

MINUTES OF THE LEGISLATIVE BREAKFAST  
OF THE NEWPORT NEWS CITY COUNCIL  
WITH STATE LEGISLATORS AND  
THE NEWPORT NEWS SCHOOL BOARD  
HELD AT THE DOWNING GROSS CULTURAL ARTS CENTER  
2410 Wickham Avenue  
November 30, 2010  
8:00 a.m.

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

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

GENERAL ASSEMBLY MEMBERS PRESENT: Delegate Brenda L. Pogge; Delegate Robin  
Abbott; Delegate G. Glenn Oder; Senator John C. Miller; and Senator Thomas K. Norment, Jr.

SCHOOL BOARD MEMBERS AND OTHERS PRESENT: Everette A. Hicks, Sr.; Betty B.  
Dixon; Pricillia E. Burnett; Jeff Stodghill; Carlton S. Ashby; Debbie H. Johnston; Neil A.  
Morgan; Collins Owens; Mabel Washington Jenkins; Wanda Pierre; Jerri Wilson; Chris Bridge;  
Patrick Finneran; Dr. Ashby C. Kilgore; Mary Lou Roaseau; Len Wallin; Lynn Sugg; Flave  
Rogers; Eddie Antoine; Joshua Sabato; and Jennifer Walker

Welcome

Mayor Price welcomed members of the General Assembly and School Board to  
the meeting and expressed appreciation for their attendance. He introduced Ms. Debbie H.  
Johnston, Chairperson, Newport News School Board, Newport News Public Schools (NNPS), to  
provide welcoming remarks.

Chairperson Johnston welcomed members of the General Assembly and the City  
Council to the meeting on behalf of the School Board, faculty, staff and students of NNPS.  
Chairperson Johnston directed the body to "The Agenda for Public Education," which is attached  
and made a part of these minutes. She stated the Agenda for Public Education was developed by  
the School Board and staff to move students above and beyond the minimum standards in  
today's competitive world. Eighty-percent of the fastest growing jobs would require a post-  
secondary education. Graduates must be prepared for jobs involving a high level of technology,  
complex communication and expert thinking. Today's students would have ten to 14 jobs by the  
age of 38. The top jobs in demand in 2010 did not exist in 2004. Income for college graduates  
was rising, while wages for those with only a high school diploma was declining. NNPS' goal  
was to ensure that every graduate was ready for the ever changing competitive world and was  
focused on ensuring that every student was college-ready. NNPS wanted to ensure that students  
were career-ready by providing students with career skills and ensuring they graduated with an  
electronic portfolio, internship, or job shadowing experiences in connection with employers in  
the community. NNPS also wanted to ensure that students were citizen-ready by providing

youth with development programs which provided leadership skills. The NNPS 2011 Legislative Program was about connecting resources to help students become college, career and citizen-ready and helping them to compete in a global economy. It was about having the resources to enable NNPS students the ability to compete with students in Northern Virginia, and elsewhere, for seats in universities and colleges. It was about developing young people to become problem solvers and active citizens as they took on leadership opportunities.

Mayor Price introduced Delegate Robin Abbott, to be followed by Delegate G. Glenn Oder, to provide remarks regarding the 2011 General Assembly Session.

Delegate Abbott indicated that she looked forward to the 2011 Legislative Session. The General Assembly had some grave issues to deal with, i.e. the budget and redistricting matters. She noted bills she would entertain at the upcoming session in Richmond dealt with the following issues: 1) Recordation of all assignments on mortgages so that homeowners knew exactly who was holding their mortgages; 2) a Garnishment Bill so citizens would not be garnished for more than 25% of their income; and 3) Recordation of the last two digits of an individual's Social Security number in the Virginia Court System for those charged and found guilty of a traffic and criminal offense to allow thoroughness on background checks. Too many mistakes were being made for folks with common names. Innocent citizens were erroneously being accused of being sex offenders. She felt much of that problem could be alleviated by adding two digits to the records, which would cut down on litigation that ensued as a result. She was contemplating several other bills but indicated her openness to carrying a few others from the City of Newport News and NNPS.

Delegate Oder thanked the City and Schools for the breakfast and indicated it was a great opportunity to get together. He also appreciated having met with the legislative staff earlier in the fall. It was important to find out what the City and Schools priorities were early rather than later due to an imposed deadline. He noted bills he would carry during the 2011 General Assembly Session: 1) 36% interest on a bill for predatory lending. He honestly believed that a day would come in Virginia when a 36% cap was imposed upon predatory lenders. Several years ago he began imposing regulations that made it difficult for the pay-day lender to operate. The regulations had an enormous impact by reducing pay-day lending loans in the State. Loans were reduced from 3.4 million loans per year to 40,000 per month. An opinion was received from the Attorney General that stated Delegate Oder did not need to sponsor any more legislation that imposed more rules. City Council had the ability to impose more rules to eliminate pay-day lenders. Delegate Oder encouraged City Council to look into adding zoning ordinances that would require conditional use permits, just as was done for gas stations, pawn shops, alcohol sales, etc. He encouraged City Council to require predatory lenders to apply for conditional use permits to operate an establishment; 2) Independent attestation dealing with job creation grants; 3) Chinese drywall legislation to include a protocol on how to fix a home with

Chinese drywall. He stated nothing could happen to a Chinese drywall home until a protocol was enacted. Until Chinese drywall residents knew how to fix their homes, the federal government would not be providing funds; and 4) Bullying legislation that enacted a Bullying Bill of Rights. Delegate Oder stated the economy and the job market was the most important matter facing the legislature. He indicated his efforts would focus on ways to encourage economic growth and jobs in the community. He was working with the Newport News Airport on job creation opportunities. Transportation was a win-win area. The job situation would improve if roads were improved. The State of Virginia instituted a design-bid-build process. The State asked contractors to submit qualifications and, once those were received, the State decided the top three contractors who were qualified to build a road. It was a great way to expedite a project. It was a shock to discover that a company such as Basic Construction Company, that had done \$90 million of work within two miles of Middle Ground Boulevard, did not meet the qualifications to design, build and bid on Middle Ground Boulevard. VDOT created an elite list of contractors that met the qualifications, which included previous experience of doing a design-build-bid. Clearly, too much weight had been given to previous experience. Additionally, he suggested that VDOT add a representative from each locality to serve on the Review Panel for qualifications. He thought a local business, who hired employees from Newport News, might have won the design-build-bid for Middle Ground Boulevard if a local representative was on the panel.

Vice Mayor McMillan understood that no one had worked harder on pay-day lending institutions than Delegate Oder, which she appreciated, along with any decision from the Attorney General that might help, which she felt was dumping on local government. City Council could determine the placement of pay-day facilities, but could not alter the criteria on the loans. Even if City Council found a mechanism to prevent predatory lenders from having multiple establishments in Newport News, people would go to neighboring localities and still be victimized by the same criteria. Delegate Oder commented that the message might not be what City Council wanted to hear; however, no one had worked harder to get the 36% passed in Richmond than he. He stated he could not get 36% passed at this time, so he adopted the strategy of continuing to make life more and more difficult for the pay-day lending industry. There was an opportunity for City Council to join him by making life more and more difficult for pay-day lenders. If the City of Newport News required pay-day lenders to hold a public hearing before opening a business, citizens could voice their opposition. He felt it was an opportunity to make life more difficult for the industry, and it would be City Council's decision whether to adopt or oppose the proposal.

Vice Mayor McMillan stated she was not criticizing Delegate Oder's efforts. She was only making a comment on the fact that the General Assembly was not addressing the problem. She apologized to Delegate Oder if he found her comments offensive. Delegate Oder stated he did not mean to be critical of Vice Mayor McMillan, but was just imploring her to join him in the effort of eliminating pay-day lending establishments with a new strategy.

Vice Mayor McMillan noted there was a federal decision in favor of Chinese drywall plaintiffs and protocol was put forth in that decision. She inquired why that protocol could not be used. Delegate Oder stated the Judge in Louisiana basically said to strip every single item out of one's home. That was not based on science, but a single Judge's opinion. Delegate Oder felt the science needed to be looked at, i.e. was the electrical system truly damaged, which the National Association of Homebuilders was trying to ascertain. A builder in Virginia Beach had already fixed 70 homes that were affected by Chinese drywall. If a certain protocol was determined how would it affect Chinese drywall victims who had already done work on their homes, such as an individual in Smithfield who spent nights and weekends with church members fixing his home. The issue was very difficult.

**Report on City 2011 Legislative Priorities**

Ms. Jerri Wilson, Legislative & Management Analyst, City of Newport News, summarized the City's 2011 Legislative Requests: 1) Legislation to ban or strictly prohibit and deter all predatory lending practices; 2) Eliminate the independent attestation requirement for the Job Creation Grant in the Enterprise Zone 3) Allow localities to establish, by ordinance, Enhanced Enforcement Areas to deter street prostitution; 4) Increase the penalty for subsequent convictions of prostitution violations from a Class 1 misdemeanor to a Class 6 felony; 5) Add Burglary and Shooting Into An Occupied Dwelling to the list of predicate criminal acts for gang prosecution; and 6) Require increased documentation for the purchase of second-hand scrap metals.

Delegate Oder asked Ms. Wilson to offer information to the legislators about similar bills from other localities, so they could co-patron such bills, given the restrictions they faced in the House about the number of bills each legislator could sponsor. Ms. Wilson stated she would offer the information to the legislators.

Ms. Pricillia Burnett, member, Newport News School Board, inquired whether research had been done to determine why the City would need to increase the penalty for subsequent convictions of prostitution violations from a Class 1 misdemeanor to a Class 6 felony. She stated an individual lost a large number of rights and was required to serve a longer sentence and pay a higher fine by way of a Class 6 felony. She inquired why the City decided to sponsor such legislation and how gang activity was acquainted to burglary and shooting into an occupied dwelling.

Ms. Wilson stated the legislation to increase the penalty for subsequent convictions of prostitution violations from a Class 1 misdemeanor to a Class 6 felony, was based on a law that had been enacted in the State of Kansas. The reason behind the idea was that a Class 6 felony threat would deter criminal activity by a prostitute, or one who solicited prostitution. The legislation was put in by the Police Department who did much of the research on the matter.

Ms. Burnett stated prostitution had always been a problem; it was not just on the streets, but on the internet. She felt the legislation was antiquated as far as trying to resolve an ongoing issue. Ms. Wilson stated that street prostitution was a difficult issue in Newport News. This request was based on the needs in the City as reported by the Police Department. The gang piece was different because research had shown that shooting into an occupied dwelling and burglary were two prominent gang crimes. Shooting into an occupied dwelling was used to intimidate witnesses, and as an initiation; burglary was also used as an initiation. All of the requests put in by the Police Department had been researched. The City based its legislative requests on what was considered to be best practices at the national level.

Councilwoman Vick understood the concept that by increasing the punishment criminal activity would be deterred.

Ms. Wilson felt there were many complex social issues and one bill would not address them all. A systematic program was needed to address issues at all levels.

Ms. Burnett stated, increasing a penalty would not decrease criminal activity and had not worked in society. The City needed to look at proactive ways to deter crime rather than reactive. She had a law enforcement background and felt the City's legislation was not a proactive response to the problem in our community. We need to look at making the City a better place to live, rather than imposing penalties and making it more difficult for people to get jobs once they were rehabilitated from crime. Ms. Burnett stated she was not in support of the legislation.

Senator Norment reminded some legislators had to leave early and suggested that the group proceed through the legislative agenda. He felt further discussion and debate on policy issues could be done at a later time or date.

Ms. Wilson summarized the City's 2011 Legislative Funding Requests and Position Statements. Funding Requests included: 1) Fully fund the Virginia Enterprise Zone Program; 2) Causey's Mill - \$50,000; 3) Lee Hall Depot - \$100,000; 4) The Virginia War Museum - \$100,000; 5) Restoration of \$5,796,672 in State General Grant funds to restore services for individuals with intellectual Disabilities; and 6) \$6 million to fund four locations of the Healing Place to provide substance abuse treatment for the homeless. Position Statements included: 1) Alternatives for advertising of Required Public Notices; 2) Legislation to increase the maximum allowable fee for supervision in local Alcohol Safety Action Programs; 3) Legislation to amend the Virginia Small Business Financing Act's definition of "eligible business" regarding to not-for-profit entities such that only those with 3-year gross receipts of less than \$10 million annually, having fewer than 250 employees, and having a net worth of \$2 million or less were eligible; 4) Legislation to require online travel companies to remit occu-

pancy tax based on the full cost for lodging as paid by the consumer; and 5) Deletion of language in the Virginia budget that required Regional Surface Transportation Program funds be federally obligated within twelve months and expended within thirty-six months. (A copy of the "City of Newport News, Virginia, 2011 State Legislative Priorities" is attached and made a part of these minutes.)

### **Review of Schools 2011 Legislative Program**

Mr. Patrick Finneran, Legislative Liaison, Newport News Public Schools, stated the NNPS Legislative Positions included: 1) State funding of Public Education – The School Board supported full funding for the Standards of Quality and urged the General Assembly to oppose additional funding reductions that further eroded the connection between when the state was obligated to pay for K-12 education and the actual costs of providing services; 2) Regulatory Flexibility by delaying the implementation of accreditation statues and regulations for another year; 3) Definition of Instructional Spending ( "65%") – Encouraging the General Assembly to oppose efforts to define "instructional spending" funding in a narrow and limited manner that did not include items and programs essential to student learning; 4) Charter Schools – The Newport News School Board opposed efforts to broaden Virginia's charter school law, especially those that created an appeals process, specify a funding formula without negotiations, require judicial review, or transfer authority for public education from local school boards to other entities. (A copy of the presentation, "Newport News School Board 2010-11 Legislative Program," outlining each of the above positions, is attached and made a part of these minutes.)

Senator Miller inquired whether NNPS knew where its percentage fell under the definition of Instructional Spending in the proposed legislation. Mr. Finneran replied the NNPS had not received that information from the State.

Delegate Pogge inquired whether Mr. Finneran could forward a copy of the Power Point presentation, pointing out the definition of Instructional Spending, so that she could have some specifics in writing. Mr. Finneran stated he would forward the presentation to members of the legislature.

Councilwoman Woodbury asked for clarification regarding the NNPS position on charter schools. Mr. Finneran replied charter schools were exempt from certain laws and regulations. A charter school could lobby the legislature to eliminate certain rules that did not make sense. The Newport News School Board would like all public schools to be provided with the same flexibility in meeting state requirements that were provided to charter schools.

Councilwoman Woodbury was confused because charter schools were under the purview of the School Board. Mr. Finneran stated charter schools were under the purview of the School Board, but the law allowed charter schools to ask for exemptions to certain laws and regulations. Public schools should be included if the State wanted to support that effort. Mr.

Finneran introduced Ms. Christine Bridge, Legislative Consultant, City of Newport News, to entertain any questions or concerns about the City's 2011 legislative package.

**Legislative Q & A: A Facilitated Discussion**

Ms. Bridge commented on the beauty of the Downing Gross Cultural Arts Center and stated it was important to note that it was a result of a State and local partnership. Ms. Bridge indicated one of the best things that happened in 2010 was the creation of Governor McDonnell's Government Reform and Restructuring Commission. The Commission goal was to work to put forth bold and innovative ideas to ensure that duplicative, outdated, unnecessary and ineffective services, and service delivery methods, were eliminated, and that state revenues were dedicated to the core functions of government. She stated there were approximately 500 mandates by which localities had to abide. Three-fourths of those mandates were State mandates and 70% were related to the Department of Education. The Commission worked to eliminate unnecessary mandates. Recommendations to eliminate certain items had been made to the Commission. The report to the Governor would be available in December 2010, and could be obtained online at [www.reform.virginia.gov](http://www.reform.virginia.gov).

Ms. Bridge stated the good news from the House Appropriations and Senate Finance Committee was that there was a \$200 million gap that needed to be closed in FY 2011 as opposed to 2010 when the gap was \$4.6 billion. She noted main issues for the legislature to focus on for the City of Newport News and NNPS was: 1) the Budget; 2) the Reform Commission and mandates imposed by the State; 3) Mental Health issues; and 4) Transportation. She opened the floor for comments.

Senator Miller stated the legislature spent the entire summer of 2010 discussing whether the State should sell its ABC stores. He stated funding from the sale of liquor licenses (\$500 million) would go to help to fund transportation. There was no crisis at ABC Stores; however, there was a transportation crisis. The Department of the Navy had complained about transportation issues in Hampton Roads. The region had lost one Navy Carrier and there was talk of losing another. There was talk from the Pentagon in whether they should continue to invest resources in Hampton Roads because of the inadequate transportation system. The transportation issue had to be addressed realistically. Governor McDonnell was scheduled to announce his transportation plan during the month of December 2010, which he hoped would be realistic. The Governor's prior plan A to fund transportation with off-shore oil revenues and plan B to fund transportation from the sale of ABC stores had not happened. The state needed to look at revenues. Until a compromise was reached, transportation would not be funded.

Councilwoman Woodbury understood the Hampton Roads region was a donor area where some of its funds for transportation were sent to the western part of the State. She inquired whether a moratorium could be put in for three or four years so that the region's transportation issues could be addressed in some manner. Senator Miller stated the Hampton

Roads region was in a donor area because they had not had their act together. The Transportation Planning Organization (TPO) and Metropolitan Planning Organization (MPO) would come to the General Assembly and offer six projects, for billions of dollars, and request funding for them all. There was no way those projects would get funded, because it was an "all or nothing" request. He proposed legislation to put four members of the General Assembly on the TPO so they could point out the amount of funding available for the region. The TPO had now gone through a privatization process and had come up with a ranking of projects that were economically realistic. There should be one or two projects submitted to the General Assembly for funding rather than six, which he believed would help.

Ms. Bridge stated the problem with the donor issue was Northern Virginia. Northern Virginia provided approximately 45% of the funding for all Virginia localities. If a locality eliminated a project from its list, Northern Virginia would pick-up the funding.

Delegate Pogge thanked everyone for the opportunity to get together. She stated changes to the State's Transportation Funding Formula had been tabled for many years. The formula needed to be changed, but posed a fight between urban and rural areas. The formula needed to be calculated by miles travelled and populations.

Delegate Pogge stated all of the bills proposed by the City and NNPS was carried by the members of the legislature, except one. She would be interested in looking at the bill for providing flexibility for NNPS. The members of the General Assembly did have a limit on the number of bills they could carry. Members of the House of Delegates had a limit of 15 bills each in the short session. Some of the bills would have to be carried by the two Senators. She covered three jurisdictions and had several bills for each.

Senator Norment thanked everyone for attending the meeting. He stated he was grounded in pragmatism and focused on getting things done rather than comforting rhetoric. He stated the budget would be the dominating issue in 2011. Everything else would come second, including pay-day lending, government reform and ABC stores. It took him many years to learn that the budget was where the wars were fought, under the tutorage of the late former Senator Hunter Andrews, his mentor and dearest friend in the General Assembly. He stated money drove policy at all levels of government. There was much talk about addressing transportation realistically. There would not be any tax increases of any nature or description going toward transportation this year.

Senator Norment stated Governor McDonnell planned to have discussions, in the near future, about increasing the debt capacity of the Commonwealth, by issuing bonds that were authorized under remnants of House Bill 3202. He stated the Hampton Roads region was a donor area, but nowhere near the donor area that Northern Virginia was. The Civil War of 2011

would break out, in the General Assembly, if there was legislation adopted to change the transportation funding formula. Southside and Southwest Virginia did not have the tax base that the Hampton Roads region had and felt they were entitled to redistribution of transportation funding. He did not see the formula changing. He felt the issue on transportation in Hampton Roads had nothing to do with ABC stores or the Navy. He had been vilified for voting on tax increases in the past that were embedded in transportation bills and indicated he was not doing that again until he was sure it would pass. He did not have an answer for transportation. The Senate Republicans were not going to vote for tax increases in 2011. Funding for transportation could not be pulled out of the General Fund. Pulling funding out of the General Fund for transportation competed with education, human resources, mental health funding. The Governor was intent on moving forward with government reform and would favor shifting some State efficiencies into transportation. The Governor was continuing to push reformation on higher education, which would have a direct impact on Christopher Newport University and the College of William and Mary. Regrettably, the Governor had not given up on the ABC reformation, but hopefully discussion on that subject would continue.

Senator Norment stated the 2011 General Assembly Session would be interesting. He stated the City of Newport News and NNPS had to have its entire team on the playing field and moving in the same direction. When you did an intellectual comparative analysis of where Newport News and Hampton stood, with regard to prestige and control of the General Assembly fifteen years ago versus today, there was a remarkable difference. Nothing would get done if strong players were not on the playing field. The biggest challenge, geographically, was holding back the Northern Virginia hoard. They now represented one-third of the entire General Assembly of Virginia. Many of them were chairing important committees which constituted a major challenge to the Hampton Roads region. The entire Hampton Roads region had to move forward on issues they could agree on, particularly, the budget. The representatives that served on the funding committees needed to put their shoulders to the wheel to make matters happen for the region.

Ms. Bridge pointed out, no one knew what the Congress of the United States was going to do regarding stimulus "edujobs" funding for the schools. A technicality had been discovered by various School Boards that the State could supplant funding for education because of the federal funding, which would have an impact on lowering the standard for re-benchmarking.

Mayor Price commented that he had watched the transformation of the Downing Gross Cultural Arts Center for many years. He invited all to come back and participate in some of the programs offered at the Center. He wished the legislators success in the upcoming session. He understood it would be a difficult year for all. He thanked all for coming.

Dr. Ashby Kilgore, Superintendent, NNPS, announced NNPS was named the top largest school district in the country for the integration of technology in classroom work. She stated NNPS was chosen as a site visit for school divisions across the county. The site visits were scheduled for April 27 – 29, 2011. The NNPS planned an opening event and invited the members of the legislature to attend. Invitations would be forthcoming.

Mayor Price asked the members of General Assembly for their support for the City and Schools with regard to the legislation that had been put forward.

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 9:35 A.M.

Jennifer D. Walker, CMC  
Chief Deputy City Clerk

McKinley Price, D.D.S.  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk