

**MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
April 25, 2006
7:30 P.M.**

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

ABSENT: None -----0

1. The invocation was rendered by Elder Kermit Jones, Holy Tabernacle Church of Deliverance.

2. The Pledge of Allegiance to the Flag of the United States of America was led by Councilman Joseph C. Whitaker.

3. Public Hearings

(a) Fiscal Year 2007 Recommended Operating Budget

Mayor Frank advised this was the first of two public hearings that City Council was conducting on the City Manager's recommended Fiscal Year 2007 Operating Budget. A second public hearing was scheduled for Thursday, April 27, 2006 at Mary Passage Middle School, located at 400 Atkinson Way in the northern section of the City. Mayor Frank indicated that public hearings were a process in which citizens were asked to provide comments on the proposed budget and share concerns with regard to government spending. He further advised that City budget staff were available to provide detailed information for those citizens with questions about specific elements of the budget or particular line item expenditures. Mayor Frank announced that the budget document was available for review at all public libraries, in the Budget and City Clerk's Offices located in the Newport News City Hall Building, as well as on the City's web site. Pamphlets were made available to provide an overview of the proposed FY 2007 Operating Budget and a copy is attached to these minutes. Mayor Frank asked City Manager, Randy Hildebrandt, to provide a brief overview of the FY 2007 Recommended Operating Budget.

Mr. Hildebrandt stated the total City budget being recommend for Fiscal Year 2007 was \$745 million and included the General Fund, School Fund, Public Utilities Fund, and several other special funds. The Operating Budget provided a significant investment in organization infrastructure needs, by addressing several long-term issues such as retirement funding and a vehicle replacement program. The budget represented a commitment to ensuring that the City had a qualified workforce, that employees had necessary resources to do their jobs efficiently, and that citizens received quality services.

City Manager Hildebrandt shared the following key elements of the recommended \$388 million General Fund Operating Budget: (1) represented a 7.3% increase

3. Public Hearings Continued

(a) Fiscal Year 2007 Recommended Operating Budget Continued

over FY 2006 Adopted Budget and provided \$26.3 million in new monies for FY 2007; (2) included \$5.4 million in funding for a compensation package that would provide an average 4% salary increase for City employees; (3) an addition of 30 new positions (a 1% increase in the City's workforce). These positions would require \$1.1 million in new funding; (4) increasing the contribution rate for the Newport News Employees Retirement Fund; (5) an initial investment to update the City's information technology, the beginning of a multi-year investment plan involving \$400,000 for the implementation of a new permitting system; (6) an increase in City funding for the School Division by \$2.9 million, bringing the City's contribution to \$103,560,000. When this amount is added to new state monies for FY 2007, the School Division would have \$22.9 million to address its funding priorities. Although the recommendation was \$2.38 million short of the requested amount, it provided sufficient money to meet the School's spending initiatives and most of the School Division's salary enhancements; (7) full funding for Hampton Roads Transit's request, representing an \$890,000 increase over FY 2006; (8) a 13.9% increase in real estate property tax revenues; and (9) a modest decrease in the tax rate due to additional revenue. City Manager Hildebrandt indicated he would be working with City Council to provide budget amendments that would allow for the reduction in the tax rate.

City Manager Hildebrandt stated the recommended FY 2007 Operating Budget represented a blueprint for moving the City forward and for sustained ability to provide citizens with high level services desired for education and for ensuring public safety and the quality of life for all residents.

Dr. Marcus Newsome, Superintendent, Newport News Public Schools, commended City Council for its outstanding leadership to the City and thanked each members for their support of the School system (NNPS). Each year, NNPS continued to earn state and national recognition as a result of the outstanding accomplishments of the students and the employees. Their progress was an indicator of good stewardship over the funds allocated to the NNPS. Dr. Newsome indicated that the FY School Board's 2007 budget request to the City Council for a 4.7% increase was the smallest proposed local increase of any school division in Hampton Roads. Dr. Newsome urged City Council to fully fund the School Board's approved budget in the amount of \$299 million. He expressed the importance of the School Board and the City Council joining forces to do everything necessary to provide the finest education possible for the children, and agree on an education compact to include a funding agreement that described a shared vision and common desire to improve teaching and learning in the NNPS. Dr. Newsome suggested intellectual, financial and human capacities should be pooled to raise the performance of the NNPS to ensure that every high school graduate was prepared to enter college or a career of choice.

Councilman Haskins inquired about the dollar figures and median incomes for the various Hampton Roads localities to fund education. Dr. Newsome replied he could provide the additional information pertaining to incomes. He did not have the median income or salaries for those communities.

3. Public Hearings Continued
 - (a) Fiscal Year 2007 Recommended Operating Budget Continued

Ms. Deborah "Dee" Johnston, Chairperson, Newport News Public School Board, thanked Council for the opportunity to review the FY 2007 NNPS Budget which was approved unanimously by the School Board in March. She indicated the budget presented a conservative plan for continued improvement of public education for the citizens. She expressed gratitude to those who assisted in the development of the budget, including community involvement, an Assistant City Manager, President of the PTA, the President of the Newport News Education Foundation, and the President of the Newport News Education Association. This plan was designed to build upon the NNPS strategic plan and the findings of the Phi Delta Kappa curriculum audit. Ms. Johnston shared the following NNPS accomplishments: (1) 38 fully accredited schools; (2) earned Adequate Yearly Progress (AYP) designation for the first time, based on student scores; (3) 255 students named AP Scholars, Scholars With Honors, or Scholars With Distinction; (4) all five high schools were included in Newsweek's ranking of "The Best High Schools in America;" (5) nearly 12,000 members of the PTA; (6) volunteers provided nearly 80,000 hours of free time to help students; and (7) for the eighth consecutive year, School Match selected NNPS for what parents want in public education (only 15% of school divisions nationally are selected for the program). Ms. Johnston encouraged Council to fully support the plans as outlined in the School Board approved budget.

Mayor Frank thanked Ms. Johnston for her leadership on the School Board.

Mayor Frank advised former Judge Robert Yacobi, that the City Attorney, Stuart Katz, reported to City Council at its April 25, 2006 Work Session that the Peninsula Drug Rehabilitation Foundation was in compliance with State Law so that it could be legitimately funded by Newport News Council. The City Manager was instructed by City Council to meet with the group to identify which programs and services would be provided, and how the management plan would ensure any funds would be managed and accounted for. Council could then consider a budget appropriation.

Mr. Robert M. Yacobi, 6 Chanteraine Close, Williamsburg, described the work of the Foundation, indicating he was not affiliated with the Peninsula Drug Rehabilitation Foundation, but indicated its importance to the citizens of Newport News. Mr. Yacobi indicated this was a valuable tool and much needed. He felt the request was modest and urged City Council restore funding for the program.

Mr. Jason Young, 12725 McManus Boulevard, Suite 2-E, Executive Director of Community Futures Foundation, a non-profit organization that runs The Denbigh House, an innovative community-based rehabilitation program for survivors of brain injury. He spoke on behalf of the community support agency grant proposal submitted by The Denbigh House to the City of Newport News. Mr. Young described the services provided to the citizens with brain injuries, and the critical unmet needs filled in the community. The services were comprehensive and designed to help survivors return to independent living, paid employment, and community reintegration. Having received over 25 referrals in the first 10 months, the Denbigh House served

3. Public Hearings Continued

(a) Fiscal Year 2007 Recommended Operating Budget Continued

over 30 families and local human service organizations in the area. Mr. Young stated that the system was underfunded, lacked brain injury expertise, and unable to meet the demands in the community. The General Assembly in 2004 recognized the need for more services and put together a road map of services, comprised of three core services, day programs, case management, and regional resource centers, to adequately serve the brain injury population in every community. Mr. Young indicated the grant proposal sought to expand program services and outreach services to meet the growing demand for referrals in the community, and allowed Newport News to maintain the first core service for persons with brain injury. He requested City Council support for the grant application and invited members to stop by for a tour of The Denbigh House.

Mrs. Selma Petock, 2410 William Styron Square South, Chair of the Community Relations Governmental Affairs Committee for the Hampton-Newport News Community Services Board (CSB), thanked City Manager Hildebrandt for his past service on the Community Services Board. She reminded that the CSB provided and coordinated a vast array of community-based services to individuals and their families affected by mental disabilities. Services provided included service to infants born with developmental disability; prevention and early intervention to children and adolescents in partnership with the NNPS; adult day care service for individuals with Alzheimer's/dementia; the largest psychiatric out-patient practice in Southeastern Virginia for adults, children, and families with mental illness; emergency services by way of direct and immediate crisis intervention to individuals and their families experiencing acute problems associated with mental illness; collaborative efforts to create and maintain the Newport News drug court program. Mrs. Petock indicated that CSB must have sufficient local tax support to maintain the level and array of services the citizens rely upon. She urged City Council provide the requested 6% funding increase for FY 2007. She expressed appreciation to Council members for past support and requested assistance to help CSB maintain the best community mental health center in Virginia.

Ms. Janet Christian, 801 Blackwater Way, a brain injury survivor, described her successful and active life prior to her brain injury. She indicated that brain injury was the leading cause of death and disability in the United States for individuals under the age of 45. Ms. Christian shared startling statistics on brain injury according to the National Institute of Health in Washington, D.C., and the severe lack of funding for brain injury services in the State of Virginia. Denbigh House provided the assistance needed and has seen improvements because of the services provided by Denbigh House. Ms. Christian urged Council award the grant proposal submitted by Denbigh House to help fund services for the brain injured.

Mayor Frank inquired whether the City Manager recommended full funding for the CSB request. City Manager Hildebrandt replied no. CSB requested a 6% increase, he recommended a 3% increase, but included money for the Port Shelter in the budget, which amounted to more than a 3% increase. Mayor Frank requested a memorandum of explanation.

3. Public Hearings Continued

(a) Fiscal Year 2007 Recommended Operating Budget Continued

Mayor Frank announced there would be a Public Hearing on Thursday, April 27, 2006, 7:30 p.m., at Passage Middle School (407 Atkinson Way), and requested the posting of signs to assist the public.

(b) Change of Zoning CZ-06-213, J. Clyde, L.L.C.

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 was a request to adopt an ordinance for a change of zoning from C-1 Retail Commercial to C-2 General Commercial for a 0.91 acre parcel located at 947 J. Clyde Morris Boulevard. This Public Hearing was continued from the March 28, 2006 and April 11, 2006 Regular Meetings of City Council. The Planning Commission voted 6:3 to recommend to City Council that this change of zoning request be denied, and the City Manager concurred with the recommendation. City Council had asked that the matter be reviewed. Since that time, additional proffers had been made.

Mr. Raymond Suttle, Jr., Jones, Blechman, Woltz, and Kelly, representing the applicant, Enterprise Rental Car and the owner of the property, J. Clyde, L.L.C., reminded that Council had approved the concept of allowing Enterprise Rental Car to operate a used-car dealership. He reminded that Enterprise sold leased cars with minimal mileage at used car outlets. Mr. Suttle thanked staff for its assistance and hard work. He reminded what Enterprise was willing to do to operate at this location, including: (1) spending approximately \$500,000.00 to renovate the location; (2) made concessions to lighting and architectural controls, landscaping and additional buffering; (3) agreed to close one entrance; and (4) agreed to reduce the number of parking spaces to a total of 38. One outstanding issue dealt with promotional matters, specifically, the need to distinguish the J. Clyde Morris proposed dealership location from the Enterprise leasing operations. They felt they needed minimal unobtrusive promotional material – most notably flags on the side of the window and a small window advertisement. Mr. Suttle pointed out that the City had a unique opportunity to help and participate in the rehabilitation of this property. He reminded Council that a variety of uses could be used on the property that may not be as advantageous as this proposal, particularly with the planned improvements and renovations.

Mr. Jim Mercer, General Manager and President for Enterprise locally and in the State of Virginia, thanked staff, Council, and the Planning Commission for their support and cooperation. Mr. Mercer reiterated that promotional advertising continued to be the stumbling block, specifically with regard to the ability to differentiate this location from the other locations that provided only rental cars. He respectfully requested approval to display the 12" x 14" Amer-

3. Public Hearings Continued

(b) Change of Zoning CZ-06-213, J. Clyde, L.L.C.

ican flag on the 29 cars allowed. Mr. Mercer indicated there was no advertising done, Enterprise specialized in credit union sales and via word of mouth by regular rental customers, and had a need to use the flags to draw attention to passer-bys.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

(c) Conditional Use Permit CU-06-191, J. Clyde. L.L.C.

Mayor Frank presented AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-06-191 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING AN AUTOMOBILE SALES/USED CAR DEALERSHIP IN A C2 RETAIL DISTRICT. He advised this would grant a conditional use permit to operate a used automobile dealership on a 0.91 acre parcel located at 947 J. Clyde Morris Boulevard. This Public Hearing was continued from the March 28, 2006 and April 11, 2006 Regular Meetings of City Council. The Planning Commission voted 6:3 to recommend the denial of this conditional use permit application, and the City Manager concurred with that recommendation; however, he concurred with the conditions which were developed by City staff as contained in the revised ordinance.

(No Speakers)

City Attorney, Stuart Katz, explained there was an amendment to paragraph 7 and paragraph 13.

Mayor Frank, referencing paragraph 13, which staff recommended, “no flags, banners, balloons or window advertising visible from the public right-of-way shall be affixed to any motor vehicles displayed or parked on the site.” City Manager Hildebrandt explained that staff sought consistency with requirements recommended for all such conditional use permits. Mayor Frank suggested to the City Attorney, with appropriate language, revising paragraph 13 by

3. Public Hearings Continued
 - (c) Conditional Use Permit CU-06-191, J. Clyde. L.L.C.

removing the word “flags” and adding “however no more than eight vehicles for sale may display one American flag no larger than 12” x 14.” This would allow eight vehicles along the front with American flags, but no flags on the other twenty-one vehicles, and would prohibit other things recommended by staff.

Councilman Whitaker questioned the allowance of flags on only eight vehicles since the applicant requested flags on each vehicle. Mayor Frank replied he was providing a compromise between the number the applicant requested with the number the City Manager requested, which was zero. The presentation wanted to attract attention to the lot so that people knew the cars were for sale, and not rentals. Mayor Frank recalled twelve cars across the front row. It was his feeling flags on eight cars were a compromise between staff’s point of view and the request made by the applicant, but would provide visibility along the highway.

Councilwoman McMillan questioned the allowance of flags on eight, rather than the twelve vehicles aligned across the front. Councilman Whitaker indicated it should not make a difference. Vice Mayor Allen responded the number allowed made a difference if the City was trying to set a standard that would apply to everyone.

Mayor Frank indicated he was convinced that Enterprise had a different marketing approach than other used car dealers, and was persuaded that the real concern of staff was not how Enterprise operated its used car lot, but when Enterprise left, what would be available to another used car dealer who came along with promotions the City disagreed with. This compromise allowed Enterprise to meet their unique requirement, and would satisfy staff to some degree because a future user would not be allowed to do any more.

Councilwoman McMillan indicated she had no objection to the flags, but if twelve cars were allowed out front, all twelve should be allowed to have flags displayed.

Mr. Suttle indicated Enterprise needed to display flags on twenty-nine vehicles, not twelve. This matter was discussed with all parties and the determination made that there was a necessity to display flags on twenty-nine vehicles to distinguish the vehicles on the lot which were for sale. Mayor Frank responded that the cars on the lot which were for sale would have a sticker listing the price and the features of the vehicle and would be obvious.

Councilman Haskins suggested revising paragraph 13 by entering a period after the word “site,” to read as follows: “no banners, balloons or window advertisements visible from the public right-of-way shall be affixed to any motor vehicles displayed or parked on the site, however, no more than twenty-nine vehicles for sale may display one American flag no larger than 12” x 14.” Mr. Suttle responded that would be agreeable. The word “flags” would be removed, giving no limitation on the number of flags. Mayor Frank would prefer to make the limitation to twenty-nine vehicles rather than leaving it open that flags would all over the site. Mr. Suttle agreed, indicating his applicant was limited to twenty-nine vehicles for sale.

3. Public Hearings Continued
 - (c) Conditional Use Permit CU-06-191, J. Clyde. L.L.C.

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

Vote on Roll Call:

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

Nays: None

Councilwoman McMillan moved adoption of the above ordinance as amended; seconded by Councilman Bateman.

Vice Mayor Allen indicated he was in favor of this zoning change, but stated he had a serious problem with double standards, which was a form of discrimination and, because of that, indicated he could not support the ordinance.

Vote on Roll Call:

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

Nays: Allen

- (d) Lease of City-Owned Property to Denbigh Toyota, Inc. and Warwick #15198 Limited Partnership

Mayor Frank presented 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 LEASE BY AND BETWEEN DENBIGH TOYOTA, INC., WARWICK #15198 LIMITED PARTNERSHIP AND THE CITY OF NEWPORT NEWS, VIRGINIA, DATED THE 25TH DAY OF APRIL, 2006, FOR THE LEASE OF PROPERTY AT 5204, 5206, 5208 AND 5210 DENBIBH PARK DRIVE AND 15196, 15198 AND 15206 WARWICK BOULEVARD IN THE CITY OF NEWPORT NEWS, VIRGINIA. He advised this authorized the execution of the lease of City-owned property located at 5204, 5206, 5208 and 5210 Denbigh Park Drive, and 15196, 15198 and 15206 Warwick Boulevard to Denbigh Toyota, Inc., and Warwick #15198 Limited Partnership. As a component of the purchase of this property by the City, the Sellers requested this lease to allow their continued occupancy of the premises until December 31, 2007. The monthly lease rate of \$15,500 allowed the City to more than cover its borrowing costs during this lease period. The sellers, Denbigh Toyota, would pay all operating costs including maintenance, utilities and a payment in lieu of taxes.

Mr. Butch Capps, representing Denbigh Toyota, 15198 Warwick Boulevard, was available for questions.

(No Speakers)

3. Public Hearings Continued

- (d) Lease of City-Owned Property to Denbigh Toyota, Inc. and Warwick #15198 Limited Partnership Continued

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

4. Consent Agenda

Councilman Whitaker moved adoption of the Consent Agenda, Items A through F, both inclusive, as shown below; seconded by Councilman McMillan.

- (a) Minutes of Work Session of April 4, 2006

Vote on Roll Call:

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

Nays: None

- (b) Minutes of Special Meeting of April 4, 2006

Vote on Roll Call:

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

Nays: None

- (c) Minutes of Work Session of April 11, 2006

Vote on Roll Call:

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

Nays: None

- (d) Minutes of Regular Meeting of April 11, 2006

4. Consent Agenda Continued
- (d) Minutes of Regular Meeting of April 11, 2006 Continued

Vote on Roll Call:

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

Nays: None

- (e) Resolution of Appreciation – John Marks

A RESOLUTION OF APPRECIATION FOR JOHN MARKS. This was a Resolution of Appreciation recognizing Mr. John Marks, an inaugural member of the Newport News Risk Management Committee, who served as a member for thirty years.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (f) Authorization to Conduct Background Investigations – Concealed Handgun Permit

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 43, WEAPONS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I, IN GENERAL, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 43-2, CONCEALED HANDGUN PERMIT APPLICATION FEE; FINGERPRINTS REQUIRED. This ordinance re-codified, in the City Code, the authority to conduct background investigations and collect fees for concealed handgun permits. When the City Code was amended to delete mandated sections pertaining to concealed handguns, the section requiring permit applications and specifically, the collection of permit fees was inadvertently deleted. This proposed ordinance added a fingerprint requirement, which was permitted by State Code. The ordinance re-codified the requirement for background investigations and collection of permit fees, and codified current practices.

(No Speakers)

Councilman Haskins inquired whether the State Code allowed background checks. City Attorney Katz replied the State Code did allow background checks. Councilman Haskins inquired why the City did not use the State Code, as opposed to the City Code. City Attorney Katz responded this allowed the City to recover the money that the Federal Bureau of Investigation charged to conduct the investigation.

Vote on Roll Call:

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

Nays: None

5. Re-Codification of the City Code Relative to Water Supply

A. Amendment of Chapter 42 and Rescission of Outdated Policy

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 42, WATER SUPPLY, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA; AND TO REPEAL THE POLICY WITH REFERENCE TO SEWERS, WATER, CURB AND GUTTER, SIDEWALKS AND PAVING ADOPTED BY CITY COUNCIL ON JUNE 15, 1959. This ordinance re-codified Chapter 42 of the City Code pertaining to the policies and operation of Newport News Waterworks, and rescinded an outdated Waterworks policy on sewers, water, curb and gutter, sidewalk and paving. Chapter 42 of the City Code provided the legal framework for the operation of the Newport News Waterworks and contained City Council authorization for certain critical aspects of the operations of Waterworks. Revisions had occurred to this Chapter of the City Code over time. This proposal updated that Chapter to reflect revisions. The 1959 policy being rescinded was no longer needed nor used by City Departments.

Mr. Kelly Place, 213 Waller Mill Road, Williamsburg, expressed concern that this recodification would result in increased water bills. He reminded that he had requested a projected rate of increase and the amount of increase of the water bills over the next thirty years for the citizens of Newport News, allowing citizens to determine whether the water policies were appropriate; and indicated he had yet to receive the projection. Mr. Place indicated he had discovered the water rates of the Cities of Chesapeake, Norfolk, Suffolk, Virginia Beach, Portsmouth, Williamsburg, and Richmond, as well as the Counties of York, James City, Henrico and Chesterfield. He discovered the rates in Newport News were higher or as high. It was his belief that the blind pursuit of the King William Reservoir would be at the citizens' expense. He felt the recodification was inappropriate and the citizens were not aware of how much they would pay in the near and distant future.

City Manager Hildebrandt responded this action only recodified the City Code, and increased no rates or fees. It updated the Code and made a few policy changes.

Councilman Haskins expressed frustration and added that the opposition to the King William Reservoir had driven the cost of the project up.

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

Vote on Roll Call:

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

Nays: None

B. Amendment of Chapter 16

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 16, FIRE PREVENTION AND PROTECTION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., IN GENERAL, SECTION 16-6, FIRE PROTECTION SERVICE FEE. This ordinance amended Chapter 16 of the City Code relative to the fire protect-

5. Re-Codification of the City Code Relative to Water Supply Continued

B. Amendment of Chapter 16 Continued

tion service fee. This amendment changed the word “charge” to “fee” to correlate with the terminology used in the preceding monthly fee schedule. Additionally, the amendment corrected the references to the appropriate section of Chapter 42 of the City Code.

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

Vote on Roll Call:

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

Nays: None

6. Revised Settlement Authorization Schedule – Self-Insurance Funds

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXXVI., ADMINISTRATION OF SELF-INSURANCE FUNDS, DIVISION 3., RULES APPLICABLE TO BOTH FUNDS, SECTION 2-749, PAYMENT OF MONEY IN SETTLEMENT. This ordinance amended the City Code to revise the limits for settlement authorizations pertaining to the administration of the City’s Self-Insurance funds. In this section of the City Code, City Council delegated its authority to settle claims within the limits established for each of the three levels of City administration of the funds. In this ordinance, the City’s Self-Insurance Administrator’s limit remained at \$30,000.00. The City Attorney’s limit was increased from \$50,000.00 to \$100,000.00. The Risk Management Committee’s limit was increased from \$100,000.00 to \$250,000.00. Both the City Attorney and the City Manager recommended these changes.

(No Speakers)

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

Councilman Haskins indicated he felt the City was treading on bad ground to advertise what the risk management committee and the City Attorney’s limit were, which meant attorneys would negotiate for higher fees. He would much rather see coming to Council after negotiation of fees so that Council could establish the fee. City Manager Hildebrandt responded this action allowed the entities to make settlement decisions up to the specified amount. Councilman Haskins stated by publishing these limits, the City allowed attorneys to negotiate higher fees.

Mayor Frank disagreed, indicating he had negotiated claims and the City Attorney should have the authority to offer up to a certain amount. He stated the City Attorney

6. Revised Settlement Authorization Schedule – Self-Insurance Funds Continued

had been doing a good job and the Risk Management Committee was a committee of professionals. City Council was not professional in evaluating these cases and should give more authority to the professionals who had the experience and training to do so. Mayor Frank indicated he had confidence in the City Attorney and his staff, as well as those on the Risk Management Committee to represent the City, and expressed support for this ordinance. This was reality that cases cost more.

Vice Mayor Allen inquired whether the City was required by State law to take this action. City Attorney Katz replied yes, and indicated it had been some time since there had been an increase in the level of authorization.

Vote on Roll Call:

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

Nays: None

Councilman Haskins advised of his intent to have this matter reconsidered at the May 9, 2006 Regular Meeting of City Council.

7. 2006-2007 Update to the Consolidated Housing and Community Development Plan

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS APPROVING AN ANNUAL PLAN UPDATE FOR THE CITY OF NEWPORT NEWS INCLUDING THE PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUNDS AND CERTIFICATIONS FOR FISCAL YEAR 2006-2007 AND AUTHORIZING THE SUBMISSION OF THIS PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. This resolution approved the 2006-2007 Annual Action Plan for the City's Consolidated Housing and Community Development Plan. The Federal Department of Housing and Urban Development (HUD) required a five-year strategic plan, with annual updates, in order for the City to receive annual entitlement grants for CDBG and HOME programs. The latest five-year plan was approved by City Council in the Spring of 2005. This proposal was the first annual update. The total amount of grant funds anticipated from HUD in FY 2006-2007 for both programs was \$2,774,321.00. This sum included \$1,665,757.00 in CDBG funds, and \$1,108,564.00 in HOME related funds.

Mr. Derek Kahn, Community Development Director, Newport News Redevelopment and Housing Authority, was available to answer questions.

(No Speakers)

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

7. 2006-2007 Update to the Consolidated Housing and Community Development Plan Continued

Vote on Roll Call:

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

Nays: None

8. Acquisition of Watershed Protection Property – Lot 10 in Sonshine Acres

A. Appropriation of Funding

A RESOLUTION APPROPRIATING FUNDS FROM WATERWORKS LAND CASH – RESTRICTED (\$171,500.00) TO LEE HALL RESERVOIR WATERSHED PROPERTY ACQUISITION – PRUNTY PROPERTY (\$171,500.00). This resolution appropriated \$171,500.00 from Waterworks Land Cash-Restricted for the acquisition of watershed property located in York County from Michael P. Prunty. This proposed acquisition involved Lot 10 of Sonshine Acres in York County and consisted of 4.16 acres. Mr. Prunty offered this parcel to Waterworks, which was determined by Waterworks staff as needed for a water quality protection area and served as a buffer along the edge of the Lee Hall Reservoir watershed.

Mr. Michael P. Prunty, property owner, was available to answer questions.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

B. Authorization to Acquire

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO MAKE AN OFFER TO PURCHASE CERTAIN REAL PROPERTY HEREINAFTER MORE PARTICULARLY DESCRIBED, SITUATE, LYING AND BEING IN THE COUNTY OF YORK, VIRGINIA, FOR PUBLIC UTILITIES PURPOSES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ALL DOCUMENTS NECESSARY TO EFFECT THE PURCHASE AUTHORIZED HEREIN. This ordinance authorized the offer to purchase and subsequent execution of any and all documents necessary to effectuate the City's acquisition of Lot 10 of Sonshine Acres in York County by Waterworks for watershed protection. The property owner agreed to accept a sales price of \$171,500.00 based on a professional apprai-

8. Acquisition of Watershed Protection Property – Lot 10 in Sonshine Acres

B. Authorization to Acquire

sal performed for the City that established the fair market value at this amount.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

9. Appropriations

Councilman Haskins moved adoption of Items A and B, both inclusive, as shown below, seconded by Councilman Whitaker.

Mayor Frank inquired about to the pedestrian signals that would be erected. City Manager Hildebrandt replied that Dr. Mostafa Sabbah, Director, Department of Engineering, had indicated countdown features would be included in these pedestrian improvements. Mayor Frank stated he would like to make this a City policy for the future.

Councilman Bateman expressed concern regarding the lighting at the intersections in the area of Christopher Newport University. City Manager Hildebrandt responded the street lighting was not completely adequate during the construction phase, but once the project was complete, lighting should be more than adequate.

(a) Police Department Law Enforcement Block Grant

A RESOLUTION APPROPRIATING FUNDS FROM LOCAL LAW ENFORCEMENT BLOCK GRANT INTEREST EARNINGS (\$3,676.00) TO POLICE DEPARTMENT INITIATIVES (YEAR FIVE) (\$3,676.00). This resolution appropriated \$3,676.00 of Law Enforcement Block Grant interest earnings for use as program revenue. This represented an annual transaction to appropriate interest earnings on the federal portion of this grant program to be used as program revenue. Previously, the U. S. Department of Justice determined that interest earned on the federal portion of these block grant funds should be applied as revenue to each grant year. This appropriation represented the interest earned on the grant from FY 2005. No local funds were involved in this transaction.

(No Speakers)

9. Appropriations Continued

(a) Police Department Law Enforcement Block Grant Continued

Vote on Roll Call:

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

Nays: None

(b) Traffic Signal Installations, Mast Arm Conversion, Intersection Improvements and Streetlights

A RESOLUTION APPROPRIATING FUNDS FROM FY 2006 BONDS AUTHORIZED AND UNISSUED-STREETS AND BRIDGES (\$850,000.00) TO NEW TRAFFIC SIGNAL INSTALLATIONS (\$180,000.00), MAST ARM CONVERSION (\$120,000.00), INTERSECTION IMPROVEMENTS (\$120,000.00) AND STREETLIGHTS (\$430,000.00). This resolution appropriated \$850,000.00 From Fiscal Year 2006 Bonds Authorized and Unissued for various planned traffic signal installations, a mast arm conversion, intersection improvements and streetlights. Funding for these projects was programmed in the City's Capital

Improvements Plan. The following improvements were included: (1) New traffic Signal Installations, \$180,000.00; (2) Traffic Signal Mast Arm Conversion, \$120,000.00; (3) Intersection Improvements, \$120,000.00; and (4) Streetlights, \$430,000.00.

(No Speakers)

Vote on Roll Call:

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

Nays: None

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

Ms. Pricillia Burnett, 556-F Blue Point Terrace, expressed concern that the prohibition on election signs in the City's rights-of-way were not universally enforced, and questioned whether there was a policy regarding the placement of election signs at polling places.

City Manager Hildebrandt replied there were certain State election requirements about how far signs could be to polling places. He indicated he would consult with the City Attorney about how this might affect polling places as some are public properties and some were private properties, and the City had been regulating City rights-of-way.

Vice Mayor Allen indicated that Ms. Burnett should have received directives from the State Board of Elections regarding signs at polling places. Signs were generally allowed within 30 feet of polling places on the evening prior to the election, but must be removed the following day.

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

City Attorney Katz indicated there was a difference between a polling place and the City right-of-way. Many of the polling places were in public schools, and were not a part of the public right-of-way.

Mayor Frank advised that the City Manager and City Attorney would look into the matter and advise all candidates of the rules.

Mr. Gary Kelly, 901 Center Avenue, indicated the City should enforce the policy regarding the proper placement of garbage containers in curb and gutter areas of the streets.

City Manager Hildebrandt indicated guidelines should be sent out to residents in Mr. Kelly's neighborhood advising of the requirements since they were new to having curbs and gutters.

Mr. Kelly Place, 213 Waller Mill Road, Williamsburg, commented historically on the opposition to the Cities of Norfolk and Virginia Beach when constructing a water pipeline and its relevance to the King William Reservoir (KWR) Project. He suggested the City advise citizens upfront about the anticipated costs of legally defending the King William Reservoir Project and any suits as a result of the same.

Mayor Frank responded that over the years people had sincerely opposed the KWR and made a point of presenting the facts, and there were others opposed to the project that made up facts. He indicated that the public had overwhelmingly supported the KWR project, since first being elected to Council in 1988. He felt the public understood the need for the water for future generations. Mayor Frank agreed there would be lawsuits, but did not feel the lawsuits would prevail. All permits were in place. The ratepayers, not the taxpayers, were paying for the project, which meant water users in Newport News, Hampton, York County, Poquoson and James City County, who received water services from Waterworks, shared in the cost and expense.

11. New Business and Councilmember Comments

(a) Mayor Frank encouraged citizens to vote on Election Day - Tuesday, May 2nd, urging them to express how they felt about the representation they received from City government, in selecting the best qualified to provide service in the future.

Mayor Frank advised senior citizens and their families providing support, that Medicare Part D (prescription plan) had a deadline for qualification of May 15. The Peninsula Agency on Aging, The Patient Advocate Foundation, among a few, was working with senior citizens to provide assistance in enrollment. Assistance was also available by calling 1-800-MEDICARE. He urged citizens to take advantage of this opportunity.

11. New Business and Councilmember Comments Continued

(b) Councilman Haskins reported a portion of the fence was down on Rebecca Circle, behind the Auto Zone on Jefferson Avenue and Harpersville Road. He asked the City Manager to look into the matter.

(c) Councilwoman McMillan thanked all who attended the Candidate' Forum on April 24, 2006, sponsored by the Southern Christian Leadership Council at Grissom Library.

Councilwoman McMillan encouraged citizens to attend City Council's second Budget Public Hearing on Thursday, April 27, 2006, 7:30 p.m., at Passage Middle School, located at 400 Atkinson Way.

Councilwoman McMillan congratulated Mabel Washington, City Clerk, on being elected 2nd Vice President of the Virginia Municipal Clerks Association.

(d) Councilwoman Scott requested that City Manager Hildebrandt reconsider the original site for the North District Recreation Center. She indicated that prior to purchasing the Denbigh Toyota site, the City had a piece of land on which to build a community center. She further indicated the fact that the City had extended a lease to Denbigh Toyota until December 31, 2007 would delay the completion of the center until 2009 or 2010. Councilwoman Scott urged the Manager to explore options for accelerating construction of the Center, particularly with the threat of increased gang activities. The Recreation Center would provide activities for the youth.

Councilwoman Scott thanked The Honorable G. Glenn Oder, for his attendance at the North District Town Hall Meeting on April 24, 2006.

Councilwoman Scott advised citizens there would be adequate voting machines available at the polls for the disabled on Election Day.

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 9:19 P.M.

Mabel V. Washington, CMC
City Clerk

Joe S. Frank
Mayor

A true copy, teste:

City Clerk