

(SHOWN LIVE ON NEWPORT NEWS CITY CHANNEL 48)

AGENDA

Newport News City Council

May 22, 2007

City Council Chambers

7:00 p.m.

Presentation of Proclamation: Healthy Relationship Month – June 2007

7:30 p.m.

1. Invocation - Father George Chioros
St. Constantine and Helen Greek Orthodox Church
2. Pledge of Allegiance to the Flag of the United States of America
3. Public Hearings
 - A. Tax Rate Increase for Machinery and Tools
 - B. Amendment to the Fiscal Year 2008 General Fund Operating Budget
 - C. Conditional Use Permit CU-07-219, Madison Company of
Newport News
 - D. Change of Zoning CZ-07-238, Hari Aum Enterprises, LLC
 - E. Conditional Use Permit CU-07-218, Jefferson Shoppes, LLC
 - F. Conditional Use Permit CU-07-220, Hampton Roads YYP, LLC
 - G. Conditional Use Permit CU-07-221, United House of Prayer
 - H. Grant of Utility Easements – 705 Thimble Shoals Boulevard
 - I. Settlement Agreement and Amendment to Lease – James River Fishing
Pier, Inc.
 1. Settlement Agreement
 2. Modification of Lease
 - J. Acquisition of Easements – Harwood’s Mill Water Treatment Plant
Main Project

4. Consent Agenda
 - A. Minutes of the Budget Public Hearing of April 26, 2007
 - B. Minutes of the Special Budget Work Session Meeting of May 1, 2007
 - C. Minutes of the Special Meeting of May 1, 2007
 - D. Minutes of the Regular Meeting of May 8, 2007
 - E. 2008 Housing and Homeless Assistance Grant
 - F. Resolution Regarding the Adoption of a 2015 Goal for Reducing Teen Pregnancy
5. Receipt of Bids for Granting Utility Easement at 1001 Old Denbigh Boulevard
6. City Council Summer Meeting Schedule
7. Addendum One to Park Lease with York County
8. Approval of Fiscal Year 2008 Classification and Pay Plan
9. Amendment of Master Water Revenue Bond Resolution
10. Citizen Comments on Matters Germane to the Business of City Council
- *11. New Business and Councilmember Comments

City Manager
City Attorney
City Clerk

Allen
Bateman
Frank
Haskins
McMillan
Scott
Whitaker

**THE BUSINESS PORTION OF THE MEETING WILL BE CONCLUDED
NO LATER THAN 10:00 P.M. TO ALLOW PERSONS TO ADDRESS
CITY COUNCIL UNDER "CITIZEN COMMENTS ON MATTERS
GERMANE TO THE BUSINESS OF CITY COUNCIL."**

Item 1. Invocation - Father George Chiorus
St. Constantine and Helen Greek Orthodox Church

Item 2. Pledge of Allegiance to the Flag of the United States of America

Item 3. Public Hearings

A. Tax Rate Increase for Machinery and Tools

ACTION: A REQUEST TO ADOPT AN ORDINANCE THAT WILL ESTABLISH THE TAX RATE FOR MACHINERY AND TOOLS AT \$3.75 PER \$100 OF ASSESSED VALUE EFFECTIVE JULY 1, 2007.

BACKGROUND:

- ! The current machinery and tools tax rate is \$3.50 per \$100 of assessed value.
- ! It is estimated that this proposed increase will generate \$883,175 of additional revenue for Fiscal Year 2008.
- ! Subsequent to the approval of this rate increase, City Council will need to amend the approved Fiscal Year 2008 General Fund Operating Budget to reflect this additional revenue.

Item 3. Continued

Item 3. Public Hearings Continued

B. Amendment to the Fiscal Year 2008 General Fund Operating Budget

ACTION: A REQUEST TO ADOPT AN ORDINANCE THAT WILL AMEND THE APPROVED FISCAL YEAR 2008 GENERAL FUND OPERATING BUDGET TO REFLECT THE ADDITIONAL REVENUE ANTICIPATED BY THE INCREASE IN THE MACHINERY AND TOOLS TAX, AND ALLOCATING THAT REVENUE AS REPLACEMENT FOR THE MONIES PREVIOUSLY USED FROM NON-DEPARTMENTAL TO BALANCE THE BUDGET THAT WAS APPROVED ON MAY 8, 2007.

BACKGROUND:

- ! The increase of \$0.25 per \$100 of assessed value in the Machinery and Tools tax is estimated to increase revenue for Fiscal Year 2008 by \$883,175.
- ! This amount of money was used from the Non-Departmental portion of the budget in order to balance the budget on May 8 when the budget was approved, and upon approval of this amendment, that amount will be returned to that account.

Item 3. Continued

Item 3. Public Hearings Continued

C. Conditional Use Permit CU-07-219, Madison Company of Newport News

ACTION: A REQUEST TO ADOPT AN ORDINANCE THAT WILL GRANT A CONDITIONAL USE PERMIT FOR THE OPERATION OF A GYMNASIUM ON A 1.70 ACRE PARCEL THAT IS PART OF A 2.69 ACRE PARCEL ZONED M1 LIGHT INDUSTRIAL LOCATED AT 341 BELL KING ROAD.

BACKGROUND:

- ! This public hearing was continued from the April 24, 2007 and May 8, 2007 City Council meetings.
- ! The Planning Commission voted 9:0 to recommend to City Council the approval of this conditional use permit application, and the City Manager now recommends approval with the additional conditions that he has suggested.

Item 3. Continued

Item 3. Public Hearings Continued

D. Change of Zoning CZ-07-238, Hari Aum Enterprises, LLC

ACTION: A REQUEST TO ADOPT AN ORDINANCE THAT WILL CHANGE THE ZONING OF A 2.22 ACRE PARCEL LOCATED AT 100 BUCHANAN DRIVE FROM R9 MIXED USE DISTRICT WITH PROFFERS TO R9 MIXED USE DISTRICT WITH NEW PROFFERS.

BACKGROUND: ! The Planning Commission voted 8:0 to recommend to City Council the approval of this rezoning request, and the City Manager concurs with that recommendation.

Item 3. Continued

Item 3. Public Hearings Continued

E. Conditional use Permit CU-07-218, Jefferson Shoppes, LLC

ACTION: A REQUEST TO ADOPT AN ORDINANCE THAT WILL GRANT A CONDITIONAL USE PERMIT FOR THE OPERATION OF A RESTAURANT WITH DRIVE THROUGH SERVICE ON A 0.83 ACRE PARCEL ZONED C1 RETAIL COMMERCIAL LOCATED AT 13165 JEFFERSON AVENUE.

BACKGROUND: ! The Planning Commission voted 8:0 to recommend to City Council the approval of this conditional use permit request, and the City Manager concurs with that recommendation.

Item 3. Continued

Item 3. Public Hearings Continued

F. Conditional Use Permit CU-07-220, Hampton Roads YYP, LLC

ACTION: A REQUEST TO ADOPT AN ORDINANCE THAT WILL GRANT A CONDITIONAL USE PERMIT FOR THE OPERATION OF A SMALL MOTOR VEHICLE REPAIR AND SERVICE FACILITY ON TWO PARCELS TOTALING 3.08 ACRES ZONED C2 GENERAL COMMERCIAL LOCATED AT 6014 AND 6014 (A) JEFFERSON AVENUE.

BACKGROUND: ! The Planning Commission voted 8:0 to recommend to City Council the approval of this conditional use permit request, and the City Manager concurs with that recommendation.

Item 3. Continued

Item 3. Public Hearings Continued

G. Conditional Use Permit CU-07-221, United House of Prayer

ACTION: A REQUEST TO ADOPT AN ORDINANCE THAT WILL GRANT A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A BUS PARKING LOT ON THREE PARCELS TOTALLING 0.31 ACRES ZONED R8 HIGH DENSITY MULTIPLE FAMILY DWELLING LOCATED AT 1901, 1905 IVY AVENUE, 625 19TH STREET.

BACKGROUND: ! The Planning Commission voted 8:0 to recommend to City Council the approval of this conditional use permit request, and the City Manager concurs with that recommendation.

Item 3. Continued

Item 3. Public Hearings Continued

H. Grant of Utility Easements – 705 Thimble Shoals Boulevard

ACTION: A REQUEST TO ADOPT AN ORDINANCE THAT WILL GRANT TWO UTILITY EASEMENTS OVER CITY-OWNED LAND LOCATED AT 705 THIMBLE SHOALS BOULEVARD.

BACKGROUND:

- ! This proposed grant of utility easements was advertised pursuant to State Code requirements prior to City Council receiving bids at its May 8, 2007 meeting.
- ! One bid was received at that meeting from Dominion Virginia Power.
- ! This proposed transaction involves the granting of two variable width utility easements of approximately 1,542.20 square feet.
- ! The easements are needed for the transmission and distribution of electric power to property located at 705 Thimble Shoals Boulevard.

Item 3. Continued

Item 3. Public Hearings Continued

I. Settlement Agreement and Amendment to Lease – James River Fishing Pier, Inc.

1. Settlement Agreement

ACTION: A REQUEST TO ADOPT A RESOLUTION THAT AUTHORIZES THE EXECUTION OF A SETTLEMENT AGREEMENT WITH JAMES RIVER FISHING PIER, INC. FOR THE UNPAID ADDITIONAL RENT REQUIRED BY THE LEASE OF THE OLD JAMES RIVER BRIDGE SITE.

BACKGROUND:

- ! The lease payments in question were not consistent with the lease terms, but were consistent with a summary of the lease presented to City Council in 1996.
- ! The City asserted its right to be paid the “additional rent” due under the lease in December of last year.
- ! The settlement requires James River Fishing Pier, Inc. to pay the sum of \$90,000 consisting of “qualifying improvements” to the premises.

Item 3. Continued

Item 3. Public Hearings Continued

I. Settlement Agreement and Amendment to Lease – James River Fishing Pier, Inc.

2. Amendment No. 1 to Lease

ACTION: A REQUEST TO ADOPT A RESOLUTION THAT AUTHORIZES THE EXECUTION OF AMENDMENT NO. 1 TO THE DEED OF LEASE WITH JAMES RIVER FISHING PIER, INC.

BACKGROUND: ! This amendment clarifies to the satisfaction of both parties the definition of “additional rent” as 10% of all gross receipts in excess of \$150,000 from all operations on the premises during the immediately preceding lease year.

! All other terms and conditions of the existing Deed of Lease will remain the same and in full force.

Item 3. Continued

Item 3. Public Hearings Continued

J. Acquisition of Easements – Harwood’s Mill Water Treatment Plant Force Main Project

ACTION: A REQUEST FOR CITY COUNCIL TO CONTINUE THIS PUBLIC HEARING ON AN ORDINANCE THAT AUTHORIZES THE ACQUISITION OF EASEMENTS, THROUGH PURCHASE OR CONDEMNATION IF NECESSARY, FOR THE CONSTRUCTION OF THE HARWOOD’S MILL WATER TREATMENT PLANT FORCE MAIN PROJECT UNTIL THE JUNE 12, 2007 CITY COUNCIL MEETING.

BACKGROUND: ! This continuance of the public hearing will allow more staff time to resolve problems surrounding one of the proposed easements.

Item 4. Consent Agenda

A. Minutes of the Budget Public Hearing of April 26, 2007

Item 4. Continued

Item 4. Consent Agenda Continued

B. Minutes of the Special Budget Work Session Meeting of May 1, 2007

Item 4. Continued

Item 4. Consent Agenda Continued

C. Minutes of the Special Meeting of May 1, 2007

Item 4. Continued

Item 4. Consent Agenda Continued

D. Minutes of Regular Meeting of May 8, 2007

Item 4. Continued

Item 4. Consent Agenda Continued

E. 2008 Housing and Homeless Assistance Grant

ACTION: A REQUEST TO ADOPT A RESOLUTION THAT AUTHORIZES THE EXECUTION OF AN APPLICATION AND ACCEPTANCE OF A GRANT FROM THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR A 2007 HOUSING AND HOMELESS ASSISTANCE GRANT.

BACKGROUND:

- ! This grant application is being initiated by the City's Office of Human Affairs, which also received and administered this grant last year.
- ! The proceeds from this grant program supports the homeless day-shelter operated by OHA out of the Julius Conns Gymnasium at 328-30th Street.
- ! The day-shelter program provides coordination of safe and sanitary shelter and/or support services to homeless persons.

Item 4. Continued

Item 4. Consent Agenda Continued

F. Resolution Regarding the Adoption of a 2015 Goal for Reducing Teen Pregnancy

ACTION: A REQUEST TO ADOPT A RESOLUTION THAT ESTABLISHES A 2015 GOAL FOR REDUCING TEEN PREGNANCY IN NEWPORT NEWS.

BACKGROUND:

- ! The month of May is national and state Teen Pregnancy Prevention Month.
- ! The City's Director of the Health Department has recommended adoption of a goal of 75 pregnancies per 1,000 females between the ages of 15-19, which would result in a reduction of the City's teen pregnancy rate.
- ! This proposed resolution adopts a goal for reducing teen pregnancy in Newport News by an additional fourteen percent by the year 2015.

Item 5. Receipt of Bids for Granting Utility Easement at 1001 Old Denbigh Boulevard

ACTION: A REQUEST FOR CITY COUNCIL TO RECEIVE AND OPEN BIDS FOR THE GRANT OF A UTILITY EASEMENT OVER CITY-OWNED LAND LOCATED AT 1001 OLD DENBIGH BOULEVARD.

***(City Council is requested to receive, open the bids, and refer them to the City Manager for recommendation at the next regularly scheduled meeting of City Council).**

BACKGROUND: ! This proposed grant of a utility easement was advertised pursuant to State Code requirements pertaining to such transactions that are for a term of greater than five years.

! This proposed transaction involves the granting of an easement of approximately 4,883 square feet.

! The easement is needed for the transmission and distribution of electric power to 1001 Old Denbigh Boulevard.

! A public hearing has been advertised for the June 12, 2007 City Council meeting to consider the ordinance that will grant the actual easement to the successful bidder.

Item 6. City Council Summer Meeting Schedule

ACTION: A REQUEST TO ADOPT A RESOLUTION THAT WILL
CANCEL THE CITY COUNCIL MEETINGS OF
JULY 24, 2007 AND AUGUST 28, 2007.

BACKGROUND: ! Cancellation of the second regularly scheduled meetings in July and August is consistent with previous years in which City Council meets only once during each of these two months to accommodate Summer vacation schedules.

! Taking action at this time to officially cancel these meetings will allow staff to schedule pending items for upcoming meeting agendas, and accommodate the required advertising and notification requirements for certain items of business.

Item 7. Addendum One to Public Park Lease with York County

ACTION: A REQUEST TO ADOPT AN ORDINANCE THAT AUTHORIZES THE EXECUTION OF ADDENDUM ONE TO THE AGREEMENT OF LEASE WITH YORK COUNTY FOR CONSTRUCTION AND MAINTENANCE OF A PUBLIC PARK; AND, THE EXECUTION OF A DECLARATION OF RESTRICTIONS GOVERNING THE PRESERVATION AREA.

- BACKGROUND:
- ! This lease agreement for up to 187 acres of City-owned Waterworks property in York County was approved by City Council in April 2005.
 - ! The property is to be used to construct a public park generally referred to as the Sports Field Complex.
 - ! This addendum deletes an area of the property that has been proposed by VDOT for drainage improvements associated with a planned widening of Rt. 17, which reduces the originally based acreage by 6.48 acres.
 - ! Additionally, 29.195 acres are now being set aside for mitigation and is designated now as a preservation area.
 - ! Lastly, the addendum gives the City an unrestricted right of entry onto the property.

Item 8. Approved of Fiscal Year 2008 Classification and Pay Plan

ACTION: A REQUEST TO ADOPT AN ORDINANCE THAT APPROVES THE CITY'S FISCAL YEAR 2008 EMPLOYEE CLASSIFICATION AND PAY PLAN.

- BACKGROUND:
- ! This proposed plan increases the minimums and maximums of most salary ranges by 3% effective July 1, 2008.
 - ! Employees will be eligible for salary increases based on performance on July 1 in the range of 0 – 5% with an overall average of 4%.
 - ! Employees that are at their salary range maximums, who meet eligibility criteria, may receive a lump – sum bonus of up to 1% based on performance effective October 1, 2007.
 - ! Funding for this FY 2008 Classification and Pay Plan is included in the approved Fiscal Year 2008 Operating Budget.

Item 9. Amendment of Master Water Revenue Bond Resolution

ACTION: A REQUEST TO ADOPT A RESOLUTION AMENDING THE MASTER WATER REVENUE BOND RESOLUTION TO REFLECT TECHNICAL CHANGES RECOMMENDED BY THE BOND RATING AGENCIES AND THE CITY'S FINANCIAL ADVISORS.

- BACKGROUND:
- ! The Master Water Revenue Bond Resolution was approved by City Council on January 23, 2007, which will be used to finance Waterworks capital projects.
 - ! The proposed amendment removes the reference to transfers from the definition of revenues in the Waterworks Rate Stabilizations Fund.
 - ! It also changes the definition of "subordinate obligations", and clarifies that payment of any return on investment to the City will be a subordinate obligation.
 - ! Finally, the proposed amendment deletes the language which states that the operating budget may not necessarily be the budget prepared by the City.

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

Item 11. New Business and Councilmember Comments

City Manager

City Attorney

City Clerk

Roll Call for New Business

Allen

Bateman

Frank

Haskins

McMillan

Scott

Whitaker

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CITY COUNCIL UNDER "CITIZEN COMMENTS ON MATTERS
GERMANE TO THE BUSINESS OF CITY COUNCIL."**