

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

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

ABSENT: None-----0

A. Invocation

The invocation was rendered by Father Joe Majewski, St. Jerome Catholic 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 Councilman Herbert H. Bateman, Jr.

C. Public Hearings

- (1) Resolution Authorizing a Lease Agreement between the City and Virginia Hospitality Services, Inc. to Provide Food and Beverage Services for the Newport News Golf Club at Deer Run

A RESOLUTION AUTHORIZING AND DIRECTING THE ACTING CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, ANY AND ALL DOCUMENTS TO IMPLEMENT A LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND VIRGINIA HOSPITALITY SERVICES, INC., FOR THE OPERATION OF A RESTAURANT AND CONCESSIONS AT NEWPORT NEWS GOLF CLUB AT DEER RUN. This resolution authorized a lease with Virginia Hospitality Services, Inc. to provide food and beverage services for the Newport News Golf Club at Deer Run. The lease agreement for food and beverage services at the City's golf course expired on December 31, 2008. The previous contracted vendor, New Dominion Golf Clubs, Inc., continued to provide services on a month-to-month basis since the lease expired; however, they notified the City that they would discontinue services as of October 31, 2009. Advertisements seeking bids from a new food and beverage vendor began in April 2009. An interview panel interviewed two bidders on June 2009 and subsequently recommended awarding a new lease agreement to Virginia Hospitality Services, Inc. A contract for specific services was negotiated with Virginia Hospitality Services, Inc., which included \$500 per month rent, and a 10% commission paid on gross receipts. The Acting City Manager recommended approval.

(No registered speakers)

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

C. Public Hearings Continued

- (1) Resolution Authorizing a Lease Agreement between the City and Virginia Hospitality Services, Inc. to Provide Food and Beverage Services for the Newport News Golf Club at Deer Run Continued

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

- (2) Conditional Use Permit, CU-09-265, Z-Mark, LLC., for a Proposed 7-Eleven Convenience Store

AN APPLICATION FOR A CONDITIONAL USE PERMIT CU-09-265, THE APPLICANT WAS Z-MARK, LLC., for a proposed 7-Eleven Convenience Store. This ordinance amended Conditional Use Permit CU-99-42, Ordinance 5259-99, by expanding the hours of operation for a proposed 7-Eleven Convenience Store with gas pumps, which would replace the Zooms located on a 0.86 acre property at 12460 Warwick Boulevard. On March 23, 1999, City Council approved a Conditional Use Permit for the Zooms Convenience Store, with gas pumps, with a condition that limited the hours of operation to protect the adjacent single family homes from noise and glare during the early morning hours. The Zooms Convenience Store owner was selling all of his stores to 7-Eleven, Inc. and, as part of the sale, requested the removal of the condition that limited the hours of operation from 5:00 a.m. to midnight, to allow the store to operate 24 hours per day, seven days per week, consistent with 7-Eleven's business model and all of the other stores in the deal. The Planning Department recommended denial of the request because the support of the neighbors for the original Conditional Use Permit was based on the limited hours of operation. The Planning Commission voted 4:3 to recommend to City Council the denial of removing the condition that limited the hours of operations from 5:00 a.m. to midnight. The Acting City Manager concurred with the Planning staff's recommendation to deny the request to remove the condition that limited the hours of operation.

Mr. Stephen R. Romine, Attorney with the law firm of LeClair Ryan, 999 Waterside Drive, Norfolk, representing the applicant, recommended there be an amendment to the Conditional Use Permit to allow an additional five hours so the store could operate 24 hours per day. Mr. Romine advised this was part of a sale of approximately 13 stores, converting from Zoom's to 7-Eleven. He further advised this store at 12460 Warwick Boulevard was the only store that had restricted hours with respect to the sale. He reminded that it was a part of 7-Eleven's procedure to operate on a 24/7 basis nationally. The Planning Commission recommended approval. Mr. Romine explained an existing 7-Eleven was situated 300 yards away in the Glendale Shopping Center and had operated for over 20 years. It was a 24-hour operation store. Zooms operated from 5 a.m. – 12 midnight. The proposal was to get an

C. Public Hearings Continued

(2) Conditional Use Permit, CU-09-265, Z-Mark, LLC., for a Proposed 7-Eleven Convenience Store Continued

additional five hours at the Zoom's store, the 7-Eleven situated 300 yards away would be closed, eliminating a convenience store in that corridor. Should City Council not approve the additional five hours, it was likely the 7-Eleven would remain open, leaving two stores in the corridor. Mr. Romine pointed out, when the store was approved in 1999, the neighbors embraced the approval as it replaced an undesirable existing use. The restricted hours put in place on the original Conditional Use Permit were not negotiated, and was all that Zoom's wanted and needed. It was not a restriction, but only a condition. Mr. Romine felt it was a gross overstatement to say the hours were negotiated to protect the neighbors. He pointed out that the Newport News Police Department had no objections to the existing 7-Eleven, as there had been no objections or incidences at the existing Zoom's. He pointed out that the store was already existed. 7-Eleven only wanted to re-brand the store and needed an additional five hours. He stated the Framework for the Future was not inconsistent with the request. He believed approval of the extended hours could be a benefit, as it allowed staffing during those hours and could serve as a deterrent to crime. Mr. Romine felt the additional five hours of operation would not be an intrusion in the neighborhood, with respect to noise and light. Mr. Romine indicated that the staff report overstated the conditions. He reiterated that the request was not incompatible with the Framework for the Future. He shared that 7-Eleven and Zoom's had both been excellent neighbors. He stated the immediate neighbor was not troubled by the hours, nor by the litter. The key was to close a 24-hour existing store in the corridor to add an additional five hours. It was his belief that 7-Eleven was a good corporate citizen, employed Newport News citizens, and should be given the benefit and the ability to operate as needed.

Mr. Romine urged City Council to approve the amendment to this Conditional Use Permit.

Mr. David Erbe, Market Manager for 7-Eleven, 2177 Windward Shore Drive, Virginia Beach, explained how the additional five hours would be used, and why it was a standard. He advised the time would be used to clean up the store and re-stock, when business was slow. Several companies had combined the distribution of some of fresh products, i.e. bakery items, sandwiches, etc.; and rather than having multiple deliveries throughout the day, the deliveries were made during slower times. The additional hours would be used as a replenishment time to prepare for the next day, maximizing the time during the normal daylight hours, in an effort to provide the best customer service possible. Mr. Erbe recognized there may be an issue with litter, but advised 7-Eleven had not been at the location to deal with the matter. He promised that 7-Eleven would do what was necessary to insure that litter did not become an issue.

Mr. Roy Spivey, 6 Minton Drive, Newport News, expressed that his main concern was litter (he displayed two bags of trash which he stated was collected in one day). He advised that the litter illustrated was from Zoom's, Wendy's, and 7-Eleven; and was a constant problem. Mr. Spivey indicated the noise and the lights were not a problem. He advised they were not a problem because Zoom's was not open during those times. He did not know what type of noise would be generated if 7-Eleven was allowed to operate 24/7. Mr. Spivey reminded that Glendale was a family neighborhood, with pets. One complication that could occur was if one dog barked because of noise, the other dogs in the neighborhood would also bark. Regarding crime, Mr. Spivey stated that Zoom's had 2 or 3 robberies occur. He was unsure whether the store

C. Public Hearings Continued

- (2) Conditional Use Permit, CU-09-265, Z-Mark, LLC., for a Proposed 7-Eleven Convenience Store Continued

being operational 24 hours per day would be a crime deterrent. As far as the neighborhood embracing Zoom's, Mr. Spivey advised that Zoom's had been a good neighbor, having been very clean. He stated City Council's approval of this amendment, allowing five additional hours, would open the door for Wendy's to seek approval for 24/7 operation.

Mr. Ben Lilley, 117 Millside Way, Yorktown, owner of the property that abutted the rear of Zoom's, stated there were multiple facilities in the area that would provide conveniences and services to citizens, i.e. Exxon, and Harris Teeter, which were surrounded by other commercial facilities, allowing numerous locations for food, medicine and gas. Mr. Lilley indicated there were no statistics to prove that 7-Eleven would make the neighborhood safer and serve as a deterrent to crime. He indicated there had not been trouble previously between the hours of 12 midnight to 5 a.m. It was represented that 7-Eleven needed the additional hours to stock the store. Mr. Lilley inquired how Zoom's operated for so long, and were able to stock its store without being open an additional five hours. Mr. Lilley urged that City Council have consideration for the neighbors, who would have to put up with the additional noise and lighting. He urged City Council deny the request; but asked that City Council place a condition on the permit that there be no degrading to the existing boundaries, should they decide to approve the request.

Mr. Michael F. Carpenter, 19 Oakland Drive, Newport News, expressed pleasure in hearing the positive comments about the Glendale community, and advised that his father developed the Glendale neighborhood. Mr. Carpenter expressed opposition to the requested amendment to extend the operating hours by an additional five hours. He saw no compelling reason why City Council would want to break the agreement between the City, the residents, and the property owner. Mr. Carpenter, responding to comments by Mr. Romine, advised that 7-Eleven had been on its existing site for 48 years. Mr. Carpenter further indicated that Mr. Romine presented that the 7-Eleven would close if City Council granted the request for five additional hours. He advised that the site was ideal for a convenience store, and that there would always be a convenience store at that site. Mr. Carpenter concurred with Mr. Spivey's comment that City Council, by amending the Conditional Use Permit to allow an additional five hours, would open the door for Wendy's to make a similar request. He suggested that 7-Eleven should operate from 7 a.m. to 11 p.m., which historically always seemed to work. Mr. Carpenter urged City Council follow the suggestion of the Planning Department, the Acting City Manager, and the residents of the Glendale community, who were against the amendment. He urged City Council vote to deny the request.

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

Vote on Roll Call:

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

Nays: None

C. Public Hearings Continued

- (2) Conditional Use Permit, CU-09-265, Z-Mark, LLC., for a Proposed 7-Eleven Convenience Store Continued

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

Councilwoman Scott respected that the applicant wanted the 7-Eleven to operate 24 hours, but reminded that City Council voted against Wendy's request to extend their hours. She advised she would vote to deny because she could not vote against the request ordinance to allow Wendy's to operate only until midnight. She denied that request because of comments from the residents in the neighborhood.

Councilwoman Woodbury expressed concern. She felt the request was reasonable, but indicated that she could not support the request, having read the history behind the request, and having received a number of calls from the residents in the Glendale area who made their concerns known.

Councilman Bateman asked for clarification whether the motion was to deny the ordinance. Mayor Frank advised there was no ordinance originally prepared since the Planning Commission had voted denial. He had asked the City Attorney's Office to prepare an ordinance supporting the request in the event there were four members of Council that wanted to vote in favor of the request to amend. He reiterated that the motion was to deny.

Councilman Bateman stated he would vote denial based on the comments and concerns heard from the residents.

Councilwoman Vick had offered support for the request as she felt there would be no excess traffic during the additional five hours, but the majority of City Council disagreed.

Mayor Frank indicated that he, too, was prepared to support the request thinking it would be an advantage to the neighborhood. He was impressed by the comments heard earlier. He was most concerned that City Council had gone through a great deal with the Wendy's property. He recalled it was very emotional, with strongly held feelings. The compromise was to limit Wendy's operation to 12 midnight. Mayor Frank felt, having denied Wendy's request, and to allow another business immediately across the street, to operate 24 hours, would be unfair; and would invite Wendy's to come back and do what was not allowed originally, because of strong public concern. This would place City Council in a position to go back on a commitment made to the community. Mayor Frank stated he would vote denial for those reasons.

Vice Mayor Whitaker shared, normally when he voted on projects, particularly if it were in a colleague's district, and the neighbors had expressed strong opposition, he would vote denial.

C. Public Hearings Continued

- (2) Conditional Use Permit, CU-09-265, Z-Mark, LLC., for a Proposed 7-Eleven Convenience Store Continued

Vote on Roll Call:

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

Nays: None

- (3) Zoning Text Amendment, ZT-09-274, City of Newport News, to Regulate the Use and Storage of Freight Containers

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE V., GENERAL REGULATIONS, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-528, FREIGHT CONTAINERS (SHIPPING CONTAINERS). This ordinance amended City Code, Chapter 45, Zoning Ordinance, by adding Section 45-528, which regulated the use and storage of freight containers within the City's Zoning Districts. The amendment permitted the storage of freight containers in the port area and specifically defined the area as being located along the James River and Hampton Roads harbor from 73<sup>rd</sup> Street to I-664 and zoned M2 Heavy Industrial. Freight containers were also permitted to be used for temporary storage and permanently stored on other industrially zoned properties. The containers could not be stacked. Freight containers were permitted as an accessory use for the temporary storage of transported goods in all commercial and office zoning districts. The ordinance permitted one container to be used for permanent storage on P1 Park zoned property, if the property contained more than 15 acres. The freight containers must be screened from view, and were not permitted to be utilized in residential zoning districts, except as part of a construction site. The Planning Commission voted unanimously (7:0) to recommend to City Council the adoption of the amendment. The Acting City Manager recommended approval.

Mayor Frank reviewed the amendment. Councilwoman McMillan advised that this ordinance had been in progress since 2003.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

C. Public Hearings Continued

- (4) Ordinance Authorizing the Vacation of a Paper Street Known as Henry Lee Drive

AN ORDINANCE VACATING A STREET IN THE CITY OF NEWPORT NEWS, VIRGINIA, AS DESCRIBED HEREIN. This ordinance authorized the vacation of a paper street known as Henry Lee Drive and authorized the Acting City Manager to execute any documents necessary to effectuate the transaction. Henry Lee Drive was a variable width public easement of right-of-way that was originally created prior to the 1930's in the County of Warwick, stretching from Lebanon Church Road north to the York County line. The City did not have fee simple interest in the paper street, had never maintained it as a public street, and a significant unimproved portion of the right-of-way rested within the boundaries of the Yorktown Naval Weapons Station since the federal government condemned the property during World War II. Information regarding the public easement of right-of-way was circulated for interdepartmental review. City staff concluded that the City was best served by vacating its interest in the paper street to clear up present and future title issues. The Acting City Manager recommended approval.

(No registered speakers)

Mayor Frank advised that a paper street was a street that existed only on paper.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

D. Consent Agenda

Councilwoman Scott moved adoption of the Consent Agenda, Items 1 through 6, both inclusive, as shown below; seconded by Councilwoman Vick.

- (1) Minutes of the Work Session of October 13, 2009

Vote on Roll Call:

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

Nays: None

D. Consent Agenda Continued

- (2) Minutes of the Regular Meeting of October 13, 2009

Vote on Roll Call:

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

Nays: None

- (3) Ordinance Amending City Code, Chapter 22, Library System, §22-35, Established; Locations: To Change the Address of the Newport News Public Law Library

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 22, LIBRARY SYSTEM, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE III., LAW LIBRARY, SECTION 22-35, ESTABLISHED; LOCATION. This ordinance amended City Code, Chapter 22, Library System, which reflected the change of address of the Newport News Public Law Library. In May 2008, the Newport News Public Law Library moved from 2500 Washington Avenue to 2501 Washington Avenue. The City Code was amended to reflect the correct address for the Public Law Library. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (4) Resolution Approving and Adopting the Acceptable Internet Use Policy for the Newport News Public Library System

A RESOLUTION APPROVING AND ADOPTING AN ACCEPTABLE USE POLICY FOR INTERNET ACCESS FOR THE CITY OF NEWPORT NEWS PUBLIC LIBRARY SYSTEM. This resolution adopted the Acceptable Internet Use Policy for the Newport News Public Library System as required by the Code of Virginia, Chapter 64, Section 42.1-36.1. The Code of Virginia required that the governing authority for the Library System establish, and biennially file, an Acceptable Internet Use Policy (AIUP) with the Library of Virginia on or before December 1. The Library System's Board of Trustees reviewed the AIUP at its September 2009 meeting and endorsed the Policy. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

D. Consent Agenda Continued

- (5) Ordinances Amending City Code, Chapter 6, Animals and Fowl, §6-9, Noisy Animals or Birds; Chapter 28, Offenses-Miscellaneous, §28-36, Noise from Sound Systems and Devices; and Repeal Chapter 26.1, Noise

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY AMENDING CHAPTER 6, ANIMALS AND FOWL, ARTICLE I., IN GENERAL, SECTION 6-9, NOISY ANIMALS OR BIRDS; CHAPTER 28, OFFENSES-MISCELLANEOUS, SECTION 28-36, NOISE FROM SOUND SYSTEMS AND DEVICES; AND BY REPEALING CHAPTER 26.1, NOISE. This ordinance amended the City Code, Chapter 6, Animals and Fowl; Chapter 28, Offenses-Miscellaneous; and repealed Chapter 26.1, Noise. This ordinance reflected changes to clarify the standards and allow enforcement. This ordinance replaced the existing noise ordinance. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (6) Ordinance Amending the City Code, Chapter 2, Administration, Article XVI., City Support for Youth Development, Division 3., Commission on Youth, Section 2-516, Composition; Appointment and Terms of Members

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XVI., CITY SUPPORT FOR YOUTH DEVELOPMENT, DIVISION 3., COMMISSION ON YOUTH, SECTION 2-516, COMPOSITION; APPOINTMENT AND TERMS OF MEMBERS. This ordinance amended the City Code, Chapter 2, Administration, Article XVI., City Support for Youth Development, Division 3., Commission on Youth, Section 2-516, to increase the number of youth members to nine. The Commission on Youth was created in November 2002. The Commission's membership included eight members, representing the seven Newport News public and private high schools, and one representative from the Mayor's Youth Commission. Since the inception of the Commission, the Newport News Public Schools (NNPS) district added another public high school, An Achievable Dream High School, to its directory of schools. A representative from An Achievable Dream High School was selected by the school, for recommendation to serve on the Commission on Youth. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

E. Other City Council Actions

- (1) Ordinance Amending City Code, Chapter 26, Motor Vehicles and Traffic, §26-16, Authority to Move Vehicles, §26-17.1, Tow Truck Service Operations: Definitions; Adds the Following New §26-17.1.1 Licenses Required, §26-17.1.2 License to be Displayed, §26-17.1.3 Standards of Practice, and §26-17.1.4, Requirements for Drivers; §26-196, Definitions: Abandoned Motor Vehicles; and §26-198, Search for Owner; and Repealing §26-200, Vehicles Abandoned in Garages

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., IN GENERAL SECTION 26-16, AUTHORITY OF POLICE TO MOVE VEHICLE INVOLVED IN ACCIDENT; REMOVAL AND DISPOSITION OF UNATTENDED, ILLEGALLY PARKED OR IMMOBILE VEHICLES; SECTION 26-17.1, TOW TRUCK SERVICE OPERATIONS-DEFINITIONS; AND BY ADDING THERETO NEW SECTIONS, NAMELY: SECTION 26-17.1.1, LICENSES REQUIRED; SECTION 26-17.1.2, LICENSE TO BE DISPLAYED; SECTION 26-17.1.3, STANDARDS OF PRACTICE AND SECTION 26-17.1.4, REQUIREMENTS FOR DRIVERS; BY AMENDING ARTICLE VII., ABANDONED VEHICLES, SECTION 26-196, DEFINITIONS; SECTION 26-198, NOTICE OF REMOVAL; AND BY REPEALING SECTION 26-200, VEHICLES ABANDONED IN GARAGES. This ordinance amended the City Code, Chapter 26, Motor Vehicles and Traffic, to parallel the State Code and to incorporate recommendations from the Towing Advisory Board. The Towing Advisory Board recommended incorporating mandatory standards from State regulations into the City Code to parallel the State Code. The ordinance reflects recommendations of the Towing Advisory Board, actual practices of the Newport News Police Department, and State regulators. The Acting City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (2) Ordinance Adopting Additions to City Code, Chapter 40.1, Underground Installation of Lines and Pipes and Their Related Facilities; §40.1-5, Creation of Underground Utilities Districts

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 40.1, UNDERGROUND INSTALLATION OF LINES AND PIPES AND THEIR RELATED FACILITIES, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, SECTION 40.1-5, CREATION OF UNDERGROUND UTILITIES DISTRICTS. This ordinance adopted additions to the City Code, Chapter 40.1, Section 40.1-5, for the creation of rights-of-way districts (2) underground utilities. City staff had been working with the Virginia Department of Transportation (VDOT) in developing project plans for a Public Hearing in February 2010 for the

E. Other City Council Actions Continued

- (2) Ordinance Adopting Additions to City Code, Chapter 40.1, Underground Installation of Lines and Pipe and Their Related Facilities; §40.1-5, Creation of Underground Utilities Districts Continued

Middle Ground Boulevard Extension project. As part of this process, staff determined that the City's existing ordinance related to placing overhead utilities underground, did not specifically include the Middle Ground Boulevard Extension project. After further review of other roadway segments needing to be included in this ordinance, staff recommended the inclusion of Atkinson Boulevard from Jefferson Avenue to Warwick Boulevard, and relocated Route 60 from Fort Eustis to the James City County line. Both were new and non-existing roadways.

The Acting City Manager withdrew this item. No action was taken by City Council.

(No registered speakers)

- (3) Resolution Approving A Request to the Virginia Department of Transportation (VDOT) to Place Underground Overhead Utilities in Future Roadway Improvement Projects

A RESOLUTION TO REQUEST THE INCLUSION OF UNDERGROUNDING OF OVERHEAD UTILITIES IN THE PROGRAMMING OF CERTAIN URBAN IMPROVEMENT PROJECTS BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION. This resolution requested that VDOT place overhead utilities underground in future roadway improvement projects. City staff had worked with VDOT to develop project plans for a Public Hearing in February 2010 for the Middle Ground Boulevard Extension project. As part of this process, staff determined that none of the City's previous resolutions to VDOT on this project included a specific request for overhead utilities to be placed underground. VDOT formally requested that the request be made. The following projects are included in the resolution: (1) Middle Ground Boulevard; (2) Atkinson Boulevard; and (3) Relocated Route 60. The Acting City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (4) Ordinance Adopting an Amendment to the City Code, Chapter 26, Article IX, Residential Parking Permit Program (RPPP), §26-226, Designated Residential Permit Parking Areas (Adding 65<sup>th</sup> Street)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26,

E. Other City Council Actions Continued

- (4) Ordinance Adopting an Amendment to the City Code, Chapter 26, Article IX, Residential Parking Permit Program (RPPP), §26-226, Designated Residential Permit Parking Areas (Adding 65<sup>th</sup> Street) Continued

MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IX., RESIDENTIAL PARKING PERMIT PROGRAM, SECTION 26-226, DESIGNATED RESIDENTIAL PERMIT PARKING AREAS. This ordinance amended the City Code, Chapter 26, to include 65<sup>th</sup> Street between Huntington Avenue and Warwick Boulevard. The residents in the surrounding blocks were having difficulty with parking due to the overflow of patrons from the Newport News Shipyard, along with the problems associated with this overflow, such as litter and loud noise. In accordance with the ordinance, the residents submitted a petition, and the Department of Engineering completed a parking study, with a favorable recommendation, to admit the 300 block of 65<sup>th</sup> Street into the RPPP. The addition of 65<sup>th</sup> Street into the RPPP was administratively approved. Action from City Council was requested to revise the ordinance. Direct costs for the inclusion of 65<sup>th</sup> Street would be the operating budget expenses associated with the cost of sign materials, installation and maintenance, which totaled approximately \$900, and was offset by RPPP fees of \$10 per vehicle annually. The Acting City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (5) Resolution Approving the Appropriation of \$244,000 from the 2009 Virginia Revolving Loan Fund (VRLF) for the Roanoke Avenue Sanitary Sewer Rehabilitation, Phase IIB Project

A RESOLUTION APPROPRIATING FUNDS FROM 2009 VIRGINIA REVOLVING LOAN FUND PROGRAM (\$244,000.00) TO ROANOKE AVENUE SANITARY SEWER, PHASE IIB (\$244,000.00). This resolution appropriated \$244,000.00 from the 2009 Virginia Revolving Loan Fund (VRLF) for the Roanoke Avenue Sanitary Sewer Rehabilitation, Phase IIB Project. The existing sanitary sewer pipes along Roanoke Avenue were cracked and damaged, thereby causing infiltration into the sanitary sewer system. This project was necessary to prevent further pipe failures and groundwater infiltration. The project proposed the replacement of existing sanitary sewer pipes along Roanoke Avenue to correct deficiencies in the pipes. There were a total of seven phases scheduled for this project. Phases I and IIA had been previously constructed. Phases IIIA and IIIB were scheduled for award in FY 2011. Phase IV was anticipated for award in FY 2012, with Phase V scheduled for FY 2013. The proposed appropriation of \$244,000.00 from the City's 2009 VRLF covered the contract costs, plus a 5%

E. Other City Council Actions Continued

- (5) Resolution Approving the Appropriation of \$244,000 from the 2009 Virginia Revolving Loan Fund (VRLF) for the Roanoke Avenue Sanitary Sewer Rehabilitation, Phase IIB Project Continued

contingency. All of these projects were related to the consent order. They were funded by VRLF bonds, and the debt service was paid by the sewer fund. The Acting City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (6) Motion Approving an Award of Bid for the Roanoke Avenue Sanitary Sewer Rehabilitation, Phase IIB Project

Vice Mayor Whitaker moved to award the bid for the Roanoke Avenue Sanitary Sewer Rehabilitation Phase IIB Project to Basic Construction Company, LLC.; seconded by Councilman Bateman. Seven bids were received for this project, and Basic Construction Company, LLC. was the low bidder at \$232,291.50. Basic Construction Company, LLC. had performed well on similar contracts for the City of Newport News and was recommended for award of the project. The Acting City Manager recommended approval.

(No registered speakers)

Councilwoman Vick inquired whether there would be a bid process of each of the phases. Acting City Manager Morgan replied there would be a bid process for each phase.

Vote on Roll Call:

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

Nays: None

- (7) Resolution Approving the Appropriation of \$25,000 for Costs Associated with the Purchase of 2.16 Acres of Property, Located at 16890 Warwick Boulevard

A RESOLUTION APPROPRIATING FUNDS FROM MISCELLANEOUS CIP RETAINED EARNINGS (\$25,000.00) TO WATERWORKS LAND PURCHASE CONTINGENCY (\$25,000.00). This resolution appropriated \$25,000.00 for costs associated with the purchase of 2.1615 acres, located at 16890 Warwick Boulevard, on a portion

E. Other City Council Actions Continued

- (7) Resolution Approving the Appropriation of \$25,000 for Costs Associated with the Purchase of 2.16 Acres of Property, Located at 16890 Warwick Boulevard Continued

of the Lee Hall Reservoir Dam. This property was needed to support the proposed rehabilitation of the dam to meet recent changes in dam safety standards, allow for routine maintenance of the dam, and for improved security of the dam structure. A purchase price of \$25,000.00 for the 2.16 acre parcel was negotiated with the owner, based on the assessed value of the land, and reimbursement of expenses the owner incurred for surveys and subdivision of the property. Funds in the amount of \$25,000 for the purchase of the property were available to be appropriated from the Waterworks' Restricted Land Fund that was established by City Council. The Acting City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (8) Ordinance Approving the Authorization of the Acting City Manager to Execute a Real Estate Purchase Contract for Property Located at 16890 Warwick Boulevard on a Portion of the Lee Hall Reservoir Dam

AN ORDINANCE AUTHORIZING AND DIRECTING THE ACTING CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN REAL ESTATE PURCHASE CONTRACT, AND ALL OTHER AGREEMENTS, DOCUMENTS AND NOTES RELATED TO THAT PURCHASE OF REAL ESTATE ADJACENT TO THE LEE HALL RESERVOIR IN THE CITY OF NEWPORT NEWS, VIRGINIA, BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND MULBERRY ASSOCIATES, INC., DATED THE 27<sup>TH</sup> DAY OF OCTOBER, 2009. This ordinance authorized the Acting City Manager to execute a real estate purchase contract between the City of Newport News and Mulberry Inn Associates, Inc., and all other agreements, documents and notes related to the purchase of 2.1615 acres located at 16890 Warwick Boulevard on a portion of the Lee Hall Reservoir Dam. A purchase price of \$25,000.00 was negotiated for the property with the owner, Mulberry Inn Associates, Inc. As part of the purchase, Waterworks agreed to reimburse Mulberry Inn Associates, Inc., the cost to relocate their sign to land they would retain. The cost for the sign relocation was not expected to exceed \$8,000.00. The Acting City Manager recommended approval.

(No registered speakers)

E. Other City Council Actions Continued

- (8) Ordinance Approving the Authorization of the Acting City Manager to Execute a Real Estate Purchase Contract for Property Located at 16890 Warwick Boulevard on a Portion of the Lee Hall Reservoir Dam Continued

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

Vote on Roll Call:

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

Nays: None

- (9) Resolution Authorizing the Formation of Orcutt Townhomes III Limited Partnership and Orcutt Townhomes Phase III Development Corporation by the Newport News Redevelopment and Housing Authority (NNRHA)

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS APPROVING THE FORMATION OF THE ORCUTT TOWNHOMES PHASE III DEVELOPMENT CORPORATION AND THE ORCUTT TOWNHOMES III LIMITED PARTNERSHIP BY THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY. This resolution approved the formation of Orcutt Townhomes III Limited Partnership and Orcutt Townhomes Phase III Development Corporation, by Newport News Redevelopment and Housing Authority (NNRHA). Orcutt Homes Phase III was the final phase of the Orcutt Homes redevelopment project. In order to finance the development of Phase III, NNRHA planned to utilize Federal Low Income Housing Tax Credits combined with the Capital Funds Program through the U. S. Department of Housing and Urban Development. To take advantage of the mixed financing package and accept the tax credits, a separate development corporation and a limited partnership must be established. To comply with Title 36 of the Code of Virginia, which enumerates the activities of redevelopment and housing authorities, it was necessary that City Council approve the formation of the proposed Orcutt Townhomes development entities. This Council action required no financial commitment from the City. The Acting City Manager recommended approval.

(No registered speakers)

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

Councilwoman Woodbury inquired whether the Limited Liability Corporation (LLC) was developed for this development only. Acting City Manager Morgan replied the LLC was formed only for this particular phase of Orcutt Homes.

Vote on Roll Call:

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

Nays: None

F. Appropriations

Vice Mayor Whitaker moved adoption of Items 1 through 6, as shown below; seconded by Councilwoman Scott.

(1) Police Department – Department of Justice (DOJ)

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$7,555.00) TO SPECIALIZED POLICE EQUIPMENT (\$7,555.00). This resolution appropriated \$7,555.00 from the Department of Justice for the Police and Sheriff's Departments to purchase bulletproof vests. The City applied for and received a grant, which was traditionally shared between the Police and Sheriff's Departments. The Police Department received \$5,364.00 of the award and the Sheriff's Department received \$2,190.00. The DOJ reimbursed localities up to 50 percent (50%) for the cost of each vest purchased under the grant. No local grant match was required. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

(2) Police Department – Department of Criminal Justice Services (DCJS)

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$8,625.00) AND LOCAL REVENUE (\$2,875.00) TO RECRUITING EXPENSES (\$11,500.00). This resolution appropriated \$8,625.00 from the Department of Criminal Justice Services (DCJS) for the Police Department to use in its recruiting efforts. The City applied for and received a grant from the DCJS for recruiting and retaining police officers. The Police Department utilized the funds to produce advertisements, place ads in newspapers, prepare brochures, and purchase other materials used in its recruiting efforts. The Police Department received \$8,625 in federal funds, with a required local match of \$2,875.00. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

(3) Police Department – Police Department's Asset Forfeiture Funds

A RESOLUTION APPROPRIATING FUNDS FROM TR FUND BALANCE – STATE 10 (\$105,000.00) TO SPECIALIZED POLICE SUPPLIES (\$105,000.00). This resolution appropriated \$105,000.00 from the Police Department's Asset Forfeiture Funds for use by the Police Department. The Police Department identified specialized equipment needed for daily operations. These funds were needed for this equipment and to send command staff to leadership training. The specialized equipment included alco-sensors, precinct cameras,

F. Appropriations Continued

- (3) Police Department – Police Department’s Asset Forfeiture Funds Continued

patrol car tint meters, tasers, and radio earphones. The Asset Forfeiture balance in Unappropriated Funds was \$223,245.00. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (4) Police Department – Department of Justice, Bureau of Justice Assistance Grant (JAG)

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$252,942.00) TO SPECIALIZED POLICE SUPPLIES (\$252,942.00). This resolution appropriated \$252,942.00 from the Department of Justice, Bureau of Justice Assistance, to the Police Department to purchase equipment. The City applied for and received the Justice Assistance Grant (JAG), Local Solicitation grant for \$252,942.00. This was an annual grant based on a locality’s population and crime statistics. The Police Department would purchase mobile video cameras for police vehicles, laptop computers and equipment to outfit the Briarfield Complex, which housed the Department’s training academy. No local match was required. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (5) Police Department – Department of Homeland Security, Federal Emergency Management Agency

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$925,900.00) TO MACHINERY AND EQUIPMENT (\$925,900.00). This resolution appropriated \$925,900.00 from the Department of Homeland Security, Federal Emergency Management Agency (FEMA) for the Police Department to purchase Marine Equipment. The City applied for and received a grant from Homeland Security, FEMA. The funds would be used to purchase a new watercraft, surveillance and detection equipment, and personal protection equipment for the marine patrol officers. No local match was required. The Acting City Manager recommended approval.

(No registered speakers)

F. Appropriations Continued

- (5) Police Department – Department of Homeland Security, Federal Emergency Management Agency Continued

Vote on Roll Call:

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

Nays: None

- (6) Public Utilities: Chickahominy Raw Water Pump Station Preliminary Engineering Study – General Obligation Bonds

A RESOLUTION APPROPRIATING FUNDS FROM BOND PROCEEDS – GENERAL OBLIGATION BONDS (\$160,000.00) TO CURRENT YEAR CIP – WATERWORKS ENGINEERING SERVICES (\$143,577.00) AND CURRENT YEAR CIP – WATERWORKS PROJECT CONTINGENCY (\$16,423.00). This resolution appropriated \$160,000.00 for professional engineering services provided by CDM for the preliminary Engineering Study of the Chickahominy Raw Water Pump Station. The project evaluated alternatives to allow the pump station to deliver the full 40 MGD capacity over all hydraulic conditions through the use of variable frequency drives for the pumps. A detailed analysis of the existing pump station components and intake systems, assessment of necessary improvements to realize the higher pumping capacity, and development of preliminary drawings laying out the facilities were included in the study. The Study also evaluated the condition and use of miscellaneous structures located on site. Siting of a new laboratory field office for the raw water monitoring staff was proposed, and overall site planning conducted. The preliminary Engineering study was administered under a work order agreement under the Water Utility Services Engineer Contract. The funds were available for appropriation from the Public Utilities General Obligation Bond proceeds. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

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

Mr. Eric Bailey, 958 Hollymeade Circle, Newport News, stressed the importance of Hollymeade subdivision, and the seriousness of the Chinese drywall issues in the community, as well as the potential risk that Hollymeade would soon become a blighted community. He invited members of City Council to tour the homes in the Hollymeade area, discovering that many were uninhabitable. He requested much needed tax relief for the homeowners in the Hollymeade community.

Mayor Frank advised, at its Work Session of October 27, 2009, City Council addressed the Chinese drywall matter, and had a staff briefing on the effort being made with regard to providing relief to the homeowners that have the Chinese drywall problem in the Hollymeade subdivision.

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

Reverend Fred Michaux, 901 Eastfield Lane, Newport News, thanked City Council for their service. As a resident of the Hollymeade community, advised that he brought his townhome new in November, 2007, having moved from Richmond to pastor a church. He indicated he was, and still expected to have a new and wonderful life in Newport News, in spite of hardship. Reverend Michaux stated that part of what would remedy his family's hardship was the fact that everyone who had an opportunity to play a part, would play their part. He indicated that he was aware that City Council could not solve the situation in Hollymeade; nor could the developer or insurance company alone solve the situation; but he was positive that if everyone collectively acted, the situation would improve greatly. Reverend Michaux asked City Council to view the situation as a crisis in spite of its lack of visible cues, which were an important part of the emotional response that motivated people to action. There were approximately thirty townhomes affected with toxic drywall. He encouraged City Council to tour the homes in Hollymeade and to experience the magnitude of the problem. Reverend Michaux advised that his family had moved out of Hollymeade, having suffered health problems for over one year and accumulated thousands of dollars of medical bills. He asked that City Council do what they could to improve the situation.

Mr. A. C. Pulliam, Jr., 239 Falcon Drive, Newport News, thanked Acting City Manager for responding to his list of five questions asked at the October 13, 2009 Regular Meeting of City Council and commended him for doing a great job. Mr. Pulliam advised that Acting City Manager Morgan as familiar that the economy was not well in Newport News, and the "Road to Nowhere" was not going anywhere until the City obtained more business. Mr. Pulliam stated that he could not sell his house on Normandy Lane for the assessed value. He advocated for tax breaks and adjusted real estate assessments.

Mr. David Lawrence, 54 Hopkins Street, Newport News, advocated for the sport of field hockey. He advised the Newport News Department of Parks, Recreation and Tourism had a field hockey program. Field hockey taught competitive sportsmanship and teamwork, and involved surrounding communities. Because other communities participated in the program, the Department of Parks, Recreation and Tourism did not cover all expenses. Participants paid team fees. The program paid for itself through administrative costs and brought money into the City. Mr. Lawrence advised that indoor field hockey was played on a basketball court, and as there were no indoor field hockey facilities, but there were basketball courts located in the Newport News Public Schools. In looking for a school to practice, he was informed there was a \$300 rental fee, and requirement for one half million dollar liability insurance. He requested Council's assistance to waive the rental fee for use of the public school properties and that the liability insurance be absorbed into the insurance bought for other parks and recreation sports programs. Special consideration was given to boy scouts and girl scouts. Mr. Lawrence asked for similar consideration.

Mayor Frank inquired whether Mr. Lawrence had met with the Newport News School Board. Mr. Lawrence replied that he had not because it involved the School Board and the Department of Parks, Recreation and Tourism, and expressed concern that there would be finger pointing. He felt the matter should be directed to the City Manager to broker with the School Board and Parks and Recreation, with the support of City Council.

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

Councilwoman Woodbury spoke highly of the Parks and Recreation Field Hockey program. She commended Mr. Lawrence for his work with the program. She felt that Acting City Manager Morgan would do what he could to assist. Acting City Manager Morgan advised that he would set up a meeting with Mr. Michael Poplawski, Director, Department of Parks, Recreation and Tourism, to discuss the situation and find a suitable solution.

Mr. Phillip Allen, 907 Eastfield Lane, Newport News, thanked City Council for their service. He advised that he was a resident of the Hollymeade subdivision. He further commented that good, responsible behavior was no longer rewarded and did not seem to count for anything. Mr. Allen stated that he and his wife were outstanding citizens, paying their mortgage and taxes in a timely fashion; but through no fault of their own, they were victims of Chinese drywall, a toxic material that forced them to leave their home. He indicated they had to choose between being in financial turmoil or keeping their health. He, along with his neighbors, had communicated with the mortgage company, insurance company, developer, builder, and other parties involved; but were at a stalemate. Mr. Allen asked that City Council recognize the seriousness of the issue and provide some assistance.

Ms. Pricillia E. Burnett, 106 Tillerson Drive, Newport News, addressed Council regarding City Farm issues, i.e. number of inmates at the City Farm. She advised, in a conversation with Sheriff Gabe Morgan, there were 450 inmates at the City Jail, but inmates could not be sent to the City Farm because of classification guidelines. Ms. Burnett requested that the restrictions be modified to allow the Sheriff to easily transfer inmates from the City Jail to the City Farm, which would benefit the City. This would relieve overcrowding in the City Jail. She expressed concern that the overcrowding situation was being manipulated by an elected official.

Acting City Manager Morgan responded this was a complicated topic as there were many different categories of prisoners. He advised that the category of prisoners that once populated the City Farm was those who typically were not sentenced to hard time. To compensate, the City used people under some type of probationary situation or "weekenders." In terms of criteria, Acting City Manager Morgan indicated there was a policy created a few years ago. In review of that policy, with the Sheriff, Commonwealth's Attorney, and Director of the City Farm, he was of the opinion that the basic guidelines about the type of prisoners that should go to City Farm were largely correct. The City Farm was not designed for higher security types of inmates. He indicated there were judgment calls whether a particular individual was safe in one type of facility or another and was mindful of the situation.

Councilwoman Woodbury expressed concern that the Sheriff had his own work release groups that were being released from the Jail to go to work in the community; and those individuals could be at the City Farm. Acting City Manager Morgan responded that the Sheriff had female work release prisoners, which the City Farm would not have; as well as the issue of whether a prisoner was pre-dispositioned or post-dispositioned. The City Farm had been a facility where people went for a short sentence after being processed by the Court. It was his opinion that the category the Sheriff used, in terms of male prisoners, were from the pre-dispositioned category.

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

Councilwoman Woodbury recalled the Study of Long-Term Corrections Organization & Facility Needs by MGT of America, Inc., which recommended many inmate situations. She indicated there were recommendations in the report which the City should take seriously and hopefully address.

Acting City Manager Morgan stated progress had been made in that regard in terms of the overall population. He also reminded about the investments made in the Jail, specifically with some major life safety improvements being underway.

Vice Mayor Whitaker stated he was the Chairman of the Hampton Roads Regional Jail Authority. He commented on the various aspects involved with the transfer of inmates and associated challenges.

Councilwoman McMillan concurred with remarks by Ms. Burnett. She recommended periodic review of the criteria and policies, and to consider adjustments. If the inmates were pre-dispositioned, and declared non-violent, they could be at the City Farm. The numbers could be increased at the City Farm, and more money received from the State.

Mayor Frank inquired whether the City received more money per day at the City Jail than at the City Farm. Acting City Manager Morgan advised this was a difficult calculation to make. The per diem was greater at the City Farm, but the security force was fully paid for by the City. The per diem was less at the Jail, but the State paid a substantial cost for the Deputies.

Councilwoman Woodbury stated the reason the per diem was more at the City Farm was because there were fewer inmates. Acting City Manager Morgan stated the per diem was based on a State arrangement. He suggested a Council Work Session on the topic.

Councilwoman Scott inquired about the number of inmates participating in the Work Release Program. Acting City Manager Morgan responded there were approximately 100 participants in the Work Release Program.

Mr. Rudy Langford, P. O. Box 282, Hampton, thanked City Council for their decision to terminate former City Manager Randy Hildebrandt. He further thanked City Council for being a well-respected entity. He advised, in 2007, after the Robert Harper incident, the Coalition for Justice had put a Patrol Unit in place to patrol high crime areas in the City. The services were terminated in the summer of 2009 because of the many stops by the Newport News Police Department (NNPD). He advised he had been stopped numerous times. He further advised that the Coalition had received fourteen complaints against the NNPD. These complaints would be set aside as they were not serious enough to file with the Justice Department or with the FBI. Mr. Langford commended the NNPD. He asked City Council to direct the Acting City Manager to provide his make, model and license number to the Chief of Police, advising that he travelled to Newport News on numerous occasions for speaking engagements.

Mr. Daniel Curran, member of the 430-One Group, 10835 Warwick Boulevard, Newport News, advised that the Capital Improvement Plan (CIP) had been reviewed by members

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

of the group. The group expressed appreciation to City Council for their efforts to make the City an attractive place to live and to improve the quality of life for the citizens. The 430-One Group believed, by improving the quality of life, new families and new businesses would visit Newport News, and the additional revenue generated, would be the proper way to reduce the tax burden for all citizens.

Mr. John J. Procyson, 305 Normandy Lane, Newport News, thanked City staff for their efforts to reduce spending, and City Council for their hard work to find cost-saving measures. There was a limited hiring freeze in the City and no more King William Reservoir (KWR) expenditures. He asked that City Council keep up the good work and urged them to stay vigilant.

H. New Business and Councilmember Comments

Acting City Manager Morgan shared the guidelines and restrictions for Halloween, and trick-or-treating activities.

Councilwoman McMillan requested Acting City Manager Morgan address the use of fireworks in the City of Newport News. Acting City Manager Morgan advised that the use of fireworks were prohibited in the City of Newport News.

Chief Deputy City Attorney Allen L. Jackson, extended sympathy to City Attorney Stuart Katz and his wife, Cynthia, on the death of his mother-in-law, Mrs. Faith Nusbaum.

Mayor Frank extended condolences to Stuart and Cynthia Katz, on the loss of her mother, Mrs. Faith Nusbaum.

Councilwoman McMillan extended condolences to Stuart and Cynthia Katz, on the loss of her mother, Mrs. Faith Nusbaum.

Councilwoman McMillan congratulated Trinity United Methodist Church, 228 29<sup>th</sup> Street, Newport News, for winning the Regional Fourth Quarter Clean Business Award. The church would be honored at the Clean Business Breakfast hosted by the York County Beautification Commission at the Freight Shed at Riverwalk Landing, Yorktown, on November 4, 2009. She thanked the Pastor and congregation at Trinity for their environmental stewardship.

Councilwoman Scott extended condolences to Stuart and Cynthia Katz, on the loss of her mother, Mrs. Faith Nusbaum.

Councilwoman Scott congratulated Alondo McClees, a Denbigh resident and member of the Mensa Society, on being named 2009 Commissioner of the Year.

Councilwoman Scott thanked everyone for their attendance at the October 26, 2009 North District Town Hall Meeting.

H. New Business and Councilmember Comments Continued

Councilwoman Scott announced the next North District Town Hall Meeting was scheduled for Monday, November 23, 2009, 7 p.m., at the American Legion Post 368. Acting North District Precinct Captain Mike Grinstead, would be the guest speaker, to provide safety tips for the holidays.

Councilwoman Scott wished a speedy recovery to Ms. Madzy Monsanto, North District resident, who recently underwent open heart surgery.

Councilwoman Woodbury expressed gratitude for being able to attend and represent the City of Newport News, with her colleagues, Council members McMillan, Scott, and Vick, at the Virginia Municipal League (VML) Conference in Roanoke, Virginia. She indicated it was an excellent conference. Councilwoman Woodbury presented Councilwoman Scott with a walking stick from a walking tour held during the VML Conference. She challenged the Newport News Mayor to sponsor a beach walk when the VML Conference came to Hampton in 2010. She promised to distribute helpful information received at the conference.

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 8:58 P.M.

Mabel Washington Jenkins, CMC  
City Clerk

Joe S. Frank  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk