7:00 p.m.

A. Call to Order

B. Invocation
   - Rev. Peggy Langille, Warwick Memorial United Methodist Church

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

D. Presentations - None

E. Public Hearings
   1. None Advertised

F. Consent Agenda
   1. Minutes of the Special Meeting of December 11, 2018
   2. Minutes of the Work Session of December 11, 2018
   3. Minutes of the Regular Meeting of December 11, 2018
   4. Resolution of Recognition: The Apprentice School of Newport News Shipbuilding (A Division of Huntington Ingalls Industries) - 100th Anniversary
   5. Ordinance Amending and Reordaining, City Code, Chapter 26., Motor Vehicles and Traffic; by Repealing Article II., Transportation Safety Commission

G. Other City Council Actions
   1. Resolution Authorizing Jurisdictional Approval for the Newport News Redevelopment and Housing Authority (NNRHA) Issuance of Multi-
Family Housing Revenue Bonds, in an Amount Not to Exceed $18 Million, for the Benefit of Harbour-Newport News Limited Partnership and the Newport Harbour Apartments Project

2. Resolution Authorizing the Formation of the Choice Neighborhood I LLC and the Choice Neighborhood I Development Corporation by Newport News Redevelopment and Housing Authority (NNRHA)

3. Ordinance to Allow a Fence Encroachment into the Public Right-of-Way at 5905 Madison Avenue

4. Resolution Authorizing and Directing the City Manager to Execute an Agreement for Cost Sharing of the Hampton Roads Sanitation Department (HRSD) Huxley Place to Middle Ground Boulevard Interceptor Force Main Extension (JR012100) and City of Newport News Huxley Place Sanitary Sewer Rehabilitation and Replacement ("Agreement")

H. Appropriations

1. None Submitted

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

J. *Old Business, New Business and Councilmember Comments*

1. Motion to Reconsider Resolution in Support of General Assembly Ratification of the Equal Rights Amendment (ERA)

2. City Manager

3. City Clerk

4. City Attorney

5. Jenkins

6. Price

7. Scott

8. Vick

9. Woodbury

10. Cherry

11. 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 – Rev. Peggy Langille, Warwick Memorial United Methodist Church

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

D. Presentations
E. Public Hearings

1. None Advertised
F. Consent Agenda

1. Minutes of the Special Meeting of December 11, 2018

   ACTION: N/A

   BACKGROUND: N/A

   FISCAL IMPACT: N/A

ATTACHMENTS:
Description
Minutes of Special Meeting for December 11, 2018
MINUTES OF SPECIAL MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
DECEMBER 11, 2018
2:30 P.M.

PRESENT: Marcellus L. Harris III, David H. Jenkins; McKinley L. Price, DDS; Sharon P. Scott, MPA; Tina L. Vick; Dr. Patricia P. Woodbury; and Saundra N. Cherry, D. Min. ---------------------7

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

OTHERS PRESENT: Cynthia Rohlf; Collins Owens; Mabel Washington Jenkins; and Zina Middleton.

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

1) To call a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, subsections: (1) A discussion, consideration or interview of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, the subjects of which are a discussion or consideration of prospective candidates for appointment to boards and commissions and members thereof; (3) A discussion or consideration of the acquisition/disposition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, the subject of which is the acquisition of real property in the northern section of the City; and (7) A consultation with legal counsel pertaining to actual and probable litigation, where such consultation in open meeting would adversely affect the negotiating posture of the public body, the subject of which are actual and potential cases involving eminent domain, anti-trust, tort and civil rights claims.

2) To make appointments to fill vacancies on the City’s various boards, commissions, and committees.

Councilman Harris moved for a closed meeting under section and reason cited above; seconded by Vice Mayor Vick.

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

(Closed Session 2:35 p.m. – 3:33 p.m.)
After reconvening in open session, Councilman Harris 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, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

Councilwoman Woodbury moved that the following appointments be ratified pursuant to receipt of notification that a favorable background check was conducted; seconded by Councilwoman Scott.

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

1. **Commemoration Advisory Commission** – Ms. Amy Reineri (General Public Representative – North District) and Mr. Frederick Mays (General Public Representative – Central District), each for reappointment to serve a three-year term of office, term to expire March 9, 2022. Ms. Yugonda Sample-Jones (General Public Representative – South District) for appointment to serve a three-year term of office, term to expire March 9, 2022.

2. **Committee on Investments – Employees Retirement Fund** – Mr. Thaddeus Holloman (General Public Representative) for appointment to serve a one-year term of office. The terms would expire December 31, 2019.

3. **Newport News Arts Commission** – Ms. Lynn Allen (General Public Representative), Mr. J. Roger Hamilton, III (General Public Representative), Mr. Charles Harper (General Public Representative), Ms. Katie Stodghill (General Public Representative), and Ms. Michelle Gilliam (General Public Representative) each for reappointment to serve a three-year term of office, term would expire March 31, 2022. Ms. Camryn Dickerson (Youth Representative – Warwick High School) and Ms. Angel Taylor (Youth Representative – Heritage High School) each for appointment to serve a one-year term of office, term to expire December 31, 2019.

4. **Newport News Human Rights Commission** – Ms. LaTonya Denson-Wallace (General Public Representative), to fill the unexpired term of Mr. Curtis Bethany. The term will expire September 1, 2019. Mr. Sae Kim (Youth Representative - Warwick High School) and Ms. Shirin Sayani (Youth Representative – Peninsula Catholic High School) each for appointment to serve a one-year term of office, term to expire December 31, 2019.
5. Newport News Occasions, Inc. – Ms. Beatrice V. Dahlen (General Public Representative), and Mr. Frederick Tench (General Public Representative) each for reappointment to serve a three-year term of office, term to expire March 1, 2022. Ms. Diane Sinclair (General Public Representative) for appointment to serve a three-year term of office, term to expire March 1, 2022.

6. Newport News Planning Commission – Mr. Daniel Simmons, Jr. (General Public Representative) for reappointment to serve a four-year term of office, term would expire January 15, 2023.

7. Newport News Public Library Board of Trustees – Ms. Riley Maynard (Youth Representative – Menchville High School) and Mr. Joshua Felton (Youth Representative – Home-schooled) each for appointment to serve a one-year term of office. The terms would expire December 31, 2019.

8. Newport News Redevelopment and Housing Authority – Mr. William C. Black (General Public Representative) for appointment to serve a four-year term of office, term would expire January 23, 2023.


10. Peninsula Airport Commission – Mr. Thomas Herbert (General Public Representative) for appointment to fill the unexpired term of Mr. David “Chip” Wasson, Jr. The term would expire May 23, 2022.

11. Reservoir Protection Appeals Committee – Mr. Jay Allen (Professional Engineer) for appointment to serve a two-year term of office, term would expire January 31, 2020.

12. Towing Advisory Board – Master Police Officer L. J. Calloway to serve an indefinite term as the Police Chief Designee.

13. Transportation Safety Commission – City Manager Rohlf recommended that the Transportation Safety Commission be dissolved as the current Charter of the Transportation Safety Commission was no longer valid. She advised that staff would develop an informal citizen advisory group to work with the Department of Engineering on transportation related issues and special projects.

14. USS Newport News Liaison Committee – Mr. Chris Miller (General Public Representative) to fill the unexpired term of Ms. Carla M. Williams, the term to expire July 31, 2020.

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 3:33 P.M.
Minutes of Special Meeting
December 11, 2018

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, tested:

City Clerk
CERTIFICATE OF CLOSED MEETING

MEETING DATE: December 11, 2018

MOTION: Councilman Marcellus L. Harris III
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, Jenkins, Price, Scott, Vick, Woodbury, Cherry
NAYS: None
ABSTENTION: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

ATTEST:

Mabel Washington Jenkins
Mabel Washington Jenkins, MMC
City Clerk
F. Consent Agenda

2. Minutes of the Work Session of December 11, 2018

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:
Description
Minutes of Work Session for December 11, 2018
MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
December 11, 2018
3:45 p.m.

PRESENT:  Marcellus L. Harris III; David H. Jenkins; McKinley L. Price, DDS; Sharon P. Scott, MPA; Tina L. Vick; Patricia P. Woodbury and Saundra N. Cherry, D. Min

ABSENT:  

OTHERS PRESENT:  Cynthia Rohlf; Collins L. Owens; Mabel Washington Jenkins; Wanda Pierre; Darlene Bradberry; Shelia McAllister; Flora Chiros; Lisa Cipriano; Cory Cloud; Chad Pritchett; Constantinos Velissarios; Keith Ferguson; Maria Abilar; Susan Goodwin; William Rose; Florence Kingston; Matthew Johnson; Derek Perry; Venerria Thomas; Everett Skipper; Louis Martinez; Dawn Barber; Sonia Alcantara; Michael Poplawski; Chief Steve Drew; Alan Archer; David Freeman; Kim Lee; Eoghan Miller; Zina Middleton; and Josh Reyes

I. Closed Meeting

(2:35 p.m. - 3:33 p.m.)

II. Comprehensive Annual Financial Report (CAFR)

Ms. Cynthia Rohlf, City Manager, introduced Ms. Susan Goodwin, Director, Department of Finance, to report on the 2018 Comprehensive Annual Financial Report (CAFR).

Ms. Goodwin advised that the CAFR proved that the City was financially sound, and the bookkeeping was accurate. The CAFR was the result of many hours of hard work to include the Finance Staff, Department of Human Services, and the Department of Engineering. In addition to reviewing the financial statements, there was a Schedule of Federal Award provided in the Compliance selection of the CAFR, with $40 million reported in 2018, in federal expenditures. The audits are required to test all compliances over major federal projects for awards. Often, the CAFR would discover audit findings but none where found in FY 2018, which was a rare occurrence for a locality. She introduced Mr. Greg Miller, Senior Manager, Cherry Bekaert, the City’s Independent Auditors, to share information pertaining to the CAFR for the Fiscal Year that ended June 30, 2018.
Mr. Miller noted Cherry Bekaert was engaged by the City to provide the following (a copy of the presentation, “Your Guide Forward,” is attached and made a part of these minutes):

- **Audits**
  - The City’s FY 2018 Financial Statements
  - The Economic and Industrial Development Authorities (EDA/IDA)
  - Newport News Employee Retirement Fund (NNERF)

- **Other Auditors**
  - Peninsula Airport Commission*

- **Compliance**
  - City’s Compliance with Governmental Auditing Standards
  - City’s Compliance with Major Federal Programs required by the Uniform Guidance
  - City’s Compliance with Specifications for Audits of Cities, Counties and Towns by the Auditor of Public Accounts

- **Examinations**
  - Census Data Submitted to the Virginia Retirement System (VRS) to Calculate the City’s Pension Obligation

- **Agreed-Upon Procedures**
  - The Comparative Report Transmittal
  - The Sheriff’s Office Internal Control Compliance with the Virginia Sheriff’s Accounting Manual
  - Financial Assurance Regulations for Solid Waste Disposal Facilities

- **Other Services**
  - Certification of Data Collection Form

Mr. Miller noted that Cherry Bekaret reported the Inclusion of the following areas in the City of Newport News CAFR:

- **Discretely Presented Component Units**
  - Newport News Public School – *Student Activity Funds (Agency Fund)*
  - Economic and Industrial Development Authorities
  - Peninsula Airport Commission*
- **Blended Component Units**
  - Public Utility Fund
  - Newport News Employee Retirement Fund

*Audited by other Auditors*

Mr. Miller noted that Cherry Bekaert utilized a top-down, risk-based audit approach that was highly automated and specifically tailored to the City. The approach was broken down in the following phases:

- **Orientation and Planning**
  - Strategy and planning meeting; review prior year information
  - Update documentation of control environment, accounting systems, and control procedures
  - Develop an overall audit strategy and deliver client assistance plan and proposed schedule

- **Interim and Year-End Procedures**
  - Interim test
  - Compliance testing
  - Year-end and cutoff procedures

- **Final**
  - Complete testing of balances and transactions
  - Exit conference with City Management

- **Reporting**
  - Issuance and presentation of audit results and related reports to City Council

Mr. Miller advised that Cherry Bekaert identified significant audit areas during the Orientation and Planning phase of the audit. He noted procedures that posed the greatest risks to the City audit test work included the following:

- **Revenue and Accounts Receivables – Governmental Funds**
  - Update the City’s understanding of control in place and test accordingly
  - Recalculate property taxes
  - Test the collectability of receivables and review allowance calculation
  - Confirm APA intergovernmental revenue and test reconciliation
  - Analytically test budget versus actual
• **Financial Reporting**
  o Update the City’s understanding of controls in place
  o Review journal entries to ensure net position was properly classified and disclosed
  o Review account groupings and disclosures for financial statements
  o Review implementation of new GAAP requirements for applicability and proper implementation

• **Payroll and Related Pension Liabilities**
  o Update the City’s understanding of controls in place and test accordingly
  o Analytically test accrued vacation and compensated absences
  o Recalculate payroll accrual
  o Review Pension and OPEB actuary reports and perform census data testing

• **Capital Assets**
  o Update the City’s understanding of controls in place and test accordingly
  o Test a sample of additions and deletions
  o Review retainage and CIP for significant changes and for any aged projects
  o Analyze depreciation expense and review for possible impairment

Vice Mayor Vick questioned whether City owned properties were included in Capital Assets. Mr. Miller replied yes.

Mr. Miller shared the Engagement Results of the Financial Statement Audit Opinions as of, and for, the Fiscal Year ending June 30, 2018:

• **Audit Opinion (City, E/IDA, and NNERF)**
  o Opinion was unmodified or a “Clean” opinion
  o Basic Financial Statements
  o Notes to the Basic Financial Statements

• **In Relation to Opinion (City and NNERF)**
  o Opinion was unmodified or a “Clean” opinion in relation to the financial statements
  o Supplementary information

• **Unaudited (City E/IDA, and NNERF)**
  o Did not express an opinion or provide any assurance on:
    • Introductory Section
• Required Supplementary Information
  • Statistical Section

• Other Auditors (City)
  o Peninsula Airport Commission

Compliance:

• Governmental Auditing Standards (City, E/IDA, and NNERF)
  o There were no reportable instances of material weaknesses in internal control over financial reporting

• Uniform Grant Guidance (City)
  o There were no reportable instances of material weaknesses in internal control over compliance
  o There were no reportable instances of non-compliance

• Auditor of Public Accounts (City and E/IDA)
  o There were no reportable instances of non-compliance

• Examination
  o Auditors opinion was unmodified on the census data provided to VRS by the City – Issued September 25, 2018

• Agreed Upon Procedures
  o Comparative Report Transmittal Forms – the Auditors issued a report on November 30, 2018
  o Sheriff’s Office Internal Controls – the Auditors issued a report on November 30, 2018
  o Finance Assurance Regulations for Solid Waste Disposal Facilities – the Auditors anticipate issuing a report by December 31, 2018

• Other Services
  o Data Collection Form – Anticipate certifying by December 31, 2018

Mr. Miller noted the Required Communications for the Fiscal Year that ended June 30, 2018 (see information on pages 15 – 19 of the presentation attached and made a part of these minutes):
• **Accounting Policies**
  - Adoption of new accounting policies effective July 1, 2017
  - GASB Statement No. 75 – Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions
  - Change in accounting policies – the application of existing policies was not changed during 2018

Councilwoman Woodbury questioned whether the actuary was checked by Cherry Bekaert to ensure the recommended dollar amount put into OPEB was correct. Mr. Miller replied the actuary, with management’s input, helped determine what the assumptions were, and calculated what the liability was at the end of the year. The assumptions were compared to other localities within the Commonwealth, as well as regionally, to see if those numbers are in-line with what was seen in the industry. He stated Cherry Bekaert compared those assumptions, but were not involved in determining what those assumptions were. City Manager Rohlf noted the recommended amount came from the actuary. Ms. Goodwin reiterated the information in the CAFR came from the annual valuations performed by the actuary for the pension and OPEB plans. The City provided all the data for the retirees and the actuary projected the assets, liabilities and funding costs over a twenty-year period. Vice Mayor Vick inquired, whether that information was included in the report because of Federal regulation. Mr. Miller replied the Government Accounting Standards Board (GASB) set, with the accounting standards were for governments to follow, on how everything should be accounted within the CAFR.

• **Management Judgement and Accounting Estimates**
  - Allowance for Doubtful Accounts and Taxes Receivable
  - Depreciable lives of capital assets
  - Pension and Other Postemployment Benefits Liabilities
  - Incurred but not reported and Claims Liability
  - Landfill Closure and Post-Closure Liability

• **Corrected Audit Adjustments**
  - There were none noted during field work

• **Uncorrected Audit Adjustments**
  - Line of Duty Act fund was not set up in an irrevocable trust fund, but was reported as a Fiduciary Activity, rather than a commitment of fund balance in the General Fund ($2,806,230). The impact was immaterial, both individual and in the aggregate, to the financial statements taken as a whole
• **Disagreements with Management**
  - There were none noted during fieldwork

• **Difficulties Encountered in Performing the Audit**
  - Encountered no difficulties in performing the audit

• **Consultation with Other Accountants**
  - Not aware of any

• **Material Client Communications**
  - Management representation letter was provided on November 21, 2018
  - Cherry Bekaert anticipated issuing Management letter by January 5, 2019

• **Independence**
  - Cherry Bekaert were not aware of any relationship that they believed, based on current authoritative guidance, would impair the City’s independence

Mr. Miller reported that there were some significant estimates in the City’s Financial Statement that Cherry Bekaert needed to report. He advised that such estimates dealt with the valuation allowance for doubtful accounts and taxes receivables; the depreciable life of capital assets; pension and other post-employment benefit liabilities; incurred but not reported and claims liability; and landfill closure and post-closure liability. Cherry Bekaert did not discover any errors that needed to be adjusted and did not have any difficulty or disagreements with management in the course of the audit; management fully cooperated.

Mr. Miller noted Future Accounting and Reporting Changes for the Governmental Auditing Standards Board (GASB) statements effective for FY 2019 – FY 2021:

**GASB statements effective for FY 2019**

• **GASB Statement No. 83 – Certain Asset Retirement Obligations**
  - Establishes criteria for determining the timing and pattern of recognition of a liability and a corresponding deferred outflow of resources for asset retirement obligations

• **GASB Statement No. 88 – Certain Disclosures Related to Debt**
  - Improves and clarifies the information that was disclosed in notes to governmental financial statements
o Requires additional information related to debt be disclosed in notes to financial statements, including unused lines of credit; assets pledged as collateral; terms specified in debt agreements related to events of default, termination events, and acceleration clauses; direct borrowings and direct placements of debt

**GASB Statement effective for FY 2020**

- **GASB Statement No. 84 – Fiduciary Activities**
  - Establishes criteria for identifying fiduciary activities of all state and local governments focusing on (1) whether a government is controlling the assets and (2) the beneficiaries with whom a fiduciary relationship exists

**GASB Statements effective for FY 2021**

- **GASB Statement No. 87 – Leases**
  - Establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset
  - Requires recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract

Mr. Miller noted there were two (2) approaches to leases: 1) Operating Lease, and 2) Capital Lease. The Capital Lease was the lease used as capital asset, as well as a related liability, at the beginning of the leasing agreement with. The Operating Lease, there was no capital asset or debt. He stated, moving forward, starting FY 2021, the concept of an operating lease would be going away and the capital lease would be the only option. Every lease (i.e. copier lease) would become an asset, as well as the offsetting liability. There would be a significant amount of hours of manpower going through all the lease documents, which was the reason that the effective date was set for FY 2021.

Mr. Miller thanked members of City Council for entrusting Cherry Bekaert for their services. He stated, much credit went to the City’s internal staff, as they handled the accounting and financial statements that were audited by Cherry Bekaert. He congratulated the City on the improvements that had been made in its reporting. He stated that the members of City Council should be pleased with its management team and what had been accomplished.

Councilwoman Cherry inquired about the landfills in Newport News — were they closed and the with locations. Mr. Miller stated an Agreed Upon Procedures (AUP) Report was
due to Department of Environmental Quality (DEQ) by December 31, 2018. Ms. Goodwin replied that once a landfill was closed, the locality still had to report. Councilwoman Cherry questioned how many landfills were in the City. Ms. Goodwin said there were two landfills, 1) Stoney Run in Denbigh and 2) Menchville.

Councilwoman Scott inquired about where Newport News residents took their trash. City Attorney Owens replied the City had a contract with Waste Management and the trash was taken to the Bethel Landfill in Hampton. Councilwoman Scott questioned if there was another location that Newport News residents could take recyclables. Ms. Cipriano replied the Recovery Operations Center (505 Atkinson Way) for recycling drop off.

City Manager Rohlf stated staff would obtain additional information on landfill and provide City Council with the requested information.

III. FY 2020 – 2024 Capital Improvement Plan (CIP) Presentation

City Manager Rohlf shared that staff would continue to review the CIP line-by-line, project-by-project, and provide specific project details, solicit input and address any concerns. City Manager Rohlf introduced Ms. Lisa Cipriano, Director, Department of Budget and Evaluation, to provide opening remarks, to be followed by Mr. Cory Cloud, Senior Budget Analyst, to provide a briefing on the City Manager’s Recommended FY 2020 – FY 2024 Capital Improvements Plan (CIP).

Ms. Lisa Cipriano advised that the City Manager’s Recommended FY 2020 – FY 2024 Capital Improvements Plan (CIP) was posted on the City’s website, featured in Newport News Now, and hard copies provided at each of the public libraries. There had not been any citizen comments to date. Ms. Cipriano introduced Mr. Cory Cloud.

Mr. Cloud indicated the City Manager’s Recommended FY 2020 – FY 2024 Capital Improvements Plan (CIP), the total of all projects were included in the General Obligation Bond (GOB), Cash Capital, and all funding sources, included grants and other funding. See the presentation, “City Manager’s Recommended FY 2020 – FY 2024 Capital Improvements Plan (CIP), One City One Future Comprehensive Plan” (attached and made a part of these minutes).

Mr. Michael Poplawski, Director, Newport News Parks, Recreation and Tourism introduced Mr. William Roche, Assistant Director, Newport News Parks, Recreation and Tourism. City Council welcomed Mr. Roche.

Mr. Cloud provides a summary of the City Manager’s Capital Improvements Plan (CIP) General Funds Project List by Category for FY 2020 that included:
Parks and Recreation

- $1.7 million – Projects included:
  - Funding for design of Deer Park Ranger Station/Restroom Replacement
  - Continued funding for maintenance and renovation of recreational and park facilities including replacing and upgrading athletic field lighting

<table>
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<tr>
<th>Project Name</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2024</th>
<th>5 Year Total</th>
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<td>Athletic Field Lighting</td>
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</table>

Councilwoman Cherry inquired about the electricity at the shelters at Riverview Farm Park. Mr. Poplawski replied the cost for that project was $20,000 and was being assisted by the Department of Engineering.

City Manager Rohlf shared there were some items such as City Farm that were not in the CIP FY 2020. There has been input from the public that mentioned more lighting for athletic fields was needed, and staff would review that line item for possible additional funding because $150,000 would not be enough. Councilwoman Woodbury questioned whether additional funding would be included since the archaeological study had been completed. City Manager Rohlf referenced the American Planning Association (APA) to help get citizen input and look at what would be recommended for the park. There were some in-kind costs and a very basic fee, which had been put on hold, awaiting a decision from City Council. She advised that the same firm providing the CNI and North District Study would perform the Riverview Park study. It was a time consuming process, with limited resources to put toward the study, but with City Council’s approved, the study could move forward.
Councilwoman Cherry inquired about a report from the archaeological study. City Manager Rohlf replied she had a very basic report and would provide City Council with that report, which included a general recap. Mr. Poplawski stated archaeologists were taking the artifacts back, curating those artifacts and would provide a report over the next several months to include an aerial view. He shared the archaeologist were covering up the site and more artifacts were found. The archaeologist found more artifacts than anticipated, some from the Civil War and Warwicktowne. City Manager Rohlf stated approximately twenty (20) boxes of artifacts were found and would send the report to City Council.

Councilwoman Woodbury stated she would like to move forward, along with getting citizen input through a Citizen Advisory Group. City Manager Rohlf shared that other ideas were discussed for the total site, not just a park but also other uses such as housing, restaurants, and other opinions. Vice Mayor Vick indicated she agreed with City Manager Rohlf that other opinions such be explored to generate tax revenue; however, she also believed that citizens should have access to the water. Councilman Jenkins indicated he had spoken to citizen about Riverview Park and citizens were open to other revenue generating ideas (i.e. restaurant, community center). He stated he would like to move forward and explore the City’s opinions. Councilwoman Cherry questioned whether the City would be putting money in anything at this point. Would like to explore all opportunities versus just a park, also open to citizens input, but citizens needed to realize that funding was not available at this time.

City Manager Rohlf indicated that there were not funds available in the CIP to date for the park; however, sustainable investments would need to be made, in order to make the waterfront useable. Vice Mayor Vick shared she would like to see the study move forward with the design and development, while exploring other opportunities. Councilman Jenkins indicated the City first needed to find out how much money was needed, and getting a clear vision of what the Council agreed too with input from citizens. He would like to see something done with the Riverview Park property within the next five (5) years based upon the results of the study. Councilwoman Woodbury shared that a long list of recommendations were made by citizens and other suggestions were made other than a park (i.e. boat/marina activities). Councilwoman Cherry stated part of the process was to allow citizens suggestions and recommendation heard. Citizens needed to know that funding was not available at this point, was not talking about quality of life for Riverview Farm Park citizens but for the City as whole.

Councilman Harris inquired about the Denbigh-Warwick Area Plan similar to the CNI, suggested allowing those consultants to assist with the Riverview Farm Park planning. City Manager Rohlf replied the City did have consultants to obtain citizen engagement and come up with feedback to report to City Council. The consultants had other projects and she was unsure
whether they were still available. The consultants would bring expertise from around the country and make one or two visits focusing on community engagement.

Councilwoman Cherry questioned whether there was anything that City Council could do to assist with the Central District to create a focus group made up of citizens. She suggested the City Council representative for the Central District bring the information back to Council for review. City Manager Rohlf replied there were already organized groups in place, but should include business leaders and other groups, and not focus only on the park narrative. She had heard a willingness from the community to be open to other ideas, including use of the water. The use of the water would be an expensive component. Councilwoman Woodbury replied it was also a revenue generator (i.e. citizens renting boats or teaching students how to sail). City Manager Rohlf advised Parks, Recreation and Tourism generally generated approximately $8 million, but did not pay for the programs offered by Parks, Recreation and Tourism; however, it helped.

City Manager Rohlf noted, based on the response from City Council, staff would look at the APA report and review some of the suggestions and ideas to get citizen involvement and inclusion, beginning January 2019. Councilman Jenkins stated he would be happy to start a citizen advisory committee. The feedback he had received from citizens was for a park; however, they had not put much thought into it. Others would like to see some development. He indicated he would assist, but would like for someone with more knowledge of the property to guide the process and bring feedback, suggestions and recommendations back to City Council in a productive plan to examine and consider. City Manager Rohlf stated Riverview Farm Park was a beautiful property and great asset to the City. She would recommend and suggest that the City take the necessary steps to get the best and highest use for the community.

Councilwoman Cherry shared that City Council may not have the expertise to formulate a park but did have where-with-all to have a conversation with the citizens and hear what they had to say, document and put together a package. City Manager Rohlf agreed and stated there may be other partners willing to assist with available resources, who had the same goal in mind.

Councilwoman Scott questioned whether the Department of Parks, Recreation and Tourism outsourced its maintenance. Mr. Poplawski replied City Farm had approximately 150 – 200 inmates that use to assist with community maintenance. The park restrooms were cleaned once a daily contractually. The Department of Parks, Recreation and Tourism had one full-time maintenance person assigned to trash collection (600 + trash cans, 36 shelters and 35 park restrooms – as follow up if needed) and a couple of part-time contractual custodians/maintenance personnel. Councilwoman Scott inquired about painting. Mr. Poplawski replied some of the
painting was contracted out, recently the Newsome House and Cultural Arts Center was painted but it was costly.

Mr. Cloud provided a summary of the City Manager’s Capital Improvements Plan (CIP) General Funds Project List by Category for FY 2020 that included:

### Streets and Bridges
- **$17.8 million – Projects included:**
  - **$8.3 million in grant funding**
  - **$5.7 million for Route 105 Bridge Replacement**
  - Continued citywide funding for street reconstruction/resurfacing, concrete replacement
  - Continued citywide funding for improvements enhancing traffic flow and pedestrian safety

<table>
<thead>
<tr>
<th>Project Name</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2024</th>
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**STREETS AND BRIDGES TOTAL:**

|                | $17,849,000| $17,924,000| $17,670,000| $19,042,000| $0| $72,555,000|

City Manager Rohlff reiterated that many of the funds were grant funds. She stated the CIP included dollars used to leverage grant funds. If funds were removed from this category, the City would not get the corresponding grant funding.

Councilwoman Cherry inquired about ongoing funding for the Washington Avenue Downtown Initiative. Ms. Cipriano replied it was street and area improvements up to the Apprenticeship School area, as part of the Downtown Reimagine portion. She stated it was to
improve areas, in order to attract other businesses. City Manager Rohlf shared this was a grant funded project and the City was moving into the next phase.

Councilwoman Cherry questioned about the funding for the 25th Street, down to 16th Street, Second Phase of Streetscape Improvements, which was not in the FY 2020 CIP. City Manager Rohlf replied that project was funded in FY 2018.

Mr. Cloud provided a summary of the City Manager’s Capital Improvements Plan (CIP) General Funds Project List by Category for FY 2020 that included:

**Community Development**

- $9.5 million – Projects included:
  - $3 million in Grant Funding
  - Denbigh Area/Upper Warwick Initiatives, City Center, Downtown Initiatives, Southeast Community Development and Choice Neighborhood Initiative (CNI)

<table>
<thead>
<tr>
<th>Project Name</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2024</th>
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City Manager Rohlf noted that the CNI $30 million grant funding was not included. Ms. Cipriano replied, when the City received the $30 million the out years in the Community Development category would change, based on when the City received the grant. She said this category was in anticipation, it was hard to determine how the funds could be spent, other than it was opportunistic at the time that the funds were available. She shared the Maritime Economic Development Project proceeds through Seafood Industry Park, which was a major revenue producer for the City. Some of the funds included the cost of maintenance and some had funding available for one what Maritime landscape looked like.
Councilwoman Cherry questioned the funding in FY 2019 – FY 2023 CIP for Tech Center at Oyster Point/Jefferson Lab Research and inquired whether was this funding already allocated. Ms. Cipriano replied no. Councilwoman Cherry inquired about the $4 million in FY 2020. Ms. Cipriano replied that was for the road improvement and infrastructure that went beyond where building one location. Ms. Kingston stated the funding was for items not covered by revenue sharing and environmental work that was not in the engineering category for revenue sharing. Councilwoman Cherry questioned what part of the project the developer was paying. Ms. Kingston replied the building (i.e. Oyster Point, Brooks Crossing). The roads, network, and connections were considered a part of the infrastructure.

Ms. Cipriano shared when City Center was built years ago the structures and that land became a part of street inventory of which $17 million was used for street and highway maintenance. The stormwater infrastructure was funded to make the site attractive to development.

Councilwoman Woodbury shared she would like to see a community center in the Central District. City Manager Rohlf replied that request had been noted during the public buildings portion of the CIP consideration.

Councilwoman Cherry questioned whether there was anything available, so that the City could create or that could be repurposed as a community center, like the gymnastic center. City Manager Rohlf replied that the gymnastic center building was well utilized.

Mr. Cloud provided a summary of the City Manager’s Capital Improvements Plan (CIP) General Funds Project List by Category for FY 2020 that included:

**Schools**
- $11 million – Projects included:
  - $2 million Funding for continued bus replacements
  - $7.7 million HVAC replacements
  - $1.3 million various facility renovations and improvements
Mayor Price noted that when the Newport News Public Schools (NNPS) did the plan, the City noticed that the C. Waldo Scott Center for H.O.P.E was closed. He advised the City needed to have something in mind to replace the center. He provided City Council with a handout detailing the services that the C. Waldo Scott Center for H.O.P.E offered to the community (made part of these minutes). The C. Waldo Scott Center for H.O.P.E wanted City Council to be aware of the services while planning for the Huntington Middle School site.

City Manager Rohlf noted what was in FY 2020 based the NNPS’ previous request; however, this CIP did not include some of the items submitted in the NNPS latest request, which included the $50 million. Councilman Harris questioned whether HMS was the only new expense included in the NNPS most recent request. City Manager Rohlf replied no.

Councilman Harris questioned was the $2.8 million was used for. Mayor Price replied the $2.8 million had not been appropriated and believed the money for the study came out of the school funding; however, the funds were supposed to be used for the entire site design, to include closing 30th Street and making it a larger site. City Manager Rohlf noted the $2.8 million was in the FY 2019 CIP and none of the FY 2019 CIP expenditures had been appropriated to date. Councilman Jenkins questioned, whether the NNPS had spent the $2.8 million. Mayor Price replied no, the funds had not been appropriated to date. City Manager Rohlf said the preliminary studies to this point were being funded from the existing budget of the NNPS.
Councilwoman Cherry inquired about the $1.1 million for the design. City Manager Rohlf replied nothing else/surrounding area. The numbers did not change, depended the change of the changes made by the school.

Mayor Price indicated that the conceptual rendering was an architectural wish list. He stated his concern was for less than $30 million the Discovery STEM Academy was designed and built to accommodate 900 students, and two years later to build Huntington Middle School with a student population of 600 at a cost of $50 million, was a real concern.

Ms. Cipriano explained the NNPS included escalation cost factors of 5% for every year that the building was not built, which was how the NNPS got from $30 million to $50 million, and also included $5 million worth of furniture and fixtures, and the demolition cost. Mayor Price shared that the $50 million was a broad scope of work. City Manager Rohlf noted the conceptual cost/design would use the entire block but could cost more.

Councilwoman Scott agreed with Mayor Price that $50 million for 600 students was a huge investment. With all of the different components of the study and campus design to be included in the $50 million, City Council needed to meet with the School Board again to get additional details. City Manager Rohlf stated the $50 million was for the school only, and not the community, which did not appear to be a wise investment.

Vice Mayor Vick stated, she thought the City provided funding in the amount of $33 million. Ms. Cipriano replied it was $27 million to build the Discovery STEM for 900 students and the NNPS added $3 million. Councilwoman Scott reminded that Discovery STEM Academy was designed/equipped to be built out in the future, if needed.

Councilman Harris inquired, for comparison purposes, about the cost for Booker T. Washington Middle School renovations. Ms. Cipriano replied $13 million. Councilwoman Scott noted it grew to $13 million over time, with additional structural changes. Councilwoman Woodbury stated the initial cost was approximately $9 million.

Mayor Price shared his concern was to solve more than one problem, not only the school, but community resources and recreation. He stated the Doris Miller Community Center was built in 1934 and something would soon have to be done. Vice Mayor Vick questioned why the City was not looking into the design of the school and campus as a whole. Mayor Price replied that was his suggestion. Vice Mayor Vick noted the NNPS never included the C. Waldo Scott Center for H.O.P. E.
Councilwoman Scott suggested meeting with the NNPS since they were fixated on just having a school, to discuss what was needed and should be included in the building designed. Otherwise, adding more items and features to the design would cost additional money.

Vice Mayor Vick inquired whether money would be left over from the $2.8 million for the design site work. City Manager Rohlf replied the CIP language clearly indicated what the $2.8 million was allocated for, and Dr. Parker came in new to this situation and was moving forward with the understanding. Councilwoman Scott questioned whether the NNPS had already begun that process. The NNPS made a decision in March 2018 to close Huntington Middle School and would begin the conversation on what could be done with the school. The conceptual design had been done by Grimm and Parker Architects, and Cropper GIS Consulting, which was presented at the Joint Meeting on November 20, 2018, and that cost came from the school’s budget because the $2.8 million had not been appropriated by the City to-date. Vice Mayor Vick inquired about the actual cost be to renovate Huntington Middle School. Councilwoman Woodbury replied $25 million, which was one-half of the cost of a new school. Mayor Price shared the problem would be the upkeep because it was a larger facility, that building with the capacity for 2,300 students versus the 600 when the school closed.

City Manager Rohlf stated Ms. Shelia McAllister, Director, Department of Planning was on the Executive Committee and shared the City’s views about the bigger picture of needed to happen at the Huntington Middle School site.

Councilwoman Cherry reminded that Dr. Parker, Superintendent; NNPS indicated the NNPS were waiting on the $2.8 million. City Manager Rohlf stated the NNPS used funding from their budget and would use the $2.8 million to reimburse where the funds came from in their budget. Mayor Price stated the NNPS could not have spent the $2.8 million to design the school. Vice Mayor Vick stated, moving forward, the City needed to write a Memorandum of Understanding (MOU) specifying how the money was being used, so not to be in this same situation again as administrations changed. Councilwoman Scott indicated it would also delineate the steps, if you have a pot of money, you had to know how the money was used as you moved through the steps. The City needed to be apprised to that and how the funds were being spent.

City Manager Rohlf noted there was a difference between the money that the City provided operationally and capital funds. The City did not have to provide the NNPS with capital funds and she was not recommending that. There was a different set of rules for operational and capital funds.

City Manager Rohlf indicated, if City Council directed to proceed with the building of Huntington Middle School, it would take approximately 18 months for the design work, which
would be FY 2021 – FY 2022. City Attorney Owens stated if the NNPS did not go out for bid before FY 2020 the cost would increase.

Councilman Harris stated it would be advantageous for City Council to have a joint meeting with the School Board, similar to its Financial Retreat because there was still some miscommunication, as some of the School Board members did not understand the entire process of the CIP. Another meeting would be beneficial. Vice Mayor Vick replied some School Board members understood the CIP process.

Mayor Price advised by consensus the City Council would like to meet with the Newport News School Board in January 2019. He stated he would talk to Dr. Parker to schedule a joint meeting and keep Council abreast of the scheduled meeting date and time.

Mr. Cloud provided a summary of the City Manager’s Capital Improvements Plan (CIP) General Funds Project List by Category for FY 2020 that included:

**Equipment**
- $3.6 million – Projects included:
  - $2 million for equipment and software to upgrade the Police Computer Aided Dispatch and Records Management System
  - Current plan includes funding of $1 million in GOB and $1 million in Other (originally proposed as joint project with Hampton)

<table>
<thead>
<tr>
<th>Project Name</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2024</th>
<th>5 Year Total</th>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Self-Contained Breathing Apparatus</td>
<td>$510,150</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$510,150</td>
</tr>
<tr>
<td>Video over IP (Phone System Upgrade)</td>
<td>$400,000</td>
<td>$500,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$900,000</td>
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<tr>
<td><strong>EQUIPMENT TOTAL:</strong></td>
<td>$3,585,150</td>
<td>$2,150,000</td>
<td>$1,750,000</td>
<td>$1,750,000</td>
<td>$0</td>
<td>$8,215,150</td>
</tr>
</tbody>
</table>

Mr. Cloud provided a summary of the City Manager’s Capital Improvements Plan (CIP) General Funds Project List by Category for FY 2020 that included:

**Environmental**
- $225,000 – Projects included:
Projects included Emergency Response/Environmental Remediation and HVAC System Environmental Assessment/Sustainability Projects

<table>
<thead>
<tr>
<th>Project Name</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2024</th>
<th>5 Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Response / Environmental Remediation</td>
<td>$75,000</td>
<td>$75,000</td>
<td>$75,000</td>
<td>$75,000</td>
<td>$0</td>
<td>$300,000</td>
</tr>
<tr>
<td>HVAC System Environmental Assessment/Sustainability Projects</td>
<td>$150,000</td>
<td>$150,000</td>
<td>$150,000</td>
<td>$150,000</td>
<td>$0</td>
<td>$600,000</td>
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<tr>
<td>Solar Thermal System</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$275,000</td>
<td>$0</td>
<td>$275,000</td>
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<tr>
<td><strong>ENVIRONMENTAL TOTAL:</strong></td>
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<td><strong>$225,000</strong></td>
<td><strong>$225,000</strong></td>
<td><strong>$500,000</strong></td>
<td>$0</td>
<td><strong>$1,175,000</strong></td>
</tr>
</tbody>
</table>

Mr. Cloud provided a summary of the City Manager’s Capital Improvements Plan (CIP) General Funds Project List by Category for FY 2020 that included:

**Transit**

- $28.5 million – Projects included:
  - $28.4 million in grant funding for Bus Rapid Transit
  - HRT Bus Stop ADA Accessibility.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2024</th>
<th>5 Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus Rapid Transit - Fixed Guideway Initial Phase (10 Year Project)</td>
<td>$29,411,000</td>
<td>$29,204,000</td>
<td>$30,141,215</td>
<td>$31,044,725</td>
<td>$0</td>
<td>$110,800,940</td>
</tr>
<tr>
<td>One ACCESSIBLE City - HRT Bus Stop ADA Improvement Program</td>
<td>$81,000</td>
<td>$83,000</td>
<td>$86,000</td>
<td>$88,000</td>
<td>$0</td>
<td>$338,000</td>
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<tr>
<td><strong>TRANSIT TOTAL:</strong></td>
<td><strong>$29,492,000</strong></td>
<td><strong>$29,387,000</strong></td>
<td><strong>$30,227,215</strong></td>
<td><strong>$31,132,725</strong></td>
<td>$0</td>
<td><strong>$110,198,940</strong></td>
</tr>
</tbody>
</table>

Councilwoman Cherry questioned whether the City that funding in the CIP to hold Bus Rapid Transit (BRT) project. City Manager Rohlf replied that was all grant funds, no local dollars, and was put in the CIP as a placeholder.

Councilwoman Cherry inquired about the Strategic Regional Transit Transformation Project study that Mr. William E. Harrell, President/CEO, Hampton Roads Transit (HRT) presented to City Council. City Manager Rohlf replied that was also grant funded, the State Department of Rail and Public Transportation agreed to fund the study at 80%.

Mr. Cloud provided a summary of the City Manager’s Capital Improvements Plan (CIP) Self-Supporting Funds Project List by Category for FY 2020:

**Sewer Rehabilitations**

- $8 million – Projects included:
• Projects funded through debt supported by the Sewer User Fee
• Continued funding for the Sanitary Sewer Maintenance, Operation, and Management Program (MOM), the Sanitary Sewer Rehabilitation Program, and SWIFT – Sanitary Sewer Rehabilitation Program
• Programs address Federal and State regulatory environmental requirements

### SEWER REHABILITATIONS

<table>
<thead>
<tr>
<th>Project Name</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2024</th>
<th>5 Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanitary Sewer Maintenance, Operation and Management (MOM) Program</td>
<td>$520,000</td>
<td>$552,000</td>
<td>$586,000</td>
<td>$610,000</td>
<td>$0</td>
<td>$3,034,000</td>
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<tr>
<td>Sanitary Sewer Rehabilitation Program</td>
<td>$4,644,000</td>
<td>$4,660,000</td>
<td>$5,101,000</td>
<td>$5,101,000</td>
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<tr>
<td>SWIFT - Sanitary Sewer Rehabilitation Program</td>
<td>$2,575,000</td>
<td>$2,955,000</td>
<td>$2,735,000</td>
<td>$2,815,000</td>
<td>$0</td>
<td>$14,775,000</td>
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<tr>
<td><strong>SEWER REHABILITATIONS TOTAL:</strong></td>
<td>$8,349,000</td>
<td>$8,282,000</td>
<td>$8,527,000</td>
<td>$8,612,000</td>
<td>$0</td>
<td>$33,461,000</td>
</tr>
</tbody>
</table>

### Stormwater Drainage

• $7.8 million – Projects included:
  • Stormwater Pump Station #41 Renovations
  • Christopher Shores Drainage System Replacement (final year of funding)
  • J. Clyde Morris Boulevard Drainage Improvements (final year of funding)
  • Continued funding to address Citywide drainage issues
  • Projects funded through Stormwater Management Fee funds

### STORMWATER DRAINAGE

<table>
<thead>
<tr>
<th>Project Name</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2024</th>
<th>5 Year Total</th>
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</thead>
<tbody>
<tr>
<td>32nd Street Drainage Improvements</td>
<td>$0</td>
<td>$1,475,000</td>
<td>$1,525,000</td>
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<td>$0</td>
<td>$3,000,000</td>
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<tr>
<td>Christopher Shores Drainage</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$2,335,000</td>
</tr>
<tr>
<td>Citywide Drainage</td>
<td>$500,000</td>
<td>$500,000</td>
<td>$500,000</td>
<td>$500,000</td>
<td>$0</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Citywide Pipe Lining Projects</td>
<td>$400,000</td>
<td>$400,000</td>
<td>$400,000</td>
<td>$400,000</td>
<td>$0</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>Citywide Sewer projects</td>
<td>$200,000</td>
<td>$200,000</td>
<td>$200,000</td>
<td>$200,000</td>
<td>$0</td>
<td>$800,000</td>
</tr>
<tr>
<td>Huskey Place Drainage Improvements, Coolan Drive to Lynn Drive</td>
<td>$685,000</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$1,785,000</td>
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<tr>
<td>J. Clyde Morris Boulevard Drainage Improvements</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$1,255,000</td>
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<tr>
<td>Lake Maintenance and Dredging</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$0</td>
<td>$1,000,000</td>
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<tr>
<td>Main Street and Tyler Avenue Storm Sewer Repair</td>
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<td>$0</td>
<td>$0</td>
<td>$1,400,000</td>
<td>$0</td>
<td>$1,400,000</td>
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<tr>
<td>Main Street Drainage Improvements</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$500,000</td>
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<tr>
<td>Main Street Pump Station</td>
<td>$0</td>
<td>$2,165,000</td>
<td>$2,260,000</td>
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<td>$0</td>
<td>$4,425,000</td>
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<tr>
<td>Main Street Treatment Plant</td>
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<td>$1,050,000</td>
<td>$1,125,000</td>
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<td>$0</td>
<td>$2,175,000</td>
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<tr>
<td>Municipal Separate Storm Sewer System (MS4) Static Water Quality Monitoring Stations</td>
<td>$500,000</td>
<td>$500,000</td>
<td>$500,000</td>
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<td>$0</td>
<td>$2,000,000</td>
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<tr>
<td>Nicewood Drainage Improvements</td>
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<td>$1,162,000</td>
<td>$0</td>
<td>$0</td>
<td>$1,173,000</td>
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<tr>
<td>Princess Margarit Court Channel Stabilization</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>Prince Road Drainage Improvements</td>
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<td>$100,000</td>
<td>$100,000</td>
<td>$0</td>
<td>$0</td>
<td>$200,000</td>
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<tr>
<td>Seahurst Industrial Park Stormwater Outfall Treat Gate</td>
<td>$0</td>
<td>$87,000</td>
<td>$105,000</td>
<td>$0</td>
<td>$0</td>
<td>$397,000</td>
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<tr>
<td>Stormwater Pump Station #41 Renovations</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>Upper Newport Creek BMP and Drainage Improvements</td>
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<td>$169,000</td>
<td>$926,000</td>
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<td>$0</td>
<td>$1,094,000</td>
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<tr>
<td><strong>STORMWATER DRAINAGE TOTAL:</strong></td>
<td>$7,846,000</td>
<td>$7,350,000</td>
<td>$6,763,000</td>
<td>$6,635,000</td>
<td>$0</td>
<td>$33,602,000</td>
</tr>
</tbody>
</table>
Waterworks

- $30.2 million – Projects included:
  - Funding to start implementation of the Automated Meter Reading and Advanced Metering Infrastructure systems
  - Construction of a new elevated tank on the Lightfoot Well 5 site
  - Chickahominy Site Improvements
  - Continued funding for overall maintenance and site improvements at various Waterworks properties
  - Projects funded entirely from water system revenue

<table>
<thead>
<tr>
<th>Project Name</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2024</th>
<th>5 Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAMRAMI - Automated Meter Reading, Advanced Metering Infrastructure</td>
<td>$16,000,000</td>
<td>$20,000,000</td>
<td>$10,000,000</td>
<td>$0</td>
<td>$0</td>
<td>$40,000,000</td>
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<tr>
<td>Catholic Inspection/Rehab Pipelines</td>
<td>$80,000</td>
<td>$80,000</td>
<td>$80,000</td>
<td>$80,000</td>
<td>$0</td>
<td>$320,000</td>
</tr>
<tr>
<td>Chickahominy Site Improvements</td>
<td>$1,400,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>Document Management System (Paperless Implementation)</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$250,000</td>
</tr>
<tr>
<td>DSI [Distribution System Improvements] - Various Distribution System improvements</td>
<td>$3,000,000</td>
<td>$3,000,000</td>
<td>$3,000,000</td>
<td>$3,000,000</td>
<td>$0</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Harwood's Mill Filter Media Replacement</td>
<td>$1,000,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>IT Infrastructure Upgrade</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$200,000</td>
<td>$0</td>
<td>$850,000</td>
</tr>
<tr>
<td>Little Creek Pump Station Improvements</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Mercury / Lasalle Pump Station Upgrade</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>New Lightfoot Tank</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Plant Asset Renewal</td>
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<td>$200,000</td>
<td>$200,000</td>
<td>$200,000</td>
<td>$0</td>
<td>$800,000</td>
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<tr>
<td>PLC-5 Upgrade</td>
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<td>$500,000</td>
<td>$600,000</td>
<td>$500,000</td>
<td>$0</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Reverse Osmosis Plant Repairs</td>
<td>$0</td>
<td>$500,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$500,000</td>
</tr>
<tr>
<td>Rolling Stock and Other Equipment</td>
<td>$1,800,000</td>
<td>$1,800,000</td>
<td>$1,800,000</td>
<td>$1,800,000</td>
<td>$0</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>Source Water Pipeline Inspection / Rehabilitation</td>
<td>$100,000</td>
<td>$100,000</td>
<td>$100,000</td>
<td>$100,000</td>
<td>$0</td>
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<tr>
<td>Treated Water Tank Maintenance</td>
<td>$50,000</td>
<td>$200,000</td>
<td>$200,000</td>
<td>$50,000</td>
<td>$0</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>Water Treatment Plant Facility Engineering and Improvements</td>
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<td>$350,000</td>
<td>$350,000</td>
<td>$350,000</td>
<td>$0</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>Watershed Protection Improvements</td>
<td>$400,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$400,000</td>
</tr>
<tr>
<td><strong>WATERWORKS TOTAL:</strong></td>
<td><strong>$30,100,000</strong></td>
<td><strong>$27,000,000</strong></td>
<td><strong>$16,580,000</strong></td>
<td><strong>$8,280,000</strong></td>
<td><strong>$0</strong></td>
<td><strong>$82,120,000</strong></td>
</tr>
</tbody>
</table>

Councilwoman Cherry questioned why the Grissom Library was still in the CIP for FY 2020. Ms. Cipriano replied no changes had been made to the CIP to-date, because Budget needed to get through the entire CIP prior to making the noted changes made by City Council. Councilwoman Cherry stated at the November 27, 2018 Work Session, she questioned if the City was doing a preliminary engineering analysis of the Denbigh Community Center – Phase II, why not take Grissom Library out, at a cost of $6 million until the City could figure out what needed to be done. City Manager Rohlf replied the Grissom Library still had to be funded over the next several years and had to have the funds in the CIP to plan. Vice Mayor Vick replied the money was compounded, $6 million in FY 2020 plus $5.2 million in FY 2021, in order to get to the total cost of the project. Funds had to designated each year for a specific project until there were enough funds to move forward on that project. Councilwoman Cherry said the City did not know the cost. City Manager Rohlf replied Engineering was very engaged and provided an estimated cost on each
project. She said should the City have to fund the project over a number of years, the plans and
development of the project, the City would be ready to move forward and sign a contract for
construction because the funds would be available. Ms. McAllister stated a draft study would be
available March 2019.

Councilwoman Woodbury indicated she was hearing if Council wanted to rethink
including Grissom Library in the CIP. Councilwoman Cherry replied that was what she questioned
at the November 27, 2018 Work Session. City Manager Rohlf indicated that was the reason for
the ongoing conversations. She would be returning in January 2019 with an updated draft CIP
based on feedback received from City Council.

City Manager Rohlf introduced Ms. Sonia Alcantara-Antoine, Director, Newport
News Public Libraries (NNPL), to provide information on the Grissom Library. Ms. Antoine
shared in 2007 – 2008, a library facility and space needs study was done, which indicated the size
of the library had increased over 20 years as libraries had became a community place and needed
larger children’s rooms, homework centers, and spaces for public meetings and programs. That
was eleven (11) years ago and in 2018, the City was still grappling with the same issues. She stated
40% of all NNPL usage happened at Grissom Library. The card holders, circulation, program
attendance, meeting room usage, computer lab usage and other programs, more room was needed.
Councilwoman Woodbury questioned whether the building could be redesigned or repurposed.
Ms. Antoine stated the Denbigh/Warwick area consultants would make that recommendation, but
the bottom line was that the library needed to be larger. Councilwoman Scott stated there was no
place for expansion at the Grissom Library site.

Councilwoman Cherry recalled, the City wanted to put the library, Fire Department,
and Police Department together. City Attorney Owens recalled the conversation about using the
Sherwood Shopping Center. So now, Grissom Library would not be located near the Denbigh
Community Center, rather finding a new location. City Manager Rohlf replied that was not a final
decision but an option as far as Sherwood Shopping Center.

Councilwoman Scott suggested constructing the new Grissom Library next to the
Denbigh Community Center since the City owned the property. The Denbigh Community Center
and Grissom Library could share the parking lot and feed off of each other’s synergy. The Parks
and Recreation programs and library programs could work hand-in-hand.

Councilwoman Cherry reminded that she did mention the removal of the Grissom
Library from the CIP at a previous meeting because of her concerns. City Manager Rohlf replied
based on the conversation and feedback with City Council, an updated CIP would be brought back
in January 2019.
IV. Comments / Ideas / Suggestions

City Clerk Jenkins shared that the Virginia Municipal League 2019 Finance Forum would be held on Tuesday, January 8, 2019 at the Greater Richmond Convention Center, 403 North 3rd Street, Richmond at 10:00 a.m. Councilwoman Scott replied that was a City Council day.

Councilwoman Cherry indicated that annual reports were provided by boards and commissions, and had different department reports throughout the year. She questioned whether it would be possible to receive a report with greater detail such as: services provided, new businesses coming to the community – especially in the Southeast Community, the apartment inspection program – Codes Compliance Department, programs provided by the libraries, etc. City Council should have a complete report to see the full picture. Councilwoman Cherry provided City Manager Rohlf with a list of items she would like to see included in a report. City Manager Rohlf replied that went back to inviting a Department Director to each Council Work Session, so City Council could ask those questions. The Department Directors could provide any information requested.

Councilman Jenkins shared that he planned to introduce a motion under new business at the December 11, 2018, Regular Council Meeting to approve a Resolution in support of Ratification by Virginia of the Equal Rights (ERA) Amendment to the United States Constitution (a copy of the resolution was part of these minutes). He reminded that he brought this to City Council at the November 27, 2018 Work Session for consideration. Mayor Price inquired whether City Council had a copy of the Resolution. City Attorney Owens distributed a copy of the Resolution to each member. Councilwoman Cherry stated she would not vote on an issue without adequate time to review the material and to have questions answered. Vice Mayor Vick asked if this could be placed on the January 8, 2019 City Council agenda. Councilman Jenkins replied, in all fairness, he provided City Council with a copy of the resolution at the November 27, 2018 Work Session. Councilwoman Scott inquired whether the issue was time sensitive. Councilman Jenkins replied it would be nice to have input from Cities prior to the start of the General Assembly Session in January 2019.

City Manager Rohlf noted Councilman Jenkins did present this resolution at the November 27, 2018 Work Session; however, did not receive feedback from City Council to move forward. This was not an operational issue, which was why this resolution was not put on the agenda. She advised, as City Manager, there would be questions coming forward that she would be unable to answer. Based on that, she made the determination not to place the resolution on the agenda, pending conversation with City Council members at the Work Session to determine whether or not to proceed. There were questions about the legality, there was a time limit of when
the resolution could be adopted, which was in 1982. There was conversation as to whether the amendment was still relevant. City Manager Rohlf stated she was not comfortable placing the item on the agenda and her being able to answer the question posed.

City Attorney Owens indicated the resolution was originally passed in 1972 with a seven (7) year deadline, which had extended the deadline to 1982, and following which there were three or four States short of ratification. He indicated, to his knowledge, as to date, Congress had not extended the deadline. Approximately three States had ratified, in the last ten years meaning 37 States had passed a Resolution in support of Ratification of the Equal Rights (ERA) Amendment to the United States Constitution and Virginia would be the 38th State. City Attorney Owens stated Congress would have to extend the deadline, otherwise the ratification would not be valid. City Manager Rohlf shared that this amendment died in committee and never made it to the Virginia General Assembly.

Councilwoman Cherry expressed concern about the number email messages received from citizens making negative comments, without having an opportunity to discuss the issue. She indicated Councilman Jenkins had gotten citizens engaged without first discussing this issue with City Council, which made City Council look bad. Councilman Jenkins replied he could not control the statements made by the citizens of Newport News. Vice Mayor Vick asked why would citizens be sending negative email messages to Council and it had not been discussed. Councilman Jenkins stated he thought it would have been on the evening agenda, people did express interest, and would be present at the City Council meeting to support the resolution. He informed citizens that the issue would not be on the agenda, but it was the process of government to allow the public to speak. Vice Mayor Vick stated this was not done in order and people somehow got the idea that City Council did not support the resolution. Councilman Jenkins stated he had not spoken to a single person to inform them that anyone on City Council was against the resolution.

Mayor Price ensured that each member of City Council had a copy of the resolution, and by consensus, agreed to further discussion at the January 8, 2019 Work Session.

Councilwoman Scott reminded that the One City Celebrations Holiday Food Drive event would begin on Wednesday, December 12, 2018, with the 5th Annual One City Job Fair, 10:00 a.m. – 1:00 p.m., at the Denbigh Community Center (15198 Warwick Boulevard) with over 65 vendors slated to attend, and interviews held on the spot. The Food Drive Party would be held on Saturday, December 15, 2018, 10:00 a.m. – 6:00 p.m. Free haircuts would be provided by Tomorrow’s Image. The Food Distribution would take place on Monday, December 17, 2018, 1:00 p.m. – 7:00 p.m.
Vice Mayor Vick noted that she shared an email message with City Council regarding the Food Truck ordinance that Mr. John Harris, Owner and Operator of a food truck (JG’s BBQ), spoke about at the November 27, 2018 City Council meeting. She stated she spoke to the Project Manager at Fairlead Boatworks and he mentioned, for the 145 employees, with a 30-minute lunch break it would be convenient to have a couple of food trucks at Fairlead Boatworks to serve the employees. The City of Newport News had invested $5 million in the expansion of Fairlead Boatworks. Fairlead Boatworks had invited Mr. Harris and although he was parked incorrectly in the parking area, and near a fire hydrant, perhaps the City Employee should have spoken to Fairlead Boatworks Security Personnel to confirm Mr. Harris was invited behind the gate. According to City Attorney Owens, food trucks were allowed inside the gates, if invited. The City was not business-friendly in this particular situation and the police was called on the food truck owner. He indicated he could be fined $10,000. She stated sometimes having a conversation with someone and explained the options would have been so much better. She said as the City talked about revenue, Food Trucks generated revenue. The City needed to support businesses. This incident was handled incorrectly with Mr. Harris. Councilwoman Scott shared that she went on a tour of the Seafood Industrial Park and there were ten (10) businesses that would benefit from a food truck being at that location for breakfast and lunch. There had to be some way to help support businesses located in remote areas, where there were no competing interests. Councilwoman Woodbury stated the food truck ordinance needed to come back to a work session soon for discussion, making a service accessible to the people that needed it. Vice Mayor Vick stated she believed in small businesses. She indicated there was a sense of urgency as Council talked about revisiting the ordinance.

City Manager Rohlf stated the food truck ordinance would be on the January 8, 2019 Work Session agenda. The City immediately contacted Fairlead and Mr. Harris was on their property the next business day providing services. There had been some discussion, because there were areas in the City where this would not be allowed. She did not want City staff to be the food truck police trying to determine where vendors could set-up. She wanted to create an ordinance that would work throughout the City.

Councilwoman Scott questioned how could food truck vendor set-up in the parking lot of businesses such as Traditions, other business, or Lowes. City Attorney Owens stated the vendor at Lowes was hardwired into the building and they had a business license. City Manager Rohlf replied, over the years, there had been different determinations, which was the reason for updating the ordinance and to be clear with the language. With the brewery the food truck vendors could apply for a special event permit. Councilwoman Scott stated the City continued to revisit ordinances and was not able to get it right. Vice Mayor Vick indicated the City had to stop trying to show selective privileges for certain businesses, and needed to be fair across the board for small businesses. City Manager Rohlf said the City was trying to ensure that the playing field was level.
City Attorney Owens shared before the food truck vendor permits were issued at the Shipyard, vendors were getting there earlier and earlier each day, and were fighting over spaces. City Manager Rohlf said there was feedback because the brick and mortar businesses were competing and the food trucks were parking in front of their business. The ordinance would be on the January 8, 2019 Work Session agenda with some recommendations.

Vice Mayor Vick shared she would love to see Christmas lights on the City Hall building.

THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED 6:06 P.M.

Zina F. Middleton, MMC
Chief Deputy City Clerk

McKinley L. Price
Mayor
Presiding Officer

A true copy, tasted:

City Clerk
F. Consent Agenda

3. Minutes of the Regular Meeting of December 11, 2018

ACTION: ● N/A

BACKGROUND: ● N/A

FISCAL IMPACT: ● N/A

ATTACHMENTS:
Description
Minutes of Regular Meeting for December 11, 2018
MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
DECEMBER 11, 2018
7:00 P.M.

PRESENT: Marcellus L. Harris III; David H. Jenkins; McKinley L. Price, DDS; Sharon P. Scott, MPA; Tina L. Vick; Dr. Patricia P. Woodbury; and Saundra N. Cherry, D. Min.

ABSENT: None

A. Call to Order

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

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

B. Invocation

The invocation was rendered by Reverend Dr. Vernita Baldwin, First Baptist Church East End.

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 the Boy Scouts of America, American Legion Post 368, Scout Troop 368. Members of the Troop included: Malachi Smith, Alex Eckert, Zack Stevens, Jacaree Brown, Trevor Burgos, Noah Beitler, Hendrix Healy, Jamond Brown, Dallas Knierim, Brad Mitchel, Daniel Driscoll, and Conner Driscoll.

D. Presentations

Sister Cities of Newport News presents gifts to City Council from Sister
Sister Cities of Neyagawa, Japan - Presenter: Ms. Katie Stodghill, SCNN
President

Mayor Price introduced Ms. Katie Stodghill, President, SCNN. Ms. Stodghill introduced the delegates in attendance: Madison Taylor (youth delegate), Jalen Callicutt (youth delegate), Ms. Erica Callicutt, Ms. Jackie Brown Whitley, Mr. Fred Kohlman, Mr. David Peterson, and herself.
D. Presentations Continued

Sister Cities of Newport News presents gifts to City Council from Sister Cities of Neyagawa, Japan - Presenter: Ms. Katie Stodghill, SCNN President Continued

Ms. Stodghill described the Sister Cities Exchange experience, to include the mission of Sister Cities – “To build and strengthen international cooperation, understanding and development between the citizens of the City of Newport News and those of the world.”

Ms. Kate Helwig, Executive Director, SCNN, assisted Ms. Stodghill with the presentation of gifts to members of the Newport News City Council (a copy of Ms. Stodghill’s remarks are attached and made a part of these minutes).

E. Public Hearings

1. Ordinance Authorizing the City Manager to Make an Offer to Acquire, By Purchase or Condemnation, 500 Square-feet of Property, Located at 806 Melrose Terrace for a Temporary Construction Easement for the Richneck Regional Water Quality and Flood Control BMP Project

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO MAKE AN OFFER TO ACQUIRE, BY PURCHASE OR CONDEMNATION, A PORTION OF A CERTAIN PARCEL OF REAL PROPERTY HEREFOR AND AFTER MORE PARTICULARLY DESCRIBED, FOR THE RICHNECK REGIONAL WATER QUALITY AND FLOOD CONTROL BMP PROJECT, TO PROVIDE FUNDS FOR THIS PURPOSE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ALL DOCUMENTS NECESSARY TO EFFECT THE PURCHASE AUTHORIZED HEREIN. This ordinance authorized the City Manager to make an offer to acquire, by purchase or condemnation, 500 square-feet of property located at 806 Melrose Terrace for a Temporary Construction Easement for the Richneck Regional Water Quality and Flood Control BMP Project, to provide funds for this purpose, and authorizing the City Manager to execute all documents necessary to effect the purchase authorized. The purpose of this authorization was to pay for the use of private property for the benefit of the project. The land area was approximately 500 square-feet and would be used as a staging area during construction of the project. The proportionally assessed value of the proposed temporary construction easement was $1,413. Funding for this acquisition was available through previously appropriate funds. The City Manager recommended approval.

(No registered speakers)

Councilwoman Scott moved closure of the public hearing; seconded by Vice Mayor Vick.
E. Public Hearings Continued

1. Ordinance Authorizing the City Manager to Make an Offer to Acquire, By Purchase or Condemnation, 500 Square-feet of Property, Located at 806 Melrose Terrace for a Temporary Construction Easement for the Richneck Regional Water Quality and Flood Control BMP Project Continued

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

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

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

F. Consent Agenda

Councilman Jenkins moved adoption of the Consent Agenda, Items 1 through 4, all inclusive, as shown below; seconded by Councilman Harris.

1. Minutes of the Joint School Board Meeting of November 20, 2018

(No registered speakers)

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

2. Minutes of the Work Session of November 27, 2018

(No registered speakers)

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

3. Minutes of the Regular Meeting of November 27, 2018

(No registered speakers)

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None
F. Consent Agenda Continued

4. Ordinance Approving the Number of Meeting Days at Thirteen (13) for the Board of Review of Real Estate Assessments – Commissioner of the Revenue’s Office

AN ORDINANCE SETTING THE NUMBER OF DAYS SUFFICIENT FOR COMPLETION OF THE SEPTEMBER-NOVEMBER, 2018 TERM OF SERVICE OF THE BOARD OF REVIEW OF REAL ESTATE ASSESSMENTS. This ordinance set the number of days at thirteen (13) for completion of the September through November 2018 term of Service of the Board of Review of Real Estate Assessments. The Commissioner of the Revenue’s Office staffs the Board of Review and recommends that thirteen (13) days be allotted the Board for completion of its work. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

G. Other City Council Actions

1. Resolution Approving a Payment Agreement for the Benefit of the Industrial Development Authority of the City of Newport News, Virginia (IDA) in Support of an Advanced Shipbuilding Project by Huntington Ingalls Industries (HII) a/k/a Newport News Shipbuilding

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING A PAYMENT AGREEMENT FOR THE BENEFIT OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS, VIRGINIA IN SUPPORT OF A MAJOR ADVANCED SHIPBUILDING PROJECT BY HUNTINGTON INGALLS INCORPORATED/NEWPORT NEWS SHIPBUILDING. This resolution authorized the City Manager to execute a payment agreement for the benefit of the Industrial Development Authority of the City of Newport News, Virginia (IDA) in support of a major advanced shipbuilding project by Huntington Ingalls Incorporated (HII) a/k/a Newport News Shipbuilding. HII would make a capital investment of at least $750 million at its Newport News facility by the end of 2020 and proposed to create and maintain at least 1,000 new full-time positions by the end of 2025 (HII Project). City Council previously adopted Resolution 12936-16 affirming support of the HII Project, and the IDA intended to deliver the IDA Foundry Grant outlined in the Defense Production Zone Performance Agreement between the IDA and HII, dated January 6, 2017. The IDA intended to borrow the $6 million for the IDA Foundry Grant which would be repaid from the incremental new tax revenue generated by the HII Project within the Defense Production Zone. A Payment Agreement between the City and the IDA was needed to support the financing of the IDA Foundry Grant. The City Manager recommended approval.
G. Other City Council Actions Continued

1. Resolution Approving a Payment Agreement for the Benefit of the Industrial Development Authority of the City of Newport News, Virginia (IDA) in Support of an Advanced Shipbuilding Project by Huntington Ingalls Industries (HII) a/k/a Newport News Shipbuilding Continued

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

Mr. Thomas J. Cosgrove, Manager, Corporate Citizenship and Government Relations, 4101 Washington Avenue, Newport News, thanked City Council for their commitment to the Shipyard two and one-half years prior, when this matter was introduced. He extended thanks to the City and the State for their early commitment. Mr. Cosgrove advised that a commitment had been received from the Navy to fund upgrades to the Foundry, ongoing through a partnership between the State, City, company, and Navy. He further advised that the Shipyard had received a larger portion of the Columbia-class construction contract as anticipated. The Navy had also put into its plan, continuing to build two Virginia-class submarines per year while receiving Columbia-class submarines, which was not anticipated. This means continued hiring by the company, continued capital investment, both inside and outside of the Defense Production Zone.

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

2. Ordinance Authorizing and Directing the City Manager to Execute, Any and All Documents, Including Deeds, Necessary to Effectuate the Conveyance of City-Owned Property Located at 351-25th Street to the Economic Development Authority of the City of Newport News, Virginia (EDA)

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 and directed the City Manager to execute, any and all documents, including deeds, necessary to effectuate the conveyance of City-owned property located at 351-25th Street to the Economic Development Authority of the City of Newport News, Virginia (EDA). The City and the EDA worked closely with principals to locate a Marine Electric Propulsion Simulation (MEPS) Lab in downtown Newport News. The approximately 1.33-acre City-owned property at 351-25th Street had been identified as the preferred location for the MEPS Lab. Based upon the anticipated capital investment and job creation, the project would qualify to receive an incentive through the local Enterprise Zone program, which was administered by the EDA. To facilitate this project and support the establishment of the MEPS Lab, the EDA intended to provide 351-25th Street to serve as the
G. Other City Council Actions Continued

2. Ordinance Authorizing and Directing the City Manager to Execute, Any and All Documents, Including Deeds, Necessary to Effectuate the Conveyance of City-Owned Property Located at 351-25th Street to the Economic Development Authority of the City of Newport News, Virginia (EDA) Continued

Enterprise Zone incentive, for which the project qualified. The City Manager recommended approval.

(No registered speakers)

City Manager acknowledged the presence of Ms. Jennifer Michaeli, PE, Old Dominion University, and Mr. John Ockerman, CTO, LAVLE USA, Inc., and thanked them for their efforts to bring this exciting project to downtown Newport News. This project represented a $12 million investment and 25 new jobs.

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

Vice Mayor Vick expressed appreciation to Mr. Ockerman and Ms. Michaeli for the forward thinking and investment in the South District, and indicated the City looked forward to the partnership.

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

H. Appropriations

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

1. Department of Vehicle Services – Vehicle and Equipment Services: Purchase Replacement Vehicles and Implementation of Fleet Automation and Telematics Solutions

A RESOLUTION APPROPRIATING FUNDS FROM VEHICLE SERVICES FUND BALANCE ($2,200,000.00) TO VEHICLE AND EQUIPMENT FUND ($2,200,000.00). This resolution appropriated $2.2 million from the Vehicle and Equipment Services Fund Balance to the Department of Vehicles and Equipment Services for the purchase of replacement vehicles and implementation of fleet automation and telematics solutions. The multi-year vehicle replacement program allowed the City to replace vehicles that had been removed from service due to major component failures or total loss accidents. The requested
H. Appropriations Continued

1. Department of Vehicle Service – Vehicle and Equipment Services: Purchase Replacement Vehicles and Implementation of Fleet Automation and Telematics Solutions Continued

appropriation of $2 million would be used to replace vehicles and equipment for Public Safety, Public Works, and Parks, Recreation and Tourism. In addition, $200,000 was requested to implement fleet automation technologies for the City’s motor pool site and telematics. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:
Ayes: Harris, Jenkins, Price, Scott, Vick, Woodbury, Cherry
Nays: None

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

Ms. Holly White, 50 Richland Drive, Newport News, mother of Malachi Smith, the 10-year old who was the victim of a stray bullet earlier in the year regarding the need for lighting in the Northern District of the City. She expressed thanks for listening, and their hard work to get the situation resolved. Ms. White advised that City Council’s quick action showed the community that they cared.

Ms. White also expressed thanks for allowing scouts from the American Legion Troop 368 to lead the Pledge of Allegiance in the opening ceremony of the December 11, 2018 Regular Meeting of City Council.

Reverend James W. Brown, 46 Whetstone Drive, Hampton, expressed congratulations to the City on its economic development projects and engineering programs that had brought revenue to the City of Newport News. He expressed concern about the education of the City’s youth. He indicated, in 2017, funds were omitted in the Capital Improvements Plan (CIP) for Huntington Middle School, following the request by the Newport News School Board of approximately $160 million. Reverend Brown was glad to learn that the City Council and the School Board had a Joint Meeting on Tuesday, November 20, 2018, but heard quite a bit of placing blame and the pointing of fingers between the two bodies. Reverend Brown expressed his desire for the Newport News City Council and Newport News School Board to come together as the future of the Middle School children was at stake. They need the extra help and assistance, drive and push of having a Huntington Middle School to focus on the education of the children. It was cited that the action of the children attending schools throughout the City was not good. He advised that he would be able to reach his child when needed. Reverend Brown advised that the City had to find the funds. He reminded that funds were found over the years for numerous projects. Reverend Brown advised that $50 million was not too much for 500-600 children to receive a good education.
I. Citizen Comments on Matters Germaine to the Business of City Council Continued

Mr. Adrian Whitcomb, 316-54th Street, Newport News, commented on the former City Farm property over the prior two years. He reminded, on December 13, 2016, there was a large turnout of citizens at the Regular Meeting of City Council to speak against a proposed development on the former City Farm property. The citizens came with the purpose of saving the waterfront portion of the park. A decision made in 1991 made of the land “park.” There had been supporters of the park at every Regular Meeting of City Council over the past two years. Mr. Whitcomb advised of the archeological dig on the former City Farm property, which reminded of the land’s history, which was so important that it should never be built upon. Citizens that were fortunate to walk along the waterfront saw clearly that they must continue to work to hasten the day when every citizen would have access to the land. Mr. Whitcomb advised that we should all strive to make Newport News better than it was before. He encouraged members of City Council to make 2019 a year that all citizens would be allowed to enjoy the park – the year that Riverview Farm Park could live up to its name (a copy of Mr. Whitcomb’s remarks are attached and made a part of these minutes).

Ms. Mary Vause, 350 Williamsburg Court, Newport News, advised that she was present to encourage City Council to vote in favor of a resolution, put forth by Councilman David Jenkins, in support of the Equal Rights Amendment. She expressed disappointment that the item was taken off of the agenda. Equal rights for women was a simple matter. She did not understand why certain members of City Council were making a “power play” because a new Council member introduced progressive legislation. Ms. Vause wore purple, with fellow citizens, in support of the resolution for the Equal Rights Amendment (ERA). She stated it was time for the City of Newport News to join the long list of Virginia cities that were taking a stand in support of the ERA to help Virginia become the 38th and final State needed to enshrine equal legal rights for women into the United States Constitution. Ms. Vause advised that the ERA was introduced in the United States Congress 95 years prior, was ratified in the 1970s, and then killed by politicians who made sexist appeals to traditional general stereotypes of a woman’s place being in the home. She advised, in 2017, legislation in support of the ERA went before the Virginia General Assembly, but was killed in committee in both the House of Delegates and the Senate. The “Progressives” encouraged the cities to make resolutions in support of the ERA since the State legislators failed to enshrine equal rights for women into the U. S. Constitution. Ms. Vause advised that it was important that Virginia cities come together to help get the ERA ratified for the following reasons: (1) women have no protection under the U.S. Constitution in legal cases of sex discrimination; (2) full legal recognition of equality between the sexes would protect against possible rollbacks in women’s rights, which was an ever–present danger under the Trump Administration; (3) some courts previously justified women being fired for being pregnant and justified unequal pay for equal work. Women made an average of 78 cents to every dollar that their male counterparts’ earned, and full legal protection for women would help address this disparity; and (4) ratifying the ERA would help change the tone of legal proceedings for female survivors of domestic and sexual violence, and would allow them to take their cases to federal court when taking legal action. Newport News needed to join the growing list of Virginia cities that passed resolutions in support of the ERA unanimously. Ms. Vause advised the list of Virginia cities included Alexandria, Albemarle, Blacksburg, Charlottesville, Chesapeake, Dumfries,
I. Citizen Comments on Matters Germaine to the Business of City Council
   Continued

Fairfax, Montgomery, Norfolk, Page, Powhatan, Shenandoah, Staunton, and Virginia Beach, with
Suffolk and Portsmouth expected to pass resolutions soon. Ms. Vause implored City Council to
reconsider and vote on the ERA resolution (a copy of Ms. Vause's remarks are attached and made
a part of these minutes).

Ms. Heather Marconi, 425 Nicewood Drive, Newport News, advised that the
ERA had 94% of American's approval. It was passed in states such as Texas in the 1970s, but in
the City that ended up drawing names out of a bowl in an election, it was removed from the
agenda. The original opposition to the ERA was to keep traditional gender roles alive. In today's
society, the ERA would be used to protect from discrimination in the workplace, equal rights
custody for mothers and fathers, and ensure that survivors of domestic violence, stalking and
rape, were adequately protected an equally held by all. With the addition of the ERA, everyone
would have legal, civil, human, and diplomatic rights from any and all types of prejudice. Written
by women suffragist leader, Alice Paul, in 1923. Since its introduction, the ERA was brought up
in almost every session, but fell through by three (3) States, to put it in the Constitution. Virginia
was set to be the 38th State needed to ratify the amendment. Ms. Marconi hoped that Newport
News would not be the City to hold women back for another 50 years.

Mr. Gene E. Magruder, 602 River Road, Newport News, extended thanks for the
unanimous resolution honoring the United Steelworkers for 40 years of community service to
Newport News.

Mr. Magruder advised that the cities of Virginia Beach, Norfolk, Chesapeake,
and Hampton had passed the ERA resolution, granting equal rights for women. He asked that
Newport News stand with the other cities, and be the 38th State to get the ERA passed. He stated
there was data that showed that women earned 78 cents to her male counterpart in a comparable
job. He pointed out that there were four women on the Newport News City Council, who were
just as equal to the male members on City Council. Mr. Magruder hoped that the ERA resolution
would be placed on the January 2019 City Council agenda, and have unanimous (7:0) vote. The
unanimous vote would go to the General Assembly, who would then pass the ERA resolution, to
enshrine equal rights for women into the U. S. Constitution.

Ms. Margaret Purcell, 1209 William Styron Square - South, Newport News,
commented on the fact that the City Manager did not include Huntington Middle School in the
Recommended FY 2020 - FY 2024 CIP. She found it unbelievable that the School was not
included in the CIP. The City had money for parking lots, but no investment could made in
children. It had been said that the school was only for 600 children. Ms. Purcell advised in 10
years that would amount to 6,000 children that could potentially make a difference. She stated it
was not a black or white issue. Ms. Purcell indicated that unfortunately Huntington Middle
School could not be renovated due to years of mold and other damages. Children could not be
put in that type of facility. People had not done the things they needed to do to ensure that
Huntington Middle School was a school that was safe. Ms. Purcell advised that there had been no
visits at the school in the past four years to review the maintenance situation.
I. Citizen Comments on Matters Germaine to the Business of City Council Continued

Mr. Ernest Thompson, 645-19th Street, Newport News, shared history of Huntington High School in 1962 when the entire community was full of excitement. He recalled, upon getting to the classrooms, the students were provided with second-hand books. The students had first-class teachers and instructors that provided a first-class education. Students had no representation on the School Board or on City Council, in 1962 – African-Americans were out of luck. To-date, everything was different – there was hope and possibilities. Mr. Thompson hoped that the members of the City Council and the School Board would come together and make it a reality. He hoped the two bodies would reward the Southeast Community with funding for Huntington Middle School.

On a personal note Mr. Thompson extended thanks to Mayor Price for a letter to his mother, Mrs. E. Ernestine Thompson on the commemoration of her 100th birthday. Mrs. Thompson celebrated her birthday on November 28, 2018.

Mr. Ben Lambert, 118 Longwood Drive, Newport News, urged members of City Council City Council to vote in favor of a resolution, put forth by Councilman David Jenkins, in support of the ratification of the Equal Rights Amendment. He advised that the United States did not ban discrimination on the basis of sex, nor affirm the equality of women. The lack of an Equal Rights Amendment in United States had not been made mute by Title IX, the Lilly Ledbetter Fair Pay Act, the Family and Medical Leave Act, or by any other legislation that could be swept aside easily. It was time to write support for equal rights into the Constitution. Mr. Lambert referenced his younger sister and hoped she would be able to enter a workforce where she would not be denied a promotion based on her sex, that her efforts would be rewarded at the same rate as her male colleagues, and that she would be treated as the talented engineer she would become. To date, she would not find a just workplace as she had no legal right guaranteed in the Constitution of the United States of America.

J. Old Business, New Business and Councilmember Comments

City Clerk Mabel Washington Jenkins wished members of City Council, fellow City employees, and Newport News citizens, a Happy Holiday Season.

Councilman Harris wished everyone a Happy Holiday Season – Merry Christmas, Happy Hanukkah, and urged citizens to enjoy your holidays with their family.

Councilman Harris advised that the Equal Rights Resolution was not adopted at the proceedings of December 11, 2018, but indicated the resolution was discussed in the City Council Work Session held earlier on December 11, 2018. He indicated there was not one member of City Council that opposed equal rights for anyone. He wished that same passion existed for young African-American males in the community – where there was disparity, and discrimination practices still occurring. Young African-American males were disproportionately behind academically in the NNPS, compared to other cultures. He stated, as officials continued to thrive to make the City better, to remember, the African-American males in the community.
J. Old Business, New Business and Councilmember Comments Continued

He commended Chief Steve Drew, NNPD, for the great work being done in the community to rectify some of the issues occurring in the City. As Council came together to talk about equal rights for females, he asked that they speak out on some of the disparities that young African-American males faced, both educationally and environmentally.

Councilman Harris announced the following holiday drives: (1) Shock the Community Holiday Charity Drive, presented by Shockwave Strength & Performance. Drop boxes were available for the collection of unexpired and non-perishable food items, new or gently used coats, and new unwrapped children’s toys. Scheduled pick-ups for donations could be made by contacting Ms. Rasheena Harris at (757) 273-2058; and (2) The Miracle Project, hosted by a young lady in the North District, to collect coats, scarves, gloves, mittens, and socks for those in need (ages 1–18). For more information, citizens were urged to contact Liayla at (757) 593-3800 or Tahnisha at (757) 528-7553.

Councilman Harris thanked Colossian Baptist Church (856 Old Fort Eustis Boulevard), for sponsoring two vans to take the youth to the Celebration in Lights, the drive-through holiday light event, November 22, 2018 – January 1, 2019, in Newport News Park, open each evening, 5:30 p.m. – 10:00 p.m. In its 26th season, the event would added special effect snow that fell on the cars as they drove into the Winter Wonderland area, as well as a new Gingerbread House display and new scenes on its two giant screens of color-changing LED lights. He thanked Mr. Michael Poplawski, Director, Department of Parks, Recreation and Tourism, and staff for the phenomenal set-up.

As was his custom, Councilman Harris met and highlighted Ms. Bettina Ross ("Nu Nu") a senior at Woodside High School, accompanied by her parents, Roland and Bettina Ross. Bettina was a phenomenal public speaker, having won numerous oratorical contests, from the age of 10. Councilman Harris advised that Ms. Ross won the NAACP Oratorical Contest, as well State and local oratorical contests, for the Peninsula Baptist Union. Ms. Ross was active in her church, First Baptist Church – Morrison, serving as a youth usher, as well as President of the Youth Chorus. She was a member of the Performing Arts program at Woodside High School, a member of the Volleyball and Soccer Teams, a member of the local SCLC, and the Women’s Empowerment Group at Woodside High School. Bettina continued to do great things in the community.

Councilman Jenkins thanked the citizens who came to address City Council in support of the ERA amendment ratification by the Virginia General Assembly. He advised, when he was a first grader at Hidenwood Elementary School, he was taught the Pledge of Allegiance, which ended with “... liberty and justice for all.” He knew that was not just for boys that got liberty and justice, but was meant for everyone. He reminded that the City Council meeting began with the Pledge of Allegiance, and yet, “...liberty and justice” was not included in the Constitution of the United States. City Council spoke often about “One City” and “One Future,” yet over one-half of Newport News residents were denied constitutional equality. He indicated there was a difference between a constitutional guarantee of equality and laws that were
Minutes of Regular Meeting  
December 11, 2018

J. Old Business, New Business and Councilmember Comments Continued

passed. Laws could be swept away by legislators, but a constitutional guarantee was the basis of freedom. Some had indicated this was not an issue for City Council, but Councilman Jenkins advised it was not only Council’s right to speak out on behalf of its citizens, but was their responsibility and their obligation to do so. Some would say that City Council had other urgent business in City government, and the ERA was a distraction. He advised that the urgent should never come before the important. Councilman Jenkins indicated that he believed in his fellow Councilmembers, and that they also believed in equality. Councilman Jenkins called for a vote and presented A RESOLUTION IN SUPPORT OF RATIFICATION BY VIRGINIA OF THE EQUAL RIGHTS AMENDMENT (ERA) TO THE UNITED STATES CONSTITUTION.

He advised that a copy of the resolution was distributed to City Council members earlier at the City Council Work Session of December 11, 2018.

Councilman Jenkins moved adoption of the ERA Resolution, as shown above; seconded by Councilman Harris.

With regard to equal rights, Vice Mayor Vick advised that the City was governed by a female City Manager, a female Vice Mayor, had a female City Clerk, Assistant City Attorney, and a majority female Council, warned to be cautious of sending e-mail messages, bringing the ERA Resolution before City Council. She indicated that sometimes things were not denied because people did not think they should be supportive, but everything should be done with decency and in order. The manner in which the ERA resolution was brought before City Council, without proper discussion, at a Work Session, and citizens sending messages about the item being taken off of the agenda, when the item was never on the Council agenda. Citizens were attempting to expedite a matter without allowing members of City Council to be educated about the resolution and to ask questions, which was proper. She was not against the ERA, but wanted to gain more knowledge prior to the State adopting the resolution. People were grandstanding, and Vice Mayor Vick questioned whether the resolution was presented for the proper reasons, and advised the citizens that they should be speaking with their State representatives in the Virginia General Assembly. She advised that it has been misinterpreted that City Council was not in support of the ERA resolution and everything should be done in order, which the push adoption of the resolution was not.

Speaking about equal rights, Councilwoman Scott reminded Councilman Jenkins that four female Councilmembers expressed concern about wanting time to review the matter. She indicated that she believed in equal rights, and stood on the shoulders of women such as Alice Paul, Susan B. Anthony, and others who fought in the women’s movement; but his female colleagues on City Council asked that he grant them consideration. There was no dialogue. Councilwoman Scott reminded that Councilman Jenkins had her phone number and had spoken with her at least five times in a two-week period; but never once advised that he planned to introduce the ERA resolution. All members of City Council agreed earlier in the Council Work Session to wait. She inquired about equal rights after this action.
J. Old Business, New Business and Councilmember Comments Continued

Councilman Jenkins replied, prior to hearing the citizens that addressed City Council, he believed there was enough support, with everything that was said, and that perhaps other Councilmembers would be more informed. He stated that every Councilmember had the right to a vote, and their own opinion to represent their constituents as they saw fit. He indicated that he would hate for anyone to vote for any measure that he brought forward as a personal favor to him. Each Councilmember looked to their own guidance to make decisions. He indicated if members of City Council wanted to bring the issue back after considering the matter, he would be glad to oblige, but he believed the votes were present to allow the Council to move on to other matters.

Vote on Roll Call:
Ayes: Harris, Jenkins, Price
Nays: Scott, Vick, Woodbury, Cherry

Councilwoman Scott advised that she did not like things pushed down her throat and could not support the matter.

Vice Mayor Vick advised that she could not support the matter as it was agreed among Council to wait.

Councilwoman Woodbury advised that she could not support the matter as it had been agreed to ring the matter back for discussion. She had been in favor of women’s rights, had spoken on it, but was not ready to vote. She was, but was not because of the rudeness.

Mayor Price extended congratulations to “Shaggy” a radio personality from Z-104, who collected toys annually for the community. On Wednesday, November 28, 2018, he was in front of the Walmart Supercenter (12401 Jefferson Avenue) and filled 19 buses with toys.

Mayor Price extended thanks to those who braved the weather and attended the kick-off event of the Bayport Credit Union’s 25 Nights of Northern Lights at City Center on Saturday, December 1, 2018, at City Center (700 Town Center Drive), with a state-of-the-art synchronized music and light show. The show could be viewed by the public for 25 nights, December 1-25, 6:00 – 10:00 p.m.

Mayor Price extended belated Happy Hanukkah wishes to the Jewish Community, who celebrated their 12th year with a community menorah in City Center (Hanukkah began Sunday evening, December 2, 2018, 6:00 p.m., and continued through December 9, 2018.

Mayor Price reminded about the Celebration in Lights, Virginia’s first drive-through holiday light event, November 22, 2018 – January 1, 2019, in Newport News Park, open each evening, 5:30 p.m. – 10:00 p.m. In its 26th season, the event would added special effect snow that fell on the cars as they drove into the Winter Wonderland area, as well as a new Gingerbread House display and new scenes on two giant screens of color-changing LED lights.
J. Old Business, New Business and Councilmember Comments Continued

He advised that citizens could save $2.00 off of a regular car admission with the donation of a non-perishable food item of pet food item.

Mayor Price advised that the shelves at the Foodbank of the Virginia Peninsula were as low as it had been in years. He asked citizens to purchase food, donate it and drop it off at the Foodbank. He asked citizens to try to help in that effort. The weather was changing and Newport News wanted to show that they cared about all of its citizens in the City.

Councilwoman Scott thanked everyone for their attendance and participation. City Council appreciated hearing from the citizens.

Councilwoman Scott reminded it was the time of year when the community was empowered and to feed the children who may not have anything to eat while out of school during the holidays. She reminded that the One City Celebrations Holiday Food Drive event would begin on Wednesday, December 12, 2018, with the 5th Annual One City Job Fair, 10:00 a.m. – 1:00 p.m., at the Denbigh Community Center (15198 Warwick Boulevard). She advised that over 65 vendors were slated to attend. She asked that citizens pass the word to job hunters. Interviews were held on the spot. She extended thanks to Virginia Career Works, formerly Virginia Worklink, the Virginia Employment Commission, the City of Newport News, Department of Parks, Recreation and Tourism, and the Full Circle Foundation, which operated the One City Celebrations Holiday Food Drive event. A Spay and Neuter Clinic would be held on Thursday, December 13, 2018, 9:00 a.m. – 2:00 p.m., offered by PETA (People for the Ethical Treatment of Animals). To receive services, citizens were encouraged to bring non-perishable food items, along with their favorite pets to the Clinicians. A “Mom & Me” Community event would be held on Friday, December 14, 2018, 7:00 p.m. – 11:00 p.m., for women only. This special community event provided an opportunity for women to get together to talk about matters that impact the lives of women, and encouraged dialogue to help women interact with one another. An all-female band, Champagne, would be present to provide entertainment. The Food Drive Party would be held on Saturday, December 15, 2018, 10:00 a.m. – 6:00 p.m. Free haircuts would be provided by Tomorrow’s Image. Food Distribution would take place on Monday, December 17, 2018, 1:00 p.m. – 7:00 p.m., where everything collected would be given back to the community. Newport News residents must provide current identification to receive products and services. For information or volunteer opportunities, citizens were to contact Councilwoman Scott at (757) 969-8786 or via e-mail at spscott@nnva.gov. Numerous partners were involved, including, but not limited to CERT (Community Emergency Response Team). Special thanks were extended to the One City Celebrations Food Drive Committee for their hard work. She reiterated that all events would be held at the Denbigh Community Center (15198 Warwick Boulevard).

Councilwoman Scott encouraged everyone to be safe during the holiday season. She extended thanks to the City Manager and staff, City Clerk and staff, and the City Attorney and staff, who had provided services to the City Council.
J. Old Business, New Business and Councilmember Comments Continued

Councilwoman Scott extended thanks to Chief Steve Drew, NNPD, for the Police Department Holiday Ball, held on Friday, December 7, 2018, 7:00 p.m., at the Holiday Inn (908 Omni Boulevard). She was honored to be in attendance and show support. She advised that the NNPD were the backbone of the City, keeping the neighborhoods safe. She extended thanks to the NNPD for their commitment and dedication to the safety of the City; and a big thanks to Chief Drew for everything that had improved since his coming to the City. She wished him much success.

Councilwoman Scott reiterated asking citizens to help her “take a bite out of hunger” for the holidays, and urged them to bring their food to the Denbigh Community Center (15198 Warwick Boulevard).

Councilwoman Scott wished everyone a Happy Holiday Season and a Happy and Bright New Year.

Vice Mayor Vick thanked Reverend Dr. Vernita Baldwin, First Baptist Church East End, for the beautiful prayer at the opening of the City Council Meeting.

Vice Mayor Vick thanked members of American Legion Post 368, Scout Troop 368 for leading the Pledge at the opening of the City Council Meeting.

Vice Mayor Vick acknowledged the presence of her 7th grade teacher from Dunbar-Erwin Elementary School (726-16th Street), Ms. Gayle Gwynn. Vice Mayor Vick advised that Ms. Gwynn was the best. She held each student to a standard to be the best, to do the best, and to lead by example. Vice Mayor Vick thanked Ms. Gwynn for being in her life. Ms. Gwynn commended Vice Mayor Vick for her hard work and dedication to the City. She advised that Vice Mayor Vick was one of her favorite students, along with Councilman Marcellus Harris, who was raised in the most productive community in the City – Prince Drew, Shoe Lane, Moore’s Lane, and First Baptist Church – Morrison.

Vice Mayor Vick wished everyone a Happy and safe Holiday Season.

Councilwoman Woodbury shared that she was prepared to vote yes on the ERA resolution. She stated City Council members needed to respect one another, and felt it was an insult when respect was not shown to one another.

Councilwoman Woodbury extended wishes for a Happy Hanukkah and Merry Christmas. She read the following: “May the kingdom of peace, love, health, and plenty fill you in the New Year.”

Councilwoman Woodbury reminded everyone to have grateful hearts.
J. Old Business, New Business and Councilmember Comments Continued

Councilwoman Cherry extended Seasons Greetings to everyone and thanked the citizens for their attendance and participation.

Councilwoman Cherry extended thanks to Mr. Michael Poplawski, Director, Department of Parks, Recreation and Tourism, and all of the staff who helped to bring to light Bayport Credit Union’s 25 Nights of Northern Lights. She advised this was an exciting new holiday event, which began on Saturday, December 1, 2018, at City Center (700 Town Center Drive), with a state-of-the-art synchronized music and light show. The show could be viewed by the public for 25 nights, December 1-25, 6:00 – 10:00 p.m. Visitors were able to view a five-minute theatrical Holiday Magic Light Show, occurring at the top of each hour, to include a 42-foot intelligent, color/pattern changing tree, along with a synchronized show where lights danced around the fountain to a festive soundtrack.

Councilwoman Cherry also extended thanks to Mr. Michael Poplawski, and all of the staff of the Department of Parks, Recreation and Tourism, for the great time had at the 9th Annual Holiday Frost event,” held on Friday, December 7, 2018, 4:00 p.m. – 8:00 p.m., at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue). This free event was a great fun-filled family event for children. She extended kudos to the staff at the Downing Gross Cultural Arts who made the building look like a Winter Wonderland.

Councilwoman Cherry announced extended thanks to Chief Steve Drew, NNPD, and staff for providing an informative Safety Awareness Preparedness Training Workshop for Places of Worship, on Thursday, December 6, 2018, 8:00 a.m. – 12:00 noon, at the Newport News Police Headquarters (9710 Jefferson Avenue). It was the hope of the attendees to have more trainings scheduled to help the faith community engage in the community for everyday life.

Councilwoman Cherry encouraged members of the Faith Community to partner with the NNPD for the Faith, Justice & Community Meetings, hosted by the Newport News Police Department (NNPD), for the Faith Community, held monthly on the second Tuesday, 2:00 p.m. at the Newport News Police Headquarters (9710 Jefferson Avenue). These meetings provided the opportunity to meet with Chief Drew and the other officers to be involved in helping to implement some positive changes for the community and to join the Police Department in an effort to meet people where they are. Councilwoman Cherry encouraged Pastors to attend or to send a representative.

Councilwoman Cherry advised that it had been exciting to be with the Newport News Police Department at the the 3-on-3 Basketball League games, at the Boys and Girls Club, 629 Hampton Avenue, 10:00 a.m. – 12 noon. She encouraged citizens to attend and show their support as the City worked with the youth through the Police Department.

As the City prepared for the opening of the Day Support Center for the homeless, Councilwoman Cherry extended thanks to LINK, Inc., for the PORT Homeless winter shelter
J. Old Business, New Business and Councilmember Comments Continued

and the host churches and partner churches for the assistance provided during the winter season for the homeless community to provide shelter. Councilwoman Cherry indicated that the City was well aware of how valuable the Center would be. She extended thanks to City Manager Rohlf, Assistant City Manager Alan Archer, and everyone who worked to get the Day Support Center open.

Councilwoman Cherry announced that the 2018 Christmas for the Children Celebration would be held on Saturday, December 22, 2018, 1:00 – 3:00 p.m., at 617-27th Street. No pre-registration was needed. This event would include a free toy-give-away for children in the community, as well as a winter clothing drive. The event was free for all children ages 0 – 17. Santa would be at the event. Donations of toys for ages 9 – 17, or finances, were sought. Citizens were advised to contact the City Clerk’s Office for additional details, at 926-8634.

Councilwoman Cherry extended thanks to “Shutdown 757,” the all-star team (Hampton Roads American Youth Football and Cheering), who won 2018 National Championship in Kissimmee, Florida, on Saturday, December 8, 2018. The team represented the City of Newport News well, and came home with championship rings and jackets. Her nephew, Mr. Lawrence Alan Britt, served as one of the team’s coaches.

Councilwoman Cherry announced that the next South District “Your Voice Matters” Town Hall Meeting, was scheduled for Thursday, December 13, 2018, 6:00 p.m. – 7:30 p.m., at the Brittingham-Midtown Community Center (570 McLawhorne Drive). There would be a presentation by Ms. Nicole Jackson, Administrator, Therapeutic Day Treatment Program, Hampton-Newport News Community Services Board (HNNCSB). She advised there would also be a South District “Your Voice Matters” Town Hall Meeting, on Thursday, December 20, 2018, 6:00 p.m. – 7:30 p.m., at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue). There would be a Holiday presentation from a representative of the Hampton-Newport News Community Services Board (HNNCSB) at the December 13, 2018 meeting. All citizens were welcome to attend.

Councilwoman Cherry wished everyone a Happy and safe Holiday Season.

Councilman Harris announced that the Apprentice School Football team, the Builders, at the Newport News Shipyard, won the NCFA National Championship for the first time in the 99-year school history, on Saturday, December 1, 2018, in Wheeling, West Virginia, defeating Oakland University 56-14. He extended congratulations to Coach John Davis and the Apprentice School Football Team.

Councilwoman Cherry extended thanks to Malachi Smith, and his mother, Ms. Holly White, as well as the members of American Legion Post 368, Scout Troop 368. She thanked them for leading the Pledge at the opening of the City Council Meeting and asked for a round of applause.
K. Adjourn

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

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 8:09 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 of Recognition: The Apprentice School of Newport News Shipbuilding (A Division of Huntington Ingalls Industries) - 100th Anniversary

**ACTION:** A REQUEST TO APPROVE A RESOLUTION OF RECOGNITION FOR THE APPRENTICE SCHOOL OF NEWPORT NEWS SHIPBUILDING (A DIVISION OF HUNTINGTON INGALLS INDUSTRIES) ON ITS 100TH ANNIVERSARY.

**BACKGROUND:**
- The Apprentice School at Newport News Shipbuilding celebrates its 100th anniversary on July 1, 2019.

- The Apprentice School graduated its first apprentice on April 4, 1894 and was formalized in 1919.

- The apprenticeship has developed from an informal method of learning to a highly effective, structured, instructional system for apprentices, combining essential academic education and skills training, while earning compensation for on-the-job training experience.

- Approximately 800 young men and women are currently enrolled in 28 different, four-, five-, and eight-year apprenticeships provided by The Apprentice School.

- The Apprentice School has contributed significantly to Newport News Shipbuilding's reputation, tradition, and success, graduating more than 10,800 apprentices in its history.

- In 2013, a new facility for The Apprentice School was opened, with a mission focused on craftsmanship, scholarship, and leadership.

- The Apprentice School will celebrate throughout 2019 with various announcements, events, and activities.

- This Resolution of Recognition recognizes and celebrates the Apprentice School at Newport News Shipbuilding on its 100th anniversary in the City of Newport News.
- The City Manager recommends approval.

**FISCAL IMPACT:**

- N/A

**ATTACHMENTS:**

Description

sdm16665 Recognition re The Apprentice School (100th Anniversary)
RESOLUTION NO. ______________

RESOLUTION OF RECOGNITION

WHEREAS, The Apprentice School at Newport News Shipbuilding celebrates its 100th anniversary on July 1, 2019; and

WHEREAS, the first Newport News Shipbuilding apprentice-Norwood Jones- graduated on April 4, 1894 and The Apprentice School was formalized in 1919; and

WHEREAS, the apprenticeship has developed from an informal method of learning to a highly effective, structured, instructional system for apprentices, combining essential academic education and skills training to succeed in demanding careers, while earning compensation for on-the-job training experience; and

WHEREAS, The Apprentice School’s academic curriculum includes studies in Mathematics, Physics, Strength of Materials, Drafting, Marine Engineering, Shipbuilding Operations, and Technical Communications, among other disciplines, leading to a strong technical education foundation; and

WHEREAS, approximately 800 young men and women are currently enrolled in 28 different, four-, five-, and eight-year apprenticeships provided by The Apprentice School; and

WHEREAS, The Apprentice School has contributed significantly to Newport News Shipbuilding’s reputation, tradition, and success, producing complex sea-faring vessels and passenger ships to nuclear submarines and aircraft carriers with the craftsmanship of highly skilled graduates; and

WHEREAS, The Apprentice School at Newport News Shipbuilding has graduated more than 10,800 apprentices in its history; and

WHEREAS, in 2013, a new facility for The Apprentice School was opened. The 90,000 square foot building includes eight computer labs, two video conferencing classrooms, a physics lab and a 600-seat gymnasium; and

WHEREAS, The Apprentice School has an athletic program consisting of six teams known as The Apprentice Builders; and

WHEREAS, with a mission focused on craftsmanship, scholarship, and leadership, The Apprentice School is helping to shape future leaders of Newport News Shipbuilding and the shipbuilding industry; and

WHEREAS, the 100th anniversary of The Apprentice School at Newport News Shipbuilding will be celebrated throughout calendar year 2019 with various announcements, events, and activities.
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Newport News, Virginia:

1. That is hereby recognizes and celebrates The Apprentice School at Newport News Shipbuilding for its 100th anniversary in the City of Newport News, Virginia.

2. That is congratulates the faculty, staff, and graduates of The Apprentice School at Newport News Shipbuilding for their dedicated service to the City of Newport News and its citizens, and extends its best wishes for continued success and development.

3. That a copy of this resolution be spread upon the records of this body and that a copy be presented to The Apprentice School at Newport News Shipbuilding.

4. That this resolution shall be in effect on and after the date of its adoption, January 8, 2019.
F. Consent Agenda

5. Ordinance Amending and Reordaining, City Code, Chapter 26., Motor Vehicles and Traffic; by Repealing Article II., Transportation Safety Commission

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE AMENDING AND REORDAINING CITY CODE, CHAPTER 26., MOTOR VEHICLES AND TRAFFIC; BY REPEALING ARTICLE II., TRANSPORTATION SAFETY COMMISSION.

**BACKGROUND:**
- The State Code that required a local Transportation Safety Commission was rescinded approximately 10 years ago, and its funding and safety responsibilities were reassigned to Planning, Engineering, and Public Works.
- Newport News is the only Hampton Roads City still maintaining such a Commission.
- City management, along with the Engineering Department will consider an advisory group on transportation issues that would be part of the Engineering Department.
- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**
Description
Repealing Transportation Safety Commission Memo
Attachment Transportation Safety Commission
sdm16690 Repealing Article II, Transportation Safety Commission, of Chapter 26
TO: The Honorable City Council
FROM: City Manager
SUBJECT: Repeal of the Ordinance Establishing the Transportation Safety Commission

The State Code provision that required a local Transportation Safety Commission was rescinded at least 10 years ago. The action was taken because grant funds are no longer passed through the local Commissions, and responsibility for transportation safety planning was reassigned to VDOT, the Planning District Commissions and the localities. In Newport News, Engineering, Planning and Public Works employees are charged with and perform the transportation safety roles formerly performed by the Commission.

Due to the number of vacancies on the Commission and the lack of a clear mission, function and duties, it is recommended that Council dissolve the Commission and rescind the Code Sections that establish and guide the Commission as its current Charter is obsolete.

Over the course of the next several months, staff will work with the citizens that have expressed an interest in continuing to be involved to establish and implement a Citizen’s Advisory Group that would work directly with the Engineering Department on transportation issues. The focus would be to review and provide citizen input and expertise on specific issues and special projects as necessary. Establishment of such a group to work directly with Engineering would be a good opportunity to be able to engage and take advantage of citizens’ knowledge and expertise.

I recommend approval of the ordinance.

Cynthia D. Rohlf

CDR:EPS:plw

Attachment

cc: Everett Skipper, Director, Department of Engineering
ARTICLE II - TRANSPORTATION SAFETY COMMISSION

Sec. 26-37. - Duties and responsibilities.

The commission shall be charged with the duty and responsibility of recommending to the city council plans for the formulation of a transportation safety program for the city, periodic reviewing of the operation and effectiveness of such program and recommending amendments to such program. Such plans shall specifically include, in addition to such matters as the governor, through the state highway safety division, may require, material on the status of, need for and means to provide within the city driver education and driver improvement courses for adults and out-of-school youths; identification of accident prone locations on streets, highways, roads, railroads and waterways within the city; the identification of the unique safety needs of each particular mode of transportation, including, but not necessarily limited to air, water, rail, highway and mass transit, the identification of the common elements of safe transportation operation, regardless of mode; and apply for, consider and approve the allocation of grant funds made available to the commission.

(Ord. No. 1166, § 4; Code 1961, § 23-259; Ord. No. 2500-78)
ORDINANCE NO. __________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY REPEALING ARTICLE II, TRANSPORTATION SAFETY COMMISSION.

WHEREAS, the Transportation Safety Commission has served the City for over forty years; and

WHEREAS, changes in state law and the administration of transportation grant funds have rendered the stated function of the Transportation Safety Commission obsolete; and

WHEREAS, the City Manager has recommended that the Transportation Safety Commission be eliminated and the City Council concurs with that recommendation.

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


2. That this Council thanks all present and past members of the Transportation Safety Commission for their service to the City.

3. That this ordinance shall be in effect on and after the date of its adoption, January 8, 2019.
G. Other City Council Actions

1. Resolution Authorizing Jurisdictional Approval for the Newport News Redevelopment and Housing Authority (NNRHA) Issuance of Multi-Family Housing Revenue Bonds, in an Amount Not to Exceed $18 Million, for the Benefit of Harbour-Newport News Limited Partnership and the Newport Harbour Apartments Project

**ACTION:** A REQUEST TO APPROVE A RESOLUTION AUTHORIZING JURISDICTIONAL APPROVAL FOR THE ISSUANCE OF MULTI-FAMILY HOUSING REVENUE BONDS BY THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY (NNRHA), IN AN AMOUNT NOT TO EXCEED $18 MILLION, FOR THE BENEFIT OF HARBOUR-NEWPORT NEWS LIMITED PARTNERSHIP AND THE NEWPORT HARBOUR APARTMENTS PROJECT.

**BACKGROUND:**
- Harbour-Newport News Limited Partnership desires to finance or refinance the acquisition, renovation and equipping of an existing apartment complex consisting of 200 units known as Newport Harbour Apartments located at 2301 Madison Avenue.
- In order to assist with the financing of the project, Harbour-Newport News Limited Partnership sought NNRHA’s issuance of Multi-Family Housing Revenue Bonds in an amount not to exceed $18 million.
- NNRHA approved a Resolution at its December 18, 2018 Board meeting for issuance of the bonds and held the required public hearing.
- NNRHA recommends that City Council approve the issuance of the bonds as required by the statute and the Internal Revenue Code.
- The City Manager recommends approval.

**FISCAL IMPACT:**
- N/A

**ATTACHMENTS:**

Description
NNRHA Issuance of Rev Bonds Memo
Attachment 1
Attachment 2
Attachment 3
Attachment 4
Attachment 5
Attachment 6
sdm16700 Approving NNRHA Issuance of Revenue Bonds
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

January 2, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: NNRHA Issuance of Multi-Family Housing Revenue Bonds

At an official public hearing held on December 18, 2018, the Newport News Redevelopment and Housing Authority (NNRHA) approved an inducement resolution authorizing a bond issuance, in an amount not to exceed $18 million, on behalf of Harbour-Newport News Limited Partnership. The bonds will be used to finance or refinance a portion of the cost of acquisition, construction, renovation, rehabilitation and equipping of an existing 200-unit garden-style apartment complex located at 2301 Madison Avenue in the Southeast Community of the City. The complex, the former Walker Village apartments, was renamed Newport Harbour Apartments 15 years ago when a similar renovation project was completed.

The Newport Harbour Apartments Project, originally built in 1977, houses families and individuals of lower and moderate income. The Project consists of 31 two-story buildings that contain 200 units and also contains a one-story common laundry building and a one-story community and leasing office building.

The owner/developer proposes to perform significant renovations to the individual apartments including replacement of plumbing, electrical, mechanical, floors, windows/doors and kitchen/bathroom cabinets. Additionally, accessibility improvements will be included, as well as repair of damaged sidewalks and pavement on the exterior of the complex. Existing residents will be housed on-site in vacant units or in some cases may be temporarily housed off-site while the renovations are completed. The Developer is experienced and has an efficient system to minimize the disruption of tenants during the project renovations.
City Council is required to take public action to consider jurisdictional approval of the issuance of the bonds. You may recall you considered and approved this action last year, however, that approval will lapse before the Developer is prepared to close in the first or second quarter of 2019. A copy of the Certification that a public hearing occurred, a certified copy of the Notice of Public Hearing, a Summary of Statements from the Public Hearing, a certified copy of NNRHA Resolution and an executed Fiscal Impact Statement are attached for your convenience of reference. A map of the Project site is also attached.

The approval of the issuance of the bonds for the benefit of Harbour-Newport News Limited Partnership, does not constitute an endorsement to any prospective purchaser of the bonds of the creditworthiness of the project or the applicant or any person. The bonds shall continue to provide that neither the City, nor NNRHA shall be obligated to pay the bonds, the interest, or other incidental costs, except from funds and properties pledged, and neither the credit or the taxing power of the Commonwealth of Virginia, NNRHA or the City shall be pledged.

I recommend approval.

[Signature]
Cynthia D. Rohlf

CDR:tfw

Attachments (6)

cc: Karen Wilds, Executive Director, NNRHA
    Florence G. Kingston, Director, Department of Development
CERTIFICATE

The undersigned Secretary-Treasurer of the Newport News Redevelopment and Housing Authority (the “Authority”) certifies as follows:

1. A meeting of the Authority was duly called and held at 8:30 a.m. on December 18, 2018 before the Authority at the Authority’s office located at 227 27th Street, Newport News, Virginia 23607, pursuant to proper notice given to each Commissioner of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The Chairman announced the commencement of a public hearing on the application of Harbour-Newport News Limited Partnership and a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the City of Newport News, Virginia (the “Notice”), with the second publication appearing not less than six days nor more than twenty-one days prior to the hearing date. A copy of the Notice has been filed with the records of the Authority and is attached as Exhibit A.

3. A summary of the statements made at the public hearing is attached as Exhibit B.

4. Attached as Exhibit C is a true, correct and complete copy of a resolution (“Resolution”) adopted at such meeting of the Authority by a majority of the Commissioners present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to the matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority, this 18th day of December, 2018.

[Signature]
Secretary-Treasurer, Newport News Redevelopment and Housing Authority

Exhibits:
A – Copy of Certified Notice
B – Summary of Statements
C - Resolution
COMMONWEALTH OF VIRGINIA  
CITY OF NEWPORT NEWS  

6007166

This day, personally appeared before me, Hope Askew, and made oath as follows:

1. He/She is employed in the Office Services Department of the Daily Press, LLC., a newspaper publishing company in the City of Newport News, Virginia.
2. The annexed advertisement of Order No. 6007166 was published for 2 insertion(s) in the Daily Press on the following dates:

Dec 04, 2018; Dec 11, 2018

Sold To:  
MCGUIREWOODS LLP - CU80015062  
1750 TYSONS BLVD 1800  
TYSONS CORNER, VA 22102

Bill To:  
MCGUIREWOODS LLP - CU80015062  
1750 TYSONS BLVD 1800  
TYSONS CORNER, VA 22102

Signature of Affiant  

12/12/2018  
Date

Subscribed and sworn to before me:

This 18th day of December, 2018.

My commission expires: 08/31/2021

Signature of Notary Public

Registration Number: 1710830

Chelsie Kay Hvaatt

NOTARY PUBLIC
NOTICE OF PUBLIC HEARING BEFORE THE
NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY
ON PROPOSED PRIVATE ACTIVITY BOND FINANCING FOR
HARBOUR-NEWPORT NEWS LIMITED PARTNERSHIP

Notice is hereby given that the Newport News Redevelopment and Housing Authority (the “Authority”) will hold a public hearing on the request of Harbour-Newport News Limited Partnership, a Virginia limited partnership (the “Borrower”), whose address is 33 Silver Street, Suite 200, Portland, Maine 04101, for the issuance by the Authority of up to $18,000,000 of its revenue bonds (the “Bonds”) to assist the Borrower in financing or refinancing (1) a portion of the cost of acquiring, constructing, renovating, rehabilitating and equipping a multifamily residential rental housing project consisting of 31 two-story buildings containing approximately 200 units, a one-story common laundry building and a one-story community and leasing office building, to be known as Newport Harbour Apartments, located at 2300-2382 Madison Avenue in the City of Newport News, Virginia (the “Project”) and (2) the costs of issuance incurred in connection with the issuance of the Bonds (collectively (1) and (2), the “Plan of Finance”). The Project will meet the requirements of a qualified residential rental project within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended. The Project will be owned by the Borrower or an entity affiliated with and controlled by or under common ownership with the Borrower. The public hearing, which may be continued or adjourned, will be held at 8:30 a.m. on December 18, 2018 before the Authority at the Authority’s office located at 227 27th Street, Newport News, Virginia 23607.

The Bonds will not pledge the credit or the taxing power of the Authority or the City of Newport News, Virginia but will be payable solely from the revenues derived from the Borrower and pledged therefor.

The public hearing will provide an opportunity for interested persons to be heard and communications and writings to be received and considered. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for the introduction of documentary evidence pertinent to the issuance of the Bonds.

NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY
Advertised: December 4 and December 11, 2018
SUMMARY OF STATEMENTS

Representatives of Harbour-Newport News Limited Partnership and McGuireWoods LLP, bond counsel, appeared before the Authority to explain the proposed plan of financing. No one appeared in opposition to the proposed bond issue.
RESOLUTION OF THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY AUTHORIZING THE ISSUANCE OF UP TO $18,000,000 MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF THE NEWPORT HARBOUR APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE CITY OF NEWPORT NEWS, VIRGINIA

WHEREAS, the Newport News Redevelopment and Housing Authority (the “Authority”) is empowered, pursuant to the Virginia Housing Authorities Law, Chapter 1, Title 36 (the “Act”) of the Code of Virginia of 1950, as amended (the “Virginia Code”), to issue its bonds for the purpose, among others, of financing the Plan of Finance (as hereinafter defined), located within the territorial boundaries of the City of Newport News, Virginia (the “City”); and

WHEREAS, the Harbour-Newport News Limited Partnership, a Virginia limited partnership (the “Borrower”) has requested the Authority to agree to issue its multifamily residential rental housing revenue bonds under the Act in an amount not to exceed $18,000,000 (the “Bonds”), the proceeds of which will be used to assist the Borrower in financing or refinancing (1) a portion of the cost of acquiring, constructing, renovating, rehabilitating and equipping a multifamily residential rental housing project consisting of 31 two-story buildings containing approximately 200 units, a one-story common laundry building and a one-story community and leasing office building, to be known as Newport Harbour Apartments, located at 2300-2382 Madison Avenue in the City of Newport News, Virginia (the “Project”) and (2) the costs of issuance incurred in connection with the issuance of the Bonds (collectively (1) and (2), the “Plan of Finance”); and

WHEREAS, the Project shall be established and maintained as a “qualified residential rental project” within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, preliminary plans for the Plan of Finance have been described to the Authority and a public hearing (the “Public Hearing”) has been held on December 18, 2018 with respect to the Plan of Finance and the Bonds in accordance with Section 147(f) of the Code and Section 15.2-4906, as applicable to housing authorities, of the Virginia Code; and

WHEREAS, the Authority has determined that it is in the best interest of the Authority to issue its tax-exempt revenue bonds pursuant to the Act, in such amounts as may be necessary to finance the Plan of Finance, and in connection therewith to obtain tax credits for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY THAT:

1. The foregoing recitals are approved by the Authority and are incorporated in, and deemed a part of, this resolution.
2. It is hereby found and determined that the Plan of Finance will further the public purposes of the Act by assisting in providing housing to low and moderate income persons in the City.

3. It is hereby found and determined that the Project will constitute a “housing project” as that term is defined in the Act.

4. To induce the Borrower to undertake the Plan of Finance and maintain the Project as a “qualified residential rental project” within the meaning of Section 142(d) of the Code, the Authority hereby agrees, subject to approvals required by applicable law, to assist the Borrower in financing the Plan of Finance, including the financing of reserve funds as permitted by applicable law, by undertaking the issuance of (and hereby declares its official intent to issue) the Bonds in the maximum principal amount not to exceed $18,000,000 upon the terms and conditions to be mutually agreed upon between the Authority and the Borrower. The Bonds shall be issued in form and pursuant to terms to be set by the Authority. The Bonds may be issued in one or more series at one time or from time to time, and the Bonds of any such series may be either taxable or tax-exempt for purposes of federal income taxation.

5. It having been represented to the Authority that it is necessary to proceed with the Plan of Finance, the Authority hereby agrees that the Borrower may proceed with the plans for the Plan of Finance, enter into contracts related to the Plan of Finance and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Borrower to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection with the Plan of Finance or any portion thereof. The Authority agrees that the Borrower may be reimbursed from the proceeds of the Bonds for all expenditures and costs so incurred by it, provided such expenditures and costs are properly reimbursable under the Act and the Code.

6. All other acts of the officers of the Authority that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bonds and the undertaking of the Plan of Finance are hereby ratified, approved and confirmed.

7. The Authority hereby designates McGuireWoods LLP, Tysons, Virginia, to serve as bond counsel and hereby appoints such firm to supervise the proceedings and approve the issuance of the Bonds.

8. The Borrower agrees to indemnify and save harmless the Authority, its officers, commissioners, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the issuance and sale of the Bonds.

9. All costs and expenses in connection with the Plan of Finance, including the fees and expenses of the Authority (including, without limitation, any application fee and/or origination fee), bond counsel, counsel for the Authority and any placement agent or underwriter for the sale of the Bonds or purchaser of the Bonds shall be paid from the proceeds of the Bonds (but only to the extent permitted by applicable law) or by the Borrower. If for any reason such Bonds are not
issued, it is understood that all such expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor.

10. In adopting this resolution the Authority intends to evidence its “official intent” to reimburse the Plan of Finance expenditures with proceeds from the issuance of the Bonds within the meaning of Treasury Regulations Section 1.150-2.

11. The Bonds shall be limited obligations of the Authority and shall be payable solely out of revenues, receipts and payments specifically pledged therefor. Neither the commissioners, officers, agents or employees of the Authority, past, present and future, nor any person executing the Bonds, shall be liable personally on the Bonds by reason of the issuance thereof. The Bonds shall not be deemed to constitute a general obligation debt or a pledge of the faith and credit of the Commonwealth of Virginia or any political subdivision thereof, including the Authority or the City (and the Bonds shall so state on their face), and neither the Commonwealth of Virginia nor any such political subdivision thereof shall be personally liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than the special funds and sources provided therefor. Neither the faith and credit nor the taxing power of the Commonwealth of Virginia, nor any political subdivision thereof, shall be pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto. The Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

12. The Authority (including its officers, commissioners, employees and agents) shall not be liable and hereby disclaims all liability to the Borrower and all other persons or entities for any damages, direct or consequential, resulting from the issuance of the Bonds or failure of the Authority to issue the Bonds for any reason. Any obligation of the Authority to exercise its powers in the City to issue the Bonds as requested by the Borrower is contingent upon the satisfaction of all legal requirements and the Authority shall not be liable and hereby disclaims all liability to the Borrower for any damages, direct or consequential, resulting from the Authority’s failure to issue Bonds for the Plan of Finance for any reason, including but not limited to, the failure of the City Council of the City (the “City Council”) to approve the issuance of the Bonds.

13. The Authority recommends that the City Council approve the issuance of the Bonds.

14. The Secretary-Treasurer of the Authority is authorized and directed to deliver to the City Council (1) a reasonably detailed summary of the comments, if any, expressed at the public hearing, (2) a fiscal impact statement concerning the Plan of Finance and (3) a copy of this resolution.

15. The Chairman, Vice Chairman, Secretary-Treasurer and any other officer of the Authority, any of whom may act (the “Authorized Official”), or his or her designee, is hereby authorized to request an allocation or allocations of the State Ceiling (as defined in Section 15.2-5000 of the Virginia Code) in accordance with the applicable provisions of the Virginia Code and any regulations or executive orders issued thereunder. All costs incurred by the Authority, if any, in connection with such proceedings shall be paid for by the Borrower.
16. No Bonds may be issued pursuant to this resolution until such time as (a) the issuance of the Bonds has been approved by the City Council, (b) the Bonds have received an allocation or allocations of the State Ceiling in accordance with the applicable provisions of the Virginia Code and any regulations or executive orders issued thereunder and (c) the final terms and details of the Bonds have been approved by subsequent resolution of the Authority.

17. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds or the creditworthiness of the Plan of Finance of the Borrower.

18. The Authorized Official is hereby authorized and directed to execute and deliver, on behalf of the Authority, the Authority’s consent to the transfer of the limited partnership interest in Walker-Newport News Limited Partnership (“Walker-Newport”) as required by the Regulatory Agreement and Declaration of Restrictive Covenants dated as of June 1, 2002 among the Authority, Walker-Newport and the trustee named therein (or its successor), and all such acts previously done or performed by the Authorized Official are in all respects approved, ratified and confirmed.

19. This resolution shall take effect immediately upon its adoption.

Adopted: December 18, 2018
CERTIFICATE OF VOTES

Record of the roll-call vote by the Newport News Redevelopment and Housing Authority, upon reading of a resolution titled “RESOLUTION OF THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY AUTHORIZING THE ISSUANCE OF UP TO $18,000,000 MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF THE NEWPORT HARBOUR APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE CITY OF NEWPORT NEWS, VIRGINIA” taken at a meeting of the Authority held on December 18, 2018:

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<th>AYE</th>
<th>NAY</th>
<th>ABSTAIN</th>
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<tr>
<td>Bernice Berry, Chairwoman</td>
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<td>Lou Call, Vice Chairwoman</td>
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<td>Mark Hager</td>
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<td>Gary B. Hunter</td>
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<td>Kenneth D. Penrose, Jr.</td>
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<td>Dr. Lisa Wallace-Davis</td>
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Dated: December 18, 2018

(SEAL)

Bernice Berry
Chairman, Newport News Redevelopment and Housing Authority

ATTEST: Vardel R. Wilde
Secretary-Treasurer

The undersigned Secretary-Treasurer of the Newport News Redevelopment and Housing Authority hereby certifies that the foregoing is a true, correct, and complete copy of a resolution adopted by the Authority’s commissioners present and voting at a meeting duly called and held on December 18, 2018, in accordance with law, and that such resolution has not been repealed, revoked, rescinded, or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the Authority this 18th day of December, 2018.

NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY

By: Vardel R. Wilde
Secretary-Treasurer
FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING

Date: December 18, 2018

To the Mayor and City Council
of the City of Newport News, Virginia

Applicant: Harbour-Newport News Limited Partnership
Facility: Multi-Family Housing Facility known as Newport Harbour Apartments

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<td>1.</td>
<td>Maximum amount of financing sought.</td>
<td>$ 18,000,000</td>
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<td>2.</td>
<td>Estimated taxable value of the facility's real property to be constructed in the locality.</td>
<td>$ 15,052,000</td>
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<tr>
<td>3.</td>
<td>Estimated real property tax per year using present tax rates.</td>
<td>$ 179,048</td>
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<td>4.</td>
<td>Estimated personal property tax per year using present tax rates.</td>
<td>$ 1,835</td>
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<td>5.</td>
<td>Estimated merchants' capital tax per year using present tax rates.</td>
<td>N/A</td>
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<td>6.</td>
<td>(a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality.</td>
<td>$ 7,497,632</td>
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<td>(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality.</td>
<td>$ 1,874,409</td>
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<td>(c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality.</td>
<td>$ 89,160</td>
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<td>(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality.</td>
<td>$ 0</td>
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<td>7.</td>
<td>Estimated number of regular employees on year round basis.</td>
<td>11</td>
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<td>8.</td>
<td>Average annual salary per employee.</td>
<td>$ 42,957</td>
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Chairman, Newport News Redevelopment and Housing Authority
RESOLUTION NO. _____________


WHEREAS, the Newport News Redevelopment and Housing Authority (the “Authority”) is authorized to advertise and hold public hearings relative to the issuance of private activity bonds; and

WHEREAS, the Authority has considered the application of Harbour-Newport News Limited Partnership, a Virginia limited partnership (the “Borrower”), requesting that the Authority issue up to $18,000,000 of its revenue bonds (the “Bonds”) to assist the Borrower in financing or refinancing (1) a portion of the cost of acquiring, constructing, renovating, rehabilitating and equipping a multifamily residential rental housing project consisting of 31 two-story buildings containing approximately 200 units, a one-story common laundry building and a one-story community and leasing office building, to be known as Newport Harbour Apartments, located at 2300-2382 Madison Avenue in the City of Newport News, Virginia (the “Project”) and (2) the costs of issuance incurred in connection with the issuance of the Bonds (collectively (1) and (2), the “Plan of Finance”) and has held a public hearing in connection therewith on December 18, 2018 (the “Public Hearing”); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), provides that (1) the applicable elected representatives of the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds, and (2) if a governmental unit has no applicable elected representatives, the bond issuance must be approved by the next higher governmental unit with such a representative and from which the authority of the governmental unit without such a representative is derived; and

WHEREAS, the Authority was activated by and derives its authority from the City of Newport News, Virginia (the “City”) and the Project is located in the City; and

WHEREAS, the Authority, as the issuing governmental unit with respect to the Bonds, has no applicable elected representative, the City constitutes the next highest governmental unit with such a representative, and the members of the City Council of the City (the “Council”) constitute the applicable elected representatives of the City; and

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority’s resolution authorizing the issuance of the Bonds, a certificate of the Public Hearing, a summary of the statements expressed at the Public Hearing and the fiscal impact statement concerning the Plan of Finance have been filed with the Council.
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA:

1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code, Section 15.2-4906, as applicable to housing authorities, of the Code of Virginia of 1950, as amended (the “Virginia Code”) and Section 36-19(9) of the Virginia Code to permit the Authority to assist in the financing or refinancing of the Plan of Finance.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project, the Plan of Finance, or the Borrower.

3. The Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto and that neither the faith and credit nor the taxing power of the City or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.

4. In adopting this resolution, the City, including its elected representatives, officers, employees and agents, shall not be liable for, and hereby disclaim all liability for, any damages to any person, direct or consequential, resulting from the Authority’s failure to issue the Bonds for any reason.

5. This resolution shall be in effect on and after the date of its adoption, January 8, 2019.
CERTIFICATE

Record of the roll-call vote by the City Council of the City of Newport News, Virginia, upon reading on a resolution titled “A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING THE ISSUANCE BY THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF THE NEWPORT HARBOUR APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE CITY OF NEWPORT NEWS, VIRGINIA,” taken at a meeting of the City Council held on January 8, 2019:

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<td>McKinley L. Price, DDS, Mayor</td>
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<td>Tina L. Vick Vice Mayor</td>
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<td>Marcellus L. Harris, III</td>
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<td>David H. Jenkins</td>
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<td>Saundra Nelson Cherry, D. Min.</td>
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<td>Dr. Patricia P. Woodbury</td>
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Dated: January 8, 2019

[SEAL]

City Council of the City of Newport News, Virginia

ATTEST: ____________________________________________

Clerk, City Council of the City of Newport News, Virginia

The undersigned Clerk of the City Council of the City of Newport News, Virginia, hereby certifies that the foregoing is a true, correct, and complete copy of a resolution adopted by the City Council at its meeting duly called and held on January 8, 2019, in accordance with law, and that such resolution has not been repealed, revoked, rescinded, or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Newport News, Virginia this 8th day of January, 2019.

[SEAL]

Clerk, City Council of the City of Newport News, Virginia
G. Other City Council Actions

2. Resolution Authorizing the Formation of the Choice Neighborhood I LLC and the Choice Neighborhood I Development Corporation by Newport News Redevelopment and Housing Authority (NNRHA)

**ACTION:**
A REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE FORMATION OF THE CHOICE NEIGHBORHOOD I LLC AND THE CHOICE NEIGHBORHOOD I DEVELOPMENT CORPORATION BY THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY (NNRHA).

**BACKGROUND:**
- The City and NNRHA submitted and had accepted by HUD, a Choice Neighborhoods Initiative (CNI) Transformation Plan which outlines steps to the redevelopment of the Ridley Circle public housing complex.

- In order to initiate the first phase of residential development for CNI, which will be in the 2800 block of Jefferson Avenue, NNRHA has partnered with Pennrose LLC, a private developer.

- In order to help finance the first phase of residential development of the CNI Transformation Plan, NNRHA plans to utilize federal low income housing tax credits (LIHTC).

- To take advantage of and accept the LIHTCs, a separate development corporation and a limited liability company must be established, which serves to limit any liability specific to the project and protect other NNRHA assets, and for tax purposes.

- To comply with Title 36 of the Code of Virginia, which enumerates the activities of redevelopment and housing authorities, it is necessary that City Council approve the formation of the proposed development entities.

- The City Manager recommends approval.

**FISCAL IMPACT:**
- N/A

**ATTACHMENTS:**
TO: The Honorable City Council

FROM: City Manager

SUBJECT: Formation of the Choice Neighborhood I LLC & the Choice Neighborhood I Development Corporation by NNRHA

The Newport News Redevelopment and Housing Authority (NNRHA) Board of Commissioners have previously approved several similar single purpose entities related to the agency’s participation in HUD’s Rental Assistance Demonstration Program. The formation of the above single purpose entities is necessary to undertake development of the first phase of the housing portion of the Choice Neighborhoods Initiatives (CNI) Transformation Plan. NNRHA and Pennrose LLC, a private development partner, are undertaking planning and pre-development work, including financial underwriting, for the first phase of residential development for CNI in the 2800 block of Jefferson Avenue. This forty-four (44) unit project will involve NNRHA-owned vacant parcels.

A related Federal Low Income Housing Tax Credit (LIHTC) application is being prepared for submission to the Virginia Housing Development Authority (VHDA) for consideration in VHDA’s 2019 funding round. This application will be submitted in March 2019. Pending approval of this tax credit request in July, construction would likely begin in early 2020 and be completed in early 2022.

Similar to earlier NNRHA-initiated tax credit developments, the LIHTC process requires that a separate development corporation and a limited liability company be formed. The purpose is two-fold: (1) limiting any liability in this venture to the Project itself and not exposing other NNRHA assets in the event of unforeseen issues during the development and operation of this housing; and (2) allocating depreciation to the investor entity (per IRS regulations) in the development.
The Honorable City Council
Page 2
Formation of the Choice Neighborhood I LLC & the Choice Neighborhood I Development Corporation by NNRHA
January 2, 2019

In this regard, NNRHA is proposing to form the Choice Neighborhood I LLC and the Choice Neighborhood I Development Corporation. Please note that on October 16, 2018 at its regular meeting NNRHA Board of Commissioners approved the formation of these single purpose entities and is recommending the approval of City Council. A copy of NNRHA’s Resolution and Extract of Minutes from that meeting are attached for your information. The formation of these entities requires City Council approval in accordance with Title 36 of the Code of Virginia which enumerates the powers of Redevelopment and Housing authorities in the State.

I recommend City Council approve the Resolution supporting this important housing component of CNI.

[Signature]
Cynthia D. Rohlf

CDR:tfw

Attachments (2)

cc: Karen Wilds, Executive Director, NNRHA
    Florence G. Kingston, Director, Department of Development
RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY
AUTHORIZING THE FORMATION OF AND REQUESTING NEWPORT NEWS CITY COUNCIL APPROVAL OF CHOICE NEIGHBORHOOD I LLC AND THE CHOICE NEIGHBORHOOD I DEVELOPMENT CORPORATION

WHEREAS, the Choice Neighborhood Initiative Plan of the City of Newport News and the Newport News Redevelopment and Housing Authority was approved by the Housing and Urban Development in June, 2018; and

WHEREAS, the redevelopment of Ridley Circle involves development of new housing along lower Jefferson Avenue; and

WHEREAS, the redevelopment of the Newport News Redevelopment and Housing Authority owned properties is part of the essential mission for affordable housing of our Agency; and

WHEREAS, the Federal Low Income Housing Tax Credit (LIHTC) program, and proceeds from the sale of tax credits can be used to support this project; and

WHEREAS, participation in the LIHTC Program requires the formation of legal entities to enable NNRHA to accept and utilize Federal tax credits to undertake this redevelopment; and

WHEREAS, NNRHA has successfully utilized Federal tax credits in combination with other funds to accomplish the goal of affordable housing; and

WHEREAS, the NNRHA has selected Pennrose, LLC as its development partner for the Choice Neighborhood Initiative and they are to assist in the development of a Low Income Housing Tax Credit application to be submitted to the Virginia Housing Development Authority in March, 2019 for NNRHA owned properties.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners authorizes the Executive Director to take the necessary actions to form the Choice Neighborhood I LLC and the Choice Neighborhood I Development Corporation and to take such other actions required to undertake this development.

BE IT FURTHER RESOLVED that the Board of Commissioners requests that the Newport News City Council approve NNRHA's participation in this proposed project and the related formation of the entities required to effectuate this development.

10/16/18
EXTRACT FROM THE MINUTES OF THE MEETING OF THE
BOARD OF COMMISSIONERS OF THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY HELD
ON OCTOBER 16, 2018

The Board of Commissioners of Newport News Redevelopment and Housing Authority met in regular meeting at 227-
27th Street, Newport News, Virginia, at the hour and date duly established for the holding of such meeting.

The Chairman called the meeting to order and on roll call the following answered present:

Bea Berry
Lou Call
Josephine Clark
Gary Hunter
Kenneth Penrose, Jr
Lisa Wallace-Davis

* * * *

The following motion was introduced by Chairman Berry, read in full and considered:

THE BOARD OF COMMISSIONERS OF THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY
AUGHRIZING THE FORMATION OF AND REQUESTING NEWPORT NEWS CITY COUNCIL APPROVAL OF
CHOICE NEIGHBORHOOD I, LLC AND THE CHOICE NEIGHBORHOOD I DEVELOPMENT CORPORATION

Commissioner Clark moved that the foregoing motion be approved, which motion was seconded by Commissioner
Davis and upon roll call the "Ayes" and "Nays" were as follows:

AYES  ABSTAIN

Bea Berry
Lou Call
Josephine Clark
Gary Hunter
Kenneth Penrose, Jr.
Lisa Wallace-Davis

The Chairman thereupon declared said motion carried.

* * *

There being no comments by the public and no further business to come before the meeting, upon motion duly made and
seconded, the meeting was adjourned.

CERTIFICATE OF RECORDING OFFICER

I, Karen R. Wilds, the duly appointed, qualified and acting Secretary-Treasurer of the Newport News Redevelopment and
Housing Authority, do hereby certify that the above extract from the minutes of a meeting of the Board of Commissioners of the
Authority, held on October 16, 2018 is a true and correct copy of the original minutes of such meeting on file and of record in so
far as they relate to the matters set forth in the above extract, and I do further certify that such extract is a true and correct copy
of a motion adopted at such meeting and on file and of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the Seal of said Authority this sixteenth day of October, 2018.

Karen R. Wilds
Secretary-Treasurer
RESOLUTION NO. ____________________


WHEREAS, the Choice Neighborhood Initiative ("CNI") Transformation Plan jointly prepared by the City of Newport News, Virginia ("City") and the Newport News Redevelopment and Housing Authority ("NNRHA") was accepted by the U.S. Department of Housing and Urban Development in June 2018; and

WHEREAS, the CNI Transformation Plan for Ridley Circle involves the development of new housing along lower Jefferson Avenue; and

WHEREAS, redevelopment of NNRHA owned properties is part of the essential mission of NNRHA of providing decent and affordable housing; and

WHEREAS, the Federal Low Income Housing Tax Credit ("LIHTC") Program and proceeds from the sale of these LIHTCs can be used to support this project; and

WHEREAS, participation in the LIHTC Program requires the formation of legal entities to enable NNRHA to accept and utilize LIHTCs to undertake this redevelopment; and

WHEREAS, NNRHA has successfully utilized LIHTCs in combination with other funds to accomplish the goal of affordable housing; and

WHEREAS, NNRHA has selected Pennrose, LLC as its development partner for the CNI Transformation Plan and they are to assist in the development of a LIHTC application to be submitted to the Virginia Housing Development Authority in March 2019 for NNRHA owned property; and

WHEREAS, on October 16, 2018, the NNRHA Board of Commissioners approved a resolution authorizing the formation of the Choice Neighborhood I LLC and the Choice Neighborhood I Development Corporation and has requested that the Newport News City Council approve such action in accordance with Section 36-19 (12) of the Code of Virginia; and

WHEREAS, the Council finds that it is in the best interest of the City to approve the formation of the aforementioned entities.

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

1. That it hereby approves the formation by NNRHA of the Choice Neighborhood I LLC and the Choice Neighborhood I Development Corporation.
2. That this resolution shall be in effect on and after the date of its adoption, January 8, 2019.
3. Ordinance to Allow a Fence Encroachment into the Public Right-of-Way at 5905 Madison Avenue

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE TO ALLOW A FENCE ENRICOACHMENT INTO THE SEVENTY-SIX FOOT RIGHT-OF-WAY AT 5905 MADISON AVENUE.

**BACKGROUND:**
- An existing wooden fence currently encroaches into the seventy-six foot right-of-way.
- The existing fence is in disrepair and the owner would like to repair or replace the fence.
- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**
- Ord Fence Encroachment Memo
- sdm16674 Authorizing Encroachment Agmt between City and Quinton and Daffie Branch
- Attachment Location Map 5905 Madison Avenue
TO: The Honorable City Council

FROM: City Manager

SUBJECT: Ordinance to Allow a Fence Encroachment into the 76ft Right-of-Way

City Council is requested to adopt an Ordinance to allow a fence encroachment into the 76-foot right-of-way located at 5905 Madison Avenue. An existing wooden fence currently encroaches into the right-of-way. The existing fence is in disrepair and the owner would like to repair or replace portions of the fence.

I recommend approval.

______________________________
Cynthia D. Rohlf

CDR:MLS:plw

Attachment

cc: Everett Skipper, Director, Department of Engineering
ORDINANCE NO. __________________

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, AN ENCROACHMENT AGREEMENT BETWEEN THE CITY OF NEWPORT NEWS AND QUINTON C. BRANCH AND DAFFIE E. BRANCH FOR AN ENCROACHMENT UPON THE MADISON AVENUE RIGHT-OF-WAY IN THE CITY OF NEWPORT NEWS, AS MORE PARTICULARLY SET FORTH HERELN.

WHEREAS, the Council of the City of Newport News, Virginia is authorized pursuant to Virginia Code §15.2-2009 and Va. Code §15.2-2011 to permit encroachments upon certain public ways within the City of Newport News, Virginia; and

WHEREAS, Quinton C. Branch and Daffie E. Branch ("the Branches"), own a parcel of real estate in the City of Newport News known as 5905 Madison Avenue, Newport News, Virginia (Tax ID No. 283000335) ("the Property"); and

WHEREAS, by a plat dated July 3, 1959, recorded in the Office of the Clerk of the Circuit Court of Newport News in Plat Book 5, Page 42, 1970, the City has title to an eighty foot (80') right-of-way along Madison Avenue, which is attached as Exhibit A; and

WHEREAS, the Branches have asked to replace an existing fence with a split-rail fence within the right-of-way just to the west of the paved surface, which is attached as Exhibit B; and

WHEREAS, this encroachment can be facilitated without causing undue public danger or inconvenience, and with no adverse effects on the maintenance of the right-of-way, given the terms incorporated in the Encroachment Agreement; and

WHEREAS, the Branches have requested that City Council authorize the encroachment and the execution of the Encroachment Agreement; and

WHEREAS, the City Manager recommends that the Council authorize the encroachment requested by the Branches and authorize the execution of the Encroachment Agreement.

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

1. That it desires to, and hereby does, authorize a non-permanent, revocable encroachment upon the right-of-way.

2. That the non-permanent, revocable encroachment is authorized subject to compliance by the parties with the terms of the Encroachment Agreement between the City of Newport News, Virginia and Quinton C. Branch and Daffie E. Branch.
3. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Encroachment Agreement between the City of Newport News, Virginia and the Branches, a copy of which is attached hereto and made a part hereof.

4. That a copy of this ordinance and the Encroachment Agreement be recorded in the Clerk’s Office of the Circuit Court of the City of Newport News, Virginia.

5. That this ordinance be in effect on and after the date of its adoption, January 8, 2019.
THIS IS TO CERTIFY THAT, ON JULY 27, 1987, SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT.

THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

SIGNED

[Signature]

RICHARD F. BASGIER
CERTIFICATE NO. 1277
LAND SURVEYOR

EXHIBIT

B

PHYSICAL SURVEY

OF

LOT 26A, BLK. B, Resubdivision of LOT 26, BLK. B, HILTON PARK CORPORATION FOR

QUINTON C. BRANCH and DAFFIE E. BRANCH

NEWPORT NEWS, VIRGINIA

Scale: 1" = 40'  
July 28, 1987

BASGIER and ASSOCIATES

ENGINEERS - SURVEYORS - PLANNERS

VIRGINIA BEACH, VIRGINIA - NEWPORT NEWS, VIRGINIA
ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT (the "Agreement") is made and entered into as of January 8, 2019, by the CITY OF NEWPORT NEWS, VIRGINIA, a municipal corporation in the Commonwealth of Virginia whose mailing address is 2400 Washington Avenue, Newport News, Virginia 23607 (hereinafter referred to as "Grantor"), in favor of QUINTON C. BRANCH and DAFFIE E. BRANCH, 5905 Madison Avenue, Newport News, VA 23605 (hereinafter referred to as "Grantee"). The property at issue is located at 5905 Madison Avenue, Newport News, Virginia 23605, Tax ID No. 283000335.

WITNESSETH:

WHEREAS, Grantor owns the property known as the Madison Avenue Right-of-way

WHEREAS, Grantor obtained title to an eighty foot right-of-way upon execution and recording of a subdivision plat entitled "Redivision of Lot 26, Block B, Hilton Park Corporation, City of Newport News, Virginia, prepared by R.F. Pyle, Certified Land Surveyor", dated July 3, 1959, and recorded in Plat Book 5, page 42, attached as Exhibit 1; and

WHEREAS, Grantees acquired the property by deed from Avon D. Cornelius et ex., Grantor(s) dated August 27, 1987, and recorded as Instrument number 0011561002; and

WHEREAS at the time of purchase there was a pre-existing fence on the site; and

WHEREAS, Grantees wish to install a split rail fence on the property to replace the existing fence, as shown on a contract for erection of the new fence, attached as Exhibit 2; and

WHEREAS, the Grantees have applied for a building permit to erect the fence, Exhibit 3; and
WHEREAS, a copy of the survey of the property showing the location of the proposed fence is attached as Exhibit 4 to the Agreement; and

WHEREAS, Grantor, at the request of the Grantee, is willing to enter into this Encroachment Agreement with Grantee; and

WHEREAS, the City Council of the City of Newport News approved execution by the City Manager of the Agreement on January 8, 2019.

NOW, THEREFORE, for and in consideration of the sum of Ten and No/100 Dollars ($10.00), the above premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor and Grantee, Grantor and Grantee do hereby agree as follows:

1. **Acknowledgement and Agreement Regarding Encroachment.** Grantor does hereby consent to the Encroachment, pursuant to Va. Code §15.2-2009 and §15.2-2011, and hereby agrees to allow Grantee permission to install and maintain the fence which are located within the Existing Right of Way provided such use does not interfere with the safe and efficient construction, operation, or maintenance of Grantor’s sidewalk, water mains, pipes, laterals, and appurtenances ("Grantor’s Facilities"), nor contaminate the area, and further provided that such use is not inconsistent with any laws, ordinances, regulations or codes pertaining to the construction, operation or maintenance of Grantor’s Facilities.

2. **Defective Condition.** If the Encroachment is determined by the Grantor to be in such a defective condition as to cause damage to or to otherwise adversely affect Grantor's Facilities and the safety and health of pedestrians using the sidewalk and the general safety and health of the public, within the existing Right-of-way, Grantee shall cause the condition to be corrected, remedied or removed at no expense to Grantor within thirty (30) days after written notification by Grantor. Grantee agrees to reimburse Grantor all costs incurred by Grantor in repairing any damage to Grantor’s Facilities arising out of the use of the Encroachment within thirty (30) days of receiving an invoice from Grantor for such costs.

3. **Indemnity.** The Grantees hereby agrees to defend, indemnify and save harmless the Grantor and its agents, officials, and employees from any and all claims, demands, damages, including death, and liability of every kind and nature whatsoever for, on account of, or arising out of the use of the Encroachment under the consent hereby granted, except to the extent caused by the gross negligence or willful misconduct of Grantor.

4. **Insurance.** The Grantees will maintain general liability coverage endorsed to name the Grantor as an additional insured, and shall continue to provide the Grantor with updated certificates upon each renewal of the coverage. Failure to renew within thirty (30) days notice shall result in termination of this Encroachment Agreement.
5. **Termination.** This Agreement shall in no way be construed as the granting of a perpetual easement or any type of property right by Grantor. The Agreement is revocable at will by either party upon one hundred eighty (180) days’ notice.

6. **Reservation.** The Grantor expressly reserves all rights, privileges, and immunities granted to it under the laws and statutes of the United States and the Commonwealth of Virginia and under the Code of Ordinances of the City of Newport News as to any claims made against it.

7. **Governing Law.** This Agreement shall be governed and construed under the laws of the Commonwealth of Virginia, without regard to its conflicts laws or choice of law rules.

8. **Survival.** This Agreement will be binding upon Grantor and Grantee and inure to the benefit and obligation of their respective successors in title.

9. **Exhibits.** The Exhibits attached to this Agreement are incorporated herein by reference and made a part hereof.

[Signature Pages Follows]
WITNESS the following signatures and seals

GRANTOR

CITY OF NEWPORT NEWS, VIRGINIA

By: ____________________________
Name: Cynthia D. Rohlf
Title: City Manager

ATTEST:

APPROVED AS TO FORM:

__________________________
City Clerk

__________________________
City Attorney

COMMONWEALTH OF VIRGINIA
City of Newport News, to wit:

I, ____________________________, a Notary Public in and for the City and Commonwealth aforesaid, do hereby certify that the CITY OF NEWPORT NEWS, VIRGINIA, by Cynthia D. Rohlf, as City Manager, and attested by Mabel Washington Jenkins, as City Clerk, whose names are signed to the foregoing writing, hereto annexed, have acknowledged the same before me in my City and Commonwealth aforesaid.

GIVEN under my hand this _____ day of _________________________, 2019.

__________________________
NOTARY PUBLIC

Registration No. __________________________
GRANTEES

QUINTON C. BRANCH

COMMONWEALTH OF VIRGINIA
CITY OF ________________________, to-wit:

I, ________________________________, a Notary Public in and for the City and Commonwealth aforesaid, do hereby certify that QUINTON C. BRANCH, whose name is signed to the foregoing writing, hereto annexed, has acknowledged the same before me in my City and Commonwealth aforesaid.

GIVEN under my hand this _______ day of ________________________, 2019.

______________________________
NOTARY PUBLIC

My commission expires:

______________________________

Registration No. ___________________
DAFFIE E. BRANCH

COMMONWEALTH OF VIRGINIA
CITY OF ________________, to-wit:

I, ___________________________________________, a Notary Public in and for the City and Commonwealth aforesaid, do hereby certify that DAFFIE E. BRANCH, whose name is signed to the foregoing writing, hereto annexed, has acknowledged the same before me in my City and Commonwealth aforesaid.

GIVEN under my hand this ________ day of ________________, 2019.

________________________________________
NOTARY PUBLIC

My commission expires:

________________________________________

Registration No. _______________________

sdm16675
ROSENBAUM FENCE COMPANY
1666 W. PEMBROKE AVENUE
HAMPTON, VIRGINIA 23661
WWW.ROSENBAUMFENCE.COM

Quinton C. Daffire Branch
5905 Madison Ave.

DESCRIPTION

STYLE
SCE
Below

DIAGRAM

CHECK LIST

☐ CALL CUSTOMER DAY IN ADVANCE
☐ CUSTOMER TO CALL WHEN READY FOR FENCE
☐ FOLLOW CONTOUR – FENCE CLOSE TO GROUND – TOP MAY BE UNEVEN
☐ EVEN ON TOP
☐ BARBS UP ☐ BARBS DOWN
☐ POSTS IN CONCRETE
☐ TAKE DOWN EXISTING FENCE BY
☐ CUSTOMER ☐ ROSENBAUM
☐ TRIM TREES, BUSHES, SHRUBS BY
☐ CUSTOMER ☐ ROSENBAUM
☐ HAUL DEBRIS AWAY BY
☐ CUSTOMER ☐ ROSENBAUM
☐ UNDERGROUND: ☐ ELEC ☐ GAS
☐ TEL ☐ CABLE
☐ PROPERTY PINS FOUND: ☐ YES ☐ NO
☐ CUSTOMER REQUEST ON LOCATION
☐ PERMIT BY ROSENBAUM
☐ PERMIT BY CUSTOMER
☐ SURVEY

ACQUIRED BY

WE PROPOSE TO FURNISH ☐ MATERIALS ☐ TAX ☐ LABOR FOR THE CASH PRICE OF $______

☐ CASH ON COMPLETION ☐ COMPANY FINANCING ☐ _______ DAYS

1. Cash Price of Materials/Services $______
2. Buyer’s Downpayment with Order $______
3. Unpaid Balance of Cash Price (1 - 2) $______
4. Cash Due Upon Completion of Work $______
5. Unpaid Balance of Cash Price (3 - 4) $______
6. Finance Charges $______
7. Deferred Payment Price (5 + 6) $______
8. Total Cost (1 + 6) $______

PERCENTAGE RATE ______% ☐

Payments of $______ monthly for _______ months beginning _______ days after completion.
(Final payment to be the unpaid balance)

THIS CONTRACT IS SUBJECT TO THE TERMS AND CONDITIONS PRINTED ON THE REVERSE SIDE AND WHICH ARE MADE A PART HEREOF BY THIS REFERENCE.

ROSENBAUM FENCE COMPANY (Seller)

By: ____________________________
(Authorized Signature)

Acceptance of Proposal – The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature ____________________________

Date of Acceptance: ____________________________

Signature ____________________________
**Building Permit Application**

City of Newport News
Department of Codes Compliance
2400 Washington Avenue 3rd floor, Newport News, Virginia 23607
757-933-2311/757-926-8311 (fax)
www.nvva.gov/codes-compliance

**Application #:** FENC-2018-0335

**Received:** OCT 10 2018

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**Project Address:** 5905 Madison Ave.

**Unit:**

**Parcel ID:** 283000335

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**Applicant (Check One):**

- [x] Property Owner
- [ ] Tenant

**Name:** Quinton & Daffie Branch

**Address:** 5905 Madison Ave.

**City/State/Zip:** Newport News VA 23605

**Phone #:** 725-0194

**Fax #:** N/A

**Email Address:** N/A

**Proposed Value of Work:** $242.00

---

**Description of Work:**

- INSTALL 279 SF
- SPLIT RAIL FENCE
- W/ WELDED WIRE ATTACHED
- 4' HIGH

---

**Approved By:**

**Date:**

---

**Exhibit:** 3
THIS IS TO CERTIFY THAT I, ON JULY 27, 1987, SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT.

THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

SIGNED

[Signature]

RICHARD F. BASGIER
CERTIFICATE NO. 1577
LAND SURVEYOR

PHYSICAL SURVEY
OF
LOT 26A, BLK. B, Resubdivision of LOT 26, BLK. B, HILTON PARK CORPORATION
FOR
QUINTON C. BRANCH and DAFFIE E. BRANCH
NEWPORT NEWS - VIRGINIA
Scale: 1" = 40'  July 28, 1987

BASGIER and ASSOCIATES
ENGINEERS - SURVEYORS - PLANNERS
VIRGINIA BEACH, VIRGINIA - NEWPORT NEWS, VIRGINIA

J.O. 287307
Project Site

Highland Ct

Briarfield Rd

Madison Ave

CITY OF NEWPORT NEWS, VIRGINIA

5905 Madison Avenue
G. Other City Council Actions

4. Resolution Authorizing and Directing the City Manager to Execute an Agreement for Cost Sharing of the Hampton Roads Sanitation District (HRSD) Huxley Place to Middle Ground Boulevard Interceptor Force Main Extension (JR012100) and City of Newport News Huxley Place Sanitary Sewer Rehabilitation and Replacement ("Agreement")

**ACTION:**

A REQUEST TO APPROVE A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR COST SHARING OF THE HAMPTON ROADS SANITATION DISTRICT (HRSD) HUXLEY PLACE TO MIDDLE GROUND BOULEVARD INTERCEPTOR FORCE MAIN EXTENSION (JR012100) AND CITY OF NEWPORT NEWS HUXLEY PLACE SANITARY SEWER REHABILITATION AND REPLACEMENT ("AGREEMENT").

**BACKGROUND:**

- The HRSD Huxley to Middle Ground Boulevard Interceptor Force Main Extension project includes the installation of 2,250 linear feet of 36-inch force main from the intersection of Maxwell Lane and Warwick Boulevard, to the intersection of Huxley Place and Carnegie Drive.

- The existing City owned 8-inch sanitary sewer mains within HRSD’s projects limits have reached the end of their service life and will be replaced as part of the HRSD project.

**FISCAL IMPACT:**

- The total project cost is $3,286,000 of which the City's portion is $605,000.

- Funding is available from the FY 2018 Bond Authorization, Sanitary Sewer Rehabilitation Category.

- The City Manager recommends approval.

**ATTACHMENTS:**

Description
HRSD Cost Sharing - Huxley Pl Memo
Attch 1 of 2-Agmt-HRSD Cost Sharing Agmt for Huxley Place
Attch 2 of 2-Location Map-HRSD Cost Sharing Agmt for Huxley Place
sdm16700 Authorizing Agreement for Cost Sharing-HRSD (Huxley Place
TO: The Honorable City Council
FROM: City Manager
SUBJECT: Hampton Roads Sanitation District (HRSD) Cost Sharing Agreement – Huxley Place

City Council is requested to approve a resolution authorizing the City Manager to execute a Cost Sharing Agreement with Hampton Roads Sanitation District (HRSD) for the construction of Huxley Place to Middle Ground Boulevard Interceptor Force Main Extension Project (JR012100).

The project includes installation of approximately 2,250 feet of 36-inch HRSD gravity sanitary sewer main. Also included is the replacement and rehabilitation of approximately 2,000 feet of City owned 8-inch gravity sanitary main and sewer laterals along Huxley Place, between Maxwell Lane and Carnegie Drive.

The improvements to the City sewer will reduce infiltration into the sanitary system, reduce preventative maintenance, and improve sewage flows. The City will also realize a cost savings by incorporating the City’s sanitary improvements with the HRSD project.

The total project cost is $3,286,000 of which the City’s portion is $605,000. These funds are available from previously appropriated FY2018 Sewer Rehabilitation funds.

I recommend approval.

[Signature]

Cynthia D. Rohlf

Attachments (2)

cc: Everett Skipper, Director, Department of Engineering
AGREEMENT FOR COST SHARING

OF THE

HAMPTON ROADS SANITATION DISTRICT
HUXLEY PLACE TO MIDDLE GROUND BOULEVARD INTERCEPTOR FORCE MAIN EXTENSION (JR012100)

AND

CITY OF NEWPORT NEWS
HUXLEY PLACE SANITARY REHABILITATION AND REPLACEMENT

THIS AGREEMENT FOR COST SHARING (the “Agreement”), between the CITY OF NEWPORT NEWS (“CITY”) and the HAMPTON ROADS SANITATION DISTRICT (“HRSD”), is entered into this ___ day of __________, 2018 (the “Effective Date”).

RECITALS

R:1. HRSD is constructing its Huxley Place to Middle Ground Boulevard Interceptor Force Main Project as shown on Exhibit 1 (the “HRSD Facilities”); and

R:2. The CITY is constructing its Huxley Place Sanitary Rehabilitation and Replacement Project as shown on Exhibit 2 (the “CITY Facilities”) as part of the City of Newport News Capital Improvement Program; and

R:3. The construction of the HRSD Facilities and the CITY Facilities (collectively referred to as the “Improvements”) will necessitate the construction, installation of force main, realignment, rehabilitation, bypassing, replacement of existing gravity sewers and laterals, and abandonment of existing force main; and

R:4. HRSD and the CITY agree that it is in the best interest of the parties to have the Improvements constructed together; and

R:5. HRSD agrees to include the construction of the CITY Facilities as part of the construction of the HRSD Facilities, in accordance with the approved plans and specifications; and

R:6. The CITY agrees to reimburse HRSD for that portion of the costs of the construction of the Improvements attributable to the CITY Facilities under the terms and conditions set forth herein.

TERMS

NOW THEREFORE, in consideration of the above provisions and agreements
set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

I. DESIGN OF IMPROVEMENTS

A. Plans and Specifications

1. HRSD will employ Rummel, Klepper, and Kahl, LLP ("ENGINEER"), to prepare plans and specifications for the HRSD Facilities. A location map of the HRSD Facilities is included as Exhibit 1.

2. CITY will employ Rummel, Klepper, and Kahl, LLP ("ENGINEER"), to prepare plans and specifications for the CITY Facilities. A location map of the CITY Facilities is included as Exhibit 2.

3. ENGINEER, along with HRSD and the CITY, will meet to coordinate, review, and approve a set of construction documents (the “Final Plans and Specifications”) for the Improvements.

B. Payment of the Design Costs

1. HRSD will compensate the ENGINEER for all engineering design costs and any amendments related to the HRSD Facilities.

2. CITY will compensate the ENGINEER for all engineering design costs and any amendments related to the CITY Facilities.

C. Compliance


II. CONSTRUCTION OF IMPROVEMENTS

A. Cost of Construction:

1. The total cost of the Improvements, as more particularly defined by
the Final Plans and Specifications, prepared by the ENGINEER for HRSD and the CITY (the “Improvements Costs”) shall include:

a. Cost of construction of the Improvements;

b. Cost of advertising for bids;

c. Cost of permits required for the construction of the Improvements;

d. Costs for construction contract administration (CA) and construction inspection (CI);

e. Any related miscellaneous essential expenses.

2. The current estimated cost of the construction of the HRSD Facilities is $2,681,000 and the estimated cost of the construction of the CITY Facilities is $605,000.

B. Approval of Final Plans and Specifications; Contractors; Change Orders

1. HRSD and the CITY agree that before any construction work is to begin under this Agreement, HRSD and the CITY will jointly review and approve the Final Plans and Specifications. This approval shall be in writing, and once approved, the approval as well as the Final Plans and Specifications shall be appended as an addendum to this Agreement.

2. HRSD and the CITY shall review and agree upon the qualifications of the contractor’s and subcontractors employed for the Improvements (the “Contractor(s)”) prior to award of the construction contract.

3. Contractors shall be responsible for all necessary permits and approvals necessary for the Improvements.

4. HRSD will review and approve change orders related to the HRSD Facilities.

5. CITY will review and approve change orders related to the CITY Facilities.
6. CITY will review and approve scope of work and fee for the construction contract administration and inspections related to the CITY Facilities.

C. Payment of Improvement Costs

1. The Improvements Costs shall be apportioned among the parties as follows:

   a. HRSD will administer and be responsible for bearing one hundred percent (100%) of the cost of the HRSD Facilities.

   b. The CITY will administer and be responsible for bearing one hundred percent (100%) of the cost of the CITY Facilities.

   c. Costs associated with any change to the initial construction cost (“Change Order”) shall be as follows:

      i. HRSD shall be solely responsible for costs due to a Change Order requested by HRSD; and

      ii. The CITY shall be responsible for costs due to a Change Order requested by the CITY.

2. During the course of construction, HRSD shall compensate the Contractors and other individuals and entities providing materials and/or services related to the Improvements for all Improvement Costs, including those for which the CITY is responsible. The CITY shall reimburse HRSD for all such payments made on its behalf. The CITY shall pay its share of the Improvements Costs to HRSD in one lump sum payment upon completion of construction (as determined by HRSD). HRSD shall provide the CITY with an invoice detailing the CITY’s share of the Improvement Costs. Within thirty (30) days of its receipt of such invoice, the CITY shall reimburse HRSD for the CITY’s share of the Improvement Costs as detailed in the invoice.

3. The CITY’s CA cost will be equal to the final City Facilities Cost when compared to the total project Improvement Cost multiplied by the total CA cost.

   a. City Facilities Costs / Total Improvement Costs X Total CA Costs = CITY CA Cost
4. The CITY’s CI cost will be equal to the final City Facilities Cost when compared to the total project Improvement cost multiplied by the total CI cost.
   a. City Facilities Costs / Total Improvement Costs X Total CI Costs = CITY CI Cost

D. Operation and Maintenance of the Improvements during and after Construction

1. HRSD shall be responsible for operation and maintenance of the HRSD Facilities during and after construction.

2. CITY shall be responsible for operation and maintenance of the CITY Facilities during and after construction.

3. HRSD and the CITY agree to cooperate and coordinate for the operations and maintenance of any interconnections between the HRSD Facilities and CITY Facilities.

III. SCHEDULE

The construction is anticipated to begin by June 1, 2019 and be complete by June 1, 2020. If the construction dates listed herein are substantially delayed, HRSD reserves the right to terminate this Agreement.

III. OBLIGATIONS OF HRSD AND THE CITY

A. Public Hearing

HRSD and the CITY will be responsible for holding a public hearing if required. The CITY will coordinate and reserve the location, and assist HRSD in such public hearing.

B. Bidding of the Improvements

1. HRSD agrees to issue bidding documents for construction of the Improvements. The CITY agrees to provide administrative support during the bidding phase. In particular the CITY shall:

   a. Attend the preconstruction meeting.

   b. Provide timely responses to the ENGINEER for any
questions, requests for clarification, or addenda during the bidding phase.

c. Provide miscellaneous support to HRSD as required during the bidding phase.

2. HRSD will receive bids for construction of the Improvements. All bids received will be reviewed and approved by the CITY and HRSD prior to award of the construction contract. The CITY and HRSD shall negotiate in good faith to resolve financial matters with regards to bidding the Improvements. The bidding procedures shall be conducted in accordance with the Virginia Public Procurement Act and the HRSD Procurement Policy.

C. Administration

HRSD shall provide contract administration of the Improvements. The CITY shall reimburse HRSD for the contract administration cost of the CITY Facilities.

D. Inspection

HRSD shall provide full-time inspection of the Improvements. The CITY shall reimburse HRSD for the inspection costs of the CITY Facilities. The inspector(s) shall have the authority to assure the Improvements are constructed in accordance with the Final Plans and Specifications.

E. Deeds and Easements

1. HRSD shall obtain any and all necessary fee simple deeds and/or deeds of easement needed for the HRSD Facilities.

2. CITY shall obtain any and all necessary fee simple deeds and/or deeds of easements for the CITY Facilities.

F. Correction of Construction Defects in the Improvements

HRSD shall require the Contractors to provide a performance and payment bond for the full amount of the construction of the Improvements. The construction contract shall also provide for a warranty of the Contractor’s work against construction defects in the Improvements and shall require the Contractor to correct such defects that are reported by
HRSD or the CITY within one (1) year of the final acceptance of the Improvements.

G. Construction Record Drawings

ENGINEER shall provide HRSD and the CITY approved construction record drawings in accordance with HRSD Standards for use in Engineered Construction Projects and the City of Newport News Construction Standards and Special Provisions, latest edition.

IV. GOVERNING LAW

This Agreement shall be deemed to be a Virginia contract and shall be governed as to all matters whether of validity, interpretations, obligations, performance or otherwise exclusively by the laws of the Commonwealth of Virginia, and all questions arising with respect thereto shall be determined in accordance with such laws. Regardless of where actually delivered and accepted, this contract shall be deemed to have been delivered and accepted by the parties in the Commonwealth of Virginia.

V. TERMINATION

Anything herein or elsewhere to the contrary notwithstanding, this Agreement and the obligations of the parties hereunder may be terminated by the CITY or HRSD in the event that the other party breaches or violates any material provision of this Agreement or fails to perform any material covenant or agreement to be performed by either party under the terms of this Agreement and such breach, violation or failure is not cured within sixty (60) days of the defaulting party’s receipt of written notice of such breach from the non-defaulting party; or by mutual agreement of the CITY and HRSD.

VI. NOTICE

Any notice, communication or request under this Agreement shall be provided in writing by either (a) certified mail, return receipt requested, postage prepaid, or (b) a nationally recognized overnight delivery service (next business day service), or (c) hand-delivery, if the receipt of the same is evidenced by the signature of the addressee or authorized agent, and addressed to the following:

For: HRSD
By U.S. Postal Service

By Overnight Mail:
VII. ASSIGNMENT

No party may assign its rights in this Agreement without the prior written consent of the other party.

VIII. AMENDMENT

This Agreement may be amended only by a written instrument duly executed by the parties.

IX. SEVERABILITY

If any provision of this Agreement or the application thereof to any circumstance shall be determined to be invalid, illegal or unenforceable to any extent, the remainder of this Agreement and the application thereof shall not be affected and shall continue to be valid, in effect and enforceable to the fullest extent permitted by law.
X. **DAMAGES**

If by omission that constitutes negligence or willful misconduct or failure to abide by engineering standards or failure to abide by the Final Plans and Specifications described herein, the negligent party shall be responsible for the payments for damages to any other party to this Agreement to the extent of applicable law.

XI. **INSURANCE**

HRSD and the CITY have the right to review and approve insurance coverage in the various insurance categories that HRSD and the CITY deem necessary to be carried by the Contractor or any other parties to this Agreement. Proof of insurance shall be provided at the request of HRSD or the CITY and the insurance coverage shall be maintained during the term of this Agreement.

XII. **TERM OF AGREEMENT**

The term of the Agreement will commence on the date the Agreement is entered into and be completed when each party has completely performed its obligations hereunder.

XIII. **FORCE MAJEURE**

In the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond the control of the CITY or HRSD or the Contractor and without their fault or negligence, including, but not restricted to, acts of God or of the public enemy, acts of the government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargos, and unusually severe weather or delays of subcontractors due to such causes; it being the purpose and intent of this provision that in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the parties shall be extended for the period of the enforced delay.

XIV. **INDEPENDENT CONTRACTOR**

If the Contractor(s) hire subcontractors or independent contractors, HRSD and the CITY have the right to approve them by reviewing their requisite experience and knowledge to complete the work assigned.
XV. **SUBCONTRACTOR**

If any Contractors or subcontractors are selected by any party to this Agreement for completion of the work contemplated herein, HRSD has the right to approve the same.

XVI. **WAIVER**

No waiver of the breach of any term or provision of this Agreement shall be construed to be, or shall constitute, a waiver of any other breach of this Agreement. No waiver shall be binding unless in writing and signed by the parties waiving the breach.

The failure of any party to seek redress for violation of or to insist upon the strict performance of any covenant or condition of this Agreement shall not prevent a subsequent act, which would have originally constituted a violation, from having the effect of an original violation.

The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive the right to use any or all other remedies. Such rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

XVII. **INTEGRATION**

This Agreement constitutes the entire understanding among the parties. No provision of this Agreement may be waived, modified or amended except by an instrument signed by the party against whom the enforcement of such waiver, modification or amendment is sought. No waiver by either party of any failure or refusal by the other party to comply with its obligations hereunder shall be deemed a waiver of any other or subsequent failure or refusal to comply.
IN WITNESS WHEREOF, the Hampton Roads Sanitation District Commission (HRSD) has caused this Agreement to be signed on its behalf by its General Manager in accordance with authorization granted at its regular meeting held on ________________, 2018.

HAMPTON ROADS SANITATION DISTRICT

By ________________________________
Edward G. Henifin, P.E., General Manager

COMMONWEALTH OF VIRGINIA,
CITY OF VIRGINIA BEACH, to-wit:

The foregoing agreement was acknowledged before me this _____ day of ________________, 2018, by Edward G. Henifin, P.E., General Manager, Hampton Roads Sanitation District.

_________________________________
Notary Public

My commission expires:

Registration No.:
IN WITNESS WHEREOF, the City of Newport News (CITY) has caused this Agreement to be signed by the City Manager on its behalf pursuant to Resolution adopted by the City Council on ____________, 201_.

CITY OF NEWPORT NEWS

By___________________________________  
Cynthia D. Rohlf, City Manager

ATTEST:

___________________________________  
City Clerk

COMMONWEALTH OF VIRGINIA,  
CITY OF NEWPORT NEWS, to-wit:

The foregoing Agreement was acknowledged before me this______ day of ________________, 201_, by Cynthia D. Rohlf, City Manager, City of Newport News, Virginia.

___________________________________  
Notary Public

My commission expires:

Registration No.:

Approved as to Form and Correctness:  
Approved as to Content:

___________________________________  
Deputy City Attorney  
Director of Utilities
Exhibit 1

HRSD Facilities Location Map
Exhibit 2

City Facilities Location Map
CITY OF NEWPORT NEWS, VIRGINIA

HUXLEY PLACE
SANITARY SEWER REHABILITATION
RESOLUTION NO. __________

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN AGREEMENT FOR COST SHARING OF THE HAMPTON ROADS SANITATION DISTRICT HUXLEY PLACE TO MIDDLE GROUND BOULEVARD INTERCEPTOR FORCE MAIN EXTENSION (JR012100) AND CITY OF NEWPORT NEWS HUXLEY PLACE SANITARY SEWER REHABILITATION AND REPLACEMENT ("AGREEMENT").

WHEREAS, HRSD is constructing its Huxley Place to Middle Ground Boulevard (now City Center Boulevard) Interceptor Force Main Project ("the HRSD Project") as shown on Exhibit 1 to the Agreement For Cost Sharing Of The Hampton Roads Sanitation District Huxley Place to Middle Ground Boulevard Interceptor Force Main Extension (JR012100) And City Of Newport News Huxley Place Sanitary Rehabilitation And Replacement ("the Agreement"); and

WHEREAS, the City is constructing its Huxley Place Sanitary Rehabilitation and Replacement Project ("the City Project"), shown as Exhibit 2 to the Agreement; and

WHEREAS, the construction of the HRSD Project and the City Project ("the Improvements") will necessitate the construction, installation of force main, rehabilitation, bypassing, replacement of existing gravity sewers and laterals, and abandonments of existing force main; and

WHEREAS, HRSD and the City agree that it is in the best interests of the parties to have the improvements constructed together; and

WHEREAS, HRSD agrees to include the reconstruction of the City Project as part of the construction of the HRSD Project, in accordance with the approved plans and specifications; and

WHEREAS, the City agrees to reimburse HRSD for that portion of the costs of the construction of the Project attributable to the City Project under the terms set forth in the Agreement; and

WHEREAS, the estimated cost of the construction of the HRSD Project is $2,681,000 and the estimated cost of the City Project is $605,000.

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

1. That it hereby authorizes and directs the City Manager to execute, the City Clerk to attest, and the City Attorney to approve as to form, on behalf of the City of Newport News, Virginia, the Agreement by and between the City of Newport News, Virginia, and Hampton Roads Sanitation District and to execute any further documents necessary to effectuate the Agreement, after being reviewed by the City Attorney.
2. That a copy of the said Agreement is attached hereto and made a part hereof.

3. That this resolution shall be in effect on and after the date of its adoption, January 8, 2019.
AGREEMENT FOR COST SHARING

OF THE

HAMPTON ROADS SANITATION DISTRICT
HUXTLEY PLACE TO MIDDLE GROUND BOULEVARD INTERCEPTOR FORCE MAIN EXTENSION (JR012100)

AND

CITY OF NEWPORT NEWS
HUXTLEY PLACE SANITARY REHABILITATION AND REPLACEMENT

THIS AGREEMENT FOR COST SHARING (the “Agreement”), between the CITY OF NEWPORT NEWS (“CITY”) and the HAMPTON ROADS SANITATION DISTRICT (“HRSD”), is entered into this ___ day of __________, 2018 (the “Effective Date”).

RECITALS

R:1. HRSD is constructing its Huxley Place to Middle Ground Boulevard Interceptor Force Main Project as shown on Exhibit 1 (the “HRSD Facilities”); and

R:2. The CITY is constructing its Huxley Place Sanitary Rehabilitation and Replacement Project as shown on Exhibit 2 (the “CITY Facilities”) as part of the City of Newport News Capital Improvement Program; and

R:3. The construction of the HRSD Facilities and the CITY Facilities (collectively referred to as the “Improvements”) will necessitate the construction, installation of force main, realignment, rehabilitation, bypassing, replacement of existing gravity sewers and laterals, and abandonment of existing force main; and

R:4. HRSD and the CITY agree that it is in the best interest of the parties to have the Improvements constructed together; and

R:5. HRSD agrees to include the construction of the CITY Facilities as part of the construction of the HRSD Facilities, in accordance with the approved plans and specifications; and

R:6. The CITY agrees to reimburse HRSD for that portion of the costs of the construction of the Improvements attributable to the CITY Facilities under the terms and conditions set forth herein.

TERMS

NOW THEREFORE, in consideration of the above provisions and agreements
set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

I. DESIGN OF IMPROVEMENTS

A. Plans and Specifications

1. HRSD will employ Rummel, Klepper, and Kahl, LLP ("ENGINEER"), to prepare plans and specifications for the HRSD Facilities. A location map of the HRSD Facilities is included as Exhibit 1.

2. CITY will employ Rummel, Klepper, and Kahl, LLP ("ENGINEER"), to prepare plans and specifications for the CITY Facilities. A location map of the CITY Facilities is included as Exhibit 2.

3. ENGINEER, along with HRSD and the CITY, will meet to coordinate, review, and approve a set of construction documents (the "Final Plans and Specifications") for the improvements.

B. Payment of the Design Costs

1. HRSD will compensate the ENGINEER for all engineering design costs and any amendments related to the HRSD Facilities.

2. CITY will compensate the ENGINEER for all engineering design costs and any amendments related to the CITY Facilities.

C. Compliance


II. CONSTRUCTION OF IMPROVEMENTS

A. Cost of Construction:

1. The total cost of the Improvements, as more particularly defined by
the Final Plans and Specifications, prepared by the ENGINEER for HRSD and the CITY (the “Improvements Costs”) shall include:

a. Cost of construction of the Improvements;

b. Cost of advertising for bids;

c. Cost of permits required for the construction of the Improvements;

d. Costs for construction contract administration (CA) and construction inspection (CI);

e. Any related miscellaneous essential expenses.

2. The current estimated cost of the construction of the HRSD Facilities is $2,681,000 and the estimated cost of the construction of the CITY Facilities is $605,000.

B. Approval of Final Plans and Specifications; Contractors; Change Orders

1. HRSD and the CITY agree that before any construction work is to begin under this Agreement, HRSD and the CITY will jointly review and approve the Final Plans and Specifications. This approval shall be in writing, and once approved, the approval as well as the Final Plans and Specifications shall be appended as an addendum to this Agreement.

2. HRSD and the CITY shall review and agree upon the qualifications of the contractor’s and subcontractors employed for the Improvements (the “Contractor(s)”) prior to award of the construction contract.

3. Contractors shall be responsible for all necessary permits and approvals necessary for the Improvements.

4. HRSD will review and approve change orders related to the HRSD Facilities.

5. CITY will review and approve change orders related to the CITY Facilities.
6. CITY will review and approve scope of work and fee for the construction contract administration and inspections related to the CITY Facilities.

C. Payment of Improvement Costs

1. The Improvements Costs shall be apportioned among the parties as follows:

a. HRSD will administer and be responsible for bearing one hundred percent (100%) of the cost of the HRSD Facilities.

b. The CITY will administer and be responsible for bearing one hundred percent (100%) of the cost of the CITY Facilities.

c. Costs associated with any change to the initial construction cost ("Change Order") shall be as follows:

i. HRSD shall be solely responsible for costs due to a Change Order requested by HRSD; and

ii. The CITY shall be responsible for costs due to a Change Order requested by the CITY.

2. During the course of construction, HRSD shall compensate the Contractors and other individuals and entities providing materials and/or services related to the Improvements for all Improvement Costs, including those for which the CITY is responsible. The CITY shall reimburse HRSD for all such payments made on its behalf. The CITY shall pay its share of the Improvements Costs to HRSD in one lump sum payment upon completion of construction (as determined by HRSD). HRSD shall provide the CITY with an invoice detailing the CITY's share of the Improvement Costs. Within thirty (30) days of its receipt of such invoice, the CITY shall reimburse HRSD for the CITY’s share of the Improvement Costs as detailed in the invoice.

3. The CITY's CA cost will be equal to the final City Facilities Cost when compared to the total project Improvement Cost multiplied by the total CA cost.

   a. City Facilities Costs / Total Improvement Costs X Total CA Costs = CITY CA Cost
4. The CITY’s CI cost will be equal to the final City Facilities Cost when compared to the total project Improvement cost multiplied by the total CI cost.
   a. City Facilities Costs / Total Improvement Costs \times Total CI Costs = CITY CI Cost

D. Operation and Maintenance of the Improvements during and after Construction

1. HRSD shall be responsible for operation and maintenance of the HRSD Facilities during and after construction.

2. CITY shall be responsible for operation and maintenance of the CITY Facilities during and after construction.

3. HRSD and the CITY agree to cooperate and coordinate for the operations and maintenance of any interconnections between the HRSD Facilities and CITY Facilities.

III. SCHEDULE

The construction is anticipated to begin by June 1, 2019 and be complete by June 1, 2020. If the construction dates listed herein are substantially delayed, HRSD reserves the right to terminate this Agreement.

III. OBLIGATIONS OF HRSD AND THE CITY

A. Public Hearing

HRSD and the CITY will be responsible for holding a public hearing if required. The CITY will coordinate and reserve the location, and assist HRSD in such public hearing.

B. Bidding of the Improvements

1. HRSD agrees to issue bidding documents for construction of the Improvements. The CITY agrees to provide administrative support during the bidding phase. In particular the CITY shall:
   a. Attend the preconstruction meeting.
   b. Provide timely responses to the ENGINEER for any
questions, requests for clarification, or addenda during the bidding phase.

c. Provide miscellaneous support to HRSD as required during the bidding phase.

2. HRSD will receive bids for construction of the Improvements. All bids received will be reviewed and approved by the CITY and HRSD prior to award of the construction contract. The CITY and HRSD shall negotiate in good faith to resolve financial matters with regards to bidding the Improvements. The bidding procedures shall be conducted in accordance with the Virginia Public Procurement Act and the HRSD Procurement Policy.

C. Administration

HRSD shall provide contract administration of the Improvements. The CITY shall reimburse HRSD for the contract administration cost of the CITY Facilities.

D. Inspection

HRSD shall provide full-time inspection of the Improvements. The CITY shall reimburse HRSD for the inspection costs of the CITY Facilities. The inspector(s) shall have the authority to assure the Improvements are constructed in accordance with the Final Plans and Specifications.

E. Deeds and Easements

1. HRSD shall obtain any and all necessary fee simple deeds and/or deeds of easement needed for the HRSD Facilities.

2. CITY shall obtain any and all necessary fee simple deeds and/or deeds of easements for the CITY Facilities.

F. Correction of Construction Defects in the Improvements

HRSD shall require the Contractors to provide a performance and payment bond for the full amount of the construction of the Improvements. The construction contract shall also provide for a warranty of the Contractor’s work against construction defects in the Improvements and shall require the Contractor to correct such defects that are reported by
HRSD or the CITY within one (1) year of the final acceptance of the Improvements.

G. Construction Record Drawings

ENGINEER shall provide HRSD and the CITY approved construction record drawings in accordance with HRSD Standards for use in Engineered Construction Projects and the City of Newport News Construction Standards and Special Provisions, latest edition.

IV. GOVERNING LAW

This Agreement shall be deemed to be a Virginia contract and shall be governed as to all matters whether of validity, interpretations, obligations, performance or otherwise exclusively by the laws of the Commonwealth of Virginia, and all questions arising with respect thereto shall be determined in accordance with such laws. Regardless of where actually delivered and accepted, this contract shall be deemed to have been delivered and accepted by the parties in the Commonwealth of Virginia.

V. TERMINATION

Anything herein or elsewhere to the contrary notwithstanding, this Agreement and the obligations of the parties hereunder may be terminated by the CITY or HRSD in the event that the other party breaches or violates any material provision of this Agreement or fails to perform any material covenant or agreement to be performed by either party under the terms of this Agreement and such breach, violation or failure is not cured within sixty (60) days of the defaulting party’s receipt of written notice of such breach from the non-defaulting party; or by mutual agreement of the CITY and HRSD.

VI. NOTICE

Any notice, communication or request under this Agreement shall be provided in writing by either (a) certified mail, return receipt requested, postage prepaid, or (b) a nationally recognized overnight delivery service (next business day service), or (c) hand-delivery, if the receipt of the same is evidenced by the signature of the addressee or authorized agent, and addressed to the following:

For: HRSD
By U.S. Postal Service By Overnight Mail:
VII. ASSIGNMENT

No party may assign its rights in this Agreement without the prior written consent of the other party.

VIII. AMENDMENT

This Agreement may be amended only by a written instrument duly executed by the parties.

IX. SEVERABILITY

If any provision of this Agreement or the application thereof to any circumstance shall be determined to be invalid, illegal or unenforceable to any extent, the remainder of this Agreement and the application thereof shall not be affected and shall continue to be valid, in effect and enforceable to the fullest extent permitted by law.
X. ** DAMAGES **

If by omission that constitutes negligence or willful misconduct or failure to abide by engineering standards or failure to abide by the Final Plans and Specifications described herein, the negligent party shall be responsible for the payments for damages to any other party to this Agreement to the extent of applicable law.

XI. ** INSURANCE **

HRSD and the CITY have the right to review and approve insurance coverage in the various insurance categories that HRSD and the CITY deem necessary to be carried by the Contractor or any other parties to this Agreement. Proof of insurance shall be provided at the request of HRSD or the CITY and the insurance coverage shall be maintained during the term of this Agreement.

XII. ** TERM OF AGREEMENT **

The term of the Agreement will commence on the date the Agreement is entered into and be completed when each party has completely performed its obligations hereunder.

XIII. ** FORCE MAJEURE **

In the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond the control of the CITY or HRSD or the Contractor and without their fault or negligence, including, but not restricted to, acts of God or of the public enemy, acts of the government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargos, and unusually severe weather or delays of subcontractors due to such causes; it being the purpose and intent of this provision that in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the parties shall be extended for the period of the enforced delay.

XIV. ** INDEPENDENT CONTRACTOR **

If the Contractor(s) hire subcontractors or independent contractors, HRSD and the CITY have the right to approve them by reviewing their requisite experience and knowledge to complete the work assigned.
XV. **SUBCONTRACTOR**

If any Contractors or subcontractors are selected by any party to this Agreement for completion of the work contemplated herein, HRSD has the right to approve the same.

XVI. **WAIVER**

No waiver of the breach of any term or provision of this Agreement shall be construed to be, or shall constitute, a waiver of any other breach of this Agreement. No waiver shall be binding unless in writing and signed by the parties waiving the breach.

The failure of any party to seek redress for violation of or to insist upon the strict performance of any covenant or condition of this Agreement shall not prevent a subsequent act, which would have originally constituted a violation, from having the effect of an original violation.

The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive the right to use any or all other remedies. Such rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

XVII. **INTEGRATION**

This Agreement constitutes the entire understanding among the parties. No provision of this Agreement may be waived, modified or amended except by an instrument signed by the party against whom the enforcement of such waiver, modification or amendment is sought. No waiver by either party of any failure or refusal by the other party to comply with its obligations hereunder shall be deemed a waiver of any other or subsequent failure or refusal to comply.
IN WITNESS WHEREOF, the Hampton Roads Sanitation District Commission (HRSD) has caused this Agreement to be signed on its behalf by its General Manager in accordance with authorization granted at its regular meeting held on ________________, 2018.

HAMPTON ROADS SANITATION DISTRICT

By ____________________________
Edward G. Henifin, P.E., General Manager

COMMONWEALTH OF VIRGINIA,
CITY OF VIRGINIA BEACH, to-wit:

The foregoing agreement was acknowledged before me this _____ day of ________________, 2018, by Edward G. Henifin, P.E., General Manager, Hampton Roads Sanitation District.

______________________________
Notary Public

My commission expires:

Registration No.: 
IN WITNESS WHEREOF, the City of Newport News (CITY) has caused this Agreement to be signed by the City Manager on its behalf pursuant to Resolution adopted by the City Council on ________________, 201_.

CITY OF NEWPORT NEWS

By ______________________________________
Cynthia D. Rohlf, City Manager

ATTEST:

___________________________________________
City Clerk

COMMONWEALTH OF VIRGINIA,
CITY OF NEWPORT NEWS, to-wit:

The foregoing Agreement was acknowledged before me this_____ day of ________________, 201_, by Cynthia D. Rohlf, City Manager, City of Newport News, Virginia.

___________________________________________
Notary Public

My commission expires:

Registration No.:

Approved as to Form and Correctness: ____________________________
Deputy City Attorney

Approved as to Content: ____________________________
Director of Utilities
Agreement for Cost Sharing of the HRSD Huxley Place to Middle Ground Boulevard Interceptor Force Main Extension (JR012100) and City of Newport News Huxley Place Sanitary Rehabilitation & Replacement

Exhibit 2

City Facilities Location Map
H. Appropriations

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

1. None Submitted
*I. Citizen Comments on Matters Germane to the Business of City Council

J. Old Business, New Business and Councilmember Comments

1. Motion to Reconsider Resolution in Support of General Assembly Ratification of the Equal Rights Amendment (ERA)

   City Manager
   City Attorney
   City Clerk

   Jenkins
   Price
   Scott
   Vick
   Woodbury
   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.”