

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
September 12, 2006  
7:30 P.M.**

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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 Dr. Lisa Williams, Bethesda Beth-el Worship Center.
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) Conditional Use Permit CU-05-177, World Outreach Worship Center

Mayor Frank presented AN ORDINANCE THAT WOULD GRANT A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A 400-FOOT FM RADIO TOWER AND AN EQUIPMENT BUILDING ON A 12.46 ACRE PARCEL ZONED M-1 LIGHT INDUSTRIAL AT 525 INDUSTRIAL PARK DRIVE. This item pertained to a request for a Conditional Use Permit to allow the construction of a 400-foot FM radio tower and an equipment building on a 12.46 acre parcel zoned M-1 Light Industrial at 525 Industrial Park Drive. This public hearing was continued from the March 14, 2006, June 27, 2006 and July 11, 2006 Regular Meetings of City Council. The Planning Commission voted 9:0 to recommend to City Council the denial of this application. There was a recommendation from the City Manager also recommending denial.

Councilman Haskins moved to defer the public hearing to the October 10, 2006 Regular Meeting of City Council; seconded by Councilman Whitaker.

Vote on Roll Call:  
Ayes: Whitaker, Allen, Frank, Haskins, McMillan, Scott  
Nays: None  
Abstention: Bateman (Member of the Peninsula Airport Commission. See attached Declaration).

Mayor Frank explained that City Council would not address the issue at this meeting. He indicated that a long discussion was held at the earlier Work Session at which Council heard from experts about the issues of the impact on the Airport, the tower on the Emergency Communications, as well as the possible impact on Waterworks' computer system at the Treatment Center. Delegate Glenn Oder, representing the applicant, was present at the Work

3. Public Hearings Continued
  - (a) Conditional Use Permit CU-05-177, World Outreach Worship Center Continued

Session, at which discussion was held about things that could be done that may enable the applicant to pick up sufficient votes on City Council with compromises, to allow the project to move forward. Mayor Frank indicated that both the applicant and the City needed time to review the compromise. He further stated that no one was opposed to the tower, and Council recognized the importance of the broadcast message. It was Council's responsibility to be certain that other citizens were not jeopardized by risking that the Emergency Communications System would not work in times of an emergency, i.e. Police, Fire, Rescue, and be ensured that the proposed tower did not interfere with the operation of the Waterworks Treatment Plant, or the expansion of the Airport. Mayor Frank stated that Council wanted to be fair to everyone and allowed speakers to address the Council even though the issue was deferred.

The Honorable Glenn Oder, 213 Robin Drive, representing the applicant, stated there had been several denials, i.e. the Peninsula Airport Commission, the Newport News Planning Commission, as well as staff's recommendation for denial. Engineering questions were raised during each step of the process, most which were addressed with factual responses by the applicant. It was the wisdom of the staff, Planning Commission, and City Council to ensure that the Airport was safe, protected, and was viable into the future. A report, produced by Campbell and Paris Engineering, recommended that the tower would be safe, if it were not constructed any taller than 350 feet. Delegate Oder indicated the applicant was more than willing to construct the tower at 349 feet, 11 ¾ inches, which created another engineering problem. The problem was the tower was engineered to broadcast at 400 feet, with a tower adjacent to it, that was engineered to broadcast at 325 feet; and if the proposed tower was lowered to 349 feet 11-3/4 inches, the towers would be too close together. Engineers were needed to be brought in. The applicant would be happy to have its engineer confer with the City's engineer. Delegate Oder acknowledged all supporters of the radio tower that were present and asked them to stand.

Mr. Tom Bucklin, 102 Nobles Landing, Yorktown, private pilot with 20 years in the Air Force, stated this should be a non-issue when reviewing the visual flight rules. A 400 foot tower for Newport News with other airports nearby and with the minimums stated in the approach plates would not affect flying.

Pastor Bob K. Collins, World Outreach Worship Center, 1233 Shields Road, whose name was also on the application, indicated he would favor the compromise. For clarification purposes, Pastor Collins indicated that once the Church sold the property to the Oasis Radio Network, it was done. He stated the Church was not in the business of making money.

Rabbi Eric S. Carlson, 1233 Shields Road, expressed his appreciation for the compromise.

Ms. Marie F. Lane, P. O. Box 36, 212 Sommerville Way, Seaford, reminded the body that Council had expressed a willingness to work with the Oasis Radio Network. She felt

3. Public Hearings Continued

(a) Conditional Use Permit CU-05-177, World Outreach Worship Center Continued

that the City was setting a higher standard to this issue as compared to other issues. She expressed her disappointment with the decision to defer the matter and extended her wishes that Council would work with the Oasis Network to allow the construction of the tower.

Mr. Clint Ashe, 216 Fishneck Landing Road, Yorktown, agreed with the compromise, and expressed appreciation for the same.

Mr. Jim Lovedahl, 421 Nicewood Drive, agreed with the compromise, and expressed appreciation for the same.

Mr. Jay Boyd, 504 Brentwood Drive, commended City Council for their diligence and the hard work put forth to identify the potential hazards to the community. He indicated it was time for the tower to be constructed and the potential hazards fixed in an effort to protect the community.

Mr. William Swartz, 100 Maplewood Court, Smithfield, agreed with the compromise, and expressed appreciation for the same.

Mr. Greg Roth, 964 Drivers Lane, agreed with the compromise, and expressed appreciation for the same. Mr. Roth shared a letter from Mr. David Engles, President and Founder of the Oasis Radio Network, who was unable to attend, in which he thanked the citizens and City Council for their input and consideration of the tower.

Reverend Donnie Smith, 26 St. Johns Drive, Hampton, agreed with the compromise, and expressed appreciation for the same. He urged Council's timely consideration for the construction of the tower.

Dr. Glen MacLaughlin, Published Research Scientist and Physicist at Jefferson Laboratory, 53 Rexford Drive, stated the reports that were commissioned were conducted following FCC Guidelines, which represented the worse case scenario. He stated, in his professional opinion, the tower could operate safely near the 911 tower, the Waterworks Facility, nor did it represent a health hazard to residents in the nearby area..

(b) Conditional Use Permit CU-06-200, Madison Company of Newport News

Mayor Frank presented AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-06-200 ALLOWING HEAVY EQUIPMENT STORAGE AND LEASING IN CONJUNCTION WITH LIGHT EQUIPMENT LEASING ON PROPERTY IN AN M1 LIGHT INDUSTRIAL DISTRICT. He advised this would grant a conditional use permit to allow heavy equipment storage and leasing in conjunction with light equipment leasing for Hertz Equipment Rental on a 3.5 acre portion of an 11.18 acre parcel zoned M-1 Light Industrial located at 361 Bell King Road. The Planning Commission voted 8:0 to recommend to City Coun-

3. Public Hearings Continued
  - (b) Conditional Use Permit CU-06-200, Madison Company of Newport News Continued

cil the approval of this conditional use permit application, and the City Manager concurred with the recommendation.

(No Speakers)

Mr. Ray Suttle, Jr. Attorney for the applicant, was available for questions.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

Mayor Frank introduced and welcomed Mr. Neil Morgan, Assistant City Manager, who was sitting in for City Manager, Mr. Randy Hildebrandt, who was attending the ICMA Conference in San Antonio, Texas.

- (c) Conditional Use Permit CU-06-201, Warwick Shopping Center, Inc.

Mayor Frank presented AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-06-201 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING THE OPERATION OF A BILLIARD PARLOR IN A C1 RETAIL COMMERCIAL DISTRICT. He advised this would grant a conditional use permit to modify the conditions of a previously approved conditional use permit for a billiard parlor on property zoned C-1 Retail Commercial, located at 10822 Warwick Boulevard. The Planning Commission voted 6:2 to recommend to City Council the approval of this conditional use permit application, and the City Manager concurred with the recommendation.

Mr. David Frank, applicant, 10820 Warwick Boulevard, requested the closing hours of operation for Breakaway Billiards be 2:00 a.m. daily because the closing time of midnight was restrictive and was hurting business. He expressed his passion for the success of the business and pointed out the business had been in operation for six months without incident.

3. Public Hearings Continued

(c) Conditional Use Permit CU-06-201, Warwick Shopping Center, Inc. Continued

Mr. Frank urged Council consideration of this request for extended hours. He submitted petitions signed by supporters of the request for extended hours, which are attached to these minutes. Mr. Frank also referenced a letter written by Mr. Thomas Byrne, and was previously e-mailed to members of Council (a copy is attached and made a part of these minutes).

Mr. Ed Frank, owner of Breakaway Billiards, 3424 Old Stage Road, Toano, reiterated that Breakaway Billiards had been in operation successfully without incident for six months. He urged Council consideration of this request for extended hours with the allowance to serve alcohol in the extended period of time

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

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

Councilman Whitaker reminded of past opposition to the billiard parlor. He indicated his privilege to visit the establishment and commended the owners for its successful operation. Councilman Whitaker expressed his support for the applicant's request.

Councilwoman Scott had asked about the City Manager's recommendation regarding the applicant's request with regard to the sale of alcohol. Ms. Sheila McAllister responded that the City Manager concurred with the Planning Commission, who recommended that the facility remain open and sell alcohol until 2:00 a.m.

Vote on Roll Call:

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

Nays: None

(d) Grant of Utility Easement – 99 Jefferson Avenue

Mayor Frank presented AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN DEED OF EASEMENT DATED THE 12<sup>TH</sup> DAY OF SEPTEMBER, 2006, BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION VIRGINIA POWER, FOR THE CONVEYANCE OF AN APPROXIMATELY 105 SQUARE FEET UTILITY EASEMENT LOCATED AT 99 JEFFER-

3. Public Hearings Continued

(d) Grant of Utility Easement – 99 Jefferson Avenue

SON AVENUE FOR THE PURPOSE OF TRANSMITTING AND DISTRIBUTING ELECTRIC POWER TO PARCEL 16 AT THE NEWPORT ENWS SEAFOOD INDUSTRIAL PARK. He advised this granted a utility easement to Dominion Virginia Power over City-owned property located at 99 Jefferson Avenue. This pertained to the bid received by City Council on August 8, 2006 that was referred to the City Manager. This easement contained 105 square feet and was needed for the transmission and distribution of electric power to Parcel 16 in the City's Seafood Industrial Park. This public hearing was advertised pursuant to State Code requirements that govern such transactions that were for a term greater than five years.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

4. Consent Agenda

Councilman Bateman moved adoption of the Consent Agenda, Items A through L, both inclusive, with the exception of E, I, and J; as shown below; seconded by Councilwoman Scott.

(a) Minutes of Work Session of August 8, 2006

Vote on Roll Call:

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

Nays: None

(b) Minutes of Special Meeting of August 8, 2006

Vote on Roll Call:

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

Nays: None

4. Consent Agenda Continued
- (c) Minutes of Regular Meeting of August 8, 2006

Vote on Roll Call:

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

Nays: None

- (d) City Code Amendment Relative to Employee Leaves of Absence for Military Duty

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IV., EMPLOYEE BENEFITS, DIVISION 4., MISCELLANEOUS LEAVES, SECTION 2-133, MILITARY LEAVE. This ordinance amended the City Code relative to employee leaves of absence for military duty to provide the required rest time prior to reporting back to work. This proposed amendment would amend the City Code to provide consistency with a recent change made to the State code effective July 1, 2006. This amendment specifically provided for an eight-hour rest period between the employee's return from military duty and the time the employee was scheduled to return to work.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (f) City Code Amendment to Clarify Towing Ordinance Definitions

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, ARTICLE I., IN GENERAL, SECTION 26-17.1, TOW TRUCK SERVICE OPERATIONS-DEFINITIONS. This resolution amended the City Code relative to the City's towing regulations to clarify certain definitions to provide consistency with the State Code. This proposed amendment provided clear definitions for "tow truck" and "towing firm or towing and recovery operator" to parallel State Code definitions. The City's Towing Advisory Board recently voted unanimously to recommend to City Council the approval of this proposed amendment.

(No Speakers)

Vote on Roll Call:

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

Nays: None

4. Consent Agenda Continued
  - (g) Revised Incentive Payment Schedule for Employees Assigned to Emergency Operations Center Administrative Support Team

AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 6246-06 TO ADD AN INCENTIVE PAYMENT PROVISION TO THE CITY'S CLASSIFICATION AND PAY PLAN FOR THE EMPLOYEES OF THE CITY OF NEWPORT NEWS FOR FISCAL YEAR 2007. This ordinance amended the City Code to revise the incentive payment schedule for City employees assigned to the Emergency Operations Center (EOC) Administrative Management Support Team. This increased the annual incentive from \$300.00 to \$400.00 for team members; increased the supplement to \$600.00 for team members who had served for three years or more; and increased the team leader incentive to \$1,000.00. These employees' regular jobs did not require that they work during declared emergencies, and the volunteer to serve in the EOC. The annual incentive pay system recognized the required additional training and work performed by these employees.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (h) Ratifying Ordinance for Old Fort Eustis Boulevard Sanitary Sewer Extension Project

AN ORDINANCE RATIFYING ASSESSMENTS AGAINST ABUTTING LANDOWNERS FOR THE CONSTRUCTION OF A SANITARY SEWER OF APPROXIMATELY 1,200 FEET, TO SERVE PROPERTIES ALONG OLD FORT EUSTIS BOULEVARD, NEWPORT NEWS, VIRGINIA, THE COST THEREOF TO BE APPORTIONED AMONG THE CITY OF NEWPORT NEWS AND THE ABUTTING LANDOWNERS, AND DIRECTING THAT AN ABSTRACT OF THIS ORDINANCE BE RECORDED SHOWING THE FINAL AMOUNT THAT WILL BE ASSESSED AGAINST EACH LANDOWNER. This resolution ratified the assessments for properties that were being served by the Old Fort Eustis Boulevard Sanitary Sewer Extension Project. This project had been completed and served properties along Old Fort Eustis Boulevard from Jefferson Avenue eastward to Bridle Lane. The project served ten properties within the project area. The required public hearing on these assessments were conducted by the Department of Engineering on August 23, 2006. There were no requests from the effected property owners for adjustments to the assessments.

(No Speakers)

Vote on Roll Call:

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

Nays: None

4. Consent Agenda Continued
  - (k) Ratification of a Declaration of a State of Emergency

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, CONFIRMING THE DECLARATION OF A LOCAL EMERGENCY MADE NECESSARY BY TROPICAL STORM ERNESTO, WHICH WAS DECLARED BY THE NEWPORT NEWS DIRECTOR OF EMERGENCY MANAGEMENT ON SEPTEMBER 1, 2006 AT 12:01 A.M.. This resolution ratified action by the City Manager to declare a State of Emergency for tropical storm Ernesto. The purpose of this declaration was to expedite City services, overtime, and storm-related purchases. It also assisted the City in accounting for emergency-related expenditures.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (l) Pyrotechnic Bird Scaring Devices

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 16, FIRE PREVENTION AND PROTECTION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., FIRE PREVENTION, SECTION 16-20, FIREWORKS PERMIT REQUIRED; PERMIT FEE. This ordinance amended the City Code to permit the use of pyrotechnic bird-scaring devices within City limits when approved by the Police Department. This was in response to a number of facilities within the City that were experiencing the presence of geese that tend to take up permanent residence at the facilities. One method of combating this nuisance, which had the approval of State and Federal Wildlife experts, involved the use of pyrotechnic bird-scaring devices. In order for the City Code to provide for the proper use of these bird-scaring devices, it was determined that City Code amendments were necessary in three chapters.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (e) Resolution of Support for Virginia Housing Development Authority Financing of Meridian Parkside Apartments, LLC

RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA PURSUANT TO SECTION 36-55.30:2 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, REGARDING AN ECONOMICALLY MIXED PROJECT FOR WHICH VIRGINIA HOUSING DEVELOPMENT AUTHORITY TAXABLE BOND FINANCING IS

4. Consent Agenda Continued
  - (e) Resolution of Support for Virginia Housing Development Authority Financing of Meridian Parkside Apartments, LLC Continued

SOUGHT BY ITS DEVELOPER, MERIDIAN PARKSIDE APARTMENTS, LLC. This resolution supported the financing of an apartment project by the Virginia Housing Development Authority (VHDA) on behalf of Meridian Parkside Apartments, LLC. The developer plans to build a residential apartment project within the City that consists of approximately 308 apartment units housed in thirteen buildings. VHDA is permitted to finance economically mixed projects that are not within revitalization areas and meet specific economic criteria. The developer pledged to comply with all statutory and regulatory requirements ordered to secure project funding from the proceeds of taxable bonds issued by VHDA under its mixed use/mixed income program.

Mr. John Wright, managing member of Meridian Parkside Apartments, LLC, 4021 Seaboard Court, Portsmouth, was available for questions.

Mayor Frank indicated this was a “by right” development and that Meridian Parkside Apartments, LLC was requesting authorization for the Virginia Housing Development Authority to issue financing.

Vice Mayor Allen inquired whether there had been a preliminary design. Mr. Wright responded yes, and indicated Meridian was in the final comments and review with the City engineering portion of the process. Vice Mayor Allen noted there were flood plains in previous reviews of the site. He inquired how not placing houses in flood plains was being addressed. Mr. Wright replied that the flood plains, by review, did not come in to the part of the site being developed, and hence this was beyond the flood plains. He indicated the flooding problems had been alleviated through thorough engineering, design and development criteria. Vice Mayor Allen inquired whether the flood elevations would be above known flood levels on that site. Mr. Wright responded yes, as will the parking areas. The entire site would be raised above the flood areas.

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

Councilman Haskins instructed the City Manager to be sure that everything was above the flood plain.

Mayor Frank made a declaration in accord with Section 2.2-3115(H) of the Virginia Code, stating that he was a member of the Newport News City Council, declared, pursuant to Section A(3) of Section 2.2-3112 of the Virginia Conflict of Interest Act, that (1) the City Manager recommended that action be taken regarding an economically mixed project for which the Virginia Housing Development Authority Taxable Bond Financing is by its developer, Meridian Parkside Apartments, LLC, (2) that Drucker and Falk, LLC, an agent of the developer, is a client of his law firm, (3) that he has no personal interest affected by the transaction, and do

4. Consent Agenda Continued
  - (e) Resolution of Support for Virginia Housing Development Authority Financing of Meridian Parkside Apartments, LLC Continued

not personally represent or provide services to Drucker and Falk, LLC, and his law firm did not represent the developer in this transaction being considered by City Council; and (4) he was able to participate in the transaction fairly, objectively, and in the public interest. This declaration was made orally at the Council Meeting at which the transaction was considered, this 12<sup>th</sup> day of September, to be recorded in the written minutes of the City Council Meeting.

Vote on Roll Call:

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

Nays: None

- (i) City Code Amendments – Soil Removal and Other Land – Disturbing Activities

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 35, SOIL REMOVAL AND OTHER LAND-DISTURBING ACTIVITIES. This ordinance amended the City Code relative to soil removal and other land – disturbing activities to provide consistency with recent State Code changes. The Virginia Department of Conservation and Recreation recently reviewed the City's Erosion and Sediment Control Program and noted some inconsistencies with applicable State Code provisions. All revisions in this ordinance were taken directly from the State Code, and brought the City Code into full compliance with revised State laws and regulations.

(No Speakers)

Vice Mayor Allen stated the segment was sort of anthropic, we waiver the requirement of a permit and a sediment plan, and the stated purposed of the soil removal was to prevent sediment. He indicated, if one were to clear a site on a waterfront, or against one of the main drainage areas, and there was no sediment provided, this was subject to pollution and sediment run-off into the waterways. He did not understand why this would be excluded. Acting City Manager, Neil Morgan, introduced Mr. Brian Lewis, Engineer III, Department of Engineering, Stormwater Management Division, to provide an explanation. Vice Mayor Allen requested information on how to remove this segment. Mr. Morgan replied it must track with State law and would confer with the City Attorney. City Attorney, Stuart Katz, responded that this also complied with recommendations that came from the State. He indicated there would be no harm in postponing the matter in an effort to receive additional information.

Mr. Lewis, responded that generally on single family homes, the City would do an agreement in lieu of a plan, which had all of the same requirements as a major plan. There were examples of typical types of erosion sediment control, such as construction entrance, silt fence, and the same level of inspections were required, without the full engineering plan. He further indicated there was an obligation for a permit.

4. Consent Agenda Continued
  - (i) City Code Amendments – Soil Removal and Other Land – Disturbing Activities Continued

Vice Mayor Allen asked for confirmation that the same requirement of sediment and erosion control devices existed, but no requirement for a plan. He asked for this in writing.

Mayor Frank inquired why the City did not have the same standard for an individual house that was required for a house that was a part of a subdivision. The major difference was that there was no requirement for an engineering study. He indicated if there were flooding issues, or a risk of flooding, the homeowner may not know that without an engineering study, and if the house was being built, this was putting the homeowner in a posture of risk. Mayor Frank further indicated that he was not clear why there would be an exception if someone wanted to build a single home as opposed to 200 homes, because the risk of the ultimate homeowner was the same in both situations.

Vice Mayor Allen moved to defer the item to the October 10, 2006 Regular Meeting of City Council; seconded by Councilman Haskins.

Vote on Roll Call:

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

Nays: None

- (j) Termination of Temporary Non-Exclusive Revocable License Agreement – Cavalier Telephone, LLC

A RESOLUTION REPEALING RESOLUTION NO. 11141-06 WHICH WAS PASSED BY CITY COUNCIL ON MARCH 28, 2006, AND WHICH GRANTED CAVALIER TELEPHONE, L.L.C. A TEMPORARY NON-EXCLUSIVE REVOCABLE LICENSE AGREEMENT TO USE THE CITY'S RIGHTS-OF-WAY FOR PURPOSES OF PLACEMENT, USE AND MAINTENANCE OF TELECOMMUNICATIONS FACILITIES OWNED BY CAVALIER TELEPHONE, L.L.C. This resolution repealed Resolution No. 11141-06 which granted Cavalier Telephone, LLC, a temporary non-exclusive revocable license agreement to use the City's Rights-of-Way for telecommunications purposes. Cavalier has had such license with the City since 1999, with the last approval by City Council on March 28, 2006. Cavalier has formally requested termination of this agreement since it has chosen to lease facilities from other carriers.

(No Speakers)

Vice Mayor Allen inquired whether Cavalier was still able to transmit if they were eliminated from the right-of-way. City Attorney Katz replied that Cavalier had no equipment in the City right-of-way. Vice Mayor Allen inquired whether Cavalier was eliminated from paying the same fees to the City. City Attorney Katz responded that Cavalier did not pay fees under the revocable temporary license.

4. Consent Agenda Continued
  - (j) Termination of Temporary Non-Exclusive Revocable License Agreement – Cavalier Telephone, LLC Continued

Councilman Haskins stated there were many companies that were leasing that did not pay fees. He indicated the City was not collecting taxes on those fees and there was no way to audit.

Mayor Frank stated when the company co-locates, they avoid paying the user fee the City would charge if they had their own system.

Vice Mayor Allen stated the legislation stated that the fee was applicable to everyone and inquired whether the fee was no longer applicable to Cavalier.

City Attorney Katz reiterated that Cavalier paid the City of Newport News no fee for the license that they had.

Mayor Frank stated the license that Cavalier has, but had not been implemented, would allow them to put cable in the ground and operate, and if they did, a fee would be due to the City. By terminating the arrangement, Cavalier no longer had to pay under the existing lease. Should Cavalier co-locate in the Verizon conduit, and they must pay a fee to Verizon for co-use; and hence, the City was not paid. The City would lose revenue unless a fee could be imposed for co-locating in someone else's conduit.

City Attorney Katz responded that the question of Cavalier co-locating in someone else's conduit was not before the Council. If Cavalier provided telephone service, there were provisions from the State that entitled the City to taxes.

Vice Mayor Allen stated the trade-off was that for after every call that was in the system that passed through the City right-of-way, the City was entitled to a stipend.

Councilman Haskins indicated many large companies, like Verizon, were running a large amount of cable and leased the excess cable to small companies, like Cavalier. When the excess cable was leased, the City had no record of the transmission and therefore lost the fee.

Council instructed the City Manager to investigate the issues raised.

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

Vote on Roll Call:

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

Nays: Allen

5. Certification of Voting Delegates – Virginia Municipal League Annual Conference

The City Manager requested that City Council designate the City's Voting Delegate, Alternate Delegate, and Staff Assistant for the Urban Section of the Annual Business Meeting of the Virginia Municipal League's Annual Conference to be held in Virginia Beach on October 15-17, 2006. The nomination for voting delegate was Councilman Joseph Whitaker, who would carry two votes for the City of Newport News at the Virginia Municipal League Annual Conference in Virginia Beach. There were no further nominations. Vice Mayor Allen moved to accept Councilman Whitaker as the Voting Delegate; seconded by Councilman Haskins.

(No Speakers)

Vote on Roll Call:

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

Nays: None

6. Harwood's Mill Raw Water Pipeline Project

A. Appropriation of Funds

A RESOLUTION APPROPRIATING FUNDS FROM WATERWORKS CAPITAL IMPROVEMENTS PROJECTS BONDS AUTHORIZED AND UNISSUED BALANCE (\$2,084,000.00) TO HARWOOD'S MILL RAW WATER PIPELINE (\$2,084,000.00). This resolution appropriated \$2,084,000.00 from Waterworks Capital Improvements Projects Bonds Authorized and Unissued to complete construction of the Harwood's Mill Raw Water Pipeline. This project consisted of a 48-inch diameter raw water transmission pipeline to transfer raw water from the Chickahominy River and two western reservoirs to the Lee Hall and Harwood's Mill terminal reservoirs. A portion of the project was completed until construction was halted due to the uncertainty at the time of development at Endview. Waterworks intended to complete the pipeline project and had updated the design and coordinated it with the developer of Asheton since Asheton development plans were in place.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

B. Award of Bid

Councilman Whitaker moved to award the bid to complete the construction of the Harwood's Mill Raw Water Pipeline Project to the low bidder, W. R. Hall, in

6. Harwood's Mill Raw Water Pipeline Project Continued

B. Award of Bid Continued

the amount of \$1,824,780.44; seconded by Councilman Bateman. Waterworks staff, and the City's professional engineer, Garnett Fleming, recommended the award as presented.

(No Speakers)

Vote on Roll Call:

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

Nays: None

7. Property Acquisition – 321 North Avenue

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 CITY OF NEWPORT NEWS, VIRGINIA, FOR STORMWATER MANAGEMENT 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 City's acquisition of real property at 321 North Avenue. This property had consistently experienced flooding conditions caused by high tidal influence at the Government Ditch; storms exceeding the drainage system's design capacity; and the bowl-like topography that accumulates storm water in the back yard. The property was further encumbered with a 42-inch city storm pipe that was not located within a recorded drainage easement, and an 8-inch HRSD gravity sewer pipe. Both HRSD and the City had tried to minimize the flooding problem to no avail. The owners signed a statement of intent to accept an offer of \$157,000 for the property, which was the fair market value as determined by an appraisal.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

8. Appropriations

Councilwoman Scott moved adoption of Items A through M, both inclusive, with the exception of E, as shown below, seconded by Councilman Whitaker.

8. Appropriations Continued

(a) Extension of Spaying and Neutering Contract with PETA

A RESOLUTION APPROPRIATING FUNDS FROM ANIMAL LICENSE RESERVE (\$12,000.00) TO PET LICENSING PROGRAM (\$12,000.00). This resolution appropriated \$12,000.00 from Animal License Reserve to extend the contract with "People for Ethical Treatment of Animals (PETA)" for the City's spaying and neutering program. This proposed funding allowed the continuation of a contractual relationship with PETA for low cost spaying and neutering of pets. This program is a nationally recognized low-cost alternative for City residents who might otherwise be unable to afford, or reluctant to purchase, such services. Funding for this contract came from monies collected for animal licenses and "Animal Friendly" license plate sales.

(No Speakers)

Vote on Roll Call:

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

Nays: None

(b) Police Department Crime Analysis Grant

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$53,306.00) AND LOCAL REVENUE (\$17,769.00) TO INTELLIGENCE ANALYST (\$71,075.00). This resolution appropriated \$53,306.00 of Federal Grant Revenue, and \$17,769.00 from the City's Fiscal Year 2007 Operating Budget for the Police Department's Organized Crime Intelligence Unit. This was a federal grant program that was administered by the State Department of Criminal Justice Services. The funding was provided to improve the data collection, analysis, and dissemination of criminal intelligence information on organized crime. The Police Department was to use these funds to hire and train an Intelligence Analyst and provide equipment, software, and operating supplies.

(No Speakers)

Vote on Roll Call:

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

Nays: None

(c) Police Department Edward Byrne/Community – Oriented Justice Grant – Mobile Data Computers

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$33,570.00) AND LOCAL REVENUE (\$11,190.00) TO PC EQUIPMENT (\$44,760.00). This resolution appropriated \$33,570.00 of Federal Grant Revenue, and \$11,190.00 from the City's Fiscal Year 2007 Operating Budget for the Police Department Mobile Data Computers. This federal grant program was administered by the State Department of Criminal Justice Services.

8. Appropriations Continued
- (c) Police Department Edward Byrne/Community – Oriented Justice Grant – Mobile Data Computers Continued

The Police Department would use these funds to purchase six rugged mobile data computers which would allow officers to interface while out in the field with other local, regional, and State law enforcement agencies.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (d) Police Department Edward Byrne/Community – Oriented Justice Grant: Recruitment Program

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$11,456.00) AND LOCAL REVENUE (\$3,819.00) TO RECRUITING/RETENTION (\$15,275.00). This resolution appropriated \$11,456.00 of Federal Grant Revenue, and \$3,819.00 from the City's Fiscal Year 2007 Operating Budget to assist the Police Department Recruiting Program. This federal grant was administered by the State Department of Criminal Justice Services. The program's purpose was to assist local police departments in their recruiting efforts. These monies would be used for professional displays and advertisements that would be printed in Spanish and possibly other languages for distribution in non-English speaking communities.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (f) State Grant for Peninsula Disability Services Board

A RESOLUTION APPROPRIATING FUNDS FROM VIRGINIA DEPARTMENT OF REHABILITATIVE SERVICES (\$14,800.00) TO STAFF SUPPORT FOR THE PENINSULA DISABILITY SERVICES BOARD (\$14,800.00). This resolution appropriated \$14,800.00 of State Grant Revenue for the Peninsula Disability Services Board. The reason that the City of Newport News needs this appropriation was that it acts as fiscal agent for the Board, which had representation from the cities of Newport News, Hampton, Williamsburg and Poquoson and the counties of James City and York. This would be the seventh year that Newport News had acted as fiscal agent for this program. There was no City match for this grant, and the grant monies would be used solely for Board staff support.

(No Speakers)

8. Appropriations Continued

(f) State Grant for Peninsula Disability Services Board Continued

Vote on Roll Call:

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

Nays: None

(g) Environmental Initiatives

A RESOLUTION APPROPRIATING FUNDS FROM FY 2007 BONDS AUTHORIZED AND UNISSUED – PUBLIC BUILDINGS (\$93,000.00) TO 2006 ENVIRONMENTAL INITIATIVES (\$93,000.00). This resolution appropriated \$93,000.00 from FY 2007 Bonds Authorized and Unissued to continue the City's testing and monitoring of soil and groundwater contamination on four City-owned properties. Under the direction of the Virginia Department of Environmental Quality, the City had been monitoring these specific sites with the intent to close out these initiatives after the next round of testing. Costs expended at these sites may be reimbursed to the City from the Virginia Petroleum Storage Tank Fund. This appropriation also included funding required to upgrade an existing underground fuel storage tank at the Denbigh Municipal Annex.

(No Speakers)

Vote on Roll Call:

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

Nays: None

(h) Jefferson Avenue/Thimble Shoals Boulevard Intersection Improvements Project

A RESOLUTION APPROPRIATING FUNDS FROM FY 2007 BONDS AUTHORIZED AND UNISSUED – STREETS AND BRIDGES (\$150,000.00) TO VDOT JEFFERSON AVENUE AND THIMBLE SHOALS BOULEVARD INTERSECTION IMPROVEMENTS (\$150,000.00). This resolution appropriated \$150,000.00 from Fiscal Year 2007 Bonds Authorized and Unissued to begin utility relocations and obtain property acquisition appraisals associated with the Jefferson Avenue/Thimble Shoals Improvements Project. This project provided dual left turn lanes from Jefferson Avenue onto Thimble Shoals Boulevard to north bound Jefferson Avenue and from Jefferson Avenue onto eastbound Thimble Shoals Boulevard. In order to expedite this Virginia Department of Transportation project, the City agreed to accept responsibility for the acquisition of the project related right-of-way and easements, and for the relocation of utilities that were in conflict with project improvements.

(No Speakers)

Vote on Roll Call:

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

Nays: None

8. Appropriations Continued

- (i) Phase II Archaeological/Historical Survey of Properties Adjacent to Lee Hall Mansion and Endview Plantation

A RESOLUTION APPROPRIATING FUNDS FROM LOCAL REVENUE (\$68,045.00) TO GENERAL CAPITAL IMPROVEMENTS FUND (\$68,045.00). This resolution appropriated \$68,045.00 of developer revenue for Phase II of the archaeological/historical survey of properties adjacent to Lee Hall Mansion and Endview Plantation. Phase I of this project was completed in 2005, and the entire cost of this project was being paid by the Developer. The scope of the work and the timeframe of this overall project was such that it was beyond the capabilities of City staff. The City had contracted with two archaeologists to assist the City's archaeologist to complete this project.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (j) Fiscal Year 2007 State Aid for Library Books

A RESOLUTION APPROPRIATING EXPENSES TO LIBRARY BOOKS – STATE AID (\$12,459.00) AND APPROPRIATING REVENUE TO LIBRARY – STATE AID REVENUE FROM THE COMMONWEALTH (\$12,459.00). This resolution appropriated \$12,459.00 of State Aid for book purchases by the City's Department of Libraries and Information Services. This appropriation represented additional State aid for Libraries above the \$210,921.00 that was budgeted for this fiscal year. These funds would be used to purchase library books and other materials for the City's public libraries. No local funding was needed to match this additional State aid.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (k) Library Home Safety Council Grant

A RESOLUTION APPROPRIATING FUNDS FROM PRIVATE REVENUE (\$500.00) TO ADULT LITERACY PROGRAMS (\$500.00). This resolution appropriated \$500.00 of Private Grant Revenue for the City's Home Safety Literacy Project. The Home Safety Literacy Project is operated by the City's Department of Libraries and Information Services. These private grant monies were awarded to this project by the Home Safety Council. No local grant match was required.

8. Appropriations Continued

(k) Library Home Safety Council Grant Continued

(No Speakers)

Vote on Roll Call:

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

Nays: None

(l) Police Department Emergency Medical Dispatch

A RESOLUTION APPROPRIATING FUNDS FROM FY 2006 GENERAL FUND RESERVES (\$75,000.00) TO EMERGENCY MEDICAL DISPATCH PROGRAM (\$75,000.00). This resolution appropriated \$75,000.00 from Fiscal Year 2006 General Fund Reserves to provide a new and enhanced life savings capability in the Police Department Emergency Medical Dispatch Center. This new system allowed dispatch personnel to provide pre-arrival medial instructions to the caller while Emergency Medical Services personnel were in route to a call for service. Dispatchers would be provided written guide cards at each station, and computer software would be purchased to allow this new system to interface with the City's existing computer aided dispatch system.

(No Speakers)

Vote on Roll Call:

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

Nays: None

(m) Fiscal Year 2007 State Aid for Library Books

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$18,210.00) TO PARENTING EDUCATION PROGRAM (\$18,210.00). This resolution appropriated \$18,210.00 of Federal Grant Revenue for the City's Child Abuse & Neglect Program. The State administered this federal grant program and the monies were designated for conducting the "Parenting Education Project." This project would be conducted in Newport News by the City's Office on Children, Youth and Families. The Parenting Education Project would provide parenting programs to parents of children ages birth to 16 to increase their capacity to provide safe and nurturing environments for their children. The grant match would be met through in-kind contributions thereby eliminating the need for a cash match.

(No Speakers)

Vote on Roll Call:

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

Nays: None

8. Appropriations Continued

(e) Hampton Roads Film Office and Preschool Partners Program

A RESOLUTION APPROPRIATING FUNDS FROM COMMUNITY SUPPORT CONTINGENCY (\$40,000.00) TO HAMPTON ROADS FILM OFFICE (\$10,000.00) AND PRESCHOOL PARTNERS (\$30,000.00). This resolution appropriated \$40,000.00 from Community Support Contingency Funds in the Fiscal Year 2007 Operating Budget for contributions to the Hampton Roads Film Office and the Preschool Partners Program. These organizations made presentations about their programs at the City Council Work Session on August 8, 2006. Ten thousand dollars (\$10,000.00) of this appropriation was designated for the Hampton Roads Film Office, which is an initiative of Hampton Roads Partnership. The remaining \$30,000.00 was designated for the Preschool Partners program which is a non-profit organization that promotes and creates greater opportunities for quality early childhood experiences for all children from birth to age 5.

(No Speakers)

Councilwoman Scott reminded that City Council had discussed the Preschool Partners Program previously during Work Sessions. It was her feeling that this was not a good use of City funds and indicated she could not support these allocations.

Councilwoman McMillan commented that there were two unrelated appropriations and felt it inappropriate to place the Hampton Roads Film Office and the Preschool Partner Program under one item. She requested that the items be voted on separately.

(e) Hampton Roads Film Office

A RESOLUTION APPROPRIATING FUNDS FROM COMMUNITY SUPPORT CONTINGENCY (\$10,000.00) TO HAMPTON ROADS FILM OFFICE (\$10,000.00). This resolution appropriated \$10,000.00 from Community Support Contingency Funds in the Fiscal Year 2007 Operating Budget for contributions to the Hampton Roads Film Office. This appropriation was designated for the Hampton Roads Film Office, which was an initiative of Hampton Roads Partnership.

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

Vote on Roll Call:

Ayes: Whitaker, Allen, Bateman, Frank, McMillan

Nays: Haskins, Scott

(e) Preschool Partners Program

A RESOLUTION APPROPRIATING FUNDS FROM COMMUNITY SUPPORT CONTINGENCY (\$30,000.00) TO PRESCHOOL PARTNERS (\$30,000.00). This

8. Appropriations Continued
  - (e) Preschool Partners Program Continued

resolution appropriated \$30,000.00 from Community Support Contingency Funds in the Fiscal Year 2007 Operating Budget for contributions to the Preschool Partners Program. This appropriation was designated for the Preschool Partners program which is a non-profit organization that promotes and creates greater opportunities for quality early childhood experiences for all children from birth to age five.

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

Vote on Roll Call:  
Ayes: Whitaker, Allen, Bateman, Frank  
Nays: Haskins, McMillan, Scott

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

Mr. Tom Wilburn, 242 April Lane, resident of the Ivy Farms subdivision and member of the Neighborhood Crime Watch run by Ms. Amy Condon, as well as being involved with the Ivy Farms Recreation Association, which runs the pool on Dresden Drive, stressed the importance of the pool as a community asset. He indicated the pool provided a venue for children. Mr. Wilburn indicated the Ivy Farms Recreation Association was a non-profit, volunteer organization, that allowed open enrollment to the community. He advocated an agreement to use the pool for a City-sponsored summer program for the children, allowing use of the facility through the summer. Raising an outside awareness of what the pool provides for the community, Mr. Wilburn urged Council to consider the pools as an investment between the City and various associations.

Councilman Haskins inquired about the long-range plans for recreational pools in the City, and the costs of those plans.

Acting City Manager Morgan, stated there were problems with pools in recreation associations throughout the City. He indicated that Mr. Michael Poplawski, Director, Department of Parks, Recreation, and Tourism, was studying a program in the City of Hampton, where summer recreation resources were utilized to let children enjoy the pools throughout the City. Councilman Haskins inquired about preliminary plans. Mr. Morgan replied that he did not have details, but indicated there would be certain rules that any pool interested in participating in the City's summer program, would have to agree to. The Department of Parks, Recreation and Tourism, would define what the program entailed and make a recommendation to the City Manager in the 2008 Operating Budget. The City Manager would make a determination whether he could support the program, and City Council would receive a report during the winter months. Councilwoman Scott inquired to whom the liability would fall should the City decide to participate with the Associations, which are on private property. Mr. Morgan stated that would be included with policy issues to be addressed.

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

Vice Mayor Allen stated the City had an operated model. Because of the pool at the Doris Miller Center, the Boys & Girls Club's pool is supplemented in order to reach the population that is not served. He indicated that it would be too late if this program was to be scheduled for the 2007-2008 budget. Associations need to know whether they would be receiving assistance so they can open by the summer of 2007.

Mr. Ron Lilly, Regional Coordinator for the Virginia Citizens Defense League, a pro Second Amendments group, 726 Keppel Drive, spoke in opposition to the "No Weapons Allowed" signs in the libraries, and requested the removal of the same to be consistent with State Law. He indicated that §15.2-915 of the State Law pre-empted the City from regulating the position for carrying firearms.

Council instructed the City Attorney to look into the matter.

Mr. Philip Van Cleave, President of the Virginia Citizens Defense League, 5509 W. Bay Court, Midlothian, expressed concern about the City's delay in receiving concealed handgun permits, past the 45 days required under Virginia Law.

Council instructed the City Attorney to look into the matter.

Mr. Bob Killebrew, 13 Hilton Terrace, advocated lower real estate tax rates by having an index system based on income levels in the area or the Consumer Price Index, which would allow City planners plan more deliberately the future finances of the City, and would protect property owners from spikes in real estate values.

Mr. Freddie B. Allen, 346 Blair Avenue, expressed concern about alleyways vacated by the City. He expressed further concern about excavation along the outside of his property and the right-of-way adjacent to his property on Blair Avenue by Dominion Virginia Power. He indicated Dominion Virginia Power should have tabled the requests until a visual inspection was conducted to prevent adverse impact from other property owners. Mr. Allen recommended that Dominion Virginia Power suspend further operations of this type, which has nothing to do with the overall mission to supply power and service, and that property owners on Blair Avenue be compensated for lines buried along their property lines.

Mayor Frank stated there were legal issues involved and the operations may be on a Virginia Power limited right-of-way, or an easement that they have. Council asked the City Attorney to look into the matter.

10. New Business and Councilmember Comments

(a) The City Manager thanked City employees and the citizens of Newport News who responded to the emergency situations created by tropical storm Ernesto.

10. New Business and Councilmember Comments

(b) Vice Mayor Allen expressed concern about a statement made by Mr. Bob Killebrew. He advised that City Council did in fact reduce the real estate tax rate for FY 2007.

(c) Councilwoman Scott reminded citizens of Denbigh Day scheduled for Saturday, September 16, 2006, from 9:00 a.m. until 4:00 p.m.

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 9:18 P.M.

Mabel V. Washington, CMC  
City Clerk

Joe S. Frank  
Mayor

A true copy, teste:

City Clerk