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AGENDA

NEWPORT NEWS CITY COUNCIL
REGULAR CITY COUNCIL MEETING

MAY 10, 2016

City Council Chambers

7:00 p.m.

A. Call to Order

B. Invocation

- Rev. Bill Lamont, Hidenwood Presbyterian Church

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

D. Presentations - None

E. Public Hearings

1. Public Comments on the Effective Real Property Tax Rate Related to the Recommended Fiscal Year 2017 Operating Budget
2. Ordinance Authorizing and Directing the City Manager to Execute A Deed of Easement for an Easement Across City-owned Property Located at 15402 Warwick Boulevard
3. Ordinance Authorizing and Directing the City Manager to Execute A Deed of Easement for an Easement Across City-owned Property Located at 13141 Jefferson Avenue
4. Ordinance Authorizing and Directing the City Manager to Execute a Deed of Easement and Agreement by and between the City and Deer Run 3, LLC, for Landscaping of City-owned Property, Located Across a Portion of 791 Industrial Park Drive and Woodside Lane
5. Resolution Authorizing Plan Amendment No. PLN-16-14, City of Newport News, to the Framework for the Future 2030 Comprehensive Plan Land Use Map Designation from Transportation, Natural Area/Open Space and Parks and Recreation to Community Commercial for a Portion of Property Located

at 900 Bland Boulevard

6. Ordinance Authorizing Change of Zoning No. CZ-16-379, to Peninsula Airport Commission, for a Portion of Property Located at 900 Bland Boulevard and Zoned M1 Light Industrial to C1 Retail Commercial with Proffers, to Allow for Retail Development

F. Consent Agenda

1. Minutes of the Budget Public Hearing of April 14, 2016
2. Minutes of the Work Session of April 26, 2016
3. Minutes of the Special Meeting of April 26, 2016
4. Minutes of the Regular Meeting of April 26, 2016
5. Resolution of Appreciation: Colonel William S. Galbraith on his Retirement as the Commander, 733d Mission Support Group Army Element-Joint Base Langley—Eustis from June 15, 2013 to June 28, 2016

G. Other City Council Actions

1. City Code Related Ordinances to Enact the City Manager's Fiscal Year 2017 Operating Budget
 1. Ordinance Amending and Reordaining City Code, Chapter 40, Taxation; Article II., Real Estate Taxes; Division 1., Generally; Section 40-12, Levied; Amount
 2. Ordinance Amending and Reordaining City Code, Chapter 42, Water Supply; Article II., Water System Capacity Expansion and Extension; Section 42-23, Waterworks System Capacity Expansion; and Article III., Water Rates and Fees; Section 42-33, Rates and Fees
 3. Ordinance Amending and Reordaining City Code, Chapter 19, Solid Waste, Litter and Recycling; Article IV., Residential Solid Waste Fees; Section 19-41, Residential Solid Waste Collection Fees
 4. Ordinance Amending and Reordaining City Code, Chapter 33, Sewers and Sewage Disposal; Article III., Sewer Use Charges; Section 33-33, Rate
 5. Ordinance Amending and Reordaining City Code, Chapter 33, Sewers and Sewage Disposal; Article II., Connections to Public Sewer; Section 33-19, Charges
 6. Ordinance Amending and Reordaining City Code, Chapter 37.1, Stormwater Management; Article II., Service Charge; Section 37.1-14; Service Charge, Billing, Payment, Interest, Fee and Lien

7. Ordinance Amending and Reordaining City Code, Chapter 38, Streets and Sidewalks; Article II., Work On, Over, Under or Affecting Streets; Division 2., Permit Generally; Section 38-50, Issuance and Term Generally; Section 38-59, Contents of Permits; Division 3., Permit, Inspection and Guarantee Fees; Section 38-67, Schedule; and Section 38-68, Amount of Inspection Fees
8. Ordinance to Adopt the Budget and Appropriate Funds to the Operate the City of Newport News for the Fiscal Year Beginning July 1, 2016 and Ending June 30, 2017
9. Ordinance Providing for the Adoption of a Classification and Pay Plan for the Employees of the City of Newport News

H. Appropriations

1. Newport News Public School District (NNPS) - FY 2016 Capital Project Funding - \$5,186,000

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

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. Bill Lamont, Hidenwood Presbyterian Church

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

D. Presentations

E. Public Hearings

1. Public Comments on the Effective Real Property Tax Rate Related to the Recommended Fiscal Year 2017 Operating Budget

ACTION: A REQUEST FOR CITY COUNCIL TO RECEIVE PUBLIC COMMENTS ON THE EFFECTIVE REAL PROPERTY TAX RATE AS IT RELATES TO THE RECOMMENDED FISCAL YEAR 2017 OPERATING BUDGET, AND THEN CLOSE THIS PUBLIC HEARING AND TAKE NO FURTHER ACTIONS.
(An Action item to set the real estate tax rate for FY 2017 appears under "Other City Council Actions")

BACKGROUND:

- This public hearing is required by State Code when a locality proposes an increase in property tax levies.
- The current tax rate is \$1.22 per \$100 of assessed value.
- The lowered tax rate necessary to offset the increased assessments would be \$1.1984 per \$100 of assessed value.
- The difference between the lowered tax rate and the proposed tax rate is \$0.0216 per \$100 of assessed value.
- That difference is 1.80% and is known as the effective tax rate increase.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Notice of Proposed Real Property Tax Increase

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

In accordance with Section §58.1-3321 of the Code of Virginia, the following is provided:

The City of Newport News, Virginia proposes to increase property tax levies.

1. **Assessment Increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 1.80 percent.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$1.1984 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Increase:** The City of Newport News proposes to adopt a tax rate of \$1.22 per \$100 of assessed value. The difference between the "lowered tax rate" and the proposed rate would be \$0.0216 per \$100 or 1.80 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of the City of Newport News will exceed last year's by 3.1% percent.

A public hearing on the increase will be held in the City Council Chambers, 2400 Washington Avenue, Newport News, Virginia, on May 10, 2016 at 7:00 P.M., or as soon thereafter as the item may be heard.

City Council encourages interested persons to attend the meeting and hearing, and to express their views on this issue. Questions concerning this matter may be directed to the Office of the City Manager at (757) 926-8411. If you are disabled and require an accommodation in order to participate in the meeting, please call the City Clerk at (757) 926-8634 at least three (3) days in advance of the meeting.

Mabel Washington Jenkins, MMC
City Clerk

E. Public Hearings

2. Ordinance Authorizing and Directing the City Manager to Execute A Deed of Easement for an Easement Across City-owned Property Located at 15402 Warwick Boulevard

ACTION: A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS AND VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION VIRGINIA POWER, FOR AN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 15402 WARWICK BOULEVARD.

BACKGROUND:

- This easement request is part of a larger project of improvements for the Atkinson Boulevard and Bridge Project.
- A request to receive bids was properly advertised in the *Daily Press* on April 11, 2016 and on April 18, 2016.
- City Council received bids for this easement at its April 26, 2016 meeting.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re Bid Award for 15402 Warwick Blvd

Attachment Location Map 15402 Warwick Boulevard

sdm14270 Authorizing re Deed of Easement between City and Dominion VA Power

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 4, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Award of Bid – Easement at 15402 Warwick Boulevard

City Council is requested to adopt an ordinance that will grant a 20-foot easement on City-owned property located at 15402 Warwick Boulevard. The easement lies at the intersection of Atkinson Way and Warwick Boulevard.

As part of the project, the City has requested utility companies underground and relocate their equipment in support of the Atkinson Boulevard & Bridge Project.

A request to receive bids was properly advertised in the *Daily Press* on April 11, 2016 and April 18, 2016. At its April 26, 2016 meeting, City Council received one bid from Dominion Virginia Power for this easement. A public hearing has been advertised for the May 10, 2016 City Council meeting for consideration of the ordinance that will grant the easement to Dominion Virginia Power.


James M. Bourey

JMB:DEM:plw

Attachment

cc: Everett Skipper, Director, Department of Engineering



APPROXIMATE LOCATION OF ATKINSON BOULEVARD EXTENSION

EASEMENT

CITY OF NEWPORT NEWS, VIRGINIA



EASEMENT FOR 15402 WARWICK BOULEVARD



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 DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION VIRGINIA POWER, DATED THE 10TH DAY OF MAY, 2016, FOR AN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 15402 WARWICK BOULEVARD, NEWPORT NEWS, VIRGINIA.

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

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 Deed of Easement by and between the City of Newport News, Virginia, and Virginia Electric and Power Company d/b/a Dominion Virginia Power, dated the 10th day of May, 2016, for an easement across City-owned property located at 15402 Warwick Boulevard, Newport News, Virginia.
2. That a copy of the said Deed of Easement is attached hereto and made a part hereof.
3. That this ordinance shall be in effect on and after the date of its adoption, May 10, 2016.

Easement Across Portion of
Parcel #078.0004-01
15402 Warwick Boulevard

Consideration: \$0

Prepared By:
City Attorney's Office
2400 Washington Avenue
Newport News, VA 23607
Tel: (757) 926-8416
Fax: (757) 926-8549

Exemption Claimed Under Section
58.1-811.C.4. For Taxes Imposed by
Section 58.1-802 on a Conveyance by
a Virginia City.

Title Insurance: Unknown

THIS DEED OF EASEMENT, made this 10th day of May, 2016, between the **CITY OF NEWPORT NEWS**, a municipal corporation of the Commonwealth of Virginia, hereinafter called "GRANTOR" and **VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION VIRGINIA POWER**, hereinafter called "GRANTEE."

NOTICE TO LANDOWNER: YOU ARE CONVEYING RIGHTS TO A PUBLIC SERVICE CORPORATION. A PUBLIC SERVICE CORPORATION MAY HAVE THE RIGHT TO OBTAIN SOME OR ALL OF THESE RIGHTS THROUGH EXERCISE OF EMINENT DOMAIN. TO THE EXTENT THAT ANY OF THE RIGHTS BEING CONVEYED ARE NOT SUBJECT TO EMINENT DOMAIN, YOU HAVE THE RIGHT TO CHOOSE NOT TO CONVEY THOSE RIGHTS AND YOU COULD NOT BE COMPELLED TO DO SO. YOU HAVE THE RIGHT TO NEGOTIATE COMPENSATION FOR ANY RIGHTS THAT YOU ARE VOLUNTARILY CONVEYING.

WITNESSETH:

That for the sum of One Dollar (\$1.00), cash in hand paid, and other valuable consideration, the receipt whereof is hereby acknowledged, GRANTOR grants unto GRANTEE, its successors and assigns, for a period of forty (40) years from the date of recordation of this deed of easement, the non-exclusive right, privilege and easement, approximately twenty (20) feet in width, to construct, operate and maintain one or more underground lines, and one or more lighting supports and lighting fixtures, as GRANTEE may from time to time deem expedient or advisable, located on the easement hereinafter described, for the purpose of transmitting and distributing electric power by one or more

circuits to Grantor, for provision of electric power to its facilities and for lighting and such other purposes as requested by Grantor; together with all wires, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, ground connections, meters, attachments, equipment, accessories and appurtenances desirable in connection therewith (hereinafter referred to as "facilities").

The said rights, privilege and easement extends over, under, through and across certain lands of GRANTOR, situated in the City of Newport News, Virginia, as shown on Plat No. 22-16-0032 attached hereto and made a part of this Deed of Easement; the location of said easement being shown in broken lines on said Plat, to which plat reference is made for a more particular and accurate description of the easement.

The facilities constructed hereunder shall remain the property of GRANTEE. GRANTEE shall have the right to inspect, rebuild, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as GRANTEE may from time to time deem advisable.

GRANTEE shall at all times have the right to keep the easement clear of all buildings, structures, and other obstructions (except fences), trees, roots and undergrowth. All trees and limbs cut by GRANTEE shall, except as hereinafter provided, remain the property of GRANTOR. Trees cut by GRANTEE with merchantable trunks six (6) inches or more in diameter will be cut into lengths of not less than four (4) feet when requested by GRANTOR and will be placed in piles separate from other trees, limbs, and undergrowth cut by GRANTEE. All trees, limbs, roots and other growth removed during the periodic maintenance of the easement by GRANTEE shall be

disposed of by GRANTEE, and after which GRANTEE shall restore the surface area affected by the removal to a level grade safe for pedestrian travel.

For the purpose of constructing, inspecting, maintaining or operating its facilities on the easement on the property of GRANTOR or on its easement on any other property, GRANTEE shall have the right of ingress and egress over, upon and along such easement. If GRANTEE is unable reasonably to exercise the right of ingress and egress over, upon and along the easement on the property of GRANTOR, GRANTEE shall have such right of ingress and egress over the property of GRANTOR adjacent to the easement. GRANTEE shall have the further right of ingress to and egress from the easement over such private roads as may now or hereafter exist on the property of GRANTOR. The right, however, is reserved to GRANTOR to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, GRANTEE shall have such right of ingress and egress over the lands of GRANTOR adjacent to the easement and lying between public and private roads and the easement in such manner as shall occasion the least practicable damage and inconvenience to GRANTOR.

GRANTEE shall repair damage to roads, fences or other improvements and shall pay GRANTOR for other damage done in the process of the construction, inspection, or maintenance of GRANTEE's facilities, or in the exercise of its right of ingress and egress; GRANTEE shall be liable for all damages resulting from its exercise of the right of ingress and egress across such adjacent lands, provided GRANTOR gives written notice thereof to GRANTEE within sixty (60) days after any property damage occurs.

GRANTOR, its successors and assigns, may use the easement for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with or endanger

the construction, operation and maintenance of GRANTEE's facilities and provided that no buildings, structures or other obstructions (except fences) may be constructed on the easement.

In the event that GRANTOR sells or conveys the property on which the easement is located, GRANTOR shall provide that such sale or conveyance be conditioned upon the purchaser granting to GRANTEE a suitable easement across such property for GRANTEE's facilities.

In the event that GRANTEE fails or ceases to use the entire easement for a continuous period of two (2) or more years, then all rights and privileges hereby granted to GRANTEE shall forever cease and revert to GRANTOR by operation of law.

The rights, privileges, and easement conveyed pursuant to this Deed of Easement are in addition to, and not in substitution of, any other rights which may be available to GRANTEE to install its facilities on the property.

GRANTOR covenants that it is seized of and has the right to convey the said easement, rights and privileges; that GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that GRANTOR shall execute such further assurances thereof as may be required.

IN WITNESS WHEREOF, GRANTOR has caused its corporate name to be signed hereto by its City Manager and its corporate seal to be hereunto affixed and attested by its City Clerk.

CITY OF NEWPORT NEWS

ATTEST:

By: _____
City Manager

By: _____
City Clerk

COMMONWEALTH OF VIRGINIA
City of Newport News, to wit:

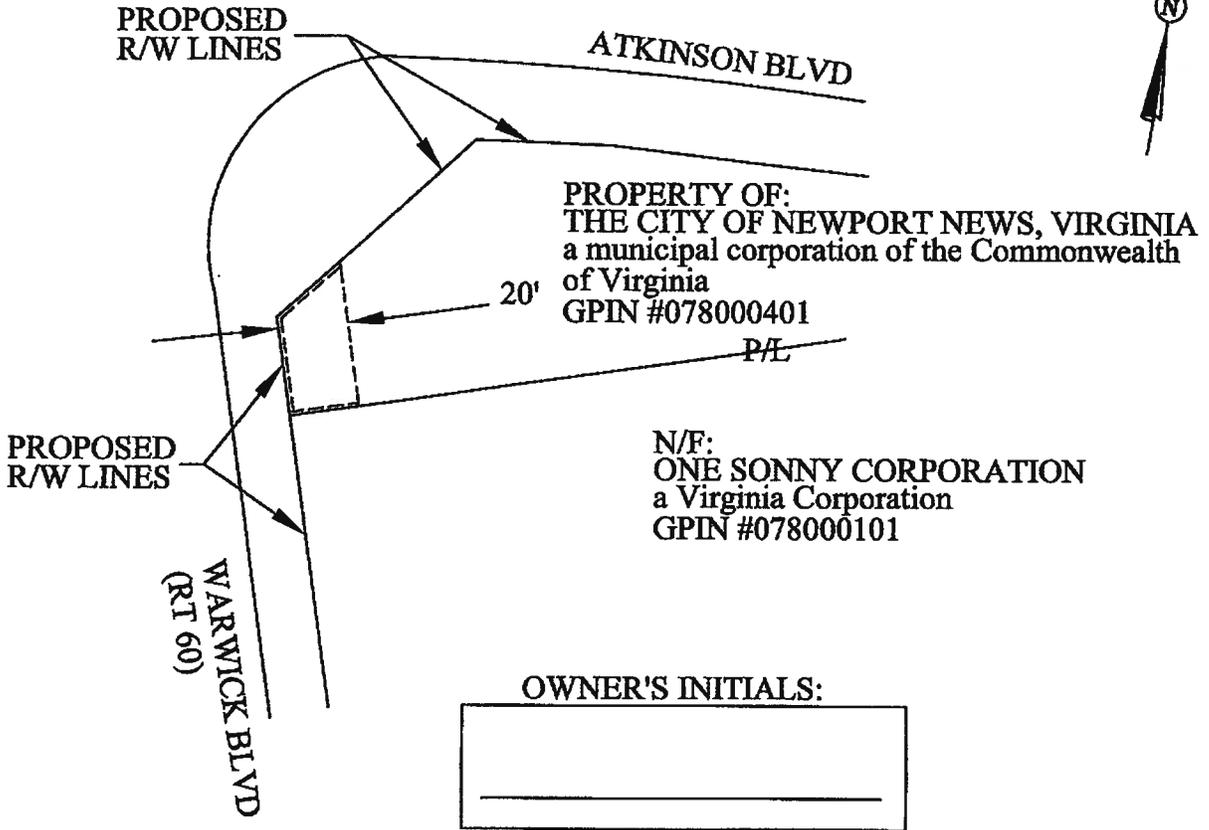
I, _____, a Notary Public in and for the City and Commonwealth
aforesaid, whose commission expires on the ___ day of _____, _____, do hereby
certify that the CITY OF NEWPORT NEWS, by James M. Bourey, its City Manager, and attested
by Mabel Washington Jenkins, its City Clerk, whose names are signed to the foregoing writing,
hereto annexed, have each acknowledged the same before me in my City and Commonwealth
aforesaid.

GIVEN under my hand this ___ day of _____, 2016.

Notary Public
Registration No.: _____

sdm14269

VDOT PROJECT:U000-121-V11 ATKINSON BLVD AND BRIDGE



Legend

- Location of Boundary Lines of Easement WIDTH AS SHOWN
- == p == Indicates Property Line is Easement Boundary

Plat to Accompany DEED OF EASEMENT		
VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Virginia Power UG		
District PENINSULA		
District-Township-Borough	County-City	State
	NEWPORT NEWS	VA
Office	Plat Number	
EASTERN REGION	22-16-0032	
Estimate Number	Grid Number	
10022263	M2231	
Date	By	
1-20-16	O'Beirne/Rountree	

E. Public Hearings

3. Ordinance Authorizing and Directing the City Manager to Execute A Deed of Easement for an Easement Across City-owned Property Located at 13141 Jefferson Avenue

ACTION: A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS AND VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION VIRGINIA POWER FOR AN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 13141 JEFFERSON AVENUE.

BACKGROUND:

- This easement request is part of a larger project of improvements for the Atkinson Boulevard and Bridge Project.
- A request to receive bids was properly advertised in the *Daily Press* on April 11, 2016 and on April 18, 2016.
- City Council received bids for this easement at its April 26, 2016 meeting.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re Bid Award for 13141 Jefferson Ave.

Attachment Location Map 13141 Jefferson Avenue

sdm14268 Authorizing re Deed of Easement between City and VA Power (13141 Jefferson Ave)

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 4, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Award of Bid - Easement at 13141 Jefferson Avenue

City Council is requested to adopt an ordinance that will grant a 30-foot easement on City-owned property located at 13141 Jefferson Avenue. The easement lies between CSX Railroad and Interstate 64 right-of-way.

As part of the project, the City has requested utility companies underground and relocate their equipment in support of the Atkinson Boulevard and Bridge Project.

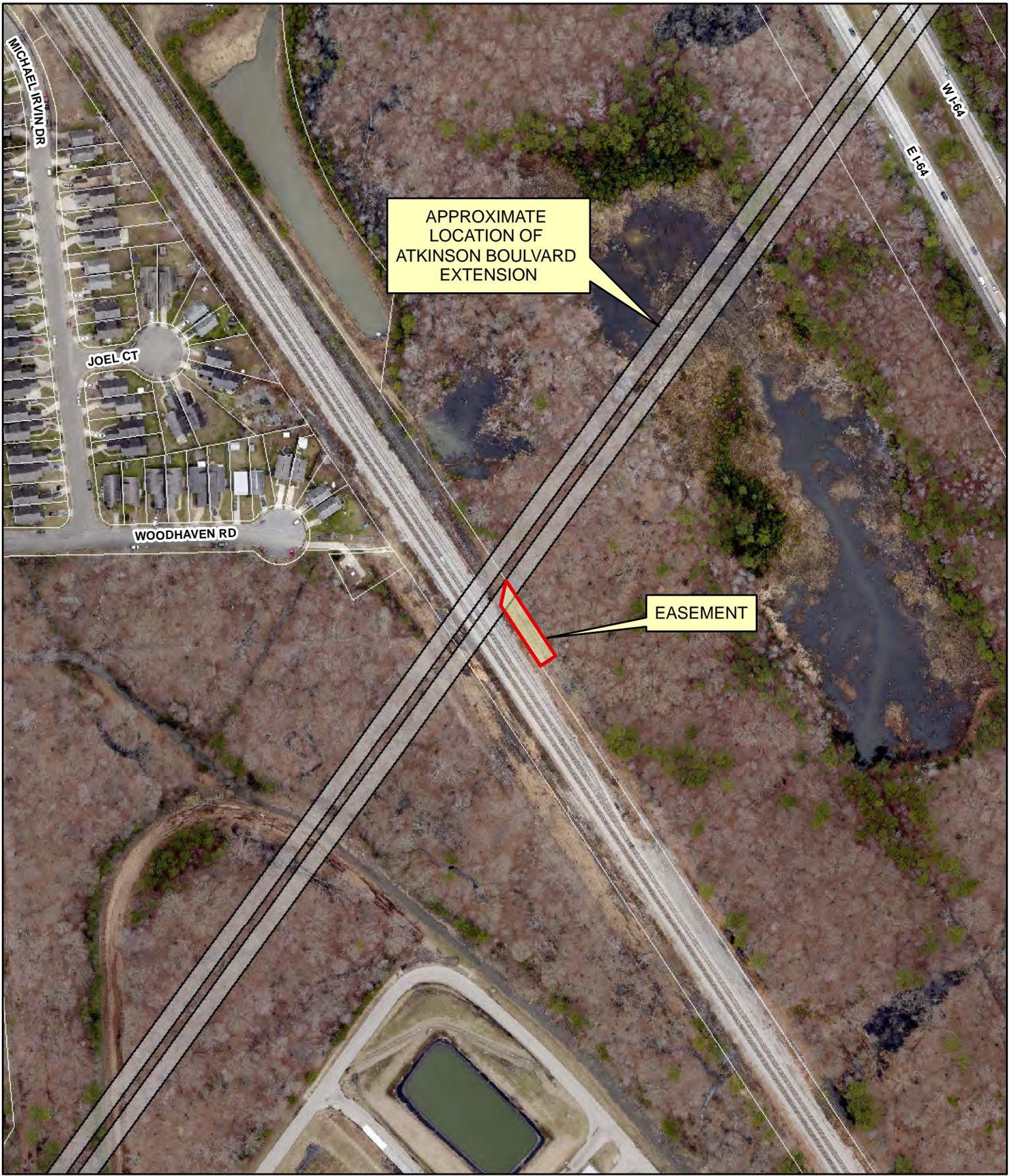
A request to receive bids was properly advertised in the *Daily Press* on April 11, 2016 and April 18, 2016. At its April 26, 2016 meeting, City Council received one bid from Dominion Virginia Power for this easement. A public hearing has been advertised for the May 10, 2016 City Council meeting for consideration of the ordinance that will grant the easement to Dominion Virginia Power.


James M. Bourey

JMB:DEM:plw

Attachment

cc: Everett Skipper, Director, Department of Engineering



CITY OF NEWPORT NEWS, VIRGINIA



EASEMENT FOR 13141 JEFFERSON AVENUE



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 DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION VIRGINIA POWER, DATED THE 10TH DAY OF MAY, 2016, FOR AN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 13141 JEFFERSON AVENUE, NEWPORT NEWS, VIRGINIA.

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

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 Deed of Easement by and between the City of Newport News, Virginia, and Virginia Electric and Power Company d/b/a Dominion Virginia Power, dated the 10th day of May, 2016, for an easement across City-owned property located at 13141 Jefferson Avenue, Newport News, Virginia.
2. That a copy of the said Deed of Easement is attached hereto and made a part hereof.
3. That this ordinance shall be in effect on and after the date of its adoption, May 10, 2016.

Easement Across Portion of
Parcel #064.0001-05
13141 Jefferson Avenue

Consideration: \$0

Prepared By:
City Attorney's Office
2400 Washington Avenue
Newport News, VA 23607
Tel: (757) 926-8416
Fax: (757) 926-8549

Exemption Claimed Under Section
58.1-811.C.4. For Taxes Imposed by
Section 58.1-802 on a Conveyance by
a Virginia City.

Title Insurance: Unknown

THIS DEED OF EASEMENT, made this 10th day of May, 2016, between the **CITY OF NEWPORT NEWS**, a municipal corporation of the Commonwealth of Virginia, hereinafter called "GRANTOR" and **VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION VIRGINIA POWER**, hereinafter called "GRANTEE."

NOTICE TO LANDOWNER: YOU ARE CONVEYING RIGHTS TO A PUBLIC SERVICE CORPORATION. A PUBLIC SERVICE CORPORATION MAY HAVE THE RIGHT TO OBTAIN SOME OR ALL OF THESE RIGHTS THROUGH EXERCISE OF EMINENT DOMAIN. TO THE EXTENT THAT ANY OF THE RIGHTS BEING CONVEYED ARE NOT SUBJECT TO EMINENT DOMAIN, YOU HAVE THE RIGHT TO CHOOSE NOT TO CONVEY THOSE RIGHTS AND YOU COULD NOT BE COMPELLED TO DO SO. YOU HAVE THE RIGHT TO NEGOTIATE COMPENSATION FOR ANY RIGHTS THAT YOU ARE VOLUNTARILY CONVEYING.

WITNESSETH:

That for the sum of One Dollar (\$1.00), cash in hand paid, and other valuable consideration, the receipt whereof is hereby acknowledged, GRANTOR grants unto GRANTEE, its successors and assigns, for a period of forty (40) years from the date of recordation of this deed of easement, the non-exclusive right, privilege and easement, approximately thirty (30) feet in width, to construct, operate and maintain one or more underground lines, and one or more lighting supports and lighting fixtures, as GRANTEE may from time to time deem expedient or advisable, located on the easement hereinafter described, for the purpose of transmitting and distributing electric power by one or more

circuits to Grantor, for provision of electric power to its facilities and for lighting and such other purposes as requested by Grantor; together with all wires, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, ground connections, meters, attachments, equipment, accessories and appurtenances desirable in connection therewith (hereinafter referred to as "facilities").

The said rights, privilege and easement extends over, under, through and across certain lands of GRANTOR, situated in the City of Newport News, Virginia, as shown on Plat No. 22-16-0037 attached hereto and made a part of this Deed of Easement; the location of said easement being shown in broken lines on said Plat, to which plat reference is made for a more particular and accurate description of the easement.

The facilities constructed hereunder shall remain the property of GRANTEE. GRANTEE shall have the right to inspect, rebuild, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as GRANTEE may from time to time deem advisable.

GRANTEE shall at all times have the right to keep the easement clear of all buildings, structures, and other obstructions (except fences), trees, roots and undergrowth. All trees and limbs cut by GRANTEE shall, except as hereinafter provided, remain the property of GRANTOR. Trees cut by GRANTEE with merchantable trunks six (6) inches or more in diameter will be cut into lengths of not less than four (4) feet when requested by GRANTOR and will be placed in piles separate from other trees, limbs, and undergrowth cut by GRANTEE. All trees, limbs, roots and other growth removed during the periodic maintenance of the easement by GRANTEE shall be

disposed of by GRANTEE, and after which GRANTEE shall restore the surface area affected by the removal to a level grade safe for pedestrian travel.

For the purpose of constructing, inspecting, maintaining or operating its facilities on the easement on the property of GRANTOR or on its easement on any other property, GRANTEE shall have the right of ingress and egress over, upon and along such easement. If GRANTEE is unable reasonably to exercise the right of ingress and egress over, upon and along the easement on the property of GRANTOR, GRANTEE shall have such right of ingress and egress over the property of GRANTOR adjacent to the easement. GRANTEE shall have the further right of ingress to and egress from the easement over such private roads as may now or hereafter exist on the property of GRANTOR. The right, however, is reserved to GRANTOR to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, GRANTEE shall have such right of ingress and egress over the lands of GRANTOR adjacent to the easement and lying between public and private roads and the easement in such manner as shall occasion the least practicable damage and inconvenience to GRANTOR.

GRANTEE shall repair damage to roads, fences or other improvements and shall pay GRANTOR for other damage done in the process of the construction, inspection, or maintenance of GRANTEE's facilities, or in the exercise of its right of ingress and egress; GRANTEE shall be liable for all damages resulting from its exercise of the right of ingress and egress across such adjacent lands, provided GRANTOR gives written notice thereof to GRANTEE within sixty (60) days after any property damage occurs.

GRANTOR, its successors and assigns, may use the easement for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with or endanger

the construction, operation and maintenance of GRANTEE's facilities and provided that no buildings, structures or other obstructions (except fences) may be constructed on the easement.

In the event that GRANTOR sells or conveys the property on which the easement is located, GRANTOR shall provide that such sale or conveyance be conditioned upon the purchaser granting to GRANTEE a suitable easement across such property for GRANTEE's facilities.

In the event that GRANTEE fails or ceases to use the entire easement for a continuous period of two (2) or more years, then all rights and privileges hereby granted to GRANTEE shall forever cease and revert to GRANTOR by operation of law.

The rights, privileges, and easement conveyed pursuant to this Deed of Easement are in addition to, and not in substitution of, any other rights which may be available to GRANTEE to install its facilities on the property.

GRANTOR covenants that it is seized of and has the right to convey the said easement, rights and privileges; that GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that GRANTOR shall execute such further assurances thereof as may be required.

IN WITNESS WHEREOF, GRANTOR has caused its corporate name to be signed hereto by its City Manager and its corporate seal to be hereunto affixed and attested by its City Clerk.

CITY OF NEWPORT NEWS

ATTEST:

By: _____
City Manager

By: _____
City Clerk

COMMONWEALTH OF VIRGINIA
City of Newport News, to wit:

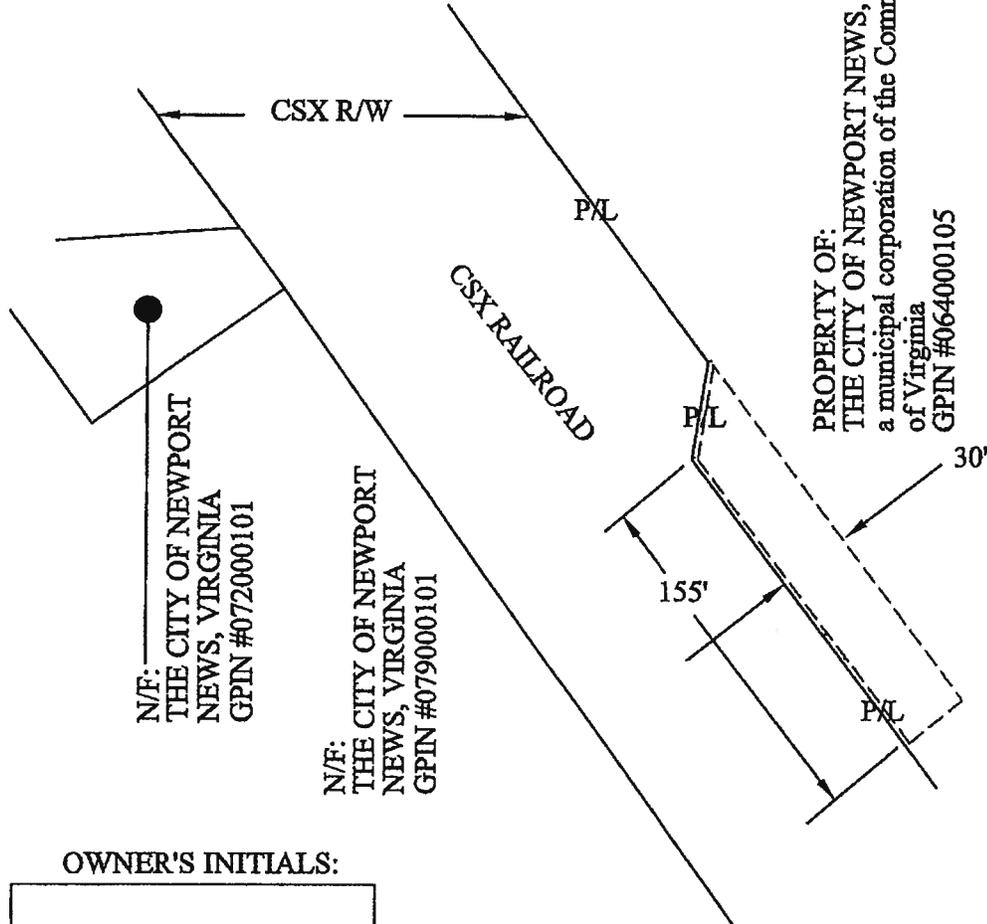
I, _____, a Notary Public in and for the City and Commonwealth aforesaid, whose commission expires on the ___ day of _____, _____, do hereby certify that the CITY OF NEWPORT NEWS, by James M. Bourey, its City Manager, and attested by Mabel Washington Jenkins, its City Clerk, whose names are signed to the foregoing writing, hereto annexed, have each acknowledged the same before me in my City and Commonwealth aforesaid.

GIVEN under my hand this ___ day of _____, 2016.

Notary Public
Registration No.: _____

sdm14267

VDOT PROJECT: U000-121-V11
 ATKINSON BLVD AND BRIDGE



OWNER'S INITIALS:

Legend

- Location of Boundary Lines of Easement
- WIDTHS AS SHOWN
- Indicates Property Line is Easement Boundary

Plat to Accompany		
DEED OF EASEMENT		
VIRGINIA ELECTRIC AND POWER COMPANY		
doing business as		
Dominion Virginia Power OH/UG		
District		
PENINSULA		
District-Township-Borough	County-City	State
DENBIGH	CITY OF NEWPORT NEWS	VA
Office		Plat Number
EASTERN REGION		22-16-0037
Estimate Number		Grid Number
7548721		M2331
Date	By	
4-11-16	O'berne/Rountree	

E. Public Hearings

4. Ordinance Authorizing and Directing the City Manager to Execute a Deed of Easement and Agreement by and between the City and Deer Run 3, LLC, for Landscaping of City-owned Property, Located Across a Portion of 791 Industrial Park Drive and Woodside Lane

ACTION: A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A DEED OF EASEMENT AND AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA AND DEER RUN 3, LLC.

- BACKGROUND:**
- In 1999, City Council approved a Deed of Easement and Agreement between the City and Luck Stone Corporation (now Deer Run 3, LLC).
 - In exchange for the right of ingress and egress over the City-owned easement area to access its property located at 781 Industrial Park Drive, Luck Stone Corporation agreed to construct and maintain a landscaped berm.
 - The Deed of Easement and Agreement has been extended in accordance with its terms three times, and the current extension expires May 23, 2016.
 - Deer Run 3, LLC has requested that the Deed of Easement and Agreement be extended again under the same terms and conditions in order to continue maintenance of the landscaped berm and access to its property.
 - The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re Deer Run 3 Easement & Agrmnt

sdm14277 Authorizing re Deed of Easement and Agreement between City and Deer Run 3, LLC

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 4, 2016

TO: The Honorable City Council

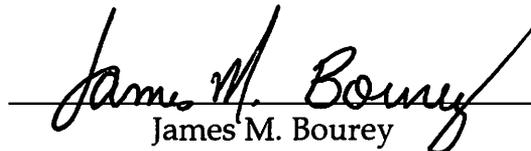
FROM: City Manager

SUBJECT: Extension to Deed of Easement & Agreement Between City and Deer Run 3, LLC

In 1999, City Council approved a Deed of Easement and Agreement (Agreement) with Luck Stone Corporation (now Deer Run 3, LLC) that allowed Luck Stone the right of ingress and egress over City-owned land located at 791 Industrial Park Drive, to access its property located at 781 Industrial Park Drive. In return for the access easement, Luck Stone Corporation agreed to construct and maintain a landscaped berm on the easement area.

The Agreement allows the City to renew the Agreement at the end of the then-current term for an additional four-year term, subject to City Council's approval, and the current extension Agreement expires May 23, 2016. A request has been received from Deer Run 3, LLC to extend the Agreement for an additional four years under the same terms and conditions, in order to continue maintenance of the landscaped berm and access to its property.

I recommend Council approve the requested extension and the Ordinance, prepared and provided to you by the City Attorney's Office, authorizing the Deed of Easement and Agreement 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 DEED OF EASEMENT AND AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA AND DEER RUN 3, LLC DATED THE 10TH DAY OF MAY, 2016.

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

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 Deed of Easement and Agreement by and between the City of Newport News, Virginia and Deer Run 3, LLC dated the 10th day of May, 2016.
2. That a copy of the said Deed of Easement and Agreement is attached hereto and made a part hereof.
3. That this ordinance shall be in effect on and after the date of its adoption, May 10, 2016.

Easement Across Portion of Tax Map No. 054.0004-05

Consideration: \$0

Prepared By:
City Attorney's Office
2400 Washington Avenue, 9th Fl.
Newport News, VA 23607
Tel: (757) 926-8416
Fax: (757) 926-8549

Exemption Claimed Under Section
58.1-811.C.5. For Taxes Imposed by
Section 58.1-802 on a Conveyance by
a Virginia City.

Title Insurance Underwriter: Unknown
Deed prepared without benefit of title examination

THIS DEED OF EASEMENT AND AGREEMENT made this 10th day of May, 2016,
by and between the **CITY OF NEWPORT NEWS**, a Municipal Corporation in the
Commonwealth of Virginia, Grantor, and **DEER RUN 3, LLC**, a Virginia limited liability
company, Grantee.

WITNESSETH

That for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and
valuable consideration to it in hand paid, at and before the sealing and delivery of these presents,
the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and
convey unto Grantee, for a period of four years from the date of this document, a non-exclusive
easement, situated in the City of Newport News, and more particularly described as follows:

All that certain lot, piece or parcel of land, situate, lying and being in the City of
Newport News, Virginia, designated as "PROPERTY OF CITY OF NEWPORT
NEWS, VIRGINIA" on that certain easement plat entitled "EASEMENT PLAT,
PROPERTY OF CITY OF NEWPORT NEWS, 1.5818 AC., NEWPORT NEWS,
VIRGINIA," dated December 8, 1998, and prepared by Coenen & Associates, Inc.,
which plat is attached hereto and made a part hereof, and to which reference is
made for a more particular description.

Grantee agrees to maintain landscaped berm over and upon the said easement area in
accordance with a plan submitted to, and approved by, the Newport News City Manager, subject
to Grantee's right to have ingress and egress through and over the easement area to its lands which
abut the easement area. Grantor shall not deliver this instrument until the plan has been submitted
and approved. In the event that Grantee fails to maintain the berm and install or maintain the

landscaping features which are approved by the City Manager, within one hundred twenty (120) days of delivery of this instrument, then all rights and privileges hereby granted to Grantee shall forever cease and revert to the Grantor.

Grantee agrees to maintain the approved landscaping features during the term of the grant of easement and may install and operate an irrigation system within the easement area in order to accomplish such maintenance.

Any extensions desired by the Grantee shall be requested in writing at least sixty (60) days prior to the end of the term. Grantor, at its sole option, may extend the term of the grant for additional periods of four years. Any such extensions must first be approved by motion of the Newport News City Council and may be thereafter documented by action of the Newport News City Manager upon advice and recommendation of the Newport News City Attorney.

Grantee understands that the easement area is a part of property which may be needed for future public roadway construction. Grantee's easement rights shall terminate upon Grantor's giving of six months written notice.

Grantee may place signs on the easement area as provided in this paragraph. The easement area shall be deemed a part of the adjacent property for purposes of applying the city's Sign Regulations. Grantee shall be responsible for removing such signs once its easement rights have terminated.

The Grantor covenants that it is seized of and has the right to convey the said easement, that Grantee shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, and that the Grantor shall execute such further assurances thereof as may be required.

TO HAVE AND TO HOLD the said easement unto the Grantee for the purposes and under the conditions set out herein.

WITNESS the following signatures and seals:

CITY OF NEWPORT NEWS, VIRGINIA

By: _____
James M. Bourey
City Manager

ATTEST:

Mabel Washington Jenkins, MMC
City Clerk

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, by its City Manager, and attested by its City Clerk, whose names are signed to the foregoing writing, hereto annexed, have each acknowledged to the same before me in my City and Commonwealth aforesaid.

GIVEN under my hand this ___ day of _____, 2016.

Notary Public

Registration No. _____

DEER RUN 3, LLC

By: _____
Name: _____
Its: _____

COMMONWEALTH OF VIRGINIA

City of Newport News, to-wit:

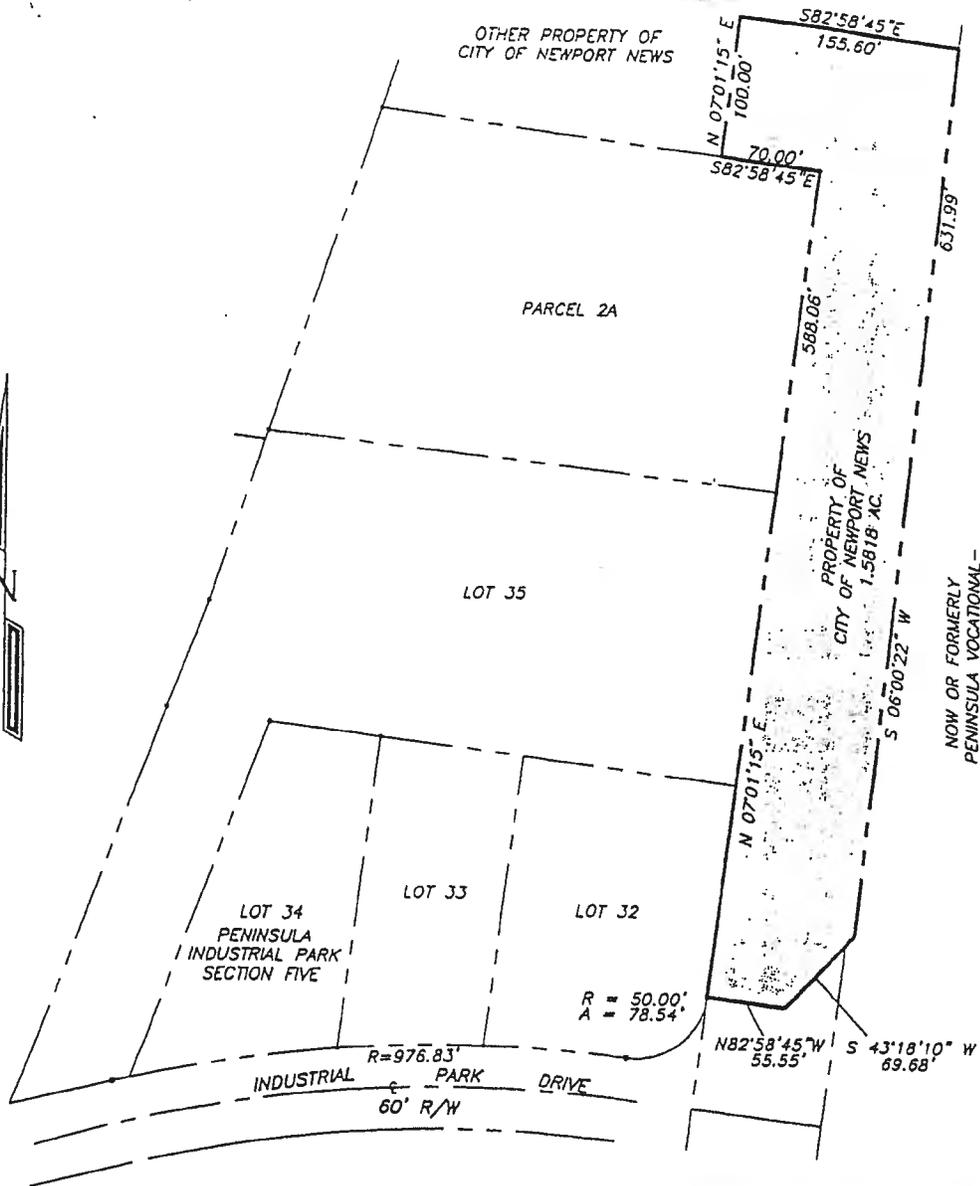
I, _____, a Notary Public in and for the City and Commonwealth aforesaid, whose commission expires on the ___ day of _____, _____, do hereby certify that _____, as _____ of Deer Run 3, LLC, whose name is signed to the foregoing writing, hereto annexed, has acknowledged to the same before me in my City and Commonwealth aforesaid.

GIVEN under my hand this ___ day of _____, 2016.

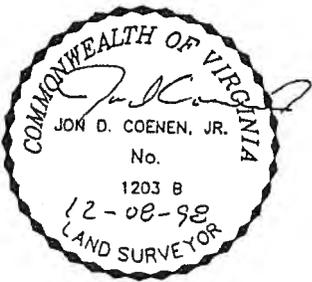
Notary Public

Registration No. _____

sdm14278



NOW OR FORMERLY
PENINSULA VOCATIONAL -
TECHNICAL CENTER



SCALE: 1"=100' DATE: 12/08/98

EASEMENT PLAT
PROPERTY OF
CITY OF NEWPORT NEWS
1.4211 AC.
NEWPORT NEWS, VIRGINIA



COENEN & ASSOCIATES, INC.
ENGINEERS - PLANNERS - SURVEYORS

695 J. CLAYTON MORRIS BLVD. - NEWPORT NEWS, VA 23601 - (757) 296-9681

E. Public Hearings

5. Resolution Authorizing Plan Amendment No. PLN-16-14, City of Newport News, to the Framework for the Future 2030 Comprehensive Plan Land Use Map Designation from Transportation, Natural Area/Open Space and Parks and Recreation to Community Commercial for a Portion of Property Located at 900 Bland Boulevard

ACTION: A REQUEST TO APPROVE A RESOLUTION AUTHORIZING PLAN AMENDMENT PLN-16-14, TO THE FRAMEWORK FOR THE FUTURE 2030 COMPREHENSIVE PLAN LAND USE MAP DESIGNATION FROM TRANSPORTATION, NATURAL AREA/OPEN SPACE AND PARKS AND RECREATION TO COMMUNITY COMMERCIAL FOR A 33.37 ACRE PORTION OF PROPERTY LOCATED AT 900 BLAND BOULEVARD.

BACKGROUND:

- The area under consideration is identified as transportation, natural area/open space and parks and recreation on the *Framework for the Future 2030* Comprehensive Plan land use map.
- The plan amendment recommends community commercial uses as recommended in the Newport News/Williamsburg International Airport's 2014 Master Plan.
- On April 6, 2016, the City Planning Commission voted 5:4 to recommend approval of the plan amendment to City Council.

Vote on Roll Call

For: Groce, Fox, Jones, Maxwell, Willis

Against: Austin, Carpenter, Mulvaney, Simmons

Abstention: None

- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re PLN-16-14

CPC Notes

Resolution

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 4, 2016

TO: The Honorable City Council

FROM: City Manager

SUBJECT: *Framework for the Future 2030* Comprehensive Plan Amendment – PLN-16-14

The request is to change the Comprehensive Plan land use map designations for a 33.37 acre portion of 900 Bland Boulevard identified as natural area/open space, parks and recreation and transportation on the *Framework for the Future 2030* Comprehensive Plan land use map to community commercial.

The *Newport News/Williamsburg International Airport Master Plan Update* (2014) includes the Airport Layout Plan (ALP) which identifies both aviation and non-aviation improvements to guide capital investments for the long-term sustainment of the airport. The area that is the subject of this Plan Amendment is identified for non-aviation (commercial) development on the ALP. The ALP also proposes realignment of Brick Kiln Boulevard to support the non-aviation development and other long-term infrastructure improvements at the airport.

While the analysis and recommendations in the Airport Master Plan were not available to the City when the *Framework for the Future 2030* (2008) was adopted, the updated plan now provides the City with an opportunity to re-evaluate future land use for airport property based on current conditions, and reexamine the associated transportation network for opportunities for improvements. Based on the desire to support the airport and enhance its long-term sustainability, the request to change the land use designation to community commercial allows for a variety of commercial and/or office uses that would be considered compatible with nearby and adjacent uses and would not affect the airport's ability to expand.

On April 6, 2016, the City Planning Commission voted 5:4 to recommend approval of plan amendment PLN-16-14.

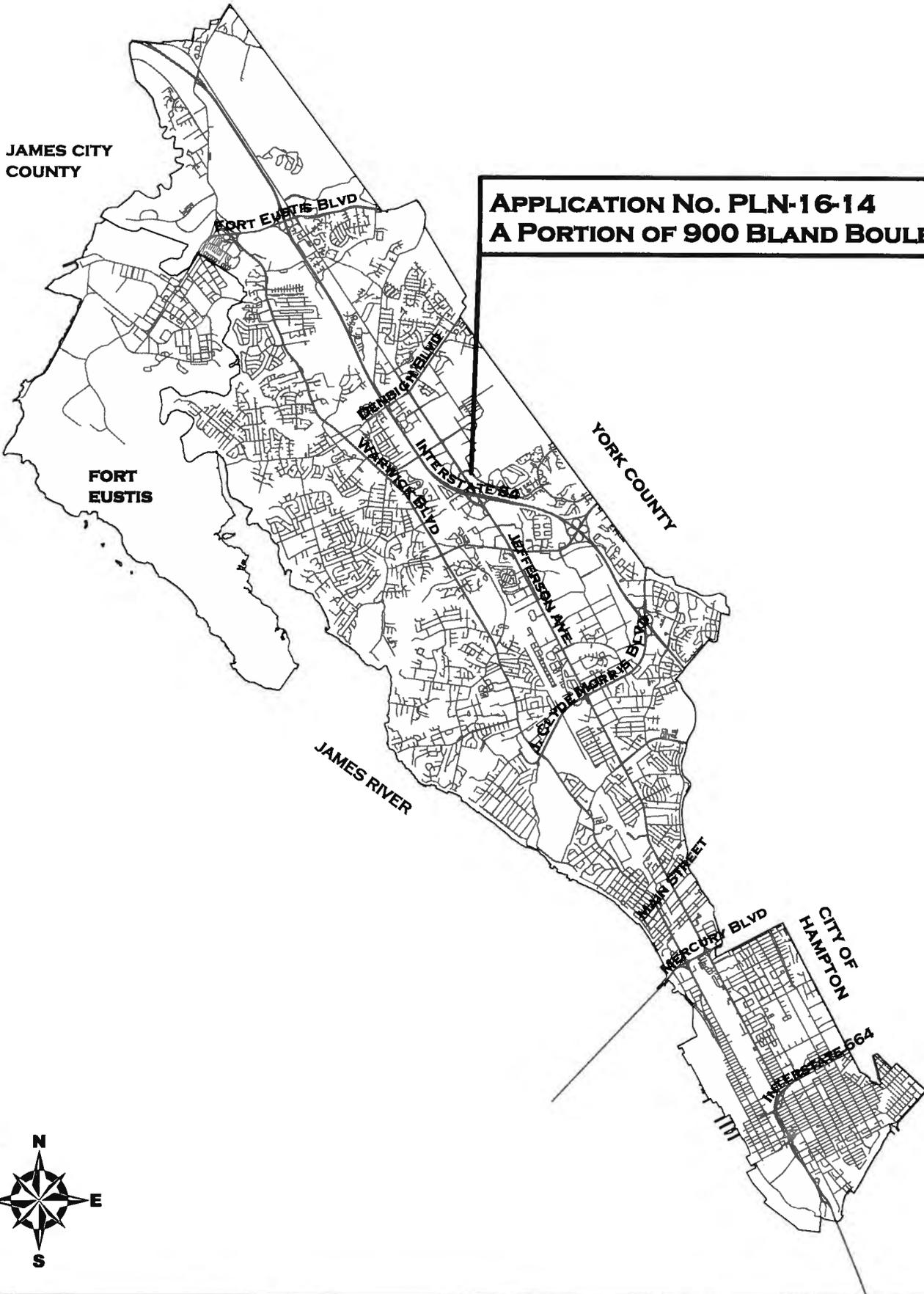
I concur with Planning Commission's recommendation.


James M. Bourey

JMB:ayh

**CITY OF NEWPORT NEWS
CITY COUNCIL
MAY 10, 2016**

**COMPREHENSIVE PLAN AMENDMENT
APPLICATION NO. PLN-16-14**



COMPREHENSIVE PLAN AMENDMENT PLN-16-14

OWNER/APPLICANT City of Newport News
LOCATION Portion of 900 Bland Boulevard near Jefferson Avenue and the I-64 Interchange (Appendix A-1)
PRESENT USE Vacant
FRAMEWORK FOR THE FUTURE 2030 Natural Area/Open Space, Parks and Recreation, and Transportation (Appendix A-2)
ACREAGE 33.37 acres

REQUEST Change comprehensive plan land use map from Natural Area/Open Space, Parks and Recreation, and Transportation to Community Commercial.



View west across Brick Kiln Boulevard towards subject area.



View north across subject area.

FACTS

North Newport News/Williamsburg International Airport
South Interstate 64 (I-64)
East Newport News/Williamsburg International Airport, Uncle Bob's Self Storage, and the Villages of Kiln Creek
West Walmart and Sam's Club across Jefferson Avenue

Land Use History The land use designation for 900 Bland Boulevard was Industrial in the City's original General Plan (1980) to reflect both the existing airport use and surrounding vacant land that was identified as suitable for industrial development. The land use designation changed in the 1993 *Framework for the Future* to Transportation Facilities for most of the parcel, with several small areas of Natural Area/Open Space and Parks and Recreation. The 33.37-acre portion of the airport that is the subject of this amendment is

designated Natural Area/Open Space, Parks and Recreation, and Transportation.

Regulatory Review The Code of Virginia (§15.2-2223) mandates all localities prepare and adopt a comprehensive plan for the physical development of land within its jurisdiction. After plan adoption, amendments to it must be referred to the local planning commission for public hearing, and approved and adopted by the local governing body (§15.2-2229).

The Code of Virginia (§15.2-2222.1) mandates that prior to adoption of any comprehensive plan, any part of a comprehensive plan, or any amendment to any comprehensive plan, localities submit the plan or amendment to the Department of Transportation (VDOT) for review and comment provided the plan or amendment will substantially affect transportation on state-controlled highways.

The Code of Virginia (§15.2-2222.1) mandates that localities submit a Traffic Impact Analysis (TIA) to VDOT in conjunction with zoning amendment requests if the proposal will substantially affect transportation on state-controlled highways. Because of the subject site's proximity to a state controlled highway (I-64) any subsequent rezoning proposal must be submitted to VDOT along with a TIA for review and comment. A summary of their review and key findings must be included in the locality's official public record on the rezoning application.

ANALYSIS

Land Use Established on the site of the former Camp Patrick Henry and located in both Newport News and York County, the Newport News/Williamsburg International Airport totals over 1,600 acres, of which 824.6 acres are identified as 900 Bland Boulevard. Officially dedicated in November 1949, the airport provides facilities for commercial service, general aviation, and military traffic. The area that is the subject of this amendment is located in the airport's self-identified Southern Quadrant, which is generally defined by Jefferson Avenue and the I-64 corridor.

Jefferson Avenue is the city's major commercial corridor; the densest commercial development is generally located along the corridor between Oyster Point Road and Denbigh Boulevard. Established uses include the Market Place at Tech Center, Patrick Henry Mall, Patrick Henry Place, Walmart and Sam's Club, Jefferson Commons, Ferguson Enterprises, car dealerships, gas stations and convenience stores, chain restaurants, and several hotels. The majority of the properties are designated Mixed Use, Regional Commercial, Community Commercial, and Office, and most uses are considered regional draws (see Appendix A-3).

The *Newport News/Williamsburg International Airport Master Plan Update* (2014), which analyzes existing conditions and facility needs, identifies both aviation and non-aviation improvements to guide capital investments for the long-term sustainment of the airport. The Airport Layout Plan (ALP),

approved by the Federal Aviation Administration (FAA) on July 11, 2014, illustrates all proposed aviation and non-aviation improvements. FAA's approval of the ALP represents acceptance of the general location of future facilities depicted for planning purposes; during the preliminary design phase of any future facilities, the airport owner is required to resubmit for final approvals. The area that is the subject of this General Plan Amendment is identified for non-aviation development on the ALP, as shown in Figure 1. The ALP also illustrates future realignment of Brick Kiln Boulevard, which is discussed in the Transportation section of this report.

The Airport Master Plan is supported with a market scan and development concepts for proposed non-aviation uses on underutilized airport property. The market scan identifies specific development types that potentially could provide economic and fiscal benefits for airport operations through land leases and be compatible with adjacent and nearby uses. Commercial development is proposed for the subject area based on the analysis of the market scan.

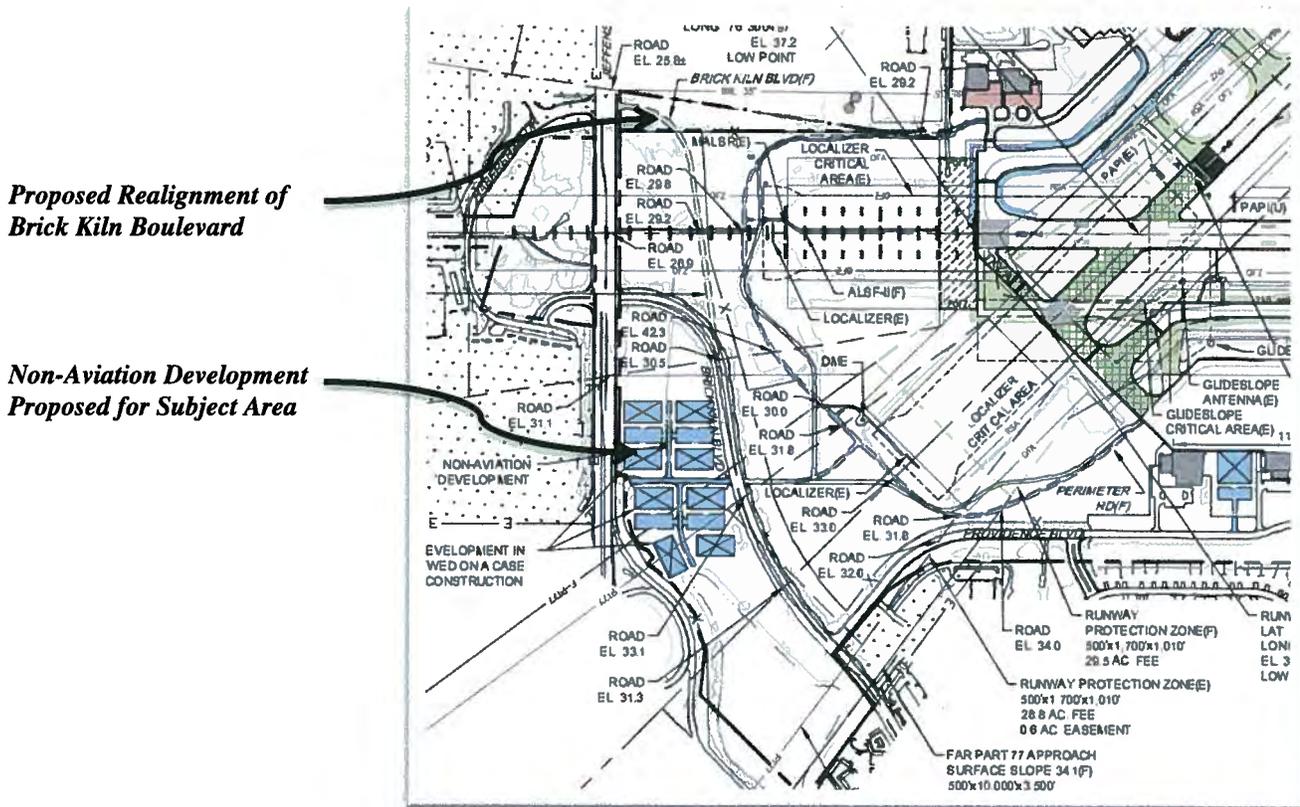


Figure 1: The Airport Layout Plan illustrates non-aviation development in the subject area and realignment of Brick Kiln Boulevard (excerpt from Sheet 3 of the FAA approved Airport Layout Plan).

The nearest residential use is to the southeast in Kiln Creek. Kiln Creek Lake 1, which is partially located on airport property, buffers the subject area from the Featherstone South neighborhood, which is located on the west side of Brick Kiln Boulevard. The Featherstone apartment complex, located on the east side of Brick Kiln Boulevard, is buffered from the airport property by Uncle Bob's Self Storage and the Masters Crossing commercial

center. Commercial use on the subject area would be considered compatible with the adjacent uses, provided that a buffer is retained between commercial development and the Featherstone South neighborhood.

A portion of the airport property located on the south side of Brick Kiln Boulevard was conveyed to the Peninsula Airport Commission in 1987 as part of the Kiln Creek Development. The Kiln Creek Homeowner's Association maintains a lake maintenance easement on this property for Kiln Creek Lake 1. A permanent easement and right of access over and across a portion of this land is also recorded for the purpose of landscaping and excavation for storm water retention and detention, and for installation of underground utilities by the City of Newport News.

The Peninsula Airport Commission will lease the 33.37-acre area for commercial development; the income from the lease will be used to implement other recommendations of the Airport Master Plan.



View toward Masters Crossing from Brick Kiln Boulevard.



View west across subject area towards Jefferson Avenue.

Environment The portion of 900 Bland Boulevard that is the subject of this Comprehensive Plan Amendment is not located in a Chesapeake Bay Preservation Area. Kiln Creek Lake 1 is adjacent to the subject area to the southeast, between Brick Kiln Boulevard and I-64. Any future development in the subject area must be designed to avoid impacting this stormwater pond and associated wetlands. Further, development must be designed to protect the lake maintenance easement dedicated to the Kiln Creek Homeowners Association, and must address the City's drainage easements that run through the subject area.

There is a drainage culvert extending from just south of the existing airport runways towards Jefferson Avenue just north of Brick Kiln Boulevard. This culvert passes water under Jefferson Avenue. Any future development in the subject area must be designed to avoid impacting this drainage system.



View of Kiln Creek Lake 1, which separates the subject area from the Featherstone South neighborhood.



View of drainage culvert from Jefferson Avenue.

Transportation The area that is the subject of this Comprehensive Plan Amendment is directly accessible from Jefferson Avenue (Route 143) and Brick Kiln Boulevard which crosses the property and terminates at Jefferson Avenue. Jefferson Avenue is a major arterial with daily traffic volume of 80,000 vehicles. Brick Kiln Boulevard carries approximately 15,000 vehicles per day. The signalized intersection of Jefferson Avenue and Brick Kiln Boulevard has a level of service (LOS) D. LOS D indicates that traffic is approaching unstable flow and occasionally vehicles have to wait through more than one signal cycle before proceeding. The delays, however, are within tolerance given the high volumes.

To support non-aviation development and long-term infrastructure improvements, the Airport Master Plan (2014) proposes realignment of Brick Kiln Boulevard to accommodate an intersection pair with Jefferson Avenue further north at the intersection with Habersham Drive. The Department of Engineering states that realignment of Brick Kiln Boulevard will improve traffic flow on Jefferson Avenue by allowing reconfiguration of the existing intersection and signalization enhancements at both the existing and new intersections. The proposed realignment is illustrated on the Overall Development Plan for the Newport News/Williamsburg International Airport, as shown on the next page (see Figure 2). Further, the ALP also illustrates the proposed realignment. The FAA approved the ALP on July 11, 2014.

The *Framework for the Future 2030* Land Use and Transportation Plan does not include the proposed realignment, as it was not recommended until after the comprehensive plan was adopted; however, the comprehensive plan does recognize the significance of the Newport News/Williamsburg International Airport to economic development and directs the City to carry out the recommendations of the Airport Master Plan. Further, the comprehensive plan supports roadway improvement projects to accommodate existing and proposed traffic, especially those that enhance safety and improve flow conditions.

Brick Kiln Boulevard Realigned



Figure 2: The Airport Master Plan's Overall Development Plan (Figure 5-1) illustrates proposed improvements, including realignment of Brick Kiln Boulevard (Project No. 20).

CONCLUSION

The updated Airport Master Plan (2014) provides an opportunity to re-evaluate future land use for airport property fronting Jefferson Avenue based on both existing and future land use, and reexamine the associated transportation network for opportunities for improvements. The analysis and recommendations included in the Airport Master Plan were not available to the City when the *Framework for the Future 2030* (2008) was adopted. Based on the new information and the desire to support recommendations of the Airport Master Plan and enhance long-term sustainability of the Newport News/Williamsburg International Airport, the Community Commercial designation will allow Newport News to support a major economic asset and improve traffic flow on a segment of the Jefferson Avenue corridor. The Community Commercial land use designation will allow for future rezoning for a variety of commercial and/or office uses that would be considered compatible with nearby and adjacent uses provided they do not affect the airport's ability to expand, current or future air traffic, or the adjacent neighborhood.

STAFF RECOMMENDATION

Recommend approval of Comprehensive Plan Amendment PLN-16-14 to change the comprehensive plan land use and transportation map from Natural Area/Open Space, Parks and Recreation, and Transportation to Community Commercial for 33.37 acres located in the Southern Quadrant of the Newport News/Williamsburg International Airport, and further identified on Appendix A-4.

**CPC
RECOMMENDATION**

On April 6, 2015, the City Planning Commission voted 5:4 to recommend adoption of the plan amendment to the City Council.

APPENDIX

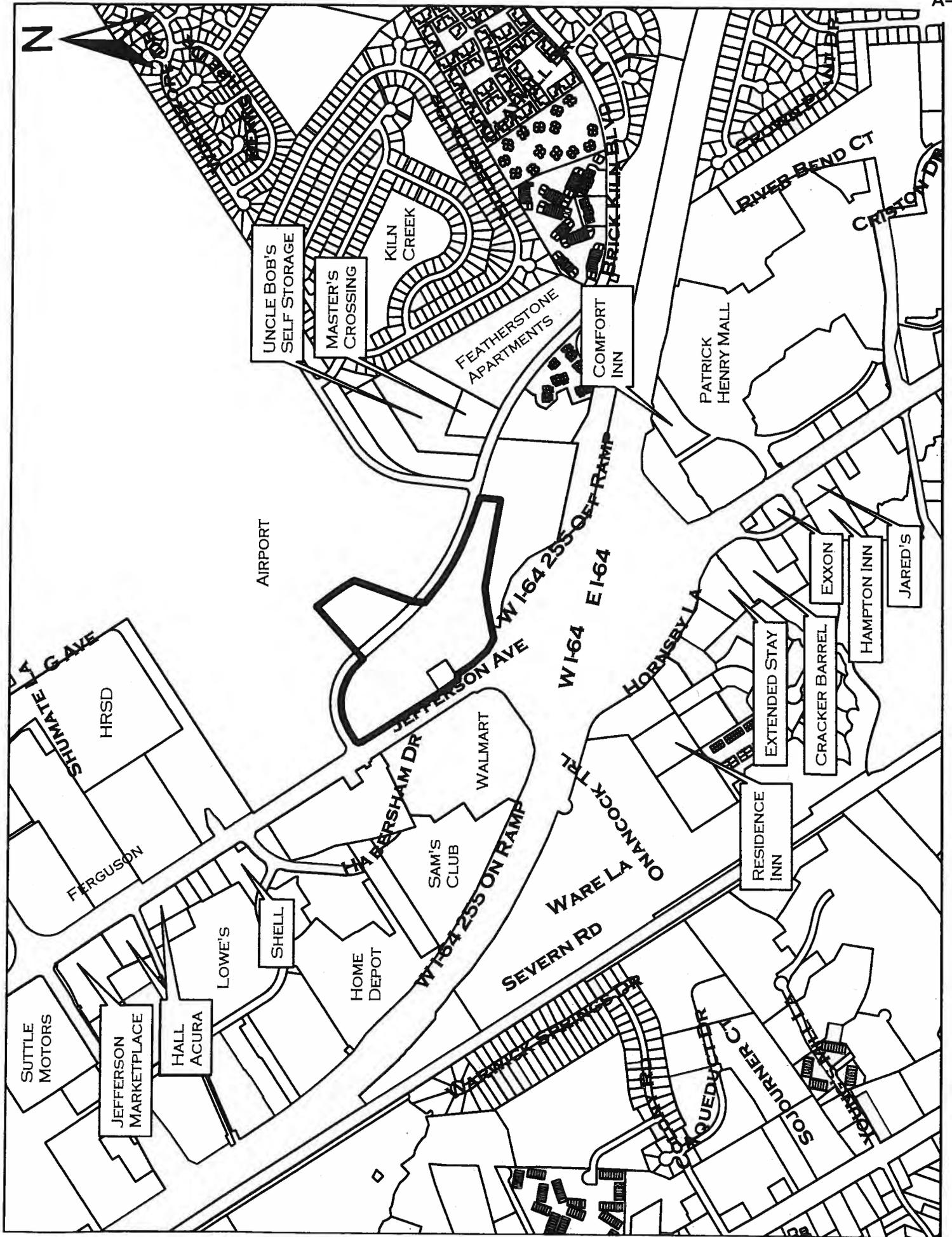
- A-1 BOUNDARY MAP/AERIAL
- A-2 EXISTING USE MAP
- A-3 ADOPTED *FRAMEWORK FOR THE FUTURE 2030* LAND USE AND TRANSPORTATION PLAN MAP
- A-4 PROPOSED AMENDMENT TO THE *FRAMEWORK FOR THE FUTURE 2030* LAND USE AND TRANSPORTATION PLAN MAP
- A-5 VIRGINIA DEPARTMENT OF TRANSPORTATION LETTER , DATED APRIL 5, 2016
- A-6 SIGNED RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING PLN-16-14
- A-7 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF APRIL 6, 2016

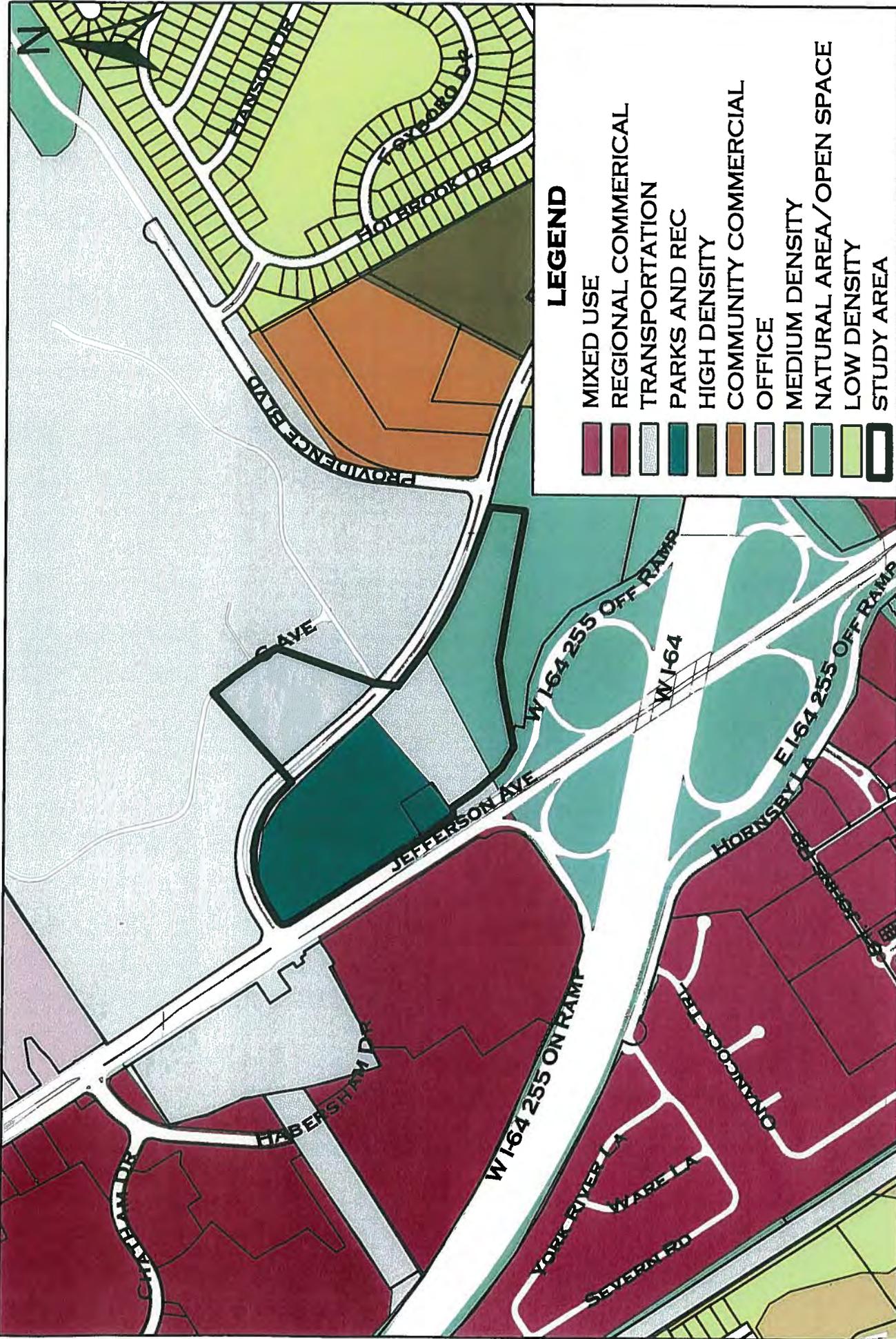


YORK COUNTY

900 Bland Boulevard





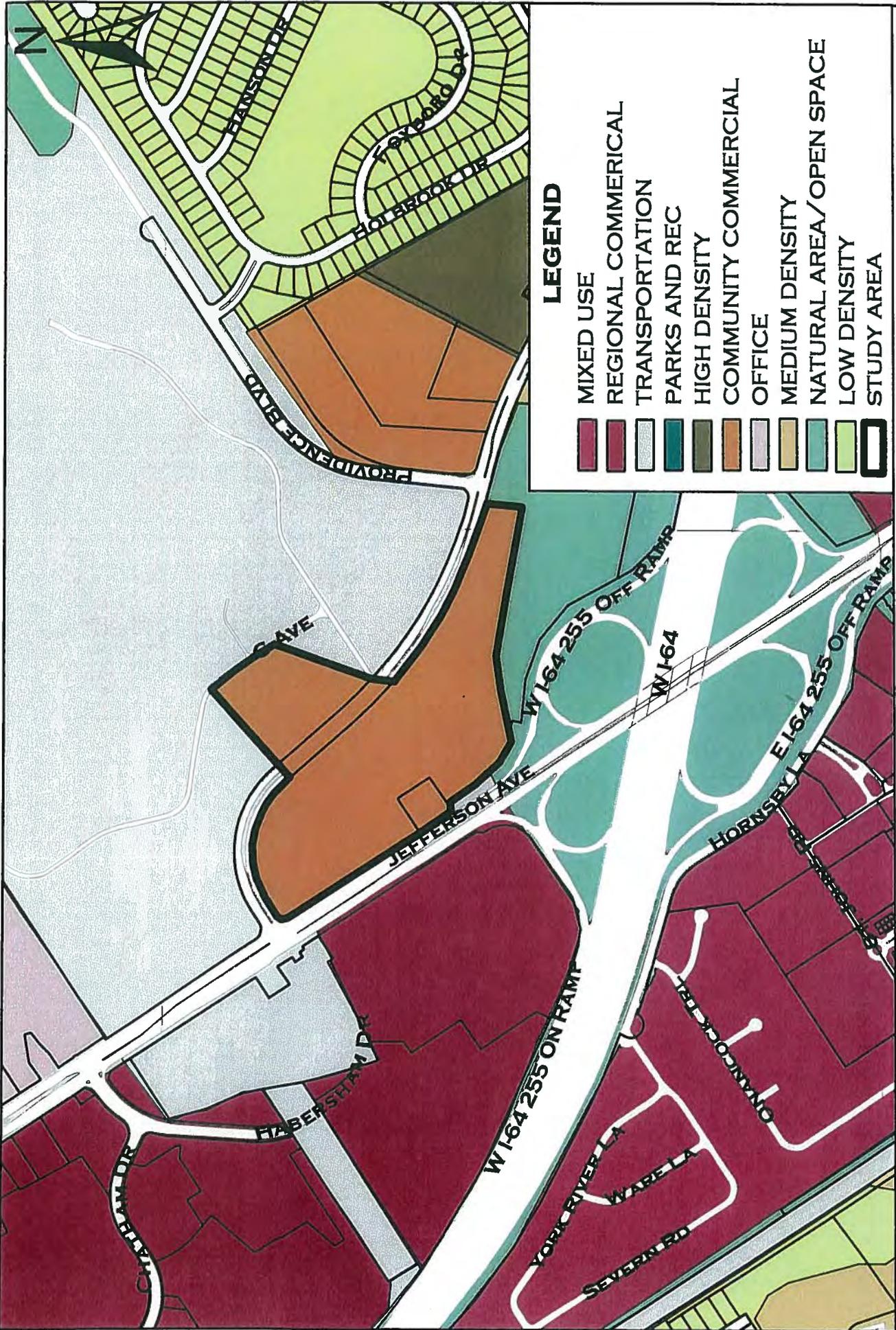


LEGEND

- MIXED USE
- REGIONAL COMMERCIAL
- TRANSPORTATION
- PARKS AND REC
- HIGH DENSITY
- COMMUNITY COMMERCIAL
- OFFICE
- MEDIUM DENSITY
- NATURAL AREA/OPEN SPACE
- LOW DENSITY
- STUDY AREA

**EXISTING FRAMEWORK
FOR THE FUTURE 2030**

CITY OF NEWPORT NEWS



PROPOSED FRAMEWORK FOR THE FUTURE 2030

CITY OF NEWPORT NEWS



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1700 NORTH MAIN STREET
SUFFOLK, VIRGINIA 23434

Charles A. Kilpatrick, P.E.
Commissioner

April 5, 2016

Jacqueline M. Kassel, P.E.
Chief of Transportation Engineering
Department of Engineering
City of Newport News, VA
2400 Washington Ave
Newport News, VA 23607

RE: The Plaza at Jefferson
Jefferson Avenue
Newport News

Dear Ms. Kassel,

In accordance with §15.2-2222.1 of the Code of Virginia and the Virginia Traffic Impact Analysis Regulations, 24 VAC 30-155 (also known as Chapter 527), a traffic impact analysis was prepared by DRW Consultants, LLC dated 3/17/16 for the proposed development project entitled The Plaza at Jefferson.

We have evaluated this traffic impact analysis and supplement and prepared an Evaluation Report that summarizes the key findings and includes our comments on the accuracy of the methodologies, assumptions, and conclusions presented in the analysis.

Our Evaluation Report is attached to assist the City in their decision making process regarding this rezoning application. It is requested that VDOT's comments be included in the official public records, and to have both this letter and the VDOT Evaluation Report placed in the official file for the subject case. VDOT will make these documents available to the public through various means, including posting them to the VDOT website.

If you have any questions, please contact me at (757) 925-2628 or jason.fowler@VDOT.virginia.gov.

Sincerely,

Jason Fowler, P.E.
Land Use Manager
Virginia Department of Transportation
Hampton Roads District

**EVALUATION REPORT
Of
Chapter 527 Traffic Impact Analysis**

1. The submitted study appears to comply with the requirements set forth under Chapter 527. No review was completed for City maintained street impacts or mitigation strategies to these surface streets.
2. VDOT reviews the traffic study to ensure compliance with the regulations. VDOT makes no decision of approval/disapproval of development or improvements by this review and only provides comments to assist the locality.
3. As noted in the study, the traffic on Ramp B traveling from westbound I-64 to northbound Jefferson Avenue is interrupted by drivers stopping at the merge point on northbound Jefferson. This stoppage during peak periods causes backups and what is invariably experienced as an LOS F. This is an existing condition and no mitigation is provided for this backup.
4. While the submitted study appears to comply with the requirements set forth under Chapter 527, additional congestion/queuing is likely within the weave/merge area on Jefferson Avenue from Ramp B due to the additional traffic generated.
5. As noted in the study, VDOT is currently conducting an operational analysis to determine the feasibility of the addition of a ramp from I-64 westbound west of Jefferson Avenue leading to the intersection of Boykin Lane and Chatham Drive. The study is anticipated to be completed in April 2016. Per FHWA guidance, the addition of a ramp will require an Interchange Justification Report to be submitted and reviewed for approval. This process may take from 12-18 months.

sdm14272

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING PLN-15-12 AN AMENDMENT TO THE COMPREHENSIVE PLAN, *FRAMEWORK FOR THE FUTURE 2030*, FOR THE CITY OF NEWPORT NEWS.

WHEREAS, on November 6, 2008, the City of Newport News (the City) adopted *Framework for the Future 2030* (the *Framework*) as its comprehensive plan; and

WHEREAS, the *Framework* provides the general guidance for planning and zoning decisions within the City; and

WHEREAS, the Planning staff considered a change to the *Framework* comprehensive land use map for approximately 33.37 acres of land at 900 Bland Boulevard near Jefferson Avenue and the I-64 Interchange; and

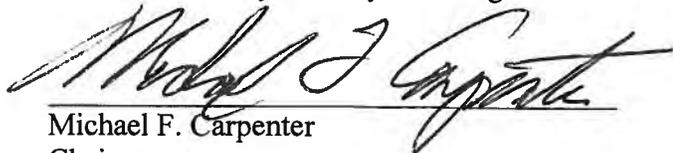
WHEREAS, the Planning staff analyzed and studied the property in question and has recommended an amendment to the *Framework*, identified as PLN-16-14, which would change the designated planned use of the property from Natural Area/Open Space, Parks and Recreation, and Transportation to Community Commercial; and

WHEREAS, the proposed amendment has been advertised and a public hearing was held, on April 6, 2016, as required by law; and

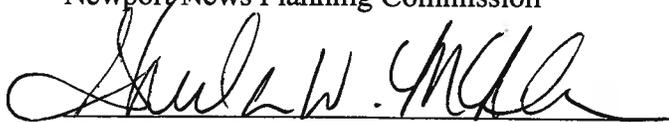
WHEREAS, the *Framework* is a consensus document which reflects the vision of the citizens of Newport News concerning the physical development and services within the City, and the proposed land use change seeks to implement that vision.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newport News, Virginia, that it desires to, and does hereby recommend to the Council of the City of Newport News that the land use proposed, for the property in question, identified as PLN-16-14, and shown in the Exhibit A-4 attached hereto and made apart hereof, be changed from Natural Area/Open Space, Parks and Recreation, and Transportation to Community Commercial in the official comprehensive plan of the City, *Framework for the Future 2030*.

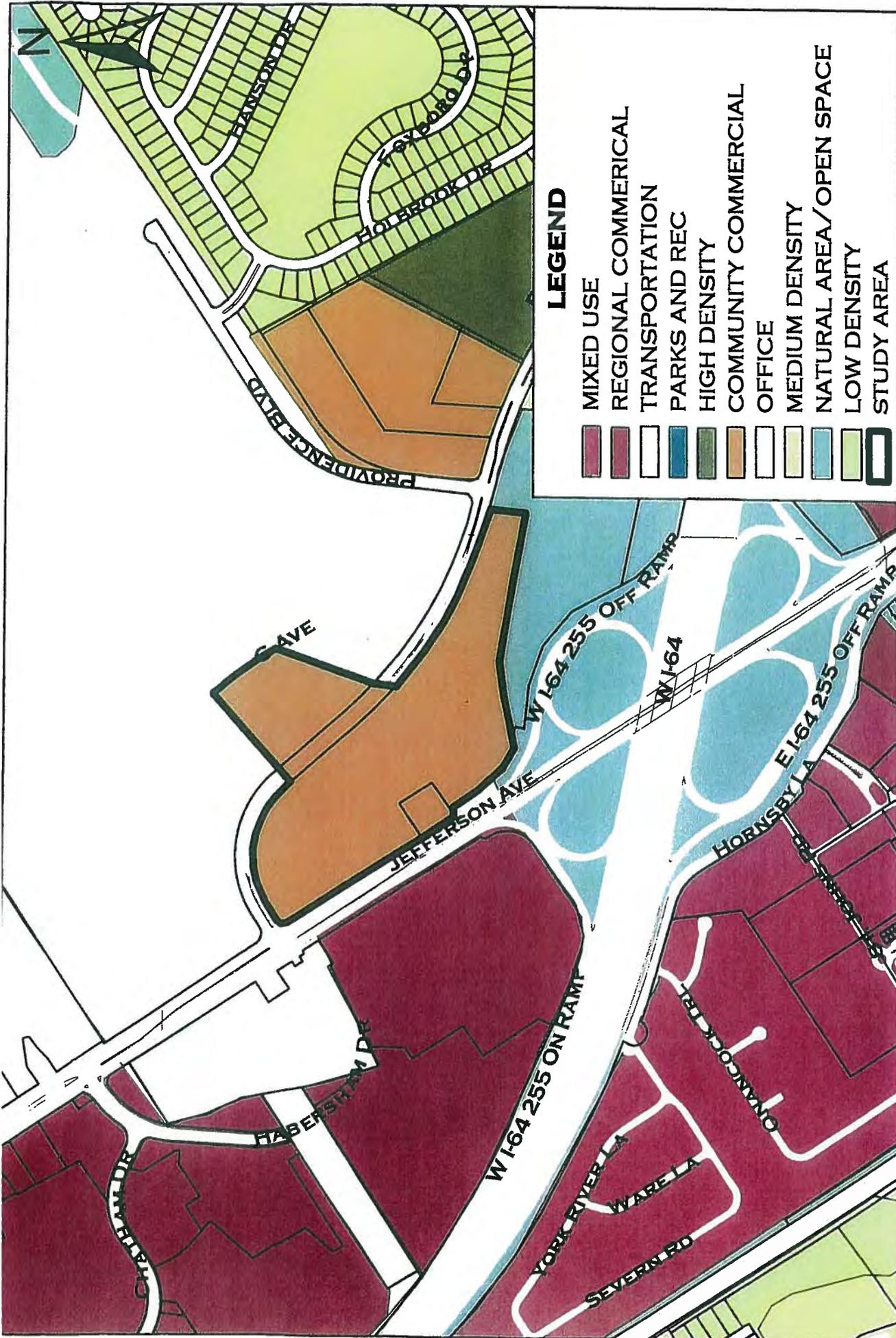
Recommended by the City Planning Commission of Newport News on April 6, 2016.



Michael F. Carpenter
Chairman
Newport News Planning Commission



Sheila McAllister, AICP
Executive Secretary
Newport News Planning Commission



PROPOSED FRAMEWORK FOR THE FUTURE 2030

CITY OF NEWPORT NEWS

EXCERPTS FROM PLANNING COMMISSION MINUTES

April 6, 2016

FRAMEWORK FOR THE FUTURE 2030 COMPREHENSIVE PLAN AMENDMENT

PLN-16-14, City of Newport News. Requests an amendment to the *Framework for the Future 2030* comprehensive plan land use map designation from transportation, natural area/open space and parks and recreation to community commercial for a 33.37 acre portion of an 824.62 acre parcel located at 900 Bland Boulevard. The Parcel No. is 112.00-01-01.

Angela Hopkins, Senior Planner, presented the staff report (copy attached to record minutes).

Ms. Fox asked why the property was designated as park and open space when it had an industrial zoning designation. Ms. Hopkins stated the property has always been zoned industrial and the comprehensive plan did not follow the zoning. She stated it was shown as park and open space because it was implementing a goal of our parks and recreation chapter within the comprehensive plan which allowed for us to preserve areas that are near streams for natural areas and provide paths for recreation trails. Ms. Hopkins stated it also helped the city reduce its deficiency in park land space in that particular part of the city, as well as allowed us to beautify one of our major corridors. She stated it has also allowed us to protect that area because it was, at the time, under the airport approach zones. Ms. Fox stated if we have an industrial facility here, would we have to change the comprehensive plan in order to allow an industrial facility to locate on this property, when it could go there by-right because of the zoning. Ms. Hopkins stated an industrial use can go there by-right. Ms. Fox asked if it would be going against the comprehensive plan. Ms. McAllister stated it could go there by-right because of the zoning. She stated that when the land use plan was adopted, the zoning was not changed in accordance with the land use plan, because when parks and open space was identified, those were approach zones and you could not put any uses in those approach zones. Ms. McAllister stated the property was heavily laden with a lot of easements and restrictions on it and there were certain uses that could not go there. Ms. Fox asked if it was a function of what was existing at the time. She stated yes, the entire airport was zoned industrial. Ms. Fox stated at the time, the comprehensive plan stated Jefferson Avenue is the main commercial corridor, which leads her to think that a plan designation of commercial would have been appropriate then, when it is already located along the corridor which is the densest commercial development in the entire city. Ms. McAllister stated the back of the property is located on Jefferson Avenue and it has no access to Jefferson Avenue. She stated the parcel itself is located on Brick Kiln Boulevard.

Mr. Carpenter asked if the goal of protecting our streams and wetlands is in the current comprehensive plan or a prior comprehensive plan. Ms. Hopkins stated it is in the original 1993 comprehensive plan and has been carried through the comprehensive plan to date. She stated it is to preserve land adjacent to stream corridors in new

developments. Ms. Hopkins stated at the time, Kiln Creek was a new development, and that designation was made as natural areas and for recreational trails.

Mr. Mulvaney stated we have just completed a comprehensive plan update with a lot of people involved, including members of the airport, city and citizens, who gave recommendations, and this plan amendment was not a consideration at that time. He stated that, for the city to be vibrant and viable, it needs to have its important green space. Mr. Mulvaney stated he made a mistake on the Tech Center application by not talking about the wetlands in enough detail to completely understand what was going to happen. He stated that, if the Planning Commission takes this opportunity to arbitrarily change this without truly looking at impact of what it is going to do to the streams and green space, with consideration of the Green Foundation which was created by the City of Newport News to protect these areas and the wetlands, are we not truly hurting ourselves by saying we will change a plan that has just been revamped once again. Ms. McAllister stated Planning staff is still reviewing the update to the comprehensive plan and it has not been adopted by City Council yet. Mr. Mulvaney asked if it is in the final stages of review. Ms. McAllister stated yes.

Mr. Mulvaney asked if, with this change, medium density residential can go on this parcel. Ms. Hopkins stated no, medium density residential is identified as a use adjacent to this property.

Mr. Simmons asked for clarification on the approach zone inside the area considered on this application. Ms. McAllister stated it is identified on a map. Mr. Simmons asked what affect this application would have on the approach zone requirements. Ms. McAllister stated the land use identification in the *Framework for the Future* identified the areas that, at the time, were located under the approach zone as green area and open space and parks and recreation. She stated one of the approach zones has since been shortened and the other approach zone remains. Mr. Simmons asked if this rezoning application shortened the approach zone. Ms. McAllister stated no, that is part of the FAA approved airport master plan, and something you would have to ask the Executive Director of the airport. She stated that, based on information the airport submitted to Planning staff, the approach zone closest to the wet pond has been shortened.

Ms. Fox asked if, based on the fact that this property is zoned industrial, the wetlands and the environment will be influenced by whatever industry decides to build a facility there. She stated we will have the same environmental concerns with any type of land use, including what is allowed there by zoning. Ms. Fox stated we need to consider what type of land use may be better, and the recommendation for commercial seems to be less onerous to the property than industrial. She stated a commercial use could be less intrusive than an industrial use, which is allowed by-right. Ms. McAllister stated you also need to look at the other uses surrounding the airport that are also industrial.

Mr. Jones asked if, in addition to this not being a wetland area, the development would be designed to protect the lake embankment easement dedicated to the Kiln Creek Homeowners Association and the city's drainage easements that run through the subject property. Ms. McAllister stated yes. Mr. Jones asked if it would also comply

with the drainage culvert that extends from the area just south of the existing airport runway adjacent to Jefferson Avenue. Ms. McAllister stated yes.

Mr. Carpenter asked if Planning staff could confirm that there are no wetlands on the 33 acre property. Ms. Hopkins stated she cannot confirm that. Ms. McAllister stated Ken Spirito, the Executive Director of the airport could respond to that.

Mr. Mulvaney stated he is trying to understand how a change to commercial could be less onerous than its current designation of industrial. Ms. Fox stated that the existing land use is park and open space, in a very heavily developed commercial area, and is currently zoned industrial. She stated that if the application was asking for an industrial project, it would be allowed by-right. Ms. Fox stated the open space land use designation does not really foretell how the property can ultimately be used because it is a designation in a plan. She stated a designation of commercial makes more sense than open space zoned industrial.

Ms. Willis asked who owns the parks in the city. Ms. Hopkins stated the majority of the parks are public, but there are some that are privately owned parks. Ms. Willis stated she is concerned that with the land designated as park land and open space, but it belongs to someone else other than the city. She stated if we are to say the owner cannot build on it because we have designated it as open space and park land, then we are not allowing the owner full use of their own property. Ms. McAllister stated you also need to consider when this was done. She stated the property with easements became part of a planned community and an entrance to that community. Ms. McAllister stated there were certain easements that are on the property that were conveyed, which the airport is now working out with the homeowners association. She stated when the property was identified as parks and open space, all of that was in place, and there were two airport approach zones that were a lot longer than what they are today. Ms. McAllister stated if you look at it when the land use was actually put into place, it did make sense because we did not want to have development at the locations that are identified as open space and park land at the time. Ms. Willis asked if there were limitations for the use put on the property. Ms. McAllister stated those are the easements that we are talking about. Mr. Carpenter asked if the entire property was covered by an airport approach zone. Ms. McAllister stated at the time, yes, but one approach zone is shorter now. Mr. Carpenter stated it bothers him that the developer transferred this property to the airport without placing restrictions on it. He stated that, undeveloped, it was covered by an approach zone, and therefore, governed by the FAA. He stated at that point they assumed that no development could take place, so how did they fail to put a restriction on it if it is governed by the FAA.

Ms. Fox asked what is the status of the easements that we are discussing. Ms. McAllister stated that is something that will be worked out with the owner of the property and the owner of the easements.

Mr. Mulvaney asked if the letter provided from the Virginia Department of Transportation (VDOT) references the TIA. Ms. Hopkins stated yes. Mr. Mulvaney stated the letter from VDOT that references the TIA denotes that there is no change for their area of purview on the interstate and the local service would remain an F with these

improvements that we are putting in place if we go forward with this application. Ms. McAllister stated that is what the letter says. Mr. Mulvaney stated that, ultimately, the improvements we are making will make zero change to the citizens of Newport News and our visitors who try to get off onto Jefferson Avenue from the back-up on the interstate. Ms. McAllister stated you can assume that, based on that letter, that would be correct and you will still have a difficult time coming off of the interstate at that particular intersection. She stated that letter is only speaking to VDOT's ramp, and not speaking to what happens along Jefferson Avenue. Mr. Mulvaney stated VDOT specifically states they have no domain over the city streets, as the streets will be maintained by the city.

Mr. Everett Skipper, Director of Engineering, asked Mr. Mulvaney to ask his question again. Mr. Mulvaney stated the TIA referenced in the presentation that talked about an improvement on Jefferson Avenue. He stated he understands that the right-in at Jefferson Avenue and Brick Kiln Boulevard would remain the same for the stacking. Mr. Mulvaney stated the letter from VDOT indicates there is no change for their area of purview, which is the interstate off-ramp onto Jefferson Avenue and will remain at a level of service F. Mr. Skipper stated that, unfortunately, the letter is not quite as clear as one might think. He stated in the attachment to that report, Evaluation Report of Chapter 527 Traffic Impact Analysis, Item No. 1 states "The submitted study appears to comply with the requirements set forth under Chapter 527. No review was completed for city maintained street impacts or mitigation strategies to these surface streets." Mr. Skipper stated in context of what you are reading in Item No. 3, while congestion does contribute to this issue, this is also, to some extent, a behavioral question that occurs at the ramp. He stated when one exits the ramp heading northbound on Jefferson Avenue coming off of the interstate; in front of you is an unobstructed lane all the way up to the signal. Mr. Skipper stated that, at the same time, Jefferson Avenue itself is heavily congested and there are people on Jefferson Avenue who seek to get into the right lane to get out, which is defined as weave. He stated in that area, we do have weave issues, and we also have concern by the people who are moving up the ramp, that those who are on Jefferson Avenue and want to weave might not have the best of attention and create a threatening situation. Mr. Skipper stated that causes a certain level of conservatism in approaching the area, and that is why VDOT suggests that someone approaching may experience this as an F, although it is not rated that way in actuality. He stated what VDOT does not consider in their discussion is that with this development and the associated improvements, the traffic level through this corridor changes substantially. Mr. Skipper stated right now, the intersection of Brick Kiln Boulevard and Jefferson Avenue operates in a D range. He stated with the improvements, even with the additional traffic, it will operate at a substantially improved C range, particularly for traffic going through on Jefferson Avenue. Mr. Skipper stated the delay period for that traffic is today in excess of 50 seconds, where the delay after the improvements is expected to be more in the range of 25 seconds. He stated we will be moving almost 3,000 cars substantially more quickly through the area, creating more opportunity for a safe merge and a safe weave. He stated that, because VDOT did not consider the surface street impacts, he does not believe they adequately considered it in the presentation of their letter. Mr. Carpenter stated we have a letter from VDOT and Mr. Skipper discredits it. Mr. Skipper stated what he said was that VDOT tells the Planning Commission they did not consider these issues. He stated what he is saying is those

issues do indeed impact VDOT's conclusion, but because they were not considered by VDOT, VDOT has reached a conclusion that maybe entirely reasonable without considering what they chose not to consider. Mr. Mulvaney stated the public at large has not had access to the letter from VDOT. He stated VDOT did not do anything with regard to the surface streets; however, their off-ramp adjoins this surface street, and they reference that in Paragraph No. 3. Mr. Carpenter asked Mr. Mulvaney to read the Evaluation Report of Chapter 527 Traffic Impact Analysis. (VDOT letter is attached to record minutes.) Mr. Mulvaney asked if there is a level of service lower than an F. Mr. Skipper stated not to his knowledge. Mr. Mulvaney stated that, from what he reads, VDOT does not agree with the TIA because they are noting there will be traffic backups and the increased traffic will create more issues coming out of Jefferson Avenue. He stated the TIA and the VDOT letter disagree with one another. Mr. Skipper stated it may be interpreted that way; however, as having dealt with multiple 527 reviews and the approach and methodologies used, again, VDOT does tell us that they did not consider the strategies associated with the surface streets as being relative to their discussion. He stated that in Paragraph No. 3, "interrupted by drivers stopping at the merge point on northbound Jefferson", that it is not necessary in a vast majority of the cases to come to anything like a stoppage at that point. Mr. Skipper stated the lane in front of you is clear to the intersection with Brick Kiln Boulevard, and while it may be prudent, and is recommended that one would approach it with some due caution, a stoppage is nothing that he would recommend at all. He stated he would consider stopping at that point to be unsafe, unless there was an imminent accident, because stopping at that point is not going to be expected. Mr. Skipper stated stopping there with an open lane in front of you generally is not going to be consistent with appropriate driving. He stated, again, there is a behavioral component here, for which he does have a certain recognition and sympathy. Mr. Skipper stated we have several other locations where we have placed signage, such as the intersection of Canon Boulevard and Oyster Point Road where one exits Canon Boulevard and is in a right-turn lane which becomes an entrance ramp to the interstate, where we have placed signs where lane changers must yield. He stated that may indeed be something that would be appropriate at this location as well; however, the challenge is that because the through traffic is very heavy, and because the people who are on the through lanes that may desire to weave to the right may feel they have an unimpeded right to transition into that lane regardless of the traffic coming out, we would place that sign to reeducate and correct that misapprehension. He stated this might be a similar type of condition that could be appropriately handled by a similar kind of thing. Mr. Skipper stated Item No. 4, VDOT quotes "While the submitted study appears to comply with the requirements set forth under Chapter 527, additional congestion/queuing is likely within the weave/merge area on Jefferson Avenue from Ramp B due to additional traffic generated," again, we agree, in general, that when one increases traffic, they are likely to increase the congestion because of that weaving; however, as VDOT mentioned earlier, they did not consider the actual performance of the streets. He stated in this particular case, the performance of the streets is such that the improvements will result in cars moving through the area so that there is much more time and much more gap available to the resident who is attempting to make that weave maneuver that did not used to exist, even though there are more parts. He stated that, while we recognize that VDOT's general concern is accurate and true, in the context of the particular streets being considered, we do not believe that it will result in the potential prediction that VDOT states. Mr. Skipper stated, in regard to Item No. 5,

Ramp C is an item we originally requested of VDOT approximately three years ago. He stated the request had nothing to do with a particular development, but with the recurring backups that occur on the northbound ramp today. Mr. Carpenter asked Mr. Skipper to respond to Mr. Mulvaney's concerns regarding Item No. 3 where it states "This stoppage during peak periods causes backups and what is invariably experienced as a Level of Service F. This is an existing condition and no mitigation is provided for this backup." He stated whether it is behavioral or not, what VDOT is saying is in this TIA there is no mitigation provided. Mr. Skipper stated that if you do not consider the changes on the public streets, there is no mitigation identified. He stated there is a change on the public streets that we consider is mitigating. Mr. Jones stated "No review was completed for City maintained street impacts or mitigation strategies to these surface streets." He stated the VDOT report did not take into account those streets. Mr. Jones stated the plan offers no mitigation strategies for surface streets, VDOT's opinion is still not going to make things work, but since the plan does offer mitigation the streets can improve. Mr. Skipper stated that if there were no mitigation strategies, he would be agreeing with what VDOT said; however, there are mitigation strategies that were not considered. Mr. Mulvaney stated he has been exiting Jefferson Avenue for 26 years and, behavioral or not, signs are there for people to follow them, but signs do not change behavior. He stated he has traveled at all different times of the day and night and there is a significant backup that occurs on the interstate where the last car in line to exit on Jefferson Avenue would put on their emergency flashers because we are almost a mile back on the interstate trying to get off on Jefferson Avenue. Mr. Skipper agreed. Mr. Mulvaney asked if that is being considered in the TIA on how to pull that traffic on the interstate that we are now putting on Jefferson Avenue with these improvements so that it will be improved. He stated it is still all part of that large component. Mr. Mulvaney stated that, although the interstate is not a city maintained street, it dumps onto a city maintained street and we impact what the interstate does. Mr. Skipper stated Mr. Mulvaney has correctly identified a very long standing problem which we have been working on with VDOT for an extended period of time to try and resolve. He read Item No. 5, "As noted in the study, VDOT is currently conducting an operational analysis to determine the feasibility of the addition of a ramp from I-64 westbound west of Jefferson Avenue leading to the intersection of Boykin Lane and Chatham Drive. The study is anticipated to be completed in April 2016. Per FHWA guidance, the addition of a ramp will require an Interchange Justification Report to be submitted and reviewed for approval. This process may take from 12-18 months." Mr. Skipper stated the city actually requested this Ramp C consideration approximately three years ago by letter to VDOT. He stated we identified it because we were aware of the impending traffic to be considered as the Interstate 64 expansion got underway. Mr. Skipper stated when Interstate 64 experiences difficulties, all of the major surface streets begin to get more and more congested as people avoid the interstate. He stated we looked towards this ramp as a method to be able to mitigate that issue specifically when we originally requested it. Mr. Skipper stated it has a number of other advantages: people interested in approaching the shopping center would exit at Ramp C instead of Jefferson Avenue; persons who are looking to go up Bland Boulevard to reach the housing stock on the other side of Warwick Boulevard would also have an improved route by coming off Ramp C and going to Boykin Lane. He stated we estimate this would remove 400 or more vehicles in the peak hour from Jefferson Avenue itself, and substantially improve the conditions both on the interstate and on

Jefferson Avenue. Mr. Skipper stated VDOT has just now completed their internal study and are required to get an approval from Federal Highways. He stated none of that information is included in the transportation study. He stated the improvements we are discussing are part of the improvements related to the project itself, the additional connection of the roadways, and the changes in the way the signals are operated, that would allow this to function in a significantly improved way. Mr. Skipper stated Ramp C would be a further improvement that we hope to obtain in the relatively near future. He stated VDOT's internal analysis, which they presented to us approximately three weeks ago, suggested that they believe that Ramp C would improve conditions substantially for approximately seven years under the current conditions. Mr. Mulvaney asked for a brief overview of the metrics that were used in the TIA, and does it encompass seven days a week, and does it put a focus on these periods of time that VDOT is referencing, have we identified the danger zones, did we look at all of the components to ensure that what we are going to do works well. Mr. Skipper stated we count traffic twenty-four hours a day, seven days a week in the city to determine the peak conditions. He stated when we do the analysis, we base them on typical peak conditions. Mr. Skipper stated we use typical peak conditions rather than the worst condition, because we absolutely do not base them on the worse condition which is where there has been an accident somewhere and everything is congested, everyone is using every side street as a cut through, and under those conditions the entire transportation network simply fails. He stated it does us no good to study the reaction of a failed network because the answer is it has failed and when we have a condition like that, where an accident or some other emergency has occurred that created that circumstance, it will always fail. Mr. Skipper stated that, for that reason, we do not consider those conditions whatsoever. He stated that for this particular study we did apply the peak conditions in the evenings, mornings and weekends, and we selected the worst of those for the analytics of the intersection. Mr. Skipper stated under those conditions, we find that the development improves traffic conditions generally fairly substantially. He stated there are certain conditions that are somewhat different which he can present to the Planning Commission. Mr. Carpenter asked Mr. Skipper for a quick, concise summary.

Mr. Skipper stated with the extension to Habersham Drive connected, we are providing two connections to Jefferson Avenue and into Kiln Creek. He stated this allows us to split traffic both left and right between those two connections, and we can bring people left off of Jefferson Avenue sooner. Mr. Skipper stated that, instead of two lanes that can turn into Brick Kiln Boulevard, we would have four left turn lanes able to do that. He stated we would also have four lanes at each intersection left-in and right-out. Mr. Skipper stated there would be one substantial change where, today you may cross directly from Brick Kiln Boulevard into Walmart and back, and in the proposed condition that would no longer be allowed. He stated that, by creating a condition where you have left turns out from both of these intersections and right turns out, you would not be able to cross. Mr. Skipper stated if you were coming out of Brick Kiln Boulevard to reach the interstate, you would be able to make a left out and continue to the interstate as you do today; however, you would be in a line of lesser traffic because part of it would have split to Habersham Drive. He stated that, in order to get to the shopping center directly across the street, one would need to go up to Habersham Drive, make a left turn onto Jefferson Avenue and then make a right into the Walmart shopping center, or make a right onto Habersham Drive and make a left onto Jefferson Avenue and a

right into Walmart Way. Mr. Skipper stated in the peak hour, there are approximately 60 cars that desire to make that move, and those 60 cars would experience a delay of approximately 40 seconds to travel around to reach the same location. He stated that, on the other hand, approximately 3,000 cars in each direction are moving up and down Jefferson Avenue, and each of those 6,000 cars will experience an approximate 25 second improvement in their travel time. Mr. Skipper stated the math clearly suggests that this is going to be a substantial improvement. He stated the levels of operation today at the intersection of Jefferson Avenue and Brick Kiln Boulevard is classified as a D, and the next intersection at Habersham Drive, which is only a partial intersection, is classified as an A. Mr. Skipper stated that, similarly, the intersection at Boykin Lane is also an A, which operates the way we propose for the new intersections to operate. He stated that, after the changes, including the increased travel, the intersection at Brick Kiln Boulevard would operate at a C instead of a D, and the intersection at Habersham Drive would also operate at a C. Mr. Skipper stated this is something that we find very preferable, because if the intersections all perform at approximately the same level of function, that we are sharing the traffic preferably between them. He stated that when we have conditions where we have D's adjacent to A's, what that tells us is we are not able to share the traffic in such a way that they function as best as possible. Mr. Skipper stated that is the general issue of the improvements. He shared a map with the airport runway protection zones. Mr. Skipper stated the runway protection zone extending down the stream encompasses the entirety of Jefferson Avenue and the extension of Habersham Drive. Mr. Carpenter thanked Mr. Skipper for his presentation. He asked if the traffic improvements are the intersection of Brick Kiln Boulevard and the extension of Habersham Drive and the modification of the signals. Mr. Skipper stated yes, as well as the establishment of pedestrian safety zones and the placement of pedestrian signals to allow pedestrian movement to occur more safely. Mr. Carpenter asked if the city did those improvements, we would have those traffic improvements. Mr. Skipper stated yes.

Ms. Austin asked if there was no request to make any change to the comprehensive plan, and if after that there was no request to change zoning, would these traffic changes be under consideration, or are they only under consideration because of the other activities that are taking place. Mr. Skipper stated the city is a place of limited resources and we have considered similar changes at various times, most recently in the last five years. He stated we have looked at the extension of Habersham Drive and its connection for this exact reason. Mr. Skipper stated the funding at that time was not available, but the project was identified and has been under discussion.

Mr. Jim Bourey, City Manager, and Chairman of the Peninsula Airport Commission, stated these traffic improvements are being considered because of this development. He stated before the development was coming forward the improvements were not being considered and had not had any conversation about what would happen if the development does not go forward. Mr. Bourey stated the interest of the Peninsula Airport Commission and the interests of the city are united on this issue.

Mr. Jones asked if one of the reasons VDOT gives the level of service an F is because of the volume of the traffic, which is not under our control, and one of the reasons why people get off on Jefferson Avenue is because it bottlenecks on the interstate. He

asked if VDOT were to make a change and add an additional lane, would that be something that would lessen the traffic impact. Mr. Skipper stated we have discussed a number of alternatives to improve the exit at the ramp, including more ramp lanes and signalizing the ramp. He stated we also previously had a project considered for constructing a full interchange at Bland Boulevard, which would remove substantial traffic from the Jefferson Avenue interchange. Mr. Skipper stated there are many approaches we have been looking at over the years to try to resolve these issues.

Mr. Mulvaney asked if these improvements were made without any other consideration, is there a possibility that the levels of service would go upwards of a B or an A along that corridor of Jefferson Avenue to make it a more viable way for transit going into Denbigh, other areas and Fort Eustis. Mr. Skipper stated it is possible although he would be surprised to discover that, and we have not done the numbers. He stated he would expect likely not, because the ranges of the classifications of A, B, and C are fairly broad and it would take a substantial change, which is why when he said that the improvement from a D to a C, while only one grade of improvement, it is a substantial change.

Ms. Willis asked, with regard to changing the direction and the timing of the traffic signals, and that it would be a 25 second improvement for drivers on Jefferson Avenue, is 25 seconds in the traffic world a big improvement. Mr. Skipper stated yes, it is an immense improvement. He stated a typical complete light cycle for one of our signalized intersections is about 120 seconds, so when you are approaching from any typical direction, 25 seconds is almost as much time as we give the entire lane of traffic to move in a typical cycle.

Mr. Carpenter stated the interchange at Bland Boulevard is dreadfully needed to provide a straight shot into the airport in one direction and our multi modal transportation center, and would reduce traffic on Jefferson Avenue substantially. He asked what is the status of that interchange. Mr. Skipper stated that, unfortunately, that particular intersection was approved by VDOT and the Federal Highway Administration 10 years ago; however, the Federal Highway Administration elected not to fund it. He stated because they made claim to us that they intended to never fund it, VDOT removed the initial design from the project. Mr. Skipper stated we no longer believe it will ever be possible to convince the federal regulators that that interchange is viable. He stated we have approached VDOT to consider an alternative interchange at Denbigh Boulevard, which is under consideration. Mr. Skipper stated that, at the moment, VDOT is replacing the current bridge on Denbigh Boulevard, and they have agreed, as part of that bridge design, to accommodate future ramp construction, but not to construct it today. He stated he does not foresee a full Bland Boulevard interchange, which would be a very valuable improvement.

Ms. Fox asked what the definition of transportation means in this land use designation. She asked if it is because of the airport or does it also include a bus terminal or something similar. Ms. McAllister stated transportation is defined as anything relating to transportation. She stated this particular location was designated transportation because of the airport. Ms. Fox asked if a bus terminal could be considered transportation. Ms. McAllister stated it could be if there was a designation in the

Framework that identified a location for a multi modal station, but the airport was already there and because it was a transportation facility, its property was identified as transportation. Ms. Fox stated right now the land use is a little contradictory with the overall zoning and *Framework*. Ms. McAllister asked if Ms. Fox is referring to the transportation designation. Ms. Fox stated yes. Ms. McAllister stated the transportation designation is because it is an airport, and the airport is zoned industrial. She stated the open space designation was made because of the approach zones.

Mr. Carpenter stated the request from the city is using some of the items in the comprehensive plan as it relates to traffic improvements. He asked if the reason the city is hanging its hat on traffic improvements is the reason why the city is supportive of the plan amendment. Ms. McAllister stated the city is supportive of the plan amendment because it follows the airport master plan and the Economic Development chapter of *Framework* identifies and states that we will support the airport and their master plan. Mr. Carpenter asked if transportation is in the master plan. Ms. McAllister stated yes, and the realignment of Brick Kiln Boulevard. Mr. Carpenter asked if there is anything else in the comprehensive plan that would support the plan amendment. Ms. McAllister stated the comprehensive plan is the plan as it is today. She stated the plan amendment is what Planning Commission is looking at as far as the change. Mr. Carpenter asked if there was anything in the comprehensive plan that would suggest we not make this plan amendment. Ms. McAllister stated it depends on how you look at it. She stated if you are looking at the Economic Development chapter, which references the airport master plan, she would say that would be the reason for making the change today.

Mr. Maxwell stated that, without the commercial rezoning, would the city have money to improve the streets. Mr. Bourey stated the traffic improvements are predicated on revenue that would be coming as part of this project. Mr. Carpenter stated that is a very important consideration but he also believes that, as it relates to land use, revenue that may be generated by a potential rezoning for a potential shopping center for a potential tenant is not something that we should be focused on. He stated we are looking strictly at land use and not the dollars and cents of the project. Mr. Maxwell stated he was just looking at what the motivation is and the streets need to be improved.

Mr. Carpenter asked what was the process in the creation of the original comprehensive plan. Ms. McAllister stated it took approximately two years. She stated it was made up of five different task forces. Ms. McAllister stated the city was divided into four different districts. She stated the airport was in Planning District Two. Ms. McAllister stated there were a minimum of twenty-five people on each task force, assuming that a lot of the people attended the meetings and participated. She stated there were also representatives from the development community and organizations that also participated. Ms. McAllister stated there was also a Youth Task Force, which was made up of the Mayor's Youth Commission. She stated as every three chapters were completed, we would have a congress and all of the different task forces would come together and present their recommendations for each chapter. Ms. McAllister stated there would be a consensus on what goals would be included in that particular chapter, and then there was an oversight committee who basically cleaned everything up. She stated the chair from each one of the task forces participated on the Oversight

Committee. Mr. Carpenter asked if there was substantial citizen input. Ms. McAllister stated yes. Mr. Carpenter held up his copy of the comprehensive plan, stating it is a massive document of approximately 700 pages. He stated what he sees in the comprehensive plan are numerous places where it says 'no you should not change this plan and you should protect your residential areas.' Mr. Carpenter read the vision statement under Land Use in the *Framework for the Future 2030* comprehensive plan: "The City values and protects its residential neighborhoods by ensuring compatible infill development, preventing incompatible commercial, industrial or other intrusions, and helps citizens maintain their neighborhoods and homes with code enforcement and other neighborhood betterment programs". He stated it seems like, as you go through the comprehensive plan, there are all sorts of references to statements about needing to protect our neighborhoods. Mr. Carpenter read another statement from the *Framework for the Future 2030* Future Land Use section: "The *Framework for the Future* sets goals for development and future land uses in Newport News. Its challenges include the following: organize the city's land use plan and zoning regulations to protect residential neighborhoods from incompatible infill development and commercial or industrial intrusions;" which includes to support neighborhoods with adequate public facilities; improve older residential areas in the City and keep them from deteriorating; protect the environment; and protect the reservoir watershed.

He asked if the city looked at these items. Ms. McAllister stated we took some of those items into consideration, and we looked at the airport's master plan as a consideration. She stated we felt that this is property that is owned by the airport and this was an opportunity to look at it in a different way.

Ms. Willis stated she would like to defend the *Framework for the Future* and the master plan in that it is a living breathing document that is not to sit stagnant on a shelf and not be opened and looked at and worked with. She stated the city is a breathing living entity and there are times that changes may need to be made, and things may need to be looked at. Ms. Willis stated the airport is an asset to the city, and they are asking for a change to the *Framework for the Future* at this time. She stated she does not feel that it is unreasonable to change it.

Mr. Mulvaney stated the airport is not requesting the plan amendment, the city of Newport News is. Ms. Fox stated the city is requesting the plan amendment on behalf of the airport.

Mr. Carpenter opened the public hearing.

Mr. Wesley Krohn, 807 Bacon Court, stated some of the concerns he had have been partially answered. He stated his tertiary concerns have been avoided. Mr. Krohn stated there were traffic studies done on Brick Kiln Boulevard and Victory Boulevard, but none were done on Kiln Creek Parkway. He stated when traffic backs up, it affects Kiln Creek Parkway, venting onto Brick Kiln Boulevard to go around the interstate. Mr. Krohn stated the Brick Kiln Boulevard extension to Habersham Drive is an improvement; however, once you get across the intersection on Habersham Drive, it becomes property and streets not maintained by the city. He stated if that is going to be used as a method to get to the shopping center or other places in that vicinity, it has to

be addressed. Mr. Krohn stated it is currently a two-lane unimproved piece of road. He asked, in regard to the Boykin Lane extension for Ramp C, once that is completed and studied in 18 months, how much longer will it be to get it built. Mr. Krohn asked how much longer it would be to get the Boykin Lane extension done from the interstate to Chatham Drive. He asked what is happening with the light at Chatham Drive. Mr. Krohn asked if there would be a new traffic light signalization at Boykin Lane and Jefferson Avenue since there will be additional traffic there. He asked if there would be a traffic redesign at Boykin Lane and Bland Boulevard because you are bleeding off traffic there. Mr. Krohn stated he has not heard of any of these improvements in the proposed master plan as remedies to what is already bad traffic there.

Ms. Dayna Lance, 1561 Winthrop Drive, spoke in opposition of the application. Ms. Lance stated if we are truly considering what is best for the community and Kiln Creek, then another supermarket in such a densely populated community would not be the best thing for us. She stated she and her husband moved into Newport News in 2000. Ms. Lance stated they chose to live in Kiln Creek because of the green space and felt the community was well planned. She stated her home backs up to the airport property and she understands the financial need for revenue to be generated for the airport because we do not want them to leave the community, and their tax dollars to the city. Ms. Lance stated she thinks if the airport wants to generate revenue for their green space that is not being used, they should come back with another plan, preferably something that would be considered by her community. She stated neither she nor her neighbors are interested in having another supermarket so close by. Ms. Lance stated she has seen 18-wheelers driving through her neighborhood and she is afraid if we bring another supermarket or large business it will generate more traffic and her streets will become a freeway. She stated Kiln Creek is a family community where children play and people walk and we do not need any additional traffic, which a supermarket would definitely encourage. Ms. Lance stated she attended the public meetings at Kiln Creek Elementary and it was stated that people would come from near and far for the supermarket. She stated Kiln Creek is not in need of additional traffic coming from Jefferson Avenue and inevitably Victory Boulevard as well.

Ms. Gail Brown, 907 Miblik Way, spoke in opposition of the application. Ms. Brown stated she has been a resident of the Glen Eagle section of Kiln Creek for the last 23 years. She stated she is also the President of the Glen Eagle Home Association. Ms. Brown stated she moved to Kiln Creek from Queens, seeking a quiet community that is secure and beautifully manicured with open space. She stated it was convenient for her and her husband because of the stores that surrounded us on the outskirts on Jefferson Avenue and Victory Boulevard. Ms. Brown stated her husband likes to get to Lowes and Walmart conveniently, as well as accessing Interstate 64. She stated that over the years, many things have changed in our community and residential area. Ms. Brown stated we have been inundated with retail and housing. She stated Jefferson Avenue is a main corridor from Downtown Newport News to Williamsburg. Ms. Brown stated we deal with nothing but shopping and dealerships all of the way. She stated Tech Center was planned and approved by the city, but we have lots of problems with traffic because it was poorly planned and there are problems navigating through the Tech Center and parking. Ms. Brown stated in the Kiln Creek area, throughout the surrounding neighborhoods, we get traffic from Victory Boulevard from Seaford and Poquoson, and

even Newport News residents who cut through Kiln Creek to avoid the traffic on Jefferson Avenue. She stated they use Kiln Creek Parkway and Brick Kiln Boulevard to get to Jefferson Avenue. Ms. Brown stated last year a pedestrian was killed on Brick Kiln Boulevard last year. She stated, as residents of Kiln Creek, we want to maintain the serenity and safety of our neighborhoods, and it would be destroyed by any new venture on the property at Jefferson Avenue and Brick Kiln Boulevard. Ms. Brown stated we recognize that Newport News Airport is having some financial difficulty and we understand that they are looking at a means by which to survive. She stated she strongly supports the airport because she used to use AirTran to go back and forth to LaGuardia, which is no longer convenient because now she needs to go to Norfolk if she wants to fly and see family and friends. Ms. Brown stated we would love to have another airline to come back to Newport News Airport. She stated a great concern to the homeowners at the public meeting at Kiln Creek Elementary was that we may lose the utilization of our trails and walking paths. Ms. Brown stated we have children who bike there and we use our trails for visiting each other, our recreation center, playgrounds, pool, and our country club. She stated the venture of this new project would increase the traffic in our area, despite the suggested road improvements. Ms. Brown stated we are concerned we will no longer have direct access to Walmart and Sam's Club unless we use the Habersham Drive extension. She stated those who live in Lake Cambridge are concerned the development would infringe on their section of the community which is closest to Jefferson Avenue. Ms. Brown stated they are also concerned about trash. She stated this would increase as well as the consideration of possible increase in crime. Ms. Brown stated our crime rate is very low right now and we want to keep it that way. She stated this project would disrupt the community for many years if you consider the road projects that have been proposed as well. Ms. Brown stated along the Kiln Creek corridor we have two Walmarts, a Kmart, a Kroger, two Farm Fresh stores, Whole Foods, Sam's Club, Costco, and Food Lion and the last thing we need is another grocery store, high end or not. She stated we are completely surrounded by them. Ms. Brown stated that as a Newport News resident, she has observed that we already have existing vacant commercial properties that provide ample parking, as well as access to major roads. She stated on Warwick Boulevard and Oriana Road, where Kmart used to be, we have almost a completely vacant shopping center. Ms. Brown stated on Jefferson Avenue, East Coast Appliance just moved out, which has ample parking as well. She stated our City Center has lost businesses. Ms. Brown stated there are many other vacant areas within the Hampton Roads area where this particular grocery store could go. She stated we are very disheartened by the thought of such a project coming into our area and appeal to the Planning Commission to deny this rezoning.

Ms. Willis asked if Kiln Creek is a gated community. Ms. Brown stated no it is not. Ms. Willis asked if Brick Kiln Boulevard and Kiln Creek Parkway are public roads. Ms. Brown stated yes they are. Ms. Willis asked if Ms. Brown can see Wegmans going somewhere else. Ms. Brown stated yes.

Ms. Fox asked if Ms. Brown understands that the Planning Commission has nothing to do with the competition of other grocery stores. Ms. Brown stated yes. Ms. Fox stated we are only here for land use issues, and where they decide to go is not something we have any control over. Ms. Brown stated she understands that, but we like the beautiful

open space we have from the entrance way on Jefferson Avenue and this project would infringe on that, and that is one of the reasons many of us chose Kiln Creek is the aesthetic value.

Mr. Barry Farr, 927 Dunhill Way, spoke in opposition of the application. Mr. Farr stated if we change this from light industrial to commercial, what can happen is there is no stopping how much they can put in that area. He stated the developer will be able to bring in as many commercial tenants as they want. Mr. Farr stated this will be another shopping mall, regardless of what tenants are going to be there. He stated that is the reason he is against the zoning change. Mr. Farr stated if they leave it as light industrial you can access that area from using Bland Boulevard through the airport by the tower and you will have access to that area without doing any other changes or bringing any more traffic through the development of Kiln Creek. He stated he is opposed to any zoning changes to the airport at this time.

Mr. Skipper stated he would like to address some of the questions relating to the interior Kiln Creek discussions. He stated that, while it is true that the developer was not required to study those interior roads and connections, the city does this all of the time. Mr. Skipper stated that in the condition of today, at the intersection of Brick Kiln Boulevard and Kiln Creek Parkway, the intersection overall operates at a Level B, which is the second highest of all of the conditions and is generally considered very good. He stated that, at the same time, these are four lane roadways and each of the lanes in these areas during the peak hours carries approximately 200 to 500 vehicles. Mr. Skipper stated we would consider these lanes, which we call neighborhood collectors, in such a condition to be congested when they have exceeded 1200 to 1500 vehicles per hour in the peak hour. He stated the level of congestion on these roads is approximately one-fourth to one-fifth of what we would consider to be congested. Mr. Skipper stated we certainly agree that the development will increase travel on these roads. He stated the number of vehicles is approximately 90 in the peak hour, and after the development, which does change the conditions somewhat, it is our opinion that that change is well within what we would consider acceptable on these roadways. Mr. Skipper stated there was a question on the portion of Habersham Drive that is not public. He stated we did not anticipate that use when we determined how vehicles might approach. Mr. Skipper stated we assumed that if you want to proceed in that direction, you would use Habersham Drive extended to Jefferson Avenue and then turn right into Walmart Way rather than travel on the private streets. He stated that, in regard to the Ramp C improvements, the other things that would be necessary to consider that project complete were included. Mr. Skipper stated they would include full signalization of the intersection at Boykin Lane, which today is a stop sign. He stated it would also include full dual left-turn lanes and an expansion of the roadway on Chatham Drive up to Bland Boulevard and an adjustment of the signalization on Bland Boulevard to accommodate the traffic. Mr. Skipper stated all of those were considered, but it will be some time before Ramp C can be constructed.

Ms. Cheri Chambers, 756 Doral Drive, spoke in opposition of the application. Ms. Chambers stated many of her neighbors have made her points, but we talk about traffic on Jefferson Avenue and the backups, but the fact is we live on a peninsula and that is not going to change because we do not have a lot of roads. She stated if we continue

to put commercial use on the land on Jefferson Avenue, we are going to continue to have traffic issues. Ms. Chambers asked why are we not talking about displacing traffic and moving future commercial spaces to other roadways. She stated it is rare that a city has just one main commercial area. Ms. Chambers stated we should disperse commercial development to other roads, and not so much on Jefferson Avenue. She stated she was very attracted to the green spaces of Newport News, and getting rid of the green spaces for monetary purposes to raise revenue to change roadways, might not be the solution. Ms. Chambers stated we should use what we have and beautify it. She stated we are not going to entice people to come to our city if we do not have something pretty and beautiful about this area.

Mr. Kevin Stringer, 919 Holbrook Drive, spoke in opposition of the application. Mr. Stringer stated he has been a resident for 16 years and traffic has grown steadily. He stated we have a terrible problem on Thursday and Friday afternoons on Brick Kiln Boulevard and getting off of the interstate is something he has not done in seven or eight years. Mr. Stringer stated he gets off the interstate on Victory Boulevard because there is no point in trying to get through the last 100 yards to the traffic light on Brick Kiln Boulevard from the interstate exit to Jefferson Avenue. He stated he is sure there is a lot of facts and figures to the traffic improvements, but he does not buy it. Mr. Stringer stated he lives in Lake Cambridge, which is the closest development to the proposed site, and he is concerned about property values and how that will affect him. He stated he was told there would be a net increase in jobs, but he finds that hard to believe because it is going to force shut downs of other businesses. Mr. Stringer stated there will be problems with this application. He stated this area was not intended for a giant retail business. Mr. Stringer stated the corridor between Oyster Point Road and Denbigh Boulevard is really overused. He stated he drives it every day and it is terrible and people do not like it. Mr. Stringer stated he will take Mercury Boulevard to Warwick Boulevard to avoid traffic on Jefferson Avenue. He stated it is not convenient and people do not like it. Mr. Stringer stated he will shop outside of Newport News rather than driving on Jefferson Avenue on Saturday because it is just too much traffic. He stated he loves Wegmans and thinks it is a great store, and he will drive to Fredericksburg to go to Wegmans, but Newport News is not the place for it. Mr. Stringer stated an office park maybe, with limited traffic, but not another supermarket.

Ms. Joyce Southern, 12 Meadow Creek Drive, spoke in opposition of the application. Ms. Southern stated she has lived in the Richneck area since 1973 and has seen a lot of what has happened to the city. She stated she has a daughter and two grandchildren who live in Kiln Creek and she goes there often to pick up the grandchildren and it is a mess. Ms. Southern stated she drives to Kiln Creek on Jefferson Avenue to turn onto Brick Kiln Boulevard and has sat there through four lights on a Monday afternoon. She stated she and her husband will not go out to eat anywhere on Jefferson Avenue on a Friday night because traffic is so awful. Ms. Southern stated she works in Hampton and trying to take the interstate to Jefferson Avenue in the afternoon around 4:00 P.M. is difficult. She stated you are sitting in a lane on the interstate and praying an 18-wheeler will not rear end you and kill you right there on the street. Ms. Southern stated she cannot see how the traffic can possibly improve. She stated she thinks the city would have to be a magician in order to improve that traffic with putting a new development in there. Ms. Southern asked what is wrong with having a little bit of green space. She stated it improves our lives. Ms. Southern stated she loves to look over and see the

geese when she gets off the interstate and it looks nice and pleasant. She stated its one of the only green spaces you see until you see another Green Foundation area that they have taken over. Ms. Southern asked why do we have to develop everything. She stated if you go to J. Clyde Morris Boulevard to Bland Boulevard you will find either in the planning or already there, 10 grocery stores and shopping centers. Ms. Southern asked how many do we need in that area. She stated they are major ones, not 7-Eleven convenience stores. Ms. Southern stated there are many places in Newport News that would benefit from having a nice supermarket and we paid millions of dollars to get one in the downtown area. She stated if Wegmans could have gone down there we would have all had a great day. Ms. Southern stated she wants to know if now there are all these plans on how to fix Jefferson, why has it not already been done. She stated the city has money to do what it wants to do. Ms. Southern stated they had money to pay to get Jim's Market downtown and she hopes it is the greatest grocery store there ever was. She stated we still have money to pay the Marriott \$300,000 a year of which we are getting nothing. Ms. Southern stated we have money to get the things that, to her, are not as important as some of the things, like those of us who want to get home occasionally. She stated we should really seriously think about keeping this green space. Ms. Southern stated if you are going to change anything, change it to keep it green rather than something that will make it so much worse for all of us who live in that area.

Mr. Steve Winters, 302 Hollingsworth Drive, Yorktown, spoke in opposition of the application. Mr. Winters stated he has lived in the Denbigh area since he was five years old and maintained a home of record there for twenty-seven years and now he lives in Kiln Creek. He stated he would like to add his voice to Ms. Brown and Mr. Stringer's objections to the change to the master plan. Mr. Winters stated the current designation of a green area and light industrial is probably the best application. He stated he would hate to see a move to more commercialization and intrusion into our neighborhood. Mr. Winters stated if we look at it, that is about the last remaining green space between the intersection of I-64 and Jefferson Avenue all the way up to the automotive areas. He stated that, regarding the traffic, he believes the other speakers have eloquently talked about the traffic and the mixing bowl that occurs right off of the interstate. Mr. Winters stated he is not sure a plan has been outlined clearly to do justice to what the problem is with the increase in commercial areas in that land use plan, the increase of traffic that would incur on Brick Kiln Boulevard and Kiln Creek Parkway. He stated it was brought up by the city planner who talked about the airport being acted on, and we all recognize the value of the airport; however, he is not sure that changing the designation from a green space to a commercial space will drive the revenue to save the airport. Mr. Winters stated there are other opportunities that we should look at to enhance the value of our airport. He stated it was noted earlier that a change in the approach zone, and the only reason that this change to a commercial area apparently is allowable now is a change to the restriction on the airfield by being shortened by the FAA. Mr. Winters stated if we build something there, what is to say in five years that that affects the airport and now because we have built something in a one-time shortened area, now they want to lengthen it for additional improvements at the airport, and now we are stuck. He stated from a land use perspective, in that situation, we cannot improve the airport because we have built within a restricted area.

Mr. Alexander Clarke, 12 Meadowcreek Drive, spoke in opposition of the application. Mr. Clarke stated he is Joyce Southern's husband. He stated his biggest objection to this rezoning is the traffic issue. Mr. Clarke stated he fails to see how that is going to alleviate the traffic issue there, particularly if we put another development in there which will draw in a lot more traffic. He stated another objection he has to a commercial development there is the additional shopping center would detract from the existing shopping centers and we have already seen that the new Tech Center has drawn stores from other places in Newport News, such as City Center and Jefferson Commons, leaving vacant storefronts in these shopping centers. Mr. Clarke stated vacant storefronts sound the death knoll for a shopping center.

Mr. Richard Kriner, 808 Master Trail, spoke in opposition of the application. Mr. Kriner stated the things he wanted to discuss have already been discussed, except if you live in Kiln Creek there is a school there. He stated when you have a school, you have busses, and when you have busses you have them stop and let children out. Mr. Kriner stated the traffic that comes down the Kiln Creek boulevards does not come down at 35 miles per hour. He stated the more traffic it brings in, the faster it goes. Mr. Kriner stated it is a concern that we have and a concern that should be considered.

Ms. Barbara Langston, 1250 Lake Drive, spoke in opposition of the application. Ms. Langston stated she has lived in Kiln Creek for 25 years and has seen traffic increase terribly. She stated every reason she has to oppose has been covered tonight, and she definitely objects to the zoning change.

Mr. William Pope, 806 Vantage Court, spoke in opposition of the application. Mr. Pope stated we have spent over an hour speaking about the intersection of Jefferson Avenue and Brick Kiln Boulevard, but there are only three ways to get onto Brick Kiln Boulevard. He stated two of them are from Kiln Creek Parkway coming from both the east and west side, and Jefferson Avenue. Mr. Pope stated, as noted by the traffic consultant who was hired to do a traffic survey, there are approximately 8,000 cars traveling on Brick Kiln Boulevard today. He stated they did not look at any traffic on the inter-streets of Kiln Creek Parkway east and west. Mr. Pope stated the projection is for about 17,000 vehicles on that same Kiln Creek Parkway when this project gets completed. He stated when they asked the traffic consultant why they did not look at the traffic on Kiln Creek Parkway, the answer was they were not charged to do that, so no consideration was given to that aspect of the traffic. Mr. Pope stated when they asked the consultant what are we as residents and citizens of Newport News supposed to do about it, they were told to go to the Planning Commission, City Council, or City Manager for help, and that is why we are here expressing our concerns, especially about the traffic on Kiln Creek Parkway. He stated if you are coming out of the villages on Kiln Creek Parkway between Victory Boulevard and Brick Kiln Boulevard, there are seven separate villages that exit onto Kiln Creek Parkway. Mr. Pope stated the only traffic control those seven villages have are the stop signs coming out of the villages. He stated that during peak traffic hours you are taking your life in your hands when you are trying to cross four lanes of traffic if you are going one way or in the opposite direction. Mr. Pope stated if you are going west coming from the north side you are fine, but if you are going east then you have real problems. He asked what is the city planning to do, or what can they do to alleviate the traffic on Kiln Creek Parkway. Mr. Pope stated they could post traffic

lights at each of the seven villages or install speedbumps or install four-way stop signs. He stated when he moved in to Kiln Creek there was a four-way stop sign at Brick Kiln Boulevard and Kiln Creek Parkway. Mr. Pope stated there were problems with traffic and the signs became a caution light that is now a stop light and is a big help. He stated we do have a very sincere and dangerous problem in the making here with traffic along Kiln Creek Parkway.

Ms. Anna Rhodes, 201 Birkdale Court, spoke in opposition of the application. Ms. Rhodes stated her neighbors have done a marvelous job with expressing a lot of concerns that she believes are virtually the majority, if not all of Kiln Creek residents have. She stated if we are considering PLN-16-14 as far as the reason for the request, everything she has heard in the meetings she has attended, it appears the reason behind this request is to generate income for the airport. Ms. Rhodes stated if that is the case, how is selling the property going to be a long-term fix unless they lease the property. Mr. Carpenter stated it will be a land lease. Ms. Rhodes stated she was glad to hear that so at least there is long term generation of income. She stated with commercial property, the traffic issues are tremendous. Ms. Rhodes stated that once you have constructed on green areas, it is gone forever and will never come back to being green. She asked that the Planning Commission consider that when they vote on this matter.

Mr. Edward J. Neemie, Jr., 934 Foxboro Drive, spoke in opposition of the application. Mr. Neemie stated he is an Engineering Manager Supervisor at NASA Langley. He stated he has lived in Kiln Creek for 26 years and has built three houses within the community, and he has resided in the Lake Cambridge section for the last 16 years. Mr. Neemie stated he finds it hard to believe the Newport News City Planning Commission would entertain the idea of building anything on this property since this iconic 28 year old neighborhood, which is well known within 50 miles, as being one of the nicest places to live in Newport News, is due to exhaustive efforts from our HOA. He stated the city will forever change the way this neighborhood community looks by removing the 33.37 acre grassy knolls off Jefferson Avenue, which he and others consider the face of Kiln Creek, to just another neighborhood confined within commercial buildings and parking lots. Mr. Neemie stated that the city would accept the possibility of higher death counts in the event of a crash in such a proximity to the airport landing strip crash zones, especially since the structure they are currently proposing is five and one-half stories tall. He stated there are commercially zoned buildings close by that have already been empty for years, such as the Room Store and Linens and Things. Mr. Neemie stated the problems Walmart experiences with traffic management, trash, beggars and crime and misplaced shopping carts would now come to a quiet sanctuary called Kiln Creek. He stated after studying the TIA for the Plaza at Jefferson, dated March 17, 2016, that the traffic data presented to Kiln Creek residents does not account for the high volume days such as Sundays, Mondays and Fridays. Mr. Neemie stated as the city only looks at the best engineering model that has lower traffic data counts, and that they hope for the best afterward, this is not unlike any other engineering model that he is familiar with for construction or impact on a system. He stated the city's traffic data does show that this could be more difficult to make a left-hand turn out of Providence on Brick Kiln Boulevard due to increase of traffic using lower traffic volume already, and that if the new development does create an

accessibility issue for the 304 family homes in Lake Cambridge, our home values just fell according to some local realtors. Mr. Neemie stated he has not seen where the city performed any environmental study on the impact that this new construction will have as far as environmentally or commercially. He stated if this ends up closing the current Fresh Market, Trader Joe's, or several other grocery stores nearby, that offsets any jobs gained. Mr. Neemie stated the Planning Commission's decision today will change Kiln Creek forever. He stated that if it is for better or for worse is unknown, but one thing is certain, Kiln Creek will never appear as the peaceful family community as it does now. Mr. Neemie stated he opposes any construction on these grassy open areas.

Mr. Jeff Verry, 104 Royal Colven Drive, Yorktown, spoke in opposition of the application. Mr. Verry stated he has been a resident of Kiln Creek for three years in the Yorktown section. He stated he is objecting because regular traffic will increase with people coming to the new shopping center, and the commercial traffic of the delivery vehicles bringing product into that area.

Ms. Ann Gregory, 996 Drivers Lane, spoke in opposition of the application. Ms. Gregory stated she has nothing to add but wants to say the performance of her neighbors has made her prouder than she was before to be a resident of Kiln Creek and she hopes the city does not mess with us.

Dr. John Dawson, 46 Hardwick Road, spoke in opposition of the application. Dr. Dawson stated he has lived in Newport News for over 40 years. He stated he wishes to speak against constructing anything on the approaches to our airport. Dr. Dawson stated he was trained as a military fighter pilot and has some understanding of the potential disaster if any further building encroaches upon the runway. He stated he has considered the area of Sam's, Walmart and their car parks as disaster sites that could happen in the near future. Dr. Dawson asked about the so-called current FAA restricted approach areas shown to him by the city of Newport News Engineering. He stated he doubts if these so-called current areas relate to an extended Boeing 747 and the high speed Israeli Fighter Jet. Dr. Dawson stated the Chairman needs to hear from an authorized FAA agent with their current plans that cover the approaches to our airport for the two types of planes he has mentioned. He stated that without such current approval approach plans there is no further discussion on this matter.

Ms. Valerie Young, 1338 Lake Drive, spoke in opposition of the application. Ms. Young stated she agrees with what her fellow residents have said. She stated part of the traffic improvements is to extend Habersham Drive through the approach zone. Ms. Young asked how come it is safe to put a road there if you are not supposed to put any buildings there or anything else. She asked how safe is that for us. Ms. Young stated we can all look up through our sunroofs and see the wheels come down on the plane, so that is a real concern. She stated with the traffic and trucks with a school in the area is a big concern with the children. Ms. Young stated she has been a resident since 1997 and she loves being in Kiln Creek and she would hate to lose the green space because it is an important area for the community.

Mr. Joe Leming, 377 DeShazor Drive, spoke in opposition of the application. Mr. Leming stated he is something of an expert on Wegmans because he has been there

and shopped there, and Wegmans is a great store. He stated the location in Fredericksburg is in the boondocks above Highway 3, next to the interstate, because they know it does not matter where you put a Wegmans because people are going to go there and buy there and love Wegmans. Mr. Leming asked why would the city put a Wegmans in the proposed location. He stated he used to hang around airports and he has seen some of serious accidents, and we do not want those in Newport News. Mr. Leming stated we have some great words to describe what we do, but basically what you do is take the *Framework for the Future* and you modify it and adjust it and tweak it and to do that you have to justify it because you owe it to the people of Newport News who, for over 22 years, have voluntarily grassroots worked on the *Framework for the Future*. He stated it is a good document that should not be changed lightly, or amended lightly. Mr. Leming stated his heart goes out to the neighbors of Kiln Creek. He stated if he lived there he would feel the same way they do. Mr. Leming stated for the last two years, it seems to him like the city has taken a hard look at *Framework for the Future* and many people in it have decided it is an impediment to what they want to do, and so they use a process instead of a plan to get things done. He stated if you do not have a plan, use the five-year budget. Mr. Leming stated it is part of a process that can do things without a plan and this is not the only piece of park land in Newport News that is in danger of being developed in spite of the effort of nearly 500 volunteers over twenty-two years who spent their time and energy working with some people he sees right here on the Planning Commission to develop. He stated that document was sent to Richmond twenty-two years ago and they loved it and blessed it and recognized nobody else in Virginia had ever done anything like that before. Mr. Leming stated that is the uniqueness of the *Framework for the Future*. He stated this is serious business and this is an important document, and everyone on the Planning Commission should have it and have read it. Mr. Leming stated do not take it lightly over something like a grocery store.

Mr. Ken Spirito, Executive Director of the Newport News Airport, 900 Bland Boulevard, thanked the Planning Commission for the opportunity to speak. Mr. Spirito stated he appreciates everyone's comments tonight, but this application is not about a grocery store. He stated the Peninsula Airport Commission supports the amendment to the comprehensive plan, because that is what this is all about. Mr. Spirito stated it is an amendment to the comprehensive plan to essentially complement and echo the character of the corridor, which is generally commercial in nature. He stated that is what we are charged with today by applying to the city for the rezoning from light industrial to commercial, but that triggers the comprehensive plan change which identifies the property as has been discussed. Mr. Spirito stated we feel that the application we have made for the rezoning, which triggered the comprehensive plan amendment complements the character and reflects the character of that corridor. He stated there are numerous comments, both correct and incorrect, and it would take a very long time to go over each one of them, but they are very technical in nature. Mr. Spirito stated runway protection zones, height hazards and air space reviews we have to go through are particular to the rezoning of the airport intending to partner with a developer to build a structure. He stated today there is no agreement with the developer, and no agreement with a proposed grocer, so it is our intention, as we have demonstrated, to apply for a rezoning of that property, triggering the labeling in the comprehensive plan. Mr. Spirito stated the airport also has to go through a land

process which is a long, respectful process that we take very seriously, but we feel the green space the airport owns by right is charged with the responsibility of developing that property based on its need, and the assurances that we have given the federal government to be self-sustainable. He stated this is not about financial need because the airport is in very good financial condition. Mr. Spirito stated he has been charged with that responsibility for the past seven years as the Executive Director of that airport and we have adjusted our business model accordingly. He stated some of the audience members have officially stated their displeasure with the lack of air service and, that too, is a separate conversation with the reduction of airlines available. Mr. Spirito stated another airline announced yesterday that they are buying another, so we are seeing more consolidation, which is pretty much the issue surrounding all airports in all communities around the United States. He stated we at the Peninsula Airport Commission have adjusted our business model accordingly to stay profitable, to be respectful of what we are responsible for without coming to the community for subsidies like other business and airports do in the United States. Mr. Spirito stated the governor has allocated \$50 million in the state's budget for Dulles International Airport. He stated this airport is not asking the state or its cities for financial assistance because we are doing what we need to do to make sure this airport stays profitable and ahead of the unfortunately slippery slope that the airline industry is in today. Mr. Spirito stated the property in question and other properties are identified in the master plan as developable for what the FAA calls non-aeronautical revenue which has nothing to do with an airplane taking off and landing. He stated all of that property was identified in 2010 and 2011 when we started this long process, and we had to endure several shut downs of the federal government, so it took longer than anticipated to complete. Mr. Spirito stated these properties had been identified long before we endured the unfortunate situation with the loss of air service over the last few years.

Mr. Jones asked if this change in the comprehensive plan is going to cause the airport to lose a contract with another airline coming in because we approve it. Mr. Spirito stated no, we will not lose any service or business or aircraft flying in and out of the airport. He stated it is a plan. Mr. Spirito stated we still have a process we need to respect with the FAA and as the former military pilot spoke earlier, runways are very sensitive in terms of approaches and departures, and we have to protect the integrity of those landings and take-offs. He stated we do that today with runway protection zones, which are also augmented with what we call imaginary surfaces. Mr. Spirito stated there are imaginary surfaces that are managed by the airport and by the FAA to ensure that there are no punctures or encroachments into those imaginary surfaces. He stated that would be things such as cell towers and buildings all around the city. Mr. Spirito stated we have to ensure that there are certain heights that are respected for us and making sure that they do not penetrate those imaginary surfaces. He stated those runway protection zones are protected by the approach surface, which is over the runway. Mr. Spirito stated if you picture it as a football stadium, on the imaginary sides of the runways, we have the transitional zone. He stated the approach surface and the transitional surface together manage the height of any thick structure that would be in those areas. Mr. Spirito stated that as we fast forward through this process, we will look at the development which is outside of the runway protection zones and has no interference with the runway protection zones. He stated the proposed heights of any of the structures in there are below the imaginary surfaces. Mr. Spirito stated they have

not been approved by the FAA because we cannot submit the form to get it approved until the rezoning is actually in place with the proper zoning to do the development. He stated that is a different consideration but he can assure the Planning Commission and city of Newport News that this airport commission is doing everything within its powers to keep the safe management of our protected runway protection zones and our airstrips. Mr. Spirito stated we interact with many people each week that want to develop things, and the latest were drones, which is another consideration. He stated there are many things that we do that we have to be responsible and there is no one else that wants a better and safer airport and more productive airport than himself. Mr. Spirito stated he can assure everyone that they are taking a level of safety, security, and the economic impact on this community in its highest level, which is something you should want out of your airport. He stated he appreciates and respects the citizens' concerns, but as we move forward with all of the extra pieces presented today, there are clear and technical terms, and clear solutions to alleviate problems that have existed for a long time. Mr. Spirito stated there are very few developments that he knows of that have come with their feet forward like this developer with improvements to make a more qualitative project to complement the quantitative analysis that has been presented.

Mr. Jones stated one of the hurdles the airport has is the airline mergers, and things the airline has no control of, as well the proximity to passenger airlines that compete like Norfolk and Richmond. He stated the airport has had to adapt their business model. Mr. Spirito stated that is correct. He stated that, not only Norfolk and Richmond, but every airport that is out there is a competitor because the airline industry has shrunk so much that we have to endure competition in different time zones and different parts of the country that we never had to before. Mr. Spirito stated every airport is in competition with the airlines and other communities for that single airplane that may be available that particular month. He stated it is an ever-changing industry that is very challenging to plan for both fiscally and financially, and he thinks we have done a good job of doing that, based on the environments we have had to endure and change over the last four to five years. Mr. Spirito stated it will be very interesting to see what happens over the next three years in the industry as oil continues to be volatile and the prices and the unpredictability of it. He stated that is mostly why the airline industry is in the state that it is, because of oil prices.

Mr. Mulvaney stated Mr. Spirito stated this change in the plan would not impact the current services at the airport. He asked what would be the potential impact on future services with military business or heavy business coming in to the airport that could make us a true international and direct flight airport. Mr. Spirito stated that hopefully at some point Planning Commission will see a presentation that addresses those concerns. He stated near and dear to us is Langley Air Force Base, which everyone wants to protect, and we love our men and women that serve our country, but there are distinct differences between military air bases and civilian commercial airports. Mr. Spirito stated one of the differences is the runway protection zones, where the military has different runway protection zones. He stated when military pilots fly in and out of our airport they use FAA approach plates that are produced by the FAA and the military pilots use civilian approach plates. Mr. Spirito stated the environment of the airport that he or she will be flying into based on the runway length, any conditional differences that

may affect his or her flight patterns, encroachments, and other different things that may be particular to that airport, the pilot has that information and whether you are a general aviation flyer that flies a small Cessna or you are a captain of a 747 or Air Force One, they follow the same procedures. He stated nothing that we do goes against those limitations that we would put into place. Mr. Spirito stated there are airports where you may think it is unsafe to fly to, such as San Diego or Chicago Midway, though you may think it is unsafe to fly under their conditions, they are within FAA regulation and by-right, they have the ability to develop and do not exclude or preclude any additional development or any additional business whether it is military or commercial or general aviation. He stated everything we have done at this point and will continue moving forward shows that we are very prudent and very methodical when it comes to the safety and security of our airport. Mr. Spirito stated everything that is associated with this development thus far has been in line with those assurances that we have with the federal government, and also in line with the regulatory guidelines that we have to meet and fulfill.

Mr. Carpenter asked if Mr. Spirito is aware of any wetlands on the 33 acre property. Mr. Spirito stated not at this time. He stated the developer has not activated the environmental assessment yet, but that is a process we will have to go through. Mr. Spirito stated there will be a delineation once that process is completed.

Mr. Carpenter closed the public hearing.

Mr. Jones made a motion to recommend adoption of comprehensive plan amendment PLN-16-14 to City Council, as recommended by staff. The motion was seconded by Ms. Fox.

Ms. Austin stated she would urge the Planning Commission to vote to not support the motion. She stated the reasons are primarily to protect the integrity of the long-term plans of the *Framework for the Future*, and also that after this application there will be a rezoning. Ms. Austin stated we have talked about the inconsistency between the plan amendment and the zoning designation. She stated she thinks the present zoning designation of that area as light industrial is more related to the greater good of the community than having more commercial properties to serve the community. Ms. Austin stated that, in regard to incomes and jobs, we are always talking about wanting to diversify the economic base of the community, and by having more commercial, we are not diversifying. She stated that by having some kind of industry that produces things, that would be diversification. Ms. Austin again urged the Planning Commission to vote against this application.

Mr. Jones stated he thinks it is compatible with the comprehensive plan in an economic sense, specifically to the airport, which in the comprehensive plan update in 2014 identifies both aviation and non-aviation improvements to guide capital investments with a long-term sustainment of the airport. He stated sustainability of the airport, which is an asset to our city, is important to our comprehensive plan. Mr. Jones stated this fits with the business model that the airport is trying to achieve. He stated the traffic issues have been addressed, even perhaps prematurely in the zoning portion, but because of the economic development, it is compatible with the comprehensive plan. Mr. Jones

stated the adjacent properties are commercial, office and residential. He stated we cannot lawfully base a decision on competition only. Mr. Jones stated with the green space, he is all for it and he thinks many comments have been made about how wonderful the city is because of the green space, but there is not adjacent or adjoining green space to this. He stated that, instead, there are other things that tie into the comprehensive plan, such as the things he has mentioned.

Mr. Mulvaney stated he would like to remind the Planning Commissioners of the Creed he read when the meeting was opened. He read: "The statutory purpose is to improve the public health, safety and convenience and welfare of the citizens..." Mr. Mulvaney stated that, in doing that, we have a comprehensive plan that we live by, that is a living, breathing document, but we can also choke that document if we are not careful of how we use it. He stated the city has a Green Foundation for a reason, because it realizes that to have a vibrant city, you need to have people that live here, work here, shop here, and enjoy here. Mr. Mulvaney stated changing the plan to commercial to hopefully bring in a bunch of part-time shoppers for whatever income base it may bring is not something that we can consider, but ultimately the citizens who live around here that want to reside in the city, stay in the city, and grow up in the city, and the more we take away the available lands and green space that make it beautiful and we start to make the city a traffic nightmare, we start to have the Base Realignment and Closure Committee take a look at our traffic. He stated we talked about the fact that we do not look at the worst case scenarios, but BRAC looks at the worst case scenarios. Mr. Mulvaney stated if we start adapting the worst case scenarios and they start to close Fort Eustis and Langley Air Force Base because of things that we have done on Jefferson Avenue, as a major corridor, we truly hurt the city and what the city can become. He stated the city is a vibrant city with a lot of things going on from one end to the other, from the shipyard to Newport News Park, to Fort Eustis, to Ferguson, it is a beautiful city. He thinks changing this plan is a mistake. Mr. Mulvaney stated we need to leave the plan for what it is, and let it be a living breathing document, and not choke the life out of the city.

Ms. Fox stated she is the Vice President of the Newport News Green Foundation, and she has a huge interest in saving green space around the city. She stated she has also served on every *Framework* in the past ten years. Ms. Fox stated that when she looks at this site, it is bordered by the interstate and fronts on Jefferson Avenue. She stated she sees Kiln Creek, which is one of our premiere neighborhoods, and she drives through there two or three times a week. Ms. Fox stated she drove through there three times today off of the interstate. She stated that she would not want to see anything jeopardize this neighborhood. Ms. Fox stated that, in looking at what we have with the airport, the commercial development that surrounds Kiln Creek, both from Victory Boulevard to Jefferson Avenue, she has to vote for this plan amendment.

Ms. Willis stated she sees the airport as a major asset of the city for all of the citizens to preserve. She stated it is in the *Framework for the Future* and is brought up numerous times. Ms. Willis stated transportation in this area has always been a concern to the citizens, and being able to get in and out of the area has been important, and the air traffic is one way that we can get in and out of the area. She stated that anything that supports the airport, and to help them do the job they need to do in an area that is

already considered transportation, she thinks they should be able to do it. Ms. Willis stated if a commercial designation will help them, then she would see changing it so that we do community commercial. She stated she has heard a lot of complaints about traffic. Ms. Willis stated she grew up in the area and lived in Denbigh and dealt with Denbigh traffic. She stated she has heard people saying to put the development in Denbigh, but people will have to get off at Jefferson Avenue and cause all of the traffic all of the way down Jefferson Avenue to get to a Wegmans in Denbigh. Ms. Willis stated it will not stop any traffic by putting a Wegmans in Denbigh if they were to consider it. She stated that even to put it in the vacant Linens and Things, people will take the same route off the same exit. Ms. Willis stated it does not solve the traffic problem, it just moves it out of someone's backyard. She stated it treats Kiln Creek as if it is a gated community and they have total control over their streets, like their traffic is any different from anybody else's traffic in Newport News. Ms. Willis stated everybody has to pay so that they can have better traffic issues. She stated she does not think traffic is the major issue. Ms. Willis stated that making this determination is for the welfare of all of the citizens in Newport News that should be considered, and she feels that the airport is an asset. She stated it is listed in the *Framework for the Future* and it needs to be supported, so she supports changing the plan.

Mr. Simmons stated we have had a lot of discussion about land use, what we do, and how important it is, not only to our city but to our citizens. He stated it is important that we think about the opportunity today in pushing forward. Mr. Simmons stated that, as we talk about our comprehensive plan, and notice that it says *Framework for the Future*, we have to think about things not only for this lifetime, but for the next generation, and we have to plan land use to better improve our community and attract people here to this great city, and also the Commonwealth of Virginia. He stated it is a thing that is not great for us to do because it is in a community and it is going to cause traffic problems. Mr. Simmons stated we are all concerned about the traffic issues and safety, but what about the betterment of our community. He stated he appreciates the comments that we have heard and he looks forward to the vote.

Mr. Maxwell stated he knows we are not supposed to consider this, but as a comprehensive type person, he understands that when he did his due diligence with Wegmans, most of the time he noted they build out in a rural area in the middle of nowhere, but when they build, they build by affluent neighborhoods in order to generate more income, but it also helps to build up the communities that he has seen in studying them. He stated he is looking at the amount of jobs that will come if Wegmans comes and the tax base money that will come in for the roads and other things of that nature. Mr. Maxwell stated his colleagues stated it will affect Fort Eustis, but Fort Eustis is already downsizing. He stated he has pastored people who have lost jobs in his congregation, and also people who have lost jobs from the shipyard. Mr. Maxwell stated that in the end, he wants to make sure we are thinking about this community, and everyone as a whole. He stated there is a consideration that other stores may close, and they may, but other competition may come in. Mr. Maxwell stated he cannot foresee that, but he loves Kiln Creek and he drives through there and plays golf there, but he cannot just think about the citizens there when he is thinking about the citizens as a whole. He stated it will bring jobs, and when you have more jobs it drives the crime

rate down. Mr. Maxwell stated he has not made a decision yet, but he is considering the entire presentation.

Mr. Groce thanked everyone who came to the public hearing today and the meetings at Kiln Creek Elementary last week. He thanked the presenters and has no problem in understanding what the city is trying to do.

Mr. Carpenter stated that, as he read earlier from our comprehensive plan, in numerous locations in the plan it talks about preserving our green space, and preserving our neighborhoods, and protecting the entrances to our neighborhoods. He stated he had a conversation earlier in the day and he referred to the comprehensive plan as the bible we need to be reading, and similar to the bible, you can read the bible and find just about anything to justify anything, and he thinks that applies here because clearly, in his perspective, it justifies voting no on this and preserving the green space and preserving our communities and preserving our residential areas. Mr. Carpenter stated that at the same time, he cannot disagree that it also says we need to support the airport. He stated it comes down to a decision of how much weight we are going to give the comprehensive plan put together by hundreds of our residents who put hours and hours into it. He asked do you want to support what the airport may want or what may support and protect our neighborhoods. Mr. Carpenter stated he will be voting against the amendment. He stated that, at the same time, it is a tough vote and he understands that, and he appreciates all of the citizens who came down tonight. Mr. Carpenter reminded the audience there will be another hearing right after this vote regarding the rezoning.

Vote on Roll Call

For: Maxwell, Fox, Jones, Willis, Groce

Against: Simmons, Mulvaney, Austin, Carpenter

Abstention: None

The Planning Commission voted 5:4 to recommend adoption of comprehensive plan amendment PLN-16-14 to City Council

RESOLUTION NO. _____

A RESOLUTION APPROVING PLN-16-14 AN AMENDMENT TO THE COMPREHENSIVE PLAN, *FRAMEWORK FOR THE FUTURE 2030*, FOR THE CITY OF NEWPORT NEWS.

WHEREAS, on November 6, 2008, the City of Newport News (the City) adopted *Framework for the Future 2030* (the *Framework*) as its comprehensive plan; and

WHEREAS, the *Framework* provides the general guidance for planning and zoning decisions within the City; and

WHEREAS, the Planning staff considered a change to the *Framework* comprehensive land use map for approximately 33.37 acres of land at 900 Bland Boulevard near Jefferson Avenue and the I-64 Interchange; and

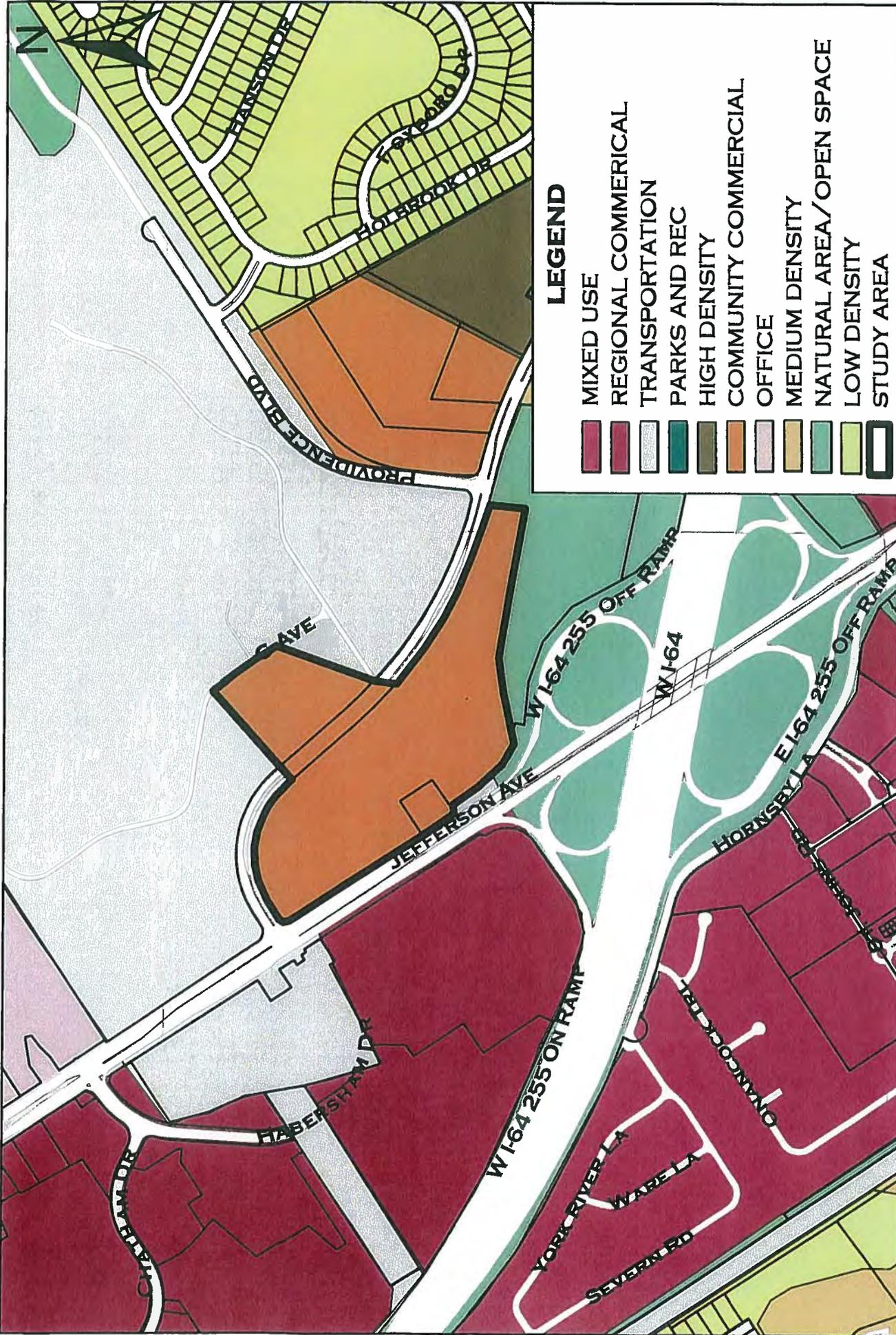
WHEREAS, the Planning staff analyzed and studied the property in question and has recommended an amendment to the *Framework* identified as PLN-16-14, which would change the designated planned use of the property from Natural Area/Open Space, Parks and Recreation and Transportation to Community Commercial; and

WHEREAS, the proposed amendment has been advertised as required by law, public hearings have been held by the Planning Commission and by the City Council, and the Newport News Planning Commission recommended adoption of the amendment on April 6, 2016; and

WHEREAS, *Framework for the Future 2030* is a consensus document which reflects the vision of the citizens of Newport News concerning the physical development and services within the City, and the proposed land use change seeks to implement that vision.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News, Virginia, that it desires to, and does hereby approve and adopt the land use proposed by the Planning Commission for the property in question, identified as PLN-16-14 and shown in the Exhibit A-4 attached hereto and made apart hereof, and the same shall be changed from Natural Area/Open Space, Parks and Recreation and Transportation to Community Commercial.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to take such action as shall be required to cause the referenced Exhibit, PLN-16-14, to become a part of the official comprehensive plan of the City, *Framework for the Future 2030*, and to cause other parts of *Framework for the Future 2030* to conform to the changes made through adoption of PLN-16-14, if any.



PROPOSED FRAMEWORK FOR THE FUTURE 2030

CITY OF NEWPORT NEWS

E. Public Hearings

6. Ordinance Authorizing Change of Zoning No. CZ-16-379, to Peninsula Airport Commission, for a Portion of Property Located at 900 Bland Boulevard and Zoned M1 Light Industrial to C1 Retail Commercial with Proffers, to Allow for Retail Development

ACTION: A REQUEST TO ADOPT AN ORDINANCE AMENDING ORDINANCE NO. 5028-97, BY AMENDING THE ZONING DISTRICT MAP FOR CHANGE OF ZONING APPLICATION NO. CZ-16-379, BY PENINSULA AIRPORT COMMISSION, FOR A 33.37 ACRE PORTION OF PROPERTY LOCATED AT 900 BLAND BOULEVARD, ZONED M1 LIGHT INDUSTRIAL TO C1 RETAIL COMMERCIAL WITH PROFFERS, TO ALLOW FOR RETAIL DEVELOPMENT.

BACKGROUND:

- The proposed zoning will allow a combination of uses including a grocery store and other commercial uses not allowed under the current zoning. The proffers provided by the applicant will guide the design and development of the property.
- The proposed change of zoning is compatible with the *Framework for the Future 2030* Comprehensive Plan land use map amendment PLN-16-14.
- On April 6, 2016, the City Planning Commission voted 5:4 to recommend approval of the request to City Council.

Vote on Roll Call

For: Groce, Fox, Jones, Maxwell, Willis

Against: Austin, Carpenter, Mulvaney, Simmons

Abstention: None

- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re CZ-16-379

Staff Report and CFC Minutes Excerpt

Ordinance for CZ-16-379

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 4, 2016

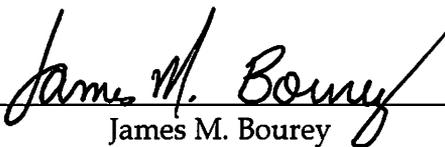
TO: The Honorable City Council
FROM: City Manager
SUBJECT: Change of Zoning No. CZ-16-379, Peninsula Airport Commission

The Peninsula Airport Commission requests a change of zoning for a 33.37 acre portion of an 824.62 acre property located at 900 Bland Boulevard from M1 Light Industrial to C1 Retail Commercial with proffers. The proposed rezoning will allow a combination of uses including a grocery store and other commercial uses not allowed under the current zoning.

The applicant provided proffers that will guide the development of the property in a manner consistent with the submitted site plan, design guidelines, conceptual landscape plan and Traffic Impact Analysis (TIA).

The proposed change of zoning is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map amendment, PLN-16-14.

On April 6, 2016, the City Planning Commission voted 5:4 to recommend approval of the request to City Council. I concur with the City Planning Commission's recommendation.


James M. Bourey

JMB:sgd

Attachment

**CITY OF NEWPORT NEWS
CITY COUNCIL
MAY 10, 2016**

**CHANGE OF ZONING
APPLICATION NO. CZ-16-379
PENINSULA AIRPORT COMMISSION**

**JAMES CITY
COUNTY**

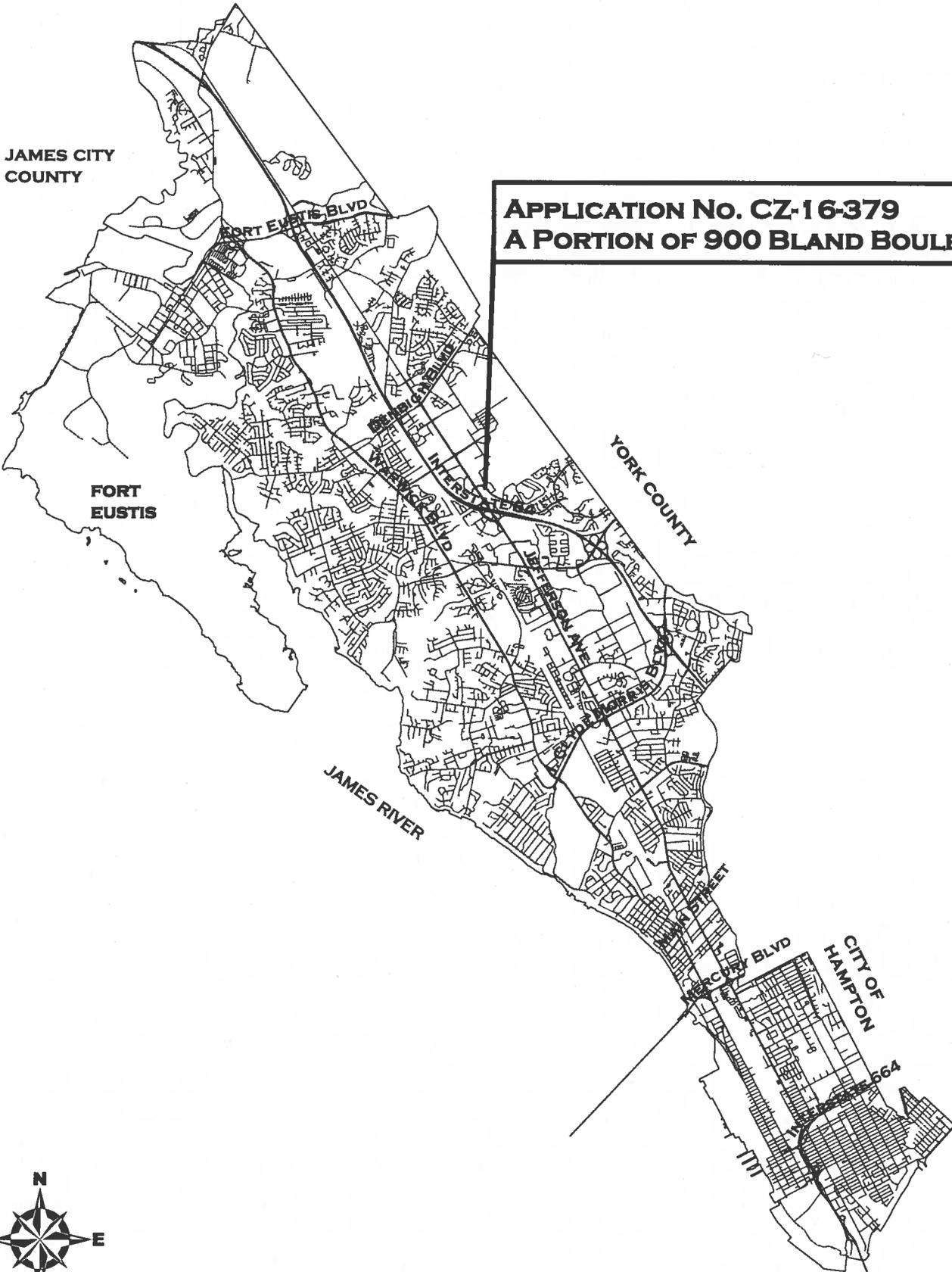
**APPLICATION No. CZ-16-379
A PORTION OF 900 BLAND BOULEVARD**

**FORT
EUSTIS**

YORK COUNTY

JAMES RIVER

**CITY OF
HAMPTON**



CHANGE OF ZONING APPLICATION NO. CZ-16-379

PENINSULA AIRPORT COMMISSION

APPLICANT/OWNER	Peninsula Airport Commission	ZONING	M1Light Industrial (Appendix 1)
LOCATION	Portion of 900 Bland Boulevard near Jefferson Avenue and the I-64 Interchange	FRAMEWORK	Natural Areas/Open Space, Parks and Recreation, and Transportation. <i>Community Commercial recommended in PLN-16-14</i> (Appendix A-2 & A-3)
PRESENT USE	Vacant	ACREAGE	33.37 acres

REQUEST Change the zoning from M1 Light Industrial to C1 Retail Commercial with proffers to allow for the development of a grocery store-anchored shopping center.



FACTS

- North** Newport News/Williamsburg International Airport on property zoned M1 Light Industrial
- South** Interstate 64 (I-64) and Kiln Creek Lake I on property zoned R5 Low Density Multiple-Family Dwelling
- East** Newport News/Williamsburg International Airport, Uncle Bob's Self Storage, and the Villages of Kiln Creek on properties zoned M1 Light Industrial, C2 General Commercial and R5 Low Density Multiple-Family Dwelling, respectively
- West** Walmart and Sam's Club across Jefferson Avenue on properties zoned C1 Retail Commercial

Zoning History M1 Light Industrial since 1969 and unchanged when the citywide comprehensive rezoning became effective August 1, 1997

Regulatory Review A change of zoning from M1 Light Industrial to C1 Retail Commercial is being requested to allow a combination of retail uses that will include the operation of a grocery store at this location.

The conceptual site plan proposes 215,000 square feet of commercial building space. The majority of the proposed area, 140,000 square feet, would be occupied by an anchor grocery store. Vehicular access will be provided from Brick Kiln Boulevard with 2 access points for the general public and 1 right-in right-out access point for deliveries.

Section 45-3405 of the zoning ordinance permits a property owner to offer proffers at the time of application for a change of zoning. If accepted by City Council, these proffers will govern the development and use of the property. (See Appendix-A-5.)

The ordinance requires a 20 foot transitional buffer area between commercial uses and multiple-family uses which occurs along the southern lease line adjacent to Kiln Creek Lake. The buffer is exclusive of any easements. The Kiln Creek Homeowner's Association maintains a lake maintenance easement on this property for Kiln Creek Lake 1. A permanent easement and right of access over and across a portion of this land is also recorded for the purpose of landscaping and excavation for storm water retention and detention, and for installation of underground utilities by the City of Newport News.

The Site Regulations require that a landscape strip be located along all street frontages and that it be no less than 10 percent of the existing right-of-way width. A 16 foot landscape strip is required along Jefferson Avenue. Along Brick Kiln Boulevard there will be variable width depending on the final width of the right-of-way once the road has been realigned.

The zoning ordinance requires a minimum of 1 parking space for every 250 square feet of floor area and a maximum of 1 parking space for every 200 square feet of floor area dedicated to retail uses. Restaurants or other eating or drinking establishments require 1 parking space for every 100 square feet of floor area. The conceptual plan submitted indicates 1362 parking spaces will be provided which is within the limits allowed by the ordinance. (See Appendix A-7.)

The site is located within the airport overlay district. The purpose of the district is to regulate the use of property in the vicinity of Newport News/Williamsburg International Airport, by establishing an airport approach restricted use zone. The overlay district requirements limit the height and location of any buildings within the property. The overlay district requirements also restrict the type and location of trees that can be planted within those areas of the property that are affected by the airport approaches or runway protection zones. All buildings within the development must be designed considering those restrictions as well as including noise mitigation construction practices and be reviewed and approved by the Federal Aviation Administration (FAA).

After reviewing the January 17, 2016 Traffic Impact Analysis (TIA) as revised March 21, 2016 prepared by DRW Consultants, LLC, (see Appendix A-9), the Department of Engineering does not object to the request as long as all of the Category I and Category II improvements identified in the report are included in the site plan application and implemented. Further, the department recommends a utility study

of the site be performed to address the most economical approach to providing sanitary service to the planned development. Additionally, the department notes the need to relocate the existing HRSD facilities crossing the site. (See Appendix A-10.)

Because of the site's proximity to a state controlled highway (I-64) in accordance with the Code of Virginia's Section 15.2-2222.1, commonly referred to as Chapter 527, the Virginia Department of Transportation (VDOT) must review the TIA and provide comments. A summary of their review and key findings must be included in the locality's official public record on the rezoning application. The approved TIA was submitted to Virginia Department of Transportation (VDOT) for their review and comment.

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

**Comprehensive Plan
Review**

The *Framework for the Future 2030* comprehensive plan land use map identifies natural area/open space, transportation and parks and recreation uses for the property. Both the natural area and the parks designations coincide with the airport's runways approaches. The land use designation for the area was Industrial in the City's original General Plan (1980) to reflect both the existing airport use and surrounding vacant land that was identified as suitable for industrial development. This land use designation was changed in the 1993 *Framework for the Future* comprehensive plan, and carried through in the 2001 plan update. (See Appendix A-2.)

The proposed comprehensive plan land use map amendment PLN-16-14, being reviewed concurrently with this application, recommends a community commercial designation to allow for the commercial development of the area. (See Appendix A-3.) The proposed change of zoning is consistent with this recommendation.

ANALYSIS

The proposed change of zoning is being requested to allow for a wide variety of uses that are not possible under the current industrial zoning. The proposed amendment to the *Framework for the Future 2030* PLN-16-14 that accompanies this request, and which directly responds to the recommendations in the *Newport News/Williamsburg International Airport Master Plan (2014)*, acknowledges that the Community Commercial designation will allow for a variety of commercial or office uses that are complementary and compatible with adjacent uses. The Peninsula Airport Commission wishes to implement its 2014 Master Plan for non-aviation related development. Specific changes, including those to the road system must be approved by the FAA.

When the original Villages at Kiln Creek development was planned, the area being contemplated for rezoning was directly under the airport's runways approaches making the area not conducive for the type of development associated with the original development. By shortening one of the approaches, that area now is open for a development similar to the corporate centers on the outskirts of the Kiln Creek development. As with the original planned centers, this one will provide services to the residents within walking and biking distance.

The proposed development provides the opportunity to bring businesses and services with regional draws to this location. It also complements the existing services within the adjacent residential community. New businesses will provide increased employment opportunities within walking distance of the adjacent neighborhoods which is consistent with the vision described in the *Framework for*

the Future 2030. Further, the new zoning will allow for a development that could take advantage of the proximity to mass transit and an employment center within walking and biking distance.

The applicant has voluntarily provided 7 proffers that will, in conjunction with the zoning ordinance, guide the development of the property and ensure that it is built in conformance with the conceptual site plan for the "Plaza at Jefferson", the recommendations of the TIA, the conceptual Landscape Plan, the Design Guidelines for the Plaza at Jefferson and any other required future studies such as the utility study recommended by the Department of Engineering. (See Appendix A-5.)

The proposed development must be in general conformance with the proffered conceptual plan "The Plaza at Jefferson" prepared by AES Consulting as revised February 5, 2016 (see Appendix A-7) and be built in accordance with the "Design Guidelines for the Plaza at Jefferson, Newport News, Virginia" prepared by Hopke & Associates, Inc. (See Appendix A-6.)

Transportation

The proposed project is located in the northeast corner of the intersection of Jefferson Avenue and Brick Kiln Boulevard. Currently there is a vehicular access onto the property from Brick Kiln Boulevard, this access is limited to service vehicles. A realignment of Brick Kiln Boulevard is proposed as part of the development and is in keeping with the Airport's Master Plan. The realigned road will create the northern and eastern boundaries of the proposed development. In addition to the Brick Kiln Boulevard realignment the TIA calls for additional access from Jefferson Avenue at Habersham Drive to better distribute traffic demand. According to the model used for the TIA, even with the expected traffic volume increase, the proposed realignments and improved road network will result in a net improvement of the existing traffic patterns in the project vicinity going from an existing level of service (LOS) D to a LOS C at the Jefferson Avenue intersections.

The applicant's TIA (see Appendix A-9) has been reviewed by the Department of Engineering. Staff met with applicant's traffic representatives to discuss their findings and recommendations and is satisfied that the final TIA for The Plaza at Jefferson as revised March 17, 2016, represents a fair analysis of the site and contains recommendations for traffic improvements that will ensure an acceptable level of service on the existing roads.

The TIA has identified improvements at two different levels; Category I essential to the development and Category II secondary in proximity to the site. Development of the site at the trip generation potential proposed must satisfy concerns related to both essential improvements and secondary improvements to offset extended backs of queues and excessive motorist delays. (See Appendix A-9.)

The following improvements were identified as Category I improvements:

- Realign Brick Kiln Boulevard to the northern and eastern boundaries of the proposed development;
- The realigned Brick Kiln Boulevard westbound approach to Jefferson Avenue shall consist of dual left turn and dual right turn lanes;
- The signalized intersection of Jefferson Avenue and Brick Kiln Boulevard shall be reconfigured;
- The realigned Brick Kiln Boulevard shall include a multipurpose path and a standard side walk;
- Connection to realigned Brick Kiln Boulevard with site entrances 1 and 2 via roundabouts;

- Connection to realigned Brick Kiln Boulevard with site entrance 3;
- Connection to realigned Brick Kiln Boulevard with right in-right out limitations for entrances 4 and 5.

Identified Category II improvements include:

- Extend Habersham Drive east from Jefferson Avenue with connection to realigned Brick Kiln Boulevard;
- The signalized intersection of Jefferson Avenue and Habersham Drive shall be reconfigured;
- The median of Jefferson Avenue shall be modified to include a pedestrian refuge and shall include pedestrian signalization;
- The median of Jefferson Avenue shall be modified to increase the northbound dual left turn lanes at Habersham Drive;
- The median of Jefferson Avenue shall be modified to install dual southbound left turn lanes at Habersham Drive;
- The eastbound approach of Habersham Drive at Jefferson Avenue shall be widened to accommodate dual left and right turn lanes;
- The eastbound approach of Wal-Mart Way at Jefferson Avenue shall be widened to accommodate dual left and right turn lanes;
- Signal timing modifications.

Major improvements beyond the scope of the development or Category III were not identified in the TIA.

The applicant is proffering that Category I and II improvements described in the TIA shall be completed or guaranteed prior to the issuance of a certificate of occupancy for any building located on the property. (See Appendix A-5.)

Design

The applicant is proffering design guidelines “Design Guidelines for the Plaza at Jefferson Newport News, Virginia” that provide a general idea of the architectural character, shape, scale and materials to be utilized throughout the project.

The guidelines describe the style of the anchor store as “Old World European.” Although allowing for unique architectural responses for the surrounding buildings it is expected that by following the guidelines the buildings will complement and carry on the proposed architectural theme. Building heights will be determined by their location within the Airport Overlay District and FAA regulations. (See Appendix A-6.)

The design guidelines specify that there will be 2 monument style entry signs, one at the corner of Jefferson and Brick Kiln Boulevard and the other at the proposed access of the Brick Kiln Boulevard roundabout. The signs will be designed in a manner that will carry the development’s architectural theme. The applicant proffers that the signs shall be reviewed and approved by the Director of Planning for consistency with the master plan.

The proffers also specify that a landscape plan in conformance with that included in the Design Guidelines shall be reviewed and approved by both the Director of Planning as well FAA.

CONCLUSION

The proposed change of zoning is consistent with the *Framework for the Future 2030* comprehensive plan land use map amendment recommended in PLN-16-14. The proposed zoning will enable the construction of a grocery store anchored retail

center at this location.

The applicant has provided proffers that address concerns regarding building and property improvements, ensure the overall quality of the development and address necessary improvements to affected city infrastructure. The proposed zoning is consistent with the *Framework for the Future 2030* comprehensive plan amendment.

**STAFF
RECOMMENDATION**

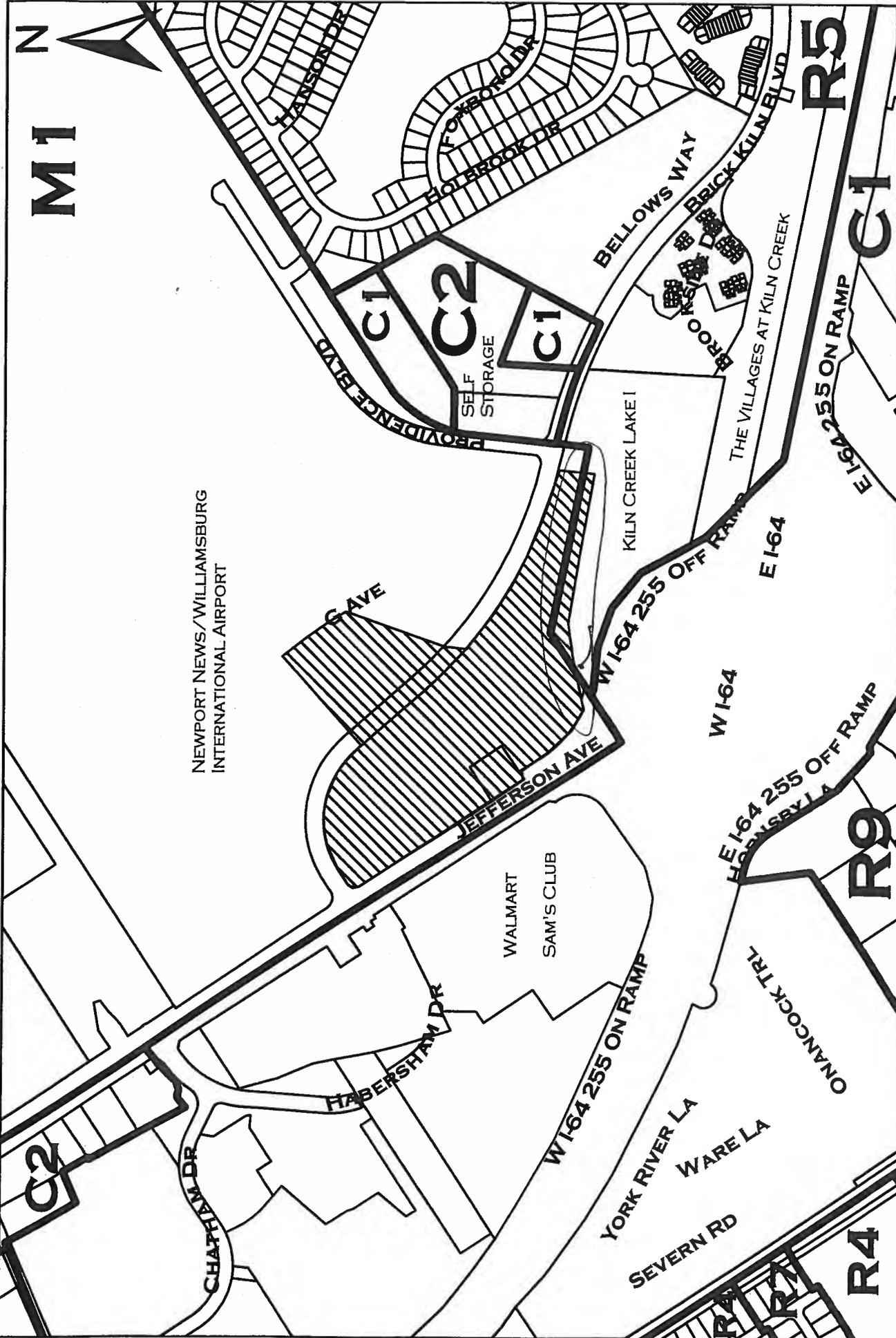
It is recommended that the City Planning Commission recommend to City Council approval of change of zoning CZ-16-379 for the approximately 33 acre property from M1 Light Industrial to C1 Retail Commercial with proffers.

**CPC
RECOMMENDATION**

On April 6, 2015, the City Planning Commission voted 5:4 to recommend approval of the change of zoning to the City Council.

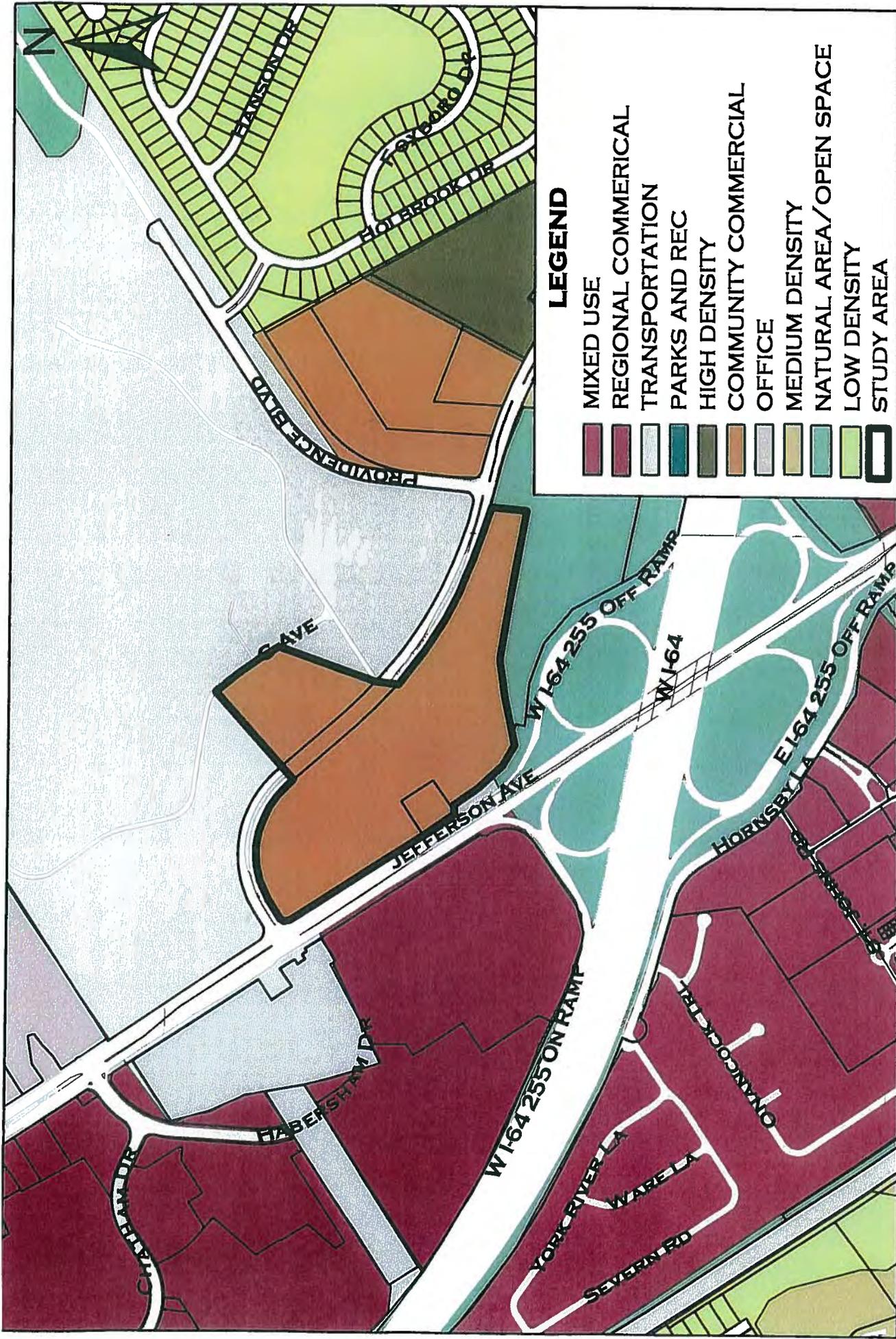
APPENDIX

- A-1 VICINITY/ZONING MAP**
- A-2 FRAMEWORK FOR THE FUTURE LAND USE PLAN MAP**
- A-3 FRAMEWORK FOR THE FUTURE AMENDMENT PLN-16-14**
- A-4 AERIAL**
- A-5 PROFFERS**
- A-6 DESIGN GUIDELINES**
- A-7 CONCEPTUAL PLAN**
- A-8 LANDSCAPE PLAN**
- A-9 TRAFFIC IMPACT ANALYSIS SUMMARY BY DRW CONSULTANTS LLC**
- A-10 DEPARTMENT OF ENGINEERING COMMENTS**
- A-11 VIRGINIA DEPARTMENT OF TRANSPORTATION LETTER , DATED APRIL 5, 2016**
- A-12 PUBLIC CORRESPONDENCE**
- A-13 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF APRIL 6, 2016**



**PENINSULA AIRPORT
COMMISSION**

CZ-16-379



LEGEND

- MIXED USE
- REGIONAL COMMERCIAL
- TRANSPORTATION
- PARKS AND REC
- HIGH DENSITY
- COMMUNITY COMMERCIAL
- OFFICE
- MEDIUM DENSITY
- NATURAL AREA/OPEN SPACE
- LOW DENSITY
- STUDY AREA

PENINSULA AIRPORT **PROPOSED FRAMEWORK**
COMMISSION **FOR THE FUTURE 2030**

Conditioned Proffer Statement for Change of Zoning

TO: The Honorable Newport News City Council

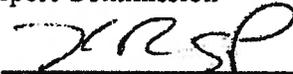
DATE: February 23, 2016

Application Number: CZ-16-379

In connection with and contingent upon the approval by City Council of the above-referenced application for a change of zoning (the "Application") of a portion of 900 Bland Blvd., located near the Jefferson Avenue / I-64 interchange, more particularly described on Exhibit A attached hereto (the "Property"), from M-1 - Light Industrial to C-1 - Retail Commercial with Proffers, Peninsula Airport Commission and Frontier Newport News, LLC, a Virginia limited liability (collectively, together with their successors and assigns, the "Applicant") hereby proffer the following conditions in accordance with Section 15.2-2298 of the Virginia Code and Section 45-3405 of the City Zoning Ordinance, in addition to the applicable provisions of the City Code and regulations, which proffers shall amend and restate all previous proffered conditions.

Conditioned Proffer Statement: "I hereby proffer that the development of the subject property of this application shall be in accordance with the conditions set forth in this submission."

Peninsula Airport Commission

By: 
Name: Ken R. Spirito
Title: Exec Dir.

[PROFFERS LOCATED ON SUCCEEDING PAGES]

Proffered Conditions:

1. Design. The improvements on the Property shall be constructed generally in accordance with the design guidelines entitled "Design Guidelines for the Plaza at Jefferson, Newport News, Virginia" dated March 29, 2016, prepared by Hopke & Associates, Inc. (the "Design Guidelines"), a copy of which is on file in the Office of the Director of Planning. The Design Guidelines may be modified from time to time provided that such modifications do not alter the basic character and intent of the Design Guidelines and provided that such amendments are approved by the Director of Planning for consistency with the terms of this proffer.
2. Master Plan. The Property shall be developed generally in accordance with the conceptual site plan entitled "THE PLAZA AT JEFFERSON", dated June 30, 2015, last revised February 5, 2016, prepared by AES Consulting Engineers (the "Master Plan"), a copy of which is on file in the Office of the Director of Planning. The Master Plan may be modified from time to time provided that such modifications do not alter the basic character and intent of the Master Plan and provided that such amendments are approved by the Director of Planning and the Federal Aviation Administration for consistency with the terms of this proffer.
3. Landscape Plan. Prior to issuance of final site plan approval, a landscape plan in conformance with the Master Plan and Design Guidelines ("Landscape Plan") shall be submitted to the Director of Planning and the Federal Aviation Administration for review and approval for consistency with the Master Plan and Design Guidelines. All landscaping measures shown in the Landscape Plan shall be installed and maintained in accordance with the Landscape Plan or guaranteed ("Guaranteed") in accordance with Section 15.2-2299 of the Virginia Code prior to issuance of a certificate of occupancy for any building located on the Property.
4. Exterior Lighting. Exterior lighting shall be directed inward and downward onto the site so as not to cause glare to adjacent properties and rights-of-way beyond such minor amounts as may be allowed by the Director of Engineering and the Federal Aviation Administration. The exterior lighting plan shall be subject to the review and approval of the Director of Engineering and the Federal Aviation Administration for consistency with this proffer prior to issuance of a building permit for any building located on the Property.
5. Signage. Prior to issuance of final site plan approval, the design of the freestanding signs (as such term is defined in the City Code) for the Property shall be submitted to the Director of Planning for review and approval for consistency with the Master Plan and Design Guidelines.
6. Transportation. Applicant has submitted to the Director of Planning that certain traffic impact assessment entitled "Traffic Impact Analysis Report for The Plaza at Jefferson", prepared by DRW Consultants, LLC, dated March 17, 2016 (the "Traffic Study"), a copy

of which is on file with the Director of Planning. In accordance with the recommendations contained in the Traffic Study and the recommendations of the City's Director of Engineering, prior to issuance of a certificate of occupancy for any building located on the Property, the improvements described in the Traffic Study in Categories I and II shall be completed or Guaranteed.

7. Miscellaneous. In the event that any clause, sentence, paragraph, section or subsection of these proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of the associated rezoning or any other clause, sentence, paragraph, section or provision hereof. These proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. In the event that the proposed rezoning sought by the Application is not approved by the City as submitted, these proffers shall be null and void of any effect.

EXHIBIT A

All that certain piece or parcel of land, situate, lying and being in the City of Newport News, Virginia, known and designated as "PARCEL 1" and "PARCEL 2" as shown on that certain plat entitled "PRELIMINARY PLAT THE PLAZA AT JEFFERSON ", dated December 30, 2015, made by AES Consulting Engineers.

Design Guidelines
for
The Plaza at Jefferson
Newport News, Virginia



March 29, 2016

Intent and Applicability

The following design guidelines are to apply to currently planned and all future development to occur on the property identified herein as "The Plaza at Jefferson," including:

- Anchor Store
- Outparcel Buildings
- Outdoor furnishings, such as tables, chairs, benches, trash receptacles, etc...
- Signage, both tenant identification and directional
- Other structures, such as canopies, trellising, screens, and trash enclosures.

The guidelines are intended to provide guidance in the design of physical improvements on the property as well as standards to those evaluating proposed designs. While they are confining in terms of materials permitted, they are stylistically restrictive only in terms of general architectural character, to ensure a consistency of theme within the development while allowing flexibility for each designer.

The developer reserves the right to propose revised guidelines at any time during the life of the project, as environmental and market forces may dictate, in such a way that maintains a high level of design quality. The following guidelines are to remain in force until any such proposed revised guidelines are approved by the developer and any other authorities having jurisdiction.

Building Siting and Site Development

Buildings shall be located on the site to maximize efficient utilization of the land and to provide for easy and convenient ingress and egress by customers, employees and delivery vehicles. Buildings shall be located along the perimeter of the site, oriented toward centralized parking connected by a well-defined interior road network.

Landscaping and hardscaping will be utilized to enhance the cohesive architectural development of The Plaza at Jefferson. Additionally, landscaping must comply with FAA regulations currently in force and as they may be revised in the future. The FAA has an Advisory Circular published for wildlife attractants, at the following link:

http://www.faa.gov/documentLibrary/media/advisory_circular/150-5200-33B/150_5200_33b.pdf

As such, landscape development will be guided by the following key restrictions and objectives:

- Tree height will be limited (due to FAA regulations) to 18 feet in height at maturity or less depending on proximity to the RPZ and NNW Airport runways. These limitations are strictly enforced. Therefore, any species of trees in the development area should be one that has a low maximum height to avoid the need for frequent trimming and topping.
- All trees/shrubs are to be non-fruit bearing, as the fruit is a wildlife attractant.
- Emphasis will be placed on perimeter landscaping, drive aisles and store fronts with a preference of shrubs over trees.
- Landscaping will be designed to work in conjunction with storm water management facilities.
- Developer will install 110% of the minimum number of plantings required by the City and its landscape plan will be subject to review and approval by the Director of Planning and Landscape Coordinator. Developer intends to utilize drought tolerant trees, plants and turf grasses wherever practicable. Native plants will be given priority over non-native species subject to FAA approval; however, non-native species are not prohibited and may be a preferred solution in some instances.
- The FAA prohibits the introduction of landscaping and water features that attract birds and other wildlife that might interfere with operations at the adjoining NNW Airport. Developer will investigate the collection and use of rain water for irrigation purposes to reduce the demand for potable water. Cisterns shall be underground or adequately screened.

Please see the Landscape Plan at the end of these guidelines for additional information.

The developer will meet minimum lighting standards required by the City. Light fixtures will be directed downward to limit light pollution and be non-glare. An overall Lighting Plan will be subject to review and approval by both The Director of Engineering and FAA.

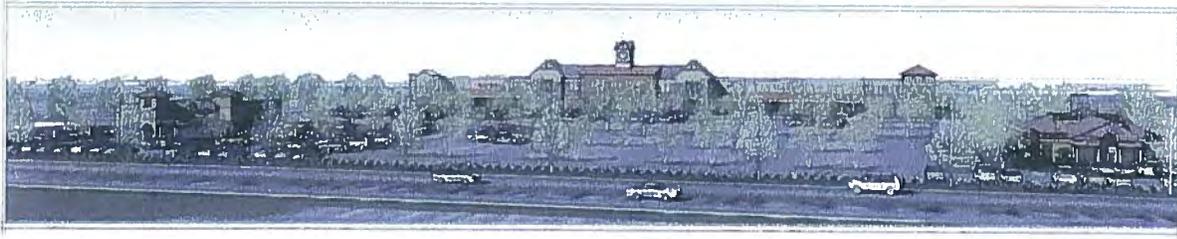


Architecture

While each building will be unique in its size and purpose, each building constructed on the site will be compatible with and complimentary to the Anchor store. The architectural style of the Anchor Store can be best described as Old World European, evocative of a village market district.

Each out-parcel building should seek to extend this theme by utilizing similar materials and design elements. Materials may include but may not be limited to:

- Wood Shingles, Fiberglass Shingles, Clay Tiles, Slate Tiles and Standing Seam Metal Roofing
- Stone, Brick, Wood (or synthetic wood such as Hardie-Board) Clapboard Siding.
- Stucco (EIFS) should be incorporated in limited amounts; but if used as a primary material be broken up with elements of other materials, such as brick, stone and cast stone.
- Concrete Masonry may be used if colored and textured.
- Heavy Timber
- Cast stone (coping, arches and decorative trim)
- Wrought-iron (or other metal with wrought-iron appearance) railings and wood timber connectors.



Designers should seek to incorporate specific design elements evocative of a European Market. Examples may include but are not limited to:

- Vertical elements (e.g. clock tower, bell tower, chimney, pilasters)
- Heavy Timber Columns and Beams
- Shutters (Colonial or awning-type)
- Balconies and Railings
- Window Flower Boxes and other fenestration embellishments
- Cupolas, Dormers and decorative Roof Ventilators

Each façade facing a road or visible from a public right of way will contain architectural features and a variety of materials intended to avoid monotonous appearance. Service areas will be screened from public view particularly along Jefferson Avenue using building elements, site structures, landscaping or other techniques.

It is anticipated that building sizes will dictate the use of primarily low-sloped membrane roofs with parapet walls. However, the building massing should be broken up by the use of gabled and slope-roofed forms to give the appearance that a single building is composed of an assembly of multiple buildings. Overall building height is limited by City ordinance, building code and FAA regulations and must comply with all such restrictions.

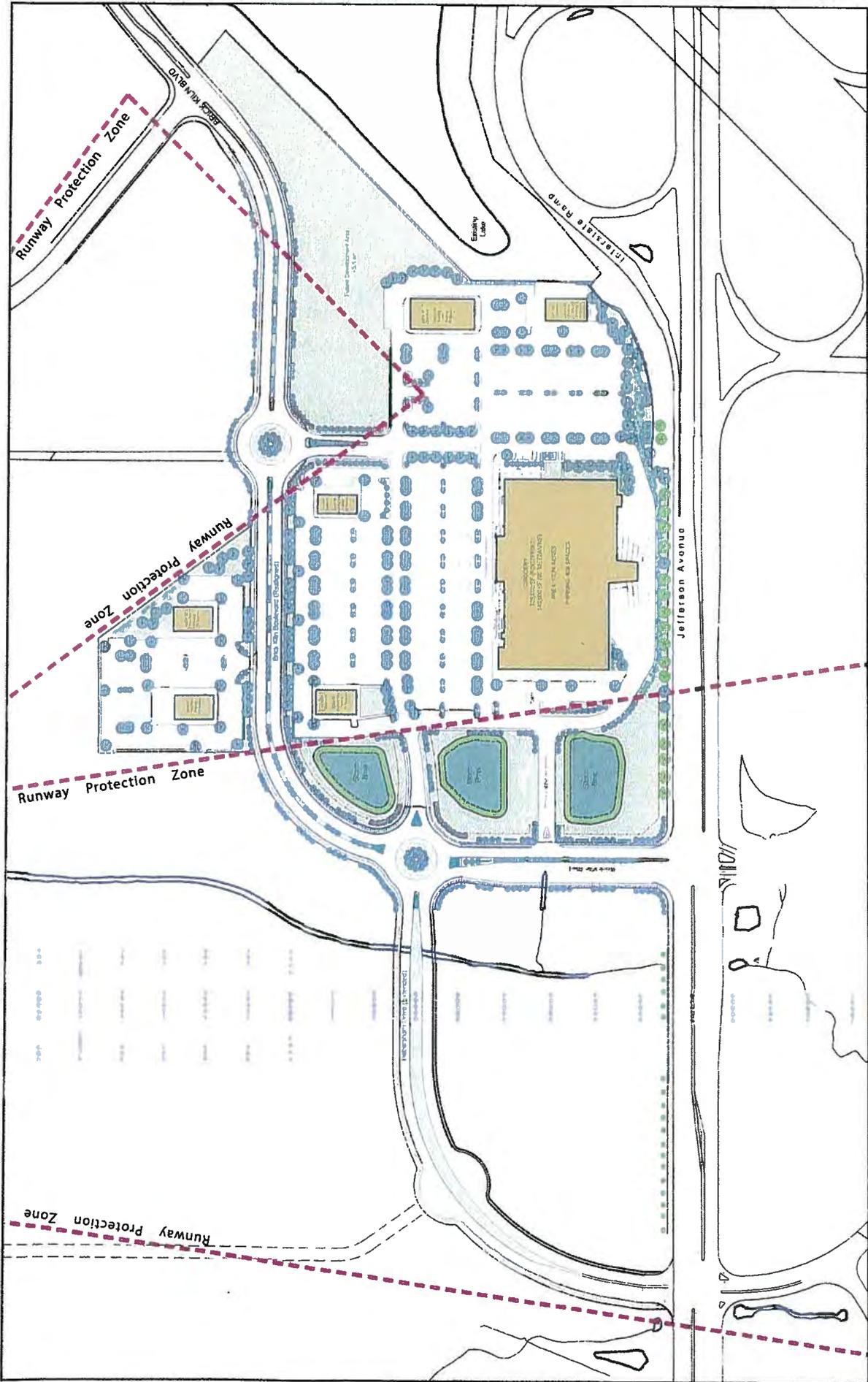
Signage

The Plaza at Jefferson development will be entitled to 2 monument entry signs, one at the corner of Jefferson and Kiln Creek Blvd and the other on Brick Kiln Blvd at the entrance road and roundabout. Monument signs are to be designed to complement the architecture of the Anchor building and may contain an electronic reader board as well as the name of the center, the anchor tenant and other tenants.

Each building will be entitled to building mounted signage and a single monument sign, subject to the regulations and approval of the City of Newport News. Additional directional and way finding signage may be placed throughout the development as approved by the City.

Landscape Plan

See the attached plan entitled "Overall Conceptual Landscape Plan," prepared by Carlton Abbott and Partners, Architects and Landscape Architects, dated March 2016.



March 2016



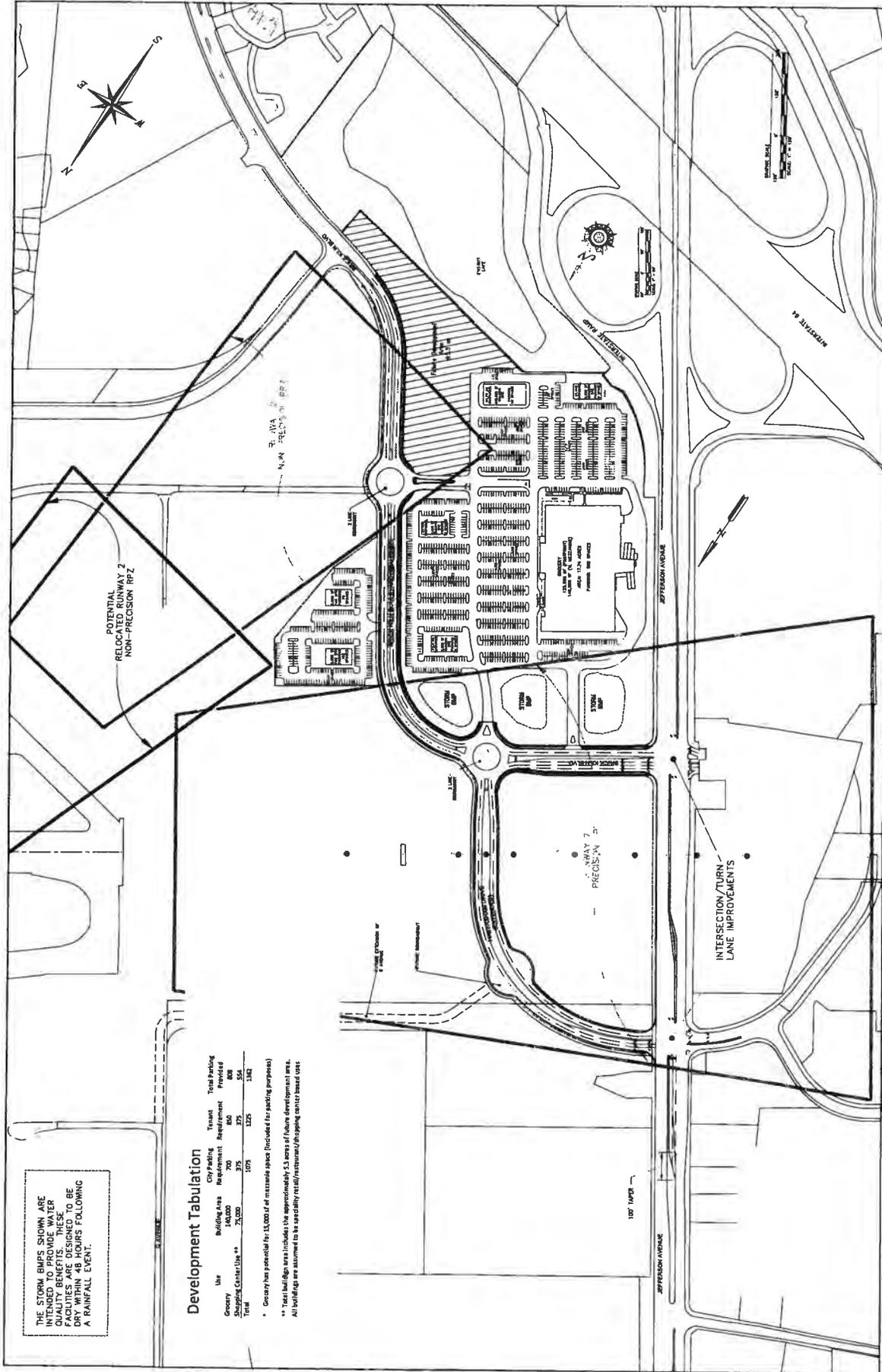
Landscape Legend

- Symbol: Tree (deciduous) - Label: Deciduous Tree
- Symbol: Tree (conifer) - Label: Conifer Tree
- Symbol: Tree (palm) - Label: Palm Tree
- Symbol: Tree (shrub) - Label: Shrub
- Symbol: Tree (grass) - Label: Grass
- Symbol: Tree (flower) - Label: Flowering Tree
- Symbol: Tree (vine) - Label: Climbing Vine
- Symbol: Tree (fruit) - Label: Fruit Tree
- Symbol: Tree (moss) - Label: Moss
- Symbol: Tree (fern) - Label: Fern
- Symbol: Tree (succulent) - Label: Succulent
- Symbol: Tree (cactus) - Label: Cactus
- Symbol: Tree (rock) - Label: Rock
- Symbol: Tree (water) - Label: Water Feature
- Symbol: Tree (light) - Label: Light Fixture
- Symbol: Tree (bench) - Label: Bench
- Symbol: Tree (furniture) - Label: Furniture

**Overall Conceptual Landscape Plan
Plaza at Jefferson**

Prepared by:
Carlton Abbott and Partners, P.C.
 Landscape Architects
 Williamsburg, Virginia

Client: **Jefferson University**
 Designer: **JHB**



THE STORM BMPs SHOWN ARE INTENDED TO PROVIDE WATER QUALITY BENEFITS. THESE FACILITIES ARE DESIGNED TO BE DRY WITHIN 48 HOURS FOLLOWING A RAINFALL EVENT.

Development Tabulation

Use	Building Area Requirement	Tract Area Requirement	Total Parking Spaces
Grocery	140,000	600	554
Shopping Center Use**	75,000	375	1,225
Total		1,075	1,779

* Grocery has potential for 15,000 sq ft of outdoor space (included for parking purposes)
 ** Tract build area includes the approximately 5.3 acres of future development area. All buildings are assumed to be specially retail/residential/shopping center based uses.

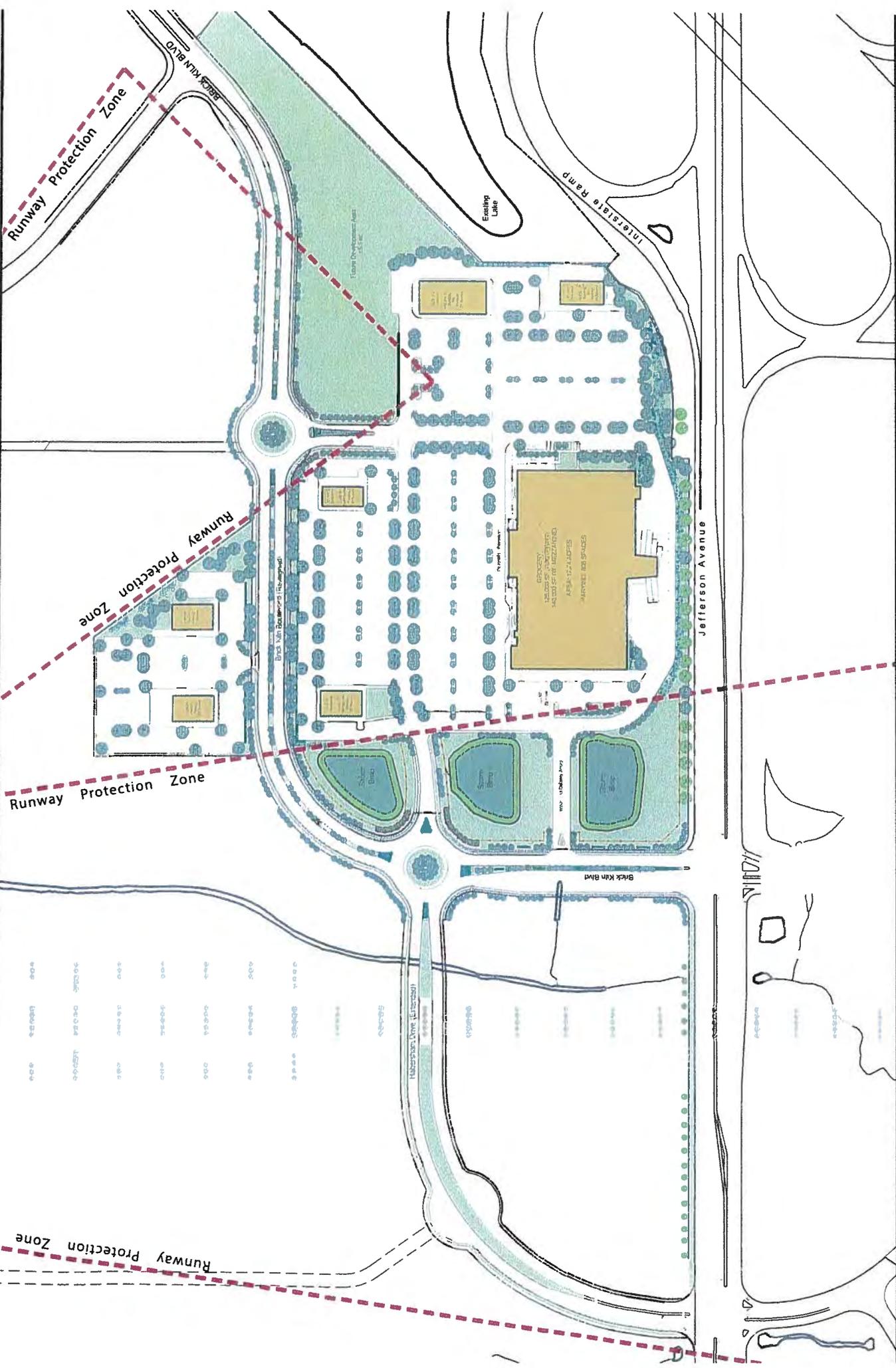
Project Number	100
Revision Number	001
Date	11/15/18
Scale	1" = 30'-0"
Sheet Number	1

CONCEPTUAL PLAN
THE PLAZA AT JEFFERSON
 CITY OF NEWPORT NEWS

AES
 CONSULTING ENGINEERS
 10000 Lakeside Blvd, Suite 100
 Newport News, VA 23606
 Phone: (757) 228-0000
 Fax: (757) 228-0001
 www.aes.com

Harmon Bland | Casey Wright | Middle Products

Rev	Date	Description
1	11/15/18	ISSUED FOR PERMITS



Conceptual Landscape Plan
at Jefferson

bott and Partners, P.C.
 Landscape Architects
 Virginia

Sagehearts, Schneider, Blanner, Langhagen
 HbB www.HbB.com

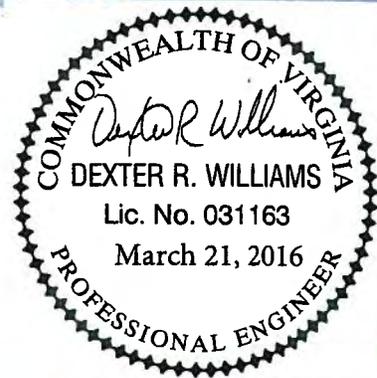
Traffic Impact Analysis Report For The Plaza At Jefferson

NEWPORT NEWS, VIRGINIA

For:
Frontier Newport News, LLC

By:
DRW Consultants, LLC
Midlothian, VA

MARCH 17, 2016



INTRODUCTION

Frontier Newport News, LLC proposes to build The Plaza At Jefferson, a proposed commercial development in the City of Newport News. This traffic study has been prepared to address the requirements of VDOT Traffic Impact Analysis Regulations (24VAC30-155), commonly known as Chapter 527. As such, it provides a forecast and analysis of traffic in the area and shows the relative effect of development of The Plaza At Jefferson including proposed transportation improvements. The approved Ch. 527 Pre-Scope of Work Meeting Form and the signed Scope of Work Meeting Checklist are included at the end of the Appendix. Rezoning is needed for development of The Plaza At Jefferson, and this traffic study will also provide information to the City of Newport News for its consideration of the proposed rezoning.

EXECUTIVE SUMMARY

The Plaza At Jefferson site location in the Hampton Roads region is shown in Figure 1. The site is located in the City of Newport News in the northeast corner of the intersection of Rt. 143 Jefferson Avenue/Brick Kiln Boulevard which is the first intersection on Rt. 143 Jefferson Avenue north of I-64. (Note: The directional convention in this report is Rt. 143 runs north and south and I-64 runs east and west).

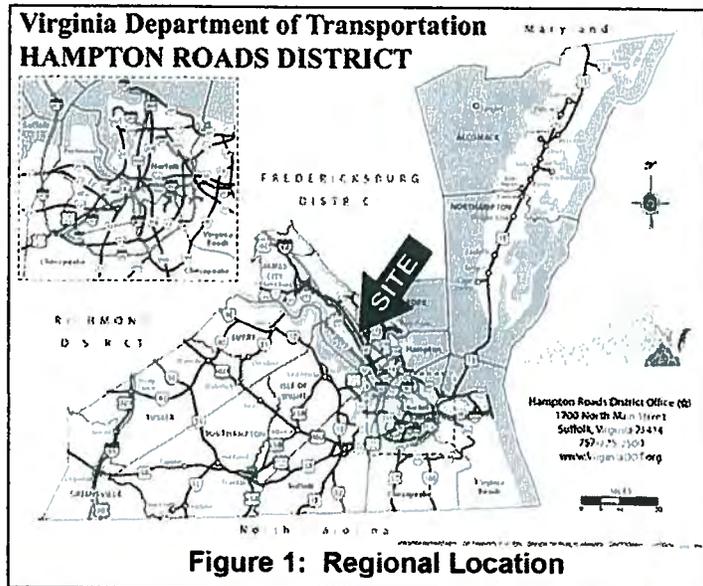


Figure 1: Regional Location

The Plaza At Jefferson property location with respect to area roads is shown Figure 2. I-64 is maintained by VDOT, and all other public roads including Rt. 143 Jefferson Avenue in the area are maintained by the City of Newport News.



Figure 2: Area Location



Figure 3: Area Parcel Map

Figure 3 shows The Plaza At Jefferson property on the City's parcel map. The property is owned by the Peninsula Airport Commission and the subject area is to be leased to the developer. The property encompasses part of the current alignment for Brick Kiln Boulevard. A modest realignment of Brick Kiln Boulevard is proposed as part of the development in order to allow for a uniform development area.

Rt. 143 Jefferson Avenue is the principal arterial in the area and has traffic in the 80,000 vehicle per day range. Brick Kiln Boulevard is located on the east side of Jefferson Avenue and has daily traffic in the 15,000 vehicle per day range. In order to (i) improve existing traffic patterns in the project vicinity, (ii) provide transportation infrastructure and connectivity to adjacent land owned the City of Newport News Economic Development Authority and the Peninsula Airport Commission, (iii) and to accommodate traffic for The Plaza At Jefferson, an additional access to Jefferson Avenue at Habersham Drive is included with The Plaza development plans to distribute traffic demand.

The Plaza At Jefferson preliminary plan is shown on Figure 4. . The development consists of 140,000 square foot grocery store and 74,250 square feet of other retail space. The

building size and location as shown for the grocery store is representative of ongoing plans. The other building locations and sizes are illustrative. Total square footage is 214,250 square feet.

Brick Kiln Boulevard is realigned to create the northern and eastern boundaries of The Plaza (1731 feet of existing Brick Kiln Boulevard to be abandoned with 3.23 acres of right of way). In addition, Habersham Drive is to be extended east and south from the current intersection at Jefferson Avenue to connect to realigned Brick Kiln Boulevard at a roundabout. This alignment plan is the result of review with the City staff and Airport staff and is based on the following principles:

1. Existing Brick Kiln Boulevard traffic to and from I-64 will continue to have access at the Jefferson Avenue/Brick Kiln Boulevard intersection
2. The extension of Habersham Drive on the east side of Jefferson Avenue serves to divert traffic from the Jefferson Avenue/Brick Kiln Boulevard intersection.
3. The alignment of the Habersham Drive extension between realigned Brick Kiln and Jefferson Avenue cannot be located any further east due to airport runway lighting clearances.
4. Acknowledgement that roundabouts are an efficient approach to traffic control at full access intersections on realigned Brick Kiln Boulevard.

The Plaza At Jefferson will have five points of access as follows:

1. Entrance 1 at the roundabout of realigned Brick Kiln Boulevard/Habersham Drive extended for the grocery store site. This is a full access entrance with a roundabout to be analyzed for traffic levels of service and queuing.



Figure 4 The Plaza At Jefferson Conceptual Plan

2. Entrance 2 at a roundabout on Brick Kiln Boulevard on the eastern side of the grocery store site. This is a full access entrance with a roundabout to be analyzed for traffic levels of service and queuing.
3. Entrance 3 on Brick Kiln Boulevard east of Jefferson Avenue for the grocery store site. This is right turn in/out only. Right turn lane warrant analysis only.
4. Entrance 4 on Brick Kiln Boulevard between the two roundabouts for the eastern site. This is right turn in/out only.
5. Entrance 5 for the 5.5 acre future development site between Entrance 2 and Providence Boulevard. This is right turn in/out only. The 5.5 acre future development area will have integrated access with the grocery store site.

Adequate access can be provided for The Plaza At Jefferson by the realignment of Brick Kiln Boulevard and the extension of Habersham Drive as shown on Figure 4. This road configuration also provides road system connectivity for future extension of G Avenue at the roundabout shown on Figure 4. Two alternatives for traffic control at the Jefferson Avenue intersections with Brick Kiln Boulevard and Habersham Drive have been included in this report for analysis.

Alternative 1 has conventional full access design with four critical signal phases and has overall LOS D at the two intersections. This is comparable to the existing LOS D at the Jefferson Avenue intersection with Brick Kiln Boulevard. It maintains east/west through traffic at Jefferson Avenue/Brick Kiln Boulevard as shown on Figure 5a. With this conventional approach, minor turning movements can take an inordinate amount of signal time. Restricting these movements and providing alternative routes can greatly decrease delays for major traffic movements by reducing the number of critical phases.

At the existing Jefferson Avenue/Brick Kiln intersection, eastbound and westbound through movements constitute less than 2% of total traffic but it requires the fourth critical phase. While this is a common practice, this highly inefficient fourth critical phase substantially reduces capacity available to the remaining 98% of traffic at the intersection.

Alternative 2 restricts direct east/west through movements at the Jefferson Avenue intersections with Brick Kiln Boulevard and Habersham Drive and reduces the critical phases to three. However, the pair of full four way Jefferson Avenue intersections at Brick Kiln and Habersham Drive provides diversion routes via left turns and right turns. Following Figure 5b shows Alternative 2 traffic diversion routes for existing eastbound and westbound through movements at Jefferson Avenue/Brick Kiln Boulevard/ Wal-Mart Way.

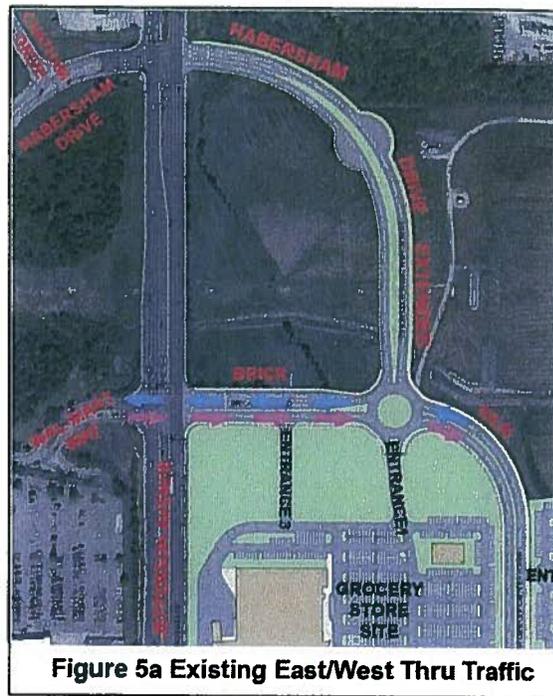


Figure 5a Existing East/West Thru Traffic

The direct east/west restriction will require approximately 1/2 mile additional travel for less than 2% of total traffic at Jefferson Avenue/Brick Kiln Boulevard/ Wal-Mart Way.

The trade off is that traffic LOS at the two intersections and on the Jefferson Avenue arterial improves to LOS C (including the project's traffic) versus the existing LOS D which is maintained with the Alternative 1 approach.

There is precedent for the Alternative 2 approach. The existing Jefferson Avenue/Boykin Lane/Ferguson four way intersection has restricted east/west traffic and correspondingly has the best LOS of any four way intersection on Jefferson Avenue.

The development of The Plaza At Jefferson is proposed to also entail the following road improvements listed in Category I and II (with either Alternative 1 or 2 as may be determined by the City of Newport News). The City's Transportation Engineering Staff has requested that all potential road improvement be itemized within the following categories:

Category I Improvements: Essential to Development Access:

These are improvements that directly contact the development site at the entrances or frontage streets. Category I improvements are included in the study analysis.

1. Realign Brick Kiln Boulevard to the northern and eastern boundaries of the proposed development. Realigned Brick Kiln Boulevard shall be a four (4) lane divided roadway.
2. The realigned Brick Kiln Boulevard westbound approach to Jefferson Avenue shall consist of dual left turn lanes and dual right turn lanes.
3. The Signalized intersection of Jefferson Avenue and Brick Kiln Boulevard shall be reconfigured to accommodate the modified traffic pattern and shall include relocation of traffic signal mast arms, signal heads, pedestrian accommodations and signage.
4. The realigned Brick Kiln Boulevard shall include a multipurpose path on the north and east sides and a standard sidewalk on the south and west sides.
5. Connection to realigned Brick Kiln Boulevard with site Entrances 1 and 2 via roundabouts.
6. Connection to realigned Brick Kiln Boulevard with site Entrance 3; including a 100 ft. right turn lane and 100 ft. taper between Jefferson Avenue and Entrance 1.
7. Connection to realigned Brick Kiln Boulevard with right in-right out limitations for Entrances 4 and 5. Entrance 4 will be the sole commercial entrance into the east side of the development.



Figure 5b East/West Thru Traffic Diversion Alt. 2

Category II Improvements: Secondary Improvements:

These are improvements that are critical to intersection operations in close proximity to the site. Category II improvements are included in the study analysis.

1. Extend Habersham Drive east from Jefferson Avenue with connection to the realigned Brick Kiln Boulevard at the roundabout for site Entrance I. Habersham Drive extension shall be a four (4) lane divided roadway.
2. The Habersham Drive extension right-of-way dedication shall include the necessary capacity for the future roundabout connection with the G Avenue extension.
3. The Habersham Drive extension westbound approach to Jefferson Avenue shall include dual right turn lanes and a single left turn lane.
4. The Signalized intersection of Jefferson Avenue and Habersham Drive shall be reconfigured to accommodate the modified traffic pattern and shall include relocation of traffic signal mast arms, signal heads, pedestrian accommodations and signage.
5. A 200 ft. northbound right turn lane with 200 ft. taper shall be installed on Jefferson Avenue at Brick Kiln Boulevard.
6. The median of Jefferson Avenue shall be modified to include a minimum 8 ft. wide pedestrian refuge and shall include pedestrian signalization and push button activation for the intersections of Brick Kiln Boulevard and Habersham Drive. The east side of Jefferson Avenue, north and south of the intersections shall be widened to create the transition for the northbound travel lanes in the area of median widening.
7. The median of Jefferson Avenue shall be modified to increase the northbound dual left turn lane at Habersham Drive to 350 ft.
8. The median of Jefferson Avenue shall be modified to install dual southbound left turn lanes at Habersham Drive.
9. The eastbound approach of Habersham Drive at Jefferson Avenue shall be widened to accommodate dual left and dual right turn lanes.
10. The eastbound approach of Wal-Mart Way at Jefferson Avenue shall be widened to accommodate dual left and dual right turn lanes.
11. Signal timing modifications within the study limits shall be included at the time the new phasing is activated and updated within six months of activation as coordinated with the City.

Category 3 Improvements: Major Improvements Beyond the Scope of a Single Development

These are major roadway improvements and additions that are too costly and too large to be supported by a single development. Category III improvements are not to be included in the analysis portion of the study.

- I. No Category III improvements have been identified.

BACKGROUND INFORMATION

Site Location And Description

The Plaza At Jefferson site location in the Hampton Roads region is shown on the upper section of Exhibit 1a. The site is located in The City of Newport News in the northeast corner of the intersection of Rt. 143 Jefferson Avenue/Brick Kiln Boulevard which is the first intersection on Rt. 143 Jefferson Avenue north of I-64. (Note: The directional convention in this report is Rt. 143 runs north and south and I-64 runs east and west).

The Plaza At Jefferson property location with respect to area roads is shown on the lower portion of Exhibit 1a. I-64 is maintained by VDOT, and all other public roads including Rt. 143 Jefferson Avenue in the area are maintained by the City of Newport News.

Exhibit 1b shows The Plaza At Jefferson property on the City's parcel map. The property is to be partitioned and leased from the larger property holdings of the Peninsula Airport Commission. The property encompasses part of the current alignment for Brick Kiln Boulevard. Brick Kiln Boulevard will be realigned as part of the development. The property's land use is now fallow.

General terrain in the area is level terrain.

City of Newport News
Department of Engineering

March 29, 2016

To: Director of Planning
From: Director of Engineering
Subject: Comments for Planning Commission Case for April 6, 2016

Application No. CZ-16-379, Peninsula Airport Commission. The Department of Engineering has no objection to the request for a change of zoning from M1 Light Industrial to C1 Retail Commercial with proffers on a 33.37 acre portion of an 824.62 acre parcel located at 900 Bland Boulevard to allow construction of a grocery store. Please advise the applicant that a site plan will be required. The Department of Engineering has approved the Traffic Impact Analysis for the site. As part of the change of zoning, all category 1 and 2 improvements identified in the final approved Traffic Impact Analysis must be included in the plan and implemented. A utility study of the site is recommended to be performed to address the most economical approach to providing sanitary service to the planned development. It will be necessary to relocate the existing HRSD facilities crossing the site. City and HRSD acceptance of sewage flow generated by the planned development will be required.



Everett P. Skipper, PE, BCEE

EPS/SDK



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1700 NORTH MAIN STREET
SUFFOLK, VIRGINIA 23434

Charles A. Kilpatrick, P.E.
Commissioner

April 5, 2016

Jacqueline M. Kassel, P.E.
Chief of Transportation Engineering
Department of Engineering
City of Newport News, VA
2400 Washington Ave
Newport News, VA 23607

RE: The Plaza at Jefferson
Jefferson Avenue
Newport News

Dear Ms. Kassel,

In accordance with §15.2-2222.1 of the Code of Virginia and the Virginia Traffic Impact Analysis Regulations, 24 VAC 30-155 (also known as Chapter 527), a traffic impact analysis was prepared by DRW Consultants, LLC dated 3/17/16 for the proposed development project entitled The Plaza at Jefferson.

We have evaluated this traffic impact analysis and supplement and prepared an Evaluation Report that summarizes the key findings and includes our comments on the accuracy of the methodologies, assumptions, and conclusions presented in the analysis.

Our Evaluation Report is attached to assist the City in their decision making process regarding this rezoning application. It is requested that VDOT's comments be included in the official public records, and to have both this letter and the VDOT Evaluation Report placed in the official file for the subject case. VDOT will make these documents available to the public through various means, including posting them to the VDOT website.

If you have any questions, please contact me at (757) 925-2628 or jason.fowler@VDOT.virginia.gov.

Sincerely,

Jason Fowler, P.E.
Land Use Manager
Virginia Department of Transportation
Hampton Roads District

**EVALUATION REPORT
Of
Chapter 527 Traffic Impact Analysis**

1. The submitted study appears to comply with the requirements set forth under Chapter 527. No review was completed for City maintained street impacts or mitigation strategies to these surface streets.
2. VDOT reviews the traffic study to ensure compliance with the regulations. VDOT makes no decision of approval/disapproval of development or improvements by this review and only provides comments to assist the locality.
3. As noted in the study, the traffic on Ramp B traveling from westbound I-64 to northbound Jefferson Avenue is interrupted by drivers stopping at the merge point on northbound Jefferson. This stoppage during peak periods causes backups and what is invariably experienced as an LOS F. This is an existing condition and no mitigation is provided for this backup.
4. While the submitted study appears to comply with the requirements set forth under Chapter 527, additional congestion/queuing is likely within the weave/merge area on Jefferson Avenue from Ramp B due to the additional traffic generated.
5. As noted in the study, VDOT is currently conducting an operational analysis to determine the feasibility of the addition of a ramp from I-64 westbound west of Jefferson Avenue leading to the intersection of Boykin Lane and Chatham Drive. The study is anticipated to be completed in April 2016. Per FHWA guidance, the addition of a ramp will require an Interchange Justification Report to be submitted and reviewed for approval. This process may take from 12-18 months.

From: Cathy M. [mailto:magpiesnest7677@gmail.com] Sent: Tuesday, March 22, 2016 11:19 AM

To: Mcallister, Sheila W. Subject: Rezoning Brick Kiln & Jefferson

Dear Ms McAllister,

I'm writing regarding the rezoning of Jefferson & Brick Kiln for commercial use.

The one important environmental issue the City fails to acknowledge is that most of its territory is wetlands. The area under rezoning consideration is, in fact, marshy wetlands. It demands green space to support run off & to serve as a "sponge" for neighboring commercial land where asphalt & concrete are unable to absorb water.

In fact, I was once told when Joe Frank was Mayor, the City considered building in front of the airport. The plan was abandoned because of questionable stability in the wetlands.

More importantly, the corner of Brick Kiln & Jefferson should've been left in its natural state, rather than beautified with grass and a brick structure - even the Kiln Creek brick sign prevents run off into the nearby creek. If the City places another commercial structure on that corner, it risks flooding along neighboring properties, and possibly into the homes near the Creek. The Kiln Creek community has minimal green space given the marshy subsurface on which it was built. In my mind, its residential properties are already at risk of flooding and foundation damage due to the unstable marshy subsurface.

Trees & plants absorb water, but planting ornamental trees & shrubs in commercial areas is not enough to absorb all the water and keep the mushy subsurfaces stable. Native trees grew for a reason: they maintain a balance in the wetlands; their expansive root systems stabilize the land. The City must have ample and appropriate green space.

The City fails to understand or acknowledge that its land & subsurface soils are a mushy mess. The land never dries. The water in the subsurfaces continually moves & shifts. Any geologist would tell that water is the greatest cutting force in the earth. Subsurface water causes shifts in the land mass. Hence, the City is moving towards costly destruction of roads and buildings, because it's not protecting its infrastructure from flood & water damage, which will happen over time.

Rezoning Brick Kiln & Jefferson to allow placement of bricks, asphalt & concrete is a bad move

Thanks for your time.

Cathy Merendino

107 Beacon Way

From: Barbara and Ken Kerwin mail

to:barbandkendirect@verizon.net] Sent: Wednesday, March 23, 2016 3:59 PM Subject: Wegmans Food Market Location

Dear Planning Commission Members,

The addition of a Wegmans Food Market in Newport News will be a great addition to our beautiful city.

However, the proposed location in the crash zone of the Newport News International Airport is not in the best interest of Newport News or the Airport.

As an active Fighter Pilot for 15 years and being associated with aviation for most of my life, I understand the danger and reasons for a crash zone.

Although flight emergencies are not as frequent, accidents still occur.

It would be a shame to jeopardize lives and property by incroaching on a well thought out safety/crash zone when many other desirable locations can be found.

There are other safer sites in the Jefferson Avenue - Bland Boulevard - Oyster Point Road area of Newport news that are more suitable for such a fine Food Store.

Cheers, K2

Ken Kerwin

Fighter Pilot, Retired

Realtors since 1982

Call 757-599-5595

Text 757-344-6400

From: Pat Vaughan ltandpat@yahoo.com

To: carpworld <carpworld@aol.com>Cc: Jack Gergley <gergelynnva@gmail.com>Sent: Wed, Mar 23, 2016 4:09 pmSubject: Fw: Development near Kiln Creek

Hey Michael

I've been reading in the paper about a proposed development near the Jefferson Ave. entrance to Kiln Creek.

A development there is a bad idea for two reasons. First, vehicle traffic there with Walmart and the entrance to Kiln Creek

is a nightmare. An additional development would add to the agony.

Second, that location is very close to, if not in, the approach clearance path to a major runway at Patrick Henry Airport. Aircraft on final to the runway are flying low over Walmart/ Sam's Club now. Additional obstacles closer to the runway that intrude into the required clear zone would, in my opinion, create a hazard to the flying public as well as the folks in the shopping area.

Just some thoughts for your consideration from an old pilot and air traffic control guy.

L. T. Vaughan

From: 311 Sent: Thursday, March 24, 2016 12:35 AM

To: Russell, Debra J. Subject: Wegman's Development and Kiln Creek Traffic - ATTN: City Manager
Importance: High

Mr. Bourey,

I read with disbelief your comments about the Wegman's development project at the end of Brick Kiln Blvd and Jefferson Avenue.

Even now, when there is a significant backup / traffic accident on I-64, Jefferson Avenue, Warwick Blvd, or even Route 17, drivers 'self-detour' through Kiln Creek. This results in traffic being backed up on Brick Kiln Parkway at least back to the intersection with Kiln Creek Parkway – and many times even farther. To add a development at the end – with its own added traffic - is positively a bad idea from the get go. (Don't get me started on the inclusion of traffic circles in the new traffic flow...)

This new project could well fit into the 'Denbigh Village Shopping Center \$16 million Facelift' (Tuesday's headline, Daily Press) on Warwick Blvd in the old Farm Fresh location a few doors down from Burlington Coat Factory. This location is already designed for a food store operation. Alternately, it could also be placed across Oriana Blvd in the nearly empty shopping center anchored on the far end by Food Lion. Even though Kroger is apparently going to reuse the old Super K-Mart location, it is not unusual for multiple food stores to be within sight of each other. (See the Kiln Creek Shopping Center development that is on the edge of York County and Newport News. Farm Fresh and Kroger are within sight of each other. See the WalMart/Sam's Club complex within sight of the next Farm Fresh on Jefferson Avenue. There are multiple locations with the same status.)

Finally, although the Peninsula Airport Commission has apparently stated that the Wegman's project is NOT within the Accident Potential Zone (APZ), Runway Protection Zone (RPZ), and the Air Installation Compatible use Zone (AICUZ) of the NNW International Airport runways, my research for a project for

Embry Riddle Aeronautical University a few years back leads me to believe that is not true. Rerouting the road closer to the end of the runways can only make them more liable for an accident than currently exists. Additionally, if you let this encroachment occur, the Air Force and the Army aviation community may decide to move their business elsewhere. Thus, the fees paid for their touch-and-goes evaporates and the Airport Commission goes even farther into debt, requiring even more financial support from the city. If the FAA deems the encroachment to be significant, it may even create the opportunity to close the airport altogether. Just imagine the losses that would generate... This does not even start to cover the costs to fill in the ravine that is at the airport end of Habersham Drive to make it useable where you are projecting Brick Kiln Blvd be extended to and link up with Jefferson Avenue.

It is my intention to attend at least one of the 3 meetings next week. Please ensure you have maps showing properly mapped out APZ, RPZ, and AICUZ – both Civilian AND Military – overlaid onto the proposed development. This should be easy to do, as I am certain the appropriate studies have been accomplished and submitted. The Airport Commission should have these overlays, anyway. (NOTE: See www.flyphf.com/about-phf/project-green-skies 2014 Master Plan, Tab I - Chapter 6 – Airport Layout Plan, Pages 16 & 22.) Also, please ensure you have adequate traffic numbers for both “normal” and “congested” traffic flow. To have a presentation without these aids /models would prove to be a great waste of time for both the presenters and the audience...

Sincerely,

Wesley C. Krohn, MCFE

Cell: (757) 879-5749

Sent: Friday, March 25, 2016 9:23 PM

To: Mark Mulvaney Subject: Projected Development at Jefferson & Brick Kiln Blvd

Dear Mr. Mulvaney:

My name is Barbara Whaley and I live in Dunhill, a neighborhood of Kiln Creek. I am simply reaching out to you to express my dissatisfaction of the projected development that would be constructed at the corner of Jefferson and Brick Kiln Blvd. The green space that is there currently makes for a beautiful entrance to our neighborhood. It is also a natural resting place for large flocks of Canadian Geese because of the large lagoon that is there.

I am not really understanding why you feel it is necessary to build yet another shopping center similar to the one that has just opened up at the corner of Jefferson and Oyster Point Road. I believe that a similar type of shopping center at our entrance is completely inappropriate and would hinder the flow of our neighborhood.

Thank you for listening,

Barbara Whaley
957 Willbrook Road
Newport News, VA

From: Barbara Langston jsb6538@verizon.net

To: Carpworld <Carpworld@aol.com> Sent: Sat, Mar 26, 2016 9:59 am Subject: Wegman

I am a long time resident of Kiln Creek. Over the years I have seen traffic increase dramatically. Traffic backs up every week day evening to having to wait five or six traffic light changes to proceed to Jefferson Ave.

I would like to see a Wegman's: just not in the present sight being considered.

Thank you,

Barbara Langston

From: sarah sarah@pscheidt.com

To: carpworld <carpworld@aol.com> Sent: Sat, Mar 26, 2016 10:58 am Subject: Comments about the proposed Jefferson Plaza Development

Hello, Mr. Carpenter

I am writing to express my great distress about the proposed development at the corner of Jefferson and Brick Kiln Blvd. While several reasons exist for opposing the development, my main concern is for traffic safety, community preservation, and property values.

My family lives in the Avery Woods subdivision of Kiln Creek. This neighborhood is the first neighborhood along the section of Kiln Creek Boulevard that stretches between Victory Boulevard and Brick Kiln. This section of road already acts as a traffic pass-through for cars wishing to avoid heavy traffic along the narrowing of I-64 at the Jefferson freeway entrance. Traffic also uses it to cut through to Jefferson to get to the Wal-Mart and other businesses near Brick Kiln, avoiding business traffic along Jefferson via Victory Boulevard and Brick Kiln.

While proposed changes to Brick Kiln might relieve extra congestion caused by the development right there at Jefferson and Brick Kiln, it will do nothing to alleviate the extra traffic that will be coming from Kiln Creek Boulevard at Victory Boulevard. This stretch of Kiln Creek will become a congested

thoroughfare. Not only that, I suspect traffic used to 45-mile-an-hour speed limits on Victory and Jefferson will not slow down to the 35-mile-an-hour speed limit along Kiln Creek Boulevard.

Kiln Creek Boulevard is a suburban road servicing a residential population and pedestrians along its walkway. The proposed Jefferson Development will change the entire nature of that stretch of road. It will create congestion and speeding hazards. It can already be difficult to turn left out of Avery Woods onto Brick Kiln during rush hour. With the Jefferson Plaza development additional traffic, it will be nearly impossible. Not only will I lose the residential aspect of my larger community of Kiln Creek, I believe this development will negatively impact my property values within Kiln Creek.

I oppose the Jefferson Plaza Development.

Sincerely, Sarah Pscheidt

From: firedawg1972@verizon.net [mailto:firedawg1972@verizon.net] Sent: Sunday, March 27, 2016 11:41 AM

To: city@nnva.gov; Carpworld@aol.com; Mark Mulvaney; ppwunicorn@cox.net; council@nnva.gov

Subject: Rezoning of "Jefferson Plaza"/ Airport Property mark@harborg.com; ppwunicorn@cox.net;
Council Subject: Rezoning of "Jefferson Plaza"/ Airport Property

Newport News City Leaders,

I am a York County Resident that lives in Kiln Creek and I would like to see the rezoning of the property that is located on the corner of Brick Kiln Blvd and Jefferson Avenue denied. After reading the article in the paper of the plans and how this development would solve traffic problems along Jefferson Ave, I am convinced that will not happen. I used to live in Lake Cambridge, the first subdivision that you come to in Kiln Creek off of Jefferson and it was horrible trying to get in and out of that subdivision at any time morning, noon, and night. I lived there for over eight years and the traffic only got worse the longer I lived there. The rezoning plans also said that a possible ramp could be opened further down I-64, I think that is wishful thinking. Also the plans called for rerouting Habersham and Brick Kiln to meet further down Jefferson and eliminate the cross over of Jefferson by WalMart, that would also solve nothing when the majority of the traffic makes a right turn onto Jefferson during rush hour. The back up happens during evening rush, on the weekends, and anytime there is an accident on Jefferson, I-64, or anywhere else in that section of town. This rezoning/ development will only cause more traffic backups. A comprehensive traffic study needs to be completed before anything could be signed. Also, there is already way too many shopping centers in Newport News, for example when the new shopping center at the corner of Oyster Point and Jefferson opened you created vacancies in the Jefferson Commons Shopping Center over on Bland and Jefferson, and when that opened it pulled shops from other shopping centers. You are creating a glut of open retail space. Again, please vote "No" to this rezoning, it will bring too much traffic to our community and mess up our community look.

Thank you for your consideration on this matter.

Respectfully,

A Kiln Creek Resident

Shawn Murphy

210 West Wedgwood Drive

Yorktown, Virginia 23693

From: Chris Jordan [mailto:jordancjkw@verizon.net] Sent: Monday, March 28, 2016 10:35 AM To: Mark Mulvaney
Subject: laura@kilncreek.org

Dear Mr. Mulvaney,

I urge you, the City Council, and the City Planning Commission to deny the proposed zoning change and development of the "Jefferson Plaza" project on the corner of Jefferson Ave and Brick Kiln Blvd. Please see attached letter for additional information. Thank you very much for your consideration.

Sincerely,

Christopher Jordan

903 Foxboro Drive

Newport News, VA 23602

757-876-4487

March 28, 2016

Mr. Mark W. Mulvaney

Planning Commission Vice Chairman

2400 Washington Ave.

Newport News, VA 23607

Dear Mr. Mulvaney,

This purpose of this letter is to urge you, the City Council, and the City Planning Commission to vote no on the proposed zoning change and development of the proposed "Jefferson Plaza"/ Wegmans grocery store on the corner of Jefferson Ave and Brick Kiln Blvd.

My family and I have lived in Kiln Creek, Newport News, for 15 years and have seen the traffic in our neighborhood grow steadily. If you have ever tried to drive on Brick Kiln Blvd near Jefferson Ave on any weekend, and especially on Friday afternoons, you would understand that traffic routinely backs up for nearly a mile, oftentimes all the way to the intersection of Brick Kiln Blvd and Kiln Creek Pkwy. Additionally, every time there is a backup at the I-64W bottleneck, thousands of additional cars clog this route in order to bypass the interstate backup. During the upcoming I-64 widening, this will only get worse, and is likely to cause backups nearly every day for the next three years. All this occurs and will continue to occur even without adding thousands of additional cars attempting to get into yet another retail development that is clearly not needed.

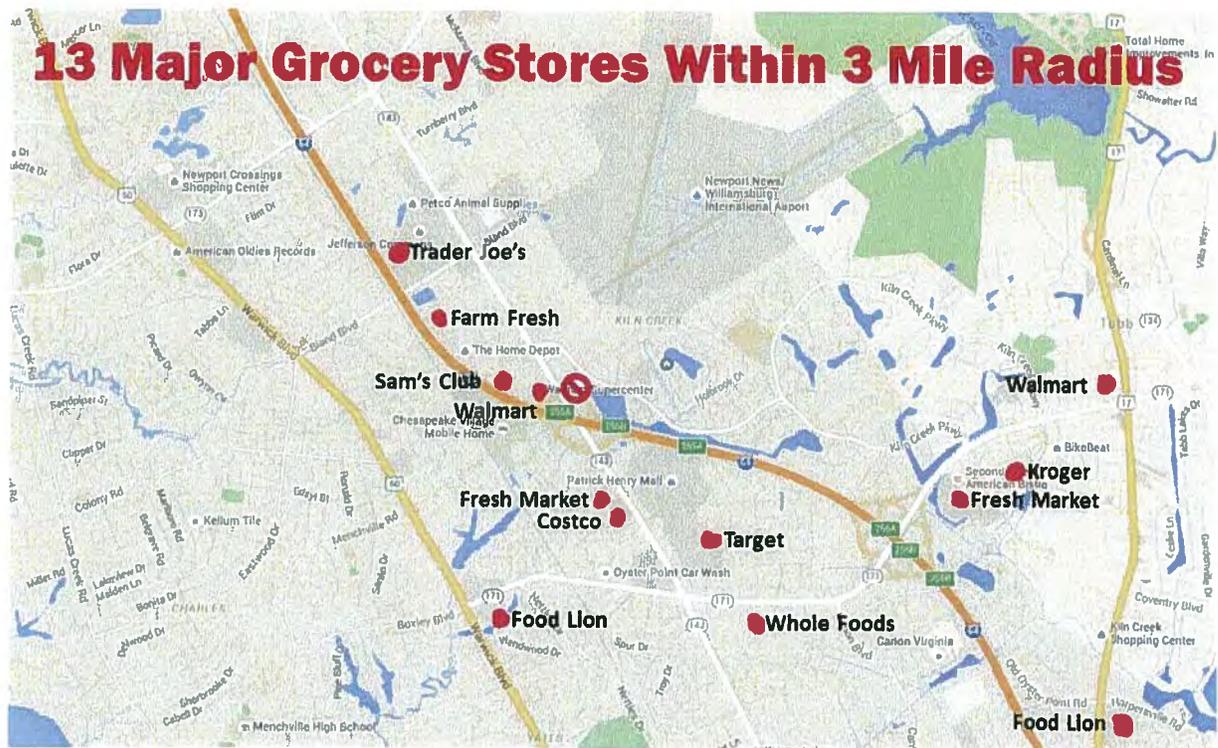
Does this area of Newport News really want or need a fourteenth grocery store with a 3-mile radius? Please see the attached map to understand that residents already have an overabundance of major grocery stores to choose from. If you add in the proposed Aldi's, Lidl, and other stores announced, we will approach twenty. It is ludicrous to allow a zoning change for an unneeded retail development that will most certainly pack the streets with traffic. The proposed traffic "enhancements" are a joke and I literally laughed out loud when I read that the Airport Administrator said that the new traffic patterns would make traffic better, not worse. Alternatively, the city could move forward with the development and force thousands of residents like myself to move away from the area simply because they cannot drive to and from their homes.

I strongly urge you to disallow the zoning change and development in Kiln Creek. Thank you for your assistance and please let me know if you would like further information and thoughts on this matter.

Sincerely,

Christopher A. Jordan

//SIGNED//



Cc: Kiln Creek Homeowners Association

 From: Erin Schwamb [mailto:erin.schwamb@gmail.com] Sent: Monday, March 28, 2016 4:37 PM

To: Carpworld@aol.com; mark@harborg.com; ppwunicorn@cox.net; Council; City

Subject: Proposed re-zoning of Jefferson/Brick Kiln

I am writing to you today to express my extreme dissatisfaction over the idea that the beautiful tract of land at the corner of Brick Kiln and Jefferson could be re-zoned to allow more strip malls and shops to be built. Not only does this area provide a safe haven for birds and other animals as they migrate during the winter, it is the cornerstone of Kiln Creek demonstrating its beauty and upscale neighborhood. By allowing commercial buildings to be built on the area you will be removing that area for animals to call home as well as tarnish the beauty of this neighborhood.

I feel that by allowing this to continue your choice will affect home prices negatively as well. With a market that is still struggling to recuperate after almost a decade since the market crashed, I feel this will only set property values back again which could be disastrous for home owners looking to refinance or sell their homes.

I also cannot for the life of me think of why you all would even consider adding to the chaotic traffic patterns that run along Jefferson throughout the day by encouraging MORE commercial growth. The road cannot sustain it. Commuters are already stuck in traffic for long periods of time battling the heavy flow of vehicles on a daily basis and you all want to add to it? It seems completely reckless and irresponsible.

I urge you to reconsider the rezoning of this property. Leave it as is. Keep it as one of the beautiful pieces of Newport News that still recognizes that not every square inch of the city needs to be developed and made of concrete.

Thank you.

Erin Schwamb

Kiln Creek resident.

From: Harley [mailto:bornemanh@cox.net] Sent: Monday, March 28, 2016 7:29 PM

To: city@nnva.gov; Carpworld@aol.com; Mark Mulvaney; ppwunicorn@cox.net Subject: Rezoning for Wegmans Anchored Jefferson Plaza

Newport News Representatives,

Do you plan to attend the 29 March re-zoning "informational" meeting at Kiln Creek Elementary School? Or, one of the 2 other meetings scheduled for 30 and 31 March?

1. Wegmans would be a great addition to the Newport News and Greater Peninsula Community.
2. With all of the "distressed" strip malls already abundant in Newport News, why here? I'm certain quick Interstate access is the prime consideration.
3. Have you bothered to drive up/down Warwick Blvd, Denbigh Blvd, Eustis Blvd?
4. What about the impact on Landing Approach for that particular runway? I recall when Hampton built the strip mall now anchored by AMC 24 there was an "after the fact" what? You approved that? Air field landing approach posing a threat to how many people at a time?
5. Hope/expect to see you tomorrow.

Harland M Borneman Jr

1731 Westport Crescent

Newport News VA 23602

From: Anna Rhodes [mailto:acer61n10@gmail.com] Sent: Tuesday, March 29, 2016 9:20 AM

To: Mark Mulvaney Subject: Proposed Development

Dear Mr. Mulvaney,

I am writing to register my objection to the proposed retail development of the property located at Brick Kiln Blvd & Jefferson Ave. One more shopping center in this already well developed area is not needed. Just travel in any direction within a 5 mile radius of the proposed development & you will find too many shopping centers. I say "too many" because of the numerous vacant store fronts in all but the newest centers. Since we are a very mobile society, we can & do travel more than 5 miles to frequent our stores of choice so it is unnecessary to have every store variety at the corner of every residential area. Also each new shopping center just siphons business (usually due to the "newness" factor) from existing retail businesses which seems to result in more empty store fronts. The added traffic congestion will just make Jefferson Ave. more impossible to travel than it already is & result in more "cut-through" traffic in the Kiln Creek community. That is likely to negatively impact the desirability and value of this community. Rather than fill up the few patches of greenery & trees, a far better purpose for the City & neighboring communities would be redevelopment of existing, vacant retail properties. As for improving the bottom line for the airport by selling the property, it's a very temporary fix to a financial issue. What will the airport do for funds when it has run out of vacant property to sell? Perhaps City Counsel should be looking for an answer to that question now rather than just kicking this can a little further down the road. Sincerely,

Anna Rhodes

From: Richard Kriner rtrtk12@gmail.com Date: Tue, Mar 29, 2016 at 1:42 PM Subject: Shopping Center proposal for Kiln Creek at Jefferson Avenue

To: city@nnva.gov, carpworld@aol.com, mark@harborg.com, ppwunicorn@cox.net,

To all involved City Representatives

It's great that the newspaper has stated the airport's reason for selling their property.....the airport can use the money. Some thought should be given to the likely devaluation of homes in the Kiln Creek community. If support for the airport is needed, consideration of a general tax increase that equally affects the city's population would be appropriate. Additionally, what other acreages or land masses are available for rezoning & development? Should we Kiln Creek residents expect this trend to continue

with other available spaces close to the neighborhood? And let us not forget the possibility of changes in the flight path.

Today few planes can be heard flying over head. Will the proposed shopping center require a flight path change?

Richard T. Kriner

From: MICHAEL [mailto:mbrkelley@msn.com] Sent: Wednesday, March 30, 2016 7:09 PM

To: city@nnva.gov; carpworld@aol.com; Mark Mulvaney; ppwunicorn@cox.net; council@nnva.govCc: Laura Carnrike Subject: Proposed Rezoning of Airport Property

Importance: High

As residents of Kiln Creek since 1990, we are both completely opposed to the proposed rezoning of the airport property in order to build yet another large shopping center. The city has more shopping centers than it needs, and we certainly don't need another grocery store in this area; in fact, there's a plethora of groceries in this corridor. The loss of green space and the small number of additional jobs this development would bring do not warrant developing this land into a shopping center. It will destroy our peaceful existence in the Villages of Kiln Creek.

Our main concern with this proposed development is the increased amount of traffic it would bring through Kiln Creek. Traffic in Kiln Creek is already heavy; when the interstate is backed up, drivers exit onto Victory Boulevard and cut through Kiln Creek on Kiln Creek Parkway to Brick Kiln Boulevard in order to get to Jefferson Avenue. At such times, it isn't unusual for traffic to back up to the small shopping center on Brick Kiln Boulevard and occasionally the apartments beyond it. When this happens, traffic also backs up on Kiln Creek Parkway to turn left onto Brick Kiln Boulevard in order to get to Jefferson Avenue. In addition, a lot of people cut through Kiln Creek from Jefferson Avenue to get to Victory Boulevard and Route 17.

The speed limit in Kiln Creek is 35 mph, yet people typically speed at 45 to 50 mph, sometimes higher; at times it's like a racetrack. With a lot of children in the area and people riding their bicycles in the streets, sooner or later there will be a tragic accident. If this shopping center is built, with the only access off Brick Kiln Boulevard, traffic and speeding through Kiln Creek will be even worse! People from York County and beyond will cut through Kiln Creek to get to and from the center. If this development is built, the city will need to do much more to reduce the speeding problem.

In summary, we respectfully request that the proposed rezoning of the airport land be denied.

Sincerely,

Michael J. and Elizabeth B. Kelley

1802 Salt Pond Place

Newport News, VA 23602

From: Jacqueline Szupel <kikiparis@verizon.net>Date: March 30, 2016 at 2:40:24 PM EDT

To: <tclift@dailypress.com>Cc: <city@nnva.gov>, <Carpworld@aol.com>, <mark@harborg.com>, <ppwunicorn@cox.net>, <council@nnva.gov>

Subject: Wegman at Kiln Creek

Hello Theresa

I live in Kiln Creek and let me tell you first of all that I love going to the Wegmans store when I travel to DC or Fredericksburg a couple of times a year. By the way Wegmans is definitely high end and high price, so it would be in direct competition with Wholefoods.

But that said, I am amazed how the city of Newport News planning Commission and Government would agree with the developer that a Wegmans store and STRIPMALL at that location are the solution for our traffic woes. The traffic in Kiln Creek backs up, during peak hours, mostly because many drivers use Brick Kiln/Kiln Creek boulevards as shortcuts from Victory Boulevard to Jefferson Avenue.

No mention of what impact this would have on the NEWPORT NEWS/WILLIAMSBURG INTERNATIONAL airport. By the way Is the Airport Commission still working on bringing new Airlines/routes to PHF? Any progress on that?

So, yes Wegmans is definitely a great "grocery store" but do we need another one in this area? And moreover do we need strip malls on both sides of Brick Kiln boulevard? I do not think so...

Jacqueline Szupel/Masters of Kiln Creek 757 875 1042

From: Jerry Zsoldos jzbcnu@yahoo.com

To: ppwunicorn <ppwunicorn@cox.net>Cc: Carpworld <Carpworld@aol.com>; council <council@nnva.gov>; city <city@nnva.gov>Sent: Wed, Mar 30, 2016 8:36 pm Subject: Proposed (or Decided?) Development

Dear Ms. Woodbury,

I am writing to register my objection to the proposed retail development of the property located at Brick Kiln Blvd & Jefferson Ave. One more shopping center in this already well developed area is not needed. Just travel in any direction within a 5 mile radius of the proposed development & you will find too many

shopping centers. I say "too many" because of the numerous vacant store fronts in all but the newest centers. Since we are a very mobile society, we can & do travel more than 5 miles to frequent our stores of choice so it is unnecessary to have every store variety at the corner of every residential area. Also each new shopping center just siphons business (usually due to the "newness" factor) from existing retail businesses which seems to result in more empty store fronts. The added traffic congestion will just make Jefferson Ave. more impossible to travel than it already is & result in more "cut-through" traffic in the Kiln Creek community. (BTW, I get across the intersection just fine, thank you very much.) That is likely to negatively impact the desirability and value of this community. Rather than fill up the few patches of greenery & trees, a far better purpose for the City & neighboring communities would be redevelopment of existing, vacant retail properties. As for improving the bottom line for the airport by selling the property, it's a very temporary fix to a financial issue. What will the airport do for funds when it has run out of vacant property to sell? Perhaps City Counsel should be looking for an answer to that question now rather than just kicking this can a little further down the road.

Sincerely,

Jerry Zsoldos

From: Ann Moir [mailto:annmoir@cox.net] Sent: Thursday, March 31, 2016 10:42 PM

To: carpworld@aol.com; Mark MulvaneyCc: laura carnike Subject: Plaza at Jefferson

Dear Sirs

As a long time resident of Kiln Creek, I joined my neighborhood for the developers meeting of the proposed Plaza at Jefferson. It was all layed out very elaborate to show all the beautiful landscape, new shops and the new traffic pattern. The new traffic pattern was explained by the traffic "expert" Mr Williams.

Mr. Williams explained how he had devised traffic turnarounds and rerouting of Brick Kiln Blvd, complete with car numbers driven through our area and what a wonderful improvement this would be to Jefferson Ave., with the traffic getting out of Kiln Creek. Mr Williams never discussed our current stoplight in Kiln Creek other than to say it was over more than adequate for the area already. Mr Williams survey of traffic moving through that intersection was done on Tuesday, Wednesday and Thursday which in its self is laughable. My concern is that already we have increased traffic here do to the new Kroger and WalMart in York county. Does Newport News really need another grocery store. I see empty strips malls all up Jefferson Ave and find it hard to believe we need another clustered intersection in our area. I know revenue is of the utmost but cant we redesign the road OUT of Kiln Creek, why does our road have to be configured to accommodate Jefferson Ave and a new shopping center? I moved to this planned community for the trails and walkways around our area ,not for a freeway at my corner, which it is becoming as a throughway to Jefferson Ave and York County already, I

can only imagine the increase of traffic with this latest project, please reconsider this traffic pattern or cluster as I call it

Thank you for your consideration in this urgent matter

Ann Moir

907 Lakecrest Ct

Newport News, Va 23602

From: Ann Moir [mailto:annmoir@cox.net] Sent: Thursday, March 31, 2016 7:54 AM

To: Carpworld@aol.com; Mark MulvaneyCc: laura carnikeSubject: the proposed new Plaza at Jefferson

Dear Sirs,

I am Ann Moir , I am a resident of Kiln Creek , Lakeside townhouses since 1992. I live directly behind at first street (Lakecrest) of our only stoplight in KilnCreek. I attended the meeting of the developers on Tuesday March 29, at which time "all the problems "of the traffic were solve for their new project. Unfortunately they did not address the increasing traffic involving our existing stoplight. Their survey as to capacity of cars was taken on Tuesday, Wednesday

and Thursdays which in itself is laughable. I know this is big development company trying to sell the goods.However Kiln Creek was built with a planned neighborhood that encourages trail walking, children on bikes and residents enjoying our area. I have seen only more and more traffic , of course , as years go by , but considerably since the building of Kroger and Walmart in York County. Kiln Creek seems to be the perfect cut through for all people. I have always been told Newport News was a "blue collar town " Do you really think we can support yet another big grocery store? I appeal to your sense of neighborhood and not put this project there. There are so many empty strip malls up Jefferson Ave already established which could be filled. The stoplight cant handle it! Thank you for your much consideration in this matter, sorry I cannot attend the planning meeting as I work

Thank you

Ann Moir

907 Lakecrest Ct

Newport News, Va. 23602

April 1, 2016

Ladies and Gentlemen,

I am happy to address you as citizens of our city and Great Virginia Peninsula who have been cheerful givers of your time and talent to represent your fellow citizens.

In the interest of staying on target and sequencing my prepared remarks in an orderly way:

I am very concerned about yet another shopping center on Jefferson Avenue corridor between J. Clyde Morris Blvd. and Denbigh Blvd.

You don't have to look very far to see worn out businesses boulevards like Mercury Blvd. in Hampton with a beautiful coliseum dwarfed with businesses that do not complement the entertainment and civic center. Look at Warwick Blvd. Thank God for Christopher Newport's initiatives and resurrection of a blighted Boulevard adjacent to an outstanding medical center and museums and our Christopher Newport University.

I had planned and hoped that the I-64 interchange and Kiln Creek middle class subdivision and golf would be protected from commercialized development which would duplicate what we already have in abundance. Patrick Henry Mall and others would be adversely affected. The same tax dollars would be coming from a greater number of vehicular traffic. You don't walk or ride bikes on Jefferson Avenue today.

Ferguson Enterprises has invested millions on their airport campus with substantial plans for the future and thousands of steady, dependable job opportunities in a professional environment made possible by the thoughtful development north of the I-64 interchange.

Ferguson opened its fourth location here in 1959, and in 13 short years announced its national headquarters would be Newport News.

In spite of losing flights out of Patrick Henry Airport, they have been outstanding citizens of our community in leadership, time, and treasure. We do not need to complicate this rush hour traffic morning and evening by dumping more retail traffic at its doorstep.

At the same time, our associates patronize the Oyster Point Complex and the research area, and at times it takes 2 or 3 light changes to get into the shops and restaurants there.

This airport property should be sold to the city for future Ferguson and/or initiatives that create professional jobs and executive training to enhance the future of this blue-collar city, which has evolved to a 21st century city of technology and the attendant work force.

Patrick Henry Mall, which has been very successful, has felt the pinch of store closures and slower growth.

The stretch opposite the Oyster Point project and Jefferson Lab and State and Virginia Tech science initiative awakened the other side of Jefferson and jolted those merchants into reassessment.

On a positive note, we are addressing our southeast community in a positive way to enhance the quality of life for many of our citizens and their employees in that area.

We would do well to keep the airport separate as we do our school system. Our support of both is vital.

Our next real growth area will be the Lee Hall area serving the north of our city: Williamsburg, York County, and James City County.

We zealously need to make the right decisions from the Airport to Fort Eustis, to include our city park and waterworks.

Thank you for hearing me out. My life has been the Great Virginia Peninsula. Ideas are dynamite; consensus is critical.

David Peebles

From: Gerry Smelt [hgsmelt@gmail.com] Sent: Saturday, April 02, 2016 1:57 PM

To: Council; carpworld@aol.com; mark@harborg.com; Front Desk; KilnCreekboard@gmail.com Cc: Mason-Smelt, Diana Subject: Rezoning CZ-16-379; Jefferson Plaza

City Council Members Mr. Michael Carepenter, Chairman, Planning Commission Mr. Mark Mjlvaney, Vice-Chairman, Planning Commission Ms. Sheila McAllister, AICP, Planning Director

As a residence of 811 Lancaster Lane in the South Lake Village of Kiln Creek I find that I must write to you to express my concerns with regards to the proposed rezoning CZ-16-379. These concerns are not based on just the fact that I live adjacent to Brick Kiln Boulevard, but on 35 years of experience as a local/regional planner and membership in the American Institute of Certified Planners.

My primary concern focuses on the potential for increased pass-through traffic on Brick Kiln Boulevard. As a consequence of traffic using Kiln Creek roadways as a pass-through from Victory to Jefferson, it is not usual to have traffic backed up from Jefferson to beyond the entrance to the apartments. If there is an issue on I-64, it can further back-up to the entrance of South Lake. These conditions say nothing to the total disregard for adhering to the posted 35 mph speed limit. Consequently, residents have a legitimate concern for both vehicular and pedestrian safety.

After reading the Planning Department's staff report and attending one of the public presentations at Kiln Creek Elementary, I was surprised that the topic of pass-through traffic and its impacts on the residents of Kiln Creek was treated so lightly. When asked about this at the public meeting, the standard answer was that the proposed traffic improvements, expansion of I-64 and "potential ramp C" would

take care of the problem. I acknowledge the need to improve traffic flow along the Jefferson corridor. That said, such improvements should not minimize the need to address of the traffic impacts of the rezoning on the adjacent residential communities.

As to the need to address pass-through traffic on Brick Kiln, when asked about the amount of traffic that would be anticipated to turn right out of the development onto Brick Kiln or potential solutions, the developer's traffic consulton responded that that would require traffic calming improvements which were the City's responsibility. That was not a satisfactory response. Further, I would not expect residents of York County to go to I-64 to get to the new development. The natural tendency would be to take the shortest route which is through Kiln Creek. Consequently, it is unrealistic to think that the proposed rezoning would not result in an increase in pass-through traffic throughout the Kiln Creek development. The subsequent result would be a degradation in the quality of life of the residents of Kiln Creek.

Expanding the city's economic base is in everyone's best interest. The question is, should such expansion be made at the expense of the residence directly impacted by development.

H. Gerald Smelt, AICP 811 Lancaster Lane Newport News, VA 23602

757/234-0636

907 Niblik Way , Newport News, VA 23602

April 2, 2016

Mr. Mark Mulvaney

Planning Commission Vice Chairman

Mr. Mulvaney,

I am writing this letter to share concerns related to the proposed Plaza at Jefferson where Wegmans would be the anchor store.

I have been a resident of the Gleneagles section of Kiln Creek for the last 23 years. I relocated from Queens, New York seeking to purchase a home in a quiet, secure, beautifully manicured area. For these reasons I chose Kiln Creek. I easily could have selected Hampton, Williamsburg, Yorktown or many of the surrounding communities.

It was convenient to me to have stores I could easily get to for my shopping, ie: Farm Fresh, K Mart, Loews, Home Depot, Walmart etc., as well as the easy access to Route 64.

Over the years many things have changed, for example additional retail and housing has inundated the area. Jefferson Ave alone is nothing but stores , shops and car dealerships going all the way to Williamsburg and downtown Newport News. Now we have the Tech Center at Oyster Point Road and Jefferson Ave. A poorly planned project I must say for navigation to the various shops and poor parking. Traffic has increased thru the Kiln Creek neighborhoods as people from the surrounding areas of Seaford, Poquoson, Yorktown and even Newport News use Kiln Creek Parkway and Brick Kiln Blvd. as a short cut to Victory Blvd. and Jefferson Ave. As you may recall a pedestrian was killed last year attempting to cross Brick Kiln Blvd.

We as residents of Kiln Creek feel that the onetime serenity and safety of our neighborhoods would be destroyed by the addition of this new venture. We recognize the Newport News Airport is having financial difficulty and this would be a means of an out for them. Do not get me wrong, we want them to prosper and be financially sound. Prior to Air Tran leaving we personally frequented the airport for flights to La Guardia to see family and attend many functions. That convenience was taken away.

The grave concern is that we as homeowners utilize the trails for walking, biking, visiting each other, our rec. center, play grounds, pools and country club. The addition of this venture would only increase the traffic in our area despite the suggested road "improvements". In addition we are concerned that we will no longer have direct access to Walmart or Sams Club without being rerouted via Habersham Drive which would infringe the Lake Cambridge area of Kiln Creek. We are not only concerned about traffic but also trash, strangers coming into our community possibly resulting in increased crime. Our crime percentage is very low and we desire to keep it that way. The undertaking of this project would disrupt this community for several years.

In the surrounding areas of Kiln Creek we already have 2 Walmart's, K Mart, Krogers, 2 Farm Fresh, Whole Foods, Sams, Costco and Food Lion. The last thing we need is another grocery store.

As a Newport News resident I observe many already existing vacant commercial properties that provide ample parking and access to major roads. On Warwick and Oriana Road where Kmart use to be you have ¾ of the shopping center vacant, on Jefferson Ave the East Coast Appliance store is vacant. Town Center has lost businesses. Chesapeake Square Mall is going bankrupt, as is Military Circle Mall. The Macy's in Hampton is vacant. All of these areas are large enough for a Wegmans Store with ample parking and easy access to Route 64. Why is it Wegmans does not consider those areas? What if the project fails, here we go again, another vacant property and eyesore to look at.

While attending the informational sessions I heard many disheartened Kiln Creek homeowners threatening to sell and leave the area. We were informed that 2 million dollars would be sought from the City of Newport News to assist this project and help with road improvements. I am sure there are better means to spend the taxpayer's money.

I am appealing to you not to approve this project.

Thank you for your time.

Sincerely,

Gail and Durant Brown

From: Steve [mailto:steve.winters@cox.net] Sent: Monday, April 04, 2016 9:33 PM

To: Mark Mulvaney Subject: Objection to Zoning Change CZ 16-379, Wegmans Grocery Store, The Plaza at Jefferson.

Dear Sir:

I write in connection with the CZ 16-379 zoning change application. As a longtime resident of the area and grew up in the Denbigh area, I know the site well. I have examined the zoning application, attended the informational sessions and I wish to object strongly to the development of Wegmans Grocery Store and proposed "strip malls" at this location.

Kiln Creek is a unique settlement where development proposals should be considered very carefully.

The protection of the unique character of Kiln Creek is supported by current Framework for the Future 2030 comprehensive plan that recommends transportation, natural area/open space and parks and recreation for this site. This proposed zoning change would harm Kiln Creek.

This objection to the proposed zoning change is also based on the following considerations:

- Revenue from Wegmans rental will not provide the solvency required for the airport.
- Informal survey reveals that there are approximately 20+ vacant storefronts within 2 miles of this proposal.
- Can the city support another grocery store within a few miles of other grocery stores [Kroger, Farm Fresh, Food Lion, Fresh Market, Whole Foods, Costco, Sam Club, Walmart]. I recognize that the city citizens like choices, but this zoning change could cause one or more current stores to lose business or close. Grocery stores normally operate on very thin margins.

Appreciate your attention to this objection to the zoning change.

Steve

From: Kevin & Jan Stringer <kjstringer@cox.net> Date: 4/5/2016 6:34 PM (GMT-05:00)

To: carpworld@aol.com, mark@harborg.com

Subject: Wegman's

Dear Planning Commission Chairman and Vice-Chairman:

Regarding the proposed Wegman's shopping center in Newport News, we would ask that you not recommend the proposal to rezone the parcel of land in question. As a native of Newport News since the 1950s, and as a resident who would like to retire in the Kiln Creek Community, we see this shopping center as a deterrent to the tranquil way of life we now enjoy. The traffic on Jefferson Ave. between Denbigh and J. Clyde Morris is already horrendous, and adding another shopping center will only make it worse.

Currently we have twelve grocery stores within a three-mile radius of our home in Lake Cambridge, not including such stores as Sam's and Costco. The citizens of Newport News do not need another grocery store or additional traffic on Jefferson Avenue.

Again, please do not recommend to the City Council this project that will only add additional pass thru traffic in Kiln Creek and additional traffic on Jefferson Avenue.

Sincerely,

Kevin and Jan Stringer

919 Holbrook Dr.

Newport News, Va. 23602

From: Bill Flowers billflowers1@verizon.net Date: Apr 5, 2016 8:35 PM Subject: Plaza at Jefferson Development Rezoning Proposal

To: Carpworld@aol.com

Dear Mr. Carpenter,

I am writing in reference to the proposed Plaza at Jefferson with the Wegmans grocery. At the meeting I attended the airport made it clear that they profit by selling the property and the developer made it clear that the city of Newport News supposedly profits by getting \$6M in road improvements. What was missed is this question: How do the citizens of Newport News and specifically the residents of Kiln Creek profit? In reality they don't.

Imagine having to enter and leave your neighborhood by traveling through a busy shopping center each day. Or imagine having to try to get out of your neighborhood near this shopping center on a Friday. I listened to the developer's traffic engineer explain how Kiln traffic currently isn't congested or really won't be congested after development. He took a survey and went home. I live here.

I'm sure you are aware that there are at least 10 other grocery stores within 2 miles of the proposed Wegmans. I'm a resident of Kiln Creek and I don't need another option. What I need and desire is a good quality of life in a peaceful neighborhood that isn't needlessly congested and over developed. (One only needs to visit City Center and see the empty storefronts to see the impact of over-development.)

I enjoy living in Kiln Creek and Newport News. As a lifelong resident of Newport News and a 10 year resident of Kiln Creek I urge you and the planning commission to reject this proposal. Don't allow this unneeded development to ruin what is in my opinion one of the best neighborhoods in Newport News.

Respectfully submitted,

William B. Flowers

866 Holbrook Drive

Newport News Virginia 23602

From: Mhutzler [mailto:mhutzler2@verizon.net] Sent: Tuesday, April 05, 2016 10:18 PM

To: council@nnva.gov; city@nnva.gov; Carpworld@aol.com; Mark Mulvaney; ppwunicorn@cox.net

Subject: Takeaways from Plaza at Jefferson Meeting, March 30, 2016

To Whom It May Concern:

On March 30, 2016, I attended an informational meeting at Kiln Creek Elementary School hosted by the airport and developer for the proposed "Jefferson Plaza." My comments included below address Kiln Creek traffic issues as well as general inputs concerning traffic saturation along the Jefferson Ave corridor.

Since we moved to Kiln Creek in 2001, traffic along the Jefferson Ave corridor and within Kiln Creek has gotten worse. This is primarily spurred by the buildup of businesses along the thoroughfare. Unfortunately, the infrastructure has not kept pace. Up to this point, the issue with traffic within Kiln Creek is at least three-fold: The first is exiting traffic off IH64 that enters the subdivision at the first Victory Blvd entry to Kiln Creek and the second is other traffic from Hampton Highway and Rte 17 cutting through Kiln Creek (Kiln Creek Parkway/Brick Kiln Blvd) to reach their Jefferson Ave destination. A third issue is the use of Brick Kiln Blvd as a "shortcut" thoroughfare from the Jefferson Ave corridor to points south. It would appear that Wegmans would be another magnet that would attract additional traffic through this once serene subdivision, and the estimated traffic studies strongly suggest this would be true. As was stated by the developer, "people drive 50 miles to get to Wegmans."

- Kiln Creek Traffic Issues. Data provided by the traffic engineer suggested an increase of road traffic in Kiln Creek from all entry points: two at Victory Blvd and at the Brick Kiln Blvd entry points. When we moved here, there was a 4-way stop at Kiln Creek Parkway/Brick Kiln Blvd. Now a stop light exists. All villages to include an apartment complex and condos between this intersection and Jefferson Ave have a stop sign at the entry point to Brick Kiln Blvd. With added traffic, this can only increase the degree of difficulty when entering the roadway from these villages, but in particular when making a left-hand turn to drive toward Brick Kiln Parkway. For example, the village of Lake Cambridge has ~300 homes. When asked how to safely make a left-hand turn coming out of this part of the subdivision, the traffic engineer said to turn right to the proposed first roundabout and then reverse direction. One final point ... the traffic engineer indicated that they had completed their traffic surveys during a Tues-Thurs/Sat timeframe. (I'm not sure why they didn't use Fri since this day of the week in my opinion is usually more heavily trafficked.) The estimate at the meeting was that traffic would increase by 2,000 with the addition of Wegmans, an increase of over 13%.
- Traffic at Bland Ave. According to the traffic engineer, restricting through traffic at Walmart Way/Brick Kiln Blvd across Jefferson will reduce traffic congestion at this intersection; however, what effect will this have on subsequent intersections, i.e., Habersham, Boykin (by Ferguson), and last and by far the worst, Bland Ave? I expect that there would be additional backups during peak periods at these bottle necks that would be worse than they are now.
- Proposed Ramp C. Not a reality yet although the Daily Press indicated that "the city has also asked the Department of Transportation to add a new exit off Interstate 64's collector-distributor road that would connect to Boykin Lane. ... The hope is that the new exit would help alleviate traffic on Jefferson because it would allow drivers trying to get to the James River neighborhoods and others areas to bypass the traffic on Jefferson." (I'm not sure what the reference to James River neighborhoods refers to and how germane it is to this discussion.) However, the point is that this is an unfunded project, but it was made to appear to be the panacea that would remove a lot of the traffic from the entry to Brick Kiln Blvd from Jefferson Ave and in general further points along Jefferson Ave. The bottom line is that this realignment would possibly cause bigger backups at Boykin/Jefferson or Boykin/Chatham/Bland.
- IH64 Expansion. Some seem to think that the widening of IH64 to Fort Eustis Blvd and subsequently past Williamsburg will resolve the majority of overflow issues on the interstate and subsequently through Kiln Creek. However, human nature and bad driving habits being what they are will cause accidents and traffic backups that will extend past the Jefferson Ave exits and subsequently cause detours through Kiln Creek via the Victory Blvd exit.
- Relocation of Amtrak to a location off Bland Ave. Not sure if this is still in the planning cycle, but all of the other comments about traffic overflow on the Jefferson/Bland corridors apply here.

Traffic has increased considerably in Kiln Creek in the past 15 years and will only get worse with development of the Wegman's complex or any other construction at the corner of Jefferson Ave and Brick Kiln Blvd. Efforts to address the traffic issues in Kiln Creek cannot be done in a vacuum; traffic

along the full Jefferson Ave corridor (both ways) must be taken into account. The city needs to be involved in this endeavor, and so far, the effort has been pretty benign. Thanks for hearing me out on this issue.

Michael J. Hutzler

893 Holbrook Drive

Newport News VA 23602-8998

From: Beverly McDonald [mailto:beverly.mcdonald@cox.net] Sent: Wednesday, April 06, 2016 8:48 AM

To: Mcallister, Sheila W.

Subject: The Plaza at Jefferson

I do not live in Kiln Creek. However, I live in Denbigh and use Jefferson Avenue frequently. I attended the presentation last Thursday concerning the Plaza at Jefferson due to my concern over the increase in traffic on that stretch of Jefferson Avenue. Mr. Henderson did not adequately address the increased Jefferson Avenue traffic. Specifically the increase in the number of delivery trucks coming off the interstate coming from both the east and the west. Trucks coming off ramp A will remain in the right hand lane until they turn right into Kiln Creek. Trucks getting off at the ramp coming from the west once they get on Jefferson Avenue will have to move over into the right hand lane to make the turn into Kiln Creek. Vehicles coming off ramp A will have to jockey with the delivery trucks for position as they change lanes and head to Denbigh. Vehicles heading west from the shopping centers to the proposed PaJ will have to jockey for position with the delivery trucks coming off both exits. Also the entrance for the delivery trucks into the PaJ is less than 400 feet from Jefferson Avenue. This may result in cars and trucks stacking up while the trucks try to make the turn as the cars have to go to the next entrance into the PaJ.

Please review my concerns looking at a map of that short stretch of Jefferson Avenue. Vehicles and delivery trucks will be crisscrossing each other which will increase the number of accidents on Jefferson Avenue.

Please share my concerns with the planning commission members about the traffic congestion in this area.

Thank you,

Beverly McDonald

536 Kerry Lake Drive, Newport News, Va 23602

From: RWollesen [mailto:rwollesen@aol.com] Sent: Monday, March 28, 2016 8:58 PM

To: City; Council; Carpworld@aol.com Subject: YES to Jefferson Plaza: YES!!

Greetings,

I am a resident in Kiln Creek (Pinehurst) and I look forward to Jefferson Plaza with Wegmans being the anchor. Wegmans is a fantastic supermarket and would be a great addition to the Peninsula. Also, Wegmans over the years has been consistently rated in the Top 10 employers in the Fortune 100 Employers in the US. I would highly recommend that you visit one in Fredericksburg, I-95 exit 130, and experience it yourself. (See Wegmans.com). If not in NN, then perhaps in York County.

Thank you,

From: Karen Crusberg [mailto:crusbergk@cox.net] Sent: Tuesday, April 05, 2016 1:48 PM

To: Leskovar, Melissa M.

The proposed project where Wegmans is coming to Newport News is exciting and I look forward to it. It is a positive for our city.

The store is highly rated and would bring other tenants to the proposed center..... which would be welcomed in Newport News. Other benefits come with this store and project.... traffic problems being addressed, revenue in taxes and jobs.

Thank you,

Karen Crusberg

From: Pete Paine petepaine@cox.net Date: April 5, 2016 at 6:04:41 PM EDT

To: <smcallister@nnva.gov>

Cc: <kspirito@flyphf.com>, <JWharton@flyphf.com>, <Everette.Hicks@nn.k12.va.us>

Subject: Wegmans Project Adjacent to Airport

Dear Ms. McAllister,

I am writing this as a long-time resident of Newport News. I have followed the recent developments as available regarding the Wegmans proposed development.

Initially, my reaction was vehement opposition to the project. I had concerns about increased traffic congestion, and felt the public had no way of assessing the financial impact to Newport News' bottom line.

I reached out to Jessica Wharton of the Peninsula Airport Commission for answers.

Ms. Wharton returned my call the next day, arranging for Ken Spirito, Executive Director, to join us on the call.

Mr. Spirito and Ms. Wharton spent nearly an hour with me on the phone listening to my concerns and questions.

I asked Mr. Spirito if he would summarize our conversation via email. He did so the next morning (see below).

As a result, I am in favor of the proposed rezoning and related proposed improvements.

Mr. Spirito's efforts made the project "transparent" for me.

As I result, I make my endorsement armed with information, and void of emotion.

Newport News must make prudent financial decisions 100% of the time.

At the 2/23/16 City Council work session, Superintendent of Public Schools - Dr. Ashley Kilgore, pointed out that our city's schools are in dire need of capital improvements.

\$15MM per year in CIP will be needed from the City to avoid a fiscal "Tsunami."

The City does not have the necessary funding.

Prior to my conversation with Mr. Spirito, how could I assess the financial impact on the City, and ultimately our school system for example?

Mr. Spirito should be commended for his efforts, and his actions applauded.

Transparency should be at the center of every city endeavor.

Tell the whole story every time - both the good and the bad.

Give us the financial details to make our own determination if a project is financially viable.

I would welcome Wegmans, improved traffic, and additional revenue for the City.

Signed,

Pete Paine

Newport News

Pete,

As a follow up to yesterday's conversation, we will be discussing the financial background to the development at tomorrow's planning session in the City Council Chambers. Here are some of the basics:

Developer Investment: \$60 + million

City Revenue: Approximately \$1 million of net revenue per year. City will use 100% of the revenue for 3 years to fund road improvements.

Airport Revenue: Approximately \$500,000/year (fair market value of the property). Airport will use proceeds of revenue to fund road improvements and some minor site costs

Wegmans will hire 500 people of which 300 are FT with benefits

The City, Airport and the Developer will have a tri-party agreement to construct the necessary road improvements to provide an increased level of service. Traffic will decrease and level of service goes up from a E/F to a C.

The state will provide a revenue sharing agreement with the city to fund 50% of the road improvements.

The total cost of the road improvements is approx. \$6 million (50% from VDOT 50% from the City. Of the 50% City share, the Airport will contribute 1/3 of the cost).

I hope this gives you some insight to the financial background. You can also look at the following link to see the compliance standards we must follow. The airport is charged with self-sufficiency and we are mandated to fulfill these obligations.

It was a pleasure talking with you. I hope that you can send an email to support this wonderful addition to the City.

http://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/media/5190_6b_chap4.pdf

http://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/media/5190_6b_chap17.pdf

Use this link to submit your support email. Thank you ! - Ken

<https://www.nngov.com/519/Planning>

Ken R. Spirito, A.A.E.

Executive Director

Newport News/Williamsburg Int'l Airport

From: Henry Piland [mailto:hpiland@cox.net] Sent: Wednesday, April 6, 2016 2:24 PM

To: 'council@nnva.gov' <council@nnva.gov>; 'planningcommission@nnva.gov' <planningcommission@nnva.gov>

Subject: Re-zone Airport property for Wegmans

To whom it may concern:

I would like for you to vote "YES" to re-zone the airport property on Jefferson Avenue and Kiln Creek. The re-zoning of the property for Wegmans would provide the average Newport News citizen with an additional grocery store with less prices and many more choices than Whole Foods and/or The Fresh Market. Although it may increase traffic, the proposal does provide a better traffic pattern than what we have at this time. At a time when stores closing and families are leaving Newport News for a better quality of life, this project would increase revenue for the city and the airport.

Thank you,

Henry L. Piland, Jr

131 Lakeview Drive, Newport News, Va 23602

EXCERPTS FROM PLANNING COMMISSION MINUTES

April 6, 2016

CZ-16-379, Peninsula Airport Commission. Requests a change of zoning from M1 Light Industrial to C1 Retail Commercial with proffers on a 33.37 acre portion of an 824.62 acre parcel located at 900 Bland Boulevard to allow retail development. The subject area is roughly bounded by Jefferson Avenue and Brick Kiln Boulevard. The *Framework for the Future 2030* comprehensive plan recommends transportation, natural area/open space and parks and recreation for the site. *(A plan amendment change to the Framework for the Future 2030 is pending.)* The Parcel No. is 112.00-01-01.

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

Mr. Everett Skipper, Director of Engineering, stated there was some discussion about a question he had previously answered related to how traffic in the TIA is considered. He stated we consider the maximum traffic during normal conditions, with normal conditions being twenty-four hours a day, seven days a week; however, excluding accident driven conditions that are going to be extreme. Mr. Skipper stated we do exclude those and that is the practice for such studies nationwide. He stated it is not considered in these types of things; however, we did use the maximum Sunday, twenty-four hour conditions that could be found. Mr. Skipper stated that, in addition, Interstate 64 and Route 17 are currently under construction, and there is a difference today, based on people who are avoiding those routes by using both Jefferson Avenue and Warwick Boulevard. He stated we see that in the number today, but that will also be mitigated as time goes on. Mr. Skipper stated he himself travels to a church in York County along Route 17 normally, and he has been using Jefferson Avenue. He stated that, further, at the intersection of Brick Kiln Boulevard and Kiln Creek Parkway, we had received in December, a request from residents to look at how the traffic signal at that intersection functions. Mr. Skipper stated the request was to switch to something that we call split phasing, which means that instead of opposing traffic flowing together, which is the current condition on Brick Kiln Boulevard into and out of the clubhouse, that we would have one section flow and then the other. He stated that is done at a number of intersections in the city both ways. Mr. Skipper stated we have a number of intersections that are single phased, and a number of intersections that are split phased. He stated the request for split phasing is usually driven by the difficulty of getting through the intersection when people are making a left in large numbers and people who are crossing. Mr. Skipper stated there are a number of statistical elements that we review in doing that, called the warrants for the signal's operation. He stated that in our review, we did not find that the warrants were met for a split phasing. Mr. Skipper stated the other complication for us is that the split phasing, because we now have to allow time for two different sets of operations, stretches the entire signal function in time. He stated that means that delays for everyone will typically increase, so for those reasons we prefer to avoid it unless it is truly warranted; however, in our review we did decide that it is probably appropriate to alter timing to some extent, and alter the way that the signals are presented. Mr. Skipper stated that currently, there is a

green arrow for the left turns coming from Jefferson Avenue on to Brick Kiln Boulevard. He stated we are looking to change that to a flashing yellow light that people may have seen at many other intersections, and that is to help emphasize to the drivers approaching it that they are supposed to yield to that oncoming traffic. Mr. Skipper stated there was a follow-up letter from the HOA Board of Directors that asked us to look at the same thing we had been looking at since December, and we have responded to that letter. He stated they should have our letter in a couple of days which describes those changes.

Ms. Fox asked if people are coming to Wegmans from out of the area, will they have any reason to go into the Kiln Creek neighborhood. She asked if, once they come off the interstate, will they go directly to Wegmans without traveling through the entire neighborhood. Mr. Skipper stated he would expect that they would do what he would do and that would be to let Google guide them, which will take them directly off the interstate. Ms. Fox asked if it would generate traffic into the Kiln Creek neighborhood if you are coming from out of the area. Mr. Skipper stated no, not from out of the area. He stated that by improving the function of the ramp on the interstate, we may even reduce some of the cut-through traffic that is current today.

Ms. Willis asked if deliveries are normally during rush hour or at separate times of day when 18-wheelers are on the road. She asked if we should expect more 18-wheelers coming down the road during peak traffic times. Mr. Skipper stated he does not know the answer to that.

Mr. Dexter Williams, DRW Consultants, LLC, Traffic Engineer for the applicant, stated so far with the work that AES has done in laying out the site, we have been designing for all of the tractor trailer trucks to come in off of Jefferson Avenue. Ms. Willis asked if there was a time of day for truck deliveries. Mr. Williams stated he does not know anything about the possibility of delivery times, as that would be a business function.

Ms. Willis asked if there is any way to keep 18-wheelers from going through Kiln Creek, the way the city is set up and how the roads are run. She asked if there was a way to legally re-route the trucks somewhere else, or is that road open to 18-wheelers. Mr. Skipper stated the roads are open to all traffic unless they are specifically signed otherwise. He stated that in some cases we can indicate no through trucks or no through traffic in specific areas, but he did not believe it has been considered here. Mr. Carpenter stated you will have a hard time signing off simply because there are currently businesses and a clubhouse that need deliveries. Ms. Austin stated that is considered a delivery truck and not a through-truck. Ms. Willis stated the complaint was 18-wheelers are cutting through Kiln Creek.

Mr. Mulvaney stated the TIA that is done is twenty-four hours a day, seven days a week. He asked if the traffic is averaged over that period of time or do they take samplings over these areas and determine what is best. Mr. Mulvaney asked if we are looking at total numbers over a day. Mr. Skipper stated he looked at peak hour during those periods and typically it is A.M. peak, P.M. peak, and weekend peak, and it varies from place to place, but it is the highest peak hour during the entire week. Mr. Mulvaney stated that according to the figures that he has been given by the developer

and everyone involved, Wegmans will do approximately \$100 million in sales annually at this location. He stated that, based on that, if we just use standard averages, that is 400,000 customers annually. Mr. Mulvaney stated if you break that down again, it comes up in a twenty-four hour period, of about 1,100 cars additional per day. He stated that, granted, they may come from Kiln Creek, but also, because it is new, they are going to be coming from out of the area. Mr. Mulvaney stated that is an impact that you can break down even more, and during the peak times, actually raise the number of vehicles. He asked if that was considered. Mr. Mulvaney stated that when Mr. Skipper talked about the traffic impact, he heard him say 400 to 500 cars, and he is wondering how that number came about. Mr. Skipper stated he was sorry if he was unclear. He stated the numbers are overwhelming in discussing these things and the 400 or 500 that he was discussing was the total traffic along Brick Kiln Boulevard and Kiln Creek Parkway under the peak hour conditions. He stated what he had said was that we consider where such roads can be congested when the traffic is in excess of 1,200 to 1,500 vehicles per lane. Mr. Skipper stated we would look for much higher numbers before we considered those to be congested. He stated when we look particularly at what a Wegmans would do, the numbers that were provided by the consultants in the TIA suggest that we are talking about 13,000 trips per day and the impact of that on the peak hour is approximately 150 on Jefferson Avenue, something under 100 on Brick Kiln Boulevard, and varying depending on which part of the street network we are looking at is how those are distributed, but in the analysis those accumulations are picked up throughout the entire network and each intersection is analyzed. Mr. Mulvaney stated there is a truck stop immediately across Habersham Drive, directly before you get to Lowes. He stated we are talking about 18-wheelers, and increasing the commercial traffic in that area, and now we have 18-wheelers that are coming through the intersection, doing what they need to do to get there, whether they are going to the commercial development or coming from it. Mr. Mulvaney stated that is another impact because commercial vehicles represent three cars and their motion of movement from a stop to start represents five cars. Mr. Skipper stated those types of analytics are done based on numbers of total vehicles. He stated there is a mix of trucks and cars that is considered in the package that is analyzed against the actual conditions. Mr. Skipper stated trucks are bigger and take a little longer, and when they maneuver, they impact things a little more because they are a little slower to get out of the way. Mr. Mulvaney asked about the light at Habersham Drive and Chatham Avenue, which creates a very short stacking right there before Jefferson Avenue. He stated now you are coming across the old Walmart Way, where you would turn to go to Lowes, right there past the gas station, and can go left to Walmart, or right to Lowes, which then narrows down into a two-way road until it opens again and is kind of dangerous. Mr. Mulvaney stated we are driving traffic into that area, but do we not have a stacking problem right there at the Habersham Drive and Chatham Way light if we are directing traffic out of Kiln Creek. Mr. Skipper stated what we have typically found is that the lights at Habersham Drive and Jefferson Avenue, also Boykin Lane and Jefferson Avenue, have similar issues though not exactly the same. He stated we also did look at the intersection Mr. Mulvaney is describing, but he believes it was Level of Service A and transitioning to a B under the current conditions, again both of which we would consider very, very good. Mr. Skipper stated we are very happy to get Level of Service C's typically. He stated the difference between a Level of Service A and B are bigger the farther you get. Mr. Skipper stated the difference between an A and B is

relatively small, from a B to a C is bigger still, so the A and B difference is not tremendous. Mr. Williams stated he thinks the Habersham Drive intersection was operating at a Level of Service C, but one of the things we are building into this is we are including improvements on Habersham Drive on that eastbound approach to Jefferson Avenue. He stated we are increasing that capacity there and we are reducing those cues. Mr. Williams stated we are making improvements on the other side of the street as well to reduce that cue impact. Mr. Mulvaney asked if that is the other side of the street where it is going to Chatham Avenue. Mr. Williams stated yes, we have improvements on the west side of Jefferson Avenue, on Walmart Way, and on Habersham Drive, specifically to address cueing issues there. He stated the higher Levels of Service was mostly cueing problems. Mr. Mulvaney stated because that has a very small stacking right there. Mr. Williams stated yes, we do not have anything like that on the east side.

Ms. Cotton concluded her report.

Ms. Fox asked what are the uses permitted in the light industrial zoning by-right. Ms. Cotton stated warehouse and office, but not heavy manufacturing. Ms. Fox asked if storage would be a consideration. Ms. Cotton stated yes, and storage, warehousing, and office. Ms. Fox asked if a distribution center would be appropriate. Ms. Cotton stated yes, and mini-storage.

Ms. Willis asked how much industrial property is in Newport News. She asked if we have other industrial areas that are available. Ms. Cotton stated we do have industrial property. She stated she cannot speak to private property that is available, but we did check with our Development Department today. Ms. Cotton stated in Oakland Industrial Park there are approximately ten properties that are available for industrial development, ranging from seven acres to forty-five acres. She stated she needs to mention that we have prepared a package with email communications that we have received since the property was advertised and the hearing notice was advertised. Ms. Cotton stated there are approximately fifty-four emails in that document, with thirty-eight against the rezoning and sixteen in favor of the rezoning.

Mr. Mulvaney asked if under the current zoning, it is actually considered a lower density than what the change of zoning would be. He stated with storage or light industrial, we are not looking at higher density, higher personnel type component. Ms. Cotton stated it is possible you could have an office user that would be high personnel. Ms. Fox stated distribution could have high personnel. Ms. Cotton stated yes, but in terms of parking requirements, there are more parking requirements for retail users.

Ms. Austin stated that, as there is a ratio of numbers of square feet in a commercial building and number of parking spots required, she asked if there is some kind of standard or range of ratio that would describe the number of people in the population and the per-square-foot of commercial space. Ms. Cotton stated that in Planning circles we have things like park area per resident that is a typical threshold standard. She stated she thinks that has more to do with the free market. Ms. Cotton stated she is not familiar with ratios for commercial space. Ms. Austin asked what is the range that

seems to work best. She stated if you get over a certain number, do you have lots of empty places.

Ms. Austin stated nothing was mentioned about the BMPs. She stated there are three along the side of the buildings. Ms. Austin asked what rain rate are they designed for, and will they overflow if we get fifteen inches of rain in a twenty-four hour period. Ms. Cotton stated she would defer to Engineering to answer that question because they have storm events that they design to.

Mr. Skipper stated he would like to make a small correction when he was asked about Habersham Drive and he said he was not certain if it is a Level of Service of B or C. He stated it is currently a C and will remain a C after the improvements.

Mr. Skipper stated in relation to stormwater drainage, at this stage of any development, we have nothing from the developers as to what they expect. He stated the standards are that we would design to a ten-year storm with a one-year twenty-four hour cycle. Mr. Skipper stated that is a standard for all of the drainage systems within the city. He stated there are a couple of exceptions that include railroads and interstates, but generally speaking, any site development is the ten-year storm. Ms. Austin asked if Mr. Skipper knows what a twenty-four hour downpour of a ten-year storm is. Mr. Skipper stated he should but he will check it and send an email to the Commission as he cannot recall at this time.

Ms. Willis stated there was some mention in some of the emails about flooding, and putting down a large parking lot for a commercial area. She asked what are the issues in that area as far as flooding. Ms. Willis stated she knows that as a green space, that green area held a lot of water on top of it. She stated she could drive by and see that the ground was wet and the geese were standing in water. Ms. Willis asked if we put concrete all over there, is there a chance we would flood the neighborhood. Mr. Skipper stated there is always a chance of flooding everything; however, the standard that we use to determine such things is that same ten-year storm. He stated what the requirements call for is, when you develop a site, you are required to make the conditions on the site such that no more water exits during a ten-year storm than exited before the development. Mr. Skipper stated if it was all green and holding water to a certain level before, you cannot exceed that amount after construction at the level of the ten-year storm.

Ms. Willis asked how far can a parking lot effect stormwater if the parking lot is a certain size, does it affect the area twice its distance away. Mr. Skipper stated he did not know that we would think of it that way. He stated we go through a process of determining how the rainfall that falls on the land either runs off or is absorbed. Mr. Skipper stated the runoff either has to be stored or controlled so it does not exit any faster than it did before. He stated if he had a very large parking area with only a little space around it, if that space around was something that looked kind of moat-like, it is entirely possible that would pass the standards. Mr. Skipper stated that, at the same time, he could have something that is not moat-like, if it were a very small strip of grass it almost certainly would not pass. He stated it depends a great deal on exactly which conditions you are

looking at, and the effects are not so much distance, but they are in quality and quantity of water that exits the site.

Ms. Willis asked if the location is near Kiln Creek Lake One. Mr. Skipper stated yes. Ms. Willis asked if that would be one of the runoff areas. Mr. Skipper stated he is not certain. He stated he would expect that all of the site development would be directed toward the on-site ponds, and the reason for that is because one of the standards that we have to look toward is the quality of the water that exits the site. Mr. Skipper stated water that comes off of the parking areas has certain levels of various types of contaminants and we are required by law to control those. He stated there are a number of calculations and regulations that were changed two years ago to a more stringent standard for quality of the water. Mr. Skipper stated he would expect that almost all of the water would be passed through the ponds so they could be processed for water quality issues.

Mr. Carpenter opened the public hearing.

Mr. Tim Trant, 11815 Fountain Way, Attorney for the applicant, spoke in favor of the application. Mr. Trant thanked Planning staff for their assistance. He gave a brief description of the project.

Mr. Trant stated that, as Planning Commissioners, you are charged with evaluating the public benefits of the project. He stated some of the most significant benefits of this proposal are: it entails substantial traffic improvements that improve the Level of Service in the corridor, but will not be built without the economic engine of the magnitude of the subject proposal; the project entails an approximately \$60 million capital investment and will result in over \$1 million in net new revenue to the city; further diversifies the airport's revenue streams for the promotion of air service in our community; respects the gateway location of the property with a much more desirable land use proposal and development that would be achieved than that consistent with the existing industrial zoning; it is a proposal that reflects the land use which is consistent and complementary with the existing surrounding land uses; there is unique scrutiny, control and certainty associated with this project, not only through the proffered zoning process but also the airport's retention and ownership of the development through its lease arrangement, which is a level of control and assurance that you do not get through private enterprise; enhancements to the aesthetic character of the corridor secures a first-in-class business employer for our community that contributes to the quality of life we enjoy here; and, the collaboration that this project has engendered with the Kiln Creek community and the homeowners' association boards. Mr. Trant stated the property is not subject to, nor part of the Kiln Creek villages master plan, but is obviously situated in one of its primary entrances. He stated we view them as a stakeholder in connection with the development of this project. He stated we have been meeting very regularly with their board of directors and their counsel for several months to brief them on the proposal and to collaborate on our areas of mutual interest. Mr. Trant stated the board has been appropriately cautious and careful in their scrutiny of the project, as well as very protective of the interests of their community. He stated they have also been very gracious with their time and their energy in working with us to try and work through our mutual interests in this development. Mr. Trant stated he is happy

to report that we have reached an accord on their areas of primary concern. He stated we have also hosted a series of three community meetings at Kiln Creek Elementary school last week in an effort to engage their residents and help inform them about what is actually being proposed and to respond to their questions.

Mr. Groce asked how many people will we see employed at maximum capacity. Mr. Trant stated the anticipated employment at Wegmans, based on their performance and hiring at other stores is projected to be approximately 500 new jobs, over 300 of which are projected to be full-time with benefits.

Ms. Willis stated she has some concerns about the pedestrian and bike traffic in the area. She stated Mr. Trant mentioned a continuation of a park like setting. Ms. Willis asked what Mr. Trant envisions coming into Kiln Creek and how is that going to benefit the residents. Mr. Trant stated, on a point of clarification, if he said park like setting, he meant parkway setting, Brick Kiln Boulevard with a parkway like setting, and it has been our commitment to the HOA that we not only replace that, but even potentially enhance it. He stated the landscaping along Brick Kiln Boulevard is at the end of its maturity and it is time to be regenerated and refreshed. Mr. Trant stated there will be a cost savings to the HOA with our undertaking of what will be effectively a replacement of that landscaping concept with a boulevard parkway feel. Ms. Willis asked who will maintain the landscaping. Mr. Trant stated that is a detail we are still working out. He stated they currently have landscape easements on both sides of the current location of Brick Kiln Boulevard and they pay to maintain those, as well as the street lights and right-of-way. Mr. Trant stated they also mow the field in which the project will ultimately be located. He stated there is some substantial expense to them now, and we are working on finalizing an equitable arrangement of the cost sharing of that work, where we would take over responsibility for a portion of the landscaping and they would have some protections in case we do not do it right so they can protect their interests and make sure it is done right.

Mr. Mulvaney stated Mr. Trant mentioned the Interstate 64 widening would probably reduce traffic. He asked if Mr. Trant was implying that it would reduce traffic coming off on Jefferson Avenue, or does he believe it would. Mr. Trant stated the I-64 widening would reduce traffic, but he meant it would reduce traffic congestion in the Jefferson Avenue area, hopefully alleviating some of the backup. He stated right now if you are trying to move west on I-64 in peak commuting hours, and you are getting on at the Oyster Point Road access point, you will often find backups because of the volume of traffic converting from a multi lane to two lane configuration, and people are encouraged to get off and try to move west on Jefferson Avenue as a bypass. Mr. Trant stated the third through lane all the way to Yorktown Road will help reduce the backups that we see at the Jefferson Avenue exit and diminish the encouragement of people seeking a bypass. Mr. Mulvaney asked if we have studies to show that a lot of these transient people on Jefferson Avenue are actually bypassing that congestion and is where the current backup is coming. Mr. Trant stated for technical data, he would defer to the traffic engineers. Mr. Mulvaney stated Mr. Trant is implying that the widening of I-64 will help reduce the traffic backup on I-64, which will in turn help reduce the traffic on Jefferson Avenue, which implies that there is a lot of transient drivers using Jefferson

Avenue to bypass that portion I-64. He stated that, granted it is only to Yorktown Road, which is only a couple of miles, but what data supports that.

Mr. Williams stated we did not study anything outside of the corridor because we are not in control of when I-64 is going to be widened or if Ramp C is constructed. He stated we wanted to focus on what we could do to prove our case. Mr. Williams stated that, as far as the relationship between traffic backup on westbound I-64 at Jefferson Avenue, he would say that during the tourist season when you do not have a high commuter volume getting off that ramp, people will bypass it. He stated he does not know how many people are doing it during the peak hour, but he thinks it will help general traffic conditions and certainly the tourist traffic conditions. Mr. Williams stated it may not improve P.M. peak traffic hours where Ramp C would really make a difference in getting traffic off of Jefferson Avenue.

Mr. Mulvaney stated he has heard several people say there is a \$1 million revenue annually coming to the city. He stated an economic impact to the city is always important for land use. Mr. Mulvaney stated the revenue to the city is estimated to be \$1 million annually. Mr. Trant stated yes, the net new revenue emanating from the project at post-build out is what our fiscal impact consultant has concluded. He stated he thinks it is a fairly conservative estimate. Mr. Carpenter asked if that comes from a 1% sales tax on \$100 million in sales. Mr. Trant stated that is a substantial part of it. Mr. Chris Henderson, CBRE, representing the developer, stated that, with regard to the fiscal impact study that was performed, we retained Ted Figura, who was the former assistant director of economic development for the city of Newport News. He stated Mr. Figura has a reputation for being very conservative in his approach to economic impact studies such as these, and we wanted to find somebody who was fluent in the analyses the city would use in evaluating the impact assessment from an economic standpoint. Mr. Henderson stated the revenues that will be coming to the city are coming in several different buckets. He stated that, contrary to some of the statements that were made and published, the project will be subject to real estate taxes, both the land and the improvements. Mr. Henderson stated that despite the fact that the land is owned by the airport and not currently subject to taxation, this particular use will be subject to real estate taxes on both the land and the improvements, which is an important new source of revenue that does not currently exist today. He stated that, with regard to the income that is derived from additional retail sales that are generated, Mr. Figura took a very conservative approach and discounted substantially the new revenues because of trade-offs from existing businesses that currently fill portions of the space that will be occupied by Wegmans. Mr. Henderson stated that only a portion of the gross revenue that is going to be generated on the center, primarily by Wegmans, but by the entirety of the center, only a portion of it was determined to be new net revenue. He stated that, in addition, there is a significant component related to business personal property taxes: the BPOL tax and the machinery and tool tax that is currently not derived from that property today. He stated the low end estimated at build-out was \$968,000, and the high end estimate was \$1,367,000. Mr. Henderson stated that was a range and we decided to err on the conservative side in our estimation presentation that \$1 million is a conservative estimate and the gross revenue is substantially higher than that. He stated Mr. Figura also completely discounted any new net revenue that would be attributable to the restaurants, retailers and service businesses that will be located in

addition to Wegmans. Mr. Henderson stated Mr. Figura discounted that because he believes that space is currently being filled by other service providers and that there was, in essence, a zero sum game and that business would simply be transferred. He stated when we talked about what the new net revenue is to the city, it is truly netted-out, after all considerations and discounts for impacts on existing businesses within the city.

Mr. Carpenter thanked Mr. Henderson for bringing up the real estate taxes. He asked if the buildings will be assessed at fair market value by the city. Mr. Henderson stated yes. Mr. Carpenter asked if they will be assessed by the standard city tax rate. Mr. Henderson stated yes, that is our expectation.

Mr. Mulvaney stated everyone has been making references to the airport master plan. He stated he read Appendix F of the airport master plan, which is the non-aviation development, and when it comes to this component, there are a couple areas they reference. He stated in an area by Denbigh Boulevard, which is considered Area 3, the plan states "we suggest that about 100,000 – 200,000 square feet of retail / commercial development could be accommodated at this location on about 10 – 15 acres of land. If a "big box" retailer (Wal-Mart, Loews, Home Depot, Costco, etc.) could be attracted then the overall retail square footage could probably be boosted by an additional 200,000 - 300,000 square feet or more." Mr. Mulvaney stated in the beginning of that, they note that there is a lack of retail in that area and so they see it as a more vibrant opportunity to put the retail. He stated in the area that is being recommended, according to the plan that was put out by the airport, Area 4, which is this area, and read: "is another landside development opportunity location that can accommodate additional retail and other commercial uses. It occupies something of a gateway orientation to the Airport and lends itself to the village retail ... not to exceed 180,000 square feet." Mr. Mulvaney stated he sees a village type retail as a component of buildings, as they have represented in their plan, as several different little buildings in this village retail. He stated this is the current approved plan for 2014. Mr. Mulvaney asked if he is missing something. Mr. Ken Spirito, Executive Director of the Peninsula Airport, stated yes, there is a lot of information embedded in that. He stated that one of the things about the master plan, which is also reflected on our airport layout plan which is really the guts and results that the FAA measures as the master plan goes through the process, with different quadrants in different areas, and that area there (Area 3), those big box retailers do not exist in York County, so when we had our economic development consultant do their economic analysis and looked at York County's retail deficiencies, those big box retailers are very deficient. He stated the property Mr. Mulvaney mentioned is in York County and not Newport News. Mr. Spirito stated that in regard to the availability of our property for non-aeronautical development, even though it is called out in the master plan for "x" it does not mean it could not be "y". He stated it is just general reference and examples of what could be there. Mr. Mulvaney stated the property does abut Denbigh Boulevard as is noted. Mr. Spirito stated that is correct. Mr. Mulvaney stated Denbigh Boulevard is also considered another gateway. Mr. Spirito stated yes, and for York County, it would be to their benefit to look at that area as a developable area for growth in York County.

Mr. Mulvaney stated everyone is talking about Wegmans, which we are actually talking about a rezoning of this property. He stated if Wegmans decides tomorrow that Newport News is not the place, you can bring in whatever you want up to this point and it is not all about a boutique retailer at this point, it is all about putting something there. Mr. Mulvaney stated he wants everybody to understand that in perpetuity this land will now be considered commercial retail. Mr. Trant stated that is absolutely correct. He stated this is a rezoning and there is no specific proffer that Wegmans will be the anchor tenant, and that is consistent with how projects are developed all over Newport News; very good projects that we are happy and proud to have in our community and all over Hampton Roads. Mr. Trant stated that what is unique about this project is the level of proffers that attempt to provide that assurance in an indirect way, so that whatever does happen there, you can be assured to get the traffic improvements because you cannot get site plan approval without it, and being assured that whatever gets built there looks nice, like some of the slides he shared in his presentation that are straight out of the design guidelines. He stated this ensures that Kiln Creek can be assured of the appropriate aesthetic appeal at one of its primary entrances to its community. Mr. Trant stated we are confident the anchor tenant will be a Wegmans but that is not a condition of the zoning. Mr. Mulvaney stated he wants everyone to understand that, in his 20 years of retail experience, Wegmans is an unbelievable operator. He stated he has a caveat with that, that they are professional and they have a high ranking, so he does look at that component.

Mr. Pete Paine, 10 Sir Francis Wyatt Place, thanked the Planning Commission for the effort they put into their analysis. Mr. Paine stated traffic is a very important issue, but he thinks we can agree on that if you have been a resident of Newport News for any time, you know traffic is bad and that we need improvements. He stated any statistics you get, you are going to formulate your own opinion. Mr. Paine stated we are in agreement that traffic is bad and with Wegmans, we could not have a better company coming to Newport News. He stated he agreed with Ms. Fox that this situation is bigger than Kiln Creek. Mr. Paine stated yes, it is important, but it is a main part of the city. He stated Mr. Carpenter stated it very well when he said that there are a lot of things to consider here. Mr. Paine stated one of the things that he really wanted to get a feel for in his investigation is what is the financial impact to the city. He stated there are real estate taxes and private and public partnerships, and all sorts of deals that have been going on, but coming here is a class act. Mr. Paine stated he wanted to research what the financial impact was, and that was very important to him. He commended Ken Spirito for spending an hour on the phone with him addressing every one of his concerns and was kind enough to follow up with an email addressing the fiscal concerns and questions he had. Mr. Paine stated that, as a result, based on the information that he has, he would come out in support of this project. He stated he sent an email to Director McAllister and asked how many people read his email. Each Planning Commission raised their hand. Mr. Paine stated the Planning Commissioners would know where he is coming from. He stated he understands that the important action tonight is to make a very simple decision on a zoning change from whatever to whatever, and that is the simple purpose of these proceedings. Mr. Paine stated you would be amiss if you did not realize what is going to happen after that rezoning. He stated a fine developer is going to come in and build an absolute quality first-class development for the city of Newport News, but what is going to be the cost. Mr. Paine

stated we have heard on the low side it is \$1 million and on the high side it is over \$1 million to the city. He stated that in his discussions with Mr. Spirito, it is a lot more complicated than that. Mr. Paine stated there is perhaps \$6 million of improvements that need to be made to the site and the amount of the lease that is out there. He stated Mr. Mulvaney was asking how we are going to get this money. Mr. Paine stated that it seems the financial aspect of this has not really been a focus, and you may tell him that no, it should not be because all we are doing is dealing with this simple thing, and we have two different sessions: one to approve an amendment to a plan so we can have a rezoning. He stated it all links together. Mr. Paine stated he looked for the minutes of the meetings of the council to get what the financial impact on the city is. He stated he came across the session where the Superintendent of our school board went in front of a work session on February 23, 2016, and he encouraged the Planning Commission to look at those minutes. Mr. Paine stated it really brought his attention to a matter of great fiscal importance to this city, which is the state of our schools. He stated there is a huge \$15 million a year capital improvement shortfall to the school system, and the city has to prioritize where it puts our money. Mr. Paine stated the impact of this project is, that it is not important on whether we get a Wegmans or what goes in there, but what is it going to do to the city's bottom line. He stated that to avoid the fiscal tsunami that could be coming, if we end up spending \$3 to \$5 million more on this because of all of the improvements, then he would say he is not for it. Mr. Paine asked that in the future, or interim analysis, that we be a whole lot more clear on that \$1 million and what is the financial impact to the city, rather than bringing it up at the last second, whether or not it is for your charter. He thanked the Planning Commission for their time and their hard work.

Mr. Carpenter stated that many of the questions Mr. Paine raised having to do with the financial data will be looked at by our City Council.

Mr. Wesley Krohn, 807 Bacon Court, stated if the entrance to Kiln Creek is truly a gateway location to Newport News, then let's treat it as such. He stated let's not treat it like another concrete corridor or a berm with trees on top of it that prevents the full view of the airport over any other green space out there. Mr. Krohn stated it is not a gateway to the city or coming out of the airport, or going to the Victory Arch, or going anywhere in the city, except getting off to go to a shopping center. He stated that is what Jefferson Avenue is, and that is what differs right now at the entrance of Kiln Creek. Mr. Krohn stated it truly is what makes our city. He stated he cannot say that strongly enough. Mr. Krohn stated if we are going to have a Green Foundation, then we need to treat our green space as such because the decision made today will affect the city forever.

Ms. Elizabeth White, 5425 Discovery Park Boulevard, Williamsburg, Attorney for the Villages of Kiln Creek Owner's Association, stated she was here to answer questions only. Ms. White stated that since Mr. Trant brought it up, she wanted to mention the memorandum of agreement that they have been working on for several months now to address concerns that we outlined in a letter she sent to Ms. McAllister on March 4, 2016. She stated the good news is that, in that letter, she went through conceptually eight different areas of concern that the board of directors had for the Villages of Kiln Creek Owner's Association. Ms. White stated she is cautiously optimistic that all of those concerns, with the possible exception of one, will be successfully addressed in

this memorandum agreement. She stated that they are very happy and pleased that Mr. Trant, Mr. Henderson and Mr. Spirito have dedicated so much time to work with us in collaboration to come up with a way to address our concerns. Ms. White stated Kiln Creek does have vested interest in real estate property in the area as Mr. Trant mentioned. She stated we do have landscaping easements and easements for signage at the gateway, and those were very big concerns for us to make sure that the integrity of the signage stays in place and is not in any way undermined, and hopefully improved, as well as the landscaping. Ms. White stated we are continuing to work that out, and we are really close. She stated that hopefully we will have a signed agreement in hand before the City Council meeting if this matter goes forward. Ms. White stated she wanted the Planning Commission to know that they did have concerns but they are being addressed. She stated the applicant spent an enormous amount of time going through the traffic considerations with the Kiln Creek board. Ms. White stated we are not traffic specialists and are looking very much to the city and city representatives to determine whether or not this is in fact a traffic improvement, as it has been portrayed. She stated the board of directors at this point feels that in terms of the memorandum agreement that we have addressed those things that we can control or attempt to control, and the traffic part of that is really out of our control at this point.

Mr. Mulvaney stated that some of these roads actually merge together between York County and Newport News. He asked if there is a collaboration between the two counties to try and make something viable because it is going to impact everybody. Ms. White stated we were just brought into this at the end of January, which is stated in her letter, and we have really had to get up to speed on this. She stated we have not been entertaining any discussions on our part as the association with York County or any York County officials.

Mr. Carpenter closed the public hearing.

Mr. Groce made a motion to recommend approval of change of zoning CZ-16-379 to City Council, as recommended by staff. The motion was seconded by Mr. Jones.

Ms. Willis stated that, considering the uses under industrial or going with the commercial and proffers that are being available to help with traffic in the area, she really feels comfortable with the change of zoning vote.

Mr. Mulvaney stated he has expressed his items of concern from before, but now with this new information about the memorandum of agreement with the residents of Kiln Creek, it concerns him that we are going to do this without another very important component in place that, once again, protects residents of our city. He stated there have been discussions, but it seems like this plan has been going on a lot longer than these discussions have been. Mr. Mulvaney stated he is concerned that if we go ahead and do this and it gets pushed forward, and then the Kiln Creek residents are left without some type of realistic livable document that is going to protect them in perpetuity, which is us making sure that they are taken care. He thanked everyone for their input, but that is his biggest concern right now, that there is a component out there that is unresolved.

Mr. Jones stated that, in the same token, he is glad Ms. White came forward to let us know that the HOA is working on this and has a condition on it and developed a memorandum agreement.

Mr. Carpenter stated he went on a family trip this past weekend and drove through Waldorf, Maryland. He stated he and his family discussed where they were going to stop for dinner and he saw a shopping center with a four-story tall spire and realized it was a Wegmans. Mr. Carpenter stated they had dinner at Wegmans and it is a wonderful store and they had a wonderful experience. He stated it could be a wonderful addition to the city. Mr. Carpenter stated he recognizes full well that the experience is so good that it is going to bring people from all over the place into the city of Newport News, onto Jefferson Avenue, and yes, into Kiln Creek. He stated he is excited and hope that Mr. Henderson is able to get the lease together and he wants Wegmans to come to Newport News, but at the same time he does not think this is the ideal location for it.

Vote on Roll Call

For: Fox, Jones, Willis, Groce, Maxwell

Against: Simmons, Mulvaney, Austin, Carpenter

Abstention: None

The Planning Commission voted 5:4 to recommend approval of change of zoning CZ-16-379 to City Council

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April 11, 2016

VIA EMAIL & US MAIL

Collins L. Owens Jr., Esq.
City Attorney
City of Newport News
9th Floor, City Hall
2400 Washington Avenue
Newport News, Virginia 23607

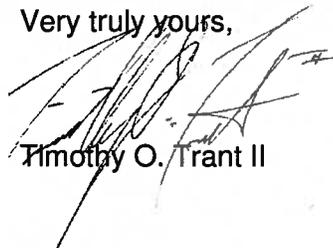
**Re: Request for Public Hearing Deferral
Conditional Rezoning Application # CZ-16-379
Our matter number 0161953**

Dear Mr. Owens,

I represent the applicant for Conditional Rezoning Case # CZ-16-379. A Planning Commission Public Hearing on the case was held on April 6, 2016 and the City Council Public Hearing is proposed for April 26, 2016. The applicant received various comments from the public and the Planning Commission at the Planning Commission Public Hearing on April 6th. The applicant needs some additional time to review these comments and prepare the application for consideration by City Council. We expect to complete these efforts by the end of April. Accordingly, we request that the City Council Public Hearing on this case be deferred until the May 10th meeting of City Council. Additionally, because of the relationship of the application to Comprehensive Plan Amendment Case # PLN-16-14, we respectfully request that City Council Public Hearing on Case # PLN-16-14 also be deferred until the May 10th meeting of City Council.

Thank you for your consideration of this request. Please let me know if you have any questions or need any further information. I will standby to hear from you regarding confirmation of the deferral.

Very truly yours,



Timothy O. Trant II

c: City Manager
RoShaundra M. Ellington
Wanda Pierre
Ken Spirito
Frontier Newport News, LLC
Elizabeth L. White, Esq.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 5028-97 BY AMENDING THAT CERTAIN MAP ENTITLED, "ZONING DISTRICT MAP" (CONSISTING OF REAL ESTATE TAX ASSESSMENT MAPS 001 THROUGH 322 AND KEPT ON FILE IN THE OFFICES OF THE DEPARTMENTS OF CODES COMPLIANCE AND PLANNING) DATED THE 10TH DAY OF JUNE, 1997, WHICH SAID MAP IS MADE A PART OF THE SAID ORDINANCE NO. 5028-97.

WHEREAS, zoning application CZ-16-379 has been made by **THE PENINSULA AIRPORT COMMISSION**, the applicant and owner, for the rezoning of the hereinafter described property from the present M1 Light Industrial District without proffers to C1 Retail Commercial District with written and voluntarily proffered conditions; and

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

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

Section 1. That Ordinance No. 5028-97 is hereby amended and reordained by amending that certain map entitled, "Zoning District Map" (Consisting of Real Estate Tax Assessment Maps 001 through 322 and kept on file in the offices of the Departments of Codes Compliance and Planning) dated the 10th day of June, 1997, which said Map is made a part of Ordinance No. 5028-97 by changing the following described property from the present M1 Light Industrial District without proffers to C1 Retail Commercial District with written and voluntarily proffered conditions:

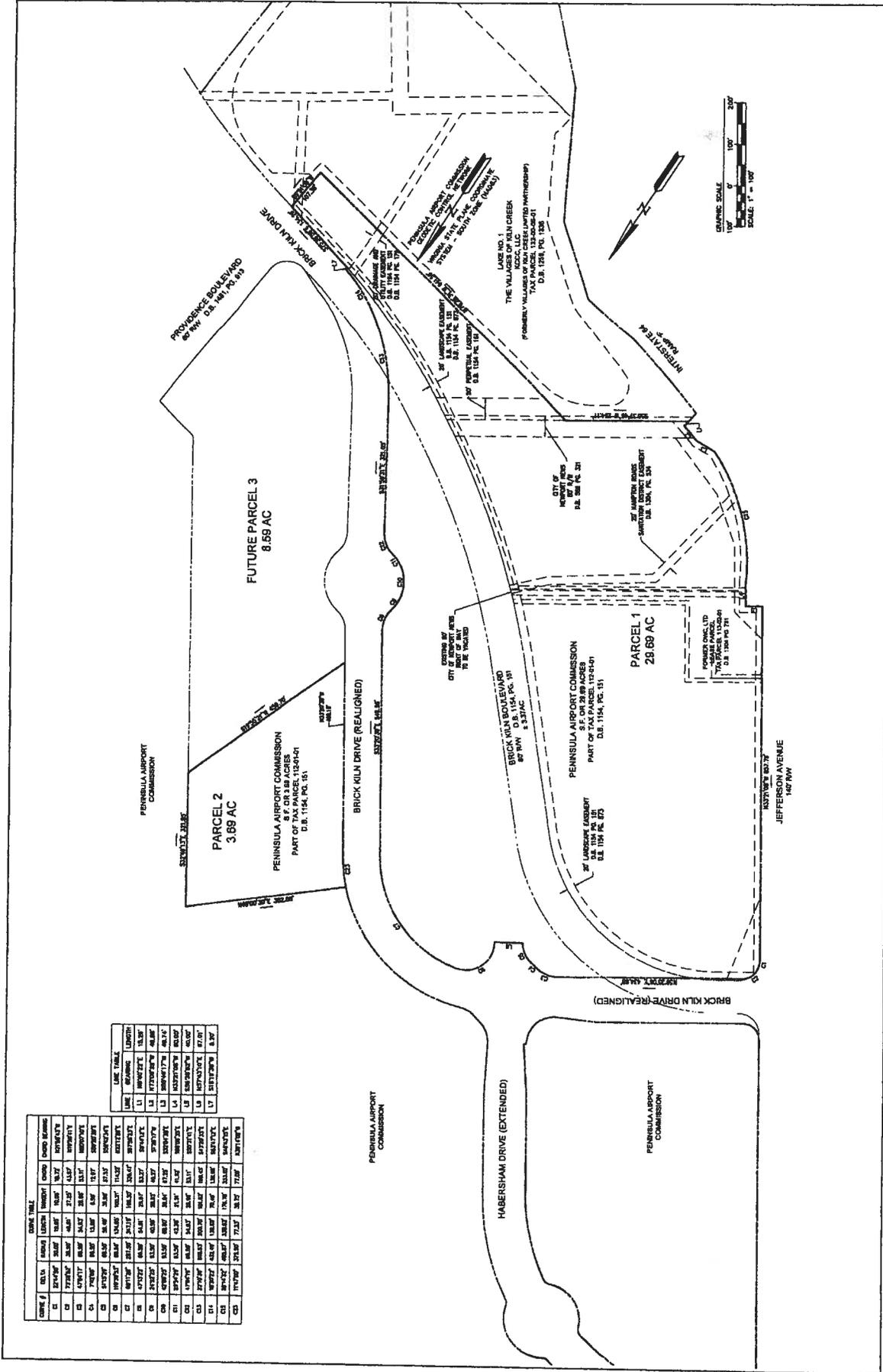
Legal Description:

ALL that certain piece or parcel of land, situate, lying and being in the City of Newport News, Virginia, known and designated as "PARCEL1" and "PARCEL 2" as shown on that certain plat entitled "PRELIMINARY PLAT THE PLAZA AT JEFFERSON", dated December 30, 2015, made by AES Consulting Engineers.

The property is assigned Real Estate Assessor Tax ID # 112.00-01-01. The property has a common street address of 900 Bland Boulevard.

Section 2. That the rezoning approved hereby is conditioned by written and voluntarily proffered conditions contained in the application and binding the development of the property as set forth in the exhibit, consisting of 3 pages and labeled "Exhibit A-5" attached hereto and made a part hereof. These conditions shall continue in effect until a subsequent amendment to the zoning of the property described in Section 1 hereof is adopted; provided, however, that the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Section 3. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.



CURVE #	CHORD BEARING	CHORD LENGTH	ARC LENGTH	ARC BEARING	ARC CENTER
C1	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C2	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C3	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C4	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C5	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C6	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C7	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C8	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C9	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C10	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C11	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C12	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C13	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C14	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C15	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C16	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C17	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C18	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C19	S 89° 54' 00" W	30.00	15.71	161.07	877.61
C20	S 89° 54' 00" W	30.00	15.71	161.07	877.61

Project Name	THE PLAZA AT JEFFERSON
Sheet No.	2
Date	12-15-23
Scale	1" = 100'

THE PLAZA AT JEFFERSON
PRELIMINARY PLAT
CITY OF JEFFERSON

ABS
CONSULTING ENGINEERS

2008 Old Town Road, Suite 1
Jefferson, MO 64501
Phone: (660) 252-2222
Fax: (660) 252-2222
www.abs-engineers.com

Project Name | Client Name | Make/Model

Proffered Conditions:

1. Design. The improvements on the Property shall be constructed generally in accordance with the design guidelines entitled "Design Guidelines for the Plaza at Jefferson, Newport News, Virginia" dated March 29, 2016, prepared by Hopke & Associates, Inc. (the "Design Guidelines"), a copy of which is on file in the Office of the Director of Planning. The Design Guidelines may be modified from time to time provided that such modifications do not alter the basic character and intent of the Design Guidelines and provided that such amendments are approved by the Director of Planning for consistency with the terms of this proffer.
2. Master Plan. The Property shall be developed generally in accordance with the conceptual site plan entitled "THE PLAZA AT JEFFERSON", dated June 30, 2015, last revised February 5, 2016, prepared by AES Consulting Engineers (the "Master Plan"), a copy of which is on file in the Office of the Director of Planning. The Master Plan may be modified from time to time provided that such modifications do not alter the basic character and intent of the Master Plan and provided that such amendments are approved by the Director of Planning and the Federal Aviation Administration for consistency with the terms of this proffer.
3. Landscape Plan. Prior to issuance of final site plan approval, a landscape plan in conformance with the Master Plan and Design Guidelines ("Landscape Plan") shall be submitted to the Director of Planning and the Federal Aviation Administration for review and approval for consistency with the Master Plan and Design Guidelines. All landscaping measures shown in the Landscape Plan shall be installed and maintained in accordance with the Landscape Plan or guaranteed ("Guaranteed") in accordance with Section 15.2-2299 of the Virginia Code prior to issuance of a certificate of occupancy for any building located on the Property.
4. Exterior Lighting. Exterior lighting shall be directed inward and downward onto the site so as not to cause glare to adjacent properties and rights-of-way beyond such minor amounts as may be allowed by the Director of Engineering and the Federal Aviation Administration. The exterior lighting plan shall be subject to the review and approval of the Director of Engineering and the Federal Aviation Administration for consistency with this proffer prior to issuance of a building permit for any building located on the Property.
5. Signage. Prior to issuance of final site plan approval, the design of the freestanding signs (as such term is defined in the City Code) for the Property shall be submitted to the Director of Planning for review and approval for consistency with the Master Plan and Design Guidelines.
6. Transportation. Applicant has submitted to the Director of Planning that certain traffic impact assessment entitled "Traffic Impact Analysis Report for The Plaza at Jefferson", prepared by DRW Consultants, LLC, dated March 17, 2016 (the "Traffic Study"), a copy

of which is on file with the Director of Planning. In accordance with the recommendations contained in the Traffic Study and the recommendations of the City's Director of Engineering, prior to issuance of a certificate of occupancy for any building located on the Property, the improvements described in the Traffic Study in Categories I and II shall be completed or Guaranteed.

7. Miscellaneous. In the event that any clause, sentence, paragraph, section or subsection of these proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of the associated rezoning or any other clause, sentence, paragraph, section or provision hereof. These proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. In the event that the proposed rezoning sought by the Application is not approved by the City as submitted, these proffers shall be null and void of any effect.

F. Consent Agenda

1. Minutes of the Budget Public Hearing of April 14, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Budget Public Hearing of April 14, 2016

DRAFT

**MINUTES OF BUDGET PUBLIC HEARING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE DENBIGH COMMUNITY CENTER
15198 Warwick Boulevard
April 14, 2016
7:00 P.M.**

PRESENT: Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; Sandra N. Cherry, D. Min.;
Robert S. Coleman; McKinley L. Price, DDS; Sharon P. Scott; and Tina L. Vick-
-----7

ABSENT: None-----0

I. Call to Order

Mayor Price called the meeting to order and welcomed the citizens to the Budget Public Hearing.

Mayor Price reminded that the City Code identified the procedure for citizen participation, as well as the opportunity for citizens to address City Council related to the City's FY 2017 Recommended Operating Budget. He pointed out the ordinance highlighting citizen participation and encouraged citizens to review the document.

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

Mayor Price advised that this was the second public hearing that City Council was conducting on the City's Fiscal Year 2017 Recommended Operating Budget. He indicated, by State Code, each locality was required to hold one public hearing, but due to the unique geography of the City of Newport News, two public hearings were held for the ease and benefit of the citizens. This ensured that City Council heard from all citizens on their budget issues. Mayor Price reminded that the City Manager had presented his FY 2017 Recommended Operating Budget to City Council on March 22, 2016. Two Work Sessions had been held to hear detailed presentations on the Recommended Budget. He advised, on Tuesday, April 26, 2016, City Council would hold a third Budget Work Session to discuss the comments, suggestions, and recommendations received from the public, and communicate its desires and concerns to the City Manager. He further advised, on Tuesday, May 10, 2016, City Council planned to adopt the Newport News Public Schools (NNPS) Budget, and hopefully, adopt the City's FY 2017 Recommended Operating Budget. By State Code, the last legal date to adopt the NNPS budget was May 15 of each year, and June 15 of each year, for the City's Operating Budget. He advised that the Budget Hearing would be carried live on the City's Cable Channel, Cox 48; and Verizon Cable Channel 19; as well as the City's website "www.nnva.gov." The City's proposed FY 2017 Operating Budget could be viewed online at www.nnva.gov, and in the local public library. Mayor Price asked City Manager Jim Bourey to provide a brief overview of the FY 2017 Recommended Operating Budget (a copy of remarks made by Mayor Price are attached and made a part of these minutes).

City Manager Bourey stated the FY 2017 Recommended Operating Budget was driven by City Council priorities and addressed many of the City's major challenges.

City Manager Bourey reported a projected increase in General Fund revenue of three percent (3%). He further reported an increase of 4.2% in property tax revenues. The

II. Public Hearing for the City Manager's Fiscal Year 2017 Recommended Operating Budget Continued

overall Recommended Operating Budget totaled \$858 million, a 3.5% increase. The General Fund Recommended Budget was \$478 million, which was a 3% increase. He indicated that Real Estate Assessments would experience an increase for the second consecutive year. Although very few residential properties would see increases, there would be a significant increase in commercial and industrial properties.

The City achieved a balanced budget without any Real Estate tax rate increase, or any tax rate increases for a third consecutive year. There were basic operating increases in enterprise funds and utility funds – established in FY 2015. The City was fortunate to have a second year of a steady increase in revenues to work with going into the FY 2017 budget. Years of tough budgets and low revenues called for significant cut-backs. Past difficult financial years forced certain actions to be addressed, i.e. actions used to help balance the budget, such as high attrition credits, and continue pushing employee salaries that lagged during the recession years. A three percent (3%) salary increase would be added to the salary line item to fund merit-based raises. Once again, nearly one million dollars would be included to fund the merit increases. City Manager Bourey added that the City needed to fund its contractual obligations for supporting investments in technology, to meet federal and state mandates for a range of programs that included correction staffing and stormwater and wastewater environment directives.

City Manager Bourey advised that tremendous progress had been made on the virtual war on youth and gang violence. The Summer Training and Enrichment Program (STEP) had proven to be a valuable tool to make inroads in this effort. The Street Outreach workers had been “ears and eyes” in the community – helping to reach youth one by one, and were making a difference. The FY 2017 Recommended Operating Budget included a \$400,000 increase to fund the expanded program and continue work in the Department of Human Services, started by the expiring Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant.

The FY 2017 Recommended Operating Budget would include the ramp-up to fully fund the City's retirement system obligation in the Newport News Employee Retirement Fund (NNERF). City Manager Bourey reported that the NNERF was fully funded – one year sooner than planned.

City Manager Bourey advised that during the past challenging budget years, the City's investment in Information Technology languished, but strides were being made to reverse that. He announced, in October, the City would have an operational on-line development permitting system. This would greatly enhance the City's internal efficiency and effectiveness to facilitate the private sector to do business with the City. He advised that the City was moving forward to automate systems and operate in a paperless mode to allow citizens to interact electronically with the City.

Transit was an important community service which had struggled. The City would look at key routes to better time transfers among routes. This was in addition to helping Hampton Roads Transit (HRT) leverage state and federal funding to purchase critically needed new buses. These buses would not only provide reliable service, but would help reduce maintenance costs in the long-term.

II. Public Hearing for the City Manager's Fiscal Year 2017 Recommended Operating Budget Continued

Support to the School Division was also important. The local required match was approximately \$56 million, which was not enough. City Manager Bourey advised that the City would provide \$118 million, plus another million (\$119 million), which was important to the NNPS (Newport News Public School system), who did an outstanding job to educate our children. The NNPS was also helped by an extra \$1.3 million from the State, which was a positive for the NNPS.

City Manager Bourey shared that he, once again, had asked City departments to prepare budgets based on less money than they received in 2016. This was to "stretch" everyone to examine further potential savings. Staff came up with an additional \$651,000.00 of savings that was used to help balance the budget. He advised that 21 new positions would be added to the General Fund in FY 2017, many in important positions that would help enhance the City's overall performance. Twelve of the positions were not new. Six were Police Officers and would be absorbed into our public safety compliment at the end of an expiring grant and six would be shifted from the City's pension fund to allow for better service delivery of employee benefits. The only service reduction that citizens would see would be in the Main Street Library branch, where the Virginiana Room collection would be open by appointment on Sundays, with other minor adjustments, in order to reduce one full-time staffing position.

City Manager Bourey reported that the combined capital budget, and overall City Budget exceeded \$1 billion for the first time. He indicated the FY 2017 Recommended Operating Budget was in sync with City Council's goals and aspirations for the City of Newport News. Based on a real estate assessment increase of 1.8%, the average homeowner may experience no change in the real estate tax responsibility, and an average of \$0.45 per week, or \$23.00 per year.

City Manager Bourey thanked the City's Department Directors, City staff, and all who were involved in the budget process, including Assistant City Managers, Mr. Alan Archer and Ms. Cynthia Rohlf, as well as the entire Department of Budget and Evaluation (Chad Pritchett, Keith Ferguson, William Keeler, Robyn Rose, Sherry Crocker, Nicole Ellis, and Tylisha Sample), especially Ms. Lisa Cipriano, Budget Director (a copy of Mr. Bourey's remarks are attached in full and made a part of these minutes).

A. Public Comments to City Council

Mr. Jason Young, Executive Director for Community Brain Injury Services, the non-profit agency that operated The Denbigh House, 12725 McManus Boulevard, Suite 2E, Newport News, thanked the City of Newport News for its ongoing support of The Denbigh House through the Community Support Agency Grant Program. He indicated that this was the 10th year The Denbigh House had been included in the City's Recommended Operating Budget. Mr. Young advised that The Denbigh House was a state-defined core safety net service program that provided an array of intensive services for survivors of brain injury on the Peninsula, and was the only safety net service program available to Newport News residents. Services were designed to help survivors return to paid employment, regain independence, and provide an opportunity to

II. Public Hearing for the City Manager's Fiscal Year 2017 Recommended Operating Budget Continued

A. Public Comments to City Council Continued

continue to live safely and independently in the community. Services were provided as long as the client needed, which could be an extremely long time with the level of service provided by The Denbigh House. Mr. Young indicated that The Denbigh House was a state-defined core safety net service program that provided an array of intensive and comprehensive services. He advised that no client was turned anyone away based on their ability to afford the services. Part of the requirement as a safety net provider, was a mandate to engage the local community. The partnership with the City of Newport News remained critical to the ongoing ability to provide services to as many citizens as possible. Brain injury was not a mandated service, for any of the Community Services Boards in operation throughout the Commonwealth of Virginia. The City's funding sent a strong message about the value of having a diverse service system that supported the needs of persons with a variety of disabilities, including brain injury. The services helped to prevent unnecessary hospitalization, and helped to keep individuals out of much more costly institutions. On behalf of the over 220 survivors served in 2015, Mr. Young extended thanks for the funding and the partnership to help deliver a more streamlined, systematic approach to survivors of brain injury in the community.

Ms. Sandra A. Brown, 704 McLawhorne Drive, Newport News, shared that she was a brain injury survivor. She was grateful for The Denbigh House's help through her situation. It helped individuals with brain injury learn skills to become productive members of the community. She shared that her initial brain injury was a right cerebral hematoma from birth. Doctors told her that she had a 50/50 chance of survival. She was then hit by a car years later, and suffered a broken leg and a concussion. It became hard for her to keep a job. The Denbigh House assisted a great deal. She has since landed a job and attributes her well-being and success to The Denbigh House. Ms. Brown advised that The Denbigh House was a vital part of the community, and was the only clubhouse for brain injury survivors on the Peninsula. She thanked City Council for their continued financial support. She invited Council Members to take a tour of The Denbigh House to learn how The Denbigh House operated.

Mr. Douglas Brown, Member of the Newport News School Board, thanked members of City Council for the opportunity to provide remarks about the FY 2016-2017 School Board Proposed Budget. He stated that Newport News Public Schools (NNPS) was very excited to be able to prepare children for jobs of tomorrow by competing today. The NNPS was fortunate to receive an increase in funding from the State of Virginia, and was using the revenue to help compete today. Mr. Brown shared the following specific uses for the increased funding: (1) Giving teachers raises for the second consecutive year; (2) Increasing the number of fourth and fifth grade teachers in an effort to reduce the classroom sizes; (3) The building of a strong STEM (Science, Technology, Engineering, and Mathematics) corridor, adding a health sciences division at Warwick High School, where over 300 students had pre-enrolled; and (4) Some of the federal funding received would be used to increase the wireless access within the schools. Students would be required to take SOL tests via computer. Mr. Brown thanked members of the Newport News City Council for increasing their contribution to the NNPS for the second consecutive year, as well as the additional \$1 million to provide cash capital. The NNPS capital needs were great, with more than half of the schools in excess of 50 years old.

II. Public Hearing for the City Manager's Fiscal Year 2017 Recommended Operating Budget Continued

A. Public Comments to City Council Continued

The \$1 million provided by the City would go a long way to fixing the roofs, and replacing HVAC systems. Mr. Brown thanked City Council for being a partner with the NNPS.

Mr. Alonzo R. Bell, Jr., President-Elect of the Board of Trustees of the Virginia Living Museum (VLM). Mr. Bell introduced members of the VLM and other Board Members in attendance: Ms. Page Hayhurst, Executive Director; Ms. Virginia Gabriele, Marketing Director; Ms. Virginia Kleinhample, Development Director; Ms. Goodie Trista, Marketing Manager; and Ms. Kathy Howell and Mr. William H. Carr,

As a lifelong resident of Newport News, Mr. Bell recalled fond memories of field trips to the VLM. He indicated that he was pleased that his daughters, Alecia and Alexis, who were in college, had the opportunity to enjoy the same experiences that he had to tour the VLM. The VLM had been a part of his family for two generations.

Mr. Bell announced that the VLM would celebrate 50 years of service to the community – highlighted by a Black Tie Gala, entitled “Enchanted Otter Masque,” on May 6, 2016, 6:00 p.m., at the Virginia Living Museum (524 J. Clyde Morris Boulevard).

Mr. Bell indicated that more than 240,000 individuals visit the museum annually. As a member of the Newport News Education Foundation, he advised that he was encouraged that the VLM programs delivered STEM (Science, Technology, Engineering, and Mathematics) education, coordinated with the SOLs, and was grade-level correlated.

Mr. Bell stated that the VLM was committed to its fundraising efforts, and the Board of Trustees supported the VLM financially 100%. He advised that the Board must replace the chillers at the museum in order to safely accommodate more than 2,000 animals, and to provide a comfortable atmosphere for the guests. The replacement of the chillers would take place over the next two months, and would cost approximately \$375,000. The Board hoped that City Council would consider methods to assist in providing the capital necessary to complete the replacement of the chillers.

On behalf of the VLM, Mr. Bell thanked the City of Newport News for its outstanding support of their educational mission. The VLM was grateful for the community support that shaped the VLM's growth and success for 50 years.

Mr. Bell stated the mission of the VLM Board was to govern this tremendous community asset, and continue to promote and enhance access to the museum for all residents while working diligently to build their endowment and to become self-sustaining. In conclusion, he asked for City Council's consideration of ways to assist with the capital necessary to affect the mandatory replacements without having to curtail museum operations.

II. Public Hearing for the City Manager's Fiscal Year 2017 Recommended Operating Budget Continued

A. Public Comments to City Council Continued

Mr. Phil Harris, Vice President of the Newport News Council of PTAs (Parent Teacher Associations), 13 Minton Drive, Newport News, reiterated remarks by the Council of PTAs President, Ms. Vilencia Gross, and advised that there were nearly 10,000 members of the PTA in Newport News. Mr. Harris shared that the Council of PTAs cared deeply about NNPS teachers, students, and facilities and they supplied a supportive presence each day in the lives of 29,000 students in the NNPS by volunteering, helping teachers, reading to students, and raising funds for special projects. Mr. Harris thanked members of City Council for their support of the NNPS, and the \$1 million increase. He felt the NNPS request of \$1 million was thoughtful, particularly when thinking about his community and what he wanted it to be, and when he thought about the families that were his age and what to do with their children, where to live, the NNPS played a vital role. Making sure the school systems received what was needed was important. Being able to support a family on a teacher's salary was difficult. Mr. Harris shared statistics, citing that Newport News paid less than \$4,000 per student. The State average was \$6,000 per student, ranked 39th in the per pupil support. He thanked City Council for what was in the School's Proposed Budget for FY 2016-2017. He asked that they continue to think about future budgets, and how to make the increase be of benefit to the students and to the teachers who sacrificed so much to be a part of the education system and a part of the students' lives. There was a three percent (3%) increase in revenue, and the NNPS was receiving a little less than a one percent (1%) increase. It was his hope that these trends not continue so that the NNPS is not able to keep pace with what the community needed. The PTA fostered and provided family support through special events at school, a caring school climate through volunteers at school, a positive structure for parents to become active in schools, and was an organization of adults that served as role models for children. They also served as advocates for students and their needs. Mr. Harris stated that most revenue came from real estate investments. He indicated that decisions made on where to live was based on the school system. It would benefit the City by making sound investments in the NNPS.

Ms. Della Robbins, 14209 Penrith Lane, Newport News, advised that she was a resident of the Warwick Lawns Community, and President of the New Beech Grove Baptist Church ABC Ministry (Asset Based Community Development). The ABC Ministry worked with the Warwick Lawns Community, teaching them what ABC stood for, and how to better the community. The Campbell Road project was a major concern in the Warwick Lawns Community. She reminded that there were many elderly residents in the community and had expressed dissatisfaction in reference to the Campbell Road project. The ABC Ministry encourages the residents, asking that they remain positive, as the project had been approved and was slated to begin in late 2018. Ms. Robbins thanked the members of City Council and asked them to keep the Warwick Lawns Community in mind.

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April 14, 2016

II. Public Hearing for the City Manager's Fiscal Year 2017 Recommended Operating Budget Continued

B. Request for Motion of City Council to Close the Public Hearing

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

Vote on Roll Call:

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

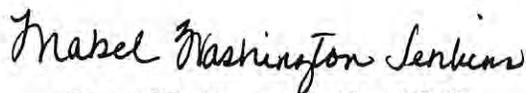
Nays: None

Mayor Price reminded there would be a City Council Work Session on Tuesday, April 26, 2016, at which time City Council would have an opportunity to respond and reflect on comments heard at the public hearings, and deliberate among themselves as to what changes, if any, would be made to the City's Recommended FY 2017 Operating Budget. A motion would be entertained at the Regular Meeting of City Council scheduled for May 10, 2016 to adopt the NNPS Budget and hopefully the City's FY 2017 Recommended Operating Budget.

III. Adjourn

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

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 7:30 P.M.



Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

F. Consent Agenda

2. Minutes of the Work Session of April 26, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Work Session of April 26, 2016

DRAFT

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

April 26, 2016

1:45 p.m.

PRESENT: Herbert H. Bateman, Jr.; Sandra N. Cherry, D. Min.; Robert S. Coleman; McKinley L. Price, DDS; Sharon P. Scott; Tina L. Vick (arrived at 2:00 p.m.); Patricia P. Woodbury (arrived at 2:11 p.m.) -----7

ABSENT: None-----0

OTHERS PRESENT: James M. Bourey; Collins L. Owens; Mabel Washington Jenkins; Cynthia Rohlf; Alan Archer; Wanda Pierre; Darlene Bradberry; Lynn Spratley; Telly Whitfield; Lisa Cipriano; Sherry Crocker; Scott Dewhirst; Florence Kingston; Karen Wilds; Sheila McAllister; Claudia Cotton; Britta Ayers; Everett Skipper; Attorney Tim Trant; Scott Dewhirst; Ken Spirito; Chris Henderson; Jim Leach; Dan Aken; Dexter Williams; Jerri Wilson; Kim Lee; Cleder Jones; Jennifer Walker; and Teresa Clift

I. Change to the Comprehensive Plan and Rezoning for Property Bounded by Jefferson Avenue and Brick Kiln Boulevard Briefing

City Manager Bourey, City Manager, introduced Ms. Britta Ayers, to offer a briefing on the proposed changes to the Comprehensive Plan and Rezoning for property located at 900 Bland Boulevard, "The Plaza at Jefferson", which is bounded by Jefferson Avenue and Brick Kiln Boulevard (a copy of the presentation, "Applications PLN-16-14 and CZ-16-379 for a 33.37-acre portion of 900 Bland Boulevard) is attached and made a part of these minutes. He stated Ms. Ayers would be followed by Mr. Everett Skipper, Director, Department of Engineering, to describe the transportation updates to the area and what it meant for the project and the surrounding area, to be followed by Mr. Chris Henderson, Principal, Frontier Development; Mr. Ken Spirito, Executive Director, Newport News/Williamsburg International Airport; and Mr. Dan Aken, Director of Real Estate, Wegmans Food Market.

Ms. Ayers reported the proposed plan amendment was for a 33.37-acre portion of 900 Bland Boulevard, located at Jefferson Avenue and the I-64 interchange, in the airport's self-identified southern quadrant.

Ms. Ayers advised that two applications were heard and approved by the Planning Commission on April 6, 2016:

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1. Plan Amendment PLN-16-14 – a request to amend the *Framework for the Future 2030* Comprehensive Plan Land Use and Transportation Map from Natural Area/Open Space, Parks and Recreation, and Transportation to Community Commercial
2. Application CZ-16-379 to change the zoning of the 33-acre airport property from M1 Light Industrial to C1 Retail Commercial with proffers to allow for the development of a grocery-store anchored shopping center.

Ms. Ayers stated the regulatory review for Plan Amendment PLN-16-14 included the Code of Virginia, which stated that any amendments to an adopted comprehensive plan must be referred to the local planning commission for a public hearing, and approved and adopted by the local governing body. The amendment was heard and approved by the Planning Commission and was scheduled for consideration by City Council at the May 10, 2016 Regular Meeting of City Council.

Ms. Ayers stated that the Code of Virginia also required that any amendments to the adopted comprehensive plan that potentially affected transportation on state-controlled highways, be submitted to the Virginia Department of Transportation (VDOT) for review and comment. The plan amendment was submitted to VDOT, and they had no comments.

Ms. Ayers advised that the review for the rezoning request was more extensive. She stated the applicant had voluntarily provided seven proffers that would, in conjunction with the zoning ordinance, guide the design of the development. The proffers dealt with design, the master site plan, landscaping, lighting, signage, and transportation. The zoning ordinance required a 20-foot transitional buffer area between commercial and multiple-family uses which occurred along the southern property line adjacent to Kiln Creek Lake. The site regulations would require a landscape strip along the perimeter of associated streets. The Zoning Ordinance identified minimum and maximum parking space requirements, based on use, and the conceptual site plan for the rezoning provided 1,362 parking spaces which were within the limits allowed by the ordinance. The site was located in the airport overlay district, which limited the height and location of any buildings and trees within the property located in the district. Any building or development must consider the restrictions, and final designs would be reviewed and approved by the Federal Aviation Administration (FAA).

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Ms. Ayers stated the Department of Engineering reviewed the Traffic Impact Analysis (TIA) and did not object to the request as long as all the Category 1 and 2 improvements identified in the report were included in the site plan application and implemented. The Department of Engineering recommended that a Utility Study be completed to address the most economical approach to providing services to the plan development. The study should also include the relocation of the existing Hampton Roads Sanitation District facility which crossed through the area. The Code of Virginia required that any proposed rezoning that affected transportation on state controlled highways be submitted along with the TIA to VDOT for review and comment. Because of the sites' proximity to the interstate (I-64), the TIA was submitted to VDOT and they have completed their review and provided comments.

Ms. Ayers advised, as shown on the Framework for the Future Land Use Map, the area under consideration was surrounded by land designated as Transportation, Natural Area/Open Space, Regional Commercial, Community Commercial and Medium Density Residential. She noted surrounding land uses that included a mix of commercial, industrial and residential uses:

- Patrick Henry Mall and Patrick Henry Place to the south
- HRSD, Ferguson's and vacant property to the north
- I-64 to the south
- Uncle Bob's Self Storage, Masters Crossing, and Villages of Kiln Creek to the east
- Jefferson Avenue, Walmart and Sam's Club to the west

Ms. Ayers noted that uses permitted by right in an M1 Light Industrial District included most transportation uses (airports, heliports, off-site parking, lots/garages, transit terminals), wholesale and warehouse uses (distribution centers, mini-storage facilities), and Police and Fire Stations, post offices, dry cleaners, and micro-distilleries and breweries.

Ms. Ayers reported in the City's original general plan (1980) the land use designation at 900 Bland Boulevard was Industrial to reflect existing airport use and surrounding vacant land. However, the designation changed in 1993 with the first *Framework for the Future*, to Transportation for most of the property with several pockets of Natural Area/Open Space and Parks and Recreation. The "great" designations were added to the property on the south side of Brick Kiln Boulevard to facilitate the implementation of parks and recreational goals in the comprehensive plan, which included developing a system of greenways and recreational trails, and beautifying major thoroughfares.

Ms. Ayers advised, in 2014, the Peninsula Airport Commission released its Airport Master Plan update. The plan assessed existing conditions, established facility requirements, evaluated development alternatives, and identified improvements to achieve long-term aviation goals. Non-aviation development was identified for areas considered compatible with airport operations and surrounding uses. The 33.37-acre portion of 900 Bland Boulevard was identified for commercial development in the Airport's Master Plan. The Airport Master Plan included the Airport Layout Plan (ALP), which depicted existing, and planned development. The ALP was approved by the FAA in July 2014. Per the Federal Code of Regulations, the FAA was responsible for national airport planning. The FAA's approval of the ALP represented acceptance of the general location of future facilities.

Councilwoman Cherry inquired whether the proposed build-out of Brick Kiln Boulevard was included in the ALP. Ms. Ayers replied the ALP included the concept of the future extension of Brick Kiln Boulevard as well as the fact that there could be non-aviation development in the southern quadrant, based on a revised approach zone which was shortened.

Mr. Ken Spirito, Executive Director, Newport News/Williamsburg International Airport, in response to Councilwoman Cherry's remarks, stated the road that was actually proposed had not been approved by the FAA. The road was included in the ALP for planning purposes. The airport had to go through the process to gain approval of the road from the FAA. The Runway Protection Zone (RPZ) had been in existence for a very long time and had not been shortened. Runway 220 was proposed to be shortened; however, the airport had yet to gain approval from the FAA.

Councilwoman Scott inquired whether shortening the RPZ would cause an impediment, and stagnant growth, or limit the parameters of the airport. Mr. Spirito replied the Airport Commission had been going through the process with the FAA for some time. There was a division of the FAA that analyzed runways and the safety of movement in and around runways. He stated that reducing the size of the smaller runway (6500 feet) and shifting the RPZ would not impede the airport's commercial or general aviation business. He reiterated that neither had gone through the FAA process for approval. Technically, the FAA had acknowledged the entire shifting of the runway in the ALP, which could cost tens of millions of dollars. The other option was to reduce the size of the runway. Both options would move the RPZ away from Brick Kiln Boulevard.

Councilwoman Cherry inquired whether shortening the RPZ would impact future commercial aircraft coming into the airport. Mr. Spirito replied the airport's major runway 727 (approximately 8,000 feet and could be expanded to 9,250 feet) would accommodate larger commercial aircraft. Runway 220 (6,500 feet long) would accommodate single engine aircraft.

Councilwoman Cherry inquired whether the airport only had one major runway for commercial aircraft. Mr. Spirito replied that commercial aircraft could use both runways, but most preferred to use Runway 727. He advised that there were many commercial airports that operated on a single runway, such as San Diego International Airport, Asheville Regional Airport, Myrtle Beach International Airport, etc., which did not limit commercial opportunities.

Ms. Ayers asked for clarification from Mr. Spirito that the FAA conceptually approved the ALP, but still needed to go through another round of previews. Mr. Spirito replied yes.

Ms. Ayers, in continuing with the land use analysis, stated that Jefferson Avenue was the City's major commercial corridor. She advised that some of the densest commercial development was located along the corridor between Oyster Point Road and Denbigh Boulevard. The majority of the properties included in Jefferson Avenue commercial corridor were designated Mixed Use, Regional Commercial, Community Commercial and Office.

Ms. Ayers stated the 33.37-acre portion of 900 Bland Boulevard was not located in the Chesapeake Bay Preservation Area. She advised that Kiln Creek Lake 1 was adjacent to the area to the southeast, providing a buffer between future development and the Featherstone South neighborhood. Future development on the subject area must be designed to avoid impacting the storm water pond and associated wetlands. The Kiln Creek Homeowners Association's lake maintenance easement across the subject areas must be maintained. Future development would have to address both the City's drainage easements that ran through the subject area, and the drainage culvert that extended from the end of the airport runways towards Jefferson Avenue just north of Brick Kiln Boulevard.

Ms. Ayers advised that the Department of Planning's conclusion was that the amended and updated Airport Master Plan provided an opportunity for the City to re-evaluate future land use for the airport's property and re-examine the associated transportation network in the area for improvement opportunities. While the adopted comprehensive plan did not provide

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for the non-aviation land uses recommended in the Airport Master Plan or the realignment of Brick Kiln Boulevard, it did recognize the airport as a major asset and directed the City to carryout recommendations from the Airport Master Plan. The comprehensive plan supported roadway projects that accommodated both existing and proposed traffic, especially projects that enhanced safety and improved traffic flow.

Ms. Ayers stated the proposed change in land use designation supported the ALP that was conceptually approved by the FAA. The proposed change would allow for future rezoning of the subject area for a variety of commercial uses that would be considered complimentary to surrounding uses and would not affect the airport's operations or its ability to expand in the future.

Ms. Ayers advised that the proposed change of zoning would allow for a wide variety of uses that were not possible under the current industrial zoning. C1 Retail Commercial uses included offices, retail sales, retail services, business services and similar uses; many of which were already present along Jefferson Avenue. When the original Villages of Kiln Creek development was planned, the area being contemplated for rezoning was directly under the airport's runway approaches, making the area not conducive for the type of development associated with the original development. By shortening one of the approaches, the area was open to development. The applicant provided seven (7) proffers that guided the development of the property and ensured that it was built in conformance with the conceptual site plan for "The Plaza at Jefferson", the recommendations of the TIA, the conceptual Landscape Plan, the Design Guidelines for the Plaza at Jefferson and any other required future studies such as the Utility Study recommended by the Department of Engineering.

Ms. Ayers stated the proffered Design Guidelines for The Plaza at Jefferson provided a general idea of the architectural character, shape, scale and materials to be utilized throughout the project. The guidelines described the style of the anchor store as "Old World European." Building heights would be determined by their location within the Airport Overlay District and FAA regulations. The design guidelines specified that there would be two monument-style entry signs, one at the corner of Jefferson and Brick Kiln Boulevard and the other at the proposed access of the Brick Kiln Boulevard roundabout. The proffers stipulated that the signs should be reviewed and approved by the Director of Planning for consistency with the Airport Master Plan. The proffers also specified that a landscape plan in conformance with that included in the Design Guidelines should be reviewed and approved by both the Director of Planning as well as the FAA.

Ms. Ayers advised that the proposed change of zoning was consistent with the *Framework for the Future 2030* Comprehensive Plan Land Use Map amendment recommended in PLN-16-14. The proposed zoning would enable the construction of a grocery anchored retail center. The applicant provided proffers that addressed concerns regarding building and property improvements to affected City infrastructure.

Councilwoman Scott inquired, in regards to a “grocery anchored retail center”, how many additional tenants were included in the center. Ms. Ayers replied, to her knowledge, Wegmans would be the large anchor with multiple buildings for other tenants. She believed the preliminary site plan noted six additional smaller buildings and, depending on how the space was divided, there could potentially be 6 to 12 tenants.

Councilwoman Cherry understood that the *Framework for the Future 2030* Comprehensive Plan was currently in effect. She inquired whether staff was working on the *Framework for the Future 2040* Comprehensive Plan. Ms. Ayers replied yes; the *Framework for the Future 2040* Comprehensive Plan was being reviewed and recommendations would be forthcoming. The ALP was incorporated in the *Framework for the Future 2040* Comprehensive Plan.

City Manager Bourey introduced Mr. Skipper to continue the presentation and report on the Traffic Impact Analysis for The Plaza at Jefferson.

Mr. Skipper stated the Department of Engineering reviewed documentation for zoning and land use changes as related to traffic by looking at a number of issues which related to potential congestion and level of service (LOS) at intersections. He advised that Engineers utilized the LOS measure to assign roads a letter grade ranging from A to F, with A being the best and F being the worst. The LOS measure determined the quality of travel on roadways. The Department of Engineering shared their Traffic Study information with the VDOT who performed a Chapter 527 Traffic Impact Analysis (copy of presentation, “Traffic Impact Analysis – Plaza at Jefferson”, and Chapter 527 Traffic Impact Analysis, are attached and made a part of these minutes). The Chapter 527 Traffic Impact Analysis for the Plaza at Jefferson noted the following comments:

1. No review was completed for City maintained street impacts or mitigation strategies to the surface streets.

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2. VDOT reviewed the traffic study to ensure compliance with the regulations.
3. VDOT made no decision of approval/disapproval or improvements by this review and only provided comments to assist the locality.

Mr. Skipper pointed out that the proposed project was rather unusual as it provided for improvements to the overall traffic function, which he had never witnessed since being employed with the City.

4. Traffic on Ramp B traveling from westbound I-64 to northbound Jefferson Avenue was interrupted by drivers stopping at the merge point on northbound Jefferson Avenue. This stoppage, during peak periods, caused backups and an LOS measure of F. This was an existing condition and no mitigation was provided for the backup.

Mr. Skipper stated the City agreed with VDOT's concern; however, he pointed out that VDOT did not see any mitigation because they did not look at the City streets. The mitigation would provide for a faster flow of north/south traffic on Jefferson Avenue.

5. Additional congestion was likely, within the weave/merge area on Jefferson Avenue from Ramp B due to additional traffic generated.
6. VDOT was conducting an operational analysis to determine the feasibility of the addition of a ramp (Ramp C) from I-64 westbound, west of Jefferson Avenue leading to the intersection of Boykin Lane and Chatham Drive. The study was anticipated to be completed in April 2016. The addition of a ramp would require an Interchange Justification Report to be submitted and reviewed for approval, which could take 12 to 18 months.

Mr. Skipper pointed out that Ramp C was not considered in any of the information he would be providing to City Council, although it was a significant improvement. Engineering staff had asked for the improvement approximately three years ago. The improvement was identified because the City was looking at improving opportunities to move traffic throughout the Jefferson Avenue corridor during the construction of I-64. The I-64 widening project began north of Jefferson and extended west towards Williamsburg. During the construction, staff recognized that there would be incidents and accidents that would cause traffic to be routed off of I-64. Jefferson Avenue provided the last alternative to do that until one

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reached Fort Eustis. The VDOT reported in 2016, that they had studied the ramp and determined that it provided a significant improvement and they were now recommending the ramp to the Federal Highway Administration (FHA) for approval, which could take up to 18 months to process. Staff of the Department of Engineering was uncertain how to proceed and asked the developers not to include any analysis of the ramp, although it would serve to include both existing and future conditions.

Councilwoman Scott stated she did not see how Ramp C would assist with traffic congestion.

Councilwoman Cherry inquired about the reason that the City was not doing a report on how the internal street structure would be affected by the new development if VDOT was only concerned about interstate congestion. Mr. Skipper replied that City staff was looking at the internal street structure as well as the interstate. VDOT did not consider internal street structure because the Chapter 527 Traffic Impact Analysis was only concerned about interstate traffic. The staff of Engineering felt traffic would substantially improve.

Councilwoman Cherry inquired how staff believed that there would be less traffic because of the extra road being built. Mr. Skipper stated it was important to note that it was not less traffic, but it was traffic that performed differently. The changes that were proposed would allow the City to manage the traffic much more efficiently.

Councilwoman Cherry felt that adding the extra road would only bring the LOS measure to a C. Mr. Skipper replied that a LOS measure of C was a substantial change from a D. The difference from an A to a B was relatively small, the difference from a B to a C was larger, and the difference from a C to a D was even larger.

Councilwoman Cherry indicated that she needed to know numbers. By telling her that it was traffic conditions were going from a D to a C, without noting volume or number of cars, was irrelevant and not helping her.

Mr. Skipper noted the changes proposed by the developer for the project, such as extending Habersham Drive to Brick Kiln Boulevard (see changes depicted in the presentation attached to these minutes).

Mr. Skipper stated Traffic Engineers would be ecstatic should the traffic function at a LOS of C along the primary corridors. A LOS of A and B was what Traffic Engineers dreamed of, but Cs was what they hoped to achieve on a daily basis. They did not prefer Ds and Fs. The traffic numbers ranged from 400 to 600 vehicles in Kiln Creek during peak times. The improvements and increased development added approximately 100 cars, and represented an additional 15 to 20% increase in vehicles, but did not alter the functionality. Traffic Engineers would consider 1,500 vehicles per lane, as being the concern level for congestion. Currently, they were operating at about one-third of that. With the proposed change, a little more than one-third, they did not see a substantial change in the functionality of the intersections in Kiln Creek, other than at peak periods.

Councilwoman Cherry inquired about the projected timeframe for construction of I-64 Ramp C. Mr. Skipper replied that VDOT advised that it would take approximately 18 months to get through the FHA's approval processes. It was a relatively quick construction time period at a cost of approximately \$2 to \$3 million.

Councilwoman Scott inquired whether the cost would be borne 100% by the City or whether VDOT responsible for the cost. Mr. Skipper replied that VDOT was asked to include I-64 Ramp C as part of the I-64 expansion project because the intent was to provide emergency access off of the interstate. City Manager Bourey replied that an HB2 application, which was VDOT's funding source that was used for the construction of Atkinson Boulevard and other projects, would be another potential funding source.

Mr. Skipper advised that the City's Traffic Engineers believed that the proposed changes would alleviate traffic back-ups that were noted in VDOT's Chapter 527 Traffic Impact Analysis because traffic would be moving along Jefferson Avenue much more effectively.

Councilwoman Vick inquired whether there was a chart that defined LOS measures A, B, and C, regarding traffic congestion. Mr. Skipper replied that he would send the actual definitions to the members of City Council. He stated that the LOS A, B, and C related to seconds of delay. He did not recall the numbers, but he would send the information to City Council.

City Manager Bourey advised that one could not look at it strictly by the number of cars, because there was actually going to be more cars going through the intersections, but there would be more green time, meaning there would be less of a delay. The Chapter 527 Traffic Impact Analysis related to the delay.

Vice Mayor Coleman understood there would be less of a delay because of the elimination of a number of vehicles at intersections. Mr. Skipper stated there would be fewer vehicles exiting the first ramp off of I-64, all of which led to more room to merge, weave, and get in and out of traffic.

Vice Mayor Coleman indicated this discussion was similar to the discussion held regarding the Tech Center development. He inquired whether the traffic improvements that were done on Oyster Point Road and Jefferson Avenue had an impact on congestion at those intersections. Mr. Skipper responded that the amount of traffic delays had improved along the Jefferson Avenue and Oyster Point Road corridor.

Councilwoman Scott inquired whether Oyster Point Road and Jefferson Avenue LOS measure was a C or F. Mr. Skipper replied it was a C.

Councilwoman Scott inquired how the proposed road changes would impact the residents of Kiln Creek who travelled eastbound on Jefferson Avenue. Mr. Skipper replied that there were two extended left-turn lanes at the intersection of Brick Kiln Boulevard. In addition, to the extended left-turn lanes, there would be another set of left-turn lanes at Habersham Drive. There would be two options to enter the neighborhood. With that additional time, and the increased spacing in cars to move in and out, it would be easier to get on and off of Jefferson because of the gaps.

Councilwoman Scott indicated that she had received many e-mail messages about increased traffic congestion in the area, which she believed was one of the most pressing factors for people who lived in Kiln Creek. The residents were concerned about how they were going to get in and out of the area. She advised that the improvements be done in the best interests of the residents of Kiln Creek so that they may be able to get in and out of their neighborhood. Mr. Skipper replied that he was hired to ensure that traffic ran smoothly and appropriately for the benefit of the citizens of Newport News.

Councilwoman Scott inquired whether the Chapter 527 Traffic Impact Analysis and the City's Traffic Analysis were shared with the residents of Kiln Creek during their neighborhood meetings. Mr. Skipper replied that the developer's traffic engineer presented a presentation at the neighborhood meetings held with the residents of Kiln Creek. He believed the same information was shared, but they would have to speak to that. City Manager Bourey replied there were three meetings with the residents of Kiln Creek. He believed the first meeting was less affective due to the amount of confusion. The second and third meetings ran much smoother due to a better understanding of traffic conditions.

Councilwoman Scott advised that she needed to know whether the traffic analysis and information was shared, as some people were now stating that they understood. She inquired whether there were other avenues being used to disseminate the information, such as social media (e-mail, Facebook, etc.), other than people getting information from the daily paper. Mr. Skipper replied that the City used a number of avenues to share information. He stated that one concern expressed was that the City did not use the heaviest volume of traffic to complete their traffic studies. It was true that the City did not use the times when accidents backed-up traffic or blocked-up the roadways as such information could not be analyzed. Traffic engineers used the highest hour throughout the seven day week on an annual basis. The peak hour was when the highest level of traffic was normally on the road, with the exception of incidents and accidents that back-up traffic or block-off the roadway.

City Manager Bourey agreed with Councilwoman Scott that information should be shared through a number of means. He would have staff look into other ways of getting the information out to the public regarding the traffic issues related to the Plaza at Jefferson.

Councilwoman Scott indicated that traffic was the greatest point of contention, other than the fact that the citizens did not believe that another grocery store was needed.

Vice Mayor Coleman agreed that traffic was the greatest point of contention.

Councilwoman Vick felt the greatest point of contention was not the traffic, but was small businesses in the community who felt that they would be taken over by the Wegmans project. There were citizens who felt that the Tech Center had just been done and there was no need for another project so close in proximity. There were many issues; not just one.

Councilwoman Cherry inquired whether the funding for Habersham Drive was still in the Capital Improvements Plan. (CIP). City Manager Bourey stated there was some money in the CIP for the relocation. City staff was in conversations with the developers as well as the Airport Commission about cost sharing for the project. The developer had made a proposal for what they believed the costs were and City staff was looking at what the costs were.

Councilwoman Cherry inquired about the amount of funding in the CIP for Habersham Drive. City Manager Bourey advised there was revenue sharing funding in the CIP, which came from the State, and the City.

Councilwoman Cherry inquired whether a commitment was received from the developer or the airport noting the amount of funding that they would provide for the project. City Manager Bourey replied that the amount of funding to be provided by the developer or the airport had not been finalized.

Councilwoman Woodbury inquired whether the City had quantitative data that noted that traffic delays were less since the Tech Center development. She inquired whether traffic had been measured or timed. Mr. Skipper replied yes; he would send the report to Councilwoman Woodbury.

Councilwoman Woodbury inquired about the reason that the City asked VDOT if they were not going to mitigate or make suggestions to improve traffic conditions.

Councilwoman Cherry agreed with Councilwoman Woodbury about the reason the City asked VDOT for their opinion since they had nothing to do with regional roads. She believed the amount of traffic would increase and the LOS would not decrease from a D to a C. She questioned the reason for the traffic improvements along Jefferson Avenue at Oyster Point Road, near the Tech Center, if it did not improve the LOS from a D to a C. Mr. Skipper replied that the City's traffic engineers had done exceedingly well if they could prevent traffic from getting worse. The LOS was a D and remained a D, which was the best that they could have hoped for.

City Manager Bourey introduced Mr. Spirito to continue with the presentation by providing information as it pertained to the airport's Runway Protection Zone as related to the Plaza at Jefferson project.

Mr. Spirito advised that the project (The Plaza at Jefferson) would be constructed outside of the Runway Protection Zone (RPZ). He stated that Runway 220 (6,500 feet long) was planned to be shifted or reduced in length. Runway 727 was approximately 8,003 feet long.

Mr. Spirito stated, in regards to comments made about BRAC, that the development had no effect on BRAC, Fort Eustis, Langley Air Force Base, or any other military governmental installation on the Peninsula. He wanted City Council to understand that the comments that were made about BRAC were not associated with the Newport News/Williamsburg International Airport. The airport managed its own runways. The safety, the airspace, and the RPZs were coordinated with the FAA. Everything done at the airport had been approved by the FAA. He reiterated that the development would be outside of the RPZ, and posed no safety issues to aircraft or people.

Mr. Spirito reported that not only did the airport have RPZ, but they had approach surfaces, transitional surfaces (the scale above a building), and other imaginary surfaces around the runway system. The transitional surface was an imaginary surface that was essentially parallel with Runway 727. The proposed Wegmans would be in an area that had nothing to do with an approach surface or the RPZ, and was well below the transitional surface. The most critical highest point of the development had an 18 foot clearance below the transitional surface. Other points of the development had an 8 foot clearance. The project was outside the RPZ, not in the approach or imaginary surfaces and would not cause an obstruction or concern for pilots entering or exiting the airport.

Councilwoman Cherry inquired about the reason that the FAA had not approved the project. Mr. Spirito replied that it was not appropriate yet for the FAA to give their approval.

Councilwoman Cherry stated that Mr. Spirito talked about the building, but not the road. Mr. Spirito replied that the building and the road were two different things.

Councilwoman Cherry stated that the road and the Wegmans were both a part of the project. Mr. Spirito replied no, they were two separate things. The airport did not need the road; the City needed the road from a traffic standpoint. The City needed the road to improve the level of service of traffic conditions and reduce delay when the project was built. The only improvement that the airport needed was to fit the development and realign Brick Kiln Boulevard. The Habersham Drive extension was not necessarily needed for the project. It was needed to improve traffic.

Councilwoman Cherry stated she was not talking about Habersham Drive, but was talking about Brick Kiln Boulevard that would have to be redirected. Mr. Spirito replied the realignment of Brick Kiln Boulevard was needed to fit the Wegmans project.

Councilwoman Cherry stated the Wegmans would be located in the RPZ if Brick Kiln Boulevard was realigned. Mr. Spirito replied that Brick Kiln Boulevard, as well as Jefferson Avenue, Walmart Way, and Sam's Club, were already located in the RPZ. There were several moving parts to what had to be done to get approval from the FAA: 1) Realignment of Brick Kiln Boulevard; 2) the Extension of Habersham Drive; and 3) Submission of the Height and Hazard Review.

Councilwoman Cherry questioned who would pay for the realignment of Brick Kiln Boulevard. City Manager Bourey replied that the City was working on sharing the cost with the Peninsula Airport Commission. He stated the developer had some potential interest in it as well. Mr. Spirito advised that the realignment of Brick Kiln Boulevard and the extension of Habersham Drive would be grouped together and the cost would be shared.

Councilwoman Cherry inquired about the reason that the City had to carry the cost if the developer wanted to come to the City. City Manager Bourey replied that was an overall improvement to traffic and the City stood to gain a tremendous amount of revenue that would probably exceed more than \$1 million annually. There was much incentive for the City to help build the project, which would be paid off quickly.

Councilwoman Scott inquired whether the Airport Commission had planned to do a project and courted Wegmans or whether Wegmans contacted the City. Mr. Spirito replied the genesis to build the project began from the Airport's Master Plan. As part of the Master Plan, the Airport Commission wanted to maximize the value of their property and look at the opportunity to develop their property for non-aeronautical revenue purposes. The Airport Commission decided to sell the property and received a call from Frontier Development to market the property and they presented the Wegmans proposal. Mr. Spirito stated there were several stipulations that the Airport Commission charged the developer with: 1) The development had to make an impact in area; 2) they were not going to approve businesses relocating from other parts of Newport News; and 3) the only wanted new market development. The Airport Commission did not go after Wegmans; Wegmans and the developer partnered together to present the opportunity to the Airport Commission.

Councilwoman Cherry inquired whether the developer looked at other locations within the City. City Manager Bourey replied that the developer and Wegmans would address the issue of whether they had looked at other locations within the City. He introduced Mr. Chris Henderson, Principal, Frontier Development, to continue with the presentation and offer information about Wegmans and the nature of the project.

Mr. Henderson stated the Wegmans project was begun approximately two and one-half years ago and they had been actively involved with City staff and the Airport Commission. He introduced his project team (Mr. Jim Leach, Principal, Frontier Development, Miami, FL; Mr. Dan Aken, Director of Real Estate for Wegmans; Mr. Dexter Williams, Traffic Consultant, Frontier Development; and Mr. Tim Trant, Attorney, Kaufman & Canoles).

Mr. Henderson noted the key project objectives for creation of the Plaza at Jefferson (copy of presentation, "The Plaza at Jefferson," is attached and made a part of these minutes):

- Creation of Signature Project consistent with Gateway location
- Attract new-to-market retail and service businesses with emphasis on job creation and high level of capital investment
- High quality architecture and attention to detail in design
- Preservation of Parkway Setting on Brick Kiln Boulevard (landscaping, way finding, etc.)
- Transportation improvements that not only mitigate project impacts but reduce overall congestion and delay, particularly in RPZ
- Use the generates new revenues to the Airport and the City

Mr. Henderson stated the project team had accomplished all of the above objectives. He introduced Mr. Aken to provide an overview of Wegmans and the reason they believed this was the right location, which would serve Newport News and the broader Peninsula market.

Councilwoman Scott inquired about the reason that Wegmans chose the City of Newport News. Mr. Aken replied that Wegmans did a comprehensive overview of the six states that they were located in. He stated they were looking to grow their company by approximately four stores per year. In order to do that they were targeting areas with demographics that met their needs. They were areas that had high education levels, high family household incomes, and

populations that had a density within a five mile range. Wegmans was located in Northern Virginia and was reaching out to the Cities of Richmond, Virginia Beach, Norfolk, and Newport News. It made a lot of sense for Wegmans to grow into the area. They started looking in the area two to three years ago and were fortunate to find a few locations that they wanted to pursue. It was a combination of the right demographics, and a critical mass of people with those demographics in a certain area.

Councilwoman Scott inquired whether Wegmans was looking to move into the seven Cities all at once, or whether they were moving into the City of Newport News because they wanted Hampton Roads. Mr. Aken replied that was correct, and they were also looking at potentially other opportunities in Virginia Beach and other areas. Multiple locations would not come online at one time as they were only building four stores per year. They were a chain of 88 stores and had been in business for 100 years. This year would mark their 100th Anniversary.

Councilwoman Cherry inquired whether Mr. Aken was saying that the area selected in Newport News was the only area in the City that had high education levels, high family household incomes, and populations that had a density within a five mile range. Mr. Aken replied that was the only area in the City that had the key markers for Wegmans and the available land. They were presented the site on Bland Boulevard, along with two other locations when they looked at the area. One site was now a Whole Foods and the other piece of property directly across the street from the Whole Foods was not feasible. The airport property had all the markers and indicators, and was readily available.

Mr. Aken reported that Wegmans Food Markets, Inc. was headquartered in Rochester, New York. He stated Wegmans was a privately-held and family owned business and started as the Rochester Fruit and Vegetable Company in 1916. By 1921, brothers John and Walter Wegman had purchased a grocery store that offered general merchandise, bakery items and fruits and vegetables (a copy of the presentation, Wegmans Food Markets, Inc.", is attached and made a part of these minutes).

Mr. Aken noted statistics of Wegmans:

- Operated 88 stores in six states
- Employed over 44,000 people
- Annual sales in excess of \$8 billion

- On Fortune's 100 Best Companies to Work For each of the past 19 years; Ranking #4 in 2016
- Consumer Reports ranked #1 Super Market in America, in 2015
- Hired between 500 – 600 employees with each new store
- Full Time Employees = 200/Part Time Employees = 300
- Equivalent Full Time Employees = 350 (pay range of \$12 - \$20 per hour)
- Salaried positions included
 - 1 Store Manager - \$150,000 - \$250,000
 - 5 Area Manager - \$80,000 – 120,000
 - 20 – 25 Department Managers, HR, Sous Chefs - \$60,000 - \$80,000
 - 3 Pharmacists - \$120,000+

Mr. Aken advised that Wegmans operated in six different states (New York; New Jersey; Pennsylvania; Virginia; Maryland; and Massachusetts). He stated they just started to look into expanding into North Carolina, which would be their seventh state. Wegmans had seven stores located in Northern Virginia. They were actively working on another handful of locations, primarily in Northern Virginia. They had two additional locations in the Richmond area that would open during the late summer and fall of 2016. That was natural progression for them as they started to work further south. Wegmans recognized that they were significantly larger than most of their competitors that were in the 60,000 to 70,000 square foot range. They were 120,000 square feet and required a decent amount of parking. It was hard for them to find enough acreage that was zoned appropriately or readily available that was in a transportation corridor that made sense for them.

Councilwoman Scott inquired whether the reason that they required 120,000 square feet was to accommodate the extra components. She inquired what percentage of that was actually grocery store operation. Mr. Aken replied the 120,000 square feet was needed in order for Wegmans to offer as many services as they could to their customers to alleviate their need to go elsewhere.

Councilwoman Cherry inquired whether the store could be less than 120,000 square feet. Mr. Aken replied it could be less than 120,000 square feet.

Councilwoman Scott inquired whether Wegmans had their own store brand, such as Trader Joes. Mr. Aken replied yes, Wegmans worked tirelessly to provide a very top notch product.

Mr. Aken advised that Wegmans would hire approximately 500 to 600 new employees, and 90% of those would be local jobs. Wegmans would take a core group of employees from other locations that were looking to relocate, who had been with Wegmans for a significant number of years, to come to the Peninsula to initially run the new store. They did this so that matters were handled in the Wegmans way and tradition. Customer service was the key difference between them and other companies. They wanted to ensure that outstanding customer service was instilled in new hires.

Mr. Aken stated Wegmans had a very strong “promoting from within” philosophy. Usually, those who relocated to start a new store would eventually retire, or move on to run other stores. Wegmans would not bring in someone else and would try to promote from within. The area managers moved up to department managers, department managers moved up to area managers, and area managers moved up to store managers. Wegmans had a firm belief that that was the way to grow a business and culture. It was also one of the reasons they looked to expand, thereby giving employees opportunities to grow.

Mr. Aken stated Wegmans was a major corporate contributor in communities where their stores were located. In addition to corporate giving, every store had a budget for community support. Wegmans provided approximately \$200,000 per year in cash or contributions and another \$200,000 per year in food donations. Giving was focused in the following areas:

- Food for the needy
- Strengthening Neighborhoods
- Helping young people succeed
- Healthy eating and activity
- Support for the United Way as an effective way to fund programs that made a difference.

Mr. Aken advised that since 1984, Wegmans had provided over \$100 million in scholarships to deserving students who worked in their stores, as long as they worked a minimum amount of hours per year. He believed such students received approximately \$2,200 per year. Wegmans has provided approximately 30,000 scholarships to deserving students. Students could apply for a scholarship for four consecutive years, which amounted to approximately \$8,800. The requirements to receive a scholarship were minimal.

Mr. Aken stated Wegmans offered price matching, which noted how much \$100 would buy one in Wegmans as opposed to their competitors. They had a pricing department that would go out and look at local pricing when they entered into a market. Wegmans target was to make sure that they were pricing at or below Walmart levels for almost all products. They focused on quality and providing a good value for their customers.

Mr. Aken advised that Wegmans turn-over rate was very low at about 20%. The industry average was 38%. It was even lower for full-time employees at 7.7%. He indicated he had been with Wegmans for approximately ten years and was still considered a newbie. Eventually, he would get to the point of having 20 to 25 years of employment.

Mr. Aken noted what to expect at Wegmans:

- Fresh Produce
- Great Customer Service
- Restaurant-quality prepared foods for dine in or take out
- European and artisan breads and rolls, bagels, decorated cakes, muffins, cookies, and other desserts
- Over 90 Mediterranean bar items including imported olives, hummus, marinated mushrooms, artichokes, roasted peppers and fresh mozzarella
- 300 specialty and artisan cheeses produced domestically or imported from around the world
- Seafood delivered daily from ports across the country and around the world. Fresh or frozen; there were never any chemicals added to Wegmans seafood
- An incredible selection of cold and cured specialty meats and dry sausage products
- Club Pack Savings
- Market Cafe

Councilwoman Scott inquired whether Wegmans priced-matched, such as Walmart. Mr. Aken replied that they did price match. He stated they had a team that went out on a quarterly basis to check prices of local competitors to ensure that customers were paying the same prices. Wegmans did not do mailers or flyers beyond a certain point in time after opening a new store. Wegmans did not do weekly sales as they offered low prices continuously.

Mr. Henderson asked Mr. Aken to address the concern about what happened to competition when Wegmans entered a market.

Mr. Aken replied that when Wegmans entered a market, their competitors seemed to raise their standards. They typically saw competitors that were already doing well raise their standards to ensure they remained competitive with Wegmans. Competitor's prices had a tendency to come down as well. He believed a consumer was receiving a benefit from Wegmans being in their area whether they were shopping there or not.

Councilwoman Scott inquired whether Wegmans had received complaints from other proprietors, such as Trader Joes or Whole Foods, saying that their profit margins have died and they were having difficulty remaining sustainable. Mr. Aken replied, no they had not received such complaints and the volumes that they saw such retailers doing did not indicate they were hurting by a Wegmans being in their area.

Councilwoman Cherry inquired about the square footage for the proposed Wegmans at the airport. Mr. Aken replied Wegmans proposed to build a 120,000 square foot store.

Councilwoman Cherry inquired whether the 120,000 square foot store would encompass the additional retail that Wegmans was proposing. Mr. Aken replied the 120,000 would encompass just the store.

Councilwoman Cherry inquired whether the additional retail was needed. Mr. Henderson replied that the developer had an additional 30,000 square feet of retail space in six buildings which was part of the master plan.

Councilwoman Cherry inquired about the other businesses that would go into the Plaza at Jefferson. Mr. Henderson replied there would be retail, service and restaurant venues, in addition to the Wegmans.

Councilwoman Cherry inquired whether the parcels were included in the site plan that was noted previously by Mr. Spirito. Mr. Henderson replied yes.

City Attorney Collie Owens reminded that due to the free market system in Virginia, the competition issue was not something that City Council could consider in denying the approval of a Zoning application.

Councilwoman Scott appreciated City Attorney Owens bringing the matter to her attention; however, she was only asking out of curiosity in order to have some comparisons and to see what happened when a Wegmans opened in a particular area. Most residents in Newport News and the surrounding region were not familiar with Wegmans. It never occurred to her that their prices would be considerably lower and they would match Walmart instead of Whole Foods. More people were thinking that Wegmans would be more on the upper price scale. She just needed to compare “apples and oranges”.

Councilwoman Cherry inquired whether a lease had been signed between the developer and Wegmans. Mr. Aken replied that they were working on the matter, but a lease had not been signed. They were close to signing a lease, as they were fully committed to the location.

Councilwoman Cherry inquired whether Wegmans would consider another location in Newport News. Mr. Aken replied they did not believe that there was another location in the Newport News market that worked for them.

Councilwoman Cherry inquired should the FAA not approve the location, would Wegmans chose another location. Mr. Aken replied if the FAA did not approve the location, Wegmans would not be popping up across the street or someplace in close proximity. They would have to look for another location in Virginia Beach or another community. They had exhausted the areas in Newport News that worked for them.

Councilwoman Cherry inquired whether Mr. Aken understood that the south and north districts of Newport News were considered to be “food deserts” and the central district was a “food ocean”. Mr. Aken understood that the south and north districts were considered “food deserts”, and the Central district was considered a “food ocean”, and he had no problem with the matter.

Councilwoman Scott inquired whether Wegmans would consider opening a smaller scale store in the Southeast community if they gained approval to open their 120,000 square foot store at the airport, because it did have interstate access. Mr. Aken replied Wegmans was working on concepts to fit into smaller markets.

Councilwoman Cherry inquired about the smallest square footage of a Wegmans store. Mr. Aken replied they had a store outside of Boston that was 70,000 square feet.

City Manager Bourey inquired whether Wegmans would consider doing a smaller store in the area if they were in the market. Mr. Aken replied yes, as they preferred to put smaller markets in areas where they already existed.

City Manager Bourey inquired whether if Wegmans did open a model store would 10 – 12 miles be too far or something appropriate. Mr. Aken replied 10 to 12 miles would be fine. They were positioning their big stores approximately 10 to 12 miles apart.

Councilwoman Cherry indicated in regards to the criteria for a Wegmans, there may be some areas in the south and north district that qualified for a Wegmans if they considered coming into such areas. Mr. Aken replied that they had not researched the areas, but felt it could be possible.

Mr. Henderson advised that they had a Memorandum of Agreement that was in final form with the Kiln Creek HOA. They received the final comments from the Kiln Creek HOA Attorney. A meeting with the HOA was planned for April 27, 2016, to resolve any final language issues. They planned to reach a final agreement with the Kiln Creek Homeowners Association with regard to the maintenance of Brick Kiln Parkway in regards to their rights, landscaping, lighting, signage and so forth. They had taken the position of “do no harm” and do all they could to help to protect the rights of the HOA. They currently had a 20 foot easement, along either side of Brick Kiln Boulevard and they maintained the landscaping, the site lighting and the signage. They had fully restored the rights for the new alignment of Brick Kiln Boulevard. They were absorbing some of the maintenance cost and putting in more than \$100,000 of additional landscaping. As the developer, they had reached a positive agreement with the HOA that resolved the issues that they had with regards to their current privileges.

Councilwoman Scott inquired about the businesses that the developer was trying to attract to the Wegmans project. She voiced concern and agreed with Councilwoman Vick about poaching businesses from other locations within the City. She inquired whether the developer was looking for businesses that would fit the HOA needs. She inquired whether the businesses would serve the community and whether they would be cross-pollinated from other areas of the City. Mr. Henderson replied it would be a combination of both – those that were geared towards the immediate local area, and those that were more regional. When the Wegmans

announcement was made they received more interest from tenants that they could accommodate on the site. They would have their “pick of the litter” of the tenants who want to join Wegmans, because this would be the only Wegmans on the Peninsula. Retailers were excited about having Wegmans as an anchor, because they knew Wegmans brought a steady stream of high quality traffic to their front door.

Councilwoman Scott inquired what would be the largest space available for one business out of the 30,000 square footage allotted for the project. Mr. Henderson replied approximately 5,000 to 8,000 square feet, at the most.

II. Virginia Department of Transportation (VDOT) Briefing on Interstate Highway 64

City Manager Bourey introduced Mr. Scott Smizik, Location Studies Project Manager, Virginia Department of Transportation, to provide the presentation (a copy of the presentation, “Hampton Roads Crossing Study (HRCS) Supplemental Environmental Impact Statement (SEIS),” is attached and made a part of these minutes).

Mr. Smizik noted the Study Milestones of the Virginia Department of Transportation (VDOT) Hampton Roads Crossing Study Supplemental Environmental Impact Statement:

- June 2015 – Study Initiation
- July 2015 – Citizen Information Meetings/Agency Meetings (Scoping)
- October 2015 – Concurrence on Purpose and Need
- December 2015 – Citizen Information Meetings/Agency Meetings
(Alternatives)
- January 2016 – Concurrence on alternatives to be retained for analysis
- February 2016 – Agency Meeting (Alternatives/Status Update)

Mr. Smizik stated the Draft Analysis was done and were under review by VDOT’s regulatory partners. He stated the results that occurred in the Environmental Impact

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Statements were based on planning-level engineering. When VDOT engineered a corridor, they used a planning level footprint that was consistent along every corridor or study area.

Mr. Smizik noted the Hampton Roads Crossing study had been a part of the region for over 15 years. He noted a number of terms that were common to the study (the terms are noted in the presentation attached to these minutes).

Mr. Smizik noted the four Alternatives for the Hampton Roads Crossing Study Supplemental Environmental Impact Statement (SEIS) [see specifics for each in the presentation attached to these minutes]:

- Alternative A
 - Included improvements to I-64 between I-664 and I-564
 - Would result in a consistent six-lane facility
 - Improvements to HRBT would be largely confined to existing right-of-way
- Alternative B
 - Included
 - I-64/HRBT
 - I-564
 - I-564 Connector
 - Route 164 Connector
 - Route 164
- Alternative C
 - Included
 - I-664
 - I-664/I-564 Connectors
 - I-564
 - Route 164 Connector
- Alternative D
 - Included all components of Alternatives B and C
 - Applied a more narrow footprint than Alternative C
 - The different footprint allowed for more information and options to be available to the study

Mr. Smizik stated that alternatives could be implemented in an Operationally Independent Section (OIS) through individual Records of Decision from the Federal Highway Administration. He stated costs and impacts would be documented for each section in the Draft SEIS. The draft SEIS would propose an order in which the OIS that comprised each alternative could be implemented. Public comment and resolutions on the proposed order would be presented to the Commonwealth Transportation Board (CTB) for final approval.

Mr. Smizik noted the study milestone moving forward:

- May 5, 2016 – Agency meeting
- August 2016 – Public Draft SEIS
- September 2016 – Location Public Hearings
- October/November 2016 – CTB
- Spring 2017 – Publish Final SEIS
- Summer 2017 – Record of Decision on first OIS

Mr. Smizik advised to receive further information and/or future updates visit: www.HamptonRoadsCrossingStudy.org or email at: HRCSSSEIS@VDOT.Virginia.Gov.

III. FY 2017 Recommended Operating Budget

1. Community Support

City Manager Bourey introduced Ms. Lisa Cipriano, Director, Department of Budget and Evaluation, to report on the Community Support and Regional Organizations requests (a copy of the presentation, FY 2017 Recommended Budget – Community Support and Regional Organizations, is attached and made a part of these minutes).

Ms. Cipriano noted the history of Community Support and Regional Organizations for Fiscal Years 2013 to 2016 and stated funding was level with the following exceptions and changes:

- Community Support Organizations
 - Exceptions were in 2016:
 - New agency support of Eastern Virginia Medical School, Southeastern Virginia Health Systems (SEVHS), Center for Sexual Assault Survivors, Soundscapes, Inc.
 - Changes for 2016:
 - Increase for Denbigh House, eliminated RSVP, restored Virginia Arts Festival (FY2015)
- Regional Organizations
 - Exceptions:
 - Contractual Increases for HRPDC, TNCC Workforce Development Center & Capital
 - Increased contributions for HRT (FY 2013 to FY 2016) and Williamsburg Area Transportation Authority (WATA) for FY 2014, FY 2016
 - Changes:
 - Eliminated HR Sports Commission (FY 2013), HR Partnership (FY 2014)

Vice Mayor Coleman inquired whether the WATA did any routes to the Lackey Free Clinic. City Manager Bourey replied no.

Vice Mayor Coleman stated there were a substantial number of North District residents that went to the Lackey Free Clinic, but they did not have transportation as HRT did not provide service to the area of the clinic. City Manager Bourey stated he had asked for data to determine where they connected from the Peninsula. Ms. Cipriano replied that the primary WATA route connection was at Elmhurst, and Lee Hall north to the Williamsburg area.

Ms. Cipriano stated the FY 2017 Recommended Budget Community Support Request totaled \$8.3 million, which was \$5.9 million or 244% more than in FY 2016. Of the 35 existing funded agencies, 60% requested a higher level of funding.

Ms. Cipriano reported the FY 2017 Recommended Community Support Budget totaled \$2,401,089, which was a decrease of \$25,000 over FY 2016 (see information in presentation attached and made a part of these minutes). She stated all agencies were level funded with the following exceptions:

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- New funding - \$50,000 for Community Free Clinic
- LINK funding moved to Community Support Contingency
- Eliminated the Virginia Living Museum (VLM) Challenge Grant

Ms. Cipriano noted the FY 2017 Recommended Community Support Agency Adjustments:

- LINK of Hampton Roads - \$75,000 - LINK funding was moved to Community Support Contingency
- Community Free Clinic (New Funding) - \$50,000 - The Community Free Clinic provided medical and dental care for uninsured residents of the Virginia Peninsula. Operating funds provided by donations, grants and small fees/donations from patients. Eighty-percent (80%) of patients lived in Newport News, and 85% lived at or below the Federal Poverty Guidelines.

Councilman Bateman asked for City Council agreement to appropriate \$375,000 for the Virginia Living Museum to replace their chiller in the form of a challenge grant. The VLM provided a benefit to the community.

Councilman Bateman asked for the support of City Council to appropriate \$100,000 for the Mariners' Museum Monitor Center.

City Manager Bourey voiced concern with providing funding to the VLM because they were not sustainable. The City had stretched the budget as far as they could. Cash Capital funding was available if City Council chose to provide funding to the VLM.

City Manager Bourey stated the City had provided \$500,000 as well as Cultural Attractions funding to the Mariners' Museum for the Monitor Center. There was \$188,000 left in the City Council Contingency Fund if City Council chose to fund the Mariners' Museum Exhibit. That would be the best option, but he was not recommending the appropriation.

Councilwoman Woodbury suggested that City Council do a 50/50 challenge grant for each. City Manager Bourey stated that would work if City Council was in support of the matter.

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Councilwoman Cherry stated she was okay about funding for VLM, but voiced concerns about the Mariners' Museum for several reasons. Funding in the amount of \$5,000 was provided to the Mariners' Museum for the repair of their road for the One City Marathon and the Museum did not want to share the cost with the City. She also recalled, when funding was provided from the City to the James A. Fields House, it was stated that it was a one-time donation. She was told that further funding requests would have to be requested through grant applications. The James A. Fields house applied for a Façade Improvement Grant, which they were awarded; however, they were required to pay for part of the improvement. The James A. Fields House then applied for Cultural Attractions funding and received funding, but had to pay part of that. She had "heartburn" about giving to the Mariners' Museum. She loved both museums, but voiced concern that there were no African-American Exhibits housed at the Mariners' Museum. Councilwoman Cherry stated that the Mariners' Museum totally acted as if African-Americans had nothing to do with naval history. Other than one African-American sailor depicted at the museum, there was no other history concerning African-Americans. The Reenactment Group that she was a part of had mentioned that fact to the Mariners' Museum, and African-Americans still were not a part of such a major museum. She noted that the City also supported the Monitor Center and she had spoken to Mr. John Quarstein, when he was providing tours of the Monitor Center, about Ms. Mary Touvestre, who was a former slave that worked for a Confederate engineer who took a copy of the plan for the monitor to the Union Secretary of the Navy, in Washington, D.C., during the Civil War. African-Americans were totally left out of the history of the Mariners' Museum. Personally, it was a problem for her to continue to support a museum that did not include African-Americans in their history.

Councilwoman Cherry inquired about the Mariners' Museum sustainability plan. When the James Fields House came to the City for funding in 2011, they were told to not come back anymore unless they applied for a grant, which was what they had done. There was much work to be done at the James A. Fields House. They have been able to sustain the House through capital campaigns and donations from the public. The James A. Fields House tried to sustain on \$10,000 per year. She inquired what the Mariners' Museum was doing with the funding they had received from the City, and whether they were strategically putting the funding aside for a rainy day. The James A. Fields House was required to provide a report to the City on what the \$25,000 in funding they received would be used for.

Councilwoman Vick asked for the support of City Council to appropriate \$25,000 to the James Fields House, \$25,000 to the Newsome House and \$25,000 to the Harwood House.

Councilman Bateman advised that the Mariners' Museum was designated as a marine sanctuary for naval archeological artifacts and restoration, so they housed restored items from the Monitor. He believed it was not the intent of the Mariners' Museum to exclude African-Americans from the Museum; however, he understood Dr. Cherry's concerns and frustration. He offered to help discuss her concerns with the Museum.

Councilwoman Scott believed that the City did a great job of supplementing museums and all of the things that were considered a part of the City of Newport News; however, at some point it seemed that the City was an enabler to various organizations. She loved and visited all of the museums, but would like them to become better stewards of their funding. She was in support of supplementing the organizations by providing 50% of their requests.

After ongoing conversations, suggestions and recommendations, there was consensus reached among City Council to provide the following appropriations:

- 50/50 match (\$175,000) for the cost of the chiller for the Virginia Living Museum
- 50/50 match (\$50,000) for the Mariners' Museum

Ms. Cipriano reported the FY 2017 Recommended Regional Organizations Budget totaled \$8,746,781, which was an increase of \$629,141 over FY 2016 (see information in presentation attached and made a part of these minutes). She stated all agencies were level funded with the following exceptions:

- Increased contractual agreements for TNCC and HRPDC
- Increased funding for HRT for general operations, route enhancements, one time increase for Advanced Capital Contribution
- Increased funding for WATA for general operations

Ms. Cipriano noted the FY 2017 Recommended Regional Organizations Adjustments:

Contractual Adjustments

- Thomas Nelson Community College - \$9,660 or 3.2% increase
- HR Planning District Commission - \$31 or 0.02% increase

Other Adjustments

- Increase for HRT base operation - \$315,254
- Increase HRT service frequency on Routes 108 and 116 to 60 minutes daily to improve time connections - \$495,499

- One time increase to Advanced Capital Contribution to leverage federal and state equipment grants - \$88,687
- Total HRT Increase - \$889,450 or 13.4%
- Increase for WATA general operations - \$5,000 or 12.5% (from \$40,000 to \$45,000)

Councilwoman Vick reiterated her recommendation to allocate \$25,000 for the Newsome House, \$25,000 for the Harwood House, and \$25,000 for the James A. Fields House.

Mayor Price questioned the available amount of City Council Contingency Funding. Ms. Cipriano replied for FY 2016, the available amount of City Council Contingency Funding started off at \$188,000, and with the 50/50 (\$50,000) Challenge Grant for the Mariners' Museum, the balance remaining totaled \$138,000.

Vice Mayor Coleman recommended \$25,000 for the Lee Hall Depot. Ms. Cipriano advised there was funding in the FY 2017 CIP for the Lee Hall Depot.

Councilman Bateman recommended \$10,000 for the Lackey Free Clinic.

Councilwoman Scott stated there was a STAR program in Denbigh that offered a homework tutorial to youth who were suspended or expelled from school over a period of time. The head of the program was partnering with another group in the Southeast Community and had not been paid any money since September of 2015. She was continuing to do the tutorial project at her own expense. It was a non-profit program and had been in operation for six to eight years. She suggested \$10,000 for the STAR program. She indicated that she would get all of the nonprofit information and submit it for consideration. She rarely asked for anything for her district and believed this funding was for a good cause. The program had previously received CDBG funding.

Councilwoman Woodbury agreed with Councilwoman Cherry that City Council should have complete reports from organizations that received funding from the City noting their sustainability and plan to move forward. She recalled when she asked for funding for the "Original B.R.O.T.H.A.S" she was told that they needed to provide a sustainability report. She felt that was a valid point.

Ms. Cipriano advised that in order to receive their fourth-quarter payment all Community Support agencies and Cultural Attraction recipients had to provide a financial report that included what they did with their funding.

City Manager Bourey stated that the City Council Contingency funding would be around for another couple of meetings. He suggested that City Council schedule significant items to talk about over the next two weeks. This would provide City Council with an opportunity to determine what they truly wanted to use their Contingency funding for.

Councilwoman Vick reiterated her request to provide \$25,000 to the Newsome House, \$25,000 to the James A. Fields House, and \$25,000 to the Harwood House.

Mayor Price inquired about City Council Table Funding, and whether City Council was in support of moving the funding into the City Council Contingency account.

Councilwoman Scott was not in support of transferring City Council Table funding to the City Council Contingency account. She felt if it was not used by the end of the fiscal year it could be transferred to City Council Contingency fund.

Councilwoman Cherry suggested that the City Council Table funding remain in the budget and be transferred to the City Council Contingency Account if it was not spent by May of each year.

Mayor Price stated that the City Council had additional meetings to discuss their Table Funding, which was his suggestion. He stated other suggestions could be entertained at a later date.

Councilwoman Vick asked for City Council support to provide \$25,000 to the James A. Fields House and \$25,000 to the Newsome House from the FY 2016 City Council Contingency. The funding for the Harwood House would be decided at a future meeting. There was consensus among City Council to provide \$25,000 of City Council Contingency Funding to the James A. Fields House and \$25,000 of City Council Contingency Funding to the Newsome House. Councilwoman Cherry abstained from the vote that \$25,000 be given to the James A. Fields House from City Council Contingency.

DRAFT

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IV. Comments/Ideas and Suggestions

Councilwoman Cherry thanked Assistant City Manager Rohlf for her assistance in seeing that the house on Madison Avenue about which she voiced concern about was demolished.

Councilwoman Cherry thanked Mr. Miller for his assistance with the Community Garden at Marshall Early Childhood Center.

City Manager Bourey reminded about the CIP discussion regarding the appropriation of \$1 million from Community Development funding to the FY 2016 - 2017 CIP for the Schools. He stated a resolution would be available for City Council approval at the evening meeting under New Business.

THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED AT 5:40 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

3. Minutes of the Special Meeting of April 26, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Special Meeting of April 26, 2016

DRAFT

**MINUTES OF SPECIAL MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
APRIL 26, 2016
5:40 P.M.**

PRESENT: Herbert H. Bateman, Jr.; Sandra N. Cherry, D. Min.; Robert S. Coleman;
McKinley L. Price; DDS; Sharon P. Scott; Tina L. Vick; and Dr. Patricia P.
Woodbury-----7

ABSENT: None-----0

OTHERS PRESENT: James M. Bourey; Collins L. Owens, Jr.; Mabel Washington Jenkins;
Darlene Bradberry; Alan K. Archer; Cynthia Rohlf; Florence Kingston; Karen
Wilds; Chris Morello; and Jennifer Walker.

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

- (1) To call a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, subsections: (1) a discussion, consideration or interview of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, the subjects of which are a discussion or consideration of prospective candidates for appointments to boards and commissions and evaluation of Council appointees; (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.
- (2) To make appointments to fill vacancies on the City's various boards, commissions, and committees.

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

Vote on Roll Call:

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

Nays: None

(Closed Session 5:44 p.m. – 6:20 p.m.)

Councilman Bateman recused himself from the meeting during the discussion about consideration of the acquisition/disposition of real property for a public purpose, and during discussion about a prospective business' or industry's interest in locating a facility in the community in the southern and central sections of the City.

City Council engaged in a discussion to make an appointment to fill a vacancy on the following board:

1. Peninsula Airport Commission – The Honorable Dr. Patricia P. Woodbury for appointment to fill the unexpired term of The Honorable Herbert H. Bateman, Jr. (General Public Representative), the term will expire May 23, 2018.

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

Vote on Roll Call:

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

Nays: None

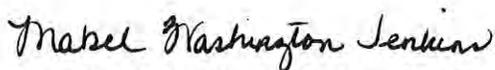
Vice Mayor Coleman moved that appointments discussed in the closed meeting be ratified pursuant to receipt of notification that a favorable background check was conducted; seconded by Councilwoman Vick.

Vote on Roll Call:

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

Nays: None

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 6:20 P.M.



Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk

DRAFT

CERTIFICATE OF CLOSED MEETING

MEETING DATE: April 26, 2016
MOTION: Vice Mayor Robert S. Coleman
SECOND: Councilwoman Tina L. Vick

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

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

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

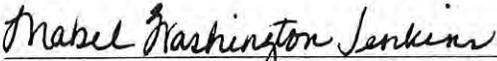
VOTE

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

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

ATTEST:



Mabel Washington Jenkins, MMC
City Clerk

F. Consent Agenda

4. Minutes of the Regular Meeting of April 26, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Regular Meeting of April 26, 2016

MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
APRIL 26, 2016
7:00 P.M.

PRESENT: Herbert H. Bateman, Jr.; Sandra N. Cherry, D. Min.; Robert S. Coleman;
McKinley L. Price; DDS; Sharon P. Scott; Tina L. Vick; and Dr. Patricia P.
Woodbury-----7

ABSENT: None-----0

A. Call to Order

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

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

B. Invocation

The invocation was rendered by Pastor Justin White, City Life 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 Councilman Herbert H. Bateman, Jr.

D. Presentations

None

E. Public Hearings

None Submitted

F. Consent Agenda

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

F. Consent Agenda Continued

1. Minutes of the Work Session of April 12, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

2. Minutes of the Special Meeting of April 12, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

3. Minutes of the Regular Meeting of April 12, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

4. Resolution of Recognition: 50th Anniversary of Newport News Park

A Resolution of Recognition in honor of the 50th Anniversary of Newport News Park. Newport News Park, at 7,711 acres, and one of the largest municipal parks east of the Mississippi River, was dedicated on May 28, 1966. Mr. Joseph C. Biggins, Newport News City Manager from 1925 to 1965, was credited with the idea of the creation of the park. In 1962, the City's Department of Planning proposed the development of the area that now comprises Newport News Park as a recreational facility. In 1964, City Council made the first appropriation to implement this plan, and authorized commencement of the first phase of development of the proposed park. On May 28, 1966, the park was "dedicated to the citizens of Newport News, their Peninsula friends, neighbors and visitors, for a permanent year-round recreational and enjoyment" location. This resolution of the City Council recognized Newport News Park on the 50th Anniversary of its dedication. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

G. Other City Council Actions

1. Receipt of Bids for Granting a 20-foot Easement Across City-owned Property Located at 15402 Warwick Boulevard

One (1) bid was received and opened from Dominion Virginia Power in the amount of \$1.00, granting a 20-foot easement across City-owned property located at 15402 Warwick Boulevard. A request to receive bids for a utility easement over City-owned property at 15402 Warwick Boulevard was advertised in the Daily Press on April 11, 2016 and April 18, 2016. The easement request accommodated improvements as part of a larger project to provide the Atkinson Boulevard and Bridge Project. A public hearing was advertised for the May 10, 2016 Regular Meeting of City Council for consideration of the ordinance, which would grant the easement to the successful bidder. No action was required of City Council. The bid was forwarded to the City Manager for review and evaluation.

2. Receipt of Bids for Granting a 30-foot Easement Across City-owned Property Located at 13141 Jefferson Avenue

One (1) bid was received and opened from Dominion Virginia Power in the amount of \$1.00, granting a 30-foot easement across City-owned property located at 13141 Jefferson Avenue. A request to receive bids for a utility easement over City-owned property at 13141 Jefferson Avenue was advertised in the Daily Press on April 11, 2016 and April 18, 2016. The easement request accommodated improvements as part of a larger project to provide the Atkinson Boulevard and Bridge Project. A public hearing was advertised for the May 10, 2016 Regular Meeting of City Council for consideration of the ordinance, which would grant the easement to the successful bidder. No action was required of City Council. The bid was forwarded to the City Manager for review and evaluation.

3. Resolution Approving the Consolidated Plan for Housing and Community Development – Annual Action Plan FY 2016-2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS APPROVING THE CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN FOR THE CITY OF NEWPORT NEWS INCLUDING THE PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUNDS AND CERTIFICATIONS FOR FISCAL YEAR 2016-2017 AND AUTHORIZING SUBMISSION OF THIS PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. This resolution approved the Consolidated Plan for Housing and Community Development Annual Action Plan for the City, including the proposed use of Community Development Block Grant (CDBG) and HOME Funds and certifications for Fiscal Year 2016-2017, and authorized submission of the Plan to the U. S. Department of Housing and Urban Development (HUD). The Consolidated Plan for Housing and Community Development Annual Action Plan identified the City's needs for housing and community development, the resources available to meet the needs and the priorities for directing those resources, and required the approval of City Council. This document was required by HUD, must be submitted to, and approved by HUD, for the City to receive its allocation of

G. Other City Council Actions Continued

3. Resolution Approving the Consolidated Plan for Housing and Community Development – Annual Action Plan FY 2016-2017 Continued

CDBG and HOME funds each year. The Annual Action Plan included the proposed use of funds for upcoming FY 2016-2017, and included HUD entitlement funding and program income for both CDBG and HOME in an aggregate amount of \$2,187,056.00. The City Manager recommended approval.

(No registered speakers)

Councilwoman Woodbury moved adoption of the above resolution; seconded by Councilwoman Scott.

Councilwoman Cherry referenced the continuation of the Newport News Urban Development Action Grant Program (NNUDAG), which provided loans to for-profit entities in order to facilitate the creation of jobs for low and moderate income persons, and asked for an example. Ms. Karen Wilds, Director, Newport News Redevelopment and Housing Authority, responded that these represented the amount of repayments for outstanding NNUDAG grants, and was an estimate of the amount to be received in repayments for existing loans. This money would be available to make new loans in the coming year.

Councilwoman Cherry referenced the Freedom Outreach Center regarding counseling and crisis intervention activities. She inquired who was trained to do the counseling, and questioned what type of counseling was entailed. Ms. Wilds replied that Reverend Robinson, and he actually did the counseling in the jails.

Vote on Roll Call:

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

Nays: None

4. Ordinance Repealing City Code, Chapter 29, Parks, Squares and Recreational Facilities; Article II., General Regulations Governing Parks; Section 29-53.1, Flying of Model Aircraft Prohibited

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 29, PARKS, SQUARES AND RECREATIONAL FACILITIES, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II, GENERAL REGULATIONS GOVERNING PARKS, SQUARES, BEACHES, GOLF COURSES, ETC., BY REPEALING SECTION 29-53.1, FLYING OF MODEL AIRCRAFT PROHIBITED. This ordinance repealed the City Code, Chapter 29, Parks, Squares and Recreational Facilities; Article II, General Regulations governing Parks; Section 29-53.1, Flying of Model Aircraft Prohibited, to adhere to new State regulations. In the 2016 General Assembly, a House Bill was passed and signed into law by the Governor pertaining to localities regulating the use of privately owned, unmanned aircraft systems. As

G. Other City Council Actions Continued

4. Ordinance Repealing City Code, Chapter 29, Parks, Squares and Recreational Facilities; Article II., General Regulations Governing Parks; Section 29-53.1, Flying of Model Aircraft Prohibited Continued

adopted, the new state law prohibited localities from regulating the use of privately owned, unmanned aircraft systems within its boundaries. City Code, Section 29-53.1 prohibited the flying of unmanned aircraft in City parks, squares, and recreational facilities. This ordinance amendment would align the City Code with the new State law. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

H. Appropriations

Councilwoman Scott moved adoption of Appropriations, Items 1 and 2, as shown below; seconded by Councilwoman Vick.

1. Department of Engineering – The Virginia Department of Environmental Quality (DEQ) Stormwater Local Assistance Fund (SLAF) and the Water Quality Banking Program Fund; Construction of the Stoney Run Regional Best Management Practice (BMP) Retrofit; Stream Restoration and Lake Dredging Project

A RESOLUTION APPROPRIATING FUNDS FROM STATE REVENUE (\$2,275,200.00) AND WATER QUALITY BANKING PROGRAM FUND (\$400,000.00) TO STONEY RUN REGIONAL BMP RETROFIT; STREAM RESTORATION AND LAKE DREDGING PROJECT (\$2,675,200.00). This resolution appropriated \$2,675,200.00 from the Virginia Department of Environmental Quality (DEQ) Stormwater Local Assistance Fund (SLAF) and the Water Quality Banking Program Fund for the construction of the Stoney Run Regional BMP Retrofit; Stream Restoration and Lake Dredging Project. The existing drainage channel was experiencing severe embankment erosion and degradation throughout the majority of its reach. The lakes were not fully utilized as stormwater management facilities. The proposed retrofit, stream restoration and lake dredging project was intended to expand the capacity of the existing Stoney Run BMP to meet current, more stringent Stormwater regulations associated with pollutant reductions required through the Total Maximum Daily Load (TMDL) limit set by the Virginia Department of Environmental Quality (DEQ) delegated from the EPA. The total cost of the project was estimated at \$4,550,400.00. In addition to the

H. Appropriations Continued

1. Department of Engineering – The Virginia Department of Environmental Quality (DEQ) Stormwater Local Assistance Fund (SLAF) and the Water Quality Banking Program Fund; Construction of the Stoney Run Regional Best Management Practice (BMP) Retrofit; Stream Restoration and Lake Dredging Project Continued

requested funds of this appropriation, \$1,875,200.00 was available from previously appropriated project funds. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

2. Department of Engineering – State Revenue Sharing Program; FY 2016 Bond Authorization, Streets and Bridges Category; and FY 2016 Bond Authorization, Streets and Bridges Category; and from the FY 2016 Bond Authorization, Community Development Category: Various Roadway Projects

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED (\$7,075,000.00) AND STATE REVENUE (\$7,075,000.00) TO ATKINSON BOULEVARD UPC #004483 (\$5,500,000.00) ADA CITYWIDE SIDEWALK MAINTENANCE REPLACEMENT UPC #107279 (\$1,500,000.00), ADA CITYWIDE SIDEWALK MAINTENANCE REPLACEMENT UPC #107280 (\$100,000.00), PATRICK HENRY DRIVE EXTENSION UPC #107271 (\$5,500,000.00), HUNTINGTON AVENUE BRIDGE REPAACEMENT UPC #094832 (\$2,500,000.00), AND HARPERSVILLE ROAD EXTENSION UPC #107276 (\$400,000.00). This resolution appropriated \$7,075,000.00 from the State Revenue Sharing Program, \$4,325,000.00 from the FY 2016 Bond Authorization, Streets and Bridges Category, and \$2,750,000.00 from the FY 2016 Bond Authorization, Community Development Category for various City roadway projects. The State Revenue Sharing Program provides funding for use by the City to construct or improve highway systems within the City. The program required at least a 50/50 City/State match. The funds would be used for the following: Atkinson Boulevard project; ADA Citywide sidewalk project; ADA Citywide Sidewalk Maintenance Replacement project; Patrick Henry Drive Extension project; Huntington Avenue Bridge Replacement project; and the Harpersville Road Extension project. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

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

Mr. John Gergely, 449 Winterhaven Drive, Newport News, addressed City Council on the proposed Wegman's grocery store project. He reminded that there were three new supermarkets, including Whole Foods, Lidl, and Aldi; And now, Wegman's. He stated there was no grocery store in the Southeast Community and reminded that Councilwoman Vick had been fighting for the residents for years. Mr. Gergely referenced Jim's Local Market as the "Mom and Pop" grocery store, which City Council heavily subsidized. He felt that Jim's Local Market did not have a chance to be successful in the Southeast Community because they would not be able to compete with the big markets. The Supermarket business works on a 2% profit margin. He suggested Wegman's build a store in the Southeast Community or in the North District. The Central District was overrun with grocery stores.

Ms. Rona Altschuler, 951 Edgewater Drive, Newport News, addressed City Council on the proposed Wegman's grocery store project. She expressed concern about the City of Newport News, specifically seeing businesses opened, then shut down, on a recurring basis. What was thought to be a great shopping center was no longer, with stores moving out only to relocate to a place they perceived to be better. She stated that she was worried for the City's future as a person that loved the community, when there was a piece of land that was green, and officials could not leave it alone. Ms. Altschuler indicated that Newport News had plenty of grocery stores. There was a grocery store on every corner. Ms. Altschuler read a mission statement from a foundation that was tied to the City's website. It read as follows: "The mission of the Newport News Green Foundation is to promote the creation and preservation of green space throughout the City of Newport News through advocacy, acquisition, and assistance to others in order to make Newport News a more visually attractive place to live, work, and play." She stated she would like to see this and urged City Council to leave Newport News alone. There were other more important issues to worry about.

Mr. Antonio Thompson, 1211-25th Street, Newport News, addressed City Council on the topic of the City's treasury enrichment, public safety and security, as well as the importance of recycling. He discussed the legalization of marijuana and prostitution in an effort to help build up the City's treasury.

Ms. Angela Harris, Newport News, commented about an incident with the Newport News Police Department, specifically police harassment of her children. She felt that a detective and former officer in the Newport News Department, South District, preyed on her child. The same Detective attacked her grandson's mother. The Detective then showed a warrant for trespassing against Ms. Harris's son. He was later charged with assault and battery of a police officer. It was determined that the Detective filed false charges against her son. The Commonwealth's Attorney noll processed the case rather than dropping the charges, which meant the assault and battery charges would remain on her 24-year old son's record. They threatened to noll process her son for another charge for something he did not do.

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

Ms. Harris advised that her youngest son, who was preparing to graduate from college, had been stopped by the police three times in a three month period. Ms. Harris asked members of City Council to investigate the NNPD, who had appeared to have it out for her family, and continued to harass them.

Ms. Jessica Bennett, 23 Ringo Drive, Newport News, advised that she had attended a Candidate's Forum sponsored by the York-River Group Sierra Club, April 13, 2016, 6:30 p.m., at the Main Street Library (110 Main Street). Councilmembers Tina Vick, and Dr. Patricia Woodbury were in attendance. Ms. Bennett commented about proposals for the City Farm property. She recommended that the property be used to promote education by constructing a research facility, which would be stocked with professors and researchers. She indicated that one of the greatest buildings in the City of Newport News was the Thomas Jefferson National Laboratory (Jefferson Lab), located at 12000 Jefferson Avenue. Visitors from across the world flocked to Newport News when the facility originally opened in an effort to view what had been developed. Ms. Bennett felt the same academic environment should be promoted. The 2015 Menchville High School graduate, stated that a research facility would benefit both the students and the public school system to promote this facility to allow continued research on the City Farm property. The facility could partner with the Newport News Public Schools and higher education institutions, such as Christopher Newport University, Thomas Nelson Community College, and any other institutions that would be interested in conducting research and promoting education. The facility would be open to the public, and devoted to informing them and providing information on the environment. Ms. Bennett further suggested that this building be the first facility completely run on renewable energy. Dominion Virginia Power was on record expressing support for solar energy and had developed a solar field. By partnering with local businesses to promote clean energy, Newport News could be first in the region to have a building that was completely sustainable. Energy generated from Solar panels and wind turbines could be provided to the citizens in surrounding areas and residents in the entire Hampton Roads region.

Mr. Stephen F. Bennett, 23 Ringo Drive, Newport News, a long-time resident of Newport News, expressed concern for the senior citizens of the City, those who had made the City what it is. Mr. Bennett stated that the elderly had no tax breaks, as was done in the past. The elderly were allowed tax deferrals. Senior citizens struggled with making tax payments and leaving nothing for their children or their children's children. City officials gave nothing in return to senior citizens. Senior citizens were taxed to death. Mr. Bennett urged members of City Council to look into this critical issue and come up with a favorable plan for the elderly. He stated that Medicare increased from \$99.00 to \$121.00, yet there had been no increase in Social Security Income, or small pension funds. He asked for a tax break, not a tax deferral (a copy of Mr. Bennett's remarks are attached and made a part of these minutes).

Ms. Lucille Dixon, 21 Ringo Drive, Newport News, indicated that she was a senior citizen that paid property taxes, and admitted that it was very hard. She recalled the timeframe when senior citizens received tax breaks, known as a tax abatement plan. Ms. Dixon

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

stated the City switched to tax deferrals, which meant when the senior citizen died, their children would not be able to afford to pay the taxes, and would lose the family home. She asked members of City Council to give consideration to giving senior citizens a break on their taxes.

Mr. Al Riutort, 29 Langhorne Road, Newport News, Retired Director, Department of Planning, advised that he generally stayed out of planning matters since retiring from the City of Newport News. He thanked the City Manager for the informative City Council Work Session dealing with the rezoning of property at Brick Kiln Boulevard and Jefferson Avenue. Mr. Riutort advised that he learned a great deal from the presentations and many of his questions were answered. He expressed disappointment in the presentation by the Planning staff as there was no mention of the Framework for the Future, with emphasis on protecting neighborhoods and communities, as well as protecting and maintaining entrances to communities, specifically Brick Kiln Boulevard, the entrance to Kiln Creek and Lake Cambridge. Mr. Riutort stated that most uses around the Newport News-Williamsburg International Airport were Light Industrial. The Framework for the Future recommended open space of the proposed site to protect the approaches to the airport. The ramp from I-64 provided a good boundary as things were visible. He felt one reason for the change in land-use plan was because the airport layout plan showed the area between Jefferson Avenue and Brick Kiln Boulevard for non-aviation activity. He stated there had been a great deal of studies performed regarding the land uses and what was compatible around airports. He stated that putting a 176,000 square foot shopping center in front of a runway, even though it was out of the runway protection zone, was very risky. He discovered that the moving of Runway #2 had not been approved by the Federal Aviation Association (FAA). It was in the plan, but required approval of the FAA for shortening the runway. Mr. Riutort provided a copy of the Traffic Analysis Plan regarding the Plaza at Jefferson, which is attached and made a part of these minutes.

Ms. Elizabeth Lewis, 188 Bret Harte, Newport News, a senior citizen, also expressed disappointment that the City eliminated the tax abatement plan that was available for senior citizens, military, and handicapped individuals. She asked that members of City Council reconsider the tax deferral program and restore the tax abatement plan. She was aware of numerous senior citizens that could not attend tonight's meeting because they could not afford the gas, and lived only on Social Security Income.

Mr. Keven Underwood, 714 MacNeil Drive, Newport News, advised that he was a former officer with the Newport News Police Department (NNPD) from 2006-2012, until his health would no longer allow him to serve with the NNPD. When Mr. Underwood left, he made a promise to the men and women of the NNPD that he would never let them down. Mr. Underwood shared with City Council an issue brought to him by police officers, to include his wife, who also was a Newport News Police Officer. He stated there was systematic discrimination within the NNPD, starting with Chief Richard Myers, and Assistant Chief Stacey Kelly. Mr. Underwood alleged that the Chiefs were using the Internal Affairs Division to systematically target members of the NNPD that they did not care for. Four ranking members of

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

the NNPD would attest to the unethical, immoral, and borderline illegal acts performed during Internal Affairs investigations. Chief Myers received the lowest possible unfavorable rating from an internal survey conducted within the NNPD. Mr. Underwood advised that Chief Myers lead a Nazi type regime and forwarded e-mails threatening officers would be suspended without pay for failure to turn on their body cameras. He further advised that there was no police officer in the Department above the rank of Sargent of Hispanic descent. There was an all-white Assistant Chief Staff, one white female Captain, and one white female Lieutenant. He questioned the diversity, asking how one could serve the community without understanding the community's needs. His bilingual wife, was Hispanic, had a Master's Degree in Business, and was passed over numerous times for promotions by officers less qualified.

Ms. BeKura Branch, Newport News, expressed outrage about police brutality against African-American children. She had left Newport News due to judicial misconduct and police misconduct. She, her husband, and her children were pulled from a car upon her return, due to a capias, which was from a charge from 2001 on her husband. Her 16-year old disabled son tried to ask what he should do, when Officer Houser pulled a gun on him. Her son had never had an interaction with the police. Citizens were left with nowhere to go and no one in which to turn. City officials do nothing about the police brutality. Her entire family was handcuffed, but her infant child was left in a car seat alone in the car. She questioned the justice in this situation, and questioned why the NNPD were to be respected. She advised that she did not respect, would never respect the NNPD, nor did she respect those who allowed this behavior to occur. Ms. Branch stated that she had experienced trumped charges and extortion for the past 10 years. She left Newport News to pursue a better life for herself and her children. She did not deserve to be subjected to NNPD's bullying and brutality. She had no confidence in the system or the City Council.

Mr. Anton Richards, Newport News, was not available to speak when his name was called.

Mr. Twan Branch, Jr. Newport News, was not available to speak when his name was called.

Mr. Miklos Kiss, 921 Willow Point, Newport News, advised that he was a 75-year old citizen that escaped from the North and came to Newport News to seek a better life, which he did, until he heard about the disturbing news about the rezoning of the airport property at Brick Kiln Boulevard and Jefferson Avenue for a proposed shopping center. He sympathized that the Newport News-Williamsburg International Airport needed revenue; but stated that they were not in the land leasing business, but the transportation business. In order to get more money, officials should try harder to get new airlines in to serve the community. The extra 7,000 cars would be a huge traffic burden, leading to a major traffic jam in the case of an emergency. Mr. Kiss urged City Council to oppose the rezoning of the property and hoped his comments helped them make the decision to oppose the rezoning.

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

Ms. Christine Teece, 929 Willow Point, Newport News, commented about the rezoning of Airport property at Brick Kiln Boulevard and Jefferson Avenue. She presented a petition with the signatures of 251 citizens requesting that City Council deny the request to rezone the property (a copy of Ms. Teece's remarks, along with the petitions, are attached and made a part of these minutes). The citizens, many of whom were small business owners adjacent to the proposed property, asked the City to allow for the completion of the ongoing construction of two grocery stores, 400 apartments, the relocation of the SCOT center, and the expansion of the shopping center on the corner of Bland Boulevard and Jefferson Avenue. They further requested that a comprehensive traffic study be completed to identify all problems that would be fixed prior to the City considering adding anything else to this corridor; and further felt that acceptable standards regarding emergency management, public safety, ease of use, and quality of life had already been stretched past the point of acceptability, and to proceed would be irresponsible. The citizens were pleased that Councilman Bateman had planned to recuse himself from the vote and that he resigned from the Peninsula Airport Commission. They further requested that Councilwoman Sharon Scott recuse herself from the vote on the rezoning issue to ensure a vote without conflict of interest. As citizens, they deserved a clean vote on an issue that would forever change the City.

J. New Business and Councilmember Comments

City Manager Bourey presented A RESOLUTION AMENDING RESOLUTION NO. 12783-15, ADOPTED ON DECEMBER 8, 2015, THAT APPROVED A CAPITAL IMPROVMENTS PLAN FOR THE FISCAL YEAR 2017 TO THE FISCAL YEAR 2021 FOR THE CITY OF NEWPORT NEWS, VIRGINIA. This resolution would transfer an additional \$1 million into the NNPS Capital Improvements Program (transferred from Community Development funds). This matter had been discussed on a number of occasions.

Vice Mayor Coleman moved adoption of the above resolution; seconded by Councilman Bateman.

Vote on Roll Call:

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

Nays: None

City Manager Bourey announced the Grand Opening Celebration for Jim's Local Market (3101 Jefferson Avenue) would be held on Tuesday, May 10, 2016, at 2:00 p.m. The store would officially open to the public following the Ribbon Cutting Ceremony. Citizens were invited to attend. City Manager Bourey thanked members of City Council for their incredible and amazing unwavering support for the project.

City Manager Bourey announced that a citizen survey would be conducted in early May 2016 as part of the City's efforts to identify citizens' views to rate how the City was doing as part of the outcome based performance measurement program.

J. New Business and Councilmember Comments Continued

Councilman Bateman thanked all of the citizens for their attendance and participation at the meeting to discuss various subjects. It helped City Council to make better decisions.

Regarding tax abatement, Councilman Bateman advised that City Council had held various conversations related to remarks made by citizens. He stated tax abatement was allowed for the elderly in 2008 because the City was hurting, and it was something that could be done. City Council found, through a Sustainability and Efficiency Committee, if the City continued with the tax abatement program, millions of dollars would be lost. Council agreed to look at helping those who were elderly that were in a worse financial condition. Tax deferral did remain an option.

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, particularly to the senior citizens. She stated that City Council was committed and they did care.

Councilwoman Cherry extended congratulations to the recipients of the charitable funds from the One City Marathon – Transitions Family Violence Services, Fear 2 Freedom, and the Center for Sexual Assault Survivors. Transitions Family Violence Services had provided comprehensive services to adult and child victim of domestic violence on the Peninsula since 1977. The Center for Sexual Assault Survivors played an active role in the reduction and elimination of sexual and domestic violence in Hampton Roads since 1996. Fear 2 Freedom was established in 2011 to redeem and restore those wounded by sexual assault. She thanked each of the charities for their services to the community and for being an asset to the community. She hoped the funds received would help them continue the good work they provided in the community.

Councilwoman Cherry thanked Mr. Howard Gwynn, Commonwealth's Attorney, and his office, for hosting the National Crime Victims' Rights Week Ceremony, on Thursday, April 14, 2016, at the Downing Gross Cultural Arts Center (2410 Wickham Avenue). She thanked them for everything they did to provide victims needed services when experiencing an unfortunate situation in their lives.

Councilwoman Cherry extended congratulations to the Newport News Police Department and the Neighborhood Watch Coalition. The 9th Annual Neighborhood Watch Conference was held on Saturday, April 23, 2016, at the City Center Marriott (740 Town Center Drive). The theme for the conference was "A New Perspective." The conference was successful, with approximately 150 attendees. Topics discussed included the use of high technology in law enforcement, promoting urban renewal, and domestic terrorism.

Councilwoman Cherry advised that Arbor Day was celebrated on Saturday, April 23, 2016, at Marshall Early Childhood Center (743-24th Street). Three trees were planted – one in

J. New Business and Councilmember Comments Continued

honor of Mr. Thomas Gaynor, of Gaynor Construction. Mr. Gaynor and his family were in attendance at the ceremony.

Councilwoman Cherry extended a Happy Administrative Professionals Week to all Administrative Professionals, and thanked them for all of their hard work and everything they did for the City Council and the City as a whole.

Councilwoman Cherry extended condolences to Mrs. Jane Susan Frank, wife of former Mayor Joe S. Frank, and family, on the loss of her mother, Ms. Rose Frances Glasser. Ms. Glaser died on April 22, 2016, at the age of 101.

Councilwoman Cherry reminded residents in the South District, that the South District "Your Voice Matters" Town Hall Meetings would be held on Thursday, May 12, 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, May 19, 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 extended congratulations to the Downing Gross Cultural Arts Center, Mr. Michael Poplawski, Director and staff of the Department of Parks, Recreation and Tourism, for allowing a repeat performance of The Wiz. Tickets for all performances were sold out on the second day.

Councilwoman Cherry looked forward to National Tourism Week, and all planned activities, scheduled for May 1 – 7, 2016.

Vice Mayor Coleman advised that he had a great time hanging out with 225 Middle School students on Friday, April 22, 2016, at the Brittingham-Midtown Community Center (570 McLawhorne Drive) at the Mayor's Youth Commission Lock-in, 10:30 p.m. – 6:30 a.m. The kids had a great time, playing basketball, video games and other fun activities in a safe environment. He commended the staff of the Mayor's Youth Commission, as well as the staff of the Department of Human Services for their hard work.

Vice Mayor Coleman thanked City Manager Bourey, staff, and the Developers, for an informative City Council Work Session earlier in the day (April 26, 2016), dealing with the rezoning of property at Brick Kiln Boulevard and Jefferson Avenue. A great deal of information was shared about the proposed Wegman's project, and upcoming Virginia Department of Transportation (VDOT) projects. Vice Mayor Coleman thought the earlier session was a good reason to televise the City Council Work Sessions. He felt the public would have enjoyed hearing the information shared, particularly about the proposal to rezone the property at Brick Kiln Boulevard and Jefferson Avenue.

J. New Business and Councilmember Comments Continued

Vice Mayor Coleman thanked the senior citizens – Mr. Bennett, Ms. Lewis, and Ms. Dixon, for their attendance. He shared that his parents experienced similar challenges, as did many senior residents in the City. He stated that City Council would continue its discussions about alternate proposals. City Council would like to help the lifelong citizens of Newport News, who helped to make the community what it is.

Councilwoman Scott thanked City Manager Bourey, staff, and the Developers, for an informative City Council Work Session earlier in the day (April 26, 2016), dealing with the rezoning of property at Brick Kiln Boulevard and Jefferson Avenue. She advised that she and Dr. Cherry requested the Work Session. She agreed with Vice Mayor Coleman that it was a good Work Session to have been recorded because so much vital information was shared. She hoped that City Council would continue to have similar Work Sessions. When a project was this major, and would impact a great number of people, it was important that City Council received all of the information.

Regarding Ms. Teece's remarks about her not following Councilman Bateman's decision to recuse himself from the vote on the upcoming issue regarding the rezoning of property at Brick Kiln Boulevard and Jefferson Avenue, Councilwoman Scott stated that Sharon Scott had opinions as a citizen; but as a Council woman, Sharon Scott operated on facts and information shared through different City Department Heads, and through Work Sessions, and made informed decisions based on information made available to her, not based on personal opinion. She did not feel the need to go along with the flow and do what her colleagues were doing. After serving on City Council for 14 years, everyone should know that she was the one that advocated for open government and transparency, and would continue to do what was in the best interest of the citizens. Councilwoman Scott indicated her heart was always in the right place, and when she made decisions, it was always with the citizens in mind.

Councilwoman Scott empathized with the senior citizens, as she would turn 60 years of age in October. She agreed with Vice Mayor Coleman that City Council will continue discussion about options to assist senior citizens with their tax burdens. She stated that 25% of the City's residents were over 65 years of age. City Council would look for a way to help those that were in most need.

Councilwoman Scott indicated that her heart got heavy whenever she heard a citizen utter complaints about how they were treated by the Newport News Police. She asked that Chief Myers set up meetings to have a conversation with the families of the citizens that voiced complaints. She was disappointed when she heard about the people that were sworn to serve and protect may be doing things that were intimidating to some of the citizens. She hoped that this matter would be an item of discussion in the staff meetings of the NNPD. She also hoped that no officer or citizen was denied the opportunity to file a complaint. Councilwoman Scott indicated that she had nothing but respect for the members of the NNPD, and wanted the citizens to feel the same.

J. New Business and Councilmember Comments Continued

Councilwoman Vick thanked all of the citizens for their attendance and participation at the meeting to express their points of view. She had an opportunity to speak with Ms. Teece, whose words were very powerful and provided City Council with ideas about the issues the Kiln Creek residents faced.

Councilwoman Vick concurred with her colleagues, advising when City Council voted to change the tax abatement program to a tax deferral program, and promised to review and continue discussions about how the program affected senior citizens. After hearing from the seniors about their challenges, Councilwoman Vick advised that it was a great time for City Council to have further discussions about other options for seniors to help make their lives a little easier.

Councilwoman Vick extended a fond farewell to Mr. Elliott Gruber, Executive Director of the Mariners' Museum, who advised that he and his wife were leaving the area to pursue other opportunities. Mr. Gruber had led the Mariners' Museum for the past three years, and had done a fantastic job.

Councilwoman Vick extended congratulations to the C. Waldo Scott Center for H.O.P.E., who provided after school care and activities for youth in the Southeast Community. The C. Waldo Scott Center for H.O.P.E. celebrated 25 years in the community on Thursday, April 21, 2016. The mission of the Scott Center was to provide HOPE to families while developing the WHOLE CHILD, accomplished by providing multi-disciplinary services to educate and foster the growth and development of youth and families. Community supporters were asked to make a commitment by "Celebrating A Child" through event sponsorship, and securing an advertisement in their commemorative event booklet. All efforts helped in sponsoring scholarships for Newport News high school seniors and supported the Scott Center's programs and services.

Councilwoman Woodbury advised that there had been discussion about what happened to the senior citizens in Newport News. She stated it had been on her agenda, and would continue. She had asked City Manager Bourey, and the Budget Director, Ms. Lisa Cipriano, to look for a compromise to see how to correct the tax deferral program. Councilwoman Woodbury admitted to voting in favor of this program initially because of some of the uses that were occurring with people that had huge amounts of money, but qualified for a tax abatement. There were abuses to the system. She indicated that City Council failed to realize that the criteria could have been changed, and the City remain fiscally responsible. She shared that she was upset because there were citizens that received reverse mortgages that did not qualify for a tax deferral. She shared a story about an 84-year old man who would lose his house and would be homeless. She was glad to hear that her colleagues on City Council were willing to continue discussions about the deferral program.

Councilwoman Woodbury extended congratulations to the students that received STAR (Students Taking Action and Responsibility) Awards at the Middle and High School Ceremony, held on Tuesday, April 26, 2016, at the Newport News Marriott at City Center (740

J. New Business and Councilmember Comments Continued

Town Center Drive). Each year, the Newport News School Board and the Superintendent recognized students for leadership and dedicated service to their school and community.

Councilwoman Woodbury questioned how the citizen survey would be conducted, on-line, or called. City Manager Bourey responded that there would be an option for citizens to take the survey on-line, but the majority would be called.

Councilwoman Woodbury and her colleagues attended the National Crime Victims' Rights Week Ceremony, on Thursday, April 14, 2016, at the Downing Gross Cultural Arts Center (2410 Wickham Avenue). She thanked them for everything they did to provide needed services when experiencing an unfortunate situation in their lives.

Councilwoman Woodbury extended congratulations to the Kiwanis Club of Denbigh, on their Spaghetti Splash Celebrity Fundraiser, held on Monday, April 25, 2016, 5:00 – 8:30 p.m., at IHOP (15447 Warwick Boulevard). All of the event proceeds collected would be distributed to charities, such as The Boys and Girls Club of the Virginia Peninsula, the Menchville House, and the Joy of Reading Program for Pre-School Children at Denbigh Early Childhood Center.

Councilwoman Woodbury and her colleagues attended the Riverside Neighborhood Watch Meeting, held on Monday, April 25, 2016, at North Riverside Baptist Church (311 Selden Road). She shared the importance of Crime Watch Programs in the City's neighborhoods, and encouraged citizens to be a part.

Councilwoman Woodbury and her colleagues attended the 9th Annual Neighborhood Watch Conference held on Saturday, April 23, 2016, at the City Center Marriott (740 Town Center Drive). The theme for the conference was "A New Perspective." The conference was successful, with approximately 150 attendees. Topics discussed included the use of high technology in law enforcement, promoting urban renewal, and domestic terrorism.

Councilwoman Woodbury shared that Mr. Elliott Gruber was one of the best Directors of the Mariners' Museum. He reached out to everyone in the community, and would be sorely missed. His ideas and creativity made a huge difference in the City of Newport News, and with the Mariner's Museum specifically. She wished Mr. Gruber and his family well.

K. Adjourn

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

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 8:15 P.M.

DRAFT

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Minutes of Regular Meeting
April 26, 2016

Mabel Washington Jenkins

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk

F. Consent Agenda

5. Resolution of Appreciation: Colonel William S. Galbraith on his Retirement as the Commander, 733d Mission Support Group Army Element-Joint Base Langley—Eustis from June 15, 2013 to June 28, 2016

ACTION: A REQUEST TO APPROVE A RESOLUTION OF APPRECIATION FOR COLONEL WILLIAM S. GALBRAITH ON HIS RETIREMENT AS THE COMMANDER, 7733D MISSION SUPPORT GROUP ARMY ELEMENT-JOINT BASE LANGLEY - EUSTIS FROM JUNE 15, 2013 - JUNE 28, 2016.

BACKGROUND:

- Colonel William S. Galbraith served as the Commander, 733d Mission Support Group Army Element - Joint Base Langley-Eustis (JBLE) since June 15, 2013 and is scheduled to transfer command on June 28, 2016.
- Colonel Galbraith was commissioned in 1990 and his service includes various logistics positions at the platoon, company, battalion and division levels.
- He has participated in contingency operations twice in Iraq and twice in Afghanistan.
- In his current position, Colonel Galbraith oversees facility maintenance, environmental and cultural resource programs, base security, housing installation supply, transportation and personnel support services for a post community hosting over 22,000 active duty, civilian, and retired personnel.
- As Commander of the 733d Mission Support Group, Colonel Galbraith has served the City of Newport News and the Hampton Roads area by providing leadership and support to the military members at all levels and their families assigned to JBLE.
- This Resolution of Appreciation recognizes Colonel Galbraith for his service to the citizens of Newport News, the Virginia Peninsula, and to the United States of America.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

rag1066 Reso of Appreciation re Colonel William S. Galbraith

RESOLUTION NO. _____

RESOLUTION OF APPRECIATION

WHEREAS, Colonel William S. Galbraith served as the Commander, 733d Mission Support Group Army Element- Joint Base Langley-Eustis (JBLE) since June 15, 2013 and is scheduled to transfer command on June 28, 2016; and

WHEREAS, the personnel of the 733d Mission Support Group Army Element- Joint Base Langley-Eustis (JBLE) provide continuous mission support and quality of life for the U.S. Army Training and Doctrine Command Headquarters, 7th Transportation Brigade (Expeditionary), 128th Aviation Brigade, 597th Transportation Brigade and over 15 other tenant units; and

WHEREAS, Colonel Galbraith was commissioned in 1990 and his service includes various logistics positions at the platoon, company, battalion and division staff levels. He has participated in contingency operations twice in Iraq and twice in Afghanistan. In his current position, Colonel Galbraith oversees facility maintenance, environmental and cultural resource programs, base security, housing, installation supply, transportation and personnel support services for a post community hosting over 22, 000 active duty, civilian, and retired personnel; and

WHEREAS, as Commander of the 733d Mission Support Group, Colonel Galbraith has served the City of Newport News, Virginia and the Hampton Roads area by providing leadership and support to the military members at all levels and their families assigned to JBLE. In addition, he has also served as a member of the Virginia Military Advisory Council which was established to maintain a common and productive relationship between the Commonwealth and the Armed Forces of the United States; and

WHEREAS, Colonel Galbraith has provided expertise, wisdom, and guidance to the military and civilian members of the 733d Mission Support Group and tenants assigned in the efforts to improve the implementation of Joint Base Langley-Eustis from two separate military installations into one; and

WHEREAS, Colonel Galbraith gave of his talents and time to extol the value that the men and women of the Department of Defense and in particular the U.S. Army provide to the United States of America and her citizens; and

WHEREAS, due to his unwavering commitment and call to excellence Colonel Galbraith leaves the 733d Mission Support Group, Army Element JBLE well positioned to support the Department of Defense and to remain an active and vital military installation on the Virginia Peninsula.

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

1. That it hereby recognizes the dedicated and effective service of Colonel William S. Galbraith as the Commander, 733d Mission Support Group Army Element-Joint

- Base Langley-Eustis to the City of Newport News and the Virginia Peninsula.
2. That it expresses its sincere appreciation to Colonel William S. Galbraith for his service to the citizens of Newport News, the Virginia Peninsula, and to the United States of America.
 3. That a copy of this resolution be spread upon the records of this body and that a copy be delivered to Colonel William S. Galbraith.
 4. That this resolution take effect on and after the date of its adoption, May 10, 2016.

G. Other City Council Actions

1. City Code Related Ordinances to Enact the City Manager's Fiscal Year 2017 Operating Budget

ACTION: A REQUEST TO ADOPT THE FOLLOWING ORDINANCES TO ENACT THE CITY MANAGER'S FISCAL YEAR 2017 OPERATING BUDGET.

BACKGROUND:

1. Ordinance Amending and Reordaining City Code, Chapter 40, Taxation; Article II., Real Estate Taxes; Division 1., Generally; Section 40-12, Levied; Amount
2. Ordinance Amending and Reordaining City Code, Chapter 42, Water Supply; Article II., Water System Capacity Expansion and Extension; Section 42-23, Waterworks System Capacity Expansion; and Article III., Water Rates and Fees; Section 42-33, Rates and Fees
3. Ordinance Amending and Reordaining City Code, Chapter 19, Solid Waste, Litter and Recycling; Article IV., Residential Solid Waste Fees; Section 19-41, Residential Solid Waste Collection Fees
4. Ordinance Amending and Reordaining City Code, Chapter 33, Sewers and Sewage Disposal; Article III., Sewer Use Charges; Section 33-33, Rate
5. Ordinance Amending and Reordaining City Code, Chapter 33, Sewers and Sewage Disposal; Article II., Connections to Public Sewer; Section 33-19, Charges
6. Ordinance Amending and Reordaining City Code, Chapter 37.1, Stormwater Management; Article II., Service Charge; Section 37.1-14; Service Charge, Billing, Payment, Interest, Fee and Lien
7. Ordinance Amending and Reordaining City Code, Chapter 38, Streets and Sidewalks; Article II., Work On, Over, Under or Affecting Streets; Division 2., Permit Generally; Section 38-50, Issuance and Term Generally; Section 38-59, Contents of Permits; Division 3., Permit, Inspection and Guarantee Fees;

Section 38-67, Schedule; and Section 38-68, Amount of
Inspection Fees

8. Ordinance to Adopt the Budget and Appropriate Funds to the Operate the City of Newport News for the Fiscal Year Beginning July 1, 2016 and Ending June 30, 2017
9. Ordinance Providing for the Adoption of a Classification and Pay Plan for the Employees of the City of Newport News

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re FY2017 Operating Budget

sdm14307 Ord re Sec40-12 Taxation, Real Estate

sdm14196 Ord re Sec42-23 and 42-33 (water)

smd14193 Ord re Sec 19-41, Residential Solid Waste Fees

sdm14194 Ord re Sec 33-33 Rate, Sewer Use Charges

sdm14197 Ord re Sec 33-19, Connections to Public Sewer

sdm14195 Ord re Sec 37.1-14, Stormwater Mangement Service Charge

sdm14198 Ord re Sec 38-50, Sec 38-59, Sec 38-67, Sec 38-68, Streets and Sidewalks

rag1069 Ord to Approve Budget to Operate City FY2016-2017

sdm14313 Adoption of Classification & Pay Plan

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 4, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Final Adjustments to the FY 2017 Recommended Budget

I am presenting to you the final FY 2017 Operating Budget that reflects one adjustment from my original recommendation on March 22, 2016. Over the past seven weeks since its submission, and based on the consensus from your work sessions, there have been no City Council changes to the FY 2017 Recommended Budget. The one adjustment is to the School Division Fund in the amount of \$450,000, to recognize additional State revenue from the FY 2017 General Assembly adopted budget. The total final budget before you for consideration is \$858,587,313; this is the same amount as my recommended budget. The General Fund will be \$478,798,000, and includes \$4,150,000 in Federal and State Grant funds anticipated to be awarded during upcoming Fiscal Year FY 2017.

The FY 2017 Operating Budget that is before you for adoption represents a balanced, responsible financial plan for the upcoming fiscal year, continuing to build on the strong current fiscal foundation. This budget supports City core services at the level our citizens demand, uses one-time revenues for one-time cash capital investments, and is sustainable for the year. While there are rate and fee increases, these have been limited to the minimal level necessary to maintain the operational needs of the user fee funds or were predicated on the associated federal mandates.

This FY 2017 budget is practical, stable, and protects our citizens, employees, and assets. I recommend adoption of the ordinance which appropriates funds for the entire City, including the Schools Division, and all supporting ordinances for the FY 2017 Operating Budget.


James M. Bourey

JMB:LJC:wmp

ORDINANCE NO. _____

AN ORDINANCE TO REORDAIN CHAPTER 40, TAXATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., REAL ESTATE TAXES, DIVISION 1., GENERALLY, SECTION 40-12, LEVIED; AMOUNT.

WHEREAS, under circumstances specified therein, Section 58.1-3321 of the Code of Virginia requires a special public hearing process when assessments of real property in a locality would result in an “effective tax rate increase;” and

WHEREAS, the application of Section 58.1-3321 is triggered when any annual assessment, biennial assessment or general reassessment of real property in the locality would result in an increase of 1 percent or more in the total real property tax levied in a locality, excluding additional assessments or reassessments due to the construction of new or other improvements; and

WHEREAS, the City Manager reports that the total assessed value of such real property in fiscal year 2017 exceeds last year’s total assessed value by 1.80 percent; and

WHEREAS, the tax rate which would levy the same amount of real estate tax as fiscal year 2016 when multiplied by the new total assessed value of real estate, with the exclusions mentioned above, would be \$1.1984 per \$100 of assessed value, which rate is known as the “lowered tax rate;” and

WHEREAS, the difference between the “lowered tax rate” and the tax rate proposed in the City Manager’s recommended operating budget is \$0.0216 per \$100 or 1.80 percent, which difference is known as the “effective tax rate increase;” and

WHEREAS, individual property taxes may increase at a percentage greater than or less than the above percentage; and

WHEREAS, the City Council deems it to be necessary to increase the real estate tax rate for fiscal year 2017 above the rate that would produce no more than 101 percent of last year’s real property tax levies, to the same rate as in fiscal year 2016, or \$1.22 per \$100 of assessed value, and to take such action herein to adopt that rate; and

WHEREAS, a public hearing on the proposed “effective tax rate increase” was held on May 10, 2016.

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

1. That Chapter 40, Taxation, of the Code of the City of Newport News, Virginia, Article II., Real Estate Taxes, Division 1., Generally, Section 40-12, Levied; amount, be, and the same hereby is, reordained as follows:

CHAPTER 40

TAXATION

ARTICLE II. REAL ESTATE TAXES

DIVISION 1. GENERALLY

Sec. 40-12. Levied; amount.

(a) For the calendar year beginning on January 1, 2002, and ending on December 31, 2002, and for the calendar year beginning on January 1, 2003, and for each and every calendar year thereafter, unless changed, the taxes on taxable real property of public service corporations in the City of Newport News, Virginia, shall be as follows:

- (1) For the period beginning on January 1, 2002, and ending on June 30, 2002, the tax on lands, lots and improvements thereon, and for all other taxable real estate of public service corporations shall be, and hereby is, levied at the rate of one dollar and twenty-four cents (\$1.24) per year on every one hundred dollars (\$100.00) of the assessed value thereof, pro-rated for the six-month period.
- (2) For the period beginning on July 1, 2002, and ending on December 31, 2002, unless changed, the tax on lands, lots and improvements thereon, and for all other taxable real estate of public service corporations shall be, and hereby is, levied at the rate of one dollar and twenty-seven cents (\$1.27) per year on every one hundred dollars (\$100.00) of the assessed value thereof, pro-rated for the six month period.
- (3) For the calendar year beginning January 1, 2003, and ending December 31, 2003, and for each and every calendar year thereafter, unless changed, there shall be, and hereby is, levied a tax on all lands, lots and improvements thereon, and all other taxable real estate of public service corporations at the rate of one dollar and twenty-seven cents (\$1.27) on every one hundred dollars (\$100.00) of the assessed value thereof.
- (4) For the period beginning on January 1, 2005, and ending on June 30, 2005, the tax on lands, lots and improvements thereon, and for all other taxable real estate of public service corporations shall be, and hereby is, levied at the rate of one dollar and twenty-seven cents (\$1.27) per year on every one hundred dollars (\$100.00) of the assessed value thereof, pro-rated for the six-month period.
- (5) For the period beginning on July 1, 2005, and ending on December 31, 2005, unless changed, the tax on lands, lots and improvements thereon, and for all other taxable real estate of public service corporations shall be, and hereby is, levied at the rate of one dollar and twenty-four cents (\$1.24) per year on every one hundred dollars

(\$100.00) of the assessed value thereof, pro-rated for the six month period.

- (6) For the calendar year beginning January 1, 2006, and ending December 31, 2006, and for each and every calendar year thereafter, unless changed, there shall be, and hereby is, levied a tax on all lands, lots and improvements thereon, and all other taxable real estate of public service corporations at the rate of one dollar and twenty-four cents (\$1.24) on every one hundred dollars (\$100.00) of the assessed value thereof.
- (7) For the period beginning on January 1, 2006, and ending on June 30, 2006, the tax on lands, lots and improvements thereon, and for all other taxable real estate of public service corporations shall be, and hereby is, levied at the rate of one dollar and twenty-four cents (\$1.24) per year on every one hundred dollars (\$100.00) of the assessed value thereof, pro-rated for the six-month period.
- (8) For the period beginning on July 1, 2006, and ending on December 31, 2006, unless changed, the tax on lands, lots and improvements thereon, and for all other taxable real estate of public service corporations shall be, and hereby is, levied at the rate of one dollar and twenty cents (\$1.20) per year on every one hundred dollars (\$100.00) of the assessed value thereof, pro-rated for the six month period.
- (9) For the calendar year beginning January 1, 2007, and ending December 31, 2007, and for each and every calendar year thereafter, unless changed, there shall be, and hereby is, levied a tax on all lands, lots and improvements thereon, and all other taxable real estate of public service corporations at the rate of one dollar and twenty cents (\$1.20) on every one hundred dollars (\$100.00) of the assessed value thereof.
- (10) For the calendar year beginning January 1, 2008, and ending December 31, 2008, and for each calendar year thereafter, unless changed, there shall be, and hereby is, levied a tax on all lands, lots and improvements thereon, and all other taxable real estate of public service corporations at the rate of one dollar and ten cents (\$1.10) on every one hundred dollars (\$100.00) of the assessed value thereof.
- (11) For the calendar year beginning January 1, 2009, and ending December 31, 2009, and for each calendar year thereafter, unless changed, there shall be, and hereby is, levied a tax on all lands, lots and improvements thereon, and all other taxable real estate of public service corporations at the rate of one dollar and ten cents (\$1.10) on every one hundred dollars (\$100.00) of the assessed value thereof.
- (12) For the calendar year beginning January 1, 2010, and ending December 31, 2010, and for each calendar year thereafter, unless changed, there shall be, and hereby is, levied a tax on all lands, lots and improvements thereon, and all other taxable real estate of public service corporations at the rate of one dollar and ten cents (\$1.10)

on every one hundred dollars (\$100.00) of the assessed value thereof.

- (13) For the period beginning July 1, 2013, and ending on December 31, 2013, unless changed, the tax on lands, lots and improvements thereon, and for all other taxable real estate of public service corporations shall be, and hereby is, levied at the rate of one dollar and twenty-two cents (\$1.22) per year on every one hundred dollars (\$100.00) of the assessed value thereof, prorated for the six month period.
- (14) For the calendar year beginning January 1, 2014, and ending December 31, 2014, and for each calendar year thereafter, unless changed, there shall be, and hereby is, levied a tax on all lands, lots and improvements thereon, and all other taxable real estate of public service corporations at the rate of one dollar and twenty-two cents (\$1.22) on every one hundred dollars (\$100.00) of the assessed value thereof.
- (15) For the calendar year beginning January 1, 2015, and ending December 31, 2015, and for each calendar year thereafter, unless changed, there shall be, and hereby is, levied a tax on all lands, lots and improvements thereon, and all other taxable real estate of public service corporations at the rate of one dollar and twenty-two cents (\$1.22) on every one hundred dollars (\$100.00) of the assessed value thereof.
- (16) For the calendar year beginning January 1, 2016, and ending December 31, 2016, and for each calendar year thereafter, unless changed, there shall be, and hereby is, levied a tax on all lands, lots and improvements thereon, and all other taxable real estate of public service corporations at the rate of one dollar and twenty-two cents (\$1.22) on every one hundred dollars (\$100.00) of the assessed value thereof.

(b) For the fiscal year beginning on July 1, ~~2015~~2016, and ending on June 30, ~~2016~~2017, and for each and every fiscal year thereafter, unless changed, there shall be, and hereby is, levied a tax on all lands, lots and improvements thereon, and on all other taxable real estate, except that of public service corporations, and except such lands, lots and improvements thereon and all real estate as is exempt from taxation by the laws of the Commonwealth of Virginia or by ordinance of the City of Newport News, at the rate of one dollar and twenty-two cents (\$1.22) of every one hundred dollars (\$100.00) of assessed value thereof.

- 2. That this ordinance shall be in effect on and after July 1, 2016.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 42, WATER SUPPLY, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II, WATER SYSTEM CAPACITY EXPANSION AND EXTENSION, SECTION 42-23, WATERWORKS SYSTEM CAPACITY EXPANSION; AND ARTICLE III., WATER RATES AND FEES, SECTION 42-33, RATES AND FEES.

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

1. That Chapter 42, Water Supply, of the Code of the City of Newport News, Virginia, Article II., Water System Capacity Expansion and Extension, Section 42-23, Waterworks system capacity expansion; and Article III., Water Rates and Fees, Section 42-33, Rates and fees, be, and the same hereby is, amended and reordained as follows:

CHAPTER 42

WATER SUPPLY

ARTICLE II. WATER SYSTEM CAPACITY EXPANSION AND EXTENSION

Sec. 42-23. Waterworks system capacity expansion.

(a) *Purpose and intent.* To finance growth-related capacity expansion and improvement of the Waterworks System, a system development fee is imposed for each new connection made to the Waterworks System.

(b) *System development fee.*

(1) Effective July 1, 2006, and July 1 of each subsequent fiscal year through July 1, 20152016, the system development fee for a 5/8" meter will increase as provided below: be \$2,520.00.

FISCAL	
YEAR	SDF
2007	\$1,240.00
2008	\$1,340.00

2009	\$1,450.00
2010	\$1,570.00
2011	\$1,700.00
2012	\$1,840.00
2013	\$1,990.00
2014	\$2,150.00
2015	\$2,330.00
2016	\$2,520.00

- (2) The system development fee shall be based on the size of the meter to be installed and the meter's capacity to withdraw water from the distribution system. The system development fee will be set for a 5/8" meter. Effective July 1, 2006, for all meters above 5/8", the system development fee will be based on their capacity ratio relative to the 5/8" meter as provided in the table below:

Capacity Ratio Table

Meter Size (inches)	Capacity Ratio
5/8	1.0
3/4	1.5
1	2.5
1 1/2	8.5
2	11.5
3	26.7
4	62.5
6	132.0
8	216.7
10	346.7

- (3) When the size of the meter serving any premises is increased, the developer, applicant or owner requesting the increase shall pay a fee equal to the difference between the current system development fee for the existing meter capacity and the current system development fee for the larger capacity meter to be installed.
- (4) When the capacity of any meter serving any premises is to be decreased, no system development fee nor capacity credit applies.
- (5) When a new water service is requested where previous service existed, the developer, applicant or owner will receive system development fee credit for the capacity of the previous service equal to the current system development fee for that service capacity regardless whether a system development fee was paid for the previous service. Evidence of prior service is the responsibility of the developer,

applicant or owner and is subject to approval by the director.

- (6) When a larger meter is requested by the developer, applicant or owner in order to provide greater water flow for fire protection or fire fighting purposes through fire sprinkler systems or fire hydrants, and for related testing, and such arrangement is approved by the fire department in the jurisdiction where water service will be provided, the system development fee will be calculated based upon the size of the meter needed to provide water service excluding the incremental increase in the meter for fire protection, fire fighting, and testing purposes in accordance with departmental policy.
- (7) The system development fee payment shall be made prior to meter installation.
- (8) The system development fee imposed by this section shall be in addition to all other fees for water service imposed under this chapter.

(c) *System development fee funds.* All funds received in payment of the system development fee imposed under this section shall be used to finance growth-related capacity expansion and improvement of the Waterworks System, including the payment of debt service on bonds issued to expand and improve the Waterworks System.

ARTICLE III. WATER RATES AND FEES

Sec. 42-33. Rates and fees.

Effective July 1, ~~2015~~2016, and July 1 of each subsequent fiscal year (FY) listed, the following fees will increase as provided below, and shall continue to be charged in subsequent fiscal years in the following amounts:

Advance fee:

Meter Size (inches)	FY 2015 Fee	FY 2016 Fee	FY 2017 Fee and thereafter
5/8	\$25.00	\$35.00	\$50.00
3/4	37.00	51.00	73.00
1	60.00	84.00	120.00
1 1/2	108.00	152.00	217.00
2	167.00	233.00	333.00

3	300.00	420.00	600.00
4 or greater	467.00	653.00	933.00

After hours fee:

FY 2015	FY 2016	FY 2017 and thereafter
\$70.00	\$85.00	\$100.00

Bill request administrative fee:

FY 2015	FY 2016 and thereafter
\$5.00	\$10.00

Field service fee: Per occurrence

FY 2015	FY 2016	FY 2017 and thereafter
\$30.00	\$40.00	\$50.00

Fire hydrant fee: \$ 216.00 annually

Fire hydrant meter advance fee:

Meter Size (inches)	FY 2015 Fee	FY 2016 Fee	FY 2017 Fee and thereafter
1"	\$325.00	\$370.00	\$390.00
3"	795.00	825.00	855.00

Fire hydrant meter fee:

Meter Size (inches)	Fee
1"	\$ 42.00
3"	\$ 160.00

Fire hydrant meter no-reading fee: \$ 25.00

Fire sprinkler fee:

Connection Size (inches)	Monthly Fee
2	\$ 5.25
3	6.83
4	8.33
6	13.58
8	16.67
10	19.83
12	24.00

Fire sprinkler service connection fee: The fee shall be at cost, and shall be paid by the applicant.

Laboratory fees:

1.	Bacteriological Analyses	
	A. Total Coliform and E.Coli (Presence/Absence)	\$ 27.00
	B. Total Coliform and E.Coli (Quantified)	35.00
	C. Enterococci (Quantified)	36.00
2.	Conductivity.....	18.00
3.	Alkalinity.....	26.00
4.	Total Hardness.....	24.00
5.	Chloride.....	24.00
6.	Fluoride.....	28.00
7.	Total Dissolved Solids (TDS).....	28.00
8.	Ortho-Phosphorus	29.00
9.	Silica	29.00

10.	Nitrite	39.00
11.	Nitrate.....	35.00
12.	Ammonia	35.00
13.	UV254.....	30.00
14.	Total Organic Carbon (TOC).....	38.00
15.	Dissolved Organic Carbon (DOC).....	41.00
16.	Ion Scan (Fluoride, Chloride, Bromide, and/or Sulfate) by EPA 300.1.....	57.00
17.	Bromate by EPA Method 300.1.....	57.00
18.	Trihalomethanes (THM) by EPA 524.3.....	101.00
19.	Haloacetic Acids (HAA5) by EPA 552.3.....	219.00
20.	Metal Scan by EPA Method 200.7.....	34.00
21.	Single Metal Analysis by EPA Method 200.7.....	25.00
22.	Trace Metal Scan by EPA Method 200.8.....	55.00
23.	Lead & Copper or single Metal by EPA Method 200.8.....	38.00
24.	Metal Prep.....	21.00

NOTE: No compliance Clean Water Act or DEQ monitoring program samples can be accepted due to the laboratory's Virginia Environmental Laboratory Certification Program.

Late payment fee: Fees, penalties and interest for delinquent charges due to the city shall be calculated and imposed in accordance with Section 2-12.1 of this code. Anywhere the term "late payment fee" or "late penalty fee" occurs in this chapter shall refer to said fees, penalties and interest.

Meter out fee: Per occurrence per customer request:

FY 2015

FY 2016

**FY 2017 and
thereafter**

\$35.00

\$40.00

\$50.00

Meter out fee: Per occurrence for non-payment of service fee, other waterworks fees, and sewer fees:

FY 2015

FY 2016

**FY 2017 and
thereafter**

\$45.00

\$55.00

\$65.00

Meter re-read/flow test:

FY 2015

FY 2016

**FY 2017 and
thereafter**

\$15.00

\$20.00

\$25.00

Meter testing fee:

Meter Size (inches)	FY 2015	FY 2016	FY 2017 and thereafter
5/8" to 1"	\$45.00	\$65.00	\$75.00
greater than (>) 1"	65.00	80.00	100.00

New account fee:

FY 2015

FY 2016

**FY 2017 and
thereafter**

\$30.00

\$40.00

\$50.00

Service fee:

Meter Size (inches)	Monthly Fee	Bimonthly Fee
5/8	\$ 16.00	\$ 24.00
3/4	19.20	30.40
1	25.60	43.20
1½	41.60	75.20
2	62.40	115.20
3	133.00	256.00
4	192.00	376.00
6	354.00	699.00
8	547.00	1,086.00
10	768.00	1,529.00

System development fee (SDF): See Article II. Sec. 42-23. Waterworks system capacity expansion.

Water consumption rates per one hundred (100) cubic feet (HCF) per billing period:

Single metered residential customer usage:

R1 - lifeline tier - 0 to 4 HCF	\$ 3-173.21/HCF
R2 - normal tier - greater than (>) 4 to 50 HCF	\$ 3-653.69/HCF
R3 - conservation tier - greater than (>) 50 HCF	\$ 7-307.38/HCF

Industrial customer usage:

I1 - first tier - 0 to 40,000 HCF	\$ 3-653.69/HCF
I2 - second tier - greater than (>) 40,000 HCF	\$ 3-173.21/HCF

General customer usage:

G - all usage	\$ 3-653.69/HCF
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Water exam fee:

FY 2015	FY 2016	FY 2017 and thereafter
\$25.00	\$35.00	\$50.00

Water service installation fee:

Water Service Connection Meter Size (inches)	FY 2015 Service Installation Fee by City Forces	FY 2016 Service Installation Fee by City Forces	FY 2017 and thereafter Service Installation Fee by City Forces

5/8	\$860.00	\$1,030.00	\$1,200.00
3/4	890.00	1,065.00	1,250.00
1	985.00	1,170.00	1,360.00
1½	1,965.00	2,230.00	2,500.00
2	2,200.00	2,500.00	2,800.00

Sizes larger than those listed above shall be at cost, and shall be paid by the applicant.

Water meter yoke, meter box and meter installation fees:

Meter Yoke, Meter Box and Meter for Water Service Connections Meter Size inches	FY 2015 Installation Fee When Service Pipeline Installed by Certified Contractor	FY 2016 Installation Fee When Service Pipeline Installed by Certified Contractor	FY 2017 and thereafter Installation Fee When Service Pipeline Installed by Certified Contractor
5/8	\$300.00	\$325.00	\$350.00
3/4	330.00	360.00	400.00
1	400.00	440.00	475.00
1½	730.00	950.00	1,260.00
2	900.00	1,100.00	1,315.00

A cost estimate based on specific site conditions for sizes larger than those listed above shall be provided to the applicant, and the cost shall be paid by the applicant.

2. That this ordinance shall be in effect on and after July 1, 2016.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SOLID WASTE, LITTER AND RECYCLING, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IV., RESIDENTIAL SOLID WASTE FEES, SECTION 19-41, RESIDENTIAL SOLID WASTE COLLECTION FEES.

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

1. That Chapter 19, Solid Waste, Litter and Recycling, of the Code of the City of Newport News, Virginia, Article IV., Residential Solid Waste Fees, Section 19-41, Residential solid waste collection fees, be, and the same hereby is, amended and reordained as follows:

CHAPTER 19**SOLID WASTE, LITTER AND RECYCLING****ARTICLE IV. RESIDENTIAL SOLID WASTE FEES****Sec. 19-41. Residential solid waste collection fees.**

(a) On and after July 1, ~~2015~~2016, residential solid waste fees shall be collected by the city in accordance with the following schedule based upon the size of the authorized container:

- (1) For each *standard residential trash container* - ~~Six~~Seven dollars and ~~ninety~~five cents (~~\$6.90~~7.05) per week per container.
- (2) For each *medium residential trash container* - Five dollars and ~~fifty-two~~sixty-four cents (~~\$5.52~~5.64) per week per container.
- (3) For each *three hundred (300) gallon or larger containers* - ~~Six~~Seven dollars and ~~ninety~~five cents (~~\$6.90~~7.05) per week per unit times eighty (80) percent of the number of units.

(b) There shall be no additional charge for the collection of authorized recycling containers.

(c) There shall be no additional charge for collection of bulk waste properly placed at curbside that does not exceed six (6) cubic yards.

(d) There shall be no additional charge for collection of residential vegetative waste properly placed at curbside that does not exceed six (6) cubic yards.

2. That this ordinance shall be in effect on and after July 1, 2016.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 33, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE III., SEWER USE CHARGES, SECTION 33-33, RATE.

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

1. That Chapter 33, Sewers and Sewage Disposal, of the Code of the City of Newport News, Virginia, Article III., Sewer Use Charges, Section 33-33, Rate, be, and the same hereby is, amended and reordained as follows:

CHAPTER 33**SEWERS AND SEWAGE DISPOSAL****ARTICLE III. SEWER USE CHARGES****Sec. 33-33. Rate.**

The sewer user charge for all users of the city's sewerage system shall be at the rate of four dollars (\$4.00) per month, or portion thereof, plus three dollars and ~~twenty-seven~~thirty-seven cents (~~\$3.273.37~~) for each one hundred (100) cubic feet, or fraction thereof, of metered water consumption.

A portion of the sewer user charge includes extraordinary engineering fees, operating costs and infrastructure costs imposed by the Regional Consent Order of the State Water Control Board for the purpose of minimization of sanitary sewer overflows.

2. That this ordinance shall be in effect on and after July 1, 2016.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 33, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., CONNECTIONS TO PUBLIC SEWER, SECTION 33-19, CHARGES.

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

1. That Chapter 33, Sewers and Sewage Disposal, of the Code of the City of Newport News, Virginia, Article II., Connections to Public Sewer, Section 33-19, Charges, be, and the same hereby is, amended and reordained as follows:

CHAPTER 33**SEWERS AND SEWAGE DISPOSAL****ARTICLE II. CONNECTIONS TO PUBLIC SEWER****Sec. 33-19. Charges.**

(a) *Definitions.* For the purposes of this article, the following words shall have the meanings ascribed to them in this section:

- (1) *Assessed* shall mean the process to impose taxes or assessments upon abutting property owners for construction of sanitary sewers within the city as authorized by Title 15.2 of the Code of Virginia, 1950, as amended.
- (2) *Corner lot* shall mean a lot abutting upon two (2) or more streets at their intersection, the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.
- (3) *Frontage* shall mean that portion of any real property abutting directly on a public right-of-way.

(b) *Connection charge.* A connection charge for connection with sewers shall be paid to the city for each lot or parcel of land to be served by such sewers as follows:

- (1) For single-family units when the lot or parcel of land has not been assessed, the charge shall be three thousand two hundred ~~fifty-six~~ninety dollars (~~\$3,256.00~~3,290.00) plus a fee of one thousand three hundred ~~two~~fifteen

dollars (~~\$1,302.00~~1,315.00) for the installation of a lateral. If a lateral had been previously installed to serve the property, no installation fee shall be paid at the time of connection.

- (2) For other than single-family units when the lot or parcel of land has not been assessed, the charge shall be computed by multiplying the actual frontage of the lot or parcel of land by ~~fifty-five~~six dollars (~~\$55.00~~56.00) and adding thereto the applicable charge specified in (b)(4) of this section.
- (3) When the lot or parcel of land has been assessed, the charge shall be that specified in (b)(4) of this section.
 - a. Single-family -- If a lot or parcel of land which has been assessed is subdivided to create additional single-family lots or parcels, the charge for each lot or parcel not already connected to the sewer system shall be in accordance with (b)(1) of this section.
 - b. Other than single-family -- If a lot or parcel of land which has been assessed is subdivided to create additional lots or parcels for development of other than single-family units, the charge for each lot or parcel not already connected to the sewer system shall be computed by multiplying the actual frontage of the lot or parcel of land by ~~eighty-nine~~ dollars and ninety-five cents (~~\$8.95~~9.00) and adding thereto the applicable charge specified in (b)(4) of this section. It is the council's intent to recognize in this subsection that there is but a single assessment for a subdividable parcel. A single lateral, hereafter termed the "primary lateral," is provided to parcels in sewer projects, although other laterals may be constructed if the property owner pays for the cost of materials and labor for such laterals. A connection fee shall therefore be paid for each new parcel created by subsequent subdivision of a parcel other than the parcel served, or capable of being served, by the "primary lateral."
- (4) Flat rate charges shall be based on the following:
 - a. For a single-family unit when the lot or parcel has been assessed, a charge according to the following shall be paid:
 1. Three hundred twenty-~~four~~seven dollars (~~\$324.00~~327.00) if paid in a single payment within the first twelve (12) months after the sewer involved was certified for connection. This reduced rate shall be available only to those property owners who obtain a building or plumbing permit within the first

twelve (12 months after the sewer is certified for connection and connect within the time period specified in this section.

2. Six hundred fifty-~~seven~~ dollars (~~\$650.00~~657.00) if not paid as provided in 1. immediately above.
- b. For property other than single-family, a charge based on the following shall be paid:
1. For each multifamily unit: Four hundred ~~fifty-five~~sixty dollars (~~\$455.00~~460.00) per family unit.
 2. For sewers serving commercial units: Six hundred ~~fifty-seven~~ dollars (~~\$650.00~~657.00) for the first lateral exiting the structure plus four hundred ~~fifty-five~~sixty dollars (~~\$455.00~~460.00) for each additional lateral.
 3. For sewers serving parcels zoned Light Industrial District (M1) or Heavy Industrial District (M2): Six hundred ~~fifty-seven~~ dollars (~~\$650.00~~657.00).
 4. For sewers serving mobile home parks: Four hundred ~~fifty-five~~sixty dollars (~~\$455.00~~460.00) per mobile home site.
 5. For sewers serving hotels and/or similar establishments: Four hundred ~~fifty-five~~sixty dollars (~~\$455.00~~460.00) per unit.

(c) *Subdivision lots.* For sewers installed by a developer in accordance with the subdivision regulations, no charge shall be paid to the city under this section for those lots served by the sewer and for which the subdivision connection fee was paid by such developer, except as provided in (b)(3) of this section.

(d) *Corner lots.* For corner lots, the shortest side abutting a public street plus one-half ($\frac{1}{2}$) of the intersection arc distance shall be used in determining the frontage charge under this section, provided sixty (60) feet shall be the minimum distance used.

(e) *Lots with no public street frontage.* For lots which do not abut any public street, the shortest side of the lot shall be used in determining the frontage charge under this section, provided that sixty (60) feet shall be the minimum distance used.

(f) *Other requests.* When a sewer connection lateral larger than four (4) inches in diameter or an additional lateral is desired, the applicant for the permit required by this article shall pay the

cost of labor and materials necessary to construct the same but not less than one thousand dollars (\$1,000.00).

(g) *Unusual cases.* The city manager or his designee is authorized to make adjustments to the charges set forth in this section in instances where unusual property frontages exist. If the individual requesting a sewer connection establishes, to the satisfaction of the city manager or his designee, that the total frontage of his property does not represent frontage on developable property, the city manager or his designee may then reduce the frontage upon which the charge is based to that which represents frontage on developable property (but not to a figure which is less than sixty (60) feet).

(h) *When charge due.* The charge for connecting to the public sewer as herein set out shall be paid to the city as follows:

- (1) For connections involving single-family units when the lot or parcel has not been assessed requested pursuant to (b)(1) and (b)(3)a., the charge shall be paid prior to the time application is made to the department of codes compliance for the building permit or the plumbing permit, whichever applies to the specific request. If the connection is not completed and approved by the plumbing inspector within the time specified by the pertinent permit, the charge less five hundred dollars (\$500.00), to cover administrative costs associated with processing the application and the refund, shall be refunded to the applicant upon request. If the lateral was installed, the charge for the same shall not be refunded; however, if the lateral was not installed, the charge for the same shall be refunded to the applicant upon request. Any subsequent request for a sewer connection at the address involved shall follow the application process that is in effect at the time of such request.
- (2) For existing buildings other than single-family that has not been assessed, the connection charge shall be paid prior to the time application is made to the department of codes compliance for the plumbing permit; provided, however, that in the case of properties that have been assessed, the plumbing permit shall be obtained within the first twelve (12) months after the sewer involved is certified for connection. If the connection is not completed and approved by the plumbing inspector within ninety (90) days after issuance of the plumbing permit, the charge less five hundred dollars (\$500.00), if applicable, to cover administrative costs associated with processing the application and the refund, shall be retained with the remainder refunded to the applicant upon request. If the lateral was installed, the charge for the same shall not be refunded; however, if the lateral was not installed, the charge for the same shall be refunded to the applicant upon request.

- (3) For new construction, the connection charge shall be paid prior to the time application is made to the department of codes compliance for the building permit; provided, however, that in the case of properties that have been assessed, the building permit shall be obtained within the first twelve (12) months after the sewer involved is certified for connection. If the connection to the public sewer is not completed and approved by the plumbing inspector within twelve (12) months after issuance of the building permit, the charge, less five hundred dollars (\$500.00), if applicable, to cover administrative costs associated with processing the application and the refund, shall be retained with the remainder refunded to the applicant upon request. If the lateral was installed, the charge for the same shall not be refunded; however, if the lateral was not installed, the charge for the same shall be refunded to the applicant upon request.
2. That the increase in fees set forth in this ordinance shall not apply to any sewer extension project for which an authorizing ordinance has been adopted as of the date of adoption of this ordinance.
3. That this ordinance shall be in effect on and after July 1, 2016.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 37.1, STORMWATER MANAGEMENT, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., SERVICE CHARGE, SECTION 37.1-14, SERVICE CHARGE, BILLING, PAYMENT, INTEREST, FEE AND LIEN.

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

1. That Chapter 37.1, Stormwater Management, of the Code of the City of Newport News, Virginia, Article II, Service Charge, Section 37.1-14, Service charge, billing, payment, interest, fee and lien, be, and the same hereby is, amended and reordained, as follows:

CHAPTER 37.1**STORMWATER MANAGEMENT****ARTICLE II. SERVICE CHARGE****Sec. 37.1-14. Service charge, billing, payment, interest, fee and lien.**

(a) The levied service charge shall be billed, due and payable in two (2) equal installments. The first installment shall be due on or before the fifth (5th) day of December and the second installment shall be due on or before the fifth (5th) day of June. Any parcel or dwelling unit owner who has remitted payment of the service charges and believes that it is incorrect may submit an adjustment request as provided for in this article.

(b) The service charge is to be paid by the owner of each parcel or dwelling unit that is subject to the charge. The owner of each parcel or dwelling unit in the city, except undeveloped property, shall be mailed a statement for the stormwater service charges. The statements shall include a date by which payment shall be due. All statements shall be mailed at least thirty (30) days prior to the payment due date stated thereon. Payments received after the due date of the bill shall be subject to interest as established in this article.

(c) The service charge due the city from property owners for stormwater management shall be based on the ERU rate of one hundred ~~twenty-nine~~thirty-five dollars (~~\$129.00~~135.00) per ERU per year. When applicable, the service charge shall be prorated at ~~ten~~eleven dollars and ~~seventy~~twenty-five cents (~~\$10.75~~11.25) per ERU per month.

(d) Any bill which has not been paid by the due date shall be deemed delinquent. Unpaid service charges and accrued interest shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. All charges and interest due may be recovered by action at law and/or suit in equity. For delinquent charges, interest thereon shall commence on the first day of the month following the due date and shall accrue at the rate of ten (10) percent per annum until such time as the delinquent charges and accrued interest are paid.

(e) When previously undeveloped properties are brought into the system or in the event of alterations or additions to developed multifamily property or developed other property that alter the amount of impervious surface and/or the number of dwelling units, a service charge will accrue as determined by the director:

(1) Upon substantial completion of the improvements; or

(2) In the event completion of the improvements is not diligently pursued, upon establishment of the impervious area or dwelling units that affect stormwater runoff. A statement will be issued and said charges will be prorated for the number months for which the parcel is subject to the service charge.

(f) Prior to the adoption of any ordinance pursuant to this section related to the enlargement, improvement or maintenance of privately owned dams, notice consistent with Virginia Code §15.2-1427 shall be given and a public hearing held.

2. That this ordinance shall be in effect on and after July 1, 2016.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 38, STREETS AND SIDEWALKS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., WORK ON, OVER, UNDER OR AFFECTING STREETS, DIVISION 2., PERMIT GENERALLY, SECTION 38-50, ISSUANCE AND TERM GENERALLY; SECTION 38-59, CONTENTS OF PERMITS; DIVISION 3., PERMIT, INSPECTION AND GUARANTEE FEES, SECTION 38-67, SCHEDULE AND SECTION 38-68, AMOUNT OF INSPECTION FEES.

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

That Chapter 38, Streets and Sidewalks, of the Code of the City of Newport News, Virginia, Article II., Work On, Over, Under or Affecting Streets, Division 2., Permit Generally, Section 38-50, Issuance and term generally; Section 38-59, Contents of permits; Division 3., Permit, Inspection and Guarantee Fees, Section 38-67, Schedule and Section 38-68, Amount of inspection fees, be, and the same hereby is, amended and reordained as follows:

CHAPTER 38**STREETS AND SIDEWALKS****ARTICLE II. WORK ON, OVER, UNDER OR AFFECTING STREETS****DIVISION 2. PERMIT GENERALLY****Sec. 38-50. Issuance and term generally.**

(a) Any person, company or corporation required to obtain a permit by section 38-47 shall make application therefor to the director of engineering on a form prescribed by him, which form shall state the type, amount and dimensions of the work to be performed; the place where such work is to be performed; the purpose of such work; the time at which the work is to be commenced; and the time at which the work is to be completed. Upon the filing of an application for a permit under this article, it shall be the duty of the director of engineering to ascertain that all work to be done pursuant to the permit otherwise complies in all respects with prevailing planning practices, zoning regulations, appropriate construction standards and with the provisions of this Code and other ordinances of the city and the resolutions, policies and regulations of the city before issuing the permit. Additionally, no construction sign shall be erected and no material shall be placed in such a manner as to result in a traffic hazard or otherwise impede the normal use of the right-of-way, if any, such as walkways, bike paths, drainage ditches, etc. The director of engineering shall issue a permit when such compliance is apparent or can be assured by the terms

of the permit and when all applicable requirements for obtaining the permit have been met.

(b) The director of engineering may prescribe a limit for the duration of such permit and may extend the same, so long as the time limitation of extension is based upon reasonable standards prevailing in the industry at the time, taking into consideration weather, availability of material and labor, as well as the applicant's own estimation of the time period needed to complete the project. In no event shall the permit exceed ~~ninety (90) days~~ one year, though the permit may be extended for good cause shown. The director of engineering may establish a limited period of work during the term of the permit.

(c) A permit as issued under this article may be revoked at any time during the period it covers by the director of engineering for failure of the permittee to comply with the provisions of this article or the conditions and agreements of his application by giving written notice to the permittee at his address of record. For failure to rectify such default after revocation, the former permittee shall be held to be in violation of this article for each and every day such default shall continue and each violation shall be considered a Class 4 misdemeanor, and the director of engineering may in his discretion cause such work to be performed as is necessary to rectify such default, and the costs or expenses thereof shall be chargeable to and paid by the former permittee.

Sec. 38-59. Contents of permits.

Permits issued under this division shall specify the manner and the conditions under which the permitted work shall be done. Unless otherwise specified in the permit, every permit issued shall be deemed to include the following provisions:

- (1) Public travel is to be protected by adequate lights, barricades and appropriate warning signals and signs at all times.
- (2) Public travel is to be blocked only in the manner and as specified in the permit.
- (3) Pavement is to be used for piling or storing of excavated material or for deposit of material and the placing of equipment only as specified in the permit.
- (4) The maximum amount of ditch, trench or other excavation to be opened at any one (1) time shall not exceed two hundred fifty (250) feet, including the backfilled portion of any trench which is not in condition for public travel, unless the director of engineering finds reason for an exception.
- (5) All backfilling of excavations shall be done to a ninety-five (95) percent density compaction. Excavations within the improved section of the right-of-way shall be backfilled in accordance with section 38-62 of this article. Compaction by using water is not permitted.

- (6) On pavement cuts, the pavement shall be restored to its former dimensions, cross-section and profile with material conforming to city specifications.
- (7) No tree roots shall be cut to the extent of rendering the tree unsafe and, if possible, tunneling through or under roots instead of cutting anchor roots shall be followed.
- (8) Shoulders, ditches and drainage mediums shall be left in the same condition as found, or as specified in the permit.
- (9) The permittee agrees to repair any sinks in the backfill or pavement occurring within one (1) year after the work done under the permit is completed.
- (10) If entrances to adjacent property are affected, the permittee shall, if practical, provide temporary facilities for safe ingress and egress to such property.
- (11) The permittee agrees to restore the street to a satisfactory condition consistent with adjoining sections of the street in accordance with this article and as specified in the permit.
- (12) The permittee agrees, by the acceptance of the permit, to defend, indemnify, keep and hold the city free and harmless from liability on account of injury or damage to person or property growing out of activity authorized by the permit, whether suit is brought against the city either independently or jointly with the permittee.
- (13) The permittee agrees, by the acceptance of the permit, upon notice in writing, to remove or relocate any structure or installation placed in, on, under or over any street, if such structure or installation interferes with the use of the street or any public improvement or repair planned or found necessary thereon.
- (14) The permittee shall be responsible for complying with the Virginia Underground Utility Damage Prevention Act and city ordinances and state laws on erosion and sediment control.
- (15) The permittee shall give the director of engineering or his authorized representative twenty-four (24) hours' advance notice of the time permitted work is to begin. Additionally, permittees shall give four (4) hours' advance notice of requests for inspection prior to repairs of construction openings and/or prior to concrete pouring.

DIVISION 3. PERMIT, INSPECTION AND GUARANTEE FEES

Sec. 38-67. Schedule.

(a) Minimum permit and inspection fees for work for which a permit is required by this article shall be required in accordance with the following schedule except as otherwise specifically established by franchise agreement:

<u>Amount of Disturbance Within the Right-of-Way</u>	<u>Fee</u>
Less than 500 square feet of disturbance <u>Residential Apron</u>	\$ 50.00
Between 500 and 1,000 square feet of disturbance <u>Test Pit/Core</u>	\$ 100.00 <u>50.00</u>
More than 1,000 square feet of disturbance	\$ 200.00 plus \$100.00 for every increment of 1,000 square feet of disturbance over 2,000 square feet.
<u>Multiple Family/Commercial/Industrial/ Utility</u>	<u>\$50.00 + \$2.00 per linear foot of disturbance measured along the longest dimension of the cut.</u>
<u>Blanket permit for tree trimming</u>	<u>\$200.00</u>
<u>Renewal Fee - Residential</u>	<u>\$50.00</u>
<u>Renewal Fee - MF/Comm/Ind/Util</u>	<u>\$1,000.00 per month or fraction thereof of extension of work period.</u>

(b) In lieu of separate permits for ~~each job~~ tree trimming, utilities regularly ~~working~~ performing tree trimming within the various rights-of-way and easements of the city may apply for and be issued a blanket permit by the director of engineering pursuant to stated conditions and for a period not to exceed one year. Such permit shall be issued only for work which does not entail the disruption of a right-of-way or easement and may be issued upon payment of an annual inspection fee of two hundred dollars (\$200.00).

(c) ~~Up to ten (10) individual street pavement cuts may be included on one permit if each cut is not larger than one square yard in area, all such cuts are within three hundred (300) linear feet along any one street, the inclusion of additional cuts will not increase the inspection services required for any one cut, and all such cuts will be able to be repaved or resurfaced at one time.~~

Sec. 38-68. Amount of inspection fees.

Except as to the minimum fees set forth in section 38-67, inspection fees under this article shall be the actual cost of making inspections necessary to assure that the work is done in a proper and orderly manner. For work requiring more than four (4) hours of inspection time, a fee of ~~thirty~~fifty dollars (~~\$30.00~~\$50.00) per hour shall be charged in addition to the minimum fee.

2. That this ordinance shall be in effect on and after July 1, 2016.

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE THE BUDGET AND APPROPRIATE FUNDS TO OPERATE THE CITY OF NEWPORT NEWS FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, AND ENDING JUNE 30, 2017 INCLUSIVE.

BE IT ORDAINED by the Council of the City of Newport News:

1. That the budget for the fiscal year beginning July 1, 2016, and ending June 30, 2017, inclusive, as indicated by the amounts appropriated in paragraph 2 below, be, and the same is hereby approved.

2. That the following amounts are hereby appropriated to the categories as listed in the aforesaid budget:

General, School Operating, Public Utilities, Vehicle and Equipment Services, Special Revenue and Trust Operating, and Community Development Funds

OPERATING BUDGET**General Fund**

Legislative	\$617,480	
General Administration	4,727,178	
Financial	10,424,013	
Information Technology	9,392,608	
Board of Elections	442,313	
Judicial Administration	2,945,066	
Commonwealth Attorney	3,906,628	
Public Safety	79,341,375	
Corrections and Detention	29,565,005	
Inspections	3,087,160	
Engineering	5,788,797	
Public Works	23,103,421	
Health and Welfare	38,467,773	
Parks, Recreation and Cultural	17,711,103	
Planning and Community Development	4,627,512	
Nondepartmental	62,378,234	
Payments to Other Funds	<u>59,822,334</u>	
General Fund Operating Budget		\$356,348,000
City Support to School Operating Budget		<u>118,300,000</u>
Sub-Total General Fund Operations		\$474,648,000
Federal Grant Funds		\$2,500,000
State Grant Funds		<u>1,650,000</u>
Total General Fund Appropriations		\$478,798,000

Waterworks Fund

Waterworks Fund Operating Budget	\$67,619,381	
Payments to the City	13,147,954	
Capital Projects and Equipment	<u>7,982,665</u>	
Total Waterworks Fund Appropriations		\$88,750,000

School Operating Fund

State Appropriations		\$180,157,508
Federal and Other Appropriations		6,132,500
City Appropriations		
1. Operating Funds	\$107,089,490	
2. Debt Service	<u>11,210,510</u>	
Total City Funding Support		<u>118,300,000</u>
Total School Operating Fund Appropriations		\$304,590,008

Vehicle and Equipment Services Fund

Vehicle and Equipment Services Fund		<u>\$13,347,000</u>
Total Vehicle and Equipment Services Fund Appropriations		\$13,347,000

SUBTOTAL - APPROPRIATIONS **\$885,485,008**

LESS - Payments to Other Funds

From General Fund To School Fund	\$118,300,000
From Waterworks Fund To General Fund	13,147,954
From Waterworks Fund for Capital Improvements	7,982,665
From General Fund To Vehicle and Equipment Services Fund	7,702,439
From Vehicle and Equipment Services Fund To General Fund	<u>26,635</u>

\$147,159,693

TOTAL OPERATING BUDGET **\$738,325,315**

SPECIAL REVENUE AND TRUST FUNDS

Auto Self Insurance Fund		\$1,364,000
General Liability Insurance Fund		1,794,000
Worker's Compensation Fund		3,170,000
Recreation Revolving Fund		4,688,300
Historical Services Fund		1,114,000
Golf Course Revolving Fund		1,680,000
Leeward Marina Revolving Fund		284,000
Tourism, Promotion, Development Fund		1,426,000
School Worker's Compensation Fund		2,072,000
School Textbook Fund		1,719,219
Street/Highway Maintenance Fund		16,584,585
Economic Development Fund		169,900
Law Library Fund		132,000
Stormwater Management Fund		22,135,000
Solid Waste Revolving Fund		14,943,000
Wastewater Fund		21,797,000
Peninsula Regional Animal Shelter Fund		2,404,300
Debt Service Fund		61,368,450
Economic Industrial Development Fund		29,130,000
Applied Research Center Fund		1,670,700
Parking Facilities Fund		774,200
Pension Trust Fund		72,337,000
City Retirement-Post Retirement Fund		8,245,000
Line of Duty Act Benefit Fund		<u>256,300</u>
SUBTOTAL - SPECIAL REVENUE and TRUST FUNDS		\$271,258,954
LESS		
Payments from Other Funds	(\$134,991,720)	
Payments to Other Funds	<u>(\$17,434,253)</u>	
		<u>(\$152,425,973)</u>
TOTAL SPECIAL REVENUE AND TRUST FUNDS		\$118,832,981

COMMUNITY DEVELOPMENT FUND

Community Development Block Grant		<u>\$1,429,017</u>
TOTAL CITY BUDGET		<u>\$858,587,313</u>

3. That this ordinance shall be in effect on and after July 1, 2016.

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ADOPTION OF A CLASSIFICATION AND PAY PLAN FOR THE EMPLOYEES OF THE CITY OF NEWPORT NEWS.

WHEREAS, City Council appropriated funding for the implementation of the City of Newport News employee Classification and Compensation Plan in its Fiscal Year 2017 Operating Budget.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Newport News pursuant to Section 4.02(D) of the Charter of the City of Newport News:

1. That the City Manager is hereby authorized to develop, administer and implement the Classification and Pay Plan for all classes of City of Newport News officers and employees effective Fiscal Year July 1, 2016 and thereafter.

2. All employees of the City of Newport News shall be included in the classification plan with the exception of the following:

(a) Officials elected by the people and persons appointed to fill vacancies in elective offices, and employees of Constitutional Officers unless inclusion of employees of Constitutional Officers in the Classification and Pay Plan is specifically approved by the City Manager;

(b) Members of boards and commissions, the City Manager, the City Attorney, the City Clerk, and other positions appointed by City Council, the City Registrar, and persons appointed by the Judges of the Circuit Court;

(c) The Assistant City Managers, Executive staff and attorneys employed in the City Attorney's Office;

(d) Employees of the school board;

(e) Licensed physicians employed by the City in their professional capacities;

(f) Persons temporarily employed in a professional or scientific capacity, or to conduct a special inquiry, investigation or examination if the Council or the City Manager certifies that such employment is temporary and that the work shall not be performed by employees in the classified service; and

(g) Persons employed in temporary or regular part-time jobs which are not equivalent to jobs included in the classification plan.

3. Employees of agencies for which the City acts as fiscal agent are not employees of the City of Newport News.

4. The City Manager is authorized to promulgate and administer all provisions which govern salary and classification adjustments for all employees made necessary through the implementation of the Classification and Pay Plan.

5. The City Manager is responsible for the overall development and implementation of the City's Classification and Pay Plan and for promulgating policies and procedures for the equitable administration of the plan.

6. The City Manager is hereby authorized to establish policies governing the award of any additional compensation to employees in positions exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and the circumstances under which such compensation may be made.

7. Notwithstanding any provision of this ordinance, the City Attorney, the Commonwealth Attorney and the City Clerk, with the prior approval of the City Council, shall have responsibility for the administration of the Classification and Pay Plan as it relates to their respective deputies and assistants.

8. This ordinance shall be in effect on and after July 1, 2016.

H. Appropriations

ACTION:

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

1. Newport News Public School District - FY 2016 Capital Project Funding - \$5,186,000

H. Appropriations

1. Newport News Public School District (NNPS) - FY 2016 Capital Project Funding - \$5,186,000

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$5,186,000 FROM FY 2016 BONDS AUTHORIZED AND UNISSUED TO THE NEWPORT NEWS PUBLIC SCHOOL (NNPS) DISTRICT FOR CAPITAL PROJECTS.

BACKGROUND:

- The request for \$5,186,000 will be used by NNPS to fund critical capital projects.
- \$4,430,595 is programmed for HVAC projects at Carver Elementary and Lee Hall Elementary schools.
- \$486,000 will fund the design of roof projects to be bid for replacement in FY 2017.
- \$269,405 will reconcile City funding provided to NNPS for ongoing capital projects.
- The net amount available for use by NNPS will total \$4,916,595

FISCAL IMPACT:

- The funding source for this appropriation is FY 2016 Bonds Authorized and Unissued.
- The City Manager recommends approval.

ATTACHMENTS:

Description

CM Memo re FY2016 NNPS Capital Proj

sdm14315 Appropriation re NNPS District-FY16 Capital Project Funding

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

May 4, 2016

TO: The Honorable City Council

FROM: City Manager

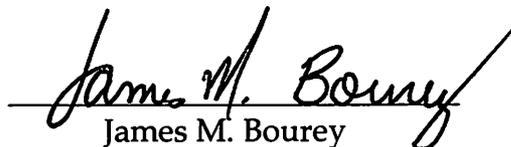
SUBJECT: Newport News Public School District - FY 2016 Capital Projects
Appropriation

City Council is requested to appropriate \$5,186,000 to the Newport News Public School (NNPS) District for two major HVAC projects, for the design of roof replacements scheduled for completion in FY 2017, and to reconcile City funding for ongoing NNPS capital projects. HVAC replacements are programmed for Carver Elementary and Lee Hall Elementary Schools and have an estimated total value of \$4,430,595. Design fees for roof replacement projects are projected at \$486,000. As of the date of this memorandum, the amount of expenditures previously reimbursed to NNPS for capital expenditures related to ongoing projects totals \$269,405.

The total amount of \$5,186,000 in City funds to be appropriated will be offset by capital expenditures already reimbursed to NNPS by the City. As a result, the net amount of funding available to NNPS from this appropriation will total \$4,916,595. The table below details the amounts available to NNPS.

HVAC replacement - Carver, Lee Hall Elementary Schools	\$4,430,595
Design fees for planned roof replacement projects	486,000
Funding utilized for ongoing capital projects	269,405
Total Appropriation	<u>5,186,000</u>
Less prior City reimbursement to NNPS	<u>-269,405</u>
Total Available to NNPS	\$4,916,595

Approval of this resolution is recommended.


James M. Bourey

JMB:LJC

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO ROOF REPLACEMENT DESIGN, HVAC REPLACEMENT AND SCHOOL IMPROVEMENTS - OTHER.

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 Roof Replacement Design, HVAC Replacement and School Improvements - Other, as follows:

Appropriation From:

Bonds Authorized and Unissued

4104-650-70-700H-579000-000000-2016-
00000-H0000

\$ 5,186,000.00

Appropriation To:

Roof Replacement Design

4104-650-70-700H-579527-000000-2016-
00000-H4001

\$ 486,000.00

HVAC Replacement

4104-650-70-700H-579519-000000-2016-
00000-H4002

\$ 4,430,595.00

School Improvements - Other

4104-650-70-700H-579407-000000-2016-
00000-H4003

\$ 269,405.00

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

J. New Business and Councilmember Comments

City Manager
City Attorney
City Clerk

Cherry
Coleman
Price
Scott
Vick
Woodbury
Bateman

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."**