

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

PRESENT: Madeline McMillan; McKinley L. Price, DDS; 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

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 Councilman Herbert H. Bateman, Jr.

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 Tina L. Vick.

D. Presentations

(1) Proclamation: Mr. Tommy Garner

Mr. Tommy Garner accepted the Proclamation.

On behalf of the Newport News City Council, Mayor Price recognized and congratulated Mr. Tommy Garner for his many contributions to the community.

Mr. Garner, proprietor and operator of Tommy Garner Air Conditioning and Heating Company, had served the Hampton Roads Region for over 20 years, making contributions to the community with his time, energy and support of various boards, commissions, and committees, to include the Board of Appeals and the Boys and Girls Clubs of the Virginia Peninsula. Mr. Garner supported the Boys and Girls Clubs with donations and in-kind heating and air conditioning services, to include building renovations and a van for transportation.

Mayor Price recognized Tommy Garner for providing over twenty years of service and support to the youth of the City of Newport News, and for a commitment to a deeper responsibility of giving back to the community.

E. Public Hearings

- (1) Ordinance Authorizing the Execution of a Lease Between the City and the Hugh S. Watson, Jr. Genealogical Society of Tidewater, Virginia, 1884 Warwick County Courthouse

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 LEASE DATED THE 23RD DAY OF NOVEMBER, 2010, BY AND BETWEEN CITY OF NEWPORT NEWS AND THE HUGH S. WATSON, JR. GENEALOGICAL SOCIETY OF TIDEWATER, VIRGINIA FOR THE WARWICK COUNTY COURTHOUSES. This ordinance authorized a new five (5) year lease agreement between the City and the Hugh S. Watson, Jr. Genealogical Society of Tidewater, Virginia, for use of office space in the 1884 Warwick County Courthouse Building. The Hugh S. Watson, Jr. Genealogical Society (often referred to as "TGS"), had used/leased office space in the Warwick Courthouse since the early 2000's, with a formal lease agreement starting in 2004. TGS used the space to provide free genealogical research/information (during set hours) for residents/visitors and stored associated reference materials in an onsite genealogy library that was available for public review. This lease agreement was a renewal of a previous lease agreement approved in 2004. The agreement provided for continued use of office/storage space in the 1884 Courthouse at no cost, although TGS was required to pay for utilities, telephone, internet and similar services for its leased space. The lease required TGS to provide insurance during the lease period and contained a provision allowing City Council to modify the terms of the lease, with a ninety (90) day written notice. TGS had provided more than \$12,000 in direct support/improvements for the Warwick Courthouse since 2002. The City Manager recommended approval.

Mr. Rod McDonald, 227 Longmeadow Drive, Newport News, was available for questions.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

E. Public Hearings Continued

- (2) Ordinance Authorizing the Execution of a Lease Between the City and Fort Eustis Historical and Archeological Association (FEHAA), 1810 Warwick County Courthouse Building

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 LEASE DATED THE 23RD DAY OF NOVEMBER, 2010, BY AND BETWEEN CITY OF NEWPORT NEWS AND FORT EUSTIS HISTORICAL AND ARCHEOLOGICAL ASSOCIATION FOR THE WARWICK COUNTY COURTHOUSES. This ordinance authorized the execution of a lease between the City and the Fort Eustis Historical and Archeological Association (FEHAA), for use of office and meeting space, located at the 1810 Warwick County Courthouse Building. The Fort Eustis Historical and Archeological Association (FEHAA) focused upon the history of Mulberry Island and early Warwick County (northern Newport News). FEHAA provided research and information on the early history of northern Newport News/Mulberry Island to residents and visitors free of charge. FEHAA intended to use the leased space primarily to store historical records and documents as well as periodically holding meetings for FEHAA members and guests. The proposed lease agreement was identical to others used for lease of space in the 1884 Warwick Courthouse Building, and while no rent was required, FEHAA assumed responsibility for utilities, phone, and internet services as appropriate. The lease was for a five (5) year period and required the FEHAA to maintain insurance during its lease. The lease also contained a provision allowing City Council to modify the lease agreement with ninety (90) days written notice. The City Manager recommended approval.

Mr. Darcy Terry, 136 Kingspoint Drive, Williamsburg, was available for questions.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

E. Public Hearings Continued

- (3) Ordinance Closing and Vacating a Portion of the Cul-de-sac at the Eastern End of Triton Court

AN ORDINANCE CLOSING AND VACATING THAT CERTAIN PORTION OF A STREET KNOWN AS TRITON COURT, IN THE CITY OF NEWPORT NEWS, VIRGINIA, AS SHOWN ON THE PLAT ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE. This ordinance authorized the City Manager to vacate the property encompassed by the bulb of the Triton Court cul-de-sac for the Triton Court Pump Station Project. This was the first of two ordinances. In order for the City to acquire the land necessary for this project, two ordinances to vacate property in conjunction with an agreement between the City and the property owner were required. On October 12, 2010, City Council approved the appropriation of funds for the design of a new pump station along Triton Court. This pump station supplemented the City's ability to provide sanitary service for the Canon expansion and was required to allow development in the Oyster Point area because of regulations imposed by the Sanitary Sewer Special Order by Consent. The City Manager recommended approval.

Mr. Joe S. Frank, Attorney for the Applicant, was available to answer questions.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

- (4) Ordinance Releasing and Vacating a Five-Foot Portion of a Drainage and Utility Easement Located at 808 and 809 Triton Court

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, RELEASING AND VACATING A PORTION OF A DRAINAGE EASEMENT. This ordinance authorized the City Manager to vacate a five-foot portion of a 60-foot drainage easement along the South side of 808 and 809 Triton Court for the Triton Court Pump Station Project. This was the second of two ordinances to vacate property on Triton Court for the Triton Court Pump Station Project. The City Manager recommended approval.

(No registered speakers)

E. Public Hearings Continued

- (4) Ordinance Releasing and Vacating a Five-Foot Portion of a Drainage and Utility Easement Located at 808 and 809 Triton Court Continued

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

- (5) Ordinance Vacating a Portion of 46th Street Between Warwick Boulevard and Huntington Avenue

AN ORDINANCE VACATING A STREET IN THE CITY OF NEWPORT NEWS, VIRGINIA, AS DESCRIBED HEREIN. This ordinance authorized the vacation of a portion of 46th Street and authorized the City Manager to execute any documents necessary to effectuate the transaction. Newport News Shipbuilding & Dry Dock Company had leased property known as the Jackson School Site from the City since 1994. The property utilized by the Shipyard for parking purposes included a portion of 46th Street, which appeared to be vacated according to the Assessor's tax map. A records search revealed that the right-of-way had never been formally vacated. City administration concluded that the City was best served by vacating this portion of 46th Street to accurately reflect the property utilized for parking purposes in accordance with the abovementioned lease. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

E. Public Hearings Continued

- (5) Ordinance Vacating a Portion of 46th Street Between Warwick Boulevard and Huntington Avenue Continued

Vote on Roll Call:

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

Nays: None

- (6) Ordinance Authorizing the Execution of Amendment No. 16 to a Lease Between the City and Northrop Grumman Shipbuilding, Inc. (Former Jackson School Site)

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 AMENDMENT NO. 16 TO A LEASE FOR A PORTION OF THE FORMER JACKSON SCHOOL SITE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND NORTHROP GRUMMAN SHIPBUILDING, INC., F/K/A NEWPORT NEWS SHIPBUILDING AND DRY DOCK COMPANY DATED THE 23RD DAY OF NOVEMBER, 2010. This ordinance authorized the City Manager to execute Amendment No. 16 to the lease between the City and Northrop Grumman Shipbuilding, Inc., (formerly known as Newport News Shipbuilding & Dry Dock Company) for parking purposes. This was a one-year lease renewal for the use of the former Jackson School Site for parking purposes. The renewal term would commence January 1, 2011 and terminate December 31, 2011. Amendment No. 16 also amended the legal description in the original lease to clarify the boundaries of the parking area and to carve out a small portion of specified parking in an effort to accommodate the United Steel Workers of America. Incorporated in Amendment No. 16 was an adjustment of 3% to the rental rate, raising the annual rate to \$128,376.70. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

E. Public Hearings Continued

- (7) Ordinance Amending City Code, Chapter 40, Taxation, Article I, Division 3, Section 40-8.05, to Designate Real Property Located at 437 Harpersville Road and Owned by the Newport News Green Foundation

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 40, TAXATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., GENERAL PROVISIONS AND EXEMPTIONS, DIVISION 3., PROPERTY EXEMPTED BY DESIGNATION, SECTION 40-8.05, PROPERTY OF NEWPORT NEWS GREEN FOUNDATION, INC. This ordinance exempted from real property taxation, acquired real property located at 437 Harpersville Road, owned by the Newport News Green Foundation, Inc. The Newport News Green Foundation, Inc., was a charitable, tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code. The Foundation's purpose was to promote the creation and preservation of green space throughout the City of Newport News through advocacy, acquisition, and assistance to others in order to make Newport News a more visually attractive place to live, work, and play. The Green Foundation acquired a .38-acre undeveloped wooded parcel at 437 Harpersville Road, and sought exemption from real property tax for this parcel. The City Manager recommended approval.

Ms. Amanda Wroten, Executive Director, Newport News Green Foundation, 62 Anchorage Drive, Newport News, was available for questions.

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

Vote on Roll Call:

Ayes: McMillan, Price, Scott, Vick, Whitaker, Woodbury, Bateman
Nays: None

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

Vote on Roll Call:

Ayes: McMillan, Price, Scott, Vick, Whitaker, Woodbury, Bateman
Nays: None

- (8) Conditional Use Permit - CU-10-277 – First Baptist Church Trustees at 12716 Warwick Boulevard

AN ORDINANCE GRANTING CONDITIONAL USE CU-10-277 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OPERATION OF A PRE-SCHOOL WITH CHILD CARE CENTER AS PART OF A COMMUNITY FACILITY IN AN R3 SINGLE FAMILY DWELLING DISTRICT. This ordinance granted a conditional use permit to allow the operation of a preschool with child care center as part of a community facility, at First Baptist Church Newport News, located at 12716 Warwick Boulevard, and zoned R3 Single-Family Dwelling. The preschool, with child care center, would be operated

E. Public Hearings Continued

- (8) Conditional Use Permit- CU-10-277 – First Baptist Church Trustees at 12716 Warwick Boulevard Continued

by Preschool Partners, a 501(c)(3) organization, through Hidenwood Presbyterian Church. The proposed use was consistent with the Framework for the Future 2030 Comprehensive Plan. On November 3, 2010, the City Planning Commission voted 8:0 to recommend approval of the request with conditions. The City Manager recommended approval.

The Honorable Glenn Oder, representing the Applicant, 213 Robin Drive, Newport News, was available for questions.

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

Vote on Roll Call:

Ayes: McMillan, Price, Scott, Vick, Whitaker, Woodbury, Bateman
Nays: None

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

Vote on Roll Call:

Ayes: McMillan, Price, Scott, Vick, Whitaker, Woodbury, Bateman
Nays: None

- (9) Conditional Use Permit – CU-10-279 – Inland Western Newport News Jefferson, LLC at 12541 Jefferson Avenue

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CU-10-279 FOR THE HERINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING AN ADULT USE (A NIGHTCLUB) IN A C1 RETAIL COMMERCIAL DISTRICT. This ordinance granted a conditional use permit to allow the operation of an adult use (nightclub) located at 12541 Jefferson Avenue and zoned C1 Retail Commercial. The proposed use was consistent with the Framework for the Future 2030 Comprehensive Plan. The location of the nightclub within the center of a commercial area minimized negative impacts associated with the use. To further minimize negative impacts, the building could not be subleased to private groups not affiliated with the business. On November 3, 2010, the Planning Commission voted 8:0 to recommend approval of the request with conditions. The City Manager recommended approval.

Mr. Rodney Jackson, General Manager, Smokey Bones Restaurant, 12541 Jefferson Avenue, Newport News, was available for questions.

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

E. Public Hearings Continued

- (9) Conditional Use Permit – CU-10-279 – Inland Western Newport News Jefferson, LLC at 12541 Jefferson Avenue Continued

Vote on Roll Call:

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

Nays: None

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

Vice Mayor McMillan indicated that Smokey Bones was one of her favorite restaurants. The restaurant sat within a cluster of other restaurants in a family retail center. She reminded that a conditional use permit went along with the business if it was to close and the business was reoccupied within a twelve-month period. She further reminded of a City ordinance that stated if there was a conditional use permit for a night club; another facility could not open within 500 feet of that night club. The November 17, 2010 memo from the City Manager to City Council mentioned that Smokey Bones' request to expand their entertainment options was being pursued. For the public record, Vice Mayor McMillan found the City's ordinance to be prejudicial and discriminatory toward any of the other businesses in the complex that decided to change their marketing strategy and pursue the same options. Other businesses in the same complex would not have an opportunity to do so. Vice Mayor McMillan stated she had to live through the purgatory of a family restaurant in Denbigh next to the Stoneybrook Shopping Center, which became a night club, and became a nightmare. She stated she did not feel that Jefferson Commons was suitable for a nightclub. She stated that City Center was not bound by this 500 ft. restriction; and to give Smokey Bones a conditional use permit would make them "King of the Hill" in this particular shopping center, which she did not feel was fair or right.

Councilwoman Scott expressed concern that Council had discussed parameters under which a nightclub would be operated. She did not feel City Council had totally evaluated the matter. She expressed further concern how this would affect other businesses coming to the City, setting a precedent and giving the perception that one business has had the advantage over another. Councilwoman Scott felt if this conditional use permit were approved, that Smokey Bones be required to have cameras on the outside of the facility. City Attorney Katz responded that Condition #6 in the ordinance covered the requirement for surveillance cameras.

City Manager Morgan, commenting on Council's remarks, reminded months prior when dealing with the dancing ordinance, that enforcement would be suspended until a comprehensive review was made, while continuing to enforce the more modern adult use ordinance, developed in the 1990's in response to unregulated situations. He stated the adult use ordinance continued to apply even while the 1963 dance ordinance was under review. City Manager Morgan indicated that Assistant City Manager Alan Archer was chair of a committee that was working through the dance ordinance, but was several months away from making a recommendation. The recommendation, which may overlap with the adult use ordinance in terms of how far apart the facilities should be, make distinctions in dancing and other adult use activities, and would be reviewed with representatives of area businesses. There was precedent

E. Public Hearings Continued

- (9) Conditional Use Permit – CU-10-279 – Inland Western Newport News Jefferson, LLC at 12551 Jefferson Avenue Continued

for other entities applying for a similar conditional use permit.

Councilwoman Scott reminded of the request by Amadeus Café to extend its hours and uses. She inquired about the difference between Amadeus' request and the request by Smokey Bones. City Manager Morgan replied Amadeus went through a similar process and was granted a permit in 2005. Councilwoman Scott inquired about whether Texas Steakhouse would be precluded if they were to request a permit for jazz entertainment in the same shopping center. City Manager Morgan stated this ordinance kicked in if the business had live entertainment more than twice per month and an occupancy permit in excess of 100 people. He replied if one of the restaurants in the immediate vicinity of Smokey Bones wanted to do the same, they would not be allowed to do so under the City's adult use ordinance.

Councilman Whitaker stated he was not against Smokey Bones request to expand its entertainment options. He stated dancing was good, and saw nothing wrong with the permit and felt there should be such places in Newport News. He indicated he would support the request.

Councilwoman Woodbury stated City Council was gifted with judgment which allowed members to individually evaluate certain applications, and not be required to approve permits for one business just because it was approved or not approved for another.

Councilwoman Scott disagreed, stating the public would notice the disparity. Vice Mayor McMillan stated this would be arbitrary and capricious.

Vote on Roll Call:

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

Nays: McMillan

- (10) Zoning Text Amendment ZT-10-295, City of Newport News, Ordinance Amending City Code, Chapter 45, Zoning Ordinance, Article II, Definitions; Section 45-201 – Lot Depth

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 LOT DEPTH. This ordinance amended the City Code, Chapter 45, Zoning Ordinance; Article II, Definitions; Section 45-201 – Lot Depth. The amendment provided consistency with both the Zoning and Subdivision Ordinances, and eliminated confusion when reviewing subdivision plats for compliance. The definition for lot depth would be defined in the same manner in both ordinances. On November 3, 2010, the Planning Commission voted 8:0 to recommend adoption of the amendment. The City Manager recommended approval.

E. Public Hearings Continued

- (10) Zoning Text Amendment ZT-10-295, City of Newport News, Ordinance Amending City Code, Chapter 45, Zoning Ordinance, Article II, Definitions; Section 45-201 – Lot Depth Continued

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

- (11) Zoning Text Amendment ZT-10-296, City of Newport News, Ordinance Amending City Code, Chapter 45, Zoning Ordinance, Lot Area and Dimensional Regulations in Section 45-603, Section 45-703, Section 45-803, Section 45-903, Section 45-1003, and Section 45-1704

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE VI., R1 SINGLE-FAMILY DWELLING DISTRICT REGULATIONS, SECTION 45-603, LOT AREA AND DIMENSIONAL REGULATIONS; ARTICLE VII., R2 SINGLE-FAMILY DWELLING DISTRICT REGULATIONS, SECTION 45-703, LOT AREA AND DIMENSIONAL REGULATIONS; ARTICLE VIII., R3 SINGLE-FAMILY DWELLING DISTRICT REGULATIONS, SECTION 45-803, LOT AREA AND DIMENSIONAL REGULATIONS; ARTICLE IX., R4 SINGLE-FAMILY DWELLING DISTRICT REGULATIONS, SECTION 45-903, LOT AREA AND DIMENSIONAL REGULATIONS; ARTICLE X., R5 LOW DENSITY MULTIPLE-FAMILY DWELLING DISTRICT REGULATIONS, SECTION 45-1003, AREA AND DIMENSIONAL REGULATIONS; AND ARTICLE XVII., O1 OFFICE DISTRICT REGULATIONS, SECTION 45-1704, SINGLE-FAMILY AREA AND DIMENSIONAL REGULATIONS. This ordinance amended the City Code, Chapter 45, Zoning Ordinance, Lot Area and Dimensional Regulations in Article VI, R1 Single Family Dwelling District, Section 45-603; Article VII, R2 Single Family Dwelling District, Section; Article VIII, R3 Single Family Dwelling District, Section 45-803; Article IX, R4 Single Family Dwelling District, Section 45-903; Article X, R5 Low Density Multiple Family Dwelling District, Section 45-1003; and Article XVII, O1 Office District Regulations, Section 45-1704. The purpose of the amendment was to delete the lot depth requirements for single family residential lots in the R1, R2, R3 and R4 Single Family Dwelling, R5 Low Density Multiple Family Dwelling, and O1 Office zoning districts. The remaining dimensional require-

E. Public Hearings Continued

- (11) Zoning Text Amendment ZT-10-296, City of Newport News, Ordinance Amending City Code, Chapter 45, Zoning Ordinance, Lot Area and Dimensional Regulations in Section 45-603, Section 45-703, Section 45-803, Section 45-903, Section 45-1003, and Section 45-1704 Continued

ments, particularly lot width and area, would ensure newly created lots were compatible with existing development within the area. On November 3, 2010, the Planning Commission voted 8:0 to recommend adoption of the amendment. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

F. Consent Agenda

Councilman Bateman moved adoption of the Consent Agenda, Items 3 through 6, both inclusive, as shown below; seconded by Councilwoman Vick.

- (3) Resolution Authorizing the Execution of the Agreement Between the Virginia Peninsula Localities on Homelessness

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, AN AGREEMENT BETWEEN THE VIRGINIA PENINSULA LOCALITIES ON HOMELESSNESS BY AND AMONG THE CITIES OF HAMPTON, NEWPORT NEWS, POQUOSON, WILLIAMSBURG AND THE COUNTIES OF JAMES CITY AND YORK DATED THE 1ST DAY OF DECEMBER, 2010. This resolution authorized the City Manager to execute an agreement between the Virginia Peninsula localities on Homelessness, which included the Cities of Hampton, Newport News, Poquoson, Williamsburg, and the Counties of James City and York. In 2005, the Virginia Peninsula Mayors and Chairs (Mayors and Chairs) convened the Commission on Homelessness (Commission) to create a regional framework to address homelessness on the Peninsula. In 2008, exercising joint powers, each participating governing body adopted an Agreement to support regional collaboration on homelessness. This action established the Commission as a legally constituted

F. Consent Agenda Continued

- (3) Resolution Authorizing the Execution of the Agreement Between the Virginia Peninsula Localities on Homelessness Continued

entity and the collective body to oversee development of the HUD required 10-Year Plan to End Homelessness. The primary thrust of the Agreement was to provide a funding mechanism for a full-time Coordinator to assist the Virginia Peninsula Continuum of Care Council Task Force on Homelessness (CoC) with implementation of the 10-Year Plan to End Homelessness. The Agreement must be renewed before the funds, which were budgeted for FY 2011 by all the participating jurisdictions, could be expended. The Agreement allowed the City and the region to leverage federal funds to assist homelessness mitigation efforts. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (4) Resolution Authorizing the City Manager to Accept the Deed of Gift of Property Located at 14400 Old Courthouse Way from Newport News Green Foundation, Inc. to the City

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT, ON BEHALF OF THE CITY, THE DEED OF GIFT OF PROPERTY LOCATED AT 14400 OLD COURTHOUSE WAY FROM NEWPORT NEWS GREEN FOUNDATION, INC. Newport News Green Foundation, Inc. (the Green Foundation) owned improved property at 14400 Old Courthouse Way. The City, through the Historic Services Division of the Department of Parks, Recreation & Tourism, had indicated that the property would be an important component of the City's continuing efforts to preserve the character and historic value of properties in the vicinity. Based on the desire of the City to own/control the referenced property to enhance and complement its Historic Services Division's efforts, and in recognition of the City's support of the Green Foundation, the Green Foundation Board of Directors approved conveying the property in "as is" condition, by gift, to the City. The City Manager recommended approval.

Ms. Amanda Wroten, Executive Director, Newport News Green Foundation, 62 Anchorage Drive, Newport News, was available for questions.

Vote on Roll Call:

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

Nays: None

F. Consent Agenda Continued

- (5) Resolution Authorizing the City Manager to Execute an Agreement and Related Documents for a Land Exchange Between the City and Property Owner, Robert Yancey, for the Triton Court Pump Station Project

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 LAND EXCHANGE AGREEMENT BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND ROBERT E. YANCEY DATED THE 23RD DAY OF NOVEMBER, 2010. This resolution authorized the City Manager to execute an Agreement and any related documents for land exchange between the City and property owner, Mr. Robert Yancey, for the Triton Court Pump Station Project. In addition, this transaction allowed the property owner to convey property to the City, which was necessary for the completion of the Triton Court Pump Station. This land exchange allowed the City to proceed without delay in designating the needed sewage pump station at an optional location and a minimal land acquisition expense. Conveying the property was an exchange for the value of the two vacations and certain credits for fees required to develop the property, plus a payment of \$24,819.00 as the balance of the land values and prepaid fees. The City Manager recommended approval.

Mr. Joe S. Frank, Attorney for the Applicant, was available to answer questions.

Vote on Roll Call:

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

Nays: None

- (6) Memorandum of Understanding (MOU): Peninsula Narcotics Enforcement Task Force (PNETF)

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 PENINSULA NARCOTICS ENFORCEMENT TASK FORCE MEMORANDUM OF UNDERSTANDING BY AND AMONG THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF STATE POLICE; THE CITY OF HAMPTON, VIRGINIA; THE CITY OF NEWPORT NEWS, VIRGINIA; AND THE PENINSULA ASSOCIATION OF COMMONWEALTH ATTORNEYS. This resolution approved a Memorandum of Understanding for the Peninsula Narcotics Enforcement Task Force (PNETF). The MOU for the PNETF included the following jurisdictions and/or agencies: Virginia Department of State Police, City of Hampton, and City of Newport News. The operating budget for FY 2010 is attached to the revised agreement. The contribution for Newport News for FY 2010 was \$48,802.00. The City Manager recommended approval.

(No registered speakers)

F. Consent Agenda Continued

- (6) Memorandum of Understanding (MOU): Peninsula Narcotics Enforcement Task Force (PNETF) Continued

Vote on Roll Call:

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

Nays: None

Councilwoman Woodbury moved adoption of the Consent Agenda, Items 1 and 2, as shown below; seconded by Councilman Bateman.

- (1) Minutes of Work Session of November 9, 2010

Vote on Roll Call:

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

Nays: None

Abstention: McMillan (Was not present at the Work Session of November 9, 2010)

- (2) Minutes of Regular Meeting of November 9, 2010

Vote on Roll Call:

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

Nays: None

Abstention: McMillan (Was not present at the Regular Meeting of November 9, 2010)

G. Other City Council Actions

- (1) Resolution Authorizing the Appropriation of 2,765,000 for the Three (3) Bike Trail/Sidewalk Widening Projects

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$2,400,000.00) AND STATE REVENUE (\$365,000.00) TO JEFFERSON AVENUE SIDEWALK (\$1,000,000.00) WARWICK BOULEVARD SIDEWALK (\$1,300,000.00) AND J. CLYDE MORRIS BOULEVARD BIKE TRAIL PHASE 2 (\$465,000.00). This resolution appropriated \$2,765,000.00 to front fund the three (3) bike trail/sidewalk widening projects. The City obtained Federal and State funding through Congestion Mitigation and Air Quality (CMAQ) grants totaling \$2,765,000.00 for these projects. The projects would construct a bike trail and/or widen the sidewalk on portions of J. Clyde Morris Boulevard and Thimble Shoals Boulevard; widen the sidewalks on Jefferson Avenue from J. Clyde Morris Boulevard to Buchanan Drive; and on Warwick Boulevard from Menchville Road to just north of Lucas Creek Road. The total appropriation of \$2,765,000.00 covered design through construction costs for all three projects. All initial project costs were required to be front-funded by the City, with recovery of funds by regular grant reimbursements as expenditures were submitted. The City Manager recommended approval.

G. Other City Council Actions Continued

- (1) Resolution Authorizing the Appropriation of 2,765,000 for the Three (3) Bike Trail/Sidewalk Widening Projects Continued

(No registered speakers)

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

Councilwoman Scott inquired whether the City applied for these funds for the three particular projects or were the funds given to the City and required the City do this particular project. City Manager Morgan replied that a project number was assigned by the Federal Government. The City applied for this particular piece, a bike trail or sidewalk. Councilwoman Scott inquired whether the City would apply for funds for similar projects in some of the more distressed areas where it would be beneficial for those who frequently rode bikes, walked, or used public transportation. City Manager Morgan responded the places where the City could apply and receive regional discretionary dollars had to be in locations that met the test of the CMAQ grant rules, and needed to be along major streets or in employment centers.

Councilwoman Woodbury inquired whether the City could receive revenue from this by having a group of bikes that could be rented. City Manager Morgan indicated there were communities that had well-developed bike trail systems that had small businesses that rented bikes.

Vote on Roll Call:

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

Nays: None

- (2) Resolution Authorizing the City Manager to Execute Three (3) Bike Trail/Sidewalk Widening Project Agreements and Any Future Agreements on These Projects

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 FOR THE DESIGN AND CONSTRUCTION OF THREE CMAQ BIKE TRAIL AND SIDEWALK PROJECTS: UPC 13478 (J. CLYDE MORRIS BOULEVARD CORRIDOR, PHASE 2), UPC 83252 (JEFFERSON AVENUE) AND UPC 83437 (WARWICK BOULEVARD) AND ANY FUTURE AGREEMENTS NECESSARY TO THE DESIGN, ADMINISTRATION AND CONSTRUCTION OF THE THREE CMAQ BIKE TRAIL AND SIDEWALK PROJECTS. This resolution authorized the City Manager to execute three (3) bike trail/sidewalk widening project agreements and to authorize the City Manager to execute future agreements on these projects. The projects would construct a bike trail and/or widen the sidewalk on portions of J. Clyde Morris Boulevard and Thimble Shoals Boulevard; and widen the sidewalks on Jefferson Avenue from J. Clyde Morris Boulevard to Buchanan Drive; and on

G. Other City Council Actions Continued

- (2) Resolution Authorizing the City Manager to Execute Three (3) Bike Trail/Sidewalk Widening Project Agreements and Any Future Agreements on These Projects Continued

Warwick Boulevard from Menchville Road to just north of Lucas Creek Road. The City had obtained Federal and State funding through Congestion Mitigation and Air Quality (CMAQ) grants totaling \$2,765,000.00 for these projects, which should cover design through construction costs for all of these projects. 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: McMillan, Price, Scott, Vick, Whitaker, Woodbury, Bateman

Nays: None

H. Appropriations

Councilwoman Scott moved adoption of Appropriations Items 1 through 5, both inclusive, as shown below; seconded by Councilman Bateman.

- (1) Newport News Fire Department (NNFD): Virginia Department of Fire Programs – Burn Building Mini Grant

A RESOLUTION APPROPRIATING FUNDS FROM S-VDFP-BURN BLDG-11 (\$6,025.00) TO EQUIPMENT-OTHER (\$6,025.00). This resolution appropriated \$6,025.00 from FY 2011 Virginia Department of Fire Programs Grant Revenue to the City for the Newport News Fire Department (NNFD). The City received an award of State grant funds for FY 2011, through the Virginia Department of Fire Programs, in the amount of \$6,025.00. The funding was restricted in use to support the purchase of a Forcible Entry Simulator. No local funding was required for this State grant. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (2) Vehicle and Equipment Services – U. S. Department of Energy Clean Cities American Recovery and Reinvestment Act (ARRA) Grant: Southeast Propane Autogas Development Program

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE-ARRA PROPANE GRANT (\$31,350.00) TO VEHICLE EFFICIENCY UPGRADE

H. Appropriations Continued

- (2) Vehicle and Equipment Services – U. S. Department of Energy Clean Cities American Recovery and Reinvestment Act (ARRA) Grant: Southeast Propane Autogas Development Program Continued UPGRADE

(\$31,350.00). This resolution appropriated \$31,350.00 in Federal funds from the U. S. Department of Energy (DOE) Clean Cities American Recovery and Reinvestment Act (ARRA) Grant for the Southeast Propane Autogas Development Program. The City was awarded a DOE grant which had been established to reduce airborne pollutants associated with gasoline use in vehicles. The grant provided the resources necessary to convert gasoline powered vehicles to run on propane fuel. The vehicle equipment, bulk fuel tank, and dispenser were provided separately to the City at no cost. The only necessary grant appropriation was for the cost of labor at \$31,350.00, and was required to install the equipment onto the vehicles. All labor costs would be reimbursed by the grant program. No local funds were required for this grant. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (3) Newport News Police Department (NNPD) – Virginia Public Safety Communications Division, Virginia Wireless E-911 Services Board, Public Safety Answering Points (PSAP) Grant

Vote on Roll Call:

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

Nays: None

A RESOLUTION APPROPRIATING FUNDS FROM STATE REVENUE (\$150,000.00) TO EQUIPMENT (\$150,000.00). This resolution appropriated \$150,000.00 from the Virginia Public Safety Communications Division, Virginia Wireless E-911 Services Board to the Newport News Police Department. The City applied for, and received, grant funding to help fund the replacement of the 911 telephone system. The cost of the new telephone system was estimated at \$3,815,848.00. The \$150,000.00 grant would be used as one of the funding sources for the project. No local match was required. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

H. Appropriations Continued

- (4) Newport News Police Department (NNPD) – E-911 Center Modernization Project

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED (\$2,500,000.00), SPECIAL PROJECTS FUND BALANCE (\$1,200,000.00) AND VIRGINIA WIRELESS E911 SERVICES BOARD (\$150,000.00) TO E911 CENTER MODERNIZATION PROJECT (\$3,850,000.00). This resolution appropriated \$2,500,000.00 from FY 2011 Bonds Authorized and Unissued and \$1,200,000.00 from the Special Projects Reserve Fund for the E-911 Center Modernization Project. Due to technical limitations, the 911 Center telephone systems and the voice recording system required replacement. A working group comprised of staff from the Police and Information Technology Departments developed the requirements and specifications for replacing the system, and selected Verizon Business to replace the 911 Center telephone system, recording system, and workstations. The project would upgrade the technical capabilities of the E-911 Center and make improvement to ensure operability of equipment. The total cost estimate for the project was \$3,850,000.00. The sources of funds for this appropriation were FY 2011 Bonds Authorized and Unissued and the Special Projects Reserve Fund. A grant secured from the Virginia Wireless E-911 Services Board would be applied toward the E-911 Center modernization project. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

- (5) Department of Engineering – FY 2011 Bond Authorizations and the City of Hampton, Virginia: Government Ditch Repair Project

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED (\$575,000.00) AND LOCAL REVENUE – CITY OF HAMPTON (\$575,000.00) TO GOVERNMENT DITCH REPAIR PROJECT (\$1,150,000.00). This resolution appropriated \$575,000.00 from the City of Hampton, Virginia, and \$575,000.00 from the Stormwater Drainage Category of the FY 2011 Bond Authorization for improvements to the Government Ditch Repair Project. The project “Government Ditch” was constructed by the U. S. Army Corps of Engineers and was routinely inspected every three (3) years by representatives of the Army Corps of Engineers and by both the cities of Hampton and Newport News. Based on the inspection, performed on September 29, 2008, the ditch was rated as “Minimally Acceptable.” In order to increase this rating from “Minimally Acceptable” to “Acceptable or better for the next inspection, the City of Newport News proposed this repair project. The repair would improve the functionality and integrity of the existing ditch from the James River to Newmarket Creek, at the borderline with the City of Hampton. In accordance with the 1995 Newmarket Creek/Government Ditch Maintenance Agreement, the City of Hampton would share on a 50/50 basis in the total construction costs, estimated at \$1,150,000.00. The City Manager recommended approval.

H. Appropriations Continued

- (5) Department of Engineering – FY 2011 Bond Authorizations and the City of Hampton, Virginia: Government Ditch Repair Project

(No registered speakers)

Vote on Roll Call:

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

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 Huntington Pointe project. He had heard people say that the City would not pay for this road that would be built for \$12 million through Huntington Pointe, but that it would be paid for with real estate taxes, which meant \$12 million would not go to the General Fund. Under the TIF/CDA, 65% of the money that would have been collected and gone to the General Fund, would go to pay off the bonds. The City would pay for the road. Mr. Procyson reminded that Mr. Lewis McMurrin originally agreed, almost three years ago, that he would bear the expense of this road; and City Council approved the project based on those proffers. He indicated the road was useless, except to anyone that lived in Huntington Pointe. He commented about the improvements and expansions made in the past 25 years to Jefferson Avenue, Denbigh Boulevard, and Route 17. Based on remarks by Mr. McMurrin at the November 22, 2010 North District Town Hall Meeting, Mr. Procyson provided information on the project. Mr. McMurrin stated that he was not interested in the TIF/CDA money. He wanted to build the road at his expense, in increments, as he built the housing. Someone on City staff approached Mr. McMurrin about TIF/CDA concept. Mr. McMurrin was not in favor of this originally. Mr. Procyson inquired about the staff person that made this suggestion. Council, staff, nor Mr. McMurrin admit to coming up with the idea. Mr. Procyson thought that a City staff person broached this idea. Who would make money from this? The underwriters for the bonds would receive upwards of \$1 million; as will the people that build the road. The people who put in parks and trails would also make good money. Mr. Procyson again questioned who initiated the TIF/CDA financing concept, instead of letting Mr. McMurrin build his road as he wished. Mr. McMurrin did not expect to begin constructing any house for at least three years. Mr. Procyson questioned why the City was in a hurry to build a road that would not go anywhere.

Councilman Bateman responded that Mr. Procyson insinuated that Mr. McMurrin bought this project of his own volition. Councilman Bateman questioned why City Council would have had it in front of them and discussed the project with consultants at great length. Councilman Bateman stated, at some point, this concept was embraced as an alternative way to complete the development. The project would probably not be complete soon since the market was not right. Another factor to consider was Mr. McMurrin and his family owned a tremendous portion of this land, and he was a local person with a great deal of compassion for the area. He did his homework related to TIF/CDA financing, bought his consultants and the concept to City Council, who listened attentively. It was a viable way for Mr. McMurrin to build the road. Councilman Bateman felt developments would not be successful without access to the development. The road would serve as an emergency exit from the mass of humanity that

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

lived between Ft. Eustis Boulevard and Denbigh Boulevard. Councilman Bateman disagreed that this road would be a road to nowhere as it would serve as a destination for people to get in and out of the corridor to the retail that was available. Mr. McMurrin and his advisors, in cooperation with City staff, found alternative ways to build the road in an economy that was not very favorable for anyone in development. City Council judged accordingly, based on the information brought to them. Councilman Bateman felt the TIF/CDA financing method was a viable method for a project to be developed with some modicum of success.

Mr. James Rudisill, Newport News/Hampton, advocated for the homeless. He expressed gratitude for the opening of the Newport News Community Free Clinic on 25th Street. A homeless gentleman, Mr. David Washington, featured in a Daily Press series of articles on homelessness, was a victim of a heart attack. Mr. Washington was screened for service at the Community Free Clinic, and would as a result, have a medical record, access to a medical doctor, and prescription medication. Mr. Rudisill commended the Newport News City Council for its \$50,000 contribution to the Community Free Clinic. Mr. Rudisill congratulated Mr. Michael Vick, a Newport News native, one of the top athletes in the country, having made a remarkable comeback and showed dedication to hard work, having set an NFL record, making an amazing performance against the Washington Redskins. He wished Mr. Vick continued success in his endeavors.

Mr. John Gergely, 449 Winterhaven Drive, Newport News, commented about the information from the North District Town Hall Meeting held on November 22, 2010, in which Mr. Lewis McMurrin was guest speaker, sharing facts about the Huntington Pointe development. Mr. Gergely suggested that the developer had “conned (lobbied)” Newport News City Council to move this project forward by making a land swap between York County and the City of Newport News. Mr. Gergely learned there were large parcels of land available in York County to be developed; but York County would not allow the development due to the limit on the number and type of homes allowed in the County. The developer lobbied Newport News to make a land swap after being turned down by York County. As part of the land swap, the developer, Mr. McMurrin, agreed, with Newport News, to build a road between Denbigh Boulevard and Ft. Eustis Boulevard at his own expense. Mr. McMurrin was only obligated to build the road as he developed his property. According to Mr. Gergely, Mr. McMurrin stated he needed the road to make his property sellable, but he could not pay for it. Mr. Gergely understood Mr. McMurrin to mean that he needed the road to sell his property to make it sellable, but he could not pay for it. He was obligated to build it until the project was over, but needed it for his project to succeed, but could not afford it. Newport News City Council was lobbied to build the road instead of having the developer build it. Newport News considered selling bonds to build the road, which would let the developer off of the hook for the cost of the road. To pay off the bonds, 65% of the property taxes coming from the development would go to the bonds to pay for the road. By the original agreement, Newport News would get 100% of the money. Mr. Gergely shared that the developer would only proceed as the economy improved. If the developer never builds the property, and Newport News proceeds with the road, the taxpayers would be stuck with the bill. (A copy of Mr. Gergely’s remarks are attached in full and made a part of these minutes).

J. New Business and Councilmember Comments

City Manager, Neil Morgan, wished Council, staff, and citizens a Happy Thanksgiving.

City Attorney, Stuart Katz, wished Council, staff, and citizens a Happy Thanksgiving.

City Clerk, Mabel Washington Jenkins, wished Council, staff, and citizens a Happy Thanksgiving.

Vice Mayor McMillan wished Council, staff, and citizens a safe and Happy Thanksgiving.

Vice Mayor McMillan reminded everyone of Small Business Saturday, observed Saturday, November 27, 2010, and to remember our local small businesses as they did their holiday shopping. (Note: Small Business was the Saturday nestled between Black Friday and Cyber Monday as a movement to contribute to local economies by patronizing small businesses and merchants.)

Mayor Price extended condolences to the family of the Honorable W. Henry Maxwell, Virginia Senator, who died November 13, 2010. Former State Senator Maxwell served as a Virginia Delegate and Senator from 1983 to 2003; and was retired Pastor of Ivy Baptist Church in Newport News.

Mayor Price thanked members of City Council for their approval of the \$50,000 contribution to the Newport News Free Clinic. He advised that he presented the check at the Grand Opening on Sunday, November 21, 2010, which was well attended. He thanked Riverside Health Systems Foundation for donating the building and their commitment of funds for the next five years; Mr. John R. Lawson, II of W. M. Jordan for refurbishing the building; Ms. Golden Bethune and Mr. Bud Ramey for spearheading the project and making sure it came to fruition. He encouraged everyone to go by the building, located at 727-25th Street. He stated it was a wonderful edifice that would help the City tremendously with those who were not fortunate enough to have insurance or the means to pay for medical treatment. Upon arrival of equipment, dental service would also be provided. Mayor Price and a number of his colleagues would volunteer their services in the facility.

Mayor Price wished Council, staff, and citizens a Happy Thanksgiving.

Councilwoman Scott thanked everyone who attended and participated in the spirited North District Town Hall Meeting, held on November 22, 2010, at 7:00 p.m., at American Legion Post 368. Addressing comments by Mr. Procyson, Councilwoman Scott restated a few of Mr. McMurrans' points from the meeting as follows: (1) 35% above all of the public safety funds that were needed for the City would be retained by the City and he would get 65% toward the road; (2) He clearly stated if he built the road with the bonds, that if he did not sell any properties in Huntington Pointe, the road would belong to the City, and the bank would take his land; and (3) He did not set speed limits and there would be no houses fronting Independence Boulevard.

J. New Business and Councilmember Comments Continued

Councilwoman Scott stated that only people who did not live in Denbigh would say the road would lead to nowhere. She stated, at any given time, the residents of Denbigh were landlocked. The Huntington Pointe development would add another 1,000 cars to the highway, and without an alternate, all of the traffic would be dumped onto Denbigh Boulevard. She indicated that Denbigh residents saw the value in the proposed connector road and felt it would be highly utilized. Councilwoman Scott further advised that City Council had not made a decision about the TIF/CDA concept; but had asked the City Manager for his input.

City Manager Morgan indicated that City Council was generally supportive of the TIF/CDA idea if it could be demonstrated that it worked the way Council heard the concept presented; and most especially that any risks associated with default was the developer's and not the City's. When Mr. McMurrin was ready to demonstrate the particulars, Council would hold another Work Session to review the facts.

Councilwoman Scott stated that Mr. McMurrin did proffer that he would build the road; but Council's discussion surrounded on the fact that if the TIF/CDA financing were to take place, the road would be built now, rather than later. Mr. McMurrin indicated that he would build the road over a ten-year period.

Councilwoman Scott thanked Mr. McMurrin and his team for attending the North District Town Hall Meeting as it provided an opportunity for everyone to see and hear about the project from the developer himself, rather than his consultants.

Councilwoman Scott commented on discussion held at the November 22, 2010 North District Town Hall Meeting about a group that wanted to open a Skating Center in Denbigh. She clarified a false statement that was printed by an area media center, where she stated she would like to see the Community/Skating Center come to Denbigh by any means necessary; meaning if there were some private companies that wanted to build the Center, yes, the City needed it.

Councilwoman Scott wished her colleagues, staff, and citizens a safe and Happy Thanksgiving.

Councilwoman Vick congratulated Mr. Tommy Garner, operator of Tommy Garner Air Conditioning and Heating Company, for all he had done for the City of Newport News. They had attended school together at Ferguson High School. Mr. Garner had done a tremendous amount of work for the City, particularly the Boys and Girls Club of the Virginia Peninsula, where he and his wife Chrissy had picked out Christmas gifts for 100 children. She stated the work facility on Nettles Drive, and the investment made as a City, would help the citizens and the young people create a work ethic for themselves, which was needed in the community to help young people become stronger adults and productive citizens. She echoed a big thank you to Tommy Garner and his family for their support.

Councilwoman Vick wished her colleagues, staff, and citizens a safe and Happy Thanksgiving.

J. New Business and Councilmember Comments Continued

Councilman Whitaker extended condolences to the family of the Honorable W. Henry Maxwell, Virginia Senator, who died November 13, 2010. Councilman Whitaker shared personal stories about his friendship with the late Senator.

Councilman Whitaker wished his colleagues, staff, and citizens a safe and Happy Thanksgiving.

Councilwoman Woodbury congratulated Mr. Tommy Garner, operator of Tommy Garner Air Conditioning and Heating Company, for all he had done for the City of Newport News. She indicated Mr. Garner was a model citizen that cared about his community and gave to it constantly, serving as an inspiration to all.

Councilwoman Woodbury commended Captain R. A. Franklin, Central Precinct Commander, Master Police Officer John Parker, and Master Police Officer Steve Laurent, who conducted the Central Precinct Community Meeting on Monday, November 22, 2010 at the Newport News Omni Hotel. The safety tips offered by the Police Department to help citizens safeguard their property were invaluable. She thanked Mayor Price and Councilwoman Vick and all citizens for their attendance. Councilwoman Woodbury stated there were two meetings scheduled each year, in each district, and encouraged citizens to get involved. She stated the Newport News Police Department helped its citizens more than anyone could imagine. She encouraged citizens to use caution during the holiday season.

Councilwoman Woodbury offered an apology for providing the wrong date for her Town Hall Meeting held in conjunction with Ms. Bettie Dixon, member of the Newport News School Board, held on Monday, November 8, 2010, rather than November 15, 2011, 7:00 p.m., in the Warwick High School cafeteria. She stated there would not be a Town Hall Meeting held in December 2010. The next Town Hall Meeting would be held on Monday, January 10, 2010, 7:00 p.m., in the Warwick High School cafeteria.

Councilwoman Woodbury shared that she had read "The Night Before Thanksgiving" to the children at Yates Elementary School on Monday, November 22, 2010.

Councilwoman Woodbury wished her colleagues, staff, and citizens a safe and Happy Thanksgiving.

Councilman Bateman wished his colleagues, staff, and citizens a safe and Happy Thanksgiving.

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," and wished his colleagues and the citizens of Newport News a Happy Thanksgiving.

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 8:21 P.M.

Mabel Washington Jenkins

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk