

**MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
October 24, 2006
7:30 P.M.**

PRESENT: William F. Haskins; Madeline McMillan; Sharon P. Scott; Joseph C. Whitaker;
Charles C. Allen; and Herbert H. Bateman, Jr.-----6

ABSENT: Joe S. Frank -----1

*MOTION MADE BY COUNCILWOMAN SCOTT; SECONDED BY
COUNCILMAN WHITAKER; AND CARRIED UNANIMOUSLY TO EXCUSE MAYOR FRANK
FROM THIS MEETING.*

1. The invocation was rendered by Reverend Jonathan C. Judy, Deer Park Baptist Church.

2. The Pledge of Allegiance to the Flag of the United States of America was led by Councilman William F. Haskins.

3. Public Hearings

(a) Proposed City Charter Changes

1. Inaugural Meeting of City Council

City Manager, Randy Hildebrandt, presented A RESOLUTION REQUESTING THE VIRGINIA GENERAL ASSEMBLY TO AMEND CHAPTER 4, COUNCIL GENERALLY OF THE CHARTER OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY AMENDING SECTION 4.05, INAUGURAL MEETINGS; INDUCTION OF MEMBERS AND ELECTION OF VICE-MAYOR. He advised this requested the Virginia General Assembly to amend the City's Charter to allow the Inaugural Meeting of a newly elected City Council to take place on the date of the first regularly scheduled meeting of City Council in the month of July following their election. As of this date, the City Charter required the inaugural meeting to take place on the first day of July following an election. This proposed amendment also provided that duly elected members of City Council take their oaths of office at or before the inaugural meeting.

(No Speakers)

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

3. Public Hearing Continued
- (a) Proposed City Charter Changes Continued

1. Inaugural Meeting of City Council Continued

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

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

Vice Mayor Allen expressed his concern that City Council was simplifying this matter to a convenience relationship, taking away the special purpose of organizational meetings. He indicated starting each new Council session every two years on a special day to conduct a special ceremony was important to the protocol of the Council. He did not want to support this ordinance, thereby eliminating the process of conducting an organizational meeting on July 1.

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Bateman

Nays: Allen

2. Submission of Annual Financial Report

City Manager Hildebrandt presented A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, REQUESTING THE VIRGINIA GENERAL ASSEMBLY TO AMEND CHAPTER 5, CITY MANAGER, OF THE CHARTER OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY AMENDING SECTION 5.05, DUTIES. He advised this requested the Virginia General Assembly to amend the City's Charter to move the date which the City Manager must submit his comprehensive Annual Financial Report from the first City Council Meeting in November to not later than December 31st of each year. This proposed amendment addressed a historical problem in receiving financial information from other agencies in a timely manner in order to meet the current November submission deadline.

(No Speakers)

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

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

3. Public Hearing Continued
- (a) Proposed City Charter Changes Continued

2. Submission of Annual Financial Report Continued

Councilwoman McMillan moved adoption of the above resolution; seconded by Councilman Haskins.

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

3. Use of Photo-Monitoring Systems

City Manager Hildebrandt presented A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, REQUESTING THE VIRGINIA GENERAL ASSEMBLY TO AMEND CHAPTER 2, POWERS OF CITY, OF THE CHARTER OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY ADDING A NEW SECTION TO BE DESIGNATED AS SECTION 2.07, USE OF PHOTO-MONITORING SYSTEMS TO ENFORCE TRAFFIC LIGHT SIGNALS. He advised this requested the Virginia General Assembly to amend the City's Charter to permit the use of photo-monitoring systems to enforce traffic light signals. The purpose of this proposed new section of the City Charter was to provide authority for the City to establish a traffic safety program for the use of cameras to enforce traffic laws related to obeying traffic control lights.

Mr. John Gergely, 449 Winterhaven Drive, Newport News, stated the running of red lights was a problem in Newport News, particularly at the intersection of Oyster Point Road and Jefferson Avenue. He stated there were two reasons that the General Assembly should not permit Newport News to implement photo-monitoring systems to solve this problem: (1) the cameras were an intrusion on privacy and our First Amendment Right to free assembly and (2) cameras were not necessary to control the red-light running problem in the City.

Councilwoman McMillan explained that this resolution was in support of asking for the legislation and was only to enforce traffic light signals. She further explained that the City did not have enough police officers to monitor and enforce this infraction of running traffic lights. She reminded of the tragic accidents that had occurred at a number of intersections in the City.

Councilman Haskins agreed with Mr. Gergely that police officers could enforce the running of red lights and needed to write more tickets for violators. He indicated the City needed strict enforcement for running stop lights. Councilman Haskins expressed support for the use of technology using photo-monitoring to assist the police in this effort.

3. Public Hearing Continued
- (a) Proposed City Charter Changes Continued

3. Use of Photo-Monitoring Systems Continued

City Manager Hildebrandt recommended proceeding with the use of photo-monitoring systems. It was his belief that this technology worked, would be effective, and would reduce accidents and the risk of danger to which citizens were exposed.

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

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

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

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

- (b) Change of Zoning CZ-06-226, J. Denbigh Associates, Inc.

City Manager Hildebrandt presented AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 5028-97 BY AMENDING THAT CERTAIN MAP ENTITLED, "ZONING DISTRICT MAP" (CONSISTING OF REAL ESTATE TAX ASSESSMENT MAPS 001 THROUGH 322 AND KEPT ON FILE IN THE OFFICES OF THE DEPARTMENTS OF CODES COMPLIANCE AND PLANNING) DATED THE 10TH DAY OF JUNE, 1997, WHICH SAID MAP IS MADE A PART OF THE SAID ORDINANCE NO. 5028-97. He advised this changed the zoning of a 4.08 acre parcel located at 13130 Jefferson Avenue from M-1 Light Industrial to C-1 General Commercial District. The City's Planning Commission voted 8:1 to recommend to City Council the approval of this change in zoning request; however, the City Manager concurred with staff that this request be denied.

(No Speakers)

Mr. Stephen Romine, Attorney for the applicant, 999 Waterside Drive, requested deferral of this item to the November 28, 2006 Regular Meeting of City Council due to the unavailability of his client and apologized for any inconvenience this may have caused.

Councilman Haskins moved to defer this item to the November 28, 2006 Regular Meeting of City Council; seconded by Councilwoman Scott.

3. Public Hearing Continued

(b) Change of Zoning CZ-06-226, J. Denbigh Associates, Inc. Continued

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

(c) Conveyance of City-Owned Properties to the City's Economic Development Authority

City Manager Hildebrandt presented AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ON BEHALF OF THE CITY OF NEWPORT NEWS ANY AND ALL DOCUMENTS, INCLUDING DEEDS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF CERTAIN CITY OWNED PROPERTY TO THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS. He advised this authorized the execution of any and all documents necessary to effectuate the conveyance of City-owned properties located at 224 32nd Street and 265 30th Street to the Economic Development Authority (EDA) of the City of Newport News. This proposed action was in accordance with discussion at the October 10, 2006 Work Session regarding a proposed housing project downtown for unaccompanied Navy personnel. The conveyance of these two City-owned parcels to the City's EDA was necessary to accommodate the continuance of this project.

(No Speakers)

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

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

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

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

4. Consent Agenda

Councilwoman McMillan moved adoption of the Consent Agenda, Items A through F, both inclusive, with the exception of B and F, as shown below; seconded by Councilman Bateman.

4. Consent Agenda Continued
 - (a) Minutes of City Council Retreat of October 3-5, 2006

Vote on Roll Call:
Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman
Nays: None
 - (c) Minutes of Special Meeting of October 10, 2006

Vote on Roll Call:
Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman
Nays: None
 - (d) Minutes of Regular Meeting of October 10, 2006

Vote on Roll Call:
Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman
Nays: None
 - (e) Endorsement of Fiscal Year 2008 Operating Budget Schedule

A REQUEST FOR MOTION OF CITY COUNCIL TO ENDORSE THE ENCLOSED FISCAL YEAR 2008 OPERATING BUDGET SCHEDULE. In accordance with previous discussion, this was the proposed schedule for City Council's involvement in the FY 08 operating budget development. The critical dates for City Council begin with February 13th for a briefing on FY 2007 mid-year Financial Results and the FY 07-08 multi-year forecast, followed by work sessions on March 27, 2007, April 10, 2007 and April 24, 2007. Both public hearings will be conducted during the same week in April, followed by the adoption of the City and School Operating Budgets on May 8, 2007. In keeping with a City Charter provision, City Council would be asked to officially vote on the public hearing dates contained in the schedule when the City Manager's recommended budget was submitted in the spring of 2007.

(No Speakers)

Vote on Roll Call:
Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman
Nays: None

- (b) Minutes of Work Session of October 10, 2006

Councilwoman Scott requested the minutes be amended to reflect her presence at the meeting.

Councilwoman McMillan moved adoption of the minutes of the October 10, 2006 as amended; seconded by Councilwoman Scott.

4. Consent Agenda Continued
- (b) Minutes of Work Session of October 10, 2006 Continued

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

- (f) Amendment to Oyster Point Buffer – 601 Thimble Shoals Boulevard
 1. Encroachment into Buffer

A RESOLUTION TO AUTHORIZE THE NEW BUFFER ZONE ENCROACHMENT TO FACILITATE THE DEVELOPMENT OF 601 THIMBLE SHOALS BOULEVARD IN THE CITY OF NEWPORT NEWS. This resolution permitted an encroachment into the Oyster Point Buffer at 601 Thimble Shoals Boulevard. This site, located at the Northeast corner of the intersection of Jefferson Avenue and Thimble Shoals Boulevard, was significantly impacted by the City's road improvements on Thimble Shoals Boulevard and the placement of entry gateway signage, and would be further impacted by pending intersection improvements. This encroachment of approximately 20 feet would provide a thruway for traffic entering from neighboring property at 11780 Jefferson Avenue, as well as the creation of 17 parking spaces for customers. The property owner agreed to plant a substantial amount of landscaping in the buffer.

Ms. Amy Myers, JSA TWO, LLC, c/o CMI, Inc., P. O. Box 120064, Newport News, was available for questions.

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

Vice Mayor Allen inquired about the impact on the buffer. This was encroaching into a buffer and the applicant wanted to include parking.

City Manager Hildebrandt replied the signage did not affect the parking.

Mr. Cowardin, Partner of JSA Two, the owner of the building, indicated JSA Two had owned the building since 1986. They found out, when the City Center signs were erected, that the combination of the signage and the white poles, significantly reduced the visibility of patrons coming from Jefferson Avenue onto the property. They discerned a move in the building from Office to Retail, particularly the location in the building of Virginia Company Bank, who had requested improvements with regard to circulation around the building and the use of the front of the building, so that bank customers could park closer to the business of the bank. Mr. Cowardin further stated there were plans to beautify the front of the building, and to add retail. He and his partners were working with the Department of Planning and the Economic

4. Consent Agenda Continued
 - (f) Amendment to Oyster Point Buffer – 601 Thimble Shoals Boulevard
 1. Encroachment into Buffer

Development personnel to minimize the impact with regard to trees in the area. This encroachment would only impact two trees, the parking lot would be below the grade of Jefferson Avenue, and therefore not as noticeable. They would intensely plant landscaping, a fountain and a new entrance.

Councilman Haskins recalled when the property was zoned. He did not want the buffer zone, but then Council member Mary Sherwood Holt did, who fought for this. He indicated since then, he realized the importance of the buffer zone to Oyster Point. It was attractive and preserved Jefferson Avenue.

Councilwoman McMillan stated it was her understanding that only two trees would be lost in the zone. The configuration of the buffer zone was being altered to allow more convenient parking for the bank so that customers did not have to walk around the entire building to the entrance of the bank.

Mr. Cowardin concurred. He indicated this was a combination of a number of things. Mayor Frank had previously suggested an additional curb cut would not be allowed when the main sign was taken by the City Center signs. An agreement was made with Old Point Bank to use the curb cut already there to come in front of the building in a one-way mode. Old Point Bank gave up 1 ½ feet of their property, by easement, to allow a bypass around to promote the bank. Mr. Cowardin stated there were plans for a significant retail operation to go in the front, provided parking was allowed. Since 1986, nearly \$2.4 million had been spent on improvements to the building. He indicated the City Center signs had wiped out the visibility of traffic traveling north on Jefferson Avenue. The applicants were attempting to replace that via heavy landscaping. The buffer was bare except for the trunk of the trees where the foliage was up high. JSA Two planned to beautify the ground level and the mid-level. Mr. Cowardin stated this was an encroachment into the buffer, but the City had changed a great deal in the past twenty years since that buffer was put in. His partners would like to honor the buffer, but needed the additional advantage to this particular building.

Councilwoman McMillan stated an alternative was to remove the City Center signs.

Vice Mayor Allen indicated his issue was the precedent. He indicated the distinguishing fact about the developed part of Oyster Point that the City controlled, were the setbacks and the natural conditions that remained. The parking encroachment becomes applicable to everyone on that road. Everyone can rationalize a reason to encroach the buffer. Vice Mayor Allen stated, in establishing Oyster Point and establishing the buffer, a certain atmosphere was created and he felt that atmosphere should be protected. He further stated, while

4. Consent Agenda Continued
 - (f) Amendment to Oyster Point Buffer – 601 Thimble Shoals Boulevard
 1. Encroachment into Buffer

there were conditions that might mitigate that, there were also designs that were incorporated to deal with the traffic coming into the bank, and the encroachment would not have been necessary.

Mr. Cowardin responded that he and his partners had worked with the City for more than two years to come up with the proposed design, beginning with 25 parking spaces, down to 16. They had worked with staff to make the proposal where it would be acceptable to Council and would preserve the buffer.

Vice Mayor Allen stated that staff needed to use the work sessions to discuss controversial issues with Council. He was in disagreement with the proposal and felt it was a bad precedent to set.

Councilwoman Scott also expressed concern about the precedent being set. She asked Mr. Al Riutort, Director, Department of Planning for his thoughts on the matter.

Mr. Riutort indicated this matter had been discussed in a Council Work Session. One issue being the type of tree to plant. The landscape planner, Mr. Cowardin, and staff went into the field with the site plan to determine how many trees would be affected. It was determined that four trees would be affected. It was determined that another parking space be eliminated to create enough area around one of the very large oak trees. Mr. Riutort agreed with the observation that the buffer should be protected, but stated there were other threats that were more significant than this proposal.

City Manager Hildebrandt stated this was not the exclusive intrusion into the buffer, in there was an entranceway on Jefferson Avenue into one of the businesses. He stated that staff had been reluctant to afford these types of intrusions. He further added that a great deal of time had been spent working with the owners to minimize the impact in an effort to come up with a compromise that the City Manager could support and the property owner could live with. City Manager Hildebrandt felt this would be an improvement in the visual impact, but could not avoid the 20 feet encroachment.

Councilwoman Scott inquired whether there was criteria to decide what type of encroachments the City would not permit.

City Manager Hildebrandt replied it had been a case by case situation in terms of whether the encroachment was a necessity, but there was no standards or criteria used, other than judgment on whether the encroachment was necessary. In this case, it was fair to give the property owner the opportunity to encroach to this extent.

4. Consent Agenda Continued
 - (f) Amendment to Oyster Point Buffer – 601 Thimble Shoals Boulevard
2. Designation of Authority to Relocate Signage

A RESOLUTION DELEGATING TO THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS, VIRGINIA, THE AUTHORITY TO AUTHORIZE PRIVATE SIGNAGE ENCROACHMENTS INTO THE BUFFER ZONE FOR THOSE PROPERTIES AFFECTED BY PHYSICAL IMPROVEMENTS MADE OR TO BE MADE TO THE INTERSECTION OF JEFFERSON AVENUE/THIMBLE SHOALS BOULEVARD. This resolution delegated authority to the Economic Development Authority (EDA) of the City of Newport News to approve relocation signage in the Oyster Point Buffer impacted by road improvements on Thimble Shoals Boulevard and the placement of entry Gateway signage. The road improvements and placement of entry gateway signage necessitated the removal of some existing privately owned signage in the buffer. The pending Virginia Department of Transportation (VDOT) intersection improvements at Jefferson Avenue and Thimble Shoals Boulevard would have the same impact on existing signage. This resolution permitted the EDA to approve relocation sites for impacted signage.

(No Speakers)

Councilman Bateman moved adoption of the above resolution (consent items f – 1 and 2); seconded by Councilwoman McMillan.

Vote on Roll Call:

Ayes: McMillan, Scott, Whitaker, Bateman

Nays: Haskins, Allen

5. Recodification of City Code Relative to Taxicabs

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 41, VEHICLES FOR HIRE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY AMENDING ARTICLE III, TAXICABS. This ordinance recodified the City Code relative to taxicabs. It made this section of the City Code easier to read and understand; addressed industry concerns; protected customers; and provided enforceable regulations. These changes were the culmination of an extended effort by the Police Department and the City Attorney's office, as well as the involvement of taxi certificate holders. No change was made to the fare rates which City Council approved in 2005; however, this amendment of the chapter allowed discounts for elderly and handicapped customers. City Manager Hildebrandt stated because of some recent input received from two cab companies during the proposed changes, it was his recommendation to defer this item until the November 28, 2006 Regular Meeting of City Council, and to discuss it at the November 14, 2006 Council Work Session. In the interim, staff would work with the cab companies involved in an effort to resolve their concerns.

5. Recodification of City Code Relative to Taxicabs

(No Speakers)

Councilman Haskins moved to defer the item to the November 28, 2006 Regular Meeting of City Council; seconded by Councilman Whitaker.

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

6. Acquisition of Easements – Harwood’s Mill Raw Water Main, Phase 3-B

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF EASEMENTS IN AND ACROSS CERTAIN REAL PROPERTIES HEREINAFTER MORE PARTICULARLY DESCRIBED, SITUATE, LYING AND BEING IN THE CITY OF NEWPORT NEWS, VIRGINIA, TO IMPLEMENT THE HARWOOD’S MILL RAW WATER MAIN PROJECT, PHASE 3-B, AND PROVIDE FUNDS FOR THESE PURPOSES. This ordinance authorized the acquisition of privately owned easements for Phase 3-B construction of the Harwood’s Mill Raw Water Main Project. This 48-inch raw water transmission pipeline transferred raw water from the Chickahominy River and two western impounding reservoirs to the Lee Hall and Harwood’s Mill terminal reservoirs. This last section of the pipeline project transverses the Ashton project site and should to be installed prior to construction of the project. The easements to be acquired are at the fair market value based on recent professional appraisals. Funding in the amount of \$6,720.00, necessary to acquire these easements, was available in Waterworks’ Fiscal Year 2007 Operating Budget. City Manager Hildebrandt recommended Council approval to make these offers and acquire the land.

(No Speakers)

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

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

7. Appropriation for King William Reservoir Project

A RESOLUTION APPROPRIATING FUNDS FROM WATERWORKS CAPITAL IMPROVEMENTS PROJECTS BONDS AUTHORIZED AND UNISSUED BALANCE (\$3,762,000.00) TO WATERWORKS REGIONAL RAW WATER SUPPLY (\$3,762,000.00). This resolution appropriated \$3,762,000.00 from Waterworks Capital Improvements Projects Bonds Authorized and Unissued Balance to continue implementation, permitting, and legal services for the King William Reservoir Project. Funding for the continuation of this work was programmed in the City’s Fiscal Year 2006-2011 Capital Improve-

7. Appropriation for King William Reservoir Project Continued

ments Plan. Work continued on many elements of this project as described in the work plans, including comprehensive ecological monitoring in the Mattaponi River, and establishing a new Revenue Bond Program. Work also continued on extending the Virginia Water Protection Permit, which expired in December 2007, and defending challenges to state and federal permits. City Manager Hildebrandt recommended adoption of this resolution.

Mr. Claude O. Jones, III, 42 Milford Road, Newport News, suggested that Council defer this issue until there was more information available regarding the total cost of the King William Reservoir (KWR). A copy of Mr. Jones' remarks are attached and made a part of these minutes.

Ms. Tyla Matteson, 4896 Burnham Road, Richmond, requested that the vote be denied or postponed, so that the water users could understand the full implications of this resolution and the full implications of the construction of the proposed reservoir (a copy of Ms. Matteson's remarks are attached and made a part of these minutes).

Mr. Glenn Fiscella, 12720 Nettles Drive, Newport News, requested that Council defer this matter to give the community more time to look into the various issues and dimensions of this project (a copy of Mr. Fiscella's remarks are attached and made a part of these minutes).

City Manager Hildebrandt stated that few projects, since the City applied for the KWR permit in 1993, had been given more public scrutiny than this project. He stated there had been public hearings held by the State and the Army Corps of Engineers which City Council had considered on numerous occasions. He felt it unfair to say that the public had not had adequate input into the process. Responding to Ms. Matteson's comments about the high cost of legal fees, Mr. Hildebrandt stated he regretted having to ask for \$2 million for legal fees to defend permits already received. Unfortunately, the Sierra Club was one of the organizations involved in the litigation that forced the City to defend these permits and expend this type of money. City Manager Hildebrandt indicated that Ms. Matteson had stated that the District Engineer had recommended denial of the project, but did not state that General that the District Engineer reported to, decided the Colonel's recommendation was not correct, and eventually recommended that the permit be granted. Unfortunately, the Virginia Marine Resources Commission (VMRC), when were given information to discuss the impacts on the fisheries in the Mattaponi River, chose to reconsider their earlier decision to grant the permit. Each time the City asked for and been given an objective review, the City was granted approval. City Manager Hildebrandt stated this was a tough and controversial project, but would serve the community and the Peninsula for more than a hundred years.

Councilwoman McMillan moved denial of the above resolution. The motion failed for lack of a second.

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

7. Appropriation for King William Reservoir Project Continued

Councilman Haskins referenced drinking water problems in Texas, Arizona, Kansas, and Arkansas for its citizens. Looking at resources and projections to furnish water to Newport News citizens and those in surrounding communities, Councilman Haskins indicated that this was a responsibility which could not be done by conservation alone. The City of Newport News had an opportunity to develop a reservoir that would furnish water for these citizens for hundreds of years. Councilman Haskins stated that water was a vital necessity and that City Council had a responsibility to see that all of the citizens on the Virginia Peninsula had adequate water. He expressed his support for the reservoir through all of the legal ramifications that had come about as a result of those opposed to the project. He further stated that Newport News had conducted more research than any other reservoir project in the United States to provide the necessary environmental protections.

Councilwoman McMillan reminded that she did not support the project. Responding to Councilman Haskins remarks, she indicated that the Virginia Peninsula could not be compared to Colorado, Arkansas, or California. Having lived in two of the states, Councilwoman McMillan stated they did not have water to begin with. Our citizens have water, are surrounded by water, and there was enough water for the Waterworks customers on the Peninsula. She further stated the City was providing water for development in other areas at the expense of the Newport News Waterworks customers that were currently in place in this day and time. Councilwoman McMillan indicated the City had not used every means of technology to conserve water, nor had the City conserved water for years, and the King William Reservoir project had the opportunity to provide one of the worse environmental disasters in the Commonwealth of Virginia. She expressed her opposition to this project.

Councilman Whitaker indicated that he and his family had lived in the City since 1938. Having heard both sides concerning the KWR, indicated he could not understand why anyone would take a chance and fight the opportunity to provide water for our citizens. He stated he would rather take a chance with the project to get water, rather than saying water was not needed, and find out later that the reservoir was needed, and be without. Councilman Whitaker expressed his continued support for the project.

Vice Mayor Allen stated that the Council was not dealing with a Newport News water system, but a regional water system, one that stretched from the northern portion of James City County to the end of the Peninsula. He further stated Newport News Waterworks was the primary water source for the military bases assembled around the community. The reservoir would be an economic factor in how this community continued to develop or not. Vice Mayor Allen stated that more depended on this process than what people verbalized. The responsibility had become Newport News' since we own the system; and by owning the system, we have the responsibility to continue to plan and the forethought necessary to assume this community would have water in the future, and continue to grow and provide the necessary utilities that a community needed in order to survive. This process had started, been invested in, the problems which had occurred were outside of the system, yet the City was forced to fight. He expressed his support of the resolution to appropriate the funds.

7. Appropriation for King William Reservoir Project Continued

Vote on Roll Call:

Ayes: Haskins, Scott, Whitaker, Allen, Bateman

Nays: McMillan

8. Appropriations

Councilman Bateman moved adoption of Items A through E, both inclusive, as shown below, seconded by Councilman Whitaker.

(a) State Department of Motor Vehicles

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$22,501.00) AND LOCAL REVENUE (\$5,625.00) TO SOBRIETY CHECKPOINT GRANT (\$28,126.00). This resolution appropriated \$28,126.00 of State Grant Revenue; and \$5,625.00 of Local Grant Match from the City's Fiscal Year 2007 General Operating Budget for use in the Police Department's Traffic Safety Program. This Police Traffic Services Grant Program was administered by the Virginia Department of Motor Vehicles. This grant revenue would be used to provide funding for police officers to work checkpoints, saturation patrols, and roving patrols.

(No Speakers)

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

(b) Technology – Related Equipment for the Circuit Court Clerk

A RESOLUTION APPROPRIATING FUNDS FROM STATE COMPENSATION BOARD – TECHNOLOGY TRUST FUND FEE (\$91,855.00) TO CIRCUIT COURT CLERK (\$91,855.00). This resolution appropriated \$91,855.00 of State Compensation Board Revenue for technology improvements in the Circuit Court Clerk's Office. This revenue resulted from the assessment of a five-dollar fee on each civil action, each recorded instrument, and each docketed lien that was forwarded to the Comp Board for the State's Technology Trust Fund. The Circuit Court Clerk proposed to use this revenue to purchase technology-related equipment and to secure remote access to land records. There was no local match required for this appropriation.

(No Speakers)

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

8. Appropriations Continued

(c) Interest Earnings from the Neisser Hilton Library Bequest

A RESOLUTION APPROPRIATING FUNDS FROM INTEREST EARNINGS (\$45,764.00) TO CONTRACTUAL SERVICES (\$45,764.00). This resolution appropriated \$45,764.00 of Interest Earnings from the Neisser Hilton Library bequest to benefit the Hilton Public Library. Dr. Herbert H. Neisser left a bequest of approximately \$2 million to the Hilton Public Library, which was formally accepted by City Council in April 2005. These funds are kept in a restricted account and appropriated by City Council only for use to benefit the Hilton Public Library. Based on recommendations of the Newport News Library System Board of Trustees, this appropriation would be used for the preservation and conservation of materials in the Virginian Room and to initiate a speaker series in honor of Dr. Neisser.

Vice Mayor Allen inquired whether there was a difference between the Hilton Public Library and the Main Street Library. City Manager Hildebrandt concurred and replied at the time of the request, the Library was identified as Hilton.

(No Speakers)

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

(d) Private Donation to Libraries

A RESOLUTION APPROPRIATING FUNDS FROM PRIVATE REVENUE (\$1,000.00) TO LIBRARY – GENERAL DONATIONS (\$1,000.00). This resolution appropriated \$1,000.00 of privately donated revenue for use by the City's Main Street Library. This proposed appropriation represented a donation to the City's Department of Libraries and Information Services from the Rouse-Bottom Foundation. This donation would be held in reserve for the future purchase of a drive up book drop for the Main Street Library. No local match was required for this donation.

(No Speakers)

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

(e) Juvenile Services Drug Court Grant - \$133,000.00

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL FUNDS (\$133,000.00) TO JUVENILE SERVICES DRUG COURT GRANT (\$133,000.00). This resolution appropriated \$133,000.00 of Federal Grant Revenue for the City's Juvenile Drug Court. This grant program was administered by the U. S. Department of Justice, and this is the

8. Appropriations Continued

(e) Juvenile Services Drug Court Grant - \$133,000.00 Continued

City's fifth year participating in this program. The City's Juvenile Drug Court involved the juvenile and his/her family by having them actively participate in positive activities to develop problem solving and job skills, maintaining structure and providing access to community resources. There was no local match required for this grant.

(No Speakers)

Vote on Roll Call:

Ayes: Haskins, McMillan, Scott, Whitaker, Allen, Bateman

Nays: None

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

Mr. Corey Cole, 305E Civil Court, Newport News, reported on flooding, during tropical storm Ernesto, at his home at 305 Civil Court and adjacent properties in the old Courthouse Green community. The City had looked into the matter and indicated that nothing could be done. Mr. Cole stated that the water rose to nearly one foot in his house.

Councilwoman McMillan inquired whether this was the rear section of Courthouse Green. Mr. Cole confirmed this. Councilwoman Scott inquired whether these were the newer homes built and whether the Association had been contacted and whether they were liable. Mr. Cole replied that he had contacted the Association and was told this was City property. Councilwoman McMillan understood that the section in the rear of Courthouse Green were public streets. Mr. Cole confirmed this. Councilman Bateman inquired whether Mr. Cole's home was the only home which was flooded. Mr. Cole replied it was not.

Councilwoman McMillan requested that the City Manager instruct staff from the Department of Engineering to contact Mr. Cole to review the problem. City Manager Hildebrandt discovered that this property was within a flood plain, but indicated he would have staff evaluate the matter.

Councilwoman McMillan inquired if the homes were built on a flood plain, would that fact have to be disclosed to the resident at the time of purchase. City Manager was not sure about that requirement.

Councilwoman Scott indicated the question had arose, at the October 23, 2006 North District Town Hall Meeting, whether the City was aware this area was a flood plain before they permitted the builders to build there. City Manager Hildebrandt responded he would have research done on when the lots were plated.

Ms. Angela Harris, 2101 Jefferson Avenue, Newport News, noted that the Historical Preservation Task Force for the Framework for the Future was comprised of a predominantly older citizenry.

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

Ms. Harris noted that some history and names of her ancestors had been omitted from historical records, particularly, Mr. Henry Harris, who owned 2,047 acres of land in Newport News.

Ms. Harris reported harassment of abuse of her nephew by members of the Newport News Police Department.

Ms. Harris further reported that names of some of the founders of People to People and PICH were omitted from recent publications.

Vice Mayor Allen asked that Ms. Harris provide copies of material which would be forwarded to the City Attorney to provide some validity. As to land and land transfers, these were recorded documents, and Council would not be able to provide assistance. Ms. Harris requested a name of the title search company who were to contact the family of the property owners. Vice Mayor Allen suggested meeting with the City Manager to determine an interest by the City. He explained that Mr. Thomas may have been the historical owner of the mentioned property, and if the transferred land documents were legitimate, Mr. Thomas may have been a previous owner. If the land transferred legitimately, Mr. Thomas would not be the current owner and inquired about the immediate relevancy of his past ownership. Vice Mayor Allen stated the City would not incur the costs to research titles and ownership without a vested interest.

Councilwoman Scott inquired, regarding the situation with Ms. Harris' nephew, whether a police report was filed. Ms. Harris indicated that she did go to the Police Department. Since 2002, she stated she had attempted to work with the Council, Police Department, and the Schools. Officers did not believe her. The magistrate denied her and her nephew of their rights to take out a warrant. Councilwoman Scott replied "no one can deny you the right to file a report on something that you feel is unjust."

Vice Mayor Allen recalled a previous conversation with Ms. Harris when a group of policemen had gone to her home and their badge numbers were covered. When he inquired of the Police Department, through the Manager's Office for a record of the visit, there was none. Vice Mayor Allen asked Ms. Harris whether there had been witnesses who could document the situation. At that point, there was no further conversation. He believed that Ms. Harris was afraid for herself and her family. Vice Mayor Allen indicated badge numbers were needed to verify the incidents, or she must have the ability to contact 9-1-1 to advise that police officers were present. This then became a record.

Ms. Harris stated, as a taxpaying citizen, the police were supposed to protect and serve, not harass and make criminals. She commended Chief Fox for doing a good job, but indicated there were many flaws in the system once he left at 5 p.m.

Vice Mayor Allen suggested meeting with the City Manager to discuss the issues in depth.

10. New Business and Councilmember Comments

There was neither new business discussed nor Councilmember comments.

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 8:49 P.M.

Mabel V. Washington, CMC
City Clerk

Charles C. Allen
Vice Mayor
Presiding Officer

A true copy, teste:

City Clerk