

**MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
February 9, 2010
7:30 P.M.**

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

ABSENT: None-----0

A. Call to Order

Mayor Frank announced, at its February 9, 2010 Work Session, that City Council unanimously decided to appoint Mr. Neil A. Morgan as City Manager. Further discussion would follow in the business meeting.

B. Invocation

The invocation was rendered by Minister Andrea Ross, St. Stephens Calvary Pentecostal Church, Inc.

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 members of Colonial Virginia Council Boy Scouts of America, James River District. Members of the Unit included Robert James, Troop 411; Chase Condor, Troop 411; Richard Kazmer, Troop 316; Tore Dentu, Troop 316; Aaron Morris, Troop 158; Will Newton, Troop 158; Will Miller, Troop 158; Timothy Dodson, Troop 313; Sean Preston, Troop 313; Rafael Chontos, Troop 29; Wesley Jordan, Troop 306; Jack Tartala, Troop 43; and Liam Vaughn, Troop 43.

Mayor Frank acknowledged and recognized the presence of other Scouts, who were working to attain their Merit badges, and their families. He further stated that February 9, 2010 was Government Day. A number of City Departments spoke to the Scouts about City Government, followed by a luncheon sponsored by the Ruritan Club. He indicated Government Day provided a great learning experience for government officials and leaders, as well as for the Scouts. Mayor Frank congratulated the individuals involved with Scouting, and thanked the Scout leaders, as well as the parents for their leadership and support.

D. Public Hearings

None

E. Consent Agenda

Vice Mayor Whitaker moved adoption of the Consent Agenda, Items 1 through 4, both inclusive, as shown below; seconded by Councilwoman Vick.

- (1) Minutes of the Work Session of January 26, 2010

E. Consent Agenda Continued

- (1) Minutes of the Work Session of January 26, 2010 Continued

Vote on Roll Call:

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

Nays: None

- (2) Minutes of the Special Meeting of January 26, 2010

Vote on Roll Call:

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

Nays: None

- (3) Minutes of the Regular Meeting of January 26, 2010

Vote on Roll Call:

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

Nays: None

- (4) Resolution of Recognition and Appreciation for the Newport News Fire Department (NNFD) Members who Responded to Haiti, as Members of FEMA's USAR- Virginia Task Force II

A RESOLUTION OF RECOGNITION AND APPRECIATION FOR THE MEMBERS OF THE NEWPORT NEWS FIRE DEPARTMENT (NNFD) WHO WERE DEPLOYED WITH FEMA'S URBAN SEARCH AND RESCUE TEAM (USAR) – VIRGINIA TASK FORCE II. This resolution recognized members of the NNFD who were deployed with FEMA's Urban Search and Rescue Team – Virginia Task Force II. In response to the devastating earthquake in Haiti, many of the nation's USAR teams were ordered to Haiti. Six members of the NNFD deployed at 6:00 a.m. on January 14, 2010, with FEMA's USAR – Virginia Task Force II. They proudly carried out their duties under extraordinary conditions, and returned on January 23, 2010. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

F. Other City Council Actions

- (1) Ordinance Amending City Code to Change Paid Personal Leave (PPL) Accrual Time for Regular Part-Time Employees

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IV., EMPLOYEE BENEFITS, DIVISION 2., PAID PERSONAL LEAVE, SECTION

F. Other City Council Actions

- (1) Ordinance Amending City Code to Change Paid Personal Leave (PPL) Accrual Time for Regular Part-Time Employees Continued

2-108, AMOUNT PRESCRIBED. This ordinance amended the City Code, Chapter 2, Administration, Article IV, Employee Benefits, Division 2, Paid Personal Leave (PPL) for part-time employees, Section 2-108, for amounts prescribed. Regular part-time employees historically accrued five (5) hours of PPL on a monthly basis upon completion of twelve (12) months of service, in which the employee worked at least twenty (20) hours per week in active service with the City. Due to changes in the City's newly implemented financial system, it was necessary to make a change in calculation of this accrual to go from a monthly basis to a weekly basis. To make this change, it was necessary for City Council to approve an ordinance changing the monthly PPL accrual from five (5) hours monthly to 1.154 hours per weekly pay period, calculated over 52 weeks annually. The change from monthly to weekly accrual would not result in a net change of benefits for regular part-time employees. The Acting City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (2) Resolution Authorizing a Mutual Aid Agreement between the City of Newport News, Virginia and the United States Army Garrison (USAG), Fort Eustis

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, THAT CERTAIN AGREEMENT OF MUTUAL AID FOR FIRE AND EMERGENCY SERVICES BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE UNITED STATES ARMY GARRISON, FORT EUSTIS. This resolution authorized a Mutual Aid Agreement for fire, rescue, and emergency medical services between the City of Newport News and the United States Army Garrison (USAG), Fort Eustis. The United States Army Garrison (USAG), Fort Eustis and the City recently completed discussions to update a Mutual Aid Agreement, which had been in existence between the two parties for over 20 years. The Agreement was reviewed by the City Attorney and approved by the Garrison Commander. The Acting City Manager recommended approval.

(No registered speakers)

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

F. Other City Council Actions Continued

- (2) Resolution Authorizing a Mutual Aid Agreement between the City of Newport News, Virginia and the United States Army Garrison (USAG), Fort Eustis Continued

Vote on Roll Call:

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

Nays: None

- (3) Resolution Approving the Appropriation of \$825,000 for the Lee Hall Dam Improvements Project

A RESOLUTION APPROPRIATING FUNDS FROM BOND PROCEEDS – GENERAL OBLIGATION BONDS (\$825,000.00) TO CURRENT YEAR CIP – WATERWORKS ENGINEERING SERVICES (\$750,000.00) AND CURRENT YEAR CIP – WATERWORKS PROJECT CONTINGENCY (\$75,000.00). This resolution appropriated funds in the amount of \$825,000.00 for professional engineering and other professional services for the design of the Lee Hall Dam Improvements Project. The Lee Hall Reservoir system consisted of two separate, interconnected impoundments, known as Lee Hall Upper Dam Outlets Works and the Lee Hall Lower Dam. The dams were not in full compliance with the revised Department of Conservation and Recreation (DCR) – Dam Safety Division’s regulations adopted in September 2008, due to inadequate spillway capacities and stability concerns at the CSX embankment. DCR would grant extensions to Waterworks’ Operation and Maintenance Certificates based on making progress on the completion of steps outlined in the modification process. This dam-safety-focused project was identified in the Waterworks Capital Improvements Plan. It was estimated that \$825,000.00 would be required to complete the study and preliminary design. The Acting City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (4) Resolution Authorizing the Execution of an Agreement for the Lee Hall Dam Improvements Project

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 ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE AND IMPLEMENT AN AGREEMENT FOR PROFESSIONAL ENGINEERING AND RELATED SERVICES PERTAINING TO THE LEE HALL DAM IMPROVEMENTS PROJECT. This resolution authorized the Acting City Manager to execute an

F. Other City Council Actions Continued

- (4) Resolution Authorizing the Execution of an Agreement for the Lee Hall Dam Improvements Project Continued

Agreement for the design of the Lee Hall Dam Improvements Project. The Public Utilities Professional Services Selection Committee negated with the top-ranked firm for the design services. Because of schedule constraints imposed by DCR, Waterworks requested authorization for the Acting City Manager to execute a final agreement when completed. The Acting City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (5) Resolution Approving the Appropriation of \$4,286,960 for the New Fire Station #3 Project

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$2,597,425.00) AND FY 2010 BONDS AUTHORIZED AND UNISSUED (\$1,689,535.00) TO FIRE STATION 3 (\$4,286,960.00). This resolution appropriated \$2,597,425.00 from the American Recovery and Reinvestment Act, assistance to Firefighters Construction Grants (ARRA-SCG) and \$1,689,535.00 from the Public Buildings category of the FY 2010 CIP for the New Fire Station #3 Project. The existing Fire Station #3 was built in 1933. The facility was inadequate to house both apparatus and personnel, and the limited site did not permit expansion. The replacement of Fire Station #3 on a new site had been in the City plans for many years. The City was successful in obtaining a fire station construction grant in the amount of \$2,597,425.00 from the 2009 ARRA stimulus funds, for construction of the new Fire Station #3. This project was included in the FY 2010 CIP.

(No registered speakers)

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

Councilwoman McMillan pointed out that Fire Station #3 would be located on Jefferson Avenue between Sedgfield Drive and Hemlock Road.

Vote on Roll Call:

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

Nays: None

F. Other City Council Actions Continued

(6) Motion Approving an Award of Bid for the New Fire Station #3 Project

Vice Mayor Whitaker moved to award the bid for the construction of Fire Station #3 to A.R. Chesson; seconded by Councilwoman Vick. A.R. Chesson was the low bidder on this project at \$3,016,915.00. A. R. Chesson had completed similar fire station projects and was recommended for award of the project. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

G. Appropriations

Councilwoman Scott moved adoption of Items 1 and 2, both inclusive, as shown below; seconded by Councilwoman Woodbury.

(1) Newport News Police Department (NNPD) – Department of Criminal Justice Services (DCJS) – Violence Against Women Stimulus (VAWS) Funds

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$46,155.00) AND LOCAL REVENUE (\$15,385.00) TO POLICE OFFICER (\$61,540.00). This resolution appropriated \$61,540.00 in Federal Funds from the Department of Criminal Justice (DCJS) to the Newport News Police Department (NNPD). The City applied for and was awarded a grant for Federal funds through the Department of Criminal Justice Services (DCJS) from the Violence Against Women Stimulus (VAWS) funds. A full-time officer would be specifically assigned to investigate acts of violence against women. The grant period was for one year, after which the City would be expected to retain and pay for the officer's salary. The City would receive \$46,155.00 in Federal funds for the officer's salary and fringe benefits. A local match of \$15,385.00 would help pay for the salary and fringe benefits, equipment, and supplies needed by the officer. This appropriation would allow the use of Federal grant funds in the amount of \$46,155.00 and a required local match in the amount of \$15,385.00. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

G. Appropriations Continued

- (2) Department of Public Works – American Recovery and Reinvestment Act (ARRA): Energy Efficiency and Conservation Block Grant (EECBG) – Energy Efficiency and Conservation Strategy

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$1,757,300.00) TO GENERAL CAPITAL IMPROVEMENT (\$1,757,300.00). This resolution appropriated \$1,757,300.00 from the Department of Energy for the Departments of Public Works and Engineering to complete projects to reduce fossil fuel emissions and total energy use. The City applied for and received an Energy Efficiency and Conservation Block Grant (EECBG) from the Federal Department of Energy, through the American Recovery and Reinvestment Act (ARRA). The City would receive \$1,757,300.00 to complete projects such as LED streetlight replacements, HVAC retrofits in four City buildings, and Energy Efficiency Lighting retrofits in four City buildings. The grant would fund a Sustainability Program Coordinator for up to 36 months, with no obligation to retain the position after the grant period ended. No local cash match was required. The Acting City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

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

Reverend Jim Rudisill, shared artwork of homeless individuals, drawn by his wife, in an effort to put a face on the homeless. He expressed concern about the plight of homeless individuals when the PORT Shelter Program closed on or about March 15, 2010. He thanked members of City Council for having a kinder and more gentle spirit about the homeless community. It was his hope that there would be a day shelter, and eventually a night shelter in the City of Newport News for the homeless.

Mr. Roger Snodgrass, 20433 Campbell's Chapel Drive, Carrollton, addressed Council with regard to the health hazards which existed at the Brittingham Midtown Community Aquatic Facility. He advised that his daughter swam weekly with Southeastern Virginia Aquatics (SEVA). He and other parents believed that the poor indoor air quality at this facility made the swimmers sick. In the four months swimming with SEVA, his daughter, along with other swimmers, had acquired serious respiratory issues. Mr. Snodgrass further advised, years ago, a swimmer's pediatrician sent a letter of concern to Midtown regarding the air quality. Mr. McNelson of U.S.A. Swimming in Colorado Springs, Colorado provided him with a number of published articles on indoor pool water quality, which related directly to air quality. Midtown had all of the symptoms related in the articles. The problem was combined chlorines in the form of organic chloramines (mono, di, and trichloramines). Trichloramines, also known as "the monster", lays heavy on the first 18 inches of the pool water, and is responsible for asthma, pneumonia, infections, and a number of skin ailments. Mr. Snodgrass stated that Midtown was a minimum code facility, which had a roof panel system that should work with the air handling system to maintain the air quality. Mr. Snodgrass advised the solution to the problem, was

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

medium pressure UV light. He further advised this had proven effective in other pools across the country. This technology broke the bond of nitrogen and chlorine. The addition of medium pressure UV light along with chlorination, made a sanitizing and oxidizing combination that left an indoor pool being clean, smelling clean, and looking clean. UV Light also destroyed bacteria, and viruses. Mr. Snodgrass indicated that Midtown was presented this solution two years ago when the issue was first raised. Midtown management obtained a quote for a UV light system, but did not pursue due to a lack of funds. The cost was approximately \$50,000. Mr. Snodgrass indicated the City of Newport News had made over \$275,000 on the U.S.A swim teams that used the facility. He advised there were two court cases pending regarding pool health issues. The addition of medium pressure UV lighting would make Midtown a safe, healthy environment. He requested that Council approve the funds to install a medium pressure UV light system at Midtown.

Acting City Manager Neil Morgan was instructed to look into the matter on behalf of City Council.

Dr. Elizabeth Broderick, Children's Clinic, 506-D, 321 Main Street, Newport News, advised that the problem of the Midtown Community Center's poor air quality was brought to her attention by several patients over two years ago. She indicated that she had chloramine-induced asthma. She quoted a number of statistics from pool studies related to chloramine induced ailments. She defined asthma as a chronic inflammatory disorder of the airway that was spontaneously relieved, or relieved by medication. Dr. Broderick indicated that coaches, parents, and lifeguards could also be affected.

Councilwoman Vick inquired about the person Dr. Broderick contacted at Midtown. Dr. Broderick indicated that she had written a letter asking things to be changed. She understood that funding was an issue, but in terms of health, she felt Newport News officials could be leaders in the Hampton Roads region.

Councilwoman McMillan inquired to who the letter was addressed. Dr. Broderick replied the letter was addressed directly to the pool manager.

Mayor Frank instructed that Acting City Manager Morgan investigate the matter, and report back to City Council.

Councilwoman Woodbury inquired whether medium pressure UV light was a viable fix for the problem. Dr. Broderick responded yes, and that it would be cheaper than trying to install a copper silver system.

Councilman Bateman inquired whether the Fort Eustis pool had a UV light system. Dr. Broderick responded no.

I. New Business and Councilmember Comments

City Attorney Stuart Katz offered congratulations to Neil A. Morgan on his

I. New Business and Councilmember Comments Continued

appointment to the position of City Manager.

City Clerk Mabel Washington Jenkins offered congratulations to Neil A. Morgan on his appointment to the position of City Manager.

Councilwoman Woodbury offered congratulations to Neil A. Morgan on his appointment to the position of City Manager.

Councilman Bateman offered congratulations to Neil A. Morgan on his appointment to the position of City Manager.

Mayor Frank offered congratulations to Neil A. Morgan on his appointment to the position of City Manager. He stated his appointment was a reflection on his professionalism, integrity, and ability to lead the City well.

Mayor Frank presented A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND NEIL A. MORGAN APPOINTING HIM TO THE POSITION OF CITY MANAGER.

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

Mayor Frank reported the major provisions of the contract included an annual salary of \$185,000, with a \$10,000 amount in deferred income for a retirement plan. Additionally, Mr. Morgan would continue to receive a \$600.00 monthly car allowance.

Vote on Roll Call:

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

Nays: None

Councilwoman McMillan thanked members of the Department of Public Works for the excellent job of snow removal, the police officers who directed traffic during street light outages, the postal workers, the Daily Press news carriers, as well as everyone involved in keeping the City safe and roads clear during the recent snowstorms.

Councilwoman McMillan offered congratulations to Neil's mother, Mrs. Norman Morgan, on her son's appointment to the position of City Manager.

Councilwoman Scott thanked the United Methodist Church on Harpersville Road for their participation in the PORT Shelter program during the weekend of the recent snowstorm. She commended the members and volunteers for their organization and programming to serve the homeless. Councilwoman Scott advised that members of City Council were concerned about the homeless.

I. New Business and Councilmember Comments Continued

Councilwoman Scott announced the next North District Town Hall Meeting was scheduled for February 22, 2010, 7:00 p.m., at the American Legion Post 368. Mrs. Florence Kingston, Director, Department of Development, would be the guest speaker.

Councilwoman Scott offered congratulations to Neil A. Morgan on his appointment to the position of City Manager. She advised that she was one of the few Councilmembers interested in conducting an outside search for a City Manager because she felt there were challenges that he would not be able to deal with after being raised with part of the organization. She indicated Mr. Morgan had been very responsive, initiated communication with City Council, and she had received good reviews.

Councilwoman Vick offered congratulations to Neil A. Morgan on his appointment to the position of City Manager. She commended him for doing an excellent job.

Councilwoman Vick thanked members of City Council for their support in the appropriation of \$4 million for Fire Station #3, which would prove beneficial to the citizens, particularly in the Southeast District.

Councilwoman Vick celebrated her birthday on February 3; and shared a gift from Mr. Marlon Carter, airbrush artist at Artist Fanatics in Riverdale Plaza.

Vice Mayor Whitaker offered congratulations to Neil A. Morgan on his appointment to the position of City Manager.

City Manager Neil A. Morgan thanked members of City Council for their consideration and support in appointing him to the position of City Manager. He stated this was especially exciting having been raised in Newport News. He pledged to do his very best.

J. Adjourn

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 8:13 P.M.

Mabel Washington Jenkins, CMC
City Clerk

Joe S. Frank
Mayor
Presiding Officer

A true copy, teste:

City Clerk