

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
September 26, 2006  
7:30 P.M.**

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PRESENT: Herbert H. Bateman, Jr., Joe S. Frank; William F. Haskins; Madeline McMillan;  
Sharon P. Scott; and Joseph C. Whitaker-----6

ABSENT: Charles C. Allen-----1

*MOTION MADE BY COUNCILMAN HASKINS; SECONDED BY  
COUNCILMAN BATEMAN; AND CARRIED UNANIMOUSLY TO EXCUSE VICE MAYOR  
ALLEN FROM THIS MEETING.*

1. The invocation was rendered by Reverend Terrye Williams, Hilton Christian Church.
2. The Pledge of Allegiance to the Flag of the United States of America was led by members of the Boy Scouts of America, Troop 48, St. Andrews Episcopal Church.
3. Public Hearing
  - (a) Zoning Text Amendment ZT-06-216, City of Newport News

Mayor Frank presented AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXXI., OVERLAY ZONING DISTRICTS AND REGULATIONS, BY ADDING THERETO A NEW DIVISION, NAMELY: DIVISION 9., LEE HALL CORRIDOR OVERLAY DISTRICT. This ordinance amended the City's Zoning Ordinance to add the Lee Hal Corridor Overlay District. The Planning Commission voted 9:0 to recommend to City Council the adoption of this amendment, and the City Manager concurred with the recommendation.

Mr. Clarence R. Patrick, owner/operator of a towing and repair service, 22 Yorktown Road, Newport News, expressed opposition to the overlay district. He requested the exclusion of pre-existing commercial businesses from this overlay. The request was rejected. Prior to approaching the Planning Commission, he spoke with Ms. Britta Ayers, Senior District Planner, about amending the ordinance, and moving the line slightly south of Elmhurst Road and Yorktown Road (to the corner), where there were four parcels of property. Moving the line would exclude the business properties from the overlay and benefit everyone. Mr. Patrick urged Council consideration of moving the line to the corner of Elmhurst and Yorktown Roads.

3. Public Hearing Continued
  - (a) Zoning Text Amendment ZT-06-216, City of Newport News Continued

Councilwoman McMillan indicated it was her impression that the existing businesses were grandfathered and they would not have to abide by the historic overlay standards, unless the property was sold and a new owner took over, or the business was destroyed and had to be rebuilt in the current configuration due to an act of God.

Mayor Frank inquired why this would impact on Mr. Patrick's business if he had the same understanding. Mr. Patrick replied the ordinance placed restrictions on what could be done at his current commercial establishment. Mayor Frank responded restrictions would only apply to a new owner, they would not apply to the existing business. Mr. Patrick added the restrictions would affect future projects, i.e. car sales, which would not be allowed, even with a conditional use permit.

City Attorney, Stuart Katz, confirmed Mr. Patrick's interpretation, and indicated this was a recommendation made by the Planning Commission.

Ms. Sheila McAllister, Assistant Director, Department of Planning, indicated that the towing service was non-conforming. She further indicated that staff would probably recommend against a conditional use permit for a car lot.

Councilwoman McMillan inquired whether there was anything that Mr. Patrick's business was doing currently, other than being a non-conforming use; and whether there was anything that would affect Mr. Patrick's business if he wanted to make adjustments to the property or the building. Ms. McAllister replied that Mr. Patrick would not be able to add land to his property. The non-conforming use was based on the current amount of acreage and square footage. Ms. McAllister indicated that Mr. Patrick would be able to add to his building area with an expansion of a non-conforming use.

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

Vote on Roll Call:  
Ayes: Bateman, Frank, Haskins, McMillan, Scott, Whitaker  
Nays: None

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

Councilwoman McMillan empathized with Mr. Patrick's concerns regarding future plans, but indicated the purpose of the historic overlay was to limit certain uses, and felt the line could not be adjusted for individual businesses.

3. Public Hearing Continued

(a) Zoning Text Amendment ZT-06-216, City of Newport News Continued

Vote on Roll Call:

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

Nays: None

4. Consent Agenda

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

(a) Minutes of Work Session of September 12, 2006

Vote on Roll Call:

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

Nays: None

(b) Minutes of Special Meeting of September 12, 2006

Vote on Roll Call:

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

Nays: None

(c) Minutes of Regular Meeting of September 12, 2006

Vote on Roll Call:

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

Nays: None

(d) Resolution in Support of "Freedom of Religion Week"

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, DECLARING THE WEEK OF JANUARY 22, 2007, THROUGH JANUARY 28, 2007, AS FREEDOM OF RELIGION WEEK. This resolution declared the week of January 21 – 28, 2007 as "Freedom of Religion Week." In declaring "Freedom of Religion Week," the City would honor the 400<sup>th</sup> Anniversary of America by encouraging citizens to celebrate the religious and cultural diversity of the City of Newport News during the Commemorative Year of 2007.

(No Speakers)

Vote on Roll Call:

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

Nays: None

4. Consent Agenda Continued
- (e) Resolution of Recognition – John Hightower

A RESOLUTION OF RECOGNITION FOR JOHN B. HIGHTOWER. This resolution recognized Mr. John B. Hightower, who was appointed President and Chief Executive Officer of The Mariners' Museum on September 1, 1993, and announced his retirement effective December 1, 2006.

(No Speakers)

Vote on Roll Call:

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

Nays: None

5. Approval of the 2006 Revision of the City of Newport News Emergency Operations Plan

A RESOLUTION ADOPTING THE "EMERGENCY OPERATIONS PLAN, OFFICE OF EMERGENCY MANAGEMENT, CITY OF NEWPORT NEWS, AS AMENDED 2006," AND DIRECTING THE CITY MANAGER AS THE CITY'S "EMERGENCY MANAGEMENT DIRECTOR," TO DEVELOP THE ORGANIZATION SET FORTH IN SAID PLAN. This resolution approved the 2006 revision of the City of Newport News Emergency Operations Plan (EOP). The Emergency Operations Plan served as a directive for activating the Newport News Emergency Operations Center, as well as provided general instructions for participating City departments that were responsible for completing specific Emergency Support Functions. The EOP was mandated by federal and state regulations, and provided a basis for the development of Citywide emergency procedures aimed at saving lives, minimizing disaster damage and expediting post-event recovery operations. The EOP and associated revisions required the approval by resolution of City Council.

(No Speakers)

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

Councilman Haskins referenced a Daily Press article that displayed evacuation routes for the citizens of Newport News. He indicated changes had been made to the evacuation routes. He announced that the Virginia Department of Transportation agreed that east bound lanes of Interstate 64 would be closed to Newport News residents, but the west bound lanes would be open to Newport News residents for evacuation purposes, if needed.

Vote on Roll Call:

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

Nays: None

6. Bond Anticipation Notes

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000) PRINCIPAL AMOUNT OF CITY OF NEWPORT NEWS, VIRGINIA, GENERAL OBLIGATION GENERAL IMPROVEMENT BOND ANTICIPATION NOTES, SERIES OF 2006, AND THE SALE OF SUCH NOTES TO DAVENPORT & COMPANY, LLC. This resolution authorized the sale of \$20 million of short-term bond anticipation notes (BANS) to fund on-going capital project expenditures. This short-term financing would pay for capital projects that had already received an appropriation for which there was not sufficient general obligation bond proceeds to continue funding them. The sale of these BANS would delay the issuance of more permanent financing until there was a comprehensive review of the City's debt policies and the City Manager completed his recommended Capital Improvements Plan for Fiscal Year 2008 – 2012. The City's financial advisor supported this approach for funding on-going capital projects in the short term.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

7. Vehicle License Fee

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE III., VEHICLE LICENSE FEES. This ordinance amended the City Code to implement the new Vehicle License Fee (VLF) that would replace the City's motor vehicle decal requirement, effective January 1, 2007. This new vehicle license fee rate schedule was identical to the current city decal fee schedule, and the applicable fee would appear as a line item on the owner's personal property tax bill. The first billing for the VLF assessment period of January 1 through December 31, 2007 would be mailed at the end of October for taxes due December 5, 2006. The City Treasurer would retain existing authority to refund a VLF if assessed or paid in error. This new VLF provided the same exemptions as was permitted under the City decal ordinance.

(No Speakers)

Mr. Marty Eubank, City Treasurer, stated Newport News was eliminating the use of City decals. He indicated that most neighboring Hampton Roads localities had already eliminated City/County decals, which rendered Newport News' decal useless as a collection tool.

7. Vehicle License Fee Continued

Mr. Eubank explained that the vehicle licensing ordinance was designed to be revenue neutral in an effort to maintain the revenue needed to balance the City's budget. He stated that decal revenue was \$3.6 million and the rate schedule for the vehicle license fee would remain the same as the decal rate schedule. Mr. Eubank announced that the first bills would be mailed with the personal property bills for the December taxes for the assessment period of July through December 2006. The first bill would be mailed the end of October and would be due December 5<sup>th</sup>. Rather than carrying the February 15<sup>th</sup> decal deadline, the billing would be done at the end of October with the personal property bill. One billing was eliminated at a savings, and was combined with the personal property bill, allowing for one remittance instead of two. The new vehicle license bill would be due February 5<sup>th</sup>. The vehicle license fee was similar to the Division of Motor Vehicles' annual registration renewal. The vehicle license fee would be an annual City registration fee for automobiles to be licensed and registered, to be either stored, parked, or driven on the streets of Newport News.

Mr. Eubank stated the old decal system had a proration of the purchase price, depending on the date the vehicle was purchased. If you owned a vehicle, and it was on file, you would be billed December 2006 for the vehicle license fee. If a new vehicle was purchased, beginning January 2007 through the end of June 2007, you would be assessed a vehicle license fee for the full fee. If a vehicle was purchased after June 30, 2007 through the end of December 2007, a vehicle license fee would not be assessed until the following year.

Regarding enforcement, Mr. Eubank stated the City had entered into agreement with the Commissioner of the Division of Motor Vehicles, to participate in the vehicle withholding registration program. For example, if a citizen owed delinquent personal property taxes or parking fines in Newport News, and the citizen attempted to renew their vehicle registration, a "stop" would be placed on the renewal, the citizen would be notified 30 days in advance allowing time to clear the matter and would not be able to renew the vehicle registration until the fine or fee was paid.

Mr. Eubank thanked the various City Departments and members of Council for their diligence, hard work, and consideration to put the vehicle license program together. City Council thanked Mr. Eubank for his leadership in this matter.

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

Vote on Roll Call:

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

Nays: None

8. Appropriations

Councilman Whitaker moved adoption of Items A through D, both inclusive, as shown below, seconded by Councilman Bateman.

8. Appropriations Continued
  - (a) South Jefferson Park Redevelopment Plan

A RESOLUTION APPROPRIATING FUNDS FROM FY 2007 BONDS AUTHORIZED AND UNISSUED – DEVELOPMENT (\$600,000.00) TO COMMENCEMENT OF REDEVELOPMENT ACTIVITIES AT SOUTH JEFFERSON PARK (\$600,000.00). This resolution appropriated \$600,000.00 from Fiscal Year 2007 Bonds Authorized and Unissued to commence development activities with regard to the South Jefferson Park Redevelopment Plan. Funding for this appropriation was programmed in the City's Capital Improvements Plan. The South Jefferson Park Redevelopment Plan was approved by City Council on June 27, 2006 as a Title 36 Plan, and addressed properties located in the 600 Block of 39th through 41<sup>st</sup> Streets. This initial appropriation was used to begin efforts related to property acquisition, residential relocation, and demolition of blighted structures.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (b) Hazardous Materials Response Team

A RESOLUTION APPROPRIATING FUNDS FROM VA DEPARTMENT OF EMERGENCY SERVICES (\$30,000.00) TO HAZARDOUS MATERIAL RESPONSE TEAM (\$30,000.00). This resolution appropriated \$30,000.00 of State Revenue for the City's Hazardous Materials Response Team. This represented annual revenue received from the Virginia Department of Emergency Services (VDES) that was distributed in accordance with an agreement of long standing with the State that obligated the City to respond to local Hazmat incidents. In exchange for this annual revenue, the City must maintain a minimum Level II Hazardous Material Response Team and respond to hazardous material incidents within a seventy-five mile radius of the City limits. The City was also reimbursed for all direct costs incurred during a VDES declared hazardous material incident.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (c) U. S. Department of Agriculture Grant to Juvenile Services

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL FUNDS RECEIVED FOR 06-07 SECURE (\$78,378.00), FEDERAL FUNDS RECEIVED FOR 06-07 FOR LESS SECURE (\$19,819.00), INTEREST RECEIVED FOR 06-07 SECURE (\$11,994.00)

8. Appropriations Continued

(c) U. S. Department of Agriculture Grant to Juvenile Services Continued

AND INTEREST RECEIVED FOR 06-07 FOR LESS SECURE (\$3,369.00) TO USDA GRANT/DISTRIBUTION YEAR 06-07 SECURE (\$90,322.00) AND USDA GRANT/DISTRIBUTION YEAR 06-07 LESS SECURE (\$23,188.00). This resolution appropriated \$113,510.00 of Federal USDA Grant Revenue, and associated interest earnings for food service use in the City's Juvenile Services Facility. This was an annual grant program that provided funding to the City's Juvenile Services program due to its USDA designation as an in-resident school program. This designation allowed the facility to be eligible for partial reimbursement from the Federal School's Food Services Program. These funds would be used for a temporary cook position, and for food preparation equipment as needed. No local grant match was required.

(No Speakers)

Councilman Haskins inquired whether this food service was budgeted in the normal budget. City Manager, Randy Hildebrandt, replied this was not budgeted in the operating budget, but was used to supplement and buy equipment and other expenses in the Department.

Vote on Roll Call:

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

Nays: None

(d) Sheriff's Department TRIAD Program

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$2,063.00) AND LOCAL REVENUE (\$229.00) TO SHERIFF TRIAD GRANT (\$2,292.00). This resolution appropriated \$2,063.00 of Federal Grant Revenue, and \$229.00 of Local Grant Match from the City's Fiscal Year 2007 Operating Budget for the Sheriff Department's TRIAD Program. This federal grant program was administered by the State Department of Criminal Justice. The purpose of the program was to provide assistance to the elderly in the areas of crime prevention, senior healthcare and other senior problems. These particular grant funds would be used to purchase monitoring bracelets for the LifeSaver program and associated materials and supplies.

(No Speakers)

Vote on Roll Call:

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

Nays: None

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

Reverend Reginald Dawkins, Pastor of First Church of Newport News (Baptist), 2300 Wickham Avenue, accompanied by residents of the community and parishioners of the

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

Church, expressed concerns about problems plaguing the community. The concerns included (1) an increase in drug activity/trafficking on and around the church grounds; (2) prostitution on and around the church grounds; and (3) loitering on and around the Church grounds. Additional concerns included the house located behind the church at 917 – 23<sup>rd</sup> Street, which was a haven for drug activity and prostitution, as well as the closing of the Chestnut Avenue Police Precinct. Reverend Dawkins asked for Council's consideration to help keep the Church and community safe. (A copy of Reverend Dawkins' remarks are attached and made a part of these minutes).

Chief James Fox, Newport News Police Department, indicated that he had attended a community meeting, in which the residents shared similar concerns. Chief Fox stated he shared the concerns of the community, and the matter was being addressed. He indicated that a number of special operations had been placed in the area, netting over 21 arrests, taken 7 guns off the street within a one week period, and the arrest of 70 people for 81 charges.

Council requested the City Manager dispatch the Department of Codes Compliance to look at the property located behind the First Church of Newport News (Baptist) in an effort to address the situation from a law enforcement and codes perspective.

Dr. Michael Edwards, 1135 36<sup>th</sup> Street, representing the Southeast Community Day Planning Committee, and Andrew Shannon, Event Founder and Organizer of the Annual Southeast Community Day Parade and Festival, reported good news in the Southeast Community of Newport News. He indicated that thousands were in attendance at the 16<sup>th</sup> Annual Southeast Day Parade & Festival on September 9, 2006. He distributed materials from 2006 Southeast Community Day which are attached and made a part of these minutes. Dr. Edwards extended appreciation to Mayor Frank, who served as 2006 Grand Marshall and Presidential Keynote Speaker, and others who participated, including, but not limited to, Councilwoman McMillan, Councilman Whitaker, Dr. Joseph Lowery, President Emeritus, SCLC; and Dr. Curtis Harris, National Vice President, SCLC. A plaque was presented to the Councilman Bateman, who served as Southeast Community Day Parade and Festival 2006 Honorary Co-Chairman.

10. New Business and Councilmember Comments

(a) The City Manager presented A RESOLUTION APPROPRIATING FUNDS FROM FUND BALANCE RESERVES (\$736,042.00) TO TAX CASE LITIGATION (\$736,042.00). This resolution appropriated \$736,042.00 from Fund Balance Reserves to refund machinery and tools taxes to settle a tax case.

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

Vote on Roll Call:

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

Nays: None

10. New Business and Councilmember Comments

City Manager Hildebrandt referenced a letter distributed to Council (attached to these minutes) which addressed the conditional use permit for the World Outreach Worship Center. Mr. Hildebrandt advised that as a result of the action at the Regular Meeting of City Council on September 12, 2006, the consultant hired to conduct a new evaluation of a tower that has a 350 foot height limit, had not completed his analysis; staff advised that the public hearing be extended from October 12, 2006 and action be deferred until October 24, 2006 at its Regular Meeting of October 12, 2006. The applicant and supporters would be advised according. Mayor Frank polled Council for consensus to consider approval of a resolution to defer the matter from October 12, 2006 to October 24, 2006. There was consensus to continue the matter to the October 24, 2006.

As a matter of information, City Manager Hildebrandt distributed a memorandum on educational funding for the sales tax error. It was his hope that the General Assembly would correct the error in the current fiscal year. He indicated the action of the General Assembly would be monitored closely to ensure this particular issue was addressed. A copy is attached to these minutes.

City Manager Hildebrandt announced Mr. Alan K. Archer was selected to serve in the position of Assistant City Manager, effective November 1, 2006. Currently City Manager in Hopewell, Virginia, Mr. Archer comes to Newport News with 20 years experience of local government in Virginia.

(b) Councilwoman McMillan extended deepest sympathy to Ms. Tommie Doxey, former Voter Registrar, City of Newport News, on the death of her mother-in-law.

She wished Vice Mayor Allen a speedy return to the Council Chambers.

Councilwoman McMillan extended congratulations to the Pastor and congregation of Holy Tabernacle Church of Deliverance on the commemoration of its 50<sup>th</sup> Anniversary.

(c) Councilwoman Scott announced that bulk waste pick-up was back on schedule, in the North District, but had been delayed by Tropical Storm Ernesto.

She further advised that the situation with mosquitoes was also being addressed.

Councilwoman Scott thanked the citizens for their attendance at the September 25, 2006 North District Town Hall Meeting. She announced the next meeting was scheduled for Monday, October 23, 2006.

(d) Councilman Whitaker thanked Pastor Dawkins and the congregation of First Church of Newport News (Baptist) for their attendance and involvement; and commended the active neighborhood watch association in their community. He encouraged more church involve-

10. New Business and Councilmember Comments

ment with the Newport News Police force and in the community to help with crime and keep the communities safe.

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

Mabel V. Washington, CMC  
City Clerk

Joe S. Frank  
Mayor

A true copy, teste:

City Clerk