

MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10th FLOOR CONFERENCE ROOM
2400 Washington Avenue
July 8, 2008
3:00 p.m.

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

ABSENT: None ----- 0

OTHERS PRESENT: Randy W. Hildebrandt; Stuart E. Katz; Mabel V. Washington; Alan Archer; Neil Morgan; Cynthia Rohlf; Butch Blanks; Allen Jackson; Greg Jones; Al Riutort; Sheila McAllister; Michael King; Kathy James-Webb; Angela Hopkins; Saul Gleiser; Carl Jackson; Joseph DuRant; John Hightower; Sharm Kasey; Dwight Farmer; Michael Poplawski; Millard White; Jennifer Walker; Cleder Jones; Lottie Vincent; and Kim Lee

I. Briefing on Special General Assembly Session

Mr. Randy W. Hildebrandt, City Manager, introduced Mr. Dwight Farmer, Executive Director, Hampton Roads Planning District Commission (HRPDC), to report on the various proposals that were before the General Assembly regarding transportation.

Mr. Farmer stated a major issue in the General Assembly dealt with the transfer of funding from the State Transportation Construction Fund to the Highway Maintenance and Operating Fund, to deal with general maintenance issues, i.e. potholes and grass cutting. He stated the construction fund, due to this phenomenon, had almost been depleted and the State was not doing as much as it used to in maintaining highways.

Councilwoman McMillan stated that she was a member of the Virginia Municipal League's (VML) Transportation Committee and indicated they had addressed the transfer of money into the maintenance fund. She stated warnings had been announced many times that the transfers would impact the construction fund, yet, nothing aggressive had been done to address the problem. Mr. Farmer stated the phenomenon that had now occurred was fairly recent, and the prognosis that funding would decrease had been around almost ten years. HRPDC saw the funding issue materializing, and the Virginia Department of Transportation (VDOT) warned the General Assembly many times, but they still were unable to correct the problem.

Mayor Frank recalled ten years ago the State warned it would be completely out of construction money by 2007 with only enough money to cover maintenance. However, that did not materialize due to growth in the economy at that time. The State was now saying its construction funding would be depleted by 2015, with no funding to meet the federal match for major projects. Mr. Farmer stated the State had to resort to a deferred maintenance program.

Mr. Farmer noted the deficit impact from FY 2008 through FY 2014, due to the statewide transfer of funds from the construction fund to the maintenance fund amounted to \$119.4 million. He stated the transfer from the construction fund was causing Hampton Roads over \$8 million per year.

Councilwoman Woodbury questioned why the deficit for Hampton Roads was higher than Northern Virginia. Mr. Farmer replied the deficit was higher because of the “formula” for the statewide allocation of funds. Hampton Roads was equivalent to Northern Virginia in terms of allocation but, unfortunately, the deficit was hitting Hampton Roads worse.

Councilwoman Vick inquired what caused such a large jump in the deficit from \$53.8 in FY 2008 to \$80.3 in FY 2009. Mayor Frank felt part of the discrepancy was due to crisis demand and gasoline costs that were being experienced by VDOT.

Mr. Farmer explained Virginia lacked funding to build new roads, expand public transit or provide maintenance for the roads and bridges it already had. He stated State transportation officials had delayed or dropped nearly 200 new road projects statewide because of a \$1.1 billion decline in State revenue for the next six years, with no foreseeable way to close the gap. Projections estimated that Hampton Roads connections, to the rest of the State, would approach congestion levels similar to the Hampton Roads Bridge tunnel within five to ten years. Hampton Roads needed a minimum of \$375 million in new funding a year – in addition to tolls – to address its critical regional needs.

Councilwoman Woodbury inquired how Hampton Roads, as a donor region, played into the distribution of maintenance and construction funding throughout the State. Mr. Farmer replied Virginia was a donor State and Hampton Roads was in a donor region. The State “formula” designated how much funding would be allocated, per locality and region.

Mr. Farmer noted past and future proposals and their implications to address the transportation crisis in Hampton Roads. (A copy of his presentation, “Transportation Overview,” highlighting the proposals, is attached and made a part of these minutes.)

Mayor Frank stated the Hampton Roads region needed to have reliable, predictable, and current funding streams to get transportation projects started. He stated funding streams that began five to ten years in the future only exacerbated the region’s transportation problems, i.e. construction projects costing \$250 million today would cost \$350 - \$400 million within five to ten years.

Councilwoman Woodbury inquired whether there had been discussion on putting a freeze on Hampton Roads donor region designation, and/or whether a freeze could be imposed. Mr. Farmer replied, even if Hampton Roads had all of Northern Virginia’s allocation, it would not solve

the region's transportation shortfall. He stated, if Northern Virginia received all of Hampton Roads and Richmond's allocation, their transportation and construction deficit problem would not be solved. He warned of engaging in a debate about changing the way the "pie was sliced." He felt Newport News would feel the difference if Hampton Roads was moved from a donor region to a "break even region." Mayor Frank noted the legislature was controlled by the rural areas, so even with the voting strength of Hampton Roads, Richmond and Northern Virginia it would not be beneficial to change from a donor region.

Councilwoman McMillan inquired whether restrictions were imposed by the Federal Government on which roads the City could implement tolling and the criteria for doing such. Mr. Farmer replied localities were required to obtain U.S. Congressional approval to toll interstate highways.

II. Creation of a Foundation for Downing-Gross Cultural Arts Center

City Manager Hildebrandt reported one of the goals the City envisioned when planning for the operation of the Downing-Gross Cultural Arts Center (DGCAC) was to be able to solicit and encourage private donations. He stated, given limited City funding, such private donations would be critical in helping to create and maintain the DGCAC's Anderson Johnson exhibit gallery, and provide a variety of quality performing arts in the Ella Fitzgerald Theater. He introduced Mr. Michael Poplawski, Director, Parks, Recreation and Tourism, to report on the proposal for the creation of the Foundation. City Manager Hildebrandt hoped to bring the matter to City Council, for approval, by September 2008.

Mr. Poplawski stated the DGCAC's organizational relationship included Newport News Parks, Recreation & Tourism, the Office of Human Affairs, the DGCAC Board, and the proposed DGCAC Foundation. He reported that the Department of Parks, Recreation and Tourism would be responsible for the operation, staffing and arts programs for the Center. The Office of Human Affairs would offer community services, programs and assistance, i.e. the Head Start Program. The DGCAC Board (4-Ex-officio members and 9-Council Appointed members), would serve as a sounding board for the community, and provide guidance to the Department of Parks, Recreation & Tourism, regarding facility operations. The DGCAC Foundation would be independent and tasked to handle special projects and fundraising for the Anderson Johnson Gallery and the Ella Fitzgerald Theater.

Mr. Poplawski stated the City researched a number of organizations, consulted with the City Attorney's Office and Kaufman and Canoles, and recommended the creation of a 501(c) 3 Foundation. The Foundation would be monitored by the DGCAC Board and the City. The Foundation would be composed of the Executive Director of the DGCAC, an unlimited at-large membership and a set number of members appointed by Council.

Councilwoman Scott inquired whether the Foundation would serve to offset expenses or provide additional services at the DGCAC. Mr. Stuart Katz, City Attorney, replied the Foundation would have its own fundraising program, and would not be barred from receiving funding from the City. City Manager Hildebrandt replied the Foundation would only be able to supplement what the City was providing the DGCAC. Over time, should the Foundation be successful, a significant amount of funding raised by the Foundation would go to help in the operation of the DGCAC.

Mayor Frank felt there needed to be two entities related to the DGCAC. The Department of Parks, Recreation & Tourism would act as the Board of Directors for the Center and the Foundation would handle fundraising. He stated the City owned the building and the programming, management, staffing, heating/air conditioning, etc. should be the responsibility of the City based on the City Manager's recommended budget. The Foundation was a fundraising organization and should not have anything to do with the planning of programs or events for the Center. He felt the City needed to make sure the lines were clear regarding ownership, management, fundraising and operation of programs at the Center.

Councilwoman Woodbury stated WHRO had a Foundation Board whose duty and charge was to raise money. She stated the WHRO Foundation Board became upset because they were raising money, but did not have a say in what was going on with the regular board. WHRO was now in the process of redefining and incorporating the Foundation. Councilwoman Woodbury suggested that City staff communicate with WHRO to get first-hand advice on what not to do when composing the DGCAC Foundation.

Councilwoman Vick stated the key ingredient to the DGCAC Foundation was that the City clearly define its and the Foundation's written roles as staff moved forward.

Mr. Poplawski reported the DGCAC Foundation would be an independent (private) organization with a 501(c) 3 charitable designation. The Foundation would be tasked with raising funds for special projects not included in the DGCAC budget (cultural or educational in nature) and would be able to suggest projects or choose to undertake projects suggested by the City. Some members would initially be selected by the City. Members could be residents and non-residents of Newport News and membership would be unlimited.

Mr. Katz stated, with City Council's concurrence, he and staff would draft a resolution in support of the creation of the Foundation, a resolution identifying the purpose of the DGCAC Board, and a coordination agreement between the City and the Foundation regarding the events and activities of the DGCAC. He hoped to have the proposed resolutions and agreement ready for adoption by September 2008. He stated the DGCAC Board would advise the staff regarding access and use of the facility.

Mayor Frank indicated there needed to be an agreement between the City and the Foundation regarding their roles, beyond what was needed by the Internal Revenue Service for the Foundation to be designated as a 501(c) 3 organization.

There was consensus among City Council to move forward with the creation of the DGCAC Foundation.

III. Staff Briefing: *“Framework for the Future”*

City Manager Hildebrandt introduced Mr. Al Riutort, Director, Department of Planning, to report on the *“Framework for the Future 2030”* comprehensive plan.

Mr. Riutort reported the City adopted the *“Framework for the Future”* as its comprehensive plan in 1993. Good planning and land use practice, as well as State law, dictated that periodic reviews and updates were necessary to the plan to insure it retained its usefulness and vitality as a general planning guide for the City. In 1997, citizen task forces began to study the plan and prepared the first update to the *“Framework for the Future,”* which was adopted in 2001. The Newport News Planning Commission and its staff analyzed the need to update the *“Framework for the Future.”* He introduced Mr. Michael King, Manager of Community Planning, Department of Planning, to report on the update process of the *“Framework for the Future 2030”* comprehensive plan.

Mr. King reported the *“Framework for the Future 2030”* update process began with City task force training of 100 citizens in October 2005, including Planning Commission representatives. Over the past 2 ½ years, the City held over 100 citizen meetings and collected input from the community to update its vision for the future. Four planning district task forces and a youth task force were activated to create an updated vision to guide the City to 2030. A senior district planner was assigned to lead a task force, within each district (District I, II, III, and IV). As a result of the training and meetings, the comprehensive plan was now a user friendly, web-based document with goals that were clearly labeled and organized.

Mr. King stated, as part of the adoption process for the comprehensive plan, the Planning Commission planned to hold two public meetings in August 2008, and a public hearing on August 20, 2008. The Planning Commission hoped to have the plan adopted by City Council in September 2008. (A copy of the presentation, *“Framework for the Future 2030,”* is attached to these minutes.) Mr. King introduced Ms. Angela Hopkins, Senior District Planner, Department of Planning, to report on District I, Mr. Saul Gleiser, Senior District Planner, Department of Planning, to report on District II, Mr. Carl Jackson, District Planner, Department of Planning, to report on District III, and Ms. Kathy James-Webb, Manager Environmental Planning, Department of Planning, to report on District IV.

Ms. Hopkins stated the boundaries for Planning District I included Mercury Boulevard and Huntington Park to the north, the James River to the west, Hampton Roads to the south and the City line to the east. The population of the district was 33,346 which comprised 18% of the City's population. She reported on citizen recommendations and major land use changes that occurred in Planning District I. (A copy of Ms. Hopkins remarks are attached and made a part of these minutes.)

Mr. Gleiser reported that Planning District II covered the central part of the City and housed the City's largest employment center, City Center/Oyster Point. He stated the district was bounded by Mercury Boulevard and Huntington Park to the south, the James River to the west, Newport News-Williamsburg International Airport to the north, and the City line to the east. He reported on the land use changes recommended by the Task Force for District II. (A copy of Mr. Gleiser's remarks are attached and made a part of these minutes.)

Mr. Jackson stated that Planning District III, also known as the Denbigh section of Newport News, extended from Deep Creek on the south to Skiffes Creek and the James City County line on the north, and from the James River on the west, to the CSX railroad on the east. He reported on the changes to the "Framework" for Planning District III. (A copy of his remarks are attached and made a part of these minutes.)

Councilwoman McMillan inquired about the population count for District III. Mr. Jackson replied the population count for District III's was 56,268, which was 20% of the City's population.

Councilwoman McMillan inquired whether the population count of 56,258 included Fort Eustis. Mr. Jackson replied the population count did include Fort Eustis.

Councilwoman McMillan inquired whether the population count included the new housing that was built in the District over the past two years or only included numbers from the 2000 census. Mr. Jackson replied he was quoting the 2000 Census count figures.

Ms. James reported that the boundaries of District IV included Kiln Creek to the south, CSX Rail Road tracks to the west, James City County and York County to the north, and York County to the east. She stated landmarks in the district included: 1) Newport News-Williamsburg International Airport; 2) Patrick Henry CommerCenter; 3) Ferguson-Wolseley; 4) Siemens Automotive; 5) Mary Immaculate Hospital; 6) Villages of Stoney Run; 7) Newport News Park; 8) Endview Plantation; 9) Lee Hall Mansion; and 10) Lee Hall Village. She noted the major land use changes in Planning District IV. (A copy of her remarks are attached and made a part of these minutes.)

Councilwoman McMillan inquired whether the urban interchanges at Bland Boulevard, Atkinson Boulevard and Fort Eustis Boulevard at Interstate 64 were part of the interstate. Ms. James replied the interchanges were a part of the interstate system. She stated the interchanges were a configuration of the ramps and were more of a diamond shape instead of a cloverleaf shape, which took up less land area.

Mayor Frank inquired why the runway expansion, noted in the airport's master plan, was not included in the comprehensive plan as a possible site as opposed to the alternate site. He inquired why both plans were not shown. Mr. Riutort replied that neither plan was shown because the Department of Development had been working with the airport to make a slight adjustment in relocating the runway further south. Currently, the runway expansion was in the clear zone, which was impacting the CommerCenter.

Mayor Frank stated the airport had a master plan approved by the Federal Aviation Administration and it seemed to him that should be included in the City's comprehensive plan until another plan was approved. Ms. James replied they would make the adjustment.

Mayor Frank suggested that a footnote be included in the comprehensive plan noting the City was trying to get the runway relocated. He felt the footnote needed to be added for planning purposes, which the "Framework" was a tool for. He did not want to mislead the public.

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 5:10 P.M.

Jennifer D. Walker, CMC
Chief Deputy City Clerk

Joe S. Frank
Mayor
Presiding Officer

A true copy, teste:

City Clerk