

MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10th FLOOR CONFERENCE ROOM
2400 Washington Avenue
September 23, 2008
2:30 p.m.

PRESENT: Joseph C. Whitaker; Dr. Patricia P. Woodbury; Herbert H. Bateman; Joe S. Frank; Madeline McMillan (arrived at 3:40 p.m.); Sharon P. Scott; and Tina L. Vick ----- 7

ABSENT: None ----- 0

OTHERS PRESENT: Neil Morgan; Stuart E. Katz; Mabel V. Washington; Alan Archer; Cynthia Rohlf; Butch Blanks; Allen Jackson; Brian Ramaley; Thomas Murphy; Richard Caplan; Al Riutort; Sheila McAllister; Tricia Wilson; John Hightower; Dr. David Trump; Kay Bradley; Barbara Blais; Billie Millner; Hamdo Ribic; Hasija Ribic; Jennifer Walker; Lottie Vincent; and Kim Lee

- I. Presentation: “Project CARE” – Healthy Services for Uninsured, Disadvantaged Peninsula Residents

Mr. Neil Morgan, Assistant City Manager, introduced Dr. David Trump, Director, Peninsula Health Center, to report on Project Care.

Dr. Trump stated Project CARE was an initiative in Newport News, and throughout the Peninsula, to address healthcare issues for uninsured and low income residents of the community. He introduced Ms. Kay Bradley, Project Director, Project Care, and Executive Director, Gloucester/Mathews Free Clinic, to offer a presentation on Project Care.

Ms. Bradley reported Project CARE was comprised of a regional network of physicians who agreed to provide primary care and/or specialty care to low income, uninsured patients. She stated physicians in the community volunteered to see a specific number of patients, in their offices, at no cost. Patients were referred to Project CARE by safety net health care providers (i.e. Free Clinics), although other agencies and organizations could make referrals. Persons eligible to participate in Project CARE were adults, between the ages of 19 to 64, who were not covered by Medicare, Medicaid or private insurance, and had a household income less than 200% of the federal poverty level. Project CARE served residents of the cities of Hampton, Newport News, Poquoson and Williamsburg, and the counties of James City, York, Gloucester, and Mathews.

Ms. Bradley reported the safety net providers of Project CARE included: 1) Health Departments; 2) Community Health Centers; 3) Free Clinics; and 4) Hospital Emergency Departments. Project CARE was modeled after Project Access, a national program located in

over 50 communities. Project Access physicians treated low-income, uninsured patients in their private offices. Research had shown that Project Access significantly reduced the inappropriate use of emergency department services by patients.

Ms. Bradley stated the vision of Project CARE was to have 100% access to healthcare for uninsured residents of the Greater Virginia Peninsula. She stated Project CARE's mission was to expand health care access and improve health outcomes for uninsured residents of the Greater Peninsula.

Ms. Bradley reported the goals of Project CARE were to: 1) organize a physician referral network to provide care for the uninsured; 2) reduce the inappropriate use of emergency department services by low-income, self-pay patients by linking them to a safety net provider for primary care services; 3) reduce the complications of uninsured patients who had chronic diseases by linking them to free specialty care services; and 4) provide equitable distribution of charity care resources among local hospitals.

Project CARE had 111 providers who agreed to treat patients free of charge. These providers included 80 specialists and 31 family medical physicians. Providers were affiliated with Sentara, Riverside, and Bon Secour Hospitals. (A copy of the presentation, "Project CARE: Linking the Indigent Uninsured to Quality Healthcare," is attached and made a part of these minutes.)

Councilwoman Scott inquired where Project CARE's patients came from and how they were referred. Ms. Bradley replied the majority of Project CARE's patients were from the Peninsula and referred by Riverside Regional Medical Center.

Councilwoman Scott inquired whether doctors volunteered or were solicited. Ms. Bradley replied doctors were physician led from the Newport News medical society, which had become a founding partner of Project CARE.

Councilwoman Woodbury questioned whether Project CARE had reached out to retired medical physicians to inquire about their interest in participating in the project. Ms. Bradley replied Project CARE's Free Clinic planned an orientation for September 24, 2008, as a new member of TAP-IN, a national firm that recruited retired physicians. Project CARE planned to invite retired physicians to come to the clinic or the health department to provide services.

Councilwoman Woodbury questioned whether Project CARE screened its physicians. Ms. Bradley replied, Project CARE screened physicians and patients. She stated one could go online and check for compliance claims against any of Project CARE's physicians.

Councilwoman Woodbury inquired whether Project CARE educated its patients about managing their illnesses, i.e. diabetes. Ms. Bradley replied Project CARE included a basic education piece, which included a treatment plan approach that required patients to sign an agreement. Project CARE also planned to implement a diet program that required that patients weigh-in and consult with a diabetic educator.

Councilwoman Vick inquired whether the income of patients was screened to see whether they qualified for free medical care or medical care based on a sliding fee scale. Ms. Bradley responded patients had an option between visiting a community health center, where they paid a small fee as opposed to visiting a free clinic.

Councilwoman Scott inquired about the process for referring clients to Project CARE. Ms. Bradley replied Project CARE was located at 416 J. Clyde Morris Boulevard, Newport News, Virginia 23601, telephone number (757) 594-8413; however, Project Care, was not a self-referral program; they only received referrals from providers in the network. Patients could only be referred by one of its volunteer physicians.

Mayor Frank felt the efforts made by Project CARE and its providers were phenomenal. He voiced concern that in providing free healthcare to indigent people, many were billed inappropriately. Then, when the bill was unpaid, a judgment was entered against the patient, which caused a negative impact upon their credit score, which forced some into bankruptcy. Mayor Frank felt if the medical care was free, financial consequences should not be imposed. He asked Ms. Bradley to look into the issue of billing for free healthcare services. Ms. Bradley replied Project CARE had a charity care agreement with hospitals in their network that allowed patients to receive free healthcare. Patients were informed during orientation that, if they should receive a bill from a provider, it should immediately be forwarded to Project CARE.

II. Walker's Dam Project Status Report

Assistant City Manager Morgan introduced Mr. Brian Ramaley, Director, Department of Public Utilities, to report on the Walker's Dam project.

Mr. Ramaley reported Walker's Dam spanned the Chickahominy River between New Kent County, on the eastern side, and Charles City County on the left side. He stated the Dam measured 15 miles upstream, started north of Richmond at Hanover County and drained to the north and east of Richmond. The Dam was built in 1942 by the United States War Department as part of their effort to beef up the Peninsula's infrastructure. It was the primary source of raw water supply for Waterworks.

Mr. Ramaley stated the Dam suffered a failure on April 21, 2007. The City responded quickly and closed off access to the Dam immediately. The repair of the Dam was put out for bid to do emergency type repair work. However, before the bids were received and before the bid was awarded, the boat locks collapsed. The project was then reconfigured in a significant way. The drawings were modified to make the repair part of the permanent restoration.

Mr. Ramaley reported the first phase (initial repairs) of the Walker's Dam project was completed February 2008, at a cost of \$3.7 million, which was ten months after the Dam's failure. The second phase of the project (long-term) included the replacement of the entire Dam by reconstructing the boat lock and improving the actual elevation of the Dam. Waterworks had a contract with URS Consulting Engineers, who completed the first phase and were now negotiating the final design work. Mr. Ramaley planned to report back to City Council in November 2008 to seek an appropriation for the second phase of the project. Waterworks expected the design to be completed by late spring of 2009. Waterworks planned to bid for construction of the project by the summer of 2009. Construction of the project should be finalized within 18 months from bid acceptance. The estimated cost for the construction of the second phase of the project would amount to \$14 to \$16 million. More than a third of the construction cost was in the boat lock structure and Waterworks planned to work with the design engineers to drive the cost down by simplifying the boat lock. Waterworks planned various meetings with the public, living within the vicinity of the Dam, to keep them abreast of the project and to answer any concerns or questions they might have.

Mayor Frank inquired about the projected life of the Dam from its completed construction. Mr. Ramaley replied the Dam's projected life amounted to 60 or more years.

III. Staff Briefing: Downing Gross Cultural Arts Center

Assistant City Manager Morgan reported the City Attorney's Office developed a draft Resolution that authorized the creation of the Downing-Gross Foundation. Included in the proposed Resolution was wording that reorganized the existing Downing-Gross Cultural Arts Center Board into the Downing-Gross Cultural Arts Center Advisory Board. The resolution authorizing the creation of both the Foundation and the Advisory Board for Downing-Gross was scheduled for the October 14, 2008 Regular Meeting of City Council. He introduced Mr. Michael Poplawski, Director, Department of Parks, Recreation and Tourism, to provide an overview of the proposed resolution.

Mr. Poplawski stated the creation of a nonprofit Foundation for the Downing-Gross Cultural Arts Center was recommended to encourage and entice private donations to help with the development of the Center's major exhibit galleries, and expansion of performing arts

at the Center's theater. He stated the proposed resolution would: 1) Repeal the previous resolution that set up the Downing-Gross Cultural Arts Center Board (DGCACB); 2) Authorize the City Manager to create a non-profit, private and self-supporting foundation; 3) Rename the DGCACB as the Downing-Gross Cultural Arts Center Advisory Board (Advisory Board); 4) Allow the current DGCACB members to continue service on the Advisory Board through their current term of office; and 5) Reconstitute the ex-officio membership of the DGCACB. The Advisory Board would consist of nine citizens appointed by City Council for a term of three years, with staggered terms established for the initial appointees, and five ex-officio members, all of who would have voting rights. He recommended that the Advisory Board membership include representatives of professional organizations from the cultural and performing arts field, i.e. Chair of the Newport News Arts Commission, the Executive Director of the Ferguson Center for the Arts, the Executive Director for the Peninsula Fine Arts Center, Supervisor of Art for Newport News Public Schools, and Executive Director of the Downing-Gross Foundation. There also was a proposal to increase the five ex-officio members to six ex-officio members and include the Hampton University Director of Museums who had a direct affiliation with the galleries to be established at the Downing Gross Cultural Arts Center (DGCAC).

Vice Mayor Whitaker voiced concern about telephone calls he received, relating to quoted costs citizens received, to hold meetings and events at the DGCAC. He stated citizens noted there was much confusion relating to the costs associated with holding such events. Citizens complained about receiving different quotes and information from personnel at the DGCAC. He asked that Mr. Poplawski institute a specific policy for use of the DGCAC. Mr. Poplawski responded that groups who currently used the building could continue to do so, free of charge, during normal business hours, until a formal policy was put in place. He stated the City was working out a fee structure, similar to other community centers and buildings in the City. He hoped to bring the proposed fee structure for the DGCAC to City Council as well as community groups to garner positive or negative feedback. The proposed fee structure would not be instituted until January 2009, to allow the community time to adjust to the change.

Mayor Frank inquired whether the prior problem with the HVAC system had been resolved. Mr. Poplawski replied the HVAC system had been fixed; however, a few minor problems still existed.

Councilwoman Vick voiced concern about including the Hampton University Director of Museums when the City had Mary Kayaselcuk, Exhibits Coordinator, Historic Services Division, Department of Parks, Recreation & Tourism, who had worked on the Anderson Johnson exhibit project from its inception. She asked Mr. Poplawski to consider using Ms. Kayaselcuk's expertise before bringing in an outside person from Hampton University.

Mr. Poplawski announced the ribbon cutting and open house of the DGCAC on October 11, 2008. He stated a theater performance with Roberta Flack was scheduled for October 12, 2008, which was a ticketed event that provided fundraising dollars.

IV. Presentation: Lots 19 & 20 Morrison Annex Subdivision

Assistant City Manager Morgan referenced a memo to City Council from City Manager Hildebrandt, dated September 17, 2008, regarding Lots 19 and 20 in the Morrison Annex Subdivision. (A copy of the memo is attached to these minutes.) He stated City Manager Hildebrandt suggested a course of action if City Council was not inclined to the recommendation as noted in the attached memo. Mr. Morgan introduced Mr. Billie Millner, Attorney for the owners of 39 Morrison Avenue (Lots 19 and 20), to provide the presentation.

Mr. Millner stated Mr. and Mrs. Ribic, owners of 39 Morrison Avenue, immigrated to the United States from Bosnia in 1999. By 2004, they had saved enough money to buy a home. When the Ribic's closed on 39 Morrison Avenue (Lot 19), there were two separate deeds – one for Lot 19 and one for Lot 20. At no point in the closing was any mention made of a restriction, nor did the deed for Lot 20 make any specific reference to a restriction. When the Ribic's had saved enough to proceed with building on Lot 20, they were denied a building permit because of a deed restriction. The restriction benefitted the City, and could only be released by the City. (A copy of the presentation, with exhibits, is attached and made a part of these minutes.)

Mr. Millner reported the land for Lots 19 and 20 had an assessed value of \$4,800 each, on which the Ribic's were required to pay real estate taxes. He felt the restriction had no value, due to the real estate taxes the property owners had to pay, and indicated it was unfair for the City to assess a piece of property that an owner could not build on.

Councilwoman McMillan questioned why Lot 20 was designated as a green space. Mr. Millner stated there was no record available that noted why a restriction was imposed on Lot 20. He stated the matter never came before City Council and was a mystery.

Mr. Collie Owens, City Attorney, stated the deed restriction was placed by H.W. Moore Properties, Inc. when developing the infill lots in the Morrison Annex Subdivision. The Department of Engineering required the developer to re-subdivide to create 75 foot lots instead of 50 foot lots. However, to save money, the developer worked out a compromise that allowed two houses, with a deed restriction in the middle lot in order to retain the green space. Instead of re-subdividing to create larger lots, the developer used existing open lots to provide green relief within the block. Mr. and Mrs. Ribic received Lot 20 as a gift when they bought Lot 19, and the deed of gift stated that Lot 20 was subject to all restrictions of record affecting the property.

Mayor Frank stated the deed restriction should have been noted when Lot 20 was titled. He inquired why the matter was not noted to the Ribics by their closing attorney. Mr. Millner could not answer why such was never noted to the Ribics.

Councilwoman McMillan did not understand the opposition of building on Lot 20, if it did not negatively impact the neighborhood. There were no environmental concerns and it was not going to be used as a commercial entity.

Mayor Frank agreed, and indicated he did not see a problem with releasing the restriction.

City Attorney Katz noted there was a State statute that prohibited the City from making gifts to individuals and releasing the deed restriction would be a gift to the Ribics. He stated the City had a plan for developing undersized lots where certain design reviews had to be approved by the Director of Planning. He suggested such would be adequate consideration for the City to release the deed restriction. The City would then end up with an appropriate structure on Lot 20. He stated he would work with the Planning Department and report back to City Council by the October 28, 2008 meeting with a recommendation.

Councilwoman Scott inquired how the City would establish a value for the property if the Ribics had to reimburse the City. City Attorney Katz felt the design criteria and review would be the value and reimbursement to the City. He felt that would be good and adequate consideration given the City's efforts to redevelop the Southeast Community in a strong and positive way.

Councilwoman Scott inquired whether the City would be setting a precedent by releasing the deed restriction on Lot 20. She felt other property owners faced with deed restrictions would want the same thing done for them. City Attorney Katz replied someone could certainly argue that it was precedent setting; however, in the four years that the City had been in negotiation with Mr. Millner, concerning Lot 20, no such matter had materialized.

Mayor Frank stated the City had some rules in terms of the Southeast Community that disallowed the building of a residence on a 25-foot lot. However, the Ribic's property was in a residential zone so there was a different consideration that could be applied.

There was consensus among City Council to allow the City Attorney to do what was necessary to release the deed restriction to allow the Ribics to build on Lot 20 in the Morrison Annex Subdivision.

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THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 4:49 P.M.

Jennifer D. Walker, CMC
Chief Deputy City Clerk

Joe S. Frank
Mayor
Presiding Officer

A true copy, teste:

City Clerk