AGENDA

NEWPORT NEWS CITY COUNCIL
REGULAR CITY COUNCIL MEETING

FEBRUARY 26, 2019

City Council Chambers

7:00 p.m.

A. Call to Order

B. Invocation

• Pastor Ben Rothwell, CrossWalk Church

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

D. Presentations - None

E. Public Hearings

1. Ordinance Amending and Reordaining City Code Chapter 45, Zoning Ordinance
   1. Article II., Definitions; Section 45-201., Definitions of Certain Words and Terms, By Deleting the Definition of Communication Tower/Antenna and Adding the Definitions of Communication Towers Fifty (50) Feet in Height or Greater, Communication Towers Less Than Fifty (50) Feet in Height, Small Cell Facility and Wireless Facility, and Amending the Definition of Local Utilities
   2. Article IV., Summary of Uses by District; Section 45-402., Summary of Uses by District, By Amending Permitted Uses "D" Utilities
   3. Article V., General Regulations; Section 45-523., Communication Tower/Antenna

F. Consent Agenda

1. Minutes of the Work Session of February 12, 2019
2. Minutes of the Regular Meeting of February 12, 2019
3. Resolution Consenting to the City Manager's Appointment of Jeffrey S. Johnson as Coordinator of Emergency Management for the City

G. Other City Council Actions

1. Resolution of Support for the City of Newport News' Participation in the ACT Work Ready Communities (WRC) Initiative
2. Ordinance to Amend and Reordain City Code Chapter 40, Taxation; Article II., Real Estate Taxes, By Adding Division 5., Deferral for Housing Developments Eligible for Federal Low-Income Housing Credits
3. 1 of 2: Resolution Authorizing and Directing the City Manager to Execute All Necessary Documents to Implement the Virginia Department of Social Services Employment for Temporary Assistance for Needy Families (TANF) Participants Grant in Support of the "Navigating Wealth Building for the Residents of the Marshall-Ridley Choice Neighborhood" Initiative (CNI)
4. 2 of 2: Department of Development - Virginia Department of Social Services (VDSS) Employment for Temporary Assistance for Needy Families (TANF) Participants Grant - $1,097,428

H. Appropriations

1. Newport News Public Schools (NNPS) - Reallocation of Existing Capital Project Appropriations: Lee Hall Elementary School Roof - $339,332

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

J. *New Business and Councilmember Comments

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

K. Adjourn

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

B. Invocation – Pastor Ben Rothwell, CrossWalk Church

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

D. Presentations
E. Public Hearings

1. Ordinance Amending and Reordaining City Code Chapter 45, Zoning Ordinance
   1. Article II., Definitions; Section 45-201., Definitions of Certain Words and Terms, By Deleting the Definition of Communication Tower/Antenna and Adding the Definitions of Communication Towers Fifty (50) Feet in Height or Greater, Communication Towers Less Than Fifty (50) Feet in Height, Small Cell Facility and Wireless Facility, and Amending the Definition of Local Utilities

2. Article IV., Summary of Uses by District; Section 45-402., Summary of Uses by District, By Amending Permitted Uses "D" Utilities

3. Article V., General Regulations; Section 45-523., Communication Tower/Antenna

A REQUEST TO ADOPT AN ORDINANCE AMENDING AND REORDAINING CITY CODE CHAPTER 45, ZONING ORDINANCE

1. ARTICLE II., DEFINITIONS; SECTION 45-201., DEFINITIONS OF CERTAIN WORDS AND TERMS, BY DELETING THE DEFINITION OF COMMUNICATION TOWER/ANTENNA AND ADDING THE DEFINITIONS OF COMMUNICATION TOWERS FIFTY (50) FEET IN HEIGHT OR GREATER, COMMUNICATION TOWERS LESS THAN FIFTY (50) FEET IN HEIGHT, SMALL CELL FACILITY AND WIRELESS FACILITY, AND AMENDING THE DEFINITION OF LOCAL UTILITIES

2. ARTICLE IV., SUMMARY OF USES BY DISTRICT; SECTION 45-402., SUMMARY OF USES BY DISTRICT, BY AMENDING PERMITTED USES "D" UTILITIES

3. ARTICLE V., GENERAL REGULATIONS; SECTION 45-523., COMMUNICATION TOWER/ANTENNA

BACKGROUND:

• The types of communication facilities have changed over time. Therefore, it is necessary to amend the definitions within the Zoning Ordinance to reflect those changes.

• The Code of Virginia provides direction on how localities regulate communication towers and the amendments meet those legislative requirements.
• On February 6, 2019, the City Planning Commission voted unanimously 7:0 to recommend adoption of the amendment.

**Vote on Roll Call:**
**For:** Mulvaney, Carpenter, Stodghill, Willis, Groce, Fox, Simmons
**Against:** None
**Abstention:** None

• The City Manager recommends approval.

**FISCAL IMPACT:**  
• N/A

**ATTACHMENTS:**
Description
Memo to HCC re Ordinance Amending Chapter 45
Staff Report and CPC Minutes
sdm16379 Amending Sec. 45-201
sdm16715 Amending Sec. 45-402
sdm16378 Amending Sec. 45-523
CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

February 20, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Chapter 45 Zoning Text No. ZT-2018-0008 Ordinance Amendment

The request is to amend Chapter 45, Zoning Ordinance, Article II, Definitions, Section 45-201, Definition of certain words; Article IV, Summary of uses by district, section 45-402 Summary of uses by district; and Article V., General Regulations, Section 45-523, Communication Tower/Antenna.

The proposed amendments are in response to changes in the communication industry and legislative action by the General Assembly that provide controls on how localities may review, approve, and deny requests for communication facilities. The amendment provides definitions for communication towers that are greater than fifty feet, not greater than fifty feet, small cell facilities and wireless facilities, and amends the definition of local utilities. The amendment stipulates in which districts the communication towers will be allowed and the regulations provide the process by which the different types of communication facilities would be allowed either by conditional use permit or by-right.

On February 6, 2019, the City Planning Commission voted unanimously 7:0 to recommend adoption of the zoning text amendment.

I recommend approval.

[Signature]

Cynthia D. Rohlf

CDR:fdc

cc: Sheila A. McAlister, Director, Department of Planning
February 13, 2019

TO: Members of the Newport News City Council

FROM: Newport News Planning Commission Executive Secretary

SUBJECT: Newport News Planning Commission Recommendation for City Council Meeting of February 26, 2019

ZONING TEXT AMENDMENT

**ZT-2018-0008, City of Newport News.** Requests an amendment to the Zoning Ordinance to define communication towers fifty feet in height or greater, communication towers less than fifty feet in height, small cell facility and wireless facility; the districts where they would be allowed; and the regulations pertaining to communication facilities. (Article II., Section 45-201; Article IV., Section 45-402; and Article V., Section 45-523)

The Planning Commission voted unanimously (7:0) to recommend adoption of the subdivision ordinance amendment.

Sheila W. McAllister, AICP
Director

SWM:mml

cc: City Manager, CR
Executive Office Administrator, WP
The request is to amend Article II, Definitions, Section 45-201, Definition of Certain Words and Terms, by deleting the definition of communication tower/antenna and adding the definitions of communication towers fifty (50) feet in height or greater, communication towers less than 50 feet in height, small cell facility, and wireless facility; amending the definition of local utilities; amend Article IV, Summary of Uses by District to note where communication towers would be allowed; and amend Article V, General Regulations, Section 45-523, Communication tower/antenna for wireless communication facilities review.

The demand for increased wireless capacity, speed and reliability continues to grow. With this demand, companies providing wireless services and infrastructure on original high-power macro cell sites or communication towers are finding that the capacity, speed and reliability is getting worse with the volume and density of devices competing for the bandwidth provided by that tower. As a result they have created different types of technology infrastructure to meet the growth in their industry. The industry is moving into wireless infrastructure called 5G networks. While the 5G networks do not look to replace the geographically dispersed towers of the previous infrastructure, they operate with small cell technology. These small cells allow for increased capacity and speed to move very large amounts of data short distances.

With the rollout of the 5G technology, the General Assembly passed legislation on how localities may review, approve and deny requests to install communication towers that are greater than 50 feet, not greater than 50 feet, small cell facilities and wireless facilities on both private properties and public rights-of-way. Controls on locality’s zoning review procedures for towers on private property include administrative approval for towers that are 50 feet or less and for collocated facilities, fees that can be charged for applications, the amount of time allowed to review applications, the reasons that an application can be denied, and the number of small cell facilities that can be included on each application.

The definitions added follow the definitions as defined in the enabling legislation and reflect the changes in the industry. The local utility definition was amended to ensure it is understood that communication towers are permitted at a height not greater than 50 feet as a local utility and permitted in all districts. The proposed regulations will continue to require new communication towers that are greater than 50 feet to obtain a conditional use permit regardless if they are on private property or within the public rights-of-way. The regulations provide an administrative process for towers that are 50 feet or less in height. This administrative process provides for structural elements to be met, a bond to be held for the removal of the structure should it become obsolete, and a construction schedule for the
completion of the tower. It does not allow a locality to deny a request for a tower on private property based on the types of materials used, the type of wireless facility, or the screening of that wireless facility. Collocation of wireless facilities mounted on existing structures and small cell facilities will continue to be allowed within industrial, commercial, office, and park zones. They may also be within publicly owned rights-of-way by written agreement of the owner in the form of an executed franchise agreement. These facilities can be either collocated on an existing pole or placed on a new pole not greater than 50 feet in height.

On December 5, 2018 the Regulations Committee reviewed and recommends approval of the above referenced amendment.

**STAFF RECOMMENDATION**

It is recommended that the City Planning Commission recommend to City Council adoption of the Zoning Ordinance text amendment ZT-2018-0008.

**CPC RECOMMENDATION**

On February 6, 2019, the Planning Commission voted unanimously (7:0) to recommend to City Council adoption of Zoning Ordinance text amendment ZT-2018-0008.
APPENDIX

A-1  ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS

A-2  ARTICLE IV., SUMMARY OF USES BY DISTRICT, SECTION 45-402, SUMMARY OF USES BY DISTRICT, PERMITTED USES D

A-3  ARTICLE V., GENERAL REGULATIONS, SECTION 45-523, COMMUNICATION TOWER/ANTENNA

A-4  EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF FEBRUARY 6, 2019
ORDINANCE NO. 

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY DELETING THE DEFINITION OF COMMUNICATION TOWER/ANTENNA AND ADDING THE DEFINITIONS OF COMMUNICATION TOWERS FIFTY (50) FEET IN HEIGHT OR GREATER, COMMUNICATION TOWERS LESS THAN FIFTY (50) FEET IN HEIGHT, SMALL CELL FACILITY AND WIRELESS FACILITY.

WHEREAS, Section 45-201 of the Code of the City of Newport News, Virginia, contains the definition of certain words and terms used in the Zoning Ordinance of the City of Newport News, Virginia; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-201 which would delete the definition of communication tower/antenna and add the definitions of communication towers fifty (50) feet in height or greater, communication towers less than fifty (50) feet in height, small cell facility and wireless facility; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the deletion of the term communication tower/antenna and approve the addition of the definitions of communication towers fifty (50) feet in height or greater, communication towers less than fifty (50) feet in height, small cell facility and wireless facility in Section 45-201.

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

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article II., Definitions, Section 45-201, Definition of certain words and terms, be, and the same hereby is, amended and reordained by deleting the definition of the term communication tower/antenna and adding the definition of the terms communication towers fifty (50) feet in height or greater, communication towers less than fifty (50) feet in height, small cell facility and wireless facility, as follows:

   Communication tower/antenna: Any structure erected on real property or attached to another structure that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs or similar devices used for transmission or reception of electromagnetic waves. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers/antennas under this definition. The
term communication tower/antenna shall not include any structure located in a public right-of-way less than fifty (50) feet in height; measured from the top of the closest adjacent curb or edge of pavement where no curb exists.

**Communication towers greater than fifty (50) feet in height.** A freestanding structure erected on real property, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure designed to support or capable of supporting wireless facilities and/or small cell facilities, not located within the boundaries of a local, state, or federal historic district. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers under this definition. The term communication towers greater than fifty (50) feet in height shall not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service. The term under this definition shall also not include any structure fifty (50) feet in height, or less, measured from the top of the closest adjacent curb or edge of pavement where no curb exists.

**Communication towers not greater than fifty (50) feet in height.** A freestanding structure, not greater than fifty (50) feet in height, measured from the top of the closest adjacent curb or edge of pavement where no curb exists, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities and/or small cell facilities, not located within the boundaries of a local, state, or federal historic district. The term communication towers not greater than fifty (50) feet in height shall not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers under this definition.

**Micro-wireless facility.** A small cell facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width and twelve (12) inches in height and that has an exterior antenna, if any, not longer than eleven (11) inches.

**Small cell facility.** A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of
an antenna that has exposed elements, the antenna and all of its
exposed elements could fit within an imaginary enclosure of no more
than six cubic feet and (ii) all other wireless equipment associated
with the facility has a cumulative volume of no more than 28 cubic
feet, or such higher limit as is established by the Federal
Communications Commission.

*Wireless facility.* Equipment at a fixed location that enables
wireless communication between user equipment and a
communications network.

2. That the rest and remainder of Section 45-201 shall not be affected by this
amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by
reference as if fully set forth herein, and shall be deemed reordained hereby.
ORDINANCE NO. __________________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY AMENDING THE DEFINITION OF LOCAL UTILITIES.

WHEREAS, Section 45-201 of the Code of the City of Newport News, Virginia, contains the definition of certain words and terms used in the Zoning Ordinance of the City of Newport News, Virginia; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-201 which would amend the definition of local utilities; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the amendment of the definition of local utilities in Section 45-201.

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

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article II., Definitions, Section 45-201, Definition of certain words and terms, be, and the same hereby is, amended and reordained by amending the definition of the term local utilities, as follows:

   Local utilities. Electrical power, telephone, gas, water, sewer, cable TV and storm drainage lines, stormwater management systems, air pollution monitoring stations, inline facilities such as gas regulating stations and water wells or pumping stations, sewage pumping stations, telephone exchanges, switching, and transmitting equipment underground or ground level water storage tanks and underground electrical transmission lines, communication towers not greater than fifty (50) feet in height located in the public right-of-way, wireless facilities located in the public right-of-way, and small cell facilities located in the public right-of-way. This use does not include elevated water storage tanks.

2. That the rest and remainder of Section 45-201 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein, and shall be deemed reordained hereby.
ORDINANCE NO.______________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, ARTICLE IV., SUMMARY OF USES BY DISTRICT, SECTION 45-402, SUMMARY OF USES BY DISTRICT, BY AMENDING PERMITTED USES “D” UTILITIES.

WHEREAS, Section 45-402 of the Code of the City of Newport News, Virginia, contains a comprehensive listing of uses permitted by the Zoning Ordinance of the City of Newport News, Virginia, in a “matrix” format; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment, identified as ZT-2018-0008, to Section 45-402, Summary of Uses by District, which would:

1. Amend use “D.8. Communication/Tower Antenna” to “D.8. Communication Tower Greater Than 50 Feet in Height” and allowing such use in the R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office/Research and Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business, C4 Oyster Point Business, C5 Oyster Point Business/Manufacturing, M1 Light Industrial, and M2 Heavy Industrial Districts by conditional use permit; and

2. Add a new use “D.9. Communication Tower Not Greater than 50 Feet in Height”, and permit such use in the R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office/Research & Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business District, C4 Oyster Point Business District, C5 Oyster Point Business/Manufacturing, M1 Light Industrial, and M2 Heavy Industrial District by right; and


NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia, that Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article IV., Summary of Uses by District, Section 45-402, Summary of Uses by District, be, and the same hereby is, amended as follows:

1. Use “D.8. Communication Tower/Antenna” shall be amended to “D.8. Communication Tower Greater than 50 Feet in Height” and such use shall be allowed in the R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office/Research and Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business, C4 Oyster Point Business, C5 Oyster
Point Business/Manufacturing, M1 Light Industrial and M2 Heavy Industrial Districts by conditional use permit.

2. Use "D.9. Communication Tower Not Greater Than 50 Feet in Height" shall be added and allowed in the R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office/Research and Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business District, C4 Oyster Point Business District, C5 Oyster Point Business/Manufacturing, M1 Light Industrial and M2 Heavy Industrial districts by right.


4. The rest and remainder of Section 45-402 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein and shall be deemed reordained hereby.
ORDINANCE NO. _____________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE V., GENERAL REGULATIONS, SECTION 45-523, COMMUNICATION TOWER/ANTENNA.

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

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article V., General Regulations, Section 45-523, Communication tower/antenna, be, and the same hereby is, amended and reordained as follows:

CHAPTER 45

ZONING-ORDINANCE

ARTICLE V. GENERAL REGULATIONS

Sec. 45-523. Communication towers/antenna, wireless facilities and small cell facilities.

The purpose of this section is to describe minimum standards for tower/antenna construction and siting, the construction and siting of communication towers that are greater than fifty (50) feet in height in order to minimize adverse visual effects and traffic distraction, by careful design, siting and vegetative screening and to maximize the use of any such new or existing transmission/communication towers to avoid their proliferation of towers throughout the community. Further, this section sets forth applicable administrative processes for the permitting of communication towers that are not greater than fifty (50) feet in height, and for wireless and small cell facilities.

(1) Communication towers/antennas that are greater than fifty (50) feet in height are permitted allowed by conditional use permit in accordance with Article IV, section 45-402; and are subject to the following: Any applicable information or siting requirements detailed below may be required for administrative review:

a. Conditional use permit applications for communication towers/antennas shall contain or be accompanied by the following information in addition to that which is required under Article XXVII, section 2703:

1. A site plan drawn to scale specifying the location of tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, landscaped areas, fences and adjacent uses.
2. Verifiable evidence from the applicant of the lack of space on either suitable existing towers, buildings, and other structures to locate the tower/antenna, or on existing tower sites to construct a tower for the proposed antenna within their search area.

3. Frequency of proposed antenna and capacity of proposed structure to accommodate one additional user.

4. Information demonstrating that potential users have been contacted to discuss collocation and conveyed that current plans can/cannot be facilitated by collocation.

5. Location of proposed structure and an evaluation of its impact on the character of surrounding areas.

6. A written statement of preliminary approval or approval from the Federal Aviation Administration.

b. Action by City Council:

(1) City Council must take final action on communication-tower/antenna conditional use permit applications within one hundred fifty (150) days after a complete application has been filed with the department of planning.

(2) When communication-tower/antenna conditional use permit applications are incomplete as filed, the one hundred fifty (150) day time frame does not include the time an applicant takes to respond to a request by the department of planning for additional information to make a complete application, provided the applicant is notified that its application is incomplete during the first thirty (30) days after filing.

(3) Any person affected by any failure by City Council to act on a complete application may, within 30 days after such failure to act, commence an action in any court of competent jurisdiction.

c. Minimum setbacks of tower/antenna:

1. The minimum side and rear yard setback from the base of the tower shall be twenty-five (25) feet in all permitted districts.

2. The minimum required setback from the base of a tower/antenna to
any public street right-of-way shall be one hundred (100) feet.

3. For towers/antennas of more than two hundred (200) feet in height, for every four feet in height of the tower/antenna over forty (40) feet, there shall be an additional one foot in setback from all property lines.

4. Communication towers/antennas to be mounted on existing structures (communication towers, buildings, water towers, etc.) are exempt from minimum setback requirements.

54. Communication Towers/antennas, located in public rights-of-way having a minimum width of two hundred (200) feet, are exempt from the minimum setback requirements contained in this subsection.

d. Screening requirements are as follows:

1. For towers/antennas: One row of evergreen trees at least eight (8) feet in height shall be planted and maintained on ten (10) foot centers completely surrounding the tower/antenna and equipment building compound, excluding entrances. Where existing trees abut the compound but are located within the lease area, such trees shall be maintained and the evergreen trees shall be used as infill to achieve minimum spacing.

2. In lieu of the above requirements, in special cases, including stealth applications, the applicant may prepare an alternate landscape plan and specifications for landscape and screening, including plantings, fences, walls, buildings, topography, etc. to screen the tower/antenna. The plan may deviate from the requirements set out in c.1. above, provided that the director of planning determines that the alternative arrangement provides the same degree of screening. Stealth applications may include flag poles, light poles, simulated trees, and other similar applications where the communication tower/antenna is disguised to blend into its surroundings.

3. All required landscaping must be installed and approved by the director of planning prior to the first planting season following issuance of certificate of use and occupancy, and maintained thereafter.

4. Communication towers/antennas to be mounted on existing structures (communication towers, buildings, water towers, etc.) are exempt from screening requirements.
e. Accessory facilities associated with communication towers/antennas may not include offices, vehicle storage or outdoor storage.

f. Obsolete, unused or abandoned communication towers/antenna and associated facilities shall be removed within twelve (12) months of obsolescence, cessation of use or abandonment. A bond may be required, of sufficient amount, to cover removal of the structure.

g. Advertising and/or signage on tower/antenna structures is expressly prohibited.

h. Towers two hundred (200) feet or less in height shall have an unpainted galvanized finish. Regulations of the Federal Aviation Administration or the Federal Communications Commission supersede this requirement, if the same are contradictory.

i. Towers more than two hundred (200) feet in height shall be painted in accordance with regulations by the Federal Communications Commission and/or the Federal Aviation Administration.

j. Towers shall be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Administration. No lighting shall be incorporated if not required by the cited foregoing agencies.

k. The owner shall have a structural inspection conducted annually every three (3) years by a registered professional engineer licensed in the Commonwealth of Virginia and a copy of the inspection report shall be filed with the department of codes compliance.

l. Other conditions of approval may be specified and shall be reasonably imposed to insure compliance with the purpose and criteria of these provisions.

m. In any instance where the regulations and requirements of this section conflict with those of the Federal Communications Commission or the Federal Aviation Administration, the federal regulation or requirement shall govern.

n. In any instance where the regulations and requirements of this section conflict with those of Section 15.2-2293.1 of the Code of Virginia, 1950, as amended, the provisions of Section 15.2-2293.1, as amended, shall govern.

o. The following shall be included as conditions to any conditional use permit
granted under this section:

1. A report from a registered structural or civil professional engineer licensed in the Commonwealth of Virginia, indicating tower height and design, foundation, structure, installation and total capacity of the structure (including number and types of users that the structures will accommodate). This data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Virginia Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirements of EIA-222E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" published by the Electronic Industries Association, effective June 1, 1987, or current update.

2. A statement from a registered engineer that non-ionizing electromagnetic radiation (NIER) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.

(2) Communication towers not greater than fifty (50) feet in height are not subject to a conditional use permit requirement; however, such towers are permitted with administrative approval in mixed use, park, office, office park, office/research and development, retail commercial, general commercial, regional business, Oyster Point business, Oyster Point business/manufacturing, light industrial and heavy industrial district zones, and are permitted as a utility in a publically owned right-of-way by written agreement of the owner thereof. The administrative permitting process is as follows:

a. The owner shall submit an application and fee in the amount of five hundred dollars ($500.00) to the department of codes compliance.

b. Final action must be taken on the application within one hundred fifty (150) days after a complete application has been filed or within the period required by federal law. A complete application shall be deemed approved if a determination is not made on the application within the one hundred fifty (150) day time period. Such period may be extended by mutual agreement between the applicant and the department of codes compliance.

c. The owner shall submit a report from a registered professional engineer licensed in the Commonwealth of Virginia, indicating tower height and design, foundation, structure, installation and total capacity of the structure.
(including number and types of users that the structure will accommodate). This data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Virginia Uniform Statewide Building Code.

d. A statement from a registered engineer that non-ionizing electromagnetic radiation (NIER) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lower applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.

e. The owner shall have a structural inspection conducted every three (3) years by a registered professional engineer licensed in the Commonwealth of Virginia and a copy of the inspection report shall be filed with the Department of Codes Compliance.

f. The department of codes compliance may deny an application if the proposed location of the tower is in an area where all cable and public utility facilities are recommended to be placed underground, and if the underground requirement existed in the city’s comprehensive plan at least three months prior to submission of the application, or if the proposed location of the wireless facility is within the boundaries of a local, state or federal historic district.

g. The department of codes compliance may deny an application if the proposed location of the wireless facility is within the boundaries of a local, state or federal historic district.

h. Obsolete, unused or abandoned towers and associated facilities shall be removed within twelve (12) months of obsolescence, cessation of use or abandonment. A bond shall be required, of sufficient amount, to cover removal of the structure.

i. The applicant may voluntarily submit and the department of codes compliance may accept conditions that address potential visual or aesthetic effects resulting from the placement of a tower.

j. Disapproval of applications submitted hereunder shall be provided to the applicant in writing. Such disapproval shall not be based upon:

1. The applicant’s business decision with respect to its designed service, customer demand for service or its service to or from a particular site;
2. The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or

3. The wireless facility technology selected by the applicant for use at the project.

k. If the applicant is not the owner of the real property on which the tower is to be erected, then the applicant shall submit proof to the department of codes compliance that permission to use the land has been granted to the applicant. In instances where the tower is proposed in the public right-of-way, then the applicant must submit a copy of an executed Franchise Agreement, or other comparable document, as proof of permission to use the right-of-way in question.

l. The city may make reasonable requirements of the applicant regarding the presentation or appearance of a project including reasonable requirements regarding the kind of materials used and/or the arranging, screening or landscaping of the project.

m. Nothing in this section shall prohibit the city from limiting the number of towers that can be installed in a specific location.

n. Construction of the approved project shall commence within two (2) years of final approval or the permit shall expire at such time.

(23) A new communication antenna to be Wireless facilities mounted on existing structures (communication towers, buildings, water towers, etc.) is exempt from are not subject to a conditional use permit requirement. However, such antennas facilities are permitted with administrative approval in industrial, commercial, office and park zones, but shall not be mounted on structures used for single-family dwellings. Communication antennas Wireless facilities are otherwise prohibited in multi-family and single-family zones, except that they shall be permitted in such zones with administrative approval on roofs of buildings that are four (4) stories or higher, and screened from public view. Communication antennas mounted on existing structures as described in this subsection must adhere to the following requirements: Wireless facilities are also permitted as a local utility in any publically owned right-of-way by written agreement of the owner thereof. The administrative permitting process is as follows:

a. The height of the antenna including support structures shall not extend more than fifteen (15) feet above the highest point of the roof line or parapet of the building: The owner of the wireless facility shall submit an application and
fee, in the amount of five hundred dollars ($500.00) to the department of codes compliance.

b. The multiple-family structure must be a minimum of four (4) stories in height.

b. Final action must be taken on the application within ninety (90) days after a complete application has been filed or within the period required by federal law. A complete application shall be deemed approved if a determination is not made on the application within the ninety (90) day time period. Such period may be extended by mutual agreement between the applicant and the department of codes compliance.

c. A report from a registered professional engineer licensed in the Commonwealth of Virginia, indicating tower height and design, foundation, structure, installation and total capacity of the structure (including number and types of users that the structure will accommodate). This data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirements of EIA-222E "Structural Standards from Steel Antenna Towers and Antenna Supporting Structures" published by the Electronic Industries Association, effective June 1, 1987, or current update.

d. A statement from a registered engineer that non-ionizing electromagnetic radiation (NIER) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lower applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.

e. The owner shall have a structural inspection conducted annually every three (3) years by a registered professional engineer licensed in the Commonwealth of Virginia and a copy of the inspection report shall be filed with the Department of Codes Compliance.

f. Obsolete, unused or abandoned communication tower/antenna facilities shall be removed within twelve (12) months of obsolescence, cessation of use or abandonment. A bond may be required, of sufficient amount, to cover removal of the structure.

g. To minimize distraction to traffic, towers/antennas and their appurtenances shall be inconspicuous in their appearance.
c. The department of codes compliance shall deny an application if the proposed location of the wireless facility is in an area where all cable and public utility facilities are recommended to be placed underground, and if the underground requirement existed in the city’s comprehensive plan at least three months prior to submission of the application, or if the proposed location of the wireless facility is within the boundaries of a local, state or federal historic district.

d. Obsolete, unused or abandoned wireless facilities shall be removed within twelve (12) months of cessation of use or abandonment. A bond shall be required, of sufficient amount, to cover removal.

e. The applicant may voluntarily submit and the department of codes compliance may accept conditions that address potential visual or aesthetic effects resulting from the placement of a wireless facility.

f. Disapproval of applications submitted hereunder shall be provided to the applicant in writing. Such disapproval shall not be based upon:

1. The applicant’s business decision with respect to its designed service, customer demand for service or its service to or from a particular site;

2. The applicant’s specific need for the project, including the applicant’s desire to provide additional wireless coverage or capacity; or

3. The wireless facility technology selected by the applicant for use at the project.

g. If the applicant is not the owner of the structure on which the wireless facility is to be mounted, then the applicant shall submit proof to the department of codes compliance that permission to mount the wireless facility has been granted by the owner of the structure. In instances where the wireless facility is proposed in the public right-of-way, then the applicant must submit an executed Franchise Agreement, or comparable document, as proof of permission to use the right-of-way in question.

h. The city may make reasonable requirements of the applicant regarding the presentation or appearance of a project including reasonable requirements regarding the kind of materials used and/or the arranging, screening or landscaping of the project.

i. Nothing in this section shall prohibit the city from limiting the number of wireless facilities that can be installed in a specific location.
Construction of the approved project shall commence within two (2) years of final approval or the permit shall expire at such time.

Small cell facilities mounted on existing structures (communication towers, buildings, water towers, etc.) are not subject to a conditional use permit requirement. However, such facilities are permitted with administrative approval in industrial, commercial, office and park zones, but shall not be mounted on structures used for single-family dwellings. Small cell facilities are otherwise prohibited in multi-family and single-family zones, except that they shall be permitted in such zones with administrative approval on roofs of buildings that are four (4) stories or higher. Small cell facilities are also permitted as a utility in any publicly owned right-of-way by written agreement of the owner thereof. The administrative permitting process is as follows:

a. The owner of a small cell facility/facilities must submit a permit application to the department of codes compliance which may contain up to thirty-five (35) requests on a single application. A fee in the amount of one hundred dollars ($100.00) will be charged for each small cell facility, for up to five (5) small cell facilities per permit application. Thereafter, a fee of fifty dollars ($50.00) will be charged for each additional small cell facility on a permit application.

b. The department of codes compliance may disapprove of a proposed location or installation of a small cell facility only for the following reasons:

1. Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;

2. The public safety or other critical public service needs; or

3. Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities and agencies with jurisdiction over such property;

4. Conflict with a local historic district ordinance adopted pursuant to §15.2-2306.
c. If the applicant is not the owner of the structure on which the small cell facility is to be mounted, then the applicant shall submit proof to the department of codes compliance that permission to mount the small cell facility has been granted by the owner of the structure. In instances where the small cell facility is proposed in the public right-of-way, the applicant must submit a copy of an executed Franchise Agreement, or other comparable document, as proof of permission to use the right-of-way in question.

d. The applicant may voluntarily submit, and the department of codes compliance may accept conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities.

e. Obsolete, unused or abandoned small cell facilities shall be removed within twelve (12) months of obsolescence, cessation of use or abandonment. A bond shall be required, of sufficient amount, to cover removal.

f. The installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from city permitting requirements and fees.
EXCERPTS FROM PLANNING COMMISSION MINUTES

February 6, 2019

ZT-2018-0008, City of Newport News. Requests an amendment to the Zoning Ordinance to define communication towers fifty feet in height or greater, communication towers less than fifty feet in height, small cell facility and wireless facility; the districts where they would be allowed; and the regulations pertaining to communication facilities. (Article II., Section 45-201; Article IV., Section 45-402; and Article V., Section 45-523)

Flora Chioros, Assistant Director – Current Planning, presented the staff report (copy attached to record minutes).

Mr. Simmons opened and closed the public hearing.

Mr. Carpenter, Regulations Committee Chairman, stated we are making modifications to our code to meet the changes made by the General Assembly. Mr. Carpenter stated he continues to have concerns that this new 5G technology will be great with more coverage and data, but the drawback is that we could end up with small cells every 25 feet, which will not be attractive. He stated he hopes the city has contacted and had conversations with our representatives in Richmond.

Mr. Mulvaney made a motion to recommend adoption of zoning text amendment ZT-2018-0008 to City Council. The motion was seconded by Mr. Groce.

Vote on Roll Call
For: Mulvaney, Carpenter, Stodghill, Willis, Groce, Fox, Simmons
Against: None
Abstention: None

The Planning Commission voted unanimously (7:0) to recommend adoption of zoning text amendment ZT-2018-0008 to City Council.
AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY DELETING THE DEFINITION OF COMMUNICATION TOWER/ANTENNA, AMENDING THE DEFINITION OF LOCAL UTILITIES AND ADDING THE DEFINITIONS OF COMMUNICATION TOWERS FIFTY (50) FEET IN HEIGHT OR GREATER, COMMUNICATION TOWERS LESS THAN FIFTY (50) FEET IN HEIGHT, SMALL CELL FACILITY AND WIRELESS FACILITY.

WHEREAS, Section 45-201 of the Code of the City of Newport News, Virginia, contains the definition of certain words and terms used in the Zoning Ordinance of the City of Newport News, Virginia; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-201 which would delete the definition of communication tower/antenna, amend the definition of local utilities and add the definitions of communication towers fifty (50) feet in height or greater, communication towers less than fifty (50) feet in height, small cell facility and wireless facility; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the deletion of the definition communication tower/antenna, amend the definition of the definition local utilities and approve the addition of the definitions of communication towers fifty (50) feet in height or greater, communication towers less than fifty (50) feet in height, small cell facility and wireless facility in Section 45-201.

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

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article II., Definitions, Section 45-201, Definition of certain words and terms, be, and the same hereby is, amended and reordained by deleting the definition of the term communication tower/antenna, amending the definition of local utilities and adding the definition of the terms communication towers fifty (50) feet in height or greater, communication towers less than fifty (50) feet in height, small cell facility and wireless facility, as follows:

   Communication tower/antenna. Any structure erected on real property or attached to another structure that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs or similar devices used for transmission or reception of electromagnetic waves. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers/antennas under this definition. The
term communication tower/antenna shall not include any structure located in a public right-of-way less than fifty (50) feet in height, measured from the top of the closest adjacent curb or edge of pavement where no curb exists.

Communication towers greater than fifty (50) feet in height.
A freestanding structure erected on real property, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure designed to support or capable of supporting wireless facilities and/or small cell facilities, not located within the boundaries of a local, state, or federal historic district. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers under this definition. The term communication towers greater than fifty (50) feet in height shall not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service. The term under this definition shall also not include any structure fifty (50) feet in height, or less, measured from the top of the closest adjacent curb or edge of pavement where no curb exists.

Communication towers not greater than fifty (50) feet in height.
A freestanding structure, not greater than fifty (50) feet in height, measured from the top of the closest adjacent curb or edge of pavement where no curb exists, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities and/or small cell facilities, not located within the boundaries of a local, state, or federal historic district. The term communication towers not greater than fifty (50) feet in height shall not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers under this definition.

Local utilities. Electrical power, telephone, gas, water, sewer, cable TV and storm drainage lines, stormwater management systems, air pollution monitoring stations, inline facilities such as gas regulating stations and water wells or pumping stations, sewage pumping stations, telephone exchanges, switching, and transmitting equipment underground or ground level water storage tanks, and underground electrical transmission lines, communication towers not greater than fifty (50) feet in height located in the public right-of-way,
wireless facilities located in the public right-of-way, and small cell facilities located in the public right-of-way. This use does not include elevated water storage tanks.

Micro-wireless facility. A small cell facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width and twelve (12) inches in height and that has an exterior antenna, if any, not longer than eleven (11) inches.

Small cell facility. A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission.

Wireless facility. Equipment at a fixed location that enables wireless communication between user equipment and a communications network.

2. That the rest and remainder of Section 45-201 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein, and shall be deemed reordained hereby.
ORDINANCE NO. ________________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, ARTICLE IV., SUMMARY OF USES BY DISTRICT, SECTION 45-402, SUMMARY OF USES BY DISTRICT, BY AMENDING PERMITTED USES “D” UTILITIES.

WHEREAS, Section 45-402 of the Code of the City of Newport News, Virginia, contains a comprehensive listing of uses permitted by the Zoning Ordinance of the City of Newport News, Virginia, in a “matrix” format; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment, identified as ZT-2018-0008, to Section 45-402, Summary of Uses by District, which would:

1. Amend use “D.8. Communication/Tower Antenna” to “D.8. Communication Tower Greater Than 50 Feet in Height” and allowing such use in the R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office/Research and Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business, C4 Oyster Point Business, C5 Oyster Point Business/Manufacturing, M1 Light Industrial, and M2 Heavy Industrial Districts by conditional use permit; and

2. Add a new use “D.9. Communication Tower Not Greater than 50 Feet in Height”, and permit such use in the R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office/Research & Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business District, C4 Oyster Point Business District, C5 Oyster Point Business/Manufacturing, M1 Light Industrial, and M2 Heavy Industrial District by right; and


NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia, that Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article IV., Summary of Uses by District, Section 45-402, Summary of Uses by District, be, and the same hereby is, amended as follows:

1. Use “D.8. Communication Tower/Antenna” shall be amended to “D.8. Communication Tower Greater than 50 Feet in Height” and such use shall be allowed in the R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office/Research and Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business, C4 Oyster Point Business, C5 Oyster
Point Business/Manufacturing, M1 Light Industrial and M2 Heavy Industrial Districts by conditional use permit.

2. Use “D.9. Communication Tower Not Greater Than 50 Feet in Height” shall be added and allowed in the R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office/Research and Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business District, C4 Oyster Point Business District, C5 Oyster Point Business/Manufacturing, M1 Light Industrial and M2 Heavy Industrial districts by right.


4. The rest and remainder of Section 45-402 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein and shall be deemed reordained hereby.
ORDINANCE NO. ______________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE V., GENERAL REGULATIONS, SECTION 45-523, COMMUNICATION TOWER/ANTENNA.

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

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article V., General Regulations, Section 45-523, Communication tower/antenna, be, and the same hereby is, amended and reordained as follows:

CHAPTER 45

ZONING ORDINANCE

ARTICLE V. GENERAL REGULATIONS

Sec. 45-523. Communication towers/antenna, wireless facilities and small cell facilities.

The purpose of this section is to describe minimum standards for the construction and siting of communication towers that are greater than fifty (50) feet in height in order to minimize adverse visual effects and traffic distraction, by careful design, siting and vegetative screening and to maximize the use of any such new or existing communication towers to avoid their proliferation of towers throughout the community. Further, this section sets forth applicable administrative processes for the permitting of communication towers that are not greater than fifty (50) feet in height, and for wireless and small cell facilities.

(1) Communication towers/antennas that are greater than fifty (50) feet in height are permitted, and are subject to the following: Any applicable information or siting requirements detailed below may be required for administrative review:

a. Conditional use permit applications for communication towers/antennas shall contain or be accompanied by the following information in addition to that which is required under Article XXVII, section 2703:

1. A site plan drawn to scale specifying the location of tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, landscaped areas, fences and adjacent uses.
2. Verifiable evidence from the applicant of the lack of space on either suitable existing towers, buildings, and other structures to locate the tower/antenna, or on existing tower sites to construct a tower for the proposed antenna within their search area.

3. Frequency of proposed antennas and capacity of proposed structure to accommodate one additional user.

4. Information demonstrating that potential users have been contacted to discuss collocation and conveyed that current plans can/cannot be facilitated by collocation.

5. Location of proposed structure and an evaluation of its impact on the character of surrounding areas.

6. A written statement of preliminary approval or approval from the Federal Aviation Administration.

b. Action by City Council:

(1) City Council must take final action on communication tower/antenna conditional use permit applications within one hundred fifty (150) days after a complete application has been filed with the department of planning.

(2) When communication tower/antenna conditional use permit applications are incomplete as filed, the one hundred fifty (150) day time frame does not include the time an applicant takes to respond to a request by the department of planning for additional information to make same a complete application, provided the applicant is notified that its application is incomplete during the first thirty (30) days after filing.

(3) Any person affected by any failure by City Council to act on a complete application may, within 30 days after such failure to act, commence an action in any court of competent jurisdiction.

c. Minimum setbacks of tower/antenna:

1. The minimum side and rear yard setback from the base of the tower shall be twenty-five (25) feet in all permitted districts.

2. The minimum required setback from the base of a tower/antenna to
any public street right-of-way shall be one hundred (100) feet.

3. For towers/antennas of more than two hundred (200) feet in height, for every four feet in height of the tower/antenna over forty (40) feet, there shall be an additional one foot in setback from all property lines.

4. Communication towers/antennas to be mounted on existing structures (communication towers, buildings, water towers, etc.) are exempt from minimum setback requirements.

5. Communication towers/antennas located in public rights-of-way having a minimum width of two hundred (200) feet, are exempt from the minimum setback requirements contained in this subsection.

d. Screening requirements are as follows:

1. For towers/antennas. One row of evergreen trees at least eight (8) feet in height shall be planted and maintained on ten (10) foot centers completely surrounding the tower/antenna and equipment building compound, excluding entrances. Where existing trees abut the compound but are located within the lease area, such trees shall be maintained and the evergreen trees shall be used as infill to achieve minimum spacing.

2. In lieu of the above requirements, in special cases, including stealth applications, the applicant may prepare an alternate landscape plan and specifications for landscape and screening, including plantings, fences, walls, buildings, topography, etc. to screen the tower/antenna. The plan may deviate from the requirements set out in c.1. above, provided that the director of planning determines that the alternative arrangement provides the same degree of screening. Stealth applications may include flag poles, light poles, simulated trees, and other similar applications where the communication tower/antenna is disguised to blend into its surroundings.

3. All required landscaping must be installed and approved by the director of planning prior to the first planting season following issuance of certificate of use and occupancy, and maintained thereafter.

4. Communication towers/antennas to be mounted on existing structures (communication towers, buildings, water towers, etc.) are exempt from screening requirements.
e. Accessory facilities associated with communication towers/antennas may not include offices, vehicle storage or outdoor storage.

f. Obsolete, unused or abandoned communication towers/antenna and associated facilities shall be removed within twelve (12) months of obsolescence, cessation of use or abandonment. A bond may be required, of sufficient amount, to cover removal of the structure.

g. Advertising and/or signage on tower/antenna structures is expressly prohibited.

h. Towers two hundred (200) feet or less in height shall have an unpainted galvanized finish. Regulations of the Federal Aviation Administration or the Federal Communications Commission supersede this requirement, if the same are contradictory.

i. Towers more than two hundred (200) feet in height shall be painted in accordance with regulations by the Federal Communications Commission and/or the Federal Aviation Administration.

j. Towers shall be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Administration. No lighting shall be incorporated if not required by the cited aforesaid agencies.

k. The owner shall have a structural inspection conducted annually every three (3) years by a registered professional engineer licensed in the Commonwealth of Virginia and a copy of the inspection report shall be filed with the department of codes compliance.

l. Other conditions of approval may be specified and shall be reasonably imposed to insure compliance with the purpose and criteria of these provisions.

m. In any instance where the regulations and requirements of this section conflict with those of the Federal Communications Commission or the Federal Aviation Administration, the federal regulation or requirement shall govern.

n. In any instance where the regulations and requirements of this section conflict with those of Section 15.2-2293.1 of the Code of Virginia, 1950, as amended, the provisions of Section 15.2-2293.1, as amended, shall govern.

o. The following shall be included as conditions to any conditional use permit
granted under this section:

1. A report from a registered structural or civil professional engineer licensed in the Commonwealth of Virginia, indicating tower height and design, foundation, structure, installation and total capacity of the structure (including number and types of users that the structures will accommodate). This data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Virginia Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirements of EIA-222E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" published by the Electronic Industries Association, effective June 1, 1987, or current update.

2. A statement from a registered engineer that non-ionizing electromagnetic radiation (NIER) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.

(2) Communication towers not greater than fifty (50) feet in height are not subject to a conditional use permit requirement; however, such towers are permitted with administrative approval in mixed use, park, office, office park, office/research and development, retail commercial, general commercial, regional business, Oyster Point business, Oyster Point business/manufacturing, light industrial and heavy industrial district zones, and are permitted as a local utility in a publically owned right-of-way by written agreement of the owner thereof. The administrative permitting process is as follows:

a. The owner shall submit an application and fee in the amount of five hundred dollars ($500.00) to the department of codes compliance.

b. Final action must be taken on the application within one hundred fifty (150) days after a complete application has been filed or within the period required by federal law. A complete application shall be deemed approved if a determination is not made on the application within the one hundred fifty (150) day time period. Such period may be extended by mutual agreement between the applicant and the department of codes compliance.

c. The owner shall submit a report from a registered professional engineer licensed in the Commonwealth of Virginia, indicating tower height and design, foundation, structure, installation and total capacity of the structure.
This data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Virginia Uniform Statewide Building Code.

d. A statement from a registered engineer that non-ionizing electromagnetic radiation (NIER) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lower applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.

e. The owner shall have a structural inspection conducted every three (3) years by a registered professional engineer licensed in the Commonwealth of Virginia and a copy of the inspection report shall be filed with the Department of Codes Compliance.

f. The department of codes compliance may deny an application if the proposed location of the tower is in an area where all cable and public utility facilities are recommended to be placed underground, and if the underground requirement existed in the city’s comprehensive plan at least three months prior to submission of the application, or if the proposed location of the wireless facility is within the boundaries of a local, state or federal historic district.

g. The department of codes compliance may deny an application if the proposed location of the wireless facility is within the boundaries of a local, state or federal historic district.

h. Obsolete, unused or abandoned towers and associated facilities shall be removed within twelve (12) months of obsolescence, cessation of use or abandonment. A bond shall be required, of sufficient amount, to cover removal of the structure.

i. The applicant may voluntarily submit and the department of codes compliance may accept conditions that address potential visual or aesthetic effects resulting from the placement of a tower.

j. Disapproval of applications submitted hereunder shall be provided to the applicant in writing. Such disapproval shall not be based upon:

1. The applicant’s business decision with respect to its designed service, customer demand for service or its service to or from a particular site;
2. The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or

3. The wireless facility technology selected by the applicant for use at the project.

k. If the applicant is not the owner of the real property on which the tower is to be erected, then the applicant shall submit proof to the department of codes compliance that permission to use the land has been granted to the applicant. In instances where the tower is proposed in the public right-of-way, then the applicant must submit a copy of an executed Franchise Agreement, or other comparable document, as proof of permission to use the right-of-way in question.

l. The city may make reasonable requirements of the applicant regarding the presentation or appearance of a project including reasonable requirements regarding the kind of materials used and/or the arranging, screening or landscaping of the project.

m. Nothing in this section shall prohibit the city from limiting the number of towers that can be installed in a specific location.

n. Construction of the approved project shall commence within two (2) years of final approval or the permit shall expire at such time.

(23) A new communication antenna to be mounted on existing structures (communication towers, buildings, water towers, etc.) is exempt from are not subject to a conditional use permit requirement. However, such antennas are permitted with administrative approval in industrial, commercial, office and park zones, but shall not be mounted on structures used for single-family dwellings. Communication antennas are otherwise prohibited in multi-family and single-family zones, except that they shall be permitted in such zones with administrative approval on roofs of buildings that are four (4) stories or higher and screened from public view. Communication antennas mounted on existing structures as described in this subsection must adhere to the following requirements:

a. The height of the antenna including support structures shall not extend more than fifteen (15) feet above the highest point of the roof line or parapet of the building. The owner of the wireless facility shall submit an application and
fee, in the amount of five hundred dollars ($500.00) to the department of codes compliance.

b. The multiple-family structure must be a minimum of four (4) stories in height:

Final action must be taken on the application within ninety (90) days after a complete application has been filed or within the period required by federal law. A complete application shall be deemed approved if a determination is not made on the application within the ninety (90) day time period. Such period may be extended by mutual agreement between the applicant and the department of codes compliance.

e. A report from a registered professional engineer licensed in the Commonwealth of Virginia, indicating tower height and design, foundation, structure, installation and total capacity of the structure (including number and types of users that the structure will accommodate). This data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirements of EIA-222E "Structural Standards from Steel Antenna Towers and Antenna Supporting Structures" published by the Electronic Industries Association, effective June 1, 1987, or current update.

d. A statement from a registered engineer that non-ionizing electromagnetic radiation (NIER) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lower applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.

e. The owner shall have a structural inspection conducted annually every three (3) years by a registered professional engineer licensed in the Commonwealth of Virginia and a copy of the inspection report shall be filed with the Department of Codes Compliance.

f. Obsolete, unused or abandoned communication tower/antenna facilities shall be removed within twelve (12) months of obsolescence, cessation of use or abandonment. A bond may be required, of sufficient amount, to cover removal of the structure.

g. To minimize distraction to traffic, towers/antennas and their appurtenances shall be inconspicuous in their appearance.
c. The department of codes compliance shall deny an application if the proposed location of the wireless facility is in an area where all cable and public utility facilities are recommended to be placed underground, and if the underground requirement existed in the city’s comprehensive plan at least three months prior to submission of the application, or if the proposed location of the wireless facility is within the boundaries of a local, state or federal historic district.

d. Obsolete, unused or abandoned wireless facilities shall be removed within twelve (12) months of cessation of use or abandonment. A bond shall be required, of sufficient amount, to cover removal.

e. The applicant may voluntarily submit and the department of codes compliance may accept conditions that address potential visual or aesthetic effects resulting from the placement of a wireless facility.

f. Disapproval of applications submitted hereunder shall be provided to the applicant in writing. Such disapproval shall not be based upon:

1. The applicant’s business decision with respect to its designed service, customer demand for service or its service to or from a particular site;

2. The applicant’s specific need for the project, including the applicant’s desire to provide additional wireless coverage or capacity; or

3. The wireless facility technology selected by the applicant for use at the project.

g. If the applicant is not the owner of the structure on which the wireless facility is to be mounted, then the applicant shall submit proof to the department of codes compliance that permission to mount the wireless facility has been granted by the owner of the structure. In instances where the wireless facility is proposed in the public right-of-way, then the applicant must submit an executed Franchise Agreement, or comparable document, as proof of permission to use the right-of-way in question.

h. The city may make reasonable requirements of the applicant regarding the presentation or appearance of a project including reasonable requirements regarding the kind of materials used and/or the arranging, screening or landscaping of the project.

i. Nothing in this section shall prohibit the city from limiting the number of wireless facilities that can be installed in a specific location.
j. Construction of the approved project shall commence within two (2) years of final approval or the permit shall expire at such time.

(4) Small cell facilities mounted on existing structures (communication towers, buildings, water towers, etc.) are not subject to a conditional use permit requirement. However, such facilities are permitted with administrative approval in industrial, commercial, office and park zones, but shall not be mounted on structures used for single-family dwellings. Small cell facilities are otherwise prohibited in multi-family and single-family zones, except that they shall be permitted in such zones with administrative approval on roofs of buildings that are four (4) stories or higher. Small cell facilities are also permitted as a local utility in any publically owned right-of-way by written agreement of the owner thereof. The administrative permitting process is as follows:

a. The owner of a small cell facility/facilities must submit a permit application to the department of codes compliance which may contain up to thirty-five (35) requests on a single application. A fee in the amount of one hundred dollars ($100.00) will be charged for each small cell facility, for up to five (5) small cell facilities per permit application. Thereafter, a fee of fifty dollars ($50.00) will be charged for each additional small cell facility on a permit application.

b. The department of codes compliance may disapprove of a proposed location or installation of a small cell facility only for the following reasons:

1. Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;

2. The public safety or other critical public service needs; or

3. Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities and agencies with jurisdiction over such property;

4. Conflict with a local historic district ordinance adopted pursuant to §15.2-2306.
c. If the applicant is not the owner of the structure on which the small cell facility is to be mounted, then the applicant shall submit proof to the department of codes compliance that permission to mount the small cell facility has been granted by the owner of the structure. In instances where the small cell facility is proposed in the public right-of-way, the applicant must submit a copy of an executed Franchise Agreement, or other comparable document, as proof of permission to use the right-of-way in question.

d. The applicant may voluntarily submit, and the department of codes compliance may accept conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities.

e. Obsolete, unused or abandoned small cell facilities shall be removed within twelve (12) months of obsolescence, cessation of use or abandonment. A bond shall be required, of sufficient amount, to cover removal.

f. The installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from city permitting requirements and fees.
F. Consent Agenda

1. Minutes of the Work Session of February 12, 2019

**ACTION:**  ● N/A

**BACKGROUND:**  ● N/A

**FISCAL IMPACT:**  ● N/A
MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
February 12, 2019
4:30 p.m.

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

ABSENT: ..............................................................................................................

OTHERS PRESENT: Alan Archer; Collins L. Owens; Mabel Washington Jenkins; Joyce Thompkins; Darlene Bradberry; Shelia McAllister; Flora Chiros; Lisa Cipriano; Susan Goodwin; Florence Kingston; Venetria Thomas; Everett Skipper; Louis Martinez; Frank James; Janice Roach; Dean Collins; Dawn Barber; Sonia Alcantara-Antoine; Chief Steve Drew; Erica Woods-Warrior; David Freeman; Cleder Jones; Kim Lee; Eoghan Miller; Zina Middleton; and Josh Reyes

I. Youth & Gang Program Briefing

Mayor Price introduced Mr. Alan Archer, Assistant City Manager, to provide an overview of the Comprehensive Strategic Plan for Violence Prevention and Response (a copy of the presentation, “Building Better Futures, City of Newport News Youth and Gang Violence Prevention Initiative 2019 - 2021”, is attached and made a part of these minutes).

Assistant City Manager Archer noted the City’s objective was to review the “draft plan” with City Council and respond to any questions prior to implementation. He indicated that the draft plan was not reviewed completely at the January 22, 2019 City Council Work Session. He introduced, Dr. Erica Woods-Warrior with Carrington Consulting, LLC and Newport News Chief of Police Steve Drew.

Assistant City Manager Archer indicated the right approach was being made, so everyone could look at the situation through the same lens, while providing action steps with a clear road map about who would be in charge of the next steps and the timeline to execute those steps.

Assistant City Manager Archer noted that the Work Session objective was to review the Core Comprehensive Strategic Plan recommendations:

- Vision
To inspire hope and improve the quality of life for youth and young adults in the City of Newport News

Assistant City Manager Archer stated the strategic goals was the backbone of the Building Better Futures Initiative (BBFI) blueprint. The strategic goals were well documented and well thought through.

- **Strategic Goals**

  1. To increase the communication and coordination of services among agencies to serve gang-involved youth more effectively
  2. To reduce the number of violent incidents and improve community safety in targeted neighborhoods
  3. To reduce the number of barriers of youth and young adults returning to the community
  4. To equip school-based staff with tools to meet the needs of gang-involved and violence-involved youth and young adults
  5. To increase community awareness and participation in gang and youth violence prevention strategies and awareness
  6. To engage members of the faith community as a partner in the Initiative

Assistant City Manager Archer shared the proposed organizational structure:

- **Organizational Structure – BBFI Restructured**
  - Office of Youth and Gang Violence Prevention was consolidated within the Police Department Division of Youth and Community Support
    - Governance was accomplished through the shared leadership of two Co-Chairs (Chief of Police and Director of Human Services)
    - Work was managed through a dedicated project lead
    - Work was performed through a Collaborative Work Group that used data analytics to achieve outcome
  - Work was reinforced through input from youth and the faith community
  - Work was supported by a Strategic Communications Plan
  - Work was focused on three high priority neighborhoods
    - Ridley Circle
    - Marshall Courts
    - Courthouse Green/Beechmont
Assistant City Manager Archer noted that the shared leadership structure in which the organization had been engaged over the last year, around rethinking the roles as department heads to move more collectively while crossing departmental lines. Trying to create organizational environment, while looking at solutions for some of the more obvious problem, but doing so by sharing the workload and looking beyond what the priorities might be within the City’s operating departments. A model of the organization was created to be used during the budget process for FY 2019 – 2020.

Assistant City Manager Archer noted that the work was managed by a dedicated project team. The reason for the recommendation in the Comprehensive Plan was realized between activities under the six goals and the work group there was enough activity to indicate that a dedicated lead was needed. He indicated, with any large scale project, coordination was needed, as well as a strategy to identify a lead person to ensure that the coordination was occurring. He advised that the work was performed through a collaborative work group that used data analytics to achieve outcomes. Over the past several years, City Council had requested more of an effort around the work performed, and results to give accountability that the plan was followed through and executed. Assistant City Manager Archer shared that Serious or Habitual Offender Comprehensive Action Program (SHOCAP) was very important. He had met with Mr. Andy Block, Director, Juvenile Justice for the Commonwealth of Virginia, to advise the City on how to share data to ensure that the confidentiality required was in place. There was a lot of data available, and the City had not been taking full advantage to use the data in a smart way to guide the decisions made.

Assistant City Manager Archer advised that Chief Drew was already active with the faith-based community to engage them in the work of community policing. Chief Drew had been actively identifying and planning youth forums, while giving youth a more active voice. He further addressed that Chief Drew had a number of citizen groups. There was an advisory network in place to funnel information from these efforts to reinforce the plan while recognizing the value of the work. The communication plan outlined the areas of weakness - actively going out in the community and getting members involved with community policing. To convey to community and citizens of what BBFI was and to kick off the initiative. The BBFI focused on three high priority neighborhoods, 1) Ridley Circle, 2) Marshall Courts, and 3) Courthouse Green/Beechmont.

Assistant City Manager Archer shared the Revised Street Outreach Structure was as follows:

- Police Department (Direct Oversight)
• BBFI Collaborative Work Group with Co-Chairs (Police and Human Services)
  o Youth Outreach (Case Manager)
  o Juvenile Services
  o Sheriff’s Office
  o Human Services
  o Data Analyst
  o Court Services

Assistant City Manager Archer stated there were recommendations on STEP, while partnering with the Newport News Public Schools (NNPS) with a component of Summer Program for Arts, Recreation and Knowledge (SPARK). The City was in the process of preparing a Request for Proposal (RFP) for bids for a provider; however the City received a $900,000 Temporary Assistance for Needy Families (TANF) Grant and the NNPS Superintendent willingness to have a discuss of the larger role that schools could play in the STEP program. Would like to implement a training curriculum that could be used in-school STEP participants and still allow them to work at worksite; but also use that to transition into one of the many career pathway programs.

• Summer Training and Enrichment Program (STEP) Redesigned
  o In-School: Partner with NNPS to bridge training with Career Pathways
  o Out-of-School: Partner with the Navigating Wealth Building Initiative and Brooks Crossing Innovation and Opportunity Center
  o Emphasis on supportive services, full-time employment and program evaluation
  o Work was focused on three high priority neighborhoods with defined eligibility criteria
    ▪ Ridley Circle
    ▪ Marshall Courts
    ▪ Courthouse Green/Beechmont

Councilwoman Woodbury interjected, she thought the City had done everything that was needed for the STEP program. The City had not received any data/research for the past five-years of the STEP program. She believed there was a new program/plan from the informative provided at the January 22, 2019 City Council Work Session. Assistant City Manager Archer replied there was a new plan and the new plan would have partnerships with other entities to help administer and run the program, while exploring two options, 1) partner with the NNPS to include the 9 – 10 week program, to occur during the summer months, and 2) for the out-of-school youth to work more closely with the workforce development center. There would be more discusses about other initiatives and collaborative work with the Newport News Shipyard and NNPS Career
Pathway Program. There were a lot of duplication of programs and the program should grow beyond what the limits of the City administration was capable of doing.

Councilwoman Cherry indicated that she had read through the first draft and she submitted questions to the City Manager to get clarification; unfortunately, those questions were not answered. She thanked Assistant City Manager Archer, Dr. Woods-Warrior, and Chief Steve Drew for their work on the plan; however, it was too much data and convoluted. The document indicated what the City once did and what the City was trying to do with Chief Drew’s program, but it did not work well together. She questioned what would the City do with STEP? She further stated that Chief Drew gave a wonderful presentation on the plan for Youth and Gang Violence that was good, and questioned why not go with that plan. Councilwoman Cherry advised the focus was to disrupt community violence in the City of Newport News, and questioned why not go with the plan Chief Drew presented at the press conference?

Vice Mayor Vick stated the information and what was received from the first report emphasized that the summer jobs program was to build better youth. The youth were not the only people that committed crime. The STEP program put a separate focus to help the youth 18 – 24 years of old. There needed to be a youth friendly atmosphere, but not through the Police Department. Assistant City Manager Archer replied that STEP would not be a part of this group or the responsibility of the Police Department, which was why a consultant, Carrington Consulting, LLC was contracted. He shared that STEP (summer employment) was a high priority in the overall comprehensive plan, but not a part of what the collaborative work group would be involved with.

Councilwoman Cherry stated it was not the job of Chief Drew and Ms. Venneria Thomas, Director, Newport News Department of Human Services to tell department heads what to do. There was a problem with the blueprint, and because there was too much information, the BBFI was not clear. She questioned what was happening with the STEP program and inquired about the data for the program. She said she served on two of the peer groups prior to becoming a Councilmember and the peer groups did not accomplish the work they set-out to do.

Councilwoman Woodbury questioned the redesigned program? Assistant City Manager Archer replied this was the same draft plan presented at the January 22, 2019 City Council Work Session, but this was a summary. Councilwoman Woodbury replied that a consultant was hired and a huge amount of work was put into the BBFI. Assistant City Manager Archer replied the information he showed was the same draft plan presented by the consultant.

Councilwoman Cherry thanked everyone for the hard work and great data, but it was too much information. It was great to have department collaboration. She indicated this presentation left her with more questions.
Councilwoman Woodbury indicated she believed the proper place would be with the Police Department. She believed that what Chief Drew was attempting would build a foundation that should bubble up in all the areas. She questioned why hire a consultant if the City was not going to listen to the recommendations?

Assistant City Manager Archer shared that the CORE recommendations presented were the same recommendations in the Strategic Plan, he stated he would try to condense the report. He indicated the draft plan pulled a lot piece into one large discuss and structure which gave greater insight with all the activities occurring in the City and engages the task people. He said Chief Drew welcomed the opportunity to be of the larger discussion and saw many more opportunities, the City has never had the type of insight which has created a different type of dynamics and create change. Dr. Woods-Warrior move out of piece mill way of tackling this issue and to move together.

Councilwoman Cherry questioned, with all of the data in the draft plan, what other information from the press conference could be used. Chief Drew replied, when he arrived in July 2018, a lot of people were already at the table discussing the concerns. He stated that youth were important to him. A big portion or challenge with this draft plan was getting the different departments to share information. The goal was to have all entities/departments to sit at the table and share information on youth. All departments touch the same young people; but everyone was in their own silo. Communication was a challenge, when it came to getting the information needed about youth when it came to crime reduction and improving the quality of life for our youth. The key component was to have all entities at the table to share necessary information.

Councilwoman Cherry questioned why Chief Drew and Ms. Thomas were the leads. Chief Drew replied a lead was needed in order to collaborate and explained why the information was necessary. Partnering with Ms. Thomas as co-leader could break the barrier of sharing the information.

Councilwoman Cherry questioned how Chief Drew could be a co-leader of BBFI and still take care of the other programs he had implemented. Councilwoman Woodbury replied someone had to drive the plan/program forward. Chief Drew stated that was where Dr. Woods-Warrior expertise came into play. The best way to collaborate, how many meetings were needed, and who should be at the table. He had to show commitment and set up the structure. He said he would assign Assistant Chief Randall who oversaw community youth and outreach. He stated he believed more interaction with the youth and community would reduce crime. Again, all entities involved touched the same young person, a plan could be put in place to assist that young person. Ms. Thomas, Director, Department of Human Services could be of great assistance with the array of services they provided.
Councilman Harris indicated the initial interpretation of the program, in Summer 2018, was a SHOCAP presentation, to have something that would holistically be for every individual. He indicated to have all entities involved was needed. There had been questions on how successful the STEP Program had been; however no data was produced. He believed partnering with the schools could be beneficial because of the career pathways initiative that NNPS had in place. The focus was to get the qualifying youth who would not have had access for employment in program. Vice Mayor Vick agreed and stated after 5-years there should be some data available. She stated just because a family was low-income should not be an indication that they were into crime. Young people wanted to get summer jobs. It was February and the process should not be held up. She advised that March 2019, that businesses should be receiving STEP program applications and registrations. She stated her concern was that the STEP program was for the low-income in the area. It appeared as though a lot of time was being put into reinventing the program. There had been some success with the STEP program and no one had mentioned that. There had been youth that had developed positive work ethics.

Chief Drew noted the high crime rates were in the Ridley Circle, Marshall Courts, and Courthouse Green/Beechmont areas. If Council looked at information and stats from 2018, the same three areas were high crime areas. During the Intel meetings, he wanted to see a decrease in crime in those three areas. He indicated that Street Outreach Workers would be incorporated under the team of Captain Morgan, Assistant Chief Randall, and himself. The Community Outreach Workers would be divided into three teams of two, to cover the three neighborhoods. Both Vice Mayor Vick and Councilwoman Cherry stated employees should be separated out. Assistant City Manager Archer replied the administration of STEP would not be responsible for this group. Councilwoman Cherry said the problem was STEP was added into the draft BBFI and the Youth and Gang Violence plan.

Councilwoman Woodbury indicated, at the January 22, 2019 City Council Work Session the presentation was null and void. Councilwoman Cherry replied this presentation was a summary. Councilwoman Woodbury stated she was not hearing the same information.

Assistant City Manager Archer shared that both Chief Drew and Ms. Thomas bought value to the plan. Their role was limited to facilitation and engagement within that structure and whatever time commitment are required for those meetings (tentatively suggested twice a month).

Councilwoman Woodbury questioned whether the STEP program would continue moving forward. Assistant City Manager Archer replied yes, the STEP program would continue moving forward. Councilwoman Woodbury indicated she had not heard that at the January 22, 2019 City Council Work Session presentation. Assistant City Manager Archer replied that the
presentation was not completed because of the sake of time. Councilwoman Woodbury inquired whether the removal of STEP was recommended. Assistant City Manager Archer replied yes, it was in the recommendation of the draft plan that STEP be removed.

Councilwoman Scott shared during a previous discussion, it was indicated that the STEP program was not reaching the intended targeted youth, there were youth coming home from college in the summer getting jobs, and the disadvantaged youth did not get employed. She questioned if that issue had been resolved. Assistant City Manager Archer replied, going forward, STEP was intended to be a smaller program and to focus on those individuals that could benefit from the program the most, not necessarily those individuals who had city residency, but those either in targeted areas, or because they had barriers that would prevent them from obtaining employment. He said those were the individuals the BBFI was to capture and engage in STEP as opposed to a cumbersome City-wide program. The STEP program was growing steadily from the beginning, from 170 during the initial years, and approaching 500. The City was not an employer to have someone to manage a summer program of that magnitude effectively.

Councilwoman Scott questioned whether the STEP program would be more concentrated in the three high risk neighborhoods, as opposed to citywide. Councilwoman Cherry indicated those three areas where not only about youth crime but crime as a whole. Assistant City Manager Archer replied that the barriers and eligibility criteria identified were broad, and reflected workforce practices that were seen in other programs that were offered under Workforce Innovation Opportunities Act. He indicated while those three high risk neighborhoods were targeted, the effort was to show a difference by concentrating all of the resources in target areas, but there was discretion to allow for those individual who lived outside the target areas to be enrolled in the program.

Councilwoman Scott questioned how the City would ensure that the targeted youth gained employment, and not the students that were home for the summer, who did not qualify. Assistant City Manager Archer replied they would not meet the criteria.

Councilwoman Cherry inquired who would oversee the STEP program. Assistant City Manager Archer replied it would be arranged with a provider to carry out the system (i.e. NNPS, Workforce Opportunity Innovation Center, a partnership). The oversight of the agreement would be in the City Manager's office.

Councilwoman Woodbury advised that $1.5 million had been spent for the five-year program. She indicated she had an opportunity to speak to 10 – 15 gang members approximately three-years ago and did not believe that any of the outreach workers had spoken to this group. The individuals asked for a course in welding in an effort to become employed. She
made the request on their behalf, but none of them received a course in welding, nor were a part of the STEP program. She said the STEP program needed to reach the people that needed to be helped. Assistant City Manager Archer replied that partners would assist so not to be a burden of the City. The City was not equipped to fulfill that mission well. It was suggested that other partners could do it better, particularly with the NNPS curriculum and a program around career pathways which could provide enrichment during the summertime. Why not explore that opportunity? As the City got ready to open the Brooks Crossing Innovation Opportunity City with the TANF grant and other opportunities on the STEM side, why not fulfill that purpose/mission where the resources designed and structures to provide people with full time employment.

Vice Mayor Vick shared it had not been five-years wasted. There had been a number of youth that had gained work experience. She was not frustrated with STEP and stated she knew there were lives changed because of the employment experience and the parents could see a future for their child. She hoped STEP would continue even though the requested data was not available.

Mayor Price indicated he hoped everyone would look back at the history of the STEP program. He stated, for years, the City denied there was a gang problem, and once the STEP program began, a tentative plan was put in place. He looked at this process as something that was adapted to the needs of the research that was founded. The City has professional help to focus us into path that would be more productive for the money put into the program. He did not believe the money was wasted, the program had some good results. The people around the table, who are professionals had come to City Council suggestions on how they could better help the City to do what was needed, and what was best for the City and the STEP program. The agencies who would not allow data sharing, were beginning to breakdown were going to be targeted to get the plan together and adapt it to needs of the City and for the needs of the youth. With STEP the City would be where we wanted to be for those individuals with the need of those services, rather than being a summer training program for 500 youth. The City could not maintain 500 youth economically or management wise, which was why the draft plan had to be restructured. He advised, with the leadership of the Police Department and Department of Human Services, the plan could grow, adapt and be functional to what the City goals are and making the plan work.

Councilwoman Cherry indicated two different ideas were being discussed, 1) STEP and 2) BBFI. Ms. Woods-Warrior replied that STEP was not a part of the BBFI because it fell under street outreach, and in order to separate out the distinct rules of street outreach, one needed to figure out what to do with STEP. STEP was not part of the initial recommendation, the recommendation was that STEP be severed completely, restructured, and brought back after one-year. She referred to Assistant City Manager Archer about the recommendation being changed. Assistant City Manager Archer added, upon review of the draft plan, the City Manager did not feel
as though we had the flexibility to take off one-year from STEP. It was a priority for the City Manager and the administration, who would move forward restructuring STEP, working with partners who could make the program more efficient and effective at delivering the program.

Councilwoman Cherry advised that distinction between the BBFI and STEP was made clear. It made sense that the entities came together to share the information for wrap-around service. She questioned when Career Pathway began. Councilman Harris replied Career Pathway began in kindergarten. She inquired about who would pay for STEP and what part of this plan was in progress. Assistant City Manager Archer replied, should one meet TANF eligibility requirements the fund would come from the grant; otherwise the City would assist with the same level of funding for that individual.

Assistant City Manager Archer advised the next steps would be as follows:

- Finalize the Draft Comprehensive Strategic Plan
  - Update Implementation Plan target dates
  - Update Communication Plan target dates
- Proceed with administrative action to support core recommendations
- Start work immediately

Councilwoman Cherry indicated she could not see the implementation of the presented draft plan moving forward. She agreed on the collaborative group work. Assistant City Manager Archer replied the collaborative group was solid and workable. Councilwoman Cherry questioned whether this was the plan City Council had to vote on. Assistant City Manager Archer replied the City Manager would like the flexibility to look at the plan as a whole, particularly in terms of recommendations for hiring people and finding the most workable solution going forward. The need for an administrative position may not be needed because those positions could be found within the police department. He stated there were a lot of ways to get the work done, but the challenge for Dr. Woods-Warrior was presenting what she thought the plan needed in order to have sufficient support to move forward, which was why the positions were added. He honestly believed, if City Manager Rohlf was present she would indicated she wanted to make the best recommendation for the organization and the initiative.

Councilwoman Cherry questioned what was already operable and being done through the police department and was in full flow of the draft plan because, again, crime was not only for youth but for the whole crime prevention plan.

Councilwoman Woodbury understood that the presentation was not completed at the January 22, 2019 City Council Work Session and was frustrated because this presentation did
not appear to be a summary, rather a different plan. Assistant City Manager Archer replied he wanted to finish the BBFI presentation and this was a summary. He indicated the next step would be a final document that could be released (the actual plan) and the City Manager would have some very specific recommendations on how to implement the plan.

Councilwoman Cherry questioned the “update implementation plan target dates” and hoped that was not saying the City Council accepted the draft plan as presented. She stated whereas it was indicated that this presentation was a summary, there was a lot of information in the previous document that City Council received. There was too much information and not properly separated into categories. Assistant City Manager Archer replied those were thing the City could take steps on, the actual suggestion for today’s work session are the convening of this group and in conjunction with the work people were undertaking, he stated the plan was solid. The goals and activities that support this work and work of the larger collaborative very actionable, workable and prepared to move forward.

Councilwoman Cherry inquired about the communication plan. Assistant City Manager Archer replied that was totally independently of this group.

Councilwoman Scott questioned whether BBFI and STEP was in one pot of money or two different pots of funding. Assistant City Manager Archer replied that would be addressed during budget process moving forward.

Councilwoman Cherry questioned if these were City departments, why would more money be requested. Assistant City Manager Archer replied more money was not being requested, funding could be transferred from one department to another.

II. Comments / Ideas / Suggestions

Mayor Price advised there had been discussions about the approval and preparing of proclamations. There were two types of recognitions - proclamations and resolutions. He provided a sample proclamation to City Council to review. He proposed that each City Council Member could recognize individuals in their district. City Attorney Owens reminded that resolutions went through the City Attorney’s office. Mayor Price advised, the samples were not a written plan but he sought suggestions. He thanked the Offices of the City Attorney, City Manager, and the Communication Department for collaborating and coming up with this proposal.

Vice Mayor Vick indicated there needed to be some guidelines, such as time frame, information needed, etc. Councilwoman Scott shared there were exceptions when a rush job may be needed. Mayor Price replied that guidelines would be established.
THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED 5:52 P.M.

Zina F. Middleton, MMC
Chief Deputy City Clerk

McKinley L. Price
Mayor
Presiding Officer

A true copy, teste:

City Clerk
F. Consent Agenda

2. Minutes of the Regular Meeting of February 12, 2019

ACTION:       • N/A

BACKGROUND:   • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:
Description
Minutes of Regular Meeting for February 12, 2019
MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
FEBRUARY 12, 2019
7:00 P.M.

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

ABSENT: None

A. Call to Order

Mayor Price called the meeting to order, welcomed all. He announced that Assistant City Manager Alan Archer was sitting in for City Manager Rohlf, who was under the weather. 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 Emerson Boyer, Ivy Baptist Church.

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

The Pledge of Allegiance to the Flag of the United States of America was led by Councilwoman Scott.

D. Presentations

Councilwoman Cherry introduced Young Adult Police Commissioners, the youth working with the Newport News Police Department (NNPD) to address members of City Council. The individuals were: Mr. Robert Jones, Ms. Corrin Sunders, and Mr. Mr.Caleb Coleman.

Mr. Robert Jones, a Senior at Warwick High School, President of Young Adult Police Commissioners (YAPC), advised that there were six high schools in the City of Newport News, with five consisting of Young Adult Police Commissioners. He shared what was done by the group, and how membership had led to positive change. The YAPC tried to bridge the gap between the youth and community. He enjoyed being in the community and trying to get other youth to understand they were excited to be a member of the YAPC.

Ms. Corrin Sunders, a Senior at Woodside High School, Vice President of YAPC, was hopeful that the program would provide the community with a connection to the
D. Presentations Continued

NNPD, as well as provide an outlet to youth in the City to see the police in a different light, and provide the Chief with a direct connection to the next generation.

Mr. Caleb Coleman, a Junior at An Achievable Dream High School, Secretary of the YAPC, indicated that he had no idea what to expect when he first entered the program. He was confident that the YAPC would be good for the community and for the country. The YAPC would pave a path for what would be expected of young men and women, take action, and will lead and serve. The YAPC would be of benefit to the members, and to the community. He quoted from the Bible - Galatians 5:13 – “You, my brothers and sisters, were called to be free. But do not use your freedom to indulge the flesh; rather, but serve one another humbly in love.” He believed all should take this verse to heart – living to serve one another, which he believed could be accomplished by the YAPC.

Chief Steve Drew, NNPD, wanted to introduce the YAPC to the City Council, and to the community. He believed the youth were the future of the City. The YAPC consisted of a Freshman, Sophomore, Junior, and Senior from every high school in the City of Newport News. He made a commitment to embrace the youth. The group met every Thursday at the NNPD Headquarters, 3:30 p.m. - 5:30 p.m. Chief Drew invited members of City Council to attend. He advised that the YAPC would interact with the homeless, working with those who suffered from drug addiction at the Homeless Day Center, interact with youth in Juvenile Detention, and help the NNPD bridge the gap between the youth in the communities. The members of the YAPC volunteered, and were selected and recommended by the principals, individuals at the schools, and the School Resource Officers. He looked for great things. This was the first installment and felt the YAPC had a lot to offer. It was important for the youth to see City government.

Councilwoman Woodbury inquired about the training involved. Chief Drew advised the YAPC would meet for two hours each Thursday, expose them to the NNPD, talk to Chief, and the men and women of the NNPD, about how they see the community, the department, and what was expected. They would then tackle hard issues together - the youth’s voices were the missing piece and perhaps one of the most important.

E. Public Hearings

1. Ordinance Granting a 15-Foot Wide Easement Over City-owned Property, Located at 690 Turnberry Boulevard, to Lay, Construct, Operate and Maintain One or More Underground Electric Lines and One or More Lighting Supports and Fixtures, Including All Accessories and Appurtenances Necessary

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND VIRGINIA ELECTRIC AND
E. Public Hearings

1. Ordinance Granting a 15-Foot Wide Easement Over City-owned Property, Located at 690 Turnberry Boulevard, to Lay, Construct, Operate and Maintain One or More Underground Electric Lines and One or More Lighting Supports and Fixtures, Including All Accessories and Appurtenances Necessary Continued

POWER COMPANY, D/B/A DOMINION ENERGY VIRGINIA, DATED THE 12TH DAY OF FEBRUARY, 2019, FOR AN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 690 TURNBERRY BOULEVARD, NEWPORT NEWS, VIRGINIA. This ordinance granted a utility easement on a portion of City-owned property located a 690 Turnberry Boulevard for the installation of underground electrical circuits to facilitate construction of the new Service Center for Operations and Transportation (SCOT) facilities. At its January 22, 2019 Regular Meeting, City Council received and opened bids in response to a request for utility easements on a portion of City-owned parcels located at 690 Turnberry Boulevard. The easement was needed to enable installation of underground electrical circuits for the new Service Center for Operations and Transportation (SCOT) facilities. The successful bidder for the easement on each parcel was Virginia Power Company (d/b/a Dominion Energy Virginia). The City Manager recommended approval.

(No registered speakers)

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

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

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

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

2. Ordinance Granting a 15-Foot Wide Easement Over City-owned Property, Located at 12601 McManus Boulevard, to Lay, Construct, Operate and Maintain One or More Underground Electric Lines and One or More Lighting Supports and Fixtures, Including All Accessories and Appurtenances Necessary

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE
E. Public Hearings

2. Ordinance Granting a 15-Foot Wide Easement Over City-owned Property, Located at 12601 McManus Boulevard, to Lay, Construct, Operate and Maintain One or More Underground Electric Lines and One or More Lighting Supports and Fixtures, Including All Accessories and Appurtenances Necessary Continued

CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND VIRGINIA ELECTRIC AND POWER COMPANY, DBA DOMINION ENERGY VIRGINIA, DATED THE 12TH DAY OF FEBRUARY, 2019, FOR AN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 12601 McMANUS BOULEVARD, NEWPORT NEWS, VIRGINIA. This ordinance granted a utility easement on a portion of City-owned property located at 12601 McManus Boulevard for the installation of underground electrical circuits to facilitate construction of the new Service Center for Operations and Transportation (SCOT) facilities. At its January 22, 2019 Regular Meeting, City Council received and opened bids in response to a request for utility easements on a portion of City-owned parcels located at 12601 McManus Boulevard. The easement was needed to enable installation of underground electrical circuits for the new Service Center for Operations and Transportation (SCOT) facilities. The successful bidder for the easement on each parcel was Virginia Power Company (d/b/a Dominion Energy Virginia). The City Manager recommended approval.

(No registered speakers)

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

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

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

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

3. Ordinance Authorizing the City Manager to Execute All Necessary Documents to Convey a City-Owned Property Located at 711-21st Street to the Newport News Redevelopment and Housing Authority (NNRHA)

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE
E. Public Hearings Continued

3. Ordinance Authorizing the City Manager to Execute All Necessary Documents to Convey a City-Owned Property Located at 711-21st Street to the Newport News Redevelopment and Housing Authority (NNRHA) Continued

CITY OF NEWPORT NEWS, VIRGINIA, ANY AND ALL DOCUMENTS, INCLUDING DEEDS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF CERTAIN CITY OWNED PROPERTY TO THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY. This ordinance authorized and directed the City Manager to execute any and all documents, including deeds, necessary to effectuate the conveyance of a certain City-owned property located at 711-21st Street to the Newport News Redevelopment and Housing Authority (NNRHA). Consistent with the City’s ongoing Choice Neighborhood Initiative (CNI) efforts, the City planned to convey this City-owned property to the NNRHA. Once conveyed, NNRHA would combine with other vacant lots to create a parcel large enough to accommodate Phase I of the planned development included in the Marshall-Ridley Choice Neighborhood Transformation Plan. The City Manager recommended approval.

(No registered speakers)

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

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

Vice Mayor Vick moved adoption of the ordinance as shown above; seconded by Councilman Harris.

Vice Mayor Vick commended the NNRHA, as currently the community center sat in the rear of Taylor Avenue, and was difficult for citizens to access the facility. Moving it to 9th Street and Ivy Avenue would help improve the corridor and help the youth gain access to the center. She thanked NNRHA for having the foresight to do this for the South District.

Vote on Roll Call:
Ayes: Scott, Vick, Woodbury, Cherry, Harris, Jenkins, Price
Nays: None
E. Public Hearings Continued

4. Ordinance Authorizing and Directing the City Manager to Execute Any and All Documents Necessary to Execute a Lease Agreement Between the City of Newport News, Virginia and B-52 Smokehouse BBQ and Lounge, LLC

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN AGREEMENT OF LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND B-52 SMOKEHOUSE BBQ & LOUNGE, LLC, DATED THE 12TH DAY OF FEBRUARY, 2019. This ordinance authorized and directed the City Manager to execute any and all documents necessary to execute a lease agreement by and between the City of Newport News, Virginia and B-52 Smokehouse and Lounge, LLC, to operate the concession stand at the Huntington Park Beach. The City periodically leased the concession stand at Huntington Park Beach (HPB) for the convenience of park visitors. The City solicited Request for Proposals (RFP) in the Fall of 2018 to provide this service. One responsive proposal was received from B-52 Smokehouse and Lounge, LLC. Rent would be $300 per month, plus five percent (5%) of gross sales during the months the concession stand was open. The City Manager recommended approval.

(No registered speakers)

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

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

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

Councilwoman Woodbury inquired whether this was the same entity that operated the concession stand previously.

City Attorney Owens responded that an RFP was solicited and he did not believe it was the same operator.

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

Councilwoman Woodbury moved adoption of the Consent Agenda, Items 1 through 4, all inclusive, as shown below; seconded by Vice Mayor Vick.

1. Minutes of the Work Session of January 22, 2019

(No registered speakers)

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

2. Minutes of the Joint Work Session of the Newport News City Council and the Newport News School Board of January 22, 2019

(No registered speakers)

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

3. Minutes of the Regular Meeting of January 22, 2019

(No registered speakers)

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

4. Resolution in Memoriam: Kwamie Lassiter

A RESOLUTION IN MEMORIAM FOR MR. KWAMIE LASSITER.

This resolution recognized Mr. Kwamie Lassiter. Kwamie Lassiter was born on December 3, 1969, in Hampton, Virginia, and was educated in the Newport News Public Schools, graduating from Menchville High School. He attended Butler Community College in 1989-1990, transferring to the University of Kansas in 1991, graduating with a degree in Communications in 1994. Mr. Kwamie Lassiter played two years of college football at Butler Community College, and played at the University of Kansas from 1992-1994. He played on the 1992 Aloha Bowl Championship team. He earned All Big-Eight Honors as a senior at the University of Kansas. In 1995, Mr. Kwamie Lassiter was signed as an undrafted free agent by the NFC’s Arizona Cardinals to the National Football League. He played for the Arizona Cardinals from 1995 to 2002, the San Diego Chargers in 2003, and the St. Louis Rams in 2004. Over his NFL career, Mr. Kwamie Lassiter was credited with 416 solo tackles and 180 assisted tackles, for a total of 596 tackles, 25 interceptions, 4 sacks, and 2 touchdowns. In 2001, he was selected as an alternate to
Minutes of Regular Meeting
February 12, 2019

F. Consent Agenda Continued

4. Resolution in Memoriam: Kwamie Lassiter Continued

the Pro Bowl. Since his retirement from professional football Mr. Kwamie Lassiter served as a
pre-game and post-game host for the Arizona Cardinals Radio Network from 2006 – 2008. In
2009, he hosted the Kwamie Lassiter’s Sports Talk Program on the Voice America Internet Radio
Network. In 2010, he became President of the NFL Alumni Chapter in Arizona. Mr. Kwamie
Lassiter created the Kwamie Lassiter Foundation. The mission of the Foundation was to “make
health and wellness a priority by increasing the awareness to a better living.” Mr. Kwamie
Lassiter was particularly passionate about health awareness and his Foundation helped to bring
awareness about sickle cell anemia, cancer, and childhood obesity and to promote active lives
with a healthy diet in children. Mr. Kwamie Lassiter also started the T.A.C.K.L.E. (Teaching All
Children to Kickoff Leadership in Education) Foundation. The T.A.C.K.L.E. Foundation sought
to “help establish better futures for children who were at risk for poor educational, social,
economic, and health outcomes.” Mr. Kwamie Lassiter passed away on January 6, 2019, at the
age of forty-nine; and is survived by his loving wife, Erika; sons, Kwamie II, Eric, Kwinton,
Kwincy, Darius, LaVon, Devon, and Darian. The City Manager recommended approval.

(No registered speakers)

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

G. Other City Council Actions

1. Resolution Authorizing and Directing the City Manager to Execute the
Memorandum of Understanding By and Between the City of Newport
News, Virginia and the Virginia Department of Emergency Management
(VDEM) Regarding the Hazardous Materials Response Team

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 MEMORANDUM OF
UNDERSTANDING BY AND BETWEEN THE COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF EMERGENCY MANAGEMENT AND THE CITY OF NEWPORT
NEWS, VIRGINIA, DATED THE 12TH DAY OF FEBRUARY 2019, REGARDING THE
NEWPORT NEWS HAZARDOUS MATERIALS RESPONSE TEAM. HAZARDOUS
MATERIAL RESPONSE TEAM. This resolution authorized and directed the City Manager to
execute the Memorandum of Understanding by and between the City of Newport News, Virginia
and the Virginia Department of Management (VDEM) regarding the Hazardous Materials
Response team. The City of Newport News and the Commonwealth of Virginia Department
of Emergency Management (VDEM) had worked together for a number of years to enhance the
Commonwealth’s emergency response capabilities. The VDEM was authorized by the Code of
G. Other City Council Actions Continued

1. Resolution Authorizing and Directing the City Manager to Execute the Memorandum of Understanding by and Between the City of Newport News, Virginia and the Virginia Department of Emergency Management (VDEM) Regarding the Hazardous Materials Response Team Continued

Virginia, Sections 44-146.18 and 44-146.36.A, to enter into agreement to provide hazardous materials emergency response, necessary or incidental, in performance to any of its duties, with political subdivisions and other public and private entities. The Fire Department’s Hazardous Materials Response Team had operated as a Regional Response Asset through a formal Memorandum of Understanding (MOU) between the VDEM and the City of Newport News for almost 30 years. Support through the VDEM for the Newport News Hazardous Materials team – in the form of training, technical guidance and annual funding – allowed the Fire Department to provide an enhanced level of service to the citizens of the City and the Commonwealth, on a daily basis. An update and renewal of the existing MOU – effective until June 30, 2023 – provided clear lines of authority and responsibility for each party. The City Manager recommended approval.

(No registered speakers)

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

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

2. Ordinance Amending and Reordaining City Code Chapter 16, Fire Prevention and Protection; Article IV., Sections 16-41 Through 16-45; as Required By Updates to the Statewide Fire Prevention Code (§27-94 ET SEQ.) and the Uniform Statewide Building Code (§36-97 ET SEQ.)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 16, FIRE PREVENTION AND PROTECTION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IV., SMOKE DETECTORS, SECTION 16-41. SMOKE DETECTORS REQUIRED; SECTION 16-42, CERTIFICATION; SECTION 16-43, MAINTENANCE; SECTION 16-44, EXEMPTIONS; AND SECTION 16-45, VIOLATIONS. This ordinance amended and reordained the Code, Chapter 16, Fire Prevention and Protection Article IV., Smoke Detectors; Section 16-41, Smoke Detectors Required; Section 16-42, Certification; Section 16-43, Maintenance; Section 16-44, Exemptions; and Section 16-45, Violations, as Required by Updates to the Statewide Fire Prevention Code (§27-94 ET SEQ.) and the Uniform Statewide Building Code (§ 36-97 ET SEQ.). The City had a Fire Prevention and Protection Ordinance in place, which addressed the installation and maintenance of smoke alarms in rental properties. Legislation was passed in the 2018 Legislative Session that created a Statewide standard for the installation and maintenance of smoke alarms in rental properties. The legisla-
G. Other City Council Actions Continued

2. Ordinance Amending and Reordaining City Code Chapter 16, Fire Prevention and Protection; Article IV., Sections 16-41 Through 16-45; as Required By Updates to the Statewide Fire Prevention Code (§27-94 ET SEQ.) and the Uniform Statewide Building Code (§36-97 ET SEQ.)

Continued

The ordinance required that localities that had enacted fire alarm ordinances must conform with these State standards. The updated code required that the owner of any dwelling – to occupy, lease or rent – install smoke alarms in it in conformance with the provisions of the Uniform Statewide Building Code. The owner of any rented or leased dwelling shall also certify annually that the smoke alarms were installed and maintained in good working order in a residential dwelling pursuant to the Statewide Fire Prevention Code (§27-94 ET SEQ.) and the Uniform Statewide Building Code (§ 36-97 ET SEQ.). The amended and reordained ordinance also changed “smoke detectors” to “smoke alarms” and increased the penalty for violating any provision of the article from a Class E misdemeanor to a Class 1 misdemeanor. The ordinance would be in effect on and after July 1, 2019, in compliance with Virginia Code. The City Manager recommended approval.

(No registered speakers)

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

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

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

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

H. Appropriations

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

1. Newport News Police Department (NNPD) – Criminal Justice Training Academy Fees: Specialized Training and Equipment Purchase

A RESOLUTION APPROPRIATING FUNDS FROM USE OF FUND BALANCE ($100,000.00) TO TRAVEL-TRAIN/MEETING EXPENSE ($100,000.00). This
H. Appropriations Continued

1. Newport News Police Department (NNPD) – Criminal Justice Training Academy Fees: Specialized Training and Equipment Purchase Continued

resolution appropriated $100,000.00 from the Local Criminal Justice Training Academy Fees to pay for specialized training for Police employees and to purchase training supplies for the Newport News Police Training Academy. The Police Department requested a $100,000.00 appropriation from the Local Criminal Justice Training Academy fees. These fees, authorized by City Code, Section 2-18.2, which allowed Clerks of the Circuit, General District, and Juvenile and Domestic Relations Courts to assess and collect a fee of $5.00 in every case in which costs were assessable. All funds collected pursuant to this ordinance were to be used to support the Police Department’s Criminal Justice Training Academy. The City Manager recommended approval.

(No registered speakers)

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

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

Ms. Anita Dixon, 328-48th Street, Newport News, advised that she was the Managing Member of Ingenuity Capital Holdings, LLC (ICH), and commented on property located at 2814 Chestnut Avenue. The property included a building adjacent to The Newsome House, and was across from Britt’s Florist, Child Development Center, Madam Daniels Beauty School, and a neighbor to Trinity Baptist Church. She indicated on August 17, 2018, ICH purchased the property at 2814 Chestnut Avenue, which was Mixed-Use Residential and Business. At the time of purchase, ICH understood that the property was under a demolition order. They believed, once the property was purchased and fulfilled the City’s requirements to secure the property, the City would allow ICH to proceed with preparation to renovate the property. ICH was asked to provide the Court as structural engineering report/plan for the building, as well as a cost analysis by a licensed contractor, which was done. Upon returning to court on November 20, 2018 before Judge Timothy Fisher, with the estimate of approximately $180,000 - $200,000, which was the repair report from the contractor, determined that the building should be demolished because it was too expensive to rehabilitate the site. ICH re-submitted the report from the Structural Engineer stating there was no way the building could be re-built for under $500,000 - $750,000; and that the City’s Site Ordinance with the setbacks would not allow the construction of a new building that would match the footprint of the existing structure. Judge Fisher decided to consider the injunction at a hearing, at which time the injunction was stayed, requiring ICH to post a $75,000 bond. In the interim, Ms. Dixon noted that the building at 2814 Chestnut was the birthplace of Newport News native Pearl Bailey. Information was gathered for submission to the Virginia Historical Registry for acquisition of a plaque to signify the historical significance of the site. She wanted the City Council to be aware
I. Citizen Comments on Matters Germaine to the Business of City Council
Continued

of the efforts and challenges of the group, who only wanted to rehabilitate the building and have it certified as a historical site.

Mayor Price encouraged Ms. Dixon to explain her request to the City. Ms. Dixon replied that the intent was to make City Council aware of the efforts made, and to help with the permitting process.

Mr. Antonio Thompson, P. O. Box 413, Newport News, quoted Bible scripture from I Thessalonians 4:16 alluding to United States President, Donald Trump, being the Trump of God. It was his hope that President Trump be re-elected during the next Presidential Election in 2020.

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

Mr. Thompson reiterated his recurring themes about Treasury Enrichment, and Public Safety and Security. He referenced an article from the Daily Press related to Investments. He suggested the legalization of marijuana, and that Newport News City Council join surrounding municipalities that had voted to bring casinos and gambling in an effort to increase revenue. Mr. Thompson suggested prisoners be used for improvements throughout the City, and generating revenue from scrap metal.

Mr. Thompson stated it was a time for prayer. He urged citizens to pray for the Commonwealth of Virginia and its leaders (Governor Northam, Lieutenant Governor Justin Fairfax and the Attorney General Mark Herring; as well as the City of Newport News and its leaders).

Mr. Adrian Whitcomb, 316-54th Street, Newport News, commented on the increased presence of youth at the Council Meeting, particularly the Young Adult Police Commissioners. He shared that he had worked with youth in the past as Coach of a softball team in the late 1970s, and prior to that, he worked with the Youth during Bible School at Calvary Baptist Church at 47th Street and Huntington Avenue. He remained in contact with those youth - many who did not have a responsible adult in their lives particularly a father figure. Mr. Whitcomb stressed the importance of youth people to keep in contact with adults. He indicated it would be great to take the youth on outings, i.e. to Riverview Farm Park with the waterfront view and expanded green space.

Ms. Janay Cooke, a/k/a Yodagent Akawence Aika, 713-17th Street, Newport News, commented that her constitutional rights had been violated, noting judicial misconduct, coercion into human trafficking, Indian/Child rights being violated, custody denial, and retaliation. She advised that Judge Fisher refused to return custody of her children that were in foster care because of her fantasy of being an Indian. Ms. Cooke indicated that she was denied due process and threats carried out, and if she did not drop her appeal, he would terminate her
parental rights and put her children up for adoption, as well as take the next baby away, which was done January 31, 2019. The Police and representatives from Child Protective Services were

Page 13  
Minutes of Regular Meeting  
February 12, 2019

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

sent to the home to pick up her 11-week-old baby. Ms. Cooke continued, advising that her religious rights were also violated, her baby was kidnapped without a warrant, and she was subject to wrongful arrests, false affidavits, false protective orders by Child Protective Service workers. The lawyer handling her case found two trial errors. Ms. Cooke sought help with her situations. Ms. Cooke stated she would not have closure until her children were returned.

Mr. John Gergely, 449 Winterhaven Drive, Newport News, offered congratulations on the City of Newport News being chosen as one (1) of four (4) finalist cities in the HUD (Department of Housing and Urban Development) FY 2018 Choice Neighborhood Initiative (CNI) Grant program for the Marshall Ridley neighborhoods. He complimented the City on a well-done proposal. He was bothered by the order of which the goals were presented. The order was neighborhood, housing, and people. Mr. Gergely suggested the people should be listed first and the main goal, as opposed to the physical area. There were approximately 2,000 households, with an average income of $8,500, a median income of $17,000. Only one-third of the households have an income from actual employment and a 14% unemployment rate. Those that had jobs were challenged with transportation issues. The median age was 26 years. There were over 1,400 female single parent households with children. Three quarters had less than a high school education. The proposal talked about rebuilding housing, displacing residents, and paying some to relocate. Mr. Gergely advised this would not help the residents to work their way out of poverty. Although a choice community, the displaced residents left, would not have the skills to do – disrupting their lives. The solution would be to educate the residents so they could be productive, wage-earning citizens. Rather than rebuilding housing, Mr. Gergely suggested building a campus of opportunity emphasizing educational childcare the agendas be written in layman’s terms so that citizens could understand what was going on in the City. The proposal mentioned a 48-child care facility. He suggested building something useful that would take care of some of the children, or a workforce development center. Dr. Dever, President of Thomas Nelson Community College, expressed interest in an increased presence in the Southeast Community.

J. Old Business, New Business and Councilmember Comments

Assistant City Manager Archer reminded about the upcoming One City Marathon, scheduled Marathon, Sunday, March 3, 2019. He reminded that there was still time to register. He advised there was a weekend of activities planned, March 1 – 3, 2019. He indicated this would be a fun opportunity for citizens to participate, i.e. run, walk, dance, volunteer, and join in for the celebration. For additional information, citizens were directed to visit the website, www.onecitymarathon.com.
J. Old Business, New Business and Councilmember Comments Continued

Councilwoman Scott thanked the citizens for their attendance and participation, particularly the large group of youth that were in attendance, and hoped they would come again to gain a better understanding of how the City was run.

Councilwoman Scott reiterating Assistant City Manager Archer’s remarks related to the One City Marathon, announced a One City Marathon Food Tasting, scheduled on Wednesday, February 20, 2019 from 6:30 p.m. – 8:30 p.m., at the Holiday Inn Newport News City Center, located at 980 Omni Boulevard. The event was free and open to the public.

Councilwoman Scott applauded Chief Steve Drew, and the Newport News Police Department (NNPD), for implementing the Young Adult Police Commission. She was amazed at how well-spoken the youth were. Their enthusiasm for what they were doing shined through. She hoped the program would be successful and would become a part of the whole of what the City was doing to address crime in the neighborhoods.

Councilwoman Scott reminded that the North District Town Hall Meeting would be held on Monday, February 25, 2019, 7:00 p.m., at the Denbigh Community Center (15198 Warwick Boulevard). The agenda would be Open Discussion. All citizens were invited to attend, voice their concerns, and share their suggestions and recommendations. Typically there would be representatives from the City’s Department of Planning and the NNPD, North Precinct.

With reverence to Mr. Gergely’s remarks, Councilwoman Woodbury advised that there were opportunities for workforce development. She expressed appreciation for his analysis and advised how important it was to create a chance for individuals to get their education and to acquire skills to enable them to do the work needed they needed to do.

Councilwoman Woodbury attended the Habitat for Humanity Dedication Ceremony for the Kabwe Family Home in memory of Mr. Everett Jordan and Mr. Ron Nelson, on Wednesday, January 30, 2019, at 4:00 p.m., 2003 Marshall Avenue. City Council celebrated the young mother and her three children who would live in the home on 21st Street. Newport News Shipbuilding sponsored the home. Councilwoman Woodbury advised that after the dedication, City Council took a short walk to 2111 Madison Avenue for the Groundbreaking Ceremony of the McCallum Family Home, Habitat for Humanity’s 200th home. Newport News Shipbuilding also served as sponsor for this home. She encouraged citizens to get involved. Sweat equity was required in order to qualify for a home and to repayment of the loan made available.

In honor of Valentine’s Day, Councilwoman Woodbury urged everyone to “Turn on Their Heart light,” and to do something good in the community. She urged citizens, particularly the youth to do something to help someone else everyday through the end of February.
J. Old Business, New Business and Councilmember Comments Continued

Councilwoman Cherry thanked the citizens for their attendance and participation, and for sharing their concerns and ideas for the City. She thanked Ms. Corrin Sanders, Mr. Robert Jones, and Mr. Caleb Coleman and the Young Adult Police Commission for their attendance. She knew they would represent the youth well, and invited more youth to attend Council Meetings to see how government was run.

Councilwoman Cherry extended thanks to Hampton Roads Academy. She and members of City Council attended the Groundbreaking Ceremony for a new dining facility on February 11, 2019, 8:30 a.m., at 739 Academy Lane. Hampton Roads Academy was the first, and remained the only, independent, non-sectarian secondary college-preparatory school on the Virginia Peninsula. They launched a capital campaign to further transform the school with the addition of a new lower school wing, dining hall, and six new championship tennis courts, raising $6.95 million toward their $7.2 million goal.

Councilwoman Cherry welcomed the new Newport News Fire Chief, Mr. Jeff Johnson. City Council had the pleasure of meeting him on Thursday, February 7, 2019, at Fire Station #3, 10454 Jefferson Avenue. Chief Johnson served as the Fire Chief for Salinas, California. He has over 30 years of experience in all aspects of fire and EMS service.

Councilwoman Cherry extended congratulations to Reverend Dr. Corey Brown, Pastor, Providence Baptist Church, 1331-30th Street, on his 13th Pastoral Anniversary, which would be celebrated on Sunday, February 17, 2019, 10:00 a.m. at the Church.

Councilwoman Cherry announced that Dreamgirls, a DG Mainstage Production was being shown at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue), February 8 – 23, 2019. All productions were selling out.

Councilwoman Cherry reminded citizens of the South District “Your Voice Matters” Town Hall Meeting, scheduled for Thursday, February 14, 2019, 6:00 – 7:30 p.m., at the Brittingham-Midtown Community Center (570 McLawhorne Drive). Light refreshments would be served. She announced, on Thursday, February 21, 2019, the South District “Your Voice Matters” Town Hall Meeting, would be held at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue), 6:00 – 7:30 p.m.

Councilwoman Cherry wished Vice Mayor Tina Vick, Happy Birthday. Vice Mayor Vick celebrated her birthday on Sunday, February 3rd.

Councilwoman Cherry wished Councilman Marcellus “B2” Harris, Happy Birthday. Councilman Harris celebrated his birthday on Friday, February 15th.

Councilwoman Cherry wished her family members a Happy Birthday. Her nephew Jeffrey II, celebrated his birthday on Sunday, February 14th; her niece, Kim, celebrated her birthday on February 23rd, and her niece Lailah Britt, celebrated her on February 25th.
J. Old Business, New Business and Councilmember Comments Continued

Councilman Harris wished Vice Mayor Tina Vick, Happy Birthday. He also wished his 9-year old daughter, Marlinda, who celebrated her birthday on Saturday, February 9th.

As was his practice to recognize youth, Councilman Harris acknowledged the presence of students from Lee Hall Elementary School, who were recommended by the following staff at the school: Principal, Dr. Darra White; Vice Principal, Ms. Malinda Price; and Professional School Counselor, Ms. Sirata Fox. The following students were recognized for showing leadership and doing great things at Lee Hall Elementary School: First Grade - Jediam Velazquez France, Sanyi Johnson, Marcus Atwater, and Demani’e Doles; Second Grade - Denver Brown, Qayden Rhodes, Kaleigh Brooks, Za’Nasia Blackwood, and Shawn Randall; Third Grade - Keyira Rhodes; and Fifth Grade - Elijah Milligan. He stated Lee Hall Elementary was the first place at which that he was able to be a School Counselor and it held a special place in his heart. He encouraged the students at Lee Hall, who were present, and those watching, to continue doing great things. He welcomed the students to remain behind to take pictures with City Council.

Councilman Harris expressed thanks to everyone that attended and participated in the 2nd Annual Re-Up School Supply Distribution event, held on Saturday, January 26, 2019, 2:00 p.m. - 5:00 p.m. at The Boathouse Live, at 11800 Merchants Walk, #100.

Councilman Harris announced that Newport News Public Schools were celebrating Kindness Week February 10 – 16, 2019. He reiterated remarks made by Councilwoman Woodbury, encouraging everyone to be kind to another, and to do something nice for someone.

Mayor Price extended condolences to Dr. Carolyn C. W. Hines, President of C.W. Hines and Associates, on the passing of her husband William Hines.

Mayor Price extended prayers and well wishes to Dr. Michael J. Link, M.D., dentist with Link, Jacobs & Link, DDS, 11007 Warwick Boulevard, Suite 3. He wished Dr. Link a speedy recovery.

Referencing remarks by Ms. Janay Cooke, Mayor Price advised that City Council had no jurisdiction over the Courts and their decisions they made regarding her children.

Mayor Price extended birthday wishes to Security Officer Joel Perry, employee of Top Guard Security. Officer Perry celebrated his birthday on Tuesday, February 12, 2019.

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 7:55 P.M.
Mabel Washington Jenkins, MMC
City Clerk

A true copy, teste:

City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer
F. Consent Agenda

3. Resolution Consenting to the City Manager's Appointment of Jeffrey S. Johnson as Coordinator of Emergency Management for the City

**ACTION:** A REQUEST TO APPROVE A RESOLUTION CONSENTING TO THE CITY MANAGER'S APPOINTMENT OF JEFFREY S. JOHNSON AS COORDINATOR OF EMERGENCY MANAGEMENT FOR THE CITY.

**BACKGROUND:**
- Chapter 16, Fire Prevention and Protection; Article VII., Emergency Management; Sections 16-70 thru 16-73, of the City Code addresses the requirement for the City to maintain an agency of Emergency Management, in compliance with Virginia State Code 44-146.19.

- The City Code establishes the Fire Department as the local agency of Emergency Management and the City Manager as the Director of Emergency Management.

- The City Code states that the City Manager shall appoint a Coordinator of Emergency Management, with consent of City Council, to manage the daily operations of Emergency Management.

- The City Manager will appoint Jeffrey S. Johnson as Coordinator of Emergency Management for the City of Newport News, effective February 25, 2019.

- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**
- Description
- Memo to HCC re EM Coordinator 2.20.19
- sdm16756 Appointment of Jeffrey S. Johnson as Coordinator of Emergency Management
TO: The Honorable City Council
FROM: City Manager
SUBJECT: Resolution Consenting Appointment of Jeffrey S. Johnson as Coordinator of Emergency Management

Chapter 16, Sections 70-73, of the Code of the City of Newport News, in compliance with Virginia State Code 44-146.19, addresses the requirement for the City to maintain an agency of Emergency Management.

The City Code establishes the Fire Department as the local agency of Emergency Management and the City Manager as the Director of Emergency Management. Per the City and State codes, the City Manager shall appoint a Coordinator of Emergency Management, with consent of City Council, to manage the daily operations of Emergency Management.

Jeffery S. Johnson will be appointed as Coordinator of Emergency Management for the City of Newport News effective February 25, 2019.

I recommend approval.

[Signature]
Cynthia D. Rohlf

CDR: sjk

cc: Alan K. Archer, Assistant City Manager
    Jeffery S. Johnson, Chief, Newport News Fire Department
RESOLUTION NO. __________

A RESOLUTION CONSENTING TO THE APPOINTMENT OF JEFFREY S. JOHNSON AS COORDINATOR OF EMERGENCY MANAGEMENT.

WHEREAS, Section 16-70 of the Code of the City of Newport News and section 44-146.19 of the Code of Virginia direct the City Manager to appoint a Coordinator of Emergency Management “with the consent of” the City Council; and

WHEREAS, the City Manager has appointed Jeffrey S. Johnson to serve as Coordinator of Emergency Management starting February 25, 2019.

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

1. That it hereby consents to the appointment of Jeffrey S. Johnson as Coordinator of Emergency Management.

2. That this resolution shall be in effect on and after the date of its adoption, February 26, 2019.
G. Other City Council Actions

1. Resolution of Support for the City of Newport News' Participation in the ACT Work Ready Communities (WRC) Initiative

**ACTION:** A REQUEST TO APPROVE A RESOLUTION OF SUPPORT FOR THE CITY OF NEWPORT NEWS' PARTICIPATION IN THE ACT WORK READY COMMUNITIES (WRC) INITIATIVE.

**BACKGROUND:**
- ACT WRC is an effort through which cities and counties can identify skill gaps and quantify the expertise level of their workforce.
- ACT WRC provides a framework to link workforce development to education, align workforce development with economic development needs, and match individuals to jobs based on skill level.
- Attainment of an ACT National Career Readiness Certificate (NCRC) by individuals, along with recognition by employers, will help defray employer on-boarding costs by proving essential skills capabilities and preparedness of job candidates. ACT WRC will help make Newport News an attractive and work-ready location for new and existing businesses alike.
- There is no fee to participate in the initiative, however, some costs for staff program training is expected.
- The City Manager recommends approval.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**
- Memo to HCC re ACT WRC Initiative Support 2.20.19
- sdm16754 Supporting Newport News Participation in the ACT Work Ready Communities Initiative
TO: Honorable City Council

FROM: City Manager

SUBJECT: Resolution of Support for City of Newport News’ Participation in the ACT Work Ready Communities Initiative

City staff have been engaged with staff from the City of Hampton and Isle of Wight County who have been participating in the ACT Work Ready Communities (WRC) Initiative. It would be beneficial for Newport News to also participate in the initiative.

The cornerstone of ACT WRC is the ACT National Career Readiness Certificate (NCRC), an assessment-based credential that measures and certifies the essential work skills needed for success in jobs across industries and occupations by evaluating individuals on Applied Math, Graphic Literacy, and Workplace Documents. ACT NCRC is endorsed by the Commonwealth of Virginia as a statewide workforce credential. Certification as an ACT WRC is based upon the number of individuals earning, and employers recognizing, ACT NCRC.

ACT WRC is an effort through which cities and counties can identify skill gaps and quantify the expertise level of their workforce. It provides a framework to link workforce development to education, align with economic development needs, and match individuals to jobs based on skill level.

We believe that attainment of ACT NCRC by individuals, along with recognition by employers, will help defray employer on-boarding costs by proving essential skills capabilities and preparedness of job candidates. Importantly, ACT WRC will make Newport News an attractive and work-ready location for new and existing businesses alike.
As part of and to begin the application process with ACT, a resolution of support from the City for participating in the ACT WRC Initiative is required. There is no fee to participate, however, some cost for staff program training is expected. Staff will give a brief presentation about this initiative at the Work Session on February 26, 2019.

I recommend approval.

Cynthia D. Rohlf

cc: Alan K. Archer, Assistant City Manager
    Florence G. Kingston, Director, Department of Development
RESOLUTION NO. ____________________

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, IN SUPPORT OF NEWPORT NEWS PARTICIPATION IN THE ACT WORK READY COMMUNITIES INITIATIVE.

WHEREAS, the City of Newport News desires to enhance its ongoing efforts to attract business and industry to the area; and

WHEREAS, leaders across the Commonwealth of Virginia have identified the need to address the skill and educational needs of business and industry; and

WHEREAS, the ACT Work Ready Communities Initiative is designed to help communities identify skill gaps and to quantify the skill level of their workforces in order to assist educators in building career pathways aligned to the needs of business and industry; and

WHEREAS, the ACT Work Ready Communities Initiative assists communities in organizing cross-agency teams of government, educators, workforce, economic developers and business leaders to assist local workforce needs; and

WHEREAS, City of Newport News staff, along with staff from the Greater Peninsula Workforce Board, Thomas Nelson Community College, the Virginia Peninsula Chamber of Commerce and Newport News Public Schools are interested in furthering this initiative in Newport News; and

WHEREAS, participating in the ACT Work Ready Communities Initiative also helps communities stand out and be recognized for their workforce development efforts.

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

1. That it hereby supports the ACT Work Ready Communities Initiative and encourages staff and community participation in this effort.

2. That this resolution shall be in effect on and after the date of its adoption, February 26, 2019.
G. Other City Council Actions

2. Ordinance to Amend and Reordain City Code Chapter 40, Taxation; Article II., Real Estate Taxes, By Adding Division 5., Deferral for Housing Developments Eligible for Federal Low-Income Housing Credits

**ACTION:** A REQUEST TO ADOPT AN ORDINANCE TO AMEND AND REORDAIN CITY CODE CHAPTER 40, TAXATION; ARTICLE II., REAL ESTATE TAXES, BY ADDING DIVISION 5., DEFERRAL FOR HOUSING DEVELOPMENTS ELIGIBLE FOR FEDERAL LOW-INCOME HOUSING CREDITS.

**BACKGROUND:**
- An amendment to the City Code is requested to allow for real estate tax deferrals for housing developments eligible for federal low-income housing credits.

- The proposed amendment allows for real estate tax deferrals for developments identified in the areas outlined in the Marshall-Ridley Choice Neighborhood Transformation Plan that are eligible for federal low-income housing tax credits.

- The amendment shall become effective immediately upon adoption of the ordinance with the first tax deferral period starting July 1, 2019.

- The City Manager recommends approval.

**FISCAL IMPACT:**

**ATTACHMENTS:**
- Memo to HCC re Ordinance Amending Chapter 40
- sdm16766 Amending Chapter 40, Taxation, Article II, Real Estate Taxes, by Adding Division 5
TO: The Honorable City Council

FROM: City Manager

SUBJECT: Ordinance Amending Chapter 40, Taxation

This request is to amend and re-ordinate Chapter 40, Taxation, of the Code of the City of Newport News, Virginia, Article II, Real Estate Taxes by adding a new division, Division 5, Deferral for Housing Developments Eligible for Federal Low Income Housing Tax Credits.

The amendment shall take effect immediately upon adoption of the ordinance. The first eligible tax deferral opportunity will begin July 1, 2019 and provides for real estate tax deferral for owners of housing developments identified in the Marshall-Ridley Choice Neighborhood Transformation Plan, which are eligible for federal low-income housing tax credits, and for which the real estate tax for the tax year is greater than 105% of the real estate tax on the property in the previous year. Currently, the ordinance does not provide for such a deferral. The purpose of this amendment is to incentivize housing developments to assist the City with its efforts to promote transformative change in the Marshall-Ridley Choice Neighborhood area.

The deferral provided for in this amendment shall be administered by the City Manager’s Office and said deferrals shall be requested annually between May 1st and June 30th. There shall be certain conditions and limitations on each requested and granted deferral and those are outlined in Sec.40-59.4 and Sec. 40-59.6 of the new Division 5.

I recommend approval.

Cynthia D. Rohlf

cc: Karen Wilds, Executive Director, NNRHA
    Florence G. Kingston, Director, Department of Development
ORDINANCE NO. ________________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 40, TAXATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., REAL ESTATE TAXES, BY ADDING THERETO A NEW DIVISION, NAMELY: DIVISION 5., DEFERRAL FOR HOUSING DEVELOPMENTS ELIGIBLE FOR FEDERAL LOW-INCOME HOUSING CREDITS.

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

1. That Chapter 40, Taxation, of the Code of the City of Newport News Virginia, Article II., Real Estate Taxes, be, and the same hereby is, amended and reordained by adding thereto a new division, namely: Division 5., Deferral For Housing Developments Eligible for Federal Low-Income Housing Credits, as follows:

CHAPTER 40

TAXATION

ARTICLE II. REAL ESTATE TAXES

DIVISION 5. DEFERRAL FOR HOUSING DEVELOPMENTS ELIGIBLE FOR FEDERAL LOW-INCOME HOUSING CREDITS

Sec. 40-59.1. Definitions.

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

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

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

Tax year. The fiscal year, from July 1 until June 30, for which a deferral is claimed under this division.

Sec. 40-59.2. Deferral of portion of real estate tax increases authorized.

Effective with the tax year beginning July 1, 2019, real estate tax deferral is provided for owners of housing developments identified in the Marshall-Ridley Choice Neighborhood
Transformation Plan, as adopted by the city council, which are eligible for low-income housing credits under the United States Internal Revenue Code, for which the real estate tax for the tax year is greater than 105 percent of the real estate tax on the property in the previous tax year. The deferral authorized in this division is adopted pursuant to authority granted in § 58.1-3219 of the Code of Virginia, 1950, as amended.

Sec. 40-59.3. Applicant’s affidavit; manager’s certification to treasurer.

(a) The person or persons seeking a deferral for the upcoming tax year shall annually file a real estate tax deferral affidavit with the city manager or his designee between May 1 and June 30. Failure to submit a real estate tax deferral affidavit by June 30 shall disqualify any otherwise qualified applicant from the receipt of real estate tax deferral for the upcoming tax year.

(b) The affidavit required by this section shall set forth, in a manner prescribed by the city manager, the name of the applicant for deferral, the amount of the deferral sought, and shall certify that the real estate for which deferral is sought is eligible for low-income housing credits under the United States Internal Revenue Code and is identified in the Marshall-Ridley Choice Neighborhood Transformation Plan, as adopted by the city council. The city manager may require such additional documentation as is necessary to verify such eligibility.

Sec. 40-59.4. Conditions and amount of deferral; payment of deferred amounts.

(a) The deferred amount may include all or any portion of the real estate tax which is greater than 105 percent of the real estate tax on the property in the previous tax year, the amount to be deferred to be elected by the applicant.

(b) The deferred amount shall be subject to interest computed at the rate established pursuant to Section 6621 of the United States Internal Revenue Code.

(c) The accumulated amount of taxes deferred and interest shall be paid to the treasurer of the city by the owner upon the sale or transfer of the property, or from the estate of the decedent within one year after the death of the owner.

(d) If the real estate is jointly owned and all such owners applied and qualified for deferral, the death of one of the joint owners shall not disqualify the surviving owner or owners from participating in the deferral program. All accumulated deferred taxes and interest shall be paid within one year of the date of death of the last qualifying owner.

(e) The accumulated amount of tax deferred and interest shall constitute a lien upon the real estate.
Sec. 40-59.5. Administration of tax deferral; rules and regulations of city manager.

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

Sec. 40-59.6. Limitations.

The deferral program provided under this division shall not apply to the following:

(a) Real estate which participates in a real estate tax relief or deferral program for the elderly or permanently or totally disabled pursuant to Article 2 (§ 58.1-3210 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia, 1950, as amended.

(b) Persons who are delinquent on any portion of real estate taxes for which deferral is sought.

(c) Real estate assessed on the basis of use value pursuant to Article 4 (§ 58.1-3230 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia, 1950, as amended.

2. That this ordinance shall be in effect on and after the date of its adoption, February 26, 2019.
3. 1 of 2: Resolution Authorizing and Directing the City Manager to Execute All Necessary Documents to Implement the Virginia Department of Social Services Employment for Temporary Assistance for Needy Families (TANF) Participants Grant in Support of the "Navigating Wealth Building for the Residents of the Marshall-Ridley Choice Neighborhood" Initiative (CNI)

**ACTION:**
A REQUEST TO APPROVE A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO IMPLEMENT THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES EMPLOYMENT FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PARTICIPANTS GRANT IN SUPPORT OF THE "NAVIGATING WEALTH BUILDING FOR THE RESIDENTS OF THE MARSHALL-RIDLEY CHOICE NEIGHBORHOOD" INITIATIVE (CNI).

**BACKGROUND:**
- The Commonwealth of Virginia, through its Department of Social Services, has awarded an Employment for TANF Participants Grant (TANF Grant) in the amount of $896,802.58 to the City to support a new initiative called "Navigating Wealth Building for the Residents of the Marshall-Ridley Choice Neighborhood."

- The grant award is supported by a local match in the amount of $385,858.42, comprised of $200,625 in cash and $185,233.42 in in-kind services, which include staff time for grant administration and coordination.

- This citizen-and-business-focused project will make a significant and positive change in the community through services offered primarily at the Brooks Crossing Innovation and Opportunity Center that will increase employment and education opportunities and help align workforce with business needs.

- The City Manager recommends approval.

**FISCAL IMPACT:**
- N/A

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

FROM: City Manager

SUBJECT: Virginia Department of Social Services Employment for Temporary Assistance for Needy Families (TANF) Participants Grant

The Commonwealth of Virginia’s Department of Social Services, has awarded an Employment for TANF Participants Grant (TANF Grant) in the amount of $896,803. This new initiative is “Navigating Wealth Building for the Residents of the Marshall-Ridley Choice Neighborhood.” A local match of $200,625 is required, for a total grant appropriation of $1,097,428. In addition, the City will provide $185,233 in in-kind services, such as staff grant administration and coordination, to support the grant. This grant award is for an 18-month period, beginning in FY 2019.

This citizen-and-business-focused project will make a significant and positive community change through services offered primarily at the Brooks Crossing Innovation and Opportunity Center. The grant goals are to increase employment and education opportunities, and help align workforce with business needs. The Hampton Roads Community Action Program, a strategic partner, will perform key administrative duties and coordinate service delivery under the TANF Grant.

I recommend approval of the resolutions for the referenced appropriation and authorizing and directing me to execute any and all documents necessary to effectuate and implement the TANF Grant, subject to the review and approval of the City Attorney.

Cynthia D. Rohl

CDR:mmw

cc: Lisa J. Cipriano, Director, Department of Budget and Evaluation
    Florence G. Kingston, Director, Department of Development
RESOLUTION NO. ____________________


WHEREAS, the City is establishing a state-of-the-art workforce development hub at Brooks Crossing in the Southeast Community of the City that will be known as the Brooks Crossing Innovation and Opportunity Center (“BCIOC”); and

WHEREAS, the BCIOC is strategically placed to offer services enhancing access to wealth building opportunities for Marshall-Ridley Choice Neighborhood residents; and

WHEREAS, the City has been awarded and expects to receive $896,802.58 from the Virginia Department of Social Services Employment for TANF Participants Grant (RFA NO. BEN-19-024) (“TANF Grant”) to support service delivery at BCIOC and other locations related to increasing employment and education opportunities and helping to align workforce with business needs; and

WHEREAS, to implement the TANF Grant, the City intends to partner with community agencies and support organizations for service delivery at the BCIOC.

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

1. That it hereby accepts the Virginia Department of Social Services Employment for TANF Participants Grant (RFA NO. BEN-19-024) and authorizes and directs the City Manager to execute, on behalf of the City of Newport News, Virginia, any and all documents necessary to effectuate and implement said grant, after the review and approval as to form of such documents by the City Attorney.

2. That this resolution shall be in effect on and after the date of its adoption, February 26, 2019.
G. Other City Council Actions

4. 2 of 2: Department of Development - Virginia Department of Social Services (VDSS) Employment for Temporary Assistance for Needy Families (TANF) Participants Grant - $1,097,428

**ACTION:** A REQUEST TO APPROVE A RESOLUTION ACCEPTING AND APPROPRIATING THE $896,802.58 VIRGINIA DEPARTMENT OF SOCIAL SERVICES EMPLOYMENT FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PARTICIPANTS GRANT AND LOCAL CASH MATCH OF $200,625, IN SUPPORT OF THE "NAVIGATING WEALTH BUILDING FOR THE RESIDENTS OF THE MARSHALL-RIDLEY CHOICE NEIGHBORHOOD" INITIATIVE (CNI).

**BACKGROUND:**
- The Commonwealth of Virginia, through its Department of Social Services, has awarded an Employment for TANF Participants Grant (TANF Grant) in the amount of $896,802.58 to the City to support a new initiative called "Navigating Wealth Building for the Residents of the Marshall-Ridley Choice Neighborhood."
- The grant award is supported by a local match in the amount of $385,858.42, comprised of $200,625 in cash and $185,233.42 in in-kind services, which include staff time for grant administration and coordination.
- This citizen-and-business-focused project will make a significant and positive change in the community through services offered primarily at the Brooks Crossing Innovation and Opportunity Center that will increase employment and education opportunities and help align workforce with business needs.
- The City Manager recommends approval.

**FISCAL IMPACT:** TBD

**ATTACHMENTS:**
- Memo to HCC re Acceptance of TANF Grant 2.20.19
- sdm16767 Appropriation re VA Dept of Social Services Employment for TANF Participants Grant
CITY OF NEWPORT NEWS
OFFICE OF THE CITY MANAGER

February 20, 2019

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Virginia Department of Social Services Employment for Temporary Assistance for Needy Families (TANF) Participants Grant

The Commonwealth of Virginia’s Department of Social Services, has awarded an Employment for TANF Participants Grant (TANF Grant) in the amount of $896,803. This new initiative is “Navigating Wealth Building for the Residents of the Marshall-Ridley Choice Neighborhood.” A local match of $200,625 is required, for a total grant appropriation of $1,097,428. In addition, the City will provide $185,233 in in-kind services, such as staff grant administration and coordination, to support the grant. This grant award is for an 18-month period, beginning in FY 2019.

This citizen-and-business-focused project will make a significant and positive community change through services offered primarily at the Brooks Crossing Innovation and Opportunity Center. The grant goals are to increase employment and education opportunities, and help align workforce with business needs. The Hampton Roads Community Action Program, a strategic partner, will perform key administrative duties and coordinate service delivery under the TANF Grant.

I recommend approval of the resolutions for the referenced appropriation and authorizing and directing me to execute any and all documents necessary to effectuate and implement the TANF Grant, subject to the review and approval of the City Attorney.

[Signature]
Cynthia D. Rohlff

CDR:mmw

cc: Lisa J. Cipriano, Director, Department of Budget and Evaluation
    Florence G. Kingston, Director, Department of Development
RESOLUTION NO. ________________

A RESOLUTION APPROPRIATING FUNDS FROM LOCAL REVENUE AND FEDERAL REVENUE TO CAREER PROGRAM TRAINING.

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

That it hereby appropriates funds from Local Revenue and Federal Revenue to Career Program Training, as follows:

Appropriation From:

Local Revenue
2650-000-39-3999-481000-000000-0000-39C19-39C19 $ 200,625.00

Federal Revenue
2650-000-39-3999-483000-000000-0000-39C19-39C19 $ 896,803.00

Appropriation To:

Career Program Training
2650-000-39-3999-530144-000000-0000-39C19-39C19 $ 1,097,428.00
H. Appropriations

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

1. Newport News Public Schools (NNPS) - Reallocation of Existing Capital Project Appropriations: Lee Hall Elementary School Roof - $339,332
H. Appropriations

1. Newport News Public Schools (NNPS) - Reallocation of Existing Capital Project Appropriations: Lee Hall Elementary School Roof - $339,332

**ACTION:**
A REQUEST TO APPROVE A RESOLUTION REALLOCATION OF $339,332 OF UNSPENT BALANCES FROM PREVIOUSLY APPROPRIATED BOND FUNDS TO NEWPORT NEWS PUBLIC SCHOOLS (NNPS) FOR VARIOUS CAPITAL PROJECTS TO COMPLETE TWO CURRENT SCHOOL CAPITAL PROJECTS FOR LEE HALL ELEMENTARY SCHOOL AND GILDERSLEEVE MIDDLE SCHOOL.

**BACKGROUND:**
- Additional funding is necessary to fully fund the Lee Hall Elementary roof project.
- The requested reallocation of funds is from substantially completed projects.
- The City Manager recommends approval.

**FISCAL IMPACT:**
- N/A

**ATTACHMENTS:**
- Memo to HCC re NNPS FY 2019 Reallocate Lee Hall Roof Project 2.20.19
- sdm16768 Appropriation re NNPS - Re-appropriating Previous Project Funding
CITY OF NEWPORT NEWS
OFFICE OF THE CITY MANAGER

February 20, 2019

TO: The Honorable City Council

FROM: City Manager


On May 23, 2017, on April 24, 2018 and on June 26, 2018, City Council passed resolutions #13032-17, #13129-18, and #13146-18 respectively, in the total amount of $10,026,016 appropriating and reallocating previously appropriated bond funds to fund the construction of various School Division capital projects for learning cottages, roof (Deer Park, Gatewood) and HVAC (Heritage) projects, and casework. As of February 2019, there is an unspent balance of $339,332 resulting from the completion of the various projects.

On January 22, 2019, City Council appropriated $6,395,578 by Resolution #13203-19 to fund the FY 2019 Adopted Capital Improvements Plan (CIP) School projects of the Jenkins and Hilton Elementary School HVAC projects, and for general Facility Renovation and Improvements. The general facility renovation and improvement funds will be used for roof replacement at Lee Hall Elementary School.

It is requested that City Council reallocate the $339,332 unspent balance appropriated to the various FY 2017 and FY 2018 Schools capital projects and reappropriate the funds to the Lee Hall Elementary School roof project and to complete the Gildersleeve HVAC project.

I recommend approval.

[Signature]
Cynthia D. Rohlf

CDR:ljc

cc: Lisa J. Cipriano, Director, Department of Budget and Evaluation
RESOLUTION NO. ________________

A RESOLUTION APPROPRIATING FUNDS FROM SCHOOL OTHER IMPROVEMENTS - CASEWORK AND LEARNING COTTAGES, SCHOOL ROOFS - DEER PARK, SCHOOL ROOFS - GATEWOOD AND SCHOOL HVAC - HERITAGE TO SCHOOL OTHER IMPROVEMENTS - LEE HALL ELEMENTARY ROOF AND SCHOOL HVAC - GILDERSOLEVE.

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

That it hereby appropriates funds from School Other Improvements - Casework and Learning Cottages, School Roofs - Deer Park, School Roofs - Gatewood and School HVAC - Heritage to School Other Improvements - Lee Hall Elementary Roof and School HVAC - Gildersleeve, as follows:

Appropriation From:

School Improvements - Casework and Learning Cottages

School Roofs - Deer Park

School Roofs - Gatewood

School HVAC - Heritage
2002-650-52-5220-579519-000000-2018-00000-H4002 $ 12,104.00

Appropriation To:

School Other Improvements - Lee Hall Elementary Roof
2002-650-52-5220-579401-640003-2018-00000-H4003 $ 327,228.00
School HVAC - Gildersleeve

$ 12,104.00
I. Citizen Comments on Matters germane to the Business of City Council

J. Old Business, New Business and Councilmember Comments

City Manager
City Attorney
City Clerk

Vick
Woodbury
Cherry
Harris
Jenkins
Price
Scott

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.”