

**MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
November 28, 2006
7:30 P.M.**

PRESENT: Madeline McMillan; Sharon P. Scott; Joseph C. Whitaker; Charles C. Allen;
Herbert H. Bateman, Jr.; Joe S. Frank; and William F. Haskins-----7

ABSENT: None-----0

1. The invocation was rendered by Dr. William J. Marshall, First Baptist Church-East End.
2. The Pledge of Allegiance to the Flag of the United States of America was led by Councilwoman Madeline McMillan.
3. Public Hearings
 - (a) Change of Zoning CZ-06-226, J. Denbigh Associates, Inc.

Mayor Frank 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 would change the zoning of a 4.08 acre parcel located at 13130 Jefferson Avenue from M1 Light Industrial to C1 General Commercial District. This Public Hearing was continued from the October 24, 2006 Regular Meeting of City Council. The Planning Commission voted 8:1 to recommend to City Council the approval of this change of zoning request; however, the City Manager concurred with staff that this request be denied. Mayor Frank was in receipt of a letter from the Mr. Stephen Romine, Attorney for the applicant, requesting that this matter be deferred until the December 12, 2006 Regular Meeting of City Council.

(No Speakers)

Mr. Stephen R. Romine, 999 Waterside Drive, Norfolk, Attorney for the applicant, was available for questions.

Mr. Robert M. Thornton, 3752 Little Neck Point, Virginia Beach, was available for questions.

Councilman Haskins moved to defer the public hearing to the December 12, 2006 Regular Meeting of City Council; seconded by Councilwoman Scott.

3. Public Hearing Continued
 - (a) Change of Zoning CZ-06-226, J. Denbigh Associates, Inc. Continued

Vote on Roll Call:

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

Nays: None

- (b) Framework for the Future Comprehensive Plan Amendment (PLN-06-67)

Mayor Frank presented A RESOLUTION AMENDING THE FRAMEWORK FOR THE FUTURE TO IDENTIFY THE USE OF PROPERTY IDENTIFIED HEREIN TO BE COMMUNITY COMMERCIAL. He advised this amended the City's Comprehensive Plan known as the "Framework for the Future" to change the future land use of properties located at 12861, 12869, 12871, 12873 and 12873 (B) Jefferson Avenue from Office to Community Commercial. This Public Hearing was continued from the October 24, 2006 Regular Meeting of City Council. The City's Planning Commission voted 7:1 to recommend to City Council the approval of this plan amendment, and the City Manager concurred with that recommendation.

Mayor Frank indicated that the applicant, A & P Associates, LLC, by letter, requested deferral of Items b, c, and d until the December 12, 2006 Regular Meeting of City Council (see attached letter of request). He advised items b, c, and d dealt with the possible relocation of a Casey BMW dealership on Jefferson Avenue.

(No Speakers)

Mr. Todd Lynn, Counsel for A & P Associates, LLC, was available for questions.

Councilman Bateman read a declaration in accord with Section 2.2-3115G of the Virginia Code, pursuant to subdivision A 3 of §2.2-3112 of the Virginia Conflict of Interest Act that (i) the City Manager had recommended consideration of three land use transactions to approve the conditional rezoning and issuance of a conditional use permit and an amendment to the Comprehensive Plan for real estate at 12861, 12869, 12871, 12873, and 12873 (B) Jefferson Avenue as applied on behalf of contract purchaser A & P Associates, LLC for a Casey BMW dealership and (ii) that he was an employee of TowneBank; and (iii) the contract buyer was a customer of TowneBank; (iv) that he had no personal interest in the transactions; and (v) that he was able to participate in the transaction fairly and objectively (a copy of the Declaration is attached and made a copy of these minutes).

Vice Mayor Allen moved to defer the public hearing of items b, c, and d to the December 12, 2006 Regular Meeting of City Council; seconded by Councilman Haskins.

Vote on Roll Call:

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

Nays: None

3. Public Hearing Continued

(c) Change of Zoning CZ-06-227, Paul C. P. Wong

Mayor Frank 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 would change the zoning of five parcels totaling approximately 3.87 acres located at 12861, 12869, 12871, 12873 and 12873 (B) Jefferson Avenue from C1 Retail Commercial and O1 Office to C2 General Commercial with proffered conditions. This Public Hearing was continued from the October 24, 2006 Regular Meeting of City Council. The Planning Commission voted 6:2 to recommend to City Council the approval of this change of zoning request, and the City Manager concurred with the recommendation.

(No Speakers)

(d) Conditional Use Permit CU-06-208, Paul C. P. Wong

Mayor Frank presented AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-06-208 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING AN AUTOMOBILE SALES/NEW CAR DEALERSHIP; AN AUTOMOBILE SALES, USED CAR DEALERSHIP; A SMALL MOTOR VEHICLE REPAIR AND SERVICE FACILITY; AND A CAR WASH ON PROPERTY ZONED C2 GENERAL COMMERCIAL DISTRICT AS CONDITIONED BY PROFFERS. He advised this granted a conditional use permit for the operation of an automobile sales, new and used car dealership (Casey BMW), with service and repair facilities, and the operation of a car wash, on five parcels totaling approximately 3.87 acres and located at 12861, 12869, 12871, 12873 and 12873 (B) Jefferson Avenue. The Planning Commission voted 7:1 to recommend to City Council the approval of this conditional use permit application, and the City Manager concurred with that recommendation with an amendment to Condition number sixteen, which re-inserted staff's language requiring on-site retention of runoff.

(No Speakers)

(e) Confirmation of Conveyances of Lot 6A-1 at City Center at Oyster Point to Economic Development Authority

Mayor Frank 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, VIRGINIA, ANY AND ALL DOCUMENTS, INCLUDING DEEDS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF CERTAIN CITY-OWNED PROPERTY TO THE ECONOMIC DEVELOPMENT AUTHORITY OF THE

3. Public Hearing Continued
 - (e) Confirmation of Conveyances of Lot 6A-1 at City Center at Oyster Point to Economic Development Authority Continued

CITY OF NEWPORT NEWS, VIRGINIA. He advised this authorized the execution of any and all documents, including deeds, necessary to effectuate the conveyance of Lot 6A-1 in City Center at Oyster Point to the Economic Development Authority (EDA) of the City of Newport News. A title search in connection with the pending sale of this lot, which is owned by the City's EDA, to Two City Center, LLC, for a building to be constructed beside the Marriott Conference Center, determined the possibility that the City might still have some interest in this property. This uncertainty stemmed from a vacation of 611 square feet of right-of-way by the City in 2003. In order for the EDA to convey Lot 6A-1, with clear title, the title company required "Deed of Confirmation." Mayor Frank indicated that this property had been previously conveyed and when the title was examined, questions were raised by the attorneys regarding the terms of the conveyance. This resolution was for clarification purposes for the title company and would resolve the issues raised.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

Councilman Whitaker moved adoption of the above ordinance; seconded by Vice Mayor Allen.

Vote on Roll Call:

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

Nays: None

- (f) Zoning Text Amendment ZT-06-229, City of Newport News

Mayor Frank presented AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXII., C3 REGIONAL BUSINESS DISTRICT REGULATIONS, SECTION 45-2203, AREA AND DIMENSIONAL REGULATIONS; SECTION 45-2207, REVIEW COMMITTEE; SECTION 45-2208, SUBMITTAL REQUIREMENTS; AND SECTION 45-2211, RELATIONSHIP TO THE NEWPORT NEWS COMPREHENSIVE PLAN AND SITE PLAN ORDINANCE. He advised this amended the City's Zoning Ordinance to change the gross density for dwelling units less than four (4) stories in height from twenty (20) to thirty (30) units per gross acre within the C-3 Regional Business

3. Public Hearing Continued

(f) Zoning Text Amendment ZT-06-229, City of Newport News Continued

District. The Planning Commission voted 8:0 to recommend to City Council the approval of this zoning text amendment; and, the City Manager concurred with that recommendation.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

(g) Conditional Use Permit CU-06-209, Francisco VA, LLC

Mayor Frank presented AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-06-209 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING A DRY CLEANING PLANT ON PROPERTY ZONED C1 RETAIL COMMERCIAL. He advised this granted a conditional use permit for the operation of a dry cleaning plant in Unit 203 of the Francisco Village Shopping Center at 10143 Jefferson Avenue, which is zoned C-1 Retail Commercial. The Planning Commission voted 8:0 to recommend to City Council the approval of this Conditional Use Permit application; and, the City Manager concurred with that recommendation.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

Councilman Whitaker moved adoption of the above ordinance; seconded by Vice Mayor Allen.

3. Public Hearing Continued

(g) Conditional Use Permit CU-06-209, Francisco VA, LLC Continued

Vote on Roll Call:

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

Nays: None

(h) Sale and Exchange of Waterworks Property – Huntington Pointe Development Project

Mayor Frank 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, VIRGINIA, THAT CERTAIN CONDITIONAL OPTION AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND McCALÉ DEVELOPMENT CORPORATION DATED THE 28TH DAY OF NOVEMBER, 2006, FOR THE HUNTINGTON POINTE DEVELOPMENT PROJECT. He advised this authorized the execution of a Conditional Option Agreement with McCale Development Corporation for the sale and exchange of City-owned Waterworks property to accommodate the Huntington Pointe Development Project. The Waterworks parcel proposed for exchange/sale is a portion of the largest of its surplus properties and is located generally between Richneck Road and Denbigh Boulevard along the Newport News-York County line, just inside York County. This proposed agreement with McCale Development would have the City exchange 73.39± acres of surplus Waterworks property for a parcel in the Lackey area known as the “Robinson Property.” Appraisals determined the Waterworks property’s value at \$1,585,000.00. McCale purchased the Lackey property for \$350,000.00. The cash differential to be received by Waterworks from this transaction would go into the Waterworks’ Cash Land Restricted Account.

(No Speakers)

Mr. Billie Millner, Jones, Blechman, Woltz, and Kelly, Attorney for the applicant, was available for questions.

Councilwoman McMillan requested that this item and corresponding item 7 be deferred until January 2007. She indicated when the developer came to the City concerning the movement of the boundary line, he presented a certain concept and met with her and several community members. She further indicated that what the developer presented was not what was presented in a previous article of the Daily Press and felt the developer should come back to provide clarification as to what would be done with the property to make Council fully aware of the impact. Councilwoman McMillan stated there were other factors that should be considered before proceeding and that Council needed a clear understanding about what the project would be. She further stated the project had changed considerably and she did not have a level of comfort in obtaining the property for a specific project when it was unclear what the project would be.

3. Public Hearing Continued
 - (h) Sale and Exchange of Waterworks Property – Huntington Pointe Development Project Continued

Mr. Millner responded that this contract was the first step. It was a contingent-type project and to his knowledge, the plan was the same. The next step would be a rezoning of the property. Should Council not approve the rezoning, the contract would fail. Mr. Millner indicated the York County Board of Supervisors was considering simultaneous action. He was unaware of any confusion regarding the matter.

Councilwoman McMillan replied what appeared in the Daily Press article was not what Mr. McMurrin and his representatives told her or the Colony Pines Homeowners Association. She stated the impact of this development would be on the City of Newport News. Councilwoman McMillan stated that she was unaware of what impact this development would have, the costs, and felt that City Council should take due caution.

Mr. Millner responded that due caution could be taken when the rezoning came before Council. If the rezoning was not granted, the contract would be null. He assured Council that the City would not be bound unless the zoning was granted. Mr. Millner suggested contacting Mr. McMurrin for resolution of the situation.

Mayor Frank stated when he reviewed the option agreement, he asked the City Manager to add additional language that the optionee agreed to develop the project in accord with a concept plan submitted to the City Manager as a mixed-use R-9 project as identified in the Newport News City Code. He explained this to mean what the developer presented was what they would deal with. Mayor Frank reiterated this ordinance granted an option agreement that was contingent upon fulfilling certain conditions. He indicated there would be ample opportunity to review specific plans and impacts as part of the preparation for the rezoning.

Councilwoman McMillan indicated she would trust the Mayor, reiterated that she had no level of comfort, nor did she expect Mr. McMurrin to have a smooth road ahead. She did not like being told one thing privately and seeing another publicly.

Mayor Frank asked Mr. Millner to contact Mr. McMurrin and the design people to meet with Councilwoman McMillan. Mr. Millner agreed and asked for assistance to also meet with the Colony Pines Homeowners Association.

Councilman Haskins inquired, with regard to Item 7 and the Memorandum of Understanding with York County, why the City agreed to revise the April 26, 2005 Lease Agreement pertaining to the York County Athletic Field Complex to delete the provision requiring payment of "Additional Rent" by the County. City Manager Hildebrandt responded that York County requested this because the property that Waterworks owned was moving from the County to the City, and the City paid taxes on it. This would be an offset of the revenue loss by not having the County pay the City the taxes on the land they lease for the park. The County requested this as consideration for the fact that in this transfer of property, the County would no

3. Public Hearing Continued

(h) Sale and Exchange of Waterworks Property – Huntington Pointe Development Project Continued

longer receive tax payments from Waterworks on the land that was in the County.

Mayor Franked added that the City would pick up tax revenue from the real estate development.

Councilman Haskins inquired whether this was an equal tradeoff. City Manager Hildebrandt replied it was and only amounted to approximately \$10,000.00 per year. Councilman Haskins inquired whether the City or York County was receiving the \$10,000.00. City Manager Hildebrandt replied that the City would gain \$10,000.00 and the County would lose \$10,000.00.

Vice Mayor Allen moved closure of the public hearing; seconded by Councilman Haskins.

Councilman Bateman read a declaration in accord with Section 2.2-3115G of the Virginia Code, pursuant to subdivision A 3 of §2.2-3112 of the Virginia Conflict of Interest Act that (i) the City Manager had recommended consideration of a real estate sale and exchange between the City of Newport News and McCale Development Corporation's Comprehensive Plan for real estate in York County identified as 1707 Baptist Road and Parcel 2 on that certain plat entitled "Subdivision of the Property of the City of Newport News, being a parcel of land containing 73.7110 acres, Nelson District, York County, Virginia dated March 20, 2002; (ii) that he was an employee of TowneBank; (iii) the optionee for this real estate and its principals (Lewis McMurrin and Hatcher Cale) had business relationships with TowneBank; (iv) that he had no personal interest affected by the transaction and did not personally represent or provide services to the optionee or its principals and had no personal interest in this transaction; and (v) that he was able to participate in the transaction fairly and objectively (a copy of the Declaration is attached and made a part of these minutes).

Vote on Roll Call:

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

Nays: None

Councilman Whitaker moved adoption of the above ordinance; seconded by Vice Mayor Allen.

Vote on Roll Call:

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

Nays: None

3. Public Hearing Continued

(i) City Charter Amendment – Contracts for City Improvement Projects

Mayor Frank presented A RESOLUTION REQUESTING THE VIRGINIA GENERAL ASSEMBLY TO AMEND CHAPTER 8, FINANCE GENERALLY OF THE CHARTER OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY AMENDING SECTION 8.12, CONTRACTS FOR CITY IMPROVEMENTS. He advised this asked the General Assembly to amend the City's Charter to bring it into conformance with State Code provisions relative to the dollar amounts for formal bid contracts for City improvement projects. The City Charter established a dollar threshold of \$25,000.00 for seeking formal bids for construction contracts. This dollar amount was no longer valid as the Public Procurement Act, which established the formal bid level for construction contracts, had superseded it. This proposed change would result in greater time efficiencies and lowered advertising costs for the City, as well as conforming the City Charter with State law.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

Vice Mayor Allen moved adoption of the above resolution; seconded by Councilman Haskins.

Vote on Roll Call:

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

Nays: None

4. Consent Agenda

Councilman Haskins moved adoption of the Consent Agenda, Items A through D, including all three of the tax change provisions in Item D, as shown below; seconded by Councilwoman Scott.

(a) Minutes of Work Session of November 14, 2006

Vote on Roll Call:

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

Nays: None

(b) Minutes of Special Meeting of November 14, 2006

4. Consent Agenda Continued
- (b) Minutes of Special Meeting of November 14, 2006 Continued

Vote on Roll Call:

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

Nays: None

- (c) Minutes of Regular Meeting of November 14, 2006

Vote on Roll Call:

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

Nays: None

- (d) City Code Amendments to Reflect State Code Changes in Taxation

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 40, TAXATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XI., TAX ON FOOD AND BEVERAGES, SECTION 40-195, GRATUITIES AND SERVICE CHARGES.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 40, TAXATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XI., TAX ON FOOD AND BEVERAGES, SECTION 40-197, PENALTY AND INTEREST FOR FAILURE TO REMIT TAXES WHEN DUE.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 40, TAXATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XIV., ADMISSIONS TAX, SECTION 40-239, PENALTY AND INTEREST FOR LATE REMITTANCE.

These ordinances amended the City Code to make it consistent with changes to the State Code relative to taxation. These amendments were considered "housekeeping" measures to conform certain City Code provisions to State Code changes made by the 2006 General Assembly. These changes dealt with the admissions tax and food and beverage tax by imposing a limit on the penalty imposed for late remittance of the taxes collected. The change related to food and beverages exempts from taxation the first 20% of a mandatory gratuity that a vendor added to a food and beverage customer's bill. The change regarding the tax on transients obtaining board and lodging more specifically identified the property that may be assessed. The Commissioner of the Revenue recommended approval of these City Code amendments.

(No Speakers)

Vote on Roll Call:

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

Nays: None

5. Salary Plan for Sworn Employees of the Newport News Sheriff's Office

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ESTABLISH A COMPENSATION ADMINISTRATION AGREEMENT WITH THE NEWPORT NEWS SHERIFF. This ordinance authorized the City Manager to establish a compensation administration agreement for sworn employees in the Newport News Sheriff's Office. This pay plan for the Sheriff's Office was the result of the Sheriff's request in his FY 2007 budget to provide his deputies with more adequate and fair compensation. This proposed ordinance authorized the City Manager and the Sheriff to cooperatively establish a compensation administration agreement to meet that budgetary goal. The agreement with the Sheriff specifies the appropriate use of funds provided by City Council in its approved Fiscal Year 2007 budget for the Sheriff's Office. City Manager Hildebrandt indicated, once adopted, these changes would be retroactive to July 1, 2006, when all City employees received salary adjustments. He recommended approval of the ordinance.

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

Councilman Haskins inquired whether members of the Sheriff's Department were State or City employees.

Sheriff Gabriel Morgan, 224-26th Street, responded that employees of the Sheriff's Department were constitutional employees and were neither City employees, nor State employees. He advised this ordinance would bring about fair compensation. He indicated the State paid a reasonable share towards the operation of the constitutional office and the localities had to pay its reasonable share.

Councilman Haskins replied that the State had constitutional responsibility to fund the Sheriff's Office 100%; however, the State was not living up to the constitution. The localities had to supplement what the State failed to do.

Sheriff Morgan respectfully disagreed. Representing the men and women of the Newport News Sheriff's Office, Sheriff Morgan shared these employees were among the lowest paid civil servants in the area. He indicated the reality was these employees were the City's citizens and the City's employees, providing 100% of their effort in some of the toughest conditions in the City. On behalf of two hundred plus employees and the citizens of City, Sheriff Morgan expressed thanks to the City Manager and members of City Council for their support of the critical safety mission performed by the Sheriff's Office, and for recognizing the need of the employees to earn a livable wage.

Vote on Roll Call:

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

Nays: None

6. 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.

(No Speakers)

City Manager Hildebrandt asked Council to withdraw this item. City staff needed an opportunity to organize the taxi cab industry representatives to discuss the proposed suggestions raised by the Yellow Cab and North Cab Companies. Until this matter was resolved, Mr. Hildebrandt did not want to proceed. No Council action was necessary.

7. Memorandum of Understanding with York County for Boundary Adjustment

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 MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE COUNTY OF YORK, VIRGINIA, DATED THE 28TH DAY OF NOVEMBER, 2006, CONCERNING PROPOSED JURISDICTIONAL BOUNDARY LINE ADJUSTMENT. This resolution authorized the execution of a memorandum of understanding with York County for a boundary adjustment to occur in conjunction with the new mixed use development known as Huntington Pointe. This adjustment would occur in conjunction with a proposed neo-traditional, mixed use development and a new road east of Colony Pines that connected Denbigh and Fort Eustis Boulevard. The proposed private developer owned land in York County which, when combined with the sale of surplus Waterworks land, created the property needed for Huntington Pointe. Future action included a public hearing in anticipation of Circuit Court action to approve this voluntary boundary adjustment and the re-zonings associated with the property to be absorbed within the City of Newport News.

(No Speakers)

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

Councilman Bateman read a declaration in accord with Section 2.2-3115G of the Virginia Code, pursuant to subdivision A 3 of §2.2-3112 of the Virginia Conflict of Interest Act that (i) the City Manager had recommended consideration of a memorandum of understanding with York County for Boundary adjustment to occur in conjunction with the development known as Huntington Pointe on the agenda of November 28, 2006; (ii) that he was an employee of TowneBank; (iii) the optionee to acquire some of the real estate within the affected area and the owner of other real estate in the affected area is McCale Development Corporation, who along with its principals (Lewis McMurrin and Hatcher Cale) were customers of TowneBank; (iv) that he had no personal interest in this transaction; and (v) that he was able to participate in the trans-

7. Memorandum of Understanding with York County for Boundary Adjustment
Continued

action fairly and objectively (a copy of the Declaration is attached and made a copy of these minutes).

Vote on Roll Call:

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

Nays: Haskins

8. Appropriation – Additional Funding for Emergency Generator Installation
Project

A RESOLUTION APPROPRIATING FUNDS FROM FY 2006 BONDS AUTHORIZED AND UNISSUED – PUBLIC BUILDINGS (\$300,000.00) TO INSTALLATION OF EMERGENCY GENERATORS (\$300,000.00). This resolution appropriated \$300,000.00 from Fiscal Year 2007 Bonds Authorized and Unissued as additional funding for the Emergency Generator Installation Project. This project involved the acquisition and installation of emergency generators and automatic transfer switches at the Peninsula Health Center and two public shelters. In June 2006, \$200,000.00 was appropriated for this project, but the bids received exceeded that amount, therefore, this additional appropriation was needed to finish the project. City Manager Hildebrandt indicated this money would be used specifically to help connect emergency generators to the shelters at Denbigh and Warwick High Schools.

(No Speakers)

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

Mayor Frank indicated that City Council appropriated \$200,000.00 for this project in June 2006. It appeared that the cost had escalated and an additional \$300,000.00 was now needed to complete the project. He inquired whether there was a single source for this project or whether the City could go back and competitively bid. City Manager Hildebrandt replied that the City had received bids that exceeded estimates. It was his belief that the bids were legitimate and could not guarantee a better outcome. He recommended moving forward with the project.

Vote on Roll Call:

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

Nays: None

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

Mr. Marg Klug, 44 Brandon Road, commenting about real estate taxes, acknowledged that City Council had taken action and heard a number of comments regarding taxes and the financial hardship faced by the citizens. He offered his assistance and support in

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

trying to control and cut budget expenditures in an effort to reduce the real estate tax burden on citizens. Mr. Klug suggested a motion by City Council advocating a 4% limit on revenue from real estate taxes, in an effort to cap budget growth.

Ms. Angela Harris, 2101 Jefferson Avenue, requested that the City refrain from its dealings with Mr. Andrew Johnson regarding the disposition on his family's artwork. She introduced Mr. Glen Scott, Mr. Johnson's great nephew, and alleged that a conflict existed regarding legal ownership.

10. New Business and Councilmember Comments

Councilwoman McMillan announced that Ms. Marilyn Jackson, founder of the Newport News Chapter of Mothers Against Drunk Driving (MADD), had successfully received a kidney transplant and wished her well.

Councilwoman Scott reminded citizens about the North District Holiday Food Drive Party scheduled for December 16, 2006, 12:00 noon – 10:00 p.m. at the American Legion Post 368. She announced the City's Department of Parks, Recreation and Tourism's participation in the effort by allowing a discount to visitors to the Celebration in Lights at Newport News Park when they made contributions of non-perishable food items.

Councilman Haskins encouraged citizens to make donations to the Capital Fundraising Campaign of the Foodbank of the Virginia Peninsula, in its effort to locate to a larger facility that would store large food donations.

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 8:17 P.M.

Mabel V. Washington, CMC
City Clerk

Joe S. Frank
Mayor
Presiding Officer

A true copy, teste:

City Clerk