

**MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
May 25, 2010
7:00 P.M.**

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

ABSENT: None ----- 0

A. Call to Order

B. Invocation

The invocation was rendered by Pastor Benjamin Jeter, House of Refuge Worship Center.

C. Pledge of Allegiance to the Flag of the United State of America was led by Councilwoman Woodbury.

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

D. Presentations

(1) Police Youth Advisory Board Public Service Announcement

Mayor Frank advised the Police Youth Advisory Board was asked to take on a law enforcement project that appealed to youth. The Youth Advisory Board prepared a 30-second public service announcement entitled "Driving While Intexticated," which dealt with the dangers of texting and driving. He introduced Mr. James Fox, Chief of Police, and members of the Youth Advisory Board to explain the project.

Chief Fox felt the Police Youth Advisory Board's "Driving While Intexticated" public service announcement would receive national acclaim. He stated the Board planned to meet with members of the Newport News School Board in an effort to share the announcement not only with Newport News students, but students across the state. He recognized Ms. Sandra Polk, Youth Development Specialist, Department of Human Services, and Ms. Lillian Taylor, Fiscal Services and Special Projects Administrator, Newport News Police Department, who served as the adult advisors of the Youth Advisory Board. The Youth Advisory Board members present were: 1) Mr. Alexander Williams, Co-Chair of the Board and junior at An Achievable Dream High School; 2) Mr. Steven Burbic, Board Member and student at Peninsula Catholic High School; 3) Mr. Taylor Henkel, Co-Chair of the Board and junior at Menchville High School; 4) Ms. Sarah Porter, Board Member and junior at Woodside High School; and 5) Mr. Geoff Wilds, Board Member and junior at Menchville High School.

D. Presentations Continued

(1) Police Youth Advisory Board Public Service Announcement Continued

Mr. Williams and Mr. Henkel, Co-Chairs of the Youth Advisory Board and members Burbic, Porter and Wilds, shared a clip from the "Driving While Intexticated" Public Service Announcement. They indicated the intent was to send a message to youth on the dangers of texting while driving. Their public service announcement encouraged youth to share with each other the dangers of texting while operating a motor vehicle.

E. Public Hearings

(1) Conditional Use Permit – CU-10-270 – JSA Four, LLC, for Property Located at 11790 Jefferson Avenue – Montessori School

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-10-270 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING A PRIVATE SCHOOL WITH LESS THAN 200 STUDENTS ON A SITE ZONED C4 OYSTER POINT BUSINESS DISTRICT. This ordinance allowed for the operation of a private school with less than 200 students, located at 11790 Jefferson Avenue and zoned C4 Oyster Point Business District. The Hampton Roads International Montessori School outgrew its Thimble Shoals Boulevard location. The building would be rehabilitated, enabling the school to continue to provide services within City Center and Oyster Point, and eventually expand its preschool program. The new facility would accommodate classrooms and a needed multi-purpose room. A fenced playground area would be provided. On May 5, 2010, the Planning Commission voted unanimously (8:0) to recommend approval of the request with conditions recommended by staff. The City Manager recommended approval.

Mr. Bill Cowardin, 20 Club Terrace, Newport News, was available for questions only.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

E. Public Hearings Continued

- (2) Ordinance Authorizing the Execution of a Lease between the City and Christopher Newport University (CNU) for Property Located at Menchville Marina – Instructional Sailing Program

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 25TH DAY OF MAY 2010 BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND CHRISTOPHER NEWPORT UNIVERSITY FOR THE RIGHT AND PRIVILEGE TO CONDUCT AN INSTRUCTIONAL SAILING PROGRAM. This ordinance authorized the City Manager to execute a lease between the City of Newport News, Virginia, and Christopher Newport University for a 2.94± acre parcel (Parcel 3), at Menchville Marina to Christopher Newport University (CNU) for its Instructional Sailing Program since July 1, 1997. The current lease between the City and CNU for Parcel 3 would expire June 30, 2010. The new lease contained the same conditions as the current lease and the term of the new lease was to be for a one-year period, with four successive one-year options to renew at the discretion of the City Manager. The City Manager recommended approval.

Mr. Dan Winters, 49 Shenandoah Road, Hampton, Virginia, was available for questions only.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

F. Consent Agenda

Councilwoman Vick moved adoption of the Consent Agenda, Items 1 and 2, both inclusive, as shown below; seconded by Councilwoman Scott.

- (1) Minutes of the Regular Meeting of May 11, 2010

Vote on Roll Call:

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

Nays: None

F. Consent Agenda Continued

- (2) Ordinance Adopting an Amendment to City Code, Chapter 26, Article IX., Residential Parking Permit Program (RPPP), Section 26-226, Residential Permit Parking to include 36th Street, between Huntington Avenue and Warwick Boulevard

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IX., RESIDENTIAL PARKING PERMIT PROGRAM, SECTION 26-226, DESIGNATED RESIDENTIAL PERMIT PARKING AREAS. This ordinance amended the City Code, Chapter 26, Article IX., Section 26-226, Residential Permit Parking Program (RPPP), to include 36th Street between Huntington Avenue and Warwick Boulevard. This street was administratively approved for inclusion into the RPPP and had been signed as such for several years. This action would update the City Code to reflect the previous action taken. There were no new direct costs for inclusion of 36th Street in the RPPP because the signs were installed several years ago.

Vote on Roll Call:

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

G. Other City Council Actions

- (1) None Submitted

H. Appropriations

Vice Mayor Whitaker moved adoption of Appropriations, Items 1 through 5, both inclusive, as shown below; seconded by Councilwoman Vick.

- (1) Newport News Police Department (NNPD) – Virginia’s Eliminate Auto Theft (H.E.A.T.) Program

A RESOLUTION APPROPRIATING FUNDS FROM S-HEAT GRANT – VA ST POL (\$2,689.00) TO TRAVEL-TRAIN/MEETING EXP. (\$2,689.00). This resolution appropriated \$2,689.00 from State Grant funds to send two (2) Newport News Police Department (NNPD) Auto Theft Investigators to the International Association of Auto Theft Investigators (I.A.A.T.I.) Training Seminar. Virginia’s Help Eliminate Auto Theft (H.E.A.T.) Program, was a statewide cooperative effort of the Department of State Police, the Department of Motor Vehicles, and more than 172 local law enforcement agencies that participated in Operation HEATWAVE. The goal of the H.E.A.T. Program was to decrease auto theft adverse impact upon automobile insurance premiums by reducing the number of vehicles stolen

Vote on Roll Call:

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

H. Appropriations Continued

(2) Self Insurance Funds – re: Yoder

A RESOLUTION APPROPRIATING FUNDS (\$215,918.80) FROM SELF-INSURANCE RESERVES TO GENERAL LIABILITY INSURANCE FUND – OTHER CLAIMS (\$215,918.80). This resolution appropriated \$215,918.80 from Self-Insurance Reserves to settle a claim made against the City in the Yoder matter. The City Attorney advised the City Manager and City Council of this claim, which the City must pay. Best management practices dictated that funds for such claims must be appropriated as needed during the fiscal year, and would appropriate \$215,918.80 from Self-Insurance Funds. The City Manager recommended approval.

Vote on Roll Call:

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

Nays: None

(3) Department of Development – FY 2010 CIP for Jefferson Park
Redevelopment Plan

A RESOLUTION APPROPRIATING FUNDS (\$940,000.00) FROM FY 2010 BONDS AUTHORIZED AND UNISSUED TO JEFFERSON PARK REDEVELOPMENT PLAN (\$940,000.00). This resolution appropriated \$940,000.00 from Fiscal Year 2010 Capital Improvements Program (CIP) to continue redevelopment activities associated with the Jefferson Park Redevelopment Plan. The original Jefferson Park Redevelopment Plan (the “Plan”) was approved by City Council on June 26, 2006, and provided for the acquisition of 58 derelict properties in response to the crime, overcrowding and blighting conditions of properties located in the 600 Blocks of 39th through 41st Streets. The Plan was re-authorized by Council on June 9, 2009. Approval of this appropriation would enable the NNRHA to continue the acquisition and demolition of designated blighted properties. The Plan was being administered by the NNRHA and was prepared in accordance with Title 36 of the Code of Virginia. The City Manager recommended approval.

Vote on Roll Call:

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

Nays: None

(4) Department of Engineering – FY 2009 Bond Authorization for Stoney
Run Watershed Improvements

A RESOLUTION APPROPRIATING FUNDS (\$1,000,000.00) FROM FY 2009 BONDS AUTHORIZED AND ISSUED TO STONEY RUN WATERSHED IMPROVEMENTS. This resolution appropriated \$1,000,000.00 from the FY 2009 Bond Authorization for Stoney Run Watershed Improvements. The Stoney Run Watershed Drainage Study identified projects to reduce the effects of flooding within the watershed. The City had completed the Colony Pines Basin clearing and Windsor Castle Channel Improvements. The appropriated amount would be used for permitting, design and property acquisition as the funding allowed. The source of funding recommended for Stoney Run Watershed Improvement was FY 2009 Bonds Authorized and Issued. The City Manager recommended approval.

Vote on Roll Call:

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

Nays: None

H. Appropriations Continued

- (5) Department of Engineering – FY 2010 Bond Authorization for Various Stormwater Management Programs

A RESOLUTION APPROPRIATING FUNDS (\$2,000,000.00) FROM FY 2010 BONDS AUTHORIZED AND UNISSUED TO CITYWIDE DRAINAGE (\$500,000.00), LAKE ENHANCEMENT PROGRAM (\$200,000.00), CITYWIDE SWALE CONTRACT (\$300,000.00), CITYWIDE SLIPLINING PROJECT (\$200,000.00), STORMWATER MAPPING/MODELING (\$500,000.00), AND STREAM RESTORATION PROJECTS (\$300,000.00). This resolution would appropriate \$2,000,000.00 from the FY 2010 Bond authorization for various Stormwater Management Programs. City Council was requested to appropriate the annual contribution from the FY2010 Capital Improvement Plan (CIP) for various stormwater programs throughout the City. The initiatives included in the Stormwater Drainage CIP which staff would address with this appropriation were: Citywide Drainage, Lake Enhancement Program, Citywide Swale Contract, Citywide Sliplining Project, Stormwater Mapping Modeling and Stream Restoration. Each of these programs provided City staff the ability to address specific issues, in a timely manner, to address environmental issues and citizen concerns. The source of funding recommended for various Stormwater Management Programs was FY 2010 Bonds Authorized and Unissued. The City Manager recommended approval.

Vote on Roll Call:

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

Nays: None

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

Mr. Ronald Perry, 42 Westover Road, Newport News, voiced concern about the proposed Coal Fired Electric Plant in Surry County that could have short and long-term effects on the citizens of Newport News. Mr. Perry asked City Council to go on record opposing the construction of the plant in Surry County. A copy of his remarks and information about the plant are attached and made a part of these minutes.

Mr. Kenneth W. Hundley, 644 – 27th Street, Newport News, spoke about the new Walmart proposed to be constructed at Jefferson Avenue and Mercury Boulevard. He indicated the residents of the Southeast Community were in need of jobs, a grocery store, service stations, movie theaters, and light rail. He felt resident requests continued to fall on deaf ears. He advocated for City Council to work collaboratively to unify the entire City.

Mr. Glenn McGuire, 166 Rodeo Circle, Newport News, inquired whether City funds or tax breaks would be offered to Walmart Stores with regard to the proposal to construct a Walmart at Jefferson Avenue and Mercury Boulevard. He suggested that the store be built further south if the City was financially involved. Mr. McGuire inquired about a recycling issue at ARC where there recycling efforts were not compatible with City requirements. Mr. McGuire asked that information be provided to ARC to better explain the recycling program and what items were recyclable.

Ms. Sharene Moustafa, 2401 Chestnut Avenue, Newport News, representing a grass roots group of clergymen and citizens who were interested in the betterment of Newport News, voiced concern about residents not being notified about the decision to rename Chestnut Avenue. She

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

inquired who decided on the name change and whether it was possible to revisit the matter to involve the entire community. She voiced additional concerns about the area that the proposed Walmart was to be built. She advised the proposed location was never discussed with the residents of the Southeast Community. She advocated for more jobs in the Southeast Community. Ms. Moustafa stated she and her group continued to work with the Department of Codes Compliance to change the face of Newport News by ridding the community of derelict properties. She asked City Council to support these efforts.

Ms. Shaun Brown, 3510 Washington Avenue, Apartment C, Newport News, wished Mayor Frank well in his upcoming retirement. She requested Mayor Frank's assistance to reroute the proposed Walmart from Jefferson Avenue and Mercury Boulevard to 30th Street and Terminal Avenue, which was previously proposed by the Emmitt Smith Group to create jobs in the Southeast community. She asked Mayor Frank to make a commitment to support that Walmart be located below 39th Street. Ms. Brown voiced concern about the proposal by the Commemoration Advisory Committee to rename Chestnut Avenue in honor of Madam Daniels. She stated the community was concerned that so many businesses were due such honor, i.e., the Tucker family who had the first African American child born in America in 1624. Many residents of the Chestnut Avenue area felt the community should choose a name and indicated they were not notified of the change. She asked City Council to address the matter.

J. New Business and Councilmember Comments

Councilwoman Woodbury advised she had attended a concert, sponsored by the Boston Brass, at the Ferguson Center recently. She noted the collaboration between the Boston Brass with Newport News Public Schools to hold student workshops on instruments, and culminating with a concert at the Ferguson Center, was commendable.

Councilwoman Woodbury commended Hilton Village for their 2nd Annual Garden Party. She stated she enjoyed viewing the gardens, and noted the pride that was taken in the area. She was looking forward to the July 4, 2010 festivities in Hilton Village.

Councilwoman Woodbury announced her Town Hall Meeting, held in conjunction with Ms. Betty Dixon, Member of the Newport News School Board, was scheduled for June 7, 2010, at Warwick High School in the cafeteria. She invited all to come to the meeting.

Councilwoman McMillan congratulated the members of the Police and Fire Departments who played on the Newport News United Soccer Team for winning against Virginia Beach. She noted a tournament was scheduled in the near future (date to be posted on the Newport News Police Department's website). She encouraged all to attend the tournament.

Councilwoman Scott announced, in preparation for the upcoming hurricane season, residents could shop tax-free for hurricane preparedness items through Monday, May 31, 2010. She encouraged all to take advantage of the tax-free holiday.

Councilwoman Vick recognized students from Heritage High School in attendance at the meeting. She felt it was a good idea for students to visit a Council meeting to help them under-

J. New Business and Councilmember Comments Continued


stand the importance of being involved in local government. She recognized Ms. Ingrid Slonsky, Teacher, Heritage High School, for her efforts and encouraged other teachers to do the same.

Councilwoman Vick stated, in light of prior comments made by citizens, City Council was working hard to improve the Southeast community. She noted the improvements made on Jefferson Avenue at 36th Street, with construction of the new Hornsby Tire facility, and the assistance from the Department of Codes Compliance in ridding the City of dilapidated buildings, i.e. the building across the street from the new Hornsby Tire location. Councilwoman Vick stated City Council was working to improve the community and looked forward to the Aaron Brooks project taking shape.

Councilwoman Vick wished her niece, Ms. Christina Vick, a speedy recovery who was recuperating from surgery at Riverside Hospital.

Mayor Frank recognized the students of Heritage High School who were in the audience. He noted there was not much business on the agenda this evening and encouraged the students to return often to get a better understanding of how their City government operated. He thanked all who attended the meeting.

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 7:41 P.M.


Jennifer D. Walker, CMC
Chief Deputy City Clerk

Joe S. Frank
Mayor
Presiding Officer