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AGENDA

NEWPORT NEWS CITY COUNCIL REGULAR CITY COUNCIL MEETING

JUNE 14, 2016

City Council Chambers

7:00 p.m.

A. Call to Order

B. Invocation

- Mr. Caleb McClure, Hidenwood Presbyterian Church

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

- Mayor's Youth Commission

D. Presentations

1. Resolution of Appreciation: Colonel William S. Galbraith on his Retirement as Commander, 733d Mission Support Group Army Element-Joint Base Langley—Eustis from June 15, 2013 to June 28, 2016

E. Public Hearings

1. None Advertised

F. Consent Agenda

1. Minutes of the Work Session of May 24, 2016
2. Minutes of the Special Meeting of May 24, 2016
3. Minutes of the Regular Meeting of May 24, 2016
4. Ordinance Amending City Code, Chapter 42, Water Supply; Article I., In General; Section 42-15, Stopping Service through Cut Off or Removal of Water Meter, Generally; and Article III., Water Rates and Fees; Section 42-40, When and Where Bills are Due and Payable; Delinquency

G. Other City Council Actions

1. Resolution Authorizing the City Manager to Execute an Amended Grant Agreement between the City of Newport News, Virginia and the Virginia Department of Environmental Quality (DEQ) for the Stoney Run Regional BMP Project
2. Ordinance Amending City Code, Chapter 31, Pensions and Retirement; Article II., Employees' Retirement Fund, Division 4., Sections 31-40 and 31-42; Division 5., Sections 31-54, 31-62, and Adding New Section 31-64.2, Lump Sums; Article III., Employees' Post-Retirement Health and Welfare Benefits Fund, Division 4., Sections 31-111, 31-112; and Division 5., Sections 31-116 and 31-117

H. Appropriations

1. Department of Engineering – FY2016 Bond Authorization, Sanitary Sewer Rehabilitation Category for the HRSD Jefferson Avenue Interceptor Force Main Project - \$700,000
2. City of Newport News – Self Insurance Reserves: to Fund FY 2016 General Liability for Settlement Costs and Associated Attorney Fees – \$1,600,000
3. City of Newport News – General Fund Reserves: Line of Duty Act (LODA) Liability – \$2,672,719
4. City of Newport News – General Fund Reserves: Emergency Fund for August 2012 Unnamed Storms – \$5,285,755

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

J. *New Business and Councilmember Comments

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

K. Adjourn

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

COUNCIL."

A. Call to Order

B. Invocation – Mr. Caleb McClure, Hidenwood Presbyterian Church

C. Pledge of Allegiance to the Flag of the United States of America
– Mayor’s Youth Commission

D. Presentations

E. Public Hearings

1. None Advertised

F. Consent Agenda

1. Minutes of the Work Session of May 24, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Work Session of May 24, 2016

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

May 24, 2016

4:10 p.m.

PRESENT: Robert S. Coleman; McKinley L. Price, DDS; Sharon P. Scott (arrived at 4:38 p.m.); Tina L. Vick; Herbert H. Bateman, Jr. (arrived at 4:20 p.m.); and Sandra N. Cherry, D. Min-----6

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

OTHERS PRESENT: James M. Bourey; Collins L. Owens; Mabel Washington Jenkins; Cynthia Rohlf; Darlene Bradberry; Patrick Murphrey; Wanda Pierre; Lisa Cipriano; Sherry Crocker; Chad Pritchett; Tom Mitchell; Frank James; R. B. Alley; Richard Myers; Reed Fowler; Florence Kingston; Jennifer Walker; RoShaundra Ellington; Eoghan Miller; and Theresa Clift

I. FY 2016 Third Quarter Financial Report

Mr. James M. Bourey, City Manager, introduced Ms. Lisa Cipriano, Director, Department of Budget and Evaluation, to provide the FY 2016 Third Quarter Financial Report.

Ms. Cipriano pointed out that the Adopted FY 2016 Operating Budget Revenue totaled \$464.2 million, which included \$4.1 million of anticipated grant funding from the State and Federal government (a copy of the presentation, "FY 2016 General Fund Forecast, Based on Third Quarter Results," is attached and made a part of these minutes).

Ms. Cipriano noted the FY 2016 Third Quarter revenue projections in the following categories:

- Real Estate Taxes & Delinquencies \$1.5 million increase
- Personal Property Taxes \$1.1 million increase
- Machinery & Tools \$220,000 increase
- Sales Tax On Target
- Lodging Tax \$200,000 increase
- Meals Tax \$400,000 increase
- BPOL Taxes \$1.1 million decrease
- Cigarette Tax \$200,000 decrease

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Minutes of the Work Session
May 24, 2016

- Telecom Tax \$400,000 decrease
- Tax on Deeds \$200,000 decrease
- Building Permits \$100,000 increase
- Fines/Forfeitures \$1 million decrease

Ms. Cipriano advised that all of the above projections included the anticipated use of \$4 million of the City's Fund Balance. Staff hoped they would collect enough revenue by the end of FY 2016 to avoid the need to draw down from the \$4 million Fund Balance. City Manager Bourey noted the \$4 million Fund Balance as of June 30, 2015, was moved forward into the FY 2016 Budget.

Ms. Cipriano reported that the Adopted FY 2016 Operating Budget Expenditures totaled \$464.2 million. She noted FY 2016 Third Quarter expenditure projections in the following categories:

- Salaries \$699,000 decrease
- Benefits \$585,000 increase
- Contractual Services \$1.1 million increase
- Fuel/Utilities \$544,000 increase
- Materials/Supplies \$344,000 increase

Ms. Cipriano stated that the FY 2016 Third Quarter resulted in a budget surplus of approximately \$75,000 as of March 31, 2016. She stated that staff anticipated the surplus would increase should revenues be received better than projected. There would be some fluctuations in limited areas, such as Fines, but there was no need to adjust expenditures to meet revenue projections.

Ms. Cipriano noted two additional funds that would show up in the printed report and in the Manager's letter that required special attention:

- General Liability Fund (covered all of the actions of an employee and the City which were not related to Self-insurance)
 - Projected Deficit of \$1.4 million
 - Case Settlements, Legal Fees
 - Sufficient Reserves in the General Fund and the Liability Fund to cover the over-expenditure
- Golf Course Fund
 - Projected Deficit of \$592,000
 - Manage staffing to season and had many other fixed costs
 - Poor Spring Season was experienced

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May 24, 2016

II. Newport News Employees Retirement Fund (NNERF) – City Code Amendments Briefing

City Manager Bourey introduced Mr. Tom Mitchell, Director, Department of Finance, to provide the presentation (a copy of the presentation is attached and made a part of these minutes).

Mr. Mitchell noted the proposed changes that were recommended by the Retirement Board and the City Manager, effective July 1, 2016:

1. Increase in the mandatory retirement age for Public Safety officers from age 63 to age 67
 - a. Recommended by Police and Fire Chiefs
 - b. Mandatory retirement age for Virginia Retirement System (VRS) City Public Safety employees was 70
 - c. Police and Fire would have “Fit-for-Duty” tests to insure they were in adequate physical condition to remain on the job until age 67
2. Provide a lump sum option for retirees with small retirement annuities.
 - a. Included 1,400 School employees (covered primarily by VRS) who had earned small monthly NNERF retirement annuities of \$10 to \$150
 - b. Option would allow for the employees to choose a lump sum payment of their retirement annuity and \$3,300 death benefit. This option would only be available at retirement.
 - c. Would reduce administrative burden to the City’s NNERF staff
 - d. Would be “actuarially neutral” to NNERF, which meant it would not affect the plan, regardless of what the retiree decided
 - e. Option had been requested by School employees
3. Eliminate the “alternate schedule” for the City’s contribution to retiree health insurance premiums
 - a. Currently there were two schedules for determining the amount of City contribution to retiree health and dental premiums
 - b. One for employees with more than 10 years of service as of March 1, 2010, and one for those with less than 10 years
 - c. The City added three additional insurance plans since 2013, making the current wording ambiguous
 - d. The change would mean that all retirees with the same length of service would receive the same level of City contribution
4. Technical correction to address the “Porting” of credited service from one jurisdiction to another.

- a. Historically, there had been agreements in place with other localities about how service credit could be “Ported” from the City’s retirement fund to the retirement fund of another locality when an employee left to work for another municipality
- b. Since NNERF was a closed fund, the City did not allow transfers into NNERF
- c. Portability language needed to be amended to reflect that NNERF was a closed plan
- d. City NNERF employees MAY transfer (“Port”) credit to another plan, but new City employees, from other municipalities, MAY NOT transfer credit to NNERF

Mayor Price inquired whether a Police Officer that was forced to retire would be able to reapply or whether this was for current and future employees. City Attorney Collins Owens replied retired Police Officers would be able to reapply, but would become a part of VRS. The revision would only apply to current NNERF employees.

III. Comments/Ideas/Suggestions

City Manager Bourey stated the 2nd Annual World Arts Celebration that was scheduled on May 21, 2016, had been postponed and rescheduled for July 16, 2016, due to inclement weather. He stated July 16, 2016, seemed to be the best date available that would not conflict with other events, such as graduations, the Lee Hall Wine Festival, etc. July was further away than what was wanted, but all of the vendors and entertainers were available on that date. Final plans for the event would be forthcoming.

Mayor Price asked the City Manager to consider changing the time of the World Arts Celebration on July 16, 2016, from mid-afternoon to late-afternoon/early-evening due to summertime heat. City Manager Bourey stated he would request that the event be scheduled for a later time in the day.

City Manager Bourey reminded about the 4th Annual Memorial Day Concert at City Center, scheduled for Monday, May 30, 2016, from 7:30 p.m. – 9:30 p.m. He hoped the event would not be rained-out. He advised there was a Pre-Performance Reception scheduled from 5:00 p.m. to 7:15 p.m.

Councilwoman Cherry inquired about a concern she voiced at the March 22, 2016 Work Session of City Council, regarding who was responsible for the repair of a number of caved-in and crumbled sidewalk panels that were located in front of the downtown Post Office, at 25th Street and West Avenue. She took a photo of the damage last week as it had not been repaired. She inquired whether the issue had been looked into. Assistant City Manager Cindy Rohlf replied that she did not recall the issue, but she would have staff look into the matter.

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Minutes of the Work Session
May 24, 2016

Councilwoman Cherry voiced concern about overflow traffic on Jefferson Avenue from 27th to 25th Street, down to 12th Street, due to congestion issues on Interstate-664. She inquired whether “Do Not Block the Intersection” signage could be erected along the corridor. She stated the amount of traffic that came onto Jefferson Avenue from Interstate-664, during times of congestion, was unreal. She advised that most of the drivers did not adhere to the 25-mile per hour speed limit. No one could get out onto Jefferson Avenue during congested times. She inquired what could be done. Assistant City Manager Rohlf indicated that the Director of the Department of Engineering, Mr. Everett Skipper, was working on the issue. She would provide a report to Councilwoman Cherry.

Councilwoman Cherry advised that she received an e-mail message from Ms. Ayanna King, Chief Executive Officer, Big Brother Big Sisters of the Greater Virginia Peninsula (see attached), asking the City to support the work of the Big Brothers Big Sisters. She asked for support of City Council to provide approximately \$15,000 of City Council 2016 Contingency Funding to Big Brothers Big Sisters of the Greater Virginia Peninsula. Big Brothers Big Sisters was a big organization that did great things. Years ago, the Big Brothers Big Sisters of the Peninsula embraced the Williamsburg Chapter of Big Brothers Big Sisters, and indicated that their United Way funds had been reduced. There was consensus among City Council to appropriate \$15,000 of City Council 2016 Contingency Funding to Big Brothers Big Sisters of the Greater Virginia Peninsula. City Attorney Owens stated that staff would ensure that Big Brothers Big Sisters was eligible to receive the funding before disbursement from the City. Councilwoman Cherry agreed, and indicated Ms. King was open to provide the necessary information needed to qualify for the funding.

City Attorney Owens stated that after four years of the City sponsoring the Virginia Senior Games, he finally signed-up for the 2016 Virginia Senior Games, held on May 18 – 21, 2016. He was happy to announce that he won a medal for his participation.

City Clerk Mabel Washington Jenkins reminded about the Braxton-Perkins Post 25 Memorial Day Program, on Monday, May 30, 2016, 11:00 a.m. – 1:00 p.m., at the Victory Arch (25th Street and West Avenue).

City Clerk Jenkins reminded about the Boards, Commissions, and Committees Volunteer Reception, on Wednesday, May 25, 2016, 5:30 p.m. - 8:00 p.m., at the CNU David Student Union Ballroom (1 Avenue of the Arts).

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Minutes of the Work Session
May 24, 2016

Councilwoman Vick thanked Mr. Reed Fowler, Director, Department of Public Works, and his staff for cleaning up the trash on Ivy Avenue from 6th Street to Jefferson Avenue. She stated the residents of the apartments had continually dumped trash along the streets and on the Newport News Redevelopment & Housing Authority's (NNRHA) property. She reiterated her thanks to the Public Work's team who assisted with the clean-up. It was an unfortunate situation. She understood that the NNRHA was charging the residents for the disposal of sofas and chairs and rather than pay, residents were dumping the items on the housing authority's property. Assistant City Manager Rohlf advised that the Department of Codes Compliance was also keeping a check on the matter.

Councilwoman Scott inquired where Curtis Tignor Road was on the Street Resurfacing Schedule. She stated the street had been re-patched continuously and was in need of resurfacing. The City Manager stated he would look into the matter.

Councilwoman Scott stated that she had received calls about the City's mosquito pesticide spraying. She also recalled receiving an e-mail from a homeowner whose property was adjacent to a business that had standing water, which encouraged mosquito breeding. City Manager Bourey recalled the e-mail, and stated that staff was working on the matter. He asked Mr. Reed Fowler, Director, Department of Public Works, to offer information on the City's mosquito pesticide spraying program as citizens were concerned about the Zika Virus.

Mr. Fowler advised that the City actively pursued mosquito trapping to identify the types of mosquitos that were prevalent in the City. The mosquito pesticide spraying program was based on the types of mosquitos that were active in the City. The Department of Public Works did not randomly spray throughout the City. Their spraying program was based on light trap readings. They targeted areas with high light trap readings. They were in close contact with the Health Department regarding the Zika Virus, but there had been no sign of vector-borne Zika Virus mosquitos in the City. Spraying for mosquitos would begin on June 1, 2016.

Councilwoman Scott advised that she participated in the 2016 Virginia Senior Games held on May 18 – 21, 2016. She indicated that she had stiff competition, as people who were not in her age category in 2015 had moved up in 2016. She received two silver medals for the games she participated in. There were many out-of-town participants that were present in order to qualify for the National Senior Games.

DRAFT

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May 24, 2016

Councilwoman Cherry advised that while taking her morning walk, she had noticed a huge amount of trash that had been illegally dumped in a vacant lot adjacent to 914 - 13th Street. She assumed that the Solid Waste collection personnel did not recognize or pick-up the trash since there was no house at the location. The trash had been in the area for the past three weeks. She inquired whether the Department of Public Works would be able to pick-up the trash. Mr. Fowler replied that he would have his department take care of the matter.

Mayor Price asked for City Council's support for two resolutions: 1) a Resolution of Appreciation in honor Mr. Mike Motley, a gentleman who had spent many hours manning the Newport News Police Department's Community Education and Outreach Center in Hilton (10188 Warwick Blvd.); and 2) a Resolution of Recognition in honor of Chief Warrant Officer 3 Julius Green. CWO Green was the first black officer in the Army to become a diver. He had a renowned history. Mayor Price wanted to afford recognition to both individuals for their outstanding work (see information regarding the above-noted individuals attached to these minutes). There was consensus among City Council to support the resolutions.

THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED AT 4:51 P.M.


Jennifer D. Walker, MMC
Chief Deputy City Clerk

McKinley L. Price
Mayor
Presiding Officer

A true copy, teste:

City Clerk

F. Consent Agenda

2. Minutes of the Special Meeting of May 24, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Special Meeting of May 24, 2016

**MINUTES OF SPECIAL MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
MAY 24, 2016
5:30 P.M.**

PRESENT: Robert S. Coleman; McKinley L. Price; DDS; Sharon P. Scott; Herbert H. Bateman, Jr.; and Sandra N. Cherry, D. Min.-----5

ABSENT: Tina L. Vick; and Dr. Patricia P. Woodbury-----2

OTHERS PRESENT: James M. Bourey; Collins L. Owens, Jr.; Mabel Washington Jenkins; Darlene Bradberry; Cynthia Rohlf; Florence Kingston; Matthew Johnson; 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: (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 are prospective new businesses in the northern, central and southern sections of the City.

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

Vote on Roll Call:

Ayes: Coleman, Price, Scott, Bateman, Cherry

Nays: None

(Closed Session 5:30 p.m. – 6:10 p.m.)

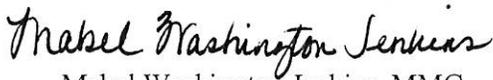
Councilman Bateman recused himself from the meeting during the discussion about consideration of the acquisition/disposition of real property for a public purpose, and during discussion about a prospective business' or industry's interest in locating a facility in the community in the northern, central, and southern sections of the City.

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Minutes of Special Meeting
May 24, 2016

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 Cherry.

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

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 6:10 P.M.



Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk

CERTIFICATE OF CLOSED MEETING

MEETING DATE: May 24, 2016

MOTION: Vice Mayor Robert S. Coleman
SECOND: Councilwoman Sandra N. Cherry, D. Min.

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: Cherry, Coleman, Price, Scott
NAYS: None
ABSTENTION: None

ABSENT DURING VOTE: Vick, Woodbury, Bateman

ABSENT DURING MEETING: Vick, Woodbury, Bateman

ATTEST:



Mabel Washington Jenkins, MMC
City Clerk

F. Consent Agenda

3. Minutes of the Regular Meeting of May 24, 2016

ACTION: • NA

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Regular Meeting of May 24, 2016

**MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
MAY 24, 2016
7:00 P.M.**

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

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

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.

Mayor Price invited all in attendance to observe a moment of silence in honor of Mr. Arthur Keyes, long-term resident of North Newport News, and frequent attendee of City Council meetings.

B. Invocation

The invocation was rendered by Reverend Terry Williams, Hilton Christian 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 Vice Mayor Roberts S. Coleman.

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

D. Presentations

1. Resolution in Memoriam: Virginia State Police Trooper Chad P. Dermyer

Mrs. Michelle Dermyer accepted the resolution.

Mayor Price, on behalf of the members of the Newport News City Council, expressed sympathy for the untimely and tragic death of Virginia State Trooper Chad P. Dermyer, on March 31, 2016, as a result of gunshot wounds received in the line-of-duty.

D. Presentations Continued

1. Resolution in Memoriam: Virginia State Police Trooper Chad P. Dermyer
Continued

A native of Jackson, Michigan, Trooper Dermyer also served in the Newport News Police Department from 2003 until 2007, and spent four years as a member of the U. S. Marine Corps. He graduated from the Virginia State Police Academy in November 2014, where his original assignment was to the Chesapeake Division's Area 46 Office, encompassing the Cities of Newport News and Hampton. He was soon thereafter transferred to the State Police Counter-Terrorism and Criminal Interdiction Unit.

Trooper Dermyer, a dedicated law enforcement officer and well-regarded member of the Newport News Police Department, was survived by his wife Michelle, a son, Phillip, and a daughter, Page.

Mayor Price, on behalf of the members of the Newport News City Council, recognized and honored Trooper Chad Dermyer for his service in defending his country, to the City of Newport News, and to the Commonwealth of Virginia.

2. Resolution of Recognition: 20th Anniversary of Paul S. Tribble, Jr., as President of Christopher Newport University (CNU)

President Paul S. Tribble, Jr. and his wife, Rosemary, accepted the resolution.

Mayor Price shared a portion of Mr. Paul Tribble's background, including, but not limited to, having served as the Commonwealth's Attorney for Essex County from 1974 to 1976; member of the United States House of Representatives from 1977 to 1983; and as a member of the United States Senate. Mr. Tribble was appointed President of Christopher Newport University (CNU) on January 2, 1996. Under his leadership, the University underwent dramatic physical and academic transformations. His commitment to providing a first-rate liberal arts education led to significant changes and improvements in CNU's academic programs and reputation.

Mayor Price, on behalf of the members of the Newport News City Council, recognized and honored Mr. Paul S. Tribble, Jr. for 20 years of distinguished service as President of Christopher Newport University, his many valuable contributions to CNU, the City of Newport News, the Hampton Roads Region, and the Commonwealth of Virginia.

3. Resolution of Recognition: 50th Anniversary of Newport News Park

Mr. Michael Poplawski, Director, Department of Parks, Recreation and Tourism, accepted the resolution. He was accompanied by Mr. Andy Lunsford, Parks Operation Superintendent, and Mr. Rob Farrell, Chief Park Ranger.

D. Presentations Continued

3. Resolution of Recognition: 50th Anniversary of Newport News Park
Continued

Mayor Price advised that Newport News Park was dedicated on May 28, 1966, and would celebrate the 50th Anniversary of its dedication on May 27, 2016. He stated, at 7,711 acres, Newport News Park was one of the largest municipal parks east of the Mississippi River. He indicated that Mr. Joseph C. Biggins, Newport News City Manager from 1925 to 1965, was credited with the idea of the park. The City's Department of Planning proposed the development of the area as a recreational facility in 1962, and the City Council made the first appropriation to implement the plan and authorized commencement of the first phase of development of the park. Newport News Park was dedicated to the citizens of Newport News on May 28, 1966, for permanent year-round recreation and enjoyment.

Newport News Park offered over 30 miles of hiking, biking, and horseback riding trails, an arboretum with seasonal flora, playgrounds and 18 picnic shelters, a 30-acre aeromodel flying field, 188 campsites, an all-terrain mountain bike trail, an archery range, a Discovery Center with nature and history exhibits, two 18-hole public golf courses with a Pro Shop and driving range, an 18-hole disc golf course, and a Japanese Peace Garden that contained an authentic Japanese Tea House. Newport News Park, comprised a diverse ecosystem of forests, meadows, wetlands, and lakes, and combined with its recreational opportunities, the natural beauty and tranquility served to enhance the quality of life for residents and visitors.

Mayor Price, on behalf of the members of the Newport News City Council, recognized Newport News Park on the 50th Anniversary of its dedication, and acknowledged the many civic leaders and City employees and volunteers who supported the Park.

E. Public Hearings

1. Ordinance Authorizing Conditional Use Permit No. CU-15-353, to Centre Court Racquet Club for the Operation of a Mini-Storage Warehouse, Single-Entrance Interior Storage Facility on Two (2) Parcels Located at 12445 and 12447 Warwick Boulevard and Zoned C1 Retail Commercial

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-15-353 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING THE CONSTRUCTION AND OPERATION OF A MINI-STORAGE WAREHOUSE – SINGLE ENTRANCE IN A C1 RETAIL COMMERCIAL DISTRICT. This ordinance granted Conditional Use Permit No. CU-15-353, to Centre Court Racquet Club, for the operation of a mini-storage warehouse, single-entrance, interior storage facility on two (2) parcels, 1.64 acres, located at 12445 and 12447 Warwick Boulevard and zoned C1 Retail Commercial. The applicant proposed to adaptively re-use the former indoor tennis facility and add a new addition for a climate controlled mini-storage warehouse facility. The

E. Public Hearings

1. Ordinance Authorizing Conditional Use Permit No. CU-15-353, to Centre Court Racquet Club for the Operation of a Mini-Storage Warehouse, Single-Entrance Interior Storage Facility on Two (2) Parcels Located at 12445 and 12447 Warwick Boulevard and Zoned C1 Retail Commercial Continued

request was consistent with the *Framework for the Future 2030 Comprehensive Plan* land use map and was compatible with surrounding uses. On May 4, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of this request with conditions. The City Manager did not make a recommendation.

Mr. Tim Trant, Attorney with Kaufman & Canoles, 11815 Fountain Way, Suite 400, Newport News, representing the applicant, submitted a request for deferral of this matter to the June 28, 2016 Regular Meeting of City Council (a copy of the letter is attached and made a part of these minutes).

Vice Mayor Coleman moved to defer this matter to the June 28, 2016 Regular Meeting of City Council; seconded by Councilwoman Vick.

Councilman Bateman filed a declaration in accord with Section 2.2-3115H of the Virginia Code. He declared, pursuant to subdivision A.3 of §2.2-3112 of the Virginia Conflict of Interest Act, for the City Council Agenda of May 24, 2016, (i) the City Manager recommended to the Newport News City Council approval of a conditional use permit by ordinance (CU-16-353, "the transaction"); (ii) that the applicant for the said conditional use permit is Centre Court Racquet Club; (iii) that TowneBank was a potential lender for the project; (iv) that he was an employee of TowneBank, and that certain of the potential purchasers of the facility were clients of the bank; however, he did not personally represent or provide services to either; (v) that he had no personal interest affected by the transaction; and (vi) that he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meeting at which the transaction was considered – May 24, 2016; and is attached and made a part of these minutes).

Vote on Roll Call:

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

Nays: None

2. Ordinance Granting Conditional Use Permit No. CU-16-364, to the Lloyd Allyn Julien, Jr., Revocable Trust for the Construction and Operation of a Small Motor Vehicle Repair and Service Facility on Property Located at 12011 and a Portion of 12001 Jefferson Avenue and Zoned C2 General Commercial

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUM-

E. Public Hearings Continued

2. Ordinance Granting Conditional Use Permit No. CU-16-364, to the Lloyd Allyn Julien, Jr., Revocable Trust for the Construction and Operation of a Small Motor Vehicle Repair and Service Facility on Property Located at 12011 and a Portion of 12001 Jefferson Avenue and Zoned C2 General Commercial Continued

BER CU-16-364 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF ALLOWING THE OPERATION OF A SMALL MOTOR VEHICLE REPAIR SERVICE FACILITY ON A SITE ZONED C2 GENERAL COMMERCIAL DISTRICT. This ordinance granted Conditional Use Permit No. CU-16-364, to Lloyd Allyn Julien, Jr., Trustee of the Lloyd Allyn Julien Jr., Revocable Trust, for the construction and operation of a small motor vehicle repair and service facility on property located at 12011 and a portion of 12001 Jefferson Avenue and zoned C2 General Commercial. The proposed new use, Discount Tires, would be built on a vacant parking lot. Property improvements included a new full-brick structure with bays oriented to the rear of the property, as well as new landscaping. The request was consistent with the *Framework for the Future 2030* Comprehensive Plan land use map. On May 4, 2016, the Planning Commission voted unanimously 9:0 to recommend approval of this request with conditions. The City Manager recommended approval.

Mr. Joe S. Frank, 2 Madison Circle, Newport News, Attorney with David, Kamp, and Frank, representing the applicant, advised that this business had 600 branches around the United States and expected to do \$3 to \$4 million worth of business in this specific location in Newport News, which would generate sales tax. They expected to employ 10-15 people, from the community, promoted from within, paid good salaries, with benefits, and would be beautifully landscaped. He added there would be no signs or storage out front, tires would be stored inside, and collected on a regular basis by a licensed employee that could also dispose of the tires under federal guidelines. Mr. Frank advised that it was a misnomer that this was a car repair operation, as it only sold and installed tires. The reason it was referred to as a small motor repair shop was because this was how the ordinance described the use, which included a tire sales and installation facility. The business prided itself on the cleanliness and appearance of the building. This business would block the view of the storage facilities behind it on Jefferson Avenue. It would be an attractive architectural addition to the community. He urged City Council support of Conditional Use Permit, CU-16-364, for the property located at 12011 and a portion of 12001 Jefferson Avenue, allowing the operation of a small motor vehicle repair service facility.

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

Vote on Roll Call:

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

Nays: None

E. Public Hearings Continued

2. Ordinance Granting Conditional Use Permit No. CU-16-364, to the Lloyd Allyn Julien, Jr., Revocable Trust for the Construction and Operation of a Small Motor Vehicle Repair and Service Facility on Property Located at 12011 and a Portion of 12001 Jefferson Avenue and Zoned C2 General Commercial Continued

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

Councilwoman Scott inquired why the business was called an auto repair shop if they did not repair vehicles. Mr. Frank replied, under Category C2 of the zoning ordinance, small motor vehicle repair was listed as a shop, but in parenthesis, the ordinance listed tire sales and installation. He indicated it was the category that for which the code provided. The conditions for approval described the business as a tire sales and installation facility, with no repairs being made.

Councilwoman Scott inquired what would be needed to properly classify the business and have a category of its own. She stated there would be a proliferation of tire companies on the horizon. Ms. Sheila McAllister, Director, Department of Planning, replied that the business would have to be defined separately. She advised that this specific business was included with small motor vehicle repair mainly because the facilities were similar. Once the facility was actually built, it could be used as a small motor vehicle repair shop. The tire shops tended to have lifts, and were set up like a small motor vehicle repair shop, which was the reason it fell under the category. Councilwoman Scott stated that a huge lot was not required, and her concern, if it encroached on a residential community, beginning as a tire repair facility, but later became a repair shop, there would be major outcry from the community when the cars began to line up on the streets. Ms. McAllister stated that a tire shop would need to be removed from the definition of a small motor vehicle repair business, which was something that could be looked into.

Councilman Bateman filed a declaration in accord with Section 2.2-3115H of the Virginia Code. He declared, pursuant to subdivision A.3 of §2.2-3112 of the Virginia Conflict of Interest Act, for the City Council Agenda of May 24, 2016, (i) the City Manager recommended to the Newport News City Council approval of a conditional use permit by ordinance (CU-16-364, "the transaction"); (ii) that the applicant for the said conditional use permit is the Lloyd Allyn Julien, Jr. Revocable Trust; (iii) that he was an employee of TowneBank, and Lloyd Allyn Julien, Jr. is a client of the bank; however, he did not personally represent or provide services to him; (iv) that he had no personal interest affected by the transaction; and (v) that he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meeting at which the transaction was considered – May 24, 2016; and is attached and made a part of these minutes).

E. Public Hearings Continued

2. Ordinance Granting Conditional Use Permit No. CU-16-364, to the Lloyd Allyn Julien, Jr., Revocable Trust for the Construction and Operation of a Small Motor Vehicle Repair and Service Facility on Property Located at 12011 and a Portion of 12001 Jefferson Avenue and Zoned C2 General Commercial Continued

Vote on Roll Call:

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

Nays: None

3. Ordinance Authorizing Conditional Use Permit No. CU-16-365, to John M. Harris and Jerry W. Harris & the Digges Co., for the Construction and Operation of a Restaurant with Drive-through Service on Property Located at 13921 Jefferson Avenue and a Portion of 14523 Jefferson Avenue and Zoned C1 Retail Commercial

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-365 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING THE CONSTRUCTION AND OPERATION OF A RESTAURANT WITH DRIVE THROUGH SERVICE IN THE LEE HALL CORRIDOR OVERLAY DISTRICT AND ZONED C1 RETAIL COMMERCIAL. This ordinance authorized Conditional Use Permit No. CU-16-365, to John M. Harris and Jerry W. Harris, and the Digges Company to allow for the construction and operation of a Burger King Restaurant with drive-through service on property located at 13921 Jefferson Avenue and a portion of 14523 Jefferson Avenue and zoned C1 Retail Commercial. The property was located in the Lee Hall Corridor Overlay District, which required a conditional use permit for a restaurant with drive-through service and a review of the proposed improvements by its Review Committee. On March 30, 2016, the Lee Hall Corridor Overlay District Review Committee approved the proposed building and site improvements by a 6:1 vote. The request was consistent with the *Framework for the Future 2030* Comprehensive Plan land use map and was compatible with surrounding uses. On May 4, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request with conditions. The City Manager recommended approval.

Mr. Bobby Singley, a Commercial Real Estate Broker, with RJS and Associates, Inc., 423 N. Boundary Street, Williamsburg, represented the applicant CCJ, a licensed Burger King franchisee, which owned and operated 15 Burger Kings, including four located in the City of Newport News. They worked closely with staff to ensure the project met the requirements set forth by the zoning ordinance, and complied with the design guidelines of the Lee Hall Corridor Overlay District. Mr. Singley stated that this Burger King Restaurant would be constructed primarily of brick, with stone accents, and would not look like the typical Burger King. The building signage was reduced to a button sign with the Burger King logo. Parking would be located in the rear of the building, making it less visible from Jefferson Avenue. Low profile LED light fixtures would be used to illuminate the parking lot. There would be a 20-foot

E. Public Hearings Continued

3. Ordinance Authorizing Conditional Use Permit No. CU-16-365, to John M. Harris and Jerry W. Harris & the Digges Co., for the Construction and Operation of a Restaurant with Drive-through Service on Property Located at 13921 Jefferson Avenue and a Portion of 14523 Jefferson Avenue and Zoned C1 Retail Commercial Continued

heavily landscaped buffer along Jefferson Avenue. Mr. Singley advised that there had been a meeting of the property owners in the surrounding area, and a letter of support was received from the property owner abutting the proposed site to the east. He urged City Council's favorable consideration of Conditional Use Permit, CU-16-365, for the construction and operation of a Burger King Restaurant with drive-through service on property located at 13921 Jefferson Avenue.

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

Vote on Roll Call:

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

Nays: None

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

Councilwoman Scott commented that this proposed Burger King Restaurant would be an added value to the area in Lee Hall. There was very little movement there, and any opportunity to provide additional services to that area in the North District, and bring life to an area that needed "cheering up" was awesome. She thanked Mr. Singley and associates for bringing this business to Newport News.

Councilman Bateman filed a declaration in accord with Section 2.2-3115H of the Virginia Code. He declared, pursuant to subdivision A.3 of §2.2-3112 of the Virginia Conflict of Interest Act, for the City Council Agenda of May 24, 2016, (i) the City Manager would discuss with the Newport News City Council the sale of private rights/ownership in City Center and some action by the City may be necessary to effectuate the sale; (ii) that Towne Bank had the possibility of being the financing agent for the purchaser of the said property; (iii) that TowneBank was a group of three or more persons the members of which were directly affected by the transaction in question; (iv) that he was employed as an Executive Vice President of TowneBank, but would not receive any direct compensation from the TowneBank financing previously mentioned, and the purchaser was not a personal client of his at TowneBank; and (v) that he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council meeting at which the transaction was considered – May 24, 2016; and is attached and made a part of these minutes).

E. Public Hearings Continued

3. Ordinance Authorizing Conditional Use Permit No. CU-16-365, to John M. Harris and Jerry W. Harris & the Digges Co., for the Construction and Operation of a Restaurant with Drive-through Service on Property Located at 13921 Jefferson Avenue and a Portion of 14523 Jefferson Avenue and Zoned C1 Retail Commercial Continued

Vote on Roll Call:

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

Nays: None

4. Ordinance Approving an Easement to Lumos Networks, Inc. for a 10-foot Wide Utility Easement for the Installation of Fiber Optic Cable on City-owned Property Located at 100 City Farm Road

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS AND LUMOS NETWORKS, INC., DATED THE 24TH DAY OF MAY, 2016, FOR AN EASEMENT TO INSTALL FIBER OPTIC CABLE ON CERTAIN CITY-OWNED PROPERTY LOCATED AT 100 CITY FARM ROAD IN THE CITY OF NEWPORT NEWS. This ordinance authorized and directed the City Manager to execute a Deed of Easement by and between the City of Newport News, Virginia, and Lumos Networks, Inc. (Lumos) for a 10-foot wide utility easement for the installation of fiber optic cable on City-owned property located at 100 City Farm Road. A request was received from Lumos to grant a utility easement to accommodate the installation of fiber optic cable to the privately-owned telecommunications tower located on the parcel. The expiration of the easement on April 30, 2020, coincided with the City's land lease to the owner of the telecommunication tower to ensure the City had the maximum flexibility should the land lease not be renewed. Lumos agreed to the fair market value of \$300 for the short-term utility easement. The City Manager recommended approval.

City Attorney Owens advised that the application for this item had been withdrawn (a copy of an e-mail message from Lumos Networks, Inc., rescinding the easement request is attached and made a part of these minutes).

(No registered speakers)

F. Consent Agenda

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

1. Minutes of the Work Session of May 10, 2016

F. Consent Agenda Continued

(No registered speakers)

Vote on Roll Call:

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

Nays: None

2. Minutes of the Special Meeting of May 10, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

3. Minutes of the Regular Meeting of May 10, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

4. Resolution of Recognition: 25th Anniversary of Newport News Public Schools-Television (NNPS-TV), *Sports Highlights*

A Resolution of Recognition honoring the 25th Anniversary of the Newport News Public Schools-Television (NNPS-TV), *Sports Highlights*. Since its debut on NNPS-TV in February 1992, *Sports Highlights* featured more than 500 guests, including many athletic legends and public figures. The show was created by Mr. Paul Cummings, who served as the first Executive Producer, and who oversaw the program from 1992 to 2004. Through his interviews, *Sports Highlights*' host, Mr. Greg Bicouvaris, encouraged guests to share insights and perspectives on their backgrounds, sports, family lives, and success. Executive Producer and Director, Mr. Ray Price, led a team of student-videographers from NNPS to capture images to illustrate guests' stories. The team of Mr. Greg Bicouvaris and Mr. Ray Price taped shows in the studio and on location throughout Virginia, Washington D.C., and North Carolina, interviewing and connecting their audience to notable sports figures. *Sports Highlights* earned a Communicator Award in 1999 and again in 2005, and was recognized by the Peninsula Sports Club. The longest running show on NNPS-TV, *Sports Highlights* was produced 11 times per year, and had over 230 episodes. The resolution recognized *Sports Highlights*, that as of February 2017, its cast and crew would have provided 25 years of quality programming for the City of Newport News. The City Manager recommended approval.

(No registered speakers)

F. Consent Agenda Continued

4. Resolution of Recognition: 25th Anniversary of Newport News Public Schools-Television (NNPS-TV), *Sports Highlights* Continued

Vote on Roll Call:

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

Nays: None

5. Resolution Authorizing the City Manager to Execute the Hampton Roads Peninsula Drug Initiative Reciprocal Agreement, formerly called the Peninsula Narcotics Task Force Memorandum of Understanding (MOU)

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN HAMPTON ROADS PENINSULA DRUG INITIATIVE RECIPROCAL AGREEMENT BY AND BETWEEN THE CITY OF HAMPTON, VIRGINIA; THE CITY OF NEWPORT NEWS, VIRGINIA; AND THE VIRGINIA STATE POLICE, BUREAU OF CRIMINAL INVESTIGATION. This resolution authorized and directed the City Manager to execute, on behalf of the City of Newport News, Virginia, the Hampton Roads Peninsula Drug Initiative Reciprocal Agreement (Agreement), formerly called the Peninsula Narcotics Task Force Memorandum of Understanding, by and between the City of Hampton, Virginia, the City of Newport News, Virginia, and the Virginia State Police, Bureau of Criminal Investigation. For several years, the City had been a member of the Peninsula Narcotics Enforcement Task Force, which would be dissolved on June 30, 2016, and replaced by the Hampton Roads Peninsula Drug Initiative. With the dissolution of this named Task Force, a new Agreement was required to replace the Peninsula Narcotics Task Force Memorandum of Understanding (MOU) and recognize the agency's new name. The Hampton Roads Peninsula Drug Initiative Reciprocal Agreement would replace the existing MOU. The purpose of the Agreement was to combine the member agencies' resources with the intent to target the most prolific local, multi-state, and international drug trafficking, and money laundering organizations operating in the Peninsula area of Hampton Roads. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

G. Other City Council Actions

1. 1 of 2: Ordinance Authorizing and Directing the City Manager to Execute Any and All Agreements and Documents Necessary to Purchase Property Located in the Harwood's Mill Reservoir Watershed in York County

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, ANY AND ALL AGREEMENTS AND DOCUMENTS TO IMPLEMENT A PURCHASE OF AN INTEREST IN REAL ESTATE WITHIN THE HARWOOD'S MILL RESERVOIR WATERSHED IN THE COUNTY OF YORK, VIRGINIA. This ordinance authorized and directed the City Manager to execute any and all agreements and documents necessary to implement a purchase of an interest in property located within the Harwood's Mill Reservoir Watershed in York County. This two-part item was required to authorize the City Manager to execute the necessary documents for this transaction and to allocate the funds for the purchase. Acquisition of this property was desired to improve protection of the reservoir, the headwaters of the Poquoson River, and an unnamed tributary within the reservoir watershed. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

2. 2 of 2: Resolution Appropriating \$370,000 from the Waterworks Restricted Land Fund for the Acquisition of Property Located in the Harwood's Mill Reservoir Watershed in York County

A RESOLUTION APPROPRIATING FUNDS FROM WATERWORKS LAND FUND BALANCE TO PURCHASE OF PROPERTY LOCATED NEAR HARWOOD'S MILL RESERVOIR – YORK COUNTY (\$370,000.00). This resolution appropriated \$370,000 from the Waterworks Restricted Land Fund for the acquisition of 11.71 acres in the Harwood's Mill Reservoir Watershed in York County, Virginia. The acquisition of this property allowed Waterworks to improve protection of the reservoir, the headwaters of the Poquoson River and an unnamed tributary within the reservoir watershed. The current York County assessment for this property was \$370,000. The owners of the property offered to sell the property to the City for \$370,000. The \$370,000 appropriation was available in the Waterworks Restricted Land Fund, which was reserved solely for the acquisition of strategic watershed lands. The City Manager recommended approval.

(No registered speakers)

G. Other City Council Actions

2. 2 of 2: Resolution Appropriating \$370,000 from the Waterworks restricted Land Fund for the Acquisition of Property Located in the Harwood's Mill Reservoir Watershed in York County Continued

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

Vote on Roll Call:

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

Nays: None

- (3) Resolution Granting Permission for the Use of the City's Rights-of-Way for Telecommunications Purposes and Authorizing the City Manager to Execute a Temporary Non-Revocable License Agreement (TNRLA) by and between the City and CenturyLink Communications, LLC

A RESOLUTION GRANTING PERMISSION TO USE THE CITY'S RIGHTS-OF-WAY FOR TELECOMMUNICATIONS PURPOSES, AND 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 TEMPORARY, NONEXCLUSIVE, REVOCABLE LICENSE AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND CENTURYLINK COMMUNICATIONS, LLC, DATED THE 1ST DAY OF JULY, 2016. This resolution granted permission for the use of the City's rights-of-ways for telecommunications purposes. Additionally, it authorized the City Manager to execute a Temporary Non-Revocable License Agreement (TNRLA) by and between the City and CenturyLink, LLC. The existing TNRLA between the City and Qwest Communications Company, LLC, now CenturyLink Communications, LLC, approved by City Council in 2011, would expire on June 30, 2016. CenturyLink requested that the TNRLA be renewed for an additional five-year term. CenturyLink agreed that the provisions of the new instrument should be consistent with that which was previously approved. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

H. Appropriations

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

1. Department of Engineering – FY 2016 Bond Authorization, Sewer Rehabilitation Category: Construction of the 28th Street Sanitary Sewer Rehabilitation Project

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO 28TH STREET SANITARY SEWER REHABILITATION (\$130,000). This resolution appropriated \$130,000 from the FY 2016 Bond Authorization, Sewer Rehabilitation Category for construction of the 28th Street Sanitary Sewer Rehabilitation Project. The project scope included the rehabilitation of an existing sanitary sewer main, abandonment of an existing 6-inch sanitary sewer pipe and replacement of sanitary sewer service laterals along 28th Street from 225-28th Street to Huntington Avenue and Huntington Avenue from 28th Street to 27th Street. These improvements would eliminate an ongoing Public Works maintenance issue and improve the flow of sanitary sewer in the area. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

2. Department of Public Works - FY 2016 Bond Authorization, Environmental Category: Citywide Environmental Sustainability Program

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO CITYWIDE ENVIRONMENTAL SUSTAINABILITY PROGRAM (\$210,000). This resolution appropriated \$210,000 from the FY 2016 Bond Authorization, Environmental Category for the Citywide Environmental Sustainability Program. The Environmental Sustainability Program was related to the initial acquisition of EnergyCAP, the City-wide energy management software tool for continual, measurable, and verifiable energy usage. This phase of the program led to direct and indirect improvements in energy usage, water usage, waste generation, and reduction in greenhouse gas emissions. The comprehensive City-wide Environmental Sustainability Program provided staff the ability to enhance the performance of building systems and generate utility and operational savings. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

H. Appropriations Continued

3. Department of Engineering – FY 2016 Bond Authorization, Sewer Rehabilitation Category: Construction of the Roanoke Avenue Sanitary Sewer Rehabilitation Phase V Project

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO ROANOKE AVENUE SANITARY SEWER REHABILITATION PHASE V (\$1,500,000). This resolution appropriated \$1,500,000 from the FY 2016 Bond Authorization, Sewer Rehabilitation Category for construction of the Roanoke Avenue Sanitary Sewer Rehabilitation Phase V project. The project scope included the rehabilitation or replacement of the existing deteriorated sanitary sewer mains that run along Roanoke Avenue from 22nd Street to Garden Drive. This effort was the final phase of the ongoing rehabilitation of sanitary sewers on Roanoke Avenue. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

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

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 indicated that 2017 would be a prosperous year in recycling. He encouraged everyone to get involved in the Green Revolution of Recycling.

Mr. Thompson encouraged citizens to support the Newport News Police Foundation. He thanked Mr. Joe Frank for his service to the Newport News Police Foundation.

Mr. Thompson sought someone to help create a Newport News Fire Foundation, which would be just as important for the public safety and security of the community.

Mr. Thompson stated, since there was a requirement for prisons and jails, prisoners should be used profitably. He advised that he personally did not believe in prisons and jails. He also believed in sending a strong message to juveniles. There were people that looked forward to going to prison, but they were not built for that purpose. Prisons were built to correct and deter behavior.

Mr. Thompson discussed the legalization of marijuana and prostitution in an effort to help build up the City's treasury. The legalization of marijuana opened the door to the green revolution, such as recycling and solar power for everyone.

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

Mr. Gerry Smelt, 811 Lancaster Lane, Newport News, presented previously unreported findings and facts related to rezoning application, CZ-16-379. He stated, in a conversation with the Federal Aviation Administration (FAA) Washington Airport District Office, concern was noted about the amount of traffic proposed for the Habersham extension located within the Runway Protection Zone. The FAA requested that an additional traffic analysis be prepared. Regarding trip generation, Mr. Thomas Herbert, a proponent of the rezoning, asserted that peak traffic conditions would worsen under the existing Light Industrial Zoning, which was incorrect applying the ITE Trip Generation Manual. Regarding Traffic Impact Analysis, which examined traffic on various days in the area of the Fredericksburg, Virginia, Wegmans area, Mr. Smelt suggested that a comparative traffic analysis be conducted. Regarding access compatibility, Mr. Smelt stated the primary and secondary points of ingress and egress for the eight Wegmans located in Virginia were from commercially-oriented roadways. In no case was access taken from a roadway whose primary purpose was to service a residential development. Regarding the impact of extra-jurisdictional through traffic, Mr. Smelt advised, in a 2013 rezoning within the York County portion of Kiln Creek, one of the factors considered by County staff in its recommendation for denial, was transportation. The staff cited Virginia Department of Transportation (VDOT) concerns from a previous development in Kiln Creek whose projected additional traffic would reduce the p.m. peak-hour level of service (LOS) at the signalized intersection of Kiln Creek Parkway and Victory Boulevard from LOS C, to LOS D. With the lack of a thorough analysis of FAA concerns, trip generation, traffic impacts, access compatibility, and through traffic, Mr. Smelt stated it was apparent that neither the Planning Commission or City Council had been provided all of the relevant information necessary to make a well-informed decision (a copy of Mr. Smelt's remarks are attached and made a part of these minutes).

Mr. Tom Langjahr, 821 Holbrook Drive, Newport News (was not available to speak when his name was called).

Ms. Diana Smelt, 811 Lancaster Lane, Newport News, addressed City Council regarding the Commercial Retail Rezoning request from the Peninsula Airport Commission (PAC) to build a Wegmans shopping center. She stated that the Kiln Creek Homeowners Association (HOA) felt compelled to negotiate a Memorandum of Agreement (MOA) for easements, signage, lighting, and other aesthetics with the Airport Commission and the Developer before procedurally necessary. She stated that those items could have normally been proffered or handled during site plan development or platting, and not at this stage of the process. She was appalled that the HOA agreed to a "will not oppose" a stance via this MOA without affirmation from the residents that they were elected to represent. They had also agreed per section 5(b) of the MOA, that if a Wegmans is not built, they will "not oppose" the development of a shopping center. By their silence, Ms. Smelt indicated that the HOA had thrown both the Newport News and York County Kiln Creek residents "under the bus." Of equal concern, the City Manager, by being a signatory on the MOA had shown himself willing under the guise as Chairman of the PAC to insert himself in negotiations resulting from a rezoning application in which he repre-

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

sents the landowner. She stated it was not surprising that these negotiations proved to be favorable to the developer. Ms. Smelt provided a copy of the MOA between the Developer, PAC, and the Kiln Creek HOA Board (attached and made a copy of these minutes). She urged members of City Council to oppose the rezoning of the airport property from light industrial to retail commercial (a copy of Ms. Smelt's remarks are attached and made a part of these minutes).

Mr. George Oest, 2218 Halifax Place, Newport News, chose not to speak when his name was called.

Mr. Alan Altschuler, 951 Edgewater Drive, Newport News, addressed City Council about the proposed Wegmans rezoning project, specifically, a couple of items from the Economic Impact Statement, which was prepared September 29, 2015, and revised on March 11, 2016, for the developer. Mr. Altschuler commented on Wegmans bringing in \$100 million in sales per year, which amounted to \$275,000 per day annually. He questioned the amount that other existing businesses would lose in sales. Mr. Altschuler read what the Consultant said about that topic: "Consistent with the mature and sophisticated retail market existing in Newport News, the entry of Plaza at Jefferson tenants into the market, will create no new demand for retail products within the region. Wegmans brings in \$100 million in sales per year, but the other existing grocery stores and restaurants would lose \$100 million in sales." The report also says that approximately 71% of the lost sales were from existing Newport News businesses. Mr. Altschuler stated that existing Newport News restaurants and grocery stores would lose \$71 million in sales. The second fact mentioned was that Wegmans would bring in 500 jobs. According to the report, the number of full-time jobs that Wegmans would bring in totaled 185, with all other jobs being part-time. Mr. Altschuler stated, businesses were losing sales, and the businesses would more than likely cut jobs. He further stated if businesses were losing \$275,000 per day, other businesses would lose jobs. There may not be any jobs as a result.

Ms. Kelly Ng, 1371 Lake Drive, Newport News, a Veterinarian at Ft. Eustis, advised that she and her husband were Millenials. She was told from the May 10, 2016 Meeting that Millenials were trying to push the Wegmans project. Ms. Ng expressed opposition to the rezoning of the airport property for a Wegmans Shopping Center development project at Jefferson Avenue and Brick Kiln Boulevard. She advised that she went to college in New York and was very familiar with Wegmans and what they had to offer. She stated it took her and her husband eight years to save enough money to buy a home, and they chose Newport News because they loved the area. She advised that both she and her husband worked full-time, and had to stick to a budget to be able to pay their bills and maintain their lifestyle. She advised that she and her husband had saved enough to have a wedding in April 2016, but still had their student loans to pay each month, and now have a mortgage payment. She indicated they had to budget in order to accomplish paying off their debt. She further advised that they had to shop at affordable stores. Their experience with Wegmans was that it was not affordable. Other Millenials were probably in the same boat, with student loans, credit card debt, rent, car payments, and other financial obligations, such as health care. Ms. Ng stated they would not be able to afford Wegmans either.

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

She advised that Millennials also budgeted their time – seeking more time to spend with their family and friends, enjoying Newport News, and the green space. They did not want to spend their time in traffic, which was a major concern should the shopping center be constructed. Ms. Ng urged members of City Council to speak with their Millennial constituents, and to ask whether they were interested in having another shopping center and traffic. She asked them to make their opinions matter rather than the few that spoke and sought to profit from a Wegmans development.

Mr. Trevor Selleck Ng, 1371 Lake Drive, Newport News, active duty stationed at Joint Base Langley-Eustis, stated there were multiple grocery stores throughout the Jefferson Avenue/Kiln Creek area – Farm Fresh, Fresh Market, Kroger, Whole Foods, and multiple Food Lions. He did not see the benefit of bringing another. He stated he and his wife were not inclined to shop at Wegmans. He reiterated that that area was notorious for traffic. He did not see how the proposed traffic plan improvements would make traffic better.

J. New Business and Councilmember Comments

Responding to comments made by Mr. Antonio Thompson, City Manager Bourey advised that Newport News did have a Fire Foundation, which was important for funding certain items and products for the Newport News Fire Department.

City Manager Bourey announced a Memorial Day Concert with the United States Air Force Heritage of America Band, on Monday, May 30, 2016, 7:30 p.m., City Center at Oyster Point. The Concert was sponsored by the Virginia Arts Festival. All citizens were encouraged to attend.

Mayor Price recognized efforts of the Mayor's Youth Commission, a wonderful group of students that had great projects during the 2016 year. He announced that the Mayor's Youth Commission held their closing program on Monday, May 23, 2016, 7:30 p.m., at the South Morrison Family Education Center (416 Adams Drive). Seniors in the program addressed the audience, advising of the College they would attend, and their major.

Councilwoman Scott thanked the citizens for their attendance and participation, and for expressing their opinions. She stated that citizens' opinions did matter to the members of City Council.

Councilwoman Scott shared that she had received numerous calls from citizens about mosquitoes. She advised that pesticide spraying for mosquitoes would begin on June 1, 2016.

Councilwoman Scott announced a Ceremony Celebrating the 50th Anniversary of Newport News Park on Friday, May 27, 2016, 11:00 a.m., Shelters 19 and 20. All citizens were invited and welcome to attend.

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May 24, 2016

J. New Business and Councilmember Comments Continued

Councilwoman Scott announced the 28th Annual “Clean the Bay Day,” on Saturday, June 4, 2016, 9:00 a.m. – 12 noon. Interested volunteers were urged to call Mr. Tanner Council at (757) 622-1964.

Councilwoman Scott extended Happy Birthday wishes to Mr. Mike Minarik, who was not attending City Council meetings as often as in the past.

Councilwoman Scott indicated that she was honored to have the presence of Mr. Arthur Keyes in the Council Chambers one last time. (Mr. Keyes was a well-respected citizen in North Newport News that attended City Council meetings for many years. City Council had agreed at the May 17, 2016 City Council Meeting to drape the chair that was reserved for Mr. Keyes for one meeting in his honor). She attended his homegoing (funeral service) on May 10, 2016, at Emmanuel Baptist Church (521 North Avenue). His family was proud that City Council would honor him one last time by reserving his seat at the May 24, 2016 Regular Meeting of City Council.

Councilwoman Vick thanked the citizens for their attendance, particularly the residents of Kiln Creek, for the information provided to members of City Council. She reminded them that their voices did matter and were much appreciated.

Councilwoman Vick had the pleasure of attending the Annual Newport News Redevelopment and Housing Authority Scholarship Banquet, held on Tuesday, May 24, 2016, 5:30 p.m., at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue). Fourteen Newport News High School students were awarded scholarships (12 high school seniors, plus two adult learners). She congratulated all of the recipients and recognized Ms. Karen Wilds, Director, Newport News Redevelopment and Housing Authority (NNRHA) and her staff for all of the work done to make this occur annually. Councilwoman Vick was the recipient of the first scholarship awarded by the NNRHA in 1980.

Councilwoman Vick announced that King-Lincoln Park Day would be held on Saturday, June 4, 2016, 12 noon – 5:00 p.m., held at King-Lincoln Park (600 Jefferson Avenue). The event was free with rides, community exhibits, live entertainment and fun for all. All citizens were welcome.

Councilman Bateman extended condolences to the family of Ms. Frances Beecroft, who died on May 17, 2016. Ms. Beecroft and her family owned a business in the City of Newport News for over 50 years (Beecroft & Bull was founded in Newport News in 1958). She was a great neighbor and friend.

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

J. New Business and Councilmember Comments Continued

Councilwoman Cherry sought clarity on Consent Agenda Item 5 regarding the Hampton Roads Peninsula Drug Initiative Reciprocal Agreement, formerly called the Peninsula Narcotics Task Force Memorandum of Understanding. On page 4 of the agreement under Assignment: Member agencies would provide the following personnel at their discretion: HPD: one Sergeant, one Detective, and two support staff; NNPD: one Detective; and VSP: One Special Agent. Councilwoman Cherry inquired why the Newport News Police Department only provided one Detective. Chief Richard Myers, NNPD, responded that varying numbers had been provided to serve on Task Forces, but they had to cut back with the number of vacancies on the NNPD. He stated that officers were on the FBI Safe Street Task Force, DEA Task Force, ATF Gun Task Force, and others. The NNPD were very supportive of the Task Forces, but their top priority was to have officers on the streets protecting Newport News neighborhoods. He advised, as vacancies were filled, the numbers assigned to Task Forces would increase. City Manager Bourey stated that the challenge had been hiring and retaining police officers; but there was a push to fill the vacancies and were working hard to change that.

Councilwoman Cherry announced that the South District “Your Voice Matters” Town Hall Meetings would be held on Thursday, June 9, 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, June 16, 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. There would be a panel made up of representatives from eight to ten of the City’s Operating Departments. The panelists would share their role and functions. 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 announced the Juneteenth Freedom Festival would be held on Saturday, June 18, 2016, 11:00 a.m. to 4:00 p.m. at the Farmer’s Market (28th and Jefferson Avenue). The event was hosted by the Downtown Newport News Merchants and Neighbors Association, Inc. The event would be free and open to the public with fun for all ages. Exhibitors and Vendors were needed. Community Service Awards would also be presented to citizens that went above and beyond to help the City to prosper.

Councilwoman Cherry asked for continued prayers for the family of Mr. Arthur Keyes. She encouraged all citizens to step up to the plate as Mr. Keyes stepped up to the plate to help preserve his community.

Councilwoman Cherry reminded citizens to remember their recycling and bulk pick-up days.

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.”

DRAFT

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May 24, 2016

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 8:15 P.M.

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

4. Ordinance Amending City Code, Chapter 42, Water Supply; Article I., In General; Section 42-15, Stopping Service through Cut Off or Removal of Water Meter, Generally; and Article III., Water Rates and Fees; Section 42-40, When and Where Bills are Due and Payable; Delinquency

ACTION: A REQUEST TO ADOPT AN ORDINANCE AMENDING CITY CODE, CHAPTER 42, WATER SUPPLY; ARTICLE I., IN GENERAL; SECTION 42-15, STOPPING SERVICE THROUGH CUT OFF OR REMOVAL OF WATER METER, GENERALLY; AND ARTICLE III., WATER RATES AND FEES; SECTION 42-40, WHEN AND WHERE BILLS ARE DUE AND PAYABLE; DELINQUENCY; TO BE IN COMPLIANCE WITH THE *CODE OF VIRGINIA*.

- BACKGROUND:
- Certain changes to Chapter 42 of the City Code are necessary to bring it into compliance with new State Code as a result of the recent passage of House Bill 919 through the State Legislature.
 - Specifically, Sections 42-15(a)(4) and 42-40(a) reflect changing the words "two months" to "60 days" in reference to the length of time before which water service will be stopped for nonpayment.
 - In addition, Chapter 42-40(a) shows a change to specify when notification will be sent to the customer that a payment is delinquent.
 - Chapter 42-40(a) will specify that at least 10 days prior to cessation of the water supply for nonpayment, written notification will be sent to the customer.
 - The Waterworks Department is currently in compliance with each of the changes above, and requests adoption of these changes effective July 1, 2016.
 - The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re Waterworks Dept Code Changes
sdm14376 Amending Sec. 42-15 and Sec. 42-40

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 8, 2016

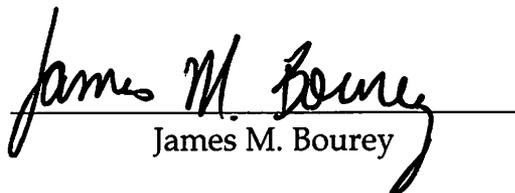
TO: The Honorable City Council
FROM: City Manager
SUBJECT: City Code Amendments – Waterworks Department

During the 2016 Virginia General Assembly session, House Bill 919 was passed which affects canceling water service to customers for nonpayment of charges. As a result, certain amendments to the City Code, Chapter 42, Water Supply are necessary.

Chapter 42-15 (a) (4) and 42-40 (a) reflect changing the words “two months” to “60 (sixty) days” in reference to the length of time before water service will be stopped for nonpayment. In addition, Chapter 42-40 (a) reflects a change to specify when notification will be sent to the customer that a payment is delinquent. The Code amendment specifies that notification will be sent 30 (thirty) days after the bill has become delinquent to notify the customer of the delinquency. Finally, Chapter 42-40 (a) specifies that, at least 10 days prior to cessation of the water supply for nonpayment, written notification of the planned stoppage will be sent to the customer.

The Waterworks Department is currently in compliance with each of the City Code amendments identified above. The amendments will bring City Code in alignment with the new State Code and existing Waterworks Department practice.

I recommend adoption of these ordinance amendments, with an effective date of July 1, 2016.


James M. Bourey

JMB:WW:wmp

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 42, WATER SUPPLY, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., IN GENERAL, SECTION 42-15, STOPPING SERVICE THROUGH CUT OFF OR REMOVAL OF WATER METER, GENERALLY; ARTICLE III., WATER RATES AND FEES, SECTION 42-40, WHEN AND WHERE BILLS ARE DUE AND PAYABLE; DELINQUENCY.

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 I., In General, Section 42-15, Stopping service through cut off or removal of water meter, generally; Article III., Water Rates and Fees, Section 42-33, Rates and fees, and Section 42-40, When and where bills are due and payable; delinquency, be, and the same hereby is, amended and reordained as follows:

CHAPTER 42

WATER SUPPLY

ARTICLE I. IN GENERAL

Sec. 42-15. Stopping service through cut off or removal of water meter, generally.

- (a) Water service may be stopped through cut off or removal of the water meter by the city for any of the following reasons, until the defects or defaults have been corrected:
- (1) For willful waste of water through improper or imperfect pipes, fixtures, or otherwise.
 - (2) For the use of water through fire sprinkler service for any other purpose than fire protection.
 - (3) In case of vacancy of the premises.
 - (4) For nonpayment for water service, sewer service, or other fees accrued or accruing pursuant to this chapter, when such charges are ~~two months~~ sixty days past due.
 - (5) For violation or noncompliance with any state health department regulation.
 - (6) For blocking a water meter in a manner that impairs or prohibits reading or

servicing a meter in violation of section 42-9

- (7) For tampering with a meter device.
 - (8) For unauthorized use or diverting water from the water system.
 - (9) When requested, in writing, by another governmental agency, or by the jurisdiction in which the water service is located, when allowed by law.
- (b) In case water is cut off under this section, the field service fee will apply.
- (c) Upon removal of the meter for a violation of this section, the meter out fee will be charged.
- (d) When water has been cut off, as provided for in this section, water service will be restored upon a proper application, only when the conditions under which such service was stopped are corrected and upon the payment of all applicable fees or making satisfactory provision therefor.

ARTICLE III. WATER RATES AND FEES

Sec. 42-40. When and where bills are due and payable; delinquency.

- (a) Bills shall be due and payable on or before the due date printed on the bill at places designated by the city. If not received by the city by the due date, the bill shall be considered delinquent and the customer shall be charged a late penalty fee ~~and a notification to that effect shall be given~~. If payment for the full amount of the charges, late penalty fee and interest is not received by the city within 30 days thereafter, the city shall notify the customer of the delinquency. If bills are not subsequently paid within two months, the full amount of the charges, late fee, and interest is not received by the city within 60 days after the late penalty fee and charges are due, service shall be discontinued unless satisfactory arrangements for payment of the bill are made with the department. Water service that is furnished to the same customer at different locations, may be discontinued when a bill for any of the customer's locations becomes delinquent for a period of two months or more. At least ten business days prior to ceasing the supply of water, the city shall supply the customer written notice of such cessation.
- (b) When water has been discontinued pursuant to this section, it shall not be turned on again until all fees prescribed by this chapter have been paid or satisfactory arrangements have been made for the payment thereof.

(c) No customer who is delinquent in water payments at one (1) location shall have the right to water at any other location at which he is the applicant, provided notice has been provided as to each location affected.

(d) Unless a lien has been recorded against the property owner for nonpayment of water service or other fees under this chapter, water service shall not be denied to a new tenant based on a former tenant's delinquent bill.

2. That this ordinance shall be in effect on and after July 1, 2016.

G. Other City Council Actions

1. Resolution Authorizing the City Manager to Execute an Amended Grant Agreement between the City of Newport News, Virginia and the Virginia Department of Environmental Quality (DEQ) for the Stoney Run Regional BMP Project

ACTION: A REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED GRANT AGREEMENT BETWEEN THE CITY AND THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) FOR THE STONEY RUN REGIONAL BMP PROJECT.

BACKGROUND:

- The project is located northeast of Warwick Boulevard in an area formerly known as the Stoney Run Sand Pits near Courthouse Green.
- The improvements are intended to expand the capacity of the existing Stoney Run BMP to meet current Stormwater regulations.
- The City entered into the original grant agreement with DEQ in January 2016.
- The original agreement, which previously included improvements at the Glen Allen and Turnberry Channels, is being amended to include the Stoney Run BMP project.

FISCAL IMPACT:

- The City is required to execute the amended grant agreement to utilize the SLAF grant funds.
- Council previously appropriated a total of \$4,550,400; \$2,275,200 of SLAF grant funds and \$2,275,200 in City matching funds for this project.
- The City Manager recommends approval.

ATTACHMENTS:

Description

CM Memo re Stoney Run Regional BMP Project

sdm14343 Authorizing an Amendment to Grant Agmt between DEQ and City

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

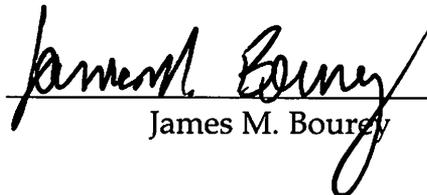
June 8, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Stoney Run Regional BMP Project

City Council is requested to approve a resolution authorizing the City Manager to execute an amended Stormwater Local Assistance Fund (SLAF) grant agreement with the Department of Environmental Quality (DEQ) for the Stoney Run Regional BMP Project. The project is located northeast of Warwick Boulevard in an area formerly known as the Stoney Run Sand Pits near Courthouse Green. The improvements are intended to expand the capacity of the existing Stoney Run BMP to meet current Stormwater regulations.

The City entered into the original grant agreement with DEQ in January of 2016. The original agreement, which previously included improvements at the Glen Allen and Turnberry channels, is being modified to include the Stoney Run Regional BMP Project. The City is required to execute the amended grant agreement to utilize the SLAF grant funding. Council previously appropriated a total of \$4,550,400; \$2,275,200 of SLAF grant funds and \$2,275,200 in City matching funds for this project. Construction is expected to take 18 months with anticipated completion in December 2017.

I recommend approval of the resolution.


James M. Bourcy

JMB:JAC:wjr

cc: Everett Skipper, Director, Department of Engineering

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, AN AMENDMENT TO THAT CERTAIN GRANT AGREEMENT BY AND BETWEEN THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY OF NEWPORT NEWS, VIRGINIA, DATED THE 26TH DAY OF JANUARY, 2016, FOR STORMWATER PROJECTS TO ADD ADDITIONAL GRANT FUNDS FOR THE COMPLETION OF THE STONEY RUN BMP PROJECT.

WHEREAS, on January 26, 2016, the City Council adopted a resolution conveying authority to the City Manager to execute a Grant Agreement by and between the Virginia Department of Environmental Quality and the City of Newport News for matching funds for the Turnberry Wells Project and the Glen Allen Court Project; and

WHEREAS, the Department of Environmental Quality has proposed an Amendment dated April 25, 2016 to that Agreement that would grant additional matching funds for the Stoney Run BMP Project.

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

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Amendment to the Grant Agreement by and between the Virginia Department of Environmental Quality and the City of Newport News, Virginia, dated the 25th day of April 2016, for stormwater projects.

2. That a copy of the said Amendment is attached hereto and made a part hereof.

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

CLEAN WATER FINANCING AND ASSISTANCE PROGRAM STORMWATER LOCAL ASSISTANCE FUND (SLAF)

AMENDMENT TO GRANT AGREEMENT

Grantee: City of Newport News, Virginia

SLAF Grant No.: 14-10

Grant Modification No.: 1

The following modifications have been made to the original SLAF Grant Agreement based upon the addition of the listed projects. A new signature page has been enclosed for your use. Please review the modifications and return all materials in duplicate.

1. Amend grant to add Stoney Run project

Amendments to SLAF Grant Agreement:

ARTICLE IV COMPENSATION

4.0. **Grant Amount.** The total Grant award from the Fund under this Agreement is up to **\$2,707,580.00** and represents the Commonwealth's fifty percent (50%) share of the Total Eligible Project Budget. Any material changes made to the Eligible Project after execution of this Agreement, which alters the Total Eligible Project Budget, will be submitted to the Department for review of grant eligibility. The amount of the Grant award set forth herein may be modified from time to time by agreement of the parties to reflect changes to the Eligible Project or the Total Eligible Project Budget.

Attachments: Exhibit A- Eligible Project Description

Exhibit B- Total Project Budget

Exhibit C- Project Schedule

Schedule 1

Exhibit E

**STORMWATER LOCAL ASSISTANCE FUND
GRANT AGREEMENT
SLAF Grant No.: 14-10**

THIS AGREEMENT is made as of this 26th day of January, 2016 and amended this 25th day of April, 2016 by and between the Virginia Department of Environmental Quality (the "Department"), and City of Newport News, Virginia (the "Grantee").

Pursuant to Item 360 in Chapter 860 of the 2013 Acts of Assembly (the Commonwealth's 2013-14 Budget) (the "Act"), the General Assembly created the Stormwater Local Assistance Fund (the "Fund"). The Department is authorized pursuant to Item C-39.40 in Chapter 1 of the 2014 Acts of Assembly, Special Session I, to provide matching grants to local governments for the planning, design, and implementation of stormwater best management practices that address cost efficiency and commitments related to reducing water quality pollutant loads.

The Grantee has been approved by the Department to receive a Grant from the Fund subject to the terms and conditions herein to finance fifty percent (50%) of the cost of the Eligible Project, which consists of the planning, design and implementation of best management practices for stormwater control as described herein. The Grantee will use the Grant to finance that portion of the Eligible Project Costs not being paid for from other sources as set forth in the Total Project Budget in Exhibit B to this Agreement. Such other sources may include, but are not limited to, the Virginia Water Facilities Revolving Fund, Chapter 22, Title 62.1 of the Code of Virginia (1950), as amended.

This Agreement provides for payment of the Grant, design and construction of the Eligible Project, and development and implementation by the Grantee of provisions for the long-term responsibility and maintenance of the stormwater management facilities and other techniques installed under the Eligible Project. This Agreement is supplemental to the State Water Control Law, Chapter 3.1, Title 62.1 of the Code of Virginia (1950), as amended, and it does not limit in any way the other water quality restoration, protection and enhancement, or enforcement authority of the State Water Control Board (the "Board") or the Department.

ARTICLE I
DEFINITIONS

1. The capitalized terms contained in this Agreement shall have the meanings set forth below unless the context requires otherwise:

(a) "Agreement" means this Stormwater Local Assistance Fund Grant Agreement between the Department and the Grantee, together with any amendments or supplements hereto.

(b) "Authorized Representative" means any member, official or employee of the Grantee authorized by resolution, ordinance or other official act of the governing body of the Grantee to perform the act or sign the document in question.

(c) "Capital Expenditure" means any cost of a type that is properly chargeable to a capital account (or would be so chargeable with (or but for) a proper election or the application of the definition of "placed in service" under Treasury Regulation Section 1.150-2(c)) under general federal income tax principles, determined at the time the expenditure is paid.

(d) "Eligible Project" means all grant eligible items of the particular stormwater project described in Exhibit A to this Agreement to be designed and constructed by the Grantee with, among other monies, the Grant, with such changes thereto as may be approved in writing by the Department and the Grantee.

(e) "Eligible Project Costs" means costs of the individual items comprising the Eligible Project as permitted by the Act with such changes thereto as may be approved in writing by the

Department and the Grantee. All Eligible Project Costs shall be Capital Expenditures and no Eligible Project Costs shall be Working Capital Expenditures.

(f) "Extraordinary Conditions" means unforeseeable or exceptional conditions resulting from causes beyond the reasonable control of the Grantee such as, but not limited to fires, floods, strikes, acts of God, and acts of third parties that singly or in combination cause material breach of this Agreement.

(g) "Grant" means the particular grant described in Section 4.0 of this Agreement, with such changes thereto as may be approved in writing by the Department and the Grantee.

(h) "Total Eligible Project Budget" means the sum of the Eligible Project Costs as set forth in Exhibit B to this Agreement, with such changes thereto as may be approved in writing by the Department and the Grantee.

(i) "Total Project Budget" means the sum of the Eligible Project Costs (with such changes thereto as may be approved in writing by the Department and the Grantee) plus any ineligible costs that are solely the responsibility of the Grantee, as set forth in Exhibit B to this Agreement.

(j) "Project Engineer" means the Grantee's engineer who must be a licensed professional engineer registered to do business in Virginia and designated by the Grantee as the Grantee's engineer for the Eligible Project in a written notice to the Department.

(k) "Project Schedule" means the schedule for the Eligible Project as set forth in Exhibit C to this Agreement, with such changes thereto as may be approved in writing by the Department and the Grantee. The Project Schedule assumes timely approval of adequate plans and specifications and timely reimbursement in accordance with this Agreement by the Department.

(l) "Working Capital Expenditure" means any cost that is not a Capital Expenditure. Generally, current operating expenses are Working Capital Expenditures.

(m) "VPBA" means the Virginia Public Building Authority, a political subdivision of the Commonwealth of Virginia.

(n) "VPBA Bonds" means (i) the Virginia Public Building Authority Public Facilities Revenue Bonds, Series 2013A, which were issued by VPBA on February 21, 2013, (ii) any other bonds issued by VPBA, the proceeds of which are used in whole or in part to provide funds for the making of the Grant, and (iii) any refunding bonds related thereto.

ARTICLE II **SCOPE OF PROJECT**

2. The Grantee will cause the Eligible Project to be designed, constructed and placed in operation as described in Exhibit A to this Agreement.

ARTICLE III **SCHEDULE**

3. The Grantee will cause the Eligible Project to be designed, constructed and placed in operation in accordance with the Project Schedule in Exhibit C to this Agreement.

ARTICLE IV **COMPENSATION**

4.0. Grant Amount. The total Grant award from the Fund under this Agreement is up to **\$2,707,580.00** and represents the Commonwealth's fifty percent (50%) share of the Total Eligible

Project Budget. Any material changes made to the Eligible Project after execution of this Agreement, which alters the Total Eligible Project Budget, will be submitted to the Department for review of grant eligibility. The amount of the Grant award set forth herein may be modified from time to time by agreement of the parties to reflect changes to the Eligible Project or the Total Eligible Project Budget.

4.1. Payment of Grant. Disbursement of the Grant will be in accordance with the payment provisions set forth in Section 4.2 herein and the eligibility determinations made in the Total Project Budget (Exhibit B).

4.2. Disbursement of Grant Funds. The Department will disburse the Grant to the Grantee not more frequently than once each calendar month for approved eligible reimbursement of a minimum of one thousand (\$1,000.00) dollars, excluding the final payment, upon receipt by the Department of the following:

(a) A requisition for approval by the Department, signed by the Authorized Representative and containing all receipts, vouchers, statements, invoices or other evidence that costs in the Total Eligible Project Budget, including the applicable local share for the portion of the Eligible Project covered by such requisition, have been incurred or expended and all other information called for by, and otherwise being in the form of, Exhibit D to this Agreement.

(b) If any requisition includes an item for payment for labor or to contractors, builders or material men, a certificate, signed by the Project Engineer, stating that such work was actually performed or such materials, supplies or equipment were actually furnished or installed in or about the construction of the Eligible Project.

Upon receipt of each such requisition and accompanying certificate(s) and schedule(s), the Department shall request disbursement of the Grant to the Grantee in accordance with such requisition to the extent approved by the Department.

Except as may otherwise be approved by the Department, disbursements shall be held at ninety-five percent (95%) of the total Grant amount to ensure satisfactory completion of the Eligible Project. Satisfactory completion includes the submittal to the Department the Responsibilities & Maintenance Plan required by Section 5.1 herein. Upon receipt from the Grantee of the certificate specified in Section 4.5 and a final requisition detailing all retainage to which the Grantee is then entitled, the Department, subject to the provisions of this section and Section 4.3 herein, shall request disbursement to the Grantee of the final payment from the Grant.

4.3 Application of Grant Funds. The Grantee agrees to apply the Grant solely and exclusively to the reimbursement of Eligible Project Costs. The Grantee represents and warrants that the average reasonably expected economic life of the assets to be financed with the Grant is set forth in Exhibit E attached hereto.

4.4. Agreement to Complete Project. The Grantee agrees to cause the Eligible Project to be designed and constructed, as described in Exhibit A to this Agreement, and in accordance with (i) the schedule in Exhibit C to this Agreement and (ii) plans and specifications prepared by the Project Engineer and approved by the Department.

4.5 Notice of Substantial Completion. When the Eligible Project has been completed, the Grantee shall promptly deliver to the Department a certificate signed by the Authorized Representative and by the Project Engineer stating (i) that the Eligible Project has been completed substantially in accordance with the approved plans and specifications and addenda thereto, and in substantial compliance with all material applicable laws, ordinances, rules, and regulations; (ii) the date of such completion; (iii) that all certificates of occupancy and operation necessary for start-up for the Eligible Project have been issued or obtained; and (iv) the amount, if any, to be released for payment of the final Eligible Project Costs.

4.6 Source of Grant Funds; Reliance. The Grantee represents that it understands that the Grant funds are derived from the proceeds of the VPBA Bonds, the interest on which must remain excludible from gross income for federal income tax purposes (that is, "tax- exempt") pursuant to contractual covenants made by VPBA for the benefit of the owners of the VPBA Bonds. The Grantee further represents that (a) the undersigned Authorized Representative of the Grantee has been informed of the purpose and scope of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended, as they relate to the VPBA Bonds and the Grant, and (b) the representations and warranties contained in this Agreement can be relied on by VPBA and bond counsel to VPBA in executing certain documents and rendering certain opinions in connection with the VPBA Bonds.

ARTICLE V

RESPONSIBILITIES AND MAINTENANCE PLAN

5.0 Plan Submittal. No later than thirty (30) days from the date of the Notice of Substantial Completion, the Grantee shall submit to the Department a Responsibilities and Maintenance Plan for the Eligible Project.

5.1 Plan Elements. The plan required by Section 5.0 shall include a description of the project type, a recommended schedule of inspection and maintenance, and the identification of a person, persons or position within an organization responsible for administering and maintaining the plan for the useful service life of the installed facilities. If the Eligible Project includes construction on private property, the plan shall document the Grantee's right to access the Eligible Project for purposes of implementing the plan required by Section 5.0.

5.2 Recordation. Long-term responsibility and maintenance requirements for stormwater management facilities located on private property shall be set forth in an instrument recorded in the local land records and shall be consistent with 9VAC25-870-112 of the Virginia Stormwater Management Program (VSMP) Permit Regulations.

ARTICLE VI

MATERIAL BREACH

6.0. Material Breach. Any failure or omission by the Grantee to perform its obligations under this Agreement, unless excused by the Department, is a material breach.

6.1. Notice of Material Breach. If at any time the Grantee determines that it is unable to perform its obligations under this Agreement, the Grantee shall promptly provide written notification to the Department. This notification shall include a statement of the reasons it is unable to perform, any actions to be taken to secure future performance and an estimate of the time necessary to do so.

6.2. Monetary Assessments for Breach. In case of Material Breach, Grant funds will be re-paid into the State Treasury and credited to the Fund. Within 90 days of receipt of written demand from the Department, the Grantee shall re-pay the Grant funds for the corresponding material breaches of this Agreement unless the Grantee asserts a defense pursuant to the requirements of Section 6.3 herein.

6.3 Extraordinary Conditions.

(a) The Grantee may assert and it shall be a defense to any action by the Department to collect Grant funds or otherwise secure performance of this Agreement that the alleged non-performance was due to Extraordinary Conditions, provided that the Grantee:

(1) takes reasonable measures to effect a cure or to minimize any non-performance with the Agreement, and

(2) provides written notification to the Department of the occurrence of Extraordinary Conditions, together with an explanation of the events or circumstances contributing to such Extraordinary Conditions, no later than 10 days after the discovery of the Extraordinary Conditions.

(b) If the Department disagrees that the events or circumstances described by the Grantee constitute Extraordinary Conditions, the Department must provide the Grantee with a written objection within sixty (60) days of Grantee's notice under paragraph 6.3(a)(2), together with an explanation of the basis for its objection.

6.4 Resolution and Remedy. If no resolution is reached by the parties, the Department may immediately bring an action in the Circuit Court of the City of Richmond to recover part or all of the Grant funds. In any such action, the Grantee shall have the burden of proving that the alleged noncompliance was due to Extraordinary Conditions. The Grantee agrees to venue to any such action in the Circuit Court of the City of Richmond, either north or south of the James River in the option of the Department.

6.5 Indemnification. To the extent permitted by law and without waiving sovereign immunity, and subject to legally available funds lawfully appropriated for such purpose, the Grantee shall indemnify and hold the Department, the Fund, VPBA and the owners of the VPBA Bonds, and their respective members, directors, officers, employees, attorneys and agents (the "Indemnitees"), harmless against any and all liability, losses, damages, costs, expenses, penalties, taxes, causes of action, suits, claims, demands and judgments of any nature arising from or in connection with any misrepresentation, breach of warranty, noncompliance or default by or on behalf of the Grantee under this Agreement, including, without limitation, all claims or liability (including all claims of and liability to the Internal Revenue Service) resulting from, arising out of or in connection with the loss of the excludability from gross income of the interest on all or any portion of the VPBA Bonds that may be occasioned by any cause whatsoever pertaining to such misrepresentation, breach, noncompliance or default, such indemnification to include the reasonable costs and expenses of defending itself or investigating any claim of liability and other reasonable expenses and attorneys' fees incurred by any of the Indemnitees in connection therewith. This paragraph shall not constitute an express or implied waiver of any applicable immunity afforded the Grantee.

ARTICLE VII **GENERAL PROVISIONS**

7.0. Effect of the Agreement on Permits. This Agreement shall not be deemed to relieve the Grantee of its obligations to comply with the terms of its Virginia Pollutant Discharge Elimination System (VPDES) and/or Virginia Water Protection (VWP) permit(s) issued by the Board. This Agreement does not obviate the need to obtain, where required, any other State or Federal permit(s).

7.1. Disclaimer. Nothing in this Agreement shall be construed as authority for either party to make commitments which will bind the other party beyond the covenants contained herein.

7.2. Non-Waiver. No waiver by the Department of any one or more defaults by the Grantee in the performance of any provision of this Agreement shall operate or be construed as a waiver of any future default or defaults of whatever character.

7.3. Integration and Modification. This Agreement constitutes the entire Agreement between the Grantee and the Department. No alteration, amendment or modification of the provisions of this Agreement shall be effective unless reduced to writing, signed by both the parties and attached hereto.

This Agreement may be modified by agreement of the parties for any purpose, provided that any significant modification to this Agreement must be preceded by public notice of such modification.

7.4. Collateral Agreements. Where there exists any inconsistency between this Agreement and other provisions of collateral contractual agreements which are made a part of this Agreement by reference, the provisions of this Agreement shall control.

7.5. Non-Discrimination. In the performance of this Agreement, the Grantee warrants that it will not discriminate against any employee, or other person, on account of race, color, sex, religious creed, ancestry, age, national origin or other non-job related factors. The Grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

7.6. Conflict of Interest. The Grantee warrants that it has fully complied with the Virginia Conflict of Interest Act as it may apply to this Agreement.

7.7. Applicable Laws. This Agreement shall be governed in all respects whether as to validity, construction, capacity, performance or otherwise, by the laws of the Commonwealth of Virginia. The Grantee further agrees to comply with all laws and regulations applicable to the Grantee's performance of its obligations pursuant to this Agreement.

7.8. Records Availability. The Grantee agrees to maintain complete and accurate books and records of the Eligible Project Costs, and further, to retain all books, records, and other documents relative to this Agreement for three (3) years after final payment. The Department, its authorized agents, and/or State auditors will have full access to and the right to examine any of said materials during said period. Additionally, the Department and/or its representatives will have the right to access work sites during normal business hours, after reasonable notice to the Grantee, for the purpose of ensuring that the provisions of this Agreement are properly carried out.

7.9. Severability. Each paragraph and provision of this Agreement is severable from the entire Agreement; and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect.

7.10. Notices. All notices given hereunder shall be in writing and shall be sent by United States certified mail, return receipt requested, postage prepaid, and shall be deemed to have been received at the earliest of: (a) the date of actual receipt of such notice by the addressee, (b) the date of the actual delivery of the notice to the address of the addressee set forth below, or (c) five (5) days after the sender deposits it in the mail properly addressed. All notices required or permitted to be served upon either party hereunder shall be directed to:

Department: Virginia Department of Environmental Quality
Clean Water Financing and Assistance Program
P.O. Box 1105
Richmond, VA 23218
Attn: CWFAP Program Manager

Grantee: City of Newport News, Virginia
2400 Washington Avenue
10th Floor, City Hall
Newport News, VA 23607
Attn: Mr. James M. Bourey

7.11. Successors and Assigns Bound. This Agreement shall extend to and be binding upon the parties hereto, and their respective legal representatives, successors and assigns.

7.12. Exhibits. All exhibits to this Agreement are incorporated herein by reference.

7.13. Termination. The Agreement shall terminate upon final reimbursement to the Grantee.

**ARTICLE VIII
COUNTERPARTS**

8. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

**ARTICLE IX
CREDIT GENERATION**

9. Any land area generating stream or wetland mitigation credits from the Eligible Project is not eligible for the generation of any other environmental credits. Any project designs approved by the Department under the Grant may not meet the design requirements for approval from other State or Federal water programs. The Grantee is responsible for obtaining information on design and permit requirements for the type of environmental credit they are seeking.

WITNESS the following signatures, all duly authorized.

DEPARTMENT OF ENVIRONMENTAL QUALITY

By: _____

Its: _____

Date: _____

GRANTEE'S AUTHORIZED REPRESENTATIVE

By: _____

Its: City Manager _____

Date: _____

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

EXHIBIT A

ELIGIBLE PROJECT DESCRIPTION

Grantee: City of Newport News, Virginia

SLAF Grant No.: 14-10

Project Description:

Turnberry Wells: 790 linear feet of stream restoration.

Glen Allen Court: 1050 linear feet of stream restoration.

Stoney Run: Installation of stream restoration structures, realignment of the stream, wetland plantings, and structural drainage improvements. Project also includes installation of a connecting channel from the stream to the north lake, a channel between 2 existing lakes, and dredging of both lakes.

EXHIBIT B

TOTAL PROJECT BUDGET

Grantee: City of Newport News, Virginia

SLAF Grant No.: 14-10

The following budget reflects the estimated costs associated with eligible cost categories of the project.

Project Category / Project Name	Project Cost	SLAF Eligible	Grant %	Grant Amount
Design Engineering				
Turnberry Wells	\$130,515.00	\$ -		\$0.00
Glen Allen Court	\$31,545.00	\$ -		\$0.00
Stoney Run	\$201,146.00	\$ 201,146.00	50.00%	\$100,573.00
				\$0.00
Sub-Total	\$363,206.00			\$100,573.00
Construction				
Turnberry Wells	\$492,243.25	\$ 492,244.00	50.00%	\$246,122.00
Glen Allen Court	\$464,245.80	\$ 351,932.00	50.00%	\$175,966.00
Stoney Run	\$4,345,226.00	\$ 4,345,226.00	50.00%	\$2,172,613.00
				\$0.00
Sub-Total	\$5,301,715.05	\$ 5,189,402.00	50.00%	\$2,594,701.00
Other				
Contingency-Turnberry Wells	\$24,612.00	\$ 24,612.00	50.00%	\$12,306.00
				\$0.00
				\$0.00
				\$0.00
Sub-Total	\$24,612.00	\$ 24,612.00	50.00%	\$12,306.00
TOTALS	\$5,689,533.05	\$ 5,214,014.00	50.00%	\$2,707,580.00

City of Newport News, Virginia

EXHIBIT C

PROJECT SCHEDULE

Grantee: City of Newport News, Virginia

SLAF Grant No.: 14-10

The Grantee has proposed the following schedule of key activities/milestones as a planning tool which may be subject to change. Unless authorized by a grant modification, it is the responsibility of the Grantee to adhere to the anticipated schedule for the Eligible Project as follows:

Project Name	Project Description / Milestone	Schedule / Timeline	Note
Turnberry Wells	Start Constntruction	2/1/2016	
	Complete Construction	6/30/2016	
Glen Allen Court	Start Construction	2/1/2016	
	Complete Construction	6/30/2016	
Stoney Run	Start Construction	5/1/2016	
	Complete Construction	6/1/2017	

1. Project notes (if any).

EXHIBIT D

REQUISITION FOR REIMBURSEMENT
(To be on Grantee's Letterhead)

Department of Environmental Quality
Clean Water Financing and Assistance Program
P.O. Box 1105
Richmond, VA 23218
Attn.: CWFAP Program Manager

RE: Stormwater Local Assistance Fund Grant

SLAF Grant No.: 14-10

Dear Program Manager:

This requisition, Number _____, is submitted in connection with the referenced Grant Agreement, dated as of [*insert date of grant agreement*] between the Virginia Department of Environmental Quality and _____. Unless otherwise defined in this requisition, all capitalized terms used herein shall have the meaning set forth in Article I of the Grant Agreement. The undersigned Authorized Representative of the Grantee hereby requests disbursement of grant proceeds under the Grant Agreement in the amount of \$_____, for the purposes of payment of the Eligible Project Costs as set forth on Schedule I attached hereto.

Copies of invoices relating to the items for which payment is requested are attached.

The undersigned certifies that the amounts requested by this requisition will be applied solely and exclusively to the reimbursement of the Grantee for the payment of Eligible Project Costs that are Capital Expenditures.

This requisition includes (if applicable) an accompanying Certificate of the Project Engineer as to the performance of the work.

Sincerely,

(Authorized Representative of the Grantee)

Attachments

City of Newport News, Virginia

**CERTIFICATE OF THE PROJECT ENGINEER
FORM TO ACCOMPANY REQUEST FOR REIMBURSEMENT**

Grantee: City of Newport News, Virginia

SLAF Grant No.: 14-10

This Certificate is submitted in connection with Requisition Number _____, dated _____, 20__, submitted by the _____ (the "Grantee") to the Virginia Department of Environmental Quality. Capitalized terms used herein shall have the same meanings set forth in Article I of the Grant Agreement referred to in the Requisition.

The undersigned Project Engineer for _____ hereby certifies that insofar as the amounts covered by this Requisition include payments for labor or to contractors, builders or material men, such work was actually performed or such materials, supplies, or equipment were actually furnished to or installed in the Eligible Project.

(Project Engineer)

(Date)

SCHEDULE 1
STORMWATER LOCAL ASSISTANCE FUND
FORM TO ACCOMPANY REQUEST FOR REIMBURSEMENT

REQUISITION # _____
 Grantee: City of Newport News, Virginia

SLAF Grant No.: 14-10 CERTIFYING SIGNATURE: _____ TITLE: _____

Cost Category	Total Project Budget	SLAF Eligible Project Budget	SLAF 50% Grant Budget	Eligible Expenditures This Period	Current Grant Payment	Previous Grant Payment	Total Grant Payments to Date	SLAF Grant Balance
Engineering								
Turnberry Wells	\$0.00	\$0.00	\$0.00					
Glen Allen Court	\$0.00	\$0.00	\$0.00					
Stoney Run	\$201,146.00	\$201,146.00	\$100,573.00					
Sub-Total	\$201,146.00	\$201,146.00	\$100,573.00					
Construction								
Turnberry Wells	\$492,243.25	\$492,244.00	\$246,122.00					
Glen Allen Court	\$464,245.80	\$351,932.00	\$175,966.00					
Stoney Run	\$4,345,226.00	\$4,345,226.00	\$2,172,613.00					
Sub-Total	\$5,301,715.05	\$5,189,402.00	\$2,594,701.00					
Other								
Contingency (5%) Turnberry	\$24,612.00	\$24,612.00	\$12,306.00					
Sub-Total	\$24,612.00	\$24,612.00	\$12,306.00					
Totals	\$5,527,473.05	\$5,415,160.00	\$2,707,580.00					

Total Grant Amount: \$ 2,707,580.00
 Previous Disbursements: \$ _____
 This Request: \$ _____
 Grant Proceeds Remaining: \$ _____

City of Newport News, Virginia

EXHIBIT E

DETERMINATION OF AVERAGE REASONABLY EXPECTED ECONOMIC LIFE OF PROJECT ASSETS

Grantee: City of Newport News, Virginia

SLAF Grant No.: 14-10

The Internal Revenue Code of 1986, as amended, limits the length of average maturity for certain tax-exempt bonds, such as the VPBA Bonds, to no more than 120% of the average reasonably expected economic life of the assets being financed with the proceeds of such bonds. This life is based on Revenue Procedure 62-21 as to buildings and Revenue Procedures 83-35 and 87-56 as to equipment and any other assets. In this Exhibit, the Grantee will certify as to the average reasonably expected economic life of the assets being financed by the Grant.

Please complete the attached chart as follows:

Step 1. Set forth in Column II the corresponding total cost of each type of asset to be financed with the Grant.

Step 2. Set forth in Column III the economic life of each type of asset listed in accordance with the following:

Land. Exclude the acquisition of any land financed with a portion of the Grant funds from the economic life calculation.

Land Improvements. Land improvements (i.e., depreciable improvements made directly to or added to land) include sidewalks, roads, canals, waterways, site drainage, stormwater retention basins, drainage facilities, sewers (excluding municipal sewers), wharves and docks, bridges, fences, landscaping, shrubbery and all other general site improvements, not directly related to the building. Buildings and structural components are specifically excluded. 20 years is the economic life for most stormwater projects.

Buildings. Forty years is the economic life for most buildings.

Equipment. Please select an Asset Depreciation Range ("ADR") midpoint or class life for each item of equipment to be financed. The tables of asset guideline classes, asset guideline periods and asset depreciation ranges included in IRS Revenue Procedures 83-35 and 87-56 may be used for reference. To use the tables, you should first determine the asset guideline class in which each item of equipment falls. General business assets fall into classes 00.11 through 00.4 to the extent that a separate class is provided for them. Other assets, to the extent that a separate class is provided, fit into one or more of classes 01.1 through 80.0. Subsidiary assets (jigs, dies, molds, patterns, etc.) are in the same class as are the other major assets in an industry activity unless the subsidiary assets are classified separately for that industry. Each item of equipment should be classified according to the activity in which it is primarily used. If the equipment is not described in any asset guideline class, its estimated economic life must be determined on a case by case basis.

Contingency. Any amounts shown on the Project Budget as "contingency" should be assigned to the shortest-lived asset. For example, contingency for a stormwater project should likely be given an economic life of 20 years.

Step 3. Set forth in Column IV the date each asset is expected to be placed in service. An asset is first placed in service when it is first placed in a condition or state of readiness and available for a specifically assigned function. For example, the placed in service date for a stormwater project is likely the project's expected completion date.

Step 4. Determine the adjusted economic life of the asset in Column V by adding the amount of time between February 21, 2013 (the earliest date upon which the VPBA Bonds were issued) and the specified placed in service date from Column IV. For example, if a stormwater project with an economic life of 20 years will be placed in service 2 years after February 21, 2013, then the adjusted economic life for such stormwater project should be 22.

City of Newport News, Virginia

Step 5. For Column VI, multiply the Total Costs Financed with the Grant from Column II by the Adjusted Economic Life from Column V for each type of asset.

Step 6. Total all the entries in Column II and in Column VI.

Step 7. Divide the total of Column VI by the total of Column II. The quotient is the average reasonable expected economic life of the assets to be financed with the Grant.

AVERAGE REASONABLY EXPECTED ECONOMIC LIFE OF PROJECT ASSETS

Column I	Column II	Column III	Column IV	Column V	Column VI
<u>Asset</u>	<u>Total Cost Financed with Grant</u>	<u>Economic Life</u>	<u>Date Asset Placed in Service</u>	<u>Adjusted Economic Life</u>	<u>Column II x Column V</u>
Land Improvements	4,345,226	20	May 31, 2017	24	\$104,285,424
Building					
Equipment					
Contingency					
TOTAL	\$4,345,226				\$104,285,424

Average Reasonably Expected Economic Life: Total of Column VI ÷ Total of Column II = 24

G. Other City Council Actions

2. Ordinance Amending City Code, Chapter 31, Pensions and Retirement; Article II., Employees' Retirement Fund, Division 4., Sections 31-40 and 31-42; Division 5., Sections 31-54, 31-62, and Adding New Section 31-64.2, Lump Sums; Article III., Employees' Post-Retirement Health and Welfare Benefits Fund, Division 4., Sections 31-111, 31-112; and Division 5., Sections 31-116 and 31-117

ACTION: A REQUEST TO ADOPT AN ORDINANCE AMENDING CHAPTER 31, PENSIONS AND RETIREMENT; ARTICLE II., EMPLOYEES' RETIREMENT FUND; DIVISION 4., SECTIONS 31-40 AND 31-42; DIVISION 5., SECTIONS 31-54, 31-62, AND ADDING NEW SECTION 31-64.2, LUMP SUMS; ARTICLE III., EMPLOYEES' POST-RETIREMENT HEALTH AND WELFARE BENEFITS FUND, DIVISION 4., SECTIONS 31-111, 31-112; AND DIVISION 5., SECTIONS 31-116 AND 31-117.

BACKGROUND:

- Four proposed changes were recommended by the Retirement Board, to become effective July 1, 2016.
- The first change recommended by Police and Fire Chiefs would increase the mandatory retirement age for Public Safety officers from age 63 to 67.
- The second recommendation would provide a lump sum option for retirees with small retirement annuities.
- The third, would eliminate the "alternate schedule" for the City's contribution to retirees health insurance premiums.
- The fourth recommendation is a technical correction to address the "Porting" of credited service from one jurisdiction to another.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re NNERF Amendments

rag1073 Chapter 31 Revisions

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 8, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: City Code Amendments Concerning the Pension Fund (NNERF)

City Council was briefed at its May 24th Work Session regarding the recommended Pension Fund amendments to the City Code. There are four proposed changes to the Newport News Employees' Retirement Fund (NNERF) which have been recommended by the Board of Trustees of NNERF, to be effective July 1, 2015.

1. Increase in the mandatory retirement age for Public Safety officers from age 63 to age 67.
2. Allow employees the option to elect a lump sum payment in lieu of receiving a retirement annuity and death benefit. The option would be made at retirement and would be available only to those whose retirement annuity will be less than \$160 per month.
3. Eliminate the "alternate schedule" for computing the amount of the City contribution to the retiree's health insurance.
4. Technical correction required since the Fund is a "closed plan". Eliminate the wording which authorizes newly hired employees to "port time" from other retirement plans and transfer into the NNERF.

Increase in the mandatory retirement age for Public Safety personnel

The City Code was amended in 1958 to establish a mandatory retirement age of 63 years for Public Safety employees. Since Medicare coverage begins at age 65 and the Non-Reduced Retirement age for Social Security begins at age 66 to 67 (currently), a mandatory retirement age of 63 puts retiring Public Safety employees in the situation of having to obtain health care coverage for a two year period until they are eligible for Medicare,

and also requires that they retire from the City some four (4) years before they are eligible to draw a full Social Security benefit.

The Fire Chief and Police Chief recommended this change. They noted that the mandatory retirement age for their VRS employees is age 70, and that several highly regarded Police and Fire employees were “forced” to retire from administrative positions because of the age restriction. The Chiefs also intend to institute a “fitness test” to be taken by all Public Safety personnel to insure that all Public Safety employees are in a physical condition which allows them to fulfill all the requirements of their job.

Provide a lump sum option for retirees with small retirement annuities

Historically, certain professional Schools employees (primarily teachers and administrators) were provided a small NNERF supplement because the accrual rate for their VRS retirement was lower than the accrual rate for NNERF. When the NNERF accrual was reduced to 1.65% (the same as VRS) as of January 1, 2013, the Schools employees’ NNERF supplement was frozen. As result, we have about 1,400 Schools employees who have earned a NNERF retirement benefit of between \$10 and \$165 per month which they are eligible to receive at their normal retirement date. The Retirement Board is recommending that these employees are provided the OPTION of receiving a lump sum instead of their small retirement annuity and their \$3,300 death benefit. The lump sum will be computed using the actuarial assumptions provided by the Plan’s actuary and will be made at an “actuarially neutral rate” so the NNERF will not be negatively affected. This will eliminate many small annuities which are an administrative burden to maintain, and provide many employees with an option to receiving a small monthly annuity, which many have requested.

Eliminate the “alternate schedule” for the City’s contribution to retiree health insurance premiums

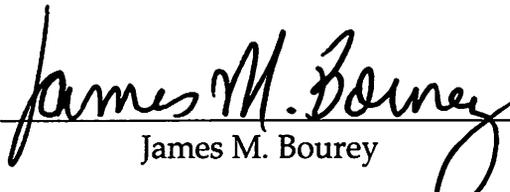
An “alternate schedule” is provided in the Code to determine the amount of the City’s contributions to a retiree’s health insurance premiums, a schedule which is slightly different for those employees who had less than 10 years’ service at March 1, 2010. The addition of three health insurance programs since that amendment was made to the Code has rendered the wording for that particular section ambiguous and difficult to explain or

compute. Also, in the six years since the amendment, only two employees have been impacted by that section. In order to ease the administrative burden of having two nearly identical formulas, and to make it easier for employees to understand, the Retirement Board has recommended that the "alternate schedule" be eliminated, and that the amount of the City contribution for retiree health premiums be computed the same for all retirees who have the same length of service. Due to the very small number of retirees who would be affected by eliminating the "alternate schedule", there will be minimal negative impact on the OPEB Fund.

Technical correction to address the "porting" of credited service from one jurisdiction to another.

There have been agreements in place for several years between the City and surrounding municipalities which address how the service credit is transferred from one retirement fund to another when an employee left one city and went to work for another. Since the NNERF is now a "closed plan", any new City employees are enrolled in VRS, and no new members are allowed to join the NNERF. The wording in the Code needs to change to reflect the fact that, while Newport News employees MAY port their service credit with Newport News to another jurisdiction, no transfers of service credit from other jurisdictions can be ported to the NNERF.

I recommend approval of the ordinance.


James M. Bourey

JMB:TM:wmp

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 31, PENSIONS AND RETIREMENT, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., EMPLOYEES' RETIREMENT FUND, DIVISION 4., CREDITED SERVICE, SECTION 31-40, CREDITED SERVICE AS A FIREFIGHTER OR POLICE OFFICER AND SECTION 31-42, PORTABILITY OF SERVICE; DIVISION 5., ELIGIBILITY FOR, RECEIPT AND AMOUNTS OF, RETIREMENT BENEFITS, SECTION 31-54, RETIREMENT ALLOWANCES; SECTION 31-62, BENEFITS UPON DEATH AFTER RETIREMENT AND BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 31-64.2, LUMP SUMS; ARTICLE III, EMPLOYEES' POST-RETIREMENT HEALTH AND WELFARE BENEFITS FUND, DIVISION 4., CITY RETIREES' POST-RETIREMENT MEDICAL BENEFITS, SECTION 31-111, FUND'S CONTRIBUTION, SECTION 31-112, FUND'S CONTRIBUTION SCHEDULE AND DIVISION 5., CITY RETIREES' POST-RETIREMENT DENTAL BENEFITS, SECTION 31-116, FUND'S CONTRIBUTION AND SECTION 31-117, FUND'S CONTRIBUTION SCHEDULE.

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

1. That Chapter 31, Pensions and Retirement, of the Code of the City of Newport News, Virginia, Article II., Employees' Retirement Fund, Division 4., Credited Service, Section 31-40, Credited service as a firefighter or police officer, Section 31-42, Portability of service; Division 5., Eligibility for, Receipt and Amounts Of, Retirement Benefits, Section 31-54, Retirement allowances, Section 31-62, Benefits upon death after retirement and by adding thereto a new section, namely: Section 31-64.2, Lump sums; Article III, Employees' Post-Retirement Health and Welfare Benefits Fund, Division 4., City Retirees' Post-Retirement Medical Benefits, Section 31-111, Fund's contribution, Section 31-112, Fund's contribution schedule, and Division 5., City Retirees' Post-Retirement Dental Benefits, Section 31-116, Fund's contribution, and Section 31-117, Fund's contribution schedule be, and the same hereby is, amended and reordained as follows:

CHAPTER 31

PENSIONS AND RETIREMENT

ARTICLE II. EMPLOYEES' RETIREMENT FUND

DIVISION 4. CREDITED SERVICE

Sec. 31-40. Compulsory retirement; credited service as a firefighter or police officer.

- (a) Compulsory retirement shall be applicable only to members who are firefighters or police officers. The compulsory retirement age for these members shall be age sixty-~~three~~seven (~~63~~67).
- (b) No member shall receive credited service as a firefighter or police officer subsequent to the month such member reaches sixty-~~three~~seven (~~63~~67) years of age.
- (c) The provisions of this section shall not apply to the positions of fire chief and police chief.

Sec. 31-42. Portability of service.

(a) ~~—The board may enter into an agreement with VRS or another political subdivision of the Commonwealth having a defined benefit plan which is not supplemental to VRS, whereby any vested member of such other plan may be granted credited service, as determined by the board, for service rendered under VRS or with another political subdivision upon the transfer of assets pursuant to the agreement; the board may transfer assets on behalf of a vested member of the fund to VRS or to the defined benefit plan of another political subdivision of the Commonwealth having a benefit plan which is not supplemental to VRS.~~

(b) ~~—The board may transfer assets on behalf of a vested member of the fund to VRS pursuant to the agreement between the board and VRS.~~

~~—(c) —The board may transfer assets on behalf of a vested member of the fund to a defined benefit plan of another political subdivision of the Commonwealth which is not supplemental to VRS pursuant to the agreement between the board and such other political subdivision.~~

DIVISION 5. ELIGIBILITY FOR, RECEIPT AND AMOUNTS OF, RETIREMENT BENEFITS

Sec. 31-54. Retirement allowances.

(a) A vested member retiring under the provisions of section 31-52 or section 31-53 shall receive an annual retirement allowance payable for the lifetime of the member, unless the member elects to receive a one time, lump sum payment pursuant to the provisions of Section 31-64.2. The annual retirement allowance shall be determined in accordance with this section subject to the limitations contained in subsection (d), and subject to reduction in the event of a withdrawal

of member contributions under section 31-68.

- (1) Subject to section 31-50, members who are not VRS participants accrue a benefit equal to two (2) percent of the member's average final compensation multiplied by their credited service obtained or earned as a non-VRS participant prior to March 1, 2010, and equal to 1.85 percent of the member's average final compensation multiplied by their credited service obtained or earned on and after March 1, 2010, and equal to 1.65 percent of nonpublic safety employee member's average final compensation multiplied by their credited service obtained or earned on and after January 1, 2013. City council members and public safety employee members shall accrue a benefit equal to 1.85 percent of the member's average final compensation multiplied by their credited service obtained or earned on and after January 1, 2013.
- (2) Subject to section 31-50, members who are VRS participants accrue a benefit equal to 0.30 percent of the member's average final compensation, multiplied by their credited service obtained or earned as a VRS participant prior to March 1, 2010, and equal to 0.15 percent of the member's average final compensation multiplied by their credited service obtained or earned on and after March 1, 2010, but prior to January 1, 2013. On and after January 1, 2013, no additional credited service or benefits shall accrue. Calculation of average final compensation shall be based upon compensation earned prior to January 1, 2013.
- (3) The annual retirement allowance payable to a member who has earned credited service with a participating employer as both a VRS participant and a non-VRS participant shall be a benefit equal to the total of the allowances determined under this article for each type of service. The annual retirement allowance shall be calculated based on one (1) average final compensation for all periods of service. Notwithstanding the above, if any new period of service began on or after October 1, 2007, the average final compensation for the member shall be separately determined for such period of service.
 - (b) (1) For each member retiring pursuant to the early retirement provisions of section 31-53, the annual retirement allowance shall be reduced by an amount equal to the lesser of the following:
 - a. One-half ($\frac{1}{2}$) of one (1) percent per month for each month that the early retirement precedes the current minimum retirement age; or
 - b. One-half ($\frac{1}{2}$) of one (1) percent per month for each month that early retirement precedes the normal thirty-year minimum service requirement.
 - (2) For all such members who have at least five (5) years of credited service as a public safety employee, the reduction shall apply only to credited service

time served in positions other than as a public safety employee.

(c) The retirement allowance from the city provided for by this section shall be reduced by the amount of any payments made to the retired employee by the participating employer pursuant to the Virginia Workers' Compensation Act, §§ 65.2-500, 65.2-501, 65.2-502, 65.2-503, and 65.2-512 of the Code of Virginia. There shall be no reduction in the retirement allowance for payment of medical benefits pursuant to § 65.2-603, or payment of burial expenses pursuant to § 65.2-512B of the Code of Virginia. If the member's payments under the Virginia Workers' Compensation Act are adjusted or terminated for refusal to work or to comply with the requirements of § 65.2-603 of the Code of Virginia, the retirement allowance shall be computed as if the member were receiving the compensation to which the member would otherwise be entitled. In addition, the retirement allowance from the city shall also be reduced by the amount of any lump sum settlement of a workers' compensation claim, except such portion of the settlement as is designated for the payment of medical expenses.

(d) Except for those members who have elected a lump sum payment under section 31-64.2, in no event shall a member's annual retirement allowance payable from the fund be less than three hundred thirty dollars (\$330.00) or more than:

- (1) 75 percent of the member's average final compensation for members whose effective date of retirement is before January 1, 2013;
- (2) 76.85 percent of the member's average final compensation for members whose effective date of retirement is on or after January 1, 2013;
- (3) 78.70 percent of the member's average final compensation for members whose effective date of retirement is on or after January 1, 2015; and
- (4) 80 percent of the member's average final compensation for members whose effective date of retirement is on or after January 1, 2016.

Sec. 31-62. Benefits upon death after retirement.

(a) Upon the death of a retiree while receiving a retirement allowance which commenced after November 13, 1972, but prior to May 1, 1987, payments shall be made from the fund in accordance with the following provisions of this subsection.

- (1) There shall be paid to the surviving spouse of the deceased retiree or, if none, the beneficiary designated by the retiree or, if none, the estate of the retiree a lump sum amount of three thousand three hundred dollars (\$3,300.00).
- (2) If the deceased retiree had twenty (20) or more years of credited service at date of retirement and is survived by a spouse, there shall be payable to said spouse, until

the death of the spouse, an allowance equal to fifty (50) percent of the annual retirement allowance which the retiree was eligible to receive immediately prior to death.

(b) Upon the death of a retiree while receiving a retirement allowance which commenced on or after May 1, 1987, payments shall be made from the fund in accordance with the following provisions of this subsection.

- (1) There shall be paid to the surviving spouse of the deceased retiree or, if none, the beneficiary designated by the retiree or, if none, the estate of the retiree a lump sum amount of three thousand three hundred dollars (\$3,300.00).
- (2) If the deceased retiree is survived by a spouse, there shall be payable to said spouse, until the death or remarriage of the spouse, an allowance equal to fifty (50) percent of the annual retirement allowance which the retiree had been receiving immediately prior to death.
- (3) If the deceased retiree is not survived by a spouse, or the surviving spouse dies, and the deceased retiree is survived by one or more dependent children, then the benefit which would have been or was payable to the surviving spouse under the provisions of subsection (2) above, shall be payable to, or for the benefit of, the surviving dependent children, pro rata. If a deceased retiree is survived by more than one dependent child, and if one or more of them subsequently becomes ineligible to receive a share of the benefit, then the benefit shall be shared equally by the remaining eligible dependent children.
- (4) Except for the benefits provided under subsections (a)(1) or (b)(1) of this section, the benefits provided for in this section shall be payable to a recipient only as long as the recipient is eligible to receive such benefits based on the provisions of this section and evidence acceptable to the board.
- (5) Notwithstanding the provisions of subsection b(4) above, this section shall not apply to those members who have elected to receive a lump sum pursuant to the provisions of section 31-64.2.

Sec. 31-64.2. Lump sums.

Any member eligible to receive an annual retirement allowance may at the time of retirement, if they meet the terms described below, make an irrevocable election to receive a one time, lump sum payment in lieu of any benefits they, their surviving spouse, their surviving dependent(s), and/or any other beneficiary (including their estate) would otherwise be eligible to

receive under this Article. This election may be made at the time of retirement and is not available to those already receiving an annual retirement allowance.

(a) Any member who would receive a retirement allowance of one hundred and fifty dollars (\$150.00) or less per month, may elect, at the time of retirement to receive their benefit in a one-time, lump sum payment.

(b) The total amount of the one-time, lump sum payment shall be based upon the value of the retirement allowance plus the death benefit referenced at section 31-62(b)(1) at an actuarially neutral rate as determined by the fund's actuary and approved by the board from time to time and set forth in a schedule to be maintained by the board. For the purposes of this section, an actuarially neutral rate uses actuarial assumptions adopted by the board so that the lump sum payment will have no adverse financial impact to the fund.

(c) Upon electing to receive a one-time, lump sum payment, the member shall sign a certification indicating that they acknowledge that they fully understand that the one-time, lump sum payment will be in lieu of any benefits that they, their surviving spouse, their surviving dependent(s), and/or any other beneficiary (including their estate), would otherwise be eligible to receive under this Article.

(d) The terms of this section do not apply to the provisions of Article III of Chapter 31.

ARTICLE III. EMPLOYEES' POST-RETIREMENT HEALTH AND WELFARE BENEFITS FUND

DIVISION 4. CITY RETIREES' POST-RETIREMENT MEDICAL BENEFITS

Sec. 31-111. Fund's contribution.

(a) The fund shall contribute toward a member's city sponsored post-retirement medical insurance premiums only in accordance with the provisions of this division.

(b) On and after January 1, 2000, the fund shall pay seventy-five (75) percent of the cost of a member's medical insurance premiums, based on the city sponsored post-retirement medical insurance plan elected by that member at retirement, through June 30, 2005.

(c) On June 30, 2005, the dollar amount of the fund's contribution provided for in subsection (b) of this section shall be capped at the amount in effect on June 30, 2005, and this amount shall constitute the amount upon which future contributions by the fund shall be calculated. However, this subsection only applies to members who have either retired on or before March 1,

~~2010 or who have accrued at least ten (10) years of credited service as of February 28, 2010. Notwithstanding the above, the dollar amount of the fund's contribution may exceed seventy-five (75) percent of the cost of a member's medical insurance premiums, provided that the fund's contribution does not exceed the capped dollar amount.~~

~~(d) On and after March 1, 2010, the dollar amount of the fund's contribution for members hired before March 1, 2010 and who possess less than ten (10) years of credited service as of February 28, 2010 shall be as follows:~~

~~(1) *Single coverage:* Same fund contribution as provided in subsection (c); and~~

~~(2) *All other coverages:* Fund contribution capped at sixty (60) percent of the cost of medical insurance premiums in effect on March 1, 2010 for the elected level of coverage. Notwithstanding the above, the dollar amount of the fund's contribution may exceed sixty (60) percent of the cost of a member's medical insurance premiums, provided that the fund's contribution does not exceed the capped dollar amount.~~

~~(ed)~~ The fund shall not contribute towards the city sponsored post-retirement medical insurance premiums for any employee of the city, employee of an elected official, or elected official, hired, rehired, or elected on or after March 1, 2010. However, such persons may continue only the medical plan coverage, if any, in effect for them as of the date of their retirement by paying one hundred (100) percent of the premium, and subject to the provisions of section 31-110. For purposes of this subsection, the term "city retiree" in section 31-110 means an employee of the city, an employee of an elected official, and an elected official, with at least five (5) years of actual service immediately prior to retirement.

~~(fe)~~ On January 1, 2013, and on January 1 of each year thereafter, the amount of contribution which the fund shall pay toward a member's medical insurance premiums required by the city sponsored post-retirement medical insurance plans shall be increased by 0.70 percent for the first one (1) percent increase, or part thereof, in the United States Average Consumer Price Index (Urban) for all items as published by the Bureau of Labor Statistics of the United States Department of Labor for the most recent calendar year over the corresponding annual average for the immediately preceding calendar year for the previous calendar year (the CPI), and 0.35 percent for each additional one (1) percent increase, or part thereof, in the CPI for the previous calendar year; however the increase in the contribution shall not exceed a maximum increase of three and one-half (3 ½) percent in any one (1) calendar year.

Sec. 31-112. Funds's contribution schedule.

(a) Effective January 1, 2000, all qualified city employees who have retired, or are eligible to retire based on age or service before July 1, 2005, shall be entitled to receive full benefit of the fund's contribution upon retirement as post-retirement medical benefits.

(b) Effective January 1, 2000, all qualified city employees who do not satisfy the criteria provided in subsection (a) and who have accrued at least ten (10) years of credited service as of February 28, 2010, shall be entitled upon retirement to receive contributions from the fund toward their medical insurance premiums required by the city sponsored medical insurance plan in accordance with the following schedule:

Years of Credited Service	Percentage of Fund's Contribution
Less than 10	0
10-11	5
12	10
13	15
14	20
15	25
16	31
17	37
18	43
19	49
20	55
21	64
22	73
23	82
24	91
25 or greater	100

(c) — All qualified city employees hired before March 1, 2010 who do not satisfy the criteria provided in subsections (a) or (b), shall be entitled upon retirement to receive contributions from the fund toward their medical insurance premiums required by the city sponsored medical insurance plan in accordance with the following schedule:

Years of Credited Service	Percentage of Fund's Contribution
Less than 10	0
10-14	25
15-19	50
20-24	75
25 or greater	100

DIVISION 5. CITY RETIREES' POST-RETIREMENT DENTAL BENEFITS

Sec. 31-116. Fund's contribution.

(a) The fund shall contribute toward a member's city sponsored post-retirement dental insurance premiums only in accordance with the provisions of this division.

(b) Effective January 1, 2000, the fund shall pay seventy-five (75) percent of the cost of a member's dental insurance premiums, based on the city sponsored post-retirement dental insurance plan elected by that member at retirement, through June 30, 2005.

(c) On June 30, 2005, the dollar amount of the fund's contribution provided for in subsection (b) of this section shall be capped at the amount in effect on June 30, 2005, and this amount shall constitute the amount upon which future contributions by the fund shall be calculated. ~~However, this subsection only applies to members who have either retired on or before March 1, 2010, or who have accrued at least ten (10) years of credited service as of February 28, 2010.~~ Notwithstanding the above, the dollar amount of the fund's contribution may exceed seventy-five (75) percent of the cost of a member's medical insurance premiums, provided that the fund's contribution does not exceed the capped dollar amount.

~~(d) On and after March 1, 2010, the dollar amount of the fund's contribution for members hired before March 1, 2010 and who possess less than ten (10) years of credited service as of February 28, 2010 shall be as follows:~~

- ~~—— (1) *Single coverage*: Same fund contribution as provided in subsection (c); and~~
- ~~—— (2) *All other coverages*: Fund contribution capped at sixty (60) percent of the cost of dental insurance premiums in effect on March 1, 2010 for the elected level of coverage.~~

(ed) The fund shall not contribute towards the city sponsored post-retirement dental insurance premiums for any employee of the city, employee of an elected official, or elected official, hired, rehired, or elected on or after March 1, 2010. However, such persons may continue only the dental plan coverage, if any, in effect for them as of the date of their retirement by paying one hundred (100) percent of the premium, and subject to the provisions of section 31-110. For purposes of this subsection, the term "city retiree" in section 31-110 means an employee of the city, an employee of an elected official, and an elected official with at least five (5) years of actual service immediately prior to retirement.

(fe) On January 1, 2013, and on January 1 of each year thereafter, the amount of contribution which the fund shall pay toward a member's dental insurance premiums required by the city sponsored post-retirement dental insurance plan shall be increased by 0.70 percent for the first one (1) percent increase, or part thereof, in the United States Average Consumer Price Index (Urban) for all items as published by the Bureau of Labor Statistics of the United States Department of Labor for the most recent calendar year over the corresponding annual average for the immediately preceding calendar year for the previous calendar year (the CPI), and ~~one-half (1/2)~~ 0.35 percent for each additional one (1) percent increase, or part thereof, in the CPI for the previous calendar year; however the increase in the contribution shall not exceed a maximum increase of three and one-half (3 ½) percent in any one (1) calendar year.

Sec. 31-117. Fund's contribution schedule.

(a) Effective January 1, 2000, all retirees who were insured for dental coverage and city employees who were eligible to retire based on age or service before July 1, 2005, shall be entitled to receive full benefit of the fund's contribution upon retirement as post-retirement dental benefits.

(b) Effective January 1, 2000, all qualified city employees who do not satisfy the criteria provided in subsection 31-117(a) ~~and who have accrued at least ten (10) years of credited service as of February 28, 2010;~~ shall be entitled to receive contributions from the fund toward their dental insurance premiums in accordance with the following schedule:

Years of Credited Service	Percentage of Fund's Contribution
Less than 10	0
10-11	5
12	10
13	15
14	20

15	25
16	31
17	37
18	43
19	49
20	55
21	64
22	73
23	82
24	91
25 or greater	100

~~(c) All qualified city employees hired before March 1, 2010 who do not satisfy the criteria provided in subsections (a) or (b), shall be entitled upon retirement to receive contributions from the fund toward their dental insurance premiums required by the city sponsored dental insurance plan in accordance with the following schedule:~~

Years of Credited Service	Percentage of Fund's Contribution
Less than 10	0
10-14	25
15-19	50
20-24	75
25 or greater	100

2. That this ordinance shall be in effect on and after June 30, 2016.

H. Appropriations

ACTION:

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

1. Department of Engineering - FY 2016 Bond Authorization, Sanitary Sewer Rehabilitation Category: HRSD Jefferson Avenue Interceptor Force Main Project - \$700,000
2. City of Newport News - Self Insurance Reserves: to Fund FY 2016 General Liability for Settlement Costs and Associated Attorney Fees - \$1,600,000
3. City of Newport News - General Fund Reserves: Line of Duty Act (LODA) Liability - \$2,672,719
4. City of Newport News - General Fund Reserves: Emergency Fund for August 2012 Unnamed Storms - \$5,285,755

H. Appropriations

1. Department of Engineering – FY2016 Bond Authorization, Sanitary Sewer Rehabilitation Category for the HRSD Jefferson Avenue Interceptor Force Main Project - \$700,000

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$700,000 FROM FY 2016 BOND AUTHORIZATION, SEWER REHABILITATION CATEGORY FOR THE HAMPTON ROADS SANITATION DISTRICT (HRSD) JEFFERSON AVENUE INTERCEPTOR FORCE MAIN PROJECT.

BACKGROUND:

- On June 25, 2013, the City and HRSD entered into a cost sharing agreement for the construction of a 30-inch diameter HRSD interceptor force main on Jefferson Avenue between Oyster Point Road and City Center Boulevard.
- The new HRSD interceptor force main replaces a failing City force main.

FISCAL IMPACT:

- The construction is being expedited by the City's contribution of \$700,000, which has been budgeted for the replacement.
- The agreement stipulates the City's reimbursement is to be made upon the substantial completion of the project's construction, which is scheduled for July 2016.
- The City Manager recommends approval.

ATTACHMENTS:

Description

CM Memo re HRSD Jefferson Ave Interceptor

Attachment-Location Map HRSD Jefferson Force Main

sdm14396 Appropriation re HRSD Jefferson Ave Interceptor Cost Participation Reimbursement

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 8, 2016

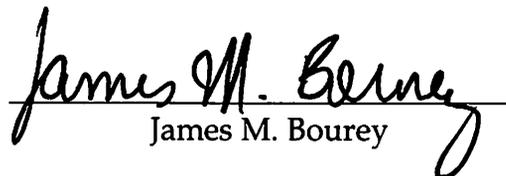
TO: The Honorable City Council
FROM: City Manager
SUBJECT: HRSD Jefferson Avenue Interceptor Cost Participation Reimbursement

City Council is requested to approve a resolution appropriating \$700,000 for the City's cost participation in the Hampton Roads Sanitation District (HRSD) Jefferson Avenue Interceptor Project.

During 2013, the City and HRSD entered into a cost sharing agreement for the construction of a 30-inch diameter HRSD interceptor on Jefferson Avenue between Oyster Point Road and City Center Boulevard. The new HRSD interceptor replaces a failing City force main. HRSD's construction is being expedited by the City's contribution of \$700,000 which is budgeted for the replacement of its force main. The HRSD construction is outside of the Jefferson Avenue Pavement. The agreement stipulates the City's reimbursement is to be made upon substantial completion of project construction scheduled for later this July.

The funding of \$700,000 is available from the FY 2016 Bond Authorization, Sewer Rehabilitation category.

I recommend City Council approve the resolution.


James M. Bourey

JMB:JRK:mjd

Attachment

cc: Everett Skipper, Director, Department of Engineering



CITY OF NEWPORT NEWS, VIRGINIA

HRSD JEFFERSON AVENUE INTERCEPTOR FORCE MAIN - PHASE I



RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM BOND AUTHORIZED AND UNISSUED TO HRSD JEFFERSON AVENUE INTERCEPTOR COST PARTICIPATION REIMBURSEMENT.

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 HRSD Jefferson Avenue Interceptor Cost Participation Reimbursement, as follows:

Appropriation From:

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

HRSD Jefferson Avenue Interceptor Cost Participation Reimbursement 4104-250-70-700L-579420-000000-2016- 00000-L6021	\$ 700,000.00
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H. Appropriations

2. City of Newport News – Self Insurance Reserves: to Fund FY 2016 General Liability for Settlement Costs and Associated Attorney Fees – \$1,600,000

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$1.6 MILLION FROM SELF INSURANCE RESERVES TO FUND FY 2016 SETTLEMENTS.

BACKGROUND:

- Recent claims and associated attorney fees indicates the need to transfer funds to support the expense from Self Insurance Reserves.
- No future financial needs or operational responsibilities are required for these settlements.

FISCAL IMPACT:

- Approval of this resolution will reduce the Self Insurance Reserves by \$1,600,000 from \$13,154,483 to \$11,554,483.
- The City Manager recommends approval.

ATTACHMENTS:

Description

CM Memo re FY2016 Self-Insurance Reserves

sdm14399 Appropriation re FY2016 Self Insurance Reserves

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 8, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Appropriation Resolution: Self Insurance Case Settlement Funds

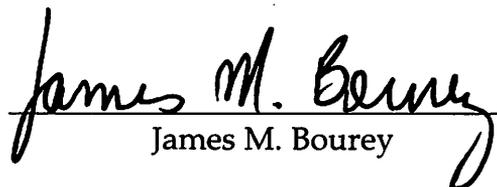
City Council has been advised of several litigation settlements and associated legal fees to attorneys totaling \$1.6 million to date, in a series of closed sessions and other confidential communications during the fiscal year.

The City maintains a Self Insurance Reserve as part of the General Fund Reserves, to fund such litigation costs as they arise. This reserve account currently has a balance of \$13,154,483.

The funding for this resolution is an appropriation from the Self Insurance Reserves in the amount of \$1.6 million. No future financial or operational responsibilities are required for these settlements.

Approval of this resolution will reduce the Self Insurance Reserves by \$1.6 million from \$13,154,483 to \$11,554,483. The monies from the Self Insurance Reserves will be transferred to the General Liability Fund, to support these expenses to date.

I recommend approval of this resolution.


James M. Bourey

JMB:LJC

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM SELF INSURANCE RESERVE TO GENERAL LIABILITY FUND - OTHER CLAIMS.

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

That it hereby appropriates funds from Self Insurance Reserve to General Liability Fund - Other Claims, as follows:

Appropriation From:

Self Insurance Reserve 1000-000-00-0000-300923-923002- 0000-00000	\$ 1,600,000.00
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Appropriation To:

General Liability Fund - Other Claims 1200-100-43-4320-553086-000000- 0000-00000	\$ 1,600,000.00
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H. Appropriations

3. City of Newport News – General Fund Reserves: Line of Duty Act (LODA) Liability – \$2,672,719

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$2,672,719 FROM THE FULLY FUNDED LINE OF DUTY ACT (LODA) LIABILITY IN GENERAL FUND RESERVES TO A NEW FIDUCIARY FUND TO SEPARATE AND RECOGNIZE THE CITY'S MANAGEMENT OF THE FUND.

BACKGROUND:

- The City became self-insured for the Line of Duty Act (LODA) responsibilities in June 2012.
- As part of being self-insured, the City fully funded the liability for the LODA expenses in the General Fund Reserves.

FISCAL IMPACT:

- The City's external auditor's have recommended that the annual LODA expenses and corresponding liability be established as a fund separate from the General Fund.
- It is requested that the full LODA liability of \$2,672,719 be transferred from the General Fund to the LODA fund.
- The City Manager recommends approval.

ATTACHMENTS:

Description

CM Memo re FY2016 LODA Reserves

sdm14401 Appropriation re FY2016 LODA Reserves

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 8, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Appropriation Resolution: Line of Duty Act (LODA) Liability Funding

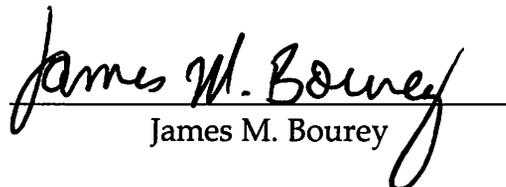
The Line of Duty Act (LODA) provides paid benefits to City employees who are killed or injured in the line of duty. Among other benefits, LODA provides a death benefit if an officer dies in the line of duty or if an officer dies within five years of retirement or from a "presumptive cause", as well as pays health insurance premiums for life for a disabled officer and family, or for the surviving spouse and dependents.

Prior to FY 2013, the City insured for these costs by participating in a Virginia Retirement System (VRS) provided plan. VRS offered municipalities an irrevocable election to exit their plan by June 30, 2012. The City chose to become self-insured for LODA, which included the City recording the full liability for the existing payments being made to beneficiaries of the plan as part of the General Fund Reserves.

As self-insured the annual LODA costs were budgeted as General Fund expense. The City's external auditors recommended that LODA costs be established as a fiduciary fund, similar to the City's retirement and other post retirement fund responsibilities. The full LODA liability of \$2,672,719, which the City has fully funded, should be transferred from the General Fund Reserves, and recognized in the LODA Fund.

It is requested that the amount of the General Fund Reserve for the LODA liability in the amount of \$2,672,719 be transferred to the LODA Fund.

I recommend approval of this resolution.


James M. Bourey

JMB:LJC

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM LODA - GENERAL FUND RESERVE TO LODA RESERVE.

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

That it hereby appropriates funds from LODA - General Fund Reserve to LODA Reserve, as follows:

Appropriation From:

LODA General Fund Reserve 1000-000-00-0000-300917-000000- 0000-00000	\$ 2,672,719.00
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Appropriation To:

LODA Reserve 8220-822-53-0000-558990-000000- 0000-00000	\$ 2,672,719.00
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H. Appropriations

4. City of Newport News – General Fund Reserves: Emergency Fund for August 2012 Unnamed Storms – \$5,285,755

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$5,285,755 FROM THE GENERAL FUND RESERVES TO THE EMERGENCY FUND TO COVER THE EXPENSES OF THE AUGUST 2012 UNNAMED STORMS.

BACKGROUND:

- In August 2012, the City experienced two unnamed storms that caused substantial flooding and damage, which included the destruction of two sanitary sewer pump stations.
- The State determined that the storms were local, and that the City would be responsible for the full cost of damage.
- The City has been reserving cash to fund the replacement and preventative upgrades to the two pump stations.

FISCAL IMPACT:

- On advice of the City's external auditors, it is recommended that the fully funded emergency reserve for these storms in the amount of \$5,285,755 be reported in the Emergency Fund to close this event.
- This action will not have an effect on the General Fund Reserves, as it has been recognized in prior fiscal years.
- The City Manager recommends approval.

ATTACHMENTS:

Description

CM Memo re FY16 Emergency Fund

sdm14398 Appropriation re FY2016 Emergency Fund

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 8, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Appropriation of Emergency Funds - August 2012 Storms

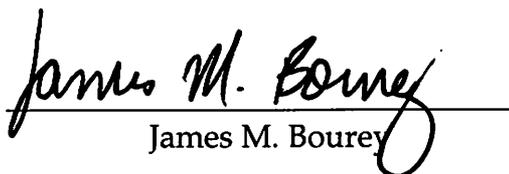
In August 2012, the City experience two extraordinary, unnamed storms over a two-day period that resulted in localized flooding and substantial damage to City property, which included the destruction of two sanitary sewer pump stations.

It is the City's practice to isolate emergency/storm costs, which include public safety and public works staff overtime, as well as costs for debris collection and construction/reconstruction costs, while emergency expense reimbursements are sought from federal and state agencies, as well as any insurance coverage.

The State determined that the storms were of a local nature, and the City was responsible for the full costs of the emergency operations and the reconstruction of the two pump stations. The total cost to date, for the two pump station replacements (this included upgrades to the pump stations to reduce any future similar damage) and all emergency costs incurred at the time is \$5,285,755.

The City has been recognizing these costs over time since the storms, and has reserved cash to cover the on-going expenses for these pump station's construction and upgrades. On advice of the City's external auditors, the fully funded reserves should be transferred from the General Fund Reserves, and reported in the Emergency Fund to close out this event. This action will not have an effect on the General Fund Reserves, as it has been recognized in prior fiscal years.

I recommended approval of this resolution.


James M. Bourey

JMB:LJC

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM GENERAL FUND CASH TO EMERGENCY CONTRACTUAL SERVICES - AUGUST 2012.

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

That it hereby appropriates funds from General Fund Cash to Emergency Contractual Services - August 2012, as follows:

Appropriation From:

General Fund Cash	
1000-000-00-0000-100001-000000- 0000-00000	\$ 5,285,755.00

Appropriation To:

Emergency Contractual Services - August 2012	
5000-100-30-0000-539999-000000- 0813-00000	\$ 5,285,755.00

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

J. New Business and Councilmember Comments

City Manager
City Attorney
City Clerk

Price
Scott
Vick
Woodbury
Bateman
Cherry
Coleman

K. Adjourn

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