

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
December 9, 2008  
7:30 P.M.**

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

ABSENT: None-----0

1. Invocation

The invocation was rendered by Pastor Karen L. Wilson, Temple of Peace 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 Sharon P. Scott.

3. Public Hearings

(a) Change of Zoning, CZ-08-258 – Peninsula Memorial Park Corporation

A request to adopt an ordinance that would change the zoning of 4.2 acres located at 12751 Nettles Drive, from R3 Single Family Dwelling to C1 Retail Commercial, with proffers, to allow the construction of an 11,509 square foot funeral home. The Planning Commission voted 9:0 to recommend to City Council the denial of the change of zoning, with proffers, and the City Manager concurred with the recommendation.

Mayor Frank advised that the application from Peninsula Memorial Park Corporation for a rezoning, to permit a funeral home on the property adjoining Peninsula Memorial Park, was withdrawn. There was no action to be taken by City Council.

(No registered speakers)

City Attorney Katz suggested a motion to grant the applicant's request to withdraw their application for a change of zoning.

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

Vote on Roll Call:

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

Nays: None

Councilwoman Vick moved to approve the withdrawal of the application; seconded by Councilman Bateman.

3. Public Hearings

- (a) Change of Zoning, CZ-08-258 – Peninsula Memorial Park Corporation Continued

Vote on Roll Call:

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

Nays: None

- (b) Vacation of Right-of-Way – Canon Boulevard and Town Center Drive

AN ORDINANCE CLOSING AND VACATING THAT CERTAIN PORTION OF THE INTERSECTION OF CANON BOULEVARD AND TOWN CENTER DRIVE IN THE CITY OF NEWPORT NEWS, VIRGINIA, AS SHOWN ON THE PLAT ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE. This authorized the vacation of a 350 square foot portion of Town Center Drive adjacent to the new Town Center One Building. The right-of-way, located on the corner of Canon Boulevard and Town Center Drive, included enhanced landscaping and public seating areas that created a focal point to City Center. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Councilman Bateman inquired about the frequency of right-of-way vacation requests. City Manager Hildebrandt responded there should not be many of these matters arising. He indicated there was an unusual design issue on this particular piece of property and doubted similar issues would arise often.

Vote on Roll Call:

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

Nays: None

- (c) Jackson School Lease Renewal – Newport News Shipbuilding

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 AMENDMENT NO. 14 TO A LEASE FOR A PORTION OF THE FORMER JACKSON SCHOOL SITE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND NEWPORT NEWS SHIP-

3. Public Hearings

(c) Jackson School Lease Renewal – Newport News Shipbuilding Continued

BUILDING AND DRY DOCK COMPANY DATED THE 9<sup>TH</sup> DAY OF DECEMBER, 2008. This authorized the City Manager to execute Amendment No. 14 to the lease between Newport News Shipbuilding and Dry Dock Company and the City. This was a one-year renewal for the use of 1,090 parking spaces located at the former Jackson School site. Incorporated in Amendment No. 14 was an adjustment of 3% to the rental rate, raising the annual rate to \$121,007.35. The new lease commenced January 1, 2009 and would terminate December 31, 2009. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

(d) Vacation of Water Line Easement – Peninsula Town Center in Hampton

AN ORDINANCE AUTHORIZING AND DIRECTING (1) THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, A QUIT CLAIM DEED OF INTERESTS IN REAL PROPERTY AS DESCRIBED HEREIN TO PENINSULA TOWN CENTER, LLC; PENINSULA TOWN CENTER COMMUNITY DEVELOPMENT AUTHORITY; J. C. PENNEY PROPERTIES, INC., AND TARGET CORPORATION; AND (2) THE CITY MANAGER TO TAKE SUCH FURTHER ACTIONS AS SHALL BE NECESSARY TO COMPLETE THE TRANSACTION. This authorized and directed the City Manager to execute a Quit Claim Deed conveying property for water line easements to Peninsula Town Center, LLC, Peninsula Town Center Community Development Authority and J.C. Penney Properties, Inc. located in Hampton, Virginia. Peninsula Town Center was the redevelopment area of Coliseum Mall. The City had received a request to abandon the water pipeline easements in this area, as a requirement from the mortgage title companies for the developer. Once the redevelopment of water facilities was complete, new easements for all water pipelines would be granted to Waterworks.

(No registered speakers)

3. Public Hearings

- (d) Vacation of Water Line Easement – Peninsula Town Center in Hampton Continued

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

Vote on Roll Call:

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

Nays: None

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

Councilman Bateman questioned why the Quit Claim Deed was the remedy for a conveyance. City Attorney Katz responded that the age of the mall was such that many of the water lines were put, and the City had descriptive easements that were not formally dedicated to the City; and with the Quit Claim Deed, the City surrendered what rights we had to the underlying properties. Councilman Bateman inquired whether the City would avoid liability or risk that might occur on the property. City Attorney Katz replied by “quit claiming,” the City would avoid any liability or risk.

Vote on Roll Call:

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

Nays: None

- (e) Landfill Gas Transmission Utility Easement – 15194 Warwick Boulevard - Virginia Dominion Power

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 DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION VIRGINIA POWER, DATED THE 9<sup>TH</sup> DAY OF DECEMBER, 2008. This granted an easement on City-owned land located at 15194 Warwick Boulevard to Dominion Virginia Power. This grant of a utility easement was advertised pursuant to State Code requirements pertaining to such transactions that were for a term of greater than five years. City Council received one bid for this easement at its November 25, 2008 meeting. This project transmitted the landfill methane gas to the nearby Mary Passage Middle School to heat two boilers. Dominion Virginia Power was requested, by the City, to install a 3-phase power service to accommodate the operation of the dehydration unit. Dominion Virginia Power required the 1,200 foot by 15 foot easement over the City-owned property to install the power service. There was no cost for granting the easement.

(No registered speakers)

3. Public Hearings

- (e) Landfill Gas Transmission Utility Easement – 15194 Warwick Boulevard - Virginia Dominion Power Continued

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

4. Consent Agenda

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

- (a) Minutes of the Work Session of November 25, 2008

Vote on Roll Call:

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

Nays: None

- (b) Minutes of the Special Meeting of November 25, 2008

Vote on Roll Call:

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

Nays: None

- (c) Minutes of the Regular Meeting of November 25, 2008

Vote on Roll Call:

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

Nays: None

- (d) Virginia Sesquicentennial of the American Civil War Commemoration

A RESOLUTION IN SUPPORT OF THE VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION. This resolution supported the Virginia Sesquicentennial of the American Civil War Commission. The Commission was created during

4. Consent Agenda Continued
  - (d) Virginia Sesquicentennial of the American Civil War Commemoration Continued

the 2006 General Assembly Session to prepare for the 150<sup>th</sup> anniversary of Virginia's participation in the American Civil War. The City was dedicated to further develop tourism, economic development and the enhancement of cultural and historical heritage awareness. This resolution of support provided the framework for a "local" commission to plan and oversee the City's involvement in this anniversary commemoration.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

5. Commercial Rehabilitation Tax Abatement Program

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 40, TAXATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., REAL ESTATE TAXES, DIVISION 4., EXEMPTION FOR CERTAIN REHABILITATED RESIDENTIAL AND COMMERCIAL REAL ESTATE, SECTION 40-55, EXEMPTION FOR REHABILITATED RESIDENTIAL REAL ESTATE-AUTHORIZED; SECTION 40-56, SAME-AMOUNT; DURATION; SECTION 40-57, EXEMPTION FOR REHABILITATED COMMERCIAL REAL ESTATE-AUTHORIZED; SECTION 40-58, SAME-AMOUNT; DURATION; AND SECTION 40-59, APPLICATION REQUIRED; FEE; CERTIFICATION TO TREASURER. This ordinance amended Chapter 40 of the City Code, Article II, Real Estate Taxes, Section 40-55 through 40-58, for exemption of certain rehabilitated residential and commercial real estate. The State Code authorized a program which allowed 25-year old residential and commercial properties that had received substantial renovations, to be eligible for a temporary reduction of real estate tax assessments equal to 50% of the eligible cost of renovation. The City's program was designed to encourage private investment in older structures in order to preserve neighborhoods and forestall blight. It had been difficult for property owners to qualify for the benefits due to language in the City's local ordinance. This amendment made it clear that only building permits that were required by the Building Code need to be acquired prior to submitting an application for this tax abatement program; thereby, making it easier for property owners to qualify. The City Manager recommended approval.

(No registered speakers)

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

Councilman Bateman expressed appreciation to the City Manager for presenting this program. He liked the program and felt the changes would be beneficial. He suggested, in trying to inform citizens on the website, that the potential savings be presented, based upon a certain prescribed improvement, to include a worksheet. Citizens should be encouraged to use

5. Commercial Rehabilitation Tax Abatement Program Continued

the program. Councilman Bateman indicated the program was “understandable,” but suggested it be more so.

Councilwoman McMillan concurred with Councilman Bateman’s suggestion to include a worksheet. City Manager Hildebrandt appreciated the suggestion and indicated that he would instruct staff to review the matter.

Councilwoman Scott suggested that the program be better advertised. She felt this would be quite beneficial, particularly with the aging housing stock in the City.

Vote on Roll Call:

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

Nays: None

6. Emergency Water Connection Agreement between James City Service 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 AGREEMENT FOR EMERGENCY WATER CONNECTION BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE JAMES CITY SERVICE AUTHORITY DATED THE 9<sup>TH</sup> DAY OF DECEMBER, 2008. This resolution authorized the City Manager to execute an Agreement for an Emergency Water Connection between the James City Service Authority and the City. The York County well system in the Lightfoot area, soon to be transferred to the City, was a stand-alone well system which Waterworks would operate upon transfer. The James City Service Authority was willing to provide a connection to its system, which would only be used in the event of an emergency, such as a water main break, for protection against system dewatering. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

7. Pump Station No. 24 VFD/Electrical Upgrade

A. Appropriation

A RESOLUTION APPROPRIATING FUNDS FROM 2008 VIRGINIA REVOLVING LOAN FUND (\$27,000.00) TO PUMP STATION NO. 24 VFD/ELECTRICAL UPGRADE (\$27,000.00). This resolution appropriated \$27,000.00 from the 2008 Virginia

7. Pump Station No. 24 VFD/Electrical Upgrade Continued

A. Appropriation Continued

Revolving Loan Fund (VLRV) to the Pump Station No. 24 VFD/Electrical Upgrade Project for design services. The project accommodated potential increases in Hampton Roads Sanitation District (HRSD) force main pressures and allowed for future growth in the pump station service area around J. Clyde Morris Boulevard near Forrest Drive. This appropriation included a 5% contingency from the City's 2008 Virginia Revolving Loan Fund. Debt service on sanitary sewer improvements financed through the VRLV was paid with sewer user fees.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

Abstention: Bateman (The proposed contractor was a customer of his employer, TowneBank)

B. Award of Bid

Vice Mayor Whitaker moved to award the bid for the Pump Station No. 24 VFD/Electrical Upgrade Project to Environmental Engineering & Technology, Inc., in the amount of \$27,000.00; seconded by Councilwoman Vick. Environmental Engineering & Technology, Inc. was selected under an existing annual services contract to perform the required design services for this project.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

Abstention: Bateman (The proposed contractor was a customer of his employer, TowneBank)

8. Appropriations

Councilwoman Scott moved adoption of Items A through D, both inclusive, as shown below; seconded by Councilwoman Vick.

(a) Fire Department – HAZMAT Grant Funding - \$30,000

A RESOLUTION APPROPRIATING FUNDS FROM STATE REVENUE – FY09 HAZMAT GRANT (\$30,000.00) TO MACHINERY & EQUIPMENT (\$30,000.00). This resolution appropriated \$30,000.00 from FY 2009 State Pass Through Revenue to the Fire

8. Appropriations Continued

(a) Fire Department – HAZMAT Grant Funding - \$30,000 Continued

Department. The Fire Department received pass through grant funds from the Virginia Department of Emergency Management for FY 2009. The funding was restricted in use to support the Newport News Fire Department's Regional Hazardous Materials Response Team. This State Grant required no local funding.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

(b) Police Department – JAG Grant Funding

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE – JAG – DOJ-09 (\$80,463.00) TO JUSTICE ASSISTANCE GRANT - DOJ (\$80,463.00). This resolution appropriated \$80,463.00 for the Justice Assistance Grant to be used by the Hampton/Newport News Criminal Justice Agency and the Community Services Board. The Community Services Board Drug Court used \$32,185 to fund residential treatment beds and mental health services. Newport News Criminal Justice Agency used \$48,278 to fund salaries for two case managers. No local funds were required for this grant.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

(c) Sheriff's Office – Work Release Funding

A RESOLUTION APPROPRIATING FUNDS TO CITY JAIL – WORK RELEASE (\$31,000) AND TO EQUIPMENT – WORK RELEASE (\$31,000.00). This resolution appropriated \$31,000.00 of funds generated by the Work Release Program to the Sheriff's Office. The funds would be used to purchase program-related items, including a van to transport participants to and from interviews, job sites, and substance abuse testing. The FY 2009 General Fund Operating Budget included \$3,792.00 in revenue generated by the Jail Work Release Program. Through December 1, 2008, the Program had generated \$39,219.00 in Work Release Fee Revenue. The requested funds would be appropriated from the Work Release revenue surplus of \$35,427.00. Approval of this resolution increased the FY 2009 General Operating Budget by \$31,000.00, and increased the Sheriff's Office Budget from \$18,040,744.00 to \$18,071,744.00. No other local funds were required.

(No registered speakers)

8. Appropriations Continued
  - (c) Sheriff's Office – Work Release Funding

Councilwoman Woodbury noted the amount that the prisoners accumulated was more than the \$31,000.00. She inquired whether the rest remained in the General Operating Budget or whether it was returned. City Manager Hildebrandt responded that the remainder stayed in the Operating Budget and would be revenue that came in over the estimate. Unless the Sheriff's Department asked for an additional appropriation from this, it would stay in and become surplus. The Sheriff was asked to use what he had an immediate need for.

Councilman Bateman needed further clarification on the revenue side. He inquired how this money was raised from the work release program. City Manager Hildebrandt replied when one was in the work release program, the actual inmate was required to provide a fee. Those fees were paid on a daily basis. This was a new revenue that had not been anticipated when the budget was put together.

Councilwoman Woodbury inquired questioned whether it was the prisoners that paid the fee. City Manager Hildebrandt responded yes, the fee was paid out of what they earned. He added that inmates were also required to pay restitution, fines, child support, etc. Once all of those obligations were met, they were able to keep any money received beyond that.

Councilman Bateman inquired who determined the inmate's hourly rate. City Manager Hildebrandt replied that their employer made that determination.

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

- (d) Court Appointed Special Advocate (CASA) – Donations

A RESOLUTION APPROPRIATING FUNDS FROM CASA PROGRAM DONATIONS (\$6,405.00) TO COURT APPOINTED SPECIAL ADVOCATE PROGRAM (\$6,405.00). This resolution appropriated \$6,405.00 to the Court Appointed Special Advocate Program. These funds were received through donations to CASA. The funds would be used for training volunteers and organizing special activities for children in the program. No local funds were required.

(No registered speakers)

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

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

Mr. James Hamiel, 2309 Madison Avenue, Newport News, spoke on behalf of Mr. Andrew Shannon, the Doris Miller Center, and the children. Slating many of Mr. Shannon's

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

contributions to the community, Mr. Hamiel asked City Council to consider Mr. Shannon for an employment opportunity as Director of the Doris Miller Community Center. The children had no activities and no guidance or direction without a Director at the Center.

Mayor Frank advised that City Council had no authority to hire or fire employees. It was against the law for Council members to discuss personnel matters. City Council could only hire and deal with three individuals employed by the City: the City Manager, the City Attorney, and the City Clerk. All other employment was dealt with by the City Manager, not City Council. He suggested Mr. Hamiel write a letter to the City Manager expressing support for Mr. Shannon.

City Manager Hildebrandt indicated, since the position was vacant, Mr. Shannon would be considered for the position should he submit an application. He advised it was the City's goal to ensure there were good programs and good leadership at the Doris Miller Community Center.

Ms. Carol Hogge, 3 Gay Drive, Newport News, advocated for the replacement of the Deep Creek Pier. She added information omitted during her remarks at the November 25, 2008 Regular Meeting of City Council related to Mrs. Bonnie Belle Meltzer. Ms. Hogge advised that Mrs. Meltzer's property landlocked access to the Deep Creek Harbor. Deep Creek Road and the Deep Creek Public Pier were constructed with taxpayer's dollars and mandated to be safeguarded, which was not done, it was destroyed. As a taxpayer in the City, she stated the City should fulfill its responsibility to the Meltzer Land Grant and replace the Deep Creek Public Pier.

Mr. John Gergely, 449 Winterhaven Drive, Newport News, informed that Delegates Oder and Hamilton hosted a meeting concerning the proposals for the Hampton Roads Bridge Tunnel in an effort to relieve congestion. He indicated that nothing would be done if the Metropolitan Planning Organization (MPO) did not champion the project. Mr. Gergely advised that the MPO's bylaws would be modified to include weighted voting in the future, a change from all cities having one vote. The voting power on the Peninsula would be reduced to 35%. He asked City Council and the Mayor to reconsider the bylaw change regarding the voting mechanism because otherwise, the power would be granted to the Southside.

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

Mr. A. C. Pulliam, Jr. 139 Falcon Drive, Newport News, indicated the Citizens Guide to Services had good information. He remarked about the November 25, 2008 vote by the female City Council members, which disallowed the Economic Development Authority (EDA) being given additional authority, specifically the establishments of limited liability corporations. He disagreed with the EDA being given credit for everything good happening on the Peninsula, i.e. the Canon expansion and the AREVA facility coming to Newport News. He complimented Vice Mayor Whitaker on his marathon run for diabetes. He further mentioned the articles from the Daily Press related to City spending. Mr. Pulliam noted that many of the project delays in the Capital Improvement Plan (CIP) would hurt the general public, not the operations of the City.

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

Mr. Pulliam stated that additional fines for speeding violations would help bring in additional revenue. He further suggested that funding should be found for the Safehaven shelter for children as the children were worth a lot more.

Ms. Joan Minarik, 114 Linbrook Drive, Newport News, expressed concern about how the City would survive the economic times. She suggested focusing on the people, and making the community stronger. She mentioned that real estate assessments increased even though the tax rate did not. She expressed concern about the retirement plan and indicated the community must find a way to restructure it in an effort to keep senior firemen, policemen and teachers so as not to be decimated by having an unsafe community. Ms. Minarik indicated community centers and libraries should be kept to build a sense of community. She commended Councilwoman Scott for her informative Town Hall Meetings. She challenged City Council to listen to the citizens, and to hold Town Hall Meetings.

Mr. Mike Minarik, 114 Linbrook Drive, Newport News, expressed concern that the tax rate needed to be tied to the assessment. He suggested City Council look at affordable housing, teachers, police, and a retirement plan to keep long-time employees. He mentioned confusion over who was in charge of the City. He posed the question, "Who do you represent" to the Council members. Mr. Minarik commended his representatives, Councilwoman McMillan and Councilwoman Scott, indicating they were in tune to his needs as a citizen. He questioned who Council members represented and suggested holding them accountable. He felt Council needed to get the word out about what was available in the community and encourage citizens to get involved. He challenged City Council to "listen to the citizens." Mr. Minarik further expressed concern about the lack of funding for speed bumps. He mentioned the "need" to continue investing money in City Center. He advised that some investments were bad investments and urged Council to look at ways to mitigate, minimize or cut its losses. Businesses needed to survive on their own. Their job was to raise revenue and not to rely on the City to promote their business. Mr. Minarik questioned whether the Council was seeking political favors.

Mr. Terry Savage, 1001 Cherry Creek Drive, Newport News, talked about crime in the City and violence in the schools. He was disturbed about revelations that came out of a recent school board meeting he attended with his daughter. He wanted to know why rules were not enforced uniformly and why teachers and administrators were afraid to speak up. Since City Council appropriated money to the Schools, Mr. Savage asked Council to put strings on the money given to the schools. His daughter was involved in two incidents in one year. Mr. Savage indicated the children were afraid. He advised that gang colors being worn in classrooms. Violent activities were a big problem, occurring everyday in the Schools. It was Mr. Savage's belief that the problem was being ignored. He asked Council to look into what was going on with the School Board and in the Schools. Much of the violence in the City could be attributed to youth.

Mayor Frank inquired whether Mr. Savage had taken his message to the Newport News School Board. Mr. Savage replied that he had started, and planned to continue. Mayor Frank indicated that Council was appreciative to Mr. Savage for sharing this information. He advised that the School Board had immediate responsibility to address the issues raised by Mr. Savage. Mayor Frank further advised that City Council did not have line-by-line control over

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

the Schools' budget.

Mr. William Pelkey, 556H Loch Ness Drive, Newport News, thanked City Council for its vote disallowing the EDA more authority. He asked City Council to request the EDA make public all contracts by the January 13, 2009 Regular City Council Meeting. Mr. Pelkey commended the City Manager's office for having made significant spending reductions, to include projects in the CIP. He reminded the City Manager and City Council to spend money only where needed, and to make sure that it is spent wisely. Mr. Pelkey made the following suggestions related to spending: (1) Do not demolish the old Lee Hall Waterworks facility right away; (2) Do not spend money to develop City Farm; (3) Do not renovate the golf course; (4) Do not give money to museums that can raise money on their own; (5) Maintain a fire truck in Hilton; (6) Establish a plan to battle homelessness and help the less fortunate; (7) Resolve drainage problems throughout the City; (8) Repair roads and decrease congestion; and (9) Do not delay construction of the North District Community Center.

Mr. James Stancil, 113 Phillips Lane, Newport News, clarified his position on the Economic Development Authority (EDA) being allowed to create limited liability corporations, stating the EDA did not need to enter into private trust agreements, nor limited liability companies. He agreed that if a company came to Newport News and needed assistance, the EDA should provide technical assistance and technical support. Mr. Stancil stated the explanations provided at the November 25, 2008 Council Meeting were not clear. He inquired, why, when the Homeless Shelter Director was caught embezzling money, the City did not fire the Director and try to seek a refund, rather than closing the Homeless Shelter. He clarified his position on a co-op grocery store by asking Council to assist Vice Mayor Whitaker to acquire a vacant building to open a grocery store in the Southeast. He suggested that every citizen in the downtown area could be asked for \$1 for the next twelve months to open a grocery store. Leadership should contact large grocery firms to enter into a contract to start a grocery store in the Southeast community. Mr. Stancil expressed support for a community center in the North District because there was a need. He further stated there needed to be more recreation for youth in the downtown area, which could also be done through a co-op or federal grants. He stated City government needed to be opened up more. He further expressed support for a reduction in taxes, which was his reason for supporting RETRO (Real Estate Tax Reduction Organization). Mr. Stancil suggested, if the City wanted to advertise City Center, advertising be done from the interstate. He did not see a need for more signs in the local area.

10. New Business and Councilmember Comments

City Manager wished City Council a Happy Holiday season. He thanked Council for their support.

Councilwoman Scott thanked Mike and Joan Minarik for their kind words and was appreciative for their support of the North District Town Hall Meetings. She explained her mission, when she first began having Town Hall Meetings, was to exchange information.

10. New Business and Councilmember Comments Continued

Councilwoman Scott announced the 7<sup>th</sup> Annual North District Holiday Food Drive Party on December 20, 2008 at the former AJ Wright building, located at 451 Oriana Road in Denbigh. Non-perishable food items were collected to be distributed back to needy families in the district and the City on December 22, 2008. Surplus items would be donated to the Foodbank of the Virginia Peninsula. The Police Department was scheduled to distribute school supplies on December 20, including a raffle for bicycles.

Councilwoman Scott offered condolences to the family of Mr. Bill Sears, who recently passed.

Councilwoman Scott wished her colleagues, staff, and the citizens a Happy Holiday season.

Councilwoman Vick extended greetings for a Happy Holiday Season to the citizens.

Councilwoman Woodbury thanked the citizens who for their attendance and participation.

Councilwoman Woodbury extended condolences to the Sears family in the loss of their loved one.

Councilwoman Woodbury wished everyone a Happy Holiday season, Happy Hannukah, and Happy Kwanza, regardless of what they celebrated.

Councilman Bateman thanked citizens for their attendance and their comments.

Councilman Bateman wished everyone a Happy Holiday season.

Mayor Frank wished everyone a Happy Holiday season. He encouraged everyone to remember those less fortunate in need of our support, particularly the military and their families. He expressed hope that the nation and the community would unite in an effort to solve the problems faced.

Mayor Frank expressed appreciation to the City staff, to the citizens and to those who volunteered their service.

Councilwoman McMillan extended an invitation to the Endview Tree Planting ceremony on December 21, 2008 in honor of noted Denbigh historian Lieutenant Colonel John Curry.

Councilwoman McMillan wished Neal Thompson and Joe Street a Merry Christmas and extended well wishes to them both.

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 8:48 P.M.

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Minutes of Regular Meeting  
December 9, 2008

Mabel V. Washington, CMC  
City Clerk

Joe S. Frank  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk