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AGENDA

NEWPORT NEWS CITY COUNCIL  
REGULAR CITY COUNCIL MEETING

SEPTEMBER 27, 2016

City Council Chambers

**7:00 p.m.**

**A. Call to Order**

**B. Invocation**

- Pastor Chris Hallaren , Grace Church

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

**D. Presentations**

1. Resolution of Recognition: The Honorable Robert S. Coleman

**E. Public Hearings**

1. Ordinance Authorizing Conditional Use Permit No. CU-16-370, to Mishorim Gold Newport News, LP., to Operate an Amusement Arcade in the DW Shopping Center (formerly Denbigh Village) Located at 14346 Warwick Boulevard, Suite No. 416
2. Ordinance Authorizing Conditional Use Permit No. CU-16-372, to Stoney Run Village, LLC., for the Sale of Off-premises Alcohol in an Establishment of Less than 1,600-Square-Foot Located at 620 Stoney Creek Lane, Suite 20
3. Ordinance Authorizing Change of Zoning No. CZ-16-382, to Port Jefferson, LLC., for Property Located at 591 City Center Boulevard and Zoned C2 General Commercial with Proffers to C1 Retail Commercial with Proffers, to Allow Development of a Health Center

**F. Consent Agenda**

1. Minutes of the Special Meeting of September 13, 2016

2. Minutes of the Work Session of September 13, 2016
3. Minutes of the Regular Meeting of September 13, 2016
4. Resolution Canceling the November 8, 2016 Meeting of the Newport News City Council

**G. Other City Council Actions**

1. None Submitted

**H. Appropriations**

1. Department of Engineering – FY 2016 Bonds Authorized and Unissued, Streets and Bridges Category: One Accessible City; Pedestrian, Bicycle and Road Safety Enhancement Program; Bright Lights, Safe Nights Street Lighting Program – \$1,815,000

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

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

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

**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 - Pastor Chris Hallaren, Grace Church

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

D. Presentations

## E. Public Hearings

1. Ordinance Authorizing Conditional Use Permit No. CU-16-370, to Mishorim Gold Newport News, LP., to Operate an Amusement Arcade in the DW Shopping Center (formerly Denbigh Village) Located at 14346 Warwick Boulevard, Suite No. 416

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-16-370 TO MISHORIM GOLD NEWPORT NEWS, LP., TO OPERATE AN AMUSEMENT ARCADE IN THE DW SHOPPING CENTER (FORMERLY DENBIGH VILLAGE) LOCATED AT 14346 WARWICK BOULEVARD, SUITE NO. 416 AND ZONED C1 RETAIL COMMERCIAL.

**BACKGROUND:**

- The proposed amusement arcade, operating as Breakout Adventure Games, will join recent new amusement uses approved in the renovated DW shopping center.
- The use is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map and with surrounding uses.
- On September 7, 2016, the City Planning Commission voted unanimously 8:0 to recommend approval of the request with conditions.

**Vote on Roll Call**

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

**Against:** None

**Abstention:** None

- The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

**ATTACHMENTS:**

**Description**

CM Memo re CU-16-370 Mishorim Gold NN

Staff Report and CPC Minute Excerpts

sdm14686 CU-16-370 re Mirshorim Gold NN LP and Breakout LC

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

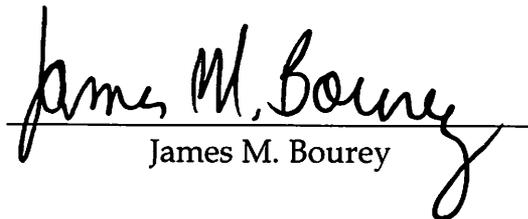
September 21, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** CU-16-370, Mishorim Gold Newport News, LP

Mishorim Gold Newport News, LP requests a conditional use permit for the operation of an amusement arcade use operating as Breakout Adventure Games. It will be located in Suite 416 of the DW (formally Denbigh Village) Shopping Center at 14346 Warwick Boulevard. The 27.0 acre property is zoned C1 Retail Commercial.

The shopping center is well suited for the proposed use as it is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map, compatible with surrounding uses, and has ample parking.

On September 7, 2016, the City Planning Commission voted unanimously 8:0 to recommend approval of the request to City Council with conditions. I concur with the City Planning Commission's recommendation.

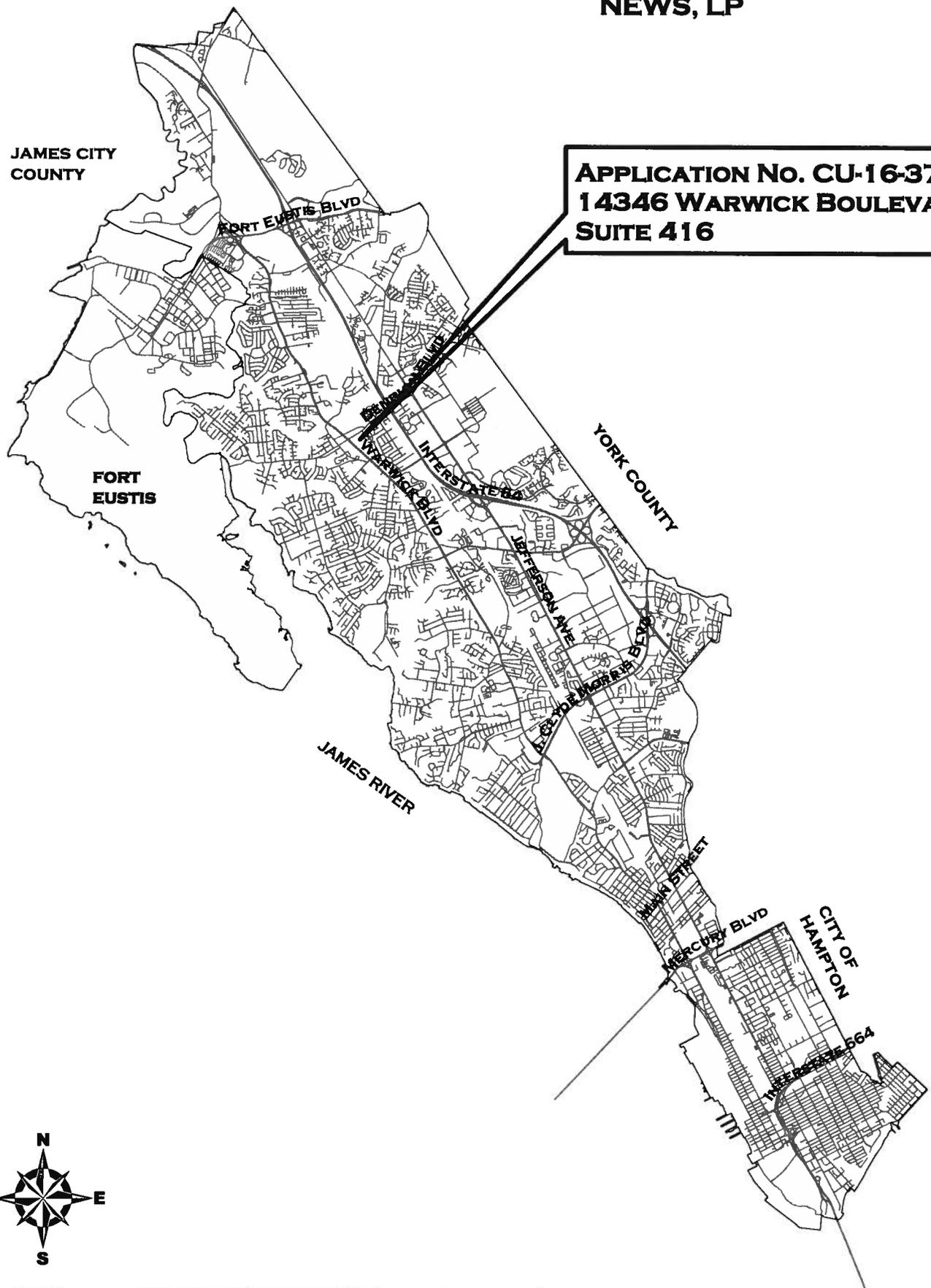
  
James M. Bourey

JMB:dfw

**CITY OF NEWPORT NEWS  
CITY COUNCIL  
SEPTEMBER 27, 2016**

**CONDITIONAL USE PERMIT  
APPLICATION NO. CU-16-370  
MIRSHORIM GOLD NEWPORT  
NEWS, LP**

**APPLICATION No. CU-16-370  
14346 WARWICK BOULEVARD  
SUITE 416**



JAMES CITY COUNTY

FORT EUSTIS

JAMES RIVER

YORK COUNTY

CITY OF HAMPTON



# CONDITIONAL USE PERMIT NO. CU-16-370

## MISHORIM GOLD NEWPORT NEWS, LP

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<b>OWNER/APPLICANT</b>	Mishorim Gold Newport News, LP/Breakout, LLC.	<b>ZONING</b>	C1 Retail Commercial (Appendix A-1)
<b>LOCATION</b>	14346 Warwick Blvd. Suite 416	<b>FRAMEWORK</b>	Neighborhood Commercial (Appendix A-5)
<b>PRESENT USE</b>	Shopping Center	<b>ACREAGE</b>	27.0 acres

**REQUEST** Operation of an amusement arcade/Breakout Adventure Games

### FACTS



- North** First Virginia Loans, a Pawn Shop, and Rally's restaurant on property zoned C1 Retail Commercial; Walgreens, McDonalds, Tire Auto Express, North Carolina Furniture, Bayport Credit Union, Long John Silver's restaurant, Wells Fargo Bank, Cash Loans on property zoned C2 General Commercial
- South** Post Office on property zoned C1 Retail Commercial
- East** Shell gas station and Hampton Roads Community Action office on property zoned C1 Retail Commercial; Denbigh Village apartments on property zoned R8 High Density Multiple-Family Dwelling; Single-family dwellings on property zoned R4 Single-Family Dwelling
- West** Loan Smart, Warwick Denbigh Shopping Center, vacant building, Rite Aid, Shops at Denbigh, Firestone Tires, Piccadilly Walk Office Condos, Spanish Village LLC and Christ Community Church on property zoned C1 Retail Commercial; Courthouse Way Community Center on property zoned P1 Park (See Appendix A-1 and A-6.)

**Zoning History** The property has been zoned C1 Retail Commercial since the citywide

comprehensive rezoning became effective August 1, 1997.

On June 28, 2016, City Council approved CU-16-267 to allow the operation of an amusement arcade in an adjacent 49,791 square foot lease area identified as Suite 402.

On April 28, 1992, City Council approved CU-92-246 to allow the operation of a family billiards center in a 4,000 square foot lease area identified as Suite 428 in the shopping center. This facility closed in December, 2013 and the conditional use permit has been deemed abandoned.

**Regulatory Review** An amusement arcade is allowed in the C1 Retail Commercial zoning district with the approval of a conditional use permit.

Amusement arcades are required to provide up to 1 parking space per 50 square feet of net floor area. The gross floor space of the lease area is 3,042 square feet. The zoning ordinance allows flexibility in calculating the parking requirement for amusement arcade uses. Net floor area used for calculating the parking ratio is determined by excluding areas not expressly used by arcade patrons, such as equipment rooms and storage areas. This calculation is made in order to insure that adequate, but not excessive, parking is provided. The zoning administrator has made a determination that this use will occupy a net floor area of 1,500 square feet and will require 30 parking spaces. The retail store that previously occupied the lease area was required to provide 16 parking spaces. The remaining uses in the shopping center will require 1,157 parking spaces, for a total of 1,187 required spaces. There are 1,265 parking spaces provided on the site.

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

**Comprehensive Plan Review** The *Framework for the Future 2030* comprehensive plan land use map designates community commercial uses for the property. An amusement arcade is consistent with this recommendation. (See Appendix A-5.)

## ANALYSIS

The DW Center (formally Denbigh-Warwick Shopping Center) is a regional shopping center that is undergoing a transformation that will include new facades, new uses, and a comprehensive landscaping plan. (See Appendix A-3.) The landscape plan was approved on March 31, 2016 by the Department of Engineering and will be installed during the fall planting season.

The center has a total of 276,537 square feet of floor area and 1,265 parking spaces and the applicant is requesting a conditional use permit that will allow the operation of Breakout Adventure Games in a 3,042 square foot lease area. (See Appendix A-4.) All activities will take place indoors.

The applicant has stated that Breakout Adventure Games provides team

building, education and entertainment experiences for customers in groups of 2 to 8 people at a time. The facilities are used by appointment only and there is no walk-in business. The games are structured in 1 hour increments. During this time patrons try to solve a mystery that was created based on a specific theme. The games are not physically active but instead engage the intellect of patrons. Teams work to uncover hidden information in order to solve various puzzles that provide clues used to solve the mystery.

The proposed use will have no greater impact on the shopping center tenants or surrounding uses than by-right uses. The applicant has stated that the anticipated maximum patron usage at any given time is 32 persons and 4-5 employees will also be on site. The hours of operation are projected to be from 9:00AM until 11:00PM every day. No food or beverage will be served, or allowed, in this facility. (See Appendix A-7.)

The DW Center is located in the city's Upper Warwick Boulevard/Denbigh Tourism Zone. A new or expanding business within this zone that seeks to attract customers from outside of the city may qualify for incentives that can include a reduction of business taxes. In order for a business to qualify for these incentives, the business must advance strategic goals identified in the city's Tourism Plan, Retail Development Strategy, and the *Framework for the Future 2030* comprehensive plan. Breakout Adventure Games will join the adjacent Fast Lap indoor go-cart track as tourism and amusement based uses within the shopping center. The shopping center's location mid-way between Williamsburg and Virginia Beach and proximity to Interstate 64 will allow Breakout Adventure Games, Fast Lap, and the shopping center, to grow into a regional destination.

## CONCLUSION

The DW Center is well suited for the location of the Breakout Adventure Games and it is consistent with the *Framework for the Future 2030* land use map. There will be no adverse impact on adjacent properties and ample parking is available on site for this and all other uses on the property. As the city's retail landscape continues to evolve, the inclusion of tourism uses in shopping centers will help maintain the vitality of these properties.

## STAFF RECOMMENDATION

**Recommend approval of conditional use permit CU-16-370 to allow for the operation of an amusement arcade in a 3,042 square foot lease area designated as Suite 416 with the following conditions:**

1. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.
2. All outdoor storage shall be prohibited.

3. All shopping center landscaping shall be installed in accordance with the landscape plan prepared by Land Studio dated March 25, 2016 and approved by the Department of Engineering on March 31, 2016 noted as Appendix A-3. All landscaping shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed. Any proposed changes shall be reviewed and approved by the Director of Planning.

4. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of digital video equipment (the "Equipment") with recording devices and capability sufficient to include date and time that recording is made. The Equipment shall provide surveillance coverage encompassing both the front, side and rear exteriors of the business. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty days.

5. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.

6. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the zoning ordinance, and, in addition, shall serve as grounds for revocation of the conditional use permit by the City Council.

7. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.

8. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.

9. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition contained herein, of part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional or otherwise unenforceable, then the use permitted by this conditional use permit shall be void and the use permitted by this conditional use permit shall be invalid. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions there in, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.

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

## **CPC RECOMMENDATION**

**On September 7, 2016, the Planning Commission voted unanimously (8:0) to recommend approval of conditional use permit CU-16-370 to allow for the operation of an amusement arcade in a 3,042 square foot lease area designated as Suite 416 with the following conditions:**

1. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.
2. All outdoor storage shall be prohibited.
3. All shopping center landscaping shall be installed in accordance with the landscape plan prepared by Land Studio dated March 25, 2016 and approved by the Department of Engineering on March 31, 2016 noted as Appendix A-3. All landscaping shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed. Any proposed changes shall be reviewed and approved by the Director of Planning.
4. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of digital video equipment (the "Equipment") with recording devices and capability sufficient to include date and time that recording is made. The Equipment shall provide surveillance coverage encompassing both the front, side and rear exteriors of the business. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the

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

5. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.

6. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the zoning ordinance, and, in addition, shall serve as grounds for revocation of the conditional use permit by the City Council.

7. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.

8. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.

## **APPENDIX**

**A-1 VICINITY/ZONING MAP**

**A-2 SITE PLAN**

**A-3 LANDSCAPE PLAN**

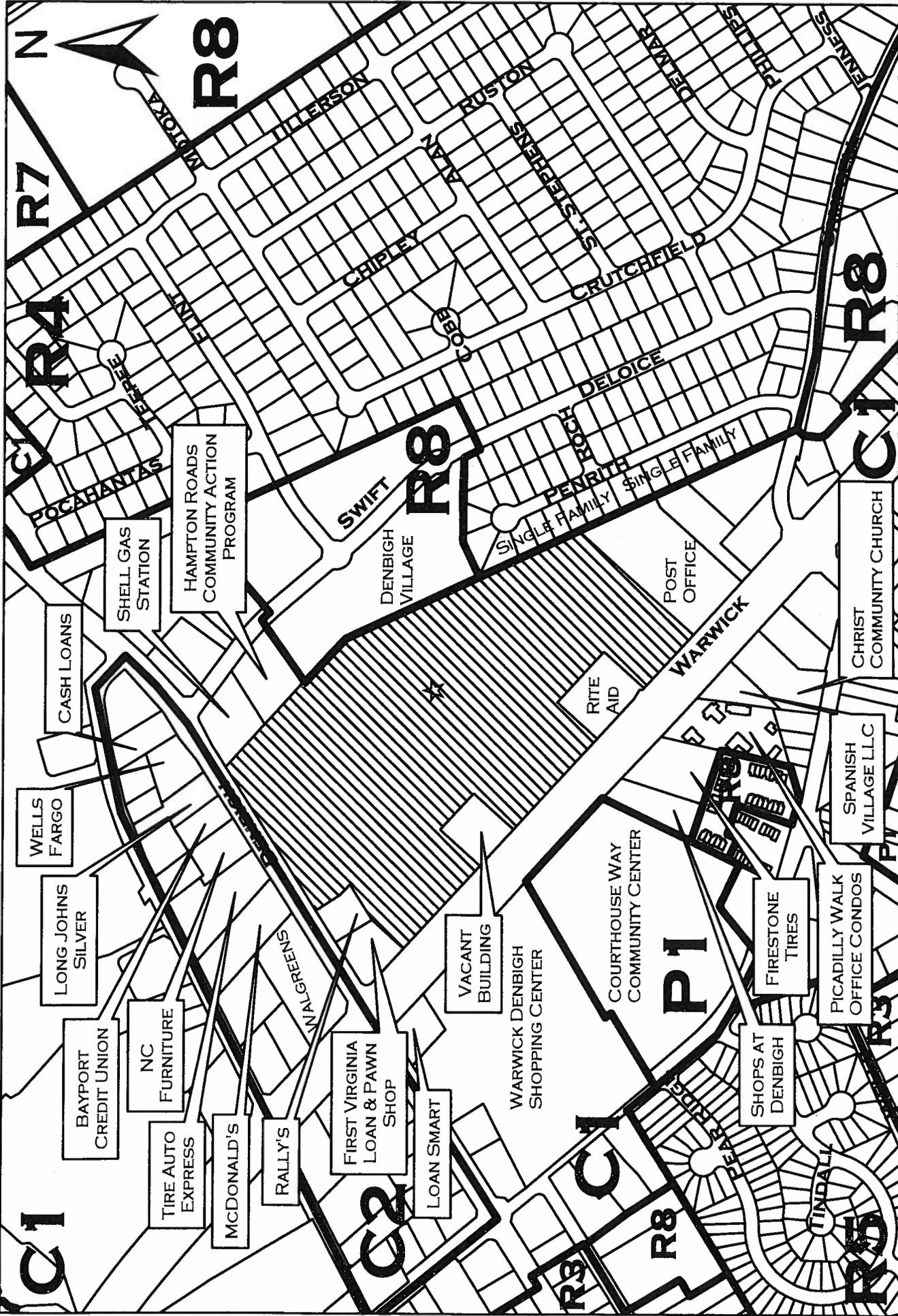
**A-4 FLOOR PLAN**

**A-5 *FRAMEWORK FOR THE FUTURE 2030* LAND USE MAP**

**A-6 AERIAL MAP**

**A-7 OPERATION NARRATIVE**

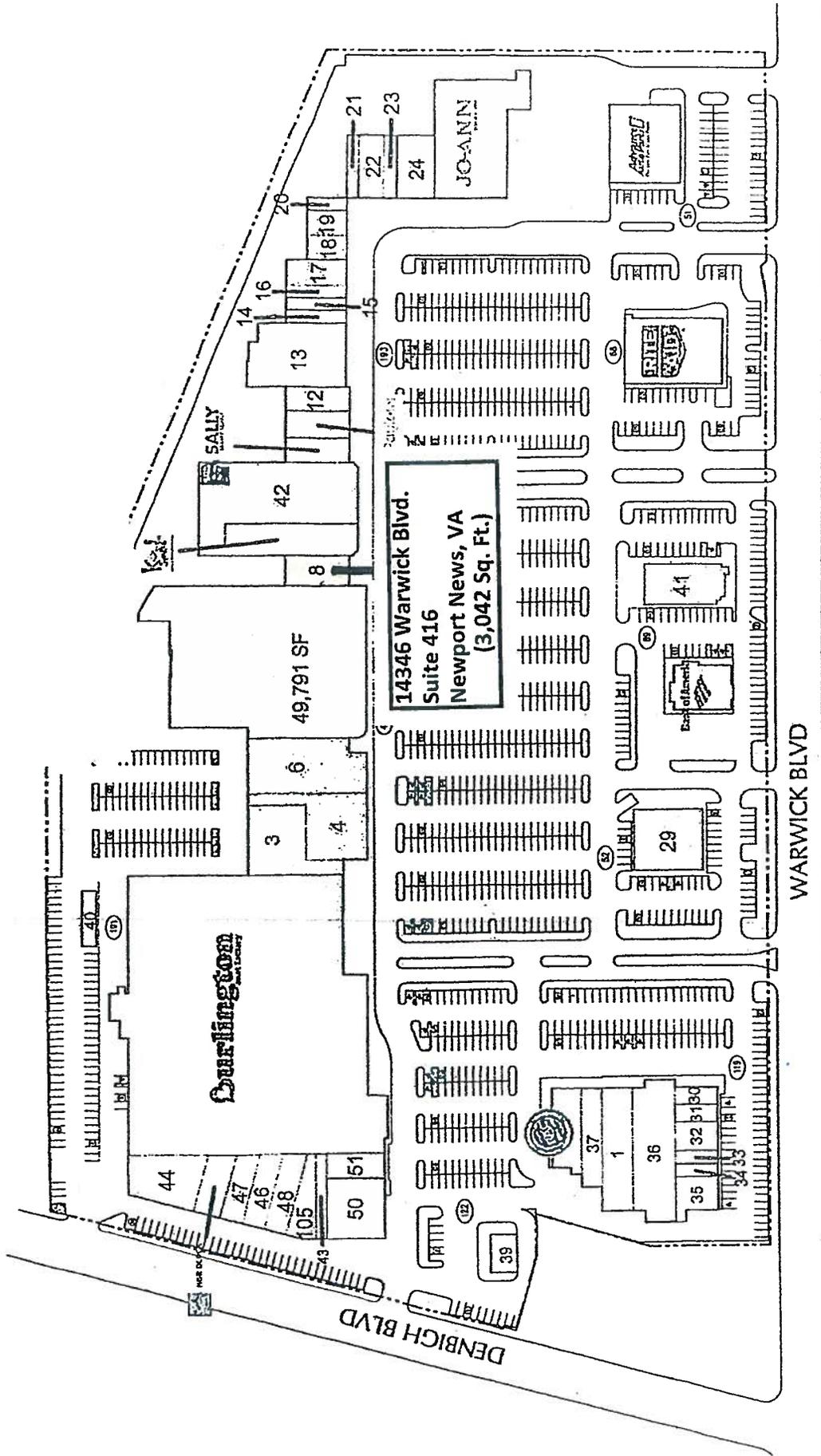
**A-8 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF SEPTEMBER 7, 2016**



**MISHORIM GOLD  
NEWPORT NEWS, LP**

**CU-16-370**

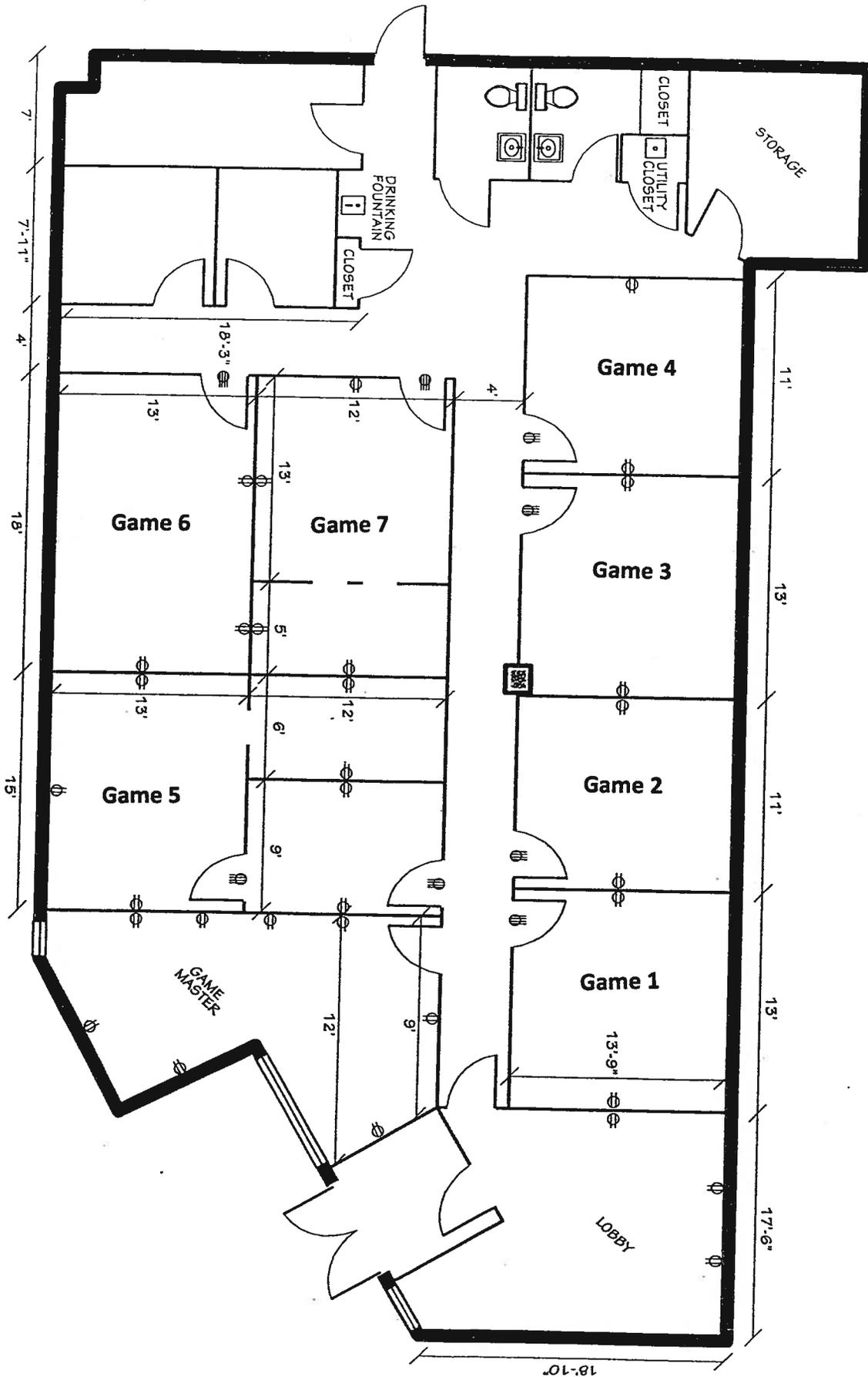
# Denbigh Village Shopping Center Newport News, VA

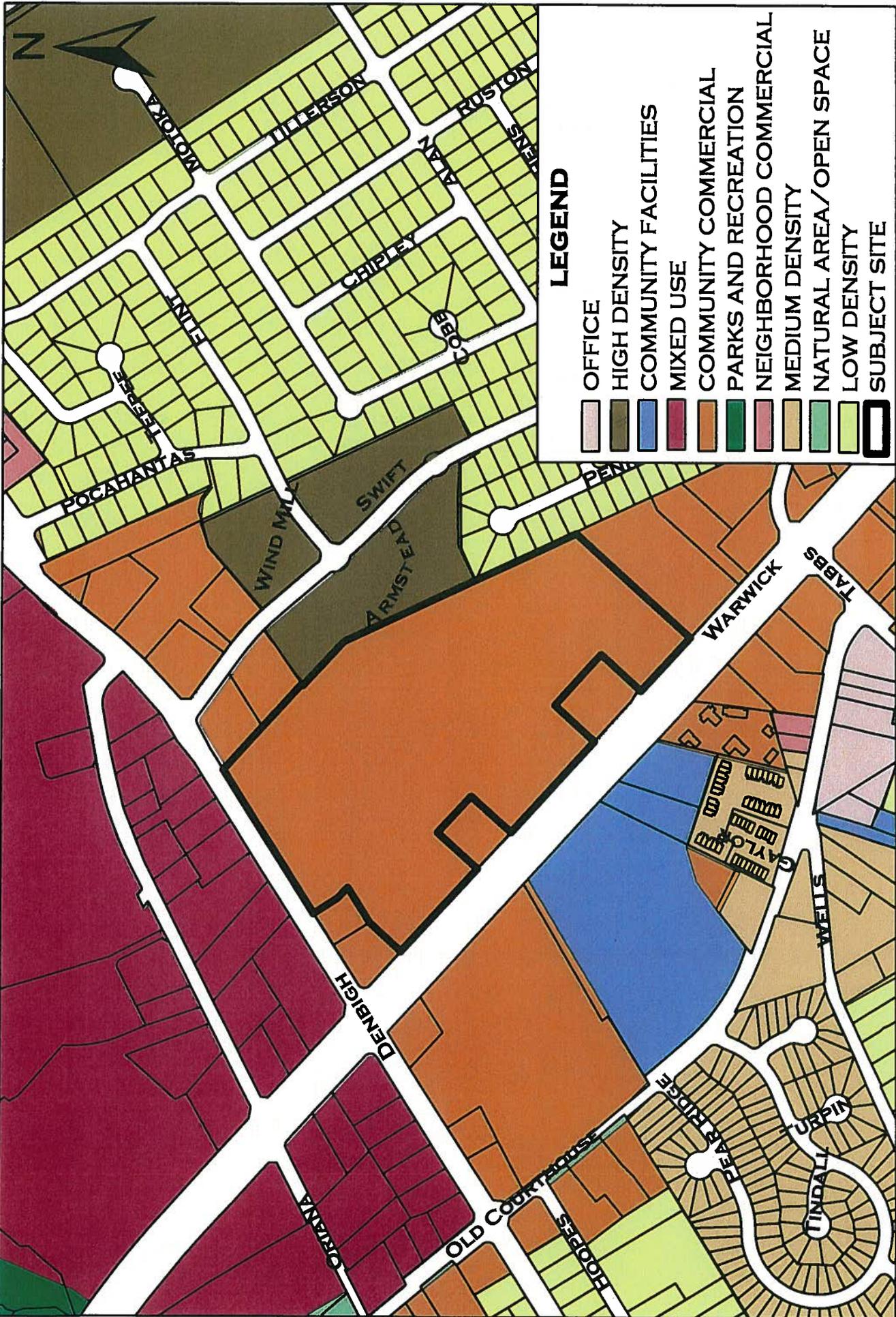


Property Location



# TYPICAL LAYOUT





**FRAMEWORK FOR  
THE FUTURE 2030**

**MISHORIM GOLD  
NEWPORT NEWS, LP**





PO Box 54465  
Lexington, KY 40555  
859-269-1966 Fax 859-269-2381

Breakout Games operates team-building, education and entertainment experiences for customers in groups of 2-8 at a time. Companies and customers book a room in advance and one of our experienced leaders will guide their group through a 60-minute scenario where they try to solve the mystery created around a specific theme. During the 60 minute experience, the door remains unlocked and the customers can leave at any time.

These experiences are NOT physically active but are mentally stimulating and require teams to uncover hidden information and share it as a team in order to work through the process of solving the different room puzzles. One scenario might require a team to assemble puzzle pieces that were tucked behind a picture on the wall, or use a blacklight flashlight to illuminate a hidden message written on a piece of paper. These steps all build on each other as a team gets closer to solving the mystery and winning their particular challenge.

Another important thing that distinguishes us from entertainment or amusement concepts is that we do not operate as a 'storefront'. We have no walk-in traffic since we are appointment only and do not accept money on the premises. Our customer flow is dictated by our online schedule which allows us to completely control the occupancy. On a busy day we might have 3 or 4 experiences going at one time for a max of 32 customers and 4-5 employees.

Sincerely,

Gordy Hoagland

## EXCERPTS FROM PLANNING COMMISSION MINUTES

**September 7, 2016**

**CU-16-370, Mishorim Gold Newport News, LP.** Requests a conditional use permit to allow for the operation of an amusement arcade located at 14346 Warwick Boulevard, Suite 416 (Denbigh Village Shopping Center) on a 27 acre parcel zoned C1 Retail Commercial. The Parcel No. is 108.00-04-07.

David Watson, Planner, presented the staff report (copy attached to record minutes).

Ms. Fox asked if this application is nearly identical to the application approved in June in the adjacent unit. Mr. Watson stated the application approved in June was for a larger space or a go-kart track, which too is an arcade use. He stated the breakout room occupies a smaller footprint.

Mr. Carpenter asked how the breakout game is done. Mr. Watson stated it is like the board game Clue brought to life. He stated there will be eight people enclosed in a room and when the timer starts, they are given various clues to solve a mystery. Mr. Watson stated that as each mystery is solved they move to another room.

Mr. Mulvaney asked if the parking requirements take the adjacent arcade uses into account. Mr. Watson stated yes. He stated he took the total that was given when the go-kart track was approved and added this application's requirements. Mr. Watson stated that, as more arcade uses come in, we have asked the applicant to do an overall schematic of the floor space and parking. He stated the shopping center has ample parking, and when we figure the parking requirements, we look at how much building space is actually used for people. Mr. Watson stated you do not need to account for storage space and equipment rooms when calculating parking.

Mr. Carpenter opened the public hearing.

Mr. Emil Goduti, 12 Digges Drive, Agent for the applicant, spoke in favor of the application. He stated he was available for questions.

Mr. Carpenter closed the public hearing.

Ms. Fox made a motion to recommend approval of conditional use permit CU-16-370 to City Council, as recommended by staff. The motion was seconded by Mr. Jones.

### **Vote on Roll Call**

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

**Against: None**

**Abstention: None**

The Planning Commission voted unanimously (8:0) to recommend approval of conditional use permit CU-16-370 to City Council.

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

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-370 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING AN AMUSEMENT ARCADE ON A SITE ZONED C1 RETAIL COMMERCIAL DISTRICT.

WHEREAS, application number CU-16-370 has been made by **MIRSHORIM GOLD NEWPORT NEWS, LP, owner, and BREAKOUT, LLC, applicant**, for a conditional use permit for the hereinafter described property for the purpose of operating an amusement arcade on a site zoned C1 Retail Commercial District; and

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

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

(a) That conditional use permit number CU-16-370 is hereby granted for the property described in paragraph (b) hereof for the purpose of operating an amusement arcade on a site zoned C1 Retail Commercial District; and

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

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, State of Virginia, shown and designated as "Denbigh Village Centre", containing 27.0005 acres as shown on Subdivision Plat entitled "The Remaining Portion of Parcel 1 and Parcel 2, Denbigh Mall Shopping Center, City of Newport News, Virginia", dated June 1991 and recorded in the Clerk's Office of the Circuit Court for the City of Newport News, on July 9, 1991 in Deed Book 1265, page 1085 to which reference is here made. However, this conditional use permit only applies to a 49,971 square foot area of the aforesaid Property designated as Suite 416 as shown on Exhibit A-2, which is attached hereto and made a part hereof.

The Property has a common street address of 14346 Warwick Boulevard, Suite 416 and a Real Estate Assessor's Tax I.D. #108.00-04-07.

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

1. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.
2. All outdoor storage shall be prohibited.
3. All shopping center landscaping shall be installed in accordance with the landscape plan prepared by Land Studio dated March 25, 2016 and approved by the Department of Engineering on March 31, 2016 noted as Appendix A-3, which is attached hereto and made a part hereof. All landscaping shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed. Any proposed changes shall be reviewed and approved by the Director of Planning.
4. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of digital video equipment (the "Equipment") with recording devices and capability sufficient to include date and time the recording is made. The Equipment shall provide surveillance coverage encompassing the front, side and rear exteriors of the use permitted by this ordinance. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty days.
5. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
6. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.
7. The applicant, as well as successors, assigns, and agents, if any, shall obtain all necessary licenses, approvals, conditional approvals, and permits prior to

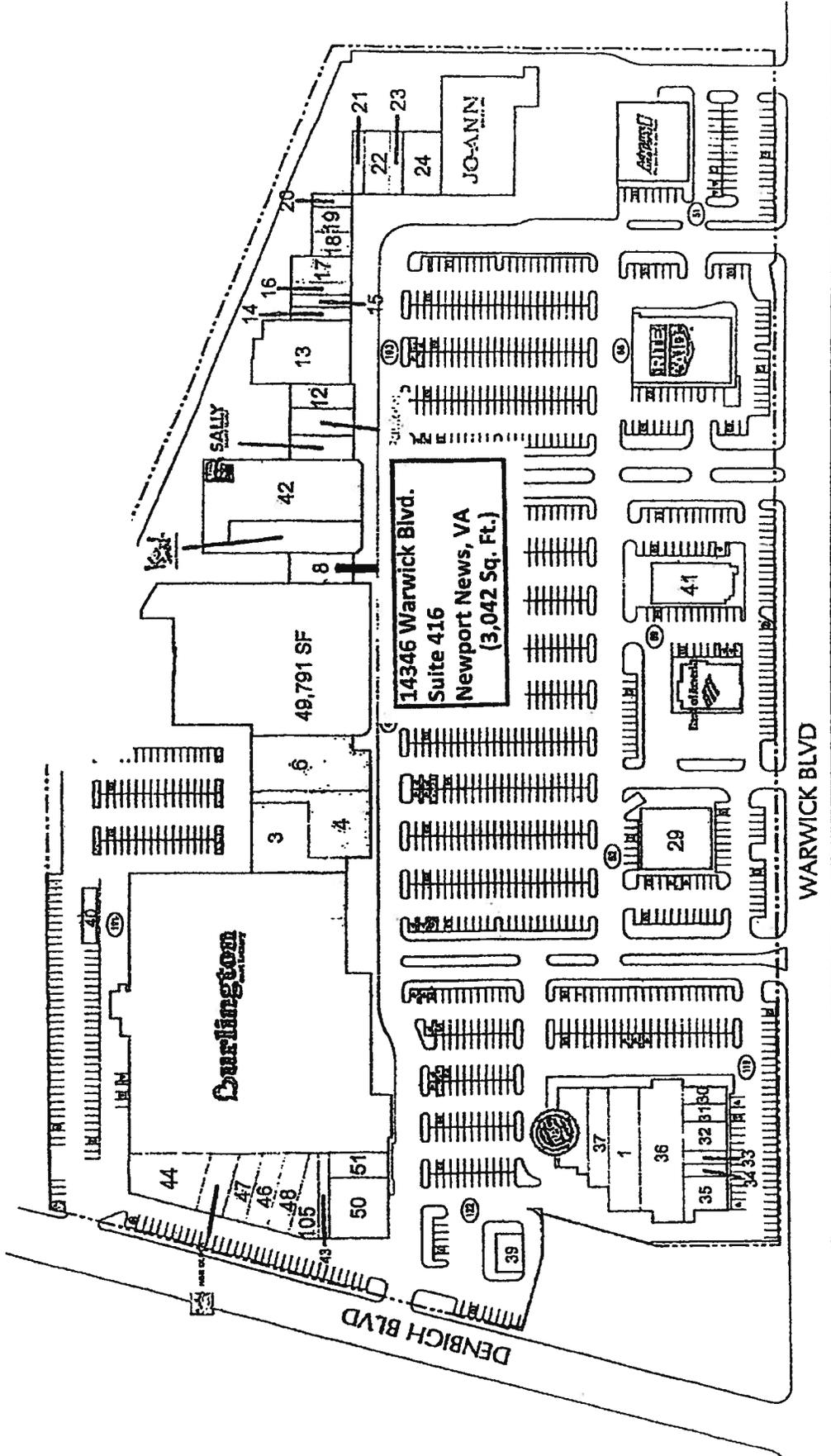
commencing any use, which is authorized by this conditional use permit or law. Furthermore, the applicants, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, conditional approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.

8. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for revocation of the conditional use permit by City Council.
9. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition contained herein, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise unenforceable, then this conditional use permit shall be void and the use permitted by this conditional use permit shall cease. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions therein, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.
10. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition contained herein; as such, in the event an amendment to the zoning of the property described in Section (b) hereof is produced by a comprehensive implementation of a new or substantially revised Zoning Ordinance, the conditions imposed by the conditional use permit shall continue in effect.

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

1. If the construction of the improvements or occupancy authorized by this conditional use permit has not commenced within twenty-four (24) months of September 27, 2016, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

Denbigh Village Shopping Center  
Newport News, VA



Property Location



## E. Public Hearings

2. Ordinance Authorizing Conditional Use Permit No. CU-16-372, to Stoney Run Village, LLC., for the Sale of Off-premises Alcohol in an Establishment of Less than 1,600-Square-Feet Located at 620 Stoney Creek Lane, Suite 20

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-16-372, TO STONEY RUN VILLAGE, LLC., FOR THE SALE OF OFF-PREMISES ALCOHOL IN AN ESTABLISHMENT OF LESS THAN 1,600-SQUARE-FEET, LOCATED AT 620 STONEY CREEK LANE, SUITE 20 AND ZONED R9 MIXED USE.

- BACKGROUND:**
- Tamarind International Market, a small grocery store in Stoney Run Village, wishes to sell alcohol off-premises in a lease space of less than 1,600-square-feet.
  - The use is consistent with the *Framework for the Future 2030* Comprehensive Land use map and with surrounding uses in the mixed use community of Stoney Run.
  - On September 7, 2016, the City Planning Commission voted unanimously 8:0 to recommend approval of the request with conditions.

**Vote on Roll Call**

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

**Against:** None

**Abstention:** None

- The City Manager recommends approval with conditions.

**FISCAL IMPACT:** • N/A

**ATTACHMENTS:**

**Description**

CM Memo re CU-16-372 Stoney Run Village

Staff Report and CPC Minute Excerpts

sdm14687 CU-16-372 re Stoney Run Village, LLC

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

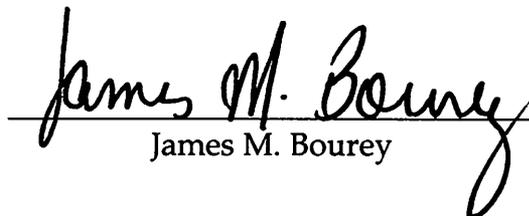
September 21, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** CU-16-372, Stoney Run Village, LLC

Stoney Run Village, LLC is requesting a conditional use permit on behalf of their tenant, Tamarind International Market, for the sale of off-premises alcohol in an establishment of less than 1,600 square feet. Tamarind International Market is an existing business in a lease area of 1,065 square feet. This business specializes in selling imported food and wishes to expand offerings to include beer and wine. The market is located within the Stoney Run Village mixed use development which features residential units located above a variety of shops and services. Several stores offer the sale of off-premises alcoholic beverages, including a Virginia ABC store.

The *Framework for the Future 2030* Comprehensive Plan land use map designates mixed use for the property. A grocery store that sells alcoholic beverages is consistent with this designation.

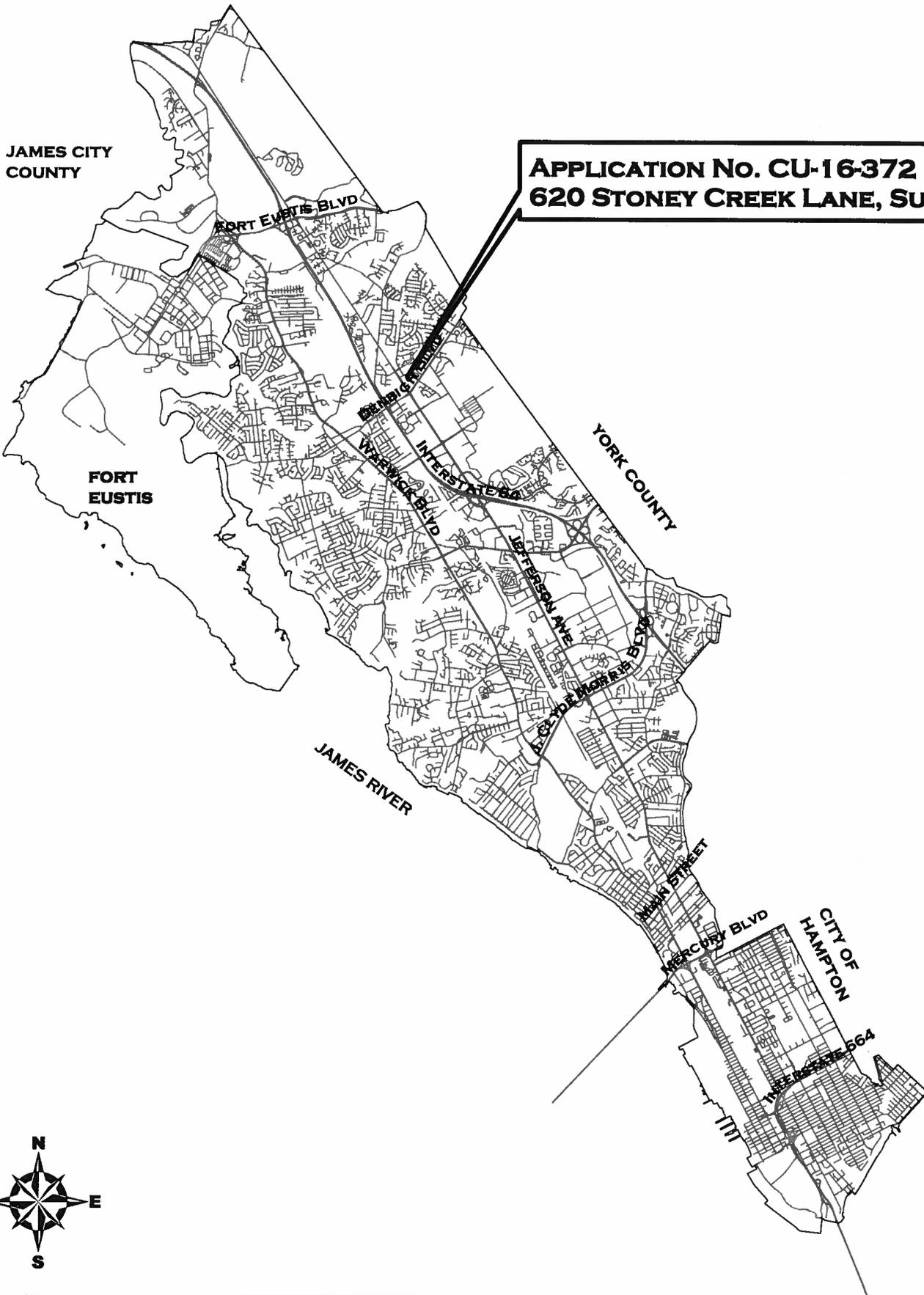
On September 7, 2016, the City Planning Commission voted unanimously 8:0 to recommend approval of this request to City Council with conditions. I concur with the City Planning Commission's recommendation.

  
James M. Bourey

JMB:dfw

**CITY OF NEWPORT NEWS  
CITY COUNCIL  
SEPTEMBER 27, 2016**

**CONDITIONAL USE PERMIT  
APPLICATION NO. CU-16-372  
STONEY RUN VILLAGE, LLC**



# CONDITIONAL USE PERMIT NO. CU-16-372

## STONEY RUN VILLAGE, LLC.

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**OWNER/APPLICANT** Stoney Run Village, LLC./ Tamarind International Market  
c/o Michelle Hime

**ZONING** R9 Mixed Use (Appendix A-1)

**LOCATION** 620 Stoney Creek Lane, Ste. 20

**FRAMEWORK** Mixed Use (Appendix A-3)

**PRESENT USE** Grocery store

**ACREAGE** 8.90 acres

**REQUEST** Off-premises sale of alcohol in an establishment of less than 1,600 square feet

### FACTS



**Within shared building** New York Pizza, Stylz Hair Salon, three vacancies, residential apartments upstairs on property zoned R9 Mixed Use

**North** Long Board's Restaurant, VA ABC Store, Eddie's Take-out, eVAPORate Shop, Modern Nails, Tanning Salon, Barbershop, Tindahen Shop, two vacancies, residential apartments on property zoned R9 Mixed Use

**South** Residential apartments on property zoned R9 Mixed Use

**East** Residential apartments on property zoned R9 Mixed Use  
**West** Thai Thai's restaurant, Cybernet Café, Newport News Computer Services, AM to PM Shop, Osaka Sushi Bar, residential apartments on property zoned R9 Mixed Use (See Appendix A-1.)

**Zoning History** The property was rezoned R9 Mixed Use with City Council approval of CZ-03-166 on November 25, 2003. The previous zoning classification of the property was C1 Retail Commercial.

**Regulatory Review** A grocery store is a permitted use in the R9 Mixed Use zoning district. However, the zoning ordinance requires a conditional use permit for the sale of alcohol in a commercial establishment with a floor space area less than 1,600 square feet. Tamarind International Market has 1,065 square feet of floor area. (See Appendix A-2.)

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

**Comprehensive Plan Review** The *Framework for the Future 2030* comprehensive plan land use map designates mixed use for the property. A grocery store that sells alcoholic beverages is consistent with this designation. (See Appendix A-3.)

## ANALYSIS

Tamarind International Market is a grocery store specializing in imported foods. The proprietor wishes to expand offerings to include international beers and wines that would be consumed off-premises. The market operates Monday through Saturday from 10:00 AM until 7:00 PM. The store is closed on Sundays.

The market is located in a mixed use development that includes multiple-family residential housing and a variety of shops, services and restaurants. Alcoholic beverages are currently available in some of the neighborhood businesses. Of the proprietorships in operation, there are four restaurants that serve alcohol for on-premises consumption and two grocery stores that sell alcohol for off-premises consumption. In addition, a Virginia Alcoholic Beverage Control (ABC) store is located across the street from the subject property.

## CONCLUSION

The proposed use is in conformance with the *Framework for the Future 2030* comprehensive plan land use map. The sale of alcoholic beverages from the subject property addresses a niche market for imported beers and wines. Allowing the sale of alcoholic beverages from an existing small grocery store in this mixed use development is compatible with the surrounding uses and will not have an adverse impact.

## **STAFF RECOMMENDATION**

**Recommend approval of conditional use permit CU-16-372 to allow the sale of off-premises alcoholic beverages in an establishment of less than 1,600 square feet, designated as 620 Stoney Creek Lane, Suite 20, with the following conditions:**

1. The applicant shall adhere to the regulations set forth by the Virginia Department of Alcohol and Beverage Control (ABC) and the licensee guidelines established by the Code of Virginia.
2. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
3. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of video equipment (the "Equipment") with recording devices and capability sufficient to include date and time that recording is made. The Equipment shall provide surveillance coverage encompassing the front and rear exteriors of the business. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty days.
4. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the zoning ordinance, and, in addition, shall serve as grounds for revocation of the conditional use permit by the City Council.
5. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
6. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and

permits prior to commencing any use, which is authorized by this conditional use permit or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.

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

## **CPC RECOMMENDATION**

**On September 7, 2016, the Planning Commission voted unanimously (8:0) to recommend approval of conditional use permit CU-16-372 to allow the sale of off-premises alcoholic beverages in an establishment of less than 1,600 square feet, designated as 620 Stoney Creek Lane, Suite 20, with the following conditions:**

1. The applicant shall adhere to the regulations set forth by the Virginia Department of Alcohol and Beverage Control (ABC) and the licensee guidelines established by the Code of Virginia.
2. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
3. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of video equipment (the "Equipment") with recording devices and capability sufficient to include date and time that recording is made. The Equipment shall provide surveillance

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

4. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the zoning ordinance, and, in addition, shall serve as grounds for revocation of the conditional use permit by the City Council.
5. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
6. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.
7. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition contained herein, of part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional or otherwise unenforceable, then the use permitted by this conditional use permit shall be void and the use permitted by this conditional use permit shall be invalid. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions there in, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.

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

## **APPENDIX**

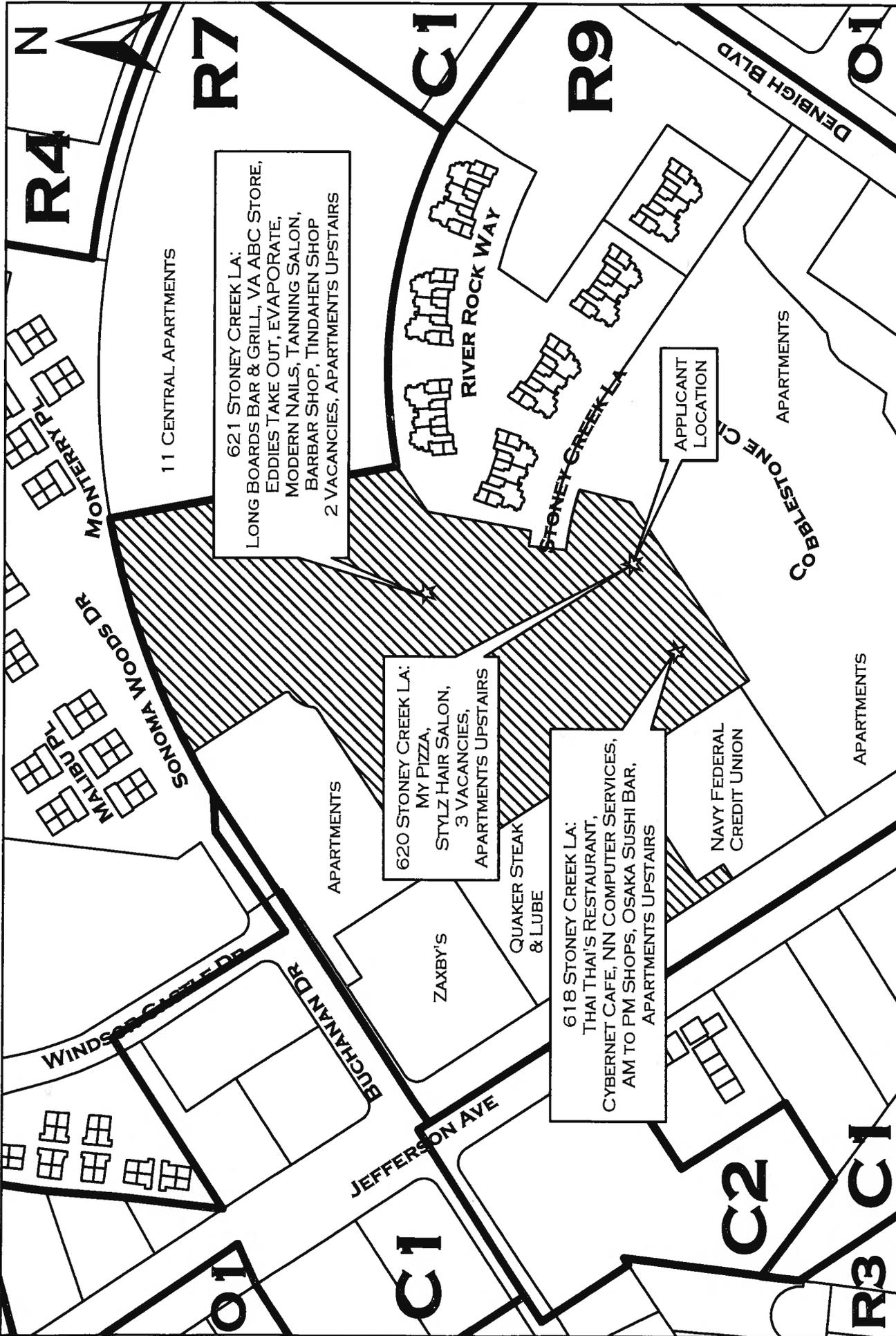
**A-1 VICINITY/ZONING MAP**

**A-2 SITE PLAN**

**A-3 *FRAMEWORK FOR THE FUTURE 2030* LAND USE MAP**

**A-4 AERIAL MAP**

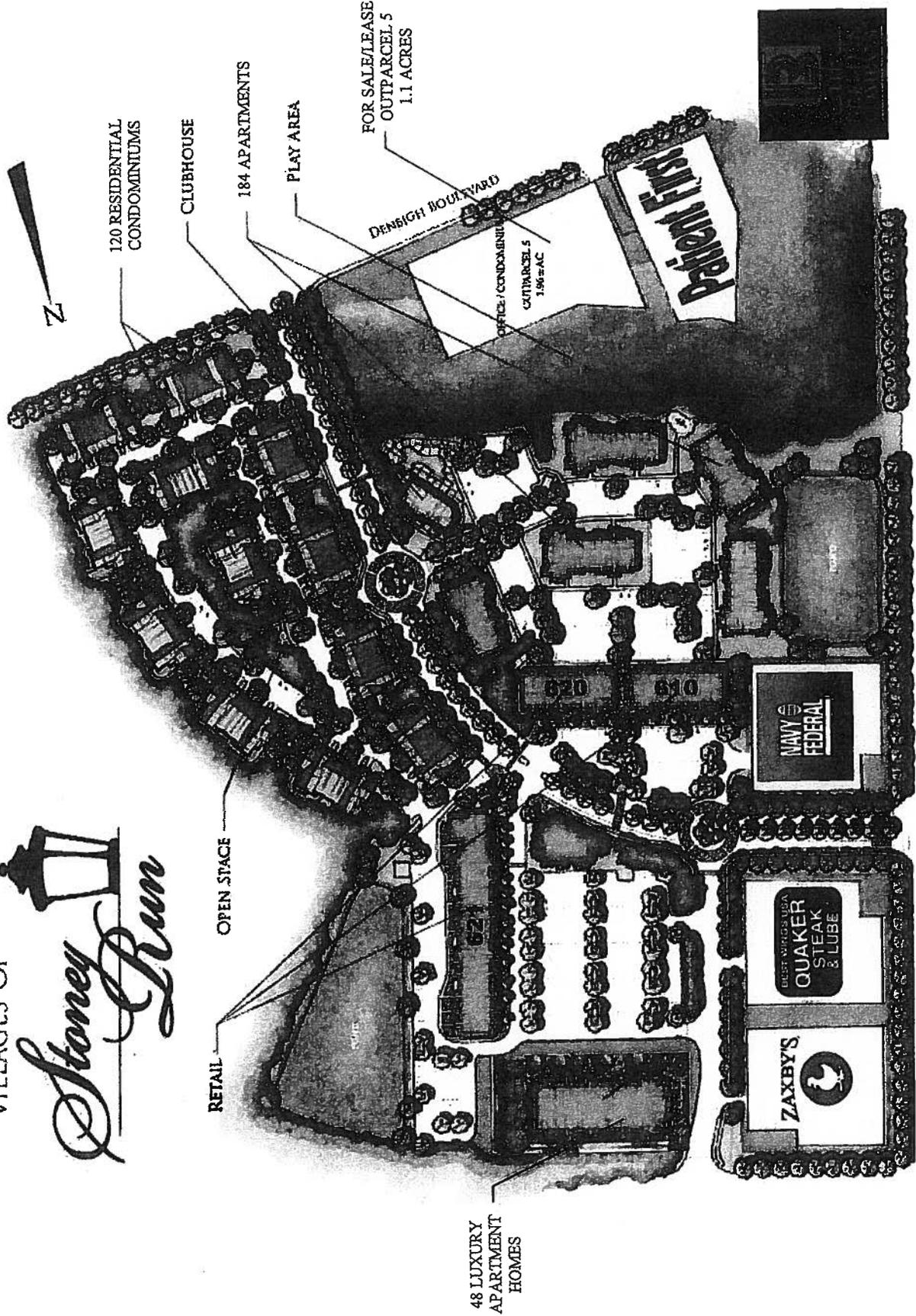
**A-5 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF SEPTEMBER 7,  
2016**



# STONEY RUN VILLAGE, LLC.

## CU-16-372

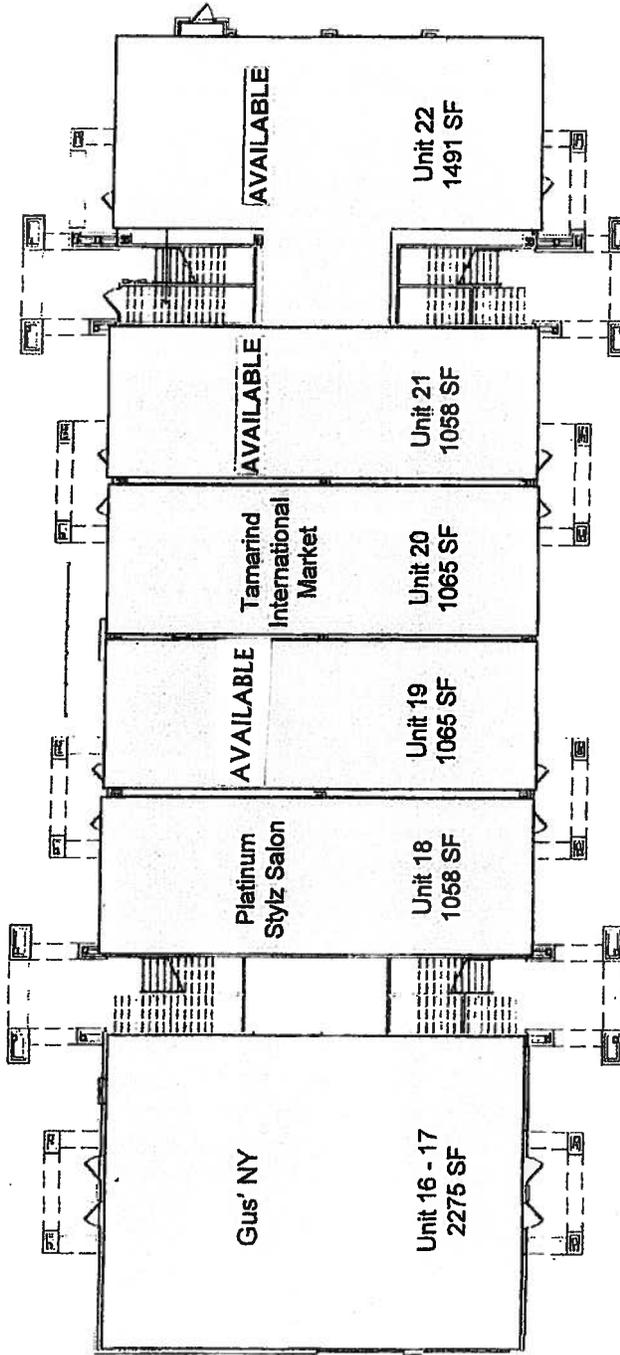
VILLAGES OF  
*Stoney Run*

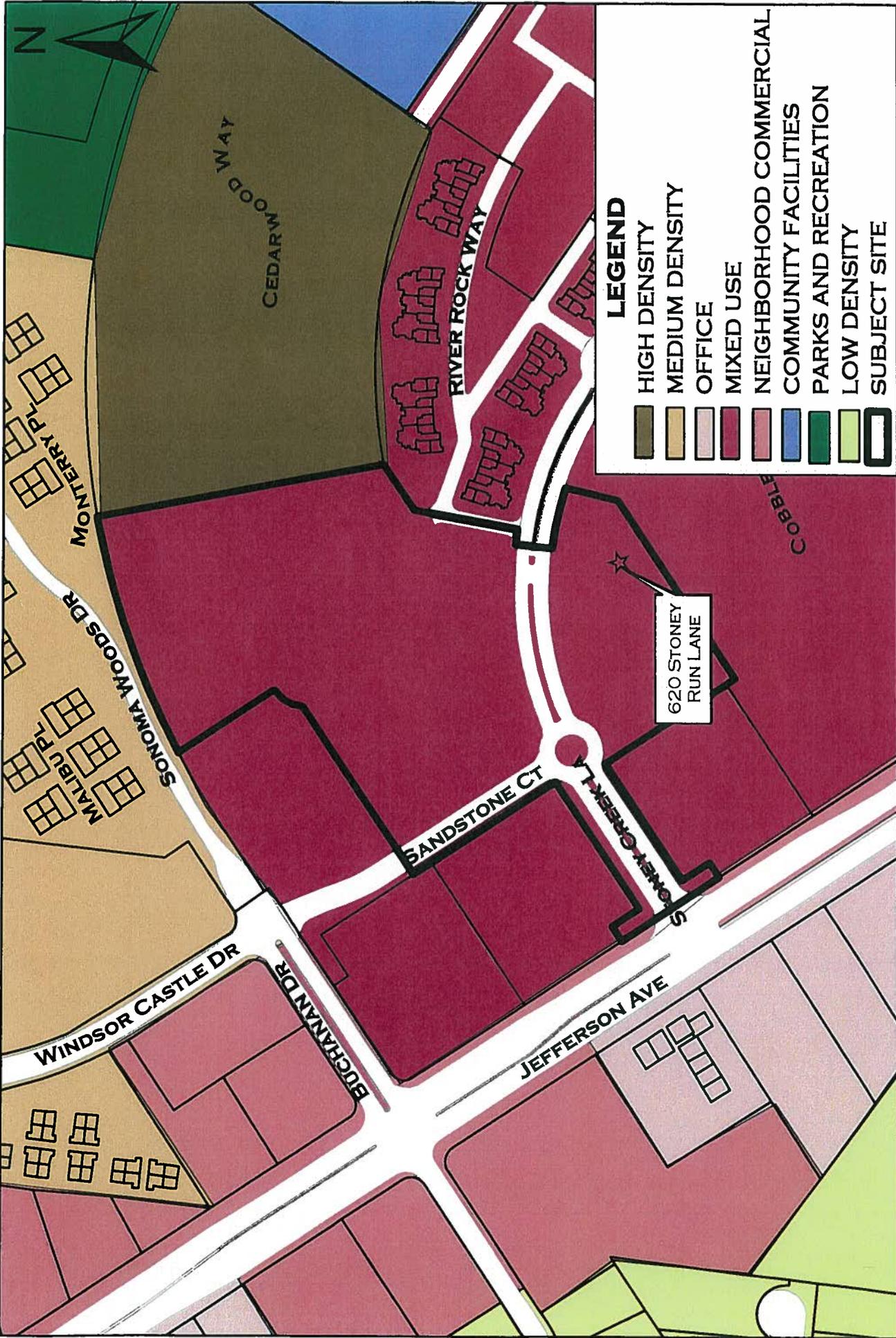


[www.villagesofstoneyrun.com](http://www.villagesofstoneyrun.com)

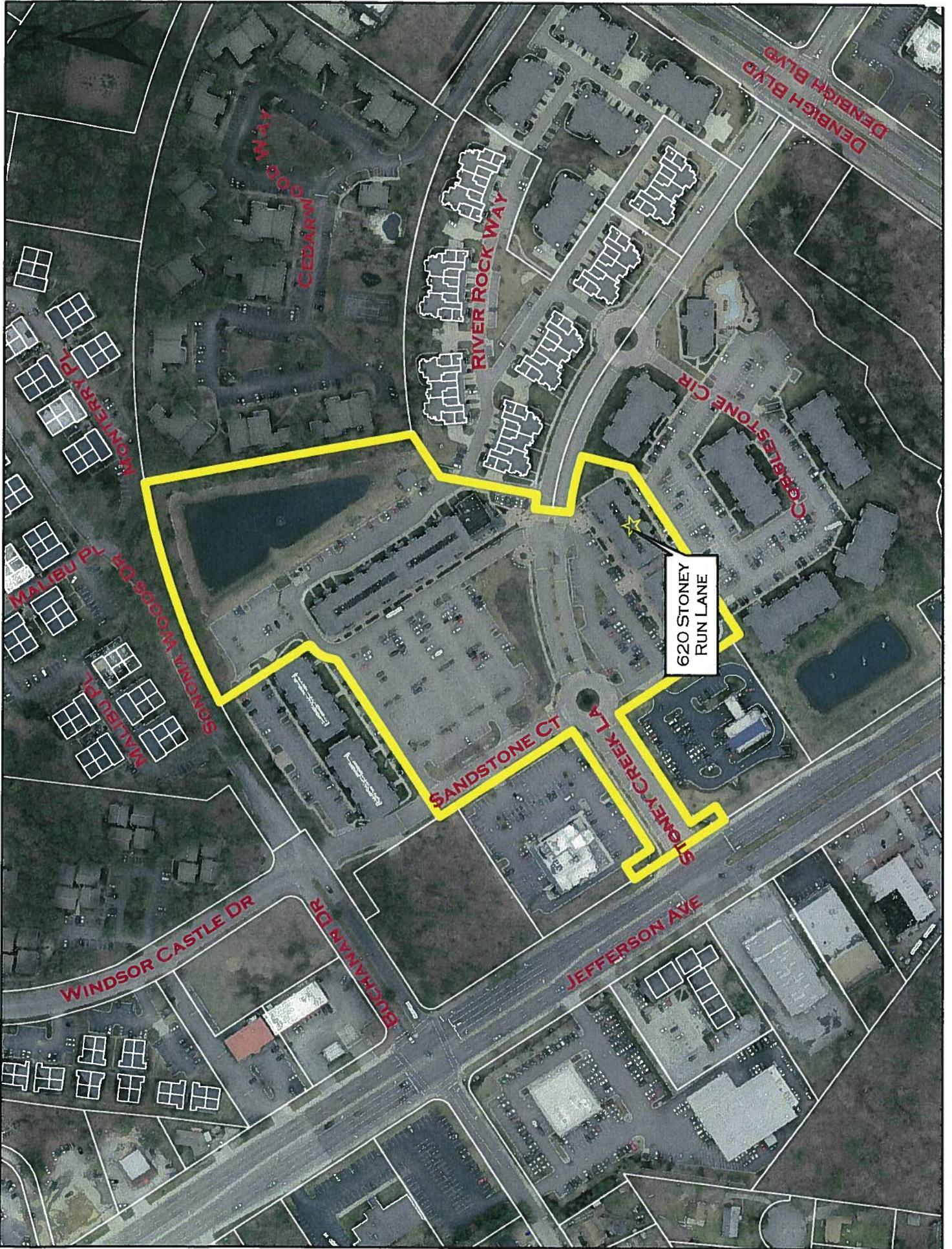
620 Stoney Creek Lane

VILLAGES OF





# STONEY RUN VILLAGE, LLC. FRAMEWORK FOR THE FUTURE 2030



## EXCERPTS FROM PLANNING COMMISSION MINUTES

**September 7, 2016**

**CU-16-372, Stoney Run Village, LLC.** Requests a conditional use permit for off-premises sale of alcohol in an establishment of less than 1,600 square feet located at 620 Stoney Creek Lane, Suite 20 on a 10.67 acre parcel zoned R9 Mixed Use. The Parcel No. is 090.00-01-23.

David Watson, Planner, presented the staff report (copy attached to record minutes).

Mr. Mulvaney asked if there is a limit on the amount of floor space they can make available for alcohol sales or could this be the bulk of their sales. Mr. Watson stated the store is an international grocery store. He stated the applicant would like to expand to sell import beer and wine. Mr. Watson stated he does not believe the beer and wine sales will be a big part of the business. Mr. Mulvaney stated that right now it is a grocery store and with approval of this conditional use permit there is no limitation to say that only 20% of the gross sales store area will be used for this type of use. Mr. Watson stated Alcohol Beverage Control (ABC) regulations come into play with this application.

Mr. Jones asked if they would be selling bottled beer or draft beer. Mr. Watson stated the permit is for off-premises alcohol sales, and it would need to be in a sealed container, bottle or can. He stated the permit will not allow the opening of containers on-premises.

Mr. Carpenter stated R9 zoning allows for the grocery store, but because this tenant has less than 1,600 square feet, a conditional use permit is required. Mr. Watson stated yes, and that is true anywhere in the city. He stated there are two solutions for the applicant: she could come forward with a conditional use permit, or she can lease the unit next to her and become 2,000 square feet and have a by-right use. Mr. Watson stated the zoning ordinance specifically states that anything under 1,600 square feet requires a conditional use permit for the sale of alcohol. Mr. Carpenter asked why is that requirement in place. Ms. McAllister stated it was added for properties within the Southeast Community because there were small lots and it was it the intent to make sure that someone would not build a small store with their profit based on alcohol sales.

Mr. Carpenter opened the public hearing.

Ms. Michelle Himes, 8035 Fairmont Drive, Williamsburg, applicant, stated she was available for questions.

Mr. Carpenter closed the public hearing.

Mr. Mulvaney made a motion to recommend approval of conditional use permit CU-16-372 to City Council, as recommended by staff. The motion was seconded by Mr. Jones.

**Vote on Roll Call**

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

**Against: None**

**Abstention: None**

The Planning Commission voted unanimously (8:0) to recommend approval of conditional use permit CU-16-372 to City Council.

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

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-372 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OFF-PREMISES SALE OF ALCOHOL FOR AN ESTABLISHMENT OF LESS THAN 1,600 SQUARE FEET ON A SITE ZONED R9 MIXED USE DISTRICT.

WHEREAS, application number CU-16-372 has been made by **STONEY RUN VILLAGE, LLC, owner, and TAMARIND INTERNATIONAL MARKET, applicant**, for a conditional use permit for the hereinafter described property for the purpose of the off-premises sale of alcohol for an establishment of less than 1,600 square feet on a site zoned R9 Mixed Use District; and

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

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

(a) That conditional use permit number CU-16-372 is hereby granted for the property described in paragraph (b) hereof for the purpose of the off-premises sale of alcohol for an establishment of less than 1,600 square feet on a site zoned R9 Mixed Use District; and

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

All that certain lot, piece or parcel of land, with the appurtenances thereunto belonging, situate in the City of Newport News, Virginia, and designated as a portion of Parcel A, as the same is shown on that certain plat entitled "SUBDIVISION PLAT OF THE VILLAGES OF STONEY RUN, CITY OF NEWPORT NEWS, VIRGINIA," prepared by Thomas Land Surveying, P.C. dated December 10, 2004, which plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Newport News, Virginia, (the "Clerk's Office") as Plat Book 2039, at pages 1615 – 1619, as corrected by that plat entitled "Plat of Correction Subdivision Plat of Village of Stoney Run, Newport News, Virginia", dated December 10, 2004 and revised through September 16, 2005, prepared by Thomas Land Surveying, P.C. and which plat is duly recorded in the Clerk's Office as Plat Book 2072, at pages 631 through 635.

However, this conditional use permit only applies to a 1,065 square

foot area, being more particularly described as 620 Stoney Creek Lane, Suite 20, Newport News, VA 23608, as shown on Exhibit A2. The Property has a Real Estate Assessor's Tax ID# 090-00.01-21.

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

1. The applicant shall adhere to the regulations set forth by the Virginia Department of Alcohol and Beverage Control (ABC) and the licensee guidelines established by the Code of Virginia.
2. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
3. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of digital video equipment (the "Equipment") with recording devices and capability sufficient to include date and time the recording is made. The Equipment shall provide surveillance coverage encompassing the front, side and rear exteriors of the use permitted by this ordinance. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty days.
4. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.
5. The applicant, as well as successors, assigns, and agents, if any, shall obtain all necessary licenses, approvals, conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. Furthermore, the applicants, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, conditional approvals, and permits for the entire period of time during which the real property, whether

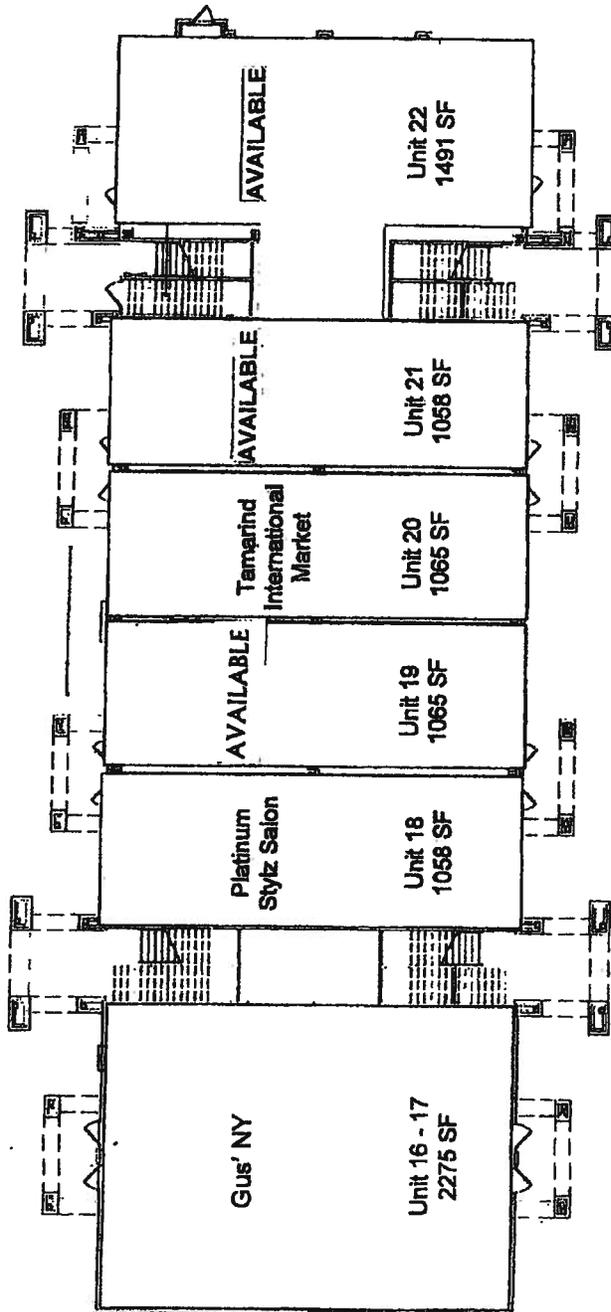
improved or otherwise is put to a use which is authorized by this conditional use permit.

6. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for revocation of the conditional use permit by City Council.
7. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition contained herein, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise unenforceable, then this conditional use permit shall be void and the use permitted by this conditional use permit shall cease. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions therein, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.
8. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition contained herein; as such, in the event an amendment to the zoning of the property described in Section (b) hereof is produced by a comprehensive implementation of a new or substantially revised Zoning Ordinance, the conditions imposed by the conditional use permit shall continue in effect.

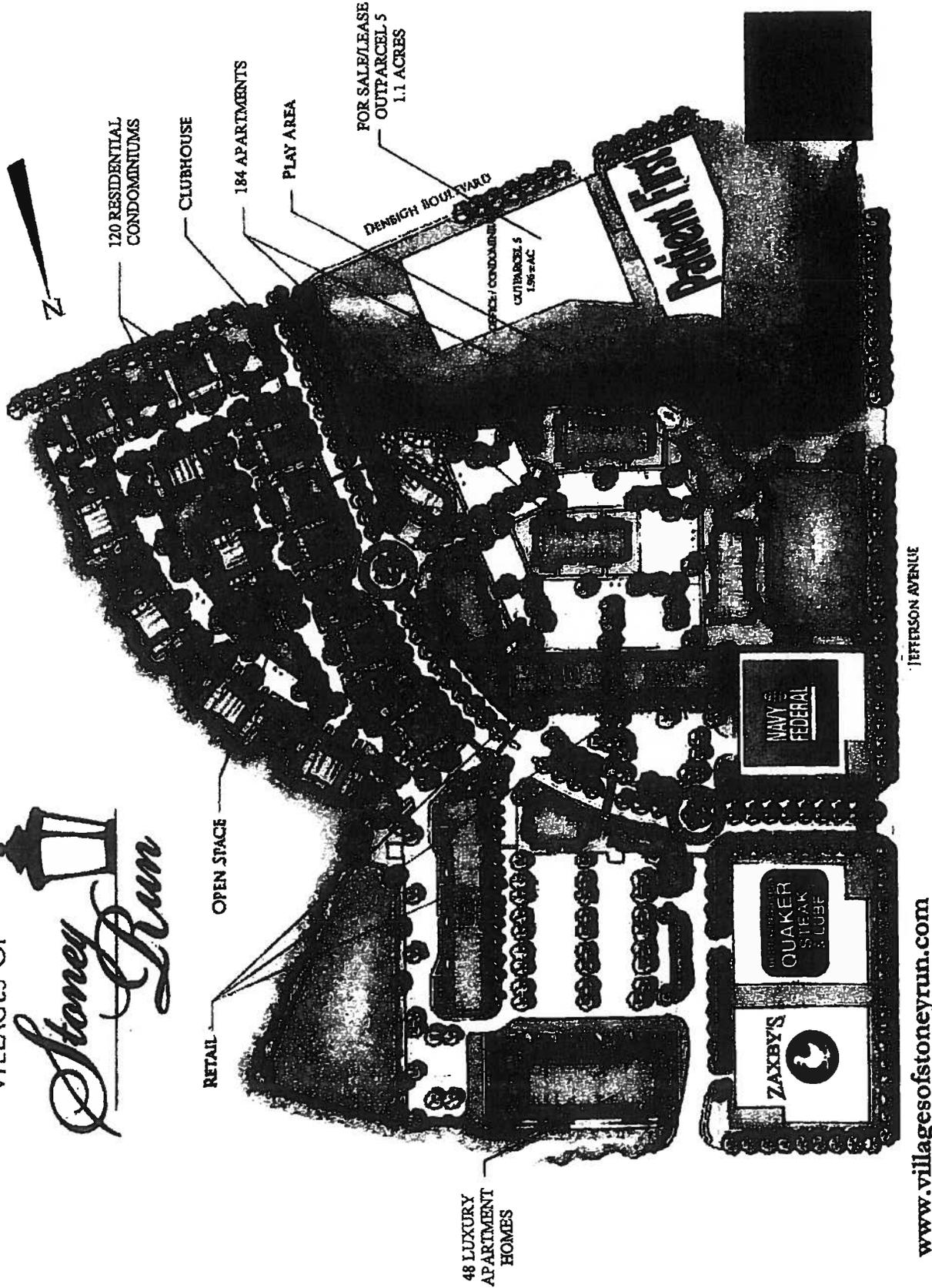
(d) That this conditional use permit shall be deemed to have been abandoned and shall be revoked:

1. If the construction of the improvements or occupancy authorized by this conditional use permit has not commenced within twenty-four (24) months of September 27, 2016, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

620 Stoney Creek Lane



VILLAGES OF  
*Stoney Run*



## E. Public Hearings

3. Ordinance Authorizing Change of Zoning No. CZ-16-382, to Port Jefferson, LLC., for Property Located at 591 City Center Boulevard and Zoned C2 General Commercial with Proffers to C1 Retail Commercial with Proffers, to Allow Development of a Health Center

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE AMENDING ORDINANCE NO. 5028-97, AMENDING THE ZONING DISTRICT MAP FOR CHANGE OF ZONING APPLICATION NO. CZ-16-382, BY PORT JEFFERSON, LLC., FOR PROPERTY LOCATED AT 591 CITY CENTER BOULEVARD AND ZONED C2 GENERAL COMMERCIAL WITH PROFFERS TO C1 RETAIL COMMERCIAL WITH PROFFERS, TO ALLOW FOR THE DEVELOPMENT OF A HEALTH CENTER.

- BACKGROUND:**
- The existing zoning proffers prohibit development of the health center as proposed; thereby requiring the rezoning of this area.
  - The change of zoning is consistent with the *Framework for the Future 2030* Comprehensive Plan.
  - On September 7, 2016, the City Planning Commission voted unanimously 8:0 to recommend approval of the request.

**Vote on Roll Call**

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

**Against:** None

**Abstention:** None

- The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

**ATTACHMENTS:**

**Description**

CM Memo re CZ-16-382 Port Jefferson & CHKD

Staff Report and CPC Minute Excerpts

sdm14685 CZ-16-382

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

September 21, 2016

**TO:** The Honorable City Council

**FROM:** City Manager

**SUBJECT:** Change of Zoning No. CZ-16-382, Port Jefferson, LLC and Children's Real Estate, LLC (Contract Purchaser)

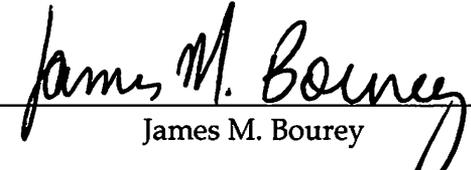
Port Jefferson, LLC and Children's Real Estate, LLC (contract purchaser) request a change of zoning for an approximately 15-acre property located at 591 City Center Boulevard from C2 General Commercial with proffers to C1 Retail Commercial with proffers.

The existing zoning proffers prohibit development of the property as proposed by the Children's Hospital of the King's Daughters (CHKD).

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

The proposed change of zoning is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map.

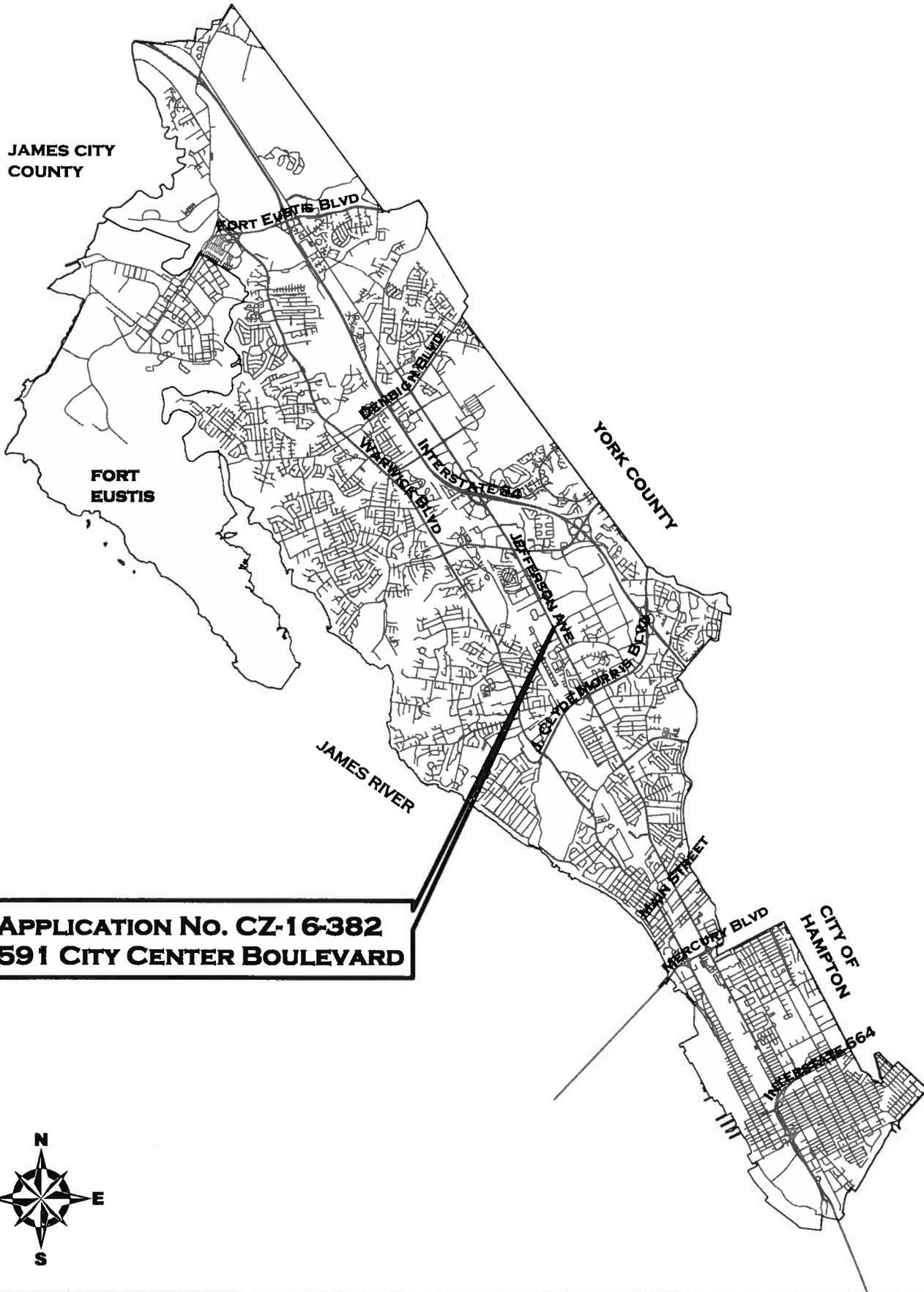
On September 7, 2016, the City Planning Commission voted unanimously 8:0 to recommend approval of the request to City Council. I concur with the City Planning Commission's recommendation.

  
James M. Bourey

JMB:sgd

**CITY OF NEWPORT NEWS  
CITY COUNCIL  
SEPTEMBER 27, 2016**

**CHANGE OF ZONING  
APPLICATION NO. CZ-16-382  
PORT JEFFERSSON LLC**



# CHANGE OF ZONING APPLICATION NO. CZ-16-382 PORT JEFFERSON, LLC & CHILDREN'S REAL ESTATE, LLC

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<b>APPLICANT/OWNER</b>	Port Jefferson, LLC and Children's Real Estate, LLC (contract purchaser)	<b>ZONING</b>	C2 General Commercial with Proffers (Appendix 1)
<b>LOCATION</b>	591 City Center Boulevard	<b>FRAMEWORK</b>	Neighborhood Commercial and Regional Commercial (Appendix A-2)
<b>PRESENT USE</b>	Vacant	<b>ACREAGE</b>	14.93 acres
<b>REQUEST</b>	Change of zoning from C2 General Commercial with proffers to C1 Retail Commercial with proffers to allow for the development of a health center		



## FACTS

- North** Waterworks pump station and storage facility on properties zoned C1 Retail Commercial and a furniture store on property zoned M1 Light Industrial
- South** Restaurant and motel on properties zoned M1 Light Industrial and a vacant parcel zoned C2 General Commercial with proffers
- East** Storage facility and restaurant on properties zoned C1 Retail Commercial, a furniture store on property zoned M1 Light Industrial and Newport News Industrial and Modern Machine & Tool Company on properties zoned C5 Oyster Point Business/Manufacturing
- West** City-owned retention pond and University Suites at Port Warwick apartments on properties zoned C2 General Commercial and R9 Mixed Use, respectively

**Zoning History** The property was zoned M2 Heavy Industrial in 1969. The zoning was changed to M1 Light Industrial when the citywide comprehensive rezoning became effective August 1, 1997. In 2001, City Council approved rezoning the property to C2 General Commercial with proffers.

**Regulatory Review** A change of zoning from C2 General Commercial with proffers to C1 Retail Commercial with proffers is being requested to allow for the development of a pediatric health center on the parcel in accordance with a new site plan that differs from the master plan proffered during the 2001 rezoning. The site layout in the existing proffers would not allow the proposed site design to work on the site. (See Appendix A-4.)

The existing proffered master plan requires a shopping center with various outparcels surrounding an interior common parking lot. The outparcel at the corner of Jefferson Avenue and what was then Middleground Boulevard was dedicated for a midrise office development. The proffers stipulated that no parking was to occur between the building and the property line on Jefferson Avenue. The master plan called for a retention pond at the corner. The proffers also stipulated that all ponds along city streets were to be equipped with fountains. Due to the building requirements of the Children's Hospital of the King's Daughters (CHKD) health center, the existing proffered master plan prevents its development.

The conceptual site plan proposes two 3-story medical office buildings totaling approximately 120,000 square feet to be occupied by CHKD. The proposed buildings face City Center Boulevard and will be developed as Phase 1 and 2 of the proposed development. Phase 3 is located at the northern rear of the parcel and its use is still unknown. Parking requirements for a medical facility of this type requires a minimum of 2 parking spaces for each room or chair or other facility in which patients are examined or treated by a physician. The conceptual site plan shows room to provide adequate parking to accommodate the requirements. Although the buildings have not yet been fully designed the applicant is proposing approximately 600 spaces which is consistent with other such facilities of a similar square footage operated by CHKD.

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

The Site Regulations require that a landscape strip be located along all street frontages and that it be no less than 10 percent of the existing right-of-way width. A 16 foot landscape strip is required along Jefferson Avenue. Along City Center Boulevard, the required landscape strip is 12 feet. The landscape strips are shown in the proposed Conceptual Landscape Plan. (See Appendix A-7.)

After reviewing the August, 2016 Traffic Impact Analysis (TIA) prepared by VHB Inc., (see Appendix A-10), the Department of Engineering recommends approval of the document with minor revisions as long as all of the Category I improvements identified in the report are included in the site plan application and implemented. Further, the department encourages the applicant to seek a right-of-entry agreement with the adjacent parcel to enable a single joint access entrance on Jefferson Avenue serving both properties to minimize points of entry from the turn lane. (See Appendix A-11.)

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

**Comprehensive Plan  
Review**

The *Framework for the Future 2030* comprehensive plan land use map identifies neighborhood commercial and regional commercial uses for the property. (See Appendix A-2.) The proposed change of zoning is consistent with this recommendation.

**ANALYSIS**

The proposed change of zoning is being requested to allow for a development that is inconsistent with the current conditional zoning proffers. The proposed proffered conceptual site plan calls for two medical office buildings along City Center Boulevard and a third one planned for future development to the rear of the site. There is ample parking to serve them. The proffered plan provides for an urban plaza with a sculptural treatment at the corner of Jefferson Avenue and City Center Boulevard. A heavy landscape treatment is proposed along the Jefferson Avenue frontage.

The proposed change of zoning and proffers provide the opportunity for CHKD to expand and consolidate services on the Peninsula. This particular location provides easy access from all major city corridors. In addition to convenient access, the site also has high visibility on both Jefferson Avenue and City Center Boulevard which are heavily traveled from all directions. The CHKD health center will also complement the existing health related uses across City Center Boulevard and adjacent to the west of the property, as well as those provided within Port Warwick. The proposed development will provide both increased pediatric health care facilities as well as employment opportunities within walking distance of the adjacent neighborhoods which is consistent with the vision described in the *Framework for the Future 2030* for mixed use designated areas such as the adjacent Port Warwick development.

The applicant has voluntarily provided 11 proffers that will, in conjunction with the zoning ordinance, guide the development of the property and ensure that it is built in conformance with the conceptual site plan for CHKD at 591 City Center Boulevard, the recommendations of the TIA, the conceptual Landscape Plan, and any other required actions such as the mitigation of the 0.37 acre wetlands within the property. (See Appendix A-5.)

The proposed development must be in general conformance with the proffered conceptual plan and conceptual landscape plan prepared by VHB and dated July 5, 2016 as revised August 3, 2016 (see Appendix A-6 and A-7) and be built in accordance with the conceptual elevations, corner wall feature design and monument signs designs prepared by Innovate Architecture and dated July 20, 2016. (See Appendix A-8 and A-9.)

**Transportation**

The proposed project is located in the northwest corner of the intersection of Jefferson Avenue and City Center Boulevard. Currently there is no vehicular access onto the property; however there is a stub that was provided for the future development of Flannery O'Connor Street that will provide access from City Center Boulevard and would allow for future left turns from the property as well as through traffic once development occurs on the south side of City Center Boulevard.

The applicant's TIA has been reviewed by the Department of Engineering. Staff met with the applicant's traffic representatives to discuss their findings and

recommendations and is satisfied that the final as revised August, 2016, represents a fair analysis of the site and contains recommendations for traffic improvements that will ensure an acceptable level of service on the existing roads.

The TIA has identified improvements Category I essential to the development that will mitigate the traffic generated by the development. (See Appendix A-10.)

The following improvements were identified as Category I improvements:

- Construction of a right in/right out commercial entrance on Jefferson Avenue will be required;
- The existing north stub of the intersection of City Center Boulevard and Flannery O'Connor Street will be modified to create an entrance to the site with a single inbound and dual outbound lane;
- A traffic signal will be installed at the intersection of City Center Boulevard and Flannery O'Connor Street once construction of the second building commences. Completion of the signal will be required prior to a certificate of occupancy being issued for the second building;
- The signal installation may be advanced should an engineering study determine that a traffic signal is warranted prior to the start of the second building;
- Traffic signal timings will be optimized and coordinated with the adjacent Jefferson Avenue signal system;

The applicant is proffering that Category I improvements described in the TIA, with the exception of the signal installation, shall be completed or bonded prior to the issuance of a certificate of occupancy for first building constructed on the property. The applicant is proffering the installation of the signal when warranted but prior to the issuance of a certificate of occupancy for the second building constructed on the property. (See Appendix A-5.)

### **Design**

The applicant is proffering design elevations that provide a general idea of the architectural character, shape, scale and materials to be utilized throughout the project.

All buildings constructed in the property will be of a contemporary architectural style, compatible with the first and second building and the design shall be reviewed and approved by the Director of Planning. (See Appendix A-8.)

The signs will be designed in a manner that will carry the development's architectural theme. The applicant has proffered that no freestanding sign shall exceed 10 feet in height. Further, the applicant proffers that prior to the issuance of a certificate of occupancy for the first building constructed on the property, the owner shall construct a wall, public art, berming and landscaping at the property's frontage along Jefferson Avenue and its intersection with City Center Boulevard. These features will be in conformity with the "CHKD Corner Wall Feature" (see Appendix A-9) prepared by Innovate Architecture dated July 20, 2016. Any modifications shall be subject to the approval by the Director of Planning.

## **CONCLUSION**

The proposed change of zoning is consistent with the *Framework for the Future 2030* comprehensive plan land use map. The proposed zoning will enable the construction of a health center at this location that will complement other medical uses in the area by introducing a broad range of pediatric medical services. It also creates employment opportunities within walking distance of residential and mixed

use neighborhoods.

The applicant has provided proffers that address concerns regarding building and property improvements, ensure the overall quality of the development and address necessary improvements to affected city infrastructure.

## **STAFF RECOMMENDATION**

**It is recommended that the City Planning Commission recommend to City Council approval of change of zoning CZ-16-382 for the approximately 15 acre property located at 591 City Center Boulevard from C2 General Commercial with proffers to C1 Retail Commercial with proffers.**

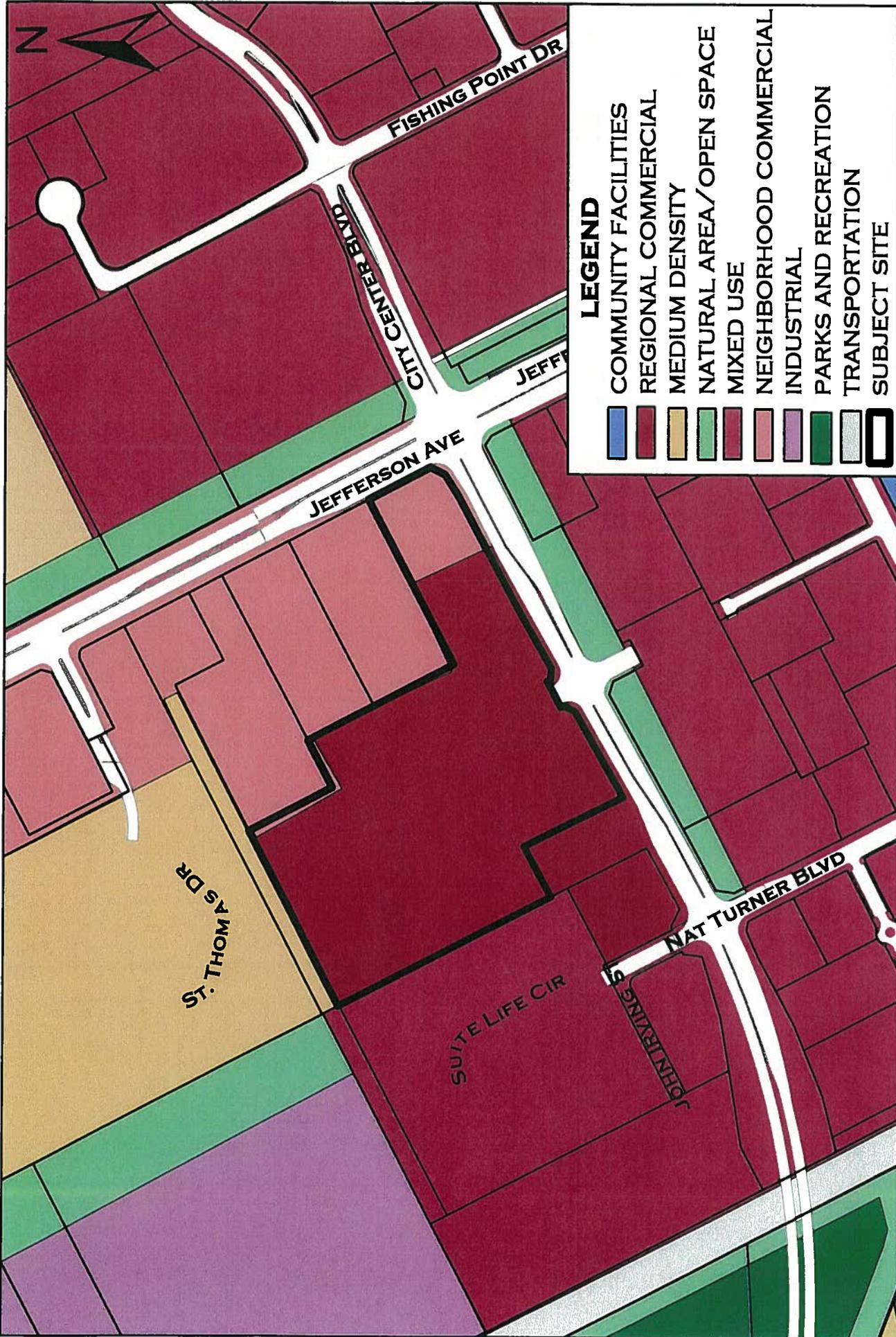
## **CPC RECOMMENDATION**

**On September 7, 2016, the Planning Commission voted unanimously (8:0) to recommend approval of the change of zoning to the City Council.**

## **APPENDIX**

- A-1 VICINITY/ZONING MAP**
- A-2 *FRAMEWORK FOR THE FUTURE LAND USE PLAN MAP***
- A-3 AERIAL**
- A-4 ORDINANCE NO. 5710-01 (CZ-01-111)**
- A-5 PROFFERS**
- A-6 CONCEPTUAL SITE PLAN**
- A-7 CONCEPTUAL LANDSCAPE PLAN**
- A-8 ELEVATIONS**
- A-9 SIGNS**
- A-10 TRAFFIC IMPACT ANALYSIS SUMMARY BY VHB**
- A-11 DEPARTMENT OF ENGINEERING COMMENTS**
- A-12 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF SEPTEMBER 7, 2016**





# FRAMEWORK FOR THE FUTURE 2030

## PORT JEFFERSON LLC



ORDINANCE NO. 5710-01

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

WHEREAS, conditional zoning application CZ-01-111 has been made by UNION INVESTMENT COMPANY for the rezoning of the hereinafter described property from the present M1 Light Industrial District to C2 General Commercial District as conditioned by voluntarily proffered conditions; and

WHEREAS, the application includes reference to a Master Plan which said Master Plan is included as the Exhibit to this ordinance; and

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

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

Section 1. That Ordinance No. 5028-97 is hereby amended and reordained by amending that certain map entitled, "Zoning District Map" (Consisting of Real Estate Tax Assessment Maps 001 through 322 and kept on file in the offices of the Departments of Codes Compliance and Planning and Development) dated the 10th day of June, 1997, which said Map is made a part of Ordinance No. 5028-97 by changing the following described property from the present M1 Light Industrial District to C2 General Commercial District:

Legal Description:

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News being a 24.24± acre parcel identified in the Exhibit attached hereto and more particularly described as follows:

Beginning at a point on the West side of Jefferson Avenue directly across from Middle Ground Boulevard where Lot No. 1 UNICO Subdivision (recorded at Deed Book 1578, Page 1862, in the Newport News Circuit Court Clerk's Office) bounds with subject parcel at Jefferson Avenue; thence S 63° 44' W 300'; thence S 26° 16' E 90'; thence S 63° 44' W 320'; thence S 26° 16' E 260'; thence S 63° 44' W 554.88'; thence N 26° 16' W 1354.30'; thence N 63° 44' E 532.11'; thence S 26° 16' E 250'; thence N 63° 44' E 142.72'; thence S 26° 16' E 443'; thence N 63° 44' E 500'; thence S 26° 16' E 341.30' to point of beginning.

Section 2. That the rezoning approved hereby is conditioned by written and voluntarily proffered conditions contained in the application and binding the development of the property as contained on the Conditioned Proffer Statement for Change of Zoning attached hereto and made a part hereof.

PASSED BY THE CITY COUNCIL OF THE CITY OF NEWPORT NEWS NOVEMBER 13, 2001

Bernice I. Berry, MMC  
City Clerk

Joe S. Frank  
Mayor

A true copy, teste:

City Clerk

**Conditioned****Proffer Statement for Change of Zoning****To: The Honorable Newport News City Council****DATE: 31 August 2001****APPLICATION NUMBER: CZ-01-111****In reference to the above request for a change of zoning:**

**Conditions-** I hereby proffer that the development of the subject property of this application shall be in accordance with the conditions set forth in this submission:

1. The Master Plan will be followed. The Master Plan (which will include 100% of the land to be developed) and changes to the Master Plan will be subject to approval of a "Design Committee" made up of the Developer (Managing Partner of Union Investment Company Partnership), the Director of Planning & Development for City of Newport News (or his designee), and the Developer's Architect for the project. All members of the committee must approve submissions by a unanimous decision.
2. A Master Landscape Plan will be developed following the proposed Master Plan for approval by the above "Design Committee" by a unanimous decision.
3. All of the complex will adhere to an overall architectural theme that will permit the buildings to have a related (not necessarily common) appearance. This could include use of forms, facades, color, materials, roof design etc.. All development will be subject to review and approval by the above "Design Committee" by unanimous decision.
4. There will be no vinyl or metal siding used. Structures will have exterior finishes such as brick, masonry, concrete, EIFS, stucco, storefront, stone and other similar products approved by the "Design Committee."
5. The following uses normally permitted in C-2 will not be permitted:
  - a) Carpet / Upholstery Cleaning
  - b) Dry Cleaning Plant
  - c) Bingo Parlor
  - d) Automobile Body & Paint Shop
  - e) Automobile Repair Garage
  - f) Automobile Sales / New Car Dealership

## Page 1 of 3

- g) Automobile Sales / Used Car Dealership
- h) Automobile Upholstery
- i) Boat Repair
- j) Boat Yacht Sales
- k) Automobile Limousine, Van Motorcycle Leasing/Rental
- l) Manufactured Home Sales Service and/or Leasing
- m) Small Boat Repair
- n) Small Repair, Small Contractor Shop & Small Contractors Office
- o) Buy Back Collection Center Glass, Aluminum & Paper
- p) Small Motor Vehicle Repair and Service Facility
- q) Large motor Vehicle Repair Sales and/or Service
- r) Car Wash Except as Associated with Convenience Store with Gas

## 6. Restrictions on automobile fuel sales:

- a) No underground fuel tanks will be permitted that are not equivalent to a system that has double walled tanks with interstitial monitoring for tank leaks. In the event a fuel dispensing activity ceases operation for period in excess of one year, tanks and fueling equipment must be removed.
- b) No reduction in landscape requirements or green area will be permitted on sites fronting public streets.
- c) All roofs will be pitched roofs including canopies for gasoline sales.
- d) All lighting shall be directed downward and inward to the site and shall not cause glare on adjacent properties or rights-of-way. A photometric lighting plan for each developed area shall be submitted for review and approval by the Director of Planning and Development during the site plan review.
- e) A stage II vapor recovery system shall be used on all gasoline dispenses on the site.
- f) Only one freestanding fueling will be permitted in this development in addition to a fueling facility accessory to a minimum 20,000 square feet grocery store. No fueling will be permitted along Jefferson Avenue.

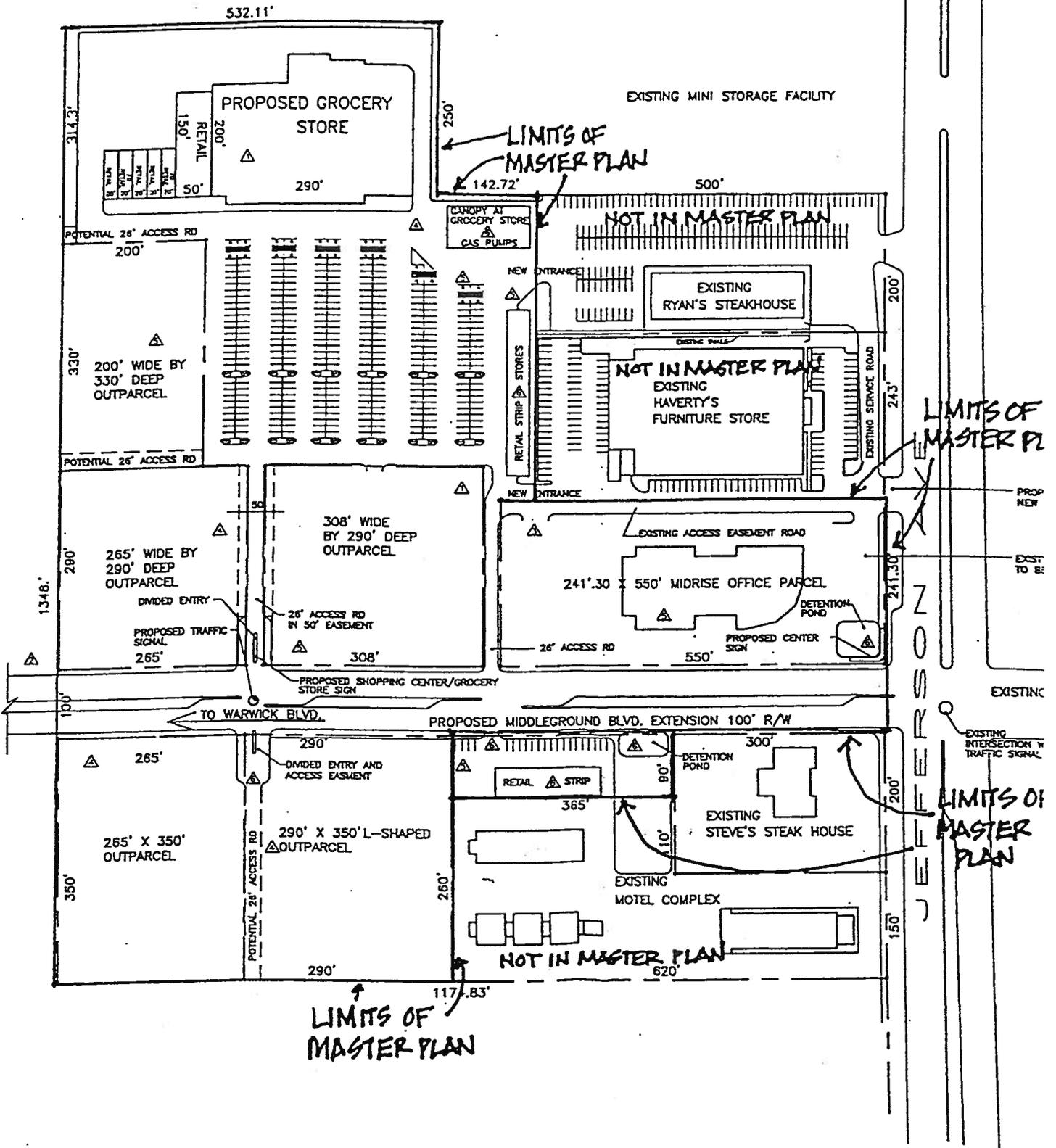
## 7. Free standing signs shall be limited to ground signs no higher than 10 feet except for a single new large "project sign" at the corner of Jefferson Avenue and Middleground Boulevard.

## 8. There will be no parking between building and property line along Jefferson Avenue. Only one entrance will be installed additionally along Jefferson Avenue

between Haverty's and the proposed office building. A pond with fountain will be employed at Jefferson Avenue and Middleground Boulevard subject to city staff review and approval. All such ponds along city streets will be equipped with fountains.

9. All heating, ventilation, and air conditioning equipment shall be screened from view from the public rights-of-way and adjacent properties.
10. The following regulations which are required by municipal ordinances are incorporated in this proffer.
  - A. A Class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and be approved by the Director of Engineering prior to occupancy of the property. The site plan shall also conform to this zoning, the City's Site Regulations and the Zoning Ordinance.
  - B. A landscape plan which is in conformance with the requirements of the Site Regulations and this permit shall be submitted to and approved by the Director of Planning and Development. Once the landscaping is approved, it shall be installed in accordance with the approved plan. The landscaping shall be maintained in a healthy condition in perpetuity.
  - C. A Certificate of Use and Occupancy shall be obtained prior to the operation of any new business use on the property.
  - D. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
  - E. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this zoning or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this zoning.

  
 Robert J. Frank, Managing Partner  
 Union Investment Company Partnership



MASTER PLAN

1" = 100'-0"

**Conditioned Proffer Statement for Change of Zoning**

To: The Honorable Newport News City Council

Date: July 5, 2016

Application Number: CZ-16-382

In reference to the above request for a change of zoning:

Conditions: I hereby proffer that the development of the subject property of this application shall be in accordance with the conditions set forth in this submission:

1. When developed, the Property shall be developed in substantial accordance with the plan entitled "Conceptual Site Plan", prepared by VHB, and dated August 3, 2016, (the "Plan"). Modifications to the Plan will be subject to the approval of the Director of Planning (or his/her designee) as of the time of the request for modification.
2. The architectural style and quality of materials of the medical buildings developed on the Property, when developed, shall be compatible with the conceptual elevations entitled "CHKD City Center Blvd. – Conceptual Elevations", prepared by Innovate, and dated July 20, 2016, the ("Elevations"). Modifications to the Elevations will be subject to the approval of the Director of Planning. Any other building(s) constructed on the Property, when developed, shall be of a contemporary architectural style, and shall be constructed of materials of comparable quality to those depicted on the Elevations.
3. Prior to the development of the portion of the Property depicted as "Existing Wetlands to be Mitigated (0.37 AC)," any necessary permits or approvals will be obtained from applicable governmental agencies.
4. Only one (1) vehicular entrance along the Property's Jefferson Avenue frontage will be permitted, which shall be located substantially as shown on the Plan.
5. Prior to the issuance of a certificate of occupancy for the first office building constructed on the Property, the owner of the Property shall construct a wall, public art, berming, and landscaping at the Property's frontage along the intersection of Jefferson Avenue and City Center Boulevard in conformity with the exhibit entitled "CHKD City Center Blvd. Corner Wall Feature", prepared by Innovate, and dated July 20, 2016, the ("Streetscape Exhibit"). Modifications to the Streetscape Exhibit may be made administratively based upon comments received from the City Planning Department and/or Traffic Engineering Department, subject to approval by the Director of Planning. The total area of signage included as part of the Streetscape Exhibit shall comply with the maximum signage allowances permitted under the City Sign Ordinance. Additionally, the signage provided on the wall depicted on the Streetscape Exhibit may be modified from time to time to replace portions of the signage currently depicted on the Streetscape Exhibit with either (a) the name and/or logo of one (1) additional establishment located on the Property, or (b) the name of the development on the Property and any logo associated with such

development, which modified signage is to be located in substantially the same location as the signage depicted on the Streetscape Exhibit, and is to be consistent with applicable regulations contained in the City Sign Ordinance.

6. One (1) electronic display sign shall be permitted on the Property, and shall be located adjacent to the main vehicular entrance into the Property from City Center Boulevard.
7. No freestanding sign located on the property shall exceed ten feet (10') in height.
8. All heating, ventilation, and air conditioning equipment shall be screened from view from the public rights-of-way and adjacent properties.
9. To the extent that such improvements have not been previously constructed, the owner of the Property shall be responsible for the design and construction of the following traffic improvements, which improvements must be completed or bonded prior to issuance of a certificate of occupancy for the first building constructed on the Property:
  - a. Optimize signal timings with respect to existing traffic signals located at the corner of Jefferson Avenue and City Center Boulevard for current traffic conditions.
  - b. Construct a single westbound right in/right out vehicular entrance along the Property's Jefferson Avenue frontage.
  - c. Provide a single inbound travel lane and dual outbound travel lanes on the Property connecting to the existing driveway on the Property along City Center Boulevard.
10. To the extent that such improvements have not been previously constructed, prior to the issuance of a certificate of occupancy for the second office building constructed on the Property, the owner of the Property shall be responsible for the design and construction of a traffic signal at the main vehicular entrance into the Property from City Center Boulevard.
11. The following regulations which are required by municipal ordinances are incorporated in this proffer:
  - a. A Class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and be approved by the Director of Engineering prior to occupancy of the property. The site plan shall also conform to this zoning, the City's Site Regulations and the Zoning Ordinance.
  - b. A landscape plan for each phase of the development of the Property shall be submitted to and approved by the Director of Planning as being consistent with the Site Regulations prior to conditional site plan approval for such phase of development. The landscape plan shall be in general conformance to the conceptual landscape plan entitled "Conceptual Landscape Plan," prepared by

VHB, and dated August 3, 2016. All landscaping shall be installed in conformance with the approved landscape plan and shall be maintained in a healthy condition in perpetuity. The use of the buildings developed during the applicable phase shall not commence until the approved landscaping for that phase has been installed.

- c. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
- d. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this zoning or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this zoning.

[Remainder of Page Intentionally Left Blank. Separate Signature Pages Follow.]

**IN WITNESS WHEREOF**, Port Jefferson, L.L.C., as the Property Owner, has executed this Conditioned Proffer Statement for Change of Zoning as of the date below.

**PORT JEFFERSON, L.L.C.**,  
a Virginia limited liability company

By: 

Its: Managing Member

Date: 8/5/16

**IN WITNESS WHEREOF**, Children's Real Estate, LLC, as the Contract Purchaser, has executed this Conditioned Proffer Statement for Change of Zoning as of the date below.

**CHILDREN'S REAL ESTATE, LLC,**  
a Virginia limited liability company

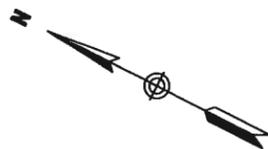
By: Jamika Harris

Its: Vice President

Date: 8/8/16



Two Columbus Center  
4500 Main Street  
Suite 400  
Virginia Beach, VA 23462  
757.490.0132



### Children's Hospital of The King's Daughters

591 City Center Blvd  
Newport News, Virginia

No.	Date	App'd.
1	7-20-16	MAL
2	8-3-2016	MAL

1	CITY COMMENTS
2	CITY COMMENTS

Prepared by	Checked by
Reviewed by	Date
Resizing Application	JULY 5, 2016

Not Approved for Construction

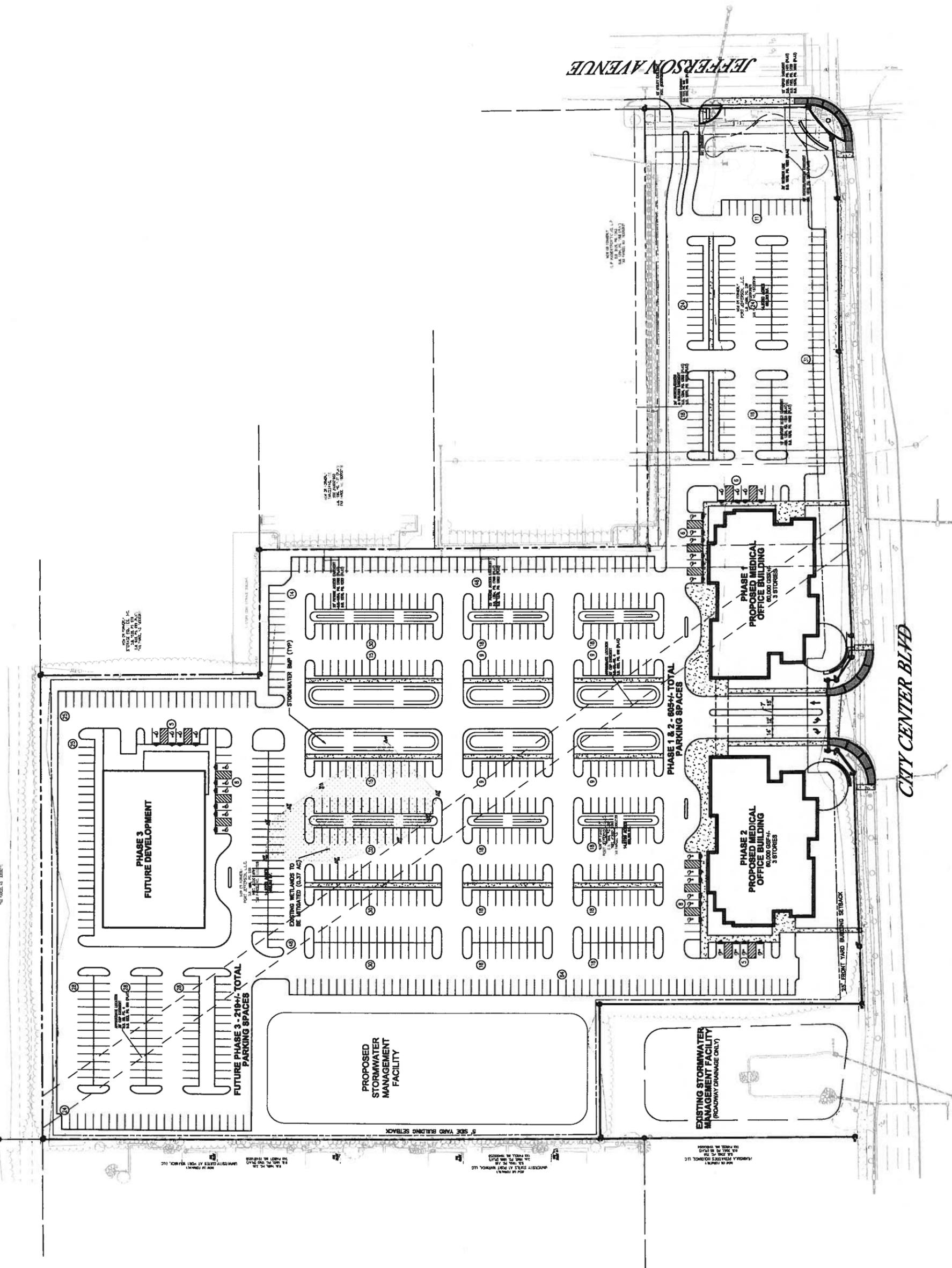
Conceptual Site Plan

# C1.00

Sheet 1 of 1

Project Number  
33665.50

DATE: 07/20/16  
BY: J. W. WOODS  
SCALE: AS SHOWN





Two Columbus Center  
4500 Main Street  
Suite 400  
Virginia Beach, VA 23462  
757.490.0132



# Children's Hospital of The King's Daughters 591 City Center Blvd Newport News, Virginia

No.	Revisions	Date	App'd
1	CITY COMMENTS	07/25/2016	
2	CITY COMMENTS	08/01/2016	

Prepared by	Checked by

Drawn by	Date
	July 5, 2016

Rezoning Application

Not Approved for Construction

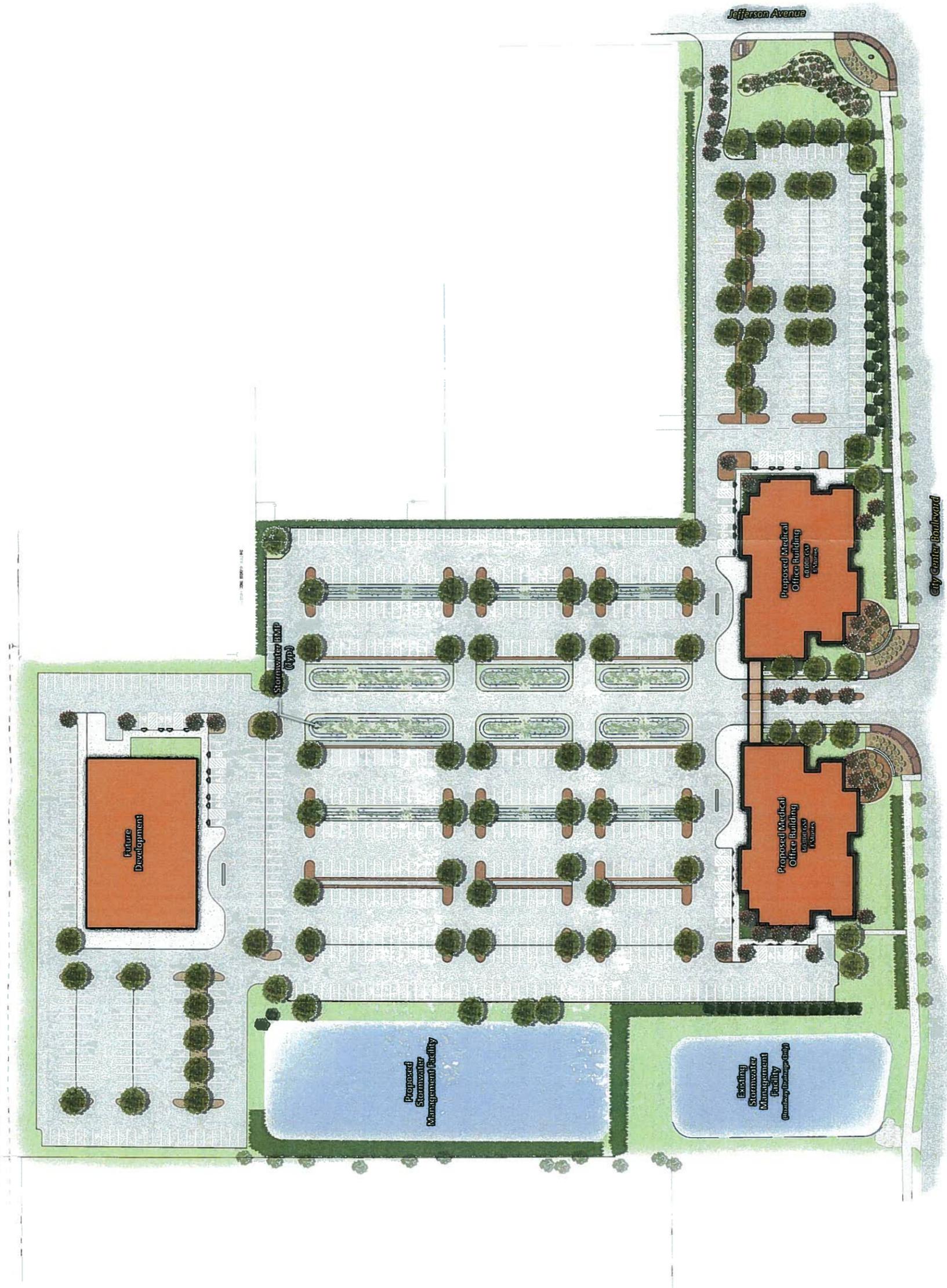
Conceptual Landscape Plan

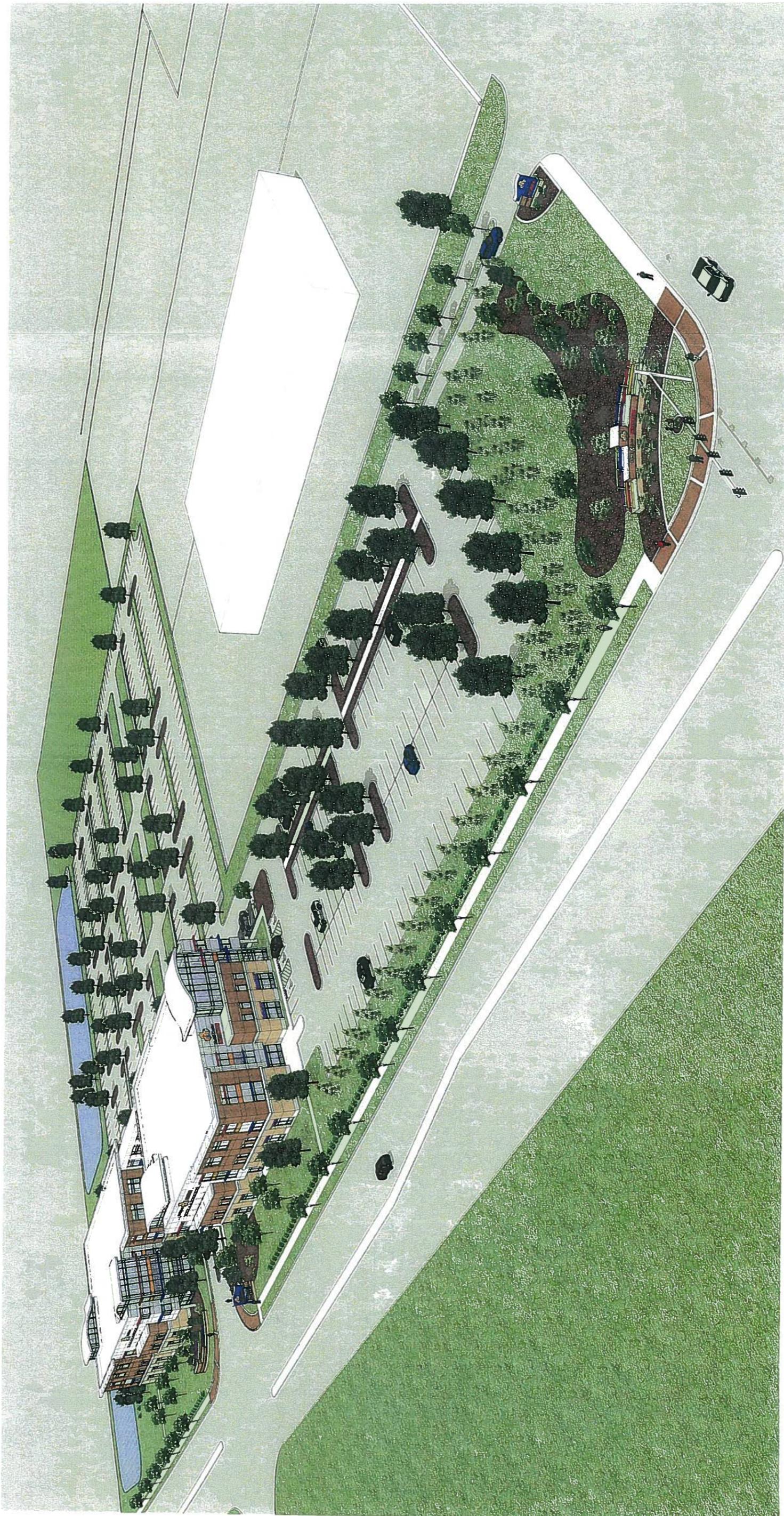
City Center Boulevard

L1.00

Sheet 1 of 1

Project Number: 33685.50





# CHKD - CITY CENTER BLVD.

Newport News, Virginia

corner wall feature





# CHKD - CITY CENTER BLVD.

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Newport News, Virginia

corner wall feature





# CHKD - CITY CENTER BLVD.

Newport News, Virginia

conceptual elevations



July 20, 2016



# CHKD - CITY CENTER BLVD.

Newport News, Virginia

conceptual elevations





# CHKD - CITY CENTER BLVD.

Newport News, Virginia

conceptual elevations





# CHKD - CITY CENTER BLVD.

Newport News, Virginia

conceptual elevations



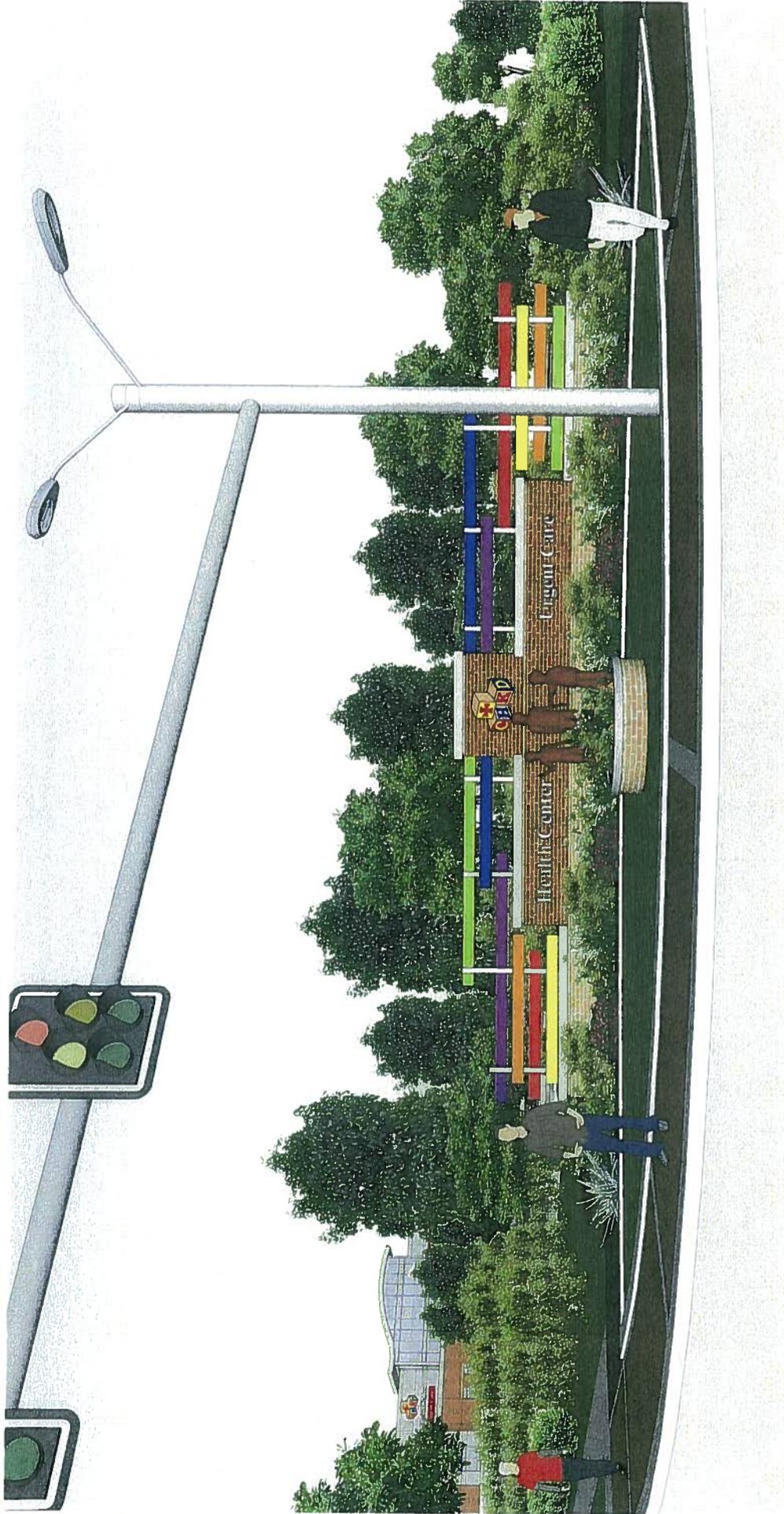


# CHKD - CITY CENTER BLVD.

Newport News, Virginia

conceptual elevations





July 30, 2016

# CHKD - CITY CENTER BLVD.

Newport News, Virginia

corner wall feature





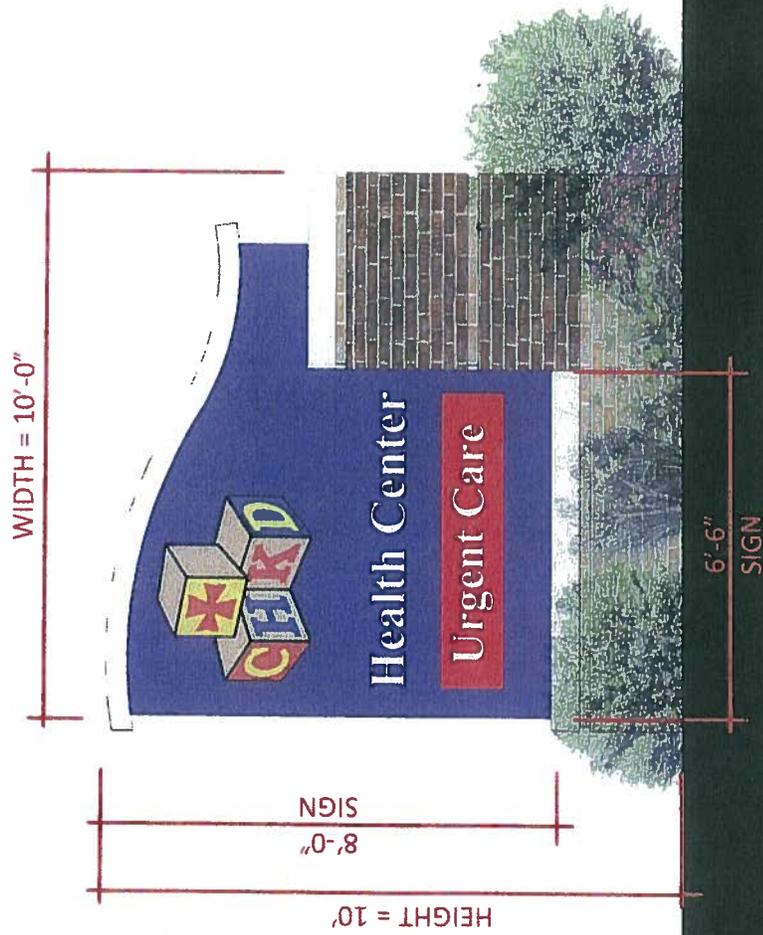
# CHKD - CITY CENTER BLVD.

Newport News, Virginia

**INNOVATE**  
 Architecture • Interiors

monument sign

August 10, 2016 JJC



# CHKD - CITY CENTER BLVD.

Newport News, Virginia

monument sign - jefferson ave.



July 20, 2016



# 1. Executive Summary

Children’s Hospital of The King’s Daughters (CHKD) is planning to construct three (3) medical office buildings in the northwest quadrant of the intersection of Jefferson Avenue and City Center Boulevard in Newport News. The site will have two (2) entrances: the primary access point will be on City Center Boulevard and the secondary access point will be on Jefferson Avenue.

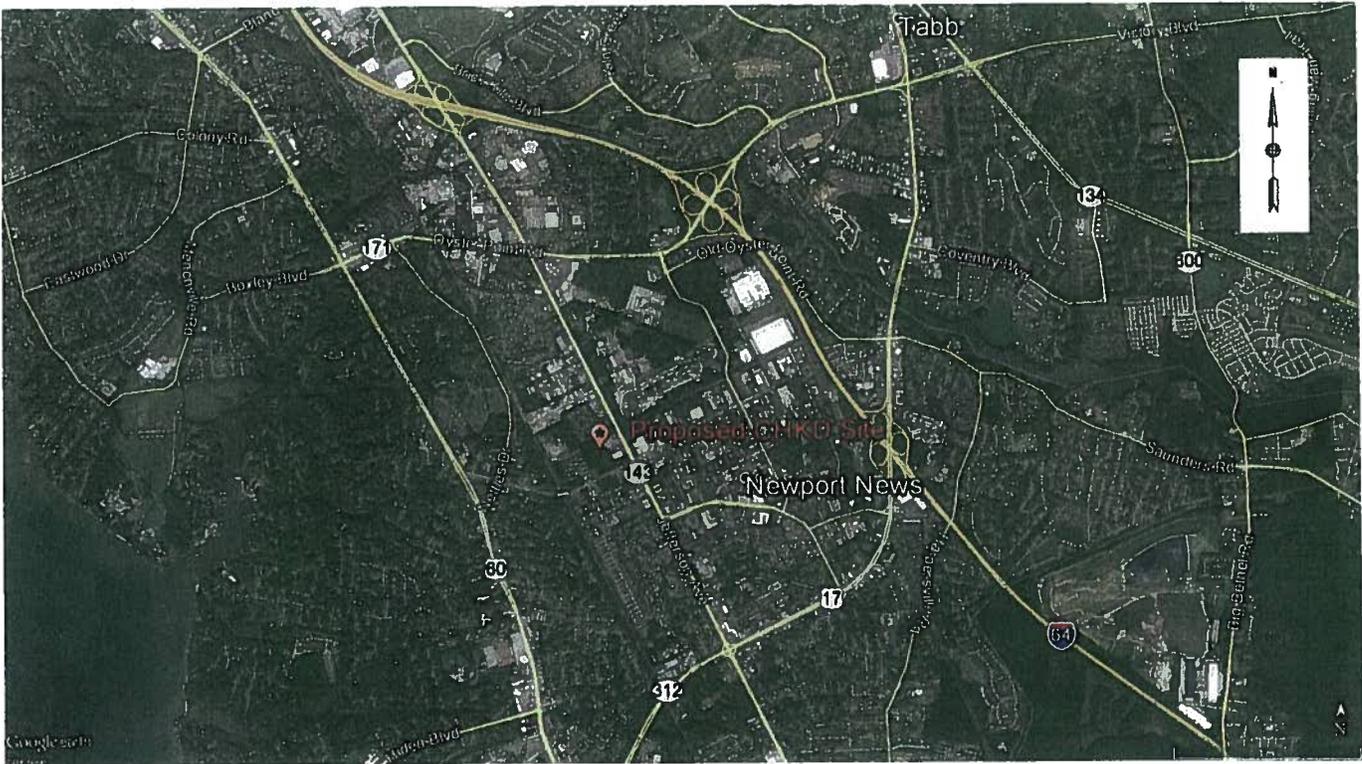
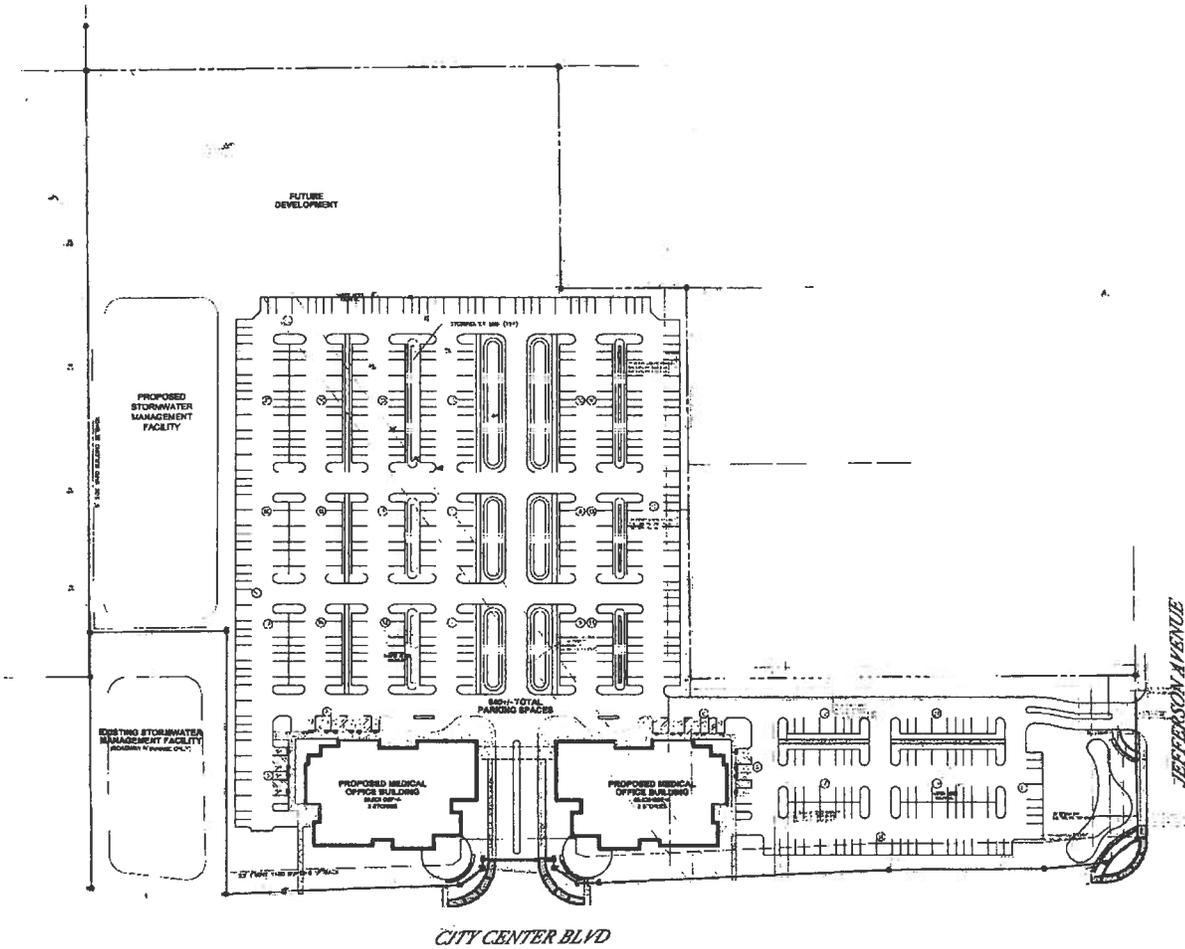


Figure 1. Vicinity Map.



**Figure 2. Conceptual Site Plan**

Based on the warrant and capacity analyses performed in this study, the following improvements are recommended:

2016 Existing Conditions

- No improvements recommended.

2026 No Build Conditions

- Optimize signal timings for current traffic conditions.

2026 Build Conditions

- Construct a westbound right in/right out entrance on Jefferson Avenue for the CHKD site.



- Utilize the existing driveway on City Center Boulevard for the CHKD site. Provide a single inbound and a single outbound lane.
- Signalize the intersection of City Center Boulevard and CHKD Main Entrance. Coordinate the signal with the Jefferson Avenue corridor.
- Optimize the signal timings for current conditions.

With these recommended improvements, the results of the analyses indicate that the development of the site as proposed will have minimal impact on the intersections within the study area.

# City of Newport News

## Department of Engineering

August 10, 2016

To: **Director of Planning**

From: Director of Engineering

Subject: Engineering Review of Planning Commission Cases for September 7,  
2016 –Public Hearing

**Application No. CZ-16-382, Port Jefferson LLC.** There is no objection to the request to change the zoning from C2 General Commercial with proffers to C1 Retail Commercial with Proffers located at 591 City Center Drive on a 14.93 acre parcel.

Please advise the applicant of the following:

- Any and all improvements to the site must comply with all applicable City Codes, Ordinances and Policies.
- A revised traffic impact statement has been submitted and Transportation is willing to recommend approval of it, following some minor typographical corrections. A letter will be prepared and sent to VHB outlining the corrections shortly. The Category I improvements listed below are recommended by the study and will mitigate the traffic generated by the development:
- Construction of a right in/right out commercial entrance on Jefferson Avenue will be required.
- The developer is encouraged to seek a right of entry agreement with the adjacent parcel to enable a single joint access entrance on Jefferson Avenue serving both properties.
- The existing north stub of the intersection of City Center Boulevard and Flannery O'Connor Street will be modified to create an entrance to the site with a single inbound and dual outbound lane.
- A traffic signal will be installed at the intersection of City Center Boulevard and Flannery O'Connor Street once construction of the second building commences. Completion of the signal will be required prior to a certificate of occupancy being issued for the second building. The signal installation may be advanced should an Engineering Study determine that a traffic signal is warranted prior to the start of the second building.

## EXCERPTS FROM PLANNING COMMISSION MINUTES

**September 7, 2016**

**CZ-16-382, Port Jefferson, LLC.** Requests a change of zoning from C2 General Commercial with proffers to C1 Retail Commercial with proffers on a 14.93 acre parcel located at 591 City Center Boulevard to allow for the development of a health center. The *Framework for the Future 2030* comprehensive plan recommends Neighborhood Commercial and Regional Commercial for the site. The Parcel No. is 183.00-01-29.

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

Ms. Willis stated she is concerned about the right turn entrance from Jefferson Avenue. She asked if there was another place the applicant could look for an entrance into the property. Mr. Gleiser stated he was not aware of another place for the entrance. Ms. Willis asked if the entrance is required. Mr. Gleiser stated they are required to have two means of access by the Fire Department.

Mr. Carpenter asked if there has been a conversation with Haverty's furniture store about sharing their entrance. Mr. Gleiser stated he was not aware if that conversation occurred. He stated it is a recommendation that they pursue sharing the entrance.

Ms. Fox asked if this is an urgent care facility and if there would be ambulances going in to the facility. Mr. Gleiser stated he was not sure if there would be ambulances coming to the facility. Ms. Fox stated this will be a great resource for us because we do not really have any type of urgent care facilities for children. She asked if the facility will be providing hospital care for children, because as of right now we do not have that on the Peninsula. Mr. Gleiser stated it is his understanding that the development will have an urgent care facility and medical offices.

Mr. Carpenter opened the public hearing.

Mr. R.J. Nutter, 222 Central Park Avenue, Virginia, Attorney for the applicant, spoke in favor of the application. He thanked Planning staff for their assistance. Mr. Nutter gave a brief description of the application. He stated they plan to have pediatric outpatient surgeries at this facility, which will be scheduled like many other doctors' offices; however, the site is large enough to accommodate future expansion. Mr. Nutter stated that, in regard to concerns about the access on Jefferson Avenue, the original shared access concept was put there before City Center Boulevard became a reality. He stated it was originally intended to be the access back to utilities and facilities in the back of the property. Mr. Nutter stated they have approached Haverty's furniture store and sharing their entrance is not likely to occur. He stated they have already designed their infrastructure around their existing access and their stormwater drainage system was developed from that system. Mr. Nutter stated that right now they have an independently approved access from Jefferson Avenue, which they are not willing to relinquish. He

stated their access is located where it is because Engineering staff wanted it as far away from the intersection as possible and with a certain amount of separation from Haverty's entrance. Mr. Nutter stated we positioned the access as best we could, and when we went through the review process with city departments, Police and Fire asked for a second access into the site on City Center Boulevard. He stated there are plans to have a connecting bridge between the two buildings on the second or third floor so emergency vehicles can get under it and clearly have another way into the site. Mr. Nutter stated with 15 acres of property, we are only looking at having two access ways.

Mr. Carpenter stated he thinks the facility is a great addition to the Peninsula. He stated he hopes they will continue to work with Haverty's to share an entrance that would make more sense. Mr. Carpenter stated there are two fairly large stormwater management components: one on City Center Boulevard and one behind the city owned stormwater location, he stated he would have put the stormwater management facility on City Center Boulevard and taken the parking to the back, with a nice berm on City Center Boulevard and behind it, a retention pond would have been more attractive to people on City Center Boulevard than having the parking lot. Mr. Nutter stated there is a long narrow piece along City Center Boulevard at Jefferson Avenue. He stated it is almost deceiving as it is too narrow to put a building in and have enough circulation around it for handicapped parking. Mr. Nutter stated as a result, we could not get the building there, which is why we worked with the city to install a major feature at the intersection. He stated an open space in that area is just as significant as a building. Mr. Nutter stated city staff asked us to put berming along City Center Boulevard. He stated the stormwater requirements have almost doubled since the previous plan was approved in 2003, and it would have taken the entire length of that feature to put in the stormwater and we would have had no place for a building or parking there, so we decided to put it behind the existing city stormwater facility and use it as a buffer from the adjacent residential.

Mr. Carpenter closed the public hearing.

Ms. Fox made a motion to recommend approval of change of zoning CZ-16-382 to City Council, as recommended by staff. The motion was seconded by Mr. Simmons.

**Vote on Roll Call**

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

**Against: None**

**Abstention: None**

The Planning Commission voted unanimously (8:0) to recommend approval of change of zoning CZ-16-382 to City Council.

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

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

WHEREAS, zoning application CZ-16-382 has been made by **PORT JEFFERSON, L.L.C., owner, and CHILDREN'S REAL ESTATE, LLC, applicant**, for the rezoning of the hereinafter described property from the present C2 General Commercial District with proffers to C1 Retail Commercial District with written and voluntarily proffered conditions; and

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

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

Section 1. That Ordinance No. 5028-97 is hereby amended and reordained by amending that certain map entitled, "Zoning District Map" (Consisting of Real Estate Tax Assessment Maps 001 through 322 and kept on file in the offices of the Departments of Codes Compliance and Planning) dated the 10th day of June, 1997, which said Map is made a part of Ordinance No. 5028-97 by changing the following described property from the present C2 General Commercial District with proffers to C1 Retail Commercial District with written and voluntarily proffered conditions:

Legal Description:

BEGINNING at the intersection of the westerly right of way of Jefferson Avenue-State Route 143, a variable width public right of way, and the northerly right of way of City Center Boulevard, a variable width public right of way. Thence, with the northerly right of way of City Center Boulevard, the following courses and distances. S57°17'31" W 69.80 feet to a point. S62°29'11" W 174.84 feet to a point. S62°22'08" W 325.31 feet to a point. Along the arc of a curve to the left, having a radius of 9,900.00 feet, an arc of 24.77 feet, the chord of said arc running S62°18'11" W 24.77 feet to a point. N83°30'43" W 31.41 feet to a point. N27°30'26" W 10.10 feet to a

point. S62°29'37" W 80.00 feet to a point. S27°30'26" E 10.10 feet to a point. S26°02'08" W 31.94 feet to a point. Along the arc of a curve to the left, having a radius of 9,900.00 feet, an arc of 197.46 feet, the chord of said arc running S60°53'51" W 197.45 feet to a point. Along the arc of a curve to the right, having a radius of 9,785.00 feet, an arc of 65.26 feet, the chord of said arc running S60°31'01" W 65.26 feet to a point. N27°01'37" W 298.69 feet to a point. S62°29'01" W 153.07 feet to a point lying on the easterly property line of the now or formerly University Suites at Port Warwick, LLC property. Thence N27°30'1" W 634.94 feet, with the easterly property line of the now or formerly University Suites at Port Warwick, LLC property to a point lying on the southerly property line of the now or formerly City of Newport News property. Thence, N62°29'58" E 532.30 feet, with the southerly property line of the now or formerly City of Newport News property to a point being the northwesterly property corner of the now or formerly Storage Equities, Inc. property. Thence, with the property lines of the now or formerly Storage Equities, Inc. property, the following courses and distances. S27°30'02" E 250.03 feet to a point. N62°33'35" E 142.78 feet to a point being a northwesterly property corner of the now or formerly Old Havertportfolio, LP property. Thence, with the property lines of the now or formerly Old Havertportfolio, LP property, the following courses and distances. S27°30'02" E 442.67 feet to a point. N62°29'58" E 499.77 feet to a point lying on the aforementioned westerly right of way of Jefferson Avenue-State Route 143. Thence, with the westerly right of way of Jefferson Avenue-State Route 143, the following courses and distances S27°30'10" E 185.83 feet to a point. S25°18'01" W 44.78 feet to the point of beginning and containing 652,312 square feet or 14.9750 acres of land.

The property has yet to be assigned a Real Estate Assessor Tax ID number. The property has a common street address of 591 City Center Boulevard.

Section 2. That the rezoning approved hereby is conditioned by written and voluntarily proffered conditions contained in the application and binding the development of the property as set forth in the exhibit, consisting of 5 pages and labeled "Exhibit A-4" attached hereto and made a part hereof. These conditions shall continue in effect until a subsequent amendment to the zoning of the property described in Section 1 hereof is adopted; provided, however, that the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

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

**Conditioned Proffer Statement for Change of Zoning**

To: The Honorable Newport News City Council

Date: July 5, 2016

Application Number: CZ-16-382

In reference to the above request for a change of zoning:

Conditions: I hereby proffer that the development of the subject property of this application shall be in accordance with the conditions set forth in this submission:

1. When developed, the Property shall be developed in substantial accordance with the plan entitled "Conceptual Site Plan", prepared by VHB, and dated August 3, 2016, (the "Plan"). Modifications to the Plan will be subject to the approval of the Director of Planning (or his/her designee) as of the time of the request for modification.
2. The architectural style and quality of materials of the medical buildings developed on the Property, when developed, shall be compatible with the conceptual elevations entitled "CHKD City Center Blvd. – Conceptual Elevations", prepared by Innovate, and dated July 20, 2016, the ("Elevations"). Modifications to the Elevations will be subject to the approval of the Director of Planning. Any other building(s) constructed on the Property, when developed, shall be of a contemporary architectural style, and shall be constructed of materials of comparable quality to those depicted on the Elevations.
3. Prior to the development of the portion of the Property depicted as "Existing Wetlands to be Mitigated (0.37 AC)," any necessary permits or approvals will be obtained from applicable governmental agencies.
4. Only one (1) vehicular entrance along the Property's Jefferson Avenue frontage will be permitted, which shall be located substantially as shown on the Plan.
5. Prior to the issuance of a certificate of occupancy for the first office building constructed on the Property, the owner of the Property shall construct a wall, public art, berming, and landscaping at the Property's frontage along the intersection of Jefferson Avenue and City Center Boulevard in conformity with the exhibit entitled "CHKD City Center Blvd. Corner Wall Feature", prepared by Innovate, and dated July 20, 2016, the ("Streetscape Exhibit"). Modifications to the Streetscape Exhibit may be made administratively based upon comments received from the City Planning Department and/or Traffic Engineering Department, subject to approval by the Director of Planning. The total area of signage included as part of the Streetscape Exhibit shall comply with the maximum signage allowances permitted under the City Sign Ordinance. Additionally, the signage provided on the wall depicted on the Streetscape Exhibit may be modified from time to time to replace portions of the signage currently depicted on the Streetscape Exhibit with either (a) the name and/or logo of one (1) additional establishment located on the Property, or (b) the name of the development on the Property and any logo associated with such

development, which modified signage is to be located in substantially the same location as the signage depicted on the Streetscape Exhibit, and is to be consistent with applicable regulations contained in the City Sign Ordinance.

6. One (1) electronic display sign shall be permitted on the Property, and shall be located adjacent to the main vehicular entrance into the Property from City Center Boulevard.
7. No freestanding sign located on the property shall exceed ten feet (10') in height.
8. All heating, ventilation, and air conditioning equipment shall be screened from view from the public rights-of-way and adjacent properties.
9. To the extent that such improvements have not been previously constructed, the owner of the Property shall be responsible for the design and construction of the following traffic improvements, which improvements must be completed or bonded prior to issuance of a certificate of occupancy for the first building constructed on the Property:
  - a. Optimize signal timings with respect to existing traffic signals located at the corner of Jefferson Avenue and City Center Boulevard for current traffic conditions.
  - b. Construct a single westbound right in/right out vehicular entrance along the Property's Jefferson Avenue frontage.
  - c. Provide a single inbound travel lane and dual outbound travel lanes on the Property connecting to the existing driveway on the Property along City Center Boulevard.
10. To the extent that such improvements have not been previously constructed, prior to the issuance of a certificate of occupancy for the second office building constructed on the Property, the owner of the Property shall be responsible for the design and construction of a traffic signal at the main vehicular entrance into the Property from City Center Boulevard.
11. The following regulations which are required by municipal ordinances are incorporated in this proffer:
  - a. A Class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and be approved by the Director of Engineering prior to occupancy of the property. The site plan shall also conform to this zoning, the City's Site Regulations and the Zoning Ordinance.
  - b. A landscape plan for each phase of the development of the Property shall be submitted to and approved by the Director of Planning as being consistent with the Site Regulations prior to conditional site plan approval for such phase of development. The landscape plan shall be in general conformance to the conceptual landscape plan entitled "Conceptual Landscape Plan," prepared by

VHB, and dated August 3, 2016. All landscaping shall be installed in conformance with the approved landscape plan and shall be maintained in a healthy condition in perpetuity. The use of the buildings developed during the applicable phase shall not commence until the approved landscaping for that phase has been installed.

- c. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
- d. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this zoning or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this zoning.

[Remainder of Page Intentionally Left Blank. Separate Signature Pages Follow.]

**IN WITNESS WHEREOF**, Port Jefferson, L.L.C., as the Property Owner, has executed this Conditioned Proffer Statement for Change of Zoning as of the date below.

**PORT JEFFERSON, L.L.C.,**  
a Virginia limited liability company

By:   
Its: Managing Member  
Date: 8/5/16

**IN WITNESS WHEREOF**, Children's Real Estate, LLC, as the Contract Purchaser, has executed this Conditioned Proffer Statement for Change of Zoning as of the date below.

**CHILDREN'S REAL ESTATE, LLC,**  
a Virginia limited liability company

By: Jamika Harris

Its: Vice President

Date: 8/8/16

## **F. Consent Agenda**

### 1. Minutes of the Special Meeting of September 13, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

Minutes of the Special Meeting of September 13, 2016

MINUTES OF SPECIAL MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE 10<sup>TH</sup> FLOOR CONFERENCE ROOM  
2400 WASHINGTON AVENUE  
SEPTEMBER 13, 2016  
1:05 P.M.

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

ABSENT: None-----0

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

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

- (1) To call a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, subsections: (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 a discussion or consideration of prospective candidates for appointment to boards and commissions; (3) a discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, the subject of which is the acquisition/disposition of real property in the southern and central sections of the City; (5) a discussion of a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating a facility in the community, the subject of which is a prospective new business in the southern central and central sections 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 is a case involving civil rights violations.
- (2) To make appointments to fill vacancies on the City's various boards, commissions, and committees.

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

Page 2  
Minutes of Special Meeting  
September 13, 2016

Vote on Roll Call:

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

Nays: None

(Closed Session 1:05 p.m. – 2:15 p.m.)

City Council engaged in a discussion to make appointments to fill vacancies on the following boards:

1. Board of Appeals – Mr. Donald Hatchett (Member Specific Qualifications) to fill the unexpired term left vacant as a result of the passing of Mr. Edward J. Cokley, Sr., term will expire June 30, 2018.

2. Board of Trustees – Pensions and Retirement – Mr. Philip Hatchett (General Public Representative) and Mr. William Eastburn (General Public Representative) each for reappointment to serve a two-year term of office. Mr. Pax Goodson (General Public Representative) for appointment to serve a two-year term of office.

3. Committee on Investments (Retirement Fund) – Ms. Cynthia Rohlf (City Manager Designee) and Dr. Arthur Gudikunst (General Public Representative) each for reappointment to serve a one-year term of office. Mr. Frederick Elofson (General Public Representative) and Mr. Pax Goodson (General Public Representative) each for reappointment to serve a two-year term of office, beginning January 1, 2016. Mr. Robert Lanier ((General Public Representative) and Mr. Thomas Brooks (General Public Representative) each for reappointment to serve a two-year term of office, beginning January 1, 2017. One appointment (General Public Representative) deferred.

4. Downing-Gross Cultural Arts Center Advisory Board – Ms. Queen Esther Marrow (General Public Representative), Ms. Natasha Christian (General Public Representative), and Mr. Vernon L. Woodard (General Public Representative) each for reappointment to serve a three-year term of office. Mr. David Glover (General Public Representative) for appointment to serve a three-year term of office.

5. Hilton Village Architectural Review Board – Mr. William C. Black (Landscape Architect Representative) for reappointment to serve a four-year term of office.

6. Economic Development Authority/Industrial Development Authority – Mr. Alonzo Bell, Jr. (General Public Representative), Ms. Mary Aldrich (General Public Representative), and Mr. Jeffrey C. Verhoef (General Public Representative) each for appointment to serve a four-year term of office.

7. Newport News Community Policy and Management Team – Ms. Ruthann Newton (Parent Representative) for appointment to serve an indefinite term of office.

8. The Newsome House Musuem and Cultural Center Foundation, Inc. Board of Directors – Mr. Ray Goodwin (General Public Representative) for appointment to fill the unexpired term of Ms. Charon Dubose, term will expire September 1, 2017.

Page 3  
Minutes of Special Meeting  
September 13, 2016

9. North End/Huntington Heights Architectural Review Board – Mr. Philip Shook (Resident Owner of Real Estate in North End/Huntington Heights) and Mr. Norwood Groce (Resident Owner of Real Estate in North End/Huntington Heights) each for reappointment to serve a four-year term of office.

10. Taxi Advisory Board – Mr. Carlos Bumpers (General Public Representative) for reappointment to serve a two-year term of office. Sergeant Xavier O. Falero (Chief of Police Designee) for appointment to fill the indefinite term of Lt. Matthew A. Johnson.

11. Transportation Safety Commission – Mr. Cleveland White (General Public Representative) for appointment to serve a four-year term of office. Battalion Chief Edward J. Culpepper (Ranking Member of the Fire Department) for appointment to fill the unexpired term of Battalion Chief Thomas Phillips, the term will expire October 13, 2018. The Honorable Marcellus L. Harris III (City Council Representative) for appointment to fill the unexpired term of Former Council Member Robert S. Coleman, term will expire, October 13, 2018.

12. USS Newport News Liaison Committee – Mr. Alex Piacenti (General Public Representative) for appointment to serve a four-year term of office. Three appointments (General Public Representatives) deferred.

13. Hampton Roads Community Action Program (HRCAP) Board of Directors – The Honorable Marcellus L. Harris III (Council Representative) and The Honorable Herbert H. Bateman, Jr. (Council Representative) each for appointment to serve an indefinite term of office, filling the vacancies created as a result of the resignations of Councilmembers Tina L. Vick and Dr. Patricia P. Woodbury. One appointment deferred.

14. Hampton Roads Regional Jail Authority – The Honorable Sharon P. Scott (City Council Representative) for appointment to fill the unexpired term of former Councilmember Robert S. Coleman, term will expire June 30, 2018. The Honorable Patricia P. Woodbury (Alternate) to fill the unexpired term of Councilwoman Sharon P. Scott, term will expire June 30, 2018.

After reconvening in open session, Councilwoman Cherry 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 Vice Mayor Vick.

Vote on Roll Call:

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

Nays: None

**DRAFT**

Page 4  
Minutes of Special Meeting  
September 13, 2016

Vice Mayor Vick moved that appointments discussed in the closed meeting be ratified pursuant to receipt of notification that a favorable background check was conducted; seconded by Councilwoman Woodbury.

Vote on Roll Call:

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

Nays: None

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 2:15 P.M.

*Mabel Washington Jenkins*

Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk

**DRAFT**

**CERTIFICATE OF CLOSED MEETING**

**MEETING DATE:** September 13, 2016

**MOTION:** Councilwoman Sandra N. Cherry, D. Min.  
**SECOND:** Vice Mayor 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: Harris, Price, Scott, Vick, Woodbury, Bateman, Cherry  
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 September 13, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

Minutes of the Work Session of September 13, 2016

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

**September 12, 2016**

**1:00 p.m.**

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

**ABSENT:** None-----0

**OTHERS PRESENT:** James M. Bourey; Collins L. Owens; Mabel Washington Jenkins; Cynthia Rohlf; Alan Archer; Lynn Spratley; Wanda Pierre; Lisa Cipriano; Florence Kingston; Everett Skipper; Sheila McAllister; Claudia Cotton; Chris Morello; Reed Fowler; Cleder Jones; John P. Thomas; Tedd E. Povar; Karen Wilds; Michael J. Packard; Tricia Wilson; Michael Poplawski; Mike Neal; Claire Murphy; Jennifer Walker; RoShaundra Ellington; and Dave Ress

I. Closed Meeting

(1:05 p.m. – 2:20 p.m.)

II. Virginia Institute of Government Presentation and Discussion – Requested by Mayor M. Price

Mayor Price stated that the Virginia Institute of Government session that he and Councilmembers Scott and Harris attended during the Virginia Municipal League Institute for Local Officials Conference (Key Training for New and Veteran Officials - A Like), in Richmond on July 22 – 23, 2016, provided useful information. He believed the information about the roles and responsibilities of City Council and their appointees would enhance the performance and interaction of City Council. He introduced Mr. John P. Thomas, Director, and Mr. Tedd E. Povar, Associate Director, Virginia Institute of Government, Weldon Cooper Center for Public Service at the University of Virginia, to offer the presentation and facilitate the discussion.

Mr. Thomas stated that he and Mr. Povar were present because they were passionate about local government in the State of Virginia. They both had been with the Virginia Institute of Government for many years, and reminded officials about the processes, procedures and policies that were used as governmental entities.

Mr. Thomas stated that the United States was founded on two fundamental core values: democracy and trust. National, state, and local government structures were placed in this country over 200 years ago so that no single authority could govern themselves however they wanted. It was fascinating to look back on what was described as democracy.

Mr. Thomas pointed out that there had been no election in the history of the State of Virginia where 50% of people voted. In looking at recent election results for the City of Newport News, and its 182,965 residents, only a handful of people voted. He believed City Council had a responsibility to reach out to the vast majority of citizens who did not vote. He stated that 75% of the citizens of Newport News did not make a selection as to who would represent them. The low turnout could mean many different things. City Council played a role in helping the citizenry understand what the City Council of Newport News did. City Council must remember that they were being observed constantly. Members of City Council must be aware that they were not only representing the citizens that voted for them, but they were representing a governmental entity. The citizenry of the City of Newport News expected their governmental entity to be one of the best in the world, which was the responsibility of City Council.

Mr. Thomas reported that City Council was working in an environment, such as trust, that did not exist 200 years ago. He stated an annual Financial Gallop Poll was conducted to determine the percentage of trust that citizens had in various institutions that served the public. He noted the changes in the percentages of trust that the citizens had in their governmental institutions from 2006 to 2016:

- **Police**
  - 2006 58%
  - 2016 56% (The numbers dropped dramatically in various parts of the U.S.)
- **Military**
  - 2006 73%
  - 2016 73%
- **Public Schools**
  - 2006 37%
  - 2016 30%
- **Organized Labor**
  - 2006 24%
  - 2016 22%
- **Newspapers**
  - 2006 30%
  - 2016 20%
- **Democracy**
  - 2006 19% (80% of the American public had very little or no confidence in the United Congress.)
  - 2016 9%

Page 3  
Minutes of Work Session  
September 13, 2016

Mr. Thomas stated that City Council needed to be concerned that citizen's level of trust in governmental institutions had declined, and in many cases, dramatically. He stated the 75% of citizens who did not participate in the governing process had very little confidence in what their City was doing for them. There was no one in the City of Newport News that was recognized more than the members of City Council. When City Council spoke, they were representing the best of the City of Newport News. How a government functioned and operated, through transparency and interaction, had an impact on how citizens viewed their City. It was discovered, when the Virginia Institute of Government looked at award winning local governments around the country, that the City Council made a conservative effort to keep their conflicts, whether personal or problematic, private rather than in a public arena. He encouraged members of City Council to be responsive to all citizens whether or not they were involved in the political process. He stated that City Council's behavior was always documented and played a very significant role.

Mr. Thomas stated that negative behavior by City Councils was not new to American history. He stated that state and local governments were areas of disaster during the last century. State and local governments were run by control groups and were non-participatory. Those who won elections were controlled by the spoils of the system. The Mayors had control of their Councils and only certain citizens received certain services. An elected official could organize the police, fire, and others to be their poll and campaign workers, and could control the governmental process. That was also at the time when the American corporate structure needed to be redefined. Because of such behaviors a corporate CEO model and organized hierarchy structure was adopted. The CEO then determined that they needed to get in charge of how state and local governments functioned, which resulted in a reformed movement wherein cities needed to operate as corporations by having a Board of Directors and a City Manager (Council-Manager form of government). Mr. Thomas stated that the first jurisdiction to adopt a Council-Manager form of government was the City of Stanton, Virginia. The City of Stanton continued to be an outstanding City Manager operated organization.

Mr. Thomas stated, as the Executive Director of the National Association of Counties, which covered 3,200 counties nationwide, he marveled at the quality of government in Virginia and North Carolina. The reason for the quality was because there were institutions who trained officials on how to be City and County Managers. You would find that Cities and Counties in the States of Virginia and North Carolina were in the upper ratings if one measured the quality of local government in the country. It also was frustrating to see that this was not the case for many localities in the State of Virginia. He received calls from localities in the State, from time to time, that were totally dysfunctional and had fired the City Manager and ran people away. He and Mr. Tovar were in the business of preventative medicine for localities suffering from dysfunction. They helped jurisdictions by sharing matters that they saw as indicators that some assistance was needed. They had watched Newport News and other communities in Hampton Roads and saw that assistance was needed. He introduced Mr. Povar to continue with the presentation.

Mr. Povar advised that he had worked as a City Manager for 20 years, prior to his appointment as the Associate Director for the Virginia Institute of Government, where he had also worked for 20 years. He stated that the Institute was established in 1994 by the Virginia General Assembly to offer training, technical services and informational resources to localities in the State of Virginia. He felt that he had the best job in the State of Virginia. The Institute networked with localities through their EBIS (Email Broadcast Information Services) system. The EBIS system allowed localities to share and gain information from each other. Mr. Povar stated he was present to discuss the Council/Manager Form of Government (a copy of the presentation, Virginia Institute of Government – A discussion about Council – Manager Form of Government, September 13, 2016, is attached and made a part of these minutes). He encouraged dialogue from the members of City Council.

Mr. Povar noted the fundamentals of the Council-Manager form of government:

- Was over 100 years old
- First adopted by the City of Staunton, Virginia
- Formed to counter rampant corruption due, in particular, to the employment of friends and family and the bidding of contracts for family and friends
- Encouraged Ethical Professional Management and built a more Corporate System
- All cities in Virginia, except Richmond and most counties and towns were run by a City or Town Manager

Mr. Povar noted the role of City Council included:

- Establishing Policies/Priorities
- Approving the City's Financial Budget Plan (Plan of Operation)
- Setting Goals/Vision through the City's Land Use and Comprehensive Plans  
(Mr. Povar stated that City Council noted where they wanted the City to be in 10, 20 or 50 years, and how what was done today helped them accomplish their future goals.)

Councilwoman Cherry stated that the City's Comprehensive Plan was handled by the City's Planning Department, and they had been working on a new plan over the past two years. She stated the Plan had not reached City Council for approval. She inquired whether City Council could consider the Plan once it reached them for approval or whether Mr. Povar was saying that City Council had to prepare the Plan. Mr. Povar replied that City Council should use the resources of their Planning Department staff that had input; however, the Comprehensive Plan was a huge document that could be modified and changed. He stated that City Council should have a bigger vision beyond the five-year Comprehensive Plan.

Councilwoman Cherry inquired whether City Council was required to provide the direction of the Comprehensive Plan or whether it was their responsibility to approve the Plan. Mr. Povar replied that City Council was required to adopt the Plan to make it official.

- Identifying and addressing community needs/priorities  
(Mr. Povar stated it was critical that City Council understood the desires and needs of its citizenry, which was sometimes hard because many were not involved in the political process.)
- Supervising the City Manager's performance and how he/she guides the overall organizational performance

Mr. Povar noted the role of the City Manager included:

- Executing the policies and directives of City Council
- Maximizing Organization Efficiency
- Developing the Budget
- City Council's Chief advisor and point person.  
(Mr. Povar stated that the City Manager was City Council's primary resource and contact through the organization. The City Manager could not do his job or be as informed if City Council did not work out matters through him, such as questions, problems, demands from citizens, etc. The City Manager could not assist members of City Council if they voiced their concerns to a City Director rather than to him. He was unable to help members of City Council if he was unaware of an issue. It was critical that City Council worked through the City Manager's office or the system that was in place, so that there was accountability and tracking of those things that City Council needed.)
- Identify topics requiring City Council action or attention
- Anticipate issues/problems
- Information source – internal and external

Mr. Povar stated the Council – Manager Relationship was very interesting, and it changed from locality to locality, and personality to personality. He noted the roles of responsibility for the Council – Manager Relationship included:

- Understanding the division of duties between policy and administration  
(Mr. Povar pointed out that early orientation of City Council members was important so that everyone heard the same thing and understood the operation.)
- Trust  
(Mr. Povar advised that trust made it work, took years and time to grow, and could be broken in one second. Trust was critical. Virginian's philosophy was that "one

trusted until they could not trust.” We trust until someone broke that trust. New Yorkers and New Jersian’s philosophy was “one did not trust until they could trust.” People had to earn trust. Mr. Povar stated that trust worked both ways in a Council – Manager relationship. The City Manager was going to give City Council the information that they needed to do their job. Much of that information was going to be in confidence, such as information provided in a Closed Session. If a member of City Council had sensitive information to share with the City Manager, they would hope not to hear the information on the street. It was critical that City Council was truthful in what they told the City Manager and the City Manager was truthful in what he told the City Council.)

- Full and equal communications  
(Mr. Povar stated there became times on City Council when someone had a suspicion that the City Manager was cozy with another member of City Council who was receiving more information than another member. It was critical that everyone felt that they were receiving the same information at the same time. When a Council member had a conversation with the City Manager and information was generated, it behooved the City Manager to send a memo to all members of Council advising of the conversation and the outcome. The sharing of information was very important so that everyone felt equally informed and comfortable.)
- Manager as Council’s organization contact  
(Mr. Povar stated it was important that the City Manager be in the loop on the all matters and desires of City Council.)
- Citizen demands – Council responsiveness  
(Mr. Povar advised that City Council members were sometimes accosted by citizens asking for a quick fix to a problem. He stated the correct procedures had to be followed to fix a problem. Things were in place to assist City Council with such matters.)
- Facts v. political pressure  
(Mr. Povar encouraged the City Manager and members of City Council to deal in facts, and try to avoid the politically expedient answer, which was sometimes the easiest answer. When someone said they needed something done, it was okay to say I’ll try or I will look into the matter. It was human nature to want to help, but get the facts first.)

Mayor Price stated there was a misconception by citizens that he had more power than what he actually had. He inquired whether that was just a lack of knowledge in people. Mr. Povar replied yes, most people were not educated in local government procedures.

Page 7  
Minutes of Work Session  
September 13, 2016

Councilwoman Scott agreed that the majority of citizens were not familiar with the duties of the Mayor as they did not read the City Charter. Mr. Povar advised that the only Civics that public schools offered dealt with the Federal Government. Citizens understood the Federal Government and its branches, but did not understand State and local government. He stated it took a very enlightened Civics teacher to come in and run a Government Day.

Councilwoman Woodbury stated that Ms. Kimberly A. Winn, Executive Director, Virginia Municipal League, had held an "If I Were Mayor Contest" for the past two years. Unfortunately, not one letter was received from the City of Newport News. It seems that the contest was not promoted in the Schools.

Vice Mayor Vick stated that there was a time when everyone lived in the same community and kept up with the Mayor and members of City Council. Today, unfortunately, 80% of the teachers were not from the area and did not know the members of City Council.

Mr. Povar pointed out that the Standards of Learning (SOL) tests did not include one question about local government, which presented a challenge for City Council. He stated that the Institute had to beg schools to distribute their information. It would take an enlightened Civics teacher to get kids involved.

Councilman Harris encouraged members of City Council to reach out to the Schools by contacting a Civics or Government teacher to plan a time to come by and offer information about City Council and public policy.

Councilwoman Woodbury recalled that the City Clerk at one time had coloring books and other literature for children.

Councilwoman Scott stated that she liked the idea of a Student Government Day for Grades 8 and above. She felt that was something that could be done as a team. Several years ago, she provided student seminars at various Elementary Schools in Newport News, which was very enlightening to the students. Staff from the City Clerk's office assisted her with a PowerPoint presentation and several gifts, such as pencils, pens, etc.

Vice Mayor Vick pointed out that the City Council brochure was also a good medium to provide to the schools.

Mr. Povar continued with the roles of responsibility for the Council – Manager Relationship included:

- Confidentiality
- All Council members are equal

- It takes a MAJORITY
- Power of Position
- Interpersonal relationships (Treat people with respect)
- Let the City Manager help you (and Council) be successful (You are both on the same side)

Mr. Povar stated the “Grey” Areas of Council – Manager Relations entailed:

- Leadership – situation/traditional dependent
- Council member v. Council as a whole  
(Mr. Povar stated that City Council and the City Manager had to determine the line between policy and administration, which was a matter of communication. This would help City Council stay out of matters that they should not be getting into and the City Manager was not driving the policy completely. The City Council had to do its job and take responsibility and initiative in various areas.)

Councilwoman Scott agreed that City Council should not get into certain matters, but she believed that City Council should know what the City Manager was doing at all times. She stated she had an issue about information getting to the media and citizens before it reached City Council. She wanted to receive information upfront. She cited an example of a shooting that took place in her district that she was not aware of. The shooting happened in her district at approximately 5:00 p.m., but she had no knowledge about the matter until after 7:30 p.m. It would have been good to know what was going on in her district. She would like the City Manager to keep City Council abreast of matters before the information reached the media. City Manager Bourey understood Councilwoman Scott’s frustration. He stated that the Police Department had not contacted him in a timely manner.

Mr. Povar replied that he understood Councilwoman Scott’s frustration, which fell under making City Council look good.

- Representing the City – who/when/how  
(Mr. Povar stated that communication was important, but members of City Council had to determine when it was necessary to speak about a particular situation. That was a dynamic that needed discussion by City Council. He stated that they had to function as a team to get matters done and to work in concert with each other.)
- Staff interface & relationships  
(Mr. Povar reiterated that the members of City Council had to work with the City Manager so that he knew what their issues and needs were. City Council had to understand the power of their position. If you asked a question of a City Director,

you know that it was going to have major importance and they were going to get the question answered.)

Councilwoman Scott inquired whether Mr. Povar was saying not to ask questions directly to a Department Director. Mr. Povar replied no; but, to ask the City Manager, as he was their point person.

Councilwoman Scott stated she sometimes sent an e-mail message to a Department Director with a copy to the City Manager, if she knew about a matter that would be handled through that department. She tried to “kill two birds with one stone”, as the City Manager would eventually send the matter to the Department Director. She asked whether Mr. Povar thought that was appropriate. Mr. Povar agreed that the City Manager would refer the matter to the Department Director, but he suggested that Councilmembers use the City Manager for the reason he was hired.

Councilwoman Scott disagreed because she saw the City Manager and the Department Director receiving the information at the same time and the Department Director would have a heads-up when they were contacted by the City Manager. The Department Director could be working on the matter, prior to the City Manager contacting them.

Mr. Povar stated, as a City Manager, he would want to be the person City Council came to for assistance from City departments. The City Manager knew the organization and the capability of individuals and could assign the matter appropriately.

Councilwoman Scott stated that she had been a member of City Council for approximately 14 years and knew which Department Director handled which matter.

Mr. Povar understood, but reiterated that the City Manager was City Council’s front person.

Councilman Bateman agreed with what Mr. Povar, but felt that an e-mail message to both the Department Director and the City Manager could expedite matters of concern.

City Manager Bourey agreed with the procedure of sending an e-mail message to a Department Director with a copy to him. He stated the challenge came because staff members were incredibly anxious to please. That being said, if a Council member made a request, they would treat such as a priority and may interrupt another project or assignment.

Councilman Bateman understood, as he had seen such matters cause a chain reaction, where too many people were handling the same request.

City Manager Bourey agreed and stated that another challenge came when a request was sent to multiple people and departments. He stated he would not know about the matter and all involved if he was not copied on the matter. He stated such had happened approximately 50 to 100 times since he had been the City Manager.

Mr. Povar continued with the “Grey” Areas that Council – Manager Relations entailed:

- Council member v. Council as a whole
  - Information requests  
(Mr. Povar stated if a member of City Council asked for information from the City Manager, the same information should be sent to the entire City Council.)
  - Speaking to the public and press
  - Citizens hat v. Council person hat  
(Mr. Povar stated that members of City Council were speaking for the City when they spoke to the press. It was difficult for someone to discern whether you were the spokesperson. It was important that City Council work as a team and through their Public Information Officer. Make sure that statement was handled properly. Work through staff that was trained to issue public statements.)

Councilwoman Scott stated such was rather fuzzy, because the Daily Press Reporter, Mr. Ress, would call to ask her opinion regarding a certain situation, such as the Ivy Tower Apartments matter that was on the evening’s agenda. She stated that the public sometimes wanted to know how a member of City Council felt about a situation, such as the Ivy Tower Apartments matter that did not have the consensus of City Council. She offered her opinion as one member of City Council that represented one district.

Councilwoman Woodbury stated that the Ivy Tower Apartments issue had not been discussed between the City Council and the City Manager, which made it difficult to provide an opinion to the press.

Councilwoman Scott stated that Mr. Ress asked for her opinion about the project. If she provided an opinion to the press, it was based on the facts that she had at that particular time. It was not based on information pulled out of the air. She did not speak on behalf of City Council.

Mayor Price stated that the problem with that was that the public may look at the matter as an argument, which meant that Councilwoman Scott was having a conversation through the paper

rather than with City Council. The public saw that as contention among members of City Council, when they never had the opportunity to discuss the matter. It was actually a false reading that the public was going to get because it looked like an argument, although they did not have the opportunity to discuss the matter.

Mr. Povar stated it was difficult when a microphone was pointed in one's face. It's was difficult to say that the matter had not been discussed by members of City Council. Councilwoman Scott advised that it was an action item, and when a reporter saw an action item, they assumed that it was discussed among the body. Mr. Povar noted that matters got carried over. He stated there was a natural desire to speak, but City Council had to look at matters as a body, and had to be in agreement.

Councilwoman Cherry stated that rule applied to the City Council, but did not apply to the City Manager. When the City Manager made a statement, people could perceive it as City Council's decision. Problems were created if City Council had not had an opportunity to discuss the matter. Not only did the City Council have to be careful, but the City Manager had to be careful as well. When statements were made by the City Manager about a matter that the City Council had not discussed, it appeared that he made the decision without City Council's input.

Mr. Povar stated that matters had to be handled as a body; not individually.

Mr. Povar noted rules for Council members v. City Council:

- Rule of 4
- Citizen/district representation pressures
- Bringing issues to Council's attention
- Agenda items  
(Mr. Povar stated members of City Council should not add items to the agenda, without speaking to the City Manager.)
- Overcommitting
- Good of the City v. good of my district  
(Mr. Povar advised that matters should boil down to what was good for the City.)
- Being a good partner

Mr. Povar noted Standards and Documentation that City Council and the City Manager should follow (see information attached and made a part of these minutes):

- Newport News City Charter & Ordinances (see attached information)

- Adopted Policies and Procedures
  - Ethics
  - Procedures: agenda, rules of order, etc.  
(Mr. Povar suggested that City Council adopt and vote on their Rules of Procedure at their Organizational meeting.)
  - Council/Manager relationship
  - Staff relationship
  - Other travel, committee appointments, etc.
- Enforcement – Council rules are to be enforced by City Council
- Samples of Rules of Procedure: Blacksburg, Staunton, etc. (see attached information)\  
(Mr. Povar stated it was on the shoulders of City Council to discipline their colleagues due policy and procedure violations.)

Mayor Price inquired whether it should be done in Open or Closed Session. Mr. Povar suggested that it be done in Closed Session under personnel, but confer with the City Attorney. This was something that few Council members did, but it sometimes became necessary.

Mr. Povar noted the Newport News City Charter provision regarding Section 5.03 – Interference by Council in Appointments or Removal; Dealings between Council and Administration. He stated the provision jumped out at him, as it was a Class 4 Misdemeanor.

Councilwoman Scott questioned whether interference dealt with a matter concerning a person who might share an incident with her and she reported it to the City Manager. Mr. Povar replied no; interference would deal with the hiring or promotion of one's family member and/or friend.

Councilwoman Scott inquired whether interference meant that City Council could not get involved with employee issues. Mr. Povar replied that they could listen, but would have to pass the matter on. There were many rules and procedures in place for City employees; however, they had to go through the correct channels that were in place for their protection.

Mr. Povar noted rules for Other Appointees of City Council:

- **Attorney**
  - Represents the City, not the City Council
  - Bound by Ethical and Confidentiality standards
  - Must serve the Council as a whole
  - Items discussed with one Council member will be shared with the entire body

- Directives – majority vote  
(Mr. Povar reiterated that items discussed with one Council member should be discussed with all Council members if there was a legal ethical and unethical issue, and all should to be informed.)
- **City Clerk**
  - Serves the entire Council
  - Critical record keeping and other legal responsibilities
  - Directive – majority vote
  - No favorites/favoritism

Mr. Thomas stated that City Council was at the forefront of another major transition. The Fortune 500 companies were in an information economy, and information flowed faster. The City was in the midst by going to a paperless environment. The Institute and City Managers were dealing with the fact that information was moving too fast, and sometime without facts. He encouraged the members of City Council to begin to think about corporate practices and shift them into a way that was positive and constructive. It was critical to Newport News and the City Council. We were in an era that we had never seen in relation to information. Information used to be sent to the City Manager, who processed the information and forwarded it to his team for resolution; but, due to the information age, the information reached them in a fast way. City Council had to rethink how to do business in this type of environment. There was a very fundamental and different way that we were communicating with one another and it was a very serious issue. He stated the rules in the City Code could not be effective unless City Council was believed and owned the information, which came down to how they communicated.

Mr. Povar stated that one of the biggest changes, and most troubling for the City management profession, was anonymous blogs that disseminated inaccurate information. It was frustrating to try to counter the information, because people believed in the inaccuracy of information. Many managers were concerned and at a standstill as to what to do about the information that bloggers made public. The public could not tell fact from fiction, and had difficulty discerning trust from fiction. The more positive information that could be shared in a solid, uniformed professional way, the better it would be. He encouraged members of City Council to have a conversation with their Public Information Office about how to best get accurate information out to the public.

Mr. Thomas stated that City Council had a great opportunity to get to know each other well enough to stand up for one another. City Council was in a position of tremendous confidence and could build upon their trust for one another. He encouraged members of City Council to develop trust and confidence with each other, by being attentive to issues.

Mayor Price thanked Mr. Thomas and Mr. Povar for the information provided to City Council to improve their communication with each other.

### III. The Towers on Ivy Avenue Discussion

City Manager Bourey reminded that the City was presented with a request to authorize approval of Newport News Redevelopment and Housing Authority (NNRHA) issuance of Multi-family Housing Revenue Bonds for the Ivy Tower Apartments in the amount of \$16 million at the August 9, 2016 Regular Meeting of City Council. He advised that he initially recommended denial of the request. Since that time, he had significant conversations with Mr. Michael J. Packard of Weston Associates, Inc., who noted that the structure would remain a Section 8 apartment building for at least 18 years. Mr. Packard convinced him that the renovations would result in a better building for the residents and would add value to the community. He was very comfortable with how the structure would be managed and he recommended that City Council approve the request. He would ask the City Attorney to draft a Resolution to be presented for approval by City Council during the September 13, 2016 Regular Meeting under New Business. He introduced Mr. Packard to provide a briefing on what Weston Associates, Inc., planned to do and how they would manage property.

Mr. Packard advised that Weston Associates had been in the affordable housing business since 1969. He stated that Weston had done a tremendous amount of development with U.S. Department of Housing and Urban Development (HUD) subsidized projects (turn-key projects for local housing authorities). Local housing authorities hired Weston Associates to renovate/build a structure and set it up, stabilize it and turn it over. Weston Associates was one of the first management companies of HUD subsidized apartment complexes in the United States. They managed properties for some of the biggest operators in the U.S.

Mr. Packard stated that Weston took affordable projects, such as the Towers that were old, aging and had not been rehabilitated and reinvigorated them by using low-income tax credits. Low-income tax credits, paired with tax-exempt bond financing, offered a developer the opportunity to put a significant amount of capital into buildings. They physically repaired all of a building's systems.

Mr. Packard stated the Towers needed physical and management attention. He noted the physical first, to be followed by the management attention needed. The Towers was built in 1973 and opened in 1976. The building was old and had never been significantly rehabilitated. The building's components were installed in the 1970s. The building needed to be rehabilitated.

Mr. Packard advised that Weston planned to take the envelope off of the building because it contained non-friable Asbestos materials. It was a strange wall system that was leaking and causing the

insulation to deteriorate. Weston was taking the façade completely off of the building and replacing it with a brand new system. They were replacing all the building's windows and doors as well as the heating and cooling system. They were replacing the heating system with a two-pipe system that was extremely energy efficient and would generate hot water to heat the building. Weston was also installing a cooling tower to provide coolant to the building. At the end of the day, the building was going to have central air and heating that would work in every room. Weston was completely redoing the Fire Alarm System, and modernizing the elevators. They planned to install sprinklers in the building, beginning with the first floor. They planned to install all new floors in each unit, with the exception of the bathroom floor because they were already tiled. They would install new kitchen floors and carpet, and new electric appliances, kitchen cabinets, sinks, faucets with low flow sensors, and countertops. They planned to install new LED lighting fixtures throughout the entire complex. The units and the hallways would be painted. The biggest change, aside from the HVAC system, was Weston planned to completely rehabilitate the first floor of the building and would build a Community Room, new management office, new laundry room, new mailboxes, handicapped accessible bathrooms, and new entryway on the first floor. Weston planned to completely redo the first floor and would take seven of the eight existing units and make them ADA accessible.

Mr. Packard stated that Weston would rehabilitate the Towers in the way that would better suit the needs of the residents. The newspaper reported that the majority of residents were elderly and/or disabled. The building was going to be renovated for the residents, and they would feel good about calling it their home. The people who needed handicapped-accessible units would be able to move into a new accessible unit.

Mr. Packard stated, on the management side, Weston planned to bring in a Resident Service Coordinator (Social Worker) who would work on the property and help people get the services they needed, whether employment or Meals on Wheels. Weston planned to install a Computer Learning Center, which had been unbelievably successful at other locations. Weston planned to have a hands-on approach to the building. Weston was a unique company, was respected and was family run. The residents knew them personally at many of their properties. He looked at buildings as if they were his children. He cared about the buildings, spent a lot of time developing them and visited them at unusual hours to stay abreast of what was going on. He wanted to know that everyone was secure. Weston wanted to be a good steward and neighbor. They worked hand in hand with the Police Department. He believed that the City would not get a better owner for the Towers because they cared about the buildings they rehabilitated and managed as well as the residents.

Councilwoman Scott applauded the improvements that Mr. Packard suggested as they were quality of life issues. She believed some people who resided in the Towers had lived under such circumstances for a long time. The proposal noted by Mr. Packard would drastically change the lives of

the residents, especially those who suffered with disabilities. She inquired about the elderly and disabled residents who would continue to reside above the first floor who would not be relocated to the handicapped accessible units on the first floor.

Mr. Packard replied that the elevators would serve the other residents on the upper floors. He stated the handicapped accessible units had to be kept on the ground floor because the elevators were not large enough to handle certain weight capacities. By City Code, Weston could not put the accessible units on top floors.

Councilwoman Scott inquired whether the first floor was the only floor that could accommodate residents who needed wheel chairs. Mr. Packard replied the first floor would be the only floor that would have handicap accessible units.

Councilwoman Scott inquired about the elderly and disabled residents on floors above the first floor who used canes and walkers. Mr. Packard replied that the handicap units would not be reserved for specific residents. He stated there would be a preference for people in need of the features in the first floor units.

Councilwoman Scott inquired whether the Towers was filled to capacity. Mr. Packard replied yes.

Councilwoman Scott understood there was 140 units and inquired whether any units would be compromised to construct the new rooms on the first floor, such as the computer room, the management office, and others. Mr. Packard replied that they would take the existing common space and build it out. They would gain 800 square feet from the first floor.

Councilwoman Scott inquired whether the Resident Service Coordinator would be hired and monitored by Weston Associates. Mr. Packard replied yes; they would work at the property, would dedicate 100% to the property, and would be supervised by the Boston office.

Councilwoman Scott inquired about parking. Mr. Packard replied that there was a huge parking lot, which would be resurfaced and repaired. A camera security system would be installed on and throughout the property. The effective way that they controlled criminal activity was through stringent resident selection and the lockdown of buildings to control who entered and exited. There would be one main entrance and activity would be recorded and time-stamped through the security camera system. Information would be shared with the Police Department if or when necessary.

Councilman Bateman inquired whether units would go out of service due to the installation of new HVAC systems. Mr. Packard replied no; Weston had become experts at in place renovations.

Councilman Bateman inquired whether Weston was using local HVAC contractors to assist with the renovations. Mr. Packard replied that Weston would use local general contractors. A Weston project manager/coordinator would come to the area and work with a local general contractor.

Councilman Bateman inquired whether the Towers rehabilitation venture would help Weston in the southern part of the country since most of their properties were located in the northern part of the country, such as in New England and Maine. Mr. Packard replied yes. He stated the weather could become unbearable during the winter months in Maine.

Councilman Bateman inquired about the number of units under management by Weston Associates. Mr. Packard replied approximately 2,500.

Councilman Bateman inquired whether Weston had been able to use weatherization funds available through the federal government for the Towers or any of its projects. Mr. Packard replied no.

Councilman Bateman inquired whether Weston used different syndicators or the same ones each time for their projects. Mr. Packard replied they used a variety of syndicators. Weston dealt with approximately four groups as their syndicators. It depended upon who provided the best deal. The syndicators for the Tower's project were local and were using Community Reinvestment Act (CRA) credits. He did not have the name of the entity or person.

Councilman Bateman stated he appreciated Mr. Packard's attendance at the Work Session to offer information to City Council about the project.

Councilman Harris inquired whether any of the Towers' residents would be required to be out of their units for a specific period of time. He was concerned about the large number of elderly and handicapped residents in the building. Mr. Packard replied that it depended on what was going on in the unit and their preference. Weston usually set up a day unit for residents to relax in as their units were being renovated. The Community Room would also be accessible for the residents. They worked with each individual to determine their needs.

Councilwoman Cherry thanked Mr. Packard for the briefing. She noted the two concerns she shared previously with Mr. Packard: 1) What would Weston do to change the resident's mindset to take care of the property; 2) Whether Weston would meet with the residents to note expectations; and 3) When would Weston meet with the residents? Mr. Packard replied that the seller did not want the information announced until after settlement. He stated he would meet with the tenants once the project was finalized with all parties.

Councilwoman Cherry inquired whether current residents of the Towers Apartments would be allowed to remain until their lease expired, and whether they would be re-evaluated to determine whether they qualified to sign a new lease. Mr. Packard replied that Weston would accept any of the current residents and they would have first preference; however, they would have to abide by the rules and requirements to remain a resident of the building. HUD required a 12-month lease, and month-to-month following the one year requirement. Weston would meet with the tenants to explain the requirements.

Councilwoman Cherry inquired about sustainability of the building and whether Weston would have someone periodically maintain the building. Mr. Packard replied that Weston would have site staff that would be dedicated to the building at all times. He stated that regional staff would visit the building monthly or as needed, and he would show-up from time to time.

City Manager Bourey asked the City Attorney to draft a Resolution in support of the project for adoption by City Council at the evening's (September 13, 2016) meeting under New Business.

City Attorney Owens replied he would have the Resolution for the evening's meeting.

#### IV. Virginia Department of Transportation (VDOT) Program Submittals

City Manager Bourey stated that each year staff came before City Council with a list of projects for State funds, which need and/or did not need the approval of City Council. He introduced Mr. Everett Skipper, Director, Department of Engineering, to provide the presentation.

Mr. Skipper stated the Department of Engineering annually submitted approximately 12 or more projects for transportation funding. He reminded, in FY 2016, the City obtained approximately \$9 million of 50/50 Revenue Sharing funds, approximately \$9 million of 100% State and Federal HB2 funds, \$8 million of Federal Land Access Program funds, and additional funds from various sources. The City had been very successful in trying to fund projects across the board. He stated several projects required the approval of City Council. He noted two applications and projects that required City Council action (a copy of presentation, "FY 2018 State and Federal Transportation Funding Applications", is attached and made a part of these minutes):

1. **Transportation Alternatives Program (TAP)** – This was a Federal Program and its goal was to enhance alternatives to reduce vehicle traffic, through Pedestrian and Bicycle Improvements. The program provided an 80% Federal contribution with a 20% Local match. A Resolution of support by City Council and the Hampton Roads Transportation

Planning Organization was required. There was \$1.7 million of regional funding available in the Hampton Roads region.

- **FY 2018 Requests**

- Washington Avenue Street Scape Phase II
  - 30<sup>th</sup> Street to 34<sup>th</sup> Street
  - Connect Apprentice School to HRT Transit Center Sidewalks, handicap ramps, and lighting
  - Phase I included in Apprentice School
  - Current Application \$500,000: Federal \$400,000; City Match \$100,000
  - Previously awarded \$500,000 in TAP funding in 2015
  - Will request final \$500,000 in FY 2019

2. **Revenue Sharing Program** – This was a 50/50 State and City funding match program, which was used for general road and transit infrastructure projects. There was an annual limit of \$10 million from the State, which amounted to a total of \$20 million to include the City match. The statewide target for funding in FY 2018 was \$100 million, down from \$150 million in FY 2017. The State was moving more funding to HB2. Revenue Sharing Program funding would decrease over time and was expected to be eliminated over the next six years. A Resolution of support from City Council was required.

City Manager Bourey explained that over the course of time, Revenue Sharing had been 50/50, but because of reduced program funding, the State did not fund some of the City's FY 2017 projects. He stated that caused some confusion among several members of City Council regarding funding for Hogan Drive. The City only received a portion of the 50/50 funding for Hogan Drive. Mr. Skipper agreed, and advised that the State initially advised the City that certain projects would be funded fully and certain projects would only be funded by one-third, which was increased to two-thirds of partially funded projects. Some projects did not receive any funding. This was a State application process to be submitted in October 2016. At that time, the State would advise the City of the approved projects by February 2017, which would be acted on by the Commonwealth's Transportation Board in May 2017. Funds would become available in July of FY 2017 - 2018.

City Manager Bourey pointed out that the funding received was one-third and/or two-thirds of the 50% match; not one-third or two-thirds of the project.

Councilwoman Woodbury inquired whether it was possible that the City would receive additional funding in FY 2017 – 2018, if improvements to Hogan Drive were delayed. City Manager

Page 20  
Minutes of Work Session  
September 13, 2016

Bourey replied that the City was going to apply for additional funding; however, the problem was they could not wait for FY 2017 – 2018 to make improvement to a particular section of Hogan Drive, because there were buildings that needed to be constructed.

Councilwoman Woodbury asked about the reason that the project could not be delayed. City Manager Bourey replied that a portion of the Tech Center needed to be constructed immediately, not a year from now, which was part of the problem. Mr. Skipper pointed out that Revenue Sharing funding would be reduced each year, and the City had a better chance of obtaining funding in FY 2017 - 2018 than in years to come.

Councilwoman Cherry inquired whether the \$6.3 million proposed for Hogan Drive was the City's share and the State funding. Mr. Skipper replied the \$6.3 million was the total share between the City and the State (\$3 million each).

Councilwoman Cherry inquired about the Resolution that was on the evening's agenda (September 13, 2016) requesting \$5.6 million for Public Infrastructure & Facilities Incentive Contribution for the Tech Center Phase I and the additional \$6 million included to the FY 2017 - 2018 State Funding request for Phase II of the Tech Center. City Manager Bourey replied the \$5.6 million was for Phase I of the Hogan Drive project, and the \$6 million included the State share for Phase II.

Councilwoman Cherry inquired of the percentage of State Revenue Sharing funding that the City received for Phase I of the Tech Center and Hogan Drive project. Mr. Skipper replied that the City asked for \$2 million for Hogan Drive in FY 2017 and received \$2 million (\$1 million from the State and \$1 million from the City ); however, that money could not be spent on Phase I because of the timing. There were many rules as it pertained to Federal and State funding. The \$1 million would be a part of the future phases, either Phase II or Phase III.

Councilwoman Cherry inquired about the amount of funding the City received for Phase I of the project and the amount required by the City. Mr. Skipper reiterated that the City requested \$2 million from the State in FY 2017, because they hoped to move the project at a certain pace, but it became necessary to move the project sooner.

Councilwoman Woodbury inquired about the need to move the project sooner. City Manager Bourey replied it was necessary to have the road constructed and in operation for the apartments and the 8,000 square foot Office Research building.

Councilwoman Woodbury felt that if this was all predicated on the Ion Collider, which the Governor and City wanted, why the State was not providing additional funding for the project. City

Manager Bourey stated that the project was not all predicated on the Ion Collider; the project made sense whether or not the Ion Collider was ever awarded to Jefferson Laboratory and the City just built the Research Center. Yes, it would be helpful, but this was to accommodate the private investment of one million square-feet of office and research space; it was not to acquire the Ion Collider.

Councilwoman Woodbury inquired about the reason for the urgency. City Manager Bourey replied to build the Tech Center.

Councilwoman Cherry inquired about the Habersham Drive Extension project, and stated it was part of the Wegmans proposal. When she asked about the funding previously, she understood that the City had to acquire the approval of the Virginia Department of Transportation (VDOT), and the Airport Commission to build the road. She inquired whether approval had been received from either entity. City Manager Bourey replied that the City received VDOT approval, but had not received approval from the Federal Aviation Administration (FAA). This funding was for the cost of the relocation of Habersham Drive, which was not fully funded. Mr. Skipper agreed, and stated that the City originally asked for \$6 million for the entire Habersham Drive Extension project and was awarded \$4 million in FY 2017.

Councilwoman Cherry questioned what portion of Habersham Drive the \$4 million would be used for. She inquired whether the City received permission from VDOT and the FAA to do the Habersham Drive extension project. She further questioned why the extension was necessary if the City already knew that it was not going to get the full amount of Revenue Sharing. City Manager Bourey stated that the City needed FAA approval. Mr. Skipper replied that staff did not say that they did not expect the State to fund the project. In fact, the City received \$17.3 million in FY 2017 out of its request for \$20 million.

Councilwoman Cherry inquired which projects would be funded with \$17.3 million. Mr. Skipper replied that the City asked for \$4 million for Atkinson Boulevard and received \$4 million. The City asked for \$1.3 million for Warwick Boulevard and received \$1.3 million. The City asked for \$1.25 million for Lake Maury Bridge and received \$1.25 million. The City asked for \$4.5 million for Jefferson Avenue Streetscape (12<sup>th</sup> to 24<sup>th</sup> Streets) and received \$4.5 million. Many of the projects were fully funded, partially funded and not funded at all. The City requested \$250,000 for the ADA Ramps/Sidewalks new and maintenance projects, but did not receive any funding. The City requested \$6 million for Habersham Drive and received \$4.1 million. There were differences in all pieces and the City applied for funding with the hope that the State would fund all of the projects.

Councilwoman Scott inquired whether the Habersham Drive extension was coming off of the interstate down to Boykin Lane. City Manager Bourey replied no; Boykin Lane was included with the realignment of Brick Kiln Boulevard.

Page 22  
Minutes of Work Session  
September 13, 2016

Councilwoman Scott inquired whether Habersham was on the side where the proposed Wegmans would have been located. Mr. Skipper replied yes; Habersham was the street that was on the West Side of Jefferson Avenue by Lowe's Home Improvement Store.

Mr. Skipper pointed out that VDOT was not funding a particular part of a project when they awarded partial funding for roadway construction. VDOT provided the funding, and the City distributed the funding as they saw fit. The entire project was constructed when the City received full funding from VDOT. The City had to decide whether to do the entire project, part of the project or whether to return the funding when partial funding was received from VDOT. That was how the City received additional funding in FY 2017, as other localities returned funding to VDOT.

Councilwoman Cherry inquired whether the \$4 million received in FY 2017 for the Habersham Road Extension was being held in the City's budget. Mr. Skipper replied yes.

Councilwoman Cherry inquired about the project that the \$4 million was being held for. She inquired whether the \$4 million was for the Wegmans extension project or whether the City was adding the \$4 million to the \$2 million for the Wegmans extension project. Mr. Skipper replied that there was no Wegmans.

Councilwoman Cherry understood that, but the initial request for the Habersham Drive Extension was to accommodate the Wegmans project. She questioned what the \$4 million would be used for. City Manager Bourey replied that the City did not receive \$4 million in FY 2017; the City received \$2 million in State funding. Mr. Skipper agreed.

Councilwoman Cherry questioned what the \$2 million for Habersham Drive would be used for. Mr. Skipper replied that it had not yet been fully determined what the funds would be used for.

City Manager Bourey replied that the funds would be used to build the realignment at Habersham Drive. He stated that City Council did not have to apply for funding if they did not want to move forward with the realignment of Habersham Drive.

Councilwoman Cherry inquired about the need to realign Habersham Drive. City Manager Bourey replied that the realignment would improve traffic conditions.

Councilwoman Cherry stated that she recalled that the City Manager stated that FAA approval was needed to construct the Habersham Drive extension. City Manager Bourey replied that the City would seek approval of the FAA to construct the Habersham Drive extension, as approval had not yet been received.

Mr. Skipper reiterated that the projects would be submitted to the State in October 2016, the City would receive approval/disapproval in January/February 2017, the Commonwealth Transportation Board would provide final approval/disapproval in May 2017, and funding for approved projects would be available in July 2017.

- **FY 2018 Applications**

- Jefferson Avenue Streetscape (12<sup>th</sup> to 24<sup>th</sup> Street) - \$4 million
- Campbell Road North - \$2 million
- Hogan Drive Extension Phase II - \$6.3 million
- Habersham Drive Extension - \$2 million
- Independence Boulevard - \$5 million (Primary Connector Road between Denbigh and Fort Eustis Boulevards and the matches were funded by the developer of Huntington Point)
- Traffic Signal Upgrade (Jefferson Avenue & Bellwood Road) - \$450,000
- Annual ADA Ramps/Sidewalks - \$250,000

**Total Funding Amounts Shown Above – City Share is 50%**

Councilwoman Woodbury stated it was interesting that the developer was going to provide match funding for the Independence Boulevard project instead of the City and yet, the City was providing match funding for the Habersham Drive Extension.

Mr. Skipper stated that the above-noted projects totaled \$20 million, which was the maximum that the City was allowed to request. He stated that the City realized that the total amount requested in FY 2017 was not fully funded; however, \$17 million of the \$20 million requested was funded, which was very successful.

Mr. Skipper noted other road funded projects that did not require the approval of City Council. He stated that City Council would have the opportunity to review the projects before the City proceeded, because they have to appropriate the funding received from the State.

### 3. **Other Road Funding Projects**

- **State of Good Repair** – This was new in 2016 and was focused on facilities at the end of their service life (Route 105 Bridge over the Reservoir). The City received \$8 million in Revenue Sharing in FY 2017 towards the construction, and \$9 million was being requested in FY 2018. VDOT pre-selected the projects. The City received 100% grant funding.

- **Smart Scale (Formerly HB2)**
  - **2018 Applications**
    - Jefferson Ramp C - \$6 million
    - Intersection Improvements, Jefferson Avenue & Yorktown Road - \$2 million
    - Campbell Road Improvements North - \$7.5 million
    - Pedestrian Improvements – Warwick Boulevard to Bland Boulevard - \$2.8 million
    - Jefferson Avenue Widening – Kings Ridge Drive to Industrial Park Drive - \$34 million
    - Warwick Blvd. Widening – Nettles Drive to Boxley Boulevard - \$39.5 million
    - Harpersville Road/Saunders Road (J. Clyde Morris Boulevard to City Line) - \$67 million
    - Rt. 105 Reservoir Bridge - \$9 million
  - Highway Safety Improvement Program (HSIP)
    - Project Eligibility determined by:
      - Historical crash and volume data
      - Improvement benefit to cost ratio
  - FY 2018 Applications
    - Traffic Signal Upgrades Citywide
    - New Traffic Signals

Councilwoman Scott inquired about the widening projects on Warwick Boulevard and Jefferson Avenue. She stated the City was already landlocked, and questioned how the widening projects would be achieved. She believed that such would put businesses closer to the roadways. Mr. Skipper replied that the right-of-way generally existed for the widening projects in those areas.

Councilwoman Scott inquired whether such projects would include one additional lane on each side of the roadway. Mr. Skipper replied that one additional lane would be constructed in each direction of the roadway. The roadway would go from two lanes to three lanes, each way.

Mr. Skipper noted that a Resolution for the above projects would appear on the September 27, 2016 Regular Meeting agenda for action by City Council.

#### V. City Farm Barn Condition Briefing

City Manager Bourey explained that over the course of many years, the City Farm barn had deteriorated to the point where it had major structural damage. He stated City staff was in the process

Page 25  
Minutes of Work Session  
September 13, 2016

of stabilizing the structure, and learned that there were many significant problems than anticipated, and that it would cost a huge amount of money to stabilize and keep the structure from falling down. There also, was no use for the structure. He introduced Mr. Everett Skipper, Director, Department of Engineering, to discuss the condition and specifics of the barn, based on the Engineering Study that was done (a copy of the presentation, "City Farm Barn Update," is attached and made a part of these minutes).

Mr. Skipper stated that the initial purpose for repairing the barn was to shore-up the roof and replace the shingles so that the building would be dry and livable. He stated the City issued a contract for \$82,766. The work was put on hold and the City spent \$52,772 of the \$82,766 to-date. The two problems found were structural and pest damage. The total cost to repair the structure amounted to \$332,946. He stated that \$60,000 of the total cost was for pest control damage and the remaining funds would address structural damage. Mr. Skipper noted examples of the damage to the property (see photos in the presentation attached to these minutes):

- Exterior walls on the second floor bow out 4 inches in each direction
- Floor boards were deteriorated
- Termite and post-boring beetle damage to framing members
- Stair step cracks in the Brickwork
- Concrete retaining wall was in disrepair

Mr. Skipper reiterated that the original plan was to repair the roof; however, in attempting to do so, other damage was noted. He stated the repair cost of \$332,946 only stabilized the building. The cost to demolish the building would be approximately \$70,000. City staff felt that the repair cost was beyond what they believed was necessary and reasonable and wanted to seek City Council guidance.

City Manager Bourey agreed, and stated the repairs would not put the building in a usable state; it would just ensure that the building did not fall down. He did not believe it was in the public's best interest to spend \$332,946 to keep a building that had no use. He did not support spending the funding to stabilize the building. He asked for City Council direction in regards to the matter.

Councilwoman Cherry inquired whether the barn was in the archaeological area that had been designated on the City Farm. City Manager Bourey replied no; the building was outside of the archaeological area that had been identified as holding archaeological resources. He stated the City had submitted an RFP for archaeological services. He introduced Ms. Cindy Rohlf, Assistant City Manager, to highlight the three archaeological areas that were noted on the City Farm property. Ms. Claire Murphy, Project Manager of Historic Services, Department of Parks, Recreation and Tourism, provided a slide presentation that noted the archaeological areas of the City Farm.

Assistant City Manager Rohlf pointed out the three archaeological areas that were found on the City Farm's property.

Ms. Murphy advised that an RFP for archaeological work for three areas on the City Farm had been put out to bid. She advised that the City Farm barn was outside of the archaeological area. Historic Services identified three hot spots on the property that were identified as having archaeological significance.

Assistant City Manager Rohlf stated that a hot spot meant that the City may find something of archaeological significance, which could be shards of glass, pottery, or other matters of importance, based on what had already been found in the proposed area.

City Manager Bourey inquired about the gymnasium on the City Farm property.

Ms. Murphy stated that the gymnasium was in relatively good shape. The area that housed the gymnasium was the one area that had a Phase III Study. She explained there were generally three steps to an archaeological investigation and the gymnasium was the only area that reached Phase III, because of when it was built.

Councilwoman Cherry questioned when the gymnasium was built as opposed to the barn. Ms. Murphy replied that the barn was built in the mid to late 1930s and the gymnasium was built in the 1990s.

Councilwoman Cherry inquired about the potential of there being archaeological artifacts on the barn property, since it was built before the gymnasium. Ms. Murphy replied that it could hold artifacts, but it was not included in the regulated archaeological area, which was registered with the State. City Manager Bourey explained that the area was regulated because that was where items were found.

Councilwoman Cherry inquired whether the State would allow expansion of the archaeological area to include the barn property. Ms. Murphy replied it was entirely up to the City to expand the area.

Assistant City Manager Rohlf replied that the sites were based on Phase I and Phase II reviews of the property. Ms. Murphy agreed, and indicated these were the areas that were found to justify reporting to the Virginia Department of Historic Resources.

City Manager Bourey advised that the other important piece was that the best way to proceed was to demolish the old City Farm jail structure, which had no use, and find out what was beneath the structure.

Page 27  
Minutes of Work Session  
September 13, 2016

Assistant City Manager Rohlf advised, for a thorough study to be done, the buildings would have to be torn down. One could not see what was beneath the buildings until they were torn down. Staff wanted to ensure that City Council was informed as they moved through the process. The Archaeological RFP was due on September 19, 2016.

Councilwoman Cherry questioned when the jail was built. Mr. Michael Poplawski, Director, Department of Parks, Recreation and Tourism, replied that the jail was probably built in the 1930s.

Councilwoman Cherry stated if the jail and barn were built during the same timeframe (1930s), then there was the potential that the ground beneath the barn could hold archaeological artifacts. Mr. Poplawski replied that a study would need to be completed.

City Manager Bourey pointed out that the City would not disturb any proposed artifacts beneath the structure if it were torn down.

Assistant City Manager Rohlf pointed out that the areas were determined based on an archaeological consultant's professional opinion and recommendation.

Councilman Bateman inquired about the date of the archaeological map that noted the three areas as holding archaeological significance. MS. Murphy replied that the map was from the early 1990s.

Councilman Bateman inquired whether LIDAR technology or ground penetrating radar had been used to determine the archaeological areas of the City Farm property. Ms. Murphy replied that she was not aware of such technology being used. She stated that the City Council would have to say that they wanted to expand the search using recent technology.

Assistant City Manager Rohlf agreed that such had not been done, but the City had the technology. She stated discussions were held about using the technology, but no decision had been made.

Councilman Bateman inquired whether the State would allow the City to expand the area. Ms. Murphy replied it was up to the City to expand the area.

City Manager Bourey agreed that the area could be expanded if City Council desired to do so.

Councilman Bateman stated that the City's archaeological map was out-of-date. He stated new Archaeological technology may point out other areas on the City Farm property with archaeological significance.

Page 28  
Minutes of Work Session  
September 13, 2016

Assistant City Manager Rohlf replied that a request for a new search could be requested from the archaeological vendor that the City hired, based on cost. She stated the entire area could be included, based on the cost.

City Manager Bourey reiterated that the artifacts would not be disturbed by the demolition of the barn.

Assistant City Manager Rohlf pointed out that the City had experienced staff that would check the site once the barn was demolished.

Councilman Harris inquired whether there was any benefit to spending the \$332,946 to keep the barn for an event. City Manager Bourey replied that the only benefit was if there was going to be a future use for the barn. He stated that any future use would require a huge investment amounting to hundreds of thousands of dollars in addition to the \$332,946.

Councilwoman Cherry questioned where the artifacts would be housed if they were found on the property. Mr. Poplawski replied that staff would determine where the artifacts would be housed at a later date.

Councilwoman Cherry inquired whether the gymnasium could be used to house the artifacts, until a final determination was made. She inquired whether the gymnasium could become a museum. Mr. Poplawski replied that it could, but the building was not in an appropriate long-term location.

Councilwoman Cherry inquired whether the area could become a historic site should artifacts be found. Mr. Poplawski replied it could; it was up to the City to designate the property as a historic site. That would not necessarily guarantee that nothing else could be done with the site.

Mayor Price inquired whether there was consensus among City Council to demolish the City Farm Barn. There was consensus among City Council to demolish the City Farm Barn.

Councilwoman Woodbury believed that the City Farm Barn was deliberately neglected so that it would eventually be demolished, which she felt was criminal.

Councilwoman Scott believed that over time the building deteriorated, and was not deliberately neglected.

## VI. Comment/Ideas/Suggestions

City Manager Bourey stated he was asked to travel to China to make a major presentation at the Smart Cities Conference in Shang du, sponsored by the University of Science and Technology of China. He received a two-week notice, and indicated that he could not travel to China. Instead, he offered to provide a video presentation on projects taking place in the City of Newport News, which was very well received. He stated that there may be positive fallout about the video presentation.

Councilman Bateman thanked the Mayor for setting-up the Virginia Institute of Government presentation. He felt the presentation was productive.

Councilman Bateman asked the City Manager to do more with open spaces that were located as one was travelling on and off of Interstate I-64. He noted Exit Ramps 256A/B and 257A/B off of I-64 at Route 17. The trash in the area was awful. He felt the area needed to be made aesthetically pleasing. City Manager Bourey stated he would report the matter to VDOT.

Councilwoman Scott agreed and asked that the I-664 exits as one came off of Aberdeen and Chestnut Avenues be addressed as well.

Councilman Bateman stated as one exited the Interstate, coming from Suffolk at the 35<sup>th</sup>/36<sup>th</sup> Street towards Warwick Boulevard, the signs were impeding one's ability to exit the roadway. It was hard to see the signage, and the exit was horribly marked. He asked the City Manager to have staff look into the matter.

Mayor Price pointed out that there was no sign for merging traffic as motorists merged on to I-664 at 26<sup>th</sup> Street and Jefferson Avenue. He had seen and almost been involved in several accidents. City Manager Bourey stated he would have staff look into both matters.

Councilwoman Cherry inquired about removal of the bench on 27<sup>th</sup> Street, adjacent to the 7-Eleven. Assistant City Manager Rohlf stated the City asked 7-Eleven to install the bench; however, the trash issue had been resolved.

Councilwoman Cherry inquired whether the pond issue had been resolved. Assistant City Manager Rohlf replied that she had sent a report to Councilwoman Cherry noting that the pond was improperly designed and staff was working on a redesign plan.

Councilwoman Cherry inquired whether Mayor Price had called about the sign being down on Shore Drive.

Councilwoman Cherry thanked the City Manager for the presentation made by the Virginia Institute of Government.

Councilwoman Cherry thanked the City Manager for the traffic light that was installed on 16<sup>th</sup> Street and Wickham Avenue.

Councilwoman Cherry inquired about the plan for vacant land that resulted from a structure being demolished. Assistant City Manager Rohlf replied that a briefing was planned in the near future about a project that staff was working on in regards to the use of vacant land.

City Clerk Mabel Washington Jenkins stated that the Certificate of Voting Delegates for the Virginia Municipal League Annual Conference, on October 9 – 11, 2016, was due by September 23, 2016, which would be before City Council's next meeting. She stated that a Resolution approving the designation of City Councils' Voting Delegates for the VML Conference was needed.

City Attorney Owens replied that the Voting Delegates could be determined by a motion of City Council at today's Work Session.

Councilwoman Woodbury moved to designate Vice Mayor Vick as the Voting Delegate and herself as the Alternate for the 2016 VML Annual Conference; seconded by Councilman Bateman.

Vote on Roll Call:

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

Nays: None

Councilman Harris stated that a former resident of the City of Newport News, Mr. Allen Iverson, had been inducted into the Basketball Hall of Fame. He stated, regardless of what some might feel, the younger generation looked up to Mr. Iverson. He suggested that a historical marker be erected in the Stuart Garden Apartment complex where Mr. Iverson lived for several years. This would be an encouragement to youth.

Councilwoman Scott inquired whether the City Manager could look at what could be done to aesthetically improve the Lee Hall area, by the intersection of Lee Hall Drive and Amherst Lane near the Lee Hall Depot. She stated the area needed some attention.

Councilwoman Scott inquired about the status of the Lee Hall Depot and the acquisition of the funds and contracts.

Mr. Skipper replied that a project for the Lee Hall area was on the books and funded. He advised that the challenge had been dealing with the property owner, CSX, who had been arguing about their rights. The City was continuing to work with CSX and believed that a resolution was close. He agreed that the area was in need of attention, and a project was planned.

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Page 31  
Minutes of Work Session  
September 13, 2016

Mr. Skipper replied, in regards to the Lee Hall Depot, the State Department of Historic Resources had to allow the City to bid the contract. City staff was in contact with the Department and continued to work on the matter.

Councilwoman Scott asked Mr. Skipper to provide a briefing in writing so that she could share the information with her constituents.

Councilwoman Woodbury inquired whether City Council would consider canceling the November 8, 2016 Regular Meeting of City Council due to the Presidential Election. There was consensus among City Council to cancel the November 8, 2016 meeting of City Council. City Attorney Owens stated he would prepare the Resolution Canceling the November 8, 2016 City Council Meeting for adoption by City Council at its September 27, 2016 Regular Meeting.

Councilwoman Woodbury inquired about the appointment of Mr. Keith Parnell to the Transportation District Commission of Hampton Roads by the Governor Terry McAuliffe. She recalled that the City Council had a discussion and made a recommendation the last time that an appointment was made to the Commission. She inquired about the process as City Council never made a recommendation. City Manager Bourey stated that the City did not have anything to do with the appointment, and had no input. It was an appointment made solely by the Governor.

THERE BEING NO FURTHER BUSINESS  
ON MOTION, COUNCIL ADJOURNED AT 6:11 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 September 13, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

Minutes of the Regular Meeting of September 13, 2016

**MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
SEPTEMBER 13, 2016  
7:00 P.M.**

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PRESENT: Marcellus L. Harris III; McKinley L. Price, DDS; Sharon P. Scott; Tina L. Vick;  
Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; and Sandra N. Cherry, D.  
Min.-----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 Rabbi Gershon Litt, United Jewish Community of the Virginia Peninsula.

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

The Pledge of Allegiance to the Flag of the United States of America was led by Councilman Harris.

D. Presentations

1. Proclamation: Honoring Carmine McDaniel

Mr. Carmine McDaniel, accompanied by his mother, Ms. Terra McDaniel, and grandmother, Ms. Anna McDaniel, accepted the proclamation.

Mayor Price shared that Carmine McDaniel, an 8-year old, 3<sup>rd</sup> grade student at Richneck Elementary School, made national news for a kind and huge humanitarian gesture. Carmine wanted to help his mailman, Mr. Henry Bailey, on one of the hottest days of the year, and left a note directing him to a cooler filled with water and Gatorade. On Thursday, July 14, 2016, the security camera at his mother’s home captured the mailman’s reaction to the thoughtfulness exhibited by Carmine. Mr. Bailey could be heard saying, “Oh man, water and Gatorade, thank God! Thank you.”

D. Presentations Continued

1. Proclamation: Honoring Carmine McDaniel Continued

President Barack Obama took to Facebook to recognize Carmine, and noted in a post that Carmine's gesture was "not just a nice thing to do – it was more important than a lot of people probably realize." Mayor Price stated that it was truly worthy of recognition when an 8-year old child displayed such genuine and heartfelt compassion for another human-being. He continued, stating that Carmine's actions demonstrated his deep empathy, love, and concern for his fellowman. His willingness to care about the personal health and safety of his mailman, Mr. Bailey, was commendable. Mayor Price advised that it was fitting to publicly recognize and show appreciation to Mr. Carmine McDaniel for his goodwill and outstanding citizenship.

2. Resolution of Recognition: Honoring Mr. Julius Green

Mr. Julius Green, accompanied by his wife Rosalyn Green, accepted the resolution.

Mayor Price shared that Mr. Green, having only completed a 10<sup>th</sup> grade education, went on to have a successful military and civilian career, earn two college degrees, and made history as the U.S. Army's first African-American Master Diver. He joined the U. S. Army in 1951, and was stationed in Germany for three years after basic training. Following his time in Germany, he was stationed at Fort Jackson, South Carolina, where he applied, and was accepted, to train to become a U. S. Army Diver even though, at the time, he did not know how to swim. Upon completing his training at the U. S. Army Diving School at Fort Eustis, Virginia, Mr. Julius Green became only the second African-American Diver in the U. S. military, and the first in the U. S. Army.

Mayor Price stated, after 12 years as a Sergeant First Class (E-7), Mr. Julius Green applied, and was accepted, to the U. S. Army Marine Engineering Warrant Officer Basic Course. Following graduation, he 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. His army service included two tours in Vietnam, and following his retirement after 22 years of service in the U. S. Army, Mr. Green was employed by the College of William and Mary for 23 years, retiring as the Director of Operations for the College. During that time, Mr. Green went on to earn an Associate's Degree and Bachelor's Degree from Saint Leo University.

Mayor Price advised, in addition to his military service and civilian employment, Mr. Julius Green became active in his community. He was Chairman of the Deacon Board at Wesley Grove United Church of Christ. He was a life member of the Sigma Delta Chapter of Phi Beta Sigma Fraternity, was a Freemason since 1956, and was a Past Master of Pioneer Lodge No. 315, and held other local, state, and national offices. Mr. Green also served as President of the U.S. Army Divers Association.

D. Presentations Continued

2. Resolution of Recognition: Honoring Mr. Julius Green Continued

Mayor Price, on behalf of the members of the Newport News City Council, recognized the history making-service of Mr. Julius Green, and expressed appreciation to Mr. Green for his dedicated service to the City of Newport News and the United States of America.

Mayor Price modified the agenda to entertain a matter of New Business – Ivy Tower Apartments, formerly known as the Towers.

J. New Business and Councilmember Comments

City Manager Bourey indicated that many citizens in attendance were interested in the Ivy Tower Apartments issue. He reminded, at the August 9, 2016 Regular Meeting of City Council, an item appeared on the agenda related to a request by a potential purchaser of the Ivy Tower Apartments to have a tax exempt bond. That bond was approved by the Newport News Redevelopment and Housing Authority (NRRHA), but also needed to be approved by the Newport News City Council. Prior to the August 9, 2016 Regular Meeting of City Council, the applicant withdrew the request, and asked that he have the opportunity to bring the matter back before City Council. City Manager Bourey stated, over the past two weeks, that that he had numerous conversations with the potential purchaser, who made many representations about his company, and about what would be done to renovate the building. City Manager Bourey advised that he believed the company would provide an outstanding renovation to the apartment building, and would provide great management for the apartment building. The potential purchasers had agreed to invest a minimum of \$10 million for the renovation of the apartment building, to include replacement of the elevator system, and the HVAC system, the flooring, appliances, provide a total renovation to the outside of the building, and the entire first floor making it ADA accessible, as well as the addition of a community room. City Manager Bourey advised that the potential purchasers had committed to an upgraded level of the management of the building. Mr. Michael Packard, a representative of Weston Associates, Inc., made a presentation earlier at the City Council Work Session (September 13, 2016), allowing members of City Council the opportunity to ask questions. There was such a level of comfort that City Manager Bourey recommended approval of a resolution, which had stipulations of what would be done to the building. He felt it would be a first-class renovation and good for the residents.

Vice Mayor Vick stated that City Council wanted to ensure that the renovations made to the Ivy Tower Apartments would be of top quality. She advised that she was pleased with the presentation made by Mr. Packard at the City Council Work Session presented earlier. She shared that Mr. Packard had met previously with several members of City Council to clarify what would be done.

Page 4  
Minutes of Regular Meeting  
September 13, 2016

J. New Business and Councilmember Comments Continued

Vice Mayor Vick presented A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA FOR JURISDICTIONAL APPROVAL OF THE ISSUANCE BY THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY HOUSING REVENUE BONDS FOR THE BENEFIT OF IVY TOWER APARTMENTS (FORMERLY KNOWN AS THE TOWERS) LOCATED IN THE CITY OF NEWPORT NEWS, VIRGINIA. This resolution approved the jurisdictional issuance of Multi-Family Housing Revenue Bonds in an amount not to exceed \$16 million for Ivy Tower Apartments. Ivy Tower Associates, Limited Partnership, desired to acquire and renovate an existing 140-unit apartment complex, known as The Towers Apartments, at 700 Waterfront Circle. In order to assist with the financing of the project, Ivy Tower Associates, Limited Partnership, sought NNRHA's issuance of the Multi-Family Housing Revenue Bonds in an amount not to exceed \$16 million. NNRHA approved a resolution at its July 19, 2016 Board Meeting for issuance of the bonds for the benefit of Ivy Tower Apartments and held the required public hearing. Since NNRHA was the issuer of the bonds, and the project was located in Newport News, City Council was required to consider the NNRHA's request for approval or denial of the bond issuance. Since the City was awarded a \$500,000 Choice Neighborhood Initiatives Grant (CNI), a planning process to engage citizens in the Southeast Community would begin to formulate a transformation plan that would serve as a guide for future revitalization efforts. The Ivy Towers housing complex was within the boundaries of the CNI planning area and given the City's initiative to develop a transformational community driven short and long range plan, it would be premature to make a long-term commitment to the Ivy Towers project.

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

Councilman Bateman expressed appreciation for the presentation made by Mr. Packard at the earlier City Council Work Session. He stated that members of City Council were able to learn a great deal about what the Ivy Towers Project entailed. There was much chatter around town, but City Council had not had the benefit to discuss the matter. He commended City Manager Bourey for helping the project become a better project, and for invoking the conversation about how to make housing better. Councilman Bateman advised that he was in support of the project.

Councilwoman Scott commended the developer on the proposed renovation of Ivy Towers. She shared that she met with Mr. Packard prior to the controversy, and advised that everything discussed in their meeting was exactly what was presented to members of City Council at its Work Session earlier (September 13, 2016). She was happy to know there would be a lifestyle change for the residents of the Towers. Mr. Packard described how old the carpet, windows, and façade were in Ivy Towers and those items that would make one feel better about where they lived. She indicated, when people had nice things, they tended to take better care of those items. She hoped the residents would be appreciative of all that the developer would do and the investment made. Councilwoman Scott thanked the citizens for their attendance and letting their voices be heard.

J. New Business and Councilmember Comments Continued

Councilwoman Cherry also commended the City Manager for scheduling the presentation made by Mr. Packard of Weston Associates, Inc., at the earlier City Council Work Session (September 13, 2016). She shared that she too had an opportunity to meet with Mr. Packard previously, and shared her concerns, to ensure that the residents had a quality product and that Weston would be there for sustainability of the building, and not just for the façade. She further shared with Mr. Packard, that in order for her to support the Ivy Towers project, that he speak with the residents. It was critical that the residents understand what would be expected of them in this new project. Councilwoman Cherry expressed appreciation to the developer for wanting to make a change and adding a quality of life for the citizens in Newport News.

Mayor Price shared that members of the Newport News City Council had shown a great deal of empathy and concern for the citizens, and had been very thoughtful and meticulous in trying to negotiate the best product and deal that could be made. He stated, contrary to what citizens read in the Daily Press, which may not always be accurate, members of City Council always tried to do what was best for the citizens of Newport News.

Vice Mayor Vick added, given the residents' concern about safety and what the property owner referred to as "illegal tenants," that the developer promised to renovate the lower floor and make it more secure for the residents, and would add security cameras.

Vote on Roll Call:

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

Nays: None

E. Public Hearings

1. Ordinance Authorizing Conditional Use Permit No. CU-16-371, to the Newport News School Board to Allow for the Expansion of the Lease Area of an Existing Communications Tower to Accommodate a Second Service Provider on Property Located at 259 Denbigh Boulevard (Denbigh High School) and Zoned P1 Park

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-371 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING A COMMUNICATION TOWER/ANTENNA ON A SITE ZONED P1 PARK. This ordinance granted Conditional Use Permit No. CU-16-371 to the Newport News School Board and N8+C, LLC., for expansion of the lease area of an existing Communications Tower, located at 259 Denbigh Boulevard, and zoned P1 Park. The existing communications tower was approved by City Council on August 14, 2007, and contained a condition regarding the lease area for the ground equipment. A second service provider wished to co-locate on the tower and required an additional lease area to accommodate new equipment. The request was consistent with the Framework for the Future 2030 Comprehensive Plan land use map and surrounding uses. On August 3, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of this request, with conditions. The City Manager recommended approval.

E. Public Hearings Continued

1. Ordinance Authorizing Conditional Use Permit No. CU-16-371, to the Newport News School Board to Allow for the Expansion of the Lease Area of an Existing Communications Tower to Accommodate a Second Service Provider on Property Located at 259 Denbigh Boulevard (Denbigh High School) and Zoned P1 Park Continued

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

After reading through the excerpts from the Planning Commission Minutes, Councilwoman Cherry inquired whether the second carrier had to talk to the first carrier about the communication tower/antenna, and questioned whether there would be a new tower.

Mr. Jeff Holland, T-Mobile representative, 536 Warrick Road, Chesapeake, replied that T-Mobile had to negotiate with the owner of the Communications Tower, and not the first provider in terms of locating their equipment on the tower. Councilwoman Cherry questioned whether a new tower would be constructed or whether an antenna would be placed on the existing tower. Mr. Holland replied that an antenna would be added at 118 feet and would be located below the existing antenna.

Councilwoman Woodbury reminded that she would not support this ordinance. She was on the School Board when this project was first introduced. There was a great deal of concern by the citizens in that area. She did not support the project then, and she could not support it tonight.

Vote on Roll Call:

Ayes: Harris, Price, Vick, Bateman, Cherry

Nays: Scott, Woodbury

Page 7  
Minutes of Regular Meeting  
September 13, 2016

E. Public Hearings Continued

2. Ordinance Authorizing Zoning Text Amendment No. ZT-16-380, City of Newport News to Add a New Section for Rezoning to City Code, Chapter 45, Zoning Ordinance; Article XXIX., Non-Conforming Uses; Section 45-2903

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXIX, NONCONFORMING USES, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-2903, FILING FEE WAIVER FOR REZONING, CONDITIONAL USE PERMITS AND SPECIAL EXCEPTIONS. This ordinance authorized Zoning Text Amendment No. ZT-16-380 to the City of Newport News, amending the City Code, Chapter 45, Zoning Ordinance; Article XXIX., Nonconforming uses; by adding new Section 45-2903, Filing Fee Waiver for rezoning, Conditional Use Permits and Special Exceptions. This amendment was needed to comply with new State Code changes passed by the 2016 General Assembly. It provided, if a use was nonconforming, and if a business license was issued for the use, the holder of the business license had operated continuously in the same location for at least 15 years, and paid all taxes, then the City must allow the holder of the business license to apply for a rezoning, conditional use permit, or special exception without charge for that use. On August 3, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of this request. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

E. Public Hearings Continued

3. Ordinance Authorizing Zoning Test Amendment No. ZT-16-381, City of Newport News, City Code, Chapter 45, Zoning Ordinance; Article XXXI., Overlay Zoning Districts and Regulations; Division 8., Lower Jefferson Avenue Urban Corridor Overlay District; Section 45-3161.1, Signs

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXXI., OVERLAY ZONING DISTRICTS AND REGULATIONS, DIVISION 8., LOWER JEFFERSON AVENUE URBAN CORRIDOR OVERLAY DISTRICT, SECTION 45-3161.1, SIGNS. This ordinance authorized Zoning Text Amendment No. ZT-16-381 to the City of Newport News, amending the City Code, Chapter 45, Zoning Ordinance, Article XXXI., Overlay Zoning Districts and Regulations, Division 8., Lower Jefferson Avenue Urban Corridor Overlay District, Section 45-3161.1, Signs. This amendment allowed for one (1) freestanding sign in the Overlay District for a shopping center containing 50,000 square feet or more of gross leasable area. On August 3, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of this request. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

After reading through excerpts of the Planning Commission minutes, Councilwoman Cherry inquired about the signage that would be used for this particular business, and whether other businesses coming into Brooks Crossing would be allowed to put the name of their business on the same sign, or whether it was only for one particular business under the Conditional Use Permit. City Attorney Owens replied that the shopping center would be able to use the sign, and there would be a certain square footage, and depended on what the owner of the shopping center allowed. He stated as long as it was in that square footage, more than one business could use the sign.

Councilwoman Cherry questioned, with one sign, and other businesses coming into Brooks Crossing, whether three businesses could be located on the same sign. City Attorney Owens replied, yes, if the shopping center owner allowed it. The sign would belong to the shopping center. The City did not own the shopping center. City Attorney Owens replied that there would only one sign, but there may be different messages on that one sign, but that

E. Public Hearings Continued

3. Ordinance Authorizing Zoning Test Amendment No. ZT-16-381, City of Newport News, City Code, Chapter 45, Zoning Ordinance; Article XXXI., Overlay Zoning Districts and Regulations; Division 8., Lower Jefferson Avenue Urban Corridor Overlay District; Section 45-3161.1, Signs Continued

would be up to the owner of the shopping center, as long as it did not exceed the maximum square footage for the sign.

City Manager Bourey responded there would be only one sign for that shopping center. City Attorney Owens reiterated that there would only be one sign.

Vote on Roll Call:

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

Nays: None

4. Ordinance Authorizing the Vacation of a Portion of 29<sup>th</sup> Street at Jefferson Avenue (Brooks Crossing)

AN ORDINANCE VACATING A PORTION OF THAT CERTAIN STREET KNOWN AS 29<sup>TH</sup> STREET IN THE CITY OF NEWPORT NEWS, VIRGINIA, AS DESCRIBED HEREIN. This ordinance authorized the vacation of a portion of a 36,800 square-foot portion of 29<sup>th</sup> Street at Jefferson Avenue. In order to facilitate the next phase of development in the Brooks Crossing Project, a portion of 29<sup>th</sup> Street at Jefferson Avenue needed to be vacated. Information regarding vacating the relevant right-of-way had been circulated for interdepartmental review, to which no objections were noted. The requested vacation allowed continuous advancement of infrastructure improvements in this area of the Southeast Community. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Vote on Roll Call:

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

Nays: None

E. Public Hearings Continued

5. Ordinance Authorizing the City Manager to Execute a Settlement Agreement and Lease, both by and between the City, and Virginia Hospitality Services, Inc. (Legends Grille) at Newport News Golf Club at Deer Run for the Operation of a Restaurant and Concessions

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, A CERTAIN SETTLEMENT AGREEMENT AND LEASE, BOTH BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND VIRGINIA HOSPITALITY SERVICES, INC., AND BOTH DATED THE 13<sup>TH</sup> DAY OF SEPTEMBER, 2016. This ordinance authorized the City Manager to execute a settlement agreement and lease, both by and between the City of Newport News and Virginia Hospitality Services, Inc. (Legends Grille) at Newport News Golf Club at Deer Run. In July 2012, the Pavilion at the Newport News Golf Club at Deer Run was destroyed by fire. At that time, Virginia Hospitality was under contract with the City to provide food and beverage catering services. Since the fire, and without the rental of the Pavilion as a revenue source, they had struggled to meet their contracted payments. The lease expired in December, 2015. The City advertised for a new food services contractor at the golf course, and Virginia Hospitality responded. Negotiation of a new contract, while out of compliance with the current contract, was an impediment to recommending them as the new food service contractor. It was recommended that the City grant some payment relief and consideration to Virginia Hospitality that would be incorporated as part of a new lease. The proposed action included forgiveness of approximately \$20,000 owed to the City. The lease would include a promissory note executed and recalculated at four percent (4%), which amounted to \$9,579.06 due to the City. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

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

Councilwoman Scott inquired, since Virginia Hospitality Services already experienced challenges, and the City was renewing the contract, whether there were other businesses that applied or was Virginia Hospitality Services awarded the contract as the lowest bidder.

E. Public Hearings Continued

5. Ordinance Authorizing the City Manager to Execute a Settlement Agreement and Lease, both by and between the City, and Virginia Hospitality Services, Inc. (Legends Grille) at Newport News Golf Club at Deer Run for the Operation of a Restaurant and Concessions

Assistant City Manager, Cynthia Rohlf, advised that two other businesses had applied, but Virginia Hospitality Services, Inc. was deemed the most responsive and the best able to meet the requirements of the proposal.

After looking at the background materials, Councilwoman Cherry stated the recommendation was to grant payment relief to Virginia Hospitality Services, Inc. She inquired whether this was the same organization of which the City would forgive their \$20,000 debt. City Attorney Owens replied yes. Councilwoman Cherry questioned, Virginia Hospitality Services, Inc. would not be required to pay \$20,000 in debt and the City would enter into a new contract with the organization. City Manager Bourey replied, yes, and then explained, that the Pavilion burned down. Virginia Hospitality Services, Inc. operated under a certain economic premise, but could not deliver on it, because no one would want to use the Pavilion as they had in the past, and Virginia Hospitality Services, Inc.'s margins "went out of the window," and they were not able to have the business they had in the past and were unable to stay in profitability. The City felt this was most fair to grant this relief.

Assistant City Manager, Cynthia Rohlf, advised that Virginia Hospitality Services, Inc./Legends Grille would be awarded a new contract that stipulated the continuation of the \$500 in fixed rent and 4% (instead of 7%) of gross sales moving forward. It would take a number of years to get the new facility built.

Councilwoman Scott questioned, once the new facility was built, the contract would be revisited. City Manager Bourey stated, this was an annual contract, and once the Pavilion was rebuilt, the rent fee would be renegotiated.

Councilman Harris inquired about the starting point for the new contract. City Manager Bourey responded that the contract would start immediately, at a reduced rate of four percent (4%). The fee would be renegotiated once the Pavilion was rebuilt.

Councilwoman Scott inquired whether the fee could be revisited sooner, should they begin to generate more revenue/income since this was a one-year contract. Assistant City Manager, Cynthia Rohlf, responded yes, the City would have the opportunity to revisit the fee.

Councilwoman Cherry advised that she would vote in favor of the resolution because the contract could be renewed annually, but advised that she had concerns that the City would forgive an entity for \$20,000 in debt, when there were other things occurring in the City where that \$20,000 could be used.

E. Public Hearings Continued

5. Ordinance Authorizing the City Manager to Execute a Settlement Agreement and Lease, both by and between the City, and Virginia Hospitality Services, Inc. (Legends Grille) at Newport News Golf Club at Deer Run for the Operation of a Restaurant and Concessions

City Manager Bourey stated that he understood Councilwoman Cherry's concerns. He felt the issue should have been brought up much sooner.

Vote on Roll Call:

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

Nays: None

F. Consent Agenda

Councilwoman Scott moved adoption of the Consent Agenda, Items 1 through 8, both inclusive, as shown below; seconded by Vice Mayor Vick.

1. Minutes of the Work Session of August 9, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

2. Minutes of the Special Meeting of August 9, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

3. Minutes of the Regular Meeting of August 9, 2016

(No registered speakers)

Vote on Roll Call:

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

Nays: None

F. Consent Agenda Continued

4. Resolution of Recognition: Trinity United Methodist Church on its 130<sup>th</sup> Year Anniversary

A RESOLUTION OF RECOGNITION FOR TRINITY UNITED METHODIST CHURCH ON ITS 130<sup>TH</sup> YEAR ANNIVERSARY. This resolution honored Trinity United Methodist Church on its 130<sup>th</sup> Anniversary. In 1881, a small congregation began meeting on the docks of Newport News to worship. They then moved their services to the Union Chapel, which was shared by all denominations. In 1886, a Methodist Society was formed and approved at an annual conference. In 1887, the cornerstone was laid for the Washington Avenue Methodist Episcopal Church, South. The first service was held there in January 1888. In the 1890s, Reverend James Cannon, Jr. initiated the building of housing for men working in local industries, enabling them to bring their families to Newport News and live together. In 1900, the Trinity Methodist Episcopal Church, South was built, and dedicated in the 200 block of 29<sup>th</sup> Street, which remained the home of what is known as Trinity United Methodist Church. Trinity United Methodist Church served the Newport News community since its inception and continued by providing contributions and a facility to feed the hungry through Teens Opposing Poverty, and providing Youth Challenge women with food, supplies, computer classes, and Bible studies. This resolution recognized the Trinity United Methodist Church family on its 130<sup>th</sup> Anniversary, and acknowledged the many individuals who had supported the church and its leaders in its commitment to mankind. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

5. Resolution Expressing Approval for the State Biennial Fiscal Year 2017-2018 Hampton-Newport News Community Services Board (H-NNCSB) Performance Contract

A RESOLUTION EXPRESSING THE APPROVAL OF THE NEWPORT NEWS CITY COUNCIL FOR THE STATE BIENNIAL FISCAL YEAR 2017 AND FISCAL YEAR 2018 HAMPTON-NEWPORT NEWS COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT. This resolution expressed approval for the State Biennial Fiscal Year 2017-2018 Hampton-Newport News Community Services Board (H-NNCSB) Performance Contract. Community Services Boards (CSBs) were required to submit Performance Contracts to the Department of Behavioral Health and Developmental Services (DBHDS) on a biennial basis. The Performance Contracts served as a performance and accountability document between the DBHDS and CSBs for the localities served. The DBHDS established deadline for the H-NNCSB to submit its State Fiscal Year (SFY) 2017 Performance Contract was September 30, 2016. The City Manager recommended approval.

F. Consent Agenda Continued

5. Resolution Expressing Approval for the State Biennial Fiscal Year 2017-2018 Hampton-Newport News Community Services Board (H-NNCSB) Performance Contract Continued

(No registered speakers)

Vote on Roll Call:

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

Nays: None

6. Ordinance Amending City Code, Chapter 2, Administration; Article XX., Office of Purchasing; Division 1., Generally; Section 2-554, General Procedure; Section 2-561(a), Notice Inviting Bids., and Section 2-569.2, Public Notice; to Align with Recent State Code Changes

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XX., OFFICE OF PURCHASING, DIVISION 1., GENERALLY, SECTION 2-554, GENERAL PROCEDURE; DIVISION 2., COMPETITIVE BIDDING, SECTION 2-561, NOTICE INVITING BIDS AND DIVISION 3., COMPETITIVE NEGOTIATION, SECTION 2-569.2, PUBLIC NOTICE. This ordinance amended the City Code, Chapter 2, Administration; Article XX., Office of Purchasing; Division 1., Generally; Section 2-554, General Procedure; Section 2-561(a), Notice Inviting Bids; and Section 2-569.2, Public Notice; to align the City Code with recent State Code changes. In the 2016 session of the Virginia General Assembly, revisions to the Virginia Public Procurement Act (VPPA) were approved, and became effective July 1, 2016, which required the City of Newport News to align its code. The first change allowed transportation-related construction projects not exceeding \$25,000 to be procured through small purchase procedures. The second change allowed electronic posting and removed requirements of posting Invitation to Bids and Request for Proposals on the Purchasing Office physical bulletin board. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

F. Consent Agenda Continued

7. Ordinance Amending City Code, Chapter 11, Watercraft, Docks, Piers and Waterways; Article I., In General; Section 11-16, Storing, Painting, and Repairing Watercraft Upon the Public Beaches and Shore Lines of the City

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, WATERCRAFT, DOCKS, PIERS AND WATERWAYS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., IN GENERAL, SECTION 11-16, STORING, PAINTING AND REPAIRING WATERCRAFT UPON THE PUBLIC BEACHES AND SHORE LINES OF THE CITY. This ordinance amended the City Code, Chapter 11, Watercraft, Docks, Piers and Waterways; Article I., In General; Section 11-16, Storing, Painting and Repairing Watercraft upon the Public Beaches and Shore Lines of the City; to allow personal watercraft users to pull up their small unmotorized watercraft for a limited time, and in designated areas. Section 11-16 prohibited personal watercraft users, canoers, kayakers, and others from pulling up their watercraft, even temporarily, onto public beaches and shorelines. In reality, most watercraft users temporarily pulled their watercraft onshore to rest, access park concessions, use park restrooms, etc. This Amendment would officially allow watercraft users to temporarily (for periods of no more than three hours) pull up their watercraft onto areas of public beaches and shorelines that the City designated for this purpose. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

8. Resolution Accepting a U.S. Department of Housing and Urban Development (HUD) Choice Neighborhood Initiative (CNI) Planning Grant and Authorizing the City Manager to Sign Agreements with HUD for Acceptance of Grant Award

A RESOLUTION ACCEPTING HUD CHOICE NEIGHBORHOOD INITIATIVE PLANNING GRANT AND AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENTS WITH HUD FOR ACCEPTANCE OF GRANT AWARD. This resolution accepted the U.S. Department of Housing and Urban Development (HUD) CNI Planning Grant and authorized the City Manager to sign agreements with HUD for acceptance of the grant award. The grant was a planning grant that was to be used for the development of a Transformation Plan for the Marshall-Ridley Choice Neighborhood area. The CNI planning process would leverage public and private investment, and partnerships with a range of community stakeholders to bring together resources to support and transform the Marshall-Ridley area to a neighborhood of choice. The City was one of ten communities throughout the country that was selected for this grant award. The City Manager recommended approval.

(No registered speakers)

F. Consent Agenda Continued

8. Resolution Accepting a U.S. Department of Housing and Urban Development (HUD) Choice Neighborhood Initiative (CNI) Planning Grant and Authorizing the City Manager to Sign Agreements with HUD for Acceptance of Grant Award Continued

Vote on Roll Call:

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

Nays: None

G. Other City Council Actions

1. 1 of 2: Support for the Arts – The Virginia Commission for the Arts Grant

A RESOLUTION APPROPRIATING FUNDS FROM LOCAL GOVERNMENT CHALLENGE GRANT (\$5,000.00) TO VIRGINIA COMMISSION FOR THE ARTS (\$5,000.00). This resolution appropriated \$5,000.00 of State Grant Revenue from the Virginia Commission for the Arts for allocation by the City to local performing and fine arts organizations. The Virginia Commission for the Arts awarded the City a \$5,000.00 Local Government Challenge Grant. These grant funds would be used in conjunction with the \$154,879.00 approved in the City's FY 2017 Operating Budget for Support of the Performing Arts. The City's matching funds to this grant in the amount of \$154,879.00 were budgeted in the FY 2017 General Fund Operating Budget. The City Manager recommended approval.

(No registered speakers)

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

Vote on Roll Call:

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

Nays: None

2. 2 of 2: Newport News Arts Commission (NNAC) – FY 2017 Support for the Arts Funding Recommendations

A Resolution authorizing the City Manager to execute agreements with various organizations to include the terms and conditions under which said organizations may expend the grant monies. Such terms and conditions were developed in conjunction with the Newport News Arts Commission. This resolution appropriated \$159,879.00, which was allocated to specific grant awards to various local performing and fine arts organizations in accordance with the recommendations from the NNAC. Through an annual competitive application process, NNAC made recommendations to City Council for allocation of combined City and State grant funds to various local performing and fine arts organizations. The combined funding available for FY 2017 was \$159,879.00; City Council approved \$154,879.99 in the FY 2017 General Fund

G. Other City Council Actions Continued

2. 2 of 2: Newport News Arts Commission (NNAC) – FY 2017 Support for the Arts Funding Recommendations Continued

Operating Budget for Support for the Performing Arts. This amount provided the local match required for the \$5,000.00 Virginia Commission for the Arts grant recommended under the previous separate action. The City Manager recommended approval.

(No registered speakers)

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

Councilwoman Cherry questioned the amount funded to the Peninsula Fine Arts Center (PFAC), stating that they sought the \$12,000 for assistance in meeting normal operating costs. She inquired what percentage of the \$12,000 received from the City would be used for operating costs, and what percentage was for programming.

Ms. Lisa Cipriano, Director, Department of Budget and Evaluation, responded that the total recommended funding for the PFAC was \$15,240; and of that, \$3,240 was for programs. The \$12,000 was for operating expenses. Councilwoman Cherry questioned that the City would allocate the PFAC \$3,000 for programming, and expressed concern that only \$3,000 of the \$15,000 was being used for programming, with the remaining \$12,000 for operating costs. She inquired what would happen should the PFAC come back, and questioned what they would do for sustainability. Ms. Cipriano stated that she could only offer the past history, and reminded that PFAC also received support from the City's Operating Budget. Councilwoman Cherry understood that PFAC would move to Christopher Newport University (CNU) and inquired of what timeframe they would move to CNU. Ms. Cipriano responded that would be in 2017 or later.

City Manager Bourey added that the State had funded a project that would include the building of a new World-Class Arts Museum at CNU. CNU was working with the State to discern what that funding would be and the timeline for the same. He stated that the PFAC would move to CNU in 2018 or later.

Councilwoman Cherry stated that the City was helping to keep PFAC alive until 2018. City Manager Bourey replied that the City had been helping to sustain the operations of the PFAC, who had several challenges with their building, and HVAC. Councilwoman Cherry stated that she truly believed the PFAC to be an asset, but would like to see more funding put into the programming for the youth. It would have been great to see the opposite - \$12,000 for programming, and \$2,000 for operating costs.

Councilman Harris inquired what went into determining the amount that the City funded to each program. City Manager Bourey advised that the Newport News Arts

G. Other City Council Actions Continued

2. 2 of 2: Newport News Arts Commission (NNAC) – FY 2017 Support for the Arts Funding Recommendations Continued

Commission received applications and they selected the organizations that were funded, making judgements about what they felt would further the Arts in Newport News. Councilman Harris inquired how the amount of money to be funded was determined. City Manager Bourey indicated that the Newport News Arts Commission also determined the amount. They attempted to allocate funds to many different organizations, with many applying for funds greater than they would actually receive. The Arts Commission attempted to spread the funds around to help each organization.

Vice Mayor Vick added that the Newport News Arts Commission had done this for years, spreading funds throughout the different cultural arts organizations so that there would be different arts activities throughout the City.

Vote on Roll Call:

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

Nays: None

- (3) Ordinance Amending City Code, Chapter 26, Motor Vehicles and Traffic; Article XI., Additional Fine for Exceeding the Maximum Speed on Designated Residential Through Streets; Section 26-240, Designated Additional Fine Streets to Add a Portion of Maxwell Lane

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XI., ADDITIONAL FINE FOR EXCEEDING THE MAXIMUM SPEED ON DESIGNATED RESIDENTIAL THROUGH STREETS, SECTION 26-240, DESIGNATED ADDITIONAL FINE STREETS. This ordinance amended the City Code, Chapter 26, Motor Vehicles and Traffic; Article XI, Additional Fine for Exceeding the Maximum Speed on Designated Streets; Section 26-240, Designated Additional Fine Streets to Add a Portion of Maxwell Lane from Normandy Lane to Warwick Boulevard. Maxwell Lane was identified for inclusion into the Traffic Calming Program. As part of the program, an additional speeding fine of \$200 was recommended. This ordinance added Maxwell Lane, between Warwick Boulevard and Normandy Lane to the Traffic Calming Program, Designated Additional Fine Streets. Violations of the posted speed limit in this segment would be a traffic infraction of an additional \$200 fine. All costs associated with adding Maxwell Lane were included in the operating budget. The City Manager recommended approval.

Mr. A. C. Pulliam, Jr., 239 Falcon Drive, Newport News, stated after much concern about the Maxwell Lane problem, he was convinced that there were only a couple of citizens that were complaining. He indicated that the amount the City had spent had made the road look nice, and he felt that was all that was needed. Mr. Pulliam further indicated that the \$200 additional fine was unfair to people who travelled the road daily. He felt the speed limit

G. Other City Council Actions Continued

- (3) Ordinance Amending City Code, Chapter 26, Motor Vehicles and Traffic; Article XI., Additional Fine for Exceeding the Maximum Speed on Designated Residential Through Streets; Section 26-240, Designated Additional Fine Streets to Add a Portion of Maxwell Lane Continued

was too low and suggested it be increased to 30 or 35 mph. He advised that he had lived on Maxwell Lane for 12 years and observed occasional speeders, which could not be stopped no matter what. He indicated if members of City Council were to vote in favor of the additional \$200 fine, they would be voting against those residents of Maxwell Gardens that elected them to office. He suggested if the additional \$200 fine were to be placed on Maxwell Lane, that the same sign should be placed on every residential street in the City of Newport News.

Ms. Elizabeth Bessel, 2 Jonquil Lane, Newport News, addressed members of City Council with a series of questions. She did not understand how the suggested traffic calming measures that went from speed humps, to raised medians, and to the parking lanes with the prospect of the additional fine for speeding. Her question to Council: (1) how would one determine whether the new modifications produced the acceptable results; and if not; (2) what are the other plans to lower speeding on Maxwell Lane. She suggested a trial period to determine whether the modifications produced the desired results prior to raising the fines to \$200. Ms. Bessel indicated that she did want the speeders on Maxwell Lane to be caught because she did have a child attending Yates Elementary School, and felt the speeding in the school zone was a matter of great concern.

City Manager Bourey responded, in conversation with the City Council, he and the City's Department of Engineering, believed that the traffic control measure, with the parking lanes, would not be satisfactory to stop the speeding on Maxwell Lane, and determined that there needed to be additional enforcement and the best way to help the additional enforcement was with an additional fine. These measures were recommended, and City Council felt comfortable with the recommendations. City Manager Bourey advised that a survey would be conducted to determine whether the traffic calming measures made a difference in the speeding on Maxwell Lane. It was his belief that the measures would make a difference.

Vice Mayor Vick warned there would be no additional fine imposed if drivers did not speed. The sign about the additional fine should serve as a deterrent to warn drivers against speeding. She saw no harm in the sign, and felt it would result in a safer neighborhood. Ms. Bessel understood, but added, unless the sign was placed on multiple sections of the road, anyone who was not a regular driver on Maxwell Lane, may not see the sign. She felt speed humps would have been a wiser decision.

Mayor Price advised that the additional fine for speeding was what City Council agreed upon. He advised that eight (8) signs would be placed along Maxwell Lane regarding the additional \$200 fine for speeding.

G. Other City Council Actions Continued

- (3) Ordinance Amending City Code, Chapter 26, Motor Vehicles and Traffic; Article XI., Additional Fine for Exceeding the Maximum Speed on Designated Residential Through Streets; Section 26-240, Designated Additional Fine Streets to Add a Portion of Maxwell Lane Continued

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

Councilwoman Woodbury added, the more she gave the matter thought, she wished the City had tried one traffic calming measure at a time; for instance, the new blocks, and the raised bumper strips. She wished the traffic calming measures could have been implemented in increments. She shared that she was in other neighborhoods and observed additional fines for speeding. She commented that this was not unprecedented, and felt torn about the matter. She asked that the matter be reviewed within three (3) months to determine whether the measures were working and made a difference.

Vice Mayor Vick reminded, that Council came to a consensus to support the additional \$200 fine.

City Manager Bourey advised that there would be an evaluation and he would check with the City's Department of Engineering and the Police Department to ascertain what would be an appropriate timeframe to have the matters take place.

Councilwoman Scott mentioned that similar signs were in the Beechmont area. She paused when travelling through communities that post signs for additional fines for speeding. She concurred, the signs were deterrents, and raised awareness. She reminded that citizens that commented in the previous months that the matter was deliberated an indicated their focus was on safety. Councilwoman Scott indicated that she looked forward to hearing the results of these traffic calming measures.

City Attorney Owens, at the request of Councilwoman Woodbury, pointed out that the streets already covered by the \$200 additional fine were: Beechmont Drive from Lucas Creek Road to Loraine Drive/Loraine Circle; Bellwood Road from Jefferson Avenue to the Hampton City Line; Brick Kiln Boulevard from Jefferson Avenue to Kiln Creek Parkway; and Kiln Creek Parkway from its northernmost intersection with the York County Line to its southernmost intersection with the York County Line. The Ordinance being considered added Maxwell Lane from Normandy Lane to Warwick Boulevard to the list of designated additional fine streets.

Vote on Roll Call:

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

Nays: None

G. Other City Council Actions Continued

- (4) Ordinance Amending City Code, Chapter 26, Motor Vehicles and Traffic; Article IV., Operation of Vehicles Generally; by Adding Section 26-80, Obstructing Intersection or Marked Crosswalks

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IV., OPERATION OF VEHICLES GENERALLY, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 26-80, OBSTRUCTING INTERSECTIONS OR MARKED CROSSWALKS. This ordinance amended the City Code, Chapter 26, Motor Vehicles and Traffic; Article IV., Operation of Vehicles Generally; by adding Section 26-80, Obstructing Intersections or Marked Crosswalks. A common cause of congestion was the blocking of intersections increasing travel time, wasting fuel and increasing air pollution. This ordinance would allow for the posting and enforcement of "Don't Block the Box" signs at critical intersections. This ordinance also aimed to educate drivers that it was illegal to enter an intersection without blocking the advance of other vehicles or pedestrians. The penalty for violations was a fine up to \$200. Direct costs for intersection signage would be the operating budget expenses associated with the cost of sign materials, installation and maintenance. The City Manager recommended approval.

(No registered speakers)

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

Councilwoman Scott observed many near miss accidents at the intersection of Bland Boulevard and Jefferson Avenue, particularly when turning right on Jefferson Avenue from Bland Boulevard, heading East. She suggested, since improvements would be made at this intersection, that the lines be painted more boldly to make it clear which lane drivers were in before there was a critical accident. Mr. Everett Skipper, Director, Department of Engineering, advised that he would take care of the matter.

Councilwoman Woodbury inquired about the method of enforcement. City Manager Bourey advised this would be observed closely during periods of heavy congestion, and a police officer would pull the vehicle over once it had cleared the intersection. Councilwoman Scott shared that Bland Boulevard and Jefferson Avenue was the second worst intersection in the City of Newport News.

Councilwoman Woodbury inquired whether there would be signs. City Manager Bourey responded yes, signs would be installed. This practice was known as "Don't Block the Box."

Councilwoman Cherry advised whether there would be additional intersections included. She advised that this happened often at the Riverside Wellness Center. City Manager Bourey replied more signs could be added, as needed. City Attorney Owens added

G. Other City Council Actions Continued

- (4) Ordinance Amending City Code, Chapter 26, Motor Vehicles and Traffic; Article IV., Operation of Vehicles Generally; by Adding Section 26-80, Obstructing Intersection or Marked Crosswalks

that the City Manager's memorandum to City Council, dated September 7, 2016, identified the worst intersections, but the ordinance did not limit intersections, the ordinance prohibited the practice at any intersection.

Vote on Roll Call:

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

Nays: None

- (5) Resolution Requesting the General Assembly and Governor of Virginia to Fully Accept Federal Medicaid Funds and Implement Expansion of the Affordable Care Act (ACA)

A RESOLUTION BY CITY COUNCIL REQUESTING THE GENERAL ASSEMBLY AND GOVERNOR OF THE COMMONWEALTH OF VIRGINIA TO FULLY ACCEPT FEDERAL MEDICAID FUNDS AND IMPLEMENT EXPANSION OF THE AFFORDABLE CARE ACT (ACA). This resolution by City Council requested that the Virginia General Assembly and the Governor of the Commonwealth of Virginia to fully accept Federal Medicaid funds and implement expansion of the ACA. The ACA initially required States to provide Medicaid coverage for all adults with an income less than 138% of the Federal Poverty Level, regardless of their age, family status, or health. Several states, including Virginia, filed lawsuits questioning the constitutionality of several provisions of the ACA, namely the mandate that States expand Medicaid or lose all Medicaid funding, and the requirement for individuals who could afford health insurance to purchase it or pay a fee to offset the costs of caring for uninsured Americans. The U. S. Supreme Court rendered its opinion in June 2012 upholding the individual mandate to purchase insurance, but ruling that state Medicaid expansion was voluntary. To date, Virginia had not expanded its Medicaid program despite federal funding that would cover 100% of the State's Medicaid expansion costs from 2014 through 2016. As of May 2016, approximately 7,100 Newport News citizens could potentially be eligible for Medicaid should the State pass legislation to expand the program, thereby providing much needed healthcare coverage to low income citizens. The City Manager recommended approval.

(No registered speakers)

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

Councilwoman Woodbury advised that she would not support this resolution as there had been no discussion about this matter with City Council. City Manager Bourey advised that the City Council had not, but there had been a great deal of discussion across the State.

G. Other City Council Actions Continued

- (5) Resolution Requesting the General Assembly and Governor of Virginia to Fully Accept Federal Medicaid Funds and Implement Expansion of the Affordable Care Act (ACA) Continued

Councilwoman Woodbury stated, to put this resolution forward when City Council had not discussed the issue as a body was inappropriate, and she would not support it. She felt there were many resources available in Virginia. The states that had already expanded the ACA had accepted the money from the federal government and were saying they wanted out, because the money from the feds goes away, leaving the municipality with an unfunded mandate to cover. She felt there were numerous resources in the community, to include the Southeastern Virginia Health System, the Lackey Free Clinic, and the Newport News Free Clinic.

Councilman Bateman suggested that the resolution be pulled from the agenda until City Council could have a more in depth conversation as it related to the specifics of Newport News. He would like to have the discussion in greater depth.

Mayor Price stated the resolution laid out the specifics, in that 7,100 Newport News citizens without insurance could potentially be eligible for Medicaid should the State pass legislation to expand the program. Regarding Councilwoman Woodbury's comment, the Governor had guaranteed if there was any cost to the State, he would pull it. Mayor Price served on the Department of Medical Assistance Services (DMAS) Board and knew exactly what could be done with the money. Seven Billion Dollars had been left on the table since 2012, and the State was looking at a shortage of funds. He stated there was no reason not to support this resolution.

Vote on Roll Call:

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

Nays: Woodbury

- (6) Ordinance Authorizing the City Manager to Execute Any and All Documents, Including Deeds, Necessary to Effectuate the Conveyance of City-owned Property Located at 12005 Canon Boulevard to the Economic Development Authority (EDA) of Newport News, Virginia

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, ANY AND ALL DOCUMENTS, INCLUDING DEEDS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF CERTAIN CITY OWNED PROPERTY TO THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS, VIRGINIA. This ordinance authorized the execution of any and all documents necessary to effectuate the conveyance of City-owned property located at 12005 Canon Boulevard to the EDA of Newport News. A large portion of this City-owned property was to be reserved for the potential future expansion of the Jefferson Lab campus. Transfer of ownership of be approximately 18-acre City-owned parcel addressed as 12005 Canon Boulevard

G. Other City Council Actions Continued

- (6) Ordinance Authorizing the City Manager to Execute Any and All Documents, Including Deeds, Necessary to Effectuate the Conveyance of City-owned Property Located at 12005 Canon Boulevard to the Economic Development Authority (EDA) of Newport News, Virginia Continued

to the EDA would allow the EDA and staff to undertake the complex coordination necessary to help successfully mesh public improvements with the proposed Jefferson Lab expansion. The City Manager recommended approval.

(No registered speakers)

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

Councilwoman Woodbury inquired whether the property would be sold or given. City Manager Bourey responded the property would be sold. Councilwoman Woodbury inquired whether the property would be sold for a fair market price according to assessments. City Manager Bourey confirmed that the property would be sold at fair market price according to an appraisal.

Vote on Roll Call:

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

Nays: None

Abstention: Bateman (His employer, TowneBank, had a relationship with the Developer, which he managed)

H. Appropriations

Councilman Bateman moved adoption of Appropriations, Items 1 and 2, as shown below; seconded by Councilwoman Scott.

1. Office of the Commonwealth's Attorney – U. S. Treasury Asset Forfeiture Fund

A RESOLUTION APPROPRIATING FUNDS FROM COMMONWEALTH'S ATTORNEY ASSET FORFEITURE FUND (\$60,000.00) TO EQUIPMENT OTHER (\$60,000.00). This resolution appropriated \$60,000.00 from the U. S. Treasury Asset Forfeiture Fund to the Newport News Office of the Commonwealth's Attorney for the purchase of computers, related peripheral equipment, and office furniture. The Office of the Commonwealth's Attorney received federal asset treasury funds that would be used to replace computer equipment and purchase office furniture. The unappropriated asset forfeiture balance was approximately \$152,287.78. The City Manager recommended approval.

(No registered speakers)

H. Appropriations Continued

1. Office of the Commonwealth's Attorney – U. S. Treasury Asset Forfeiture Fund Continued

Vote on Roll Call:

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

Nays: None

2. Department of Engineering – FY 2016 Bonds Authorized and Unissued, Sewer Rehabilitation Category: Citywide Sanitary Sewer Rehabilitation Program

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED (\$4,570,000.00) TO CITYWIDE SANITARY SEWER REHABILITATION PROGRAM (\$4,570,000.00). This resolution appropriated \$4,570,000.00 from the FY2016 Bonds Authorized and Unissued, Sewer Rehabilitation Category for the Citywide Sanitary Sewer Rehabilitation Program. This sanitary sewer program initiative provided City staff the ability to address specific conditions found during field work as a result of prime program investigations. The improvements would reduce storm water and ground water infiltration into the City's sanitary sewer system, correct known sanitary sewer defects, and provide reliable sanitary sewer service to project area residents. This funding would also address small localized and/or emergency repair projects. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

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

Nays: None

Vice Mayor Vick moved adoption of Appropriations, Item 3, as shown below; seconded by Councilman Harris.

Councilwoman Woodbury advised that she would not support this resolution because a number of her constituents had contacted her about the matter since it appeared in the Daily Press about the City of Newport News supplementing the Developer, when many of the other Developers used Revenue Sharing Bonds as a match, which was not available for this particular project. She reiterated that she received so many calls that she felt it was best that she vote against the resolution.

Councilwoman Cherry advised that she would not support this resolution because she was not pleased with what she heard from the Director of Development during a presentation made earlier at the Council Work Session (September 13, 2016) regarding the numbers and the revenue sharing coming up for FY 2018, and where the funds were coming from for this project, but the City was moving forward to support a project for \$5.6 million. She did not feel this was something that the City should do.

H. Appropriations Continued

3. Department of Development – FY 2016 Bonds Authorized and Unissued, EDA Land Development and Public Infrastructure & Facilities Incentive Contribution: Tech Center at Oyster Point/Jefferson Lab Research Project

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED (\$5,600,000.00) TO EDA LAND DEVELOPMENT AND PUBLIC INFRASTRUCTURE & FACILITIES INCENTIVE CONTRIBUTION (\$5,600,000.00). This resolution appropriated \$5,600,000.00 from the FY 2016 Bonds Authorized and Unissued to the EDA Land Development and Public Infrastructure & Facilities Incentive Contribution for the Tech Center at Oyster Point/Jefferson Lab Research Project. Marketplace at Tech Center, as well as the Venture Apartments, continued toward full build-out, with the first residents moving into the apartments in September 2016. City Council took action in June 2016 to approve the Master Plan for the initial, and adjacent, Tech Center Corporate Research Building, and the developer proceeded with the building design. It was critical to appropriate funds to the EDA to meet the necessary timelines for accomplishing the first phase, in concert with the developer. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Harris, Price, Scott, Vick

Nays: Woodbury, Cherry

Abstention: Bateman (His employer, TowneBank, had a relationship with the Developer, which he managed)

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

Ms. Christina Reece, 12760-C St. James Place, Newport News, presented a petition to the members of City Councils and Boards of Supervisors for the Cities of Hampton, Newport News, Poquoson, and the County of York, seeking a ban on the adoption of black cats during the month of October of each year. Ms. Reece stated the Halloween season caused feelings of superstitions and influenced behavior patterns leading to abuse, torture, and/or the possible killing of black cats after being used in Halloween pranks, haunted displays, and/or sacrificial rituals (a copy of the petitions are attached and made a part of these minutes). Ms. Reece reiterated the request that the City Councils and Boards of Supervisors timely act on this petition to ensure that the ban on black cat adoptions during October was in effect by October 1, 2016.

Ms. Linda Seely, 118 Horsley Drive, Hampton, congratulated Councilman Marcellus Harris III on his election to the Newport News City Council. She further congratulated Councilwomen Vick and Woodbury on their re-election to the Newport News City Council. She wanted Councilman Harris to know that his father, Reverend Marcellus Harris II, helped in his

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

election to the Newport News City Council. She shared that Councilwoman Woodbury and Vice Mayor Vick had many followers and were equally loved in the City of Hampton and commended them for that.

Ms. Seely indicated that there was a severe cat problem in the City of Newport News. She contacted the Regional Animal Shelter about the cat problem, and was advised that there was no more room for additional cats. She expressed her displeasure that an \$11 million facility could not make room for additional cats. She urged members of City Council to continue the trapping of cats.

Mr. Charles H. Jackson, Jr., 23 Salem Street, Hampton, commented about the injustice, humiliation, and degradation that he suffered at the hands of the Peninsula Regional Animal Shelter. He shared that individuals with knowledge and experience to help the shelter move in the right direction were denied employment. The shelter experienced major problems with animal care staffing and operations. Mr. Jackson stated that the animals suffered the most. The Director, Mr. Roger Iles, came from Petco, with no shelter experience or knowledge. Mr. Iles wanted no employee at the Shelter that had more knowledge than he. He also denied the Program Volunteer, Ms. Jean Nohle access to the Shelter. Assistance was sought from Ms. Nohle on all levels and from all employees. Mr. Jackson applied for a position, met with Mr. Poplawski on numerous occasions, but was told by Mr. Iles that he did not meet the profile. He offered to meet with members of City Council about the matter.

Mr. Frederick C. Johnson, 826-24<sup>th</sup> Street, Newport News, advised that there was a problem with the 9-1-1 system. He shared a personal emergency that occurred at his residence on August 26, 2016, in which his daughter experienced complications with asthma. Mr. Johnson further advised that seven calls were made to 9-1-1, receiving no answer until the seventh call. His daughter died as a result. Mr. Johnson commended the first responders, who did an excellent job once the call went through successfully. Three different individuals attempted to get through to 9-1-1 from three different phones, only reaching personnel on the seventh attempt.

Mr. Johnson suggested that citizens call the non-emergency number, which received the over flow calls once in the queue, allowing the calls to be answered at all times. They were also sharing 9-1-1 services with the City of Hampton. Mr. Johnson suggested that it be put in motion when call volumes were high.

Mayor Price questioned whether Mr. Johnson's situation occurred while 9-1-1 was down. Mr. Johnson replied, no, the 9-1-1 system issues were realized during the week prior to his daughter's death. Mayor Price apologized, and gave his condolences. He advised that Mr. Johnson's concerns and suggestions would be looked into.

City Manager Bourey advised that a thorough analysis had been done of all of the calls coming into 9-1-1 and what happened in this circumstance. There were a number of things

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

that contributed to the factor. He understood Mr. Johnson's loss and felt very bad about the tragedy. The calls were ended before staff could pick them up. Staff immediately returned calls, but received busy signals. Staff frantically attempted to get in touch with the callers, but the calls were not sustained long enough for the operators to answer them. The calls repeatedly came in, but only for a short time. A thorough analysis was done of what went wrong in the 9-1-1 Center. He advised that additional follow-up would be done and he would forward the information.

Councilwoman Scott inquired whether there was a difference when a call came in to 9-1-1 from a cell phone versus a land line. City Manager Bourey asked Chief Richard Myers, Newport News Police Department, to address the matter. Councilwoman Scott questioned whether the calls came from a cell phone or a land line.

Ms. Jaime Peller, who accompanied Mr. Johnson, advised that she had been calling from a cell phone. She advised that three phones were trying to get through to 9-1-1. She explained that the hang-ups occurred as a result of hearing her own voice echoing over the ring. There was a sound of dead air on the second phone, and the third heard another conversation over the ring. There was interference on the line, but no incoming calls to her cell phone were received from 9-1-1. She tried to save the 7-year old child, and tried CPR until the EMTs arrived.

Chief Myers, having raised three daughters, and having called 9-1-1 on emergencies, extended his condolences to the Johnson family. He explained, when experiencing an emergency, five (5) seconds seemed like one (1) hour. Records reflected that three different phone numbers were called in repeatedly, and disconnecting as the dispatchers tried to answer. There was a queue when 9-1-1 was called, but before the dispatchers could connect with the call, it would disconnect. The dispatchers then receive prompts to call the number back after the call was disconnected. Cell phones are different, but rings may be heard. The analysis showed that after three rings and the phone disconnected, and the dispatcher tried to call back, the caller was again attempting to dial 9-1-1 again. The outgoing call by the dispatcher would not connect with the phone while the caller was attempting to call back in. This was exacerbated by having three distinct lines calling in, disconnecting, and calling back. Once a dispatcher was able to speak to the callers, it took less than two (2) minutes before the emergency vehicles were rolling and help was on the way. The Internal Affairs Investigator that researched the incident, suggested inviting the Johnson family to the Communications Center to physically show what the research showed, and how the system works. Chief Myers stated that nothing could reverse the tragedy, but if this incident could become an example to help educate people that when you call 9-1-1, do not hang up, and remain on the line. The dispatchers will answer the phone while it rings. Regarding the interference on the line, we forget that cell phones were radio devices, not a telephone in the traditional sense. No one knows what happens between that device and going to the cell site, and eventually connecting to the land line. Adding this confusion in an emergency situation resulted in a tragedy in this case. He hoped the Johnson family could come to the Communications Center to review what the computer analysis showed, review what happened, and to have a better understanding.

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

Councilman Harris inquired whether there had been more instances of this occurring with citizens having trouble getting through to 9-1-1.

Chief Myers responded that anytime calls disconnect before the dispatcher answered the call, undue delays occurred. He further shared an example of a car crash at Mercury Boulevard and Jefferson Avenue, and numerous calls from cell phones, at one time, attempted to get through to 9-1-1, and the system became jammed. Because the calls were placed in a queue, if people remained on the line, the calls would get answered. Supervisors step in to assist in answering 9-1-1 calls if the phones get jammed with calls. Eventually, radio dispatchers also pick up calls in an effort to maximize the ability to process a high volume of calls.

Councilwoman Cherry extended her condolences to the Johnson family. She indicated that she received a call from Mr. Johnson when she was out of town, but was able to send an e-mail message to Police Chief Myers, with a copy to City Manager Bourey about the incident. She shared Mr. Johnson's concern was that he wanted to hear back from someone. It had been three (3) days since his daughter's death, and he had not heard from anyone. A communication should go back to the family or families, explaining what happened in such incidents. She asked Chief Myers to be cognizant of the trouble that Mr. Johnson experienced with 9-1-1, and that the matter be addressed from a City perspective, that respect be shown to the family or families, and that someone contact them as expeditiously as possible.

Chief Myers advised that the personnel from the Communications Center had attempted to reach out to Mr. Johnson. Chief Myers asked to meet with Mr. Johnson to ensure that he had the proper contact information.

Mr. Michael Crichlow, 962 Hollymeade Circle, Newport News, expressed his condolences to the Johnson family on their loss. He further advised that he loved cats and had recently adopted a black cat, and expressed his support for the 30-day ban during the month of October as presented by Ms. Reece.

Mr. Crichlow shared that he was the owner of Michael's Bail Bond Company, and had been providing commercial bail bonds for the City of Newport News for approximately 13 years. He referenced a bail bondsman by the name of Ms. Jennifer Anderson that approached City Council in 1998 about the issue of Pre-Trial Services being funded by the City. The City's response to Ms. Anderson was that the City would end their funding of Pre-Trial Services. He indicated that the City would fund \$52,000 for Pre-Trial Services in FY 2017. The City funded \$189,000 for Pre-Trial Services in FY 2011. Mr. Crichlow referenced an article written by Mr. Dave Ress earlier in 2016 about Pre-Trial Services, screening 4,900 people and only put 728 on pre-trial release. Mr. Crichlow thought this was unsatisfactory when there were a number of Bail Bondsmen in the City of Newport News. He advised there were approximately 50 Bail Bondsmen between the cities of Newport News and Hampton, and indicated that they could provide the service at \$0, not costing the taxpayers any money. The program was funded for

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

approximately \$200,000 in 2011, but \$50,000 in 2017. Mr. Crichlow felt that the money being spent on the program was a waste, and would like to see the funds not allocated to Pre-Trial Services.

City Manager Bourey advised that Pre-Trial Services was funded until the State took the program over. The City provided no funding for pre-trial services to-date.

Mr. Antonio Thompson, 1211-25<sup>th</sup> 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, commodity investment and the legalization of marijuana. Profits in Portland, Oregon, doubled following the legalization of marijuana. He encouraged Newport News to follow suit and he volunteered to lead the Adult Division for Leisure Activities under the City's Department of Parks, Recreation, and Tourism. He stated that the legalization of prostitution should also be reviewed, as well as lowering the cost for a Vendor's License.

Mr. Thompson stated that Treasury Enrichment would lead Newport News into the Green Revolution. He further advised that he and his wife had taken up bicycling, and asked those driving vehicles to grant them consideration.

Mr. Andrew Shannon, 210 Hahn Place, Newport News, representing the Southeast Christian Leadership Conference (SCLC), honored and congratulated The Honorable Marcellus L. "B2" Harris III on his election to the Newport News City Council, thanking him for his leadership, applauded him for his commitment (Mr. Shannon made mention of Councilman Harris defeat over Former Councilmember Robert S. Coleman in the North District in May 2016). Mr. Shannon presented Councilman Harris with a plaque. He thanked Councilman Bateman and Chief Myers, NNPD, for participating in the 26<sup>th</sup> Annual Southeast Community Day Parade and Festival, where Councilman Harris served as Co-Grand Marshall.

Mr. Shannon advised that the SCLC had received a call from Ms. Annie Jones, seeking assistance for residents of Ivy Tower Apartments, located at 700 Waterfront Circle, Newport News. With reference to the controversy over the newspaper articles about the denied renovation of the Ivy Tower Apartments where Mayor Price and City Manager made "disparaging remarks" about the residents, Mr. Jones wanted citizens to know that this was a loving community, with hard working, blue collar individuals. Members of the SCLC were present to support the residents of the Ivy Tower Apartments. The SCLC and residents of the Ivy Tower Apartments were present in support of the Weston Associates, Inc. Renovation Project for the Ivy Tower Apartments.

Mr. Bernard Orie, 700 Waterfront Circle, Apt. 505, Newport News, stated that he was born in Newport News. He commended members of City Council for their hard work, and was appreciative of their support of the Weston Associates, Inc. Renovation Project for the Ivy Tower Apartments. He stated that he played as a child by the waterfront and found it to be a place of tranquility. Mr. Orie indicated that his heart and soul was in Newport News.

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

Ms. Gloria Deloatch, 700 Waterfront Circle, Newport News, stated that she was appreciative of City Council's support of the Weston Associates, Inc. Renovation Project for the Ivy Tower Apartments. She thanked City Council for listening to the residents. She indicated that no fighting or harsh words were said. She felt this was a start to getting along and bringing the community together as a whole.

J. New Business and Councilmember Comments Continued

Councilman Harris thanked all of the citizens for their attendance and participation at the meeting to receive their valuable feedback. He advised that the City Council was here to serve the citizens and anytime they could receive information, it helped them to enhance the City of Newport News.

Councilman Harris extended heartfelt condolences to the Johnson family on their loss. He shared that he had a 6-year old daughter and could not imagine what the family was experiencing. He urged all to keep them in prayer. He further stated, as things came to light, changes could be made to help ensure that nothing similar occurred again.

Councilman Harris acknowledged that the week of September 5, 2016, was the first week of school and it was good to see the children go back to school excited and encouraged. He asked that the citizens be available – getting involved in the Parent-Teacher Association (PTA), and being a part of the programs in the Newport News Public Schools throughout the year. He also encouraged citizens to be a shining light for the school children. He stated they would experience challenges, but the adults should be there to pick them up with hope and encouragement.

Councilman Harris indicated that it was troubling to hear the news about the death of another child. He reminded at the August 9, 2016 Regular Meeting of Council, that there had been a shooting involving young children. He prayerfully looked forward to a day when there would be no guns on the streets, and in the hands of the youth.

Councilman Harris stated that a good time was had by all at the 26<sup>th</sup> Annual Southeast Community Day Parade and Festival, September 9 – 11, 2016. It was great to see people out, enjoying themselves, and celebrating things going on in the community. It was great to see the Denbigh High School Band and other High School Bands participating, particularly the Heritage High School Band, "The Marching Hurricanes."

Councilman Harris expressed appreciation to Mr. Andrew Shannon for his hard work. He stated that Mr. Shannon's personality was often on display, but encouraged everyone to remember the purpose behind what he does – bringing the citizens together for the greater good.

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

Councilman Harris advised that City Council had a good discussion at the earlier City Council Work Session (September 13, 2016), and he looked forward to moving forward together, doing bigger and better things in Newport News.

Mayor Price thanked the organizers of the 9-1-1 Ceremony, "In Remembrance of September 11, 2001." The organizers were the United States Navy, and members of the City's Department of Communications. The ceremony was held on Friday, September 9, 2016, at the Newport News Victory Arch, located at 25<sup>th</sup> Street and West Avenue. He advised that it was an excellent ceremony commemorating the 15th Anniversary of the tragic terror attacks that occurred on September 11, 2001. The City joined with the United States Navy ships currently in Newport News Shipyard and Joint Base Langley-Eustis to hold a memorial ceremony and parade.

Mayor Price attended the Peninsula Korean Women's Thanksgiving Celebration on Saturday, September 10, 2016, at the Columbian Center, 12741 Nettles Drive. The event was sponsored by the Korean Women's Association of the Peninsula.

Councilwoman Scott offered condolences to Mr. Frederick Johnson and family, on the passing of his 7-year old daughter. Her heart was heavy hearing the news. Knowing it won't bring his daughter back, she hoped that he would accept the invitation to visit the Communications Center. She would also like to see the Communications Center to gain a better understanding of the 9-1-1 operation. She advised that she called 9-1-1 often, and she really needed them when she called. She maintained a land line for that purpose.

Councilwoman Scott offered congratulations to Mr. Julius Green on his Resolution of Recognition. His accomplishments were magnificent, lending hope and encouragement to others. With a 10<sup>th</sup> grade education, he went on to become the Diving Instructor at a time when it was unusual for men of color to be in such positions.

Councilwoman Scott announced that residents in the Denbigh community were within a 10-mile radius of the Surry Nuclear Power Station, and indicated there would be a test of the Emergency Response Center on Wednesday, September 14, 2016. She alerted the citizens that the sirens sounded would be quite loud, but there would be no emergency, but only a test of the Emergency Response Center.

Councilwoman Scott announced that the Denbigh Community Center would host its free monthly movie night on Friday, September 16, 2016, at 6:30 p.m. (15198 Warwick Boulevard). The movie "The Jungle Book" would be shown on a large projector screen. Free popcorn would be offered while supplies lasted. Citizens were invited to register in advance, or the day of, by stopping by the Denbigh Community Center, or by calling (757) 812-7900.

Councilwoman Scott invited citizens to attend the Denbigh Day Parade and Festival, Saturday, September 17, 2016, at 10:00 a.m., hosted by the Denbigh Lions Club. The

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

theme for this year's Festival was "Denbigh Day Backs the Red, White, and Blue." Individuals or organizations were welcome to participate in this fun-filled day.

Councilwoman Scott announced the 3<sup>rd</sup> Annual Virginia Brazilian Festival would be held on Saturday, September 17, 2016, 1:00 – 7:00 p.m., at City Center. The event would help showcase Newport News as a City that celebrated international culture. The Band Caique Vidal & Batuque would be introduced at the Festival. The event was free and open to the public.

Councilwoman Scott announced that the next North District Town Hall Meeting would be held on Monday, September 26, 2016, 7:00 p.m., at the Denbigh Community Center (15198 Warwick Boulevard). Ms. Sheila McAllister, Director, Department of Planning, would be the Guest Speaker to talk about some of the things going on in the North District, and across the City as a whole.

Councilwoman Scott thanked the citizens for their attendance and participation, and for voicing their concerns. She advised that, it may appear to be easy, but members of City Council worked hard to reach a consensus to come up with ordinances, resolutions, and measures to address the needs, and the lifestyles that would impact the entire City of Newport News.

Vice Mayor Vick extended condolences to Mr. Frederick Johnson and family, on the tragic loss of his 7-year old daughter.

Vice Mayor Vick congratulated Mr. Julius Green on his Recognition.

Vice Mayor Vick commended Mr. Carmine McDaniel, the 8-year old that provided relief to his mailman. It made her feel good that a young person realized the importance of doing a good deed.

Vice Mayor Vick reiterated comments by Councilman Harris, stating that it was good to see the children go back to school during the week of September 5, 2016. She advised that she was able to go out to some of the schools. She indicated that she was biased as two of her grandchildren attended the new Discovery STEM Academy (1712 Chestnut Avenue). It was a joy to see the newness and the excitement on the kid's faces. She advised that she and Councilwoman Cherry were also able to visit students at Newsome Park Elementary School (4200 Marshall Avenue). She also visited Booker T. Washington Middle School(3700 Chestnut Avenue).

Vice Mayor Vick reiterated the remarks made by Councilwoman Scott, inviting citizens to attend the Denbigh Day Parade and Festival, Saturday, September 17, 2016, at 10:00 a.m., hosted by the Denbigh Lions Club.

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

Vice Mayor Vick reiterated the remarks made by Councilwoman Scott, inviting citizens to attend the 3<sup>rd</sup> Annual Virginia Brazilian Festival to be held on Saturday, September 17, 2016, 1:00 – 7:00 p.m. at City Center.

Councilwoman Woodbury extended condolences to Mr. Frederick Johnson and his family on the loss of his 7-year old daughter. She empathized with him – as her grandson has asthma, and knew how scary it could be. She, too, had lost a child, and understood the pain the Johnson family felt.

Councilwoman Woodbury asked Councilwoman Scott whether she had received her iodine pills. Councilwoman Scott replied that she had not received her iodine pills. Councilwoman Woodbury advised that Councilwoman Scott had advised; if there was a nuclear concern, citizens, 30 years of age and younger, needed iodine pills.

Councilwoman Woodbury wished every student that had started school, the best school year ever. She urged them to sign up for the Virginia Municipal League (VML) “If I were Mayor Contest.” The contest was open to all 7<sup>th</sup> graders. There had been no winners from Newport News. She asked that all 7<sup>th</sup> grade teachers in the Newport News Public Schools to encourage their students to enter the contest.

Councilwoman Woodbury thanked the citizens that attended and expressed concern about pets in the City of Newport News. She felt it was important that citizens were aware of our duty as a Regional Shelter to ensure that everyone could feel comfortable about the situation at the facility.

Councilwoman Woodbury also thanked her supporters in the City of Hampton.

Councilman Bateman expressed sympathy to Mr. Frederick Johnson and family on the loss of his 7-year old daughter.

Councilwoman Cherry thanked all of the citizens for their attendance and participation at the meeting to express their points of view. She reiterated that their voices mattered. Members of City Council were concerned about the issues presented.

Councilwoman Cherry congratulated Mr. Julius Green. She shared that his wife Rosalyn, was a member of her congregation at Restoration Christian Church, and always spoke highly of her husband. It was great to see the family celebrate his Recognition together.

Councilwoman Cherry advised that the 2016 Back-to-School Community Fest, held on Saturday, August 20, 2016, 1:00 – 3:00 p.m., on the lawn of the Historic James A. Fields House, 617-27<sup>th</sup> Street, was a huge success. She thanked all citizens for their support of the event. She advised that approximately 619 draw-string back packs were prepared and distributed.

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

The event was in partnership with the Downtown Newport News Merchants and Neighbors Association, Inc. and the James A. Fields House, Inc.

Councilwoman Cherry stated that the 16<sup>th</sup> Annual James River Regional Clean-Up Day held on Saturday, September 10, 2016, 9:00 a.m. – 1:00 p.m., and was sponsored by the James River Advisory Council was a huge success. The Clean-up involved the community in cleaning more than 75 miles of the James River from Appomattox County to Newport News. Huntington Park was one of the many Clean-up sites.

Councilwoman Cherry advised that she and Councilwoman Scott were pleased to attend the Go Green Newport News Master Gardeners Expo, held, Saturday, September 10, 2016, 11:00 a.m. – 12:00 noon, at the Brittingham-Midtown Community Center (570 McLawhorne Drive). The event was hosted by the Newport News Master Gardeners Association. She extended thanks to all of the vendors that participated in the Expo.

Councilwoman Cherry reiterated that she and Vice Mayor Vick attended the new Discovery STEM Academy (1712 Chestnut Avenue). It was a joy to see the newness and the excitement on the kid's faces. She thanked Dr. Ashby Kilgore, Superintendent of the Newport News Public Schools (NNPS), and members of the School Board, who were out at several schools on the first day, offering a handshake to each student as they got off of the bus. She had the privilege of joining them at the Discovery STEM Academy, and at Newsome Park Elementary School (4200 Marshall Avenue) to provide a handshake and to wish them a great day and school year.

Councilwoman Cherry advised that she attended the Commencement Ceremony for the 5<sup>th</sup> graduating class of the Food Bank of the Virginia Peninsula. She advised that their Culinary Program was excellent. She encouraged interested citizens to apply to that program. The program was very structured and strenuous, but a job was guaranteed at the completion of the program. The program was free.

Councilwoman Cherry thanked citizens for their attendance and participation at the South District "Your Voice Matters" Town Hall Meeting, held on Thursday, September 8, 2016, 6:00 – 7:30 p.m., at the Brittingham Midtown Community Center (570 McLawhorne), for residents from Mercury Boulevard South to the waterfront. Ms. Deborah Foley, from the Small Business Development Association, was the Guest Speaker. She would also be the Guest Speaker at the South District "Your Voice Matters" Town Hall Meeting, scheduled for Thursday, September 15, 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. The topic of discussion would be Steps to Business Ownership. All citizens were welcome to attend, particularly those that had a business, or were interested in starting a business.

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

Councilwoman Cherry announced that “Coffee With A Cop,” for the South District, was scheduled for Wednesday, September 21, 2016, 8:00 – 10:30 a.m., at Jim’s Local Market, 3101 Jefferson Avenue.

Councilwoman Cherry shared that Jim’s Local Market was open for business. She advised that it was a great store in the Southeast Community. She encouraged all residents to support the supermarket. Residents asked for a great supermarket, and needed to lend its support to Jim’s Local Market.

Councilwoman Cherry announced that there would be a Voter Registration Rally on Saturday, September 24, 2016, 11:00 a.m. – 1:00 p.m., at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue). She advised that there were new rules that would apply for the November 8, 2016, election. All citizens were invited to attend.

Councilwoman Cherry asked everyone to save the date for Saturday, October 29, 2016, 1:00 p.m. – 3:00 p.m., for the Community Fall Fest. Free pumpkins would be available for all children. Children were welcome to attend, and dressed in costume. There would be games and prizes for all. The event would be free and open to all children. Citizens were advised to contact the City Clerk’s Office for additional details, at 926-8634.

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 9:04 P.M.



Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk

## F. Consent Agenda

### 4. Resolution Canceling the November 8, 2016 Meeting of the Newport News City Council

ACTION: A REQUEST TO APPROVE A RESOLUTION CANCELING THE NOVEMBER 8, 2016 MEETING OF THE NEWPORT NEWS CITY COUNCIL

BACKGROUND:

- The Newport News City Charter states that the City Council shall have regular meetings at least once per month.
- City Council has requested to cancel its regular meeting of November 8, 2016 to recognize the Presidential General Election scheduled on this date.
- City Code, Chapter 2, Section 2-21 allows changes to the City Council meeting schedule pursuant to special resolutions of the Council.
- In compliance with the City Charter and City Code, there will be one (1) regular scheduled meeting of the Council on November 22, 2016.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

Description

sdm14691 Canceling November 8, 2016 Council Meeting

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

A SPECIAL RESOLUTION CANCELING THE REGULAR COUNCIL MEETING OF NOVEMBER 8, 2016.

WHEREAS, Sec. 4.06 of the Newport News City Charter provides that the City Council is to provide for the time and place of regular meetings which shall not be less frequently than once per month; and

WHEREAS, Sec. 2-21 of the City Code establishes the time and place of regular council meetings, but provides that changes to the schedule may be made by the council pursuant to special resolutions of council; and

WHEREAS, the City Council wishes to cancel its regular meeting of November 8, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News, Virginia, that it desires to, and hereby does, cancel its regular meeting of November 8, 2016.

BE IT FURTHER RESOLVED that the City Clerk shall immediately cause a notice of this meeting cancellation action to be published in a newspaper generally circulated in Newport News in order to inform the public of the Council's action.

**G. Other City Council Actions**

1. None Submitted

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

H. Appropriations

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

1. Department of Engineering - FY Bonds Authorized and Unissued, Streets and Bridges Category: Transportation Safety Improvements Project - \$1,815,000

## H. Appropriations

1. Department of Engineering – FY 2016 Bonds Authorized and Unissued, Streets and Bridges Category: One Accessible City; Pedestrian, Bicycle and Road Safety Enhancement Program; Bright Lights, Safe Nights Street Lighting Program – \$1,815,000

**ACTION:** A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$1,815,000 FROM THE FY 2016 BONDS AUTHORIZED AND UNISSUED, STREETS AND BRIDGES CATEGORY FOR THE ONE ACCESSIBLE CITY; PEDESTRIAN, BICYCLE AND ROAD SAFETY ENHANCEMENT PROGRAM; BRIGHT LIGHTS, SAFE NIGHTS STREET LIGHTING PROGRAM.

**BACKGROUND:**

- Six Safety Improvement Projects have been identified by the Department of Engineering.
- The projects will include enhancing pedestrian bicycle accommodations at pedestrian crossings, upgrading roadway lighting, traffic calming in neighborhoods, roadway reconstruction, enhancement of greenways and bikeways, new traffic signals, CSX railroad crossing replacement, removal of existing guardrails and piping of existing drainage ditches.

**FISCAL IMPACT:**

- The total funding request for these projects is \$1,815,000.
- The City Manager recommends approval.

### **ATTACHMENTS:**

#### **Description**

CM Memo re FY16 Transportation Safety Improvements

Attachment-Location Map FY2016 Streets and Bridges CIP

sdm14695 Appropriation re FY 2016 Transportation Safety Improvements

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

September 21, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** FY 2016 Transportation Safety Improvements

City Council is requested to approve a resolution appropriating \$1,815,000 for the FY 2016 Transportation Safety Improvement Projects and Programs. The projects include the following:

One Accessible City; Pedestrian, Bicycle and Road Safety Enhancement Program -- The citywide pedestrian and bicycle enhancement program identifies locations for enhanced pedestrian bicycle accommodations at locations citywide. Accommodations include pedestrian signal indications, pushbuttons, ADA compliant sidewalk ramps, pedestrian signage and pavement markings. Targeted locations include pedestrian crossing at Canon Boulevard and Achievement Way, and a pedestrian median refuge island at the intersections on Jefferson Avenue at Boykin Lane. The funding for this program is \$565,500.

Bright Lights, Safe Nights Street Lighting Program - Two locations have been selected for streetlight improvements. The project areas include improved roadway lighting on Menchville Road between Lucas Creek road and Riverview Parkway and upgraded lighting in the Salters Creek area. The funding for this program is \$140,000.

Neighborhood Enhancement Program - This program is intended to fund a wide variety of neighborhood projects identified through citizen and staff collaboration. The program provides funds for physical neighborhood improvements such as traffic calming, sidewalks, roadway reconstruction, playgrounds, trees, handicap accessibility, enhancement of greenways and bikeways. The funding for this program is \$300,500.

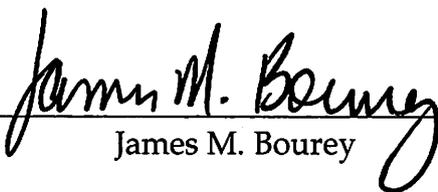
Traffic Signal Upgrade and Installation - The traffic signal upgrade program involves the installation of new traffic signals and the conversions of older traffic signal designs consisting of wooden or old metal poles and span wire. New traffic signals are warranted at the intersections of Rock Landing Drive and Omni Way, and at Jefferson Avenue and Pavilion Place. The requested funding of \$209,000 will be used for the design.

Warwick Boulevard at Yorktown Road Intersection Improvements - The design for drainage and safety improvements has been completed for the intersection of Warwick Boulevard at Yorktown Road. This intersection is located immediately adjacent to the CSX railroad crossing and improvements for the crossing will be coordinated with CSX as part of this project. The funding requested for the CSX crossing replacement is \$200,000.

J. Clyde Morris Median Enhancements at Riverside Regional Medical Center - The existing guardrail system around the deep drainage ditches along J. Clyde Morris Boulevard is outdated and does not meet current standards. The proposed safety improvements include piping the existing drainage ditches and the installation of rain gardens along Avenue of the Arts (J. Clyde Morris Boulevard) near Riverside Regional Medical Center. The funding for the design phase of this project is \$400,000.

Funding for these transportation safety improvement projects in the amount of \$1,815,000 is available from the FY 2016 Bond Authorization, Streets and Bridges Category.

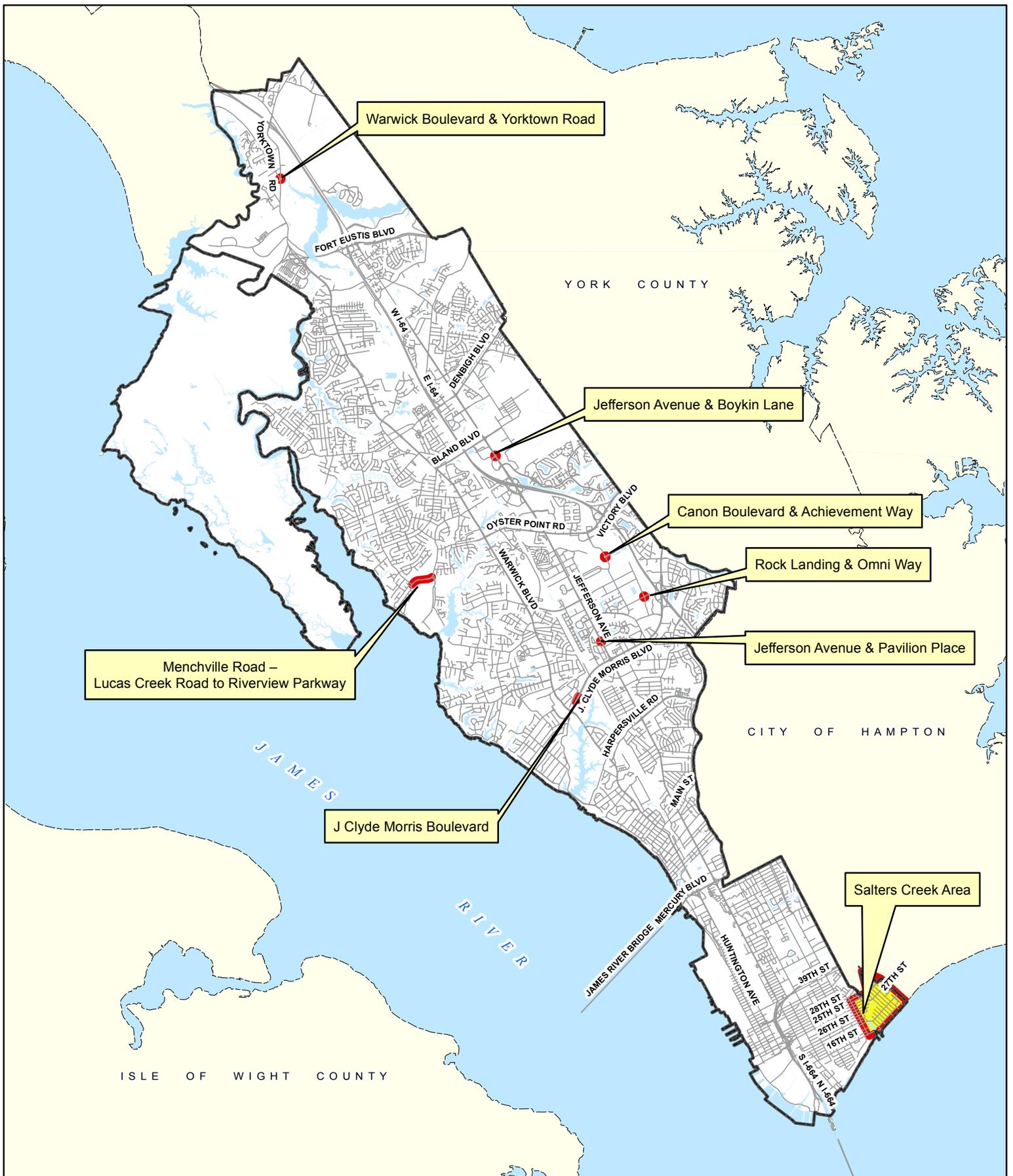
I recommend City Council approve the resolution.

  
James M. Bourey

JMB:JMK:wjr

Attachment

cc: Everett Skipper, Director, Department of Engineering



CITY OF NEWPORT NEWS, VIRGINIA

# FY 2016 Transportation Safety Improvements



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

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED TO ONE ACCESSIBLE CITY; PEDESTRIAN, BICYCLE AND ROAD SAFETY ENHANCEMENT PROGRAM; BRIGHT LIGHTS, SAFE NIGHTS STREET LIGHTING PROGRAM; NEIGHBORHOOD ENHANCEMENT PROGRAM; TRAFFIC SIGNAL UPGRADE AND INSTALLATION; WARWICK BOULEVARD AT YORKTOWN ROAD INTERSECTION IMPROVEMENTS AND J. CLYDE MORRIS MEDIAN ENHANCEMENTS AT RIVERSIDE REGIONAL MEDICAL CENTER.

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

That it hereby appropriates funds from Bonds Authorized and Unissued to One Accessible City; Pedestrian, Bicycle and Road Safety Enhancement Program; Bright Lights, Safe Nights Street Lighting Program; Neighborhood Enhancement Program; Traffic Signal Upgrade and Installation; Warwick Boulevard at Yorktown Road Intersection Improvements; and J. Clyde Morris Median Enhancements at Riverside Regional Medical Center, as follows:

Appropriation From:

Bonds Authorized and Unissued 4104-250-70-700J-579000-000000-2016- 00000-J0000	\$ 1,815,000.00
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Appropriation To:

One Accessible City; Pedestrian, Bicycle and Road Safety Enhancement Program 4104-250-70-700J-579420-000000-2016- 00000-J4510	\$ 565,500.00
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Bright Lights, Safe Nights Street Lighting Program 4104-250-70-700J-579420-000000-2016- 00000-J2708	\$ 140,000.00
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Neighborhood Enhancement Program 4104-250-70-700J-579420-000000-2016- 00000-J3408	\$ 300,500.00
Traffic Signal Upgrade and Installation 4104-250-70-700J-579420-000000-2016- 00000-J2608	\$ 209,000.00
Warwick Boulevard at Yorktown Road Intersection Improvements 4104-250-70-700J-579420-000000-2016- 00000-J3037	\$ 200,000.00
J. Clyde Morris Median Enhancements at Riverside Regional Medical Center 4104-250-70-700J-579420-000000-2016- 00000-J3049	\$ 400,000.00

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

J. New Business and Councilmember Comments

City Manager  
City Attorney  
City Clerk

Price  
Scott  
Vick  
Woodbury  
Bateman  
Cherry  
Harris

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."**