

**MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
October 26, 2010
7:00 P.M.**

PRESENT: Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; Madeline McMillan;
McKinley L. Price, DDS; Tina L. Vick; and Joseph C. Whitaker-----6

ABSENT: Sharon P. Scott-----1

A. Call to Order

Mayor Price requested that cell phones and/or pagers be silenced or turned off; and 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.

B. Invocation

The invocation was rendered by Reverend Elliot Rodriquez, Living Waters Church, Hispanic Ministry.

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 Boy Scouts of America, Cub Scout Pack 6, Warwick United Methodist Church, Newport News. Members of the troop included: Mr. Eric Young, Mr. Gavin Hartge, and Mr. Daniel Hyde. Adult Den Leader was Mr. Rob Young.

D. Presentations

(1) Proclamation: Community Family Week – November 7-13, 2010

Ms. Lisa Browne, Resource Coordinator, Department of Human Services, accepted this Proclamation.

Mayor Price stated that strong families were the center of strong communities; and everyone had a role to play in making families successful, to include neighborhood organizations, businesses, non-profit agencies, policymakers, and families themselves. He indicated we should commit to enhancing and extending all of the connections that strengthened and enriched families.

Mayor Price proclaimed November 7-13, 2010 as Community Family Week in the City of Newport News, and called upon the citizens of the community to honor, celebrate and support their own family, and their extended community family.

Ms. Browne invited City Council and citizens to attend the Community Family Day event, scheduled for Saturday, November 13, 2010, at Yates Elementary School, 73 Maxwell Lane, Newport News.

MOTION MADE BY COUNCILWOMAN WOODBURY; SECONDED BY COUNCILWOMAN VICK; AND CARRIED UNANIMOUSLY TO EXCUSE COUNCILWOMAN SCOTT FROM THIS MEETING.

E. Public Hearings

- (1) Ordinance Authorizing the Issuance of FY 2011 General Obligation General Improvement Bonds

AN ORDINANCE AUTHORIZING THE ISSUANCE OF FORTY-SEVEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$47,850,000) PRINCIPAL AMOUNT OF CITY OF NEWPORT NEWS, VIRGINIA, GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF VARIOUS PUBLIC IMPROVEMENT PROJECTS OF AND FOR THE CITY; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS; PROVIDING FOR THE SALE OF SUCH BONDS AND DELEGATING TO THE CITY MANAGER CERTAIN POWERS WITH RESPECT THERETO; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT RELATING TO THE BONDS; AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A CONTINUING DISCLOSURE CERTIFICATE OR A CONTINUING DISCLOSURE AGREEMENT RELATING TO THE BONDS; AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION GENERAL IMPROVEMENT BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; SPECIFYING MORE PARTICULARLY THE PURPOSES TO WHICH THE PROCEEDS SHALL BE APPLIED; AND PROVIDING THAT THE AUTHORIZATION OF SUCH BONDS IS IN LIEU OF AND IN SUBSTITUTION FOR GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS AUTHORIZED BUT UNISSUED UNDER AND PURSUANT TO ORDINANCE NO. 6617-09. This ordinance authorized the City to contract a debt and issue General Obligation General Improvement Bonds of \$47,850,000 to finance the costs of various public improvement projects. This bond ordinance of \$47,850,000 allowed the City the flexibility to issue bonds if market conditions at the time of the bond sale provided the best financing option for the City. This ordinance supported the projects in the City's Adopted FY 2011 Capital Improvements Plan. This ordinance included the customary authorization to issue Bond Anticipation Notes prior to the sale of the bonds should cash flow or market conditions dictate the use of such notes. The net bond proceeds were allocated to be spent in ten different categories identified in the Capital Improvements Plan. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

E. Public Hearings Continued

- (1) Ordinance Authorizing the Issuance of FY 2011 General Obligation General Improvement Bonds Continued

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

Vice Mayor McMillan advised that she had received several calls about this bond authorization. She stated that sometimes bond authorizations were difficult to understand. She assured the citizens that just because City Council approved the authorization, did not mean they would run out and spend \$47 million. Vice Mayor McMillan explained this authorization was like having money in anticipation of things happening so that the City could take advantage of the market when needed.

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

- (2) Zoning Text Amendment, ZT-10-285, City of Newport News, Ordinance Amending City Code, Chapter 45, Zoning Ordinance, Article II, Section 45-201, Definition of Certain Words and Terms – Family

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY AMENDING THERETO THE DEFINITION OF FAMILY AND BY ADDING THERETO THE DEFINITION OF PERSONS RELATED. This ordinance amended the City Code, Chapter 45, Zoning Ordinance, Article II, Section 45-201, Definition of Certain Words and Terms – Family. The amendment more narrowly defined what constituted a family by reducing the number of extra persons that could be a part of a family, and defined what was considered persons related by blood. The practical effect of this proposal would be to make the “3 unrelated” rule enforceable within the single family neighborhoods, at least in some clear-cut circumstances. On October 6, 2010, the City Planning Commission voted 7:1 to recommend adoption of this amendment. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

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

E. Public Hearings Continued

- (2) Zoning Text Amendment, ZT-10-285, City of Newport News, Ordinance Amending City Code, Chapter 45, Zoning Ordinance, Article II, Section 45-201, Definition of Certain Words and Terms – Family Continued

Councilwoman Woodbury advised that she had received many calls regarding this matter. She explained that this ordinance did not change the zoning ordinance regarding three unrelated people in dwelling unit, but clarified the ordinance so it was more easily enforced.

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

- (3) Zoning Text Amendment, ZT-10-286, City of Newport News, Ordinance Amending City Code, Chapter 45, Article V, Section 45-516.1, Regulations for Persons Occupying a Dwelling Unit, and Deleting Language that Allows Up to Two Boarders to Live With an Owner-Resident Family, Section 45-518

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 45-516.1, PERSONS OCCUPYING A DWELLING UNIT AND AMENDING SECTION 45-518, ACCESSORY USES AND STRUCTURES CUSTOMARILY INCIDENTAL TO RESIDENTIAL USES. This ordinance amended the City Code, Chapter 45, Zoning Ordinance, Article V, General Regulations, Section 45-516.1, Persons Occupying a Dwelling Unit and Section 45-518 Accessory Uses and Structures customarily incidental to residential uses. This amendment established a regulation that would give the Zoning Administrator the authority to subpoena uncooperative occupants of a residential dwelling unit to obtain data on family as detailed in the family definition and leases. This amendment also deleted language carried over from the 1969 Zoning Ordinance allowing up to two boarders to live in an owner-occupied dwelling unit with a family. The practical effect of this would be to make the "3 unrelated" rule enforceable within single family neighborhoods, at least in some clear-cut circumstances. On October 6, 2010, the City Planning Commission voted 7:1 to recommend adoption of this amendment. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

E. Public Hearings Continued

- (3) Zoning Text Amendment, ZT-10-286, City of Newport News, Ordinance Amending City Code, Chapter 45, Article V, Section 45-516.1, Regulations for Persons Occupying a Dwelling Unit and Deleting Language that Allows Up to Two Boarders to Live With an Owner-Resident Family, Section 45-518 Continued

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

Councilwoman Vick inquired about the reasoning behind Planning Commissioner Cleon Long voting against this action. Ms. Sheila McAllister, Director, Department of Planning, indicated that Commissioner Long voted against the action because he did not feel the change addressed the apartment community in sufficient detail, and he was mainly concerned about following the federal guidelines of two people per bedroom.

Councilman Bateman stated sometimes we have a good sense this is happening, but had no proof, and inquired whether this amendment allowed the City to go in and decipher what was happening. Ms. McAllister agreed that this amendment provided an extra tool.

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

- (4) Zoning Text Amendment, ZT-10-294, City of Newport News, Ordinance Amending City Code, Chapter 45, Article XXVIII, Section 45-2802 (b) to Eliminate Two of the Criteria Used to Determine the Average Front Yard Setback on a Developed Block and to Allow Encroachments No More than Eight Feet into Any Required Front Yard Setback

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXVIII., MODIFICATIONS AND ADJUSTMENTS OF DISTRICT REGULATIONS, SECTION 45-2802, MODIFICATIONS TO YARD REGULATIONS. This ordinance amended the City Code, Chapter 45, Zoning Ordinance, Article XXVIII, Modification and Adjustment of Regulations, Section 45-2802(b) Front Yard Modifications. This amendment eliminated two of the three criteria used to determine the average front yard setback for infill development. The second part of the amendment allowed encroachments of no more than eight feet into the front yard setback for covered and uncovered porches and stoops. On October 6, 2010, the City Planning Commission voted 8:0 to recommend adoption of the amendment. The City Manager recommended approval.

(No registered speakers)

E. Public Hearings Continued

- (4) Zoning Text Amendment, ZT-10-294, City of Newport News, Ordinance Amending City Code, Chapter 45, Article XXVIII, Section 45-2802 (b) to Eliminate Two of the Criteria Used to Determine the Average Front Yard Setback on a Developed Block and to Allow Encroachments No More than Eight Feet into Any Required Front Yard Setback Continued

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

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

Vice Mayor McMillan moved adoption of the above ordinance as revised; seconded by Councilman Bateman.

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

F. Consent Agenda

Vice Mayor McMillan moved adoption of the Consent Agenda, Items 1, and 4 through 6, both inclusive, as shown below; seconded by Councilman Whitaker.

- (1) Minutes of City Council Retreat of September 30, 2010

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

- (4) Resolution Authorizing the Adoption of the 2011 State Legislative Package

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING AND ADOPTING THE CITY OF NEWPORT NEWS' LEGISLATIVE PROGRAM FOR THE 2011 VIRGINIA GENERAL ASSEMBLY. This resolution adopted the FY 2011 State Legislative Package. The City prepared a State Legislative Package annually to present to the Virginia General Assembly. Council was presented the City's State Legislative Priorities Package to the 2011 Virginia General Assembly at its October 12, 2010 Work Session. The City Manager recommended approval.

(No registered speakers)

F. Consent Agenda Continued

- (4) Resolution Authorizing the Adoption of the 2011 State Legislative Package Continued

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

- (5) Resolution of Recognition – Danny’s Deli Restaurant – 50th Anniversary

A RESOLUTION OF RECOGNITION TO DANNY’S DELICATESSEN. This resolution recognized Danny Delicatessen, for 50 years in business in the City of Newport News. In November 1960, Danny’s Delicatessen was opened in Newport News by Danny and Mime Green, who operated the restaurant for 16 years. Since 1976, the restaurant had been sold three times, and the current owners, William and Deborah Vaccarelli, continued to operate under the name “Danny’s Deli Restaurant.” During its 50 years of business, Danny’s Deli had become a Newport News institution, and continued to serve the community with good food and friendship. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

- (6) Resolution Authorizing the Agreement for Redevelopment Services Between the City of Newport News and the Newport News Redevelopment and Housing Authority

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 AGREEMENT FOR REDEVELOPMENT SERVICES BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY DATED THE 26TH DAY OF OCTOBER, 2010. This resolution authorized and directed the City Manager to execute, on behalf of the City of Newport News, Virginia, an agreement for Redevelopment Services between the City of Newport News, Virginia and the Newport News Redevelopment and Housing Authority (NNRHA). The original Agreement for Redevelopment Services between the City and the NNRHA was executed on August 23, 1994. The Agreement outlined various duties that the NNRHA was to perform on behalf of the City in its redevelopment initiatives within the Southeast Community and Downtown areas of the City, and provided for funding. The NNRHA provided, and continued to provide excellent services and valuable support for the City’s redevelopment initiatives. An updated Agreement for Redevelopment Services was proposed to update the redevelopment projects and initiatives being undertaken, revised outmoded terminology, and provided for a more regular review of the Agreement by City Council. The City Manager recommended approval.

F. Consent Agenda Continued

- (6) Resolution Authorizing the Agreement for Redevelopment Services Between the City of Newport News and the Newport News Redevelopment and Housing Authority Continued

(No registered speakers)

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

Councilman Whitaker moved adoption of the Consent Agenda, Items 2 and 3, as shown below; seconded by Councilwoman Vick.

- (2) Minutes of the Work Session of October 12, 2010

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Vick, Whitaker

Nays: None

Abstention: Price (Was not present at the Work Session of October 12, 2010)

- (3) Minutes of the Regular Meeting of October 12, 2010

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Vick, Whitaker

Nays: None

Abstention: Price (Was not present at the Work Session of October 12, 2010)

G. Other City Council Actions

- (1) Resolution Amending the General Fund Balance Policy

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AMENDING THE GENERAL FUND BALANCE POLICY ESTABLISHED BY RESOLUTION NO. 6712-91. This resolution amended the City's General Fund Balance Policy, established by Resolution No. 6712-91, which became effective July 1, 1991. The change was that the Undesignated General Fund Balance be increased from being less than 5% of the actual General Fund revenues from the previous fiscal year. The Undesignated General Fund would be increased to not less than 7.5% of the actual General Fund revenues from the previous fiscal year. This increased rate would be effective with the closing of the FY 2010 financial books. The City Manager recommended approval.

(No registered speakers)

G. Other City Council Actions Continued

(1) Resolution Amending the General Fund Balance Policy Continued

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

Councilman Bateman felt this was prudent for the City to do, given the fiscal climate in the City, and the national economy. He stated this signified to the bonding agencies that the City was operating in a conservative manner and made sure there were available funds when needed. This was a measure of strength and he was appreciative of the thought that went into this by the City Manager and the Budget staff.

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

(2) Resolution to Establish a Special Project Reserve Fund

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA HEREBY ESTABLISHING A SPECIAL PROJECTS RESERVE FUND AND ADOPTING GUIDELINES FOR SAME. This resolution established a Special Project Reserve Fund and adopted guidelines for the same. The intended use of the Special Project Reserve Fund would be any planned, non-recurring, and/or emergency needs for five major categories that did not have a budgetary resource readily available, or had a fund balance reserve designation. The categories included technical/computer systems, development or redevelopment investments, debt reserves/pre-payment, infrastructure, or emergency-related expenditures. Uses of this Fund were not limited to these initial categories. It was designated for initial purchases, but not intended to be used for routine operating costs, contract maintenance, or for other such annual expenses. The initial funding was \$12 million from the existing General Fund Balance Reserves for Undesignated Projects, which was \$16 million. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

(3) Resolution Appropriating \$12,000,000 from the General Fund Balance to the Special Reserve Fund

A RESOLUTION APPROPRIATING FUNDS FROM GENERAL FUND BALANCE RESERVES (\$12,000,000.00) TO SPECIAL PROJECTS RESERVE FUND (\$12,000,000.00). This resolution appropriated \$12,000,000.00 from the General Fund Balance to

G. Other City Council Actions Continued

- (3) Resolution Appropriating \$12,000,000 from the General Fund Balance to the Special Reserve Fund Continued

the Special Project Reserve Fund. It was recommended to City Council to establish a Special Project Reserve Fund. Initial funding for this Fund was \$12,000,000.00 from the existing General Fund Balance Reserves for undesignated projects, which was \$16 million. This resolution allowed the appropriation of \$12,000,000.00 to fund the Special Project Reserve Fund. The City Manager recommended approval.

(No registered speakers)

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

Councilwoman Woodbury felt this was a good idea, on one hand, but felt when there was \$12 million of the citizen's money, in excess of expenditures, there should be some consideration for refunding some of those funds in the way of a tax break. In effect, the City was using the citizen's money. She indicated she would support the resolution, but suggested a special project be considered in the form of tax relief.

Councilman Bateman inquired whether Council gave up the option of doing what Councilwoman Woodbury suggested if this resolution were adopted and Council felt compelled to give some tax relief. City Manager Morgan viewed this in two separate questions. One asked what a sustainable expenditure was in the operating budget and the other asked what an acceptable use for one-time funds was? He indicated, over the years, the City had appropriated money in the past from General Fund Balance for projects; but without creating a special reserve fund, we would have continued to have that option. The drawback was, each time this was done on a discreet basis, it became a comprehensive annual financial review report deficit for that year. This action allowed the money to be put in a place where when Council chose to spend the money, so there was not continual criticism for what amounted to a technical accounting practice.

Vice Mayor McMillan stated that there was not one member of City Council that did not want to cut taxes, as everyone would be affected since they also paid taxes; however, she did not feel this was the time to be manipulating the City's revenue stream when there was a certain tax base. There were other factors that were flexible in this economy. She felt Council was being fiscally responsible by establishing this fund by being prepared for what needed to be handled. It was her hope that good things would come soon, and consideration could be given to cutting taxes then; but did not feel the timing was right.

Councilman Bateman concurred. It was his intention to support this resolution. He felt long-term, this action was good. He stated when this fund was set up, all citizens would benefit from the services and the investment that this money would go toward. He indicated establishing this fund was an equitable way to make sure that the money was used for the greater good of everyone in Newport News.

G. Other City Council Actions Continued

- (3) Resolution Appropriating \$12,000,000 from the General Fund Balance to the Special Reserve Fund Continued

City Manager Morgan agreed. He stated, to the extent things were done that had to be done, in terms of investments, and without charging to a credit card, the better off the City would be, in the long-term, to have a lower tax rate.

Councilman Bateman inquired whether there had been trends in municipal finance where this type of resolution, and special project reserve fund, had been used enabling localities to maintain and increase their bond ratings. He inquired whether this was a measure of conservatism and well-placed fiscal policy? City Manager Morgan felt it did. He indicated that staff had conferred with the City's financial advisor and municipalities used many different strategies when it came to financial management. He felt it was probably not wise to make conjecture about bond-rating decisions. He further indicated that he would not have recommended this action if he thought it would have a negative impact.

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

- (4) Ordinance Amending City Code, Chapter 40, Taxation, Article II, Real Estate Taxes, for Commercial Rehabilitation Property Tax Abatement (CRPTA) and Residential Rehabilitation Property Tax Abatement (RRPTA), Sections 40-55, 40-56, and 40-57

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 40, TAXATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., REAL ESTATE TAXES, DIVISION 4., EXEMPTION FOR CERTAIN REHABILITATED RESIDENTIAL AND COMMERCIAL REAL ESTATE, SECTION 40-55, EXEMPTION FOR REHABILITATED RESIDENTIAL REAL ESTATE-AUTHORIZED; SECTION 40-56, SAME-AMOUNT; DURATION; AND SECTION 40-57, EXEMPTION FOR REHABILITATED COMMERCIAL REAL ESTATE-AUTHORIZED. This ordinance amended the City Code, Chapter 40, Taxation, Article II, Real Estate Taxes, for the Residential and Commercial Rehabilitation Property Tax Abatement Programs, Section 40-55, 40-56, and 40-57. City Council was previously briefed on the re-evaluation and proposed enhancement of the City's Commercial and Residential Rehabilitation Property Tax Abatement Programs. A number of threshold and technical changes were proposed to encourage use of these programs by allowing more property owners to be eligible for the Commercial and Residential Rehabilitation Property Tax Abatement Programs. This effort also enhanced the City's larger Community Maintenance plan and initiatives. The revised programs would be widely publicized through a comprehensive citizen and property-owner awareness and information effort. The City Manager recommended approval.

(No registered speakers)

G. Other City Council Actions Continued

- (4) Ordinance Amending City Code, Chapter 40, Taxation, Article II, Real Estate Taxes, for Commercial Rehabilitation Property Tax Abatement (CRPTA) and Residential Rehabilitation Property Tax Abatement (RRPTA), Sections 40-55, 40-56, and 40-57 Continued

Vice Mayor McMillan was ecstatic about the programs. She indicated anything done to encourage people to stay in the City, improve their homes and their neighborhoods was terrific. She felt the programs should be promoted very aggressively. She announced that she would host a Community Meeting on Monday, November 15, 2010, 6:30 p.m., at Grissom Library (366 DeShazor Drive).

Mr. Tom Sullivan, President of the Virginia Peninsula Association of REALTORS, 119 James Landing Road, Newport News, expressed support for the proposal to increase incentives for property owners to rehabilitate their homes. He further stated the increased tax abatement was a positive move to ease tax burdens for residents, and urged members of City Council to approve the program. He cited numerous benefits, to include: (1) translation of improvements and rehabilitation into increased value for homeowners; (2) lesser tax burdens on homeowners equating to greater housing affordability; (3) increased home values translating to higher assessments for the City, and higher real estate tax revenues; (4) increased economic development opportunities resulting when remodelers and contractors were working; (5) the multiplier effect was in full swing when durable goods were purchased as a result of remodeling and rehabilitation; (6) more contractors at work equated to higher tax revenue for the City in terms of BPOL tax dollars; and (7) improved housing and real estate properties lead to a more productive and sustainable housing stock, and more vibrant neighborhoods, which would draw additional potential buyers into the area. Mr. Sullivan stated the Peninsula Association of REALTORS would serve as a resource to the City and offered to work with Council to make sure the program was user-friendly and used in years to come (a copy of Mr. Sullivan's remarks are attached and made a part of these minutes).

Councilwoman Vick thanked Mr. Sullivan for his remarks. She agreed and reiterated the importance of this tax abatement program. She hoped the program would build more vibrant neighborhoods and help keep citizens in the City. She vowed to do everything she could to promote the program.

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

Mayor Price indicated the tax abatement program was exciting. He suggested that the explanations be placed on the City's channel, in the form of a tutorial, and hoped it would lead to good things.

Councilwoman Woodbury agreed, and expressed her support. She advised that the program would be explained by Assistant City Manager Rohlf in detail at her next Town Hall Meeting at Warwick High School, scheduled for November 8, 2010, 7:00 p.m.

G. Other City Council Actions Continued

- (4) Ordinance Amending City Code, Chapter 40, Taxation, Article II, Real Estate Taxes, for Commercial Rehabilitation Property Tax Abatement (CRPTA) and Residential Rehabilitation Property Tax Abatement (RRPTA), Sections 40-55, 40-56, and 40-57 Continued

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

- (5) Resolution Authorizing the Appropriation of \$1,000,000 for the J. Clyde Morris Boulevard Corridor, Phase 5, Sidewalk Project

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$800,000.00) AND STATE REVENUE (\$200,000.00) TO J. CLYDE MORRIS BOULEVARD CORRIDOR PHASE 5 SIDEWALK PROJECT (\$1,000,000.00). This resolution appropriated \$ 1,000,000.00 to fund the J. Clyde Morris Boulevard Corridor, Phase 5, Sidewalk Project, UPC 83435. The City obtained Federal and State funding through a Congestion Mitigation and Air Quality (CMAQ) grant of \$1,000,000.00 for this project. The proposed total appropriation of \$1,000,000.00 covered project design through construction costs. All initial project costs were front-funded by the City, with reimbursements by VDOT as expenditures were submitted. The City Manager recommended approval.

(No registered speakers)

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

Vice Mayor McMillan asked the City Manager to elaborate on what the CMAQ grant funds could or could not be used for to satisfy the interests of citizens wondering why the City was spending \$1,000,000.00 on sidewalks and bike trails. City Manager Morgan responded that CMAQ funds was a special pool of federal funds, that until recently, was administered by VDOT; but were made available to localities through the Transportation Planning Organization. There was a technical review process that rated projects from the communities. In order to receive a high rating, the project had to be in the 2030 Regional Transportation Plan, which the City's bike trail was, and had to accomplish things that were in the purpose of the CMAQ program; which included encouraging people to use bicycles and not commute. The money could also be used for things that encouraged carpooling, and mass transit activities. It could not be used for projects that were strictly local, or any project(s) that was not linked to the Regional Transportation Plan.

Mayor Price inquired whether this was similar to the lighting project funds that were given to improve traffic flow. City Manager Morgan indicated there were several categories of federal funds that meant different things. The theory was that some would get out of their car and walk or ride a bike, perhaps at lunchtime Newport News had largely been an automobile oriented industry since the post World War II era. The idea was to move away from

G. Other City Council Actions Continued

- (5) Resolution Authorizing the Appropriation of \$1,000,000 for the J. Clyde Morris Boulevard Corridor, Phase 5, Sidewalk Project Continued

this. There were a number of communities in this country that walk or ride their bikes between destinations, which would be a long-term goal.

Councilwoman Woodbury inquired of the consequences if the City did not use the funding. City Manager Morgan replied if the funding was not spent in Newport News, it would go to another project in another community.

Councilwoman Vick added, if it were not for bicycles and walkways, the City of Newport News would not have received this funding. City Manager Morgan agreed. He indicated the Planning Department, and the Framework for the Future process, endorsed by the citizens, linked to the 2030 Regional Transportation Plan. Councilwoman Vick reminded the citizens, without a plan for bicycles and walkways, the City would not have received this funding. She stated this funding was not just allotted for sidewalks, but along with sidewalks, was for a special program to promote bike riding and other forms of transportation besides an automobile.

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

- (6) Resolution Requesting Virginia Department of Transportation (VDOT) Programming for the J. Clyde Morris Boulevard Corridor, Phase 5, Sidewalk Project

A RESOLUTION REQUESTING PROGRAMMING OF A PROJECT SUBJECT TO CONGESTION MITIGATION AND AIR QUALITY PROJECT FUNDING FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR SIDEWALK PROJECT-J.CLYDE MORRIS BOULEVARD CORRIDOR, PHASE 5, UPC 83435. This resolution requested VDOT programming for the J. Clyde Morris Boulevard Corridor, Phase 5, Sidewalk Project. The City obtained Federal and State funding through a CMAQ Grant, of \$1,000,000.00 for this project. This project would construct a bike trail on Middle Ground Boulevard from Canon Boulevard to Fishing Point Drive, and on Fishing Point Drive from Middle Ground Boulevard to Thimble Shoals Boulevard. The project provided a minimum eight-foot-wide facility on one side of Middle Ground Boulevard and Fishing Point Drive, connecting with Phase 3 on Middle Ground Boulevard and Phase 1 on Thimble Shoals Boulevard. All initial project costs were front-funded by the City, with reimbursements by VDOT as expenditures were submitted. The City Manager recommended approval.

(No registered speakers)

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

G. Other City Council Actions Continued

- (6) Resolution Requesting Virginia Department of Transportation (VDOT) Programming for the J. Clyde Morris Boulevard Corridor, Phase 5, Sidewalk Project Continued

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

H. Appropriations

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

- (1) Acquisition of 3309 Jefferson Avenue, 491 34th Street and 481 34th Street (Peddler's Village Site)

A RESOLUTION APPROPRIATING FUNDS FROM SPECIAL PROJECTS FUND BALANCE (\$3,000,000.00) TO LAND ACQUISITION (\$3,000,000.00). This resolution appropriated \$3,000,000.00 for costs related to the acquisition of 3309 Jefferson Avenue, 491 34th Street and 481 34th Street. The City Council was requested to appropriate \$3,000,000.00 from the Special Project Reserve Fund for acquisition costs related to the acquisition of 3309 Jefferson Avenue, 491 34th Street, and 481 34th Street, commonly referred to as the Peddler's Village site. The Peddler's Village site was strategically located along the Jefferson Avenue Corridor where the City was investing in a significant, critically needed revitalization effort. Acquisition costs included purchase price, due diligence, legal, demolition of the existing improvements and clearing of the site to ready it for future development opportunities. The City Manager recommended approval.

Mr. William "Trip" Ferguson, 701 Town Center Drive, Newport News, recommended that the City move forward with the purchase and redevelopment of the Peddlers Village property. He indicated he had been in the construction and real estate business for over 40 years. His family bought and owned over 100,000 acres of land from Vermont to North Carolina; as well as developed commercial properties in Newport News, Williamsburg, Hampton, Richmond and Fredericksburg; and understood land acquisition. Mr. Ferguson stated that land, in its present state, contributed very little to the City tax base. When the City bought land for redevelopment and built a taxable entity, the City came out ahead because of increased real estate taxes and increased sales taxes, machinery taxes, job creation, and other benefits. He asked the focus not be solely on the aspect of land acquisition. He stated there were many professionals in the City that would volunteer their time for the public benefit.

Councilman Whitaker expressed his support for this resolution. He commented on the importance of this land acquisition, and its revitalization, indicating it would serve as the gateway to the waterfront.

Councilwoman Woodbury indicated that she respected the City Manager's recommendation, but was conflicted about this land acquisition. She thanked Mr.

H. Appropriations Continued

- (1) Acquisition of 3309 Jefferson Avenue, 491 34th Street and 481 34th Street (Peddler's Village Site) Continued

Ferguson for his insight. She stated her hesitancy was due to some of the past developments that had not been successful. She would step out in faith that the proposed development would be, and would support this land acquisition.

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

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

Mr. James Rudisill, 512 Wildley Road, Seaford, advocated for the homeless and commented on how the City's laws and regulations affect the neediest citizens in the community. He stated that almost every bill would hurt the homeless. He commented that millions of dollars was being spent to acquire land, with no buildings. The buildings had been bulldozed. He referenced acquisition of the Peddler's Village site, Hornsby Tire Company, and the Farmers Market. Mr. Rudisill indicated the homeless citizens were run off, harassed, and arrested, once the City acquired the property. He expressed concern for the plight of the homeless. He urged City Council to explore a Day Center for the homeless, and requested the hours be extended at the Julius Conn Gymnasium. He stated that pets received better protection at the SPCA than humans received. Mr. Rudisill inquired about the personal belongings of Mr. James Sessoms, a Newport News homeless citizen who was found dead in Manassas, Virginia, the cause of death and what the investigation revealed.

Mr. Rasheed Wyatt, President, Newport News NAACP, commented on citizen and police relations. Numerous incidents had occurred in the City, related to alleged police brutality. He advised that suggestions for dealing with police brutality were discussed at a recent NAACP meeting, to include the development of a Citizens Police Liaison Committee, similar to the Citizen Police Review Board. Many citizens had complained about a lack of respect by the police when complaints were lodged. He felt it was a problem some when a citizen entered a City facility and did not receive proper respect. Mr. Wyatt felt if everyone came together and developed a Citizen Review Panel, the City could come together to develop better relationships between the Police Department and the citizens. The Police Department did not feel they received a great deal of assistance from the citizens because the citizens did not feel they could trust the police. Mr. Wyatt requested use of the City Council Chambers for a Review Forum on Thursday, November 4, 2010, 6:00 p.m., to allow the community to openly talk about the issues relative to brutality, and what could be done. He stated that all Newport News tax-paying citizens matter, and needed to take a more proactive approach to discuss quality of life issues, and develop a strategy to improve relations and to work collaboratively to combat crime. The citizens should be heard; the Police Department should also be heard. He urged City Council to support the development of a Citizen's Police Liaison Committee.

Ms. Pricillia Burnett, 106 Tillerson Drive, Newport News, congratulated Mayor Price on his election to the position of Mayor.

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

Ms. Burnett echoed what Mr. Wyatt conveyed about the Newport News Police Department. As a veteran of the Newport News Police Department, she stated there were officers on the force that did a great job; and there were officers that did not. Ms. Burnett expressed concern for managers of those officers who failed uphold their oath. Complaints received in the division of Internal Affairs were ciphered back to the local police sergeant, lieutenant, or captain, who then decides what, if anything, happened with the complaint. Complaints were sometime handled and sometime not. There was no central location to review the analytical data to determine whether a particular officer received a large number of complaints regarding a particular incident because it was filtered out. Ms. Burnett also suggested looking at the types of processes being taken out on citizens. Most people did not assault police officers, and thus there would not be a high number of assaults on police officers. Probable cause was necessary in order to move to the next level when dealing with law enforcement. Some officers need more training utilizing those criminal activities as probable cause to get what they feel they needed. She suggested that the City Manager(s) look at those in positions critical for the relationship necessary to make the City what it needed to be. Ms. Burnett felt there were a number of problems within the police organization, which should be reviewed. She indicated the number of offenses young men in the community endured at the hands of the Newport News Police Department should cease. She advised City Manager Morgan that it was his responsibility to ensure this occurred. City Council had the responsibility to ensure the City Manager handled the matter.

J. New Business and Councilmember Comments

City Manager Morgan thanked City Council for its unanimous support on the items approved.

City Manager Morgan wished everyone a safe and happy Halloween. He reviewed the rules and regulations for Halloween in the City of Newport News as follows: Halloween would be observed on Sunday, October 31, 2010. According to the Newport News City Code, Chapter 28, Section 28-5, he advised there should be no trick-or-treating after 8:00 p.m.; trick-or-treating was prohibited for any person beyond seventh grade of school or over twelve (12) years of age; and no parent, guardian or other responsible person accompanying a child twelve (12) years old or younger, was allowed to wear a mask of any type.

Mayor Price inquired of the start time for trick-or-treating activities. City Manager Morgan advised that trick-or-treating activities would commence at 5:00 p.m.

Councilwoman Woodbury wished everyone a Happy Halloween and urged the citizens to be cautious and practice safety.

Councilwoman Woodbury announced her next Community Meeting, in conjunction with Ms. Bettie Dixon, member of the Newport News School Board, would be held on Monday, November 8, 2010, 7:00 p.m., in the Warwick High School cafeteria. Their guest would be Assistant City Manager Cindy Rohlf, who would provide an explanation on how citizens could receive tax abatement for home improvement projects.

J. New Business and Councilmember Comments

Addressing comments about the Newport News Police Department, Councilwoman Woodbury announced that that Central Precinct of the Newport News Police Department would hold a Community Meeting on Monday, November 22, 2010, in the Huntington Ballroom at the Omni Newport News Hotel, 1000 Omni Way, 7:00 p.m. She urged the citizens to attend and show support. She suggested this was a venue that could be used for discussion to improve relations between the citizens and the police.

Councilman Bateman thanked everyone for their attendance and participation in the meeting, particularly Mr. Wyatt and Ms. Burnett, who spoke from the heart and were greatly concerned. Councilman Bateman stated that the City Manager, Neil Morgan, and Chief of Police, James Fox, took very seriously some of the press about the incidents that had taken place. He wanted to hear recommendations from the Police force and from the City Manager. He stated that he had full faith in, and credited and supported the Newport News police force. He felt Newport News was a dynamic, high-powered town with employees that want to give good service. Councilman Bateman indicated he was taking to heart the suggestion to develop a Citizen Police Liaison Committee, but did not think it was the right solution yet and wanted to give the experts an opportunity to speak to him about how we could do better, to give them the benefit of the doubt. He appreciated citizen's comments, but needed to hear all sides. He had heard many positive comments regarding law enforcement. He wanted to support staff and did not want them diminished by one or two incidents.

Vice Mayor McMillan wished everyone a Happy Halloween.

Vice Mayor McMillan thanked Ms. Burnett and Mr. Wyatt for their comments. She reiterated what was said about the Town Hall meetings held by the Newport News Police Department, as well as the Crime Watch Coalition meetings. She stated the Crime Watch Coalition meetings were seldom attended by others, although the public was welcome. The Town Hall meetings, off and on, had not been well attended, but provided an open, public venue for people to express whatever they want to express to the Police Department. Vice Mayor McMillan advised that she was very leery about personnel matters being discussed by citizens at large, even within a sanctioned committee. She felt that fell under the venue of the City Manager. She had trust that he would handle those matters, perhaps more safely with the advice of the City Attorney. She understood and appreciated the intent, but admitted she was cautious about establishing a liaison committee as described by Mr. Wyatt.

Vice Mayor McMillan reminded everyone to get out and exercise their right to vote on Tuesday, November 2, 2010.

Mayor Price congratulated the Downing-Gross Cultural Arts Center on the success of their 2nd Anniversary weekend celebration. National recording artist Chrisette Michele met over 600 Huntington Middle School students and faculty. The jazz band from An Achievable Dream served as Ms. Michele's band. The 2nd Anniversary Concert held on October 8, 2010 at the Downing-Gross Cultural Arts Center was sold out.

J. New Business and Councilmember Comments

Mayor Price congratulated the Downing-Gross Cultural Arts Center for winning two Statewide awards at the Virginia Recreation and Park Society (VRPS) Annual Conference held on September 11, 2010 in Hampton, Virginia. The department won "Best New Special Event" for Holiday Frost at the Downing-Gross Cultural Arts Center, an annual community event that celebrated the holiday season in the Southeast community; and "Best Promotional Effort-Electronic Media," for the Downing-Gross Cultural Arts Center's One-Year Anniversary Celebration promotional video. He congratulated the staff of the Downing-Gross Cultural Arts Center for doing an outstanding job.

Mayor Price stated he was honored to participate in the Alzheimer's Memory Walk on Saturday, October 23, 2010 at Port Warwick. He thanked and congratulated Ms. Rona Altschuler, for her work and for spearheading the event and organizing an outstanding turnout. Mayor Price advised that his father had succumbed to this dreadful disease. He expressed appreciation for the tremendous turnout and participation.

Mayor Price advised there would be an official Grand Opening of the Community Free Clinic of Newport News, located on 25th Street between Marshall and Madison Avenues, on November 21, 2010. He proposed that the Newport News City Council make a one-time donation in the amount of \$50,000.00 from the City Council Contingency Fund to this organization. He encouraged everyone to stop by to see the improvements. The reconstruction was donated. Riverside had given a tremendous amount of money.

City Attorney Katz advised that he was unfamiliar with the corporate structure of the Community Free Clinic the Mayor proposed to be the recipient of this donation. City Attorney Katz asked that information be forwarded to him for review. He and the City Manager could review the information in an effort to ensure that the entity qualified under State law to receive a donation and would report back to City Council.

Mayor Price wanted the City to participate at the Grand Opening. City Manager Morgan advised that the FY 2011 Budget included a \$150,000.00 City Council Contingency, and indicated the \$50,000.00 donation could be covered from a funding standpoint.

Vice Mayor McMillan moved that a \$50,000.00 donation be made to the Community Free Clinic of Newport News subject to review and approval by the City Attorney to ensure that all regulations and parameters were met; seconded by Councilwoman Vick.

Councilwoman Woodbury inquired whether this was a one-time donation or over several years. Mayor Price replied this would be a one-time donation of \$50,000.00 to the Community Free Clinic.

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

Mayor Price thanked his colleagues and indicated great things would be seen out of the Clinic.

J. New Business and Councilmember Comments

Mayor Price thanked his colleagues and indicated great things would be seen out of the Clinic.

Mayor Price advised that Christmas Day would fall on a Saturday in 2010. He asked consideration be given to extending the Christmas holiday to grant Thursday, December 23, 2010 as an additional vacation day for City employees.

Vice Mayor McMillan made the motion to grant an additional day on Thursday, December 23, 2010 to extend the Christmas holiday; seconded by Councilman Bateman.

Vote on Roll Call:

Ayes: Woodbury, Bateman, McMillan, Price, Vick, Whitaker

Nays: None

On behalf of Newport News City employees, City Manager Morgan thanked members of City Council for the additional day during the Christmas holiday.

Councilwoman Woodbury inquired whether the Free Clinic would be “free” to the citizens that needed it the most. Mayor Price concurred. Councilwoman Woodbury inquired whether the homeless would be included. Mayor Price replied this would include anyone without insurance and unable to pay for services.

Mayor Price encouraged everyone who participated in Halloween activities and ate lots of candy to be sure to brush and floss their teeth.

Councilwoman Vick thanked everyone for their attendance and participation in the meeting.

Addressing Mr. Rudisill, Councilwoman Vick advised that she had performed research on her own and travelled throughout the City to observe what did and did not work for the homeless citizens. She stated, even though there was not one facility that encompassed everything for the homeless; there were many services available to help alleviate issues with homelessness, to include The Clean Comfort. The Clean Comfort, operated out of the Julius Conn Gymnasium, was sponsored by the Newport News Office of Human Affairs, and received City Council-appropriated funds. The Clean Comfort provided a place for homeless citizens to shower and receive clothing and toiletries. They also coordinated with the Peninsula Institute for Community Health (PICH) to provide healthcare. Councilwoman Vick also shared that St. Vincent DePaul Catholic Church provided meals daily for the homeless, and coordinated with PICH and The Clean Comfort. She advised that all of these agencies worked together in a network to provide a safety net for the homeless. PICH was at the Church to provide healthcare for some of the homeless citizens. St. Vincent DePaul Church had a representative present to assist in searching for jobs. Community Block Grant funds were provided to LINK, who also provided services to the homeless in addition to the PORT Shelter Program. Councilwoman Vick did not want citizens to get the idea that there was a homeless population that was being ignored by the City. There were a number of agencies and caring people actually providing services for

J. New Business and Councilmember Comments

homeless residents. As far as the suggestion to build a Day Center for the homeless, Councilwoman Vick was against as the suggestion to build a Day Center for the homeless, Councilwoman Vick was against building another facility with so many services and programs already available. She suggested appropriating funds to help grow the existing programs and services. She observed that there were a number of citizens that were able to work. She wanted to see more done to help those individuals find jobs. She did not believe that human capital was built upon people who were continuously allowed to receive free services. They needed to work in order to become self-sufficient, which would help improve and empower the residents of the City.

Councilwoman Vick congratulated her niece, Ms. Nekaybaw Brooks, who was named 2010 Homecoming Queen at Warwick High School.

K. Adjourn

Mayor Price adjourned the meeting by addressing the citizens. He stated, "May what you say and do uplift the City of Newport News."

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 8:23 P.M.



Mabel Washington Jenkins, MMC
City Clerk



McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk