

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
November 10, 2009  
7:30 P.M.**

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

ABSENT: None-----0

A. Call to Order

B. Invocation

The invocation was rendered by Reverend Danny Prescott, First Baptist Church Morrison.

C. 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 Madeline McMillan.

D. Public Hearings

None

E. Consent Agenda

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

(1) Minutes of the Work Session of October 27, 2009

Vote on Roll Call:

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

Nays: None

(2) Minutes of the Regular Meeting of October 27, 2009

Vote on Roll Call:

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

Nays: None

(3) Resolution of Recognition: Historic Hilton Village

A RESOLUTION OF RECOGNITION FOR HISTORIC HILTON VILLAGE. This resolution recognized Historic Hilton Village for being named one of America's 10 Great Neighborhoods by the American Planning Association.

E. Consent Agenda Continued

(3) Resolution of Recognition: Historic Hilton Village Continued

(No registered speakers)

Vote on Roll Call:

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

Nays: None

F. Other City Council Actions

(1) Ordinance Approving the Dissolution of the Peninsula Ports Authority of Virginia (PPAV)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, CONCURRING WITH THE DECLARATION AND FINDING OF THE COMMISSION OF THE PENINSULA PORTS AUTHORITY OF VIRGINIA THAT THE SAID AUTHORITY SHOULD BE DISSOLVED. This resolution concurred with the dissolution of the Peninsula Ports Authority of Virginia (PPAV). The PPAV was established over 50 years ago. One of its primary functions was issuance of Industrial Revenue Bonds. The PPAV bond activity had decreased over the years with the development of industrial/economic development authorities by individual localities. PPAV was determined that substantially all of its functions had been taken over or were being undertaken by one or more political subdivisions and the entity should be dissolved, and had taken official action to effectuate dissolution. In order to comply with the PPAV Charter, the Newport News City Council had to adopt a resolution concurring with PPAV's determination that the entity should be dissolved. As a component of its dissolution, PPAV's assets and administrative responsibilities would be assumed by the Economic Development Authority of the City of Newport News, Virginia.

(No registered speakers)

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

Councilman Bateman filed a Declaration, pursuant to subdivision A2 of §2.2-3112 of the Virginia Conflict of Interest Act that (i) the Acting City Manager had recommended that the Newport News City Council adopt a resolution concurring with the declaration of the Commission of the Peninsula Ports Authority of Virginia (the "Authority") that the said Authority should be dissolved and as a result of said dissolution of the City's Economic Development Authority (the "EDA") would receive the Authority's assets and assume its liabilities, (the "transaction"). If said transaction was approved by the adoption of the resolution, the EDA agreed to use funds of the dissolved Authority to induce existing air carriers at the Newport News Williamsburg International Airport (the "Airport") to increase and expand flights to destinations deemed beneficial to the economy of the Virginia Peninsula and to induce new air carriers to bring flights to and initiate flights from the Airport; (ii) he was a member of the Peninsula Airport Commission (the "PAC") which commission oversaw the day to day affairs of

F. Other City Council Actions Continued

- (1) Resolution Approving the Dissolution of the Peninsula Ports Authority of Virginia (PPAV) Continued

the Airport, and that neither he nor the Airport nor the PAC would receive former Authority funds from the EDA, the Airport may realize a reasonably foreseeable direct or indirect benefit as a result of the City Council considering this transaction; (iii) that as such the PAC, a group of three or more persons, may be affected by the transaction; and (iv) that he was able to participate in the transaction fairly, objectively, and in the public interest. (This declaration was made orally at the November 10, 2009 Regular Meeting of City Council and is attached and made a part of these minutes).

Vote on Roll Call:

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

Nays: None

- (2) Ordinance to Repeal City Code, Chapter 1, General Provisions, Section 1-7, Limitation on Amount of Real Estate that may be held by Trustees of Church or Religious Society

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY REPEALING SECTION 1-7, LIMITATION ON AMOUNT OF REAL ESTATE THAT MAY BE HELD BY TRUSTEES OF CHURCH OR RELIGIOUS SOCIETY. This ordinance repealed the City Code, Chapter 1, General Provisions, Section 1-7, Limitation on amount of real estate that may be held by trustees of church or religious societies. In 1961, based on state enabling legislation that existed at the time, this ordinance was adopted limiting the number of acres of real estate that a religious institution could own. The City Attorney advised that the Virginia General Assembly had repealed the statute that was the enabling legislation, making the City ordinance invalid. The City Attorney requested that the ordinance be repealed. The Acting City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

G. Appropriations

- (1) Commonwealth Attorney's Office – Asset Forfeiture Fund

A RESOLUTION APPROPRIATING FUNDS FROM USE OF FUND

G. Appropriations Continued

(1) Commonwealth Attorney's Office – Asset Forfeiture Fund Continued

BALANCE – STATE (\$25,000.00) TO EQUIPMENT OTHER (\$25,000.00). This resolution appropriated \$25,000.00 from the Commonwealth Attorney's Asset Forfeiture Funds for use by the Commonwealth Attorney's Office. Asset forfeiture funds are funds that are transferred to the Commonwealth Attorney's Office as a result of officers participating in State and Federal criminal cases, where the defendant's assets are seized. The Commonwealth Attorney's Office identified the need for printer toner cartridges and computer hardware repairs. The asset forfeiture balance was approximately \$85,000.00. This appropriation allowed the use of \$25,000 from asset forfeiture funds by the Commonwealth Attorney's Office. The Acting 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: Frank, McMillan, Scott, Vick, Whitaker, Woodbury, Bateman

Nays: None

(2) Juvenile Drug Treatment Court Program – Virginia Judicial Services Department Grant

A RESOLUTION APPROPRIATING FUNDS FROM STATE REVENUE (\$182,500.00) TO CONTRACTUAL SERVICES (\$182,500.00). This resolution appropriated \$182,500.00 from the State Judicial Services Department to the Juvenile Drug Treatment Court Program (JDTC). The City applied for and received a grant from the State in the amount of \$182,500. The JDTC Program provided drug rehabilitation treatment and services to non-violent adolescents (ages 12-17) and their families in the criminal justice system. The funding was primarily used to cover personnel costs for the Program Administrator and Case Workers. This appropriation allowed the use of State funds in the amount of \$182,500 for the JDTC Program. No local match was required. The Acting City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

G. Appropriations Continued

- (3) Engineering: Road and Pedestrian Safety Improvement Projects – FY 2009/FY 2010 CIP

A RESOLUTION APPROPRIATING FUNDS FROM FY 2009 BONDS AUTHORIZED AND ISSUED (\$250,000.00) AND FY 2010 BONDS AUTHORIZED AND UNISSUED (\$250,000.00) TO ROAD AND PEDESTRIAN SAFETY IMPROVEMENTS – 2009 (\$250,000.00) AND ROAD AND PEDESTRIAN SAFETY IMPROVEMENTS – 2010 (\$250,000.00). This resolution appropriated \$500,000.00 for Road and Pedestrian Safety Improvement Projects. This project funded the design costs for the 48-year old Fort Eustis Boulevard Bridge (Route 105) over the CSX Railroad. Intersection and safety improvement projects along the J. Clyde Morris Boulevard Corridor between Warwick Boulevard and the east City limits included median modifications, guardrail and streetlight installations. Funding was available from the FY 2009 (\$250,000.00) and FY 2010 (\$250,000.00) Capital Improvement Plans.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (4) Engineering: Various Stormwater Management Programs – FY 2009 Bonds

A RESOLUTION APPROPRIATING FUNDS FROM FY 2009 BONDS AUTHORIZED AND ISSUED (\$800,000.00) TO CITYWIDE DRAINAGE, (\$350,000.00), LAKE ENHANCEMENT PROGRAM (\$200,000.00), CITYWIDE SWALE CONTRACT (\$150,000.00) AND CITYWIDE SLIPLINING PROJECT (\$100,000.00). This resolution appropriated \$800,000.00 from the FY 2009 Bond Authorization for various Stormwater Management Programs. The funds were used for several annual stormwater initiatives, which included Citywide Drainage, Lake Enhancement Program, Citywide Swale Contract and Citywide Sliplining Project, and were included in the Stormwater Drainage CIP. Each of these programs provided City staff the ability to address specific issues, in a timely manner, to address today's environmental issues and citizens concerns. The source of funding recommended for various Stormwater Programs was FY 2009 bonds authorized and issued. The Acting City Manager recommended approval.

(No registered speakers)

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

G. Appropriations Continued

- (4) Engineering: Various Stormwater Management Programs – FY 2009  
Bonds Continued

Vote on Roll Call:

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

Nays: None

- (5) Newport News Fire Department (NNFD): Ladder Truck – General Fund  
Reserve for Special Projects

A RESOLUTION APPROPRIATING FUNDS FROM RESERVE FOR SPECIAL PROJECTS (\$812,780.00) TO FIRE – HEAVY TRUCK/ROLLING STOCK (\$812,780.00). This resolution appropriated \$812,780.00 to the Newport News Fire Department (NNFD) to purchase a new ladder truck. One of the NNFD's ladder trucks was involved in a collision on September 28, 2009 that resulted in significant damage. The truck was purchased in 1997 and slated for replacement in 2011. Vehicle and Equipment Services (VES) requested a valuation of the truck based on a pre (\$35,000 - \$45,000) and post (no more than \$2,500) accident value. Estimated repairs were \$54,220. Based on the pre-accident resale value, VES and the NNFD recommended that the truck not be repaired. The NNFD had a new ladder truck under contract for 2010. The manufacturer was contacted and had indicated that the City could add a second truck to the existing contract and a volume discount of \$30,000 would be applied. The Acting City Manager recommended approval.

(No registered speakers)

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

Councilwoman Woodbury inquired whether there was anything that could be done to receive revenue from the truck that was involved in the accident. Acting City Manager Morgan replied yes, the truck would be sold at surplus and a small amount of money would be received. The amount was suspected to be under \$25,000. Councilwoman Woodbury inquired about selling the truck part by part. Acting City Manager Morgan indicated that could be investigated.

Vote on Roll Call:

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

Nays: None

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

Reverend Dr. James Rudisill, Port Homeless Shelter, Newport News, provided a description of the homeless population in Newport News. He was upset because the 50-bed Friends of the Homeless Shelter had been demolished, after having sat empty for years. Citizens had donated money to provide this facility to homeless families with children. He had recommended that the building not be demolished and indicated, with great haste and diligence,

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

the building was demolished on November 10, 2009. Reverend Rudisill was distraught that the property went back to the Newport News Redevelopment and Housing Authority (NNRHA). There were no assets left to transfer.

Acting City Manager Morgan concurred that the problem with homelessness in the community was significant and complex. Responding to Reverend Rudisill's remarks, regarding the Friends of the Homeless Shelter, Acting City Manager Morgan reminded that two public solicitations for proposals to re-use the building had been conducted. Options were considered for approximately 15 months. City Council directed the staff to proceed with demolition after the two public solicitations did not result in a viable proposal to use the building. Staff reports indicated that it would cost approximately \$100,000 to rehab the building. It was also a commercial piece of property that had lost its grandfathered status, and would require a conditional use permit. In the event an economical re-use as a homeless shelter had been found, the facility would not have been available this winter season. Regarding the timing of the demolition, Acting City Manager Morgan reminded that the demolition was delayed three times at the request of citizens interested in submitting a proposal for the building, which unfortunately, involved individuals without funds to do anything with the building. He advised City Council in a public document that the NNRHA would proceed with demolition. The demolition took place on November 10, 2009, because on November 6, 2009, an unknown citizen appeared on the site and intimidated the contractors, leading them to believe there was a court injunction and if they continued with demolition, it was done illegally. Acting City Manager Morgan then instructed the Police to be at the site with the contractors and engineering staff.

Mayor Frank instructed Acting City Manager Morgan to provide an overview of what work was in progress to deal with the homeless issues in the community.

Acting City Manager Morgan advised, the City of Newport News, and the region, had a wide range of programs available in various stages. It had been estimated that \$3.5 million of funds were being spent on the Peninsula for homelessness. There was ongoing coordination with non-profit agencies, City agencies, and volunteers to provide a significant level of assistance. He indicated that the homeless came in many different situations, and some were more readily solvable than others. The City of Newport News was in the process of creating a Housing Team in the Department of Human Services to work proactively to prevent people from becoming homeless. He mentioned the PORT Shelter program, and advised that families were housed in emergency situations. There were a variety of agencies that the City Council and citizens contributed to, including the United Way, the Department of Human Services, Hampton Social Services, Peninsula Health Department, Newport News Redevelopment and Housing Authority, Legal Aid Society of Eastern Virginia, Health Care for the Homeless, Operation Clean Comfort, St. Paul's Episcopal Church, LINK of Hampton Roads, Salvation Army, Peninsula Rescue Mission, Transitions, Avalon, and several others. Many of these programs were provided at the initiative of volunteers and private donations, which the City supported and attempted to collaborate with the providers.

Mr. John Procyson, 305 Normandy Lane, Newport News, referenced an article in the March 1997 Forbes magazine, where management expert Peter Drucker in an interview,

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

described what Jack Welch, CEO of General Electric and President Harry Truman had in common. He advised they shared an intellectual integrity and both understood executives were not their own masters, but servants of the organization, whether the organization was a business, hospital or a government. It was the executive's duty to subordinate their likes, wishes, and preferences for the welfare of the organization. He stated this integrity could be shown by asking, especially when first taking office, what was the foremost need of my organization and therefore my first task and duty? Mr. Procyson shared a quote from the article, "Ask not the organization can do for you, ask what you can do for the organization." Mr. Procyson stated the City of Newport News did not need a King William Reservoir, but needed more police officers walking a beat throughout the City; the City of Newport News did not need a \$60 million Ferguson Center for the Arts, but needed a recreation center for everyone in the North District; and the City of Newport News did not need a \$300 million City Center, but stated the Southeast Community needed a grocery store. He advised, quoting second President John Adams, "the happiness of people is the purpose of government." Mr. Procyson indicated that monuments like the Tribble Library and the Ferguson Center, contribute nothing to the happiness of the vast majority of Newport News citizens, but being warm and safe in a home with family would. He questioned whether the people in Council's districts were happy.

Ms. Sherri Taylor, P. O. Box 5661, Newport News, promoted the Greater Hampton Roads Community Fitness Outreach Program designed to prevent childhood obesity and Type II diabetes by doing things that were kid friendly, such as hula hooping, line dancing, and double-dutching. She advised there were several organizations, to include the Diabetes Organization, Sentara and Riverside, which had a "Well Diabetes Observation" event planned for Saturday, November 14, 2009, 9 a.m. – 12 noon, at New Hope Baptist Church, 1415 Big Bethel Road, Hampton. There would be a \$10 admission fee.

Ms. Taylor also distributed an invitation to attend "Heal Thy Generation," an event helping to improve overall physical health (copy of the invitation is attached and made a part of these minutes).

Mr. Daniel Currin, 10835 Warwick Boulevard, Newport News, Coordinator for the 430 One Group, a grass roots organization dedicated to helping the City of Newport News keep moving in a forward direction. He advised the group accomplished its goals by encouraging elected officials to be bold in their vision for the City, and by educating the citizens of the City in political matters affecting their lives. On behalf of the group, Mr. Currin thanked members of City Council for their work to keep the City moving forward and creating an attractive environment for existing and new businesses. He advised it was the prosperous businesses that helped most to relieve the financial burdens of a successful City. The group was proud that the Fire Department had achieved a higher rating, resulting in faster response times and lower insurance rates for the citizens. The 430 One Group encouraged City leaders to keep the Fire Department fully funded, even though it may mean upsetting some citizens who were not happy with paying their fair share of the cost to operate the City. The 430 One Group believed it was vitally important that the Fire Department and all City services were fully funded.

I. New Business and Councilmember Comments

Mayor Frank announced the Braxton-Perkins Post 25 would host a Veteran's Day ceremony on Wednesday, November 11, 2009, at 11:00 a.m. at the American Legion Post 25, located 7609 Marshall Avenue, Newport News. The public was invited.

Mayor Frank advised that Northrop Grumman scheduled a Gerald R. Ford (CVN 79) Keel Laying Ceremony on Saturday, November 14, 2009, 10:00 a.m. The Gerald R. Ford (CVN 78) was the first ship in the next generation of aircraft carriers.

Mayor Frank announced the USS Newport News (SSN 750) would celebrate the 20<sup>th</sup> Anniversary of its Commissioning on Saturday, November 14, 2009.

Councilwoman McMillan extended Happy Birthday wishes to Mayor Joe S. Frank, who would celebrate his birthday on November 14<sup>th</sup>.

Councilwoman McMillan announced that November 14<sup>th</sup> was "National Clean Out Your Refrigerator Day."

Councilwoman Scott extended Happy Birthday wishes to Mayor Joe Frank.

Councilwoman Scott announced the North District Town Hall Meeting was scheduled for Monday, November 23, 2009, 7:00 p.m. at the American Legion Post 368. There would be a "Meet and Greet," for Acting North District Precinct Captain Mike Grinstead, who would provide safety tips for the holidays.

Councilwoman Scott advised that Monday, November 16, 2009, was the deadline for citizens to apply for Fuel Assistance. Applications were taken by the Department of Human Services. The program offered money to individuals, based on income, to assist in paying heating costs.

Councilwoman Vick announced the Southern Christian Leadership Conference (SCLC) would sponsor the Feeding 2,000 Thanksgiving Harvest and Community Celebration on Saturday, November 21, 2009, at Dr. Martin Luther King Jr. Plaza, located at 600 Martin Luther King Way (25<sup>th</sup> Street), Newport News; at 11:30 a.m. Members of City Council from both the cities of Newport News and Hampton, School Board members, State Delegates, and community leaders would serve as "Community Servers" for the event. Donations for food and volunteers were welcome to assist in this effort.

Councilwoman Woodbury extended Happy Birthday wishes to Mayor Joe Frank.

Councilwoman Woodbury indicated that she volunteered for the Feeding 2000 Thanksgiving Harvest and Community Celebration and urged citizens to join the effort.

Councilwoman Woodbury extended Happy Anniversary wishes to Councilwoman Madeline McMillan and Mr. John McMillan, who would celebrate their 45<sup>th</sup> wedding anniversary on November 14, 2009.

I. New Business and Councilmember Comments Continued

Councilwoman Woodbury congratulated members of the Warwick Little League Junior League Baseball All-Star Team.

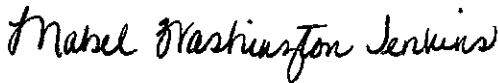
Councilwoman Woodbury congratulated Ms. Christine Mignogna for being recognized as Zoning Administrator of the Year.


Councilwoman Woodbury urged citizens to attend her Town Hall Meetings, held in conjunction with Newport News School Board member, Betty Dixon, on the first Monday night in each month.

Councilwoman Woodbury expressed appreciation and gratitude for the Lackey Free Clinic. She had attended a fundraiser the week of November 1, 2009, and was impressed by the testimonies given by the recipients in the program. The dedicated doctors, nurses, and practitioners take care of, and have saved many lives, free of charge. Over half of the patients were Newport News residents. She encouraged citizens to donate to the Lackey Free Clinic.

Councilman Bateman thanked Chief James Fox of the Newport News Police Department and his staff for their crime prevention efforts. He urged citizens to lock their doors and not to place valuables in plain view.

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 8:11 P.M.

  
Mabel Washington Jenkins, CMC  
City Clerk

  
Joe S. Frank  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk