

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
October 28, 2008  
7:30 P.M.**

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PRESENT: Herbert H. Bateman, Jr.; Joe S. Frank; Madeline McMillan; Tina L. Vick; and Joseph C. Whitaker-----5

ABSENT: Sharon P. Scott and Dr. Patricia P. Woodbury-----2

1. The invocation was rendered by Pastor Dennis J. Worsham, Lebanon Christian Church.

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

*MOTION MADE BY COUNCILWOMAN MCMILLAN; SECONDED BY COUNCILWOMAN VICK; AND CARRIED UNANIMOUSLY TO EXCUSE COUNCILWOMAN SCOTT AND COUNCILWOMAN WOODBURY FROM THIS MEETING.*

3. Public Hearings

(a) Change of Zoning, CZ-08-264 – World Victory Church & Life Center

AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 5028-97 BY AMENDING THAT CERTAIN MAP ENTITLED, "ZONING DISTRICT MAP" (CONSISTING OF REAL ESTATE TAX ASSESSMENT MAPS 001 THROUGH 322 AND KEPT ON FILE IN THE OFFICES OF THE DEPARTMENTS OF CODES COMPLIANCE AND PLANNING) DATED THE 10<sup>TH</sup> DAY OF JUNE, 1997, WHICH SAID MAP IS MADE A PART OF SAID ORDINANCE NO. 5028-97. This ordinance changed the zoning of two parcels totaling 2.39 acres, located at 5900 and 5918 Jefferson Avenue, from R4 Single Family Dwelling and C2 General Commercial, to C1 Retail Commercial with proffers. World Victory Church & Life Center requested a change of zoning to allow for an expansion. The Planning Commission voted unanimously (9:0) to recommend approval.

(No registered speakers)

Councilwoman McMillan moved closure of the public hearing; seconded by Vice Mayor Whitaker.

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

3. Public Hearings Continued

(a) Change of Zoning, CZ-08-264 – World Victory Church & Life Center Continued

Vice Mayor Whitaker moved adoption of the above ordinance; seconded by Councilwoman Vick.

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

(b) Resolution of Endorsement – Mariners' Museum SAFETEA-LU Grant Application for USS Monitor Center

Mayor Frank presented A RESOLUTION ESTABLISHING THE CITY'S ENDORSEMENT OF AND SPONSORSHIP FOR A GRANT APPLICATION FOR EXTERIOR ENHANCEMENTS AND CONSTRUCTION OF THE USS MONITOR CENTER AT THE MARINERS' MUSEUM. This resolution requested endorsement of the enhancement grant application for the USS Monitor Center at the Mariners' Museum. This program required the City to sponsor the grant application, sign a project agreement for the project administration, and if approved, handle reimbursement transactions for the applicant. There were no matching funds required by the City. The Planning Commission voted unanimously (9:0) to recommend endorsement of the grant application.

Ms. Jennifer Rouin, Mariners' Museum Development staff, and Ms. Helen Myers, Chief Financial Officer, Mariners' Museum, 100 Museum Drive, Newport News, were available for questions.

No citizens came forward to speak.

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

Vote on Roll Call:

Ayes: Bateman, McMillan, Vick, Whitaker

Nays: None

Abstention: Frank (He had previously done legal work for the Mariners' Museum)

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

Vote on Roll Call:

Ayes: Bateman, McMillan, Vick, Whitaker

Nays: None

Abstention: Frank (He had previously done legal work for the Mariners' Museum)

4. Consent Agenda

Councilman Bateman moved adoption of the Consent Agenda, Items A through G, both inclusive, as shown below; seconded by Vice Mayor Whitaker.

(a) Minutes of Work Session of October 14, 2008

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

(b) Minutes of Special Meeting of October 14, 2008

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

(c) Minutes of Regular Meeting of October 14, 2008

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

(d) Agreement between Virginia Port Authority and the City

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN CONCURRENT JURISDICTION AGREEMENT BY AND BETWEEN THE VIRGINIA PORT AUTHORITY AND THE CITY OF NEWPORT NEWS, VIRGINIA DATED THE 28<sup>TH</sup> DAY OF OCTOBER, 2008. This resolution authorized the City Manager to execute a Concurrent Jurisdiction Agreement between the Virginia Port Authority and the City of Newport News, Virginia, dated the 28<sup>th</sup> day of October, 2008. The Newport News Police Department proposed to enter into a Concurrent Jurisdiction Agreement with the Virginia Port Authority. The Port Authority Police Department, under this agreement, would extend its authority to a distance of 300 yards from the Newport News Marine Terminal, as a Concurrent Jurisdiction Area. Both Newport News Police and Port Authority Police would have full authority in this designated area. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

4. Consent Agenda Continued
  - (e) Ordinance Amendment – Retirement Board Investment Committee

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 31, PENSIONS AND RETIREMENT, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., EMPLOYEES' RETIREMENT FUND, DIVISION 7, ADMINISTRATION, SECTION 31-80, COMMITTEE ON INVESTMENTS; CONSULTANTS FOR INVESTMENTS. This ordinance amended Chapter 31 of the City Code, Pensions and Retirement, granted the City Manager the authority to appoint a designee to serve on the Investment Committee. The Retirement Board Investment Committee was comprised of five members. Four members were appointed by City Council and the fifth was the City Manager. Of the four appointees, one was required to be a current member of the Retirement Board. The Investment Committee reviewed investments and the performance of the investment managers for the Pension and Post Retirement Health and Welfare Funds. The City Manager requested the authority to appoint a designee to serve on the Investment Committee, and the Retirement Board supported his request.

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

- (f) Resolution – Police Narcotics Task Force

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN PENINSULA NARCOTICS ENFORCEMENT TASK FORCE MEMORANDUM OF UNDERSTANDING BY AND AMONG THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF STATE POLICE; THE CITY OF HAMPTON, VIRGINIA; THE CITY OF NEWPORT NEWS, VIRGINIA; AND THE PENINSULA ASSOCIATION OF COMMONWEALTH ATTORNEYS DATED THE 1<sup>ST</sup> DAY OF JULY, 2008. This resolution authorized the City Manager to execute that certain Peninsula Narcotics Enforcement Task Force Memorandum of Understanding by and among the Commonwealth of Virginia, Department of State Police; the City of Hampton, Virginia; the City of Newport News, Virginia; and the Peninsula Association of Commonwealth Attorneys dated the 1<sup>st</sup> day of July, 2008. The Newport News Police Department, Hampton Police Department and Virginia State Police were the major parties involved in the Police Narcotics Task Force which focused on kingpin-level drug organizations. The proposed MOU increased Newport News' share of cash proceeds from seized assets from 29.33% to 34%. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

4. Consent Agenda Continued
  - (g) Resolution – Police Memorandum of Agreement with U.S. Coast Guard

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN MEMORANDUM OF AGREEMENT BY AND BETWEEN THE UNITED STATES COAST GUARD AND THE CITY OF NEWPORT NEWS. This resolution authorized the City Manager to execute a Memorandum of Agreement by and between the United States Coast Guard and the City of Newport News. This Memorandum of Agreement allowed the City's police officers and members of the Coast Guard to take enforcement action related to federal or state laws on the water within the City of Newport News. This was an initial agreement which would be reviewed every two years. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

5. Pump Station Generator Installations
  - A. Appropriation - \$313,000

A RESOLUTION APPROPRIATING FUNDS FROM 2008 VIRGINIA REVOLVING LOAN FUND TO PUMP STATION GENERATOR INSTALLATIONS. This resolution appropriated funds from the 2008 Virginia Revolving Loan Fund (VRLF) to Pump Station Generator Installations. This project addressed the installation of permanent emergency generators at five City Sewage Pump Stations. The station locations were as follows: Pump Station No. 11 (7330-B Warwick Boulevard); Pump Station No. 29 (21 Madison Lane); Pump Station No. 74 (1-B Governor Drive West); Pump Station No. 76 (12924 Nettles Drive); and Pump Station No. 109 (672 Leonard Lane). The City's 2008 VRLF Bond Authorization for improvements to the City's Sanitary Sewer System was \$3,520,000. City Council approval of this funding request reduced the amount remaining to be appropriated by \$313,000 from \$2,866,000 to \$2,553,000. Debt service on sanitary sewer improvements financed through VRLF was paid with sewer user fees.

(No registered speakers)

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

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

5. Pump Station Generator Installations Continued

B. Award of Bid

Councilman Bateman moved to award the bid for the Pump Station Generator Installations to the low bidder, R. E. W. Corporation in the amount of \$297,234.00; seconded by Vice Mayor Whitaker. R. E. W. Corporation had successfully performed similar projects for the City in the past and the Engineering Department recommended the award as noted.

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

6. Warwick Boulevard Sanitary Sewer Rehabilitation

A. Appropriation - \$730,000

A RESOLUTION APPROPRIATING FUNDS FROM 2008 VIRGINIA REVOLVING LOAN FUND TO WARWICK BOULEVARD SANITARY SEWER REHABILITATION. This resolution appropriated funds from the 2008 Virginia Revolving Loan Fund to Warwick Boulevard Sanitary Sewer Rehabilitation. This project proposed to replace and rehabilitate deteriorated sanitary sewers and manholes on Warwick Boulevard from 35<sup>th</sup> to 62<sup>nd</sup> Streets. The road would be excavated and the pavement patched in the areas where pipes required replacement and point repairs. The City's 2008 Virginia Revolving Loan Fund (VRLF) Bond Authorization for improvements to the City's Sanitary Sewer System was \$3,520,000. City Council approval of this funding request reduced the amount remaining to be appropriated by \$730,000 from \$2,553,000 to \$1,823,000. Debt service on sanitary sewer improvements financed through VRLF was paid with sewer user fees.

(No Speakers)

Vice Mayor Whitaker moved adoption of the above resolution; seconded by Councilwoman Vick.

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

B. Award of Bid

Councilwoman Vick moved to award the bid for the Warwick Boulevard Sanitary Sewer Rehabilitation Project to WB&E Construction, Inc. in the amount of \$692,308.50; seconded by Vice Mayor Whitaker. WB&E Construction, Inc. had successfully performed similar projects in the past for the City and the Engineering Department recommended the award as noted.

6. Warwick Boulevard Sanitary Sewer Rehabilitation Continued

B. Award of Bid Continued

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Frank, McMillan, Vick, Whitaker

Nays: None

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

Mr. John Procyson, 305 Normandy Lane, Newport News, addressed City spending and City obligations, specifically City Council and City wide travel, training, and meeting expenses, contractual services paid for by the City, and the City Pension fund. He mentioned that City Council members spent nearly \$39,000.00, in an 18-month period, on travel and related expenses. City Council members additionally claimed \$1,560.00 of expenses to attend various banquets, galas and dinners. Mr. Procyson suggested City Council not use taxpayer dollars if they wanted to make donations to the worthy organizations involved. He provided the following suggestions: (1) Each Council member be given a travel budget of \$1,000.00 per year maximum, with unused money being returned to the City and not used by other Council members; (2) Anyone who attends a conference, paid with City tax dollars, must submit a written report specifying what was learned that would save Newport News money; (3) No Council member should receive mileage reimbursement to attend Council meetings as they are City employees commuting to their jobs; (4) Stop the free food at City Council and other departmental meetings, or pay \$15.00 to cover the costs per meeting; or start meetings one hour earlier to allow people to go out to eat; or bring your own "brown-bag lunch."

Mr. Procyson further advised that the total City expenditures for travel, training, meetings, and dues for one year, was approximately \$1,320,000.00, not counting Police, Fire, Sheriff, and Public Schools. He suggested that these budget items be frozen immediately. Contractual services, and consultants, totaled approximately \$40,600,000.00.

Mr. Procyson determined the City Pension Fund had net assets of \$840 million on June 30, 2007. On September 30, 2008, the net assets totaled \$701 million, a decrease of \$140 million. The fund declined in October 2008 by approximately \$30 million, which was on top of a \$210 million shortfall from prior years.

Ms. Sheri Melzer, 533 Blount Point Road, Newport News, representing the Hidenwood Recreation Association, extended an invitation to the Association's Fourth Annual Hidenwood Community Fall Festival, scheduled for Saturday, November 1, 2008, 11:00 a.m. - 3:00 p.m., at the Hidenwood Pool.

Ms. Carol Hogge, 3 Gay Drive, Newport News, expressed concerns about the Deep Creek Pier and public access to the same, which was given by Bonnie Belle Meltzer to the County of Warwick on April 7, 9127. Ms. Hogge asked that public access not be given to private owners. She read excerpts from a Warwick document to the Warwick County Board of

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

Supervisors, regarding the availability of establishing a public road, commencing at Deep Creek Chapel, to a landing on Deep Creek, on the land of Bonnie Belle Meltzer (a distance of 800 yards).

Ms. Hogge requested that any Council decision regarding the Deep Creek Pier be deferred until after the first of the year (2009), if possible, to allow further research of the matter.

8. New Business and Councilmember Comments

City Manager Hildebrandt, advised the public of Halloween regulations in the City. Activities were restricted to children ages 12 or under, or in the 7<sup>th</sup> grade. Parents or guardians accompanying children were not permitted to wear a mask. All activities were to cease at 8:00 p.m. He urged the adherence to these regulations and wished all a happy and safe Halloween.

City Manager Hildebrandt reported that he and the City Attorney had briefed Council on a number of issues relating to the replacement of the Deep Creek Pier. The City Attorney reported that the City had no legal obligation to replace the Pier after thorough review of all the records. He further confirmed that the City was fulfilling its obligations to the Corps of Engineers by maintaining a mooring opportunity for the watermen on the Menchville side of the harbor. Had the City decided to build a replacement commercial pier, the City Attorney confirmed the City would have no right to acquire, by eminent domain, any property adjacent to the Pier in order to provide support for the facility. City Manager Hildebrandt confirmed with property owners that neither were willing to lease or sell any of their property to the City for the purpose of replacing the pier. Given the City's financial and fiscal constraints and the cost of the project, along with the inability to successfully replace the pier, the City Manager recommended that the City not proceed any further with the project. City Council agreed and the City would no longer pursue replacement of the Pier at Deep Creek. He advised the City would continue to look at enhancing the facilities on the Menchville side with the \$400,000 that was invested, and would look at ways to use the area to better serve the commercial watermen.

City Manager Hildebrandt reminded that the next Regular Meeting of City Council would be held on Thursday, November 6, 2008.

City Attorney Katz expressed best wishes to Councilwoman Woodbury for a speedy recovery.

Mayor Frank expressed best wishes to Councilwoman Woodbury for a speedy recovery that was injured after a fall at the conference of the Virginia Municipal League.

Councilwoman McMillan expressed best wishes to Councilwoman Woodbury for a speedy recovery.


8. New Business and Councilmember Comments Continued

Councilwoman McMillan thanked residents for their attendance at the October 27, 2008 North District Town Hall meeting, which she hosted in the absence of Councilwoman Sharon Scott.

Councilwoman Vick announced and invited citizens of her first Community Meeting, scheduled for Thursday, November 13, 2008, 6:00 p.m. at Heritage High School, 5800 Marshall Avenue, Newport News.

Vice Mayor Whitaker expressed best wishes to Councilwoman Woodbury for a speedy recovery.

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 7:59 P.M.



Mabel V. Washington, CMC  
City Clerk

Joe S. Frank  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk