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AGENDA

NEWPORT NEWS CITY COUNCIL  
REGULAR CITY COUNCIL MEETING

JANUARY 12, 2016

City Council Chambers

**7:00 p.m.**

**A. Call to Order**

**B. Invocation**

- Rev. Synetheia N. Newby, Gethsemane Baptist Church

**C. Pledge of Allegiance to the Flag of the United States of America**

**D. Presentations**

1. Proclamation: American Cancer Society – Relay for Life: Paint the Town Purple Day – January 16, 2016

**E. Public Hearings**

1. Ordinance Authorizing Conditional Use Permit No. CU-15-357, to Bowditch on Jefferson, LLC, for the Operation of an Automobile Gasoline Supply Station in Conjunction with a 7-Eleven Convenience Store at 11060 and 11072 Warwick Boulevard and Zoned C2 General Commercial with Proffers

**F. Consent Agenda**

1. Minutes of the Work Session of December 8, 2015
2. Minutes of the Special Meeting of December 8, 2015
3. Minutes of the Regular Meeting of December 8, 2015
4. Ordinance Approving the Number of Meeting Days at Twenty-One (21) for the Board of Review of Real Estate Assessments – Commissioner of the Revenue's Office

**G. Other City Council Actions**

1. Resolution Authorizing the City Manager to Execute Two (2) Cost Sharing Agreements By and Between the City of Newport News and the Hampton Roads Sanitation District (HRSD) for the Warwick Boulevard to James River Influent Force Main – Section 2 and Interceptor Force Main Section 2 Projects

## **H. Appropriations**

1. Department of Engineering – FY 2016 Bond Authorization, Public Buildings Category: City Hall Second Floor Renovations – \$350,000
2. Department of Engineering – Virginia Department of Environmental Quality Stormwater Local Assistance Fund (SLAF): Construction of Glen Allen and Turnberry Stream Restoration Projects – \$379,358
3. Department of Engineering – FY 2016 Bond Authorization, Stormwater Drainage Category: Citywide Drainage Projects – \$497,500
4. Department of Public Works - FY 2016 Additional State Revenue for Street and Highway Maintenance: Residential Street Reconstruction/Resurfacing Contracts - \$694,643
5. Department of Engineering – FY 2016 Bond Authorization, Sanitary Sewer Rehabilitation Category: 25th Street Sanitary Sewer Replacement Project (1100 Block) – \$800,000
6. Department of Public Works - Capital Improvements Plan (CIP): FY 2016 Public Buildings Major Renovations and Repairs - \$1,100,000
7. Department of Engineering – Virginia Department of Transportation (VDOT) State Revenue Sharing Program (\$2,550,000) and FY 2016 Bond Authorization, Streets and Bridges Category (\$2,550,000): Warwick Boulevard over Lake Maury Bridge Replacement Project – \$5,100,000

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

## **J. \*New Business and Councilmember Comments**

1. City Manager
2. City Attorney
3. City Clerk
4. Bateman
5. Cherry
6. Coleman
7. Price
8. Scott
9. Vick
10. Woodbury

## **K. Adjourn**

**\*THE BUSINESS PORTION OF THE MEETING WILL BE CONCLUDED NO LATER THAN 10:00 P.M. TO ALLOW PERSONS TO ADDRESS CITY COUNCIL UNDER "CITIZEN COMMENTS ON MATTERS GERMANE TO THE BUSINESS OF CITY COUNCIL."**

A. Call to Order

B. Invocation – Rev. Synetheia N. Newby, Gethsemane Baptist Church

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

D. Presentations

## E. Public Hearings

1. Ordinance Authorizing Conditional Use Permit No. CU-15-357, to Bowditch on Jefferson, LLC, for the Operation of an Automobile Gasoline Supply Station in Conjunction with a 7-Eleven Convenience Store at 11060 and 11072 Warwick Boulevard and Zoned C2 General Commercial with Proffers

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-15-357 TO BOWDITCH FORD ON JEFFERSON, LLC., FOR THE OPERATION OF AN AUTOMOBILE GASOLINE SUPPLY STATION IN CONJUNCTION WITH A 7-ELEVEN CONVENIENCE STORE LOCATED AT 11060 AND 11072 WARWICK BOULEVARD AND ZONED C2 GENERAL COMMERCIAL WITH PROFFERS.

**BACKGROUND:**

- The proposed automobile gasoline supply station will occupy the now vacant vehicle storage lot for Bowditch Ford.
- The new building and landscaping will improve the appearance of this site and is compatible with surrounding uses and the *Framework for the Future 2030* Comprehensive Plan land use map.
- On December 2, 2015, the City Planning Commission voted 6:0 with one abstention to recommend approval of this request with conditions.

**Vote on Roll Call**

**For:** Carpenter, Groce, Jones, Long, Roberts, Simmons

**Against:** None

**Abstention:** Willis

- The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

**ATTACHMENTS:**

Description

CM Memo re CU-15-357 Bowditch Ford

Staff Report and CPC Minute Excerpts

sdm13964 ORD re CU-15-357 by Bowditch & 7-11 for gas station

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

January 6, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Conditional Use Permit No. CU-15-357, Bowditch Ford on Jefferson, LLC.

Bowditch on Jefferson, LLC., requests a conditional use permit to allow for the operation of an automobile gasoline supply station on two parcels containing 1.28 acres located at 11060 and 11072 Warwick Boulevard and zoned C2 General Commercial with proffers.

The new fueling station and 7-Eleven convenience store will be constructed on the site that formerly served as car storage for the Bowditch Ford dealership.

The request is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map, as well as with the recommendation for visual improvement of the city's corridors.

On December 2, 2015, the City Planning Commission voted 6:0 with one abstention to recommend approval of the request to City Council with conditions. I concur with the City Planning Commission's recommendation.

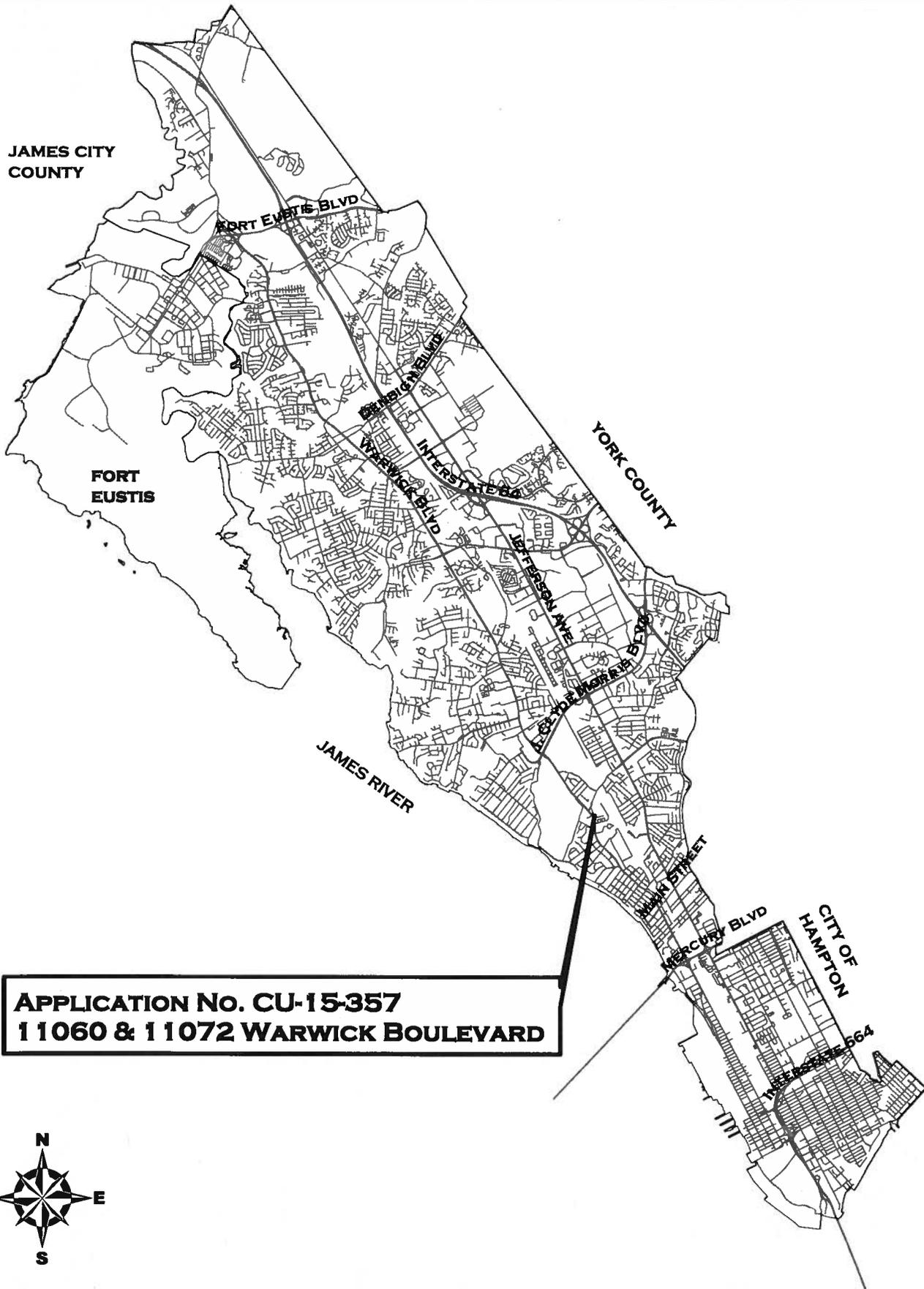
  
James M. Bourey

JMB:sgd

Attachment

**CITY OF NEWPORT NEWS  
CITY COUNCIL  
JANUARY 12, 2016**

**CONDITIONAL USE PERMIT  
APPLICATION NO. CU-15-357  
BOWDITCH ON JEFFERSON LLC**



**APPLICATION No. CU-15-357  
11060 & 11072 WARWICK BOULEVARD**



# CONDITIONAL USE PERMIT NO. CU-15-357, BOWDITCH ON JEFFERSON LLC.

## **APPLICANT/OWNER**

Bowditch on Jefferson LLC. is the owner and 7-Eleven, Inc. is the applicant.

## **SITE DESCRIPTION**

### **Location**

11060 and 11072 Warwick Boulevard

### **Acreage**

The parcels contain 1.28 acres.

### **Existing Zoning**

C2 General Commercial with proffers (See Appendix A-1.)

### ***Framework for the Future***

Mixed Use (See Appendix A-5.)

### **Present Use**

Vacant parking lot, formerly served as new and used car parking for the Bowditch Ford dealership on the site.

### **Request**

The applicant is requesting a conditional use permit to allow for the operation of an automobile gasoline supply station within the C2 General Commercial with proffers zoning district.



## **FACTS**

### **Vicinity**

North, across Colonial Place, is a vacant commercial building that until recently housed the Bowditch Ford dealership on property zoned C2 General Commercial.

East, abutting the property, are a single-family dwelling on property zoned C2 General Commercial and the Christopher Crossing apartments on property zoned R7 Medium Density Multiple-Family Dwelling.

South, across Logan Place, is a vacant commercial structure on property zoned C1 Retail Commercial.

West, across Warwick Boulevard, is the Goodwill thrift store on property zoned C2 General Commercial and the Mariners Motel, a hair salon and Pelican Snoballs on property zoned C1 Retail Commercial. (See Appendix A-1.)

### **Zoning History**

The property has been zoned C2 General Commercial since the citywide comprehensive rezoning became effective August 1, 1997.

On October 26, 1981, City Council granted Conditional Rezoning CZ-81-40 for the approximately 0.72 acre property at 11060 Warwick Boulevard. The zoning of the property was changed from C2 Retail Commercial to C2-A General Commercial with proffers. The four (4) proffers were related to the car sales operation and generally dealt with noise, lighting and storage. Further, one of the proffers required a five (5) foot vegetative buffer to the east where it abuts the apartment complex. The ordinance now requires a 20-foot buffer where commercial districts abut multi-family residential. All proffers are still valid and will be met. (See Appendix A-9.)

### **Regulatory Review**

The zoning ordinance allows an automobile gasoline supply station in C2 General Commercial with the approval of a conditional use permit.

The ordinance requires a 20-foot transitional buffer area between commercial and multi-family zoning districts for any new development. This occurs along the 11060 Warwick Boulevard's eastern property line. The site plan shows the buffer and although not required, it extends throughout the whole eastern boundary buffering all residential uses from the proposed use.

The zoning ordinance requires 1 parking space for every 250 square feet of floor area for retail uses and a maximum of 1 parking space for every 200 square feet of floor area. The 2,940 square foot convenience store would therefore require a maximum of 15 parking spaces. If the applicant applies for and is granted an administrative increase of 30 percent, 5 additional spaces will be allowed. The site plan submitted indicates a

total of 20 parking spaces, 8 of which are at the gasoline pumps. (See Appendix A-2 and A-3.)

Site Regulations require an 11-foot landscape strip in the area adjacent to Warwick Boulevard and a 10-foot landscape strip on both Colonial Place and Logan Place. The appropriate landscape strips on all three frontages are indicated in the submitted site plan.

A Traffic Impact Assessment (TIA) was prepared by Bryant B. Goodloe, PC which has been reviewed and will be accepted with revisions per recommendations by the Department of Engineering. (See Appendix A-6.)

The departments of Codes Compliance, Public Works, Public Utilities, Fire, Police, Parks, Recreation and Tourism and Development have no objection to the request.

### **Comprehensive Plan Review**

The *Framework for the Future 2030* comprehensive plan land use map designates mixed use for the property and the area that includes Camp Morrison and the adjacent shopping centers. The proposed use is consistent with that designation. (See Appendix A-7.)

Further, the *Framework for the Future 2030* comprehensive plan designates the area in which the site is located as the Warwick Community Center. This designation envisions the area as a commercial and residential center with a variety of uses including a diversity of residential developments. A convenience store and strategically located fueling station facing the main commercial arterial are compatible with this vision.

The *Framework* also recommends the visual improvement of the city's corridors. The proposed use will replace a vacant parking lot and add considerable vegetation as well as a new brick structure.

### **ANALYSIS**

The proposed site was used until recently as parking storage for the Bowditch Ford dealership. It is completely paved and only low shrubs screen the site along Warwick Boulevard. There is an existing wood privacy fence along a portion of the eastern boundary which will remain and a new fence will be added to the remainder of the boundary.

The proposed redevelopment will provide an opportunity to improve a large site along Warwick Boulevard that is now vacant since the dealership moved to another location. Redevelopment of the site will prevent a potential future greyfield in a corridor that has been experiencing some disinvestment. The proposed gasoline supply station and convenience store will provide a service to the surrounding residential and commercial uses as well as citizens traveling the corridor.

The plans call for an extensive landscaped area and will improve Colonial Place and Logan Place with the installation of new sidewalks that would benefit the adjacent residential neighborhoods. The proposed brick structure will improve the site's current condition. (See Appendix A-3.)

Department of Engineering staff is satisfied that the Traffic Impact Assessment (TIA) represents a fair analysis of the site, however, before the TIA is approved it must address the comments provide by the Department. Based on the TIA, the Department of Engineering identifies improvements that are the responsibility of the developer: installation of stop controlled right in/right out entrance to the site on Warwick Boulevard; installation of a standard site entrance on Colonial and Logan Places; and the installation of sidewalks with ADA compliant handicap ramps for the entire site frontage along all three public streets. The Department also recommends improving pedestrian accommodations by installing pedestrian signal heads, pedestrian signal buttons and associated components at the intersection of Warwick Boulevard and Logan Place. In addition to the findings of the TIA, the applicant will be responsible for the improvement of Colonial Place to a standard 50-foot right-of-way. Further, a dedication of property must be provided for future widening of Warwick Boulevard. Finally, an 8-foot sidewalk on Warwick Boulevard is also required to accommodate a bike route. Both the dedication and the sidewalk widening are shown on the proposed site plan. (See Appendix A-6 and A-7.)

Extensive landscaping will be installed on the site to screen the parking areas as well as the dumpsters. All structures and landscaping are subject to the review and approval by the Director of Planning. The fuel vent pipes will be located towards the rear of the property within the landscaped area to make them as unobtrusive as possible. The proposed air compressor and vacuum cleaner will be located internally on the site next to one of the parking spaces and will be adequately screened by vegetation. If the fuel dispensing activity closes for more than one year, the fuel tanks, pumps, and canopy are required to be dismantled and removed.

Further, the applicant is proposing to install a 20-foot transitional buffer area on the entire length of the property's eastern boundary and complementing it with a 6-foot wooden privacy fence providing adequate screening not only for the apartment complex where it is required but also for the adjacent single-family residence.

The proposed 7-Eleven will replace the existing one located on the southbound side of Warwick Boulevard about two blocks south of this site on Cedar Lane. That location operates with a ground lease and is not owned by 7-Eleven. It could not accommodate the gas pumps and will be closed. (See Appendix A-8.)

Automobile fueling stations typically seek locations with high traffic counts and ease of access. This site is suitable for this use because it is a corner location on a heavily traveled thoroughfare.

## **CONCLUSION**

The new building and landscaping will improve the appearance of this site and minimize the use's impact on the adjacent residential uses. The new use is consistent with the *Framework for the Future 2030* comprehensive plan and is compatible to the surrounding uses within the immediate vicinity.

## **STAFF RECOMMENDATION**

It is recommended that the City Planning Commission recommend to City Council approval of conditional use permit CU-15-357 to allow for the construction of an automobile gasoline supply station at 11060 & 11072 Warwick Boulevard with the following conditions:

1. A class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and be approved by the Director of Engineering. This site plan shall be in general conformance with the Concept Plan prepared by Blakeway Corp. as revised October 23, 2015, identified as Appendix A-2 and shall conform to this conditional use permit, the City's Site Regulations and the Zoning Ordinance.
2. Building elevations and exterior building materials for the Property shall be consistent with the drawings prepared by Vertical Construction submission date September 18, 2015 "7-Eleven Site No. 1038034" and identified as Appendix A-3. Full bricks shall be used to construct all facades. Final drawings shall be reviewed and approved by the Director of Planning prior to the issuance of a building permit.
3. The applicant shall cause a 20 foot transitional buffer area to be installed and maintained in perpetuity along the property's eastern boundary.
4. The applicant shall install a six (6) foot tall wood privacy fence along the eastern property line. The design of the fence shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a fence permit.
5. Fuel tank ventilation apparatus shall not be installed adjacent to Warwick Boulevard, Logan Place or Colonial Place.
6. A landscape plan in conformance with the requirements of the Site Regulations shall be submitted to and approved by the Director of Planning prior to site plan approval. All landscaping shall be installed in accordance with the approved plan and shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed.
7. The applicant shall implement the improvements as recommended in the September 10, 2015 Traffic Impact Assessment (TIA) prepared by Bryan B.

Goodloe PC. as revised per recommendations by the Department of Engineering.

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- Install one stop controlled right in/right out entrance to the site on Warwick Boulevard.
  - Install one stop controlled standard site entrance on Logan Place.
  - Install one stop controlled standard site entrance on Colonial Place.
  - Install sidewalks with handicap ramps for the entire site frontage along all three public streets.
  - Improve pedestrian accommodations at the intersection of Warwick Boulevard and Logan Place by installing pedestrian signal heads, pedestrian signal buttons and associated components across all four approaches.
  - Colonial Place shall be improved to a standard 50 foot right-of-way. The applicant shall provide a dedication and additional pavement, curb/gutter and sidewalk for half of the standard 50 foot right-of-way local street section.
8. Only one freestanding sign shall be permitted on the Property. The sign shall be monument style sign no taller than eight (8) feet measured from the highest point of the sign area structure to the top of the curb. The sign shall be no more than 50 square feet. All sign design and materials shall be reviewed and approved by the Director of Planning.
  9. All signs, including directional signs, location, design and materials shall be reviewed and approved by the Director of Planning.
  10. No temporary or portable signs shall be permitted on the Property. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.
  11. There shall be no signage on the fueling stations other than that required by law for safety.
  12. Signage on the canopy shall be limited to the placement of a logo.
  13. All outdoor storage and displays of saleable items shall be prohibited excluding those items located in vending machines or enclosed areas.
  14. All vacuum and air supply equipment shall be screened from public rights-of-way. Screening materials shall be approved by the Director of Planning prior to site plan approval.
  15. All dumpsters and HVAC systems shall be screened from adjacent properties and rights-of-way with materials and design to match the building and shall be

approved by the Director of Planning prior to site plan approval, and shall be maintained in such condition in perpetuity.

16. All lighting on the Property shall be consistent with those standards recommended by the Illumination Engineering Society of North America (IESNA.) A photometric lighting plan indicating the number and type of lighting shall be submitted for review and approval by the Director of Engineering. Lighting shall be installed and operated as shown on the approved plan. Lighting shall be directed inward and downward on the Property so that such lighting does not spillover onto adjacent properties.
17. The playing of music on any outdoor speakers shall be prohibited.
18. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of digital video equipment (the "Equipment") with recording devices and capability sufficient to include date and time that recording is made. The Equipment shall provide surveillance coverage encompassing both the front, side and rear exteriors of the business. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty days.
19. The applicant shall provide written notice to the Director of Planning in the event of the cessation of fuel dispensing activity at the automobile gasoline supply station. Such notice shall be provided no later than seven days after such fuel dispensing activity ceases.
20. In the event a fuel dispensing activity ceases at the automobile gasoline supply station for a period in excess of 12 months:
  - a. The tanks, fueling equipment (including the gas pumps and fueling islands) shall be removed;
  - b. The canopy shall be removed; and
  - c. The real property in or which the improvements listed in subsection (a) and (b) above, are placed or constructed shall be restored to the same

grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for the site has been approved by the city.

21. Prior to operating the use permitted by this conditional use permit, a bond in an amount deemed appropriate by the Director of Planning and in a form deemed appropriate by the City Attorney shall be posted by the applicant with the City and maintained for one year after the conditional use permit expires to ensure that the applicant will restore the real property as required in condition 20 a, b, and c.
22. There shall be maintained on the property an auxiliary generator or generators sufficient in size and capacity to operate all fueling stations during electrical outages or the facility shall be pre-wired for and provided with mobile generator(s) by contract or by transfer of generator(s) owned by the applicant to the site. The mobile generator(s) and the facility shall be operable within 12 hours of the National Weather Service posting a warning for the City of Newport News of a named tropical storm or named hurricane or within 12 hours of the occurrence of a winter storm which disrupts power to the Property.
23. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
24. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, shall serve as grounds for revocation of the conditional use permit by the City Council.
25. A Certificate of Use and Occupancy shall be obtained prior to the operation of any business use on the Property. If applicable, the use approved by this conditional use permit shall not begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.
26. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
27. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.

28. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition contained herein, of part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional or otherwise unenforceable, then the use permitted by this conditional use permit shall be void and the use permitted by this conditional use permit shall be invalid. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions there in, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.
29. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition contained herein; as such, in the event of an amendment to the zoning of the property is produced by a comprehensive implementation of a new or substantially revised Zoning Ordinance, the conditions imposed by the conditional use permit shall continue in effect.

### **CPC RECOMMENDATION**

On December 2, 2015, the Planning Commission voted 6:0 with one abstention to recommend approval of the conditional use permit to the City Council with the following conditions:

1. A class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and be approved by the Director of Engineering. This site plan shall be in general conformance with the Concept Plan prepared by Blakeway Corp. as revised October 23, 2015, identified as Appendix A-2 and shall conform to this conditional use permit, the City's Site Regulations and the Zoning Ordinance.
2. Building elevations and exterior building materials for the Property shall be consistent with the drawings prepared by Vertical Construction submission date September 18, 2015 "7-Eleven Site No. 1038034" and identified as Appendix A-3. Full bricks shall be used to construct all facades. Final drawings shall be reviewed and approved by the Director of Planning prior to the issuance of a building permit.
3. The applicant shall cause a 20 foot transitional buffer area to be installed and maintained in perpetuity along the property's eastern boundary.
4. The applicant shall install a six (6) foot tall wood privacy fence along the eastern property line. The design of the fence shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a fence permit.

5. Fuel tank ventilation apparatus shall not be installed adjacent to Warwick Boulevard, Logan Place or Colonial Place.
6. A landscape plan in conformance with the requirements of the Site Regulations shall be submitted to and approved by the Director of Planning prior to site plan approval. All landscaping shall be installed in accordance with the approved plan and shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed.
7. The applicant shall implement the improvements as recommended in the September 10, 2015 Traffic Impact Assessment (TIA) prepared by Bryan B. Goodloe PC. as revised per recommendations by the Department of Engineering.
  - Install one stop controlled right in/right out entrance to the site on Warwick Boulevard.
  - Install one stop controlled standard site entrance on Logan Place.
  - Install one stop controlled standard site entrance on Colonial Place.
  - Install sidewalks with handicap ramps for the entire site frontage along all three public streets.
  - Improve pedestrian accommodations at the intersection of Warwick Boulevard and Logan Place by installing pedestrian signal heads, pedestrian signal buttons and associated components across all four approaches.
  - Colonial Place shall be improved to a standard 50 foot right-of-way. The applicant shall provide a dedication and additional pavement, curb/gutter and sidewalk for half of the standard 50 foot right-of-way local street section.
8. Only one freestanding sign shall be permitted on the Property. The sign shall be monument style sign no taller than eight (8) feet measured from the highest point of the sign area structure to the top of the curb. The sign shall be no more than 50 square feet. All sign design and materials shall be reviewed and approved by the Director of Planning.
9. All signs, including directional signs, location, design and materials shall be reviewed and approved by the Director of Planning.
10. No temporary or portable signs shall be permitted on the Property. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.
11. There shall be no signage on the fueling stations other than that required by law for safety.
12. Signage on the canopy shall be limited to the placement of a logo.

13. All outdoor storage and displays of saleable items shall be prohibited excluding those items located in vending machines or enclosed areas.
14. All vacuum and air supply equipment shall be screened from public rights-of-way. Screening materials shall be approved by the Director of Planning prior to site plan approval.
15. All dumpsters and HVAC systems shall be screened from adjacent properties and rights-of-way with materials and design to match the building and shall be approved by the Director of Planning prior to site plan approval, and shall be maintained in such condition in perpetuity.
16. All lighting on the Property shall be consistent with those standards recommended by the Illumination Engineering Society of North America (IESNA.) A photometric lighting plan indicating the number and type of lighting shall be submitted for review and approval by the Director of Engineering. Lighting shall be installed and operated as shown on the approved plan. Lighting shall be directed inward and downward on the Property so that such lighting does not spillover onto adjacent properties.
17. The playing of music on any outdoor speakers shall be prohibited.
18. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of digital video equipment (the "Equipment") with recording devices and capability sufficient to include date and time that recording is made. The Equipment shall provide surveillance coverage encompassing both the front, side and rear exteriors of the business. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty days.
19. The applicant shall provide written notice to the Director of Planning in the event of the cessation of fuel dispensing activity at the automobile gasoline supply station. Such notice shall be provided no later than seven days after such fuel dispensing activity ceases.

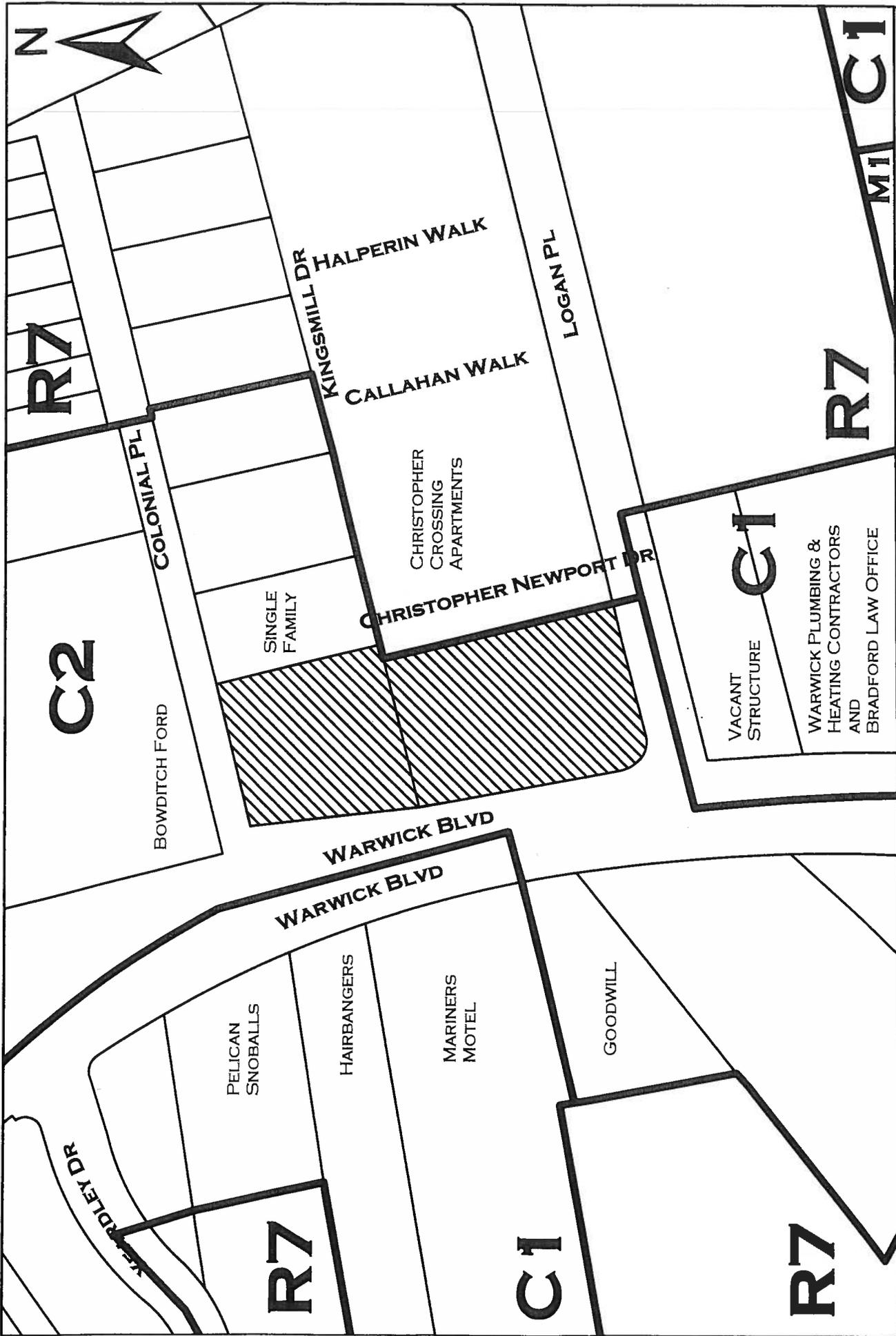
20. In the event a fuel dispensing activity ceases at the automobile gasoline supply station for a period in excess of 12 months:
  - a. The tanks, fueling equipment (including the gas pumps and fueling islands) shall be removed;
  - b. The canopy shall be removed; and
  - c. The real property in or which the improvements listed in subsection (a) and (b) above, are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for the site has been approved by the city.
21. Prior to operating the use permitted by this conditional use permit, a bond in an amount deemed appropriate by the Director of Planning and in a form deemed appropriate by the City Attorney shall be posted by the applicant with the City and maintained for one year after the conditional use permit expires to ensure that the applicant will restore the real property as required in condition 20 a, b, and c.
22. There shall be maintained on the property an auxiliary generator or generators sufficient in size and capacity to operate all fueling stations during electrical outages or the facility shall be pre-wired for and provided with mobile generator(s) by contract or by transfer of generator(s) owned by the applicant to the site. The mobile generator(s) and the facility shall be operable within 12 hours of the National Weather Service posting a warning for the City of Newport News of a named tropical storm or named hurricane or within 12 hours of the occurrence of a winter storm which disrupts power to the Property.
23. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
24. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, shall serve as grounds for revocation of the conditional use permit by the City Council.
25. A Certificate of Use and Occupancy shall be obtained prior to the operation of any business use on the Property. If applicable, the use approved by this conditional use permit shall not begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.

26. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
27. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.
28. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition contained herein, of part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional or otherwise unenforceable, then the use permitted by this conditional use permit shall be void and the use permitted by this conditional use permit shall be invalid. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions there in, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.
29. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition contained herein; as such, in the event of an amendment to the zoning of the property is produced by a comprehensive implementation of a new or substantially revised Zoning Ordinance, the conditions imposed by the conditional use permit shall continue in effect.

## APPENDIX

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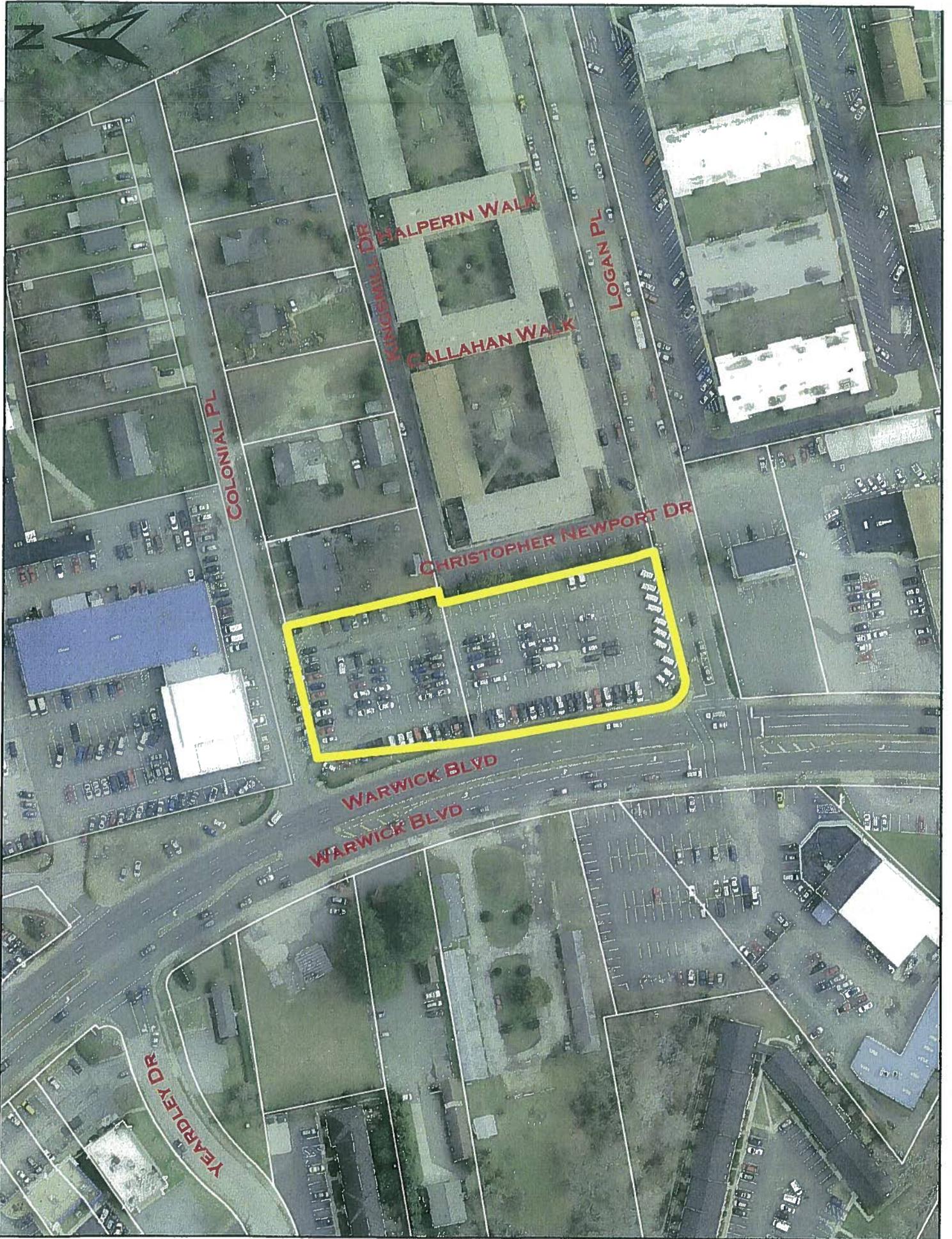
- A-1 VICINITY/ZONING MAP**
- A-2 SITE PLAN**
- A-3 BUILDING ELEVATIONS**
- A-4 AERIAL MAP**
- A-5 *FRAMEWORK FOR THE FUTURE 2030* LAND USE MAP**
- A-6 TRAFFIC IMPACT ASSESSMENT EXECUTIVE SUMMARY**
- A-7 DEPARTMENT OF ENGINEERING COMMENTS**
- A-8 7-ELEVEN LETTER**
- A-9 CONDITIONAL REZONING CZ-81-40**
- A-10 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF  
DECEMBER 2, 2015**

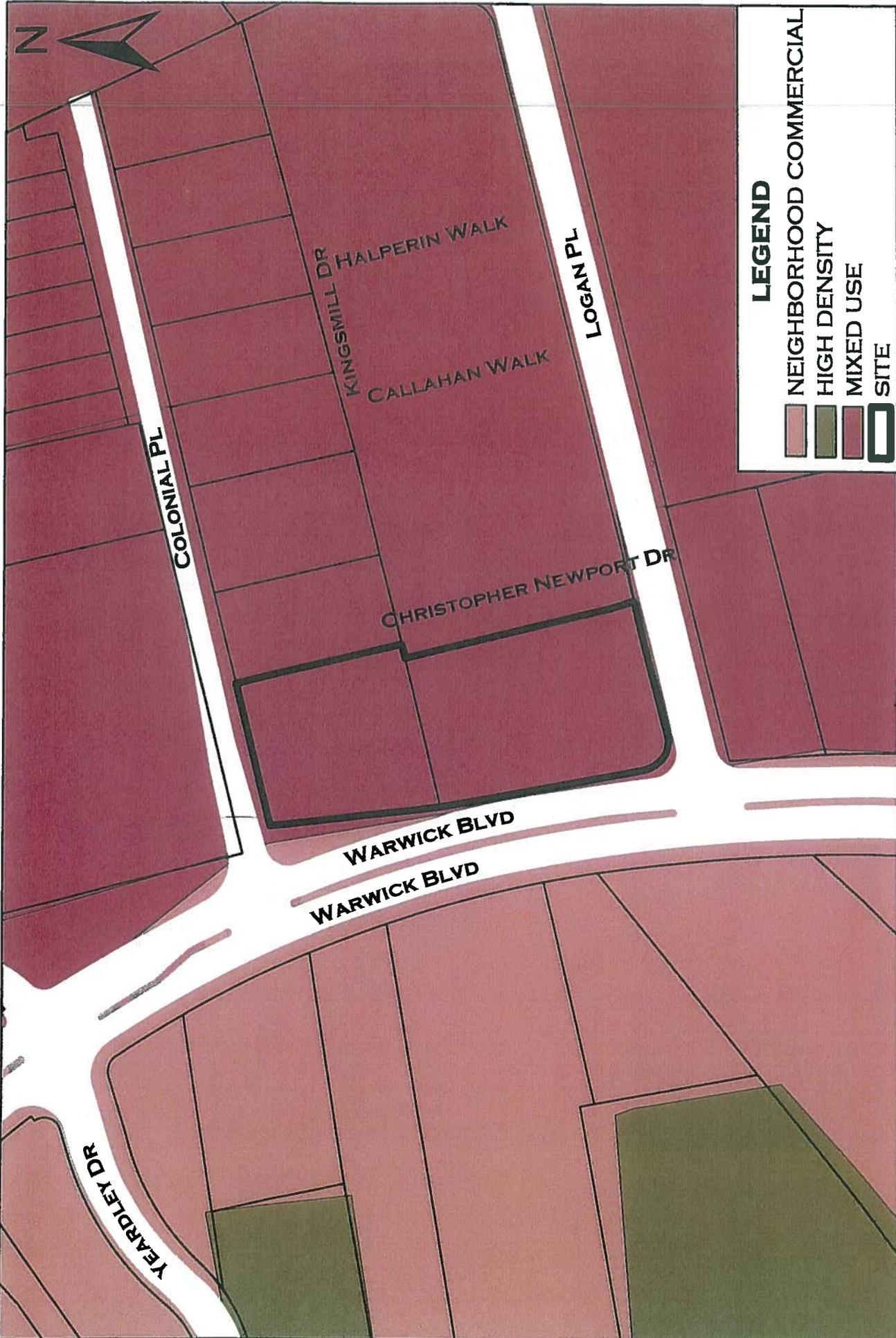


**BOWDITCH ON JEFFERSON LLC CU-15-357**









**LEGEND**

- NEIGHBORHOOD COMMERCIAL
- HIGH DENSITY
- MIXED USE
- SITE

**BOWDITCH ON  
JEFFERSON LLC**

**FRAMEWORK FOR  
THE FUTURE 2030**

*Traffic Impact Assessment at 11060 Warwick Blvd.***EXECUTIVE SUMMARY**

Presently, this site is being used by Bowditch Ford to store inventory. This project will be a new 7-Eleven convenience store with 2,940 square feet and 8 fueling positions. There is currently one stop controlled site entrance on Logan Place and the site is wide open to Colonial Place with vehicles parked in the right-of-way. The new facility proposes two (2) standard stop controlled site entrances, with the present entrance on Logan Place shifted away from the traffic signal and near the property line and one on Colonial Place at the back of the property. The Colonial Place entrance will have very little usage and will be primarily for that local street as well as for trash pickup. A stop controlled right-in/right-out entrance is proposed on Warwick Boulevard between Logan Place and Colonial Place.

There is a signalized intersection at Warwick Boulevard and Logan Place which has crosswalks on all sides except the west side. There are handicapped ramps on the east side of the street, but no truncated domes for the visually impaired. ADA handicapped ramps are located on the west side of Warwick Boulevard. There are no pedestrian heads or push buttons. This signal is a part of a coordinated system on Warwick Boulevard.

This site is properly zoned and needs a CUP approval. This property has adjacent retail uses on Warwick Boulevard as follows: 1) on the west side of Warwick Boulevard, there is a Goodwill store, 2) north of Colonial Place, there is a Bowditch Ford dealership, and 3) south of the site, a business has closed. Logan Place serves several apartment buildings and Colonial Place serves a small residential development. Both the apartments and the residential communities are fully developed and both streets dead end a short distance from Warwick Boulevard.

**Scope of Services**

Mr. Randy Cooper with the City of Newport News Traffic Engineering was contacted about this project. We will need to provide a.m. and p.m. peak hour analyses for the signalized intersection and the three proposed entrances. He indicated that he did not know of any problems at the Logan Place traffic signal. He indicated that we will need to provide crosswalks with pedestrian signal heads and push buttons on all sides of the Warwick Boulevard and Logan Place signal. Mr. Cooper furnished us with the City's recent turning movement counts. He said that Bowditch Ford has a TIA into the City for improvements for their facilities that will impact Colonial Place, but not our site. The Goodwill store was not in place when the turning movement counts were taken, but he indicated little else had changed in the area.

**Improvements**

**Year 2015 Build Conditions** –The following improvements should be provided:

1. **Intersection of Warwick Boulevard & Logan Place** – The following improvements will be needed at this intersection. This is a Category II improvement that is essential to this intersection & is secondary to this project.
  - a. The developer shall be responsible for installing a crosswalk on the west side of Warwick Boulevard. Truncated domes for the visually impaired shall be installed at the handicapped ramps on the east side of Warwick Boulevard to make them ADA compliant.
  - b. The developer shall be responsible for the traffic signal modification to provide pedestrian signal heads and push buttons for the four crosswalks at this intersection. This shall include the surveys, the traffic signal modification plans, and the construction of these items. The surveys and plans will not need to be started until the City Council approves the CUP.

*Traffic Impact Assessment at 11060 Warwick Blvd.*

2. **Intersection of Warwick Boulevard & the 7-Eleven West Entrance** – This intersection will be a new stop controlled right-in/right-out entrance. The width shall be determined by traffic classification with the City at the time of site plan submission. This entrance should have 1-entering lane & 1-exiting lane. This is a Category I improvement that is essential to development access.
3. **Intersection of Logan Place and the 7-Eleven South Entrance** – This intersection will be a new stop controlled standard full access entrance on Logan Place that will replace the existing full access entrance. It will be moved to the back of the site and away from the signalized intersection with Warwick Boulevard. This entrance should have 2-exiting lanes (1-left & 1-right) and 1-entering lane. This is a Category I improvement that is essential to development access.
4. **Intersection of Colonial Place and the 7-Eleven Entrance** – This intersection will be a new stop controlled standard full access entrance. This entrance should have 1-entering lane & 1-exiting lane. This is a Category I improvement that is essential to development access.
5. **Sidewalks** – Install sidewalk with ADA compliant handicapped ramps across the frontage on Warwick Boulevard and Logan Place. This is a Category I improvement that is essential to development access.

**This project will not adversely impact the traffic levels of service in this area.**

**City of Newport News**  
**Department of Engineering**

November 23, 2015

**To:** Director of Planning  
**From:** Director of Engineering  
**Subject:** Comments for Planning Commission Case for December 2, 2015

Application No. CU-15-357, Bowditch on Jefferson LLC. The Department of Engineering has no objection to the request for a conditional use permit to allow the construction of a gasoline supply station in conjunction with a convenience store (7-Eleven) on two parcels totaling 1.28 acres located at 11060 & 11076 Warwick Boulevard and zoned C2 General Commercial. Please advise the applicant that a site plan will be required. The Traffic Impact Analysis (TIA) has been reviewed and comments provided to the consultant for the applicant. Upon approval, the recommendations of the approved TIA should be incorporated as part of the conditional use permit.

In addition to the findings of the TIA,

- Colonial Place must be improved to a standard 50' right of way. Provide a dedication and the additional pavement, curb/gutter and sidewalk for half of a standard 50 right of way local street section. The new sidewalk will require CG-12 handicapped ramps at all entrances (existing and proposed) as well as a pedestrian barricade for public safety at the end of the sidewalk.
- Warwick Boulevard is identified for future widening in the Zoning Ordinance Section 45-2808. Provide a dedication of property to create half of a standard 110' right-of-way.
- This section of Warwick Boulevard is identified for a bike route. Therefore, the sidewalk along Warwick Boulevard must be widened to 8 feet.

EPS/SDK

  
 For Everett D. Skipper, PE, BCEE 11-23-2015



**VIA Electronic Mail**

October 28, 2015

Mr Saul Gleiser  
Department of Planning  
2400 Washington Ave. 2<sup>nd</sup> Floor  
City Hall  
Newport News, VA 23607

Mr Gleiser,

Per your request and at the approval of the Sr Director of Development – Real Estate & Construction the 7-Eleven store #10860 located at Warwick Blvd. & Cedar Lane in Newport News, VA will be closed.

Please note that this location is not owned by 7-Eleven, but, is a ground lease.

We look forward to relocating to the corner of Warwick Blvd. & Logan Place with a new store.

Sincerely,

A handwritten signature in black ink, appearing to read 'Debbie L. Mauro', with a long horizontal line extending to the right.

Debbie L. Mauro  
Sr Real Estate Representative  
7-Eleven, Inc.

AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 1250 BY AMENDING THAT CERTAIN MAP ENTITLED, "ZONING DISTRICT MAP" (OF WHICH THERE ARE SIXTY SHEETS) DATED THE 9TH DAY OF JUNE, 1969, WHICH SAID MAP ACCOMPANIES AND IS MADE A PART OF THE SAID ORDINANCE NO. 1250.

WHEREAS, application has been made by Gulf Oil Corporation for the rezoning of the hereinafter described property from the present Retail Commercial District (C2) to General Commercial District (C2-A); and

WHEREAS, Gulf Oil Corporation has voluntarily proffered in writing conditions for the said rezoning, which said conditions are in addition to those already provided for in a General Commercial District (C2-A) by ordinance and which said conditions are more particularly set forth below; and

WHEREAS, the application has been considered by the Planning Commission of the City of Newport News for recommendation and has been duly advertised as required by law, and the said Planning Commission has made its recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News:

Section 1. That Ordinance No. 1250 is hereby amended and reordained by amending that certain map entitled "Zoning District Map" (of which there are sixty sheets), dated the 9th day of June, 1969, which said map accompanies and is made a part of the said Ordinance No. 1250, by changing the following described property from Retail Commercial District (C2) to General Commercial District (C2-A), to-wit:

Subject property contains approximately .72 acres and is located on the northeast corner intersection of Warwick Boulevard and Logan Place (11060 Warwick Boulevard).

Section 2. That the rezoning approved hereby is conditioned by the written and voluntarily proffered conditions, to-wit:

1. That no use of the subject property shall be made which creates noise which would interfere with or be detrimental to the adjacent property to the east, which is used for a residential apartment complex, however, the operation of a new or used car sales facility is a permitted use.

2. That the system for outside lighting shall be so designed, installed, and used so as to not have any direct glare or focus the lighting as installed and so used into the windows of the adjoining apartment complex situated to the east.

3. That the owner of the residential apartment complex to the east, and its successors and assigns, shall have the right and privilege to plant and maintain a strip not to exceed five feet (5') in width, and extending on the eastern side of said property line, a vegetative strip, which shall be planted in trees, shrubbery, and the like, for the purpose of providing a visual barrier between subject property and said Christopher Newport Apartments.

4. That no unsightly outside storage of supplies, materials, or equipment shall be permitted on the subject property without appropriate fencing or screening, provided, however, that the outside storage of new and used motor vehicles for sale is a permitted use.

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PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS, OCTOBER 26, 1981

Bernice I. Berry  
City Clerk

Joseph C. Ritchie  
Mayor

A true copy, teste:

City Clerk

**EXCERPTS FROM PLANNING COMMISSION MINUTES**

**December 2, 2015**

**CU-15-357, Bowditch on Jefferson LLC.** Requests a conditional use permit to allow for the construction of an automobile gasoline supply station in conjunction with a convenience store (7-Eleven) on two parcels totaling 1.28 acres located at 11060 & 11072 Warwick Boulevard and zoned C2 General Commercial with proffers. The Parcel Nos. are 253.00-01-21 & 19.

Ms. Willis declared a conflict of interest in hearing this case and recused herself. She was excused.

Saul Gleiser, Senior Planner, presented the staff report (copy attached to record minutes).

Mr. Simmons asked if Traffic Engineering approved the egress onto Warwick Boulevard from the front. Mr. Gleiser stated yes.

Mr. Simmons asked if the setback in front and side of the building complies with the requirements. Mr. Gleiser stated yes.

Mr. Carpenter opened the public hearing.

Mr. Stephen Romine, 999 Waterside Drive, Norfolk, Attorney for the applicant, spoke in favor of the application. He thanked Planning staff for their assistance. Mr. Romine introduced his project team and gave a brief presentation of the application.

Mr. Roberts asked if after the right of way dedication is observed, does the building setback still meet the requirement. Mr. Romine asked if Mr. Roberts is referring to the special highway setback. Mr. Roberts stated no, it would be the dedication on Warwick Boulevard. Mr. Romine deferred to Gary Franks, Engineer for the applicant.

Mr. Gary Franks, 770 Independence Circle, Virginia Beach stated yes. He stated what ends up happening is when Warwick Boulevard gets to its ultimate right-of-way width of 110 feet, the 35 foot building setback lands where the 85 foot special highway setback is located.

Mr. Carpenter closed the public hearing.

Mr. Long made a motion to recommend approval of conditional use permit CU-15-357 to City Council, as recommended by staff. The motion was seconded by Mr. Jones.

**Vote on Roll Call**

**For:** Long, Roberts, Jones, Simmons, Groce, Carpenter

**Against:** None

**Abstention:** Willis

The Planning Commission voted 6:0 with one abstention to recommend approval of conditional use permit CU-15-357 to City Council.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-15-357 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING THE OPERATION OF AN AUTOMOBILE GASOLINE SUPPLY STATION ON A SITE ZONED C2 GENERAL COMMERCIAL DISTRICT.

WHEREAS, application number CU-15-357 has been made by **BOWDITCH ON JEFFERSON, LLC, the owner, and 7-ELEVEN, INC., the applicant**, for a conditional use permit for the hereinafter described property for the purpose of permitting the operation of an automobile gasoline supply station on a site zoned C2 General Commercial District; and

WHEREAS, the application has been referred to the Planning Commission of the City of Newport News for recommendation and has been duly advertised as required by law and the said Planning Commission has made its recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News:

(a) That conditional use permit number CU-15-357 is hereby granted for the property described in paragraph (b) hereof for the purpose of permitting the operation of an automobile gasoline supply station on a site zoned C2 General Commercial District; and

(b) That the property, hereinafter referred to as the "Property," to which the conditional use permit applies is particularly described below:

**PARCEL ONE - 11060 Warwick Boulevard**

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, containing .723 acres, as shown on a certain plat entitled, "Plat of Property of Gulf Oil Corporation, #11060 Warwick Boulevard", dated November 29, 1962, revised December 26, 1962, by W. B. Sours, C.L.S. and C.E., Hampton, Virginia, the tract hereby conveyed being, in particular, described as follows:

Beginning at a monument on the east line of Warwick Boulevard, the said monument being 170 feet, more or less, south of the intersection of the south line of Colonial Place with the east line of Warwick Boulevard, thence clockwise in an arc on a radius of 1203.80 feet a distance of 192.91 feet along the easterly line of

Warwick Boulevard in a southerly direction to a monument; thence counter-clockwise in an arc having a radius of 25 feet along the intersection of Warwick Boulevard with a proposed new street designated Logan Place a distance of 42.52 feet to a monument; thence along the north line of Logan Place North  $86^{\circ} 22' 10''$  east 124.22 feet to an iron pin; thence  $3^{\circ} 45'$  west 220.98 feet to an iron pin; thence south  $86^{\circ} 15'$  west 140 feet to a monument which is the point of beginning.

**PARCEL TWO - 11072 Warwick Boulevard**

All that certain piece or parcel of land situate, lying and being in the City of Newport News, Virginia, and fronting 165 feet on Warwick Boulevard and running back along Colonial Place a distance of 137 feet and being that certain parcel shown as 0.54 acres on that certain plat entitled, "Plat of the Property of Robert E. and Susie Acree, Parts of Lots 1 & 2, C. K. Enos Subdivision, Newport News, Virginia", dated December 29, 1964, made by Coenen & Associates, Engineers, a copy of which is attached to deed dated February 22, 1965 from Robert E. Acree, et ux, to Marian M. Bowditch, recorded in the Clerk's Office of the Circuit Court (formerly Hustings Court) for the City of Newport News, Virginia, on February 24, 1965, in Deed Book 568, page 472, to which reference is here made.

The Property has a street address of 11060 and 11072 Warwick Boulevard and Real Estate Tax I.D.#s 253.00-01-21 and 253.00-01-19, respectively.

(c) That this conditional use permit is granted subject to the following conditions, each of which shall be implemented upon approval of this ordinance:

1. A class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and be approved by the Director of Engineering. This site plan shall be in general conformance with the Concept Plan prepared by Blakeway Corp. as revised October 23, 2015, identified as Appendix A-2, which is attached hereto and made a part hereof, and shall conform to this conditional use permit, the City's Site Regulations and the Zoning Ordinance.
2. Building elevations and exterior building materials for the Property shall be consistent with the drawings prepared by Vertical Construction submission date September 18, 2015 "7-Eleven Site No. 1038034" and identified in Appendix A-3, which is attached hereto and is made a part hereof. Full bricks shall be used to construct all facades. Final drawings shall be

reviewed and approved by the Director of Planning prior to the issuance of a building permit.

3. The applicant shall cause a 20-foot transitional buffer area to be installed and maintained in perpetuity along the Property's eastern boundary.
4. The applicant shall install a 6-foot tall wood privacy fence along the eastern property line. The design of the fence shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a fence permit.
5. Fuel tank ventilation apparatus shall not be installed adjacent to Warwick Boulevard, Logan Place or Colonial Place.
6. A landscape plan in conformance with the requirements of the Site Regulations shall be submitted to and approved by the Director of Planning prior to site plan approval. All landscaping shall be installed in accordance with the approved plan and shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed.
7. The applicant shall implement the improvements as recommended in the September 10, 2015 Traffic Impact Assessment (TIA) prepared by Bryan B. Goodloe, P.C. as revised per recommendations by the Department of Engineering as follows:
  - Install one stop controlled right in/right out entrance to the site on Warwick Boulevard.
  - Install one stop controlled standard site entrance on Logan Place.
  - Install one stop controlled standard site entrance on Colonial Place.
  - Install sidewalks with handicap ramps for the entire site frontage along all three public streets.
  - Improve pedestrian accommodations at the intersection of Warwick Boulevard and Logan Place by installing pedestrian signal heads, pedestrian signal buttons and associated components across all four approaches.
  - Colonial Place shall be improved to a standard 50-foot right-of-way. The applicant shall provide a dedication and additional pavement, curb/gutter and sidewalk for half of the standard 50-foot right-of-way local street section.
8. Only one freestanding sign shall be permitted on the Property. The sign shall be a monument style sign no taller than eight (8) feet measured from the highest point of the sign area structure to the top of the curb. The sign

shall be no more than 50 square feet. All sign design and materials shall be reviewed and approved by the Director of Planning.

9. All signs, including directional signs, location, design and materials shall be reviewed and approved by the Director of Planning.
10. No temporary or portable signs shall be permitted on the Property. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.
11. There shall be no signage on the fueling stations other than that required by law for safety.
12. Signage on the canopy shall be limited to the placement of a logo.
13. All outdoor storage and displays of saleable items shall be prohibited excluding those items located in vending machines or enclosed areas.
14. All vacuum and air supply equipment shall be screened from public rights-of-way. Screening materials shall be approved by the Director of Planning prior to site plan approval.
15. All dumpsters and HVAC systems shall be screened from adjacent properties and rights-of-way with materials and design to match the building and shall be approved by the Director of Planning prior to site plan approval, and shall be maintained in such condition in perpetuity.
16. All lighting on the Property shall be consistent with those standards recommended by the Illumination Engineering Society of North America (IESNA). A photometric lighting plan indicating the number and type of lighting shall be submitted for review and approval by the Director of Engineering. Lighting shall be installed and operated as shown on the approved plan. Lighting shall be directed inward and downward on the Property so that such lighting does not spillover onto adjacent properties.
17. The playing of music on any outdoor speakers shall be prohibited.
18. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of digital video equipment (the "Equipment") with recording devices and capability sufficient to include date and time the recording is made. The Equipment shall provide surveillance coverage encompassing the front, side and rear exteriors of the use permitted by this ordinance. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the

Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty days.

19. The applicant shall provide written notice to the Director of Planning in the event of the cessation of fuel dispensing activity at the automobile gasoline supply station. Such notice shall be provided no later than seven days after such fuel dispensing activity ceases, as each event occurs.
20. In the event a fuel dispensing activity ceases at the automobile gasoline supply station for a period in excess of twelve (12) months:
  - a. The tanks, fueling equipment (including the gas pumps and fueling islands) shall be removed;
  - b. The canopy shall be removed; and
  - c. The real property on which the improvements listed in subsection (a) and (b) above are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for the site has been approved by the City.
21. Prior to operating the use permitted by this conditional use permit, a bond in an amount deemed appropriate by the Director of Planning and in a form deemed appropriate by the City Attorney shall be posted by the applicant with the City and maintained for one year after the conditional use permit expires to ensure that the applicant will restore the real property as required in condition 20. a, b, and c.
22. There shall be maintained on the Property an auxiliary generator or generators sufficient in size and capacity to operate all fueling stations during electrical outages or the facility shall be pre-wired for and provided with mobile generator(s) by contract or by transfer of generator(s) owned by Applicant to the site. The mobile generator(s) and the facility shall be

operable within twelve (12) hours of the National Weather Service posting a warning for the City of Newport News of a named tropical storm or named hurricane or within twelve (12) hours of the occurrence of a winter storm which disrupts power to the Property.

23. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
24. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.
25. The applicant, as well as successors, assigns, and agents, if any, shall obtain all necessary licenses, approvals, conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. Furthermore, the applicants, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, conditional approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.
26. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of the Property. If applicable, the use approved by this conditional use permit shall not begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.
27. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for revocation of the conditional use permit by City Council.
28. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition contained herein, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise unenforceable, then this conditional use permit shall be void and the use permitted by this conditional use permit shall cease. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions therein, being ruled invalid, unconstitutional or otherwise unenforceable, the property

owner shall be afforded the right to reapply for a conditional use permit.

29. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition contained herein; as such, in the event an amendment to the zoning of the property described in Section (b) hereof is produced by a comprehensive implementation of a new or substantially revised Zoning Ordinance, the conditions imposed by the conditional use permit shall continue in effect.

(d) That this conditional use permit shall be deemed to have been abandoned and shall be revoked:

1. If the construction of the improvements or occupancy authorized by this conditional use permit has not commenced within twenty-four (24) months of January 12, 2016, or
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.



Blakeway Corp

DATE	10-12-18
BY	REVISIONS TO CITY PLANNING DEPARTMENT
PROJECT	WARWICK BLVD. AND LOGAN DR.
SCALE	AS SHOWN
DATE	10-12-18
BY	REVISIONS TO CITY PLANNING DEPARTMENT
PROJECT	WARWICK BLVD. AND LOGAN DR.
SCALE	AS SHOWN
DATE	10-12-18
BY	REVISIONS TO CITY PLANNING DEPARTMENT
PROJECT	WARWICK BLVD. AND LOGAN DR.
SCALE	AS SHOWN

WARWICK BLVD. AND LOGAN DR.  
 SHEET 002  
 CONCEPT PLAN  
 11000 WARWICK AVE  
 NEWPORT NEWS, VA

DATE: 10-12-18  
 BY: [Signature]  
 PROJECT: WARWICK BLVD. AND LOGAN DR.  
 SCALE: AS SHOWN

GENERAL NOTES

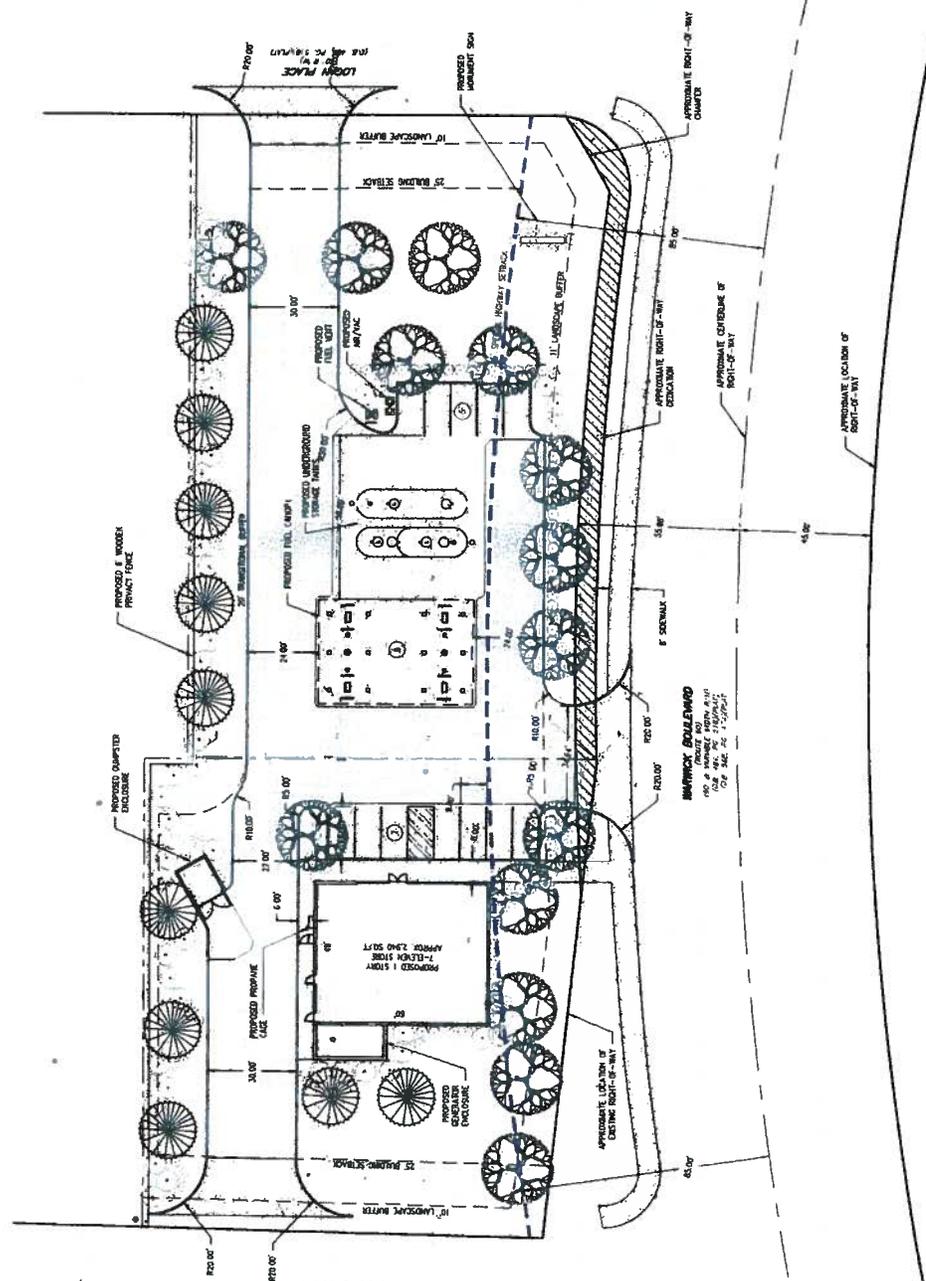
1. THE SITE IS DESIGNED IN ACCORDANCE WITH C-3 ZONING REGULATIONS OF THE CITY OF NEWPORT NEWS ZONING ORDINANCE.
2. PLANTING SPECIFICATIONS AND NOTES ARE PROVIDED THAT ASSURE THE DOES NOT COMPROMISE THAT REQUIRED STANDARDS QUALITY AND QUANTITY. APPROVED PLANTING SPECIFICATIONS AND NOTES, MAPS, AND THAT ACCURATE STIPULATED INFRASTRUCTURE IS AVAILABLE WITHIN THE PUBLIC RIGHT-OF-WAY.
3. A COMMERCIAL USE PERMIT WILL BE REQUIRED FOR 24-HOUR OPERATION OF THE BUSINESS. THE CITY OF NEWPORT NEWS SALES TAX FOR 24-HOUR OPERATION AT THIS SITE. A VARIANCE WILL HAVE TO BE GRANTED BY THE CITY FOR THE PROPOSED NUMBER OF PARKING SPACES.

**SITE ANALYSIS**

PROPOSED PARCEL AREA: 55,760 sq ft  
 1,282 sq ft  
 C-3  
 REQUIRED: 12 SPACES (MIN)  
 20 SPACES (MAX)  
 WITH 50% INCREASE  
 30 SPACES

**CONCEPT PLANT SCHEDULE**

14	RECOMMENDED
10	RECOMMENDED
07	RECOMMENDED
04	RECOMMENDED
02	RECOMMENDED
01	RECOMMENDED





## **F. Consent Agenda**

### 1. Minutes of the Work Session of December 8, 2015

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

Minutes of the Work Session of December 8, 2015

**MINUTES OF WORK SESSION  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE 10<sup>TH</sup> FLOOR CONFERENCE ROOM  
2400 WASHINGTON AVENUE**

**December 8, 2015**

**3:00 p.m.**

**PRESENT:** Herbert H. Bateman, Jr.; Sandra N. Cherry, D. Min.; Robert S. Coleman; McKinley L. Price, DDS; Sharon P. Scott (arrived at 3:35 p.m.); and Tina L. Vick ----- 6

**ABSENT:** Dr. Patricia P. Woodbury ----- 1

**OTHERS PRESENT:** James M. Bourey; Collins L. Owens; Mabel Washington Jenkins; Cynthia Rohlf; Alan Archer; Wanda Pierre; Darlene Bradberry; Lisa Cipriano; Chad Pritchett; Sherry Croaker; Keith Ferguson; Nicole Ellis; Carol Meredith; Michael Nealer; Telly Whitfield; Reed Fowler; Sheila McAllister; Claudia Cotton; Jerri Wilson; Cleder Jones; Kim Lee; Jennifer Walker; RoShaundra Ellington; Paula Hersh; Eoghan Miller; and Theresa Clift

I. Comprehensive Annual Financial Report (CAFR) Presentation

Mr. James Bourey, City Manager, introduced Mr. Tom Mitchell, Director, Department of Finance, to report on the Comprehensive Annual Financial Report (CAFR).

Mr. Mitchell stated that he had been involved in the preparation of the CAFR for approximately four years since his employment with the City as the Director of the Department of Finance. Mr. Mitchell reminded that the City's fiscal year ended on June 30, 2015. He advised that the 2015 CAFR had been challenging due to new Pension liability reporting requirements by the Governmental Accounting Standards Board (GASB), and complex staffing issues. Ms. Lisa Perey, former Accounting Manager, Department of Finance, resigned unexpectedly from the City in September 2015. Fortunately, Mr. William Rose, Acting Accounting Manager, Department of Finance, along with other Accountants, did a wonderful job in assisting with the CAFR.

Mr. Mitchell stated that Cherry Bekaert, the City's independent auditors, prepared the CAFR with assistance from the Department of Finance. He stated the CAFR was the final requirement of the Department of Finance to close out its year-end books. Cherry Bekaert was asked to offer: 1) an opinion on the City's financial statement; 2) a report on the results of their audits; and 3) state whether a problem existed with the City's finances. Mr. Mitchell advised that the CAFR proved that the City was financially sound, and the bookkeeping was accurate. He introduced Mr. Greg Miller, Manager, Cherry Bekaert, the City's independent auditors, to share information pertaining to the CAFR for the Fiscal Year that ended June 30, 2015.

Mr. Miller thanked members of City Council for entrusting Cherry Bekaert as their auditors. He thanked Mr. Mitchell, Mr. Rose, and staff for their assistance in meeting the deadlines to complete the CAFR.

Mr. Miller noted Cherry Bekaert was engaged by the City to provide the following (a copy of the presentation is attached and made a part of these minutes):

- Audit of the City's FY 2015 financial statements
- Audit of the City's major federal programs required by OMB Circular A-133
- Audit of the City's compliance with the Auditor of Public Accounts' Specifications for Audits of Counties, Cities and Towns
- Agreed-upon procedures on the Sheriff's Office internal control compliance with the Virginia Sheriff's Accounting Manual
- Agreed-upon procedure on the Virginia Department of Environmental Quality financial test in accordance with the Financial Assurance Regulations for Solid Waste Disposal Facilities

Mr. Miller noted the Service Deliverables for the Fiscal Year ended June 30, 2015:

- Audit Deliverables:
  - Opinion on the financial statements within the City's CAFR
  - Report on internal control over financial reporting and on compliance and other matters required by Government Auditing Standards
  - Report on compliance for each major federal program and internal control over compliance in accordance with OMB Circular A-133
  - Report on compliance with the Auditor of Public Accounts' Specifications for Audits of Counties, Cities and Towns
  - Reports on other agreed-upon procedures
- City Council Reporting:
  - Results of the audit – December 8, 2015

Mr. Miller noted the Overall Audit Results for the Fiscal Year ended June 30, 2015:

- The 2015 financial statements were unmodified or a "clean" opinion
- Internal control deficiencies over financial reporting
  - No identified material weaknesses or significant deficiencies
- Internal control deficiencies over federal compliance
  - No identified material weaknesses or significant deficiencies
- Instances of noncompliance with Commonwealth of Virginia laws, regulations, contracts, and grants
  - Social Services Business Continuity Plan – not reviewed and updated annually
  - Social Services E-Mail Encryption – no encryption used
  - Child Welfare Trust/SSI Dedicated Funds Accounts – separate bank accounts for both Child Welfare Trust Accounts and SSI Dedicated Funds were not established

Mr. Miller noted the Required Communications for the Fiscal Year ended June 30, 2015:

- Accounting Policies
  - Adoption of new accounting policies
    - GASB Statement No. 68 – Accounting and Financial Reporting for Pensions – an amendment of GASB Statement No. 27

- GASB Statement No. 71 – Pension Transition for Contributions Made Subsequent to Measurement Date – an amendment of GASB Statement No. 68
- OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
  - Change in accounting policies
    - The application of other existing policies was unchanged
- Management Judgment and Accounting Estimates
  - Allowance for Doubtful Accounts and Taxes Receivable
  - Pension and Other Postemployment Benefits Liabilities
  - Incurred But Not Reported Claims Liability
  - Landfill Closure and Post-Closure Liability
- Audit Adjustments
  - Recorded adjustments – only related to the new pension requirements
  - Unrecorded adjustment – one immaterial adjustment related to capital asset Wetland credits
- Disagreements with Management – None
- Difficulties Encountered in Performing the Audit - None
- Consultation with other Accountants – Not aware of any
- Material Client Communications – Representation Letter
- Independence - Not aware of any relationship that would impair their independence

Mr. Miller noted New Accounting and Reporting Changes for the GASB statements effective for FY 2016:

- GASB Statement No. 72 – Fair Value Measurement and Application
  - Significantly changes fair value measurement and disclosures
- GASB Statement No. 76 – The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments
  - The GAAP hierarchy prioritizes guidance governments follow when preparing GAAP financial statements; the standard reduces authoritative GAAP hierarchy to two categories from four

City Manager Bourey thanked Mr. Miller, Mr. Mitchell and staff for all their hard work throughout the entire year.

Councilman Bateman inquired whether the City's financial debt capacity policies were addressed in the CAFR. Mr. Miller replied; yes, it was included in the CAFR.

## II. Closed Meeting

(3:29 p.m. – 3:55 p.m.)

## Miscellaneous Item

City Manager Bourey reminded about the request made by Councilwoman Vick at the November 24, 2015 Work Session to allow City employees additional time off during the 2015 Christmas and New Year's holiday season, as provided in the past. He pointed out that a gap between the holiday and the weekend existed during the 2014 Christmas and New Year's holiday season, which enabled the City to provide additional time off (8 hours of paid holiday leave on Christmas and New Year's Eve). The 2015 holidays fell on Friday, affording a three-day weekend for employees. Overtime pay was associated with offering additional time off. He proposed offering employees an additional four hours of paid leave on Christmas Eve, Thursday, December 24, 2015, and four hours of paid leave on New Year's Eve, Thursday, December 31, 2015, which amounted to eight hours of additional paid holiday leave.

Councilwoman Vick pointed out that the City's bond ratings and revenues were increasing due to the hard work of City staff. She believed that an additional four hours of holiday leave was not a huge amount to offer employees for their hard work over the past year. She asked that members of City Council support her request to provide City employees four additional hours of leave on Christmas Eve, Thursday, December 24, 2015, and eight hours of additional leave on New Year's Eve, Thursday, December 31, 2015, which translated into twelve hours of additional holiday leave.

There was no consensus reached in support of Councilwoman Vick's request to provide additional holiday leave to employees; however, City Attorney Owens advised that the matter needed to be voted on at the December 8, 2015 Regular Meeting of City Council under new business.

## III. Bond Sale Update

City Manager Bourey introduced Ms. Lisa Cipriano, Director, Department of Budget & Evaluation, to provide the update.

Ms. Cipriano reported that the December 8, 2015, bond sale totaled \$53,360,000, which included the refinancing of EDA bonds in the amount of \$4 million. She stated nine bidders were involved, which resulted in a winning bid of 2.55%, the lowest the City had in many years. This was an excellent rate as the bond sale in April 2014 resulted in a winning bid of 3.05%.

City Manager Bourey advised that a detailed report would be provided to City Council once the information was compiled. He stated that the City received positive information about its bond rating. Ms. Cipriano agreed. She stated the S&P language was very encouraging, and noted the City had strong financial capacity, budget flexibility, and financial management. Such strong financial capacity assisted with the City obtaining an excellent bond rating. The City had an S&P bond rating of AA+ and was very close to an Aaa S&P bond rating. The bond rating agencies noted that improvement was needed in several areas. Moody's affirmed bond rating for the City was Aa1, which was the 2<sup>nd</sup> highest next to

an Aaa bond rating. The City had the highest rating it could possibly have without moving into an Aaa rating.

City Manager Bourey advised that the City’s per capita income, while not terrible, did not compare with an Aaa rated City. He stated the bond rating agencies compared the City’s per capita income to other localities. The City had fully funded its Pension and Retirement System, had a five-year financial forecast and was moving forward with outcome measures. This was looked upon favorably by the bond rating agencies.

Councilwoman Vick inquired whether the per capita income was the only issue with the bond rating agencies. Ms. Cipriano replied that Moody’s wanted to see higher priced housing and sales within the City. They felt that income and wealth levels were less than Aaa rated communities.

Vice Mayor Coleman inquired whether there were other jurisdictions in the area with an Aaa rating. Ms. Cipriano replied that the City of Virginia Beach and the Commonwealth of Virginia had an Aaa rating.

Councilwoman Scott inquired whether crime stats played a part in determining a City’s bond rating. Ms. Cipriano replied that she did not recall the use of crime statistics; a bond rating was based on the financial capacity of a City.

IV. FY 2016 Bond Authorization Briefing

Ms. Cipriano explained the FY 2016 Bond Authorization was a legal instrument that allowed City Council to appropriate funds for projects identified in the approved FY 2015 – 2016 Capital Improvements Plan (CIP), and to issue bonds to pay for capital projects appropriated by City Council (a copy of the presentation, “FY 2016 Bond Authorization,” is attached and made a part of these minutes).

Ms. Cipriano reported the Recommended FY 2016 Bond Authorization was \$49,615,000. She stated the FY 2016 Bond Authorization was divided by \$36,371,000 or 73% of General Fund Supported Debt and \$13,244,000 or 27% of User Fee Supported Debt.

**General Fund Supported Debt**

1. Community Development	\$17,550,000
2. Environmental	\$ 360,000
3. Parks and Recreation	\$ 850,000
4. Public Buildings	\$ 2,900,000
5. Schools	\$ 5,186,000
6. Streets and Bridges	\$ 8,845,000
7. Transit	\$ 680,000

**User Fee Supported Debt**

8. Sewer Rehabilitations	\$ 8,500,000
9. Stormwater Drainage	\$ 4,744,000

Ms. Cipriano noted the FY 2016 CIP General Obligation Bond Projects and the yet-to-be appropriated FY 2015 CIP projects, from the General and Self-Supporting Funds, were the basis of the Authorization (see the list of project allocations as a part of the presentation attached and made a part of these minutes).

Ms. Cipriano noted the actual projects that would be funded from the FY 2016 Bond Authorization (see the list of projects as part of the presentation attached and made a part of these minutes).

Ms. Cipriano stated staff anticipated the FY 2016 Bond sale for May or June of 2016, if market conditions were favorable.

V. Industrial Development Authority (IDA) of Newport News, Virginia, Lease Renewal Briefing

City Manager Bourey introduced Ms. Carol Meredith, Assistant Director, Department of Development, to provide the briefing.

Ms. Meredith advised that the City had leased the property located at 2295 Harbor Road, formerly the C&O Train Station, to the IDA for more than 20 years. She stated the lease would expire on December 31, 2015. A new five-year lease of the property was requested by the IDA with the same terms and conditions. The new lease would commence on January 1, 2016, and terminate on December 31, 2020.

Ms. Meredith explained that the new five-year lease would allow the IDA to continue to sub-lease the parcel on the City's behalf. The IDA subleased the property to Ms. Robin Rattley, the owner and operator of the Train Station, Inc., on a month-to-month basis, with the same terms and conditions. The sublease had a fixed rent of \$1,000 per month and an additional rate based on a percentage of revenue. The Train Station historically had difficulty with remaining current on its rent and other obligations. The goal was to bring the rent and obligations current, by closing on five parcels owned by Ms. Rattley. The parcels were located on Jefferson Avenue at the footprint of the Brooks Crossing project. Ms. Rattley agreed to pay all delinquent rent and obligations due from the proceeds of the sale of the five parcels. Staff understood that the closing on the parcels should take place by the end of 2015.

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Councilwoman Scott questioned what would happen should the rent and obligations remain outstanding, and whether it would affect the lease of the Train Station. Ms. Meredith replied that the IDA would terminate the lease agreement if the rent and obligations remained outstanding.

## VI. New State Conflict of Interest Act (COIA) Disclosure & Gift Limit Briefing

City Manager Bourey introduced City Attorney Owens to offer the briefing on the New State Conflict of Interest Act (COIA) Disclosures & Gift Limits.

City Attorney Owens noted the following Amendments to the State and Local Government Conflict of Interest Act (see copy of memo, dated December 9, 2015, to City Council from the City Attorney, noting and explaining the Summary of 2015 Amendments to the State of Local Government COIA, attached and made a part of these minutes):

- **Amendments to Section 2.2-3101. Definitions. (Effective January 1, 2016).** The amendment added the definition of “Candidate” and revised the definitions of “Gifts” and “Immediate Family.”
- **Amendments to Section 2.2-3103. Prohibited Conduct.** The amendments note the general prohibitions applicable to all City officers and employees.
- **Amendments to Section 2.2-3103.1. Certain gifts prohibited. (Effective January 1, 2016).** Only applicable to officers and employees who are required to file the Statement of Economic Interest Disclosure form
- **New Section 2.2-3103.2. Return of Gifts. (Effective January 1, 2016).** See attached memo for definition.
- **Amendments to Section 2.2-3115. Disclosure by local government officers and employees.**
  - All Disclosure forms must be filed with the Clerk of the governing body as of December 15, 2015.
  - All disclosure forms must be made public no later than six weeks after filing (Effective January 1, 2016)
- **Amendments to Section 2.2-3116. Disclosure by certain constitutional officers (Effective January 1, 2016).**
  - The Sheriff, Treasurer, Attorney for the Commonwealth, Clerk of Circuit Court, and Commissioner of the Revenue must file the Statement of Economic Interests disclosure form with the Council prior to assuming office and semiannually thereafter.
- **Amendments to Section 2.2-3117. Disclosure form (Effective January 1, 2016).**
  - Incorporating the revised definitions of “Gift” and “Immediate Family”

- Lower the reporting threshold in Schedule D for “payment for talks, meetings, and publications” from \$200 to \$100
  - Lower the reporting threshold in Schedule E for aggregate gifts from businesses, governmental entities, and individuals from \$100 to \$50.
- **Amendment to Section 2.2-3118. Disclosure form; certain citizen members. (Effective January 1, 2016).**
  - Incorporated the revised definition of “Immediate Family”
  - Lower the reporting threshold for certain honorariums and expense reimbursements from \$200 to \$100
- **Amendments to Section 2.2-3121. Advisory Opinions. (Effective January 1, 2016).** A local officer or employee is now protected from prosecution if an alleged violation resulted from good faith reliance on a written opinion of the Commonwealth Attorney, the Council, or the City Attorney.
- **Amendment to Section 2.2-3124. Civil Penalty from Violation of this Chapter. (Effective January 1, 2016).**
  - The General Assembly established a new \$250 civil penalty for individuals who fail to file their Statement of Economic Interests Disclosure Form by the deadline. Within 30 days of the deadline, the Clerk of the government body would be obligated, starting January 1, to notify the Commonwealth’s Attorney of any local officer who failed to turn in their disclosure form.
- **Amendments to Section 30-355. Council; membership; terms; quorum; expenses. (Effective July 1, 2015).**
  - The General Assembly changes the membership of the Council from 15 to nine members (see additional requirements in the presentation attached to these minutes)
- **Amendments to Section 30-356. Powers and duties of the Council. (Effective July 1, 2015).**
- **New – Amendment to Section 30-356.1. Request for approval of certain travel. (Effective January 1, 2016).** The Council shall receive and review a request for the approval of travel submitted by a person who files the Statement of Economic Interests disclosures form to accept any travel-related transportation, lodging, hospitality, food or beverage, or other thing of value that has a value exceeding \$100 when such approval is required pursuant to subsection G of Section 2.2-3103.1.
- **Review of Disclosure forms.** The Council shall review the current State of Economic Interests disclosure form and make recommendations for the revision of such forms on or before November 15, 2016.

Councilman Bateman inquired whether members of City Council and other Boards/Commissions would be required to file another Disclosure Form in addition to the one already

filed. City Attorney Owens replied yes. The statute also states that appointees of the governing body and other employees of the governing body, as designated by the governing body, were required to fill out a Statement of Economic Interests Disclosure form. The Newport News City Council had never designated any appointee or employee to file a Statement of Economic Interests Disclosure form; however, the City Manager was required by State law to file a Disclosure of Real Estate Form.

## VII. Comments/Ideas/Suggestions

Vice Mayor Coleman reminded about discussion held at the November 24, 2015 Work Session of City Council, wherein Mayor Price recommended a joint meeting between City Council and the School Board to discuss the School's priorities before the 2017 CIP process began. Vice Mayor Coleman felt the City was in better financial condition as revenues were increasing and debt was decreasing. The savings could be used to assist the School system with meeting their priorities. He suggested that the City Manager and School Superintendent work together to determine cost savings. He felt there were areas of efficiency that could be looked into that would reduce the Schools' budget by \$2 million. The extra savings could be used for the School's capital project fund and operating budget in 2017 to help off-set costs related to HVAC and roof replacements. He had spoken to members of the School Board who were in support of the suggestion.

Councilman Bateman expressed appreciation for the suggestion to meet with the School Board. He felt a meeting was needed with the School Board to determine their priorities. As City Council looked at the City's bond rating and debt management policies, some of the requests that the Schools asked for would put the City perilously close to exceeding its debt policies. He wanted to understand the School's priorities, but felt it could not happen in one meeting; additional time would be needed. Other savings may be found in addition to the savings from the relocation of the SCOT Center.

City Manager Bourey advised that he was in support of the suggestion made by Vice Mayor Coleman to meet with the Newport News School Superintendent Dr. Kilgore and the members of the School Board about budget savings. He felt it would be a challenge, but he would find a way to come up with additional funding. There were many different avenues that could be addressed in the FY 2017 – 2021 CIP. A serious conversation was needed with the Schools to determine their priorities. That conversation might be uncomfortable for members of City Council in terms of the School's priorities. There was only a certain amount of funding available and City Council had to prioritize what was in the five-year CIP. There were certain projects that one member of City Council may feel was more important than that of another; however, it needed to be put on the table.

Councilwoman Vick agreed that all requests needed to be put on the table. She stated everyone wanted their entire wish list, which could only be done in a perfect world with perfect money. She felt City Council was not asking for anything more than what was asked for by the Schools.

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City Manager Bourey agreed, and indicated the City had funded more of the Schools requests than what was funded for the Department of Public Works. He felt the CIP was balanced, but it was an appropriate time to have a conversation with the Schools.

Councilwoman Scott inquired whether the Schools determined the priorities in the CIP. City Manager Bourey replied yes, the Schools determined the projects in the CIP.

Councilwoman Scott understood that many members of the School Board voiced concern about the projects in the FY 2017 – 2021 CIP, and asked that City Council provide them an opportunity to have a discussion before the adoption of the FY 2017 – 2021 CIP at the evening's meeting. She inquired whether discussion could be held at the January 12, 2016 Work Session before the passage of the FY 2017 – 2021 CIP. The CIP was not typically voted on until the month of January. This would provide time for the Schools to voice their concerns regarding the CIP.

Vice Mayor Coleman advised that the above-noted proposal to have the City Manager and School Superintendent meet to find additional funding for the School's capital project fund would satisfy the members of the School Board. He stated the members of the School Board indicated that they would support the adoption of the FY 2017 – 2021 CIP as proposed.

Councilwoman Scott stated that members of the School Board indicated that they were attending the Regular City Council meeting of December 8, 2015, because they wanted additional dialogue before the passage of the CIP. That was the reason she asked whether the priorities were set by the City or the Schools.

City Manager Bourey assured Councilwoman Scott that the Schools determined their priorities in the FY 2017 – 2021 CIP, based on the funding they received from the City. He stated there was no way the City could include additional funding in the CIP for the Schools. The only option available to provide additional funding to the Schools was to eliminate City projects from the CIP, which he strongly did not recommend. He felt a balance of funding had been achieved between the Schools and the City. He indicated there could be long-term dialogue about issues moving forward.

Councilwoman Scott indicated that she was not suggesting that the City provide additional funding, but felt time would provide the Schools an opportunity to prioritize and adjust their CIP projects. City Manager Bourey reiterated that the Schools requested the projects in the CIP.

There was consensus among City Council to schedule a meeting with the School Board, and that the City Manager meet with School Superintendent Dr. Kilgore to determine a way to save \$2 million. City Manager Bourey stated he would make the suggestion at the evening meeting to work with Dr. Kilgore to find a way to save \$2 million.

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City Clerk Mabel Washington Jenkins reminded that the Statement of Economic Interest Forms were due no later than December 15, 2015.

Councilwoman Cherry thanked Vice Mayor Coleman for sharing his concerns about the Schools. She hoped City Council could meet with the members of the School Board as well as the City Manager meeting with the NNPS Superintendent Dr. Kilgore. City Manager Bourey stated that was fine with him.

Councilwoman Cherry stated she had forwarded pictures to the City Manager's office regarding a meeting she had with a citizen (Mr. Covington) several months ago regarding Code violations in the Seafood Industrial Park. She inquired whether the issues voiced by Mr. Covington had been looked into before she voted on the approval of the SIP lease renewals at the evening meeting.

Ms. Cynthia Rohlf, Assistant City Manager, stated that some of the properties that Mr. Covington complained about had been cleared of trash and debris and/or demolished. She was not sure of any additional issues.

Councilwoman Cherry stated that she had not received a reply from the City Manager's office about whether the matters voiced by Mr. Covington had been looked into or resolved; therefore, she had not replied to Mr. Covington. Assistant City Manager Rohlf apologized to Councilwoman Cherry for not getting back to her. Assistant City Manager Rohlf indicated that she spoke frequently to Mr. Covington, and, to the best of her knowledge, Mr. Covington was aware of the clean-up in the area. She would look into the matter by the evening meeting to ensure that Mr. Covington's issues had been addressed.

THERE BEING NO FURTHER BUSINESS  
ON MOTION, COUNCIL ADJOURNED AT 4:57 P.M.

  
Jennifer D. Walker, MMC  
Chief Deputy City Clerk

McKinley L. Price  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk

## **F. Consent Agenda**

### 2. Minutes of the Special Meeting of December 8, 2015

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

Minutes of the Special Meeting of December 8, 2015

**MINUTES OF SPECIAL MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE 10<sup>TH</sup> FLOOR CONFERENCE ROOM  
2400 WASHINGTON AVENUE  
DECEMBER 8, 2015  
3:30 P.M.**

---

PRESENT: Herbert H. Bateman, Jr.; Sandra N. Cherry, D. Min.; Robert S. Coleman;  
McKinley L. Price, DDS; Sharon P. Scott (arrived at 3:35 p.m.); and Tina L.  
Vick-----6

ABSENT: Dr. Patricia P. Woodbury-----1

OTHERS PRESENT: James M. Bourey; Collins L. Owens, Jr.; Mabel Washington Jenkins;  
Darlene Bradberry; Carol Meredith; and Jennifer Walker.

After ascertaining that proper meeting notice had been provided to each member of City Council, Mayor Price called the meeting to order and stated the meeting was being held for the following purposes:

- (1) To call a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, subsections: (3) a discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, the subject of which is the acquisition of real property in the southern, central, and northern sections of the City; and (5) a discussion of a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating a facility in the community, the subject of which is a prospective new business in the southern, central and northern sections of the City.

Vice Mayor Coleman moved for a closed meeting under sections and reasons cited above; seconded by Councilwoman Vick.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Vick

Nays: None

(Closed Session 3:30 p.m. – 3:58 p.m.)

After reconvening in open session, Vice Mayor Coleman moved to certify that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the Council. Motion seconded by Councilwoman Vick.

**DRAFT**

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Minutes of Special Meeting  
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Vote on Roll Call:  
Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick  
Nays: None

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 3:58 P.M.



Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk

**CERTIFICATE OF CLOSED MEETING**

**MEETING DATE:** December 8, 2015  
**MOTION:** Vice Mayor Robert S. Coleman  
**SECOND:** Councilwoman Tina L. Vick

WHEREAS, the City Council of the City of Newport News has convened a closed meeting on this date pursuant to an affirmative recorded vote as required under the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia, 1950, as amended, requires a certification by this City Council that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newport News does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City Council.

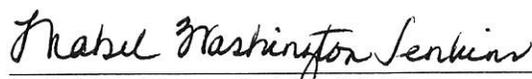
**VOTE**

AYES: Bateman, Cherry, Coleman, Price, Scott, Vick  
NAYS: None  
ABSTENTION: None

ABSENT DURING VOTE: Woodbury

ABSENT DURING MEETING: Woodbury

ATTEST:



\_\_\_\_\_  
Mabel Washington Jenkins, MMC  
City Clerk

## **F. Consent Agenda**

### 3. Minutes of the Regular Meeting of December 8, 2015

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

Minutes of Regular Meeting of December 8, 2015

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
DECEMBER 8, 2015  
7:00 P.M.**

---

PRESENT: Herbert H. Bateman, Jr.; Saundra N. Cherry, D. Min.; Robert S. Coleman;  
McKinley L. Price, DDS; Sharon P. Scott; and Tina L. Vick-----6

ABSENT: Dr. Patricia P. Woodbury-----1

A. Call to Order

Mayor Price 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. 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. He pointed out copies of the ordinance highlighting citizen participation and encouraged citizens to review the document.

Mayor Price requested that cell phones and/or pagers be silenced or turned off.

B. Invocation

The invocation was rendered by Elder Darrin Lyons, Bethel Restoration Church.

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 Councilwoman Tina Vick.

*MOTION MADE BY COUNCILWOMAN SCOTT; SECONDED BY VICE MAYOR COLEMAN; AND CARRIED UNANIMOUSLY, TO EXCUSE COUNCILWOMAN WOODBURY FROM THIS MEETING.*

D. Presentations

None

E. Public Hearings

1. Ordinance Authorizing the City Manager to Execute a Deed of Easement By and Between the City and Virginia Electric and Power Company, d/b/a Dominion Virginia Power for an Easement Across City-owned Property, Located at 600 Jefferson Avenue (King Lincoln Park)

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE

E. Public Hearings Continued

1. Ordinance Authorizing the City Manager to Execute a Deed of Easement By and Between the City and Virginia Electric and Power Company, d/b/a Dominion Virginia Power for an Easement Across City-owned Property, Located at 600 Jefferson Avenue (King Lincoln Park)  
Continued

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 8<sup>TH</sup> DAY OF DECEMBER, 2015, FOR AN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 600 JEFFERSON AVENUE, NEWPORT NEWS, VIRGINIA. This ordinance authorized the City Manager to execute a Deed of Easement by and between the City and Virginia Electric and Power Company, D/B/A Dominion Virginia Power, for an easement over City-owned property, located at 600 Jefferson Avenue (King Lincoln Park). The easement was needed to accommodate a relocated Dominion Virginia Power pole guy wire as part of the Seafood Industrial Park (SIP) Site Remediation Project and associated roadway reduction of Jefferson Avenue. A request to receive bids was properly advertised in the Daily Press on November 9, 2015 and November 16, 2015. The City Council received bids for this easement at its November 24, 2015 Regular Meeting. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

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

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

2. Ordinance Authorizing the City Manager to Execute a Lease By and Between the City and Warwick County Historical Society (WCHS) for Office Space in the City's 1810 Warwick Courthouse Building

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 LEASE DATED THE 8<sup>TH</sup> DAY

E. Public Hearings Continued

2. Ordinance Authorizing the City Manager to Execute a Lease By and Between the City and Warwick County Historical Society (WCHS) for Office Space in the City's 1810 Warwick Courthouse Building Continued

OF DECEMBER, 2015, BY AND BETWEEN CITY OF NEWPORT NEWS AND WARWICK COUNTY HISTORICAL SOCIETY FOR THE WARWICK COUNTY COURTHOUSE. This ordinance authorized the City Manager to execute a Lease by and between the City and Warwick County Historical Society (WCHS) for use of office space in the City's 1810 Warwick Courthouse Building. The current five-year lease agreement was established on January 1, 2011 and expired on December 31, 2015. WCHS requested that the City renew the agreement. The Department of Parks, Recreation and Tourism supported the renewal of the agreement. WCHS served as a local historical resource and provided historical information to residents and others at no charge. There was no charge for WCHS to use the courthouse space. The Society was responsible for paying telephone, internet, and related proprietary services as appropriate. The City Manager recommended approval.

(No registered speakers)

Vice Mayor Coleman moved closure of the public hearing; seconded by Councilwoman Scott.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

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

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

3. Ordinance Authorizing the City Manager to Execute a Lease By and Between the City and the Hugh S. Watson, Jr. Genealogical Society of Tidewater, Virginia (TGS), for Office Space on the First Floor of the 1884 Warwick Courthouse Building

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 LEASE DATED THE 8<sup>TH</sup> DAY OF DECEMBER, 2015, BY AND BETWEEN CITY OF NEWPORT NEWS AND HUGH S. WATSON, JR. GENEALOGICAL SOCIETY OF TIDEWATER, VIRGINIA FOR THE WARWICK COUNTY COURTHOUSES. This ordinance authorized the City Manager to exe-

E. Public Hearings Continued

3. Ordinance Authorizing the City Manager to Execute a Lease By and Between the City and the Hugh S. Watson, Jr. Genealogical Society of Tidewater, Virginia (TGS), for Office Space on the First Floor of the 1884 Warwick Courthouse Building Continued

cute a Lease by and between the City and the Hugh S. Watson Genealogical Society of Tidewater, Virginia (TGS) for the use of office and meeting space on the first floor of the 1884 Warwick Courthouse Building. The current five-year lease agreement was established January 1, 2011 and expired December 31, 2015. TGS requested that the City renew the Lease Agreement. The Department of Parks, Recreation and Tourism supported the renewal of the Lease Agreement. TGS provided genealogy services to residents at no cost. There was no charge for TGS to use the space in the Courthouse. The society was responsible for paying telephone, internet, and related proprietary services as appropriate. The City Manager recommended approval.

(No registered speakers)

Councilwoman Vick moved closure of the public hearing; seconded by Vice Mayor Coleman.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

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

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

4. Ordinance Authorizing the City Manager to Execute a Lease Between the City and the Industrial Development Authority (IDA) for Property Located at 2295 Harbor Road

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 LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS, VIRGINIA DATED THE 8<sup>TH</sup> DAY OF DECEMBER, 2015. This ordinance authorized the City Manager to execute a Lease between the City and the Industrial Development Authority of the City of Newport News, Virginia (IDA), for property located at 2295 Harbor Road. The current five-year lease between the City and the IDA

E. Public Hearings Continued

4. Ordinance Authorizing the City Manager to Execute a Lease Between the City and the Industrial Development Authority (IDA) for Property Located at 2295 Harbor Road Continued

for 2295 Harbor Road (the former C&O Train Station) was set to expire December 31, 2015. A new five-year Lease of the property to the IDA, on substantially the same terms and conditions as the existing Lease, was requested to commence January 1, 2016, and terminate December 31, 2020. The City Manager recommended approval.

(No registered speakers)

Councilwoman Scott moved closure of the public hearing; seconded by Vice Mayor Coleman.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

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

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

5. Ordinance Authorizing the City Manager to Execute a Lease Between the City and Harbor Cruises, Inc. for Parcel 17A of the Seafood Industrial Park (SIP) and Approving a Sublease of Parcel 17A from Harbor Cruises, Inc., to Lockwood Brothers, Inc.

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 LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND HARBOR CRUISES, INCORPORATED, DATED THE 8<sup>TH</sup> DAY OF DECEMBER, 2015, FOR PARCEL 17A OF THE NEWPORT NEWS SEAFOOD INDUSTRIAL PARK, AND APPROVING A SUBLEASE OF PARCEL 17A FROM HARBOR CRUISES, INCORPORATED (THE SUBLESSOR) TO LOCKWOOD BROTHERS, INC. (THE SUBLESSEE). This ordinance authorized the City Manager to execute a Lease by and between the City and Harbor Cruises, Inc. (Harbor Cruise), for Parcel 17A of the Seafood Industrial Park (SIP) and approving a sublease of Parcel 17A to Lockwood Brothers, Inc. (Lockwood Brothers). Harbor Cruise requested a Lease of Parcel 17A to continue to access Parcel 17. The term of the new Parcel 17A Lease was set to expire simultaneously with the existing Parcel 17 Lease on November 14, 2020. Harbor Cruise also

E. Public Hearings Continued

5. Ordinance Authorizing the City Manager to Execute a Lease Between the City and Harbor Cruises, Inc. for Parcel 17A of the Seafood Industrial Park (SIP) and Approving a Sublease of Parcel 17A from Harbor Cruises, Inc., to Lockwood Brothers, Inc. Continued

requested to continue to sublease both Parcels to Lockwood Brothers. Lockwood Brothers had operated from Parcels 17 and 17A as per the Council-approved sublease since April 2011. The rental rate for Parcel 17A would continue as 60% of the standard annual SIP rental rate (currently \$0.386 per square foot). The City Manager recommended approval.

Mr. Edward Shield, 5905 Lowry Street, Richmond, was available to answer any questions.

Councilwoman Scott moved closure of the public hearing; seconded by Vice Mayor Coleman.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

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

Councilman Bateman filed a declaration in accordance with Section 2.2-3115H of the Virginia Code, that stated, pursuant to Subdivision A3 of Section 2.2-3112 of the Virginia Conflict of Interest Act, that for the City Council Agenda of December 8, 2015, (i) the City Manager recommended to the Newport News City Council that they approve a sublease in the Seafood Industrial Park of Parcel 17 to Lockwood Brothers, Inc. (the transaction); (ii) that he was an employee of TowneBank, and Lockwood Brothers, Inc. is a client of the bank; however, he did not personally represent or provide services to the tenant; (iii) that he had no personal interest affected by the transaction; and (iv) that he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council Meeting at which the transaction was considered – December 8, 2015; and is attached and made a part of these minutes).

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

6. Ordinance Authorizing the City Manager to Execute a Lease Between the City and Chesapeake Bay Packing, L.L.C. for Parcel 18A of the Seafood Industrial Park (SIP)

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY

E. Public Hearings Continued

6. Ordinance Authorizing the City Manager to Execute a Lease Between the City and Chesapeake Bay Packing, L.L.C. for Parcel 18A of the Seafood Industrial Park (SIP) Continued

MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN DEED OF LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND CHESAPEAKE BAY PACKING, L.L.C., DATED THE 8<sup>TH</sup> DAY OF DECEMBER, 2015, FOR PARCEL 18A OF THE NEWPORT NEWS SEAFOOD INDUSTRIAL PARK. This ordinance authorized the City Manager to execute a Lease by and between the City and Chesapeake Bay Packing, L.L.C. (Chesapeake Bay) for Parcel 18A of the Seafood Industrial Park (SIP). Chesapeake Bay, the current Lessee of Parcel 18A and the adjoining Parcel 18, requested a five-year lease of Parcel 18A to access Parcel 18 and continue its seafood processing operations. By terms of the existing Chesapeake Bay Lease of Parcel 18, Chesapeake Bay agreed to lease Parcel 18A from the City. The City agreed to lease Parcel 18A to Chesapeake Bay. The rental rate would continue at 60% of the standard annual SIP rental rate (\$0.386 per square foot) for Parcel 18A. The City Manager recommended approval.

Mr. Terence Molloy, 800 Terminal Avenue, Newport News, was available to answer any questions.

Councilwoman Vick moved closure of the public hearing; seconded by Vice Mayor Coleman.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

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

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

7. Ordinance Authorizing the City Manager to Execute a Lease Between the City and Chesapeake Bay Packing, L.L.C. for Parcels 19A, 20A, 21A and 21B, and 22A and 22B of the Seafood Industrial Park (SIP)

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 LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND CHESAPEAKE BAY PACKING, L.L.C., DATED THE 8<sup>TH</sup> DAY OF DECEMBER, 2015, FOR PARCEL 19A, 20A,

E. Public Hearings Continued

7. Ordinance Authorizing the City Manager to Execute a Lease Between the City and Chesapeake Bay Packing, L.L.C. for Parcels 19A, 20A, 21A and 21B, and 22A and 22B of the Seafood Industrial Park (SIP)  
Continued

21A & B, AND 22A & B OF THE NEWPORT NEWS SEAFOOD INDUSTRIAL PARK. This ordinance authorized the City Manager to execute a Lease by and between the City and Chesapeake Bay Packing, L.L.C. (Chesapeake Bay), for Parcels 19A, 20A, 21A and 21B, and 22A and 22B, of the Seafood Industrial Park (SIP). Chesapeake Bay, the current tenant of Parcels 19A, 20A, 21A and 21B, and 22A and 22B, and the adjoining waterfront Parcels 19 through 22, requested a five-year lease of Parcels 19A through 22A, 21B, and 22B, to access waterfront Parcels 19 through 22, and continue its seafood processing operations. By terms of the existing Lease of Parcels 19 through 22, Chesapeake Bay agreed to lease Parcels 19A through 22A, 21B and 22B, from the City. The City agreed to lease Parcels 19A through 22A, 21B and 22B to Chesapeake Bay. The rental rate would continue at 60% of the standard annual SIP rental rate (\$0.386 per square foot) for Parcels 19A, 20A, 21A and 21B, and 22A and 22B. The City Manager recommended approval.

Mr. Terence Molloy, 800 Terminal Avenue, Newport News, was available to answer any questions.

Councilwoman Scott moved closure of the public hearing; seconded by Vice Mayor Coleman.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

Vice Mayor Coleman moved adoption of the above ordinance; seconded by Councilwoman Scott.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

8. Ordinance Authorizing the City Manager to Execute a Lease Between the City and Virginia Pilot Association for Parcel 23D of the Seafood Industrial Park (SIP)

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 LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND VIRGINIA PILOT CORPORATION, DATED THE 8<sup>TH</sup> DAY OF DECEMBER, 2015, FOR PARCEL 23D OF THE

E. Public Hearings Continued

8. Ordinance Authorizing the City Manager to Execute a Lease Between the City and Virginia Pilot Association for Parcel 23D of the Seafood Industrial Park (SIP) Continued

NEWPORT NEWS SEAFOOD INDUSTRIAL PARK. This ordinance authorized the City Manager to execute a Lease by and between the City and Virginia Pilot Association (VA Pilot) for Parcel 23D of the Seafood Industrial Park (SIP). VA Pilot, the current Lessee of Parcel 23D, requested a five-year lease of Parcel 23D to continue its ship pilot launch operations. The current standard annual SIP rental rate of \$0.386 per square foot would continue to apply to Parcel 23D. A separate mooring agreement, (not required in the previous lease), at the prevailing Council-approved rate, would be added, which would result in over \$2,000 of additional annual City revenue. 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: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

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

Councilman Bateman filed a declaration in accordance with Section 2.2-3115H of the Virginia Code, that stated, pursuant to Subdivision A3 of Section 2.2-3112 of the Virginia Conflict of Interest Act, that for the City Council Agenda of December 8, 2015, (i) the City Manager recommended to the Newport News City Council that they approve a lease of City land in the Seafood Industrial Park (Parcel 23D) to the Virginia Pilot Corporation f/k/a Virginia Pilot Association (“the transaction”); (ii) that he was an employee of TowneBank, and Virginia Pilot Corporation is a client of the bank; however, he did not personally represent or provide services to the lessee; (iii) that he had no personal interest affected by the transaction; and (iv) that he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council Meeting at which the transaction was considered – December 8, 2015; and is attached and made a part of these minutes).

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

E. Public Hearings Continued

9. Ordinance Authorizing the City Manager to Execute a Lease Between the City and Ryan Marine, Inc. for Parcel 23E of the Seafood Industrial Park (SIP)

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 LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND RYAN MARINE, INC., DATED THE 8<sup>TH</sup> DAY OF DECEMBER, 2015, FOR PARCEL 23E OF THE NEWPORT NEWS SEAFOOD INDUSTRIAL PARK. This ordinance authorized the City Manager to execute a Lease by and between the City and Ryan Marine, Inc. (Ryan Marine), for Parcel 23E of the Seafood Industrial Park (SIP). Ryan Marine, the current Lessee of Parcel 23E, requested a five-year lease of Parcel 23E to continue its marine construction operations. The current standard annual SIP rental rate of \$0.386 per square foot would continue to apply for Parcel 23E. A separate Mooring Agreement at the prevailing Council-approved rate would continue to apply for the use of Parcel 23E mooring. 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: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

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

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

10. Ordinance Authorizing the City Manager to Execute a Lease Between the City and Chesapeake Bay Packing, L.L.C. for Parcel 23F of the Seafood Industrial Park (SIP)

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 LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND CHESAPEAKE BAY PACKING, L.L.C., DATED THE 8<sup>TH</sup> DAY OF DECEMBER, 2015, FOR PARCEL 23F OF THE NEWPORT NEWS SEAFOOD INDUSTRIAL PARK. This ordinance authorized the City

E. Public Hearings Continued

10. Ordinance Authorizing the City Manager to Execute a Lease Between the City and Chesapeake Bay Packing, L.L.C. for Parcel 23F of the Seafood Industrial Park (SIP) Continued

Manager to execute a Lease by and between the City and Chesapeake Bay Packing, L.L.C. (Chesapeake Bay), for Parcel 23F of the SIP. Chesapeake Bay, the current tenant of Parcel 23F requested a five-year lease of Parcel 23F to continue its seafood processing operations. The current SIP rental rate of \$0.386 per square foot would continue to apply to the lease for Parcel 23. A separate Mooring Agreement, (not required in the previous lease), at the prevailing Council-approved rate would be added, which would result in over \$10,000 of additional annual City revenue. The City Manager recommended approval.

Mr. Terence Molloy, 800 Terminal Avenue, Newport News, was available to answer any questions.

Councilwoman Scott moved closure of the public hearing; seconded by Vice Mayor Coleman.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

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

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

11. Ordinance Authorizing the City to Contract a Debt and Issue General Obligation General Improvement (GOGI) Bonds of the City in the Principal Amount of \$49,615,000

AN ORDINANCE AUTHORIZING THE ISSUANCE OF FORTY-NINE MILLION SIX HUNDRED FIFTEEN THOUSAND DOLLARS (\$49,615,000) PRINCIPAL AMOUNT OF CITY OF NEWPORT NEWS, VIRGINIA, GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF VARIOUS PUBLIC IMPROVEMENT PROJECTS OF AND FOR THE CITY; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS; PROVIDING FOR THE SALE OF SUCH BONDS AND DELEGATING TO THE CITY MANAGER CERTAIN POWERS WITH RESPECT THERETO; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT RELATING TO THE BONDS; AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A CONTINUING

E. Public Hearings Continued

11. Ordinance Authorizing the City to Contract a Debt and Issue General Obligation General Improvement (GOGI) Bonds of the City in the Principal Amount of \$49,615,000 Continued

DISCLOSURE CERTIFICATE OR A CONTINUING DISCLOSURE AGREEMENT RELATING TO THE BONDS; AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION GENERAL IMPROVEMENT BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND SPECIFYING MORE PARTICULARLY THE PURPOSES TO WHICH THE PROCEEDS SHALL BE APPLIED. This ordinance authorized the City Manager to contract a debt and issue General Obligation General Improvement (GOGI) Bonds in the amount of \$49,615,000 to finance the costs of various public improvement projects. The proposed bond ordinance of \$49,615,000, would allow the City the flexibility to issue bonds if market conditions, at the time of bond sale, provided the best financing option for the City. The ordinance supported the projects in the City's Adopted FY 2016 Capital Improvements Plan (CIP). This ordinance included the customary authorization to issue Bond Anticipation Notes (BANS) prior to the bond sale, should cash flow or market conditions dictate the use of such notes. The net bond proceeds were allocated to be spent in nine categories identified in the CIP. The City Manager recommended approval.

(No registered speakers)

Councilwoman Scott moved closure of the public hearing; seconded by Vice Mayor Coleman.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

Councilwoman Scott moved adoption of the above ordinance; seconded by Councilwoman Cherry.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

12. Resolution Authorizing the City Manager to Execute an In Building Radio Distribution Agreement (IBRD) Between the City and Celco Partnership, d/b/a Verizon Wireless for the Sheriff's Office Located at 2501 Washington Avenue

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 IN BUILDING RADIO DISTRI-

E. Public Hearings Continued

12. Resolution Authorizing the City Manager to Execute an In Building Radio Distribution Agreement (IBRD) Between the City and Celco Partnership, d/b/a Verizon Wireless for the Sheriff's Office Located at 2501 Washington Avenue Continued

BUTION AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND CELCO PARTNERSHIP, D/B/A VERIZON WIRELESS, DATED THE 8<sup>TH</sup> DAY OF DECEMBER, 2015, FOR THE SHERIFF'S OFFICE LOCATED AT 2501 WASHINGTON AVENUE, NEWPORT NEWS, VIRGINIA. This resolution authorized the City Manager to execute an In Building Radio Distribution Agreement (IBRD) between the City and Celco Partnership, d/b/a Verizon Wireless for the Sheriff's Office located at 2501 Washington Avenue. The Sheriff's Office had been experiencing degradation in cellular telephone services inside of its office building. Celco Partnership agreed to provide equipment and labor to install an IBRD system inside of the building. The Agreement defined the rights and responsibilities of the City and the Celco Partnership. There was no cost to the City. The City Manager recommended approval.

(No registered speakers)

Councilwoman Scott moved closure of the public hearing; seconded by Vice Mayor Coleman.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

Vice Mayor Coleman moved adoption of the above resolution; seconded by Councilwoman Cherry.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

F. Consent Agenda

Councilwoman Scott moved adoption of the Consent Agenda, Items 1 through 4, both inclusive, as shown below; seconded by Vice Mayor Coleman.

1. Minutes of the Work Session of November 24, 2015

(No registered speakers)

F. Consent Agenda Continued

1. Minutes of the Work Session of November 24, 2015 Continued

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

2. Minutes of the Special Meeting of November 24, 2015

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

3. Minutes of the Regular Meeting of November 24, 2015

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

4. Resolution of Recognition for Charles A. "Chuck" Hall

A RESOLUTION OF RECOGNITION FOR CHARLES A. "CHUCK" HALL UPON HIS RETIREMENT AS EXECUTIVE DIRECTOR OF THE HAMPTON-NEWPORT NEWS COMMUNITY SERVICES BOARD (HNNCSB). This resolution honored and recognized Mr. Charles A. "Chuck" Hall on his retirement from serving as Executive Director of the Hampton-Newport News Community Services Board. Mr. Hall began his career with the HNNCSB in 1979 as a Substance Abuse Programs Specialist. In 1986, the Board of Directors appointed him to the position of Executive Director, which he served until his retirement in 1999. In 2003, the Board of Directors asked him to return, and they appointed him to serve again as Executive Director. Through the years, Mr. Hall served on numerous boards and committees, providing leadership and support. Mr. Hall announced, effective upon the hiring of his successor, he would retire from his position as Executive Director with the HNNCSB. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

G. Other City Council Actions

1. Ordinance Amending City Code, Chapter 26, Motor Vehicles and Traffic; Article IX., Residential Parking Permit Program; Section 26-226, to Add an Area and Remove Two Existing Areas

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IX., RESIDENTIAL PARKING PERMIT PROGRAM, SECTION 26-226, DESIGNATED RESIDENTIAL PERMIT PARKING AREAS. This ordinance amended the City Code, Chapter 26, Motor Vehicles and Traffic; Article IX., Residential Parking Permit Program; Section 26-226, Designated Residential Permit Parking Areas to add one area and remove two existing areas. The residents along the west side of Huntington Avenue, between 5407 and 5411 were having difficulty with on-street parking and other issues associated with the overflow of patrons from the Newport News Shipyard. The amendment included removing Merritt Road and a portion of 45<sup>th</sup> Street from the Residential Parking Permit Program (RPPP). All costs associated with adding the area of Huntington Avenue were included in the Operating Budget. The City Manager recommended approval.

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

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

2. Resolution Approving the Capital Improvements Plan (CIP) for Fiscal Years 2017-2021 for the City of Newport News, Virginia

A RESOLUTION APPROVING A CAPITAL IMPROVEMENTS PLAN FOR THE FISCAL YEAR 2017 TO THE FISCAL YEAR 2021 FOR THE CITY OF NEWPORT NEWS, VIRGINIA. This resolution approved the Capital Improvements Plan (CIP) for Fiscal Years 2017 – 2021 for the City of Newport News, Virginia. The Recommended FY 2017 – FY 2021 was a comprehensive plan that took both the City’s need to pursue high priority Capital Projects, and spending restraint, into consideration. The plan supported the City’s Strategic Priorities and represented a fiscally responsible strategy that adhered to the City’s Capital Financing and Debt Management Policies adopted by City Council in January 2007. City Council approval was required to appropriate funds for the projects included as part of the FY 2017 - FY 2021 CIP. The City Manager recommended approval.

City Manager Bourey reminded the CIP was delivered to City Council in late October, with two Work Sessions occurring in November 2015 to discuss the same. It provided funding for the 2017 – 2021 project years, and fit all requirements for the City’s debt service. It

G. Other City Council Actions

2. Resolution Approving the Capital Improvements Plan (CIP) for Fiscal Years 2017-2021 for the City of Newport News, Virginia Continued

did not excuse the City's debt burden, and the General Fund debt service would not exceed 9.5%, capital funding would exceed the 20%, projected debt requirements would exceed adopted goals of 30% in five years, and 60% in ten years. The CIP totaled \$479 million (a copy is attached and made a part of these minutes). During the December 8, 2015 Work Session, City Council agreed that the City Manager would work with Dr. Ashby Kilgore, Superintendent, Newport News Public Schools (NNPS) to look at how the City could come up with as much as \$2 million of additional dollars for FY 2016 capital projects for the NNPS. There were savings that could be achieved, potentially with the SCOT Center relocation, or other operations and efficiencies. Dr. Kilgore and City Manager Bourey would work together to come up with the target of the additional \$2 million that could be spent for NNPS projects, beyond what was included in the FY 2017-2021 CIP. City Council had a conversation, and agreed at the November 24, 2015 Work Session to begin a series of meetings with NNPS, between the School Board members and City Council members, to discuss the capital needs of the NNPS, which were significant, and further discuss how those needs could be met so that the City could provide the best possible education for the students in Newport News. He recommended City Council approval of the 2017-2021 CIP for the City of Newport News.

Mr. Jeff Stodghill, Chairman, Newport News School Board, 231 Palen Avenue, Newport News, acknowledged the presence of several members of the NN School Board – Mr. Gary Hunter, Mr. Teddy Hicks, Mr. Douglas Brown, Ms. Shelly Simonds, and Mr. Darian Scott; as well as the President of the Newport News Parent Teacher Council, Ms. Valencia Gross. They were joined by two members of the Newport News Education Foundation, Ms. Lynn Grimsley and former School Board Chairman, Mr. John McMillan; and Mr. Cleveland Mayo, President, Huntington High School Alumni Association (Mr. Stodghill asked them to stand as they supported the NNPS and their mission of providing the funding that was necessary for the education of the children in the community). Mr. Stodghill advised that the NNPS could not borrow money, and was entirely dependent on the City for its capital needs, which was a concept not obvious to everyone. He stated, when it came to building new schools, or installing a new roof on a building, or a new air conditioning system, the NNPS could not attempt to finance the projects in one operating year, but must spread the payments out. The NNPS had nowhere to turn, except the City. The State no longer provided capital funding for the needs of the NNPS. The NNPS needed to be included in the important discussion about capital improvements. The NNPS plan should be a part of the City's plan. Mr. Stodghill suggested better communication in an effort to understand the needs of the NNPS to establish a plan that would work in the long-run. The notion of making more funding available would allow the NNPS to create a capital cash fund that could address buses and other items that would not last for 20 years, or could not be financed under general obligation bonds. The NNPS would host a meeting with City Council within upcoming months to make a presentation demonstrating their capital needs. It would give the NNPS an opportunity to talk frankly, and openly, about their needs and how that related to the overall City, and what was needed to reach an agreement. Mr. Stodghill indicated that the

G. Other City Council Actions

2. Resolution Approving the Capital Improvements Plan (CIP) for Fiscal Years 2017-2021 for the City of Newport News, Virginia Continued

School Board was ready to engage and do the hard work needed to bring the School Board and the City Council together on the issue. Both were in the same business and needed to reach agreement for the children. He referenced a web page from the Schools in Newport, Rhode Island City Public Schools, on which he noticed a meeting scheduled between the Rhode Island City Council/School Committee Liaison. He concluded by stating the NNPS needed the City Council and the City Council needed the NNPS.

Mr. John Procyson, 305 Normandy Lane, Newport News, addressed City Council regarding the FY 2017-2021 CIP for Newport News. He inquired of City Council whether they had toured the old Lee Hall Water Treatment Plant. He thought it awful that City Council had not toured the Plant, but would vote to approve the FY 2017-2021 CIP, which called for spending \$4 million to demolish the Plant. He reminded that Mr. Stodghill had suggested other good uses for the \$4 million. Mr. Procyson questioned whether City Council members knew the reason for demolishing the Plant other than giving a contractor \$4 million. Other needs were jumping out. The City was in a crisis as far as its youth were concerned, with more killings and robberies, which City Council shoveled under the table, which was not a good way to do business. Mr. Procyson objected to the arrogance shown. He submitted a letter in November asking why the Plant was being demolished. He never received a response from the City Manager. Mr. Scott Dewhirst, Acting Director, Department of Waterworks responded prior to tonight's meeting, which repeated the same comments in the original proposal, i.e. "it's ugly, we can't have that, it could be a hazard, it might fall down." Mr. Procyson reminded City Council, if they approved the FY 2017-2021 CIP, they approved the \$4 million being used to demolish the Lee Hall Water Treatment Plant. He suggested that the FY 2017-2021 CIP be voted down, and the discussion with the School Board and the City be allowed. He felt as though the CIP was being rushed through, which would deny the children, and other possible projects their share. Approving the CIP would support the big money interests in the City, as opposed to the taxpayers, and the children who needed the support. The arrogance and the fact that members of City Council did not do their homework, was disturbing.

Mayor Price reminded Mr. Procyson that he should not query members of City Council to answer his questions. He was given three minutes to address City Council, not to interrogate them. Mr. Procyson indicated there should be a back-and-forth discussion allowed.

Mr. Cleveland Mayo, President, Huntington High School Alumni Association, 1014-32<sup>nd</sup> Street, Newport News, understood that the design and renovation for Huntington High School was included in the Capital Improvement Plan. He requested that City Council reconsider their CIP and add the renovations to Huntington High School in the current five-year plan because of the age of the school. The school was the second oldest school on the Peninsula.

G. Other City Council Actions

2. Resolution Approving the Capital Improvements Plan (CIP) for Fiscal Years 2017-2021 for the City of Newport News, Virginia Continued

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

Councilwoman Cherry advised that she had consistently been reminded that the CIP was a changing document where projects for the City were considered annually. She stated, whereas City Council decided to vote on the City Manager's Recommended FY 2017-2021 CIP, that she still had concerns. She understood when preparing the CIP that many capital projects desired or submitted, could not receive funding. Although City Council was told that nothing had changed from the FY 2016 – 2020 CIP, Councilwoman Cherry expressed disappointment to see that funding for the NNPS Capital Projects (HVAC systems and roofs) were limited. She believed that members of City Council were committed, cared about the NNPS, and the children, and that they would be in safe and environmentally sound buildings. Because it is City Council that allocates funding for the NNPS, from the CIP, it was her hope that City Council would have met with the NN School Board prior to voting on the City Manager's Recommended FY 2017-2021 CIP, to better understand the NNPS requests, and to work with the NNPS to see how their needs could be met. After hearing comments at the December 8, 2015 City Council Work Session, it was obvious that it was a thought and that it would take more than one meeting to bridge the gap between the NNPS and the Newport News City Council, and would take some time through a process of meetings. Councilwoman Cherry hoped that as the City moved in a better position through bond ratings, that more projects and needs could be funded that had been delayed and/or removed from the CIP. She hoped that City Council could meet with the NNPS, sooner rather than later; to get an understanding of the scope of what was being asked for from the School Board for the NNPS. In lieu of the aforementioned, Councilwoman Cherry advised that she would not vote in favor of the City Manager's Recommended FY 2017-2021 CIP.

Councilwoman Scott inquired for clarity about the line item described as Tech Center/Jefferson Lab, and whether it was for the SCOT Center, and not only the Tech Center. City Manager Bourey responded that the line item did not specify that it would be only the Tech Center, but more than likely, the \$13-\$14 million was for the relocation of the SCOT Center only. Councilwoman Scott had spoken with several of the School Board members, who were comfortable with City Council moving forward with the CIP, and stated that she would support the City Manager's Recommended FY 2017-2021 CIP with some trepidation.

Councilwoman Vick explained that the City Manager's Recommended FY 2017-2021 CIP not only included the NNPS, but City development, street repairs and improvements. Ideally, everyone would want their projects approved, but that was in a perfect world. The reality was that City Council had to pick and choose and make adjustments based on available funding. It was unfortunate that City Council and the NNPS were just meeting about capital projects. She indicated that she would support the City Manager's Recommended FY 2017-2021 CIP.

G. Other City Council Actions

2. Resolution Approving the Capital Improvements Plan (CIP) for Fiscal Years 2017-2021 for the City of Newport News, Virginia Continued

Councilman Bateman expressed appreciation of Mr. Stodghill's commentary, and welcomed members of the School Board. He advised that the City's bond rating had been affirmed and was aware that the needs of the NNPS may go well beyond the additional \$2 million discussed. He welcomed further discussion with the members of the School Board. He felt it would take more than one meeting and would be willing to work together with the NNPS.

Mayor Price commented that the City would ensure that members of the Huntington Alumni Association were involved in the discussion and took part in the process going forward. Mayor Price recalled there was some pushback approximately five years prior because the Huntington Alumni Association wanted the school to remain a historical site and did not want anything new. He wanted everyone to be on the same page, and have an opportunity to discuss the needs and desires of the community going forward, regarding Huntington and other schools.

Vice Mayor Coleman filed a declaration in accordance with Section 2.2-3115H of the Virginia Code, that stated, pursuant to Subdivision A2 of Section 2.2-3112 of the Virginia Conflict of Interest Act, that for the City Council Agenda of December 8, 2015, (i) the City Manager recommended to the Newport News City Council that they adopt a Capital Improvement Plan for FY 2017-2021 ("the transaction")(CIP); (ii) that the CIP included, in small part, plans to fund improvements for facilities operated by the Newport News Sheriff's Office, which was a group of three or more persons the members of which were affected by the transaction; (iii) that he was employed as a Major for the Newport News Sheriff's Office; and (iv) that he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council Meeting at which the transaction was considered – December 8, 2015; and is attached and made a part of these minutes).

Councilman Bateman filed a declaration in accordance with Section 2.2-3115H of the Virginia Code, that stated, pursuant to Subdivision A3 of Section 2.2-3112 of the Virginia Conflict of Interest Act, that for the City Council Agenda of December 8, 2015, (i) the City Manager recommended to the Newport News City Council that they adopt a Capital Improvement Plan for FY 2017-2021 ("the transaction")(CIP); (ii) that the CIP included plans to fund various projects in the City that may in the future be awarded to contractors who were clients of, or who did business with TowneBank; (iii) that TowneBank was a group of three or more persons the members of which may be indirectly affected by the transaction in question; (iv) that he was employed as an Executive Vice President of TowneBank; and (v) the he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council Meeting at which the trans-

G. Other City Council Actions

2. Resolution Approving the Capital Improvements Plan (CIP) for Fiscal Years 2017-2021 for the City of Newport News, Virginia Continued

action was considered – December 8, 2015; and is attached and made a part of these minutes).

Vote on Roll Call:

Ayes: Bateman, Coleman, Price, Scott, Vick

Nays: Cherry

3. Ordinance Approving a Sublease of Parcel 17 of the Seafood Industrial Park (SIP) from the Shield Group, Successor in Interest to Harbor Cruises, Inc., to Lockwood Brothers, Inc.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING A SUBLEASE OF PARCEL 17, NEWPORT NEWS SEAFOOD INDUSTRIAL PARK FROM EDWARD H. SHIELD, A VIRGINIA RESIDENT TRADING AS THE SHIELD GROUP, SUCCESSOR IN INTEREST TO HARBOR CRUISES, INCORPORATED (THE SUBLESSOR) TO LOCKWOOD BROTHERS, INC. (THE SUBLESSEE). This ordinance approved a Sublease of Parcel 17 of the SIP from Edward H. Shield, trading as the Shield Group to Lockwood Brothers, Inc. Edward H. Shield, trading as The Shield Group, successor in interest to Harbor Cruises, Inc., requested approval of a new Sublease of Parcel 17, as the current Sublease would expire December 31, 2015. The new Sublease would allow The Shield Group to continue to sublease Parcel 17 to Lockwood Brothers, Inc. (Lockwood Brothers), with the new sublease to expire concurrently with the existing Parcel 17 Lease on November 14, 2020. Lockwood Brothers had operated from Parcel 17 as the Council-approved Sublessee since April 2011. The City Manager recommended approval.

(No registered speakers)

Councilwoman Cherry moved adoption of the above ordinance; seconded by Councilwoman Scott.

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

H. Appropriations

Councilwoman Scott moved adoption of Appropriations, Items 1 through 3, both inclusive, as shown below; seconded by Vice Mayor Coleman.

H. Appropriations Continued

1. Department of Engineering – State Revenue Sharing Program and the FY 2016 Bond Authorization, Streets and Bridges Category: Traffic Signal Pedestrian Improvements (Warwick Boulevard and Center Avenue)

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED (\$150,000.00) AND STATE REVENUE (\$150,000.00) TO TRAFFIC SIGNAL AND PEDESTRIAN IMPROVEMENTS AT WARWICK BOULEVARD AND CENTER AVENUE (\$300,000.00). This resolution appropriated \$300,000.00 for the Traffic Signal and Pedestrian Improvements at Warwick Boulevard and Center Avenue, from the State Revenue Sharing Program and the FY 2016 Bond Authorization, Streets and Bridges Category. The City received State Revenue Sharing funds for the traffic signal conversion project at the intersection of Warwick Boulevard and Center Avenue. The project scope included traffic signal and pedestrian improvements, emergency vehicle pre-emption, handicap ramps, and pedestrian push buttons with countdown signals. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

2. Department of Engineering – Congestion Mitigation and Air Quality Grant (CMAQ) Funds and FY 2016 Bond Authorization, Transit Category: Newport News Transportation Center Project

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED (\$185,000.00), FEDERAL REVENUE (\$867,898.00) AND STATE REVENUE (\$216,975.00) TO FINAL DESIGN AND RIGHT-OF-WAY FOR THE NEWPORT NEWS TRANSPORTATION CENTER PROJECT (\$1,269,873.00). This resolution appropriated \$1,269,873.00 for the Newport News Transportation Center Project, from Congestion Mitigation and Air Quality (CMAQ) Grant Funds and the FY 2016 Bond Authorization, Transit Category. The Newport News Transportation Center consisted of a main Amtrak station building, platform, and parking facilities located at 500 Bland Boulevard. A train servicing facility, located at the Sluice Mill area of the City, adjacent to the CSX right-of-way and track work between the two sites, was added to the scope of work at the request of Amtrak. Amtrak's request expanded the design requirements for the project. The requested funds would be used for the design and right-of-way phase of the project. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

H. Appropriations Continued

3. Waterworks Department – Adopted Waterworks FY 2016 – 2020 Capital Improvements Plan (CIP): York County 24” Water Main Phase I

A RESOLUTION APPROPRIATING FUNDS FROM BOND PROCEEDS REVENUE BONDS (\$2,004,604.00) AND YORK COUNTY CONTRIBUTION (\$2,004,604.00) TO YORK COUNTY 24” WATER MAIN PHASE I CONSTRUCTION (\$3,644,735.00) AND YORK COUNTY 24” WATER MAIN PHASE I CONTINGENCIES (\$364,473.00). This resolution appropriated \$4,009,208.00 for construction costs associated with the York County 24” Water Main Phase I – Hubbard Lane to Waller Mill Road Project. The project involved the installation of approximately 12,000 linear feet of 24” diameter finished water main from Hubbard Lane to Waller Mill Road in York County. The project cost was consistent with the estimates contained in the Adopted FY 2016-2020 Capital Improvements Plan (CIP), under the Waterworks self-supporting fund. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick

Nays: None

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

Mr. John Procyson, 305 Normandy Lane, Newport News, thanked Councilwoman Cherry for her courage and conviction to vote against the City Manager’s Recommended FY 2017-2021 CIP, because he felt the other members acknowledged they had not been to the Lee Hall Water Treatment Plant.

Mr. Procyson suggested, as City Council members began the FY 2017 Operating Budget process, that serious consideration be given to looking at issue of income and equality that exists in the City, in the State, and across the country. He indicated that “across the board” pay raises had become the norm. A three percent (3%) pay raise would amount to approximately \$4.5 million for 3,000 employees, meaning everyone would receive \$1,500; but that would not work for the person at the low end of the salary scale, who may receive \$900. Meanwhile, those employees at the top of the salary scale, could receive a \$2,000 pay raise, which did not enhance income equality. Mr. Procyson reiterated that pay raises should be given with everyone receiving the same pay raise, because it was a cost of living allowance. He suggested that Council stop giving people extra money, who were already making too much money, beginning with themselves as a Council, who made \$25,000 annually, plus travel, plus free tickets to events, etc., and worked only one-third of the time as an employee making \$30,000, that worked 40 hours per week, 52 weeks annually.

Ms. Debbie Wilson, 733-29<sup>th</sup> Street, Newport News, stated that Newport News was not “One City” when the Southeast Community was the worst community in the City of

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

Newport News. She advised that the Southeast Community did not become a distressed community due to crime, but due to past and current leadership. She indicated that the Southeast Community had been on the back burner too long. She recalled that Reverend Kevin Swann, Pastor of Ivy Baptist Church, echoed her sentiments during the Call to Unity Forum, held on Wednesday, October 28, 2015, at Heritage High School (5800 Marshall Avenue), when he said that the Southeast Community was in need of a new Community Center – a new community center which was promised years ago. Reverend Swann also made the point that citizens needed to begin “voting folk out of office.” Ms. Wilson stated that the November 3, 2015 local election should be a benchmark of things to come. She stated the \$37 million that City Council, via the City Manager, planned to give to Mr. John Lawson, of W.M. Jordan and Company, for the Tech Center, should be used to build a new state-of-the-art Doris Miller Community Center, rebuilding Huntington Middle School, making the necessary HVAC repairs or buying new HVAC systems for the NNPS, purchasing 115 new school buses for the safety of the children, or building a homeless shelter, since the City had a new state-of-the-art animal shelter. There should be no homeless or hungry people (to include veterans), on any street in the City of Newport News when the City had \$37 million to give to Mr. John Lawson.

According to Councilwoman Cherry, City Council members served the entire City, not just in their respective districts; hence she posed the question to Councilman Bateman about how the Tech Center would benefit the Southeast Community. She also asked Councilman Bateman about the number of meetings or events that he had attended at the Doris Miller Community Center (2814 Wickham Avenue) during the year. Ms. Wilson indicated that there was no excuse for the Southeast Community not to have a Taco Bell, Chick-fil-a, Cookout, or Wendy’s in the community. She stated if the City Manager would offer rent-free office space, as allotted to PeopleExpress Airlines in the Williamsburg-Newport News International Airport, negotiations would produce better results.

Ms. Wilson stated that it came as no surprise that City Council voted unanimously (7:0) to allow alcoholic beverages on community center properties in the City of Newport News, insinuating to Dr. Cherry, D. Min., that she expected the vote to be 6:1.

Ms. Debbie Thompson, 1211-25<sup>th</sup> Street, Newport News (Declined to speak when her name was called).

Mr. Antonio Thompson, 1211-25<sup>th</sup> Street, Newport News, apologized to Councilman Bateman for his comments during the October 24, 2015 Regular Meeting of City Council regarding the language to require licenses to possess firearms in the City, and reminded him of his respect for the late Honorable Herbert H. Bateman, Sr., United States Congressman.

Mr. Thompson indicated that City-to-City communication would be necessary and important in the near future. He compared Councilwoman Scott to the City Manager in Portsmouth, Ms. Lydia Pettis-Patton.

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

Mr. Thompson addressed City Council on the topic of public safety and security, as well as the importance of recycling. Having worked in the scrapyards in Hampton, Mr. Thompson stated that he saw the alchemy of treasury enrichment – iron, steel, aluminum, or copper, becoming silver or gold. He stated that treasury enrichment would solve many of the City's financial problems through the green revolution.

Regarding the language to require licenses to possess firearms in the City, Mr. Thompson did not approve of any measure that would prevent citizens from acquiring guns to protect themselves.

J. New Business and Councilmember Comments

City Manager Bourey referenced the success of Hollydazzle, held on Saturday, December 5, 2015, 3:00 p.m. – 8:00 p.m., at City Center at Oyster Point. The event was moved to Saturday to have less of an impact on the vendors and the businesses in City Center, as well as to make the event more family friendly. There was a great crowd in attendance, estimated at 40,000.

City Manager Bourey shared that staff had worked with bond rating agencies in the past few weeks, with the City receiving very good results – being reaffirmed with Moody's at AA1 rating, and AA with Standard and Poor's. The City received positive comments, which helped the City in its bond issues, having received a 2.5% interest rate.

City Manager Bourey indicated that the holiday schedule was evaluated annually to consider the possibility of providing additional time off for employees during the Christmas and New Year holiday season. Because Christmas Day and New Year's Day fell on a Friday, he recommended that City Council agree to an additional half day (four hours) on Christmas Eve, Thursday, December 24, 2015, as well as a half day (four hours) on New Year's Eve, Thursday, December 31, 2015.

Vice Mayor Coleman asked, for clarity, whether this granted a full day off for Christmas Eve. City Manager Bourey responded yes, a full day off for Christmas Eve because employees already received a half day for Christmas Eve.

Vice Mayor Coleman made the motion to grant City employees an additional half day (four hours) on Christmas Eve, Thursday, December 24, 2015, and a half day (four hours) on New Year's Eve, Thursday, December 31, 2015; seconded by Councilwoman Scott.

Councilwoman Vick recommended that the employees be given a full day off on Christmas Eve, Thursday, December 24, 2015 and a full day off on New Year's Eve, Thursday, December 31, 2015. She stated that the City had done an excellent job the entire year, and the City employees had worked hard, as the City Manager had previously shared the City's great accomplishments.

J. New Business and Councilmember Comments Continued

Councilwoman Cherry concurred with Councilwoman Vick. She stated that the City employees had worked hard, and she felt it would be nice if consideration was given to provide the full day off on Christmas Eve, Thursday, December 24, 2015 and a full day off, rather than only a half day, on New Year's Eve, Thursday, December 31, 2015.

Councilwoman Vick amended the motion to grant City employees a full day off on Christmas Eve, Thursday, December 24, 2015 and a full day off on New Year's Eve, Thursday, December 31, 2015 (in addition to Christmas Day and New Year's Day); seconded by Councilwoman Cherry.

Vote on Roll Call:  
Ayes: Cherry, Scott, Vick  
Nays: Bateman, Coleman, Price

Mayor Price stated the motion failed with a tie vote. He asked that Council vote on the original motion to grant employees a full day off on Christmas Eve, Thursday, December 24, 2015, and a half day on New Year's Eve, Thursday, December 31, 2015.

Vote on Roll Call:  
Ayes: Bateman, Cherry, Coleman, Price, Scott, Vick  
Nays: None

Councilman Bateman thanked Mr. Thompson, who referenced Councilman Bateman's comments at the November 24, 2015 Regular Meeting of City Council, when he misspoke, stating that he wanted to have some form of regulation related to the use of firearms. For clarity, Councilman Bateman advised that he meant to say that he was in favor of closing the loop on background checks at gun shows.

Councilman Bateman wished everyone a Happy Holiday Season.

Councilwoman Cherry expressed thanks to Mr. Michael Poplawski, Director, and Mr. Michael Nealer, Assistant Director, Department of Parks, Recreation and Tourism, and staff, for the great job on Hollydazzle, held on Saturday, December 5, 2015, 3:00 p.m. – 8:00 p.m., at City Center at Oyster Point. It was nice to have the event begin earlier, and the mass crowd showed support by their attendance.

Councilwoman Cherry thanked all of the citizens for their attendance and participation at the meeting and to express their points of view. She reiterated that their voices mattered. She stated that City Council was committed and they did care.

Councilwoman Cherry reminded residents that the next South District "Your Voice Matters" Town Hall Meeting was scheduled for Thursday, December 10, 2015, 6:00 – 7:30 p.m., at the Brittingham-Midtown Community Center (570 McLawhorne Drive) for residents that

J. New Business and Councilmember Comments Continued

lived from Mercury Boulevard North to Harpersville Road; and Thursday, December 17, 2015, 6:00 – 7:30 p.m., at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue) for residents from Mercury Boulevard South to the waterfront. The guest would be staff from the City's Department of Codes Compliance to share information about the rental/inspection program. Light refreshments would be served.

Councilwoman Cherry announced "Christmas for the Children," on Saturday, December 19, 2015, 1:00 – 3:00 p.m., at 617-27<sup>th</sup> Street. The event presented an opportunity for parents to bring their children out. Free toys would be distributed. Toys and monetary donations were welcomed. All children under the age of 17 must be accompanied by an adult. No pre-registration would be required. Free winter clothes would be available. Food would be provided, and children would be able to take a picture with Santa.

Councilwoman Cherry wished everyone a Happy Holiday Season.

Vice Mayor Coleman gave kudos to City staff, particularly in the Departments of Parks, Recreation and Tourism, Public Works, Public Safety, and all who were involved with Hollydazzle, held on Saturday, December 5, 2015, 3:00 p.m. – 8:00 p.m., at City Center at Oyster Point. It was a fantastic event and went over very smoothly. The fireworks display was magnificent. Hollydazzle had turned into the signature event for the City.

Vice Mayor Coleman congratulated Ms. Morgan Ryan, a senior at Heritage High School, who received the 2015 Virginia School Board Association Exhibitor Scholarship. He extended kudos to Ms. Ryan, a bright young lady with a great future ahead of her. Ms. Morgan also served as the student representative to the Newport News School Board for the 2015-2016 school year.

Vice Mayor Coleman thanked the members of the Newport News School Board, NNPS administration and staff, as well as Foundation members, for their attendance and participation to show their support. He stated that City Council looked forward to working with the School Board in the future, and making progress to make sure everything possible was done for our children.

Mayor Price reminded that this was the last Regular Meeting of the Newport News City Council for 2015. He stated the next meeting was scheduled for January 12, 2016.

Mayor Price expressed condolences to the family of Dr. Robert Martin Screen, who was funeralized on Monday, December 7, 2015. Dr. Screen was the retired Tennis Coach and Professor at Hampton University. He was Chairman of the Department of Speech Pathology and Audiology. Dr. Screen was the winningest minority tennis coach in the Country.

Mayor Price expressed condolences to former City Council member Joseph Whitaker, on the loss of his brother, Mr. Howard Whitaker.

J. New Business and Councilmember Comments Continued

Councilwoman Scott expressed condolences to former City Council member Joseph Whitaker, on the loss of his brother Howard Whitaker, who was always a delightful gentleman.

Councilwoman Scott concurred that Hollydazzle was awesome, but she also wanted to thank and recognize Bayport Credit Union for serving as a sponsor for the event. She was appreciative of Bayport sponsoring the fireworks display.

Councilwoman Scott announced the 14<sup>th</sup> Anniversary of the North District Holiday Food Drive Party at the Denbigh Community Center (15198 Warwick Boulevard). She announced a fundraiser, to help defray the costs of the turkeys for the 2015 Distribution. The fundraiser would be held on Wednesday, December 9, 2015, 7:00 p.m., at Cozzy's Comedy Club and Tavern, 9700 Warwick Boulevard, Newport News. A donation of \$10.00 was requested.

Councilwoman Scott advised that the 2015 North District Holiday Food Drive would be a five-day event to include the following: (1) A Spay and Neuter Clinic, sponsored by PETA, on Wednesday, December 16, 2015, 8:00 a.m. – 2:00 p.m. by appointment; (2) An Indoor Yard Sale and Silent Auction, on Wednesday, 16, 2015, 10:00 a.m. – 8:00 p.m.; (3) A Mini Job Fair and Job Readiness Assistance, co-sponsored with the YWCA, on Thursday, December 17, 2015, 10:00 a.m. – 2:00 p.m. Employers unable to attend were invited to send a list of available jobs; (4) Monthly Zumbathon with Candance and her Crew, on Friday, December 18, 2015, 6:30 p.m. – 9:00 p.m.; and (5) Food Drive Party/Food Collection, on Saturday, December 19, 2015, 10:00 a.m. – until, with CERT actually receiving the food on the outside, doing a reverse POD, to practice in the event of an emergency situation in the City; and (6) Food Distribution/Bicycle Give-a-way, Monday, December 21, 2015. The cost of turkeys had soared. For the first time in 14 years, guests were asked for a \$5.00 donation (to cover the cost of the turkey).

Perishable food items would be collected at each event. She reminded that 70 brand new bicycles were given away at the 13<sup>th</sup> Annual North District Holiday Food Drive event. Children hoping to be in the lottery for a new bicycle must bring their report card, with a grade B or better.

Councilwoman Scott announced there would be no North District Town Hall Meeting in the month of December.

Councilwoman Scott wished everyone a Merry Christmas and a Happy and safe New Year!

Councilwoman Vick echoed the comments of her colleagues regarding Hollydazzle, held on Saturday, December 5, 2015, 3:00 p.m. – 8:00 p.m., at City Center at Oyster Point. She thanked Mr. Michael Poplawski, Director, Department of Parks, Recreation, and Tourism and all of the staff that worked to make the event a success. She stated the fireworks

J. New Business and Councilmember Comments Continued

display was beautiful and further thanked the members of the Newport News Fire Department who worked to keep everyone safe. There was record attendance at the event.

Councilwoman Vick expressed condolences to Joseph Whitaker and family, on the loss of Howard, who was a dedicated volunteer with the Boys and Girls Club of Hampton Roads. He worked hard in the community, particularly during the Easter Season, by sponsoring raffles to raise money for the Boys and Girls Clubs.

Councilwoman Vick encouraged everyone to come out to support Councilwoman Cherry and her upcoming event, "Christmas for the Children," on Saturday, December 19, 2015, 1:00 – 3:00 p.m., at 617-27<sup>th</sup> Street. Toys and monetary donations were welcomed. Every child would receive a toy.

Councilwoman Vick wished everyone a Happy Holiday Season.

K. Adjourn

Mayor Price adjourned the meeting by addressing the citizens. He stated, "May what you say and do uplift the City of Newport News."

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 8:12 P.M.



Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk

## **F. Consent Agenda**

### **4. Ordinance Approving the Number of Meeting Days at Twenty-One (21) for the Board of Review of Real Estate Assessments – Commissioner of the Revenue’s Office**

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE SETTING THE NUMBER OF DAYS AT TWENTY-ONE (21) FOR THE COMPLETION OF WORK OF THE BOARD OF REVIEW OF REAL ESTATE ASSESSMENTS FOR THE SEPTEMBER THROUGH NOVEMBER 2015 TERM OF SERVICE.

**BACKGROUND:**

- The Commissioner of Revenue's Office staffs the Board of Review and recommends that twenty-one (21) days be allotted the Board for completion of its work.
- The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

#### **ATTACHMENTS:**

##### **Description**

sdm14012 ORD setting 21 day term Board of RE Assessments

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE SETTING THE NUMBER OF DAYS SUFFICIENT FOR COMPLETION OF THE SEPTEMBER-NOVEMBER, 2015 TERM OF SERVICE OF THE BOARD OF REVIEW OF REAL ESTATE ASSESSMENTS.

WHEREAS, City Code Sec. 2-614 requires that the Council of the City of Newport News set the number of days which is sufficient for the Board of Review of Real Estate Assessments (the "Board") to complete its work for each year; and

WHEREAS, the Commissioner of the Revenue's office acts as the staff to the Board and the Commissioner recommends that twenty-one days be allotted for the work of the Board; and

WHEREAS, the City Manager concurs with the recommendation that twenty-one days be allotted for the work of the Board.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia, that, in accordance with City Code Sec. 2-614 and the City Charter, the Council desires to, and hereby does, set the number of days which is sufficient for the Board of Review of Real Estate Assessments to complete its work for the September-November, 2015 term of service, as twenty-one days.

## G. Other City Council Actions

1. Resolution Authorizing the City Manager to Execute Two (2) Cost Sharing Agreements By and Between the City of Newport News and the Hampton Roads Sanitation District (HRSD) for the Warwick Boulevard to James River Influent Force Main – Section 2 and Interceptor Force Main Section 2 Projects

**ACTION:** A REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE TWO (2) COST-SHARING AGREEMENTS BY AND BETWEEN THE CITY OF NEWPORT NEWS AND THE HAMPTON ROADS SANITATION DISTRICT (HRSD) FOR THE WARWICK BOULEVARD TO JAMES RIVER INFLUENT FORCE MAIN - SECTION 2 AND INTERCEPTOR FORCE MAIN SECTION 2 PROJECTS.

**BACKGROUND:**

- The first agreement commits HRSD to reimburse the City for costs incurred by the City for construction of a future HRSD connection to the City's Pump Station No. 060.
- The second agreement provides for City compensation of \$101,000 to HRSD for additional HRSD milling and paving on Boxley Boulevard beyond the requirements of the HRSD project road restoration limits.
- The second agreement also provides for HRSD reimbursement of costs associated with the City's installation of a traffic signal video system at the intersection of Menchville Road and Boxley Boulevard.
- Funding for the City's contribution for additional HRSD milling and paving on Boxley Boulevard is programmed in the City's annual Street Resurfacing Program.
- The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

### ATTACHMENTS:

#### Description

CM Memo re HRSD Cost Sharing Agrmnts

Attachment Location Map Warwick Boulevard to James River Influent FM

sdm14018 Reso Auth Agmts btwn City & HRSD (JR-010820) & (JR-010802)

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

January 6, 2016

**TO:** The Honorable City Council

**FROM:** City Manager

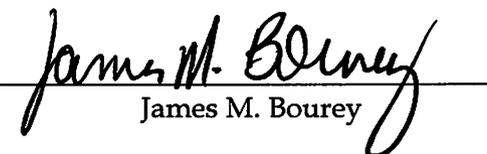
**SUBJECT:** Newport News – Hampton Roads Sanitation Department (HRSD) Cost-Sharing Agreements

City Council is requested to approve a resolution authorizing the City Manager to execute two (2) Newport News – HRSD Cost-Sharing Agreements associated with the HRSD Warwick Boulevard to James River Influent Force Main – Section 2 Project.

The first agreement commits HRSD to reimburse the City for costs totaling \$56,816 incurred by the City for the construction of a future HRSD connection to the City's Pump Station No. 060, currently under construction. The second agreement provides for City compensation to HRSD in the amount of \$101,000 for additional HRSD milling and paving on Boxley Boulevard beyond the limits of road restoration required for the HRSD project. This agreement also has a provision for HRSD reimbursement of the City's cost of \$13,126 to install a new traffic signal video detection system at the intersection of Menchville Road and Boxley Boulevard.

Funding in the amount of \$101,000 for the City's contribution for additional milling and overlay is programmed in the City's annual Street Resurfacing Program.

I recommend City Council approve the resolution.

  
James M. Bourey

JMB:SLW:plw

Attachment

cc: Everett Skipper, Director, Department of Engineering



CITY OF NEWPORT NEWS, VIRGINIA

# WARWICK BOULEVARD TO JAMES RIVER INFLUENT FORCE MAIN - SECTION 2



**RESOLUTION NO. \_\_\_\_\_**

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 (1) AGREEMENT FOR COST SHARING BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND HAMPTON ROADS SANITATION DISTRICT (HRSD) FOR THE WARWICK BOULEVARD TO JAMES RIVER 'INFLUENT FORCE MAIN SECTION 2 (JR-010820) AND (2) AGREEMENT FOR COST SHARING BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND HAMPTON ROADS SANITATION DISTRICT (HRSD) FOR THE WARWICK BOULEVARD TO JAMES RIVER INTERCEPTOR FORCE MAIN SECTION 2 (JR-010802).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News:

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain (1) Agreement for Cost Sharing by and between the City of Newport News, Virginia, and Hampton Roads Sanitation District (HRSD) for the Warwick Boulevard to James River Influent Force Main Section 2 (JR-010820) and (2) Agreement for Cost Sharing by and between the City of Newport News, Virginia, and Hampton Roads Sanitation District (HRSD) for the Warwick Boulevard to James River Interceptor Force Main Section 2 (JR-010802).

2. That copies of the said Agreements are attached hereto and made a part hereof.

**AGREEMENT FOR COST SHARING**  
**OF THE**  
**HAMPTON ROADS SANITATION DISTRICT**  
**WARWICK BOULEVARD TO JAMES RIVER INFLUENT FORCE MAIN**  
**SECTION 2 (JR-010820)**  
**AND**  
**CITY OF NEWPORT NEWS**

THIS AGREEMENT FOR COST SHARING (the "Agreement"), between the CITY OF NEWPORT NEWS ("CITY") and the HAMPTON ROADS SANITATION DISTRICT ("HRSD"), is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_ (the "Effective Date").

**RECITALS**

**R:1.** HRSD is constructing its Warwick Boulevard to James River Influent Force Main Section 2 Project as shown on **Exhibit 1** (the "HRSD Facilities"); and

**R:2.** CITY is constructing its own road improvements in the same project area as shown on **Exhibit 2a, 2b, 2c, 2d, and 2e** (the "CITY Facilities") as part of the City of Newport News Capital Improvement Program; and

**R:3.** The construction of the HRSD Facilities and the CITY Facilities (collectively referred to as the "Improvements") will necessitate the replacement of the existing traffic detection system with a video detection system at the intersection of Menchville Road and Boxley Boulevard, in addition to asphalt milling and paving along Boxley Boulevard; and

**R:4.** HRSD and the CITY agree that it is in the best interest of the parties to have the Improvements constructed together; and

**R:5.** HRSD agrees to include the design and construction of the CITY Facilities in the design and construction of the HRSD Facilities, in accordance with the approved Final Plans and Specifications as defined in Section I.A.2. herein; and

**R:6.** CITY agrees to acquire and install a new a video traffic detection system in accordance with CITY codes, regulations, and specifications; and

**R:7.** HRSD agrees to reimburse CITY for that portion of the costs of construction of the CITY Facilities attributable to the new video traffic detection system under the terms and conditions set forth herein; and

**R:8.** CITY agrees to reimburse HRSD for that portion of the costs of construction of the CITY Facilities attributable to the asphalt milling and paving on Boxley Boulevard under the terms and conditions set forth herein.

## **TERMS**

NOW THEREFORE, in consideration of the above recitals and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

### **I. DESIGN OF IMPROVEMENTS**

#### **A. Plans and Specifications**

1. HRSD will employ HDR Incorporated (ENGINEER), to prepare plans and specifications for the HRSD Facilities and the CITY Facilities. A location map of the HRSD Facilities is shown on **Exhibit 1**. A location map of the CITY Facilities is shown on **Exhibit 2a, 2b, 2c, 2d, and 2e**.
2. ENGINEER, along with HRSD and the CITY, will meet to coordinate, review, and mutually approve a set of final construction documents (the "Final Plans and Specifications") for the Improvements.

#### **B. Payment of the Design Costs**

1. HRSD will compensate the ENGINEER for all engineering design costs and any amendments related to the HRSD Facilities. HRSD will also compensate the ENGINEER, on the CITY's behalf, for all engineering design costs and any amendments related to the CITY Facilities, and the CITY shall reimburse HRSD for all such payments.
2. The CITY shall reimburse HRSD for the design costs attributable to the CITY Facilities in one lump sum payment due once the design of the Improvements is complete. HRSD shall provide the CITY with an invoice detailing the CITY's share of the design costs. Within thirty (30) days of its receipt of such invoice, the CITY shall reimburse HRSD for the CITY's share of the design costs as detailed in the invoice. Pursuant to HRSD's agreement with ENGINEER, the current estimated design cost for the CITY Facilities is **\$1,000**.

#### **C. Compliance**

All design work shall comply with HRSD Standards and Preferences for use in Engineered Construction Projects, latest edition, and the Hampton Roads Planning District Commission Regional Construction Standards, latest edition. Any changes to the Final Plans and Specifications shall be approved by the ENGINEER, HRSD and the CITY.

II. CONSTRUCTION OF IMPROVEMENTS

A. Cost of Construction:

1. The total cost of the Improvements, as more particularly defined by the Final Plans and Specifications, prepared by ENGINEER for HRSD and the CITY (the "Improvements Costs") shall include:
  - a. Cost of construction of the Improvements;
  - b. Cost of advertising for bids;
  - c. Cost of approvals and permits required for the construction of the Improvements;
  - d. Costs for construction contract administration and Inspection;
  - e. Cost of services for the ENGINEER;
  - f. Costs of all temporary or permanent easement and fee simple land acquisitions; and
  - g. Any related miscellaneous essential expenses.
2. The current estimated cost of the construction of the HRSD Facilities is **\$8,000,000**.
3. The current estimated cost of the construction of the CITY Facilities attributable to the video traffic detection system is **\$13,126**.
4. The current estimated cost of the construction of the CITY Facilities attributable to the asphalt milling and paving of Boxley Boulevard is **\$100,000**.

B. Approval of Final Plans and Specifications; Contractors; Change Orders, Construction Administration; Construction Inspections

1. HRSD and the CITY agree that before any construction work is to begin under this Agreement, HRSD and the CITY will jointly review and approve the Final Plans and Specifications. This approval shall be in writing.
2. HRSD shall acquire all necessary plan approvals and property acquisitions related to HRSD Facilities prior to the award of the construction contract.

3. The CITY shall acquire all necessary plan approvals and property acquisitions related to CITY Facilities prior to the award of the construction contract.
4. HRSD and the CITY shall review and agree upon the qualifications prior to bidding the project and confirm that the construction contract is awarded to a firm that meets the stated requirements.
5. Contractors shall be responsible for all necessary permits and approvals necessary for the Improvements.
6. HRSD will review and approve shop drawings related to the HRSD Facilities. CITY will review and approve shop drawings related to the CITY Facilities.
7. HRSD will review and approve scope of work and fee for the construction contract administration and inspections related to the HRSD Facilities. CITY will review and approve scope of work and fee for the construction contract administration and inspections related to the CITY Facilities.
8. Change orders related to the HRSD Facilities will be subject to and require HRSD review and approval. Change orders related to the CITY Facilities will be subject to and require CITY review and approval.

C. Payment of Improvement Costs

1. The Improvements Costs shall be apportioned among the parties as follows:
  - a. HRSD will administer and be responsible for bearing one hundred percent (100%) of the cost of the HRSD Facilities.
  - b. CITY will administer and HRSD will be responsible for bearing one hundred percent (100%) of the cost of the CITY Facilities attributable to the new video traffic detection system.
  - c. HRSD will administer and CITY will be responsible for bearing one hundred percent (100%) of the cost of the CITY Facilities attributable to the asphalt milling and paving on Boxley Boulevard.

- d. Costs associated with any change to the initial construction cost ("Change Order") shall be as follows:
  - (1) HRSD shall be solely responsible for costs due to a Change Order requested by HRSD; and
  - (2) The CITY shall be responsible for costs due to a Change Order requested by the CITY.
2. During the course of construction, HRSD shall compensate the Contractors and other individuals and entities providing materials and/or services related to the Improvements for all for all Improvement Costs, including those for which the CITY is responsible. The CITY shall reimburse HRSD for all such payments made on its behalf. The CITY shall pay its share of the Improvements Costs, attributable to the asphalt milling and paving on Boxley Boulevard, to HRSD in one lump sum payment upon completion of the construction related to the asphalt milling and paving on Boxley Boulevard (as determined by HRSD). HRSD shall provide the CITY with an invoice detailing the CITY's share of the Improvement Costs. Within thirty (30) days of its receipt of such invoice, the CITY shall reimburse HRSD for the CITY's share of the Improvement Costs as detailed in the invoice. HRSD shall reimburse the CITY for all costs attributable to the new video traffic detection system in one lump sum payment. CITY shall provide HRSD with an invoice detailing the Improvement Costs. Within thirty (30) days of its receipt of such invoice, HRSD shall reimburse the CITY for the Improvement Costs attributable to the new video traffic detection system estimated at **\$13,126**.
3. In conjunction with the above, and for additional clarity, it is agreed that the CITY shall also pay its share of the construction administration and construction inspection costs (the "CA and CI Costs") to HRSD in one lump sum payment upon completion of construction (as determined by HRSD). HRSD shall provide the CITY with an invoice detailing the CITY's share of the CA and CI Costs. Within thirty (30) days of its receipt of such invoice, the CITY shall reimburse HRSD for the CITY's share of the CA and CI Costs as detailed in the invoice.

D. Operation and Maintenance of the Improvements during and after Construction

1. HRSD shall be responsible for operation and maintenance of the HRSD Facilities during and after construction.

2. CITY shall be responsible for operation and maintenance of the CITY Facilities during and after construction.
3. HRSD and the CITY agree to cooperate and coordinate for the operations and maintenance of any interconnections between the HRSD Facilities and CITY Facilities.

### III. SCHEDULE

- A. The construction is anticipated to begin by **January 2016** and be complete by **December 2017**. If the construction dates listed herein are substantially delayed, either party may terminate this agreement in accordance with Sections VI and XIV.
- B. CITY shall acquire and install the new video traffic detection system in coordination with the project schedule and sequence of construction, as set by HRSD, without causing undue delays to the project.

### IV. OBLIGATIONS OF HRSD AND THE CITY

#### A. Public Hearing or Meeting

HRSD and the CITY will be responsible for holding a public hearing or meeting if required. The CITY will coordinate and reserve the location, and assist HRSD in such public hearing.

#### B. Bidding of the Improvements

1. HRSD agrees to issue bidding documents for construction of the Improvements. The CITY agrees to provide administrative support during the bidding phase. In particular the CITY shall:
  - a. Attend the preconstruction meeting.
  - b. Provide timely responses to the ENGINEER for any questions, requests for clarification, or addenda during the biding phase.
  - c. Provide miscellaneous support to HRSD as required during the bidding phase.
2. HRSD will receive bids for construction of the Improvements. All bids received will be reviewed and approved by the CITY and HRSD, in accordance with HRSD's typical procedures for bid review, prior to award of the construction contract. The CITY and HRSD shall negotiate in good faith to resolve financial matters with regards to

bidding the Improvements. The bidding procedure shall be conducted in accordance with the Virginia public Procurement Act and the HRSD Procurement Policy.

C. Administration

HRSD shall provide contract administration of the Improvements. The CITY shall reimburse HRSD for the contract administration costs attributable to the CITY Facilities.

D. Inspection

HRSD shall provide full-time inspection for the Improvements. The CITY shall reimburse HRSD for the inspection costs attributable to the CITY Facilities. The inspector(s) shall have the authority to assure the Improvements are constructed in accordance with the Final Plans and Specifications.

E. Deeds and Easements

1. HRSD shall obtain any and all necessary fee simple deeds and/or deeds of easement needed for the HRSD Facilities.
2. CITY shall obtain any and all necessary fee simple deeds and/or deeds of easements for the CITY Facilities.

F. Correction of Construction Defects in the Improvements

HRSD shall require the Contractors to provide a performance and payment bond for the full amount of the construction of the Improvements. The construction contract shall also provide for a warranty of the Contractor's work against construction defects in the Improvements and shall require the Contractor to correct such defects that are reported by HRSD or the CITY within one (1) year of the final acceptance of the Improvements.

G. Construction Record Drawings

ENGINEER shall provide HRSD and the CITY approved construction record drawings in accordance with HRSD Standards and Preferences for use in Engineered Construction Projects and City's Utility Policy and Design and Construction Standards, latest edition.

V. GOVERNING LAW

This Agreement shall be deemed to be a Virginia contract and shall be governed as to all matters whether of validity, interpretations, obligations, performance or

otherwise exclusively by the laws of the Commonwealth of Virginia, and all questions arising with respect thereto shall be determined in accordance with such laws. Regardless of where actually delivered and accepted, this contract shall be deemed to have been delivered and accepted by the parties in the Commonwealth of Virginia.

VI. TERMINATION

Anything herein or elsewhere to the contrary notwithstanding, this Agreement and the obligations of the parties hereunder may be terminated by the CITY or HRSD in the event that the other party breaches or violates any material provision of this Agreement or fails to perform any material covenant or agreement to be performed by either party under the terms of this Agreement and such breach, violation or failure is not cured within sixty (60) days of the defaulting party's receipt of written notice of such breach from the non-defaulting party; or by mutual agreement of the CITY and HRSD.

VII. NOTICE

Any notice, communication or request under this Agreement shall be provided in writing by either (a) certified mail, return receipt requested, postage prepaid, or (b) a nationally recognized overnight delivery service (next business day service), or (c) hand-delivery, if the receipt of the same is evidenced by the signature of the addressee or authorized agent, and addressed to the following:

For: HRSD

By U.S. Postal Service  
General Manager  
P. O. Box 5911  
Virginia Beach, VA 23471-0911  
Telephone: (757) 460-4242

By Overnight Mail:  
General Manager  
1434 Air Rail Avenue  
Virginia Beach, VA 23455

With Copy to:

Conway H. Sheild, III  
Jones, Blechman, Woltz and Kelly  
701 Town Center Drive, Suite 200  
Newport News, VA 23606

For: City of Newport News

James Bourey, City Manager  
City of Newport News, Virginia  
2400 Washington Avenue  
Newport News, VA 23607  
Telephone: (757) 727-6392  
Facsimile: (757) 926-3505

With Copy to:  
City Attorney  
2400 Washington Avenue  
Ninth Floor City Hall  
Newport News, VA 23607

VIII. ASSIGNMENT

No party may assign its rights in this Agreement without the prior written consent of the other party.

IX. AMENDMENT

This Agreement may be amended only by a written instrument duly executed by the parties.

X. SEVERABILITY

If any provision of this Agreement or the application thereof to any circumstance shall be determined to be invalid, illegal or unenforceable to any extent, the remainder of this Agreement and the application thereof shall not be affected and shall continue to be valid, in effect and enforceable to the fullest extent permitted by law.

XI. DAMAGES

If by omission that constitutes negligence or willful misconduct or failure to abide by engineering standards or failure to abide by the Final Plans and Specifications described herein, the negligent party shall be responsible for the payments for damages to any other party to this Agreement.

XII. INSURANCE

HRSD and the CITY have the right to review and approve insurance coverage in the various insurance categories that HRSD and the CITY deem necessary to be carried by the Contractor or any other parties to this Agreement. Proof of insurance shall be provided at the request of HRSD or the CITY and the insurance coverage shall be maintained during the term of this Agreement.

XIII. TERM OF AGREEMENT

The term of the Agreement will commence on the date the Agreement is entered into and be completed when each party has completely performed its obligations hereunder.

XIV. FORCE MAJEURE

In the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond the control of the CITY or HRSD or the Contractor and without their fault or negligence, including, but not restricted to, acts of God or of the public enemy, acts of the government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargos, and unusually severe weather or delays of subcontractors due to such causes; it being the purpose and intent of this provision that in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the parties shall be extended for the period of the enforced delay.

XV. INDEPENDENT CONTRACTOR

If the Contractor(s) hire subcontractors or independent contractors, HRSD and the CITY have the right to approve them by reviewing their requisite experience and knowledge to complete the work assigned.

XVI. SUBCONTRACTOR

If any Contractors or subcontractors are selected by any party to this Agreement for completion of the work contemplated herein, HRSD has the right to approve the same.

XVII. WAIVER

No waiver of the breach of any term or provision of this Agreement shall be construed to be, or shall constitute, a waiver of any other breach of this Agreement. No waiver shall be binding unless in writing and signed by the parties waiving the breach.

The failure of any party to seek redress for violation of or to insist upon the strict performance of any covenant or condition of this Agreement shall not prevent a subsequent act, which would have originally constituted a violation, from having the effect of an original violation.

The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive the right to use any or all other remedies. Such rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

XIV. INTEGRATION

This Agreement constitutes the entire understanding among the parties. No provision of this Agreement may be waived, modified or amended except by an instrument signed by the party against whom the enforcement of such waiver,

Agreement for Cost Sharing of the HRSD Warwick Boulevard to James River Influent Force Main  
Section 2 (JR010820) and City of Newport News

---

modification or amendment is sought. No waiver by either party of any failure or refusal by the other party to comply with its obligations hereunder shall be deemed a waiver of any other or subsequent failure or refusal to comply.

**IN WITNESS WHEREOF**, the Hampton Roads Sanitation District Commission (HRSD) has caused this Agreement to be signed on its behalf by its General Manager in accordance with authorization granted at its regular meeting held on \_\_\_\_\_, 201\_\_.

**HAMPTON ROADS SANITATION DISTRICT**

By \_\_\_\_\_  
Edward G. Henifin, P.E. General Manager

COMMONWEALTH OF VIRGINIA,  
CITY OF VIRGINIA BEACH, to-wit:

The foregoing agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by Edward G. Henifin, P.E., General Manager, Hampton Roads Sanitation District.

Notary Public

My commission expires:

Registration No.:

**IN WITNESS WHEREOF**, the City of Newport News (CITY) has caused this Agreement to be signed by the City Manager on its behalf pursuant to Resolution adopted by the City Council on \_\_\_\_\_, 201\_,

**CITY OF NEWPORT NEWS**

By \_\_\_\_\_  
James Bourey, City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

COMMONWEALTH OF VIRGINIA,  
CITY OF NEWPORT NEWS, to-wit:

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_, by James Bourey, City Manager, City of Newport News, Virginia.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Registration No.:

Approved as to Form and Correctness:

Approved as to Content:

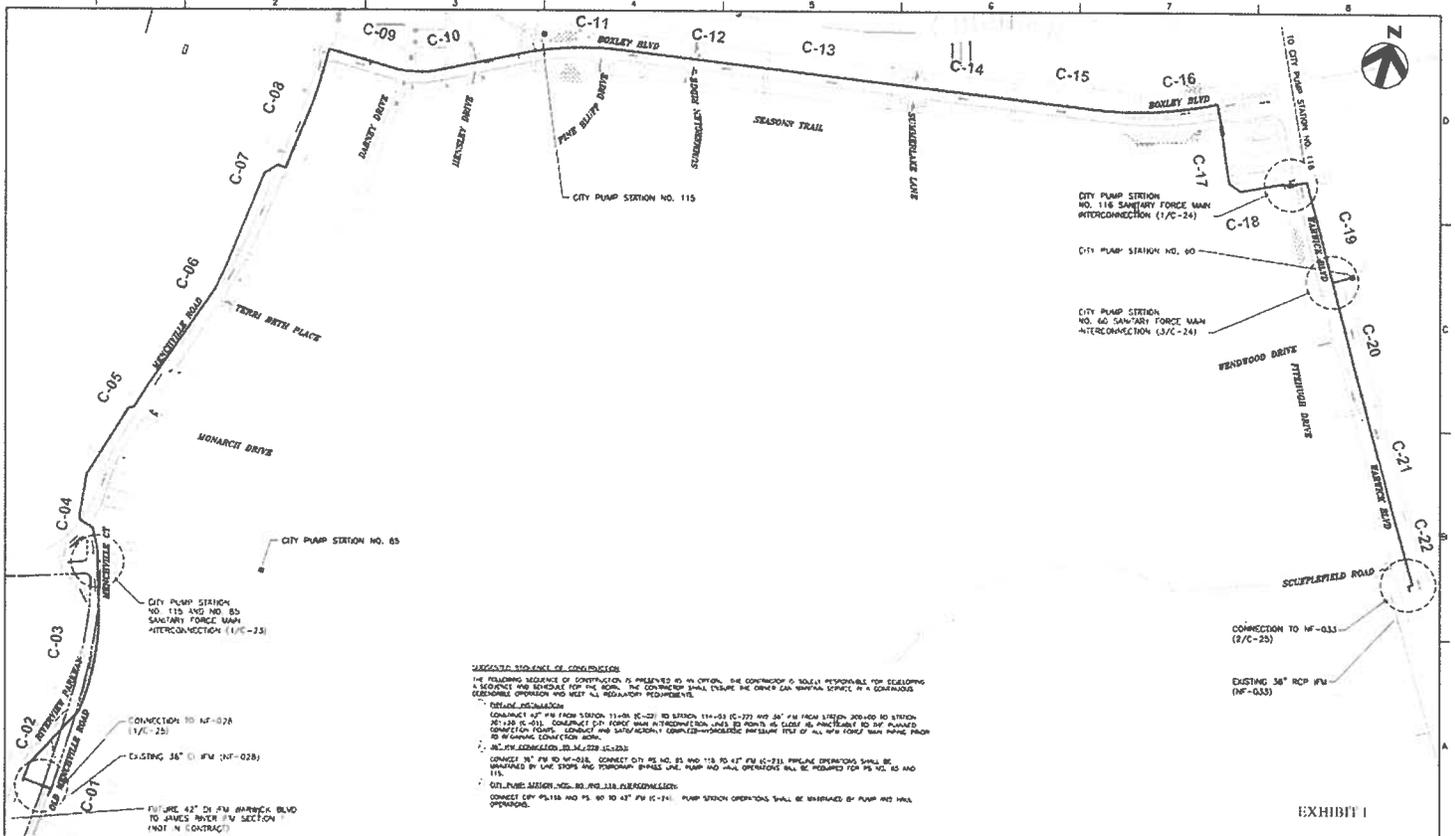
\_\_\_\_\_  
Deputy City Attorney

\_\_\_\_\_  
Director of Utilities

**Exhibit 1**

**HRSD Facilities Location Map**

# EXHIBIT 1



**SEQUENCE AND SCHEDULE OF CONSTRUCTION**  
 THE FOLLOWING SEQUENCE OF CONSTRUCTION IS PRESENTED AS AN OPTION. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR DEVELOPING A SEQUENCE AND SCHEDULE FOR THE WORK. THE CONTRACTOR SHALL ENSURE THE OTHER CAN BE MAINTAINED IN A CONTINUOUS OPERABLE CONDITION AND MEET ALL REGULATORY REQUIREMENTS.

**DETAILS AND SCHEDULE**  
 CONDUIT 42" DIA FROM STATION 11+00 (C-02) TO STATION 11+50 (C-03) AND 36" DIA FROM STATION 20+00 TO STATION 21+00 (C-01). CONDUIT FOR FORCE MAIN INTERCONNECTION LINE TO PUMP NO. 60 IS TO BE MAINTAINED TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION. CONDUIT-HYDROSTATIC TESTING SHALL BE COMPLETED PRIOR TO ALL FORCE MAIN WORK FROM ANY WORKING CONNECTION WORK.

**NO. 116 SANITARY FORCE MAIN INTERCONNECTION**  
 CONDUIT 36" DIA TO PUMP NO. 116. CONDUIT TO PUMP NO. 65 AND 116 TO 42" DIA (C-21). PIPELINE OPERATIONS SHALL BE MAINTAINED BY LINE STOPS AND TOWNSHIP BRASS LINE PUMP AND VALVE OPERATIONS WILL BE REQUIRED FOR PS NO. 65 AND 116.

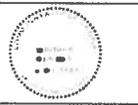
**OUTLINE DESIGN AND SCHEDULE**  
 CONDUIT 42" DIA FROM STATION 11+00 (C-02) TO STATION 11+50 (C-03) AND 36" DIA FROM STATION 20+00 TO STATION 21+00 (C-01). CONDUIT FOR FORCE MAIN INTERCONNECTION LINE TO PUMP NO. 60 IS TO BE MAINTAINED TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION. CONDUIT-HYDROSTATIC TESTING SHALL BE COMPLETED PRIOR TO ALL FORCE MAIN WORK FROM ANY WORKING CONNECTION WORK.

EXHIBIT 1



REVISION	DATE	DESCRIPTION
B	10/2014	20% SUBMITTAL
A	05/2013	60% SUBMITTAL

PROJECT MANAGER: TANDY W. KENNEDY	DESIGNED BY: J. SMITH
DRAWN BY: C. WOODWARD	CHECKED BY: M. GARDNER
CALCULATED BY:	PROJECT NUMBER: 131911

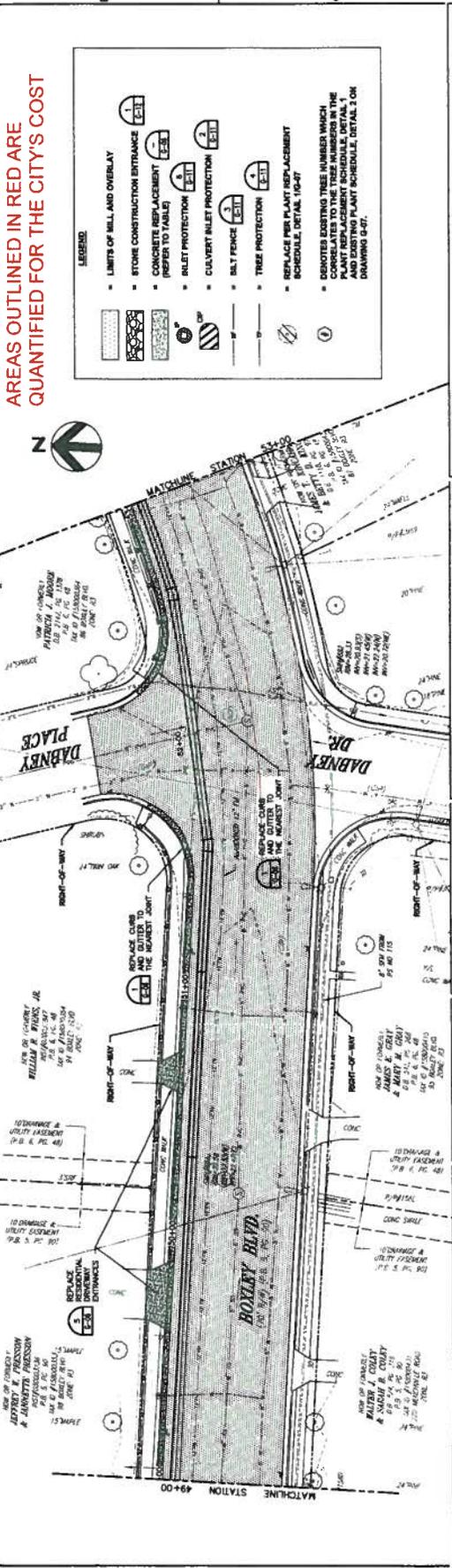
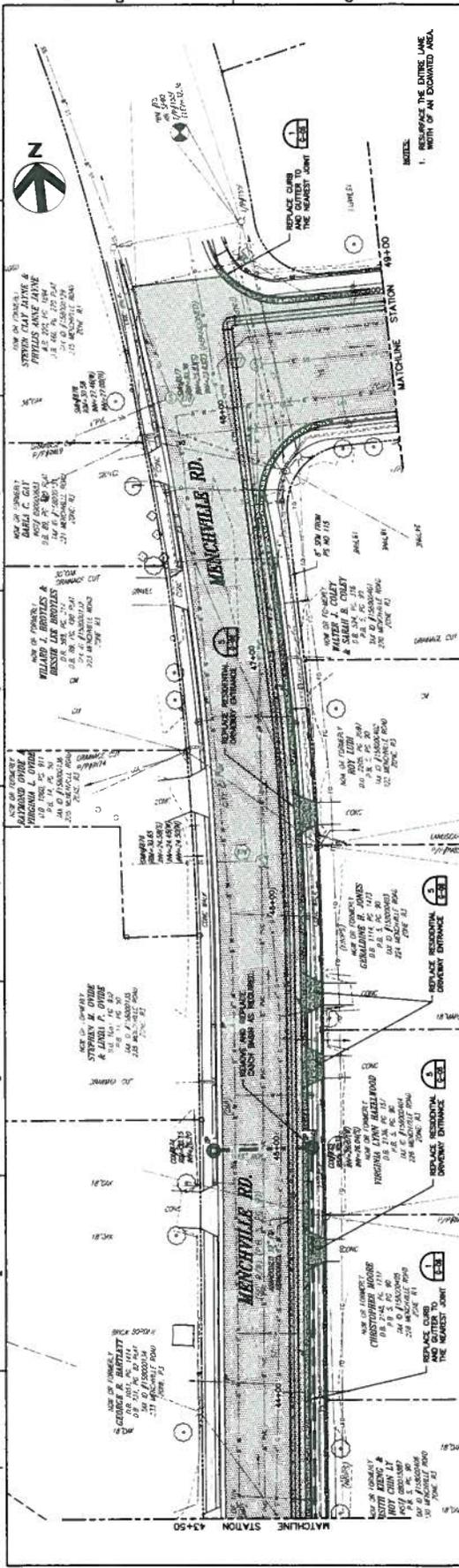


HAMPTON ROADS SANITATION DISTRICT  
**HRSD**  
 WARWICK BOULEVARD TO JAMES RIVER  
 INFLUENT FORCE MAIN SECTION 2

PIPELINE KEY PLAN SEQUENCE OF CONSTRUCTION		FILENAME: C-11.DWG	DRAWING NUMBER: G-13	SHEET NUMBER: 14 OF 61
SCALE: 1"=200'				

**Exhibit 2a, 2b, 2c, 2d, 2e**  
**City Facilities Location Map**

EXHIBIT 2a



AREAS OUTLINED IN RED ARE QUANTIFIED FOR THE CITY'S COST

**LEGEND**

- LIMITS OF MILL AND OVERLAY
- STONE CONSTRUCTION ENTRANCE
- CONCRETE REPLACEMENT (REFER TO TABLE)
- RAILET PROTECTION
- CULVERT INLET PROTECTION
- RAIL FENCE
- TREE PROTECTION
- REPLACE PER PLANT REPLACEMENT SCHEDULE, DETAIL 10-47
- REPLACE EXISTING TREE NUMBER WHICH DOES NOT MATCH PLANT REPLACEMENT SCHEDULE, DETAIL 1 AND EXISTING PLANT SCHEDULE, DETAIL 2 OR DRAWING 9-47.

NOTES:  
1. RESURFACE THE ENTIRE LAKE WITHIN OF AN OUTWASH AREA.

**PROJECT MANAGER:** TERRY B. KOENIG

**DESIGNED BY:** K. STOKAN

**DRAWN BY:** E. PUGHMAN

**CHECKED BY:** T. KOENIG

**PROJECT NUMBER:** 131511

ISSUE	DATE	DESCRIPTION
B	08/20/15	SITE PLAN RESUBMITTAL
A	04/20/15	SITE PLAN SUBMITTAL

**HAMPTON ROADS SANITATION DISTRICT**

**WARWICK BOULEVARD TO JAMES RIVER**  
INFLUENT FORCE MAIN SECTION 2

**FRSD**

**SITE RESTORATION AND EROSION AND SEDIMENT CONTROL PLAN**  
STA 43+50 TO STA 53+00

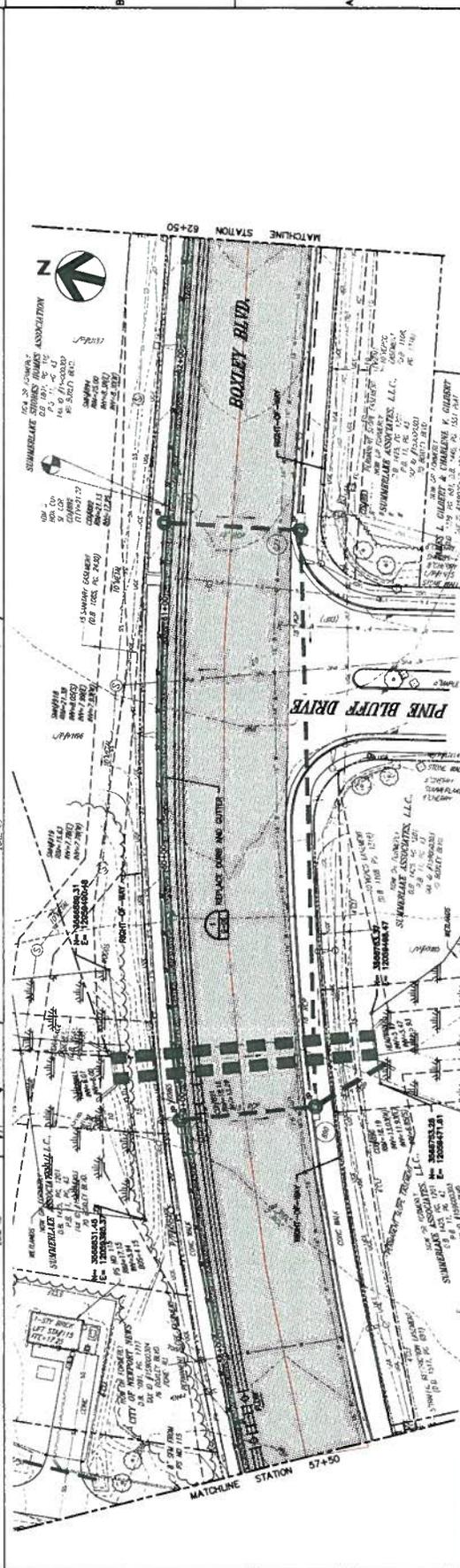
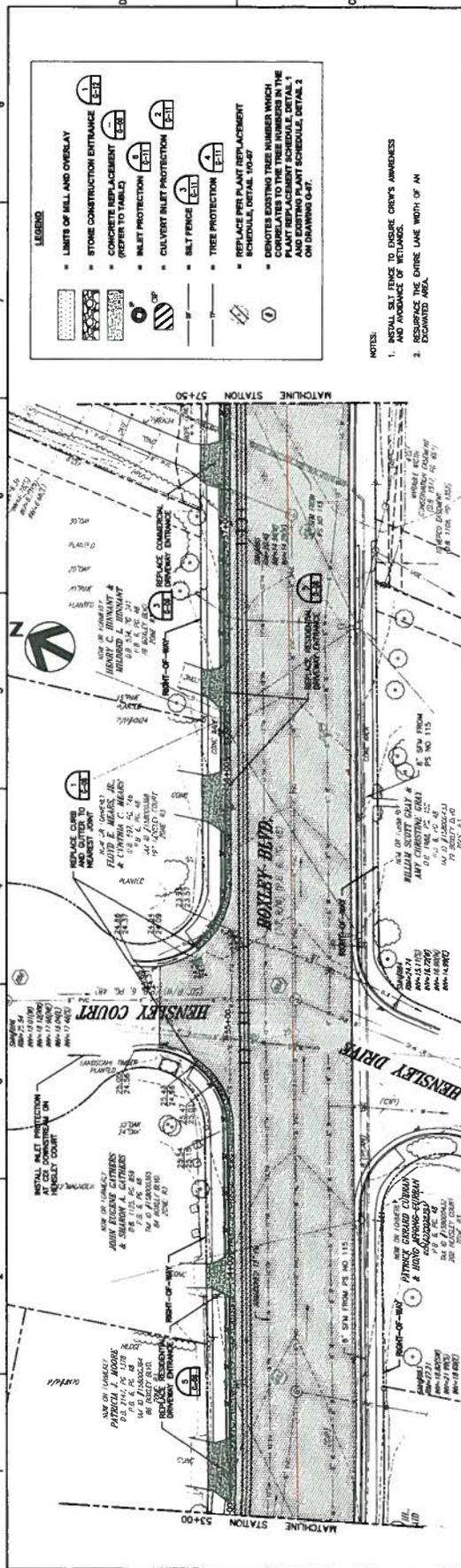
FILENAME: C-30.dwg

SCALE: 1" = 20'

DRAWING NUMBER: C-30

SHEET NUMBER: 46 OF 61

EXHIBIT 2b



**PROJECT INFORMATION**

PROJECT NUMBER: 131311

DATE: 09/2013

ISSUE: A

DESCRIPTION: SITE PLAN SUBMITTAL

**CLIENT INFORMATION**

CLIENT: HAMPTON ROADS SANITATION DISTRICT

PROJECT: WARWICK BOULEVARD TO JAMES RIVER INFLUENT FORCE MAIN SECTION 2

**DESIGNER INFORMATION**

DESIGNER: H&R ENGINEERS, INC.

PROJECT MANAGER: BRUCE W. STOKER

DESIGNED BY: K. STOKER

DRAWN BY: E. PASQUALAN

CHECKED BY: T. LORRY

PROJECT NO: 131311

**APPROVAL INFORMATION**

APPROVED BY: [Signature]

DATE: 09/2013

**SCALE: 1" = 20'**

**FILE NAME: C-31.dwg**

**SHEET INFORMATION**

SHEET NUMBER: 47 of 61

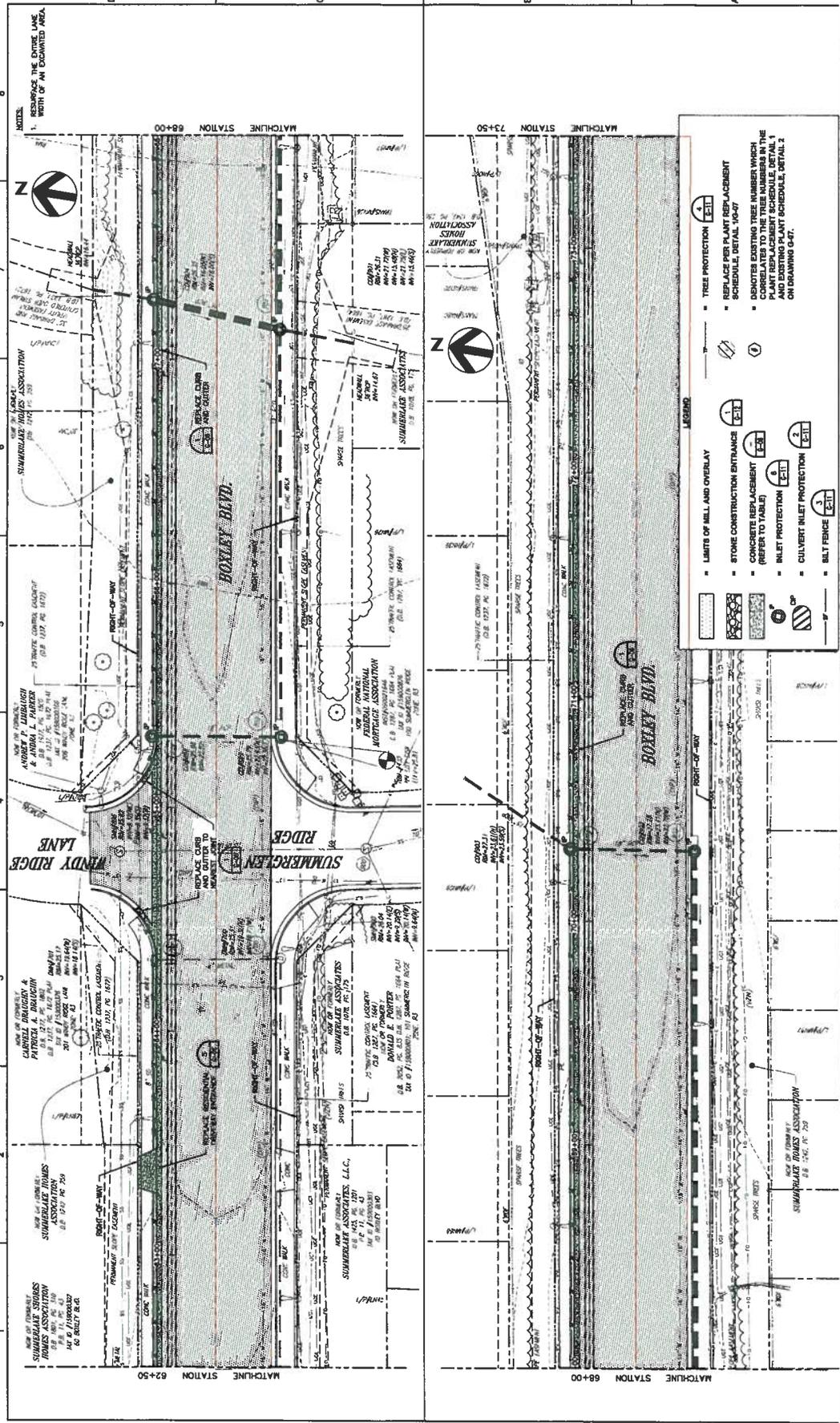
DRAWING NUMBER: C-31

**TITLE**

**SITE RESTORATION AND EROSION AND SEDIMENT CONTROL PLAN**

STA 53+00 TO STA 62+50

EXHIBIT 2c



**PROJECT NUMBER:** TMDR15-R-000957

**DESIGNER:** T. R. COONEY

**DRAWN BY:** E. PASADAMAN

**CHECKED BY:** T. KEARNEY

**PROJECT NUMBER:** 131511

**DATE:** 09/2015

**ISSUE:** B

**DESCRIPTION:** SITE PLAN RESUBMITTAL

**DATE:** 04/2015

**ISSUE:** A

**DESCRIPTION:** SITE PLAN SUBMITTAL

**WARWICK BOULEVARD TO JAMES RIVER**

**INFLUENT FORCE MAIN SECTION 2**

**HAMPTON ROADS SANITATION DISTRICT**

**SITE RESTORATION AND EROSION AND SEDIMENT CONTROL PLAN**

**STA 62+50 TO STA 73+50**

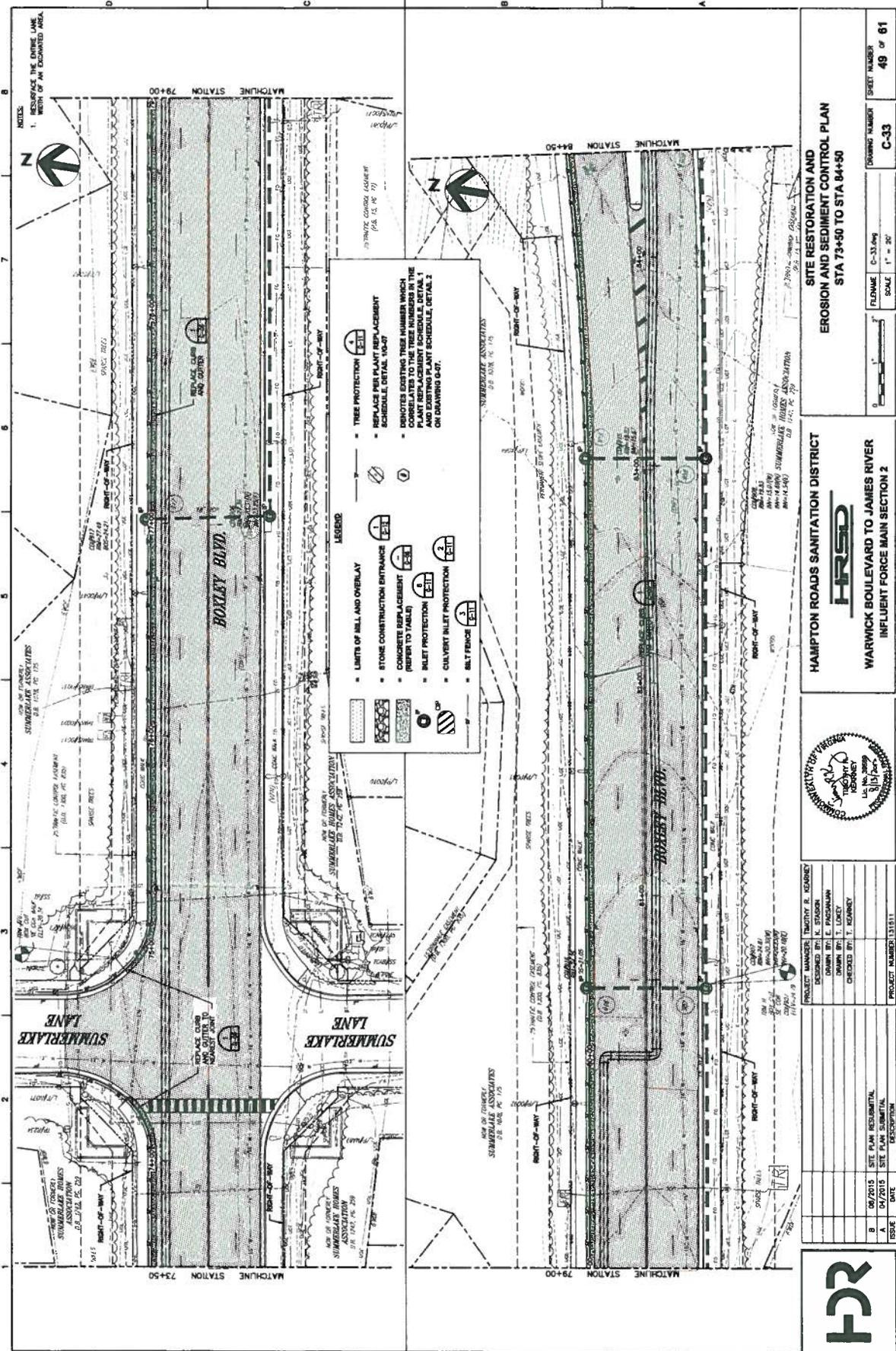
**FILE NAME:** C-32.dwg

**SCALE:** 1" = 20'

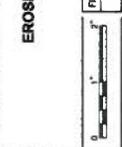
**DRAWING NUMBER:** C-32

**SHEET NUMBER:** 48 of 61

EXHIBIT 2d



**HAMPTON ROADS SANITATION DISTRICT**  
**WARWICK BOULEVARD TO JAMES RIVER**  
**INFLUENT FORCE MAIN SECTION 2**



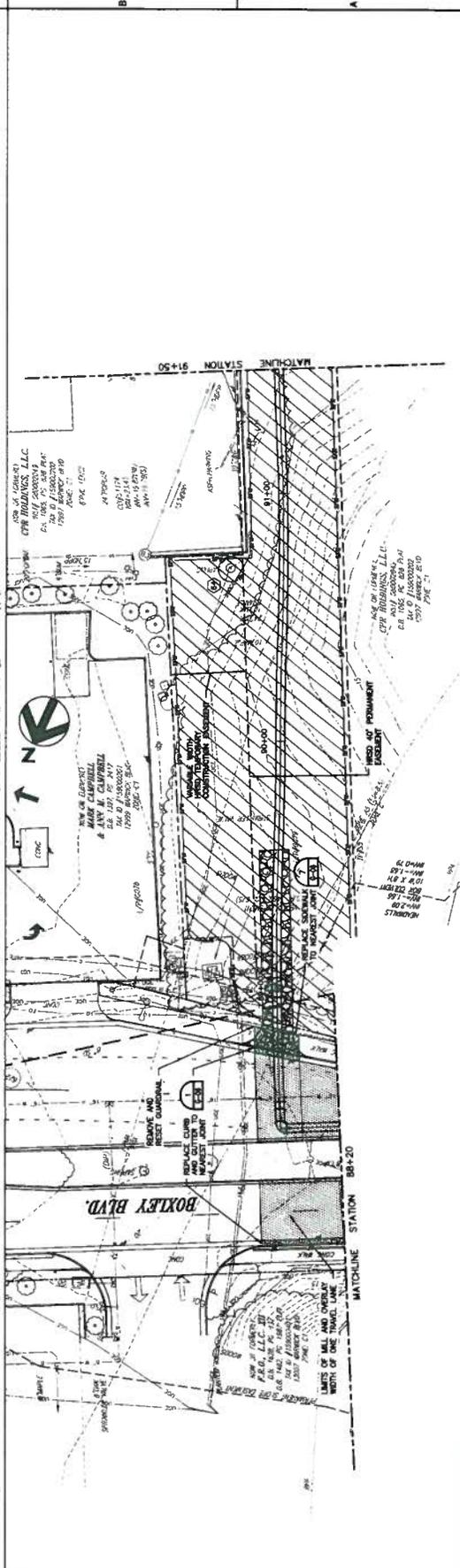
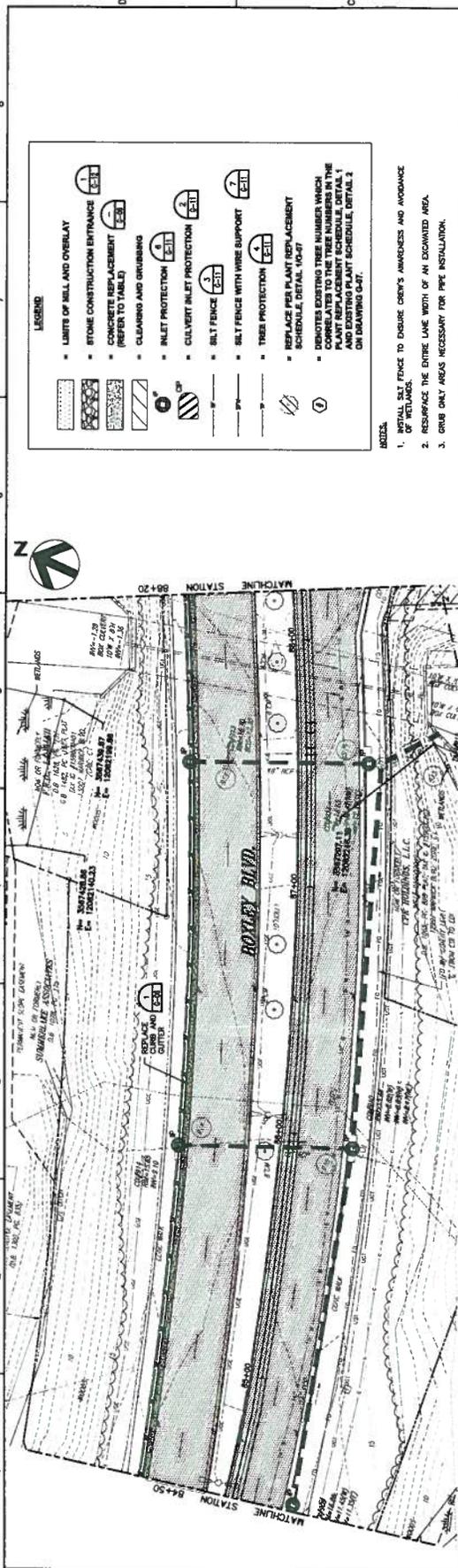
**SITE RESTORATION AND EROSION AND SEDIMENT CONTROL PLAN**  
**STA 73+50 TO STA 84+50**



DATE	DESCRIPTION
09/2015	SITE PLAN RESUBMITTAL
09/2015	SITE PLAN RESUBMITTAL



EXHIBIT 2c



**LEGEND**

- LIMITS OF MILL AND OVERLAY
- STONE CONSTRUCTION ENTRANCE (REFER TO TABLE)
- CONCRETE REPLACEMENT (REFER TO TABLE)
- CLEARING AND GRUBBING
- INLET PROTECTION
- CULVERT INLET PROTECTION
- SALT FENCE
- SALT FENCE WITH WIRE SUPPORT
- TREE PROTECTION
- REPLACE PER PLANT REPLACEMENT SCHEDULE, DETAIL 1047

DEMOTES EXISTING TREE NUMBER WHICH CORRELATES TO THE TREE NUMBERS IN THE SCHEDULE, DETAIL 1047 AND EXISTING PLANT SCHEDULE, DETAIL 1047 ON DRAWING 0-07.

- NOTES**
- INSTALL SALT FENCE TO ENSURE CREW'S AWARENESS AND AVOIDANCE OF TREE DAMAGE.
  - RESURFACE THE ENTIRE LANE WIDTH OF AN EXISTING ROAD.
  - GRUB ONLY AREAS NECESSARY FOR PIPE INSTALLATION.



**SITE RESTORATION AND EROSION AND SEDIMENT CONTROL PLAN**  
STA 84+50 TO STA 91+50

PROJECT MANAGER: TIMOTHY B. KEARNEY	DRAWING NUMBER: C-34	SHEET NUMBER: 50 OF 61
DESIGNED BY: K. STASSEN	FILENAME: C-34.dwg	
DRAWN BY: E. PASQUALAN	SCALE: 1" = 20'	
CHECKED BY: T. KEARNEY		
PROJECT NUMBER: 131511		

**HAMPTON ROADS SANITATION DISTRICT**

**WARWICK BOULEVARD TO JAMES RIVER**

**INFLUENT FORCE MAIN SECTION 2**



ISSUE	DATE	DESCRIPTION
B	09/20/15	SITE PLAN RESUBMITTAL
A	04/20/15	SITE PLAN SUBMITTAL

**AGREEMENT FOR COST SHARING**  
**OF THE**  
**HAMPTON ROADS SANITATION DISTRICT**  
**WARWICK BOULEVARD TO JAMES RIVER INTERCEPTOR FORCE MAIN**  
**SECTION 2 (JR-010802)**

**AND**  
**CITY OF NEWPORT NEWS**  
**PUMP STATION 60 REHABILITATION (PS ID CODE: WWPCH)**

THIS AGREEMENT FOR COST SHARING (the "Agreement"), between the CITY OF NEWPORT NEWS ("CITY") and the HAMPTON ROADS SANITATION DISTRICT ("HRSD"), is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015 (the "Effective Date").

**RECITALS**

**R:1.** HRSD is constructing its Warwick Boulevard to James River Interceptor Force Main Section 2 Project as shown on **Exhibit 1** (the "HRSD Facilities"); and

**R:2.** The CITY is constructing its Pump Station 60 Rehabilitation Project as shown on **Exhibit 2** (the "CITY Facilities") as part of the City of Newport News Capital Improvement Program; and

**R:3.** The design and construction of the HRSD Facilities and the rehabilitation of the CITY Facilities (collectively referred to as the "Improvements") will necessitate the design and construction of a sanitary sewer pipeline connection from the HRSD Facilities to the CITY Facilities (referred to as the "Facilities Connection Pipeline"); and

**R:4.** HRSD and the CITY agree that it is in the best interest of the parties to have the Facilities Connection Pipeline constructed along with the City Facilities; and

**R:5.** CITY agrees to include the construction of Facilities Connection Pipeline in the construction of the CITY Facilities, in accordance with the approved plans and specifications; and

**R:6.** HRSD agrees to reimburse CITY for that portion of the costs of construction of the City Facilities attributable to the Facilities Connection Pipeline under the terms and conditions set forth herein.

## **TERMS**

NOW THEREFORE, in consideration of the above recitals and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

### **I. DESIGN OF IMPROVEMENTS**

#### **A. Plans and Specifications**

1. HRSD will employ HDR Incorporated (ENGINEER), to prepare plans and specifications for the Facilities Connection Pipeline. A location map of the HRSD Facilities is shown on Exhibit 1.
2. HRSD and the CITY, will meet to coordinate, review, and approve a final set of construction documents incorporating both parties' plans and specifications (the "Final Plans and Specifications") for the Improvements.

#### **B. Payment of the Design Costs**

1. HRSD will compensate ENGINEER for all engineering design costs and any amendments related to the Facilities Connection Pipeline.

#### **C. Compliance**

All design work shall comply with HRSD Standards and Preferences for use in Engineered Construction Projects, latest edition, and the Hampton Roads Planning District Commission Regional Construction Standards, latest edition. Any changes to the Final Plans and Specifications shall be approved by HRSD and the CITY.

### **II. CONSTRUCTION OF IMPROVEMENTS**

#### **A. Cost of Construction:**

1. The total cost of the Facilities Connection Pipeline, as more particularly defined by the Final Plans and Specifications, prepared by ENGINEER for HRSD (the "Improvements Costs") shall include:
  - a. Cost of construction of the Improvements; and

- b. Any related miscellaneous essential expenses.
  2. The current cost of the construction of the Facilities Connection Pipeline is \$56,816.
- B. Approval of Final Plans and Specifications; Contractors; Change Orders
  1. HRSD and the CITY agree that before any construction work is to begin under this Agreement, HRSD and the CITY will jointly review and approve the Final Plans and Specifications. This approval shall be in writing.
  2. HRSD and the CITY shall review and agree upon the contractors and subcontractors employed for the Improvements (the "Contractor(s)") prior to award of the construction contract.
  3. Contractors shall be responsible for all necessary permits and approvals necessary for the Improvements.
  4. HRSD will review and approve shop drawings related to the HRSD Facilities. CITY will review and approve shop drawings related to the CITY Facilities.
  5. HRSD will review and approve change orders related to the HRSD Facilities. CITY will review and approve change orders related to the CITY Facilities.
- C. Payment of Improvement Costs
  1. The Improvements Costs shall be apportioned among the parties as follows:
    - a. HRSD will administer and be responsible for bearing one hundred percent (100%) of the cost of the Facilities Connection Pipeline.
    - b. The CITY will administer and be responsible for bearing one hundred percent (100%) of the remaining cost of the CITY Facilities.
    - c. Costs associated with any change to the initial construction cost ("Change Order") shall be as follows:

- i. HRSD shall be solely responsible for costs due to a Change Order requested by HRSD; and
  - ii. The CITY shall be responsible for costs due to a Change Order requested by the CITY.
2. During the course of construction, CITY shall compensate the Contractors and other individuals and entities providing materials and/or services for all Improvement Costs. HRSD shall reimburse the CITY for all such payments related to the Facilities Connection Pipeline. HRSD shall pay its share of the Improvements Costs to the CITY in one lump sum payment upon completion of construction. CITY shall provide HRSD with an invoice detailing HRSD's share of the Improvement Costs. Within thirty (30) days of its receipt of such invoice, HRSD shall reimburse the CITY for HRSD's share of the Improvement Costs of \$56,816.

D. Operation and Maintenance of the Improvements during and after Construction

1. HRSD shall be responsible for operation and maintenance of the HRSD Facilities during and after construction.
2. CITY shall be responsible for operation and maintenance of the CITY Facilities during and after construction.
3. HRSD and the CITY agree to cooperate and coordinate for the operations and maintenance of any interconnections between the HRSD Facilities and CITY Facilities.

III. SCHEDULE

- A. The construction is anticipated to begin by January 2015 and be complete by December 2015. If the construction dates listed herein are substantially delayed, HRSD reserves the right to terminate this Agreement.

IV. OBLIGATIONS OF HRSD AND THE CITY

A. Administration

CITY shall provide contract administration of the CITY Facilities and the

Facilities Connection Pipeline.

D. Inspection

CITY shall provide inspection services for the CITY Facilities and the Facilities Connection Pipeline. The inspector(s) shall have the authority to assure the Improvements are constructed in accordance with the Final Plans and Specifications.

E. Deeds and Easements

HRSD shall obtain any and all necessary fee simple deeds and/or deeds of easement needed for the HRSD Facilities.

CITY shall obtain any and all necessary fee simple deeds and/or deeds of easements for the CITY Facilities.

F. Correction of Construction Defects in the Improvements

CITY shall require the Contractors to provide a performance and payment bond for the full amount of the construction of the Improvements. The construction contract shall also provide for a warranty of the Contractor's work against construction defects in the Improvements and shall require the Contractor to correct such defects that are reported by HRSD or the CITY within one (1) year of the final acceptance of the Improvements.

G. Construction Record Drawings

CITY shall provide HRSD approved construction record drawings in accordance with HRSD Standards and Preferences for use in Engineered Construction Projects, latest edition.

V. GOVERNING LAW

This Agreement shall be deemed to be a Virginia contract and shall be governed as to all matters whether of validity, interpretations, obligations, performance or otherwise exclusively by the laws of the Commonwealth of Virginia, and all questions arising with respect thereto shall be determined in accordance with such laws. Regardless of where actually delivered and accepted, this contract shall be deemed to have been delivered and accepted by the parties in the Commonwealth of Virginia.

VI. TERMINATION

Anything herein or elsewhere to the contrary notwithstanding, in the event that a party breaches or violates any material provision of this Agreement or fails to perform any material covenant or agreement to be performed by either party under the terms of this Agreement and such breach, violation or failure is not cured within sixty (60) days of the defaulting party's receipt of written notice of such breach from the non-defaulting party, this Agreement and the obligations of the parties hereunder may be terminated by the non-defaulting party. This Agreement may also be terminated by mutual agreement of the CITY and HRSD.

VII. NOTICE

Any notice, communication or request under this Agreement shall be provided in writing by either (a) certified mail, return receipt requested, postage prepaid, or (b) a nationally recognized overnight delivery service (next business day service), or (c) hand-delivery, if the receipt of the same is evidenced by the signature of the addressee or authorized agent, and addressed to the following:

For: HRSD  
By U.S. Postal Service  
General Manager  
P. O. Box 5911  
Virginia Beach, VA 23471-0911  
Telephone: (757) 460-4242

By Overnight Mail:  
General Manager  
1434 Air Rail Avenue  
Virginia Beach, VA 23455

With Copy to:  
Conway H. Shield, III  
Jones, Blechman, Woltz and Kelly  
701 Town Center Drive, Suite 200  
Newport News, VA 23606

For: City of Newport News  
James Bourey, City Manager  
City of Newport News, Virginia  
2400 Washington Avenue  
Newport News, VA 23607  
Telephone: (757) 727-6392  
Facsimile: (757) 926-3505

With Copy to:

City Attorney  
2400 Washington Avenue  
Ninth Floor City Hall  
Newport News, VA 23607

VIII. ASSIGNMENT

No party may assign its rights in this Agreement without the prior written consent of the other party.

IX. AMENDMENT

This Agreement may be amended only by a written instrument duly executed by the parties.

X. SEVERABILITY

If any provision of this Agreement or the application thereof to any circumstance shall be determined to be invalid, illegal or unenforceable to any extent, the remainder of this Agreement and the application thereof shall not be affected and shall continue to be valid, in effect and enforceable to the fullest extent permitted by law.

XI. DAMAGES

Upon any breach of this Agreement resulting from an omission that constitutes negligence or willful misconduct or a failure to abide by engineering standards or a failure to abide by the Final Plans and Specifications described herein, the breaching party shall be responsible for the payments for damages to any other party to this Agreement.

XII. INSURANCE

HRSD and the CITY have the right to review and approve insurance coverage in the various insurance categories that HRSD and the CITY deem necessary to be carried by the Contractor or any other parties to this Agreement. Proof of insurance shall be provided at the request of HRSD or the CITY and the insurance coverage shall be maintained during the term of this Agreement.

XIII. TERM OF AGREEMENT

The term of the Agreement will commence on the date the Agreement is entered into and be completed when each party has completely performed its obligations hereunder.

XIV. INDEMNITY

The CITY shall ensure that the Contractor covenants and agrees that it will protect, save and keep HRSD harmless and indemnified against any liability, obligation, penalty or damage or charge imposed for any negligence or willful misconduct by the Contractor or for any violation of any laws or ordinances occasioned by the Contractor, its officers, employees, agents, subcontractors, independent contractors, licensees or concessionaires.

XV. FORCE MAJEURE

In the event of delay in the performance of the parties' obligations hereunder due to unforeseeable causes beyond the control of the CITY or HRSD or the Contractor and without their fault or negligence, including, but not restricted to, acts of God or of the public enemy, acts of the government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargos, and unusually severe weather or delays of subcontractors due to such causes, the time or times for performance of the obligations of the parties shall be extended for the period of the enforced delay.

XVI. INDEPENDENT CONTRACTOR

If the Contractor(s) hire subcontractors or independent contractors, HRSD and the CITY have the right to approve them by reviewing their requisite experience and knowledge to complete the work assigned.

XVII. SUBCONTRACTOR

If any Contractors or subcontractors are selected by any party to this Agreement for completion of the work contemplated herein, HRSD has the right to approve the same.

XVIII. WAIVER

No waiver of the breach of any term or provision of this Agreement shall be construed to be, or shall constitute, a waiver of any other breach of this

Agreement. No waiver shall be binding unless in writing and signed by the parties waiving the breach.

The failure of any party to seek redress for violation of or to insist upon the strict performance of any covenant or condition of this Agreement shall not prevent a subsequent act, which would have originally constituted a violation, from having the effect of an original violation.

The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive the right to use any or all other remedies. Such rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

#### XIV. INTEGRATION

This Agreement constitutes the entire understanding among the parties. No provision of this Agreement may be waived, modified or amended except by an instrument signed by the party against whom the enforcement of such waiver, modification or amendment is sought. No waiver by either party of any failure or refusal by the other party to comply with its obligations hereunder shall be deemed a waiver of any other or subsequent failure or refusal to comply.

**IN WITNESS WHEREOF**, the Hampton Roads Sanitation District Commission (HRSD) has caused this Agreement to be signed on its behalf by its General Manager in accordance with authorization granted at its regular meeting held on \_\_\_\_\_, 2015.

**HAMPTON ROADS SANITATION DISTRICT**

By  
Edward G. Henifin, P.E., General Manager

COMMONWEALTH OF VIRGINIA,  
CITY OF VIRGINIA BEACH, to-wit:

The foregoing agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by Edward G. Henifin, P.E., General Manager, Hampton Roads Sanitation District.

Notary Public

My commission expires:

Registration No.:

Agreement for Cost Sharing of the HRSD Warwick Boulevard to James River Interceptor Force Main  
Section 2 (JR-108-2) and City of Newport News Pump Station 60 Rehabilitation

---

**IN WITNESS WHEREOF**, the City of Newport News (CITY) has caused this Agreement to be signed by the City Manager on its behalf pursuant to Resolution adopted by the City Council on \_\_\_\_\_, 2015,

**CITY OF NEWPORT NEWS**

By \_\_\_\_\_  
James Bourey, City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

COMMONWEALTH OF VIRGINIA,  
CITY OF NEWPORT NEWS, to-wit:

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by James Bourey, City Manager, City of Newport News, Virginia.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Registration No.:

Approved as to Form and Correctness:

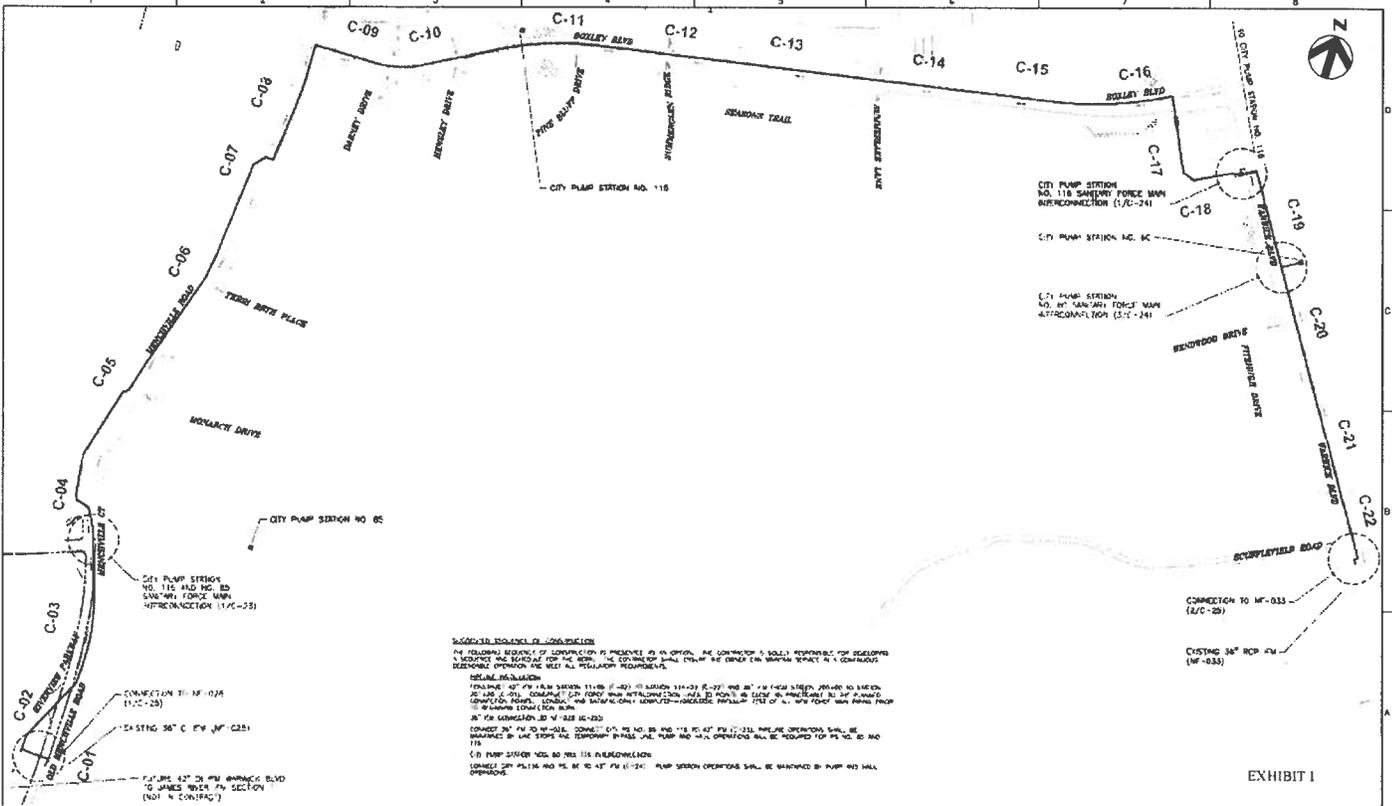
Approved as to Content:

\_\_\_\_\_  
Deputy City Attorney

\_\_\_\_\_  
Director of Utilities

**Exhibit 1**

**HRSD Facilities Location Map**



**SUBMITTAL SEQUENCE OF CONSTRUCTION**

THE FOLLOWING SEQUENCE OF CONSTRUCTION IS PROPOSED AS AN OPTION. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR DEVELOPING A DETAILED AND SEQUENTIAL CONSTRUCTION PLAN THAT WILL BE SUBMITTED TO THE OWNER FOR APPROVAL PRIOR TO COMMENCING CONSTRUCTION. THE SEQUENCE OF CONSTRUCTION SHALL BE SUBJECT TO THE SEVERAL REQUIREMENTS.

**GENERAL REQUIREMENTS:**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, SEVENTH EDITION, AND THE STANDARD SPECIFICATIONS FOR WATER MAINS, SEVENTH EDITION, BOTH PUBLISHED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION.

2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR WATER MAINS, SEVENTH EDITION, BOTH PUBLISHED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION.

3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR WATER MAINS, SEVENTH EDITION, BOTH PUBLISHED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION.

4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR WATER MAINS, SEVENTH EDITION, BOTH PUBLISHED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION.



DATE	DESCRIPTION	PROJECT NUMBER
10/2014	2008 SUBMITTAL	121011
02/2012	008 SUBMITTAL	

PROJECT MANAGER	DESIGNED BY	DRAWN BY	CHECKED BY

**HAMPTON ROADS SANITATION DISTRICT**

**WARWICK BOULEVARD TO JAMES RIVER**

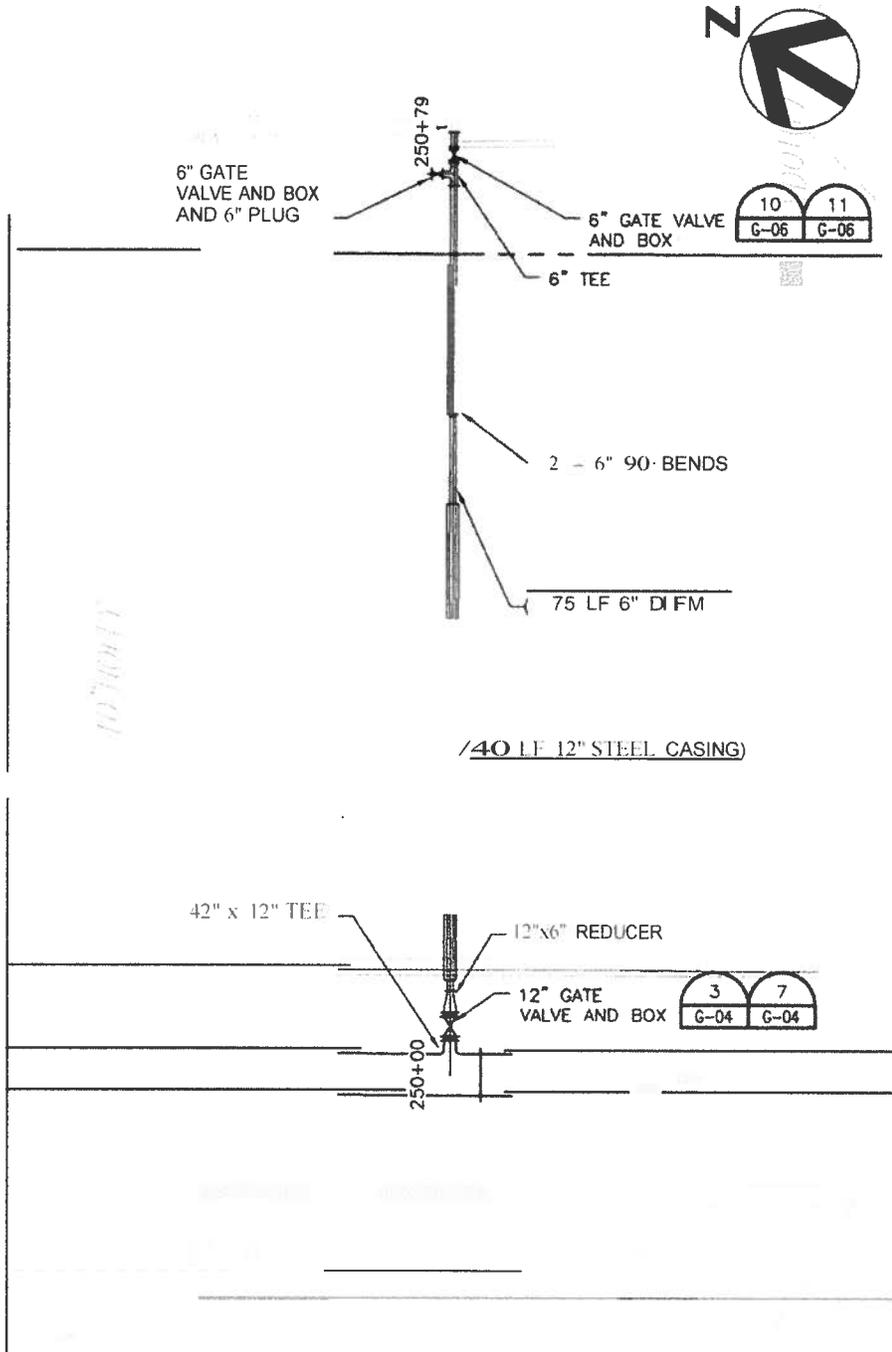
**INFLUENT FORCE MAIN SECTION 2**

FILE NAME	DATE	PROJECT NUMBER	SHEET NUMBER
C-12.DWG	1/2012	G-13	14 OF 61

**Exhibit 2**

**City Facilities Location Map  
Facilities Connection Pipeline**





**PLAN**          **G1J**  
 SCALE: 1" = 10'

**EXHIBIT 2 - FACILITIES CONNECTION PIPELINE**

## H. Appropriations

ACTION: A REQUEST FOR A MOTION OF CITY COUNCIL TO APPROVE AS A BLOCK THE FOLLOWING APPROPRIATIONS

1. Department of Engineering – FY 2016 Bond Authorization, Public Buildings Category: City Hall Second Floor Renovations – \$350,000
2. Department of Engineering – Virginia Department of Environmental Quality Stormwater Local Assistance Fund (SLAF): Construction of Glen Allen and Turnberry Stream Restoration Projects – \$379,358
3. Department of Engineering – FY 2016 Bond Authorization, Stormwater Drainage Category: Citywide Drainage Projects – \$497,500
4. Department of Public Works – FY 2016 Additional State Revenue for Street and Highway Maintenance: Residential Street Reconstruction/Resurfacing Contracts – \$694,643
5. Department of Engineering – FY 2016 Bond Authorization, Sanitary Sewer Rehabilitation Category: 25<sup>th</sup> Street Sanitary Sewer Replacement Project (1100 Block) – \$800,000
6. Department of Public Works – Capital Improvements Plan (CIP): FY 2016 Public Buildings Major Renovations and Repairs – \$1,100,000
7. Department of Engineering – Virginia Department of Transportation (VDOT) State Revenue Sharing Program (\$2,550,000) and FY 2016 Bond Authorization, Streets and Bridges Category (\$2,550,000): Warwick Boulevard over Lake Maury Bridge Replacement Project – \$5,100,000

## H. Appropriations

1. Department of Engineering – FY 2016 Bond Authorization, Public Buildings Category:  
City Hall Second Floor Renovations – \$350,000

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$350,000 FROM THE FY 2016 BOND AUTHORIZATION, PUBLIC BUILDINGS CATEGORY FOR THE CITY HALL SECOND FLOOR RENOVATIONS PROJECT.

BACKGROUND:

- The renovations planned for the second floor will entail upgrading existing offices of the Department of Planning, create additional offices and a conference room.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

### ATTACHMENTS:

#### Description

CM Memo re CH 2nd Flr Renovations

Attachment-Location Map City Hall Second Floor

rag1006 Reso Appro funds to City Hall Reno Project

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

January 6, 2016

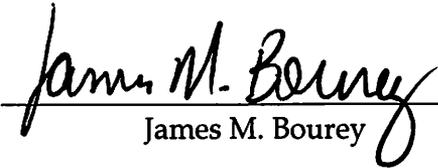
**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** City Hall Second Floor Renovations

City Council is requested to appropriate \$350,000 for the City Hall Second Floor Renovation Project.

Renovation of the second floor is the next phase in the continual process to upgrade City Hall. The project will entail renovating the offices of the Department of Planning. Additional offices and a conference room will be added to the existing department facilities.

Funding is available from the FY 2016 Bond Authorization, Public Buildings category.

I recommend City Council approve the resolution.

  
James M. Bourey

JMB/BDW/plw

Attachment

cc: Everett Skipper, Director, Department of Engineering



CITY OF NEWPORT NEWS, VIRGINIA



# CITY HALL - SECOND FLOOR RENOVATIONS



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO CITY HALL SECOND FLOOR RENOVATION PROJECT.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News:

That it hereby appropriates funds from Bonds Authorized and Unissued to City Hall Second Floor Renovation Project, as follows:

Appropriation From:

Bonds Authorized and Unissued 4104-100-70-700G-579000-000000-2016- 00000-G0000	\$ 350,000.00
--	---------------

Appropriation To:

City Hall Second Floor Renovation Project 4104-100-70-700G-579425-000000-2016- 00000-G1108	\$ 350,000.00
--	---------------

## H. Appropriations

2. Department of Engineering – Virginia Department of Environmental Quality Stormwater Local Assistance Fund (SLAF): Construction of Glen Allen and Turnberry Stream Restoration Projects – \$379,358

**ACTION:** A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$379,358 FROM THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY STORMWATER LOCAL ASSISTANCE FUND (SLAF) FOR THE CONSTRUCTION OF GLEN ALLEN AND TURNBERRY STREAM RESTORATION PROJECTS.

**BACKGROUND:**

- The Glen Allen Stream Restoration Project is in the Carleton Falls Subdivision in the north section of the City.
- The Turnberry Stream Restoration Project is along the north branch of Lucas Creek between Loch Ness Drive and the Jefferson Commons Shopping Plaza.
- Both channels are experiencing severe erosion, degradation, instability and present significant risk exposure to existing structures.
- The proposed improvements will enhance the structural integrity of both channels, increase floodplain connectivity and provide stormwater attenuation.
- Both projects are considered critical because they provide pollutant reductions that assist in the City's ability to meet the threshold requirements delegated from the Environmental Protection Agency (EPA).

**FISCAL IMPACT:**

- Due to the reduction of pollutant loading, the City successfully obtained a matching Stormwater Local Assistance Fund (SLAF) Grant in the amount of \$379,358.
- The remaining \$576,642 is available from previously appropriated funds.
- The City Manager recommends approval.

**ATTACHMENTS:**

**Description**

CM Memo re Glen Allen & Turnberry Stream Proj

Attachment-Location Map Glen Allen-Turnberry Stream Restoration

rag1008 Reso Appro funds to Glen Allen-Turnberry Stream Restoration

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

January 6, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Glen Allen and Turnberry Stream Restoration Projects

City Council is requested to approve a resolution appropriating construction funds in the amount of \$379,358 for the Glen Allen and Turnberry Stream Restoration projects. The Glen Allen project is in the Carleton Falls Subdivision along an unnamed tributary of Skiffes' Creek in the north section of the City, and the Turnberry project is along the north branch of Lucas Creek adjacent to the Turnberry Wells Apartment Complex and Jefferson Commons Shopping Plaza in the central area of the City.

The existing natural channels at both locations are experiencing degradation of the streambed and severe erosion of the embankments. The migration of sediments has significantly degraded the channel, and the instability of the banks is in close proximity to existing structures adjacent to the streams. The proposed improvements will enhance the structural integrity of the channels, increase floodplain connectivity, and provide stormwater attenuation. These enhancements range from stone riprap for energy dissipation to channel benching, wetlands vegetation, in-channel grade changes, and creating bends in the streambed to more effectively conduct stormwater runoff.

These projects are considered critical because they will provide pollutant reductions to assist the City's ability to conform to the requirements of the Total Maximum Daily Load (TMDL) limits set by the Virginia Department of Environmental Quality (DEQ) delegated from the Environmental Protection Agency (EPA).

The Honorable City Council

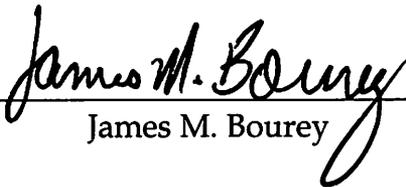
Page 2

Glen Allen and Turnberry Stream Restoration Projects

January 6, 2016

Funding of \$379,358 is available from the Virginia Department of Environmental Quality Stormwater Local Assistance Fund (SLAF) with the remaining \$576,642 available from previously appropriated stream restoration project funds.

I recommend City Council approve the resolution.

  
James M. Bourey

JMB:ERB:wjr

Attachment

cc: Everett Skipper, Director, Department of Engineering



CITY OF NEWPORT NEWS, VIRGINIA

# GLEN ALLEN COURT/TURNBERRY CHANNEL IMPROVEMENTS - STREAM RESTORATION



**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION APPROPRIATING FUNDS FROM STATE REVENUE TO GLEN ALLEN AND TURNBERRY STREAM RESTORATION PROJECTS.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News:

That it hereby appropriates funds from State Revenue to Glen Allen and Turnberry Stream Restoration Projects, as follows:

Appropriation From:

State Revenue	
4300-000-00-0000-482000-000000-0000-	
N5002-N5002	\$ 379,358.00

Appropriation To:

Glen Allen and Turnberry Stream Restoration Projects	
4300-250-70-700N-579420-000000-0000-	
00000-N5002	\$ 379,358.00

## H. Appropriations

### 3. Department of Engineering – FY 2016 Bond Authorization, Stormwater Drainage Category: Citywide Drainage Projects – \$497,500

**ACTION:** A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$497,500 FROM THE FY 2016 BOND AUTHORIZATION, STORMWATER DRAINAGE CATEGORY FOR CITYWIDE DRAINAGE PROJECTS.

**BACKGROUND:**

- Citywide Drainage is an annual stormwater initiative to improve and maintain the drainage systems throughout the City by providing a funding source for emergency or minor work and is included in the Stormwater Drainage Capital Improvements Plan (CIP).
- This program provides City Staff the ability to address specific drainage related issues, in a timely manner, to address today's stormwater management issues and citizens' concerns.
- Drainage problems range from cave-ins, structure repairs and installations, and ditch re-grading and repair.
- The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

#### ATTACHMENTS:

##### Description

CM Memo re Citywide Drainage Stormwater Prog

Attachment Location Map Citywide Drainage

rag1007 Reso Appro funds to Citywide Drainage SW Mgmt Program

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

January 6, 2016

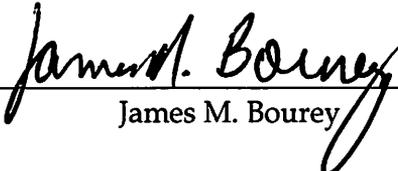
**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Citywide Drainage Stormwater Management Program

City Council is requested to appropriate \$497,500 for the annual Citywide Drainage program. This stormwater management program initiative provides City staff the ability to address specific drainage and flooding issues, in a timely manner, related to today's permits, regulations, and design standards, along with citizens' concerns.

The stormwater infrastructure within the City is aging and often experiences significant pipe cave-ins, failing pipes and structures, and excessive ditch and channel erosion with the potential of causing flooding and damage to both public and private property. This funding addresses small localized and/or emergency drainage projects that are not programmed in the Capital Improvements Plan (CIP) and allows City crews the ability to respond quickly. The Departments of Engineering and Public Works work together to assess, design, and construct minor drainage improvements to the pipes and ditches that makes up the City's drainage systems. The community benefits from these projects by improving the drainage and reducing the risk of flooding to residents and City property.

Funding is available from the FY 2016 Bond Authorization, Stormwater Drainage Category.

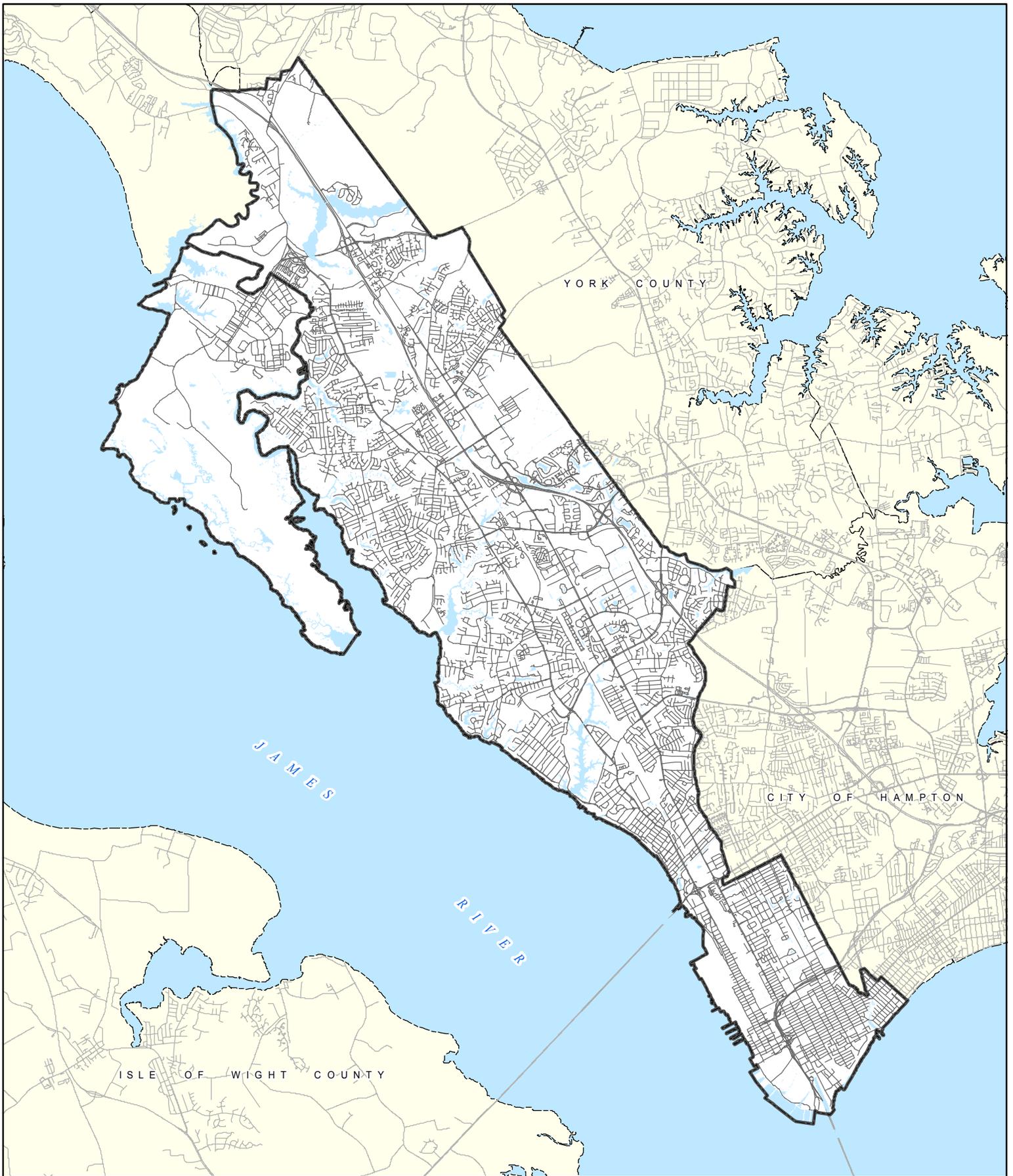
I recommend City Council approve the resolution.

  
James M. Bourey

JMB:JAC:mjd

Attachment

cc: Everett Skipper, Director, Department of Engineering



CITY OF NEWPORT NEWS, VIRGINIA

# CITYWIDE DRAINAGE FY16



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO CITYWIDE DRAINAGE STORMWATER MANAGEMENT PROGRAM.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News:

That it hereby appropriates funds from Bonds Authorized and Unissued to Citywide Drainage Stormwater Management Program, as follows:

Appropriation From:

Bonds Authorized and Unissued 4104-250-70-700N-579000-000000-2016- 00000-N0000	\$ 497,500.00
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Appropriation To:

Citywide Drainage Stormwater Management Program 4104-250-70-700N-579420-000000-2016- 00000-N1308	\$ 497,500.00
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## H. Appropriations

4. Department of Public Works - FY 2016 Additional State Revenue for Street and Highway Maintenance: Residential Street Reconstruction/Resurfacing Contracts - \$694,643

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$694,643 OF ADDITIONAL FY 2016 STREET AND HIGHWAY MAINTENANCE STATE REVENUE TO THE DEPARTMENT OF PUBLIC WORKS FOR RESIDENTIAL STREET RECONSTRUCTION/RESURFACING CONTRACTS.

BACKGROUND:

- The City has been notified that FY 2016 State revenue for Street and Highway maintenance will be \$694,643 more than estimated.
- The additional funds will be appropriated to Public Works' General Fund operating budget which is the Department that will oversee the contracts.
- Subsequently, the funds will be moved to the Street/Highway Maintenance Fund which is required by State accounting practices to be in a separate fund.

FISCAL IMPACT:

- No other local funds are required for this resolution.
- The City Manager recommends approval.

### ATTACHMENTS:

#### Description

CM Memo re VDOT FY16 State & Highway Funds

rag1009 Reso Appro funds for Street-Highway Maintenance

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

January 6, 2016

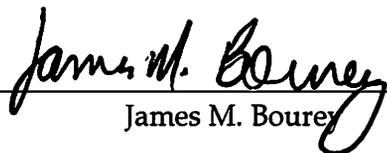
**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Appropriation Resolution for Street/Highway Maintenance Funds

The Virginia Department of Transportation (VDOT) annually funds local street and highway maintenance programs based on the number of qualified lane miles within a City. The State has notified the City that the original estimate for the FY 2016 Street/Highway Maintenance Funds will be increased. This unanticipated increase is estimated at \$694,643 over the current budgeted amount of \$15,889,942. The total amount to be collected from the State in FY 2016 for street maintenance is \$16,584,585.

It is requested that this additional funding be appropriated to the FY 2016 Contract-Street Paving and Overtime accounts to supplement this fiscal year's residential reconstruction/resurfacing contract and efforts. This extra State funding will allow for additional residential reconstruction/resurfacing on those roads considered to be of greatest need by the Department of Public Works.

The State requires that the Street/Highway Maintenance Funds be accounted for in a separate fund. To do so, the initial revenue receipt and the qualified expenditures are made in the General Fund because the work is overseen by the Department of Public Works. When revenue and expenditures are certified by the State as qualified for reimbursement, they are then transferred to the separate Street/Highway Maintenance Fund. It is requested that each fund be increased by the anticipated amount in order to keep both funds in balance for FY 2016.

I recommend approval of this resolution.

  
James M. Bourey

JMB;jlh

cc: H. Reed Fowler, Jr., Director, Department of Public Works

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION APPROPRIATING REVENUE TO FORCE ACCOUNT-STREET/HIGHWAY MAINTENANCE GENERAL FUND REVENUE AND STREET/HIGHWAY MAINTENANCE FUND AND APPROPRIATING EXPENDITURES TO CONTRACTUAL PAVING/PUBLIC WORKS DEPARTMENT AND STREET/HIGHWAY MAINTENANCE FUND QUALIFIED ASPHALT/RESURFACING.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News:

That it hereby appropriates revenue to Force Account-Street/Highway Maintenance General Fund Revenue and Street/Highway Maintenance Fund and appropriating expenditures to Contractual Paving/Public Works Department and Street/Highway Maintenance Fund Qualified Asphalt/Resurfacing, as follows:

Appropriate Revenue To:

Force Account-Street/Highway Maintenance General Fund Revenue 1000-100-00-0000-418307	\$	694,643.00
Street/Highway Maintenance Fund 2510-000-30-0000-427501	\$	694,643.00

Appropriate Expenditures To:

Contractual Paving/Public Works Department 1000-250-31-3125-530200	\$	694,643.00
Street/Highway Maintenance Fund Qualified Asphalt/Resurfacing 2510-000-30-0000-558611	\$	694,643.00

## H. Appropriations

5. Department of Engineering – FY 2016 Bond Authorization, Sanitary Sewer Rehabilitation Category: 25th Street Sanitary Sewer Replacement Project (1100 Block) – \$800,000

**ACTION:** A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$800,000 FROM THE FY 2016 BOND AUTHORIZATION, SEWER REHABILITATION CATEGORY FUND FOR THE CONSTRUCTION OF THE 25TH STREET SANITARY SEWER REPLACEMENT (1100 BLOCK).

**BACKGROUND:**

- The scope of this project will include the replacement of existing sanitary sewer service laterals and failing sanitary sewer pipe that runs along the 1100 block of 25th Street between Roanoke Ave and Chestnut Avenue.
- In addition, the scope of work will include the replacement of sanitary sewer service laterals and relining of sanitary sewer main along the 2400 block of Chestnut Avenue.
- The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

### ATTACHMENTS:

#### Description

CM Memo re 25th St-1100 Block Sewer Project

Attachment-Location Map 25th Street 1100 Block Sanitary Sewer Replacement

rag1004 Appro funds to 25th Street 1100 Block Sanitary Sewer Replacement

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

January 6, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** 25th Street 1100 Block Sanitary Sewer Replacement

City Council is requested to approve a resolution appropriating \$800,000 for the construction of the 25th Street 1100 Block Sanitary Sewer Replacement.

The scope of this project will include the replacement of an existing sanitary sewer service laterals and failing sanitary sewer pipe that run along the 1100 block of 25th Street and is creating voids under the concrete roadway, thus producing cave-ins. In addition, work will include the relining of existing sanitary sewer pipe in the 2400 block of Chestnut Avenue.

The repairing of this deficiency will eliminate an ongoing Public Works maintenance issue, improve the flow of sanitary sewer in the area and avoid potential traffic concerns with possible collapse of the roadway.

Funding is available from the FY 2016 Bond Authorization, Sewer Rehabilitation Category.

I recommend City Council approve the resolution.

  
James M. Bourey

JMB:VPU:mjd

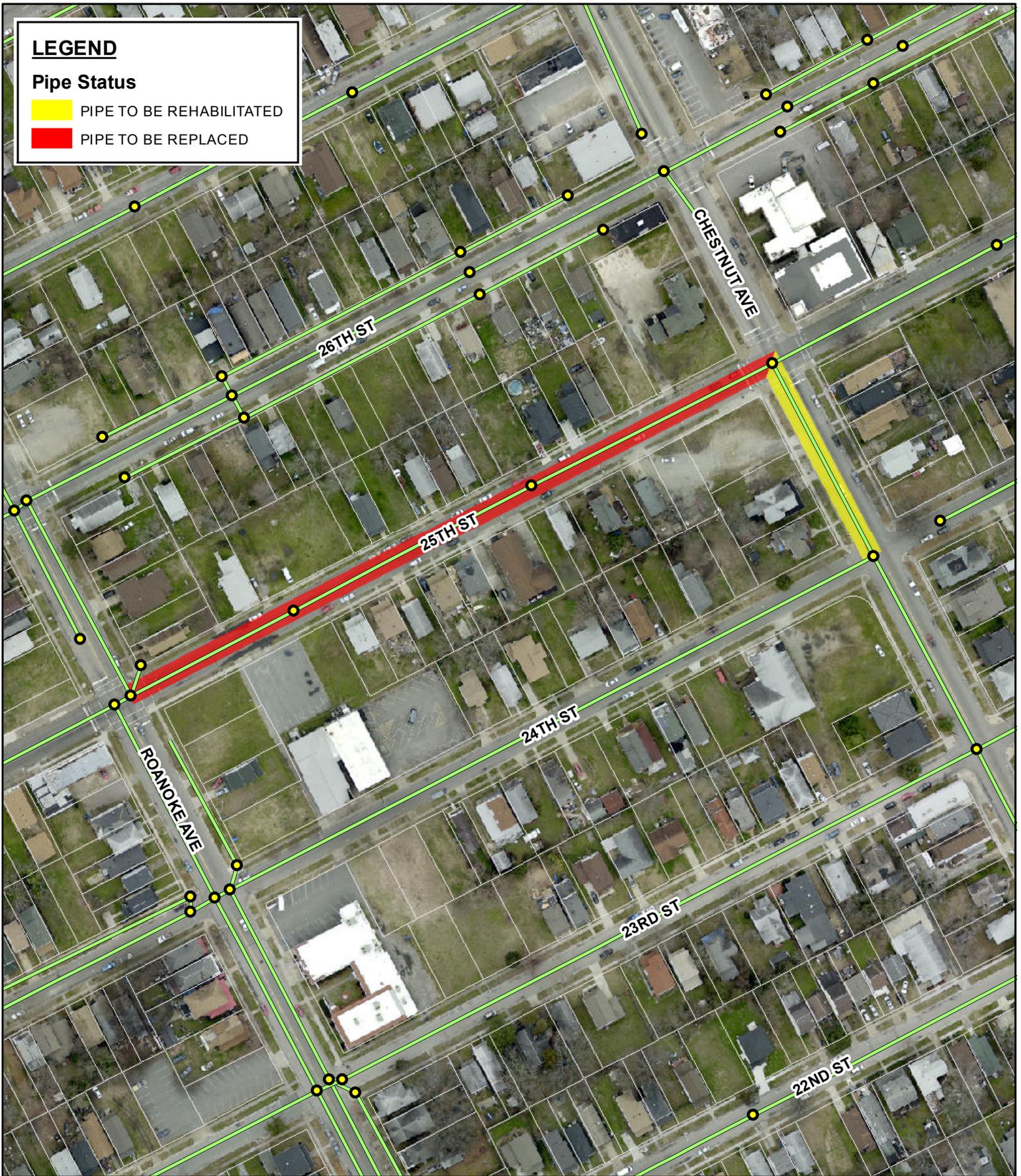
Attachment

cc: Everett Skipper, Director, Department of Engineering

**LEGEND**

**Pipe Status**

-  PIPE TO BE REHABILITATED
-  PIPE TO BE REPLACED



CITY OF NEWPORT NEWS, VIRGINIA

**25TH STREET 1100 BLOCK  
SANITARY SEWER REPLACEMENT**



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO 25<sup>th</sup> STREET 1100 BLOCK SANITARY SEWER REPLACEMENT.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News:

That it hereby appropriates funds from Bonds Authorized and Unissued to 25th Street 1100 Block Sanitary Sewer Replacement, as follows:

Appropriation From:

Bonds Authorized and Unissued 4104-250-70-700L-579000-000000-2016- 00000-L0000	\$ 800,000.00
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Appropriation To:

25th Street 1100 Block Sanitary Sewer Replacement 4104-250-70-700L-579420-000000-2016- 00000-L6019	\$ 800,000.00
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## H. Appropriations

### 6. Department of Public Works - Capital Improvements Plan (CIP): FY 2016 Public Buildings Major Renovations and Repairs - \$1,100,000

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$1.1 MILLION FROM THE FY 2016 BOND AUTHORIZATION, PUBLIC BUILDINGS CATEGORY FOR MAJOR RENOVATIONS AND REPAIRS.

BACKGROUND:

- Public Works Building Services is assigned the responsibility for the maintenance and repairs of City-owned buildings.
- The department has identified major components in need of repairs and maintenance which include roofs, building exteriors, windows, HVAC systems, boilers, and parking lots.
- The projects will ensure continued structural and operational integrity of our City buildings, improve energy efficiency and maintain and improve interior environmental conditions and occupant comfort levels.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

Description

CM Memo re Public Bldg Renovations

rag1005 Reso Appro funds to Public Bldg Major Renovations

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

January 6, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Public Buildings - Major Renovations and Repairs

Public Works Building Services Division is assigned responsibility for the maintenance and repairs of City-owned buildings. This responsibility includes the replacement and upkeep of major components including roofs, building exteriors, windows, HVAC systems, boilers, and parking lot maintenance.

It is requested that City Council appropriate \$1.1 million from the FY 2016 Bond Authorization, Public Buildings category to move forward with critical renovation and repair projects approved as part of the FY 2016 Capital Improvements Plan (CIP).

The Building Services Division maintains a prioritized list of projects by fiscal year. These projects will ensure the continued structural and operational integrity of our City buildings, improve energy efficiency, and maintain and improve interior, environmental conditions and occupant comfort levels.

The funds from this appropriation will be targeted to the following planned projects:

- |  |           |
|--|-----------|
| ▪ Virginia War Museum - roof replacement                               | \$185,000 |
| ▪ Public Safety Building - replace 7 air handling units (design)       | 90,000    |
| ▪ Public Safety Building - replace 7 air handling units (construction) | 750,000   |

The Honorable City Council

Page 2

Public Buildings - Major Renovations and Repairs

January 6, 2016

- Various buildings - proactive replacement of older heat pumps and small rooftop units at end of useful life 75,000
- Total** **\$1,100,000**

I recommend approval.

  
James M. Bourey

JMB;jlh

cc: H. Reed Fowler, Jr., Director, Department of Public Works

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO PUBLIC BUILDINGS MAJOR RENOVATIONS AND REPAIRS.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News:

That it hereby appropriates funds from Bonds Authorized and Unissued to Public Buildings Major Renovations and Repairs, as follows:

Appropriation From:

Bonds Authorized and Unissued 4104-100-70-700G-579000-000000-2016- 00000-G0000	\$ 1,100,000.00
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Appropriation To:

Public Buildings Major Renovations and Repairs 4104-250-70-700G-579526-000000-2016- 00000-G3009	\$ 1,100,000.00
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## H. Appropriations

7. Department of Engineering – Virginia Department of Transportation (VDOT) State Revenue Sharing Program (\$2,550,000) and FY 2016 Bond Authorization, Streets and Bridges Category (\$2,550,000): Warwick Boulevard over Lake Maury Bridge Replacement Project – \$5,100,000

**ACTION:** A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$5.1 MILLION FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) STATE REVENUE SHARING PROGRAM (\$2,550,000) AND THE FY 2016 BOND AUTHORIZATION, BRIDGES AND STREETS CATEGORY (\$2,550,000) FOR THE WARWICK BOULEVARD OVER LAKE MAURY BRIDGE REPLACEMENT PROJECT.

**BACKGROUND:**

- The purpose of the project is to replace the existing Warwick Boulevard over Lake Maury Bridge with a new bridge and to improve safety at the Riverside Regional Medical Center entrance on Warwick Boulevard.
- The new 150-foot long bridge will accommodate three lanes of traffic in each direction.
- The City is implementing design changes to reduce the construction costs as well as combining the bridge of the Mariners' Museum Multipurpose Trail with this project to eliminate an additional bridge and save costs overall.
- Re-design will be completed summer 2016, advertisement is scheduled for fall of 2016 and construction to begin spring 2017.

**FISCAL IMPACT:**

- Additional funding has been requested from FY 2017 Revenue Sharing and House Bill Two (HB2) sources and is expected to be available in July 2016.
- The City Manager recommends approval.

### ATTACHMENTS:

#### Description

CM Memo re Warwick Blvd-Lake Maury Bridge Replacment

Attachment Lake Maury Bridge Design

rag1010 Reso Appro funds to Lake Maury Bridge Replacement

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

January 6, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Warwick Boulevard over Lake Maury Bridge Replacement

City Council is requested to approve a resolution appropriating \$5.1 million for the re-design, re-bid, and construction of the Warwick Boulevard over Lake Maury Bridge Replacement Project. The original project bids of over \$7 million exceeded the available budget and required re-design to reduce overall costs. The re-design includes incorporating a multi-purpose trail originally proposed as a separate structure, plus a number of specific revisions recommended by a value engineering review. The revised design will be completed summer 2016, advertisement is scheduled for fall of 2016, and construction to begin spring of 2017.

The proposed bridge replacement is located along Warwick Boulevard (Route 60) over Lake Maury adjacent to Riverside Regional Medical Center, J. Clyde Morris Boulevard, Gatewood Road and the Mariners' Museum, as shown on the attached GIS map.

The Warwick Boulevard over Lake Maury Bridge was built in 1931 and widened to three lanes on each side in 1960. The superstructure is in poor condition, the bridge is classified as structurally deficient and is reaching the end of its useful life. Replacing the bridge will enhance safety for the traveling public. The new 150-foot long bridge will accommodate three lanes of traffic in each direction with a 6-foot sidewalk on the east side of the bridge and a new 14-foot multi-purpose trail on the west side. Currently, three eastbound lanes from the J. Clyde Morris intersection transition into two through lanes and one dedicated left turn lane at the Riverside Regional Medical Center Warwick Boulevard entrance. Three eastbound through lanes and an additional dedicated left turn lane will be provided on Warwick Boulevard through the intersection with Riverside Regional Medical Center thereby, improving safety and traffic flow.

The Honorable City Council  
Page 2  
Warwick Boulevard over Lake Maury Bridge Replacement  
January 6, 2016

The new multi-purpose trail will connect to the adjacent Mariners' Museum Multipurpose Trail. Adding the multipurpose trail to the bridge eliminates a bridge structure from the Mariners' Museum Multipurpose Trail project and results in further savings to the City.

Funding of \$2.55 million is available from the State Revenue Sharing Program and the required City match of \$2.55 million is available from the FY 2016 Bond Authorization, Streets and Bridges Category. These funds will be used for the engineering and construction phases of the project. Additional funding has been requested.

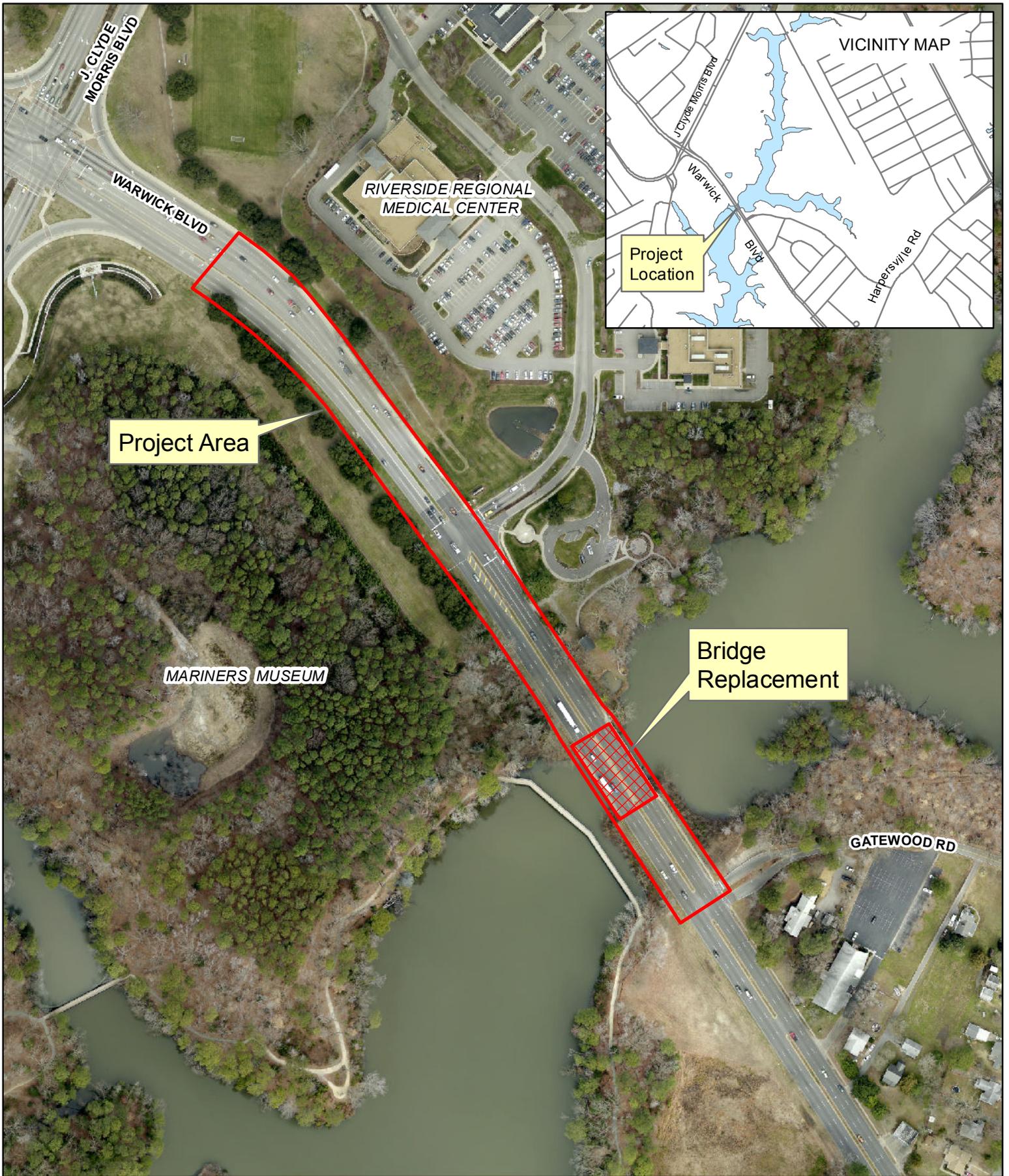
I recommend City Council approve the resolution.

  
James M. Bourey

JMB:CDB:wjr

Attachment

cc: Everett Skipper, Director, Department of Engineering



Project Area

Project Location

Bridge Replacement

CITY OF NEWPORT NEWS, VIRGINIA

# WARWICK BOULEVARD OVER LAKE MAURY BRIDGE REPLACEMENT



**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED AND STATE REVENUE TO WARWICK BOULEVARD OVER LAKE MAURY BRIDGE REPLACEMENT.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News:

That it hereby appropriates funds from Bonds Authorized and Unissued and State Revenue to Warwick Boulevard over Lake Maury Bridge Replacement, as follows:

Appropriation From:

Bonds Authorized and Unissued

4104-250-70-700J-579000-000000-2016-00000-J0000 \$ 2,550,000.00

State Revenue

4300-000-00-0000-482010-000000-2012-J3035-J3035 \$ 2,550,000.00

Appropriation To:

Warwick Boulevard over Lake Maury  
Bridge Replacement

4104-250-70-700J-579420-000000-2016-00000-J3035 \$ 2,550,000.00

4300-250-70-700J-579420-000000-2012-J3035-J3035 \$ 2,550,000.00

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

J. New Business and Councilmember Comments

City Manager  
City Attorney  
City Clerk

Bateman  
Cherry  
Coleman  
Price  
Scott  
Vick  
Woodbury

K. Adjourn

**\*THE BUSINESS PORTION OF THE MEETING WILL BE CONCLUDED NO LATER THAN 10:00 P.M. TO ALLOW PERSONS TO ADDRESS CITY COUNCIL UNDER "CITIZEN COMMENTS ON MATTERS GERMANE TO THE BUSINESS OF CITY COUNCIL."**