

MINUTES OF REGULAR MEETING

OF THE NEWPORT NEWS CITY COUNCIL

HELD IN THE CITY COUNCIL CHAMBERS

2400 WASHINGTON AVENUE

Tuesday, September 12, 2023, 7:00 P.M.



MEMBERS PRESENT:

Councilman John R. Eley, III, Councilman Marcellus L. Harris III, D. Div., Mayor Phillip D. Jones, Councilman Cleon M. Long, P.E., Councilwoman Tina L. Vick, Councilwoman Dr. Patricia P. Woodbury, and Vice Mayor Curtis D. Bethany, III

MEMBERS ABSENT:

None

A. Call to Order

Mayor Jones called the meeting to order and extended a welcome to all.

Mayor Jones stated the City Code identified the procedure for citizen participation regarding items on the Council agenda, as well as the opportunity for citizens to address City Council on matters germane to the business of the Council and were advised to register in the foyer. He explained matters that were germane to the business of Council meant matters that the City Council, by law, were empowered to act upon. This did not include announcements that were personal to an individual, business, or organization, including campaign information. He pointed out copies of the ordinance highlighting citizen participation and encouraged citizens to review the document.

Mayor Jones requested that cell phones and electronic devices be silenced or turned off.

B. Invocation

Mayor Jones advised that it was the practice of the Newport News City Councilmembers to stand for the invocation and pledge. He welcomed all in attendance to also stand but indicated they were under no obligation to do so.

The invocation was rendered by Councilman Marcellus L. Harris III, D. Div.

C. 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 Councilman Long.

D. Presentations

None

E. Public Hearings

None

F. Consent Agenda

Councilman Cleon M. Long, P.E. moved adoption of the Consent Agenda, Item F1 through F4, all inclusive, as shown below; seconded by Councilwoman Tina L. Vick.

1. Minutes of the Work Session of July 25, 2023

(No registered speakers)

Carried by the following votes:

Ayes: Councilman John R. Eley, III, Councilman Marcellus L. Harris III, D. Div., Mayor Phillip D. Jones, Councilman Cleon M. Long, P.E., Councilwoman Tina L. Vick, Councilwoman Dr. Patricia P. Woodbury, and Vice Mayor Curtis D. Bethany, III

2. Minutes of the Work Session of August 8, 2023

(No registered speakers)

Carried by the following votes:

Ayes: Councilman John R. Eley, III, Councilman Marcellus L. Harris III, D. Div., Mayor Phillip D. Jones, Councilman Cleon M. Long, P.E., Councilwoman Tina L. Vick, Councilwoman Dr. Patricia P. Woodbury, and Vice Mayor Curtis D. Bethany, III

3. Minutes of the Regular Meeting of August 8, 2023

(No registered speakers)

Carried by the following votes:

Ayes: Councilman John R. Eley, III, Councilman Marcellus L. Harris III, D. Div., Mayor Phillip D. Jones, Councilman Cleon M. Long, P.E., Councilwoman Tina L. Vick, Councilwoman Dr. Patricia P. Woodbury, and Vice Mayor Curtis D. Bethany, III

4. Resolution in Memoriam for Bernice I. "Bea" Berry

A RESOLUTION IN MEMORIAM FOR BERNICE I. "BEA" BERRY. This resolution in Memoriam recognized all that Ms. Bernice I. "Bea" Berry had done to serve the City of Newport News, the Commonwealth of Virginia, and honored her for her service to the community.

Bea Berry was a long-time resident of the City of Newport News having lived in the City since 1956 before moving to Staunton, Virginia in July 2022.

Bea Berry was appointed as the City Clerk for the City of Newport News by City Council in 1978 and served in that position for over 26 years before retiring in 2004. Prior to

that time, Ms. Berry worked for 23 years at the Noland Company as Administrative Assistant to the President.

Bea Berry's service as City Clerk was characterized by diligent and tireless effort and providing service with the highest degree of professionalism. During her service to the City, Ms. Berry ensured the implementation and use of technological advances, steadily improving the timeliness and accuracy needed to properly maintain, process, and record all proceedings and other records of the City Council and the City.

Ms. Berry earned the designation of Master Municipal Clerk and was the 102nd Clerk in the county to achieve this accomplishment. She was an active member of both the Virginia Municipal Clerks Association (VMCA) and the International Institute of Municipal Clerks Association (IIMC), and was voted by the IIMC as an honorary members.

In addition to her career as City Clerk, Ms. Berry participated in numerous professional and civic organizations, to include: the Virginia Association of Government Archives and Records Administrators (VAGARA) as a founding member, past present, and honorary member; President of the Travelers Protective Association; member of the American Legion Auxiliary; Honor Member of Post 25, President of the 3rd District, served as State Chairman for several different standing committees; member of the Virginia State Association of Parliamentarians, Inc. (NAP); and President of the Old State Democratic Women's Club. She also served on the Board of Directors for Virginia Girls State for several years, and as a Government Councilor at Girls State for 28 years.

Ms. Berry also served in various local roles as Chairman of the Newport News Redevelopment and Housing Authority, Chairman of the USS Newport News Liaison Committee, Secretary and President of the Newport News Democratic Party, President of the Newport News Women's Democratic Association, and as an Election Official for the Newmarket Precinct. Ms. Berry was instrumental in creating the Heritage High School Booster Club.

Ms. Berry was preceded in death by her mother, Izora Twigg; father Aubrey Hover; brother, Donald Hoover and his wife Betty; Husband William G. Berry; and daughter Deborah M. Beery. Survivors include her daughter, Sandra Williams (Kenneth; several grandchildren, nieces, nephews, and other relatives and friends.

The product of her civic and professional activities touched the lives of many. Her death created a void in the community which the Newport News City Council wished to recognize.

(No registered speakers)

Carried by the following votes:

Ayes: Councilman John R. Eley, III, Councilman Marcellus L. Harris III, D. Div., Mayor Phillip D. Jones, Councilman Cleon M. Long, P.E., Councilwoman Tina L. Vick, Councilwoman Dr. Patricia P. Woodbury, and Vice Mayor Curtis D. Bethany, III

G. Other City Council Actions

1. Receipt of Bids for Granting a Utility Easement Over City-Owned Property Located at 13200 and 13210 Warwick Springs Road

One bid was received and opened in the amount of \$1.00 from Dominion Energy Virginia to grant a 15-foot wide underground utility easement across City-owned property located at 13210 and 13200 Warwick Springs Road.

Installation of a three-phase power connection was needed to power the transformer for the future Amtrak maintenance building being developed in connection with the Newport News Transportation Center under construction. The proposed 15-foot wide underground utility easement would support the power needs for the maintenance building.

A request to receive bids and Notice of Public Hearing was properly advertised in the legal section of the Daily Press on August 28, 2023 and September 4, 2023.

Formal action to grant the Deed of Easement to the successful bidder was anticipated to be placed on the City Council Regular Meeting agenda for September 26, 2023.

The bid, in the amount of \$1.00, was forwarded to the City Manager for review and evaluation. (A copy is attached to these minutes.)

2. Ordinance Amending and Reordaining City Code Chapter 13, Building Regulations, Article II. Uniform Statewide Building Code, Division 1. Generally, Section 13-26, Fees, Permit Fees - Prescribed

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, BUILDING REGULATIONS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II. UNIFORM STATEWIDE BUILDING CODE, DIVISION 1. GENERALLY, SECTION 13-26, FEES, PERMIT FEES – PRESCRIBED. This ordinance amended and reordained the City Code, Chapter 13, Building Regulations, Article II. Uniform Statewide Building Code, Division I. Generally, Section 13-26, Fees, Permit Fees – Prescribed.

It was proposed that on January 1, 2024, the Department of Codes Compliance (Codes Compliance) would begin requiring the owners of privately owned elevators, escalators, and dumbwaiters to obtain the periodic inspections required by the Virginia Uniform Statewide Building Code (VUSBC) from approved “third-party” inspection agencies that met the requirements of the Virginia Certification Standards. The VUSBC provided for the use of “third Party” inspections and the demand that Codes Compliance experienced for inspection services warranted the use of this provision.

Current Codes Compliance provided these inspections for a fee, employing one full-time staff person dedicated to elevator inspections, with another staff member cross-trained in both elevator and electrical inspections. These two employees serviced the current 571 publicly and privately owned elevators in Newport News.

From year to year, the number of elevators for which Codes Compliance was responsible for inspecting continued to grow. This growth outpaced the department’s ability to provide service. With this proposed change, private owners would hire inspection services from the open market.

Codes Compliance would review the inspection records submitted as part of the private inspection. The cost of this review would be one hundred dollars (\$100.00) for each piece of equipment.

Codes Compliance would continue to perform inspection services for the approximately 125 public elevators in use in the City.

This proposed action was consistent with other Hampton Roads localities. Only Newport News and Virginia Beach provided inspection of both public and private elevators. James City and York counties, as well as the cities of Hampton, Chesapeake, Portsmouth and Suffolk utilized third-party inspection services. Norfolk required third-party inspection of private elevators, but inspected public elevators themselves.

Based on the current inspection fee rates and the proposed change beginning on January 1, 2024, the Fiscal Year 2024 General Fund revenue estimated from this source of \$37,000 should remain revenue neutral.

The City Manager recommended approval.

(No registered speakers)

Moved by Councilwoman Dr. Patricia P. Woodbury, seconded by Councilman Cleon M. Long, P.E., adoption of the ordinance.

Carried by the following votes:

Ayes: Councilman John R. Eley, III, Councilman Marcellus L. Harris III, D. Div., Mayor Phillip D. Jones, Councilman Cleon M. Long, P.E., Councilwoman Tina L. Vick, Councilwoman Dr. Patricia P. Woodbury, and Vice Mayor Curtis D. Bethany, III

3. Ordinance Amending and Reordaining City Code Chapter 2 Administration, Article XXXVI. Administration of Self-Insurance Funds, Division 1. Automobile Self-Insurance Fund, Section 2-728, Uninsured and Underinsured Motorist Claims; Division 3. Rules Applicable to Both Funds, Section 2-749, Payment of Money in Settlement

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXXVI. ADMINISTRATION OF SELF-INSURANCE FUNDS, DIVISION I. AUTOMOBILE SELF-INSURANCE FUNDS, SECTION 2-728, UNINSURED AND UNDERINSURED MOTORIST CLAIMS; DIVISION 3. RULES APPLICABLE TO BOTH FUNDS, SECTION 2-749, PAYMENT OF MONEY IN SETTLEMENT. This ordinance amended the City Code, Chapter 2, Administration, Article XXXVI. Administration of Self-Insurance Funds, Division 3., Rules Applicable to Both Funds, Section 2-749, Payment of Money in Settlement.

The General Assembly amended provisions in the Virginia Code pertaining to underinsured motorist coverage with respect to self-insureds like the City. The City Code established the City's uninsured motorist coverage at the State's minimum limits of insurance. In the past, a vehicle was underinsured as to a City vehicle if the total amount of coverage available to it was less than the minimum insurance limits established by Virginia law. Effective July 1, 2023, the uninsured motorist coverage limits were stacked on top of any available coverage on an at-fault vehicle. If the driver

of a City vehicle was not at fault for an accident, the City was at risk of paying its limits of insurance no matter what the amount of coverage on the at-fault vehicle. The change increased the risk exposure to the City's self-insurance funds. In the proposed amendment, the City opted out of the increased exposure and retained the prior exposure for underinsured motorist coverage.

Additionally, pursuant to City Code, Section 2-222, the Director of Finance was responsible for the appointment of the Risk Manager, and therefore, had direct supervisory authority over the Risk Manager. As a result, amendments to City Code, Section 2-749(1) and (5) had been proposed, which gave the Director of Finance the same settlement authority and payment authorization that applied to the Risk Manager for settlement of legal disputes against the City. The current settlement authority of the Risk Manager was established at \$30,000 approximately 30 years prior. An increase to \$50,000 was proposed as a result of the rate of inflation since such time, and would apply to the Risk Manager and the Director of Finance. Although increases in the settlement authority for the City Attorney and the Risk Management Committee were last made in 2006, increases in the current amounts to \$200,000 and \$400,000, respectively, were proposed due to inflation.

The City Manager recommended approval.

(No registered speakers)

Moved by Councilwoman Dr. Patricia P. Woodbury, seconded by Councilman Cleon M. Long, P.E., adoption of the ordinance.

Carried by the following votes:

Ayes: Councilman John R. Eley, III, Councilman Marcellus L. Harris III, D. Div., Mayor Phillip D. Jones, Councilman Cleon M. Long, P.E., Councilwoman Tina L. Vick, Councilwoman Dr. Patricia P. Woodbury, and Vice Mayor Curtis D. Bethany, III

4. Resolution Supporting the City's Application to the Virginia Department of Transportation (VDOT) for Fiscal Year 2027 and Fiscal Year 2028 Revenue Sharing Program Funding

A RESOLUTION SUPPORTING AN APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR AN ALLOCATION OF \$10,000,000 THROUGH THE VDOT REVENUE SHARING PROGRAM FOR FY 2027 and FY 2028. This resolution was in support of the City's application to VDOT for Fiscal Year 2027 and Fiscal Year 2028 Revenue Sharing Program funding.

The Revenue Sharing Grant Program provided funding to improve transportation facilities. It was requested that City Council adopt a resolution endorsing the City's applications for a total of \$10 million in Revenue Sharing Program grant funds for thirteen projects. The program required an equal City match.

The request for funding was for the following:

1. Campbell Road Pedestrian Improvements (Bland Boulevard, south to Warwick Boulevard), VDOT UPC 117133, state grant request of \$632,500, with an equal City match, for a total allocation of \$1,265,000.

2. Jefferson & Wilcox Traffic Signal Mast Arm Conversion (Jefferson Avenue at Wilcox Lane), VDOT UPC 117135, state grant request of \$175,000, with an equal City match, for a total allocation of \$350,000.
3. 16th Street Complete Streets Phase I (Jefferson Avenue to Marshall Avenue), VDOT UPC 117136 state grant request of \$444,126, with an equal City match, for a total allocation of \$888,252.
4. 16th Street Complete Streets Phase II (Marshall Avenue to Walnut Avenue), VDOT UPC 120903, state grant request of \$3,101,370, with an equal City match, for a total allocation of \$6,202,740.
5. Brooke & Crittenden Traffic Signal Mast Arm Conversions (Brooke Street & Crittenden Middle School Entrance at Jefferson Avenue), VDOT UPC 121088, state grant request of \$325,000, with an equal City match, for a total allocation of \$650,000.
6. Nettles Drive Pedestrian Improvements (Oyster Point Road to Wendwood Drive), VDOT UPC 121089, state grant request of \$503,265, with an equal City match, for a total allocation of \$1,006,530.
7. River Road & Riverpark Drive Improvements (75th Street to Hornet Circle), VDOT UPC 121094, state grant request of \$1,070,803, with an equal City match, for a total allocation of \$2,141,606.
8. Warwick Boulevard Reconstruction (Randolph Road to Rivermont Drive), VDOT UPC 121095, state grant request of \$404,402, with an equal City match, for a total allocation of \$808,804.
9. Huntington Avenue, Washington Avenue, and West Avenue Pedestrian Improvements (23rd Street to 71st Street), VDOT UPC 121097, state grant request of \$1,713,534, with an equal City match, for a total allocation of \$3,427,068.
10. Jefferson Avenue & Bellwood Traffic Signal Mast Arm Conversion state grant request of \$450,000, with an equal City match, for a total allocation of \$900,000.
11. Jefferson Avenue & McLawhorne Traffic Signal Mast Arm Conversion state grant request of \$475,000, with an equal City match, for a total project allocation of \$950,000.
12. Jefferson Avenue & Mercury Boulevard Traffic Signal Mast Arm Upgrade state grant request of \$375,000, with an equal City match, for a total project allocation of \$750,000.
13. Citywide Signal Upgrades Projects state grant request of \$330,000, with an equal City match, for a total project allocation of \$660,000.

Applications were due to the Virginia Department of Transportation by October 1, 2023, for consideration of Fiscal Year 2027 and Fiscal Year 2028 program funds. City funds did not have to be appropriated at this time. The total Grant application estimate was \$20 million, with \$10 million in State grant funds, and \$10 million as the City's local match.

The State grant request required a 50% local match of \$10 million. The local match was planned for Fiscal Year 2027 and Fiscal Year 2028 from General Obligation Bond Funds of the Capital Improvements Plan (CIP) under the Streets and Bridges category.

The City Manager recommended approval.

(No registered speakers)

Moved by Councilwoman Tina L. Vick, seconded by Councilwoman Dr. Patricia P. Woodbury, approval of the resolution.

Carried by the following votes:

Ayes: Councilman John R. Eley, III, Councilman Marcellus L. Harris III, D. Div., Mayor Phillip D. Jones, Councilman Cleon M. Long, P.E., Councilwoman Tina L. Vick, Councilwoman Dr. Patricia P. Woodbury, and Vice Mayor Curtis D. Bethany, III

5. Resolution Authorizing the City Manager to Submit an Application on Behalf of the City for a Grant for Five Projects to be Included in the Virginia Department of Transportation (VDOT) Transportation Alternatives Set-Aside Program (TA-SA)

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO SUBMIT AN APPLICATION ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, FOR A GRANT FOR FIVE PROJECTS TO BE INCLUDED IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM (TA-SA). This resolution authorized and directed the City Manager to submit funding applications on behalf of the City for five project grant applications to be included in the VDOT TA-SA Program.

The Virginia Department of Transportation (VDOT) Transportation Alternatives Set-Aside (TA-SA) Federal Grant Program provided funding for bicycle and pedestrian facility projects. It was requested that City Council adopt a resolution endorsing Federal Transportation Alternatives TA-SA grant funds for the City's five projects. Grant applications totaled \$8,057,000 (\$6,445,600 federal grant and \$1,611,400 local match); the program required a 20% City match.

The five projects included the following:

1. Washington Avenue (from 28th Street to 25th Street) and 25th Street (from West Avenue to Huntington Avenue), VDOT UPC 121105, Pedestrian Improvements federal grant request was \$1,500,000 federal, with a 20% City match of \$375,000, for a total allocation of \$1,875,000.
2. Birthplace of American Trail Multi-Use Path (BoAT MUP from Newport News Park, down Yorktown Road to Chelsea Place), VDOT UPC 121108, federal grant request of \$1,500,000 with a 20% City match of \$375,000 for a total allocation of \$1,875,000.

3. Birthplace of American Trail Multi-Use Path (BoAT MUP from Yorktown Road at Chelsea Place, down Elmhurst Street, up Warwick Boulevard to Falls Reach Parkway), VDOT UPC 121110, federal grant request of \$1,474,400 with a 20% City match of \$368,600 for a total allocation of \$1,843,000.
4. Bates Drove & Choice Neighborhoods Initiative (CNI) Multi-Use path (MUP), CDOT UPC 121111 federal grant request of \$1,735,200 with a 20% City match of \$433,800 for a total allocation of \$2,169,000.
5. Healthy & Safe Routes to School (Non-Infrastructure SRTS) federal grant request of \$236,000 with a 20% City match of \$59,000 for a total allocation of \$295,000.

Applications were due to VDOT by October 2, 2023, for consideration of FY 2025 and FY 2026 program funds. City funds did not have to be appropriated at this time.

The \$8,057,000 federal grant request required a 20% local match of \$1,611,400. The local match was planned for Fiscal Years 2025 and 2026 from the Grant Funding category of the CIP under Streets and Bridges category.

The City Manager recommended approval.

(No registered speakers)

Moved by Councilwoman Dr. Patricia P. Woodbury, seconded by Councilwoman Tina L. Vick, approval of the resolution.

Carried by the following votes:

Ayes: Councilman John R. Eley, III, Councilman Marcellus L. Harris III, D. Div., Mayor Phillip D. Jones, Councilman Cleon M. Long, P.E., Councilwoman Tina L. Vick, Councilwoman Dr. Patricia P. Woodbury, and Vice Mayor Curtis D. Bethany, III

6. Resolution Endorsing the City's Infrastructure Investment and Jobs Act (IIJA) Reconnecting Communities Program/Neighborhood Access and Equity Program Grant Application and Authorizing the City Manager to Execute Any and All Documents Necessary to Complete the Southeast Community Greenway Reconnector

A RESOLUTION TO ENDORSE THE CITY'S INFRASTRUCTURE INVESTMENT AND JOBS ACT RECONNECTING COMMUNITIES PROGRAM AND NEIGHBORHOOD ACCESS AND EQUITY PROGRAM GRANT APPLICATION AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SOUTHEAST COMMUNITY GREENWAY RECONNECTOR. This resolution endorsed the City's Infrastructure and Jobs Act (IIJA) reconnecting the Communities Program/Neighborhood Access and Equity Program Grant Application, and authorized the City Manager to execute any and all documents necessary to complete the Southeast Community Greenway Reconnector.

The Federal Infrastructure Investment and Jobs Act (IIJA) provided an opportunity for both the Reconnecting Communities Program (RCP) and the Neighborhood Access and

Equity (NAE) Program Grant. A 20% City match was needed to be competitive for the grant.

Both the RCP and NAE Grant Programs provided funding to provide non-vehicular modes of transportation and reconnect communities that were divided by the construction of major infrastructure, such as the Interstate. NAE also focused on mitigating air pollution, noise pollution, stormwater, heat, or other burdens on transportation facilities located in a disadvantaged or underserved community.

It was requested that City Council adopt a resolution endorsing the City's application of an RCP/NAE federal grant application for one planning study to complete a feasibility study and environmental impact analysis with a total estimate of \$1,000,000. The \$800,000 federal grant request required a \$200,000 City match.

RCP/NAE applications were due to the Federal Highway Administration no later than September 28, 2023. City Funds did not have to be appropriated at this time.

A 20% local match was needed to be competitive for the federal RCP/NAE grant request.

The City Manager recommended approval.

(No registered speakers)

Moved by Councilwoman Tina L. Vick, seconded by Councilman Cleon M. Long, P.E., approval of the resolution.

Carried by the following votes:

Ayes: Councilman John R. Eley, III, Councilman Marcellus L. Harris III, D. Div., Mayor Phillip D. Jones, Councilman Cleon M. Long, P.E., Councilwoman Tina L. Vick, Councilwoman Dr. Patricia P. Woodbury, and Vice Mayor Curtis D. Bethany, III

H. Appropriations

Moved by Councilman Cleon M. Long, P.E., seconded by Councilwoman Dr. Patricia P. Woodbury, approval of Appropriations, Items H1 and H2 as shown below.

1. Newport News Sheriff's Office (NNSO) – Asset Forfeiture Funds – \$53,473

A RESOLUTION APPROPRIATING FUNDS FROM USE OF FUND BALANCE – FEDERAL (\$53,473.00) TO SPECIALIZED POLICE SUPPLIES (\$53,473.00) FOR THE NEWPORT NEWS SHERIFF'S OFFICE. This resolution appropriated \$53,473.00 for specialized police supplies for the Newport News Sheriff's Office.

Asset Forfeiture Funds were monies transferred to the Sheriff's Office as a result of Newport News deputies participating in state and federal criminal cases where the defendant's assets were seized. The current asset forfeiture balance in unappropriated funds was \$117,957.

The Newport News Sheriff's Office would use funds to purchase replacement weapons for securing the courthouses. In addition, funds would also be utilized to purchase

inmate compliant devices to assist with disorderly inmate transports and court movements.

Approval of this resolution would reduce the current Sheriff Asset Forfeiture Fund balance of \$117,957 by \$53,473 to \$64,484.

The City Manager recommended approval.

(No registered speakers)

Carried by the following votes:

Ayes: Councilman John R. Eley, III, Councilman Marcellus L. Harris III, D. Div., Mayor Phillip D. Jones, Councilman Cleon M. Long, P.E., Councilwoman Tina L. Vick, Councilwoman Dr. Patricia P. Woodbury, and Vice Mayor Curtis D. Bethany, III

2. Department of Libraries and Information Services – Neisser Bequest: Main Street Library – \$70,422.47

A RESOLUTION APPROPRIATING FUNDS FROM LOCAL REVENUE (\$70,422.47) TO OTHER PROFESSIONAL SERVICES – HERBERT NEISSER BEQUEST TO THE MAIN STREET LIBRARY. This resolution appropriated \$70,422.47 from local revenue to other professional services to the Main Street Library.

Dr. Herbert H. Neisser left a bequest of approximately \$2 million the Main Street Library of the Newport News Public Library System. On April 12, 2005, City Council formally acknowledged and accepted all distributions to be made from the Herbert H. Neisser Revocable Trust and the Neisser Irrevocable Charitable Remainder Trust.

The Library Board of Trustees developed guidelines for the use of the bequest. On July 10, 2007, City Council acknowledged the guidelines and directed the City Manager and City Treasurer to apply the guidelines in the course of the management and investment of the trust funds.

The adopted guidelines stated that 85% of the interest earned each year was to be used for projects that directly benefited the Main Street Library, with the remaining 15% returned to the endowment. For Fiscal Year 2023, \$82,849.97 in interest was earned. Based on these guidelines, \$70,422.47 was available for disbursement. The recommended disbursement of earnings was \$59,859.10 to support ongoing cultural programs and preservation projects at the Main Street Library; and \$10,563.37 for the Neisser Speaker Series to support speakers and exhibits.

Annually, the Library System submitted an appropriations request for City Council's approval for use of the funds. The Library Board endorsed the use of these funds via e-mail on August 15, 2023.

The amount of \$70,422.47 of eligible interest earnings from the Neisser Bequest was requested to be appropriated for Main Street programming. No local match was required for this appropriation.

The City Manager recommended approval.

(No registered speakers)

Carried by the following votes:

Ayes: Councilman John R. Eley, III, Councilman Marcellus L. Harris III, D. Div., Mayor Phillip D. Jones, Councilman Cleon M. Long, P.E., Councilwoman Tina L. Vick, Councilwoman Dr. Patricia P. Woodbury, and Vice Mayor Curtis D. Bethany, III

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

Ms. Lilly Robinson, 2800 Jefferson Avenue, Unit 201, Newport News, extended thanks to members of City Council reinstating the Southeast Day Parade and Festival. She proceeded to comments about the unfavorable situations occurring at the Lift and Rise apartment complex. She repeated her concern that she was wheelchair bound, but was placed in a second floor apartment, even after applying for an apartment on the first floor in May. Ms. Robinson advised that the wiring was in poor condition leading to numerous problems, to include the following: (1) a fire alarm being sounded on August 23, 2023, leaving the residents confused; and (2) an electrical issue causing the refrigerator to go out when using the washer and dryer. She contacted the Department of Codes Compliance regarding the matter and requested WAVY-TV10 be contacted to investigate).

Ms. Mia Phillips, 2505 Roanoke Avenue, Newport News, shared that she was a contractor and had purchased a property via auction. She did her due-diligence attempting to determine whether the property was buildable. She found out the size of the property as well as the size of the adjacent property. She purchased both – 2505 and 2501 Roanoke Avenue. She was told that 2501 Roanoke was not buildable as the property was too narrow. After closing, she followed up to confirm the setback which would advise the size house that was allowed. Ms. Phillips visited the Department of Planning for the Zoning Administrator and was told five feet on the side and 25 feet in the rear. She then questioned the average setback in the front, but was told to go back to her computer. Ms. Phillips then visited the Permits Office and asked whether action would be taken online or on paper. She then asked the staff to research the property to ascertain the setbacks and was then told she had to go to the Department of Planning. She received an email message that advised the property was not zoned residential, but was zoned commercial. She expressed concern that she was given incorrect information on two separate occasions. She had not received the needed information, nor information to set up a meeting with the City Manager.

Ms. Bianka Wilson, 2012 Marshall Avenue, Newport News, shared that she was a long-term Newport News citizen in the Southeast District. She was raised in the City of Hampton, but relocated to Newport News. Ms. Wilson expressed concern about the environment in the East End, particularly coal dust. She displayed a white cloth which was full of coal dust accumulated from a package delivered to her front door. She observed the progress being made in the City of Newport News while revitalizing the infrastructure – creating new schools, building a new Early Childhood Education Center, constructing wellness trails and constructing new homes. Children had increased lead levels in their blood, elderly citizens who were afraid to sit outside on their porch due to the coal dust accumulating on their furniture. She questioned what was being done to resolve the long term issue with which residents had been plagued. She further inquired what could be done to reduce the amount of air pollution being plagued on the citizens. Ms. Wilson advised that it would become an issue for those

citizens interested in purchasing a home in the Southeast Community at approximately \$400,000, and questioned whether they knew their house was surrounded by polluted air. She recalled a time when the Southeast Community was predominantly low-income, but no longer because times were changing.

Ms. Sharon Scott, 252 Susan Constant Drive, Newport News, shared the following concerns: (1) the process used to remove City Manager Cynthia Rohlf. Ms. Scott advised that Ms. Rohlf was the City's champion during the COVID-19 pandemic. She had begun numerous projects and should have been given an opportunity to complete those projects by a new majority City Council. Although it was City Council's prerogative, she would not challenge that decision.

Ms. Scott advised that she was not concerned that she was removed from the Peninsula Airport Commission, but was concerned about the process. She encouraged Mayor Jones to adhere to policies and procedures. Again she shared that she did not care that she was removed, but was concerned that someone lied on a fellow Airport Commissioner, saying that he asked for Ms. Scott to be removed.

Ms. Scott did express her personal disappointment. It was reported that a fellow Airport Commissioner was lied on, saying that Commissioner Tommy Gardner asked that she be removed from the Airport Commission. She indicated that Mr. Gardner was very honorable and did not ask that she be removed. She suggested that Councilmembers be careful with facts and not misrepresent the truth.

Ms. Scott expressed her respect for the members of the City Council, recalling it was a herculean task. She wanted to comment about policies followed. Ms. Scott shared concerns with the Newport News Police Department regarding problems occurring in her home. She indicated that she had notified the Police and had filed reports for approximately one year; but the problem had gotten worse. She did not want to say it was a Police problem, but was a policy problem. She knew many of the police officers and was concerned by some of their allegations. She did want to give the Detective in charge of a particular situation the benefit of the doubt where someone went into her car and stole her debit card. She was appreciative of the detective's professionalism. She was advised that some of her complaints had to be filed on-line. She felt badly about calling the police each time someone went into her home. It was the job of the police to tell her how it happened. Hurt people hurt people and the criminal was hurt and was wreaking havoc in her home. She was concerned about her safety. Ms. Scott suggested it may be time for a review of the police policies.

Mr. James Stancil, 113 Phillips Lane, Newport News, presented an idea related to economic development. He indicated that everyone wanted to start a business at one time, and some had a business. He questioned how their business was expanded and inquired where financing was secured, particularly after being redlined each time an application was submitted. He proposed a suggestion that the City set aside \$100 million and placed it into an endowment which would be broken down by all seven wards. The economically disadvantaged wards would receive \$20 million, and the other wards would receive \$10 million. Grants could then be distributed to entrepreneurs in an effort to create more businesses in the City. The State did not give money to small businesses for business start-ups; nor did the City give any type of financing. Mr. Stancil questioned where entrepreneurs were supposed to get funding to grow businesses in the City. The money from an endowment which should be directed toward venture capital. By putting the money in a pool and creating

community boards, who would distribute the grants to those wanting to start-up or expand a business. He advised that downtown had not been redeveloped but putting money set up perpetually in an endowment would allow the City to have money annually to invest in businesses, given out in the form of grants. The capital in an endowment should never be touched, because an endowment is a savings account and the only money spent would be the interest. Mr. Stancil stated that opportunity was not being created in the City of Newport News.

J. Old Business, New Business and Councilmember Comments

City Clerk, Mabel Washington Jenkins, offered condolences to the family of Ms. Bernice I. "Bea" Berry, who passed away on August 19, 2023. Ms. Berry served the City faithfully as City Clerk for over 26 years.

Councilman Long extended thanks to everyone for their attendance and participation, and sharing their concerns, particularly those addressing the issue of coal dust. He advised there were plans with the Department of Environmental Quality to learn the type of pollution created in the Southeast Community.

Councilman Long extended thanks to everyone for their attendance and participation at the "A Conversation About Homelessness," on Tuesday, August 22, 2023, 6:00 p.m. – 7:30 p.m., at the Brittingham-Midtown Community Center (570 McLawhorne Drive). City Council received a great deal of input and conversation. He looked forward to furthering the conversation with local focus groups in an effort to "move the needle" to eradicate the issue of homelessness in the City of Newport News.

Councilman Long wished Newport News students the best of luck as they began a new school year for 2023-2024. He extended best wishes for a successful year.

Councilwoman Woodbury advised that students had experienced three weeks of the 2023-2024 school year and hoped everyone was settled in. She extended best wishes for a successful year.

Regarding the coal dust issue, Councilwoman Woodbury believed there was a way to find more solutions to eradicate the issue the coal dust matter. She promised to perform additional research on the issue and believed the City should partner with officials from the state or federal level.

Councilwoman Woodbury extended thanks to everyone for their attendance and participation, sharing their concerns, and asking questions that need to be asked.

Councilwoman Woodbury reminded that there were a number of City Council appointed boards and commissions on which the general public could serve. She urged the citizens to get involved to serve on one of the boards or commissions as it would be helpful personally, as well as to the City Council.

Councilwoman Vick advised that she attended a Community Meeting of the residents of the brand new Lift and Rise apartment complex on Thursday, August 17, 2023. Citizens were excited to reside in the complex. She advised that meetings would be held monthly at the site. City Council wanted to keep the buildings well-kept as the leaders in the community to meet the needs of the citizens.

Councilwoman Vick advised that it was great to partner with the Newport News School Board for the unveiling of the rendering for Huntington Middle School: The Next Chapter and the Southeast Community Resource Area (SECRA) on Wednesday, September 6, 2023, 10:00 a.m. at 3401 Orcutt Avenue. It was great to have the participation from the School Board and the community.

Councilwoman Vick wished her daughter, Ms. Teunsha Vick, who celebrated her birthday on August 11th, and her grandson, Mr. Tyson Carter, who celebrated his birthday on September 9th.

Councilman Harris extended thanks to everyone for their attendance and participation, and sharing their concerns as well as those citizens watching online.

Councilman Harris extended thanks to everyone for their attendance and participation in the Southeast Day Parade and Festival, held on Saturday, September 9, 2023. It was great to see everyone out in the community once again. He extended thanks to the school bands that participated, including, but now limited to, the Hampton University Marching Force Band and the band from Katherine Johnson Elementary.

Councilman Harris hoped everyone was settled down as Newport News started its third week of the 2023-2024 School Year and ready to finish strong. He advised that he looked forward to attending some of the school events planned.

Councilman Harris acknowledged and recognized Mr. Mason Davis a 6th grader at Ella Fitzgerald Middle School. Councilman Harris shared that he met Mr. Davis at the 100 Black Men, Inc. Gala, where he did a phenomenal job. Mr. Davis aspired to attend the University of Georgia to study aerospace engineering. In his spare time, Mr. Davis enjoyed playing football and was a part of the 100 Black Men, Inc. mentoring program. As an exemplary youth role model, Councilman Harris was excited about all that Mr. Davis would bring to the City of Newport News.

Councilman Eley extended thanks to everyone for their attendance and participation, particularly former Councilwoman Sharon Scott.

Councilman Eley extended thanks to everyone for their attendance and participation in the Southeast Day Parade and Festival, held on Saturday, September 9, 2023. It was great to see everyone out in the community once again, filled with amazing energy.

Councilman Eley announced that he would host a Town Hall Meeting on Monday, September 18, 2023, 6:00 p.m. - 8:00 p.m. at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue); and on Wednesday, September 20, 2023, 6:00 p.m. – 8:00 p.m. at the Brittingham-Midtown Community Center (570 McLawhorne Drive). The format for both meetings would be open forum to obtain citizens thoughts and ideas.

Councilman Eley also shared that he had the opportunity to attend unveiling of the rendering for Huntington Middle School: The Next Chapter and the Southeast Community Resource Area (SECRA) on Wednesday, September 6, 2023, 10:00 a.m. at 3401 Orcutt Avenue. It was great to receive the attendance and support shown by residents in the community. He expressed thanks to the Department of Communications and the Department of Planning for their hard work to make that event possible, as well as the Newport News Public Schools. He indicated it was a great partnership.

Councilman Eley announced that the Denbigh Day Parade and Festival would be held on Saturday, September 16, 2023, 10:00 a.m., with Vice Mayor Curtis Bethany serving as the 2023 Grand Marshall.

Mayor Jones commended Councilwoman Vick and Councilman Eley for their hard work and leadership, advising that the success of City Council was due to the two of them, particularly related to the Huntington Middle School event and the Southeast Day Parade and Festival. Negotiations had been ongoing for nearly one year, but with the two of them, things moved forward, getting Huntington Middle School built for the students and to bring the Southeast Community Parade and Festival back to the community.

Mayor Jones advised that President William G. Kelly, the 6th President at Christopher Newport University (CNU), addressed the members of City Council at the September 12, 2023 Work Session. He further indicated that the bond between the City and CNU should be one of the strongest. He referenced the Town and Gown Committee and issues that happened decades prior in the community and believed that spoke highly of President Kelly's character and his leadership.

Mayor Jones shared that he buried a close friend, Lieutenant Julian Brown, on Friday September 8, 2023, in Arlington National Cemetery. Mayor Jones paid homage to Lieutenant's parents who were watching the telecast.

K. Adjourn

Mayor Jones adjourned the meeting by extending thanks to everyone for their attendance and participation, and sharing their concerns.

THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED AT 7:35 P.M.

Mabel Washington Jenkins, MMC
City Clerk

Phillip D. Jones
Mayor
Presiding Officer

A true copy, teste:

City Clerk

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