award of demolition was made.

Sheriff Gabe Morgan, 224-26<sup>th</sup> Street, Newport News, expressed support for City Manager Randy Hildebrandt. He respectfully disagreed with City Council's decision to dismiss the City Manager and asked that Council reconsider its vote. Sheriff Morgan indicated that he was not present at the Manager's request, but out of respect and admiration for his effort to ride an unbalanced ship. He shared his experience of disagreements with City Manager Hildebrandt regarding what was best for his facility, but never did they disagree on what was best for the City. They engaged in a systematic approach to correct the shortcomings, and with the support of City Council, made significant improvement. Sheriff Morgan submitted that City Manager Hildebrandt made tough decisions, was always forthright, and his integrity was never in question. Regarding stability, with the announcement of Mayor Frank's departure, Sheriff Morgan requested that Council reconsider retaining the City Manager until after the next election cycle, and budgetary cycle, particularly since the projection from the State was that statewide shortfalls would be compounded. He inquired whether the City of Newport News would be prepared to deal with some of the shortfalls. He stated that the City Manager made tough, unpopular decisions because he cared. Sheriff Morgan thanked City Manager Hildebrandt for 31 years of service. He further thanked Mayor Frank for his service, his counsel and his friendship. He indicated that leadership was about vision. He stated that the City was in a position to go forward with Canon, AREVA, Continental, and many other gains, but needed to have stability.

Mr. Daniel Curran, 10835 Warwick Boulevard, Newport News, expressed support for City Manager Randy Hildebrandt. He indicated that petitions showing support for City Manager Randy Hildebrandt were being prepared and would be delivered to City Council prior to the August 25, 2009 Special Meeting. Under the leadership of Mayor Joe S. Frank, City Council, and City Manager Randy Hildebrandt, Newport News became a City in which his family wanted to live. He was fortunate to be a partner when the Hispanic Advisory Committee was formed. Mr. Curran stated many of his hopes and dreams in the City of Newport News had been shattered with the Mayor's announcement not to seek re-election and the firing of the City Manager. Mr. Curran indicated he had seen nothing but good things in the Mayor and the City Manager, and the work done with them had been good. The improvements in the City had been wonderful. He stated, because he cared about the City, did not make him a trouble-maker. Mr. Curran shared his hope that the City could continue to move forward. He further expressed hope that City Council reconsider its vote to remove City Manager Randy Hildebrandt from his position.

Reverend James Rudisill, 609 Aberdeen Road, Hampton, represented the homeless citizens in the City of Newport News, and acknowledged those present at the meeting. Reverend Rudisill stated there were many noble citizens who found themselves homeless, but were still citizens with certain unalienable rights, i.e. the 14<sup>th</sup> Amendment, which included a clause citing that no person should be deprived of life, liberty, or property without hearing. Reverend Rudisill advised that some of the citizens had lost their jobs, through no fault of their own, and could not pay for housing. He stated there was no place in the City of Newport News

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

that a homeless person could legally be or stop, finding themselves under bridges, rails, hiding from the Police, fearful that City employees, under the direction of management, would take their personal property, only to be destroyed. Reverend Rudisill requested that City Council direct the City Manager to not send employees to “raid the camps” of the homeless. He reiterated that the City reconsider the policy of immediate destruction of the belongings of the homeless.

Mayor Frank stated that the City had been working hard on the homeless issue and felt not all of the information heard was correct, as it did not reflect many of the programs. He asked Assistant City Manager, Alan Archer, to provide a briefing at the September 8, 2009 Regular Meeting of Council, with the City Manager’s direction, that outlined for City Council and the community, all of the work that had been done to address the homeless issue in Newport News; and to respond to some of the comments that were made about the policies suggested were in effect.

Councilwoman Woodbury asked for verification that the identities of the homeless individuals were not being taken from them; and if so, the practice should be stopped. She advised that City Council was not aware of the practice.

Acting City Manager Neil Morgan responded that there had been no direction from City management about such a policy to destroy the belongings of homeless citizens. He stated there was an incident where some things had been removed and destroyed when they should not have been; but advised that Assistant City Manager Archer was on the case. Clear instruction had been given that if personal belongings were recovered, that there be a procedure to hold and secure the items. Acting City Manager Morgan advised this was not a simple problem and was occurring nationwide with the bleak economy.

Ms. Fabiola Curran, 10835 Warwick Boulevard, Newport News, stated she had seen incredible positive growth in the City since 1990. She expressed total disagreement with the Council decision to remove City Manager Randy Hildebrandt from his position, and felt it would be a mistake. She stated the City of Newport News had grown in a positive way because of the leadership of Mayor Frank and City Manager Hildebrandt. She asked that City Council reconsider its vote to remove Mr. Hildebrandt from his position.

Mr. James Mahler, 225 Hurley Avenue, Newport News, addressed City Council regarding the ordinance relating to mopeds. He advised he was issued a summons (see Sec. 10-32 of the City Code) for driving a moped on a roadway with a permitted speed limit in excess of 35 miles per hour. He was not aware of any City which had a law which reduced the State law. The State law stated he could not operate a moped on an interstate. He indicated there were citizens that did not have the ability to drive or afford a motor vehicle and had to have a means to get back and forth to work. Mr. Mahler requested that City Council repeal the City law and adopt a law similar to the State law on mopeds.

Mayor Frank directed the City Attorney to prepare a memorandum to City Council, with a copy to Mr. Mahler, briefing them on the moped issue.

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

Mr. Royden Goodson, President, Warwick Plumbing and Heating, 102 Riverside Drive, Newport News, expressed his disappointment with Council's decision to terminate City Manager Hildebrandt. He requested that City Council reconsider its vote to remove Mr. Hildebrandt until after the next election. Mr. Goodson thanked members of Council that spoke with him to hear his concerns. Mr. Goodson stated that his firm employed over 400 people, many living in Newport News. He advised that his company had been fortunate over the past decade to be involved in many of the projects at City Center, the Canon expansion, the work at Continental, and Jefferson Labs, all of which directly result from City Council's efforts, supported by the City Manager and City staff. He appealed for stability and continuity in the City government to continue to attract new businesses and new jobs to Newport News. He asked City Council to reconsider its decision to replace City Manager Randy Hildebrandt until after the next election and a new City Council was in place.

Mr. John Procyson, 305 Normandy Lane, Newport News, felt the direction in which the City was moving was good. He shared subsidies the City gave businesses, i.e. Marriott Hotel, \$300,000 per year for twenty years; plans to expand City Center, which was doing poorly. He suggested transferring some money to the Southeast community. He requested the City to stop giving millions of dollars to big name companies, i.e. AREVA, and Canon, who received tax breaks. Regarding City Farm development, Mr. Procyson suggested a golf course for the property. He reminded that Ashton and Wolseley failed; Continental AG promised 318 new jobs, but laid off 120 employees; the Ferguson Center for the Arts was doing poorly; and Waterworks squalled for a rate increase, reminding that Waterworks turned over \$10 million per year to the City's General Fund, as a "return on investment." He suggested that Waterworks apply some of the money to its problems instead of giving it to the City, slow down the Desalination Plant, and consider elimination of two public education positions. Mr. Procyson urged City Council to take care of "all" of the people in the City, not just the "rich and powerful."

Mr. Chris Henderson, and son Travis Henderson, 12350 Jefferson Avenue, Newport News, expressed support for City Manager Randy Hildebrandt. Mr. Henderson indicated Mr. Hildebrandt was a good, honest, and decent man, who had been a good steward of the City and an effective City Manager. He did not dispute Council's right to hire and fire the City Manager in their sole discretion, but felt as a third generation native of the City of Newport News, wanting what was best for all citizens, chose as a business man to invest in the City of Newport News. He advised Council members that their actions had consequences. Council had approved \$70 million in new bond allocations. Mr. Henderson advised as a bond underwriter looked at the City of Newport News, they would consider all aspects of the City and its operations, including the stability of management. He indicated that stability in these times was critically important and could not be overestimated. Mr. Henderson further indicated that the City was fortunate to have Acting City Manager Neil Morgan, was also experienced and could step in and do an extraordinary job; but pointed out that Randy Hildebrandt was an effective City Manager. Mr. Henderson reminded Council of its power to affect lives and control the destiny of the City. He asked that Council use the wisdom of Solomon and think about the impacts of their decisions. He suggested the real power was in restraint, and that Council retain City Manager Hildebrandt, allowing him to continue through the next election cycle. He asked Council to reconsider its

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

decision and allow Mr. Hildebrandt to continue to serve the City and the citizens of Newport News.

Ms. Carol Hogge, 3 Gay Drive, Newport News, congratulated the female members of City Council for their vote to relieve City Manager Randy Hildebrandt of his position. She suggested, with new thinking, perhaps City Council could find funds to rebuild the Deep Creek Pier at the Deep Creek Harbor. She reminded that the Deep Creek Pier was a historical landmark that was still being used by the public and the watermen. She indicated the pier was demolished instead of being maintained. Ms. Hogge urged Council not to forget the public and the watermen. She advocated for the rebuilding of the Deep Creek Pier.

Reverend Reginald C. Woodhouse, Senior Pastor, First Baptist Church Jefferson Park, 1615 42<sup>nd</sup> Street, Newport News, representing many of the clergy and the citizens in the Southeast Community that were members of his church, expressed strong support for City Manager Randy Hildebrandt, and was appreciative of what he had initiated and continued plans to redevelop the Southeast community. Reverend Woodhouse stated, for the first time, there was a redevelopment plan for the East End, unveiled in July 2009, which encompassed a strategic plan, with money attached, to ensure that what was planned would be accomplished. He further stated the citizens wanted a safe, thriving, and prosperous community in which to live. Under Mr. Hildebrandt's leadership, improvement would be made to ensure there was a gateway to the community that would attract and retain developers and business leaders who would invest in it and provide jobs for the residents. They looked forward to seeing redevelopment projects within 3 – 5 years, according to this plan, on Jefferson Avenue and Marshall Avenue, in the Jefferson Avenue Corridor from 25<sup>th</sup> Street to 36<sup>th</sup> Street, on the waterfront in Stuart Gardens, including Chestnut Avenue from 39<sup>th</sup> Street to 16<sup>th</sup> Street, and the Southeast Commerce Center in the Jefferson Avenue Corridor between 28<sup>th</sup> and 33<sup>rd</sup> Streets. Reverend Woodhouse indicated this administration, under the outstanding leadership of Randy Hildebrandt, had continued to focus its talent and creativity into making the dream of the citizens in the Southeast Community a reality, and did not want to see anything alter the positive course of action underway. He further indicated that now was not the time to make changes in this administration, especially when the momentum was going in the right direction. Reverend Woodhouse urged those contemplating removing the City Manager, reconsider its decision, and to join in helping him make Newport News second to none.

Mr. John M. O'Neill, 202 Riverside Drive, Newport News, indicated that an injustice had been done to City Manager Randy Hildebrandt. Mr. O'Neill stated Mr. Hildebrandt had done an outstanding job under terrible economic times. He felt to remove him from office on his birthday was horrible timing. He questioned the Council's loyalty to Mr. Hildebrandt after having given 31 years of service to the City of Newport News. Mr. O'Neill urged Council to reconsider its vote to remove City Manager Hildebrandt from his position.

Dr. Jesus L. Lizarzaburu, 904 Cedar Glen Court, Newport News, expressed his support, and that of the Hispanic community, for City Manager Randy Hildebrandt. He stated that power without wisdom was dangerous. He advised his first opportunity to work with City

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

Manager Hildebrandt was during his period of service on the Hispanic Advisory Council. Dr. Lizarzaburu advised the way to get things done on boards, committees and local government was to focus on the goal at hand, which is to serve the citizens, those who could not fend for themselves, and legal immigrants. Under the guide of City Manager Hildebrandt, Dr. Lizarzaburu indicated that immigrants had been able to accomplish a great deal and services had improved, not just for the Hispanic community, but for all members of the community. He stated if Council had no vision, either previous or in the present, changing the City Manager would be the last thing needed. He urged Council to work on its vision first, and then tell the City Manager where to go; if the Manager did not meet the requirements, then he should be fired. Dr. Lizarzaburu urged Council to allow Randy Hildebrandt to do his job. He requested that Council reconsider its vote to remove City Manager Randy Hildebrandt from his position. He stated removing Mr. Hildebrandt from his position would aggravate things for the City.

Mr. Michael F. Carpenter, 19 Oakland Drive, Newport News, had the pleasure of coming into contact with most of the municipal governments through his many businesses. He advised his experience with the City of Newport News had been different from that which was experienced elsewhere. His experience with the employees and management in Newport News was head and shoulders above everyone else. He commended the hard work of the City's employees and stated they were good and should be kept. Good employees are kept by maintaining stability. The City of Newport News had experienced an incredible amount of growth and was the envy of the region, State, and Mid-Atlantic region. This growth yielded an expanded economic base by maintaining stability. Businesses build in places with good, stable and consistent government. Mr. Carpenter reminded that City Council had important decisions to make in the future. He requested that they keep stability in mind as they discuss and deliberate and make those decisions.

Mr. C. W. Powell, 3 Gay Drive, Newport News, reminded that Ms. Bonnie Belle Meltzer donated her property to Warwick County to build a pier. The Deep Creek Pier is gone. He requested that City Council find funds to rebuild the Deep Creek Pier.

Ms. Joan Minarik, 114 Linbrook Drive, Newport News, expressed concern about the name calling by City leaders and the division it has caused, particularly among the four female members on Council. She indicated they should be applauded for their courageous stand, looking at the issues, and asking questions before voting. She reminded of the difficult times ahead. Ms. Minarik stated that she had every faith that this City Council had vision and would do what was right for the City.

Mr. John Gergeley, 449 Winterhaven Drive, Newport News, addressed Council regarding the speed limit on Warwick Boulevard near Christopher Newport University (CNU) as discussed earlier during the Council Work Session. Consensus was reached for a speed limit of 35 mph. Mr. Gergeley stated the widening of Warwick Boulevard was designed and built for a speed limit of 45 mph. CNU was built with the full knowledge that Warwick Boulevard was designed for 45 mph. Mr. Gergeley reminded that Newport News only had two commercial arteries north and south, Jefferson Avenue and Warwick Boulevard. He stated that the 35 mph

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

speed limit would place a strangle hold on the commerce and that reducing the speed on Warwick Boulevard would cause a problem. According to Mr. Gergeley, CNU ruined Shoe Lane in the name of student safety, and refused to champion an overpass or underpass. CNU found money for the Ferguson Center, the Chapel, the Paul and Rosemary Tribble Library, the President's Mansion, and could find money to build overpasses over Warwick Boulevard. Mr. Gergeley advised that was common traffic engineering supposition that varying speed limits off and on was unsafe, particularly at crosswalks, making for unsteady traffic. He indicated that the City of Newport News gave CNU Police power for off-campus arrests. He pointed out that people manage to cross Jefferson Avenue all of the time, and students could be taught to stop, look, and listen when crossing the street on Warwick Boulevard at Christopher Newport University.

Mr. Lamont Curtis, 358 Wood Duck Lane, Newport News, stated, for twelve years, he had seen the focused efforts of the administration, Mayor, and City Council to move the City of Newport News forward successfully, as shown by the investment of developers, industry, and businesses and citizens in Port Warwick, City Center, and other major industries. In the past year, he had seen the deliberate attempt to derail this train of progress. He expressed disappointment and dismay at the non-positive actions that appear to have no justification other than the pursuit of personal agendas. Mr. Curtis felt these actions would portray the City in a negative way and disrupt the pathway to the vibrant and diverse community we call home.

Mr. Kelly Place, 213 Waller Mill Road, Williamsburg, stated if people were going to take credit for the good things that had happened in the City, they must also take credit for the unfortunate. He stated of the newer members of Council, who just happened to be female, had good vision. He further stated there was a huge disparity of wealth – and many things going on in Newport News was emblematic of that. Mr. Place indicated you could not have the wide disparities of wealth between the “haves” and the “have nots.” He suggested that the City do something to take care of the homeless situation and further hoped the Daily Press refrained from endorsing people who had bad intentions, in an effort to make the City Council in their own image - an image and vision of overdevelopment that led to the situation of untenable debt.

Mr. Robert E. Yancey, 168 Reynolds Drive, Newport News, recommended that City Council hold its decision, in abeyance, regarding the dismissal of City Manager Randy Hildebrandt from his position, and conduct a complete investigation of his performance, and present it to the public. He stated that any adverse change to his employment would have implications throughout the community. He further asked the four members of City Council (1) to interview senior staff and department heads to determine the impact in terms of their understanding of the City's direction, morale, and loyalty to the previous administration; (2) whether they had discourse with the City's bond rating agencies to determine how they would vie an adverse and abrupt change in the City's direction; (3) whether they had in depth conversation with the largest employers, i.e. Northrop Grumman, Canon Virginia, or Ferguson Enterprises; (4) whether they had in depth conversation with the largest institutions, i.e. hospitals, CNU, or Jefferson Labs; or the Newport News School Board. Mr. Yancey, again, asked Council to hold its decision in abeyance, until they could come before the public and say they had conducted, with thorough and complete due diligence, a full examination of the facts, and could report to the citizenry the findings that support whatever decision was made.

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

Mr. Claude Jones, 42 Milford Road, Newport News, stated that he was happy about the decision that was made regarding the dismissal of City Manager Randy Hildebrandt from his position. He shared that City Manager Hildebrandt had embarrassed him a number of times and he was glad to see him go.

H. New Business and Councilmember Comments

Councilwoman Scott responded to the remarks made by Mr. Daniel Curran, stating that she always had the citizen's best interest at heart and was one of the least confrontational Council members. She disputed remarks from the referenced August 11, 2009 Daily Press article about the discussion surrounding a performance evaluation on City Manager Randy Hildebrandt (a copy is attached and made a part of these minutes). She indicated that no one should know what was discussed during Closed Sessions and pointed out that only a portion of her remarks were printed in the aforementioned article. She further stated that no one should have taken the discussion to the public. She stated there were reasons for her comments and none were haphazard. She stated that the citizens' perceptions were inaccurate. Councilwoman Scott expressed her disappointment and shame over the discussions of the Closed Session being made public. She further reminded that she had been holding Town Hall Meetings monthly for the past seven years. She welcomed the opportunity to meet with all citizens at any time.

Councilwoman Scott commented about the positive results of the "Field of Friends" event sponsored by the Newport News Police Department, in conjunction with the business community held at the Boys & Girls Club on Thorncliff Drive in the Denbigh area. She advised that over 1,000 kids were in attendance. "Feeding Future Leaders" provided food for the kids, at no cost. She announced there would be similar events in the South and the Central districts of the City. She commended the Continental Society of Hampton and Newport News, who donated school supplies for the past two years.

Councilwoman Scott announced the next North District Town Hall Meeting would be held on Monday, August 24, 2009, 7:00 p.m. at the American Legion Post 368, 368 American Legion Drive. She encouraged all citizens to attend.

Councilwoman Scott announced, the Sheriff's Department and the North District Food Drive Committee were hosting a "Shred-It/Food Drive" on August 17, 2009, 10:00 a.m. – 1:00 p.m. at the corner of Denbigh Boulevard and Jefferson Avenue. Citizens could bring their documents for shredding and a non-perishable food item. All proceeds would be donated to the Foodbank of the Virginia Peninsula.

Councilwoman Scott acknowledged the death of a scholarly young man, killed in Denbigh. She attended the services and offered support on behalf of the Newport News City Council. She extended condolences to Mrs. Lorraine Jackson and her family on the death of her son, Jeffrey Jackson, who would have been a senior at Woodside High School. She asked that she be kept in the prayers of all citizens.

H. New Business and Councilmember Comments Continued

Councilwoman Vick commented on the large turn-out and encouraged citizens to attend the Council meetings regularly.

Councilwoman Vick responded to Mr. Alan Witt's comments, and explained that she spoke about events at the end of Council comments because of the wide variety of citizens living in the City. Many of her constituents liked her to share reminders about upcoming events; and to commend many for the good deeds being done in the City. She liked to end her comments on a high note, citing positive deeds that citizens were doing to improve the City.

Councilwoman Vick expressed disappointment that a Closed Meeting of City Council dealing with the performance evaluation of the City Manager had turned into a public forum for discussion. It was her belief, by law, a Closed Meeting meant to be closed and not for public discussion. She had received a number of calls from a variety of citizens about the issue and thanked the many supporters who trusted her judgment throughout the entire ordeal, and who knew that she was not aligning herself with the women on Council, but making the best decision as a Council person. She stated that aligning herself with any member of Council without looking at individual issues, would create a misguided democracy. She indicated that people were allowed to have their own opinions, but short-sightedness and taking the City backward were not a part of her agenda. Councilwoman Vick stated that God had given many people visions, including herself. She was troubled most by the comments about "the four women" decided on this issue and many others, as it suggests that female Council members were not capable of making decisions, which is what would take the City backward. There needed to be leadership and management who were willing to work with all genders, races, and classes of citizens, not just a select group. She shared that she had a wide variety of interests, would work with everyone, and would listen to all citizens' concerns.

Councilwoman Vick reminded about a special clean-up event on Thursday, August 20, 2009, "A Day of Service," being held in conjunction with Christopher Newport University. This event was held in an effort to bring citizens together and "taking the community back," to make the City a better place to live.

Councilwoman Vick announced the "Field of Friends" for the South District was scheduled for Saturday, August 22, 2009, 10:00 a.m. – 3:00 p.m. at An Achievable Dream, 16<sup>th</sup> Street and Marshall Avenue. She urged all to attend and commended the Newport News Police Department for their efforts.

Vice Mayor Whitaker stated that he did not have any problems with City Manager Randy Hildebrandt, and thought he did an excellent job for the City. Vice Mayor Whitaker indicated he had seen major progress throughout the City since 1938. He cited City Manager Hildebrandt's open-door policy. Vice Mayor Whitaker stated he utilized the Manager's open-door policy to get his questions answered. He felt the City Manager got a raw deal.

Councilwoman Woodbury congratulated her colleagues, Council members Scott and Vick on their eloquent remarks. She stated that sometimes people make judgments when they did not have all of the facts. She felt it was terrible that Council's confidentiality was

H. New Business and Councilmember Comments Continued

betrayed. She understood speaking about confidential matters, outside of a closed meeting, was grounds for dismissal. She concurred with Councilwoman Scott, and reiterated that citizens did not always see the whole picture and did not know the Council members and what they represented because they had not bothered to find out. Councilwoman Woodbury reminded that she, too, had held monthly Town Hall Meetings since January, with the exception of the summer months. She felt that small business and big business was the backbone of the community and should be cherished. She also felt that citizens need to be heard. She expressed appreciation to those who attended the meetings to share their concerns. Councilwoman Woodbury pointed out that the City was \$1 billion in debt - some have had to make tough choices; and some had made recommendations about how to reduce the debt. She reminded being on Council was not easy, but one that she took an oath for; and indicated she did research and asked questions on every decision she made. She expressed confidence that the four Council members who voted to remove the City Manager had done that. She inquired whether any citizens or representatives from the business community had done that. She stated she would not have spoken with anyone had she been contacted about the performance evaluation of City Manager Hildebrandt as it was in Closed Session and should have remained there. She expressed appreciation to citizens for their presence and commended her fellow Council members for their acts of integrity and dignity.

Councilwoman Woodbury congratulated the Menchville High School Monarchs Baseball Team for their accomplishments in winning the State Baseball Championship (a reception was held in their honor – August 11, 2009, 6:15 p.m. in the lobby of City Hall).

Councilman Bateman shared his observations regarding City Manager Randy Hildebrandt and his successes as City Manager. He noted Mr. Hildebrandt's frankness and how he served the City honorably, warning Council about the state of the economy, the debt issue, and the bond rating. He was appreciative of City Manager Hildebrandt's service. He observed his colleagues on Council had taken great pain over the decisions made related to the City Manager. He did not agree, but respected the fact they reached the conclusions they did. He thanked the citizens for their comments regarding the City Manager issue. He advised the City needed to move forward and everyone needed to work together in order to achieve great success. Councilman Bateman stated that members of Council would need to move forward and pledge to work cooperatively together to move the City forward.

Mayor Frank reminded that this had been a difficult process and was pleased with the number of citizens that were in attendance. He stated that government worked best when citizens were engaged and involved. He urged them to be consistent in their engagement and participation; and to come out more often, to make the City stronger, help the elected officials be more effective. It was his hope that this lesson in democracy would carry forward for years to come. This was not a one-day event, the City would be around, and would need vision, leadership and direction, which should come not only from the leadership, but also from the citizens. He explained that a majority of Council made a decision - four votes out of seven would carry a decision. He advised, if four members believed that the City Manager did not meet their needs and did not follow the guidance and direction expected, they had the right to make that decision. He stated that characterizing the decision as a gender issue was a disservice to the community. Together the diversities and differences of opinions of each should be respected. The

H. New Business and Councilmember Comments Continued

issues should deal with substance of the matter being addressed, and not personalities. Citizens need to be heard, engaged, and as committed and dedicated as members of Council, to the wellbeing and betterment of the community. Mayor Frank reiterated the difficulty of the situation regarding the City Manager. He supported Randy Hildebrandt and felt he did an outstanding job as City Manager; but not everyone shared that view. He felt his work in building the community, in dealing with the difficult financial circumstances was exemplary. He protected the City's bond ratings; he worked to deal with the pension fund and other huge issues. Mayor Frank reminded the City would have new leadership, and that leadership would need a vision of how to inspire the community, and City Council to work collegiately to move the City in the right direction. Mayor Frank further expressed gratitude to the citizens for the support shown.

Regarding his announcement to not seek re-election, Mayor Frank expressed appreciation for the support, and understanding, and indicated that the feeling of goodwill expressed was meaningful to him and his family. He stated that he loved being Mayor of this City and was grateful for having the opportunity to offer leadership. He expressed his decision early, allowing the community time to come together to organize, and be prepared and thoughtful in planning for succession. He stated that his colleagues were committed and genuinely cared about the City. He thanked his colleagues for their support.

Councilwoman McMillan stated she looked forward to Council comments, ending the meeting on positive views and comments for the citizens, not of having been a failure. She advised she did not intend to talk about urban allocation, the \$1 billion debt, concerns of the public employees, hours spent travelling to meetings with other elected officials, and the public on budget issues, wading in flood waters, or the dismissal of the City Manager; but echoed Mr. Lyon's invitation to attend the Lee Hall Depot celebration on September 9, 2009.

Councilwoman McMillan announced and invited citizens to the Southeast Community Day Parade and Festival on September 12, 2009.

Councilwoman McMillan announced and encouraged all to attend the 50<sup>th</sup> Anniversary of Denbigh Days on September 19, 2009, sponsored by the Denbigh Lions and the Denbigh Kiwanis. She indicated that the Denbigh Lions, the Denbigh Kiwanis and the Denbigh-Warwick Business Association had stepped forward to support the Denbigh Community, the children and functions, and beautification projects in the community.

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 10:38 P.M.

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Minutes of Regular Meeting  
August 11, 2009

Mabel Washington Jenkins, CMC  
City Clerk

Joe S. Frank  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk