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AGENDA

NEWPORT NEWS CITY COUNCIL
REGULAR CITY COUNCIL MEETING

JULY 12, 2016

City Council Chambers

7:00 p.m.

A. Call to Order

B. Invocation

- Elder Darrin Lyons, Bethel Restoration Center

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

D. Presentations

1. Sister Cities - Greifswald, Germany Trip Pictorial Presentation

E. Public Hearings

1. Ordinance Authorizing the City Manager to Execute Any and All Documents Necessary to Effectuate the Conveyance of Two (2) City-Owned Parcels Located at 606 41st Street and 626 40th Street to the Newport News Redevelopment and Housing Authority (NNRHA)
2. Ordinance Amending City Code, Chapter 15, Elections; Article I., Voting Precincts; Section 15-47, Voting Places in Respective Voting Precincts; thereby Authorizing the Relocation of the Jefferson Precinct from Marshall Courts Recreation Center to Huntington Middle School

F. Consent Agenda

1. Minutes of the Special Meeting of June 28, 2016
2. Minutes of the Work Session of June 28, 2016
3. Minutes of the Regular Meeting of June 28, 2016
4. Resolution of Appreciation: The Honorable Robert S. Coleman, Member of

the Newport News City Council

G. Other City Council Actions

1. Ordinance Amending City Code, Chapter 40, Taxation; Article 11., Real Estate Taxes, Division 3., Deferral for Elderly and Disabled Persons, Sections 40-46, 40-47, 40-48, 40-49, 40-50; and Adding New Sections 40-51, 40-51.1, 40-51.2, 40-51.3, 40-51.4, 40-51.5; and Deleting Section 40-53, Nullification Upon Change in Status
2. Ordinance Authorizing the City Manager to Execute A Lease, By and Between the City of Newport News and the Newport News Police Foundation

H. Appropriations

1. Department of Engineering – New Townhomes Development (\$35,000) and 7-Eleven Developer (\$35,000): Traffic Signal and Pedestrian Improvements – \$70,000
2. Department of Engineering – Federal and State Grant Funding: Newport News Transportation Center (NNTC) Project – \$19,436,232

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

J. *New Business and Councilmember Comments

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

K. Adjourn

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

A. Call to Order

B. Invocation - Elder Darrin Lyons, Bethel Restoration Center

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

D. Presentations

E. Public Hearings

1. Ordinance Authorizing the City Manager to Execute Any and All Documents Necessary to Effectuate the Conveyance of Two (2) City-Owned Parcels Located at 606 41st Street and 626 40th Street to the Newport News Redevelopment and Housing Authority (NNRHA)

ACTION: A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS, INCLUDING DEEDS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF TWO (2) CITY-OWNED PARCELS LOCATED AT 606 41ST STREET AND 626 40TH STREET TO THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY (NNRHA), IN SUPPORT OF ITS CONTINUED REVITALIZATION EFFORTS IN THE SOUTHEAST COMMUNITY.

BACKGROUND:

- NNRHA requested that the City convey two (2) City-owned parcels in the Southeast Community to NNRHA in support of its revitalization activities in the Southeast Community.
- The two parcels are identified as 606 41st Street and 626 40th Street.
- NNRHA intends to assemble the properties with abutting NNRHA-owned parcels for the development of single family homes in the near future.
- A review by all appropriate City departments indicated there was no objections to the City conveying the requested surplus parcels.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re Conveyance of Property to NNRHA

Attachment 1

Attachment 2

sdm14461 Authorizing re Convey 606-41st St and 626-40th St to NNRHA

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

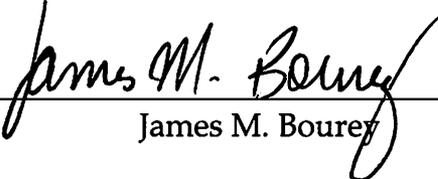
July 6, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Conveyance of Surplus City-Owned Property

The Newport News Redevelopment & Housing Authority (NNRHA) is asking City Council to convey two vacant City-owned, surplus parcels to NNRHA in support of its revitalization activities in the Southeast Community. The subject properties (606 41st Street and 626 40th Street) are shown on the attached aerials.

NNRHA intends to assemble the properties with abutting NNRHA-owned parcels for the development of single family homes in the near future. A prior review by all appropriate City departments indicated there were no objections to the City conveying the requested parcels.

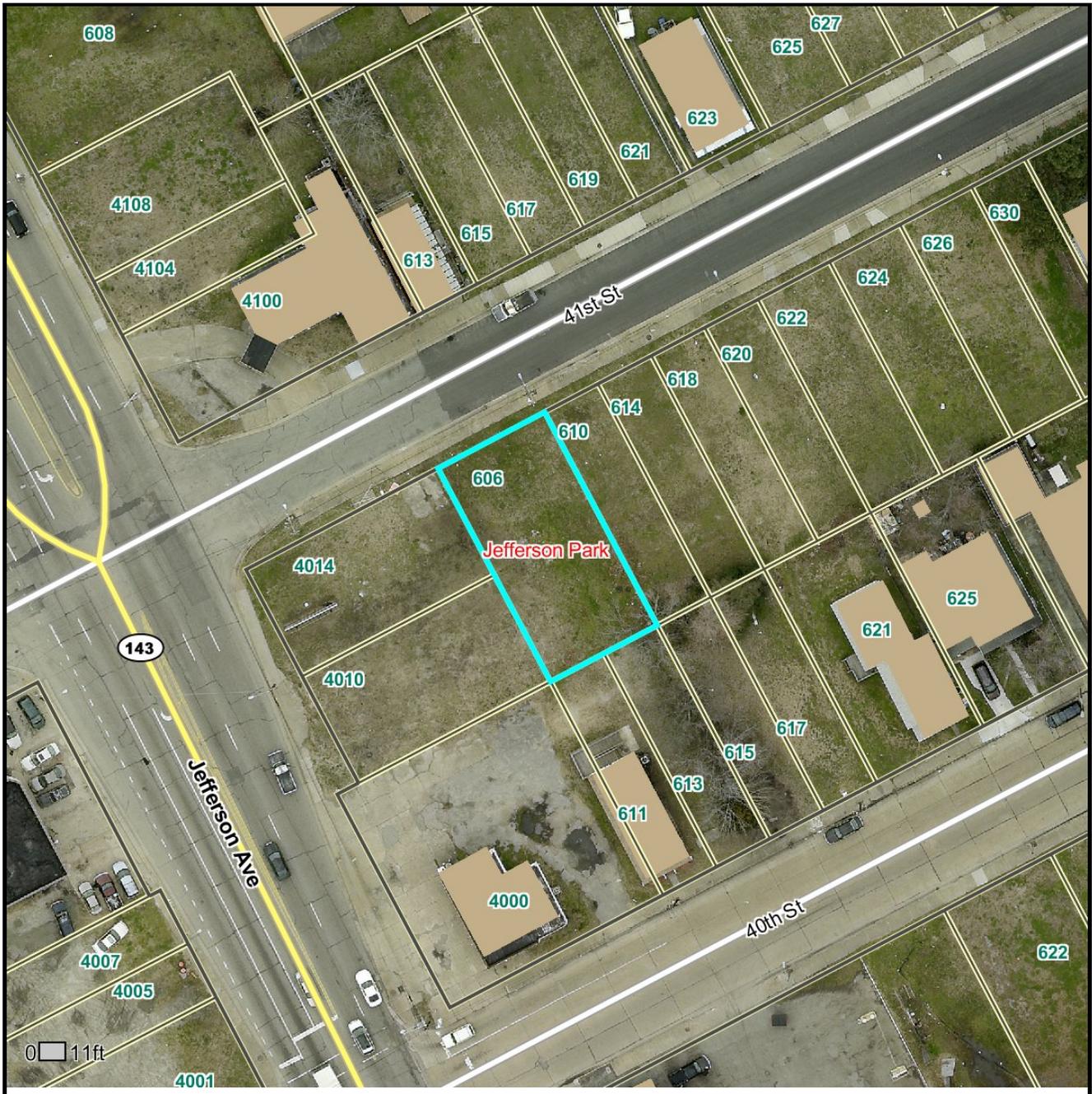
I recommend that City Council approve the Ordinance, prepared and provided to you by the City Attorney's Office, authorizing the conveyance of the parcels to NNRHA and authorizing me to execute any documents necessary to effectuate the transaction.


James M. Bourey

JMB:tcf

Attachment

cc: Karen Wilds, Executive Director, NNRHA



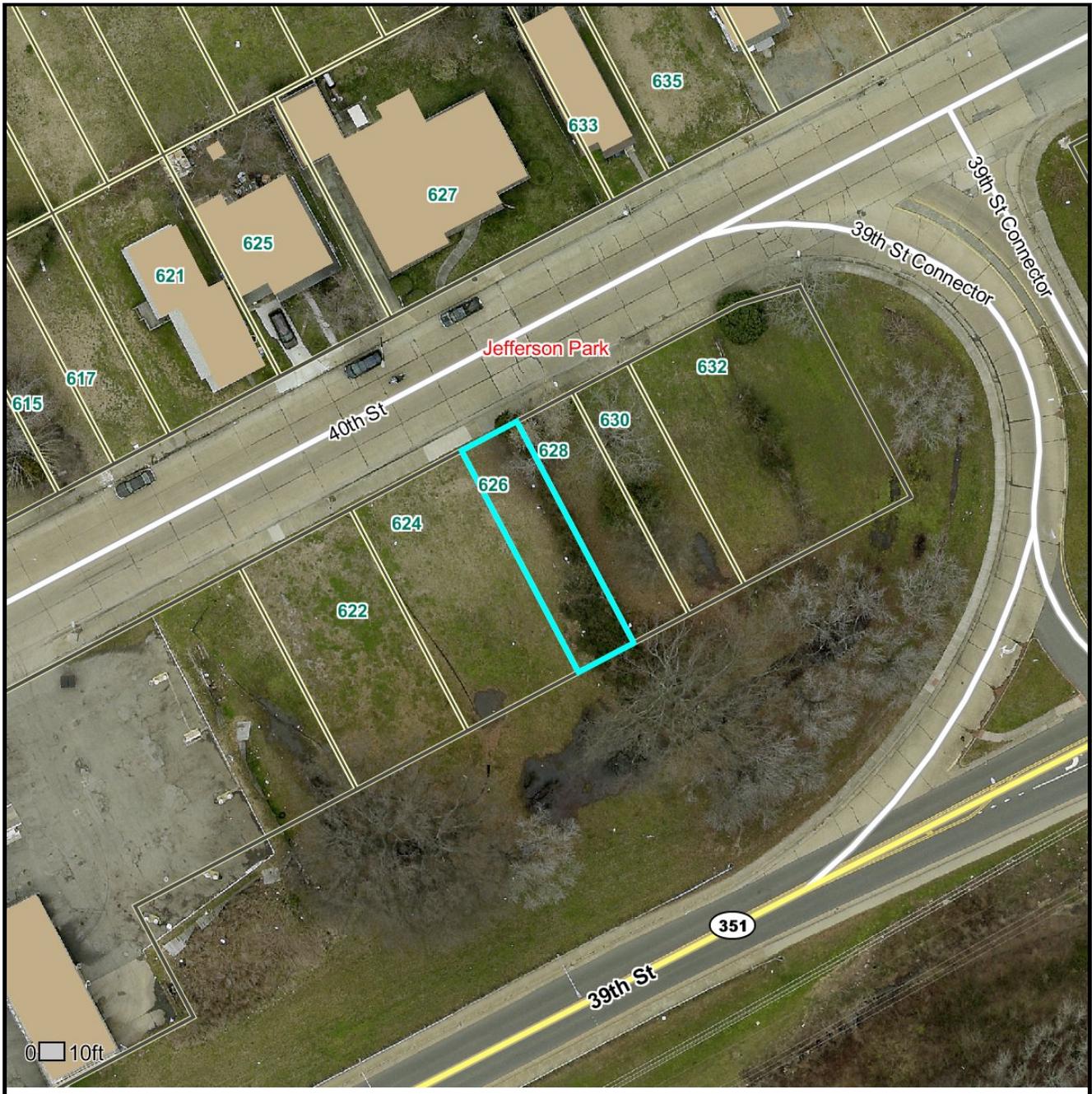
Legend

- | | | | | |
|----------------------|-----------------|---------------------|-------------------|-----------------|
| Regional Major Roads | Hospitals | Parcels | Other | Water Bodies |
| Interstates | Police Stations | Road Center Lines | Residential Roads | Airport Runways |
| Primary Roads | Fire Stations | Interstates | Railroads | Parks |
| Other | Libraries | Primary Roads | Buildings | |
| Schools | Museums | Vehicular Trails | Streams | |
| | Right of Way | Ramps/Service Roads | | |

City of Newport News



Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.



Legend

- | | | | | |
|-----------------------------|-----------------|--------------------------|-------------------|-----------------|
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| | Right of Way | Ramps/Service Roads | | |

City of Newport News



Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ON BEHALF OF THE CITY OF NEWPORT NEWS ANY AND ALL DOCUMENTS, INCLUDING DEEDS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF CERTAIN CITY OWNED PROPERTY TO THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY.

WHEREAS, the City Manager has recommended that certain City owned property be conveyed to the Newport News Redevelopment and Housing Authority; and

WHEREAS, the City Council concurs with this recommendation, finding that it is in the public interest to make such conveyances.

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

1. That it desires to, and hereby does, authorize and direct the City Manager to execute and the City Clerk to attest on behalf of the City of Newport News, Virginia, any and all documents necessary to effectuate the conveyance, by special warranty, of the City owned properties listed below to the Newport News Redevelopment and Housing Authority:

<u>ACCOUNT</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
299.0205-05	606 - 41 st Street	Lots 41 & 42, Block 355
299.0206-15	626 - 40 th Street	Lot 49, Block 337

2. That the documents necessary to implement the property conveyances authorized herein shall either be prepared by or reviewed by the City Attorney before their execution. The City Manager and City Attorney are hereby authorized to resolve title issues or other matters necessary to effectuate the conveyance of the properties to the Authority.

E. Public Hearings

2. Ordinance Amending City Code, Chapter 15, Elections; Article I, Voting Precincts; Section 15-47, Voting Places in Respective Voting Precincts; thereby Authorizing the Relocation of the Jefferson Precinct from Marshall Courts Recreation Center to Huntington Middle School

ACTION: A REQUEST TO ADOPT AN ORDINANCE AMENDING CITY CODE, CHAPTER 15, ELECTIONS; ARTICLE I, VOTING PRECINCTS; SECTION 15-47, VOTING PLACES IN RESPECTIVE VOTING PRECINCTS; THEREBY AUTHORIZING THE RELOCATION OF THE JEFFERSON PRECINCT FROM MARSHALL COURTS RECREATION CENTER TO HUNTINGTON MIDDLE SCHOOL.

BACKGROUND:

- The Newport News Electoral Board has recommended the temporary relocation of Jefferson Precinct from the Marshall Courts Recreation Center because the facility is closing for renovations.
- The Board's proposal is to relocate the precinct to Huntington Middle School.
- The voters will be notified of the temporary relocation and proper signage will be placed at the old polling location.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re Temporary Relocation of Voting Precinct
sdm14464 Sec. 15-47, Voting places in respective voting precincts

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

July 6, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Temporary Relocation of the Jefferson Precinct

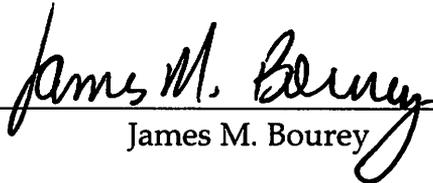
The Newport News Electoral Board has recommended the temporary relocation of Jefferson Precinct due to the facility closing for renovations. Jefferson Precinct votes at Marshall Courts Recreation Center, located at 3301 Marshall Avenue.

The Board's proposal is to relocate the precinct to Huntington Middle School, located at 3401 Orcutt Avenue. The Jefferson Precinct voters will share half of the gymnasium at Huntington Middle School with the Washington Precinct votes. The gymnasium is large enough to accommodate both precincts for the upcoming November election.

Jefferson Precinct has approximately 1,265 registered voters and Washington Precinct has approximately 700 registered voters. There will be a slight increase in registration for both precincts prior to the November 2016 election, but not enough to cause a concern.

The voters will be notified of the temporary relocation and proper signage will be placed at the old polling location.

I recommend approval.


James M. Bourey

JMB:WAB:wmp

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, ELECTIONS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., VOTING PRECINCTS, SECTION 15-47, VOTING PLACES IN RESPECTIVE VOTING PRECINCTS.

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

1. That Chapter 15, Elections, of the Code of the City of Newport News, Virginia, Article I., Voting Precincts, Section 15-47, Voting places in respective voting precincts, be, and the same hereby is, amended and reordained as follows:

CHAPTER 15**ELECTIONS****ARTICLE I. VOTING PRECINCTS****Sec. 15-47. Voting places in respective voting precincts.**

<i>Voting Precinct</i>	<i>Voting Place</i>
(1) Bland	G. J. McIntosh Elementary School Richneck Road
(2) Boulevard	Knights of Columbus Building 12742 Nettles Drive
(3) Briarfield	An Achievable Dream Middle and High School 5720 Marshall Avenue
(4) Carver	Carver Elementary School 6160 Jefferson Avenue
(5) Charles	B. C. Charles Elementary School 701 Menchville Road
(6) Chestnut	Dochiki Club 2705 Chestnut Avenue

(7) Deep Creek	Moose Lodge 1711 Warwick Moose Lane
(8) Deer Park	Deer Park Elementary School 11541 Jefferson Avenue
(9) Denbigh	Courthouse Way Community Center 14302 Old Courthouse Way
(10) Downtown	City Council Chambers Lobby 2400 Washington Avenue
(11) Dunbar	An Achievable Dream Academy 726 16th Street
(12) Epes	Horace H. Epes Elementary School 855 Lucas Creek Road
(13) Greenwood	Greenwood Elementary School 13460 Woodside Lane
(14) Hidenwood	Hidenwood Elementary School 501 Blount Point Road
(15) Hilton	Main Street Library 110 Main Street
(16) Huntington	Dorie Miller Community Center 2814 Wickham Avenue
(17) Jefferson	Marshall Courts Recreation Center 3301 Marshall Avenue <u>Huntington Middle School</u> <u>3401 Orcutt Avenue</u>
(18) Jenkins	Jenkins Elementary School 80 Menchville Road
(19) Kiln Creek	Kiln Creek Elementary School 1501 Kiln Creek Parkway
(20) Lee Hall	Lee Hall Elementary School 17346 Warwick Boulevard
(21) Magruder	Magruder Elementary School 17th Street and Chestnut Avenue

(22) Marshall	John Marshall Elementary School 743 24th Street
(23) McIntosh	George J. McIntosh Elementary School 185 Richneck Road
(24) Nelson	R. O. Nelson Elementary School 826 Moyer Road
(25) Newmarket	American Legion Post 25 7609 Marshall Avenue
(26) Newsome Park	Newsome Park Elementary School 4200 Marshall Avenue
(27) Oyster Point	Yates Elementary School 75 Maxwell Lane
(28) Palmer	Lutrelle F. Palmer Elementary School 100 Palmer Lane
(29) Reed	Downing-Gross Cultural Center 2410 Wickham Avenue
(30) Reservoir	Denbigh Early Childhood Center 15638 Warwick Boulevard
(31) Richneck	Richneck Elementary School Tyner Drive
(32) River	Virginia War Museum 9285 Warwick Boulevard
(33) Riverside	Riverside Elementary School 1100 Country Club Road
(34) Riverview	Riverview Gymnastics Center 125 City Farm Road
(35) Sanford	Sanford Elementary School 480 Colony Road
(36) Saunders	Saunders Elementary School 853 Harpersville Road
(37) Sedgefield	Sedgefield Elementary School 804 Main Street

(38) South Morrison	South Morrison Adult Learning School 746 Adams Drive
(39) Warwick	Warwick Recreation Center 51 Copeland Lane
(40) Washington	Huntington Middle School 3401 Orcutt Avenue
(41) Watkins	Watkins Early Childhood Center 21 Burns Drive
(42) Wellesley	The Hidenwood 50 Wellesley Drive
(43) Wilson	Pandora Lodge #2 239 Buxton Avenue
(44) Windsor	Stevens Memorial Baptist Church 224 Richneck Road
(45) Yates	Yates Elementary School 75 Maxwell Lane

2. That this ordinance shall be in effect on and after the date of its adoption, July 12, 2016.

F. Consent Agenda

1. Minutes of the Special Meeting of June 28, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Special Meeting of June 28, 2016

**MINUTES OF SPECIAL MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
JUNE 28, 2016
3:00 P.M.**

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

ABSENT: None-----0

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

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

- (1) To call a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, subsections: (1) a discussion, consideration or interview of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, the subject of which is the annual evaluations of the City Manager, City Attorney and City Clerk; and (5) a discussion of a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating a facility in the community, the subject of which is a prospective new business in the southern section of the City; and (7) a consultation with legal counsel pertaining to actual and probable litigation, where such consultation in open meeting would adversely affect the negotiating posture of the public body, the subjects of which are cases involving allegations of civil rights violations.

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

Vote on Roll Call:

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

Nays: None

(Closed Session 3:10 p.m. – 6:05 p.m.)

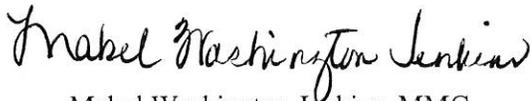
After reconvening in open session, Vice Mayor Coleman moved to certify that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified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

DRAFT

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Minutes of Special Meeting
June 28, 2016

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

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 6:05 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: June 28, 2016
MOTION: Vice Mayor Robert S. Coleman
SECOND: Councilwoman Tina L. Vick

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

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

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

VOTE

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

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

ATTEST:



Mabel Washington Jenkins, MMC
City Clerk

F. Consent Agenda

2. Minutes of the Work Session of June 28, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Work Session of June 28, 2016

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

June 28, 2016

3:00 p.m.

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

ABSENT: None-----0

OTHERS PRESENT: James M. Bourey; Collins L. Owens; Mabel Washington Jenkins; Cynthia Rohlf;
Alan Archer; Darlene Bradberry; Wanda Pierre; Lisa Cipriano; Florence Kingston; Cleder Jones; Kim
Lee; Jerri Wilson; Jennifer Walker; RoShaundra Ellington; and Amanda Williams

I. Closed Meeting
3:10 p.m. – 6:05 p.m.

II. Comments/Ideas/Suggestions

Mr. James M. Bourey, City Manager, announced that the City received word from the U.S. Department of Housing and Urban Development (HUD) that it had been awarded a HUD Choice Neighborhood Grant in the amount of \$500,000. He advised that this was exciting news, and the City was now eligible to receive up to \$30 million in implementation dollars should a revitalization plan be adopted.

City Manager Bourey stated that he attended the Transformational Transit Summit at the Westin Town Center in Virginia Beach on Monday, June 27, 2016. He voiced concern that transit needed to be viewed holistically with the entire Hampton Roads region in mind. The surrounding localities (Norfolk, Virginia Beach, etc.) had to consider an innovative process.

City Manager Bourey reminded about the Stars in the Sky 4th of July event on Monday, July 4, 2016, at 7:00 p.m., at Victory Landing Park, in downtown Newport News.

Councilman Bateman voiced concern about an area of land at the corner of J. Clyde Morris and Warwick Boulevards that was in need of attention. He stated the area was adjacent to the Christopher Newport University (CNU) Police Department and was used as a staging area by the State during the road improvements along the corridor. He inquired whether the land could be transferred from the State to the City for landscaping purposes. This was an opportunity to improve the aesthetics of the entire intersection. Assistant City Manager Rohlf replied that the land was owned by the State and CNU was trying to acquire the land but it was a very long process. She stated she would look into the matter, but understood that CNU was interested in acquiring the property through transfer of ownership.

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Minutes of the Work Session
June 28, 2016

Councilman Bateman thanked Assistant City Manager Rohlf and staff for all of their hard work related to community maintenance. Whenever he voiced a concern about community maintenance, City Manager Bourey and Assistant City Manager Rohlf would handle such concern without hesitation. He thanked them for their efforts no matter how much of a nuisance he was. City Manager Bourey thanked Councilman Bateman for voicing his concerns regarding community maintenance. He stated the more that staff was aware of their concerns, the better they could handle such matters. Some matters, unless pointed out, were not detected by staff. He urged members of City Council to report matters of concern to him so they could be handled promptly.

Councilwoman Cherry stated that she and Councilwoman Vick received an e-mail message from Mr. Sean V. Devlin, regarding a request about the need to install speed humps to alleviate excessive speeding along Briarfield Road and Hilton Avenue on Marshall Avenue (copy attached to these minutes). Mr. Devlin advised that he received a response from Mr. Everett Skipper, Director of the Department of Engineering, noting that the Departments of Planning and Fire did not support putting speed bumps along this particular corridor. She inquired about other traffic calming effects that the Department of Engineering could institute to alleviate speeding. Mr. Skipper replied that a similar issue had been experienced on Maxwell Lane where residents did not want speed bumps installed. The Department of Engineering was in the process of testing curb bump-outs.

Councilwoman Woodbury advised that the residents of Maxwell Lane were not in support of curb bump-outs or speed bumps. Mr. Skipper replied he was aware of that and was not sure what the answer would be. Additional traffic calming measures that could be undertaken included changing the curbs and roadways or decreasing the speed limit.

Councilwoman Cherry indicated that the roadway from Briarfield Road and Marshall Avenue, up to Mercury Boulevard, in the New Market area, was a two-lane roadway with no sidewalks or ditches. The roadway was already compromised and speeding was not acceptable. She stated that something needed to be done to deter speeding along the roadway. Mr. Skipper advised that the two-way roadway was the critical issue and the residents that travelled down the roadway did not want anything to impede their progress and had pushed against doing anything. The people who lived on the roadway and experienced the speeding indicated there was a problem. The Department of Engineering would continue to work with the residents to identify a workable solution. At some point, the matter would come to City Council to advise how they would like the matter handled.

Councilwoman Cherry advised that there had been approximately three accidents that occurred at 16th Street and Wickham Avenue over the past month.

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Minutes of the Work Session
June 28, 2016

Mayor Price stated that the last accident occurred because the driver travelling on Wickham Avenue believed that they had the right-of-way and ignored the stop sign at the intersection. The driver admitted that they did not observe the stop sign.

Councilwoman Cherry stated that the City needed to reconsider re-installing a traffic light at the intersections of Wickham Avenue and 16th Street.

Councilwoman Cherry advised that she had received an e-mail message from the City's 3-1-1 Contact Center regarding a concern about traffic travelling behind Family Dollar and Jefferson Brookville Apartments on Jefferson Avenue, between 25th and 26th Streets, from Interstate-664. The resident had voiced a concern about people speeding through the area. Councilwoman Cherry stated that she had received a response from 3-1-1 indicating that they had received her request. She stated that she did not recall sending 3-1-1 a request. She did not know where the request came from or whether the Department of Engineering sent the request to 3-1-1. She never called 3-1-1. She recalled asking about the matter during a Work Session discussion, but had never received a response.

Councilwoman Cherry advised that she had received concerns about the low use of Jim's Local Market. She suggested, as the City provided incentives for City employees to gain a health club membership, perhaps an incentive could be provided to City employees to shop at Jim's Local Market. She asked that the City Manager look into whether an incentive could be offered to City employees for shopping at Jim's Local Market because they needed people to shop in the store. City Manager Bourey advised that the City provided employees with several incentives to improve their health, which would help reduce the City's healthcare cost. Councilwoman Cherry suggested offering employees an incentive for purchasing healthy produce. City Manager Bourey advised that he would have staff look into the matter.

Vice Mayor Coleman commended City staff for finalizing the work at the Wendwood Pond on Oyster Point Road and Warwick Boulevard. He indicated that he received only one complaint from a neighbor about a bucket of dry concrete that was left on the sidewalk in the vicinity of the pond. He asked that the City Manager have staff come out and dispose of the concrete. The City Manager advised that he would have staff take care of the matter.

Councilwoman Scott reminded about the incorrect signage on Denbigh Boulevard that noted the area as the Patrick Henry District. She stated the area of the sign was not located in the Patrick Henry District. She asked the City Manager to have staff address the issue because it made no sense. City Manager Bourey replied that the sign should have been taken down, and he would see that the matter was handled. Councilwoman Scott asked that the City Manager update her on the progress of the matter.

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Minutes of the Work Session
June 28, 2016

Councilwoman Scott stated that her June 27, 2016, North District Town Hall meeting was very interactive. She was appreciative that Ms. Britta Ayers, Manager of Comprehensive Planning, Department of Planning, was in attendance to participate and offer any assistance. Representatives from the Windy Knolls community were present and voiced concerns about trash and debris at the entrance of their community due to work taking place at the Multi-modal Transportation Center. One resident complained that construction was ongoing, sometimes after 9:00 p.m. Councilwoman Scott inquired about the reason that construction was ongoing after 9:00 p.m. The resident complained that dirt was being hauled in and materials were being hauled out. City Manager Bourey replied that he would have staff look into the issue. He believed it had something to do with the Department of Public Works.

Councilwoman Scott advised that a citizen in attendance at her July 27, 2016, Town Hall meeting voiced concern about flooding on Aspen Meadow Lane and Campbell Road during heavy rain events. The citizen indicated that the last flood event prohibited ingress and egress in and out of the neighborhood. It was noted that drainage ditches had been installed only on one side of the roadway, but not on the other side. Mr. Skipper replied that he would look into the matter to determine the reason that drainage ditches were only installed on one side of the roadway.

Councilwoman Scott indicated that a citizen in attendance at her June 27, 2016, Town Hall meeting noted that a request for City Council to approve a Conditional Use Permit to operate a Tattoo Parlor at 12567 Warwick Boulevard would appear on the June 28, 2016 City Council Regular Meeting agenda. The citizen brought up the fact that a Tattoo Parlor could not be in the vicinity of an establishment that served alcohol. City Attorney Owens advised that there was no prohibition included in the Zoning Ordinance that disallowed a Tattoo Parlor from being located near or at a certain distance from an establishment that served or sold alcohol.

Councilwoman Scott advised that questions were being raised about whether a sidewalk could be constructed on both sides of Campbell Road now that people were aware of the improvements taking place. It had been noted that many people were still walking along the side of the roadway that did not have a sidewalk (the Church side), because they would rather be on the side where the church was. She inquired about the reason that sidewalks were not installed on both sides of the roadway. Mr. Skipper replied that he would look into the matter to determine the reason that sidewalks were not installed on both sides of the roadway.

Councilwoman Woodbury advised that the City Manager provided her with a verbal assessment of the region's aircraft tax rates. She asked that the City Manager provide the figures in an Excel spreadsheet. She would like the number of aircraft gained and lost before and after the reduction in the aircraft tax rate at the Newport News/Williamsburg International Airport as well as the number of aircraft that were anticipated to come. City Manager Bourey responded that he would provide the information to Councilwoman Woodbury.

Councilwoman Woodbury inquired about the status of her funding request for Youth Challenge as she had received several calls from Board members who indicated that they had provided the information that was requested of them by Ms. Lisa Cipriano, Director of Budget & Evaluation. Ms. Cipriano replied that a meeting was planned with the Board members of Youth Challenge on July 8, 2016. Some financial information had been provided by Youth Challenge; however, it lacked an extended history as they had redone their charge accounts as of January 1, 2016. The City Manager felt that a face-to-face meeting was needed to determine where the representatives of Youth Challenge felt they stood. City Manager Bourey advised that part of the challenge was that they did not have a sustainable revenue stream. Secondly, Youth Challenge owed taxes to the City. Ms. Cipriano agreed that Youth Challenge owed the City several thousands of dollars in back taxes, but had made consistent payments from January to May of 2016. City Manager Bourey felt that Youth Challenge could not sustain themselves regardless of City Council granting them a tax exemption or not.

Councilwoman Woodbury requested a breakdown of the 2016 Marathon expenses showing individual budget figures. City Manager Bourey stated he would provide the information once again to Councilwoman Woodbury.

Mayor Price advised that he had received a call from Senator Tommy Norment advising that the State Legislature had voted to place a Memorial for the late Virginia State Police Trooper Chad P. Dermeyer along Interstate-64; however, the City would have to pay for the Memorial, which would cost \$4,500.00. He asked whether the members of City Council were in support of the matter. Members of City Council asked that Senator Norment provide a letter advising of the matter.

THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED AT 6:35 P.M.


Jennifer D. Walker, MMC
Chief Deputy City Clerk

McKinley L. Price
Mayor
Presiding Officer

A true copy, teste:

City Clerk

F. Consent Agenda

3. Minutes of the Regular Meeting of June 28, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Regular Meeting of June 28, 2016

MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
JUNE 28, 2016
7:00 P.M.

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

ABSENT: None-----0

A. Call to Order

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

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

B. Invocation

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

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

The Pledge of Allegiance to the Flag of the United States of America was led by Vice Mayor Rob Coleman.

D. Presentations

1. Resolution in Memoriam: The Honorable John C. Miller, Virginia State Senator

Mrs. Sharron Kitchen Miller, wife of the late Senator John C. Miller, accepted the Resolution. Mrs. Miller was accompanied by family and close friends (the Resolution was received by a standing ovation throughout the Chambers).

Senator John C. Miller passed away unexpectedly on April 4, 2016. Born in Bryn Mawr, Pennsylvania, on December 9, 1947, he spent 18 years at WVEC-TV reporting the news on issues concerning the Hampton Roads region, spent six years as a top aide to then United States Senator Paul S. Trible, Jr., and also served as an Administrator at the public broadcasting station, WHRO, and at Christopher Newport University.

D. Presentations Continued

1. Resolution in Memoriam: The Honorable John C. Miller, Virginia State Senator Continued

Senator John Miller was first elected to the Senate of Virginia in 2007, and re-elected in 2011 and 2015. Senator Miller represented the First Senatorial District of Virginia from 2008 until his death. He served on the Agriculture, Conservation, and Natural Resources Committee, and the Privileges and Elections Committee. A dedicated public servant, Senator Miller served on the Virginia Council on Educational Opportunity for Military Children, the Joint Commission on Health Care, the Joint Commission on Technology and Science, the Virginia Foundation for Healthy Youth, the State Water Commission, and the Virginia Board of Workforce Development.

Senator Miller was an active member of the local community, having served on the Marketing Committee of the Newport News Economic Development Authority, as a member of People to People, on the boards of the Fort Monroe Trustees, Smart Beginnings of the Virginia Peninsula, Peninsula READS-the Literary Council, the Virginia Peninsula Foodbank, the Newport News Youth Commission, Alternatives, the Newport News YMCA, the Junior League of Hampton Roads Community Advisory Board, the Downtown Hampton Child Development Center, the Newport News Alliance for Youth, and Hampton Bay Days. Additionally, Senator Miller served for two decades as an Umpire in the Warwick Little League.

City Council expressed its sincere condolences to his family, wife Sharron; daughter Jenny and son-in-law Mark; son John and daughter-in-law Mary Peyton; and grandson Isaac. Mayor Price, on behalf of the members of the Newport News City Council, expressed appreciation and respect for the life and the legacy of service of Senator John C. Miller.

2. Resolution of Recognition in Honor of Newport News Public Schools-Television (NNPS-TV) Sports Highlights Program on its 25th Anniversary

Mr. Greg Bicouvaris, Host; Mr. Ray Price, Executive Director; and Mr. Paul Cummings, Founder, Creator, and Former Executive Director of NNPS-TV, accepted the Resolution.

Mayor Price stated, since its debut on Newport News Public Schools TV in February 1992, Sports Highlights featured more than 500 guests, including many athletic legends and public figures. He advised that the show was created by Mr. Paul Cummings, who served as the first Executive Director, and oversaw the program from 1992 to 2004.

Mayor Price stated, Mr. Greg Bicouvaris, and Host; Mr. Ray Price, Executive Producer, and Director, combined personal interviews and sports trivia with video elements, resulting in an engaging and fact-filled program. Through his interviews, Mr. Bicouvaris encouraged guests to share insights and perspectives on their backgrounds, sports, family lives, and successes. Mr. Price led a team of student videographers from NNPS to help capture images

D. Presentations Continued

2. Resolution of Recognition in Honor of Newport News Public Schools-
Television (NNPS-TV) Sports Highlights Program on its 25th Anniversary
Continued

to illustrate the guests' stories. Mayor Price further stated, the team of Mr. Greg Bicouvaris and Mr. Ray Price, recorded shows in the studio and on location throughout Virginia, Washington, D.C., and North Carolina, interviewing and connecting their audience with notable figures to include Aaron Brooks, Michael Vick, David Macklin, Ronald Curry, Allen Iverson, Terry Holland, Boo Williams, Lefty Drisell, Bruce Smith, Mike London, George Welsh, Franke Beamer, and Serena Williams.

Mayor Price advised that Sports Highlights earned a Communicator Award in 1999, and again in 2005, and had also been recognized by the Peninsula Sports Club. Mayor Price, on behalf of the members of the Newport News City Council, recognized Sports Highlights for 25 years of quality programming to the citizens of Newport News, and extended best wishes for continued success into the future.

E. Public Hearings

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

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-15-353 FOR THE HEREAFTER 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, Centre Court Racquet Club (applicant), for the operation of a mini-storage warehouse, single-entrance, on property located at 12445 and 12447 Warwick Boulevard, and zoned C1 Retail Commercial District. 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 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 made no recommendations.

Mr. Tim Trant, Kaufman & Canoles, 11815 Fountain Way, Newport News, was accompanied by the applicant, Colonel William H. Shiver, and son, Mr. Bill Shiver, Managing Members of the partnership that owned the property; Mr. Harvey Weinstein and Mr. Steve Jensen, Project Developers; and Mr. Ken Penrose and Mr. Bobby Phillips, of Thalhimer, Cushman, and Wakefield, Real Estate professionals associated with the project. Mr. Trant

E. Public Hearings Continued

1. Ordinance Granting Conditional Use Permit No. CU-15-353, to Centre Court Racquet Club (applicant), to Allow for the Construction and Operation of a Mini-Storage Warehouse, Single-Entrance on Property Located at 12445 and 12447 Warwick Boulevard and Zoned C1 Retail Commercial District
Continued

thanked the City's Planning staff for all of their hard work on the project, which had many unique challenges. Mr. Trant advised that the Shivers assembled a partnership to purchase this property and develop the Tennis Center in 1972. Unfortunately, the building and grounds required substantial improvements. A great deal of deferred maintenance was required to keep the building operational. With interest in the sport of tennis declining over the past few years, in particular indoor tennis, the Shivers concluded that it was no longer economically feasible to continue operation, and hence, closed the facility. Seeing themselves as stewards of the property, the Shivers set out to find a purchaser with the resources to invest in the renovation of the facility and maintain the tennis use, but to no avail. The Shivers worked with Thalhimer, Cushman, and Wakefield to evaluate other possible uses for the site, when Mr. Ken Penrose and Mr. Bobby Phillips introduced the idea of using the facility for a climate-controlled mini-storage warehouse facility. There was no similar facility in the area. It provided an enhancement to the site's landscaping and building façade, which would improve the aesthetics of the corridor.

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

Vote on Roll Call:

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

Nays: None

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

Mayor Price, an avid tennis player, advised that he had tried everything to keep this site a tennis facility, but to no avail. He advised that the City needed to proceed, and he would therefore support Conditional Use Permit No. CU-15-353, to Centre Court Racquet Club, applicant, to allow for the construction and operation of a mini-storage warehouse on the property located at 12445 and 12447 Warwick Boulevard.

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

E. Public Hearings Continued

1. Ordinance Granting Conditional Use Permit No. CU-15-353, to Centre Court Racquet Club (applicant), to Allow for the Construction and Operation of a Mini-Storage Warehouse, Single-Entrance on Property Located at 12445 and 12447 Warwick Boulevard and Zoned C1 Retail Commercial District
Continued

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

Nays: None

2. Ordinance Approving Phase One (1) of Master Development Plan No. O3-16-01 to W. M. Jordan Development, LLC (applicant), and the Commonwealth of Virginia, Department of General Services Jefferson Lab A/P (owner), for a Portion of Property Located at 628 Hofstadter Road and Zoned O3 Office/Research Development District

AN ORDINANCE APPROVING PHASE I OF MASTER DEVELOPMENT PLAN NO. O3-16-01 FOR THE HEREINAFTER DESCRIBED PROPERTY IN AN O3 OFFICE/RESEARCH AND DEVELOPMENT DISTRICT. This ordinance approved Phase One (1) of Master Development Plan No. O3-16-01 to W. M. Jordan Development, LLC (applicant), and the Commonwealth of Virginia, Department of General Services Jefferson LAB A/P (Owner), for a portion of property located at 628 Hofstadter Road, at the Tech Center at Oyster Point, and zoned O3 Office/Research Development District. Development in the O3 Office/Research and Development district required an approved master development plan by City Council. The proposed Phase 1 of the Master Development Plan for the Tech Center at Oyster Point provided development guidelines for the first building, and set the tone for future development. On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request. The City Manager recommended approval.

Mr. Richard Vanderzee, 475 Cheshire Court, Newport News, expressed opposition to the Master Development Plan No. O3-16-01 to W. M. Jordan Development, LLC (applicant), and the Commonwealth of Virginia, Department of General Services Jefferson Lab A/P (owner), for a Portion of Property located at 628 Hofstadter Road. He stated there was already excessive traffic congestion despite all of the efforts by the City's Department of Engineering. No matter the number of additional roads and turn lanes made available, it would not help the existing traffic congestion. If this were approved there would be massive uncontrollable traffic throughout the City of Newport News. One claimed benefit of the Master Plan was the establishment of a Mass Rapid Transit system similar to The Tide in Norfolk. According to the cost benefit ratio from the operation and according to information he received,

E. Public Hearings Continued

2. Ordinance Approving Phase One (1) of Master Development Plan No. O3-16-01 to W. M. Jordan Development, LLC (applicant), and the Commonwealth of Virginia, Department of General Services Jefferson Lab A/P (owner), for a Portion of Property Located at 628 Hofstadter Road and Zoned O3 Office/Research Development District Continued

for every \$6.61 charged, only \$1.00 was received, which was an ineffective and useless operation.

Ms. Lindsey Carney, Attorney at Patten, Wornom, Hatten, and Diamonstein, 12350 Jefferson Avenue, Newport News, Counsel for the W. M. Jordan Development, LLC (applicant), was available to answer questions.

Mr. Skip Smith, representing W. M. Jordan Development, LLC (applicant), 11010 Jefferson Avenue, was available to answer questions.

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

Vote on Roll Call:

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

Nays: None

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

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 28, 2016, (i) the City Manager recommended to the Newport News City Council authorization of Master Development Plan, O3-16-01, for W. M. Jordan Development, LLC, Contract Purchaser, and the Commonwealth of Virginia Department of General Services, Jefferson Lab A/P for Phase I of Tech Center at Oyster Point, to allow for the construction of Building One located on a portion of 628 Hofstadter Road and zoned O3 Office/Research and Development (“the transaction”); (ii) that he was an employee of TowneBank, that the Principle of W. M. Jordan Development, LLC was a client of the bank, and that the Principle of W. M. Jordan Development, LLC was a client of the bank, and that he personally provided services to the Principle of W. M. Jordan Development, LLC; (iii) that he had a personal interest affected by the transaction because of his business relationship with the Principle of W. M. Jordan Development, LLC; and (iv) that he was not able to participate in the transaction fairly, objectively, and in the public interest, and therefore would abstain (a signed written declaration was filed with the City Clerk prior to the City Council meeting at which the transaction was considered – June 28, 2016; and is attached and made a part of these minutes).

E. Public Hearings Continued

2. Ordinance Approving Phase One (1) of Master Development Plan No. O3-16-01 to W. M. Jordan Development, LLC (applicant), and the Commonwealth of Virginia, Department of General Services Jefferson Lab A/P (owner), for a Portion of Property Located at 628 Hofstadter Road and Zoned O3 Office/Research Development District Continued

Vote on Roll Call:

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

Nays: None

Abstention: Bateman (see aforementioned Declaration)

3. Ordinance Granting Conditional Use Permit No. CU-16-366, to the City of Newport News and YMDEV-10, LLC (Owners and Applicants), to Allow for the Construction and Operation of a Transit Terminal with Service/Maintenance Facility (Multi-modal Transportation Center) on Six (6) Parcels in P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling, and R4 Single-Family Dwelling Districts

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-366 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OPERATION OF A TRANSIT TERMINAL WITH SERVICE/MAINTENANCE FACILITY (MULTI-MODAL TRANSPORTATION CENTER) IN P1 PARK, R8 HIGH DENSITY MULTIPLE-FAMILY DWELLING, R7 MEDIUM DENSITY MULTIPLE-FAMILY DWELLING AND R4 SINGLE-FAMILY DWELLING DISTRICTS. This ordinance granted Conditional Use Permit No. CU-16-366 to the City of Newport News and YMDEV-10, LLC (Owners and Applicants), for the construction and operation of a Transit Terminal with Service/Maintenance Facility (Multi-Modal Transportation Center) on a portion of 490 and 550 Young's Mill Lane, 13020 Mitchell Point Road, 199 and 201 Motoka Drive, and 500-B Bland Boulevard, and zoned R7 Medium Density Multiple-Family Dwelling, R8 High Density Multiple-Family Dwelling, R4 Single-Family Dwelling Districts and P1 Park. The proposed Newport News Transportation Center would include a new signature train station at Bland Boulevard, and a supporting service and maintenance facility, approximately one mile southeast on vacant property off of Young's Mill Road and Mitchell Point Road. The proposed transportation center accomplished a major transportation objective for the City and region by providing a hub for transportation modes to connect. The proposed location was consistent with the Framework for the Future 2030 Comprehensive Plan land use map. On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request with conditions. The City Manager recommended approval.

Mr. Joseph Blumber, 522 Knolls Drive, Newport News, advised, if approved, the Multi-modal Transportation Center would back up to his residence and would be a great improvement to his living experience at Windy Knolls Condominiums. He stated the repeated tracking of mud, the back-up alarms from dump trucks during the middle of the night, and the

E. Public Hearings Continued

3. Ordinance Granting Conditional Use Permit No. CU-16-366, to the City of Newport News and YMDEVC-10, LLC (Owners and Applicants), to Allow for the Construction and Operation of a Transit Terminal with Service/Maintenance Facility (Multi-modal Transportation Center) on Six (6) Parcels in P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling, and R4 Single-Family Dwelling Districts Continued

heavy equipment operations was an irritation in the months when residents typically have their windows open; but this would all go away with the Multi-modal Transportation Center, and would be greatly appreciated. Mr. Blumber stated this project would be an all-round improvement if the City would address the turn-in issues off of Campbell Road to Aspen Meadow Lane, and the severe flooding that occasionally occurred at that intersection. It was his hope that the traffic and the flooding issues would be addressed in the final project plans.

Mr. Richard VanDerzee, 475 Cheshire Court, Newport News, advised that he had brought to the attention of the Planning Department for five weeks that their Public Notice was in error, suggesting three or four other options, but to no avail. He further provided written proof of the fallacies of the proposed program. Mr. VanDerzee promised to make a public statement in the near future to point out the fallacy of the program and the Planning Commission's lack of consideration for several elements brought to their attention.

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

Vote on Roll Call:

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

Nays: None

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

Councilwoman Scott shared that City Council discussed this matter in detail at their earlier Work Session, and the Engineering Department was aware of concerns shared by Mr. Joseph Blumber. She asked Mr. Everett Skipper, Director, Department of Engineering, to explain the flood control plan included in the Multi-modal Transportation Center.

Mr. Skipper explained that the Multi-modal Transportation Center had a comprehensive stormwater management plan associated with it, and was designed in accordance with other facilities throughout the State and across the nation such that, during a 10-year storm, water that left the site, could be no greater after construction, than the water that left the site beforehand. The station itself would not contribute to any further flooding on the site. Engineering was not fully aware of the details of some of the flooding, but would look more closely at the site to determine what could be done to improve the conditions.

E. Public Hearings Continued

3. Ordinance Granting Conditional Use Permit No. CU-16-366, to the City of Newport News and YMDEV-10, LLC (Owners and Applicants), to Allow for the Construction and Operation of a Transit Terminal with Service/Maintenance Facility (Multi-modal Transportation Center) on Six (6) Parcels in P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling, and R4 Single-Family Dwelling Districts Continued

Councilwoman Woodbury stated that she was informed by Mr. VanDerzee and received copies of correspondence from him. She spent hours reading through all of the background information given to the Planning Commission. It reminded that the project was delayed at least once for a lack of information. She had not received answers to all of her questions and concerns. She felt the concerns raised by Mr. VanDerzee were legitimate and should have been acknowledged and answered in some way. Councilwoman Woodbury reminded that she served on the Hampton Roads Transit and the Virginia Transit Association. She stated that she was an advocate for transit. She was not fully satisfied that the City had all of the information needed on this project, and could not support it.

Councilwoman Vick expressed concern about some of the comments made regarding the project, but felt this project was a step in the right direction for transit and a big help for transportation in the City of Newport News. She advised that she would support the Conditional Use Permit to allow construction and operation of a Multi-modal Transportation Center.

Councilwoman Scott indicated that it was refreshing to hear that a citizen (Mr. Joseph Blumber) felt the project would improve the aesthetics of his community, putting an end to the noise and truck traffic which was not pleasing.

Councilwoman Cherry advised that she had concerns about the project after receiving documents from the Planning Commission. She stated this was a big project and City Council did not have a thorough discussion regarding the issue. She was glad that funding had been received from both the State and Federal government for this project because the Amtrak station needed to be upgraded. Councilwoman Cherry advised that the document indicated that a study was conducted by the Federal Highway Administration, and acknowledged that the increase in traffic related to the location, and of the service maintenance facility, would disproportionately affect minority populations and low-income populations as it would introduce various types of vehicular traffic in a residential neighborhood. Councilwoman Cherry stated this was of concern to her. She questioned what was being done to mitigate this. She further stated that this would be a 24-hour operation. She further questioned whether the proposed wall would take care of the disparity with this environmental injustice. This was not the first dispirit when it came to minority populations.

E. Public Hearings Continued

3. Ordinance Granting Conditional Use Permit No. CU-16-366, to the City of Newport News and YMDEV-10, LLC (Owners and Applicants), to Allow for the Construction and Operation of a Transit Terminal with Service/Maintenance Facility (Multi-modal Transportation Center) on Six (6) Parcels in P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling, and R4 Single-Family Dwelling Districts Continued

Mr. Skipper replied that the service facility was intended to store the trains overnight, and allow Amtrak maintenance crews to clean and service the trains. He stated that this was more of a cleaning/restoration/stocking type of facility. It was listed as a 24-hour operation for the convenience of Amtrak. The number of vehicles associated with this operation was a maximum of 15 personal vehicles to access the site plus approximately one tractor trailer every three weeks. It was true that the vehicles would access the facility through the Windy Knolls site, but the number of vehicles for that side was very small. The train station would experience approximately 300 vehicles per day, which was comparable to approximately 30 houses. In terms of the impact on traffic, the numbers were so small that they did not change levels of service in the region, nor would they change traffic patterns and flows, but would continue to look at various improvements in terms of timing of lights, lane structures, and changes of physical configuration of the road to improve conditions in the area.

Regarding environmental justice, Councilwoman Cherry inquired whether the sound wall included in the plan, was supposed to mitigate the disparity for the minority population that was mentioned in the study. Mr. Skipper replied that the sound wall was in response to comments related to the environmental statement, and yes, they included social justice questions. Councilwoman Cherry inquired whether the service maintenance facility would be the area that would operate for 24-hours or would the 24-hour operation apply to the train station. Mr. Skipper responded that the service maintenance facility would operate for 24-hours, not the train station.

Councilwoman Cherry thanked Mr. Blumber and Mr. VanDerzee for their comments. She reminded Mr. Skipper about their conversation regarding the flooding on Campbell Road, of which he was not aware. She knew from personal experience that it flooded on Campbell Road and hoped that the City would take a close look at that area. Councilwoman Cherry felt this was a great project, but expressed concern about the flooding as well as the traffic. She reiterated Mr. Blumber's comments about the City doing all that was possible to mitigate traffic back-ups in that area and ensure that the residents were taken care of, as well as being due-diligent about their concerns and not ignoring them.

Councilwoman Woodbury concurred with Councilwoman Cherry about the mitigation and dispirit treatment. She was also bothered that stormwater would not be anymore, but would not be any less, meaning it would be the same, and there was flooding. She inquired whether the comprehensive stormwater management plan would be of help.

E. Public Hearings Continued

3. Ordinance Granting Conditional Use Permit No. CU-16-366, to the City of Newport News and YMDEVC-10, LLC (Owners and Applicants), to Allow for the Construction and Operation of a Transit Terminal with Service/Maintenance Facility (Multi-modal Transportation Center) on Six (6) Parcels in P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling, and R4 Single-Family Dwelling Districts Continued

Councilman Bateman recalled the raising of the roadway at Bland Boulevard several years previously to alleviate the flooding at Campbell Road. Mr. Skipper replied, in combination with downstream work at Gwynn Circle, along the Lucas Creek Channel, drainage would be improved generally in the area.

Councilwoman Scott inquired whether the train was only scheduled to run twice daily. Mr. Skipper replied yes, the train, at present, was scheduled to run twice daily. Councilwoman Scott stated there would be a traffic impact during the two time periods the train was operational, but there would be no reason for a huge amount of vehicles to travel into the Multi-model Transportation Center.

Councilwoman Cherry stated that it was anticipated that traffic would increase and ridership would increase. The Amtrak train would be operational twice daily in the beginning, but with a Multi-modal Transportation Center, she anticipated that trains would operate much more. Mr. Skipper agreed. He added that the numbers in the study did reflect a three-train system with increased ridership.

Councilman Bateman referred to a statement made by Councilwoman Cherry related to the justice for minorities. He asked Mr. Skipper to address that for clarity. Mr. Skipper explained that the Multi-modal Transportation Center would be located in a social justice area, meaning an area of low socio-economic stature. Because of that, as part of the environmental studies that were performed for all major projects, the City was obliged to consider impacts that may occur, which were a part of the comprehensive study, which had been signed. Mr. Skipper stated the study had been completed and found acceptable by the Federal Highway Administration. Councilman Bateman inquired about the negative affect – noise, or excessive traffic that would disrupt the neighborhood. Mr. Skipper advised all of the above could be the negative impact, whether noise, view shed, or traffic impact. Councilman Bateman questioned whether there was mitigation for all of the aforementioned. Mr. Skipper responded there were recommendations for the things that were needed in the impact statement, which included a sound wall, and were included in the project.

Vote on Roll Call:

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

Nays: Woodbury

E. Public Hearings Continued

4. Ordinance Granting Conditional Use Permit No. CU-16-367, to Mishorim Gold Newport News LP (Owner) and Family Entertainment Center (Applicant) for the Operation of an Amusement Arcade on Property Located at 14346 Warwick Boulevard, Suite 402 and Zoned C1 Retail Commercial District

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-367 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING AN AMUSEMENT ARCADE ON A SITE ZONED C1 RETAIL COMMERCIAL DISTRICT. This ordinance granted Conditional Use Permit No. CU-16-367 to Mishorim Gold Newport News LP (owner), and Family Entertainment Center (applicant), for the operation of an amusement arcade on property located at 14346 Warwick Boulevard, Suite 402, and zoned C1 Retail Commercial. Located in the Upper Warwick Boulevard/Denbigh Tourism Zone, the proposed amusement arcade would contribute positively to the renovation of the Denbigh Warwick Shopping Center. The use was compatible with surrounding land uses and the Framework for the Future 2030 Comprehensive Plan Land Use Map. On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request with conditions. The City Manager recommended approval.

Mr. Emil Goduti, Drucker and Falk Real Estate, Managing Agent for Mishorim Gold, owner of the Denbigh-Warwick Shopping Center, 12 Digges Drive, Newport News, was available to answer questions.

Councilwoman Scott inquired whether there were other activities planned for the Shopping Center that could be shared, in addition to the cars. Mr. Goduti responded there would be race cars, four bumper cars, and kiddie bowling (to include three mini-lanes) to entertain the children. He stated that most of the impact would be on the race track. Councilwoman Scott read about a membership, and inquired whether this would be a paid membership. Mr. Goduti responded that the memberships would cost \$1.00. The idea was to join, identification would be required, and a liability waiver signed. Anyone not cooperating within the safety guidelines would be put out. Councilwoman Scott agreed with the accountability issue. She indicated the project was a much-needed asset in the North District, as well as the entire City as a whole because there were so few activities or entertainment. She stated it was an awesome experience and looked forward to driving the electric cars at 55 mph indoors. Councilwoman Vick concurred.

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

Vote on Roll Call:

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

Nays: None

E. Public Hearings Continued

4. Ordinance Granting Conditional Use Permit No. CU-16-367, to Mishorim Gold Newport News LP (Owner) and Family Entertainment Center (Applicant) for the Operation of an Amusement Arcade on Property Located at 14346 Warwick Boulevard, Suite 402 and Zoned C1 Retail Commercial District Continued

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

Vote on Roll Call:

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

Nays: None

5. Ordinance Granting Conditional Use Permit No. CU-16-368 to TGMC, LLC (Owner and Applicant), to Allow for the Operation of a Tattoo Establishment on Property Located at 12567 Warwick Boulevard, Unit 101 and Zoned C2 General Commercial

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-368 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING A TATTOO ESTABLISHMENT ON A SITE ZONED C2 GENERAL COMMERCIAL DISTRICT. This ordinance granted Conditional Use Permit No. CU-16-368 to TGMC, LLC, owner and applicant, for the operation of a Tattoo Establishment on property located at 12567 Warwick Boulevard, Unit 101, and zoned C2 General Commercial. The tattoo establishment would occupy a suite in a newly renovated building on Warwick Boulevard. The use was consistent with the Framework for the Future 2030 Comprehensive Plan land use map and surrounding uses. On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request with conditions.

(No registered speakers)

Mr. Brian DePrinzio, 20 Lakeshore Drive, Newport News, stated that he and his wife, Jennifer, were happy to raise their family in a community that was led by the sword of a government that actually listened to the voices of its citizens. They were passionate supporters of the arts, and both believed that Newport News deserved an upscale studio where citizens could express their artistic passions, yet be reassured by a clean, health code compliant environment. Mr. DePrinzio had been a client in studios operated by Ms. Shöndra Blount, and testified to the tight, squeaky-clean operation run by Ms. Blount. He believed that Newport News deserved a high quality, clean studio offered by Ms. Blount. Mr. DePrinzio urged City Council to vote in favor of this ordinance to allow Ms. Blount to operate this studio and allow freedom of expression to prevail.

5. Ordinance Granting Conditional Use Permit No. CU-16-368 to TGMC, LLC (Owner and Applicant), to Allow for the Operation of a Tattoo Establishment on Property Located at 12567 Warwick Boulevard, Unit 101 and Zoned C2 General Commercial Continued

Mr. Joe Blount, 212 Richmond Circle, Newport News, advised that he and his wife were heavily invested in the Deep Creek area. He indicated that his sister-in-law, Ms. Shöndra Blount deserved an opportunity to operate a studio in that area. She was hard working and had an exceptional character and was conservative in approach to the appearance of her businesses, with a low tolerance for any disturbances. He was sure that the business would attract a well-behaved clientele. Mr. Blount commended the owners of Schooner's Restaurant, who controlled the property at 12567 Warwick Boulevard. He stated if they were okay with the tattoo establishment, so was he.

Ms. Jessica Lahm, 2011 Brookland Drive, Chesapeake, made a decision to get her face pierced, and went into Ms. Shöndra Blount, who was very warm and welcoming, and 100% professional. Ms. Lahm advised that she would bring her business to Newport News, although she resided in Chesapeake, and would recommend that others do the same.

Ms. Erin Arsenault, Newport News teacher, 21 Culpepper Avenue, Newport News, expressed excitement about the opening of the Tattoo Studio on the property located at 12567 Warwick Boulevard. She advised that Newport News had terrific schools, amazing museums, top-notch hospitals and a huge university, in addition to great shopping and restaurants, with the addition of sculptures. She felt that Newport News only lacked options for personal art; i.e. tattoos. Ms. Arsenault advised that she had numerous tattoos, each with special meaning, and looked forward to continuing to express herself in this fashion, particularly near her home. Schooner's Restaurant was located in the newly renovated building, formerly occupied by E & E Auto Parts. She could not think of a better location to represent an arts establishment that would feature an art studio using numerous different mediums. She stated that tattoos were a part of the diverse community in Newport News, and would be proud to share that she received her tattoos in a locally owned shop. Supporting the local economy was important, which included supporting local artists and the art they produced.

Mr. Christopher Kranz, 537 Onancock Trail, Newport News, indicated that he was a personal friend of Ms. Shöndra Blount, and he enjoyed working for her. Being around the tattoo industry for so long had helped him change his impression about tattoos being mainly for "bikers, scaly wags, and circus freaks." Government regulation had brought tattooing to the forefront and made it about art and expressing oneself through art. He urged members of City Council to vote in favor of the ordinance granting Conditional Use Permit No. CU-16-368 to TGMC, LLC (Owner and Applicant), to allow the operation of a tattoo establishment on property located at 12567 Warwick Boulevard, to show that the business could be an asset and not a liability.

Ms. Shöndra Blount, born and raised in Newport News, advised that she had been in the tattoo industry for over one decade. She distributed a packet for Anavrin Studios (a

5. Ordinance Granting Conditional Use Permit No. CU-16-368 to TGMC, LLC (Owner and Applicant), to Allow for the Operation of a Tattoo Establishment on Property Located at 12567 Warwick Boulevard, Unit 101 and Zoned C2 General Commercial Continued

copy is attached and made a part of these minutes), which also hosted many charity events. Her tattoo establishment would have the appearance of an art gallery, and would host art shows. They held a high standard. Every tattoo was custom. She was more conservative, and was excited to come back and give back to the City. She was in the process of adopting the green space adjacent to the studio.

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

Vote on Roll Call:

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

Nays: None

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

Councilwoman Cherry thanked Ms. Blount for sharing the information. In reviewing material from the Planning Commission, Councilwoman Cherry inquired about the required tattoo artist license and/or the cosmetic tattoo artist license, and noticed that Ms. Blount's license was as a body piercer. Ms. Blount confirmed that she had a license to do body piercings. Councilwoman Cherry also noticed other licenses listed. Ms. Blount responded that she would not physically be applying the tattoos. She began as a body piercer, was put in charge shortly thereafter. Her talent was in body piercing and instruction. She explained there was a difference between cosmetics and tattooing. Tattooers were also allowed to apply cosmetics, but a cosmetic artist was not allowed to apply tattoos. Councilwoman Cherry inquired about the Master Apprentice. Ms. Blount explained that there was a Master Technician, but then there was an acceleration period, with a required amount of education credits required per year. Master Technicians would then be allowed to sponsor an Apprentice. Councilwoman Cherry inquired about the Apprentice Sponsor, which also had to be licensed.

Councilwoman Scott inquired whether the Apprentice was supervised. Ms. Blount replied that the Apprentice was supervised at all times.

Councilwoman Woodbury inquired whether Ms. Blount had a tattoo. Ms. Blount advised that she had a few tattoos. She liked to be in the middle-ground, catering to those that wanted a more tasteful tattoo, or a tattoo in memoriam of a loved one, and often times turns young people away that enter into her shop with a visible tattoo, explaining the repercussions.

Councilwoman Vick stated that she was impressed with Ms. Blount and complimented her on the private compartmentalized rooms at the studio.

5. Ordinance Granting Conditional Use Permit No. CU-16-368 to TGMC, LLC (Owner and Applicant), to Allow for the Operation of a Tattoo Establishment on Property Located at 12567 Warwick Boulevard, Unit 101 and Zoned C2 General Commercial Continued

Ms. Blount advised that she truly loved the City of Newport News and would borrow Mayor Price's motto, "May what you say and do uplift the City of Newport News."

Councilwoman Scott asked Ms. Blount to contact her when they found a solution and could tattoo with a rubber needle.

Councilwoman Scott thanked Ms. Blount for attending the North District Town Hall Meeting on Monday, June 27, 2016, and advised that she had checked with the City Attorney about patrons having alcohol near her establishment. The City Attorney advised that it was not mentioned in the City Code and urged Ms. Blount to direct those with questions to the City Attorney. Ms. Blount advised that she was skilled at ushering patrons away that had had too much to drink. She purchased a breathalyzer machine, and would use it when approached by a patron that had had too much to drink.

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 June 28, 2016, (i) the City Manager recommended to the Newport News City Council approval of a Conditional Use Permit by ordinance (CU-16-368, "the transaction"), (ii) that the applicant for the said conditional use permit was TGMC, LLC; (iii) that TGMC, LLC was a client of TowneBank; (iv) that he was an employee of TowneBank; however, he did not personally represent or provide services to TGMC, LLC; (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 – June 28, 2016; and is attached and made a part of these minutes).

Vote on Roll Call:

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

Nays: Bateman

6. Ordinance Granting Conditional Use Permit No. CU-16-369 with Conditions, to All Generations Church (owner) and Mid-Atlantic Teen Challenge (applicant), to Allow for the Operation of a Group Home on Property Located at 28 Harpersville Road and Zoned C1 Retail Commercial

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-369 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OPERATION OF A GROUP HOME IN A C1 RETAIL COMMERCIAL DISTRICT. This ordinance granted Conditional Use Permit No. CU-16-369, with conditions, to All Generations Church (owner) and Mid Atlantic Teen Challenge (applicant) for the operation of a group home on property located at 28 Harpersville Road, and zoned C1 Retail Commercial. Mid-Atlantic

E. Public Hearings Continued

6. Ordinance Granting Conditional Use Permit No. CU-16-369 with Conditions, to All Generations Church (owner) and Mid-Atlantic Teen Challenge (applicant), to Allow for the Operation of a Group Home on Property Located at 28 Harpersville Road and Zoned C1 Retail Commercial Continued

Teen Challenge wished to open a group home for girls, although not conditioned, in the former home of the Bethlehem Monastery of Poor Clares. The property and building were ideally suited for the proposed use. The use was consistent with the Framework for the Future 2030 Comprehensive Plan land use map and surrounding uses. On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request with conditions. The City Manager recommended approval.

Ms. Lindsey Carney, Attorney at Patten, Hatten, Wornom, and Diamonstein, 12350 Jefferson Avenue, Newport News, Counsel for the W. M. Jordan Development, LLC (applicant), was available to answer questions. Ms. Carney recognized Mr. David Watson, Planner, Department of Planning, for his hard work on this project. Ms. Carney advised that a Community Meeting was held prior to the June 1, 2016 Meeting of the Planning Commission. There were seven attendees at the Public Hearing, and all seven expressed support. Multiple calls were received about the project, all expressing support for the project.

Councilwoman Woodbury inquired about the number of girls allowed in the Group Home. Ms. Carney replied that the maximum number of girls allowed would be approximately 30. There was room upstairs for approximately 36, but the applicant did not want to max out the space.

Mr. Rourey Russell, Applicant, was available to answer questions.

Mr. Matt Rogers, Applicant, was available to answer questions.

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

E. Public Hearings Continued

7. Ordinance Authorizing the Vacation of a Portion of 30th Street Adjacent to Jefferson Avenue (Brooks Crossing Project)

AN ORDINANCE VACATING A PORTION OF THAT CERTAIN STREET KNOWN AS 30TH STREET IN THE CITY OF NEWPORT NEWS, VIRGINIA, AS DESCRIBED HEREIN. This ordinance authorized the vacation of a portion of a City right-of-way at 30th Street, adjacent to Jefferson Avenue. The Brooks Crossing Project continued to advance. In order to facilitate development and infrastructure improvements going forward, the vacation of a 1,084 square-foot portion of 30th Street at Jefferson Avenue was being requested, so that the right-of-way width would be consistent with other streets in the project, such as 31st and 32nd Streets. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

8. Resolution Authorizing the City Manager to Execute a Declaration of Restrictive Covenants for the Purpose of the Atkinson Boulevard Project

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, A DECLARATION OF RESTRICTIVE CONVENANTS OF THE CITY OF NEWPORT NEWS, VIRGINIA. This resolution authorized the City Manager to execute a Declaration of Restricted Covenants required by the U.S. Army Corps of Engineers to obtain proper permitting for the Atkinson Boulevard Project. The Atkinson Boulevard project consisted of a new four-lane divided roadway, including a 1,600 foot bridge, and would be a critical east/west connection between Warwick Boulevard and Jefferson Avenue. On November 22, 2011, City Council approved a resolution granting authorization to the City Manager to execute all agreements with the Virginia Department of Transportation (VDOT). On March 8, 2016, City Council approved a resolution granting authorization to the City Manager to execute any contract, and memoranda of agreement with regulatory agencies as required. It was necessary to execute a Declaration of

E. Public Hearings Continued

8. Resolution Authorizing the City Manager to Execute a Declaration of Restrictive Covenants for the Purpose of the Atkinson Boulevard Project Continued

Restricted Covenants in order to obtain a U.S. Army Corps of Engineers permit for the project. The 30-foot restrictive covenant would protect 2.99 acres of environmentally sensitive wetlands from development along the project corridor. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

F. Consent Agenda

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

1. Minutes of the Special Meeting of June 14, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

2. Minutes of the Work Session of June 14, 2016

(No registered speakers)

F. Consent Agenda Continued

2. Minutes of the Work Session of June 14, 2016 Continued

Vote on Roll Call:

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

Nays: None

3. Minutes of the Regular Meeting of June 14, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

4. Resolution of Recognition: Honoring Mr. Julius Green

A RESOLUTION OF RECOGNITION HONORING MR. JULIUS GREEN. This resolution honored Mr. Julius Green. Mr. Green only completed the 10th grade, but went on to have a successful military and civilian career, earned two college degrees, and made history as the U.S. Army's first African-American Master Diver. After joining the Army in 1951, he was stationed in Germany and then Fort Jackson, South Carolina, where he applied and was accepted to train as an Army diver, even though he did not know how to swim at the time. In 1956, after completing his training in the U.S. Army Diving School at Fort Eustis, Mr. Green became the Army's first African-American diving officer. Mr. Green served as an instructor in the Army Diving Training Program at Fort Eustis until his retirement as a Chief Warrant Officer 3 in 1973. Following his retirement after 22 years of military service, Mr. Green was employed by the College of William & Mary for 23 years, retiring as Director of Operations for the College. In addition to his military service and civilian employment, Mr. Green was very active in his community. This resolution recognized the history-making service of Mr. Julius Green and expressed sincere appreciation for his dedicated service. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

5. Resolution of Recognition: Honoring Mr. Michael Motley

A RESOLUTION OF RECOGNITION HONORING MR. MICHAEL MOTLEY. This resolution honored Mr. Michael Motley. Mr. Motley was a volunteer at the Newport News Police Department's (NNPD) Community Education and Outreach Center located in the Hilton Village neighborhood. He retired from Marva Maid Dairy after 45 years of service

F. Consent Agenda Continued

5. Resolution of Recognition: Honoring Mr. Michael Motley Continued

and began volunteering at the NNPD Community Education and Outreach Center. In 2005, Mr. Motley assisted with the transition of the Outreach Center when it moved from Patrick Henry Hall to its current site in Hilton Village. A centerpiece of the Community Education and Outreach Center was the Police Museum where Mr. Motley served as curator. With his storytelling ability and vast knowledge about the history of the NNPD, Mr. Motley helped bring history to life. He was recognized by the NNPD as Volunteer of the Quarter (October – December 2012) and Volunteer of the Year for 2012. Mr. Motley volunteered over 5,800 hours of his time at the NNPD Community Education and Outreach Center helping the police department accomplish their mission. This resolution recognized Mr. Motley for his dedicated service to the citizens of Newport News and his commitment to the mission of the NNPD. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

G. Other City Council Actions

1. Resolution of Support for a Major Advanced Shipbuilding Project by Huntington Ingalls Incorporated/Newport News Shipbuilding

A RESOLUTION OF SUPPORT FOR A MAJOR ADVANCED SHIPBUILDING PROJECT BY HUNTINGTON INGALLS INCORPORATED/NEWPORT NEWS SHIPBUILDING TO INCLUDE AT LEAST \$750 MILLION IN CAPITAL INVESTMENT AND THE CREATION OF AT LEAST 1,000 NEW FULL-TIME EQUIVALENT POSITIONS AT THE SHIPYARD'S NEWPORT NEWS FACILITY (THE PROJECT). This resolution expressed support for a Major Advanced Shipbuilding Project by Huntington Ingalls Incorporated/Newport News Shipbuilding to include at least \$750 million in capital investment and the creation of at least 1,000 new full-time equivalent positions at the Shipyard's Newport News facility ("The Project"). Huntington Ingalls Incorporated/Newport News Shipbuilding was engaged in a major advanced shipbuilding project that would include significant improvements at both the foundry and the North Yard. The project would support a new type of warship and directly strengthen the Shipyard and its ability to produce world-class aircraft carriers and submarines now and into the future. The Resolution outlined the details and components of the City's and IDA's participation, and affirmed City Council support of this immensely important project. The City, through the IDA, intended to offer an incentive through the Defense Production Zone program, up to \$46 million, which would provide support for the planned improvements. The Commonwealth of Virginia passed legislation authorizing an incentive, also up to \$46 million to support the project. The City Manager recommended approval.

G. Other City Council Actions Continued

1. Resolution of Support for a Major Advanced Shipbuilding Project by Huntington Ingalls Incorporated/Newport News Shipbuilding Continued

Mr. Tom Cosgrove, Manager, Corporate Citizenship & Government Relations, Newport News Shipbuilding, 4101 Washington Avenue, Newport News, was available to answer questions.

Mr. Cosgrove acknowledged his colleagues present – Mr. Bill Bell, Vice President of Human Resources; Ms. Emily Cowen, Legal Counsel; and Ms. Christie Miller, Media Relations Manager. Mr. Cosgrove extended his thanks Ms. Florence Kingston, Director, Department of Development, and staff, to include Ms. Carol Meredith, Assistant Director, and Mr. Derek Perry, Economic Analyst.

Councilman Bateman moved adoption of the above resolution; seconded by Vice Mayor Coleman.

Vote on Roll Call:

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

Nays: None

2. Resolution for Approval of the Modification of a Revenue Bond Previously Issued by the Economic Development Authority of James City County (JCC EDA) for the Benefit of Christopher Newport University Education Foundation, Inc.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, FOR THE CHRISTOPHER NEWPORT UNIVERSITY EDUCATION FOUNDATION, INC. This resolution approved the modification of a Revenue Bond previously issued by the Economic Development Authority of James City County (JCC EDA) for the benefit of Christopher Newport University Education Foundation, Inc. In 2001, JCC EDA issued a bond for the benefit of the Christopher Newport University (CNU) Education Foundation in the original principal amount of \$8 million for the purpose of financing the acquisition of properties, mainly along Warwick Boulevard, for student housing, parking, and other facilities associated with CNU: financing the costs of furnishing and developing the properties and other costs associated with issuing the bond (Bond). The original Bond was modified and reissued in 2011, and the CNU Education Foundation planned to again modify the Bond to extend the final maturity for an additional period of ten (10) years, and to adjust its interest rate from a floating rate to a fixed rate. The Industrial Development Authority (IDA) of the City of Newport News, Virginia held the necessary public hearing at its June 3, 2016 meeting, and adopted a Resolution recommending that City Council provide the required jurisdictional approval for the modification of the Bond. The JCC EDA approved a resolution on the Bond modification at its Board of Directors meeting on June 9, 2016. The City Manager recommended approval.

G. Other City Council Actions Continued

2. Resolution for Approval of the Modification of a Revenue Bond Previously Issued by the Economic Development Authority of James City County (JCC EDA) for the Benefit of Christopher Newport University Education Foundation, Inc. Continued

Mr. Doug Hornsby, CEO, CNU Real Estate Foundation, 1 Avenue of the Arts, Newport News, was available to answer questions.

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

Vote on Roll Call:

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

Nays: None

Abstention: Bateman (The CNU Education Foundation was a client of his employer, TowneBank. He managed the relationship).

3. Ordinance Amending City Code, Chapter 27, Obscenity; Article I, In General; Section 27-10, Indecent Exposure

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 27, OBSCENITY, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 27-10, INDECENT EXPOSURE. This ordinance amended the City Code, Chapter 27, Obscenity, Article I, In General; Section 27-10, Indecent Exposure. The ordinance was updated to exempt individuals who were breastfeeding a child. The amendment was in accordance with the Code of Virginia. The City Manager recommended approval.

(No registered speakers)

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

Councilwoman Scott indicated that she was pleased to see this ordinance because there had been a great deal of controversy surrounding the issue.

Vote on Roll Call:

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

Nays: None

G. Other City Council Actions Continued

4. Ordinance Amending City Code, Chapter 32, Police; Article I., In General; Section 32-4, Charges for Certain Records and Services

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 32, POLICE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY AMENDING ARTICLE I., IN GENERAL, SECTION 32-4, CHARGES FOR CERTAIN RECORDS AND SERVICES. This ordinance amended the City Code, Chapter 32, Police; Article I., In General; Section 32-4, Charges for Certain Records and Services, to align the Code with recent changes to the Code of Virginia. Section 32-4, allowed charges for certain records and services and authorized the Police Department to collect fees for the various services provided. In 2015, the Code of Virginia was amended to require all Special Conservators of the Peace (SCOP) to submit to a background investigation. The amendment to Chapter 32 would allow the Police Department to charge \$200 for each non-City SCOP background investigation. The City Manager recommended approval.

(No registered speakers)

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

Councilwoman Woodbury inquired whether the \$200 fee was the normal charge for each background check. City Manager Bourey advised that the \$200 would help defer some of the costs. A total of 10 hours could be extended to perform a check, and could conceivably cost more.

Councilwoman Scott inquired about the current fee, and questioned the increase from \$0 to \$200. City Manager Bourey replied that this was a new requirement of the NNPD. Vice Mayor Coleman advised that the back ground investigation could possibly exceed 20 hours at times.

Councilwoman Vick inquired about the requirement. City Manager Bourey responded that the State required the NNPD to do this. City Attorney Owens advised that the State also mandated significant new training requirements. Councilwoman Vick questioned the likelihood of the citizens being able to pay the fee. Vice Mayor Coleman advised that it was usually the businesses that paid for the background checks of the individuals they planned to hire.

Councilwoman Scott inquired when this would take effect. City Attorney Owens advised that the ordinance would take effect July 1, 2016.

Vote on Roll Call:

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

Nays: None

G. Other City Council Actions Continued

5. Ordinance Approving Transfer of Ownership of PAPCP, Inc., Tenant for Seafood Industrial Park (SIP) Parcel 9

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY APPROVING A TRANSFER OF OWNERSHIP OF PAPCO, INC., LESSEE OF PARCEL 9 IN THE NEWPORT NEWS SEAFOOD INDUSTRIAL PARK. This ordinance approved the transfer of ownership of PAPCO, Inc., (PAPCO) tenant of SIP Parcel 9, to Ascent Aviation Group, Inc., (Ascent) a wholly-owned subsidiary of World Fuel Services Corporation (World Fuel Services). PAPCO, the current lessee of SIP Parcel 9 at 407 Jefferson Avenue, reached an agreement with Ascent, for World Fuel Services' purchase of 100% of PAPCO stock. Both Ascent and World Fuel Services had extensive successful histories in domestic and global petroleum distribution. Ascent would continue to operate as PAPCO at SIP Parcel 9, providing employment and quality petroleum products to the SIP seafood harvesting fleet and vessels elsewhere in the City. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

H. Appropriations

Councilwoman Scott moved adoption of Appropriations, Item 1, as shown below; seconded by Councilwoman Woodbury.

1. Newport News Fire Department (NNFD) – Federal Emergency Agency (FEMA), Department of Homeland Security (DHS): Staffing for Adequate Fire and Emergency Response (SAFER) Grant Amendment

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE–F-DHS-FEMA-SAFER-14 (\$299,190.00) TO FIREFIGHTER MEDIC (\$299,190.00). This resolution appropriated \$299,190.00 from the Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS): staffing for adequate Fire and Emergency Response (SAFER) Grant Amendment for the Newport News Fire Department (NNFD). The City had been awarded additional funding in the amount of \$299,190.00 from FEMA and DHS, obligated through SAFER Grant Program. The additional amount of \$299,190.00 represented an amendment to the original SAFER Grant amount of \$1,742,490.00 appropriated in August 2013. This federal grant provided the NNFD funding for salary and associated benefits for 15 firefighter/medic recruits. This grant required no local matching funds. The City Manager recommended approval.

H. Appropriations Continued

- I. Newport News Fire Department (NNFD) – Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS): Staffing for Adequate Fire and Emergency Response (SAFER) Grant Amendment Continued

(No registered speakers)

Vote on Roll Call:

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

Nays: None

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

Ms. Patricia L. Hores, 96-31st Street, Newport News, commented in regard to the chronic terroristic acts of animal abuse by Mr. Raymond Veditz. She advised that residents of the City of Newport News also included those who could not speak for themselves. Ms. Hores stated that she was an animal activist and shared a proposal to prevent the horrific events that occurred in 2011, and reoccurred in 2016, for lack of proper judicial imposition of financial repercussions and six month health inspections/animal control investigations at the residence of Mr. Raymond Veditz. She stated that if City Council did not “tighten up” on chronic animal abuse, Newport News would receive a reputation for encouraging the abuse of animals (In 2011, 100 cats were abused and had to be euthanized; In 2016, 45 of 63 were abused and had to be euthanized - a copy of the document is attached and made a part of these minutes).

Mr. John Gergely, 449 Winterhaven Drive, Newport News, advised that his neighborhood was sandwiched in between the soundwall on City Center Boulevard and the drug infested, crime ridden apartments called 400 Turlington. He expressed opposition to the construction of this sound wall. He had six-years of crime statistics from the apartment complex and shared that City Council approved the tattoo parlor that would be located across the street from the apartments. He advised that the sound wall was wrong, and served no purpose. Mr. Gergely advised of the Public Hearing for the City Center Boulevard Sound Wall Opening Project, scheduled for Thursday, June 30, 2016, 5:00 p.m. to 7:00 p.m., at Yates Elementary School (73 Maxwell Lane). The proposed project would modify the sound wall to restore pedestrian access to Spring Road while maintaining the overall noise reduction properties of the wall.

Ms. Veronica Williams, 531 Stockton Street, Hampton, Elder Law Attorney, The Center for Elder Law and Estate Planning, 11815 Fountain Way, Suite 300, Newport News, advised that she represented three clients, facing a crisis, as a result of the tax deferral ordinance. The Tax Deferral Ordinance placed them in direct conflict with federal regulation, which prohibited reverse mortgage homeowners from participating in a Tax Deferral Program. One client (Mr. Edwards) had his problem resolved by signing up for a repayment plan to cover his deferred taxes. He had had his reverse mortgage since 2009. Since then, she was approached by two additional clients (Ms. Judith Head and Ms. Mary Hamblin), whose issues could not be

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

resolved as easily. Ms. Hamblin was scheduled for foreclosure on July 5, 2016 as a result of the withdrawal of her tax relief application, which accelerated her taxes from 2013 to 2016, which she could not afford.

Ms. Williams asked City Council to consider a limited change to the ordinance as follows: (1) A one-time abatement for citizens who find themselves facing foreclosure through no fault of their own. This abatement was to take them out of the risk of foreclosure; and (2) An on-going abatement for a limited population of the citizens who were in need of long-term care, and had elected to receive that long-term care in their homes, as opposed to a skilled nursing home or facility. The same Medicare that would pay for care in a facility would pay for care in their home, but would not allow one to keep more than \$1,200 of one's income.

Ms. Judith Head, 804 Catalina Drive, Newport News, a long-time resident of Denbigh. She shared that her parents purchased the home 56 years prior and she acquired it 11 years prior. She had a reverse mortgage which gave her the benefit of not paying a mortgage. She had since used all of her equity, and was required to repay the mortgage company monthly within a two-year period (\$7,708.86). Had she known, she would not have done it. She applied for HUD housing when she discovered that she could not make it and had moved to the top of the waiting list for housing. She wanted to put a face to poverty. Ms. Head stated that most people had a distorted vision of what poor looked like. She had learned to survive and was basically happy. She hoped that City Council could help solve their problem.

Ms. Mary Hamblin, 32 Rutledge Road, Newport News, shared that her monthly social security income totaled \$1,658.00. She advised that she participated in the Senior Citizen's Tax Relief Program for many years, but advised that the change from exemption to deferral had created a crisis. She received notice that her home would go into foreclosure on July 5, 2016. Ms. Hamblin advised that she had a reverse mortgage since May 2007. The benefit of the reverse mortgage was so she did not have to make a monthly mortgage payment. Once she received the reverse mortgage, she was asked to withdraw her tax relief application, making all of the deferred real estate taxes and stormwater fees since 2013 due immediately, which totaled \$8,867.55. Her reverse mortgage company was forced to pay the taxes when she was not able to pay the taxes that had been deferred since 2013, which was how they received the right to refer her home to foreclosure. Her attorney, Ms. Veronica Williams, advised that the only way(s) to stop the foreclosure and avoid losing her home were: (1) File for Chapter 13 Bankruptcy protection; or (2) Reimburse the reverse mortgage company. She asked City Council to consider the proposed ordinance changes.

Mr. Edwards, 610 Willow Drive, Newport News, chose not to speak about his situation, which had been resolved.

City Manager Bourey reminded that a presentation was made proposing a Tax Abatement Program at the June 14, 2016 City Council Work Session.

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

City Attorney Owens advised that his office would draft an ordinance for City Council consideration at the July 12, 2016 Regular Meeting of City Council. He advised this would include a Tax Exemption Program in addition to the Tax Deferral Program. The income cut-off would be \$25,000 per year, with 40% of the individual's income earmarked for housing expenses. He was not sure what could be done regarding the amount the mortgage company had paid for taxes because there was no authority under State Law to make a gift, which is what repaying an abatement of several thousands of dollars would be considered.

Councilman Bateman suggested checking with the Treasurer about setting up a payment plan. He inquired about any caveat included in the loan document about having additional income. Ms. Williams advised that there was no equity remaining, nor was there money in her line of credit. The seniors had been compliant.

Councilman Bateman inquired about a payment plan with the mortgage companies. Ms. Williams advised that Ms. Head was allowed to establish a two-year repayment plan (a copy of Ms. Head's income and expenses is attached and made a part of these minutes). Without a tax exemption, Ms. Head was forced to leave her home and seek housing in Berkeley Commons (a HUD housing complex).

Ms. Williams advised that there was a shortage of affordable housing for senior citizens, as evidenced that Ms. Head was on a waiting list for eight months. Either she sign a lease for Berkely Commons and leave her home, or she is moved to the bottom of the waiting list.

Councilwoman Vick felt that something could be done. City Attorney Owens replied that the City could not forgive the taxes that had been previously deferred. Once the proposed Tax Exemption Ordinance is adopted, taxes could be exempted moving forward.

Councilwoman Woodbury inquired whether Ms. William's clients had approached the Hampton Roads Community Action Program (HRCAP) for assistance. Ms. Williams replied yes, but HRCAP dealt with renters, not homeowners.

Councilman Bateman inquired whether the mortgage companies would consider an assumption of the loan. Ms. Williams promised to check on whether her client's loans could be assumed.

Ms. Head explained that the amount of deferred taxes was for two or three years at most for those affected by the deferral ordinance.

Councilman Bateman suggested that all parties put their heads together to come up with a longer-term solution.

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

Councilwoman Scott expressed concern because there were probably numerous citizens that fell through the cracks and would be affected. She commended Ms. Williams and her clients for coming forward.

Ms. Williams advised that Ms. Head indicated that her mortgage company did not have a third party to work with the homeowners. Ms. Hamblin and Mr. Edwards had been advised by their mortgage companies' investigators that there were deferred taxes involved. The City did not notify the mortgage companies to advise citizens that they were in a deferred situation.

Councilwoman Cherry thanked Councilwoman Woodbury for her pursuit in having City Council look at this issue further; and thanked her colleagues for participating in the discussion. She felt this was very impactful and heartbreaking to learn that Newport News citizens were facing this challenge.

Councilwoman Woodbury indicated that she would like to see the ordinance take affect before another year approached.

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 encouraged everyone to get involved in the Green Revolution of Recycling. Mr. Thompson suggested increasing cigarette and alcohol taxes, as well as the legalization of marijuana to help increase the City's treasury.

Mr. Thompson found out that he was one of 250 former ex-convicts whose rights were restored by Governor Terry McAuliffe. He could vote, run for office, serve on jury duty, or other Council appointed boards.

Mr. Thompson urged citizens to support the Newport News Police Foundation.

J. New Business and Councilmember Comments

City Manager Bourey announced that a new tenant would be moving into Brooks Crossing. The Southeast Commerce Center Associates, which included Armada Hoffler, and Aaron Brooks. They signed a lease with Eagle's Nest Learning Center, owned and operated by Ms. Pandora Carter, who had many years of experience in operating a number of Child Care Centers. Ms. Carter would lease 5,300 square feet in Brooks Crossing, and was licensed to serve up to 90 children from infancy to age 12. A fenced outdoor play area would encompass 3,000 square feet. Eagle's Nest Learning Center was scheduled to open in mid-August, 2016.

City Manager Bourey advised, on the issue of the City Center Boulevard Noise Wall, the meeting was scheduled to hear from the neighborhood.

J. New Business and Councilmember Comments Continued

City Manager Bourey reminded the citizens about the upcoming 4th of July Celebration, "Stars in the Sky," Monday, July 4, 2016, 7:00 p.m., at Victory Landing Park (located at the end of 23rd Street along the James River). The event included free children's rides and strolling entertainment. Food vendors would be on site. Entertainment was provided by the Right On Band, an internationally known ten-piece "Show Band," with full horn section.

City Manager Bourey announced that the City had received a Community Neighborhood Initiative Grant award known as the "HUD Choice Neighborhood Grant, in the amount of \$500,000.00. The grant would be used for planning activities in the Southeast Community. He thanked Ms. Cindy Rohlf, Assistant City Manager; Ms. Karen Wilds, Director, Newport News Redevelopment and Housing Authority; Ms. Sheila McAllister, Director, Department of Planning; Ms. Florence Kingston, Director, Department of Development; Ms. Britta Ayers, Manager of Comprehensive Planning, Department of Planning; and Dr. Telly Whitfield, Assistant to the City Manager, for their hard work on putting the application together. This grant could lead to implementation funds and the City would be eligible to receive up to \$30 million should a revitalization plan be adopted.

City Clerk, Mabel Washington Jenkins, congratulated Vice Mayor Robert S. Coleman on his retirement, and commended him for four years of dedicated service to the City of Newport News.

Councilwoman Scott shared that she and her colleagues had taken a tour of the Foundry at the Newport News Shipyard. The Foundry was a part of the area included in the Defense Production Zone (DPZ) ordinance adopted by City Council. She stated the tour provided a great opportunity to view what would go on in that facility with a promise to increase employment and tax revenue.

Councilwoman Scott advised that Habitat for Humanity hosted a Home Repair Blitz on Saturday, June 25, 2016, in the Warwick Lawns Neighborhood in Denbigh. She advised that 15 homes were blitzed. Teams ranged from two to twenty. It was amazing to see how much work was done in an eight hour period. She congratulated Habitat for Humanity and the approximately 200 volunteers that participated.

Councilwoman Scott thanked the citizens for their attendance and participation at the North District Town Hall Meeting, held on Monday, June 27, 2016, 7:00 p.m., at the Denbigh Community Center (15198 Warwick Boulevard). There was no guest speaker. The agenda included Open Discussion and Citywide Updates from the City's Department of Planning. She announced that there would be no North District Town Hall Meeting during July 2016, but would resume again in August 2016.

Councilwoman Scott congratulated the students that were selected to participate in the Summer Training and Enrichment Program (STEP). They would receive an opportunity to learn job skills and earn money in the process. The 2016 program was extended from the South,

J. New Business and Councilmember Comments Continued

to the North, and Central Districts. Her church, Church of the Lord Jesus Christ (1218-25th Street), was honored to be a host job site for the program.

Councilwoman Scott bid farewell to her North District City Council colleague, Vice Mayor Rob Coleman. She stated that it had been a pleasure to work with him and wished him Godspeed. They agreed on a majority of issues. She would miss sitting beside him and their exchanges on the podium, but looked forward to seeing him throughout the North District and felt he would be back in some capacity.

Councilwoman Vick bid farewell to her City Council colleague, Vice Mayor Rob Coleman, and wished him well.

Councilwoman Woodbury stated that she enjoyed the tour of the Foundry of the Newport News Shipyard. The Foundry was a part of the area included in the Defense Production Zone (DPZ) ordinance adopted by City Council.

Councilwoman Woodbury commented on the Tax Exemption/Tax Deferral discussion. She had long sought some sort of help for those elderly citizens and prevention of their plight.

Councilwoman Woodbury wished Ms. Clara Cherry, a Happy Birthday. Ms. Cherry would celebrate her 92nd birthday on July 8, 2016. She started the Food Pantry at St. Vincent DePaul Catholic Church, 230-33rd Street, as well as many other community activities.

Councilwoman Woodbury commended the many elderly citizens in the City of Newport News who were in need, but had given so much of themselves over the years.

Councilwoman Woodbury wished Madam Annie B. Daniels a Happy Birthday. Madam Daniels would celebrate her 100th birthday on July 13, 2016.

Councilwoman Woodbury thanked all of the senior citizens for their service and support to our community.

Councilman Bateman bid farewell to his City Council colleague, Vice Mayor Rob Coleman, and wished him well. He thanked Vice Mayor Coleman for his dedicated service over the past four years.

Councilwoman Cherry wished her mother-in-law, Ms. Clara Cherry, a Happy Birthday. Ms. Cherry would celebrate her birthday on July 8, 2016.

Councilwoman Cherry wished Madam Annie Daniels a Happy Birthday. Madam Daniels would celebrate her 100th birthday on July 13, 2016. She stated that both women had been an inspiration to the community.

J. New Business and Councilmember Comments Continued

Councilwoman Cherry thanked the citizens for their attendance and participation at the meeting to share their views. She reminded them that their voice did matter to City Council.

Councilwoman Cherry thanked Officer Donald Greathouse for spearheading the panel discussion at the June 19, 2016 South District Your Voice Matters Town Hall Meeting. It was great. There were 10 operating departments that participated and shared what their role and function was in the City. She stated the partnership with the NNPD and the School Board was working for the Town Hall Meetings.

Councilwoman Cherry thanked the community and each organization that participated in the Juneteenth Festival on Saturday, June 18, 2016, at the Farmer's Market. Fun was had by all. She thanked everyone for their support.

Councilwoman Cherry had a great opportunity at Hampton University on Sunday, June 26, 2016, to celebrate a grant provided by Verizon to establish a STEM program for Middle School students. She was proud to have students from Huntington, Crittenden, and Booker T. Washington Middle Schools participating in the STEM program for the summer. It was exciting to see the parents present and the children represented. Councilwoman Cherry congratulated the School Board for preparing the children to be at that level to be selected to participate in the program.

Councilwoman Cherry announced that the South District "Your Voice Matters" Town Hall Meetings would be held on Thursday, July 14, 2016, 6:00 – 7:30 p.m., at the Brittingham-Midtown Community Center (570 McLawhorne Drive) for residents from Mercury Boulevard North to Harpersville Road; and on Thursday, July 21, 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. Presentations for both Town Hall Meetings would be from School Board member, Mr. Carlton Ashby. His presentation would be on the new Discovery STEM Academy, formerly the Magruder Elementary School. All residents were invited to attend. She reminded that 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 thanked Vice Mayor Robert Coleman for all of his support. She stated that she would miss him on City Council, but knew that he would be around in the community as he had always been a great supporter. She thanked him for his support and all that he had done.

Vice Mayor Coleman thanked Councilwoman Cherry for her thoughtful words of appreciation. He had always enjoyed being a part of her community events and sharing in the energy. It had always been a pleasure.

Vice Mayor Coleman thanked his colleague, Councilwoman Cherry for hosting the Downtown Newport Merchants and Neighbors Association, Inc. Juneteenth Freedom Festival

J. New Business and Councilmember Comments Continued

celebration on Saturday, June 18, 2016, at the Farmer's Market. He and Councilwoman Vick were in attendance. It was a fantastic event and a great gathering for the community.

Regarding the STEP, he gave kudos to Mr. Alan Archer, Assistant City Manager; Ms. MaRhonda Echols, Youth and Gang Violence Coordinator, and all of the other partners to include the Newport News Public Schools, the Sheriff's Office, NNPD, School Security, that were going through the orientation process. He congratulated on another great program.

Vice Mayor Coleman announced that June 28, 2016 was his last City Council Meeting. He indicated the previous four years had been fantastic. The journey had been fun, and exciting; but overall, a fantastic experience. He thanked the City staff, particularly the City Manager's Office, and the Department Heads. He indicated that Newport News had the best staff in the Commonwealth of Virginia, if not the entire United States. They were committed to serve the community, and had always been very responsive. He thanked City Attorney, Collie Owens, and his staff who had always been responsive. He thanked them for their guidance and friendship. Vice Mayor Coleman thanked the City Clerk Mabel Washington Jenkins, and the super staff in the City Clerk's Office for all they had done. They watched his back and kept him out of trouble. He encouraged them to continue their good work for not only members of City Council, but also for the community.

Vice Mayor Coleman thanked each of his colleagues on the Newport News City Council who helped him grow and mature as a leader. He thanked them for their commitment to the City and the citizens. He felt they had accomplished a great deal during the past four years. He thanked the citizens of Newport News for providing him the opportunity to serve. He never dreamt that he would be on City Council and helping to serve his hometown. It had been a great opportunity. He appreciated the trust that was instilled in him. Finally, he stated, at this level of service, much sacrifice was required. Usually, it was the family that made the sacrifice. He thanked his wife, Jamie, and son, Jacob, for allowing him to serve.

Vice Mayor Coleman moved that a resolution be adopted amending the employment contract of the City Manager by authorizing the City to execute Addendum No. 3 to said agreement. A copy of the resolution was provided to the members of City Council and is shown below.

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN ADDENDUM NO. 3 DATED THE 28TH DAY OF JUNE, 2016, TO THE AGREEMENT BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND JAMES M. BOUREY, CITY MANAGER.

Vice Mayor Coleman moved adoption of the above resolution; seconded by Councilman Bateman.

J. New Business and Councilmember Comments Continued

Vote on Roll Call:

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

Nays: None

Vice Mayor Coleman moved that a resolution be adopted amending the employment contract of the City Clerk by authorizing the City to execute Addendum No. 11 to said agreement. A copy of the resolution was provided to the members of City Council and is shown below.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CHIEF DEPUTY CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN ADDENDUM NO. 11 DATED THE 28TH DAY OF JUNE, 2016, TO THE AGREEMENT BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND MABEL WASHINGTON JENKINS, FORMERLY KNOWN AS MABEL V. WASHINGTON, CITY CLERK.

Vice Mayor Coleman moved adoption of the above resolution; seconded by Councilman Bateman.

Vote on Roll Call:

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

Nays: None

Vice Mayor Coleman moved that a resolution be adopted amending the employment contract of the City Attorney by authorizing the City to execute Addendum No. 5 to said agreement. A copy of the resolution was provided to the members of City Council and is shown below.

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 ADDENDUM NO. 5 DATED THE 28TH DAY OF JUNE, 2016, TO THE AGREEMENT BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND COLLINS L. OWENS, JR., CITY ATTORNEY.

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

Vote on Roll Call:

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

Nays: None

J. New Business and Councilmember Comments Continued

Mayor Price congratulated the appointed officials, City Manager James Bourey; City Clerk Mabel Washington Jenkins; and the City Attorney Collins Owens, Jr., who had each received favorable evaluations earlier at the June 28, 2016 Special Meeting of City Council. He expressed appreciation for their service and thanked them for their hard work.

Mayor Price stated that he was one of the original tennis players that used the Centre Court Racquet Club located at 12445 and 12447 Warwick Boulevard. He expressed appreciation to Colonel William Shiver, who helped launch many careers and provided numerous scholarships, and made a healthier community. He would miss the facility, and hoped it could be duplicated one day for those that indulged in tennis or racquet ball.

Mayor Price bid farewell to his City Council colleague, Vice Mayor Robert Coleman, and wished him well. He thanked Vice Mayor Coleman for his hard work and dedicated service to the City over the past four years. He had been a great friend, and loyal to the office, serving as Vice Mayor for the past two years, and had been willing to step in and represent the City in the absence of the Mayor. He had been someone he could talk to and mentor. It had been a pleasure to work with him.

Mayor Price shared that he had served as the 2016 Chair of the Peninsula Walk to End Alzheimer's (Mayor Price pointed out that he was wearing a pin and purple, which was the color they adopted). He announced that the Peninsula Walk to End Alzheimer's would be held on Saturday, October 15, 2016, 10:00 a.m., in Port Warwick. He urged all citizens to participate to show their support for the dreadful disease of Alzheimer's.

Mayor Price further announced, as part of the Walk to End Alzheimer's, the Peninsula Pilots would host an Alzheimer's Awareness Night game on Wednesday, July 20, 2016, 7:00 p.m., at the War Memorial Stadium, 1889 West Pembroke Avenue, Hampton. Attendees were asked to wear purple in support of Alzheimer's awareness.

Mayor Price asked citizens who wished to speak to members of City Council after the meeting, to allow them time to gather their belongings, and meet them out front, as opposed to approaching them on the podium.

K. Adjourn

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

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 9:29 P.M.

DRAFT

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Minutes of Regular Meeting
June 28, 2016

Mabel Washington Jenkins

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk

F. Consent Agenda

4. Resolution of Appreciation: The Honorable Robert S. Coleman, Member of the Newport News City Council

ACTION: A REQUEST TO APPROVE A RESOLUTION OF APPRECIATION FOR THE HONORABLE ROBERT S. COLEMAN, MEMBER OF THE NEWPORT NEWS CITY COUNCIL.

BACKGROUND:

- Since 2012, Robert S. Coleman has served the citizens of the City of Newport News as a representative of the North District.
- On July 8, 2014, he was selected to serve as Vice Mayor by his peers on City Council.
- Mr. Coleman has been a passionate, vocal leader and advocate for the citizens of his district, in addition to the citizens of the City as a whole.
- Mr. Coleman rose through the ranks of the Sheriff's Office, working from Corrections Deputy to his current rank of Major.
- He has been active in several civic organizations and is a founding member of the Denbigh Youth Alliance.
- This Resolution of Appreciation is to express heartfelt appreciation to Mr. Coleman for his many contributions to the City, the Virginia Peninsula, the Hampton Roads region and as a token of respect from the Newport News City Council.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

sdm14465 Appreciation re Robert S. Coleman

RESOLUTION NO. _____

RESOLUTION OF APPRECIATION

WHEREAS, the Council of the City of Newport News, Virginia, wishes to honor and recognize Robert S. Coleman for his four years of service as a member of the Newport News City Council; and

WHEREAS, since 2012, Robert S. Coleman has served the citizens of the City of Newport News as a representative of the North District. As part of his City Council service, he was appointed to serve on the Newport News Transportation Safety Commission. On July 8, 2014, he was selected to serve as Vice Mayor by his peers on City Council; and

WHEREAS, Robert S. Coleman was born in Seoul, South Korea. He moved to Newport News with his family shortly after his birth. A product of Newport News Public Schools, Robert S. Coleman graduated from Warwick High School in 1989 before attending Thomas Nelson Community College and beginning his career with the Newport News Sheriff's Office; and

WHEREAS, Robert S. Coleman rose through the ranks of the Sheriff's Office, working from Corrections Deputy to his current rank of Major. As he progressed through the ranks, Robert S. Coleman had responsibility for numerous functions, including the work release program, substance abuse counseling, home electronic monitoring, job training, civil process, courtroom security, transportation, information technology, fleet management, and many others. Robert S. Coleman was instrumental in the implementation of a new Records Management System utilized by all public safety agencies within the City; and

WHEREAS, Robert S. Coleman has been a passionate, vocal leader and advocate for the citizens of his district as well as the citizens of the City as a whole. He has been active in several civic organizations, including the Foodbank of the Virginia Peninsula, the Newport News Free Clinic, Big Brothers/Big Sisters, the American Red Cross, Walk a Mile in Her Shoes, and the Coats for Kids Program. He is a founding member of the Denbigh Youth Alliance, and in 2014 was selected by Governor Terry McAuliffe to serve on the State Executive Council for At-Risk Youth and Families; and

WHEREAS, Robert S. Coleman has made many valuable contributions to the City, the Virginia Peninsula, and the entire Hampton Roads Region which this Council wishes to recognize.

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

1. That it hereby recognizes Robert S. Coleman for his two years as Vice Mayor and

four years as a member of the Newport News City Council.

2. That it expresses its heartfelt appreciation for his many contributions to the City, the Virginia Peninsula, and the Hampton Roads Region.

3. That a copy of this resolution be spread upon the records of this body and that a copy be delivered to Robert S. Coleman as a token of respect and warm appreciation of this Council and the citizens of Newport News.

4. That this resolution shall be in effect on and after the date of its adoption, July 12, 2016.

G. Other City Council Actions

1. Ordinance Amending City Code, Chapter 40, Taxation; Article 11., Real Estate Taxes, Division 3., Deferral for Elderly and Disabled Persons, Sections 40-46, 40-47, 40-48, 40-49, 40-50; and Adding New Sections 40-51, 40-51.1, 40-51.2, 40-51.3, 40-51.4, 40-51.5; and Deleting Section 40-53, Nullification Upon Change in Status

ACTION: A REQUEST TO ADOPT AN ORDINANCE AMENDING CITY CODE CHAPTER 40, TAXATION, ARTICLE II., REAL ESTATE TAXES, DIVISION 3., DEFERRAL FOR ELDERLY AND DISABLED PERSONS, SECTIONS 40-46, 40-47, 40-48, 40-49, 40-50; AND ADDING NEW SECTIONS 40-51, 40-51.1, 40-51.2, 40-51.3, 40-51.4, 40-51.5; AND DELETING SECTION 40-53, NULLIFICATION UPON CHANGE IN STATUS; TO ALLOW FOR AND DEFINE A LIMITED ELDERLY TAX EXEMPTION PROGRAM FOR QUALIFIED INDIVIDUALS.

BACKGROUND:

- On May 12, 2011 City Council adopted Resolution #6786-11 altering the tax exemption program to a tax deferral program
- A limited tax exemption program is requested to be re-instated for property owners that meet program qualifications.
- The tax exemption qualifications are the applicant must be 65 years or older, own a residence on a one acre parcel or less, have an annual income of \$25,000 or less, and have qualified assets of \$10,000 or less.
- All other conditions and qualifications for tax deferral remain unchanged.
- This change would be effective with the adoption of this ordinance.

FISCAL IMPACT:

- The minimum permanent estimated loss of Real Estate Tax revenue based on this limited tax exemption change is \$255,000 to \$500,000 annually.
- This estimated is based on the FY 2016 Real Estate Tax rate and real estate assessment.
- Annual revenue foregone is subject to the number of qualified

participants, the real estate tax rate, and the property assessment.

- The City Manager recommends approval.

ATTACHMENTS:

Description

CM Memo re Real Estate Tax Exemption

sdm14477 Real Estate Tax Exemption Ordinance

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

July 6, 2016

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Ordinance Amendment to the Elderly and Disabled Real Estate Tax Deferral Program

In May 2011, City Council adopted an ordinance to change the Real Estate tax exemption program to tax deferral for property owners eligible under established requirements. This critical action was taken to mitigate the impact of projected substantial and permanent revenue loss to the City. The tax deferral program allows for the postponement of real estate taxes for eligible property owners, with accumulated taxes being paid at a later time. Over a period of time, it became apparent that a small number of households would not be able to participate in the deferral program due to mortgage restrictions. At your June 14 Work Session, revisions to the Tax Relief Program were outlined that would offer tax relief beyond deferment to our elderly citizens with very limited financial resources.

City Council is asked to approve a change to the current tax deferral program to allow for an annual tax exemption for our elderly citizens with the most limited annual income and qualified assets, and high housing cost burden. I recommend that tax exemption be made available for households that meet the following criteria:

- Age 65 or older
- Own a home situated on a parcel one acre or less in size
- Annual household income equal or less than \$25,000 year
- Qualified assets equal or less than \$10,000
- A new criterion would require that 40% of household income be spent on housing costs. Housing costs are defined as any expense that is non-food, medical, or transportation related costs, and is generally considered utilities, insurances, mortgage payments, real estate taxes, or similar disbursements related to residing in the house.

The Honorable City Council

Page 2

Ordinance Amendment to the Elderly and Disabled Real Estate Tax

Deferral Program

July 7, 2016

Tax exemption would require application on an annual basis and would be available only to households that meet the conditions defined above. All other applicants would remain on tax deferral status, if they continue to qualify within our current criteria. Based on the profile of current tax deferral program participants, it is estimated that a minimum of 188 households would be eligible to apply for tax exemption. Using this number of households as a basis, it is estimated that between \$255,000 and \$500,000 in annual Real Estate Tax revenue would be forgone permanently by adopting this change. This estimate is based on the current Real Estate Tax rate of \$1.22 per \$100 of assessed value and real estate assessment values upon which FY 2016 taxes were levied. This estimate reflects a minimum revenue loss based on current participation in the Elderly Tax Relief Program. The potential for increased participation in the tax relief program resulting from the addition of the tax exemption component is not known at this time.

This ordinance will be effective immediately upon adoption. I recommend approval.


James M. Bourey

JMB:ljc

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 40, TAXATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE 11., REAL ESTATE TAXES, DIVISION 3., DEFERRAL FOR ELDERLY AND DISABLED PERSONS, SECTION 40-46, DEFINITIONS; SECTION 40-47, AUTHORIZED; SECTION 40-48, ADMINISTRATION; RULES AND REGULATIONS OF CITY MANAGER; SECTION 40-49, GENERAL PREREQUISITES TO GRANT; EFFECT OF RESIDENCY IN HOSPITAL, NURSING HOME, ETC.; PRORATION; SECTION 40-50, APPLICANT'S AFFIDAVIT AND CERTIFICATE OF DISABILITY; MANAGER'S CERTIFICATION TO TREASURER AND BY ADDING THERETO NEW SECTIONS, NAMELY: SECTION 40-51, AUTHORIZED; SECTION 40-51.1, ADMINISTRATION; RULES AND REGULATIONS OF CITY MANAGER; SECTION 40-51.2, GENERAL PREREQUISITES TO GRANT; EFFECT OF RESIDENCY IN HOSPITAL, NURSING HOME, ETC.; PRORATION; SECTION 40-51.3, APPLICANT'S AFFIDAVIT AND CERTIFICATE OF DISABILITY; MANAGER'S CERTIFICATION TO TREASURER; SECTION 40-51.4, NULLIFICATION UPON CHANGE IN STATUS; AND SECTION 40-51.5, FALSE REQUESTS; VIOLATION; AND DELETING SECTION 40-53, NULLIFICATION UPON CHANGE IN STATUS.

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

1. That Chapter 40, Taxation, of the Code of the City of Newport News, Virginia, Article II., Real Estate Taxes, Division 3., Deferral for Elderly and Disabled Persons, Section 40-46, Definitions; Section 40-47, Authorized; Section 40-48, Administration; rules and regulations of city manager; Section 40-49, General prerequisites to grant; effect of residency in hospital, nursing home, etc.; proration, Section 40-50, Applicant's affidavit and certificate of disability; manager's certification to treasurer, be, and the same hereby is, amended and reordained, and by adding thereto new sections, namely: Section 40-51, Authorized; Section 40-51.1, Administration; rules and regulations of city manager; Section 40-51.2, General prerequisites to grant; effect of residency in hospital, nursing home, etc.; proration; Section 40-51.3, Applicant's affidavit and certificate of disability; manager's certification to treasurer; Section 40-51.4, Nullification upon change in status; and Section 40-51.5, False requests; violation; and deleting Section 40-53, Nullification upon change in status, as follows:

CHAPTER 40

TAXATION

ARTICLE II. REAL ESTATE TAXES

**DIVISION 3. DEFERRAL FOR ELDERLY AND DISABLED
PERSONS; EXEMPTION FOR QUALIFYING ELDERLY PERSONS**

Sec. 40-46. Definitions.

For the purpose of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Affidavit. The real estate tax deferral or exemption affidavit provided for in this division.

Deferral. Deferral from the real estate tax of the city according to the provisions of this division.

Dwelling. The full-time residence of the person or persons claiming deferral or exemption under this division.

Exemption. Release from real estate tax liability according to the provisions of this division.

Permanently and totally disabled. A person is permanently and totally disabled if such person is so certified as required in section 40-50(c) and is found by the city manager to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

Property. Real property and, in addition, mobile homes assessed pursuant to section 40-220.3.

Taxable year. The fiscal year, from July 1 until June 30, for which a deferral or exemption is claimed under this division. In the case of mobile homes assessed pursuant to section 40-220.3, the taxable year shall be January 1 until December 31, for which a deferral or exemption is claimed under this division.

Sec. 40-47. Tax deferral; authorized.

Real estate tax deferral is provided for qualified property owners who are eligible according to the terms of this division who are age sixty-five (65) or older or who are permanently and totally disabled. Property owners who are both permanently and totally disabled and over sixty-five (65) years of age may claim deferral under both age and disability. Persons qualifying for deferral are deemed to be bearing an extraordinary real estate tax burden in relation to their income and financial worth.

Sec. 40-48. Administration of tax deferral; rules and regulations of city manager.

The deferral provided for in this division shall be administered by the city manager according to the provisions of this division, provided that the city manager may designate another officer, employee or constitutional officer to perform these duties. The city manager is hereby authorized and empowered to prescribe, adopt, promulgate and enforce such rules and regulations, in conformance with the provisions of this division, including the requirement of answers under oath, as may be reasonably necessary to determine qualifications for deferral as specified in this division. The city manager may require the production of certified tax returns and appraisal reports to establish income or financial worth.

Sec. 40-49. General prerequisites to grant of tax deferral; effect of residency in hospital, nursing home, etc.; proration.

- (a) Deferral shall be granted to persons subject to the following provisions:
 - (1) The title to the property is held or partially held on July 1 of the taxable year, by the person or persons claiming deferral for the said property.
 - (2) Such real estate shall be owned and occupied as the sole dwelling of a person who is either permanently and totally disabled or sixty-five (65) years of age or older on December 31 of the calendar year immediately preceding the taxable year.
 - (3) Real property owned and occupied as the sole dwelling of an eligible person includes real property (i) held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.
 - (4) Subject to subparagraph (6), of this section, the total combined income received from all sources during the preceding calendar year by (i) owners of the dwelling who use it as their principal residence, (ii) owners' relatives who live in the dwelling, except for those relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not; and (iii) non-relatives of the owner who live in the dwelling, except for bona fide tenants or bona fide caregivers of the owner, whether compensated or not, shall not exceed the greater of fifty thousand dollars (\$50,000.00), or the income limits based upon family size for the respective metropolitan statistical area, annually published by the Department of Housing and Urban Development for qualifying for federal

housing assistance pursuant to § 235 of the National Housing Act (12 U.S.C. § 1715z). Any amount up to ten thousand dollars (\$10,000.00) of income of each relative who is not the spouse of an owner living in the dwelling and each non-relative who is not the bona fide tenant or bona fide caregiver of an owner living in the dwelling and who does not qualify for the deferral provided by subparagraph (6) hereof is hereby excluded from the total combined income calculation. In addition, ten thousand dollars (\$10,000.00) of income, from whatever source, shall be excluded from the income of any owner who is permanently disabled.

- (5) The net combined financial worth, as determined by the city manager, including the present value of all equitable interests, as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one acre, upon which it is situated shall not exceed two hundred thousand dollars (\$200,000.00). The value of the owner's furnishings that are located in the dwelling are also excluded from the determination of the net combined financial worth. Such furnishings shall include furniture, household appliances and other items typically used in a home.
- (6) Notwithstanding subparagraph (4) of this section, if a person qualifies for a deferral under this article, and if the person can prove by clear and convincing evidence that the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does then move in for that purpose, then none of the income of the relative or of the relative's spouse shall be counted towards the income limit, provided the owner of the residence has not transferred assets in excess of ten thousand dollars (\$10,000.00) without adequate consideration within a three-year period prior to or after the relative moves into such residence.

(b) The fact that persons who are otherwise qualified for tax deferral pursuant to this division reside in hospitals, nursing homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax deferral is sought does not continue to be the sole dwelling of such person during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

(c) A change in ownership of the subject property to a spouse which results solely from the death of the qualifying individual or a sale of such property shall result in a prorated or ~~deferral~~deferred tax for the then current taxable year if such application for deferral was properly and timely filed and approved. Such prorated portion shall be determined by multiplying the amount of the deferral by a fraction wherein the number of complete months of the year such property was properly eligible for such ~~exemption or~~ deferral is the numerator and the number twelve (12) is the denominator.

(d) For the purposes of this division, income shall mean total gross income from all sources, without regard to whether a tax return is actually filed. Income shall not include life insurance benefits or receipts from borrowing or other debt.

Sec. 40-50. Applicant's affidavit and certificate of disability for tax deferral; manager's certification to treasurer.

(a) Effective with the tax year beginning July 1, 2009 and thereafter, with the exception of certain situations set forth in subsection (b) below, the person or persons claiming a deferral for the forthcoming taxable year shall annually file a real estate tax deferral affidavit with the city manager or his designee between January 1 and August 31. With the exception of certain situations set forth in subsection (b) below, failure to file a properly completed real estate tax deferral affidavit by August 31 shall disqualify any otherwise qualified applicant, for the receipt of real estate tax deferral. If the deferral is sought for a mobile home, the affidavit must be filed between April 1 and June 30, and with the exception of certain situations as set forth in subsection (b) below, failure to file a properly completed real estate tax deferral affidavit by June 30 shall disqualify any otherwise qualified applicant, for the receipt of real estate tax deferral.

(b) Affidavits for real estate tax deferral may be submitted outside the January 1 to August 31 filing period, until October 31 of the tax year for which deferral is sought, in cases of (1) first time applicants, or (2) where the city manager determines that the failure to grant the deferral would serve to create an extreme hardship for the applicant

(c) The affidavit required by this section shall set forth, in a manner prescribed by the city manager, the names of the related persons occupying the dwelling for which deferral is claimed, their gross combined income and their total combined net worth.

(d) If the applicant is under sixty-five (65) years of age, the affidavit shall have attached thereto a certification by the social security administration, veterans administration or the railroad retirement board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the Commonwealth of Virginia, to the effect that such person is permanently and totally disabled as defined in section 40-46. The affidavit of at least one (1) of such doctors shall be based upon a physical examination of such person by such doctor. The affidavit of one (1) of such doctors may be based upon medial information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in section 40-46.

(e) If, after audit and investigation, the city manager determines that the applicant is qualified for deferral, the manager shall so certify to the treasurer of the city who shall deduct the amount of the deferral from the claimant's real estate tax liability.

Sec. 40-51. Tax exemption authorized.

Real estate tax exemption is provided for qualified property owners who are eligible according to the terms of this division who are age sixty-five (65) or older. Persons qualifying for exemption are deemed to be bearing an extraordinary real estate tax burden in relation to their income and financial worth.

Sec. 40-51.1. Administration of tax exemption; rules and regulations of city manager.

The exemption provided for in this division shall be administered by the city manager according to the provisions of this division, provided that the city manager may designate another officer, employee or constitutional officer to perform these duties. The city manager is hereby authorized and empowered to prescribe, adopt, promulgate and enforce such rules and regulations, in conformance with the provisions of this division, including the requirement of answers under oath, as may be reasonably necessary to determine qualifications for exemption as specified in this division. The city manager may require the production of certified tax returns and appraisal reports to establish income or financial worth.

Sec. 40-51.2. General prerequisites to grant of tax exemption; effect of residency in hospital, nursing home, etc.; proration.

- (a) Exemption shall be granted to persons subject to the following provisions:
 - (1) The title to the property is held or partially held on July 1 of the taxable year, by the person or persons claiming exemption for the said property.
 - (2) Such real estate shall be owned and occupied as the sole dwelling of a person who is sixty-five (65) years of age or older on December 31 of the calendar year immediately preceding the taxable year.
 - (3) Real property owned and occupied as the sole dwelling of an eligible person includes real property (i) held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.
 - (4) Subject to subparagraph (6), of this section, the total combined income received from all sources during the preceding calendar year by (i) owners of the dwelling

who use it as their principal residence, (ii) owners' relatives who live in the dwelling, except for those relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not; and (iii) non-relatives of the owner who live in the dwelling, except for bona fide tenants or bona fide caregivers of the owner, whether compensated or not, shall not exceed the greater of twenty-five thousand dollars (\$25,000.00). Any amount up to ten thousand dollars (\$10,000.00) of income of each relative who is not the spouse of an owner living in the dwelling and each non-relative who is not the bona fide tenant or bona fide caregiver of an owner living in the dwelling and who does not qualify for the exemption provided by subparagraph (6) hereof is hereby excluded from the total combined income calculation.

(5) The net combined financial worth, as determined by the city manager, including the present value of all equitable interests, as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one acre, upon which it is situated shall not exceed ten thousand dollars (\$10,000.00). The value of the owner's furnishings that are located in the dwelling are also excluded from the determination of the net combined financial worth. Such furnishings shall include furniture, household appliances and other items typically used in a home.

(6) An eligible person must show that forty percent (40%) of the total combined income detailed in Sec. 40-51.2(4) is expended on housing costs for the qualifying dwelling and real property. Housing costs include, but are not limited, to utility bills and mortgages associated with the dwelling.

(7) Notwithstanding subparagraph (4) of this section, if a person qualifies for an exemption under this article, and if the person can prove by clear and convincing evidence that the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does then move in for that purpose, then none of the income of the relative or of the relative's spouse shall be counted towards the income limit, provided the owner of the residence has not transferred assets in excess of ten thousand dollars (\$10,000.00) without adequate consideration within a three-year period prior to or after the relative moves into such residence.

(b) The fact that persons who are otherwise qualified for tax exemption pursuant to this division reside in hospitals, nursing homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such person during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

(c) A change in ownership of the subject property to a spouse which results solely from the death of the qualifying individual or a sale of such property shall result in a prorated tax or exemption for the then current taxable year if such application for exemption was properly and timely filed and approved.

(d) For the purposes of this division, income shall mean total gross income from all sources, without regard to whether a tax return is actually filed. Income shall not include life insurance benefits or receipts from borrowing or other debt.

Sec. 40-51.3. Applicant's affidavit and certificate of disability for tax exemption; manager's certification to treasurer.

(a) Effective with the tax year beginning July 1, 2016 and thereafter, with the exception of certain situations set forth in subsection (b) below, the person or persons claiming an exemption for the forthcoming taxable year shall annually file a real estate tax exemption affidavit with the city manager or his designee between January 1 and August 31. With the exception of certain situations set forth in subsection (b) below, failure to file a properly completed real estate tax exemption affidavit by August 31 shall disqualify any otherwise qualified applicant, for the receipt of real estate tax exemption. If the exemption is sought for a mobile home, the affidavit must be filed between April 1 and June 30, and with the exception of certain situations as set forth in subsection (b) below, failure to file a properly completed real estate tax exemption affidavit by June 30 shall disqualify any otherwise qualified applicant, for the receipt of real estate tax exemption.

(b) Affidavits for real estate tax exemption may be submitted outside the January 1 to August 31 filing period, until October 31 of the tax year for which exemption is sought, in cases of (1) first time applicants, or (2) where the city manager determines that the failure to grant the exemption would serve to create an extreme hardship for the applicant

(c) The affidavit required by this section shall set forth, in a manner prescribed by the city manager, the names of the related persons occupying the dwelling for which exemption is claimed, their gross combined income, their total combined net worth, and housing costs.

(d) If, after audit and investigation, the city manager determines that the applicant is qualified for exemption, the manager shall so certify to the treasurer of the city who shall deduct the amount of the exemption from the claimant's real estate tax liability.

Sec. 40-51.4. Nullification upon change in status.

(a) Changes in respect to income, financial worth, ownership of property, housing costs or other factors occurring during the taxable year for which an affidavit in support of tax deferral or exemption is filed and having the effect of exceeding or violating the limitations and conditions

provided for in this division shall nullify any relief of real estate tax liability for the full tax year for which the tax was relieved.

(b) A change in ownership of the subject property to a spouse which results solely from the death of a qualifying individual, or a sale of such property, shall result in a prorated deferral or exemption for the then current taxable year, if such application for deferral or exemption was properly and timely filed and approved. Such prorated portion shall be determined by multiplying the amount of the deferral or exemption by a fraction wherein the number of complete months of the year such property was properly eligible for such deferral or exemption is the numerator and the number twelve (12) is the denominator.

Sec. 40-51.5. False requests; violation.

Any person falsely requesting relief under this article shall be guilty of a Class 3 Misdemeanor.

~~Sec. 40-53. Nullification upon change in status.~~

~~(a) Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which an affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided for in this division shall nullify any relief of real estate tax liability for the full tax year for which the tax was relieved.~~

~~(b) A change in ownership of the subject property to a spouse which results solely from the death of a qualifying individual, or a sale of such property, shall result in a prorated deferral for the then current taxable year, if such application for deferral was properly and timely filed and approved. Such prorated portion shall be determined by multiplying the amount of the deferral by a fraction wherein the number of complete months of the year such property was properly eligible for such deferral is the numerator and the number twelve (12) is the denominator.~~

2. That this ordinance shall be in effect on and after the date of its adoption, July 12, 2016.

G. Other City Council Actions

2. Ordinance Authorizing the City Manager to Execute A Lease, By and Between the City of Newport News and the Newport News Police Foundation

ACTION: A REQUEST TO ADOPT AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE, BY AND BETWEEN THE CITY OF NEWPORT NEWS AND THE NEWPORT NEWS POLICE FOUNDATION (NNPF), TO LEASE LAND TO CONSTRUCT A CANINE FACILITY.

BACKGROUND:

- The NNPF is a nonprofit organization that provides support for efforts to enhance police and community relations.
- One of the projects the Foundation has initiated is building a facility for the Police Department's canines.
- Through donations of work and material, the goal of the NNPF is to have the facility completed within a 12-month period.
- The facility will be located at 561 McLawhorne Drive.
- NNPF is requesting a one-year lease commencing on August 1, 2016, with the option for two one-year renewals.
- Upon completion of constructing the canine training facility, the facility and land will become the property of the City.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re Lease w-NN Police Foundation
SDM14486 Auth NN Police Foundation Lease

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

July 6, 2016

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Lease to the Newport News Police Foundation for the Canine Facility

The Newport News Police Foundation (NNPF), is a 501(c)(3) nonprofit organization that provides support for efforts to enhance police and community relations, crime prevention and public safety through grant funding for specialized equipment, training, and cooperative community engagement programs for the Newport News Police Department. One of the projects that is being undertaken by the Foundation is building a facility for the Police Department's canines. Through donations of work and material, the goal of the NNPF is to have a facility completed within a twelve month period.

The facility will be located at 561 McLawhorne Drive on the parcel of land formerly owned by the Newport News Public Schools District that was transferred to the City earlier this year. The lease that is presented for City Council approval is a one-year lease commencing on August 1, 2016, for an initial annual rental of One Dollar (\$1), with the option for two one-year renewals for the Foundation to lease the land to construct the canine facility.

During the lease period, the Foundation will construct the training facility, after which the facility and land will become the property of the City of Newport News. The City will clear the site of trees as necessary to facilitate construction and will also be responsible for the cost of water, sewer, gas and electric utility services.

I recommend approval of this ordinance.


James M. Bourey

JMB:LBT:slr

cc: Alan K. Archer, Assistant City Manager
Richard W. Myers, Chief, Newport News Police Department

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN LEASE DATED THE 12th DAY OF JULY, 2016, BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE NEWPORT NEWS POLICE FOUNDATION.

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

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Lease dated the 12th day of July, 2016, by and between the City of Newport News, Virginia, and the Newport News Police Foundation.
2. That a copy of the said Lease is attached hereto and made a part hereof.

LEASE

This **LEASE**, made this 12th day of July, 2016, by and between the **CITY OF NEWPORT NEWS, VIRGINIA**, a Municipal Corporation of the Commonwealth of Virginia, Lessor, and **NEWPORT NEWS POLICE FOUNDATION**, a non-stock Corporation of the Commonwealth of Virginia, Lessee.

WITNESSETH

1. **DEMISED PREMISES:** That in consideration of the covenants and conditions herein contained which Lessee, its successors and assigns, expressly agrees to do and perform, Lessor does demise unto Lessee the following property, in the City of Newport News, Virginia:

All of that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, identified as Parcel A-2 on that certain plat entitled "PLAT OF SUBDIVISION, PARCEL ID: 259000101, 561 MCLAWHORNE DRIVE, CITY OF NEWPORT NEWS, VIRGINIA," dated March 8, 2016, and made by Vanasse Hangen Brustlin, Inc., which said plat is recorded in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia as Instrument No. 160004138, a copy of which is attached hereto as Exhibit A.

Together with a right of ingress and egress to and from McLawhorne Drive across that certain parcel of land, owned by Lessor, commonly known as 570 McLawhorne Drive, and shared use of the parking spaces at 570 McLawhorne Drive in proximity to the parcel A-2.

2. **TERM:**

The initial term of this Lease shall be for a period of one (1) year, commencing on August 1, 2016, unless sooner terminated as a result of abandonment of the demised premises by the Lessee or as otherwise provided herein. At the termination of the initial term of this Lease, and any renewal term, the Newport News City Manager (hereinafter referred to as City Manager), in his sole discretion, may renew this Lease at the request of the Lessee for successive additional one (1) year terms, but the total number of renewals shall not exceed two (2). In no event shall this Lease extend beyond July 31, 2019.

During any term, Lessee may terminate this Lease by giving written notice of termination to Lessor at least thirty (30) days prior to the effective date of the termination.

3. **RENT:**

The Lessee shall pay to the City for the use and occupancy of the demised premises rent at an initial annual rate of ONE DOLLAR (\$1.00). The annual payments are due and payable on execution of this Lease and at the time that any renewal thereof occurs.

4. **USE OF PREMISES:**

The demised premises shall be used only for the construction and operation of a training facility for law enforcement canines and related activities of Lessee and no other activities or uses are permitted without the prior written consent of Lessor.

5. **ABANDONMENT:**

Should Lessee fail to use the demised premises for the use described in Paragraph 4 above for a period of sixty (60) consecutive days, then Lessor shall have the right and option to cancel this Lease.

6. **INSPECTION OF PROPERTY:**

Lessee has examined the demised premises and knows the condition thereof and accepts the same as is and relies on no representation or warranty, implied or express, made by Lessor, except Lessor's representation or warranty that it owns the demised premises and has the authority to lease the demised premises to Lessee.

7. **COVENANTS OF LESSEE:**

A. Should the Lessee use the demised premises for any purpose other than those set forth in paragraph 4, above, then the Lessor shall have the right and option to cancel this Lease and to collect all rentals due and unpaid.

B. Lessee shall not commit any waste on or to the demised premises, normal wear and tear excepted.

C. The use of the demised premises shall be subject to all federal, state and local laws, as well as all regulations issued pursuant thereto.

D. Lessor shall have access to the demised premises at all times for the purposes

of examining, repairing, or investigating the conditions of the property and determining compliance with this Lease.

E. Lessee, upon termination or cancellation of this Lease, shall remove from the demised premises personal property placed thereon by it, except personal property related to the operation of the canine training facility, and shall leave the demised premises clean and clear of all debris. Any property left on the demised premises after the termination of this Lease shall become the property of the Lessor, free and clear of all cost and expense to it.

F. Lessee covenants and agrees that it will not use or employ the said demised premises or any part thereof for any purpose or in any manner which might be construed as contrary to the laws of the land.

G. Lessor reserves the right of prior approval, by the City Manager or his designee, for installation of any improvement, structure or security fence on the demised premises.

8. UTILITIES AND SERVICES:

Lessor shall be responsible for the cost of water, sewer, gas and electric utility services.

9. ADDITIONAL PROVISIONS:

A. Any and all structures erected, improvements made or fixtures affixed to the demised premises during the initial or any additional term of this Lease shall become and remain the property of Lessor at the expiration of any such initial or additional term or in the event this Lease is terminated, unless otherwise agreed in writing.

B. Lessor agrees to clear the site of trees as necessary to facilitate construction of the canine training facility.

C. No employees, agents, representatives, volunteers or officials of Lessee shall be deemed to be employees, agents, representatives or officials of Lessor.

D. All of the obligations of Lessor contained herein are expressly subject to sufficient annual appropriations by the City Council for any of the functions related to Lessor's duties contained in this Lease, and it is acknowledged by the parties that the City Council is under no obligation to make any such appropriation by virtue of this Lease.

10. Intentionally omitted.

11. ASSIGNMENT:

Lessee may not sublet the demised premises without Lessor's written consent, which may be withheld by Lessor in its sole discretion.

Lessee may not voluntarily or by operation of law assign this Lease or any interest herein. Lessee agrees as a condition of this Lease, that if any proceeding under the Bankruptcy Act is commenced by or against Lessee, or if Lessee is adjudged insolvent, or if Lessee makes an assignment for the benefit of creditors, or if a writ of attachment or execution is levied on any of Lessee's property located on the demised premises and is not released or satisfied within five (5) days thereafter, or if a receiver is appointed in any proceeding or action to which Lessee is a party with authority to take possession or control of the demised premises, Lessor shall have the right to exercise any one or more of the remedies set forth in this Lease, and this Lease shall, at the option of Lessor, without notice, immediately terminate and shall not be treated as an asset of Lessee after termination by Lessor.

12. Intentionally omitted.

13. INSURANCE:

Lessee, at its sole cost and expense, and for the mutual benefit of Lessor and Lessee, shall procure and maintain, from a company legally qualified to do business in Virginia, comprehensive general liability insurance, including property damage, insuring Lessee against liability for injury to persons or property occurring in or about the demised premises or arising out of the maintenance, use or occupancy thereof. The liability limits under such insurance shall be not less than One Million Dollars (\$1,000,000.00) single limit. All policies of insurance shall provide by endorsement that Lessor is an additional insured. Lessee shall have the privilege of procuring and obtaining all of such insurance through its own sources. Certificates evidencing policies of insurance affording such coverage and copies of the required endorsements shall be filed with and approved by the Newport News City Attorney. Renewals of all such insurance during the term of this Lease shall be filed with and approved by the Newport News City Attorney. Lessor shall not be liable for the negligent acts or omissions of Lessee, Lessee's agents, employees, volunteers, contractors, subcontractors, and invitees.

14. IMPROPER USE:

Lessee, during the term of this Lease, agrees not to use or allow the demised premises or any portion thereof to be used or occupied for any unlawful or immoral purposes or in violation of any certificate of occupancy or certificate of compliance covering or affecting the use of the demised premises or any portion thereof, and will not suffer any act to be done or any condition to

exist on the demised premises or any portion thereof, or any article to be brought thereon, which may be dangerous, unless safeguarded as required by law, or which may make void or voidable any insurance then in force on the demised premises.

15. LIENS OR ENCUMBRANCES:

Lessee shall not suffer the demised premises or any improvements thereon to become subject to any lien, charge or encumbrance, and shall indemnify Lessor against all such liens, charges or encumbrances. Lessee shall, within thirty (30) days after written notice thereof from Lessor, discharge or bond any mechanic's lien or other lien, charge, or order for the payment of money filed against the demised premises as the result of the act or omission of Lessee.

16. SURRENDER OF PREMISES:

At the expiration or termination of this Lease, Lessee will surrender the demised premises to Lessor.

17. NOTICE:

Any notice that either party hereto desires to give to the other shall be deemed given upon hand delivery, or by placing such notice in U.S. Mail, certified mail, return receipt requested, with postage fully prepaid, addressed as follows:

To Lessor: City of Newport News
Office of the City Manager
2400 Washington Avenue, 10th Floor
Newport News, Virginia 23607

with a copy to: City of Newport News
Office of the City Attorney
2400 Washington Avenue, 9th Floor
Newport News, Virginia 23607

To Lessee: President, Newport News Police Foundation
PO Box 120496
Newport News, Virginia 23612

18. HEADINGS TO BE DISREGARDED:

The captions of the numbered paragraphs of this Lease are for the purposes of identification and convenience only, and they are to be disregarded in the construction or interpretation of this Lease.

19. GOVERNING LAW, VENUE:

This Lease shall be governed, construed and enforced by and in accordance with the laws of the Commonwealth of Virginia. The parties hereby irrevocably submit themselves to the original jurisdiction of the state courts located within the City of Newport News, Virginia, with regard to any controversy or claim arising out of, relating to, or in any way concerning the parties' execution of, or performance under, this Lease.

20. AMENDMENTS:

This Lease may be amended or modified only by a writing signed by the parties. The City Manager, on behalf of Lessor, is authorized to approve and execute amendments to this Lease, provided such amendments do not require public advertisement in accordance with Section 15.2-2105 of the Virginia Code, as amended, and such are reviewed by the City Attorney prior to execution.

21. WAIVER:

The failure of Lessor at any time to require performance by Lessee of any provision hereof shall in no way affect the right of Lessor thereafter to enforce the same. Nor shall the waiver by Lessor of any breach of any provision hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of the provision itself.

22. TERMINATION:

A. If Lessee shall at any time be in default in the performance of any of the covenants, terms, conditions, or provisions of this Lease, and the Lessee shall fail to remedy such default within thirty (30) days after notice of such default from Lessor, this Lease shall terminate, and Lessor may enter upon the demised premises and again have, possess and enjoy the same as if this Lease had not been made.

B. This Lease shall automatically terminate in the event that Lessee is dissolved, is placed into receivership, or is the subject of a bankruptcy proceeding, either voluntary or involuntary.

23. **RECORDATION OF LEASE:**

Either Lessor or Lessee may record this Lease or a memorandum hereof at its sole expense.

24. **ENTIRE AGREEMENT:**

This Lease contains the entire understanding of the parties with respect to the subject matter hereof. There are no restrictions, agreements, promises, warranties, covenants or undertakings, other than expressly set forth herein or in a separate writing.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, Lessor and Lessee have caused this Lease to be executed and sealed as of the day and year first above written.

LESSOR:

CITY OF NEWPORT NEWS, VIRGINIA

By: _____
City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

COMMONWEALTH OF VIRGINIA
City of Newport News, to wit:

The undersigned Notary Public in and for the jurisdiction aforesaid, hereby certifies that James M. Bourey and Mabel Washington Jenkins, whose names appear as City Manager and City Clerk, respectively, of the City of Newport News, are signed to the foregoing Lease, acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this _____ day of _____, 2016.

Notary Public
My Commission expires: _____
Registration No.: _____

LESSEE:

NEWPORT NEWS POLICE FOUNDATION

By: _____
Its: _____

COMMONWEALTH OF VIRGINIA

City/County of _____, to wit:

The foregoing Lease was acknowledged before me this ____ day of _____, 2016,
by _____, as _____ of the Newport News Police Foundation.

Notary Public

My commission expires: _____
Registration No.: _____

sdm14487

H. Appropriations

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

1. Department of Engineering - New Townhomes Development (\$35,000) and 7-Eleven Developer (\$35,000):
Traffic Signal and Pedestrian Improvements - \$70,000
2. Department of Engineering - Federal and State Grant Funding: Newport News Transportation Center Project - \$19,436,232

H. Appropriations

1. Department of Engineering – New Townhomes Development (\$35,000) and 7-Eleven Developer (\$35,000): Traffic Signal and Pedestrian Improvements – \$70,000

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$70,000 IN FUNDS FROM THE DEVELOPER OF THE NEW TOWNHOMES DEVELOPMENT (\$35,000) AND THE DEVELOPER OF THE 7-ELEVEN (\$35,000) AT 9512 WARWICK BOULEVARD, FOR THE TRAFFIC SIGNAL AND PEDESTRIAN IMPROVEMENT PROJECTS AT THE INTERSECTIONS OF WARWICK BOULEVARD AND INDUSTRIAL PARK DRIVE AND WARWICK BOULEVARD AND CENTER AVENUE RESPECTIVELY.

BACKGROUND:

- The developer of the New Townhomes Development and the developer of the 7-Eleven at Warwick Boulevard and Center Avenue are both contributing \$35,000 each for the construction of these two projects at their respective intersections.
- To date, City Council has appropriated \$300,000 of State Revenue Sharing Program funds and City matching funds on a 50/50 cost sharing basis for each project.
- The funds being contributed will fully fund the construction phase of both projects, which are estimated at \$335,000 each.
- The City Manager recommends approval.

FISCAL IMPACT:

ATTACHMENTS:

Description

CM Memo re Traffic Signal Improvement Projects-Warwick Blvd.

Attachments-Location Map-Traffic Signal Improvement Warwick Boulevard

sdm14493 Appropriation re Traffic Signal Improvements on Warwick Blvd

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

July 6, 2016

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Traffic Signal and Pedestrian Improvements at Warwick Boulevard & Industrial Park Drive and Warwick Boulevard & Center Avenue

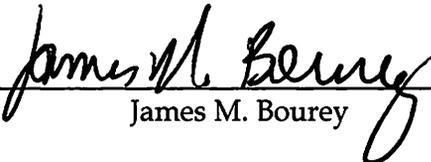
City Council is requested to approve a resolution appropriating \$70,000 split between two intersection improvement projects. The developer of the New Townhomes Development has contributed \$35,000 to the construction of the Traffic Signal and Pedestrian Improvement Project at Warwick Boulevard and Industrial Park Drive. The developer of the 7-Eleven at Warwick Boulevard and Center Avenue contributed \$35,000 to the construction of the Traffic Signal and Pedestrian Improvement Project at Warwick Boulevard and Center Avenue.

Both projects include converting the existing span wire traffic signals to mast arm traffic signals. Additional improvements include emergency vehicle preemption, handicap ramps, and pedestrian push buttons with count down signals.

To date, City Council has appropriated \$300,000 for design, right-of-way and construction phases for each of these Traffic Signal and Pedestrian Improvement Projects. The additional funds requested will fully fund the construction phases, which are estimated at \$335,000 for each project.

Construction for the Traffic Signal and Pedestrian Improvement Project at Warwick Boulevard and Industrial Park Drive is scheduled for August 2016. The Traffic Signal and Pedestrian Improvement Project at Warwick Boulevard and Center Avenue is currently in the design phase and construction is scheduled for February 2019.

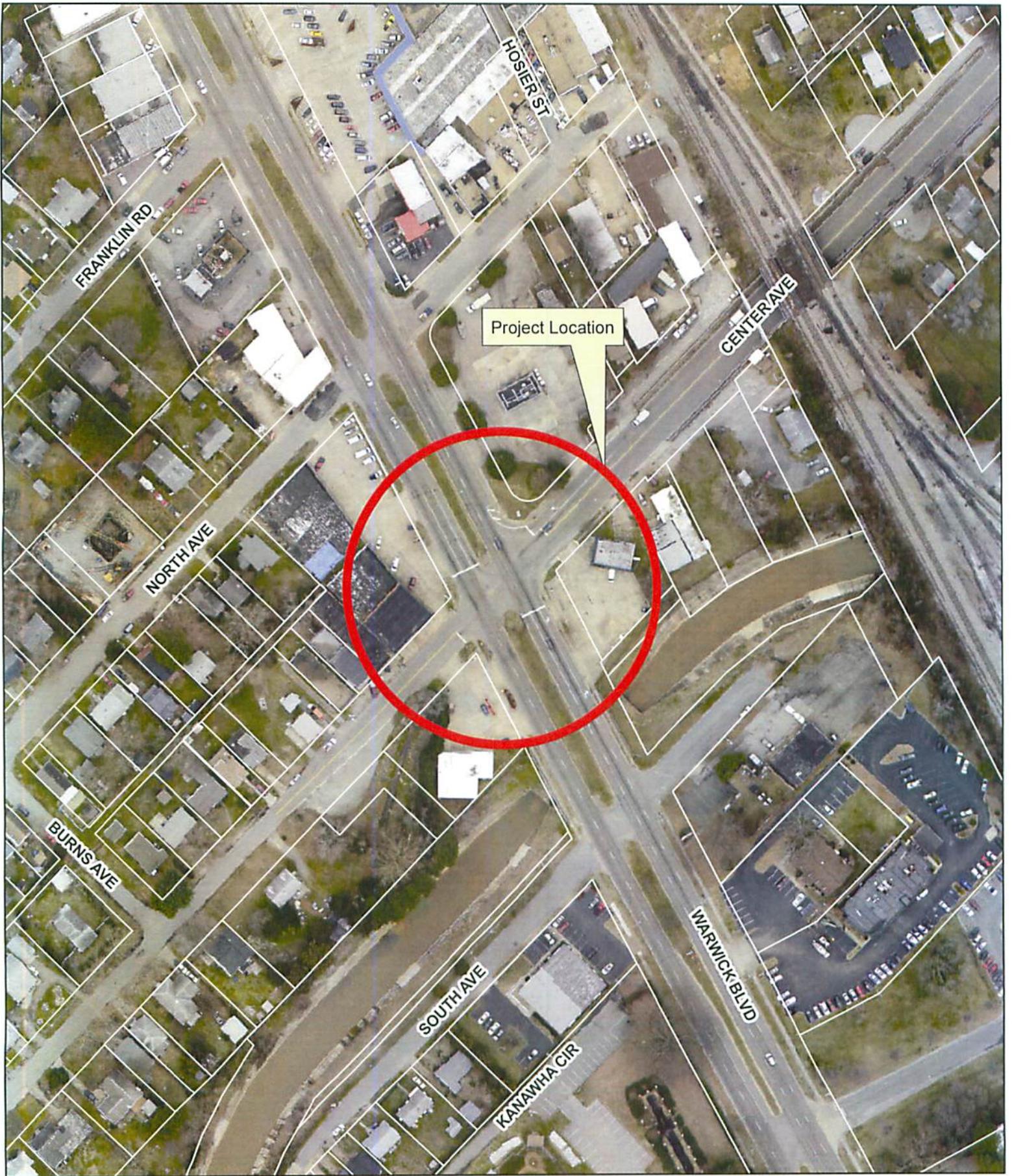
I recommend City Council approve the resolution.


James M. Bourey

JMB:BJP:wjr

Attachment

cc: Everett Skipper, Director, Department of Engineering



Traffic Signal Improvement Project Warwick Boulevard and Center Avenue





Project Site

WARWICK BLVD

RESERVOIR RD

INDUSTRIAL PARK DR

WILLIAMSON DR

DENBIGH E.C.C. ENTR



Traffic Signal Improvement Project Warwick Boulevard and Industrial Park Drive



RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM LOCAL REVENUE TO WARWICK BOULEVARD AND INDUSTRIAL PARK DRIVE TRAFFIC SIGNAL AND PEDESTRIAN IMPROVEMENTS AND WARWICK BOULEVARD AND CENTER AVENUE TRAFFIC SIGNAL AND PEDESTRIAN IMPROVEMENTS.

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

That it hereby appropriates funds from Local Revenue to Warwick Boulevard and Industrial Park Drive Traffic Signal and Pedestrian Improvements and Warwick Boulevard and Center Avenue Traffic Signal and Pedestrian Improvements, as follows:

Appropriation From:

Local Revenue		
4300-000-00-0000-481000-000000-0000- J3044-J3044	\$	35,000.00
4300-000-00-0000-481000-000000-0000- J3045-J3045	\$	35,000.00

Appropriation To:

Warwick Boulevard and Industrial Park Drive Traffic Signal and Pedestrian Improvements		
4300-250-70-700J-579420-000000-0000- J3044-J3044	\$	35,000.00
Warwick Boulevard and Center Avenue Traffic Signal and Pedestrian Improvements		
4300-250-70-700J-579420-000000-0000- J3045-J3045	\$	35,000.00

H. Appropriations

2. Department of Engineering – Federal and State Grant Funding: Newport News Transportation Center (NNTC) Project – \$19,436,232

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$19,436,232 OF FEDERAL AND STATE GRANT FUNDS FOR THE NEWPORT NEWS TRANSPORTATION CENTER (NNTC) PROJECT.

BACKGROUND:

- The City has secured funds from the Congestion Mitigation and Air Quality (CMAQ) Program, Regional Surface Transportation Program (RSTP), and Intercity Passenger Rail Operating Costs (IPROC) Program for the final design and initial construction phase of this project.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re NNTC Project Funding

Attachment - Location Map NNTC

sdm14493 Appropriation re Design - Construction for NNTC

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

July 6, 2016

TO: The Honorable City Council

FROM: City Manager

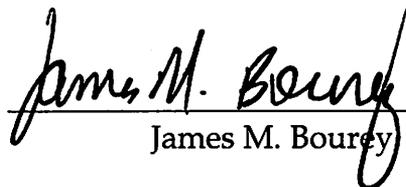
SUBJECT: Appropriation of Design and Construction Funds for the Newport News Transportation Center Project

City Council is requested to approve a resolution appropriating \$19,436,232 for the final design and initial construction phase of the Newport News Transportation Center (NNTC) Project.

The main Transportation Center facility will be located at 500 Bland Boulevard with a train servicing facility located at the Sluice Mill area of the City, adjacent to the CSX right-of-way. The City has secured Congestion Mitigation and Air Quality (CMAQ), Regional Surface Transportation Program (RSTP) funds, and Intercity Passenger Rail Operating Costs (IPROC) funds required for final design and the initial construction phase of this project. Additional construction phase funding will be appropriated when available.

Funding of \$19,436,232 is available from federal and state grant funds to support this project.

I recommend approval of the resolution.


James M. Bourey

JMB:VPU:wjr

Attachment

cc: Everett Skipper, Director, Department of Engineering

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE - CONGESTION MITIGATION AND AIR QUALITY (CMAQ), REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP), STATE REVENUE - CMAQ/RSTP, STATE REVENUE - INTERCITY PASSENGER RAIL OPERATING COSTS TO NEWPORT NEWS TRANSPORTATION CENTER PROJECT DESIGN AND CONSTRUCTION.

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

That it hereby appropriates funds from Federal Revenue - Congestion Mitigation and Air Quality (CMAQ), Regional Surface Transportation Program (RSTP), State Revenue - CMAQ/RSTP and State Revenue - Intercity Passenger Rail Operating Costs to Newport News Transportation Center Project Design and Construction, as follows:

Appropriation From:

Federal Revenue - Congestion Mitigation and Air Quality (CMAQ), Regional Surface Transportation Program (RSTP) 4300-000-00-0000-483000-000000-2012-J3030-J3030	\$ 10,748,986.00
State Revenue - CMAQ/RSTP 4300-000-00-0000-482000-000000-2012-J3030-J3030	\$ 2,687,246.00
State Revenue - Intercity Passenger Rail Operating Costs 4300-000-00-0000-482011-000000-0000-J3030-J3030	\$ 6,000,000.00

Appropriation To:

Newport News Transportation Center Project Design and Construction 4300-250-70-700J-579420-000000-0000-J3030-J3030	\$ 13,436,232.00
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4300-250-70-700J-579420-0IPROC-0000-
J3030-J3030

\$ 6,000,000.00

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

J. Old, New Business and Councilmember Comments

City Manager
City Attorney
City Clerk

Bateman
Cherry
Harris
Price
Scott
Vick
Woodbury

K. Adjourn

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