

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

**March 9, 2010  
7:00 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 Dr. Charles Root, Noland Memorial United Methodist Church.

- 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 the Girl Scout Council of Colonial Coast. Scouts included Theresa Montane, Troop 1131; Paula Ann Robertson, Troop 1480; and Nina Robertson, Troop 1480.

- D. Presentations

- (1) Proclamation: Girl Scouts of the USA Day – March 12, 2010

Ms. Maria Negron, member of the Board of Directors, Girl Scout Council of Colonial Coast; Ms. Penny Spease, Event Coordinator, Service Unity 630; Greater Newport News; Ms. Shari Robertson, Scout Leader, Service Unit 630; Ms. Marie Montane, Girl Scout Leader, Service Unit 630; along with Girl Scouts Theresa Montane, Troop 1131; Paula Ann Robertson, Troop 1480; and Nina Robertson, Troop 1480 accepted the proclamation. March 12, 2010 marked the 98<sup>th</sup> Anniversary of the Girl Scouts of the USA. Mayor Frank proclaimed March 12, 2010 as Girl Scouts of the USA Day in the City of Newport News.

- (2) Proclamation: Census Day – April 1, 2010

Mr. Ron Brown, Partnership Coordinator – Charlotte Region, United States Census Bureau, accepted the proclamation. Member of the City's Complete Count Committee were acknowledged and recognized. Members of the committee were Ms. Cleder Jones, Ms. Shelia McAllister, Ms. Sandra Hitchens, Ms. Kenisha Sumner, Ms. Susan Lineberry, Ms. Susan Nesbit, and Ms. Denaee Ondra. Citizens were encouraged to recognize the importance of a complete and accurate count and to participate by completing the census forms and returning them promptly to the Census Bureau. Mayor Frank proclaimed April 1, 2010 as Census Day in the City of Newport News.

Mayor Frank reminded that comments on matters germane to the business of City Council should deal with issues or topics that the City Council was empowered to address.

E. Public Hearings

- (1) Ordinance Authorizing the City Manager to Sign a Deed of Easement for a Permanent Drainage and a Temporary Construction Easement to Improve Storm Drainage in the Edgehill Subdivision in York County

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND COUNTY OF YORK, VIRGINIA, DATED THE 9<sup>TH</sup> DAY OF MARCH, 2010, FOR A DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT IN YORK COUNTY. This ordinance authorized the City Manager to sign a Deed of Easement which granted York County a permanent drainage and a temporary construction easement to improve storm drainage in the Edgehill subdivision. York County requested the dedication of a drainage easement, 1.024 acres in size, along with a temporary construction easement of 0.534 acres, in order to improve storm drainage in the Edgehill subdivision of the County. The easements were located within the watershed of Harwood's Mill Reservoir, and under the control of Waterworks. The County proposed to relieve the periodic back-up of stormwater by regrading the lands. Waterworks supported this method of drainage improvements. Because of the environmental improvements proposed, and the County's commitment to maintain this stream in perpetuity, additional compensation to the City for this easement was not proposed.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

F. Consent Agenda

Vice Mayor Whitaker moved adoption of the Consent Agenda, Item 2, as shown below; seconded by Councilwoman Vick.

F. Consent Agenda Continued

(2) Minutes of the Regular Meeting of February 23, 2010

Vote on Roll Call:

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

Nays: None

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

(1) Minutes of the Work Session of February 23, 2010

Vote on Roll Call:

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

Nays: None

Abstention: Bateman (Was not present at the February 23, 2010 Work Session of City Council)

G. Other City Council Actions

(1) Ordinance Amending City Code, Chapter 33, Article IV, Sewer Use Standards, to allow for a Fats, Oils, and Grease (FOG) Elimination Program

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 33, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IV., SEWER USE STANDARDS, BY DIVIDING THE ARTICLE INTO TWO DIVISIONS, NAMELY: DIVISION 1., SEWER USE PROVISIONS GENERALLY, AND DIVISION 2., FATS, OILS AND GREASE (FOG); AND AMENDING SECTION 33-47, DEFINITIONS; SECTION 33-48, ENFORCEMENT OF ARTICLE GENERALLY; INDEMNIFICATION OF CITY FOR LOSSES RESULTING FROM VIOLATIONS, AND SECTION 33-50, PROHIBITED DISCHARGES AND BY ADDING THERETO NINE NEW SECTIONS, NAMELY: SECTION 33-59, PURPOSE AND APPLICABILITY; SECTION 33-60, DEFINITIONS; SECTION 33-61, REGISTRATION REQUIREMENTS; SECTION 33-62, DISCHARGE LIMITS; SECTION 33-63, GREASE CONTROL DEVICES; SECTION 33-64, GREASE HAULER REQUIREMENTS; SECTION 33-65, FEES; SECTION 33-66, COMPLIANCE; AND SECTION 33-67, VIOLATIONS AND PENALTIES. This ordinance amended the City Code, Chapter 33, Article IV, Sewer Use Standards, to allow for a Fats, Oils, and Grease (FOG) Elimination Program. The City, as part of compliance with the Regional Special Order by Consent with the Department of Environmental Quality (DEQ), the Hampton Roads Sanitation District (HRSD), and the Hampton Roads Localities submitted its Management, Operations, and Maintenance (MOM) Plan to the DEQ in December 2008. An essential part of a MOM Plan is a FOG Elimination Program. A Memorandum of Agreement (MOA) with HRSD, which was a temporary measure, was authorized by Council and signed by the former City Manager in May 2009. It was the first step toward the City's effort to eliminate FOG from the City's sanitary sewer lines. At Council's February 23, 2010 Work Session, additional

G. Other City Council Actions Continued

- (1) Ordinance Amending City Code, Chapter 33, Article IV, Sewer Use Standards, to allow for a Fats, Oils, and Grease (FOG) Elimination Program Continued

information was presented on the impact of FOG in the City's sanitary sewer lines, and the recommended revisions to the ordinance. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

- (2) Resolution Authorizing the City Manager to Execute a Project Administration Agreement for the Hazard Elimination and Safety Improvement Project at 25<sup>th</sup> Street and Madison Avenue

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN STANDARD PROJECT ADMINISTRATION AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION DATED THE 9<sup>TH</sup> DAY OF MARCH, 2010, FOR A HAZARD ELIMINATION SAFETY IMPROVEMENT PROJECT AT 25<sup>TH</sup> STREET AND MADISON AVENUE. This resolution authorized the City Manager to execute a Project Administration Agreement for the Hazard Elimination and Safety Improvement Project at 25<sup>th</sup> Street and Madison Avenue. The Department of Engineering, in cooperation with the Virginia Department of Transportation (VDOT), administered a VDOT Hazard Elimination Safety Improvement Project for the intersection of 25<sup>th</sup> Street and Madison Avenue. This project included the removal of the signalized intersection infrastructure and the replacement of same with an AASHTO compliant traffic circle or roundabout. The project was funded with \$255,000.00 of Federal grant and State urban allocation monies. The City was required to front fund the development, design, and construction of the project, but would be reimbursed from said Federal and State allocations. The City's cost liability was anticipated to be the required local match of two-tenths of one percent or a total of \$510.00. No appropriation of funds was requested at this time. The City Manager recommended approval.

(No registered speakers)

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

G. Other City Council Actions Continued

- (2) Resolution Authorizing the City Manager to Execute a Project Administration Agreement for the Hazard Elimination and Safety Improvement Project at 25<sup>th</sup> Street and Madison Avenue Continued

Councilwoman Woodbury commented, at one time, she thought that roundabouts were more dangerous than traffic lights, and still did. She inquired whether there was a determination about fire trucks getting through the roundabouts since this was a small street. City Manager Morgan replied yes. He stated the roundabout had not yet been designed, only studies on the level of feasibility. The Traffic Engineers would not recommend this measure if it were not adequate for emergency vehicles. On the matter of safety regarding the roundabout comparison to a traffic light, he stated there was information that suggested, in certain situations, the roundabout was a safer design.

Vote on Roll Call:

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

Nays: None

- (3) Resolution Authorizing the City Manager to Execute the Virginia Water/Wastewater Agency Response Network (VA WARN) Mutual Aid Agreement

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK MUTUAL AID AGREEMENT, EVENT AGREEMENT, ASSISTANCE REQUEST FORM, AND AUTHORIZED REPRESENTATIVE FORM, BY AND BETWEEN MEMBER UTILITIES OF THE VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK; AND AUTHORIZING THE DIRECTORS OF THE DEPARTMENTS OF PUBLIC UTILITIES, PUBLIC WORKS AND ENGINEERING TO EXECUTE THE EVENT AGREEMENT AND ASSISTANCE REQUEST FORM AS AUTHORIZED REPRESENTATIVES OF THE CITY, PROVIDED THAT PRIOR APPROVAL IS OBTAINED FROM THE CITY MANAGER. This resolution authorized the City Manager to execute the Virginia Water/Wastewater Agency Response Network's (VA WARN) Mutual Aid Agreement, allowing for the Departments of Waterworks, Public Works, and Engineering to participate in the Network. The Network was created by the Virginia American Waterworks Association (VA AWWA) and the Virginia Water Environment Association (VWEA) to provide, as recommended by the Environmental Protection Agency, a network for mutual aid among water and wastewater utilities in the event of an emergency and establish related procedures for implementation in Virginia. Having mutual aid agreements in place reduced response time and allowed for restoration of services with as little impact as possible. Member utilities were not obligated to provide assistance and each member made its decision based on its ability to respond. The VA WARN system provided the framework in which needed assistance could be rapidly obtained. The City Manager recommended approval.

(No registered speakers)

G. Other City Council Actions Continued

- (3) Resolution Authorizing the City Manager to Execute the Virginia Water/Wastewater Agency Response Network (VA WARN) Mutual Aid Agreement Continued

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

Councilwoman Woodbury inquired whether the City would only go to the aid of the localities listed in the agreement. City Manager Morgan responded that aid was restricted to the State of Virginia. Over time, other localities may sign the VA WARN agreement and would be participants in the Network.

Vote on Roll Call:

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

Nays: None

H. Appropriations

Councilwoman Scott moved adoption of Appropriation Item 1, as shown below; seconded by Councilman Bateman.

- (1) Federal Economic Development Initiative (EDI) Grant – South Jefferson Park Redevelopment Plan: Jefferson Park Neighborhood

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$432,250.00) TO JEFFERSON PARK REDEVELOPMENT (\$432,250.00). This resolution appropriated \$432,250.00 from a Federal Economic Development Initiative (EDI) Grant related to redevelopment projects in the South Jefferson Park Redevelopment Plan ("Plan"). City Council was requested to appropriate \$432,250.00 from the anticipated Economic Development Initiative (EDI) Grant from the Department of Housing and Urban Development (HUD), to supplement development efforts adjacent to the Jefferson Park Redevelopment Plan area. The South Jefferson Park Redevelopment Plan ("Plan") was prepared by the Newport News Redevelopment and Housing Authority (NNRHA) in 2006 in accordance with Title 36 of the Code of Virginia in response to the crime, overcrowding, and blighted conditions of properties located in the 600 blocks of 39<sup>th</sup> through 41<sup>st</sup> Streets. The grant funds designated for Newport News would be used to continue efforts related to property acquisition, residential relocation, and demolition of blighted structures just outside of the Title 36 Redevelopment area. The City Manager recommended approval.

(No registered speakers)

Councilman Bateman indicated this grant did not mention funding could be utilized for any type of hiring, only invested in improvements. City Manager Morgan agreed. He explained the focus area of redevelopment was between Jefferson Avenue and the railroad tracks, which was outside of the Title 36 boundary where City resources had previously been used.

H. Appropriations Continued

- (1) Federal Economic Development Initiative (EDI) Grant – South Jefferson Park Redevelopment Plan: Jefferson Park Neighborhood Continued

Vote on Roll Call:

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

Nays: None

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

Mr. John Procyson, 305 Normandy Lane, Newport News, commented on the Census Bureau and how wasteful it was to mail out notices to millions of citizens advising that Census forms would be forthcoming.

Mr. Procyson commented on his quotes referenced in an article in the March 8, 2010 edition of the Daily Press regarding City Center. He stated the Marriott received \$300,000 annually for marketing the conference center. Mr. Procyson felt this practice should be stopped. He stated that City Council had the authority to deny this funding and suggested they do just that.

Mr. Procyson commented on several issues of spending in the FY 2011 Operating Budget. He made the following suggestions: (1) stop all non-essential travel and training for City employees. Referencing the March 9, 2010 Council Work Session and the presentation by Regional Economic Development organizations, making their pitch about why they should receive hundreds of thousands of dollars. He felt the presentations were “high paid suits lobbying to protect their jobs.” Newport News gave hundreds of thousands of dollars annually to these non-profit groups; e.g. the Hampton Roads Economic Development Authority, which received over one-half million dollars in the past three years; and by their own admission, had brought no business to Newport News during that time; and (2) Mr. Procyson urged the City Council to stop funding these groups. He felt Ms. Florence Kingston, Director, Department of Development, and her Economic Development office brought more business to the City than all of the regional groups together.

Mr. Procyson commented, regarding the King William Reservoir, that Newport News should not sell the land. He suggested tracking the following information: (1) landowner’s name; (2) cost of the land; (3) date of purchase; and (4) amount the City paid for each parcel.

Mr. Rick Saunders, 203 Amber Court, Newport News, shared his desire and vision for the upcoming FY 2011 City Operating Budget, to include the following suggestions: (1) a debt free City with lower taxes; (2) to steer the City in this direction, he felt Council should consider the elimination of housing City offices in rental properties; (3) consolidation of similar departments and services; and (4) accountability for wasteful spending.

Reverend James Rudisill, advocated for the homeless. He reported that the death of a homeless man, also known as “Wolf” was greatly exaggerated. He was not missing or dead.

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

Reverend Rudisill reported, given that the PORT Shelter had closed, everyone survived the harsh winter season. He commended City Manager Morgan for his efforts to assist the homeless population. Reverend Rudisill further commented on how pleasant it was to work with the City staff. He stated that City staff and the City Council had been very helpful and accommodating, with a compassionate heart, more so than in other localities.

Reverend Rudisill stated, if City Council came up with a good idea or project, which they wanted to coordinate regionally, the idea would be far worse than what could be done individually. Regarding some of the ideas put forth by the Newport News City Council, i.e., job programs, computer skills, access to the market, etc., he encouraged City Council not to coordinate with the Region.

J. New Business and Councilmember Comments

Councilwoman McMillan extended birthday wishes to Ms. Navada Hyman, a Denbigh resident, known as the "Queen of Campbell Lane," who celebrated her 80th birthday on Sunday, March 14, 2010.

Councilwoman Scott announced the next North District Town Hall Meeting was scheduled for March 22, 2010, 7:00 p.m., at the American Legion Post 368. She announced that Mr. Michael King, Manager of Community Planning, would be the guest speaker and would review the Framework for the Future.

Councilwoman Vick thanked the Women of Zeta Phi Beta Sorority and the Men of Phi Beta Sigma Fraternity for hosting a Step Show for teenagers at Huntington Middle School on Saturday, March 6, 2010. There were 300-400 youth in attendance at the competition. She felt it was a perfect example of gang prevention, housed in a safe facility, the activity was meaningful and the competition friendly. She commended the principal of the school, Ms. Cleo Holloway, who, with her staff, went beyond the call of duty to help the youth in the South District with afterschool programs, and outreach.

Councilwoman Woodbury agreed with remarks made by Mr. John Procyson regarding the letter from the Census announcing a forthcoming letter about the Census. She felt that was a waste of money and the funds could have been used for the homeless or put toward something much more useful.

Councilwoman Woodbury thanked everyone for attending her Town Hall Meeting, held in conjunction with Ms. Betty Dixon, of the Newport News School Board, on Monday, March 1, 2010. She advised these Town Hall Meetings would continue on the first Monday of every month.

Councilwoman Woodbury commented on a performance, "Chasing George Washington," held at the Downing Gross Cultural Arts Center. The live performance was a special project with the White House Historical Association, about a group of students on a tour

J. New Business and Councilmember Comments Continued

who met past White House residents, including George Washington. She commended the top notch performers, and felt the students learned a great deal about the early history of this country.

Councilwoman Woodbury congratulated Mr. Andrew Shannon on being appointed to the national board of the Southern Christian Leadership Conference (SCLC).

Councilwoman Woodbury thanked the citizens for their attendance and participation. She expressed appreciation for their interest and indicated their comments were valued.

Councilman Bateman expressed thanks on behalf of his family for the many expressions of sympathy in the death of his brother-in-law, Mr. Marc Cooper.

Councilman Bateman stated the City of Newport News' bond rating would be AA through the election. This was because the City was not borrowing any money for sixteen months in an effort to get the debt paid down, as part of the debt management strategy and the constrained capital improvements plan (CIP). Councilman Bateman advised, as the Budget season neared, things would not be easy. He commended City Manager Morgan for managing the bottom line, thanks to Mr. Procyson and many others who offerED sound advice and good suggestions.

K. Adjourn

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 7:47 P.M.



Mabel Washington Jenkins, CMC  
City Clerk

Joe S. Frank  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk