

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
April 22, 2008  
7:30 P.M.**

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

ABSENT: Joe S. Frank-----1

1. The invocation was rendered by Reverend Eric Harris, First Baptist Church East  
End.

2. The Pledge of Allegiance to the Flag of the United States of America was led by  
Councilwoman Scott.

*MOTION MADE BY COUNCILMAN HASKINS; SECONDED BY  
COUNCILWOMAN MCMILLAN; AND CARRIED UNANIMOUSLY TO EXCUSE MAYOR  
FRANK FROM THIS MEETING.*

3. Public Hearings

(a) Conditional Use Permit CU-08-241, Gethsemane Baptist Church Trustees

Vice Mayor Allen presented AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CU-08-241 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING THE OPERATION OF A DAY SCHOOL WITH A CHILD CARE CENTER AS A PART OF A COMMUNITY FACILITY IN A R4 SINGLE-FAMILY DWELLING DISTRICT AND A R7 MEDIUM DENSITY MULTIPLE-FAMILY DWELLING DISTRICT. He advised this granted a conditional use permit for a day school with a child care center as part of a community facility on four parcels totaling 16.16 acres zoned R4 Single-Family Dwelling and R7 Medium Multiple-Family Dwelling, located at 5405 and 5501 Roanoke Avenue, 1020 E. Russell Court and 920 W. Russell Court. The Planning Commission voted 9:0 to recommend to City Council the approval of this conditional use permit application, and the City Manager concurred with that recommendation.

Reverend Dwight Riddick, Pastor, Gethsemane Baptist Church, 13 Southall Landing, Hampton, encouraged a favorable decision from the City Council to adopt this ordinance, to permit the operation of a day school with a child care center as part of a community facility located at 5405 and 5501 Roanoke Avenue, 1020 E. Russell Court and 920 W. Russell Court. Reverend Riddick was available to answer questions.

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

Vote on Roll Call:

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

Nays: None

3. Public Hearings Continued
  - (a) Conditional Use Permit CU-08-241, Gethsemane Baptist Church Trustees Continued

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

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

- (b) Right-of-Way Acquisition – Campbell Road Sidewalk Project
  1. Appropriation of Funds

Vice Mayor Allen presented A RESOLUTION APPROPRIATING FUNDS FROM FY 2008 BONDS AUTHORIZED AND UNISSUED – STREETS AND BRIDGES (\$100,000.00) TO CAMPBELL ROAD (\$100,000.00). He advised this appropriated \$100,000.00 from Fiscal Year 2008 Bonds Authorized and Unissued for acquisition of rights-of-way and construction of the Campbell Road Sidewalk Project. Funding for this project was programmed in the City's Capital Improvements Plan. This work involved the installation of a sidewalk along the Southside of Campbell Road between Aspen Meadow Lane, east of Bland Boulevard and First Baptist Church Denbigh. This sidewalk would connect to the existing sidewalk from Aspen Meadow Lane to Bland Boulevard.

(No Speakers)

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

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

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

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

2. Authorization to Acquire Rights-of-Way

Vice Mayor Allen presented AN ORDINANCE AUTHORIZING THE CITY MANAGER TO MAKE OFFERS TO PURCHASE CERTAIN REAL PROPERTIES HEREINAFTER MORE PARTICULARLY DESCRIBED, SITUATE, LYING AND BEING IN

3. Public Hearings Continued
  - (b) Right-of-Way Acquisition – Campbell Road Sidewalk Project Continued
    2. Authorization to Acquire Rights-of-Way Continued

THE CITY OF NEWPORT NEWS, VIRGINIA, FOR STREET IMPROVEMENT USES, SPECIFICALLY THE CONSTRUCTION OF A SIDEWALK, IN FURTHERANCE OF THE CAMPBELL ROAD SIDEWALK PROJECT, TO PROVIDE FUNDS FOR THESE PURPOSES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ALL DOCUMENTS NECESSARY TO EFFECT THE PURCHASE AUTHORIZED HEREIN. He advised this authorized the acquisition, including the use of condemnation, if necessary, of rights-of-way for construction of the Campbell Road Sidewalk Project. This proposed action involved two parcels located at 3631 Campbell Road and 3641 Campbell Road, for a total of 5,783 square-feet of property. The City retained the services of independent appraisers to establish just compensation for the affected properties.

(No Speakers)

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

Councilwoman Scott inquired whether there was opposition to this project. City Manager Hildebrandt replied there was no opposition. Councilwoman Scott advised there had been questions about the project. She asked the City Manager to discuss the second phase of the Campbell Road project. City Manager Hildebrandt responded that the second phase of the project would involve the complete reconstruction of Campbell Road from Bland Boulevard back to Warwick Boulevard at Tabbs Lane. Design money was included in the Capital Improvements Project (CIP), but construction money had not yet been programmed, making it several years away, unless the CIP was re-programmed. Councilwoman Scott inquired about a cost estimate for the project. City Manager Hildebrandt indicated he would research the matter and forward the information to City Council.

Vote on Roll Call:

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

Nays: None

- (c) Recommended Fiscal Year 2009 Operating Budget

Vice Mayor Allen advised this was the first of two public hearings that City Council was conducting on the City Manager's Recommended Fiscal Year 2009 Operating Budget. The second hearing would be held on Thursday, April 24, 2008, 7:30 p.m. at Mary Passage Middle School, 400 Atkinson Way. He further advised of a Special Budget Work Session on April 29, 2008, in which City Council would discuss other alternatives, and communicate their desires and concerns to the City Manager after having heard from the public. On Tuesday, May 13, 2008, City Council planned to adopt both the Newport News Public Schools (NNPS) Operating Budget and the City's Operating Budget. The last legal adoption date

3. Public Hearings Continued
  - (c) Recommended Fiscal Year 2009 Operating Budget Continued

for the NNPS budget was May 15, 2008 and June 15, 2008 for the City Manager's Operating Budget. Vice Mayor Allen reminded that both public hearings would be carried live on the City's Cox cable channel 48 and Verizon cable channel 19. The City's proposed FY 2009 Operating Budget could be viewed on-line at [www.newportnewsgov.com](http://www.newportnewsgov.com) and in the local public libraries. He introduced City Manager, Randy Hildebrandt, to provide an overview of the budget, as presented to the City Council.

City Manager Randy Hildebrandt stated the budget that was submitted to City Council for Fiscal Year 2009 was one of the most challenging to develop in recent years (a copy of the Manager's remarks are attached and made a part of these minutes). He advised that Newport News could expect growth in General Fund Revenues, for the next fiscal year (2009) to be about half of the annual revenue growth because of changing economic conditions across the region and the state, and would likely continue through 2010. The City Manager indicated that his proposed budget called for significant cuts in spending. The General Fund Operating Budget totaled \$432 million, or 4% above the Budget adopted for FY 2008. No adjustments in locally controlled tax rates were proposed, with most property owners paying more taxes due to an average increase in real estate property assessments. The cost of providing services such as solid waste collection and disposal, production and delivery of water and stormwater, continued to increase; and dictated the adjustment of the user fees which fund these activities. City Manager Hildebrandt advised that most of the new revenue (\$13.9 million) would be used for public schools, fuel costs, cash capital, debt service, and increased contributions to the Pension and Post-retirement Health and Welfare funds, leaving only \$2.7 million in new revenue for all other purposes. Proposed cuts included: (1) elimination of 32 full-time positions and suspending, for at least one year, the funding for ten other vacant positions; (2) elimination of the Literacy Program and the Subregional Library for the Blind and Physically Handicapped; (3) closure of the West Avenue Library to the public; (4) closure of the Less Secure Juvenile Detention facility; (5) reduction in funding for the residential street reconstruction program by 50%; and (6) additional reductions in part-time and overtime costs, public transit payments, and Tourism funding. Included was a pay increase averaging 3% for City employees and an increase in budgeted contributions for the retirement program.

City Manager Hildebrandt continued, stating the FY 2009 budget maintained level funding for organizational infrastructure investments, such as vehicle replacement and information technology. Level funding was recommended in the Community Support category, with an exception for the Ferguson Center and Eastern Virginia Medical School, where City support was eliminated. The only new agency for which funding was included was the Peninsula Commission on Homelessness. Fee increases (stormwater management, solid waste, sewer, and water) could not be avoided in FY 2009 because of the growth in normal operating costs. A Sewer User Fee Surcharge for the next five years was recommended to cover extraordinary expenditures necessary for engineering studies and other costs required for compliance with the Environmental Protection Agency and the State Department of Environmental Quality Regional Consent Order.

3. Public Hearings Continued
  - (c) Recommended Fiscal Year 2009 Operating Budget Continued

City Manager Hildebrandt concluded by expressing his belief that the Recommended Operating Budget offered a solid financial plan that did not defer or postpone essential investments that if not made, would diminish the City's ability to provide not only core services, but those services and programs that created the quality of life those citizens had come to expect in a "City of Opportunity."

Mr. McKinley Price, DDS, 938 Shore Drive, Newport News, representing the Newport News Educational Foundation, read a letter from its President, Thad Holloman, requesting City Council's support for the budget approved by the Newport News School Board on March 25, 2008. The letter stated the Board's budget reflected an increase of 3.9% in revenue over the previous school year, and was approved based on increases in revenue that the City indicated it would expect to provide. The letter also indicated that the School Board believed that the strength of the Newport News Public Schools (NNPS) division was in its staff and was working to remain competitive in terms of compensation. The months of budget preparation, which included a representative of the City Manager's office, focused on providing compensation that would attract and retain the best staff. Fifty-one percent (51%) of NNPS teachers currently had fewer than five years teaching experience and raising teacher compensation to attract and retain excellent teachers was a priority. The School Board struggled to reduce its expenditures to create efficiencies in order to maintain a competitive compensation plan. Expenditure reduction included: (1) elimination of 81 positions over two years for a savings of \$1.4 million; (2) implementation of an energy management practice, a cut of \$700,000; and (3) renegotiated the printer and copier contracts to save over \$400,000. The letter concluded by seeking Council approval of the School Budget as presented on April 8, 2008. As Chair of the Committee appointed to evaluate the School's Budget by the Foundation, Dr. Price found a fair budget, with the proposed raises for the teachers, very much needed. Dr. Price, as a life-long resident, former student, and parent of two public school graduates, former PTA President, former School Board member, former City Council member, and small business owner in the City, Dr. Price endorsed the School's budget and commended the City on its fiscal proficiency.

Ms. Debra Abadie, 226 Lisa Drive, Newport News, citizen living on a single income, and homeowner, indicated her responsibility to provide the necessary funds to educate all children. She supported the idea of maintaining the tax rate. Ms. Abadie believed the School division had put together a fiscally responsible, conservative budget that provided the students with a quality education, employee's a safe working environment, and a salary increase that would bring it closer and competitive with surrounding school divisions. She urged City Council to approve the NNPS budget with the proposed salary increase, in an effort to attract qualified and engaging young people to teach.

Ms. Selma "Bebe" Petock, 2410 William Styron Square South, Newport News, active volunteer of the Hampton-Newport News Community Services Board (CSB), requested that City Council consider the request that additional local funds be allocated to the CSB for the provision of active mental health treatment for inmates in the City's jail. Mr. Charles Hall, Executive Director of the CSB, submitted a budget to the City with a request of \$521,245. These

3. Public Hearings Continued

(c) Recommended Fiscal Year 2009 Operating Budget Continued

funds, if made available, would be used to assist the Magistrate's office in order to appropriately divert individuals with mental illness from jail, to provide housing for individuals diverted from jail, to provide active mental health treatment to individuals in jail and to provide crisis center access at the existing crisis stabilization unit for those inmates in a psychiatric crisis. CSB would integrate services to inmates in the City jail into the existing treatment continuum, which included psychiatric emergency services, nursing, medication management, and case management. Ms. Petock stated the CSB, as the community mental health center, was best equipped to provide professional, psychiatric intervention when inmates require the service. Incarceration of individuals with mental illness, rather than treating them, is a poor use of resources. The CSB is committed to making the City of Newport News a better place to live for all citizens.

Dr. Ashby Kilgore, Superintendent, Newport News Public Schools, thanked Council for the opportunity to talk about the School Board budget. She revisited the theme of "investment," indicating that the decisions Council made about funding the NNPS were a message about the investment in the future of the children and the City. It was the NNPS' goal to move beyond the SOL mentality into a school division that gets the children ready for the 21<sup>st</sup> century, preparing them with basic foundation skills and preparing them for careers. The School Board believed the most important piece of this promise is the employees, i.e. teachers, assistants, bus drivers, cafeteria workers, and the principal; all who make the School Division work. Dr. Kilgore indicated the school division was highly competitive, competing with five other school divisions. The School Board knew that the new revenue from the City and the State would not be enough to allow the kind of raise needed to support the teachers. Thirty-six positions were cut to save \$1.4 million, as well as cuts in utility bills, and contracts to vendors. With these savings, the School Board was able to approve a budget with the lowest pay raise with the competitive school division, who offered a higher raise than that proposed in NNPS. Dr. Kilgore stressed that the NNPS was not asking for more funding than what was proposed in the City Manager's Recommended Operating Budget. He recommended the NNPS set aside \$3.9 million of the \$16.6 million new revenue dollars, which as a result, meant one-fourth of the new revenues would go to the school division. Dr. Kilgore shared many of the NNPS achievements, i.e. 87% of the schools being fully accredited, met or exceeded the state standards in Math and English, narrowing the achievement gap, and the graduation rate being 9% higher than the State average. The NNPS promised to continue progress to make education a force for positive change.

Mr. Rick Donaldson, Chair, Newport News School Board, 111 James River Drive, Newport News, indicated the NNPS Board had worked closely with the City to provide the best educational program possible, within the means available, through federal, state and local funding sources. He advised that the NNPS Budget Committee arrived at a budget that was within the parameters suggested. The Committee and the School Board believed that the 4% salary increase was appropriate and necessary. Mr. Donaldson acknowledged other School Board members, Mr. Everett "Teddy" Hicks, Vice Chairman; Mr. Michael Wagner; Mr. Carlton Ashby; and Dr. Patricia Woodbury. They highly recommended that City Council approve the NNPS budget as presented, which was fair and fiscally responsible.

3. Public Hearings Continued
  - (c) Recommended Fiscal Year 2009 Operating Budget Continued

Mr. Tim Phillips, Teacher at Kiln Creek Elementary School, 700 Lombardy Avenue, Apt. 7112, Newport News, requested that City Council reconsider proposed budget cuts for the NNPS, as they finalized the City's FY 2009 Operating Budget. He taught students with emotional disabilities in grades 3-5. Mr. Phillips stated that continuing education and staff development were essential for the success of teachers and students. He stated it was important for him to build a foundation for the students to continue on the path towards graduation. He considered it his daily duty to carry out the NNPS vision for creating a smart, safe school, which would provide a strong foundation in math, literacy, history, science, and would give the students the knowledge they would need in the 21<sup>st</sup> century. He was able to create a learning environment that was motivating and engaging. Educators were responsible to introduce and instruct students in the areas in life that would help them compete and thrive in the future. Without proper training, and money to support the training, teachers were limited in what they could offer students. Mr. Phillips asked that Council consider their concerns and the future of the children when devising the budget.

Mr. John Procyson, 305 Normandy Lane, Newport News, remarked on the FY 2009 Operating Budget, addressing what he thought was excessive and wasteful spending, specifically too many people making too much money, starting in the City Manager's Office. He stated the City should provide those services that the citizens could not provide themselves, i.e. police protection, fire department and EMS services, provide clean water, and take away sewage and trash, repair the roads, provide decent schools, provide a safety net for those truly in need. Mr. Procyson stated the taxpayers should not be forced to subsidize his pleasure. He indicated the Economic Development Authority (EDA) was looking for the next City Center, referencing Asheton, and would soon squander multi-millions of taxpayer dollars on the project. The City Manager called Newport News the "City of Opportunity." Mr. Procyson believed that Newport News was the City of opportunity for wealthy, well-placed businessmen and their friends to get richer feeding on the bloated budget of Newport News.

Ms. Beth Elgert, Technology Curriculum Integration Specialist for NNPS, 4 Holloway Drive, Hampton, stressed technology and the vital role it played in teaching children. She stated that technology integration, partnered with solid curriculum and excellent instructional practices could have a dramatic impact on how effectively students learned. Ms. Elgert further stated that technology tools were transforming learning for the students, with learning focused on problem solving, global and computer literacy, and creativity. She concluded by indicating that technology was the catalyst for bringing these changes into the classroom.

Mr. Everett R. Browning, President, Virginia Peninsula Chapter of 100 Black Men of America, a national mentoring organization, 119 Horsley Drive, Hampton, stated that a majority of the youth his organization mentored were from Newport News. He commended City Council for past funding provided to the NNPS. He asked that City Council continue to support the requests of the Newport News School Board. Mr. Browning urged Council to weigh the return on investment of each school dollar versus one dollar spent on juvenile detention. He further asked City Council to consider the return on investment of money spent to increase school salaries versus the cost to increase jails due to overcrowding. Mr. Browning concluded by asking

3. Public Hearings Continued
  - (c) Recommended Fiscal Year 2009 Operating Budget Continued

City Council to envision the return on investment from school programs that enabled students to graduate with a clear career path that lead them to become a productive citizens versus a loss of investment from families leaving Newport News for areas with better schools.

Mr. David Kundis, 106 Church Road, Newport News, reminded that RETRO had recommended that the City needed to reign in on its spending. He stated that the Council ignored RETRO's suggestions and the City Manager continued to increase budgets and spending; and ignored giving the citizens tax relief. The City Manager asked that departments tighten their belts to avoid shortfalls and to reduce costs by 5%. Mr. Kundis reminded that he had suggested a 10% reduction across the board, but the City Manager disagreed with the philosophy. Mr. Kundis stated that a 10% reduction worked as it forced a review. He stated had money been spent more responsibly in recent years; there would be no funding problems at present. Money was allotted to the NNPS with no accountability. He stressed that he was in favor of schools and schools educating children properly. Mr. Kundis felt the allotment for raises was above what was responsibility. He stated RETRO's position had not changed – the City increased the budget and spending each year – and it needed to stop now. He recommended a reduction in the real estate tax rate to \$0.93 per one hundred. He reminded the City Manager to get his house in order and that it only took four votes to remove him from office. Mr. Kundis informed the Council members that it was past time for them to start managing the City Manager's responsibility; otherwise, the citizens would remove them from office. Mr. Kundis requested a response, in writing, on the following: (1) What was the \$27 million for the reservoir slated for?; (2) what was going on with the Deep Creek/Turlington property? The City had apparently bankrupt the builder, the bank foreclosed, the City purchased the property from the bank; the City was offered a deal by another entrepreneur to finish the houses on the property, build a multi-family dwelling, and provided the City a piece of the property by the cemetery to put the City-planned \$1.2 million Social Services building. Is the City planning to put this building in the middle of a residential section?; (3) The Warwick Boulevard Fire Truck Repair facility was closed and moved the operation to Oyster Point with a projection of saving \$100,000 plus, but now the fire trucks were being sent to the southside for repair, the City was not keeping a spare fire truck available, and repairs were costing more. Had anyone conducted a follow-up study of the results?; (4) The Deep Creek Pier was gone, but the people were not going away. Placing a pedestrian pier there was a waste of money. What are the future plans?; and (5) What caused the shortfalls in the retirement and health and dental and life benefits? Who was responsible and what was being done to remedy the situation? Mr. Kundis concluded by suggesting a 10% reduction in costs across the board and put a hold on all new spending for three years, except for emergencies.

Mr. Anthony Starkey, 42 Madison Lane South, Newport News, reiterated that the budget received its money from real estate taxes. Real estate nationwide residential home prices had fallen 8%. He inquired why the City continued to increase assessments in order to collect more taxes, when common knowledge was that values were down. Mr. Starkey suggested skipping the increase assessments, and further suggested that the City focus on needs versus wants. He stated that various entities should not be regarded as "sacred cows" and unchallengeable.

3. Public Hearings Continued
  - (c) Recommended Fiscal Year 2009 Operating Budget Continued

Ms. Jessica Allen, representing The Denbigh House, 12725 McManus Boulevard, Suite 2E, Newport News, thanked City Council for its continued support. She stated the significance of brain injury in Newport News had been understated. The Center for Disease Control (CDC) estimated that two percent (2%) of all Americans sustained a brain injury and live everyday with a brain injury-related disability, which in the City of Newport News, equated to more than 3,500 people. The Denbigh House was the only group on the Virginia Peninsula that was dedicated to serving survivors of brain injury with community based resources. Sixty percent (60%) of combat related injuries were estimated to be brain injuries. Sixty percent (60%) of people returning to the medical facilities and would need VA care in the Hampton Roads area, had sustained a brain injury and would need community based services. Support of The Denbigh House was necessary and immediate, as well as visionary. Ms. Allen invited members of Council to visit the facility.

Mr. John McMillan, 43 Ridgewood Parkway, Newport News, shared learning over his 20-year Air Force service, 24-years in industry, almost 30 years as a Newport News resident, 8 years as a member of the Newport News School Board, and during the 10 hours spent on a police ride-along. He stated that organizations that become and stay great do so because of their people. The most important thing that leaders of an organization could do, was to take care of its people. He urged the Council as leaders, as they went through the budget process, to take care of its people, i.e. City employees, school teachers and staff, and the citizens. He further urged Council to do the best they could for the pay of City employees, for the school teachers and staff. Make the salaries of those groups of employees competitive. He urged Council to aggressively move the City retirement fund back up to full pay, 100% funded. In conclusion, he urged Council to look at property tax relief. If the City and organizations did not take care of the employees, it would not matter how great the facilities, shows or shopping were in Newport News; it would fail. Mr. McMillan stated the people were everything and we need to take care of our people.

Ms. Kay Stroud, 77 29<sup>th</sup> Street, Newport News, expressed opposition to the possible closure of the West Avenue Library, and the other recommendations to do away with the library for the blind and physical handicapped, as well as the literacy program. She felt they were important programs and the budget must allow for them. She beseeched City Council to keep the West Avenue Library open for the public to see and enjoy. Ms. Stroud indicated that the library should never be closed – it was needed for resources, reading, and the children.

Ms. Pixie Killebrew, 13 Hilton Terrace, Newport News, referenced the Daily Press advertisement, which was required by State law, when a municipality considered raising taxes, or revenue due to a rise in assessments. She stated the law was intended so that citizens remained informed. Ms. Killebrew stated the ad made it clear that with the recent rise in assessments in the City, to keep the current revenue stream, City Council would have to change the current tax rate of \$1.10 per one hundred to no more than \$1.03 per one hundred. She stated that City Council had allowed the City Manager to give several articles for publication concerning the need for not reducing the tax rate in order to maintain services, pressing obligations and expectations that may be more demanding in FY 2010. Ms. Killebrew felt, since

3. Public Hearings Continued
  - (c) Recommended Fiscal Year 2009 Operating Budget Continued

the City had a \$6 million surplus, there was no need to raise that amount of revenue stream above what it was. She reminded the City Manager worked for the City Council, had a more than competent staff, and could develop a spending plan that would fit the income that the Council decides he would be allowed to spend. It was the Council's role to make the necessary cuts, and though hard to do, not to do so would be fiscally imprudent. According to the advertisement, Ms. Killebrew indicated keeping the tax rate at \$1.10 per one hundred, gave the City a rise in income of over 6%, and doubled the rate of inflation. She reminded that several citizens had forwarded lists pointing out items that might merit questions from City Council, in the spirit of cooperation and assistance. RETRO requested a change to the real estate tax rate to \$0.93 per one hundred of assessed value, the amount required to put the revenue stream on the same trajectory that was customary before the precipitous rise in real estate tax assessments. She announced the second public budget hearing was scheduled for April 24, 2008 at Mary Passage Middle School at 7:30 p.m. Ms. Killebrew reminded that any rate above \$1.03 per one hundred was a tax rate increase.

Mr. Bland Burcher, 6 Walters Road, Newport News, made a comparison to the City's operating budget and the operating budget in private industry. He stated the City Manager and department heads should review the budget and potential cuts more often as the money was not coming in. He suggested the City could almost satisfy its "wish list" due to the increases in taxes and assessments, particularly replacing capital expenditures, and purchasing new trucks. Mr. Burcher suggested there were many areas that could be cut to keep the budget under control. He made mention of the number of employees that retired from the City that were hired back as consultants at a higher salary.

Ms. Cary Nunnally, 9 Hilton Terrace, Newport News, representing RETRO, asked that the real estate tax rate be reduced to \$0.93 per one hundred. She reminded that RETRO provided many options to accomplish this reduction. The RETRO Budget Committee, reviewed the City Manager's FY 2009 Recommended Operating Budget, and found many places to cut spending. Ms. Nunnally, in recommending various places to save, noted a combined recycling program in an effort to reduce charges and fees. She inquired about the number of employees that made over \$80,000 per year. The Committee felt, in a City with a per capita income of approximately \$27,000.00, that an increase for these employees was unnecessary. What City agency owned Rouse Towers? She questioned paying \$1 million in rent to ourselves, if the City or an authority of the City owned the building. A continuing concern was the Economic Development Authority entering into limited liability companies for unaccountable public/private partnerships without the citizens' knowledge. Ms. Nunnally indicated the citizens should be allowed to vote on such matters. They wanted the City to thrive, but not with growth at any cost, or taxpayer subsidized developments that might not make money for thirty years. She complimented the City on the Jefferson Commons development, where a private developer developed the property and paid for the infrastructure, with no taxpayer money necessary for its success. With a debt of \$1 billion, Ms. Nunnally urged that the City not expand any questionable projects or program. She asked that the budget be streamlined and show the remaining citizens that they could afford to stay in the City.

3. Public Hearings Continued
  - (c) Recommended Fiscal Year 2009 Operating Budget Continued

Ms. Charlotte Saylor, 1011 77<sup>th</sup> Street, Newport News, referencing the project of the new Deep Creek Pier, reminded that she had requested paperwork regarding the City's acquisition of property at the end of Deep Creek Road to the Deep Creek Pier waterline. She referenced a 1927 document, in which the City claimed gave the right to the road and the right-of-way to the pier, that lacked several signatures, including that of the then City Attorney, Joseph Parker. There were no measurements on the document for a road, nor landmarks to show where the road would be placed. Ms. Saylor further pointed out that the 1927 document was never filed with the court. She had a copy of a legal real estate document from February 19, 1952, that listed Bonnie Belle Meltzer's property, after her death. On this document, the measurements were the same as when Ms. Meltzer purchased it from Hudson Mench in 1916, with the exception of 6/10 of an acre, which was conveyed to H. F. Lozat in 1945. There was no mention of a conveyance to the County of Warwick. Ms. Saylor requested that the City take a second review of the legal issues, and rebuild the Deep Creek Pier, as requested by the supporters of the Deep Creek Pier since August 2007.

Ms. Carol Hogge, 3 Gay Drive, Newport News, referenced Deep Creek Pier's absence in the FY 2009 Operating Budget. Ms. Hogge, a blood descendent to Samuel Matthews, who in 1633 sold 50 acres of land at the mouth of the Warwick River in Deep Creek to create Warwick Town on the present land that the City Farm is located. Ms. Hogge provided a brief history of Warwick Town, which was abandoned in 1809. Warwick Town reverted back to farm land as a condition of the deed. There was a condition on the public parcel, to not be built upon, but be used for the public and the watermen from the 1950s. Ms. Hogge inquired about the condition of Bonnie Belle's gift of land to the County be similar? Her gift of the land was given under the condition that a road be built for access to the river and that a pier be built for the watermen to dock their boats and the public to use perpetually free of fees, and to be maintained by the County forever. The Deep Creek Pier was the last mooring pier for the watermen in Newport News and the public to use and enjoy; and should be rebuilt as such.

Mr. Royden Goodson, President of Warwick Plumbing and Heating Company, a contractor located in Newport News for 55 years, 102 Riverside Drive, Newport News, expressed support for the City Manager's Recommended FY 2009 Operating Budget. He commended the hard work put into the budget by the City Manager, City staff, and City Council. Mr. Goodson agreed that Newport News faced many challenges, but felt Newport News was a great place to live. He expressed appreciation for the many things available, i.e. public parks, infrastructure, well maintained roads, museums, restaurants, and concerts. Mr. Goodson said much of this would not be possible without the support of the City. People moving to Newport News also appreciated the amenities provided, which were important, and helped attract employees. Mr. Goodson expressed appreciation and support to City Council for their leadership and commended them for the manner in which they used his tax dollars.

Ms. Kimberly Winn, thanked members of City Council for their hard work and for being the voice of the people. In order to preserve the legacy for the citizens, she stated the City should do better than a 4% raise, particularly in education. She indicated that educators

3. Public Hearings Continued

(c) Recommended Fiscal Year 2009 Operating Budget Continued

deserved to be paid more for competitive wages. Ms. Winn was not in favor of closing the Less Secure Detention Center. She further expressed opposition to the closure of the West Avenue Library, and felt more needed to be done to preserve the City's historical attributes. Regarding property taxes, Ms. Winn asked that City Council hear and give consideration to the citizens' concerns.

Mr. Julian R. Scott, resident of Newport News, expressed opposition to the closure of the West Avenue Library. He indicated the West Avenue Library was a City-owned building, with no rental payment. He further indicated it did not make much sense to close a functioning library in the downtown area of Newport News to save such a small amount of money while budgeting for a \$5 million library in the Lee Hall area. Mr. Scott stated the Library administration office paid part-time employees \$423,000 per year. In 2006, a sign was posted in front of the West Avenue Library, showing that the building was undergoing renovations at a cost of over \$300,000. He questioned closing the facility to the public, only to spend more money to outfit it for another use in 2008. Mr. Scott presented petitions signed by citizens in opposition to the closure of the West Avenue Library. He reminded that the new Navy Housing development project would increase the number of users visiting the library.

Mr. Alan Diamonstein, 29 Indigo Dam Road, Newport News, commended the City Manager for doing exactly what had to be done and doing it well. He stated the City Manager recognized the necessity of public education, the need to benefit City employees, and had gone to level funding for most agencies. He disagreed with speakers who indicate Council did not care. Serving as Chairman of NOW, he stated there were many supporters for what the City Manager was doing and who thanked City Council for making the City what it was. Mr. Diamonstein indicated the people that he had opportunity to speak with supported and appreciated City officials, and was willing to take a stand.

4. Consent Agenda

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

(a) Minutes of Special Budget Work Session of April 1, 2008

Vote on Roll Call:

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

Nays: None

(b) Minutes of Regular Meeting of April 8, 2008

Vote on Roll Call:

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

Nays: None

4. Consent Agenda Continued

(c) Design Modification – Adult Detention Center Renovation Project

A RESOLUTION REQUESTING THE STATE BOARD OF CORRECTIONS TO APPROVE A DESIGN MODIFICATION OF ITS CONSTRUCTION STANDARDS FOR THE PROJECT THAT WAS CONVERTING THE OLD JUVENILE DETENTION CENTER TO AN ADULT DETENTION CENTER. This was a request that was initiated with the City's architect for the project, MMM Design Group. It was determined that two areas of the project would necessitate a waiver or approval by the Board of Corrections to allow construction using the current design of the facility to move forward. The area of conflict, with the new standards, was the size of some cells and the day room. The Board of Corrections required a resolution of the local governing body requesting a waiver of this nature.

(No Speakers)

Vote on Roll Call:

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

Nays: None

(d) Designation of Kiln Creek Parkway and Brick Kiln Boulevard as Additional Fine Streets

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XI., ADDITIONAL FINE FOR EXCEEDING THE MAXIMUM SPEED ON DESIGNATED RESIDENTIAL THROUGH STREETS, SECTION 26-240, DESIGNATED ADDITIONAL FINE STREETS. This amended the City Code pertaining to the Citywide Traffic Calming Program to designate Kiln Creek Parkway and Brick Kiln Boulevard as additional fine streets effective May 1, 2008. This designation was in response to a request received in August 2007 from the Villages of Kiln Creek Owners Association. This designation imposed an additional fine of \$200 for exceeding the maximum speed on particular streets. At its March 25, 2008 Work Session, City Council received the results of the staff study confirming the speeding issue on these streets and authorized proceeding with an ordinance to include these streets in the program.

(No Speakers)

Vote on Roll Call:

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

Nays: None

(e) Extension of Conditional Use Permit CU-07-219, Madison Company of Newport News

AN ORDINANCE TO AMEND ORDINANCE NO. 6371-07 AND THEREBY GRANT A TWELVE MONTH EXTENSION OF CONDITIONAL USE PERMIT CU-07-219. This ordinance granted a twelve-month extension of Conditional Use Permit CU-07-219, Madi-

4. Consent Agenda Continued
  - (e) Extension of Conditional Use Permit CU-07-219, Madison Company of Newport News Continued

son Company of Newport News. The City Code permitted City Council to grant extensions of Conditional Use Permits for periods of up to twenty-four months. The Madison Company had properly requested an extension of CU-07-219 for twelve months. The applicant needed more time to complete the approval and permit process before the operation of its gymnasium could begin.

(No Speakers)

Vote on Roll Call:

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

Nays: None

- (f) Resolution of Recognition – Heritage High School Girls Basketball Team

**A RESOLUTION OF RECOGNITION FOR THE HERITAGE HIGH SCHOOL GIRLS' BASKETBALL TEAM.** This Resolution recognized the Heritage High School Girls' Basketball Team, the "Lady Canes," and their coach, Mr. Michael Gardner, as well as the Cheerleaders, on winning the State 2008 Girls' Basketball Championship Title. The Lady Canes won the AAA State Basketball Championship on March 14, 2008, finishing the season with 30 wins.

(No Speakers)

Vote on Roll Call:

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

Nays: None

5. Receipt of Bids for the Grant of a Utility Easement on Rivers Edge Circle

One (1) bid was received and opened from Dominion Virginia Power for the grant of a utility easement over City-owned land located on a portion of Rivers Edge Circle and forwarded to the City Manager for review and evaluation. This proposed grant of utility easement was advertised pursuant to State Code requirements pertaining to such transactions that were for a term greater than five years. This easement was for 15 feet under a portion of Rivers Edge Circle, which would be used for underground electrical service. A public hearing was advertised for the May 13, 2008 Regular Meeting of City Council to consider the ordinance that would grant the actual easements to the successful bidder

6. Receipt of Bids for the Grant of a Utility Easement on Jefferson Avenue and Woodfin Road

6. Receipt of Bids for the Grant of a Utility Easement on Jefferson Avenue and Woodfin Road Continued

One (1) bid was received and opened from Dominion Virginia Power for the grant of a utility easement over City-owned land located at Jefferson Avenue and Woodfin Road and forwarded to the City Manager for review and evaluation. This proposed grant of utility easement was advertised pursuant to State Code requirements pertaining to such transactions that were for a term greater than five years. This easement was for 20 feet under a portion of these streets, which would be used for underground electrical service. A public hearing was advertised for the May 13, 2008 Regular Meeting of City Council to consider the ordinance that would grant the actual easements to the successful bidder

7. Consolidated Housing and Community Development Fiscal Year 2008-2009 Action Plan

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS APPROVING THE ANNUAL ACTION PLAN FOR THE CITY OF NEWPORT NEWS INCLUDING THE PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUNDS AND CERTIFICATIONS FOR FISCAL YEAR 2008-2009 AND AUTHORIZING SUBMISSION OF THIS PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. This resolution approved the City's Fiscal Year 2008-2009 Update of the Consolidated Housing and Community Development Plan. This was the City's 2008-2009 update to the 2006-2010 plan that identified the City's needs for housing and community development, and the resources available to meet the needs and the priorities for directing those resources. This document was required by the U. S. Department of Housing and Urban Development (HUD), and must be approved by that agency for the City to participate in the Community Development Block Grant (CDBG) and HOME Investment Partnership programs. The total HUD funding for both programs for Fiscal Year 2008-2009 was \$2,686,590.00.

(No Speakers)

Ms. Tricia Wilson, Business Development Specialist, Department of Development; and Mr. Tom Barrett, Community Development Director, Newport News Redevelopment & Housing Authority, were available to answer questions.

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

Councilman Haskins thanked Vice Mayor Allen for his effort on the various redevelopment projects. The funds had been used wisely and efficiently. Vice Mayor Allen, a qualified planner, led these efforts.

Councilman Bateman thanked staff for putting their hard work and input in putting the Plan together.

7. Consolidated Housing and Community Development Fiscal Year 2008-2009  
Action Plan Continued

Vote on Roll Call:

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

Nays: None

8. Conveyance of City-Owned Property to the Economic Development Authority –  
513 Oyster Point Road

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ON BEHALF OF THE CITY OF NEWPORT NEWS ANY AND ALL DOCUMENTS, INCLUDING DEEDS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF CERTAIN CITY OWNED PROPERTY TO THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS, VIRGINIA. This ordinance conveyed City-owned property at 513 Oyster Point Road to the City's Economic Development Authority (EDA). This involved the conveyance of a small plus or minus 0.948-acre portion of a larger 48.06-acre parcel to the EDA to facilitate a right-of-way connection to the new Liberty Parkway. This particular right-of-way addressed an access problem for the Newport News Municipal Employees Credit Union.

(No Speakers)

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

Vote on Roll Call:

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

Nays: None

9. Appropriations

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

- (a) Police Department Anti-Gang Sub-Grant

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE (\$50,000.00) TO ANTI-GANG SUB-GRANT (\$50,000.00). This resolution appropriated \$50,000.00 of Federal Grant Revenue for the Police Department's Anti-Gang Program. The Virginia Association of Chiefs of Police administered this grant program in Virginia for the U. S. Department of Justice. The Police Department would use these grant funds to purchase specialized equipment for patrol and investigations. There was no local grant match required for this appropriation.

(No Speakers)

9. Appropriations Continued
- (a) Police Department Anti-Gang Sub-Grant Continued

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

- (b) Virginia Department of Fire Programs Grant

A RESOLUTION APPROPRIATING FUNDS FROM COMMONWEALTH OF VIRGINIA, DEPARTMENT OF FIRE PROGRAMS BURN BUILDING GRANT (\$30,000.00) TO FIRE DEPARTMENT TRAINING BURN BUILDING (\$30,000.00). This resolution appropriated \$30,000.00 of State Grant Revenue for maintenance work on the Regional Burn Building located at the City's Fire Training Center. The City's Fire Department managed the regional training facility in Lee Hall and the burn building that was used for training by all regional partners. These grant monies, along with some money from the regional revenue account, would be used for repairs that were determined to be needed during the five-year inspection of the burn building by the Virginia Department of Fire Programs. The amount needed from the regional revenue account, beyond the grant amount of \$30,000.00, was \$10,656, which was available for this repair project.

(No Speakers)

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

- (c) Continued Support of School Resource Officer Positions

A RESOLUTION APPROPRIATING FUNDS FROM SCHOOLS RESOURCE OFFICER GRANT (\$145,709.00) TO POLICE OFFICER (\$145,709.00). This resolution appropriated \$145,709.00 from Newport News Public Schools for the continuation of School Resource Officer positions. These positions were originally funded with federal grant revenue during FY 1998. In FY 2004, this federal grant was eliminated but the School Division continued full support of these positions. These positions were assigned to middle schools providing classroom instruction and law enforcement related activities. The total cost of these two positions for FY 2008 was \$145,709.00.

(No Speakers)

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

9. Appropriations Continued
  - (d) Sheriff's Office Telephone Commissions

A RESOLUTION APPROPRIATING FUNDS FROM TELEPHONE COMMISSIONS (\$26,000.00) TO TELEPHONE COMMISSIONS/EQUIPMENT (\$26,000.00). This resolution appropriated \$26,000.00 of telephone commissions in the Sheriff's Canteen Fund Reserves for the purchase of two pieces of equipment for the jail. The Sheriff's Office provided contracted telephone service for use by inmates of the City Jail from which a 20% commission was returned to the Sheriff's Canteen Fund. Historically, the Sheriff had used telephone commission proceeds to purchase equipment, materials and supplies for the general functions of the department. This appropriation was to be used to purchase four self-contained breathing apparatus and six Pur Air germicidal units. No other local funds were required for these transactions.

(No Speakers)

Vote on Roll Call:

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

Nays: None

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

Ms. Jacqueline Beard, Senior Case Manager, Patient Advocate Foundation, 700 Thimble Shoals Boulevard, Newport News, shared information about one of the Foundation's newest programs, the Virginia CARES Uninsured Program (a copy of Ms. Beard's package is attached and made a part of these minutes). This program was for Virginia patients with chronic, life threatening illnesses, who were uninsured, to assist them in receiving access to health care services. All services were provided by professional case managers at no charge.

Ms. Yolanda Denise Swinton, a 50-year old entrepreneur specializing in marketing music and Christian products, 516 Waters Edge Drive, Newport News, sought assistance in finding a location for her organization and requested immediate financial help to assist with moving her business to fruition.

Ms. Marisol A. Cardona Ortez, Housing Advocacy Specialist, for Housing Opportunities Made Equal (HOME), 355 Crawford Street, Portsmouth, shared information about HOME programs. HOME, a private, non-profit fair housing organization formed in 1971 to ensure equal opportunity in housing for all persons through counseling, education and advocacy. Ms. Ortez reviewed the mission of HOME to help clients achieve equal opportunity in fair housing issues (a copy of Ms. Ortez' package is attached and made a part of these minutes).

Mr. Gerald Loose, Sergeant with the Newport News Police Department, 611 Ashford Place, Newport News, expressed concern regarding the proposed changes to the City's pension plan (a copy of Mr. Loose's remarks and presentation are attached and made a part of these minutes). He advised that many City employees had made career and investment decisions based on the current retirement system. He asked that no changes be made without very careful consideration.

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

Ms. Kimberly Winn, Newport News, expressed the need to preserve more of the City's historical resources, referencing demolition of one of the first African-American hospitals in Newport News at 50<sup>th</sup> Street and Huntington Avenue. She advocated for City Council's support of public safety employees.

11. New Business and Councilmember Comments

City Manager Hildebrandt inquired about the time for the April 29, 2008 Special Budget Work Session. He suggested that the City Clerk poll members of Council for available times.

Councilwoman Scott congratulated the Denbigh High School Troubadors, who competed in a twirl competition in New York City, under the direction of Ms. Paula Jones. The Troubadors placed second in that competition.

Councilwoman Scott advised of tree planting ceremony scheduled for April 23, 2008, at 10 a.m. at McIntosh Elementary School. The charter oak, on the official City Seal was destroyed during Hurricane Isabel. The ceremony was in celebration of Arbor Day.

Councilwoman Scott announced the upcoming North District Town Hall meeting, scheduled for April 28, 2008, 7 p.m., at the American Legion Post 368. The committee for the 2008 Food Drive was scheduled for 6 p.m. at the American Legion Post 368.

Councilman Bateman responded to audience comments made about the City Manager's Recommended FY 2009 Operating Budget. He felt had there been excessive and reckless spending, the City would not have received an AA bond rating by Standard and Moody's. He asked that citizens consider the other side of the argument and that which was not spoken. Regarding various museums, i.e. The Mariners' Museum, Councilman Bateman indicated this was a good investment to the City, which his father was instrumental in bringing to the City. It would be a focal point of tourism for this City for years to come. The Marriott was a component of the City Center. The City made an investment at City Center and had an obligation to manage the risks associated with the investment. This called for promoting the development partnership with the developer. The success of City Center would guarantee the success of Oyster Point Business Park.

Councilman Haskins commented positively on the history of the Oyster Point development. In 1970-71, the City invested a small amount of money in Oyster Point. Through the years, the value of the real estate had grown to \$594 million. It had been a great asset to the community as well as the taxpayers in the community. He further stated that while City Center received bad press, it had more than paid for itself through the land values created in the original investment in Oyster Point.

Councilwoman McMillan complimented the Department of Parks, Recreation and Tourism on preserving seeds from the official Newport News tree, a hackberry, destroyed by Hurricane Isabel.

11. New Business and Councilmember Comments Continued

Councilwoman McMillan wished Officer Donald C. Greathouse, the officer assigned to the Council Chambers during the Council meetings, a Happy Birthday.

Councilwoman McMillan congratulated the Webster family of Richneck Road on their daughter, Samantha, receiving a four-year scholarship to the Dozoretz National Institute for Mathematics and Applied Sciences, a Norfolk State University honors program.

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 9:53 P.M.

Mabel V. Washington, CMC  
City Clerk

Charles C. Allen  
Vice Mayor  
Presiding Officer

A true copy, teste:

City Clerk