

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
November 25, 2008  
7:30 P.M.**

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PRESENT: Madeline McMillan; Sharon P. Scott; Tina L. Vick; Joseph C. Whitaker; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; and Joe S. Frank; -----7

ABSENT: None-----0

1. Invocation

The invocation was rendered by Reverend Isabel Steilberg, St. Paul Episcopal Church.

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

The Pledge of Allegiance to the Flag of the United States of America was led by Councilwoman Madeline McMillan.

3. Public Hearings

(a) Change of Zoning Request – Emanuel Baptist Church, CZ-08-265

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 THE SAID ORDINANCE NO. 5028-97. This ordinance changed the zoning of two parcels totaling 5.34 acres located at 521 North Avenue and 9651 Jefferson Avenue, from R4 Single Family Dwelling and C2 General Commercial to R8 High Density Multiple Family Dwelling with proffers to allow the construction of a new sanctuary and family life center and a 68-unit senior housing complex. The Planning Commission voted 7:0, with one abstention, to recommend to City Council the approval of the change of zoning, with proffers, and the City Manager concurred with this recommendation.

Mr. Arthur Kamp, David, Kamp and Frank, 730 Thimble Shoals Boulevard, Suite 105, Newport News, Attorney for the applicant, was available for questions.

Mr. Kamp acknowledged the parishioners from Emanuel Baptist Church that were present to support the change of zoning request.

No citizens came forward to speak.

Councilman Bateman moved closure of the public hearing; seconded by Vice Mayor Whitaker.

3. Public Hearings

(a) Change of Zoning Request – Emanuel Baptist Church, CZ-08-265 Continued

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

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

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman

Nays: None

Abstention: Frank (His law firm represented the church)

4. Consent Agenda

Councilwoman McMillan moved adoption of the Consent Agenda, Items C through H, both inclusive, as shown below; seconded by Vice Mayor Whitaker.

(c) Minutes of the Work Session of November 6, 2008

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

(d) Minutes of the Special Meeting of November 6, 2008

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

(e) Minutes of the Regular Meeting of November 6, 2008

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

(f) Resolution – Smoke-Free Indoor Air Environment

A RESOLUTION REQUESTING ACTION FROM THE VIRGINIA GENERAL ASSEMBLY IN REGARD TO SMOKE-FREE INDOOR AIR LEGISLATION. This resolution endorsed the passing of smoke-free air legislation throughout the state, by the Virginia General Assembly, or legislation that would empower localities to enact smoke-free air ordinances. This legislation, whether enacted by localities or the State, would restrict smoking in all public indoor environments and workplaces to further reduce the adverse health effects of secondhand smoke. Virginians for a Healthy Future, the organization spearheading this effort,

4. Consent Agenda Continued

(f) Resolution – Smoke-Free Indoor Air Environment Continued

was seeking support from localities to encourage the passing of legislation throughout the Commonwealth.

(No registered speakers)

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

(g) Resolution – Virginia Department of Health Annual Services Agreement

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 STATEMENT OF AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF HEALTH. This resolution authorized the City Manager to execute an agreement between the Virginia Department of Health and the City for the operation of the Peninsula Health Center. This was the annual renewal of the City's agreement with the State's Health Department for the provision of public health services. The FY 2009 local share for the City of Newport News was \$2,150,358, which was included in the General Operating Budget. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

(h) Resolution of Recognition – Voter Registrar's Office

A RESOLUTION OF RECOGNITION FOR THE VOTER REGISTRAR'S OFFICE. This resolution recognizes Vicki V. Lewis and the staff of the City of Newport News Voter Registrar's Office, the City of Newport News Electoral Board, and all of those who volunteered their time to ensure that the 2008 election process ran smoothly and efficiently in the City of Newport News.

(No registered speakers)

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

Councilwoman McMillan moved adoption of the Consent Agenda, Items A and B, as shown below; seconded by Councilman Bateman.

4. Consent Agenda Continued

(a) Minutes of the Work Session of October 28, 2008

Vote on Roll Call:

Ayes: McMillan, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

Abstention: Scott (Was not present at the October 28, 2008 Work Session)

(b) Minutes of the Regular Meeting of October 28, 2008

Vote on Roll Call:

Ayes: McMillan, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

Abstention: Scott (Was not present at the October 28, 2008 Regular Meeting)

5. Bid Opening – Landfill Gas Transmission – Dominion Virginia Power Easement

One (1) bid was received and opened from Dominion Virginia Power for the grant of a 1,200 foot-by-15 foot easement. The pipeline project provided for the transmission of landfill gas to Mary Passage Middle School for the purpose of heating. Three-phase power service must be installed for the dehydration unit in conjunction with the project; and Dominion Virginia Power required the easement to install the power facilities. There was no cost for the easement. The bid was forwarded to the City Manager for review and evaluation. This proposed grant of a utility easement was advertised pursuant to State Code requirements pertaining to such transactions that were for a term greater than five years. This easement involved a variable width easement for the underground installation and maintenance of a natural gas pipeline. A public hearing was advertised for the December 9, 2008 Regular Meeting of City Council to consider the ordinance that would grant the actual easement to the successful bidder.

(No registered speakers)

6. Wet Detention Pond Agreement between York County 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 WET DETENTION POND AGREEMENT BY AND BETWEEN THE COUNTY SCHOOL BOARD OF YORK COUNTY, VIRGINIA, AND THE CITY OF NEWPORT NEWS, VIRGINIA, DATED THE 25<sup>TH</sup> DAY OF NOVEMBER, 2008. This resolution authorized the City Manager to execute a Wet Detention Pond Agreement between the York County School Board and the City. Waterworks constructed a series of wet detention ponds in 1990, to intercept and treat stormwater runoff from existing and future development activities along the Route 17 corridor. The Grafton School Complex Bus Parking Addition, a project of the York County School Board, consisted of impervious surfaces which would require water quality treatment. The York County School Board's pro rata share of water quality treatment provided by the pond was \$11,315, while operation and maintenance costs anticipated for the pond was \$771.

6. Wet Detention Pond Agreement between York County and the City Continued

(No registered speakers)

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

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

7. Newport News Redevelopment and Housing Authority Trust Resolution

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS AUTHORIZING THE ESTABLISHMENT BY THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY OF A TRUST FOR EXPENSES RELATING TO OTHER POST EMPLOYMENT BENEFITS (OPEB). This resolution authorized the Board of the Newport News Redevelopment and Housing Authority (NNRHA) to establish a trust for expenses relating to other post employment benefits. The NNRHA was required by State Code to obtain authorization from the City Council to establish any non-pension related trust for post employment benefits. There was no financial impact on the City. Funds were identified by NNRHA. The City Manger recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

8. Residential Parking Permit Program

A. Ordinance Amending Chapter 26, Article IV, of the City Code

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IX., RESIDENTIAL PARKING PERMIT PROGRAM, SECTION 26-221, RESIDENTIAL PERMIT PARKING; SECTION 26-222, ELIGIBILITY REQUIREMENTS; SECTION 26-223, UNAUTHORIZED USED OR DISPLAY OF PERMITS; RESUMPTION OF VIOLATION; SECTION 26-224, REVOCATION OF PARKING PERMIT; SECTION 26-225, ANNUAL PERMIT FEE; AND SECTION 26-227, TEMPORARY/VISITOR PERMITS. This ordinance amended Chapter 26 of the City Code, Motor Vehicles and Traffic, Article IX, Residential Parking Permit (RPP) Program to further clarify the administration of the program. The Department of Engineering administered the RPP Program. The original 1985 ordinance had received no significant changes since 1990. This ordinance was re-evaluated as a result of recent complaints from residents to City Council regarding the issuance of permits for

8. Residential Parking Permit Program Continued

A. Ordinance Amending Chapter 26, Article IV, of the City Code Continued

multiple vehicles for a single address. Major revisions proposed were: Section 26-222, reduce the number of permits from uncontrolled to a maximum of three, with a provision that the Director of Engineering could authorize additional permits, if good cause was shown; Section 26-225, change to the fee from \$4 per permit to \$10 per permit; and Section 26-227, revise the number of annual visitor passes from three (3) to one (1); clarify the language to specifically indicate that any quantity of 72-hour temporary passes may be issued for special events. Mayor Frank pointed out a revision on Page 2, section 26-222, paragraph b, which added the words “a non” to resident.

(No registered speakers)

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

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

B. Resolution Approving Administrative Policy

A RESOLUTION TO APPROVE “PROCEDURES FOR ISSUING RESIDENTIAL PARKING PERMIT PROGRAM (RPPP) PERMITS “PURSUANT TO THE PROVISIONS OF CHAPTER 26, MOTOR VEHICLE AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IX., RESIDENTIAL PARKING PERMIT PROGRAM. This resolution modified procedures for issuing residential parking permit (RPP) program permits. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

9. Ordinance – Economic Development Authority (EDA) Sublease for The Lunch Bell

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN SUBLEASE DATED THE 25<sup>TH</sup> DAY OF NOVEMBER, 2008, BY AND AMONG THE CITY OF NEWPORT NEWS, VIRGINIA (TENANT), THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF

9. Ordinance – Economic Development Authority (EDA) Sublease for The Lunch Bell Continued

NEWPORT NEWS, VIRGINIA (SUBTENANT) AND FOUNTAIN PLAZA TWO, L.L.C. (LANDLORD). This ordinance authorized the City Manager to execute a sublease agreement between the Economic Development Authority and the City. This sublease of Fountain Plaza Two retail space would allow for the renewal of The Lunch Bell's agreement with the EDA. The recommended renewal of the existing sublease would be for a five-year term, at an annual rate of \$1. The City Manager recommended approval.

(No registered speakers)

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

Councilwoman Woodbury questioned the agreement and why the request was being made. She inquired whether the Lunch Bell paid rent on its space. City Manager Hildebrandt replied the space was subleased from the Economic Development Authority (EDA) to the Lunch Bell and the other retail occupants of the space. The City was turning over to the EDA, the responsibility for leasing and managing the space, on behalf of the City. The space was subleased to the EDA at no cost, who was subleasing the space to the individual tenants. The revenue collected came back to the City and helped offset the rent on the building. Councilwoman Woodbury questioned who set the amount. City Manager Hildebrandt responded the EDA had the authority to negotiate the lease arrangements with the tenants. He reminded this was addressed approximately one year ago in order to provide an opportunity for the EDA to work out arrangements for the lease and rental for the Lunch Bell, allowing more flexibility than the City had to manage the lease. Councilwoman Woodbury inquired whether they had the ability to not charge market price. She inquired about the advantage, indicating she did not see the necessity.

Mayor Frank responded the City was not in the restaurant managing business. Councilwoman Woodbury stressed that the City had purchased enough property in City Center that placed them in the real estate business. She questioned the reason this was turned over to the EDA. City Manager Hildebrandt replied the EDA had more flexibility in terms of setting up lease arrangements. This particular tenant had issues in terms of what they were able to pay under the lease. A previous City Council determined that one solution was to allow the EDA to manage the leases so they could negotiate the lease rates with the tenants; and to ensure the tenants were able to afford and continue to pay the leases. The Lunch Bell had been able to keep their payments current. This lease extended the opportunity for another five years and the EDA would continue to manage the lease.

Councilwoman Woodbury expressed concern for the other tenants and businesses, and hoped they were offered the same consideration.

City Attorney Katz advised the commercial space in the building that the City was primary tenant, was commercial space on the first floor, which was subleased to the EDA. The other occupants of property at City Center were not tenants of the City, but of other landlords.

9. Ordinance – Economic Development Authority (EDA) Sublease for The Lunch Bell Continued

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

10. Resolution Adopting 2009 Legislative Program

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING AND ADOPTING THE CITY OF NEWPORT NEWS' LEGISLATIVE PROGRAM FOR THE 2009 VIRGINIA GENERAL ASSEMBLY. This resolution adopted the City's Legislative Program for the 2009 Virginia General Assembly. This package contained the City's legislative priorities and positions on major issues of importance to the City of Newport News. These issues included: approval for participation in limited liability corporations (LLC) by the EDA; approval for local police training academy; approval for a jail expansion project; and a request to lift restrictions for use of towing operators approved by the State Board of Towing and Recovery Operators. He reminded that Councilwoman Woodbury had an issue with the EDA Limited Liability (LLC) legislation. The majority of City Council were in favor of keeping the LLC language in the Legislative Program.

(No registered speakers)

Councilwoman Woodbury moved adoption of the above resolution with the exception of the legislative request contained on page 7 of the draft document, relative to allowing the EDA to form corporations, partnerships, joint ventures, trusts, or any other legal entity.

Councilwoman Scott moved adoption of the above revised resolution, adding a change to the text under justification on page 12 related to the public safety legislative request to read "if the City Farm closes so that the current property can be developed, . . ." rather than "when the City Farm closes so that the current property can be developed, . . ."; seconded by Councilwoman McMillan.

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

Vice Mayor Whitaker moved adoption of the legislative request contained on page 7 of the 2009 Draft Legislative Priorities, which authorized the EDA to form corporations, partnerships, joint ventures, trusts, or any other legal entity or combination thereof, on its own behalf or with any person or public or private entity; seconded by Councilman Bateman.

Councilwoman Scott indicated she was unclear why the City would want the EDA to have the ability to form an LLC. She asked for clarification. City Manager Hildebrandt replied, in terms of the Southeast Waterfront Redevelopment Plan, Council had discussed several areas for redevelopment where the property was owned by several different entities, particularly the area where the Chase Bag Factory and The Towers were located. The 50-acre redevelop-

10. Resolution Adopting 2009 Legislative Program Continued

ment area was owned by a number of different individuals, some owned by the City. This legislation provided an opportunity for the EDA to become a partner with the other landowners to assemble the property in order to make it available for a developer to come in and do a project that would include the entire area. This was a way to put together an assemblage of property without actually buying from every individual owner of the property. This would have to be voluntarily accomplished since the City did not have the right to do it under eminent domain. The EDA could become a partner with the other landowners, to assemble the property, then become a partner in conveying the property to a developer who would come in and want to purchase the land for development. The mechanism would allow the EDA to do this. City Manager Hildebrandt advised that the Housing Authority already had the authority to form an LLC, by State Code. This request would give the EDA the same authority.

Councilwoman Scott indicated there was perhaps a conflict of interest if the City were partners with other corporations. City Manager Hildebrandt advised there was no conflict. If the City owned land and wanted to contribute towards its development, the City had ownership in the property and would become a partner for whatever proportion of the land assemblage owned. Once all of the land was assembled, and all individual landowners who formed the LLC, agreed they wanted to develop the site jointly, they could entertain proposals from a developer that wished to acquire the property. The land was assembled and the developer would not have to negotiate and assemble the land with multiple entities. This allowed the City to be a partner because it could then contribute some of its land to the process, and would have some control over the land assemblage as one of the partners. Councilwoman Scott inquired about other options should the City not agree to the LLC with other partners. City Manager Hildebrandt replied the only other option would be to allow the other private landowners to form an LLC, the City could then sell its land to them. The City would then lose control over the ability to decide how the land would be developed. The LLC allowed the City to play a role in the development process that it was unable to do before. Land speculation was eliminated by providing the opportunity to the EDA to control the land early.

Councilwoman Vick inquired whether the verbiage could be changed for a specific project. City Manager Hildebrandt responded the charter could not be amended to limit it to a certain section of the City.

Mayor Frank explained, ordinarily if the City were looking to acquire a large piece of land for future development, it would negotiate with every landowner that had land in that area we wanted to develop; the City would enter into a contract to purchase the land from them and would have to have the money to pay for the land. The other option, historically, was to say it was a blighted area and could have used the power of eminent domain to acquire the land. If the landowner was willing to sell it, fine, if not, they could be taken to court, determine fair market value, and the City would own the land. The City would then do the planning for the project and would either sell the land or do a development agreement with whomever the end developer was. Since eminent domain was not allowed under State law, and the money was not available to purchase the property and put it all together and finance it to do the planning and development, the private owner would be given an opportunity to contribute his land to the new entity at whatever value was agreed to. When the all of the land was assembled, the group that

10. Resolution Adopting 2009 Legislative Program Continued

owned the land had the choice of how to move forward, i.e. sell the land, become a participant in the new development plan, and their ownership, percentage interest, would be the equivalent of the value of the land that they had in the project. It was a way to pull together a parcel of land that had separate owners, whose contribution value would be reflective of the value of the land they put in.

Councilwoman McMillan indicated the State Code gave the IDA/EDA the power to enter into contracts, and to negotiate contracts with taxable and non-taxable entities. She felt this process masks the transparency of the agreements that could be made. She further indicated there were other mechanisms and other ways to do the same thing, by entering into negotiable agreements with landowners for their land, and to act as a partner between companies who want to come into the City to develop, without forming LLCs. Mayor Frank questioned the other mechanisms.

Councilman Bateman stated the City would run the risk of driving the cost of the land up by getting an excessive number of people involved in the transaction. The property would become so costly. Councilwoman McMillan responded if it were private property, the owner would have the right to negotiate the best price for his land regardless. Councilman Bateman indicated the fear that emanated was that this was a tool that would be used frequently. This was not the case. City Attorney Katz added, as a parallel to the Housing Authority who enjoyed the power from the General Assembly to enter into LLCs, there was still a requirement for the Housing Authority to come back to the City Council for approval to participate in the LLC. He contemplated that the EDA, and the structure of the bill, would be parallel to what the General Assembly already granted the Housing Authority. To respond to Councilwoman Vick's concern regarding where the LLCs would be formed, City Attorney Katz informed that it would not happen without City Council's knowledge. Councilman Bateman added that City Council would be given the opportunity to "kill it."

Councilwoman McMillan replied the Housing Authority was not a municipal entity.

Councilman Bateman inquired about the risk management aspects related to the legality and the law as it related to the reasoning for forming an LLC and how it could be advantageous to the City. City Attorney Katz advised the City was not a participant, it would be the EDA. The EDA was the development entity. The EDA would not have to acquire money, either as a contribution from City Council or to sell bonds to buy land of other people, to enter into some development project in any part of the City. When one participates in an LLC, the contribution into the project would be the value of the land that the EDA owned; likewise, with the other participants in the LLC. He cited the Keelo case, where Mrs. Keelo objected to her property being taken for the Newhaven Real Estate Development. The LLC concept would allow the small property owners to participate, and to share in the rewards. There would be a certain amount of risk based on the value of the property that was put in. The rewards, the profits, from either the sale of the development project or selling the immense partial of land that the LLC had to someone else, the distribution would come based in proportion to the contribution that the members of LLC would contribute. If there was a small property owner who did not want to

10. Resolution Adopting 2009 Legislative Program Continued

participate in the LLC, they were not required. The other landowners would decide whether they could develop their project without the piece of land. If they could not, the LLC would be dissolved, and everyone would get back the property that they contributed. If they could develop the project without the piece of land being contributed to the LLC, they proceeded.

Councilwoman Woodbury had not seen where items were brought to the Council for approval. She disagreed with more authority being granted to the EDA. She felt they had a sufficient amount of authority. The citizens deserved better.

Councilwoman Scott indicated she would be comfortable if the LLC were being established for a sole purpose. She further sensed it seemed to ambiguous. She indicated the EDA would come to City Council with a recommendation, but not for approval.

City Manager Hildebrandt reiterated, according to the City Attorney, to form an LLC, the EDA must come to the City for approval for each project.

Councilwoman Woodbury stated when Council were elected to represent the citizens, they must represent them, their money, and their concerns.

Vote on Roll Call:  
Ayes: Whitaker, Bateman, Frank  
Nays: McMillan, Scott, Vick, Woodbury

City Manager Hildebrandt indicated this item would be removed from the 2009 Legislative Program.

Councilwoman Woodbury commended Chief James Fox in reading that he had asked to withdraw from the State training and using the City's own Police Academy, rather than using double amounts of money.

11. Appropriation – Walker Dam Phase II – Rehabilitation Project - \$950,000

A RESOLUTION APPROPRIATING FUNDS FROM WATER GENERAL OBLIGATION BONDS (\$950,000.00) TO WALKER DAM REHABILITATION ENGINEERING SERVICES (\$950,000.00). This resolution appropriated \$950,000.00 for professional engineering services provided by URS Corporation for the final design of Walker Dam Phase II Rehabilitation Project. This dam crossed the Chickahominy River on the boundaries of New Kent and Charles City Counties, Virginia. The reservoir behind it supplied approximately 70% of all the water provided by Newport News Waterworks, serving more than 400,000 customers on the Virginia Peninsula. This project would complete a structural restoration of the dam, appurtenances and a failed boat lock structure, which resulted from a breach stabilized earlier during Phase I of the project. Waterworks General Obligation Bonds were the source of funding recommended for this project. The Waterworks Unappropriated General Obligation Bonds balance was \$24,206,996. This appropriation, if approved, would reduce the amount available to \$23,256,996. The City Manager recommended approval.

11. Appropriation – Walker Dam Phase II – Rehabilitation Project - \$950,000  
Continued

(No registered speakers)

Councilwoman Woodbury moved adoption of the above resolution; seconded by Councilwoman Scott.

Vote on Roll Call:

Ayes: McMillan, Scott, Vick, Whitaker, Woodbury, Bateman, Frank

Nays: None

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

Mr. Dennis George, 257 Richneck Road, Newport News, retired firefighter, expressed concern about the City's spending priorities, the overtime budget, one fire engine being put out of service from the Hilton Station, and City Center signage. On a personal note, Mr. George indicated that an extra fire engine on an emergency scene would be helpful. The nearest fire station to the Hilton Station was next to Heritage High School, or 3.3 miles. The manpower cuts were critical. He indicated that an attractive community could not be developed if public safety were cut.

City Manager Hildebrandt, for clarification, responded the money that the Economic Development Authority (EDA) used for the City Center signage was bond funds – money borrowed for capital improvement. He stressed that bond funds could not be used to pay for personnel. He pointed out the decision to eliminate the second engine at Station #3 (Hilton) was made when the station was built at the Newport News Williamsburg International Airport. That engine was to be relocated to that station. A Pumper and an Ambulance would remain and there would be adequate first response from the Hilton Station. He reminded that a number of issues would be carefully evaluated when the City reached difficult budget circumstances. After consulting with the Fire Chief, it was determined, for a temporary period of time, the relocation of one engine from the Hilton Station could be done without diminishing the safety of the citizens. If not, overtime would be required for three firefighters to staff the Station every day. He advised, with a \$9 million projected deficit, \$6 million was covered by positions being held vacant. There would be more cuts forthcoming to close the gap.

Councilwoman McMillan stated, for clarification, if the fire truck were to leave the Hilton station to answer a call, the next engine to respond would come from the station near Heritage; and if the engine from Heritage were responding to a call; then at least one of those stations would be totally empty of a fire engine and inquired what would be the third round of response. Mr. George responded the choice would be to use an engine from Station #1 or #10. Councilwoman McMillan reiterated, by diluting the number of fire engines, stations would be left empty during times of an emergency.

City Manager Hildebrandt inquired what would happen if a fire station had all of its equipment out on a response. Mr. George replied, traditionally, the Fire Department “back filled.” If there was not enough equipment to backfill, then the Department would rely on mutual aid (York County, Hampton, etc.).

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

Councilwoman Scott advised that a number of firefighters attended the North District Town Hall Meeting and shared some compelling information. She suggested that a study be conducted to determine whether the impact would be compromised by relocating and/or removing some of the fire engines. City Manager Hildebrandt responded that he would carefully evaluate the matter and provide an analysis to City Council. Councilwoman Scott indicated that the firefighters' concern was the safety of the citizens; and it was Council's responsibility to provide that safety.

Mr. John Procyson, 305 Normandy Lane, Newport News, advised that the City Center signage issue had bought RETRO more members than any other single action. He stated it was wrong for the City to spend taxpayer money, whether bond money, for a private businesses or private agencies that would profit from the City spending money. The amount of money being thrown into City Center was criminal. City Center merchants should build and supply their own signs. Mr. Procyson commended the Council members who voted in opposition to the resolution that would allow the EDA the authority to form limited liability corporations.

Ms. Jacquelyn Worthington, 374-A Deputy Lane, Newport News, addressed Council on behalf of people with disabilities in wheelchairs. She felt that citizens in wheelchairs and power chairs had been left out. There were no homeless shelters, buildings, accommodations, or vehicles for this group. She asked that citizens with disabilities be accounted for in discussions concerning the budget and meeting the needs for those with disabilities.

City Council and City Manager Hildebrandt urged Ms. Worthington to meet with Mr. Alan Archer, Assistant City Manager, to discuss what services were available that Ms. Worthington was unaware of.

Mr. L. T. Vaughan, 595 Snug Harbor Lane, Newport News, commended Mr. Frank Labrecque, Executive Director of Transportation for the Newport News Public Schools and shared information following a recent meeting. Mr. Vaughan reported that Mr. Labrecque managed 370 school buses in a very efficient manner, down from 414 school buses, an inventory worth more than \$24 million. He and his staff worked hard to make the movement of students in NNPS as efficient, safe and economical as possible. Recurring and preventative maintenance was performed in a timely and professional manner. In an effort to promote thought, Mr. Vaughan inquired about the cost of a fully-equipped police car. He never received an answer. He repeated the request to inquire about the cost of a fully-equipped police car. Mr. Vaughan inquired whether police officers that live outside of Newport News were allowed to drive their vehicles home. He understood the desire to have a police vehicle parked in a neighborhood, which showed a police presence. He inquired whether the cost of officers driving their vehicles home had been calculated.

Mr. C. W. Powell, 3 Gay Drive, Newport News, advocated for the replacement of the Deep Creek Pier.

Ms. Carol Hogge, 3 Gay Drive, Newport News, advocated for the replacement of the Deep Creek Pier. She stated the family of Bonnie Belle Meltzer had been dishonored by the City by not replacing and properly maintaining the Deep Creek Pier. Ms. Hogge recalled a

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

letter from the Mayor hoping the City could make things happen related to the Deep Creek Pier, actually were only words that meant no.

Mr. James Stancil, 113 Phillips Lane, Newport News, commended the female members of Council for taking a stance and standing up against the “Millionaire Boys Club.” He urged City Council not grant the EDA additional authority. Mr. Stancil inquired about the EDA’s meeting schedule that would enable citizen’s attendance. He stated the City Center signage was a large embarrassment to the City.

Regarding the Lunch Bell, Mr. Stancil inquired, if the Lunch Bell was being subleased through the EDA, how many other businesses the EDA had tie-ins with and had the authority to sublease or regulate leases within the City Center area. He indicated there were fluctuating rental values in that area with the economy being what it was.

Mr. Stancil stated there had been four years of assessment increases in the City. He inquired about the amount that was put aside or saved, and whether adjustments had been made. He questioned what was done with the four years of assessment increases. He suggested that the City look at things more practical for the citizens as the “build it and they will come” philosophy was not practical for Newport News.

Mr. Stancil suggested that Vice Mayor Whitaker review economic development ideas and present a vision to the Southeast community. He further suggested the Vice Mayor form a Co-op grocery store in the Southeast community.

Ms. Beth Smith, President, Denbigh-Warwick Business Association (DWBA), 415 Dunmore Drive, Newport News, expressed thanks to City Council and City employees for their assistance and guidance to the association over the years as speakers and visitors. She advised they were celebrating 50 years. Ms. Smith indicated that capital improvement discussions would begin soon, and shared that a major concern of Denbigh residents was the proposed Recreation Center. Construction of the Center had been delayed year after year. She urged City Council members to stand behind a timely development of the Stoney Run Recreation Center in the North District.

Ms. Joanne Minarik, 114 Linbrook Drive, Newport News, expressed concern about the necessities for the community, i.e. Denbigh Community Center, particularly since there was no place for youth to meet. She further expressed concern with public safety and how budget cuts would impact the Police and Fire Department. The retirement plan and increasing health care costs were also of concern. She urged Council to carefully review the potential impact to the citizens.

Mr. Mike Minarik, 114 Linbrook Drive, Newport News, urged City Council to conduct a true analysis about assessments. He further asked that Council consider televising its Work Sessions. Mr. Minarik further expressed concern about the health and welfare of Newport News citizens as far as police, fire, and education were concerned. He felt that the EDA was a “runaway” organization with too much authority.

13. New Business and Councilmember Comments

City Attorney, Stuart Katz, wished the City Council, City staff and the citizens a Happy Thanksgiving.

City Clerk, Mabel Washington Jenkins, wished the City Council, City staff and the citizens a Happy Thanksgiving.

Councilwoman McMillan thanked citizens, i.e. RETRO members, firemen, The Denbigh-Warwick Business Association, and Mr. Arthur Keyes for their attendance and participation in the meeting. She further wished the City Council, City staff and the citizens a Happy Thanksgiving.

Councilwoman Scott thanked citizens who attended the North District Town Hall Meeting held on November 24, 2008. She expressed concern after hearing that 70 police officers and 90 firefighters would possibly leave the City. She requested an explanation and presentation on the proposed retirement plan at a future meeting.

City Manager Hildebrandt advised he would provide his recommendation on the Pension Plan and Post Retirement Health Benefits Proposal at the second meeting in January 2009.

Councilwoman Scott announced the North District Food Drive party was scheduled for Saturday, December 20, 2008. The committee was soliciting food donations for needy families. The Harbour Group donated use of its building at the end of Oriana Road in Denbigh for the entire Food Drive. Non-perishable food items would be collected through January 1, 2009. She advised that the Department of Parks, Recreation and Tourism was collecting for needy families, in conjunction with the City's Celebration in Lights. She encouraged everyone to participate in an effort to share with as many families as possible. Leftovers would be donated with the Foodbank of the Virginia Peninsula. Volunteer, monetary donations and food were welcomed.

Councilwoman Vick expressed thanks to the citizens for their attendance and participation in the first South District Town Meeting.

Councilwoman Vick commended Joy Robinson and the members of the Department of Development, who hosted a Job Fair for Canon that touted 370 attendees. She further thanked Police Captain Hartman and the Central District attendees for their enthusiasm and participation.

Councilwoman Vick thanked Mr. Andrew Shannon, Founder of the Southern Christian Leadership Conference (SCLC), for hosting the "Feeding 2000" initiative on November 15, 2008 at the Moton Community Center.

Vice Mayor Whitaker commended Joy Robinson and the members of the Department of Development, who hosted a Job Fair for Canon that touted well-qualified attendees. He welcomed similar fairs for the future.

13. New Business and Councilmember Comments

Vice Mayor Whitaker expressed appreciation to Mr. Andrew Shannon for hosting his annual “feeding” initiative.

Councilwoman Woodbury echoed Councilwoman McMillan by expressing appreciation to all of the citizens for their attendance and participation. Councilwoman Woodbury was particularly thankful to Mr. Stancil for his remarks, particularly about the assessment analysis.

Councilwoman Woodbury recognized and apologized to Mr. Arthur Keyes for allowing someone to sit in his “regular” seat.

Councilman Bateman wished the City Council, City staff and the citizens a Happy Thanksgiving. He also thanked citizens for their attendance and participation in the Council Meeting.

Councilman Bateman addressed comments and criticisms regarding the City Center signage. He advised that the IDA/EDA was composed of citizens and well-respected business leaders appointed by City Council. He defended City Center and the businesses that the IDA/EDA had helped track to the City, i.e. the Canon expansion project (\$650 million) and AREVA (\$350 million). He mentioned there should be a counter balance of the criticism and understand many of the ventures that the IDA/EDA were involved in, were much for the good of the City to build a business base. Councilman Bateman stated that City Center was an investment that the City had been involved with. Money had been invested and the City had an obligation to ensure its success. He further advised that the IDA worked to help the City maintain its excellent credit rating.

Councilman Bateman defended the criticism made against Vice Mayor Whitaker, stating the remarks were out of line, as the Vice Mayor gave his “heart and soul” to represent the Southeast district.

Mayor Frank wished the City Council, City staff and the citizens a Happy Thanksgiving. He reminded that citizens were living in difficult times, and how families were impacted by the economy, with the threat of lost jobs. As difficult as things were, he reminded that everyone could find something to be thankful for. He asked that, during this season of “thanksgiving,” everyone be mindful of those less fortunate, the men and women in the military and the families they left behind, as well as the demonstration of good citizenship, civic responsibility, and brotherly love.

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 9:16 P.M.

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Minutes of Regular Meeting  
November 25, 2008

Mabel V. Washington, CMC  
City Clerk

Joe S. Frank  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk