

**MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
March 23, 2010
7:00 P.M.**

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

ABSENT: None-----0

A. Call to Order

B. Invocation

The invocation was rendered by Reverend Efrain Rosado, Jr., Living Waters 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 Councilwoman Madeline McMillan.

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.

D. Presentations

(1) Resolutions of Recognition: Charles D. Crowson, Jr.

Mr. Charles D. Crowson, Jr. and members of his family accepted these Resolutions. The Newport News City Council honored and recognized Mr. Charles D. Crowson, Jr. for this extraordinary leadership and service as Commissioner of the Revenue of the City of Newport News. Mr. Crowson served the City of Newport News for 39 years. He worked to improve the services provided by the Office of the Commissioner of the Revenue, including establishing a satellite office in the Denbigh area of the City, providing online services to citizens, and implementing DMV Select services for the Downtown and Denbigh offices.

The Honorable John Miller, Senator, Virginia State Senate, presented Mr. Crowson with Senate Joint Resolution (SJR) 66 on behalf of the Virginia State Senate, with the House of Delegates concurring. SJR 66 was a Resolution of Commendation to Mr. Charles D. Crowson, Jr. for his outstanding and visionary leadership as Commissioner of the Revenue for the City of Newport News.

(2) Proclamation: National Fair Housing Month – April

Ms. Tricia Wilson, Business Development Specialist, Department of Development, and Mrs. Emmagene Slade, Director of Housing Services, Newport News Office of Human Affairs, accepted this Proclamation. April 2010 marked the 42nd Anniversary of Title

D. Presentations Continued

(2) Proclamation: National Fair Housing Month – April Continued

VIII of the Civil Rights Act of 1968, the Federal Fair Housing Act, which provided for the equal opportunity of all Americans in the sale, rental and financing of housing, and prohibited housing discrimination on the basis of race, religion, sex, age or national origin. Mayor Frank proclaimed April 2010 as Fair Housing Month in the City of Newport News and called upon the citizens in the community to fully support the intent and purpose of the Federal Fair Housing Act.

(3) Proclamation: National Library Week – April 11-17, 2010

Ms. Izabela Cieszynski, Director, Department of Library and Information Services, and Ms. Crystal Warlitner, Vice Chairman, Public Library Board of Trustees, accepted this Proclamation. Mayor Frank proclaimed the week of April 11-17, 2010, as National Library Week, and encouraged all residents to visit the library to take advantage of the available resources.

(4) Proclamation: National Telecommunicators Week – April 11-17, 2010

Mr. James Fox, Chief of Police, Newport News Police Department, Ms. Sharell James, 9-1-1 Supervisor, and Telecommunicators Ms. Gwen Pointer, Ms. Jennifer Scheffield, Ms. Robin Kennedy, and Ms. Nailah Kathrada accepted this Proclamation. Assistant Chief W. Trent Sturgis and Lieutenant Michael Bryant of the Newport News Police Department were in the audience. Mayor Frank proclaimed the week of April 11-17, 2010 as Newport News Telecommunicators Week, and urged all citizens to take note of this week and give due honor to the City's Public Safety Telecommunicators.

E. Public Hearings

(1) Request to Vacate an Unused Easement of Right-of-Way Across a Portion of the Property Located at 2600 and 2700 Warwick Boulevard

AN ORDINANCE VACATING AN EASEMENT OF RIGHT-OF-WAY IN THE CITY OF NEWPORT NEWS, VIRGINIA, AS DESCRIBED HEREIN. This ordinance authorized the vacation of an easement of right-of-way across a portion of property located at 2600 and 2700 Warwick Boulevard, and authorized the City Manager to execute the documents necessary to effectuate the transaction. The City received a request from Noland Properties, Inc., owner of the property located at 2600 and 2700 Warwick Boulevard, to vacate an easement of right-of-way that was created across a portion of the property. The easement was created in 1962 in favor of the City, specifically for an access ramp from northbound Warwick Boulevard onto the 28th Street Bridge. The then-proposed access ramp was never constructed, and there were no current plans to do so in the City's Transportation Plan. The vacation of the 48-year-old easement would clear up present and future title issues. The City Manager recommended approval.

(No registered speakers)

E. Public Hearings Continued

- (1) Request to Vacate an Unused Easement of Right-of-Way Across a Portion of the Property Located at 2600 and 2700 Warwick Boulevard Continued

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

- (2) Zoning Text Amendment, ZT-10-283, City of Newport News, Ordinance Amending City Code, Chapter 45, Zoning Ordinance, Section 45-523, Communications Tower/Antenna

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE V., GENERAL REGULATIONS, SECTION 45-523, COMMUNICATIONS TOWER/ANTENNA. This ordinance amended the City Code, Chapter 45, Zoning Ordinance, Section 45-523, Communications Tower/Antenna, which would establish a 150-day time limit for City Council action after receipt of a complete conditional use permit application, and a change in the communications tower tree screening requirements. The request was to amend the City Code, Chapter 45, Zoning Ordinance, in accordance with the Federal Communications Commission (FCC) declaratory ruling that required a 150-day time limit for City Council action, after receipt of a complete conditional use permit application for the placement of a communications tower. The amendment also included a change in the communication tower tree screening requirements from Leyland Cypress to a variety of evergreen trees. On March 3, 2010, the Planning Commission voted unanimously (9:0) to recommend to City Council adoption of the amendments. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

E. Public Hearings Continued

- (2) Zoning Text Amendment, ZT-10-283, City of Newport News, Ordinance Amending City Code, Chapter 45, Zoning Ordinance, Section 45-523, Communications Tower/Antenna Continued

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

Councilwoman Woodbury asked for clarification. Mayor Frank responded the FCC required that local government must consider the application and either approve the application or turn it down within 150 days.

Vote on Roll Call:

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

Nays: None

- (3) Zoning Text Amendment, ZT-10-284, City of Newport News, Ordinance Amending City Code, Chapter 45, Zoning Ordinance, Section 45-3161, Requirements, for the Lower Jefferson Avenue Urban Corridor Overlay District

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXXI., OVERLAY ZONING DISTRICTS AND REGULATIONS, DIVISION 8., LOWER JEFFERSON AVENUE URBAN CORRIDOR OVERLAY DISTRICT, SECTION 45-3161, REQUIREMENTS AND BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-3161.1, SIGNS. This ordinance amended the City Code, Chapter 45, Zoning Ordinance, Section 45-3161, for the Lower Jefferson Avenue Corridor Overlay District, to include design standards, and expand the boundaries of the district along Jefferson Avenue North to 37th Street, South to 23rd Street, and West to Terminal Avenue. The expansion of the overlay was necessary to ensure that properties within its boundaries develop and redevelop in accordance with the recommendations of the Jefferson Avenue Corridor Study, adopted by City Council on September 8, 2009, as well as an approved master plan. On March 3, 2010, the Planning Commission voted (8:0) with one abstention, to recommend to City Council adoption of the amendment. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

E. Public Hearings Continued

- (3) Zoning Text Amendment, ZT-10-284, City of Newport News, Ordinance Amending City Code, Chapter 45, Zoning Ordinance, Section 45-3161, Requirements, for the Lower Jefferson Avenue Urban Corridor Overlay District Continued

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

Vote on Roll Call:

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

Nays: None

F. Consent Agenda

Vice Mayor Whitaker moved adoption of the Consent Agenda, Items 1 through 3, both inclusive, as shown below; seconded by Councilwoman Vick.

- (1) Minutes of the Work Session of March 9, 2010

Vote on Roll Call:

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

Nays: None

- (2) Minutes of the Special Meeting of March 9, 2010

Vote on Roll Call:

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

Nays: None

- (3) Minutes of the Regular Meeting of March 9, 2010

Vote on Roll Call:

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

Nays: None

G. Other City Council Actions

- (1) An Ordinance Authorizing the City Manager to Execute Documents to Voluntarily Acquire an Unimproved +/- 8.55 Acre Parcel at 12555 Jefferson Avenue for Stormwater Management Purposes

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO MAKE AN OFFER TO PURCHASE CERTAIN REAL PROPERTY HEREINAFTER MORE PARTICULARLY DESCRIBED, SITUATE, LYING AND BEING IN THE CITY OF NEWPORT NEWS, VIRGINIA, FOR STORMWATER MANAGEMENT PURPOSES; AND

G. Other City Council Actions

- (1) An Ordinance Authorizing the City Manager to Execute Documents to Voluntarily Acquire an Unimproved +/- 8.55 Acre Parcel at 12555 Jefferson Avenue for Stormwater Management Purposes Continued

AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ALL DOCUMENTS NECESSARY TO EFFECT THE PURCHASE AUTHORIZED HEREIN. This ordinance authorized the City Manager to execute the documents necessary to effectuate the voluntary acquisition of 12555 Jefferson Avenue for municipal stormwater management purposes. In light of pending changes to the stormwater management regulations at both the state and federal levels, the Department of Engineering recommended purchases of large, strategically located parcels for the purpose of municipal stormwater management. Given its location and physical characteristics, the subject property was identified as a possible site for such municipal initiatives as: open space preservation, wetland/nutrient banking, stream restoration and construction of stormwater management facilities for water quality. The owners of the subject property formally offered the City the option to purchase the unimproved +/- 8.55 acre parcel for \$146,000, which was well below the parcel's assessed value of \$726,600. Funding for the proposed acquisition came from previously appropriated City-wide drainage funds. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

H. Appropriations

Councilwoman Scott moved adoption of Appropriation Items 1 and 2, as shown below; seconded by Councilwoman Vick.

- (1) Department of Juvenile Services (DJS) – USDA Grant

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL FUNDS RECEIVED FOR 09-10 SECURE (\$150,493.00), INTEREST RECEIVED FOR 09-10 SECURE (\$1,330.00) AND FEDERAL FUNDS RECEIVED FOR 09-10 LESS SECURE (\$9,855.00) TO USDA GRANT/DISTRIBUTION YEAR 09-10 SECURE (\$161,678.00). This resolution appropriated \$161,678.00 in grant funds from the U. S. Department of Agriculture (USDA), to be used by the Department of Juvenile Services (DJS). The DJS facility received this grant funding annually since 1985 because of its USDA designation as an in-resident school program. The grant guidelines allowed the grant monies to be used for food purchases or for the repair/purchase of food service equipment used to prepare reimbursable meals. Approval of the resolution allowed for the use of USDA federal funds in the amount of \$161,678.00. No local funds or match was required. The City Manager recommended approval.

H. Appropriations Continued

- (1) Department of Juvenile Services (DJS) – USDA Grant Continued

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (2) Newport News Police Department (NNPD) – U.S. Department of Homeland Security – State Homeland Security Program Grant

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$285,000.00) TO SPECIALIZED POLICE SUPPLIES (\$285,000.00). This resolution appropriated \$285,000.00 in Federal funds from the U. S. Department of Homeland Security through the Virginia Department of Emergency Management. The Department of Criminal Justice Services queried Virginia localities on their needs in detecting, deterring, disrupting and preventing acts of terrorism. The Newport News Police Department's Tactical Unit determined that it needed an armored vehicle and personal protection equipment to respond to chemical, biological, radiological, nuclear, and explosive (CBRNE) incidents. Federal funds from the U. S. Department of Homeland Security would be administered by the Department of Criminal Justice Services. Approval of this resolution allowed for use of \$285,000.00 in federal funds. No local match was required. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

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

Mr. John Procyson, 305 Normandy Lane, Newport News, addressed City Council regarding City Center spending. He referenced recent Daily Press articles about City Center and related tax issues, with the most recent indicating that City Center tax revenues might cover City debt payments by the year 2013. Mr. Procyson stated there were two problems with that estimate: (1) Even if the inflated projection of \$7.2 million, up from \$4.5 million, were to be collected, it ignored the ongoing spending of taxpayer's dollars to prop up City Center. This included \$1.4 million in rent, annually, for City offices in Fountain Plaza II, \$300,000 per year, as a gift to the Marriott to market the Conference Center, which the City owns, but received nothing in return; and approximately \$200,000 - \$300,000 per year for entertainment events at City Center. This amounted to an additional \$2 million per year for the next 20 years; and (2) The inflated estimates of City Center tax revenue neglected the fact that many of the tax dollars were a result of reduced revenues at other businesses. Mr. Procyson pointed out that many of the shops in City Center relocated from other areas of Newport News, and generated no other revenue.

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

Mr. Procyson commented that a review of fiscal year tax collections, i.e. meals taxes, sales taxes and lodging taxes, showed very little growth other than inflation growth.

Mr. John Woods, 445 Manor Road Apartments, Newport News, a former Newport News Firefighter, and a former combat Firefighter, advocated for 9-1-1 texting capability within the City. He indicated this service would be very efficient, of benefit to the public, and would enable the City of Newport News to be a pioneer of this new service.

City Council instructed City Manager Morgan to look into the matter of 9-1-1 texting.

Mr. John Gergely, 449 Winterhaven Drive, Newport News, advised that he had attended the Virginia Department of Transportation (VDOT) Public Hearing regarding the proposed Middle Ground Boulevard extension. He further advised that the VDOT noise engineer reported that the noise level in the surrounding neighborhood of the Middle Ground Boulevard extension project would double.

Mr. Gergely shared that the HRPDC announced good news about the VDOT Evacuation Plan, which would enable citizens to use the interstate.

Mr. Gergely advocated against grants for technology equipment that would monitor and collect photos of vehicle license plates. He had seen a demonstration of this technology and expressed strong opposition to allowing the government the ability to monitor citizen's every movement and private travel.

J. New Business and Councilmember Comments

City Manager Morgan advised that the City Manager's FY 2011 Recommend Operating Budget was presented to City Council at the March 23, 2010 Work Session and discussions had begun. He advised that discussion would continue for several weeks, and shared that another Newport News TV program would be broadcast. Public Hearings would be held in April 2010, allowing ample opportunity to receive comments in detail.

Councilwoman McMillan announced a Candidates Forum scheduled for March 25, 2010, 6:00 p.m., at the Grissom Library. The forum was sponsored by the Southern Christian Leadership Conference (SCLC) for City Council and School Board candidates. The public was invited to attend. Councilwoman McMillan would serve as Moderator for the event.

Councilwoman Scott thanked everyone for their attendance and participation at the March 22, 2010 North District Town Hall Meeting. Ms. Sheila McAllister, Director, Department of Planning, Mr. Michael King, Manager of Community Planning, Department of Planning, and Mr. Carl Jackson, Senior District Planner, were guest presenters.

Councilwoman Scott announced the next North District Town Hall Meeting was scheduled for April 26, 2010, 7:00 p.m., at the American Legion Post 368.

J. New Business and Councilmember Comments Continued

Councilwoman Vick thanked City Manager Morgan and City staff for their hard work and assistance in moving through the tough Budget season. She expressed appreciation for their thoughtful efforts to maintain the existing City programs and services, and to lessen the impact to the citizens.

Councilwoman Vick invited the public to an Anti-Gang/Anti-Drug Workshop, scheduled for Saturday, March 27, 2010, 8:30 a.m., at Huntington Middle School, 3401 Orcutt Avenue.

Councilwoman Vick invited the public to the Dr. Martin Luther King, Jr. Drumline and Step Show Competition, scheduled for Saturday, March 27, 2010, 6:00 p.m., at Denbigh High School. The event was sponsored by the SCLC.

Councilwoman Woodbury announced an SCLC-sponsored Gospel Music Celebration, scheduled for Sunday, March 28, 2010, 5:00 p.m., at the Downing-Gross Cultural Arts Center, 2410 Wickham Avenue.

Councilwoman Woodbury announced SCLC-sponsored Candidates Forums scheduled for April 8, 2010, 6:00 p.m., in the City Council Chambers, Newport News City Hall, 2400 Washington Avenue; and April 15, 2010, 6:00 p.m., at the Newport News School Administration Building, 12465 Warwick Boulevard. She urged the citizens to come out and ask questions.

Councilman Bateman commended the City Manager and staff for the presentation of the City Manager's FY 2011 Recommended Operating Budget. Councilman Bateman inquired whether the budget would be available on line. City Manager Morgan responded the budget would be made available on the City's website. Councilman Bateman advised, once the budget was available on line, citizens should take time to review the document, and make comments and recommendations to City Council.

Mayor Frank commented on the hard work on the City Manager's FY 2011 Recommended Operating Budget. He advised there had been some reduction in revenue locally, and some reduction in revenue from the State. He commended the City Manager and his staff for their hard work and thoughtful efforts put into the budget and its impact given the current economic times. Mayor Frank further stated that the City had been more fortunate than most, and cited the efforts made in the previous fiscal year had postured the City to remain healthy.

K. Adjourn

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 7:50 P.M.

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Minutes of Regular Meeting
March 23, 2010

Mabel Washington Jenkins, CMC
City Clerk

Joe S. Frank
Mayor
Presiding Officer

A true copy, teste:

City Clerk