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AGENDA

NEWPORT NEWS CITY COUNCIL  
REGULAR CITY COUNCIL MEETING

FEBRUARY 23, 2016

City Council Chambers

**7:00 p.m.**

**A. Call to Order**

**B. Invocation**

- Rev. Dr. James G. Cobb, Trinity Lutheran Church

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

**D. Presentations - None**

**E. Public Hearings**

1. Ordinance Authorizing the City Manager to Execute a Lease Agreement By and Between the City and Pacific-Gulf Marine, Inc., Not to Exceed Five (5) Years, for the 23rd Street Pier and Adjacent City-Owned Property
2. Ordinance Authorizing Zoning Text Amendments ZT-16-376, ZT-16-377, and ZT-16-378, City of Newport News, Amending City Code, Chapter 45, Zoning Ordinance; Article II., Definitions, Section 45-201, to Define a New Use, Police K9 Training Facility; Article IV., Section 45-402, to Add it to the Summary of Uses by District Matrix; and Article V., General Regulations, to Add New Section 45-535, Police K9 Training Facility

**F. Consent Agenda**

1. Minutes of the Work Session of February 9, 2016
2. Minutes of the Special Meeting of February 9, 2016
3. Minutes of the Regular Meeting of February 9, 2016
4. Resolution Authorizing the City Manager to Execute a Mutual Aid Agreement (MAA) between the Secretary of the Air Force through Joint Base Langley-Eustis

(Langley Air Force Base) and the City of Newport News, for Fire Rescue Services and Emergency Medical Services

**G. Other City Council Actions**

**H. Appropriations**

1. Newport News Television (NNTV) - Public, Educational, and Governmental (PEG) Fee Funds: Purchase and Upgrade of Production Equipment - \$500,000
2. Department of Engineering – FY 2016 Bond Authorization, Stormwater Drainage Category: Christopher Shores Area Drainage Improvements Project - \$540,000
3. Department of Engineering – State Revenue Sharing Program Fund (\$350,000) and FY 2016 Bond Authorization, Stormwater Drainage Category (\$350,000): 27th Street and Buxton Avenue Grade Adjustment Project – \$700,000

**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. Price
5. Scott
6. Vick
7. Woodbury
8. Bateman
9. Cherry
10. Coleman

**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. Dr. James G. Cobb, Trinity Lutheran Church

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

D. Presentations

## **E. Public Hearings**

1. Ordinance Authorizing the City Manager to Execute a Lease Agreement By and Between the City and Pacific-Gulf Marine, Inc., Not to Exceed Five (5) Years, for the 23rd Street Pier and Adjacent City-Owned Property

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT, NOT TO EXCEED FIVE (5) YEARS, BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND PACIFIC-GULF MARINE, INC. FOR THE 23RD STREET PIER AND ADJACENT CITY-OWNED WATERFRONT PROPERTY, ALONG THE JAMES RIVER IN THE DOWNTOWN AREA.

**BACKGROUND:**

- The current lessee, Interocean American Shipping, d/b/a Tote Services (Tote Services) lost its bid to continue the contract with the Maritime Administration (MARAD) for management of the three United States crane ships currently moored at the pier.
- Tote Services has given proper notice under its lease to terminate use of the 23rd Street Pier at the close of business February 29, 2016.
- Pacific-Gulf Marine, Inc. (PGM) has been awarded the MARAD contract for management of the three crane ships and has requested a five (5) year lease with the City beginning March 1, 2016 and expiring February 28, 2021.

**FISCAL IMPACT:**

- PGM has agreed to an increase in the daily fee structure from \$800 to \$850 per day, providing annual revenue of \$310,250 plus applicable taxes.
- All other terms and conditions of the existing lease with Tote Services will remain in place in the proposed lease with PGM.
- The City Manager recommends approval.

### **ATTACHMENTS:**

#### **Description**

CM Memo re 23rd St. Pier Lease Agrmnt

sdm14119 re Lease between City and Pacific-Gulf Marine, Inc.

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

February 17, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Pacific-Gulf Marine, Inc. Lease for the 23<sup>rd</sup> Street Pier

The current lease between the City and Interocean American Shipping, d/b/a Tote Services (Tote Services) for use of the 23<sup>rd</sup> Street Pier, dated January 10, 2012, became a month-to-month tenancy on July 1, 2015 to coincide with its contract with the Maritime Administration (MARAD) for management of the three United States crane ships currently moored at the pier. Tote Services lost its bid to continue the contract with MARAD and has given notice to terminate use of the 23<sup>rd</sup> Street Pier at the close of business February 29, 2016.

Pacific-Gulf Marine, Inc. (PGM) has been awarded the MARAD contract for management of the three crane ships and has requested a lease with the City beginning March 1, 2016, to continue to moor these ships at the City-owned facility. The term of the proposed lease will be for five (5) years, from March 1, 2016 through February 28, 2021. The terms and conditions of the new lease with PGM will be substantially the same as the existing lease with Tote Services, other than the current daily rate of \$800 per day, which will be increased to \$850 per day, providing annual revenue of \$310,250 plus applicable taxes.

I recommend Council approve the Ordinance, prepared and provided to you by the City Attorney's Office, authorizing the lease of the 23<sup>rd</sup> Street Pier to PGM and authorizing me to execute any documents necessary to effectuate the transaction.

  
James M. Bourey

JMB:tcf

cc: Florence G. Kingston, Director, Department of Development

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

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 PACIFIC-GULF MARINE, INC. DATED THE 23<sup>RD</sup> DAY OF FEBRUARY, 2016, FOR THE 23<sup>RD</sup> STREET PIER.

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 Lease by and between the City of Newport News, Virginia, and Pacific-Gulf Marine, Inc. dated the 23<sup>rd</sup> day of February, 2016, for the 23<sup>rd</sup> Street Pier.
2. That a copy of the said Lease is attached hereto and made a part hereof.
3. That this ordinance shall be in effect on and after the date of its adoption, February 23, 2016

**THIS LEASE**, made this 23<sup>rd</sup> day of February, 2016, by and between the **CITY OF NEWPORT NEWS**, a Municipal Corporation in the Commonwealth of Virginia, hereinafter called "City", and **PACIFIC-GULF MARINE, INC.**, a corporation organized and existing under the laws of the state of Louisiana, hereinafter called "Lessee".

**WITNESSETH:** That in consideration of the provisions, agreements and other consideration herein contained, which the Lessee, its successors and assigns, expressly agree to be done, performed and paid, the City does grant and lease unto the Lessee the real property and the pier commonly described as the 23<sup>rd</sup> Street Pier, and adjacent bulkhead, and related facilities and improvements thereto situated in the City of Newport News, Virginia, at a point one-half mile north of where the James River converges with the Hampton Roads Harbor at the terminus of 23<sup>rd</sup> Street at the James River, including any additional parcel(s) required to comply with off-street parking regulations (hereinafter "Leased Premises").

The term of this lease shall be for a period of five years beginning March 1, 2016, and ending February 28, 2021, the Termination Date, subject to receipt by the City of adequate consideration therefor. Lessee's responsibility under this Lease is subject to congressional appropriation in support of its contract with the United States to maintain vessels for the ready reserve fleet. In the absence of such congressional appropriation, or in the event of a change in the program's mission resulting in the relocation of the ships, Lessee may terminate this Lease upon sixty (60) days written notice to the City; however, any cancellation shall not relieve the Lessee from any obligation under this lease, including but not limited to any unpaid rent, that accrued prior to and on the sixtieth (60<sup>th</sup>) day after said written notice was received by the City. The Lessee shall vacate the Leased Premises subject to this Lease as otherwise provided herein on or before the Termination Date. In as much

as this Lease was not contemplated to be or advertised as a lease exceeding five (5) years, no further renewals of this Lease after the Termination Date shall be allowed.

The Lessee shall pay to the City for the use and occupancy of the premises a daily sum of EIGHT HUNDRED FIFTY DOLLARS (\$850.00), commencing on March 1, 2016, due and payable on the fifth (5th) day of the month following the month in which an invoice was mailed by the City to the Lessee. Payments not received on or before the fifth (5th) day of the month following the month in which the invoice was mailed to the Lessee shall be assessed a ten percent (10%) late charge. Failure to fully pay rental payments and all late charges for two consecutive months shall result in termination of this lease at the sole option of the City.

It is further covenanted and agreed between the parties hereto as follows:

1. The use of the Leased Premises shall be subject to the Virginia Uniform State-wide Building Code as adopted by or mandated on the City, and the City's Fire Code, Zoning Ordinance, Site Plan Ordinance, and health regulations. The Lessee's use of the Leased Premises shall be subject to applicable environmental protection regulations, whether they be federal, state or local. In addition, no flammable items, explosives, radioactive materials, hazardous or toxic substances, material or waste, or related materials, including any substances defined as, or included in, the definition of "hazardous substances", "hazardous wastes", "infectious wastes", "hazardous materials" or "toxic substances now subsequently regulated under any federal, state or local laws, regulations or ordinances including, without limitation, oil, petroleum-based products, paints, solvents, lead, cyanide, DDT, printing inks, acids, pesticides, ammonia compounds and other chemical products, asbestos, PCBs and similar compounds, and including any different products and materials which are subsequently found to have adverse affects on the environment or the health and safety of

persons, shall be stored or permitted on the Leased Premises by the Lessee or its agents, employees, or invitees.

2. The Lessee covenants and agrees to pay all taxes, levies, and licenses related to this lease and for the conduct of layberthing services at the Leased Premises; and will not use or employ the Leased Premises or any part thereof for any purpose or in any manner which might, under the law, be construed as a nuisance or contrary to the laws of the land.

3. Neither the whole nor any portion of the Leased Premises shall be sublet or assigned.

4. The Lessee accepts the Leased Premises "as is" and agrees to maintain and keep it in good repair during the continuance of this lease according to applicable federal, state and local requirements. It is understood that the City has no responsibility to improve or to maintain the Leased Premises.

5. As additional rent, and at no cost to the City, the Lessee shall maintain the electrical and potable water facilities at the Leased Premises. In addition, the Lessee shall be responsible for the payment of all utility services consumed at the Leased Premises, including, but not limited to, electricity, gas, water and sewage. The Lessee shall provide a sufficient number and size of waste disposal containers so as to accommodate the waste generated by the use of the Leased Premises.

6. It is further covenanted and agreed by the parties hereto that in the case of default or breach of any of the covenants and agreements herein contained to be performed by the Lessee, as herein set out to be observed, kept and performed by it, the City reserves the right unto itself to cancel this lease, and it shall have the right, at any time afterward to enter into and upon the Leased Premises, or any part thereof, and the same again have, repossess and enjoy as of its former estate. Prior to the exercise of its option to cancel this lease pursuant to this paragraph, the City agrees to

give notice of such default or breach to the Lessee. In the event the Lessee cures the default or breach within ten (10) days, no basis for action pursuant to this paragraph will lie. Repeated defaults, breaches and violations of laws or regulations by the Lessee will not be tolerated, and the Lessee agrees that the notice-to-cure provision of this paragraph may be, after thirty (30) days written notice, unilaterally withdrawn by the City Council if it finds that the provision has been abused.

7. It is understood and agreed that the Lessee will defend, indemnify, protect and save harmless the City of Newport News, Virginia, from and against all losses and claims of physical damages to property, and bodily injury or death to any person or persons, and environmental damages which may arise out of or be caused by the use and maintenance of said Leased Premises by the Lessee, or any claim as aforesaid growing out of the Lessee's business or businesses referred to herein. The Lessee agrees to obtain, and continuously keep in force, an insurance policy with a company qualified to do business in the Commonwealth of Virginia to provide the required coverage. The policy shall at least provide for the following coverage:

- |    |  |                  |
|----|--|------------------|
| a. | Bodily injury or death to any person<br>or persons             | \$ 2,000,000.00  |
| b. | Physical damage to property, including<br>environmental damage | \$ 10,000,000.00 |

At no cost to the City, the policy shall provide that the City of Newport News is named as an additional insured under the terms of the policy which shall first be reviewed and approved by the Newport News Office of Self-insurance.

8. The Lessee agrees that it will maintain the landscaping along the exterior boundary of its parking area. As additional rent and at no cost to the City, the Lessee agrees to maintain the existing eight (8) foot high wrought iron security fence and the twenty (20) foot motorized gate. The Lessee shall not make or permit any alterations or improvements to the Leased Premises without the prior written consent of the City.

9. It is mutually agreed that the Lessee shall have exclusive use and control of the Leased Premises and shall be permitted to moor such vessels as are reasonably required in furtherance of the Lessee's operation of the layberthing facility. The mooring of vessels shall not encroach upon the channel or in any way impair riparian rights of other abutting property owners, if any. In addition to any security requirements imposed by federal law or regulation, the Lessee shall take all reasonable measures to protect and safeguard the moored vessels and the Leased Premises.

10. It is mutually agreed that, subject to federal security requirements, the City has the right to enter onto the Leased Premises during reasonable business hours for the purpose of insuring that the Lessee complies with applicable laws, as well as the terms of this lease.

11. Written notice as required by this lease, which may be either hand delivered or sent by First Class or Certified United States Mail, shall be given to the following addressees:

**To the City:**

City Manager  
City of Newport News  
2400 Washington Avenue  
Newport News, Virginia 23607

**Copy to:**

Port Development Administrator  
Department of Development  
2400 Washington Avenue  
Newport News, Virginia 23607

**To the Lessee:**

Pacific-Gulf Marine, Inc.  
P.O. Box 6479  
New Orleans, Louisiana 70174

12. Any dispute arising under this lease shall be interpreted and adjudicated under the provisions of the laws of the Commonwealth of Virginia, and the jurisdiction and venue for any litigation therefrom shall be in the courts of the City of Newport News, Virginia.

**IN WITNESS WHEREOF**, the CITY OF NEWPORT NEWS, VIRGINIA has caused these presents to be executed by its City Manager, with its seal hereto affixed, duly attested by its City Clerk, both in that behalf first duly authorized; and PACIFIC-GULF MARINE, INC., has caused these presents to be executed by Todd B. Johnson, President and Chief Executive Officer, an officer thereof authorized by law to so bind said corporation, as of the day and year first above written.

**SIGNATURE PAGES FOLLOW**

CITY OF NEWPORT NEWS, VIRGINIA

\_\_\_\_\_  
City Manager

ATTEST:

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

APPROVED AS TO FORM:

REVIEWED:

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

\_\_\_\_\_  
Senior Assistant City Attorney

COMMONWEALTH OF VIRGINIA  
CITY OF NEWPORT NEWS, to wit:

I, \_\_\_\_\_, a Notary Public in and for the City and Commonwealth aforesaid, whose commission expires on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, do hereby certify that the CITY OF NEWPORT NEWS, VIRGINIA by James M. Bourey, City Manager, and attested by Mabel Washington Jenkins, City Clerk, whose names are signed to the foregoing Lease, bearing date on the 23<sup>rd</sup> day of February, 2016, have acknowledged the same before me in my Commonwealth and city aforesaid.

GIVEN under my hand this \_\_\_ day of \_\_\_\_\_, 2016.

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

Registration No. \_\_\_\_\_

PACIFIC-GULF MARINE, INC.

\_\_\_\_\_  
Todd B. Johnson  
President & Chief Executive Officer

STATE/Commonwealth of \_\_\_\_\_

CITY/COUNTY OF \_\_\_\_\_ to wit:

I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid, whose commission expires on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, do hereby certify that PACIFIC-GULF MARINE, INC., by Todd B. Johnson, its President and Chief Executive Officer, whose name is signed to the foregoing Lease, bearing date on the 23<sup>rd</sup> day of February, 2016, has acknowledged the same before me in my state and city/county aforesaid.

GIVEN under my hand this \_\_\_\_ day of \_\_\_\_\_, 2016.

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

Registration No. \_\_\_\_\_

sdm14120

## E. Public Hearings

2. Ordinance Authorizing Zoning Text Amendments ZT-16-376, ZT-16-377, and ZT-16-378, City of Newport News, Amending City Code, Chapter 45, Zoning Ordinance; Article II., Definitions, Section 45-201, to Define a New Use, Police K9 Training Facility; Article IV., Section 45-402, to Add it to the Summary of Uses by District Matrix; and Article V., General Regulations, to Add New Section 45-535, Police K9 Training Facility

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING ZONING TEXT AMENDMENTS ZT-16-376, ZT-16-377 AND ZT-16-378, CITY OF NEWPORT NEWS, TO CITY CODE, CHAPTER 45, ZONING ORDINANCE; ARTICLE II., DEFINITIONS; SECTION 45-201, TO DEFINE A NEW USE, POLICE K9 TRAINING FACILITY; ARTICLE IV., SUMMARY OF USES BY DISTRICT, SECTION 45-402, BY ADDING POLICE K9 TRAINING FACILITY; AND ARTICLE V., GENERAL REGULATIONS, BY ADDING NEW SECTION 45-535, POLICE K9 TRAINING FACILITY.

**BACKGROUND:**

- These amendments add Police K9 Training Facility to the zoning ordinance, allow it in specific districts by right, and provide regulations for its use.
- On February 3, 2016, the City Planning Commission voted unanimously 7:0 to recommend approval of this request.

**Vote on Roll Call**

**For:** Carpenter, Fox, Groce, Jones, Mulvaney, Simmons, Willis

**Against:** None

**Abstention:** None

- The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

**ATTACHMENTS:**

Description

CM Memo re ZT-16-376, 377 and 378

Staff Report and CPC Minute Excerpts

sdm14121 Amending Sec. 45-201, 45-402 and Adding Sec. 45-535

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

February 17, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Zoning Text Amendment No. ZT-16-378, City of Newport News

The request is to amend the Zoning Ordinance to add a new use, Police K9 Training Facility, allow it in specific districts and provide regulations for its use.

The Newport News Police Department and the Police Foundation are relocating the existing K9 training facility from obsolete facilities in City Farm. Because the Zoning Ordinance does not address this use, the amendments are needed.

The amendments define the use (ZT-16-376) and recommend that it be allowed by right in the P1 Park, M1 Light Industrial and M2 Heavy Industrial districts (ZT-16-377). The amendments also outline regulations that address setbacks and buffers (ZT-16-378).

On February 3, 2016, the City Planning Commission voted unanimously 7:0 to recommend approval of the three (3) zoning text amendments. For purposes of City Council's review and approval, the ordinances have been combined into one, ZT-16-378.

I concur with Planning Commission's recommendation.

  
James M. Bourey

JMB:ckc

# ZONING TEXT AMENDMENT NO. ZT-16-376, 377 & 378

## CITY OF NEWPORT NEWS

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### BACKGROUND

The request is to amend Article II. Definitions, Section 45-201; Article IV. Summary of Uses by District, Section 45-402 and Article V. General Regulations by adding Section 45-535, Police K9 Training Facility.

The purpose of the change is to add a new use, Police K9 Training Facility, to the zoning ordinance, allow it in specific districts and provide regulations for its use.

The Newport News Police Department's K9 Training Facility is currently housed in obsolete facilities at the City Farm. Due to the closure of City Farm, the facilities must be relocated. However, the current ordinance does not address the use.

The first step in relocating the facility is to allow the use in the city by amending the zoning ordinance. Therefore, the amendments define the use (ZT-16-376) and recommend that it be allowed in the P1 Park, M1 Light Industrial and M2 Heavy Industrial districts (ZT-16-377). Because P1 districts are typically located adjacent to residential areas, the amendments also provide regulations that address setbacks and buffers to minimize any negative impact on adjoining residential uses (ZT-16-378).

On December 16, 2015, the Regulations Committee reviewed and recommends approval of the above referenced amendments.

### STAFF RECOMMENDATION

**It is recommended that the City Planning Commission recommend to City Council adoption of the Zoning Ordinance text amendments ZT-16-376 - Article II. Definitions, Section 45-201; ZT-16-377 - Article IV. Summary of Uses by District, Section 45-402; and, ZT-16-378 - Article V. General Regulations, Section 45-535, Police K9 Training Facility.**

### CPC RECOMMENDATION

**On February 3, 2016, the City Planning Commission voted unanimously (7:0) to recommend adoption of the zoning text amendments to the City Council.**

## **APPENDIX**

- A-1 ZT-16-376 - ARTICLE II. DEFINITIONS, SECTION 45-201**
- A-2 ZT-16-377 - ARTICLE IV. SUMMARY OF USES BY DISTRICT, SECTION 45-402**
- A-3 ZT-16-378 - ARTICLE V. GENERAL REGULATIONS, SECTION 45-535, POLICE K9 TRAINING FACILITY**
- A-4 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF FEBRUARY 3, 2016**

**DRAFT**

dm13872

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY ADDING THERETO THE DEFINITION OF POLICE K9 TRAINING FACILITY.

WHEREAS, Section 45-201 of the Code of the City of Newport News, Virginia, contains the definition of certain words and terms used in the Zoning Ordinance of the City of Newport News, Virginia; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-201 which would add the definition of police K9 training facility; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the addition of the term police K9 training facility in Section 45-201.

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

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article II., Definitions, Section 45-201, Definition of certain words and terms, be, and the same hereby is, amended and reordained by adding the definition of the term police K9 training facility, as follows:

*Police K9 training facility.* A facility where working dogs will be trained, and may be housed, to assist police and other law enforcement officers in the performance of their duties.

2. That the rest and remainder of Section 45-201 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein, and shall be deemed reordained hereby.

lm13871

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, ARTICLE IV., SUMMARY OF USES BY DISTRICT, SECTION 45-402, SUMMARY OF USES BY DISTRICT, BY AMENDING USE "F" ENTITLED COMMUNITY FACILITIES.

WHEREAS, Section 45-402 of the Code of the City of Newport News, Virginia, contains a comprehensive listing of uses permitted by the Zoning Ordinance of the City of Newport News, Virginia, in a "matrix" format; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment, identified as ZT-16-\_\_\_\_\_, to Section 45-402, Summary of Uses by District, which would add use "F.10.1. Police K9 Training Facility" to allow such use in the P1 Park District, M1 Light Industrial District and M2 Heavy Industrial District by right; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the use by amending Section 45-402, by adding use "F.10.1. Police K9 Training Facility" to allow such use in the P1 Park District, M1 Light Industrial District and M2 Heavy Industrial District by right.

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

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article IV., Summary of Uses by District, Section 45-402, Summary of Uses by District, be, and the same hereby is, amended and reordained by adding use "F.10.1 Police K9 Training Facility" to allow such use in the P1 Park District, M1 Light Industrial District and M2 Heavy Industrial District by right.

2. The rest and remainder of Section 45-402 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein and shall be deemed reordained hereby.

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE V., GENERAL REGULATIONS, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-535, POLICE K9 TRAINING FACILITY.

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

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article V., General Regulations, be, and the same hereby is, amended and reordained, by adding thereto a new section, namely: Sec. 45-535 , Police K9 training facility, as follows:

**CHAPTER 45**

**ZONING ORDINANCE**

**ARTICLE V. GENERAL REGULATIONS**

**Sec. 45-535. Police K9 training facility.**

The purpose of this section is to set out minimum standards for a police K9 training facility in order to minimize adverse effects on adjacent residential properties.

(a) Any facility located on property zoned P1 Park district shall provide a minimum 30-foot transitional buffer along all property lines abutting a residential zoning district. Such transitional buffer shall be planted in accordance with the requirements found in Section 45-2802(e).

(b) Any structures, including but not limited to, kennels, runs and other training facilities, located on property zoned P1 Park district shall provide a minimum 30-foot setback from property lines abutting a residential zoning district.

## EXCERPTS FROM PLANNING COMMISSION MINUTES

**February 3, 2016**

**ZT-16-376, 377 & 378 City of Newport News** Requests amendments to the Zoning Ordinance to define a new use, Police K9 Training Facility, add it to the Summary of Uses by District matrix, and add general regulations for the use. Article II, Section 45-201; Article IV, Section 45-402; and Article V, Section 45-535.

Claudia Cotton, Manager of Current Planning, presented the staff report (copy attached to record minutes).

Ms. Willis asked if this ordinance is specific to police K9 training facilities. Ms. Cotton stated the definition calls it police K9, and it says working dogs to be trained for police and law enforcement. Ms. Cotton stated it would have to be police and law enforcement using this facility.

Ms. Willis asked if we have other K9 training facilities in the zoning ordinance. Ms. Cotton stated she does not believe so. She stated we have kennels, but there is not another use that would be similar to this use.

Mr. Carpenter stated this ordinance was discussed with the Regulations Committee. He stated the ordinance allows for this type of development in our P1 Park zoning and all of our schools are in P1. Mr. Carpenter stated you can expect this type of use being in M1 and M2 districts, but in P1 which is utilized for our schools, is of concern. He stated that the regulation with the setbacks will hopefully cover any problems. Ms. Cotton stated if there is a school on the property, the schools have a say in how the property is going to be used.

Ms. Cotton stated the Regulations Committee considered this ordinance at their December 16, 2015 meeting and recommended approval to the Planning Commission.

There being no questions or comments, Mr. Carpenter opened and closed the public hearing.

Mr. Groce made a motion to recommend approval of zoning text amendments ZT-16-376, 377 and 378 to City Council, as recommended by staff. The motion was seconded by Ms. Fox.

### **Vote on Roll Call**

**For:** Simmons, Mulvaney, Willis, Groce, Fox, Jones, Carpenter

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (7:0) to recommend approval of zoning text amendments ZT-16-376, 377 and 378 to City Council.

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY ADDING THERETO THE DEFINITION OF POLICE K9 TRAINING FACILITY; ARTICLE IV., SUMMARY OF USES BY DISTRICT, SECTION 45-402, SUMMARY OF USES BY DISTRICT, BY AMENDING USE “F” ENTITLED COMMUNITY FACILITIES; AND ARTICLE V., GENERAL REGULATIONS, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-535, POLICE K9 TRAINING FACILITY.

I. WHEREAS, Section 45-201 of the Code of the City of Newport News, Virginia, contains the definition of certain words and terms used in the Zoning Ordinance of the City of Newport News, Virginia; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-201 which would add the definition of Police K9 training facility; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the addition of the term Police K9 training facility in Section 45-201.

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

a. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article II., Definitions, Section 45-201, Definition of certain words and terms, be, and the same hereby is, amended and reordained by adding the definition of the term Police K9 training facility, as follows:

*Police K9 training facility* A facility where working dogs will be trained, and may be housed, to assist police and other law enforcement officers in the performance of their duties.

b. That the rest and remainder of Section 45-201 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein, and shall be deemed reordained hereby.

II. WHEREAS, Section 45-402 of the Code of the City of Newport News, Virginia, contains a comprehensive listing of uses permitted by the Zoning Ordinance of the City of Newport News, Virginia, in a “matrix” format; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-402, Summary of Uses by District, which would

add use “F.10.1 Police K9 Training Facility” to allow such use in the P1 Park District, M1 Light Industrial District and M2 Heavy Industrial District, by right; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the use by amending Section 45-402, by adding use “F.10.1 Police K9 Training Facility” to allow such use in the P1 Park District, M1 Light Industrial District and M2 Heavy Industrial District, by right.

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

a. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article IV., Summary of Uses by District, Section 45-402, Summary of Uses by District, be, and the same hereby is, amended and reordained by adding use “F.10.1 Police K9 Training Facility” to allow such use in the P1 Park District, M1 Light Industrial District and M2 Heavy Industrial District, by right.

b. The rest and remainder of Section 45-402 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein and shall be deemed reordained hereby.

III. BE IT FURTHER ORDAINED by the Council of the City of Newport News, Virginia:

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article V., General Regulations, be, and the same hereby is, amended and reordained, by adding thereto a new section, namely: Sec. 45-535, Police K9 training facility, as follows:

**CHAPTER 45**

**ZONING ORDINANCE**

**ARTICLE V. GENERAL REGULATIONS**

**Sec. 45-535. Police K9 training facility.**

The purpose of this section is to set out minimum standards for a police K9 training facility in order to minimize adverse effects on adjacent residential properties.

(a) Any facility located on property zoned P1 Park district shall provide a minimum 30-

foot transitional buffer along all property lines abutting a residential zoning district. Such transitional buffer shall be planted in accordance with the requirements found in Section 45-2802(e).

(b) Any structures, including but not limited to, kennels, runs and other training facilities, located on property zoned P1 Park district shall provide a minimum 30-foot setback from property lines abutting a residential zoning district.

## **F. Consent Agenda**

### 1. Minutes of the Work Session of February 9, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

Minutes of the Work Session of February 9, 2016

**MINUTES OF WORK SESSION  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE 10<sup>TH</sup> FLOOR CONFERENCE ROOM  
2400 WASHINGTON AVENUE  
February 9, 2016  
4:00 p.m.**

**PRESENT:** Robert S. Coleman; Sharon P. Scott; Tina L. Vick; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; and Sandra N. Cherry, D. Min. -----6

**ABSENT:** McKinley L. Price, DDS-----1

**OTHERS PRESENT:** James M. Bourey; Collins L. Owens; Mabel Washington Jenkins; Cynthia Rohlf; Alan Archer; Wanda Pierre; Darlene Bradberry; Lisa Cipriano; Sherry Crocker; Tylisha Sample; Robert R. Griesmer; Sheila McAllister; Florence Kingston; Carol Meredith; Reed Fowler; David Wilkinson; Telly Whitfield; Jason Todd; Eoghan Miller; Paula Hersh; Kim Lee; Jennifer Walker; and Theresa Clift

I. Cultural Attractions Fund Report

Mr. James Bourey, City Manager, introduced Ms. Lisa Cipriano, Director, Department of Budget & Evaluation, to report on the Cultural Attractions Fund history and process for FY 2016 – 2017.

Ms. Cipriano reported the Cultural Attractions Fund was created as part of the FY 2013-2014 Operating Budget. She noted the purpose of the Cultural Attractions Fund was: 1) to provide one-time operational and/or project support to local cultural arts entities adversely impacted by the continued effects of the economic recession; 2) to serve as a financial safety net to ensure the ongoing viability of public and private local cultural assets; and 3) to serve as an incentive to encourage private fundraising and grant match investment.

Ms. Cipriano stated that applications were accepted from October 4 - November 14, 2015, with 15 applications received. The total amount of funding requested was \$1,691,719 out of a total budget of \$250,000. The Review Committee reviewed all of the applications according to the established process set by City Council. The Review Committee consisted of staff from the City Manager’s Office, and the Departments of Budget & Evaluation, Parks, Recreation and Tourism, and Development.

Ms. Cipriano noted the Review Criteria to qualify for Cultural Attractions Funding:

- Record of financial sustainability
- Ability to leverage other funding
- Ability to use funding as one-time assistance
- Clear objectives and Outcome Measures
- Impact on the community clearly described
- Ability to generate additional economic effects
- Other funding provided by the City

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Minutes of Work Session  
February 9, 2016

- How proposed programs/projects fit within City priorities and upcoming citywide projects
- Anticipated Outcome Measures, relationship to Strategic Priorities
- Sustainability of the program

Ms. Cipriano noted the requests and award recommendations (see additional information about each request in the presentation, "Culture," attached to these minutes):

<u>Organization</u>	<u>Programs/Project</u>	<u>Award</u>
1. Mariners' Museum	Polynesian Voyage Society	\$54,500
2. Mosaic Steel Orchestra	Purchase of musical instruments/stands	\$10,000
3. NN Public Art Foundation	Advance for three new sculptures	\$50,000
4. NN Public Library System Foundation	Veteran's Film series/speaker program	\$ 500
5. Parks & Recreation--Historic Services	Restoration of Harwood House	\$10,000
6. Parks & Recreation--Special Events	World Arts Celebration (\$30,000) Reinvigorate King-Lincoln Park Day (\$5,000)	\$35,000
7. Peninsula Fine Arts Center	'Blockbuster' Exhibition'	\$55,000
8. Peninsula SPCA	Improvements to Petting Zoo	\$10,000
9. Port Warwick Foundation	Art & Sculpture Festival, Summer Concert Series; Holiday Event	\$15,000
10. Virginia Living Museum	Creation of Dinosaur Discovery Trail	\$10,000

City Manager Bourey announced on April 22 and 23, 2016, a Polynesian boat would be in the City landing at the James River Fishing Pier. He stated the boat would return during the end of September 2016. He believed the City could gain national publicity through this event.

Ms. Cipriano noted the next steps pertaining to the Cultural Attractions Fund process:

- Prepare award letters and distribute funds
- Receive progress reports from funded organizations
- Prepare for FY 2017 funding cycle

Councilman Bateman inquired about the funding to Reinvigorate King-Lincoln Park (KLP) Day. Ms. Cipriano replied the funding would be used for a runway and programs in KLP to draw people to the event.

Councilwoman Vick inquired about the funding for the SPCA to assist with improvements to their Petting Zoo. She was of the belief that the reason the City built the new Animal Shelter was because the SPCA was closing its doors. Ms. Cipriano replied the SPCA transitioned to a

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February 9, 2016

euthanasia free shelter, which was a difficult demand for the City to recognize. The City partnered with the Cities of Hampton and Poquoson and York County to build a regional shelter that would allow euthanasia. The SPCA continued to operate as an adoption facility and continued to run their Petting Zoo.

Councilwoman Vick inquired whether the SPCA would continue the operation of the Petting Zoo indefinitely. Ms. Cipriano replied yes, per their Cultural Attractions Fund application, the SPCA would continue to operate their Petting Zoo indefinitely.

Councilwoman Woodbury inquired about funding for the Virginia Living Museum (VLM) when they received approximately \$1 million of additional Community Support funding. The VLM continued to request additional funding in light of all that the City provided to them. City Manager Bourey advised that much of the VLM funding had been reduced.

Councilwoman Woodbury inquired about the \$400,000 that was awarded as a funding match to the VLM in FY 2016. She inquired whether the VLM was able to match the funding provided by the City. City Manager Bourey replied that the VLM was able to match the FY 2016 Community Support funding challenge grant that was provided to them from the City. Ms. Cipriano explained that the funding was set aside in the Community Support Contingency Fund. The VLM provided efficient information that they had reached their goals to receive the \$400,000.

Councilwoman Woodbury inquired whether additional funding would be provided to the VLM from the FY 2017 Community Support category of the Operating Budget. City Manager Bourey replied that no decisions had been made on the issue as the budget had not been finalized.

Councilman Bateman inquired whether Councilwoman Woodbury had a funding recommendation for the VLM.

Councilwoman Woodbury felt other matters in the City had to be considered at some point. The VLM had received \$400,000 in addition to \$500,000 each year for the past four to five years. She would like to see the VLM become self-sufficient in light of other needs in the City.

Councilman Bateman was in support of the challenge grant and commended the VLM for reaching its goal.

Ms. Cipriano advised that the outdoor Dinosaur Discovery Trail would be a new feature at the VLM, and the Review Committee felt the \$10,000 was an appropriate level of support.

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City Manager Bourey advised that future discussions would be held regarding funding for the VLM in the FY 2017 Operating Budget.

## II. Virginia Air & Space Center Presentation

City Manager Bourey introduced Mr. Alan Archer, Assistant City Manager, in his capacity as a member of the Virginia Air & Space Center Board of Directors, to provide opening remarks.

Assistant City Manager Archer stated he was excited about the undertakings that Mr. Robert R. Griesmer, Executive Director/CEO, Virginia Air & Space Center (VASC), had taken to improve the facility. The VASC Board and administration were beginning to institute significant changes in program offerings, outreach initiatives across Hampton Roads, and financial matters. He commended Mr. Griesmer for transitioning the VASC into a premiere attraction. He and Mr. Griesmer had spoken about getting out in the community to share the programs and happenings taking place at the VASC. He introduced Mr. Griesmer to provide the presentation (a copy of the presentation, "Virginia Air & Space Center," is attached and made a part of these minutes).

Mr. Griesmer noted aspects of the history of the VASC:

- Built in 1992 through financing from the City of Hampton, the Commonwealth of Virginia, and private capital campaign funding
- 110,000 square foot facility
- Private, non-profit 501(C)3 organization that served approximately 272,379 individuals in 2015
- \$3.2 million Operating Budget
- Governed by a 34-member Board of Directors appointed by the Governor of Virginia
- Affiliate Associations
  - Virginia Air & Space Center Foundation where foundation and endowment funding was held
  - Virginia Air & Space Center Opportunity Program, Inc. (a separate corporation to qualify for Neighborhood Assistance Program [NAP] credits)

Mr. Griesmer noted the number of Newport News youth served by the VASC Opportunity Program through NAP credits (see information in presentation attached to these minutes). He advised that the VASC had applied for a \$500,000 grant for the Newport News Public Schools' SPARK (Summer Program for Arts, Recreation and Knowledge) program. He had been in conversation with Dr. Ashby Kilgore, Superintendent, Newport News Public Schools, regarding the SPARK program.

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Mr. Griesmer shared three challenges he faced when he began his new position as Executive Director of the VASC: 1) a non-functioning gift shop; 2) a non-appealing food service establishment; and 3) a worn down institution.

Mr. Griesmer noted the programs that were instituted to improve the appeal of the VASC:

- Exhibits
  - New Permanent Exhibits
    - Imagination Playground
    - Solarium
    - Space Challenge Exhibit (in development)
  - Upcoming Travel Exhibits
    - Aviation Maze (Summer 2016)
    - Robot Zoo (Summer 2016)
    - Math Alive (Fall 2016)
- New Classrooms
  - Robotics Laboratory
  - Engineering Laboratory (in development)
  - Earth Science Laboratory (in development)

Mr. Griesmer noted Business Development Initiatives of the VASC:

- Earned Revenue Centers
  - Conversion to all-inclusive visitor experience IMAX and exhibits, thereby doubling per capita admissions revenue and improving the customer price value perspective
  - Renovation of existing gift shop design and display, resulting in the tripling of gift shop per capita revenue
  - Food service renovation that included remodeling and introduction of new menu items at varying price points
  - Focused marketing efforts with NASA brand
  - Reintroduction of TV, Radio and Billboard advertisements in conjunction with a new emphasis on social and digital media/advertising

Mr. Griesmer noted the Achievements of the VASC (see information on pages 6 and 7 of the presentation attached and made a part of these minutes).

Mr. Griesmer advised that the VASC desired to grow a partnership with Virginia Tech, the City of Newport News, Newport News Public Schools and additional School Systems throughout Hampton Roads. He stated the VASC had two grants in the pipeline: 1) NASA Grant – STEMtastic 2.0-

continuation of previous NASA Award; and 2) NSF (National Science Foundation) Grant – STEM 360 – Multiple Touch Point Informal STEM Engagement Program for Underrepresented Youth.

City Manager Bourey commended Mr. Griesmer for all the great work he and his staff had done to improve the VASC.

### III. One City Marathon Briefing

City Manager Bourey stated much was happening in preparation for the 2016 One City Marathon. He introduced Dr. Telly Whitfield, Assistant to the City Manager, to provide the briefing (a copy of the briefing, “The Newport News One City Marathon – City Council Briefing,” is attached and made a part of these minutes).

Dr. Whitfield recognized Mr. Jason Todd, Owner and Executive Director of Newport News-based Flat Out Events and Race Manager of the One City Marathon, and Mr. David Wilkinson, Chief of Traffic Operations, Department of Engineering, and Traffic Engineer for the One City Marathon. Dr. Whitfield stated that the One City Marathon was approximately 30 days away. He and the organizers were building off of the success of the 2015 Inaugural One City Marathon, which included four races, two of which were sold out, and represented 26 states, 2,621 runners (859 from Newport News), and benefited three charities.

Dr. Whitfield noted the 2016 One City Marathon event goals were to: 1) promote City pride and community unity; 2) encourage physical activity and healthy lifestyles; and 3) gain exposure for Newport News. He noted the projected participants of the One City Marathon:

- 3,300 Registrants
  - 500 for the Marathon
  - 700 for the Relay
  - 900 for the 8K
  - 1,200 for the Fun Run Nautical Mile (includes youth from the Newport News Parks, Recreation and Tourism Program’s Marathon Mania Initiative)
- Approximately 800 community volunteers
- Wave stations throughout the City manned by residents and visitors

Dr. Whitfield advised that the 2016 Fun Run and 8K race courses were identical to the 2015 race courses. He stated that the 2016 Marathon course had several modifications (self-contained start line in Newport News Park; redirected the Hilton Community course one block over; and rerouted the James River Bridge course).

Dr. Whitfield noted the Charitable Partners of the 2016 One City Marathon:

- Fear to Freedom
- The Center for Sexual and Domestic Violence Relief
- Transitions

Dr. Whitfield stated that the City partnered with “Crowdrise,” an online fundraising website, for the 2016 One City Marathon in an effort to provide additional fundraising opportunities for their charitable partners.

Mr. Todd explained that “Crowdrise” was a fundraising platform that the City and Flat Out Events partnered with. Participants who raised a certain amount for their charity could ultimately receive a free entry into the Marathon. “Crowdrise” was a mechanism to encourage fundraising and giving, and had been very successful.

Dr. Whitfield stated one of the goals, as the marathon grew, was to get the charities on board early to afford them the opportunity to raise additional funding. Similar to the 2015 registration site, one would have an opportunity to make a charitable donation. Only 8% of the 2015 One City Marathon registrants donated to charity. The event organizers hoped to increase the numbers in 2016. Marathon race charitable giving typically amounted to 20%, which they strived to achieve. The organizers felt that adding the “Crowdrise” component to the online registration checkout would increase charitable donations.

Dr. Whitfield noted the accomplishments in preparation for the 2016 Marathon:

- **Community Engagement**
  - Programming and promotion on NNTV
  - Information on City website
  - Community meetings throughout the City
  - Letters to residents near and on the route
  - Letters, meetings and phone calls to local church and civic organizations
  - Partnerships with NNPS and Parks, Recreation and Tourism
  - Launch of onecitymarathon.com
- **Event Operations**
  - Public Safety and Emergency Response maintained at normal daily level
  - First-aid stations and medical support in place along the course
  - Water stations and portable toilets located every two miles along the course
  - Runners and volunteers would be shuttled to designated locations
  - Community would lead “wave stations” along the route to cheer on runners
  - Relay exchanges at Nelson, Yates, and Hilton Elementary Schools

- Seven-hour time limit
- 311 Contact Center open to assist residents

Dr. Whitfield noted the Traffic and Downtown Parking Plan for the 2016 One City Marathon:

- Residents would be able to get in and around their communities and travel to their worship services
- Limited number of closed streets and on-street parking restrictions
- 130 traffic wardens were assigned (Newport News Police Department, Sheriff's Department and Military)
- Parts of northbound Warwick Boulevard would have two-way traffic
- Crews would reopen course as soon as possible
- HRT route would be adjusted and detours added along the course
- Over 4,000 parking spaces were secured Downtown
- Detailed information available online and in rotation on NNTV

Dr. Whitfield noted the One City Weekend Activities (see information in presentation attached and made a part of these minutes.) He asked that members of City Council get involved and noted opportunities for their participation during the One City Marathon:

- NNTV promos/greetings
- NNTV interviews throughout the Marathon weekend
- Join the Start Line in Newport News Park
- Ride in the Media Truck or with staff along the course
- Join in recognizing the sponsors and participants of the One City Marathon on the Celebration Stage

Dr. Whitfield noted the major sponsors and supporting sponsors of the 2016 One City Marathon (see the information as part of the presentation attached to these minutes).

Councilwoman Cherry inquired about the number of registrants per Marathon event. Dr. Whitfield replied he would provide the actual breakdown of registrants; however, registrations were exceeding 2015 numbers.

Councilwoman Cherry requested that the members of City Council be afforded the opportunity to present the awards to the winners of the Marathon. She advised that the Marathon was not one person's race, but was the City's race. She felt that City Council should be able to promote the event, not only during the promos and greetings, but also on the day of the event. Dr. Whitfield replied that he welcomed City Council's participation in the Marathon as noted in the briefing. City Manager Bourey

concurred with Dr. Whitfield, and advised he welcomed the participation of the members of City Council.

#### IV. Comments/Ideas/Suggestions

City Manager Bourey recognized the members of staff who were a part of the Community Neighborhood Initiative (CERT) Grant that was submitted on Monday, February 8, 2016. It was completed in a relatively short time and was a team effort. He thanked Assistant City Manager Cynthia Rohlf for leading and initiating the effort, and team members (Ms. Sheila McAllister, Director, Department of Planning; Mr. Eoghan Miller, Management Analyst, Office of the City Manager; Ms. Florence Kingston, Director, Department of Development; Dr. Telly Whitfield, Assistant to the City Manager, Office of the City Manager; Ms. Britta Ayers, Manager of Comprehensive Planning, Department of Planning; Mr. Chad Pritchett, Senior Budget Analyst, Department of Budget and Evaluation; and Ms. Karen Wilds, Executive Director, Newport News Redevelopment and Housing Authority). City Manager Bourey stated the grant effort was in partnership with the Newport News Redevelopment and Housing Authority, and was a competitive grant process. He was not sure whether there would be a favorable outcome for the City; however, they had worked with great consultants who were very impressed with the efforts of City staff.

Councilwoman Cherry thanked Assistant City Manager Rohlf and the staff of the Department of Codes Compliance regarding her concern voiced at the January 26, 2016 City Council Work Session, pertaining to the demolition of a property on Ivy Avenue. She commended the Department of Codes Compliance for providing the information to her so that she could relay it to the owners of the property that there were things that they had not done.

Councilwoman Cherry indicated that she was approached by a resident who resided in the new apartment building located on Jefferson Avenue, between 25<sup>th</sup> and 26<sup>th</sup> Streets (the former Mosaic Hardware Building), who complained about trucks cutting through their parking lot from the McDonald's Restaurant. The resident indicated that the incidents mostly occurred when Interstate-664 experienced traffic backed-ups. The resident was afraid that someone would get hurt. Councilwoman Cherry asked that the matter be looked into. Assistant City Manager Rohlf stated she would have the staff of the Department of Engineering look into the issue.

Councilwoman Cherry voiced concern about a house that was next door to 1010 Madison Avenue that was in need of repair and/or demolition. She indicated that the house did not have an address attached to it. She wanted to know the status of the property as it looked as if it needed to be demolished. Assistant City Manager Rohlf stated she would have staff look into the matter.

City Attorney Collins Owens noted a federal case that Attorney Darlene Bradberry was working on re: Andon, LLC against the City of Newport News. He stated that a decision was made, and

the City won the case. He recognized Attorney Bradberry for her outstanding work on the case (a copy of the decision is attached and made a part of these minutes).

City Clerk Mabel Washington Jenkins reminded about several events: 1) “The Urgency of Now: Changing the Narrative for Black Males from Failure to Hope” Regional Symposium, on Thursday, February 11, 2016, at the Hampton Roads Convention Center; 2) Habitat for Humanity Dedication Ceremony at 8 Moore’s Lane, Newport News, on Wednesday, February 17, 2016, at 4:00 p.m.; 3) Holistic Wellness Expo of Hampton Roads, at Mary Immaculate Hospital (2 Bernardine Drive, Newport News), on Saturday, February 20, 2016, 10:00 a.m. to 4:00 p.m.; 4) Habitat for Humanity and Ferguson Cares Raise the Roof Mardi Gras, at Christopher Newport University’s David Student Union, Saturday, February 27, 2016, 7:00 p.m. – 11:00 p.m.; 5) Promise of Hope Affair, at the Newport News Marriott, February 27, 2016, 6:00 p.m.; and 6) the One City Marathon events, March 11 – 13, 2016.

Councilwoman Vick reminded about the 50<sup>th</sup> Anniversary Reception to officially unveil the new name of the Office of Human Affairs to the Hampton Roads Community Action Program, on Friday, February 19, 2016, in the lobby of the Downing Gross Cultural Arts Center, (2410 Wickham Avenue), at 12 noon.

Councilwoman Vick announced the Hampton Roads Community Action Program’s Poverty & Economics in Hampton Roads Symposium scheduled for Thursday, February 18, 2016, at the Downing Gross Cultural Arts Center, from 8:00 a.m. to 1:00 p.m. This would be their first Symposium to talk about poverty and economics and how to help people become self-sufficient. The registration fee was \$25.00 and included lunch.

Councilwoman Woodbury stated she received an email message from Mr. Brian Ramaley, former Director of Newport News Department of Public Utilities (Waterworks), that explained the history and reason behind the Waterworks logo. She asked about the status of the matter to change the logo as discussed at the January 12, 2016 City Council Work Session.

Vice Mayor Coleman recalled that the matter would be discussed should the City Manager decide to move forward with implementing any changes to the logo.

City Manager Bourey replied that nothing was happening with the logo at this point.

Councilwoman Woodbury stated the email message (attached) contained a great deal of history about the Waterworks logo. She encouraged members of City Council to read the email message.

Vice Mayor Coleman advised that New Beech Grove Baptist Church water campaign for the residents of Flint, Michigan was a huge success. He stated approximately 6,000 cases of water were

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February 9, 2016

collected. One tractor-trailer had been loaded with water on Saturday, February 6, 2016, but additional tractor trailers were needed. A deal was found with a tractor trailer company that charged \$625 per truck load, and three additional trucks were needed for a total of \$1,875. He asked for the consensus of City Council to appropriate \$1,875 from FY 2016 City Council Contingency to help with the additional shipping cost to deliver water to the residents of Flint, Michigan. There was consensus among City Council to appropriate \$1,875 from the FY 2016 City Council Contingency to help with the additional shipping cost to deliver water to the residents of Flint, Michigan.

Closed Meeting: 5:10 p.m. – 5:50 p.m.

City Manager Bourey advised that a report on the Youth and Gang Violence Initiative was planned for the February 23, 2016 City Council Work Session.

THERE BEING NO FURTHER BUSINESS  
ON MOTION, COUNCIL ADJOURNED AT 5:53 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 February 9, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

Minutes of the Special Meeting of February 9, 2016

MINUTES OF SPECIAL MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE 10<sup>TH</sup> FLOOR CONFERENCE ROOM  
2400 WASHINGTON AVENUE  
FEBRUARY 9, 2016  
5:00 P.M.

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

ABSENT: McKinley L. Price, DDS-----1

OTHERS PRESENT: James M. Bourey; Collins L. Owens, Jr.; Alan Archer; Cynthia Rohlf;  
Mabel Washington Jenkins; Darlene Bradberry; Florence Kingston; Carol  
Meredith; Derek Perry; and Jennifer Walker.

After ascertaining that proper meeting notice had been provided to each member  
of City Council, Vice Mayor Coleman 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.

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

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

(Closed Session 5:10 p.m. – 5:50 p.m.)

After reconvening in open session, Councilwoman Vick 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 Scott.

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

**DRAFT**

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Minutes of Special Meeting  
February 9, 2016

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 5:50 P.M.

*Mabel Washington Jenkins*

Mabel Washington Jenkins, MMC  
City Clerk

Robert S. Coleman  
Vice Mayor  
Presiding Officer

A true copy, teste:

City Clerk

## CERTIFICATE OF CLOSED MEETING

**MEETING DATE:** February 9, 2016  
**MOTION:** Councilwoman Tina L. Vick  
**SECOND:** Councilwoman Sharon P. Scott

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: Coleman, Scott, Vick, Woodbury, Bateman, Cherry  
NAYS: None  
ABSTENTION: None

ABSENT DURING VOTE: Price

ABSENT DURING MEETING: Price

ATTEST:



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

## **F. Consent Agenda**

### 3. Minutes of the Regular Meeting of February 9, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

Minutes of the Regular Meeting of February 9, 2016

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
FEBRUARY 9, 2016  
7:00 P.M.**

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PRESENT: Robert S. Coleman; Sharon P. Scott; Tina L. Vick; Dr. Patricia P. Woodbury;  
Herbert H. Bateman, Jr.; and Sandra N. Cherry, D. Min.-----6

ABSENT: McKinley L. Price, DDS-----1

A. Call to Order

Vice Mayor Coleman 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.

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

B. Invocation

The invocation was rendered by Reverend Terry Edwards, St. Augustine's Episcopal 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 Patricia Woodbury.

*MOTION MADE BY COUNCILWOMAN SCOTT; SECONDED BY COUNCILWOMAN CHERRY; AND CARRIED UNANIMOUSLY, TO EXCUSE MAYOR PRICE FROM THIS MEETING.*

D. Presentations

None

E. Public Hearings

1. Ordinance Amending City Code, Chapter 15, Elections; Article I, Voting Precincts; Section 15-47, Voting Places in Respective Voting Precincts; thereby Authorizing the Relocation of the Denbigh Voting Precinct from Olivet Christian Church to Courthouse Way Community Center and the Relocation of the Downtown Voting Precinct from Fire Station #1 to City Hall, City Council Chambers Lobby

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, ELECTIONS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I, VOTING PRECINCTS, SECTION 15-47, VOTING PLACES IN RESPECTIVE VOTING PRECINCTS. This ordinance amended the City Code, Chapter 15, Elections; Article I, Voting Precincts; Section 15-47, Voting Places in Respective Voting Precincts; thereby authorizing the relocation of the Denbigh Voting Precinct from Olivet Christian Church to Courthouse Way Community Center and the relocation of the Downtown Voting Precinct from Fire Station #1 to City Hall, City Council Chambers Lobby. The Denbigh Voting Precinct had been located at the Olivet Christian Church, but the church was closing its building and selling the property, hence the need to relocate this precinct. The Newport News Electoral Board ("Board") recommended the precinct be relocated to the Courthouse Way Community Center. The Board recognized that Fire Station #1 was too small to accommodate the citizens in the Downtown Voting Precinct, and recommended this precinct be relocated to the City Council Chambers lobby. 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: Coleman, Scott, Vick, Woodbury, Bateman, Cherry

Nays: None

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

Vice Mayor Coleman advised that he had spoken with the Voter Registrar's Office regarding the proposed changes and the procedures to be taken to notify the affected voters. The Voter Registrar, Ms. Vicki Lewis, advised that letters would be mailed to all affected voters to inform them of their new precinct location. The Daily Press reporter covering Newport News, Ms. Theresa Clift, assured that she would write an article regarding the relocation changes as the primary neared. The Voter Registrar also agreed to place signs at the old precincts to advise of the changes in case citizens were to show up on Election Day.

E. Public Hearings Continued

1. Ordinance Amending City Code, Chapter 15, Elections; Article I, Voting Precincts; Section 15-47, Voting Places in Respective Voting Precincts; thereby Authorizing the Relocation of the Denbigh Voting Precinct from Olivet Christian Church to Courthouse Way Community Center and the Relocation of the Downtown Voting Precinct from Fire Station #1 to City Hall, City Council Chambers Lobby Continued

Councilwoman Scott suggested that NNTV be asked to announce the precinct changes on the program "Newport News in Review."

Vote on Roll Call:

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

Nays: None

F. Consent Agenda

Councilwoman Scott moved adoption of the Consent Agenda, Items 1 through 5, both inclusive, as shown below; seconded by Councilwoman Vick.

1. Minutes of the Work Session of January 26, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

2. Minutes of the Special Meeting of January 26, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

3. Minutes of the Regular Meeting of January 26, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

F. Consent Agenda Continued

4. Resolution Canceling the Regularly Scheduled Second City Council Meetings of July, August, and December 2016

A RESOLUTION CANCELING THE REGULAR COUNCIL MEETINGS OF JULY 26, 2016, AUGUST 23, 2016, AND DECEMBER 27, 2016. This resolution canceled the regularly scheduled City Council Meetings for July 26, 2016, August 23, 2016, and December 27, 2016. Cancellation of the second regularly scheduled meetings in July and August accommodated summer vacation schedules, and was consistent with City Council action taken in previous years. In the same regard, cancellation of the second meeting in December accommodated holiday vacation schedules. Taking action earlier in the year to officially cancel the three (3) meetings allowed staff sufficient time to plan and schedule agenda items, as well as comply with other requirements for certain items of business. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

5. Ordinance Authorizing the Acceptance of Streets and Public Improvements in the Turtle Creek Subdivision, Sections 5, 6, and 7

AN ORDINANCE TO ACCEPT SEA TURTLE WAY, LOGGERHEAD DRIVE AND LEONARD LANE, TURTLE CREEK SUBDIVISION, SECTION 5; LEONARD LANE, TURTLE CREEK SUBDIVISION, SECTION 6; AND LOGGERHEAD DRIVE AND LEONARD LANE, TURTLE CREEK SUBDIVISION, SECTION 7; AND THE PHYSICAL IMPROVEMENTS CONTAINED THEREIN AND THEREON INTO THE CITY STREET SYSTEM. This ordinance accepted the streets and public improvements in the Turtle Creek Subdivision, Sections 5, 6, and 7. A final inspection was conducted on January 4, 2016 following the required one-year warranty period of the Turtle Creek Subdivision Sections 5, 6, and 7. The inspection indicated compliance with all requirements. Once accepted, the streets which were constructed at the owner's expense would be eligible for State Maintenance reimbursements to the City. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

G. Other City Council Actions

None

H. Appropriations

None

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

Mr. Antonio Thompson, 1211-25<sup>th</sup> Street, Newport News, addressed City Council on the topic of public safety and security, as well as the importance of recycling. He further stated the price of metal and gold had increased. He encouraged Christians to be more open and to enlighten themselves to a greater understanding of the Muslim world.

J. New Business and Councilmember Comments

City Manager Bourey advised that City Council approved an ordinance regarding a Defense Production Zone at its January 26, 2016 Regular Meeting. There was a great deal of discussion surrounding the Defense Production Zone. At the same meeting, Councilwoman Cherry raised concern about some of the issues regarding a provision in the ordinance which exempted from certain City ordinances that the City Manager could then make a decision on the matter. He then worked with the City Attorney's Office to prepare an amendment that would strike that provision and require certain ordinances to come before City Council (a copy of the amended ordinance was distributed to members of City Council and is attached and made a part of these minutes). The City Manager recommended approval.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 40.2, ENTERPRISE ZONES, TECHNOLOGY ZONES, TOURISM ZONES AND DEFENSE PRODUCTION ZONES, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IV., DEFENSE PRODUCTION ZONES, SECTION 40.2-34, INCENTIVES AND REGULATORY FLEXIBILITY.

Mr. William C. Bell, Vice President of Human Resources and Administration, Newport News Shipbuilding, a division of Huntington Ingalls Industries, was available to answer questions.

Mr. Tom Cosgrove, Manager of Corporate Citizenship and Government Relations, Newport News Shipbuilding, a division of Huntington Ingalls Industries, was available to answer questions.

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

J. New Business and Councilmember Comments Continued

Councilwoman Vick asked members of the Newport News Shipyard whether they wanted to comment on the matter.

City Manager Bourey advised that he had had conversations with the Shipyard, who had reviewed the ordinance and were comfortable with the matter. Their attorneys had reviewed the ordinance and were also comfortable with the matter.

Vote on Roll Call:

Ayes: Coleman, Scott, Vick, Woodbury, Cherry

Nays: Bateman

City Manager Bourey stated there was also conversation at the January 26, 2016 Regular Meeting of City Council about another item approved by the City Council to have an agreement with the Mariners' Museum of the City to patch the potholes on East Boundary Road in preparation for the One City Marathon, scheduled for March 13, 2016. Councilwoman Cherry expressed concern about a five-year agreement. This was put forward as a convenience. City Manager Bourey stated that he did not want the City to do five years of patching, which would not be cost productive. Following conversations with Mr. Elliott Gruber, Executive Director of the Mariners' Museum, a mutual agreement was made to pursue a strategy to share the cost of paving East Boundary Road, which would come back to City Council. City Manager Bourey stated the City would not go forward with the five years; but did need to go forward with the first year because the One City Marathon was approximately 30 days away (March 13, 2016). He promised to bring back information on the item as soon as possible, so that something else could be done, but not five years of patching. Additionally, the cost was put at "up to \$5,000;" but staff estimated the cost would be approximately \$2,000. He reiterated that a more acceptable resolution would be brought back to City Council as soon as possible.

City Manager Bourey provided an update on the One City Marathon. He advised that City Council was provided a briefing on the One City Marathon at their earlier Work Session. He stated the One City Marathon weekend activities would begin on March 11, 2016 with the Health and Wellness Expo, scheduled for Friday and Saturday, March 11 – 12, 2016. An Opening Event – "Friday Night Kick-Off," would be held at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue), on Friday, March 11, 2016, 5:00 – 8:00 p.m. "Family Fun and Fit Day" would be held on Saturday, March 12, 2016, 12:00 noon – 3:00 p.m., at King Lincoln Park (600 Jefferson Avenue). This event would be for the entire community. On Saturday evening, March 12, 2016, 6:00 p.m., a Pasta Dinner was scheduled at the Newport News Marriott at City Center (740 Town Center Drive). The Keynote Speaker would include Mr. Roger Brown, a retired professional Hall of Fame football player, and owner of The Cove Tavern (711 Lakefront Commons, Newport News) and Roger Brown's Restaurant and Sports Bar (316 High Street, Portsmouth); and a number of elite runners would also participate. The premier events would be held on Sunday, March 13, 2016, to begin with the full Marathon, at 7:00 a.m., at Newport News Park. The Maritime 8K, would begin at 7:45 a.m., at West Avenue and 24<sup>th</sup> Street; and the Nautical Mile would begin at 10:00 a.m. at West Avenue and 24<sup>th</sup> Street. He

## J. New Business and Councilmember Comments

advised that registration had increased since the 2015 One City Marathon, with a significantly larger crowd expected. City Manager Bourey indicated that he looked forward to reviewing the promotional videos that members of City Council had taped on NNTV.

City Manager Bourey advised that Flat Out Events had insured the One City Marathon course, and if anyone were to get hurt, the runner would fall under the insurance policy of Flat Out Events.

Vice Mayor Coleman and his colleagues participated in the Groundhog Shadow Ceremony at the Virginia Living Museum (524 J. Clyde Morris Boulevard) on Tuesday, February 2, 2016, with the local groundhog, Chesapeake Chuck. There were over 100 school-aged children in attendance. Attendees were disappointed that Chesapeake Chuck saw his shadow, signaling six more weeks of the winter season. Vice Mayor Coleman advised that he would rather go with Punxsutawney Phil's (Pennsylvania) prediction for an early spring season.

Vice Mayor Coleman congratulated the owners of Luigi's Italian Restaurant on the reopening of their facility. Luigi's had a very successful Grand Opening week. They reopened officially on Monday, February 1, 2016, at their original site, located at 15400 Warwick Boulevard.

Vice Mayor Coleman and his colleagues attended and participated in a Habitat for Humanity Ribbon-Cutting Ceremony, on Tuesday, February 2, 2016, at 83 Shoe Lane. The home was built in honor of Habitat for Humanity's Citizens of the Year, Donald and Mary Davis, on land generously donated from Bank of America. The home was funded, and built, by sponsors of the Raise the Roof fundraiser held on February 28, 2015. The homebuyer-to-be was Ms. Wendy Saltzgiver, who would purchase the Habitat home with a zero-interest mortgage. The mortgage payments would be used to help fund future Habitat homes.

Vice Mayor Coleman advised that the City's partnership with New Beech Grove Baptist Church for the Flint, Michigan water crisis far exceeded expectations. He stated over 6,000 cases of water were collected. Newport News City Council members agreed to pay to transport the water, believing that one tractor trailer would suffice, but needed four tractor trailers for the amount of water collected. City Council agreed at the earlier Work Session of February 9, 2016, to fund the cost for the extra trailers. Vice Mayor Coleman thanked Pastor Willard Maxwell for the idea. He further thanked everyone in Newport News and throughout the Hampton Roads Region who came together to make this a reality, and showed that we do help our neighbors in times of trouble, no matter where.

Councilwoman Scott echoed remarks made by Vice Mayor Coleman about the Flint, Michigan Water Drive. She stated that the outpouring of support from citizens across the region was remarkable. She advised that the trucks were scheduled to leave on Saturday, February 13, 2016, and donations were welcomed until that time. The outpouring of love and donations of water to Flint, Michigan showed that "we are our brother's keeper." She extended

J. New Business and Councilmember Comments Continued

kudos to Pastor Maxwell, and citizens throughout Newport News and the Hampton Roads Region.

Councilwoman Scott announced that a Volunteer Recognition/Appreciation Reception was scheduled for Friday, February 12, 2016, 5:30 p.m., at the Denbigh Community Center (15198 Warwick Boulevard) for those that supported the 14<sup>th</sup> Annual North District Holiday Food Drive in December 2015. All Volunteers were asked to attend to be acknowledged and thanked for their service to the North District.

Councilwoman Scott announced that the Monthly North District Zumbathon Food Drive was scheduled for Friday, February 19, 2016, at 6:30 p.m., at the Denbigh Community Center (15198 Warwick Boulevard). All citizens were welcome to attend and bring non-perishable food items, which would be donated to the food pantries across the North District. Any surplus items were donated to the Food Bank of the Virginia Peninsula.

Councilwoman Scott announced that the next North District Town Hall Meeting was scheduled for Monday, February 22, 2016, at 7:00 p.m., at the Denbigh Community Center (15198 Warwick Boulevard). Dr. Telly Whitfield, Assistant to the City Manager, would provide an update on the One City Marathon events and activities, scheduled for Friday, March 11 - 13, 2016.

Councilwoman Vick extended condolences to Mayor Price and family, on the death of his Aunt, Ms. Gertrude Charity Holmes. Ms. Holmes was 102 years of age.

Councilwoman Vick wished her niece, Ms. Ramona Vick, a Happy Birthday. Ms. Vick was a teacher at Newsome Park Elementary School in Newport News.

Councilwoman Woodbury wished her colleague, Councilwoman Tina Vick, a Happy Belated Birthday. Councilwoman Vick celebrated her birthday on Wednesday, February 3, 2016. She advised that this was the first Habitat House in the Central District, and announced there would be another on Wednesday, February 17, 2016.

Councilwoman Woodbury participated in the Dance Party, held on Saturday January 30, 2016, at the Denbigh Community Center (15198 Warwick Boulevard). The Peninsula Dance Party was sponsored by the City's Active Lifestyles program. The Peninsula Dance Party was becoming quite popular, with over 150 participants on January 30<sup>th</sup>. She announced the next activity would be a Valentine's Dance/Tea, on Saturday, February 27, 2016, 2:00 – 5:00 p.m., at the Denbigh Community Center (15198 Warwick Boulevard). All citizens were welcome to participate at no fee.

Councilwoman Woodbury offered to sound the horn to begin the One City Marathon. She had practiced by starting the Game Day 10K/5K races at City Center, on Sunday, February 7, 2016. There was a 5K, a 10K, and a Childrens' Fun Run. She encouraged them all to register for the One City Marathon. The Game Day 10K/5K routes circled through the Oyster

J. New Business and Councilmember Comments Continued

Point business park and finished at the Fountain Plaza. Game Day partnered with the Virginia Peninsula Foodbank.

Councilwoman Woodbury and her colleagues attended the Bacchus Wine and Food Festival, at the Virginia Living Museum, on Friday, February 5, 2016.

Councilwoman Woodbury shared that she visited the Newport News Public Schools, and spoke to the children, and played an old tune entitled, "Turn On Your Heartlight." She distributed lighted roses and encouraged them to turn on their heart lights, and do something nice for their family, their neighbors, and their teachers.

Councilwoman Woodbury wished her colleagues, staff, and the citizens a Happy Valentine's Day.

Councilwoman Woodbury dispelled the rumor that she heard at church which said that she had died. She advised that her demise was greatly exaggerated.

Councilwoman Cherry thanked all of the citizens for their attendance and participation at the meeting 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 advised that she had sent written notice to members of City Council for reconsideration of a resolution authorizing a five-year License Agreement for the maintenance and use of East Boundary Road, which was adopted at the January 26, 2016 Regular Meeting of City Council. She asked for reconsideration of Resolution #12888-16, which authorized the City Manager to execute a five-year License Agreement, by and between the City and the Mariners' Museum, that supported the provision of street repair and materials, as well as labor. The total cost of the repair materials was estimated by the City to be no more than \$5,000 per year. Material costs would come from the General Fund annual operating budget. Installation costs would be absorbed by the Department of Public Works as an operating budget expense.

Councilwoman Cherry indicated that she understood that the East Boundary Road was a scenic route for the One City Marathon, but felt that the City gave generously to the Mariners' Museum on an annual basis. She did not feel that the City should bare the total cost for the repair of East Boundary Road for the next five years. Because this road was a private road, and the City had many public roads that the City dollars could be used to repair. Councilwoman Cherry advised that she had checked with City staff, and \$5,000 was used for repairs to East Boundary Road in 2015. Because the One City Marathon was one month away, she expressed support for up to \$5,000 to repair East Boundary Road.

Councilwoman Cherry moved to reconsider Resolution #12888-16, to remove the City's five year commitment to repair East Boundary Road; seconded by Councilwoman Scott.

J. New Business and Councilmember Comments Continued

Councilwoman Vick asked Councilwoman Cherry to share her thoughts on the matter. Councilwoman Cherry responded, because East Boundary Road was a private road, and was a scenic route, she felt that Council should look more broadly, as there were three modifications for the 2016 One City Marathon. If the City could not reach agreement with the Mariners' Museum to jointly share the costs for East Boundary Road, consideration should be given that the City would not bare the total cost each year, and possibly consider a different route should the One City Marathon continue.

Councilwoman Scott indicated that she understood the rein under which the City was making the repair, but expressed concerned that East Boundary Road was a private road, and if the City continued to bear the cost to improve the roadway for the Mariners' Museum for the One City Marathon, a precedent would be set for repairing private roads with public dollars.

City Attorney Owens responded that the Mariners' Museum was a non-sectarian charity, that the City Council supported with funding, and under the State Code, §15.2.9-53, the City was allowed to make gifts of money or property to non-sectarian charities. He stated the City could make the repair a gift, but this Agreement was set up so that the Mariners' Museum allowed the City to run the Marathon through East Boundary Road; and in exchange, the City would patch the road so that runners were not hurt by falling in potholes.

Councilwoman Scott understood that, but stated there were other facilities in the City, who if the City used a particular street, adjacent to that property, they would ask for funding as well to repair that particular street.

City Attorney Owens advised that the Agreement adopted at the January 26, 2016 Regular Meeting of City Council, had a provision that allowed either party to terminate the agreement with a 90-day written notice.

Councilwoman Woodbury was under the impression that the City Manager would bring this matter back before City Council at another time. City Manager Bourey advised that he had met with the Executive Director of the Mariners' Museum, and would come back to City Council with a different strategy going forward for future years.

Councilwoman Cherry inquired whether City Council needed to do anything since the City Manager promised to bring the matter before City Council at a later date after meeting with the Executive Director of the Mariners' Museum.

City Attorney Owens reminded that there was a motion, and a second, to reconsider Resolution #12888-16, to remove the City's five year commitment to repair East Boundary Road, that needed to be voted on. Under the City Code, to be reconsidered, four favorable votes would be required.

J. New Business and Councilmember Comments Continued

Councilwoman Cherry inquired whether the reconsideration could be what the City Manager shared. City Attorney Owens responded, to-date, the only agreement that was reached with the Mariners' Museum, was the agreement that was before the City Council at the January 26, 2016 Regular Meeting. Councilwoman Scott shared the agreement was for five years. City Attorney Owens concurred. Vice Mayor Coleman reminded that the agreement could be terminated with a 90-day written notice by either party.

Councilwoman Cherry stated, if that were done, the City would be spending up to \$5,000 to pay for a private road, which was not fair to the citizens.

Councilman Bateman inquired whether the City was required to use \$5,000 every year. City Manager Bourey replied, no, the City was not required to use \$5,000 every year. Councilwoman Cherry understood, but advised that the City spent \$5,000 in 2015, and would spend \$2,000 in 2016, and East Boundary Road was still a private road.

Councilman Bateman questioned, whether running the Marathon through the Mariners' Museum, and the course that was set for the Mariners' Museum, was one that should be used again for the Marathon. City Manager Bourey responded that the Mariners' Museum property was a wonderful part of the course. He stated it was very important from an aesthetic standpoint, showing off the assets of the City, and was a part of the course that the City would want to continue. City Manager Bourey reiterated, as the City Attorney pointed out, there was a value for the Mariners' Museum to allow the City to use the property, and supporting the race through East Boundary Road.

Councilman Bateman inquired what that did to the interruption of what happens at the Mariners' Museum on that particular day. He questioned whether there were many travelers that visited the Mariners' Museum that used East Boundary Road otherwise. City Manager responded that travelers would not use East Boundary Road, but would use other roads. He stated there was a disruption for the Museum during that day. City Manager Bourey reminded that the Marathon was run on a Sunday morning in the winter time, so there would be less disruption.

Councilman Bateman inquired, in recognizing a race with stature, and recognized for the manner it was run, whether the City had insurance coverage should someone be hurt as they ran the Marathon. City Attorney Owens responded that the City was self-insured, and did not have a policy that would specifically cover that. He advised that Flat Out Events may have a policy that would cover a runner should they be injured while running the Marathon. He reminded that Flat Out Events was the sponsor of the race. Flat Out Events was the entity that the City retained to organize and run the race. Councilman Bateman inquired whether it was less of an interruption to the citizens of Newport News to run this route through the Mariners' Museum at East Boundary Road than it was to run across the Lion's Bridge. City Attorney Owens responded that the City's Traffic Engineer would have to address that matter. Councilman Bateman inquired, should someone get hurt running across East Boundary Road, twisting or breaking an ankle, whether it would be on the Mariners' Museum insurance policy or the City's

J. New Business and Councilmember Comments Continued

insurance policy. City Attorney Owens replied, should that happen, and the runner was to file a claim, it would be against the City, Flat Out Events, and the Mariners' Museum. Councilman Bateman concluded that keeping East Boundary Road up, in presentable fashion, allowing it to be traversed by hundreds of runners, should interest the City, and the prudent man rule should apply, and the City would not have to spend \$5,000 every year to fix this road. Councilman Bateman stated that he liked the resolution, and would not vote in favor of the reconsideration. Councilwoman Cherry stated the prudent man rule was that the City should not pay \$5,000 or even up to \$5,000 for a private road every year, for up to five years, which was why she wanted to amend the resolution – to remove the five year clause, and handle this on a case-by-case basis.

Councilwoman Woodbury inquired whether Council was asked to vote on the reconsideration only, and not whether to remove the five year clause from the resolution. Councilwoman Cherry concurred – her motion was only to reconsider the resolution.

Councilwoman Woodbury replied this would negate what City Council approved at its January 26, 2016 Regular Meeting. There would have to be a new motion. Councilwoman Scott stated, in Councilwoman Cherry's amended motion, she intended to articulate that the City not be bound by the five years.

City Attorney Owens reminded that the motion to reconsider must be approved first. Councilwoman Cherry inquired what would happen once the City Manager came back with another resolution after having met with the Executive Director of the Mariners' Museum. City Attorney Owens responded the City Manager would have to come back to City Council with an Agreement between the Mariners' Museum and the City. The Resolution agreed to at the January 26, 2016 Regular Meeting of City Council would be negated, and no negotiation would come back prior to the 2016 One City Marathon.

City Manager Bourey indicated that it was not necessary because the One City Marathon was approximately 30 days away and the road had to be paved; but something would be worked out prior to the 2017 One City Marathon.

Councilwoman Woodbury questioned where City Council was after all of the discussion. City Attorney Owens responded that Council needed to vote on the motion to reconsider Resolution #12888-16.

Vote on Roll Call:

Ayes: Scott, Woodbury, Cherry

Nays: Coleman, Vick, Bateman

The motion failed 3:3.

Councilwoman Cherry extended condolences to Mayor Price and family, on the death of his Aunt, Ms. Gertrude Charity Holmes. Ms. Holmes was 102 years of age.

J. New Business and Councilmember Comments Continued

Councilwoman Cherry was delighted to attend Coffee with a Cop, on Thursday, February 4, 2016, 8:00 – 10:00 a.m., at the Belgian Waffle and Steakhouse (14700 Warwick Boulevard).

Councilwoman Cherry reminded residents in the South District, that the South District “Your Voice Matters” Town Hall Meetings would convene, beginning Thursday, February 11, 2016, 6:00 – 7:30 p.m., at the Brittingham-Midtown Community Center (570 McLawhorne Drive) for residents that lived from Mercury Boulevard North to Harpersville Road; and Thursday, February 18, 2016, 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. All residents were invited to attend. These meetings were a collaborative effort of the Newport News Police Department, the Newport News School Board, and the Newport News City Council.

Councilwoman Cherry wished her niece, Ms. Kimberly Britt, a Happy Birthday.

K. Adjourn

Vice Mayor Coleman adjourned the meeting.

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 7:37 P.M.



Mabel Washington Jenkins, MMC  
City Clerk

Robert S. Coleman  
Vice Mayor  
Presiding Officer

A true copy, teste:

City Clerk

## **F. Consent Agenda**

4. Resolution Authorizing the City Manager to Execute a Mutual Aid Agreement (MAA) between the Secretary of the Air Force through Joint Base Langley-Eustis (Langley Air Force Base) and the City of Newport News, for Fire Rescue Services and Emergency Medical Services

**ACTION:** A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A MUTUAL AID AGREEMENT (MAA) BETWEEN THE SECRETARY OF THE AIR FORCE ACTING BY AND THROUGH THE COMMANDER, 633D AIR BASE WING, JOINT BASE LANGLEY-EUSTIS (LANGLEY AIR FORCE BASE) AND THE CITY OF NEWPORT NEWS, VIRGINIA ("THE PARTIES") FOR FIRE RESCUE SERVICES AND EMERGENCY MEDICAL SERVICES.

**BACKGROUND:**

- The Parties wish to augment the fire protection capabilities available in their respective jurisdictions by entering into a Mutual Aid Agreement.
- The authority to enter into this agreement is set forth in various Federal codes, Emergency Management Regulations, and the Fire Emergency Services Program.
- This Agreement will become effective on the date of the last signature to the Agreement and will remain in effect for 5 years from that date, and automatically renews annually for a term of 20 years.
- The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

### **ATTACHMENTS:**

#### **Description**

CM Memo re MAA w/Langley and City

sdm14113 Authorizing re MAA between LAFB and City

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

February 17, 2016

**TO:** The Honorable City Council

**FROM:** City Manager

**SUBJECT:** Mutual Aid Agreement for Langley Air Force Base

The Secretary of the Air Force acting by and through the Commander, of the 633d Air Base Wing of Joint Base Langley-Eustis and the City of Newport News wish to augment the fire protection capabilities available in their respective jurisdictions by entering into an Agreement for Mutual Aid. The authority to enter into this agreement is set forth in Title 42, United States Code (U.S.C.), § 1856a, and Title 15, U.S.C., Section 2210. The regulations implementing the same are set forth in Title 44, Code of Federal Regulations (CFR) Part 151, *Emergency Management and Assistance*, and Air Force Instruction 32-2001, Fire Emergency Services (FES) Program.

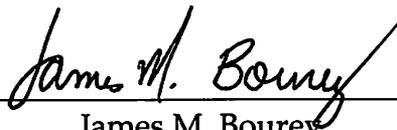
On request to a representative of the Langley AFB Fire Department and/or the Langley AFB Medical Operations Squadron by a representative of the Newport News Fire Department (NNFD), fire protection equipment and personnel will be dispatched to any point within the area for which the NNFD normally provides services as designated by the representative of the NNFD. On request to a representative of the NNFD by a representative of the Langley AFB Fire Department and/or the Langley AFB Medical Operations Squadron, fire protection equipment and personnel will be dispatched to any point within the jurisdiction of the Langley AFB Fire Department and/or Medical Operations Squadron as designated by the representative of Langley AFB.

Each Party to the Agreement hereby agrees that its intent with respect to rendering assistance to the other Party under this Agreement is not to seek reimbursement from the Party requesting such assistance. However, under authority of 42 U.S.C. § 1856a, and pursuant to any applicable state

or local law, each Party hereby reserves the right to seek reimbursement from the other for all, or any part of the costs (defined as additional firefighting costs over normal operational costs) incurred by it in providing fire protection services to the other Party in response to a request for assistance.

This Agreement will become effective on the date of the last signature to the Agreement and will remain in effect for five (5) years from the date (the "Term") and automatically renews annually for a term of 20 years.

I recommend approval of the resolution.

  
James M. Bourey

JMB:blwk

cc: R.B. Alley, III, Chief, Newport News Fire Department (NNFD)

**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 AGREEMENT FOR MUTUAL AID FIRE RESCUE SERVICES AND EMERGENCY MEDICAL SERVICES BETWEEN THE SECRETARY OF THE AIR FORCE ACTING BY AND THROUGH THE COMMANDER, 633D AIR BASE WING JOINT BASE LANGLEY-EUSTIS (LANGLEY AIR FORCE BASE) AND THE CITY OF NEWPORT NEWS, VIRGINIA.

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 Agreement for Mutual Aid Fire Rescue Services and Emergency Medical Services between The Secretary of the Air Force Acting by and through the Commander, 633D Air Base Wing, Joint Base Langley-Eustis (Langley Air Force Base) and the City of Newport News, Virginia.
2. That a copy of the said Agreement is attached hereto and made a part hereof.
3. That this resolution shall be in effect on and after the date of its adoption, February 23, 2016.

**AGREEMENT FOR MUTUAL AID  
FIRE RESCUE SERVICES and EMERGENCY MEDICAL SERVICES**

**Between**

**Langley Air Force Base**

**And**

**City of Newport News, Virginia**

This Mutual Aid Agreement is made and entered into this 1st day of April 2015, between the Secretary of the Air Force acting by and through the Commander, 633d Air Base Wing, Joint Base Langley-Eustis, pursuant to the authority of 42 U.S.C. § 1856a and the City of Newport News Fire Department. Together the Air Force and City of Newport News Fire Department are hereinafter referred to as the "Parties."

**WITNESSETH:**

WHEREAS, each of the Parties hereto maintains equipment and personnel for the suppression of fires and the management of other emergency incidents occurring within areas under their respective jurisdictions; and

WHEREAS, as set forth in 42 U.S.C. § 1856 the term 'fire protection' includes personal services and equipment required for fire prevention, the protection of life and property from fire, fire fighting, and emergency services, including basic medical support, basic and advanced life support, hazardous material containment and confinement, and special rescue incidents involving vehicular and water mishaps, and trench, building, and confined space extractions; and

WHEREAS, the Parties hereto desire to augment the fire protection capabilities available in their respective jurisdictions by entering into this Agreement,

**NOW, THEREFORE, in consideration of the mutual covenants, obligations and agreements herein established, the Parties hereby agree as follows:**

- a. The authority to enter into this agreement is set forth in 42 U.S.C. § 1856a, and Title 15 United States Code Section 2210, the regulations implementing same at Title 44 Code of Federal Regulations Part 151 *Emergency Management and Assistance* and Air Force Instruction 32-2001, *Fire Emergency Services Program*.
- b. This Agreement will serve as the agreement between the Parties for securing to each mutual aid in fire protection services as defined above.
- c. On request to a representative of the Langley Air Force Base Fire Department and/or the Langley Air Force Base Medical Operations Squadron by a representative City of Newport News Fire Department, fire protection equipment and personnel of the Langley Air Force Base Fire Department and/or Langley Air Force Base Medical Operations Squadron will be dispatched to any point within the area for which the City of Newport News Fire Department normally

provides fire protection services as designated by the representatives of City of Newport News Fire Department.

d. On request to a representative of the City of Newport News Fire Department by a representative of the Langley Air Force Base Fire Department and/or Langley Air Force Base Medical Operations Squadron, fire protection equipment and personnel of the City of Newport News Fire Department will be dispatched to any point within the jurisdiction of the Langley Air Force Base Fire Department and/or Langley Air Force Base Medical Operations Squadron as designated by the representative of Langley Air Force Base Fire Department.

e. Any dispatch of equipment and personnel by the Parties pursuant to this Agreement is subject to the following conditions:

(1) Any request for aid hereunder will include a statement of the amount and type of equipment and personnel requested and will specify the location to which the equipment and personnel are to be dispatched, but the amount and type of equipment and the number of personnel to be furnished will be determined by the responding organization. The requesting organization will ensure access to site for the responding organization.

(2) The responding organization will report to the officer in charge of the requesting organization at the location to which the equipment is dispatched, and will be subject to the orders of that official.

(3) The responding organization will be released by the requesting organization when the services of the responding organization are no longer required or when the responding organization is needed within the area for which it normally provides fire protection.

(4) Hazardous Materials incident response will include the response to, and control and containment of, any release or suspected release of any material suspected to be or known to be hazardous. Where the properties of a released material are not known, it will be considered hazardous until proven otherwise by the requesting organization using all technical resources available. Cleanup and removal of contained hazardous materials will be the responsibility of the requesting organization.

(5) In the event of a crash of an aircraft owned or operated by the United States or military aircraft of any foreign nation within the area for which the City of Newport News Fire Department normally provides fire protection services, the chief of Langley Air Force Base Fire Department or his or her representative may assume full command on arrival at the scene of the crash.

(6) Where local agencies do not assign an incident safety officer, an Air Force representative will be assigned to act as the incident safety officer for Langley Air Force Base Fire Department to observe Air Force operations.

f. Each Party hereby agrees that its intent with respect to the rendering of assistance to the other Party under this Agreement is not to seek reimbursement from the Party requesting such assistance. Notwithstanding the above, the Parties hereby recognize that pursuant to the Section 11 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. § 2210) and Federal regulations issued there under (44 CFR Part 151), City of Newport News Fire Department is permitted to seek reimbursement for all or any part of its direct expenses and losses (defined as additional fire fighting costs over normal operational costs) incurred in fighting fires on property under the jurisdiction of the United States. Furthermore, under the authority of 42 U.S.C. § 1856a, and pursuant to any applicable state or local law each Party hereby reserves the right to seek reimbursement from the other for all or any part of the costs (defined as additional fire fighting costs over normal operational costs) incurred by it in providing fire protection services to the other Party in response to a request for assistance.

g. Both Parties agree to implement the National Incident Management System during all emergency responses on and off installations in accordance with National Fire Protection Association (NFPA) Standard 1561.

h. Each Party waives all claims against the other Party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement. This provision does not waive any right of reimbursement pursuant to paragraph f.

i. All equipment used by City of Newport News Fire Department in carrying out this Agreement will, at the time of action hereunder, be owned by it; and all personnel acting for City of Newport News Fire Department under this Agreement will, at the time of such action, be an employee or volunteer member of City of Newport News Fire Department.

j. The rendering of assistance under the terms of this Agreement will not be mandatory; however, the Party receiving a request for assistance will endeavor to immediately inform the requesting Party if the requested assistance cannot be provided and, if assistance can be provided, the quantity of such resources as may be dispatched in response to such request.

k. Neither Party will hold the other Party liable or at fault for failing to respond to any request for assistance or for failing to respond to such a request in a timely manner or with less than optimum equipment and/or personnel, it being the understanding of the Parties that each is primarily and ultimately responsible for the provision of fire protection services needed within their own jurisdictions.

l. Should a dispute arise between the Parties under or related to this Agreement, the Parties agree that within 30 days after notice of the dispute from one Party to the other, the Parties will attempt to resolve the dispute through negotiations. If such negotiations reach an impasse, the Parties agree that within 60 days after notice of an impasse, they will attempt to resolve the matter through any method or combination of non-binding alternative dispute resolution (ADR) methods available under the Administrative Dispute Resolution Act of 1996, Pub. L. No. 104-320 (codified at 5 U.S.C. §§ 571-583). The cost of any third party neutral will be divided equally between the Parties, and the selection of any third party neutral will be by agreement of the Parties. If such ADR proceeding does not result in resolution of the dispute, the Parties may

separately pursue any remedy available to a Party under the law. However, both Parties agree that the initiation of formal litigation does not preclude further attempts at resolving the dispute through alternative dispute resolution methods. Both Parties agree that the terms of this clause will be considered the "Administrative Remedies" that must be exhausted, prior to institution of any formal litigation.

m. All notices, requests, demands, and other communications which may or are required to be delivered hereunder will be in writing and will be delivered by messenger, by a nationally-recognized overnight mail delivery service or by certified mail, return receipt requested, at the following addresses:

For the Air Force:

Langley Air Force Base  
c/o Commander, 633d Air Base Wing  
125 Mabry Avenue  
Langley AFB, VA 23665

And:

For: Department of the Air Force  
AFCEC/CXF  
139 Barnes Dr, Suite 1  
Tyndall AFB, FL 32403-5319

And:

For: Langley Air Force Base  
c/o Fire Chief  
87 Sweeney Blvd  
Langley AFB, VA 23665

For: City of Newport News  
City of Newport News Fire Department  
"Attention to" Fire Chief Robert B. Alley., III.  
2400 Washington Avenue, 6th floor  
Newport News, VA 23607

**TERMS OF THE AGREEMENT**

n. This Agreement will become effective on the date of the last signature to the Agreement and will remain in effect for 5 years (2020) from that date (the "Term") and automatically renews annually for a term of 20 years. Either Party may unilaterally terminate this Agreement during the Term by sending notification of its intent to terminate to the other Party at least one hundred and eighty (180) days in advance of the proposed date of termination. Such notification will be in the form of a written submission to the other Party.

o. Upon becoming effective, this Agreement will supersede and cancel all previous agreements between the Parties concerning the rendering of assistance from one to the other for the purposes stated in this Agreement.

p. The modification or amendment of this Agreement, or any of the provisions of this Agreement, will not become effective unless executed in writing by both Parties.

q. This Agreement may be executed in one or more counterparts, each of which will be deemed an original.

IN WITNESS WHEREOF, The Parties have caused this Agreement to be executed by their duly authorized representatives on the dates shown below:

FIRE DEPARTMENT  
For Langley Fire Emergency Services

By:   
WAYNE MELLO SR., Civ, USAF  
Fire Chief, Langley Fire Emergency Services

THE UNITED STATES OF AMERICA  
by the Secretary of the Air Force

By:   
JOHN J. ALLEN, JR., Colonel, USAF  
Commander, 633d Air Base Wing

Date: 12 May 15

Date: 5 JUNE 2015

FOR CITY OF NEWPORT NEWS

\_\_\_\_\_  
James M. Bourey  
City Manager  
City of Newport News, Va.

Date: \_\_\_\_\_

Approved as to legal sufficiency:

By: \_\_\_\_\_  
City Attorney

Date: \_\_\_\_\_

Approved as to content:

By: \_\_\_\_\_  
Robert B. Alley, III, Fire Chief

Date: \_\_\_\_\_

## H. Appropriations

### ACTION:

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

1. Newport News Television (NNTV) – Public, Educational and Governmental (PEG) Fee Funds: Purchase and Upgrade of Production Equipment – \$500,000
2. Department of Engineering – FY 2016 Bond Authorization, Stormwater Drainage Category: Christopher Shores Area Drainage Improvements Project – \$540,000
3. Department of Engineering – State Revenue Sharing Program Fund (\$350,000) and FY 2016 Bond Authorization, Stormwater Drainage Category (\$350,000): 27<sup>th</sup> Street and Buxton Avenue Grade Adjustment Project – \$700,000

## H. Appropriations

1. Newport News Television (NNTV) - Public, Educational, and Governmental (PEG)  
Fee Funds: Purchase and Upgrade of Production Equipment - \$500,000

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$500,000 FOR THE PURCHASE AND UPGRADE OF PRODUCTION EQUIPMENT FOR NEWPORT NEWS TELEVISION (NNTV) FROM THE FUND BALANCE GENERATED BY PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) FEES.

BACKGROUND:

- The City holds franchise agreements with local cable company carriers, that requires the companies to remit to the City revenue based on a formula for each basic service subscriber served in Newport News.
- According to the agreement, this revenue is to be used by the City for cable related purposes at the discretion of the City.
- These funds will be used for the purchase and upgrade of production equipment used by NNTV.

FISCAL IMPACT:

- Approval of these funds will reduce the current revenue collected and the fund balance associated with the accumulated PEG fees by \$500,000 from \$1,535,778 to \$1,035,778.
- The City Manager recommends approval.

### ATTACHMENTS:

#### Description

CM Memo re NNTV PEG Fees

sdm14142 Appropriation re NNTV PEG Fee Equipment

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

February 17, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Newport News Television PEG Fees - Appropriation

The City receives revenue from cable companies with whom we hold franchise agreements. The Public, Educational, and Governmental (PEG) fee is charged to cable company subscribers to support the government and education cable television channels. The cable company remits these funds to the City. According to State code, this revenue can only be used for equipment purchases or for other capital expenditures related to programming of the PEG channels.

It is requested that funds in the amount of \$500,000 be appropriated for Newport News Television (NNTV) to upgrade and/or replace end of life technology and enhance production capabilities, purchase new field cameras and additional HD related studio expenditures and to conduct regular repair/replacement on existing equipment.

Of the requested amount, \$135,000 will be used to replace "end of life" technology that is used in production both in the field and studio. This will include but is not limited to field ENG cameras, tripods, pedestals, monitors and editing systems. This will also be used to upgrade the online streaming capabilities tied to the indexing, archiving and webcasting of City Council Meetings.

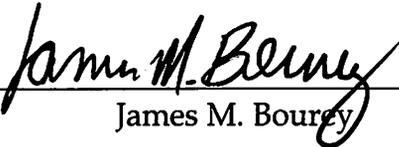
In addition, funds in the amount of \$180,000 will be used to purchase remote ready production vehicles to be outfitted with portable control room capabilities. This will include state-of the art audio boards, fiber optic cabling, portable studio switchers and set pieces and graphics for out of studio production.

Approximately \$125,000 will be available as needed for the updating and redesigning of City "studios" including chambers, lobby and other areas as may be needed.

Included in this request is the amount of \$60,000 in funds to continue to support regular replacement and repair of already purchased equipment, and ongoing production needs to sustain production and streaming capabilities, no longer supported by the cable companies as part of the franchise agreement.

There is currently available \$128,923 in FY 2016 revenue received to date and \$1,406,855 in designated PEG fund balances from Verizon and Cox Communications, for a combined funding availability of \$1,535,788. Approval of this resolution will reduce the available funds by \$500,000, leaving a balance of \$1,035,788.

Approval of the resolution is recommended.

  
James M. Bourry

JMB:PLH:ljc

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

A RESOLUTION APPROPRIATING FUNDS FROM PEG FEE DESIGNATED FUND BALANCE TO NNTV PEG FEE EQUIPMENT.

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

That it hereby appropriates funds from PEG Fee Designated Fund Balance to NNTV PEG Fee Equipment, as follows:

Appropriation From:

PEG Fee Designated Fund Balance	
4000-000-00-0000-300997-000423-	
0000-00000	\$ 500,000.00

Appropriation To:

NNTV PEG Fee Equipment	
4000-000-00-0000-570010-000000-0000-	
00000-G2508	\$ 500,000.00

## H. Appropriations

### 2. Department of Engineering – FY 2016 Bond Authorization, Stormwater Drainage Category: Christopher Shores Area Drainage Improvements Project - \$540,000

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$540,000 FROM THE FY 2016 BOND AUTHORIZATION, STORMWATER DRAINAGE CATEGORY FOR THE CHRISTOPHER SHORES AREA DRAINAGE IMPROVEMENTS PROJECT.

BACKGROUND:

- The project is located in the Anderson Park/Hampton Roads Bay Watershed in the Southeast Community of the City.
- The area south of 16th Street identified as the Christopher Shores subdivision has little to no drainage systems to collect stormwater runoff and causes flooding of roadways during minor storm events.
- Improvements to the drainage in the area include additional catchment of stormwater runoff and upgrade of the existing systems to current City standards.
- The majority of the work will be in the City right-of-way with permanent drainage easements being acquired where outfall pipes transverse private property.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

CM Memo re Christopher Shores Drainage Proj

Attachment Location Map Christopher Shores

sdm14141 Appropriation re Christopher Shores Area Drainage

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

February 17, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Christopher Shores Area Drainage Improvements Projects

City Council is requested to approve a resolution appropriating \$540,000 for the Christopher Shores Area Drainage Improvements Project.

The project is located in the Anderson Park/Hampton Roads Bay Watershed in the Southeast Community of the City. The area south of 16<sup>th</sup> Street identified as the Christopher Shores Subdivision has little to no drainage systems to collect stormwater runoff, which causes flooding of roadways during minor storm events. In addition, the existing systems are not designed to current City standards.

Improvements to the drainage in the area include additional catchment of stormwater runoff and upgrade of the existing systems to current City standards. The two (2) existing outfalls into Hampton Roads Bay will be re-designed to reduce tidal impact on the new drainage systems. The majority of the work will be in the City right-of-way with permanent drainage easements being acquired where outfall pipes transverse private property. These improvements will reduce the current flooding in the subdivision by providing improved drainage systems designed to current City standards.

Funding in the amount of \$540,000 is available from the FY 2016 Bond Authorization, Stormwater Drainage Category and will be used for design and construction of the project. Design is scheduled to be completed by the end of calendar year 2016, and construction is to begin Spring of 2017.

I recommend City Council approve the resolution.

  
James M. Bourey

JMB:JAC:plw

Attachment

cc: Everett Skipper, Director, Department of Engineering

G:\JIM BOUREY\Correspondence\2016\2 February\Memo to HCC re Christopher Shores Drainage Improvements 2 17 16.docx



CITY OF NEWPORT NEWS, VIRGINIA

# CHRISTOPHER SHORES DRAINAGE IMPROVEMENTS



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

**A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO CHRISTOPHER SHORES AREA DRAINAGE IMPROVEMENTS 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 Christopher Shores Area Drainage Improvements Project, as follows:

Appropriation From:

Bonds Authorized and Unissued

4104-250-70-700N-579000-000000-2016-  
00000-N0000

\$ 540,000.00

Appropriation To:

Christopher Shores Area Drainage  
Improvements Project

4104-250-70-700N-579420-000000-2016-  
00000-N5025

\$ 540,000.00

## H. Appropriations

3. Department of Engineering – State Revenue Sharing Program Fund (\$350,000) and FY 2016 Bond Authorization, Stormwater Drainage Category (\$350,000): 27th Street and Buxton Avenue Grade Adjustment Project – \$700,000

**ACTION:** A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$700,000 FROM THE STATE REVENUE SHARING PROGRAM FUND (\$350,000) AND THE FY 2016 BOND AUTHORIZATION, STORMWATER DRAINAGE CATEGORY (\$350,000) FOR THE 27TH STREET AND BUXTON AVENUE GRADE ADJUSTMENT PROJECT.

**BACKGROUND:**

- The intersection of 27th Street, 28th Street, and Buxton Avenue has a history of tidal flooding during both minor and major storm events.
- This grade adjustment project includes raising grade elevations of the roadways, water line improvements and upgrades to traffic signalization.
- The requested funds are to fully fund the construction phase of the project and is anticipated to begin in the Spring of 2016.
- The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

### ATTACHMENTS:

#### Description

CM Memo re 27th St & Buxton Ave Grade Proj

Location Map

sdm14140 Appropriation re 27th St and Buxton Ave Grade Adjustment

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

February 17, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** 27<sup>th</sup> Street and Buxton Avenue Grade Adjustment Project

City Council is requested to approve a resolution appropriating \$700,000 for the construction of the 27<sup>th</sup> Street and Buxton Avenue Grade Adjustment Project.

The intersection of 27<sup>th</sup> Street, 28<sup>th</sup> Street and Buxton Avenue has a history of tidal flooding during both minor and major storm events. Raising the grade elevations of the roadways and intersection will reduce flooding, thus allowing the roadway to be used during emergencies. A small portion of the project area lies within the boundaries of the City of Hampton. The City of Hampton is aware of the proposed project, is not opposed to the work, and is not participating in the cost of the project.

To date City Council has appropriated \$900,000 for the study, design and construction phase of the project. The additional funds requested are to fully fund the construction phase, which is estimated at \$1.6 million. Construction is anticipated to begin in the spring of 2016.

Funding is available from the State Revenue Sharing Program of \$350,000 with the City's match of \$350,000 available from the FY 2016 Bond Authorization, Stormwater Drainage Category.

I recommend City Council approve the resolution.

  
James M. Bourey

JMB:BMM:mjd

Attachment

cc: Everett Skipper, Director, Department of Engineering



CITY OF NEWPORT NEWS, VIRGINIA

# 27TH STREET AT BUXTON AVENUE GRADE ADJUSTMENT



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

**A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED AND STATE REVENUE TO 27<sup>TH</sup> STREET AND BUXTON AVENUE GRADE ADJUSTMENT 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 and State Revenue to 27<sup>th</sup> Street and Buxton Avenue Grade Adjustment Project, as follows:

Appropriation From:

Bonds Authorized and Unissued

4104-250-70-700N-579000-000000-2016-00000-N0000

\$ 350,000.00

State Revenue

4300-000-00-0000-482010-000000-2012-N5011-N5011

\$ 350,000.00

Appropriation To:

27<sup>th</sup> Street and Buxton Avenue Grade Adjustment Project

4104-250-70-700N-579420-000000-2016-00000-N5011

\$ 350,000.00

4300-250-70-700N-579420-000000-2012-N5011-N5011

\$ 350,000.00

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

J. New Business and Councilmember Comments

City Manager  
City Attorney  
City Clerk

Price  
Scott  
Vick  
Woodbury  
Bateman  
Cherry  
Coleman

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."**