

MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10th FLOOR CONFERENCE ROOM
2400 Washington Avenue
November 28, 2006
1:30 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

OTHERS PRESENT: Randy W. Hildebrandt; Stuart E. Katz; Mabel V. Washington; Neil Morgan; William Mitchell; Alan Archer; Butch Blanks; Collins Owens; Joseph M. DuRant; Iza Ciesynski; Al Riutort; Sheila McAllister; Michael King; Dr. Rhonda Sturgis; Florence Kingston; Reed Fowler; Gregg Jones; Rhonda Everton; William Keeler; Michael Poplawski; Mike Barber; Andy Stein; Delegate Glen Oder; David Dickmann Gary Short, Mike Nealer; Brian Ramaley; Michael Taylor; Michael Rhodes; Eileen Leininger; Mostafa Sabbah; Everett Skipper; Ved Malhotra; Sabine Hirschauer; Lottie Vincent; Cleder Jones; Kim Lee; and Jennifer Walker

I. Conditional Use Permit CU-05-177, World Outreach Worship Center (Oasis Tower)

Mr. Randy W. Hildebrandt, City Manager, introduced Mr. Al Riutort, Director, Department of Planning. Mr. Riutort introduced Mr. David E. Dickmann Engineer, du Treil, Lundin and Rackley, Inc.; Mr. Gary Short, Process Control System Manager, Newport News Public Utilities; Mr. Brian Ramaley, Director, Newport News Public Utilities; Mr. Michael Taylor, Supervisor, Electronic Maintenance Facility, Department of Information Technology; Mr. Andy Stein, Director, Department of Information Technology, Delegate Glenn Order; and Michael Rhodes, Cavell, Mertz & Davis, Inc., representing the applicant.

Mr. Riutort stated the revised engineering report prepared by Mr. David Dickmann, City's Consulting Engineer, du Treil, Lundin & Rackley, Inc., evaluated the radio antenna's impact on the City's emergency communications and other facilities on the City's Lee Hall Tower and the SCADA and electronics at the Lee Hall Water Treatment Plant. The City's consulting engineer pointed out that the height reduction increased radio-frequency fields. Although the use of filters would reduce the impacts from the WYCS transmitter, the potential for interference on the City's communications could not be predicted with certainty and would be unknown until the radio station was operating.

Mr. Riutort stated the proposed Conditional Use Permit included conditions that protected the performance of the City's communications and electronic equipment at the Lee Hall Complex, which included the City Tower, and the Lee Hall Water Treatment Plant. Furthermore, the conditions established that the applicant accepted all risks associated with the potential impacts of its proposal on City facilities, including the costs of tracking down and correcting problems that may occur when the radio station was in operation.

Mr. Riutort introduced Mr. David E. Dickmann, the City's Consulting Engineer, to review the study for the Oasis Radio Tower.

Mr. Dickmann gave specifics on the original and revised Oasis proposal, and locations and heights of the original and revised towers. He pointed out that the review by du Treil, Lundin & Rackley concluded that interference to the City's communications and electronic equipment at the Lee Hall Complex remained unchanged, because the amount of ground level radiation had not changed significantly; exposure to radio-frequency radiation remained unchanged, except there was a predicted increase in levels near the top of the Lee Hall tower; and there was an increased risk of interference to City radio facilities due to the substantial increase in predicted power directed at the top of the Lee Hall tower. (A copy of his presentation, "Review of Oasis Radio Tower Proposal Conditional Use Permit CU-05-177, November 28, 2006," is attached to these minutes.)

Mayor Frank inquired whether staff was confident that the Oasis tower would not create a major frequency problem for the City's receiver frequencies. Mr. Dickmann replied the engineers had studied all the frequencies (present and proposed) and felt they would not present a major problem.

Mayor Frank stated it bothered him that the City was not asking the Oasis radio station to pay for costs associated with any frequency interference to a new iteration or generation of any City systems. He wanted to cover the City's risk should federal regulations require the City to change the band within the 800 MHz spectrum and what the implications were compared to what the City had been doing. City Manager Hildebrandt stated the conditions required the Oasis network to fix any problems associated with any interference to the City's systems, should the City change frequencies.

Mayor Frank stated the City needed to be specific in its conditions on the Oasis network. He wanted to be sure the future of the City's emergency communications and Waterworks facilities were safe. He stated the language should be clear in that if

the City were required to change its radio frequency, which might or might not impact the Oasis network broadcasting, the Oasis network would be responsible to fix any of the frequency problems.

Councilman Haskins inquired whether every City and County had a HREMAC (Hampton Roads Emergency Management Association Commission) receiver. Mr. Michael Taylor, Supervisor, Electronic Maintenance Facility, Department of Information Technology, replied every City and County in the region had radios in their Emergency Operation Centers, but did not have a tower receiver. He stated there were only two tower receivers which were located on the Peninsula and the Southside.

Councilman Haskins inquired whether the other localities Emergency Operation radio systems worked without the two tower receivers.

City Manager Hildebrandt inquired why the HREMAC chose the Peninsula and the Southside for the receivers. Mr. Taylor replied the receivers were geographically located in the right place to serve all the Peninsula and Southside jurisdictions.

Councilman Haskins replied he understood it was geographically better, but inquired whether the City agreed to pay to maintain the tower. He inquired why the other jurisdictions did not help pay to maintain the tower. Mr. Taylor replied he would look into the matter, and noted the City's tower was chosen because of the geography.

Mayor Frank replied this was part of the City's mutual assistance in terms of emergency coordination among the regional Emergency Management Coordinators. He stated every community had to have an Emergency Management Coordinator by law.

Councilman Haskins understood that was the City's contribution, but inquired why the contribution was not equal to all users, especially since some of the other communities had lower real estate tax rates than Newport News, i.e. York County. City Manager Hildebrandt stated he would explore the notion to see whether other communities were sharing in the cost or providing assistance to maintain the tower. He asked Mr. Neil Morgan, Assistant City Manager, to contact Mr. Jack Williamson, Emergency Management Coordinator for the City of Newport News, to evaluate the issue.

Delegate G. Glenn Oder, representative for the applicant, compared the Oasis network project to a proposed subdivision where the City had no idea of whether the market would change, wherein you drew all of your evaluations. He stated the Oasis Network had done all due diligence and noted the tower would not create any problems.

The Oasis network was willing to take on the risk to build the system, and agreed to fix any problems should they arise. The Oasis network offered City Council the assurance that if, for any reason, the City's public safety frequency were disturbed they would take down its tower and go back to their original location.

Mayor Frank expressed concern that should the radio station experience problems and have to be taken down, whether temporary or permanent, there would be a huge number of people asking City Council to allow the radio station to remain in operation. He inquired what the station was willing to say to its listeners should the tower have to be taken down due to technical reasons.

Delegate Oder responded the Oasis network audience was not willing to risk public safety over a radio tower, but felt the tower would not cause any frequency problems in terms of the engineers report. He stated should any problems arise the audience would be willing to wait for a fix, and noted any risk fell back on the Oasis network. The applicant was willing to go to the expense of putting the tower up and taking it down should it cause a problem to the City's emergency response and Waterworks systems. The applicant planned to keep its existing site as an alternate site should issues arise with the proposed site.

Mayor Frank stated he would like the applicant to agree, as one of its conditions, to maintain the existing site as an alternate site should there be problems with the proposed site in order to continue broadcasting to their audience.

Mayor Frank inquired of other users on the Oasis tower, i.e., Verizon and Alltel, and inquired whether any of the analysis testing completed included the operation of the non-City uses of the tower. He felt conditions needed to be imposed for this.

Mayor Frank inquired about what impacts could be expected if the City needed to expand or enhance the City's uses of its towers. He wanted as much certainty as possible that the tower would not negatively impact the City's emergency communication and Waterworks operations. Mr. Dickmann replied an analysis would have to be completed prior to any expansion and should the analysis prove additional filtering was necessary, on the City's side, the question arose whether the City was responsible for the cost of additional filtering. Mayor Frank instructed Mr. Stuart Katz, City Attorney, to be sure the conditions included the cost that would incur to the City be the responsibility of the Oasis radio network.

Mayor Frank inquired how the City would continue to operate its emergency and water system if it were required to shut-off its facilities at the Lee Hall tower in order to meet FCC guidelines to allow workers access to the tower.

Mayor Frank referenced a letter from Pastor Bob Collins dated October 23, 2006, that referred to building a communication's tower to accommodate WYCS FM radio "and no less than one additional user". He stated this was the first time he became aware there might be an additional user, and inquired who the additional user was, where they would be located on the tower, and what implications there might be on the discussions and analyses. Mr. Riutort stated this permit was only for the Oasis network. He stated the network would be required to get another Conditional Use Permit if an additional user were added.

Councilwoman Scott inquired whether the \$250,000.00 surety bond, required of the applicant, was to make sure the applicant could rectify problems that arose and allowed the City to tap into it should the City believe that the applicant was not satisfactorily rectifying problems. City Attorney Katz replied the surety bond specified that all conditions of the Conditional Use Permit had to be met and the radio tower must not interfere with any City facilities. Any damages to the City's facilities caused by the operation of the radio station must promptly be corrected and remedied. City Manager Hildebrandt replied the surety bond did not give the City the authority to tap into the funds, without first receiving permission from the applicant and the bonding company.

Mayor Frank inquired about the proposed date of the revised set of conditions for the applicant. City Attorney Katz replied he would need at least a week to revise the conditions.

Vice Mayor Allen stated it would help when the City Attorney developed the conditions to clearly state "no additional antennas" allowed on the radio tower.

City Manager Hildebrandt stated he would not be able to have the revised set of conditions ready for City Council to adopt by the December 12, 2006 City Council meeting. He inquired whether City Council could defer the matter at the December 12 meeting to the January 9, 2007, Regular Meeting of City Council.

There was a consensus among City Council to defer the matter to the January 9, 2007 Regular Meeting.

II. Vision Statement and Principles

Councilwoman McMillan inquired about the purpose for voting on the Vision Statement in public session. She felt the Vision Statement was an exercise to coordinate what City Council wanted with respect to each other's opinion and indicated it was not a public document.

Mayor Frank stated it was staff's desire to have City Council express their ideas in a Vision Statement. The vision gave staff some direction, as they moved forward when looking at projects, to compare and evaluate whether those projects were in accordance with Council's vision.

Councilwoman McMillan reiterated she did not see the need to make the Vision Statement a public document.

Mayor Frank inquired whether City Council wanted to adopt the Vision Statement as a policy or leave it as a work product that evolved from the retreat. Vice Mayor Allen replied he wanted to adopt the Vision Statement. Councilman Whitaker concurred with Vice Mayor Allen.

Councilwoman McMillan inquired whether the Vision Statement would be reviewed and voted on every two years. City Manager Hildebrandt replied he hoped that it could be reviewed and voted on every two years after a new Council took office. He felt this would allow a new Council to review the Vision Principles to see whether it still fit their desires.

Councilman Haskins stated a Vision Statement had to have some magnitude of cost to make it materialize. He requested that the City Manager submit a cost analysis for the Vision Statement. City Manager Hildebrandt stated the cost could only be defined as staff developed its strategic plan. Vice Mayor Allen explained the Vision Statement guided City Council Capital improvements and that was where financing would be defined. He stated a problem arose when you began to define costs on a Vision Statement because there was no timeline. The Capital Improvement Plan (CIP) should implement the Vision and that was where cost came in.

Councilman Haskins understand that concept, but felt a number had to be associated with a Vision Statement. City Manager Hildebrandt stated staff's purpose was to take City Council's Vision and lay out priorities to accomplish the vision. The future CIP would be related to the vision and the strategic plan.

Councilwoman McMillan inquired whether there was a level of comfort that the Vision Statement would not be in conflict with the Framework for the Future that was being revised. She inquired whether City Council should postpone the vote of the Vision Statement until after the Framework for the Future was adopted.

Vice Mayor Allen stated City Council could not politically impose its Vision on a citizen based plan, such as the Framework for the Future. He stated City Council had to share its Vision with the citizens in order for that to be done.

Councilman Bateman stated the Vision Statement could be shared with the Framework for the Future citizen group to determine the benefit from it as they moved forward, but no one was mandating Council's vision as the "gospel."

Mayor Frank requested that the City Manager to put the matter on the agenda for a vote by City Council. City Manager Hildebrandt stated he would distribute the revised Vision Statement for Council's review and add the matter to the January 9, 2006 City Council meeting agenda for vote.

III. Capital Improvements Plan

City Manager Hildebrandt introduced Mr. Neil Morgan, Assistant City Manager, to make the presentation.

Assistant City Manager Morgan reviewed the six criteria the Capital Improvement Plan (CIP) Committee used in composing the FY 2008 – FY 2012 CIP were: 1) required by law; 2) previous commitment; 3) critical to City operations; 4) positive return on investment; 5) health and safety; and 6) impact on residents. He also noted the five year plan covered several of the City's financial goals: 1) annual debt service not to exceed 9.5% of combined city and school revenue; 2) established a debt to assessed valuation ratio goal of 3.0% to be achieved within five years with a limit of no more than 3.5%; 3) established a cash capital funding goal which took it to the 20% level at the end of five years; and 4) formalized a rapid debt payout philosophy.

Assistant City Manager Morgan noted two changes to the CIP from the original presentation made at the November 14, 2006 Work Session of City Council: 1) \$400,000 for five years for the Foodbank as Cash Capital under Community Facilities; and 2) the Waterworks CIP. He reviewed the major projects not included in the FY 2008 – 2012 CIP: 1) Development Initiatives; 2) Peninsula Rapid Transit Project – Phase 1 (Light Rail); 3) Lee Hall Library; 4) Campbell Road Improvements; 5) Warwick Boulevard Enhancement (Rivermont); and 6) Middle Ground Boulevard. (A copy of his presentation "CIP Project Supplemental Information," explaining the six projects not included in the CIP is attached to these minutes.)

Councilman Bateman inquired why Middle Ground Boulevard was not included in the CIP, due to no State funding.

Mayor Frank recalled the City had received grant funding for the Warwick Boulevard enhancement project and inquired what would happen to the funding should City Council not move forward with the project. Assistant City Manager Morgan replied the City received a small amount of grant funding (less than \$100,000.00) and indicated the funding might have to be paid back.

Mayor Frank recalled the City had received some funding (\$200,000.00) for the Rivermont project. He inquired whether the funding had been spent. Assistant City Manager Morgan replied some of the funding was spent on design and indicated a small amount of funding was left over. He stated the problem with Rivermont was that the project ended up being a multi-million dollar project that the City would be required to pay for beyond the amount of available grant money.

Mayor Frank inquired about the amount of funding the City received over time, how it was disbursed, what was left over and what the repayment obligation was.

Councilwoman McMillan recalled in prior discussions that dealt with a condominium project on Campbell Road, the developer was going to pay for improvements at the intersection of Bland Boulevard and Campbell Road. She stated Campbell Road was then going to be cut off at Heritage Trace with a cul-de-sac, which would have eliminated the need for sidewalks on that end. The only improvements that were to be made were on the other side of Campbell Road. She inquired why the City was not making any improvements to Campbell Road and where the \$8 million cost estimate to improve the road came from. Assistant City Manager Morgan replied, from his perspective, the idea of cutting off the road on the southern part of Campbell Road was discussed, but that was not the direction that the staff or the consultant was given.

Councilwoman McMillan indicated \$8 million to improve a small section of Campbell Road (.08 miles) was a large amount compared to the estimate of \$10 million for improvements to Richneck Road (1.6 miles).

Councilwoman McMillan stated Campbell Road was very dangerous and improvements were desperately needed. She stated the City continued to put off improvements to Campbell Road, wherein the issue had come up over thirteen years ago.

City Manager Hildebrandt stated staff was aware that the improvements were needed, but indicated the issue was they were not able to fit Campbell Road into the funding plan financially. He indicated City Council had an opportunity to fit Campbell Road into the CIP, which meant other projects had to be eliminated.

Councilwoman McMillan stated she had documents from 1991 and 1998 promising improvements to Campbell Road, and construction of the Lee Hall Library and the North District Community Center. She was promised that money for the Lee Hall Library would be available once the City decided on the site. Once again, ten years later, funding was not available because other matters took priority. She asked City Council to look into the CIP to find other items that could be eliminated in order to include

Campbell Road, the Lee Hall Library and the North District Community Center in the FY 2008 – 2012 CIP. Councilwoman McMillan added it was a betrayal of the public's trust to keep promising citizens, year-after-year, matters that suited the needs of the citizens, but never materialized. She stated the citizens were always being put on the back burner. She indicated she would not vote for a CIP plan that did not finally put something on the table. Building the community center, in phases, over seven years, was not a logical alternative as materials changed and designs might not be compatible. She stated if the City could afford a \$15 million parking garage, it could afford a \$15 million recreation center.

Councilwoman Scott agreed with Councilwoman McMillan and indicated she had belabored the subject at the November 14, 2006 Work Session of City Council.

City Manager Hildebrandt stated he did not disagree with Councilwoman McMillan, but indicated it was up to City Council to reconstruct the CIP if they did not agree with the recommendation. He stated the CIP included projects staff felt were necessary based on the criteria.

Councilwoman Scott inquired about the amount of time City Council had to reconstruct the proposed CIP. City Manager Hildebrandt replied City Council could take as much time as they needed up until January 2007.

Mayor Frank stated he needed additional time to read and study the CIP document. He appreciated the fact that the City made commitments to several projects and the public had a right to expect that the projects went through. He felt City Council needed to do some critical thinking, and indicated staff had done an excellent job in pulling the CIP together, in light of the fiscal constraints posed on the City. He felt City Council had some work to do, and felt they needed a Work Session devoted to the CIP. To the extent that City Council fulfilled the expectations that Councilwoman McMillan and Scott supported, other projects would have to be eliminated. He stated resolving those conflicts would take a lot of effort and compromise on the part of City Council. He asked City Council to study the information and suggested the City Manager meet individually with Council members to get some sense where they stood, in order that staff could prepare alternate packages.

City Manager Hildebrandt reminded City Council about the issuance of bonds scheduled for February 2007, and felt the CIP should be adopted beforehand so the bond rating agencies could see the City's future commitments.

Councilman Haskins felt the City Manager and staff consciously looked at the City's financial condition, its bond indebtedness, its pension requirements, its tax rate

as compared to surrounding localities, and the concerns of the citizens about the tax rate being so high. He stated the City Manager and staff had taken all that into consideration and tried to put together a plan that City Council could give and take. City Council had an obligation with the information received to pick and choose what projects would be done over the next five years. Councilman Haskins felt the City Manager should be commended for his work and indicated it was now up to City Council to study the plan and give and take to meet the requirements in order to keep the City in good financial condition.

Councilman Whitaker concurred with Councilman Haskins and noted the Southeast Community had waited 30 to 40 years for some projects to materialize. He stated everyone had needs and indicated City Council should talk in terms of understanding the City's financial shape. The City could not do the same things it did ten years ago due to the increase in materials for projects. He felt City Council needed to work together to represent the entire City, not just one section.

Councilman Haskins stated when looking at the CIP he focused on what would help the majority of citizens, and felt the City's drainage conditions affected more citizens than anything else. Flooding occurred throughout the City when heavy rains fell, and drainage improvements added to a citizen's quality of life. He felt the City did not look at off-site drainage when approving projects as greatly as it should and indicated this was a very important part of the CIP.

Councilwoman Scott felt City Council should meet collectively as a group to discuss amending the CIP. She indicated she was not selfish and territorial for her district only. There were matters that she supported across the entire City, but by the same token, some of the North District projects she and Councilwoman McMillan were concerned about were put on the table and now snatched-up. She indicated the citizens were excited about those projects and did not understand the full impact on the budget and why City Council kept taking things on and off the table. This put a bad taste in citizen's mouths as to how the City was spending funds and why the north district did not get some of the things that were promised. For that reason, as a representative for her district, she did want some of the projects to stay on the table and hoped that City Council could find some way to work the matters out. She suggested that improvements be done to Campbell Road at the November 14, 2006 Work Session, as proposed by Assistant City Manager Morgan, and stated if the road could not be improved, it should be closed-off. She was open to other suggestions, but was not open to having any of the three matters taken off the table (Lee Hall Library, Campbell Road improvements, and North District Recreation Center).

There was consensus among City Council to meet with the City Manager or his designee, individually, to discuss the CIP and what matters each were willing to

compromise, and have the City Manager prepare the information for the January 9, 2006 Work Session of City Council.

IV. Stoney Run Basin Drainage Report

City Manager Hildebrandt introduced Assistant City Manager Neil Morgan to present the Stoney Run Basin Drainage report.

Vice Mayor Allen stated he purchased three acres of property in the Stoney Run Basin area, east of Richneck Road in 1960. He stated, although no decisions were going to be made about any specific programs and specifics, he felt he had a potential conflict regarding this matter. City Attorney Katz advised that Vice Mayor Allen not participate in the discussion at this time. Vice Mayor Allen left the room after approximately five minutes of discussion on this subject.

Assistant City Manager Morgan stated staff recently completed a detailed report on drainage issues associated with Stoney Run Basin (copy attached "Tropical Storm Ernesto Stoney Run Stormwater Report"). He stated the report was undertaken in response to a citizen's meeting that occurred at Richneck Elementary School on September 11, 2006 due to tropical storm Ernesto. Assistant City Manager Morgan stated Ernesto was the fourth heaviest 24 hour rainfall in 50 years which affected Newport News on Friday, September 1, 2006 that lasted approximately fourteen hours. The report represented an extensive, collaborative effort by the Departments of Engineering and Public Works.

Councilwoman McMillan inquired about the 100-year Flood Plain as noted on page 6 of the Stoney Run Stormwater Report and the date that the flood zones were determined. Mr. Ved Malhotra, Stormwater Management, Department of Engineering, replied the flood zones were adopted around 1974. Councilwoman McMillan inquired whether the City was aware that this was a flood plain when development was approved for that area. Assistant City Manager replied many of the houses in that area were built before 1974.

Assistant City Manager Morgan stated the problem in the Stoney Run area was the drainage basin. When there were heavy rains, there was substantial street and yard flooding. In the most extreme events, such as Ernesto and Hurricane Floyd there was flooding in garages and in some cases, flooding on the 1st floor of residences. As far as he knew, there had been no Fire Department evacuation of residents.

Councilwoman McMillan inquired what Assistant City Manager Morgan considered to be a large number of houses, and indicated the focus of the report was on five to six houses. Assistant City Manager replied that Tropical Storm Ernesto caused

first floor flooding to five to six houses. He stated most people experienced street and yard flooding.

Councilwoman McMillan inquired whether the report was based on Tropical Storm Ernesto, and indicated there was a general problem of flooding in the area each time there was a heavy instance of rain. Assistant City Manager Morgan replied the report focused on Tropical Storm Ernesto, but stated staff attempted to describe the general problem of flooding in the area. He inquired whether Councilwoman McMillan was suggesting that a large number of houses got flooded. Councilwoman McMillan replied water damage was experienced by a large number of houses, but the report only focused on six houses.

Councilwoman McMillan inquired about apartment evacuations as noted on page 8 of the report and inquired whether all of the flooding was due to a storm pipe that failed.

Assistant City Manager Morgan stated the intent of the report was to focus on the Stoney Run Drainage Basin. Councilwoman McMillan appreciated the report and the list of projects already completed, but indicated her memo to the City Manager referenced flooding in the northern district.

City Manager Hildebrandt stated he directed staff to focus on one basin at a time, and indicated the report focused on Stoney Run which was the one most impacted during Tropical Storm Ernesto. He indicated staff would look at the other basins and report back to Council as they moved forward.

Councilman Haskins inquired about the number of culverts under the CSX railroad tracks in 1948, 1972, and 1955, as related to the chart on page 4 of the report. Assistant City Manager Morgan replied he would get that information to City Council.

Assistant City Manager Morgan indicated the report provided a balanced assessment of the Stoney Run Drainage Basin. He noted there had been real flooding problems for many years in portions of the greater Richneck area, although not as severe as the drainage problems in Stoney Run. However, even if all of the City's efforts had been undertaken at an optimum pace, the type of street and yard flooding that occurred during Ernesto would not have been eliminated, but only reduced. The recommended CIP, in conjunction with the VDOT Jefferson Avenue Project, would allow a substantial upgrade of the Stoney Run Basin over the next two to four years.

Councilman Haskins asked City Manager Hildebrandt to take pictures of both sides of the C&O Railroad track ditch conditions and instructed City Attorney Katz to look into what the City had to do to get laws changed to make the CSX responsible for

those areas. He was convinced that the CSX railroad track, constructed in the 1900's, was a dam to all of the natural drainage for that part of the City.

Councilman Whitaker stated that all of the houses in the Fawn Lake subdivision, off of Richneck Road, were built on concrete slabs. He did not understand how the City allowed houses in that area to be built on concrete slabs. He stated the City needed to outlaw concrete slab foundations. City Attorney Katz indicated that would require a legislative change in Richmond.

Councilman Haskins stated the Virginia Department of Transportation needed to clean the highway ditches.

Councilwoman McMillan inquired where the 450-ft. earthen dam would be located as noted on page 10, paragraph two of the report. She indicated a 450-ft dam was quite large and inquired whether the City had the expertise to maintain such a dam, particularly when the City had a problem with normal ditch maintenance. Assistant City Manager Morgan replied the City had hired a stormwater consulting firm to evaluate the idea and see if it was feasible.

Councilwoman McMillan inquired whether the detention pond that surrounded the King's Charter subdivision was put under the lake enhancement program. Mr. Everett Skipper, Assistant Director, Department of Engineering, replied the detention pond was not put under the lake enhancement program.

Councilwoman McMillan asked for more clarification on the various drainage conditions on Meadow Creek Drive and whether more street drainage could be installed.

Councilwoman McMillan inquired about the Colony Pines Detention Basin as noted on page 11 of the report. She recalled the City and the residents of the area agreed that the basin would be left in a natural state and when the City obtained the basin it agreed to maintain it. She recalled a subsequent meeting where there was support for a dry basin due to safety concerns. She stated if the basin was going to be cleared out and made into an actual retention pond safety issues needed to be addressed as well as the 250-ft. berm.

Assistant City Manager Morgan stated the Colony Pines dry basin was designed as a stormwater detention facility as part of Colony Pines. After Hurricane Floyd, the City made a recommendation to take over the basin and clean it out every five years. The owner, at the City's request, cleared out the basin and deeded it to the City. At a community meeting, after Tropical Storm Ernesto, there was much conversation that suggested that the growth in the basin had contributed to the flooding during the storm.

The professional opinion concluded that was more perception than reality. The basin had the look of not being maintained, but the basin was functioning.

Councilwoman McMillan inquired whether additional grading was part of the plan of building the berm. She stated that had to be cleared if the city was going to make a berm. She voiced concern in how it could be a retention basin if the topography of the basin was such that there were no areas to retain the water.

Mayor Frank inquired, due to time constraints, whether Councilwoman McMillan and staff could meet privately to discuss the report in further detail, and suggested that the City Manager bring the matter back to City Council for further discussion at the January 9, 2007 Work Session of City Council.

Councilwoman McMillan replied she had hoped that City Council had given this subject as much time as they had given other matters on the agenda. She felt this was an important matter and noted there were errors in the pictures.

Councilman Haskins asked that the City Manager have staff come south of the City and do the same type of study around the railroad tracks at Mariners Museum, Lake Maury and Oyster Point Avenue through Bruton Park and down the interstate. The City needed a detailed study of these areas. The dam on Church Road also needed to be looked into.

Mayor Frank inquired about an analysis of what the implications, policy issues and costs were for moving the standard for storm frequencies from 10-years to 25-years to 50-years to 100-years as noted on page 1 of the report. He also noted the verbiage in the graphics in the report was difficult to read and needed to be enlarged. City Manager Hildebrandt stated he would rectify the graphics and report on the analysis to City Council.

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 5:59 P.M.

Jennifer D. Walker, CMC
Chief Deputy City Clerk

Joe S. Frank
Mayor
Presiding Officer

A true copy, teste:

City Clerk