

MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
February 14, 2006

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

ABSENT: NONE-----0

1. The invocation was rendered by Reverend Eric Musser, Huntington Mennonite 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) Change of Zoning CZ-06-207, Warwick #15198, LLC

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 10<sup>TH</sup> 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 ten-acre parcel located at 12978 Jefferson Avenue from C1 Retail Commercial to C2 General Commercial to operate a new and used car dealership. The Planning Commission voted 9:0 to recommend to City Council the approval of this change of zoning, and the City Manager concurred with the recommendation.

Mr. Butch Capps, 15198 Warwick Boulevard, Newport News, was available for questions.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

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

3. Public Hearings Continued

(a) Change of Zoning CZ-06-207, Warwick #15198, LLC Continued

Vote on Roll Call:

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

Nays: None

(b) Conditional Use Permit CU-06-188, Warwick #15198 LLC

Mayor Frank presented AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-06-188 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING AUTOMOBILE SALES, USED CAR DEALERSHIP IN A C2 GENERAL COMMERCIAL DISTRICT AS CONDITIONED BY VOLUNTARILY SUBMITTED PROFFERS. He advised this would grant a conditional use permit for the operation of a used car dealership on a ten-acre parcel zoned C1 Retail Commercial located at 12978 Jefferson Avenue. The Planning Commission voted 9:0 to recommend to City Council the approval of this conditional use permit application, and the City Manager concurred with the recommendation.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

(c) Change of Zoning CZ-06-208, Seragu Equity, LLC

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 ASSESSEMENT MAPS 001 THROUGH 322 AND KEPT ON FILE IN THE OFFICES OF THE DEPARTMENTS OF CODES COMPLIANCE AND PLANNING) DATED THE 10<sup>TH</sup> 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 2.11 acres of a 3.62 acre parcel from C-2 General Commercial, with new proffers, for the expansion of an automobile dealership display area, and the remaining 1.51

3. Public Hearings Continued

(c) Change of Zoning CZ-06-208, Seragu Equity, LLC Continued

acres, from C-2 General Commercial with proffers to C-1 Retail Commercial, without proffers, and, remove all the existing proffers in Ordinance 4978-97 from the 3.62-acre property located at 12880 Jefferson Avenue. The Planning Commission voted 9:0 to recommend to City Council the approval of this ordinance and the City Manager concurred with the recommendation. Mayor Frank indicated this was a proposal by Hall Automotive to expand and improve the property at the corner of Richneck Road and Jefferson Avenue.

(No Speakers)

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

Mr. Billy Garrington, 471 Southside Road, Virginia Beach, was available for questions.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

(d) Conditional Use Permit CU-06-189, Seragu Equity, LLC

Mayor Frank presented AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-06-189 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING AUTOMOBILE SALES, USED CAR DEALERSHIP IN A C2 GENERAL COMMERCIAL DISTRICT AS CONDITIONED BY VOLUNTARILY SUBMITTED PROFFERS. He advised this would grant a conditional use permit for the operation of a new and used car dealership on a 2.11acre parcel zoned C2 General Commercial located at 12880 Jefferson Avenue. The Planning Commission voted 9:0 to recommend to City Council the approval of this conditional use permit application, and the City Manager concurred with the recommendation.

(No Speakers)

3. Public Hearings Continued

(d) Conditional Use Permit CU-06-189, Seragu Equity, LLC Continued

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

Mr. Billy Garrington, 471 Southside Road, Virginia Beach, was available for questions.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

(e) Conditional Use Permit CU-06-186, Asbury United Methodist Church

Mayor Frank presented AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-06-186 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE OPERATION OF A PRESCHOOL WITH A CHILD CARE CENTER AS A PART OF A COMMUNITY FACILITY. He advised this would grant a conditional use permit for the operation of a child day care center on a 5.47 acre parcel zoned R7 Medium Density Multiple Family Dwelling and C1 Retail Commercial located at 15616 Warwick Boulevard. The Planning Commission voted 9:0 to recommend to City Council the approval of this conditional use permit application, and the City Manager concurred with this recommendation. Mayor Frank indicated this would allow a child day care center within the church. He pointed out there was ample space for parking and outdoor recreational facilities.

Councilwoman Scott inquired about the proposal for twenty-nine (29) students, whether the Center could accommodate more students, and whether there were plans to exceed twenty-nine students.

Ms. Susan Woodward, 5 Jimmy Circle, Hampton, responded that the Child Care Center was only able to use three (3) classrooms and wanted to start small. She indicated there was room for growth to expand financially.

3. Public Hearings Continued

(e) Conditional Use Permit CU-06-186, Asbury United Methodist Church

Councilwoman Scott inquired whether the Church would need to come before Council to expand. Sheila McAllister, Assistant Director, Department of Planning, responded that the Church would not have to come before Council again for expansion. She indicated the condition allowed the Center to grow and there was ample square footage for additional students.

Mayor Frank pointed out that the limit was at least thirty-five (35) square feet per child.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

4. Consent Agenda

Councilman Haskins moved adoption of the Consent Agenda, Items D through F, both inclusive, as shown below, seconded by Councilwoman Scott.

(d) Development of a Regional Plan to End Homelessness

A RESOLUTION REGARDING THE DEVELOPMENT OF A REGIONAL PLAN TO ADDRESS HOMLESSNESS. This resolution authorized the City to fully collaborate with the other Virginia Peninsula localities in the development of a regional plan to end homelessness as recommended in the recent "Framework for Building a Successful Regional Plan to End Homelessness." This effort began as an initiative of the Virginia Peninsula Mayors and Chairs, which commissioned staff from each jurisdiction to develop a recommendation to jointly address the homelessness problem. The staff representatives prepared its recommendation in a report entitled "Framework for Building a Successful Regional Plan to End Homelessness." This document included a vision statement, belief set, primary objectives, a description of the scope of the problem, and recommendations. One of the recommendations was the adoption of this proposed resolution by each of the participating jurisdictions.

(No Speakers)

4. Consent Agenda Continued

(d) Development of a Regional Plan to End Homelessness Continued

Vote on Roll Call:

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

Nays: None

(e) Resolution of Recognition – Augusta Inettie B. Edwards

A RESOLUTION OF RECOGNITION FOR AUGUSTA INETTIE B. EDWARDS. This resolution recognized Ms. Augusta Inettie B. Edwards for her lifelong contributions. Ms. Edwards made innumerable and invaluable contributions to the City of Newport News and the entire Peninsula.

(No Speakers)

Vote on Roll Call:

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

Nays: None

(f) Resolution of Recognition – Robert D. Ayers, Jr.

A RESOLUTION OF RECOGNITION FOR ROBERT D. AYERS, JR. This resolution recognized Mr. Robert D. Ayers, Jr. for his extraordinary service to the community. Mr. Ayers retired from the Office of Human Affairs after serving as Executive Director since May of 1994.

(No Speakers)

Vote on Roll Call:

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

Nays: None

Councilwoman McMillan moved adoption of the Consent Agenda, Items A through C, both inclusive, as shown below, seconded by Councilwoman Scott.

(a) Minutes of Work Session of January 24, 2006

Vote on Roll Call:

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

Nays: None

Abstention: Haskins (Absent from the Work Session of January 24, 2006)

4. Consent Agenda Continued

(b) Minutes of Special Meeting of January 24, 2006

Vote on Roll Call:

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

Nays: None

Abstention: Haskins (Absent from the Special Meeting of January 24, 2006)

(c) Minutes of Regular Meeting of January 24, 2006

Vote on Roll Call:

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

Nays: None

Abstention: Haskins (Absent from the Regular Meeting of January 24, 2006)

5. Appropriations

Councilman Haskins moved adoption of Items A through F, both inclusive, as shown below, seconded by Councilwoman Scott.

(a) Environmental Management System Program Initiatives

A RESOLUTION APPROPRIATING FUNDS FROM GENERAL CAPITAL IMPROVEMENT FUNDS UNDESIGNATED FUND BALANCE (\$65,000.00) TO ENVIRONMENTAL MANAGEMENT SYSTEM PROGRAM INITIATIVES (\$65,000.00). This resolution appropriated \$65,000.00 from General Capital Improvement Fund Undesignated Fund Balance for various initiatives associated with the City's Environmental Management System (EMS) Program. The City's Environmental Management System Program was begun in 2003 and has as its objectives: pollution prevention, regulator compliance, and continued improvement of the City's environmental performance. The Newport News Golf Club at Deer Run Maintenance Facility served as the pilot project, which led to environment management plans for different aspects of the facility. This proposed appropriation would continue the EMS program and its ultimate expansion to include all City operations and facilities. These requested monies will be used to acquire EMS program document management software, training, and related expenses.

(No Speakers)

Vote on Roll Call:

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

Nays: None

(b) Juvenile Accountability Incentive Block Grant Program

(1) Federal Grant

5. Appropriations Continued
  - (b) Juvenile Accountability Incentive Block Grant Program Continued
    - (1) Federal Grant Continued

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$19,334.00), STATE REVENUE (\$29,001.00) AND LOCAL GRANT MATCH (\$5,370.00) TO CONTRACTUAL SERVICES (\$53,705.00). This resolution appropriated \$19,334.00 of Federal Grant Revenue, \$29,001.00 of State Grant Revenue, and \$5,370.00 of Local Grant Match from the City's General Fund Operating Budget for the City's Department of Juvenile Services. This block grant program was initiated to promote greater accountability in the juvenile justice system. The program provided grants to States to strengthen their policies, programs and administrative systems that foster the creation of safe communities. The underlying supposition was that young people, their families and the juvenile justice system must be accountable for improving the quality of life in every community.

(No Speakers)

- (2) State Grant and Private Foundation Supplement

A RESOLUTION APPROPRIATING FUNDS FROM REVENUE FROM THE COMMONWEALTH (\$125,000.00) TO DAY REPORTING PROGRAM (\$125,000.00). This resolution appropriated \$125,000.00 of State Grant Revenue from the Annie E. Casey Foundation to supplement the Juvenile Accountability Incentive Block Grant Program. This second part of the block grant program in State funding from the Annie E. Casey Foundation would specifically to support the Day Reporting Program. These particular monies would be used to support two full time Juvenile Services Counselor staff positions and other operating expenses of the Day Reporting Program. No local funding was required.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (c) Sheriff Department Live Scan Equipment

A RESOLUTION APPROPRIATING FUNDS FROM STATE COMPENSATION BOARD – SHERIFF (\$8,113.00) TO INFORMATION TECHNOLOGY EQUIPMENT (\$8,113.00). This resolution appropriated \$8,113.00 of revenue from the State Compensation Board for the Sheriff Department's "Live Scan System." The "Live Scan System" electronically scans fingerprints of arrestees, which began as a Statewide initiative. The system was upgraded to provide for the transmission of photographs, which is required to be included in each file. This additional funding from the State would be used to purchase a laptop computer and upgrade the computer equipment and software to comply with the new requirement. No local

5. Appropriations Continued
  - (c) Sheriff Department Live Scan Equipment

No local match was required for this funding.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (d) Libraries The Power of the Book Grant

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$9,200.00) TO CONTRACTUAL SERVICES (\$9,200.00). This resolution appropriated \$9,200.00 of Federal Grant Revenue to the City's Department of Libraries and Information Services. This federal grant program was administered by the Virginia Foundation for the Humanities. The purpose of this grant was to conduct a year-long series of monthly programs by local experts on the power, impact and influence that books have on readers. No local match was required for this funding.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (e) Continuation of Southeast Community Redevelopment Activities Along Terminal Avenue

A RESOLUTION APPROPRIATING FUNDS FROM FY 2006 BONDS AUTHORIZED AND UNISSUED – DEVELOPMENT (\$550,000.00) TO SOUTHEAST COMMUNITY REDEVELOPMENT ACTIVITIES AT TERMINAL AVENUE (\$550,000.00). This resolution appropriated \$550,000.00 from Fiscal Year 2006 Bonds Authorized and Unissued to continue the Terminal Avenue Redevelopment work under the Southeast Community Redevelopment Plan. Funding for this project was programmed in the City's Capital Improvements Plan. This appropriation would accelerate efforts related to property acquisition, residential relocation and demolition of blighted structures. Approximately 98% of the property targeted for acquisition under the project's master plan had been acquired.

(No Speakers)

Vote on Roll Call:

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

Nays: None

5. Appropriations Continued
  - (f) Police Asset Forfeiture Funding

A RESOLUTION APPROPRIATING FUNDS FROM ASSET FORFEITURE FUNDS (\$77,000.00) TO SPECIALIZED POLICE EQUIPMENT (\$77,000.00). This resolution appropriated \$77,000.00 of Asset Forfeiture Funding for use by the Police Department for drug investigations and related operations. The source of this asset forfeiture funding was proceeds from the Federal government resulting from the City's participation in drug investigations. These funds, received periodically by the City, were to be used specifically for drug-related investigations and Police operations. This appropriation would be used for equipment for the Criminal Intelligence Unit and the Narcotics Unit. No local match was required for this funding.

(No Speakers)

Vote on Roll Call:

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

Nays: None

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

(a) Reverend Fred Carter, 8 Sundance Court, Newport News, commented on the arrest of Reverend Floyd Blackwell, a local clergyman. Reverend Carter noted his disagreement with the arrest as the law does not require a minister to report the suspicion of child abuse, and the doctrine of his religion dictated that confidences be kept in confidence. He suggested that Reverend Blackwell was arrested without cause and noted the irregularities in the booking procedures used, i.e. not having the benefit of release on bond initially. The Senate of Virginia (SB 253) was considering a law that would require ministers to report suspected child abuse to a local department of Social Services, exempting information required by the doctrine of the religious organization to be kept in a confidential manner.

Mayor Frank indicated that the Commonwealth's Attorney had been conferred with, and the matters reviewed carefully. He reminded that City Council, while mindful of the concerns, had no authority to intervene in a pending criminal matter.

(b) Mrs. Patrice Beck-Stein, 145 Herman Melville Avenue, Newport News, expressed concern about the proposed appropriation of promotional funding for event programming at City Center and suggested the same for the merchants in Port Warwick. She asked that Port Warwick be included in the decision making on the events that come into the area, as well as the selection of the venue, and that Council reconsider the appropriation.

Mayor Frank reported that the City Manager and City Council were cognizant of the issues and concerns. He indicated an inclusive plan would be considered that would be fair and equitable to all.

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

Councilman Haskins responded that Port Warwick and the merchants were one-hundred percent (100%) funded by the private sector. City Center was mostly funded with public monies with very little investment by the private sector.

Councilwoman McMillan acknowledged the receipt of a letter from Ms. Elizabeth Smith, President of the Denbigh-Warwick Business Association, who expressed concerns about the appropriation. Councilwoman McMillan expressed her concern about how the appropriation would be perceived. She asked that further thought be given during negotiations, not just to who would benefit, but to other areas in the business community, i.e. small businesses that needed extra attention and concern.

(c) Mr. Brian Holloway, 153 Herman Melville Avenue, Newport News, advocated inclusion of the Port Warwick merchants in the discussions about the development of event programming at City Center.

(d) Ms. Misty Odell, P. O. Box 12204, Newport News, expressed concern that events at City Center were in competition with events at Port Warwick. She indicated the City Council was encouraging competition by considering an appropriation for City Center only, and putting small local business owners in Port Warwick at a detriment.

7. New Business and Councilmember Comments

(a) City Manager, Randy Hildebrandt, introduced members of his executive staff as follows: Ms. Lottie Vincent, Assistant to the City Manager for Administration; Ms. Clede Jones, Assistant to the City Manager for Communications and Community Relations; and Ms. Izabela Cieszynski, Acting Assistant City Manager. He indicated that Mr. William Mitchell and Mr. Neil Morgan would continue to serve in their capacity as Assistant City Managers; and Mr. K. M. "Butch" Blanks would serve as Chief of Staff.

(b) Mayor Frank advised of the tax relief program for the elderly and disabled. The eligibility period was from March 1 through April 30<sup>th</sup>. The City provided a tax exemption for homeowners, 65 years of age or older as of December 31<sup>st</sup>, and the disabled (A summary of program requirements, qualifications, and contact phone numbers is attached to these minutes).

City Manager Hildebrandt advised that staff was working on an ordinance to extend the time frame for application for the real property tax relief program, and methods to make the relief more beneficial.

(c) Councilman Haskins commented on the proposal to appropriate City funding of special event programming in City Center. He requested additional detailed information regarding the proposed appropriation, including the total amount of investment in the area.

7. New Business and Councilmember Comments Continued

City Manager Hildebrandt responded that the proposal was to create events in this portion of the City in an effort to bring more people to Port Warwick and to City Center. He pointed out that although City money had been invested in City Center, a substantial amount of private funds had been invested.

(d) Councilwoman McMillan wished the citizens and Ms. Teresa Ferguson, Deputy City Clerk, a Happy Valentines Day.

(e) Councilwoman Scott requested further information on the arrest of Reverend Floyd Blackwell, as appropriate.

Councilwoman Scott announced the next North District Town Hall Meeting would be held on February 27, 2006, at American Legion Post 368 at 7:00 p.m. City Manager, Randy Hildebrandt, would be the guest.

Councilwoman Scott expressed condolences to the family of Ms. Darlene Holton, on the passing of her sister; and the family of Mrs. Ardell Johnson, who had recently passed.

(f) Vice Mayor Allen commented on the proposal to appropriate City funding for special events at City Center. He suggested a fair Citywide approach and that appropriations be done in context of all the City programs and that the City support, not isolate, the programs in an effort to alleviate who was receiving what. Vice Mayor Allen indicated that City Council needed to determine the benefit that would be distributed from this money, addressing a series of proposals, so as not appearing unfair, and that no activities be withdrawn from either of the neighborhoods.

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 8:16 P.M.

Mabel V. Washington, CMC  
City Clerk

Joe S. Frank  
Mayor

A true copy, teste:

City Clerk